

The Rights of Ireland

AND

The Faith of A Felon

BY

JAMES FINTAN LALOR

Reprinted from the "Irish Felon" Newspaper suppressed
July, 1848

With An Introduction

BY

JAMES CONNOLLY

The DONNELLY PRESS

164 EAST 37th STREET

NEW YORK

This pamphlet, with introduction by James Connolly, was published by the Socialist Party of Ireland some years ago. This edition is a reprint of that issue.



INTRODUCTION

THE present publication is one of a series of pamphlets The Socialist Party of Ireland proposes to issue on the political and social position of the Irish people.

They will aim at familiarising the reading and thinking public with that interpretation of the recorded facts of our national history which at once explains and justifies the uprising of a Republican and Socialist Party in Irish political life. Hitherto Irish history has been written almost exclusively from a middle-class standpoint with results that can only be fully appreciated by those whose historical studies have rested upon a thorough scientific basis, and who are therefore competent to place in their proper relation to each other, the heterogeneous mass of facts (and fictions) which pass muster as history. The materialist conception of history—the truth that a rational explanation of the course taken by human society must be sought in the influence which their material environment has had upon the minds of the men and women with whom history has to deal—furnishes this scientific basis. Applying it to the present, we find that the government of every civilised country is simply a committee of the rich who conduct the affairs of state in the interests of the upper class, and that, in like manner, every political party is the party of a class and seeks to acquire power in the interest of the class who officer its organisation and furnish its finances. In other words, a political party is the weapon with which a particular class in the community seeks to create and maintain the conditions most favourable to its own class rule, to secure for its own members the greatest share of the wealth which exists as the common product of society.

There are in Ireland to-day, apart from The Socialist Party, two political parties. The Conservative party—the party of the rent-receiving landlord, and the so-called Home Rule party—the political guardian of the profit-grinding capitalist. Between those two there exists an apparent antagonism, but a real identity of interests. The one, openly conservative, seeks to retain intact the institution of private property in land; the other, while professedly democratic and national, also opposes any solution of the land question which by rooting the peasantry on the soil would deprive the Irish middle-class of the services of those landless labourers, who thronging into the towns and competing for employment, drive down wages and so become the human stepping-stones by which their wealthy compatriots pass to ease and fortune. The first party openly relies on the British connection for the maintenance of its prerogatives, the second keeps up a continual sham fight with the official representatives of that connection, but in the wildest flights of its ultra-patriotic orations, secretly relies

on a timely manifestation of Imperial power to provide a decent excuse for eating their words and counselling "prudence" when the time comes for revolutionary action.

In opposing both parties, as enemies to Labour, The Socialist Party of Ireland stands to-day in much the same position as Fintan Lalor occupied in '48. Indeed, a most striking parallel exists between his time and our own. In '48 there stood on the one side the landlords backed up by the government in demanding their rents, while the people were left to starve in the midst of plenty. On the other side, there stood, nominally in opposition to the government, the two sections of the Repeal Party. Of these two sections, one, the Repeal Association, was tame, constitutional, and time-serving, its only hope being to secure the good offices of middle-class English politicians, repealers and repealers only. The other section, the Confederation, intelligent, honest and sincere, according to their lights, but (with a few exceptions, such as John Mitchel) like the first, thoroughly conservative on the really fundamental question of property, firm believers in rent, interest and profit, outvying even the government in their insistence on the landlord's right to his rent, also repealers only, but, under a multitude of grandiloquent phrases hiding even from themselves the utter paltriness of our ideal. To-day we have in our midst the same story repeated. In the Home Rule camp again exist two opposing sections, the most advanced of whom are as hopelessly conservative as ever in their opposition to the claim of the labourer to the full produce of his toil. Under these circumstances, The Socialist Party of Ireland, as the only political party in Ireland which fully accepts Fintan Lalor's teaching, from his declaration of principles to his system of insurrection, hopes that in issuing this pamphlet they will succeed in bringing home to the minds of their fellows, a realisation of the necessity which exists for the creation of a party which shall aim at giving effective political expression to the twin ideas of national and industrial freedom now so hopelessly divorced in the public life of Ireland.

Of the man himself it may not be amiss to inform our readers that he was descended from a family noted in Irish history for their rebellious tendencies, that is, for their restlessness under injustice. One of the seven septs of Leix (Queen's Co.) they were transplanted to Kerry in 1609 by Chichester under orders from James I. They had rebelled eighteen times against the plantations ordered by Queen Mary and Queen Elizabeth, and had been nearly exterminated in consequence, and the government hoped by thus removing them to remote and unfamiliar territory to curb their native impetuosity. But at each successive rebellion they were always running back to their old tribelands, and it was probably in this way the ancestors of our author found their way to, and eventually settled at, Tenakill. Fintan Lalor himself was born in 1809, but did not come into public life until 1847. After the suppression of the *United Irishman* newspaper and the sentence upon its editor, John Mitchel, 14 years transportation, Lalor stepped into the breach as principal writer in the *Irish Felon*, edited by John Martin. The *Irish Felon* was also suppressed and Lalor

arrested at Ballyhane, County Tipperary, where he was endeavouring to organise a revolt of the peasantry. He was removed to Newgate prison, Dublin, where he was confined, until, his health completely breaking down, he was released—to die. He died as he had lived, a revolutionist and a rebel against all forms of political and social injustice, and for nearly fifty years the middle-class “patriots” who write Ireland’s history have honoured his memory by boycotting his writings and slurring over his name. May the labours of our Irish democracy inscribe on the pages of their country’s history a more fitting tribute to his genius.

JAMES CONNOLLY.



THE RIGHTS OF IRELAND

(From the first number of the *Irish Felon*, June 24th, 1848.)

TO found a paper like the *Irish Felon*, for the mere purpose, in whole or in part, of making a fortune or making a farthing, would be a felon's crime indeed, deserving no hero's doom, lamented death, or honoured exile, but death on the scaffold, amid the scoff and scorn of the world. For years we have seen men in Ireland alternately trading on the government and trading on the country, and making money by both; and you do not imagine, perhaps, to what degree the public mind has been affected with a feeling of suspicion by the circumstance—a feeling deepened, extended and justified, by all we see or know of ourselves. For, indeed, the craving to get money—the niggard reluctance to give money—the coward fear of losing or laying out money—is the bad and coarse point that is most apparent in the character of all ranks and classes of our people; and I often fear it argues an utter absence of all heroism from our national temperament, and of all the romantic passions, whether public or private. In other countries men marry for love; in Ireland they marry for money. Elsewhere they serve their country for their country's thanks or their country's tears—here they do it for their country's money. At this very time, when Ireland, to all appearance, is stripping for her last struggle on this side of ages, there are, I am convinced, many persons among the middle classes who refuse to fall into the national march, or countenance the national movement, merely from the hope—in most cases as vain as it is vile—of obtaining some petty government place; or from the fear of losing some beggarly employment or emolument; and I know myself in this country many and many a sturdy and comfortable farmer who refuses to furnish himself with a pike, merely and solely because it would cost him two shillings. For ourselves—I say nothing of others—let us aim at better rewards than mere money rewards. Better and higher rewards has Ireland in her hands. If we succeed, we shall obtain these; and if we do not succeed, we shall deserve none. In cases like this, the greatest crime that man can commit is the crime of failure. I am convinced it has become essential to our fame and our effectiveness—to the success of our cause and the character of our country, to keep clear and secure ourselves from the suspicion that our only object may be nothing more than a long and lucrative agitation. The Confederation pledged its members to accept no office or place of profit from an English government. That pledge was efficient, perhaps, for its own professed purposes, but not for others—for an "agitation" has places and profits of its own to bestow. Let them say of us whatever else they will—let them call us felons, and treat us as such, but let them

not, at least, have the power to call us swindlers. We may be famous;—let us not become infamous.

For these and other still more important reasons, needless to be stated as yet, I certainly could have wished that this journal had been established on a subscribed capital, and the effective ownership vested in a joint stock company of, say eight hundred or a thousand proprietors. What is there to hinder that this arrangement should be made even now? It would contain securities, and create powers, which no other could offer or pretend to. There are, indeed, some practical difficulties in the way, but they might easily, I think, be overcome. Whether any such arrangement be adopted or not, I believe, however, that I am fully warranted in desiring—and I think that our own true interest and honour concur in demanding—that the *Felon* office shall not be a commercial establishment, but organised and animated as a great political association. And, for my part, I enter it with the hope and determination to make it an armed post, a fortress for freedom to be, perhaps, taken and retaken again, and yet again; but never to surrender, nor stoop its flag, till that flag shall float above a liberated nation.

Without agreement as to our objects we cannot agree on the course we should follow. It is requisite the paper should have but one purpose; and the public should understand what that purpose is. Mine is not to repeal the Union, or restore Eighty-two. This is not the year '82, this is the year '48. For repeal I never went into "Agitation" and will not go into insurrection. On that question I refuse to arm, or to act in any mode; and the country refuses. O'Connell made no mistake when he pronounced it not worth the price of one drop of blood; and for myself, I regret it was not left in the hands of Conciliation Hall, whose lawful property it was and is. Moral force and Repeal, the means and the purpose, were just fitted to each other—*Arcades ambo*, balmy Arcadians both. When the means were limited, it was only proper and necessary to limit the purpose. When the means were enlarged, that purpose ought to have been enlarged also. Repeal, in its vulgar meaning, I look on as utterly impracticable by any mode of action whatever; and the constitution of '82 was absurd, worthless, and worse than worthless. The English government will never concede or surrender to any species of moral force whatsoever; and the country-peasantry will never arm and fight for it—neither will I. If I am to stake life and fame it must assuredly be for something better and greater, more likely to last, more likely to succeed, and better worth success. And a stronger passion, a higher purpose, a nobler and more needful enterprise is fermenting the hearts of the people. A mightier question moves Ireland to-day than that of merely repealing the Act of Union. Not the constitution that Wolfe Tone died to abolish, but the constitution that Tone died to obtain—independence; full and absolute independence for this island, and for every man within this island. Into no movement that would leave an enemy's garrison in possession of all our lands, masters of our liberties, our lives, and all our means of life and happiness—into no such movement will a single

man of the greycoats enter with an armed hand, whatever the town population may do. On a wider fighting field, with stronger positions and greater resources than are afforded by the paltry question of Repeal, must we close for our final struggle with England, or sink and surrender.

Ireland her own—Ireland her own, and all therein, from the sod to the sky. The soil of Ireland for the people of Ireland, to have and hold from God alone who gave it—to have and to hold to them and their heirs for ever, without suit or service, faith or fealty, rent or render, to any power under Heaven. From a worse bondage than the bondage of any foreign government—from a dominion more grievous and grinding than the dominion of England in its worst days—from the cruellest tyranny that ever yet held its vulture clutch on the body and soul of a country—from the robber rights and robber rule that have turned us into slaves and beggars in the land which God gave us for ours—Deliverance, oh Lord, Deliverance or death—Deliverance, or this island a desert. This is the one prayer, and terrible need, and real passion of Ireland to-day, as it has been for ages. Now, at last it begins to shape into defined and desperate purpose; and into it all meaner and smaller purposes must settle and merge. It might have been kept in abeyance, and far away from the sight of the sun—aye, even till this old native race had been finally conquered out and extinguished, *sub silentio*, without noise or notice. But once propounded and proclaimed as a principle, not in the dust of remote country districts, but loudly and proudly in the tribunes of the capital, it must now be accepted and declared as the first and main Article of Association in the National Covenant of organised defence and armed resistance: as the principle to take ground, and stand, and fight upon. When a greater and more ennobling enterprise is on foot, every inferior and feebler project or proceeding will soon be left in the hands of old women, of dastards, imposters, swindlers, and imbeciles. All the strength and manhood of the island—all the courage, energies, and ambition—all the passion, heroism, and chivalry—all the strong men and the strong minds—all those that make revolutions will quickly desert it, and throw themselves into the great movement, throng into the larger and loftier undertaking, and flock round the banner that flies nearest the sky. There go the young, the gallant, the gifted, and the daring; and there, too, go the wise. For wisdom knows that in national action *littleness* is more fatal than the wildest rashness; that greatness of object is essential to greatness of effort, strength, and success; that a revolution ought never to take its stand on low or narrow ground, but seize on the broadest and highest ground it can lay hands on; and that a petty enterprise seldom succeeds. Had America aimed or declared for less than independence, she would, probably, have failed, and been a fettered slave to-day.

Not to repeal the Union, then, but the conquest—not to disturb or dismantle the empire, but to abolish it utterly for ever—not to fall back on '82, but act up to '48—not to resume or restore an old constitution, but found a new nation and raise up a free people, and strong as well as free, and secure as well as strong, based on peasantry rooted like rocks

in the soil of the land—this is my object, as I hope it is yours; and this, you may be assured, is the easier as it is the nobler and the more pressing enterprise. For repeal, all the moral means at our disposal have in turns been used, abused, and abandoned. All the military means it can command will fail as utterly. Compare the two questions. Repeal would require a national organisation; a central representative authority, formally elected; a regular army, a regulated war of concentrated action and combined movement. On the other question all circumstances differ, as I could easily show you. But I have gone into this portion of the subject prematurely and unawares, and here I stop—being reluctant, besides, to trespass too long on the time of her Majesty's legal and military advisers.

The principle I state, and mean to stand upon, is this, that the entire ownership of Ireland, moral and material, up to the sun and down to the centre, is vested of right in the people of Ireland; that they, and none but they are the land-owners and law-makers of this island; that all laws are null and void not made by them, and all titles to land invalid not conferred or confirmed by them; and that this full right of ownership may and ought to be asserted and enforced by any and all means which God has put in the power of man. In other, if not plainer words, I hold and maintain that the entire soil of a country belongs of right to the entire people of that country, and is the rightful property, not of any one class, but of the nation at large, in full effective possession, to let to whom they will, on whatever tenures, terms, rents, services and conditions they will; one condition, however, being unavoidable and essential, the condition that the tenant shall bear full, true, and undivided fealty and allegiance to the nation, and the laws of the nation whose land he holds, and own no allegiance whatsoever to any other prince, power, or people, or any obligation of obedience or respect to their will, orders or laws. I hold further, and firmly believe, that the enjoyment by the people of this right of first ownership of the soil, is essential to the vigour and vitality of all other rights; to their validity, efficacy, and value; to their secure possession and safe exercise. For let no people deceive themselves, or be deceived by the words and colours, and phrases, and form of a mock freedom, by constitutions, and charters, and articles and franchise. These things are paper and parchment, waste and worthless. Let laws and institutions say what they will, this fact will be stronger than all laws, and prevail against them—the fact that those who own your lands will make your laws, and command your liberties and your lives. But this is tyranny and slavery; tyranny in its widest scope and worst shape; slavery of body and soul, from the cradle to the coffin—slavery with all its horrors, and with none of its physical comforts and security; even as it is in Ireland, where the whole community is made up of tyrants, slaves, and slave-drivers. A people whose lands and lives are thus in the keeping and custody of others, instead of in their own, are not in a position of common safety. The Irish famine of '47 is example and proof. The corn crops were sufficient to feed the island. But the landlords *would* have their rents, in spite of famine and defiance of fever. They took

the whole harvest and left hunger to those who raised it. Had the people of Ireland been the landlords of Ireland, not a human creature would have died of hunger, nor the failure of the potato been considered a matter of any consequence.

There are, however, many landlords, perhaps, and certainly a few, not fairly chargeable with the crimes of their orders; and you may think it hard they should lose their lands. But recollect the principle I assert would make Ireland, *in fact* as she is *of right*, mistress and queen of all those lands; that she, poor lady, had ever a soft heart and grateful disposition; and that she may, if she please, in reward of allegiance, confer new titles or confirm the old. Let us crown her a queen; and then—let her do with her lands as a queen may do.

In the case of any existing interest, of what nature soever, I feel assured that no question but one would need to be answered. Does the owner of that interest assent to swear allegiance to the people of Ireland, and to hold in fee from the Irish nation? If he assent he may be assured he will suffer no loss. No eventual or permanent loss I mean; for some temporary loss he must assuredly suffer. But such loss would be incidental and inevitable to any armed insurrection whatever, no matter on what principle the right of resistance should be resorted to. If he refuses, then I say—away with him—out of this land with him—himself and all his robber rights, and all the things himself and his rights have brought into our island—blood and tears, and famine, and the fever that goes with famine.

Between the relative merits and importance of the two rights, the people's right to the land, and their right to legislation, I do not mean or wish to institute any comparison. I am far, indeed, from desirous to put the two rights in competition or contrast, for I consider each alike as the natural complement of the other, necessary to its theoretical completeness and practical efficacy. But considering them for a moment as distinct, I do not mean to assert this—that the land question contains, and the legislative question does *not* contain, the materials from which victory is manufactured; and that, therefore, if we be truly in earnest, and determined on success, it is on the former question, and not on the latter, we must take our stand, fling out our banner, and hurl down to England our gage of battle. Victory follows that banner alone—that, and no other.

This island is ours, and have it we will, if the leaders be but true to the people, and the people be true to themselves.

The rights of property may be pleaded. No one has a higher respect for the real rights of property than I have; but I do not class among them the robbers' right, by which the lands of this county are now held in fee from the British crown. I acknowledge no right of property in a small class which goes to abrogate the rights of a numerous people. I acknowledge no right of property in eight thousand persons, be they noble or ignoble, which takes away all rights of property, security, independence, and existence itself, from a population of eight millions, and stands in bar to all the political rights of the island, and all the social rights of its

inhabitants. I acknowledge no right of property which takes the food of millions, and gives them a famine—which denies to the peasant the right of a home, and concedes, in exchange, the right of a workhouse. I deny and challenge all such rights, howsoever founded or enforced. I challenge them, as founded only on the code of the brigand, and enforced only by the sanction of the hangman. Against them I assert the true and indefeasible right of property—the right of our people to live in it in comfort, security, and independence, and to live in it by their own labour, on their own land, as God and nature meant them to do. Against them I shall array, if I can, all the forces that yet remain in this island. And against them I am determined to make war,—to their destruction or my own.

These are my principles and views. I shall have other opportunities to develop and defend them. I have some few other requisitions to make but I choose to defer them for other reasons besides want of time and space. Our first business, before we can advance a step, is to fix our own footing and make good our position. This once done, this contest must, if possible, be brought to a speedy close.

THE FAITH OF A FELON

(From the *Irish Felon*, July 8, 1848.)

When Mr. Duffy expected arrest, some weeks ago, he drew up his profession of principles, "The Creed of *The Nation*." Under influences of similar feelings and considerations, though not exactly the same, nor excited by circumstances altogether alike, I hasten to put my own principles upon record. Until yesterday I did not intend to have done this for some weeks to come. The statement or confession of faith that follows I could have wished for time to make more correct and complete. It is ill-framed, ill-connected, and wants completeness. But, even such as it stands, I do firmly believe that it carries the fortunes of Ireland;—and even such as it stands, I now send it forth to its fate, to conquer or be conquered. It may be master of Ireland and make her a Queen; it may lie in the dust and perish with her people.

Here, then, is the confession and faith of A FELON.

Years ago I perceived that the English conquest consisted of two parts combined into one whole,—the conquest of our liberties, the conquest of our lands.

I saw clearly that the re-conquest of our liberties would be incomplete and worthless without the re-conquest of our lands,—would not, necessarily, involve or produce that of our lands, and could not, on its own

means, be possibly achieved; while the re-conquest of our lands would involve the other—would, at least, be complete in itself, and adequate to its own purposes; and could *possibly*, if not easily, be achieved.

The lands were owned by the conquering race, or by traitors to the conquered race. They were *occupied* by the native people, or by settlers who had mingled and merged.

I selected, as the *mode* of re-conquest,—to refuse payment of rent, and resist process of ejection.

In that mode I determined to effect the re-conquest, and staked on it all my hopes, here and hereafter—my hopes of an effective life and an eternal epitaph.

It almost seemed to me as if the Young Ireland party, the quarrel, the secession, the Confederation, had all been specially pre-ordained and produced in order to aid me. My faith in the men who formed the Council of that body was then unbounded. My faith in them still is as firm as ever, though somewhat more measured. In the paper I published last week, and in a private correspondence that ensued with some of its members, I proposed that they should merge the Repeal question in a mightier project—that of wresting this island from an English rule altogether, in the only mode in which it could possibly be achieved. I endeavoured to show them they were only keeping up a feeble and ineffectual fire from a foolish distance, upon the *English Government*, which stands out of reach and beyond our power; and urged them to wheel their batteries round and bend them on the *English Garrison* of landlords, who stand there within our hands, scattered, isolated, and helpless, girdled round by the might of a people. Except two or three of them, all refused at the time, and have persisted in refusing until now. They wanted an alliance with the landowners. They chose to consider them as Irishmen, and imagined they could induce them to hoist the green flag. They wished to preserve an Aristocracy. They desired, not a democratic, but merely a national revolution. Who imputes blame to them for this? Whoever does so will not have me to join them. I have no feeling but one of respect for the motives that caused reluctance and delay. That delay, however, I consider as a matter of deep regret. Had the Confederation, in the May or June of '47, thrown heart and mind and means and might into the movement I pointed out, they would have made it successful, and settled at once and for ever all quarrels and questions between us and England.

The opinions I then stated, and which I yet stand firm to, are these:—

I. That in order to save their own lives, the occupying tenants of the soil of Ireland ought, next autumn, to refuse all rent and arrears of rent then due, beyond and except the value of the overplus of harvest produce remaining in their hands after having deducted and reserved a due and full provision for their own subsistence during the next ensuing twelve months.

II. That they ought to refuse and resist being made beggars, landless

and houseless; under the English law of ejection.

III. That they ought further, *on principle*, to refuse ALL rent to the present usurping proprietors, until the people, the true proprietors (or lord paramount, in legal parlance), have, in national congress, or convention, decided *what* rents they are to pay, and *to whom* they are to pay them.

IV. And that the people, on grounds of *policy* and *economy*, ought to decide (as a general rule, admitting of reservations) that those rents shall be paid *to themselves*, the people, for public purposes, and for behoof and benefit of them, the entire general people.

These are the principles, as clearly and fully stated as limit of time will allow, which I advise Ireland to adopt at once, and at once to arm for. Should the people accept and adhere to them, the English government will then have to choose whether to surrender the Irish landlords, or to support them with the armed power of the empire.

If it refuse to incur the odium and expense, and to peril the safety of England in a social war of extermination, then the landlords are nobodies, the people are lords of the land, a mighty social revolution is accomplished, and the foundation of a national revolution surely laid. If it should, on the other hand, determine to come to the rescue and relief of its garrison—elect to force their rents and enforce their rights by infantry, cavalry, and cannon, and attempt to lift and carry the whole harvest of Ireland—a somewhat *heavy* undertaking, which might become a *hot* one, too—then I, at least, for one, am prepared to bow with humble resignation to the dispensations of Providence. Welcome be the will of God. We must only try to keep our harvest, to offer a peaceful, passive resistance, to barricade the island, to break up the roads, to break down the bridges—and, should need be, and favourable occasions offer, surely we may venture to try the steel. Other approved modes of moral resistance might gradually be added to these, according as we should become trained to the system: and all combined, I imagine, and well worked, might possibly task the strength and break the heart of the empire.

Into *artistic* details, however, I need not, and do not choose, to enter for the present.

It has been said to me that such a war, on the principles I propose, would be looked on with detestation by Europe. I assert the contrary: I say such a war would propagate itself throughout Europe. Mark the words of this prophecy;—the principle I propound goes to the foundations of Europe, and sooner or later, will cause Europe to outrise. Mankind will yet be masters of the earth. The right of the people to make the laws—this produced the first great modern earthquake, whose latest shocks, even now, are heaving in the heart of the world. The right of the people to own the land—this will produce the next. Train your hands, and your sons' hands, gentlemen of earth, for you and they will yet have to use them. I want to put Ireland foremost, in the van of the world, at the head of the nations—to set her aloft in the blaze of the sun, and to

make her for ages the lode star of history. Will she take the path I point out—the path to be free, and famed, and feared, and followed—the path that goes sunward? Or, onward to the end of time, will wretched Ireland ever come limping and lagging hindmost? Events must answer that. It is a question I almost fear to look full in the face. The soul of this island seems to sink where that of another country would soar. The people sank and surrendered to the famine instead of growing savage, as any other people would have done.

I am reminded that there are few persons now who trouble themselves about the "conquest," and there may be many—I know there are some—who assent to the two first of the four principles I have stated, and are willing to accept them as the grounds of an armed movement; but who object to the last two of them. I am advised to summon the land tenants of Ireland up in battle-array for an armed struggle in defence of their rights of life and subsistence, without asserting any greater or more comprehensive right. I distinctly refuse to do so. I refuse to narrow the case and claim of this island into any such petty dimensions, or to found it on the rogue's or the beggar's plea, the plea of necessity. Not as a starving bandit or desperate beggar who demands, to save life, what does not belong to him, do I wish Ireland to stand up, but as a decrowned Queen, who claims back her own with an armed hand. I attest and urge the plea of utter and desperate necessity to fortify her claim, but not to found it. I rest it on no temporary and passing conditions, but on principles that are permanent, and imperishable and universal;—available to all times and to all countries, as well as to our own,—I pierce through the upper stratum of occasional and shifting circumstance to bottom and base on the rock below. I put the question in its eternal form,—the form in which, how often soever suppressed for a season, it can never be finally subdued, but will remain and return, outliving and outlasting the corruption and cowardice of generations. I view it as ages will view it—not through the mists of a famine, but by the living lights of the firmament. You may possibly be induced to reject it in the form I propose, and accept it in the other. If so, you will accept the question, and employ it as a weapon against England, in a shape and under conditions which deprive it of half its strength. You will take and work it fettered and handcuffed—not otherwise.

I trouble myself as little as any one does about the "conquest" as taken abstractedly—as an affair that took place long ages ago. But that "conquest" is still in existence, with all its rights, claims, laws, relations, and results. The landlord holds his lands by right and title of conquest, and uses his powers as only a conqueror may. The tenant holds under the law of conquest—*vae victis*.

What forms the right of property in land? I have never read in the direction of that question. I have all my life been destitute of books. But from the first chapter of Blackstone's second book, the only page I ever read on the subject, I know that jurists are unanimously agreed in considering "first occupancy" to be the only true original foundation on the

right of property and possession of land.

Now I am prepared to prove that "occupancy" wants every character and quality that could give it moral efficacy as a foundation of right. I am prepared to prove this, when "occupancy" has first been *defined*. If no definition can be given, I am relieved from the necessity of showing any claim founded on occupancy to be weak and worthless.

To any plain understanding the right of private property is very simple. It is the right of man to possess, enjoy, and transfer, the substance and use of whatever *he has himself* CREATED. This title is good against the world; and it is the *sole* and *only* title by which a valid right of absolute private property can possibly vest.

But no man can plead any such title to a right of property in the substance of the soil.

The earth, together with all it *spontaneously* produces, is the free and common property of all mankind, of natural right, and by the grant of God;—and all men being equal, no man, therefore, has a right to appropriate exclusively to himself any part or portion thereof, except with and by the *common consent* and *agreement* of all other men.

The sole original right of property in land which I acknowledge to be *morally valid*, is this right of common consent and agreement. Every other I hold to be fabricated and fictitious, null, void, and of no effect.

In the original and natural state of mankind, existing in independent families, each man must, in respect of actual fact, either *take* and *hold* (ASSUME OCCUPANCY as well as *maintain possession of*) his land by right and virtue of such consent and agreement as aforesaid, with all those who might be in a position to dispute and oppose his doing so; or he must take and maintain possession *by force*. The fictitious right of occupancy—invented by jurists to cover and account for a state of settlement otherwise unaccountable and indefensible on moral principle—this right would be utterly worthless, and could seldom accrue; for except in such a case as that of a single individual thrown on a desert island, the *question of right* would generally arise, and require to be settled *before* any colourable "title by occupancy" could be established, or even actual occupation be effected. And then—*what constitutes* occupancy? What length of possession gives "title by occupancy"?

When independent families have united into separate tribes, and tribes swelled into nations, the same law obtains;—each tribe or nation has but either one or another of two available rights to stand upon—they must take and maintain territorial possession by consent and agreement with all other tribes and nations; or they must take and hold by the *tenure of chivalry* in the right of their might.

Putting together and proceeding on the principles now stated, it will appear that, if those principles be sound, no man can legitimately claim possession or occupation of any portion of land or any right of property therein, except by grant from the people, at the will of the people, as tenant to the people, and on conditions made or sanctioned by the people;—and that every right, except the right so created and vesting by grant

from the people. is nothing more or better than the right of the robber who holds forcible possession of what does not lawfully belong to him.

The present proprietors of Ireland do not hold or claim by grant from the people, nor even—except in Ulster—by any species of imperfect agreement or assent of the people. They got and keep their lands in the robber's right—the right of conquest—in despite, defiance, and contempt of the people. Eight thousand men are owners of this entire island,—claiming the right of enslaving, starving, and exterminating eight millions. We talk of asserting free-government, and of ridding ourselves of foreign domination—while, lo! eight thousand men are lords of our lives—of us and ours, blood and breath, happiness or misery, body and soul. Such is the state of things in every country where the settlement of the lands has been effected by *conquest*. In Ulster the case is somewhat different, *much* to the advantage of the people, but not as much as it ought to have been. Ulster was not merely *conquered* but *colonized*—the native race being expelled, as in the United States of America:—and the settlement that prevails was made by a sort of consent and agreement among the conquering race.

No length of time or possession can sanction claims acquired by robbery. or convert them into valid rights. The people are still rightful owners, though not in possession. “Nullum tempus occurit Deo,—nullum tempus occurit populo.”

In many countries besides this, the lands were acquired, and long held, by right of force or conquest. But in most of them the settlement and laws of conquest have been abrogated, amended, or modified, to a greater or lesser extent. In some, an outrise of the people has trampled them down,—in some, the natural laws have triumphed over them,—in some, a despotic monarch or minister has abolished or altered them. In Ireland alone they remain unchanged, unmitigated, unmollified, in all their original ferocity and cruelty, and the people of Ireland must now abolish them, or be themselves abolished, and this is *now* the *more urgent* business.

