



Lords MAYO and FAIRHAM took the oaths and their seats.

Lord KINGSTON stated, that he had before the House given notice of a motion on the subject of Irish Tithes, and he now made that motion, and presented a Bill to explain and amend certain Acts relative to Tithes in Ireland, and moved that it be read a first time. Read accordingly, and ordered to be printed.—Adjourned.

LORD ELLENBOROUGH.

Lord COCHRANE gave notice that on the 2d of May he would move, that his first charge against Lord Ellenborough should be taken into consideration, in a Committee of the whole House. He wished to know if there would be any objection urged to his bringing witnesses. If there were none, he would now give in a list of those he wished to call, in order to substantiate his charge. Should this be opposed, he proposed submitting a motion to the House on the subject on Monday.

The SPEAKER said, the Noble Lord must be aware, that before this question could be disposed of, the House must decide, whether there was any matter of charge against the Noble Lord (Lord Ellenborough). When it was agreed that any charge should be gone into, the House would then do every thing in its power to bring forward all the witnesses who could afford any information on the subject.

Lord COCHRANE then fixed his motion for the 2d of May; and afterwards put it off till the 3d. The Committee on the Agricultural Distresses of the County was postponed from Monday next until Friday.

CLERK OF THE PEAS IN THE IRISH EXCHEQUER. Mr. PLUNKETT wished to know the nature of the Bill which the Right Honourable Gentleman (Mr. Peel) proposed to bring in on Monday for regulating the Office of Clerk of the Peas in the Irish Exchequer.

Mr. PEEL said, the Bill which he intended to bring in did not go to regulate the right of the appointment to the office. That question—the right having been claimed by the Chief Baron—he proposed to leave to be determined in the course of law. But whatever might be the decision come to on the case with respect to the right of appointment, it was open for Parliament to regulate the office.—For this purpose he should bring in a Bill, as its present enactments were much too great. The fees amounted, as he had been informed by some of the officers, to from £25,000 to £30,000 per annum. This ought not to continue; and as the appointment of a person to fill the office in question might possibly be deferred for a year, while the question which had been raised on the subject was pending, he thought it would be admitted that it was right to impose the fees which might accrue until the case was determined.

Mr. PLUNKETT said, he was authorised to state, that the most ample security would be given for any sums received. The measure proposed appeared novel in a case where a claim of right was involved. The Chief Baron had made out such a prima facie case as to induce the Court of Exchequer in Ireland to award in the person whom he had appointed. The Crown not exercising the right, that right the Court considered as devolving on them ad interim. He would not argue whether the office should be curtailed or not; it was not precisely a sinecure, as there were thirty clerks employed in the business; but it was certainly rather novel for Parliament to interfere pending the decision of a legal question.

Mr. PEEL said, his Bill would not determine whether the right to make the appointment lay in the Crown or in the Chief Baron; nor did it go to appropriate the receipts of the office ad interim, till the question was decided. With respect to the right of appointment, after all the inquiries he had been able to make, he believed it to lie in the Crown, as it had always till now been supposed to do. He had had a variety of legal opinions on this question, and these were in favour of the appointment being with the Crown.

Mr. PLUNKETT was the last to object to reforming the office, but thought it singular to suggest this office for Parliamentary interference, when there were other similar ones that might be made a subject of inquiry.

Mr. PEEL said, when the office fell vacant, and no doubt had been raised of the appointment being in the Crown, he had stated it to be the intention of Government not to fill it till it had been regulated, and thus proved the conduct of Ministers to be perfectly fair with respect to it.

Sir JOHN NEWPORT said, there was an express understanding that nothing should be done pending the office till the Parliamentary report was received.

Mr. VESSEY FITZGERALD said, that the question of right, as applied to the Clerkship of the Peas, did not apply in the same manner as to the Right Hon. and Learned Gentleman had stated, to the great officers in the other courts of law in Ireland. The Resolution of the House of Commons was prospective with respect to all of them, but to take effect only when vacancies arose by the death of those who were the holders of them at the date of that Resolution. He had himself, in a debate which took place last year, been a party to the pledge which had been given by his Right Hon. Friend (Mr. Peel), that none of the officers alluded to in the Resolution should be ousted by the Crown, until they should have an opportunity of regulating

them. With respect to the right which it had been suggested accrued to the Chancellor of the Exchequer, certainly, as far as the analogy of English practice was any authority, the power of appointment would have rested officially in him. He conceived, however, that it was the right of the Crown, by ancient and immemorial usage; even if it had not, he should not certainly have urged any claim, after the office had been made the subject of a Resolution of that House, and apprized as he was of the intention of that House to reform it. He felt it due to himself, however, and to the rank which he had the honour to hold in the Court of Exchequer, to say so much, because, with every respect for the learned person who had recently been appointed to the office, it would not become him to have acquiesced in the claim of the Chief Baron of the Exchequer, being the Chief Judge of that Court.

Mr. FOSTER stated several particulars respecting the inquiries of the Committee. It appeared that the First Deputy received £7000 a year; the Second Deputy about £3000 a year; and the Third Deputy £2000 a year. Of the six Clerks employed, one of them received £3000 a year, and two or three of them about £2000 a year. The Chief of the Office received about £30,000 a year.—[Hear, hear.]—Proper regulations would supply an ample fund for all those employed, with a liberal allowance to the principal.

Mr. ABERCROMBY was always disposed to defend vested interests; but, under the circumstances of this office, Parliament could not be precluded from interfering.

Mr. PLUNKETT did not object to regulating the office; but if it should turn out that the appointment was legal, it would appear strange that Parliament should have requested the money.

CATHOLIC PETITION. Sir H. PARNELL presented a Petition from the Catholics of Ireland, voted at a late meeting in Dublin. In bringing this Petition before them, he felt it incumbent upon him to offer a few observations. He wished they might not be disappointed. There certainly might, during the war, have existed reasons for declining to grant the prayer of the Petitioners, which remained in bar to their hopes no longer, now that peace was happily restored. He hoped advantage would be taken of the present situation of the Country to attend to the wishes of the Catholics, and to grant the relief they prayed.

The Petition was then read and ordered to lie on the table. Mr. ROSE presented the Report of the Committee on Mad-houses, which was ordered to be printed. Mr. VESSEY FITZGERALD gave notice of a motion for Wednesday, which could not be distinctly heard in the gallery. It was understood he would then name a day for taking into consideration a measure which he hoped would shortly receive the most serious attention of the House—that for consolidating the Exchequers of England and Ireland.

STATE OF IRELAND. Sir J. NEWPORT said, from the magnitude and importance of the task he had to perform, it might appear presumptuous in him to attempt it, when so many other Members from Ireland were so much more competent to it. Their research and eloquence might have illumined the dark and dreary path he was obliged to pursue. His zeal had outrun his ability; but all his defects could be simply supplied by others, particularly by the Members for the City and University of Dublin, who could make the House entire masters of this important subject. It seemed impossible to examine the evils of Ireland without inquiring into their causes. He feared he must trespass some time on the attention of the House. It might naturally be asked how, after so many hundred years' connexion with this country, Ireland now remained in the same state which was complained of centuries ago? There must have been misgovernment; for there was no historical instance of two countries so long connected without an assimilation of manners and habits. Why was it different with respect to Ireland? The first inquiry into the state of Ireland was on the accession of James the First, by Sir John Davis, who took great pains to show that mutual interests were completely misunderstood. In his quiet language he said, that if you could not govern the Irish, or conquer them by the sword, they would always have pricks in their ears and thorns in their sides. In those days, if an Irishman was murdered by an Englishman, the punishment was five marks; if an Englishman was murdered by an Irishman, it was death. The Irish, therefore, actually considered the law only as the authority of an oppressive master. Sir John Davis had stated that the English would not give the Irish the benefit of their laws; and he says he knew no nation who loved the dispensation of justice more than the Irish, if they were sure of protection. That was the principle on which Britons obeyed the laws. After that time considerable confiscations took place in consequence of the rebellions of O'Neill and Desmond. When King James the First undertook colonization in Ireland, though the measure was good in some respects, yet it proceeded too much on the principle of garrisoning the country, rather than of forming a connexion. This was a bad policy, though the confiscations might be just and merited. Hence a natural animosity was created between the inhabitants and those who garrisoned the country. This was chiefly in Ulster; but, shortly afterwards, the other parts of the island were harassed by incursions into titles and other matters by the Ministers of James, in order to seize the property. Subsequently to this, the unhappy disputes broke out in England, and Ireland fell unfortunately a victim to political intrigues. The royal agents persuaded the Irish into the forming of a royal army against the Parliament. The arts of the

Papists, and the intrigues of the Nuncio, were particularly detrimental, and produced the most lamentable results, and even the ruin of the country. At last Cromwell's conquering sword put down all opposition. A temporary tranquillity ensued in England, notwithstanding the misconduct of the restored Stuarts; but it was far different in Ireland. Every thing was attempted by Shaftesbury and others against the Duke of Ormond, who was, however, one of the greatest men Ireland ever produced.—After this, James II. took refuge in Ireland, and the misguided people sacrificed their English connections to their mistaken loyalty, and were doomed to another struggle. With the Revolution Great Britain commenced an age of freedom and glory; but was that the case with Ireland? Then commenced the penal code, so strongly condemned in a speech of Lord Camden, in the Lords, in 1774. The Honourable Baronet then noticed the un lucky circumstances connected with the affair of Wood's half-pence. He quoted the opinions of the first Lord Charlemont, why a country so large should produce so little, and make so slow a progress. He also quoted several passages from Bishop Boulter to Lord Carteret, and from Dan Swift, to show the wretched state of Ireland at that period. It was a Protestant Parliament which took all these unjust and violent measures with regard to the adjustment of tithes, by which the prosperity of the nation was sacrificed to the interests and prejudices of the few. The temper with which it legislated was indeed made abundantly manifest, even in the less important of its proceedings. Among the variety of petitions which were then received with indulgence and respect was one from a number of porters, who complained that a Catholic coal-merchant employed porters of his own persuasion, and praying that he should be compelled to employ Protestant porters.—[A laugh.]—The House of Commons not only ordered that this Petition should lie on the table, but referred it to the Committee of Grievances.—[A laugh.]—Was it surprising that the consequences of this system should be an aversion of the People from their Government, which had not even at this period ceased to exist? The English Ministers of that day did not fail to perceive, that a Parliament, thus severed and disquieted from their Country, could not be a very strong Parliament; and such was his opinion of it, that he was encouraged to attempt a measure which, if it had succeeded, would probably have prevented any future Parliament from sitting in that country. This attempt was to get the supplies voted for 21 years, and it failed only by one vote. The Parliament, during the reign of Geo. II. sat for 33 years; and the effect was to paralyze the industry, and arrest the progress of Ireland in the career of national prosperity for that period. Amidst all its demerits, however, it had the virtue of economy; for it paid off the whole debt of the country, and left a surplus in the year 1753 of £200,000. With regard to this sum, there was a good deal of altercation among the Members as to its disposal; but the English Minister relieved them from this embarrassment, and a King's letter transferred the whole to the British Treasury. This state of things continued with little interruption till 1778, when, from the disasters of the American war, Ireland was left without any military force. The duty now devolved on her of protecting herself, and here commenced her era of glory. Ireland did protect herself, assumed her natural independence, and, having by her gallantry and concord acquired a title to respect, she demanded to be respected, and the English Government satisfied the demand. Before this, she had remained a Province; she now rose to the rank of a Nation, and advanced to this rank under the auspices of a person (Mr. Grattan), of whom, if he were not present, he should feel it his duty to say much, but with regard to whom he must be permitted to observe, that his name was connected with the brightest period of Irish history, and that, without his aid, that period might never have arisen.—[Hear, hear.]—But altho' the Irish Parliament had thus achieved a victory over others, it had not learned to conquer itself. The Protestant population had not virtue or magnanimity enough to share the advantages they had obtained with the great body of the People. What followed, he hoped, would be an eternal lesson of the weakness of that policy which would exclude from the benefits of a free constitution any portion of the community, not to speak of the great bulk of the population. During the whole of that period of unanimity and triumph which he had described, the most perfect order and tranquillity prevailed; the laws were universally executed, and the voice of faction was no longer heard. Why should not the country resume that happy situation? Why should not the spirit and policy of the Government in this Country? In England, every man, however humble in his condition, or whatever his political tenets, felt an interest in the constitution, and was in some degree an executioner of the laws—because he well knew, that they were made, not for the few, but for the many; and that no rank or power could escape the consequences of their violation. He was sorry to say he could draw no such picture of the state of Ireland. Shortly after the brilliant epoch he had alluded to, many persons, not wishing well to the happiness of that country, began to endeavour at weakening those principles which they could not resist, and the satellites of an old and corrupt government hoped to re-introduce, in its former latitude, the system of exclusion and dependence. He could assure the House, it was his wish to abstain from all expressions which might have a tendency to inflame; but he could not refer back to the causes of an evil without stating his opinions unreservedly; and whether speaking of persons since dead, or now liv-

ing, he should take care to employ the language of censure only where his public duty seemed to require it. With regard to the act of 1793, he was desirous of not mixing with the general discussion the question of Catholic Emancipation, which stood on its own separate grounds. He should have adverted to it, only as one cause which operated to demoralize the community, by continuing in existence a criminal code which was already abolished in this country. Recurring to the act of 1793, there was good reason to believe that it was the intention of Mr. Pitt and the late Lord Melville to have extended the relief much further, if they had not been impeded by the Irish Government. Upon what other principle, indeed, was it possible to account for the anomalous nature of that statute, and the apparent capriciousness with which its provisions were framed, and its benefits distributed? Why, when the road to distinction was to a certain extent opened to the Army, was it entirely closed against the Bar? He knew of no other explanation than the circumstance, that the Irish Government was then under the direction of a Noble Person (Lord Clare), who, finding that the policy of concession must be adapted, desired that at least his own profession might be left to himself. This was the cup dashed from the lips of the People, and disappointment led to discontent, which, unhappily, combined with other causes, at length terminated in rebellion. Over this calamitous period it was his wish to draw a veil, and direct the attention of the House at once to the Act of Union, and to the Constitution of the Imperial Parliament. The pledge necessarily involved in this measure was, that the United Parliament would examine and redress the grievances of Ireland, for on no other principle could Irishmen agree to a surrender of their independent Legislature. If the records of her history were searched, it would surprise the House to see how few were the acts of grace or favour which she had received; but he would rather call their recollection to the sacrifices which she had made, in blood, in finance, in exertions, and in since. She had fought by our side, through all the battles in which we had been engaged, with a gallantry never surpassed.—[Hear, hear.]—She had expended 67 millions, or at the rate of 4 millions annually; whereas, before the Union, her expenditure did not exceed a million and a half. Her taxation was thus trebled, and her entire exertions had greatly extended her strength. The debt was increased from 34 to 150 millions; and the revenue, which, but for these exertions, would have now been 10 millions, was £5,800,000. It was under these circumstances that Ireland now claimed the performance of our part of the contract; and that we should inquire how it was that a Country, seated in a temperate climate, with all the benefits of nature showered upon her, should be to us a source of alarm, instead of a pillar of strength.—[Hear, hear.]—How was it that it should be deemed necessary to treat her like a garrisoned town, and rest the dependence of security on an army of 25,000 men? He must say, that such a necessity could proceed only from a system of misgovernment. [Hear, hear.]—He had alluded to the temporary necessity of this force for punishing and putting down outrage; but he protested against the idea that this necessity was to be supposed permanent, or that such a system of government ought longer to continue without inquiry. If so, it was not 25,000 men, nor 50, nor 100,000 men, that could continually prevail over six millions of a proud and gallant People. After pouring out this blood so lavishly in the defence of the empire, they had a right to claim from our justice the same tranquillity and the same liberties which we ourselves enjoyed. The Noble Lord must well know the danger of delay in political questions of this nature, and feel that many desirable concessions might have been accomplished heretofore, with more ease and safety than at present. He was at the same time happy to admit, that since the Act of Union, the commercial jealousy of this country had certainly been relaxed, and that in this respect Ireland had been considered as much a parcel of the empire as York or Devonshire. [Hear, hear.] But why, he would ask, whilst intelligence was acknowledged, were the Orange Societies suffered to exist? The attempt to introduce them into this country had been properly reprobated both by the Noble Lord and the Right Honourable the Member for Liverpool; but why should they still be permitted to agitate the public mind in Ireland by the insulting badges of exclusive loyalty, and the commemoration of party triumph? The Minister who did not use the strong arm of the law in extinguishing these seeds of division, was guilty of a great dereliction of his duty, which called for the interference of Parliament. These professors of loyalty were too often those who protected illicit distillation, and thus threw the burden of taxation on the other portion of the community, by assisting to defraud the revenue. He looked at this as an evil, because it tended to demoralize the general system. If, as he had heard, some of these were individuals of rank and power, he trusted that Parliament would show that it was as high as to be beyond the reach of the law. He was sorry to say that a very recent statute had been enacted for the purpose of remitting the penalties, after they had been levied on minor offenders, on the ground that they were so numerous in some countries as to render it impossible to extirpate them. The House would, he was sure, visit so monstrous a doctrine with the reprobation it deserved. With regard to the office of High Sheriff, he would only say, that what was in this country a burden was the means of augmenting, or attaching powerful individuals to the support of Government. Here was an instance of a Minister of Justice entirely dependent on the favour of the Government. It had been strongly but truly said in another House, that this office was so radically vicious as to pos-

sess the fountain of justice in its source. [Hear, hear, hear.] To the subject of Grand Juries he did not wish to advert, as that was likely to be brought under consideration in a distinct form. He must lament that it was too much the practice for money to be sent and to find favour, by trading their fourths of their country. If he were asked why he had not brought forward this motion for inquiry at an earlier period, he should observe, that he had proposed, though without success, the same measure in 1804. From that time, almost to the present moment, the anxious labours of the war were engaged in, and the actual dangers of the country rendered such a measure dangerous and impracticable; but in ordinary times he knew no danger so great as that of discontented subjects. If, then, during the reign of profound tranquillity, the House should decide that no attempt was to be made to establish a better system, or to trace to the source those lamentable disorders which distracted the peace of Ireland, he should feel it his duty to bow to that decision; but he would decline the day which might be fixed for this country. Never, he was firmly convinced, would a more favourable moment present itself, and it would be with unqualified sorrow he should see it pass unprofitably away. One remedy had been much talked of—he meant the power of education. He hoped he carried his idea of that power as far as any man who heard him; but he must be permitted to say, that in comparison with the result of an accurate inquiry, that in a district comprehending about one-half of the County of Cork, there were upwards of 200 unendowed schools, educating not less than twenty thousand children. On this subject he would mention an anecdote highly honourable to a Catholic Minister, a Mr. O'Brien, of Innisburgh, who had established a Catholic school, and ended it with one half of his whole private fortune, which he at the same time gave for the establishment of a Protestant school in the same neighbourhood, by offering to subscribe a sum equal to any which the most liberal promoter of the object should contribute. Here was no disposition to proselytise—here was real liberality; and he would say to the Clergy of other Churches, "go and do likewise." His opinion then was, that the remedy of education, as applicable to the existing state of Ireland, could not be a radical or effectual cure for the evils under which she laboured. He contended that education would be no cure for the political evils of Ireland, unless accompanied with a radical reform; and as the system under which Ireland was governed had been vicious for ages, it was the duty of Parliament to look into the causes of all its defects in that system, without any view of ascribing the guilt of the present state of interests of any individual to him. He should move, therefore, that an Address be presented to his Royal Highness the Prince Regent, representing that the necessity of keeping up an army of 25,000 men, in time of peace, obliged the House to consider the state of that Country, which formed so considerable a portion of the Empire, as affecting and distressing in the highest degree; that the House, in consequence of the duty it was then called by a sense of public duty to turn its attention to this subject, and prayed for such discussions as might put it in possession of the extent and nature of the evils that existed, and lead to a thorough investigation into the causes that had produced them; that the House had furnished the Executive with the necessary powers for the preservation of peace, and would now apply all its attention to the examination of the evils, the causes that produced them, and the remedies that might be adopted, and for adopting such measures as might rescue that unhappy country from its present state of degradation.

Mr. Peel followed Sir John Newport, and, after a speech of great length, moved, as an amendment to the motion of the Right Hon. Bart.—That an Address be presented to the Prince Regent, expressing the deep regret of the House, that the political state of Ireland, in a time of peace, readers a source of alarm to the Government, and that it is the duty of the Government, for the present year, to assist in the execution of the laws, and in the preservation of the public tranquillity; and entreating his Royal Highness will be graciously pleased to direct, that he be heard before the House a statement of the nature and extent of the disturbances which had been prevented, and of the measures which had been adopted by the Ministry of Government to that country in consequence thereof; that the speakers who fall in with the public tranquillity, and the preservation of the law, and in the preservation of the public tranquillity, and entreating his Royal Highness will be graciously pleased to direct, that he be heard before the House a statement of the nature and extent of the disturbances which had been prevented, and of the measures which had been adopted by the Ministry of Government to that country in consequence thereof; 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