This evening we mark with gratitude the filling of two gaps: Dr Mark Empey's edition of Early Stuart Irish Warrants 1623-1639 fills a gap that many of us were in danger of falling into because we did not know it was there and Mr Bergin and Mr Lyall have filled by their scholarly edition of the Acts of the Parliament of James II of 1689 a gap of which we were all aware but which many of us despaired of ever being filled.

Our gratitude is not only offered to our editors but to the Irish Manuscripts Commission and, in particular, to James McGuire and Cathy Hayes. Under James McGuire's leadership the achievements of the Commission, particularly in these years of austerity, have been breathtaking.

I once had an inspirational law lecturer, the late Dr Michael Knight, who introduced himself as the best qualified teacher of criminal law, not because of his degrees (although he was the only Doctor of Laws on the faculty), nor because of his publications (although his books on criminal appeals had been *very* well reviewed) but rather because he had more criminal convictions than any other member of staff.

This approach emboldens me to say that I am qualified to launch Mark Empey's wonderful book because I have been involved in what I think I can safely say is the only case on this island at least in the last hundred years in which the effect of a warrant of appointment is discussed if not exactly determined.

In Re Treacey and MacDonald [2000] NIQB 6 (2nd May, 2000) the applicants, who objected to the references to Her Majesty in the declarations

then taken by Queen’s Counsel in Northern Ireland, argued that their appointment as Queen's Counsel “was completed and perfected by the Warrant of Appointment and took effect, therefore, by the issue of the warrant on 24 November 1999” and that the practice of having a ceremony which involves the taking of a declaration does not make the declaration a precondition of appointment.

It was suggested that the practice adopted by the Crown in relation to the Letters Patent was significant. These had been signed and sealed before 21 December 1999 and their terms were unconditional and unqualified. In Northern Ireland Letters Patent are handed to counsel before they make the declaration whereas in England they are received by counsel after the declaration has been administered. The presentation of Letters Patent before the making of the declaration was consistent, the applicants argued, with the irrevocable effect of the Warrant.

For the respondent it was contended that the warrant was authority for the making of the appointment but that, before the appointment could be perfected, the issue, sealing, signing and delivery of the Letters Patent and the making of the declaration were required. The warrant authorised the affixing of the Seal to the Letters Patent. The signing of the Letters Patent took place on 15 December 1999. It was backdated to the date of the receipt of the warrant (24 November 1999) but this did not signify that the declaration was not required before the rank of Queen's Counsel was bestowed on the applicants. The signing and sealing were conditional, it was said, on the making of the declaration of office. The position was compared

by the respondent to the delivery of a deed in escrow. The deed is not treated as an executed document until relevant conditions have been performed.

The Judge (Kerr J now Lord Kerr) said “that the issue of the warrant cannot be conclusive as to the rights of the applicants to practise as Senior Counsel. The warrant is certainly required before an aspirant to the rank of Queen's Counsel can undertake work as a senior but it is issued in the knowledge that a declaration of office will be made by those named in it before they are permitted to undertake work as Queen's Counsel. The warrant itself is not irrevocable. The judge regarded it “as implicit, therefore, that a declaration will be made before those named in the warrant may assert their entitlement to be called and to practise as Queen's Counsel.”

Hedging his bets in the way that judges sometimes do, Kerr J went on to say “In any event, even if the warrant had that effect, the applicants, although they might enjoy the title of Queen's Counsel, would not automatically be entitled to practise as members of the Senior Bar. As I have said above, the conferment of the title of Queen's Counsel is a matter for the Sovereign, acting on the advice of her ministers. The precedence accorded to those who have been named in the Royal Warrant and the Letters Patent is a matter for the judges.”

With the benefit of hindsight (and had I been able to ponder the contents of Dr Empey’s book) greater emphasis should have been placed not on the warrant but on the grant of silk by letters patent.

As Dr Empey points out in his introduction the function and purpose of warrants is of wide extent – and we have a sense of that width (as respects the period 1623 to 1639) from the four sets of manuscripts that are printed in this book.

This is a volume of great richness and I want to touch on only two aspects which have particularly caught my attention. The first is to speculate about the extent to which the warrants relating to public offices gave rise to formal grants of the relevant office. In relation to most public offices the warrant is itself insufficient to clothe any person with the office; a grant is needed (parenthetically I note the role of my predecessors in drawing up grants). How many warrants of appointment were completed by final appointments?

Secondly, I have been struck by the usefulness of the material produced by Dr Empey in revealing the extent of conciliar or prerogative jurisdiction during the Falkland and Wentworth administrations. Item 144 is a warrant of summons of 1634 (perhaps simply a summons) requiring the appearance of named persons before the Lord Deputy. Item 147 is a warrant for seizing the goods of John Hassard a Youghal merchant at the petition of Christian Borr a Dublin merchant who had engaged himself in the sum of £1000 on Hassard's Bill of Exchange. This is described in the warrant as "… a case so equitable and … wherein the said Borr cannot secure himself in a legal way." There are examples of warrants to the Lord Chancellor for a commission for the examination of witnesses in matters coming before the Lord Deputy (or the Council) item 166 and item 212.

We owe a great debt to Dr Empey for bringing these important materials so skilfully to our attention.

I now turn to the splendid edition of the acts of James II's Irish Parliament of 1689 by John Bergin and Andrew Lyall. Let me begin by expressing a note of mischievous surprise that in its recent succession of Statute Law Revision Acts the Oireachtas did not take the opportunity to retain (or resurrect) the Acts of what Thomas Davis called the Patriot Parliament. Mere age cannot have been a consideration in the omission; after all the Magna Carta Hiberniae of 1216 1 Henry 3 has been specifically retained by Schedule 1 to the Irish Statute Law Revision Act 2007. Ireland, therefore, can claim to have the oldest Magna Carta is force because the 1215 English Magna Carta never made it onto the statute book. I suspect the celebrations for the 1216 Great Charter of Ireland may be muted by comparison with other celebrations this year.

We have waited a long time for a scholarly edition of the Acts of the 1689 Parliament but this edition has been very well worth waiting for. As a reconciled Jacobite of the Samuel Johnson school I must say that this book has warmed my heart.

The history of the reign of King James II in Ireland has been dominated by the military history of the years after His Late Majesty's departure from England. This edition by Mr Bergin and Mr Lyall by increasing access to sound texts of these statutes creates the opportunity for a significant shift in Irish historiography.

Felix Frankfurter's three instructions for law students (Read the statute, read the statute, read the statute) are valid for historians of Jacobite Ireland, indeed, historians of any period of Irish history. Now, however, the historians of Jacobite Ireland no longer have even the colour of an excuse for not reading these statutes.

The business of law making in Ireland, North and South is labour intensive. In Northern Ireland each Bill has within the relevant Department its own 'Bill Team' consisting of officials whose time is devoted to bringing a policy idea to legislative fulfilment. When I consider the output of the 1689 Parliament, when I consider the nature of the changes it effected, in the Irish constitution, in the administration of justice, in ecclesiastical policy I am struck by the intrinsic difficulty of what was done and by the scope of the achievement.

This was legislation that was designed to work and which was closely scrutinised even after Royal Assent. That much appears, I think, from the readiness by which gaps or mistakes were picked up in subsequent Acts. I think here of the 13th statute, 'An Act Concerning Tythes' which is supplemented by the 14th statute, 'An Act for regulating tythes and other ecclesiastical duties in the Province of Ulster' and which is followed by the 15th statute 'An Act concerning appropriate tythes' which supplies a mechanism for rendering the 13th statute more practically effective.

So read these statutes, read these statutes, read these statutes and by way of conclusion (and this applies to both volumes) buy these warrants and buy these statutes.