

# 1689 RESOLUTIONS OF THE IRISH PARLIAMENT.

By Jacobite Ireland.

**From *A Jacobite narrative of the war in Ireland, 1688-1691, with contemporary letters and papers*, edited by John T. Gilbert, published 1892. The following is from the appendix, entitled 'Extracts from Acts of Parliament at Dublin, 1689.'**

- 1. An act declaring that the parliament of England cannot bind Ireland against writs of error and appeals to be brought for removing judgments, decrees, and sentences given in Ireland into England:*

Whereas his majesty's realm of Ireland is, and hath been always a distinct kingdom from that of his majesty's realm of England, always governed by his majesty and his predecessors according to the ancient customs, laws, and statutes thereof: and as the people of this kingdom did never send members to any parliament ever held in England, but had their laws continually made and established by their own parliaments, so no acts passed in any parliament held in England were ever binding here, excepting such of them as by acts of parliament passed in this kingdom were made into laws here: yet of late times (especially in the times of distractions) some have pretended that acts of parliament passed in England, mentioning Ireland, were binding in Ireland; and as these late opinions are against justice and natural equity, and so they tend to the great oppression of the people here, and to the overthrow of the fundamental constitutions of this realm; and to the end that by these modern and late opinions no person may be further deluded, be it therefore enacted by the king's most excellent majesty, by the advice and consent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, and it is hereby declared, that no act of parliament passed or to be passed in the parliament of England, though Ireland should be therein mentioned, can be or shall be any way binding in Ireland; excepting such acts passed or to be passed in

England as are or shall be made into law by the parliament of Ireland...

And for rendering this present act the more effectual, be it hereby enacted by the authority aforesaid, that it shall be an high misdemeanour in any person or persons whatsoever, that shall in drawing of pleadings, either in law or equity, or in any bill of exception to be filed in any court in Ireland, or that at any trial, before any court within this realm, shall deliberately insist that any act of parliament made or to be made in England, wherein Ireland is or shall be mentioned, is or can be binding in Ireland, though it should not be made into a law here by any act made or to be made in a parliament held or to be held here. And also, it shall be an high misdemeanour in any person or persons whatsoever, who within this realm shall tender or produce any writ or writs of error out of England in his majesty's court of king's bench in Ireland, or to all or any of the judges of the said court for the time being, returnable to the court of king's bench in England, or that shall tender or produce any appeal to the lord chancellor or lord keeper of Ireland for the time being, or to any of the officers of the said court of chancery, or to the chancellor, treasurer, and barons of the exchequer, from the house of lords in England, or that shall tender any appeal out of England to any spiritual judge, or spiritual court, or delegates within this realm, in order to reverse any sentence given in Ireland by any court of delegates in England. And that if any person or persons shall offend herein, he shall be fined and imprisoned, according to the discretion of the court where he shall be prosecuted for the same.

*2. An act for repealing the acts of settlement and explanation, resolution of doubts, and all grants, patents and certificates pursuant to them, or any of them.*

Whereas the Roman Catholic subjects of this kingdom have for several years, to the apparent hazard of their lives and estates, under the royal authority, defended this kingdom, until at last they were overpowered by the usurper, Oliver Cromwell; in which quarrel many of them lost their lives, and divers of them (rather than take any conditions from the said usurper) did transport themselves into foreign parts, where

they faithfully served under his late majesty and his present majesty until his late majesty was restored to the crown. And whereas the said usurper hath seized and sequestered all the lands, tenements, and hereditaments of the said Roman Catholics within this kingdom, upon the account of their religion and loyalty, and disposed of the same among his officers and soldiers, and others his adherents; and though his majesty's said Roman Catholic subjects, not only upon the account of the peace made by his late majesty in the year 1648, but also for their eminent loyalty and firm adherence to the royal cause, might have justly expected to partake of his late majesty's favour and bounty upon his happy restoration, which was then extended even to many notorious rebels in other his countries and dominions, which would make amends for the oppressions and injustice they lay under for many years in the time of the said usurper; yet such were the contrivances set on foot to destroy his majesty's said Catholic subjects of this realm, that two acts of parliament passed here, the one entitled, an act for the better execution of his majesty's gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers, and other his subjects there; the other act entitled, an act for explaining of some doubts arising upon an act entitled, an act for the better execution of his majesty's gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers and other his subjects there, and for making some alterations of and additions unto the said act for the more speedy and effectual settlement of the kingdom, by which many of the said Catholic subjects were outed of their ancient inheritances, without being so much as heard, and the same were distributed among Cromwell's soldiers and others, who in justice could not have the least pretension to the same, contrary to the said peace made in the year 1648, and contrary to justice and natural equity. And whereas it is now high time to put an end to the unspeakable sufferings of the said Roman Catholics, natives of this realm (who have eminently manifested their loyalty to his majesty against the usurper, the prince of Orange), and to remove the unparalleled grievances brought upon them under colour of the said two statutes, which cannot be otherwise redressed than by repealing

the said acts and restoring the former proprietors to their ancient right, the compassing whereof is much facilitated by his majesty's royal condescension to apply towards the satisfaction and reprisals of honest purchasers under the said acts a great part of the lands and tenements forfeited to him by the late rebellion and treason committed by estated persons within this kingdom who, contrary to their duty and allegiance, joined with the prince of Orange: Be it therefore enacted by your most excellent majesty, with the consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority aforesaid, and it is accordingly enacted by authority of the same, that the said two several acts hereinbefore mentioned, commonly called the acts of settlement and explanation, and the acts of state, or act of council, commonly called the resolution of doubts by the lord lieutenant and council upon the acts of settlement and explanation thereof, and all and every clause, proviso, article and sentence in them and every of them contained, and all and every grant, patent and certificate passed by virtue or of under colour or pretence of the said acts and resolutions, or any or either of them (except what is hereinafter preserved, or mentioned to be preserved,) be and are hereby absolutely repealed, annulled and made void to all intents, constructions and purposes whatsoever, as if the same had never been made or passed, notwithstanding any mis-recital of the title to them or either of them, or of the exact time when the said acts, or either of them, were made or passed.

And be it further enacted, that all manner of persons who were any way entitled to any lands, tenements or hereditaments, or whose ancestors were any way seized, possessed of or entitled to any lands, tenements or hereditaments, in use, possession, reversion or remainder in this kingdom of Ireland, on the 22<sup>nd</sup> day of October, 1641, their heirs or assigns, and every person lawfully claiming by, from or under them and his and their feoffees and trustees, to and for their use or uses, or in trust for them or any of them, and who were barred, excluded, hindered or prejudiced by the said acts, resolutions, grants, patents and certificates, shall and may have and take such and the like remedy by action, or otherwise, for revesting or recovering the same, as they, or any, or either of them now might, could, or ought

to have had or taken, in case the said acts, resolutions, or any grant, patent, or certificate had never been made or passed, any clause, proviso, article, sentence, or restriction in the said acts, resolutions, grants, patents or certificates, and limitation of time, descent cast, common recovery, judgment or non-claim upon any fine or fines, or upon any other matter or thing where an entry or claim could or would have aided him or them, or any of his or their ancestors, feoffees and trustees, in anywise notwithstanding. And be it further enacted by the authority aforesaid, that all attainders and outlawries for treason, or any other offence, and also all treasons and other offences whatsoever upon account or pretence of the rebellion mentioned or expressed to have begun or arisen in this kingdom on the 23<sup>rd</sup> day of October 1641, and also all penalties, pains, forfeitures, bars and disabilities accrued, or supposed to be accrued thereby, or by any means or ways touching or relating thereto, or any way upon account or pretence thereof, be and are hereby made void, released and discharged to all intents and purposes whatsoever. And be it further enacted, by the authority aforesaid, that every officer and officers who have the custody or keeping of the said attainders or outlawries, or of any of them, or of any the process, entries and proceedings thereof, and of all or any the books of crimination and examinations relating thereunto, shall, as soon as conveniently may be, take the same off the files, and from the respective offices where the same do now remain, and cancel the same before or in the presence of all or any the commissioners of restitution herein mentioned; and any officer failing to do the same shall forfeit his office, and also the sum of £500 sterling, the moiety of the said £500 to be to your majesty, and the other moiety to any person who shall sue for the same by action of debt, bill, plaint or information in any of your majesty's courts of common law, in which action no essoin, protection, or wager of law shall be allowed: and to the end that every person and persons, and their heirs, executors, administrators and assigns, who hitherto were barred, hindered or delayed from recovering or enjoying his or their just rights, titles, or possessions by any of the matters aforesaid, may with all convenient speed be put into and be established in his and their rights, titles and possessions.

