

**THE IRISH PARLIAMENT:  
WHAT IT WAS,  
AND WHAT IT DID**

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The Irish Parliament: What It Was, and What It Did by J. G. Swift MacNeill

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IRISH PARLIAMENT:

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BY

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## P R E F A C E .

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THERE are many versions of the British Parliament ; it has had but one counterpart—that of Ireland. The Legislatures of the Colonies and Dependencies of Great Britain, where they are representative, have each, it is true, been modelled on the legislature of the mother country. They each, however, in outward form and structure, consciously depart from their original. Each colony has the Sovereign of Great Britain for its head, while the more important ones have a legislative Council or Senate analogous to the British House of Lords, and a Legislative Assembly analogous to the British House of Commons. In no instance, however, are any of the Colonial Legislative Councils framed on the hereditary principle. In some cases their members are nominees of the Crown, and hold office for life. In others, the Legislative Councillors hold office for a term of years, and are elected by electors having a property or educational qualification. In no instance is there a trace of a spiritual peerage. The Colonial Legislative Assemblies or Lower Houses are elected either by universal suffrage, or by electors having certain property



or educational qualifications. In no instance is the franchise the same as the British Parliamentary franchise.

Ireland, on the other hand, had, like England, its hereditary House of Peers. In England and in Ireland, the laws regulating the Parliamentary franchise, were, before the Union, exactly the same. The similarity of the Irish and English Constitutions was thus described by Mr. Flood, in the Irish House of Commons:—"Ireland had," he said, "a Parliamentary constitution the same as that of England, with an hereditary and ennobled branch of the legislature, invested with final judicature, above three hundred years before any colony in America had a name. Those colonies have had popular assemblies, it is true, but not parliaments consisting of king, lords, and commons, with all the powers belonging to them."\* "From the earliest introduction," says Mr. Butt, "of the power of the English kings into Ireland, the Irish, who submitted to the rule of those kings, had a right to the same Parliamentary constitution as that which England enjoyed." "The Irish Parliament had, like the English Parliament, its hereditary House of Peers. Its House of Commons was elected exactly like the English House of Commons, by the freeholders of the counties, and by cities and towns deriving their right to return members from the charters of kings. The freehold franchise was the same in both, and the royal charters had exactly the same effect,

\* "Irish Debates," vol. i. p. 422.

and were construed and tried by the same rules of law."\*

But while the machinery of legislation was the same, the development of the great principles which lie at the root of the British constitution was in the two countries widely different. Thus, for instance, the struggle between the prerogative of the Crown and the rights of the people culminated in England in 1688 in the expulsion of the Stuart dynasty. Ireland was, however, governed for nearly a century after that Revolution on the principles of the Stuarts. In England the constitutional struggle was between the monarch and the Parliament. In Ireland the contest lay between the Irish Parliament and the English Ministry. After the Revolution the English Ministry, who saw themselves dependent on the English Parliament, used the prerogatives wrested by that Parliament from the Stuarts, in the attempt to destroy the independence and enfeeble the powers of the Irish Legislature. The aim of the Irish patriot party in and out of Parliament was to extend to Ireland the rights gained by England at the Revolution, and thus to assimilate in spirit as well as in form the Irish to the English Constitution. "You struggled," said Grattan in the Irish House of Commons, "for the British Constitution in opposition to the claim of the British Parliament."† The aim of the English Government was, on the contrary, to make the

\* "Proceedings of the Home Rule Conference, 1873," pp. 6, 7.

† "Irish Debates," vol. xv. p. 5.

Irish Constitution, in the words of Fox, speaking in the English House of Commons, "a mirror in which the abuses of the English Constitution are strongly reflected ;" \* or, to use the words of Mr. Forbes, in the Irish House of Commons, "a system which tended to adopt all the defects of the British Constitution, and rejected all its excellences and advantages." † "I allow," said Grattan, "the British Constitution the best, and I arraign this model as the worst because practically and essentially the opposite of that British Constitution." ‡

The great differences between the Irish and the British Constitutions did not escape the observation of Edmund Burke. Writing to Sir Hercules Langrishe, a distinguished member of the Irish House of Commons, he observes, "The Revolution operated differently in England and Ireland in many and essential particulars. Supposing the principles to have been altogether the same in both kingdoms, by the application of those principles to very different objects, the whole spirit of the system was changed, not to say reversed. In England it was the struggle of the *great body* of the people for the establishment of their liberties against the efforts of a very *small faction* who would have oppressed them. In Ireland it was the establishment of the power of

\* "British House of Commons," March 23rd, 1797. "Irish Debates," vol. xvii. p. 218. Mr. Fox's speech is reported in full in that volume of the "Irish Debates."

† "Irish Debates," vol. vii. p. 210.

‡ "Irish Debates," vol. xiii. p. 6.