

DANIEL O'CONNELL

THE PENAL CODE AND ITS INIQUITIES

Thomas Davis as the Sower of Seed upon Soil Prepared by the Immortal Liberator.

The grave was that of Thomas Davis, whose memory is enshrined in the heart of his nation. While we leisurely follow the little crooked path that leads to his grave, I will tell you in a whisper, what I know of him. If my picture does not fall in with your encyclopaedia sketch, you must blame my camera. Photographers, when they make a poor negative, are apt to blame the weather. I might avail myself of this excuse. "I assure thee on my faith" says Sir Thomas More, "that if the parties will at my hands call for justice, then were it that my father stood on one side, and the devil on the other, the devil should have his right, if his cause was good." In a spirit akin to that which prompted these words, is that which prompts me to write, if the devil has his due why not the weather. And the weather, sir, it was charming, that is for Irish weather, blame it not rather the artist and his defective camera. Here is the sketch:

Thomas Osborne Davis was born in the picturesque little village of Mallow, Co. Cork, in 1814 "Though Irish of the Irish in spirit, he did not belong to the Irish branch of the great Celtic family, his father being a native of Wales," that is the fine way one of his countrymen has of saying that Davis' father was a Welshman. His early days were passed amid the wild, enchanting scenery of his native county, while his young mind was led into every nook and corner of fairydom and ghostdom by his rollicking Irish nunes. Poets are born not made, is a headline in copybooks, I believe. It may convey a truth, Albert Buffon, in his tower, thought otherwise, and our own charming Howells pats old Buffon on the shoulder, and tells him not to shirk from an encounter with the clear-eyed Roman bard. I have no desire to quarrel with Horace, but would simply suggest that if poets are born, it takes a certain kind of environment to mature them. Bagehot has

ANOTHER WORD

for this—"atmosphere" he calls it—an apt word. The atmosphere of Davis was all that could be desired. The Ireland of his birth was a sad spectacle, a land consumed by a bigotry and intolerance that finds no parallel in the history of civilized nations. Grattan's hard won but short-lived parliament, a few years prior to his birth had died amid a corruption that beggars description. The Ireland of those times was in the forcible but inelegant language of Lord Clare "our damnable country as full as ever of their Popish projects." The Popish projects that disturbed the otherwise plain style of Clare, may be best understood when it is stated that they consisted of an humble, fawning petition to Pitt, and their Irish Parliament, that could vote men and money to strangle our young Republic, but was unaware of the famine and misery of more than two-thirds of their countrymen at home to repeal the following enactments.

- 1—Catholic peers are deprived of votes.
- 2—Catholic gentlemen are forbidden to be elected members of parliament or to hold any clerical office.
- 3—All Catholics are denied the liberty of voting.
- 4—Catholics that will abstain from Protestant form of worship a fine of 60 pound per month.
- 5—All Catholics are forbidden to travel five miles from their houses, to keep arms, to maintain suits at law, or to be guardians or executors.
- 6—Any four Justices of the peace may without further trial, banish any man for life if he refuses to attend Protestant service.
- 7—Any two Justices of the Peace can call any man over sixteen before them, and if he refuses to abjure the Catholic Religion, they can bestow his property on the next of kin.
- 8—No Catholic can send his children to a Catholic school-master, and if he sends them abroad for education, he is liable to a fine of not less than 100 pounds, and the child cannot inherit any property either in England or Ireland.
- 9. Any Catholic priest coming to the country should be hanged.
- 10. Any Protestant suspecting any other Protestant of holding property in

trust for any Catholic may file a bill against the suspected trustee and take the estate or property from him.

11. Any Protestant seeing a Catholic tenant-at-will on a farm, which in his opinion yielded one-third more than the yearly rent, may enter on that farm, and by simply swearing to the fact take possession.

12. Any Protestant can take away the horse of a Catholic, no matter how valuable, by simply paying him five pound.

13. Horses and waggons belonging to Catholics are in all cases to be seized for the use of the militia.

14. Any Catholic gentleman's child becoming a Protestant might at once take possession of his father's property.

THIS ATROCIOUS CODE

of general enactments, ratified by an Irish parliament calling itself Christian, was more rigidly carried out, strange as it may appear to us, in the land of Davis than what is now called the Black North. The Ulster dissenters had tasted themselves the bitter cup of religious persecution, and many of them were loath to press it to the lips of their fellow-men. One of the resolutions of the Volunteers was aimed at a relaxation of the penal code. It was no wonder that the great mind of Burke laughed at the absurdity of relaxing a code that could not legally exist, when it should have been swept off the statute-book. The time, however, was not ripe; bigotry dies slowly. Even in his shroud he is powerful. Long after Cromwell had left the human stage crying Irish babies were hushed to sleep by the sound of his name. It was a strange saying of O'Connell's "that no landed estates could have remained in the possession of Catholics, only that individual Protestants were found a great deal honestier than the laws." Some of these individual Protestants, like Grattan, saw clearly that bigotry was the true cause of their country's misery Grattan wrote "so long as the penal code remains we can never be a great nation" and Neilson a United Irishman far ahead of his age goes at once to the root of the saucer "our efforts for reform hitherto have been ineffectual, and they deserved to be so, for they have been selfish and unjust, as not including the rights of the Catholics in the claims we put forward for ourselves." This may seem a depression, but it has a purpose and that purpose is to show that the bigotry and intolerance of those times surrounded the Davis homestead as a net-work and deeply tinged the youth and placed its mark on the manhood of Thomas Davis, a mark whose baneful influence in a subsequent period of his life shattered the dreams of Repealers, and drove his enthusiastic followers into an unprepared and disastrous revolution of '48. I am no hero-worshipper, yet I would not willingly take an inch from

THE STATUTE OF DAVIS.

The oak looks more massive and sturdy from its knots and holes, and the defects of a man often heighten his beauties. Such is true in the case of Davis, he could not rid himself of the prejudice that bigotry had cast over his young mind, and what he actually did for his Catholic countrymen is heightened by the acknowledgement of the inherent prejudice. A band of Irish rhapsodists for a generation have given us a picture of the founders of the Nation, that is historically a caricature. They represent him as an angelic being, with the kind of fire that the archangel possessed, when he drove Lucifer from heaven. For every shade of light, they give their hero, they give a corresponding one of dark, to the character of O'Connell. Happily for the Liberator his fame is easily out of the maddening crowd, and the sweet-turned rhapsodists of his over dreamy and quixotic land. That these men write proves O'Connell dead. Men may write that with the birth of Thomas Davis "a new soul came into Ireland," while at the same time they recognize that with the birth of O'Connell was born a giant, whose life aim was to crush bigotry and intolerance beneath his heel, and prepare the land for the seed that other men should sow. Davis' mind was rich and fruitful, he was of the mould of Burke, a sower of good seed, but who made the barren soil fertile, who cleared off the briars and thistles, who carted away the stones, who ploughed the land and made it a fit repository for the seed of Thomas Davis. Impartial history will readily answer this question. It was the giant O'Connell whose stature, Gavin Duffy and his friends would have us alter. You could not

dwarf the grandeur of the sphinx by putting an ordinary sized statue alongside it, much less can you dwarf the life of O'Connell written in the innermost recesses of the Irish heart, by a fragment of Irish history on paper and published by Cassell and Co. There is a large enough stage for both men to air their genius.

IT IS A FUTILE MISTAKE

to try and improve the work of the Creator. To give thanks for such men as Daniel O'Connell and Thomas Davis, will be a work of love to all those who love truth and justice. In different ways they worked for a common end. One was of a hated and persecuted race, the son of whose sires for centuries had been tortured by hypocrisy; the other was of a race pampered and master of its ways, but who was a natural born lover of freedom. O'Connell loved liberty, and clearly and joyfully saw that the nearest approach to it was the out that led to Catholic Emancipation, and later repeal. Davis loved liberty as well, but even to his dying day he was unable to clearly discern the road that led to it. He would not cast his lot with O'Connell, a fact to be deeply deplored, by all those who feel with the writer, that Irish history is a chapter of reforms shattered on the eve of their fulfillment by that curse of English union, Irish disunion. Here can the historian trace the early prejudice of Davis. In the case of Repeal would not the Catholics become triumphant, and then, mark well the dire shadow of the Penal Code: would they not tyrannize over their Protestant fellow-countrymen. Might not Home Rule mean Rome Rule. Poor Davis half persuaded himself to such conclusions. He writes to O'Brien "requiring from O'Connell some disavowal of it." He imagined that he and his friends were to be assailed for condemning the Roman-censorship, for praising the simplicity of Presbyterian tenants, for not believing O'Connell's miracle, for appreciating Wm. Carleton's genius. Soured by these things, acting on his early prejudice, he comes to the absurd conclusion that the final question is not Repeal but religious liberty. A strange conclusion for a member of a religion that had so generously enacted the provisions of

THE PENAL CODE.

To the great leader with his sympathies for the oppressed of every land, and whose hatred of bigotry in all its forms, was often shown, these phantoms that were worrying our poet were extremely unpalatable. He would not mince matters, this leader, so he writes his mind to Davis, and who will not say, that after such a letter, it should have been the wise policy, the only one, for Davis to have banished from his teeming brain the phantom of bigotry. The letter is dated Derrinane, Oct. 30th, 1844, and ends thus:—"If I did not believe that the Catholic religion could compete upon equal and free terms, with any other religion, I would not continue a Catholic for one hour. You have vexed me a little by the insinuations which your letter necessarily contains, but I heartily forgive you, you are really an exceedingly clever fellow, and I should most bitterly regret that we lost you by reason of any Protestant mono-

mania. We Papists require co-operation, support, combination, but we do not want protection. I beg of you my dear Davis, to believe as you, may do, in the fullest confidence, that I am most sincerely

Your attached friend,

DANIEL O'CONNELL.

It would have been a blessed day for Ireland had Davis' doubts disappeared with this letter. The circle of his friends dubbed O'Connell a fox, a man that more than verified the saying of the apostle, *omnis homo mendax*. The letter of the liberator was a piece of cunning, and the phantoms of the poet's brain became bolder. It is sad to see the otherwise generous and lovable bard assume the prophet's ungraceful mantle, and in the calm of his study speculate on "an attempt to establish a Catholic ascendancy." The ascendancy once established what next—"a civil war in which justice, Protestantism and the sympathy of the world would triumph over Catholic injustice." A Spanish painter of renown, in whose lovely Roman studio I had the honor to pass one of those pleasant evenings whose memories light up one's life, astonished me by this remarkable saying: "If I were to paint a picture of Irish disunion, I should seize that memorable scene in the old Irish House of Commons, when the patriot Grattan, in merciless language, attacks the patriot Flood." Strong as that scene undoubtedly would be, there is a still stronger one, it is that moment

IN CONCILIATION HALL,

amid a breathless multitude, when the aged O'Connell asks the young patriot Davis, "If it is a crime to be a Catholic" and the "No, sir, No," of Thomas Davis rings through the hall; then silence for his deep voice is choked, and tears run down his cheeks, even the aged Liberator bows his massive head. In that hush the death knell of Repeal was sounded and the germ of an ill-fated revolution came into being.

A few months later the younger combatant was carried to the grave I seek, and in little more than a year after the elder left his Ireland a dying man. That encounter bruised two great hearts. May it not have hopelessly crushed the younger as it undoubtedly pressed heavy on the heart of the elder. Of Davis O'Connell wrote, "in the few years, if years they be, still left to me, I cannot expect to look upon his like again, or to see the place he has left vacant adequately filled up." Of each of them might it be written:

"His life was gentle, and the elements
So mixed in him, that Nature might stand
up,
And say to all the world, This was a Man."

WALTER LECKY.

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Trappists on the Congo.

King Leopold II. of Belgium is very anxious to see the Trappists established in his Congo State. At His Majesty's request Leo XIII. wrote to the Belgian Trappists, inviting them to take a share in the missionary labors of that part of Africa. Immediately the Provincial of Belgium called upon M. van Etodde, the Minister of the Congo State, to declare that his monks were ready to start. The mission will be undertaken by the Trappists of Westmæl, near Antwerp, aided by those of Aohel. Twelve monks will soon start and settle at Leopoldville, when the State will give them a free grant of a thousand hectares of land (2,470 acres). The Trappists, as in South Africa, North China and other foreign missions, will devote themselves to teaching agriculture to the natives, and if the foundation is a success it is intended to add a penal colony to be placed under their care.—Illustrated Catholic Missions.

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