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AN

ANSWER

TO

Mr. Molyneux

HIS

CASE *of* Ireland's *being bound by Acts of Parliament in* England, *Stated:*

AND

His Dangerous Notion of *Ireland*'s being under no Subordination to the Parliamentary Authority of *England*

REFUTED;

By Reasoning from his own Arguments and Authorities.

Rom. 12. 3. *For I say, through the Grace given unto me, to every Man that is among you, not to think of himself more highly than he ought to think;* &c.

Gal. 6. 3. *For if a Man think himself to be something when he is nothing, he deceiveth himself.*

LONDON,

Printed for *Rich. Parker*, at the *Unicorn* under the Piazza of the *Royal Exchange*. 1698.

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THE

EPISTLE Dedicatory,

By way of *PREFACE*

To the Modern Engliſh *Nobility, Gentry, and Proteſtant Inhabitants of* Ireland.

Right Honourable, Honourable, *&c.*

ALthough you are by far the leaſt in Number, you are yet to be eſteemed as the much more conſiderable part of the Inhabitants of that Country, in reſpect of your Power, and the Authority which you bear there. 'Tis true, that upon the firſt Subduction of the Iriſh Na-

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tion to the Engliſh *Government, the Laws and Liberties of Engliſhmen were granted unto them, equally with the Colony of the* Old Engliſh *that were planted among them; but as they were a people that had been always us'd to a ſort of wild and barbarous way of Living, they did not affect to embrace the more Civiliz'd Cuſtoms and Manners of the* Engliſh, *but for the moſt part kept themſelves off from uniting and joining with them in the Management of the Government, which by the Conceſſions made to them, they might freely have acted in; yet they continued as a ſeparate and diſtinct people, ſway'd and influenc'd by their own petty Princes or Chiefs of Clans, even to the breaking out into frequent Inſurrections and Rebellions againſt the* Engliſh Government; *which therefore continued all along to be chiefly adminiſtred*

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niſtred by the Inhabitants of the English Pale : *And in this ſtate the Affairs of* Ireland *remain'd until the Reformation of Religion, from whence ſprung ſuch a Revolution as produc'd a great Change in the Adminiſtration of the publick Affairs there : For after the Reformation had obtain'd in* England, *the Ancient* Engliſh *of* Ireland *did generally remain of the* Roman *Communion, and conſequently when 'twas found dangerous to continue them in the Execution of publick Truſts, they alſo as well as the* Iriſh *of the ſame Religion, were in proceſs of Time, by the Influence and Authority of* England, *utterly diſabled from acting any thing in the Government of the State ; and 'tis in their rooms that you have ſince ſucceeded, and are therefore look'd upon and treated by* England *as the governing part, and*

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effective Body of the Kingdom of Ireland.

But when I came to conſider Mr. Molyneux's *Book, I thought it very ſtrange, that he who deſign'd ſo Elaborate a piece in your Favour, ſhould yet give you no ſtronger a Title to the preheminence which you bear in that Country, than what would devolve upon you from thoſe Conceſſions which were anciently made to the Native* Iriſh *and Old* Engliſh; *which, as he would perſwade us, did amount to no leſs than the eſtabliſhing them upon the Foundation of an Abſolute Kingdom, diſtinct and ſeparate from the Kingdom of* England, *and wholly Independent thereon; the Conſequence of which, if it had been ſo, would have ſtood you in very ill ſtead, for as you cannot make any pretenſions to ſuch Conceſſions, becauſe you are not*

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not (generally ſpeaking) deſcended from either of thoſe People, but their Progeny are ſtill in being, and acknowledged to be ſuch; all the Rights and Priviledges which Mr. Molyneux *hath ſo ſtrongly conteſted for, ſhould be due to them, if the Caſe muſt be taken as he hath ſtated it; and nothing can be more plauſibly offered in their Juſtification, for the cutting the Throats of the Modern* Engliſh, *than this Notion: And Mr.* Molyneux *is ſo fond of fixing you upon this Old Foundation, that he even diſputes the poſſibility of their forfeiting, or the reaſonableneſs of our retracting thoſe Conceſſions: I believe indeed, that he might forſee, that if it ſhould be admitted that the frequency of their rebelling and our reducing them by force of Arms, did amount to a Reconqueering of this their Independent Kingdom,*

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dom, (as he makes it) that would have diſſolv'd that ancient Conceſſion, and ſpoyl his Deſign of entailing it upon you: However it be, I think this ſort of Title does naturally fall under an inextricable Dilemma: For, If Ireland *was granted to the Native* Iriſh *and Old* Engliſh, *as an Abſolute, Independent Kingdom, and was never ſince re-conquered by* England; *the Right of adminiſtring the publick Affairs of that Government (under the King) ought to remain in them, ſince 'twas never given up to you by their Conſents; and then they have no reaſon to conſider you otherwiſe, than as having no Title more than Uſurpers and Oppreſſors, and that you may juſtly be treated as ſuch, whenever they are in a condition to do it: But if this Independent Kingdom hath been reconquer'd, the*

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the former Conceſſions are actually diſſolv'd, and neither you nor they can have any more pretence to an Independent Kingdom, until you can procure a New Grant for it: And thus Mr. Molyneux *in labouring to raiſe you higher than your proper Baſis, hath quite unhing'd you.*

But I have yet no doubt of your being as well Entituled to the Power and Authority which you enjoy and exerciſe in that Country, as any People in Europe *are; and that it is juſtly deriv'd to you, from a much more certain Original than what Mr.* Molyneux *hath aſſign'd; and I have therefore undertaken in the following Papers to controvert his Notion through every point, and to ſhew in Oppoſition to his Arguments;* Firſt, *That* Henry *the* Second, *having ſubdu'd* Ireland *by the means of an* Engliſh

Army,

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Army, that Country came to be annex'd to the Imperial Crown, or Kingdom of England, *but not to the Person of King* Henry, *in any separate propriety from the Kingdom.* Secondly, *That the Subduing of* Ireland *by the people of* England, *under the Conduct of their King* Henry *the* Second, *was then esteem'd to be a Conquest, and is much more to be accounted so, than* William *the first's acquisition of the Crown of* England, *and that* Ireland *was thereby most certainly brought under the Jurisdiction of the Parliamentary Authority of* England. Thirdly, *That King* Henry's *Descent upon* Ireland *was a just Undertaking, and that the intire submission of the People to the Government of* England, *their receiving its Laws, and being endow'd in all the priviledges of* Englishmen, *made*

made them become a Member of, and annex'd to the Engliſh Empire, and gave England *a juſt Title to exerciſe a perpetual Juriſdiction over them.* Fourthly, *That all the many Conceſſions made to* Ireland, *empowering them to hold Parliaments, &c. can be underſtood no otherwiſe, than that they ſhould be enabled to deviſe and enact ſuch Laws when Occaſion required, as were ſuitable to the Circumſtances of that Country: But that no Grant ever did, or could make* Ireland *an Abſolute, Diſtinct, Separate Kingdom, and wholly Independent of* England, *or inveſt it with ſuch a ſupream Legiſlature as is inherent in the Head of the Government only; which, with reſpect to the Body of the* Engliſh *Empire, can never reſide any where elſe than in the King, by and with the Advice and Conſent of the Lords and Commons of*

Eng-

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England *in Parliament aſſembled.* Fifthly, *That the Preſidents and Opinions quoted by Mr.* Molyneux, *do not by any means aſſiſt his Argument, but do moſt of them ſupport mine againſt him. And* Sixthly, *That his Reaſons and Arguments offered on one ſide and t'other, are as little to his purpoſe; but that the* Engliſh Settlements *in* Ireland *always were, and ever muſt be properly accounted as a Colony of* England, *and hath ever been by her protected and ſupported as ſuch.*

By theſe Principles then, and no other but ſuch as theſe, can the Engliſh *be juſtify'd in their Conduct towards the* Iriſh; *whereas if they had been an abſolute, diſtinct, independent People, the former and latter Diſturbances they have given us, could not have been Rebellions, but were juſt Attempts*

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tempts to vindicate their Rights againſt a People that had without Reaſon violated them; their Lands had not been legally Forfeited, but forcibly taken from them, againſt all Juſtice and Reaſon;-and the Spilling of ſo much of their Blood muſt lye heavy upon thoſe that provok'd them to take up Arms, in Defence of their juſt Liberties and Properties. Is it not much more for your Intereſt then, to put this matter on the right bottom, upon which our Actings towards them were always grounded, by conſidering the Iriſh *as a People that had been ſubdu'd and brought in Subjection to the* Engliſh *Government, and were united to it in the Nature of a Province of its Empire; and to eſteem the* Engliſh *that have been ſettled there as a Colony of* England, *which we were oblig'd to protect and defend againſt*

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againſt any Inſults and Violences offered them by the Natives? For this muſt juſtly ſubject them to the Forfeitures and Penalties due to Rebels, vindicate us in the Severities we have exercis'd upon them, ſupport you in the poſſeſſion of the Eſtates which were taken from them, and return the the Guilt of all the Blood that hath been ſhed in the Iriſh *Wars, upon their own Heads, as being the Aggreſſors.*

Theſe things are ſo Obvious, that I believe, there are many of you that can have no good Opinion of Mr. Molyneux's *Book, yet I am told that there are others, and ſome of good Rank among you, that are very fond of it: It does indeed with reſpect to you carry the face of a Popular Argument, and is artfully written; and he that can take the Latitude of advancing*

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vancing his own Imaginations and miſtaken Conjectures with the Confidence of Realities and Certainties, ſuggeſt Falſities with the utmoſt Aſſurance, and omit Material Truths; may impoſe much upon an unwary Reader, eſpecially if he thinks what's offer'd is for his Intereſt.

Quod volumus, facile credimus.

But any thoughtful Man, that will give himſelf leave to Conſider it impartially, will find it to be one of the weakeſt and moſt miſtaken Books that ever was written with ſuch a flouriſh of Language, and ſhew of Learning and Integrity. The Story of King John's *being made an abſolute Independent King, is the main Prop on which he lays the greateſt ſtreſs of his Reaſoning, and yet it proves but a meer Imagination: The Writers indeed of theſe Times do ſay, he*

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he was made King of Ireland, *but it looks but like a Complement to him, for the Grant it ſelf ſhews plainly that 'twas but a feudatory Donation, and that 'twas never intended to make him an Independent King, becauſe he was limitted to uſe no higher* Stile *than that of Lord of* Ireland.

Mr. Molyneux *alſo deals very unfairly in many other particulars, and it appears that he had more regard to gain the point he conteſts, than to diſcover the genuine Truth of the matter; for he hath not only ſtretch'd in favour of his Argument beyond what any Authorities can warrant, but he has alſo conceal'd divers obvious Inſtances that make againſt him; of which I ſhall obſerve to you ſome Particulars, that have occur'd to me ſince I had gone through with my Anſwer: I have accidentally met with*

Sir

Sir Richard Bolton's *Statutes*, (*which he quotes*) *wherein I Obſerve, that there are ſeveral Acts that declare in moſt expreſs Words, that the Kingdom of* Ireland *is* appending, united, knit, and a Member rightfully belonging to the Imperial Crown of *England*: *And yet Mr.* Molyneux *obſerves this to us with ſuch a Diminution, as repreſents it but* as it were united, *and* which he conceives effects no more, than that *Ireland* ſhall not be alien'd or ſeparated from the King of *England*, &c. *but I cannot imagine that he is ſo ignorant of our Conſtitution, as not to know, that we can have no Notion of uniting or annexing to the Imperial Crown of* England, *as appropriated to the King's Perſon, diſtinct from the Kingdom, which if it can be ſence any where elſe, is yet perfect Nonſence in*

28 H. 8. Ch. 2.
Ch. 8.
Ch. 19.
33 H. 8. Ch. 1.

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England. *But I have met with one Prevarication ſo notorious, that I muſt not omit ſhewing it:* *Mr.* Molynex *in page* 41. *hath theſe words*; For the Dominion and Regality of *Ireland* was wholly and ſeparately veſted in King *John*, being abſolutely granted unto him without any Reſervation. And he being created King in the Parliament at *Oxford*, under the Style and Title of Lord of *Ireland*, enjoy'd all manner of Kingly Juriſdiction, Preheminence and Authority Royal, belonging to the Imperial State and Majeſty of a King, as are the expreſs words of the *Iriſh* Statute, 33 *H.* 8. *cap.* 1. *I muſt confeſs, that I believ'd that this* Statute *had been as expreſs in the matter as he delivers it, but 'tis ſo far from it, that there is no mention made of King* John,

or

or his Grant in it: The words of the Act are, Foraſmuch as the King our moſt gracious Sovereign Lord, and his Grace's moſt noble Progenitors, Kings of *England*, have been Lords of this Land of *Ireland*, having all manner of Kingly Juriſdiction, Power, Prehemi-nencies, and Authority Royal, belonging or appertaining to the Royal Eſtate and Majeſty of a King, by the Names of Lord of *Ireland*. *We deny not, that King* Henry *the* Eighth's *Progenitors, the Kings of* England, *had this Royal, Sovereign Authority over* Ireland; *but his Inſinuation, that* John *had it before he was King of* England *is plainly falſe, and not warrantable by this Statute.*

Again, he mightily impoſes upon the World, in aſſerting, That before the

Year 1641. there was no Statute made in *England*, introductory of a New Law, &c. but those which he had before-mentioned: *And though while I am dealing with Mr.* Molyneux, *I confine my self to mention no Authorities but his own, yet I will here presume for a proof of his Ignorance or Disingenuity, to name some other old Acts binding* Ireland, *which have been imparted to me by a very Learned and Observing Gentleman of our House of* Commons, *whose Credit I can relye on, without troubling my self to search the Records; and I doubt not but Mr.* Attwood *hath been much fuller in this particular, though I deny my self the reading his Book till my own be perfected.*

p. 99.

The Statute of York, 12 Ed. 1*st. Enacts Laws to be observed in* England *and* Ireland; 11 Ed. 3. cap. 3.

Pro-

Prohibits any Cloaths to be brought into England, Ireland, Wales, *and* Scotland, (*for we then claim'd a Dominion over* Scotland *also*) *but such as were made in the King's Dominions, upon pain of Forfeiture*; 27 Ed. 3. *Erects Staple-Towns in* Ireland; 34 E. 3. cap. 17. *Enacts, that Merchants, Aliens or Denizons, may come into* Ireland *with their Merchandize, and freely return*; 43 Ed. 3. cap. 1. *The Staples of* Ireland, *&c. shall be kept at the places where they were first ordain'd*; 1 Hen. 6. cap. 3. *Enacts that the* Irish, *that have Benefices or Offices in* Ireland, *shall abide thereupon their Benefices and Offices, upon the pain of forfeiting the Profits of their Benefices and Offices for the Defence of* Ireland, *and mentions the like Law made the* 1st. *of* Hen. 5th. *From these and many other instances,*

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it evidently appears, that England hath always exercis'd a Legiſlative Juriſdiction over Ireland, whenever fit Occaſions have made it neceſſary.

I have alſo ſeen the Iriſh *Acts of Settlement and Explanation*, and though Mr. Molyneux ſays, that they plainly ſhew, that the Parliament of Ireland may repeal an Act paſs'd in England, yet I find nothing like it in thoſe *Acts*; but on the contrary, the King's Declaration, which is of the Body of the Act of Settlement, although it takes Notice that the Eſtates and Poſſeſſions enjoy'd by the Adventurers, would prove very defective, if they were examined by the Letter of the Law, becauſe they had not ſtrictly purſu'd and obſerv'd thoſe Acts of 42, from which they deriv'd their Title; yet 'tis made the firſt Buſineſs of this Act, to confirm theſe Adventurers in the Inheritance of all the

Eſtates

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Eſtates allotted them by virtue of thoſe Engliſh *Acts of Parliament; and 'tis provided, that if they ſhould be obliged to reſtore any of thoſe Lands to Innocents, they ſhould be firſt repriz'd to the full Value out of other forfeited Lands. What more could be deſired, to ſhew the utmoſt regard to thoſe* Engliſh *Acts of Parliament? 'Tis true indeed, that the Act of Explanation retrenches one Third of the Allotments made to the Adventurers; but this could not be conſtrued as any Breach upon the* Engliſh *Acts, for if they had taken a greater ſhare, than the Lands that remain'd forfeited would amount to, 'twas but reaſonable to reduce them to a juſt proportion: So that here again Mr.* Molyneux *hath evidently ſtrain'd this Suggeſtion beyond the Truth of the Fact. I have indeed, remark'd theſe things at large in their*

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places, but as some more perfect Informations have since come to my Hand, I thought they might not improperly be hinted here, for the obviating the too great Opinion of Mr. Molyneux's *performance, with which some may yet remain præpossess'd, and preparing them to entertain my Answer with the less prejudice.*

I have heard indeed, that 'tis not to Mr. Molyneux *alone that we are beholding for this Notion, but that it hath for several Years past been talk'd on among several of your People, and he hath only reduc'd it into form, and now at last brought it forth into the World; and you may observe by the Votes of our last Parliament, that they were of the Opinion, that several Resolves of your House of Commons gave Encouragement to the publishing of this Book. But I would yet hope,*

that

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that many of that Assembly were not so far appriz'd of the Matter, as wittingly to Design the doing any thing that should give so great an Offence to England : *Yet I can assure you, from the Conversation I have had with several of the Members of our House of Commons, that although they had not Leisure to proceed further upon this Business in their last Sessions, 'tis however very probable that it may be taken into Consideration again by the ensuing Parliament, as a Matter which if it be not check'd in time, may produce very ill Effects : And you cannot but be sensible of the Dangerous Consequences of breaking the fair Correspondence and firm Confidence that ought always to be maintain'd between the Head Government and its Members ; and that when Misunderstandings and Jealousies are once entertain'd,*

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tain'd, they are too apt to be improv'd into Extreams on both ſides. You know alſo, that you have an Old Enemy near you, who would be ready enough to entertain hopes of Advantage to themſelves from any ſuch Jarrings: And you muſt needs acknowledge, that 'tis an imprudent thing to provoke thoſe that have not only Right, but alſo Power to ſupport it.

It hath been an uſual Policy with ſome other Governments, to keep ſo ſtrict a Hand over their Colonys, as not to ſuffer the Criolians, *or People born there, to bear any Conſiderable Office or Command therein; but the Government of* England *hath not dealt ſo hardly by you, and doubtleſs it will be always your Intereſt to prevent the giving any Occaſion to diſtruſt your Fidelity, and to think it may be needful to treat you with more Caution.*

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I ſhould think therefore, that you cannot do your ſelves a greater Right, than in the next Seſſions of your Parliament, not only to Cenſure this Book, but utterly to Diſclaim alſo the Notion of your being a Kingdom ſo abſolute within your ſelves, as to be wholly independent of the Kingdom of England ; *I hope I have been able in my following Diſcourſe, to Convince any reaſonable Perſon that it cannot be ſo, and that inſtead of doing you any good, 'twould tend to your Deſtruction to have it thought ſo : Yea, and if you ſhould Recognize your ſelves to be a Colony of* England, (*as I have ſhewn that you cannot be lookt upon under any other Conſideration*) *I believe nothing can be more agreeable to your Circumſtances, or better ſupport your Title to what you enjoy in that Country. It would alſo be well worth your*

Thoughts,

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Thoughts, whether it might not be fit for you to ſhew your Readineſs to Contribute ſomething, according to your Ability, towards the Reimburſing of England *a part of the vaſt Charge they have been at, in recovering that Country, and reſtoring you to your Eſtates; whereby you may poſſibly prevent the Parliament of* England's *requiring it of you; for I can tell you, that ſince Mr.* Molyneux *hath ſtarted the Thought, ſome of the moſt conſiderable Members of our Houſe of Commons have talk'd on't.*

I have no ill will to Ireland, *I have had the Honour to have been in Converſation with many of you, for whom I have the utmoſt Reſpect and perſonal Eſteem, and I have been ſorry to ſee ſo much of an Inclination in ſome worthy Perſons, to favour this Opinion of* Mr. Molyneux. *The ſenſe of Power and*

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and Profit prevails much upon Humane Frailty; nay, it easily subdues our Reason, and makes us unwilling to entertain Convictions against what we have believ'd to be our Interest; but I have endeavoured to shew those that are mislead in this Matter, that it can by no means be their Interest to be freed from the Jurisdiction of the Parliamentary Authority of England: *You know that you are not able to protect and defend your selves against the Rebellions of the* Irish, *and that the Kings of* England *cannot raise Money upon the People to help you, without their Consent in Parliament; would you have them then only to have Authority to raise Money, and appropriate it to your Service, without having any more to do with you? Or can you think, that the Parliament of* England *will ever more assist you upon those*

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those Terms? rather may they not with good Reason demand a Reimbursement of what Mr. Molyneux *owns to be due to us for former Assistances? which would doubtless amount to a greater Summ than you are ever able to pay.*

People that do good Offices, expect at least a grateful Acknowledgment from those that receive them: We have never been sparing of our Blood and Treasure, to help you in your Distresses, and yet 'tis too well known, that many of your People have been apt to speak very slightingly of what we have done for you, and to tell us, that what we did was not out of regard to them, but to our selves: And since the Bill design'd to restrain you from spoyling us in our principal Trade of the Woolen Manufacture, by underselling us in Forreign Markets, we have been sharply

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ly reflected upon in print, as if we were about to ruine and undo you, and even deny you Earth and Air, and the common priviledges of Mankind: Nay, we were after a ſort Threaten'd with the Danger of your joining with ſome other Intereſt than that of England, *or of your quitting the Country, &c. and even Mr.* Molyneux *hath given ſome touches upon the ſame ſtring: Give me leave to tell you, that this is not lookt upon as a modeſt or friendly Behaviour, much leſs does it denote any ſenſe of Gratitude retain'd in a People that were ſo lately Reliev'd by* England, *and reſtor'd to the enjoyment of plentiful Eſtates, which they muſt never have expected but through the Help of* England; *and this hath been done wholly at our Coſt, and they have not (hitherto) been askt to Contribute one Penny towards it; ſome People would*

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not ſurely have ſo ſoon forgotten ſo great a Benefit. I am yet deſirous to reaſon a little with you upon this Matter, but 'tis hard to uſe ſo much plainneſs as is requiſite, without giving Offence to ſome, which I would as far as poſſible avoid, my Deſign being real Friendſhip and Good will to you, and I ſhould rejoice if I might be inſtrumental to Reconcile you to an even Temper of Mind; but that's hardly to be done with ſuch as ſhall perſiſt to be of the Opinion that they are altogether in the right: Suffer me however to tell you, that you have ways enough to employ your Poor, without the Woollen Trade, which with you (as to thoſe ſorts that hurt us) is a New Undertaking: You have large and encouraging Improvements ariſing from the product of your Lands; your great quantities of Proviſions, Butter, Leather, &c.

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afford you a fair Foundation for Foreign Trade, beſides you are very capable of a Linnen Manufacture, if you will employ your Stock and Induſtry that way. On the other hand, England *hath for many Ages, apply'd her ſelf to the Woollen Manufactury, the poor are ſettled in it, and have no other way of Livelyhood; ſhe hath no means of gaining Wealth ſufficient to ſupport her Government without it; but your being able to work ſo much cheaper, muſt of conſequence abate the prices to ſo great a degree, as that ſhe cannot be able to hold the Trade; which in time will cauſe a decay of her Wealth and Power, draw inevitable Ruin upon her whole Empire, and involve your ſelves in the ſame: Is it not eaſie then to determine, for whom 'tis reaſonable to give place in this Conteſt? 'twas upon this Conſi-*

deration, you have been reſtrain'd from exporting your Wools to any Country but England, *and is not the neceſſity of reſtraining the Manufacture thereof much more cogent? Bear with me to ſay, that the evident reaſon of the thing is ſufficient to convince all Mankind, that* England *muſt be perpetually oblig'd to preſerve this Trade to her ſelf; that ſhe cannot ſuffer any of her Members to interfere with her in it, and that to advocate againſt ſo juſt an exerting of the Supream Authority, ſhews only a ſelf-ſeeking Temper, in Minds that would graſp all to themſelves, without having any regard to the Well-being of the whole Community, of which they are but Members: You ſee the People of* Romney-Marſh, *are not willing to be hindred from ſending their Wools to* France, *and the juſtice of the thing is as much to them*

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as you, the only difference is, that they being within the Realm of England *ſend Repreſentatives to the Parliament; and yet perhaps they would have been as far from conſenting as you, if they had not been over voted: But there would be no poſſibility of conſerving Societies, if ſuch Compulſions might not be exercis'd towards particulars.*

We muſt yet own that 'tis but a natural infirmity, for Men to be hardly perſwaded into the right reaſon of things which they believe to be againſt their own Intereſt; nay, we find that they are too apt to be prejudic'd againſt ſuch who endeavour to convince them of their Miſtakes; and as we obſerve that particular Perſons are ſubject to prevailing Inclinations, ſo alſo there are Habits and Diſpoſitions, that are in ſome meaſure peculiar to diſtinct

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Countries and People, from whence it hath been usual to give general Characters of the Inhabitants of particular Countries, according to the Virtues or Vices that have been noted to be most predominant among them; neither is it difficult to assign some natural causes, from whence such habitual Dispositions may proceed; for some instance whereof, I would offer the consideration of a Colony well settled in an abundant Country, where the People find very easie means of subsistence and improvement, and are in great measure exempted from the solicitous Cares and Difficulties of Life, that attend the Inhabitants of places that are more populous and fully cultivated; and where also they have been us'd to exercise a large Dominion and Power over the Natives, who have been always kept in a servile Obedience and Subjection to them, to

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a far greater degree than can be practiced in a Country where the People enjoy a more equal ſhare of Liberty: Is it not reaſonable then to expect, that the Inhabitants of ſuch a Colony may be naturally Generous, Hoſpitable, Free of Converſation, and of Couragious and Bold Spirits? Theſe are Virtues, which every Body will commend; but is it not as natural for ſuch a People, to be leſs ready to pay ſo intire an Obedience as may be requir'd of them by their Superiours, and to be uneaſie under any Checks, that may impeach them in the proſecution of ſuch Advantages that they may find themſelves capable of, without conſidering how prejudicial they may be to others? may there not be an aptneſs in ſuch a People to be ſomewhat aſſuming, and to have a good Opinion of themſelves? will there not be a proneſs to impatience, and forwardneſs to reflect, when any Contradi-

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ction is given them? may they not be likely to expect more regard from others, than is really due to them? Is it not probable, that they would be less considerate in giving Offence, than ready to take Offence at others? may not heighth of Spirit be nearer their Temper, than true Humility? Moreover, as they have no Concern in the transacting with Forreign Nations in matters of Government, they may be the less us'd to consider of the Nature and Reason of Political Managements, or to think how far it is incumbent upon a Mother Nation or Supream Government, to regulate all her Colonies or Members, so as that the Tranquility of the whole Empire may be best conserv'd; and perhaps they may be subject to forget the Obedience and Duty which must be perpetually owing from them to her: These are Humane Infirmities, that may be very naturally incident, to a People under the fore-mentioned Circumstances; and I have met with ingenuous Persons who have been bred up in such Colonies, that have readily acknowledg'd, that their Judgments have been much rectify'd in these matters, when they have come to see more of the World,

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World, and been made ſenſible of the better Accompliſhments that are to be found in a more Polite Converſation; they may perhaps attain to a good pitch of School-Learning, but that can amount to no more than a very ſuperficial Knowledge, in reſpect to the far greater improvement that is to be gain'd by reading the great Book of the World, and practiſing the ample Study of Men and Things.

I am tender of putting theſe things too home, becauſe I know that though Men ſhould be brought to ſee their own Infirmities, but few can endure to be told of them; yet a Marriner will eſteem him for a Friend, that warns him of the Rocks and Sands that lye in his way, and a wiſe man will never account ſuch an one his Enemy, who over-perſwades him into the right way, when he was confidently going on in the wrong. I am ſure, I want not good Will to the People of Ireland, *and I believe no Man that hath no concern there, can wiſh their Proſperity more than I do, and I am very ſenſible, that 'tis the intereſt of* England *to encourage them in all ſuch improvements, as may conduce to their Happineſs and Well being, provided*

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vided they are ſuch as may not prove highly prejudicial to her ſelf.

I ſhall think my pains in this Undertaking to have been very well beſtow'd, if I have been able to offer any thing that may convince you, that 'tis your undoubted Intereſt utterly to abandon the Thoughts or Deſires of being look'd upon by the Parliamentary Authority of England, *to be a People wholly exempt from their Juriſdiction: And as I know my Name is too inconſiderable to add any Authority to the Argument, I hope I may be excus'd in concealing it from the Odium of ſuch, who may not diſcern the ſincerity of my Intentions towards you in this Eſſay; and yet I will not doubt, but there are others who will believe me to be, as I am reſolv'd upon all Occaſions to the utmoſt of my Capacity, to render my ſelf,*

Right Honourable,

Honourable, *&c.*

Your Real Friend,

and very Humble Servant.

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AN ANSWER TO Mr. Molyneux.

OF all the Freedom that hath been taken ſince the Liberty of the Preſs, we have ſcarcely ſeen ſo bold an Attempt as that of this Author, it being no leſs than to ſtrike off from the Kingdom of *England* with a daſh of his Pen, the whole Nation of *Ireland*, over which it hath exerciz'd a juſt Dominion for many hundreds of Years; and yet I believe it will appear, that he hath not ſhewn the want of Conſideration more in his

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chooſing an Argument of ſo dangerous a Conſequence, than by his ſuperficial, confus'd and miſtaken way of managing it, the ſtrength of any reaſoning that he hath offer'd, being much more applicable to the Native *Iriſh*, with whom the Original Contract (if there were any ſuch) muſt have been made, than to the *Britiſh* Proteſtants inhabiting among them. But it is to be conſidered, that the Political State of *Ireland* hath ſuffered very conſiderable Alterations ſince the firſt poſſeſſion of it by the *Engliſh*; for though that firſt Submiſſion of the *Iriſh* was ſo univerſal, as that the *Engliſh* poſſeſs'd themſelves of moſt of the conſiderable Towns, and ſettled far and wide in the Iſland, yet in after times, through the defection of the *Iriſh*, and the mixing and uniting of many of the Old *Engliſh* with them, that part which remain'd intirely under the *Engliſh* Obedience, came to be confin'd to a Narrow Compaſs, perhaps not above four or five Counties, which was till very lately diſtinguiſht by the

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the Name of the *Engliſh Pale*, and the far greater part of the Country remain'd under many petty Dominions, poſſeſs'd by the *Iriſh* Lords and great Men, who paid but very little Obedience to the Government of *England*; but on the contrary, ſome or other of them were almoſt continually giving diſturbance to the *Engliſh* Government that was ſettled there, by which means they were ſhut out from having to do with the *Engliſh* in the Tranſacting of the Publick Affairs of the Country; and the Reduction of them never came to any tolerable Perfection, till ſo lately as the Reign of Queen *Elizabeth*; ſo that indeed thoſe Ancient Parliaments, and other Managements of the Publick Affairs there, which Mr. *Molyneux* mentions, did ſcarcely operate further than among the *Engliſh* Settlements, which, as I ſaid before, extended but to a ſmall part of the Iſland.

There was yet another great Occaſion which made a very conſiderable alteration in the Adminiſtra-

tion of the Government of that Country, and that was the Change of Religion; for after the Reformation came to be throughly eſtabliſht, and the Roman Catholicks were found to be continually deſigning againſt it, all of that Religion were excluded from having to do in Publick Managements; and this ſhut out not only the Native *Iriſh*, but even the Old *Engliſh*, who moſtly continued under that Profeſſion. But Mr. *Molyneux* takes no Notice of the Diſtinctions that ought to be made of theſe different Intereſts, but that he may carry on his Point, blends and confounds them all together; as if they were to be conſidered alike, as one intire People, eſtabliſht and continuinuing upon the ſame bottom of Government. If then due Regard be had to theſe and other Diſtinctions, which muſt be obſerv'd upon his way of Arguing, I believe it will be found, that this doughty piece of *Iriſh* Learning will appear but a very indifferent performance.

I would not however detract from any

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any thing that may deſerve applauſe, and therefore muſt commend his ſmooth way of Expreſſion, and own him to be a good Maſter of Words, but yet to have applyed them ſo ill, will ſtill continue him under the Cenſure of being much wanting either in Integrity or Judgment, and makes this Book of his to deſerve no better a Character than that of *Vox & præterea nihil.* I have heard indeed, that ſome have been taken with the ſeeming Modeſty and Submiſſion with which he introduces his Diſcourſe, as if it were but an innocent repreſentation of the ancient Rights and Liberties of the People of *Ireland*, and a juſt Remonſtrance of ſome Encroachments and Invaſions made upon them by the Government of *England*; but if it ſhall appear, that the Kingdom of *England* hath a certain Juriſdiction over them, and that it hath never treated them otherwiſe than according to the Rules of Juſtice, and with ſuch a due Policy as becomes every Supream Authority to Exerciſe over all the Mem-

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bers of its Empire, for the Conſervation of Peace and Tranquility to the whole, and in that have not exceeded the Bounds of a reaſonable and juſt Dominion; that part of the Empire that ſhall endeavour to withdraw themſelves from the Subjection which they juſtly owe to the Supream Government, that hath always protected and defended them, and ſhall challenge to themſelves Immunities and Privileges, which never were or could be granted them, without prejudice and injury to the greater Body of the Government, deſerve not to be conſidered as Aſſertors of their own Rights, but rather as Invaders of the lawful Authority which God hath placed over them; and certainly it muſt rather be Matter of Contempt and Deriſion, than of Commendation, to ſee a Man treat his Superiour with a ſtrain of Fine, Smooth, Gentle Words, and Fawning Complements, upon a Subject that is altogether impoſing and odious to him. Thus much I thought requiſite to premiſe, and ſo ſhall proceed

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ceed to the Examination of his Diſcourſe. In which I intend to take Notice only of ſuch matters as I ſhall think moſt Obſervable.

In his Dedication to the King, he *Humbly implores the Continuance of his Majeſties Graces to them, by protecting and defending thoſe Rights and Liberties which they have enjoy'd under the Crown of* England *for above* 500 *Years, and which ſome of late do endeavour to violate. His moſt Excellent Majeſty is the Common Indulgent Father of all his Countries, and hath an equal regard to the Birth-rights of all his Children; and will not permit the Eldeſt, becauſe the ſtrongeſt, to encroach upon the Poſſeſſions of the Younger.*

Here it ſhould be Noted, that by the Crown of *England* he muſt intend the Kings of *England*, as diſtinct from the Kingdom, (although I think this a very improper way of Expreſſion) which is evident from his Simile of the Eldeſt and Youngeſt Child, as well as by the whole Deſign of his Argument; and this perhaps might have ſerv'd the turn in

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making his Court to a *Mac Ninny*, or a Prince fond of the *Iriſh* Nation, but it looks but like a courſe Complement to his Majeſty, to entertain him with a meer begging the Queſtion, when he knows right well, at what a vaſt Expence of the Blood and Treaſure of *England*, that Country was ſo lately (under his Glorious Conduct) reduc'd to its Obedience; and he is too Juſt and Generous a Prince to endure that any Paraſite ſhould perſwade him, that any acquiſition gain'd at the Expence of great Taxes rais'd upon the whole Body of his Subjects of *England*, and even appropriated by the Parliament for the particular Uſes in which they were to be employ'd, can appertain to him in any propriety diſtinct and ſeparate from the Imperial Crown of *England*. Neither is it reaſonable for him to expect, that his Majeſty ſhould believe, that the *Some* he means, are about to violate their Rights and Liberties, without clearer Proof than any he hath brought. But it may be worth Inquiry, to know in what ſenſe he

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brings *Ireland* in with us for an equal ſhare of Birth-right, allowing us no higher Priviledge than that of being the Elder Child. If he means this with reſpect to the *Old Iriſh*, ſurely the many Diſturbances they have given us, and the many Occaſions we have had of reducing them by force of Arms, may fairly admit us to ſome higher Title over them; but if he means it of the *Engliſh* Inhabitants, they will certainly own themſelves to be deſcended from *England*, and it would ill become them to ſtart up and call their Mother by the Familiar Appellation of Siſter. What he hints of encroaching upon their Poſſeſſions, cannot be taken to have any fair Meaning, unleſs he intends thereby to blame us for ſeizing the Eſtates of thoſe that have been in Rebellion againſt us.

In his Preface he tells us, *How unconcern'd he is in any particular Inducement, which at this juncture might ſeem to have occaſion'd his Diſcourſe. He hath no concern in Wool or the Woollen Trade, he is not intereſted in the*

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the Forfeitures or Grants, nor ſolicitous whether the Biſhop or Society of Derry *recover the Lands they conteſt about.*

I believe ſeven Eighths of thoſe Gentlemen of *Ireland*, that have been ſo buſie in ſoliciting againſt the Woollen Manufactury Bill, might make as fair a Proteſtation as this, and yet it ſeems they thought themſelves concern'd in the Conſequence of that Matter; but his Reach in this, is to ſhew his Diſlike of the Parliament of *England*'s medling with the Buſineſs of the Forfeited Eſtates, as well as the reſt.

He ſays, *'Tis a Publick Principle that hath mov'd him to this Undertakeing; he thinks his Cauſe good, and his Country concern'd; 'tis hard if they may not complain, when they think they are hurt, and give Reaſons with all Modeſty and Submiſſion: The Great and Juſt Council of* England *freely allow ſuch Addreſſes; to receive and hear Grievances is a great part of their Buſineſs, and to redreſs them their chief Glory,*

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Glory, but that's not to be done till they are laid before them, and fairly ſtated for their Conſideration.

'Tis yet but a Private Principle, to become an Advocate for a part againſt the Whole; his Name ſhews him to be of *Engliſh* Extraction, and I know none of his Neighbours under that Circumſtance, who don't reckon it a Privilege, that they may ſtill own *Old England* to be their Country, and be owned by her, though they are permitted to live in *Ireland* if they pleaſe; what if they are not hurt, and the nature of their Complaint be ſuch, as that it cannot be thought to be within the Bounds of Modeſty and Submiſſion? how could he be ſo fond of his Project, as to imagine that the Parliament of *England* would freely allow ſuch an Addreſs, which impeaches their own juſt Authority? They will never think the publiſhing a Book to the World, which is little better than *Sheba*'s Trumpet of Rebellion, to be a fair way of ſtating Grievances; but that 'tis a part of their Buſineſs

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and their Glory, when they think it worth their while, to call ſuch Authors to account for their Boldneſs.

I begin now with his Book, which as near as poſſible I ſhall follow in order, and for the Authorities which he hath quoted, I ſhall leave them to him very little diſturb'd, but take them as he gives them, whether they are right or wrong, only making ſuch Obſervations as may reſult therefrom, or from his own Reaſonings.

He begins with a very fine Compliment again to the Parliament of *England*, and then takes upon him to give them *Due Information in mat-*
Page 2. *ters wherein* (as he ſays) *another People are chiefly concern'd* ; and tells them, that *he could never imagine that ſuch great Aſſertors of their own, could ever think of making the leaſt breach upon the Rights and Liberties of their* Neighbours, *unleſs they* thought that they had Right ſo to do ; *and that they might well ſurmiſe, if theſe Neighbours did not expoſtulate the matter, and this therefore, ſeeing* all *others are ſilent, he under-*

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undertakes to do, (but with the greateſt deferrence imaginable) becauſe he would not be wanting to his Country, or indeed to all Mankind, for he argues the cauſe of the whole Race of Adam, *Liberty ſeeming the Inherent Right of all Mankind.* P. 3.

Now it ſeems, from Children of the ſame Parent, we are become another People and Neighbours; the *Iriſh* may be ſaid to be another People, though they have not been very good Neighbours to us ſometimes; but the *Engliſh* we may juſtly challenge to be our own, and not another People; and we ſhall hardly admit them to be our Neighbours in ſuch a ſenſe, as that we ſhould tranſact with them in Matters of Government, upon the ſame foot, and at equal diſtance with our Neighbours of *France*, *Holland*, &c. If they expect this from us, I hope they'll ſhew us the reſpect of ſending their Ambaſſadours to us, and do this Champion of their Liberties the Honour to let him be the firſt. Can he think the Parliament of *England* will

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will believe themſelves to be civilly treated by him, becauſe of his fine Words, when he is Suggeſting to the World as if they acted ſo unadviſedly in their Councils, as to proceed upon Surmiſes, and to take upon them to do what they do but think they have a Right to, when indeed they have none at all. But doubtleſs Mankind will ever have a higher Veneration for thoſe Auguſt Aſſemblies, than to think them as ſubject to be miſtaken in theſe Matters, as one preſuming ſingle Gentleman: But he argues for *Liberty, the right of all Mankind:* A Glorious Topick indeed, and worthy of the utmoſt Regard, eſpecially from ſuch great Aſſertors of it as an *Engliſh* Parliament: But if People ſhould ask for more than ever was their Due, and challenge a Liberty of acting every thing they ſhould think for their own profit, though it were to the Damage and Injury of others; to grant this would be an Injuſtice, and a ſinful Liberty may as well be pleaded for; ſuch Expoſtulations as theſe are abominable,

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minable, and to aſſume ſuch an equality with our Superiours as was never granted us, is an Arrogance that might rather have been expected from an *Iriſh* than an *Engliſh* Man. And after all this, 'tis not enough for a Man to ſay, *If the great Council of* England *reſolve the contrary, he ſhall then believe himſelf to be in an Error, and with the loweſt Submiſſion ask Pardon for his Aſſurance; and he hopes he ſhall not be hardly cenſured by them, when at the ſame time he declares his Intention of a ſubmiſſive Acquieſcence in whatever they reſolve for or againſt*: Such Subjects as theſe (as I have ſaid before) are beyond the Bounds of Modeſty, and cannot admit of any ſuch Apologies.

He comes now to tell us, *the Subject of his Diſquiſition ſhall be, how far the Parliament of* England *may think it reaſonable to intermeddle with the Affairs of* Ireland, *and bind up thoſe People by Laws made in their Houſe.* p. 4.

This is certainly a very odd ſtating the Queſtion: What need has he now to enquire, ſince he knows already

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already, how far the Parliament of *England* have thought it reaſonable to intermeddle? Another Blunder as bad as this, is his Talking of Laws made in their Houſe: Doth he not know, that our Laws are not made without the Concurrence of Two Houſes, and the Aſſent of the King alſo, as the Third Eſtate? But we will take his Meaning to be, to enquire how far it may be reaſonable for the Parliament of *England* to intermeddle, *&c.* and join Iſſue upon that.

Next he gives us ſix Heads, from which he undertakes to argue, that they can have no ſuch power.

For the *Firſt*, He pretends to give us the Hiſtory of the firſt Expedition of the *Engliſh* into *Ireland*, his Deſign being to ſhew, *That the firſt Adventurers went over thither* (yet with the King's Licenſe) *upon a pri-*
p. 6. *vate Undertaking, in which they were ſucceſsful; but that afterwards, when*
p. 8. *King* Henry *the* 2d. *came over with an Army, the* Iriſh *generally ſubmitted to him, and received him to be their*

King,

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King, without making any Oppoſition, from whence he ſeems to ſuggeſt that *Ireland ſubjected it ſelf only to the King, but not to the Kingdom of* England. But he ſhould have conſidered, that the Government of *England* was a limited Monarchy, which was ſufficiently acknowledg'd, even by *William* the *1ſt.* (commonly call'd the Conqueror) in his Swearing to preſerve the Liberties and Privileges of the People at his Coronation, and confirming the ſame to them by his Charter; and though he did indeed afterwards violate them in a greater meaſure than ever they had been before or ſince, yet neither he nor his Succeſſors did ever take upon themſelves to be abſolute Monarchs: The great Power and Prerogative of an Engliſh King then, can only be due to them as to the Supream Magiſtrate and Head of the Kingdom, and not in any ſeperate propriety annext to their Perſons, as diſtinct from the Common-Wealth. If then *Henry* the Second carried over an Army of Engliſh into *Ireland*, it ought to be con- p. 12.

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ſidered as the Army of the Kingdom; for it is held as a Principle with us, that no King of *England* may raiſe any Forces in this Kingdom, but what are allow'd to be the Forces of the Kingdom. I am not here arguing whether ever any King did or did not take upon him ſuch an Authority, but 'tis ſufficient for me to offer, that he could not by right, and according to this Authors own way of arguing, what may not be done of Right ought not to be argued, or brought into Preſident; if our Rights have at at any time been invaded and uſurp'd upon, this Nation hath had many Opportunities of Vindicating them, and we do not believe that what we enjoy at this day have been gain'd or Extorted from the Ancient Authority or Juſt Prerogatives of the Crown, but that they are due to us from the firſt Conſtitution and Time immemorial, and that ſuch Violations which have been made upon our Conſtitution, by means of what was call'd the Conqueſt or otherwiſe, have been juſtly re-

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retriev'd; ſo that in reſpect of Matters which regard the Right and Authority of the Kingdom, we may judge according to what is viſible, and without Controverſie admitted at this day: The Right and Reaſon of Things ever were, and ever muſt continue to be the ſame; according to theſe Principles then, can it ever be admitted, that any acquiſition obtain'd in *Ireland* by an Engliſh Army, under the Conduct of King *Henry* the Second, could be appropriated to the King, diſtinct from the Kingdom? We do indeed frequently find in Hiſtory, and we practice it no leſs in our Common Diſcourſe, that the Name of the King is us'd by way of Eminency, to ſignifie things done under his Authority and Conduct as Head and Chief, when it is never intended to be applyed to his Perſon; for if I ſhould ſay, the King of *England* took *Namure* in ſight of the *French* Army, every Body would know that I meant the Confederate Army, under the Conduct of King *William* took it: In like manner we

ſay, ſuch a King made ſuch Laws, when indeed the Parliament made them: And if it will but be allow'd, that the *Iriſh* ſubmitted to King *Henry* not out of fear to his Perſon, but for fear of his Army, I can make no doubt but that the Submiſſion was made to him as King, and Head of the Kingdom of *England*, and not as Duke of *Normandy*. If he ſhould lay ſtreſs upon their Submitting to the King and his Heirs; that can import no more than what the Words us'd at this day, to the King, his Heirs and Succeſſors, do better explain.

p. 12. The *Second* Argument is to ſhew, *That* Ireland *may not properly be ſaid to be conquered by* Henry *the Second, or in any ſucceeding Rebellion.* I ſhall not diſpute with him in how many differing Senſes the Word *Conqueſt* may be taken, I will grant to him that *Ireland* was not Conquered by *Henry* 2*d.* in ſuch a ſenſe as to enſlave the People, or ſubject them to an abſolute Power, and yet for all that, the Word *Conqueſt* (meaning a forcible gaining) is much more applicable

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plicale to *Henry* the Second's acquisition of *Ireland*, than to *William* the Firſt's obtaining the Crown of *England*; he had a pretence, and came not to Conquer but to Vindicate his Right; he was encourag'd to come over, abetted and aſſiſted by a great Number of the People, who hated *Harold*'s Government; he fought againſt *Harold* (who was not generally conſented to by the People as a Lawful King) and his Abettors, but not againſt the Body of the People of *England*; he purſu'd not his Victory like a Conqueror, but receiv'd the chief of the People that came to him with Reſpect and Friendſhip; they choſe him for their King, he ſwore to conſerve their Laws and Liberties, and to govern them as their Lawful Prince, according to their own Form of Government. On the other hand, King *Henry* had no ſuch Pretence of Right to the Kingdom of *Ireland*; his Deſcent was a prrfect Invaſion; he was not call'd in by the People of *Ireland*, and his Buſineſs was nothing elſe than to Conquer and Subdue the

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Kingdom: 'Tis true, the People made no Oppoſition, but 'twas becauſe his Power was dreadful to them; what's the difference between yielding to an Invader without fighting, or after the Battel, more than that one ſhews want of Courage, the other of Succeſs? but are not both alike to the Gainer, when he hath got his point? The *Iriſh* made no Terms for their own Form of Government, but wholly aboliſhing their own, they conſented to receive the Engliſh Laws, and ſubmitted entirely to the Engliſh Government, which hath always been eſteem'd as one of the greateſt Signs of a Conqueſt: But if he will be ſatisy'd in what ſenſe the People of that time underſtood it, let him but look again into his *Giraldus Cambrenſis*, and ſee how he can tranſlate the words, *Hibernia Expugnata*; and what's the Meaning of *Qui firmiſſimis, fidelitatis & ſubjectionis vinculis, Domino Regi innodarunt?* But what may put it out of all doubt, that the Body of the People of *Ireland* made an intire Submiſſion to the Kingdom

p. 9.

of

of *England*, in the Perſon of King *Henry* the Second, is his own Quotations; *Omnes Archiepiſcopi, Epiſcopi, & Abbates totius Hiberniæ, recepe-* p. 10.
runt eum in Regem & Dominum Hiberniæ, jurantes ei & hæredibus ſuis fidelitatem, et regnandi ſuper eos poteſtatem in perpetuum, et inde dederunt ei Chartas ſuas. Exemplo autem Clericorum, prædicti Reges & Principes Hiberniæ, receperunt ſimili modo, Henricum Regem Angliæ *in Dominum & Regem Hiberniæ, et ſui devenerunt, et ei et Hæredibus ſuis, fidelitatem contra omnes juraverunt.* And in another, *Nec alicujus fere in Inſula vel nominis vel ominis erat qui Regiæ Majeſtati et debitum Domino Reverentiam, non exhiberet.* And yet after he hath made theſe and more ſuch like Quotations, 'tis ſtrange to ſee the ſame Man come and ſay, *From what forgoes, I* p. 17.
preſume it appears that Ireland *cannot properly be ſaid ſo to be Conquered by* Henry *the Second, as to give the Parliament of* England *any juriſdiction over us.* He makes out an entire Submiſſion to the King of *England*, and yet allows

lows no Juriſdiction to the Parliament of *England*. Let him ſhew us if he can, by what Right a King of *England* may take to himſelf a ſeparate Dominion over a Country, brought into Subjection by the help of an *Engliſh* Army, ſo as that it ſhall be no way ſubjected to the Parliamentary Authority of *England*: But ſuch arguing as this, muſt either render him very Ignorant of the Conſtitution of our Government, (which I believe he would not be thought) or wilfully guilty of maintaining an Opinion deſtructive to the Rights and Priviledges of the People of *England*.

I think him very much out, in aſſerting the Rebellions of *Ireland* to be of the ſame Nature with the Commotions that have happen'd in *England*: However Hiſtorians may make uſe of the word Rebellion, to pleaſe the Party that's uppermoſt, yet there's an eaſie diſtinction to be made between a Rebellion and a Civil War; when two Princes contend for the Supream Government, and the People

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ple are Divided into oppoſite Parties, they fight not againſt the Eſtabliſhed Government of the Kingdom, the Diſpute being no more but who hath moſt right to be in the ſupream adminiſtration of it: Or if the People find themſelves oppreſt, and their Liberties and Properties invaded by their Prince, and they take up Arms to reſtore the Government to its right Baſis; in both theſe Caſes it may moſt properly be term'd a Civil War; and of theſe kinds have been the Ruptures in *England* which he inſtances: But if People who live in a ſettled Commonwealth, where the Laws made or conſented to by their Anceſtors are in force, and Juſtice is duely adminiſtred, ſhall take up Arms to Oppugn the Legal Authority plac'd over them, to overturn the Government, and aſſume to themſelves Liberties and Priviledges prejudicial to the Common Good, or to dethrone a Rightful Prince, who hath govern'd juſtly; this in its very Nature is a Rebellion. I am not ignorant, that all contending Parties pretend to

to be in the right, and that they take up Arms juſtly, and none will own themſelves Rebels, unleſs they are forc'd to it; but yet 'tis evident that there is a real Right and Wrong in theſe things, and there have been many Inſtances in which the Impartial World could eaſily judge where the Right lay. If it be not ſo, I leave it to this Gentleman to furniſh the World with ſome other good Reaſons, why the Old *Iriſh* and Ancient *Engliſh* have been ſo ſeverely handled in that Kingdom.

p. 18. His *Third* Inquiry is, *What Title Conqueſt gives by the Law of Nature and Reaſon?*

Mr. *Molyneux* hath ſhewn himſelf a good Advocate for the *Iriſh* in what forgoes, but if he had been a General in the *Iriſh* Army, I ſee not what more powerful Arguments he could have choſen, to ſtir them up to fight Valiantly againſt the *Engliſh*; than by telling them, as in effect he doth here, *That the*

p. 18. *firſt Invaſion of the* Engliſh *upon them was altogether unjuſt*; *that* Henry *the ſecond was an Agreſſor and Inſulter, who invaded*

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invaded their Nation unjuſtly, and with his Sword at their Throats forc'd them into a Submiſſion, which he cou'd never thereby have a Right to; that *Poſterity can loſe no Benefit by the Oppoſition which was given by their Anceſtors, which could not extend to deprive them of their Eſtates, Freedoms, and Immunities, to which all Mankind have a Right*; *that there is ſcarce one in a thouſand of them, but what are the Progeny of the ancient* Engliſh *and* Brittains: *If the* Iriſh *were Conquered, their Anceſtors aſſiſted in Conquering them, and therefore as they were deſcended from theſe Old* Engliſh, *they could never be ſubjugated or brought under the Modern* Engliſh. This is the Subſtance of his own Diſcourſe, and according to his own Notions of *the Freedoms and Immunities to which all Mankind has a Right*, he might have told them in conſequence, that 'twas their Duty to exert their own Rights and Liberties, expel the *Engliſh* out of the Nation as Invaders, and make themſelves and their Poſterity as free as any of the reſt of the Sons of *Adam*.

p. 22. p. 24. p. 20. p. 19. p. 21.

Any

Any one may judge of this Gentleman's Diſcretion, by his publiſhing ſuch Notions as theſe among the *Iriſh*, with whom perhaps they may be taking, but the People for whom he deſigns his Diſcourſe won't be ſo eaſily caught with his Sophiſtry.

p. 25. He grants us, that *the Practice of the World may not come up to the Rectitude of his Doctrines, but he is inquiring what Right they have to what they do practice.* Well we have the World of our ſide at leaſt, if after a Poſſeſſion of above 500 Years, we don't now much trouble our ſelves to inquire what Right *Henry* the 2*d*. had to Invade *Ireland* with an *Engliſh* Army. I wiſh I could find out the Poſterity of thoſe *O*'s or *Mac*'s, that were heretofore the rightful Poſſeſſors of the Lands which this Gentleman now enjoys in *Ireland*, and which they never parted with for any Valuable Conſideration; only to ſee, whether he would ſo much outdo the reſt of the World, as to practice his own Principles, and very fairly give up his Lands to them, as to the right Heirs at Law.

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But to Diſpute a little with him about this Matter : The End of all Government is for the Benefit of Mankind, many Nations have been ſubdued and conquered for their own good, and whoever hath been an Invader that way, hath done them Right and not Wrong : So did the *Romans*, Conquer People from under the Power of Tyrants and Oppreſſors, Barbariſm and Ignorance, to make them Members of the beſt and freeſt Government in the World, and to Civilize them into good Manners and Uſeful Arts ; and thus is *Henry* the ſecond's Invaſion of *Ireland* to be juſtify'd and commended : He began to reſcue the People from the Oppreſſions and Violences of their own wild Princes, and the Blood and Rapine to which they were frequently expos'd, upon every Quarrel and Invaſion of ſo many Petty Monarchs, and from which in proceſs of time they were totally delivered by the Authority of *England* : He gave the People the Engliſh Laws, conſtituted Parliaments, and the Engliſh Form of Government,

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vernment, to this, by his own Confeſſion they freely ſubmitted, and doubtleſs they were convinc'd that 'twas for their Good: But no Hiſtory tells us, that he reſerv'd not the Direction of the State to *England*, and conſtant practice all along ſhews the contrary.

His plauſible Arguments for the Liberty and Right of all Mankind; that Conqueſts cann't bind Poſterity, *&c.* are wholly miſapply'd in this Caſe, and he abuſes Mr. *Lock*, or whoever was the Author of that Excellent Treatiſe of Government, in referring to that Book on this occaſion; for that Worthy Gentleman doth therein argue the Caſe of People whoſe juſt Rights are violated, their Laws ſubverted, and the Liberty and Property inherent to them by the Fundamental Laws of Nature, (which he very accurately deſcribes) is invaded and uſurp'd upon, and that when this is as Evident and apparent as the Sun that ſhines in a clear day, they may then take the beſt occaſion they can find to

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right themſelves. This is a Doctrine that all good Men may aſſent to, but this is in no wiſe the Caſe of *Ireland*; they did as he owns receive (and 'twas to their own Advantage) the Engliſh Laws, and ſwear Fealty to the King (that is, to the Government) of *England*, and did reciprocally receive from him the Priviledge of being admitted to be free Denizons of *England*, whereby they evidently gave up themſelves to be incorporated into, and become Members of the Engliſh Empire; and to this day they remain to enjoy the Liberties and Priviledges of Freemen of *England*; unleſs there happen to be ſuch as have forfeited the ſame acccording to the Municipal Laws of the Government; but he endeavours to evade the poſſibility of their Forfeiting, by ſuggeſting as if they were to be conſidered as a *Different, Conteſting Nation*: And therefore, *'Twould be unreaſonable to put the Municipal Laws of particular Kingdoms in Execution between Nation and Nation in the ſtate of Nature.* If a Nation that

p. 22.

p. 23.

once

once was distinct, consent to imbody itself into the Government of another that is more powerful, receive it's Laws, and submit to its Constitution without reserve, may they ever after be lookt upon as in the state of Nature, or shall they not rather be esteem'd as a Member of the greater Body, and be held to obey all such Ordinances as are calculated for the Good and Welfare of the Whole? If after this, without any Breach made upon them on the part of the Greater, they shall endeavour to withdraw themselves from the Subjection they have sworn to, and shall take up Arms, and commit Hostilities upon their Fellow-Subjects, may not this be called a Rebellion in a settled Common-Wealth? and have not the Municipal Laws of the whole Empire brought them under the Forfeiture of Life and Estate? doth the being separated at a small or greater distance by Sea, (as Islands must be) seperate them from continuing Members of the Common-Wealth to which they were once join'd? If

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theſe things are to be brought in Queſtion, the Engliſh of *England* and *Ireland* both, muſt have much to anſwer for to the Ancient *Iriſh*. Yet I am in no doubt but that the *Engliſh* have ſo fairly adminiſtred the Government, as that they can well juſtifie themſelves in all the Severities that they have been forc'd to exerciſe upon the *Iriſh*, as juſtly drawn upon themſelves by reaſon of their Rebellion: Have we not always own'd them to be Freemen of *England*, and allow'd them the ſame Privileges as Engliſh Men? have they not been permitted to exerciſe all Offices, Eccleſiaſtical, Military, or Civil, with the ſame Freedom as Engliſh Men? If ſince the Reformation, the *Roman Catholicks* have not been ſuffered to act in the Government, have not the *Roman Catholicks* of *England* been as much reſtrain'd? Nay, have not the *Iriſh* been much more indulg'd in the Exerciſe of their Religion by Connivance, than thoſe of *England*? Theſe Treatments towards them, have given no Occaſion to this

Author to trouble himſelf ſo much, in inquiring into the ſtate of Slavery, and the Terms that Juſt or Unjuſt Conquerors may or may not uſe, for 'tis not in the Caſe.

The Premiſes conſidered, methinks he ſhould grant us that ſome of the Diſturbances the *Iriſh* have given us, at leaſt the Maſſacres committed upon their Fellow Subjects, (of our own Blood) ſhould not be reckon'd as fair warring between Nation and Nation; but that they might very well be accounted as Rebellious; and then why may not our ſubduing them, give us the Title of Rightful Conquerors over them? and if upon ſuch delinquencies we had abridg'd their Poſterity in ſome of thoſe Privileges granted to their Anceſtors, upon their firſt coming in to us in *Henry* the Second's Time, we had done no more than what he owns Conquerors commonly do: And yet we have not put any ſuch hardſhip upon the Poſterity of thoſe People, for the fault of their Rebellious Fathers; I know not that any Iriſhman,

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quatenus an Iriſhman, is at this day deny'd any of the Privileges that an Engliſhman can challenge; if he be a Delinquent, or a Roman Catholick, he is us'd no worſe than all Engliſhmen that are in the ſame Circumſtances: If we have ſlain, executed, or baniſh'd the Perſons of thoſe that have been actually in Rebellion, and ſeiz'd their Eſtates as forfeited, this is no more than what he himſelf hath taken pains to prove may be done by the Laws of Nature, or the Municipal Laws of Kingdoms: Where's then any room for Complaint, or reaſon for his Elaborate Arguments, on a Subject that does not concern us?

The Author by ſaying ſo much that directly reflects upon what hath been acted by the Engliſh in *Ireland*, hath given me the Trouble to ſay thus much for the Vindication of them (and among the reſt, I ſuppoſe his own Anceſtors) in their Conduct towards the Iriſh, and to ſhew how well they have kept to the Original Capitulation on their part: But

I cannot end this Head without taking Notice of his Remark, that *Even*
p. 19. *a Juſt Conqueror gains nothing over thoſe that conquered with him, and fought on his ſide:* Why ſhould he trouble the World with Arguments, to eſtabliſh a Poſition that no Body ever deny'd. But if the Progeny of the Old Engliſh, that ſerv'd under *Henry* the Second in the Conqueſt of *Ireland*, have ſince joyn'd with the Native Iriſh in any Rebellion againſt their Mother Country, their Crime is greater than that of the Iriſh; and yet would he have us ſtill treat them as Conquerors of our ſide, when they are fighting againſt us? Certainly this muſt forfeit all the Regard that was owing to them for the good Services of their Anceſtors, and juſtly entitle them to the ſame Treatment that is due to other Rebels. Yet
p. 20. for all this, *If he or any Body elſe* (as he propoſes) *claims the like freedoms with the natural born Subjects of* England, *as being deſcended from them:* I know no body that will deny them to him, if (as I ſaid before) he be

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of Capacity, and qualified as the Law now requires: He may come here, and even be a Member of our Legiſlature, (if he can procure himſelf to be choſen) as many others of that Kingdom always are: And let him for ever hereafter remember, that we receive them, and treat them all as equal Members of the ſame Body with our ſelves; and if it be at any time requiſite for the good of the whole, that we ſhould Enact any thing binding upon *Ireland*, we do it not in reſpect of their Perſons, but in regard to that part of the Empire they live in; and if I my ſelf (or any other Engliſhman) ſhould think it for my Intereſt to become an Inhabitant there, I muſt be as ſubject to it as he is.

His *Fourth* Propoſition is, *If a Conqueror juſt or unjuſt, obtains an Abſolute, Arbitrary Dominion over the Conquered, ſo as to take from them all that they have, and to make them and their Poſterity Slaves; whether yet if he grants them Conceſſions, bounding the Exorbitancy of his Power, he be* p. 27.

not obliged ſtrictly to Obſerve thoſe Grants?

I have ſhewn before, that he had no reaſon to aggravate the Queſtion to ſuch Extremities in our Caſe, becauſe we have never pretended to exerciſe ſo Arbitrary a Power over the People of *Ireland.*

p. 28. He goes on then, *To ſhew by Precedents, Records and Hiſtory, What Conceſſions have been granted them; by what ſteps the Laws of* England *came to be introduced into* Ireland; *he would prove, that anciently the Parliament of* England *was not thought to have any Superiority over that of* Ireland: *And gives his Anſwers to what Objections are moved upon this Head.* But I believe we ſhall find this as little to the purpoſe as the former.

He might have ſpar'd his pains in taking up ſo many Pages to convince us againſt all Objections, that *Henry*
p. 29. the Second *did eſtabliſh the* Engliſh *Laws and Form of Government in* Ireland; *that he gave them a* Modus
p. 30. tenendi Parliamentum; *that an Ex-*
p. 32. *emplification of it made in* Henry the Fourth's

Fourth's *Time was extant*; Nay, that *They believe they have found the very Original Record of King* Henry the Second, and to give us ſo ample an Account through whoſe Hands it hath paſs'd; it may be really ſo, or may be not ſo, for all its *Venerable*, *Ancient Appearance*, we can conclude with no more Certainty than he leaves it, only we may believe from the Credit of the Arguments produced by *his Nephew*, Samuel Dopping's *Father*, *the Reverend and Learned Doctor* Dopping, *late Biſhop of* Meath, that this old *Modus* was found in the Treaſury of *Waterford*, by my Lord *Longford*'s Grandfather. My Reader may perhaps think me as impertinent in this Repetition, but I do it to ſhew that I have in this abbreviated about Nine of his pages, which offers no more of Argument to the Matter, than that *Henry* the Second *ſettled the Kingdom of* Ireland *under the very ſame Conſtitution of Government with* England; and this we ſhould as readily have granted as he could have propos'd; and 'tis ſufficiently to our

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p. 36.

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purpoſe that he hath abundantly
p. 37. prov'd; *That all Ranks and Orders of the* Iriſh *did unanimouſly agree to ſubmit themſelves to the Government of the King of* England; *That they did thankfully receive the Laws of* England, *and ſwear to be governed thereby*; and I know not what hath releas'd them from any part of that Obligation to this day, himſelf owning, that *There cann't be ſhewn a more*
p. 38. *fair Original Compact, than this between* Henry the Second *and the People of* Ireland, and we have deſired no more from them, than that they ſhould continue to be ſo governed.

p. 38. He tells us, *It is manifeſt, that there were no Laws impoſed on the People of* Ireland, *by any Authority of the Parliament of* England, *nor any introduced by* Henry the Second, *but by the Conſent and Allowance of the People of* Ireland, *and that both the Civil and Eccleſiaſtical State were ſettled there,* Regiæ Sublimitatis Authoritate; *not only this, but the manner of holding Parliaments alſo, to make Laws of their own, (which is the Foundation and*

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Bulwark of the Peoples Liberties and Properties) was directed and eſtabliſhed there by Henry the Second, *as if he were reſolved, that no other Perſon or Perſons ſhould be the Founders of the Government of* Ireland *but himſelf, and the Conſent of the People, who ſubmitted themſelves to him againſt all Perſons whatſoever.*

Was it fit for the King to have carried a Parliament about with him? or becauſe he had not a Parliament there, muſt it follow therefore, that their Authority could never have any concern in what was done? The King was now abroad with the Forces of the Kingdom, and 'tis not to be ſuppos'd, that his own Authority was not ſufficient to make Terms with the Enemy if they ſubmitted; we do not pretend that the Power of our King is limited at that rate, yet whatever Submiſſion is made to his Perſon on ſuch Occaſions, is doubtleſs virtually made as to the Supream Authority of the Kingdom, and that I believe every Body will allow to be in our Conſtitution, the King,

Lords

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Lords and Commons, in all whom the Legiſlature reſides, and not in either ſeparate from the reſt. The King may be ſaid to be veſted with the Power of the whole, in the Civil and Military Adminiſtration of the Government, and yet whatſoever is acted or acquired under his Authority as King of *England*, muſt doubtleſs be eſteemed to be for the Account of the Nation, and not in any Propriety peculiar to himſelf. To talk then, *As if the Parliament had nothing to do in this Tranſaction, and that King* Henry the Second *acted in it as if he were reſolv'd that no other Perſon or Perſons, ſhould be the Founders of the Government of* Ireland *but himſelf*, is Language not becoming an *Engliſhman*; and I wonder that this Author could have ſo little Senſe of what he was about, when he ſaid this; for in the very next Paragraph (but one) he gives us an Inſtance, which ſhews beyond all Contradiction, that King *Henry* himſelf had no ſuch Opinion of his own Seperate Authority.

And

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And now he comes to the Matter, and tells us, that *King* Henry *about the* 23d. *Year of his Reign, and five Years after his Return from* Ireland, *creates his Younger Son* John *King of* Ireland, *at a* Parliament *held at* Oxford; *and that by this Donation* Ireland *was most eminently set apart again, as a seperate and distinct Kingdom by it self from the Kingdom of* England, *and did so continue until the Kingdom of* England *descended and came unto King* John, *after the Death of his Brother* Richard the First, *which was about* 22 *years after his being made King of* Ireland; *during which time, and whilst his Father and Brother were successively reigning in* England, *he made divers Grants and Charters to his Subjects of* Ireland, *wherein he stiles himself* Dominus Hiberniæ, *and in some* Dominus Hiberniæ & Comes Meritoniæ; *by which Charters both the City of* Dublin, *and divers other Corporations, enjoy many Privileges and Franchises to this day.* p. 39. p. 40.

We know that divers of our Kings have at several Times granted out Parcels

Parcels of their Dominions to their Sons or Subjects, and endowed them with many Royal Privileges, yet always as Feudatories of the Empire, after the ſame manner, ſo much anciently practiſed in moſt Kingdoms of *Europe*; ſuch have been in *England*, the Principality of *Wales*, the Counties Palatine of *Cheſter*, *Lancaſter* and *Durham*, and what was much leſs conſiderable than theſe, the *Iſle of Man* was given with the Title of *King in Man*, (which was more than King *John* had) which continues in the Earls of *Darby* at this day. In like manner alſo have Proprietoryſhips been granted to the Settlers of Colonies in *America* in our time; and ſuch and no other was this Grant of King *Henry the Second* to his Son *John*; but what is very remarkable in this Caſe, is, that this Grant was made in Parliament. Did ever Man ſo expoſe himſelf in Print? what he hath been endeavouring to prove, is, that the *Iriſh* were never ſo conquered by *Henry the Second*, as to give the Parliament of *England* any Juriſdiction over them, and yet here

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here he tells us, that this ſame King *Henry* created his Son *John* King of *Ireland*, in a **Parliament** at *Oxford*; which to word it in the Stile of this time, is to ſay, that about the twenty third Year of *Henry* the 2*d*. an Act of Parliament was made at *Oxford*, by which *John*, the younger Son of the ſaid King, was Created King of *Ireland*. Is it poſſible to think upon a greater Inſtance, in which the Authority of a Parliament over a People can be exerted, than this of creating a King to rule them, and that without ever asking their Conſent? and is it not plain from this, that King *Henry* himſelf did never eſteem the Submiſſion of the *Iriſh* to have been made to him in reſpect of his Perſon, (according to this Author's New Doctrine) but in reſpect of the Kingdom which he govern'd? otherwiſe, why did he not make a King of *Ireland* by his own Authority, rather than thus eclipſe his Power and Right, (if he had it) by ſubmitting it to be done in Parliament? and I think if I

ſhould

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ſhould ſtop here, and give my ſelf no further trouble, to trace him through the reſt of his tedious, tho' ſhallow Arguments, all impartial People would be ſatisfied in theſe Four Points, That the ancient *Iriſh* did intirely ſubmit their Nation to become a Member of, and be united to the *Engliſh* Empire ; That the Parliamentary Authority of *England* hath ever obtain'd over all the parts of its Dominions ; That they have exercis'd this Authority over *Ireland* even from its firſt Union to this Kingdom ; and, That the *Iriſh* underſtood their Submiſſion in this ſenſe, and paid Obedience to this Act of an *Engliſh* Parliament without regret. But ſince I have undertaken it, I muſt go through with him.

This Creation however, as barely mention'd by him, is not Authority enough for Mr. *Molyneux* to con-
p. 40. clude poſitively, that, *By this Donation* Ireland *was moſt eminently ſet apart again,* (he ſeems then to grant that 'twas at firſt united) *as a ſeparate and diſtinct Kingdom by it ſelf from the*

the Kingdom of England. He produces no Record for this, nor any authentick Authority; what he offers like Proof for this perfect ſeparate Regality, is only the granting Charters whilſt his Father and Brother were reigning, but that's no more than what hath been commonly practic'd by other Feudatorys, and proves nothing of *John*'s having an abſolute independent Juriſdiction. But he attempts further, and tells us, *The very expreſs words of the* Iriſh *Statute*, 33 Hen. 8*th.* c. 1. *by which the Style of* Dominus *was chang'd to that of* Rex Hiberniæ, *are*, *And he* (meaning K. *John*) *being created King in the Parliament at* Oxford, *under the Stile and Title of Lord of* Ireland, *enjoy'd all manner of Kingly Juriſdiction, Preheminence and Authority Royal, belonging unto the Imperial State and Majeſty of a King.* p. 41.

Hitherto I have not diſputed any of the Authorities quoted by Mr. *Molyneux*, but here he muſt Pardon me, if I tell him, that if this will paſs for an Authority in *Ireland*, yet it

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it will not with us : 'Tis only an *Iriſh* Act of Parliament, made as late as *Henry* the 8*th*'s time, that preſumes that K. *John* did enjoy all manner of Kingly Juriſdiction, *&c.* without referring to any Record that was extant for proving that Aſſertion : So that this *Iriſh* Act of Parliament is at moſt but a Preſumptive Authority, and therefore he ought not to think that we can be ſo far impos'd upon, as without better Proof than ſo ſaying, to grant that King *Henry* the ſecond, and King *Richard* the firſt, diſclaim'd all Title to the Dominion and Regality of *Ireland*, as if the ſame had been abſolutely, without any reſervation, veſted in King *John* : Beſides, even this Act of Parliament does not uſe the words *Abſolute* and *Independent*.

But after all, though none of theſe Proofs will ſtand good on Mr. *Molyneux*'s ſide, I'le ſhew him, that this whole Buſineſs undeniably proves on t'other ſide, that King *John* could at beſt be made no more by this Donation than a Feudatory Kingly Lord,

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Lord, as I have ſaid before. Mr. *Molyneux* hath told us, that King *John* in his Charters could not uſe any higher ſtile than that of Lord of *Ireland*; can any Body believe, that a Prince *wholly and ſeperately veſted in a Dominion and Regality, abſolutely granted unto him without any Reſervation*, (as he ſays King *John* was) would content himſelf with any lower Title than that of King, unleſs he had been limited in it by a Superiour Authority? and was not that like to be this Act of Parliament? Can an Act of Parliament be ſaid to make a King abſolute and Indedendent, when at the ſame time it keeps a reſervation of the Title? Is not this an Evident Demonſtration, that they would not ſuffer him to be Independent, but that they laid that reſtraint upon him, to ſhew, that they would always retain in *England* the Supream Imperial Power over *Ireland*? How does Mr. *Molyneux* know what Homage, Rent, or other Reſervations were made? doubtleſs all the Records touching it are loſt, and I preſume,

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he has nothing ſtronger for this poſitive Aſſertion of his than the Old Hiſtorians, *Gir. Cambrenſis*, *Rog. Hoveden*, *Mat. Paris*, &c. and they don't make out this Abſolute Independent Title, without any manner of Reſervation: Is it Senſe, to think that a People ſhould conquer, or intirely ſubdue a Countrey to themſelves, plant a Colony there, and then but five years after give it clear away again, never to have any thing more to do with it? I would fain know what *Regalia* were granted to this abſolute King: The Kings in *Man* may wear a Leaden Crown, I'm afraid King *John* was ſtill but a Lord in that reſpect too, and that he had no Crown at all given him, elſe ſure Mr. *Molyneux*, if he could have found any, would have told us on't. But what's worſe than all this, is it poſſible for one and the ſame Man to be both an Independent King and a Subject, at one and the ſame time? It ſeems this Donation was not ſo abſolute, but that he was ſtill to continue a Subject (as indeed Feudatories

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ries muſt to the Sovereignty to which they belong) to Old *England*, and after all his abſolute Kingſhip, 'twas his Misfortune to be try'd by his Peers, (not as King of *Ireland*, but) as Earl of *Morton*, who found him guilty of High Treaſon, and accordingly he was condemn'd, but at the Interceſſion of the Queen their Mother, King *Richard* gave him his Life. I doubt this was enough to looſe his Independent Title to the Kingdom of *Ireland* for that time, unleſs Mr. *Molyneux* can find him out another Creation, which I believe could not be without another Act of Parliament; but there happen'd to be no need on't, for as he ſucceeded to the Crown of *England*, *Ireland* came in again well enough in our Senſe. Yet further to put this matter out of all doubt, 'tis a Maxim not to be diſputed, that the Authority which grants, muſt always remain Superiour to that which receives the Grant, and therefore the Feudal Law determines that Homage and Fealty is inſeparably annext to all

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ſuch Grants: And though Mr. *Molyneux* profeſſes himſelf very well Learn'd in *The Laws of Nature, and*
p. 117. *Reaſon, and Nations, and the Civil Laws of our Common-wealths*, yet it ſeems he is altogether unacquainted with this Feudal Law; and if he had been but as well read in the Practice of the World as to theſe things, he might have been convinc'd, that the many Feudatory Princes ſtill remaining in *Europe*, are not exempted from this Dependance: The Princes and Hans Towns of the Empire, if they are by length of Time grown up to a higher degree of Sovereignty, and do not ſo immediately depend upon the Emperour, who in his private Capacity was but Arch-Duke of *Auſtria*, &c. and but one of the Eight Electoral Princes, yet they are ſtill ſubject to the Supream Legiſlature of the Empire, and the Imperial *Avocatoria* reaches them: And thus we ſee, that how great ſoever that Juriſdiction was, which the King in Parliament granted to his Son *John*, he yet remain'd no more than a Subject

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ject of the Kingdom of *England*, and was treated accordingly, in his being Try'd and Condemn'd by the Laws thereof. Moreover it may be noted, that upon his acceſſion to the Imperial Crown of *England*, whatever Feudatory Royalty he had before, became now merg'd and extinguiſht in his own Perſon, which by reaſon of it's being Head and Supream, could not at the ſame time be capable of any Feudatory Subjection; ſo that there was an abſolute determination of the Former Grant, which could not again be reviv'd but by a New Donation upon another Perſon. I hope I have now ſo far remov'd this main Pillar of Mr. *Molyneux*'s Structure, that I may take the Liberty as often as I ſhall have Occaſion hereafter, to deny poſitively, that King *John* was ever made abſolute King of *Ireland*, without any Dependance on *England*.

Here Mr. *Molyneux* had brought his Argument up to a pitch, and concluded us under a perfect real Seperation, and thus he puts it up-

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p. 42. on us ; let us ſuppoſe, *That King* Richard *had left Iſſue, whoſe Progeny had governed* England, *and King* John's *Progeny had governed* Ireland, *where then had been the Subordination of* Ireland *to the Parliament, or even to the King of* England ? *Certainly no ſuch thing could have been then pretended.* But this is but a Suppoſition, and fit for none but People of his ſize ; who take up Matters by Appearances and Preſumptions, and aſſume the Confidence from thence to be poſitive in their Aſſertions, giving no allowance for the poſſibility of being miſtaken : But we need not ſuppoſe in this matter, but may be confident, that the Supream Authority over *Ireland* muſt always have continued in the Kingdom of *England*, as it does at this day, and he hath made nothing appear to the contrary. *De non apparentibus, & non exiſtentibus, eadem eſt ratio.*

Yet I cann't but remark how he enjoys himſelf in this Suppoſition, when he thought he had gain'd his

p. 42. Point ; *Where then had been the Subordination?*

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ordination? if any ſuch there be, it muſt ariſe from ſomething that followed after the deſcent of England *to King* John; *for by that deſcent* England *might as properly be ſubordinate to* Ireland *as the Converſe, becauſe* Ireland *had been veſted in King* John *twenty two Years before his acceſſion to the Crown of* England; *Yes, and 'twas the ancienter Kingdom too.*

Is it likely that King *John*, who had not before thought ſo well of his Kingdom of *Ireland* as to make it his reſidence, but choſe rather to remain where he was but a Subject, when he was now become a real King of *England*, ſhould be ſo far taken with the Fancy of the ancienteſt Kingdom, (if it were ſo) as to put the greater, and by many degrees the more powerful, more pleaſant, and more civiliz'd Kingdom, in ſubordination to the leſs, which was then of no Power or Conſideration in the World? and that he ſhould be better pleas'd with the Stile of Lord of *Ireland*, and King of *England*, than that of King of *England*, and Lord

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of *Ireland*? or is it likely, that *England* who in that very Age had ſubdued *Ireland*, and added it to its Empire, ſhould now be contented to ſubmit it ſelf, and become ſubordinate to *Ireland*, ſo as that the Adminiſtration of the Government there ſhould direct the grand Affairs of *England*? is not this perfect Jeſting and Fooling with Argument?

p. 43. But he tells us, *If perhaps it will be ſaid, that this Subordination of* Ireland *to* England, *proceeds from* Ireland's *being annext to, and as it were united with the imperial Crown of* England, *by ſeveral Acts of Parliament in both Kingdoms, ſince King* John's *time*: This is well acknowledged, for it makes out clearly, that *Ireland* is a Kingdom as firmly united to the Kingdom of *England*, as the Legiſlature of both Kingdoms could do it: If he would yet diſtinguiſh between the Imperial Crown (as his words are) and the Kingdom, I have ſhewn before how there cannot be any ſuch diſtinction in *England*. But though in the former Paſſage of *John*'s being created

created an Independent King by Act of Parliament, he ſhews himſelf to be quite overſeen and blinded, by his depending ſo much upon it through the reſt of his Argument; yet he perceives plainly, that a fair Inquiry into this Annexing, will not turn to account for him, and therefore although he is not wanting to be very particular and exact in his Numerous Quotations of other Authorities, yet here he is cautious of imparting any further Light into this matter, than juſt to tell us, there are ſeveral ſuch Acts of Parliament both in *England* and *Ireland*: Surely theſe *Engliſh* Acts might be ſaid to be binding upon *Ireland*, and therefore too they muſt be conceal'd, and we ſhan't have one Word of them anon, when he pretends to reckon up all thoſe Statutes that the Engliſh Parliaments have made to affect *Ireland*: And I cann't find that he meddles with it any more, tho' he ſays, that *He ſhall enquire more fully hereafter how this operates*: But for the preſent he only tells us, *That he conceives little more* p. 44.

is

is effected by these Statutes, than that Ireland *shall not be alien'd or seperated from the King of* England, *who cann't hereby dispose of it otherwise than in Legal Succession along with* England; *and that whoever is King of* England, *is* ipso Facto *King of* Ireland, *and the Subjects of* Ireland *are oblig'd to obey*, &c. Doth not this strongly assert the Parliamentary Authority? If he had said, that it should not be alienated or separated from the Kingdom, he had spoken English, and set the matter right; but if he will insist upon so fine a Conceit, as to divide between the Political Capacity of the King, and the Kingdom, if it be not bad English, is however Language that cann't be understood in *England.*

p. 44. Now he tells us of King *John's going again into* Ireland, *about the Twelfth year of his Reign of* England, *where above Twenty little* Irish *Kings did again do Homage and Fealty to him, and he constituted the* English *Laws and Customs among them, placing Sheriffs and other Ministers, for the Administration of Justice*

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ſtice to the People, according to the Engliſh *Laws.* This is a further Proof of the intire Reſignation and Submiſſion of the *Iriſh* to the Government of *England.* He goes on, *King* Henry *the Third, his* (King *John*'s) *Son, in the firſt year of his Reign, granted to* Ireland *one or two* Magna Charta's, (but he owns that 'twas) *by the Advice of his* Engliſh *Privy Council.* Let it again be Obſerv'd, that this King did not tranſact this Matter by any ſeperate Authority, but did it in his Privy Council, which is exactly according to our Conſtitution, and that being the ſame Method in which all the Adminiſtration of the Government of the Kingdom of *England* was directed, it ſhews that thoſe Kings govern'd *Ireland* in no other Manner than as a Member of the *Engliſh* Empire. p. 45. p. 46.

We agree with him, that all the Rights and Liberties of *Engliſh-men* were granted to the People of *Ireland*, that they had the Privilege of holding Parliaments, and in ſhort, that they had a Compleat Juriſdiction and

and Form of Government ſettled and allow'd to be exercis'd among them, as far as was requiſite for the well-governing and regulating the particular Management of the affairs of ſo conſiderable a People, that were now become a Member of the Engliſh Empire, and were ſeperated by Sea from the Seat of the Supream Government: Yet all this muſt be underſtood to be no otherwiſe than in Subordination to the Supream Authority of *England*, which is Evident, not only from the Reaſon of the thing, but alſo from the Practice that hath always been Obſerv'd. Can it conſiſt with Reaſon to believe, that any powerful Government ſhould ſubdue another Nation much inferiour to them in ſtrength, place a Colony of their own people among them, make them Denizons and endow them in all the Privileges of their own Subjects, and yet becauſe they gave them their Laws, and conſtituted the very ſame Manner of Government among them as was exercis'd by themſelves, that therefore they

they could not be in any Subordination to the Kingdom that thus far ſubdu'd and ſettled them, but muſt ever after be eſteem'd as a People fixt upon a diſtinct Foundation, and as much ſeperated from them as they were in the ſtate of Nature? Sure this is too abſurd to be inſiſted on. But the conſtant practice which hath been us'd in the Adminiſtration of that Government, from the firſt times of their becoming a Member of our Empire, ſhews that the Kings of *England* did never treat them as a Propriety of their own, and diſtinct from the Juriſdiction of this Kingdom; were not theſe *Magna Charta's* (as his own Authorities prove) given with the Advice of the Privy Council of *England*? and have they not always had Governours ſent them from hence, whether under the Title of Lords Lieutenants, Deputies, Juſtices, Preſidents or otherwiſe, and that not by the King alone, but nominated in the Privy-Conncil? and have not theſe Governours been accountable to our Parliaments for any Male-adminiſtration

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miniſtration there. All the prime Motions and Supream Managements of their Government, are likewiſe conſulted and directed by the King in his Privy-Council here, ſuch as the Calling, Proroguing, or Diſſolving of their Parliaments, and the Approving all their Acts, the Sending over and Eſtabliſhing what Engliſh Forces ſhall be kept there, the Appointing all Officers Military and Civil, *&c.* Is this like a Separate Kingdom, an Independent Government, or a Neighbour Nation as free as in the State of Nature? Can any Man be ſo ignorant as to maintain, that the Privy-Council of *England* may have Authority, where the Supream Legiſlature, the Parliament, hath none? Doth this leave room to ſay, that *Eng-*

p. 55. *land* and *Ireland, though govern'd under one and the ſame Supream Head, yet are as ſeperate and diſtinct in their juriſdictions, as are the Kingdom of* England *and* Scotland *at this day?* The Privy-Council of *England* never intermeddle in the Buſineſs of *Scotland*, the King tranſacts the affairs of that Kingdom through

through the Hands of the *Scotch* Secretaries, who always attend him in *England*; the Royal Family of the *Stuarts* were their Lawful Kings, and when our King *James* the Firſt ſucceeded as Right Heir to the Kingdom of *England*, although he remov'd his Reſidence hither, becauſe this was the much more Conſiderable Kingdom, yet no alteration could thereby be made upon their Juriſdiction, but the Conſtitution of their Government remain'd as entire within themſelves as before; but this Author himſelf hath ſufficiently made out, that the Acceſſion of *Ireland* to *England* was in ſuch a manner, as totally aboliſh'd their former Conſtitution, (if they had any) and ſubjected them to become a Member of the Engliſh Monarchy.

I think I have ſaid enough of theſe Matters already, to ſet them in a truer Light than this Gentleman hath repreſented them, and ſhall not give my ſelf the Trouble to Remark divers other Paſſages which reſult from the ſame Erroneous Way of Arguing,

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ing, nor to meddle with his long Hiſtory of what Engliſh Laws, and in what manner they were introduc'd into *Ireland*, more than to argue ſome few Points with him.

p. 56. He ſays, *If we now enquire what were thoſe Laws of* England *that became thus eſtabliſht in* Ireland? *Surely we muſt firſt reckon the great Law of Parliaments*, &c. Is it not the higheſt Sanction of the Parliamentary Authority, that all the Subjects of the Empire muſt obey its Supream Decrees? In receiving then this great Law of Parliaments, were not the People of *Ireland* for ever obliged as well as to all its former Statutes, ſo alſo to whatever it ſhould for the future enact, concerning the whole Empire in which they now became comprehended? But Mr. *Molyneux means that Law whereby all Laws receive their Sanction, The free Debates and Conſent of the People, by themſelves, or by their choſen Repreſentatives.* His drift in this is to perſwade us, that becauſe it was granted to *Ireland* to hold a Parliament within themſelves, by their

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their own Repreſentatives, that therefore they ought not to be in any Subjection to the Parliament of *England*, wherein they have no Repreſentatives; and 'tis upon this Point that he mightily values himſelf in much of his after Diſcourſe, yet he cann't tye this Knot ſo faſt, but that it may well enough be undone: This Parliament of theirs could not be granted them further than for the managing their own Affairs among themſelves; but the Supream Legiſlature of the whole Body muſt be permanent and fixt in its Head, according to the firſt Conſtitution, and cannot be divided or granted away to any Member or Members of the Body: Can any thing grant away it ſelf? A Father may grant his Son a great deal of Liberty, but he can never make any grant to diveſt himſelf of his paternal Relation. But Mr. *Molyneux* can have no Notion of Liberty, if a Man may be bound by Laws whereto he hath not given his Conſent, by either himſelf or his Choſen Repreſentative: A little Diſtinction now will make us agree this Matter; 'Tis yet no Oppreſſion upon him, if

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he neglects to conſtitute a Repreſentative, when the Privilege of doing it is not taken away from him: If a Man go abroad, and ſtay many years out of his own Countrey, ſhall he not be bound by the Laws made by the Community in his abſence, becauſe he gave no Aſſent, neither in his Perſon nor by his Repreſentative? In like manner if a Colony be ſettled abroad, ſhall not the Legiſlature of their Mother Countrey bind them, if they think fit to Enact concerning them, becauſe they had no Repreſentatives in it? Yes, very reaſonably, for that they are ſtill Fellow-Subjects of the Community, and if they are permitted to live abroad for their Convenience, the main Body of this their Mother Country muſt not be hindred from acting what they ſhall find neceſſary for the Common Good, becauſe of their abſence, even although it ſhould reſpect themſelves; and this without depriving them of any their Juſt Rights, becauſe their Liberty and Privilege ſtill remain'd to them of chooſing their Repreſentatives

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tatives to the Supream Legiſlature, and they might have exercis'd it if they had ſtay'd at home, and may again, whenever they'll pleaſe to come in place. They have indeed an Authority delegated to them from the Head, to Enact ſuch Laws in their Settlement, as may be requiſite for the Circumſtance of that place, but no ſuch Privilege can ever be extended to reſcind and abrogate their Allegiance and Subjection to the Head of the Empire: But I ſhall come to Enlarge further upon this by and by. And now to go on with Mr. *Molyneux*:

He ſpeaks of two Acts made by the Parliament of *Ireland*, viz. 10*th*. *Hen*. 4. and 29*th*. *Hen*. 6. wherein it was Enacted, *That the Statutes made in* England *ſhould not be of force in that Kingdom, unleſs they were allow'd and publiſhed there by Parliament*. It is not impoſſible, but that in thoſe days there might be ſome People there who were of this Gentleman's ſtamp, for aſſuming as much power as they could, right or wrong, if they p. 64.

could but colour it under the ſpecious pretence of their Ancient Rights and Privileges; and they might think the Reigns of thoſe two Princes a Favourable Conjuncture for ſuch an Attempt. The firſt of them got the Crown of *England* by his Sword, and manag'd things as ſmoothly and eaſily as poſſible, and perhaps never thought himſelf ſo ſecure as to exert the utmoſt Authority of his Government, on every Occaſion that might offer. *Henry* the *Sixth* was a weak Prince, govern'd and manag'd at different times by the two Factions of *York* and *Lancaſter*, from whence ariſe Civil Wars, and his own Depoſing: A better time could never happen, than during the Troubleſome Reign of this King to attempt ſuch Innovations. But what if the Parliament of *Ireland* did enact a Law, derrogating from the Authority of the Parliament of *England*, could this abate any thing of that Right which *England* had before? But 'tis plain, that if they did any ſuch thing, they did but think that Engliſh Acts of Parliament

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liament could not in any caſe bind *Ireland*; for 'tis certain, both from the Reaſon of the thing, and former Practice, that in ſome Caſes they might and did, and even in the Second Year of this King *Henry* the *Sixth*, (as he quotes it) the Staple Act, expreſly naming *Ireland*, was made; ſurely the Parliament of *England* muſt conſiſt of much more Conſiderable Men than the Parliament of *Ireland* in thoſe days could, and they were moſt likely to know beſt what they had to do: And it ſeems as if the People of *Ireland* themſelves had no Opinion of the Validity of theſe invalidating Acts, in Mr. *Molyneux*'s Senſe, becauſe they did not plead them in Bar of the Staple Act, in the Caſe of the Merchants of *Waterford*, which he gives us hereafter. There is yet much more reaſon to believe, that theſe Statutes were made on the very Occaſion which he hints, to remove Scruples, or ſatisfie the Judges in relation to ſome Laws for the adminiſtration of Juſtice that were extant in *England*, and they

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might have ſome doubt, whether they ought not alſo to obtain there, ſince the generality of the Engliſh Statutes were reciev'd in *Ireland*, and therefore the Parliament of *Ireland* for the clearing any ſuch difficulty for the future, might poſſibly declare that ſuch Statutes were not of force there, 'till they had been eſtabliſht by them. And I may eaſily grant him, that the End and Intent of the Inſtitution of a Parliament in *Ireland* was, that as they were ſeparated from *England* by the Sea, they ſhould have Authority to make and adapt Laws among themſelves, ſuitable to their own Circumſtances, and fit for the well-ordering of the Affairs of that Kingdom; and therefore the Parliament of *England* did not think fit to impoſe upon them ſuch Laws as were from time to time enacted, ſuitable to the Occaſions of the Realm of *England*, but left the People of *Ireland* at Liberty to chooſe or refuſe ſuch as they thought fit; and from this Reaſon it muſt be, that ſo many of the Engliſh Statutes as he inſtances, have been introduc'd into *Ireland*, by

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passing them into Laws in their own Parliament. The generous English Constitution doth not impose any Laws of this Nature, or for raising Taxes upon any of the Subjects of their Dominions, without their own Consent by their Representatives; this is **The Great Charter of English-men.** And because 'twas thought that the People of *Ireland* could not conveniently send Representatives to the Parliament in *England*, they were therefore authorized to hold Parliaments among themselves for the transacting such Affairs; we allow it to all our Colonies in *America*; and even *Wales*, after their submitting to the Government of *England*, was not Taxt, 'till they were admitted to send their Representatives to Parliament. This I speak of such Laws which regard the administration of Commutative Justice, regulating their own particular Affairs, or raising Taxes. But there is yet a higher kind of Law inherent in the Constitution, whether it may be call'd the Law of Parliaments, or the Common-Law, I

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leave it to Men of more Judgment in theſe Matters than my ſelf to define it, but I mean that which comprehends the Subjects of the whole Empire, and muſt be of Authority to ordain certain Regulations which ſhall be binding upon the Whole in extraordinary Caſes, where the well-being of the Univerſality is concern'd: *England* muſt be allow'd to be the Head of this Empire, from whence all its Members do derive their Being, and muſt depend for their Support and Protection, the Riches which ſhe attracts from the Benefit of her Forreign Trade, is the only means ſhe hath to ſupport her Power, and maintain ſuch Fleets and Armies as are requiſite for the Defence of all her Territories, ſhe muſt therefore proſecute all juſtifyable Methods for the preſerving her Commerce, and hath the utmoſt reaſon to reſtrain her Members from any prejudicial interfering with her in her Trade, becauſe this hath a direct Tendency to weaken her Power, and render her incapable of ſupporting the great Charge

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of her Government: For this end then, or the like Extraordinary Occaſions, thoſe Laws have been made by which the diſtant Dominions are bound, and ſuch have been the Acts of Navigation, the Acts for hindering the Tranſportation of Wools from *Ireland* to Forreign Parts, *&c.* And though theſe Statutes are enacted when the Occaſion requires, yet they are not ſo much to be lookt upon as New Laws, (to uſe his own Expreſſion) as it were declaratory of the Supream Authority, virtually inherent in, and inſeparably united to the Imperial Conſtitution; and which hath been always exercis'd by this Kingdom, and all other Governments that have had Colonies or Territories lying at a diſtance from them. 'Tis only the Exerciſe of this Supream Salutary Authority that the Parliament of *England* pretend to, and not to break in upon the Juſt Conſtitution ſo anciently granted, and ever ſince continued to the People of *Ireland*, of Enacting all ſuch Laws by their Repreſentatives

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in their own Parliaments, as they think fit to be governed by, or may be conducive to the well ordering the Affairs of their own Countrey; and therefore this Gentleman hath no Reaſon to Tax us ſo often as he does, with any Attempts upon their Rights and Properties, breaking in upon their old Settled Conſtitution, and rendring them the moſt unfortunate of all his Majeſties Subjects, by weakning their Rights to a greater degree than ever was done before. If *Poyning*'s Law be ſome Check to them, 'twas made in favour of the *Engliſh* Intereſt in *Ireland*, and Mr. *Molyneux* finds no fault with it, but that ſtill leaves them at Liberty to conſent or diſſent to ſuch Laws as the King in his *Engliſh* Privy-Council may propoſe to them. The Rights that were granted them, were large enough to ſecure them in the full Enjoyment of their Liberty and Property, in the ſame Manner as if they had liv'd in *England*; theſe we have preſerv'd to them inviolated, in as large a manner as ever they were granted;

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granted ; let him ſhew any Law from *England*, that hath ever innovated upon their Judicatories, their Perſons, or their Eſtates ; his Exclamations can no way be applicable to us, unleſs it ſhall appear that we have wronged them in ſuch Rights as thoſe : But this Supream Imperial Authority was never granted to them, nor can reſide any where as long as the Monarchy laſts, but in the King, Houſe of Lords, and Houſe of *Commons* in *England* ; the abſolute Separation he pretends to in the Perſom of King *John*, proves a Miſtake, ſo that his many peremptory Concluſions drawn from thence muſt fall, as having no Foundation. The Progeny of *Engliſhmen* wherevcr they live, (and are acknowledg'd to be ſuch) cannot be exempted from owing Allegiance to this Supream Juriſdiction ; 'tis known, that it hath Power to Command its Subjects out of the Territories of any other Prince, upon the higheſt Penalties, yea and to deſert its Colonies, and call home the People, if Extremity ſhall ſo require : He that ſhall deny it theſe

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Powers, denies the very Eſſence of a Supream Government; and how hard ſoever this Doctrine may ſeem to People that have liv'd out of *England*, and have never conſidered theſe Notions, yet the Reaſon of the thing muſt obtain upon every impartial Man, and convince him, that other Principles than theſe, would have a Tendency to ſcatter and break to pieces all Humane Societies, and bring People back again into the State of Nature. Men cannot therefore ſhake off the Duty and Obedience they owe to the Community, and ſay, that an unbounded Liberty is the Right of all Mankind, becauſe this Liberty was given from them when they were in the Loyns of their Anceſtors, who conſented to the Terms of the Conſtitution, when they firſt entred into Societies, and which muſt continue as long as that Society ſhall have a Being. 'Tis plain then, that all juſt Liberty muſt be bounded by the Laws and Agreements of the Community, and no Man ought to challenge to himſelf more Liberty than

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than that allows him. To apply this then to our Argument: The People of *England* may not go out of the Kingdom, and ſettle themſelves in any other Country, in manner of a Colony, without leave firſt obtain'd of the King, (as Head of the Kingdom) neither may they enter into a New Society, and erect a New Form of Government different from that of their own Country, in any ſuch Settlement, but they muſt have Directions and Authority from the King, by his Charters, Letters Patents or Commiſſion, whereby he grants them the Exerciſe of the Laws of *England*, and the Power of calling together their own Repreſentatives, to Enact ſuch further Laws (not repugnant to the Laws of *England*) as ſhall be requiſite for the good Government of their Affairs, in relation to which they are left to their own Liberty and Free-choice, and not interrupted by the Government of *England*: If after all this, the King in Parliament ſhall find theſe People or their Poſterity, attempting

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ing any thing in this Settlement, which if it be not ſtopt, muſt prove very prejudicial and deſtructive to *England*: Will any Man pretend to argue, that the Kingdom which permitted, aſſiſted, and protected theſe People in their Settlement, hath no Authority left in her ſelf, to reſtrain them in matters that tend to her own Hurt and Damage? And yet ſuch Reſtraint is not to be accounted an Invading the Rights and Liberties of Engliſhmen; 'tis only a limitting them from acting or doing ſomething in the Place where they are, that however profitable it might be to themſelves, would yet be very damnifying to the greater Body of the Community, of which they are a Member; neither is this Reſtraint any more than in regard to the place, their Perſons are ſtill free, and they may if they pleaſe, return to their own Mother Country, and practice the ſame thing there, with as much Freedom as any other of their Fellow Subjects. If the Reader ſhould think I have been too tedious upon this Point, I hope he'll

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he'll consider, that if many Words be necessary at any time, 'tis then when we are to perswade People out of that wherein they believe their own Interest and Profit greatly consists.

I think the Report of the Case of the Merchants of *Waterford* is an Authority which very much confirms what I have said; but because he lays much stress upon it, not only here, but in another place, when he treats upon the Lord Chief Justice *Cook*'s Opinion, I will transcribe the *Latin* Record at large as he gives it: *Dicebant quod terr.* Hibern. *inter se habent Parliament. et omnimodo cur. Prout in* Angl. *et per idem Parliamentum faciunt Leges & mutant Leges & non obligantur per statuta in* Anglia, *quia non hic habent Milites Parliamenti, sed hoc intelligitur de terris & rebus in terris illis tantum efficiendo*; (I believe it should be *efficiendis*) *sed personæ eorum sunt Subject. Regis, et tanquam Subjecti erunt obligati ad aliquam rem extra terram illam faciend. contra Statut. sicut habitantes in* Calesia, Gascoignie, Guien, *&c. dum fuere Sub-*

p. 90.

p. 91.

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Subjecti; *et Obedientes erunt ſub Admiral.* Angl. *de re fact. ſuper Altum Mare*; *& ſimilit. brev. de Errore de Judicio reddit. in* Hibern. *in Banco Reg. hic in* Angl.

I ſhall now take the Liberty to vary ſomewhat from the Verbal Tranſlation, and render it in that ſenſe that I think this Opinion of the Judges of the Court of *Exchequer* may be taken: *They ſay that the Land of* Ireland *hath a Parliament within it ſelf, and Courts* (of Judicature) *every way like to thoſe in* England; *and that they make and Change Laws by* (the Authority of) *this* (their) *Parliament, and* (therefore) *the Statutes* (which are made to bind) *in* England, *do not bind them, becauſe they have no Repreſentatives here,* (in the Parliament of *England.*) *But 'tis always to be underſtood, that this* (the Laws made in the Parliament of *Ireland*) *muſt only have relation to that Country, and to ſuch Matters as are tranſacted* (among themſelves) *therein: But they* (the People of *Ireland*) *are in their Perſons Subjects of the*

King

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King, (and Kingdom of *England*) *and as Subjects, they ſhall be oblig'd not to do any thing out of that Country, againſt Statutes*, (made in *England* to prohibit them) *like as the Inhabitants of* Calais, Gaſcony, Guien, *&c. while they were Subjects; and they ſhall be obedient to the Admiral of* England *in all things done upon the High Sea: In like manner alſo a Writ of Error upon Judgment given in* Ireland, *lyes from the Court of King's Bench in* England. I Confeſs this Opinion is oddly worded, but I ſhall make no further Comment upon it here, having Occaſion to ſpeak at large to it in another place, where it will appear, whether the Senſe which I have put upon it, may not be more agreeable both to the paſſage it ſelf, and to the Opinion which we ſhall afterwards find the Lord Chief Juſtice *Cook* gave of it, than to that turn which Mr. *Molyneux* hath given it. But he Notes upon it, that upon a ſecond Conſideration of this Caſe before the Judges in the *Exchequer-Chamber*, the 1*ſt*. *Hen.* 7. *Huſſey* the Chief Juſtice gave

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p. 92. his Opinion, *That the Statutes made in* England *ſhall bind thoſe of* Ireland; *which was not much gain-ſaid by the other Judges; notwithſtanding that ſome of them were of another Opinion the laſt Term.* And he is offended at this Opinion, and ſuggeſts as if 'twas *the Preſence of the Chief Juſtice that influenc'd thoſe other Judges, which had not been of the ſame mind:* He Notes alſo, *That* Brook *in his Abridging this Caſe, makes a Note upon it, intimating thereby, that* Huſſey's *Opinion was not reaſonable.* Yet this is no more than Mr. *Molyneux*'s Conſtruction of this Intimation; but if he had any ſuch Scruple, is it a ſtrange thing for Lawyers not to jump in their Opinions in ſome Caſes? yet it ſeems thoſe that were preſent with *Huſſey*, and heard the Arguments, were ſo far convinc'd as to become of his Mind, without ſaying much againſt it: But I cann't believe that Judges were ſo eaſily to be influenc'd, contrary to their Judgments, by a Lord Chief Juſtice then, more than now, when we have ſeen Two of them

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them perſiſt in an Opinion, againſt the other Ten. He Comments alſo upon the firſt Opinion in this Caſe, and ſays, that thoſe Judges were not ſo concluding upon them as *Huſſey*, *And they did almoſt ſeem to extend the Juriſdiction of the* Engliſh *Parliament over the Subjects of* Ireland, *only in relation to their Actions beyond Seas:* p. 93. Even this is handle enough for us to lay hold on, for the doing whatever we ſhall think requiſite for the preſerving of our Commerce. But he ſays, *This will appear unreaſonable, becauſe by the ſame Argument* Scotland *may be bound by* Engliſh *Laws, in relation to their Forreign Trade, as they are the King's Subjects.* The *Scots* are Subjects of the King, only as he is King of *Scotland*, and we have no pretence to meddle in their Government; but *Ireland* is upon another Foot, 'tis not an Independent Kingdom; though it hath a Parliament, it is not compleat in its own Juriſdiction, but is ſubordinate to *England*, and they can tranſact nothing of weight in their Adminiſtration, without Orders and

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Directions from the Government of *England*, all this I think is clearly made out already. But he makes all the advantage poſſible of the words, *Perſonæ eorum ſunt ſubjecti Regis*, &c. and tells us, *If being the King of* England's *Subjects be a Reaſon why we ought to ſubmit to Laws, (in relation to our Trade abroad) which have not receiv'd*
P. 94. *our Aſſent, the People of* England *will conſider, whether they alſo are not the Kings Subjects, and may therefore (by this way of Reaſoning) be bound by Laws which the King may aſſign them, without their Aſſent, in relation to their Actions abroad, or Forreign Trade; Or whether they had not been ſubjected to the King of* France, *if our Kings had continued in the poſſeſſion of that Country, and then if* France *had been the ſtrongeſt, it might ſeem that the Subjects of* England *might have been bound by Laws made at* Paris, *&c.* What a parcel of Argument is here? I repeat ſo much on't only to expoſe it. 'Tis evident, that the Judges in their Opinion, by the Words *Subjecti Regis*, mean the ſame thing, as if they had ſaid

ſaid Subjects of the Kingdom of *England*; for they ſay afterwards, that while they are Subjects, they ſhall be under the Admiral of *England*, &c. If they had ſaid the King's Admiral, could we have thought of any other than the Admiral of the Kingdom? Having Noted this Diſtinction, I will ſay no more to the reſt.

He tells us, that *In the Reigns of* Edward *the* Firſt, *and* Edward *the* Third, *Knights, Citizens and Burgeſſes, were choſen in* Ireland, *to ſerve in Parliament in* England, *and that they have ſo ſerved.* What? and could *Ireland* be then a diſtinct and ſeparate Kingdom? Surely our Anceſtors would ſcarcely then have admitted them to ſit together with themſelves in their Grand Senate. I hope after this, what I have before alledg'd of *Ireland*'s having been always in the Condition of a Member of the *Engliſh* Empire, ever ſince its firſt acceſſion, will never more be doubted: They have been, when the Circumſtance of Time hath made it convenient, admitted to ſend Repreſentatives to the *Engliſh* Parliament, p. 96.

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ment, and may again, if our Parliament think fit.

p. 100. He admits of the *Acts made in the* 17th. *of King* Charles *the First, for encouraging Adventurers to raise Money for the suppression of the Rebellion there, to be binding in* Ireland, *but then they were made for their* Good; *and afterwards when the Acts of Settlements were made by the* Irish *Parliaments, these* English *Acts were made of no force, which shews that they have a power of repealing such Acts made in* England. From hence 'tis apparent, that our Parliament have not been ready to exercise this Authority, but when the Welfare of the Whole Body requir'd it, and that they were then contented to take no Notice of such Alterations made by them, which might be needful and of use to them, and he hath reason to acknowledge their Tenderness to them in this respect: But I believe these *English* Acts were not repeal'd, and therefore this Instance will not maintain the Assertion which he raises from it; *That the Parliament of* Ireland *may repeal an Act pass'd*

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paſs'd in England, *in relation to the Affairs of* Ireland.

The Acts of King *Charles* 2*d.* Reign, p. 103.
Againſt planting Tobacco in Ireland, *for encouraging Shipping and Navigation,*
and for prohibiting the Exportation of p. 104.
Wool from Ireland *to any Country ex-*
cept England, He acknowledges, *Do* p. 104.
name and bind them too, ſo as they do not tranſgreſs them, and he hath nothing to urge to take off their Efficacy; but how rightfully this can be done, is the Queſtion. I anſwer, by that Right which, as I have ſhewn before, muſt be inherent in the Supream Legiſlature of the *Engliſh* Empire, for conſerving the Well-being of its Body.
The Acts of his preſent Majeſties
Reign, he acknowledges *To be ſuch* p. 106.
as the Neceſſity of the Time requir'd, and to be made in their Favour; but
that theſe ſhould be argued as a Pre-
cedent of their Submiſſion, and abſolute p. 110.
Acquieſcence in the Juriſdiction of the Parliaments of England *over that King-*
dom, is what they complain of as an In-
vaſion of their Legiſlative Right. We have Reaſon and Precedents enough

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to vindicate the Juſt Authority of the Engliſh Parliaments in theſe matters, and they are not under any neceſſity of dating this Power as commencing from the firſt of theſe Acts, not over thirty ſeven years paſt; ſo that he need not be concern'd to think, that they can make any ill uſe of theſe Precedents: But whatever this Gentleman's Principles may be, his following Expreſſions ſeem very arrogant, from a Perſon who at firſt pretended to ſo much Submiſſion; but I hope the Body of the Proteſtants of *Ireland* underſtand their Duty, and their own Intereſt better,

p. 112. than to *Offer at throwing off the Authority that the Kingdom of* England *hath for ſo many Ages had over them*; and I doubt not but they will believe, *The hazard of doing it would be much greater, than any inconvenience* they have ever found in *England*'s way of Protecting them.

p. 115. We are now come to his Fifth Article, *viz. The Opinion of the Learned in the Laws, relating to this Matter*: And he begins with the Lord Chief

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Chief Juſtice *Cook*, for whoſe Name he beſpeaks a great deal of Reſpect, although he treats him but ſomewhat roughly; but this ſeems to be the Gentleman's particular Talent.

He ſays, the Lord Chief Juſtice *Cook* quotes many Authorities to prove that *Ireland is a Dominion divided and ſeparated from* England, and in particular the fore-mentioned Caſe of the Merchants of *Waterford*, but he finds fault with him for citing it unfaithfully and brokenly. The Chief Juſtice doth indeed abridge it, (and it ſeems by the alteration of the Words as if he had cited it by Head, not tranſcrib'd it out of the Book) which is a thing not unuſual, nor to be eſteem'd a fault in ſuch Authors, if they give the paſſage its due weight, and that I think he does, as to the matter for which he quotes it; but what he eſpecially blames, is, that the Chief Juſtice upon the Words of the Report, *That the Statutes of* England *don't bind them*, (Ireland) *adds in a Parentheſis*, (*which is to be underſtood, unleſs they be ſpecially named*) and that p. 116.

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p. 117. that *Herein he concludes magiſterially, ſo it muſt be, this is my definitive Sentence, without giving any other Reaſon.*

It is not unuſual for Men of this Judges Authority, when they Note their Opinion tranſiently, not to dilate upon it; if that be not the Point they are directly handling, yet Mr.

p. 117. *Molyneux* confeſſes, that *In another place he gives this Aſſertion a Colour of Reaſon, by ſaying, That tho'* Ireland *be a diſtinct Dominion from* England, *yet the Title thereof being by Conqueſt, the ſame by Judgment of Law, might by expreſs Words be bound by the Parliament of* England. But this doth but make the Matter worſe with him: *He hath before enquired how far Conqueſt gives a Title: But he would fain know what Lord* Cook *means by* **Judgment of Law**; *whether the Law of Nature, and Reaſon, or Nations; or the Civil Laws of our Common-wealths, in none of which ſenſes, he conceives, will he or any man be ever able to make out his Poſition.* And now he gallops away with this, that there's no ſtopping

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ping him for two or three pages, beſpattering the Chief Juſtice all the way; and though there is a great deal of his ſort of Reaſoning in it, yet I think it not worth the Readers Trouble to repeat more of it, than *That he conceives my Lord Chief Juſtice* Cook *to have applyed himſelf ſo wholly to the Study of the Common Laws of* England, *that he did not much enquire into the Laws of Nature and Nations, elſe ſure he could not have been guilty of ſo Erroneous a Slip.* Nay, *This Aſſertion of his is directly contrary to the whole Tenour of the Caſe he cites, for that very Act of Parliament on which the Judges debated, and which they deemed not to be of force in* Ireland, *does particularly name* Ireland, *ſo that here again Lord* Cook's *Error appears moſt plainly.* p. 119. p. 120.

Well, if he'll be but a little Cool, we may deal well enough with him in this Matter too, wherein he thinks he hath ſo much advantage: But now after all Mr. *Molyneux*'s Inquiries, he hath not ſaid enough to Convince me, that the Lord Chief Juſtice *Cook* is in the wrong,

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wrong, to believe that *England* hath a Title to *Ireland* by Conqueſt: Nay, I do believe further of the Chief Juſtice's ſide, that that Conqueſt hath given her ſo juſt a Title to all that Supream Authority which ſhe pretends to hold over *Ireland*, as that by Judgment (or in Reaſon) of Law, her Parliaments may bind *Ireland*, if nam'd in the Law, and that ſhe is warranted therein by the Laws of Nature, Reaſon, and Nations, (the Civil Laws of particular Common-wealths I don't underſtand) and alſo by the Fundamental Laws of the Original Conſtitution of the *Engliſh* Government, and I have already endeavoured to make out this Poſition ſo clearly, that I ſhall ſay no more to it here, but leave the Matter referr'd to the Reader's Judgment. The Cenſure which he paſſes upon ſo venerable a Perſon as the Lord Chief Juſtice *Cook*, that he muſt be very little acquainted with the Laws of Nature and Nations, ſhould methinks but ill become a Writer ſo little known in the World as Mr.

Moly-

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Molyneux, eſpecially when in this firſt Eſſay of his he hath diſcovered much more of his Aſſurance than Judgment. But now to Vindicate the Chief Juſtice from the groſs Errors with which he Charges him, we muſt look back again upon the Opinion of the Judges in the *Exchequer-Chamber*, as he hath deliver'd it in *Page* 90, 91. They were Conſulting, whether the Staple-Act, made in *England*, could bind the People of *Ireland*; they argue after this manner, *Ireland hath a Parliament of its own, which makes Laws for the ordering Matters among themſelves, and therefore the Statutes made in* England *don't bind them*; by which they muſt mean ſuch Statutes which are made in general Terms, and for the particular Occaſions of *England*; for 'tis plain, that what they intend when they ſay, that *The People of* Ireland, *as Subjects of the King, are oblig'd to act nothing out of that Country againſt the Statutes*, is, of ſuch Engliſh Statutes as name *Ireland*; for the Subject of their Debate was about a Statute wherein *Ireland* was

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was named. Theſe Judges of the Exchequer do here make two Concluſions, that ſeem contradictory: Firſt, They ſay our Laws don't bind them, but that is in reſpect of things tranſacted within themſelves, wherein the Parliament of *England* don't meddle; but then in the Second Place, They ſay, our Statutes did bind the People of *Ireland*, in Matters not relating to what was done within themſelves, and therefore they Concluded that this Statute did, becauſe they were particularly named, elſe there had been no ſuch Diſpute about it, and this reconciles both theſe Concluſions. Soon afterwards (as is aforeſaid) when this Cauſe came to have a Second Hearing before the Judges in the Exchequer Chamber, the Chief Juſtice *Huſſey* declar'd, *That the Statutes made in* England *ſhall bind thoſe of* Ireland, *to which the other Judges agreed, without ſaying much againſt it:* But doubtleſs this Opinion is to be underſtood of ſuch Statutes only which name *Ireland*; and as to this Statute they all agree, that it had its full

Effect

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Effect upon the People of *Ireland*: Where then is this Erroneous Slip of the Lord Chief Juſtice *Cook*? In repeating the Words of the firſt Opinion, that *Our Statutes don't bind them*, he Notes in a Parentheſis the Tenour of the latter Opinion, (*unleſs they be eſpecially named*;) this is not contrary, but agreeable to both the former Opinions, how then doth he differ from them? indeed the firſt Opinion ſays only, that they ſhould be obliged in matters done out of that Country: But *Huſſey* and *Cook* take no Notice of this Diſtinction, but give their Opinion ſomewhat more General. *Cook* infers, that if *Ireland* be ſpecially named, our Statutes do bind them, which ſtill is not contrary to the Caſe which he cites, for that entirely agrees with him, excepting only in this difference, he infers that *Ireland* is bound, that aſſerts that the People of *Ireland* as Subjects of the King are bound, the Caſe ſtands ſtated alike to both, 'tis *if they are named* in an Engliſh Statute. If this Diſtinction will do Mr. *Molyneux* any good, let him

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him enjoy it, for me it ſufficeth, if I have ſhewn that the Lord Chief Juſtice *Cook*'s Aſſertion is not directly contrary to the whole Tenour of the Caſe which he hath cited: He Notes, that the Engliſh Statutes don't bind *Ireland*, unleſs they are ſpecially named; this Caſe ſhews, that becauſe *Ireland* was named in it, thoſe Judges were of the Opinion, that the People of *Ireland* as Subjects were oblig'd to pay Obedience to this Staple Act, as far as it required; I ſee therefore no contrariety to it in this his Aſſertion, but a great deal in that of Mr. *Molyneux*, where he ſays, *'Twas the Unanimous Opinion of all the Judges then in the Exchequer Chamber, That within the Land of* Ireland *the Parliaments of* England *have no Juriſdiction, whatever they may have over the Subjects of* Ireland *on the open Seas.* I appeal to the Words of the Opinion, whether it denies, that the Parliament of *England* hath any (*manner of*) Juriſdiction within the Land of *Ireland*, there's nothing in it ſo poſitive; if it ſays, that *Ireland* hath a Parliament

p. 120.

ment within it ſelf, it Notes alſo, that 'tis only for ordering of Matters fit to be tranſacted among themſelves: If it ſays, that the Statutes in *England* don't bind them, becauſe they have no Repreſentatives there, it may well be underſtood of ſuch Statutes that are directed for the particular Occaſions of *England*, wherein *Ireland* is not named; it doth not in the leaſt offer at the denying the Juriſdiction of the Parliaments of *England*, in naming *Ireland*; for it directly concludes them to be Subjects of the King, which cannot be meant in any ſeparate Senſe from the Kingdom, becauſe it ſays, they ſhall be under the Obedience of the Admiral of *England*, and the King hath no Admiralty or Navy diſtinct from the Kingdom: Nay, their quoting the lying of a Writ of Error in the Courts of *Ireland*, (after they had own'd them to have ſuch Courts, as well as a Parliament, in the very ſame manner as thoſe in *England*) from the King's-Bench in *England*, could be he here to no other pur-

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poſe, than to ſhew that *England* had Juriſdiction over *Ireland* in ſome Matters; and certainly where *England* has any Authority at all, it cannot be ſevered from the Supream Legiſlature. But ſince he lays ſo much ſtreſs upon the Words, *Ad aliquam rem extra terram illam faciend.* (though it is to be Noted by the way, that this Deliberation was upon a Statute reſpecting only matters to be done out of the Kingdom) yet I'll do him all the Reaſon poſſible, and if I ſhould take the Words in the ſtricteſt ſenſe he puts them, and grant that thoſe Judges at that time had not conſidered the Matter further, than to think that the Juriſdiction of the Parliaments of *England* did not extend to enact Laws, binding within the Land of *Ireland*, he muſt yet allow, that Judges are ſometimes miſtaken in their Opinions, and we do not admit their Sentences to have the force of Laws, as neither will he himſelf the Opinions of the Lords Chief Juſtices, *Huſſey* and *Cook*; if then the Reaſon of the thing, as well as ancient

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cient Practice, be quite otherwiſe, (as I hope I have ſufficiently ſhewn in this Caſe) we may very warrantably conclude this Opinion of theſe Judges to be Erroneous, if they intended it in the ſame ſenſe which Mr. *Molyneux* takes it.

He hath not yet done with the Lord Chief Juſtice *Cook*, but tells us, *That this Aſſertion is likewiſe inconſiſtent with himſelf in other parts of his Works, where he ſays, that the Laws of* England *had been granted to* Ireland, *and thereby* Ireland *being of it ſelf a diſtinct Dominion, and no part of the Kingdom of* England, *was to have Parliaments holden there, as in* England. The Chief Juſtice might well ſay, that *Ireland* had a diſtinct Dominion, and Parliaments within themſelves, every Body muſt own it needful, becauſe of their being divided from *England* by the Seas, that they might thereby be enabled to regulate Matters among themſelves, as the Circumſtances of Time and Place ſhould require. May not the City of *London* be ſaid to have a kind of p. 121.

a diſtinct Dominion, and a ſort of a Parliament held within themſelves, even after the Pattern of the Grand Parliament of the Kingdom? the Lord Mayor, after the manner of the King, calls and diſſolves their Aſſembly; the Aldermen (after once Choſen) have Right of Seſſion for their Lives, as the Houſe of Lords; the Common Council-men (reſembling the Houſe of Commons) are choſen Annually by the Reſpective Wards, (like the Counties) all theſe aſſemble in Common Council, and there Enact Laws for the good Government of the Citizens, which the Grand Parliament rarely, if ever, controul; and though their Juriſdiction be much leſs than that of *Ireland*, yet it is a certain Juriſdiction, ſo firmly eſtabliſht, as that it's held that it cannot lawfully be taken away, or altered, by any Power in *England*, but the Supream Legiſlature, and that it muſt ſtoop to; and the ſame the Lord Chief Juſtice *Cook* ſays of this diſtinct Dominion of *Ireland*; that notwithſtanding it hath a Power, Juriſdiction, and Authority,

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thority, which is compleat within it ſelf, yet it muſt pay Obedience to the Supream Legiſlature of *England*, whenever any Extraordinary Occaſion ſhall make it needful for that to name it ſpecially; and therefore the Tenour of his Judgment upon this whole Matter ſhews, that by his terming them no part of the Kingdom of *England*, (becauſe they have ſuch a diſtinct adminiſtration among themſelves) he does not in the leaſt intend, that they ſhould be lookt upon ſo ſeparated, as to be out of all Reach of the Supream Imperial Authority of *England*; ſo that in all this there appears no Inconſiſtency; he never aſſerts what Mr. *Molyneux* aſſumes, that the King and Parliament in *Ireland* is a Legiſlature equally as Supream as that of the King and Parliament in *England*, and it muſt be very unaccountable in any one to do ſo, who knows that all Iriſh Acts of Parliament muſt be approv'd in the Privy Council of *England*; I'll warrant him, they'll take care that they ſhall never *Enact different or contrary Sanctions*, p. 121.

so that he need not from this fear the Consequence of *Ireland*'s *having two Supreams*. He hath one Touch more at the Lord Chief Justice *Cook*;
p. 122. he quotes him, saying, *If a King hath a Christian Kingdom by Conquest*, (*as King* Henry *the Second had* Ireland) *after the Laws of* England *had been given them for the Government of that Country*, &c. *no succeeding King could alter the same without Parliament*: Which by the way, seems nothing contradictory to all that Mr. *Molyneux* hath quoted, of what he says concerning *Ireland*, but is a farther Indication that his Opinion was always steady, that the King and Parliament of *England*, and not the King alone, held the Supream Authority over *Ireland*. And now he *Hath done with this Reverend Judge*, and I am very glad on't, because I doubt I have tyr'd my Reader with such an abundance that I have been forc'd to say for the Judg's Vindication; but to make amends, I'll try to divert him a little, by telling a short Story upon my self: When I was a Boy, I thought once

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once that I had eſpy'd a Fault in a Performance of my Maſter's, and I had the aſſurance to tell him on't; he firſt fairly convinc'd me, that I had not taken the thing right, and then very gravely told me with a bent Brow, that 'twas more like my Boyiſh Confidence to find Faults where none were, than the Solidity of his ſtronger Judgment to commit ſuch.

Now for *Pilkington*'s Caſe: *The King firſt grants a Patent for an Office in* Ireland, *to be held by* Pilkington *or his Deputy; but after this, the ſame King grants the ſame Office to* A, *who who ſues for it, and pleads an Act of Parliament in* Ireland, *that no Perſon might execute any Office there but in his own Perſon, on pain of Forfeiture; he proves that* Pilkington *acted by a Deputy; the Judges thereupon decide in favour of* A. What's this to the Parliament of *England*'s Juriſdiction over *Ireland?* it ſhews no more, than that the Judges of *Ireland* were of the Opinion, that the Kings Letters Patents could not over-rule an Iriſh p. 122.

Act of Parliament. Indeed he tells us, that in the Pleadings 'twas offer'd,
p. 124. *That* Ireland *time out of mind had been a Land ſeparated and diſtinct from* England, *and ruled and governed by its own Cuſtoms, that they could call Parliaments within themſelves*, &c. It ſeems two of the five Judges held this Preſcription void, and thô I will not diſpute (as it ſeems they did) about the Word Preſcription, yet 'tis well known, that what Juriſdiction they had, was granted them by the Supream Authority of *England*, and I know no Body denies it them, only we cann't admit them to ſtrain it, beyond what was ever intended : It ſays further, that *Two of the Judges affirm'd, and the other three did not deny, that a Tax granted in* England, *could not affect* Ireland, *except it be approv'd in the Parliament in* Ireland : This is not what we Conteſt about, I never heard that *England* did ever raiſe Taxes upon any Members of her Empire, without the Conſent of their Repreſentatives.

As for the Merchants of *Waterford's*

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ford's Caſe, we have both ſaid enough to that already: That of the Prior of *Lanthony* in *Wales* comes next; *He ſues the Prior of* Mollingar *in* Ireland, *for an Arrear of an Annuity, and obtains Judgment againſt him, both in the* Common-Pleas *and* Kings-Bench *in* Ireland; Mollingar *Appeals to the Parliament in* Ireland, *and they Revers'd both Judgments; upon this* Lanthony *removes all into the* King's Bench *in* England, *but that Court would not meddle in it, as having no Power over what had paſs'd in the Parliament of* Ireland: *Laſtly, He Appeal'd to the Parliament of* England, *and it does not appear that they did any thing in it.* What of all this? The Court of *King's-Bench* in *England*, although they had Authority to determine upon Matters brought before them by Writ of Error out of *Ireland*, yet they did not believe, they had any Power over the Parliament of *Ireland*: Doubtleſs they were in the right; but it ſeems 'twas then believ'd that the *Engliſh* Parliament had, elſe *Lanthony* had never Petition'd; p. 125.

tion'd ; but *it does not appear that they did any thing upon this Appeal, the Petition only being entered at the end of the Roll :* Why ? that's a plain Sign, that 'twas the very laſt thing of the Seſſion, and the Parliament was Diſſolv'd, Prorogu'd, or ſomething, before they could go upon it, or perhaps the Matter was agreed, or the Prior's dead before next Seſſions, or fifty Reaſons more that might be offer'd againſt his ſleeveleſs Suggeſtion, *That the Parliament of* England *did not think themſelves to have a Right to enquire into this Matter, becauſe nothing more than the Petition is found upon Record*; but I'll tell him a better Reaſon of our ſide, 'tis not probable that they would have receiv'd the Petition, if they did not believe they had Right to decide upon it.

The next thing is about the Acts of Recognition, and this he begins
p. 127. with an ingenious Confeſſion, *That the Kingdom of* Ireland *is inſeparably annext to the Imperial Crown of* England, *and the Obligation their Legiſla-*

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ture lies under by Poyning's *Act, makes this Tye indiſſoluble :* This is enough to make out all our Pretenſions upon them; 'tis ſtrange to ſee a Man writing a Book againſt the Natural Conſequences, when yet he ſo eaſily agrees upon the Premiſes. The Imperial Crown of *England* denotes the Supream Authority of the Kingdom; the Material Crown is but a Badge of this Authority, and is given to the King, not as his own ſeparate Propriety, but as an Enſign of the Authority which he enjoys, as Head of the Kigdom; if any Body ſhould ſteal this Material Crown, and break it to pieces, as *Bloud* did, the Supream Authority of the King and Kingdom remains entire and inviolated : This Supream Authority always reſides in the Legiſlature, which in our Conſtitution is inſeparably veſted in the King, Lords, and Commons; there can be no annexing to the Imperial Crown of *England*, diſtinct from the Supream Imperial Authority of the Kingdom; if any Territory ſhall be annext to this Imperial

rial Crown, it must become a Member of the Empire, otherwise 'tis no annexing; and because there can be but one Supream Legislature, every Member or part of the Empire must be in some Subordination to that Supream Legislature, whatsoever other Jurisdiction it may retain, as necessary to its own particular Regulations within it self; otherwise it can be no Member, but must remain a perfect Body of it self. I think these are Positions that won't easily be disprov'd, and we have a compleat Instance of them in the Kingdoms of *Scotland* and *Ireland*, as they stand related to *England*; *Scotland* is an ancient, distinct, and (saving the old Pretensions of *England* upon them) independent Kingdom, hath an Imperial Crown of its own, worn by a long Succession of Kings, whose Posterity came to inherit the Kingdom of *England*, and remove their Seat hither, yet 'twas not in their Power to annex the Kingdoms, without their Joint Consent, so that they remain an intire Sovereign Kingdom,

govern'd

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govern'd according to their own Constitution, without any Subordination to *England* to this day; and therefore in the late Happy Revolution, when King *William* and Queen *Mary* had obtain'd the intire poſſeſſion of the Crown of *England*, they did not pretend to that of *Scotland*, 'till the States of that Kingdom had conferr'd it upon them by a free Election. On the contrary; *Ireland* (whatever it was anciently) was no intire Kingdom, when the *Engliſh* firſt took Poſſeſſion of it, but divided into many Juriſdictions, under Petty Princes; it had never any Diadem or Enſign of Royalty, that ever I could hear of; it was entirely ſubdued, and brought under the Engliſh Government by Conqueſt, (as all Authors, except Mr. *Molyneux*, agree) it was brought into the form of a Kingdom, and afterwards had that Title conferr'd upon it, and was endow'd with Laws, and a Conſtitution of Government, by the Authority of *England*, who from the Beginning reſerv'd and exercis'd a Superiority over them; and

(Mr.

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(Mr. *Molyneux* being quite miſtaken in the Grant made to King *John*) it was never ſeparated from being a Member of the Empire of *England*, but (even as Mr. *Molyneux* confeſſes) remains annext to it to this day. The Supream Legiſlature of *England* (then in being) preſented the Title of it to King *William* and Queen *Mary*, at the ſame time with that of *England*, without asking the leave of the People of *Ireland*; in like manner, they have proclaim'd all the Engliſh Kings with that Title at their firſt Acceſſion, and have, as he owns, concluded *Ireland* in all Acts of Recognition. What if the Parliaments of *Ireland* have alſo recogniz'd? 'twas but to own their Allegiance; our Kings were as effectually veſted in the Dominion over *Ireland* before, by the Authority of *England*, and double doing in ſuch a Caſe can be no harm; neither can this be any Argument to prove, *Their having all*
p. 128. *Juriſdiction to an Abſolute Kingdom belonging, or that they are not ſubordinate to any Legiſlative Authority on Earth.*

Now

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Now he tells us, *As the Civil State of* Ireland *is thus abſolute within it ſelf, likewiſe ſo is the Eccleſiaſtical*; and juſt ſo it is, but that is without any abſoluteneſs in either. The multitude of the Native *Iriſh*, and the Old *Engliſh*, were doubtleſs very averſe to the Eſtabliſhment of the Reformed Religion, becauſe they have continued Roman Catholicks ever ſince; and yet this Reformation was begun there by no other Authority, than an Order of the King and Council in *England*, to the Lord Deputy, to Cauſe the Scriptures and the Common Prayers to be us'd there, in the *Engliſh* Tongue; from whence 'tis evident, that they did not then think their own Eccleſiaſtical Juriſdiction ſo abſolute, as that they could oppoſe it to the Authority of *England*. p. 128.

He quotes a Record out of *Reyley*, *That* Edward *the Second, upon a Motion of his Parliament at* Weſtminſter, *had ſent his Letters Patents to the Lord Juſtice of* Ireland, *that he ſhould Order that the* Iriſh *might enjoy the* p. 129.

Laws

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Laws of England *concerning Life and Member* : From whence he infers, *That the Parliament did not then think, that they had Juriſdiction in* Ireland, *otherwiſe they would have made a Law themſelves to this effect* : Can this be any more than an Inſtance of what I have all along ſaid? that our Parliaments have always been willing to leave the People of *Ireland*, as much as poſſible, to the Exerciſe of their own Form of Government, in Matters relating to themſelves, and not to interpoſe their own Supream Authority, but upon Extraordinary Occaſions, wherein the Welfare of the whole was concerned? But can it be any Argument, that they thought they had no ſuch Authority, becauſe they did not think fit on this Occaſion to uſe it?

Mr. *Molyneux* finds, that the lying of a Writ of Error from the King's Bench in *England*, on a Judgment given in the King's Bench in *Ireland*, lyes heavy upon him, and therefore he labours mightily, and turns it every way to get rid on't; firſt he ſays, 'tis

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'tis *The Opinion of ſeveral Learned in the Laws of* Ireland, *that this is founded on an Act of Parliament in* Ireland *which is loſt.* How Learned ſoever this Opinion may be, I am ſure 'tis not very Judiciouſly offer'd here; for no Body will believe that the Legiſlature of a Kingdom that thought it ſelf abſolute, could do ſo fooliſh a thing as to make a Law themſelves, that ſhould put them under the Adminiſtration of another Kingdom, in ſo high a point as the Controuling all their Judicatures; and therefore if ever they made ſuch an Act of Parliament, 'tis not to be doubted but that at that time they were very ſenſible, that whatſoever Authority they had among themſelves, was all deriv'd from, and in perpetual Subordination to the Supream Authority of *England.* Indeed he comes and ſays after, *That this Suit is made to the King only, the matter lies altogether before him, and the Party complaining applyes to no part of the Political Government of* England *for Redreſs, but to the King of* Ireland *only, who is in* England: p. 131. p. 136.

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land: *That the King only is ſued to, the Law books make plain*, &c. for above two Pages. Fine, very fine ſpun are theſe Arguments, but withal ſo extream ſlight, that they won't hang together: If the King was ever us'd to ſit there in Perſon, was there not always four Engliſh Judges conſtituted in that Court, (whom the King in thoſe days could not remove at pleaſure) who had Authority to judge, whether the King were preſent or abſent? Or does he think, that when an Iriſh Appeal came before them, theſe Judges could not meddle in it? or if they did, whilſt the King was preſent, they were all on a Suddain ſwallowed up, or conſubſtantiated into the King? or if they acted in his abſence, an Iriſh Cauſe would immediately tranſubſtantiate them all four into the real preſence of one King of *Ireland*, in his proper Perſon? But if this ſhould be too groſs to put upon Mr. *Molyneux*, we muſt e'en reſolve it t'other way, and conclude, that he thinks the Judges and Courts of Judicature are no part of the

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the Political Government of *England*: He hath abundance of other pretty Conceits, how and which way this Buſineſs of the Writ of Error might come about, and in what ſenſe it may be thought to operate; but I'll leave him in the quiet and peaceable Enjoyment of them, becauſe I think it not worth while to trouble my ſelf or the Reader more about them: We may be ſure he would not have us to Conclude, *That if the King's Bench in* Ireland *be ſubordinate to the King's Bench in* England, *that therefore it muſt follow, that the Parliament of* Ireland *is ſubordinate to that of* England; and though, as he ſees, we have a very good Argument for that, *a fortiori*, yet what I have ſaid before may ſatisfie him, that we have other Demonſtrations enough, to aſſure us in the conſtant Subordination of that Kingdom to this, beſides the lying of this Writ of Error, which the very Reaſon of the thing (maugre all his Endeavours to ſhift it) will evince, that this prehemi-nence muſt infallibly have been pre- p. 139.

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ſerv'd to *England* from the firſt annexing of *Ireland*; for after they were become obliged to be rul'd and govern'd by our Laws, whether ſhould they reſort to have them explain'd, but to that Authority that gave them? I cann't omit obſerving, how very pertinently *He concludes this his Fifth Article, with a Memorable Paſſage out*
p. 140. *of their* Iriſh *Statutes: And that is the Act of Faculties made in* ~~England~~ Ireland *the* 28*th.* Hen. 8. *reciting a former* English *Act, in the Præamble of which 'tis declar'd,* **That this your Graces Realm Recognizing no Superiour but your Grace, hath been, and yet is free from any Subjection to any Man's Laws, but only ſuch as have been deviſed within this Realm, for the wealth of the ſame, or to ſuch others, as by ſufferance of your Grace, and your Progenitors, the People of the Realm have taken at their free Liberties, by their own Conſent; and have bound themſelves by long Uſe and Cuſtom to the Obſervance of,** &c. *Now this very*

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Declaration, with the other Clauſes of the ſaid Engliſh *Act, is* Verbatim *recited in the* Iriſh *Act of Faculties.* Behold the mighty force of this Argument! The People of *England* did in an Act of Parliament make a Declaration of their ancient undoubted Rights and Liberties, proper and peculiar to their own Conſtitution: The Parliament of *Ireland* paſs the ſame Act there, and take upon them to ape the very Words of this Declaration in their Act, though the ſame could not be proper or rightly applicable to the Circumſtances of their Conſtitution, (for the Laws given them at firſt from *England*, were never deviſed within that Realm) therefore the People of *Ireland* cannot be under any Subordination of the Parliament of *England.*

And now he's come to the *6th.* and laſt Article, *viz. The Reaſons and Arguments that may be further offered on one ſide and t'other in this Debate:* And here Mr. *Molyneux* opens a very diverting Scene, but fitter for p. 142.

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p. 142. Ridicule and Diſdain than Argument: He tells us, *There remains another pretence or two for this Subordination to be conſidered; and one is founded on Purchaſe: 'Tis ſaid, that vaſt Quantities of Treaſure has been ſpent by* England *from time to time, for reducing* Ireland, *which has given them a juſt Title at leaſt to the Lands of the Rebels, and to the Abſolute Diſpoſal thereof in their Parliament, according to the Examples in* Forty One, *and the late Rebellion in this Reign.*

I am ſorry that he has ſo little ſenſe of the great Benefit which the Proteſtants of *Ireland* have receiv'd, by the interpoſing of the Engliſh Power in their Favour. 'Tis not to be diſputed, that the late King *James* had all the Hæreditary Right that was entail'd upon their Independent (as he terms him) King *John*; and although he had Abdicated the Crown of *England*, yet by this Gentleman's Notions, he had ſtill an undoubted Title to the Kingdom of *Ireland*, which he came to poſſeſs, by the aſſiſtance of a very conſiderable Pow-

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er from *France*; and (if Mr. *Molyneux*'s Doctrine be found) could any body then blame the *Iriſh*, and Old *Engliſh*, of his own Religion, to join with him, in the aſſerting his ancient Right to that Kingdom? For my own part, I muſt own, that I know no other Reaſon that can juſtifie us in our engaging in that War, for the Recovery of *Ireland*, than the Old *Engliſh* Principle, that *Ireland* was our own, as an inſeparable Member of the *Engliſh* Empire; and I am ſure, all the *Engliſh* Proteſtants of *Ireland* were then glad to have us aſſert that Right, or elſe their fair Eſtates in that Country muſt have left the greateſt part of them to go a Begging at this day, unleſs perhaps they could have reconcil'd themſelves by turning Papiſts; it being well known, that they were ſo far from valuing themſelves upon their own Strength, that (excepting that Gallant and Reſolute Reſiſtance made by the People of the North, at *London-Derry* and *Inniskilling*) they gave up all, and generally (meaning the People

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of Note) fled to *England*; (though many are of the Opinion, that they might have done more for themſelves than they did, if they had ſtaid:) Thus were their Eſtates loſt to them, beyond hopes of Recovery, but by the ſtrength of *England*: Indeed when we had ſent over an Army, ſome of them went back again, and together with thoſe that remain'd in *Ireland*, did expoſe themſelves, and acted a fair part in the War; yet all they were able to do, was ſo inconſiderable, in regard of the whole Management of the War, that I believe it won't be pretended, that we were made Maſters of *Ireland* one day the ſooner for their help. The vaſt Charge of an Army, Arms, Artillery, Ammunition, Proviſion, Shipping, *&c.* all this have we born, and paid for, by raiſing Taxes upon our own Eſtates, when we knew they were not able to Contribute any thing themſelves; and after all this, what of a Man can have the Impudence to diſpute with us, whether we have any Right to the forfeited Eſtates in *Ireland*?

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land? If the Kingdom of *England* hath no juſt Juriſdiction over *Ireland*, I will affirm, that the *Iriſh* were in no Rebellion, but were in the Exerciſe of the Natural Allegiance, and in the Diſcharge of that Duty which they ow'd to their Lawful King; there was no Act of their Parliament to declare King *James* abdicated, and the Throne vacant, neither indeed was there any pretence for it; becauſe he came, and was actually preſent among them, and in the full Exerciſe of his *de facto* Kingly Power, as to them: But (as I ſaid before) the People of *England* having in their Convention (which at that time was the Repreſentative of the Nation) conferr'd the Crown of *England* and *Ireland*, and all other Territories and Dominions belonging to the Engliſh Empire, upon King *William* and Queen *Mary*; the Kingdom of *Ireland*, as a Member of the *Engliſh* Body, was as much bound to ſubmit to that Revolution, as *New-England*, or any of the reſt of our Colonies; and therefore the Oppoſi-

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tion made by the *Iriſh* againſt it, was a perfect Rebellion, and render'd them liable to all the Pains and Penalties which the Municipal Laws of the Kingdom could inflict upon Rebels: This then juſtly forfeited their Eſtates to the King, as he is the Head, but not as in any ſeparate Capacity from the Kingdom of *England*: We know however, what Authority the King hath to diſpoſe of theſe Eſtates, to ſuch as may have deſerv'd well; and if the Parliament of *England* ſhall acquieſce therein, that's no Argument that therefore they have no Authority to intermeddle in that Matter, and their former practice (as he confeſſes) hath ſhewn the contrary.

p. 143. He owns, that *In a War, the Eſtates of the Unjuſt Oppoſers, ſhould go to repair the Damage that is done; but theirs do not reſemble the Common Caſe of Wars between two Forreign Enemies, but are rather Rebellions, or Inteſtine Commotions.* And ſo we ſay. But, he continues, *If the Proteſtants of* Ireland, *by the Aſſiſtance of their Brethren of* England, *and their Purſe, do prove*

prove Victorious: A fine Turn indeed; the Matter of Fact is, that the Army of *England* prov'd Victorious, and that without any thing that might reaſonably be call'd Aſſiſtance from their Brethren, (as he, though ſomewhat aſſumingly in this caſe, calls themſelves) the Proteſtants of *Ireland*, and yet forſooth the Victory muſt be theirs: No Man of Modeſty, as this Gentleman would beſpeak himſelf, could dare to put upon the World at this rate. Well, but he tells us, *The People of* England *ought to be fully repaid; but then the manner of their Payment, and in what way it ſhall be levyed, ought to be left to the People of* Ireland, *in Parliament Aſſembled.* He owns the Debt, and that we ought to be paid, but how, and which way, and when, ought to be left to them; a pretty New-faſhion'd Priviledge this Gentleman is inventing for his Country; provided they own the Debt, the Creditor muſt be contented without any Security, without any Terms, and (conſequently) without any Intereſt, how long ſo-

p. 143.

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ever he may be kept out of his Money; he ought to leave all that to the Good Will and Pleasure of his Honest Debtor; but I believe Mr. *Molyneux* would be loth to pass for such a Fool, in his own way of Dealing in the World, and sure he must measure us by an *Irish* Understanding, if he thinks this sort of Reasoning will go down with us. He goes on, *And so it was after the Rebellion of* Forty One; that's a Mistake, (though it deserves a harder Word) for he tells us, *The Adventurers had several Acts of Parliament made in* England *for their reimbursing, by disposing to them the Rebels Lands*; so that it was not then left at the Discretion of the
p. 144. People of *Ireland*: *But after all, it was thought reasonable, that the Parliament of* Ireland *should do this in their own way, and therefore the Acts of Settlement and Explanation made all the former* English *Acts of no force, or at least did very much alter them in many particulars.* Here 'tis plain, that Acts of Parliament were made in *England*, for disposing the forfeited Estates

Eſtates of *Ireland*, which were believ'd to be of Validity, and a ſufficient Security to the Adventurers at the time when they were made, otherwiſe People would not have advanc'd their Money upon them; and though I am no Lawyer, and don't think it concerns me to look afrer thoſe Acts, yet from the Reaſon of the thing, I cann't believe that thoſe Perſons that advanc'd this Money, could afterwards be legally depriv'd of the Intereſts granted them by thoſe *Engliſh* Acts, by any after Authority of an *Iriſh* Parliament: If any were, I would adviſe them yet to ſue to an Engliſh Parliament for Relief. 'Tis true, there had happen'd a Revolution, and perhaps ſome People that had thoſe Lands, might be lookt upon as under Delinquencies to the Government that then came to be uppermoſt, and we know that ſome of the Iriſh Papiſts were very ſtrangely reſtor'd to their Eſtates, and the Poſſeſſors put out; yet if ſome Injuſtice was done, at ſuch a time when many things were carried by Extreams,

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nothing will prove an invalidating of thoſe Engliſh Statutes, leſs than either a total Repeal of them, and that he ſeems not to ſtand upon here, (though he ſuggeſted it in another place;) for he only ſays, they were made of no force, or at leaſt were very much alter'd in many particulars; which is a certain Sign they were not repeal'd: Or to ſhew that they were ſo altered, as to take away all the Lands that were poſſeſs'd by any of thoſe Adventurers, or their Deſcendents, by Virtue of thoſe Acts of Parliament: If that cann't be made out, (which ſure he won't pretend to) it will remain, that thoſe Engliſh Acts of Parliament did really diſpoſe of the Rebels Lands in *Ireland*; and if there be any after Settling or Confirming them to the Safety of the Proprietors, by Act of Parliament in *Ireland*, that cannot impeach the Authority of the firſt Acts.

p. 144. Well, he ſtill allows, *That we ſhall be repaid our Expences; all they deſire, is, that in preſervation of their own Rights and Liberties, they may do it in their own Me-*

Methods, regularly in their own Parliaments: And if the Reimburſment be all that England *ſtands on, what availeth it, whether it be done this way or that way, ſo it be done?* A pretty looſe way of Talking this; he ſpeaks as confidently of reimburſing us, as if that were a ſmall matter, and they had this way and that way, ways enough to do it; and they are ſo well prepar'd, that they deſire nothing elſe but Liberty, to let them do it in their own Methods. I am ſorry we han't heard one word like this offer'd in their Parliaments, 'twould have lookt much better from them, than from Mr. *Molyneux*, to have taken Notice of this great Debt to *England*, and to have at leaſt declar'd their Intent of paying it; but he is a Member, and perhaps he knows their Minds better than I do; and becauſe he propoſes ſo fairly, I am willing to ſtrike a Bargain with him; if he'll undertake on the Behalf of *Ireland*, I'll undertake on the part of *England*, that if they are in good Earneſt, willing and able to pay us this

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his Debt, the Parliament of *England* (and I hope my good Intention in this matter, will obtain their Pardon for my presumption) will leave them intirely at Liberty, to raise it according to their Methods, as regularly in their own Parliaments as he desires; and this being (as he says) all they ask, let him but publish himself in Print once more, and engage to pledge his own Estate (which by the way he may value the less, by how much he is indebted to me, and the rest of the good People of *England*, for what we have paid to redeem it) to the Publick, for the performance; I'll engage not only my Estate (which is somewhat to me, if it be not so great as his) but my Life too, that the Parliament of *England* will assent, to give them what time they please, for the payment of the Principal, if they can but give Security for the payment of the Interest at *6 per Cent.* (though the Intereſt of *Ireland* is 10) and I believe I might adventure to promise, that upon the performance of such Articles,

ticles, they would make him as Compleat a King of *Ireland* as ever his King *John* was, and alſo give him a better Eſtate to ſupport that Dignity, than was given to that Prince. I don't love Banter, but how can a Man treat ſuch Diſcourſe otherwiſe? is it not certain, that we have expended more Money (beſides the invaluable Blood of our People) in the Reductions of *Ireland*, than all the Lands in the poſſeſſion of the *Engliſh* are worth? and yet we have been ſo generous to them, as hitherto not to ask for one penny of Reimburſement from them. But ſee the inconſiderateneſs of this Gentleman, he hath been ſo far overſeen, in the ſaying any thing that he has Thought could give the leaſt ſupport to his unreaſonable Argument, as not only to ſcatter many pernicious Notions, which the Iriſh may lay hold on to the Prejudice of the Engliſh; but here alſo he hath ſtarted a Thought, that is capable of being improv'd more to the Benefit of *England*, than to the advantage of his own Country-men, (as he diſtinguiſhes) the Engliſh of *Ireland*. Is there

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not Reaſon, that thoſe who receive the greateſt Benefit by the Publick Expence, ſhould contribute a proportion towards it? The People of *England* receive but a diſtant advantage by the Reduction of *Ireland*, and yet they have born the whole Charge; the Proteſtants of *Ireland* have receiv'd an immediate Benefit, by being reſtored to very great and improving Eſtates, and yet they have paid nothing; the Government of *England* is extreamly in Debt, and the Taxes will continue to lye very heavy upon the Inhabitants of *England*, where the Means of Suſtſiſtance is much harder; but *Ireland* is recover'd into a flouriſhing Condition, and through the great Plenty and Cheapneſs of Proviſions, the People there by a little abatement of their abundant way of living, may ſpare Taxes much more eaſily than *England*: What then if the Parliament of *England* ſhould entertain this Thought of his, and become of his Opinion, that they ought to be repaid their Expences; and that the People of *Ireland* are now in a Condition to Contribute

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tribute ſomething towards it? eſpecially ſince they are already become ſo Upiſh, and retain ſo ſmall a Senſe of Gratitude for the great Support we have ſo lately given them, as that not only this Gentleman, but others alſo have ſhewn their Readineſs to fly at our Heads, and even threaten us with the Conſequences of their Reſentments, for our only offering to Check their Progreſs in a Manufacture, which cannot be carried on there but to the Ruine of *England*: I ſay, if upon theſe Conſiderations, and ſo extraordinary an occaſion, they ſhould require a Certain Summ from the People of *Ireland*, I know not but that it may well conſiſt with that Supream Authority, which (as I have endeavoured to ſhew) muſt be of the Eſſence of every Compleat Empire; and that it would be no Violation upon that Conſtitution which was given them, if our Parliament ſhould be content, *That in preſervation of their own Rights and Liberties, they may have Liberty to raiſe it in their own Methods, regularly in their*

own Parliaments. Perhaps Mr. *Molyneux* will tell us, that they have a Negative upon us; but he hath before put us in mind of an Unlucky Hank that our Admiralty hath on them. I doubt the Gentlemen of *Ireland* won't be well pleas'd with me for touching upon this Point, but they muſt reflect upon their own Advocate, but for whom it had never come into my Mind; and they ought not to be offended with me, for anſwering him in ſuch a Way as his own Arguments require: I never deſign'd them any ill Office, and if any advantage ſhould be taken by this, I am as ready as Mr. *Molyneux* himſelf, for my part in it, with the loweſt Submiſſion to ask their Pardon.

What follows next may be prefac'd with a

Monſtrum horrendum, informe, ingens, cui lumen ademptum.

p. 144. *We have an Example of this in Point between* England *and* Holland, *in*

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the Glorious Revolution under his present Majesty; Holland *in Assisting* England *expended Six Hundred Thousand Pounds, and the* English *Parliament fairly repaid them: It would look oddly, for* Holland *to have insisted on disposing of Lord* Powis's, *and other Estates, by their own Laws, to reimburse themselves.*

An Example in Point; then *Holland* must once have Conquer'd *England*, and have ever since retain'd a Title to this Kingdom, and exercis'd an Authority over us, in directing all the Principal Managements of our Government: Neither can there be any Semblance of their assisting us at that time with Six Hundred Thousand Pounds; that Assistance was advanc'd wholly on the Credit of their Stadtholder, the (then) Prince of *Orange*, and the Assistance we had was only owing to him, who by the Success of that Glorious Expedition came to be Elected our King; and then the Parliament of *England* considering, the Inestimable Benefit *England* had receiv'd by that most

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Happy Revolution, thought it reaſonable to repay them the full Charge which the States had advanc'd on this Account: Beſides, if the Fact had been true, the *Dutch* knew we were well able to repay them, and they have had their Money to their Content, but we knew that the People of *Ireland*, if they would have beggar'd themſelves, could never have reimburſt us, and therefore we have not, and perhaps (then) never intended to ask them for it: May this be call'd an Example in point too? After this, can there be a more Odious Compariſon than what he infers, that the *Dutch* had as much reaſon to inſiſt on the diſpoſing Lord *Powis*'s and other Eſtates, as our Parliament had to meddle in the matter of the Forfeited Eſtates of *Ireland*? I have ſufficiently ſhewn how the Government of *England* hath a Juſt Right to the Forfeited Eſtates in *Ireland*, but ſurely the *Dutch* cann't pretend to any Right to Eſtates forfeited in *England*, by our Municipal Laws; and it does indeed look oddly enough in him, to

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Controvert this with us, before we are repaid one Farthing of a vaſtly greater Expence, and tell us, here's an Example in Point for us: Such Treatment as this would raiſe the Blood of an Engliſhman, and though a fitting Modeſty and Regard to my Reader doth reſtrain me from venting the Reſentment due to ſo great an Indignity put upon the Engliſh Nation; yet I hope I may be indulg'd to imprecate upon my ſelf, if ever I ſhould diſcover ſo little Thought, as to make uſe of Examples highly reflecting upon my Superiours, and yet no way agreeing with the Fact in hand; may I be Cenſured for an Eternal Blockhead, and condemn'd to wear my Book affixt on my Back, as a perpetual Badge of my Inſolence and Folly.

I am weary enough of this Head of Purchaſe, and yet I will take the pains to tranſcribe the laſt Paragraph on't from end to end: He ſays, *'Tis an ungenerous thing to vilify good Offices, I am far from doing it, but with all poſſible Gratitude acknowledge the mighty* p. 145.

Benefits Ireland *has often receiv'd from* England, *in helping to ſuppreſs the Rebellions of this Country ; to* England's *Charitable Aſſiſtance our Lives and Fortunes are owing : But with all humble Submiſſion, I deſire it may be Conſidered, whether* England *did not at the ſame time propoſe the preventing of their own Danger, that would neceſſarily have attended our Ruine ? if ſo, 'twas in ſome meaſure their own Battails they fought, when they fought for* Ireland ; *and a great part of their Expence muſt be reckon'd in their own Defence.*

If Mr. *Molyneux* had had a due ſenſe of what he was ſaying, he could never have ſo ſolemnly proteſted againſt the ungenerouſneſs of Vilifying good Offices, and yet in the next Breath attribute no more to *England*, in what ſhe hath done for them, than juſt her *helping* to Suppreſs the Rebellions : Is not this Vilifying with a Witneſs ? after we have Reduc'd *Ireland*, and put them into the Poſſeſſion of their Eſtates, upon our own proper Coſt and Strength, to have it leſſen'd to no more

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more than a little Lending them a Hand at a dead lift, and for which they are very willing to repay us (in Words)? Why, this is not worth his acknowledging with all poſſible Gratitude, the Mighty Benefits they have received from *England*, &c. But after all, this Mighty Hodge-Podge of an Harangue is but to tickle us into a good Humour, that he may ſlyly uſher in his Plea in Abatement of Damages, and ſo pay us all off with the Flap of a Fox-tail; *It is to be Conſidered, whether* England *did not at the ſame time prevent their own Danger, and conſequently in ſome meaſure fight their own Battels*: We have been pretty well us'd to this ungrateful Complement from others of his Countrey men, who have been apt on all Occaſions to reflect upon us, that 'twas not for their ſakes, but our own, that we reduc'd *Ireland*; only Mr. *Molyneux*, like himſelf, gives it us in finer Language: What if we alſo have receiv'd ſome Advantage by this Reduction? I ſhould think that a People who had

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any due ſenſe of Gratitude, might remain ſo well Content with the great Benefit that accrew'd to themſelves, by the re-enjoyment of the Eſtates which they had loſt, as not to upbraid us with any ſuch reaſonable Convenience which we might draw from it, without Prejudice to them. Can they think it had been fit for us to engage in ſo mighty an Expence, for no other Reaſon than to recover their Eſtates for them? Well, ſuppoſe we had thought fit only to fight our own Battails, and when we had done, to have bridled the *Iriſh* by ſtrong Garriſons, and had no reguard to have reſtor'd them to their Eſtates; perhaps we might have as well ſecur'd our own Intereſt that way: However, the Tenderneſs we had for them, (how ill ſoever ſome of them ſeem to have deſerv'd it) would not ſuffer us to uſe ſo Severe a Policy, which yet if we had practic'd from the beginning, and kept our own People at home, would have turn'd to much better account to us, than if we ſhould at laſt

laſt be ſo far overſeen, as to ſuffer a Colony of our own to Conteſt with us for our Trade. But yet I am for Complying with Mr. *Molyneux* in this matter, and I am content that a part of this Expence, in proportion to the Benefit *England* ſhall be thought to have receiv'd by the Reduction of *Ireland*, ſhall remain upon our Account; but then I hope the vaſt advantage which immediately accrews to the People of *Ireland* by the Recovery of their Lands, and the fair time we have ſpar'd them from Contributing any thing, may be thought juſtly to intitle them to the far better part of this Charge; and if Mr. *Molyneux* can with as much Ingenuity find a way to pay it, as he hath been ready to own it, he will very much oblige the Government of *England*, at a time when their own Occaſions do ſo much want it.

So much for Mr. *Molyneux*'s feign'd pretence of Purchaſe, which can be but an Invention of ſome ſuch pregnant Brain as his own; for I never before heard, that the People of *England* had ſet up any pretention for their Superiority over *Ireland* upon that foot; ſuch ano-

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p. 145. another is that which follows. *Another thing alledg'd againſt* Ireland *is this*; *If a Forreign Nation, as* France *or* Spain *for inſtance, prove prejudicial to* England *in its Trade, or any other way*; England, *if it be ſtronger, redreſſes it ſelf by force of Arms, or denouncing War*; *and why may not* England, *if* Ireland *lyes croſs their Intereſts, reſtrain* Ireland, *and bind it by Laws, and maintain theſe Laws by Force?* He diſcuſſes this Point very gravely, but ſince no Body ever thought of making this any Argument but himſelf, and we never pretended to have ſo little to do with them as with *France* and *Spain*, I'll trouble my ſelf no further about it, but let it paſs for a Meer Whimſie.

p. 148. Mr. *Molyneux* tells us, *The laſt thing he ſhall take Notice of, that ſome raiſe againſt them, is, that* Ireland *is to be lookt upon as a Colony from* England: Here he attempts to delude us with a ſalacious Argument; but that is very eaſily ſolv'd by an Obvious Diſtinction. If he would not have *Ireland* lookt upon as a Colony, yet I be-

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believe there can be no Notion of a Colony clearer, than that the *Engliſh* planted there, are ſo in the ſtricteſt Senſe, and that I ſhall undertake to prove anon, although he calls it, *The moſt Extravagant of all Objections againſt them*; and then without doubt it muſt follow, that, *As the* Roman *Colonies were ſubject to the Laws made by the Senate at* Rome, *ſo ought* Ireland *by thoſe made by the great Council at* Weſtminſter. I may add, or any where elſe, where our Parliament may ſit to Enact Laws. But he would not have this be thought *To have the leaſt Foundation or Colour from Reaſon or Record; does it not manifeſtly appear by the Conſtitution of* Ireland, *that 'tis a Compleat Kingdom within it ſelf?* I ſay No, 'tis but the Form of a Kingdom; for ſince 'twas firſt ſubdu'd to *England*, Governours have always been ſet over it by *England*, and it never had Authority of it ſelf to Exerciſe a Legiſlature, but by Directions from *England*. But now he's reſolv'd he'll confute us, though *Bellarmine* ſtood in the way; *Do not the Kings*

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of England *bear the Stile of* Ireland, (and why did he not mind the Arms too) *among the reſt of their Kingdoms? Is this agreeable to the Nature of a Colony? do they uſe the Title of Kings of Virginia, New-England, or Maryland?* Don't the Great Turk bear the Title of a great many Kingdoms? Yes, and ſome of them have a more Compleat Dominion among themſelves than ever we gave *Ireland*; are they therefore all Compleat Kingdoms within themſelves? The Kings of *Spain* have ſo many Titles of Kingdoms, that they have quite loſt the Knowledge where ſome of them grow; they have us'd the Stiles of King of the *Eaſt* and *Weſt-Indies*, and yet their acquiſitions there have been but Colonies; *Mexico* and *Peru* are not Compleat Kingdoms within themſelves, though they have that Title, yea, and their Governours have the Style of Vice-Roys, and that's a higher Feather than ever thoſe of *Ireland* wore, (I ſhould have excepted their abſolute King *John*:) *The Kings of* England *have never call'd* Virginia, New-

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New-England, *or* Maryland, *by the Name of Kingdoms*; is there ſuch a deal of weight in that? The *Portuguez* gave the Style of a Kingdom to *Goa* in the *Eaſt-Indies*, but they never did to *Brazil*, though it be much the more Conſiderable Colony: And now I think on't, we were once about making our Dominions in *America* into a Vice-Royalty, under the Duke of *Albermarle*, ſure then they muſt have made as Compleat a Kingdom as *Ireland*; for they have as abſolute a diſtinct Dominion within themſelves, and I beleive, are endow'd with Authority for the regulating the Affairs of their own Governments, as ample in all Reſpects as *Ireland*, excepting only the Punctilio of a Titular Kingdom, and the Denomination of a Parliament, to the very ſame thing that in the others is call'd an Aſſembly: Are not all theſe things done or not done, according to the Humour or Fancy of Princes? Is there any thing of Eſſence or Reality in them? If the Engliſh of *Ireland* are in all other reſpects under the

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Circumſtances of a Colony of *England*, will any Body beſides Mr. *Molyneux* imagine, that this Title of a Kingdom doth exempt them? But he has more to ſay; *Was not* Ireland *given by* Henry *the Second, in a Parliament at* Oxford, *to his Son* John, *and made thereby an abſolute Kingdom, ſeparate and wholly independent on* England, *till they both came united again in him, after the Death of his Brother* Richard *without Iſſue?* No, he continued a Subject of *England*, and was Try'd for his Life as ſuch; the Parliament of *England* limited him from uſing the Style of King: Can the King of a Separate Kingdom be limited, and yet his Kingdom remain wholly Independent?

p. 149. He continues, *Have not multitudes of Acts of Parliament, both in* England *and* Ireland, *declared* Ireland *a Compleat Kingdom?* but never Independent: *Is not* Ireland *ſtiled in them all the Kingdom or Realm of* Ireland? *Do theſe Names agree to a Colony?* Yes, are not the Names of Colonies agreeable to *Mexico* and *Peru*, becauſe the

the Acts of State in *Spain* ſtile them Kingdoms? *Have we not a Parliament, and Courts of Judicature? Do theſe things agree with a Colony?* Yes, and other Colonies have effectually the ſame. Neither doth this involve ſo many abſurdities as he thinks, if we do but conſider what ſort of a thing a Colony is.

When People began to multiply in the World, and fill thoſe Tracts that were firſt inhabited, they were neceſſitated to ſpread themſelves farther and farther, for the better Conveniency of Living; and thus the remoter Parts came in proceſs of Time to be peopled, with ſuch as are call'd the Aborigines of Nations: In the firſt and innocent Ages of the World, theſe liv'd in an undiſturb'd Quiet, contented in the Enjoyment of ſuch things as with their own eaſie Cultivation, Nature plentifully beſtow'd in an abundance, ſufficient for the Support of all Mankind, 'till the Malice and Enmity of the Devil, operating upon the deprav'd Minds of Men, through the Curſe entail'd up-

on them, for the Diſobedience of our Firſt Parents, ſtirr'd up in them the Unnatural Deſire of living according to their own Wills, without regard to the Principles of Reaſon, and the Laws of Nature, which God had eternally ſtampt upon their Minds: This ſoon began to break the firſt Harmony and good Order of the Creation, and came in time to change the whole Face of Humane Affairs, and introduce a very different kind of Oeconomy among Men. Hence it was, that the more powerful Communities, if they found their own Borders too ſtrait for them, would not give themſelves the Trouble of removing to diſtant uninhabited parts of the Earth, but took the Liberty to incroach upon their Neighbours, and poſſeſs themſelves of what the Induſtry of other Men had made their own juſt Right and Property. Theſe Violations of the Law of Nature taught the more ſcatter'd People to enter into Societies, and unite together for their Mutual Defence againſt the Invaſions of others; and

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for the Well-ordering of Matters, and preventing private Injuries that might occur among themſelves, they thought upon the conſtituting Laws, for the defining of Liberty and Property, and executing Juſtice upon ſuch as ſhould offend againſt them; they apply'd themſelves alſo to the inventing of all ſuch further Policies as might be conducive to the acquiring and preſerving the Good of the whole Society; and whether they thought beſt to commit the Chief Conduct of their Government to one Perſon as Supream, to rule them with the aſſiſtance of ſubordinate Miniſters; or that they plac'd this Supream Authority to govern in ſeveral, with joint Power, the end and intent was ſtill one and the ſame, to procure and conſerve the Good of the whole People, though the Names were differing, as that of Kingdom, Common-wealth, *&c.* Thoſe that inſtituted the beſt Policies, and moſt ſuitable to their Circumſtances, generally became the moſt powerful; a Senſe of their Strength, and an Opinion of their

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Skill in Politick Managements, made them Ambitious to gain Dominion, and Rule over others: Some united through Fear, or for Convenience, and others were ſubdu'd by Force; thus from ſmall Beginnings grew up Mighty Empires, who apply'd their whole Power to bring and keep all they could reach, under their own Dominion; by which means the Frame and Conſtitution of many Kingdoms and Countries came to be altered from their Original Settlements. There were yet another ſort of Invaders, whoſe Manner was only to make room for the too Numerous Broods of their Off-ſpring, who did as it were ſwarm out in huge Multitudes, to take up new Dwellings, where they lik'd beſt; with no intent to erect any United Empire, or to return again to their Native Countries; theſe deſtroy'd, drove away, or oppreſt the Aborigines, or former Inhabitants, where they came, and poſſeſs'd themſelves of their Habitations. Of this latter ſort have been the Ancient *Scythians*, the *Goths*, *Van-*

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Vandals, *Huns*, and others of their Deſcendents, branch'd out into many other Appellations; but theſe may by no means be ſaid to ſettle Colonies, becauſe they retain'd not any dependance upon their Original Countries, but erected New and Abſolute Governments upon their own Foundation. Of thoſe that aim'd at the gaining and keeping together of a Mighty Empire and Vaſt Dominions, the *Romans* were the laſt, who grew to the greateſt heigth, and excell'd all others in Power and Policy, and the preſent Kingdoms and States of *Europe* retain many of their Notions and Principles of Government to this day, though in many places with a large Mixture of the *Gothick* Conſtitution; but 'tis from them that we have principal'y learn'd the way of Settling and Managing of Colonies, and to their Practice we ought to have recourſe in ſuch Matters as relate thereto: And though we are not to expect, that the Circumſtances of other Governments, and latter times, were obliged to follow

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the *Roman* Pattern in every particular, yet I believe, upon comparing them it will appear, that few have trac'd it nearer than we did, in the Subduing and Settling of *Ireland*.

When the *Romans* had by Conqueſt, or any other Means, brought any Country under Subjection to their Government, they then gave the Country the Name of a *Roman* Province, poſſeſs'd themſelves of the moſt Conſiderable Towns and Fortreſſes, wherein they plac'd Competent Garriſons, and then withdrew the Body of their Army, appointing a Governour in Chief over them, whom they at any time afterwards recall'd, and ſent another at their Pleaſure. Did not the *Engliſh* in their ſubduing *Ireland*, ſo far imitate this way of Management, as that the Countrey became united to their Empire, in the very Nature of a *Roman* Province? As the Inhabitants of the Countrey made more or leſs Reſiſtance againſt them, the *Romans* granted them the more or leſs Liberty, ſo that they put Conſiderable Tributes

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or Services on ſome, and ſuffer'd others to enjoy great Franchiſes and Priviledges: In like manner, the *Iriſh* making little or no Reſiſtance, had the Laws and Liberties of Engliſhmen granted them. This is the Nature of a Province, but a Colony is yet another thing: If the *Romans* lik'd the Province, and ſaw it convenient for them, they ſent ſufficient Numbers of their own People to ſettle in this Province, divided out ſuch Lands to them as had been gain'd, to cultivate and manure for their own Advantage, and the Poſſeſſion thereof to remain to their Poſterity; the Exerciſe of the *Roman* Laws was granted them, and ſometimes alſo they had a Senate allow'd among themſelves, who might enact ſuch things as the Circumſtances of their own Affairs did require; they and their Poſterity always remain'd free Denizons of *Rome*, and were always protected and defended by her, as long as ſhe had Power to do it; but they were ever obliged to pay an intire Obedience to the

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pream Decrees of the Senate of *Rome*, and were ſubject to be call'd home, if the *Romans* thought fit to diſſolve the Colony. Let the Reader apply this to the Circumſtance of *Ireland*, and conſider whether it be not a better *Example in point*, than Mr. *Molyneux* lately gave us.

I have taken the pains to ſay thus much on this Head, that if poſſible I might open the Underſtandings of Mr. *Molyneux* and his Admirers, that they may no longer lye under a Miſtake in this matter: If the Inhabitants of Countries and Nations can be made up of no more than theſe three ſorts of People, Aborigines, ſwarming Invaders, (if I may ſo call them) or Colonies; (as I think 'tis impoſſible to find more Original Stems, whatever Branches or Unions there may be). I am ſure the Engliſh of *Ireland* won't pretend to be Aborigines there; neither can they reckon themſelves to be upon the ſame bottom with the *Gothick* Excurſions, for that was quite out of Faſhion, and the Practice forgotten, Ages before they were born; all

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all these parts of the World were setled under Kingdoms and Polite Governments, which with little alteration, (I don't say in their Forms of Governing, but) by Conquest, or otherwise, except by Unions, continue much the same to this day : They have frequently needed Help, and had been many times destroy'd, or driven quite away, but for the constant Protection and Support they have always had from their Mother *England*; and they have ever receiv'd a Governour, and Directions for all the Principal Managements of their Government from her; these Circumstances can be no way agreeable to an Original *Gothick* Settlement; and since there's nothing else left, if Mr. *Molyneux* won't let them be a Colony of *Old England*, I see no room for them to take up any where, but in his Notion of the State of Nature, and then there will be need of reducing them again to Order as Wildmen. And though I take the Liberty to answer Mr. *Molyneux* after this manner, no Body can imagine that I could

could think of ſuch a Reflection upon the Worthy Engliſh Gentlemen of *Ireland*, I am ſure they will be much more ready to agree with me in the ſame thoughts of their Duty to their Mother Countrey, which I have Diſcours'd in *Page* 75, and 76.

p. 149. Mr. *Molyneux* thinks, he hath now anſwered *The only remaining Arguments that are ſometimes mentioned againſt them*, and ſo *He proceeds to offer what he humbly conceives, demonſtrates the Juſtice of their Cauſe*; and this takes up about twenty four pages to the end, in which he hath ſumm'd up his Diſcouſe; much of which is a Repeating over again, *What are the Natural Rights and Freedoms of Mankind*; *That no body can be bound without their own free Conſent in Parliament*, *quoting Mr.* Hooker, *&c. and telling us again, of the Conceſſions made to them:* But he might have ſpar'd himſelf and the Reader this Pains; we value Mr. *Hooker*, and all the reſt that have written upon that Excellent Subject, as much as he; we have

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have maintain'd the People of *Ireland* in the full Enjoyment of all that could be granted them in the firſt Conſtitution; they act as freely in their own Parliaments, in matters pertaining to themſelves, as ever any Body of Men in their Circumſtances did in the World; our Parliaments have always ſhewn that regard to the Legiſlature which they own to be their Right, as that we have rarely medled with it, and never but upon very extraordinary Occaſions, either to help them in the time of their Diſtreſs, and when they were not in a Capacity to act for themſelves; (as he confeſſes,) or when the Good of the whole Engliſh Empire (of which they are a part) did eminently require it, and which we ſhould have done as effectually if they had ſent Repreſentatives to our Parliament, as we have done it without them, and as we do it to *Kent* and *Suſſex*, in reſtraining the Owling Trade, notwithſtanding they do ſend Repreſentatives, who cannot hinder, if they Vote againſt; and to be ſure, if they

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Vote for thoſe Laws, act againſt the Conſent of thoſe that ſend them; and then why may not they complain of the Infringement of the Rights due to all Mankind, by putting Laws upon them, without their Conſent? but Mr. *Molyneux* may ſay, they have Repreſentments; what if they don't conſent? may not theſe People then ſtrongly inſiſt, that they are not bound? Yes, ſure, if General Notions of Liberty muſt be ſwallowed all in a Lump, without diſtinguiſhing; but here's a Majority in the Caſe, and that Obliges; if it be ask'd further, why ſhould a Man be bound by ever ſo great a Majority, ſo as to be reſtrain'd from doing what he will with his own, according to the Liberty inherent in all Mankind, by the Law of Nature? Becauſe he that is not born in the ſtate of Nature, is effectually bound by the Conſent of his Anceſtors, to ſubmit to the Conſtitution of his Countrey, and that with us determines that the Majority ſhall bind. Publick Societies can never be kept together, nor the Good of the whole

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whole conſerv'd, without ſome ſuch binding, ſuch Limitations of Freedom as this; and this is what we have reaſon to require from the Engliſh of *Ireland*, who are certainly a Colony of *England*, ſent thither by us, bred up, cheriſh'd and protected by us, in the Enjoyment of good Eſtates and ample Privileges, ſufficient to preſerve the intire Freedom of their Perſons and their Properties, in all manner of Liberty and perfect Enjoyment; excepting only, that if they ſhould preſume to extend it to ſuch a Latitude, as would be highly injurious and prejudicial to *England*, and conſequently to the whole Engliſh Empire, by wounding its Head; whereon alſo themſelves always have, and muſt relye for aſſiſtance, ſo that in whatever they weaken her, they work their own Deſtruction: And the World will eaſily judge, that as we have the utmoſt of Reaſon on our ſides, ſo if we are a perfect Government, we muſt have ſufficient Power reſiding in our Conſtitution, to act upon all

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Extraordinary Occaſions, whatever we ſhalll find abſolutely neceſſary to our Preſervation, even to the binding of all the Members of our Empire, without being oblig'd to ask their Aſſent.

The reſt is little more than dilating upon Concluſions, ariſing from ſuch Premiſes, which I hope I have ſufficiently refuted in my former Diſcourſe, and therefore I ſhall meddle no more with it, but to touch upon two Paſſages: The one is, where he
p. 166. tells us, that *It is againſt the King's Prerogative, that the Parliament of* England *ſhould have any co-ordinate Power with him, to introduce New Laws, or repeal old Laws eſtabliſhed in Ireland:* But his Argument upon this is either falſe Printed, or down-right Nonſenſe, or at leaſt ſo Confus'd, that I Confeſs I cann't unravel it, and I'll begg the Reader, if he would ſee it, to look for it in *page* 167. for 'tis too long to Tranſcribe and Comment upon, where any on't is intelligible: But to take it in the groſs, 'tis no more than a weak attempt

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tempt to raiſe a Jealouſie, about hurting the King's Prerogative, when yet nothing that he hath offer'd looks like it, but rather ſhews the King's Prerogative to be leſs there than in *England*. I wonder Mr. *Molyneux* ſhould render himſelf ſo ignorant of our Conſtitution, in magniſying the Negative Vote, which their Parliament hath upon whatever Law is ſent to them from the King in his Privy Council, as if that were a higher Privilege than the *Engliſh* Parliament has; whenas a little Inquiry into theſe Matters would have inform'd him, that the King can, if he pleaſe, bring a Bill into Parliament here, and either Houſe may reject it, if they don't like the Law: But then what Laws he ſends to their Parliament, muſt be firſt approv'd in the Privy Council here, and doth not that ſhew that an Authority inferior to our High Court of Parliament, hath a ſort of Co-ordinate Power with him in the Legiſlature of *Ireland*? And is it not an evident Demonſtration, that the King doth not act

act any thing in relation to *Ireland*, upon any distinct Prerogative, as various and differing from what was inherent in the Imperial Crown of *England?* Nay, is not the King's Prerogative exerted in a higher degree, in the manner of his passing an English Law, where he comes into the House of Lords, and exercises in his own Person alone, (and without taking the Advice of the Privy Council of either of his other Kingdoms) one full Third Part of the Legislative Authority, and in Power above one half, as having the Casting Vote, by which he can deny against the other two Estates? And when he thus passes any Law, affecting *Ireland*, can any thing be more absurd,

p. 167. than to suggest, *That he thereby suffers a precious Jewel of his Crown to be handled roughly?*

p. 172. The last Passage I shall observe, is his Parting-blow, the last three Pages, wherein he Cautions us two or three times over, how *Unsafe it may be for us to assume a Jurisdiction, whereby the Lords and People of* Ireland

land *may think themſelves ill uſed, their Rights and Liberties, invaded and taken away, and they may be driven into Diſcontent*; from whence he hints, *there may be ill Conſequences*: We may eaſily ſee his Meaning to be a Menace, and though there may be ſome few of them as inconſiderate as he is, yet we have a better Opinion of the Body of the Engliſh Proteſtants there, than to believe that they will ever give us Occaſion to think, that we have need of Exerciſing ſevere Methods, to keep them in their due Obedience; Nay, had we the leaſt doubt of this, it would behoove us not to ſuffer any Gentleman, who hath an Eſtate in *Ireland*, to bear any Command in our Army there, 'till he had given us the utmoſt Aſſurance that he was not tainted with Mr. *Molyneux*'s Opinions. However, let me tell him, that a Supream Authority ought not to be ſet upon at the Rate he does.

And now I will take leave to ſhew the Lords and Gentlemen of *Ireland*, ſome of the ill Conſequences that

may attend them, if Mr. *Molyneux*'s Poſitions ſhould gain an intire Credit.

Firſt, If the Parliament of *England* ſhould be perſwaded, that they ought to look upon *Ireland* as a Diſtinct, Separate and Abſolute Kingdom, with which they have nothing to do; they might not think it unreaſonable for them, to demand a ſpeedy payment of all the Expences *England* hath been at, in the many Aſſiſtances which they have given them; and if they ſhall refuſe to pay it, whether it may not be juſt to recover our own from any Neighbour Nation by Force, if we ſhall think our ſelves able to do it?

Secondly, If the Kingdom of *Ireland* belongs to the King as his own Propriety, diſtinct from the Kingdom of *England*; if the *Iriſh* ſhould at any time hereafter believe that the King of *England* could not be able to protect his Poteſtant Subjects there, without the Aſſiſtance of Men and Money from his Engliſh Parliament, and ſhould thereupon make another Attempt

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tempt to drive them out, and ſeize their Eſtates; whether the Parliament of *England* would think themſelves oblig'd to be at any further Expence, to protect a People with whom they had nothing to do, and who had ſhewn ſo little Gratitude for what had been done for them formerly.

Thirdly, If *Ireland* be ſuch an Abſolute, Independent Kingdom, by virtue of the Conceſſions formerly granted to them by *England*, thoſe Conceſſions were made to the Native *Iriſh* and *Old Engliſh* ſettled there; all that Mr. *Molyneux* hath argued is intirely their Caſe, and they alone have Right to be conſidered, and treated with as the Body of that Kingdom; but the Modern *Engliſh* Proteſtants can have no Intereſt in theſe Ancient Grants; they are ſtill our own People, went thither with our leave, and may not ſtay there without our permiſſion; if then the Government of *England* ſhould think fit to recall them, (as they may thoſe that are in *France*, *Holland*, &c.) Whether the *Iriſh*

Papiſts could either have Will or Power to protect or keep them from us?

And now as I have been neceſſitated upon ſeveral former Occaſions, to ſhew that Mr. *Molyneux* hath ſtarted many things, that may be made uſe of to the Diſadvantage of the *Engliſh* of *Ireland*; ſo I think, I have alſo demonſtrated, that upon the foregoing Conſiderations, his Notions, if they ſhould be thought reaſonable, ſo far as to obtain upon the Parliament of *England*, to believe that they ought to quit all manner of Pretenſions of their Superiority over *Ireland*, as amply as he deſires; the Conſequence muſt draw immediate Deſtruction and Ruine upon them; which I ſhould think might ſufficiently convince the Gentlemen of *Ireland*, that Mr. *Molyneux* hath not deſerv'd well of them in writing this Book: And I hope they will think, that I have employ'd my time much more to their Advantage, if it may convince any that have been lead into his Miſtakes, that 'tis the true Intereſt of the Proteſtants of *Ireland*, to remain con-

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conſtant and firm in their Loyalty and Obedience to the King and Kingdom of *England*, and to eſteem it their great Happineſs, that they are annext in ſo eaſie a Subordination, to a Kingdom that is ſo well able to protect them, and hath requir'd ſo little from them ; and never more to think that their being reſtrain'd from interfering with us in our principal Trade, can be too great a Retribution for the many Benefits and frequent Preſervations which they have receiv'd from us, eſpecially ſince they are in much eaſier Circumſtances than the People of *England* to live without it ; whereas the Robbing *England* of it, muſt inevitably introduce a Decay of her Riches and Power, and render her incapable to give *Ireland* that large Aſſiſtance that ſhe may poſſibly at ſome time or other need again. *England* hath been, and muſt ſtill continue to be at a mighty Expence to maintain her Navies, and the Civil Liſt, from all which they receive the Benefit of being protect ed in their Eſtates and Trade, with-

out being hitherto ask'd to pay one penny towards it, ſo that they may clearly ſee, that 'twill be much eaſier for them to continue in ſuch a Subordination, than to aſpire to the Dignity of an Independent Kingdom, which they cannot be able to ſupport.

I have now done with Mr. *Molyneux*'s Book, and ſince I have taken ſo much pains with it, I hope I may be permitted to give it ſuch a Character at parting, as I think to be in a moſt peculiar manner agreeable to it: 'Tis an abundance of Weil choſen Words, and Fine Rhetorical Turns to prove nothing; 'tis a multitude of Argu-guments and Authorities, brought together to confute its own Author; and 'tis a promulgating of ſuch inconſiderate Notions, as would ruine and undo the People, for whom it undertakes to be a Zealous Advocate.

If it ſhould be thought by ſome, that I have been too ſharp in ſome Expreſſions, there are yet others, whoſe Judgment I have taken, that are of the Opinion, that ſo Inſolent

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an Argument merits no leſs; and I think ſuch a Diſcourſe cannot well be treated with that Coolneſs and Indifference, which might become a Modeſt Controverſie: Subjects that ſo raſhly undertake to diſturb the Minds of People, and aſſail the Authority of a powerful Kingdom, in matters of ſo high a Nature, deſerve at leaſt to ſuffer ſuch a Correction, that others may be deterr'd from the like Bold Attempts; let it be remembered, that *Salmaſius* was laſh'd to Death by a Pen, provok'd in (what in thoſe times he thought) the Cauſe of his Country, and Mr. *Molyneux* may be thankful, that we have no *Milton* living to handle him. I am a perfect Stranger to the Gentleman, and can have no perſonal Diſreſpect for him; and if he'll give me leave to diſtinguiſh, as nicely as he does between the King and the Kingdom, 'tis his Book, not him that I would expoſe; after all, if in regard to his Perſon, I do with the loweſt Submiſſion ask his Pardon in the End, I hope I ſhall come off with as good

Manners, as he does with the Parliament of *England*, in asking theirs in the Beginning of his Diſcourſe.

Laſt of all, to reflect a little upon my ſelf, I ought to ask Pardon of the World for what Miſtakes I may have committed; for I cannot think ſo well of my ſelf, but that ſome may have ſlipt my own Obſervation: Reading hath not been my Buſineſs, and therefore it may ſeem ſomewhat ſtrange, that I ſhould have undertaken to deal with a Book that profeſſes ſo much; I was reſolv'd therefore to handle it in ſuch a way wherein I might be moſt ſafe. There was indeed room enough for me to ſhew, from undenyable Authorities, that Mr. *Molyneux* hath very extravagantly err'd and fallen ſhort, in his Repreſentation of this Matter; for there are many Engliſh Acts of Parliament extant, which prove, that as well in ancient times, as ſince *Poyning*'s Law, the conſtant practice of *England* hath been to make Laws binding upon *Ireland*, as often as they

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ſaw fit; whereof he hath taken no manner of Notice; which muſt conclude him either to have dealt very diſingeniouſly, or what will no leſs reflect upon him, that he was too ignorant in Matters of Fact, for ſo conſiderable an Attempt: But this part being undertaken by a much abler Pen, I was reſolv'd to let all that alone, and meddle with no Authorities but what Mr. *Molyneux* hath produc'd; and as far as poſſible to admit of his own Arguments, and only endeavour to turn the Reaſon, which Naturally flows from them, againſt him. Can there be a fairer Oppoſition, than to fight a Man at his own Weapons? I have indeed here and there, as Occaſion hath required, aſſerted ſome things that may have occurr'd to me, through that ſmall ſtock of Reading or Converſation that hath fallen to my ſhare; and if my Memory don't ſerve me ſo well as to be able to prove them out of Authors, I don't think 'twill be thought any great Fault; it may be ſufficient for me to ſay, that they

are become Principles to me; and I think them ſo conſpicuous, that the reaſonable part of Mankind don't diſagree about them: Beſides, I was reſolv'd to have a Care of Mr. *Molyneux*'s Failing, leaſt I ſhould chance to quote any Authorities which might with more advantage be uſed againſt me. I had never medled in this Matter, but that I ſaw Mr. *Molyneux* was ſo egregiouſly out in it, as that a Man of indifferent Reaſoning might undertake it, and 'twas that part only that I was willing to attempt: Neither did I reſolve to go on with it, when I was told that a very Learned Gentleman had an Anſwer in Hand, 'till ſhewing what I had written to ſome Gentlemen of better Judgments than my own, I was encourag'd by them to go through in the way I had begun, becauſe they believ'd Mr. *Attwood* would principally handle the Learned part, and mine might alſo have its Service. How meanly ſoever I have been able to perform it, I am ſure it will appear that my Intentions were right,

and

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and I need no more to recommend me to the Charitable part of Mankind, and he that is afraid of the reſt, ought of all things in the World to forbear Writing in this Critical Age.

FINIS.

Some few Faults have eſcaped the Preſs, which the Reader is deſired to Correct.

Page 14 of the Epiſtle, Line 4 Read *a Feudatory.*

Page 13 Line 21 Read *as with.*

34	14	*Rebellions.*
75	14	*Perſon.*
49	13	*Independent.*
128	1	*this Debt.*
156	8	*Repreſentatives.*

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AN

ANSWER

TO

Mr. Molyneux

HIS

CASE *of* Ireland's *being bound by Acts of Parliament in* England, *Stated:*

AND

His Dangerous Notion of *Ireland*'s being under no Subordination to the Parliamentary Authority of *England*

REFUTED;

By Reasoning from his own Arguments and Authorities.

Rom. 12. 3. *For I say, through the Grace given unto me, to every Man that is among you, not to think of himself more highly than he ought to think;* &c.

Gal. 6. 3. *For if a Man think himself to be something when he is nothing, he deceiveth himself.*

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