

THE ACT OF UNION.

THE PENAL CODE AND ITS CONSEQUENCES.

A Sketch of the Abominable Acts of Parliament That Led up to the Union—Several Eminent Protestant and English Opinions on the Subject.

Last week we told when and by what means the Act of Union between England and Ireland was brought about. The object we have in view is to come to the state of the Commerce, Trade, Industries and Manufactures in Ireland prior to the free parliament, during the short space of Grattan's unshackled power, and since the Union was consummated. But in order that the reader may have a more thorough idea of the legislative iniquities that crushed the Irish nation, we deem it proper to dedicate an article to the story of the Penal Code and its effects. It will be noticed that we do not seek our information from any Irish Catholic sources, we even quote the notorious Goldwin Smith, who, at times, has given expression to sentiments that he afterwards repudiated in the days of his anti-Irishism.

THE PENAL CODE.

England ruled Ireland for centuries with a code of laws, of which Edmund Burke, in his famous speech at Bristol, said: "It had a vicious perfection. It was a machine of wise and elaborate contrivance, and as well fitted for the oppression, impoverishment and degradation of a people, and the debasement in them of human nature itself as ever proceeded from the perverted ingenuity of man."

"This horrid code," said Montesquieu, "was contrived by devils, written in human gore, and registered in hell."

Let us hear Arthur Young, the celebrated Scottish Traveller, on the Penal Code. His impressions are worth reproduction: "As for the Catholic laity, their disabilities continued all this time in full force, (viz., from the reign of 'Good Queen Bess'), and while a contemptuous connivance was shown to their religious worship, good care was taken to debar them from all profitable occupation, and to seize the poor remnants of their property. Indeed, the toleration of their worship was for the better securing of these latter objects; it was known that men who went regularly to Mass would never take an oath that the King of England is the head of the church, or that the Mass is a damnable idolatry; and these oaths formed the very barrier which fenced in all the rich and fat things of the land for the Protestants, and shut the Papists out." Again in his righteous indignation, against these Penal Laws, he says:—"But it seems to be the meaning, wish, and intent of the discovery laws, that none of them (the Irish Catholics) should ever be rich. It is the principle of that system, that wealthy subjects would be nuisances; and therefore every means is taken to reduce, and keep them in a state of poverty. If this is not the intention of these laws, they are the most abominable heap of self contradictions that ever were issued in the world. They are framed in such a manner that no Catholic shall have the inducement to become rich..... Take the laws and their execution into our view, and this state of the case is so true, that they actually do not seem to be so much levelled at the religion, as at the property that is found in it..... The domineering and aristocracy of five hundred thousand Protestants, feel the sweets of having two millions of slaves; they have not the least objection to the tenets of that religion which keeps them by the law of the land in subjection; but property and slavery are too incompatible to live together: hence the special care taken that no such thing should arise among them."—Quoted by Mitchell, from Young's tour in Ireland, vol. 2, p. 48. In another place Mr. Young repeats:—"Vide Mitchell's Hist. of Ireland: 'I have conversed on the subject with some of the most distinguished characters in the Kingdom, and I cannot after all but declare that the scope, purport, and aim of the laws of discovery, as executed, are not against the Catholic religion, which increases under them, but against the industry and property of whoever professes that religion. In vain has it been said, that consequence and power follow property, and



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that the attack is made in order to wound the doctrine through its property. If such was the intention, I reply, that seventy years' experience prove the folly and futility of it. These laws have crushed all the industry, and wrested most of the property from the Catholics; but the religion triumphs; it is thought to increase." Commenting on the foregoing, Mitchell says:—"Readers may now understand the extent of that vaunted toleration, and the true intent and purpose of it, such as it was—namely plunder. In fact we might say that the sufferings of the Catholics have been so loudly chanted in the very streets, that it is almost needless to remind our readers that during the reigns of George I and George II, the Irish Roman Catholics were disabled from holding any civil or military office, from voting at elections, from admission into corporations, from practising at law or physic. A younger brother in becoming Protestant, might deprive his elder brother of his birthright..... A baptised Catholic was disabled from purchasing freehold lands, and even from holding long leases. From educating his children at home or sending them abroad to be educated..... Any person might take his Catholic neighbor's horse by paying him five pounds sterling."

"Green Erin," says Dr. Newman, in the Catholic University Gazette, of June 15th, 1864, "is a land ancient and yet young; ancient in her Christianity, young in her hopes of the future. A nation which received grace before the Saxon set his foot on English soil, and which has never suffered the sacred flame to be extinguished in her heart; a Church which comprised within its historic period the birth and the fall of Canterbury and York; which Augustine and Paulinus found at their coming, and which Pole and Fisher left behind them. I contemplate a people which has had a long night and will have an inevitable day. I am turning my eyes toward a hundred years to come, and I dimly see the Ireland I am gazing on become the road of passage and union between the two hemispheres, and the centre of the world."

"Yes, dear Ireland!" says the illustrious Dupanloup, in a sermon preached in March, 1861—"nobly Catholic land; land of the Saints of old; fruitful in virtues and sufferings; fatherland of faith and honor, and courage; glad am I to tell you, the entire world regards you with reverence and love; pities your misfortunes, admires your endurance! Every generous heart is with you!... Hope! since I anticipate a better future for Ireland, and seem even now to see signs in the distant horizon, the harbingers of happier times, and heralds of deliverance. For, first, is not this candour of free writers, and of the first statesmen of England, one hopeful sign, one step in the return to right? When I hear voices raised to plead Ireland's cause even from the ranks of her oppressors; when I see her masters begin to be ashamed of their long injustice towards her, letting fall from their hands, link by link, the chains wherewith they have so long laden her; I say to myself: Justice is at length appearing: she will come; she will come soon, and without reserve. The sense of right that belongs to human nature calls out for her; that sense which men may sometimes think (as the Roman historian said) they have smothered—*conscientiam generis humani arbitrantur se posse extinguere*; but which reappears

one day, in spite of all, and re-awakens, all-powerful and unconquerable."

The following extracts are from a lecture by Rev. M. Harvey, of the Free Church, St. John's, Newfoundland:—

"The unhappy relations existing at this day between the land-owner and the land-occupier in some districts of Ireland, show that no great improvement has yet been effected on the old-sept system, in regard to security and permanency of tenure, so far as the cultivator of the soil is concerned. As long as suicidal rapacity on the side of the proprietor grasped, in the form of rent, the whole produce of the soil except the most wretched pittance, barely sufficient to sustain the life of the occupier of the land, leaving to him to execute all improvements, but denying him for the most part any security of occupancy, we cannot wonder at the people seeking retribution."

He then quotes Prof. Goldwin Smith, as follows:—

"Have the beneficial effects of separate ownership of land been long experienced by the Irish peasantry? Has property in land, according to the English system, presented itself to him in the course of his history in the form of security, independence, domestic happiness, dignity, and hope? Has it not rather presented itself to him in the form of insecurity, degradation, and despair? It would not be too much to say, that even modern Irish agrarianism is rather the offspring of rudeness prolonged by unhappy circumstances and bad government, than of anything deserving of unqualified indignation."

Rev. M. Harvey thus continues, after describing the earlier periods of history from the Norman:—

"After the battle of the Boyne was the time when magnanimity and wisdom might have dictated a merciful and conciliatory policy; and the (violated) treaty of Limerick might have marked the close of Ireland's misery and the commencement of her prosperity. But when all the vile passions of faction, fear, hatred, revenge, blind rage, were dominant, how could generosity or even justice be expected?"

This era of woe was ushered in by the enactment of the Penal Laws—the shame and disgrace of Protestantism, for, in persecuting, Protestants violate their own fundamental principles. For eighty years Celtic Ireland groaned under this atrocious code."

"Its memory," says Goldwin Smith, "will still remain a reproach to human nature, and a terrible monument of the violence into which nations may be led when their religion has been turned into hatred, and they have been taught that the indulgence of the most malignant passions of man is an acceptable offering to God. For it was a code of degradation and proscription—not only religious and political, but social."

"We may judge of the whole of these laws from one or two samples," says the Rev. Mr. Harvey, in the same lecture.

"By their enactments, Roman Catholics were prohibited from educating their children, at home or abroad; and were heavily fined and punished for keeping them ignorant. No Catholic could be a teacher under heavy penalties; no priest could exercise the functions of his ministry; the same price was set on his head

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as on that of a wild beast; if apprehended, for the first offence he was deported out of the country, if he returned, and apprehended again, he was half-hung, disembowelled while alive, and then decapitated; Roman Catholics were disabled from acquiring freehold property; they were excluded from all the liberal and influential professions; and deprived of the guardianship of their own children. If any son of a Catholic became a Protestant, he could dispossess his father of the fee-simple of his estate, which became his at his father's death, as a reward for his conversion. These are only specimens of this most diabolical and sanguinary code." Is it any wonder the Englishman of to-day is ashamed for the past misrule of Ireland—the finger of scorn is pointed at him from every nation on earth—even Russia points the finger of scorn, and tells him to turn to Ireland!

Hearken to these words of the same learned divine:

"It is with very bad grace and profound dissimulation that England heaps on the Irish people, the opprobrious titles of lazy, slothful, careless and drunken."

"The working of this penal code was disastrous to the interests of the Protestant religion, which it professed to support. It was disastrous to the interests of England, which it promised to maintain; for it drove the best of the Irish nation into exile on the Continent, where they joined England's enemies, and, as at Fontenoy, turned their swords against Britain with terrible effect. 'Cursed be the laws that deprived me of such subjects,' exclaimed George the first when the Battle of Fontenoy was fought and won by the Irish exiles. Too late George did you curse those laws!.... It made Ireland the source of England's weakness. Meantime, Irish poverty overflowed into the cities of England, swamping her labor-market, reducing the wages of her laborers, and pulling down her people to Irish hunger and Irish despair. Thus does retribution follow national as well as individual wrong-doing. The whole social framework of Ireland became disorganized. The gentry and landed proprietors themselves were involved in the general disaster. Their estates, encumbered by a starving, rack-rented, broken-hearted tenantry, were impoverished. Mortgage was added to mortgage; absenteeism, Continental gambling, debt, ruin, drunkenness, followed, and at length the Encumbered Estates Court took them in hand, and made an end of Irish squireocracy. No one mourns their departure. As landlords they were greedy and merciless; as masters, brutal, debauched, cruel, and tyrannical. They and their middlemen ground the unhappy tenantry to the dust, and drove them, maddened and brutalized, into Whiteboyism and agrarian outrage."

We are now upon the threshold of the most important question of all, the smothering of Irish industries. If our readers will bear with us we hope to furnish them next week with material not only interesting, but deeply instructive upon this important question. Meanwhile we thank "Observer" for having asked for replies that necessitated research and caused us to hunt up a little the story of Ireland's past union with England. These are all so many arguments in favor of Home Rule to-day.—EDITOR TRUE WITNESS.

RESOLUTIONS OF CONDOLENCE

At a special meeting of the Board of Trustees for the erection of St. Gabriel's new church, held on Tuesday evening, 20th inst., Ald. D. Tansey in the chair, the following resolutions of condolence were unanimously adopted:

Whereas, it has pleased Almighty God in His infinite wisdom, to remove from our midst our late associate and chairman, Mr. William Wall; and whereas, by his death, his esteemed wife has lost a fond and affectionate husband, his family a kind and indulgent father, his associates a warm-hearted friend, and society a law-abiding citizen; be it therefore

Resolved—That this Board desire to place on record its appreciation of the many virtues of its late chairman, whose sound judgment and untiring zeal were always exercised in the performance of worthy objects.

Be it further resolved—That the Board in a body, present to Mrs. Wall and the family of deceased a copy of these resolutions, and express its profound sorrow to her and them in this their hour of sad bereavement, and also that a copy of these resolutions be given the Press for publication and recorded in our book of deliberations.

(Signed)

DENIS TANSEY,
THOMAS MCCORMY,
JOSEPH PHILAN,
JAMES MCNAMARA.

Montreal, June 20th, 1885.

When God is within us we are satisfied with everything.