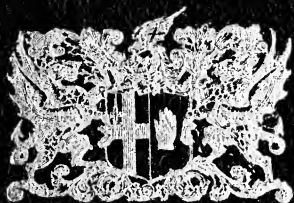


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HISTORICAL NARRATIVE  
OF  
THE HONOURABLE THE IRISH  
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# HISTORICAL NARRATIVE

OF THE

## ORIGIN AND CONSTITUTION

OF

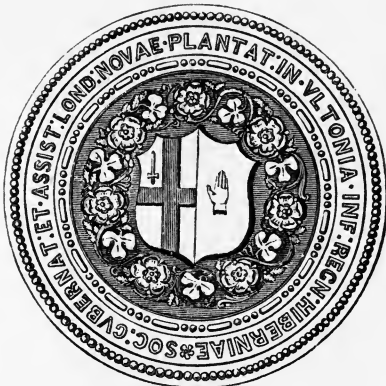
“THE SOCIETY OF THE GOVERNOR AND ASSISTANTS, LONDON, OF THE  
NEW PLANTATION IN ULSTER, WITHIN THE REALM OF IRELAND,”

COMMONLY CALLED

### The Honourable the Irish Society;

TOGETHER WITH MEMORANDA OF PRINCIPAL OCCURRENCES

FROM 1611 TO 1898.



LONDON :

*Compiled and printed solely for the private and exclusive use  
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AN  
HISTORICAL NARRATIVE, &c.  
OF  
The Irish Society.

PREPARED FOR THE PRIVATE AND EXCLUSIVE USE OF THE MEMBERS  
OF THE SOCIETY.



IN the reign of Queen Elizabeth, two great families, the O'Neills and O'Dohertys, divided between them the whole of the province of Ulster, in the north of Ireland, with the exception of the counties of Down and Antrim. The O'Neills were represented by Hugh O'Neill, Earl of Tyrone, and the O'Dohertys by Sir John and Sir Cahir O'Doherty.\* These persons had been in constant rebellion against the English Crown, but Hugh O'Neill thought proper to pay a visit to the Court of Queen Elizabeth and make his submission. On his return to Ireland, however, this great earl, to show that he was as independent as ever, displayed his loyalty by once more

\* Sir John and his son Sir Cahir were Lords of Inishowen, in the centre of which stands the hill now called Grianan, upon the summit of which is still to be seen the remains of an ancient palace. Within the territorial boundary of Inishowen, was the entire parish of Templemore, or Derry.

breaking out into open rebellion. This led to a forfeiture to the Crown of all the estates of the O'Neills and the O'Dohertys.

To entitle the Crown to possession of the forfeited lands, it became necessary to inquire before a jury of twelve men of the county in which the lands were situate, and to define what had been the possessions of the traitors, and what had been their rights and privileges.

Accordingly a commission was issued by the Crown in the year 1602, and another in the year 1609. The commissioners thus appointed were directed to inquire into the title of the Crown to the several escheated and forfeited lands in Ulster, and, by virtue of the commission, inquisitions were duly held in the different counties, the several escheated lands, rights and privileges and fisheries were ascertained and defined, and proper returns were made into the Rolls Office.

The Earl of Salisbury, Lord High Treasurer to King James the First, suggested to the King a project for establishing a Protestant colony on the forfeited estates, and the King approved the scheme. Certain conditions were thereupon laid down by the Privy Council for observance, and these were published under the title, "Conditions to be observed by the British Undertakers of the escheated Lands in Ulster."

The publication of these conditions did not induce the public to take up the matter, so his Majesty, conceiving the City of London to be the ablest body to undertake so important a work, directed the Earl of

Salisbury to write a letter to Sir Clement Edmonds, the City Remembrancer, desiring him to acquaint the Lord Mayor (Humphrey Weld), that the earl desired a conference should be had with him on the subject. Accordingly, on or about the 30th of July, 1609, the Lord Mayor sent to Sir John Jolles and Sir William Cockaine, who were well acquainted with Irish affairs, and thereupon a meeting was appointed to be held at Sir John Jolles's house, where certain propositions, made by his Majesty to the City, were considered.

After a few days had elapsed, the Lords of the Privy Council and the Corporation of the City of London came to an understanding on the subject; and the latter expressed their willingness to undertake the plantation, provided the representation of its advantage and practicability, which formed the basis of their determination, should, upon investigation, appear to be correct. Accordingly, to determine this point, a Court of Common Council was convened (1st Aug., 1609), when it was agreed that four wise, grave and discreet citizens should be immediately sent to view the situation proposed for the new colony, who should make a report to the Court on their return from thence, of their proceedings and opinions. And thereupon John Broad, Goldsmith, Robert Treswell, Painter-Stainer, John Rowley, Draper, and John Munns, Mercer, were appointed as the deputation; who, being furnished with written instructions, proceeded on their mission to Ireland. On their return, they presented a report of their various transactions to

the Court of Common Council, which was openly read. The Court then appointed various of their members a Committee for proceeding in their negotiations with the Privy Council; and prescribed the times and place for their meetings at Guildhall. The Committee soon afterwards made their report to the Common Council of the several things intended to be demanded from the Crown, as necessary to the final adjustment of the affairs in question; in which report they expressed their opinion, "that a Company should be constituted in London, of persons to be selected for that purpose, and corporations to be settled in Derry and Coleraine": but in all things concerning the plantation, "the same to be managed and performed in Ireland by advice and direction of the Company of London." The report being approved by the Court of Common Council, it was ordered to be presented to the Privy Council; and, after some further negotiation, articles of agreement were at length entered into (28th January, 1609), between the Right Honourable the Lords of his Majesty's most honourable Privy Council on the King's Majesty's behalf, of the one part, and the Committees appointed by Act of Common Council on the behalf of the Mayor and Commonalty of the city of London, of the other part.

#### THE HEADS OF AGREEMENT.

"First. It was agreed by the City that the sum of £20,000 should be levied; whereof £15,000 was to be expended on the intended plantation, and £5,000 for

the clearing of private men's interests in the things demanded.

“Second. Also that, at the Derry, two hundred houses should be built, and room to be left for three hundred more; and that four thousand acres, lying on the Derry side, next adjacent to the Derry, should be laid thereunto, bog and barren mountain to be no part thereof; the same to be done by indifferent commissioners.

“Third. Also, that the Bishop and Dean of Derry should have convenient plots of ground for the scite of their houses at Derry.

“Fourth. Also, that Coleraine\* should be situated and built on the abbey side; and that one hundred houses should be built thereon, and room left for two hundred more; and that three thousand acres of land should be laid thereunto, viz., one thousand acres to be taken on the abbey side, next adjacent to the town: and that, if it should please the King's Majesty, at his charges, after some good proceeding in the plantation, to erect and maintain a bridge in perpetuity for a common passage over the river, between the town and county of Coleraine, then it was agreed the other two thousand acres to be taken on the other side of the river; otherwise the whole three thousand acres were agreed to

\* Coleraine, ancient Cual-rathaine—pronounced in modern times Cooleraine—possessed formerly an abbey and a castle, probably that of De Courcey. It is mentioned by the *Four Masters* as having been built in 1197, but it derived its importance under the charter of James.

be taken on the abbey side, next adjacent to the town of Coleraine.

“Fifth. That the measure and account of land should be after the balliboes, according to the King’s last survey.

“Sixth. That the rest of the territory and entire county of Coleraine, estimated at one thousand acres, more or less, undertaken by the City, be cleared from all particular interests, except the Bishop and Dean of Derry’s inheritance ; and except certain portions of land to be assigned unto three or more Irish gentlemen at the most, then dwelling and settled in the county of Coleraine, who were to be freeholders to the City, and to pay them some small rent ; the same portions and rent to be limited by commissioners to be indifferently chosen between his Majesty and the City.

“Seventh. That the woods and the ground and soil of Glanconkene and Killetrough, extending from the county of Coleraine to Ballinderry, be wholly to the City in perpetuity.

“Eighth. That the soil of so much land within and amongst the woods of Glanconkene and Killetrough, which stood charged as surveyed lands, to be undertaken in like form as the county of Coleraine

“Ninth. That the City should have the patronage of all the churches, as well within the said city of the Derry and town of Coleraine, as in all lands to be undertaken by them.

“Tenth. That the seven thousand acres laid to the city of Derry and town of Coleraine should be in fee farm, at the rent of 53s. 4*d.*

“Eleventh. That the city of Derry and town of Coleraine, and seven thousand acres of land to them, shall be holden of the King in free burgage.

“Twelfth. That the residue of the county lands and woods, and all such lands as were to be undertaken, should be holden of the King in common socage.

“Thirteenth. That the customs of all goods imported, or to be exported, poundage, tonnage, the great and small customs, should be enjoyed by the City for the term of 99 years, within the city of the Derry, town and county of Coleraine, and ports and creeks thereof, paying yearly 6s. 8*d.* to his Majesty as an acknowledgment; and to have the like within the port of Portrush.\*

“Fourteenth. That the salmon and eel fishing of the rivers of Bann and Lough Foyle, and all other kind of fishing in the river of Lough Foyle so far as the river floweth, and in the Bann to Lough Neagh, should be in perpetuity to the City.

“Fifteenth. That the City should have liberty to transport all prohibited wares growing upon their own lands.

\* Though Coleraine was a sea port, the obstruction created at the mouth of the Bann by the bar, caused Portrush to be used, to a great extent, as the harbour of the port.

“Sixteenth. That the City should have the office of admiralty in the coasts of Tyrconnel and Coleraine, and all the royalties and profits thereunto belonging; and should have their own ships and goods which should happen to be wrecked at sea, in Ballyshannon and Oderfleete, and in all the coasts, ports, and creeks along and between them, saved and reserved to themselves.

“Seventeenth. That the City should have the like liberty of fishing and fowling upon all that coast as other subjects had; and that it should be lawful for them to draw their nets and pack their fish upon any part of that coast that they fish upon, and carry the same away; and that they have the several fishing and fowling in the city of Derry and town and county of Coleraine, and all the lands to be undertaken by them and in the river of Lough Foyle so far as it floweth, and of the river of Bann unto Lough Neagh.

“Eighteenth. That no flax, hemp, or yarn, unwoven, be carried out of the ports of the Derry and Coleraine, without licence from the City officers; and that no hides be transported raw, without licence, out of those ports.

“Nineteenth. That as well the cities and towns as the county of Coleraine be freed from all patents of privileges theretofore granted to any person; and that thereafter no patent of privilege be granted within the said several cities, towns, and county of Coleraine, and other the undertaken lands; and that the said city of



Derry, town and county of Coleraine, should be freed from all compositions and taxes which might be exacted or imposed by the governor or governors of those parts.

“Twentieth. That the City should have the castle of Culmore,\* and the land thereunto, in fee-farm, they maintaining a sufficient ward of officers therein.

“Twenty-first. That the liberty of the City of Derry and Coleraine should extend three miles every way.

“Twenty-second. That the City should have such further liberties to the Derry and Coleraine, as upon view of the charters of London, the Cinque Ports, and Newcastle-upon-Tyne, or the City of Dublin, should be found fit for those places.

“Twenty-third. That all particular men’s interests in the places about the Derry and county of Coleraine, and in other the undertaken lands, be cleared and freed to the city (except as excepted in the sixth article).

“Twenty-fourth. That sufficient forces should be maintained at the King’s charges, for safety of the undertakers, for a convenient time.

“Twenty-fifth. That for settling and securing all things touching the said plantation, his Majesty would give his royal assent to acts of parliament in England, and the like in Ireland, to pass.

\* The origin of this fortalice has not been ascertained, but it was probably erected by the O’Dohertys in the 16th century. It was in the possession of the crown in 1556.

“Twenty-sixth. That the City should have time, during the term of seven years, to make such reasonable demands as time should show to be needful, but could not presently be foreseen.

“Twenty-seventh. Lastly, that the City should with all speed, set forward the said plantation, in such sort as that there should be sixty houses built in Derry, and forty houses in Coleraine, by the first of November then next following, with convenient fortifications, and the rest of the houses, with the fortifications, should be built and perfected by the first of November, 1611.”

One part of the said articles was signed by the Right Honourable Thomas Lord Ellesmere, Lord Chancellor of England, and ten other persons, being all of the Privy Council; and another part was signed by Sir Henry Montague and sixteen other persons, being the committees appointed by Act of Common Council, on the behalf of the Mayor and Commonalty.

This agreement being thus executed by the parties, the Court of Common Council ordained that, for the purpose of conducting the said plantation, a company should be constituted and established within the city of London, which should consist of one Governor, one Deputy to the Governor, and twenty-four Assistants; and that the Governor and five of the said Assistants should be aldermen of the city of London, and Mr. Recorder of the city should likewise be one of the same Assistants, and the Deputy and the rest of the Assistants should be commoners of the same city; which

company thenceforward, in every year, should be elected and chosen at the first Common Council to be held after the feast of the Purification of the Blessed Virgin Mary, at which time the Deputy and twelve of the Assistants for the year precedent might be removed, and one other Deputy and twelve other Assistants, in their steads, should be newly elected, to join with the other twelve Assistants that were not removed, for the year ensuing ; and the next year those that continued the year before might be removed, so that twelve of the Assistants might continue the space of two years.

The Court accordingly appointed the members of the Society, of which William Cockaine, alderman and one of the sheriffs of the city, was Governor, and William Tower-son, Deputy Governor, and it was ordained that “the said Governor, Deputy Governor, and the Assistants, should continue in their office for one year, beginning at the feast of the Purification then next ensuing, and that at the next Common Council to be held after the expiration of the said year the new election of a Governor, Deputy, and Assistants, should be had in form aforesaid, and so from year to year. And the Court further enacted, that the said company then elected and appointed, or thereafter from time to time to be elected and appointed, or any nine of them, whereof the Governor or Deputy for the time being to be one, should have full power and authority to hold and keep a court, and in the same to treat, debate, and determine of all matters and causes concerning the business that to them in their

discretions should think fit ; and also to direct, appoint, and command what should be done or performed on the behalf of the City, concerning the said plantation ; and also should give direction in England, either by letters or otherwise sent to Ireland, for the ordering, managing, and disposing of all things whatsoever concerning the intended plantation, or anything belonging to the citizens of London's undertaking in that part of Ireland called Ulster ; as also for the receiving, ordering, disposing, and disbursing of all sums of money that were or should be collected or gathered for that purpose, and generally for any other cause, matter, or thing whatsoever, incident to or belonging to the business and affairs in Ulster ; and in the courts so to be holden should have full power and authority to nominate and appoint their clerk, beadle, and such other officers as they in their discretion should think fit ; and that whatsoever should be done, decreed, or resolved by and at any such court so to be holden, should be firm and stable, and the Court of Common Council thereby declared it ratified and confirmed by them."

This constitution of the Society was embodied and established in the letters patent subsequently granted by King James.

The Society being thus ordained by the Court of Common Council, Tristram Beresford and John Rowley were appointed general agents for the City, who immediately proceeded to Ireland ; and soon afterwards the Society were put in possession of the estates.

Arrangements were at the same time made in London for raising and collecting the sum agreed to be raised by the City for the purposes of the plantation, and for building towns and fortifications; which was, at length, determined to be done according to the assessment of the corn rate, made on the various companies of the City. This sum, however, was found to be insufficient; and other assessments were, from time to time, occasionally made, which eventually exceeded the sum of £60,000.

1611. 14th April.—The Society, soon after receiving possession of the estates, made an exchange with Sir Thomas Phillips, then governor of the county of Coleraine, of the castle of Lymavady, and three thousand acres of ground adjoining it, being part of their division, for other lands belonging to him.

1612. 29th December.—A Privy Council was held at Whitehall, at which Sir Henry Montague, knight, Recorder of the City, and Mr. Alderman Cockaine, Governor of the City's plantations in Ulster, together with divers other aldermen and commoners, Assistants of the Society, attended, and there discussed certain matters relative to the proposed grant of his Majesty which being then concluded upon, the Society was soon afterwards (29th March, 1613) formally constituted and established (as ordained by the Court of Common Council) and incorporated by Royal charter by the name of "THE SOCIETY OF THE GOVERNOR AND ASSISTANTS OF LONDON, OF THE NEW PLANTATION IN

ULSTER, WITHIN THE REALM OF IRELAND." By this charter, which was duly enrolled in England and Ireland, the City and County of Londonderry were defined and established, and municipal rights granted to the Citizens.

1613. 6th July.—It being considered of great importance that the building of houses and fortifications at Derry and Coleraine should be properly performed, and the intended plantation speedily carried into effect, which had not only been very expensive to the city of London, but was likely to be productive of a still greater expenditure, and King James having expressed his desire that the plantation should be proceeded in with vigour, the City thought it advisable, as well for their own satisfaction as for the satisfaction of the several Companies, to send over Mr. Alderman Smithes and Mr. Matthias Springham (both Assistants of the Society), to Ireland, at the expense of the Society, in order "to take an exact survey and account of the various operations and concerns of the said plantation; and, accordingly, they were invested with full powers to act at their discretions, in the ordering, directing, and controlling the measures of the same plantation," for which purpose, full instructions were given them, with which they proceeded to the north of Ireland; and, having accomplished the objects of their mission, they, on their return, communicated the result thereof; and, amongst other things, reported that they had presented two silver gilt communion cups to the churches of Derry and Coleraine.

The two commissioners stated, in their communication to the court, that as it was generally desired that a division should be made of all the lands in Ireland, by and amongst the several Companies undertaking the plantation, they had, with great pains, first viewed the land, and carefully inquired after the true value of every district; and, with the assistance and advice of the gentlemen of the county, the City's agents and surveyor proceeded to make an equal division of the lands into twelve parts, the manner of which they presented to the court. But with respect to the city of Londonderry and the town of Coleraine, with the territories, ferries, and fishings belonging to the same, they were of opinion that a division could not be fully made of them.

1613. 17th December.—At a Court of Common Council, Mr. Alderman Cockaine, the Governor of the Irish Society, represented to the Court, and to the masters and wardens of all the several Companies then assembled, that a division of the estates, which was proposed to be made in Ireland, belonging to the plantation, had been made into twelve parts, which were particularly expressed on twelve several sheets of paper, the same being numbered from one to twelve inclusive; and that, answerable to those proportions, the committee for the plantation had prepared twelve pieces of paper, each piece having one of the aforesaid numbers thereon, which were rolled and tied up severally, like lots, each lot referring to some one of

the same twelve proportions of land, which twelve lots were brought into the court by the Governor, in a box by themselves. That the whole monies disbursed already in and about the said plantation, amounting in all to £40,000, were, on the other hand, subdivided, and brought into twelve like several equal portions of money, each portion consisting of £3,333 6s. 8*d.*, all which portions being added together made up the sum of £40,000; and that in the same subdivision this course had been taken, that so many of the Companies of the City which had contributed towards the said plantation as made up one full portion of £3,333 6s. 8*d.* according to the several sums by them already disbursed, had been added and joined together; and that, in every of the said twelve proportions of money, one of the twelve principal Companies stood as chief, and unto that principal Company, not having of itself expended so much money as amounted to a full proportion, were added and joined so many of the inferior Companies as, according to their several sums by them already disbursed, made up a full proportion of £3,333 6s. 8*d.*, as near as possibly may be. And where the sum of any Company already disbursed exceeded the last-mentioned sum, the said Company was joined to some other principal Company for the overplus; and inasmuch as the Companies joined together to make up a proportion of money, and their sums did not altogether make up an even proportion, but some happened to be more, and others less, than a full



proportion, in that case, the Companies so joined together were rateably to pay to, or receive from, the Treasurer of the said plantation, that which should be more or less than a full proportion; which Companies' names that were so joined together, to make up the said twelve proportions of money, were in like manner, severally written on twelve several pieces of paper, together with the sum of money disbursed by each Company, and were afterwards, in like manner, rolled and tied up together like lots, and were brought likewise, and presented in court by the Governor, in a box by themselves. And the same particulars were also written together on a sheet of paper, and subscribed with the names of the committees for the said plantation.

The arrangement of the aforesaid division was as follows:

The assessment already made upon the  
several Companies of London towards  
the plantation in Ireland was.....£40,000 0 0

The said sum being divided into twelve  
parts, gave for each..... £3,333 6 8

The lands in Ireland being allotted in twelve parts, it was considered most fitting that the same should be divided under the names of the twelve Companies, and divers of them to have inferior Companies joined unto them, in the following manner:

		£	s.	d.	£	s.	d.
MERCERS	...	2,680	0	0			
Innholders	...	200	0	0			
Cooks	...	200	0	0			
Embroiderers	...	153	0	0			
Masons...	...	100	0	0			
					3,333	0	0
GROCERS (in part)	...	3,333	6	8			
					3,333	6	8
DRAPERS	...	3,072	0	0			
Tallow-chandlers	...	260	0	0			
					3,332	0	0
FISHMONGERS	...	2,260	0	0			
Leathersellers	...	950	0	0			
Plasterers	...	40	0	0			
Glaziers	...	32	0	0			
Basket-makers	...	32	0	0			
Musicians	...	20	0	0			
					3,334	0	0
GOLDSMITHS	...	2,999	0	0			
Cordwainers	...	250	0	0			
Painter-stainers	...	44	0	0			
Armourers	...	40	0	0			
					3,333	0	0
SKINNERS	...	1,963	0	0			
Stationers	...	520	0	0			
White-bakers	...	480	0	0			
Girdlers	...	370	0	0			
					3,333	0	0
Carried forward	...	£19,998	6	8			

	£	s.	d.	£	s.	d.
Brought forward ...				19,998	6	8
<b>MERCHANT TAILORS</b>						
(in part) ...	3,333	6	8			
	<hr/>			3,333	6	8
<b>HABERDASHERS</b> ...	3,124	0	0			
Wax-chandlers ...	80	0	0			
Turners ...	68	0	0			
Founders ...	60	0	0			
	<hr/>			3,332	0	0
<b>SALTERS</b> ...	1,954	0	0			
Dyers ...	580	0	0			
Saddlers ...	390	0	0			
Cutlers... ..	225	0	0			
Joiners... ..	164	0	0			
Woolmen ...	20	0	0			
	<hr/>			3,333	0	0
<b>IRONMONGERS</b> ...	1,514	0	0			
Brewers ...	500	0	0			
Scriveners ...	370	0	0			
Coopers ...	280	0	0			
Pewterers ...	240	0	0			
Barber Surgeons ...	230	0	0			
Carpenters ...	200	0	0			
	<hr/>			3,334	0	0
<b>VINTNERS</b> ...	2,080	0	0			
Overplus from Grocers	540	13	4			
Woodmongers ...	200	0	0			
Weavers ..	100	0	0			
	<hr/>			<hr/>		
Carried forward	£2,920	13	4	£33,330	13	4

	£	s.	d.	£	s.	d.
Brought forward ...	2,920	13	4	33,330	13	4
Plumbers ...	80	0	0			
Poulterers ...	80	0	0			
Tilers and Bricklayers...	80	0	0			
Blacksmiths ...	64	0	0			
Fruiterers ...	64	0	0			
Curriers ...	44	0	0			
	<hr/>			3,332	13	4
CLOTHWORKERS ...	2,260	0	0			
Overplus from Merchant						
Tailors ...	752	13	4			
Butchers ...	150	0	0			
Brown-bakers ...	90	0	0			
Upholders ...	44	0	0			
Bowyers ...	20	0	0			
Fletchers ...	20	0	0			
	<hr/>			3,336	13	4
Total ...				£40,000	0	0
The following Companies were to pay, viz.						
The Mercers ...	0	6	8			
Drapers ...	1	6	8			
Goldsmiths ...	0	6	8			
Skinners ...	0	6	8			
Haberdashers ...	1	6	8			
Salters ...	0	6	8			
Vintners ...	0	13	4			
	<hr/>			4	13	4
And the following to receive, viz.						
The Fishmongers...	0	13	4			
Ironmongers ...	0	13	4			
Clothworkers ...	3	6	8			
	<hr/>			4	13	4

In 1615 a licence was granted by the Crown to the twelve chief Companies, to receive and hold in mortmain any possessions in the gift of the Irish Society, or any other persons or bodies whatsoever.

Power was also granted to the Irish Society, and all other persons, bodies politic or corporate, to alien to such Companies.

Power was also granted to the Irish Society to hold possessions in like manner.

The estates in Ireland (except the city of Londonderry, the town of Coleraine, their contiguous lands, and the woods, ferries, and fisheries) were soon afterwards consigned to the management of the respective chief companies and their associates, according to the divisions above mentioned, and conveyances were made by the Society in 1617 to the chief companies of the lands allotted to them respectively. The houses in Londonderry and Coleraine, the lands attached thereto, and the woods, ferries, and fisheries, were retained by the Society for the general purposes of the plantation.

By these conveyances, not only the lands as allotted were granted and defined, but manors were created and demesnes granted with manorial rights and privileges; certain rights were, however, reserved to the Society by the following exception in the grants:—

“Except, nevertheless, and out of these presents always reserved, unto the said Society of the Governor and Assistants, London, of the new plantation in Ulster within the realm

of Ireland, their successors and assigns, all timber trees, growing or being, or that thereafter should grow or be in or upon the aforesaid premises or any part thereof, with free liberty to and for the said Society, their successors and assigns, where and as often as they should think good, to fell, cut down, and carry away the same, and every or any part thereof. And also except and reserved to the said Society, their successors and assigns, free liberty to hawk, hunt, fish, fowl, come, go, ride, carry and re-carry, over, in, and through the same premises, and every part and parcel thereof, at all times convenient. And also except all the fishing and taking of salmons, eels, and other fishes, in the rivers of Bann and Lough Foyle within the province of Ulster, and in all creeks and members of the same rivers, and either of them; and all the soil and ground of the same rivers, and every of them. And also free liberty to and for the said Society, their successors and assigns, to dig and search in the premises afore-granted, or any part thereof (except and other than in the houses, gardens, orchards, meadows, or lands sown with corn), for stone, slate, loam, gravel, sand or other necessary materials, and the same to take and carry away, to be employed and converted for, in, and about buildings in the aforesaid county and province."

But to this was added a covenant from the Society, to allow timber to be taken from any adjoining premises for the use of the particular Company.

Feoffments were also made by the Society to tenants of the Companies, of certain lands, reserving timber, game, and fishing of all sorts, and certain other rights, to be held by such tenants of the Society, as lords of

the manors, in order to constitute these tenants freeholders for service on juries, &c., and these have since been known as Companies Freeholders, in distinction to the Native Freeholders whose lands had not been escheated.

In letting their lands, the Companies stipulated with the persons proposing to become tenants that they should perform the original articles and conditions of plantation.

1614, 4th September.—About this time Sir Josias Bodley was appointed by the Lord Deputy of Ireland to examine into the progress of the plantation, and ascertain whether the city had performed their engagements in fulfilling the conditions of plantation; and following upon this, his Majesty required from the Lord Mayor and Court of Aldermen information of all the particular proceedings of every company upon their several proportions of land; and the Irish Society were directed to call every company to an examination of their performances. In consequence whereof, precepts were issued by the Society to the twelve Companies, requiring them, with all expedition, to make a certificate of the state of their plantation, and to send their wardens or others before the Society to answer and explain any questions that might be proposed to them, which was done accordingly.

1st May.—A conspiracy was entered into by some of the native Irish to surprise and destroy Derry and

Coleraine, which having been communicated to the Society by the Privy Council, precepts were issued to the twelve Companies to furnish arms and military accoutrements, which were directed to be transmitted by the hall-keeper of Guildhall to Ireland for the better defence of the plantation; which precepts were punctually obeyed, and the arms, ammunition, and warlike stores were sent accordingly.

May 5.—The Court of Common Council proposed that a keep or citadel should be built at Coleraine by the city; and it was referred to the Society to consider of the matter, and make report thereof to the next court.

9th November.—Precepts were issued by the Society to the twelve Companies for certificates of their works and operations, and the Companies made their returns pursuant to the Society's requisition.

The Society sent precepts to all the Companies, requiring each of them to send one or two artisans with their families into Ulster, to settle there.

Directions were also given that "twelve Christ's Hospital and other poor children" should be sent to Derry as apprentices and servants.

The trades which the Society recommended as proper to introduce into Ulster were weavers of common cloth, fustians and new stuffs, felt-makers and trimmers of hats, and hat-band makers, locksmiths and farriers, tanners and fellmongers, iron-makers, glass-makers,



pewterers, coast fishermen, turners, basket-makers, tallow-chandlers, dyers, and curriers.\*

Directions were also given to the Companies to repair the churches on their several proportions, and furnish the ministers with a Bible, a book of Common Prayer and a communion cup.

1615, 9th April.—A conspiracy to seize and destroy Londonderry was discovered. Six gentlemen of the North, kinsfolk of Tyrone, were tried within the city, found guilty, and executed.

Early in 1616 the Governor and one of the assistants proceeded to Ireland at the expense of the general fund of the plantation, commissioned with full powers to view, examine, and regulate whatever was necessary in regard to the affairs of the plantation.

These Commissioners presented a report in writing, by which it appeared that they had given satisfaction to the Lord Deputy, in regard to the plantation in general.

They stated that they assembled the town of Coleraine, and offered to allow to any who would build, £20 apiece in money, and a lease for eighty years at a rent of 6s. 8d.

That the twelve children sent from Christ's Hospital to be apprenticed had arrived safe at Derry, and that

\* At this date, the prices of provision in Ulster were, for a cow or bullock, 15s. (about one half-penny *per* pound); a sheep, from 16d. to 2s.; a hog, 2s.; barley, 11d. a bushel; oats, 4d. a bushel; strong beer, 16s. a barrel, but this was represented as being exceeding dear at that price. The fishings were at this time let at £866. 13s. 4d. *per annum* for three years.

they had caused ten to be apprenticed in Derry, and two in Coleraine.

That a market-house and a town-house should be erected in Londonderry, by which the City of London would gain the rent of three houses, then used for a town-house there.

That they were offered £1,000 a year for the fishings, by the then present tenants, on a renewal of their lease, which would expire within a year.\*

That they had assigned forty acres of land to the parson of Coleraine.

That the advowsons within the city's undertakings were bestowed on English ministers, but the churches were represented as being uncovered.

That they had agreed to let the two town lands at Coleraine to Mr. Rowley, for twenty-eight years from Michaelmas then next, at £20 a year.

That a garrison was maintained at the Glynns.

That allowances had been made to the burgesses of Londonderry and Coleraine by the City of London, for their attendance in parliament.

That they had desired the corporations of Londonderry and Coleraine to consider together, what laws and ordinances were fit to be made for their good government; but that they were unwilling to entertain the motion, and were not desirous to have any confer-

\* The commissioners declared the markets were well supplied with fish, and that a very fine salmon could be procured for sixpence.

ence with the commissioners concerning any public laws and ordinances, but they made several propositions and demands, as for the general good, which the commissioners answered, and brought over their propositions and answers for inspection and consideration.

That they had granted five hundred acres of land, which had formerly belonged to Rory O'Kane (who had incurred a forfeiture of his land by a criminal conviction), to Mr. Carey, Recorder of Londonderry, during his life, paying the rent of £5. 6s. 8*d.*, he having no salary; which they conceived to be the best way of giving him satisfaction, without charge to the city.

That they had examined the fortifications at Londonderry, and found that the ditch round the fortification was a dry ditch, eight feet deep and thirty broad, and extended from the Prince's Bulwark, being at the west end of the city, along the south side of that fortification unto the water side, being more than half the circuit of the wall, as would appear by the plan they had made.

That the quay at Londonderry was sufficient for the trade of the place, and they thought when the fortifications were finished, the city might either enlarge the same, or make a new one.

That they granted leases of most of the houses at Londonderry for thirty-one years, and allotted to every house a portion of land according to the rent, and distributed the island (except the bog) for gardens and orchards, as belonging to every house, in ease of the rent

and the bog they leased out to sundry persons for small rent,\* in hope that the same might be made firm and good meadow in time to come. And they stated that, whereas the city had nothing for the bog before, they had procured a profit then of £7 yearly for the same.

That they delivered swords as presents from the City of London to the several mayors of Londonderry and Coleraine.

That they had allotted three hundred acres for a FREE SCHOOL, the cost of the erection to be defrayed by Mr. Springham.

That they had made estimates of the expense of repairing the churches and fortifications.

#### CROWN COMMISSION APPOINTED.

1617. May.—About this time, the Crown being dissatisfied with the City of London, by reason of various representations which had been made, suggesting that the City had not performed the original conditions of plantation, appointed commissioners in Ireland, to inquire into the affairs of the plantation.

1618. 11th January.—A general survey of the works of the Companies on their proportions in Ulster was taken.

1621. July 31.—The city received its charter of incorporation, of a mayor, two constables, and merchants of staple.

\* The patches of bog now remaining are but relics of a vast tract of detritic accumulation, the result of ages; a great part of this waste has been reclaimed and the turf cut away. Griffiths, in his *Bog Reports*, gives examples of growth of bog at the rate of two inches a year.

1622.—The town-house of Londonderry erected by the Society.

The Lord Deputy Chichester granted Lough Neagh to the Society, in fee farm, for ever, at £100 a year.

#### ATTEMPTED SEQUESTRATION OF THE PLANTATION.

1624.—A reference was made by the Crown to the lords commissioners appointed by his Majesty, to remedy some defects of the plantation; who ordered certain things to be immediately performed, and a sequestration of the City's estates in Ireland was directed to be made, for the performance of the works required to be done, which sequestration was illegal and was opposed by the City.

1625.—In this year Charles the First came to the crown. Lord Wentworth was appointed Lord Lieutenant of Ireland, and Dr. Bramhall, who was afterwards appointed Bishop of Londonderry, accompanied him as chaplain.

In the beginning of this reign, Sir Thomas Phillips, who appears to have entertained hostile designs against the citizens of London, as British undertakers of the plantation in Ulster, prepared and sent to his Majesty a virulent accusation against them, charging them with breach of the original articles, and strongly urging the King to revoke the charter, and seize into his own hands the territories in Ulster; and in addition to this circumstance, various informations were sent from Ireland, at the instigation of Dr. Bramhall, against the

Society, charging them with crimes and misdemeanors, in consequence of which an illegal sequestration was issued, with a view to seize the county of Londonderry into the King's hands.

1632.—The whole county of Londonderry was illegally ordered to be sequestrated, and the rents levied for the King's use ; and Bishop Bramhall was appointed chief receiver.

1633.—The erection of the Cathedral built by the Society was completed. The event is thus recorded upon a tablet over the belfry porch—Ano. Do. Car. Regis,—1633 :—

IF · STONES · COULD · SPEAKE ·  
 THEN · LONDONS · PRAYSE ·  
 SHOULD · SOVNDE · WHO ·  
 BVILT · THAT · CHVRCH · AND ·  
 CITTIE · FROM · THE · GROVNDE ·

Inserted in the top of the tablet is an older one, taken doubtless from the old Cathedral—"In templo verus deus est vereque clemens."

1634.—By sentence of the Court of Star Chamber it was adjudged, that the letters patent of King James the First should be surrendered, and brought into court to be cancelled.

This sentence had no legal operation, but the Society were alarmed, and made application for redress ; but seeing nothing more done, and thinking that the King, at his leisure, would grant them remedy, they appear to have submitted without impatience to some infringe-

ment of their rights. But those who projected these hostile measures were not inactive to accomplish their designs effectually; and in the first place, Bishop Bramhall procured a letter of King Charles, dated 24th February, 1635, for passing of letters patents of several large quantities of the Society's lands, and others, as termon and urenagh lands, which he kept dormant till an opportunity offered for procuring them, which happened on the 4th August, 1637, when the King's letters patent were passed for the quarter lands called the fifteen hundred acres; amongst other things, reserving out of part a rent of £90. 10s. to the Mayor and Commonalty of Londonderry.

1637. 28th December.—The City of London, the Irish Society, the twelve chief Companies by distinct denominations, and in general all other tenants of lands, &c., in the county of Londonderry, were served with a *scire facias* of eighteen skins of parchment, containing various recitals of the possessions and rights granted originally, to appear in the Court of Chancery, to show cause why judgment should not pass to cancel the charter granted by King James.

Although the Society surmised what was before determined and offered an appearance conditionally, that they might have time to send for their agents from Ireland to answer some of the matters of fact charged in the writ against them, yet it was not accepted, but, on the contrary, in Hilary Term following, the Lord Chancellor, with the advice of the Judges, King's

Counsel, &c., gave judgment that the letters patent to the Society for the city and county of Londonderry, and the enrolment thereof, should be revoked, cancelled, and made void, and the said city and county seized into the King's hands.

This decree was enrolled in the Petty Bag Office, but the enrolment of the charter was never fully vacated.

In conformity with the aforesaid judgment, orders were given for the city of Londonderry being seized into the King's hands.

A commission was afterwards issued by the Crown, directed to the said Bishop of Derry, and others, for the purpose of entering into contract for leases with the tenants on the plantation in Ulster; and, in pursuance of this commission, the commissioners purported to make grants and demises of the manors, lands, and possessions, belonging as well to the twelve chief Companies as to the Society.

1641.—On the return of King Charles from Scotland, he was invited to dinner in the Guildhall of the City of London, and he there made a public declaration that he was much troubled at the judgment that had been given for taking away his father's grant to the Society; and his Majesty promised the City that the judgment should be reversed, and gave his commands for restoring to the Society and Companies such of their possessions as they had been deprived of; but the rebellion breaking out, on October 22, his Majesty's intentions were not fulfilled.



26th August.—The Mayor, Commonalty, and Citizens of London, on behalf of themselves and the Companies, and divers having lands and tenements in Londonderry, exhibited their petition to Parliament, and it was voted and resolved in Parliament, that the sentence pronounced by the Star Chamber was unlawful and unjust; that the citizens of London, and all those against whom the judgment was so given in the *scire facias* should be discharged of that judgment; and that both the citizens of London, and those of the new plantation, and all undertenants, and all those put out of possession, should be restored to the same estate which they were in before the said sentence in the Star Chamber.

#### THE FIRST SIEGE OF DERRY.

During the progress of the rebellion, a plot was formed for the capture of Londonderry, but it miscarried. There were at that time twenty pieces of artillery in Londonderry, which the Society had many years before provided for the due safety of the place. The City of London sent four ships to Londonderry, with all kinds of provisions, clothing, and accoutrements for several companies of foot, and abundance of ammunition. The twelve chief Companies sent each two pieces of ordnance; and it was considered that the assistance which was thus given by the City of London was the principal means of preserving the City of Londonderry from the fury of the rebels who besieged it. The people then entered into a mutual league for the

defence of the city. "They repaired the gates and ramparts, and sent intelligence of their situation to the King in Scotland, and to the Corporation of London, who sent them several pieces of ordnance."\*

In 1649 Londonderry sustained another siege by the Royalist troops, Sir Charles Coote commanding the garrison. The siege lasted for four months, and the city was relieved by Owen Roe O'Neill, and in the following year the whole of Ulster was reduced by the Parliamentary army.

After the termination of this rebellion, the City of London sent over commissioners to settle affairs at Londonderry, and other places; the Companies made new leases of their proportions where leases were expired, and received their rents where leases were still subsisting; and the Society's commissioners renewed all the leases in Londonderry and Coleraine, and at both places left the commons and wastes as before, for general accommodation and advantage.

1654.—A general survey was taken of the lands in Londonderry, called the civil survey, which was afterwards lodged in the Surveyor-General's office in Dublin.

29th August.—The Privy Council made an order advising the restoration of all such rights as the Society had been deprived of.

1656. 24th March.—The Society owed the full recovery of its privileges, rights, and properties, to Oliver

\* History of the Presbyterians in Ireland, by the Rev. Dr. Reid.

Cromwell, and he granted letters patent, by which he confirmed the Society as originally ordained, with the same rights as enjoyed under the charter of James the First. This charter was duly enrolled in England and Ireland.

1658. August.—The Society about this time made new conveyances to the twelve chief Companies, confirming to them their respective proportions of land in Ulster.

Upon the restoration of King Charles the Second, the City of London petitioned the Crown for a reversal of the judgment given against their first letters patent as promised by King Charles the First; but as the proceedings necessary to be adopted in this respect, it was considered, would be tedious, the King proposed to grant a new charter to confirm to the Society all the possessions and rights granted to them by their charter of 1613; and on the 10th of April, 1662, letters patent confirming the charter of James the First, were granted, containing with very little alteration, all the clauses of that charter.

Conveyances were afterwards made by the Society to the Companies, confirming the grants as already made to them.

Having thus traced the circumstances under which the Society was established, and the manner in which it was constituted, it may be interesting to refer to some of the events which have since happened connected with the plantation, and some of the transactions of the Society.

## MEMORANDA OF PRINCIPAL EVENTS.

1668. April.—In this year great part of the city of Londonderry was destroyed by fire, and was afterwards rebuilt by the Society.

15th September.—The Society required from the corporation of Londonderry a certificate, under seal, of their bye-laws, for confirmation by the Society, agreeably to the provisions of the charter; and expressed their unwillingness to receive any communications purporting to be the acts of the Common Council of Londonderry, unless they were under the seal of that corporation; to which the Council assented on the 13th of June, 1684.

1676. 9th June.—A dividend was ordered to be made to the twelve Companies, and the Treasurer was directed to receive the rents due from several of the Companies in respect to their manors.

1684. April.—The King confirmed the Society's charter.

1685.—During this year there was a great decay of trade in Londonderry. The corporation complained that the government of the place was too expensive for the magistrates to sustain, and they supplicated the Society for abatement of rent; and the Society promised them assistance.

Ironworks were erected on the plantation, to the great destruction of the woods.

The chief Companies were written to by the Society, to introduce clauses into their tenants' leases, to prevent destruction of timber.

1687.—The Bishop of Derry laid claim to the quarterlands, under his letters patent of 4th August, which claim, after a long and expensive litigation, he was unable to establish.

## THE GREAT SIEGE.

1688. December 7.—The gates of Londonderry were shut against Lord Antrim, who commanded the King's 6th Regiment of Infantry.

1689.—King James laid close siege to the city for 105 days, during which the brave citizens held out with unexampled heroism, in the midst of all the horrors of assault, pestilence, and famine.

July 26.—The blockade was raised by the *Mountjoy*, filled with stores, breaking "the boom" across the Foyle, and relieving the starving garrison.

15th August.—The Society ordered £10 to be paid to Joseph Bennett, for his intrepidity in contriving to pass through the King's army, then before Londonderry, he being the bearer of tidings to England of the state of the beleagured city.

20th August.—The Society directed several of their members to wait upon the Rev. George Walker, the late Governor of Londonderry, and render their thanks for his distinguished services in the preservation of the city,

6th September.—Mr. Walker attended the Society, and represented that most of the houses in Derry were demolished by the military operations of the enemy during the late siege, and stated the necessity of some immediate assistance being sent to the inhabitants;

whereupon it was thought fit that the Society should apply to the Lord Mayor, Aldermen, and Common Council of London, to induce the twelve chief Companies to advance £100 each, to be paid to the Society's Treasurer, that thereby the Society might be enabled to send such immediate relief as might encourage the city's tenants to continue in their habitations, until the season of the year should invite those who had abandoned the place to return and rebuild their houses. A committee was accordingly appointed to wait upon the Lord Mayor, who called a Common Council, when the required contributions were obtained, and afterwards distributed amongst the sufferers.

The Mayor and Recorder of Londonderry appeared before the Society, and proposed that, if his Majesty would please to grant his letters patent for a contribution towards the rebuilding of that city, and the Companies of London would raise a fund for the building of the Court-house, and other accommodations for the reception of the judges and commissioners of assize, it would be a great means towards the restoration of that city.

1690. 20th March.—Colonel Mitchelburn solicited the Society to recommend him to his Majesty, as Governor of Culmore Fort, which thing the Society took into consideration; and were of opinion that, in regard there was no fort, there could be no occasion for a Governor, and therefore no obligation upon the Society to pay any stipend or salary.

31st July.—The Mayor and Corporation of Londonderry solicited from the Society further assistance, for the purpose of rebuilding the public structures, and also the Mayor for certain tolls due to the Society, for one year, for better enabling him to undergo the charge of the mayoralty.

A warrant was issued to the wood-rangers to supply sixty tons of timber towards rebuilding the market-house, repairing the gates, and other public buildings in Londonderry, at the usual rates.

It appears that one hundred and twenty tons of timber, and forty thousand laths, were allowed for building the town-house of Londonderry.

1691. 4th December.—The fishings were let to Lord Massareene for two years, at £1,050 per annum.

1692.—During this year the Society sent over commissioners to Londonderry to view the wastes and ruins by the siege, to make abatement of rents, and to augment the terms in leases, and the same was done at Coleraine.

Sir Matthew Bridges produced her Majesty's commission to him, as Governor of Londonderry and Coleraine [Culmore], and required the usual salary of £200 a year, payable to the Governor of Culmore Fort, and the acres belonging thereto, respecting which the Society determined to consult counsel.

7th April, 1692.—The Society having failed in its endeavour to abolish the Governorship, ordered the

salary to be paid, and the acres to be enjoyed by the Governor of Culmore Fort.

9th June.—Seventy officers, who had served in the city of Londonderry during the siege, petitioned the Society for assistance, who recommended their case to the chief Companies, and in the following year voted various moneys to them.

The Society acceded to the Bishop's proposition of referring the division of the advowsons on the plantation, to his Grace, the Archbishop of Canterbury.

1694. 24th May.—It was ordered that a letter should be written to the corporation of the city of Londonderry, to acquaint them that the Society would assert their right to the fifteen hundred acres which Bishop Bramhall had improperly leased to them.

1695. 18th July.—It was ordered that an ejectment should be brought against the Bishop, for the remainder of the fifteen hundred acres, and other lands comprised in the Society's letters patent, then in the possession of the Bishop or his tenant.\*

1696. 23rd November.—The Society resumed the possession of the fifteen hundred acres, and in the following year the Bishop of Derry appealed to the House of Lords in Ireland, from an order of the Chancellor.

\* The whole history of this suit, and the Bishop's pretended title to these lands, was set forth at length in a work, composed whilst the suit was depending, by Mr. Moggridge, the Town Clerk of Londonderry, for the information of the Society.



An order was then obtained for re-establishing the Bishop in his possession, which was opposed by the sheriffs and other inhabitants of Londonderry, in consequence of which an attachment was issued, and the sheriffs and others were taken into custody, and carried to Dublin. The Bishop's conduct on this occasion appears to have been highly reprehensible.

1697. 23rd November.—The Society appealed to the House of Lords in England.\*

1703.—The Lord Lieutenant of Ireland was invited to dine with the Society on his appointment.†

1705. 5th April.—The Society resolved to establish a free school in Coleraine.

1707.—During several years prior to this date the fisheries had been let for £1,600 a year.

1708. 16th April.—The corporation of Londonderry sent an address to the Society,‡ to be presented through

\* The litigation with the Bishop was settled. An Act of Parliament, passed in the 3rd and 4th Anne, intituled "An Act for settling the right of several parcels of land and other tenements, and of several fishings and tythes of fishings, in the Society of the Governor and Assistants, London, of the new plantation in Ulster within the realm of Ireland, and their successors, and for settling a rent-charge of £250 *per annum* upon the Lord Bishop of Derry and his successors, for ever."—See Appendix.

† This custom was duly observed on any change taking place in the office.

‡ It appears to have been customary for all addresses and petitions from Londonderry and Coleraine to the Throne to be sent up for presentation by the Society.

them to her Majesty, expressing their loyalty to her government. In this address, they stated themselves to be a branch of the City of London, and on 27th April the Deputy-Governor informed the Society, that he, and several other members of the Society, had been introduced to the Queen, and presented the address of the Corporation of Londonderry, which had been graciously received.

1709. 15th September.—The corporation of Coleraine solicited the Society to encourage the establishment of a linen manufacture in that town, as a means of increasing the trade and prosperity thereof; but the Society doubted whether such an undertaking was practicable.

1712. 24th July.—A memorial or representation to the twelve chief Companies was made, suggesting the importance of preserving a growth of young timber on their proportions.

16th August.—The Society prepared a statement, setting forth their rights to the woods on the plantation, and the necessity there was, in order to promote the interests of the twelve chief Companies, that the growth of timber on the various proportions should be in future kept up, “so that staves and other things might be supplied for the fishings, the tenant having been usually allowed thirty thousand every year for casks for the salmon fishery”; which statement, with all the reasons set forth, was sent to each of the Companies, except the Haberdashers, who had conveyed their proportion to Lady Beresford.

1713. 18th September.—Violent and tumultuous proceedings took place at the Common Council\* in the corporation of Coleraine, at which time the sword and mace were forcibly seized. The Society reprehended these proceedings.

In consequence of these dissensions the matter was brought before the Council Board of Dublin, and a representation was made by the Society to the Lord Lieutenant on the subject.

20th October.—The Mayor of Coleraine was served with an order from the Privy Council of Ireland, to appear and answer complaints preferred against the corporation.

1715.—More disturbances arose in the corporation of Coleraine. The sword and mace were again forcibly seized and taken away.

16th July.—The corporation of Londonderry solicited the Society for timber and laths, to repair market-house, gaol, house of correction, and workhouse, and it was ordered that they should be supplied accordingly.

1717. 6th February.—Timber was supplied for building the market-house at Moneymore.

1718. 30th June.—Timber was supplied for the repair of Magharafelt church.

1719. 27th October.—Timber was allowed for building the new steeple at Coleraine.

\* The style adopted by these corporations was in conformity with that employed in London.

1721. July 26.—The Society being unable to let their fishings to their satisfaction, were determined to take the management of the same into their own hands: in consequence of which they authorised their agent, Mr. George Tomkins, to dispose of the fish according to his discretion, and render an account to the Society.

August.—The Society disposed of all their salmon in London, at the rate of £14. 11s. per ton.

2nd October.—The charges attending the fishery of Lough Foyle exceeded the value of the fish taken.

1724. 17th July.—The salmon fishery was let to Claude Jammieau, who was the highest bidder, at £16. 5s. per ton: the produce was one hundred and thirty-seven tons two tierces and a half.

15th February.—The Speaker of the House of Commons sent an order for the production of the Society's charter, which was complied with, and a committee were appointed to convey it to the House.

1727.—Two hundred and seventy-seven tons of timber were ordered for Coleraine bridge. The Society afterwards considered it would be best to erect the bridge with stone, and subsequently gave £500 to the same.

A new cranagh, or fishing-house, was ordered to be built on the Society's ground, the former one being on one of the Company's proportions.

1729. 8th August.—The fishings were let for twenty-one years, at £1,200 a year, payable in London.

1731. 17th March.—Timber was ordered for the chapel at Artrea.

1732. 10th November.—Timber was ordered to be supplied for the repairs of the Ship Quay, Londonderry.

1735. 28th January.—The Society agreed to a proposition for assisting to erect a market-house in Coleraine, and subscribed £200 towards it; and also ordered timber to be supplied.

4th June.—The Society consented to respite the payment of the half-year's rents, due Lady-day last, till after harvest, in consequence of the distress prevalent at Coleraine, by the great scarcity of provisions.

5th August.—The Society appeared at this time to be greatly embarrassed in what manner to dispose of their salmon, not being able to obtain any satisfactory proposals; propositions were made to the Society for exporting the same to Venice and Leghorn, which were acceded to. The Society accordingly became merchants of their fish, and the casks containing the salmon were ordered to be marked with the arms and the name of the Irish Society.

13th May.—The Society very fully considered the propriety of disclaiming all their right to the future timber growing on the Companies' portion of plantation, and a report on the subject was made and confirmed.

1736. 7th May.—It appeared that no regulations of the Society could prevent depredation and plunder of timber in the woods on the plantation.

8th July.—The Society were determined to assert their right to the fishings of Lough Foyle, against the Earl of Abercorn, or any other persons trespassing therein.

1738. 31st May.—A bridge was ordered to be made over Ballysally brook.

3rd July.—The Lord Chief Justice Singleton (late Prime Serjeant) undertook to settle all the differences existing in the corporation of Londonderry, respecting their bye-law as to the election of members, and other matters; and he afterwards transmitted to the Society a bye-law which he had prepared.

14th November.—A new school was established by the Society in Coleraine, “For teaching poor children, gratis, to read, write, and comprehend accounts.”

1742. 2nd February.—The Society granted £700 and thirty-five tons of timber, for building a market-house at Coleraine.

The Society contributed £2,050 towards building Coleraine bridge.

17th November.—It was resolved that no leases should be granted unless a memorial be first presented to the Society, signed by the party, or some agent on his behalf.

1748. 7th July.—The fishings were let at £620 a year for twenty-one years, determinable at the end of seven or fourteen years.

1756. 27th January.—The Society had before it for consideration a project for making the river Bann navigable.

1760. 30th September.—The fisheries were granted, by lease, for twenty-three years, to Henry Hamilton, Esq., at £912 a year.

1765. 27th November.—A report was made by the committee as to the original establishment of Culmore Fort, whereby they stated that “the Society had granted to them and their successors, the castle and fort of Culmore, in the county of Donegal, and all the lands, containing by estimation three hundred acres, with the said castle and fort, then or late occupied or used, or to the same belonging or assigned, or to be assigned, with the appurtenances, to the said castle and fort conveniently adjoining; and covenanted with the Crown to keep and maintain, at their own cost and charges, in the said castle and fort, a ward of so many men well and sufficiently armed, and expert officers, as should be necessary for the defence thereof; but the said Society, having surrendered or agreed to surrender to the Crown certain customs to them granted, His Majesty King Charles the Second was pleased to release the said covenants on the part of the Society; and to declare that, for the future, the said Society, over and above the repairs of the said castle and fort, be charged only with the yearly sum of £200 for the governor of the said castle and fort, towards maintaining a garrison

therein, and providing them with arms and ammunition ; and also with the said three hundred acres of land, and the profits thereof.”

1766. 16th July.—It was ordered that the Recorder’s opinion should be taken, whether it would be legal for the Society to let the houses in Londonderry and Coleraine, with the acres and perches, in perpetuity.

5th August.—The Recorder was of opinion that the Society had the power to let leases in perpetuity.

27th August.—The committee made a report, setting forth their reasons for the propriety of granting leases renewable for ever.

1768. 22nd April.—The corporation of Londonderry having sent a memorial to the Society, for their consent to the making a bridge over Lough Foyle, the committee made a report thereon, recommending such consent.

14th September.—A license was granted to the corporation of Londonderry, to dig for lime and stone on Termonbacca.

1771. 27th March.—The Society contributed £300 for the repair of Coleraine church.

1786.—Early in this year a fire happened at Guildhall, by which part of the old Irish Chamber was consumed, and many of the Society’s documents and books were destroyed.

8th June.—The Society assented to the proposition for erecting a bridge at Londonderry, over the river Foyle.



1788. 19th November.—The Society contributed £50 to celebrate the centenary of 7th December, 1688, at Londonderry.\*

1789. 30th January.—The committee recommended £200 to be granted, for repairing the market-house at Coleraine.

29th April.—The proposed timber-bridge at Londonderry was estimated to cost £10,000. A memorial, was sent by the corporation to the Society on the subject and to obtain a lease of the tolls in perpetuity.

15th July.—The committee made a report on the said memorial, which the Society confirmed, granting their request; for which the corporation afterwards returned their acknowledgments.

\* The commemoration of the Shutting of the Gates is celebrated annually on this day. The drums beat at daybreak, the cannon used during the siege are discharged, and the red flag, the emblem of the virgin city, is hoisted on the cathedral. A procession of the authorities is formed, and a sermon is preached at the cathedral or in one of the Presbyterian chapels, in rotation. At 2 o'clock the apprentice boys go through the ceremony of shutting the gates, and afterwards assemble in "the Diamond," where King James's colours, taken in the siege, are displayed. The rest of the day is given up to public amusements.

The city guns are now placed about the bastions, four of them being inscribed "Vintners, London, 1642," "Grocers, London, 1642," "Mer-cers, London, 1642," "Merchant Taylors, London, 1642." Among the others, one bears date 1609, with the arms of the Queen, a rose, surmounted by a crown with E.R. at each side, and another bears the arms of the Irish Society. Another, called "Roaring Meg," is mounted on a carriage in honour of her great services. She was given by the "Fish-mongers, London, 1642," and owes her name to the clear utterance of her terrific thunder over the clang and confusion of the deadly strife of the last and memorable siege.

21st October.—It was directed that the secretary of the Society should be sworn before the Mayor, at a Court of Aldermen.

It was resolved, that the officers of the Society should be elected annually.

1798. 27th July. The Society contributed £100 towards suppressing the rebellion in Ireland.

1802. 15th June.—Two hundred pounds were contributed towards rebuilding the cathedral spire at Londonderry.

1814. 22nd July.—The Deputy-Governor and Treasurer had an interview with Sir George Hill on the subject of the Bill before the House of Commons for rebuilding the Londonderry bridge, when it was arranged that foot passengers should not pay toll for bundles under thirty pounds weight; and that the rights of the Society should be saved.

In this year a deputation went to Ireland, where they surveyed the property of the Society, and made such an inquiry into their rights as subsequently produced very important and beneficial results. The principal matters to which their attention was directed were: “the establishment of schools; the right of the Society to control the proceedings of the corporations of Londonderry and Coleraine; the right to the slob or strand inclosed from the rivers Foyle and Bann; the right of the Society to the cut out and reclaimed bogs; the right to the Sheriffs’ Mountain and other properties claimed by

the corporation of Londonderry to be held by them independent of the Society," &c.

The deputation afterwards made and published a report of their proceedings.

1819. 22nd June.—The Society contributed a sum of money for the embellishment of Londonderry Cathedral.

17th July.—The Court feeling the importance of bringing to a conclusion all matters in dispute between the Society and the corporation of Londonderry, and the subject having been fully discussed, it was resolved that a deputation should proceed forthwith to Londonderry, with full instructions to act.

1821. 6th September.—The Society granted the sum of twenty guineas as a present donation to the funds of the establishment at Londonderry, called the North-West of Ireland Society for the encouragement of agriculture, arts, manufactures, and fisheries; and, in future, an annual sum of ten guineas, during the pleasure of the Society.

5th October.—The committee reported that having, in the course of their investigation of the proceedings of the Society, observed the great benefit resulting from the deputation sent from the Society in the years 1814 and 1819 to Ireland, to inspect and report upon the state of the Society's property, and the best means of its improvement, and the advantage of the tenantry and population, strongly recommended to the Court, and to

the future members of the Society, the propriety of frequent similar deputations to Ireland, for the like desirable purposes.

1822. 7th February.—The Society resolved to enter into a treaty with the Improvement Committee for the purchase of the piece of ground in Guildhall yard for the purpose of erecting a building for conducting the business of the Irish Society.

7th December.—A report was made on the subject of reducing the rents in the Quarter-lands, and it was recommended that one-ninth of the annual rent should be reduced.

1825. 26th May.—The law agent was instructed to proceed forthwith against the corporation of Derry, under the Act of 1814, for rebuilding the bridge.

1827. 7th April.—A Bill having been introduced into the House of Commons to regulate the salmon fisheries, the provisions of which appeared to be detrimental to the interests of the Irish Society, it was ordered that the progress of the bill should be watched and opposed.

4th May.—A petition was prepared against the Salmon Fishery Bill, to which the seal of the Society was affixed, and the same was afterwards presented to the House of Commons. After a long and arduous contest, the promoters of the Fishery Bill were obliged to abandon the measure.

1828. 6th March.—It was resolved to oppose the Salmon Fishery Bill, the same having been again introduced into Parliament, and it was eventually defeated.

26th May.—Letters of thanks were received from various proprietors of salmon fisheries, for the successful opposition which the Society had given to the Bill.

29th December.—A deputation from the corporation of Londonderry attended and submitted all their accounts for inspection, and continued in attendance from day to day for the purpose of explaining the particulars of their income and expenditure, in order to induce the Society to discontinue the information instituted in Chancery against the corporation under the Derry Bridge Act, by which they were required to set apart £1,000 a year for the purpose of building a substantial bridge; and it was ultimately agreed that the corporation should invest £500 a year and that the proceedings should be withdrawn.

1831. 28th July.—A petition was resolved upon by the Society, and the same was prepared and laid before his Majesty, on the subject of the advowsons granted by charter to the Society, and a report was made thereon.

17th February.—It was resolved that in future the members of the Irish Society be appointed from the wards in rotation in like manner as the several committees of the court are appointed.\*

\* Up to this time Assistants had been appointed from among such members of the Common Council as were liverymen of some one of the Companies originally interested in the Irish estates.

3rd November.—It was resolved that the Society would sustain for one year the expenses (not exceeding £750) prayed for by the corporation of the city, for the support of the magistracy, on the condition that immediate measures be adopted within the succeeding year for decreasing the tolls of the bridge to the scale of the year 1800, so as to benefit the whole community trading to Londonderry, as well as the whole province of Ulster, and that the same be paid half-yearly.

The Society contemplated at the same Court the reformation of the corporation, to the end that it might be restored to the efficiency intended by the charter.

These measures having been communicated to the deputation from the corporation, they then delivered a written address expressive of their gratitude and acquiescence in the objects suggested by the Society.

At this Court the Secretary presented and read an order of Common Council of 27th of October last, requiring the Society to furnish accounts and to exhibit their records to the inspection of every member of the Court of Common Council.

25th February.—The Society resolved that a statement of their receipts and expenditure for the last eight years should be printed.

1832. July 7th.—The Society applied for the discontinuance of the office of Governor of the Fort of Culmore. The office was, notwithstanding, filled up.

July 16th.—A Bill was filed by the Skinners' Company against the Society, the Associated Companies, and the Corporation of London; a copy of the prayer will be found in the Appendix.\*

1834. October 4th.—Grant for the first time made for the official salaries of the Corporation of Derry.

1836. April 30th.—An application was made to the Court of Common Council to purchase the Crown Rents in the new Plantation in Ulster, offered for sale by the Government.

1837. March 21st.—The Society procured certain alterations in the Irish Municipal Bill in favour of the City and County of Londonderry.

May 24th.—The Society erected monuments in Glendermot Churchyard, to the memory of Colonel Mitchelburn, and Colonel Murray, English officers distinguished in the defence of Derry.

1838. February 8th.—Application made by the Society to the Government that the Culmore lands and revenue should be made over to the Society for aiding in building a toll free bridge over the Foyle.

June 20th.—Londonderry Bridge Bill passed.†

\* This suit was ultimately carried to the House of Lords, and a copy of the judgment therefrom will be found in the Appendix.

† The old bridge was built at the cost of £16,294, and opened in 1791. Before this the ferry was used. In 1776, Arthur Young, in his "Tour," says, "reached Derry at night and waited two hours for the ferry boat to come over."

October 17th.—The Society promoted the construction of the Londonderry and Enniskillen Railway.

1844. October 3rd.—The Society promoted the construction of the Londonderry and Coleraine Railway.

1845. December 23rd.—Grant made of £300 towards the enlargement of Coleraine Church.

1846. February 10th.—Grant made towards the construction of a pier at Molville Bay.\*

1847. February 10th.—Grant made of £500 to the new gate in the City Walls.†

November 23rd.—Grant made of £250 for the erection of a clock tower on the Corporation Hall, Londonderry.

1849. January 23rd.—The Government House was erected on the town land of Termonbacco, the property of the Society, as an official residence for their General Agent, and for the use of the Society.

1849. February 7th.—The sum of £500 was granted for improvements under the Londonderry Improvement Bill, which had received the royal assent on the 14th August, 1848.

\* A favourite watering-place eighteen miles from Londonderry.

† The walls of Derry are now its most ancient remains. After the lapse of centuries, the fortifications retain nearly unchanged their original form and character, the extensive ditch being covered over by the rears of houses. In 1824, the north-west bastion was demolished to make room for the erection of a market, and in 1826 the central western bastion was modified to allow of the introduction of the memorial column to Governor George Walker.



1851. November 25.—The Society renewed its petition in favour of abrogating the sinecure office of the Governor of the Fort of Culmore, on the first occasion of a vacancy occurring.

1853. September 27.—The Society sanctioned the project of the establishment of the Coleraine Academical Institution as a school for intermediate middle-class classical education.

December 27.—The Society gave £1,000 towards the building of the Magee Presbyterian College in Londonderry, which was completed in 1861.

1854. June 27.—The Society sanctioned a proposal to render the River Bann navigable from the sea to Coleraine by removing the bar of sand at the mouth of the river.

October 31.—The Society agreed to erect a chapel and chaplain's residence in the cemetery of Londonderry.

October 31.—Grants of £2,100 were made to aid in the construction of waterworks for the city of Londonderry.

1854. October 31.—A grant of land was made to the city of Londonderry for dock purposes, together with a sum of £1,000 per annum for seven years, towards the contemplated works.

1855. January 23.—The Society granted the sum of £500 towards the patriotic fund raised in the city of Londonderry.

1856. May 27.—The Society erected infant-schools in Coleraine.

October 1.—The Coleraine Town Hall was erected at a cost to the Society of more than £2,500.

1858. October 26.—The Society granted sums amounting to £750 towards the alterations and repairs of the Cathedral Church in Londonderry.\*

1860. August 7.—The death of Lord Strafford, the Governor of the Fort of Culmore, having taken place, the Society opened a communication with the Government, with the object of obtaining possession of the lands of Culmore upon certain conditions, and after lengthened negotiations the Society purchased of the Commissioners of Woods and Forests the fee simple of the fort and lands at Culmore.

1861. April 23.—The Society agreed to endow one of the Professors' Chairs of the Literary and Scientific Department in Magee College, Londonderry.

1863. September 25.—The new bridge, towards which the Society had contributed £10,000, was opened by his Excellency the Lord Lieutenant of Ireland, in the presence of a deputation of the Society and a large concourse of persons. In the evening a

\*The Cathedral was rebuilt in 1663, at the cost of £4,000 to the Society. It had formerly a spire of wood, leaded, but it was decayed and taken down before the siege. The lead was preserved (to be used in the new erection), but during the siege it was used for bullets. The Church was much injured in the roof from bombs, as it became a conspicuous object of attack, the situation being so commanding.

banquet was given in honour of the event, at which the Earl of Carlisle and the deputation of the Society were the chief guests.

September 26.—The Loughswilly Railway was opened to Farland Point by His Excellency the Lord Lieutenant, the deputation of the Irish Society being present as the guests of the Company.

October 28.—The Society made a conditional grant to the Coleraine Town Commissioners of £10,000 towards the cost of opening up the navigation of the river Bann.

October 28.—The Society made a grant for the repairs of Foyle College.

October 27.—A proposal being made to restore the Old Church of Culmore upon its former site, the Society agreed to grant an endowment of £75 per annum in the event of the Church being erected by public subscription.

November 6.—The Society determined that, with a view to encourage the outlay of capital in the erection of a better class of buildings on the Society's estates, and also to facilitate the building of warehouses and other accommodation rendered necessary by the increase of trade and commerce, they would in future grant leases for the term of 80 years in cases where the amount to be expended should be deemed adequate.

1864. April 24.—The corporation of Londonderry applied to the Society to sanction a Bill proposed to be

introduced to Parliament, called "The Londonderry Improvement Bill." After conference, and several modifications had been agreed to be made, the Bill passed, and received the Royal assent July 14th.

May 12.—It was resolved "That an application be made to the Court of Common Council that they would sanction an application to Parliament by the Society to alter so much of the existing Charter as limits the appointment of Assistants to two years, by substituting in lieu thereof a period of four years."

Upon this resolution being brought up, a motion was submitted by the Deputy-Governor, that the Court of Common Council should agree with the Society in its recommendation. After discussion, the "previous question" being moved, the motion was by consent withdrawn.

August 10.—The Corporation and Citizens of Londonderry gave a banquet in honour of the Society, in the Town Hall, at which the Members of the Visitation attended.\*

August 12.—The first stone of the Presbyterian Church at the Waterside, Londonderry, was laid, in

\*At this banquet, for the first time, the "loving cup" was introduced. The goblet appears to have been presented to a former Mayor of the City, with the following inscription:—"Presented by the Honourable Society of the New Plantation in Ulster, within the realm of Ireland, to William Kennedy, Esq., Mayor of Londonderry, in return for his polite reception of their Governor, Robert Alsop, Esq., during his abode in that City, in the year 1765."

the presence of the Members of the Visitation, by Charles Reed, Esq., F.S.A., the Deputy-Governor.

August 15.—The Chairman of the Town Commissioners of Coleraine gave a banquet to the Visitation in the Town Hall of Coleraine.

September 7.—The Society let, by public tender, their salmon fisheries in the Foyle and Bann, for the sum of £4,625 per annum.

September 27.—The Society, on the return of the Visitation to London, received congratulatory addresses from the City of Londonderry and the Borough of Coleraine.

October 2.—The Society having received the report of the Visitation of their visit and survey of the bar at the mouth of the river Bann, confirmed the grant of £10,000 for the projected works for opening up the navigation of the river.

October 25.—The Society granted a further sum of £250 per annum for five years towards the general expenses of Magee College, upon condition that the Institution be opened in the year 1865.

The Society erected new houses for the coast guard at Culmore.

The Society erected a school at Molenan, in place of the old school house.

October 27.—The Society granted in addition to its former donations of £500 and £100 per annum to the

Coleraine Academical Institution, £100 per annum for five years, to be appropriated towards the salary of the principal, Mr. A. W. Young, and in the month of November the Society further granted the sum of £500 to the general funds of the institution.

1864. December 20th.—The Society granted £200 to assist in the erection of a new meeting house for the Derry Waterside Presbyterian Congregation.

1865. June 27th.—The Society agreed to erect new schools at Culmore. These schools were completed in 1866, at a cost of upwards of £900. An inscription, showing by whom they were erected, appears over the entrance. They are supported by annual grants from the Society, and, being placed under the National Board of Education, the teachers' salaries are supplemented by allowances from that Board.

November 14th.—The Society granted £100 for the purpose of recasting a bell and providing a chiming apparatus for Londonderry Cathedral.

The Society voted £100 to the Londonderry Female Penitentiary towards liquidating a debt remaining on the building. A subscription of £20 is granted annually to this institution, which has for its object the reclamation of fallen women.

The Society granted £100 to assist in the erection of the Parochial District Church at the Waterside, Londonderry, in addition to £200 previously voted for this purpose.

The Society ordered the construction of a new road along the shore at Culmore, and the erection of a water wall to protect the same; these works were completed in 1867, at a cost of about £530.

November 28th.—The Society agreed to erect new schools at Coleraine, the original building being in great need of repair, and no longer affording sufficient accommodation for the wants of the neighbourhood. The foundation stone was laid during the Visitation of 1867, by the Governor, Alderman Sir Wm. Anderson Rose; the building was completed and opened for public instruction in 1869, the total cost amounting to nearly £5,500. The schools form an ornament to the town of Coleraine, and rank among the first in the North of Ireland; they are placed under the National Board of Education, and afford free instruction to over 600 scholars; they are principally maintained by the Society, the teachers' salaries being supplemented by the National Board. The General Agent of the Society is *ex officio* the manager, and the details of management are in the hands of a local Committee.

1866. January 23rd.—The Society having been informed that the Admiralty intended removing the Coastguard station from Culmore, a deputation was appointed to confer with the Lords of the Admiralty with a view to induce them to abandon such intention, and, in consequence of the representation made by the Society, the force was continued.

The Society agreed to enlarge Boghill School premises. This school is situate near Coleraine, and is placed under the National Board, and the Society contributes annually towards its support.

The Society ordered a reservoir with a 3 in. main to be constructed at Culmore, to afford the inhabitants a better supply of water free of rates; the cost of these works amounted to upwards of £450.

March 27th.—Through the assistance of the Society and the Ecclesiastical Commissioners, additional accommodation was provided in the Parish Church of Coleraine.

April 24th.—The Society granted £100 towards the erection of a new hall in connection with the Young Men's Christian Association at Londonderry.

May 8th.—Mr. T. Kennedy, M.P. for Louth, brought before the House of Commons a motion to the following effect, viz. :—

“To call attention to the recommendations contained in the Report (1854) of the Commissioners appointed to enquire into the state of the Corporation of the City of London, recommending that the property of the Society should be vested in Trustees appointed by the Lord Chancellor of Ireland, and to move for papers.”

The Government, however, declined to support this motion, and Mr. Kennedy ultimately accepted a resolution limited to requiring a return of the Receipts and Expenditure of the Society from 1845 to 1865, and



copies of Standing Orders made since 1845, relative to Leases. These returns were duly prepared by the Secretary, and laid upon the table of the House.

The Society assisted in promoting and obtaining improved legislature to enable oyster culture to be carried on with greater facilities and under better security by owners of fisheries and their lessees.

October 23rd.—Upon the appointment of the Rev. Percy Robinson to the head mastership of Foyle College, Derry, the Society increased the annual grants to this Institution.

November 27th.—With a view to a better protection of the Salmon Fisheries in the River Bann, the Society acquired from the Worshipful Company of Clothworkers a small Fishery outside the mouth of that river, called the “Fair Offer” Fishery.

The Society ordered the erection of a new boundary wall round the ancient Burying Ground of Killea, in the Upper Liberties of Londonderry, and a care-taker's cottage and entrance gate. The cottage bears a suitable inscription with the names of the Governor and Deputy Governor, and a fac-simile of the Society's seal.

1867. February 5th.—The Society resolved to provide a stained glass window for the new church at Culmore, which was placed at the eastern end of the building, with a brass tablet beneath, engraved with the Society's seal, and the following inscription:—

“This window was the gift of The Hon. the Irish Society, who endowed this church. Sir William Anderson Rose,

Alderman, Governor ; Francis Wyatt Truscott, Esq., Deputy Governor. A.D., 1867.”

26th March.—Arrangements were made for widening Clarendon Street, Londonderry, and the Society gave up to public use their interest in land required for the purpose.

April 16th.—A letter of thanks was received from the Derry Corporation for the assistance thus afforded by the Society.

May 28th.—In order to provide a better approach to the Quays at Londonderry, the Society agreed to purchase up the tenants' interest in a block of buildings at Shipquay Place, and to rearrange the land thus acquired : the cost of this great public improvement exceeded £6,400.

July 23rd.—Complaints having been made by the Fishing Lessees that poaching was being carried on to a great extent in Lough Foyle, the Society applied to Government for assistance to suppress the same, and a gun-boat and cruiser cutter were ordered to be dispatched to the Foyle to protect the Fisheries.

October 22nd.—The Society agreed to an annual allowance for house rent being made to the clergyman appointed to the new church at Culmore until such time as a parsonage was provided.

The Society mooted the question of freeing Londonderry Bridge from toll, and offered to assist this work by a grant of money to be paid annually, over a period of years. This suggestion was taken up by the Corporation

of Londonderry and the Grand Juries of the counties, and a Bill was subsequently introduced into Parliament to carry out this object, but met with such opposition from one of the neighbouring counties, the inhabitants of which it was proposed should be taxed, as necessitated its withdrawal.

The Society provided a new bell for the Parish Church of Glendermott, at a cost of over £100; it bears the following inscription:—

“The Hon. the Irish Society gave me to the Parish of Glendermott. Sir William Anderson Rose, Governor; Francis Wyatt Truscott, Esq., Deputy Governor, 1867.”

The Society ordered the new hall, in connection with the Young Men’s Christian Association, Londonderry, towards the erection of which the Society had liberally contributed, to be enclosed with a suitable iron railing, at a cost to the Society of £100.

November 22nd.—The Society voted grants to the Derry Corporation of £700 to defray the expense of covering the streams supplying the reservoirs of the public waterworks at Derry, and of £1,000 to assist in the erection of a new market in that city.

The Society agreed to provide an Organ for the new church at Culmore.

Upon an application from the Town Commissioners of Coleraine the Society’s grant of £10,000 towards the removal of the Bar at the mouth of the River Bann (page 61) was varied by appropriating £3,000 to assist in deepening the River, the Commissioners

having decided to carry out that portion of the work first.

November 26th.—The Derry Corporation forwarded a vote of thanks to the Society for the reception accorded to them by the late visitation and for the prompt manner in which the wishes of the Corporation as regards the waterworks and markets had been met. The Town Commissioners of Coleraine also forwarded a Resolution, passed by them, thanking the Society for the assistance promised towards the dredging operations in the River Bann.

December 17th —The Royal Agricultural Society of Ireland having arranged to hold their Annual Show in Derry, in August, 1868, the Society voted £100 towards the general expenses, and a Silver Cup of the value of £50 for the best collection of Agricultural Implements.

1868. January 28th.—Application having been made to the Society for assistance to enable certain extensive repairs to be carried out at Foyle College, the Court considered that before complying with any such request the Society should have some voice in the management of the College, and also deemed it desirable in the interests of the inhabitants of Derry that the education afforded should no longer remain exclusively classical, but that opportunities should be offered for properly instructing youths destined for commercial life.

With this view a scheme was prepared for the approval of the Bishop, Dean and Chapter of Derry, in whom the College was then vested, which provided, *inter-alia*, for

the Society being represented on the Board of Management, and for the establishment of a Commercial Department, and the Court agreed, in the event of this scheme becoming operative, to largely increase the annual grants to the College, to provide accommodation for the Commercial Department, and to recoup the Head Master for expenses he had incurred in repairs, &c., to the building to the extent of £1,000. Before, however, this scheme had received the full sanction of the authorities the Irish Church Act was passed, and the Bishop, as a Corporation sole, and the Dean and Chapter, as a Corporation aggregate, ceased to exist, so that there was no longer any legally constituted body who could deal with the question; notwithstanding this, however, the Commercial Department was established and supported by the Society, and the grant referred to paid to the Head Master and eventually, as will be seen hereafter, the management of the College was, by a special Act of Parliament, placed on a more satisfactory footing.

May 26th.—The Society purchased, at a cost of £1,000, their lessees' interest in a house at Culmore, for the purpose of providing a residence for the Incumbent of the new Church there.

October 20th.—Complaints having been made by the Fishery Lessees that poaching was being carried on in the River Foyle by several of the Society's tenants, notices were served upon each one suspected, warning them against such illegal practice.

A vote of thanks for providing the new reservoir and a supply of water to the inhabitants of Culmore was presented to the Society.

The Society agreed to assist in the erection of a boundary wall round the new Culmore Church.

November 23rd.—The Society, finding that gravel and shingle had been removed from the shores of Lough Foyle to the injury of properties abutting upon the Lough, issued a notice warning parties against such encroachments, and stating that the General Agent would grant permission for removal of gravel, &c., from those parts of the shore where it would not cause injury to the adjoining properties.

1869. February 8th.—The Society entered into an arrangement for purchasing up sundry rights of fishing claimed by certain parties in the River Bann above the Cutts at Coleraine, which resulted in their becoming undisputed owners of the whole fishery in the Bann from Lough Neagh to the Sea.

March 9th.—Mr. Maguire, M.P. for Cork, gave notice of motion in the House of Commons, as follows, viz. :—

“That an humble address be presented to Her Majesty that she will be graciously pleased to issue a Royal Commission to enquire into the management of the Estates of the Irish Society and the London Companies, with a view to consider whether, in these times and under existing circumstances, it might not be advisable for the public interest to recommend the annulling of the Charters of

said London Companies and the sale of their Estates, with the right of preemption to the occupying tenants."

This motion Mr. Maguire subsequently withdrew and substituted, in lieu thereof, the following, viz. :—

"That an humble address be presented to Her Majesty praying that she will be graciously pleased to issue a Royal Commission to enquire into the manner in which the Irish Society administer the property which, according to their own admission in their Law Suit with the Skinners' Company, they hold as Trustees for the benefit of their trust, and to consider whether, under a totally different state of circumstances from those in which the Society had their origin, it would not be advisable to carry into effect the recommendation of the Royal Commission of 1854 on the Corporation of London, &c."

April 13th.—This Motion was brought forward on April 13th, and after a long debate thereon, which lasted nearly six hours, was, upon the suggestion of the Government, withdrawn.

July 27th.—The Society consented to certain alterations being made at the Cutts, a fishing station on the River Bann, near Coleraine, as suggested by the Fishery Inspectors, and a letter was subsequently received from that body thanking the Society for so cordially co-operating with them in such work.

The office of Water Bailiff was discontinued, the fishery lessees being bound by the terms of their lease to efficiently protect the Society's fisheries.

October 14th.—The Society granted £1,000 to assist in the erection of a suitable building for the London-

derry Academical Institution, which was founded in 1868 for the purpose of preparing boys for college and mercantile pursuits. The Society had previously offered a grant of their interest in any site upon their property which might be selected for this building, but a suitable one could not be obtained on the Society's estate.

November 23rd.—In consequence of the passing of the Irish Church Act, the Society was deprived of the Advowson of Coleraine, the only living left in the Society's hands. Application was accordingly made to the Irish Church Commissioners for compensation in respect thereof, which was subsequently granted.

1870. January 17th.—The Society agreed to extend the term of building leases from '80 to 99 years in cases where the outlay contemplated was deemed adequate.

May 24th.—The Lords of the Admiralty having decided to withdraw the Coastguard Station from Culmore, it was agreed to accept from them a surrender of the lease of the houses originally built by the Society for the accommodation of the Coastguardmen, and arrangements were made for two of the houses being used as a Constabulary Station.

October 7th.—The Society granted assistance to the Derry Free Episcopal Church towards liquidating a debt incurred in the erection of an Organ.

The Society granted during pleasure £60 per annum towards the fund for maintaining the fabric of Londonderry Cathedral.



The Society ordered grants to assist in the erection of railings around the First Presbyterian Church, and the Waterside Presbyterian Church at Londonderry.

November 22nd.—In reply to a memorial from the clergy and congregation of Coleraine Parish Church, the Society agreed to grant £200 towards the erection of a School House in connection with that Church.

1871. March 28th.—The Society made arrangements with the Irish Church Temporalities Commissioners, under the provisions of the Irish Church Act of 1869, for extinguishing the Tithe Rent Charges, paid annually by them, on their estates by fixed annual instalments extending over 52 years.

The Society granted a sum of £200 per annum, for three years, towards the general expenses of Magee College, conditional upon the full number of Professors' Chairs being maintained out of the other funds available for the purpose.

The Society granted a donation of £100 to the Coleraine Academical Institution.

April 25th.—The Society contributed towards the rebuilding of the Chapel of Ease, Derry.

June 27th.—The Society voted a sum of £30 to be paid annually during the pleasure of the Court, for the purpose of maintaining the fabric of Coleraine Parish Church.

October 3rd.—The Society granted £120 for the erection of a Labourer's Model Cottage on the Culmore Estate.

November 20th.—The Society granted a retiring pension of £60 per annum to the Head Master of the Society's Schools, Coleraine.

April 23rd.—A deputation from the Society was appointed to wait upon the Secretary of State for War, with a view of inducing the Government to select Londonderry as a Military Centre.

The Society agreed to improve Hanover Square Gardens, on the banks of the River Bann, at Coleraine, and arrangements were entered into to provide for their future preservation, the Society granting a sum annually for this purpose.

November 5th.—It having been reported that in various parts of the lands granted by the Crown to the Society and by them divided amongst the London Companies, there existed valuable Mines of Coal and Iron, capable of being worked to profitable advantage, the Society directed letters to be sent to those Companies still holding Estates in Ireland, drawing their attention thereto.

The Society made a grant of £100 to the Coleraine Academical Institution, in addition to their endowment. This additional assistance was continued annually for some time.

November 26th.—By the death of the Fourth Marquis of Londonderry, the leases of several valuable properties reverted to the Society, and the various Holdings were re-let on a re-valuation to the occupying tenants.

1873. January 28th.—The Society granted a further sum of £200 to the Londonderry Academical Institution, in addition to the previous grant of £1,000.

February 11th.—The Society entered into arrangements with the lessees of the Foyle and Bann Salmon Fisheries, for a renewal of their lease at an increased rent of £5,000 on the condition of their taking steps to establish Oyster Culture in Lough Foyle, a rent being reserved for all portions of the Lough taken for this purpose, and a Royalty on the sales or percentage on the profits as the Society might determine.

March 4th.—The Society appointed a deputation to wait upon the Chief Secretary for Ireland with reference to certain alterations in the fishery laws, which it was considered desirable to obtain.

March 21st.—In a trial on appeal, before Baron Dowse, at the Londonderry Assizes, the Society's rights to the whole fishery in the River Bann, from Lough Neagh to the Sea, were most satisfactorily established; this was an appeal from the decision of the Coleraine Bench of Magistrates, who held that the use of the fixed net at the Cranagh on the River Bann was illegal, and necessitated the proving by the Society of the existence of a several fishery in the whole of that river prior to *Magna Charta*. The Judge, in deciding in favor of the Society, concluded by saying that there never was a clearer case proved in court, and the decision of the Magistrates was reversed.

May 27th.—The Society provided a new boat for the ferry at Culmore Point, they having undertaken the working of this ferry.

May 29th.—The governorship of the Society, having become vacant by the resignation of Alderman and Colonel Sir W. A. Rose, who had filled that office during the past ten years, the Court of Common Council appointed the Right Honorable Sir Sydney Hedley Waterlow, who was then Lord Mayor, as his successor.

June 25th.—The Irish Church Act having deprived the various parishes of their glebe houses, subject however to a right in the church bodies to repurchase the same at a fixed rate, application was made to the Society for assistance towards purchasing the Deanery House, Londonderry, as the Glebe House of the parish of Templemore, in which is included the entire city of Derry, and one hundred and fifty guineas was granted towards this object.

July 22nd.—The Society granted £105 towards a fund being raised for the relief of certain poor fishermen in Ireland.

October 1st.—The Society made a grant of £100 to assist in purchasing the Glebe House and land for Killowen Parish Church.

The Society granted £150 per annum, for three years, towards the general expenses of Magee College.

The Society ordered the tombs erected in Glendermott Churchyard, in memory of Colonels Mitchelburne and Murray, the two English officers who distinguished

themselves in the defence of Derry during the siege, to be repaired at the expense of the Society.

The Society resolved to lease the Culmore Ferry to the lessees of the salmon fisheries with a view to assisting in the protection of Lough Foyle from poachers.

The Society granted assistance towards purchasing a new organ for St. Augustine's Chapel of Ease, Derry.

1874. January 27th.—The Society resolved to communicate with the Government and the Bishop of Derry, with a view of obtaining such legislation respecting Foyle College as would place it on a proper and satisfactory footing, and afford the Society that representation in its management which it was considered right it should possess, bearing in mind the large contributions annually granted towards the support of that Institution.

March 24th.—The Society ordered petitions to be presented to Parliament against the Londonderry Port and Harbour Bill; and a bill introduced by the Belfast and Northern Counties Railway Company. The petition against the former bill was subsequently withdrawn, a satisfactory arrangement being entered into with the Commissioners, by which the Society made a further free grant of valuable land for the extension of the quays, and for ship-building, timber ponds, and other harbour purposes.

The Society granted assistance towards repairing the Organ in Londonderry Cathedral.

June 24th.—The Society made a contribution of £50 towards the extinction of the debt remaining on the Congregational Church, Coleraine, towards the erection of which the Society had liberally contributed.

A bill was prepared for the purpose of placing Foyle College on a satisfactory footing, and providing a new Governing Body, consisting of the Bishop of Derry, the Governor, and Deputy Governor of the Society, the Moderator of the General Assembly and the Mayor of Derry; the appointment of Head Master being vested in the Bishop and the Governor, subject to the Lord Lieutenant's approval. By the valuable assistance of Sir M. H. Beach, Bart., M.P., the Chief Secretary for Ireland, this Bill passed into an Act during the session of 1874.

August 21st.—The members composing the visitation accompanied the Londonderry Port and Harbour Commissioners on the occasion of their Annual Inspection of the Port, and were entertained by that body at a banquet in the evening.

October 6th.—The Society made a grant of £105 to the Londonderry Wesleyan Methodist Congregation towards the discharge of a debt incurred in enlarging their place of worship.

The Society contributed £100 to assist in enlarging and repairing the Hall in connection with the Young Men's Christian Association, Derry.

The Society voted £200 towards the erection of the Apprentice Boys' Memorial Hall in Derry, which it was

proposed to erect as a memorial of the gallant services in the cause of civil and religious liberty, of the Apprentice Boys who closed the Derry Gates on 7th December, 1688, and as a Working Men's Club.

The Society made a grant of £1,000 for the purchase of Land for a Cemetery at Coleraine, on condition that it would be open for the burial of persons of all denominations.

October 26th.—The Society agreed to subscribe towards the cost of obtaining an Act to authorise the construction of a Railway between Maghera and Coleraine, which it was believed would materially add to the prosperity of the latter town.

November 24th.—The Society afforded assistance towards the establishment of a School of Art in Derry.

December 22nd.—The Society subscribed towards a fund being raised for the relief of poor Fishermen in Ireland.

1875. January 26th.—The Society made a grant of £200 towards repairing and improving Coleraine Parish Church, and purchasing a new Organ.

The Royal Agricultural Society having arranged to again hold their Annual Show in Derry, the Society contributed £100 towards the general expenses, and voted £50 for Prizes to be competed for on that occasion.

February 9th.—The Society provided additional accommodation at Coleraine Schools, and improvements in connection with the Playground, &c. were carried out, at a cost of upwards of £1,000.

April 27th.—The Society agreed to purchase from the Irish Church Temporalities Commissioners the head rents of the land in rear of Foyle College, and also the land forming the site of that building, for upwards of £700, on the terms of one quarter of the purchase money being paid down, and the remainder, with interest at 4%, being distributed over a period of 32 years. These rents were formerly paid by the Head Master, but the Society, on becoming the purchasers, consented to allow the lands to be held for the use of the College, rent free.

The Society granted a retiring allowance to the Master of Culmore Schools, a similar allowance being made by the National Board of Education.

July 27th.—The Society granted additional assistance to the extent of £100 towards the Salaries of the Masters at Foyle College.

Upon the motion of Mr. Lewis, M.P. for Derry, a return was ordered to be made to the House of Commons of the receipts and expenditure of the Society from 1865 to 1875, and copies of orders, and general resolutions having reference to granting leases since 1820.

October 5th.—The Society increased the annual grants to Londonderry Cathedral, and £300 was voted for the restoration and general repair of the building.

The Society assisted in the purchase of a Glebe House and Land for the Parish Church of Clooney, Londonderry.

The Society agreed to grant £210 annually to the Londonderry Academical Institution, to be devoted



towards payment of Masters' Salaries and the granting of two Exhibitions, and the Society relinquished all right to 24 free nominations, to which their previous grant of £1,200 towards the Building had entitled them.

The Society made a grant for three years of £25 per annum towards the support of the Londonderry School of Art, recently established in that city.

The Society granted further assistance towards the incidental expenses of Magee College.

With a view to assist the Coleraine Town Commissioners in providing a better supply of water for the inhabitants of Coleraine, the Society resolved to grant a sum of £2,500, to be paid in annual instalments of £500.

It having been found necessary to increase the market accommodation at Coleraine, the Society granted the Town Commissioners a site for the purpose, at a nominal rent.

December 23rd.—A letter was received from the Bishop of Derry thanking the Society for the assistance granted to the Cathedral, in which his Lordship stated that the generosity of the Society had never, in his experience, failed, when a worthy object for its exercise had been presented.

Vote of thanks from the Coleraine Town Commissioners for the assistance granted towards improving the Water supply and Market accommodation was forwarded to the Court.

1876. January 25th.—The Society granted further assistance towards the enlargement and restoration of the Parish Church, Coleraine.

The Society's attention having been drawn to the dilapidated condition of several small dwellings on the Culmore Estate, the Court resolved to erect six model cottages, at a cost of upwards of £860.

The Society again had under consideration the question of freeing Derry Bridge from toll, and made an offer to the Bridge Commissioners, to pay a large proportion of the cost thereof, in relief of the proportion which the city of Derry undertook to pay when the Bill for this purpose was introduced into Parliament in 1867, but the Commissioners did not favourably entertain this proposal.

29th February.—The Society ordered returns to be forwarded to the House of Commons of the receipts and expenditure of the Society for 1875-6; also of the detailed particulars of the total receipts of the Society for 1866.

26th April.—An address, signed by 150 of the leading inhabitants of Coleraine, was presented to the Court, expressing their confidence in the Society, and their appreciation of the liberal assistance afforded by the Society to public improvements, and religious and educational institutions in the town and neighbourhood of Coleraine.

9th May.—Mr. Lewis, M.P. for Londonderry, had purposed, pursuant to notice given, to bring forward

in the House of Commons the following motion, viz. :—

“That, in the opinion of this House, it is expedient to carry out substantially the main recommendations of the Royal Commission of 1853, with reference to the Irish Society of London, and that a select committee be appointed to consider and report as to the best mode of doing so, having regard to existing circumstances.”

Petitions against this motion were presented by the various Livery Companies, and also by the inhabitants of Londonderry and Coleraine, and at the last moment Mr. Lewis signified his intention of deferring his motion to some future time.

3rd October.—The Society granted assistance towards repairing the first Presbyterian church at Glendermott, and the erection of a Temperance Hall at the Water-side, Londonderry.

The Society made grants to assist in purchasing the glebe house and lands in connection with Faughanvale parish church, and also the house and land occupied by the minister of Faughanvale Presbyterian Church.

The Society contributed towards the cost of erecting a Sunday School and Lecture Room in connection with the Londonderry Free Church.

The Society voted a grant of £200 towards providing a new church and schools for the fourth Presbyterian Congregation, Londonderry.

The Society granted further assistance to Magee College towards defraying the general expenses.

The members, on their return from visiting the Society's estates, reported to the Court the result of an interview had with several of the leading inhabitants of Derry on the subject of freeing Londonderry Bridge from toll, and, after a very full consideration of the matter, the Society resolved to assist in this important undertaking by contributing one-half the cost of freeing the bridge, except for railway traffic.

The Society made a conditional grant towards repairing the monument erected to the memory of the Rev. George Walker, governor of the city of Derry during the siege of 1688-9.

The Society granted assistance towards liquidating a debt remaining on the Waterside Presbyterian Church.

The Society voted £200 towards enlarging the Coleraine Academical Institution.

A memorial was presented by the Coleraine Town Commissioners, asking for assistance in carrying out improvements to the navigation of the river Bann by the removal of the Sand Bar at its mouth upon a plan proposed by Sir John Coode, C.E., viz., the erection of two piers at the mouth of the river, and the completion of the dredging of the ford, which it was estimated would cost upwards of £55,000, and the Court agreed to contribute £1,000 per annum, for 25 years towards the carrying out this great public improvement, conditional upon the Commissioners obtaining an Act of Parliament enabling them to procure a loan from the Treasury, and satisfactorily proving their ability to

raise such further monies as the Government might require them to raise.

A resolution passed at a meeting of the Derry Bridge Commissioners was forwarded to the Society accepting, with thanks, the liberal offer made by the Court to pay one moiety of the cost of freeing the bridge from toll.

31st October.—The Society agreed to contribute £200 towards the expenses connected with the introduction of the necessary Bill into Parliament for carrying into effect the proposed scheme for freeing Londonderry Bridge.

The Society agreed to assist in the promotion of a Railway from Stranorlar to the town of Donegal.

The Society made grants towards the erection of a Sunday School House, etc., in connection with the Terrace Row Presbyterian Church, Coleraine, and an Infant School-room and Care-taker's residence for the Second Presbyterian Church in that town.

28th November.—The Society took steps to provide for the insertion of such clauses in the proposed Bill for freeing Derry Bridge, as would afford greater facilities to the Society for raising their moiety of the amount required.

The Coleraine Town Commissioners forwarded a vote of thanks for the promised grant towards the improvement of the Navigation of the River Bann.

The Fishery Inspectors issued a notice of a meeting to enquire into the propriety of granting a license to a

Mr. Cochrane, to plant an Oyster Bed in Lough Foyle, but, upon the Society representing that no application had been made for the Society's consent to such an arrangement, as required by law, the Inspectors declined to hold such meeting.

19th December.—A report from a Special Committee appointed with reference to Foyle College was presented to the Court, and upon consideration thereof the Society resolved to purchase, for the use of the College, the furniture belonging to the Head Master.

1877. 23rd January.—Mr. M. C. Hime, M.A., was appointed Head Master of Foyle College, and the Society agreed to put the College Buildings in proper tenantable repair, provide accommodation for the Head Master in the Building, erect an Infirmary, and considerably increase, for a period of eight years, the grants annually made towards the support of the College. The cost of these works amounted to upwards of £1,600.

27th February.—Mr. C. E. Lewis, M.P. for Londonderry, pursuant to notice, brought forward in the House of Commons the following motion, viz :—

“To call attention to the constitution of the Irish Society of London and the management of its income and property, and to move that a select committee be appointed to enquire into the constitution, management, and annual expenditure of the Irish Society of London ; and further to report as to what, if any, changes can be made in the governing body or the mode of administration, in order to secure a more economical and advantageous application of the property, or whether such result can be best attained by placing the property in the hands of public trustees resident in Ireland.”

The Governor (Ald. Sir S. H. Waterlow, Bt., M.P.) replied to Mr. Lewis on behalf of the Society, and after a debate lasting several hours, upon a division being taken, the motion was declared to be lost by a majority of 55, in a House of 165 Members. On this occasion an interesting speech, in opposition to the motion, was delivered by the Chief Secretary for Ireland (Sir M. Hicks Beach, Bt., M.P.), a copy of which will be found in the appendix.

29th May.—With a view to enable the Coleraine Town Commissioners to raise a Loan from the Government for the completion of the Navigation works in the River Bann, the Society consented to a guarantee rating of  $2\frac{1}{2}$ d. in the pound, over the liberties of Coleraine.

26th June.—The Society voted £200 towards liquidating a debt remaining on the Londonderry Academical Institution.

24th July.—To provide for the payment of the grant promised by the Society for freeing Derry Bridge, it was resolved to raise £40,000 by the issue of debentures of £100 each, at 4%, at a minimum price of £95, repayable by annual drawings of £1,000; the tenders subsequently received amounted to £60,000, at prices ranging from £95 to £100.

In carrying out the improvements at Foyle College it was found necessary to utilise, for School purposes, those portions of the building hitherto used as a Chapel and Diocesan Library, and the Society agreed to grant £100 per annum, for five years, towards the expense of

providing suitable accommodation in the city for the Library, on the understanding that it should be open to the general public, subject to rules, &c., to be approved by the Society.

4th October.—The Society afforded further aid to the Derry Free Episcopal Church towards the extinction of a debt on the building ; and a further contribution was made towards the support of the Derry School of Art.

The Society made a grant towards repairing the National School house in connection with Killowen parish church.

The Society voted £100 to the head master of the Coleraine Academical Institution, he having sustained considerable pecuniary loss through the outbreak of fever in the School ; liberal grants were also made to the funds of that institution.

October 23.—The Society ordered notice boards to be erected at Culmore, warning parties against removing gravel or sea wrack from the shore without the Society's permission.

27th November.—The Court resolved that religious education should be conducted in the Society's schools at Coleraine, and that the clergy of each denomination should be allowed to instruct the children attending their respective places of worship during the hour specially set apart for religious teaching in the various schoolrooms to be allocated for that purpose.



The Society promised a grant of £50 to the Society's Professor at Magee College, on condition of his giving a course of lectures on Physical Science, to be open to the public under regulations to be approved by the Court.

An invitation was forwarded by the Derry Bridge Commissioners to the Society to be present at the ceremony of opening the bridge toll free, and at a public banquet arranged to take place on 1st January, 1878; and a deputation was appointed to accompany the Governor and Deputy-Governor on that occasion, the Governor being subsequently invited to take the leading part in the ceremonial.

1878. 1st January.—The deputation appointed to take part in the ceremony of freeing Londonderry Bridge, consisting of the Governor; John Staples, Esq., Alderman and Sheriff; W. E. Baxter, Esq., J. H. Skilbeck, Esq., and Joseph Beck, Esq., attended at Londonderry, and on the morning of January 1st, 1878, proceeded to the Corporation Hall, when a procession was formed, headed by the Governor, the Chairman of the Bridge Commissioners, and the other members of the Deputation. On arriving at the bridge, the Secretary to the Commissioners handed a silver key of the gate to the Governor; and read an address, to which the Governor suitably replied; and then, amidst much cheering from the assembled crowd, the Governor, having paid the last toll, opened the gates and declared the bridge free. Crossing over

the bridge to the Waterside, the procession returned by the under roadway to the Corporation Hall, where in the evening a grand banquet was given by the Commissioners, the chairman (S. M. Alexander, Esq., J.P., D.L.) presiding, who, in proposing the health of the Governor, tendered the Society the sincere thanks of the Commissioners and citizens generally for having so heartily co-operated in the work which had achieved the important object of freeing the bridge by the munificent grant of half the sum required, amounting to nearly £40,000.

26th March.—Mr. C. E. Lewis, M.P., having moved in the House of Commons for a return of the receipts and expenditure of the Society for the years ending 1877 and 1878, and detailed return of the sum spent for public improvements, &c. These returns were laid before the House, and ordered to be printed.

The Society consented, upon the receipt of a memorial from the Coleraine Town Commissioners, to alter the terms of the promised grant of £25,000 for the improvement of the navigation of the River Bann, and to increase it to £30,000, to be paid, on certain conditions, by instalments not exceeding £6,000 per annum.

1878. 28th May.—The Society took steps to improve the water supply at Culmore, at a cost of about £400.

23rd July.—The Society agreed to continue the supplemental grants for some years past made to the Coleraine Academical Institution towards the support of

the Head Master and the liquidation of the debt existing on the building, &c.

4th October.—The Society granted assistance towards the erection of a railing round the burial ground belonging to St. Augustine's Chapel of Ease, Londonderry.

Assistance was granted towards the enlargement of the National Schools at the Waterside, Derry, in connection with the Roman Catholic Chapel.

An additional grant of £100 per annum for three years was made to the Londonderry Academical Institution for incidental expenses.

Further aid was afforded the Magee College by a supplemental grant of £100 for incidental expenses.

The Society contributed £50 towards the liquidation of the debt on the Londonderry School of Art

The Society agreed to continue the grant of £50 to Professor Leebody in consideration of his delivering a course of lectures on Physical Science. These lectures have now been discontinued.

Improvements and repairs were ordered to be carried out at the Society's schools, Culmore.

The main drain running through the centre of the Culmore property was repaired at the expense of the Society.

A grant of £35 per annum was made to the Model School, Coleraine, for prizes and Scholarships, and for the Science and Art classes in connection therewith.

26th November.—A report was laid before the Court as to the terms of the agreement between the Society and the Coleraine Town Commissioners, subject to which the Society's grant of £30,000 for the Navigation Works in the River Bann should be made, and it was agreed that a body, to be called "The River Bann Navigation Commissioners," should be appointed to carry out the works in lieu of the Coleraine Town Commissioners.

1879. 21st January.—The Coleraine Harbour Commissioners having applied for Parliamentary powers to enable them to carry out the proposed Navigation Works in the River Bann, steps were taken to protect the Society's interests and to obtain a clause in the Bill providing for the raising the sum of £30,000 which the Society had agreed to grant towards these works.

The Society subscribed towards a testimonial, to be presented to H.R.H. the Duke of Connaught on the occasion of his marriage.

The Society agreed to enlarge the school-house at Ballougry.

11th February.—Assistance was granted towards a fund raised for the relief of the extreme destitution existing in Coleraine and neighbourhood.

29th April.—Additional class-room accommodation was provided in the Society's schools at Coleraine.

The Society contributed towards the cost of providing a bell and erecting a railing round the Free Church, Derry.

It was resolved to convert the old Molenan School-house into small cottages suitable for Farm Labourers; this school having been closed since the erection of the new building at Ballougry.

7th October.—Proceedings were taken by the lessees of the Salmon Fishery against certain parties for fishing in the River Faughan, a tributary of the Foyle, and one of the principal breeding rivers; the result being that the Society's title to the fishing in this river to the extent of the tidal waters was upheld.

1880. 27th January.—Information was received from the Coleraine Town Commissioners that they had resolved to give a free supply of water to the Society's schools, as a small token of their appreciation of the generous grant made by the Society towards the expenses connected with the Coleraine Waterworks.

2nd March.—With a view to establishing shipbuilding in Derry, the Society informed the Port and Harbour Commissioners that in the event of private parties or a Shipbuilding Company with adequate capital entering into a provisional agreement to take a lease of the graving dock and a portion of the reclaimed lands for shipbuilding purposes on terms to be approved, the Society would be willing to co-operate with the Commissioners in obtaining the necessary Act of Parliament to confirm such agreement.

27th July.—Grants to be continued during the pleasure of the Society were made to the new Roman Catholic College at St. Columbs, Londonderry, to

supplement the salaries of the Classical, English, and Junior English teachers.

The Society increased their grant to the Coleraine Model School to enable the infant department to share in the general distribution of prizes.

5th October.—A supplemental grant of £150 per annum for three years was voted to the Magee College for incidental expenses.

The assistance granted to the Derry School of Art was continued for a further period of three years, and in addition a further sum of £25 granted for prizes.

The Recorder's Court at Derry having been merged in the County Court Judgeship, the Society, upon the application of the Derry Corporation, agreed to continue payment of the sum of £200, which, since the year 1848, had been allowed towards the support of that Court, the same to be employed for public improvements, thereby making in all £700 per annum allowed the Corporation for this purpose.

1880. 5th October.—The Society contributed towards the liquidation of a debt existing on the parish church of Glendermott.

A special grant of £25 was voted to the Ladies' Collegiate School for prizes.

It was agreed to increase the supplemental grant to the Londonderry Academical Institution.

The Society's schools at Coleraine were provided with all the necessary appliances for conducting classes for instruction in Physical Science

Assistance was granted the Coleraine Academical Institution towards the erection of a hospital and improving the ventilation of the school premises.

It was agreed to contribute towards the extinction of a debt upon the first Presbyterian Church at Coleraine.

26th October.—A special grant of £25 for Prizes was voted to the School conducted by the Misses Holmes in Londonderry.

23rd November.—Assistance was granted the Coleraine Terrace Row Presbyterians towards the cost of heating and ventilating their Church.

20th December.—The Society agreed to contribute towards the expense of applying to Parliament for an Act to authorise the construction of a railway between Londonderry and Moville.

1881. 25th January.—The attention of the Court was drawn to a memorial alleged to have been signed by 22,000 Ulster tenants, and recently presented to the Chief Secretary for Ireland, pointing out certain difficulties they considered themselves under in the then state of the Land Laws; and the Society, with a view to remove so far as their tenants were concerned, any feeling of insecurity as described in such memorial, resolved that as regarded all Agricultural Tenancies at will, no revaluation should be made of any holding until after at least 21 years had elapsed since the last valuation, or such other period as the Land Bill pro-

posed to be introduced by the Government might enact. The tenant to have free liberty to dispose of his holding to any eligible tenant, the right of pre-emption at market value being reserved to the Society, and any dispute as to rent, etc., to be referred to arbitration.

Assistance was granted towards a fund being raised to provide coal for the poor of Coleraine.

22nd March.—About this time several important town properties in Derry and Coleraine reverted to the Society, and it was agreed in all cases where practicable to deal with the tenants in occupation. As regarded the greater portion of this property, owing to the bad state of repair into which the buildings had been suffered to fall, it was found necessary to rebuild; and building leases in perpetuity at fair ground rents were offered the tenants upon their erecting suitable buildings in accordance with plans and specifications to be approved by the Society, and the liberal terms thus offered resulted in a better class of building being erected, and several of the leading thoroughfares in the City of Derry presented a marked improvement.

Repairs to Ballougy School were ordered to be carried out at the expense of the Society.

3rd May.—The Irish Land Bill having been introduced into the House of Commons, the Court empowered the Governor and Deputy-Governor to take such steps as might be deemed necessary to protect the Society's interests. This Bill, which eventually passed



the House, intituled The Land Law (Ireland) Act, 1881, “practically conceded what is known as the three “F”s—fair rent, fixity of tenure, and free sale. The “fair rent was secured by empowering the tenant at “will to appeal to a Land Court to fix a fair rent, “which once fixed was to remain unchanged for 15 “years. Fixity of tenure was obtained by forbidding “evictions so long as the rent was paid and certain con- “ditions observed, and free sale of his holding was con- “ferred on a tenant so long as he produced a solvent “purchaser. The landlord was, therefore, reduced to “little more than the owner of a rent charge, with a “right of pre-emption, *i.e.*, a right of buying back his “own land from his own tenant (exercisable only in “the event of that tenant breaking the conditions of “his tenancy) by paying a heavy fine. Moreover, in “order to enable the tenant to purchase out his land- “lord, he was empowered to borrow three-fourths of “the money from the British taxpayer on easy terms, a “power which has recently been extended by Lord “Ashbourne’s Act of 1885, so as to enable him to “borrow the entire purchase-money, on the landlord “making a deposit by way of guaranteeing the tenant’s “solvency.”\*

Subsequently, as will be found recorded hereafter, another Land Law (Ireland) Act was passed, confer-

\* The Irish Land Question, considered Historically and Economically, by Sir J. Whittaker Ellis, Bart., M.P.

ring similar advantages upon Agricultural Leaseholders, and at the present time, with but few exceptions, all the Agricultural tenants on the Society's estates hold under Judicial Agreements at reduced rents, settled either by the Land Commissioners or by mutual arrangement out of Court.

The Society subscribed to a fund being raised for the relief of the families of some fishermen, who had been drowned in Donegal Bay.

In compliance with an order from the House of Commons, which had been passed on the motion of Mr. C. E. Lewis, M.P., a return of the receipts and expenditure of the Society for the years ending February, 1879, 1880, and 1881 was printed and laid upon the table of the House.

28th June.—It was resolved that the money required to meet the Society's grant of £30,000 for the Bann Navigation Works, should be raised by Bonds bearing interests at 4 per cent, in a similar manner to that adopted when the amount required for freeing Derry Bridge was obtained.

26th July.—The Society had under consideration a resolution passed at the Court of Common Council, to the effect that in the opinion of that Court it was desirable that some portion of the Society's funds should be applied for the purpose of developing the Fisheries on the southern and western coasts of Ireland, and a Special Committee appointed by the Common Council attended

at the Irish Chamber, and had a long conference with the Society upon this matter, and they were informed that the Society did not consider themselves justified in taking any steps to vary the destination of the funds entrusted to them.

1881. 26th July.—The Society contributed £100 towards the enlargement of the Coleraine Parish Church Schools.

Several important sites in the City of Derry, suitable for building purposes, having reverted to the Society, an advertisement was inserted in the local papers to the effect that the Society were prepared either to sell the freeholds or grant leases in perpetuity to parties desirous of building.

At the request of the Lessees of the Society's Fisheries, application was made to the Chief Secretary for Ireland for a gun-boat to be sent to Lough Foyle for the purpose of protecting the Inspectors and Waterbailiffs in the discharge of their duties; and a cruiser was ordered to be sent to Lough Foyle to make enquiries.

4th October.—With a view to improving the education of girls in Derry and Coleraine, the Society agreed to establish two Scholarships of £50 per annum, tenable for three years at Girton College, Cambridge, to be competed for by girls educated in the City of Londonderry and the Town of Coleraine, which grant was subsequently altered to one Scholarship of £100 per annum.

£200 were granted to the Derry Fourth Presbyterian Congregation to assist them in erecting Day and Sunday Schools in connection with their Church in Carlisle Road.

An allowance of £50 per annum for three years was granted to the Society's Professor at Magee College, in lieu of providing a residence for him.

A grant of £200 was voted towards the enlargement and improvement of the Free Church, Derry.

The Society had under consideration the question of providing a People's Park in Derry, the late Mr. Jas. Brooke (an old inhabitant) having bequeathed a sum of about £10,000 for that purpose, subject to the life interest of his sisters, who, it appeared, were prepared to surrender their interest and grant a large sum in addition, provided a suitable site could be obtained; and it was agreed to offer to the Londonderry Corporation, as trustees for the public, some 50 acres of land at Pennyburn, the lease of which had recently expired, on condition that they purchased up the tenant's interest, properly laid out the ground, and obtained an Act of Parliament to enable them to efficiently maintain the park. After lengthy negotiations, however, the Corporation failed to come to terms with the tenant in occupation, and subsequently the Society's offer was declined.

1881. 4th October.—A grant was made to the Terrace Row Presbyterians, Coleraine, to assist in liquidating a debt incurred in the erection of Schoolrooms in connection with their church.

20th December.—The Society contributed towards the cost of erecting a Schoolhouse for the Parish of Clooney, Waterside, Londonderry.

1882. 24th January.—The Londonderry Port and Harbour Commissioners having introduced into Parliament a Bill for acquiring powers to carry out certain works in the Foyle, which would seriously interfere with the Salmon Fisheries in Rosses Bay, etc., it was deemed necessary for the protection generally of the Society's interests to present a petition against such Bill. Satisfactory arrangements, however, were subsequently arrived at with the Port and Harbour Commissioners, providing *inter alia* for a free grant to the Commissioners of so much of the shore of Lough Foyle as was required for the extension of the quays, and the petition was withdrawn, the Bill passing unopposed.

28th March.—Rossnagallagh National School was enlarged at the expense of the Society.

25th April.—Arrangements were made for adopting the Kindergarten system in the Infant Department of the Society's Schools at Coleraine.

1882. 25th April.—Assistance was granted towards the cost of improving and repairing the Coleraine Parish Churchyard, and the Culmore Parsonage.

23rd May.—The Society agreed to set back the frontage of several houses in Foyle Street, Derry, which had fallen out of lease.

27th June.—The Society granted further assistance towards the improvement and enlargement of Christ Church, Derry.

9th August.—The works referred to as being carried out at the mouth of the River Bann, in order to improve the navigation of the river, having been completed, the Visitation of the Society took part in the unveiling of the Memorial Stone, which had been placed near the entrance of the river.

Sir Hervey Bruce, Bart., in presiding on that occasion, stated that the stone was intended to bear testimony to the kindly consideration and munificence of the Society towards the people of Coleraine. The inscription placed upon the stone is as follows:—

“ This stone has been placed by the Coleraine Harbour Commissioners to commemorate the gift by the Hon. The Irish Society of the munificent sum of £30,000 towards the two moles and other works for the improvement of the navigation of the River Bann, estimated at a total cost of £66,000. Irish Society : Sir S. H. Waterlow, Bart., M.P., Governor ; W. C. Simons, Esq., Deputy-Governor ; Durie Miller, Secretary. Harbour Commissioners : Sir H. H. Bruce, Bart., M.P., Chairman ; Joseph Cuthbert, J.P., Deputy-Chairman ; W. Eccles, Clerk ; Sir J. Coode, Engineer-in-Chief ; J. C. Coode, Executive Engineer ; George Lawson, Contractor, 1883.”

3rd October.—The Roman Catholic Temperance Society having applied for a site whereon to erect a

Temperance Hall, the Society agreed to grant them a piece of land facing Shipquay Place, Derry, at a nominal rent, on condition that the building to be erected was used solely for the promotion of temperance principles. This offer was at first gratefully accepted, but upon the lease being prepared embodying the condition referred to, the Temperance Society declined to proceed further in the matter.

October 24.—A grant of £400 per annum for 10 years was made to the Derry Corporation to assist them in providing the City with a better supply of water, in accordance with a scheme which had been approved by the Local Government Board.

1882. November 24.—Repairs and improvements to Foyle College were ordered to be carried out at a cost to the Society of over £450.

1883. September 26.—Complaints having been made to the Derry Corporation of encroachments on the City Walls in course of the erection of new buildings, the Corporation were informed that the Society considered them as the guardians of the walls, and looked to them to report as to any encroachments, and would be willing to join in any steps to be taken against parties so encroaching.

The Society granted assistance towards repairs needed to the Derry Cathedral Graveyard.

The Culmore Parsonage was put into thorough repair at the expense of the Society.

Assistance was rendered towards the erection of a Sunday-school House in connection with St. Augustine's Church, Derry.

The Society contributed towards the cost of repairing the Londonderry Third Presbyterian Church.

It being found necessary to enlarge the Parish Church of Coleraine, a grant of £1,000 was made towards this object, payable in instalments of £200 per annum for 5 years, which grant was subsequently increased to £2,000.

Sir Sydney Hedley Waterlow, Bart., M.P., having resigned the Governorship of the Society, which office he had filled for the past 10 years, the Court of Common Council appointed Sir Jno. Whittaker Ellis, Bart., as his successor.

1884. February 12.—The Society contributed towards a fund for the relief of the widows and orphans deprived of their means of support by the loss of the ship "Nokomis," belonging to the port of Londonderry.

1884. April 22.—The London Government Bill having been introduced into the House of Commons, the Society appointed a Special Committee to watch the same, and take such steps as might be necessary to protect the Society's interests, the Bill containing a clause providing that the new Corporation to be constituted under the Bill, should bring in a Bill for abolishing the Society, and providing for the administration of the property of persons, resident or otherwise, interested in the county or counties in which such



property is situate. This Bill, however, was subsequently withdrawn by the Government.

May 27.—Additional assistance was granted to the Coleraine Academical Institution towards liquidation of a debt incurred in carrying out certain improvements and repairs to the building.

August 22.—The Memorial Stone in connection with the enlargement and restoration of the Parish Church of Coleraine, was laid with full masonic honours by the Governor (Sir J. Whittaker Ellis, Bart., M.P.), the stone bearing the following inscription :—

“ This Church, dedicated to the glory of God in memory of His  
 “ servant St. Patrick, was founded in the fifteenth century after  
 “ the birth of Christ, was rebuilt by the Hon. the Irish Society of  
 “ London in the year 1614, and was again rebuilt in the year 1884.

“ HENRY S. O’HARA, Rector.

“ JAMES H. COYLE }  
 “ SAML. McGRATH } Churchwardens.

“ This stone was placed here 22nd of August, 1884, by Sir John  
 “ Whittaker Ellis, Bart., M.P., Governor of the Hon. The Irish  
 “ Society.”

August 23.—The Visitation of the Society having been informed of the intention of the Channel Fleet, under the command of H.R.H. the Duke of Edinburgh, to visit Lough Foyle, it was considered desirable that the Society, as holding the office of Vice-Admiral of that district, should obtain the permission of His Royal Highness to present him with an address on that occasion, and this permission having been graciously

accorded, the Members of the Visitation, in company with the Derry Corporation, proceeded in the gun-boat "Wasp," which had been placed at their disposal, to the Fleet, which was stationed near the mouth of the Foyle. His Royal Highness received them on board the "Minotaur," and the Governor read the Address which had been prepared, to which His Royal Highness graciously replied.

The Members were then presented to His Royal Highness, who invited them to a luncheon in the saloon, and subsequently was pleased to conduct them over the vessel.

September 23.—A further contribution was made towards the funds of the Presbyterian Orphan Society, which it appeared was doing a work of great usefulness in all parts of Ireland and, benefiting to a considerable extent the orphans on the Society's Estates.

The Society increased the grants to the Londonderry Academical Institution to assist in enlarging the building.

October 28. — The Society agreed to assist the Coleraine Harbour Commissioners in carrying out further dredging works in the River Bann, to enable vessels of sufficient size to come up to the quays, by an additional grant of £4,240, provided the necessary funds for the connection of the quays with the Railway were raised from other sources.

The Monument erected in 1828 on the central west bastion at Londonderry, as a Memorial to the Rev.

George Walker, who so distinguished himself during the siege of Derry, having fallen into a bad state of repair, the Society contributed £200 towards the cost of its restoration.

The Society established three Bursaries of the total value of £30 per annum, for girls who have studied for at least two years continuously in a school in the town of Coleraine, to be awarded each year on the results of the Midsummer Examination of the London College of Preceptors.

The Royal Agricultural Society of Ireland having proposed to hold their Show in 1885 in Derry, the Society agreed to contribute £100 towards the general fund and £50 for Special Prizes.

1884. November 25th.—The Communion Plate belonging to the Parish Church of Coleraine was repaired, and a new Chalice provided at the Society's expense.

December 23rd.—Assistance was granted towards repairing the Coleraine Wesleyan Methodist Church.

1885. March 24th.—Assistance was granted the Tenants on the Ballykelly and Myroe reclamation of Lough Foyle Slobs, towards defraying expenses incurred in repairing the sea wall that had been damaged by a severe storm.

April 28th.—The Society granted a site for the formation of a new road from the Strand Road to the Quays, Derry.

Their Royal Highnesses the Prince and Princess of Wales having intimated their intention of visiting Londonderry, the Society subscribed to the guarantee fund raised for the purpose of making the necessary preparations for their reception.

October 2nd.—The Society granted a sum of one thousand pounds towards the cost of enlarging the Derry Cathedral.

A further grant of £200 per annum for five years was made towards liquidating the Debt incurred in the restoration of Coleraine Parish Church.

It was agreed to be granted the Corporation of Derry a sum of £16,000 and a site for the erection of a new Town Hall at Shipquay Place, on condition of the Corporation paying a perpetual Fee Farm Rent of £400.

June 22nd.—The Society decided to set back the premises in Shipquay Place, Derry, in order to widen the road leading to the Quays.

October 1st.—A grant was made towards the purchase of a new Organ for the Cathedral at Londonderry.

Further aid was afforded the Carlisle Road Presbyterian and the Strand Road Presbyterian Congregations towards liquidating debts incurred in the erection of their new Buildings.

October 26th.—The Society issued instructions to have a survey and revaluation made of all their

Agricultural Property held under Leases, and upon the same being laid before the Court, it was decided that in all those cases where the valuation was less than the rent received under the Lease, the rent should be reduced to that amount, provided such new rent was accepted by the Lessee and recorded as a Judicial Rent.

Subsequently the Government brought in a Bill empowering all Leaseholders to apply to the Land Commission to have Judicial rents fixed in the same manner as Tenants at Will.

1887. March 22nd.—The Society agreed to allow the Widows' Fund Society, Derry, a sum of £40 per annum, in consideration of their surrendering a lease they held of certain houses in Widows' Row.

May 23rd.—A new Scheme was settled by the Society for the future management of their Schools at Coleraine, and with regard to religious instruction, it was decided to adopt the system in force in Government Schools.

An address of congratulation was ordered to be presented to Her Majesty on the completion of the fiftieth year of Her reign.

August 23rd.—The Foundation Stone of the new Town Hall, Londonderry, was laid by the Governor, Sir J. Whittaker Ellis, Bart., M.P., who was presented with a handsome Trowel, Mallet and Plummet. Photographs of the Governor and the Members of the Visitation, with their names, were placed in the cavity of the Stone, together with the current coins of the

realm, and copies of the London *Times* and Local Papers.

October 4th.—Further aid was granted towards liquidating the debts on the Carlisle Road Presbyterian Church, and the Hawkins Street Methodist Chapel and Schools, Derry.

1887. October 4th.—Assistance was granted towards the erection of new national schools in connection with the Roman Catholic Chapel at Coleraine, and the annual grant that had been allowed for many years was increased.

A grant was made towards carrying out repairs needed to the Racecourse Presbyterian Church, Derry, and the Society increased their grant for the enlargement of the Derry Cathedral by £500, making in all £1,500 granted for this object.

1888. September 25th.—The Society granted assistance towards the erection of a Gymnasium and Swimming Bath in connection with the Londonderry Academical Institution.

October 23rd.—The Society granted a free site for the extension of the Deanery Schools at Londonderry.

A report was received from the Educational Endowments, Ireland, Commissioners, to the effect that they had held a meeting of enquiry respecting the Society's Schools at Coleraine, and they were satisfied with the way in which these schools were managed; and as they were unendowed, the Commissioners felt they had no authority for interfering with the same.

December 18th.—It was resolved to grant to the lessees of the Salmon Fisheries an extension of their lease in consideration of their establishing Fish Hatcheries on the rivers Foyle and Bann.

1889. April 16th.—The Society contributed towards the fund being raised by the Royal Irish Constabulary in commemoration of the Queen's Jubilee to provide for the necessitous orphans of members of that force.

July 24th.—A Select Committee was appointed by the House of Commons to enquire and report “as to the terms of the Charter or other instruments by which these estates were granted to the Irish Society and to the London Companies, and as to the trusts and obligations (if any) attaching to the ownership of such estates, and as to the mode in which the sale of these estates has been effected or can be effected consistently with such trusts and obligations as may be shewn to have existed or now exist.” It was decided to take such steps for the protection of the Society's interests as the Governor and Deputy Governor might think fit, with authority to instruct Parliamentary Agents and Counsel if deemed necessary.

It is believed that this enquiry was ordered in consequence of great complaints which were made against several of the Livery Companies who had sold their Irish Estates and withdrawn the assistance hitherto afforded by them for educational and charitable purposes.

The deliberations of the Select Committee, over which the Right Hon. John Morley presided, extended

over a considerable period, and it was not until May, 1891, that their final report was laid before Parliament.

September 24th.—Assistance was granted towards improvements to be made to the Derry Infirmary.

1889. 24th September.—The Coleraine Harbour Commissioners having applied for assistance to enable them to erect a Training Wall at the mouth of the River Bann with a view to prevent any further silting up of sand, the Society resolved to engage a competent Engineer to inspect the whole of the river and report as to the success likely to attend such work, and if, in his opinion, any further works were needed to satisfactorily meet the requirements of the Port and Harbour of Coleraine.

November 26th.—The Society agreed to erect a Boundary Wall round their School premises at Coleraine.

April 22nd.—It was decided that the ceremony of opening the new Guildhall at Londonderry, which had been erected at the expense of the Society, should take place during the Visitation, and that the Lord Lieutenant be invited to preside on that occasion, and arrangements were ordered to be made for entertaining His Excellency at a Déjeuner after the ceremony.

July 31.—The Governor, Deputy-Governor, and Members of the Visitation, attended in Londonderry to take part in the reception of His Excellency, the Lord Lieutenant (Earl Zetland), on the occasion of his opening the new Guildhall.



On his arrival in Derry, His Excellency entered the State Carriage (specially forwarded from Dublin) and accompanied by the Governor of the Society, the Mayor of Derry and Col. Garrett, A.D.C., passed through the principal streets of the City, followed by the High Sheriff, the Deputy-Governor, and the members of the Visitation.

On his arrival at the Guildhall, addresses were presented from the various Public Bodies, and the members of the Visitation were presented to His Excellency, who then, accompanied by the Governor, proceeded to the Assembly Hall, where he was entertained at a Déjeuner given by the Society.

September 23rd.—The Society assisted, by a grant of £900, towards the erection of new National Schools in connection with the First Presbyterian Church, Derry; and additional grants were made to the Londonderry Academical Institution for the Head Master and the Mistress of the Preparatory School.

A site was granted on the Culmore Estates for the purpose of erecting a National School for the Roman Catholic children in that district.

It having been decided to erect a Cottage Hospital at Coleraine, the Society decided to allow during pleasure a sum of £25 per annum towards its support.

October 21st.—The Society, having considered the report of the Engineer (Mr. Abernethy) who had been appointed by them to inspect the River Bann, with a view to considering as to the success likely to attend the

erection of a Training Wall as proposed by the Coleraine Harbour Commissioners, resolved to expend a sum not exceeding £3,500 in the erection of such wall on condition of the Commissioners completing the connection of the Quays at Coleraine with the Railway, arrangements being made to prevent the Fishing being in any way prejudicially affected.

1890. November 25.—Assistance was granted towards repairs to the Reformed Presbyterian Church at the Waterside Derry.

1891. March 24th.—A block of buildings fronting the Strand Road, Derry, having reverted to the Society on the fall of the Lease, it was decided, with a view to improving the locality, to offer the occupying tenants Building Leases in perpetuity at ground rents, on condition of their erecting suitable buildings in accordance with plans and specifications to be approved by the Society.

The Society contributed towards the cost of a Stained Glass Window to be placed in the Chancel of the Parish Church, Coleraine, and also assisted in the enlargement of the Terrace Row Presbyterian Church, Coleraine.

Application having been made to the Society for assistance in the construction of the Derry City and County Railway, which, it was urged, would greatly benefit the Port and County of Derry by opening up direct communication with several important Towns, the Society consented to subscribe or to guarantee interest on an amount not exceeding £10,000 on

Parliamentary Powers being obtained, and the Company being duly formed. £1,000 of this amount was subsequently contributed towards preliminary expenses.

Parliamentary powers were obtained, but the scheme did not receive sufficient support to enable the promoters to proceed with the work.

1891. March 24th.—The Society granted £500 to the Londonderry Bridge Commissioners to assist them in defending their rights to the Ferry over the River Foyle.

June 23rd.—Assistance was granted towards carrying out repairs needed to the New Row Presbyterian Church, Coleraine.

August 17th.—The new Deanery National Schools, Londonderry, were opened by the Governor Ald. Sir J. Whittaker Ellis, Bart., in the presence of the Members of the Visitation of the Society, the Lord Bishop, the Dean, and a large number of the principal inhabitants of Derry.

August 18th.—The Governor, Sir J. Whittaker Ellis, Bart., presided at the opening of the Coleraine Cottage Hospital.

September 22nd.—A grant of £250 was voted towards liquidating a debt incurred in the erection of the Carlisle Road Presbyterian Church, Londonderry.

The Society granted assistance towards securing a suitable Glebe House for the Rector of Christ Church, Londonderry.

The Derry Corporation having granted the use of the old Town Hall for the purposes of the School of

Art, the Society contributed £150 towards the cost of the alterations necessary to be effected to render the building suitable for such object.

Steps were taken by the Society with a view of acquiring land at Pennyburn for the purpose of providing a Park for the people of Derry, but it being found impossible to arrive at any satisfactory settlement with the tenant in occupation, the matter had to be abandoned.

23rd November.—A grant was made towards liquidating a debt remaining on the new Deanery School House, Londonderry, lately erected on a site given by the Society.

1892. 2nd February.—A writ was served on the Society in an action taken against them and the Livery Companies in the Court of Chancery, Dublin, by the Attorney General for Ireland, at the relation of the Rev. J. Johnston, with a view to having the Society and the Livery Companies declared to be Trustees as regards their Irish Estates, and inter alia settling a scheme for the future management of the Society.

March 22nd.—The annual grant to St. Columbs College, Derry, was increased from £125 to £250 towards the support of the classical English Assistant Masters.

The Society agreed to expend upwards of £400 in repairing their School Buildings at Coleraine and enlarging the Master's residence.

24th May.—Assistance was granted towards the erection of a Glebe House in connection with St. Augustine's Church, Derry.

27th Sept.—The Society contributed £200 towards liquidating a debt upon the Londonderry School of Art, and to enable the class-rooms to be properly fitted up.

A grant was made to the funds of the Nazareth House erected in Londonderry for the relief of the aged and destitute infirm and respectable poor of both sexes, irrespective of religion, together with orphan, abandoned, or invariably infirm children.

20th December.—The Society decided to increase the number of Exhibitions of £30 per annum, hitherto granted exclusively to the Students of Foyle College, from 5 to 8, 4 such Exhibitions being reserved for Foyle College, the remainder being equally divided between the Londonderry Academical Institution and St. Columbs College.

A contribution was made towards purchasing a Peal of Bells for the Parish Church at Coleraine.

1893. 23rd June.—Alterations and repairs to the Society's National School at Ballongry were ordered to be carried out.

27th July.—Sir J. Whittaker Ellis, Bart., resigned the Governorship of the Society which he had held for the past 10 years, and the Court of Common Council elected George Faudel-Phillips, Esqr., Alderman, as his successor.

25th September.—The Society increased the grant promised to assist in purchasing a site and erecting new buildings for the Derry First Presbyterian National Schools, making in all £1,150 voted for this object.

Assistance was granted towards liquidating the fund raised for providing an Organ for the Guildhall, Londonderry.

Grants were made to the Londonderry Academical Institution to assist in carrying out certain repairs to the School premises, and liquidating a debt incurred in the erection of Gymnasium and Swimming Baths.

24th October.—The Society's attention having been drawn to the unsatisfactory condition of the Graveyard at Killea, near Derry, it was decided to put the same in proper repair and hand it over to the Board of Guardians, they being under a recent Act of Parliament vested with the control of such matters.

21st November.—A site at Foyle Hill, Londonderry, was agreed to be granted to the Derry Corporation at a nominal rent for the purpose of erecting thereon a Hospital for Infectious Diseases.

It was resolved that as regards future applications to the Society for grants to Religious, Educational and Charitable purposes, such applications be made on a form prepared by the Society providing for all necessary particulars being furnished the Court for the proper consideration of each petition, and that all grants that may be made to such objects be considered as donations for one year only.

A replica of a bust of Sir J. Whittaker Ellis, the late Governor of the Society, was ordered to be prepared and placed in the Guildhall, Londonderry.

1894. 6th August.—It being found necessary to provide a new Lunatic Asylum for the County of Londonderry, the Society, at the request of an influential deputation of the inhabitants of Derry, communicated with the Board of Control, Dublin, with a view to inducing the Authorities to consent to the Asylum being retained as heretofore in the neighbourhood of Derry, so that the City might reap the benefit of the large expenditure such an Institution usually involves, and the Society offered to sell for a reasonable sum the lands of Gransha, which the Governors of the Asylum had selected as the most suitable site.

The Authorities eventually consented to erect the Asylum on this site ; but although the Society ultimately agreed to accept the sum they offered, viz., £6,750, in lieu of £7,200, the value first put upon this property, consisting of 285 acres, 2 roods, 5 poles, at a rental of £300 per annum, the Board of Control decided that the price to be paid must be settled by a jury. The jury empannelled consisted principally of small farmers, who awarded the inadequate sum of £6,000.

September 25th.—A fee farm grant of land for cemetery purposes was made to the Londonderry Corporation at a nominal rent.

The Society resolved, that in lieu of the allowance made annually for house rent to the Professor occupying

the chair at Magee College endowed by the Society, a sum of £1,000 be granted to the Trustees of the College for the erection of a house for the Society's Professor.

A sum of £500 was voted towards the enlargement of St. Columb's National Schools, and further assistance was granted to defray the expenses incurred in the erection of the Long Tower National Schools, Londonderry.

September 25th.—The Society agreed to assist the Coleraine Town Commissioners in carrying out certain repairs needed to the Town Hall.

A grant was made to the St. Malachy's Schools, Coleraine, towards liquidating a debt incurred in the erection of new school premises.

October 19th.—The Society voted £750 towards the enlargement of the Academical Institution at Coleraine.

November 20th.—Several complaints having been made to members of the Society on the unsatisfactory state and condition of many of the houses occupied by the poorer classes in the City of Derry, the Court directed a letter to be forwarded to the Corporation drawing their attention to this matter.

1895. January 8th.—The Society having for some time felt that the Governing Body of Foyle College, as constituted under Act of Parliament, was not best adapted for the purpose for which it was formed, and that the results derived from Foyle College were by no means commensurate with the sums expended annually by the Society on that Institution, decided, after ascer-



taining the views of those most interested in the educational work carried on in Derry, that it would be an advantage, both from an educational and economical point of view, if this College and the Derry Academical Institution were placed under one management and practically united, thus forming one thoroughly good school combining an efficient commercial with a classical education.

After conference with the Governing Bodies of these two schools, the Society took steps to introduce a Bill into Parliament providing for this amalgamation and for the future management of the associated schools under one Governing Body, the Society agreeing in lieu of the sums hitherto paid to Foyle College and the Academical Institution to grant an endowment of £800 per annum, and a capitation fee of £2 per head up to a maximum of £300 per annum, besides continuing the exhibitions hitherto granted to these two schools.

After some opposition from the various religious bodies, this Bill was passed during the session of 1896, and there is every reason to believe that the course thus taken by the Society, involving as it did much labour and care as well as a large outlay at the time, will prove of very great advantage to the inhabitants of Derry and the surrounding neighbourhood.

26th June.—The Society established four Scholarships of the value of £15 each, tenable for four years, open to all boys under 14 who have been in regular attendance at the Society's Schools, Coleraine, for at least two successive

years immediately previous to the examination, and tenable at the Coleraine Academical Institution.

25th September.—The desirability of providing recreation grounds for children in Derry having been brought under the Society's notice, it was decided to set apart a field at Ballymagowan for this purpose.

Assistance was granted towards the restoration of the Derry Cathedral Bells, and the erection of a new Schoolhouse in Bishop Street in connection with the Deanery Schools.

The Society contributed towards the cost of carrying out repairs needed to St. Augustine's Church, Derry, and Monreagh Presbyterian Church.

1896. 24th January.—The shipbuilding yard at Londonderry having been closed owing to the failure of the lessee, it was decided to form a Company for the purpose of re-establishing this industry in order to promote the trade and prosperity of the City, and the Society agreed to take up shares to the extent of £1,000 provided the remainder of the capital required was raised.

4th March.—In lieu of the grants hitherto made to St. Columb's College, Londonderry, it was resolved to grant an endowment of £500 per annum to that Institution, and to allow £100 per annum for the purpose of providing fourteen Free Scholarships.

28th October.—The Corporation of Derry having decided to improve the water supply at a cost

of £20,000, the Society promised to assist them by a grant of £400 per annum for ten years.

Grants were made towards the erection of a Methodist Mission Hall, and a new Presbyterian Church, Water-side, Londonderry, and the reduction of the debt on the Terrace Row Presbyterian Church, Coleraine.

The Society contributed towards the cost of repairing the First Presbyterian Church at Londonderry.

1897. 27th January.—It was resolved to found two Bursaries of £10 each, and two of £15 each, available for girls educated in the City of Derry, and it was decided that they should be called the Irish Society's Victorian Bursaries in commemoration of the 60th year of Her Majesty's reign.

26th May.—The Society's seal was affixed to Bye-laws passed by the Londonderry Corporation for the better regulation and ordering of the markets.

The Society agreed to contribute towards the cost of erecting a window in Derry Cathedral to the memory of the late Dean Smyley.

A congratulatory address was ordered to be prepared for presentation to Her Majesty on the completion of the 60th year of her reign.

28th June.—It was decided to present to each pupil on the roll of the Society's Schools at Coleraine a book containing the life of Her Majesty in commemoration of the Diamond Jubilee.

27th September.—The Society decided to acquire the Lessee's interest in the premises known as the Plough

Hotel, Foyle Street, Londonderry, in order to set back the frontage and widen the street.

The Society agreed to surrender their interest in a strip of land between the Strand Road and the Quays, for the purpose of forming a roadway which it was believed would prove a great public convenience.

27th October.—Further assistance was granted to the St. Eugene's Cathedral National Schools, Derry, towards the reduction of the debt upon the building.

The Society decided to grant to the Coleraine Academical Institution, in lieu of the annual grants hitherto made to that School, a sum of £225 per annum by way of endowment, and a capitation fee of 30s. per head up to a maximum of £225 per annum.

It being found necessary to enlarge the water supply at Coleraine the Society agreed, in the event of the Town Commissioners obtaining a loan from the Government for this purpose, to assist in the repayment of same by an annual grant of £125 for a term not exceeding thirty years.

A report was received from the Coleraine Harbour Commissioners showing the progress of the Port since the navigation works, towards which the Society had so liberally subscribed, had been completed, from which it appeared that the dues and rates on vessels and cargoes, which amounted in 1876 to only £275, had increased in 1896 to £1,958; whilst the registered tonnage of vessels entering the Port in 1876 was 3,588 tons, and in 1896 36,621 tons.

November 24th.—The Society's seal was affixed to Bye-laws passed by the Londonderry Corporation for regulating hackney carriages and street traffic.

December 22nd.—The Society approved plans forwarded by the Londonderry Port and Harbour Commissioners of proposed extension of sheds on the King's Quays.

Bye-laws against street betting, passed by the Londonderry Corporation, were sealed by the Society.

1898. January 21st.—The Society resolved, in lieu of the grant of £400 per annum for ten years promised to the Londonderry Corporation towards the proposed extension of the waterworks, to make a free grant of the site of the Guildhall, the Corporation having hitherto paid to the Society an annual rent of £400.

26th April.—The Trustees of the late Mr. Brooke, of Londonderry, having, on the decease of his sister, come into possession of a sum of money left by that gentleman many years ago for the purpose of providing a People's Park at Derry, subject to his sister's life interest, and finding that the amount was not sufficient to provide a suitable site for such Park, applied to the Society for assistance, and the Court voted a sum not exceeding £6,000 to assist in the establishment of a People's Park to be maintained and managed under the provisions of the People's Park Act.

26th April.—The Society agreed to provide two lifts for the use of the patients in the County Infirmary, Londonderry.

28th June.—It was decided to construct a new Water Supply for the Society's National School at Bohill, near Coleraine.

25th October.—A grant was made to the Select Vestry of Christ Church, Londonderry, to assist them in the erection of new National Schools in connection with that Church.

9th November.—The action brought by the Attorney-General for Ireland, at the relation of the Rev. J. Johnston, against the Irish Society and the Livery Companies, as far back as 1892 (see page 116), was heard before the Master of the Rolls in Dublin, and resulted in judgment\* being given for the defendants with costs.

20th December.—Further assistance was granted towards defraying the debt incurred in providing an Organ for the Guildhall, Derry.

\* N.B.—A copy of this judgment will be found in the Appendix.

## APPENDIX.

ACT FOR SETTLING CERTAIN RIGHTS BETWEEN THE BISHOP OF DERRY AND THE SOCIETY.

1704.

WHEREAS several disputes having formerly arisen between the bishops of Derry and the Society of the Governor and Assistants, London, of the new plantation in Ulster, within the realm of Ireland, and the same are still depending between Charles lord bishop of Derry and the said society, concerning the right of certain parcels of land and other tenements, and concerning the right of several fishings and tythes of fishings in the rivers of Bann and Loughfoile, in the county of Londonderry, and in the counties of Antrim, Tyrone, and Donegal, in the kingdom of Ireland, which have caused great trouble and charge to the said bishops and society, and been the occasion of great heats and animosities among several of the inhabitants of the said counties : Now, for the settling and quieting all differences between the said see and society, and for remedying the said inconveniences, and for preventing the like for the future, the said lord bishop of Derry and the Governor and Assistants of the said society do most humbly beseech your Majesty that it may be enacted, and be it enacted by the

Queen's most excellent Majesty, by and with 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, that the said Governor and Assistants, London, of the new plantation in Ulster, within the realm of Ireland, and their successors, shall and may for ever hereafter have, hold, and enjoy, to their own proper use and behoof, all those several quarters or parcels of land called or known by the names of Termonbacco, Mollenam, Ballygan alias Ballygowan, Ballywirry alias Ballyougry, Creevagh, and Killeigh alias Killeagh, and sometimes known by the name of the fifteen hundred acres, and by some called or known by the name of Termonderry, or by what other name or names the same or any part thereof be called or known, situate, lying, and being in the county of Londonderry, in the county of the city of Londonderry, or one of them; and also all that fishing called the Gull or Gutt, near Ballynass; together with the wear and mill of Ballynass, with the appurtenances, and the small piece of land thereunto adjoining, and heretofore enjoyed with the same, containing by estimation two acres and a half, more or less; and also all the fishings and rights of fishings; and also all and all manner of tythes of fishing belonging to the said bishop or see of Derry, of what nature or kind soever, in the rivers of Bann and Loughfoile, within the county of Londonderry, or of or in any other rivers, waters, or fishing places within the said county of Londonderry, or in the counties of Antrim, Tyrone, or Donegal, and which have at any time heretofore been claimed or enjoyed by the bishops of the said see of Derry for the time being: and that the



said lands, tenements, fishings, tythes of fishing, and all other the premises subject to all former charges, issues, and payments, charged or chargeable upon any of the premises, or upon the said bishops of Derry for or in respect of the same, be and are hereby vested in the said Governor and Assistants, London, of the new plantation in Ulster, within the realm of Ireland, and their successors, and shall be held and enjoyed by them against the said bishop of Derry and his successors, and all persons claiming by, from, or under them or any of them. And for a full and ample compensation to the said bishop and his successors, bishops of Derry, be it enacted by the authority aforesaid that the said bishop, and his successors, bishops of Derry, for ever hereafter, shall have and receive, and shall be seized in the right of their said bishopric, of and in one annuity or rent-charge of £250 *per annum*, to commence from the feast-day of the Annunciation of the blessed Virgin Mary, 1704, payable quarterly at the four most usual feasts or quarterly days of payment in the year; that is to say, the feasts of the Nativity of St. John the Baptist, Saint Michael the Archangel, the birth of our Lord God, and the Annunciation of the blessed Virgin Mary, by even and equal portions, at the mansion-house belonging to the said bishop of Derry, situate in Londonderry aforesaid, issuing out of, and chargeable and charged upon, all and every the premises hereinbefore mentioned, and all other the messuages, lands, tenements, fishings, tythes of fishings, and all other the estate whatsoever, of the said Governor and Assistants, London, of the new plantation in Ulster, within the realm of Ireland, situated, lying, and being in

the said province of Ulster, in the said kingdom of Ireland. And be it further enacted by the authority aforesaid, that when and as often as the said yearly rent of £250 or any part thereof shall be behind and unpaid by the space of thirty days next over or after any of the said feast days whereon the same ought to be paid as aforesaid, that then it shall and may be lawful to and for the said lord bishop, and his successors, bishops of Derry, into all or any of the premises, charged or chargeable with the said rent to enter and distrain, and the distress then and there found to take and carry away; and in case the arrears then due, together with all the costs and charges of taking and keeping such distress, shall not, within five days after the taking the said distress, be fully paid and satisfied, it shall and may be lawful to and for the said lord bishop of Derry, and his successors, bishops of Derry, to sell and dispose of the goods and chattels so distrained, and thereout pay all the said arrears then due, and the costs and charges of such distress and sale, for non-payment thereof, rendering the overplus to the owner or owners of the goods and chattels so distrained; and in case no distress or not sufficient distress shall be found, that then it shall and may be lawful to and for the said lord bishop of Derry to enter into and upon all and every or any part of the said premises, charged as aforesaid, and to hold the same, and to take and receive the rents, issues, and profits thereof, to his and their own use, until thereout and thereby he and they shall be fully paid and satisfied for all arrears of the said rent, together with all damages, costs, and charges which he or they shall be put to, by reason of such entry, for non-payment of the same. And be it further enacted by the authority aforesaid, that the fee and inheritance of and in one large mansion-house, with the scite of the same, commonly called

the bishop's house, with the gardens, orchards, stables, out-houses, and all other the appurtenances thereunto belonging, now enjoyed by the said Charles lord bishop of Derry, under a certain rent, payable to the said society, and situate in or near the said city of Londonderry or liberties thereof, from and after the determination of a lease thereof now in being, purchased by the said Charles now lord bishop of Derry, shall be and are hereby vested in the said lord bishop of Derry, and his successors, bishops of Derry, for ever, and shall for ever hereafter be held and enjoyed during the said term by him, the said Charles lord bishop of Derry, his executors, administrators, and assigns, and from the determination of the said term, by the said lord bishop and his successors, free from all payments to, or claims or demands of or from, the said society and their successors; saving, nevertheless, to the Queen's most excellent Majesty, and to all and every other person and persons, bodies politic and corporative, their heirs and successors respectively (other than the said Charles lord bishop of Derry and his successors, and the said society and their successors) all such right, title, interest, claim, and demand whatsoever, in, to, or out of the said premises, as they or any of them have or hath or might claim, in, to, or out of the said lands, tenements, fishings, and premises, or any part thereof, as if this Act had never been made.

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## THE SKINNERS' COMPANY VERSUS THE IRISH SOCIETY AND OTHERS.

Bill in Chancery, filed 16th July, 1832, the prayer of which is as follows:—

And that it may be declared that your Orators and the other Companies who contributed to the expenses of the said new plantation of Ulster as aforesaid, and to whom and for whose benefit the said lands and hereditaments were allotted and conveyed as aforesaid, are beneficially entitled to the rents and profits of the said ferries, fisheries, and town lands, subject only to the payment of the said yearly sums to the Bishop of Derry and the Governor of Culmore Castle, and to the charges (if any) to which the same are subject under the said articles of agreement and the said charters respectively; and that it may be declared that the said Irish Society of London are trustees of the same rents and profits (subject as aforesaid) for your Orators and the said other Companies, and that an account may be taken by and under the direction of this honourable Court of the rents and profits of the said ferries, fisheries, and town lands, which have been received by the said Defendants, the Irish Society of London, or by any person or persons on their behalf or for their use, or which, without their wilful neglect or default might have been so received, and that a partition of the said ferries, fisheries, and town lands, between your Orators and the said other Companies may be decreed, and that the same may be effected by proper conveyances; or if this honourable Court shall be of opinion that such partition ought not to be made, then that the said Irish Society of London may be removed from being trustees of the said ferries, fisheries, and town lands; and that one or more of

the said Companies, or such person or persons as to this honourable Court may appear best, may be appointed trustee or trustees of the said ferries, fisheries, and town lands ; or that such other arrangement, as to this honourable Court may appear just and proper, be made, securing to your Orators and the said other Companies the due payment of their respective proportions of the rents and profits of the said ferries, fisheries, and town lands, and that in the meantime a receiver or receivers of the said rents and profits may be appointed under the decree of this honourable Court ; and that the said Defendants, the Irish Society of London, may be restrained by the injunction of this honourable Court from collecting, getting in, and receiving the same rents and profits, and every part thereof ; and that your Orators may have such further and other relief as the nature of the case may require, or to your lordships shall seem meet.

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THE JUDGMENT OF THE RIGHT HONOURABLE  
LORD LANGDALE, MASTER OF THE ROLLS,  
DELIVERED IN HIS COURT, AT WEST-  
MINSTER HALL, ON MONDAY, 19<sup>TH</sup> NOVEM-  
BER, 1838.

LORD LANGDALE.—The plaintiffs in this Cause are the Company of the Skinners of the City of London : the defendants are the Society of the Governor and Assistants, London, of the new plantation in Ulster, within the realm of Ireland, who are usually called the Irish Society : the Company of Mercers, and about forty other Companies of the City of London ; the Corporation of the City of London,

John Thomas Thorpe, Henry Schultes, and Her Majesty's Attorney-General. The Irish Society is a corporate body, possessed of, and entitled to, certain ferries, fisheries, and town lands in Ireland; and the Bill prays "that it may be declared, that the plaintiffs, and the other Companies who contributed to the expenses of the new plantation in Ulster, are beneficially entitled to the rents and profits of the said ferries, fisheries, and town lands, subject only to certain payments and charges; and that the Irish Society are trustees of the same rents and profits, so subject, for the plaintiffs and the other Companies." The Bill further prays for an account of such rents and profits, and for a partition of the ferries, fisheries, and town lands between the plaintiffs and the other Companies; or (if such partition ought not to be made) for the removal of the Irish Society from being such trustees, and that other trustees may be appointed, or that some other arrangement may be made for securing to the plaintiffs and the other Companies the due payment of their respective shares of the said rents and profits. The Bill also prays for a receiver and injunction, and for further relief.

There are four distinct parties whose interests or claims have been brought into question: First, the Companies of the City of London, for whom the plaintiffs insist that the Irish Society are mere trustees for them, bound to account to them, and without any right or discretionary power to apply any part of the income of the property vested in them for any public, charitable, or other purpose. Secondly, the Irish Society, who admit that they have no beneficial interest in the property, and that they

are trustees for the Companies of any surplus which may remain after answering certain public purposes, but claim to have a discretionary power to apply so much of the income as they may think fit for those public purposes without being liable to account for the same to the Companies. Thirdly, the City of London, who resist the claim of the plaintiffs, and claim for themselves a species of visitatorial or superintending power, enabling them to control the conduct and proceedings of the Irish Society. And, Fourthly, the Attorney-General, who, on the behalf of the Crown, suggests that the rents and profits are applicable to public purposes.

As nothing can be determined as between co-defendants on the present occasion, the substantial question in the Cause is, whether the Irish Society has, independently of the Companies, and without being subject to account to them, a discretionary power to apply any part of the rents and profits of the estates vested in them for purposes which they deem beneficial to the public with reference to the plantation in Ireland, which is mentioned in the pleadings. The Irish Society might be answerable to the City of London, or to the Companies, as represented or protected by the City of London, or to the Crown; yet if it is not answerable to the Companies severally in this Court, the plaintiffs are not entitled to the relief which they ask by this Bill. On the other hand, if the Society have no such discretionary power as they claim, and are as trustees answerable to the Companies severally for all their receipts and payments, the plaintiffs are entitled to relief, their right has been denied, and accounts have been refused to them.

The Irish Society now subsists under a Charter of King Charles the Second, dated the 10th of April, 1662. That Charter was principally, and as to most of its details, founded on a former Charter granted by King James the First, on the 29th of March, 1613; and from the mode in which the case was stated and argued on all sides, it appears to me necessary to consider the circumstances under which the first Charter was granted, so far as those circumstances are proved by the evidence in this cause. And from the evidence, it appears, that in the year 1608, the greatest part of the six several counties of Armagh, Tyrone, Coleraine, Donegal, Fermanagh, and Cavan, had by escheat or forfeiture come into the possession of the Crown, and that King James the First, being desirous to promote the public peace and welfare of Ireland by a civil plantation of what were called "those unreformed and waste countries," proposed to induce English and Scotch persons to emigrate thither and undertake the plantation on certain terms; and for that purpose he caused to be published a collection of such orders and conditions as were to be observed by the undertakers upon the distribution and plantation of the lands.

It is plain, from these orders and conditions, that the King did not merely contemplate the benefit of the persons who should undertake the plantation, or colony, as it is called in another document; but that he had a great public object in view, and to carry that into effect, desired to engage such of his subjects, as well of Great Britain as of Ireland, as being of merit and ability should seek the lands with a mind not only to benefit themselves,



but to do service to the Crown and Commonwealth ; and it was intended to appoint commissioners for setting forth the several proportions of the land, and for the ordering and settling the plantation according to such instructions as should be given unto them by His Majesty in that behalf ; such commissioners were appointed and instructions given to them on the 21st of July, 1609 ; but before that time, the King became desirous to engage the City of London in the undertaking, and caused to be prepared a paper, setting forth “ Motives and reasons to induce the City of London to undertake the plantation in the north of Ireland.”

These motives and reasons, after suggesting that the ruined City of Derry, and another place, at or near the castle of Coleraine, seemed to be the fittest places for the City of London to plant, and that the situation was such that the same, especially the Derry, might be made by land almost impregnable, set forth that His Majesty might be pleased to grant unto those towns, not only Corporations with such liberties and privileges for their good government, &c., as might be convenient, but also the whole territory and country between them, which was about twenty miles in length, bounded by the sea on the north, the river Bann on the east, and the river of Derry or Lough Foyle on the west, out of which 1,000 acres more might be allotted to each of the towns for their commons, rent-free, the rest to be planted with such undertakers as the City of London should think good for their best profit, paying only for the same the easy rent of the undertakers.

The motives and reasons further set forth that His Majesty might be pleased to grant to those towns the benefit of all the customs of imports and exports for twenty-one years, paying only a yearly rent of 6s. 8d. ; and to buy the salmon fishing in the river of Bann and the Lough Foyle, and bestow the same on the towns for their better encouragement ; and likewise to grant them licences to transport all prohibited wares growing on their own lands, and the Admiralty on the coasts of Tyrconnel and Coleraine ; and then were specified the land commodities which the north of Ireland produced, the sea commodities, and the profits which London should receive by the plantation, and the profits which were described were of a public nature affecting the general welfare of the City.

These motives and reasons were intended to be and afterwards became the subject of conference between certain persons authorized to act for the City, and certain members of the King's Council ; and precepts were issued by the Lord Mayor to induce the Companies of the City of London to appoint persons to act for them, and a first answer having been given and disliked, because given before any conference had with the King's Council for Ireland, persons were afterwards appointed committees for such conference by the City, and such committees, as is stated in the precept dated 24th of July, 1609, received such satisfaction, as well of the honour of the action, and the good that might come to the kingdom and City by the same, as the profit that was likely to redound to particular adventurers, as had given good encouragement

to the committee and others to become adventurers therein ; and liberty was also given for further satisfaction (that all things should be answerable to that which was reported) that certain men should be chosen and sent by the City to view the place, and make return to the City ; so that, if it proved not answerable to that which was reported, and profitable for the undertakers, the City might be at liberty to leave the undertaking, any thing then done notwithstanding. Under these circumstances the Court of Aldermen ordered precepts to be sent to the several Companies of the City, requiring them to call their Companies together to understand what every particular man would willingly adventure to the same, so that the committees might be fully instructed to give answer to the Council of Ireland on Friday then next, the 28th.

Precepts were accordingly issued : it does not appear, however, that this course was pursued ; for an order of the Court of Common Council, dated the 1st of August following, was made, which, without taking notice of any willing adventurers, or any offers of contribution, recites, that the Privy Council had theretofore signified His Majesty's pleasure to divers Aldermen and Commoners concerning the intended plantation, and that divers Aldermen and Commoners elected by that Court had had conference with the Council of Ireland about the same, and then proceeded as follows :—“It is this day, therefore, upon the motion and commandment of the Lords of His Majesty's Privy Council, signified to divers Aldermen and Commoners of this City, upon Sunday last [the 30th of July], at the Council-table, concluded and agreed that

four wise, grave, and discreet Citizens of this City should be presently sent to view the place; and it was thereupon ordered, that four persons named should forthwith at the City's charges, undertake the voyage into Ireland, and survey and view the place and grounds intended for the new plantation there, and make report to the City, at their return from thence, of their opinions and doings touching the same." The persons appointed to be viewers received from the City £300 for their expenses, and then proceeded on their mission to Ireland.

It appears, therefore, that at this time, the King's Government was in treaty with the City of London to undertake some portion of this plantation; and that the City, before entering into any engagement, proceeded by Commissioners or Agents of their own, and at their own expense, to ascertain the facts necessary for their consideration.

By an order of the Court of Aldermen, dated 28th of November, 1609, it appears that the Commissioners had then returned and made their report, and an additional sum of £100 was ordered to be paid to them; and on the 2nd of December, 1609, the Court of Common Council, after noticing that the Lords of the Council expected presently to hear the Resolution of the City, touching the plantation, it was ordered, that Sir Stephen Soame, and others, calling unto them the four commissioners, or viewers, should meet together to advise and consider of all circumstances and matters fit to be remembered about the plantation, and they were to be ready to make report to the next Common Council in writing, of

their opinions touching the same, whereby the City's resolute answer, concerning the said intended plantation, might be made, and delivered to the Lords of the Council, in the time thereby limited.

On the 15th of December, the Report of the Committee was made, and it recommended in substance, that the sum of money to be expended should only be £15,000, and that the same should be raised by way of Companies, and in Companies by the poll, according to the rate of corn set upon every Company. But some of the inferior Companies were thought fit to be spared, yet such as were known able men in those Companies to be set proportionably with men of like ability in other Companies, and for this levy it was proposed that an Act should be passed in the Court of Common Council.

After this statement, as to the sum and the mode of raising it, the committee so appointed claimed that the Derry and the town of Coleraine should be the places where two cities should be erected ; that unto Derry 4,000, and unto Coleraine 3,000 acres of land should be laid, and that the rest of the territory and county of Coleraine, estimated at 16,000 acres of temporal lands, more or less, should be undertaken. Various privileges, varying from those mentioned in the first project, were proposed to be claimed ; and it was suggested, that seven years' time should be asked for to make such other reasonable demands as time should show to be needful, but could not presently be foreseen. The Report then stated what was proposed to be done, and finally suggested, that all things should be managed and ruled as follows :—"It is thought best

that a Company be constituted here in London, and persons to be selected for that purpose, and Corporations to be settled in the two cities of Derry and Coleraine; but all things concerning this plantation and Undertaking to be managed and performed in Ireland, by advice and direction from the Company here in London.

The Report containing this suggestion, which was the first germ of the Irish Society, was approved by the Common Council; and Mr. Recorder and others were appointed to present the same, as the City's Answer, to the Lords of the Council. This was done, and the Lords of the Council having objected that £15,000 was too small a sum, did not accept the offer, in consequence of which, the Court of Common Council, on the 22nd of December, 1609, ordered that the sum of £5,000 should be added to their former Report, in respect of buying in of private interests, and other charges; and the committees formerly appointed were required to deliver their former Report with that sum added, as their Answer to the Lords of the Council. With this Answer, the Lords of the Council appear to have been satisfied; and in contemplation of a final Agreement, measures were very soon adopted by the City for carrying the project into execution, on their part; and on the 8th of January, 1609-10, at a Common Council then held, it was enacted, granted, and agreed, that Sir Thomas Bennett, and twenty-two other persons then named, and the four Commissioners or Viewers, that were sent from the City into Ireland to view the intended place for plantation, should, from time to time, meet, and have conference, as well amongst them-

selves as with such Commissioners as should be appointed by the Lords of the Council, touching the intended plantation in Ulster, and the said Committees, before named, were to take advised care and consideration of all matters whatsoever, that to them in their discretion should be thought fit to be propounded, moved, or done, on the behalf of the City, touching the same plantation, as the matter itself, being of that consequence and importance, did merit. And Sir Thomas Bennett was appointed to be the President of the said Committees.

And it was further enacted, for the better expediting of the service, that a present taxation should be made of the said sum of £20,000, and a present levy made of one-fourth part thereof; and that the fourth part of £20,000, that is, the sum of £5,000, should be raised by way of Companies of the City, and in Companies by the poll, according to the rate of corn set upon every Company—that some of the inferior Companies were to be spared, yet such as were known able men in those Companies were to be set proportionably with men of like ability in other Companies, according as in the Report of the Committees, confirmed by the Common Council, is mentioned; the same monies to be speedily raised and to be paid on or before the Feast of the Purification next ensuing, unto Mr. Cornelius Fishe, Chamberlain of the said City, who by the said Court of Common Council was appointed Treasurer, as well for the receipt and payment of the said £5,000 as of the rest, being £15,000, when it should be required, and on the following day precepts were issued for the purpose of carrying into effect the taxation and levy accordingly.

The Lords of the Council, and the Committees of the City, soon afterwards came to an Agreement: Articles were drawn up and settled; they bear date 28th of January, 1609-10, and they were approved and allowed by the Court of Common Council, on the 30th of the same month; and from the course of proceeding which I have stated, it appears that, although it was at one time suggested that individuals should willingly undertake or voluntarily contribute to the undertaking, every thing at length centred in the City and in the Court of Common Council, as representing the City. The City undertook and was to perform. The City was to provide the funds, and the City was to have the profit. The City was set in motion by what has been called the pressure of the Crown or of the Government, and was by its Agents the contracting party with the Government—with the Companies, otherwise than as they were involved in or formed part of the general body of the City, the Crown had no negotiation or dealing. The Crown did not, as it seems, concern itself either with the means by which the City was to perform its undertaking, or with the inducements to be held out to individuals, further than as such inducements were secured by the general terms of the project, and the motives and reasons presented to the City. It may reasonably be supposed, that when the Court of Common Council, in performance of the Contract, found it necessary to exercise a somewhat questionable power of taxation, suggestions of some benefit to result to those upon whom the charge was imposed, would in some manner be made. And that such was the case is ex-



tremely probable from the nature of the transaction itself, and is apparent from the subsequent proceedings. But in the formal acts at the time, the Companies are treated as the instruments by which the sums assessed or the amounts taxed should be levied; and the levies were not made upon any property of the Companies, but in Companies by the poll. That the levies were compulsory, and enforced against reluctant parties by the power of the City, is shown by abundant evidence in this Case.

At the same Common Council by which the Agreement was approved and allowed, it was ordained and enacted, "That for the better ordering, directing, and effecting of all things touching and concerning the said plantation, and the business thereunto belonging, there should be a Company constituted and established within the City of London, which should consist of one Governor, one Deputy to the Governor, and twenty-four Assistants; that the Governor and some of the Assistants should be Aldermen; that Mr. Recorder should be one of the Assistants; and that the Deputy and the rest of the Assistants should be Commoners of the City. And after providing for the continuance of the Company by election in the Court of Common Council, and appointing the present members of the Company, it was enacted and agreed, that the Company should have authority to hold Courts, and in the same to treat and determine of all matters and causes concerning the business that to them, in their discretion, should be thought fit; and also direct, appoint, and demand what should be done or performed on behalf of the City touching the plantation, and to

give orders and directions in England, into Ireland, for the ordering and disposing of all things concerning the intended plantation, or any thing belonging to the citizens of London, undertaking in that part of Ireland, as also for the receiving, ordering, disposing, and disbursing of all sums of money that were or should be collected or gathered for that purpose, and generally for any other matter incident or belonging to the business and affairs in Ulster."

This enactment or order was the practical adoption by the City of London of the suggestion made by the Commissioners, in the preceding month of December. This Company, as it is called, though it was only a committee of persons appointed by the Court of Common Council, was the Irish Society, previously to its incorporation, and may be conveniently distinguished by that name. It proceeded to carry into effect the Agreement entered into with the Crown; and the members of the Society were so far recognized by the Crown, that applications were made to them in respect of matters relating to the plantation. Thus, by an order of the Common Council, dated 7th of June, 1610, it appears that the King's Commissioners for Ireland desired that 2,000 acres of land, agreed by the Articles to be passed to the City, should be spared and left out of the intended assurance, to the intent that the same might be otherwise disposed of; and that Alderman Cockaine, the Governor, had signified that the Company [Society] of themselves had not power to comply with that desire, but that the same was to be done by act of Common Council; and had promised the Commis-

sioners to propound the same to the next Court of Common Council then to be holden, which being done, it was ordered that the intended assurance from His Majesty should be made for the whole quantity, according to the intent of the Articles, without omitting the 2,000 acres in question. And again, in July, 1610, the King's Irish Commissioners made to the Company or Society four proposals, which were reported to the Common Council, by whom two of the proposals were acceded to, and the other two were rejected, in regard it was conceived, the granting and yielding to them would prove to be very prejudicial to the City, though, upon a subsequent day, one of the rejected proposals was yielded.

On the 14th of January, 1610-11, an order made by the Court of Common Council affords the first formal intimation as to the mode in which the Companies of the City were to be concerned or interested in the intended plantation. After authorising the Society to let the fishings for seven years for such fine or rent as they should think fit and convenient for the most benefit and profit of the City, it was ordered that precepts should forthwith be sent to every several Company of the City to require them to assemble themselves together, and to advise amongst themselves, whether they would consent and agree to take and accept of lands in lieu of the monies already by them disbursed or to be disbursed towards the said plantation, and so to build and plant the same at their own cost and charges, accordingly as by the printed book of the plantation was required, or else whether they would refer the letting of the lands there,

and the managing of the whole business there, unto the said Governors and Assistants of the Society for the time being; and that every Company be required by the same precept to deliver their Answer in writing on Saturday then next, in the forenoon, at the Guildhall, unto the said Governor and Assistants, whether of the two said offers they will embrace, to the intent that the said Governor and Assistants, upon the Answer of the several Companies of the City, may make a perfect relation to the next Court of Common Council there to be holden, which was appointed to be upon Monday then next, touching the resolution of the several Companies of the said City, to the intent that such further course might then be taken therein as should be thought fit.

In the precept which was issued in pursuance of this order, and which bears date the last day of January, 1610-11, it was recited that the King had granted unto the City of London the city of Derry, the town of Coleraine, with 7,000 acres of common land thereunto adjoining, and fishings, and divers other immunities, privileges, and franchises, paying four marks per annum; and that the City had undertaken to dispend in building of houses and fortifications, and for the freeing of foreign titles, the sum of £20,000; and that also His Majesty had further granted to the City divers other lands in the county of Coleraine, and other undertaken lands, to build thereupon, which building was to be performed in such manner as was expressed in the printed book then extant, yet with this addition, that they were to have and enjoy the same lands after the Irish measure, being

far better than other ordinary undertakers had ; and then the precept proceeds as follows: “Forasmuch as the Governors and Committees for the plantation in Ireland are now instantly to take care for the letting and disposing of the lands in the county of Coleraine, and of other lands in the county of Coleraine, and the other lands so undertaken to be used and managed for the benefit of this City, which would otherwise prove a great hinderance and loss, especially for that the time of the year is now most convenient for the plantation to proceed ; yet it is thought fit that the offer of those lands be first made to the several Companies of this City who have and are to disburse the same, and bear the charges of building before mentioned—These are therefore to charge and command you that yourselves, together with the Assistants and such others of your Company as you shall think fitting, do forthwith assemble together, and advise whether you will accept of a proportion of the same lands, according to the quantity of your disbursements, to be by you undertaken and managed according to the printed book for the plantation, or whether you will refer the letting and disposing thereof to the Governor and Committees ; and that you certify to the Governor and Committees, in writing under your hands, at the Guildhall, on or before the 7th day of February next coming, what shall be your full determination therein, to the end that the business may the sooner be effected ; wherein you are to take advertisement that your Companies are to pay and bear their proportion of the charge of the building fortifications and freeing of the titles, whether they accept of the said

offer of the lands or no ; and also that, notwithstanding the acceptance of the lands, you shall likewise still be partakers of all benefits of fishing, with the profits of the towns and other immunities whatsoever."

In consequence of these proceedings, eight of the principal and ten of the inferior Companies signified their consents to accept of the lands, to plant upon the same, according to the printed book of plantation ; and the other Companies signified their denial, whereupon it was, on the 28th of February, 1610-11, ordered that the Companies who consented should have lands allotted to them, and provision was made for the event of the other Companies within a fortnight, and upon further consideration, altering their minds, and consenting to accept of lands in lieu of the monies disbursed and to be disbursed by them towards the plantation in Ireland.

From these documents it appears to have been understood that the Companies of the City had not previously undertaken the plantation, but that the plantation being undertaken by the City, was in default of other means to be carried into execution by the Society or Committee appointed by the City ; but that it was thought desirable that the undertaking should be at least in part performed by the incorporated Companies, and that the City having entered into the undertaking, having by their power levied the means of carrying it on, and being actually engaged in carrying it on by their Governor and Committee or Company, offered to each of the incorporated Companies an option either to undertake the plantation of a portion of the lands according to the printed book for plantation,

or to refer the letting and disposing thereof to the Governor and Committees. It was an offer which by some Companies was at this time accepted, to give or allot lands in lieu of the monies disbursed and to be disbursed towards the plantation, and the Companies were informed that whether they accepted the land or not, they were to pay and bear their proportions of the charges of building fortifications and freeing titles, and that notwithstanding their acceptance of the lands, they should be partakers of all benefits of fishings, with the profits of the towns and other immunities whatsoever.

After these proceedings, the undertaking continued to be carried on by the Company or Society, under the control of the City, the money mentioned to be levied; increased taxation and additional levies became necessary and were made. On the credit of them the City advanced monies to the Society, which were afterwards repaid, and the power which the City exercised of commitment was frequently acted upon to compel payment of the assessments. And it is to be observed, that by an order of the Common Council, dated 10th of July, 1611, by which an additional taxation of £10,000, and a present levy of £5,000 was ordered, the precept which was then ordered was to require every several Company to assemble and advise among themselves, and thereupon certify to the Governor and Committee of the plantation, whether they would willingly yield to the supply of £10,000, or would be content to lose all the money they had already disbursed, and pass over their right therein to such as would undertake the payment for them, and to free and dis-

charge them of all other payments thereafter touching the plantation.

It is apparent that at this time the Companies were understood to have an interest in the sums they had been compelled to pay, and the Court of Common Council was probably understood to have power to declare a forfeiture.

During the time to which I have hitherto referred, no Charter had been granted, but the City had proceeded on the faith that an assurance of the lands would be made to them, and the lands are in the precept of the last day of January, 1610-11, mentioned as having been granted, though in fact they were not so. And on the 8th of January, 1612-13, it was ordered, that Mr. William Cockayne (the first Governor of the Company) should be Governor, and continue until the assurance from the King unto the City, concerning the plantation, should be obtained and finished.

The Charter of James was obtained soon after the date of this order. It is dated the 29th of March, 1613, and after reciting the King's intentions, and that the Mayor, Commonalty, and Citizens of London, had laudably undertaken a considerable part of the plantation in Ulster, and were making progress therein, proceeds to consolidate the city and town of Derry, and all the territories and hereditaments thereby granted, into one county, to be called the county of Londonderry, to declare that the city of Derry should be called Londonderry, to define the extent of the city of Londonderry and the town of Coleraine, and to incorporate the citizens of Londonderry, and to



declare that they should have a Mayor, Aldermen, Sheriffs, and a Chamberlain; and the Mayor, Commonalty and Citizens were empowered to make laws and ordinances, so that such laws and ordinances were certified by the city of Londonderry, under their common seal, to the Society of the Governor and Assistants London, of the new plantation in Ulster after mentioned, within four months after the making of such laws and ordinances, to the intent that the same Society might ratify and confirm such laws and ordinances within six months after the delivery of the certificate, or else within the same time declare the same to be improper; and the laws and ordinances were to be valid when confirmed by the Society, but if declared improper, were to be wholly void.

The Charter then appointed the first Mayor, and Aldermen, Sheriffs, Chamberlain, and chief burgesses, and then proceeded to constitute the Irish Society, "for the better ordering, directing, and governing all and all manner of things for and concerning the citizens and city of Londonderry, and the county of Londonderry, and the plantation to be made within the same city and county, and other businesses belonging to them." And after incorporating the Society, giving them power to purchase, receive, and possess lands, directing the constitution and mode of election, and naming the first members, the Charter granted that the members, or any nine of them (whereof the Governor or his Deputy was to be one), should have full power of assembling and holding a Court, and in the same Court, and meeting, to do, hear, transact, and determine all and all manner of matters and

things whatsoever, of, for, or concerning the plantation or government aforesaid: and also to direct, constitute, and ordain (for and on the part of the City of London in England) all things which for or concerning the plantation, supply, or establishment, constitution, and government of the City of Londonderry, and of all other the lands and tenements thereafter granted, should seem to be most profitable and expedient; and also to send orders and directions from England to Ireland for ordering, directing, and disposing of all and all manner of matters and things whatsoever, of or concerning the same plantation, or the disposition or government thereof; and also for the receipt, ordering, and laying out of all sums of money now collected and received, and generally any other cause, matter, or thing whatsoever, concerning the direction or ordering of the plantation aforesaid, or concerning any other things whatsoever, which, by the true intent of the Charter, could, or ought to be done by them for the better government and rule of the city and county of Londonderry.

The Charter, after giving power to elect officers, and to make ordinances for the government of Londonderry for ten years, and making many other regulations respecting Londonderry, grants to the Irish Society and their successors, the several forts, towns, and lands which are described at great length, and all fealty and services of socage reserved out of the same premises, and all knights' fees, wards, marriages, escheats, reliefs, heriots, fines, courts leet, courts of view and frankpledge, hereditaments, and appurtenances to be held as amply as the

King had the same with certain exceptions specified. To hold the premises to the only proper use and behoof of the said Society of the Governor and Assistants, and their successors for ever; to hold the city of Londonderry and the 4,000 acres next adjoining upon the Derry side, and the town of Coleraine and the 3,000 acres to the same adjoining, of the King, in free burgage, as of the Castle of Dublin; and to hold the rest of the premises of the King, as of his Castle of Dublin, by fealty only in free and common socage, rendering the rents therein mentioned. And the Society covenanted to convey certain lands to the Bishop and Dean of Derry, within a year, to keep and maintain for ever the Fort of Culmore, to convey certain glebe lands within a year; provision was then made that the timber growing on the lands of Glan-konkeine and Killetragh should for ever after be converted towards the plantation and the building of houses and edifices, to be made as therein mentioned, and to be spent towards other necessary uses for the kingdom of Ireland in the same kingdom, and not for any other cause to be merchandized or sold. The customs were then granted to the Society for ninety-nine years, for a rent of 13s. 4d. The office of Admiral was granted for ever on the coasts or shores of Tyrconnel, Coleraine, and the county of Londonderry, and to these were added various other important powers and privileges.

It is to be observed, that by an order of the 30th of January, 1610-11, the Irish Committee, or Company, as it was called, was made to consist of the Governor, Deputy Governor, and twenty-four Assistants. By an

order of the 31st of May, 1611, eleven Assistants were added; and by the last appointment, previous to the Charter which was made by the Court of Common Council on the 8th of January, 1612-13, the Company consisted of the Governor, Deputy Governor, and thirty-three Assistants. The Charter reduced the Assistants to the original number of twenty-four, but the Governor, the Deputy Governor, and the twenty-four Assistants named in the Charter, were the same Governor, Deputy Governor, and twenty-four of the thirty-three Assistants, chosen by the City in January, 1612-13.

From this statement, it is apparent, that the Irish Society originated with the City, and that the powers conferred upon it by the Charter, though by no means identical with, were suggested by the powers given to it by the order of the 30th of January, 1610; and it may reasonably be inferred, that it was at the request of the City, that the constitution of the Society, and the powers to be conferred upon it, were considered and granted by the Crown.

But this makes no difference in the effect of the constitution, or in the inferences to be deduced from the powers granted to the Society by the Charter; and it is, I think, impossible to read and consider the Charter, without coming to the conclusion, that the powers granted to the Society were more extensive than, and very different from, any, which, in the ordinary course of affairs, are vested, or would, upon this occasion, have been invested in mere private trustees for the benefit of particular undertakers.

The powers, indeed, are many of them of a public and political nature, and considering the Charter in connexion with the contemporaneous circumstances, I think it must have been understood, that the powers and estates granted to the Irish Society, were given for the public purposes of the plantation ; and so far as was consistent with those purposes, for the benefit of the City of London ; and that, independently of the public or general benefits which might accrue from the encouragement or increase of trade with Ireland, and the employment of persons who might be disposed to emigrate thither, and the better government and rule of the city and county of Londonderry, it was intended and understood, that the Companies of London were, with the burthen of undertaking the plantation of such lands as might be allotted to them, to receive such benefits as were offered to and might be realized by other undertakers on the conditions proposed by the original book for plantation, accompanied by such additional advantages and protection as were intended to be secured by the power and interest of the City of London, and by the constitution of the Irish Society, and the powers conferred upon it.

The Companies of London are in no way mentioned in the Charter, nor does the Crown appear to have noticed them at the time in any way ; but the previous appointment of the Society, Committees, or Company by the Court of Common Council, and the previous proposals and offers made by the Society to the Companies, as well as the events which soon followed the date of the Charter, appear to me to show that the Companies were intended

to profit in the way that I have mentioned. And it would further appear, that not the eighteen Companies only who are mentioned in the order of the 28th of February, 1610-11, but all the other Companies had consented to become undertakers. The Charter expressly states that the Society was to have power to make ordinances on the part and behalf of the City of London, and it does not seem that the Society did under the Charter arrogate any independent authority.

So early as April, 1613, additional funds were wanting, and it became necessary to consider how the division of lands among the Companies was to be effected; and by an order of the Court of Common Council, dated the 30th day of that month, an additional levy of £10,000 was ordered; and it was enacted, that every several Company of the City should have its several share and proportion of the lands according to the monies by them disbursed, respecting the goodness or badness thereof, the same lands to lie all entirely together, and not dispersedly in several places; and that the same lands should be proportioned according to the goodness or badness thereof; with respect to that where the land was bad, an allowance should be made in the quantity to make it equal in value to that which was better, so that no prejudice (or as little as might be) might happen to any Company in the allotting of the said lands which were afterwards intended to be divided by lots. And on the communication of the King's pleasure by the Recorder and Governor of the Society, it was, on the 24th of June, 1613, ordered that as well certain walls and forti-

fications as also certain houses in Derry should be raised, made, and builded up together and in such manner and form as the Committees appointed for the said plantation should think fit and direct in that behalf. And by a further order made on the same day, after reciting that in so noble a work, so taken to heart by the King, and wherein the City, upon the hopeful success thereof, had already expended and were likely to expend great sums of money, it was generally thought fit, as a matter much importuning the advancement of the said work, as well for the general satisfaction of the several Companies of the City who had undertaken the same, as also for accommodating such other affairs and circumstances as from time to time thereafter should be offered to the further consideration of that Court (*i.e.* the Court of the Common Council), that some great and worthy magistrate of the City, accompanied by some commoner of special credit, should be sent into those parts on the behalf of the City, to take exact notice, view, and account of the whole work of plantation and of every circumstance and thing appertaining thereunto.

Mr. Alderman Smithies and Mr. Matthias Springham were accordingly appointed to go into Ireland, and in the meantime to confer with the Governor, Deputy-Governor, and Assistants of the Irish Society for their better instructions, and to inform themselves of the things necessary to be remembered; and authority was given to them by the Court of Common Council to take an exact notice, view, and account of the plantation and of all works and other things done and to be done, and of all disbursements

and accounts concerning the same; as also to judge, control, place, displace, disprove, redress, reform, correct, and direct (so far as to them should seem reasonable), all persons employed for the City's use, disbursements, and service in and about the plantation, and generally to do and execute every further act which to them might be thought meet for the better ordering and governing the plantation and the affairs thereof, to the intent that upon their return and relation of their proceedings, the Court of Common Council might come to such final resolution touching the plantation as should be thought fit, and that the charges of the negotiation should be defrayed by the Irish Society out of the general stock of the plantation.

This order is remarkable as showing the great power which, after the Charter, the City of London exercised and contemplated the future exercise of over the plantation, and the affairs thereof, as well as the importance which was at that time attached to the satisfaction which should be given to the Companies. No doubt seems to have been entertained that the Society, whatever its own powers might be, would act according to the suggestions and views of the City; and that the City, whatever other objects they had to promote, were bound in duty or in policy to satisfy the Companies. As the necessary expense was not yet defrayed, as the power of the City over the Companies afforded the only means of raising the money; and as public and general objects were to be attained, it does not appear difficult to account for the conduct of the several parties.



Very full instructions appear to have been given to the Commissioners: and on the 8th of November, 1613, Mr. Alderman Smithies delivered the report of himself and Mr. Springham, dated 15th October, 1613, to the Court of Common Council; and the report, after stating several abuses and negligences which had occurred, and the proceedings of the Commissioners in respect thereof and stating their opinions that, if it should stand with the liking of the City, some convenient wall of brick or stone might thereafter be made about the Castle of Culmore, proceeded as follows:—"Whereas it was generally desired that a division should be made of all the lands by and amongst the several Companies undertaking in this plantation, we have with great travail first viewed the lands, and carefully inquired after the true value of every Balliboe; and thereupon, with great care and pains, and with the assistance and advice of the gentlemen of the country, the City's agents and surveyors, proceeded to make an equal division of the land into twelve parts, wherein we have used our best skill and diligence, and have done the same as equally as possibly we could devise, the form of which division we have here brought you, together with the plot of the same. But for the city of Londonderry, and for the 4,000 acres there; and the town of Coleraine, and the 3,000 acres appointed to the same, the ferries and the fishings, we are of opinion that a division cannot be fitly made of them, but the rents and profits of them may be divided, and go amongst the several Companies; and we advise that, upon the division it be provided that, where a proportion of land shall

want timber to build with, that the Company, to whose share it may fall, may have sufficient timber out of the woods next adjoining, and fitting for that use, to be assigned to them by the City's agents."

This report was approved and allowed by the Common Council. That part of it which related to the division of lands was almost immediately acted upon. That part which states the opinion of the Commissioners that the rents and profits of the town lands, ferries, and fishings, might be divided, and go amongst the several Companies, has naturally been much dwelt upon on behalf of the plaintiffs. What notice may have been taken of it at the time does not now appear, but in connexion with it, we must bear in mind, not only that it is in perfect accordance with the precept of the last day of January, 1610-11, but also that very considerable and expensive public works were still in progress; that the City was then conceived to have power to levy, compulsorily, all such monies as should be required; and that some income, of not inconsiderable amount, was at that time derived, or about to be derived, from the property not then to be divided. At a time when it was thought that money could be levied by taxation whenever it was wanted; the necessity, or even the propriety or prudence of reserving some property producing income to answer the general purposes of the plantation, may not have been suggested; or if suggested, may have yielded to the greater prudence of holding out prospects of income or profit to those upon whom the burden was imposed, by a power which, even if thought lawful, must have been considered as arbitrary;

and was, according to the evidence in many instances, not obeyed without reluctance on one side, and the application of force on the other.

A division of the lands by lot was effected under the direction and superintendence of the Court of Common Council, on the 17th of December, 1613, and each of the twelve chief Companies had allotted to it so much land as in quantity and value equalled one-twelfth part of the whole of the lands to be divided under an arrangement, by which every Company of the City was to have an interest or share in the divided lands proportioned to the amount of money levied upon it for the purposes of the plantation. And this being done, an order was immediately made for a further levy, as follows: "After all which done," meaning the allotment, "information was given by the Governor and Assistants of the Irish Society, that all the monies formerly levied towards that charge is altogether issued; and that, notwithstanding the Companies had their particular shares of land, which was to be managed by themselves severally; that the general work for the building of the rest of the towns and fortifications was to be done at the general charge, and therefore, that a further supply must of necessity be made and provided to proceed on the business. And therefore it was enacted that a present taxation should be made of the further sum of £5,000, which was accordingly ordered to be levied and raised of the several Companies of the City. And it was also ordered, that conveyances should be made of the lands allotted to the several Companies, by the advice of the Recorder, in such manner as the

Committees of the plantation (that is the Irish Society) should think fit.

It appears that the Companies, without waiting for their conveyances, planted and placed divers numbers of British on their proportions of lands, and expended very large sums of money thereon. But independently of these undertakings, the works which were to be done at the general charge of the City continued to be expensive, and additional sums were levied on the Companies. Complaints were about the same time made on the part of the Crown, that the plantation had not proceeded according to the conditions, and an intimation was given that the Grant might be resumed. Further time however was given, till the last day of August, 1616. The City in the meantime continued its active interference by orders of the Court of Common Council, and employed its own agents; the Irish Society seeming to act rather in its original character of a Committee of the City than as an independent Corporation.

In the year 1615, license to hold lands in mortmain was granted to the Companies, and in the course of the next or two or three following years manors were created; and conveyances thereof, and of the allotted lands, were made to the Companies by the Irish Society. The conveyances were absolute; in some without, and in others with, the reservation of rent to the Irish Society. The license for the Companies to hold in mortmain, and also a license to the Society to convey to them; and it contained a recital that the Companies, in testimony of their true obedience to the Crown, &c., had disbursed, expended,

and bestowed divers great sums of money for and towards the building, fortifying, planting, strengthening, and improving the city of Derry, and the town of Coleraine, and some parts of other lands, and were willing, and intended, so far as to them should seem convenient, to be at further charge for the planting and improving of other lands, and for speedier proceeding therein, were desirous to have conveyances of the land they intended to build on, and therefore, and to the end that the several Companies might be the better encouraged, and enabled to perfect the intended plantation and in future times reap some gain and benefit of their great travails and expense taken and bestowed therein. The license was granted, and the Companies of London were then recognised by the Crown as parties interested in the plantation as undertakers, and after the conveyances were made the Companies may be considered as entitled to the lands allotted and conveyed to them, subject to the conditions of plantation, as to particular lands, and as respectively entitled to all the profits to arise from those allotments, which, subject to the performance of those conditions, could lawfully be made. The lands not allotted, together with the ferries and fishings, remained vested in the Irish Society; and the City of London, or the Irish Society on its behalf, were bound to the performance of those public works which were among the conditions of plantation; and for the purposes of those general and public works were, or were supposed to be, entitled to levy money on the Companies for whose satisfaction they at least professed themselves to be bound to provide.

About five or six years after the conveyances were made, further complaint was made by the Crown that the conditions of plantation had not been performed. The complaints were laid before the Court of Common Council the 2nd of June, 1624. They principally regarded the general works of the plantation, but in part, the conduct of the plantation of the lands conveyed to the Companies. As to the former, answer was made by the Court of Common Council: as to the latter, the subject was made known to the several Companies, and on their part the Common Council complained that the undertakers had been impeded by monopolies and patents of privilege contrary to the King's grant. The answer, though approved in the Court of Common Council, was for alteration in matter of form and words of the like sense referred to the Irish Society, and others who had joined with them in drawing the answer.

Not long afterwards, and in the beginning of the reign of Charles the First, the King having referred certain matters relating to the plantation to Lords Grandison, Carew, and Chichester, and the Chancellor of the Exchequer, did, upon their advice, require the City of London to do many things then specified, most of which were generally works, but some affected the conduct of the Companies; and the Common Council made answer to these requisitions not only with respect to the general works, but also with respect to the plantation undertaken by the Companies. And as to the first demand, which was, that a fair new church should be built, they say, that although the work be very chargeable, and that the

stocks of all the chief Companies of London are already exhausted by means of the plantation, yet in obedience to His Majesty's pleasure (the work also in itself being pious), they will forthwith give order to make preparation for erecting a fair new church, and will, so soon as conveniently they may, finish, and beautify, and adorn the same with seats fit and convenient.

In the course of a few years afterwards, informations were filed in the Star Chamber against the City of London, the Irish Society, and certain individuals; the defendants were charged with the deceitful and undue procuring of the Charter of James, and with wilful breach of the articles agreed upon between the Lords of the Council and the committees appointed by the City (on the 28th of January, 1609-10), and with the wilful breach of the trust which the King had reposed in them. It appears that during the proceedings it was insisted on by the City that they had nothing to do with the plantation, and that their name was used merely for the transaction of affairs, and for the levying of monies upon the Companies for the plantation. This point was overruled, and the Court having adjudged that many offences, both of omission and commission, had been committed, inflicted upon the City of London, and upon the Irish Society, a fine of £70,000, and decreed that the patent and their estates and interest should be surrendered and be brought into Court to be cancelled. And after reciting that the greatest part of the lands were by the Society passed over to divers Companies of the City, and by them demised to their farmers, who were not defendants

to the Suit, and therefore not liable to the censure of the Court, although in the opinion of the Court they might justly have been censured if parties, it was directed, that if the Companies and their farmers should not, in pursuance of the intention of the sentence, surrender their estates, the Attorney-General should exhibit an information and bring them also to the judgment of the Court.

This decree, if lawful, entitled the Crown to recover not only a fine of £70,000, but the possession of all the lands and hereditaments which remained vested in the Irish Society, and it was accompanied by an intimation that fines, and also all the lands conveyed to the Companies, or demised to their farmers, might be recovered if the Attorney-General thought fit to sue for them. Steps were early taken for the execution of the decree, and proceedings were commenced against the twelve Companies. In these circumstances, a negotiation for money took place between the Crown and the City. The City pressed by the impending fine and forfeiture, and by other charges made against them, offered a composition of £100,000. The Crown endeavoured to obtain more, and the City acting or professing to act only for the Companies, and in concurrence with them, offered to give up all the fishings and all the lands held by the Society or by the Companies, and all arrears of rent. And at length, after a protracted negotiation the fine was ultimately compromised, and the City agreed to surrender the lands, fishings, and customs in Ireland, and to pay a sum of £12,000, and thereupon proceedings to repeal the letters patent



were made available by consent or default. But afterwards, in other political circumstances, the City endeavoured to obtain relief from this oppression, and to make available before the House of Commons those arguments which had failed before the Court of Star Chamber; and the House of Commons, then advancing to the ascendancy which it soon afterwards obtained, took upon itself to pass resolutions declaring its opinion on the judgment of the Star Chamber, and declaring its opinion of the conduct of the City and of the Companies respecting the plantation. The proceeding appears to have ended in the King's expressing himself to be willing to restore the plantation to its former footing, and it was proposed to confirm the rights of the Companies by Act of Parliament; but civil wars supervened, and it was under the power of Cromwell that the Charter, and the estates derived under it, were first pretended to be renewed.

I have thought it right to refer to these proceedings which were dwelt upon in the argument, as affording evidence of facts or conclusions material to be now considered, and I have read all the documents referred to. But I am of opinion, that allegations and admissions used for the purpose of defence against attempted extortion, under the form of legal proceedings, or for the purpose of obtaining justice irregularly when regularly it could not be had, ought not to be used as evidence of the rights of the parties. If the same allegations are otherwise proved, and undoubtedly some of the allegations now referred to are otherwise proved, regard must be had to such proof. But, independently of such other proof,

and of fair inference from the facts otherwise proved, I conceive, that the allegations and admissions which were made in the Star Chamber, or in the treaty which arose out of the sentence there, or in the proceedings which took place before the House of Commons, ought not in any way to influence my judgment.

Soon after the Restoration, on the 10th of April, 1662, King Charles the Second granted the Charter under which the Irish Society now exists, and from which the subsisting titles to the lands and estates thereby granted are derived. This Charter recites the Charter of James, the grants made by the Society which was constituted under that Charter, and that the Society retained in its own hands such part of the tenements and hereditaments as were not properly divisible, for defraying the charge of the general operation of the plantation. It further recites the repeal of the Charter, the promise made by King Charles the First to restore the same, and that it appeared that the Society and other Companies of the City had expended very great sums of money in building and planting of the county of Londonderry and Coleraine; and then proceeds to express, that the present grant was made to the intent that the Society or some other Society, by the present letters patent to be created, and the Companies of the City of London, and their respective assigns and under tenants, might, according to their former several rights and interests therein, be restored to all the estates vested in them by force of the former letters patent, and the grants by the Society and other Companies respectively theretofore made, as fully to all purposes as they might

have had the same if there had been no repeal of the former letters patent, and to the intent that there might be a new Society of the new plantation in Ulster, and a new incorporation of the city of Derry, and for the further and better settling and planting of the said county, towns, and places, with trade and inhabitants.

This Charter, therefore, is expressly made for the purpose of restoring the rights derived under the former Charter, for restoring the rights and interests of the Companies of London, and for further and better settling and planting the county, &c., with trade and inhabitants. The lapse of forty-nine years, and the change of circumstances, made it necessary that there should be some differences between the clauses in the Charter of 1613 and the clauses in the Charter of 1662, and other differences may have been suggested by former experience, or by the present views and situations of the parties. They are sufficient to show, that the Charter of Charles was framed with considerable care and attention, and was not a mere transcript of the Charter of James.

In the Charter of James, no mention was made of the Companies, but the City, and the Society acting under the Charter of James had made conveyances to the Companies, and had levied money for the general purposes of the plantation on the Companies; and the intention of the Charter of Charles was to restore the Irish Society, and also the Companies of the City of London, to their former rights; and after making due allowance for all the differences which occur, the Charter of Charles appears to me to be substantially, as it is avowedly, a

restoration of the Charter of James. The two Charters are alike in the general purview, in their intended object, in the means adopted to carry that object into effect, and in the powers conferred for that purpose.

Under the new Charter, new conveyances were made to the Companies, and the Irish Society has ever since continued in the exclusive possession of the town lands, ferries, and fisheries, and has managed or let the same, and received and applied the rents thereof by its own authority. It has applied portions of the rents for purposes alleged to be public or charitable, and has from time to time stated a surplus to be in its hands, and has paid certain sums in respect of that surplus to the twelve Companies in equal shares. On one occasion, when money was wanted, the Society applied, not to the City of London, as in an early period of its history, for further levies, but to the Companies for voluntary contributions. And on another occasion on which it became necessary to make a statement respecting the timber, it respresented itself to be intrusted for the Companies, and seized of a considerable salmon fishery and other estates in the county of Londonderry in trust for the Companies of the City, over and besides the several proportions of lands which had been granted. The Society have on other occasions stated themselves to be trustees for the Companies; and there is an instance in which one is rather surprised to find them refusing to render any account to the City, and stating themselves to be accountable only to the twelve chief Companies of London, to which all the surplus funds under their management, not disposed of

in the performance of the duties which the Charter imposed upon them, were regularly transferred and paid.

It does not, however, appear to me to be necessary to pursue further the history of the conduct and transactions of the Society. The Society have vested in them, under a royal Charter, a very considerable property, in which they have not, collectively or individually, as members of the Society, any beneficial interest, and in respect of which they are invested with great powers, and have important duties to perform. In a sense, therefore, they are trustees. The property is part of that which was granted for the purposes of the plantation, and the powers possessed by the Society as well as the duties with which it is charged, have all of them reference to the plantation.

Now, the objects of the plantation, and the intents and purposes thereof, were of a nature partly public and political, and partly private, regarding only the interests of particular undertakers, whether corporate bodies or individuals. When the Crown treated only with individuals, and made grants to them, it imposed only conditions which were annexed to the enjoyment of the property bestowed; and the right of the Crown to enforce the conditions, constituted the security which it held for the public and political objects which were contemplated.

But when it treated with the City of London, the case seems to have been varied, not by any change in the conditions imposed upon particular undertakers, but by the grant of powers and privileges which could not be bestowed on particular undertakers, and were intended to

effect more important objects, to afford special means of enforcing the conditions which affected all. And special encouragements to undertakers, both in their particular characters as such and as members of the City of London, or persons enjoying the protection of the City, or partaking of the benefit of its general prosperity. The objects were such as affected the general welfare of Ireland and the whole realm; those were the objects of the Crown. Such as affected the general welfare of the City of London, those may be considered to have been the objects of the City; and such as affected the particular welfare and interests of the Companies, or of individual undertakers.

The Society emanated from the City, and even after its incorporation by the Crown, appears to have been little if any thing more than the representative or instrument of the City for the purposes of the plantation. The City had contracted with the Crown to perform the duty, and it was at the suggestion of the City, and as the means or as their instrument of performing the same duty, that the Society was invested with the property and with very extensive powers. *The mistaken views which the Society may have subsequently taken of its own situation and duties (and I think that such mistaken views have several times been taken), do not vary the conclusion to be deduced from the Charter, and the circumstances contemporary with the grant of the first Charter.*

The duty to be performed regarded the Crown and regarded the City, and through the City the Companies.

At and long after the date of the first Charter, the City had, or at least was practically considered to have, and really exercised great and extensive powers, not only over the Society, but also over the Companies; but the City, in its corporate character, had no beneficial interest. The money which it had advanced was early repaid, and the power which remained, or which was considered to remain, was like that of the Society, an intrusted power for the benefit of the plantation and those interested in it.

Even after a large part of the territory comprised in the grant had been distributed and conveyed to the Companies, much remained to be done for the general purposes of the plantation, and that which remained to be done, could not be accomplished without expense. At the time when the power of the City to raise money by taxation was not disputed, it may not have been thought necessary to retain any part of the property as a fund to support the expense; and it was reported by the Commissioners, on the 8th November, 1613, and probably generally understood, that the profits of the undivided hereditaments might be shared among the Companies; but, in 1662, when the Charter of Charles was granted, and the power of the City to levy money on the Companies was either no longer claimed, or was subject to very different considerations, it was recited in the Charter, that the undivided property was retained to defray the expense of the general operation of the plantation. The expression was borrowed from a petition presented to the House of Commons, by the City of London, in January, 1641; but

it has its place in the Charter of 1662, and must have weight accordingly.

It is said, and indeed admitted, that a dividend was made in the year 1623; and if I were at liberty to conjecture, I might perhaps suppose that the demands soon afterwards made on the City, and the difficulty of raising money, led to a conclusion, that it was better to reserve the common property for the general purposes of the plantation, than to make division of its whole income, and resort to taxation and levies to defray the expenses which might from time to time be required.

It is clear that the general operation of the plantation was not completed at the time when the distribution of lands was made to the Companies. It was indeed strongly urged in argument that the general operation, although not then complete, was not long afterwards, or at all events, was very long since completed, and that thereupon, if not before, and in consequence thereof, the Society became mere trustees for the Companies. But I do not think that this Court has jurisdiction to determine the question whether the general operation of the plantation has been completed or not, and if it had it does not appear to me that there is any satisfactory evidence on the subject, or any thing to show that operations materially affecting many important objects of the plantation and requiring expense may not still have to be performed; and if such should be the case, it does not appear to me that this Court has, on the application of the plaintiffs, jurisdiction to inquire or give directions about such operations.



And on the whole, the question is reduced to that which was made on the motion for the payment of money into court and for a receiver, "*Whether upon the Settlement made in the north of Ireland by virtue of the Charter of King James the First, under which the towns of Londonderry and Coleraine were founded, and a large tract of country granted by the Crown to the Irish Society, the terms of the Grant simply constituted the Irish Society ordinary Trustees, for the benefit of the Companies of London, or whether the Grant was coupled with certain public purposes and public trusts, independently of the private benefit of the Companies.*"

After having considered the Charter of King Charles the Second, and the Charter of King James the First, and the several circumstances in evidence in this cause, which preceded and accompanied the Grant of the Charter of King James, and having read all the documents produced in this cause, to some only of which, though at the expense of so much time, I have but shortly adverted and having also considered the conduct of the parties under the Charter for so long a series of years ;—

I AM OF OPINION THAT THE POWERS GRANTED TO THE SOCIETY AND THE TRUSTS REPOSED IN THEM WERE IN PART OF A GENERAL AND PUBLIC NATURE, INDEPENDENT OF THE PRIVATE BENEFIT OF THE COMPANIES OF LONDON, AND WERE INTENDED BY THE CROWN TO BENEFIT IRELAND AND THE CITY OF LONDON, BY CONNECTING THE CITY OF LONDONDERRY AND THE TOWN OF COLERAINE, AND A CONSIDERABLE IRISH DISTRICT, WITH THE

CITY OF LONDON, AND TO PROMOTE THE GENERAL PURPOSES OF THE PLANTATION, NOT ONLY BY SECURING THE PERFORMANCE OF THE CONDITIONS IMPOSED ON ORDINARY UNDERTAKERS, BUT ALSO BY THE EXERCISE OF POWERS AND THE PERFORMANCE OF TRUSTS NOT WITHIN THE SCOPE OF THOSE CONDITIONS.

THE CHARTER OF CHARLES THE SECOND EXPRESSLY RECITES, THAT THE PROPERTY NOT ACTUALLY DIVIDED WAS RETAINED FOR THE GENERAL OPERATION OF THE PLANTATION; AND CONSIDERING THAT THE POWERS GIVEN TO THE IRISH SOCIETY FOR THE GENERAL OPERATION OF THE PLANTATION WERE OF A GENERAL AND PUBLIC OR POLITICAL NATURE; THAT THE PROPERTY REMAINING VESTED IN THE SOCIETY IS APPLICABLE TOWARDS SUCH GENERAL OPERATION; AND THAT THE COMPANIES OF LONDON, THOUGH INTERESTED IN ANY SURPLUS WHICH MAY REMAIN AFTER THE GENERAL PURPOSES ARE ANSWERED, ARE NOT ENTITLED TO CONTROL THE EXERCISE OF THE POWERS WHICH ARE GIVEN FOR GENERAL AND PUBLIC PURPOSES;—I DO NOT THINK THAT THIS COURT HAS JURISDICTION, UPON THE APPLICATION OF THE COMPANIES, TO DETERMINE UPON THE PROPRIETY OF THE EXPENDITURE WHICH HAS BEEN MADE. IT MUST NOT BE INFERRED THAT I APPROVE OF SOME OF THE ITEMS OF EXPENSE, WHICH WERE COMMENTED UPON IN THE ARGUMENT. I EXPRESS NO OPINION UPON THE SUBJECT, THINKING THAT THE SOCIETY HAVE A DISCRETION, WHICH THOUGH CONTROLLABLE ELSEWHERE, AND IN ANOTHER MANNER, IS NOT TO BE CONTROLLED IN THIS COURT UPON SUCH A BILL AS THIS.

AND UPON THE WHOLE I THINK, THAT THE BILL MUST BE DISMISSED WITH COSTS AS AGAINST THE IRISH SOCIETY, THE CITY OF LONDON, AND THE ATTORNEY GENERAL; —WITHOUT COSTS AS AGAINST THE OTHER COMPANIES, UNLESS IT SHALL APPEAR THAT ANY OF THE COMPANIES HAVE OPPOSED THE CLAIM OF THE PLAINTIFFS.

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THE JUDGMENT OF THE HOUSE OF LORDS,  
DELIVERED BY THE RIGHT HON. LORD  
LYNDHURST, LORD HIGH CHANCELLOR,  
AND THE RIGHT HON. LORD CAMPBELL, ON  
FRIDAY, THE 8<sup>TH</sup> DAY OF AUGUST, 1845.

The LORD CHANCELLOR.

My Lords, it is not necessary in this case that I should enter into a detailed statement of all the facts referred to in the printed Cases which were laid upon your lordships' table, because they are sufficiently set forth in the Judgment of the Master of the Rolls, which is the subject of the present Appeal. I shall confine myself, therefore, merely to stating such facts and circumstances as appear to me to be necessary for the purpose of explaining the opinion which I have formed upon this case.

It appears that in the early part of the reign of James I., in consequence of the attainders occasioned by the then recent rebellion, a very large tract of country, consisting of several counties in the north of Ireland, became vested in

the Crown. James I. was desirous of settling those lands with his British and Scotch subjects, and establishing the Protestant religion in that district. For that purpose he proposed issuing grants of lands to persons who were willing to accept them, on certain terms and conditions: those terms and conditions are fully set forth and explained in a book which has been known in the course of these discussions by the name of the Printed Book. Great detail is there entered into as to what was expected to be done by the settlers, with respect to the houses they were going to build, the nature of their erection, the tenants that they were to establish, churches that were to be built, the fortifications that were to be constructed, and other objects with reference to the settlement.

It occurred to the King that it would be extremely desirable to engage the City of London in this undertaking, on account of the influence and wealth of that Corporation; and negotiations for that purpose were opened between the Privy Council and the Corporation of London: those negotiations were carried on for a considerable period of time, and at last terminated in certain Articles of Agreement. By those articles of agreement it was stipulated, on the part of the Crown, that the City of Derry, or the site of the City of Derry, with 4,000 acres of land contiguous to it, the town of Coleraine, with 3,000 acres of land contiguous to that town, and an intervening district between the river Lough Foyle and the river Bann, containing about 20,000 acres, should be conveyed by charter to the Corporation of London. They were also, in addition, to have certain fishings—the fishings of Lough Foyle, near the city of Derry, and

the fishings of the river Bann. They were also to have Admiralty rights along the whole range of the coast, with certain other privileges; the customs for a period of ninety-nine years; and other advantages. On their side it was stipulated that they should within a certain time build, I think, two hundred houses in the city of Derry, and one hundred houses in the town of Coleraine; that they should ultimately build three hundred houses more in the city of Derry and two hundred more in the town of Coleraine; that they should construct certain fortifications; that they should provide a garrison for the fortress of Culmore; that they should advance £20,000 to be expended in this undertaking. This was the substance of the agreement that was entered into between the Privy Council on the part of the Crown and the City of London.

Immediately after the completion of this arrangement it occurred to the City of London that it would be proper to establish a company for the purpose of superintending the carrying on the business of this plantation,—for the purpose of ordering, directing, and governing what was to be done with respect to the management of the whole of these transactions; and accordingly that company was formed, consisting of the Governor and Deputy-Governor, and twenty-four Assistants, six of whom, comprehending the Governor, were to be Aldermen, and the Recorder was to be one of the Assistants.

After this arrangement was completed, the next question was as to the mode in which the money should be levied, the £20,000 that was stipulated to be raised for the purposes of this plantation. It had been usual at that time,

and it was assumed apparently as a right incident to the Corporation, to raise money from the companies. The whole sum was distributed among the companies—divided between them in certain proportions, and the companies were to raise from the individuals, by poll, the proportions for each. In this manner the £20,000 was raised; and that not being sufficient for the purposes that were intended, afterwards a further sum of £10,000 appears to have been raised in the same manner.

A proposal was made by the Corporation (that is, by the Common Council—the governing body of the Corporation) to the companies to undertake the plantation, that is, to undertake the plantation of the whole of the territory which formed the county of Londonderry, situate between Lough Foyle and the River Bann; and it was proposed that that territory should be allotted to them in the proportions of their respective advances; they were at the same time informed that, whether they accepted that offer or not, they would be liable for the charges of the fortifications, buildings and other matters that were to be performed with respect to this plantation, and that on the other hand they would be entitled, if they accepted this offer, to have their share and proportion of the produce of the reserve part, namely, the towns and fishings and ferries.

It appears that this proposition was acceded to by the greater part of the companies; two I believe ultimately declined, and the rights of those two became vested in the Corporation.

This was the state of things previous to the grant of the Charter. In the year 1613 the Charter was granted by James I. By that Charter the company which had been established for the purpose of superintending, directing, and managing this property was converted into a corpora-

tion. By the Charter they were created a corporation by the style set forth in the Charter, and as they are usually styled the Irish Society; that was the first part of the Charter. The Charter then went on to convey the whole of the property in question to the Irish Society; and the Charter went on to fulfil, with some variations which had been previously agreed to, the stipulations contained in those Articles to which I have referred.

In consequence of this, after the Charter was granted, an application was made on the part of the different companies, for licenses to hold in mortmain; and after those licenses had been granted, the Irish Society conveyed in severalty to the different companies their proportions agreeably to the undertaking into which they had previously entered, and from that time to the present the respective companies have held those lands in severalty as their own; and the Irish Society, from that period to the present, have held the town lands both of the city of Derry and the town of Coleraine, the ferries and the fishings, by an absolute title, letting the property, receiving the rents, and employing them entirely according to their own discretion. That is the actual state of things, and was the actual state of things at the period to which I have referred.

After the death of James I. and the accession of Charles I., some questions arose with respect to the validity of the Charter, and it became the subject of proceedings in the Court of Star Chamber. Some arbitrary measures were taken as to the repeal of the Charter; and, in addition, a fine of £12,000 was imposed on the City: it was originally a fine of £70,000, but it was commuted afterwards by a payment of £12,000. However, this state of things did not last long; a complaint was made to the House of Commons, which about that time got into the ascendant;

resolutions were moved and were adopted, and it was decided that those measures were illegal. Application was made to the Crown, and Charles I. promised restitution. However, before he had an opportunity of doing this the troubles ensued, and it does not appear very distinctly what afterwards took place until the restoration of Charles II.

Upon the restoration of Charles II. (I think in the second year, the year 1662, the restoration taking place I believe in the year 1660), a new Charter was granted. That Charter recited the promise of restitution by Charles I. ; and it went on to say that the intention was to replace the parties in their former position, precisely in the same way as if nothing had been done. Then it went on to convey again and confirm those lands to the Irish Society, to re-incorporate the Irish Society, and to carry out the stipulations and conditions of the former Charter, as far as they were applicable in consequence of the lapse of time which had occurred since the grant of the former Charter.

Now, my Lords, from that period, as I have before stated, the Irish Society have held possession of the lands and property in question ; the different Companies have held their lands in severalty ; the Irish Society have applied the funds for public purposes connected with the Plantation and connected with the affairs of the Society. They have applied them for purposes of religion, partly in the building or repairing of churches, of chapels, of public schools, paying of schoolmasters, building bridges, fortifications, and a variety of other public objects ; and after they have satisfied those public objects, apparently according to their own discretion, they have paid over the surplus, generally in round sums, to the different Companies, according to the proportion of their original contributions.



Now, the question is this : Under those circumstances, in what situation does the Irish Society stand? Are they trustees for these Companies, for the private interest and advantage and benefit of these Companies, or are they trustees for public objects? If they are trustees for public objects and public purposes, it is quite clear that this suit cannot be maintained, and the sole question therefore, as a general question, is to determine from all the circumstances arising out of these transactions in which character they stand. If they are mere trustees for the private benefit of the Companies—their private advantage, then the suit is properly instituted : if, on the other hand, they are trustees for public objects, if they are (if I may so say) public officers who have important public duties to perform, and if those funds which they hold are applicable to the discharge of those public duties—if they have a discretion as to the extent and manner in which they shall apply them, in that case it is quite clear that this suit cannot be maintained in the shape in which it is instituted at the instance of these Companies, or of this Company, the Skinners' Company.

Now, for the purpose of deciding this question—an important question—it is material to consider what was the object of this Plantation, and what was the object of this grant. It was a great public object ; it was for the purpose of providing for the settlement of this district, which had been laid waste in consequence of the rebellion ; it was to introduce civilisation and order into that district ; it was to provide for the establishment there, and the maintenance, of the Protestant religion. All these were great and important public objects ; those are stated to be the objects, much in detail, in the different documents that are printed in the papers on your lordships' table ; those are stated to be the objects in the Printed Book to which I have referred. In a letter directed

to Sir Arthur Chichester by the King in Council, or I believe written by the King himself personally, those are stated also to be the objects of this establishment ; they are emphatically stated to be the objects in the preamble to the Charter to which I have referred.

It will be material, in order satisfactorily to show what were the objects which the King had in view in making this grant and establishing this corporation, to refer to the preamble of the Charter. It runs in these words : “Whereas there can be nothing more kingly than to establish the true religion of Christ among men hitherto depraved and almost lost in superstition ; to strengthen, improve, and cultivate, by art and industry, countries and lands uncultivated and almost desert, and the same not only to plant with honest citizens and inhabitants, but also to renovate and strengthen them with good statutes and ordinances, whereby they might be more safely defended not only from the corruption of their morals, but from their intestine and domestic plots and conspiracies, and also from foreign violence,” it goes on then thus : “And whereas the province of Ulster, in our realm of Ireland, for many years now past, has grossly erred from the true religion of Christ and divine grace, and hath abounded with superstition, insomuch that for a long time it hath not only been harassed, torn, and wasted by private and domestic broils, but also by foreign arms. We, deeply and heartily commiserating the wretched state of the said province, have esteemed it to be a work worthy of a Christian prince, and of our royal functions, to stir up and recall the same province from superstition, rebellion, calamity, and poverty, which heretofore have horribly raged therein, to religion, obedience, strength, and prosperity.” Those are the words of the preamble of the Charter ; those are the objects for which the grant was made, and for which this establishment was formed.

Nobody reading them, and referring also to the other documents which are printed in the volume on your lordships' table, can doubt for a moment that the objects were public objects of the greatest possible importance.

That being so, my Lords, the next question is, what were the powers conferred upon the Irish Society, and what were the duties they had to perform? They had to superintend, order, direct, and manage exclusively the whole of this extensive concern; they were appointed for that object. They had to superintend and govern, and perform, therefore, those duties that were necessary for the purposes of giving effect to the grant, the purposes of the grant being those which I have stated. What, then, were the powers with which they were invested for that purpose, and what were the duties, by the Charter, which they had to perform? The words of the Charter are, "For the better ordering, directing, and governing all and all manner of things for and concerning the city and citizens of Londonderry aforesaid, and the aforesaid county of Londonderry, and the Plantation to be made within the same city and county of Londonderry, and other businesses belonging to the same, We will, grant," and so on. It is for those purposes the Society was formed; and having formed the Society, it goes on thus: it gives them power to hold a court, "and in the same court or meeting to do, hear, transact, and determine all and all manner of matters and things whatsoever of, for, or concerning the Plantation or government aforesaid, as to them shall seem best and most expedient; and also in the same court or meeting shall and may have full power and authority to direct, appoint, and ordain for and on the part of the Mayor and Commonalty and Citizens of our city of London, in our kingdom of England, all and singular things which, for or concerning the plantation, supply, establishment, continuation, and government of

the said city of Londonderry, and of all other the lands and tenements hereunder in these presents mentioned to be granted, shall seem to be most profitable and expedient ; and also to send orders and directions from this kingdom of England into the said realm of Ireland, by letters or otherwise, for the ordering, directing, and disposing of all and all manner of matters and things whatsoever of or concerning the same plantation, or the disposition or government thereof ; and also for the receipt, ordering, disposing, and laying out of all sums of money now collected and received, or hereafter to be collected and received, and generally any other cause, matter, or thing whatsoever concerning the direction or ordering of the said Plantation, or concerning any other things whatsoever which by the true intent of these our letters patent can or ought to be done by them for the better government and rule of the said city of Londonderry aforesaid, and the said county of Londonderry aforesaid.”

Those, then, are the very extensive and large powers that are given to this Society for the purpose of carrying into effect the intentions of the Crown ; the intentions of the Crown being those great and important public objects to which I have already called your lordships' attention.

My Lords, another question which has been raised in the course of this discussion was this : it is suggested that those duties were performed and completed within a short period after the grant of the Charter, and that those trusts are already entirely at an end—that they have expired.

My Lords, it is quite impossible, as it appears to me, to maintain such a position. In the first place, so far as relates to the city of Londonderry, they have a constant superintendance and control over the corporation ; for their consent is necessary to any bye-laws that may be published at any time and enacted by the corporation. They have to provide for

the Protestant religion, the Protestant establishment, in that district. That is not a temporary, but a permanent object. And with the establishment of religion in that district, they have also to superintend and take care of that which is closely and intimately connected with religion, and a part of it, if I may so describe it ; namely, the education of the inhabitants of the district. They have also to perform other public duties of great importance connected with the district ; duties, as it appears to me, from the very nature and character of them of a permanent description. And it appears to me that there is no foundation whatever for the argument which has been urged, that their authority as public officers has long since expired, and that they have no public duties at present to discharge.

The next question, my Lords, is, whether these funds are applicable to those objects. With respect to that, my Lords, no doubt can be entertained. The Irish Society was established for the purpose of effecting and superintending those important objects ; expense must of necessity have been incurred for those purposes ; they had no other funds but the funds arising out of this grant. The grant was given, and was given on the condition of those duties being performed ; and nobody, therefore, reflecting at all on the nature of these transactions, can doubt for a moment that those funds are applicable, strictly applicable, to those objects.

My Lords, the remaining question to be considered, so far as relates to the duties of the Corporation, that is, the Irish Society, is, have they a discretion with respect to the manner in which they shall discharge their duties, the extent to which they shall be carried out, and the objects to which they shall be applied ?

My Lords, by the very terms of the Charter, by the very terms by which they themselves are constituted a corporation,

they are to do for the purposes of the government what they shall consider meet and expedient ; they have a discretion, therefore, directly vested in them ; but, my Lords, it is unnecessary to refer to the words of the Charter for that purpose : the very duties they have to perform import discretion. If they have authority to superintend and govern (and they were established for that purpose), if they have authority to superintend and govern, and make laws and ordinances for the purpose of superintending and governing this district, of course they must have a discretion as to what objects it shall be applied to, and in what manner that power shall be exercised.

My Lords, the result of all these observations is this, that the objects are public and important ; that they were constituted for the purpose of carrying those objects into effect ; that those objects are still in existence ; that the funds of this district are applicable to those purposes ; that they have a discretion to exercise as to what extent they will apply those funds, and to what objects. If that be so, my Lords, they are public officers invested with a public trust, having a right to apply those funds in discharge of that public trust, and they therefore cannot be accountable in a suit of this kind by the Companies of London, or by any particular Company, as if they were trustees for private purposes and private objects.

But, my Lords, the case does not rest there, because, as far as relates to this particular portion of property, the town lands, the fisheries, and the ferries, it is declared expressly in the Charter of Charles II. that those funds are applicable to the general operations of the Plantation. It is stated in the preamble of that Charter that they were retained for that purpose ; and when the Crown states that they were retained for that purpose it sanctions the appli-

cation, and when it regrants the property it regrants the property subject to that condition, and sanctions and authorises and directs the application to those objects.

Again, my Lords, with respect to the permanence of those objects, when it is said that those objects were in a few years accomplished, and that those public trusts ceased, we must look at the Charter of Charles II. as giving at once a denial to that allegation. That Charter was published fifty years after the Charter of James I.; and in that Charter it is stated that the object of the incorporation at that time, in the year 1662, is for the further and better settling and planting of the said county, towns, and places with trade and inhabitants. So that not only from general reasoning arising out of the nature of their duty, from their constitution, but from the very terms of the Charter, it appears that the idea that this was a mere transitory duty is wholly unfounded, and it appears that at that time there was still much of the same duty remaining to be performed as was required to be performed at the time when the original Charter was granted.

Now, my Lords, if that be so, the conclusion I come to appears to me to be irresistible; they are public officers, they have public duties to perform of an important kind. By the terms of the Charter of Charles II., independently of any general reasoning, this property is given to them for these very purposes; they have applied it for these purposes. After they have satisfied the purposes, which purposes are entirely in their discretion, they have been in the habit of paying over the surplus funds, in round sums I think it is stated; but, however, they have paid over the surplus funds to the different companies in proportion to their original contributions; but that depends entirely on the will of the Society, I mean as to the amount. They are to exercise

their judgment as to what is necessary for the performance of their public duties, and after they have satisfied those duties, after they have applied to public objects what, in their judgment—in the fair exercise of that judgment—is necessary for those objects, then it is, and then only, that the surplus which remains, subject to their discretion, has been usually paid over to the Companies.

Now it is perfectly clear therefore, in this state of things, that they cannot be considered as trustees for the private benefit of the Companies. If they are public officers, and have in any respect neglected their duty, they are liable to account, but they are not liable to account to the Companies. They may be liable to account to the Crown, they may be liable to account for misconduct to the Corporation of the City of London; they are elected by the City of London; they are half of them removed every year; the City of London can exercise a control over them; if they misconduct themselves they can be restrained and kept in order by the authority of the City of London, or by the authority (if these are public objects) of the Crown; but they are in no respect, as it appears to me, amenable to the private Companies for the manner in which they discharge their duties.

I am of opinion, therefore, that this suit cannot be maintained.

I may state that this is in conformity not merely with the opinion expressed by Lord Langdale in the Judgment which he has delivered, but that it arises out of what was intimated by Lord Cottenham on a former occasion, on an interlocutory application made in the cause of this suit; and I have the authority of that noble and learned lord to state that he retains the opinion which he then formed—imperfectly formed at that time, because the case was not



fully before him—but after hearing this case he was confirmed in the opinion he then entertained.

I therefore move your lordships that this Judgment be affirmed.

Lord CAMPBELL.

Entirely concurring in the view of the case which has been taken by my noble and learned friend, I have hardly a word to add to his most lucid explanation of the case, and it is on account of the magnitude rather than the difficulty of the case that we have taken some time to consider it before we should intimate the opinion which we had then formed upon it. The moment that it came before Lord Cottenham, he with his usual precision seized the question, and he stated the question at once to be, Whether the Irish Society are to be considered as merely private trustees or trustees for public purposes. He then gives his opinion that they were trustees for public purposes. When the case came before Lord Langdale, he, after great deliberation, came to the same conclusion. I concur in the opinion that those eminent judges have pronounced. It seems to me that the object of the Crown was, that public purposes should be attained by the trustees who had the management of these lands; and I am clearly of opinion that the purposes for which the grant was made still continue, and that they are and must ever remain trustees for the public. It is therefore quite clear that this Bill cannot be supported, but that it was properly dismissed; and the Appeal is erroneous.

Mr. WOOD.

It is affirmed with costs, I understand your lordship to say.

Lord CHANCELLOR.

Yes, with costs.

SPEECH OF SIR M. E. HICKS BEACH, CHIEF SECRETARY FOR IRELAND, IN OPPOSITION TO MR. LEWIS'S MOTION AGAINST THE SOCIETY, BROUGHT FORWARD IN THE HOUSE OF COMMONS, 27TH FEBRUARY, 1877.

[*Extracted from the "Times," 28th February, 1877.*]

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Sir M. HICKS BEACH said there would be no question that the constitution and management of the Irish Society were of necessary legitimate subjects of inquiry by a Committee of the House of Commons, and he should be reluctant to interpose if sufficient grounds had been shown and if it did not appear that such an inquiry would create far greater mischief than any benefit that would be obtained from it. (Hear, hear.) What was it that was sought? The hon. member for Londonderry asked for a committee to inquire into the constitution, management, and annual expenditure of the Irish Society for London. Now, there was hardly anything upon which the House had already better means of forming a judgment. Its constitution might be found fully described in the judgment of the House of Lords to which allusion had been made, in frequent debates in the House of Commons, and in the reports of Royal Commissions. As to its management and annual expenditure, both had been fairly and openly placed before Parliament and the country by the Irish Society itself (hear); and no further information could be obtained from a Select Committee. It had been said that the trusts of the Irish Society might be more explicitly defined. But no committee, however able their report, could more conclusively state these trusts than they were stated in the lucid judgment of the House

of Lords already mentioned in debate. It had been admitted by the hon. baronet (Sir Sydney Waterlow) that the Society held its property subject to trusts for certain public objects. In a previous debate in this House Baron Dowse stated this as the effect of the decision of the House of Lords—"that the Irish Society were declared to be trustees for public objects, and that, after having satisfied these public objects within their discretion, the surplus ought to go to the London Companies." (Hear.) That was the position of the Irish Society. The motion asked for inquiry "as to what, if any, changes can be made in the governing body or the mode of administration in order to insure a more economical and advantageous application of the property, or whether such result can be best attained by placing the property in the hands of public trustees resident in Ireland." The language of the hon. member pointed to a conclusion definitely expressed in the motion of which he gave notice last Session, though it was not brought before the House—a conclusion which seemed to have been pressed upon him by many of his constituents—namely, that the property of the Irish Society should be taken away from them and placed in the hands of public trustees, locally resident. Now, before assenting even to inquiry upon a matter of this kind, the House ought to be satisfied how far the Society had fulfilled the public trusts for which they were constituted. He had failed to gather from any previous speaker a statement that the Society had not to the fullest of their power fulfilled those public trusts. The hon. member for Derry himself spoke of the magnificent manner in which the Society were now behaving to Derry and Coleraine. Certainly the hon. member went on to hint that the attacks on the Society which were made or threatened had disposed them to behave more liberally than heretofore. This assertion, however,

was conclusively refuted by a mere glance at the grants made in previous years, long before any attacks of this kind were meditated. In the speech of the hon. member (Mr. R. Smyth), though he was a professor of Magee College, there was no allusion to the liberal contribution in 1850 of £1,000 from the Society to the College, where they also founded a Professorial chair. Then in 1854 the Society made a large contribution to the waterworks of the city of Derry; in 1856 there was the building of those schools in Coleraine which, as the hon. member for that borough informed the House, were, under the National Board, open to children of all denominations. In 1861 the Society gave £10,000 towards the bridge of Derry, and within the last two years grants had been promised by the Society of £1,000 a year for 25 years towards a harbour at Coleraine, and no less than £40,000 towards paying off the debt upon the bridge which had been mentioned by the hon. member (Mr. Lewis). He would not trouble the House with any statement as to the administration of the funds in the locality. The Governor of the Society had sufficiently entered into those matters. He only mentioned enough to show that there was no good ground for complaint as to the mode in which the Society administered its revenue in Derry and Coleraine. It had been said by the right hon. and learned member (Mr. Law) that it was a pity the Society could not contribute towards denominational objects, such as Roman Catholic education in the county of Derry. But there were sufficient undenominational objects, such as harbours and bridges, to which the Society could subscribe, and the hon. member (Mr. Lewis) had not hinted that he would desire such an application of their funds. The hon. member referred to misappropriations which had occurred almost centuries ago and seemed to argue that because of these past misappropriations

the property should be handed over to local trustees. He certainly touched upon the expenses of management, the fact that the property was governed by a non-resident body, and to alleged interference with the Corporation of Derry; but were these points of sufficient importance to justify a motion which, whatever its terms, would be accepted out of doors as not only a censure of the Irish Society, but as directly affecting the property of the City Companies, and even private proprietors in the north of Ireland? (Hear, hear.) He had mentioned the sum of £970 spent in "deputation expenses," but it was not spent for private purposes, but upon the business of the trust. They had entertained the principal persons of Derry and Coleraine, doubtless greatly to the satisfaction of those persons (laughter), and possibly to some extent out of their own funds as well as those of the Society. Then the House had been told of law expenses, of a fee of 10s. for each attendance at meetings of the Council, and of £450 charged for the establishment of the Society in London. Did this contrast unfavourably with what they knew of the management of trust funds by public bodies of other kinds and with the legal expenses of certain Commissions instituted within the last 25 years by Parliament itself? (Hear, hear.) There might be objections to the managing body on the ground that it was non-resident, but there might also be advantages in this fact, for they were perhaps less liable to be biassed by local interests and less disposed than the corporations of certain towns to devote their lands to the benefit of themselves, their relations, or their friends. By non-residence these temptations were avoided. The hon. member said the Society exercised an abnormal control over the Corporation of Derry. Well, they paid the Corporation £1,200 a year, and when the Corporation got into difficulties some time

ago and had to pawn their mace, the Society redeemed it from pawn. (Laughter.) There was a complaint that the Society interfered even in such matters as the naming of the streets. He should have hardly thought it worth while for them to trouble their heads on such subjects ; but he could not help remembering that the Corporation of Dublin some time ago resolved to change the name of Essex Bridge, which was the name of an English Viceroy, to Grattan Bridge, which was the name of an Irish patriot ; but to this day the name of " Essex " remained posted up at the corner of the street, the Corporation never having taken the trouble to remove it. (Laughter.) Having now gone over the points upon which the hon. member grounded the motion, he asked the House to consider whether they were really sufficient to justify them in granting this inquiry. The mode of appointing members of the council, and perhaps the mode of granting leases to tenants, might need reform, though the Society were not the only landlords in Ireland who were found fault with on the last head. (Hear, hear.) For the sake of these almost minute matters, would the House sanction a motion which out of doors would be taken as an intention to deprive the Irish Society of their property altogether ? (Hear, hear.) In 1869 the subject was debated in this House, and Lord Carlingford, then the Irish Secretary, said the matter seemed to deserve further investigation, and that it would be for the Government to consider what form this investigation should take, and whether an impartial inquiry by a Royal Commission would be desirable. That Government remained in office four years subsequently without doing anything, and he must conclude, therefore, that Lord Carlingford, having investigated the matter, saw that the difficulty and the danger of dealing with this matter outweighed the advan-

tage of any small reforms which might possibly be made. (Hear.) The right hon. and learned gentleman (Mr. Law) must have strangely forgotten this debate. (Hear.) As to the motion, he thought that serious results might follow from granting it. He came to this conclusion not so much from the terms of the motion itself as from that of last year, from the petition presented by some of the constituents of the hon. member (Mr. Lewis), and specially because of the hon. member's speech this evening. It was not merely the Irish Society which was now in question. The hon. member for county Derry wished the City Companies to remain, but the passing of such a motion would be a strong inducement to the Companies to withdraw from the North of Ireland. (Hear, hear.) Their property was held on the same charter as that of the Irish Society, and if the Irish Society were disestablished and disendowed, the next step would be to declare that the City Companies had not given sufficient consideration for their property, and that it should be taken away and divided—possibly without payment—among the existing tenants. (Hear, hear.) But this was not all. There was private property, derived from the City Companies, or held under the same charters. The passing of this motion would open a vista which he would rather not contemplate, and he had heard nothing from the hon. member for Derry which would justify this House in assenting to such a motion for the sake of so small a benefit. (Hear, hear.)

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1892. No. 4.

In the High Court of Justice in Ireland.

CHANCERY DIVISION.

MASTER OF THE ROLLS.

THE ATTORNEY-GENERAL

v.

THE IRISH SOCIETY AND OTHERS.

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JUDGMENT  
OF THE MASTER OF THE ROLLS.

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December 2, 1898.

The writ by which the present action was commenced was issued on the 5th of January, 1892. The trial before me commenced on the 9th of November, 1898, and the arguments occupied eight days—a time not at all disproportionate to the immense mass of documents with which the discussion was conversant, or the enormous amount of property involved in the plaintiff's claim. The suit is in the nature of an information by the Attorney-General at the relation of the Reverend John Johnston (of whom we have heard nothing in the case). I presume the Attorney-General of the day—now Mr. Justice Madden—was satisfied that he was a competent relator. Of the six Counsel who signed the writ or statement of claim, or both, two have become County Court Judges; one has filled the great office of Lord Chancellor, and is now a Lord Justice of Appeal; and one has—may I venture to hope not permanently?—retired from among us.



Why the case has been permitted to drag on for nigh seven years in Court, unheard, I know not. It has now, however, at length been heard; and I should fail in my duty if I did not say that everything bearing on the case has been fully argued and discussed.

The main object of the suit, not to refer at present to the exact demand formulated in the prayer of the statement of claim, is to fasten upon the lands granted to the London Companies at the plantation of Ulster, or so much of them as has not been sold or otherwise disposed of, a trust for the public and general objects of the plantation. The Irish Society is also sued, and certain relief is claimed against them too; but it was stated that they were joined mainly, though not necessarily, for conformity; and if the plaintiff be entitled to succeed against the Companies, I would be prepared to hold that the Irish Society was rightly joined.

Treating the case then for the present as being brought in the interests of the public, or that large and important portion of the public resident in or connected with the Londonderry portion of the plantation of Ulster, the first thing to be noticed is that surely never in the history of litigation was there a case in which the burthen of proof lay so heavily upon a plaintiff. The transactions out of which the trusts arose—if at all—date from the beginning of the seventeenth century. We are now at the very end of the nineteenth. If the trusts existed, it is the case of the Attorney-General that they have been persistently violated ever since; for though credit is given to the Companies for certain or uncertain acts which might or might not have been done by trustees as such, not one act has been proved unequivocally referable to that relation; and no single acknowledgment is so much as alleged admitting it. It lies then on the Reverend Mr Johnston to prove his case.

After the flight of the Earls Tyrone and Tyrconnell, and the forfeiture of the lands which on their attainder escheated to the Crown, the Government of King James I. formed the plan of colonising, settling, or "planting" the six forfeited counties of Armagh, Tyrone, Coleraine (Londonderry), Donegal, Fermanagh, and Cavan. No light is to be derived in regard to the present questions from what occurred in former plantations in Ireland. It is to be observed, however, that King James' plantation was a vast scheme embracing not Londonderry alone, but five other counties as well, and that the "Orders and Conditions" under which the planting was to be undertaken were prepared in direct relation to all. They were all equally within the policy of the project, which was originally meant to be homogeneous.

By the "Orders and Conditions" (a portion only of which is set out in a schedule to the statement of claim) the King's intentions are stated :—

Whereas the greatest part of six counties in Province of Ulster, within the Realm of Ireland, named Armagh, Tyrone, Coleraine, Donegal, Fermanagh, and Cavan, being escheated and come to the Crown, hath lately been surveyed, and the survey thereof transmitted and presented unto His Majesty. Upon the view thereof His Majesty, of his princely bounty, not respecting his own profit, but the public peace and welfare of that Kingdom by the Civil Plantation of those unreformed and waste Countries, is graciously pleased to distribute the said lands to such of his subjects, as well of Great Britain as of Ireland, as being of merit and ability, shall seek the same with a mind not only to benefit themselves, but to do service to the Crown and Commonwealth, and for as much as many persons, being ignorant of the conditions whereupon His Majesty is pleased to grant the said lands, are importunate suitors for greater portions than they are able to plant, intending their private profit only, and not the advancement of the Public service, it is thought convenient to declare and publish to all His Majesty's subjects the several quantities of the proportions which shall be distributed, the several sorts of

Undertakers, the manner of allotment, the estates, the rents, the tenures, with other articles to be observed, as well on His Majesty's behalf as on behalf of the Undertakers, in manner and form following.

I do not propose to read the whole of the "Orders and Conditions," which have been frequently read during the course of this case, and are sufficiently referred to in reported cases connected with the matter, but there are certain general provisions in reference to undertakers of all sorts to which I shall refer. They are these:—

That there shall be Commissioners appointed for the setting forth of the several proportions and for the ordering and settling of the plantations according to such instructions as shall be given unto them by His Majesty in that behalf.

That all the said Undertakers shall by themselves or by such as the States of England or Ireland shall allow of attend the said Commissioners in Ireland at or before Midsummer next to receive such directions touching their plantations as shall be thought fit.

That every Undertaker before the unsealing of his Letters Patent shall enter into bond or recognisance with good sureties to His Majesty's use in the office of His Majesty's Chief Remembrancer in England or Ireland or in His Majesty's Exchequer or Chancery in Scotland, or else before two of the Commissioners to be appointed for the plantation to perform the foresaid articles according to their several distinctions of building, planting, or residence alienation within five years, and making of certain Estates to their Tenants in this manner, viz., the Undertaker of the greatest proportion to become bound in £400 of the middle proportion in £300 and of the least proportion in £200.

That in every of the said Counties there shall be a convenient number of market towns and corporations erected for the habitation and settling of tradesmen and artificers and that there shall be one free school at least appointed in every County for the education of youth in learning and religion.

That there shall be a convenient number of Parishes and Parish Churches with sufficient Incumbents in every County and that the Parishioners shall pay all their tithes in kind to the Incumbents of the said Parish Churches.

This document was promulgated in 1608; and in substantial conformity with its provisions, the plantation of a great part of five of the six Ulster counties went on. It cannot of course admit of any doubt but that the undertakers took their several estates for their own benefit, although bound to the "conditions" applied to them. They could make as much "benefit for themselves," or "private profit," as they could while carrying on the plantation upon the prescribed lines. Holding direct from the Crown by Charter a violation by them of the obligation they had entered into might subject them, in addition to forfeiting the penalty in their Bonds, to having their patents revoked; but it is, I think, clear that they were not meant to be trustees for anybody; and that most of the obligations imposed upon them, apart, of course, from such as were incidents of their tenure, were capable of being performed within a limited period. So soon as the lands were parcelled out among English, Inland Scotch, or other suitable occupants in the prescribed way—castles and bawns built, churches erected and established (the endowment was to be mainly by tithes), market towns erected (which the King was to help in doing, so far as the operation needed the aid of his Prerogative)—the purpose of the plantation might be said to be practically accomplished. No one has suggested that the great private undertakers in Ulster, or their successors, were, or are, in any other sense than this, trustees for public purposes.

The case of Londonderry, however, is different. It was desired to enlist the City of London in the undertaking. The City of Derry presented the possibility of a development of trade and commerce by reason of its situation as a seaport; and Coleraine might prove similarly attractive. They were both situate in a county which was at that time

the worst part of the most backward and distracted portion of Ireland. A powerful hand was needed for the task of its plantation and reclamation. The King's advisers turned to the City of London for that purpose, and with a view to influence the city, the "Motives and Reasons" were prepared. I do not propose either to read the whole of these. They are familiar to all who are before me in the case. They commence with this statement: "The late "ruinated city of Derry, situate upon the river of Lough "Foyle, navigable with good vessels above the Derry, and "one other place at or near the Castle of Coleraine," and it describes its situation on the River Bann "navigable with "small vessels only," by reason of the bar a little above Coleraine, do seem to be the fittest places for the City of London to plant. The situation is such that, with small charge and industry, the aforesaid places, especially the Derry, may be made by land almost impregnable and so will more easily afford safety and security to those that shall be sent thither to inhabit.

These towns His Majesty may be pleased to grant unto not only Corporations, with such liberties and privileges for their good government, &c., as shall be convenient, but also the whole territory and county betwixt them, which is above twenty miles in length, bounded by the sea on the north, the River Bann on the east, and the river of Derry or Lough Foyle on the west, out of which 1,000 acres more may be allotted to each of the towns for their commons, rent free; the rest to be planted with such undertakers as the City of London shall think good for their best profit, paying only for the same the easy rent of the undertakers. And in reference to the profits there is a special head as to the profits which London shall receive. The "Motives and "Reasons" are described in very high-flown language in

reference to the fertility and productiveness of the soil and the ease of procuring timber and materials for building, and as regards the profits which London shall receive it is stated—

If multitudes of men were employed proportionately to these commodities which might be there by industry attained, many thousands would be set to work to the great service of the King, strength of his realm, advancement of several trades, and benefit of particular persons, whom the infinite increasing greatness (that often doth minister occasion of ruin to itself) of this city—[that is, the City of London]—might not only conveniently spare, but also reap a singular commodity, by easing themselves of an insupportable burthen which so surchargeth all the parts of the city that one tradesman can scarce live by another, which in all probability would be a means also and preserve the city from infection, and by consequence the whole kingdom, which of necessity must have recourse thither, which persons pestered or closed up together can neither otherwise or very hardly avoid.

These colonies may be a means to utter infinite commodities from London to furnish the whole north of Ireland, which may be transported by means of the rivers of Bann and Lough Foyle into the counties of Coleraine, Donegal, Tyrone, Armagh, and Antrim.

The City of Dublin being desolate by the slaughter of the Easterlings, who were the ancient inhabitants thereof, was given by King Henry the Second to the City of Bristol to be inhabited, which, without any charge to the King, Bristol did undertake and performed it, whose posterity doth there continue unto this day. This plantation thus performed to the perpetual commendation of Bristol, was not the least cause of civilising and securing that part of the country.

It were to be wished this noble precedent were followed by the City of London in these times, with so much the more alacrity as in ability and means they excel them; and so much the rather for that the commodities which the City of London shall reap thereby do far surpass the profit that could redound to Bristol by the other.

It is not of any importance, but I rather think there is a slight historical inaccuracy in the statement that the

slaughter of the Easterlings took place in the time of Henry II. It was long after the reign of Henry II. and the plantation of Bristol.

These "Motives and Reasons" are not in themselves, and do not purport to be, any part of the terms of a contract. They are rather analogous to what in our time is termed a prospectus, drawn up in order to set forth the advantages of entering into a contract. As a State document, however, known to the City and its advisers and to the London Companies, it is properly appealed to as showing a part, at least, of the Policy in pursuance of which the City of London was engaged in the enterprise; and it is relied upon as showing that the profits which London was expected to derive from the plantation were, in great part at least, indirect, not direct, the extension of its trade and the like, rather than the acquisition of territory in Ireland.

If nothing had occurred to alter or modify this plan, what would probably have happened would have been this: The City had apparently no civic funds, or none applicable to the purpose. Therefore, in order to carry out the plantation, which required large sums of money, the City would have been obliged to negotiate with private persons, who would have undertaken separate portions of the plantation at their own costs, but under the superintendence and direction of the City, each in his own district. This would have resembled the mode of plantation in the other five counties under the "Orders and Dispositions," except that the City would have stood between the Crown and the undertakers. It remains to be seen whether what was actually done differed substantially from this.

The connection between the City Companies and the Corporation of the City was of a very close character. The

Burgesses of London must all be free of some of the Guilds ; and the Lord Mayor and Council had and exercised the power, however derived, of taxing them. Still they were distinct bodies, capable of existing and managing their own affairs even if the Corporation of London had been suppressed, and having a separate corporate being. They were wealthy—at least, some of them were—though they were not ostentatious on that subject when it came to parting with their money ; and they were in immediate touch with all the great trades and industries of the country. It is no wonder, then, that it was the Companies, instead of private persons, who were chosen for the work. Possibly they could not be constrained to undertake it ; but they could be compelled to pay for it whether they did or not.

A Commission was sent to Ireland to report upon the project, with detailed instructions, by the Lords of Privy Council ; and their report came back. There was also an inspection on behalf of the City. And by the summer of 1609 the proposals had taken definite shape. The City was to be represented by a body, now the Irish Society.

The articles between the King and the City of London, dated 28th January, 1610, were entered into after careful and detailed discussion between the Common Council and the Lords of the Privy Council

But meanwhile the project as affecting the Companies—who are not named or alluded to in the Articles of Agreement—had proceeded so far that most of them had fallen in with it. Take the case of the Ironmongers' Company.

There was a precept by the Lord Mayor of London, dated 1st July, 1609, to the Companies, and to the Ironmongers among others. It is as follows :—

Whereas I have lately received from the Lords of His Majesty's most Honourable Privy Council a project for a plantation in



Ireland, the copy whereof together with a printed book you shall receive hereunto annexed, with intimation of the King's most gracious favour and love to the City of London, to grant unto us the first offer of so gracious an action, which is likely to prove pleasing to Almighty God, honourable to the City, and profitable to the undertakers. These are therefore to will and require you presently to assemble together a competent number of the gravest and most substantial men of your Company to consider advisedly of the said project, and of them to nominate four men of most judgment and experience to join with like number of four of every other of the Companies of this City amongst themselves to consider of and set down in writing such reasons, orders, demands, and other circumstances as are fit to be remembered, ordered or required in the undertaking of so worthy and so honourable an action, and to certify me in writing before the fifth day of this instant July the names of such four of your Company as you shall so nominate and appoint, wherein you are not to fail in any wise.

That was dated 1st July, 1609. The answer of the Ironmongers gives the names of four persons to take part in the conference, and on the 11th July of the same year the following answer is adopted—viz. :—

The reasons which were induced and tendered to this Company as motives upon the project for plantation in Ireland, were at this Court considered and answered as followeth : That the weakness of the Company in respect of the charge and their lack of money to disburse did disable them and if it were expected upon private purse the Company itself is charged already particularly and what is incident of charge in the Company is borne of their own and the rents of their lands employed in charitable uses.

That appeal was not successful, because they were directed by separate precept to consider the matter more fully, and to that answer dated 13th July, 1609, was returned saying that they desired with their best means to help the State and Commonwealth.

But what we would we cannot in respect of weakness for first our charge that groweth already out of private purses, and to expect supply thereof we cannot, what rents we have the same are given and employed in charitable uses and to alter that were mere impiety and for our charge this year ensuing we need not of ourselves to intimate, the same is generally known and as we doubt not but expected. Therefore most humbly we entreat your Honour's good acceptance of these few lines for our excuse, tendering our good will and means which we humbly leave to your Honour's consideration.

Ultimately on the 24th or 26th of July—it is not certain which date is the right one—a precept was sent by the Mayor of London to the Ironmongers' Company, and in that precept he recites sending of the two previous precepts, and recites that by reason of some mistake the Committees of the Companies had answered in writing, before any conference with His Majesty's Council of Ireland, and that certain persons had been nominated for conference and so forth. The names are set out. The precept continues :—

Now forasmuch as the said committees, after a full and large conference with the Council of Ireland, have received such satisfactions as well of the honour of the action, the good that may come to this kingdom and city of the same, as well as the profit which is likely to redound to the particular adventurers as hath given good encouragement to the committees and others to become adventurers therein.

Then the Lord Mayor orders further consideration of the matter, which resulted in a resolution of the Ironmongers' Company, and an answer to the precept dated 26th July was returned :—

We understand by our committees the scope and effect of their proceedings, and see your Honour's care how that without survey your Honour pleaseth not to undertake the project, therefore out of weak men we humbly desire to yield content, certifying our endeavours with their names and sums whom we have drawn in

action, together with those also which for their mean estate or absence we cannot. Humbly leaving the success to God

and so forth. Then there is a long list of contributions to be assessed on individuals. But, coming back to the precept, there is a statement of motives for what was to be paid by this and the other Companies joining in the matter—viz., besides the honour of the action and the good that may come to the Kingdom and City, “as well as the profit “which is likely to redound to the particular adventurers “as hath given encouragement to the committees and others “to become adventurers therein.”

Now it occurred to me during the argument that, whatever the effect of that might be, there was in that clause a recognition of the position in which the Companies were to be dealt with, as being on the footing of undertakers. MacDermot argued that the adventurers mentioned in the first part of the previous article were not the same as the Companies or that the word was used in a different sense. I am not able to adopt that argument at all. The language of these documents is very precise. The previous article mentioned particular adventurers as giving encouragement to committees and others to become adventurers—that is, that committees and others were induced to join, and joined as adventurers.

On the 16th January, 1609–1610, there is the following :—

Upon a precept received for the levy of £20,000 amongst the Companies towards the plantation in Ireland and where this Company is proportioned £880 and to pay the same by parts, whereof £220 forthwith, and the assessment enjoined by the poll, it is therefore ordered that the same be made according to that proportion and rate upon every man as the order goeth for him or them assessed in the corn stock and what ariseth not to that proportion of £880 the same to be taken up at interest and the Company to bear the same in respect of the poverty of them that

are not able, and the interest of the same money so taken up to be assessed and paid by an increase of the yeomanry quarterage.

Up to this point the question had been mainly one of payment. But the payments having been made, it remained to consider what was to be the position of the Companies in respect to the undertaking. Would they lose their money or accept an equivalent?

The MacDermot's argument throughout was that the Companies, though they contributed the money for the plantation, did so against their will, and as a fine or impost; that it had passed from them and ceased to be theirs; and that it could in no sense be treated as purchase money paid for lands, so as to confer upon them any rights as purchasers. I may say, in passing, as I said during the argument, that if this were so his contention on another branch of the case—that the Companies had a lien, and took the lands in order to reimburse themselves in respect of it—goes by the board. They could have no lien for a penalty paid, or an execution raised, independent of contract. But though there is no actual record that I am aware of till January 1610–1611 showing that it was understood all along that the Companies were to have an equivalent for their contributions, the Mayor's precept of 15th January, 1610–1611, shows that this was so. It is as follows:—

These are to will and require you that according to an Act of Common Council this day made you do forthwith assemble yourselves together and calling to you such and so many of your Company as you shall think fit, resolve amongst yourselves whether you will take and accept a proportionable share of lands in the province of Ulster within the Realm of Ireland in lieu of the moneys by you already disbursed towards the plantation there. And so to build and plant the same at your own costs and charges accordingly as by the printed book of plantation is required or else whether you will refer the letting of the same lands and the managing of the whole business there unto the Governor and

Assistants of the Company for the said plantation for the time being.

And the answer to that, which constituted no doubt an informal contract between the Lord Mayor as representing the City of London and the Ironmongers' Company was :—

According to your Honour's precept of the 14th of this month we have made known unto our Company your Honour's pleasure and received their answer herein. That they are pleased to accept a proportionable share of lands within the province of Ulster for their disbursements, and to order the same as of themselves referring them to such conditions as are extant which we humbly signify taking our leaves this 31st day of January, 1610.

In no way that language can be interpreted is this consistent with anything but a beneficial enjoyment of the property in consideration of an antecedent payment.

Again, a further assessment was made upon the Companies in proportion in March 1610–1611, and a similar offer was made, as appears by the precept 31st January 1610—no doubt in lieu of the first (15th January, 1610), which was based upon the expenditure originally intended.

This precept appears to throw considerable additional light on the question. First it recites

Whereas the King's Most Excellent Majesty hath granted unto the City of London, the City of Derry, and Town of Coleraine, with 7,000 acres of common land thereunto adjoining and fishing and divers other immunities privileges and franchises paying four marks per annum. And whereas the City hath undertaken to dispend in building of houses and fortifications and for freeing of foreign titles the sum of £20,000. And whereas also His Majesty hath further granted to this City divers other lands in the County of Coleraine and other undertaken lands to build thereupon, which building is to be performed in such manner as is expressed in the printed book now extant. Yet with this addition that they are to have and enjoy the same lands after the Irish measure

that is, a larger measure of land

being far better than other ordinary Undertakers have. And forasmuch as the Governor and Committees for the plantation in Ireland are now instantly to take care for the letting and disposing of the said lands in the said County of Coleraine and the said other lands so undertaken to be used and managed for the benefit of this City which otherwise would prove a great hindrance and loss especially for that the time of the year is now most convenient for the plantation to proceed. Yet it is thought fit that the offer of those lands be first made to the several Companies of this City who have and are to disburse the sum and bear the charges of building before mentioned. These are therefore to charge and command you that yourselves together with the assistants and such others of your Company as you shall think fitting do forthwith assemble together and advise whether you will accept of a proportion of the same lands according to the quantity of your disbursements to be by you undertaken and managed according to the printed book for plantation.

That is that the undertaking was to be taken in hand by the Companies as undertakers and adventurers just as other undertakers who were mere adventurers. And then there is an intimation that the Companies were to pay and bear their respective proportions of the charges of building fortifications and freeing of titles whether they accepted of the offer of the lands or no; and that notwithstanding the acceptance of the lands they were to be partakers of the benefits of fishings and the profits of the towns and other immunities.

It was not till 1613 that the Irish Society obtained its first charter, which bears date the 29th of March of that year.

By that document it is recited :—

Whereas there can be nothing more kingly than to establish the true religion of Christ among men hitherto depraved and almost lost in superstition; to strengthen, improve, and cultivate by art and industry countries and lands uncultivated and almost

desert, and the same not only to plant with honest citizens and inhabitants, but also to renovate and strengthen them with good statutes and ordinances, whereby they might be more safely defended, not only from the corruption of their morals, but from their intestine and domestic plots and conspiracies, and also from foreign violence. And Whereas the province of Ulster in our realm of Ireland for many years now past hath grossly erred from the true religion of Christ and Divine Grace, and hath abounded with superstition inasmuch that for a long time it hath not only been harassed, torn, and wasted, by private and domestic broils, but also by foreign arms; we, deeply and heartily commiserating the wretched state of the said province, have esteemed it to be a work worthy of a Christian prince, and of our royal functions, to stir up and recall the same province from superstition, rebellion, calamity, and poverty which heretofore have horribly raged therein, to religion, obedience, strength, and prosperity.

And Whereas our beloved and faithful subjects, the Mayor and commonalty and citizens of our City of London, burning with a flagrant zeal to promote such our pious intention in this behalf, have laudably undertaken a considerable part of the said plantation in Ulster, below in these presents mentioned, and in other respects are making progress therein.

That is the preamble as we might call it.

Pausing here, I think it is clear that this recital is nothing more than a statement of the motives alleged to be in His Majesty's mind, and influencing him to do what the charter did. The case of the Plaintiff was put upon the ground that this recital contained a declaration of trust binding as such upon the Irish Society, and, through it, upon the Companies. If it were a trust it must be taken as still binding so far as the trust is capable of taking effect, and not unlawful. It is conceded (and indeed obvious) that the superstition referred to is the Roman Catholic religion; and as there is nothing illegal in a trust for the promotion of Protestantism and the discouragement of other beliefs) the

“stirring up and recalling” the county of Londonderry from Catholicism), any more than there would be in a trust for the “Propaganda,” it would follow that the Irish Society and the Companies (if the Plaintiff is right) would be bound to enter upon the work of active proselytism and carry it out with vigour. Mr. Samuels quite accepted this position, though The MacDermot was not so strong upon it. But in truth I think no such result follows, because there is no such trust. The reasons for the plantation are not the same thing as the plantation itself. Obviously, too, it does not follow that because this recital is not in itself a binding declaration of trust therefore the Irish Society did not take as a trustee for public purposes. They have always held that they did, and so expressly admitted, not alone in this action, but in that which was brought against them by the Skinners’ Company in England, to which I shall again refer.

The Charter, after this statement of the Royal objects, proceeds to incorporate the City of Derry—thenceforward Londonderry—and also to constitute and incorporate the Irish Society, under the name of “The Society, the Governor and Assistants, London, of the new Plantation of Ulster, within the Realm of Ireland”; to whom (after elaborate provisions for the municipal government of Londonderry) are granted, in the most exhaustive way, all the lands in the County of Londonderry, subject to the “Motives and Reasons” and the articles of agreement, as well those which afterwards passed to the Companies as those which remained vested in the Irish Society.

The City Companies were at this time in possession of their lands. The fact of their not being mentioned in the Charter appears to me to show that the Crown at that time intended to deal directly with no one but the Irish Society—the representatives or delegates of the City—in the matter,



leaving the Society to carry out the duty imposed upon it on its own responsibility, subject of course to the necessity on the part of the Companies, like any other Corporations, of obtaining a license to hold lands in mortmain.

The lands other than Londonderry City, Coleraine, the lands attached to each, the fishings, the reserved and excepted woods, and the Castle of Culmore (which were not considered proper for division), were laid out and allotted to the Companies. A Royal License in Mortmain was granted, bearing date the 30th September, 1616, the preamble of which recites that the King was credibly informed

That divers Companies, Corporations and Fraternities of and within our City of London in our realm of England in testimony of their true obedience towards us and towards the advancing of our earnest desires in the furthering of that worthy work of Plantation begun by the Mayor and Commonalty and Citizens of our City of London in the City of Derry and town of Coleraine in our realm of Ireland, and other lands there, have disbursed, expended, and bestowed divers great sums of money for and towards the building, fortifying, planting, strengthening, bettering, and improving the aforesaid City of Derry and town of Coleraine and some part of other the aforesaid lands and the said Companies and Fraternities being willing to proceed in the said work of Plantation do intend so far forth as to them shall seem convenient to be at further charges for the planting, bettering, and improving of other lands and tenements in and by certain our letters Patent hereinafter mentioned, granted or intended to be granted to the Society of Governor and Assistants London of the new Plantation in Ulster in the realm of Ireland.

And for their better, more orderly, and speedier proceeding therein are desirous to have such parts of the said lands as they severally and respectively intend to build on and plant to be to them severally conveyed by the aforesaid Society which by reason that the same Companies, Corporations and Fraternities are not enabled to take and hold the same lands and tenements in Mortmain without our special license, could not be performed by the said Society and yet such have been the desires of our said

subjects the said Corporations and Fraternities as we are informed to further and promote our zeal towards the same work that notwithstanding they have not any conveyance or assurance of lands from the said Society they have already, with great alacrity and readiness, begun to build on a great part of the said lands and have likewise disbursed divers great sums of money for and towards the same.

And the license goes on "And to the end that they severally may be the better encouraged and enabled to proceed, perfect, and finish the same intended Plantation and in future times reap some gain and benefit of their great travails and expenses taken and bestowed therein." And the license then proceeds in the usual way.

This license in Mortmain was followed by grants to the Companies severally in fee farm, reserving rent; and also reserving to the grantors rights of timber, fisheries, minerals, etc. That to the Mercers is dated 17th October, 1618.

The title of the several Companies was thus perfect and complete; and no light is thrown upon the legal questions involved in the case—or, at least, very little light—by what occurred subsequently. The Charter of James was illegally revoked and declared void by the Star Chamber, which also imposed a fine of £70,000 upon the City and the Irish Society. This was done at a time when the King was governing without a Parliament and when constitutional remedies were largely superseded. King Charles, however, seems afterwards to have been of a more conciliatory temper towards the City; and he made a speech in London giving hopes that he had reconsidered his course of action in this respect. The Long Parliament, summoned in 1640, seemed to afford the prospect of obtaining relief; and the Irish Society petitioned the House of Commons against the Star Chamber proceedings, setting forth its grievances, which were gladly taken up by the House. In 1641 a series of resolu-

tions was passed declaring the Star Chamber proceedings illegal and negating in detail all the allegations and pretences on which they were founded. In ordinary course this might have led to prompt and complete redress ; but the great civil war in England, and the rebellion of 1641 raging in the North of Ireland, intervened, and nothing was done till 1656, when Cromwell, as Lord Protector, granted a new Charter setting up the Charter of James and restoring the Irish Society and the Companies (who had been put out of possession, under the *scire facias* which followed the Star Chamber decree, but restored after the resolution of the House of Commons in 1641) to their former estates. All the proceedings are clearly recited in this document ; but nothing in it seems to me to throw light upon the question before me, save, perhaps, the recital :—

Whereas the said Society . . . . did give and grant unto the 12 Chief Companies of London, who had borne and were to undergo the greatest part of the charge of the said Plantation, sundry great quantities, parcells and proportion of the said lands . . . . according to their respective disbursements ; and did retain in their own hands such things as were not properly dividable for the defraying of the general works of the Plantation.

New conveyances were made by the Irish Society to the Companies under this Patent.

After the Restoration, when everything done by the Protector under the Commonwealth was looked upon as legally void, or only so far valid as an act of the reigning sovereign, the Charter of Cromwell was of course treated as a nullity ; and a new Charter was granted by Charles II. in 1662, in substantial, and in great part literal, conformity with that of James, and of course ignoring Cromwell's Patent. It is under this document that the Irish Society and the Companies now hold ; for the Star Chamber judg-

ment and the proceedings consequent thereon were never legally annulled.

It recites James's patent and also the expenditure incurred by the Companies—

And for that, it doth manifestly appear to us that the said Society of the New Plantation and other Companies of our City of London have expended very great sums of money in building and planting of the said county of Londonderry and Coleraine. To the intent thereof that the said Society of the New Plantation, or some other such Society by these our Letters Patent to be created and made, and the said Companies of our City of London, and their respective assigns and under tenants may, according to their former several rights and interests therein, be restored to all and singular the said county, cities, towns

and so forth,

so vested in them by force and virtue of the said Letters Patent, and the said several grants by the said Society of the New Plantation, and other companies respectively, theretofore made, as fully and beneficially, to all intents and purposes, as they might have had and enjoyed the same, if no repeal of the said letters patent had ever been had or made.

I do not lay any stress on the word "beneficially," for even if they were trustees the grant be made to them "as fully and beneficially" as before.

It is to be observed too that this Patent omits the clause in the Patent of James as to the conveyance of Church and Glebe lands.

The inference from this omission would be that the directions of King James in this respect had been long since complied with.

In a clause at the end of the Charter (not in the former one) occurs the statement that the Companies had "purchased" part of the premises comprised in James' Patent. The clause runs thus :

And we of our further special grace, certain knowledge and mere motion, for us, our heirs, and successors, do pardon, remise,

release and for ever quit claim to the Mayor, and commonalty, and citizens of our City of London, and to all and singular companies and bodies politic of the same City, which heretofore purchased any part of the premises in these our Letters Patent mentioned or granted or heretofore granted by the said Letters Patent of our said grandfather.

The word "purchase" occurs in several of the documents nearly contemporaneous with this; and I think it plain that it bears its ordinary meaning and is equivalent to buying for a price, and does not mean what in some contracts it would legally mean—acquiring otherwise than by descent.

The whole question in the case, so far as concerns the Companies who are defendants, is whether from the transactions I have mentioned, and the other connected matters with which I have not dealt in detail, the inference is to be deduced that they hold (or held) their land subject to any, and if so what, trust.

That no trust is expressed on the face of any of the Charters or transactions is admitted if it be not to be found in the recital with which James' Patent commences. The construction, however, which would lead to the conclusion that the fee simple of the whole county of Londonderry is bound by a trust for promoting Protestantism and proselytising Roman Catholics, is not one of which the language used is reasonably capable; and I confess I should be sorry to be driven to hold that this view is correct.

The relator's counsel, however, contend that the Irish Society have admitted that they have always been trustees for the public purposes of the plantation, an admission which has been adopted and sanctioned by the House of Lords. Why not the Companies also? And this constitutes the main argument and chief reliance of their case. The Companies, they contend, were only the instruments through which the policy of the plantation was carried out. The

Irish Society in its sphere was also nothing more than another part of the same instrumentality. If the Irish Society under its Charters took no beneficial interest, why should the City Companies stand in any better or different position? They also must be mere trustees for public purposes and nothing more.

But the answer is obvious. The Irish Society paid no money for their estate; the Companies did. They were therefore "purchasers," and their right to make a profit for themselves is, as I have shown, recognised in every document connected with their title.

Feeling the force of this, The MacDermot admitted that they were entitled to recoup themselves for their outlay, including the money contributed by them towards the plantation before they obtained any titles; but he placed this right upon the ordinary doctrine by which a trustee is entitled to be indemnified by the trust estate. The contention was that after this reimbursement the Companies were, and must for ever remain, mere trustees; either for the express purposes contemplated at the time, or, if these have now become obsolete or are fully performed, for other public purposes in Londonderry, to be determined if necessary by a scheme to be settled *cy près* by the Court. The trusts, however, whatever they may be, must be the same as those which bound the Irish Society, since it is admittedly only by transmission from it that any plausible argument can be advanced as against the Companies. You can't say the Companies hold upon a trust because they derive their titles under the Irish Society, which was itself a trustee, and at the same time argue that they hold upon other and different trusts.

Now what are the trusts which are applicable to the Irish Society?

In the case of the *Skinners' Company v. the Irish Society* (7 Beav. 12 Cl. and Fin.) the Plaintiffs' case was that the Defendants were trustees for the Companies of which they were one, and claimed an account in respect of the rents and profits of the ferries, fisheries, and townlands, &c. (being the properties which were not divided amongst the Companies), or for a partition. Now a more impudent claim could not be conceived, if the Plaintiffs were not beneficially entitled and held only on the same trusts which bound the Defendants. This question, however, was not raised, and does not seem to have occurred to anyone in the case. True, Sir William Follett in his argument before the House of Lords said (12 Cl. and Fin. 457)—

Does that report which was adopted by the Corporation of London show that the undivided property, which remained in the hands of the Irish Society, was held by them as trustees for undefined public purposes, and not for the benefit of the City Companies? No trace can be discovered in the articles of agreement, or in the charters of any distinction between the divided and the undivided lands; if there is a public trust imposed on one portion of them, it must be imposed on all. The Crown granted all the lands, without any declaration of trust, to the Irish Society, and the Irish Society, after the division of the lands was made at a Court of Common Council, conveyed the several allotments to the respective companies, who had just got a license from the Crown to hold them in Mortmain.

And this is the only passage in the three reports of the case (for it is also reported on an earlier branch before Lord Cottenham in *1 Mylne and Craig*) which could be discovered as affording colour for the argument in question. An argument of Council—even of a man so eminent as Sir William Follett—affords at most only matter for consideration, and has no authoritative force. But what does it come to? Sir William Follett says, if there is a public trust imposed upon the lands which were not divisible, it must be imposed

upon all. He did not mean that any public trust was so imposed. His whole argument was the contrary, for his contention was that the Irish Society was not under any public trust whatever, but a private trust for his clients. He was not making an admission which would have put the Plaintiffs out of Court, and given up their property. The argument was really a *reductio ad absurdum*, and meant only this, the Irish Society is no more bound by a public trust than are the Companies.

It is true that the position and obligation of the Companies were not before the Court in the Skinners' case, except in relation to the claim against the Irish Society. But it is impossible to read the judgment of Lord Langdale, or the speeches of Lord Lyndhurst and Lord Brougham, without seeing that they treated the Companies as being owners, not trustees.

Lord Langdale says (7 Beav. 604) :—

As nothing can be determined as between co-defendants on the present occasion, the substantial question in the cause is, whether the *Irish Society* has, independently of the Companies, and without being subject to account to them, a discretionary power to apply any part of the rents and profits of the estates vested in them, for purposes which they deem beneficial to the public, with reference to the plantation in *Ireland*, which is mentioned in the pleadings. The *Irish Society* may be answerable to the City of *London*, or to the Companies as represented or protected by the City of *London*, or to the Crown, yet, if it is not answerable to the Companies severally, in this Court, the Plaintiffs are not entitled to the relief which they ask by this Bill. On the other hand, if the Society had no such discretionary power as they claim, and are, as trustees, answerable to the Companies, severally, for all their receipts and payments, the Plaintiffs are entitled to relief; their right has been denied, and accounts have been refused to them.

Again at page 622 of the report he says :—

It is, I think, impossible to read and consider the charter without coming to the conclusion that the powers granted to the Society



were more extensive than, and very different from, any which in the ordinary course of affairs are vested, or would, upon this occasion, have been invested, in mere private trustees for the benefit of particular undertakers. The powers, indeed, are many of them of a public and political nature, and considering the Charter in connection with contemporaneous circumstances, I think it must have been understood that the powers and estates granted to the *Irish Society* were given for the public purposes of the plantation, and, so far as was consistent with those purposes, for the benefit of the City of *London*; and independently of the public or general benefits which might accrue.

He then refers to the indirect benefits, and continued :—

The Companies of *London* are in no way mentioned in the Charter, nor does the Crown appear to have noticed them at the time in any way; but the previous appointment of the Society, committees or company, by the Court of Common Council, and the previous proposals and offers made by the Society to the Companies, as well as the events which soon followed the date of the Charter, appear to me to show that the companies were intended to profit in the way that I have mentioned.

And again at page 630, which is the last passage but one I shall read :—

The Companies of *London* were thus recognised by the Crown as parties interested in the plantation, as undertakers, and after the conveyances were made, the companies may be considered as entitled to the lands allotted and conveyed to them (subject to the conditions of plantation as to particular lands), and as respectively entitled to all the profits to arise from those allotments, which (subject to the performance of those conditions) could lawfully be made. The lands not allotted, together with the ferries and fishings, remained vested in the *Irish Society*; and the City of *London*, or the *Irish Society* on its behalf, were bound to the performance of those general and public works, which were among the conditions of plantation, and for the purposes of those general and public works were, or were supposed to be, entitled to levy money on the companies, for whose satisfaction they, at least, professed themselves to be bound to provide.

And at page 637,

The Society have vested in them, under a Royal Charter, a very considerable property in which they have not, collectively or individually as Members of the Society, any beneficial interest, and in respect of which they are invested with great powers, and have important duties to perform; in a sense, therefore, they are trustees. The property is part of that which was granted for the purpose of the plantation, and the powers possessed by the Society, as well as the duties with which it is charged, have all of them reference to the plantation. Now the objects of the plantation, and the intents and purposes thereof, were of a nature partly public and political, and partly private, regarding only the interests of particular undertakers, whether corporated bodies or individuals. When the Crown treated only with individuals, and made grants to them, it imposed only conditions which were annexed to the enjoyment of the property bestowed, and the right of the Crown to enforce the conditions constituted the security which it held for the public and political objects which were contemplated.

and he held that the Court had no jurisdiction in that suit to control the discretion of the Irish Society in discharging the duties of the public trust imposed upon them

In the report of the case in the House of Lords I shall merely refer to two passages in the Judgment of Lord Lyndhurst. At page 481 he says :

The Irish Society have held the possession of the lands and property in question; the different companies have held their lands in severalty; the Irish Society have applied the funds for public purposes, connected with the plantation, and connected with the affairs of the Society. They have applied them for purposes of religion, partly in the building or repairing of churches, of chapels, of public schools, the paying of schoolmasters, building bridges, fortifications, and a variety of other public objects; and after they have satisfied those public objects, apparently according to their own discretion, they have paid over the surplus generally in round sums to the different Companies, according to the proportions of their original contributions. Now the question is this,—Under these circumstances, in what situation do the Irish

Society stand? Are they trustees for these Companies, for the private interest and advantage and benefit of these Companies? Or are they trustees for public objects? If they are trustees for public objects and public purposes, it is quite clear that this suit cannot be maintained; and the sole question therefore, as a general question, is to determine, from all the circumstances arising out of these transactions, in what character they stand. If they are mere trustees for the private benefit of the Companies, for their private advantage, then the suit is properly instituted. If, on the other hand, they are trustees for public objects; if they are (if I may so say) public officers, who have important public duties to perform; and if those funds which they hold are applicable to the discharge of those public duties; if they have a discretion as to the extent and manner in which they shall apply them, in that case it is quite clear that this suit cannot be maintained in the shape in which it is instituted, at the instance of these Companies or of this Company—the Skinners' Company.

And at page 487 he says :

The result of all these observations is this, that the objects are public and important; that they (the Irish Society) are constituted for the purpose of carrying those objects into effect; that those objects are still in existence; that the funds of this district are applicable to those purposes; that they have a discretion to exercise as to what extent they will apply those funds, and to what object; if that be so, they are public officers, invested with a public trust, having a right to apply those funds in discharge of that public trust, and they, therefore, cannot be accountable in a suit of this kind by the Companies of London, or by any particular Company, as if they were trustees for private objects and private purposes.

These expressions of opinion appear to me to show what is the general nature of the trust or quasi-trust on which the Irish Society holds the non-divisible lands. That trust they have never repudiated. I am asked to direct an account and, if necessary, a scheme against them. No ground whatever has been shown for this; but, as I have already said, they were properly joined as defendants on the assumption

that the Plaintiffs were entitled to succeed as against the defendant Companies; and that is the whole question.

When I asked the Plaintiffs, "On what precise trusts do you say the Companies hold?" I received different answers. First, it was said for the same purposes as those which bind the Irish Society (subject to repayment of the Companies' advances and outlay).

Secondly, it is said these purposes in the case of each Company must be territorially limited to the extent of the lands included in its grant. Thirdly, Mr. Samuels threw out (but perhaps as a *tabula in naufragio*) that the real trust might be (1) to recoup the money advanced (2) for the general purposes of the Plantation in the discretion of the Company, and (3) as to the surplus for the Company beneficially. A trust for public purposes and as to the surplus for the trustee, who has the discretion as to how much that surplus may be, is one which it would require very clear evidence to support. Mr. Samuels asked me to "rise above" such technical considerations and decide for the Plaintiffs that the Companies were bound by some public trust or other, and that, so far as the trust could not be defined or ascertained, a scheme should be settled. In my opinion, however, it lies at the root of the matter to find out what trusts are alleged to have attached to the grant of lands in the seventeenth century; for that is the test *Wilson v. Barnes* (38 Ch. Div. 507), quoted by Mr. Samuels, presupposes a trust for a public purpose (repairing sea walls) which has become impossible to carry out. In such a case a scheme will be settled. But to apply it to this case is a *petitio principii*.

The most plausible answer to the inquiry is that the Companies, deriving through the Irish Society, were bound by the same trusts as bound it. But just see to what that

would have led. The Irish Society were concededly trustees, with a large discretion, for public purposes of the plantation. But the revenue in their hands might be more than sufficient for these purposes. In that case the surplus belonged to the Companies, a surplus, in fact, divided between them. Now, if a surplus is distributable among the Companies, what is to become of it? If it belongs to them beneficially there is no difficulty. But if it forms part of the property which they hold on the same trusts as the Irish Society held it—that is, for the public purposes of the plantation—there would be no possibility of applying it, since the trusts must have been all performed before a surplus could exist. There does not seem to be any ground for presuming a trust for the perpetual dry-nursing of the inhabitants of the County of Londonderry.

This only seems to show the impossibility of holding that the Companies held their lands upon the same trusts—no matter how indefinite these trusts might be—as bound the Irish Society. Two sets—or for that matter thirteen sets—of trustees could not co-exist under the circumstances, or at least an intention to set up two or thirteen sets of such trustees cannot be imputed without evidence. Nor is the difficulty removed by the suggestion of splitting up the trusts and apportioning them amongst the Companies in proportion to their lands, so long as you have the Irish Society in the position of general public trustee over the whole.

Of course it does not follow from this that the Companies took their lands discharged of all obligation and liability. On the contrary, it is perfectly clear that the Companies accepted their grants upon the terms of carrying out the work of plantation within their respective limits by bringing in settlers, building castles and bawns, providing for their defence and the defence of the settlers, endowing livings and

the like. Any flagrant violation of these terms would, perhaps, have been a breach of contract, and what the precise remedy would have been I have not to consider. That is, however, a long way from saying that for all time they are to be mere trustees without any beneficial interest in the lands which they "purchased" for their own benefit, with their own money, and in order to "reap some benefitte" thereby. It is now near 300 years since they first entered on these estates. During that time there is no trace of any such claim as that now advanced by the Rev. Mr. Johnston ever having been made. There is no suggestion of any admission by them save that they have occasionally acted as good landlords usually act—though, indeed, the Plaintiff does not admit that they have in the main been good landlords at all. Some very severe comment was made upon their conduct in this regard, but without evidence. There is no scrap of writing in, or connected with, their muniments of title, stating, or by reasonable inference implying, that they were only trustees. I am satisfied that their position was, *mutatis mutandis*, the same as if they had been private individuals, and not bodies corporate; and I think the relator has wholly failed to prove his case. I confess that I should have felt, to say the least, no reluctance in arriving at a different conclusion. But the question is one of evidence; and the evidence fails.

It was argued that modern rules as to trusts ought not to be allowed to have any weight as bearing upon the question in this case, and that the doctrine that a trustee cannot be allowed to make a profit out of his trust ought not to be allowed any weight in this case; in other words, that the admitted fact that the Companies were intended to reap a profit from their acquisition of these estates should not be allowed to negative the assertion that still they might be

trustees. No doubt the doctrine of trusts has received great development since the reign of James I. Still, we are dealing with transactions which occurred at a time when trusts were fairly established as a part of our equitable jurisprudence, a time near a century later than the Statute of Uses ; and no instance has been adduced of any kind in which a trust of this sort has been fastened upon a person or corporation which was at the same time admittedly a beneficial owner. Nor could any such trust be worked out, in the absence of anything to determine what is the amount of beneficial ownership subject to which the trust is to attach. Of course, property may be beneficially enjoyed subject to the performance of certain defined duties and obligations which may be termed trusts ; but there are none such here apart from those incumbent upon the Irish Society, so far as these are defined or recognised. The Companies were never said to be trustees in any of the documents relied on by the Plaintiffs. They paid their money for their Irish estates. They were expressly told they were at liberty to reap a "profit" or "benefit" from what they got, and I am clearly of opinion that no Court has any right now to say that they are mere trustees for the plantation which was undertaken, and completed more than 250 years ago.

As to the Irish Society, no case for relief has been made which would entitle the relator to a decree against them apart from the Companies. The City of London, who are Defendants, are in the same plight as the Companies, as they represent the interests of the Brown-Bakers, and the Coopers, and apart from that position they are only nominal parties, The information must be dismissed with costs.

## LONDONDERRY.

The name "Derry" is derived from an old Celtic word, *Dru* or *Drew*, meaning "an oak." Down to the tenth century it was called *Doire Calgaic*, or Derry Calgach, "the oak of the warrior." It was next named Derry Columbe-Kille, in honour of St. Columbe, who erected, about the middle of the sixth century, an Abbey in Derry of the Order of St. Augustine. Up to the reign of Queen Elizabeth the history of Derry is almost exclusively ecclesiastical, the place being an important centre of religious activity from the earliest times. The hill upon which the city is built is 119 feet above the level of the River Foyle, and contains 199 acres, 3 roods, and 30 perches. The Parish of Templemore, in which Derry is situate, takes its name from the Temple More, or Great Church, erected in 1164, which was one of the most distinguished ecclesiastical structures built in Ireland previous to the Anglo-Norman settlement in the twelfth century. In 1600, Sir Henry Docwra, by Queen Elizabeth's order, arrived in Lough Foyle, with 4,000 foot and 200 horse, landed at Culmore, and took possession of Derry. A charter was presented to Sir Henry for incorporation of the city, which was not granted until the reign of James I. By this charter it was agreed between the Crown and citizens of London that Derry, with 4,000 acres, and the town of Coleraine, with 3,000 acres, as well as a district of 20,000 acres between the Foyle and the Bann, should be conveyed to the English Corporation, on whose part it was agreed to erect a large number of houses in Derry and Coleraine, to construct fortifications, provide a garrison for the fortress of Culmore, and advance £20,000 for the



undertaking. The management was confided to the Irish Society, originally a Committee of the London Corporation, and the money raised by the London Companies. Londonderry and its Liberties, extending about three miles on the West side of the Foyle, from the centre of the city, belonged originally to County Donegal. The central square, called the Diamond, was once known as King William's Square. The Walls, which are about 1,708 yards in circumference, were pierced with four gates, viz., Bishop's Gate, New Gate (now Butcher's Gate), Ferry Gate, and Water Gate (now Shipquay Gate). Three others, Castle Gate, New Gate or Wapping Gate, and Magazine-street Gate were subsequently added. In 1789 Bishop Gate was rebuilt by the old Corporation, with concurrence of the Irish Society. It is in the form of a triumphal arch, erected to the memory of King William III. Shipquay Gate, Butcher's Gate, and Ferryquay Gate have also been rebuilt. Derry was held by the English and Scotch, in the King's name, against the rebels in 1641, and eight years afterwards for the Parliament by Sir Chas. Coote and General Monk, during which periods, as in 1688, it was a place of refuge for English and Scotch colonists. The Closing of the Gates by the Apprentice Boys, the valour of the garrison, their endurance of famine, raising the cry of "NO SURRENDER," and final victory, have occupied the pen of several historians. Mitchelburne, one of the defenders of Derry, in his will, left £50 for providing a crimson flag, to be hoisted on the top of the Cathedral at each celebration. From the "Royal Bastion," in which Walker's Testimonial is erected, a red flag waved during the Siege, in defiance of the white flag adopted by James's army. The boom was placed across the river about a mile and-a-half below the city. There were originally twenty large cannon, with

many smaller ones, belonging to the city, the largest of which were presented by the London Companies, and the smaller ones are supposed to have been left by Sir Henry Docwra's garrison. The celebrated "Roaring Meg," still to be seen in the South West Bastion, was presented by the Company of Fishmongers.

Of late years the city has grown with satisfactory rapidity. The granting of perpetuity leases by the Hon. Irish Society gave a wonderful impetus to the building trade, and while new streets have been formed in many parts of the city, extensive business premises, on a scale hitherto unequalled in either size or architectural beauty, have sprung up in the principal thoroughfares, and others are being remodelled, enlarged or rebuilt. In 1890 a new City Hall was erected at Shipquay Place, at a cost of upwards of £16,000. A Roman Catholic Hall in Orchard Street has been completed, at a cost of upwards of £20,000. New Waterworks have been constructed at Creggan at a cost of £20,000, and also a scheme for providing a better supply at the Waterside, at a cost of £4,000 or £5,000. The city is now supplied with electric light, for which a loan of £17,860 was obtained from the Board of Works. A regular steamship service exists between Londonderry and Liverpool, Morecambe, Fleetwood and Glasgow. Steamers of the "Allan and State" Line, the "Anchor" Line, the "Dominion" Line, and the "Beaver" Line call regularly in the port.

The Great Northern Railway connects the city with Belfast and Dublin, and the Belfast and Northern Counties line runs to Belfast. The Londonderry and Lough Swilly Railway is a short line to Buncrana, a watering-place on the shores of the Swilly, with a junction to Letterkenny. Steamers ply between Fahan, Rathmullan, Portsalon and

Ramelton in connection with the Lough Swilly Line. At present steps are being taken to extend the Donegal Railway to Londonderry, the Buncrana Line to Cardonagh, and the Letterkenny Line to Gweedore.

A street Tramway, extending from Carlisle Bridge to the Lough Swilly Railway Station on Strand Road, has superseded the useful Omnibus service which hitherto existed under the management of Messrs. M'Learn & Co. Telephonic communication has been established in the city, with an extension to Strabane. The steam ferry service, connecting the city proper with the Waterside, has been considerably augmented by the addition of row-boats, which ply from various landing stages along the quay.

Though the manufacture of linen has long since ceased in the city, other departments of industry have sprung up, and rapidly extended. Grain mills, saw-mills, coach factories, distilleries, etc., have been extensively worked by enterprising local firms. Shirt manufacturing affords employment in the city and surrounding district to 20,000 persons, principally females, and a quarter of a million of money is annually paid in wages by the different firms.

The milling industry is largely carried on, a number of patent roller flour mills having been fitted up by local firms, at an aggregate cost of over £20,000. A Chamber of Commerce exists, and exercises an important influence on the trade of the port.

Shipbuilding, started some years ago under most favourable auspices, was carried on with considerable energy at Pennyburn by Mr. C. J. Bigger, but it met with a serious reverse in 1892, necessitating the closing of the yard. A new company was formed some time ago for the purpose of reviving the industry, but, for the present, the project has been abandoned.

The population of the Borough in 1841 was 14,087 ; in 1851, 19,888 ; in 1861, 20,875 ; in 1871, 25,242 ; and in 1881, 29,162 ; being an increase during the ten years of 3,920. In 1891 the population was 33,200, or an increase on 1881 of 4,038, or almost 14·0 per cent. The city comprises an area of 2,164 acres within its municipal and parliamentary boundary, and 13,493 acres within the district constituting the barony.

The Municipal Government is vested in the Corporation. The Borough Magistrates have a separate jurisdiction from the County Justices of the Peace. The Assizes for the County are held in the City. The County Court Judge and Recorder of the City holds Quarter Sessions for the County and city respectively. The Mayor and Borough Magistrates hold a Court daily, and the City Petty Sessions are held on Monday and Thursday in each week. The Mayor holds a Court of Conscience every Friday. Petty Sessions for the rural district of Londonderry, presided over by County Justices, are held in the Court House, Bishop Street, on the second Wednesday in every month. Until 1896 Derry Corporation consisted of six Aldermen and eighteen Councillors, elected from the East, North and South Wards, into which the City was divided. In the Parliamentary session of 1896 the Corporation obtained an Act reducing the Municipal Franchise to the parliamentary level, and enlarging the Corporation to forty—two Aldermen and Six Councillors for each of five Wards, named respectively the East, North, South, West and Waterside Wards.

Fairs are held on the first Wednesday in each Month, the 17th June, 4th September, and 17th October. Markets are held every week-day for butchers' meat, fish, pork, vegetables, eggs, poultry, fruit, butter, meal and potatoes.

The principal market days are Wednesday and Saturday. The market accommodation in the city is very good, except as regards the showing of horses on fair days in one of the principal thoroughfares.

The Borough Cemetery occupies an area of about thirty acres. It is picturesquely laid out, and contains a commodious Mortuary Chapel. The grounds are in charge of a Superintendent appointed by the Corporation.

A statue of Sir Robert Ferguson, who represented the city in Parliament for many years, stands in the Diamond. The principal monument, erected to the memory of Rev. George Walker, Governor of Derry during the siege, occupies the centre of the Royal Bastion, the first stone of which was laid on 18th December, 1826, and the column was completed in August, 1828, at the expense of £1,200, raised by the Apprentice Boys and by public subscription.

The principal buildings are the Cathedral, three other Protestant Episcopal Churches, St. Eugene's Roman Catholic Cathedral and a Parochial House contiguous, two Roman Catholic Chapels, five Presbyterian, one Independent, two Covenanting, and two Methodist Churches; the Lord Bishop's Palace, the Deanery, Foyle College, Magee College, St. Columb's (Roman Catholic) College, County and City Court House, Gaol, Government School of Art, Harbour Offices, County Infirmary, Lunatic Asylum, Gwyn's Institution, Union Workhouse, Military Barracks (now undergoing considerable extension), Guildhall, Young Men's Christian Association Hall, Banks, Shirt Factories, Model School; Gas Works, Electric Light Generating Station, Roman Catholic Hall, Apprentice Boys' Memorial Hall, Custom House, Post, Telegraph, and other Government Offices, the Craig Memorial School, the Royal Opera House, Diocesan Synod Hall, Union Hall,

Cathedral Schools, Nazareth House, and a large number of Hotels. At one time the Cathedral was covered with lead, over a strong roof of Irish oak. On this roof cannon were placed during the Siege, and in the building seventeen Episcopalian and eight Presbyterian ministers, daily, in their turn, preached and prayed. In the area of the tower, on entering the Church, is the large bomb-shell which contained Marshal de Rosen's summons to surrender, accompanied by a terrible menace. Within the Cathedral may be seen, among other relics of the Siege, the representatives of the two white flags taken by Mitchelburne from the besieging army. The original flags were renewed in 1788, 1839 and in December, 1888, being the bi-centenary celebration, by the ladies of Derry, the poles and tassels being retained. The Chancel end of the Cathedral has been extended 35 feet. The alteration vastly enhances the appearance as well as the comfort and convenience of the sacred building.

Through the efforts of the late Dean of Derry a handsome and commodious building, used as a Mission Church and School, was erected in Bishop Street (Without) during 1894. On the Mall Wall attractive and substantial School premises have been provided in connection with First Derry Presbyterian Church, and at the Long Tower new commodious Schools have been built in connection with the Roman Catholic Church. At the Waterside a new Presbyterian Church has been completed, and the Methodist Church in the same District has been enlarged and improved. In Fountain Street a new church has been built for the Baptist body.

## COLERAINE.

Coleraine, the second town of importance in the County of Londonderry, is situated sixty-one miles, NNE., from Belfast, and thirty-three miles East of Londonderry City. The local station being the converging point of the Londonderry and Coleraine section of the Northern Counties Railway with the Portrush Junction of the same line, a great deal of goods traffic and immense numbers of passengers, especially in the summer season, pass through. The Derry Central Railway connects the town with Garvagh, Kilrea, and Magherafelt. The town is under the control of Commissioners, elected under the Towns Improvement (Ireland) Act, 1854. Under an Act passed for the navigation of the Bann, a body of Harbour Commissioners has been formed, consisting of nineteen members, five of which are elected by the Guardians of Coleraine Union, twelve by the Coleraine Town Commissioners, and the remaining two by payers of dues. One-third retire each October, but are eligible for re-election. A stone bridge, of three arches, connects Coleraine Parish on the East, with Killowen on the West, of the Bann. Amongst the industrial pursuits may be mentioned a weaving factory and shirt factory, which give employment to several hundred hands. The town is far-famed for its salmon fisheries and distillery. The latter, which is owned and managed by R. A. Taylor, Esq., J.P., was established upwards of fifty years ago, and the celebrated H.C. (House of Commons) whiskey manufactured there is well known and highly appreciated, not only over the Three Kingdoms, but also on the Continent. Not the least important establishment in the town is the extensive brass and iron foundry of Messrs. H. Kennedy & Son, where

employment is given to a large number of mechanics in the manufacture of agricultural implements and machinery. The Town, which of late years has shown signs of rapid improvement, is chiefly owned by the Hon. the Irish Society, and the Right Hon. Sir Henry Hervey Bruce, Bart., but a large portion of it belongs to the inhabitants themselves. The principal public buildings are the Town Hall, a very handsome edifice, erected by the Commissioners in the centre of the Diamond; the Court-house and the Bridewell; the Coleraine Academical Institution, and the District National Model School on the West bank of the river; the Union Workhouse and Fever Hospital on the East; and the Coleraine Parish Church. A splendid suite of schools and teachers' residences, the gift of the Hon. the Irish Society, for the free education of the children of the town, was opened in October, 1868. There are ten houses of worship. The Parish Churches of Coleraine and Killowen. Three Presbyterian Churches. Two Roman Catholic Chapels. One Baptist Chapel. One Independent Chapel, and one Methodist Chapel. The Salvation Army have a place of worship in the Commons. The Belfast, Northern, and Provincial Banks have flourishing branches in Coleraine; and the Ulster Bank an agency, which is open on Saturdays. There are three first-class and several second and third-rate hotels in the town. A handsome and commodious edifice, erected in Preachinghouse Street at a cost of £3,000, has been presented to the inhabitants by Miss Rankin, Moneycarrie, as a temperance refreshment café. It is in charge of a board of trustees, with Mr. William Henry as secretary, and Miss Glenny as manageress. There are four markets held during the week, in the splendid market squares erected by the Corporation, and enlarged by the Commissioners. The markets on Mondays, Wednesdays, and Fridays are for the



sale of grain ; on Saturdays, butter, pork, flax, young pigs, potatoes and vegetables are disposed of. There is also a market every Tuesday (during the season) for the sale of poultry, held in the Waterlow Market, New Row, in which market there is accommodation for fruit, vegetables, fish, butchers' meat, and other commodities. Four fairs are held during the year for the sale of horses and cattle ; namely, on the first Tuesday of February, May, August and November, and an annual fair on the 12th May ; besides, fairs are held on the first and third Tuesdays of each month for the sale of cattle. There is steam communication twice weekly with Glasgow, and once weekly with Liverpool. The general shipping of the port has greatly improved in the past year.



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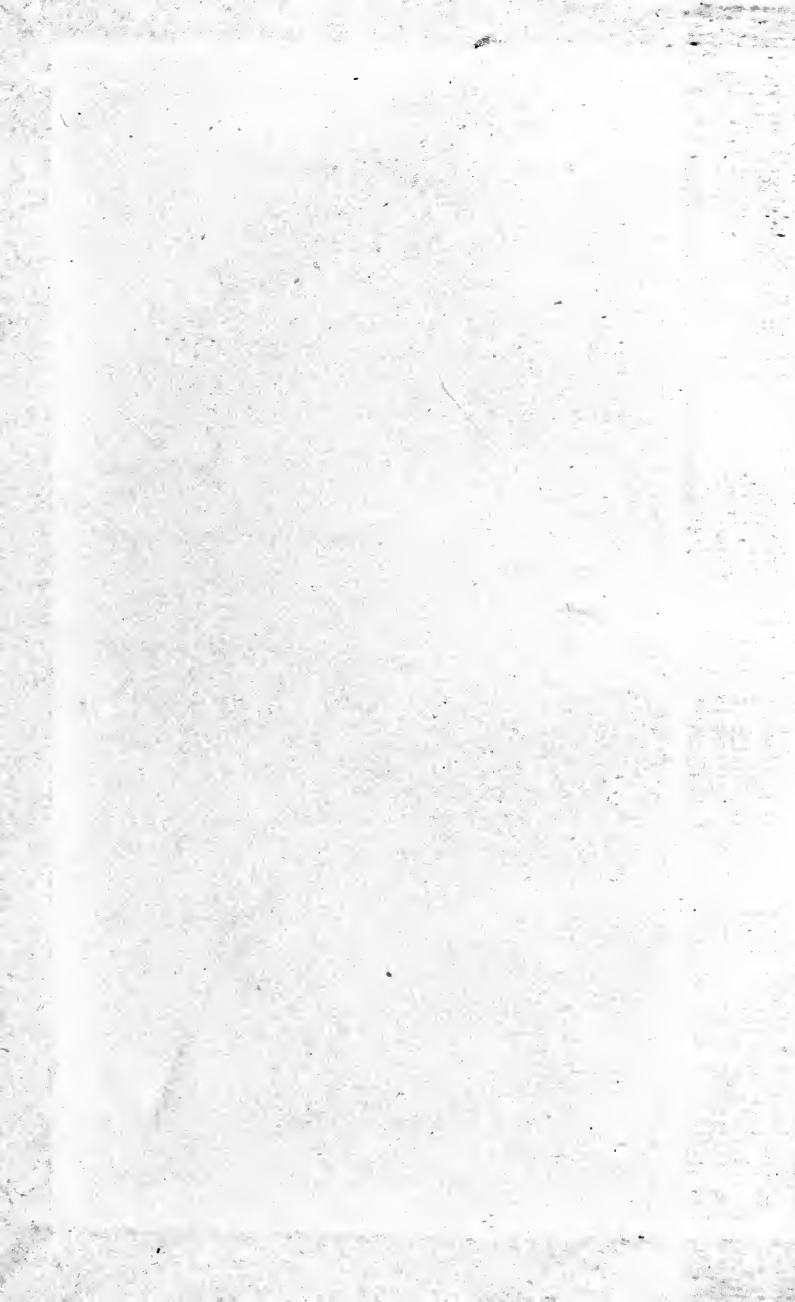
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