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Ireland

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No. XVII.

H O M E R U L E IN 1689.

By HISTORICUS.

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NO. XXIV.

THE IRISH PARLIAMENT.

1801.

1801.

HOME RULE IN 1689.

WHEN a serious proposition has been made by an English Prime Minister to establish an independent Irish Parliament it is only right that historians should endeavour to ascertain how a similar Parliament acted in days gone by; for surely such action will give some clue to what we may expect in the future. Now, when we speak of Home Rule and its consequences it is simply ridiculous to think of the action of Grattan's Parliament as it existed from 1782 to 1800, and that for one simple reason: Grattan's Parliament consisted of two Houses—Lords and Commons—and these two Houses were composed of Protestants alone, the descendants for the most part of the settlers of Cromwell's time. Their interests were bound up with the English connexion and with the Protestant religion. In a Parliament elected under the proposed *regime* none of those counterbalancing elements would be found. There would be no House of Lords; the Protestant element would be—if not entirely wanting—yet in such a complete minority that it might be practically dis-

regarded, while the interests, affections, and ideas, of the majority would be completely bound up with those of the most ignorant and most intolerant portion of the population. I do not suppose that anyone will question the proposition that the majority of the new Irish Parliament would be distinctly Roman Catholic and anti-English. If, then, we can point to a similar Parliament in the past we may very fairly argue from its legislation to what we may expect the legislation of the new Parliament to be; for assuredly toleration and political economy and such like ideas have not made much progress in the classes from which we may expect its members to be drawn. Now, let us mark the course of historical events. James II. fled from England in November, 1688, and took refuge in Ireland in the early part of 1689, where he established his court in Dublin. He immediately summoned a Parliament, which met early in May, 1689, and continued its sittings till June 29th of the same year—that is, during a period of six or seven weeks, during which time it exhibited an unsurpassed power and capacity for ruining the prosperity of any country whatsoever.

Let us observe how rapid was their progress in this direction. King James called his Parliament together in the first week of May, 1689. Their first act was to repeal Poynings' Law of 1495, and to declare the Irish Parliament supreme in Ireland, and Ireland independent of any English control: just as no power on earth could prevent the new

Irish Parliament doing the very same thing as soon as it is established. Their next act was to pass a Bill repealing the Act of Settlement and Explanation, passed a quarter of a century before, under which almost all the landlords of Ireland had purchased or received their estates, and under which King James II. himself owned at least 100,000 acres in Ireland. I am not now speaking of things which cannot be verified. Anyone who pleases can verify all I say by reference to contemporary works. Archbishop William King is one of the most celebrated thinkers in the region of abstract science. He wrote a work on the "Origin of Evil", which a successor of his in the See of Dublin, Archbishop Whately, thought so highly of as to republish it, with notes of his own upon its theories. He was a High Churchman, too, of the olden school; a follower of Laud, and Jeremy Taylor, and the Caroline Divines. He wrote another book, about 1692, styled "The State of the Protestants of Ireland under the late King James's Government," which sets out at great length the facts which I can now only briefly recapitulate. Or, if my reader desires a dry narrative of fact, apart from all conclusions and deductions, which may perhaps be tainted with individual prejudices, then he may refer to a pamphlet which can be found in the British Museum, or in Trinity College Library (classed thus: gg. n. 28. n° 3.), styled "True Account of the whole Proceedings of the Parliament in Ireland, beginning March 29th, 1689, and ending June 29th following:

London, 1689;” which sets forth at full length the laws which passed the Parliament of King James II. The first statutes of this Parliament, as I have said, completely swept away the Acts of Settlement and Explanation. Let us hear Archbishop King on the effect of this opening Law of a Home Rule Parliament; p. 175 he remarks:—“The Act of Repeal took away the Acts of Settlement and Explanation, by virtue of which two-thirds of the Protestants of the kingdom held their estates. There is no consideration had in it how any man came to his estate; but, though he purchased it at ever so dear a rate, he must lose it; and it is to be restored without exception to the proprietor, or his descendant, that had it before Oct. 22, 1641, upon what account soever he lost it: though they themselves did not deny but many deserved to lose their estates; even Sir Phelim O’Neal’s son, the great murderer and rebel, was restored.”

But this was not enough for the new Parliament. A great many Protestants held property by virtue of older titles, settlers from the time of Elizabeth, James I., and Charles I., a great number of whom had sought shelter in England from the calamities they saw coming upon Ireland, and all of whom had friends and relations in the sister island. So the new Parliament drew out a list of persons thereby attainted of high treason as being absent from Ireland, mere temporary absence from Ireland being sufficient proof of high treason, and deserving confiscation of estates; and then, lest any Protestants

should escape, they added to this list—which, as given by King in an appendix, is a most interesting record or census of the English settlers of that day—another clause, whereby “the estates of any persons who dwelt in any place of the Three Kingdoms which did not own King James’s power, or corresponded with rebels, or were any ways aiding, abetting, or assisting them from the 1st day of August, 1688, were declared forfeited and vested in His Majesty.” Now, the reader should mark how cunningly this clause is drawn. It goes back to August, 1688; but King James II. was still reigning at that date, and did not abandon England till November, 1688—three months after. Yet this Act made it high treason for any Protestant in Ireland to have corresponded by letter with any of his friends in England while King James was yet on the throne, and confiscated their estates accordingly. This was *ex post facto* legislation with a vengeance!

But this was not the only exploit of this Parliament, which is full of warning, showing how, under the forms of law, the cruellest oppression and robbery can be exercised. Thus, to take Church matters, we all know that James II. was a devoted Roman Catholic, whose zeal sometimes outran his discretion, so much so that his enthusiasm found by no means complete approval at the Court of Rome. Now, James and his Parliament made no attempt to formally disestablish and disendow the reformed Church of Ireland. Nay, all the legal

forms were duly complied with; and the Irish bishops were duly summoned to sit in this Home Rule Parliament of 1689, while four of them did actually sit and vote, viz., the Bishops of Meath, Ossory, Cork, and Limerick. Yet the Church was most effectually deprived of all its property—and that without any compensation or regard for the life interests of existing incumbents—by a Bill which simply enacted that the tithes and other Church properties hitherto paid to the bishops, chapters, and incumbents should be henceforth paid by Roman Catholics to the Roman Catholic bishops and clergy alone, thus sweeping away at one blow, and transferring to their opponents, the provision upon which the Protestant clergy and their families were completely dependent. This Act, of course, extinguished the Protestant Establishment everywhere, save in a few corporate cities and towns like Dublin, where there was a sufficient number of Protestants to support the legal incumbents of parishes.

The history of this Parliament helps again to throw light on the notions and views concerning political economy which would find place in College-green under the new *regime*. The Roman Catholic Church does not favour political economy; and its adherents have ever shown themselves hostile to the study and application of its laws. This simple fact lies at the root of a great deal of the ills of Ireland. The principles and ideas current among Roman Catholics have ever led them to the adoption of the crudest and most empirical remedies for the relief of

present suffering, totally regardless of the fact that the temporary remedy may be sowing the seeds of permanent distress or ruin. Thus we hear at present a great deal concerning the terrific distress in the islands off the west coast of Ireland; and heart-rending appeals are daily appearing, asking for assistance. But just the same appeals have been made every five years since the year 1820; and the Roman Catholic Church has perpetually set itself against the only effective remedy, viz., the encouragement of emigration and the discouragement of improvident marriages.

Now, the economical notions of the Parliament of 1689 were of a similar character. They debased the currency, coining money out of brass cannons, and making the worthless coins so obtained legal tenders in discharge of all obligations, commercial or legal. The new Irish Assembly might easily borrow an idea on this point from its predecessor. It has been already proposed to give relief to Irish landlords by legally reducing the rate of interest they pay to mortgagees, Insurance Companies, and such other obnoxious individuals. The plan of two centuries ago would be even more effectual. James II. in less than a year, coined something like a nominal million of brass money out of cannons, pots, pans, and such other kitchen and cooking utensils. The supply of such material in Ireland is much larger now than it was then. An Act of the Irish Parliament could make such a debased coinage a legal tender in Ireland, and then what remedy had the

English incumbrancer? The brass money was so used in King James's day. The Law Courts, and especially the Court of Chancery, under Chancellor Fitton, forced trustees, mortgagees, &c., to receive it in payment (see King, p. 125). Thus, again, we read in one of the works to which I have referred how Lady Tyrconnel (the Lord Lieutenant's wife) freed her daughter's property from debt by its means. Her daughter had married Lord Dillon, who had raised a mortgage of £3000 from a Colonel Roger Moore. Lady Tyrconnel sent for Colonel Moore, and asked him what abatement would he make in the mortgage if it was paid off at once in cash. He was overjoyed at the prospect of seeing some ready money in such a time of distress; so he consented to take £2000, in complete discharge of his debt. Lady Tyrconnel accepted the terms, and bade him come next day with the deeds, and promised then to pay the money. The colonel arrived true to his appointment, surrendered his deeds, made out a legal discharge, and then was shown into the next room, where he found a long table covered with pieces of brass money, which he had to receive in discharge of a debt contracted to be paid off in current coin of the realm.

But the Parliament of 1689 did not stop here. They adopted a course which finds already many advocates in Ireland. They were not content with boycotting English productions, they formally forbade their introduction. I will now give the preamble to an Act passed in its short session which

might be prefixed to a series of Acts which would find ready acceptance in the new Irish assembly. The adoption of it would save trouble in hunting up reasons for their legislation. The title of the Act sufficiently declares its purpose: "An Act prohibiting the importation of English, Welsh, or Scotch coals into this kingdom." The preamble then proceeds to justify the prohibition. "Whereas it is evident that nothing could occasion the great scarcity of money now in this kingdom but the extraordinary industry that was used by persons not well affected to the Government to transport considerable sums of money into England, Holland, and other remote parts; and whereas it is likewise manifest that the great quantity of English, Scotch, and Welsh coals heretofore imported into this kingdom hath not only hindered the industry of several poor people and labourers of this land, who might have employed themselves and their horses in supplying the city of Dublin and other places within this kingdom with fuel, but hath likewise given opportunity to the persons importing the said coals to see the said places ruined for want of firing when they pleased, or at least to raise the price of coals so high that the poor should never be able to buy, by means whereof the said colliers raised considerable fortunes to themselves, and carried vast sums of money yearly out of the kingdom, to the lessening His Majesty's revenue, the ruin of several poor people, and the general loss to the inhabitants of his kingdom." After which intelli-

gent preamble this Bill, in order to secure cheap fuel for the poor, proposes to prohibit the importation of any English, Welsh, or Scotch coals under a penalty of confiscation of the coals so imported and the vessels carrying the same.

But then a difficulty struck these economical wiseacres. Ireland has coal-fields of its own, which are very limited in extent; and perhaps the colliers will raise the price of the local article. So they added a clause derived from that sumptuary legislation of Roman and Mediæval times, which always proved so ineffectual:—"As the owners and proprietors of the coal-pits of Kilkenny, and other coal-mines in this kingdom, may, upon the passing of this Act, enhance and raise the price of coals to the defeating the ends purposed hereby, be it therefore enacted that no owner or proprietor of such coal-pits, or seller of coals at any of said pits, shall at any time hereafter receive or demand more than ninepence for each barrel of coals delivered by him or them."

The works to which I am referring are rich in illustrations upon the state of social order which prevailed during the Home Rule Parliament of 1689. King James himself, partisan as he was, was horrified at its action.

Archbishop King's statements bear hard on King James, and were intended as a defence of himself and his friends for taking the oaths to King William. As such they were challenged by a non-juror, the celebrated Rev. Charles Leslie, the author of the

"Short and Easy Method with the Deists", and the founder of a well-known Tory family in Ireland. But Leslie does not challenge King's facts, for they were patent to all men. He merely denies James's responsibility for or connexion with them. He tells us that James was opposed to the Bill of Attainder against Irish Protestants, and in proof of his opposition tells how Lord Granard went and called upon him to exercise his power of vetoing it. "What can I do?" replied the poor king. "I am fallen into the hands of a people who ram that and many other things down my throat." Lord Granard then asked Duke Powis to get the king to command the Roman Catholic peers to oppose the Act, when the Duke told Lord Granard, with an oath, "that the king durst not let them know that he had a mind to have the Act stopped." Again, further, Leslie tells us, in defence of the king, but in equal condemnation of the Parliament, that on the Monday before the Battle of the Boyne, June 26th, 1690, Major-General Maxwell, one of James's generals, explained to a Scotch clergyman in his army, who had been finding fault with the king: "Sir, if you did but know the circumstances the king is under, and the hardships the Irish put upon him, you would bemoan him with tears instead of blaming him. But what would you have him do? He is in their hands, and he must please them."

And now as to the state of social order which prevailed then and which shocked James himself, King's work gives us ample details in Chapter III.,

section 18, and in his Appendices, which should be carefully studied as being all of them official documents. While, again, a letter, dated Dublin, June 12th, 1689, and prefixed to the "True Account" already mentioned, gives a lively pen-and-ink sketch of the life led by a loyal minority under a purely partisan Parliament.

The Protestant Churches were seized, as in the case of Wexford and Christ Church, Dublin, or else they were attacked, windows smashed, seats, pulpits, and Communion-tables destroyed—a remarkable instance of which he gives (Appendix 27) in the case of St. Patrick's, Trim. "In some churches in the diocese of Dublin they hung up a black sheep in the pulpit and put some part of the Bible before it." Protestants were forbidden to go outside their parishes, and then prohibited from attending their churches, while finally, on June 18th, 1690, more than five Protestants were forbidden to meet together on pain of death. It may be said, indeed, that no such spirit of religious faction and hatred prevails now. I wish I could believe it, either about Protestants or Roman Catholics. But the action within the last few months of a Board of Guardians in Wexford, who forced a Protestant pauper back into the Workhouse to compel her to become a Roman Catholic, and of a priest and Board of Guardians at Galway, who refused to allow a Protestant burial in a graveyard hitherto belonging to the Protestant Incumbent; because, as the priest said, he was determined no heretic should ever

again lie there, does not seem as if this roseate picture were true. It may well be asked, If they do these things in a green tree, what will be done in the dry? But perhaps the best picture of the social order which prevailed when this Parliament was sitting only twenty miles away will be found in King's Appendix, p. 57, where the reader will see "An account how Mr. Thomas Corker's house was burned by the Irish, 5th of May, 1689." Let me just quote it, because it shows that many of the devices and tricks which flourish under the National and Land Leagues were only imitated from the conduct of two centuries ago:—"As one of the thousand instances that may be given of the natural antipathy the Irish have to the English, and Protestants in general (let the obligations of neighbourhood conversation and other endearments be ever so great), Mr. Thomas Corker's usage by them is remarkable. He lived at Donaghmore, within a mile of Navan, in the county of Meath; and observing, about All Saints, 1688, that the English and Protestants began to remove and fly, he freely asked the Irish gentlemen in his neighbourhood what advice they would give him as to his remove, having a great family, who answered, 'Oh, dear sir, do not this; for if the world were on fire you have no reason to fear; for you have been so obliging to us, your neighbours, and to all sorts, that none will harm you, but rather protect you.' Yet, immediately they fell upon his stock without doors, and took part of it away. He then removed with his family to Dublin,

leaving his haggard and most of his household goods behind him, and sometimes (about once a month) went down to thresh part of his corn for his own use, during which time they took away all his stock of sheep, black cattle, and horses; and the soldiers, under Capt. Farrel, from Navan, fetched away all his corn and hay. Some of his Irish servants telling him it was not safe for him to come down or lie in his own house, he lay in a neighbour's house. This was on a Friday night; and the next day he went to Dublin. On Sunday night, May 5th, 1689, they came and set fire to his house in several places, and burned it down and all his goods, believing he was in the house, afterwards giving out that he had ordered his own servants to burn it (an old Land League trick). And soon after came up one William Carton, his shepherd, who told him that the friars and priests at Navan were very angry with him, and threatened him because he did not countenance that report, and also own that his servants burnt his house by his order."

I have selected this instance from King's Appendix, not because it is the strongest for my purpose, but because it shows how social order was preserved towards a man who was evidently most popular in his neighbourhood. If I had chosen the most suitable to illustrate how little support social order will gain from a partisan Parliament I would have selected the presentment of the Tipperary Grand Jury against the Protestants who took refuge in the city of Cashel merely for doing so. Mr. Gladstone's

Act proposes to hand over the Judicial Bench to the control of the Irish Parliament. Archbishop King's book, chap. iv., sec. 3, gives us most striking warnings what we may, in that case, expect under partisan judges. To save appearances, one Protestant judge was left in each Court—King's Bench, Common Pleas, and Exchequer—while the majority were of a different hue. The natural result followed, and the partisan majority lent themselves to the designs of the Parliament. They ran "coaches-and-six," as one of them boasted, through every law which protected either landlords or Protestants, and violated, in their zeal, even the miserable protection and privilege left to these classes by the Statutes of the Parliament then sitting, anticipating the dates fixed for the operation of the Act of Repeal, and dispossessing the landlords before the appointed time. The treatment experienced by the University of Dublin, under the rule of this Parliament, forms an interesting story, too long, however, for these pages. It will be found told at full length in the work whence I have taken my facts. I may sum it up thus:—The Provost and Fellows were expelled, the Chapel Library and plate seized, and the College itself turned into a barrack for soldiers; so that Archbishop Walsh's vision was more than fulfilled (see Appendix). I have given enough of extracts, however, to show that Archbishop King's book and the Parliamentary proceedings of 1689 will afford profitable reading for those who have eyes to read and minds to appreciate the lessons of

Irish history. Ample opportunity, too, will shortly be afforded for doing so, as that work, now long out of print, will soon be republished by the Loyal and Patriotic Union.

APPENDIX.

On Thursday, January 14th, 1886, Archbishop Walsh spoke thus at Thurles, referring to Trinity College:—

“As long as that central fortress of the Education that is not Catholic is allowed to stand, as it has now so long stood, in the very foremost position, and to occupy the most glorious site in our Catholic city of Dublin, so long will it be impossible for any Statesman, be he English or be he Irish, to deal with this great question on the only ground on which University reform in Ireland can be regarded as satisfactory, or even as entitled to acquiescence.”—See *Freeman's Journal*, January 15th.

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