

the government of Ireland. To this day the justices of peace in Ireland are selected chiefly from the minority of the population, but in 1833 there was not in all Ireland a single Catholic judge, grand juror, inspector, or sub-inspector of police. The mind of the ruling power was hostile to the Irish Catholics, and every attempt to give effect to the spirit of the Emancipation Act was opposed by the House of Lords. In 1839 this opposition assumed the shape of an informal vote of censure, which led to the counter motions in the Commons in support of which Earl Russell made a speech on the government of Ireland which might be read with advantage by many of our statesmen to-day, so plainly did the old Whig lay down the principle that "nothing firm or stable was possible in Ireland unless the Government secured the good will and confidence of the Irish people." But the Lords did not confine themselves to censuring the Executive for attempting to govern Ireland "according to the wishes of the people of Ireland." "Every bill," said Macanlay in 1844, "framed by the advisers of the Crown for the benefit of Ireland was either rejected or mutilated." That Macanlay did not exaggerate may be seen by a reference to Hansard. The conduct of the Lords may be illustrated by their dealings with the Church Establishment. In 1833 the Government of the day passed the Church Temporalities Act; but, instead of appropriating the surplus revenues of the alien establishment to the furtherance of purposes approved by the majority of the nation, the Appropriation Clause was abandoned from fear of the Lords. The tithe war of fifty years ago had brought Ireland to the verge of anarchy. Coercion of the most rigorous type had been tried and found utterly wanting. In 1834 the Commons, by a majority of 360 to 99, passed a Tithe Abatement Bill. O'Connell declared on its third reading that the Bill "would form a new epoch in the history of the Government of Ireland. This was the first great step towards a conciliatory system in Ireland. He hoped no attempt would be made to blast the first step made towards the pacification of his country." Six days later the bill was summarily rejected by the Lords, by a majority of 189 to 122.

The next year the Tithe Bill was again sent up to the Lords. They struck out the clause appropriating a portion of the ecclesiastical revenues to national purposes, thereby securing the abandonment of the bill. In 1836 the Commons a third time sent up the bill to the Lords, and the peers again defeated it by the elimination of the Appropriation Clause. In 1837 the Tithe Bill was read a second time by the Commons by a majority of 229 to 14, but the death of the King saved the Lords the trouble of rejecting it. In 1838 the fifth bill dealing with the question of Irish tithes was introduced into the House of Commons. To secure its acceptance by the House of Lords, the Government assented to the elimination of the Appropriation Clause. The alien Church was to keep all its endowments; not one penny was to be devoted to the education of the people. The Lords triumphed, and the Church of Ireland was saved—for a time. The sequel of the victory was not seen for thirty years. In 1868 the Lords rejected Mr. Gladstone's resolutions demanding the disestablishment and disendowment of the Irish Church. It was their last effort. In the following year the second reading of the Disestablishment Bill was carried in the Upper Chamber by 179 votes to 146, and the Establishment, which the peers had refused to adapt to the wants of the nation in 1838, was swept away altogether with their assent in 1869.

How far the Catholics were from participating in all the privileges of the Protestants may be inferred from the fact that the penal laws remained unrepealed till 1844. The action of the Lords in that year illustrates the difficulty—the permanent difficulty—of doing justice to Ireland through such an instrument as the House of Peers. The Penal Laws Repeal Bill of 1844, after being passed by the Commons, was sent up to the Lords in July. The measure repealed the whole of the Acts which made it penal for a Roman Catholic to attend Mass, and high treason to recognize the spiritual supremacy of the Pope, which forbade Catholics to bear arms or to own a horse valued at more than £5, which punished Catholics who taught children to spell without a license from a Protestant bishop, and sentenced to transportation for life those who administered the vows of any monastic Order to a subject of the Queen, which fined Catholics who did not attend Protestant service, and forbade the use of sacerdotal vestments outside the Catholic chapels. When it came before the House of Lords it was so vehemently opposed by the Bishop of London that the Lord Chancellor was compelled to remodel the measure by leaving out all the objectionable clauses. Even this did not remove the objections of the bishop; but the expurgated bill was allowed to pass into law. The clauses which were thus sacrificed to propitiate the peers left unrepealed the old Acts forbidding Catholics to teach without a license from a bishop of the Establishment, to wear sacerdotal vestments outside church, and to educate their youths as Jesuits, as well as those prohibiting members of any monastic Order setting foot within the Queen's dominions without a license from the Secretary of State. In 1845 an attempt was made to complete the work of repeal, but the same House of Commons which had sent up the comprehensive measure the previous year refused by a majority of 89 to 47, once more to send up "the objectionable clauses" to the House of Lords.

These laws, it may be said, were dead letters. Even that apology, however, fails in the case of the Marriage Laws. In 1835 the Commons proposed to repeal the penal law which permitted any scoundrel married by a Catholic priest to repudiate his wife when he pleased, by proving that he had attended a Protestant place of worship within twelve months of his marriage. This prostitution, of the marriage services for purposes of seduction in the name of Protestantism was maintained by the Lords by a majority of 41 to 16. Even the House of Lords, however, could not long resist the demand for a removal of this odious "privilege," and after a time they annulled their vote by passing a bill similar to that which they rejected in 1835. Thirty years after the vote on the Marriage Bill Lord Derby secured the rejection, by a majority of 84 to 63, of the bill relieving Roman Catholics of the oath of abjuration imposed on their representatives in Parliament. It was only an insult, but even an insult could not be surrendered without a pang. The same spirit of intolerance was even more painfully displayed in matters concerning the administration of justice. In 1839 the Lords, after long and angry debate, solemnly passed a vote of censure on an Irish judge, Sir M. O'Loughlin, because he had given directions that no juror should be set aside merely on account of his political and religious opinions. To this long list of samples we add two quotations. The first is Lord Russell's Record of the pledges given by England and Ireland when the Union was concluded: "The promises which were made at the time of the