

HISTORY OF IRELAND

FROM THE EARLIEST TIMES
TO THE PRESENT DAY

BY

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CHAPTER XXIV.

The Penal Laws.

At the accession of Queen Elizabeth all Ireland was Catholic; and the Parliament which met at Dublin in 1560, though it little represented the nation at large, was but ill-disposed to pass the Acts of Supremacy and Uniformity; nor was it except through a trick of the Speaker that these Acts were passed into law. He declared that Parliament would not sit on a certain day, and, meanwhile, he sent summonses to a few members who were special friends of the Government. These assembled secretly on the very day Parliament was not to sit, and, assuming the powers of the whole assembly, passed the required enactments. The absent members, when next they attended, protested loudly against such fraud, and declared that such enactments were null and void. But the Viceroy, Sussex, solemnly assured them that neither Act would be enforced, and, on this understanding, the assent of all the members was obtained.¹ After a short session of three weeks this Parliament was dissolved by Sussex, "by reason of its aversion to the Protestant religion;" and it need hardly be added that the promise given by the Viceroy was soon forgotten. Like St. Leger, Sussex had been in turn both a Protestant and a Catholic, and now embraced the religion of his Queen. As he had carried out Queen Mary's orders to restore

¹ Rothe's *Analecta*, p. 234; *Cambrensis Eversus*, Vol. III., pp. 10-23; *Our Martyrs*, pp. 9-11; Monk-Mason's *Parliaments in Ireland—Introduction*, p. 103.

Catholicism in Ireland, he now undertook to carry out Elizabeth's orders: "to set up the worship of God in Ireland as it was in England." Like most of the officials of these days, if asked how he continued to keep office under so many changes of government, he might have replied, as did the Lord Treasurer Paulett, that he was made of the pliable willow rather than of the stubborn oak.² His successors in office were of the same pliant material. They carefully carried out the Queen's orders, studied her caprices, anticipated her wishes, were more inclined to be severe than to be tolerant; and such was the rigour with which they carried out the laws, that even Elizabeth once declared that she feared the reproach which Bato made to Tiberius—that he had committed his flocks, not to shepherds, but to wolves.³

Against both laity and clergy their persecuting spirit was shown; but it was the clergy especially who were singled out for destruction, and for them nothing was too severe, and no torture left untried. In some cases a form of trial was gone through; in other cases they were put to death by martial law, perhaps on mere suspicion of being concerned in some conspiracy, or because they refused to reveal secrets which they were supposed to know. Nor do the cases of O'Hurley and O'Hely stand alone for cruelty and barbarity, for other cases there were, which excite equal horror. At Armagh, two friars were stripped of their habits and publicly scourged to death; at Youghal, a Franciscan was hanged head downwards; three members of the same Order were hanged at Down, another at Limerick, another at Youghal. A parish priest was hanged in his church at Coleraine, and the same fate befel a priest at Limerick; while the master of a vessel was hanged for bringing a priest from Belgium. Gibbon, Archbishop of Cashel, Tanner, Bishop of Cork, and Hurley, Dean of Limerick, died in prison, while Creagh, Archbishop of Armagh, after a long imprisonment, was poisoned in the Tower of London.⁴ Two Franciscans were taken and thrown into the sea, and another was trampled to death by horses. Three laymen, at Smerwick, had

² Olden's *Church of Ireland*, p. 322.

³ Moran's *Archbishops of Dublin*, p. 101, Note.

⁴ *Spicilegium Ossoriense*.

their legs and arms broken with hammers, and then were hanged, and similar torture was inflicted on the Abbot of Boyle. Three Franciscans, at Abbeyleix, were first beaten with sticks, then scourged with whips until the blood came, and finally were hanged. One Roche was taken to London and flogged publicly through the streets, and then tortured in prison until he died; another, after being flogged, had salt and vinegar rubbed into his wounds, and then was placed on the rack and tortured to death. And Collins, a priest at Cork, was first tortured, then hanged, and whilst he yet breathed, his heart was cut out and held up, the soldiers around crying out in exultation "Long live the Queen."⁵

Persecution does not generate conviction, and these cruelties did not succeed in winning the people from their faith. With admirable courage the bishops and priests clung to their posts; they felt the confidence with which the soldiers of the Lord should be inspired; and, when one was struck down, another was ready to take the place of his fallen brother. The religious orders did notable service, and their devotion and zeal nothing could surpass. The Jesuits were especially active; the Dominicans and Cistercians also freely shed their blood; but most of all, the sons of St. Francis, who were found in every position of danger, whom no terrors could appal, and who, in greater numbers than any other Order, endured suffering, and tortures, and death. A Jesuit, David Wolf, was sent to Ireland by the Pope in 1560, as Apostolic Nuncio; and when he died, in 1578, after many hardships and trials, another member of the same Order was sent from Rome to fill his place, and with equally ample powers.⁶ Against such zeal and perseverance the selfishness and greed of the Reforming ministers were ill-calculated to succeed, and Sidney had to confess, in 1575, that no progress was being made; Dr. Loftus of Dublin declared fifteen years later, that the people were still in revolt against the new doctrines; and Spenser had to tell an equally mournful tale.⁷ And, when Elizabeth died

⁵ *Our Martyrs*, pp. 90-219.

⁶ Moran's *Archbishops*, pp. 82-3.

⁷ *Ibid.*, p. 153; Mant pp. 298-9, 323-8; Spenser's *View of the State of Ireland*, p. 254.

in 1603, with a reputation for cruelty which Nero might have envied, the Irish people, exclusively Catholic, rejoiced that the persecutor of their faith was gone; and the hope was universal that, under a Stuart king, their deliverance from persecution had come.

A royal proclamation, in 1606, and two others in 1614 and 1635, commanding all bishops and priests to quit the kingdom under pain of death, and the martyrdom of O'Devanny, Bishop of Derry, and many others, showed how futile were these hopes.⁸ At the close of James's reign there was a period of toleration; and the Archbishop of Dublin, writing to Rome, reports that the Church was then manned by four archbishops, five bishops, vicars in every diocese, and parish priests in every district, and to these were subject 800 secular priests. In addition, there were 40 Jesuits, a few Cistercians, 20 Dominicans, a few Augustinians and Capuchins, and 200 Franciscans, whom he specially extols, "because they never suffered themselves to become extinct in the kingdom, and were the only religious who maintained the fight in some districts."⁹

If the advice of Usher had been taken, there would have been no toleration of Catholics during the reign of Charles I.;¹⁰ but, happily, his advice was rejected, and until the war broke out between the Parliament and the king, there were no fresh penal laws; and those in existence were mildly enforced. For nearly twenty years the Catholics were but little disturbed on account of their religion. But, with the advent of the Puritans to power, there was a disastrous change. Fighting for religious liberty themselves, they would allow no such liberty to others. They hated episcopacy in any form, but they hated Catholicism most of all. It was an abomination which could not be endured, and those who professed it should be placed outside the law. The horrors of 1641 still further inflamed their resentment. The lies of Temple¹¹ and others to some extent were believed. The

⁸ *Our Martyrs*, pp. 229-62.

⁹ Moran, p. 290.

¹⁰ Mant, Vol. 1., p. 408.

¹¹ *The Irish Rebellion*.

Irish Catholics were regarded as rebels and murderers, whose crimes must be wiped out in blood; and Coote, and Droghill, and Cromwell and their friends, soon showed that these were no idle threats. Cromwell would allow no Mass, and whoever received mercy from him, the priests received none. His friend Inchiquin killed 20 priests and 3,000 laity at Cashel, and, at the taking of Drogheda and Wexford, no priests were spared. When Broghill captured the Bishop of Ross he first cut off his hands and feet, and then hanged him; a Dominican arrested at Jamestown had his fingers and toes cut off, and then was put to death; a Franciscan, at Clonmel, was put first on the rack, after which his hands and feet were burned off, and finally, he was hanged; the Parish priest of Arklow was tied to a horse's tail, which was urged furiously on, and thus was dragged along the road to Gorey, where he was hanged;¹² and the numbers who were cut down by the common soldiers, or who died in prison, or were shipped as slaves to Barbadoes, will never be known. An edict was issued, in 1653, commanding all priests to leave the kingdom, and it was repeatedly published and rigorously enforced.¹³ On the head of a priest the same price was put as on the head of a wolf. Those who informed against them not only received rewards, but were declared to have deserved well of the State; and, in woods and caverns, and desert places, they were sought out and dragged to torture, or banishment, or death. In 1658, an oath of abjuration was prescribed for all Catholics, in which the authority of the Pope in Church matters was denied; and the reverence paid to the Blessed Virgin, the belief in the invocation of saints, the Real Presence, Purgatory, and the forgiveness of sins, were condemned.¹⁴ A Catholic refusing the oath, if rich, suffered the loss of two-thirds of his goods, if poor, was sent as a slave to Barbadoes. The rich were thus made poor, the poor driven into exile. The soldiers were gone, and were fighting on foreign fields; famine and war had decimated the masses of the people; the churches were in ruins; the altars overthrown; the images broken; the sacred

¹² *Our Martyrs*, pp. 328, 355.

¹³ *Moran's Persecutions under the Puritans*, pp. 118-20.

¹⁴ *Ibid.*, pp. 187-8.

vessels turned to profane uses; and the Irish Church, which in 1640 had 27 bishops, and priests in every parish, a few years later, had to lament the loss of a thousand priests driven into exile. Nor was there a single bishop in the country but the Bishop of Kilmore, who, weighed down by age and infirmities, was unfit to discharge his episcopal functions, and even unable to seek safety in flight.¹⁵ The horrors of Elizabeth's reign were equalled and surpassed. But a few years more of Puritan rule and Catholicity would have been extinguished in Ireland.

To a land thus drenched with blood the Restoration was a welcome relief. Charles, indeed, like all the Stuarts, had little gratitude, and ill requited the services of his Irish subjects. But he had little sympathy with the persecution of Catholicism. Yet the bigotry of the Parliament in England, and of Ormond in Ireland, sometimes forced his hand; and his reign was disgraced by the death of Talbot, Archbishop of Dublin in prison, and, still more, by the death of Oliver Plunkett on the scaffold. This period of toleration with intermittent persecution, was followed by the short reign of James II., when Catholicism was raised to a position, not only of equality, but, of predominance. With the surrender of Limerick the era of predominance, and even of equality, was ended, and a new and shameful era of penal legislation was ushered in.

By the Irish Catholics this turn of affairs was little expected. They relied on the Treaty of Limerick, and believed it guaranteed toleration of their religion, and protected them against further penal laws. Its Military Articles, 29 in number, were only of a transient nature, and affected those actually in arms, with special reference to their shipment beyond the sea. The Civil Articles numbered 13; they affected the nation at large; and it is round these articles, and their proper interpretation, that so many fierce contests have been waged. The phraseology in which they were embodied was not happy, and lent itself to equivocation and ambiguity; and it is a mild censure on Sarsfield and his friends to say that, in the drawing up of this solemn treaty, on which so much depended for good or ill, they might have shaped it with

¹⁵ *Moran's Persecutions under the Puritans* pp. 121-2.

Penal Laws

CHAPTER LXVIII.

CLAUSES OF THE PENAL ENACTMENTS OF ELIZABETH, JAMES, &c. AGAINST THE CATHOLICS—RESTRICTIONS OF THE CALIPH OMAR ON THE CHRISTIANS OF JERUSALEM STRIKINGLY SIMILAR TO THOSE OF ENGLAND—SYMPATHY WITH IRELAND ON THE CONTINENT—COLLEGES FOUNDED FOR IRISH ECCLESIASTICS—CROMWELL'S RULE IN IRELAND, &c.—PROCLAMATION OF HIS COMMISSIONERS—NOBLES AND PEOPLE DRIVEN INTO CONNAUGHT—STATUTE OF WILLIAM III.—REGISTRATION ACT OF QUEEN ANNE—PARLIAMENTARY RETURNS OF THE STATE OF CATHOLICITY BY PROTESTANT BISHOPS.

In perusing this brief outline of the hostile career of the great Pagan and heretical persecutors of the Catholic church, an affinity is easily perceptible between the mechanism which they set in motion in order to extinguish the Christian religion and that which the heretical governments of England, adopting the early calumnies of the bitterest enemies of the faith, and the insidious policy of Julian the Apostate, and of Valens, the Arian emperor, as their models, have enacted against that creed which they abandoned and which was professed by large numbers of the English people at that very time and by the whole of the inhabitants of Ireland—a policy which the Russells and other plunderers of the church would still adopt, as well as renew, if the limbs of Ireland, long bound in the irons of oppression and persecution, had not overgrown her manacles and burst them asunder in her efforts to be free. That the contrast be familiar, a numerical list of the penal statutes is subjoined, which were enacted in the reigns of Elizabeth, James, and Charles, as well as during the usurpation of Cromwell, including the registration act, which surpassed them in its deadly aim at the extinction of the Catholic priesthood of Ireland.

1. A second refusal of the oath of supremacy, even in spirituals, to be punished as high treason.—(5th Eliz., cap. 1.)
2. To defend or extol the authority of the Roman See, punishable as high treason, if the offence was committed a second time.
3. To defend or extol the same—high treason.

4. To persuade or reconcile any one to the Catholic religion—high treason.—(25th Eliz. and 3d of James.)
5. Priests, religious, and others initiated in the Roman rite or orders, coming or remaining in the kingdom, subjected to high treason.
6. Any of the aforesaid priests, &c., remaining six months in a seminary after the promulgation of the statute, punishable at their return with high treason.—(27th Eliz.)
7. To conceal a bull or instrument from the See of Rome, or even a reconciliation either proposed or offered, punished as treason.
8. To harbor or conceal those who make proselytes to the Roman religion, to be punished with high treason.—(27th Eliz.)
9. To receive, harbor or assist an ecclesiastic, knowing him to be such—high treason.
10. To refuse leaving the country (or *return without licence*) when ordered—high treason.—(35th Eliz.)
11. To engage in the service of a foreign prince without first swearing allegiance and the royal supremacy, and at the same time vowing and guaranteeing in some formal manner a resolve of non-conforming with the Catholic faith—high treason.—(3d James.)
12. The first refusal of the oath of the royal supremacy, &c., punished with a "præmunire," a punishment involving confiscation of moveable and immoveable property—perpetual incarceration and deprivation of legal rights.
13. To propose or defend any spiritual authority in the see of Rome—punishable with the statute of præmunire.
14. To bring or carry or receive crosses, images, and other badges of popery, such as relics—punishable with præmunire.
15. To assist any one in the execution of a diploma granted by the Holy See—a case of præmunire.—(27th Eliz., 2 chap.)
16. To harbor or assist any one living in colleges or foreign seminaries—a case of præmunire.
17. A second refusal of the oath of allegiance—præmunire.—(3rd James.)
18. Not to disclose the name, if known, of an ecclesiastic ordained in foreign parts—imprisonment.—(27th Eliz.)
19. Recusants already judged or suspected—imprisonment.
20. Refusing to attend Protestant conventicles or Protestant service—imprisonment without recognizance to be had.—(35th Eliz.)
21. A married woman refusing the oath of allegiance—imprisonment.—(3d James.)
22. A married woman convicted of recusancy, to be imprisoned and the husband to be mulcted.

23. Catholics unable to pay the fines into the royal treasury, to be imprisoned until the whole would be paid.—(23d Eliz.)
24. The residence of the recusant liable to be forcibly entered, when to be arrested.—(7th James.)
25. An absentee from the Protestant church for a year, shall find security for good behavior.—(23d Eliz.)
26. All recusants prevented, under pain of death, from going beyond five miles, in any direction, from their houses.—(23d Eliz.)
27. Recusants not allowed to approach within ten miles of London.—(3d James.)
28. Recusants forbidden to enter the palace of the sovereign or the heir apparent.—(3d James.)
29. Absence from the Protestant church each Sunday, punished with a fine of twelve pence.—(1st Eliz. 2.)
30. Absence on festivals or holidays—fine of twelve pence.
31. Absence for a month from Protestant service, punished with a mulct of twenty pounds.—(Eliz. and James.)
32. Inability to pay the twenty pounds, punished with confiscation of effects, lands and tenements.—(Eliz. and James.)
33. Optional with the king to receive or refuse the twenty pounds fine, or levy it on the property.—(3d James.)
34. All lands and tenements held by recusants under a royal title, cede to the king for the offence.—(25th Eliz.)
35. All penalties and fines for recusancy due by the predecessor, are entailed on the heir, if recusant.—(1st James.)
36. Refusal of sacraments according to the Anglican form, punished the first year with a fine of twenty pounds, the second year forty, the third refusal sixty pounds, and to be so mulcted in each successive year.—(3d James.)
37. The informer entitled to two pounds sterling, of the recusant's.
38. The recusant servant to be fined ten pounds each month, should he persevere, &c.—(3d James.)
39. If a married woman was recusant, two-thirds of her jointure or dowry to be confiscated to the crown.—(3d James.)
40. Catholics for each suit in a court of justice, to pay a fine of one hundred pounds.—(James, &c.)
41. Parents not having their children baptized within a month after their birth, according to the Anglican fashion—fined one hundred pounds.—(James.)
42. To contract marriage elsewhere than before a Protestant parson—fine of one hundred pounds.—(3d James.)

44. To send youths abroad without licence—fine of ten pounds.
45. To employ a lector or schoolmaster, not a Protestant, and not having liberty to teach—a monthly fine of ten pounds.—(23d Eliz.)
46. A recusant teacher or Catholic retaining him—a daily fine of two pounds British.—(1st James.)
47. All the goods, moveable and fixed, of a Catholic going to prohibited regions, confiscated, during his lifetime, to the crown.—(23d Eliz. and 3d James.)
48. The education of a son beyond seas in the Catholic religion—confiscation of the offender's property, moveable and immoveable.—(3d Charles.)
49. A Catholic residing within ten British miles of London—fined one hundred pounds British.—(3d James.)
50. A Catholic exercising any function contrary to the statute, the 3d of James, punished with a fine of one hundred pounds.
51. Catholics debarred from holding offices; could not be advocates, administrators, or officials in the courts; could not practice medicine or pharmacy; nor serve in the army or in the fleet; nor command in camp or fort.—(3d James.)
52. Catholics disqualified to enter appeals, &c.—(3d James.)
53. The husband of a recusant wife incapacitated to hold office.—(3d James.)
54. Marriage contracted in any other rite than the Anglican, deprived the wife of a right to a jointure from the goods of her husband, &c.—(3d James.)
55. Catholics disqualified from instituting actions at law, presenting to benefices, and also from becoming executors or guardians.—(3d James.)
56. Young men educated in foreign parts without licence, excluded from inheriting any of their paternal property.—(1st & 3d James.)
57. Catholics declared subject to the ecclesiastical censures of Protestant ministers, and to their consequences.—(23d Eliz. and 3d James.)

Such were the penal enactments passed to repress the growth of popery under the auspices of the bastard Elizabeth, whose unjust occupation of the throne brought those evils on the country which she governed, and on the faith which could not recognize her as the lawful sovereign, to the exclusion of the rightful heiress, whom she put to death. Hitherto the name of that queen has been revered. But England, fast emerging from the foul heresies in which Elizabeth involved the realm, will soon blush at the weakness of her people, conscious

natural issue of her body" declared legitimate, though she wished to be reputed a "virgin queen." As well pronounce her a virgin as call her father a man of one only wife. Her crimes against religion and virtue have been veiled with that charity which the faith she persecuted inculcates. Her infamous career of hatred to the Catholic church has of necessity become hereditary in successive governments, entailing on the country all the confiscations and robberies of her successor, James; the decapitation of his son, Charles; the usurpation of Cromwell, who, it is said, with his own hand, struck off the head of his sovereign; the expulsion of James II. by rebels; the slaughter of Irish Catholics who maintained his right to the crown, in antagonism to his son-in-law, William, and all the evils, social and religious, to which Ireland is and has been subjected.

Comments on such laws are unnecessary; they themselves bespeak the deep-rooted animosity of the plunderers by whom they were enacted. In the year 637, when Jerusalem was captured by the Mahomedan caliph, Omar, restrictions strikingly similar to those of England were imposed on the Christians of that city. Perhaps the legislators of our country modelled their penal enactments on those of the caliph.

1st article of Omar against the Christians:—That the Christians shall build no new churches, and that Moslems shall be admitted into them at all times.

English reformers have seized the churches of Irish Catholics, leaving them to worship God and celebrate the tremendous mysteries in the caverns and lonely vallies of Ireland, while a watchman was placed on an eminence to give notice when the priest-hunter was approaching.

2d article:—They shall not prevent their children or friends from professing Islamism, or read the Koran.

The Irish schoolmaster was proscribed; education was proscribed, and of course *the reading of the Bible was judiciously set aside*, though now the only standard and teacher of true Protestant religion. Yet having placed education beyond the reach of Catholic Ireland, Protestants have the unblushing effrontery to charge us with ignorance.

3d article:—They shall erect no crosses on their churches, and only toll, not ring their bells.

The crosses of Irish churches have been repeatedly prostrated. Ashamed of their unholy warfare against the emblem of redemption, Protestants now erect crosses on their own churches. In Ireland the use of bells was altogether prohibited until of late years.

4th article:—They shall not wear the Arab dress, ride upon sad-