

## CATHOLICS. (E. REVIEW, 1808.)

*History of the Penal Laws against the Irish Catholics, from the Treaty of Limerick to the Union.* By Henry Parnell, Esq. M. P.

THE various publications which have issued from the press in favour of religious liberty, have now nearly silenced the arguments of their opponents; and, teaching sense to some, and inspiring others with shame, have left those only on the field who can neither learn nor blush.

But, though *the argument* is given up, and the justice of the Catholic cause admitted, it seems to be generally conceived, that their case, at present, is utterly hopeless; and that, to advocate it any longer, will only irritate the oppressed, without producing any change of opinion in those by whose influence and authority that oppression is continued. To this opinion, unfortunately too prevalent, we have many reasons for not subscribing.

We do not understand what is meant in this country by the notion, that a measure, of consummate wisdom and imperious necessity, is to be deferred for any time, or to depend upon any contingency. Whenever it can be made clear to the understandings of the great mass of enlightened people, that any system of political conduct is necessary to the public welfare, every obstacle (as it ought) will be swept away before it; and as we conceive it to be by no means improbable, that the country may, ere long, be placed in a situation where its safety or ruin will depend upon its conduct towards the Catholics, we sincerely believe we are doing our duty in throwing every possible light on this momentous question. Neither do we understand where this passive submission to ignorance and error is to end. Is it confined to religion? or does it extend to war and peace, as well as religion? Would it be tolerated if any man were to say, 'Abstain from all arguments in favour of peace; the court have resolved upon eternal war, and, as you cannot have peace, to what purpose urge the necessity of it?' We answer, —that courts must be presumed to be open to the influence of reason; or, if they were not, to the influence of prudence and discretion when they perceive the public opinion to be loudly and clearly against them. To lie by in timid and indolent silence — to suppose an inflexibility, in which no court ever could, under pressing circumstances persevere, —and to neglect a regular and vigorous appeal to public opinion, is to give up all chance of doing good, and to abandon the only instrument by which the few are ever prevented from ruining the many.

It is folly to talk of any other *ultimatum* in government than perfect justice to the fair claims of the subject. The concession to the Irish Catholics in 1792, were to be the *ne plus ultra*. Every engine was set on foot to induce the grand juries in Ireland to petition against further concessions; and, in six months afterwards, government were compelled to introduce, themselves, those further relaxations of the penal code, of which they had just before assured the Catholics they must abandon all hope. Such is the absurdity of supposing, that a few interested and ignorant individuals can postpone, at their pleasure and caprice, the happiness of millions.

As to the feeling of irritation with which such continued discussion may inspire the Irish Catholics, we are convinced that no opinion could be so prejudicial to the cordial union which we hope may always subsist between the two countries, as that all the efforts of the Irish were unavailing, — that argument was hopeless, — that their case was prejudged with a sullen inflexibility which circumstances could not influence, pity soften or reason subdue.

We are by no means convinced, that the decorous silence recommended upon the Catholic question would be rewarded by those future concessions, of which many persons appear to be so certain. We have a strange incredulity where persecution is to be abolished, and any class of men restored to their indisputable rights. When we see it done, we will believe it. Till it is done, we shall always consider it to be highly improbable — much too improbable —to

justify the smallest relaxation in the Catholics themselves, or in those who are well-wishers to their cause. When the fanciful period at present assigned for the emancipation arrives, new scruples may arise —fresh forbearance be called for — and the operations of common sense be deferred for another generation. Toleration never had a present tense, nor taxation a future one. The answer which Paul received from Felix, he owed to the subject on which he spoke. When justice and righteousness were his theme, Felix told him to go away, and he would hear him some other time. All men who have spoken to courts upon such disagreeable topics, have received the same answer. Felix, however, trembled when he gave it; but his fear was ill directed He trembled at the subject—he ought to have trembled at the delay.

Little or nothing is to be expected from the shame of deferring what it is so wicked and perilous to deter. Profligacy in taking office is so extreme that we have no doubt public men may be found, who, for half a century, would postpone all remedies for a *pestilence*, if the preservation of their places depended upon the propagation of the virus. To us, such kind of conduct conveys no other action than that of sordid avaricious impudence:-it puts to sale the best interests of the country for some improvement in the wines and meats and carriages which a man uses-and encourages a new political morality which may always postpone any other great measure—and every other great measure, as well as the emancipation of the Catholics.

We terminate this apologetical preamble with expressing the most earnest hope that the Catholics will not from any notion that their cause is effectually carried, relax in any one constitutional effort necessary to their purpose. Their cause is the cause of common sense and justice:—the safety of England and of the world may depend upon it. It rests upon the soundest principles; leads to the most important consequences; and therefore cannot be too frequently brought before the notice of the public.

The book before us is written by Mr. Henry Parnell the brother of Mr. William Parnell, author of the Historical Apology, reviewed in one of our late Numbers; and it contains a very well-written history of the penal laws enacted against the Irish Catholics, from the peace of Limerick, in the reign of King William, to the late Union. Of these we shall present a very short, and, we hope even to loungers, a readable abstract.

The war carried on in Ireland against King William cannot deserve the name of a rebellion: — it was a struggle for their lawful Prince, whom they had sworn to maintain; and whose zeal for the Catholic religion, whatever effect it might have produced in England, could not by them be considered as a crime. This war was terminated by the surrender of Limerick, upon conditions by which the Catholics hoped, and very rationally hoped, to secure to themselves the free enjoyment of their religion in future, and an exemption from all those civil penalties and incapacities which the reigning creed is so fond of heaping upon its subjugated rivals.

By the various articles of this treaty, they are to enjoy such privileges in the exercise of their religion as they did enjoy in the time of Charles II.: and the King promises upon the meeting of Parliament, 'to endeavour to procure for them such *further security* in that particular, as may preserve them *from any disturbance* on account of their said religion.' They are to be restored to their estates, privileges, and immunities, as they enjoyed them in the time of Charles II. The gentlemen are to be allowed to carry arms; and no other oath is to be tendered to the Catholics who submit to King William, than the oath of allegiance. These and other articles, *King William ratifies for himself, his heirs and successors, as far as in him lies; and confirms the same, and every other clause and matter therein contained.*

These articles were signed by the English general on the 3d of October, 1691; and diffused comfort confidence, and tranquillity among the Catholics. On the 22d of October, the

English Parliament excluded Catholics from the Irish Houses of Lords and Commons, by compelling them to take the oaths of supremacy before admission.

In 1695, the Catholics were deprived of all means of educating their children, at home or abroad, and of the privilege of being guardians to their own or to other persons' children. Then all the Catholics were disarmed —and then all the priests banished. *After this* (probably by way of joke), an act was passed to confirm the treaty of Limerick, — the great and glorious King William totally forgetting the contract he had entered into, of recommending the religious liberties of the Catholics to the attention of Parliament.

On the 4th of March, 1704, it was enacted, that any son of a Catholic, who would turn Protestant, should succeed to the family estate, which from that moment could no longer be sold, or charged with debt and legacy. On the same day, Popish fathers were debarred, by a penalty of 500?., from being guardians to their own children. If the child, however young, declared himself a Protestant, he was to be delivered immediately to the custody of some Protestant relation.—No Protestant to marry a Papist.—No Papist to purchase land, or take a lease of land for more than thirty-one years. If the profits of the lands so leased by the Catholic amounted to above a certain rate settled by the act —*farm to belong to the first Protestant who made the discovery*. — No Papist to be in a line of entail; but the estate to pass on to the next Protestant heir, as if the Papist were dead. If a Papist dies intestate, and no Protestant heir can be found, property to be equally divided among all the sons; or, if he has none, among all the daughters. By the 16th clause of this bill, no Papist to hold any office civil or military. — Not to dwell in Limerick or Galway, except on certain conditions.—Not to vote at elections. — Not to hold advowsons.

In 1709, Papists were prevented from holding an annuity for life. If any son of a Papist chose to turn Protestant, and enrol the certificate of his conversion in the Court of Chancery, that court is empowered to compel his father to state the value of his property upon oath, and to make out of that property a competent allowance to the son, at their own discretion, not only for his present maintenance, but for his future portion after the death of his father. An increase of jointure to be enjoyed by Papist wives, upon their conversion —Papists keeping schools, to be prosecuted as convicts — Popish priests who are converted, to receive 30*l. per annum*.

Rewards are given by the same act for the discovery of Popish clergy ;—50*l.* for discovering a Popish bishop; 20*l.* for a common Popish clergyman ; 10*l.* for a Popish usher! Two justices of the peace can compel any Papist above 18 years of age to disclose every particular which has come to his knowledge respecting Popish priests, celebration of mass, or Papist schools. — Imprisonment for a year if he refuses to answer.—No body can hold property in trust for a Catholic. — Juries in all trials growing out of these statutes, to be Protestants. —No Papist to take more than two apprentices, except in the linen trade. —All the Catholic clergy to give in their names and places of abode at the quarter-sessions and to keep no curates. — Catholics not to serve on grand juries. — In any trial upon statutes for strengthening the Protestant interest, a Papist juror may be peremptorily challenged.

In the next reign, Popish horses were attached, and allowed to be seized for the militia. — Papists cannot be either high or petty constables. — No Papists to vote at elections.—Papists in towns to provide Protestant watchmen; — and not to vote at vestries.

In the reign of George II., Papists were prohibited from being barristers. Barristers and solicitors marrying Papists, considered to be Papists, and subjected to all penalties as such. Persons robbed by privateers during a war with a Popish prince, to be indemnified by grand jury presentments, and the money to be levied on the Catholics only. No Papist to marry a Protestant;—any priest celebrating such a marriage *to be hanged*.

During all this time, there was not the slightest rebellion in Ireland.

In 1715 and 1745, while Scotland and the north of England were up in arms, not a man stirred in Ireland; yet the spirit of persecution against the Catholics continued till the 18th of his present Majesty; and then gradually gave way to the increase of knowledge, the humanity of our Sovereign, the abilities of Mr. Grattan, the weakness of England struggling in America, and the dread inspired by the French revolution.

Such is the rapid outline of a code of laws which reflects indelible disgrace upon the English character, and explains but too clearly the cause of that hatred in which the English name has been so long held in Ireland. It would require centuries to efface such an impression; and yet, when we find it fresh, and operating at the end of a few years, we explain the fact by every cause which can degrade the Irish, and by none which can remind us of our own scandalous policy. With the folly and the horror of such a code before our eyes, — with the conviction of recent and domestic history, that mankind are not to be lashed and chained out of their faith, — we are striving to teaze and worry them into a better theology. Heavy oppression is removed; light insults and provocations are retained; the scourge does not fall upon their shoulders, but it sounds in their ears. And this is the conduct we are pursuing, when it is still a great doubt whether this country alone may not be opposed to the united efforts of the whole of Europe. It is really difficult to ascertain which is the most utterly destitute of common sense, — the capricious and arbitrary stop we have made in our concessions to the

Catholics, or the precise period we have chosen for this grand effort of obstinate folly.

In whatsoever manner the contest now in agitation on the Continent may terminate, its relation to the emancipation of the Catholics will be very striking. If the Spaniards succeed in establishing their own liberties, and in rescuing Europe from the tyranny under which it at present labours, it will still be contended, within the walls of our own Parliament, that the Catholics cannot fulfil the duties of social life. Venal politicians will still argue that the time is not yet come. Sacred and lay sycophants will still lavish upon the Catholic faith their well-paid abuse, and England still passively submit to such a disgraceful spectacle of ingratitude and injustice. If, on the contrary (as may probably be the case), the Spaniards fall before the numbers and military skill of the French, then are we left alone in the world, without another ray of hope; and compelled to employ, against internal disaffection, that force which, exalted to its utmost energy, would in all probability prove but barely equal to the external danger by which we should be surrounded. Whence comes it that these things are universally admitted to be true, but looked upon in servile silence by a country hitherto accustomed to make great efforts for its prosperity, safety, and independence ?