EVIDENCE

ON

THE STATE OF IRELAND.

THE

Constantine Molloy Gallagher

EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEES OF THE HOUSES OF LORDS AND COMMONS,

APPOINTED

IN THE SESSIONS OF 1824 AND 1825,

TO INQUIRE INTO

THE STATE OF IRELAND.

LONDON:

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Each question and answer in this volume is the same, word for word, as in the original Reports; and no part of the evidence of a witness has been omitted without the cause of the omission being stated in a note.

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HOUSE OF LORDS.

MINUTES OF EVIDENCE.

Veneris, 4° *die Junii*, 1824.

THE RIGHT HON. LORD VISCOUNT PALMERSTON,

IN THE CHAIR.

Mr. *John Dunn* called in; and Examined.

WHERE do you reside?—At Ballynakill, in the Queen's County.

How far is that from the county of Kilkenny?—About a quarter of an Irish mile.

How far from the barony of Galmoy?—Eight or nine miles.

You are a Roman Catholic?—I am.

You have lately acted as a commissioner under the new Tithe Act?—I have.

For what parishes?—For the parish of Stradbally, the parish of Timahoe and Fossey, and the parish of Ballynakill.

Are there a considerable number of Protestants parishioners in the parish of Stradbally?—There are.

Have you acted as secretary to the meetings of the Catholics of Queen's County?—I have acted as secretary very often.

Do you rent much land?—I do, some hundred acres.

You are acquainted with the feelings generally of the lower orders of the people, particularly Catholics?—Yes, I am*.

Is there any feeling of dissatisfaction amongst them on account of their condition, with regard to the state of the laws?—Very great.

Do they feel any practical inconvenience from the laws as they exist, as bearing upon their own class?—Unquestionably they do.

* Some pages of Mr. Dunn's Evidence are here omitted. They relate to the disturbances and the collection of tithes; which subjects have now ceased to be of the great interest they were last year, in consequence of the suppression of the Insurrection and the general operation of the New Tithe Act. The evidence taken by the Committee is so voluminous, that some omissions are absolutely unavoidable: but, as it is the intention of this Work to give the evidence that principally bears on the Catholic Question, no omissions of this evidence will be made; and, whatever has been said against the Question will be introduced into the text, as well as what has been said in favour of it, with the strictest impartiality. The evidence bearing on other distinct subjects, will hereafter be selected and published, if a work of this sort seems to be required by the Public.

Do you find that they are acquainted generally with their political circumstances?—Generally speaking, they are very sensible that they are debarred the privileges the rest of His Majesty's subjects enjoy.

From what privileges do you consider that the lower orders are debarred?—They feel, in common with all the other Catholic people, that they have no chance of getting forward in the state; and instances occur very often to satisfy them, that if they had the same privileges as the other classes of His Majesty's subjects, they would have similar chances of promoting their objects in life.

Has any instance occurred in your neighbourhood, in which a Protestant of the lower class has advanced in life?—I think a very singular one; a farmer's son, of rather the lower class, some few years back, went to Dublin, and got a clerkship in a house of business, was a well-conducted young man, got married, and into the corporation; from his being a Protestant he had the honour to fill the office of high sheriff of the city of Dublin, a very short time back, and is now a knight; there is not a Roman Catholic around the neighbourhood that is not sensible that no such chance for any of them exists.

Is this occurrence matter of conversation amongst them?—Yes.

Do you find, from your communication with them, they are well acquainted with the laws that bear upon them?—I find by conversation with them, that they are fully sensible that they have not equal privileges with their other fellow-subjects.

Could you mention any instances in which they display their feelings, either on public occasions or elsewhere?—The instances are so numerous, it is hard to particularize any; in all their conversations they will express their conviction, that there are not the same chances for them as for the rest of His Majesty's subjects; they will mention instances of such and such persons having fortunately got on in the world from their being Protestants.

Do you mean this representation to extend to the lowest orders of peasantry?—I mean to apply it to all classes of Catholics in Ireland.

To those residing in the poorest cabins?—To all classes, generally speaking.

Do you think they occupy themselves in conversing upon those matters?—I believe they do.

Do they take a great interest in all public events that relate to them?—Yes.

In the temper of mind which you have described, would they not be disposed very often to attribute the rise of any body who was a Protestant, to that circumstance, and to imagine that they were excluded from rising in the same way with him, when in point of fact they were not, when his rising had nothing whatever to do with his being a Protestant?—That may occur; but they are fully sensible that there is no chance for them under the existing laws.

But still the chance might be for them, as well as for a Protestant?—They are aware that they could not have a chance under the existing laws.

Do you think that this sensibility to this disqualification extends over all the Catholic peasantry of Ireland?—Generally speaking, I think it does, according to the best information I have.

Has it been a matter of consideration with you, whether or not it does extend to all?—It has been a matter of consideration with me; the result of all that I know on the subject is, to believe they take a lively interest in all their affairs.

Is that an opinion you have formed from your own observation, as well as from your different friends that are acquainted with their feelings?—It is.

They would feel and value very highly, whatever went to adjust and assimilate the laws, so as to put all parties and sects upon an equal footing?—They would.

Will you describe to the Committee in what way such a measure would have a practical operation?—I think it would tend in a great measure to compose the minds of the whole of the people. I am not prepared to say that it would exclusively be a measure that would restore every thing to what is most desirable, but it would, I think, go a great way in doing so.

Would it not contribute to make the upper orders of Catholics satisfied, and to lead them to bring their influence to bear in contributing to make the lower orders more contented?—Certainly it would.

Would it not have a considerable influence upon each class of Catholics, such for instance, as the Catholic bar, the Catholic gentry, the Catholic farmers?—I think it would.

Would not rendering the Catholic farmers contented, with regard to their political condition, have a considerable effect in enabling them to lead the lower orders into more regular habits of obedience to the laws?—I think it would have a decided effect in making them exceedingly more anxious, of course, to see that the lower classes should be as obedient as they could make them to the laws.

Do you think that the measures that have been adopted for putting down disturbances have been successful in establishing permanently a better disposition on the part of the people?—I am afraid not.

Have you any acquaintance with the disturbed districts?—Yes.

Have you been in them lately?—Immediately prior to my coming over.

Do those measures produce any soreness of feeling upon the people?—It produces soreness, because the class of men, that I really believe has nothing to do with the disturbance, I mean the actual occupiers of the land, is made to pay the expense attending upon it.

Do those measures produce more than a temporary effect upon the lower orders, with respect to the peace of the country?—I can only speak my opinion as to that; I am afraid they only produce a temporary effect; while the power is over them, it keeps them tranquil.

Can you state to the Committee, whether the prophecies that have been circulated of Pastorini have produced any effect in the country with which you are acquainted?—The people laugh at them; nothing beyond that. The pastoral address of the Roman Catholic bishop of the diocese lately disabused them of any idea that they might havehad of their truth.

What has been the opinion entertained with regard to the miracles in your country?—I think it has caused among the people a profound veneration for the Deity, to whom alone they attribute the working of miracles, not to men.

They believe that those miracles have been performed?—There is a general belief, that, in certain cases, people have been restored.

You believe that those miracles have been generally believed amongst the Roman Catholics in that part of Ireland?—They have.

The miracles of Prince Hohenlohe?—They do not consider them the miracles of Prince Hohenlohe or any man.

You stated, that the effect produced by the belief of those miracles, has been to give the people a more profound reverence for the Supreme Being; is that the only impression you believe it has produced?—I do not know of any other; it makes them more attached to the discharge of their religious duties.

Are not you apprehensive of this, that a particular interposition of Providence, a miraculous interposition of Providence, being believed by the lower class of people to have

taken place at this particular time, may be attributed by them to causes which connect themselves with the present disturbances and the present state of society in Ireland?—I do believe it has not had that effect in my quarter of the country; I do believe it has not.

If you could put yourself for a moment in the situation of an uninformed and ignorant peasant; do not you believe there have been attempts made of late to excite those people to fresh acts of disturbance?—I have great apprehension that it has been so; but I am not able to state that.

Do you not believe, that whatever may have been the original causes, that religious motives have been introduced?—I do believe not in either the county Kilkenny or the Queen's County; I never could find that religion had any thing to do with the disturbances.

Not even in the progress of it?—No.

Do you not believe, that persons engaged in those disturbances have been almost exclusively Roman Catholics?—I believe they have; I believe, the body of the people being Roman Catholics, that those persons are of that communion.

Do you not believe, that almost necessarily when those disturbances, from whatever cause, had been once produced, that religious motives must intermingle in their views?—With respect to what happened to Mr. Marum, who was a Catholic, I do believe the death of that man was accelerated by his interference in taking the lands of the Mr. Steeles', who were of the established religion; and with that impression on my mind, I cannot think that religion had any thing whatever to do with that disturbance.

Do not you believe the object of circulating the prophecies of Pastorini was to induce the people to expect some disturbance in 1825?—I do not know how to form an opinion; I never knew any person of the least respectability who lent any assistance in circulating them, but on the contrary, they treated them with ridicule.

Do not you believe, that the persons who circulate those prophecies have some object in doing it?—I believe they must have some object.

Do not you believe, that that object was to assist the disturbances that were expected to take place?—I cannot form an opinion.

Do you believe it was without any object?—I cannot suppose but there must be some object.

Has it never come to your mind to ask why those Pastorini's prophecies have been circulated?—I have constantly put the uestion to myself, and within the whole routine of my

district I never could find that those prophecies had any existence.

Do you not believe there is reason to apprehend that those prophecies have been circulated?—I have no reason to believe that they would be extensively circulated.

Nor any apprehension that they would?—I had some apprehension.

To what do you attribute the Roman Catholic bishops having thought it necessary to address their flocks with regard to those prophecies?—I must attribute it to their having knowledge that the works were circulated to excite bad blood in the people; I must attribute it to that.

Do you think that those were false apprehensions on their part, or do you think they were well founded?—I do believe, in the county of Kildare, they were well founded.

Why do you suppose that particularly in the county of Kildare, which was one of many disturbed districts, those prophecies have had that effect?—It was there that I found the pastoral address of the bishop, taking notice of those prophecies, had been addressed.

The Roman Catholic clergy were so apprehensive that those prophecies of Pastorini might have increased the disturbance in the county of Kildare, that they addressed to them the pastoral letter; and you think yourself, that they must have supposed that the people in the county of Kildare were affected by those prophecies; then on what rational ground can you state, that the people in the county of Kildare should be affected by those prophecies, and the lower classes in the other parts of Ireland should not be affected by them?—Because I have been repeatedly informed, that in the county of Kildare, what is called ribbonism, had found its way there; but I cannot discover that in other parts of Ireland it had prevailed. It was an association that, I understood, bound themselves by an oath. Whenever the system of orangeism sets up, the other begins; and when once they begin, no one can say where they end.

If in anyparts of Ireland Pastorini's prophecies have at all connected themselves with the disturbances, do not you think that the belief of a particular interposition of Providence by miracles to have taken place in the Roman Catholic church at the same time might have operated to augment those disturbances, and to induce the people to give credit to the prophecies, and to think that something particular was about to take place at this particular time?—If the Roman Catholic church, or any minister of that church, were to preach to the people, that those prophecies were valuable, that might be so; but when

I find them treat those prophecies with ridicule and contempt, I cannot believe that that is the case.

For instance, in the county of Kildare, where you think the Roman Catholic people were affected by those prophecies; do not you think, that upon the minds of persons so circumstanced, the belief that miracles were working at this day in the Roman Catholic church would operate very much to augment the effect produced by Pastorini's prophecies?—If Pastorini's prophecies were at all sanctioned by the authorities of the Roman Catholic church, it would be so; but when I find them treated with disrespect, I cannot believe so.

Do you believe, that in the disturbed districts of Kilkenny, the people give credit to those prophecies, or do not?—I do believe the body of the people do not give credit to those prophecies.

Do you think they believe that the present church establishment is likely to be permanent?—That is a question very hard for me to answer; from all the knowledge I have of the feeling of the people, I have no reason to suppose that they have any expectation of the present church establishment being in any respect invaded or disturbed.

Do you mean to extend that answer to the disturbed districts in Cork, Limerick, and Kerry?—I am not informed but by the public reports, of what may be the condition of Cork, Limerick, and Kerry.

Do you mean to express an opinion that ribbonism exists in general only in those districts, where orangeism had preceded it?—Yes.

You do not mean to make that observation general?—I confine myself to those parts of the country with which I am acquainted.

The Committee understand from you that there is no ribbonism in Kilkenny?—I do not believe there is.

There is no orangeism in Kilkenny?—Very little.

Is there in Kildare?—I cannot have a knowledge of it.

In the Queen's County?—I cannot have a knowledge of it.

The Committee understand from you, that you thought there was ribbonism in Kildare?—I stated the reason upon which I formed that belief.

Have you any knowledge that there was orangeism in Kildare?—Unless by public report.

Can you have knowledge upon the subject?—I cannot.

Then do you or do you not attribute ribbonism in Kildare, to there having been orangeism?—My reason is, that wherever orangeism raises itself to a certain height, there I believe associations of ribbonism find their way immediately.

Did you ever hear as to ribbonism having been very extensive in the province of Connaught?—I heard it was so.

Do you believe that orangeism had been known or did exist in the province of Connaught at all, before the ribbonism?—I do believe it did exist both preceding and subsequently.

Is the Committee to understand that you consider the prevalence of ribbonism in the province of Connaught to which you referred, as attributable to the antecedent existence of orangeism in the same part?—I am not at all acquainted with the province of Connaught, so as to enable me to speak distinctly upon that subject.

Have you ever heard that orangeism did exist in any and what part of the province of Connaught, antecedent to that system of ribbonism?—I do not know when either the orange or the ribbon system commenced in the province of Connaught; I am a long way from it, and have very little intercourse with it.

Will you specify any part of the province of Connaught, in which you conceive orangeism to flourish or even to exist?—I have already stated, that I am very little acquainted with it; I have only the report that I may take up from the public press on that subject.

Will you specify, amongst those parts of the country of which you have been hitherto speaking, any one spot in which orangeism had existed, and in which you conceive it has occasioned the existence of ribbonism?—Orangeism did exist, to a considerable extent, at Mountmelick, in the Queen's County, and at Mountrath.

But not in Kilkenny?—I do not think it has got much in the county of Kilkenny; there is a report that orange business is going on in the city of Kilkenny, and in other small towns.

Will you mention, whether Mountmelick and Mountrath are the seats of any of the disturbances, of which you have hitherto spoken in your examination?—Mountmelick and Mountrath have been almost the scenes of annual disturbance in the Queen's County.

You have been speaking to day of certain disturbances; have Mountmelick and Mountrath been the scenes of any of those disturbances?—Of those particular disturbances I do not say they have, they have been the seats of annual disturbance.

Have there not, for several years past, annually been disturbances, and sometimes sanguinary disturbances at Mountmelick, and sometimes at Mountrath?—There have.

Were not those upon particular days in the year?—They happened upon particular days.

Will you mention the days?—The twelfth of July is gene-

rally the celebrated day upon which those occurrences take place.

Is the Committee to understand, that the ribbon system prevailed generally throughout the year, in those places?—No; because I have already stated, that from all the information I have been able to collect, the ribbon system has got into neither the county of Kilkenny, nor the Queen's County.

Then, is the Committee to collect from your evidence, that in reference to the district of which you have been speaking, you think the orange system has got into Mountmelick and Mountrath only, and the ribbon system into no part?—I think orangeism has got into almost every town in the Queen's County, but those places are the grand depôt of them.

But that the ribbon system has not got into any part of the district of which you have been speaking?—Not to my knowledge.

You have stated, that there was ribbonism in the county of Kildare, and that you derive that opinion from the titular bishop of Kildare's pastoral address; how did you derive that opinion; from that address, from the general reasoning of it, or from its positive assertion?—From his general reasoning, and from his cautioning the people against entering into such a dreadful society. I heard that they committed outrages, by impeding the canal boats; and dreading that the outrages would lead possibly to the production of that system, he felt it his duty to caution them against it.

He cautioned them not to enter into any such society?—He cautioned them against the evil of it, and he cautioned them not to enter into such association, or any thing that would make them riot; and, generally, to be obedient to the laws.

Does that state, that he has any reason to expect they had entered into such associations?—I am not aware that he has stated that he had any reason.

Will you state to the Committee, in what instances, and in what places, to your knowledge, ribbonism has followed the establishment of orange lodges?—To my knowledge in no case; I cannot speak of my own knowledge.

In what place have you heard that ribbonism has followed the introduction of orangeism?—In the north of Ireland.

But not in any of the counties with which you are acquainted?—Not in the places of which I have been speaking.

Is not the disposition to believe in Pastorini's prophecies alluded to by Bishop Doyle in his address?—Yes.

Have you any reason to believe that the prophecies of Pastorini have been circulated in the districts of the Queen's County and county of Kilkenny, with which you are acquainted?—No reason whatever; and I believe they have not; I have

taken great pains to ascertain if I could trace them, and I could not.

You stated in the course of your examination, that it is your impression, that the body of the people do not believe the prophecies of Pastorini; upon what grounds is that impression formed?—I stated, that I believed that the body of the people do not believe in the prophecies of Pastorini, and I formed that opinion from hearing their expression to that effect.

In what county have you heard the body of the people express themselves to that effect?—I should not have used the term "body of the people;" but those that I came into contact with in Queen's County and the county of Kilkenny.

Have you conversed pretty generally with the people of those counties upon the subject of Pastorini's prophecies?—I have very often conversed with them, and endeavoured to get at what their opinions and feelings were, and I have found that they paid, generally speaking, no attention to them.

Have you found that they are acquainted with them, or that they are ignorant of them?—In general the people are ignorant of them.

Have you found any people in the course of your conversations, who have seen and read these prophecies?—Yes.

About what number?—I do not recollect more than two or three.

Of the lower orders?—No, the better class.

Those persons disbelieve them?—Yes.

Is it your impression that those prophecies have not been in any degree circulated amongst the common people, in either the county of Kilkenny or the Queen's County?—It is my impression that they have not.

What are the grounds of that opinion?—Having made inquiry in every way, I could not find that they had been distributed among them.

How old are the prophecies of Pastorini?—I hope I shall not be laughed at for saying I really do not know.

When were those prophecies first made current in Ireland?—I do not know.

Is it not within these two or three years?—I believe not.

The miracles, you say, are generally believed?—Yes.

By respectable Catholics?—Yes.

And the prophecies of Pastorini are not believed by respectable Catholics?—No.

What is the reason of that difference in respect of the miracles and the prophecies?—People have the evidence of their eyes and their senses of the miracles; but they do not see how the prophecies of Pastorini are at all connected with them.

How can people have the evidence of their eyes and their senses with respect to any prophecy of a future event?—If they see them carried into effect, they have both.

If the prophecy relates to a time that is not yet arrived, how can the evidence of our senses be at all applicable to such prophecies?—I have already stated my conviction, that the prophecies are not paid attention to, or believed.

You have already stated that the miracles are believed?—But not in consequence of those prophecies.

What is it that makes that difference, that the miracles should receive so much credit, and the prophecies receive so little?—It is not an unusual thing at all, for that all-seeing Being, when it is His pleasure, to perform miracles; they are not a novelty; it has occurred from the earliest periods downwards.

Are not prophecies also from time to time given by that same Being; is there any thing more extraordinary in a true prophecy than there is in a real miracle?—No, I think not in a true prophecy.

Can you give any other reason why the miracles should be treated with so much respect, and the prophecies with so little?—They are not held as prophecies.

That is the fact; what is the reason of it?—I am sure I do not know how I should answer that question; but that I know they are not held as prophecies, and the church does not sanction them.

Has the church given her sanction to the miracles?—Yes, I believe so.

The church has not sanctioned the prophecies?—I never heard of it.

Do you believe the reason why the miracles have been so generally received is, that the church have sanctioned them, and that the prophecies have, on the contrary been rejected, because they have not the sanction of the church?—I do believe that the reason why the miracles are so generally believed in is, that they are so extremely well authenticated by those who believe in them, and by respectable members of the church.

Do you believe that if Dr. Doyle had published a pastoral letter in which, instead of treating the prophecies of Pastorini as contemptible, he had sanctioned them, and given them credit, that they would have been generally believed in Ireland?—I believe that they would not, nor the act of any one individual, without the concurrence of the whole church.

Have you known any other miracles received in your part of the country previous to those that have made so much noise?—Not within my time, but the one in the Queen's County.

Do you mean the recent one?—I mean the case of Miss Lawler.

Did you ever know of any miracle previous to that?—No.

Or in any other part of Ireland?—No.

Did you know Miss Lawler's family!—Very well.

Have you conversed with members of that family upon the subject of that event?—I have.

Are there not parts of the penal laws that are considered very inconvenient to Catholics, even in respect of their property?—Certainly; they are considered very inconvenient in every respect.

Must not a Catholic, before he is able to purchase land, or even bequeath it by will, or in short do any thing that gives him a right over property, take oaths that are called qualification oaths?—I am not aware of that circumstance.

Is the Committee to understand you to say, that, generally speaking, the Roman Catholics believed in this miracle of Miss Lawler?—I do believe they did believe in it.

Do you yourself believe in it?—I do; I do believe that the young woman was restored to the perfect use of speech, after being deprived of it for years; I know the fact to be so, and that solely and purely through that great, powerful, and Omnipotent Being that performed the miracle; and that the prayers of the young woman, the prayers of those that were acceptable, may have had some effect in producing it, but the act was from God alone.

What instrumentality do you consider Prince Hohenlohe had in that?—I do not know of any except the prayers of people imploring the Father of Mercies to restore the young woman.

Do you believe that effect could have been accomplished without the intervention of Prince Hohenlohe?—Certainly I do.

That it was not accomplished by any human means?—No.

With respect to prophecies, although you have not been able to trace the dispersion of those prophecies in the Queen's County, have you any reason to believe that they have been actually dispersed and circulated in other parts of Ireland?—I have not.

In Doctor Tuohy's address, he makes use of these expressions, "I have reason to know, that even under the pretext of religion, the poor credulous people are led astray by these wicked advisers, telling them prophecies of wonderful events to happen in the years 1822, 1823, and 1824;" does not that refer to Pastorini's prophecies?—I really do not know; I never read them; I am not aware what prophecies he alludes

to, it may be Pastorini's, but I have heard of other prophecies being amongst the lower class of people at different times, that of Columb Kill, and others, seem to have been all now forgotten for Pastorini.

Before you made those inquiries to which you have referred, among the lower class of people, as to the effect of Pastorini's prophecies, and the effect of credit to them, did you not take the trouble of reading the prophecies before you asked those questions?—I did not.

Is there any levy of money, under the denomination of Catholic rent, going forward in your neighbourhood?—I have not heard that it was in my immediate neighbourhood.

Have you had any opportunity of observing any instances of its levy?—No.

Do you know of any persons in your neighbourhood being employed in collecting it at present?—I have not heard of any person in my neighbourhood being employed in collecting it.

How long is it since you left that neighbourhood?—About ten days.

Do you expect it to be levied in your neighbourhood?—I think it is likely it will.

Can you tell the Committee the nature of that levy?—I have only my information from what I read in the public papers.

You are not a member of the Catholic Association?—I am not.

You were a member of the Catholic Board?—I was.

When did that cease to exist?—Some two or three years back.

When did you cease to attend it?—I never was a member of the association.

Were you in the habit of attending the Catholic Board?—Yes; whenever my business carried me to town, I went to the board.

Will you explain to the Committee what were the objects of the Catholic Board?—I know of no object whatever, but to endeavour to procure an equal participation in the benefits of the British constitution.

In what manner did you become connected with the Catholic Board?—I went there as residing in the Queen's County, and the people in the Queen's County voting that I had possessed their confidence.

Will you describe the nature of that meeting?—The meeting was convened altogether in the county, for the purpose of addressing petitions to both Houses of Parliament.

Was it by the high sheriff?—No; a number of respectable

Catholic gentlemen affixed their signatures to a requisition, calling upon the Catholics of the county to meet for the sole purposes of preparing petitions to both Houses of Parliament, praying for a repeal of the penal laws, and in pursuance of that the meeting was held.

Do you conceive the present Catholic Association differs in any and what respect from the Catholic Board?—I am not a member of it.

Can you form any opinion as to whether the circulation of their proceedings in that part of the country, has a beneficial effect or otherwise upon the public tranquillity of the district?—I do not think it has any effect whatever in disturbing the tranquillity; many are of opinion that the proceedings are not sufficiently temperate, although they attribute nothing but honourable and pure motives to the principal actors in it; still they would be considerably more pleased if there was more temper, and that is my own decided opinion.

Do you think the circulation of their proceedings contributes to irritation or otherwise?—I do not think it has any effect.

Have you any reason other than from the public prints, to enable you to form a belief whether the Catholic rent is in progress of collection?—None whatever; I have heard one gentleman say that he had paid, and another that he would pay a subscription.

Did you hear those gentlemen mention to whom they had paid it?—It was some very trifling sum; I do not recollect to whom it was paid; one of them said, he had sent the subscription of one pound or guinea.

To whom?—To the Catholic Association.

Did he send it up to Dublin or to any person in the country?—To Dublin, he said he had sent it.

Have you any reason to know whether there is any person in the country that is authorized to receive subscriptions there?—I do not.

Was any Catholic rent paid to the Catholic Board, to which you stated you belonged?—No; there was a subscription for defraying the expense of sending petitions to Parliament.

Is your opinion, respecting the proceedings of the association in reference to the temper of them, the opinion of the generality of Catholics in your county?—A great many concur with me in opinion.

Is not that an opinion which prevails very much among the Catholics in the country parts of Ireland?—I think it does.

Have you been applied to, to belong to the association?—No.

You have stated the manner in which you became a mem-

ber of the Catholic Board; do you know how the Catholic Association has been formed?—No, unless by public report.

There has been no nomination of a similar nature to that which was made to the Catholic Board, when you were declared to possess the confidence of the Catholics of your county?—None, that I know of.

Did the persons who said they had paid the rent say, that they knew for what purposes it was to be applied?—They told me that they did know for what purpose it was to be applied; that it was to defray the expenses of presenting petitions, to see that an equal administration of justice, and a fair representation of the condition of their body, should be had; those are the principal things they told me it was for.

Then there were three distinct objects; one had reference to presenting petitions, another was to have a pure administration of justice, and the third was to see that the public press should be properly conducted?—Yes.

And it was not all confined merely to presenting petitions? —The persons who subscribed asked me to subscribe, and I said I should not.

Have there been meetings lately in different counties, for the purpose of petitioning Parliament upon the Catholic question?—I have heard there was.

Have you not attended any?—No; there has not been any meeting in the Queen's County.

Do you know whether they entered into resolutions at those meetings?—Except from the public papers, I know nothing.

Did you see in the public papers, any resolution which appeared to be an agreement on the part of the meeting with the association?—I did.

Have you been in the habit of attending the assizes at Kilkenny, or the assizes in the Queen's County, as a juror?—I have been always in the habit of attending the assizes at the Queen's County, not at Kilkenny; my residence is in the Queen's County.

Have you frequently acted on juries?—Very frequently.

Both civil and criminal?—Till the last assizes, I never was in the criminal court.

Did you find on the jury with you gentlemen of the Roman Catholic persuasion of your own rank?—Very rarely.

Did you act with Protestant gentlemen on the jury?—Constantly.

It it your impression that the conduct of those jurors has been at all influenced by religious feelings?—It is my opinion, that the Protestant jurors are as honourable and conscientious men as can be found any where.

And you have all co-operated together in the administration of justice?—Yes.

You never found religious feeling actuate a jury?—Never.

In your own town, do Protestants and Catholics mix; on what terms do you live in that town?—I think I may best describe it, by stating that at my own table you may generally find the clergy of every communion as often as I can have them.

That is at the town of Ballynakill?—Yes.

You have no kind of differences or disputes?—None.

Is there an orange lodge at Ballynakill?—No; if there was, we should soon have disturbances enough.

Are there many Catholics in your rank of life, in that county?—There are many about my standing.

Are many of those gentlemen magistrates?—There is not a Catholic magistrate in the Queen's County, save one.

Are there many gentlemen in the county, of the middle class of persons, Catholics, fit to act as petit jurors?—A great number.

You say, that very few have acted with you on the juries?—Very few.

Did that produce any observation among the people?—Yes; a constant subject of conversation amongst them.

How does it happen, that they are not called on the juries? I cannot tell that; I see them in attendance. I believe they are summoned; but I rarely see them serve.

Are they summoned?—They tell me they have been summoned.

Then, as far as the sheriff is concerned, they are summoned in the same manner as their Protestant fellow-subjects?—The practice is, in Ireland, that the bailiff is furnished with summonses to fill up very often, and if the person serving does not give them a certain fee, they will return them; if they get a certain fee, they will not return them.

Then, is the Committee to understand, that it is not desired by themselves that they should be summoned?—Some of them wish it.

You have no reason to doubt, that the sheriff, in issuing the summonses, extends them equally to Roman Catholics?—I would not be understood as making any imputation upon the sheriff.

The summonses are in blank?—They are often furnished with blank summonses.

Are those blank summonses signed by the sheriff?—They would purport to have his signature.

Are the Catholics generally desirous of serving on juries?—

They are; they like to be mixed, and to be considered as fellow citizens.

Do you know whether there are any number of gentlemen of the Roman Catholic persuasion in the Queen's County, that from their rank and their intelligence, are fit to be magistrates; is there any gentleman of fortune and situation in the county, resident, who would be qualified to be a magistrate?—There are many gentlemen in the Queen's County of equal fortune and acquirements with several that are magistrates. We have no large Catholic proprietors in the Queen's County; but there are many gentlemen that are equally well entitled to be magistrates with many of those that are in the commission of the peace.

Have you any Catholic grand jurors in the county?—No.

Do you mean to say, that there is not one Catholic magistrate in the Queen's County?—I do not know, whether the residence of Mr. Michael Delaney is in Queen's County. I believe he is in the commission of the peace in the Queen's County.

Is Mr. Fitzpatrick, of Urlingford, a magistrate?—He is out of the commission of the peace, but he is in the county of Kilkenny.

Was he in the commission of the peace?—Yes.

Will you explain to the Committee, how it is that if the Catholic jurors are summoned equally with the Protestant jurors by the sheriff, they do not serve equally in civil cases?—I cannot pretend to answer that; I can only state the facts I know.

Does it arise, in point of fact, from there being a smaller number of Catholics qualified to be jurors in civil cases than of Protestants, or does it arise from any other cause?—I cannot say that there are a smaller number qualified to be jurors in civil cases; but my idea of qualification for serving upon a jury in a civil case is, that every freeholder of 20*l.* or 50*l.* is qualified, and I think there are a very great number of both classes of such persons in the county.

Such persons are returned by the sheriff as qualified?—I do not know; they are registered.

Do you apprehend that any undue means are taken to prevent their serving?—I would not be considered as casting the slightest imputation upon the sheriff.

By other persons?—I do not know any other person that could do it.

Do not persons frequently endeavour to avoid being jurors?—Both Protestants and Catholics very often wish to avoid it.

Is it not very difficult often to procure good jurors?—I think

not; I rather think we are proverbial for having good juries on the civil side.

Is it not a matter of difficulty sometimes to procure a sufficient attendance of jurors in civil cases?—I will not say that it is a matter of difficulty to procure attendance, but I have often seen gentlemen in attendance endeavouring to avoid serving.

And you have seen that on the part of Catholics as well as Protestants?—Yes, I have.

You stated, that you thought that all the Catholics, even the lowest order, take an interest in what is called the Catholic Question?—I say that, generally speaking, I believe they do.

Have you ever heard any of the very lowest orders express anything on that subject?—Very often; my own working men express a great wish that the question were carried, and that all were alike.

You have heard that from your own labourers?—Frequently.

Are they acquainted with the particular laws which affect the Roman Catholic body?—I think you will find a great deal more information on that subject than you can expect; they are fully sensible that they are not on an equality with other subjects in many particulars.

They have a general knowledge that they are not placed on a footing with their fellow subjects?—Yes; I have generally found, that men of my standing are most anxious to press upon them not to enter upon the consideration of the question, but to leave it to us.

But notwithstanding that they will think about it?—They will be always inquiring and asking what prospect there is.

Is there much want of employment in the neighbourhood of your county?—Very great indeed.

In that district of country which you have before alluded to, called the colliery country, is there a want of employment amongst the great population there?—The want of employment extends in a great measure there.

What are the wages paid for labour?—The wages paid in the quarter of the country I am in is about eight pence a day, when men are actually employed.

Are many of them employed regularly every day through the year?—It is impossible they should be employed every day through the year, for if there is bad weather they cannot be employed.

Excepting bad weather?—I believe there is not above one man out of six that has constant work, I might say one in ten

Are there any that are altogether out of employment?—I will not say altogether, because they may occasionally get a

day's employment, but there are many that have not one day's work in a week.

How do they manage to live?—In the most wretched state.

Have they land?—No.

How do they find their food?—Generally from the humanity of their fellow-creatures of their own class, and those a little above them in life.

Can you form any idea, taking the whole of the labouring class in a district, what would be the average earning per day per man upon the whole year; taking into account what they receive for labour, either by money or by land, how much a day would it make in your opinion?—I have been turning it a good deal in my mind, and I think they would not make more than from four pence to five pence per day, one day with another; I mean those that are tolerably well employed; the others nothing like it.

What is their general conduct, are they tolerably orderly people?—Whenever they get employment, you find them exceedingly willing and anxious for labour, and at a very moderate compensation, and they are then exceedingly well conducted.

Generally speaking, is their disposition orderly and quiet?—Generally speaking it is so, and to the want of employment I attribute, in a great measure, much of our unhappy state.

Is there a great anxiety on the part of the people to be employed?—The greatest possible; the anxiety of the creatures to be employed, for any kind of remuneration, is wonderfully great.

Are they industrious?—Very industrious indeed, if they can but get employment.

Have you known of the execution of any works, either public or private, by task-work?—It has been a practice I myself have introduced, upon a pretty extensive scale, and I have found them eager for it, and to labour incessantly before and after hours.

Have you known any instances in which it has become necessary to restrain their exertions in task-work, lest it should prejudice their health?—I have known it myself; I have often had occasion to point out to my labourers, that I had apprehension they were labouring too severely, to the prejudice of their health.

Is the general system, as far as you are acquainted, payment in money for labour, or payment in account for rent?—The general system is, for the farmer to let off a small portion of land, and he puts a rent upon it, and he takes this rent in labour, giving the balance of any thing that is over the rent

to his people. They prefer themselves, getting a little ground that they may have to cultivate.

Is the execution of the public works under the authority of the grand jury, generally paid for by money payment, or by allowances in account?—I am very apprehensive that persons employed under the overseers, very often are in the habit of paying for the labour, by giving articles of food, and matters of that kind, to the actual labourers; but very often they are paid in money too.

Do you conceive it would be a great improvement in the execution of public works, were all those public works paid for in actual money?—I think it would.

Does the present system, wherever it exists, of paying for county works by allowances in account, or by giving articles of food, ever lead to giving the preference in the execution of county work to the tenants of the individual who has obtained the works?—I am not prepared to say that, to my knowledge, any preference for county works is given to the tenants of any individual.

What is the rate of daily wages at which the county works are performed?—I believe they give ten-pence a day.

And three shillings a horse?—They procure it on as good terms as they possibly can have it.

It is ten-pence a day for labour, and three shillings for a man and horse?—I believe two shillings and sixpence for a man and horse.

Is that the usual rate of labour in the Queen's County?—It is; but the public works are executed at a period of the year when the days are more lengthened, and they give a little extra on that account.

Under the present system, is not the great press of public works thrown almost altogether upon a certain period of the year; namely, that immediately preceding the assizes?—Yes.

Do you not conceive that more profitable employment would be afforded to the people, in the execution of public works, were it possible to distribute more evenly the labour of the year?—That system is carried into execution in the Queen's County to a great extent; they are endeavouring to manage public works, so that it shall not fall at any particular period too heavy. The plan is to set apart a certain number of perches of road to some respectable gentleman, and he sees that the repairs are kept up at a certain rate.

Where the contrary system prevails, and the execution of public works takes place almost entirely just before the assizes, does not that throw the execution of works in summer to the time of early harvest, and throw the execution of works in

winter to the time of planting potatoes, and preparing for the spring work?—It does.

How long has this new system, which you have described, been acted upon in the Queen's County?—I should suppose for the last three or four years.

Is that system, which you have been describing, the operation of that part of the grand jury law which is commonly called the Supervisor's Act?—It is.

Are there a great many destitute and infirm persons in that part of the county in which you live?—There are.

Is there any provision for them?—None whatever.

Do you think it would be desirable to introduce a system which should provide for destitute and infirm persons?—Unquestionably it would; it is dreadful to leave the country without it.

Have you not a house of industry in the country?—No.

Do those people that you have alluded to, in general, live by themselves or with families?—They live detached, up and down, by themselves sometimes, when they can have a hut; and subsisting upon the charity of their poor fellow creatures for their night's lodging and their meal.

So long as that exists, do you think it is possible to have habitations in the country which shall be altogether creditable?—Certainly, it is impossible.

Are you at all acquainted with the management of the poor laws in this part of the United Kingdom?—Very little indeed.

Is there not a very great distinction in the part of the country with which you are acquainted, in the state of the poor upon those estates which are well managed, as compared with the state of the poor upon the estates which are the property of absentees, or which are not well managed?—The most striking; for instance, there is Lord De Vesci; he is a most excellent landlord; there are no poor upon his estate, generally speaking.

What do you mean by that?—He is everlastingly doing good acts to ameliorate their condition.

Does Lord de Vesci possess the entire property in that parish?—No.

Is the condition of the people in those parts of the parish which are not the property of the nobleman you have named, different from that on his estate?—Very different indeed.

If there was a parochial and compulsive provision for the poor in that parish, would not the effect of that be, to tax the property upon which the lower classes are in the best state, for the support of those parts in which the poor are in the worst state?—Certainly, it would operate in that kind of way.

In the event of any provision being made by law for the

poor in Ireland, do you not conceive, that on principles of justice it would be essentially necessary that each townland only should contribute to the maintenance of its own poor?—I do think so.

Do you think it is possible, that the landlords, generally throughout Ireland, could act as liberally as Lord de Vesci does; do you think the landed gentry of Ireland, generally, are so circumstanced, in a pecuniary point of view, as that they could make the same expenditure for the poor that Lord de Vesci does?—To a certain extent they could; but it is on the absentees' estates that the wretchedness exists principally.

Do you think the gentry are in that state, with reference to their property, that they can afford to be as liberal as Lord de Vesci?—I do believe, that generally speaking they are, to a certain extent.

Are the other proprietors in that parish, in your opinion, people that are possessed of the same means of doing benefit to their tenantry as Lord de Vesci?—I know they are not possessed of property to the same extent, and they do not in general act at all like him.

Are they capable of doing so?—I think they might, in proportion to their means, but they do not.

In the event of the introduction of any system for the relief of the poor in Ireland, by whom would you propose that the system should be administered?—I believe the overseers would be very fit and proper persons.

Are you acquainted with any parishes in Ireland, in which there are no individuals to whom you could intrust the power of overseers?—I am not acquainted with any parish just at this moment, but I should suppose in every parish some fit and proper person could be found.

To what districts do you confine that observation?—To districts of the Queen's County, that I know, and the county of Kilkenny.

Do you believe those districts to be above the average in point of resident gentry, or to be taken as a fair average of the general state of Ireland?—I think them above the average.

Have you any doubt but that in many parts of the country there would be parishes found, in which there would be no individuals qualified to act?—There may be parishes found so circumstanced.

Have you any doubt of it?—None; I think they should be individuals of very respectable rank.

What is the extent of your parish of Ballynakill?—In the parochial book it is returned to me as containing from four to five thousand acres; I think it is about six thousand acres.

Do you know the population of it?—It is very dense.

Are you aware that in England every man, who cannot get employment, has a right to receive a sum of money, sufficient to enable him to purchase his food, from the parish?—Yes; I am aware that, generally speaking, each parish is obliged to sustain them.

Provided he cannot get labour?—Yes; I am only aware that each parish in England, is bound to maintain its own poor.

Does not that mean to provide those people with the means of living, who cannot earn it by their labour?—Unquestionably.

Supposing every person in your parish, that could not earn his livelihood by labour, had an opportunity of going to the overseer, and receiving from him what should be sufficient to purchase him the food he requires, have you any idea of the charge that would make upon the parish?—No; the numbers are very great of old, infirm and decrepit.

Suppose that every able-bodied labourer had a right to go, as well as the old, infirm and decrepit, and receive money to buy himself food; under those circumstances, would there not be a very great charge upon the parish?—A very great indeed.

Would not a great part, or almost the whole of the labouring population, apply for relief?—I think not; if they could get labour, the Irish are willing to work, and I know many instances where they are unwilling to expose their distress.

Have you any idea that it is probable that the labouring people will have the means of getting labour?—I am not aware of any thing at this moment, for the depressed state of agriculture is so great, there is no inducement on the part of the farmer, to embark in any speculations that would give them employment.

Would not a certainty existing that provision and relief could be got from the public fund be a new inducement to early marriages in Ireland?—I do not think it could; for I think the great evil is the early marriages at present; I think that any thing like poor laws should be on a very modified scale.

If any circumstances were to occur to check the habit of early marriages, would not the existence of the poor laws contribute to counteract them?—If there was a modified plan of poor laws well regulated, I think they could be so done as that they could not be available for those purposes; I do not think it would accelerate early marriages.

Do you feel certain that you can adopt the principle of poor law, and by any means limit it in its operation?—Yes, I do think that possible.

Do you think that in a season of very great distress, supposing the law was limited merely to the infirm and decrepit,

that you could prevent it from being extended to other classes of the people?—Certainly, I think I could.

You are aware that there are a great number of Irish labourers come over to this country in the summer?—Yes.

Do you think that those people would come to England for employment if they could be supported out of the parish rate at home?—I think they would, for the reason I have already assigned; I find that they are unwilling to be supported by charity.

You think they would go on coming to England?—I would not leave it in their power to be supported from the parish.

Have any gone from the Queen's County to look for permanent employment in England?—A good many.

Have any of them been obliged to come back, because they were not allowed to remain in England?—A great many came back, because they were not allowed to remain.

Were they people that were refused relief in England, or that were prevented from settling by residence, as interfering with the people of England?—I understand from a great number of them that the labourers of that class of life in England, have great jealousy of their coming in amongst them, and taking their employment from them.

What do you think is the average extent of parishes in your neighbourhood?—I think about 5000 acres; Stradbally excepted, which I found contains about 1400.

Do you not think that the establishment of poor laws, however modified, would greatly aggravate the evil of which you, in the former part of your evidence, complained; namely, the pressure upon the population by parochial charges?—If the charge of the poor laws were to fall exclusively upon the occupier of the soil it would bring his ruin immediately.

Must it not necessarily fall upon the occupier, inasmuch as the landlord, for instance, if he has his ground to let, would immediately upon the lease being expired, or his getting possession of the ground, raise that charge upon the occupying tenant, which he would be chargeable with in order to maintain these poor laws?—If it is the wisdom of the legislature to direct the occupier to pay any charge for any definite object, that may be received in discharge of his present engagements.

Do you think that Parliament can control the landlord, in demanding a certain price for the land that he lets?—Certainly not; but as it is I do not suppose it will interfere with the property of gentlemen; but I speak now of the state that the country is in under demises for years and for lives; and it might interfere so as to regulate the proportions to be paid by the parties.

You stated the average size of parishes may be taken at about 5000 acres; what is the average size of the town lands?—Town lands vary very much; I have found some town lands not to contain 100 acres, and others six or seven hundred acres.

Are not the parishes then, almost, too large districts to be overlooked by overseers appointed by the parish; would they not be too large for overseers?—I think not.

Supposing those overseers to be over town lands, are there not many town lands in which there are many inhabitants in which there is no person fit for the situation?—I think there are town lands, in which there would be no persons applying for relief.

What is the state of leases generally in your part of Ireland?—Lands are, generally speaking, demised for leases of three lives or thirty-one years.

Do the persons to whom those leases are granted, generally occupy the whole of the land so demised?—Many do, and many do not.

In the cases of those who do not, how do they demise them again?—They often set them for one life, or two or three lives, or a certain number of years.

What does the man who has this lease for one life or number of years, how does he deal with the land, does he sub-let it again?—Sometimes he does; too often.

Does the person who demises from him ever again sub-let?—I am sure there are cases of such sub-lettings.

What is the greatest number of tenants that you know under the head landlord?—Probably they go down to five.

Each of the tenants endeavouring to obtain a profit rent out of the other, to whom he demises?—Exactly.

What portion of the land in your neighbourhood, do you think is occupied by the head landlord?—None at all.

What proportion do you think is occupied by the first lessee without sub-letting?—Very many occupy the entire, and several sub-let in the immediate neighbourhood: I myself occupy all the lands I have got, with the exception of workmen's gardens.

Do you think that the immediate lessees occupy half the land in the district with which you are best acquainted?—I think they do at present; but I think they did not some three or four years back.

What has caused that difference?—The distress of agriculture has brought down the immediate tenant, and he has pulled down the person who demised to him; and a great number of the middle men are all knocked down.

So that the person who was formerly an under tenant, now holds immediately from the head landlord?—A great many of them do.

Are those persons possessed of much capital?—Several of them have a good deal of capital, and many have not.

Adequate to the management of the tracts they have?—I think there are many that have not sufficient for the tracts of land they have.

What is the size of those holdings generally?—The farms vary very much, it extends as low as to a solitary acre; from fifty acres down to one.

What is the average size of farms let to the immediate lessee of the original landlord?—It generally goes from about 50 acres to 250; I mean the cultivated low lands.

What description of houses are occupied by the immediate lessee of the original proprietor?—Very often but very indifferent thatched houses.

Are many of them slated?—Some of the great proprietors that live at home build most capital houses for their farmers, particularly Mr. Cosby; I have heard Lord Lansdowne also does so.

Those are slated houses?—Yes; and for his mountain farmers, comfortable thatched cottages.

Are the houses of the immediate tenants of the original landlords always repaired by the lessee, or ever by the landlord?—Always by the tenants.

And in the case of a sub-tenant; are they always repaired by the sub-tenant?—Always repaired by the tenant in occupancy.

Generally speaking, are the resident landlords of the county, and particularly in your immediate neighbourhood, all attending very much to the comfort of their tenants?—I think they are all attending to the interest of their tenants; but the two I have mentioned pre-eminently so.

Sabbati, 5° die Junii, 1824.

LORD BINNING, IN THE CHAIR.

Mr. *John Dunn,* again called in; and Examined.

You stated yesterday, that the holdings vary from about 50 to 250 acres generally?—Yes, I did.

By those holdings, you mean the holdings immediately from the landlord?—I do.

Supposing a holding of 200 acres is sub-let by the immediate lessee, into how many different parcels does he frequently divide it?—It varies very much, sometimes it may be let into five different parts, sometimes double the number, sometimes half.

Supposing a holding of 200 acres is divided into five parcels, each of 40 acres, will the tenant of those 40 acres be able to cultivate them by his own family, or must he employ other labourers; the question referring to farms generally arable?—It often occurs, that they are cultivated by the family of the master, and very frequently he employs hands to assist.

How many acres do you conceive a family, with the average number of hands in it, is capable of cultivating?—A family, comprising the master and four sons capable of labour, and two daughters, which is a moderate family in Ireland, six in number, besides the father and mother, I should suppose fully equal to a farm of from 30 to 40 acres, occasionally having help in the harvest or hurried times.

In point of fact, how many houses and cabins do you think there are generally erected upon a holding of 40 or 50 acres in your neighbourhood?—In some instances there is not more than one, and in very many instances there may be five to six or eight huts for the habitation of the wretched occupiers.

How do the inhabitants of those supernumerary cabins employ themselves?—Generally, for any spare time they may have from the cultivation of their own farm they endeavour to procure labour in the immediate neighbourhood.

Is that labour to be had constantly?—No, very rarely.

How much land do the occupiers of those small cabins occupy?—Sometimes, but one acre, sometimes two; and I think, scarcely more than five or six acres.

Is the whole of that generally cultivated as potatoe-ground?—When they have but one acre it is generally the greater part under potatoes, and the part they are able to manure the current year will have a crop upon it the succeeding year, having corn that year.

How much land do you conceive to be necessary to be attached to a cabin for a family occupying it for a potato-garden?—I should suppose, about three acres would be as much as they could well manage if they had not a cow.

Generally speaking, the occupants of those holdings have not a cow?—They have not.

How do they provide themselves with milk?—There are large dairies, generally speaking, pretty much through the country, and they dispose of their butter-milk, they sell it.

Is it necessary for a man to have three acres to provide his family with sufficient food?—No, I think not.

What is the smallest quantity of land a man ought to have, to provide a common family with their means of subsistence? I do not think he could do it at all with less than two acres, if he has a family of six children, and the father and mother, because they generally have a pig to feed.

What would he pay commonly an acre for that?—The rent varies very much, according to the nature of the soil, generally the poor creatures are charged very high rents.

What in your neighbourhood is the average rent?—I should suppose something about two pounds or guineas an acre.

How does he pay his rent?—Generally by his labour, and the sale of a pig he endeavours to feed. The pig he looks to most particularly, as his main prop and support.

How does he feed the pig?—On the offal of the potatoes; the smaller ones that are not fit for his own table are laid aside for the feeding of the pig; and the peels and refuse of that prepared for his family.

This pig is allowed to run about?—He occupies a part of the dwelling with the poor creatures, and runs about. I have stated that the usual practice is, that the portion of their ground which they are able to manure this year for their potatoe crop, the current year they grow corn upon; then they bring it round to potatoes again.

The pig is not shut up to be fattened as in England?—No.

Does not a pig get a considerable quantity of his food by walking about?—Yes.

What quantity of land does this poor man till for corn?—The proportion of his garden, I have already stated, which he is able to manure this year, he puts a corn crop in.

Then one acre of land would produce him sufficient potatoes for his family, would it not?—I think that the potato-crop would not, unless it was a very good year, afford him sufficient for his family; and that those who have a corn-crop, must have resource to that.

How many barrels of potatoes would an acre produce?—I think about eighty barrels to an acre is about a fair crop; they are not able to get manure to produce what other men might get from it. Those barrels are twenty stone to the barrel.

Are there not great numbers of people who live without having this quantity of land?—A great number indeed.

There are many that have no land at all?—A great number.

How do those people live?—They endeavour to procure from farmers a portion of ground manured each year, for the cultivation of the potato-crop, for which they pay very high rents.

Is that called Conacre?—It is.

What do they pay for it?—When the land is very well cultivated, and highly-manured, I have known it in my neighbourhood to go so high as ten guineas an acre; in proportion to the excellence of the manure, the rent is charged.

How do the people pay for that land?—They pay by their labour, if they can get employment; if not, they must make out the money; and we often have great wretchedness with their little crops, selling by auction for the amount of such rents so contracted.

Are there many people who live continually on charity?—There are a good many.

At what age do they buy their pig?—It varies very much; some will buy of a very tender age, and keep it to what is called store; then it is sold in the public market to a man who keeps it on some months longer, till it is in condition for the bacon-house.

Are they able to sell several pigs in a year?—Many of them do buy and sell several; keeping them for a short time.

Is there much land underlet in your neighbourhood?—Yes, a large quantity.

Is it not the habit of the wives and families of persons who underlet lands in this way, to act with great kindness to the common people?—Yes; I know numbers of them who have had certain leases to themselves, take great care of the poor creatures to whom they have let their land.

Would you say that of the Protestant gentlemen as well as of Catholics?—Unquestionably, I know no difference; we know of no distinction. I find them as charitable and humane as Catholics; I know no difference.

Practically they are very useful to the lower orders of the people, living on the lands and in their neighbourhood?—Practically I know not what would become of much of the property of absentees, but for the middlemen; they are kind, generally speaking, and good-natured and humane to their under-tenants; if they were not, the country would be much worse off than it is; there are many cases of exception, some very sanguinary men, and very oppressive.

Do you apply that locally to the part of the country from which you come, or generally?—I have applied all my answers locally.

Is there much absentee property in your neighbourhood?—

There is a good deal; but latterly it has been the practice of one great proprietor to visit Ireland almost every year, and his tenantry are contented and happy, and reap great advantage from his lordship's visits; I refer to my Lord Lansdowne.

In the case of the absentee estates in your own neighbourhood, are there generally resident agents upon them?—I reside on an absentee's estate; Lord Stanhope is the proprietor of the estate on which I reside; the agent is not resident, but there cannot be a kinder agent, or better landlord.

Are the agents generally paid by salaries or per centages?—The tenant is bound by lease to pay sixpence in the pound receiver's fees; and I have heard that the noble proprietor pays a like sum: I do not know whether that is the case, but as tenant to Lord Stanhope, I pay sixpence in the pound receiver's fees, as well as the rent.

Is that a usual mode of paying a receiver?—I beg to say, that whenever an absentee does visit his estates in Ireland, the condition of the poor tenantry is wonderfully bettered by it; it is a most desirable thing.

You mentioned yesterday that there were Orange parties at Mountrath?—I did.

Has not the landlord of the town of Mountrath, and the neighbouring country, made an exertion to check the processions?—I am most happy to have an opportunity of stating, that he has not only made exertions but he has completely succeeded, and has restored to that part of the country, that was a disgrace to the county, perfect good-will and harmony, and has altogether removed that dreadful hydra that cursed us annually; the landlord is Sir Charles Coote, and the whole country is affectionately devoted to him for having done so.

In what way did he succeed in stopping the practice?—I believe him to be the principal proprietor of the town of Mountrath, and being on the spot, his influence had the natural effect of putting an end to those shocking scenes we annually had there.

Has not he given public notice that he would refuse to renew leases, or grant lands to any person who took a part in those processions?—I heard that he made use of every exertion within his reach to put them down and get rid of them, and he has succeeded.

Was there any resistance made to his wishes?—Never, that I am aware of.

The expression of his desire that it should cease was enough?—I understood that there was some little show of resistance, but it gave way at once; Sir Charles, I believe, was determined, and they found it more prudent to give way.

Have the lodges been broken up, or only the annual display of meetings discontinued?—I cannot speak positively to that; I have heard that the lodges are continued, but there is no annual display.

Are there Orange lodges at Mountrath?—I believe there are; I have heard so.

Is there much outrage at Mountmelick on account of processions?—Yes; I have heard, and believe so.

At what time of the year do they take place?—On the twelfth of July annually.

Are those disturbances productive of bloodshed?—In some places they have been, particularly at Mountrath, lives have been lost from time to time, and always the lives of Roman Catholics; one party are armed, and the other party are not.

There is no Catholic organization of any sort there?—Not that I am aware of, and I have taken great pains to be informed upon it.

Has not Doctor Doyle's effort to check the progress of insurrection been perfectly successful, in the diocese over which he is the Catholic bishop?—I attribute much of our state of tranquillity, and altogether putting down that insurrectionary spirit, to his persevering exertions.

When it began to show itself in one part of his diocese, how did he act?—He met it at once.

Did he do more than publish the address of which the Committee have heard?—Yes; he made a visitation of his diocese, and publicly from the pulpits exhorted the people, which I think has had the happiest effect.

Has Doctor Doyle introduced any changes in respect of the charges of the priests, in his diocese or the stations?—Very great.

Of what nature are those changes?—It was the practice heretofore, for the Roman Catholic clergyman, when he called to perform his duties at Easter and Christmas, to dine with the family whom he relieved from the trouble of going to the place of worship. Doctor Doyle has prohibited that, and under no circumstances will allow that his clergy shall stay to be maintained at the house where they attend for religious purposes, save for a breakfast or a snack; they are not allowed to dine: it was the practice for the Roman Catholic clergyman to attend to administer the sacrament, not to give the family the trouble to go to their places of worship, which are often at a great distance.

That is the meaning of the word station?—It is.

They commonly assemble in respectable farmers' houses?—Yes.

Were those entertainments attended with expense to the parties at whose house they took place?—Certainly, they were attended with expense.

Is a snack or breakfast, matter of expense?—Nothing at all like what the other will be.

The entertainment was a considerable expense, was it not, to the parties?—I would say considerable, when compared with a breakfast or snack, very considerable.

Has he introduced any other changes with respect to his clergy?—Yes, he has; he has prohibited them altogether from appearing at places of public amusement or resort, or at hunting parties; and in all cases where any parish priest has died, and there was a plurality of livings, he has separated them, and sent additional clergy to such parishes so divided.

Do you conceive the number of the Catholic clergy, in those parts of Ireland with which you are acquainted, to be adequate, in point of fact, to the increase of duties which the increase of population has cast upon them?—I think they are barely adequate; I think a lesser number would not perform the duties.

Has Dr. Doyle taken any pains to introduce schools, and lending libraries among the Catholics?—In every parish of the diocese with which I am acquainted he has been most solicitous to have schools introduced, and libraries for the use of the people.

Have the goodness to state to the Committee what those libraries are?—They generally consist of religious tracts. The Life of Christ is one; the Death of Abel another.

Is Reeves's History of the Bible one of the books?—I have not met with that; but the works of Dr. England, and the works of Bishop Challoner I have just seen; there were books of that description.

For what purpose are those books placed in those libraries?—For the reading and instruction of the children, and the education of the more advanced people, that have not, in their early period, been educated; they are read in chapel prior to the service on Sundays.

Are those books much read, and has the establishment of lending libraries given satisfaction?—They are very much read, and I think the establishment has given great satisfaction.

How are those lending libraries supported; from what funds?—The priest generally endeavours to raise a small fund in the first instance, and then the person who chooses to borrow any particular work, pays a small trifling sum for the loan for a certain period, and on the restoration of the book, when he takes another, he pays a small sum again; and when it comes to a pound, they add to the library again.

Has the bishop prohibited works of a controversial description?—I have not seen any books of a controversial description in their libraries.

Do you know whether the bishop has prohibited them?—I believe they are very anxious to put away books of a controversial nature.

Do you know of any arrangement between Catholic and Protestant clergymen, for the establishment of schools?—In the town in which I live there is a school, maintained by subscription from both classes; and there are children of both descriptions attending; we have no other aid.

Is there any arrangement between the clergymen of the two religions, with respect to the books?—I know there are some arrangements, that neither are in the slightest degree interfered with, with respect to their principles; nor they do not allow any thing of that description in the school.

You do not know whether there is any common agreement about the books to be read by the children?—I do not know to my own knowledge; but I take for granted there must be an arrangement between them.

Are you acquainted with the arrangement made at Maryborough?—I have heard that there was the very best understanding between the rector and the Roman Catholic priest, and that they were likely to get on very well together.

Are the schools you have alluded to, extensively established in Dr. Doyle's diocese?—I believe in every parish.

Are they exclusively maintained by Catholics?—Certainly not; the Protestants at Ballynakill subscribe with the Catholics; and the Protestant children as well as the Roman Catholics attend the school.

Did Dr. Doyle endeavour to prevent imprudent and early marriages in his diocese?—I have heard him constantly speak against the imprudence of early marriages, and regret it, certainly.

Do you know whether he has ever advised his clergy to discourage them?—I do not.

How long has the school at Ballynakill been established?—Two or three years.

Was it established before Dr. Doyle came into that diocese?—No.

Was it by him it was established?—By his direction and order.

The library was established at the same time?—Certainly.

How many volumes do you believe there are in the library?—I declare I cannot give an answer; they are lent out, and

the people exhorted to read; and as the fund is increased, they are adding every day to their library.

Is the Bible read in that school?—I believe not.

Is the Bible one of the volumes that are in the library?—I never saw it.

Either the Old or the New Testament?—I have seen the Old and New Testament in the possession of many of those that are at the school, but whether it forms part of their library, I am not prepared to say.

Do you know whether that school receives any assistance from the Kildare-street Society?—I know it does not.

Are there any books of history in the library?—Yes; I think I have heard that the History of the Church is one.

Do you recollect the name of the author of that history?—Indeed I do not; I did not examine it so particularly.

Is there any History of England in the library?—No; I never heard that there was; it may be there without my knowledge.

Is there any History of Ireland in the library?—No.

Are there any books except religious books in the library?—I believe not; all books on morality; I am given to understand that is the nature and description of the books that they have in their library.

Do you mean to say there are no books, except on general morality, and none that inculcate the peculiar tenets of the Roman Catholic faith?—I am not prepared to answer that question; I do not know.

Are there not some books in the library on the tenets of the Catholic religion?—I am sure there are; I have no doubt at all upon that.

And some books of Catholic devotion?—I can have no doubt that there are.

Could you tax your memory to recollect the names of the different books?—I cannot at all.

Any of them?—I really cannot at all.

You mentioned the Life of Christ?—Yes; I recollect taking that up and looking at it; but I have not been particular in examining so as to see what the titles of the other works are.

Are there any other schools in Ballynakill besides that?—Yes; there are private schools.

Have you gone to those schools from time to time?—No; I do not think I have.

Then you can give no account of them?—No; except in the general way.

Do you know what is paid for the education of the children

in those private schools?—It is something very moderate, but I cannot say exactly.

You cannot say how much a quarter?—No; I never took the trouble of inquiring.

Are there Protestant children attending the school at Ballynakill?—There are.

Does the Protestant clergyman ever visit that school?—I have not seen him in it; but I think it is likely that he does; I had a considerable hand in its formation, and the fundamental principle was, that nothing on the subject of religion should be introduced; they should be merely taught to read and write, and account; and all religious instruction left to their clergymen.

Out of what book are they taught?—I believe Enfield's spelling-book is the principal book they have got; and then I believe, Scott's Elocution; I think I have seen Goldsmith's Greece and Rome in it, that I took them up and approved of them, and that I thought them very fit books and very instructive.

In that school or any schools you have ever been acquainted with, have you ever known or heard of any of the following books being read, the History of Irish Rogues and Robbers, Moll Flanders, or Tom Paine's Works?—No.

What books do the lower description of schoolmasters teach, what are called the hedge schools?—I have often gone for the purpose of looking, and have seen generally a little work, "Reading made Easy," and Enfield's Speaker, and a little Primer; I have not seen any thing beyond.

Have you ever met with a book which you considered as immoral or improper at those schools?—Never.

What is the conduct of those various schoolmasters?—I believe they are well-conducted men; they are very sharply looked after, and if we found the least impropriety they would be dismissed.

Who looks after them?—The clergymen, and the better class of both communions.

Their practices then are very well known and watched?—They are, as far as my knowledge goes.

Do you consider them as of any great use in the country; do they succeed in teaching a great many people?—I do consider them as of very great use; there are 150 or 160 boys and girls educated in that school I have referred to, in Ballynakill; I think the greater number of them are Roman Catholics, for the population in that part of the country is Roman Catholic.

Is not the Bible read by the Protestant children in that school?—I believe not.

By neither Protestant nor Catholic?—By neither one nor the other.

Is the Bible read much by Catholics?—Very much.

Has every respectable Catholic family a Bible in the house?—Yes; I believe so.

And every part of the Bible?—Yes; they are recommended very much to read it; but to read it with great caution, and great humility of heart.

Is there not a considerable sale of Bibles in Ireland, by the Dublin booksellers?—I am not able to speak to that, from my own knowledge.

There is no difficulty in purchasing a Bible?—I should think not.

There is no restriction?—None whatever.

Any Catholic is permitted to go into a bookseller's shop, and buy a Bible?—Certainly.

And he is not prevented by his priest from reading it?—No; they are exceedingly anxious that they should read it, but that they should read it with great humility of heart, and invoke the spirit of the Holy Ghost to assist them, and they never wish to prohibit any decent man from reading it.

Do many Catholics read the Bible?—I think a great many Catholics, of the better educated class, read it, and read it attentively.

In the event of a system of education being provided for Ireland, which prevented any interference with the peculiar religious opinions of Catholic and Protestant, do you not think it would be more desirable to have schools established for Catholic and Protestant together, than to have separate establishments for the Catholics and Protestants?—I should rather a great deal see them together; and if their morals, and their religious instruction, were left to their clergy, and the two united, and brought up together, I think it would be productive of the greatest advantage.

At what periods, at the school at Ballynakill, are the children taught their religious duties?—Generally on Saturdays; but it is the practice of the Roman Catholics to have their chapels, on Sunday, set apart in the mornings and evenings for the religious instruction of the Roman Catholic children.

Is one day, Sunday, sufficient for the purpose?—Sunday is the great day that they are all congregated together; and they are carefully instructed, both in the morning and evening, in their religious duties.

Supposing one day in the week, besides Sunday, was altogether given up for the purpose of the clergy teaching their religious duties to the children, would not it be a good manner

of supplying sufficient instruction, without any interruption of other duties?—I should think it would.

Is it the Protestant version of the Bible which you say is read?—I believe, in Catholic families, it is the Douay version which is generally used; I very often take up the Protestant version, and read it myself. I do not know whether my practice may be common or not.

In general it is the Douay version?—I believe it is.

Can you say whether it includes both Testaments, the Old and the New?—In some cases, I believe it does not; in some cases I believe it does.

Are the Douay editions generally with or without notes?—The Douay version I generally see in Catholic families, is with notes.

What is the impression made, in your neighbourhood, on the public mind, particularly amongst the Catholics, on hearing you were summoned to attend the Committee of this House?—They seemed very much gratified that any one of their body would be called before Parliament, that a representation should be made from themselves; they seemed to hail it as a prospect that their case would be carefully inquired into.

It gave satisfaction through the country, to find that one of their religion had been sent for to explain the condition of them to Parliament?—I think it did.

To what class of persons do you allude in particular, and of what number had you an opportunity of collecting the opinion?—I certainly made no counting of them; when I received the order of the House, I lost very little time in proceeding; but all classes, high and low, expressed great satisfaction; and if I were disposed to be flattered, I should have been flattered by the expression of their sentiments.

Was the appointment of this Committee generally known?—Very generally known, and hailed as a very favourable omen for our country.

You speak of Dublin, as well as of the country?—My stop in Dublin was but for a few hours.

You did not collect any sentiments in Dublin?—I did not stop to collect any sentiments there, but those I saw expressed great pleasure at the appointment of the Committee, and at the circumstance of my being summoned over to give evidence.

Have you, as secretary of the Catholics of the Queen's County, and as a member of the Catholic Board, had a considerable opportunity of collecting the opinions of the Catholics on religious and other subjects?—I have.

What should you say was the opinion of the Catholic body

in respect of the Protestant church establishment in Ireland? —I firmly believe the Catholic body have no desire whatever to intermeddle with it; when I say intermeddle, I mean to disturb it, or to appropriate any part of it, to divert it from the establishment; but, in common with the Protestants, they would wish to be relieved from a portion of the burden of it.

Have you, in the conversations at meetings of Catholics, or communications with Catholics, ever heard any speculation advanced of a change in that establishment being desirable to the Catholics of Ireland?—Never; nor do I believe the Catholics either wish or desire it.

Do the Catholics feel that that church has been established permanently by the settlement of the Union?—I think they do.

On your own part, and the part of those with whom you are acquainted, do you think there is any desire to interrupt this settlement?—For my own part, I have no wish to interrupt that settlement; and I believe that is the feeling of all those with whom I am connected or acquainted.

Is your belief of the opinion you have just expressed formed from conversations and communications on the subject generally with the Catholics?—Formed from repeated conversations with the respectable Catholic proportion of the people had repeatedly on the subject, and hearing their opinions accord completely with my own.

Are the Committee to understand, that you have collected this from repeatedly conversing with them on the reasonableness or permanency of the church establishment of Ireland?—From repeated conversations, the consequence of the discussion of our question in both Houses of Parliament, and the establishment being so much introduced, as a desirable thing on the part of our body to destroy, break down, or invade.

Supposing the Catholic question to be carried, is it a matter of speculation or at all desired, that the Catholic bishops should be allowed to sit in Parliament?—I for myself can say, and all those with whom I am intimately connected, most sincerely desire that they shall not; we hold it to be a place not exactly suited for such characters, and I never hope to see any of them in it; they may easily be better employed.

Have you understood, that there has been a question with regard to a veto on the Crown in the appointment of Catholic bishops; do you think that an objection to that measure generally pervades the Roman Catholics throughout Ireland?—That is a very delicate question; there is a great variety of opinions upon it; under the existing circumstances of the condition of the Catholics I can only give my own opinion, if it is thought worthy of being had; I should be exceedingly

sorry to concede to the Crown, under the present existing circumstances, any interference, directly or indirectly, with the appointment of our bishops.

Do you believe that to be the general opinion of the Catholics?—I believe it to be so; but if the question of emancipation were carried, and matters became settled and well understood, I have then very little doubt, that a very little time would remove much of the objection, but not the whole, that exists at present to the interference of the Crown in the appointment of our bishops.

Could you state why that objection should exist for the present, supposing the question to be carried, and not to continue after a certain period?—My own impression is, that circumstanced as the Catholic body is at present, an excluded and proscribed sect in their own country, the Catholics would take up the opinion, that if the Crown had a right of nomination and interference in the appointment of their bishops, their object would be to select unworthy personages for filling the high situations which have been alluded to; but if we become one and the same people, and those obstructions removed, I think the good feeling that would be inculcated would at once show, that the danger now that appears so very strong, would not then exist in reality.

You see no objection then, in point of ecclesiastical discipline, to the interference of the Crown; your objection to the interference would rest on your apprehension of the manner in which the influence might be exercised?—I am under the impression, that it is an ecclesiastical regulation, and that it might be so managed in the event of these matters occurring.

That being the obstacle opposed to Catholic emancipation, how would you propose to remove it in the first instance?—As a Roman Catholic, and communicating with the respectable portion of them, we have always deeply regretted that our emancipation has been so mixed up with ecclesiastical matters; we have always considered it most unfortunate that the questions have not been separated; our earnest wish would be for every possible guard and barrier, and fence and protection to the established church, and that all her rites and immunities should be preserved; but to let the body have their political emancipation, we cannot discover how the exclusion of the laity from corporate rights, from filling the office of sheriffs, and from seats in Parliament, can have any connexion whatever with our religious habits and feelings.

Then you do not think that the objection to such ecclesiastical arrangements would proceed from the Roman Catholic laity?—Nor do I believe that it would from the clergy if

the question was once settled, and matters allowed to come to a proper understanding, which I think they would do in a very little time indeed.

What do you mean by the guards you refer to?—I mean by that, that I would suppose that it was quite fair and reasonable that the Lord Chancellor of England, and other of the ministers, that those should be exclusively fitted for their stations by taking the test oaths as they stand at present.

You mean, that they should be Protestants?—I do, exclusively so.

Does it appear to you, that the Catholics consider it a grievance to have to support the Protestant clergymen?—They feel, in common with their Protestant fellow-citizens, the great burden of supporting the Protestant clergy of Ireland; but I have it from several of the rectors, to whom I pay tithe, that the Roman Catholics pay them with greater facility and pleasure than those of their own communion.

Does it occur to you, it would give satisfaction to the Roman Catholic people, if their clergy were rendered more independent by receiving a provision from the state?—I think, as we are now circumstanced, it would not; I think the people's affections would be alienated from them if they were to accept any thing from the Crown.

Do you think they would accept it?—I believe one out of fifty might; but in general I think they would not.

Have the goodness to state the grounds on which you think that would produce an alienation of the people from the priesthood?—The expression of the opinion of a large body of Catholic people whom I have heard from time to time speak upon the subject.

Have they stated any reasons why they would not repose the same confidence in a priesthood paid by the state?—Yes; I have heard them state as one, that they conceive they would not be so attentive to their religious duties as they are at the present moment; that they would be more obedient and obsequious to persons in power, than attentive to their religious duties.

Would those objections be removed by the question of emancipation being settled?—I have already stated, that I think they would.

How does it occur to you, that the priesthood would be less obsequious or more attentive to their duties if Catholic emancipation were granted?—Because the people would then receive, I conceive, equal advantages, by being admitted to a participation of the blessings of the British constitution.

Do you not think such a measure would tend greatly to

alleviate the difficulties and the expenses to which the poor are now put in Ireland?—I think the poor people would prefer the trifle, the miserable and trifling pittance they do give, to having the clergy paid by the Crown at the present moment.

Can you state what is given?—I believe I can; at Easter time and at Christmas time, the adults of the poorer classes usually give from five to ten pence per head; and in a great many instances, nothing whatever. The better classes go on from 2*s.* 6*d.* to 5*s.* half-yearly; and in a very few instances, the clergyman may have a pound half-yearly from the better class of Catholics, who usually accompany it with a little oats for the maintenance of his horse, probably a barrel, or, I believe, in most cases not exceeding two. At christenings they have very small dues from the poorer people, and very often perform them without any fee; the better class may give them from half-a-crown to half-a-guinea or a pound. At interments they usually get a fee, something about a pound, from the most respectable; and downwards, to very small sums. At marriages it is usual to have what is termed bride cake; and at a respectable marriage, a clergyman may get from five pounds to ten or fifteen pounds, each person gives a pound, or whatever he pleases. I believe these to be the principal sources from which they derive their emoluments.

What do they get at the marriages of the poorest people?—I think I have heard from half-a-guinea to one pound ten shillings.

What do you suppose is the income of the Catholic clergyman of your own parish?—It has been considered the best parish by much in the diocese; the priest died about two months back, and the parish is now divided into two. Heretofore it was considered to produce better than 400*l.* a year; now that will make for each parish priest, as I am informed, and I believe correctly, something about 200*l.* a year.

What number of curates are there?—For this they will maintain one curate for each 200*l.*; the 200*l.* includes the whole of the things that come in.

Is the curate maintained exclusively at the expense of the rector?—Certainly, the curate has one-fifth of the produce of the parish arising from the dues I have spoken to, the clergyman being obliged to maintain him besides.

What is the general opinion as to the value of the parish to the Protestant rector?—I can speak positively to that, from being the commissioner in the case; it is something about 440*l.* a-year, with a charming glebe house, and about 35 acres of very prime land.

Independent of the glebe house and these 35 acres, the Catholic receives as much as the Protestant?—No, the Catholic receives 200*l.*; and heretofore the parish of Ballynakill comprised the parishes of Abbeyleix, Ballynakill, and Ballyroan; now, in Abbeyleix, I believe, the Tithe Bill has not come into operation, but I believe the rector expects above 500*l.* per annum, independent of his glebe house and lands; Ballyroan I know, because the Bill has been in operation, I think it is 440*l.* per annum, and Ballynakill cannot be under that sum, but we have yet two years of the average to ascertain.

Ballynakill is the parish which was divided by the Catholic clergyman into two?—Yes.

It paid 400*l.* a year before it was divided to the Catholic clergyman; what does it pay to the Protestant?—Something more than 1,300*l.*; for, besides glebe houses and lands, it is composed of the three parishes I have referred to; and Dr. Doyle has divided the parish, thinking 200*l.* a year enough for a Catholic clergyman.

Then the Catholic clergyman receives about one-third what the Protestant does?—Yes, independent of the glebe lands and house.

Do you mean to say, that before the division which was made by Dr. Doyle, the Catholic parish or Catholic union was precisely co-extensive with the Protestant?—The Catholic union comprised the parish of Abbeyleix, the parish of Ballyroan, and Ballynakill.

Which was the largest of the two, the Protestant or the Catholic?—The Roman Catholic equalized those three Protestant parishes, and was, in point of extent, fully equal at all events.

How much do you say the Protestant clergyman received out of all these parishes?—The Protestant rector and vicar of Abbeyleix, will receive, I am informed, under the Tithe Bill, something more than 500*l.* per annum; in Ballynakill the sum will not be under 440*l.* and I think it likely it may be a little over; and in Ballyroan the Bill is in operation, and the sum agreed for there, I think and believe, is 440*l.*

And the glebe house besides?—The glebe house of Abbeyleix and the glebe lands, with the glebe and glebe lands of Ballynakill.

Do the Protestant clergymen reside in either of these glebe houses?—The Protestant clergyman of Abbeyleix has always resided in his parish; I believe his curate resides in the glebe house; the Protestant clergyman of Ballynakill having been lately appointed, intends, I have heard, residing in his glebe-house.

The result of this then is, that there are three Protestant parishes pretty nearly co-extensive with two Roman Catholic, as they now stand?—Yes; the two producing, as I think, 400*l.* a-year; each 200*l.*

And the Protestant producing, independent of the glebe-houses and lands, 1,380*l.*?—Yes.

Are not the Catholics as much interested in the present settlement of the landed property in Ireland as the Protestants?—Yes, to the full extent; we are very sensible, that if the least interference in the settlement of property was to take place, our properties in common would go into the scramble, and we should lose all.

When you say the Catholics, you mean the existing Catholic proprietors?—Yes, certainly.

Is there not a great extent of the landed property in Ireland now in the possession of Catholics?—There is, to a great extent; I speak of my own knowledge, independent of my own neighbourhood; in my own neighbourhood, there are Catholics residing, who possess considerable estates in fee, in the counties of Tipperary, Wexford, Kilkenny, and elsewhere.

Has not a large quantity of landed property been purchased of late years by Catholics?—Yes; whenever opportunities have presented themselves, they have endeavoured to purchase.

Are there not Catholics who have large estates under perpetual leases?—Yes.

And also under leases, that have a considerable time to run?—Yes.

Then the Catholics are interested, in your opinion, in preserving the settlement of the landed property in Ireland?—They are; they are under the conviction, that if any unfortunate scramble took place, in common with the rest of their fellow-subjects, they would lose their property also.

Would it be possible to restore to the old proprietors the property taken from them?—No; certainly not.

Could the original proprietors be discovered?—I believe they could not.

You believe there is no ground for the views which Catholics have been represented to have, of interfering with the settlement of the landed property in Ireland?—Upon that, I conceive, I am well informed; and my opinion is, they have no foundation whatever.

Is the majority of the present Roman Catholic property in Ireland held under the same holdings as the Protestant property?—Precisely.

And very little under the original holdings?—I believe

there is very little from the original holders; I am not aware of any.

You were examined yesterday, with respect to the circulation of Pastorini's prophecies; were you aware, that handbills had been circulated in the county of Limerick, containing an extract of those prophecies, and observations, trying to inculcate the probability of their being fulfilled?—I never heard it until this day: I never heard of such an occurrence.

Then those handbills having been so circulated in the county of Limerick, are you of opinion they could have been circulated by individuals having any other views but those of promoting insurrection and disturbance?—I conceive they cannot have had any other object in view but that of promoting insurrection and disturbance, and that they must be the bitterest enemies the Roman Catholics can possibly have.

You stated yesterday that there were no Roman Catholic grand jurors in your county; do you mean to say there are none placed upon the grand jury, or none qualified to be grand juries?—I meant to say that I think there are Roman Catholics in Queen's County of equal respectability and intelligence, and possessing equal property with many serving on the grand jury; but I am not prepared to say it is done from any invidious or unkind motive.

Have there never been Roman Catholics on the grand jury?—I never recollect an instance of a grand juryman there of the Roman Catholic persuasion.

Have you ever known gentlemen of that description attend the sheriff, with a view to be put upon the jury?—Never.

Then would the sheriff have the power?—I am not aware whether they ever did.

Was it from non-attendance, and not indisposition on the part of the sheriff, that they were not placed upon the jury?—I do not know whether they waited upon the sheriff, for the purpose of being placed upon it, or not; I have no knowledge one way or the other.

What number of Roman Catholics, of rank and consideration, have been left out of the grand jury of the Queen's County?—I do not say any have been left out, but have not been called upon it; there is one possessed of an estate in fee, and I think others of equal respectability, having considerable property, though not in Queen's County, but there are a great many Protestants, who serve on the grand jury in the Queen's County, who have not an estate in fee.

Are you aware whether the Roman Catholic gentlemen consider this a grievance?—The Roman Catholic gentlemen are in the habit of talking the matter over, and they do consider it a grievance.

Are you aware that that is not the case in adjoining counties?—I am aware in the county of Kilkenny, and the county of Tipperary, it is otherwise; and I would mention Waterford too, and I believe Wexford.

Do you consider that the Roman Catholics have, generally speaking, been advancing or otherwise, in property, during the last seven or eight years?—I consider that they are advancing in property.

In what species of property?—Both in commercial and landed property.

Do you conceive that the majority of middle men, in the south and west of Ireland, have been Catholics or Protestants?—I am not sufficiently acquainted with the districts referred to, to answer that.

Do you consider that the acquisition of landed property, by the Roman Catholics, has been principally in the shape of fee simple, or of leasehold property?—I think the greater proportion in leasehold property, giving fines upon it, and getting perpetuities, rendering it a valuable interest.

Do not you consider that the great depression in agricultural produce has fallen much more severely on those possessing leasehold interests than on those who are owners in fee?—The proportion of leasehold interests being much greater than the fee, the depression must have affected both, but I think those who have purchased within a few years back have suffered immensely, in common with those who have given large fines on perpetuities.

Do not you think that the advance in agricultural prices during the war, tended to create a great increase of property in the hands of lessees, as contra-distinguished from their landlords?—I think it did.

Do not you think that circumstance operated very much to raise into respectability a great class of Roman Catholics?—I think it did, equally with the Protestants; where Roman Catholics were greater in number a greater number were advanced, where it was less a lesser number were advanced.

You think the depression in those prices has operated in a corresponding manner, but in the opposite direction?—Exactly.

Have you any knowledge in what degree Roman Catholics are proprietors of bank stock in Ireland?—No, I cannot form an opinion; but I know that Roman Catholics hold a great quantity of bank stock, and all kinds of government securities.

Can you say whether the Royal Canal was a mode of investing money in which Catholics were engaged?—I know nothing of the Royal Canal, thank God, nor any thing of that nature.

Do you conceive that the majority of men of capital and of

persons employed in commerce in Dublin, are Protestants or Roman Catholics?—I think it would be a very difficult task for me to state that, as I am not in the habit of asking men their creed; but I know a vast number of Roman Catholics of considerable wealth in Dublin, commanding great capital.

Are the Committee to understand that you do not know the proportion of Protestants and Catholics in Dublin?—I do not know which is the majority of them; I never took pains to ascertain the creed of them.

Is there any merchant in Dublin about whose creed you have any doubts?—There are several whose creed I do not know.

With whom you are acquainted?—Yes; there are several with whom I have intercourse whose creed I do not know at this moment.

In your opinion what would be the effect of improved education and increased wealth on the Catholic body in Ireland?—Educate them well, and I apprehend they will sooner see their state of degradation; I do not think any thing can more convince them of their degraded state, than to educate and bring home to their full comprehension, that they are not on a footing with their fellow citizens.

To what class of society do the priests of your part of the country usually belong?—The higher ranks of society in the Queen's County are of the established church.

From what ranks of society are the Catholic priests in your county drawn?—They are generally taken from the humble classes of farmers, but within the last ten or fifteen years the Roman Catholics bishops have been considerably more particular, and they will not accept of those that are not from a better or higher grade of Catholic families.

It is very desirable that they should be drawn from the higher classes?—It is so considered.

Do not you think, that giving the Roman Catholic clergy a respectable and suitable maintenance would have a great effect in producing that?—Without conceding to the body political emancipation, I am under the impression that it would not be accepted of; nor would it be of any value; the people would look on their clergy with a jealous eye, as more under the influence of those from whom they had money than attentive to their religious duties.

9° *die Junii*, 1824.

The Reverend *Michael Collins* called in; and Examined.

You are a Roman Catholic clergyman?—I am.

You reside in the county of Cork and officiate there?—I am parish priest of Skibbereen, in the county of Cork.

How many years have you resided there?—Since March, 1814.

Previously to officiating at Skibbereen as parish priest, were you not officiating in another part of the county in that capacity?—Yes, at Castletownroche and Ballyholy.

The neighbourhood of Castletownroche has been very much disturbed of late?—So I heard.

The part of the county in which you have resided latterly about Skibbereen, has that been disturbed?—No; save only the riot occasioned by Mr. Morrett's tithe exactions, where one police man, and two of the country people and a bailiff were killed.

Was the condition of the peasantry of the lower orders, at the time you left the town of Castletownroche, better or worse than that of the parish to which you have now gone?—Better, I conceive; but then there is a difference in the periods of time; in March, 1814, or the succeeding month, the war ceased, and a depression in the value of land immediately ensued, and a consequent cessation of employment of the poor.

The question refers to the actual condition of the people with respect to comfort—has their comfort in general been higher at Castletownroche than at Skibbereen?—Yes, the farmers were more substantial; they had larger farms, and the labourers, as far as I could judge, more comfortable and better fed.

They had pretty constant work in that part of the country?—Yes.

Are you well acquainted with the condition of the peasantry in both parishes?—I have had opportunities of knowing it, and have availed myself of them.

What do you consider to have been the causes which led to the late disturbances?—I conceive the causes of discontent are many: first, the sudden depression of value in the produce of land, and the inability of occupiers of land to pay the rents assumed during the war; secondly, the consequence of this inability, the non-employment of the labouring poor;

the pressure of heavy rents; the pressure of tithes and local taxes; but principally the exactions of landlords and tithe owners, and other tithe agents; the mal-administration of justice; the partial and corrupt administration of justice.

On the part of the magistrates?—On the part of the magistrates and in the manor courts; and the impression upon the minds of the common people, that there was no law for them but the will of the magistrates; and that there was no law from which they could derive redress, no *fixed law* of the land, except through the interest or favour they may happen to possess with magistrates.

Do you conceive there was any political cause?—I think there was one great cause that will always, so long as it exists, predispose the people to disturbance, and to suspect (perhaps without cause) the administration of justice; that is, their being, in their own minds, a degraded and oppressed class, when they compare themselves with other classes of the king's subjects.

Do you allude to their political disabilities?—I do most distinctly.

Do you think that is felt by them as a cause of grievance? —I know it is. It is not felt as a practical and immediate grievance; but it is felt by them as a cause why they have not the same confidence in those in power as the favoured classes have, and why they are oppressed, because they consider themselves to be looked on as belonging to a degraded caste.

Can you give the Committee any instances from which you are led to conclude that they do take a lively interest in that question?—There was a measure lately proposed by the association in Dublin, called the Catholic Association, to raise a fund for the redress of Catholic grievances, and for the promotion of what they called the Catholic cause in this country through the medium of the press; the proposal was, that there should be a monthly penny or half-penny subscription, according to the ability or will of the individuals for the promotion of that object, and wherever that project has been introduced, it has been taken up most ardently by the people.

Do you known of any collection having been made?—Yes; to produce a collection, it is necessary that some individual or individuals should take the lead. I have not in my parish introduced it, nor has any other individual yet. I have not introduced it, because I am the Catholic clergyman, and I do not wish to combine much politics with my duty as a priest; but if it were introduced, I would second and promote it. I have particular reasons for not so doing at present, for I am under the necessity of endeavouring to build, by voluntary subscrip-

tions (having no other means), a Catholic chapel, and I apprehend, that the raising such a subscription at present would impede the progress of the chapel; but I know that in the town of Clonakilty it has been introduced, and I have been assured lately, that the farmers, and even the labourers, most ardently embrace the opportunity of manifecting their attachment to what they call the cause of the Catholics, by contributing.

You consider that as a proof of the interest they take?—Yes.

How much money has been raised?—I was told by a person that acted as secretary, that in one month they had ten pounds ready to be transmitted, and that there might be ten pounds more for local purposes, and to defray some expenses of publication.

Was it all collected in pennies?—In pennies.

That was remitted to the Catholic Association?—It was to be remitted to the Catholic Association.

Do you conceive that the granting the Catholic Question, as it is called, would contribute immediately to tranquillize the minds of the people?—I do not conceive it would immediately produce tranquillity; but I think it would lay such a foundation, that if it were accompanied with a redress of other grievances, it would lead to the tranquillization of the country, and to what I conceive to be the cordial union in social and civil matters of the people of all classes and religious sects; the people would be amalgamated into one common mass.

Do you think that, without that foundation, the other measures you have alluded to would be sufficient?—I think they may produce temporary quiet, but I do not think the country would be permanently so; when I say that I think the country would not be permanently quiet, I mean to say, that I do not think the people generally would have that affectionate attachment to the present order of things, as would induce them to step forward and support the existing government in any exigency.

You have alluded to the general impression, that justice was not fairly administered; in that observation, you allude to the conduct of magistrates generally throughout the country?—Yes.

Can you state to the Committee, to what extent you think that defect in the administration of the law is felt, and any instances which you think would throw a light upon the subject?—I think that evil has been considerably diminished since the introduction of the system of holding petty sessions,

whereby the magistrates act in open court, and under the restraint of the public opinion; they are more or less cognizant by public opinion, and their acts are liable to be scrutinized; but before that institution, I do know several instances, I have known magistrates who had no other visible mode of support, but the trade they carried on as magistrates.

Do you mean taking fees?—Receiving presents to a large amount, having their work done, presents of potatoes, corn and cattle, and presents of money too.

Having potatoes dug for them?—Having potatoes dug for them, their turf cut, and their other work done, if they had any to do; they were supported by the contributions thus raised, and by donations in money. I do not state this of my own personal knowledge, but as the common belief.

Do you speak of that part of the county where you are now established, or of that part of the county where you lived before?—That part where I live at present.

Were those matters notorious?—As notorious as the noonday sun.

Does that subsist still?—I cannot say that it subsists to the extent that it subsisted heretofore.

You speak as to the extent of the evil, but with regard to the impression as to the facility of obtaining strict justice, was that felt in the former parish in which you were, as well as in the latter?—I certainly must own, that I did not hear of any complaints in the part of the country where I resided, when parish priest of Castletownroche.

How long have you been in your present parish?—Since the year 1814. The principal reason why no complaints existed in Castletownroche, is this, the gentlemen that had the commission of the peace in that part of the county were principally gentlemen of high rank and character; and if others came into that office, they were under their control, more or less; and I do conceive, that where gentlemen of high rank and character resided and acted, there was less abuse than where the office of magistrate was committed to persons of little property, and of very inferior education.

Have not several of the objectionable magistrates in that county which you have gone to reside in, been removed?—Some of them; and some meritorious magistrates too.

Have you known instances of particular misconduct on the part of magistrates?—Indeed the instances were so numerous in that part of the country, they were so constant, as scarcely to excite particular notice; I have known instances within my own knowledge.

Is there any delicacy on the part of magistrates, in inter-

fering with respect to complaints made by the tenants of other gentlemen against their landlords?—Yes; I do not know whether that has been diminished since the institution of the petty sessions, because, I take it, they now think it compulsory upon them to listen to complaints; but before the institution of petty sessions, that sort of etiquette existed; a man applying for justice was often obliged to shift about in vain from one magistrate to another.

It was thought an unneighbourly and unkind thing?—Yes, and a breach of gentlemanly conduct, to take informations where gentlemen were concerned.

Do you consider that the lower orders are attached, or otherwise, to the gentry of the country?—I do not think they are very much attached to them.

Do not you consider, that sometimes that unwillingness was caused by a belief that the complaint was very often frivolous?—No, I do not think so on that ground, but it was conceived it would be a breach of respect and regard.

Are the Committee to understand, that when a tenant came to a magistrate to complain against his landlord, that if the magistrate found what was the nature of the intended complaint, he declined hearing it altogether; that it was not that he refused to act upon it, having listened to it, but that it often occurred that he refused to hear the statement of it?—If the person of whom the complaint was made were a gentleman, or ranked as a gentleman, and he were on good terms with the magistrate to whom the application for redress was made, the magistrate very often declined interfering, because it would lead to a personal result between him and the gentleman.

In any of those cases in which you have known magistrates decline receiving informations, were they, in point of fact, applied to when there were other magistrates, who lived nearer the residence of the complainant, who had been passed over?—In general the application was made, first to the magistrate nearest, and then to one more remote; the nearer magistrate would probably not interfere, because he would assign some pretext, the remote magistrate would not interfere, because the nearer did not.

When you speak of magistrates of that district, do you describe middle men in general, or gentlemen of property?—There are a very few gentlemen of rank in the district, but where gentlemen of rank and education reside and act, justice is generally very fairly dispensed.

Is not Lord Carberry a resident in the county?—Not immediately in the part where I reside.

Spending a very large income in the country?—Yes; he has a large income.

You have stated, that you do not think there is much attachment on the part of the peasantry of Ireland to the gentry; but where a gentleman, having patrimonial interest in the soil resides, and conducts himself well to the people, is there not a great disposition to be attached to him?—A great disposition; but I am afraid there is a feeling amongst the people that deducts considerably from that attachment; they feel that they exist more by sufferance than by law; but wherever they are treated kindly they are grateful, because they think the kindness extraordinary, and the result of natural benevolence rather than of the law; nevertheless, though they are grateful to the individual, they are disaffected to the system.

Since the establishment of petty sessions, do the magistrates ever act in their individual capacity out of petty sessions?—Yes; instances have come to my knowledge.

In what cases?—In tithe cases; I have heard of their acting out of petty sessions in other cases too. In tithe cases two magistrates must act.

To what kind of tithe cases do you allude?—I was going to state, what the Committee are aware of, that there is an Act of Parliament that enables magistrates, not being clergymen, to adjudicate tithes in a summary way, upon a complaint made by tithe claimants for the substraction of tithe.

Veneris, 11° *die Junii*, 1824.

THE RIGHT HON. LORD VISCOUNT PALMERSTON,

IN THE CHAIR.

The Rev. *Michael Collins* again called in; and Examined.

BEFORE you left the county of Cork, was it generally known that you had been summoned over to attend this Committee?—It was.

What impression did it make upon the people of the country?—It appeared to me to have excited sensations of delight amongst the Catholics in our neighbourhood, and among the people interested in the general welfare of the country.

What did they understand by the summons you had received?—They understood the summons was for the purpose of eliciting

information as to the real state of the country, and the causes of distress and discontents that exist.

You have stated on a former day, that a leading cause of disturbance was the discontent felt by the people in consequence of the laws that deprive them of certain political privileges?—Yes; it appears to me that that is the root of all the discontents.

Does that keep their minds in a state susceptible of any insurrectionary contagion in the neighbourhood, coming from the neighbouring counties?—They look upon themselves as disfavoured, almost as aliens in the country, having no common interest with the more favoured part of the community.

Any neighbouring disturbance spreads rapidly amongst them?—I am satisfied, that notwithstanding the influence of the priests and the exertions of the gentry, and the remonstrances used to the people in our part of the country, which I think contributed to keep them quiet, that the flame of insurrection, which was arrested by the suppression of the explosion, if I may so call the open attack made by the populace upon the military near Macroom, had it reached our part of the country, would have been caught and have spread through it; I am convinced of it.

Have they any definite notions of the manner in which the penal laws affect them?—No, I do not think they have any definite notions upon that point; they look upon themselves as contrasted with the Protestants of their own rank, and as degraded compared with them. They feel themselves insulted, and are sensible of what they consider the insolence which the Protestant peasantry feel on account of the privileges they enjoy.

Do they fancy they are more degraded than they really are?—I think they do, for they are not fully aware of the extent of the repeal of the penal code.

They fancy the Protestants are more protected than they really are?—They fancy that whenever there is a competition and contest between them and the Protestants, the Protestants would be always the favoured party.

Does this feeling contribute to counteract the good effect of measures that are intended for their good?—I am satisfied it does. It perpetuates jealousy and distrust.

In cases where landlords act with great kindness towards them, is not that benevolent disposition considerably counteracted by the general feeling of the people in regard to their political condition?—It is; they are sensible of the kindness of individuals, but they are still discontented with the system.

Are there any recollections prevalent in the county, with regard to the old times, the conquest of Ireland by the English? —There are those recollections; they appear to me to be upheld and perpetuated by the distinction created by the law.

Have they traditions in the country of what happened in those times?—They have traditions and tales about the massacre and execution of priests, the priest-hunters, and the difficulty they had heretofore in hearing mass; they were obliged to resort to bogs and morasses for that purpose. They have also recollections of the liberty, and what they conceive the privileges they enjoyed formerly, compared with their present degraded state.

Do they feel that their religion was persecuted in former times?—They know it was; and there are many people living still, that will tell you tales of persecution, and tales of protection afforded by individual Protestants.

Do they refer to periods during the reigns of Queen Anne and George the First?—They have not those distinct historical recollections; they talk of Elizabeth frequently, they talk of the invasion of the Spaniards in 1601, and of Lord Tyrone coming down to assist them, of Lord Mountjoy and the massacres of that period.

Do they recollect any thing about Cromwell, or know any thing from tradition?—They have Cromwell's Bridge, and there are many places that are pointed out by the name of Cromwell; they know even the individuals that are descended from the soldiers of Cromwell.

Is there such an expression as, "The Curse of Cromwell"? —Yes, I have heard that expression.

What does it mean?—I do not know what definite meaning it has; I think it means, that such a calamity as Cromwell brought upon the country may fall upon you.

How is the expression used?—It is used as a curse.

At what period in the last century, between 1700 and 1800, did the persecution of the priests cease to exist?—I believe no practical persecution existed beyond the year 1779, nor for some time before that, I believe, because there was a law passed, that enabled priests to register themselves as parish priests, or as priests of particular districts, and allowed them to officiate.

In the reign of George the First and George the Second, was there not a good deal of persecution?—Yes; it is frequently recollected; I recollect myself hearing my father tell a story of an uncle of his who was a priest, having been met by a gentleman of influence in the country at a funeral, it was the old Sir John, or Sir Richard Cox, the

son of the Chancellor of that name; at this funeral a number of priests attended, but they did not accompany the funeral in any badges that would designate them as clergymen, they were all dressed as farmers; he supposed them to be priests, and came up to them, and asked one of them what he was; one said that he was a farmer, and another said that he was a shoemaker, or something of that kind, endeavouring to elude his inquiries, because they knew they should be taken up; this old gentleman said he was a farmer; he was recognised about ten or twenty years afterwards, in different parts of the county, by the said Sir Richard Cox, and saluted as a farmer by Sir Richard, though he knew he was a priest under the protection of the law.

What effect have these penal laws, with regard to the Catholics, upon the lower classes of Protestants, with respect to their treatment of Catholics?—It gives them a sort of confidence to commit crimes against the Roman Catholics in many instances; it produces insolence in their demeanour and in their conduct, and, on the other hand it produces, in the Catholics, irritation and something like indignation; however, those feelings are often superseded by the more natural feelings of good neighbourhood and social affection; it is only when distinctions are generally encouraged in the country, by a political party, that the bonds of society are broken asunder, and then they range themselves under their several banners.

Is the same kind of influence discovered working amongst the upper orders of Protestants?—I do think that a sort of politeness, the effect of a good education, restrains in a great measure the expression of such feelings, where they exist; but, however, there is, amongst the upper order of Catholics, a certain humble feeling, which prevents them from feeling that they are upon a level with Protestants of the same rank, except in places where the superior numbers of the Catholics more or less counterbalances the effect of the penal code.

Do you allude to a habit of submission?—Yes; and even a Catholic gentleman, should he get the commission of the peace, or any other situation, or any other office of honour or of emolument, does not rely upon his tenure as confidently as a Protestant of the same rank does; he thinks it is more or less precarious; that he is not sure of holding his place; that he is liable to be removed, he knows not how or why.

Will you explain what you mean by the penal code?—Those disqualifying laws, that deprive the Catholics of certain privileges which Protestants of the same rank in life enjoy.

Having described the effect of the penal code upon the body

of Catholics, will you explain to the Committee in what way you conceive the removal of that penal code would operate, in producing a better feeling and better disposition?—I think the removal of those artificial distinctions created by law between Protestants and Catholics, as they affect the social and civil relations, would tend to obliterate those unpleasant recollections and feelings that are perpetuated by the penal code; that the Catholic would feel himself elevated, and the Protestant sunk to his proper rank; that there would be no distinctions between Catholics and Protestants, except the distinctions which the natural relations of society would produce; the Catholic peasant and the Protestant peasant would be upon a common level; the Catholic gentleman and the Protestant gentleman would be upon a common level; and the Catholic peasant would respect the Protestant gentleman, not because he is a Protestant, but because he is a gentleman; the Protestant peasant would respect the Catholic gentleman, or would cease to despise him; and in fact, the interference of religious feelings with social and political duties or relations would be altogether removed.

Would it contribute practically and extensively to quell the spirit of insurrection?—I am convinced it would; and that by the extinction of the undue superiority on the one hand, and the undue humiliation on the other, the inhabitants of all denominations would all soon fall into one cordial feeling with respect to civil and political matters, and that there would be no religious distinctions between Protestants and Catholics, except their going on days of worship to their several places of worship.

Do you think it would produce immediate tranquillity in the country?—Not that single measure.

Would it prepare their minds to become more tranquil?—I think it would prepare their minds in that way; nor do I think that in all cases the irritations that have been provoked, by the long continuance of that code, would be effaced from the minds of the present generation instantly; but I am sure, that, in ten or twenty years, no traces of religious differences, connected with political matters, would exist in the country.

It would lay a foundation for all measures calculated to improve their condition, having their proper and full effect?—It would; it would produce a moral revolution in the country, or rather a moral reformation.

Without the repeal of this penal code, do you think that the various measures that have been suggested, if carried into effect for their improvement, will have the effect they ought to have?—I do not think they would.

What effect do you conceive the removal of this penal code would have, in respect to strengthening the connexion between Ireland and England?—I think that the connexion between Ireland and England would, in that case, be consolidated and indissoluble; for in spite of the operation of that code, it is every day strengthening, from the confidence which the Irish people generally have, that it is to England alone they are to look for justice and relief; from the sense they have of the equity and magnanimity of the English people. They think that England has hitherto done much for them, and is likely to do more; this impression has been particularly made upon the minds of the peasantry; and notwithstanding the prejudices that existed against the English heretofore, arising from the recollections of former persecutions, they have latterly attached themselves to England, especially since the year 1822, they looked to England, and to England alone for relief, both from what they conceived their present grievances, and for future improvement and prosperity. Every reflecting man in the country considers the destinies of Ireland are bound up with England.

Do you find a feeling growing generally through that part of the country you are acquainted with, in favour of England?—Universally; when the agents of the relief committee came over, they were hailed as deliverers by the people. Men carried bonfires on their heads through the streets, saluting them; men carried pitch barrels on their heads, the upper parts of them on fire; and this joy and gratitude were testified not only in the town, but in the country, wherever Mr. Waddington and Mr. Warmington went. I myself witnessed the gentlemen shedding tears, so much were they affected by the gratitude of the people.

Are they acquainted with the proceedings in Parliament, sufficiently to know that their condition is matter of considerable attention?—Those that can read are very anxious to get political information, and they diffuse that information among their uninformed neighbours.

And they have some acquaintance in this way, with what is going forward in Parliament in respect to their condition?—They have a great anxiety to get information on these points.

Supposing that those political distinctions were abolished, do you think the minds of the well informed portion of the Roman Catholic clergy and laity would thereupon become perfectly satisfied?—As Roman Catholics they would, certainly.

Do you think, with respect to the establishments of the country, with respect to the existing Protestant church establishments, that that would not remain a cause of complaint

and grievance?—Not at all; the church establishment is a temporal establishment, as connected with the constitution of the country; they have no jealousy on that score.

Do you sincerely believe that, generally speaking, in the minds of the Roman Catholic clergy, there is not any disposition to disturb or dispossess the Protestant hierarchy?—I do most sincerely believe it, and would make the most solemn declaration to that effect; I can undertake to say, that not a single Catholic clergyman in Ireland will contradict what I aver, that they, as Catholics, have no views whatsoever to the disturbance of the establishment.

You think there may be upon the minds of many persons, Protestants or Catholics, objections to the present mode in which the church establishment is administered?—There are many persons, Catholics and Protestants, who read books upon political economy, and who derive information on these points, not from Catholic writers, but from the most eminent Protestant writers, and who entertain opinions respecting the church establishment in Ireland, that it would be more consistent with the public good if that establishment were reduced; but with no views whatever of substituting a Catholic establishment, or giving any portion of the temporalities of the Protestant church to the Catholic church.

There are political opinions upon that subject, which Roman Catholics, as well as Protestants, entertain?—In common with Protestants, but not at all connected with their feelings as Catholics; none of those opinions emanate from any feelings or opinions connected with the Roman Catholic religion.

If the Protestant establishment in Ireland is at present exposed to any danger, do you think that it is from the part of the Roman Catholics, or from the part of the political economist, that that danger is to be apprehended?—I consider that the Roman Catholics, as such, have nothing at all to do with the danger.

You understand, in giving your answers, that you are speaking alone of the church establishment of the Protestant religion in Ireland, as established by law, and particularly by the Act of Union?—The Protestant religion, as established by law in Ireland, which is the established religion of the United Kingdom of Great Britain and Ireland.

And as such, no Catholic clergyman has the slightest disposition to derange that establishment?—Not the slightest; nor the least ambition to acquire any portion of the property of that establishment, nor to elevate themselves by its decline.

If the measure of emancipation was carried, would the Ca-

tholic clergy, or the Catholics in general, have any idea of expecting that the Catholic bishops should be allowed to sit in Parliament?—No, they have not the least; indeed the idea would appear ridiculous; I am convinced, that if there were a revolution in Ireland, that would separate it from this country to-morrow, the Irish people, though arranging for themselves a system of temporal support for their religion, would have no representative establishment for the Catholic clergy, nor raise them to any political honours; nor are they ambitious that their clergy should be raised at all in rank higher than they are at present; they wish to have them merely religious ministers.

Are there many Protestant peasantry in the part of the country where you reside?—There are a good many.

Do you know what proportion they bear to the Roman Catholic peasantry?—I think the Protestant peasantry may be as about one to fifteen in the country parts; in the town part they are more numerous.

You say those Protestants behave themselves with insolence towards the Roman Catholics?—There is not that exasperating insolence in their manner, but in their conduct and their manners; they betray a consciousness of superiority, which operates upon the Catholic minds.

You have also said that the Roman Catholics have an idea that those lower classes of Protestants have the privilege of committing crimes with impunity?—Yes.

Does that arise from any instances of such impunity having occurred?—Instances have occurred, and it always happens that the Protestant peasant will have a much better chance of eluding justice than the Catholic. It is an opinion upon the minds of the Roman Catholics; I cannot refer to any particular instances at present, but I have the general recollection and impression upon my mind.

The impression prevails upon the minds of the lower orders?—Yes.

Have you ever used any means to disabuse them of that impression?—I have used means to disabuse them of the impression, that there existed no fixed rule of law, which, if duly administered, would render it unnecessary for the common people to resort to illegal means for the redress of grievances. I have endeavoured to propagate the opinion among the people, that such a rule existed, and to elevate their minds, and to lead them to rely on the laws that are in force. I have endeavoured to tell them that the Protestants are on a common level with themselves; but they conceive that the

Protestant must have more favour, and has more favour with those who are the ministers of justice than the Catholic.

They pay no attention to your explanations?—Those explanations I do not give in public; it is only in my private communications with the people. In my public addresses, when there is any danger or apprehension of disturbance, I dwell upon the Christian duties, the principles of submission to the existing laws. I also dwell upon the claims which the government has upon the obedience of the people; and I refer them in like manner to the equity, and to the great kindness that Britain has manifested to their country. I also endeavour to convince them, that they are very wrong in general with respect to their Protestant landlords and neighbours; that many of them are practically kind to them, that they ought to rely on them, and that they must bear patiently evils that cannot be cured by violence, but may be cured by submission and Christian forbearance, on their part.

Your private exhortations, endeavouring to disabuse them as to the opinions they entertain with respect to their Protestant neighbours, do not produce an effect to counteract the impression that they have?—No, they do not.

You stated that the Roman Catholic peasantry have a lively recollection of the penal code, and the evils they suffered from it?—They have.

They frequently refer to it?—They mention it in the traditionary tales of the history of their country; and those recollections are revived when any instance of abuse or violence occurs.

Have you heard them allude frequently to the periods when that code has been relaxed?—Yes; they contrast the present days with what they were formerly.

Do they look with sentiments of equal gratitude to the relaxation of 1779, as with sentiments of abhorrence to the previous state?—They do.

You have stated that you have heard instances mentioned in which persecutions have been referred to by them; do you recollect instances in which they have mentioned the relaxations which have been made?—I recollect instances where they have compared their present condition with what they were formerly; and they ascribe this to the change of laws, as they regard the Catholics.

Do they use the word Sassenagh in your part of the country?—Yes.

To what does that apply?—It has departed from its original meaning of "*English*" to "*Protestant.*"

Is it used as a term of approval or reproach?—It is neither one nor the other, the true meaning of it is Englishman; there is no Irish term for Protestant. They first knew a Protestant in the person only of an Englishman, and therefore they have identified it with him; nor have they any Irish term for Catholics, they say Catholicky in Irish; but when they contrast a Protestant with a Catholic, Erinech (Irishman) is the term for Catholic.

Have you any Irish name for Papist?—No term but Catholické.

Is not that rather considered a term of reproach to call a man a Papist, instead of calling him a Roman Catholic?—In the mouth of a Protestant it would be a term of reproach.

But not in the mouth of a Catholic?—No; then it is only used in irony or jest.

Have they any term for an Englishman that has become a Catholic?—They say he was an Englishman, but he is now become an Irishman; but then in expressing those words, they have not the original ideas annexed to the words Sassenagh and Erinech; in their meaning it is "*Protestant*," and "*Catholic*," they forget the original meaning of the words, and they only retain their present signification.

Do you conceive the present disabilities of Roman Catholics affect them at all in any degree analogous to that in which they were affected under the old penal laws?—I believe they produce a moral degradation and abasement in their minds; they debase them below their proper level, in their own minds; it is a demoralizing effect that is produced.

How is that effect produced?—They look upon themselves as more or less aliens in their own country; as a degraded cast, having a privileged order above them; for instance, a Roman Catholic peasant knows that if he should have a son or grandson, that by chance would acquire learning or riches, let his talent and merits be ever so great, should he go to the bar, he must stop short after a certain course; he knows, that though his son may be a lawyer or attorney, he cannot become a judge, attorney-general, nor even a sub-sheriff of a county. He knows that, as a Catholic, he could not have so much interest with the Protestant sheriff, as a Protestant has in nominating jurors. I will give a practical illustration that occurred the other day, in appointing the quarter-sessions grand jury at Bantry; some Catholic persons of considerable opulence there, felt themselves aggrieved because they were excluded from the grand jury at that quarter-sessions; while Protestants, having no property but a half-pay of forty pounds a year, were put upon it, a gentleman

worth three or four thousand pounds in cash was excluded, and a half-pay officer (a Protestant) put upon the grand jury.

Did that occur in more than one instance; was there more than one person of very small property summoned to attend, and more than one Catholic of property excluded?—I understand that the great proportion of the Protestants upon the grand jury, were persons of comparatively small property.

Do you know the names of the Catholics that were excluded?—A Mr. Connell was one of them. I will give another instance which occurred the other day at Skibbereen; I know a young gentleman, a brewer, who makes by his brewery from seven to eight hundred a year; I heard it complained of in his family that it was a hardship that he, being a Catholic, should be excluded from the grand jury, while other persons having very little property in the country were put on.

Were there any Roman Catholics upon the grand jury?—Certainly there were.

Of property, or without?—Some without property, and some with it; but in this place, there appeared to have been particular interest.

Then the exclusion arose from the want of interest on the part of those excluded, and not from their religious opinions?—No; but there is less regard *cæteris paribus* under equal circumstances paid to the Catholics than to Protestants, upon those occasions.

Do you conceive that there was no Protestant of property that had equal reason to complain of not having been summoned?—No, I believe not; I did not hear any complaint; all the respectable Protestants were summoned.

Do not you think it more likely that you should have heard the Roman Catholic complain, than the Protestant complain?—Yes, it is more likely; but whether that was the effect of religious feeling or not, the impression upon the Catholic mind is, that it is the effect of religious feeling originating in political distinctions, whether it is intended or otherwise, it has the same effect.

If the due proportion of Roman Catholics were upon the grand jury, how can you account for the omission of one or two Roman Catholics being construed by the people into a wish to exclude Roman Catholics?—The number of Catholics upon the grand jury was few indeed.

What is the proportion of persons of property in the county, Roman Catholics and Protestants?—If you abstract from the property those who have the fee in the land, you will find more acquired property among the Catholics than amongst the Protestants.

Is that landed property, or chattel property?—Partly landed and partly chattel; I speak of that particular part of the country where I reside.

You have stated, that a feeling of degradation on the part of the Catholics, and of insolence on the part of the Protestants, is very much diminished where the number of Roman Catholics greatly preponderate?—Yes; the insolence on the part of the Protestant is lessened.

Does the number of Catholics preponderate in your neighbourhood?—They are in the proportion of one to fifteen.

Then how do you account for the operation of this feeling of degradation on the one side, and insolence on the other, since, according to your view, the number of Roman Catholics does preponderate?—The insolence is not manifested by the one party, because it would lead to personal exasperation, which would perhaps end unfavourably; but though this feeling does not manifest itself on every occasion, yet it is known to exist.

Then the Protestants in your neighbourhood do not show this insolence?—No, they do not, as far as I know; I have heard a Catholic peasant talk, how he was told in joke, by his Protestant neighbour. that they should all become Protestants in a short time, and that they should all be soon one way.

Then the Catholics in your neighbourhood do feel that degradation to which you have alluded?—They do.

Notwithstanding their preponderance in number?—I said that feeling was diminished by a preponderance of number.

You have told us of the joke of the Protestant peasant—has not the Roman Catholic occasionally his jest in return?—I believe they may have their jests, but these jests are accompanied with a little acrimony, between joke and earnest; a perpetual bad feeling exists among them, and it is only the more genial flow of natural good feeling, that counteracts, in a greater or less degree, these divisions.

And those are counteracted where the number of Roman Catholics predominates over the number of Protestants?—They are counteracted in some measure.

You have stated, that if the measures which have been submitted to Parliament for removing those disabilities were adopted, you apprehend, that within twenty years, the feeling of animosity would be altogether extinct?—Yes.

You stated, that the dissatisfaction of Roman Catholics arises, not from a positive sense of injury, but from the circumstance that the higher order of the Roman Catholics do not stand upon an equal footing with the higher order of Protestants?—I said, that in their relative situations the Catholic

peasant did not feel himself upon an equality with the Protestant peasant; that in their several gradations they do not feel themselves upon the same level.

You stated the reason to be, that if they entered into the professions they could not attain the same eminence as the Protestants?—Yes; these are some of the reasons.

So long as there was any obstacle to their attaining the same eminence as the Protestants, do you think the dissatisfaction would continue?—As long as those situations are not attainable, to which the generality of the people, whether Protestants or Catholics, might aspire, there would be some degree of it; but in proportion as you diminish the number of restrictions in the penal code, you diminish the sense of injury.

You stated, as an instance, that a young Roman Catholic going to the bar, could not hope to attain the highest situation?—I wish to call the attention of the Committee to what appears to me to be the contrast between the feeling of the Catholic peasant and the Protestant peasant, who have sons on their outset in life; the Protestant feels that his son may rise to the highest degree that his abilities may enable him to do; under the existing laws, there is no impediment to his promotion, no limit where he must stop short; whilst the Catholic feels he may go to a certain length, and must stop there.

So long as there is any limit, you conceive the dissatisfaction will continue?—I conceive there must be dissatisfaction, because the parent has an interest in the well-being of his offspring, and he feels for generations to come as much he does for the present generation.

Do you think the people sympathize more with the Roman Catholic gentry, or with the Roman Catholic priests?—I think they sympathize more with the priests.

Do you not apprehend then, that any thing that puts the Roman Catholic priesthood in a situation of degradation as compared with another priesthood, would produce the same feeling of dissatisfaction in the peasantry that you attribute to the comparative difference in the situation of the gentry?—No; the Roman Catholic gentry, and even the peasantry, are upon principle hostile to the mixing of temporal wealth with the condition of their clergy. They think their clergy will be more upright and zealous when they are moderately supplied with the means of support, than when they are surrounded with riches and honours. They would not like to see their priests too rich; the people would say, they would become like other priests.

Their respect for the priest is in proportion to his poverty?

—In proportion to his conduct; but they think his conduct will be improved by removing from him the ordinary temptations that produce misconduct and corruption in the human mind, which consist in the acquisition of inordinate wealth.

You believe the Roman Catholic peasantry reason in that way?—I know they do; they are jealous when they see their priests rich.

How do you account then for their remembering acutely the degraded state in which their priests were in former times?—Because then their priests were persecuted; they were hunted from bog to bog, and from hedge to hedge. They were obliged to celebrate the offices of religion in bogs and mountains.

You say they are very anxious to read the newspapers in that neighbourhood?—They are.

What are the newspapers principally circulated in your parish?—The Southern Reporter and the Cork Chronicle, when they can come at them; but they cannot often come at them.

You have mentioned that the Roman Catholic peasant feels, that if he had a son whose talent led him to one of the learned professions, to the bar for instance, that he feels disappointed at his being liable to be stopped at a certain point; do you mean to say by that, that if any certain point were reserved, they would not have a feeling of resentment about it. Suppose withholding the great seal, the chancellorship was thought necessary?—That, I conceive, to be an extreme case. I do not think, that if they got every thing else, that would be reasonably required; I do not conceive that they would be discontented at being excluded from the great seal, if it were deemed necessary to withhold it. In fact they do not reason so acutely upon those points; and if the number of cases in which they are degraded, as compared with their Protestant fellow subjects, were diminished, their dissatisfaction would be likewise diminished.

Supposing the legislature of the country were disposed to comply with the Catholic claims, but that a certain number of the great offices of the state were reserved; do you think that would excite dissatisfaction?—I am convinced it would not.

You stated, that the impression upon your mind was, that the law was not equally administered to Catholic and Protestant?—I did not say that was the impression upon my mind in all cases; I said that was the impression upon the minds of the people.

You said that you could not recollect particular instances,

but there were instances?—There certainly were instances where I had reason to think so, though I am not sufficiently acquainted with the facts; perhaps I have been myself deuded by the prejudice and distrust excited by the law.

In fact, do you conceive the case to be so?—I do, in many instances.

Then the impression upon your mind is, that the law is not equally administered to Protestant and Catholic?—It is indeed.

By the magistrates in the country?—I do not mean to say that there are not a great proportion of the magistrates that do act fairly: but I mean to say, that prejudices do exist upon the minds of the magistrates, and misconceptions upon the minds of the people; they may both be excited by the distinctions created by the laws.

Do you mean to apply that to the immediate neighbourhood where you now reside, or generally to the county?—I apply it generally to the county. I would wish to say a word or two in explanation of a question put on a former day, regarding the state of Castletownroche; I do not recollect distinctly the words of the question that was put. I was asked whether the same causes of disturbance regarding the administration of justice existed in Castletownroche. I said, that I did not, in Castletownroche, recollect any cause of complaint. I repeat the same answer still, as far as regards that part under my immediate cognizance; but I have heard of complaints existing in that part of the county, of magistrates being there who were unfit for their office; in the neighbourhood of Glanworth and Doneraile, and extending north-west towards Newmarket.

Among those magistrates who have not administered justice as they ought to have done, were there any Catholics?—In my own part of the county they were Catholics; but the magistrates I have in my eye in that part of the county were not Catholics.

Do the peasantry generally hold the Roman Catholic gentlemen in more estimation than the Protestant gentlemen?—I do not think that they do; they have naturally more confidence in the Catholic than in the Protestant; but they often find as they think, that the Catholics are too anxious to cultivate the favour of the Protestant gentlemen, and to retain their good will, will often join the ascendency party against themselves.

Has it come to your knowledge that the farmers prefer holding their farms from Catholics to holding from Protestants?—They make no distinctions in that point, provided

they are well treated ; but they have equal cause to complain both of the one and the other ; and they have equal causes of satisfaction with respect to them both, that is, they find good Catholic landlords and bad Catholic landlords, and good Protestant landlords and bad Protestant landlords.

You are very well acquainted with the description of persons who form usually the county of Cork grand juries; do not you conceive that a fair proportion of Catholic gentlemen are usually invited upon the county grand jury ?—The county of Cork is very large, and my knowledge of it is rather limited ; I have known of two or three Roman Catholics being occasionally summoned upon the grand jury ; and I have known instances where they were altogether excluded. I conceive that many Roman Catholics possessing a greater property than some of the Protestants summoned on the grand jury were excluded. The greatest number of Catholics summoned at any one time never has, I believe, exceeded two or three.

How many Roman Catholic gentlemen of sufficient property to serve on grand juries do you conceive there are in the county of Cork ?—I am not prepared to answer that question ; but it is the general impression upon my mind that there are a good many.

When those gentlemen were summoned upon the grand jury, were there not a considerable number of Protestants of considerable property not summoned to attend the grand jury ?—I believe there were a great number of Protestants possessing more property than the two Catholics, who were not summoned, and more than it would be necessary to summon ; but then I say there were many of less property than the Catholics upon the grand jury, and Protestants also of greater property excluded.

Have you ever heard of the high sheriff being obliged to call in gentlemen to serve on grand juries, two or three perhaps every morning, in consequence of disappointments from gentlemen who were put on it ?—I am not at all conversant with the subject; I am so far removed from those who manage these things.

Have you not heard in the county of Cork, the practice is to invite gentlemen to attend the grand jury ; and that they frequently decline it ?—I may have heard it.

May it not have been the case with regard to Roman Catholic gentlemen ?—I know there were several Catholics of much more property than some Protestants upon the jury excluded from it.

Can you mention the names of the Catholic gentlemen who are qualified to sit upon grand juries in your opinion ?—I

really would not undertake to say; I never turned my attention to that point; there is a Mr. Roche of Ahaddir, who has got a good property; I do not know whether he is on the grand jury.

That is a very lately acquired property?—There are very few Roman Catholics in the county of Cork that have had an hereditary patrimonial property; with the exception of two or three, there is Mr. Rochfort, he lives near Kinsale at Garristown, two brothers, Coppingers, Mr. Barry of Lamelara, Mr. Deecy of Clonakilty, and Mr. Goold. There have been Protestants appointed upon the grand jury that have not, as I have heard, three thousand a year, nor one thousand a year, nor five hundred a year.

With respect to Mr. Rochfort, in the first place, does not he frequently serve upon grand juries?—I have seen his name upon grand juries.

Mr. Coppinger, of Barryscourt, frequently attends?—I have seen his name.

Mr. Barry, of Lamelara, have you seen his name upon grand juries?—Yes, I have.

Mr. Roche, of Ahaddir, he is a person of very lately acquired property; a man who had been very low in life?—I do not know what his situation in life formerly was.

Did you ever hear the fact, that he had been a shoemaker?—I did.

When did he acquire his property?—During the war.

Are you acquainted that it is more a funded than a landed property?—I believe he has got a landed estate.

Very small, compared to his funded property?—Yes.

Mr. Deecey is a person of lately acquired property?—Yes; he is a man of excellent education, and enjoys an estate, purchased by his father, I think, of two thousand a year.

Has he never been summoned to attend grand juries?—Never.

Does Mr. Deecy rank, in fact, with the gentlemen of the county who usually attend grand juries?—I do not know. He would be considered a gentleman, and no one can deny he is a gentleman, both in education, in manners, and in every other reasonable qualification; he is received in society as a gentleman.

Will you be so good as to name those Roman Catholic gentleman of the county of Cork, whom, like Mr. Deecy, you conceive to be qualified in point of character, and in point of property, to sit on the grand jury, who are excluded from the grand jury?—I am not prepared to name any others, because I really am not acquainted with them.

Then why are you under the impression, that the Roman Catholic property in the county of Cork is not fairly represented on the grand jury ?—I did not state that I was under any such impression; the question was put to me, and it did not seem to me to arise from any thing I had stated before.

Then you have no reason to believe, that in the selection of the grand jury in the county of Cork, the Roman Catholic property is not fairly represented on the grand jury in that county ?—There is more property diffused amongst the Roman Catholics than we are aware of, and than is represented there.

The question does not refer to the merchants of the city of Cork, or the property acquired in trade; the question refers to that property that is generally represented upon the grand jury, landed property ?—There is more property diffused among the Catholics than is represented there; because, if you have the Catholics represented in proportion to the numbers, you will find the number of Roman Catholics having moderate property much greater than is supposed to be. There are Protestants upon the grand jury that have considerably less property than Catholics who are excluded; and, as Catholics ought to be represented in proportion to their number and property, I would say they are not adequately represented there.

According to the principles upon which grand juries are selected in the county of Cork, and the other counties in Ireland, is not a fair selection of Roman Catholics made ?—The whole number of Roman Catholics upon the grand jury is only as three to twenty-three; I will not admit that the Catholic property is to the Protestant property in the county of Cork, only as three to twenty-three.

You have been asked, as to the number of Roman Catholic gentry resident in the county, whom you conceive to be competent to act as grand jurors, how many should you think ?—I could name a great number of gentlemen of moderate properties, I have only named four or five; if I got an hour to consider I could collect a great many; but I never have turned my mind to these points; I am not prepared, upon the emergency of the moment to state a great many.

When you say you will not admit the property of the Catholics to be as three to twenty-three, do you not admit that the proportion of Protestant gentlemen, qualified to sit on grand juries, exceeds twenty-three to three ?—I can neither admit nor deny that.

Did you ever observe that on the list of the county of Cork grand jury, the eldest sons of gentlemen, who perhaps are too

old to attend themselves, and the brothers of gentlemen who cannot conveniently attend themselves, are frequently sent as representatives of the head of the family and the property?—Yes; and the agents too sometimes; there is a Roman Catholic gentleman, whom I may name, the agent of a great property, Mr. Leahy, he was never summoned so far as I heard.

He served in the city grand jury?—Yes; but I never heard of his serving upon the county grand jury.

Lord Cork's property lies in the city?—And a great deal in the county.

Mr. Leahy is the agent of Lord Cork?—He is.

Are you not aware that in the county of Cork, and other counties adjoining, it is the practice not to allow agents to represent the proprietors of soil upon grand juries?—I thought from what Lord Ennismore said, that it was done.

In a former part of your examination, you stated cases that happened at Bantry and Skibbereen, in which Protestants of very small property had been put upon grand juries, when Catholics of much larger property had not been put upon grand juries, what grand juries were those you alluded to, and were they sessional or assize?—Quarter sessions.

Do you consider yourself competent, from your knowledge of the general state of the county of Cork, to give satisfactory information to the Committee, with respect to the returns of the grand juries?—No; I do not consider myself competent to speak on that at present.

You stated in a former part of your examination, that you were of opinion that if the penal code was repealed, all remembrances of it would be obliterated in the course of ten or twenty years, is it not your opinion that the mere repeal of that code would remove at once the cause of the evils that now exist in Ireland, in respect to Catholic disabilities?—I know it would remove at once the cause.

Then you do not mean to say, that it would take so long a period of time before a considerable effect would take place in improving the state of the country?—No; I should think the operation would commence immediately; it may be slow.

Will you explain in what way you think it would come into operation, and why so long a time would be necessary to give it full effect?—In the first place, the Roman Catholics would feel that they were raised from the humble state in which they were, and would have more confidence in the laws; they would feel that they were placed upon a level with their Protestant fellow-subjects; they would feel that they had no longer a just cause of complaint of the system.

Do you conceive that the Protestants would not immediately abstain from that line of conduct, which at present gives offence to Catholics?—I should hope they would; they could have no motive for continuing it.

Would not it take some time altogether to obliterate that feeling?—It might take some time undoubtedly; the Protestant belonging to a certain party which was very obnoxious in the country, might feel some exasperation for a long time after the penal code ceased.

When you speak of the effect of the penal code, in debasing the mind of the lower orders, do you mean to say, that it produces a want of self-respect?—I do.

Does it diminish that feeling which is natural to every one, to better his condition?—Certainly it does.

In your reading upon subjects of political economy, have you not found it stated that that feeling is the great principle of all improvement of the lower classes of people?—Undoubtedly, they would not feel themselves so debased and degraded as they are at present, if the penal law was repealed.

Is not the want of that feeling necessarily attended with a great obstruction in the way of the improvement of the lower orders, for want of a general disposition amongst them to acquire comforts and to improve their habits of life, with regard to food and all the comforts and conveniencies of life?—There is a great moral debasement and degradation arising from it, which renders them insincere, crafty, cringing, flattering, and disposing them to make professions that they do not feel; and I think they are more or less careless about the improvement of their condition.

Then the peasantry living under such circumstances, if the means of bettering their condition was placed before them, would they so readily make use of them, or so certainly adopt them, as if the political institutions of the country placed them upon a better footing?—If the question means whether they would not be disposed to eat better food, and wear better clothes than at present, I should say they would; but, as to the moral means of improving their condition, I do not think they would avail themselves of them.

Supposing they were able to earn somewhat better wages, would they be more disposed to increase their comforts, or to expend them in gratifying their passions?—I think that at present, among the many other causes of the demoralization of the people, is the facility with which they can acquire the means of gratifying their passions, the cheapness of whiskey;

and I do think, that whilst that cause exists, they will be disposed to drink too much.

Considering only their acquiring the means of improving their condition, circumstanced as you describe them to be with respect to their feelings, and their debasement of mind and want of self-respect, do you not conceive that those means would not be applied to improving their comforts, but that they would be applied rather in gratifying their passions?—I do; they would be applied in gratifying their passions.

Have you considered, generally, the effect of political institutions in keeping a people in a distressed and very low state of existence, and in preventing them from making progress to place themselves in an improved condition, when the means of so doing has been afforded them?—I think people under an improved state of political arrangement, have a greater interest in their future comfort, and in the comfort of their offspring, than they have under a degraded state.

Have you ever considered and reflected upon the effect of the British laws, in placing the lower orders of the people of England in their present happy and flourishing condition?—I have often ascribed it to the consciousness that the British people enjoy, of the real liberties and equality that exists among them.

Is it not matter of history, that the condition of the lower orders of the people in every country, mainly depends upon the political institutions they live under?—I think it is a sort of political maxim.

That in proportion as they are protected by the laws, and enjoy civil liberty, and are respected by the upper orders, and have proper feelings of respect for themselves, that they will use the best opportunities they acquire of improving their condition, by obtaining comforts, instead of giving way to the impulse of their passions?—I do.

You have stated it to be your opinion, supposing the remaining disabilities under which the Roman Catholics labour, were removed, there would be no cause of animosity between Roman Catholics and Protestants in Ireland?—Yes.

Was not a great change made in the condition of the Roman Catholics in Ireland, by the Act of 1793?—Yes.

Have the feelings of animosity between the Protestants and Roman Catholics diminished since that period?—They have diminished in some places, and increased in others.

Do you think they have diminished in proportion to the relaxation of the laws?—No; in many places they have been diminished to such a degree only, as left the Catholics much

more sensible of the remaining humiliation, whilst the party that enjoyed the monopoly of power, felt exasperated at lessening this monopoly, and seemed anxious to preserve the remainder, by insulting and persecuting the Catholics.

Then why should the removal of the remaining disabilities tend to lessen that exasperation of which you have last spoken?—Because on the one hand, there could be no motive or means for persecution, the remaining monopoly having ceased, and on the other hand, the natural operation of the human mind would be to forget past sufferings.

You do not propose any thing more than that the Roman Catholics should be qualified to get power?—Nothing more.

Might not the Protestant still have the means of retaining possession of that power?—I do not think he could, because the wisdom of government would frustrate that.

You have drawn a comparison between the number of Roman Catholics in Cork, who are eligible to serve upon grand juries, and the number who are actually appointed to them; do not you think the same comparison might be instituted, as to the actual appointment to offices; supposing the Roman Catholics were declared eligible to certain offices, do not you think the same comparison would be drawn, with respect to the actual appointments to office?—It would be entirely with the government to make the appointments, and if they were not fairly administered, discontent would be excited; but I presume they would be fairly administered.

Do not you think, that as much discontent would exist, if being eligible, they were not actually appointed, as now arises from their being actually ineligible?—No, I do not think so; because the exclusion by law is a sort of stigma affixed upon the front of every Roman Catholic; he is excluded at present, because he is excluded by law; but being legally eligible, he could have no just cause of complaint; if some Catholics were not appointed, it might be referred to individual incapacity, or other reasonable grounds.

The cause of complaint is not the mere loss of emolument or power of office, but the distinction which the ineligibility for office creates, between a person qualified to hold it, and a person disqualified?—Yes; it is partly both; but principally the unjust distinction which the law creates between Protestant and Catholic.

Then why do you think the Roman Catholic would be perfectly satisfied with a state of law which excluded him from the great offices of the state; in answer to a question, you said, that "if the Roman Catholic was admitted into certain offices, he would not be dissatisfied if he were not admitted

into all;" supposing those few great political offices from which the Roman Catholic remains excluded, had actually the appointment to all the remainder, do not you think that exclusion would still imply some distrust in the Roman Catholic?—No, I do not think it would; because the Roman Catholic would be reconciled to it from the great state necessity that would induce it.

What is the state motive?—With regard to the empire generally; the act would be founded upon the general interests of the empire.

In what way do you think the interest of the empire would require the exclusion of Roman Catholics from certain great state offices?—Because the people of the empire might not be satisfied, nor might deem it compatible with the constitution, as it exists, that Roman Catholics should be admitted into these high offices of the state. If that was the general feeling of the people, the Catholics would be satisfied to be excluded from those offices.

Would the Roman Catholics admit that the impression of the people of England was a just one?—I am not prepared to say that they would admit that it was a just one, but the people of England having that impression upon their minds, the Catholics would be satisfied.

Supposing that the people of England had a general impression that it was for the general interest of the country, that they should continue to labour under their present disabilities, would the Roman Catholics still remain satisfied?—No, for this reason; that in their minds those disabilities are so palpably and obviously contrary to the first principles of justice and policy, that they would not believe that the people of England could think it necessary, for the general interests, to continue them, they would not be satisfied.

Why should not the Roman Catholic contend for admission to all offices, however high the trust?—Because, under the present constitution of the empire, the attainment of that does not appear possible; such a change might produce a convulsion in the empire, and therefore the Roman Catholic, being under the influence of moral motives, would be satisfied with a state of things which it would be morally impossible to change. Speaking metaphysically, he may be discontented, but for all practical purposes, as a person under the influence of moral impressions, he should be content and satisfied, rather than risk a convulsion in the state, because the evil of submission to that would be so very little, compared with the evil of disturbance, that he would rather submit.

He would be content with eligibility to office, satisfied that

those offices, which have the appointment to all other subordinate ones, namely, the high offices of the state, should remain in the hands of Protestants?—I do not say all the high offices of the state. I can point to offices of the state that I think they might be admitted to. The King is essentially a Protestant by the constitution of the country, and as the chancellor is supposed to be the keeper of the King's conscience, he must be equally a Protestant; but with the exception of the King and the chancellor, I do not see any other office to which they might not be admitted.

What do you think of the office of the Lord Lieutenant?—I think he might be a Catholic.

Administering the whole of the church property of Ireland?—If he happened to be a Roman Catholic, he might delegate to a Protestant chancellor the administration of church patronage.

And the same with the chief secretary of the Lord Lieutenant; you would think it proper to provide, that in case the chief secretary should be a Roman Catholic, that another officer should exercise the church patronage?—Yes, on the same principle as Roman Catholic priests protest against the interference of Protestants in the appointment of Catholics to the cure of souls; on the same principle we would disclaim any interference in the appointment of Protestants for the cure of souls.

Do you think when the disabilities were removed, that the Roman Catholics, as a body, would acquiesce in the present ettlement of church property?—I am satisfied they would.

In practice, have you found that there is dissatisfaction excited in consequence of the Catholics not obtaining the benefits conferred by the Acts of 1793, with respect to admission to the offices which they are entitled to hold under that Act?—Yes, considerable dissatisfaction is entertained.

To what do you attribute their not being admitted to those offices in any degree whatsoever, compared with the Protestants, and with the number of Catholics who are capable of holding those offices?—To the exclusive predominance of that party in Ireland, hostile to Roman Catholics.

Do you believe that the reservation of those offices, to which Roman Catholics are at present not capable of being admitted, does contribute in fact to prevent a fair admission to those offices, which they are qualified to hold under the Act of 1793?—I do believe so.

The Catholics are aware, that very considerable concessions were granted by the Act of 1793?—They are.

That they were rendered eligible to a certain number of

offices by that Act?—They are; but I think a great proportion of the Catholic populace are not aware of the actual extent to which the penal code has been repealed; for instance, they are not generally aware of the late Act respecting their admission to offices in the army, because those things have been done by piecemeal.

Is there a full confidence among the Catholics in the intention with which these Acts were passed, with respect to the conferring favours upon them?—I think that confidence is very much lessened by the events that have occurred since; they think that persons have got into power, who were hostile to them, who have endeavoured to impede the good effect of that Act of conciliation and justice as much as possible, and have defeated the benefits, with respect to Catholics, that might be derived from it.

In fact, it is not the general opinion, that the intention of the legislature has been defeated?—It is.

Have you any reason to doubt, that the Act which admitted the Roman Catholics into all ranks of the army and navy, has been fairly acted upon?—I have no opinion upon that subject, either way.

You have no reason to doubt it?—I have no reason to doubt it.

And yet the Roman Catholics are not aware of the existence of that Act?—A great proportion of the populace are not aware of it.

Although they are become eligible to hold any office in the army, yet, in point of fact, it has so little affected their situation, that they are not aware of their eligibility?—It is since the peace that that Act passed; if there was a war they would be aware of it, but there has been no opportunity for their being made aware of it.

Was not that Act passed without much public discussion?—It was; I thought it was introduced in a clause in the Mutiny Bill, till I heard from a gentleman, the other day, that it was a special Act.

Does the circumstance of no Catholic having been appointed to the assistant-barrister's office, produce much dissatisfaction?—It does.

Is it a matter of common observation, that very few Catholics have been appointed to offices since the year 1793?—It is; for instance, no Catholics have been admitted into the corporation of Dublin since that, very few Catholics have been appointed into high situations in the revenue, and no appointments have been made to the office of assistant barrister, the commission of bankruptcy, and other situations.

What do you call high situations in the revenue?—Such as commissioners and collectors; there was one commissioner and only one collector a Catholic, they were appointed, I heard, under the administration of the Duke of Bedford.

You are of opinion, that supposing the political distinctions were removed, there would be no cause of animosity between Protestants and Roman Catholics remaining?—I am.

Do you believe in the miracles which have been performed? —As a Roman Catholic, I am at perfect liberty to believe or disbelieve.

Do you actually believe?—I believe in some, and in others I disbelieve.

You believe there has been of late a decided manifestation of God's favour to the Roman Catholic church?—I think that, under the pressure of temporal persecution, Almighty God has supported and encouraged His church in Ireland.

Do you not think that the circumstances under which those miracles were, in your opinion, performed, show a decided manifestation of God's favour towards the Roman Catholic church?—It might be a manifestation of favour for the purpose of confirming the wavering in their faith; many Catholics thought that they might be deserted by the Providence of Almighty God; they do not doubt that it was a manifestation of divine favour, to confirm them in their faith.

Do not you think that the result of those miracles must be a decided impression on the part of the educated and uneducated of the Roman Catholic community, that God's favour was manifested in behalf of the Roman Catholic church?—To such of the Roman Catholics as believe it has that effect, to such as do not believe, and there are a great many of them, both amongst the ecclesiastics and the laity, it has no effect.

Do the lower orders, who have heard of them, generally believe in them?—The lower orders generally believe; but they have never been proposed as matter of faith, nor have they been proposed in that authentic way, which would render it imperative upon Roman Catholics to believe.

Still, practically, there is a general belief in them amongst all classes who have heard of them?—I cannot say amongst all classes; for instance, in my part of the county, at least a hundred and twenty miles from the place where they were operated, there is not a general belief, nor even a knowledge of the facts. I heard, that in Leinster it is very general, and that confidence in God's Providence is in proportion. I read the vouchers published by Doctor Doyle and others, and I must own I thought I saw a strong testimony in those vouchers; I could not account how they occurred.

Are you aware of the fact, that any Roman Catholic bishops were appointed to examine the evidence, and to state their opinions upon the evidence?—I am aware of the fact, that Doctor Doyle did examine, and that Doctor Murray did examine; but I know they did it of themselves, without any appointment.

Did not the two bishops, who undertook to examine into the credibility of those miracles, express publicly their opinion that such miracles were actually performed?—They did.

Did you ever hear of any other bishops who dissented from them, as to the degree of credibility which was to be attached to them?—I have not heard of other bishops, but I should not be surprised if there were others.

Have you heard that any bishop has publicly expressed a dissent from those two Roman Catholic bishops?—It would not be expedient for a bishop to express his dissent, as to facts publicly affirmed, if he had not examined into them; neither is he called upon to approve of alleged facts that he has not had an opportunity of examining and ascertaining.

If the only men who examined the facts stated a decided opinion that the miracles were performed, and no other bishops dissented from that opinion, nor instituted any inquiry for the purpose of enabling them to form an opinion for themselves, do not you think that the published opinion of the two bishops who did examine, must tend to create an universal impression on behalf of those who read their opinion, that the miracles were actually performed?—Yes; it carried motives of probability and credibility with it, but it carried no motives that rendered it imperative upon the Catholics to believe.

But the tendency must be to produce a general belief; the character of the parties and their situation would induce a general confidence in their belief?—Yes, it would.

Then the Committee understand you to say, the Roman Catholic population are of opinion that the efficiency of the priesthood is best secured by the circumstance of their not being in possession of large emoluments?—Certainly.

If that is their opinion with respect to their own priesthood, is it also with respect to the priesthood of other religious persuasions?—They have no interest in the priesthood of other religious persuasions.

Have they no interest with regard to the payment of tithes?—They would pay their tithes as a matter enjoined by law; but they have no interest in the purity of character and conduct of the priesthood of other denominations.

The question does not refer to purity of character, but to

temporal emoluments, have not they a direct interest in lessening the emoluments of another church?—The Roman Catholics have no interest in lessening the emoluments of the established church more than they have in lessening the quantum of rent which they pay to their landlord.

They are equally satisfied to pay the tithe to the Protestant clergyman as they are to pay rent to the landlord?—No, I do not think they are.

Why are they not?—In the first place, the tithe is imposed as a tax, the rent is a matter of convention between the landlord and the tenant; the rent is so much money paid for a quantity of land, like paying for the use of a machine, and paid by agreement; and the tithe is paid not for the rent of the land, it is paid not only out of the machine, but the capital and labour vested in it.

There is nothing in the circumstance of its being paid to the minister of another church that makes it objectionable to the Roman Catholic peasantry?—They would not pay it to their own church.

They do not object to the payment of tithes as a due to the Protestant clergyman?—Not as a due to the Protestant clergyman; but they would wish to get rid of it, in common with many Protestants.

Just in the same way that they would wish to get rid of their rent?—In the same way that many Protestants would wish to get rid of the tithes; in the first place, they look upon the tithes as an impost placed upon the public, for the upholding of a corporate establishment; they look upon them as the public property of the state; and many Catholics, in conjunction with many Protestants, think, that the state might appropriate a great part of that property to more useful purposes, and in a more effectual manner, than at present; but, as Catholics, they have no feeling with respect to the conversion of tithe into a means of support for their own priesthood; neither do they object to it as Catholics, but as thinking men.

You are speaking of the feelings of the peasantry?—No; of the gentry, and intelligent Catholics and Protestants.

Will you state what the feeling of the peasantry is with respect to the payment of tithe?—They look upon it as a hardship, as it takes a tenth part, and sometimes more, of the value of the produce of the land; and on account of its variableness and uncertainty, and their inability to pay it.

They do not object to it as a payment made to the minister of another church?—They do not object to it as a payment

made to the minister of another church, as contrasting that minister with the minister of their own church.

They would rather prefer the payment of dues to the minister of their own church, in order to secure his comparative poverty, than that he should be paid out of the tithes?—No, I do not say that; if it were the will of the legislature that they should be relieved from what they pay at present to the ministers of their own church, by paying part of the tithes to them, I believe they would have no objection; but if they were allowed to get rid of tithe altogether, and left at liberty to give or withhold a part of it from the ministers of their own church, they would withhold it.

In order to put it into their own pockets?—To get rid of the burden of it.

Do not you think that the universal impression among the population is this, that if tithe is to be continued, it is more just that it should be paid to Roman Catholics than to Protestants?—I do not think so.

In point of fact, if they are to pay it, they have not the least objection to pay it to the Protestant clergy?—It is altogether matter of indifference to them, if they are obliged to pay it, to whom they pay it; they certainly would wish to be relieved of part of the burden of paying their own priests. At the same time I do think, that if the choice was given them, and that they were told, you must pay tithe to somebody, you must choose between the Catholic and the Protestant clergy, they would choose their own priests; but if they were told, you shall get rid of tithes, and you have in your power to give or withhold it to your own priests, they would withhold it.

A large body of Roman Catholics have lately expressed an opinion, in a petition to the House of Commons, that in order to ensure permanent peace in Ireland, first of all, that the political disabilities must be removed; but also that the present church establishment of Ireland must be reformed, and its temporalities reduced, and that the corporations must be disfranchised; that is a petition which has lately proceeded, not from the Roman Catholic Association, but encouraged by them; it comes at their instigation; do you concur in that petition or not?—I deem it very inexpedient and improper in the Catholic Association to mix up extraneous matter with what ought to be the single object of their labours, the repeal of the penal code.

Why improper?—Because as Catholics, they ought not to come forward; they may come forward in conjunction with Protestants, but they ought not to mix up that question with

their character as a Catholic association; I thought it was very improper.

Do not you think it was perfectly open to them, and perfectly fair, if they thought, that in order to insure the permanent peace of Ireland, something more was necessary than to remove the political disabilities; was not it perfectly fair and candid in them to state it?—To state it as individuals in connexion with other religious denominations would be perfectly fair, but to state it as coming from a Catholic body, and as speaking the opinions of the Catholics as such, I thought unfair, and not justifiable.

Do you agree with them as to the main fact; do you think, that in order to insure the permanent peace of Ireland, that those other measures are necessary; namely, the reduction of the temporalities of the present church establishment, and the disfranchisement of the corporations; or do you think they are not?—I should not be inclined to think so; but I have not made up my mind upon that point.

Then how do you reconcile that last opinion with the former one, that if political disabilities were removed, there would cease to exist any cause of animosity?—Because then it would not be between Catholic and Protestant, but between the people and the clergy.

Would not the question of reduction of the temporalities of the church, be a question between Protestants and Roman Catholics?—No; it would be as much a question between the Protestant clergy and the Protestant laity, between Protestant and Protestant, as between Catholic and Protestant; in fact, the word Catholic or Protestant would not intervene at all.

You are then of opinion, as far as you can form a judgment upon it, that although, if the political distinctions were removed, there would be no cause of animosity between Protestants and Catholics, yet, that in order to secure the permanent tranquillity of Ireland, some more permanent reform must be made?—I would incline to think, that it would conduce to the amelioration of the country, but I do not think it would be necessary to the tranquillization of the country; I would rather wish that those reductions were made, because I think the country would be the better for it; but I say that as a person speaking, not as a Roman Catholic, but from my own reflections, and from reading the Edinburgh Review, and other Essays on Political Economy.

Do you think that that petition which has been referred to, speaks the opinion of Roman Catholics generally?—There are many that coincide with it, and many that do not.

Will those that do not coincide with it express their dissent in any way?—No; I think there are many Catholics that disapprove of the conduct of the Association in bringing forward that question, as connected with the Catholic cause, but who do not feel themselves called on to express their dissent.

This petition is not the petition of the Association; it is a petition of the undersigned Catholics; it does not profess to be the petition of the Association?—As connected with Catholic disabilities, or arising from Catholic feeling, I do not approve of the petition at all; it does not speak the sense of the people.

Do you think it likely that those whose sense it does not speak will state explicitly how far they agree or disagree with it; if it is improper and unjust, according to your opinion, that the petition should be presented, do not you think it would be becoming in others, who entirely dissent from it, if they were to disavow it?—I should think the expression of such a dissent would be misconstrued into a disavowal of the sentiments entertained not as Catholics, but as Irishmen generally, or as inhabitants of the country.

As Irishmen generally, they entertain those opinions, but as Roman Catholics, they do not think it becoming in them, when they are petitioning for a relief from disabilities, to state those opinions to the legislature?—I do not think they are at all connected with their grievances as Catholics; many of them may join with Protestants in entertaining that opinion, but I do not conceive they are more called upon to disavow those sentiments than Protestants are.

As to the dissolution of the Union, what do you think is the general impression with respect to that, which has been stated by some Roman Catholics to be essential to the restoration of tranquillity?—As to the dissolution of the Union, I thought it one of the most mischievous, and false I may say, political propositions that could be propounded. For my part, I do think that the well being of Ireland is intimately and inseparably connected with England; and I believe that it is the general feeling throughout Ireland, that the project of dissolution is both visionary and mischievous.

You entirely dissent from that proposition?—I do most cordially. I do not see what good can arise from the separation of the countries; on the contrary, I can fancy the greatest evil to our unfortunate country from such an event.

The question does not refer to the actual separation of the countries, but the restoration of such a state of things as existed previously to the Union?—I do not think that the

condition of Ireland would be better, in case of such a restoration. I felt, I must own, very much grieved, when I saw sentiments to that effect expressed by some of the leaders of the cause.

You thought it would be mischievous to the cause of the Roman Catholics?—No; I thought that the repeal of the Union would be attended with great mischief to the country.

Do you think that is the feeling of the Roman Catholics generally?—I do.

Then why do they not disavow what is expressed by the Association, which affects to speak in their name?—I was not aware that the Association had expressed those sentiments.

Have not a great many Protestants expressed opinions of the expediency of reforming the church, and reducing the temporalities of the church in Ireland?—I have understood so.

Have there not been a large body of members of Parliament voting for such a measure?—Certainly.

May not, in your opinion, a considerable reformation take place in the administration of the Protestant church, without at all affecting the security of its establishment?—I think so.

Might not, also, the temporalities of that church be placed under a different distribution without affecting the security of the Protestant religion?—I think they might.

Is it not possible, that such a reformation, and such a distribution, might essentially serve the cause of the Protestant religion?—I think it might.

In any views you take, or the Catholics generally take of those subjects, you take them as common subjects in the country, in common with the Protestants?—Certainly.

If Catholics have expressed opinions that more extensive reforms are wanting in Ireland, besides the repeal of the penal code, are there not abuses with respect to magistrates, grand juries, and other public affairs, to which that opinion, as to extensive reform, may be applied?—There are.

If the effect of the new tithe laws shall ultimately be to make the payment of the tithe the business of the landlords, so that the Catholic occupiers of the land may be relieved from tithe, will they concern themselves much about the benefit the Protestant clergy will derive from the new tax that will be paid in lieu of tithe?—I believe the greater part of those who occupy land, if they were relieved from the pressure of tithe, would not care who received it, if the tithe was paid by the landlord and not by the occupier.

Then all soreness of feeling, and all hostility that may exist in the minds of Catholics with respect to tithes, would be

done away by changing the manner of payment, making that payment either a payment by the landlords or provided by substituting land in place of tithes?—I do not see if the burden was placed upon the landlords, that it would remove all cause of complaint on the part of the occupiers with regard to tithe; but undoubtedly if land was substituted, all cause of complaint would be removed.

Are you not aware, that the Tithe Act provides, that in all new leases made in a parish, where it is brought into operation, that the tithe is to be paid by the landlord?—It makes such a provision; but how can you prevent the landlords from throwing the tithe upon the tenant?

If the effect of the change shall be, that it shall not throw it upon the tenants, but that it shall become a tax upon land purely, and that the reservation of rent to be paid by the tenant shall be a fixed sum, having no connexion with the tithe, will he not, under those circumstances, be completely relieved?—If the tithe is absorbed in the rent, and the rent not increased beyond the true value of land, he will be completely relieved in that case.

Will not the tithe so payable by the landlord, be in the nature of a tax on rent, and therefore wholly payable by the landlord, and by no means possible to be paid by the tenant? —If the thing could be so contrived that the tithe must be paid by the landlord without falling on the tenant, the tenant can have no cause of complaint.

Do you think it is possible that can be done?—I think it very difficult.

Supposing the burden of the tithe were in any shape to be thrown upon the landlord, would not then the tenant have to pay him an additional rent?—If the tenant's lease were previous to the enactment of such a law, the tithe would fall upon the landlord during the lease; but at the expiration of the lease, I cannot see how it could be left on the landlord without being transferred to the tenant.

Do not you think that if in any way landlords were to take upon themselves the payment of the church, leaving it to their tenants to reimburse them as to those tenants might seem fit, that it would go a great way towards removing the pressure that now prevails?—It would certainly.

Do not you conceive that the amount of rent which a tenant can afford to pay, depends upon the comparison of the produce of his land and the expenses which he has to incur?—As a general proposition, that is true; but in the particular circumstances of Ireland it is not true, because the population of Ireland is so disproportioned to the means of employment;

that is, the population having no means of employment but agriculture, there is always more competition for lands than the due value of land would justify, the rents offered are generally above the value of the land compared with what they ought to be.

For a moment setting out of the question those excessive rents which arise from great competition, and taking only the general principle, a comparison of the produce on the one hand and the expenses on the other, is the criterion which would measure the amount of rent, supposing the demand for land not to be excessive?—Yes.

Then do you not imagine that the tithe which the tenant has to pay, is part of those expenses which he sets against the value of the produce in calculating the rent he can afford to offer?—Yes; if you can give a permanent character to the amount of the tithe.

Then supposing that by any legislative enactment, it were possible to throw that tithe entirely upon the landlord, and absolutely to exonerate the tenants from the payment of such tithe, would not the tenant be able to give a higher rent for his land, than he could afford to have given for it before, because his expenses would be diminished, the produce remaining the same; there being therefore a greater surplus produce remaining after payment of his expenses, he could afford to increase his rent?—He would have a certain profit and certain surplus after paying the expenses.

Therefore the competition for that land which thus would give a greater profit, would lead to a higher rent being offered for it?—It would, I think.

Consequently, if the rent increased as the tithe was taken off, the tenant would appear to be in the same condition in which he was before?—Yes, it comes to the very point which I was observing; I do not see how the tithe can practically be transferred from the tenant to the landlord.

Therefore you are of opinion, that no legislative enactment could practically relieve the tenant from the payment either of tithe, or of an amount of rent equal to the tithe?—Except in this one view; the great grievance of tithe at present is, the precariousness of its amount, and the mode in which it is generally exacted; if the tithe could be made analogous to rent, fixed, and payable by the landlord, the landlord would be responsible for it, and the tenant would be considerably benefitted; it may unfortunately turn out, that the rent would be raised, but I do not think the rent would be raised to the full extent of the tithe.

Would not the same extreme competition, which now leads

a tenant to offer for any given piece of land more than its real value, equally stimulate him to offer an increase of rent equal to the amount of tithe taken off?—I consider that the landlords in general would see that it was not their interest to accept what the tenants might offer, inasmuch as they would see that the tenants could not pay it.

Does the landlord generally exercise that discretion now?—In many instances they do, but in general they do not, because the prices are in such a fluctuating state.

Would it not be perfectly fair for the landlord to accept an augmentation of rent, equal to the tithe that had ceased?—I do not see why he should not, if the amount of rent was fair before.

Ought not a part of those very high rents that are offered and paid by the lower classes, to be considered as a payment for the risk that is incurred, in letting that class of people have land, in addition to the payment for the rent of the land?—I do not see how it can be considered in that point of view.

Is not there a considerable risk in making that description of persons a tenant?—Not a greater risk than if any persons had a rent laid upon them, that was disproportioned to the value of the land.

Do you conceive the rents imposed are settled by the landlords, by having any arbitrary power of fixing the rent?—Yes; in consequence of the number of competitors for land, the landlords can fix the rent.

Why do not they fix a higher rent than they now take?—They fix more than they are likely to get; and if they fixed a higher, they would not get it, but they would frighten their tenants away altogether.

Must not the rents be fixed by the prices at the markets?—By the prices of markets, compared with the number of bidders for land.

Practically, have not the rents for land risen and fallen, as the markets have risen and fallen in Ireland?—They have, but not in the same proportion.

Is not the tithe tax that is fixed by the new Act, regulated according to the rent of the land, as well as the extent of it, that is relieved from tithe?—I am not aware.

If a tax is imposed according to the rent of land, is not such a tax absolutely a tax on rent?—Certainly.

Then if it is a tax on rent, and if the rate of rent paid by the farmer for land is regulated by the price of commodities, how can the landlord make the tenant pay that tax?—If the rent of land be fairly regulated, and always regulated by the

price of commodities, and the tithe becomes a tax upon that rent, of course it must be paid by the landlord.

Will you state whether you consider that the number of the Catholic clergy has increased in the same proportion with the population of their respective parishes?—There has been an increase in the number of Catholic clergy, but I do not think the number has increased in proportion to the population.

Then do you conceive that the duties cast upon each Catholic clergyman have considerably augmented of late years?—I do not believe that at any time there were an adequate number of clergymen for the performance of the duties, and they are still less adequate in proportion now than ever, in consequence of the increase of population.

Is not the deficiency in the number of Catholic religious instructors of the people felt as a great inconvenience, both to the clergy and to the people?—It is.

Do you consider the number of persons that attend to the religious duties diminishes or increases?—They diminish in consequence of the inability of the priests to attend to them all.

In consequence of the inadequate number of the Catholic clergy, is it not difficult, if not impossible, in many instances, to exhort the people in the way of sermon after mass?—It is; because the clergyman may have to ride to two chapels which are four or five miles asunder; after celebrating mass in one chapel, he must post away to the next, and after having done his duty there, there may be two or three sick calls waiting for him; he may have to baptize children, and he is exhausted from the labours of the morning, being the whole time without food in consequence of the discipline of the church.

Do you not attribute a considerable proportion of the diminution of the parishioners in attending their religious duties, to the want of sufficient means of exhortation in the way of sermon?—I do, certainly; and the want of opportunity of catechising children, and giving them moral instructions on Sundays.

Is your parish co-extensive with that of the Protestant clergyman?—My parish embraces a district in which three or four Protestant clergymen officiate.

What number of coadjutors do you employ in that district?—One only; I have not the means of supporting more.

Can you form any estimate, as to the value of the Protestant livings to the incumbents?—In my district there are nearly three or four Protestant livings; there is first, the

parish of Creagh; the whole of that parish is comprised in my district, and it was farmed, two years ago, by a tithe farmer; he paid, I am not sure whether it was five or six hundred a year, but I believe it was five hundred; he complained at first, that he lost by the contract, and I believe he got some compensation from the clergyman; but I have reason to believe, that he recovered the full amount of what he agreed to pay, and a considerable profit besides; he let the tithes to the people; took notes for the payment; in consequence of the badness of the times, he complained to the clergyman that the people were unable to pay; he got then a reduction or a remission of part of what he was bound to pay; I believe he afterwards recovered the full amount of the notes from the people.

Will you state the amount of the sum?—I think that he received 100*l.* or 200*l.*

That is but a proportion of the parish which you have?—That is a small proportion of the parish; then there is the parish of Abbeystrowry; that is a vicarage, formed by lay impropriators; there are eighteen plough lands in that parish, of which twelve are in my district; there are two or three plough lands of a parish called Aghadown in my district, because they are all inclosed by natural boundaries in my district. The parish of Tullagh, with the exception of an island, called Innisherkan, is in my district.

Is there another rector in that division of your parish?—There is a Protestant rector and a Protestant curate.

Will you state what the amount of their revenue is?—I believe in the parish of Abbeystrowry it is worth 500*l.* a year to the lay impropriator; and then the other parish to the rector, I believe, may be worth 400*l.* a year.

That is Aghadown?—I have only a small proportion of Aghadown; in the whole of the district over which I am, the tithes are about 1600*l.* a year, at the present reduced rate; but it was a great deal more than that during the war.

Can you inform the Committee, what the amount of your property is, as clergyman?—I ought to observe, that Mr. Hughes, the rector of the parish of Creagh, when a proposition was made to introduce the new bill, would not take less than 800*l.* a year. During the war the emoluments of my parish, between my coadjutor and myself, might approach 300*l.* a year; two parts were the property of the parish priest, and the third part the property of the coadjutor; since that, in consequence of the depression of the times, the receipts between the coadjutor and myself do not exceed 240*l.*; some years they have been less.

You have stated the proportion of Protestants to Catholics, is as one to fifteen; do you mean in that district!—Yes.

What may be the number of your parishioners?—I think they approach ten thousand.

From what sources is your income derived?—In the first place we get from every farmer in the parish, at Christmas and Easter, two ten-pennies, making 3*s*. 4*d*.; many of the farmers, in consequence of the badness of the times, have not been able to pay us; and then we are paid something on the occasion of marriages, from 10*s*. or 15*s*. up to 3*l*. or guineas; christenings average about 3*s*. 4*d*. each, when they they are paid; sick calls are not paid for, generally; I am now eighteen years a clergyman, and I could undertake to say that, during that time, I have not received 4*l*. for attendance on the sick.

Do you receive any thing on confessions?—At the periods, confessions at Christmas and Easter, the 3*s*. 4*d*. are paid by the farmers, but this is not paid in consideration of confession; but we go about through the villages in the country, we attend a day in each village, where the people meet us, and that is the occasion of paying their Christmas and Easter dues; but whether they confess or not, it is considered that they are bound to pay, and many come to confession who pay nothing.

What is the usual and average number of people married in your parish?—In my parish, I have had some years sixty marriages: the year before last, they were about thirty-six; and at Shrovetide this year, I had forty marriages; then I expect there may be about ten or fifteen more in the course of the year.

What is the usual rate you receive on marriages?—That depends on the circumstances of the parties; some are so poor, that they pay nothing.

Is there no fixed or stipulated rate of payment?—It depends upon their circumstances; that is, from poor farmers we expect a pound or a guinea: from persons a little richer again, a guinea and a half or 40*s*., and from the very richest of them, 3*l*. and three guineas.

What is the highest amount you ever received upon a wedding?—Thirty guineas.

What class?—A gentleman of large fortune, a man supposed to be worth 10,000*l*.

Is it not the habit to make a collection upon a marriage?—In the diocese of Cloyne it is, but in the diocese of Ross, where I reside, it is not. I have received 20*l*. at a marriage, in Castletownroche; there were twenty farmers present, who paid 20*l*.

That practice does not prevail in your parish?—It does not, nor ever did.

When it has come to the knowledge of the priest, that an illicit intercourse has taken place between two parishioners of the lowest class, is it not the common practice to recommend that they should be married?—It would be the duty of the clergyman to do so; but it has often happened that persons professing themselves to be Roman Catholics, and applying to me, or other clergymen, circumstances may exist that would render it our duty to refuse to marry them; and in that case they sometimes resort to the Protestant clergy, and are married as a matter of right. The Protestant minister cannot refuse; for instance, a young couple may, without the consent of parents, wish to get married; I refuse to marry them without that consent; they go to the Protestant clergyman, and get married.

Do you mean that it is the practice, under those circumstances, to apply to the Protestant clergyman, they being Roman Catholics?—It has been the case very often.

They being Roman Catholics?—Yes; for instance, according to the laws of our church, the children of brothers or sisters cannot be married; I refuse to marry them. They have only to apply to the Protestant minister, and he is bound to do so.

Do they not incur your displeasure, as their pastor, to a certain degree?—They do; we cannot administer the sacrament till they do penance, and conform to our laws.

But they invariably do return to your church?—They always do; it very often happens that persons wish to get married without the consent of parents or guardians, and we refuse to marry them.

Is not one considerable source of emolument to the Catholic clergymen that of praying for the repose of souls?—It very often happens that pious persons will desire a clergyman to celebrate mass for the repose of their souls, and leave a bequest, or give donations for that purpose; but it very rarely occurs in country parts, and forms scarcely an item in the property of the clergyman. I do not think it has ever been 3*l.* in the year to me.

Lunæ, 14° *die Junii*, 1824.

LORD VISCOUNT PALMERSTON,

IN THE CHAIR.

The Rev. *Michael Collins* again called in; and Examined.

In what state are the chapels of the Catholics, in the county of Cork?—In general they are in a very bad state, they are too small in general for the congregations that resort to them; efforts were lately made in some places to build new chapels, upon a scale more suited to the number that required them, but the poverty of the people, and the pressure of other demands for the established church, has rendered the progress of those buildings slow indeed, and in some instances they have failed altogether, for a time. I have myself an old chapel, in the town of Skibbereen, in such a state, that I daily fear some accident may occur whenever the people are assembled in it, in consequence of the decayed state of the roof and the wall; it is altogether too small for the congregation, so much so, that more than one half of the congregation are obliged to kneel in the yard, or on the highway, under the open air, and they cannot hear the instructions of the priest; I made an attempt to build a chapel upon a larger scale, and in a more eligible situation; I had no means but a half-penny collection on Sunday, at the chapel, from the poor as they went in; a great number of the people going there have not often the means of paying a half-penny, they are consequently excluded, and lose the benefit of religious worship and religious instructions; however, after a continuance of exertion since the year 1818, we have raised 4 or 500*l.* with which we commenced a chapel last year, and we have succeeded only in raising a part of the walls; we are going on very slowly, and do not expect to have the walls finished this year, for want of means; I have some idea of applying in town here for aid.

What number of persons did the old chapel accommodate?—I do not think it would accommodate more than 1000 persons.

How many attend the service?—We have two masses in the chapel, and at each mass about 2000 persons, or more, attend.

So that more than half of them are obliged to be in the open air?—More than half, and a great many stay away rather than be in the open air; the old, and the infirm, and the delicate.

Do many of them stay in bad weather?—In bad weather they must stay away.

Do many of them remain in bad weather, often?—Of those that come, a great many must stay outside, because if any number exceeding 1000 comes there, they must remain outside.

Is it the practice of many to remain outside during severe weather?—It is; you may see them in severe weather, and under the pelting of storms, with their hats off, kneeling in the mud.

Is the description you have given of your own chapel one that may be applied to other chapels in the county?—I think it may, generally; but in our district we have a greater number of poor than in many other places; as an illustration of that, I would observe, that the whole number in my district does not exceed 10,000 souls, and in part of that district, that is the part adjoining the town of Skibbereen, there were, in the summer of 1822, more than 6000 paupers on the charity list; and in the other part there were nearly 3000 paupers subsisting upon the charity received from England in that year.

Were those people wholly destitute of employment, and of the means of providing money for the purchase of food?—They consisted partly of poor farmers and partly of poor labourers; the poor farmers, in consequence of the pressure of rents, were, early in the year, obliged to send to market their wheat and oats, and other grain; the amount of these did not pay their rents, the crop of potatoes had fallen short, and they had no means of subsistence in the latter part of the summer, they were obliged to resort to public charity; the poor labourers had no employment whatsoever, and they were obliged to subsist upon public charity. I have a note of the number of families and individuals in the town and county, taken from the poor list at the last return, in 1822; in town there were 790 families, consisting of 2889 individuals, in the county 715 families, consisting of 2234 individuals, the whole making 1505 families, containing 6123 individuals, and that only in part of a district under my care; the population in the whole district does not exceed 10,000.

In other times of scarcity, when relief has not been sent from England, how have those people been supported?—The farmers generally raise as much potatoes as support their families; in summer they have a little milk (sometimes some of them have no milk); they have a little milk or fish; but through the winter, they must, in general, eat those potatoes without any accompanying food.

Merely with water and salt?—With water and salt.

Have they no fish upon that coast?—Wherever an opportu-

nity of fishing exists, the fish taken enters into the calculation of the rent, and the rent is raised in proportion to the opportunity of fishing, so that they cannot keep the fish for the subsistence of their families; they are obliged to sell it as part of the means of making up the rent.

In the year 1817 was there a great want of food in the district?—There was.

How were the people provided with the means of subsistence?—There was as great, or a greater famine in the year 1817 than in the year 1822, and many perished in that year. There was a local subscription in my district for their relief, which enabled the managers to buy in potatoes rather early in the season, and to sell them out at a reduced price; but there was more employment in 1817 than in 1822, and the reason is this, in 1817 there was a higher price for grain than the year 1822, and the farmers who were enabled to sell their grain got a better return, and were enabled to give employment to more of the poor.

Was that local subscription sufficient to assist all the people?—It was sufficient to save many from perishing that would have perished; others did die of the diseases contracted from hunger.

Were there many died?—A good many fevers commenced that year, and the effects of famine continued during the great part of the ensuing years; the ensuing winter and summer of the years 1817 and 1818.

For how many months did that distress for food in 1817 continue?—It continued from the month of May until the beginning of September.

Were the great body of poor entirely dependent upon charity during that period?—They were.

Were there any other means of affording charity than that of subscription?—There was some aid from the government.

The question refers to private, individual charity; to what extent was that carried?—A benevolent individual in the town of Skibbereen, who had no landed property there, gave 100*l.*; and another benevolent individual, who had no landed property, gave 70*l.*; but the landed gentry, with the exception of one proprietor, gave very little.

Did the farmers give potatoes and food to the people?—The farmers, who had food to spare, exercised their usual charity, that is, they gave to the roaming beggars some little pittance; the whole country was swarming with persons wandering through it, women, and shoals of children following them; they went from farm-house to farm-house, and they might get at each house a potatoe or two; in many places

they were refused, because such was the scarcity and the temptation arising from the high prices, that the farmers were more stingy than they used to be in former periods.

Is it the custom for persons that have meal and potatoes, to sell it to the poor people upon credit?—Yes, it is.

Making the time of payment correspond with the probable return of better times?—They sell it upon credit, at usurious prices. I have known gentlemen who speculated in that way, persons classing as such, men of 500*l.* or 600*l.* a-year, derived from profit rents, being also partly farmers, and partly in the corn trade; in the year 1822, when the current price of wheat was only 22*s.* a bag, those persons sold their wheat on credit, at 30*s.* and a guinea and a half a bag, payable at the ensuing Michaelmas; and if payment was not made at Michaelmas, the price was to be raised from 30*s.* to a guinea and a half; and so on, according to the delay of payment.

Did they sell potatoes on the same principle?—Yes.

Was it to the poor people that they sold this food?—They sold it to such of the poor, as could give security for the payment.

Did the poor people pay them when they were able?—Yes; I have not heard of any cases where payments were not made in that or the subsequent year; probably they were not so punctual as they would have been, had they employment.

Was not this plan of selling upon credit, a matter of accommodation to the poor?—It was a very limited and local accommodation, because the higher prices that prevailed in Dublin and in other parts, than were given in and about Skibbereen, induced the speculators in the corn and potatoe trade, to buy up all the grain and potatoes, for the purpose of exportation; and it likewise induced the landlords to compel their tenants to send into their store-houses the whole of the grain, and part of the potatoes which the families of the tenants would want, with a view of having them sold in the Dublin market. I know the tenantry upon an estate in the neighbourhood of Baltimore, who had they been allowed to retain the potatoes and grain grown by them, would have suffered nothing from the scarcity; but in consequence of the high prices (ten pounds a ton) that were given in Dublin, they were obliged to give up to their landlords, or their agents, a greater proportion than they ought to have done consistently with the subsistence of their families; in the course of the summer, they ran short of food, and to supply themselves, they were obliged to sell every disposable article they had; they were obliged to sell their stock and household furniture. I made known the circumstance to a landlord on the occasion,

and his agent took offence at me, for stating the fact to the landlord, and soliciting some relief for the tenantry; the noble lord sent to the agent the price of two tons of potatoes, that is 20*l.* and in consequence of that, I incurred the displeasure of the agent for interfering at all.

Is there any distress existing at present, from the want of food in that district?—I think a good deal of distress is beginning to show itself, more indeed from want of employment than from want of food; in this way, when the price of food rises, and the rate of wages does not rise in the same proportion; or when there is not employment for the whole of the people, distress exists; when food is very cheap, there is no distress, because the people are very liberal. In the last year, potatoes were down to three halfpence, and a penny a weight, that is 21 lbs.; this year they have risen to seven-pence, eight-pence, nine-pence, and ten-pence; there was as much and more employment last year than there is this year; and the consequence is, that the whole of the country, when I left it, was covered with shoals of vagrants, going about seeking relief; women and children begging.

Were the people belonging to the country, or strangers?—People belonging to the country, and some strangers too.

Is it not the practice, when a scarcity is apprehended, for the people, for a considerable time, to live very sparingly?—It is.

To what extent will they carry that practice, with regard to eating a sufficiency of proper food?—Instead of eating three meals a day, they will eat but two; and instead of two meals a day, they will live upon one; I have known the families of farmers live upon one meal a day.

For any considerable time?—A month or six weeks.

Is there much sickness in consequence of this scarcity?—In general, fever and dysentery; though I must say, that in the year 1822 there was less sickness than in any other period of distress, and the reason of that appears to be, the ample and timely supplies received from England.

Has any plan occurred to you by which these occasional famines could be relieved; any general plan of providing for the poor?—I conceive the great cause of scarcity and distress is, that there is nothing to draw off the surplus population from exclusive dependence on the soil for support; they must consequently look to land alone for the means of employment. The land proprietors have taken up an opinion latterly, that the cause of their distress is the over-stocking the land with people; and as the leases fall in, they get rid of the surplus population by turning them out entirely from their lands.

Those poor people, not getting employment, either erect temporary habitations like sheds on the highway, or they come into towns and crowd themselves into small apartments, perhaps four or five families would live in a garret or small hovel, huddled together there, without clothes or bedding, or food, living upon the chance of employment in the town as labourers. That employment they cannot procure. It is only three weeks or about a month ago, that I saw on an estate, to which I alluded before, a certain farm that had forty families residing on it, thinned in this manner.

What was the extent of it?—I suppose it might be 500 acres, including the bad land; a great deal of bad land upon it. Those forty families consisted of 200 individuals. When the lease fell in, in pursuance of the general system adopted amongst the landlords, twenty-eight or thirty of those families, consisting of 150 individuals, were dispossessed; they were allowed to take with them the old roofs of the cabins, that is the rotten timber and rotten straw; and with those they contrived to erect sheds upon the highway. The men could get no employment, the women and children had no resource but to go to beg; and really it was a most affecting scene to behold them upon the highway, not knowing where to go to. This system is becoming prevalent, and therefore I conceive the cause of distress to be the excess of population with want of employment; and there being no legal provision for securing subsistence for those poor people that are thrown as destitute vagrants upon the world.

Have not potatoes been a very considerable export from the district of Skibbereen for many years past?—They have.

To Cork and Dublin?—To Cork and Dublin, and Waterford and Limerick also.

If it were not for the exportation of potatoes from that district, do you not think there would be sufficient food to feed the population of that district?—Yes, if all the potatoes removed there, except in cases of failures of crops, which is a matter of frequent occurrence; but if exportation were discouraged, potatoes would not be grown to the extent they are.

The question refers to the average of years?—Upon an average of years I think there would.

Do you think in any year, even a year of the greatest distress, there has not been sufficient potatoes grown in the district for the consumption of the population, had they all remained in the district?—I apprehend not; I think in the year 1822 there would not have been a sufficiency.

Did you make a statement with regard to an alteration in

the mode of letting land similar to that which you have now made to the Committee, in a letter to the London Tavern committee ?—I did.

Will you look at that letter, and see whether it is a copy of your's ?—This is a part of the letter. It is this.—" The middleman being bound by contract to make good engagements " which the change of times disables him to fulfil, cannot " exercise towards the tenant that lenity which he does not " himself experience; hence he is forced to exercise against " the occupier a severity from which in many instances his " natural disposition revolts. But the occupier is the last and " greatest sufferer. After an unavailing struggle for some " time to retain a house and holding for his family, by " parting with every thing in the hope that times might mend " and prices rise, he is finally dismissed from his farm, stript " of all he ever possessed, and forced to seek shelter in some " lane in the next town, in the hope of subsisting as a day-" labourer.

" The redundant population of this island is looked upon by them as a main cause of the decreasing value of land, and of the inability of tenants to pay rent; it has therefore become a favourite object with the owners of land to thin the population on their estates, under the idea that being too numerous, they consume the whole produce of the land, and leave nothing for the owners; yet if this plan be acted upon, as it is beginning to be extensively, what is to become of the people ? they have not the means to emigrate, nor can they get land or employment at home. A poor man thus dismissed with his family, from his dwelling and land, with perhaps one or two cows, a few sheep or a horse—the whole of which may not, at existing prices, be worth five pounds,—seeks, in the first instance, to procure a lot of land from some middle man, who has cleared the farm of the pauper tenants whom he had previously ruined, and who is induced to take him as tenant, because he possessed a cow, a horse, or some sheep; the rent is such as the middle man chooses to impose, the tenant being willing to promise any thing rather than go into a town, where he knows he cannot find employment, and hoping to get subsistence for a year or two, on his new holding; but at the end of a year, all that he has is seized for his new master, and he is ultimately compelled to seek an asylum in some hovel in town, trusting for his support to the precarious chances of daily labour."

Are there a great number of persons, throughout the country, circumstanced like those you have just described ?—The

system is becoming more general; the system of turning off the surplus population is becoming quite prevalent.

Are you of opinion that any plan can be devised for giving relief to the poor in cases of emergency?—I think that the tendency, on the part of landlords, to turn off, in that unmerciful way, their surplus stock, as they call it, of men, would be considerably checked, if there was some legal obligation imposed upon them to provide for those poor people till they could provide for themselves, or to do as I heard was done in Scotland by the Marchioness of Stafford, when she lessened the population upon her estates. She procured temporary accommodation for the deprived tenants, shipped them at her own cost for America, and settled them there; I have heard that she did so; and those people are much better off than they would have been had they continued in the Highlands.

Do you think that any plan of emigration, carried on at the expense of government, would prove effectual?—I think that a plan of emigration might answer very well for the present, but unless some other plan was adopted to check the progressive disproportion between employment and population, the evil would be of constant recurrence; and then the system of emigration should be kept up perpetually.

Do you think any part of the principle of the English poor laws could be introduced?—I think so; under the existing circumstances, and under certain modifications, I think that the principle ought to be adopted in some way applicable to the state of the country.

Would you carry that principle further than the support of the aged and infirm?—I would carry it as far as is necessary to protect the poor, and to produce a community of feeling between the proprietors of the land and the population; so that it would be the interest and duty of the proprietors to provide employment for the population; and so that the people would feel they had some tie upon the land, and that mutual good feeling would be the result; then they would feel an interest in the continuance of the existing order of things.

Do you think any measure would be useful in Ireland, the effect of which was to render the increase of population still more rapid in that country than it is now is?—That is a very abstract question; but I should say, certainly not, if other circumstances did not render such a measure absolutely necessary.

Then supposing that the tendency of poor laws elsewhere has been found to lead to an increase of population, do you think the introduction of the poor laws in Ireland would do

good?—If the tendency of the poor laws elsewhere has been found to produce an increase of population disproportioned to the means of employment, I should think that it would not be a useful measure, except existing necessity authorized it; what I mean by an existing necessity is this; that the people at present are in so destitute a state, that if some legal provision is not made for them, they must perish, either by famine or by pestilence, or by the sword, for disturbance must continue.

Supposing a system of parochial rates to be introduced into Ireland, would not the effect of it be to tax the property of landlords who might by possibility have improved the condition of their tenants, for the benefit of adjoining estates where such care had not been shewn?—I think a qualification might be introduced in the bill that would meet that evil.

Do you think that any law which has a tendency of securing people's support, independent of their own exertions, can be favourable to the condition of the lower orders in Ireland?—I think that there exists in human nature a principle which will always induce men to prefer acquiring their subsistence from their own exertions rather than in an eleemosynary way; that men will always prefer deriving their support from their own labour to deriving it from a system of alms and charity.

Will not those feelings exist in a very different degree in different persons?—A great deal will depend upon good education, and habits derived from comfort; I know that the people in general in my country would prefer working for their hire than procuring subsistence by begging.

Do you not think there are a great number of an opposite feeling, and who would become idle from a certainty of being provided for by the poor laws?—Many instances perhaps may be found, but in laying down a general rule, we must advert to the greater number of cases.

Do you not think, in other words, that it would increase the number of paupers?—Indeed I do not think it would, if checked by other circumstances; for instance, in Scotland, Mr. M'Culloch tells us the same law exists as in England for the relief of the poor, yet from the system that I understand exists there, both as to education of the people and providing for them employment, and preventing the progress of population from exceeding the means of employment, these poor laws are, in a manner, inoperative there; they are not carried into effect as in this country, though the poor laws are the same as here.

Have you found any difference of late years in the disposition of your parishioners to come to confession; have they

been more or less disposed than they formerly were?—In my immediate district, I find in general that they are as well disposed, with this qualification, a great many of them are not so well instructed as we wish. It appears to me that they are not instructed, from the want of an adequate number of teachers and clergymen, and I fear many are falling off on that account.

Do you find any difference in the disposition of your parishioners to confess, in consequence of a more tranquil or a more disturbed state of the country?—I should think that if the country were disturbed, they would not come to confession at all. I have heard, and I believe that in the parts of the country that were disturbed, it formed a part of their confederacy not to go to confess to the priest.

That where illegal oaths were administered, it formed part of the obligation not to go to confession?—To abstain altogether from confession: first, lest the consciences of those going to confession would be acted upon by the priest; secondly, as it would be altogether useless to them whilst they were in that state.

So that the obligation of this secret oath was paramount to the conscientious influence of the priest?—Yes, upon such as took the oaths; but when they were stimulated by the priest to come to confession, they were told, that the first thing necessary to enable them to make a good confession, was to withdraw from illegal associations, and to consider themselves bound to violate that oath; that illegal oaths were not binding on the conscience.

Has the priest any moral power of compelling his flock to come to confession—is there any spiritual censure consequent upon the neglect of that duty?—There is a general law of the church which renders it obligatory on persons to confess at least once a year, and there is a censure annexed to their not doing so; but the influence of this censure upon the minds of people depends upon the influence of public opinion; and when they are more under the influence of their bad feelings or dispositions, they set at nought our menaces.

It is not followed by any interdiction from the rites of the church?—They will apply for no rites of the church until they come to confession, with the exception of marriage alone.

Suppose a person was to apply to you to be married who had not confessed within a proper period, would any objection be taken?—We would exhort him to come to confession, and he might come to confession; but I should apprehend that it would be a matter of form on his part; he will bend his knee

to the priest, and if he be disposed to make a frank and free confession, he would disclose his sins; but if he chooses to comply only with the letter of the law, we cannot take notice of it, because we cannot take notice of any thing that is done in confession out of the tribunal.

Do you apprehend that the force of those sacred oaths ever extends to this point, that it should not merely keep an individual away from confession, but that it should induce him, when at confession, to make only a partial confession?—I should fear it would, and particularly among the uninstructed, for there are a great many of the people very ignorant. I should think it would; I cannot speak from my own knowledge.

It has been stated to the Committee by several witnesses, that the lower orders are very much in the habit of taking false oaths in courts of justice and elsewhere?—I am afraid they are.

Can you explain to the Committee from what cause that arises?—The poverty of the people in a great measure, their extreme poverty and their ignorance, and above all, the influence of immoral men in comparatively a high station of life, such as their landlords, who want to get their votes at elections, or the agents of those landlords, men who, though they rank as gentlemen, probably have no more regard for the morality of an oath than those poor people themselves.

Do you mean the influence of their example?—Their example, their authority, the influence of wealth over poverty, and all those causes put together.

Does any part of it arise from the want of a sufficient number of religious instructors?—I should take that to be the great cause of their not being sufficiently instructed; but they all generally know more or less the nature of an oath.

Have you and your assistant in your parish sufficient opportunities of attending to all the religious duties of the numerous people living in it?—We endeavour to instruct them, but many of them cannot hear our instructions from the smallness of the places of worship; and then our duties are very laborious, our number being small. We have two chapels to attend to, and each of us celebrates two masses on Sundays and holidays, in each of those chapels.

What other laborious duties have you to perform in the course of a week?—The sick are very numerous, and they must be attended.

Do you attend all the sick that apply?—Certainly; and the confessional is a labour that must be likewise attended to, though, from the fewness of our numbers, we are not able

to hear the whole of those who apply; and in a wide district of country, the priest on horseback loses a great deal of time in going from place to place.

It has been stated to the Committee, that a person guilty of perjury can get absolution; is that true?—I should be glad to know what is understood by absolution; perhaps the person that made that statement did not know the Catholic meaning of the word absolution. It might be true or false in his sense.

Is it in point of fact true that a person being guilty of perjury can get from the priest absolution, under any circumstances, understanding, by the term absolution, a full pardon given by the priest for the sin of perjury?—Undoubtedly there is no sin for which pardon cannot be procured by repentance, but it must be a sincere repentance; there is no sin that cannot be absolved by sincere repentance.

Will you explain freely your view of the nature of absolution?—By absolution is meant, that when a person comes, and discloses the state of his conscience to a priest having authority to hear him, with the necessary accompanying dispositions, such as sincere sorrow and contrition for his sins, and forms a resolution to sin no more, and a resolution to make adequate atonement both to God and his neighbour for his sins; to God by penance imposed upon himself, to the neighbour by the satisfaction enjoined by the duties of justice and charity;—a person coming with these dispositions, resolved to forsake sin, never to return to it, and to make restitution in the way I have described, may get pardon and absolution; but the condition of that absolution is, that he shall promise, in the most sincere manner, never again to commit those or any other crimes, never to resort to the occasion of them. If he belong to an illegal society, if he resort to improper company, if he frequent improper places, he must promise to avoid these occasions of sin; in fact, he must promise to become a new man; and on those conditions, if they be sincere on the penitent's part, we think the priest empowered to pronounce a sentence of absolution.

Does this doctrine differ at all from the doctrine of the established church?—There is something analogous to it in the established church, I believe; in the Liturgy there is a form of absolution given, but it is more a form of prayer than the judicial act of a confessor, empowered, as we conceive, to absolve, "whose sins ye remit, they shall be remitted unto them;" and we believe they have this power when the penitents bring the necessary conditions, but without those conditions, it is not in the power of a bishop, or even the Pope, to absolve even for a venial sin.

You have stated, that there is no sin for which a person cannot obtain absolution by repentance; would you extend that even to murder?—Undoubtedly; even in the established church a clergyman accompanies a murderer to the place of execution.

Do you speak of before or after trial; do you mean, that before trial a person who confessed to his priest that he had committed the atrocious sin of murder, that before trial the priest, upon those conditions, would absolve him?—Undoubtedly; and if he be truly penitent, why not? will that injure the morality of society? He is disposed to make restitution as far as he can, even with his life, if necessary, to offended justice, but he is not bound to denounce himself; but, in practice, murderers in the custody of the law are, I believe, seldom or never absolved until the eve of execution. By the discipline of our church every priest approved by the bishop, and licensed to hear confessions, has not the power of absolving in all cases; there are a certain number of atrocious crimes that the bishop reserves to himself, and some of them are even reserved for the Pope; but in countries where access to the Pope's penitentiary would be too difficult, the power is delegated to the diocesan bishop, and the bishop can delegate the power to the priest under him, so that a person guilty of murder applying to me in my own parish for absolution, I cannot absolve him, I should refer him to the bishop: this is done in order to impress upon his mind the atrociousness of the crime, and in order to make him more sensible of the necessity of repentance, and in order to make the crime more horrible in his mind. There are many sins that are thus specially reserved by the bishop, such as the sins of wilful perjury before a magistrate, or in courts of justice, or perjury generally, being engaged with any illegal associations; the atonement in the case of perjury would be, first, the atonement arising from the obligation of satisfying the ends of justice; if the perjurer had been the means of depriving his neighbour of his property or character unjustly, it would be enjoined on him to restore the ill-gotten property, or, if he had not got it himself, to compel the party who has got it to do it; if he was the cause of loss of life or limb, he was bound, as far as he could, to make adequate atonement to those concerned, then the atonement between himself and his God would be prayer, fasting, alms-deeds, and self-denial, practised in every way.

Would the atonement be a preliminary condition to absolution, or only a contingent condition?—The atonement to justice must be preliminary, that must be satisfied in the first

instance; if any person comes and accuses himself of robbery, or fraud, he cannot receive absolution till he has made restitution, if he be able; if a person connected with an illegal association were to come to confession, he must withdraw himself from that association before he is absolved; I should also add, that all persons coming to confession, and professing to bring with them the necessary conditions, are not immediately absolved, they are deferred from time to time, according to the nature and enormity of their sins, until the confessor is satisfied of their being truly penitent.

What has been the feeling of Catholic priests in general, with respect to schools for the education of the lower classes; have they felt it consistent with their duties to encourage them, or have they felt any difficulty on that subject?—Not the slightest difficulty, provided the mode of education were consistent with the principles of their religion; on the contrary, we should all hail with gratitude those benefactors that would assist us in conveying moral instruction to the poor people.

Have the priesthood generally objected to schools, the object of which was merely to teach reading, writing, and arithmetic, unless those schools conveyed moral and religious instruction, according to the form of the Catholic church?—They have not objected to such schools; they would prefer schools in the way described, but as they cannot get them in that way, they would have no objection to the establishment of schools that would give elementary instruction to the poor, it would enable the poor to acquire religious knowledge afterwards.

Have they objected to the reading of the scriptures in those schools?—They have.

Is that an objection generally founded upon the principles of the Catholic church, or does it arise from a particular view taken by individual priests?—It is an objection founded upon the discipline of the Catholic church, and partly their principles too; I will state my reasons.

Will you state the extent to which their objection goes?—It is a principle with Catholics, that the right of private judgment in the interpretation of the scriptures must be excluded, and can never be admitted; and therefore placing the scriptures in the hands of youth, unaccompanied with interpretation, or with the means of interpreting them according to the sense of the church, would in the mind of a Catholic, be laying a foundation for diversity of opinion in religious matters. Indeed the ultimate principle upon which Protestants differ from Catholics, is the right of private judgment allowed by

Protestants, and the exclusion of that right by the Catholics; any principle that goes to establish the right of private opinion in matters of faith, instead of the public sense of the church, is a principle that Catholics cannot recognise; putting the scriptures into the hands of uninstructed persons unaccompanied by interpretation, would, in the opinion of many Catholics, lead to establish that right of private opinion which they consider to be the root and fountain of all the sects that have appeared throughout the world.

Are there editions of the scriptures accompanied by any comments, the reading of which in schools is sanctioned by Catholic priests?—Yes; the priests would be very glad to put the scriptures into the hands of their people generally, accompanied by the comments, or unaccompanied by the comment, if the people were prepared to receive them; but putting them into the hands of youth as school-books, they consider would make them too familiar with them, and tend to lessen the reverence due to them.

Is there any school with which you are connected, at Skibbereen?—Yes; I have got a school under my own care.

How many children are there in that school?—One hundred and fifty; the reason there are not more is, that the poor cannot spare their children. I suppose I would have five hundred children in the school, if I had the means of feeding them.

Is there a great anxiety on the part of the people in the country for education?—A great anxiety.

What funds have you for that?—I pay the master 20*l.* a year, which I raise by a tax of two ten-pennies, which I lay upon the sponsors at each baptism; there are two sponsors at each baptism, and they each pay me a ten-penny; that does not make up the whole salary; I pay the rest out of my own pocket.

Is Reeves's History of the Bible used in that school?—It is.

What other books are used in the school?—Chaloner's "Think well on't," and Fleury's Historical Catechism; then there is Dr. England's System of Education for children, which consists of reading lessons, conveying moral and useful illustrations taken from sacred history, and a little natural history; Murphy's Catholic Education, in three volumes. Those also contain moral instruction, and some inquiry into natural history, or pleasing and attractive stories that excite moral feelings, or convey some knowledge of arts and sciences.

Do you make use of the tablets, as they are called, published by the Kildare-street Society?—I do not know whether

they are the tablets of the Kildare-street Society, but we have tablets.

Is Dr. England a dignitary of the Roman Catholic church? —He is now bishop of Charlestown in America, but he was a distinguished clergyman in Cork.

Has not the great objection which has been made in some places by the Roman Catholic clergy against reading the scriptures, been principally against the introduction of the Bible in schools as a school book?—Certainly, they consider it altogether an unfit book to be put into the hands of children.

Have you ever heard the Catholic clergy and the dignitaries of the Catholic church admitting the principle of reading in the school the gospel of the day, reserving to the priest, after school hours, the right of explaining that gospel to the children?—I have heard, since I came to town, of such a thing; but I did not know it till I came here. The bishops in the south are averse to any communication with the Kildare-street Society, because they conceive there is a latent purpose in the perseverance with which the Society adhere to the introduction of the scriptures into the schools; they conceive there are ulterior views to Protestantism; and that it is now only laying the foundation of proselytism, expecting to get hereafter a hold on the minds of the people; and therefore the bishops are adverse to any communication with the Kildare-street Society.

Have you seen any tract of that description put into circulation in the south of Ireland? (*handing a tract to witness*).—I did not see this exactly, but I know there are many of that character in circulation.

What is the title of it?—"Latin prayers, not fit for Irishmen."

Do you think, that the circulation of tracts of that description amongst the Catholic peasantry has augmented their dislike to the reading of the scriptures?—Undoubtedly it has; they cannot distinguish the Kildare-street Society from the Hibernian Society, or the "Society for Promoting Christian Knowledge," the grand object of which societies is the proselyting of the Irish peasantry by educating them with Protestant masters and Protestant books.

Is it not the professed and declared object of some of those societies to make proselytes?—It certainly is the object of the Hibernian society, and it is an avowed and known object of the Society for the Promotion of Christian Knowledge. There is a school established upon that principle in my parish, and

there was an attempt made to force the children of my parish to go to it, but the attempt failed.

Have you known any attempt made to carry the children to Protestant places of worship?—Yes. Some of the Catholic children attended it, and they were taken to church: in fact, the school is held in the church. There was another attempt in Bandon; Catholic children were lured into the school by promises of clothing and food occasionally, and after being there some weeks or months, they were marched to the Protestant place of worship. I think it was a meeting-house, not the church.

In fact, has not the opposition which has been made by Catholic priests to the establishment of schools in different parts of Ireland, been with a view of preventing this progress of making proselytes?—Certainly, we should hail education most cordially if it were given to us upon fair terms.

Do not you conceive, that it would have a very beneficial effect in Ireland if it were possible to educate the Protestants and Catholics among the peasantry in the same schools?—In many parts of Ireland that is impossible, because you would find no Protestants: if it were possible I do not know that it would have effect, either one way or the other. I do not think it would have any effect either good or bad.

Do not you think it might tend to do away the spirit of acrimony between the two sects?—I do not think that will be effectually done away by the common intercourse of life, if they were upon one common level in the eye of the law.

Do not you think it would be mainly accessory to such a happy effect, if the children of the two persuasions could be put together, and educated together, without causing jealousy on the part of the Catholic priesthood?—I do not think it would have any material effect either for or against it altogether; practically, the great bulk of children are educated together at the same schools: I myself was educated at the school of a Protestant minister.

The question refers to the peasantry of the country?—Even those persons are educated together, for you will find Catholic children in the schools of Protestants, and Protestant children in the schools of Catholics.

Do not you think, that if the means of mixing them together could be found, that it would facilitate the means of education, and be a great encouragement to Catholics to contribute to those funds without fear or jealousy?—I think it would be a desirable thing, but I do not think it would have the effect that is anticipated.

You have stated, that it being the doctrine of the Catholic

church, that there is no right of private interpretation of the holy scriptures, and that, therefore, it is an objectionable thing to put the scriptures without comment into the hands of uninformed children, does that apply to the doctrinal parts of the scriptures only, or does it embrace every part of the Bible, moral as well as doctrinal?—It does, because there have been misinterpretations of the moral parts as well as the doctrinal.

Do not you think there are parts of the Bible of which there cannot be misinterpretations, and do not you think, that if there are such parts, they might be extracted and put into the hands of the children without comment, and without any interference on the part of the schoolmaster?—I do think, that if there was a frank and open communication between both parties, that books might be selected that would be unobjectionable to both parties; I do think that an accommodation might take place if it were deemed necessary.

Have not many prelates of the Protestant church objected to reading the scriptures without note or comment?—Yes; I have heard of Dr. Marsh for instance, and I have heard that the presbytery of Scotland object to the introduction of scripture into the schools without note or comment. I have heard that Bishop Marsh has objected to the Bible societies, and the Archbishop of Armagh withdrew himself from the Bible association, on the grounds that the tendency was to produce an indefinite propagation of different religious sects.

That is precisely the opinion of the Catholic church, is it not?—It is.

As far as your observation goes, do you conceive that the lower classes are most likely to be made anxious for education for their children, when their instruction is given entirely gratuitously, or where they make some small payment on their own part for it, in which case do you think they attach the greatest value to the instruction conferred?—Those that are able to pay have an objection to merely charitable education; but there are few of that description in Ireland; but it would be desirable that a system should be established that would as much as possible throw into the shade the character of a charitable institution; that is, that the people should pay something, so that they would not have the name of charity schools.

The question refers to schools established by private proprietors upon their own estates; you think that a school to which the parent should make some small contribution would be more gratifying to their feelings?—It would; but then a school altogether established upon that principle would exclude a great proportion of the population who are unable to pay anything.

How is the fact with regard to the school you have established?—A great part of the children are mere paupers; those that are able to pay any thing prefer going to other schools, instead of going to the poor schools.

Are any of the children prevented attending the school on the ground of not having decent clothing?—A great many. I often ask ragged children in the streets, why they do not come to school, and they say they have not clothes, besides that they have no food.

Their estimate of the necessary degree of clothing is not very high?—No; they would be content with very little.

It has been stated to the Committee, that lives of thieves and other improper books have been found in schools in the county of Cork; what information can you give the Committee with respect to the use of that sort of books?—In consequence of a statement to that effect made in the House of Commons by a member of the House, the report of which made a great sensation in Ireland, a correspondence on that subject was commenced, and is now carrying on between the Catholic Association and Catholic priesthood, in the south. The priesthood have made returns of the state of education in their several parishes; the books used in these schools, and the number of schools and scholars in each parish, and they all concur in declaring, in the most solemn manner, that those books have not been read in the schools as school books, nor found there at all. There may be instances in which books of that kind have found their way into a school, but they were never countenanced by the Catholic clergy, nor by schoolmasters; nor is it fair to say, that because an improper book happens to be found in some few schools, it is the school book of the country. For I doubt very much whether in the highest places of education some objectionable books may not have been surreptitiously brought in now and then; but characterizing the education of the Irish peasantry as being confined to books of that description, is a very unfair imputation, and a very unfounded one.

You stated the other day, very clearly and distinctly, what you conceived to be the feelings of the people upon the subject of what is commonly called Catholic emancipation; you were questioned as to the effect the enactments of 1793 have had upon the minds of the people, and you seem to think that they have not had much permanent effect in doing away the sore feelings that had prevailed previously to that; and you seem to think that the cause of that was, that in point of fact, in many respects, those enactments have not been operative; it is your opinion then, that they conceive that although that

relaxation has taken place, that an exclusive system still prevails?—Yes.

You seem to think that if the remaining disabilities were done away, even though there were a reservation of certain great offices of state which it might be deemed expedient, for the security of the Protestant establishment, to keep in Protestants hands, that the Catholic population would in that case be satisfied?—Yes, they would be so far satisfied, that the existing discontent would cease.

Do you think they would consider that as a proof, that the exclusive system was abandoned?—Undoubtedly they would. Allow me to say, that when I was questioned as to certain great offices of state, I explained that I meant only two offices, that is the chancellorship and the royal authority.

Even if the progress of the operation of any such removal of the disabilities were slow, if Catholics were only to be gradually admitted, do you still think that the feelings under which they now labour would be done away, from their notion that ultimately they would be admitted practically as well as theoretically to the full benefits of the constitution?—I am convinced that the existing soreness and irritation would be considerably diminished by that hope.

Have not several parish priests been exposed to great hardship from being prosecuted for marrying Catholics and Protestants?—Yes, I have heard of many being exposed to hardship, either from actual prosecution, or from apprehension of being prosecuted, and many have been threatened; in that case we act with very great caution.

Were there not some prosecutions, within the last year or two, of this kind?—I heard of some.

To what punishment are you subject for marrying a Catholic and a Protestant?—The law is rather strange; there are two punishments, first, we are liable to be hanged, and then to a fine of 500*l.*

Is it not matter of difficulty, sometimes, to be quite certain of the religion of the parties?—Certainly; any person that wished to lay a snare for my life might do it, by pretending to be a Catholic.

Was a priest of the name of Blake prosecuted, within the last two years, at the assizes at Galway?—I do not know whether I read that trial, but I recollect to have read a trial, I believe in the diocese of Tuam, of a priest prosecuted within these two years; he was nevertheless acquitted, because the testimony was not conclusive, but there were other priests that were found guilty.

Does any law afford you protection during the administra-

tion of service in your chapels, from disturbance and riot?—No, except the common law of the land, when an actual assault takes place, or where a riot takes place; but there is no law such as exists in England, for I consulted a lawyer on one occasion, and he told me, that the law that existed in England for that protection did not apply to Ireland.

Are not all dissenting houses of worship, Catholics and Protestants, and the clergy belonging to them, protected by special Act of Parliament?—I understand they are in England.

Do you conceive that a magistrate can with impunity interrupt you in the performance of your sacred functions, on a Sunday?—Any common man can do it that chooses to do it, unless he commits a riot; I consulted a lawyer, and he told me that any man might do it, unless an actual riot were committed; and it was my intention to petition the legislature on that point, for some protection for the Catholic priests.

Is it not in the power of any magistrate to come to your chapel on a Sunday, when you are performing mass, and to turn you and your congregation out, for no other reason than that you are performing mass?—He can be punished under the common law, as an intruder and breaker of the peace, but if he were to make a noise in the chapel, and sing a song during mass, I cannot prevent him.

A magistrate has no greater power than any other person?—No greater power.

In point of fact, does such interruption take place?—Very often; even some of the Whiteboys interrupted a priest who remonstrated against the Whiteboy system.

So that that interruption takes place as frequently with Catholics as Protestants?—Yes; Protestants never interfere with us at all, indeed they dare not do it, the people would fall upon them.

Speaking generally, without particularizing the individual instances, has it more than once happened to you to be interrupted in the performance of your religious functions in your chapel, by the disorderly conduct of individuals?—It has.

And in those cases what means of redress have you felt to be within your power?—I have had no legal means of redress, except the moral influence of having the great bulk of people on my side, might deter people from doing an act that might bring summary punishment on them.

In the cases to which you allude has the performance of service been interrupted or prevented?—Interrupted, and prevented in one or two instances.

In those cases of disturbance to which you allude, were the

disturbing parties of your own communion or not?—They were of my own communion; the truth is, a Protestant could not come there unless he had a military power to support him, because he would bring the whole rage of the populace upon him immediately.

Have you known the collection of church rates, of rates for building and repairing churches, produce disturbance in the parts of Ireland with which you are acquainted?—Yes; very recently.

Will you explain the circumstances?—The island of Innisherkin is a small island, forming part of the parish of Tullah, and being off the harbour of Baltimore. The island is not in my district, but the main part of the parish is; it is separated from the main land by a distance of about a mile. The inhabitants are about a thousand, having about 200 houses. They are very poor; so much so, that when the attempt was made by the priest residing there, not long since, to levy an assessment of threepence-halfpenny per house for the repair of their old chapel, which was in utter ruin, (it was a mere hovel, partly covered with ragged straw, and without door or window) he failed in raising that sum, from their inability to pay it; and shortly after the churchwarden, residing on the main land, came in with his assistants, to levy a tax of 4*s*. 6*d*. in the gneeve, imposed by the church vestry, for the repayment of a sum of money, advanced by the Board of First Fruits for the building of a church on the main land, to which they were liable. The common people thought it hard and unnatural, that whereas they could not contribute any thing to shelter themselves from the wind and rain in their chapel, they should be obliged to pay a heavy tax for a church not in the island, but far from them; and particularly when they recollected that that church was built more for ornament than for use; inasmuch as a good church had previously existed in another part of the parish, which might have been kept in good repair, at a moderate expense. But it was deemed more ornamental, and more picturesque to transfer the site of the church to a prominent point at the opening of the harbour, where it would have a pretty effect of landscape. The church was built there, and a tax has been these five years annually levied upon the small and poor population for the building of that church, unnecessary, both in the minds of Catholics and Protestants, for the Protestant clergyman was, as I heard, against the building of that church; but the people resisted the payment of the tax, though the priest and I, who had occasion to go there, remonstrated with them upon the folly of their attempting

to resist in that way; but they are very warm in the expression of their passions, and they said they would sooner die than pay such an unnatural tax as that; nevertheless it was levied, and they resisted. An order came down from the Castle of Dublin that the police should be sent there, and an old woman was brought out, and was to be tried at the last sessions in Skibbereen, for this breach of the law; yet their own chapel is in ruins.

Is it probable that an arrangement will be made to diminish the number of holidays?—I should prefer that that question should be asked of some of our bishops; I know it is possible, because I know the number has been diminished in France and in Italy. In France, the number of holidays are fewer than in Ireland; there are only four holidays in the year there.

What are they?—All Saints day, Ascension day; I believe the feast of St. Louis, and the 15th of August, being the Assumption of the blessed Virgin, and Christmas-day.

And Good Friday?—Good Friday is not a holiday in the Catholic Church.

You were lately in Rome?—I was there last spring was four years; I have not taken the number, but I know they are considerably reduced.

What is the number observed in the Catholic church in Ireland?—The Circumcision, on January 1st; the Epiphany, January 6th; the feast of St. Patrick, March 17th; the Annunciation of the Blessed Virgin, March 25th; the feast of St. John the Baptist, on the 24th of June; of SS. Peter and Paul, the 29th June; the Assumption of the Blessed Virgin, August 15th; All Saints day, November 1st; and Christmas-day. The moveable feasts are, Easter Monday, Ascension Thursday, Whit-Monday, and the feast of Corpus Christi.

Is it not commonly the practice of gentlemen to apply to priests on particular days, to exempt the people from the holidays?—It is.

And no objection is made to dispense with it?—Where the observance of a holiday would be attended with any material injury to a poor man, the dispensation is always granted.

Or to his industry?—Yes.

With reference to the case of Patrick Collins, who was apprehended under the Insurrection Act; the Insurrection Act was enforced in the district in which this occurrence took place?—The whole county was proclaimed.

Is it an offence against that Act to be out after that hour?—It is an offence against that Act; but that Act is not en-

forced in that part of the country against any body ; we are out at all hours ; it was not, and is not, at all enforced in practice, on account of the existing tranquillity of the country.

The Act was legally in force ?—It was legally in force.

By that Act it is an offence to be absent from home after sunset ?—Yes.

And this individual was guilty of that offence ?—He was, in common with every other person of the country ; he, seeing every one out after sunset, thought it was no offence in him to be out ; his complaint was, that he was selected for that purpose without cause.

His complaint was, not that he was apprehended without legal cause, but that the law was enforced against him, it not being enforced invariably against all ?—It being enforced against nobody else ; and then his being sent to Cork, as a person suspected of illegal practices, and not being brought to trial.

When he was brought before Serjeant Lloyd, although there was no information, still Serjeant Lloyd did not liberate him, but remanded him to prison ?—Because the learned Serjeant did not know what charge was made against him ; he could not know it until the informations were produced.

You stated that you considered many Catholics to disapprove wholly of the conduct of the association, in mixing up other matters, such as church reform, the question of the union, and other questions, with the consideration of the Catholic question ?—I am sure that has not the concurrence of the Catholics generally.

You were further asked, whether the Catholics had disavowed the association in these respects, and you stated they had not ; do you conceive that an indisposition on the part of the Catholics, to disavow the association in these respects, proceeds from an apprehension that they might thereby injure the discussion of the Catholic question itself ?—I do ; they do not wish to have any thing like the appearance of divisions among themselves ; and though the Catholic Association might be in error in one or two points, they still look upon them as a useful body.

Does that public body express the Catholic opinion generally ?—It expresses it in some points, it is not a representative body, nor is it assumed to be such, but only a number of persons who have associated together for the promotion of the Catholic cause, and those persons have their individual opinions.

Do you conceive that the power of the Catholic Association

depends altogether upon the continuance of the Catholic disabilities?—The association would become extinct if the disabilities were removed, they would no longer have any ground to work upon.

Do you conceive that a petition to Parliament, which not only contained a prayer for the removal of those disabilities, but contained a great number of prayers upon political subjects, unconnected with the Catholic question, would meet the assent of the great mass of Catholics of Ireland?—I do think that petitions coming from them as Catholics, containing allegations and prayers to that effect, would be approved by the Catholics generally; many Catholics, who disapprove of the mode of getting up these petitions, concur, nevertheless, in the speculative opinions and sentiments expressed in them, but not as Catholics.

Do you wish to add any thing to the evidence you have given?—Yes; there are some things I was questioned very closely, regarding the distinction between gentlemen of patrimonial property and gentlemen of the inferior class, in the abuses of their office as magistrates, and whether I imputed the same to gentlemen of high rank; I said, I did not generally, but I have known gentlemen of high rank to be accused of similar things; that is to say, gentlemen possessing, or known to possess hereditary influence, arising from their connexions and their property in the country, but perhaps a diminished property just now; I do not want to make any particular allusions, but I want to show, that even gentlemen of that class were sometimes accused of being concerned in those mal-practices, though not generally.

Then you consider it rather belonging to persons whose circumstances are narrow, than those distinguished by any criterion of birth or station?—Yes, instances of that sort were very likely to be the result of straitened circumstances. I was questioned pointedly with regard to the insolence of the Protestant peasantry, founded upon the view they have of their legal privileges, and I was asked, why I did not disabuse them; I had not instances then in my memory, but instances have occurred.

Is there an Orange lodge amongst the yeomanry?—There is; that is termed an Orange corps.

Are there many Protestants there?—A great many; that corps is exclusively Protestant; there were a few Catholics, two or three, in it.

Are there any other Orange lodges in the western part of the county of Cork?—I think there was one at Dunmanway; I have heard, that at the Dunmanway fair, in 1821, the

Protestants attacked the people, and they wished to give the affray the character of rebellion. An appeal was made by them to government; however the government had the good sense to send down an agent, and the result of his report was, that the aggression was on the part of the orangemen; they either had cut down, or pretended that some timber was cut down, by people to make pikes; it appeared that the timber had been cut down by the owner of the land six months before.

Who was the agent sent by government?—Major Mahoney at Dunloe, in 1821.

That corps is still embodied?—I believe the Dunmanway and Clonakilty corps are in being still; it was considered as the interest of the Protestants to give the character of disturbance to the country. I have known an instance, where a man went into the parish of Killmore, pretending that he was an agent of the Whiteboys, to stimulate the people to rebellion; he had, I believe, Pastorini's prophecies; he was taken up by gentlemen there, and brought a prisoner to Clonakilty; he made a reference to a magistrate in Cork, who sent him down a testimonial, that he came as an agent from government, and he was liberated, when it turned out that he was a spy, when he was actually inflaming the people to rebellion.

By whom was he apprehended in Clonakilty? — By Mr. O'Drischol, and by the Rev. Mr. Kenny.

Do you know whether the prophecies of Pastorini were, in fact, circulated by this individual?—I do not know whether they were circulated by him; they were talked of in our county; but last Easter Sunday my clerk took down something of that sort of unintelligible farrago from my chapel doors, which I suspected was put up by some orangeman, but we could not trace it.

Have you ever seen any tracts relating to the Antichrist, printed by the Religious Tract Society?—I have heard of their circulation; I have heard of their being dropped by people travelling in gigs, and picked up on the road by countrymen.

Has the Orange lodge at Clonakilty an annual procession? No; they used to go to Bandon, to contribute to the processions there.

Are the processions at Bandon continued?—I believe they have desisted; they did go in procession last year.

Was there any riot?—I do not know, last year; but the year 1821 there were two murders; a woman was shot, and the consequence was, that the Papists, as they were called,

murdered an innocent and poor Protestant at the fair of Timologue, about three days after the murder of the woman, by a cannon-shot. The orangemen carried a field-piece, loaded with stones; they fired at the people, and they shot the woman.

That was at Bandon?—That was at Bandon; three days after that an innocent poor man, a Protestant, was pointed out by some mischievous individual, at the fair of Timologue, as one of the Bandon orangemen, and the people assailed him, and murdered him.

Is there an inscription over the gate at Bandon now?—No; that is down; I do not know whether it was ever there.

You never saw it?—No; nor never saw any body that did see it.

Veneris 25° die Februarii, 1825.

LORD BINNING, IN THE CHAIR.

Anthony Richard Blake, Esq. called in; and Examined.

You are a Roman Catholic?—I am.

You were absent from Ireland for some years till within a late period?—Yes, for several years.

Upon returning to Ireland, did you observe any alteration in the state generally of the country and the condition of the people?—I left Ireland at a time of life at which one is not in the habit of considering very much the state of the country, about the age of nineteen; but I was certainly at that time old enough to have some general impressions upon the subject; I think I have observed a change, and a change considerably for the better.

Have you had opportunities of ascertaining the present condition of the lower orders of the people?—My duties, as a Commissioner of Education, took me during the last autumn into several counties of Ireland; I observed then, with satisfaction, that the lower orders of the people appeared much more decently clad than they were when I left Ireland originally, and I thought their general appearance considerably improved; there is one subject on which of course I could give some information to the Committee, the important subject of Education; but upon this I submit that it would not be proper for me at present to speak, inasmuch as it will be my duty, with my colleagues, to submit facts and opinions upon it to the Crown, from whence our authority issues.

[*The Witness was informed that the Committee would abstain from proposing any Questions on that subject.*]

Had you any opportunity of ascertaining to what degree the labouring class of the people was employed?—During the period I last referred to, the autumn of 1824, it appeared to me that the lower orders of the people were very generally employed, and I thought I observed habits of industry growing up amongst them.

In what part of Ireland did you observe that?—I was through the whole of Connaught in such a way as to enable me to form some opinion, because I dwelt a little in the different counties; I was also in parts of Leinster and in part of Munster.

Had you any opportunity of ascertaining to what extent any feeling of discontent or disturbance prevailed amongst them, in any parts?—So far as I could form an opinion from the outward appearance of things, I should conceive that there was not any disposition to disturbance existing at that time; with respect to discontent, any opinion that I may have upon that subject is formed more upon information than observation, so far as relates to that particular tour; I had conversations with the clergy of both denominations, (Protestants and Roman Catholic,) and with the gentry of all descriptions; I have thus learned the state of the public mind through the interior of Ireland, and I am sorry to say that discontent, to a very alarming degree, prevails amongst the Roman Catholics, and that the most painful and lamentable dissensions exist, and are hourly increasing between them and the Protestants.

Is that discontent general among them?—I think there is a general feeling of discontent amongst the Roman Catholics, at the state of the laws respecting them; I think at the same time that there is a general degree of satisfaction at the course pursued by the present government of Ireland towards them; I am satisfied that this is the general feeling, from conversations which I have had, particularly with the Roman Catholic clergy.

In what manner was this discontent described to you to exist, and with respect to what particular parts of the law?—I should not say that it existed so far as my information went, or the impression which I received, with reference to any particular part of that general code which creates disabilities in respect of the Roman Catholics; there is a discontent prevailing universally amongst them at the general spirit and tenor of those statutes, by which the whole body is depressed and placed below the Protestants, without reference to rank, character, property or information.

Did you discover that there was a general acquaintance

amongst the Catholic body, with the nature and extent of the existing penal disabilities?—There is a general knowledge amongst the Catholics, that Catholics as Catholics are put below Protestants; they know that the powers of the state, executive, legislative, and judicial, are by law required to be administered by persons who, as their qualification for administering them, must forswear the Roman Catholic religion; this produces continual irritation: I speak from conversations with the Roman Catholic clergy and the Roman Catholic gentry as to the feelings of the lower orders; from personal observation as to those of the middling and higher orders.

Has the information you have received induced you to form a belief, that the lower orders take much interest in the present state of the penal laws?—Certainly; I think, from what I have collected, that they feel that interest in two ways; in the first place, their pride (and there is a sense of pride among the lower orders as well as among the higher) is wounded by the sense that they belong to a degraded class; in the second place, there is a feeling amongst them, a feeling, however, which I am persuaded is a mistaken one as applied to the Judges of Ireland, that they have not an equal chance of an equal administration of justice with the Protestants; they do not consider that a Protestant and a Roman Catholic stand upon equal ground, wherever questions arise between them which are to be disposed of by authorities exclusively Protestant; they all consider that there is in the law a feeling of hostility towards the Roman Catholic religion, which is likely to pass from the law to those who administer the law, and to extend from the Roman Catholic religion to those who profess that religion.

Did it happen to you to have any conversation with any of the lower class upon the subject of those laws?—Not during my last tour; I do not think I had much conversation with the lower orders upon that occasion. I did not wish to speak to them upon political questions, while engaged in the duties upon which I then was; at other times I have.

Did you find, in conversation, that they were sensible of their political condition?—Certainly; it is impossible to speak, at least I have found it so, to a Roman Catholic upon the state of the law, without perceiving that it creates a sense of hardship and grievance in his mind.

Do they feel much interest in the various proceedings that take place, with a view of altering the law?—I cannot speak to that from personal knowledge, so far as relates to the lower orders; but I understand from others, that they mani-

fest the utmost anxiety to learn what the newspapers contain, what Parliament is doing, and so forth, whenever a question relating to the Roman Catholics is under discussion.

Can you state to the Committee the precise disabilities under which the Catholics now labour?—For that purpose I should beg, with great deference, to refer to the Act of 1793, which the Committee, I presume, are aware, is an act of general qualification, subject to particular exceptions. The Act of 1793 repealed all disabilities to which the Roman Catholics were liable, subject to particular exceptions.

Can you mention any particular disability which excites dissatisfaction?—Where there is a general code of disability, it is difficult to point out the particular parts of that general code which create most dissatisfaction; the exclusion of Roman Catholics from that general range of office to which men of superior talent, property, and education aspire, necessarily produces amongst them a degree of irritation proportioned to their wealth and intelligence, and which must therefore go on increasing in proportion as their wealth and intelligence increase; thus the powers of property and knowledge, which, honoured and directed by the State, are calculated to promote public happiness and peace, are so dealt with by the laws of exclusion, as naturally to produce discontent and disorder. The exclusions which go most home to the general feelings of the people, are those which apply to Parliament and the Bench. Parliament makes, the Bench administers, the laws of the empire; the Roman Catholics are excluded from both. This, it is said, is essential to the security of the Protestants; then, what becomes of the Catholics? If Protestants would feel insecure, were Catholics mixed with Protestants in Parliament or upon the Bench, what must Catholics feel, when both are filled by Protestants exclusively? The fact is, that they consider these exclusions as rendering Parliament and the Bench hostile to them, and therefore they place confidence in neither.

Did you ever find it a matter of complaint that they were obliged to take what are called the Qualifying Oaths, in all matters concerning the purchase and devising of landed property?—I have not heard that made much matter of complaint; but it must be matter of disgust to any Roman Catholic; and I really should think it must be to any educated Protestant, to stand in a court of justice and hear the oaths or declaration which are administered to Protestants, as qualifications for office. I would state to the Committee, if they would allow me to do so, what happened to me, when in the course of the year before last I was appointed to the office I

now hold in Ireland; I had some appointments to make to offices under me; the persons I appointed were Protestants; they went to qualify with me; I had to qualify first, because out of my right theirs was derived; I qualified, by taking an oath, which commenced with a declaration that I professed the Roman Catholic religion; I abjured all those doctrines which have been erroneously imputed to that religion; and having concluded, the persons who acted under my authority, who derived their offices from my grant, who existed as officers at my will, were obliged to swear that I was an idolater; were obliged to commence their qualification by declaring that the religion professed by the person from whom they derived their appointments was superstitious and idolatrous. These tests are calculated to excite very unfortunate feelings; they produce in those who take them a feeling of contempt for those who are called idolaters, and a feeling in those who are called idolaters, that they are unjustly and cruelly treated.

Is it not a matter of complaint, the tenets that Catholics are obliged to abjure in the oaths they take?—I have heard it complained of; but candour obliges me to say, that there is in history proof that among some Roman Catholics some very obnoxious tenets were formerly held; such as the deposing power; and in my humble judgment, a Roman Catholic ought not to feel offended, if he be called upon to disclaim doctrines or positions which strike at the civil independence of the state; and which, though they never formed any part of the Roman Catholic faith, were yet at one time taught by authorities in the Roman Catholic church; but these doctrines are now universally exploded in these countries; and I should certainly wish to see one simple oath of allegiance established for all the King's subjects, Protestant and Roman Catholic. I must add, that I never heard a Roman Catholic object to that part of the oath prescribed by the Act of 1793, by which the Roman Catholic pledges himself to support the Protestant government, and solemnly disclaims any intention of attempting to substitute a Catholic for the Protestant establishment.

Do not Catholics experience great inconvenience, and have they not sometimes experienced serious injury, from the manner in which they are required to take those oaths, and from the difficulty of preserving the evidence of having taken them? —I have heard that stated as matter of complaint, but I am not aware of any practical injury arising from the state of the law in that respect.

Are they not obliged to take them at sessions or courts of justice?—You are obliged, when you are appointed to office,

to take the qualifying oaths within a certain time before certain courts.

The affidavits are made matter of record?—The oaths which you take are not affidavits, they are tests which you subscribe, and which remain on record.

Are not those records kept, particularly in the country, in a very negligent manner?—I cannot state that; I am not aware of the care given to those records.

Can you give the Committee any information with regard to the proportion which the Catholic population bears to the Protestant?—I cannot of my own knowledge; any opinion which I may have upon that subject is formed, in some degree, with reference to the returns lately made to the Commissioners of Education; returns, however, which do not afford any thing like certain data, with respect to the proportion which the uneducated part of the Roman Catholic population bears to the educated.

In general, from the information you have acquired, do you feel any reason to doubt the accuracy of the common mode of assuming the proportion that the Catholics bear to Protestants, to be in the ratio of six to one?—I must confess I am rather disposed to doubt that; I should think not six, perhaps five; but I speak very loosely. The Committee would, I suppose, wish to have opinions entitled to carry some degree of authority with them, which mine really are not, upon that subject.

Have you turned your attention to the circumstances which exist with regard to the management of landed property in Ireland?—My duties as Chief Remembrancer of Ireland require me in some degree, in rather an extensive degree, to attend to the management of landed property; all the estates which are under the control of the court of exchequer through receivers, are under my immediate direction; all sales which take place, take place under my direction; in that way I have some opportunities of seeing what the state of landed property is, the value of it, how managed, how rents are collected, and so forth.

What appears to you to be the case, with regard to the rate of rent that has been required, as to its being a proper rate or an excessive rate?—Perhaps I should answer that question best, by stating one or two facts; since my appointment to office in Ireland, I have anxiously attended to the state of the receiver's accounts; I found when I was appointed those accounts very much in arrear, and when I got in the accounts I found the rents very much in arrear; upon inquiry it appeared

to me, that the arrears were generally occasioned by the very high rate at which land had been let, and in consequence of that, I recommended in the case of lands in the hands of the court, where the persons to whom those lands belonged were persons for whom the court had a right to act, as infants and persons of that description, or where general consents could be obtained, that the state of the property should be examined, that inquiry should be made as to the rate at which the lands were let, and where it was found that the land was let very high, that abatements should be made, and that those abatements should be retrospective—so far as it should appear upon inquiry, that the rents which had been reserved were for the past period beyond those which the tenants could fairly pay; that recommendation has been acted upon very much, and the result is, that the rents having been reduced, the lands are now let on what appear to be fair and reasonable terms, such terms as enable the tenant to pay to his landlord a fair rent for the enjoyment of the land, and enable himself to live by it; these rents are paid pretty regularly. The tenants have also been relieved from the old arrear, so far as it appeared to have been produced by their holding at an exorbitant rent; this has produced a very good effect; the arrears lay as an incumbrance upon them, pressing them down, and discouraging them altogether; since they have been relieved from it they have become more active, their energies have revived, and their rents are paid.

Have many instances come before you of severity of conduct, in enforcing the payment of rent, by distress or otherwise?—I have found generally, I think, that distress for rent is more common in Ireland than in England; I think it is a rare thing in England to see cattle in pound for rent, but in travelling through Ireland you scarcely see a pound without some wretched horses, or cows, or sheep in it, which you are told have been put there for rent. I think a pound thus filled one of the most distressing objects that strikes the eye in Ireland.

Have instances come before you of the sub-letting of land to any great extent?—Yes.

Do you find that to be at all a general practice?—Very general, and as mischievous as it is general.

In what way do you consider it to be mischievous?—I do not think that the man who sub-lets, has that sort of feeling towards the persons to whom he lets, that the proprietors of the land would have; at least that the proprietor of the land in England would have. I know that, from my own experience

of the manner in which landed property is managed in this country.

Is not that system of sub-letting carried on in succession, from one sub-tenant to another sub-tenant, in many cases in a long series?—I have known, I think, two or three persons intervene, between the owner of the land and the occupier of the soil.

Do you know whether this practice is carried on with the consent of the landlords?—I believe the contrary, if by the question is meant the head landlords; and it has occurred to me, that it is a subject that calls for legislative interference.

What difficulty have landlords encountered in preventing it?—Unless landlords introduce covenants into the leases which they grant, to prevent sub-letting, they cannot prevent it; and as it is a principle of the law of England to favour commerce, if you introduce a covenant against under-letting or assignment, and you once permit an assignment or an under-letting, the covenant is gone for ever, even though you should expressly restrict the waver to the particular case.

Do you mean, that if you wave it in the case of A. the waver will hold good in the case of B.?—Yes; I will put a case: suppose I grant a lease to A., with a proviso in it, that A. shall not assign without my leave; A. assigns to B., and I consent to that; B. may go on assigning afterwards, without my consent.

Does not receiving of rent from a sub-tenant deprive you of every remedy that you may have attempted to secure by covenant?—It may, or it may not.

In cases where landlords have done no act to wave their right, and have appealed to courts of justice to enforce their covenant, have they not met with great difficulties in doing so?—I can only speak to that point, with reference to my practice when at the bar, and my practice at the bar was not of that description that could bring me much acquainted with cases of the character alluded to; but I conceive a landlord must always find difficulties, so long as the principle and policy of the law be in favour of assignment. Whatever the opinion of a court may be, as to the expediency of it, they are bound by the policy as settled by decisions; it has very frequently occurred to me, that there is in the English statute book, a statute which is very familiar to every lawyer, the statute of *Quia emptores*, a principle which might be acted upon and extended to Ireland, so as to correct this mischief; the statute of *Quia emptores* was passed in England, for the purpose of preventing sub-infeudation of manors, that sub-infeu-

dation of manors producing in England the mischief which sub-letting now produces in Ireland.

Is it your opinion, derived either from your own experience, or the information you possess, that a landlord would experience very great difficulty in devising covenants, upon the efficiency of which he could rely, for the purpose of preventing sub-letting?—I think he would find difficulties, creating almost an impossibility.

Are you of opinion that the taking away the power of distress from the middle-man, and giving it only to the head landlord, would answer any beneficial object?—I think it would, because it would relieve the unfortunate occupier from double or treble distresses; but there is a practice which prevails very much in letting property in London for building, which if it were made an universal practice by law in Ireland, would I think, in a great degree, cure the evil that I have alluded to, and which is alluded to in the question put to me. In London, where a person possessed of any very extensive property makes a lease to a builder, he agrees with the builder to join with him in making sub-leases, so that the lessees shall be his tenants, and not the tenants of the builder; thus the rent which originally extended over five thousand feet, becomes apportioned among houses, covering fifteen feet, twenty feet, forty feet, and so on, and the tenant getting a lease to which the head landlord is a party at an apportioned rent, paying that rent whether to the head landlord or to the builder, according to the reservation in his lease, is secure: I think that would afford a principle for legislation as to Ireland; I mean, that all sub-letting should be prohibited, unless the landlord be a party.

Do the modes come under your knowledge, which are most resorted to by landlords in Ireland, for preventing sub-letting?—I cannot speak to that question; I am not acquainted with the modes they have resorted to; I suppose covenants.

Has it come under your knowledge, that it is ever the practice to let at a certain rent, that rent not being intended to be received, and a covenant being entered into on the part of the landlord, not to take that rent in the event of the tenant not sub-letting?—I have heard of such attempts to prevent sub-letting, but I should think the attempt would be very likely to fail; very nice questions of law or of equity would arise upon it. There might be a question, whether the difference of rent should be considered in the nature of a penalty, and if it is to be considered in the nature of a penalty, whether an act done with a different intent might not nevertheless for ever wave it.

You say, that you never heard that oath complained of, by which persons of the Roman Catholic persuasion are required to disclaim using any privilege they obtain to the injury of the established religion of the state?—Never.

You have, as being of an old Roman Catholic family in Ireland, had much opportunity of intercourse with the body of the Roman Catholics; have you had opportunities of very great communication with the Roman Catholic clergy in Ireland?—I have.

Have you had opportunities of speaking to them on subjects connected with their religion, as it affects the State?—Frequently.

Upon the entire of your communication with the clergy, and with the laity of the Roman Catholic body, have you any reason to suspect that there is any wish or object on their part, hostile to the Protestant establishment of the country?—I never found amongst the Roman Catholics, any feeling of hostility to the establishment, so far as civil rights were concerned; except a notion that the property of the church was public property, and was more than the church ought to possess; that feeling I have perceived amongst some Roman Catholics, but not more than amongst Protestants.

Did you ever perceive any feeling or disposition to have transferred to their own body the property of the established church?—Whether the clergy, as men operated upon by the natural feelings of men, would wish it, I cannot state, otherwise than by conjecture; as to the laity, I believe they would deprecate it very much; I have heard the clergy themselves declare that they would not wish it, and I dare say when they said so, they spoke what they felt and thought at the moment; but if the offer was made to them, one would not answer for its being refused.

Have you any means of forming a judgment, whether the Roman Catholic clergy would be pleased, if they were not supposed to be surrendering the principles of the laity, to accept a provision from the State?—My opinion certainly is, that accompanied with the settlement of the Roman Catholic question, and so regulated as not to prejudice their independence, they would receive a provision from the State with gratitude; that is the opinion which I have formed from conversations with them, particularly with the superior clergy; and my own opinion is, that it is a thing which, in the event of a settlement of the Catholic question, would be most desirable.

Do you think such a provision being made for them would be attended with any beneficial effect, in attaching the lower class of people to the state and government of the country?—

I think it would produce a good feeling amongst them; it would make them understand, that their church was not looked upon with any hostile feeling, but the contrary; I think it would also be a very great relief to them, because I believe that the dues which are collected from the lower class of people by the Roman Catholic clergy are felt very heavily; I do not mean to censure the Roman Catholic clergy for collecting those dues, they are their only means of subsistence; but I believe the payment of them is often felt very severely by the lower orders. The members of the Committee may recollect what passed in the county of Galway, when the ribbon system spread so much there; they will probably recollect, that one of the grievances complained of was the amount of the dues paid to the Roman Catholic clergy; they were complained of as much as, or at least in common with the tithes.

Do you think, that the settlement of what you call the Roman Catholic question, and the making a provision for the Roman Catholic clergy, such as they would be willing to accept of, would, or not, be calculated to give additional security to the Protestant establishment in Ireland?—I think that settlement, upon wise and sound principles, would be above all others a measure calculated to give strength to the establishment, and repose to the country; I think the present state of the law is obviously erroneous; it is calculated not to secure, but to endanger the establishment, it creates bad feelings, and affords no security against them. The Act of 1793 took things at the wrong end; it elevated the lower orders, and left the higher in a state of depression. The security of the Protestants in Ireland is in the strength of property against numbers; what you have done is to grant to the Roman Catholics a privilege in which number tells against property, and to withhold a privilege in which property tells against number; you allow the lowest orders of the people to vote, and you do not allow the higher orders to sit. I certainly should consider, in the settlement of the Catholic question, if ever it is to be settled, that the qualification for the exercise of the elective franchise in counties ought to be reviewed and altered.

Do you think that a raising of the qualification that should entitle the freeholder to vote, would be calculated to meet the mischief you have adverted to?—I think it would in a very great degree; though I am a Roman Catholic, I speak with a sincere desire, that whenever the Catholic question is settled, the rights of the established church should be secured; and I think they would be secured in proportion as you increased the political power of property, converted public discontent

into satisfaction, and engaged the Catholics in the service of the State, by adequate honours and rewards. This would attract all the hopes and desires of the Catholics to the State, and would counteract any bias they might have against the Church, which is connected with the State by an indissoluble union, and must therefore stand or fall with it.

Do you think that raising the qualification for the exercise of the elective franchise, if it was accompanied with the settlement of the great question you allude to, would be very unpopular amongst the body of Roman Catholics?—My opinion is that it would not; it is possible that against that, as against any thing else, a cry for a moment could be raised, but I do not think that any permanent feeling of discontent would be produced by it.

Have you in your observations as to the state of the country in Ireland, from what you have yourself seen and learned in communication with others, had any reason to think that the want of a respectable yeomanry is amongt the evils that that country labours under?—I think it is one main cause of the evils that the country labours under; and my notion in recommending a change in the qualification for the exercise of the elective franchise, is materially influenced by the hope, that it would induce gentlemen who wish to have political influence in Ireland, instead of parcelling out their land amongst a mob of wretched cottiers, to raise up and encourage the growth of a respectable yeomanry in the country.

Are you of opinion that any mischief which might grow from any diminution of the authority of the landlord, that might arise from the improved description of tenantry and the independence of the tenantry that would be produced by such a measure, would be completely counterbalanced by the benefit that would arise from the establishment of such an independent body in the country?—I think it would, because the power which would exist would be a power to be exercised by persons having something of a stake in the country, which the mere forty-shilling freeholders have not.

Are you of opinion that it would take them from their subjection to the interference of the clergy, and in the next place, give them, as owners of property in the country, an independent personal interest?—My notion is, that if the Catholic question were settled, and the freehold qualification raised, the Roman Catholic clergy would no longer be tempted to exercise political power at elections; or if they were disposed to do so, that they would not have a body upon which they could act as at present, and that it would induce those gen-

tlemen who wish to have political power through freeholders, to create freeholders of a respectable class, who would be the means of preserving order in the country.

Do you think that such an arrangement would be injurious to those fair interests which the Roman Catholics are entitled to have in the country?—My notion is, that the Roman Catholics ought not to have an interest according to their number, but according to their property; under that impression I think that it would not injure any power or influence which they ought fairly to have in the State; coupled, however, with measures which would place them in what I conceive to be the situation and estimation in which their property ought to place them.

From the nature of your view of the state of Ireland, particularly of the Roman Catholics in Ireland, if this Roman Catholic measure were conceded, and were accompanied by a respectable provision for their clergy, and by this measure that has just been mentioned of raising the qualification of freeholders; and if the laws in that amended state were fairly and justly applied, so as to give the Roman Catholics a reasonable share of political power and influence in proportion to their property and their claims, do you believe that we should have a reasonable prospect of peace and tranquillity being restored to that country?—I certainly think we should, and for this reason; I do not conceive there is any political curse upon Ireland that is to prevent Ireland from being as happy and peaceable as other countries, if instead of attempting to fit the people to the Constitution, the Constitution be fitted to the people.

What effect would such a state of things described in the last question, have upon the connexion between Ireland and Great Britain?—If I did not think that it would have the effect of confirming that connexion, and rendering it, I hope, eternal, I would myself, though a Roman Catholic, be against it; because I do think that the Roman Catholics, in their present state of connexion with England, are much happier and much better off than they could ever be separated from England, although they should become the ascendant body, in all respects, in Ireland; they derive advantages from their connexion with England, which Ireland could never afford them in a separate state.

If a provision were made for the Roman Catholic clergy by the State, is it your opinion, that the influence of the priesthood over their flocks would be thereby materially diminished?—I do not think any wholesome influence that the priest has over his flock would be diminished.

Have the Catholic clergy at present any other provision than that which they derive from the voluntary payments of their flocks?—None.

The fee upon marriage is one of their principal resources?—It is.

It is usually that for which the highest price is paid?—I understand so.

In your opinion, has that circumstance any influence in producing early and improvident marriages?—There one must speak again with reference to the nature of man; if the priest gains by early marriages, there is nothing more likely to encourage them.

Is it not the opinion that such is the effect of it?—I have heard it stated; I have heard the priests assert the contrary.

Are you acquainted with the manner in which freehold votes are very generally made throughout Ireland now; namely, that the freeholds are granted by the landlord, and that the freehold leases are, in point of fact, retained always in the possession of the landlord, and produced only at the time when there is a registry, or when there may be occasion to produce them?—I was not aware of the fact.

You have no reason to believe that that practice has ever prevailed?—I am not aware of it; it may prevail, without my knowing any thing about it.

Does your experience enable you to say, whether it has been the usage for the Catholic freeholders generally to vote at elections according to the wish of their Protestant landlord?—Formerly, I believe it used; latterly, religious feelings, I am told, frequently carry the tenant away from the landlord, particularly through the activity of the clergy, who are stimulated by the increasing eagerness of the laity for emancipation.

Do you believe that, in consequence of the diffusion of knowledge amongst the lower orders of Catholics, the exercise of a free independent opinion is more likely to prevail, than upon former occasions?—I think there is, every day, more knowledge and more property spreading through the Catholics, and of course, in proportion as it does so, a more independent feeling will arise among them, and a keener sense of the political inferiority in which they at present stand; but with respect to that description of tenantry which has been induced to vote against their landlords, I should not be inclined to think that it was very much from a feeling of independence of the landlord; I should rather attribute it to a disposition to oppose those whom they consider hostile to

their religion, a disposition which the clergy, of course, have the best means of exciting and calling into play.

Is it your opinion, that the existence of the laws, as they now affect the Roman Catholics of Ireland, has a tendency to produce a peculiar degree of union amongst that class as Roman Catholics?—I have no doubt of it; they are bound together by the common sense of a common grievance.

Do you not conceive, in consequence of the existence of that union, if it should be acted upon at elections generally, and more especially in counties, the result of it must be, to give a decisive influence to the Catholic body, as things now stand in the counties?—I think it would give to the Catholic body a degree of influence beyond what the just weight of their property would otherwise entitle them to; it enables active Catholics, clergy and laity, to alienate the lower orders from their landlords, and through their numbers to carry all before them, driving Protestant property, when opposed to them, utterly out of the field.

Is it your opinion, then, that the influence of religion, and the priest, would be stronger than the influence of the Protestant landlord?—Speaking from facts, I should say, yes. I have heard of acts of interference at the Dublin election, the Leitrim election, and the Sligo election, and other places.

Have you, in your knowledge, ever met with any objection being taken to the purchase of land, on account of the title being derived from forfeiture?—Never.

Have you known of much property being invested by Roman Catholics in the purchase of landed estates in Ireland?—I left my native county, the county of Galway, about twenty years ago; I returned to it in the last year; I found there a new race of landed proprietors, principally Roman Catholics; the Roman Catholics are persons very much engaged in commerce; they have also, within the last thirty years, entered very much into professions. They make money in commerce and professions, that money settles into land, and thus the landed interest of the Roman Catholics is increasing to a great extent.

Do you know whether any of the landed estates so purchased, were lands that had been forfeited, and the owners of which, who have sold to Catholics had become possessed of them, in consequence of the forfeiture of the original proprietor?—A great deal of it must, when it is considered to what extent forfeitures took place in Ireland; I should say of my own family, we forfeited; we lost considerable property; we have since purchased other property, which we will not give up in a vain pursuit of the old.

Is the Catholic landed interest very much interested in the present settlement of property in Ireland?—To the extent of the interest which the Catholics have in the land, they are of course equally interested in preserving property, with the Protestants.

Besides purchases of estates, has not a great deal of Catholic money been lent on mortgages?—A great deal; persons of that description in Ireland, as well as in England, are now seeking for good mortgages.

Are not the Catholic tenantry very much interested in the existing leases?—In proportion to the interest which they have under their leases.

When you speak of raising the qualification of electors, do you, in your idea, limit it only to freehold leases; or would you say, that in a county, the qualification of a man having the fee of his forty-shillings freehold, should be raised also?—I confine myself entirely to persons who derive under leases; if a man had the ownership of property, I should say he ought to be permitted to vote, because he is the proprietor, the leaseholder is not; and I take that to be one of the great distinctions between the forty-shilling freeholders in England and in Ireland; in England, a forty-shilling freeholder in general has a property of his own to that extent; in Ireland, it is quite the contrary.

Supposing a lessor pays to his landlord a rent of five pounds a-year, he ought to be able to get out of that property, a rent of seven pounds a-year, in order to give him a forty- hilling interest in it?—Certainly.

Do you believe that that is generally the case with respect to the lower class of freeholders?—I believe quite the contrary. In general they pay what is originally a rack rent for the land, they then build mud huts upon it, and if they make out of the land a profit of forty shillings a-year, a profit produced by the sweat of their brow, they reconcile to themselves to swear that they have an interest in it to the extent of forty shillings a-year, whereas the gain is produced not through an interest in the land, but through their labour.

So that in point of fact, when their interest comes to be examined by this test, it is not an interest *bonâ fide* of forty shillings a-year?—Quite the contrary; I referred in a former part of my evidence, to cases that were before me, upon receivers' accounts in Ireland; I found frequently, that a great mass of tenants, who were in arrear in consequence of holding at exorbitant rents, had sworn to forty-shilling freeholds.

Have you ever considered what amount of qualification for the exercise of the elective franchise would suit the present

state of Ireland?—I am speaking entirely with reference to leaseholders; and speaking with regard to leaseholders, I may perhaps be considered too aristocratical in my notion, but I should say the qualification ought to be, to the extent of twenty pounds a-year; having reference to another object which I mentioned in a former part of my evidence, that of creating, if possible, in Ireland, a respectable yeomanry, and preventing the sub-division of land; but I have thought more of the principle than of a standard for regulating it.

Do you think, generally speaking, that the forty-shilling freeholders exercise any free choice at elections?—My opinion is, that they have none.

How do you think they are controlled?—I believe they are controlled either by an absolute landlord, or by the sort of interference through religious feelings which I have already mentioned.

Can you state to the Committee, the kind of control that is exercised over those forty-shilling freeholders, so as to command their votes?—I can speak only from hearsay; the landlord of course has the power of distress; the priest or other partisan may act upon their religious feelings or prejudices.

Do you believe that those measures, which you have stated as likely to be beneficial with respect to the raising the qualification voters, ought not to be considered as completely dependent upon being combined with their complete emancipation; that is, do you conceive that the raising the qualifications, and depriving, of course, the forty-shilling freeholder of his right, could be effected without occasioning the most serious discontent, unless it were accompanied with the other measure you have suggested?—I have already, I think, stated an opinion, which must be considered as an answer in the affirmative to that question; at the same time, I should wish to understand, what is meant by emancipation, in the question now put. If by emancipation, is meant the universal removal of all disabilities, my opinion does not go to that extent; but it does go to the extent of representation in Parliament, and admission to the Bench. I do not think, that if representation in Parliament were conceded, and the Bench were open, that there would be much objection to some extent of exclusion from political office; the other exclusions, from Parliament and the Bench, are the exclusions particularly felt.

What should you say with respect to corporate offices?—Corporate offices were not in my view particularly; with regard to corporate offices, there is at present a means of

relief to Roman Catholics, which is not generally known; the Crown may exercise a dispensing power in corporations.

Have you known it exercised?—I have not known it exercised, and I do not know that the Crown could be well advised now to exercise it; because a class of statutes must constitute a policy calculated to fetter the discretion of the Crown.

If the law were to be altered in other respects, so as not to form an exclusion from Parliament and the Bench, would not that affect your opinion as to the propriety of exercising a discretion in corporate offices?—It certainly would; there would be no longer existing in the law that policy, or supposed policy against the exercise of it, which the present state of the law, I think, creates.

Do you consider that it would be sound and good policy to leave at the discretion of the Crown, or of the advisers of the Crown, the exercise of this power, in such corporations as it might think fit, without its taking place at all?—I did not mean to express any opinion upon that; I only mention the fact of the law creating a difference between the two cases of offices under the Crown and corporate offices; I think exclusion from corporate offices may be felt, and would be felt as a very severe grievance; but if you can produce a beneficial effect in any way, I do not think the theory is of so much importance. With respect again to Ireland, I believe there is a misapprehension, very general, upon another point; I believe it is generally understood, that the Test Act is in Ireland repealed; the sacramental test is not repealed in Ireland; it is only repealed as to Protestant dissenters; a circumstance which forms a curious principle in the law. A protestant of the church of Ireland may be ruined unless he receives the sacrament, but a dissenter is safe. The Act of 1782, which relieved the Protestant dissenters from the Test Act, provided only that His Majesty's Protestant dissenting subjects should not be bound by it; and I apprehend it would be necessary to plead, that you were a Protestant dissenter, if an action was commenced against you, and you wished to have the benefit of the statute.

Do you then think the Catholics generally would acquiesce in the proposal of raising the qualification for voting, provided it was accompanied with Catholic emancipation, or with the admission to Parliament and the Bench?—My belief is, that they would; a belief founded upon extensive communication with them; but I speak only of the principle of a rise, not of the extent to which the rise should go. I have not dis-

cussed the amount at which the qualification should be fixed with many persons.

Do not you think a considerable outcry would be raised in Ireland, if it was proposed to raise the qualification of forty-shilling freeholders?—If the forty-shilling freeholders were persons of independent property, exercising through their property a free choice, I think it would produce a very serious outcry; but I do not think they are persons of a description likely to have much feeling upon the subject.

Do you apply the observations you have made with regard to forty-shilling freeholds, to forty-shilling freeholders in cities and towns?—Certainly not, for a very obvious reason; I speak of those places in which property is the qualification; if in cities and counties property were the entire qualification, I would have it raised there; but, if property be not the entire qualification, then the question stands there upon quite different grounds; if a man who serves an apprenticeship of seven years be entitled to vote without regard to property, there is no reason why the freeholder of forty shillings a-year should not vote also.

In point of fact you mean to limit your observations to counties?—To counties.

Do you know whether in point of fact the description of forty-shilling freeholders who vote in cities or counties, are in point of property the same description of persons who vote as forty-shilling freeholders in counties at large?—I apprehend quite otherwise.

Are they not in many instances merchants and persons of property, who acquire forty-shilling freeholds in order to give them a political right?—The persons who are forty-shilling freeholders in cities, are generally speaking merchants or respectable tradesmen; they are not paupers, as most of the people who call themselves forty-shilling freeholders in counties are.

In case the forty-shilling franchise were to be altered in cities and towns in the same way as you have described in counties at large, would not the practical effect be to throw the return altogether into the hands of the freemen?—I cannot say that I am sufficiently acquainted with the state of property in corporate towns to answer that question.

Have you ever formed any rough calculation of what number of persons in Ireland, a change of the qualification to twenty pounds would disfranchise?—I have not considered the extent to which it would go; but I have considered the class to which it would go; and the more extensive that class, the more necessary in my judgment the change.

From your experience, are you able to say whether the feeling of the great body of the lower orders of the people is strong and keen upon the subject of what is generally called the Catholic question?—I believe it to be so; I do not think I ever spoke to a Roman Catholic, high or low, that did not betray something like irritation upon the subject.

Do you think that feeling begets any want of confidence in the administration of justice in any of its departments, particularly amongst the magistrates?—I am acquainted only with the superior courts of Ireland; I may have a little feeling upon the subject, as belonging to one of them, but I am conscientiously satisfied that they administer justice as purely and honestly as any courts upon the face of the earth. If I were to say what influence I think the Catholic disqualifications have upon them, I should say it was to turn their feelings in a direction favourable to the Roman Catholics; the lower orders however think the contrary; they think that the Judges being all Protestants, have a leaning against the Roman Catholics; they consider the exclusion of the Roman Catholics unfair; that the object of it is to give the Protestants an undue advantage in the distribution of justice.

You are speaking of the higher courts?—Yes, with which alone I am really acquainted.

Can you state what effect the plan of raising the qualification would have upon the Protestant interest of the country? I think the Protestants constitute, to a very considerable extent, the landed proprietory interest of Ireland; and therefore, in proportion as you increase the power of the proprietory interest, and diminish the power of mere numbers without property, you strengthen the Protestant interest. At present the Protestants insist upon the ascendency, the Roman Catholics seek equality; this equality, to the extent of their property, they ought to have, but no farther; if equality to this extent were established, it would, I think, satisfy the Roman Catholics, and certainly would not prejudice the Protestants; it would take from the Catholic multitude the vast political power which they now possess, and would open to the Catholic gentry the capacity of enjoying another species of political power which they do not now possess, the capacity of sitting in Parliament, a capacity however from which they could only derive any benefit through the will of the property, Protestant and Catholic, of the country. This would not shake the true legitimate ascendency which belongs to the Protestants, in proportion as they form the preponderating proprietory interest of the country; on the contrary, it would secure that ascendency on a rock, upon the genuine sound

principle of the British constitution, which makes property the basis of all political power and ascendency in the state; while the Protestants claim ascendency on other ground, the Catholics will consider it hostile, and oppose it; but once put on its true ground, the hostile character would cease, Protestants and Roman Catholics might then regard each other as fellow-citizens, and uniting as such, render their common country happy and prosperous.

Can you state whether the subject is viewed in that way, at present, by the Protestant proprietory of the country?—It would not be right for me to mention names; but I have certainly conversed with gentlemen in Ireland, who I know have been adverse to what are called the Catholic claims, who told me they would be favourable to a settlement upon that principle.

The twenty pounds freeholder would be in a situation to exercise his franchise, without any regard to his landlord?—I should rather think the contrary; I think there must be a connexion between the landlord and the tenant at all times, and that the tenant would be inclined, though not from the same slavish feeling as at present, still to follow his landlord's interest; I have found that to be very much the case in England.

You mean, that it would be a more honourable feeling?—It would be a more honourable feeling; indeed I should say that a twenty pound freeholder would feel it more his interest to go with his landlord, than the mere wretched forty-shilling freeholder, for he has an interest to secure which the other has not.

You have stated in a former part of your examination, that under the present state of the law, there is an impossibility in framing a covenant by which the landlord can prevent alienation?—There is a difficulty approaching to an impossibility.

In looking to an alteration of the law, by way of giving the landlords an efficient control over their property, can you suggest any regulations which would be calculated to meet that object?—I already alluded to the principle of the statute of *Quia emptores;* I should think that regulations might be framed to give effect to that principle; for instance, if it were provided by law, that no person should underlet without the consent of the landlord, that the landlord should be a party to every lease, or to every sub-lease or sub-contract, and that the tenant paying a rent according to the reservation in that sub-lease or sub-contract, should be free and discharged from all liability; you would in that way, I think, in a great

degree prevent sub-letting, because the landlord would not be very willing to give his consent to sub-letting in such cases; and on the other hand, you would prevent one of the present mischiefs of it, because the sub-tenant would no longer be subject to those double and treble distresses.

Do you mean that it should be provided by law, that there should be no sub-letting, without a special consent to sub-let? —Without the landlord being a party to the instrument by which the land was sub-let.

And that all sub-letting should be ineffective, unless the head landlord was a party to it?—That all sub-letting should be ineffective, unless the head landlord was a party to it; and I would go further, and provide that the person attempting to sub-let otherwise, should be without any remedy for the recovery of his rent; this, I think, would be an effectual means of preventing it.

How would you have the power of recovering the rent in a sub-lease?—That rent being paid according to the redendum, the tenant should be freed and discharged.

Supposing the rent is not paid according to the redendum, it forms part of the landlord's rent, as well as part of the mesne tenant's rent; would you give a power of distress both to the landlord and the mesne tenant?—No; only to the person to whom the rent was made payable.

Would not the landlord be unwilling to join in that?—I think he would; and I think so much the better.

That would go to prevent sub-letting?—To a certain degree. It constantly occurs in London; the granting of leases, to which the head landlord is a party, in which the rent is reserved either to him or the middle man, and by which the tenant paying the rent, is completely discharged.

Then the landlord, in the event of his becoming a party to such a lease, would have no remedy against his immediate tenant; except his having made a contract with him to that amount, he would have no power of distress?—He would have no power of distress as against that part of the land granted to the under-tenant, unless to the extent of any rent reserved by that under-lease to him; if rent is reserved to the head landlord, it might be distrained for by the head landlord; if not reserved to the head landlord, but to the middle man, it might be distrained for by the middle man. I am speaking very loosely upon these subjects, merely answering at the moment.

Do the Committee understand you rightly to say, that the existence of Roman Catholic disqualification is a common grievance, which enables the priests to exercise an influence

at an election?—It creates a feeling of discontent, of a religious nature, through which feeling the priest is enabled powerfully to act at elections, he is enabled to say to them, for instance, this man is against your religion, this man is for your religion; I am told, he has said so.

You conceive, that by removing the Roman Catholic disqualification, you would deprive the priest of that power?—I do not think I should, entirely; I should lessen the temptation to the exercise of it, and I should diminish the power also, by setting at rest the Catholic question, and raising the qualification from 40*s*. to 20*l*. a year, or to such sum at least as would raise the class of freeholders entitled to vote, so as to render them, in some degree, persons of intelligence and property, likely to have a will of their own.

Would not the exclusion of all freeholders under 20*l*. a year, exclude a great number of persons who have considerable capital on their farms?—I do not think it would.

The Committee understand you to state, that in cases in which persons swear to 40*s*. freeholds, they have, in many instances, little interest, if any, in the lands; do not you conceive that even in the case of 20*l*. freeholds, persons might swear to those freeholds, who had a very inferior interest in the lands than that?—I do not think they would; I think common decency and shame, and the obvious means of instant detection, would operate to prevent it; a man, who comes to swear to 20*l*. must have some property in his hands.

A man in Ireland, who would have an interest of 20*l*. is of a totally different class from the 40*s*. freeholder?—Yes.

Would it not, in your apprehension, exclude in towns a considerable number of persons who are householders, who have not an interest above the rent they pay for their houses, to the amount of 20*l*.?—I have already stated that I do not mean my observation to apply to towns.

The freehold runs in virtue of residing in a house; would it not exclude in towns a very large proportion of persons, who derive their freeholds from residing in those houses alone, without any regard to land?—I am not sufficiently acquainted with the state of towns to speak upon this subject; I had in my mind the general appearance of the 40*s*. freeholders, which is the appearance of a rabble. There may be persons of respectability having only 40*s*. freeholds; there is no general rule without particular exceptions; but I think the injury which they might sustain would be as nothing, compared with the benefit the state would sustain from the general regulation.

You are not aware that a very large proportion of 40*s*. free-

holders in towns, do derive their freeholds in virtue of holding houses in towns, without having land?—No.

Do you apply the 20*l.* qualification to the rent that the freeholder pays, or to the profit that he makes?—I mean that whatever rent he may pay, to whatever extent he may pay it, he should be able to swear that he has an interest beyond that rent, to the amount of 20*l.* a year; that if he pays 500*l.* a year, the property should be worth 520*l.*

Would not that have the effect of excluding a very large number of persons, possessed of considerable capital, compared to the capital of those who now vote?—I should apprehend not, because a capitalist taking land in Ireland, with a view to improvement, would certainly, if he acted to any extent, soon gain an interest in it through improvement, to the amount of 20*l.* a year.

Do you not conceive that the raising of the franchise to 20*l.* would disqualify, in towns and cities, a large proportion of the out-freeholders, and would create great discontent and disturbance in those towns?—When one is considering any proposed measure, one is not be governed by the evils which may be in your way, according to a particular view of it; you must look to the right and to the left; you must judge by comparison, weighing advantages against advantages, and disadvantages against disadvantages; and I think the satisfaction to be produced by the measure in question would be much greater, and much more important, than any dissatisfaction that would be produced by it.

Are you not aware that a great number of 40*s.* freeholders, who exercise the right of franchise in Ireland, are not of so respectable a class as voters from towns?—I consider the mass to be mere rabble.

Has not the effect of the Act of the year 1793 very much tended to induce the landlords to split their land into very small portions?—I apprehend, inasmuch as it enabled Roman Catholics to vote at elections, that it has induced landlords to make Roman Catholic freeholders; and as the Roman Catholics are the most numerous body, they are enabled to manufacture freeholders to a much greater extent, under the operation of that Act, than they could before, and consequently to split their land.

If the elective franchise was confined to freeholders of 20*l.* a year, would not that have a great effect in consolidating the land?—I think it would, and that that would be one of the benefits that would result from it.

Might not it have the effect of turning adrift a vast number of people, who now have considerable interest in the

land?—The persons who now have an interest in the land would not, so far as their interest in the land goes, be affected by such Act; it might prevent landlords from creating new freeholders; it would not enable the landlord to turn the present freeholders out.

Are you aware of the state of property, and sub-division of property, upon collegiate and bishops' lands, where no freeholds can be created?—No, I am not.

Daniel O'Connell, Esquire, called in; and Examined.

Have you had opportunities of becoming acquainted with the condition of the lower orders of the people of Ireland, in an extensive district of that country?—I may venture to say, that I have had many, and long.

Have you observed any very great increase of numbers in the districts with which you are acquainted?—Very great; I know many instances, in the remoter parts particularly; for example, I know of farms upon which I remember but two dwellings, I speak of two farms that I have in my mind at this moment, upon which there are at present, I believe, nearly a hundred families.

Can you inform the Committee, about what period the great increase of numbers commenced?—No, because it has been increasing as long as I recollect; I was out of Ireland from the year 1789 till 1795, between France and England.

Was there any great progressive increase of population throughout the early part of the last century in Ireland, up to the period of 1789?—That I only know as matter of history.

Can you state to the Committee any circumstances, that you consider as causes of the modern and very great increase of the population?—Perhaps it is prejudice, but we have been apt to attribute it to the relaxation of the penal code in 1778, which, for the first time since the reign of Queen Anne, enabled the Roman Catholics to take leases, and have tenures, and thereby fix them more to the soil, allowing the productive qualities of Irish soil to come into operation; and as I consider it to be capable of feeding four times the number of its present inhabitants, I think that the law, allowing the people to become holders of the soil, must necessarily have had the effect of increasing the population.

What, under your observation, is the state of the lower orders in respect to their modes of living?—The state of the lower orders, in my observation, is such, that it is astonishing to me how they preserve health, and above all, how they

preserve cheerfulness, under the total privation of any thing like comfort, and the existence of a state of things that the inferior animals would scarcely endure, and which they do not endure in this country.

Is that state of circumstances of the people general throughout the part you are acquainted with?—It is general in the labouring classes throughout a great deal of the part I am acquainted with; it is varied by local circumstances in particular districts, for example, the facilities of procuring firing, change very much the comfort of the Irish peasant; in the richer districts of Tipperary and Limerick, the peasant is a most miserably circumstanced creature, he wants firing, and frequently is at a distance from water, in the mountain districts particularly; in the remoter one of Kerry and Cork there is water in great abundance, and he can have firing with great facility, and that adds to his comfort much, and to the duration of human life also.

What particular parts of Ireland do you speak of?—The parts of Ireland that I am best acquainted with, are the counties of Clare, Limerick, Kerry, and Cork; I have gone that circuit for many years; I have some property extensive in itself, but inconsiderable comparatively in value, in the county of Kerry, and I am well acquainted with those counties.

What is the general state of the habitations of the lower class?—It is impossible, I think, (I express myself strongly,) it would be extremely difficult to have any thing worse; the houses are not even called houses, and they ought not to be; they are called cabins, they are built of mud, and covered with thatch partly, and partly with a surface which they call scraws, and any continuance of rain necessarily comes in. I have observed at night, however, that there is this advantage in their being built so there, that where they have firing the entire house warms, and it is like a stove, and it produces almost the effect of a vapour bath upon the inhabitants.

What sort of furniture have they in their houses?—Nothing that can deserve the name of furniture; it is a luxury to have a box to put any thing into; it is a luxury to have what they call a dresser for laying a plate upon, or any thing of that kind: they may have, they generally have little beyond an iron cast metal-pot, a milk tub which they call a keeler, over which they put a wicker basket, in order to throw the potatoes, water and all, into the basket that the water should run into this keeler; that is frequently the extent of their furniture.

With regard to their bedding, what does that consist of?—Nothing but straw and very few blankets in the mountain dis-

tricts; by the sea they are better off and more comfortable, they fish occasionally.

Are they without bedsteads?—In general without bedsteads; the entire family sleep in the same compartment; they call it a room; there is some division between it and the part where the fire is; they separate the sexes by very slight partitions, and yet I do not believe, and indeed I am convinced, that that species of promiscuous lying amongst each other, does not induce the immorality which one would expect from it; certainly no immorality between persons closely related, such a thing is not heard of.

Have you known any instances in which immorality has been imputed?—None at all even imputed; I do believe the Irish peasant would destroy himself if he thought it was seriously imputed to him.

Have they blankets to put over the straw sufficient to cover it?—In general not.

Do they sleep in their clothes?—In the county of Kerry they seldom sleep in their clothes, they are better off in the remoter parts of it with respect to blankets; so in the remoter districts of the county of Cork; but I have reason to believe, that in Limerick, and in a portion of Clare, and in parts of the county of Cork, they sleep in their clothes; I know that near Dublin they sleep in their clothes, and that upon recent investigation, within eight or ten miles of Dublin, out of fourteen or fifteen families, there were only two found in which there was a blanket.

Of what description is their ordinary clothing?—In the southern provinces they wear a frieze jacket, and the breeches of frieze, the waistcoat generally of flannel; they are very ambitious of wearing something of a cloak made of frieze, a large coat; any of them that get at all above the world now, are desirous of having a kind of cotton work called corduroy trowsers.

Have they stockings generally?—In general they have not, at least in ordinary use, in those counties I have spoken of; neither men nor women do in general wear shoes and stockings, it is dress and luxury.

Have they sufficient clothes, in case of being wet, to change?—Speaking of it as a general rule, they have no clothes to change; they have none but what they wear at the moment; of course, in the various grades of poverty and its shades, there are differences, but I speak of the general state of the Irish labouring peasantry.

With respect to their food, of what does it consist?—Except on the coast, of potatoes and water during the greater part of

the year; potatoes and sour milk during another portion; they use some salt with their potatoes when they have nothing but water; on the sea coast they get fish, the children repair to the shore, and the women and they get shell fish of various kinds, and indeed various kinds of fish.

Do they suffer any inconvenience in that season of the year which takes place between the going out of the old potatoes and the coming in of the new?—Almost always great distress, aggravated by the difficulties with respect to tithes. The Irish Acts enable the peasant to hold a kind of battle with the tithe owner upon every thing but potatoes; with other things he can serve a notice to draw, but with potatoes it is not so; there is no statute provision respecting the potato, and then if the peasant begins to dig his potatoes he is completely at the mercy of the tithe owner; and it is right to say, that he is in general not very harshly dealt with where the clergyman has the tithe himself; but when they are in the hands of laymen, and frequently persons of the same persuasion with himself, is very badly dealt with; if he begins to dig he has no mode afterwards of defending himself against the demand.

That is, if he begins to dig previous to making an arrangement or bargain for his tithes?—Yes; and that is the interval that takes place between the going out of the old potatoes and coming in of the new harvest, because the bargain for the tithe is not made or tendered to him at that early period; he has great distress in general at that time.

Have they the means of purchasing potatoes during that season, if their own stock is exhausted?—Money is an article that the Irish peasant knows excessively little of; he has not the means.

Is there no employment sufficient to afford the means of acquiring money in cases of difficulty?—Certainly not; I do not believe there is in the world a peasantry more ready to accept small wages for employment than the Irish peasant.

Is there any thing like a demand for constant employment for the labouring class?—There is not, according to my knowledge and experience, even any thing that could be called an occasional demand; that is, the demand is so small that it scarcely deserves the name, it is rather an accidental demand than even occasional.

Could you give the Committee any idea of the proportion of the people that are without employment?—To attempt it numerically is matter of conjecture, but there certainly is not one out of twenty employed; that is, there is nothing like constant work for that number.

What is the customary wages for a man's labour when

employed, independently of considerations of rent?—I cannot say that, except in the remote district of the county of Kerry, where I take it to be when there is employment, sixpence a day without any meal, and four-pence a day with; and yet I say that, from perhaps not a very distinct recollection, it is not more than that. I believe, during 1822, they cheerfully worked at two-pence a day without victuals, being paid in money.

Under these circumstances of a want of employment, how do the people contrive to provide themselves with food?—Every man cultivates the food of his own family; potatoes and land becomes absolutely necessary therefore for every Irish peasant, and he cultivates that food, and he makes the rent in general (I am and have been speaking of the poorer class of peasantry) by feeding the pig as well as his own family upon the same food; and if it be not wrong to call it so, at the same table, upon the same spot with that pig, he makes the rent, besides any chance he gets of daily labour.

Is there generally a facility of acquiring land?—Great difficulty: the lower class of tenantry, the mere peasant, it is painful to look for rent from, and he is supposed to injure the farm, and he does to a certain extent, and he has no capital to reinstate it, and they find therefore great difficulty in getting land, a difficulty increasing with the number of the population.

What rate of rent is charged on this class of occupiers?—I cannot state that; the county of Clare subsists a good deal upon what are called conacres, that has been introduced but lately at all into Kerry, and not at all into my part; and in my part of it, the land is reckoned by the quantity of cows grazing; it is divided into plough lands and gneeves.

What is the conacre system?—I am not very familiar with it; as far as my knowledge of it reaches, it is this; I speak, however, with diffidence of it; it is a right to plant a crop, paying sometimes six, eight, or ten pounds an acre for that right by the single year, and the crop is detained till that rent is made up, in whatever way it can be made up; but then I should take a peasant to be wealthy that took an acre.

How does the peasant pay his rent who takes land by the year?—The lowest class of peasant pays it by the price of his pig and his labour, whatever chance of labour he has; the better class than that pay the rent by the produce of butter; in the mountain districts of oats, in the district something better than that; in the remote parts of the county of Cork they pay their rent by the produce of barley, and in the richer

parts, the better farmers by the produce of wheat; by the produce, I mean the money produced.

How does a man pay the rent for a conacre?—I am not prepared to answer that; I am not sufficiently acquainted; but I should take it in general by labour, and by the sale of the pig.

From a former part of your evidence, it would appear there is difficulty in finding labour?—The only places which I am at all acquainted with conacres are in the vicinity of towns; my own residence is necessarily, the far greater part of the year, in Dublin, and my professional avocations are sufficient to prevent me from being acquainted with the minuter details of farming.

Are there not a great number of the lower orders that cannot even obtain conacres for the potatoes?—Yes, that is the impression upon my mind.

In what manner do they contrive to live?—I cannot tell that; I speak of there being such, not of my own knowledge, but as a general impression.

Have circumstances occurred, within your knowledge, of hardship, in respect of distraining for rent?—Very many.

Is it a general hardship in the country?—It is a general grievance, very much aggravated by the necessity of sub-lettings; there are frequently six and seven between the proprietor of the fee and the actual occupier; and whenever any two of those happen to differ in the state of their accounts, the man who claims more than the other has paid, or is willing to pay, settles the dispute, by distraining the actual occupier; and that occurs, in many instances, where the occupier has paid his own rent to his own landlord.

Then every superior tenant of the sub-tenant's has a right of distress over the actual occupier?—Unquestionably.

Have cases come to your knowledge, of hardship arising from that?—The greatest cruelty and oppression, and it is attended with this additional oppression: a recent statute, which was passed about the year 1817, for the first time, enabled the landlords to distrain growing crops in Ireland. My own opinion is, that that statute has contributed extremely to the disturbances in the South, because in all those cases of sub-letting, it gave to every one of those individuals the power of distraining the growing crop, that growing crop being the subsistence of the family of the peasant; and if he can forbear from digging the potato himself, he cannot restrain his wife and children. I have known numerous instances, where informations as for a felony were sworn before

a magistrate; the wretch was committed to a jail for two or three or four months, till the ensuing assizes, when it was discovered it could not be a felony; but then the wretch had lain in jail during that time, and his family of course excessively ill off. The worst of the crimes of the South I attribute a great deal to the effect of that Act of Parliament.

Are the lower orders severe in their dealings towards one another, in regard to enforcing distress?—They are harsh and unfeeling towards each other in pecuniary matters.

Do they exercise the right to the fullest extent of enforcing what is due to them, under all circumstances?—They do; I have known persons who would be perfectly ready to die for each other in personal quarrels, as harsh about a shilling or a sixpence as if they had no previous acquaintance with each other whatever.

Have instances of grievance occurred to you, and hardship, arising out of the practice of bringing ejectments for rent?—Yes; the stamp duties, with respect to the tenure of land, of course are paid by the tenant; and with respect to a peasant, the amount of stamp duty would be more money than he could possibly command; the consequence of which is, that he deals in general upon parole, or upon a contract, written upon unstamped paper. The effect of that is, that it gives the landlord a constant power of breaking through the contract, without any remedy. Not even a civil bill action will lie for a breach of the contract, because it requires that it should be stamped before it can be produced; the consequence of which is, that every species of landlords have the means of bringing ejectments, and turning the tenants out. Before the civil bill ejectment was allowed by Act of Parliament, a landlord was cautious of bringing an ejectment, for even if defence was not made, it would cost him fourteen or fifteen pounds, at the cheapest, to turn out a tenant; but the civil bill ejectment has very much increased the power of lower landlords, for by means of that he can turn out his tenant for a few shillings; and that horrible murder of the Shees was occasioned by a civil bill ejectment, brought in that way. I wish to express this opinion strongly to the Committee, that the Acts of Parliament, passed since the peace, giving to Irish landlords increased facilities of ejectment and distress, have necessarily very much increased the tendency to disturbance in Ireland; there have been several of them within the last ten years.

Have those laws produced this effect, by being made use of by the upper class of landlords?—Yes; they have been used by the upper classes of Irish gentry in the South. The resi-

dent gentry were in general very much involved in debt, and could not contrive to get their living; they were pressed themselves, and without making any further apology for them, they certainly used their tenants quite as severely as any one peasant did another. There were of course many exceptions; I do not mean to speak of it as an universal proposition at all.

Do you speak of the landlords or the middle men?—I speak of both; but the landlords however, in general, are persons who have leases of lives, renewable for ever. I do not know that I include in it many, who are actually seized in fee.

Will you be good enough to mention the statutes you refer to as having passed since the peace?—I refer to two or three. I will be prepared on a future day to give the Committee the precise statutes, but I can describe them generally; the statute that gave the power of distraining the growing crops, the acts that enabled the civil bill ejectment to be brought; the one statute enabled the civil bill ejectment to be brought, and another, I believe two others, extended it, and facilitated the means of bringing it. Those are the statutes I allude to; the precise years and chapters I shall furnish the Committee with.

Do the tenants suffer much under the custodiam process?—There are many instances in which the tenants suffer excessively under the custodiam process.

Will you explain the nature of the custodiam writ?—The custodiam is a grant from the Crown to the creditor of the debtor's land. It commences in the court of Common Pleas, by a civil outlawry; and that outlawry being estreated into the Exchequer, a grant is made in the Exchequer, called a custodiam; the potential effect of which is to entitle the creditor to all the rents of the debtor, and to enable him, by a motion, which is a matter of course, a side bar rule, as it is called, to compel the tenants of the outlaw to pay their rents to the custodie; and also, by another order or motion in court, to demise under the court any lands not in lease. The mode in which rents are levied under it is by personal demand; and if there be a refusal, an attachment-liberty is given occasionally to distrain; but the usual course, and that most productive to the attorney, and I may add, therefore, that generally pursued, is by attachment. The outlaw will himself distrain the tenants; he has other creditors, who have mortgages and annuities, and conflicts eternally take place between them, which may be settled, and ought to be settled by the court, upon motion, but which frequently are not; and when they are not, the person who actually suffers is the occupying tenant, for he is compelled, under distress, to pay his rent;

and after he has paid it to one, he is attached for not paying it to the custodiam creditor. I have known instances, in which the wretched peasants have lain in gaol for years, under that process of attachment; and it is cruel to the debtor, because the legal expenses of it are enormous.

Are the instances numerous that have come under your knowledge?—I have been twenty-seven years at the Irish bar, and the instances are very numerous that have come within my knowledge, where, in really fair cases (tenants will collude, of course, with their landlord, and things of that kind will occur, but I have known an immense number of fair cases), in which the effect of that process has been most grievous, most oppressive; and that without the slightest tinge of blame to those who administered the law in the country.

Is not this form of proceeding by custodiam, a form of proceeding peculiar to Ireland, as distinguished from England? —I take it to be so, though I should speak even of Irish practice with diffidence, but of English still more so; but when we have occasion, in arguing questions, to refer to authorities, we get very little assistance from the English books. That proceeding certainly is not known in England; I say certainly, because if it were, the reports would contain cases upon it.

Is not one effect of the proceeding by custodiam to defeat the claims of prior creditors?—They may be postponed; defeat is, perhaps, too strong a word; they are postponed necessarily, because, in judgment debts, the priority is according to the date of the judgment; the proceedings by what is called an elegit, which is a mode of getting possession of either the rents or the land of the debtor. Those proceedings derive their force according to the priority of the judgment in point of date; but in the custodiam proceedings, it is according to the date of the inquisition.

Does not proceeding by custodiam tend to complicate and defeat the ordinary proceedings by ejectment?—Yes; innocent landlords are put to great inconvenience by it, because unless the attorney makes search for custodiams, the landlord, to whom rent is fairly due, and due even from a fraudulent tenant, is defeated in that ejectment, merely because he has not gone through the form of obtaining the consent of the attorney-general, and bringing ejectment in the Court of Exchequer; if it be brought in any other court but that, the proceedings are often made void; and I have known instances in which landlords have lost a year's rent over and over again, and that to a large amount, merely because there were custodiams against their under tenants.

Have you known many instances in which a custodiam has been fraudulently obtained, without the knowledge of the party against whom it was granted?—I have known that occurrence frequently; I am convinced it exists daily; and I have known instances of custodiams either obtained, or at least continued by the debtor himself.

Have you any doubt that it would be a very considerable improvement in the law of Ireland, as relating to landlord and tenant, if the practice in Ireland, or the law in Ireland, were to be placed upon the same footing, as to custodiams, as it is in England?—I am quite convinced that the proceeding by custodiam at present in Ireland, is a grievance of an oppressive nature; but I am not prepared to say, except as far as it may be merely abolished, that the merely assimilating it to the English practice would be of great good.

Have many tenants of late been turned off the lands, in the part of Ireland you are acquainted with?—Within the last eight or ten years, many tenants have been turned off the land.

Is that habit increasing amongst landlords of clearing their farms?—I think it is at a stand; the depreciation of prices made the tenants so unpunctual in paying, that many landlords have endeavoured to clear the farms of them altogether, and to hold them in their own hands, sometimes feeding cattle upon them; in general they make cattle dairies, but on the fattening lands there have not been occupying tenants for some years.

What becomes of the families that are turned off, how do they contrive to exist?—They exist among the wretched class of labourers, or they go about begging; the man goes to England or some remote parts of Ireland to get labour, and the wife and children go begging during the autumn of the year; that occurs upon some estates in fee, where there is no middle man at all; I know it in one district very extensively upon an estate in fee.

You alluded to the operation of the Civil Bill Ejectment Act, the Committee wish to know, whether that Act altered any thing but the process by which the ejectment was effected?—Yes, it did; it altered a good deal; in the first place, that Act altered and took away the exceptions which formerly existed from the ejectment; there were some excepted cases, in which an ejectment for non-payment of rents did not lie at all, as a case of infancy, coverture, and imprisonment, that Act took away those exceptions totally; it also, according to my recollection, and I believe I am accurate, altered this, that it gave ejectments against absconding

tenants, as they were called, where the premises were left vacant, it gave to two magistrates the power of declaring that vacancy; and any thing that increases the power of the magistracy in Ireland, I take to be a great alteration, not for the better but for the worse; it gave that power to magistrates to declare the tenement vacant, so that it altered, by taking away the excepted cases, and bringing them within the ejectment statute altogether, such as the cases of infancy, coverture, insanity, and any person out of the realm, or in prison; it also increased the class of cases, by cases against absenting tenants' deserted possessions.

You do not mean to apply the observations which you make as to increased hardship upon the tenant, which the Act imposed to the case of absenting tenants, that is not the part of the Act of which you complain?—No, its general operation; but I have known cases where men were voted to be absenting, that really were not, and therefore cases of hardship in that respect, and I consider the Act as being liable to abuse; the theory of the Acts was, perhaps, good; I speak of their application to the state of society and peasantry in Ireland, as stimulating to insurrectionary movements, and creating an oppression upon the peasantry.

With respect to the Act which has been adverted to, which gave the power of distraining growing crops, was there not a provision in that Act to meet the case of a tenant who had already paid his rent?—As I remember there was, but that was only giving him a legal remedy against another person; it is quite *useless to talk of an Irish peasant having a legal remedy;* he has not money enough to pay the stamp duty upon what they call a latitat, the first process.

You have stated, that the usage generally in the counties you referred to was, that the tenants held by parole agreement, or by a written agreement, not recorded on stamped paper?—I stated that as one of the ill effects of stamp duties upon tenures.

You are perhaps aware, that that has not operated very extensively to the prevention of the registry freeholders, which can only be made upon stamped instruments?—With respect to the registry of freeholders, there being landlords, having a particular stimulus to register freeholders, they would go to the expense of the stamp duty; and besides that, the tenant there is supposed always to have an interest in the land, so that the case of traffic in freeholders is not applicable to my observation; I have known, however, many freeholders registered upon unstamped paper of late years; if the inferior

officer be in that interest, the thing may take place and easily.

In cases of the creation of freehold interest on stamped paper, have you known any instances, in which the freehold lease, though executed, has not been delivered over to the possession of the tenant, but has been kept in the hands of the landlord ?—Yes, I have known instances of that, and the complaints of it are not at all unfrequent.

Arising out of that, even in those cases where there is a stamped agreement between the parties, and where therefore the tenant has a legal instrument ascertaining and establishing his right, the same species of dependence which you have already alluded to still subsists, if that instrument remains in the hands of the landlord?—It does, and I have known it exercised; certainly to exercise it at all would be improper; but I have known it exercised very improperly.

The Committee understand you to state, that you have known instances of freeholders being registered, where the leases under which they were registered were on unstamped paper ?—Yes.

Can you state any instances in which you know it of your own knowledge ?—I am not prepared to mention names; it would be impossible for me to state particular instances; I have known the thing occur.

It is illegal, is it not ?—It must be illegal, because neither tenure nor contract for land can be made in Ireland without a stamp.

Are you aware, that the certificate runs that it is upon stamped paper ?—Yes ; but that is recent.

Therefore the clerk of the peace would be the person who would be in fault ?—Since the passing of that Act, which is certainly a recent Act.

Are you of opinion that there is any great difficulty in making registries of freeholders without the business being very accurately performed according to law ?—The greatest facility; the clerk of the peace can appoint his deputy, any man can be his deputy for the moment, and it is the easiest thing in the world to register freeholds upon the present system, without either freehold or valid tenure to constitute a freeholder ; there must be first tenure, that is to say, a grant for a life or lives to constitute a freehold ; in order to registry there must be at the utmost such a rent as would leave the freeholder a profit of forty shillings a year : now I have known numerous instances, where, if a peasant was made to swear that he had a freehold of forty shillings, he would have perjured himself in the grossest way; and in those instances a friendly

magistrate or two may very easily get into the room; an adjournment of the sessions for the purpose of registry is the easiest thing in the world, because the Act of Parliament gives validity to the registry, notwithstanding any irregularity in the adjournment of the sessions, therefore two magistrates can come together very easily, get the deputy of the clerk of the peace to attend, and they can register upon unstamped paper if they please. They can register with the life described in such a way, that that life will be either dead or living, as they please, at the next election; John O'Driscol or Timothy Sullivan, or any thing of that kind. Frauds with respect to the registry of freeholds are very considerable; but still it is, I take it, a very great advantage to the Irish peasant upon the whole, to have the power of voting given to him by forty-shilling freehold.

Not in this manner and under these conditions?—Not in its abuses; but I speak of abuses, which with a vigilant magistracy would be prevented or much diminished.

Do you think those abuses are general in the counties you have alluded to?—Abuses exist, but I do not think them by any means general; they are frequent.

Do you conceive that the multiplication of oaths, with reference to the registration of freeholds, and with reference to the proceedings at elections, as well as other oaths which are administered to the peasantry of Ireland, has had the effect of rendering them in any respect indifferent to the obligation of an oath?—Yes, I am convinced of it; the frequency of oaths has had a most demoralizing effect upon the peasantry of Ireland; my opinion is, that the civil bill jurisdiction of the county courts is most frightful and horrible in its effects upon the morals of the Irish people. The allowing a single individual to decide, who cannot possibly be acquainted with the bearings of character, in the first place, it is not bringing justice home to the peasant, it is bringing litigation; then a single individual decides, he has an immense number of causes to decide, he cannot possibly weigh the character, for he cannot be acquainted with its shades; in the next place, it is not pleasant to him to have that task; the jury keep each other in countenance, one man is not reproached with having discredited a witness, there are twelve on the jury, and therefore they protect each other; the assistant barrister is not so, he has not that protection; then if he decides, and I have seen this to a frightful and horrible extent, if the barrister decides, he will necessarily decide in favour of the flippant and distinct swearer; the swearer who has been trained to swear distinctly up to the fact that shall constitute the law. To

have a conscience is an inconvenience, therefore in the civil bill court, if he is a man of character, scrupulous of his oath, he does his friend no good at all, but the ready and distinct swearer is beyond value; and it has had this effect, that in their dealings the peasantry, in most of them, employ their children at a very early age, to be their witnesses, and they produce them at an age that it is actually frightful to look at them. I am, in my conscience, thoroughly convinced, that if a society were instituted to discourage virtue and countenance vice, it would have been ingenious indeed if it had discovered such a system as the assistant barrister's court; without meaning, in the slightest degree to impeach the integrity of the gentlemen who hold that situation in Ireland, some of whom are not very competent, to be sure, in point of intellect, but many of whom are extremely competent; and as to the appointments of the last eight or ten years, particularly, they have been improving certainly in respect of appointment.

Are not the evils which you have described as incident to the civil bill jurisdiction, augmented by reason of the places in which the court are held, which bring individuals from a very great distance, and where, consequently, their character is little known?—That inconvenience is merely pecuniary; and the hardship of travelling, that, in my mind, is but a very slight inconvenience; the great inconvenience is the immorality; when questions are tried by jury, there is a bonus held out to men to be of good character; for they obtain credit by it, and the trial by jury gives ordinarily a stamp upon character; now it would seem to me, that the legislature ought to encourage, as much as possible, every thing that shall have a tendency to make character valuable; the civil bill jurisdiction, which takes away the trial by jury, takes away the tendency of value to character, and gives a tendency to flippancy of swearing.

Do you conceive it would be practicable to try by jury the number of cases which necessarily come before the assistant barristers at sessions?—I think the number of cases, in itself, a great evil; I know that the tendency is to multiply them most unnecessarily; I know that full well. I know that, in practice, decrees are obtained without a service of civil bill at all, and very many decrees. I know, in practice, instances, and the cases are not few, in which individuals obtain decrees in this way; they fill a civil bill at the sessions; John Brown, for example, wishes to get a decree, and he fills a civil bill at the sessions in the name of John Geary or John Sullivan, there is no service of course; he goes in, and though he is the

person intending to have the decree himself, he proves the case, and gets the decree, and goes and makes the distress, and sells the goods, before there is a possibility of discovering the fraud. That has been attempted to be met by taking the bailiff up for a capital felony, as for stealing the cattle, or whatever he seized, and when the assizes came on, I have seen him indicted for the felony, and he produced the civil bill decree; then it was said, it was a fraud, and the man ought to be prosecuted for the fraud and for the perjury; for the perjury it is impossible, for who is to identify the person to be the swearer at the sessions.

Is it not a phrase, perfectly understood in the country, "stealing a decree?"—Perfectly understood; I have known this flagrant instance; there was a tenant of mine, who, for a cottier tenant, was comfortable; the man had five milch cows, he got a typhus fever, which extended to his wife and children; while he was lying in that state, two decrees were stolen upon him, every particle he had in the world was sold, and he was reduced to complete beggary: when I came to the country afterwards, and he made a complaint of this, I found that the man who had done so, was also living as a tenant of mine, and I had no remedy in the world but to turn him off, for I found it impossible to institute a prosecution with success.

Do you mean, that that man owed nothing to the other?—He did not owe a shilling.

Under what pretence did he obtain those decrees?—One of them was under the pretence of what they call "sheaf;" that term requires explanation; the outgoing tenant in Ireland, almost universally, is entitled to a portion of the crop which they call sheaf, it is in some places the third sheaf, and they talk of a sheaf of potatoes, a sheaf of twigs; and one of those decrees was obtained, under pretence of a title to sheaf; it happened to occur to the man that was taking it to fill it in that way; the other was as for a debt.

And he went and swore to this?—He had it sworn to; he either swore it himself, or got somebody else to swear it.

Is not the hurry of the mode of proceeding in the civil bill court, such as to leave it open to those frauds which you have alluded to, and to many other frauds?—It must necessarily; the hurry is excessive; it is impossible to have any thing more undignified, or unlike a court of justice in general, than the civil bill court; there are two or three attornies talking to their clients on every side; they are taking their instructions, and examining the witnesses for the next causes, while the cause is going on. There is a great deal of vehemence of

character about the Irish; the plaintiff and the defendant and their wives and their witnesses are all bawling, at the same time the attorney screaming. There is no poetry in saying, that justice is frightened away.

What quantity of time do you suppose is given to the disposal of those cases?—Six thousand cases have been decided in a week, as I understand.

Do not you connect the hurried mode in which the business is transacted, in some degree with the circumstance of the assistant barristers being also practising barristers in the superior courts?—Yes, I take it that it is a great evil in the system that they are practising barristers; I do not mean at all to disparage my own profession; yet we are men, and the civil bill attornies employ the assistant barristers; and the civil bill clients employ the assistant barristers; and in spite of the highest feelings of a very high profession, that will mingle, it ought not to be allowed to exist.

Then you conceive it would be an improvement upon the present system, if the office and functions of the assistant barristers were made more exclusively judicial than they now are?—I think it would be a great improvement; my own abstract opinion is, that the evil of serving process for the recovery of small debts, and the necessary increase of oaths, is much greater than any that would occur, if they were irrecoverable. I think, in the balance of evils, it would be better that small debts were irrecoverable; and I believe that few small debts would be unpaid, if there was no legal process, for no man would get credit but a man who had a character for punctuality; and that again would operate upon society as an additional bonus to character and fidelity. I think it would be better therefore if debts, under perhaps *5l.* or more, were irrecoverable, and the assistant barristers were lessened in number, and increased much in salary, for if you do not pay the workmen well, you will not have good workmen; and that they went stated circuits, and that they tried every question by jury, and that the magistrates were not exempt from serving upon those juries, as constituting part of the sessions court, which is another evil wherever a jury is attempted in those cases; but the evils of the civil bill court are nothing in point of perjury, and every abomination, compared to the evils of the petty courts in corporate towns and boroughs, where the manor courts continue to exist in Ireland; in the manor courts, the most indecent proceedings take place: a vulgar fellow, a hedge schoolmaster, or driver to an estate, is made seneschal, that is, the judge of the court; he holds the court generally in a miserable whiskey house. It is almost an

universal rule that the jury will not go together, unless they get a certain portion of whiskey; and I have known instances, I say known, because they were proved before me; I have known an instance in which it was proved before me, for they reserve their quarrels for me to decide when I go to the country, that the jury decided for the person who gave them most whiskey, having declared that they would do so.

Are the juries sworn in those manor courts?—They are, and returned by the seneschal.

You are speaking now of manor courts?—I am speaking now of manor courts. I hardly know one person of respectability as seneschal; I knew one, but he was a magistrate, and he was deprived of the commission of the peace upon that account; I think improperly.

Do you mean that he was struck out of the commission because he was a seneschal?—Yes; he was nearly connected with myself.

Will you state the instance?—A Mr. M'Carthy.

In what part of the country?—Mr. Jeremiah M'Carthy, in Newmarket, in the county of Cork. I made the inquiry, and I found that was the cause of his being struck out.

What is the amount to which the manor court is limited?—That varies according to the patent. In the manor in Ireland, where the patents have not been preserved, except those which have been officially enrolled, and particularly those belonging to titles after the usurpation; the evidence of the jurisdiction is usage giving evidence of prescriptive right; and there the more aggravated the abuse, the stronger the evidence of the usage is.

Would there not be, in most of those places where those local jurisdictions, exercised by seneschals, exist, considerable difficulty in finding proper persons to fill that situation?—There would; they have fallen into great disrepute, by reason of the people who have filled them; and in general, it would be considered an offence to ask a man to act as seneschal.

How would you propose to remedy the evil?—To abolish the seneschal courts; I take them to be unmixed evil, increasing litigation, and a most frightful source of perjury. I know of no one advantage to be derived from them.

Do you know whether those seneschals derive fees?—Yes.

When you speak of abolishing the seneschals, you only mean so far as relates to judicial proceedings before them?—They are only for judicial proceedings; they have no other function; in Ireland, the seneschal of certain boroughs is the returning officer; I do not at all speak of him, but I am

speaking of the country in general. The manor courts do nothing else.

Do not the abuses you have described in the civil bill court arise very much from the facility with which you can obtain evidence of the service of process, in cases where no service of process has in point of fact taken place?—Very much; it is the easiest thing in the world to obtain the evidence of the service of an unserved process.

In the event of the civil bill court remaining, would it not be a great improvement if the service of process were to remain in the hands of the officer of the court?—It would; but those experiments are also dangerous. Who shall answer for his fidelity; he would have at his disposal this question, who should recover and who should not.

What is the present character of the individuals who are employed as process servers throughout the country?—It is considered, upon cross-examination, quite sufficient to establish that a man is a process server, in order to have done with his evidence.

Are there any circumstances which distinguish the effects of the execution of process of the seneschal court, from those which attend the execution of the decrees of the civil bill court?—Yes; murders ensue upon it, at least manslaughter; human lives are lost, and that not unfrequently, in executing the decrees; they are executed by the parties who go in a violent way; injustice has been perpetrated by the decree, which gives a natural tendency to resistance, and each party arms himself as well as he can; a battle actually takes place, and human lives are lost. I have known that.

This relates to civil bill decrees, as well as those of manor courts?—Even upon civil bill decrees those battles are fought; there is, however, something more in the civil bill decree, for the sheriff must sign that decree; and there is an attorney upon it, who, although civil bill attornies do not rank as high as the others, yet he has a character, and will be cautious.

The execution of the decrees of the civil bill court is put in the hands of the party?—It is; the sub-sheriffs frequently sign the warrant in blank; that is a bad practice, condemned of course every where.

Do you mean that the parties insert their own names?—They insert what names they please; they do not insert the names of the plaintiff. The courts of conscience are excessively injurious.

Would not the requiring of juries in civil courts have a tendency to diminish the quantity of litigation?—Certainly,

to diminish perjury, to increase the value of character, and of course to diminish the readiness of men of bad character to swear; it would have all the advantages of trial by jury, which, to my judgment, are very great.

Would it become impossible to carry on the civil bill suits, in your opinion, by having juries?—I think not; I think that by not allowing actions to be brought for very small sums, and by having regular circuits, six or eight circuits in a year, civil bill circuits, that justice would be brought home to the doors of the poor in Ireland, without bringing litigation and chicanery.

Do you know what are the opinions of the assistant-barristers upon this point of having juries?—I have spoken to many of them upon it, excellent and intelligent and honourable men; and I find that there is a facility in every body to believe, that he can do by himself, that he does not choose to have assistance; the opinions of the assistant-barristers are rather against it, they have a power to impanel a jury to try facts, which they never exercise, at least very seldom.

Is it your opinion, that if the business under the civil bill process was conducted with more regularity, and with more certainty as to the administration of justice, than it is at present, that that very circumstance would have a very great tendency to diminish the number of actions?—I am convinced it would, a very great tendency both upon the clients and the attornies; and that if the attorney's emoluments were allowed to be increased at the will of his client, it would also diminish the number much by taking away his interest to multiply the number.

In point of fact, is not the jurisdiction exercised by the assistant barristers on the Crown side beneficial; is it not conducted with the greatest order and the greatest regularity?—I think the assistant barrister is decidedly useful in Ireland, on the Crown side.

Martis, 1° *die Martii*, 1825.

LORD VISCOUNT PALMERSTON, IN THE CHAIR.

Daniel O'Connell, Esquire, again called in; and Examined.

ARE you of opinion that sufficient time is allowed by the assistant barrister at the Quarter Sessions, for the business of the Crown court?—As the Crown business is done at present, I do not think that sufficient time is allowed; it is not, strictly speaking, the duty of the assistant barrister; he is only one of the magistrates, and his duty being the civil business, he feels, as it appears to me, that he discharges his duty if he does the civil business; and then the criminal business being matter of supererogation, he is anxious to get rid of that as fast as he can; therefore I do not think that sufficient time is given to the criminal business.

Does his attendance upon his professional duties in Dublin, interfere with his duty as assistant barrister in the Crown court? —Yes, my opinion is that it does; the more an assistant barrister is employed in Dublin, the more efficient he ought to be, the success being evidence, as I conceive, of his efficiency; and therefore the more efficient any man is, the more it is his interest to shorten the time below, and to be in Dublin attending his own business, so that the best workmen are necessarily in the greatest hurry to get rid of the civil business.

Is the assistant barrister by law chairman of the Crown court? —I take him to be chairman of the Crown court by law, but with a single voice only; according to my judgment, no casting voice; and I have known him over-ruled by the magistrates; and I never knew him overruled, that he was not improperly overruled; upon the whole, I think the attendance of a barrister at the sessions, calculated to do great good and no harm at all, if he had leisure enough to attend to it.

How is the business conducted in the Crown court generally? —Very badly in the southern provinces, with which I am acquainted practically; I know nothing of the northern sessions, the province of Ulster, but in the others it is badly conducted; the grand juries are selected from improper persons, low persons; the venders of spirits and beer, find it a profitable trade to be grand jurors, because they can vote against the finding of bills for their customers; the grand jury therefore, in general, is badly constituted, so that of late I have known some assistant barristers make out a good grand jury out of the half-pay officers who happened to be resident in the neighbourhood.

You do not apply that observation to all the southern provinces?—No; but my opinion is, that in all the southern provinces the grand juries are not well selected; as far as I know they are not; I mean the grand juries at the quarter sessions; I do not of course speak of the grand juries of the assizes; no gentleman, who is in the commission of the peace, can be upon that grand jury at all, for he is part of the court; so that all that class are thrown out of it; and such gentlemen, for there are several who do not condescend to take the commission of the peace, or who do not wish to take it, would feel themselves hurt, as far as my knowledge goes, if the sub-sheriff were to summon them on the session grand jury.

Can you point out any other class but magistrates, who are excluded from those grand juries?—No; revenue officers are by the statute.

Is it the practice to appoint Catholics?—As far as I know, it is; I do not know that in the south any religious distinction is made on the sessions grand juries at all, or if at all, very little; it is certainly not a subject of complaint.

What is your opinion with respect to the appointment of petit juries at sessions?—It is equally bad, or perhaps worse; the criminal practice at the sessions is to have almost every cause tried with a double aspect; a prosecutor in the one number, as soon as he has given his evidence, goes into the dock, and the prosecuted comes upon the table to prosecute; they send up cross indictments; there is scarcely any doubt that mutual batteries have taken place.

Are there cross indictments in cases of larceny?—They scarcely ever try larcenies at the quarter sessions in the south; in the county of Kerry, with which I am best acquainted, I have known but one or two instances of petit larceny tried at sessions.

Are the proceedings of the court conducted with order and regularity?—No, they are not, except when the personal character of the assistant barrister is of a more decisive nature; it depends altogether on the decision of the individual; for example, the gentleman who filled the chair in the county of Limerick, a most respectable gentleman, Mr. Lloyd, kept his court in great order; I have known other very valuable men, who have not kept their courts at all in order.

What class of the profession practise in those courts?—Barristers scarcely at all, except in the county of Cork; there are some barristers who are resident; from the quantity of property in Cork, it forms a kind of exception; I understand there is a little of that in Waterford also, or rather there was; but in Cork, from the quantity of commercial property, and the Recorder of Cork, Mr. Wagget, having qualities to make him an excellent

judge; he is a gentleman of private fortune, who was in a very successful career at the bar, and was qualified to reach the very highest station in it; that gentleman is Recorder of Cork, with a very small salary, which he has repeatedly refused to allow to be increased. In his record court, the trial is by jury, and the pleadings are in his court regularly filed, as regularly as in the courts above; he sits at least once a week to try records, and tries questions of very great magnitude; there is a bar established in Cork by that means; out of Cork, with the single exception of Waterford, I believe there is no local bar; the consequence is, that the sessions business is done altogether by attorneys, and the class of sessions attorneys is not the most respectable; but I should say, that very respectable men also do practise, especially the young men of respectable connexions, and in the commencement of their career, practise in the sessions.

Is it considered discreditable for a respectable attorney to practise in the court of quarter sessions in Ireland?—It still continues, to a considerable extent, to be so; it was considered quite disreputable, and it was so by reason of some of the leading men of the profession of attorneys, having formed rather a fashionable club in Dublin, in which it was a rule that no man should be admitted, who practised in the sessions court, so that they themselves stigmatized the sessions practitioners; that, however, is diminishing, from the reason I stated, that respectable young men do certainly now practise; the relaxation of the Popery laws has given a better class of attorneys than existed in the counties before.

Are the fees regulated by Act of Parliament?—The fees of the Civil Bill court are regulated by Act of Parliament. I am ignorant whether the fees of the criminal court are regulated by Act of Parliament or not.

What is your opinion with regard to the effect of those fees, in preventing respectable attorneys practising in those courts?—I am persuaded that the limited nature of the fees is an evil every where, that prevents respectable attorneys practising, when they get into general business; and it has a natural tendency to excite attorneys when they do practise, to multiply the number of cases, in order that the number may make up to them emoluments, which ought to be created by a lesser quantity.

Since the stamp duty has been taken off the process, is it not in the power of any man to summon another, and place him under the vexatious circumstances of being called upon to appear in court, without incurring any expense whatsoever?—It is, certainly; he can do it, of course, at a great deal less expense since the stamp duty was taken away; but as long as courts exist for the recovery of small debts, which I beg again to say, as far as my own humble judgment goes, is against that judgment, I think

it would be better not to have courts for the recovery of small debts; but as long as they do exist, the cheaper they are made, in my opinion, the better; the principle seems to me to be cheapness; my great objection to those courts, is the immense quantity of perjury they necessarily engender.

Your observations apply only to the southern provinces, and not to the northern?—I have said so, that is, when I speak from my own knowledge; a great deal (speaking from information) of the mischief of civil bills, I understand, does extend also to the northern districts, but I do not know it of my own knowledge; I know nothing of the mode of empannelling grand juries in the north, even from hearsay, if I may be allowed that phrase.

Are you acquainted with the manner in which justice has been administered by the magistrates throughout the south of Ireland? —I think I am; it has made a very unfavourable impression upon my mind. The mode of administering the criminal law by the magistrates, has been very bad, and continues, though the petty sessions have given some improvement, to be, in my judgment, bad.

Can you state, generally, any practices which have prevailed, which have rendered the administration of justice such as you have described it to be?—The administration of justice is divided into ministerial acts, which are preparatory to trials in criminal courts, and judicial acts, where the magistrates inflict penalties and decide cases. Now, in ministerial acts, there was a great flippancy in sending persons to trial upon informations brought in writing to the magistrates, and sworn to without due examination or caution, so that in the southern counties the difference was very great between the number of persons found in the calendar at such assizes, several of whom were months in gaol, and the number indicted; and a very great disproportion between those indicted and those convicted; now, a vigilant and a paternal magistracy would certainly have prevented those cruel grievances.

Have abuses prevailed with regard to the manner in which summonses for attendance have been granted?—Great abuses; the jurisdiction which has been extended with respect to tithes by an Act of Parliament of five or six years ago (I speak in round numbers) has been attended with very grievous consequences in many places; I know an instance, in which (it was one of many) peasants were summoned by two magistrates; the tithes being let by an absentee clergyman, who had two very large parishes, and only two or three Protestant inhabitants; he let them to an individual who did not think the people a bit the better for his being a Roman Catholic himself; I have known him to get summonses from two magistrates who resided nineteen miles from the farm, and the people went with their witnesses the nineteen miles; and

as soon as it was found they had their witnesses, and were ready for the cause, the magistrates at once adjourned the court for a week; so that they had thirty-eight miles to travel, with their witnesses, without effect.

Were there magistrates resident nearer than the nineteen miles? —Oh yes, many. Those two magistrates were certainly very singularly circumstanced, for one of them is in the depôt for transported convicts, and the other I saw discharged as an insolvent the other day; they would have harassed the people three or four weeks more, if I had not been in the country.

Is it not the case, that the party who sues for tithes before the magistrates, is empowered to choose the magistrates before whom he will bring the cause?—Certainly.

And there is no option in the party complained against?—None in the world; as I remember the Act of Parliament, however, there are some exceptions. Magistrates, who are tithe-owners, are, I think, excluded; but then, if they do act, what is the remedy of the peasant? only an application to the court of King's Bench; it is quite idle to talk of that to an Irish peasant.

Are either of those magistrates, to whom you have referred, still in the commission?—No.

How long have they ceased to be?—Perhaps three or four years.

Have any instances come to your knowledge, of abuses in issuing summonses?—Oh, yes; summonses have been issued for very trivial matters. Favouritism subsists in the south, that is very little aggravated by any religious differences; but it is sometimes tinged with that.

Has the authority of magistrates been in any degree perverted, so as to turn it into a grievance in this respect?—Yes; my opinion is, that the magistrates, taken all together, have not that feeling that men ought to have, who hold any species of judicial station; there is not the generous sentiment of abhorrence of wrong and oppression among the class of men who are magistrates in Ireland, which there ought to be. It is a convenient thing for a man to have a commission of the peace in his neighbourhood; he can make those he dislikes fear him, and he can favour his friends; a great deal of that prevails, and must necessarily prevail, in a state of society such as subsists in Ireland.

Can you mention any instances in which the judicial authorities of magistrates have been abused?—The instance, I gave, was one in which judicial authority was abused; we have complaints professionally coming constantly before us, of the modes of inflicting fines for various offences; and we have reason to believe, the complaints are well founded, though it is almost impossible to procure redress for them.

What opinion prevails among the lower orders of the people, in respect of the administration of justice by the magistrates?—The lower class of the people conceive, that it is not the justice of the case that is to decide it before the magistrates, but the person who has most favour and interest; and the moment they have any thing to be decided before magistrates, they ransack the entire neighbourhood to get letters of recommendation to the magistrates.

Do they adopt any other means of influencing magistrates in their favour?—It is familiar in belief, and I have no doubt of it, that magistrates have received money and various articles: where they could not give money, eggs and butter, and fowls, and presents of various kinds.

Do they ever give free labour?—Yes; and free labour where they can give nothing else; and immorality where females are interested; complaints of that description have been made, that they purchase favour in a mode which is not difficult to be understood.

What effect has the system, that has been recently introduced of bringing magistrates together at petit sessions, produced on the general administration of justice?—I think that it certainly has improved it among the magistrates at petit sessions, there being several; and it is likely, that there is at least even one of the better class, and he necessarily influences the conduct of the sessions; but when they are disposed to act harshly at all, it protects them better to act in numbers than if one was to act alone; it has that drawback.

What impression has this alteration made upon the opinion of the lower orders of the people?—I do not think that as yet it has made a much more favourable impression; they conceive, that the questions are decided by the majority of votes, and they still canvass as they used to do; it has not been in the south long enough in operation to make a favourable impression, at least to abolish and drive away the preconceived notions*.

* The following is taken from Major Wilcock's evidence, p. 109.

Do you consider that the magistrates (of the county of Limerick) were to be charged with a general negligence of their duties in the administering justice between the lower orders?—I think there was a very great cry out, that justice was not administered generally.

Have you been told of any existing complaint?—I have, I believe.

Was there a complaint, with regard to the system of fees taken by magistrates?—Yes; I did hear that some magistrates took fees, and took them, if I may be allowed the expression, in kind.

Will you explain what you mean by taking fees in kind?—Getting their turf drawn home and other things.

Any

In what manner was this alteration effected by government, of inducing the magistrates to act in petty sessions?—As far as my knowledge goes, the judges, on going out on the circuits, were spoken to, to recommend it in the various counties; and I know, in point of fact, the judges did so recommend, and repeated the recommendations.

To what extent did that measure of revising the magistracy go, which was lately adopted in respect of purifying the magistracy? —It struck out some very bad men; it left in several; and it was used occasionally, to deprive of the commission of the peace most excellent men, without any cause; it was peculiarly severe upon the Roman Catholic magistrates.

Mr. Garrett Nagle was a man of very respectable character, and of an old family?—Yes, both; but in the county of Cork, most of the Catholic magistrates were struck out, but some of them have since been restored.

Do you know any thing with respect to the effect of the exclusion of the Roman Catholics, from the direction of the bank of Ireland?—Yes: for the last two-and-thirty years Roman Catholics have been eligible to the situation of bank directors, but not one of them has been elected, although an immense deal of bank stock belongs to the Catholics; in their fair proportion, it is impossible to say, that they ought not to have two or three of the bank directors always Catholics; it was injurious to the Catholic commercial men during the war; and in times of commercial speculation, I think the result has been highly beneficial to them, and accounts, in my mind, for the superior wealth of the Catholic commercial community in Dublin over the Protestant; they were thrown upon their own resources, and obliged to make fortunes by degrees, and such are the men who keep their property.

Any thing else?—Assisting in planting their potatoes, and things of that kind.

Were those fees taken upon the discharge of magisterial duty, or upon any other occasion?—I cannot take upon me to say what the agreement between the grantor and grantee was, but it was for some service, I should suppose, rendered by the magistrates.

Do you conceive that those presents were made for service rendered in the capacity of magistrate?—I think they arose out of magisterial influence.

Were those magistrates middle men, or resident gentry?—They were resident gentry; I think they possessed some property, but very much embarrassed.

The observations which you have made, apply to the time before the reform of the magistracy; before the introduction of petty sessions?—Certainly.

Was there any feeling in the county, with respect to the participation of some magistrates, in illicit distillation, and in the system of fees?—There certainly was; particularly in the western parts of the county of Limerick.

Did that belief, within your observation, tend to deprive the magistrates of the confidence of the people at large?—I think it did.

Was not there a difference of opinion, with respect to the effect of the Act of 1793, as to its effect on the charter, in order to procure the admission of Roman Catholics to the bank direction?—There was; there were three opinions taken, two of them were unfavourable to the Catholics. Mr. Ponsonby, who gave one of the opinions, was afterwards himself astonished at having given it; whether it is that we conceive ourselves better lawyers now, from attending more exclusively to the profession of the law, I cannot say; but no lawyer at present in Ireland, has the least doubt on the subject, that they were eligible all along.

By the Act of 1807 or 1808, when the bank charter was renewed, there is a clause saving all rights that existed under the former Act of 1793?—As I remember there is; I speak from recollection not recently refreshed; if I recollect right, there was a clause brought in to empower Catholics to become bank directors, and that Sir Samuel Romilly declared in the House, that it was not necessary; I may be mistaken in that, but I understand it to be the universal opinion of the profession, and speaking of so humble an individual as myself, I have no doubt that Catholics are eligible.

But no Catholic has been, in fact, ever yet elected?—No Catholic in fact has ever been elected.

Do you know whether, in the subordinate officers employed by the Bank, there is any instance of any Catholic being admitted to a clerkship, even in the bank?—I understand there are six or seven instances, or from that to ten; but the thing in Ireland which is most grievous, is not perhaps the letter of the law that excludes the Catholics, but the spirit in which the letter is acted upon.

Do you know whether there are any other instances in which the Act of 1793 rendered the Catholics admissible to offices not immediately under the government, but in different departments, to which they have never been admitted?—To franchises, such, for example, as the freedom of the city of Dublin; for the same period the Catholics have been admissible to the freedom of the city of Dublin, there has not, I believe, been a single instance of a Catholic obtaining that right; in general, the persons were too poor to enforce it. At my own expense, I found a man of the name of Cole, and I got a peremptory mandamus from the King's Bench about five years ago, but he died in a fortnight after; and from that until the present year the matter rested, when some means were found to bring on the question again. We have obtained a mandamus. It is not returnable as yet; it will be returnable the next term. In a case in which the individual had been a Protestant, he would have been admitted at once, and it

was so sworn in his affidavit, and not denied in the affidavits of the corporation, on showing cause, as I recollect.

Do you know whether, in other corporations, the same adherence to the exclusion is still continued?—In the corporation of Limerick, as much as in the other; but that was rather to keep it in the hands of a particular family; the religion mixed there with self interest. In Cork it is an inconvenience, but it is not so strict. I am not aware of any other corporation in which it has had that effect, and that particularly, because the corporations with which I am acquainted, are not, in general, open corporations, except Dublin.

Do you know the circumstances of the corporation of Waterford?—I am not acquainted with the details of that corporation; but there are Catholic freemen there, and there are Catholic freemen at Cork.

You have said, in answer to a question, that you attribute, in some degree, to the exclusion of the Roman Catholics from the Bank, the superiority of their wealth in Dublin: on what observation do you ground the alleged fact, that the Roman Catholics are superior?—Many circumstances have made me very intimately acquainted with the city of Dublin, and the commercial men in it. There is, first, my professional opportunities; one reason also is, the political part that I have taken, which has brought me into immediate connexion with the Catholic mercantile men. The opposition to us has made me know, tolerably well, the Protestant commercial men; and both causes have given me a knowledge of what we call the liberal men. Now, from these causes combined, I am able to say, with a good deal of confidence, that the preponderance of the commercial wealth in Dublin is with the Catholic merchants. My profession gives me private information of the amount of property.

Do you mean to include in that, merely the Roman Catholics themselves, or that proportion of the Protestants supposed to be favourable to their opinions?—I mean to say, that the Roman Catholics themselves have the absolute preponderance, in my judgment.

Can you form any estimate of the commercial wealth of the city of Dublin, on the whole?—I should be afraid to state any guess upon that subject.

You have mentioned the spirit with which the laws have been administered in Ireland; what influence has that had, in respect to the concessions made to the Roman Catholics in the year 1793?—It has not allowed those concessions to go fully into effect, as the legislature intended. The instances I have given are instances of that description, where the legislative benefit has not been realized. There are others.

Have you ever known, in the case of purchases made by Roman Catholics of landed property in Ireland, any exception taken to the purchasing of lands, the title of which depended upon confiscation or forfeiture?—No objection, certainly; on the contrary, in advising a purchaser to buy, as a professional man, I infinitely prefer that it should have been a forfeited property, and for this distinct reason, that then the origin of the title is easily traced; for after the usurpation, all those who obtained forfeited property took out patents for it, and therefore we easily find the patent, and direct the searches merely for subsequent periods; so that I take it to be an additional advantage in carrying an estate to market in Ireland, that it was a forfeited estate. I myself, in the small property I possess, have lands that are forfeited.

Have you ever known purchases of landed property in Ireland, to a considerable extent, made by Catholics?—O yes; and indeed, circumstances having placed me a good deal in the confidence of wealthy Catholics, and knowing a good deal of their purchases, I do not think I could call to recollection the purchases, by Catholics, of any thing but forfeited estates. The instances in which they have purchased them are beyond a doubt very numerous. I speak from positive knowledge.

The Catholic body, as a body, would have no interest in reversing the forfeiture?—The wealthy Catholics would be ruined by it.

Have you any means of informing the Committee, what proportion the property that never was forfeited bears to that which was?—It must be extremely small. I know of but one instance within the scope of my knowledge, of a property that never was forfeited, and I possess that myself.

Then the inference to be drawn is this, that almost the whole of Ireland has, at one time or other, been forfeited?—I believe the whole of Ireland has been two or three or four times forfeited. the northern forfeitures were, many of them, in the reign of Queen Elizabeth; the southern were at the Usurpation, and again at the Revolution. During the reigns of James the First and Charles the First, there were immense forfeitures, both in the north and in Connaught.

There were some in the reign of Edward the Sixth?—Yes; those were principally church lands.

The quit rents, which show pretty well what estates have never been forfeited?—I take the distinction between crown rents and quit rents to be this: crown rents show where it was forfeited; quit rent, in its signification, was a kind of composition for a bad title, for quieting the title, and may exist as well after forfeiture as in lands not forfeited.

Is it within your knowledge, that there is a considerable sum lent out by Catholics on mortgages of estates, in addition to the land purchased by them?—Very considerable, in addition to their landed property. Except in Dublin itself, the Irish Catholics have not, until latterly, got into the habit of placing their money in the funds; they have lent their money on landed security. Judgments and mortgages were, till lately, considered nearly equal in value, in practice in Ireland.

Are there not a considerable proportion of the tenantry greatly interested in the present state of things, by the possession of very long leases?—There are; and on forfeited estates I am quite convinced that any measure so ruinous to all the wealth and property and intelligence of the Catholics in Ireland, as any attempt to get back for the old proprietors, if they could be traced, the forfeited lands, could not be devised; in short it is a thing utterly impossible.

Do you believe that any attempt to do that, would create general alarm among the Catholic body in Ireland?—I am convinced it would not only create general alarm, but that if they had the least notion it would be done, there is nothing which would excite to actual civil war so soon.

Can you institute any comparison between the state of Catholic property now, whether landed or personal property, with what it was previous to the year 1778?—In numbers or numerically, I cannot do it; but it has increased (the only phrase at all to express such increase is,) enormously, and it is increasing every day; the Union has tended very much to increase the resident Roman Catholic property in Ireland; it drained off for every purpose of colonial government, and from the expectation of promotion in the army and navy, the Protestants; the Protestants being of a wealthier class, when the war prices fell, they could not endure the misery which the Roman Catholic peasant endured from habit, and therefore they auctioned off every thing, and went off to America in numbers; these things, as far as I have observed, have a daily tendency to increase the resident numbers strength and wealth of the Roman Catholics in Ireland, as compared with the Protestants.

As compared with the period antecedent to 1778, your opinion is, that the Catholic property, in proportion to the Protestant property, is infinitely greater now than it was then?—Beyond any possible comparison certainly, and that applied to every kind of wealth; the Catholic commercial property was very much shaken before 1778, by the decisions, which made judgment debts discoverable; which means, that when a Catholic had a certain kind of property, any person filing a bill in chancery, merely stating

the owner of the property to be a Catholic, and that he, the plaintiff then was a Protestant, he was entitled to a decree for the property.

The state of the law before 1778 was such, that accumulation of property in the hands of a Catholic was difficult?—Of landed property impossible, but even of personal property, the moment they laid it out on any security affecting land, and a judgment in our country is not a lien on land, but is convertible into a lien, it was held that the convertible nature of the judgment into a lien on landed property, though not brought into action by what we call an elegit, still rendered it discoverable.

Are the Committee to understand, that it is your opinion, that of the emigrants, a much greater number of Protestants have gone to the Colonies and the United States, than Catholics?—A great number of poor Catholics, but of the wealthier yeomanry a greater number of Protestants; for the Catholic yeomanry arose only during the war, and they descended more easily into an inferior station than the Protestants, who had never been in so low a state.

You have stated that many Roman Catholics are very unjustly excluded from being members of particular corporations in Ireland?—In the city of Dublin especially; and I understand Derry, but I may be mistaken.

Are you to be understood to state that to be more in practice than in law?—The law certainly does not exclude them.

Has any remedy ever occurred to your mind to prevent this practice?—Yes.

Have the goodness to state it?—By making it punishable by a pecuniary fine, to refuse the undoubted right of a poor man, and by giving double or treble costs, which would easily encourage respectable attorneys to speculate, by advancing their own money to enforce the right; if treble costs were given, the attornies would be naturally looking out for the clients.

Do you think that would be a perfect remedy in all cases?—I think it would be an excellent if not a perfect remedy, because it would go to the extent of the evil; perhaps if I had the preparing an Act of Parliament, some legislative provisions to facilitate the modes, so as to prevent the applicants from being defeated in matters of form, where in substance they were correct, might be made; but with the two things together, preventing the right being impeded by mere technical forms in the corporation, with which by-the-by, a man who is not already in the corporation, cannot be so well acquainted, and a provision of this kind, that every question of right should be the matter tried, and tried in one of the superior courts, for example, the court of King's Bench, and there need not be a better, the thing would perhaps approach

to perfection; but we should not do any thing to encourage persons not entitled to be the right, unjustly to claim it; that would be an evil.

Have you ever looked at the Act which has been passed here, for the admission of freemen, or for the regulation of their claims, in the town of Coventry?—Never, I have not seen it.

Do you apprehend it would be a beneficial regulation, if in every corporation, they were bound to examine the claims of freedom, at the first meeting after the petition for freedom was presented, previous to doing any other business, save and except the election of mayor or sheriff?—I think that certainly would prevent what is called in Ireland "cushioning," a technical phrase, referring to the not deciding upon the claim at all; that is a practice which has been much complained of.

Do you think that if means can be devised to prevent the application of the corporate funds by the corporation, to the vexatious defences set up against applications for freedom, that would have a beneficial effect?—O, certainly; if I had had it in my contemplation when I answered the question awhile ago, I would have added, that it would be a great additional advantage, if, where an unfounded resistance to a just claim was made, it might be in the power of the judge to certify his opinion of the verdict, and then that the individuals should be themselves responsible, as well as the corporation funds, and that the corporation might have a remedy over for the costs which they were put to, against the individuals; a legal provision to some such effect, would probably diminish the resistance to the claims of poor men.

Have there been many applications within your knowledge, to the court of King's Bench, against the corporation of Dublin for refusing admission to that body?—Very few; I have known but of two instances of Catholics applying. Coles, the man for whom I applied, had an unquestionable right, but he never would have applied if I had not done it at my own expense; the Adcocks and Henderson, for whom we lately applied, had certainly a right, but they never would have applied if we had not done it for them. They were the children of Protestant parents; their father had exercised the right till the very moment of his death, and the grandfather in the case of Adcocks.

Do you recollect any case of an application in respect of the corporation of Derry?—No, I do not know it; I have not heard much of Derry, beyond what I have already stated.

Have you known of applications made for the franchise in other cities, besides Dublin?—Limerick is familiar to me.

Those applications have been continued for many years; have they not?—Those applications have been continued for many years; the Limerick corporation, being experienced in the modes

of delay, and they have used an extreme deal of ingenuity to interpose delays; they have, under the appearance of fairness, instituted tribunals to try the right themselves, in the first instance; the real meaning of which is, a tribunal to exclude, in all possible cases, as many persons as possible.

Are you quite sure that the Adcocks and Hendersons were Catholics?—I am quite sure; I prepared their affidavits, and saw the Adcocks take the Catholic oaths.

Do you know any thing of the case of a Mr. Kirkland?—Yes; I know Mr. Kirkland very well.

He is a Protestant?—He is a Protestant, but I do not know of what class; all Protestants are on an equality in Ireland as to civil rights.

He has applied to the corporation of Dublin for his freedom?—I understand he has applied, and I believe more than once, but he certainly has applied, and I understand he has been refused; he has given proofs of what we call liberality, and that is almost as bad as popery in the eyes of the corporation.

Do you know any thing of the foundation of his claim for admission?—No, I do not.

Do you think it impossible that the corporation of Limerick, in instituting the tribunal to try the right, had nothing else in view but to defeat it?—I have known a great deal of the corporation of Limerick, and I am quite convinced that they had nothing else in view; they have used every species of dexterity for years to avoid the trial of the right, and to leave the corporation and its property in the hands of an individual, who appoints the sheriff, and every thing of that kind. I was present when a gentleman declared, that his uncle had not nominated the two sheriffs, for it was he who had nominated them; that his uncle had given him, for two or three years, the nomination of mayor and sheriffs; this occurred in a court of justice.

On what occasion was that?—The name of the case was "Lord Kiltarton against Mr. George Pitt," a barrister; Pitt was sued as assignee of a covenant. The case was tried before my Lord Chief Baron; we, for the defendant, challenged the array of the jurors, on the ground that both sheriffs had been nominated by Lord Kiltarton, the plaintiff; and when the challenge was given in, the gentleman I allude to (I do not wish to mention his name), got up, and said in open court, "Do not persevere in that challenge, for, upon my honour, for the last two or three years, my uncle has given me the appointment of mayor and sheriffs, and all the members of the corporation; and it was I who nominated the present sheriffs, and not my Lord Kiltarton."

What was the year in which this happened?—I cannot mention the year, but I believe about 1811; it was at least as early as that.

Do you put the corporation of Dublin and the corporation of Limerick on precisely the same footing?—By no means. The corporation of Limerick has been the property of a single individual, its revenues and all; the corporation of Dublin certainly has not; it has belonged to a party, but not to an individual.

You do not think the cases are in any degree parallel?—It would be going too far to say they are not, in any degree, parallel; they are parallel to a certain extent: the lines extend the same way, but they are by no means co-extensive.

Have you ever known of any Catholic sitting upon the commission grand juries in Dublin?—I have heard of Catholics, I think, sitting upon the commission grand jury; that has been a disputed question; but my own recollection is, that on the commission grand juries they have, but on the term grand juries, in the city of Dublin, never; though for thirty-three years they have certainly been eligible to that situation.

Do you suppose the reason of that to be, that in the term grand juries they have the power of raising money on the citizens by presentment, and not on the commission grand juries?—I do not think Catholics would have been on the commission grand juries, if they had any power of raising money, or the general power of appointing to various offices; the term grand jury in Dublin has a great deal of patronage, as well as the power of taxation to a great extent; it is, in my humble judgment, very badly constituted; there are men of very small property upon it constantly, while Catholics of great wealth, who are taxed by those men, are never on such grand jury.

Do you find that that exclusion extends as much to the rich Protestant merchant, as to the Catholic merchant?—There are rich Protestant merchants excluded certainly; but if a rich Protestant merchant thought it wise to meddle in corporation politics, he might be easily upon it, unless he was a gentleman who took what we call the liberal side; but any Protestant merchant, who chose to meddle in corporation politics, of wealth, would easily be upon those grand juries. The members of that grand jury are principally supported by offices under the police aldermen and sheriff's peers, and so on.

Do not those grand jurors principally consist of the corporate offices?—Yes.

Is it not within your knowledge, that the greatest proportion of the wealth of Dublin is excluded from those corporate offices;—Practically I think it is, for the corporation is in general constituted of men not wealthy, or not commercial men; but that is because they are excluded by reason that several of the wealthy Protestants do not think it worth their while, and not having an adequate object to become corporators; those poorer persons make

money of it, and have patronage which is equal to money; they therefore devote themselves to the measures which bring them forward in the corporation.

Do you think that because a man in Dublin is a Catholic, whatever his wealth and respectability may be, he is more excluded from sitting on those grand juries, which have the power of raising vast sums of money, than a Protestant?—O, certainly, much more; for example, the law as it stands at present precludes him from any office in the corporation: a Catholic at present cannot be mayor, or sheriff, or alderman, or common council-man; he cannot be master or warden of any of the guilds; he can hold no situation in the corporation but that of mere freeman; and as the grand jurors are constituted almost entirely of corporation official men, therefore they are infinitely less likely to be on the grand jury than Protestants of any class.

Does there not exist as much dissatisfaction among the wealthy Protestant community, at being excluded from those grand juries, as exists among the Catholics?—I do not think the degree is as great; there does exist dissatisfaction certainly. I believe the wealthy Protestant merchants concur with the Catholics in being dissatisfied with the present system, and are much dissatisfied with it; but this dissatisfaction is imbittered to the Catholic by religious dissension, to a degree which increases the unpleasantness of the feeling a great deal.

Is it your opinion, that there is no remedy for those inconveniences that arise out of the corporation system of government, except by a total change in the charter of incorporation? I do not think a total change at all necessary; I think by a fair and liberal spirit actuating the government, and particularly the not giving promotion in the various offices in the patronage of government, to violent partisans of any kind, much may be done to bring the corporation of Dublin to be practically useful; but I think, as the offices are given only to those who distinguish themselves in a particular way, it is a stimulus to that course.

Can the government prevent the corporation distributing the offices in their gift, as they like?—The government of Ireland, I take it, have complete control over the corporation of Dublin; for there are so many offices in the gift of government, removeable at pleasure, to be given to Dublin corporators, particularly those connected with the police, that if the government chose to point out that they should shape their course in a different way, the thing would be done in half an hour, as I conceive; I mean, very speedily.

Do not you think, that some events have happened lately, which prove that the government have not that complete control over the corporation?—I think not; the Irish government is divided; there is a certain portion of it with which the corporation acts, and

whose power enables the corporation to act against another portion of it,

You have stated, that Protestants are excluded as well as Catholics from serving on the different grand juries, as being what you call liberals; you mean by that, those that are considered generally favourable to the Catholic claims?—I do.

Do you conceive that, under the present system, that prejudice exists against the admission of Protestants into any offices, who do not maintain opinions favourable to the Catholic claims?—Oh, yes; so much so, that it would be utterly impossible for any man who entertained an opinion favourable to the Catholics, to become a sheriff of Dublin, utterly impossible; on the contrary, no man can now be sheriff of Dublin, who does not give an unequivocal pledge of his hostility to the Catholics.

Does that extend to all offices, to that of Lord Mayor?—No; the Lord Mayor is generally taken in a certain rotation. There are some aldermen, liberal; Alderman M'Kenny is a liberal man, and Alderman Smyth, the late Lord Mayor, also.

Are the majority of the aldermen supposed to be liberal?—The majority of the aldermen are supposed to be liberal, or at least disposed to liberality.

Explain how you account for the circumstance, as no person can be alderman who has not served the office of Sheriff, of its being necessary to give that pledge, before men are elected Sheriffs?—The pledge has been of a later date. There was a time when a better feeling existed in the corporation of Dublin; and the revolutionary principle, which had a bad effect elsewhere, made a kind of community of feelings among the Irish, in many instances; and there were a class of men who grew up and got into wealth, being corporators, who, without going to the extent of revolution, had liberal political notions generally, and some of that party have got into the court of aldermen; they are most worthy and excellent men.

What is the pledge of hostility which a high Sheriff of Dublin is obliged to give, before he can fill that situation?—He is obliged to give a pledge of toasting at all public dinners, that which is considered, and intended, as an insult to the Catholic population, "The glorious and immortal memory."

Do you consider drinking that toast, a pledge of hostility against the Roman Catholic population of Ireland?—It certainly is in Dublin, and generally, in Ireland it is considered so, and, as far as I have ever heard, intended as such; I never knew any man give it in public, that did not mean it so.

"The glorious memory," is, the health of King William?—"The glorious memory," is not the health of King William alone, for it is current in Ireland with the brass money and wooden shoes, popery and slavery, and a great deal more.

What is the date of that pledge?—I cannot exactly say. In the south it would not be done at all.

Do not Roman Catholics frequently drink the health of King William?—I have known Catholics give the health of King William, as I should give it myself, as an assertor of the principles of civil and religious liberty.

Do you think it is ever drunk with that feeling by the high Sheriff of Dublin?—Never; on the contrary, the high Sheriff of Dublin drinks it with a view to put down civil and religious liberty.

Can you say what is the sense in which a man drinks a toast?—Yes; from the general tenour of a man's conduct, and the preceding discourse; and many of those gentlemen to whom I impute that, would be greatly astonished, if I formed any other notion of it.

On what occasion does the Sheriff give that pledge?—There is, generally, a meeting at Morrison's, previously to an election of sheriffs, of the gentlemen who influence the elections in the common council; they arrive about the hour of eleven o'clock, and they canvass who shall be sheriff; and no man has any chance, at present, of succeeding, unless he gives the pledge; and when the corporation meet, it is announced openly, that he has pledged himself to give that toast.

Has not "The glorious memory" been drunk by the corporation of Dublin for many years; is it not a sort of charter toast?—I do not think it has: the impression upon my mind is this, for some time after I was called to the bar, I do not think it used to be drunk; and, certainly, it was given up for some time.

Do you believe that the corporation of Dublin, or any other gentlemen, could really intend to give that toast as an offence to the Catholics; or is it not more likely, that the Catholics have taken this as an offence to themselves?—Oh, no: certainly they mean it as a sign of superiority and triumph, and that they determine not to allow the civil equalization of things that we are seeking for; it is a kind of Shibboleth of party, denoting foregone triumph, and bespeaking future degradation to us.

Are those feelings expressed in the toast, as announced?—In general they are; and, as appears by the newspaper reports, in the most offensive shape. We know of them, of course, only from the newspapers; they are generally accompanied by very violent declarations of hostility to the Catholic claims.

What do you conceive to be the date of the Orange Association?—About the year 1795 is the date of the Orange Association.

Have you any doubt that that toast has existed, and been the usage, ever since the reign of King William?—I am sure that particular toast has existed ever since the Revolution; that is the reason that quite convinces me of its offensive nature, for it was a kind of charter toast after the violation of the treaty of Limerick,

and the enactment of the penal laws; it was one of the pledges that kept men together during that period, when the Catholics were thus excluded, and all the invasions upon their properties and rights committed.

The Committee may collect, that it has not been taken up as a recent invention, for the purpose of insult, but merely persevered in?—Persevered in; and felt more, as the government and the law have become favourable to the Catholics: while the government was hostile to the Catholics, the individuals giving this toast were considered quite in accordance to the government, and not noticed; but when the law put the Catholics, to a certain extent, under the protection of government, and we became, to a certain degree, subjects, the Orange party, with their great and volunteer association going beyond the law, and threatening us beyond it, the toast had an effect which it had not before.

Do you believe that, in point of fact, the Catholics used to take offence at it, thirty or forty years ago?—Yes, I am quite sure of that. I have known among Catholic gentlemen, and persons of an Orange cast, quarrels arising constantly; and their considering it a personal offence, and retaliating in an offensive manner on Protestants who pledged that toast in their presence.

Have you not heard, that about thirty or forty years ago, the Roman Catholic gentlemen used to join in drinking the toast?—Yes, as "The glorious memory"; after the year 1782, there was a better spirit created in Ireland between the Catholic and Protestant; they almost forgot their dissensions: and at that period, if "the glorious memory" had been given in the presence of a Catholic, he would have joined in it; for, after all, the spirit of civil and religious liberty is as dear to us as to the Protestant.

Do you not believe, that the Roman Catholic population in Dublin used to turn out, and go round the statue of King William on his birth-day?—Yes; the Catholics at that period, fired over the statue of King William, and joined in it heartily.

You state that the corporation of Dublin were encouraged in illiberality, by a portion of the government?—I state that as my opinion; and it is very strongly my opinion.

Upon what facts do you form that opinion?—Knowing that there is a portion of the government of Ireland, what we call "liberal," and conceiving, and in the same manner knowing that there is a portion which we call "illiberal," and seeing that the men get promotion in the city of Dublin, who belong to the illiberal party, I think, to my mind, there is not so decisive a proof of encouragement as giving office and emolument.

Can you state the cases in which that has been done?—It is not pleasant to name individuals, but I will name Alderman Darley for example; he is notoriously an extremely illiberal person, he

has lately been promoted, by getting an additional office, estimated at 760*l.* a year; Alderman Fleming was the rival candidate, but Alderman Darley was preferred by the illiberal and more powerful part of the Irish government; the contrast between the two is very striking to us, and yet Alderman Fleming's liberality was not so very decided, that it ought to have much injured his promotion.

Is that the only instance?—No; but take them all round, I do not think you will find one of the liberal party in office; at least it does not strike my recollection, that there is one of the liberal party holding one of the offices government bestow. Alderman M'Kenny is totally excluded; Alderman Harty, who is liberal, is totally excluded; Alderman Smyth, I believe, has got no situation under government, and he is liberal; and I undertake, if the names are mentioned of those who hold the offices in the gift of the Irish government, they would all be found to be the fiery partisans of the Orange faction.

Can you state how many cases have occurred during Lord Wellesley's administration?—I cannot state how many, but all that occurred were of that description; it would, however, be unfair to attribute it to Lord Wellesley personally.

Can you conceive any reason, why Alderman Darley should be preferred to Alderman Fleming, beyond differences in their religious opinions?—I cannot; I am not in the state secrets; but I believe Alderman Fleming to be a very worthy man.

Have you any reason to believe, that for a great number of years back, Alderman Darley has ever attended any Orange lodge or society?—Attending Orange lodges is not to my mind a criterion; I suppose, since the passing of the Act of last year, he has not attended, but he is linked as much with the Orange party as possible.

Have you any reason to think, that in any one instance, in the discharge of his duty as a magistrate, Alderman Darley has ever shown any favour or partiality to a Protestant, rather than a Catholic?—I am not sufficiently acquainted with the detail of his duty in his office, and besides, in his office, there is a barrister or two; I do not insinuate that it is so, but certainly I would rather be an Orangeman than a Catholic, if I was going into his office.

That is your own opinion rather than a fact?—Alderman Darley was an Orangeman notoriously; some years ago, he was the person that immediately after the king left the room, when he was in Ireland, gave the offensive toast, insulting the king himself; the strongest instance imaginable in my judgment; so that it is not my opinion merely, but is founded on facts of a decisive and unequivocal nature.

Alderman Darley goes to the house of those who are not Orangemen, whereas he expects the Protestants to come to his own office?

—I think he had no right to come to me in this country; they do not arrest for constructive breaches of the peace.

Will you give your construction of an Orangeman?—Strictly speaking, an Orangeman is a person who has been sworn according to the ceremonies, which vary in the Orange lodges; there have been, as I understand, five or six variations in the signs and passwords of the Orangemen; they were of a worse character, as I understand, formerly; and they have become more mitigated in latter times. The Orange system is, to my judgment, something formed upon the freemasonry; there is a grand lodge in Dublin; there are lodges held in the country, and affiliated from the grand lodge. No man, strictly speaking, is an Orangeman, but a man, who, at one time or other, had the password and sign, and had taken the Orange oath, so that he could go into a lodge, as a freemason may go into their lodges; that is in strictness my opinion of an Orangeman. There are outlyers who do not belong to a lodge, and I never considered those persons, though we may familiarly so term them, as Orangemen.

Strictly speaking, do you think Orangemen, according to your definition, exist to a great number in Ireland?—Yes; the numbers are so much exaggerated by the partisans, that I am not able to form a very decided opinion upon it; I should take it there are from twenty to twenty-five thousand men affiliated in the lodges in Ireland; I must, of course, speak from conjecture on that subject.

In applying the term Orangeman in all the discussions which unfortunately take place in Ireland, do gentlemen who take part in them confine themselves strictly to the persons who are members of that society, or do they apply the term to Protestants indiscriminately?—Oh, never; there is nothing better marked amongst us than the distinction betwixt Protestant and Orangeman; for myself, some of my nearest relations, and most of my dearest friends, are Protestants; it is universal, down to the lowest peasants to discriminate between Protestants and Orangemen in the southern provinces.

Is there any intermediate class of Protestants which are neither what you would call liberal, nor yet fall within the description and definition you have applied to Orangemen?—Yes, there is; we make a distinction between Protestants and liberal Protestants, but we make a marked distinction between Orangemen and both those classes. A liberal Protestant in Ireland is an object of great affection and regard from the entire Catholic population; amongst ourselves we always talk of him as a protector and a friend; a Protestant, who is not an Orangeman, is spoken of as a stranger merely would be, but without feelings of hostility; the

Protestant who is an Orangeman, is considered as decidedly an enemy, and the extent of that enmity depends upon the peculiar education and habits of the individual who speaks of it; the peasantry speak of them as of Exterminators, I mean of a sworn or affiliated Orangeman.

Do you think that if there are twenty-five thousand Orangemen in Ireland, scattered all over the face of the country, as they are in different parts of it, it is possible for them to produce all that disturbance of which we have heard in various speeches, in and out of Parliament?—I believe as far as my evidence here goes, I have not attributed the disturbances to the Orangemen solely or exclusively; on the contrary, the first day I was examined, I spoke of other causes. I do not know that it has ever been attributed to Orangemen alone; and my opinion is, not that the disturbance is created merely by their being Orangemen, nor if the number was doubled, would it be created by that.

Is not the word Orangemen frequently applied to persons, who though not members of an Orange lodge, are known by the violence of their principles to be fit to belong to it?—Yes, it is.

Is it not applied to such Protestants as are adverse to the Catholic claims?—No; there are many Protestants who are adverse to the Catholic claims, and are not considered as Orangemen; no man is considered an Orangeman, who has not shown some activity in his resistance, and who has not marked in some way himself a distinction, or been supposed to have marked it, between Catholic and Protestant, or at least, who is not at least accused of it.

Do you think there are many gentlemen belonging to Orange lodges, who fill the situation of magistrate in the north of Ireland?—I speak of the north of Ireland from information, not of my own knowledge; I am therefore less competent to give accurate information, but according to the information I have, the impression made upon the Catholics, and those in particular who take an active part upon the subject, is, that there are a number of Orangemen in the magistracy of the north; but the great evil which is complained of, is the number of Orangemen that are in the armed yeomanry.

Do you know the amount of the armed yeomanry in Ireland?—I do not; the relative proportions of the north and south are very disproportionate; in the south the number of yeomen is small, the great proportion of the yeomanry are in the north.

Supposing there are but twenty-five thousand Orangemen in Ireland, can there be a great proportion of them in the yeomanry corps?—My opinion is, the greater proportion of Orangemen in Ireland are in the yeomanry corps,

Have you any facts by which you can justify that opinion?—Only the information which we constantly receive from the north. In many instances the Catholics complain to us, or to me privately, and through the Catholic clergy. The information I thus receive, of acts of mal-administration of the law, and partiality, and of oppression of Catholics, and of favour shown to Orangemen; such are the sources of my information, and are my grounds for the opinions I express.

Do you consider the dissensions which unfortunately prevail between Orangemen and Roman Catholics, as in any considerable degree instrumental in having produced the disturbances in Ireland?—Yes, if not produced, greatly aggravated, and tended much to continue them, particularly by reason of the notion that the government was connected with the Orange system, and by that means creating a *recklessness* in the minds of the peasantry, and exciting a perpetual and irremediable hostility, while the Orange system shall last; but the disturbances of Ireland lie much deeper. They are created by the peculiar state of the country, by poverty, the nature of tenure, tithes, church rates, and various other matters. The Orange system aggravates and perpetuates the evil.

Can your recollection assign any instance, in which it has ever become necessary to apply the Insurrection Act to any one of the northern countries?—No.

Do not you think that rather affords a presumption, that the dissensions between the Protestants and Roman Catholics have not been, in any considerable degree, the cause of the inducing the necessity of applying that Act?—I do not think it does. There are more resident gentry in the north, and there is less disturbance where there are resident gentry. There is a constant application of armed force in the north. The Catholics in the north are, I believe, more organized into ribbon-men, and the ribbon-men do not, if I may so say, choose to fritter away their strength in those driftless acts of outrage, which the peasantry in the south do. With respect to the stability of the country, if a foreign enemy were to invade it, the north is in greater danger from its Catholic population than the south; they are better organized. We have a great deal more trouble to check ribbonism than to check whiteboyism in the south. By we, I mean the Catholic Association, and those who have taken an active part in Catholic politics.

You consider the insurrectionary movements which have taken place in the south as distinct from ribbonism?—Entirely; the only feature they have in common is, that the insurrectionary movements in the south were also coupled with secret association,

and oaths of obedience and secrecy: they have that feature in common. It is astonishing to what a degree of fidelity an Irish peasant obeys his oath of secrecy.

In speaking of the influence of the Orange association, in producing mischievous consequences in Ireland, do you think the Ribbon associations have been promoted by the Orange associations?—The Ribbon associations owe their origin entirely to the Orange associations; and I even think, that if the Orange processions alone were suppressed, that would go very far to suppress Ribbonism; but the men excuse themselves thus, that they must be prepared for the next twelfth of July, or fourth of November, or Derry day, or whatever they call it, when the Orange procession is to take place.

Do you know at what time the Ribbon association began in the north of Ireland?—No, I cannot say when it began. My own opinion is, that it is a continuation of the Defender system, which immediately ensued on the original formation of the Orange association in the north, and was connecting itself with the French Revolution, looking at a complete revolution in Ireland, and a separation from England. The Defender association was at first confined to the lower classes, but had the bad feature of being almost exclusively Catholic, as the Ribbon system is exclusively Catholic. Before the Defender system was put down, the Presbyterians joined a good deal among the Defenders, and thus combined, they mixed with the United Irishmen, when the events of the rebellion put down the Defenderism. Since that period, in proportion as the Orange irritation increased in the north of Ireland, has that of Ribbonism increased.

Do not you think the extension of the Ribbon system, within the last few years, has considerably tended to spread Orangeism?—Unquestionably they act on each other; the existence of Ribbonism makes it necessary for one perhaps to become an Orange man, and the existence of Orangeism has certainly created many Ribbon men.

Does not it appear that the outrages that have taken place, in the north of Ireland, have generally taken place in consequence of conflicts between the Ribbonmen and Orangemen?—No; a great many of them, in my opinion, and I have looked at them pretty closely, have originated with the mere insolence of triumph of the Orangemen, speaking of the lower classes of them. In their lodges they work themselves up into a great hatred of popery; they go out; they are armed with muskets and ball cartridges; and, at the slightest sign of disrespect to them, they fire at the peasants.

Do you mean to say that they go out with arms to fairs, for instance, where men of both political feelings assemble, that one

party goes armed and the other is unarmed?—I have not the least doubt that if that were the subject of inquiry, it could be established, that the Orangemen go to fairs unarmed; certainly the Catholics, many of whom are Ribbonmen, go equally unarmed, but the Orangemen, in general, leave their arms in a depôt, about a mile or half-a-mile from the fair. In the evening particularly, a riot is easily excited, and the Ribbonmen are equally willing to commence it with the Orangemen; then the practice has been for the Orangemen to retreat upon their arms, and take their arms and shoot away, and many lives have been lost.

Will you mention any circumstances of that kind which has occurred?—The names of the places are not familiar to me at this moment; but in the county of Monaghan, six or seven lives were lost, about eight years ago, in that way; but I have no hesitation at all in saying, that in the course of a week I can give many names of places where that occurred; the facts themselves have come to us very distinctly.

You stated your recollection of a riot which took place at Maghera, where the Orangemen went into that town, with arms in their hands, to attack the Catholics?—No; my recollection, but I speak from loose recollection, is, that the Orangemen were unarmed when the riot commenced; my recollection is, that the Orangemen were the persons attacked originally; and then, after the riot commenced, my recollection from information is, that they supplied themselves with arms.

In that case had the Orangemen formed any depôt of arms in the neighbourhood?—So I understood.

With reference to the possible events of that evening?—Yes; and there were five or six Catholics shot.

Were there any Protestants shot?—No, not one; there could not be any shot, for there were no arms on the other side.

In the case of Maghera, did the Orangemen go back to their houses to get their arms, those houses being in the neighbourhood; or had they previously prepared their arms in the depôt, with reference to the possibility of their being obliged to use them?—I understand they had left them a quarter of a mile or half-a-mile from the town, and left them in a depôt; not in their houses certainly, for they could not have gone there. That was the representation made in public.

Was there any person of any note arraigned, for being accessary to this murder?—There was a Mr. Kennedy, the son of a Presbyterian clergyman, arraigned for it; he was acquitted, and I believe honourably acquitted.

Do you know the position of the town of Maghera?—Not at all; I have never been there.

One of the causes of the superior tranquillity of the north of Ireland, you state to be the residence of the gentry?—So I have understood.

A great many of those gentry are Orangemen; are they not?—Some of them are, I dare say.

Did you not state the majority of magistrates, in the north of Ireland, to be Orangemen?—I do not know that I said the majority, from information perhaps I did; but I said many magistrates were, in the north. I would not say, if I did, on reflection, that I apprehended the majority of them were; but many, and many active magistrates were.

Is it not a matter of fact in Ireland, that at the time of the Defender system, to which you allude, the Orange Association lent much assistance to the government in the suppressing the rebellion?—I do not think the Defenders made the rebellion; the Defenders were merely organized when the Orangemen were desolating the country. The Orangemen, described by Lord Gosford in his speech, turned six or seven hundred families out of the county of Armagh, by wrecking their property, and in many instances undermining their houses, and threatening them with Hell or Connaught, without any other cause whatsoever but their being Roman Catholics; to resist that persecution was the origin of the Defender system. The Defender system, as I understand, commenced as a re-action to that, as a protection from that kind of system.

At the time of the rebellion, in 1798, is it not a matter of notoriety in Ireland, denied by no man, that the Orange Association did lend material aid to the government, in defeating the conspiracy at that time?—My opinion is very much the reverse; my notion of the notoriety of the fact is, that calling it notoriety, is not an exact representation of the fact; the rebellion of 1798, commenced with the Presbyterians and Dissenters as United Irishmen; the upper classes of the Catholics had no kind of connexion whatever with it in the north; when the Dissenters, who had been united Irishmen, were defeated especially at Saintfield, and after the murder of Lord O'Neil by them, then they got protection by becoming Orangemen, and they joined most heartily in prosecuting and bringing to deserved punishment, in many instances, men who had joined them in rebellion; but I think the rebellion of 1798, was very much brought to explode, to use an expression employed by an Orangeman in the Irish parliament, by reason of the Orange lodges and the Orange system.

There were many Catholics among the United Irishmen, were there not?—Scarcely any among the leading United Irishmen; the leading United Irishmen were almost all Presbyterians or

Dissenters; in the north the lower classes of United Irishmen were at first almost exclusively Dissenters; it spread then among the Roman Catholics, and as it spread into the southern counties, and of course, as it took in the population, it increased in its numbers of Roman Catholics; in the county of Wexford, where the greatest part of the rebellion raged, there were no United Irishmen previous to the rebellion, and there would have been no rebellion there if they had not been forced forward by the establishment of Orange lodges, and the whipping and torturing, and things of that kind.

There were many Roman Catholics in the ranks of the United Irishmen, were there not?—Yes; but it is a singular fact, that the number of Roman Catholic gentlemen, who were engaged in the rebellion of 1798, was extremely few.

At that period, the Defenders and Orangemen were openly engaged in the field?—The Defenders have become United Irishmen, and they joined the Dissenting United Irishmen; I have heard, that the Defenders were originally Roman Catholics, and the Dissenters came amongst them, and then Defenderism was merged in the United Irishmen, and of course, the Orangemen being at the side of the government in the rebellion, the Defender coalesced with the United Irishmen, and being United Irishmen, were of course against the Orangemen.

They became opposed to one another?—Yes, in open battle, more than once, as I believe.

Do you not think a great deal of the ill-will, which you describe as existing in the Roman Catholic peasantry, in the present day, towards the Orangemen, may have originated in something of that kind?—I do not think it can at all have so originated; an Irish peasant is not a speculative character; he has not leisure for much speculation; the practical and continued instance of insult and triumph over him, is much more likely to stimulate him than any thing of that kind; and I am sure they have totally forgotten the rebellion, and all interest in it.

You are acquainted with the oaths of Orangemen, are you not?—I have seen the printed oaths of Orangemen, and I had information, that the secret oaths were different; I have had that information from persons whom I have reason to confide in.

You have had such positive knowledge on the subject of the Orangeman's oaths, that you do not hesitate to describe publicly what they are, and what they are not?—I do not know that I have described publicly the Orangeman's oaths; I do not believe I have; the Orangeman's passwords and signs, I have had from various sources. My first information was from a gentleman who is now dead, Captain O'Grady, of the Limeric Militia.

Was he an Orangeman?—No, he was a Catholic; but he was

in the north in the militia, and that regiment joined with the king's troops in putting down the rebellion.

It was Captain O'Grady gave you your information?—He was the first; he has been dead many years.

Have you had any other information on the subject?—Yes, frequently.

From Orangemen?—Yes, from Orangemen.

From such information as you could rely upon?—From such information as I thought I could rely upon with great confidence, details given me upon the subject, and tracing out for example; the system has changed four or five times.

If you are reported correctly, you stated in a speech you made on Saturday, that you were ready to prove at the bar of the House of Commons, that one of the secret oaths of the Orangemen, was a verse taken from the 68th Psalm and the 23d verse, "that my foot may be dipped in the blood of thine enemies, and the tongue of thy dogs in the same?"—Not an oath at all; and the very terms of the verse shew that it could not be part of an oath.

Will you have the goodness to state, what part of the system it forms?—A password it formed, as I understood, or something of that kind; it does not at present; it has been changed, as I understand.

Are you prepared to state, that it ever was part of the Orange system in Ireland?—It was a password; I am prepared to state, from my information; it would be impossible for me to be an Orangeman, and therefore I can speak only from information.

Was your informant an Orangeman?—Yes, my informant was a person, who was stated to me to be an Orangeman.

Your informant was stated to you to be an Orangeman?—To have been an Orangeman.

The informant did not give that account of himself, did he?—I got in writing, from the informant upon that particular subject, the information; I refused to see him, because, circumstanced as I am in Ireland, I do not like to hold personal intercourse.

Do you believe he was an Orangeman?—I do.

What was his name?—I should certainly wish not to mention that; I pledged my sacred word of honour, that I would not mention the name of a person who came to me on this subject; a most solemn pledge as a gentleman that I would not give his name. I gave money to my informer; I was also to give more money, after giving as solemn a pledge as a gentleman could, that I would not mention the name; but at the time I made the pledge, that he should come forward by summons in a court of justice, for I would not give any pledge that should exclude evidence from a court of justice.

Do you mean that he took money for the information he gave you?—He did.

Can you state any other information he gave you?—Yes, he gave me a detail of the making of an Orangeman at great length, the ascent to the hill of Bashan.

Precisely, did he communicate to you the nature of the questions by which Orangemen may know each other?—Yes, the questions; at that time he gave me in writing a detail of.

Do you happen to recollect them?—No, I do not; but I have them.

Would you recollect them, if you heard them?—Probably not in detail, but it is likely that to-morrow I might have them; but certainly I could get them by writing to Ireland.

Was one of the questions, "Where are you coming from?"—I believe so.

"From the deep," was that the answer?—Yes.

"Where are you going to; to the hill of Bashan?"—There was the hill of Bashan.

"Was it a high hill; a high hill even as the hill of Bashan;" do you recollect whether that was the nature of the lecture?—I do not.

Was there any harm in the lecture, in any part of it?—In the lecture itself none.

Did you hear of any other in which there was harm?—I got from one person a lecture, and from another a lecture, resembling much that which was just said; and I read it at the Catholic Association, and it was put into the newspapers.

Your informant did not tell you that the words "the high hill, the hill of Bashan," and the password "Sinai," were the only words in the whole of the 68th psalm, that form a part of the Orange system, did he?—One informant confined himself to that, but did not say they were the only words; that informant, (for I am desirous to say every thing which I can, without a breach of faith,) I gave money to also; that person I believe to be a person of the name of Tobin, the person who gave me the information now referred to; and from the person whom I believe to be Tobin, there was nothing of the 68th psalm, but something so nearly resembling that which is now stated, that I have very little difficulty in considering it as identical.

Are you much in the habit of getting information you pay for?—It depends upon its nature; I would not pay for it, if I did not think it was worth the money that I gave for it.

How would such evidence be received in a court?—It is constantly received in court in criminal cases, and necessarily received; one would not have a single conviction in the south of Ireland of those horrible outrages, if the persons were not either

paid or expecting to be provided for; they could not return among their friends again, government must necessarily provide for them; but in my case, whether it was in a court of justice or not, I would not have the least hesitation in giving a large sum of money to have the Orange system explored; I would give five hundred guineas willingly.

Have you ever published the offer?—Yes, I have made it known; and I have had many offers which I have rejected.

In making this information public respecting the Orangemen, which certainly reflects very much upon their character, do you not think it would have been as well if you had published the terms on which the information had been procured, as far as regards the Orange Association?—Certainly, if it had lain in my way I would; I would not do any thing derogatory to any human being, without giving him perfectly fair notice at the time; I originally published that in the Catholic Association which has been mentioned; I also distinctly mentioned that I had given money for the information, and that I was to give more.

If Lord O'Neill were to protest, or any other respectable Orangeman in Ireland, denying the fact which has been asserted by you, that this ever was a part of the oath of an Orangeman, would you disbelieve his assertion?—I would believe every thing that a gentleman in that rank of life asserted; I would believe that he would not assert positively that which was untrue; but this would remain on my mind, that the lower classes of Orangemen indulge in a system, and have tests and passwords, which the honourable member who has declared himself an Orangeman, (Mr. Brownlow) I am quite convinced would be incapable of acceding to; I would not think existence worth having, if I could believe a gentleman of rank and station could assert on his honour what was not strictly true.

Did you never hear of an Orangeman supporting the Roman Catholic claims?—I never did.

Did you never hear of the circumstance of some Orangemen in the House of Commons, who supported the Catholic claims?—I never did.

Is it a popular opinion in Ireland, that all the members of the House of Commons who resist the Roman Catholic claims, are Orangemen?—Oh, certainly not.

Not even a popular impression?—Certainly not.

Is not Mr. Goulburn called an Orangeman in Ireland?—Yes.

Is Mr. Leslie Foster called an Orangeman in Ireland?—No, I never heard that Mr. Leslie Foster was an Orangeman, nor do I believe that he is.

Is it your impression that Mr. Goulburn actually is an Orange-

man?—It is my opinion certainly, that he is not at present; certainly not since the Act of Parliament.

Or that he ever was?—I heard from a person of high credit, that Mr. Goulburn said in his presence, that he had taken the Orange oath.

Was that the same informant who has given you the rest of your information on other subjects?—No, not at all.

Was he paid for that information?—Not at all; he was a person incapable of being paid for any thing.

You are persuaded that the information was not correct?—If I had the honour of hearing Mr. Attorney-General say so, I would be most thoroughly persuaded of his veracity; or if it were denied by any body that was authorized to deny it, I should cease to believe Mr. Goulburn to be an Orangeman.

Have you ever heard that Mr. Dawson was an Orangeman?—No; I heard that Mr. Dawson was not an Orangeman.

Is not he reckoned as bad?—Oh no; he is reckoned bad enough, but not so bad as that. Mr. Dawson is a gentleman whom we expect, one day or other, to be voting for the Catholics. I am not without my hope of it.

What is your impression, as to the extent of the Population in Ireland?—My impression upon the extent of the Population of Ireland is, that it must exceed Eight Millions.

On what do you found that impression?—The parliamentary returns made it nearly seven millions. I am convinced that is extremely underrated in the county of Mayo. I have reason to believe, that during the distress of 1822, there were some lists made by two gentlemen, peculiarly accurate in taking down the names of the persons relieved there. There were jealousies amongst those that received the English money, and they were, therefore, cautious in taking down the names of persons relieved.

You mean the charity fund?—Yes; the "English money" is another name for the charity fund. I understand, that the number of persons relieved by name exceeded the Parliamentary return by something like eleven thousand; so that there appeared in that county, upon the number of persons relieved, eleven thousand more persons than the return gave in the entire county.

Have you sufficient data, assuming the number to be eight millions, for stating to the Committee what you conceive to be the actual number of Protestants and Roman Catholics?—Those things must be conjecture, to a certain extent. I have seen, for a number of years past, a manifest increase in the relative proportion of Catholic and Protestant; a very great increase of the Catholics, and a positive diminution, within my knowledge, of the number of Protestants in the southern district, and in Dublin.

The amount of the Protestant population, in the different pro-

vinces, varies considerably, of course?—Yes; and the Catholic population is increasing in all. We were about, if we could, to enumerate the Catholics and Protestants throughout the country. If there had been perfect tranquillity, and no danger of the thing being abused, it would have been done by the Catholic Association; but in the southern counties, the relative proportion is enormous.

Which do you conceive to be the most Roman Catholic county in Ireland?—It is impossible to say that. Waterford is an extremely Roman Catholic county; Kerry, Clare, Limerick, Cork, is each a very Roman Catholic county; and there is a great deal still of resident Protestant wealth. Galway, Tipperary, are very Catholic counties.

Do you conceive the proportion of Roman Catholics to Protestants is the same, or nearly the same, in the counties you have enumerated?—It is nearly the same. In my own barony of Iveragh, in the county of Kerry, the return of the population, as I remember, was 14,680; there are about 72 Protestants; and there are no Protestants in the world, less apprehensive of Roman Catholics, or Papists, than they are. We live in perfect harmony.

Do you conceive that to be a fair specimen of the relative proportions of the county of Kerry?—Yes, very nearly.

What should you conceive, in the county of Kerry, may be the proportions of Protestants to Catholics; do you think twenty to one?—They are fifty to one, and probably a hundred to one, in the whole county. There were many Protestants formerly there, whose families have become Roman Catholics. Before the elective franchise was extended to Roman Catholics, the Roman Catholics had Protestant freeholders about them. They brought in Germans called Pallatines, in the south. All the family descendants of those persons have become Roman Catholics, almost without exception.

If you were to be informed, on sufficient authority, that in some of the counties you have enumerated, the ratio of the Protestants to the Roman Catholics was five times greater than in others, would you believe it?—Yes, I would. My arithmetical information on the subject is so loose, as that I could believe it from authority; for example, the proportion in Galway I take to be greater than Tipperary.

In which do you conceive it to be greater, in Kerry or in Clare?—I am unable to answer as to the relative proportions. The proportion of Catholics I know to be very great in each; perhaps there are more Protestants in proportion in Clare.

What do you conceive to be the most Protestant county in Ireland?—I am unable to say that; for it would fix its station

in the north, which is the part of Ireland with which I am the least acquainted.

Were you ever in the county of Artrim ?—Never.

Were you ever in the county of Down ?—I cannot exactly say; if I was, it was only passing to Monaghan.

Were you ever in the county of Derry ?—No.

Were you ever in the county of Armagh ?—Never.

Were you ever in the county of Fermanagh ?—Never.

Were you ever in the county of Donegal ?—Never.

Were you ever in the county of Tyrone ?—Yes; passing from Monaghan to Athlone.

Were you never more in Derry, than merely passing through it ?—No; I have never been in the north, except when going specially to Monaghan.

Are you able, in any other manner than this, to form an estimate of the proportions of Protestants and Roman Catholics, in the north of Ireland ?—From information merely; having a good deal of communication with members of the Catholic clergy, and with professional men from those counties, and with the individuals belonging to it who were members of the Catholic Association. The only information that I could give, would be derived from those sources, necessarily somewhat rude and indistinct; and reading the statistical account of the parishes published by Mr. Shaw Mason.

If it should be the fact, that the ratio of Protestants to Roman Catholics in some of the northern counties, is three-fold greater than it is in others, could you name those counties in which the ratio was the greatest ?—I could not.

Can you offer any opinion whatever to the Committee, as to the actual number of Protestants in the province of Ulster ?—I cannot.

Could you, in the province of Leinster ?—I could not.

Or of Connaught ?—No.

Which do you conceive to be the most Roman Catholic district, the province of Munster, or the province of Connaught ?—I should think, pretty much on an equality. But in these things I am speaking loosely, as a person would do who had other occupations to attend to, and no precise arithmetical data, at the moment, to go upon.

Speaking loosely, what number of Protestants should you suppose there were in Ireland ?—From my notion of the population, I should think, that if there were an enumeration, the Protestants of Ireland will not be found to amount to any thing like a million, including Quakers and dissenters of every class.

What proportion of the number should you suppose belonged to the Church of England ?—I should conceive one half belonged

to the Church of England, but not more; the number in the Church of England is, I think, lessening in the lower classes of Protestants, and increasing in the higher.

Have you any particular reason for assigning one-half as the proportion of the Established Church, rather than a third or a fourth, or two-thirds or three-fourths?—Only that general impression, that by a number of particular facts from time to time, has formed on my mind nothing, with a minuteness that would belong to political arithmetic.

Can you give any information to the Committee, with respect to the relative proportion of property held by Protestants and Catholics there?—No, not with respect to the relative proportions; the only thing I can say upon that is, that the amount of fee-simple estate in the hands of Protestants is much greater, including the estates of absentees; but I know that the relative proportion is diminishing daily, by the increase and acquisition of landed property by the Catholics.

Do you think the proportion is precisely in the inverse ratio of the population?—Oh, not precisely; but of the estates in fee, I should think it would be a very good general term; but out of the fee, there are derivative interests of great value in the hands of Catholics, as the freeholds for lives, with or without a clause of renewal, and long terms for years.

Would it be too great a proportion to say, that the property in the hands of the Protestants was, as compared with the property in the hands of the Catholics, as ten to one throughout Ireland?—Of estates in fee I should take it that it would not; my opinion is, that certainly the Catholics are not seised in fee of more than one-tenth of the country, if so much; but the derivative interests diminish the balance of Protestant property very greatly.

Should you be surprised if any person informed you that there are counties in Ireland, in which the Protestant population, as compared with the Catholic, is three to one?—I should; and I should be convinced in my mind, that that individual, if he was one of credit, was himself misinformed. I have no doubt upon my mind, that there is no county in Ireland in which the majority is not Catholic, and even where Catholics were, to a certain period, totally excluded. Until lately, the Catholics were not admitted into the town of Bandon, they are now the majority; until lately, they were not admitted into Derry; they are nearly equal, if not equal at present, according to a return which I saw some short time ago.

Do you think that any person would be mistaken in his declaration, if he said that in the county of Antrim the Protestants were three to one?—That would be my opinion.

The question includes all, except Catholics?—I should think so.

Do you think you are correct in your calculation, that the members of the church of England are, with respect to Presbyterians, as one half of the whole Protestant population?—I spoke from loose information upon that subject; I do not mean to convey any idea of correctness or accuracy; having to answer the question, I must answer it as nearly as I could.

Have you registered any freeholders on your property in Ireland?—I have registered freeholders on the property which I acquired from my father; on the property I have lately acquired from an uncle, I have not as yet registered them.

Did you pay the expense of registering them, or the freeholders?—I paid the entire expense.

What is the expense of registering a freeholder?—The officers did not allow me to pay any thing; the expense was merely the expense of taking the people, paying their expenses to the place where they were registered; the professional man, who filled the forms, did not allow me to pay any thing.

What is the expense, if it is paid?—I cannot state that; a hilling, I think, is to be paid to the clerk of the peace.

Have you known many instances in which landlords have not egistered their freeholders?—Oh, very many.

Have you known many instances in which the freeholders have paid the shilling to register themselves?—Yes; I have known an instance in which the freeholders did, and I know the peasantry are anxious to register themselves; they feel the value of it.

You think, that quite the lower class of the peasantry put a value upon their freehold?—Oh, a great value; they feel that it makes them of importance; they must, once in seven years, be courted, and in the mean time be attended to.

In point of fact, are they courted every seven years?—Yes; and even the landlords themselves court them when the election is going on.

Is it very much the fashion, among the landlords, to canvass their tenants, or for any of the gentlemen proposing themselves as candidates, to speak to the forty-shillings freeholders on the subject?—I do not think they speak to them individually, but I know that they court them, which was my expression; the driver and the land agent go round to them.

Are they not generally sent round to canvass the freeholders?—Not to canvass at all, but they do go to the freeholders, and serve them; they are, to a certain extent, obliged to look to the interest of the freeholders.

Is the term in use ever, to "drive them in to vote?"—Yes, I

have often heard that term, and I have seen it done; that exists, I am told, a good deal in Connaught.

Are there not many places where the freeholders are under such obligations to the landlord, that they cannot refuse to vote as he pleases?—Certainly; the landlord has great dominion over the freeholders; so much so, that they are in many instances considered part of the live stock of the estate.

In those cases, do the freeholders put any great value upon their franchise?—There the franchise is of value, for it gives, where it is *bona fide*, a term, a life; and in Ireland, where land is so valuable to the peasant having a long tenure, is always valuable.

The tenure is a freehold, whether it is a man's own life or any other life which is in the lease?—It is; they say that any uncertain interest in point of law is a freehold for ever, for a life or lives, no matter of whom, but no number of years.

Have you ever known an instance in which upon the falling in of a lease, the land happened to be let from year to year for any time?—The common practice, since the depreciation of prices, is to have a tenancy from year to year; the leases which were made during the war prices, in the southern counties, were so high that the tenantry were unable to pay them; where the landlords treated them well, they merely got up the leases, and they let the land from year to year at abated rents; and since the better times, as they are called, have commenced, very few new leases have in general been made.

The question refers to the case where a farm has gone out of lease, from the landlord not being able to determine immediately how to dispose of it, whether the tenants were left as tenants at will for a certain time?—That is a very frequent case.

Is there any great anxiety, on the part of those tenants, to have leases?—Great anxiety; all the peasantry in Ireland, I think, are extremely anxious to get a lease; and for this reason, they have so little capital that they have very little to lose, if the times should fail totally; and if the times should rise, the advantage of the tenure is great.

Supposing it were proposed to grant those persons a lease for twenty-one years without a life, would not they be desirous that a life should be annexed?—Very desirous, in order to have a chance of an increased term, in addition to the twenty-one, and very desirous of having a freehold tenure.

Does the elective franchise form a part of that desire?—It does.

You have mentioned, that the landlords court the freeholders?—To a certain extent, they do.

Does your experience in Ireland enable you to state, whether

any other but the landlord and the candidate, court the tenants prior to an election?—Yes, those who take political interest in the event of an election; in my own county, my brothers and myself court the freeholders universally; and so in other counties.

Can you specify any class of persons in particular, who very frequently court the freeholders?—No, not very frequently; but, conceiving I understand the drift of the question, I have not the least hesitation in meeting it, if it is put directly. It relates, I conceive, to the Catholic clergy.

Do they very frequently?—Not very frequently, nor, until recent periods, scarcely at all; at present, and for some short time, they have; and I think they are now much in the disposition of courting the freeholders. I think the disposition is increased to court the freeholders.

Can you assign any reason for that increase of disposition on the part of the priesthood?—Yes; an increasing intelligence among the priesthood themselves; an increasing sense among the Catholics generally, of their degradation and the injustice done to them; an increasing or increased unanimity amongst the Catholic body, enabling us to work more together, and to use, for what we conceive legitimate political purposes, all the influence we possess, the deep and settled anxiety on all our minds to procure emancipation, that is, an equalization of civil rights.

Are you able to specify any particular instance in which that interference prevailed?—I understand it was successfully, and I think usefully, exerted in Sligo. I have known it exerted in the city of Cork with great success, and I think eminent utility, in the return of Mr. Hutchinson; to a certain extent, but not near so much as is supposed, it was used in the county of Dublin; but it is right to add, that I never knew an election yet, in which the Protestant clergy did not take a most active part, from the first to the last; it was not so great in the county of Dublin, purely because it was unnecessary; we laymen did it ourselves.

Have you not heard that it was in the county of Leitrim?—It might have been so, but I have not it in my mind; in Cork, it was principally managed by one of the cleverest, and I think one of the worthiest, men I ever knew, the present Roman Catholic bishop of Charlestown in North America, the Right reverend Dr. England.

Do you feel yourself at liberty, without infringing in the slightest degree upon that feeling which the Committee would not wish to violate, to specify the modes by which the priests approach, and influence, and command the votes of the freeholders?—Upon any subject connected with the Catholics of Ireland, their religion, or clergy, I beg to say, that I have not the slightest delicacy in giving the fullest and most entire information in my power, to the

fullest extent; I have not therefore the least objection to specify any thing I know; and if I have a desire, standing here, it would be to be probed to the fullest extent. I should therefore be pleased that the questions should be put in the most direct shape.

Will you have the goodness to specify the modes by which the priests approach, and influence, and command the votes of the freeholders?—My answer to the question is, that the manner which they use is that of persuasion, by pointing out to the people the distinction between the candidates; as, for example, shewing them that one is likely to vote, or declared he will vote against the Catholics; that the other has declared he will vote for their political interests; but by persuasion simply. They never, in any instance within my knowledge or belief, and I am convinced it never has existed, that any of the rites or ceremonies or sacraments of the Church, have been prostituted for that purpose, or directed towards it in any tendency; I am convinced they have not.

Do you recollect the general election of 1812?—Certainly I do recollect that election.

You were in Cork at the time, or shortly previous to the election for the county?—I certainly was there shortly previous; it is my circuit, and I still attend the Cork assizes.

Were they shortly before the election?—A few weeks before.

Did you hear that the Roman Catholic priests had threatened to excommunicate any of those who voted against one of the candidates?—I heard it, but I was quite apprized that it was perfectly unfounded; it would be very easy, on this subject, to give the most decisive information. I am quite sure that a Roman Catholic priest has not a right to excommunicate for a mere political matter, and he would, if he did, be instantly laid under an interdict by his bishop; there is not one who has a franchise, who would not know that an excommunication for any political matter, would be *ipso facto* void.

Did you hear whether they made use of any other threats from the chapels, from the altar?—I heard it rumoured about that time, but I am quite convinced that it was totally unfounded; I am perfectly sure that either of the gentlemen who were the bishops, would not have allowed any such thing; they were then the right reverend Doctor Moylan, bishop of Cork, as loyal a gentleman as ever lived, as pure and perfect a gentleman. I am quite convinced that he would have silenced any priest respecting whom such a fact was brought home; and that the right reverend Doctor Coppinger, who is a gentleman of the very first class in point of family and education, he is the bishop of Cloyne, and he most assuredly would not have permitted any of his clergy with impunity to have taken such measures; he is a man of great piety.

You were in Cork while the poll was taking down, were you not?—No, I was not.

Did you happen to hear, that in any instances the Roman Catholics had turned by force out of the booths, those who were about to vote for one of the candidates?—I do not think I did, but that might take place; in the best regulated counties, at elections there are riots.

Have you known any instances of Roman Catholics having been, after an election, ruined by their landlords for having voted against them at elections?—Yes.

Have you known many such instances?—No, I think not many.

Do you think the Roman Catholic tenantry would be likely to endanger their ruin in consequence of such persuasion as you refer to?—No, I do not think they would; in the county of Cork, one gentleman, averse to the Roman Catholic interests, would bring five or six hundred Roman Catholics to vote for a member who in Parliament would vote against the Catholics.

Have you not known many hundreds of Roman Catholics, forty-shilling freeholders, carried through the interest of the clergy against their landlords?—No, I have not.

Have you any doubt that many hundreds have been?—Not through the interest of the clergy alone; the clergy, when they take a part in elections, have influence; and I beg to repeat, that it is only latterly, I think, that the disposition is increasing in Ireland, in consequence of the state of affairs, but they make part of the Catholic influence; I do not think it has ever gone to that extent; several have in my judgment been so influenced, but to say hundreds is beyond my idea of it.

Have you ever known instances of almost the whole tenantry of landlords being carried against him by the priests?—I have heard of instances of that kind, and believe that such things have existed, by priests aided by Catholic laymen.

Do you think that mere persuasion would induce the tenantry of an Irish landlord to incur the risk of his displeasure?—I do, certainly; I have seen intense interest in a forty-shilling freeholder, and he is after all so near the labourer, though there is a grade between them, that if his feelings are warm he will make the sacrifice, and become a labourer; and then, on the other hand, the persons in whose interest he has voted, will be induced to pay a gales rent, which is the utmost that can be due of him, to clear him of rent, and then he is able to pay his rent in future, and his landlord has not dominion over him.

Admitting that the Roman Catholic clergy do not make it a matter of sacramental obligation, do you not believe that they have recommended it as a duty due to their religion, and as a

service well pleasing to heaven, to take a particular course?—I do not think they have recommended it more than I should myself; I think they have said, You are a Roman Catholic, and a man has asked you to vote who will vote against you; it will not be just and honest to vote for a man, who in Parliament will vote against you.

Do not you think an observation of that kind, proceeding from a Roman Catholic clergyman, would have all the effect of a command, with a vast proportion of the Catholic tenantry of Ireland? —Certainly not all the effect of a command; its influence would depend upon the sort of man the Catholic clergyman was, if he was a man devoted to the duties, it would have a great effect; where he was at all relaxed in his conduct it would not have the least. As to the Catholic clergy in Ireland, their influence is increasing very much, from causes, in my judgment creditable to them; they are educated at a much earlier period of life from being educated at Maynooth, and having early education, and we conceive the Irish people have a propensity to make good use of their opportunities of learning; they have become a much better class of men than they were formerly, they read a great deal.

In the existing state of things in Ireland, do you conceive, that most of advantage or injury follows from the interference of the Roman Catholic clergy in elections?—My opinion is, that at present it is all advantage; I know they never interfere in doubtful or mixed cases, and that they interfere only where there is that decided hostility on the one part, and decided advantage to the Catholic interest on the other, to the interest of emancipation on the other; I think it is to that extent decidedly advantageous, because I cannot conceive any thing more degrading than an unfortunate Catholic peasant brought to the poll, to contribute to the return to Parliament of a man who will vote against Catholic rights; I cannot conceive any thing more derogatory to human nature than that.

Was not it a matter of notoriety in Sligo, that both the candidates were as adverse to the Catholic claims as they could be? —It was considered not; it was considered, that the successful candidate would vote for them, and I think he will; that was as far as I heard the impression.

Do you conceive, that this influence of the Catholic priesthood in election matters would continue in its present state, if the question of emancipation were carried?—I am convinced it would be totally at an end, by carrying the question of emancipation; the causes which give it efficacy at this moment would thereby totally cease, and the effect would follow; there is not any thing like a blind submission of the Catholics to their clergy, not at all.

Does your mind suggest any other cause which would survive the carrying the Catholic question, that could give to the Catholic

priesthood the power of influencing the electors?—No; I think it would be unwise in government, if emancipation were carried, (and until it was carried the Catholic clergy would not accept of a provision) to leave them unprovided; and I think it would be extremely wrong in the government, to give them any part of the revenue of the present church establishment, and that they would not accept of it; but I think a wise government would preserve the fidelity and attachment of the Catholic clergy, by what I call the golden link, by pecuniary provision, so that the government should be as secure, in all its movements towards Foreign powers, of the Catholic clergy, as they now are of the Protestant clergy; that they should be, in short, a portion of the subjects of the government and the state identified with them.

Is it your impression, that if the question of emancipation was carried, and there was an election to take place, in which a Protestant and a Catholic were candidates, the Catholic priest would not interfere?—I am quite sure he would not interfere, if he were a respectable man, and that if he did his influence would be lost; that it would be ascribed to political motives; that he would lose his character with his flock; that they would understand there was nothing further between the two sects in political controversy. The Catholic laity of Ireland are most decidedly adverse to any other establishment of their clergy, than that which they would wish the government itself should give them, by way of donation; because our wish would be, that the government should have proper influence over them, which a certain pecuniary connexion would give. Our wish would be, that the government should be strong by the combination of the subject. Our anxiety is, to become subjects out and out, as the Protestants are.

In the event of emancipation being carried, you do not conceive, that on the part of the Catholic clergy or laity, there would be an objection to receive stipendiary support from the state, provided the ecclesiastical subordination of the Catholic clergy was still kept up?—I am convinced there would not, if it was regulated with the heads of our church, so as not to create an independence over the bishops in the priesthood, an independence which certainly would be resisted by the bishops, and by the laity, as destructive to religion, and an independence which would be equally injurious to the state, by creating dissension, and differences, and heart-burnings, and one that could not well be realized. The mode of provisions should be regulated by the bishops; they should be the persons to come into contact with the government. There are not, in the world, a set of men more disposed to be perfect friends with the government than the Roman Catholic bishops.

Do you conceive it possible for any proposition for the payment of the Roman Catholic clergy to be acceptable, either to the

clergy or the laity, independently of the question of emancipation?—Without emancipation, it will certainly be rejected. It would not be entertained for a moment, without emancipation. If a clergyman accepted of it, though the bishop may keep him in the parish, and though the people may, such of them particularly as were of a religious cast, attend and receive spiritual assistance from him in cases of necessity, he would lose their confidence altogether; he would be in a kind of civil excommunication, if I may use the expression, and certainly be totally useless, as holding any connexion between government and the people. It would be, in my opinion, an additional cause of irritation, to give the clergy a provision before the Catholics were emancipated.

Have you had communication upon this subject, with the clergy high in the Roman Catholic church of Ireland?—I have spoken upon the subject with those gentlemen. There will, some of them, be in town to-day or to-morrow; without pledging myself at all for them, I understand that their sentiments coincide entirely with those I have the honour to express.

Have you had communication also with prelates, who are now no more?—I have.

Were their opinions, the opinion particularly of the late respectable Catholic bishop of Kerry, in coincidence with your own?—He was a cousin german of mine, a man of very clear and distinct intellect, a very well informed gentleman; his views were in entire coincidence with those I have expressed; he was anxious for that arrangement, and I am sure anxious for it, from the purest motives.

Your opinion is, that coupled with emancipation, that would be accepted by the Catholic clergy?—My opinion is, that coupled with or following emancipation, it would be acceptable, but not preceding it; and my humble opinion is, that it would be a most desirable thing, to have that species of settlement take place after emancipation.

If emancipation were conceded, and this settlement made, what would be the probable effect on the influence of the Catholic clergy, in respect to the general administration of government, and in respect of the general tranquillity of the country?—The consequence, I take it, would be precisely this; that the Catholic clergy would become in the nature of officers belonging to the Crown, forwarding the views of government in every case where there was not something that revolted in general, such as harsh or unconstitutional illegal measures; but that the general tenor of their conduct would be decidedly in support of the government, and perhaps even in instances that theoretic friends of the consti-

tution would not wish for; I believe the propensity of the Catholic clergy is very much towards an unqualified submission to the law, and to the government whatever it may be.

Would it in your opinion have any considerable influence in preserving tranquillity in the country?—I am sure it would; I have said, that some political measures are necessary, in my opinion lessening the dominion of landlords, making it obligatory upon them to select better tenants, and various measures of that kind; and with those political measures, I am decidedly of opinion there will be every prospect of order in every part of Ireland, if emancipation was honestly looked into.

What do you mean by its being obligatory upon him to select better tenants?—The statute law of Ireland gives a landlord most unlimited power over his tenants, to impoverish them totally, and then turn them out at once; if those laws were altered, and the landlords were left a good deal to common law, they would be obliged for their own sakes, to seek for persons of character and solvency, and not to hold an auction, as they do so frequently at present, allowing the highest bidder to take the land without reference to his character.

Do you conceive, that if an arrangement were made for giving stipends to the Roman Catholic clergy, and that connected with Catholic emancipation, it would do away much of the opposition of the Protestants of Ireland to the measure of Catholic emancipation?—I should suppose that where the opposition is, as I presume it is in some instances conscientious, it would do so; but my own opinion is, that the great majority of the Irish Protestants, who are unconnected with local interests and electioneering purposes, and corporations, and influences of that description, are already favourable to emancipation; I know an immense number of the independent portion of the Protestants of Ireland are favourable to that measure.

What is the general amount of payment of the priests throughout Ireland?—I should suppose 150*l.* per year would be a high average for a parish priest himself, independent of his curate.

What is the amount of the salary of the curate?—A curate, if he resides with the clergyman, has 20*l.* or 30*l.* a-year, with his horse kept for him; if he does not reside, he has one-third of the benefice of the parish; every Catholic clergyman in Ireland must have a horse, for he is liable to be called out every hour of the day or night; the average for the priest therefore, independent of his curate, I should think high for a clergyman.

You think 200*l.* a-year for a parish, would be a sufficient sum to cover the expenses of priest and curate?—I should think so, certainly; 200*l.* for each parish.

How many parishes are there?—About 2,500.

The bishops have generally parishes, have they not?—Yes; they could not subsist without them.

What, in your opinion, should be the stipend of the bishops?—That is a very delicate subject; but I should think eight hundred or a thousand a-year, and an archbishop fourteen or fifteen hundred.

Can you inform the Committee, from what sources the present income of the Roman Catholic clergyman is derived?—As well as I know it, it is this; speaking now of the country parishes, there is an obligation in Ireland of going to confession and communion twice a-year, at Easter and at Christmas, including some period before and after Easter, and before and after Christmas; they get, in general, two shillings a family at least, and where they are more solvent, two shillings from the man, and two shillings from the woman, at each of those stations; they do not get it at the time of confession, confession cannot be connected with money, because, as the absolution is a portion of the sacrament of confession, it is necessary in the Catholic church, that it should not be at all connected with money.

Does the Catholic priest get the 2*s.* from each person at each confession?—A shilling on each occasion, according to the solvency of the parties; they are expected to get something at each christening, a shilling or two; they get 5*s.* in general for each marriage; then the wealthier Catholics pay a pound or a guinea; then they get money for saying masses for the dead; and after a person of any solvency, or a more decent farmer, has died, his relations make it a point of piety to have masses said for him, and contribute for that purpose; the priest says those masses at his leisure.

Is it not the practice, at marriages and burials, for the priest to go about, and collect offerings from the persons who assemble to do honour either to the marriage or the burial?—No, I do not know that the priest ever went about; it was usual at marriages, and still subsists at some places, that a collection is made by a friend of the man or the woman, frequently by a friend of the man among his friends, and a friend of the woman among her friends; and during the war, when the peasants were solvent, there was a rivalry among them which should give the priests most.

You alluded to the benefit which had been derived from the education at Maynooth; do you think the persons who have derived their education at Maynooth were superior to those who had been educated elsewhere?—In point of information, I think they are; in point of allegiance, under a proper system, they certainly would be, because foreign education of the priests may be made a dangerous instrument; and I have some reason to apprehend that

that danger is not quite visionary; at this moment those educated at Maynooth are better educated; for no one could go into the priesthood formerly young, they must have remained until they were twenty-three, and three months before they could be priested; they could not go abroad before they were priested, for though they got foundations, it was necessary for them to have the benefit of masses in the churches where they were founded, to contribute to their support. That education, properly speaking, began about the age of twenty-four; whereas now, at Maynooth, it begins at the earliest periods; and when they enter Maynooth at seventeen, they must be very excellent scholars; and the system of exclusion is very much, from every thing but their studies and collegiate duties; and the human mind obtains infinitely more of learning when it has facilities, than the mere system necessary for the particular profession actually requires.

Have you turned your attention to the qualification of the freeholders of forty shillings?—Yes.

Are there not at present a number of persons, in consequence of that low qualification, put upon the register books, who are by no means fit persons to enjoy the elective franchise?—I do not know that; that is not my opinion; I have a very strong notion of the advantage of extending, under proper regulations, so as to avoid tumult or undue influence, the elective franchise; I do not know any householder to whom it would be improper, if the thing were well managed, to give the right to vote, if the mode of taking the vote was well managed.

Do you conceive, that the system of forty-shilling freeholds, connected as it now is with the law, between landlord and tenant, is such as to insure fair representation?—It is impossible to say that; it has its advantages and disadvantages; it gives to the owners of great estates great influence, that I believe is a good deal in the spirit of the modern practice in Parliamentary representation; it opens the door, however, for considerable frauds, and though I am quite convinced of the frauds, I see great difficulties in altering it. I should be glad, though it is a very crude opinion, if the qualification were five pounds.

Do you conceive, that raising the qualification to five pounds, would, when accompanied with the concession of what is generally called Catholic emancipation, give satisfaction in Ireland to the Roman Catholics?—Conceding Catholic emancipation, in the spirit in which it ought to be conceded in order to be useful, it ought to be, if given, given in a liberal spirit; I think the inhabitants of Ireland would be so connected with the government, and the present distinction so much abolished, that whether forty shillings or five pounds, would be a question equally affecting

Roman Catholics or Protestants, and that the Catholics would be satisfied with any arrangement which the Protestants were satisfied with.

You do not conceive, that so connected, any dissatisfaction would prevail on the part of the Roman Catholics?—That is my impression; I think if it were so connected, no dissatisfaction would arise.

Do you conceive it would be practicable or safe to alter the elective franchise, to raise the qualification without connecting it with Roman Catholic emancipation?—I think it would be totally unsafe; I think it would be a most dangerous attempt in legislation to increase the qualification, and thereby disqualify a great many Roman Catholics, without giving them emancipation.

The answer you have made, is taking the qualification of five pounds instead of forty shillings; would you conceive, that the same answer would apply, if the qualification was raised still higher than five pounds?—No; my opinion upon that subject, as I said before, is not a very decided one; I would see the advantage of some increase, but I should be afraid of going as high as 10*l.*

Are you of opinion, that such an alteration of the qualification would, in effect, diminish the body and influence of the Roman Catholics?—I do not think raising it to 5*l.* or 10*l.* or 20*l.* would diminish the Roman Catholic influence. The occupiers of the soil are almost all, or so many of them, Roman Catholics, that 10*l.* or even 20*l.* would not make an essential difference in that respect, and might have a contrary effect; for the forty-shilling freeholders are more the property of the Protestant proprietors, and it might weaken what might be called the Protestant interest, to increase the qualification.

Do you make a distinction between the alteration of the franchise in counties and cities?—I do not, in that answer. As far as I know of cities, the forty-shilling freeholder is that which ought to be allowed to subsist; I think in cities it ought not to be increased.

Where there is concurrent right in freemen and freeholders, the effect of the alteration of the elective franchise of the freeholder would be, to throw a kind of superiority in the hands of the freeman?—Undoubtedly; my answer as to cities is in relation of that; I know of no city or town that, in itself, has the right of representation in Ireland, in which the freemen do not vote. Mallow is not an exception, for that is a manor, not a mere town.

In the event of the qualification in cities being raised, would not the effect be, to place the return in the hands of the corporations of those places?—The effect of striking out the forty-shilling freeholds in cities would be, to place the return in the

hands of the corporation of those places, completely and irretrievably.

Would not that be a measure that would give dissatisfaction, and produce danger in those places?—Great dissatisfaction to a very valuable class of people, thriving commercial men.

Have you ever considered that it is desirable that the forty-shilling freeholder or indeed any freeholder holding his freehold by lease, should not vote, unless his rent had been paid?—I should think it certainly an advantage, but there are great difficulties about carrying it into practice; I think it would be a great advantage, if practical.

Would it not have the effect of disfranchising, at any election you have known, nine-tenths of the freeholders?—Yes, at any election I have known hitherto, certainly it would disfranchise a great many.

Would it not secure this object, that the freeholder would be a person of more substance and property than at present?—Yes, if he had *bona fide* paid his rent; but it would enable a direct bribe to be given for his rent, or the candidate would qualify him to vote, by having some friend to pay the rent.

Would it not raise the freeholder to a more independent situation?—It certainly would, and would be, I am convinced, upon the whole, a decided benefit to the system; the only difficulty is the mode of carrying it into effect.

Would it be more difficult to carry it into effect, than raising the qualification?—I believe not; the question comes suddenly upon me, but my opinion is, it would be the easier of the two, to have the rent paid off.

Why do you think that qualification for voting in counties, that is not attended with any inconvenience in England, should be attended with inconvenience in Ireland?—In England, I understand that the greater part of the forty-shilling tenures are fee-simple tenures, where the persons who possess the votes have absolute dominion, and are not therefore the property and serfs of any other person; in Ireland, it happened that they are made freeholders for election purposes; and it seems to my mind, that they make the same distinctions as in corporations, regular freemen and occasional freemen.

If, therefore, the state of society, with reference to rural arrangements in Ireland, was to be more assimilated to that which exists in England, the objection to forty-shilling freeholders in Ireland would vanish?—In my mind, it would be totally done away; in my humble judgment, it would not be at all right to meddle with them; I have not expressed any opinion favourable to raising the franchise at all.

Do you think that that species of improvement in Ireland, which there is fair reason to believe exists, has a tendency to

place the social system in Ireland more upon a footing of similarity to that of England in that respect, and therefore to correct the evil of forty-shilling freeholders?—I am entirely of that opinion; I think the progressive improvement in Ireland is such, as is calculated to do away a great deal of the inconvenience of the present system, and to render it quite unnecessary, if it ever were necessary, to make any alteration certainly unadvisable.

Would it be likely that the great proprietors will parcel out their estates in fee-simple freeholds, as long as the present system of political influence exists in Ireland, through the means of forty-shilling freeholders?—I do not expect that the proprietors of Ireland will ever make donations of the fee, or sell it; but persons acquiring property, may purchase small estates; a most desirable thing, if we could see it in Ireland.

Jovis, 3° *die Martii*, 1825.

THE RIGHT HON. LORD VISCOUNT PALMERSTON,

IN THE CHAIR.

Richard Shiell, Esquire, called in; and Examined.

Do you know any thing with respect to the administration of justice on the circuits; and if so, have the goodness to give a statement of any thing, in consequence of which inconvenience has been sustained?—If I am asked with respect to what I have observed on my own circuit, independently of what I know has taken place in other parts of Ireland, especially in Dublin, I answer, that I have observed upon my own circuit what I conceive to be at least imperfections in the administration of justice, arising from two sources; the first I conceive to be religious; and the second aristocratic. I have observed that there is not that just regard for the rights and interests of the lower orders, which I believe is entertained in this country. In the county of Wexford, for instance, it is an habitual observation among the Bar, that in cases between landlord and tenant, there is, I will not say an undue partiality, but there is a strong partiality existing in the minds of juries in favour of the landlord. I know it is commonly said among the Bar on my circuit, that in cases between landlord and tenant, the tenant has but a slender chance, unless his case be almost irresistible. I consider that the feeling by which juries are influenced, is in a great measure aristocratic, but I think the aristocratic feeling is

not unconnected with a religous one; the Aristocracy of Ireland are chiefly Protestant: I may say almost entirely so, because they are to a great extent, masters of its fee-simple. I think that what is called an esprit de corps connected with religion, is thereby produced; Protestants are thus allied together, and where the rights of a person of an inferior class come into collision with those of a person belonging to the higher order, the religious feeling mixes itself with the aristocratic sentiment. The observations which I have just made, are applicable to the county of Wexford; I cannot say that I can illustrate the justice of those observations by any cases which have fallen within my own knowledge, but I know that the partiality for the landlord among the jury, is matter of familiar observation at the Bar.

In speaking of juries, you refer to the record juries?—Yes, I do.

Of what description of the community are the juries generally composed?—In the county of Wexford, there are very few Roman Catholics who are possessed of considerable property; and I believe that the majority of the jurors who try civil cases in the county of Wexford, are Protestants.

The question referred to the class of the community; as to property, from which they were taken?—I believe in that county of which I particularly speak, jurors are generally selected from a class of very highly respectable yeomanry, persons possessing four, five, or six hundred a year.

Are they tenants or landlords?—I believe they are generally what are called middle men

You speak of the petit juries?—Yes, of the record juries. I shall mention the instances which have occurred on my circuit, that appear to me to shew that there is something vicious in the administration of justice, arising in a great degree from the nature of the law itself; I begin with the case of Lawrence against Dempster, in which I happened to be counsel. The Insurrection Act was proclaimed in the town of Nenagh, in the county of Tipperary; Mr. Dempster is a magistrate for that county; he had a quarrel about an hour after sunset, (and it was a question whether the hour had elapsed, and that was left to the jury,) with a Mr. Lawrence, respecting a subject wholly unconnected with politics; very unwarrantable language was used by Mr. Lawrence towards Mr. Dempster. It is right that I should mention, that it was proved that at this time the wife of Mr. Dempster was walking in the streets of Nenagh, accompanied by some of her female friends, and many persons were at the time in the street; in consequence of gross personal language addressed to Mr. Dempster as an individual, but quite unconnected with his magisterial capacity, Mr. Dempster ordered Mr. Lawrence to be

arrested under the Insurrection Act, inasmuch as he was out of his abode an hour after sunset; the latter was, under this order, committed and detained in custody for, I believe, three days; a verdict for 75*l.* only was recovered, in an action brought by Mr. Lawrence against Mr. Dempster. I conceive that unless there had been persons upon the jury, and I was assured of the fact, who were resolved to support the magistrates at all events, and who acted upon the principle that magistrates, even when grossly in error, or when acting corruptly, ought to be sustained, the verdict would have been much more considerable. A point was saved at the trial; the question was, whether the action ought to have been trespass or case? It was brought before the court of Common Pleas; three of the Judges, Mr. Justice Moore, Mr. Justice Torrens, and Mr. Justice Johnson, all concurred in saying, that the conduct of Mr. Dempster deserved the strongest reprobation; Lord Norbury was the only Judge who stated, that in his opinion, his conduct did not deserve much censure, and that at all events magistrates ought to be supported. What I am now stating, is within my own personal knowledge. The case was reported in the Dublin Evening Post. I think that Mr. Dempster was guilty of a gross perversion of the power intrusted to him, and I think that he ought to have been deprived of the commission of the peace; he was not deprived of the commission of the peace; he remained after the facts I have detailed, still intrusted with this important power; and further, the magistrates of the county of Tipperary came to a resolution, that he was an active and useful magistrate, to prevent his being deprived of the commission of the peace. I think that the office of magistrate is connected with the administration of justice, and that to permit a man, who had abused the Insurrection Act in such a way, to continue in the exercise of magisterial functions, was highly censurable, and affords evidence that due means are not adopted to improve the administration of the law.

Do you recollect the language which was used by Mr. Lawrence to Mr. Dempster upon that occasion?—I do not recollect the exact words that were used, but I recollect that it was impossible that grosser language could be employed; I can recollect some of the words, which I should almost blush to mention.

Mr. Dempster's family were in the street at the time?—His wife was in the street, but not within hearing.

Was that proved?—At all events it was not proved that she was within hearing.

Do you know the persons that were on the jury?—I do not know the names of the persons that were on the jury, but I was told by the attorney who employed me in the action, and who was extremely well acquainted with the county, (Mr. Lanagan,

a very clever and intelligent gentleman) that some of the jurors acted upon the principle of giving as little damages as possible against any magistrate.

Did he state to you the ground of his opinion?—He did not state that: I did not ask him the question, because I conceived, that from his familiar acquaintance with the habits and feelings of the country, he must have been acquainted with the fact.

Do you know of what religious persuasion Mr. Dempster is?—He is a Presbyterian; he is a Scotch Presbyterian; he was the surgeon of a regiment quartered in that part of the country, and settled there; I believe him independent of that fact, to be a respectable man, though I think he displayed too much alacrity in what he considered the discharge of his official duties.

On that occasion, or others?—I speak from public report; I think it my duty to mention, that complaints against Mr. Dempster came from persons very much disposed to find fault with magistrates; I know he was extremely unpopular in Nenagh.

Do you know from what parts of the county the persons composing the jury, were drawn?—I do not.

Do you know whether they were Protestants or Catholics, or both?—I believe both.

Is it not the custom in the county of Tipperary to put Protestants and Catholics indiscriminately on juries?—I believe in civil cases it is the practice to put Protestants and Catholics indiscriminately on juries; but I am sure that in cases which are either political or conceived to be so, or which have any connexion with the disturbances of the county, Roman Catholics are studiously excluded; I should violate confidence if I stated my authority, for the fact was communicated to me in confidence.

Was a panel returned which was intended solely for the trial of this particular case?—No, there was a general panel; as well as I recollect in that particular case, the jury were chosen by ballot, which is the fairest mode; the names were put into a hat, and then drawn out.

How do you account for the former statement you made to the Committee, that in cases where magistrates were engaged in a trial, the Catholics were more particularly excluded than in other cases?—If I stated that, I stated what I did not intend to do, and I conceive I must have been misapprehended.

Do you consider that in this case there was any special exclusion of Roman Catholics from the jury?—I am sure there was not; but I beg to add there appeared to be individuals of strong opinions, respecting the necessity of supporting the magistracy: upon the jury it was a mere matter of accident, and I do not mean to say, that in that instance any improper measures were taken by the sheriff or any other persons, for the purpose of pro-

curing a corrupt jury; but the state of the law is such, that men's passions are marshalled against each other, and that thereby it almost inevitably happens, that in political cases, men will be swayed by undue motives; I conceive the remedy for that will be to abolish those distinctions which have generated this result; the vice is in the law itself.

Do you conceive that the influence only operates on one side?—No cases have come within my own knowledge, from which I should conclude that Roman Catholics were swayed by their political passions; but I think it extremely likely that they would be so. This, if the case, is also the fault of the law.

Do you know the proportion of Roman Catholics and Protestants, who were on this particular jury?—I do not; but a single juror, it is quite obvious, exercises an absolute dominion over a jury, in the reduction of damages.

Did the jury retire from the box; and if so, for what time were they out?—They were out for about four hours; the Judge did not remain to receive the verdict by the consent of the parties, in consequence of the lateness of the hour, and it being understood that they would not be very likely to agree, it was consented that the registrar should receive the verdict.

Were you present in the court of Common Pleas, when this case came on?—I was; I argued the case in the court of Common Pleas.

Of what class of society, chiefly, was this jury composed?—They were persons of the better class; they did not belong to the aristocracy of the county, not that class from which the grand jurors are generally selected; but they were respectable individuals, gentlemen; some of them, probably, of a thousand or fifteen hundred a-year, and others possessed of four or five hundred a-year.

Were they of that class of persons, out of whom magistrates are selected?—I believe some of them were magistrates; I think Mr. Pennefeather was one of the jury, who was a magistrate.

Can you state what the circumstances of Mr. Dempster were, whether he was a person in needy circumstances?—He was a surgeon attached to a regiment; he is a Scotchman.

Was not the verdict of 75*l.* damages, proportioned to his circumstances?—I do not think it was, because he married a lady who has seven hundred a-year.

Did you advise moving for a new trial, on account of the inadequacy of the damages?—I did not; because there is no instance in which a plaintiff can set aside a verdict in his favour, no matter how small the damages may be.

What was Mr. Lawrence?—Mr. Lawrence had been in the army.

Was he a Catholic or a Protestant?—He is a Protestant. I am quite satisfied that Mr. Dempster was actuated by no religious feeling towards him, nor would he have been actuated by any such feeling towards him, if he had been a Roman Catholic. Mr. Dempster is not affected by the passions which prevail throughout Ireland; he is a Scotch gentleman, Mr. Lawrence is Irish; and I recollect this circumstance, that a friend of Lawrence's said, and this is, I think, remarkable, "Upon what principle could you possibly arrest Mr. Lawrence? for Mr. Lawrence is notoriously a loyal man." The person I allude to was a Mr. Rowan Cashell, a relation of Mr. Lawrence; he proved that he said to Mr. Dempster, Why should you arrest Lawrence, when he and all his family are loyal men? and he added, that he meant by that, that they were strong Protestants.

When this committal took place, was the county under the Insurrection Act?—Not the whole county; that part of the county was.

Do you not think, that a disposition to support the magistrates might arise in any disturbed county, without the influence of any religious feeling whatever?—I certainly think so.

And that that disposition to support the magistrates might fairly be attributed to apprehension, that the disturbances which prevailed might arise under the circumstances of any country whatever?—I certainly do think so; but I think it right to add, that I conceive that disposition is not at all unconnected with the spirit of domination produced by the sense of superiority arising from religion.

Mr. Dempster was a Scotchman?—He was.

How long had he resided in Ireland?—I think about four or five years; I know the gentleman personally.

Do you think he got so infected with this spirit of domination during four years residence, as to commit Mr. Lawrence to prison under the influence of those feelings which arise from the spirit of domination?—I do not think so; and I did not state that I conceived that he was influenced by that sentiment. But the Jury, I conceive, were influenced, in their adjudication of damages, by that sentiment.

Do you not think it possible that Mr. Dempster, under the influence of irritated feelings, if he had been a magistrate acting in Scotland, might have committed this abuse of magisterial authority?—I think it possible; but I think it not likely, that in a well ordered community he would have been guilty of a violation of the law, which would have excited the reprobation of every person in his own class of society.

Did he ever afterwards express any regret at having been misled by passion to abuse the authority he had as a magistrate?

—He did not; on the contrary, I rather collected that he expressed no dissatisfaction at it.

Mr. Lawrence was what you call a loyal man, and all his immediate relations were strong Protestants?—I stated that a relation of Mr. Lawrence's stated upon the table, when he was examined as a witness, that Mr. Lawrence was a loyal man; and he defined his loyalty to be strong Protestantism; I think it right to add, that I am not perfectly sure about the last.

Do you think there were loyal men, and strong Protestants, on the jury?—I am sure there were very strong Protestants, and therefore very loyal men, according to a certain, but very improper and offensive definition of the word.

How do you account for it, that those feelings of loyalty and of strong Protestantism, did not operate with the jury to induce them to take part with Mr. Lawrence, he being a loyal man and a Protestant?—I think that the anxiety to support the magistrate, superseded every other consideration.

Then, has not the anxiety to support the magistrate in a disturbed district, overpowered that community of feeling which existed between a jury and a suffering Protestant?—I do not think that the fact of Mr. Lawrence being a strong Protestant had any effect upon the jury, because no political feeling was the origin of the contest between them; the jury were perfectly impartial, as far as religion was immediately concerned, between the parties, as they were both Protestants. The ground on which I rest my opinion that this case illustrates the imperfect administration of justice, is the simple fact, that Mr. Dempster was allowed to continue in the exercise of magisterial functions.

In this case, there was no opportunity of challenging the jury, it being a civil case; was there?—There were no challenges; there would have been grounds of challenge if the parties had been related, and other grounds unnecessary to be mentioned.

There was no ground of peremptory challenge, without cause assigned?—No.

Could there have been a verdict in favour of Mr. Lawrence, if Mr. Dempster could have proved, by the Dublin Gazette, that he was authorised, in point of strict law, to exercise this power under the Insurrection Act?—That would have been a mere matter of pleading; if the Gazette had been produced, the objection that the action ought to have been an action on the case, and not an action of trespass (which it was) would, I think have been good; but even if the Gazette had been produced, and the action had been on the case, and not trespass, damages ought to have been recovered.

Might not the jury have taken that omission into their con-

sideration, when they awarded the damages; might they not have argued, here would have been no damages, provided Mr. Dempster could have produced the Dublin Gazette?—I am sure the jury did not take that into their account, for the Judge drew their attention to the points they were to consider, and that was not included.

This case was tried by the Chief Justice?—It was.

Did you ever hear that there was a communication between the government of Ireland and the Chief Justice, as to the propriety of removing Mr. Dempster from the commission of the peace?—I read in one of the papers, that Mr. Peel made that observation in the House of Commons, but I had never heard it before; I conceived that Mr. Peel might have referred to Lord Norbury, the Chief Justice of the Common Pleas, who expressed an opinion favourable to Mr. Dempster.

Supposing a communication was actually made by the Irish government to Lord Chief Justice Bushe, of the court of King's Bench, with respect to the propriety of removing Mr. Dempster from the commission of the peace, and that the Chief Justice having tried the case, gave it as his opinion that there was not sufficient ground for the Lord Chancellor of Ireland to exercise his authority, and to remove Mr. Dempster; in that case, would not you think the Lord Chancellor was justified in abstaining from the exercise of such a power?—I must, in candour say, notwithstanding the high respect I entertain, and something stronger than respect, towards the Chief Justice of the King's Bench, who is a very distinguished person, that I should not conceive that even his authority ought to supersede the effect which the powerful facts ought to have produced upon the mind of the Lord Chancellor.

As a general principle, do you not think that it would be unsafe in the Lord Chancellor to exercise his authority in contradiction to the opinion of the judge who had had the whole merits of the case disclosed to him in evidence?—I do not, where the facts are clearly established, independently of the authority of the judges. The Judge takes notes of the case; he states the facts in those notes; if he submits his notes, and thereby submits the facts to the consideration of Chancellor, I think the Lord Chancellor is just as competent to judge as he is; and I do not think that any Judge who superintends the trial of a case, is at all more competent to form a decision respecting the propriety of removing a magistrate, than any other person.

Do you think a judge, who reads the minutes of evidence in a case, is quite as competent to form an opinion of the precise merits of that case as the judge who tries it, supposing of course

each to be equally gifted, and each equally impartial?—I think, upon a given state of facts, the judge who tries the case, and any other judge, are equally competent to decide; and I think it very possible also, that a judge even of the very highest faculties and the purest judicial integrity, may have particular views respecting the propriety of sustaining magistrates, in entertaining which, he may labour under a very great and pernicious mistake.

Can you undertake to say, from your recollection of the words used by Mr. Dempster, and the general tenor of that language, that the attack by Mr. Lawrence on Mr. Dempster was purely personal, and had no reference whatever either to politics or to the existing disturbances in the country, or to any thing at all connected with Mr. Dempster's magisterial capacity?—I am perfectly certain of it, because the dispute arose from a servant of the brother, I think, of Mr. Lawrence, refusing to let a horse belonging to Mr. Dempster, into a field attached to a barrack. That was the origin of the whole dispute.

Have the goodness to state whether it is the practice in Ireland, to enforce the Insurrection Act upon respectable persons?—It certainly is not; and the only instance in which I recollect, that a person belonging to the class of gentlemen was arrested under the Insurrection Act, was another instance in which that very Mr. Dempster was the committing magistrate; it was the case of Mr. Gleeson, a repectable professional man, an attorney, who was committed by the orders of Mr. Dempster, for being out of his house at night, in the town of Nenagh.

In point of fact, the same communication and intercourse subsists between parties not suspected of violating the law in a district proclaimed under the Insurrection Act, as before?—I think the same sort of intercourse subsists between persons of the better class.

Was that case of Gleeson ever made the subject of a trial?—It never was made the subject of trial; an action was brought, but the statute that requires the service of notice upon a magistrate, was not complied with; that was the reason, and none other, why the action was not brought to trial; I myself had a brief in the action, and on that account I am acquainted with the facts.

Can you state the date of that occurrence?—I cannot exactly state it.

Had a year intervened?—I think it was in the year 1823.

Can you state what circumstances of life Mr. Lawrence was in?—Mr. Lawrence is a person of very respectable family, I believe; however, that his circumstances are now, and were then, extremely impoverished, I believe that his respectability, which perhaps will appear singular in Ireland, has sustained some dimi-

nution in consequence of his being considered addicted to quarrelling, and his having been reputed a duellist.

Is he considered in society, on a footing with Mr. Dempster?—I believe he would be considered in society on a footing with Mr. Dempster.

You do not impute to the jury that they were influenced by religious feelings?—I am sure that they were not influenced by religious feelings; they were influenced by what I conceive to be an undue anxiety to support magistrates through (to use a vulgar phrase) thick and thin.

By what you call an aristocratic sentiment?—Yes; by that which, when it comes into its operation, with reference to the lower orders, is tainted with religious feeling; perhaps without the persons swayed by it being perfectly conscious of the origin of the motive by which they are governed.

You state that in point of circumstances, Mr. Dempster and Mr. Lawrence were very much on a footing?—Yes; when I say that, I think that the spirit of aristocratic domination is connected with religious domination; I do not apply the observation so much to this particular case, as to the general effect of the system of religious distinction on the whole class of the people.

In this particular case, you neither impute a religious feeling, nor an aristocratic sentiment, to the jury?—I think that the disposition to support magistrates improperly, arises from an aristocratic sentiment; from a desire to keep down and trample upon the lower orders.

Do not you think the jury might have naturally taken into consideration the very great provocation Mr. Dempster had received, that might have deprived him for a moment of the exercise of his sound intellect?—I not only know that they did, but that they ought, and that the Chief Justice directed them to do so; but I think that 75*l.* was not by any means a proper reparation for an imprisonment of three days, and where the Insurrection Act was converted into an instrument of personal vengeance.

Had Mr. Dempster any property separate from his wife's?—I am not aware.

How long had Mr. Dempster been in the commission of the peace?—I do not know.

Is this the only instance in which you call into question the conduct of Mr. Dempster as a magistrate?—I have just mentioned the case of Mr. Gleeson, who was arrested by Mr. Dempster for being out of his house in the town, an hour after sunset.

Mr. Gleeson is an attorney in considerable practice; is he not?—No, he is not in considerable practice.

What amount of damages should you yourself have thought

sufficient, in the case of Mr. Lawrence?—I should have thought that, under the circumstances, 300*l.* would have been a proper verdict.

What were the damages laid at?—The damages were laid, I believe, at 2000*l.*, but that is no test; it is a matter of caprice with the professional man who draws the declaration. I think it right in fairness to add, that though I mentioned that Mr. Dempster had married a lady with 700*l.* a year, I believe the estate o that lady is encumbered, though that fact was not brought to the attention of the jury; that circumstance I know from my own personal knowledge.

Have you not expressed an opinion, that public men in Ireland are influenced by undue partialities in administering justice and favour towards Roman Catholics?—I do not think that I said public men; I will say this, that I believe the judges of the land are free from any impure motives connected with religion; but I am convinced that sheriffs, who must be Protestants; that magistrates, a majority of whom are Protestants, and who are strongly swayed by political feelings; that jurors, who are selected by Protestant sheriffs, and especially the jurors of the city of Dublin, are governed by impure motives; and if it be not out of order to mention it, I have the authority of Mr. Edmund Burke for saying, that it is impossible that the law should be administered purely, while the law remains what it is, and continues to be administered by Protestant sheriffs, magistrates and jurors. He says so in his letter, written in the year 1782, to an Irish peer; his words are, "The Catholics are excluded from all that is beneficial, and exposed to all that is mischievous, in a trial by jury. This was manifestly within my own observation."

The question refers to the duties of chief secretary of Ireland, for instance?—I am sure that no person, who would hold so high an office, could be swayed in a case of personal wrong, and where merely the rights of two individuals concerned, unconnected with religion, were by any improper motives; but I certainly do think, that public men in Ireland, and I think it is but human nature, are swayed by an anxiety to support the members of that party, by whom they are themselves supported.

Do you recollect making a statement of this nature, that when Mr. Peel was chief secretary for Ireland, a claim was preferred to him, on the part of a man in humble life, a fisherman in the county of Waterford, who had been instrumental by the greatest activity and courage, in saving the lives of several soldiers who were shipwrecked, that an application was made by Mr. M'Dougal, who stated this case to Mr. Peel, and stated his knowledge of the truth of the statement which he made, and applied for some mark of favour from the government towards that meritorious individual;

that Mr. Peel's answer was, what class does this person belong to: the reply was, he is a fisherman; that Mr. Peel then said, that is not what I mean, is he a Protestant or a Roman Catholic? that the answer to that was, "he is a Roman Catholic;" that Mr. Peel then dismissed the case, saying, "if that is the case I decline interfering;" is that a correct statement of the outline of the case, as stated by you?—No, it is not.

Then have the goodness to state the circumstances, as stated by you?—I will. Mr. M'Dougal mentioned to me, that the person of the name of Kirwin or Kirewan, had saved the lives of eleven persons in the army, three of whom were officers, and that he, from motives of pure humanity, and having no acquaintance with any person in authority, went to the castle and applied for a remuneration for this individual, and that he was asked at the castle; (I am now stating what Mr. M'Dougal mentioned to me; I will afterwards state how far I may have perhaps modified or coloured those facts;) he was asked, I say, at the castle, and with emphasis; (but he did not state that it was by Mr. Peel, I believe he stated that it was by Sir Edward Littlehales,) whether the individual in question was a Protestant. Mr. M'Dougal not only mentioned these circumstances to me, but he also mentioned them to a very respectable merchant of the city of Dublin, Mr. Nicholas Mahon; who, when some controversy arose as to the truth, or the full extent of the truth of my statement, corroborated the body of the facts which I had publicly mentioned. I think it right to add, that Mr. M'Dougal requested me not to mention these circumstances; from which obligation, I conceive, that his death has completely released me; as I supposed he was apprehensive, that a disclosure of this conversation might prejudice him in his advancement in his profession; whether he was right or not I do not know. I did not state in public that Kirwin received no reward; but perhaps I was guilty of some rhetorical artifice, in not adding, that he received the reward of 30*l.* which was the only reward that he did receive for saving the lives of eleven persons. I certainly did insinuate, that the question, whether Kirwin was a Protestant, had been put by the authority of Mr. Peel; and I did conceive, that the person who had this conversation with Mr. M'Dougal, had been instructed to ask that question; perhaps I was not warranted in drawing the inference, but I certainly did not state, that Mr. Peel gave no remuneration to the individual in question; on the contrary, I know that the individual in question received the small sum of 30*l.* and received nothing more.

Did Mr. M'Dougal inform you, that the only communication he ever had with Mr. Peel on that subject was in writing?—Mr. M'Dougal did not state that to me; allow me to add, that a few days before I left Dublin, the individual concerned in this act of

very signal humanity came to Dublin, in consequence of his having seen that I had made mention of his name, and he asked me to draw a memorial for him to the Lord Lieutenant, setting forth the extent of his services; which memorial I was prevented from drawing by the necessity of coming over to this country. Kirwin stated to me, that he himself and Mr. M'Dougal had an interview with Mr. Peel; how far he was right, I cannot state. I know the propensity among the lower classes to put forth every thing in a light the most favourable to themselves; I am inclined to think he must have been under some mistake, and that he saw some other person whom he mistook for Mr. Peel; Kirwin is thirty-six years of age, and when he asked for some small place in the Revenue, he stated that Mr. Peel observed, that he was too old; which I apprehend Mr. Peel would not have stated, for he is a very strong and healthy man; I conceive therefore it is unlikely that he could have had such an interview, for the person who told him his age was an obstacle to his appointment, must have been mocking him.

Did Mr. M'Dougal tell you, that he wrote a letter to Mr. Peel, in which he stated that this man was in the utmost pecuniary distress, and had been actually in prison some time for a debt of 6*l.*; Mr. M'Dougal having himself released him from prison, and thinking it a great reflection upon the town in which he lived, that such a man should have remained in prison?—Mr. M'Dougal did not mention this fact to me, but I do think that Mr. M'Dougal stated to me he had written a letter to Mr. Peel.

Did Mr. M'Dougal tell you that Mr. Peel's answer to that letter was to this effect; that General Doyle, who commanded the district, had been instructed to examine into all the claims that had been preferred by persons who had been instrumental in saving lives from that ship; that he begged Mr. M'Dougal would see General Doyle would lay the claims of this individual before him, and that General Doyle would make a report to Mr. Peel upon the subject?—He did not; but Kirwin subsequently told me that he had a conversation with General Doyle, and that General Doyle put it to his election, whether he would take 30*l.* or wait until he should get some small place; and that he preferred taking the 30*l.*: and Kirwin said also, that it was mentioned to him, that his name was taken down at the Castle in the list of promotion for some petty office; but that he had not been appointed, although some years had elapsed, and he requested me to draw a memorial for him, calling the attention of government to that fact.

Did Mr. M'Dougal conceal from you the important fact, that the whole case had been referred to General Doyle, with instructions to inquire into the whole of it?—Mr. M'Dougal did not mention it; it was at the bar mess at Kilkenny he mentioned the circumstances I have detailed. Mr. M'Dougal was a gentleman of

what I call liberal opinions; he was favourable to Roman Catholic emancipation; we were observing in conversation, that the most profitable course a Protestant could pursue in Ireland was to support the doctrines of Ascendancy: he did not mention the facts for the purpose of public statement, but, on the contrary, laid me under an injunction of secrecy, which I obeyed while he lived.

But he concealed the fact, that this case was referred, with others, to the General commanding in the district; that 30*l.* was presented to the individual, that having been reported by the General to be a remuneration for those services?—Mr. M'Dougal laid no stress upon any circumstance except upon the question having been asked, whether Kirwin was a Protestant, and that it should have been made an ingredient by men in power, in the consideration of the extent of his remuneration. That was the gist of the conversation.

Are you aware of the fact now, that this case was referred to the same individual to whom every other case had been referred, which individual being a general officer of the district, was instructed to report to the government what sum he thought was a just remuneration to each individual respectively for the services they had performed, and that the sum named by General Doyle as a proper remuneration to Kirwin was 30*l.*, and that 30*l.* was paid to him? —I am not aware that any such reference was made.

You are aware of it now, by the communication you have had subsequently with Kirwin?—I am merely aware of this, that General Doyle put it to his election whether he would take 30*l.* or take the promise of promotion; but I am not aware that there was any reference made to General Doyle, I am merely aware of the naked fact I have mentioned.

You are aware that the individual had an offer from the general officer of the district, either that he should receive the sum of 30*l.* to be paid immediately, or if he preferred it, that his name should be placed upon the list of candidates for small appointments in the revenue?—I am; and I beg to add, I conceive that the question as to whether he was a Protestant, if ever put, was put with a view to ascertain whether he should be placed in a situation of respectability or weight, and that religion in Ireland does decide the place which an individual is to hold in connexion with the government, or in any of its inferior departments.

What was the employment of Kirwin?—I heard he was a fisherman, but he himself told me, since my statement, that he was a farmer, and he certainly appears to be a very decent man, he reads and writes; I should call him a very intelligent man.

Mr. M'Dougal informed you that he was a fisherman, did he not?—I think he did; but I afterwards, in conversation with himself, found he was a farmer; he lives on the sea coast.

What place of weight and responsibility could an individual

who was a fisherman, and had remained in prison for a debt of 6*l.* expect from the government?—I think that weight and responsibility are relative terms, and that a person in an inferior class may be trusted with employments that are of consequence and require fidelity and good conduct, the salary of which at all events is of moment; I think that a salary of 60*l.* a-year given to this humble man, if employed in some small office, would have been a matter of great importance to him; and I think that the question whether he was a Protestant, if at all put, (which I believe, although I do not positively state it, I had it merely on the authority of Mr. M'Dougal,) was put with a view to determine whether he should be employed, and in what way.

How do you reconcile that answer with Kirwin's own statement, that the offer of a place was made to him if he preferred waiting for a place rather than receiving a sum of money at once? —I think the nature and importance of the place was to be determined by the religion; if he had been a Protestant he would probably have been employed in a situation of that class to which Protestants are usually promoted.

Do you know the places to which Kirwin would have been eligible?—There are many situations in the police, many situations in the revenue; for instance, the place of water-guard; and other places which he might have held.

Supposing the place of water-guard should have been established since the claim of Kirwin was presented to the government, you would not in that case draw any inference from his not being appointed to that?—I mention the place of water-guard merely as illustrative of the sort of place he might have held; of course analogous places must have existed before that of water-guard was established.

Do you know that in many instances places in the revenue are places of promotion, and that it is absolutely necessary to belong to a subordinate class before a man can be promoted to a higher? —I am aware of that; but I think the most inferior situation in the revenue would have been an object to this poor man.

Mr. M'Dougal did not state to you, that Mr. Peel was the person who put the question as to his being a Protestant or a Roman Catholic?—Mr. M'Dougal did not state to me, that Mr. Peel was the person who put that question; he stated, that it was put by a person attached to the Castle, but I conceived it was suggested by Mr. Peel. I think I have a right to add, I am not disposed to think so now.

As at present informed, do not you think, that if General Doyle suggested that 30*l.* was a fit remuneration to be made to Kirwin, and if 30*l.* was paid to him, that no impression unfavour-

able to the government, in respect to its partiality, ought to arise upon that case?—I conceive, that if the sum of 30*l.* only was paid to a person who had saved the lives of eleven men in the employment of government, such a sum was an inadequate remuneration.

Supposing the general officer, who was requested to inquire into that and other circumstances, reported 30*l.* to be a fit sum, regard being had to the class of life of Kirwin, do not you think, that then a person in the situation of chief secretary to the Lord Lieutenant, and who could not, of course, make personal inquiry, would be justified in acting upon the opinion and report of the individual who had been directed to inquire?—I think that the secretary to the Lord Lieutenant, having learned that the lives of eleven persons in his Majesty's service had been saved by the exertions of an humble man, ought to have been greatly struck by an action so heroic and so useful, and should not have made the report of a general officer, the medium by which his own estimate of the moral merit of such an action ought to have been determined.

You do not suppose that General Doyle lessened the reward to Kirwin, because he was a Roman Catholic?—I am sure he did not: but I cannot answer for the moral scale by which General Doyle estimated the value of Kirwin's conduct.

You think that 30*l.* was an inadequate reward for the service performed?—I certainly do. Three officers were saved, and eight soldiers; and that at a moment, when, I am sorry to say, others were committing acts of the greatest barbarity.

Who were the persons employed to report on the facts; were they not the general officers of the district?—I presume that to be the case.

Was it likely that General Doyle, an officer himself, would undervalue the services of a man who had been instrumental in saving the lives of soldiers?—I will not undertake to dispute on the point of moral taste. I cannot pronounce upon the ethics or military sensibilities of General Doyle.

In the statement you have made, you stated, that the person at the Castle with whom M'Dougal communicated, retired to another room, and upon his returning, asked whether Kirwin was a Protestant or a Catholic?—I did; and I think it now right to mention, that in that particular, there was perhaps a rhetorical colouring in the specification of so minute a circumstance, which was not perhaps perfectly warranted: I cannot now positively say that Mr. M'Dougal did not state to me, that it was upon the return of the inferior officer at the Castle that the question was put; but speaking as a conscientious man ought to do upon so

important an occasion as the present, I think it right to maintain, that I do not distinctly recollect that he did state it: upon the other hand, I will not negative that statement.

The inference which was natural to be drawn from that statement to you was, that the person so retiring had, in the interval, a communication from Mr. Peel; and that, in consequence of that communication, the question with respect to religion, was afterwards put?—Unquestionably it was my object to convey by insinuation, what I did not think judicious directly to affirm; but I think it right to add, that my own firm conviction is, that religion is, more or less, made the test in the allocation of even the most minor office in Ireland.

Your intention was to convey an impression, that that question with respect to religion was put by the directions of Mr. Peel, either at that moment given, or previously communicated?—My object at that time was to intimate to the public, that the suggestion had been made by Mr. Peel; my impression then was, that the question was put by his direction; I now think, from the manner of Mr. Peel's examination, that Mr. Peel did not in that specific instance direct the question to be put, but that it was asked by an inferior officer, from his knowledge of the habits and the mind of the then Secretary to the Lord Lieutenant, under whom he acted, and from the principles on which promotion is carried on.

You have no distinct reason for making that assertion; you had no ground except your own surmise for stating that that question had originated with Mr. Peel?—I did not state that question had originated with Mr. Peel; I merely left it to be inferred.

Had you, at the time you left it so to be inferred, any distinct ground whatever upon which you could rest such an assertion?—I have this fact; that a person in the employment of Mr. Peel, who must have been acquainted with his habits of thinking and his feelings, had asked the question, and I think I was not unfair in attributing that question to a higher source.

Are you quite sure that Sir Edward Littlehales was the person who put that question to Mr. M'Dougal?—I am not sure of it; Sir Edward's name was mentioned to me in the course of the conversation, but whether in reference to this particular part of the case, I cannot take upon myself to say; I believe it was his name that was mentioned, but I cannot positively affirm it.

Do you think it fair to infer, merely that a particular question originated with an individual whom you name, when all you know is, that it was put by another person, between which person and the individual named, you think there is a general accordance in political sentiments?—I do think it quite fair; I think it very

natural that the "winking of authority" should be attended to by any persons holding inferior capacities.

In this case you imply a particular fact, although you admit that you have no reason whatever to believe that fact actually to have taken place?—I found a specific fact; I found that the question was asked by a person in the employment or in dependancy on Mr. Peel.

How do you know that fact?—I was told by Mr. M'Dougal, that the question was asked by a person at the Castle, who was the individual through whom the communication was made to Mr. Peel; he told me that the question was asked of him just before he had the interview with Mr. Peel.

And by Sir Edward Littlehales?—I do not state that positively; I endeavour to distinguish between my perfect recollection and my more obscure belief.

Did Mr. M'Dougal state what passed between himself and Mr. Peel?—He did not; the conversation between Mr. M'Dougal and me did not at that time produce any deep impression upon me; it was casual; it was stated merely in common convivial intercourse, without any object whatever upon the part of Mr. M'Dougal. I afterwards happened to recollect it, and I found that it illustrated the general principle upon which the government had acted; when I find all the inferior offices almost universally filled with Protestants; when I find the police filled by Protestants, I cannot help thinking that it is the principle by which government are swayed.

You stated, that what you meant to state was as a charge against Mr. Peel; that the application for reward being made to him in favour of an individual, he wished to ascertain the religious creed of that individual, before he decided on the amount and nature of that reward; that was the charge which you meant to bring against Mr. Peel, and which you distinctly stated. It now appears that you had no grounds upon which you could have been warranted in asserting that the question, admitting it to have been put by any body, did arise directly or indirectly from Mr. Peel?—I did not distinctly state that the question was put at the instance of Mr. Peel. I now state that, in my opinion, a general system exists in Ireland, which would have prompted the question; and that I should conceive that Mr. Peel, acting only in consistency with the principles which he had ever avowed, would not only naturally, but perhaps justifiably, have asked the question.

You infer then, from the question which was put by an inferior officer about the Castle, that the answer to that question would be considered as a matter of some importance by the superior officers of government?—I do; I think that the persons at

the head of the government would not have been swayed by any religious consideration, in determining what sum of money ought to be given to Kirwin. I think his religion would have been entirely left out of the mere pecuniary question; but I think the government would have been swayed by the consideration of his religion in determining to what place he should be advanced; and that is the reason why I think the question was put.

Were you rightly understood, that this communication from Mr. M'Dougal to you was not a formal communication for the purpose of placing you in possession of those facts, but a casual observation at a dinner table, with perhaps other persons present?—It was a casual conversation; there were other persons present, but it was told to me in a whisper; Mr. M'Dougal mentioned to me, that when the question was put to him whether Kirwin was a Protestant, he answered, that Kirwin did not ask whether the eleven persons whom he saved were Protestants at the time he was plunging into the sea.

It was not then a formal communication made by Mr. M'Dougal, for the purpose of your instituting any public proceedings upon it?—Certainly not; it was merely accidental.

Are you at all aware how many persons were engaged in saving the lives of the soldiers at that shipwreck?—I believe that no individual whatever exerted himself to save the lives of the soldiers on board the two transports that were wrecked, except this individual; I believe the crowd on the sea-coast assembled together for the purpose of plundering the wrecks, a practice not confined to Ireland, but which prevails as extensively on the coast of Cornwall; so far was their barbarity carried, that they actually cut off the fingers of the dead bodies of some women for the purpose of obtaining rings.

But you understood there was no other individual actually employed in saving the lives of those soldiers?—I believe no other.

From whom do you get your information; have you examined into it yourself?—I recollect the statement made in the public newspaper at the time; I recollect the statement made by Mr. M'Dougal; and I have also the statement of Kirwin himself.

How great a length of time elapsed between this conversation which you had with Mr. M'Dougal and the public statement which you made, to which your examination has been directed?—I cannot state with much distinctness; I think about three or four years.

Had you made inquiry into the facts in the interval at all?—I made none; I knew that those transports had been wrecked; I knew that this Kirwin had distinguished himself by his humanity,

and I believed Mr. M'Dougal's statement to me (he was a highly respectable gentleman) to be fact.

It was then from your recollection of this casual conversation with Mr. M'Dougal at this table, and without any particular inquiries as to the conduct of Kirwin in the mean time, that you made the public statement to which reference has been made?---It was; and in making that statement, I selected the fact with no other view than that of putting the general principle in a more conspicuous light.

Have you heard that any other persons were rewarded for having shared in the merits of that transaction to which you refer?---No.

Did Kirwin go out in a boat?---No; he is a very expert swimmer, he swam repeatedly from the shore to the wrecks, and saved the lives of eleven men.

Did he state that he was dissatisfied with the reward at the time?---No; he appeared on the contrary to be grateful for the little which had been done for him.

Has not the 30*l.* he then received been the chief source of his prosperity since?---I hardly think, that even in so wretched a country as Ireland, 30*l.* would be considered as having made a man's fortune.

If he had remained in gaol from inability to pay 6*l.* do not you think that 30*l.* makes a great difference to a man in that situation of life?---It makes a difference; but I think government should have taken into their consideration the extent of the service he had performed, and the nobleness of the action, as well as the poverty of his circumstances.

Why do you think government ought to have acted upon the representation of Mr. M'Dougal alone, in preference to that of General Doyle?---I am not disposed to say so; for it would be very unreasonable, that the government should have preferred the mere dictum of Mr. M'Dougal, to the authorized statement of General Doyle.

Did Mr. M'Dougal say, that he had advised a larger sum to be given to this man?---He did not tell me that he had given any advice at all.

He did not tell you, that he had received any reward?---He told me he had received some reward.

Did you mention that in your speech?---I did not; and I have before mentioned that; I perhaps deserve some sort of blame for not having added the fact; but I consider, that if I had mentioned, that a man who had saved the lives of eleven persons, among whom there were three officers, had received so miserable a sum as 30*l.* as a reward, I should not have stated any thing redounding to the credit of government.

Do not you think that the officers themselves ought to have given him something?—I do; Kirwin said the officers did not give him a single penny.

Do you know, that in Ireland, country servants are engaged for five and six pounds a year?—Yes; but this man is above the condition of a servant; he told me, he farms lands at present, for which he pays 100*l.* a year; whether his doing so, arises from his having received 30*l.* I must leave to the Committee to determine.

You say, that you merely stated this case, as an instance of the injustice which you knew to prevail in the government, that of excluding the Roman Catholics from situations to which they were otherwise eligible?—I stated that my object in mentioning that circumstance, was to put in a more conspicuous and striking point of view, the principle upon which, I was convinced, that government acted.

Upon what facts does your conviction of the mode in which government act, rest?—A great majority of the people of Ireland are Roman Catholics; the police which is selected from the lower orders, are almost entirely Protestants. This remark is equally applicable to other pursuits and professions. I shall take my own profession as a strong example. Since the year 1793, there have been about one hundred and twenty Roman Catholics admitted to the bar; some time ago I went to the hanaper office, to ascertain for the present Attorney-General for Ireland, the number of Roman Catholics who had been admitted to the bar since 1793; I found there had been one hundred and five Roman Catholics and about eight hundred Protestants admitted up to the same period; not a single Roman Catholic barrister had been promoted, with the exception of Mr. Farrell, (who has been recently appointed, I believe through the personal regard of Lord Wellesley) to any place to which Roman Catholics are admissible by law. The exclusion of so large a body from all employment, led me to the conclusion, that the profession of the Roman Catholic religion was an obstacle to professional promotion. It is right that I should here observe, that Mr. Blake, a Roman Catholic, has been appointed Remembrancer of the court of Exchequer. For that gentleman, Lord Wellesley is known to entertain a strong friendship, which may account for his selection in despite of his religion. He was not a member of the Irish bar, nor is his office, I believe, necessarily connected with the bar. Its duties were formerly filled by Mr. Thompson, an attorney. It is right that I should observe, that my remarks, as to the exclusion of Roman Catholics, were not intended to apply to Lord Wellesley's administration. Let me be permitted to mention, as an exemplification of this sectarian principle of selection, a fact in an individual case. Mr. Bellew, who is connected with

Lord Fingal, and who is a gentleman of a most respectable Catholic family, told me, that Lord Castlereagh had, about the time of the Union, promised him the situation of assistant barrister, and when a vacancy occurred, he applied to the government to fulfil the promise: he was then informed, that there were reasons which precluded the possibility of appointing him; but that to reward him for the disappointment, he should receive a pension of 400*l.* a year, being the salary of assistant barrister; he added, that he had no doubt upon his mind, that government declined to appoint him on account of his religion.

Is he alive now?—He is.

Did Mr. Bellew mention in what year it was that this took place?—No, he did not. I believe it was Lord Redesdale who prevented his appointment, inasmuch as Lord Redesdale was of opinion that no Roman Catholic should have a situation in the administration of justice, at all connected with judicial power.

Did he get the pension?—He did, and it was afterwards increased; thus the individual was rewarded, but the class to which he belonged was stigmatized. The government have a great patronage connected with the Irish bar; there are nearly as many places as there are barristers; and I think when I find that no Roman Catholic has been appointed since the year 1793, with the exception of Mr. Farrell, and when I consider that there are many individuals of the Catholic bar, of talent, knowledge, and assiduity, of whom none are promoted, I must conclude that it is their religion which stands in the way of their promotion; it is the opinion of the whole bar that if Mr. Bellew had been a Protestant, he would have reached the height of his profession. In consequence of his not having been appointed King's counsel, he has much less business in chancery, for which he is admirably qualified. None but King's counsel can be much employed in the Irish Court of Chancery. The individual who follows seven or eight King's counsel, cannot expect a very favourable audience. I mention Mr. Bellew's case as one of severe hardship.

Mr. Thompson, to whom you have referred, is a barrister, is he not?—I always understood that he was an attorney. These facts illustrate the justice of my assertion, that religion enters into the consideration of the government, in the allocation of its rewards, and in making appointments to situations which Catholics are capable of holding.

Sometimes an individual at the bar holds language, with respect to government, which might make it difficult to select him?—Sometimes individuals use language which may provoke the resentment, and perhaps in some cases incur even the just censure of government; but allowance ought to be made for the use of expressions which are prompted by what those individuals regard

as monstrous wrong; that language is suggested by not mal emotions. In the midst of large assemblies, the passions of men become heated, and if vehemence of expression is employed, it is provoked by injury, and by that state of feeling which is produced by the law. But the individuals alluded to are few in number. There are not above two or three Catholic barristers who take such an active share in political proceedings, as can be offensive to government. The rest of the bar, although greatly irritated by the injustice of their exclusion from place and honour, from motives of personal prudence abstain from all interference, yet the silent and more accommodating persons are as much overlooked as the bolder and more angry few who complain of political injustice. I may be permitted to add, with respect to the individuals who take a part in public proceedings, that I am persuaded they not only would not employ vehement language in public assemblies, but that if the Catholic question was settled, they would scarcely enter into any public assembly whatever; at least I can answer for myself, if I had a fair chance of reaching that station in my profession for which my faculties may perhaps disqualify me, but in the way to which, in addition to the disqualification which may be produced by my incapacity, the law has created exasperating impediments; I say if those obstructions were removed, I should take no further part in political concerns, for I am satisfied, that so far from assisting the advancement of an advocate in his profession, an interference in politics arrests his progress, and if I interfere at present, it is because I consider it a duty to use every effort to procure a removal of the disqualifications under which I labour.

Do you think, in case the general question of Catholic emancipation were settled by Parliament, there would be a power existing in any individual to get public assemblies together, and to create a combined operation in Ireland?—I am convinced that it would not be in the power of any man, no matter however great his influence might be, nor no matter how perverse his ambition might be, to draw large convocations of men together in Ireland; nothing but the sense of individual injury produces these great and systematic gatherings, through the medium of which so much passion and so much inflammatory matter is conveyed through the country. Let me take the question of the Union as an example; there are many who suppose, that if the Catholic question were to be satisfactorily arranged, the merits of the Union would be discussed. But I am convinced, that if the Catholic question were settled, a great body of the population, so far from being dissatisfied, would be perfectly contented with the Union, or be indifferent to it. Whenever any mention is made in a Roman Catholic assembly of the evils of that measure, it is made

for the purposes of rhetorical excitement, and not with any serious view, upon the part of the speaker, to disturb that which, in my humble judgment, is perfectly indissoluble. In answer to the question, I beg to add this, that I am perfectly convinced that neither upon tithes, nor the Union, nor any other political subject, could the people of Ireland be powerfully and permanently excited: at present individuals feel themselves aggrieved by the law, and it is not so much from public sentiment, as from a sense of individual injustice, that they are marshalled and combined together.

Do you happen to know the proportions of Roman Catholics and Protestants who are employed in the Police?—I myself do not know it exactly; but a Parliamentary return has been published on the subject, and I believe in the county of Limerick it appears there were not above forty police men Catholic, out of a hundred and fifty.

You stated the inequality of the numbers as the ground upon which you formed an opinion, that the government was influenced by that principle in making the appointment?—When I find a decided minority of Roman Catholics in the police, where there is so decided a majority in the population, and where I find the police are selected from the lower orders, I must consider religion as the principle on which the selection is made. In Dublin I believe almost the whole police are Protestant.

By whom are the police men appointed?—I believe the police men are appointed at present by the chief constables. Speaking on the subject of the police, I may be perhaps allowed to mention the case of one Delap, as connected with the administration of justice, from which subject the examination has diverged. I was about to state several facts, which shew the administration of justice is not perfectly pure, when I was led from that topic to other matter; I am prepared to state other facts.

Did you ever know an instance in which the question of religion actually interfered with the appointment or non-appointment of a police man?—No; for my occupations are of such a nature as put me out of the way of obtaining knowledge of that kind; but I can mention a fact which exhibits the feeling of the people upon the subject, and their suspicions generate as great an evil as if that principle operated. I recollect a police man was found guilty at the last assizes at Clonmel, of murder. I walked through the streets after the conviction, and attended particularly to the observations of the lower orders respecting this conviction. Many of the people said, "We are sure he will not be executed, because he is a Protestant:" that is a most fatal feeling, and means ought to be taken to remove it.

Do you think that individual ought to have been executed?—

He ought not to have been hanged, because, though it was murder in law, it was not in morals: he had drunk too much; he was returning to the place where he was quartered from Clonmel, upon a car; a peasant lad came out on a sudden, in the dusk of the evening, from a house on the road, and made some clamour or noise. The police man conceived that this boy was going to shoot him; he resolved to anticipate him, and shot him dead; the boy had no arms in his hands. Under these circumstances it was thought by the judge that the police man ought to be spared; but the lower orders, without knowing any thing of the facts, said, as a matter of course, "He is a Protestant, and of course will be pardoned."

Do you think the proportion of the population is a consideration which ought to guide the government in their appointments?—I think it ought to be taken into consideration; government should endeavour to conciliate and tranquillize a great body of the community, who not only have the power of acquiring wealth and intelligence, but have actually acquired both; they ought to take into consideration the feelings of that great body, who not only find themselves branded on account of their religion, but who sustain actual and positive deprivation. A wise government, in its appointments, ought to regard the feelings of the majority of the people.

You go the Leinster circuit?—I do.

Do you happen to know the proportion that Roman Catholics and Protestants bear to each other in the Excise department?—I do not; but I know the Custom-house of Dublin was filled not only with Protestants, but with Orangemen; that evil, I believe, has been cured; I believe a great purification of the Custom-house has taken place.

In what mode has the purification been effected?—I believe, by the Commissioners appointed for the purpose.

Has it been by the removal of the Protestants, or the insertion of Catholics?—I believe it has arisen from making a selection from a better and a more fitting class; the Custom-house was an object of patronage with the government; Members of Parliament constantly exercised their influence for the purpose of obtaining small places connected with the Custom-house: in consequence, very unworthy persons were appointed; those persons were generally Protestants; being brought together into one office, their feelings were strengthened by cohesion; they valued themselves on their religion; men assumed the pretensions of high gentlemen, who had only one qualification of a gentleman in Ireland, namely, the Protestant religion.

What principle do you suppose influenced the Members of Parliament in recommending those persons?—The Members of

Parliament who recommended the individuals did not probably take their religion at all into the account; but the persons employed in the Custom-house were of the description I have mentioned, and put on all the airs and insolence of Orangeism.

Do you know that in the Revenue there are very few Roman Catholics?—I do not; I know some persons who have been employed in the Custom-house; I learned from them, that the clerks were Orangemen; their discourse turned upon the necessity of keeping Papists down.

The point with which you set out was, that there was not a fair opening to the admission of Roman Catholics, and that the Roman Catholics were excluded by the practice of the government?—I stated it with reference to the police, and with respect to my own profession, of which, of course, I have more accurate knowledge; with respect to the Revenue, I believe the majority of persons in employment are Protestants, and also Orangemen, but I am not able to state whether the principle of their original appointment was connected with religion; the supporters of Ascendency would naturally take religion into account.

Are you aware that Mr. Thery, the Commissioner of Excise, and Mr. Troy, who is at present Collector of Limerick, are both Catholics?—I am aware of it; Mr. Thery told me he was appointed in consequence of a special recommendation from Mr. Edmund Burke, given many years ago, and afterwards attended to.

Do you know at what time they were admitted; by what Administration?—I believe it was by the Bedford Administration.

You mean to say then, that, in point of fact, the Roman Catholics do not enjoy a fair proportion of the patronage of government?—I am sure of it; the promotions at the bar establish the fact.

Do you know any thing of the Post-office in Dublin?—No; I know only one individual who holds a place in the Post-office of Dublin, and he is a Roman Catholic; but he has informed me, that the conversation which takes place in the Post-office among the clerks (persons holding offices analogous to his own) perpetually turns upon the necessity of supporting Orangemen, and keeping the Papists in subjection.

Do you know the proportion of Roman Catholics and Protestants in that establishment?—I do not.

Which do you think preponderate?—If I may be allowed to conjecture, or to do more than conjecture, and to presume that government act, with respect to the Post-office, in the same way as I believe they do with respect to other departments, I should say that Protestants preponderate.

The Post-office is not a department on which you have formed

your opinion of the conduct of government, in this instance?—No; but when I find that my Lord O'Neill is at the head of the Post-office, and is also notoriously at the head of the Orange party, I presume that his opinions have not only been communicated to those who act in inferior departments, but if he has any patronage, of course he exercises it in favour of persons who sympathize in politics with himself.

If you found that the majority of persons employed in the Post-office were Roman Catholics, what would be your inference?—My inference certainly would not be, that they had been appointed in consequence of being Roman Catholics; and I should not be able to account for the circumstances, unless they were persons eminently well qualified, who had been recommended, on the ground of that qualification, by an excellent officer, Sir Edward Lees.

In the case of Protestants, you would conceive they had been appointed in consequence of their religion?—I think it would assist their appointment. If I were opposed to the Catholic claims, and anxious to support the system of Ascendency, I should consider the most efficient mode of supporting that system would be, to exclude Catholics from even inferior situations, and thus deprive them of the influence which those situations would confer. By holding such employments, Roman Catholics would obtain another step on the ladder. The greater the influence of the Catholic body, the more difficult it must be to resist their claims to emancipation. It is with a view to ulterior objects, that they are excluded from minor offices. It is in order to diminish the weight and consequence of the whole body of Catholics, and sustain the general system of Ascendency, that they are denied their due participation in the places of emolument, to which they are admissible by law. This is the result of the general spirit of the penal code, which, independantly of its evils upon society, works much individual wrong.

If it should appear that the majority were Roman Catholics, why would not you attribute that circumstance to favour to the Roman Catholics, as you state, that if the majority were Protestants, you would attribute it to favour and partiality to them?—Because there is reason for the one, and not for the other.

You stated, that you conceive appointments ought to be made according to the proportion of the population?—I do.

Do you think that principle has application to the bar?—I think government ought to take it into consideration. I know that the appointment of Mr. Farrell has been a most popular measure; I know that it gave great satisfaction to the people, and I am sure it would be conducive to the purposes of tran-

quillity, if the lower orders saw persons of their own religion intrusted with office and authority.

Do you mean to say, that founding the principle of selection on the proportion of numbers, a less qualified person ought to be appointed to any situation, merely on account of that supposed proportion between the numbers?—I do not; but I know, and it is the opinion of the persons highest at the bar, that Roman Catholics are fully as well qualified as Protestants.

Then you mean to infer, that, *cæteris paribus*, the claims of merit, regard ought to be paid to numbers?—Certainly; with a view to the conciliation of the people, it is more important to conciliate the majority of the people who are Catholic, than to gratify the cupidity of the majority of the bar, who are at present Protestant. Besides, Roman Catholics being excluded from the higher offices, the government ought, in justice, to make up for that exclusion by appointing them to the inferior.

You state, that the proportion of Protestants to Catholics, at the bar, is about five to one?—It was recently so; but that proportion is becoming essentially different. The Roman Catholic bar are rapidly increasing, and they will, in my opinion, increase in a greater proportion than the comparative property of Protestants and Catholics would lead one to suppose. A Roman Catholic who acquires money in trade, makes his son a barrister. It is a feather in his cap to have a counsellor in the family. The bar in Ireland enjoys more station than in this country; and to enrol his son in this class, who, from the absence of persons of real rank, enjoy an artificial importance, has become an object of ambition. There are more Roman Catholics in trade than Protestants, and, in consequence, the number of Roman Catholics sent to the bar from this motive, must exceed the number of Protestants. Besides, the Protestant church enables its members to provide for their families, by making parsons of their sons. The Catholic is deprived of this source of provision, and sends his sons to the bar. I recollect, that about two years ago, eight gentlemen were called, in the same term, to the bar: four of them were Protestants, and four were Catholics.

Previous to four years ago, the proportion of Protestants to Roman Catholics was considerably greater?—Yes.

The proportion of Roman Catholic barristers you think is augmenting?—Yes, rapidly; and in the course of a few years, the number of Catholics and Protestants, I think, will be nearly the same.

At present they are five to one, and before a late period, the proportion of Protestants was greater?—Yes: I shall mention a reason why the number of Protestant barristers should, as yet, so

much exceed that of Catholics; Protestants come to the bar, not only with a view to rise in their profession by the exercise of their talents, but because the expectation of patronage allures them to a profession to which so many places are annexed.

Do you think it possible that any previous government, finding the proportion of Protestant barristers to Roman Catholics, supposing their acquirements to be equal, could have gone upon the principle of appointing Catholic barristers in the proportion of the Roman Catholic population to the Protestant?—Not, certainly, in the same proportion; but I think that Catholic barristers ought not to have been excluded, and regard ought to have been had to the feelings of the great body of the people, which would have been conciliated by their nomination of Roman Catholics.

You stated, that the Roman Catholics bear a great disproportion to those of the Reformed Church, in the Police in Ireland?—I believe that appears from the Parliamentary return.

Did you ever hear that the Roman Catholics had a disinclination to serve in the police in Ireland?—I never did; on the contrary, I am sure they have no objection.

Did you never hear that they looked upon the police as the realization of some old prophecy about a black militia which was to arise, at this period, and to kill all the Roman Catholics?—I never heard any such thing.

Have you turned in your mind the question of the qualification at present required for a Roman Catholic freeholder?—I have not given it a great deal of attention; but this I will say, that if it was put to the Roman Catholic body whether they would accept of Roman Catholic emancipation upon the indispensable terms of raising the qualification of the freeholders, Catholic emancipation is a matter of such paramount moment, that the people would be ready, and more than ready, that they would be most anxious, to accept of emancipation even upon such conditions; and I further think, that so far from its being an injury, it would be a benefit to the lower orders, that the qualification should be raised, and that the mass of the peasantry should not be invested every five or six years with a mere resemblance of political authority, which does not naturally belong to them, and which is quite unreal.

Do you think it would be in any respect practicable to effect an alteration in the qualification of the freeholder, unless accompanied with the measure to which you have already alluded?—I think Catholic emancipation should be made the precursor of such a measure; I am convinced that if such a measure was attempted without Catholic emancipation, it would only tend to produce deeper bitterness of feeling than now exists.

Are you aware of the proportion of Roman Catholics and Protestants in the Excise?—I am not.

Are you not aware that the gaugers in the excise are generally Roman Catholics?—I am not.

What is your opinion respecting making a government Provision for the Catholic clergy?—I am convinced that the Roman Catholic clergy would accept of such a provision, if Roman Catholic emancipation were to precede it.

Would they accept of it without emancipation?—I am sure that they would not.

Do you think that it would cause any jealousy on the part of the Roman Catholic laity?—I think that if the provision to be granted by government were to be subject to the control of government, in individual cases there would be much jealousy, because the appointment would be referred to unworthy motives; I think the provision for the Roman Catholic clergy must be made in its allocation to individuals, independent of the government.

You think it must be allocated to the duties, and not to the persons?—I think that there must be an allocation made to the duties, and that the individuals who are to fulfil those duties, and to be paid for their performances, must be selected by the hierarchy and not by the government; I think it would be very injurious that a parish priest, receiving three or four hundred a year of the treasury, should by named by the government.

Do you think Catholic emancipation would be a perfect measure without the payment of the priesthood, and without raising the qualification for the exercise of the elective franchise?—With respect to the raising the qualification of freeholders, I am not perhaps very well competent to judge, for I have not resided much in the country parts of Ireland, nor am I much acquainted with the lower orders; but I am well acquainted with the Roman Catholic clergy, and in my opinion, if a provision were granted to them, provided always it was made independent of the government (that is indispensable) the result would be, that the lower orders would not be alienated from the priesthood, but that the influence of the latter would continue to be usefully and legitimately exercised, that they would be perfectly reconciled with the government, and that the Roman Catholic gentry would be induced to send the younger members of their families into the Roman Catholic church, a better system of education would be established, and the intellectual habits of the priesthood would become more refined.

You mean, that the provision should be inalienable, after it was once granted?—I mean, that when a vacancy occurs by the death of a parish priest (I take the case of a parish priest as an

example) the person who is to succeed is not to be selected by the government; that is all I mean to say. If the appointment were to be made by the government, two evils would result; in the first place, the lower orders would be quite alienated from their clergy (which would be a most serious evil); and in the second place, I conceive that unworthy persons would be appointed.

How is the appointment made at present?—The appointment of the parish priest at present is made by the bishop.

The Roman Catholic bishop of the diocese has the absolute appointment to all the parishes within his diocese?—Yes; but the Roman Catholic hierarchy, though absolute in name, are greatly under the influence of public opinion; they generally select the individual whom the parishioners wish to nominate.

They consult the wish of the parishioners in the appointment? —Yes.

Do you think any interference whatever, direct or indirect, on the part of government, in the appointment of the bishop, would be equally objected to?—I myself, at one time, supported what is commonly called the veto. My opinion was, that Roman Catholic emancipation, or in other words, the liberty of my country, ought to be purchased, even at some hazard; but I think the measure of a veto would (I will not say whether on just or unjust grounds) be extremely unpopular. The public mind has been heated upon the subject; the passions have been highly raised, and will not subside with rapidity; and I think that if the government were to insist on a veto, it would impede, for some time at least, the beneficial results of Catholic emancipation.

Do you mean by veto, the giving the crown an absolute vote? —I do; but I think any interference in the appointment of bishops objectionable; I am not sure, however, whether in the course of two or three years, when the people had become habituated to the exercise of this restrictive power, the public feeling would not become, if not reconciled to it, at least apathetic on the subject; but I certainly am apprehensive that if the government possessed, without ever directly exercising this power, some suspicions as to the rectitude of the motives of men in office in interfering in the appointment of bishops would exist, and that suspicion would in itself be an evil which ought to be avoided.

Do not you think, after the measure of general emancipation has been carried, supposing it to be carried, and the administration of the government with respect to the highest offices remained in the hands of government, their motives with respect to the appointment to subordinate offices would be very narrowly inquired into by the Roman Catholic body?—I am sure they would not; I think that Roman Catholics would obtain, if not places of high authority, at least places proximate to authority. Roman Catho-

lics would obtain seats in Parliament, some would support and others oppose the government, all sectarian sentiment would be merged in political interest; such Roman Catholics as displayed talents would, I presume, be advanced by government for their services, and if a few only of the Catholic body were promoted, all suspicion of partiality would be at an end.

That is on the assumption that the removal of disability by law is perfectly and fairly acted upon by the executive government, and that individuals, according to their merit, being Roman Catholics, are promoted to the higher offices of the state?—I have assumed that the government would act with impartiality to a certain extent, but although the government should show some leaning in the distribution of its favours towards Protestants, and as they are seised of the greater part of the landed property of Ireland, for a considerable time the principal places would be given to the members of the established church, I still think the Roman Catholic body would not be sore upon the subject, if they saw Roman Catholics raising themselves to real distinction, and obtaining the power of protecting the community to which they belonged; they would not murmur at some preference being still manifested towards Protestants; a single individual of talent in the House of Commons, professing the Roman Catholic religion, and representing the feelings of the Roman Catholics, would to a great degree allay the spirit of hostility which prevails among the great body of the people of Ireland; because they would then feel that their rights were asserted, and that they had a voice in the legislature.

In the profession of the law, where the possession of property cannot be expected to have great weight, some reference would be made to the respective numbers at the bar, of Roman Catholics and Protestants?—I think the Roman Catholics would not be so unreasonable as not to take into account, in the first place, that the Protestants at the bar are more numerous, and in the second, that they have more patronage and more influence; but I think they would justly resent the omission to raise qualified persons to the rank of King's counsel.

Or to the judicial bench, if they have talent?—I doubt that; there are but twelve judges, and no individual can complain that he is not appointed to the judgment seat, as matter of personal injustice; it is, indeed, unjust that a whole class should be incapacitated by law. The exclusion from the bench is a political grievance which affects the whole body of Catholics, and carries a stigma with it; the ineligibility of the body is quite distinct from the non-election of the man. The omission to raise a Roman Catholic of high merit to the right of King's counsel is an individual wrong, it throws him back in his profession, touches his pecu-

niary interests, places his inferiors in acquirement above his head, and wounds his honourable pride.

There is a power of granting a patent of precedency to a Roman Catholic?—Yes; but it has never been exercised.

When you express that the Roman Catholics would consent to the freeholders qualification being considerably raised, you conceive it would be a general measure, extending to Protestants as well as Catholics?—Certainly; if a distinction was taken, our elections would be scenes of religious agitation.

But that the qualification for Presbyterians, Dissenters, Churchmen, and Roman Catholics should be the same?—Yes; and I think, that when the election law is about to be modified, it would not be injudicious, if persons having beneficial chattels real, should be entitled to vote; a man, with a lease for 999 years, which yields him forty or fifty pounds a year, should have a vote.

Do you think an arrangement of that kind, which would disqualify persons actually in possession of that franchise, and which they had exercised, and never abused, would give satisfaction to them?—I think the great body of the people of Ireland, particularly the freeholders, are greatly swayed by the higher class. I am sure that Mr. O'Connell's influence is so great, that if Catholic emancipation were passed, he would reconcile them to the surrender of that, which is to a great extent, but an imaginary right.

Do you think he would reconcile the Presbyterian dissenters to it?—There his influence would be without effect; I am not at all acquainted with the north of Ireland, and I cannot say how the Presbyterians would feel; but with respect to the south of Ireland, I believe the tenant, who has by virtue of forty shillings, a qualification to vote, would yield what is but a wretched appendage to his few acres of land, without much regret.

Supposing another gentleman should arise, who took another view of this from Mr. O'Connell, and should protest against the opinion of Mr. O'Connell, and should hold, that they were in possession of this right; that it was a right they had always exercised; that they had never abused it; some person like Doctor Doyle for instance: do not you think he might create a considerable party in the south of Ireland, in favour of retaining the elective franchise?—I think not; I think, indeed, that the lower orders in Ireland, can be easily influenced by an appeal to their religious feelings: they feel greatly irritated at seeing every Protestant that passes them, their superior; there is the point on which they are sore; with respect to the elective franchise, I do not think any individual would be able to excite any permanent feeling; the subject is not naturally connected with religion.

Being easily excited on subjects connected with religion, supposing those to whom they looked up in religion were to consider

this a diminution of their influence, and were to protest against it, do not you think the influence of persons, who took that view of the subject, might create a considerable impression?—I think that the Roman Catholic, of the lower orders, could not be induced to think, that his religion was endangered by a general modification of the elective franchise. On the subject of the veto, the clergy have naturally exercised a very considerable influence; but there is no such connexion between the elective franchise and religion, which would give any man the means of exciting the religious passions on that ground.

Have not cases occurred recently, in elections for counties, in which the influence of the priest has been very greatly exerted?—No doubt about it; but the influence of the priest in elections, arises from the question of Roman Catholic emancipation, and none other. It is in reference to that question, that it is exclusively exercised. If a priest came forward at an election, and directed the people not to vote for any man who would not support Parliamentary reform, the people would not listen to him; but when he tells them, not to vote for any man but who will not support the Catholic claims, he makes an appeal, which in my opinion is justified by reason and sound sense; he could not, I think, produce any impression on the lower orders, except on some subject immediately involving a religious question, and not collaterally connected with it.

If he said, "do not vote for any man who will vote for the disqualifying of the freeholders," would not he make an impression?—I am sure he would not; and I am sure the priests would feel no interest in the subject, and would not interfere. In the county of Dublin, the clergy exercised influence at the last election, but it was on a subject in which the clergy and people had a common concern; besides the passions of the people are at present extremely inflammable. It is only necessary to apply a spark to set them on fire; but even now it would be impossible to excite the people on a subject not involving their religion, and if emancipation were passed, a different feeling would speedily prevail, and the power of excitation would be diminished, because the popular passions would be allayed. It is the law which now creates the materials of public excitement.

Supposing the civil disabilities of the Roman Catholics were removed, and that in a county election there were two candidates, a Protestant and a Roman Catholic, do not you think it would be possible for the priest to make a very strong appeal to his flock, in favour of the Roman Catholic candidate?—He might make an appeal, but I think it would be unavailing; there would be an end to their political resentments. Even now, the Catholic priests are in the most cordial intimacy with Protestants; they

perpetually dine with them; habits of close friendship exist between the Roman Catholic priesthood and the Protestants; there is no individual distaste towards the Protestant existing in the mind of the Catholic priest; he feels an antipathy only to the system by which he and his countrymen are kept in what he considers a state of degradation.

Then the existence of civil disabilities has created no disgust between the Roman Catholics and the Protestants?—I think where the Protestant gentry do not oppose Catholic emancipation, the priests and they are upon a good footing; but that where a Protestant gentleman opposes Catholic emancipation, he at once becomes an object of antipathy to the priesthood, in common with the rest of the Catholic community.

You do not mean your last answer then to apply generally, as describing the state of feeling?—No; I confine it of course to what we call liberal Protestants, to whom the priests entertain a partiality.

What are the others called?—They are classed under the comprehensive name of Orangemen; some, of course, are more conspicuous for their hostility than others, and incur a corresponding aversion.

You make a distinction between a man who is an Orangeman and a man who is tinctured with Orangeism?—There are some professed Orangemen, men who make Orangeism a matter of boast; they are extremely obnoxious. Others, who merely oppose Catholic emancipation, are looked upon with feelings of more mitigated aversion.

As the admission to Parliament, in case of the question of Catholic emancipation being carried, could be granted merely to Catholics of the higher orders of society, are you of opinion that such a boon granted to them would be a reasonable ground, or a probable ground of satisfaction to the lower orders of freeholders, for the loss of the elective franchise, if the amount of the qualification be raised, and the forty-shilling freeholder done away with?—I am convinced of it.

Would not the circumstance of granting emancipation remove all prejudices that might exist in respect of the alteration of the qualification of freeholders?—I am convinced it would.

Have you read the statement of Mr. Burke on the subject of the elective franchise, where he describes the value of it to a poor man; do you recollect the arguments urged in 1793, that there was actually a distinction made in the letting of land between Roman Catholics and Protestants, that the Roman Catholic was never courted by a rich man who was his neighbour; but that the Protestant received civility from him in return for his vote, and that a great practical distinction arose in consequence of the

disability under which the Roman Catholic laboured?—I recollect that argument was used, and I think if there were only a few freeholders, that argument would hold good; but where an immense number of freeholders can be made by a single person, (I think the Earl of Glengal has made 2,000 freeholders in the county of Tipperary,) there is then an end of the prerogative which a freeholder is supposed to possess. The peasantry are driven in droves of freeholders to the hustings: they must obey the command of their landlord; it is only in cases of peculiar emergency, and where their passions are powerfully excited, that a revolt against the power of the landlord can take place. In the county of Dublin there were two strong reasons why, at the last election, the tenant did not obey the landlord. The first was, the intense interest which was felt in Catholic emancipation, and upon no other subject could so intense an interest be felt: and in the second place, the peasantry were put, by their utter misery, arising from their fall of prices, beyond the landlord's power; the landlord could not injure them, for they had nothing to lose; they had no interest in their lands, and the argument put to them by Mr. O'Connell was this, if you disobey your landlords what will be the result? they must seek for other tenants; where will they get them? at the mendicity association in the city of Dublin. The county of Dublin election affords no illustration of the rest of Ireland; it stands on its peculiar grounds.

Do you think a powerful appeal might be made to the people on this ground, supposing the arrangement which you think on the whole a desirable arrangement, were to be carried into effect, here is an arrangement made by Parliament, the effect of which is to open Parliament and Office to the upper classes of the Roman Catholics, but the compromise required on your side is, that you, the great mass of the people, who never can sit in Parliament, and to whom Office is no object, are to be deprived of the only privilege that, practically, you are likely to enjoy?—I do not think any efficient appeal could be made among the lower order of the Roman Catholics (independently of some points in which I think their interests are deeply concerned); a feeling of wounded pride is excited by the state of the law; they think that they belong to a degraded *caste;* this sentiment operates strongly upon them, and a mere imagination on their part will produce practical results, just as pernicious as if the grievance were admitted to be as substantial as I am disposed to think it. The people conceive that they are degraded by the law; that Protestants are placed above their head, and that the Protestant in authority will have a leaning towards the members of his own class. This feeling produces deep concern. Let me add, that this feeling is justified and provoked by the perpetual occurrence of irritating circum-

stances. The lower order of Protestants assert their superiority to the poorer Catholics in every incident where they are brought into comparison. Allow me to give an example: Sander's newspaper in the city of Dublin contains most of the advertisements of servants; every servant who is a Protestant makes mention of his religion in his advertisement for a place; he thereby intimates that he belongs to a better class in society; that he is probably a more decent and respectable man; assuredly, this superiority, assumed by the lower classes of Protestants in society, must be extremely galling to the Roman Catholics; it meets them at every step. To return to the question put to me, I conceive that the Roman Catholic freeholders would be reconciled, by the ascent they would make in the political scale, to the deprivation of what is in reality no substantial enjoyment. They would purchase equality with the Protestant servant and mechanic, at the expense of a useless vote.

If they argue so sensitively on points of this nature, cannot they argue equally sensitively on this point; or may not a person make use of that argument to dissatisfy their minds with this arrangement, by which they are the only losers?—I do not think that any person who engaged in such an enterprise would succeed; when the qualification of a freeholder is raised, there is an incentive to honourable exertion given to the peasant: you do not tell him he shall never vote, but you tell him, that in order to exercise this privilege he must acquire an interest of five or ten pounds a-year; he has always hope before him. The Roman Catholic peasant would not consider himself as deprived of any valuable possession; most of the peasantry would expect to be able by industry to raise themselves at last to the qualification; a freehold would become an object of ambition, and would be a real and honourable privilege.

Will not the Catholics, in case emancipation is carried, consider that measure as merely conferring advantages upon the upper orders?—Certainly not.

Will it be to them and by them considered as a measure conferring advantages upon themselves?—They think it will confer great advantages upon themselves, and it will, in my opinion, confer those advantages by producing a reconciliation between the higher and lower orders, by banishing the suspicion of injustice, and generating an amicable sentiment towards the government, which will conduce to the gradual diffusion of peaceable points, by teaching the people to look up to the law as their certain protection, instead of seeking redress by acts of outrage, and by effacing that line of religious demarcation which has rooted a disposition to insult in the privileged and fevered class, and a feeling of deep resentment in the lower orders of the community. The Catholics

are constantly made the objects of the most galling contumely. I shall mention an example afforded by a person in the employment of government; a gentleman at the head of the police in the county of Wexford, not long ago told a number of Roman Catholics who happened to be assembled together, that he would direct his police men to shoot the Papists like rats. This insult excited the strongest feeling of resentment among them; the result was, that an investigation was directed by the lord lieutenant into the matter; the Roman Catholic Association sent down counsel; it was ascertained that those words had been spoken, and the gentleman who had spoken them was removed from that place and sent to another. It is quite obvious that such words would never have been used, if the ignominious distinction between Catholic and Protestant were removed. If a Protestant gentleman employed language so insulting, what may not be expected from the lower orders of Protestants. The word "Papist" is constantly in their mouths. The degradation with which it is supposed to be attended, excites feelings of the deepest animosity among the people. There would be an end to those animosities at once if the Catholic question were settled, because there would be an end to that injurious ascendency, which is personal as well as political.

Do they conceive that granting emancipation would, from this situation of degradation, raise them to a footing of proper equality with their fellow subjects?—I am certain of it.

Do they talk much about the question, or take much interest in it?—It is, I understand from those who know them best, the subject which chiefly occupies their attention.

Do you mean among the lower orders?—Yes, among the lower orders.

Why are they to be considered as disqualified from exercising the elective franchise, if they are in the constant habit of talking on elective matters?—They all know the power of their landlords. The landlord requires a very high rent, which generally speaking the tenant is not able to pay, and if the tenant disobeys the landlord at the election, he will not of course take into account the inability of the tenant to discharge his rent, but will immediately distrain him. The peasantry therefore have no discretion on the subject.

Deducting that influence from the landlord, you think that from their general intelligence they are capable of making a proper distinction between the individuals who are candidates for the county, and thus exercising their elective franchise?—They may be qualified to form a judgment upon the Catholic question, which is a subject that touches them nearly; they have perpetual opportunities of observing and feeling the practical evils that re-

sult from the penal code; and they are therefore qualified to judge upon the fitness of an individual to sit in Parliament, so far as that question is concerned. It is upon that question only that they now exercise any opinion.

What do you think would be the effect of a law, which raised the qualification to a twenty-pound freehold, would it be to throw more power into the hands of the Protestant voter than he at present possesses?—I am not very well qualified to give an opinion upon the subject; I have heard among Roman Catholics themselves, a great dissent of opinion with respect to it. I believe, that in some counties it would operate in one way, and in other counties in a different way; but I am sure of this, that freeholders, whose qualification was raised, would be quite free from religious prejudice, and would be disposed to consult their own individual interests in giving their votes, without any sort of reference to the particular form of Christianity professed by any candidate.

You think there would not be any partiality, on the part of a Roman Catholic voter, in favour of a Roman Catholic candidate? —I think that after a year, or some such short period, after the question had been carried, no such partiality would be manifested. I know that at first there might be some ebullition of popular sentiment; even now, a Protestant, entertaining opinions favourable to the Roman Catholic claims, is rather preferred to a Roman Catholic by the people, than regarded with any evil eye. I am quite convinced that elections would, in Ireland, be decided by higher personal and political qualifications, and by the ascendancy of wealth and rank. As an illustration, I beg to mention that the plebeians of ancient Rome, who were excluded for a considerable time from offices of honour and emolument, which excited deep animosities in the commonwealth, elected a patrician to the prætorship, immediately after the power of electing a plebeian had been obtained. Livy says, that the circumstance deserves note. There would be an end to all religious faction in Ireland, when the law had ceased to provoke it; and former feuds would be speedily forgotten.

Veneris 4 die Martii, 1825.

LORD BINNING, IN THE CHAIR.

Daniel O'Connell, Esquire, again called in; and made the following Statement:

In consequence of a question proposed to me, by an honourable member of the Committee, respecting the Orange lecture, I thought it right to look out for the entry of that which he alluded to, and I have brought it here; it is what I got as the Orange lecture, taken from the 68th Psalm, and it entirely confirms his statement of it; with the permission of the Committee, I will read it—"From whence came you?" "From the deep,"—"What deep?" "The deep of the sea,"—"Whither go you?" "To the hill."—"What hill?" "Even an high hill as the hill of Bashan."—"Who shall conduct you thither?" "The Lord of whom cometh salvation."—"Have you a pass-word?" "I have."—"Will you give it to me?" "I did not obtain it so myself, but I will divide it with a true brother, knowing him to be such;" then the querist, "Begin—Answer—no, do you begin. Querist, Re-answer. Mem. querist, ber. Re-mem-ber." This is the entrance pass-word, and is accompanied with three knocks; the grand pass-word is "Sinai." The sign is made by putting the fourth finger of the right-hand to the mouth; the answer is, by the other person placing his right hand upon his left breast. I beg leave to add to that, that of course my own private belief goes entirely with the assertion of the honourable member, being quite convinced that he would say nothing of his own knowledge but what was perfectly true; and if I shall ever have an opportunity of speaking upon this subject again in public, I will take care to accompany any thing I say, with the confidence I have in the honourable gentleman's assertion, and having said that I would wish to point his attention to the psalm itself, because I give up my informer entirely; and may I be allowed to say, that the gentleman to whom I gave my honour not to mention his name, though he knew me well, as I understood, was a student of Trinity College, but I could not tell his name positively, I only conjecture his name; I consider him therefore, and the person who informed me for money, as certainly persons on whom no faith can be distinctly relied, that I think right to say now. The psalm itself is the 68th, it begins "Let God arise, and let his enemies be scattered; let them also that hate him flee before him." The hill of Bashan is mentioned in the words of the 15th verse; "The hill of God

is as the hill of Bashan, an high hill as the hill of Bashan;" those are the very words, and the 17th has the pass-word, "Sinai." "The chariots of God are twenty thousand, even thousands of angels, the Lord is among them as in the holy place of Sinai." Then, "Who shall conduct you thither? The Lord, of whom cometh salvation." That is taken from the 20th verse. "He is our God even the God of whom cometh salvation;" Then the place they come from—"From the deep—what deep?" The deep of the sea, is taken from the twenty-second verse. "The Lord hath said I will bring my people again as I did from Bashan, mine own will I bring again as I did sometime from the deep of the sea." Then it is in the next verse, comes the object of bringing them from the deep of the sea. "That thy foot may be dipped in the blood of thine enemies, and that the tongue of thy dogs may be red through the same;" so that as they come from the deep of the sea conducted by the Lord God, how easily a vulgar furious person of the lower class might add this verse to that very one from which the first part is taken, as in fact it makes part of the same sentence. I wish to give that explanation as the reason that my credit was attached even to a person that I would not easily believe; however I repeat again, that what the honourable member said, has considerably affected any belief I had upon that subject; in as far as gentlemen of his class are concerned, I am convinced; but there are low and vulgar persons also Orangemen.

Will you be good enough to inform the Committee, from what law offices Catholics are excluded in Ireland?—The Catholics are excluded from all the superior offices of the law; from the office of Chancellor, from the office of the Master of the Rolls, the Judges of the Court of Exchequer, Common Pleas, King's Bench, Admiralty Courts, Ecclesiastical Courts; of course from all those stations: they are also excluded from the office of Attorney or Solicitor General, or Serjeant, Counsel to the Revenue Boards, which in Ireland are places of very great emolument, and also from the office of King's Counsel, the salary of which, I believe, is about thirty-six shillings a year, the advantages of which are very great even in this country, but are infinitely greater in Ireland, where we practise in all the courts, and where precedence is infinitely more valuable to each individual: Catholics cannot be Masters in Chancery.

Can a Catholic be a proctor in the Ecclesiastical Court?—In practice they are not allowed to be so; I do not recollect whether the law precludes them, but in practice they are not; I believe the law excludes them. Catholics are not allowed to be advocates, although in point of law they may be such; Mr. Lynch, a gentleman of the bar, a Catholic, applied for a *man-*

damus, he being qualified in every other respect, in such a way, that if he were a Protestant the right would have been admitted at once: he was a doctor of laws, and he applied for a *mandamus* to compel Doctor Duigenan to admit him to practise as an advocate; but it was held by the Court of King's Bench, that it was discretionary with the Judge of the Ecclesiastical Court to admit an advocate, and no Catholic has been admitted as an advocate: the practice of the Ecclesiastical Court is, that if there be one advocate in a cause, other counsel may assist him, as they call it, who are not advocates; but the consequence of that is, that the conducting of Ecclesiastical causes is taken away entirely from the Catholic barristers; and every gentleman who knows the profession, knows that no young man rises into considerable business with us that did not begin by being a conducting counsel in particular causes, doing the business out of court, preparing the pleading, advising each stage of the proceeding, having the agent or proctor communicating with him confidentially in the cause.

Catholics cannot be sheriffs or sub-sheriffs?—Catholics cannot be sheriffs; it was the received opinion that they could not be sub-sheriffs; my opinion is otherwise, and accordingly for the last two years there have been Catholic sub-sheriffs; they have acted upon my opinion. There is an Act of Parliament distinctly making void certain acts of sub-sheriffs; but from the entire construction of that Act I think they are not disqualified, and I published an opinion upon it, showing my view of their capacity to be sub-sheriffs; and for the last two years they have been so sometimes.

Are Catholics excluded from all corporation offices?—From all corporation offices regulated by the Act of Settlement, the new rules and regulations to the statute of the 15th and 16th of Charles the Second, to the best of my recollection; the Act of Settlement authorized the Lord Lieutenant and Privy Council to make rules and regulations by a proclamation, which should have the force of law, in the arrangement of corporations in future, to avoid danger from the republican settlers who had got possession of the corporations; I mean the Cromwellian settlers; and by those rules and regulation no corporate office can be held without taking the oath of supremacy, which Catholics do not take. In the statute of 1793, there was an exception; that statute does not extend to any thing contrary to the new rules and regulations. I believe the framers of that Act were not apprised of the extent of exclusion that was created by that exception. The new rules and regulations apply to all the principal corporations in Ireland, to every one worth speaking of; and the result of them is, that the Catholics cannot be

mayors, sheriffs, aldermen, common councilmen, sub-sheriff in corporations, town clerks, master or warden of any guild, or fill any station in a corporation save that of simple freemen, which is not a station, but is the possession of the franchise.

Can Catholics hold the office of governor of a county?—No.

Or that of custos rotulorum?—No.

Then after the description you have given of the offices from which they are excluded, the following are the whole of the remainder that are excepted in the Act of 1793, namely, the office of Lord Lieutenant, Lord Chancellor, Lord High Treasurer, Secretary of State, Chief Secretary to the Lord Lieutenant, Keeper of the Privy Seal, Vice Treasurer, Privy Councillor, Teller or Cashier of the Exchequer, Auditor General and Postmaster General?—Yes; but in that list there are most important situations omitted, an omission that is the cause, perhaps, of all we consider grievous; we are excluded from both Houses of Parliament.

They are not excluded from any honorary distinction, such as Knights of St. Patrick?—No; not from titles of honour, they are not excluded; the first titles in the nation are the right of and are enjoyed by Catholics.

And they are excluded from no rank in the army?—There is a clause in the annual Mutiny Act *, that dispenses with the putting of the oath of supremacy; that has been called amongst us Mr. Croker's clause, a clause which allowed the superior officers to admit an officer to take rank in the British army, without taking the oath of supremacy, and took away the penalty which the superior would otherwise have incurred, if he had omitted it; the practical effect of that I take to be, that at this moment the army is as open practically to the Catholic as to the Protestant, throughout all its ranks.

Does that extend to the navy?—My opinion is, that it does.

Can Catholics be commanders in chief?—I speak now from a recollection of the clause, but the clause seemed to me to be universal.

Are not Catholics obliged to take what is called the Qualification Oaths of 1773, in order to be able legally to buy or sell, or bequeath lands?—The penal code is, in my judgment, in full force against any Catholic who has not taken the oaths prescribed by the repealing statutes; the mode in which the repeal has been hitherto made, is not by repealing the statutes themselves, but by leaving them in full force, except as not applicable to persons who shall have taken the oaths; the consequence is, the Catholic can enjoy no right unless he has taken the oaths; and the grievance of a very serious nature, that, if

* The Clause is not in the Mutiny Act, but an Act passed on purpose to open the Army and Navy to Catholics

there be not something further done, will affect Protestants deriving titles through Catholics, as well as Catholics, is just this, that if the evidence of having taken the oath be lost, the property is as discoverable at this moment, according to the Irish phrase discoverable, which I before explained, as it was in the reign of George the First.

Then, in point of fact, all the Acts of Anne and the subsequent Acts, passed by the Irish Parliament, against Catholics, are still the law of the land?—I would not venture to commit myself so far as that, but if any have been repealed they are extremely few; some particular clauses as to schoolmasters, I think, have been directly repealed, but all the laws affecting landed property are in full force, and so late as the last term we had a question argued in the court of King's Bench, where a Protestant landlord brought an action of covenant against a Catholic tenant; the defence set up by the Catholic tenant was, that he was not bound by his own covenant, inasmuch as he had never taken the Catholic oaths.

What was the result of that action?—The court did not pronounce judgment upon it; I was concerned for the Protestant landlord, I argued it for him against the Catholic; it was argued by Mr. Perrin for the Catholic fraudulent tenant; the court took time to consider for two or three terms, and in the mean time the parties compromised, and the question has not been decided; I had arranged that the compromise should not be known to the court, but it broke out before the court gave its judgment.

Can you illustrate the meaning of the word discoverable?—What is called discoverable is this: by the statutes of Anne, the property then in the hands of Catholics was converted from its regular hereditary nature, into gavelkind, that is, a qualified gavelkind, not following the custom of Kent exactly, but a special gavelkind, giving all the sons an equal title to the estate as long as they continued Catholics; and it took away from the father the power of making any limitation, or affecting the property with any charge whatsoever, save *bonâ fide* debts to Protestants: that was the effect of the law as to property then in the hands of the Catholics; but the law went further, and prevented Catholics in future from acquiring any property, or taking by a purchase, or taking in any ways except by that gavelkind descent, or taking any tenure beyond an occupation lease for thirty-one years; so that if a Catholic took by marriage settlement, by will or by purchase, in its ordinary meaning, that is, buying or by lease, other than a thirty-one years' lease, or if he had more profit upon a thirty-one years' lease than a third penny, as, for instance, if he paid twenty pounds, and the land became worth thirty-one pounds, in all those cases any

Protestant who chose to file a bill in a court of equity, merely statingthe title thus acquired by a Catholic, in general terms, and stating that the individual possessed of the interest was a Catholic, and that he himself was a Protestant, and that he, upon those premises, prayed, and was entitled to, the relief of having the interest or estate, or whatever it was, taken away from the Catholic, and vested by the decree of the court in him, the Protestant; and the Act took away entirely the delays from the Court of Chancery and the Court of Exchequer, and compelled the immediate answer upon oath upon the first process, and took away any demurrer to such bill; it did not allow the Catholic to demur, so that all technical forms were waved, and he was obliged to answer upon oath. Thus the Catholic, who was put out of all civil offices from his respect to an oath, was put upon his oath at once as to his property, and whether he was a Catholic or not.

Do the Committee rightly understand it to be your opinion, that this is the law of Ireland still, in all cases in which the Catholic has not taken the Catholic oaths?—I have no hesitation in saying, that it certainly is. The Bill was called a Bill of Discovery; any land that could be the object of such a bill, was called in Ireland Discoverable land.

Then any land held by a Protestant, if derived from a Catholic, is liable to a Bill of Discovery?—Before 1778, any land held by a Protestant, that was tainted in its progress to him, by having been for one moment in the hands of a Catholic, either as a trustee or otherwise, was discoverable in the hands of that Protestant; and instances were very frequent in which Protestants lost their estates and properties by Bills of discovery: one instance is upon record, in which a gentleman entered into Trinity College, Dublin, as a sizer, became a clergyman of the Established Church, lived for fifty years a clergyman of the Established Church, acquired an estate, and left it to his son, a Protestant; and his son lost that estate by a bill of discovery, because the Father had entered Trinity College after fourteen, and never regularly conformed; the father was born of Catholic parents, he was probably twenty when he went to Trinity College, Dublin, and entered as a sizer there.

Having become a Protestant in the meantime?—He could not have entered without being a Protestant.

He was deemed to have been in law a Catholic, because he had not conformed before fourteen years of age?—He was, according to the legal phrase, plainly a Papist in point of law, because the son of every Papist was by law taken *prima facie* to be a Papist, unless under the age of fourteen he went publicly to church; he was a Papist for his life, unless he con-

formed; and it is right I should add, from my professional experience, there was scarcely one instance of regular conformity in Ireland; conformity that would bear the test, except in Dublin.

What is regular conformity, according to law?—Regular conformity was taking certain oaths; the oaths of supremacy, receiving the sacrament in church during divine service, filing a certificate in the superior courts of having taken the sacrament during divine service, and of having taken the oaths at sessions. The statutes were equivocal, if the certificates were filed in the superior courts; there ought to be two of them; that was sufficient. Now the first defeat that appears upon the conformities is this, that in general it was certified that the person received the sacrament *after* divine service, and not as the statute required it, *during* divine service; that is a very common defect in the conformity. The next was, that it was required to file a certificate in the court of the sessions, of taking the sacrament; and that the certificate of having taken the oaths was to be filed in the court above. The consequence was, that in the country the mode in which they proceeded was this; they filed the certificate of having taken the sacrament accordingly in the court of sessions, and they took a certificate from the court of sessions, of having filed that certificate there, and of having taken the oaths, and they filed that certificate in the courts above. Now that was not considered sufficient; the certificate in the superior court was the only thing that, according to law, could be looked at, and that was only a certificate that somebody else certified, that the sacrament had been received. There were two certificates necessary; one was a certificate of having taken the sacrament, the other was a certificate of having taken the oaths. If both those were filed in the superior courts, it was sufficient; and therefore, when they conformed in Dublin, they put the clergyman's certificate in the court of King's Bench; and they took a certificate from the court of King's Bench, that that certificate was there, that that person had taken the oaths; and they filed that certificate in Chancery, where it should be filed.

That was good conformity?—That was good so far, because both were in the superior courts; the Chancery certificate, and the taking the oaths in the court of King's Bench, was in a superior court; the certificate of having taken the sacrament, was also in a superior court; but I never saw a good certificate from the court of sessions below; they always left one certificate, that is of having taken the sacrament, in the sessions court below; they only took to the superior court a certificate, that that certificate had been filed at sessions, and that the

oaths had been taken; and that was held under the words of the statute not to be sufficient.

How is the case with regard to landed property, purchased by Protestants from Catholics, since the year 1778?—In practice it has not been looked to much; very few Catholics have sold landed property; they have been rather acquiring than selling; but in practice no barrister could allow a Protestant client to purchase a property from a Catholic, without taking special care to see that a certificate of his having taken the oaths was enrolled in the court of Chancery.

It would not be a good title without?—I should not consider it so; I would call it a bad title.

Is the oath required to be taken, the oath of the Act of 1773?—There are the Acts of 1773, 1778, and 1793, that include oaths.

Do they all relate to purchases of landed property?—All those that are required are necessary, in order to give title to land.

Does any practical difficulty arise in taking those oaths according to law?—Some little delay, but no substantial difficulty in taking them; the great defect at present is, that they may be taken at sessions, and the roll kept there; there is no obligation to transmit that roll to Chancery; and as the records of the inferior courts in Ireland have been hitherto very badly kept, there is a danger of the loss of the evidence of having taken them.

Can you mention to the Committee, any other disabilities, to which Catholics are liable, under the existing laws?—I have not, upon my recollection at this moment, any other; to the best of my recollection, I have gone through the actual disabilities.

An impression has gone abroad, particularly in Ireland, that the priests of parishes throughout Ireland, have got records of the forfeited estates in Ireland; will you state, whether that has come within your knowledge?—I am thoroughly convinced, that there is not one single particle of truth in it; that it is as unfounded as any thing can possibly be; and having been examined, as to the forfeited properties the last day, and having been asked, whether I had any myself, I would wish to add this, both my brothers are in independent circumstances, wealthy for country gentlemen; they are both younger than me; all the property of each of them is forfeited property; and I just closed a purchase for my youngest brother, of an estate near the town of Threlin, a fee-simple estate, producing at present about 700*l.* a year, which was forfeited at the usurpation, by a Colonel Roger M'Eligot, and in that in-

stance we considered it a better title for having been forfeited; and the way that I knew it was the forfeiture of a Colonel Roger M'Eligot, was, by it so appearing upon the patent and the official documents making part of the title.

Are not Catholics prohibited, as Catholics, from having arms in their possession?—There is a higher qualification required for a Catholic to carry arms than a Protestant; he must have 100*l.* a year in freehold estate, or a thousand pounds personal fortune.

Every Protestant may carry arms?—Every Protestant in Ireland may carry arms.

He must also take the oaths?—Certainly; the entire penal code is enforced against any Catholic who has not taken the oaths; there are recent Acts, requiring the registry of arms of Protestants as well as Catholics, but those are expressly temporary statutes; and I do not speak of those temporary statutes applying to disturbed times; but with the exception of those temporary statutes, the right of every Protestant to carry arms in Ireland is, in my opinion, unqualified.

Do Catholics generally take those oaths, is it a matter of course for them to take them?—The Catholics are always perfectly ready to take the oaths; I never knew a Catholic refuse to take them.

Are they all aware of the necessity of taking them?—They are not all aware, by any means, of the necessity of taking them; when it was necessary to take them before an election, so as to have a certificate of their having taken them at the election, all Catholics had taken them; but when the law was relaxed, so as to enable them to be taken during the election, it became useless for the candidates to object that the certificate of a Catholic was not ready to be produced, for the objection could only pospone the vote a few minutes; the consequence is, that the candidates no longer object, they give up an objection that would be futile, and as, therefore, practically, the certificate is not called for, the Catholics are beginning very much to neglect taking the oaths; and in the next generation, if some alteration is not made in the law, great confusion as to property will ensue.

Are Catholics all obliged to take those oaths, to qualify for voting at elections?—To this extent, that in point of law they have not a right to vote unless they have taken the oaths; at present they need not have a certificate beforehand, for they may take them during the election if the objection be raised. I was two or three times assessor to the sheriffs, and at that period there was not any difference on the subject of these oaths.

In the event of a petition against the return, would the votes of all those persons who could not produce a certificate, be disallowed?—In my opinion they ought to be; however the question would arise thus, if the Catholic takes the oath at any time, it has under the statute of 1793, a retrospective effect, and a question would arise upon that objection to him, if he had taken it before his vote came before the committee, it would certainly be contended that that was sufficient, besides, it could not well come before the committee, unless an objection were made at the election, and if it were made at the election it would have been obviated at once.

Has not, in practice, the entry of the clerk of the peace been sufficient at the time of election?—No; the clerk of the peace was directed by the statutes to keep a roll, that roll would be sufficient, for it was from that the certificate was taken.

Are you aware that by an English Act of the 31st of George III. Catholic places of worship and Catholic clergymen are protected from disturbances, during divine service?—Yes.

Does the same privilege and protection exist in Ireland?—No, it does not: there is no statute protecting Catholic places of worship or divine service in them, except the Whiteboy Acts, when a county is disturbed, and no county, unless disturbed, is within the purview of the Whiteboy Acts; they are called into operation, and the felonies created by those statutes are constituted felonies by the fact of the county being disturbed; whenever a place is so disturbed, then it is either a misdemeanour or a felony to disturb divine service in a Catholic place of worship, or to injure the building itself; they get, therefore, protection by statute only by the Whiteboy Acts, the Catholic clergymen having been frequently the object of those Whiteboy disturbances, as well as the owners of tithes.

Is not the state of the law, with regard to intermarriages of Catholics and Protestants, very much complained of?—It is much complained of, and I have known it in practice attended with great mischief; it was not at all generally known, and is not even now universally known, that the marriage of a Protestant and a Catholic by a Catholic priest, is void; recent circumstances, and the great circulation of matter through the press, have made it known; but I have known one instance of a Protestant of ancient estate who married a Catholic lady; the priest married them, they were both quite ignorant that that was a void marriage; they had three or four children; he had not the estate at the time of the marriage, the estate descended upon him afterwards, and when he came to consult counsel upon some of the arrangements of the estate, he discovered that his three eldest children were bastards, and could

not inherit, and then he went, after six or seven years cohabitation, to church and married the lady over again; she continued a Catholic, and does still.

What penalties are Catholic priests liable to, for marrying a Protestant and a Catholic?—There are two penalties by the law; the old statute makes it a capital felony, and the statute of 1793 gives a penalty of 500*l.* so that if both those statutes co-exist, there is first a capital felony, for which he may be hanged, and then there is a pecuniary penalty of 500*l.*; but my own humble judgment is, that the necessary effect of the latter statute is to repeal the former; it repeals it by necessary implication.

Have any instances of late occurred, in which priests have been prosecuted for marrying Catholics and Protestants?—Several; a case occurred in the county of Galway, and there is a priest now from the county of Derry, a fugitive for having married a Catholic and a Presbyterian; that is now depending.

The consequences of a marriage of that kind being celebrated, are to illegitimatize the issue?—Certainly.

And to create a confusion with respect to property?—Yes.

You feel it a very desirable thing, therefore, that the thing should be prevented?—Certainly, that some arrangement should take place upon that subject.

Do not you think it would be a very desirable thing, if the Roman Catholic bishops were, in their several dioceses, to issue a cautionary letter to their several priests, to request them to attend to the provisions of the law upon the subject?—I believe that that letter is unnecessary, because, in every case where a Catholic clergyman can abstain conscientiously from doing it, he is directed so to abstain; but there are cases in which he would feel it his duty, from motives of conscience, to marry persons particularly circumstanced, as where family peace and concord would be interrupted, and cases where one can easily conceive it may be necessary for the prevention of immorality, and preventing the continuance of immorality.

Could not that be equally effected by the ceremony first being performed by a Protestant clergyman?—It could; but there are cases where that cannot be arrived at so easily.

You mean, there are some cases of extreme urgency, that would not wait for the performance of the ceremony by a Protestant clergyman?—Yes, or there would be reasons for preventing it. Again, the Catholic clergyman is equally guilty in point of law, whether he knows that the party is a Protestant or not. There was a case tried at Galway, where the parties represented to the priest, that they were Catholics, and he incurred a capital felony, if the capital felony still

exists, by marrying persons who he was convinced were Catholics.

Was not there a case of that sort that occurred in the county of Roscommon?—There was.

Was not that case one in which the party who was married represented himself to be a Catholic, and afterwards turning out to be a Protestant, he went and instituted an action against the priest, and recovered penalties?—Yes, 500*l.*

Do you recollect the name?—I do not recollect the name of the case.

It occurred last summer?—Within the last eighteen months. The facilities of marriage in Ireland are great; and my own opinion is, that they ought to be so; that immorality is produced by their not being so, and no other result; and I do not myself think there would be the least inconvenience in making the celebration of marriage more public, and allowing the clergymen of the various classes of Dissenters and Catholics to marry, where either of the parties was of the communion of the person celebrating the marriage.

Are there not a class of priests that go by the name of Father Tack'ems?—There are individuals in that class, that have been silenced by their bishops, deprived of their livings for misconduct, who have supported themselves afterwards by celebrating such marriages; but, as I remember, there is a statute making that species of celebration a transportable felony in the priest, although it does not render the marriage invalid, making it penal in him to follow that trade. No Catholic clergyman, who is not under censure of his bishop, has ever acquired that appellation, or has, I believe, deserved it.

What is the state of the law, with regard to Catholics attending vestries?—At present Catholics cannot attend vestries whenever any question arises respecting the building or repairing of churches; they are excluded by a statute passed in the reign of either George the First or George the Second, from such vestries; and sums to an extremely large amount are levied upon the property of Catholics, for it is the occupier that pays the parish cess, by very small vestries of Protestants, in consequence of that statute.

If the Catholic conforms to the Protestant religion, and then relapses to the Catholic, in what situation is he under, by the laws of Ireland?—I should speak with great diffidence upon that subject, because, whatever opinion I formed upon it was not, I believe, consistent with an extremely high authority in the law; but my opinion is, that if, after a relapse to Popery, the person takes the Catholic oaths at the sessions, there is no question made as to the relapse, and he is precisely in the same

situation as if he had been a Protestant. There is, however, a difference of opinion among the highest men in the profession, upon the subject. Mr. Saurin is of the opinion I am, but I understand there were doubts entertained upon the subject at one time, by most respectable authority.

Has any case been decided to settle the point?—The point has not been settled; but I ventured to advise a gentleman of considerable fortune so to qualify; and one gentleman in particular, who left a property to the amount of 4000*l.* a year, did so; and although he disinherited his eldest son, his will has not been questioned.

Was the case in which that doubt arose, a case respecting the capacity of the person to make a will?—It was.

Does not that rest somewhat on a different foundation. You are aware that some persons are of opinion, that the disabilities under the old statutes attach not upon the making of a will, but on the taking under it; and therefore, that although a person were in the situation of being considered as having relapsed to Popery, still that would not disable him from making a will?—The doubt, I understood, arose in the mind of the person to whom I alluded, particularly upon the statute of 1782. The persons who took in the case, who were the youngest sons, were Protestants; the eldest son was a Catholic; although the father returned from the Protestant religion to the Catholic, he disinherited his Catholic son.

What is the law respecting the conversion of a Catholic priest to Protestantism?—The law has been totally altered upon that subject lately; till very recently, whenever a Catholic Priest was converted to Protestantism, he had a provision upon the county for 40*l.* a year, that is taken away; he also was a recognised minister of the Established Church by the very act of conversion: his orders are still recognised, but there has been a recent statute, preventing him from officiating without either a license or some immediate authority from the ordinary of the diocese.

Is that power in grand juries rescinded?—To my recollection it is.

Are you aware what statute it is?—It is within the last three or four years.

He is disabled, as all persons in the Protestant Church are disabled, from officiating in any particular diocese without the authority of the ordinary; but are you aware of any particular statute which disabled him in any other way?—I can venture to say, there was a particular statute, and I shall be able to-morrow, with the index, to point it out.

If Roman Catholics were admitted to the right of voting in

vestries, do not you think it would be very difficult to pass any question for the building or repairing of churches in Ireland?—I do not think any fair case would be resisted; of course, upon this subject, it is a speculation, but, as far as I have seen, my own conviction is, that no fair case would be resisted; indeed, I am deeply convinced that a fair case would not.

In discussions respecting Roman Catholic hardships, it is not stated as the greatest hardship of all, that the Roman Catholic is called upon to contribute to Protestant churches?—The greatest hardship is, that he is called upon to build and repair churches, where that building is totally unnecessary, as it is in a great number of instances in the south; in the county of Kerry, for example, I know parishes where churches have been built for a single individual or two. I know many instances, and that there is one going on at this moment, in the parish of Jaghadoe, in the county of Kildare; there is but a single Protestant in the parish, a Mr. Grierson; they are building a church there, that I understand will cost about 1,000*l.* the Catholics offered to build a dwelling-house for Mr. Grierson.

Is it not the fact that Protestants have disappeared from many parishes, in consequence of their not having a place of worship to go to of their own?—I am not at all aware that that is the cause; that the Protestants have disappeared from very many parishes is certainly the fact; they have melted into the mass of the Catholic population by marriages; and in some respect perhaps by the great readiness to attend the sick in contagious diseases, of the Catholic clergymen, who have not families and have no apprehension of bringing to their own families contagious disease; a Protestant parson may risk his own person very well, but if he catches a contagious disease his wife and children will be likely to get it from him, and that must operate upon the minds of the very best men; it is not so with the Catholic clergyman, he has nothing to risk but himself, and he goes amongst the persons in contagious diseases, particularly the lower orders.

Have you not understood that wherever churches have been built a congregation has appeared?—A small congregation I apprehend always appeared wherever there was a church built, and for this distinct reason, that there were several offices always chargeable upon the parish, annexed to the church; as for example, parish clerk, sexton, bell-ringers and sweeper of the pews, frequently a sextoness; those offices make a small congregation; but I have seen that when the persons who filled those offices got seriously ill and were near dying, they almost

universally, indeed I believe universally, sent for the priest and died Catholics; I have known several instances of that.

Do not you conceive the necessary consequence of not having a place of worship for one particular class of Christians, is to drive them to avail themselves of another form of Christian faith?—Certainly; wherever there are Protestants my opinion is there certainly ought to be a place of worship for them as convenient as possible.

Are there any legal restraints upon Catholics with respect to acting as Guardians?—They cannot be guardians, as I recollect, of Protestant children, they must take the oaths before they can be guardians of their own children, or any other children; but taking the oaths is never considered a hardship, except from the nature of the oaths themselves; for example, we are obliged to swear that we do not believe it lawful to murder any person for or under pretence of his being a heretic; now I never took that oath yet, that I did not feel excessively degraded at being obliged to swear such a thing, as that it is so cruel to impute to any body so horrible a thing as to believe that doctrine.

Those oaths are long oaths, are they not?—The oaths are very long.

Are there any other obnoxious abjurations contained in them?—I do not recollect at present any thing else that is obnoxious; there is a great deal of matter besides that, which is perfectly unnecessary, but from the state of calumny upon the Catholics in general, we are not sorry to disclaim those tenets in the most unequivocal and distinct way.

Are they not considered by Catholics as casting calumny upon them?—They are considered as perpetuating the recollection of calumnies, for the necessity of refuting a calumny always presupposes its existence; and when you ask a person to refute it, you give it a kind of credit in the first instance, so that it would be supposed, if it was not refuted it would be believed.

Will you be so good as to state to the Committee, what the effect of the law has been with respect to yourself, as to your own practice in the courts?—I feel it an excessive grievance that I cannot be King's counsel; from my general political principles, my own opinions being strong upon the subject of Parliamentary Reform, I should not be likely to get any office other than that of King's counsel, which is not considered a marked political favour; but not being King's counsel is certainly a very great pecuniary loss to me, and it leaves me still, in the twenty-seventh year of my professional exertions, obliged to work in all the minor branches of my profession at the same time that I am working in the superior ones; I believe in the presence of the Attorney General for Ireland, I may say that I do as much

business as any man at the Irish bar; my professional receipts last year were upwards of 6,000*l.* without of course any portion of it coming from government, or any source but the ordinary practice of my profession. It would be an amazing convenience to me, and I think it would increase my emoluments, by increasing the fees, and would diminish my trouble very considerably to be King's counsel.

Have you not known that several gentlemen differing politically from the government, are King's counsel?—I have known great fairness in that respect, and I may be mistaken; but I should certainly expect from the noble lord at the head of the law in Ireland, that my political opinions would not prevent me from being made King's counsel by him or any portion of the Irish government, if I was competent to be so.

Does not it also operate as a great inconvenience to other gentlemen, that when persons are desirous of having the advantage of your leading for them, they are obliged to decline the services of other gentlemen?—I will say distinctly, that I know that a number of Protestant gentlemen are suffering very considerably in their profession, by my not being King's counsel. I know instances every term, in which the agents come to me, and although my wish, in point of delicacy, is totally to decline the nomination of other counsel, when I suggest a name, sometimes they say "He is your senior, I would be very happy to have him as counsel, but neither I nor my client will put any man over your head." I know that several Protestant gentlemen suffer very considerably by my not being King's counsel.

Have any gentlemen who are junior to you been appointed King's counsel?—Very many; the greater part of the practising King's counsel are my juniors, and two of the judges; it is right to make a junior to me King's counsel of course, but I do not know of any junior, who had as much business as myself, who is put over my head; Mr. Blackburne is my junior, certainly high in the profession, but that could never create a jealousy in my mind, he is one of the best lawyers in the profession.

Do you know any instances of the interference of Protestant clergymen at the last Dublin election?—I know of one particular interference; the original autograph of the following letter was in my possession, written by Dean Langrishe, to a person of the name of Bartholomew Senior, during the late contested election for the county of Dublin; the original was in these words, "Senior, as you are a staunch Protestant and an honest man, I suppose you can have no difficulty in voting for Sir Compton Domville. Do not by any means fail in attending at the hustings, and be as early as possible. I believe your son has

got a vote also; pray fetch him with you. J. H. Langrishe." That Senior I understand holds some office connected with the church.

With regard to the population of the county of Kerry; which barony of the county do you conceive to contain the greatest number of Protestants?—I should suppose Trughanamy, in which the town of Tralee is situated.

Is there not a kind of Protestant colony in the town of Tarbert?—I believe not; there were some Protestants brought in from the county of Limerick, by Mr. Leslie for his yeomanry corps, and they constituted for some time an Orange lodge there, as it was said, but the far greater part of the population of Tarbert, is Catholic, as in the other towns; that is, the great majority of them must be Catholic.

The corps of yeomanry which is at Tarbert, is considered to be a Protestant corps?—It is considered as an Orange corps; there are some Protestants in it, but besides those, the others mostly are Orangemen; there are some few Catholics I understand.

How has the tranquillity of that part of Kerry been, as compared with other parts?—That has been the most disturbed part of the county; and the parts of the county where there are most Catholics, have been the most tranquil; the barony of Iveragh, one may say, is almost exclusively Catholic; within my recollection, on two occasions, when disturbances occurred there, upon the first of those occasions I had to come to the county, and in five days I put it down completely, and had two or three of the leaders in it transported. Upon the second occasion, my youngest brother who is an extremely active magistrate, in the county of Kerry, had more trouble, because the last disturbance was much more extensive, in putting it down; it took him three weeks, but he put it down completely, without the assistance of a single soldier.

Are you at all aware whether there has been any distinction proved to exist in courts of justice, between the Whiteboy oath taken in the neighbourhood of Tarbert, where that corps of yeomanry existed and the Whiteboy oath taken in other parts of the county?—My conception is, that there was in the neighbourhood of Tarbert, something against Orangemen in the oath, of an exterminatory nature, which certainly was not taken in the other parts of the country, as appeared in the evidence; the reaction of one party always creates additional virulence in all those unfortunate disturbances.

How did that appear?—I understood at the trials at the assizes at Tralee, it so appeared.

What was the state of the county of Kerry during the re-

bellion of 1798?—I recollect it well; it was perfectly tranquil every where but at Curtleriland; there was not within thirty-miles of the residence of my father or uncle, a single soldier or a single yeoman, except my brother who belonged to the Kenmore yeomanry cavalry, that was distant twenty-four miles from it.

Were there not at that time certain individuals in the county of Kerry, who were considered to partake of the revolutionary principles of those times?—There were.

Were those persons of the superior ranks of life?—They were.

What was their religious faith?—They were the sons of magistrates and grand jurors, some of them; and they were all Protestants.

Were there not at that time a great number of Protestant gentlemen considered as united Irishmen, though the fact was, that they were not at all connected with the society?—Not immedidiately in 1798, but in 1799 they were; as the Orange system grew strong, it became the habit to consider every Protestant of liberal opinions as an united Irishman, and to brand him as such; and the newspapers did so.

Have you had any means of ascertaining the effect produced upon the temper and disposition of the people, by the Insurrection Act?—I think the temper produced by the Insurrection Act, is likely to be very unfavourable in the case of future disturbances, the opinion created by the facility of transporting persons leaving a very deep impression of injustice about it; and if there shall be disturbances hereafter, my own apprehension is, that that they will be still more sanguinary in consequence of that.

Do you think it tends to augment and to continue any sort of indisposition existing in the minds of the people to the administration of the law?—I am sure it does; it tends to pepetuate the notion, that law and government in Ireland is a matter of mere brutal force; that it is the compression of power, and not the administration of right. It creates that idea very much; and when I say this, I am not at all saying that there was not a necessity in particular districts, for taking very violent measures, for certainly atrocious crimes had been committed in particular districts.

Do you conceive that the same feeling is entertained by the people, towards a decision of the Court of Insurrection Sessions, that is felt towards a decision of the ordinary courts of law at assizes, through a jury?—Most certainly not; there is not the acquiescence at all; to a certain extent, wherever there is a jury, there is an acquiescence in the decision, however against them; but the notion of the courts under the Insurrec-

tion Act, is totally abhorrent form any idea of law. It is the sending away a man because they choose: the magistrates are not sworn to do justice in the particular case; a magistrate comes in, and takes a partisan share in the transaction; he comes on the table as a witness, and whether he mixes with the magistrates again, I cannot say; though I presume, from the character of part of the gentlemen who were appointed as King's counsel, that he is not allowed to vote after he has been a witness, aud yet I cannot say that he is not.

In your experience on the Munster circuit, have you known any instance in which juries have been either seduced or intimidated from the discharge of their duty, in administering the ordinary laws?—I have been counsel for more Whiteboys than perhaps any other individual ever was in Ireland, and I never knew one single instance of an acquittal that I could trace to any intimidation or seduction; I mean even in my own mind.

Have you known any instances, in which jurors have declined attending at the assizes, in consequence of intimidation, or any other indirect motive?—I have never known it; I think I heard, at one time, of something of the kind prevailing in the county of Limerick, some apprehension of that kind; I heard of it only once, and I never knew it; and in Munster, I do not believe it occurred at all.

In the Munster circuit, with which you are acquainted, have you known any distinctions to exist in the formation of juries, by reason of the religious faith of the persons summoned?—Yes, I have; I have known it prevail in the county of Cork; it is not attributable at all to the gentlemen of the bar, who conduct the prosecutions there either, under the late Attorney General; and if there was a degree of comparison, it would be less under the present; but under the late Attorney General, the gentlemen of the bar did not countenance it at all; and the Crown solicitor for that circuit, would not countenance it either; but the police magistrates interfere, that is the magistrates appointed by government; and I have seen the magistrates for the county of Cork, I mean as well the police magistrates, as other magistrates in that county, attending particular prosecutions, setting aside the Catholic jurors, and endeavouring to pick out, as much as possible, a Protestant jury, some of them Orangemen.

That is rather when the cause comes on for trial?—Entirely.

It is not, in influencing the return of the panel?—No; the return of the panel in the county of Cork, includes a great number of names; several hundred, as it ought to do; and therefore, by means of the right of the Crown to set it aside, the prosecutor in every case, can, in fact, choose his own jury.

In the county you have alluded to, that right has been exercised in setting aside Catholic jurors?—It was exercised till I complained of it. I have endeavoured to avoid the criminal court as much as I could; but as soon as I complained of it, Mr. Serjeant Goold, who conducts the criminal prosecutions there, and who is as liberal a gentleman as can possibly exist, and an extremely able man, instantly discountenanced it, and prevented it as much as he possibly could; the Crown solicitor also concurred in preventing it.

Are you acquainted with the mode, in which the police, in your county of Kerry, have been appointed?—The magistrates in my county, kept to themselves the nomination of the police, they nominated all the police, and there never has been the least complaint of any outrage upon the people, being committed by a police man in my county; in point of discipline and appearance they are to the full equal to any other police, and in their efficiency they cannot be exceeded: they do their duty without giving offence to any person; they certainly would not lightly fire at any crowd of individuals in the county, for any man who fired, could not know but it would be his own brother or father he may shoot.

Do you know whether the majority of the police of the county of Kerry are Catholic, or Protestant?—I believe a very decided majority are Catholics.

Do you think it advisable, in selecting and appointing police men, to take men from the immediate neighbourhood?—From the county, I should think it decidedly advisable, whenever the magistracy was of a certain character. The county of Kerry I take to be particularly well circumstanced, with respect to a great number of its magistrates; it has excellent Protestant, and I may venture to say excellent Catholic magistrates.

Would it not be likely to lead to the exercise of prejudice in some cases, and of favour in others?—Yes, it would certainly; but the situation of a police man is an extremely valuable one to the Irish peasant; it is quite an establishment to him, and he would not lightly forfeit it; and if he committed any kind of offence, it would be known who did it immediately; he would be under the eye of his own neighbours, and he would not be likely to escape as a stranger would. There is a kind of domestic watching over him, if he be appointed in his own county; my own opinion, in the abstract would be, that it would be highly advisable that the magistrates should appoint in each particular county; and I know in Kerry, where the experiment has been made, the result is undoubtedly such as one would wish.

Individual police men have frequently very great power in

their dispersion over the county, in ones and twos?—They have.

Without vigilant inspection, would not those powers be subject to very great abuse?—Certainly; but I think those much more likely to be abused by strangers than by natives.

In the county of Kerry, where the magistrates appointed from the inhabitants of the county their own police men, still a power is vested in and exercised by the government officer to remove those police men, if he shall think fit, to any part of the county?—Yes, I understand that that power is vested in him; it is a power that one would say certainly ought to be in him.

Then, in the event of any favour being exercised, arising from local connexion, do not you think that that power of change of quarters is sufficient to correct it?—It certainly would tend very much to correct any local evil; but my opinion is, that the evil would be greater in bringing in strangers.

Do you know whether the clergy of the Roman Catholic church, in the parts of Munster with which you are acquainted have made any exertions in maintaining the peace of the county? —Great and constant; the clergy of the Catholic church in Kerry are unremitting in their exertions, whenever occasion requires to preserve the peace.

Are any particular instances present to your recollection, in which their exertions have been of service?—In all cases where disturbances broke out I knew the Catholic clergy to take the most zealous and active measures in their power, to quell the disturbances.

Have those exertions ever been at personal risk to themselves, or attended with fatal consequences to themselves?—At personal risk, certainly; I do not recollect any case of fatal consequence in Munster; except that in the county of Limerick, there was a Catholic priest shot by them, upon his interfering to prevent outrage or felony, he was shot by Whiteboys or felons.

That was the case of Mr. Mulquiny?—Yes; it also happened on the day that the man was murdered between Tralee and Killarney, in January 1822, his name was Brereton; at that period a Mr. O'Donnel at Milstrut was taken by the insurgents, who turned out upon that occasion in open rebellion, and was actually upon his knees, to be shot, when the priest fortunately arrived, threw himself between Mr. O'Donnel and the persons who were going to shoot him, and remained in that position with the utmost peril of himself; they repeatedly declared that they would shoot him if he did not come from between them; he protected at his own personal risk, Mr. O'Donnel, who

would certainly have been murdered if the priest had not done that.

You have a good opportunity of knowing the opinions of the Roman Catholic gentry in Ireland, with respect to the Protestant establishment in the country; have you any notion that the Roman Catholic gentry of Ireland wish to have the Protestant hierarchy transferred to their own priesthood?—I am quite convinced that the Catholic gentry in Ireland would oppose as strongly as it would be possible for them to do, any transfer of the property of the Established church from that church to their own; I am quite convinced they would oppose it. I am sure, for one individual, I should concur in that opposition most heartily.

Can you form any opinion, whether the Roman Catholic clergy of Ireland would be disinclined to accept of a provision from the state, if in doing so they were freed from all imputation of making a separate cause from that of the laity?—I am convinced they would not accept it at all till the Catholics were emancipated, because, until that event, they could not be freed from the imputation of trafficking for their own advantage; but I am sure that if an equalization of civil rights took place, they would accept of it, and that the Catholic gentry would concur with them, in a desire that they should, the object being to connect the Catholic clergy and laity of Ireland with the government itself, to embody them as it were as a portion of the state, and to give the government what we would desire, a reasonable and fair influence over the Catholic clergy, so that there should not be even an idea of any danger of their being taken away to favour a foreign enemy, or to favour domestic insurrection; I am sure that is the opinion of the clergy, and I know it is the opinion of the Catholic gentry.

Do you think such an arrangement can in any manner have the effect of alienating the flocks from the clergy, if so paid?—If made upon an Emancipation Bill heartily entered into, in a proper spirit; and I would beg leave to say, it would be better to leave things as they are than to have an Emancipation Bill that was not in a proper spirit both for the Catholics and Protestants, for it would be giving us additional power, and leaving still a stimulant to those animosities that divide the country; and I think the thing should remain as it is, unless it be done heartily and cordially; if it be done so, I have not the least doubt that it would not at all interfere between the priests and their flocks, or take away the influence from them; there is more of intellect about an Irish peasant than they frequently get credit for.

Have you any reason to apprehend whether there is any tendency on the part of any foreign country to interfere with

the education of persons for the Irish priesthood?—Yes, there is; I believe that there is in France a very great tendency to that effect at present; there is great encouragement now giving to the education of Irish priests in France; there are considerable funds, that in worse times were transferred by Catholic families to France for the education of the priesthood; my own family were among the principal contributors; we have a large property comparatively remaining, our admitted right, in the French university; we have now either four or five young men educating there, but we have not one educating for the priesthood.

This was a great many years ago?—These foundations were established sixty or eighty years ago, when no priest could possibly be educated in Ireland. It would have been extremely desirable, if at the peace it had been managed to get those funds restored to this country.

Have you reason to think that at present the French government are active with respect to those funds?—Persons acting under the French government certainly are; and I have a strong apprehension that that will increase very much if there is a temptation left to its increase, by leaving matters as they stand at present in Ireland.

Do you not believe that the Roman Catholics of Ireland, both clergy and laity, would be very willing to afford to the government of the country reasonable security for the domestic education of their priesthood, and that their should not be persons appointed from the establishments abroad?—I am quite convinced of it; I beg to say, that I am thoroughly convinced that the object of the Catholic clergy and laity of Ireland is sincerely and honestly to concur with the government, in every measure that shall increase the strength of the government in Ireland so as to consolidate Ireland with England completely, and in every beneficial aspect; I am quite convinced of that.

And in that particular instance?—In that instance completely; they would very heartily concur, that no person should be nominated to any situation in the Catholic church of Ireland who was not substantially educated, as well as born in allegiance, and in Ireland.

Do you not think that some measure of that kind would be calculated to give great additional security to the country against foreign interference, in all domestic concerns?—I am convinced it would; my conviction is, that there is great danger in allowing matters to remain as they are. Perhaps my private interests influence, to a certain degree, that conviction, without my perceiving it; I do not perceive it, if my interests do; but

I am conscientiously convinced there is great future peril in leaving the increase of foreign education of our priesthood in the way it is likely to be.

Have you observed any difference in the loyalty of priests who have been educated abroad, and those who have been educated in Ireland?—No; with this exception, the priests who were educated in France were old, I may say, when I became a man; and they had a natural abhorrence of the French revolution, which bore so much upon the Catholic clergy. They were very strong anti-jacobins, if I may use the expression; by that means there was among them a great deal of what is called ultra-royalism; but with the priests educated at Maynooth, the anti-jacobin feeling is gone by, and they are more identified with the people; and therefore in the phrase that is usually called Loyalty, they do not come within the description of it so much as the priests educated in France, for that reason; but then, in the time of my father and uncle, the priests educated in France were Jacobites. They were enemies to a certain extent; while they submitted to the laws, their own opinions ran against the succession of the present family on the throne; and they were perhaps dangerous before the French revolution in that respect.

Have not considerable funds lately been applied in Ireland to the establishment of seminaries, for educating and supplying persons to do the duties of priests?—The only funds that I know of, to any amount, are those which the Jesuits have applied for the purpose of establishing colleges there for education in Ireland. I allude particularly to that at Clongowes, and its branches.

Are you aware of any other Jesuit establishments that are now founded?—Only those connected with Clongowes; boys ought to be eleven or twelve to go to Clongowes; I did not send my own sons there till that age. There is a juvenile establishment or two for young children, connected with Clongowes; I do not know of any other. There was a purchase of a great part of a parish in the county of Tipperary, a short time ago; it was bought by a Mr. Rice, who is the great founder of the monks' school in Ireland; but he bought it I know for an individual gentleman, and not for any establishment.

In this establishment do they educate for the priesthood especially, or educate generally?—Educate generally; my eldest son, who is keeping terms, was educated at Clongowes, before he entered Trinity college; and so my second son, till he declined the literary pursuit; and my third son, whom I at present intend for the profession of the bar, is at Clongowes at this moment; my fourth son I mean to send as soon as he is fit.

It is only a preparatory education?—It is general education; no person can be admitted to the priesthood from Clongowes, it has not become a regular Jesuit establishment; they are Jesuits, therefore, but as to the priesthood, a man must first go through a novitiate and become a Jesuit, and then be priested as a Jesuit, but the students at Clongowes have no connexion at all with the priesthood, other than that they may become priests, but in itself they have no connexion.

You stated, that you thought there would be no objection, on the part of the Roman Catholic priesthood, to have the appointments of the Roman Catholic clergy confined to persons born and educated in Ireland?—That is my opinion.

Would there be any objection to the interference of the Crown in prohibiting the appointment of particular individuals, or in controlling them?—At present there would be so much that it would totally spoil the effect of any measure of emancipation, and I would respectfully, in that case, submit that it would be better, perhaps, to leave things as they are than meddle with that just now; if hereafter, in practice, it was found that any real and substantial inconvenience occurred from the present arrangement, I am quite sure the government would find great facilities after the emancipation, both at Rome and in Ireland, in making a proper and satisfactory arrangement on that subject; I know much and intimately the opinions of the most influential of the Catholic clergy in Ireland, if they have a political fault it is a leaning to government, and a wish to identify themselves with the government; and it is perhaps right I should add, that there is no class of men more strongly inclined that way than the leading men of that very college of the Jesuits, very clever men, and highly cultivated.

You stated, that you did not conceive the Roman Catholic gentry would at all concur in the plan for transferring to the Roman Catholic clergy the possessions of the Protestant church?—I do.

Do you think the Roman Catholic gentry would feel any objection to a diminution of the property of the Protestant church, which was not connected with a transfer to their own church?—None at all; they would be very desirous of a diminution of tithes.

Would the Protestant gentry be equally so?—I think there would be great unanimity upon that subject, from Armagh to Kerry.

You conceive, then, that the Roman Catholic does not pay tithe more unwillingly than the Protestant?—In practice I have known the Protestant more outrageous in paying it than the Catholic.

Have not you heard it stated, as a special ground of complaint, that the Roman Catholic peasant should pay to maintain the clergy of a different persuasion?—I have, but I do not think I ever heard it complained of, except in the cases which are so general in the south, of there being no Protestant, or scarcely any, except the clergyman who receives the tithes; but I never heard, where there was a fair proportion of Protestants; I do not think I have, I may, but I do not recollect it.

Do they consider it a greater hardship to pay to clergymen than to lay impropriators?—I cannot say that they do; I recollect, now, instances where they considered it still a greater grievance to pay to a lay impropriator; but in some of the instances the lay impropriator has been more moderate than the proctor or lessee of the clergyman, in others the lay impropriator has been the strictest of all; in lay impropriations, in two or three instances, they have considered it as quite ridiculous to be paying tithes, where there is not the pretence of religion at all connected with it.

Which do you think is the feeling which operates the most, an objection to pay where religion is not concerned, or an objection to pay where a different religion is concerned?—I do not think it makes any great difference; I am sure they would have great objection to pay their own clergy, tithes, and cattle, and fight as hard as they do, either with the layman or the parson in questions of property; abstract points of faith do not enter much.

Are the Committee to understand, that you take a clear distinction between the Roman Catholics being willing that the government should interfere, by nominating, or by any thing equivalent to it, and their affording a perfect security that there should be no foreign interference?—The greatest and most marked distinction, the interference of the government, in point of nomination, would prevent any kind of harmony; in the act of emancipation, it would take away all influence from such persons as have had influence among the Catholic people; I know some of them, they would wish to make the union cordial and complete; it would deprive us of the power of doing that, the apprehension upon that subject is very great; and besides, it could not be done without a reference to the tribunal at Rome, without some assent from Rome; it would, therefore, be a postponement; but in itself, even if the clergy acceded to it, the general turn of mind of the laity is such, that it would spoil the effect of emancipation, and create, perhaps, a worse feeling than exists even at this moment.

You do not apprehend any of these consequences from a per-

fect security being given for domestic nomination?—I do not apprehend any of those consequences; I think we should all concur in that.

With respect to domestic nomination, there are two things included in it; one is, that the persons appointed should be persons born and educated at home; the next is, that although the Pope has the patronage of your church, yet that the origination of the appointments should be domestic; how far do your ideas concur with these?—Entirely concur with my own wishes for both. I wish for both extremely. As to the first, namely, being born and educated at home, I am quite convinced, that that could be easily and immediately done. As to the other, the taking away from the Pope all possible right of originating a nomination, perhaps some difficulty may arise; at least means should be taken, and something in the nature of a concordat, which I believe would be most easily managed, may be necessary for that purpose. I do not say it will, because it is only to a certain extent that my knowledge goes upon this subject.

In point of fact, does the Pope at present exercise any such power of original nomination?—Yes; he has nominated several, it is understood, at the instance of the British government.

But otherwise, is it a thing acceptable to the Roman Catholic clergy, that he should interfere in the original nomination?—Ireland is considered, in the Catholic church, as in an anomalous state. We have preserved the hierarchy complete, and yet it is a missionary country; and the amount of being a missionary country is, that the appointment of ecclesiastics belongs to the congregation *De propaganda fide*, and in that way there is, as far as I understand it, a greater dominion over the nomination given to the Pope, and belonging to him, than if it were not a missionary country. My notion is, and I believe I may speak with some confidence, that it would be very easy for the British government to have it cease to be a missionary country; and that, in fact, it would cease to be a missionary country the moment the Catholics were put upon an equal footing with other British subjects; at this moment, the original rights which remain are national rights, and those national rights would be under the control of government, so far as they do not interfere with religion itself. I think, therefore, that that arrangement may be made; that there is a part of it that could be made at once, but that the other would require some detail.

Do you happen to know that any country is considered otherwise than as a missionary country, unless the Roman Catholic religion is established in it?—If by that is meant established by being connected with the state, I do not know it; but having,

from unfortunate circumstances, more knowledge upon these points than laymen generally have, I conceive, that if what I call an Emancipation Bill passed, at that moment the right which the Pope has upon a missionary country would totally cease; there would not be the least pretext for continuing it, and I believe all the Catholic clergy in Ireland would be anxious for that.

Do you happen to know whether the kingdom of the Netherlands is considered as a missionary country?—I am convinced it is not.

Prussia?—Prussia was till lately.

You have alluded to the necessity of some concordat being arranged with the see of Rome?—Merely to arrange the original right of nomination from the Pope himself.

Do you think that such an arrangement with the see of Rome would more easily be effected after the measure of Roman Catholic emancipation had passed, than it would before it?—Most certainly after. I take it that government would not find the least difficulty in making that arrangement after emancipation: the present state of Ireland brings the Catholics into a kind of a corporate capacity: they act as a body by reason of the compression; if emancipation took place, there would be a total end to that, and we would mix in all the grades of society without distinction; and as there certainly is a most unaffected desire on our parts to become king's subjects, I do not think the government would have the least difficulty in being satisfied upon these points after emancipation.

In other countries, where concordats have been made by the Pope, have they not been contemporaneous with the settlement of other branches of the question?—I believe not; I think, in general, in other states the civil rights were first conceded; I may be mistaken upon this, but whatever the precedents may be in that way, and however valuable we lawyers may consider precedents, I am sure I know enough of the Irish Catholics, to know that there would be great difficulties thrown in the way before emancipation, and I will venture to pledge myself, that there would be none at all afterwards.

Do you think there would be any difficulty on the part of the court of Rome?—In the court of Rome I believe you would find great facility, because you would find from the Catholic clergy themselves great facilities; and the two Roman Catholic archbishops that would be nearest to government, are both gentlemen who are disposed to facilitate any thing that is deemed wise by the government of the country, if it could be done without interfering with what they consider their duty. I was asked a question respecting the state of things in the Nether-

lands; I believe there are several unsettled points in the Netherlands.

When a Catholic see is vacant, in what manner is that at present filled up?—In some of the sees there has been a rude continuation of the deans and chapters; those are now asserting their rights to originate the nomination; and in every instance that they have asserted it, I believe it has been allowed at Rome. Where there are not deans and chapters, an election by parish priests has been very much the recent practice; and wherever they have elected, if the neighbouring bishops concur, that nomination has been received at Rome, and confirmed.

Is that a practice of recent date?—Of recent date; eight or ten years.

Is it the general practice now in Ireland?—The consulting of parish priests is becoming a very general practice now in Ireland among the Catholics, as to the original nomination.

Is not the interference of the Pope in original nomination, whether under the idea of its being a missionary country or otherwise, an unpopular thing with the clergy of Ireland?—It is quite an unpopular thing among both clergy and laity in Ireland.

Do you not think in that respect they are under the same feelings that the English Catholics were before the Reformation, in guarding against the encroachments of the See of Rome?—All the Catholic clergy and laity in Ireland, except those that expect special favour would, in my opinion, be quite unanimous in having that nomination taken away, as far as it can be done consistently with our religious principles.

If the government of the country were desirous of giving the Pope effectual power of originating nominations in Ireland, would they not find it almost impossible to do so?—They would find it extremely difficult to do it; they would find it very strongly opposed by Catholics in Ireland; I should myself oppose it as far as I possibly could; and if I thought I made myself master of the doctrines of the Catholic church upon this subject, if I found that I could safely oppose it completely, I would not submit to it.

Are not references frequently made to the Pope, in questions which arise between the clergy and the bishops?—Yes; in cases purely ecclesiastical and spiritual, the Pope is the supreme head of the Catholic church, to whom the appeal in those cases lies, in all questions of controversy between the priests and the bishops; when a bishop censures a priest, if the priest conceives that censure unfounded, he has an appeal to the immediate superior, to the archbishop, and if he does not get relief from the archbishop, he has an appeal to Rome, and they do

appeal; and I have known instances where a priest has thus appealed with success; if the bishop alters the parish, or takes away any right the priest may conceive himself entitled to, he has that appeal.

Have you known it occur where the boundary of the parish has been altered?—Yes, I have; a Mr. Moriarty, a priest in Kerry, a very near relation of mine, was bishop of Kerry, and thought it right to alter the parishes by subdividing them; Mr. Moriarty appealed to Rome, and appealed successfully, and he compares his bishop to Bonaparte: he said he wanted to Bonapartise his diocese.

Have you not known references made also in cases of marriage, in questions arising respecting the marriage of parties? —There are questions of marriages within the prohibited degrees, that certainly do arise, and may be conveyed to Rome, and from information, I should say are conveyed to Rome; and those questions are standing at present, and would make unpleasant points arise upon ejectments by children: they ought to be settled by law.

Are not those references to Rome unpleasant and unpopular? —They would be very unpopular if they were not upon mere spiritual questions; but they are a resource against ecclesiastical tyranny or misconduct, and in that view are not unpopular.

In cases of excommunication are they not sometimes resorted to?—Every Catholic is apprized, that any excommunication for any thing that is not religious, is itself a void excommunication; but if there did occur a case of excommunication where it was a spiritual matter, the appeal would lie to Rome; to the bishop from the priest, from the bishop to the archbishop, and from the archbishop to Rome.

In the case of a marriage within the degrees that your church forbids, and that the Protestant church allows, the Roman Catholic priest would consider his parishioner as living in a state of sin, if he cohabited with a person with whom a marriage had been celebrated within those degrees, and in a spiritual point of view he would endeavour to restrain him from doing so; but with respect to the issue of the marriage, which the Protestant church acknowledges as a lawful one, would not every person of your religion consider that the issue was entitled to succeed, according to the laws of the country?—Certainly; and upon an ejectment they certainly would recover; so much so, that if the parties themselves were not cognizant of their relationship, and if mischief was to follow from it, I do not think the Catholic clergy would disturb them, by obtruding the information they had not before them: I know that occurred in a most horrible

instance with the late Dr. Troy; there was a woman who had a child at the age of fifteen, and the child was taken to the Charter school; and it happened, that at the age of four or five and thirty years she married a very young man, and it turned out to be her own son: Dr. Troy became acquainted with the fact, and the result was, that he did not inform them of it; she died soon after, but there was quite time enough for him to inform her of it, but he thought it was better not, for fear of the consequences.

Do you know the circumstances under which the college of Clongowes, is called a Jesuit establishment?—The order of Jesuits is restored in the Catholic church; a man has as much a right to be a Jesuit in Ireland as to be a lawyer there; they had property, they were Irishmen, and they preferred vesting that property in Ireland, for the education of the Irish youth.

Is the establishment of the regular order of Jesuits?—I believe so; at least, so I understand; there are superiors, there are priests of the order, there are novices, and there are lay brothers; I take it to be a regular Jesuit establishment.

Are they in connexion with any establishments in foreign countries?—They are in connexion with the Jesuits at Stoneyhurst, in this country; but they are in connexion as any of the orders of friars in the Catholic church are; in the Catholic church all the friars have their spiritual superior at Rome, and their immediate superior in Ireland, or whatever country they are in throughout Europe; it is so in every country, Catholic and Protestant, where there are friars.

Are they under any general of the order?—Yes; every order of friars is under a general; the Jesuits certainly have a general, and so have the Carmelites of the two orders in Ireland, and so have the Franciscans of the two orders in Ireland, and the Augustinians in Ireland, and the Dominicans in Ireland; the only order in Ireland that has not a general in Rome, are the education monks; they have no general at Rome, as I believe.

Can they confer, and do they confer upon young men the order of Jesuit?—I am convinced they do receive them into the order; they go through their novitiates, and they make their vows. In the female convents a profession is displayed, and people go to see the reception of a novice, and her taking her vows. It is not made a sight of in the convents of men; but the process is pretty much the same in both.

Is a Jesuit admitted to orders in the Roman Catholic church, *virtute ordinis?*—No; the bishop must be satisfied that he is a fit person.

The claims of the Jesuits, in that respect, have been resisted? —I do not believe they were ever yielded to in Ireland.

Were they ever assented to in Ireland?—I do not know, I never heard that they were; whenever particular privileges are set up by any order of the church, they are generally resisted; and any particular privilege would be resisted by the bishops in Ireland.

Would not that be a question that would be properly referred to the Pope?—A question upon any privilege of that sort would be properly referred to the Pope; but I have no doubt if the Emancipation bill passed, there is not a question of that sort that would not be easily communicated to the government.

Have you heard that the late Pope wished to enforce that privilege for the Jesuits in England?—I have not heard that; but I think I may venture to say, that it has not been attempted in Ireland, or I should have heard of it.

Is not there an establishment for the education of priests in Kilkenny?—I am convinced there is; the foundation of Maynooth is by no means sufficient, in my judgment, for the education of Catholic clergy in Ireland; the bishops have found it necessary to have a seminary for the education of priests themselves. There is one, I believe, in Kilkenny: there is one, I know, in Kerry; there is one, I know, in Cork. I am not apprized that there is one in Limerick, or in Clare; I believe there is one in Limerick; there is one certainly at Carlow.

Those are under the regulation of the bishops, and not of any particular order?—Precisely so; there is a distinction in the Catholic church between secular and regular clergy. The parish priests, and those educated at Maynooth, are all of the class of secular clergy; the friars and monks are all called regular clergy.

Are the numbers limited in those colleges?—Limited only by the means.

Can you state at all what is the number educated throughout Ireland?—I cannot; there is a constant demand for Irish priests from England and America, and the West Indies; and wherever the English language is spoken they are extremely anxious to get Irish priests.

The establishments you last mentioned, are for a younger order of persons than those at Maynooth?—The bishops desire as much as they can, before they send any of their priests into parishes, to have them pass some time at Maynooth; but Maynooth not being sufficient, I know several that were never even at Maynooth; they were merely educated in the diocesan seminary.

Do you not think it very important, that persons, who are

candidates for orders in the Roman Catholic church, should be very early brought from their homes, and put in places of education, where they are under habits of discipline?—Certainly; till lately, they were almost all of them children of a very low class, but now there are many of the gentry becoming priests; there are many events that contributed to a tendency to increase the number of the children of gentry disposed to become priests.

Do you know any thing of a class of persons, who went about the country, young boys, who called themselves poor scholars, boys who were to be educated as Catholic priests?—Yes; at present I take it that all that do it are impostors, and ill conducted impostors; formerly there was a numerous class that begged its way to some education, by this means, and having acquired a knowledge of Greek and Latin sufficient, were ordained when they attained the age of twenty-three years and some months, and they then went to the Burses as they were called in France; at present, I take all of the class of poor scholars to be impostors.

Can you state, what class of persons the Catholic priests educated at Maynooth, and at those diocesan schools, are?—They are mostly the children of peasants or small farmers; but latterly several gentry are becoming priests; there are a good many of them now in Maynooth.

Do not you think an arrangement, for making a provision for the Roman Catholic clergy, would be much calculated to raise the order of priests? To introduce children of a wealthier class certainly; but, perhaps, not a better class. Those young men, when they get education, the cultivation has the same effect upon them, as it would have if they had been born of higher parents. They make, at present, excellent and exemplary priests.

In your opinion, if emancipation was granted as a condition to the clergy being paid by government, would it not produce the effect of a better description of persons becoming candidates for the priesthood?—If by better is meant, as I suppose it is, a wealthier class, it certainly would have that tendency, and a useful tendency for the purposes of government I take it, because they would not be so much under the influence of very low people, as they necessarily are, when all their relations are in the lowest stage of society.

They would be an important link in the chain of society?—I think they would be a very important and useful one.

Are you acquainted with the Catholic college at Carlow?—I know that a college exists, and I know the superiors of it.

They educate for the priesthood altogether, that is, a person may be appointed a priest from that college?—Yes, a man may be ordained, as many are, who never were beyond the seminary of Carlow, as I believe.

Do you know the expense incurred by a young person, who goes through that college?—I cannot furnish the Committee with any calculation upon that subject.

Are you aware, whether the secular clergy in Ireland, are at all assisted by the regular clergy in the performance of their duty?—Yes; the secular clergy of Ireland, in the towns particularly, can never do half, or a third of the duties, without the regular clergy; for example, in the parish in which I live in Dublin, I myself, and my family, hear mass every Sunday, at a friary in Clarendon-street; and the greater part of the Catholics of property in that parish, hear mass at that friary; there are probably, every Sunday, near 1,000 persons who go to communion at that friary alone; now but for that friary, the parish chapel would never be sufficient for the numbers that desire to go to communion.

Can you state, from your own knowledge, the difference that exists in the Catholic church, between monks and friars?—The distinction I take to be exactly this; we have in Ireland what are called education monks, a certain class that are of novel institution; I will put those for the present out of my answer to the question. A friar, in its present definition, signifies a person belonging to an order bound by a vow of poverty. The monks have large estates and fortunes. A friar, properly speaking, neither he nor his convent could have any property, some of them are supported by mere mendicity, and there are certain mendicant orders, but all those who are supported by charity in any way are of the orders of friars, having taken the vow of poverty. The monks, some of them took the vow of personal poverty, but the order was rich; others were neither bound to poverty personally, nor by their order.

Is not the assistance which the priests derive from the monastic orders, in the performance of their duty, chiefly afforded by that class of individuals called friars?—In Ireland it is, there is no other class in Ireland; the Augustinians, properly speaking, were not friars, they were canons regular of the order of St. Augustine; most of the convents in Ireland belonged to the order of St. Augustine, and that order has been continued, but they are now supported as the friars are in Ireland: they are all perfectly ready to assist the secular priests in their duties. ! Hermits of S. Aug.

Are not the convents in which females are, very numerous throughout Ireland, and very wealthy?—There are several of them; they are not to say very wealthy, but they all can support themselves, and their wealth is increasing, because each lady who comes into a convent is obliged to bring a certain sum, as three or four hundred pounds; now that money is not consumed, but becomes capital, and the interest of it supports the

convent; the consequence is, that as time rolls over them the amount of their capital is accumulating.

Do you know the Ursuline convent in Cork?—Very well.

Can you state, from general report, what the amount of wealth of that convent is?—I know the convent quite well, but could not make any calculation of that; they have lately bought, outside of the city of Cork, a very handsome domain, which they are enclosing with a very high wall and gardens, and building wings to the house that was upon that domain; they educate the Catholic young ladies of Ireland in great numbers, it is a favourite place of education for the young ladies.

You did not hear of their offering a sum to the amount of 30,000*l.* for the purchase of an estate?—No; I did not hear of that offer, but I should not be surprised to hear that, between the money brought in by nuns, and the great accumulation of profits upon education, which to them are very considerable, for the nuns themselves teach all the arts, and every thing but dancing, and then they live upon very little.

Is their object confined exclusively to the education of females? The Ursuline convent in Cork is exclusively confined to the education of females; besides the duties of the nuns themselves, which are purely religious.

Is not that the case in all other female convents about Ireland?—The other convent in Cork, which I believe is called Poor Clares, educate the poor children in great numbers, and I believe that they educate young boys; they have an immense number of poor children, I know, that they educate.

The question referred to the Ursuline order generally?—The Ursuline order in Ireland is generally confined to the education of the upper classes, but wherever there is not another convent of females to educate the poor females gratis, they always establish a school to educate the poor females; wherever there is a second convent it takes that duty, they only educate the wealthier classes.

Do all the female convents educate gratis throughout the Country?—No; the Ursuline convent in Cork does not educate gratis, they educate Catholic young ladies and are paid.

You state, that the mode in which the wealth of the convents has arisen, is from the money each person pays in coming into the convent, which is vested as capital; can you tell the Committee from whence they get the interest, or how that money is vested in order to pay interest?—Formerly they used to lay it out in landed property, latterly it has been in bank stock or government securities.

Are the Jesuits and Augustinians the principal orders established in Ireland?—They are the principal orders that are

established in Ireland; there are Carmelites of two orders in Ireland, the shod and unshod Carmelites; the Dominicans and Franciscans of two orders, at the least; I believe some Benedictines, but I will not say positively, but those that I have mentioned, I know of.

In case the Emancipation Bill was carried, is there any prospect of any opulent Catholics now resident on the Continent, returning to Ireland with their property?—That I have heard, but I know that if emancipation be delayed, some very wealthy Catholics will carry their property out of Ireland; I know instances where they are preparing to do it, urged by the greater acrimony of modern times, and getting weary of the contest.

What is your opinion with respect to the sentiments entertained by the lower orders of the Catholics, in reference to the penal laws?—The opinion is universal, that they are governed by force, and that those who administer the law, are in an attitude of constant hostility against them, and there is a perpetual hatred amongst them against the governing powers. Its effect is to indispose them to every act of the government; and when a man is punished, his friends console themselves by considering it an act of violence and injustice, instead of being the administration of law towards him.

Are they generally acquainted and sensible of the disability they labour under?—They are quite sensible of it, and if they want to be reminded of it at all, wherever there are Protestants in their neighbourhood of their own class, they are reminded of it by the greater advantages of being Protestants which they see; and if there be any thing at all of the Orange in their neighbourhood, that reminds them still more strongly of it.

Would the passing of the Emancipation Bill produce amongst them any general feeling of satisfaction?—I am quite sure that I am not consulting the interests of the Catholic gentry, when I say that I am certain it would create great satisfaction among them, the links of society act upon each other down to the remotest part of the chain; and if Catholics were emancipated, they would be in their various stations according to their talents and merit, as Protestants are, and then the patronage of every kind would become equally distributable through the country, distributable from those individuals who are connected with the government through the country, and as soon as that occurred, the line of distinction that is so marked now, of keeping the patronage in one class, would be completely effaced, the effect would be that the people and the government would become reconciled to each other.

Would the removal of the civil disabilities contribute to diminish the popular disorders and disturbances that have pre-

vailed?—I am sure they would very much, at present every oppression comes upon them with a double aspect; it is oppression in itself and oppression from an enemy; although I have never attributed the disturbances of Ireland merely to the want of emancipation, I am quite sure that the want of emancipation aggravates every thing of that kind, and consequently taking that want away would take away so much of the evil.

You are then decidedly of opinion, that the removal of the disabilities would lead to the diminishing or getting rid altogether of that great practical evil, the disposition of the people to embark in disturbance?—I am sure it would very much facilitate the return to tranquillity; by itself it would not tranquillize Ireland, but without it I do not think you can ever have Ireland perfectly tranquil; with it you would be making great progress towards tranquillity, with the prospect of arriving at it; and one of its best effects perhaps would be, that it would put an end to the irritation prevailing between the various sects.

Would it tend to diminish the religious animosities that exist?—Most certainly; I take it emancipation would completely extinguish those, for I have always perceived that when Catholics and Protestants of a liberal class come to know each other personally, the animosity diminishes even by personal knowledge.

Is not that the case in the county of Kerry very much?—In the county of Kerry there is no animosity almost; there is scarcely a trace of it, with the exception of Tarbert, where there was a kind of hotbed for it; it is unknown in Kerry.

Does not a very strong feeling exist, and is not a mode of reasoning very prevalent among the people, that though it does not immediately affect the people themselves, still no children of theirs, however talented, can ever obtain the immunities of state?—People perceive that very well, and calculate upon it among themselves, and their pothouse politicians do not fail to tell them so; they remember some of the first names in Ireland having been the sons of peasants like themselves, and they know that every office and station and situation in the state is open to the child of a Protestant, and that none practically are open to them.

Do those disabilities contribute to retard the progress of internal improvement in Ireland?—Very much, because they aggravate the evils which otherwise exist, and continuing them will tend to perpetuate that system of disturbance which of course prevent manufactures from settling and capital from coming in, and frighten away the gentry.

Does it not mainly contribute to render the state of security

of property imperfect in Ireland?—Certainly it contributes to perpetuate disturbance.

Does not a very strong sympathy exist in the minds of a great proportion of the Protestant population with their Catholic countrymen, in consequence of those priveleges not being granted to them?—Great and strong in the south of Ireland; a very large class of Protestants, a great majority of the Protestants are sincerely and unaffectedly anxious for the emancipation of the Catholics; indeed, with the exception of some of the more violent of a particular class of dissenters, and of those persons that are immediately connected with, and have a personal interest in continuing the system, the Protestants in the south in general, with a few exceptions, are desirous of Catholic emancipation, as far as my knowledge has gone.

In point of fact, from your intercourse with Protestants, which has been very general in the south of Ireland, have you not discovered that a great majority of the Protestants of the south are favourable to what is called Catholic emancipation?—I have no doubt at all of it.

Do you mean unconditional emancipation, or an arrangement with the Catholics, by which emancipation might be granted to them?—I do not think the protestants enter into that detail much; a great part of the Protestants are for emancipation in such a way as the government would arrange it, having (those who are best informed) no fears at all of the consequence; there are others that entertain apprehensions, and therefore would require what are called securities; there are others again that would not emancipate us upon any terms.

Do you think the majority of Protestants who are favourable to Catholic emancipation prefer, or rather would approve, of only conditional emancipation?—No, I do not, in my own experience, except such conditions as I myself would be very anxious to see accompany emancipation; that is, such conditions as would connect the Catholics and Catholic clergy with the government, precisely as the Protestants are connected with it; so that there should be no longer distinctions between one portion of the subjects and the other, either among themselves, or with relation to the government.

For instance, a provision for the Catholic clergy, and a certain control to the government in the appointment of that clergy?—As to the appointment of the clergy, a difficulty arises which Catholics would not accede to; there are scarcely any of the Protestants of education in the south of Ireland, that say there shall never be emancipation.

In the late disturbances in the counties of Cork and Limerick, and in parts of Tipperary, were not the attacks as generally

directed against Roman Catholic gentlemen as against Protestants?—Certainly they were; and in many instances, the people that were murdered were Catholics; in most of the instances.

Do you think that any more apprehension prevails in the minds of those Protestants, than in the minds of the respectable part of the Catholics, as to any consequences that may arise from disturbances in the country?—Certainly not; the Catholics of property have been equally anxious to put down those disturbances, and where I have known of it, to say the least, equally efficient.

Can you give the Committee any information as to the course of education pursued at Maynooth college?—I can inform the Committee, that the course is published; and that for a few pence, or at least a few shillings, the syllabus of the course of education there can be had at Coyne's, in Capel-street, in Dublin.

Is there not a very great want of books at Maynooth college?—They complain of wanting of books; the funds are totally inadequate for Maynooth college; without any disrespect, there is what I would call a miserable penury in the way that Maynooth college is treated.

Does that want of books interrupt the course of study, according to the system pursued in the English universities by books?—It affects it materially; but the mind of youth during the period of study, especially at Maynooth, where they are kept almost isolated from the world, where they are not allowed so much as a newspaper, in point of political information, there it is actually a want; there is an aptitude for learning, and such books as they have they devour in some measure, and become masters of every thing that is within their reach; there are four or five or six years in human life, when the mind is fittest for the purposes of the acquisition of knowledge; they are at Maynooth at that time living under a rigid discipline in point of hours, living very temperately in point of provisions, and secluded from the politics and pursuits of the world, much more, perhaps, than one would reasonably imagine; the consequence is, that all the influences upon the human mind tend one way, to acquiring as much knowledge as they possibly can; and the effect of that is really most striking in Ireland, with respect to the young priests educated at Maynooth.

Is the want of books supplied by very copious and lengthened oral discourses?—They do still dictate lectures, which the young men take down; and that is a most clumsy and tedious mode of education; at least, so I understand.

Then you cannot say whether those lectures ever go beyond the mere dry course of theological studies; whether they em-

brace political discussions at all?—Certainly not; politics are totally excluded from Maynooth.

By politics, you mean the politics of the day?—The politics of the day; political economy, it would be quite a treat to a youth there to be allowed to study.

Newspapers, you say, are not allowed?—Quite excluded from the young men; I have a nephew, who intends to be a priest, at Maynooth, and when he comes to my house at Dublin, it is a great treat to him to be allowed to go over the newspapers, four or five or six weeks old.

Are they allowed to mix with gentlemen and others residing in the neighbourhood?—Not at all.

Then are the Committee right in supposing, that Maynooth college has very much the appearance of a very strict monastery?—It has a good deal of a monastic discipline. What surprises me most, with respect to the young men educated at Maynooth, is not that they acquire a classical and scientific knowledge, but that they really acquire a style in the English language, that is of a very superior order; they write admirably well.

Do you think, that that perfect seclusion from common life is much calculated to improve the disposition and habits of the gentlemen who are destined to become priests, and to fill important posts in life afterwards?—I think it is. The Committee will recollect, that celibacy is a principal feature with respect to the Catholic clergy; then, if at the period of life at which those young men are educated, they were not kept secluded, they never could, in my judgment, from the propensities of nature, so overrule their passions, as to be able to live a life of celibacy afterwards. I think, therefore, that that species of seclusion is perhaps essentially necessary to the formation of the Catholic clergy; and I know, from those persons who are there, particularly those I see before me every day, that it does not at all prevent their acquiring even the manners of gentlemen, and the courtesies of civilized life.

Do you think, that as this is said to be the age of liberality, in so very strict a state of education as that employed at Maynooth, that young men can imbibe those principles which they ought to carry afterwards into life, and which renders the present age so superior to former ages?—My own opinion is, that there ought to be perfect religious freedom every where; but when I say, that I think that indifference as to religious faith is a bad thing, I think people ought to be perfectly cautious in selecting, and perfectly sincere in professing a religious faith, and with these notions I am anxious to see the priesthood deeply imbued with the importance of their station and situation in life; and I look to the solemn, marked and religious education of a priest

as a great good in society. I do not think there is any practical evil at all from it; the liberality of the present age has done away, in my judgment, the possibility of any of those gloomy superstitions, that would be laughed out of society at present; and after all, perhaps, we hear more of them in romances than existed in any state of society.

Do not you think those gloomy superstitions are very likely to be imbibed in so close and strict an education as that at Maynooth?—I have no such fears.

What is to counteract it?—Science, while they are there, because they go through a course of natural and scientific philosophy, and they mix in their recreations with the world. Again, the very keeping away books from them makes them more anxious for them when the restraint is removed.

Is there any prohibition upon the course of their studies, when they leave Maynooth for their vacations, or when they leave Maynooth to visit their friends?—I am convinced, none except the general one against any work tending to immorality, and in particular those works that would excite ideas of impurity, against which there is a particular caution, and a necessary one, for the kind of life they are leading. I know an immense number of priests that have been educated there, and there is not a tinge about them of that species of superstition; and the children of exceedingly vulgar people, you would be surprised if you met them in society, to see how completely the manners, and almost the tone, of genteel society, they had acquired.

In the event of what is called Catholic emancipation being granted, the Committee presume you would think the present sum that is annually voted for Maynooth totally inadequate to the purpose?—I am quite convinced it is totally inadequate at the present; and I venture to say that, without emancipation, there is great danger by reason of this inadequacy, because there is a greater temptation to have Catholic priests educated in France, which is a growing evil to my own knowledge.

Are you able to inform the Committee of the comparative expense of education at Maynooth, and at the Burses in France? —No, I am not.

Is it not less in France?—I am quite convinced it is less in France.

Then the effect of increasing foreign education is rather to induce the lower class of the community to enter into the priesthood?—It would be one tendency, certainly.

The Committee wish to know whether it is your decided opinion, that the objections that have been raised by many Protestants in Ireland to Catholic emancipation, have greatly lessened within the last ten or twenty years, and that the objec-

tions to that measure, on the part of the Protestants, are much weaker than they have been?—I think they are weaker now among the Protestants in general; however, the mutual calumnies, as I hope they are, upon each other, of the Orange party and the Catholics, have more exasperated the Catholics, and also the Orangemen; and I think latterly there has been violence against us amongst the Orangemen; but among the Protestants there is less apprehension than formerly. I know of my own knowledge, that the Catholic Association has won upon a great number of Protestants, particularly in Dublin.

Do you not think that with respect to Orangemen, as you would define them, and Catholics, there is a natural action and re-action?—Oh, certainly; faults on both sides, in my opinion.

The Orangemen probably entertain a very improper notion of the Catholics; and some Catholics entertain very improper notions of Orangemen?—Yes, I am sure it is so; and one of the beneficial results of emancipation would be, to put an end to that mutual action and re-action.

Do not you think that without emancipation, the exasperation arising from that action and re-action might be greatly lessened, by both parties abstaining from violent language?—I am sure it might; but in point of fact, I am convinced it never will without emancipation; the Orangemen have a personal interest, many of them, in excluding the Catholics, as any man has an interest in monopoly. The Catholics, on the other hand, wish to share in the benefit of the things so monopolized; and when you add to individual interest religious zeal, when those both run in the same channel, they make so powerful a current, that it would be very hard to stop it.

Do you think that it is possible that that good will, which all wish to see in Ireland, can exist so long as the Orange lodges exist, and Catholics are excluded from being Orangemen?—I think that alone would continue the ill will; I think that if the Catholics were emancipated, and the Orange lodges continued in their present system, that however loyal a Catholic may be, he could be admitted. As for example, the case of the Earl of Fingal, who fought the rebels in the year 1798, if he still were excluded from any society for his religion, that alone would perpetuate the animosity; and if the Catholics formed a similar society, it would have the same effect.

Is the general impression in Ireland, that no Protestant who ever has been a Roman Catholic, is admitted into the Orange societies?—It is; and I believe that impression is founded upon fact thus far, that in the original oaths of the

Orangemen, there is something to that effect, that he is not, nor ever was, a Roman Catholic.

If Catholic emancipation were granted, do you think there would be any objection to raising the qualification of voters?—I doubt whether it be a desirable measure, but it is quite another question, whether so much liberty being purchased by emancipation, it would be right for the Catholics to make a stand upon the forty-shilling freeholds; as an individual, my own wish would be, to extend the franchise as far as I possibly could to every one.

As a general principle?—Yes; I know the system of forty-shilling freeholds is full of abuses, and with the extreme number of oaths with which it has been loaded, creates great perjury. I am myself a parliamentary reformer upon principle.

In point of fact, generally speaking, forty-shilling freeholders of Ireland exercise no freedom of election whatever?—Generally speaking, in many districts they do not; in cities they do decidedly exercise a freedom of election, and I have known them to exercise it, as far as my experience went, in cities with great disinterestedness and at great personal sacrifices; in counties, in general, they do not, for they become part of the live stock of a great estate.

Do you think they can set any value upon a franchise, in the exercise of which they are so constrained?—It is valuable to them, notwithstanding; for even in an estate where they are very much in the power of the landlord, the landlord is obliged, to a certain extent, to use the phrase I did before, to court them; and it is of value to an Irish peasant in the south, to get a tenure of land, and to have a life in his lease.

Do you know the system that is in general pursued, of ordering electors into the hustings?—I do, and condemn it very much.

Is it not by a note from the bailiff, as he is called in the north, or the driver in the south?—Yes, it is done in that way; there are great abuses in the system of regulations; it produces great perjury, but if those abuses, particularly the perjury, could be done away, in that case I should be sorry to see the forty-shilling freeholds abolished; although I do not mean to contend, that as a condition of emancipation, some arrangement might not take place upon that subject.

In the parts of the county you are most conversant with, do not you think that a moderate raising of the qualification would equally benefit Catholics and Protestants?—I rather think, that by raising the qualification, you would raise the Roman Catholic influence in most of the counties in the south of Ireland,

because the forty-shilling freeholder is much more the property of his landlord, than the 5*l.* or the 10*l.* freeholder would be; and as the greater part of the estates in fee are in the hands of Protestants, the consequence is, that with the forty-shilling Catholic freeholders, the Protestant landlord has really an influence; whereas the 5*l.* or 10*l.* freeholder would be more independent, and more likely to follow the bent of his own inclination.

Then, in that way, it would be acceptable to the Catholic population of Ireland?—If we were emancipated, the question politically between Catholic and Protestant would, in my mind, be at an end; but, if we were to continue unemancipated, if it were understood as distinctly as I understand it, it ought, for those reasons, to be acceptable to the Catholics.

Do you think, that Catholic freeholders, or indeed freeholders in any part of Ireland, are proud of their franchise?—Yes, certainly, they all feel its advantages; it is the first step towards not being exactly slaves; it mitigates every part of the system.

In your own case, as possessing a landed estate, do you find that those persons who have leases for lives on your property will go to the mere trifling expense of one shilling, which is the sum allowed by law, to register their freeholds, without which registry they cannot vote?—Yes, they would, if I did not get them registered.

Do you believe, that is the general habit throughout Ireland?—I do; I know instances where persons have had freeholds acquired by remaining upon common land upwards of twenty years; and they have, at their own expense, unless somebody has done it for them, been quite ready to get them registered.

Does not that differ entirely from the nature of a common freehold interest in Ireland; is not that a freehold in itself?—It is a fee-simple, but it shews that there is an anxiety on the part of the peasant, to have the advantage of being a freeholder.

Do you think, that at present in principle, the elective franchise can be said to be a franchise, when it depends upon so many circumstances that would prevent it being a franchise; for instance, there is the necessity of registering every seven years; if he does not register every seven years, he loses his freehold?—It is excessively clogged in Ireland, certainly.

Do you think that that in principle is a franchise?—There still remains the franchise in principle; but in practice very much qualified by the regulations; to a lawyer it is quite familiar, that, whenever you set about mending a thing by Act of Parliament, you increase the other mischiefs tenfold, unless the

simple plan be taken of beginning by repealing every thing that went before, and making your entire system in one Act of Parliament.

Do you think, that the population in Ireland, of the lower class of freeholders, would be satisfied to renounce what they consider an advantage, without any advantage being given them in return?—They certainly would not; and I should take it to be an excessively dangerous experiment to set about taking that right from the forty-shilling freeholders generally, without doing something first to conciliate them.

Do you not think, that it might be easily brought home to their understandings, that Catholic emancipation being granted, was a full remuneration for such loss?—My own opinion is, that it might easily be done so, more especially if the qualification was not made too high in the first instance, and leaving to the present class their right during the remainder of their lease.

Do you think that any good effects would arise from raising the elective franchise, laying aside all party feeling?—Good effects in the abolition of perjury and frauds; but my own opinion is strongly in favour of extending the right of voting.

Could it be extended in Ireland?—It could be extended every where, upon principles that to my mind appear the principles of the constitution and of justice.

Do you think that there would be any well-grounded apprehension of discontent in consequence of it?—I think if the elective franchise was taken away from the forty-shilling freeholders, without satisfactory emancipation, there would be well-grounded apprehensions.

In the event of Catholic emancipation being granted, you think there would not be?—I think if a satisfactory act of emancipation was granted, it would be very easy to avoid all peril upon that subject.

Do not you think the feeling the Catholics would have upon the removal of what they consider a stigma upon their religion, would be that that was a greater benefit to them than any benefit they derive from the elective franchise?—I am sure they would consider it so. I do not think there is a people in the world more disposed than the Irish to enter into that view of it.

What effect do you think would be produced upon the Protestant freeholders, who would be disfranchised in the same way as the Catholics, but who would have no such compensation for their loss, as the Catholics would have?—My opinion is, that the Protestant freeholders would consider such an act as an un-

qualified grievance upon them; nor do I think there are any means of reconciling them to it.

Are they not very few in comparison with the Catholics?—In the north, I apprehend they are numerous; I do not see how the Protestant freeholders of the north could be reconciled to it, unless by gentlemen possessing influence convincing them that there was some equivalent given to them, by increasing the general Protestant interest in Parliament, against the particular Catholic interests which would be promoted.

If they considered that the carrying the question of emancipation, had a great effect in increasing the tranquillity of the country and removing the evils which affect Ireland, would not that be considered an equivalent?—I should suppose it would; because it ought to influence every fair mind, and therefore the Protestant forty-shilling freeholders would be as likely to be satisfied for any thing that is reasonable, as the Catholic freeholders.

How do the laws stand in regard to Catholic charities?—The law as to the Catholic charities in Ireland, I take to have been, by a recent decision, favourable to them to a certain extent; there has been a decision, that a bequest for performing masses, is not an illegal bequest, but the Commissioners of charitable donations and bequests in Ireland being all Protestants, and having a power to litigate any charity they please, and whether they are successful or unsuccessful, they are entitled to the full costs of that litigation; that terrifies Catholics from making charitable bequests, who otherwise would. It would be quite right in any bill of emancipation, to regulate that.

With regard to money given for building schools, or glebe-houses or chapels, is there still a practical difficulty in the way of any person who wishes so to dispose of his property?—I do not think there is any difficulty, that an experienced lawyer might not easily obviate; there are difficulties with respect to trustees, who may not be so easily compelled to execute those trusts; but in practice, what we do is, to vest the property in six or seven trustees, and as soon as one of those die, or two or three, then the survivors nominate new trustees, so as to make up the original number; by that means continuing the property in joint tenantcy, going to the survivors, in whom a personal confidence, from their character, is reposed; there is no danger of the intervention of heirs or executors, who would not be likely to perform the trusts; and it is by that scheme that Catholic charities are at present protected: but as that scheme requires a personal confidence, it is of course liable to abuse, and it is inconvenient, inasmuch as it creates expense, and creates trouble, and renders it necessary to have machinery to carry it on,

wherever things of that kind occur, and naturally retards the progress of charity.

Then you are of opinion, it would be desirable to have the law made more clear and satisfactory than it at present is?—I do think it would; it is a very delicate subject to meddle with, and had better be reserved, if there were an Emancipation Bill, entirely for a subsequent consideration.

Martis 8° *die Martii*, 1825.

LORD VISCOUNT PALMERSTON IN THE CHAIR.

Hugh O'Connor, Esquire, called in; and Examined.

WHAT is your situation in life, and where do you reside?—I reside in Mountjoy-square, Dublin; I was in trade, a merchant, but I have retired now from trade; I retired last year.

In what branch of trade have you been concerned?—In the West Indian trade; as a merchant, at the head of a house in the West Indian trade.

Did you carry on business to any considerable extent?—I believe more so than any house in the West Indian trade; I believe it was so considered, and I believe the fact was so.

Are you acquainted with the state of trade, and commercial property, in the city of Dublin?—I have a pretty general acquaintance with the state of trade.

Is a considerable portion of the trade of Dublin carried on by Roman Catholics?—Yes.

You yourself are of that persuasion?—I am a Roman Catholic.

Can you inform the Committee, whether any Roman Catholics are members of the Bank direction in the city of Dublin?—None; nor have not been.

Have any inconveniences resulted to Roman Catholic merchants in Dublin, in consequence of the exclusion of Roman Catholics from the direction of the Bank?—A great deal of inconvenience, and a good deal of injury.

Will you have the kindness to explain what inconvenience, and what injury, have resulted to Roman Catholic merchants, in consequence of that exclusion?—I am a Bank proprietor myself, and when I was in trade, it would have been a great advantage to me to have been in the Bank direction; not that the 300*l.* a year salary was any object to me, but it would have given me an insight into the state of credit of commercial persons, which would have been of great advantage to me as a merchant, and which insight I could not so well get otherwise; besides, I considered the exclusion of

Catholics not only degrading to me individually, but to the Catholic trading body generally; and, as rather a large Bank proprietor, I wished also to have some insight into the management of the concern.

Among the individuals who have been appointed to the direction of the Bank, being Protestants, are there persons who carry on trade on a smaller scale than the Catholics, who, by the practice at the Bank, have been excluded?—There are some persons in trade in the Bank direction, who carry on trade on a very small scale indeed.

Have any efforts been made by the proprietors of the Bank, to obtain the nomination of Roman Catholics to the Bank direction? —I have complained myself very much about the exclusion of Catholic proprietors from the Bank direction; the Bank directors have made it a pretence, (for I consider it nothing but a pretence,) that the law interposed the disqualification, which I know is not the fact.

Can you state what proportion of merchants there are in the Bank direction?—They are nearly all merchants, or persons that have been connected with trade; it does not occur to me that there is, perhaps, more than one, that either has not been in trade, or has not been connected with it, and has had commercial experience and knowledge.

What is the qualification in point of stock?—2,000*l.* stock for a director; 3,000*l.* to be a deputy governor: and 4,000*l.* to be the governor.

In whom is the choice of Bank directors vested?—It lies with the proprietors; but the Bank directors make a house list, and there is a combining and confederating amongst them, to keep up constantly amongst themselves, when once named, monopoly of direction, with party feeling, and to exclude Catholics from the direction.

Are there many other Catholics in the city of Dublin, with whom you are acquainted, who are considerable proprietors of Bank stock?—I know some that are considerable proprietors; some of the largest.

Are there any other public bodies in the city of Dublin, connected with the commerce of Dublin, from which Roman Catholics are excluded?—There is the Ballast board I believe; the expenditure of that board, last or the preceding year, was fifty or sixty thousand pounds, and I never heard of a Catholic being in the direction. I know a gentleman, some years ago was mentioning to me, that he wished I was in the direction, but says he, no Catholic is in the direction, or has been in the direction; I said, I was quite indifferent about it.

With regard to the Chamber of Commerce, which is a voluntary association of the merchants of Dublin, how does that stand

with respect to religious distinction?—I am not a member of the Chamber of Commerce; it was established last year, and I was repeatedly solicited to be a member of it, but as I had given up trade, I declined being a member; I do not believe any religious distinctions prevail there.

That association is altogether of a voluntary nature?—I think they are admitted there by ballot; but when it was established last year, it was associated voluntarily.

Within your knowledge of Dublin, have you known the wealth of the Catholic body to increase?—Very considerably.

Have you known any portion of that personal property which has been accumulated by them, to be invested in the purchase of real estate?—Yes, I have.

Have you yourself been a purchaser?—I have not been a purchaser; I have an estate, which was left to me by a relation of mine, a merchant, who purchased it; he was a partner of mine.

In any purchase which you have known take place on the part of a Catholic, have you ever heard an objection raised, on the ground of its having been a forfeited estate in times past?—Never.

Would that circumstance be an objection to yourself, if you thought it proper to vest your money in land?—Certainly not; it never entered my head.

Do you consider there is a disposition at present in English capitalists, to adventure in speculation, in Ireland?—I see there is a very considerable disposition.

Do you consider that the political state of Ireland, has any tendency to retard such investment of English capital in that part of the United Kingdom?—A very material instance of that nature, came within my knowledge, the day before yesterday; a gentleman, a landed proprietor, a Member of Parliament, had nearly completed a treaty, to borrow 50,000*l.* in London; I do not know exactly upon what terms, but however the treaty was nearly completed, and in consequence of the bill suppressing the Catholic Association, and the impression in the lender's mind, that the security for his money in Ireland, under the aspect of affairs, was not such as he would wish, he declined lending the money; this came to my knowledge the day before yesterday.

Was the lender a Catholic or a Protestant?—I do not know; he is an English capitalist.

And the security was to be upon landed property in Ireland?—Upon landed property in Ireland.

Do you understand in what way the bill to which you allude, increased the unwillingness of the lender, to advance his money?—He thought the security for property for an English capitalist, would be likely to become more endangered in consequence, as he

conceived, of the discontent being increased, through the means of that bill.

Did he express that opinion?—Yes, I understand so; the borrower is a noble lord.

In what part of the country was his estate situated; in the north, south, east, or west?—It is about the south-west, I think.

Did you hear him so express himself?—I did not; it only came to my knowledge the day before yesterday accidentally; a professional gentleman who was concerned in the matter, happened to mention it accidentally the day before yesterday; I have heard of it since.

Are you quite sure that the objection of the lender was not founded upon the proceedings of the Association, rather than upon the bill which put down that Association?—I should suppose it was not founded upon the proceedings of the Association, inasmuch as the treaty was in progress when the proceedings of the Association were in activity.

Then you consider the treaty to have broken off in consequence of the apprehension of discontent that might be produced in Ireland?—I have understood so.

Then do you consider, that every cause which has a tendency to augment and aggravate that discontent in Ireland, tends to check the influx of English capital into that country?—I should suppose so, certainly.

Can you trace that consequence to the existing disqualifying laws on the subject of religion in Ireland?—I should think so.

Have you any particular facts upon that subject, which support that opinion?—I know that discontent very generally prevails throughout the Catholic body, on account of the disqualifying laws; it prevails from the highest Catholic peer to the humblest Catholic peasant; I have no doubt of it.

Is not that discontent very much connected with all the internal system of insurrection and disturbance?—I should think it was; but I resided in Dublin, and I know very little of the interior of Ireland. My knowledge of Irish matters (that is, from my own actual observation) is confined to Dublin, and circumstances there.

Does not that discontent shew itself by those commotions that you read of and hear of in that country?—I think clearly.

Do not you happen to know that there is, generally speaking, great disinclination on the part of the English capitalists to advance money upon the security of landed property in Ireland, amounting almost to a determination not to do so?—I have heard so, I do not know it of my own knowledge.

Arising from a doubt of the security being good?—Arising

from a doubt of the security, perhaps, as well as from other causes.

And arising from a doubt of the tranquillity of the country?—Considerable doubt of the tranquillity of the country.

Has it come to your knowledge that money is pretty freely lent on mortgage in the north of Ireland, at four and a half per cent?—I have heard so; but it has not come to my actual knowledge.

Have you ever served upon grand juries in Dublin?—Never.

Have you ever been called in court to serve?—I think I have been summoned to the commission court: I suppose it was a grand jury.

Have you never been called to the term grand juries?—Never.

Are you a freeholder of the city of Dublin?—No.

Nor a freeman?—No.

Have you known many Catholics summoned to serve upon the term grand juries?—I have not heard of any; I heard it stated as matter of complaint that they had not been summoned: I suppose none have been summoned, for I heard it complained of that they have not been summoned.

Are very large sums levied upon the inhabitants by the grand juries of Dublin?—I understand so.

Is it a matter of complaint among the Catholics, that they are not allowed to participate in the levying of those sums, and in the expenditure of them?—I have heard it made matter of complaint by Catholics.

Do you understand whether the exclusion from serving upon term grand juries is peculiar to the Catholics?—I cannot answer that question precisely, for I scarcely ever went to the court myself; but I have understood it was almost entirely peculiar to Catholics, I have heard so.

Have you ever heard, that many very wealthy Protestant gentlemen are equally excluded from serving upon grand juries, with Catholics?—I have heard some wealthy Protestant gentlemen, who are what are called liberal Protestants, complain that they were treated like Catholics.

Have you heard the same of any illiberal Protestant gentlemen, as they are called?—Never, that I recollect.

You have not any very accurate knowledge upon the subject?—Indeed, I have not.

In point of fact, do you not know that the term grand juries are composed of members of the corporation only?—Yes; I see in the paper eight, or nine, or ten aldermen, and sheriffs, peers, and people of that description.

Does not that exclusion of all the inhabitants of Dublin, except those who are possessed of a corporate rank, tend to diminish the

confidence which the public feel in the acts, whether civil or criminal, of those grand juries?—I should think it naturally would; it does, in my opinion.

Have you ever attended a county election in Ireland?—Only once; I have been, perhaps, twice, but only for half an hour or so; but I did once attend two or three days.

Where was that?—In the county of Dublin.

What description of persons, in point of property and station, are the forty-shilling freeholders whom you then saw vote, and whom you have seen vote on other occasions?—I took myself, from what I saw, some feeling of objection to the forty-shilling freeholders; I rather lamented that there were that description of freeholders.

Do you think they are in a station of life which gives any security to the public, of a fair and independent exercise of their franchise?—I think they are not in that station of life that gives such security.

In the event of a bill being carried for the emancipation of the Catholics, as it is termed, do you conceive that it would be desirable to make any alteration in the present qualification of the freeholders?—Very desirable, as it strikes me.

Do you conceive that such alteration would be acceptable to the Catholics, if it formed part of a general measure of emancipation?—It seems to me, that Catholic emancipation would be so great a boon, that I should think it would be acceptable.

Do you consider, that a proposition for altering the franchise, without at the same time accompanying that measure with Catholic emancipation, would be attended with risk or danger?—With both, I think.

Do you consider, that such alteration, would contribute to diminish the fair influence of Catholics in elections?—From my own knowledge, I know very little of the nature of elections; I am inclined to think it would not diminish the fair influence of Catholics.

To what amount would you think it advisable to raise the qualification, from the present qualification of forty shillings?—I have heard, that it was proposed to raise it to ten pounds; I should think myself, that the lower classes of electors would think their rights too much abridged by its being raised to ten pounds; I should think, that five pounds would be a better standard; they would consider ten pounds qualification a hardship, I should think; but I know very little of the nature of elections.

In the observations you have made in regard to forty-shilling freeholders, do you apply your observations to counties at large, or do you also apply it to cities and towns?—I meant counties at large.

In point of fact, in cities and towns corporate, are there not persons of independent personal property, who only exercise their franchise by reason of a forty-shilling freehold?—I can only speak of Dublin; I know nothing scarcely beyond Dublin; and I thought the qualification for a freeholder, to exercise his franchise in Dublin, must be twenty pounds; I have myself no freehold in Dublin.

If any measure were adopted in places like Dublin, which limited the freehold right, would not the effect of that be, to give an undue and unfair preponderance to the corporate franchise of freemen?—I should suppose of course it would.

Would any measure that increased the corporate power of the freemen, be a measure that would excite discontent?—Clearly it would; great discontent.

You possess landed property in Ireland?—I do.

Have you yourself ever made any freeholders upon that property?—No, I have not.

Do you think, considering the manner in which freeholders are made in Ireland, which is entirely by the volition of the landlord, and the registering of them generally at his expense, and that they are carried up to the hustings to vote for whatever candidate the landlord chooses, just in the same way that the same person would carry his live stock to market, that under those circumstances, they possess the same feeling with respect to the elective franchise that they do in this country?—I should think they do not; they are driven up like sheep, to vote; I should think they do not possess the same feelings; I do not know, however, what the feelings are in this country.

Are you aware that in this country, in ninety-nine cases out of a hundred, a man is a freeholder by right of a property he possesses in fee?—I am told so.

Does not he in that respect differ very much from the Irish freeholder, who is totally dependant for his franchise, upon his landlord?—Certainly.

Should you, as a proprietor, think your own power and influence diminished by having the elective franchise raised from forty shillings to twenty pounds a year?—My own power would not; for I have not turned my mind at all to political subjects; I have not even registered my own vote in the county in which I have an estate; my residence in Ireland is confined to Dublin; I have not seen that estate for this ten years.

In what county is that?—In the county of Galway.

Why have you not registered your vote?—I have not been in the county these ten years; and I thought it might involve me in unpleasant circumstances, as I am acquainted with both the members, and some persons spoken of as likely to be candidates.

Do you consider that it would be desirable that a provision were made by the state, for the Roman Catholic clergy of Ireland?—I should think it would.

Dou think that such an arrangement would be acceptable to the Roman Catholic clergy or laity, if it were accompanied by the general measure of emancipation?—I should think it would, if accompanied by emancipation, but not otherwise.

Do you think, that otherwise, the clergy would ever be brought to accept of it?—They have entered into resolutions to that effect, that is, to accept no payment but from their flocks; they thought it might impair, if not destroy, the Catholic religion among their flocks, if they did accept it.

You mean, under existing circumstances?—Under existing circumstances.

Was not the ground of their objection stated to be, that they might be considered as purchasing an advantage for themselves, whilst the laity were left in a state of exclusion?—That was the ground.

Have you ever heard of it being likely that any Catholic property will be transferred out of Ireland, in case the civil disabilities are longer continued?—I can answer that question with regard to myself, for I mean to leave Ireland in consequence of the civil disabilities existing, as I now can leave Ireland: I find it not a pleasant residence.

Does the unpleasantness of the residence arise to you, from the disabilities under which you labour, or from the party feeling to which religious differences have given rise?—I take it, that the civil disabilities create that party feeling.

Which is the inconvenience which you peculiarly suffer; is it the political disability, or the inconvenience of party feeling?—I never sought for any place, it is from social intercourse being poisoned.

Do you think that there are other Catholics disposed to take the same step as you say you yourself are inclined to do?—It is natural to suppose there are; I have heard many say, they would leave Ireland if they could with convenience.

Do you think that any proportion of Irish capital will be transferred to other countries, in case the disabilities under which the Catholics labour now are continued?—I should think there would; I have myself some capital in France.

You having retired from business, do not mean to say, that in leaving Ireland you would transfer your capital, but you would transfer your residence?—I would transfer my residence.

Because the civil disabilities under which the Catholics labour, make Ireland not so pleasant a residence as you think you can meet with elsewhere?—Yes.

Have you ever heard, that in case emancipation was granted, that Catholics connected with Ireland, who now reside abroad, would come to Ireland, and bring their property with them?—I have not heard of Catholics who reside abroad having much property abroad, but I should think it is probable they would reside in Ireland if Catholic emancipation were granted.

Veneris, 11° *die Martii*, 1825.

LORD VISCOUNT PALMERSTON, IN THE CHAIR.

Lord *Killeen*, called in; and Examined.

WHERE do you reside in Ireland?—In the county of Meath.

Do you act as a magistrate in that county?—Yes.

Is the police establishment under the new Constabulary Bill—introduced into the county of Meath?—It is.

How long has it been introduced?—Since the month of December 1822.

How are the appointments of the police made in that county; by what authority?—The constables and sub-constables were appointed by the magistrates; the chief constables of course by the government.

What description of individuals were appointed as constables and sub-constables by the magistrates?—They selected in the first instance, those of the old baronial constables, who were qualified from their conduct, their age, and their learning, those who could read and write, which is a necessary qualification for them; afterwards the magistrates appointed those that they thought likely to fill the situation with advantage.

How have the expectations of the magistrates been answered, by the conduct of the individuals who have been so appointed?—Generally speaking very well.

Have you had an opportunity of comparing the conduct of the police in your county, which has been appointed by the magistrates, with the conduct of the police in other counties, which has not been appointed by the magistrates?—Not exactly.

Do you consider that any good effects have arisen in consequence of the magistrates taking upon themselves to make those appointments, and making them from the body of the people in the county?—Certainly; I consider that where the magistrates have made the appointments, the appointments

have been better made than by leaving it to chief constables, as it has, I understand, been done in other places.

Have any ill effects arisen out of the appointments made by the magistrates, by reason of the local prejudices or connexions of constables appointed?—Not in the county of Meath; I am not aware of it.

What description of persons are appointed by Government, as chief constables in the county of Meath?—Half-pay officers in general.

Havethose appointments been such as to render the police of your county efficient?—I think they have.

Are there any defects in the present constabulary system in Ireland, which have suggested themselves to your lordship's mind?—Yes; it is the practice constantly when a man behaves ill in one place, to remove him to another; I speak of the constables, not of the chief constables.

What would your lordship suggest as a punishment in place of his removal?—It is hard to say.

Can you state any particular instances in which this power of removal for some misconduct, operated to the prejudice of the police establishment in the county of Meath?—No.

Has it produced any evil consequences when it was done?—Not that I am aware of; because the persons have been removed to a distance, and have been lost sight of.

Are there any other defects in the present constabulary system, to which you would wish to point the attention of the Committee?—In the old baronial constable system, the police was so exceedingly deficient and inefficient, that we were very glad to have the Constabulary Bill; and the county of Meath was one of the first in which it was introduced.

Is the system of petty sessions introduced into the county of Meath?—Yes.

Is it universally acted upon?—I think now it is universally, in the county of Meath, within a few months; but, in some parts of it, it has been in existence for two years, or two years and a half.

Is your lordship acquainted with any magistrates who still continue to act individually, after the introduction of the petty sessions system?—No.

What alteration do you conceive was introduced into the practice of magistrates by the establishment of the petty sessions?—I think the establishment of petty sessions has given the people a very great confidence in the decision of magistrates.

Has that confidence resulted from the openness of the proceeding, or from the combined administration of justice by two or more magistrates?—From both.

Do you conceive that it has made any difference in the expenses attendant upon proceedings before magistrates?—Not in the county where I reside. I think it has not, because the magistrates immediately around us, were not what are called trading magistrates.

What do you understand to be meant by trading magistrates? —Magistrates who have not much stake in the country, and who receive payment for warrants and summonses, *&c.*

Was that at all a common practice in Ireland?—I understand it was.

Is it common still?—I think not.

What species of misbehaviour of constables is that for which they have been removed to other parts of the country—There is at this moment, I believe, I speak merely of the county where I reside, a person of the name of Rowley whose wife was a Roman Catholic; she was ill in labour, and wished to see the Roman Catholic clergyman; her husband, who was a Protestant, did not choose that she should see a Roman Catholic clergyman: he sent for a Protestant clergyman, and the Protestant clergyman, finding that the woman did not wish to have his assistance, retired, and recommended that a Catholic priest should be sent for. The woman died without seeing any clergyman. That man was reported to the superintendent of the county, and he was removed to another post or station.

Then his misbehaviour was not connected with his public duty as constable?—No.

Are the Committee right in supposing, that the circumstances of misbehaviour for which a man is removed from one station to another, are circumstances not so much connected with his duty as a constable, as for his conduct in other particulars, which may have rendered him obnoxious in the neighbourhood?—I think not; that is the only instance I can speak of from my own knowledge.

Have not the police in the county of Meath, in some instances, been unfortunately obnoxious to the inhabitants where they have resided?—They have.

In those cases, were the constables originally selected from the district where they were stationed?—I cannot say for certain.

Has it not been the practice, to bring the misconduct of those constables before the magistrates assembled at petty sessions, by the chief constable?—It has.

Therefore any misconduct has been taken cognizance of before the petty sessions, and they have come to some decision with respect to that misconduct?—In general.

The punishment has been inflicted under the direction of the

chief constable?—The only punishment I believe, that the Constabulary Bill allows, is removal or dismissal; there is not military discipline.

In what respect have the police rendered themselves obnoxious in the eyes of the people at large?—There was a case at Summer Hill, the facts of which I do not at this moment exactly recollect; I know it only from hearsay; a case of what was called murder, there was a death.

Is your lordship aware, whether the individuals, who were concerned in that death, were brought to trial?—The assizes are, at this moment, going on.

In that case at Summer Hill, was the cause of quarrel at all connected with difference of religious belief?—I believe it was.

Are you aware, that the magistrates have the power of fining constables for ill-behaviour?—Yes.

And of dismissing them?—Yes; I think it is the government that has the power to dismiss.

And of reducing them from one rank to another?—Yes.

When did that case, that you mention, occur at Summer Hill?—Some months ago; I am not quite certain as to the precise time; but it is since the last assizes.

Where are your petty sessions held, in what situations in the county of Meath?—I think at this moment the county is divided into seven or eight districts.

In what description of houses are they held?—We have four quarter sessions towns where there are court-houses; and in the other towns they are held in the best houses which can be had.

There is no power existing by law at present, to establish small court-houses for the purpose of holding petty sessions?—I believe not.

Do you conceive the administration of justice in those petty sessions would be more regular, and more impressive upon the minds of the people, if there were small court-houses established at the different stations where the sessions are held?—I am sure of it.

Have you heard, among the magistrates in the county of Meath, any complaint of the uncertainty of the present state of the law, with regard to the fees that are to be taken for the clerks of the petty sessions?—Yes, I find it is complained of a great deal.

Do not you conceive that it would be very desirable, that the fees that are to be taken upon justice business, should be fixed and ascertained by law?—I think it would.

Is there a record in writing kept at the petty sessions in the county of Meath with which your lordship is acquainted, of

their acts done?—Yes, every case is entered in a book, and the decision upon such case.

In case that practice should not be universal in other parts of Ireland, do not you think it would be desirable to make it imperative upon the magistrates presiding at petty sessions, to preserve a record in writing of all their acts?—I do, certainly.

Is the attendance of the chief constables, constant at the petty sessions?—At the petty sessions that I attend, invariably the chief constable is present; I have never known him to be absent.

Has it ever occurred to your lordship, that it would be desirable to confer upon the magistrates, at petty sessions any power of proceeding in recovering small debts?—No, I have never thought of it.

Do you not think that the establishment of court-houses at different places throughout the county, where petty sessions are held, would cause a great deal of discontent amongst the population of the county, on account of the expense of it?—The expense might create discontent; but I am sure, in some towns, it would be very beneficial to have a public court, because the great advantage arising from the system of the petty sessions, is its publicity and openness.

How are houses now provided at those places?—I do not know; where I attend is one of the quarter sessions towns.

Have you heard any complaint in the towns which are not quarter ssessions towns, from the magistrates, that they are insufficiently accommodated?—Not from the magistrates; but I have heard from a chief constable who attended another petty sessions where I do not go, that there was a great inconvenience arising from want of a large and proper house.

What is the species of duty that devolves upon the magistrates at petty sessions?—Chiefly servants' wages accounts.

And informations?—Of course; but I should state, that as the county I live in is very tranquil, that one half of the year there is scarcely any business but those small complaints of the servants against the masters, for wages due.

Do not you apprehend, that the giving to the petty sessions a jurisdiction in small debts, would entail upon them a very burdensome duty?—I think it would.

Do you conceive that the gentlemen who live in the neighbourhood, would be willing to undertake to give up so large a portion of their time as would be necessary for the settlement of such questions?—I cannot possibly answer for others; some gentlemen I dare say would.

Do you think it necessary, considering the mode in which those questions are decided now, that such a jurisdiction should be given to the petty sessions?—No.

What time do the petty sessions ordinarily occupy?—We meet at twelve o'clock, and we generally break up from four to five.

How often do you sit?—Once a week.

Does it occur to your lordship, that, constituted as the magistracy is, and necessarily constituted, in consequence of the number of absentee proprietors, that great inconvenience might arise from extending the jurisdiction of the petty sessions, in cases of wages and debt?—From what I have heard in other parts of Ireland, I should suppose it would.

When you speak of its being a fit tribunal to extend the jurisdiction of, you refer to that part of the country with which you are acquainted?—Yes.

Have you ever turned in your mind to what limit the jurisdiction, with respect to the recovery of small debts, might be extended?—No; six pounds, I think, is the highest sum to which a magistrate is now empowered to go.

To what do you think it might be beneficially extended?—I should think, in cases of wages, very safely to ten pounds.

You act as a grand juror?—Yes.

Have you been able to trace any material reduction in the number of bills which are sent in to the grand jury, subsequent to the establishment of petit sessions in the country?—No, I do not know that I have.

Are there any parts of the county of Meath, where it is difficult to form a court of petit sessions, owing to the want of magistrates?—Except perhaps for the want of a proper house, there are quite or nearly magistrates enough to form a bench.

In what district of the county does your lordship state it has been difficult to form a court, in consequence of the want of a house?—I mentioned just now having heard from the chief constable, that at a town called Longwood, there was an inconvenience arising for the want of a court-house.

How far distant is that from any other place where petit sessions are held?—Probably six miles.

Has not the establishment of petit sessions considerably contributed to general good will in the country, to the arrangement of quarrels among the common people?—Certainly.

And given general satisfaction?—Yes.

Is it at all the habit of the people to come to the petit sessions, to refer their own little disputes to the magistrates for amicable determination?—Yes, they do.

Are the magistrates willing to lend their assistance in such cases?—Perfectly so.

Has that a tendency to increase the confidence of the people in their legal decisions?—I think it has.

Do not they also apply to individual magistrates for the amicable settlement of their petty differences?—They do; but in general, in the district where I live, we came to a sort of an understanding, that we should never act individually.

Does your lordship apply that to acting judicially, or to acting in an amicable and friendly manner?—I fancy the arrangement was made with a view to acting judicially, but a magistrate would scarcely refuse to be a friendly arbitrator.

Are the people in your lordship's neighbourhood ever in the habit of referring their differences to each other, to what they call The saying of two men?—Very constantly.

Are they apt to be satisfied with those arbitrations?—They are.

Would the presence of a paid magistrate meet with displeasure among the magistrates in general, in your lordship's apprehension?—Certainly; I think it would meet with great displeasure.

Would it not have the effect of indisposing the unpaid and ordinary magistrates of the country from giving their attendance at all?—I think it would.

Are you aware how the appointment of an assistant barrister at quarter sessions, being a paid magistrate, has operated in regard to the ordinary attendance of the magistrates of the county at quarter sessions?—I do not apprehend that has caused any difference, because the assistant barristers sit besides, to decide civil bill causes; and upon the days upon which assaults and other criminal questions are decided, there is always a good attendance of magistrates.

On the revision of the magistracy, were many gentlemen superseded in the commission of the peace for the county of Meath?—I think only four.

Are there many Catholic gentlemen in the commission of the peace?—I believe ten or eleven.

What may be the number of those in the commission?—There are more than fifty; but I cannot be positive as to the exact number.

Have any of the magistrates who were superseded been appointed?—I believe not.

Does the number of Catholic magistrates in the county bear a fair proportion to the Catholic property as compared with the Protestant?—Pretty nearly.

Has the sub-division of property gone on considerably in the county of Meath?—Not so much as in other parts of Ireland, because it is a grazing county.

Is there any considerable extent of church lands or college lands in the county of Meath?—Not a great deal I think.

Has your lordship been able to perceive any distinction between the subdivision of property upon college and church grounds, or lands upon which there are no freeholds granted, as compared with lands upon which freeholds have been granted? —I am not sufficiently acquainted with the church and collegiate lands to be able to answer that.

Have you ever heard of any objection being made in Ireland to the purchase of lands, upon the ground that the original title of those lands had been forfeited, and patent subsequently granted?—Never.

You have never heard of any disinclination on the part of Catholic purchasers to become possessed of estates so circumstanced?—Never.

Nor do you believe any such disinclination to exist?—I have no reason to believe it.

Are there a considerable number of freeholders registered in the county of Meath?—Very small indeed, compared with the size of the county.

Have you perceived any inconveniences to result in the administration of landed property, by reason of the 40*s.* freehold system?—I think it is a bad thing for the proprietor of the soil.

Will your lordship have the kindness to explain in what respect you conceive it to be a bad thing?—A great sub-division of property producing a great many small holdings, and poor tenants, I think, injures the proprietors of the soil.

How does your lordship conceive it to act upon the constitutional principle of representation; are the 40*s.* freeholders of Ireland a class in the community, that exercise their own free judgment in the choice of a representative?—I have heard that, in many instances, they do; in other cases, and I believe more generally, they follow the interest of their landlord.

As far as the interests of the landlords are concerned, your lordship would see no objection to an extension of the qualification from 40*s.* to a higher sum?—My answer to that question would depend a great deal upon what the higher sum were fixed at.

Supposing that higher sum to be 10*l.* or 5*l.* what would your lordship's answer be?—I think that it perhaps would encroach a good deal, even at 10*l.*, upon the principle of popular representation.

The question is directed simply to the interest of the landlord, as between landlord and tenant, whether, in the management of the land, the interest of the landlord would be better secured by a qualification of 10*l.* than, as it is now, a qualification of 40*s.*?—I should consider, that the interest of the

landlord would be benefitted by having a richer class of tenantry.

How do you conceive that such a measure would act upon the interest of the tenant?—I cannot exactly say.

If the system of dividing holdings into 40*s.* freeholds has been injurious to the landlord in dividing the land, might not the system of throwing a great number of those small holdings into one large one, for the purpose of making one freehold, be injurious to those who are now occupiers of the land?—I think it would.

Do you conceive that the subdivision of land which has been going on in Ireland, promotes, in any respect, the comforts of the tenantry?—I should think it does. I believe that in some instances, landlords, for the sake of having a freehold interest, consult the comfort of their tenantry; but I speak here not of my own knowledge.

In a former part of your examination, your lordship was drawing a distinction between the 5*l.* qualification and the 10*l.*, and suggesting, that a qualification so high as 10*l.* might be too great an encroachment upon the popular principles of our representation; do the same observations apply to 5*l.*?—No, I think that 5*l.* would not encroach too much upon the political privilege of popular representation.

What description of holding, or what amount of rent, do you think would leave to the tenant an interest of 5*l.* per annum in his holding, upon your own estate, for instance?—I cannot possibly answer that question in a moment.

What is the size of those holdings, upon which at present the lessees will swear that they have a 40*s.* interest, as far as your own knowledge goes?—About two acres with a house; from two to four and five acres.

That, of course, must depend upon the rent?—Yes.

What rent is generally paid, as far as your personal and local knowledge goes, for those holdings of three or four acres? Those four acres, with a house, will let from 2*l.* to 50*s.* per acre.

That would make it a holding of 7*l.* 10*s.* a year?—The question, I understood, referred to my father's estate.

Then a rent of about 7*l.* or 8*l.* paid to the landlord, will leave a 40*s.* interest to the lessee?—Yes.

The land in the county of Meath is very rich?—Generally very good; there are parts of the county very rich, and other parts, where those freeholders are made generally, are not so good.

Do you not know instances of a very large quantity of ground being in the possession of a farmer, who will register a 40*s.* freehold only?—I do not know of any such instance.

If the increased qualification for voting was to be made *5l.* do you not think that such change of qualification would be a wise measure for Ireland?—If I am asked that question distinctly, and unconnected with what is called the question of Catholic emancipation, I should say it is not politic or wise.

As accompanying the grant of the Catholic claims, do you think such a change of qualification expedient?—I think it would be; in fact, I am not quite prepared to answer that question, because my own mind is not quite made up on the subject. If the alteration were proposed without Catholic emancipation, I know it would produce very bad effects; if accompanied with Catholic emancipation, I think it might perhaps be beneficial.

The increased qualification would tend to check the subdivision of land?—I think it would.

And the multiplication of paupers?—Yes.

You stated, that you thought that the existence of the *40s.* franchise, and the desire that many landholders have to extend their freehold interest, induced them to add to the comforts of their tenantry; in what way do you mean to state that to occur?—I did not state that of my own knowledge; but I had heard instances had occurred, where landlords have been induced to give a good tenure and a house, and have so far benefitted their tenantry.

Then the benefit of the tenantry is, in fact, giving them a freehold lease?—Certainly, giving them an interest in their farm.

Does not the giving that freehold lease, coupled with the same desire of extending a freehold interest, add very much to the system of multiplying small holdings?—Yes.

How many have you known to be registered out of one holding as freeholders?—I think I never heard of more than one.

Is the system of joint-tenantry extensively acted upon in the county of Meath?—I believe not.

Has there been a contested election in the county of Meath, lately?—Never, never since the union.

Has there been one since the elective franchise was granted, in the year 1793?—I believe there was one not long before the union; I do not recollect it myself.

Then, in point of fact, the system of multiplying freeholders, which ha prevailed in other parts of Ireland, has not existed to any great extent in the county of Meath?—No, excepting in the boggy districts where poor people crowd together for the advantage of fuel, which is very scarce in that county.

Would your lordship venture upon an opinion, as to what impression would be produced upon the minds of those persons,

who are now 40*s*. freeholders, in the event of their being disqualified, in consequence of the raising of the qualification of freeholders to 5*l*.?—As I stated before, I think if it was made a part of the question of Catholic emancipation, they would not be so adverse to the measure; but if it were proposed without that measure, I am quite certain their feelings would be hostile to the change.

Does it appear to your lordship, that the general class of 40*s*. freeholders take much pride, or set much value upon the possession of the elective franchise?—As I was asked just now, whether we had ever had a contested election, and as I answered that we have not had one, I can give no very decided answer to that question.

Have you ever heard, in any one county in Ireland, of a candidate canvassing the 40*s*. freeholders of the county?—It is not usual.

In point of fact, whom does the candidate generally canvass, when a contested election is apprehended in other counties?—Generally the great landed proprietors.

Did you ever know an instance of a candidate going about canvassing the 40*s*. freeholders?—No.

Does not your lordship think those 40*s*. freeholders attach a good deal of value to the circumstance of their being freeholders, and that they may look up to the successful representative for whom they vote, for some little advantage after they have given him their services?—I have no doubt that they do.

Do you not apprehend, that the proprietor of those votes is more in the habit of looking up to the successful candidate, than the 40*s*. freeholder himself?—I should think, both landlord and tenant place some value on it.

Your observations, with regard to the franchise, are applied solely to counties, not to cities and towns?—Only to counties.

Are there not, in the county of Meath, several very considerable towns, in which the inhabitants are 40*s*. freeholders, which are not corporate towns or cities?—There is only one town, in the county of Meath, that returns a member.

Are there other considerable towns besides that, which do not return members?—Yes.

What would be the effect upon persons who reside in those towns, in the event of their being deprived of their franchise, or by the qualification being raised to 5*l*.?—I should imagine that they would view the alteration with jealousy.

Are they not equally deriving their interest under some great landed proprietor; or does your lordship mean, that the freeholders in those towns are fee simple proprietors?—In the towns

of which I speak, I believe they are chiefly deriving under great landed proprietors.

And following the interest of their landlords in the same manner as other freeholders?—Yes, generally.

Is it not pretty much a matter of notoriety in Ireland, that those voters are driven to elections?—I have heard of its having happened.

Generally speaking?—Generally speaking.

Have you ever heard of the voters of a particular landlord being kept in confinement until they voted, to prevent communication with other parties?—I have never heard of that.

Or of their being put into the pound?—No.

Do you happen to know how many voters there are in the county of Meath?—I heard some time ago, that there were not above a thousand registered voters.

Possibly, the majority of those are not merely 40*s*. freeholders?—Many of them are.

Do you not apprehend that many of the 40*s*. freeholders in the county of Meath, from the largeness of their tenures, might register themselves 20*l*. freeholders, if they chose to do so?—Some might, but not what are commonly called the pauper 40*s*. freeholders.

Have you ever heard that a landlord has made it a personal quarrel with a candidate for canvassing his tenantry?—No, I never heard of that.

Does your lordship believe that a provision for the Catholic clergy, made by the state, would be acceptable to the clergy of the Catholic church in Ireland, being made a part of, and being accompanied with or following Catholic emancipation?—I have had no communication whatever with any of the Catholic clergy upon the subject, but as far as my own opinion goes, I should think there would be no objection to it.

Does your lordship think that any objection would be felt by their flocks, by those holding the Roman Catholic persuasion?—I see no reason why there should be, after Catholic emancipation.

Would it be received, on the contrary, as a great boon on the part of Parliament, to those who now complain of having to support two establishments?—Always speaking of it as connected with Catholic emancipation, I believe the peasantry would have no objection to such a measure.

Is your lordship apprized generally, of the amount of income of the parish clergy of the Catholic church?—I have heard that some parishes produce perhaps 300*l*. a year; but I believe there are very few instances.

What is the average, do you suppose, in your own county?

—I should think, as with us the population is not very great, perhaps from 100*l.* to 150*l.* would be a fair average.

Is that exclusive of the stipend to the curate or coadjutor, as he is called in the Catholic church; has the clergyman to pay out of that his assistant?—Certainly; the curate is generally paid by the parish priest.

Has he no sources of income, except what he receives from the parish priest?—I fancy not; the curates are very poor.

Are you aware of the income of the clergy of the city of Dublin for instance, or Cork; have you ever heard any estimate of their incomes?—The parishes in Dublin, some of them, are very valuable.

Of what value do you suppose?—I have heard some of them are as high as 500*l.* per annum.

Your lordship having stated, that you conceive the measure of a provision for the Roman Catholic clergy would be acceptable to them and to the laity in Ireland, if accompanied with Catholic emancipation; does your lordship mean to suggest, that unaccompanied with that measure, a provision for the clergy would not meet with such acceptance?—I am quite sure it would not.

Can your lordship form any opinion whether the payment of the Roman Catholic clergy by the state, would be followed with an abandonment, on the part of the Roman Catholic clergy, of the fees they are now in the habit of taking?—That would depend in a great measure on what the amount of the provision was to be.

Do you think there would be any objection on the part of the Catholic body at large in Ireland, to allow the Crown the power of a veto upon the appointment of the Roman Catholic bishops?—Very strong indeed.

Do you think the same objection would extend to the interference of the Crown in the appointment of all the Catholic clergy?—I do.

Would there be any objection to confining the appointment to what is called Domestic nomination, so as to exclude altogether the power of the Pope in originating the nomination?—I am inclined to think that the inferior or second order of clergy would like what is called Domestic nomination.

Will you explain what you call Domestic nomination?—It is very difficult for a layman to do that.

You confined your opinion respecting the attachment felt to domestic nomination, to the inferior clergy; was that from accident or from any intentional limitation of meaning?—By the inferior clergy, I mean the parish priests; what are called the second order of clergy.

Why should the superior clergy not be of the same opinion?

—Because I know that in many instances the superior clergy do not like the popular election which has taken place by the parish priests.

Have there not been elections by deans and chapters in Ireland?—There have.

In which the choice originated with them, and has been confirmed by the See of Rome?—There have.

To that species of domestic nomination, your former observation does not apply?—No, by inferior clergy I mean to exclude only the bishops.

Do you mean that the bishops would object to the nomination taking place by deans and chapters?—Not by a dean and chapter, but by popular election.

When in the answer in question, you expressed an opinion as to the sense of the Catholic church upon domestic nomination, you meant to confine yourself to one particular mode of domestic nomination, the election by the inferior clergy?—There are dioceses in which there are no dean and chapter, and in that case the election has been a popular election, by the whole body of parish priests and curates.

To such election you conceive the superior clergy might feel indisposed?—I think they are rather adverse to that mode.

In those cases, where the election was amongst the body of the inferior clergy at large, was there not, in point of fact, a contest between them and the superior order, who claimed a right of postulating a coadjutor bishop, or electing a successor?—Jealousy sometimes exists.

Are the Catholic laity extremely jealous of the interference of the Pope, in any thing excepting the most purely spiritual matters?—No.

Has there been any interference of the kind, to be jealous of?—Not that I am aware of.

If the Pope did interfere in any thing except what was purely spiritual, would there be any jealousy; there are some things in which the spiritual and the temporal authority are very much mixed; and you hardly know where the spiritual authority begins and where it ends; now in questions of that kind, would not the Catholic laity be disposed to be jealous of the interference of the Pope, if he started beyond what, in the greatest latitude of the term, is called the spiritual part of the question?—It is a question upon which the people of Ireland think very little.

In point of fact, is there any interference in temporal matters by the Pope?—None, that I know of.

Do the Catholics hold, that the Pope has any right to interfere

in temporal affairs? – No; he has no temporal authority in Ireland.

Are there any appeals to the Pope in cases of marriage? – I do not know of any, except to obtain dispensations.

Is not marriage one of the sacraments in the Catholic church? – Yes, it is.

For how many years has your lordship acted as a magistrate, in the county of Meath? – About three years, as long as my father acted as a magistrate, I never took out a commission of the peace.

Your lordship has acted as a grand juror? – Yes.

Have you witnessed, in your county, any unfair prejudice in the administration of justice, as between Catholics and Protestants, in the assize courts and sessions courts?—I do not recollect any instance of prejudice or partiality at this moment.

Are the juries composed indiscriminately of Chatholics and Protestants? – Generally more Protestants than Catholics.

They are indiscriminately composed? – Yes; mixed juries.

Have you ever heard it objected to the formation of juries, or pannels of juries, that religious party has found its way into the formation of them? – I know, that when the parties are of different religions, there is a distrust.

In what instances, or when?—The qnestion has just recalled to my mind an instance, and a trivial one, in fact, but which will show the feeling of the poorer classes upon this point, at the quarter sessions, where there was a policeman to be tried for an assault; the policeman was a Protestant; the other persons were Catholics; and it was stated, and believed by the Catholic peasantry, that the petit jury were chiefly Protestant.

The policeman was the person to be tried?—There were two actions; there was an action of assault brought against the policeman, and a counter action for assault brought by him against the other party.

Had the policeman a right of challenge upon such an occasion?—If he had, I do not think he availed himself of it.

You say the jury were Protestant chiefly?—I was told chiefly so; but the man was acquitted.

Was the policeman acquitted?—The bill, as against the policeman, was ignored by the grand jury; the bill, as against the other man, was found by the grand jury; but he was acquitted by the petit jury.

Was the petit jury Protestant or Catholic?—Upon the petit jury, I understand, there were one or two Catholics, but I am not certain; I know it was not *exclusively Protestant;* and I mention this case merely to show the distrust which the lower

orders have in the administration of justice, when the parties are of different religions.

But the policeman was never brought to trial?—The bill was ignored, as to him.

Is that the only instance of which you have heard?—In conversation, I have heard of many.

Has your lordship observed, among the lower classes of Catholics, a disposition to apply rather to Catholic magistrates than to Protestants, for redress of injuries they may conceive themselves to have sustained?—I think, in general, they have more confidence when they see both parties united; and that is one of the great advantages which, I think, has resulted from petty sessions.

Have any instances come within your knowledge, in which they have gone to a Catholic magistrate more distant, instead of to a Protestant nearer, before the establishment of the petty sessions?—I do not know myself, but I believe it sometimes happens.

Do you think, that the circumstance of the exclusion of Catholics from the office of sheriff, tends to cast any doubt upon the administration of the law, through the medium of juries, returned by sheriffs so appointed?—I do, particularly amongst the lower orders.

Do you think, that that exclusion so existing, has, in point of fact, produced an impression upon the minds of the Catholics in Ireland?—I think, that as long as Catholics are excluded from the office of sheriff, and thereby prevented from forming juries, the Catholic population will not have the same confidence in the juries that it otherwise would have.

Are not Catholics sub-sheriffs?—They are eligible, I believe.

Is it not the sub-sheriff that summons all the petit juries, in point of fact and in practice?—Yes.

And Catholics do serve upon the petit juries?—They do.

Is not the sub-sheriff, where he does interfere in summoning juries, only a ministerial officer acting under the authority of the high sheriff?—I should fancy so.

So long as the high sheriff is necessarily a Protestant, do you not conceive that some degree of distrust must exist with regard to juries, even though they are appointed through the medium of a Catholic sub-sheriff?—I do.

Is there not, generally speaking, a very fair representation of the Catholic property upon the grand juries?—In the county of Meath, very fair indeed.

Does not that extend to petit juries?—Yes, I believe it does.

In point of number, is there not generally a majority of Ca-

tholics upon the petit juries in the county of Meath?—Very often; I believe I may say generally.

Is the sub-sheriff in Meath, Catholic or Protestant?—I do not know.

Are you aware, at any period, whether he was or not?—I believe, last year, he had been a Catholic, but I have no knowledge of it.

So that, in point of fact, where the usage may have been to appoint indiscriminately a Catholic or a Protestant, your lordship has not considered it at all material, or of any consequence to inquire, what the profession of faith of the officer was?—I have never asked the question.

Mercurii, 16° *die Martii*, 1825.

LORD BINNING IN THE CHAIR.

The Right Reverend *James Doyle*, D.D., Titular Bishop of Kildare and Leighlin, called in; and Examined.

You are the Roman Catholic Bishop of Kildare and Leighlin?—I am.

According to the principles which govern the Roman Catholic church in Ireland, has the Pope any authority to issue commands, ordinances, or injunctions, general or special, without the consent of the King?—He has.

If he should issue such orders, are the subjects of His Majesty, particularly the clergy, bound to obey them?—The orders which he has a right to issue must regard things that are of a spiritual nature; and when his commands regard such things, the clergy are bound to obey them; but were he to issue commands regarding things not spiritual, the clergy are not in anywise bound to obey them.

Does it not happen frequently, that there must be such an intermixture of spiritual and temporal power in such cases, that it is very difficult to know where the spiritual power ends, and where the temporal power begins?—Such difficulties have occurred from time to time; but I conceive, that at present, and even for some centuries past, the limits between the temporal and spiritual things, which such commands of the Pope might affect, are so well ascertained, that no mistake could, morally speaking, possibly at present occur.

Is the authority of the Pope in spiritual matters, absolute or limited?—It is limited.

Is it limited by the authority of councils?—It is limited by decrees of councils already passed; it is limited by usage, also, in this respect, that when he directs any decree respecting local discipline to any nation whatsoever, beyond the limits of his own territory, (I mean by his own territory, what is called the Patrimony of St. Peter, or the Papal States,) the assent of the bishops of such country is necessary, in order that his decree have effect.

Would it be possible, according to the discipline of the Roman Catholic church, to hold a council in Ireland, without the consent of the Pope?—It would be possible to hold a council in Ireland, without the consent or the knowledge of the Pope; but such decrees of that council, if it were a national, or even a provincial one, as would regard faith or discipline, would not have force, unless they were approved of or sanctioned, after being passed here, by the Pope; but every bishop, within his own diocese, has the power of holding a diocesan synod or council, the decrees of which have force, independent of the Pope, and without his being made acquainted with them.

In the event of what is generally called Catholic Emancipation being granted, and an incorporation of the Catholics with the government of the country, would the Roman Catholic church consider it an usurpation on the part of the King, to order councils to be held for the regulation of the Roman Catholic church, in matters of discipline?—We do not recognise an authority in any lay person whatsoever, to convene a council, or to order one to be held, unless he do so at the desire of, or in conjunction with, the ecclesiastical authority.

That, under no circumstances, could take place?—I do not know that were His present Majesty to wish that a council were held, and to signify such His Majesty's pleasure to the Catholic bishops in Ireland, in such case, I have no doubt, but they might hold, and even would hold, such council.

Would such council be, according to the laws of the Roman Catholic church, absolutely illegal, without the consent of the Pope?—No; but the decrees of such council would have no validity, unless they were approved of and sanctioned by the Pope; however, the holding of such council would be perfectly legal. The Committee are not to understand, by what I have said, that we would recognise in His Majesty a right to convene such council, or to order it to be held; but only that we, as subjects obedient to His Majesty, and willing, in all things lawful, to conform to His Majesty's will, that we would, upon an intimation made to us, cheerfully hold a council, and deli-

berate upon any matter which he would submit to our consideration.

Supposing there was a representative of the Pope in this country, would the Roman Catholic clergy have any objection to allow the power of such representative to be strictly defined?—Instead of being opposed to it, they would most anxiously desire that his power should be strictly defined; and there is no class of persons within the kingdom who would profit so much from that specific definition of his power, as the Catholic bishops.

Would there be any objection to allow the King of Great Britain the power of refusing any representative from the Pope to reside in these kingdoms?—His Majesty is prevented, as I conceive the law now to stand, from holding any communication with the Pope, or permitting any envoy or nuncio of the Pope to reside within these kingdoms.

Supposing the law was to be altered, would you then have any objection to His Majesty having that power?—I cannot see how we could have any objection to it, because if such a person was resident in the country, the ordinary business which we now transact at Rome could be transacted with him; and if he were to be removed from the country, or not permitted to come into it, we should only continue to communicate with Rome, in the same manner as we now do.

Would there be any objection, on the part of the Roman Catholic clergy, for the legislature to demand from the legate, before he is allowed to exercise his functions, a solemn written promise, not to attempt any thing against the laws of the kingdom, or to continue in England or Ireland beyond the pleasure of the King, or of the privy council?—To the first part of what is stated, so far from having any objection to it, we should be glad that such a demand were made of him. As to the second part, it is a matter about which we should not, properly speaking, form any opinion. Whether the King were to have such a right or not, is a matter about which, I think, we need not in any way be consulted; it would rest between His Majesty and the court of Rome, and we would, as I conceive, have nothing to do with it; but as to the requiring a pledge by oath, or otherwise, from the nuncio who might be placed in this country, that he would not in anywise interfere with the temporal or civil concerns either of His Majesty, or of His Majesty's subjects, so far from having an objection to that, we should rejoice at it, because we would not wish that he should so interfere in any way. We would also be glad that such a declaration were made by him, be-

cause that would go far to satisfy the minds of those who differ from us in religion, as to the sentiments which we entertain with regard to the Pope, or his envoys.

Can the court of Rome, of its own mere volition, give orders for levying tithes, taxes, impositions, alms, contributions, or any money for bulls of pardon or indulgences, upon the Catholic people of Ireland?—I state distinctly, that the Pope has no power in any shape or form, or for any purpose whatever, or under any pretence or pretext, or in lieu of any bull, rescript or indulgence, or permission, or manner of writing, or otherwise, which he may issue, or which he may direct here, to levy or require from the subjects of this realm any money whatever, or any equivalent for money.

Is it in the power of the Pope to absolve the Catholic people from their oaths of allegiance?—It is not.

Or to deprive his Majesty the King of his kingdom?—It is not, indeed.

Could any admonition, or excommunication, or interdiction by the Pope, excuse the temporal obedience of the Catholic laity or the Catholic clergy to the King?—Most undoubtedly not.

Could the Pope excommunicate a Roman Catholic holding an office under the Crown, supposing, for instance, the law allowed him to be a judge, for performing the duties of that office, even though a sentence pronounced by him might trench upon the supposed supremacy of the Pope in spiritual matters?—If it be a mixed matter, in which civil rights are concerned, certainly such judge could not be molested or excommunicated by the Pope for deciding according to the law, which he was bound by his office to administer.

Is there any jurisdiction, according to the discipline of the Roman Catholic church in Ireland, allowed to the Pope, or to the Pope's legates, in matters concerning marriages?—In the discipline of the Catholic church, the Council of Trent has limited the degrees of consanguinity, and affinity within which marriages might not be lawfully contracted; for, by the Council of Lateran, held some centuries before, degrees of kindred within which marriages could not be contracted, were extended much more than they are at present. Now we recognise the Pope as the executive power in the Catholic church; and he is, on that account, enabled to execute the laws of general councils. Now, the Council of Trent has decreed, that marriages cannot validly be contracted within certain degrees of kindred; and the Pope, upon a sufficient cause being shewn, and not without it, has power to dispense in those degrees of kindred, and permit the marriage to take

place. A bishop even, independent of the Pope, has, by ancient usage, a right to dispense, in certain circumstances, with many such impediments as those to which I allude.

Suppose parties have not had recourse to the spiritual courts for those dispensations, is the issue of such marriages illegitimate?—We repute it legitimate according to law, and we recognise such issue as the rightful possessors or inheritors of property, but we do not look upon them as legitimate in the ecclesiastical sense; for instance, a son born of such marriage we could not ordain as priest, or consecrate as bishop; but the son of such marriage we would recognise, and it would be our duty so to do, as the legal inheritor of his father's title or estate.

Are there any other disabilities?—No other occur to me.

Has the Pope the power of legitimizing persons who must be considered as bastards in the ecclesiastical sense?—Such power resides with the Pope, and also in the bishop, in certain cases defined by law, which are very numerous.

By law you mean ecclesiastical law?—Yes.

Is there any jurisdiction, according to the discipline of the Roman Catholic church in Ireland, allowed to the Pope with respect to adultery?—I know of none.

Or perjury?—No, there is not; unless that which every bishop has, namely, a power of excommunicating a person notoriously guilty of it.

The cognizance of all those matters then, it is presumed, belongs to the civil courts?—Unquestionably.

And there can be no appeal from the decision of the civil courts to the Pope, in cases of adultery or marriage?—No, there is no such appeal at all, that I recollect.

Can any foreigner be appointed to a benefice in Ireland?—At present he can. The right of presenting to all the sees in Ireland was vested, by usage or by law, I do not know which, in the Stuart family, previous to their being expelled from these countries; and whilst a descendant of that family resided at Rome, he was accustomed to recommend to the Irish Catholic sees; from the death of the late Pretender till the present time, the right of appointment to bishoprics in Ireland has vested solely and exclusively in the Pope; but, from that period until the present, he has not in any one instance that has come to my knowledge, (and I have made very diligent inquiries upon the subject,) appointed any person, unless such as had been previously recommended to him by some person or persons in this country. The persons who so recommend generally, are the chapter, and where there is no chapter existing, the parochial clergy of the diocese, and the metropo-

litan or suffragan bishops who are of the province where the see happens to be vacant.

Can the Pope unite or incorporate livings in Ireland, without any reference to the bishop?—He can incorporate bishoprics in Ireland, without any reference to any authority here; but it would, on his part, be a stretch of power, against which, were it not done at our desire, we would remonstrate, and it could scarcely take effect; but the naked power is in him; the exercise of that power, however, is another thing, for it would regard the discipline of our church, and upon that, if he attempted to do any thing that did not meet with our full approbation, we should oppose to him what I might call *here* a constitutional resistance; and he could not easily carry it into effect against our will.

In cases of appeal to the court of Rome, respecting either the incorporation of livings, or the limits of parishes, which it is understood are frequently made?—With regard to the union or division of ecclesiastical livings here, the right of the Pope regards dioceses only, for the union or division of parishes is a right vested by law in the bishops.

If there be any dispute respecting the limits of a parish, the first appeal is to the bishop?—To the bishop.

Then there is an appeal from his decision to the court of Rome?—No; to the Metropolitan, and from him to the Pope; but in those matters appeals are seldom or never made, and if made, not countenanced, for they are only what we call the *causæ majores* that are referred to Rome, or about which appeals are properly made at Rome.

Can the Pope summon the attendance of any witnesses in such causes?—He might summon them, but to enforce their attendance, is another thing; the practice of the court of Rome in such cases, when testimony is required, always is, to appoint a commission here to take evidence, and to transmit the evidence to Rome.

Can the Pope, or his legate, grant a dispensation to a graduate at any university, at Maynooth for instance, or at any other college, to take his degree at an earlier period than the common forms of the university allow?—I do not know that the Pope has such a power; I think the granting degrees is a privilege generally derived from the King, and not from the Pope, outside the territories of the Pope himself; he has granted to religious orders the power of granting what we call a degree of master in theology, a rank which is equal to that of doctor for instance; but except this, I have known of no case where the Pope has, for the last four centuries, granted to any corporation or individual a power to confer degrees,

so that the exercise of that right on the part of the Pope, is, in some measure, obsolete; and I can scarcely inform the Committee, what he can or cannot do upon the subject, at present, but I can with great safety say, that the Pope is not disposed to revive a practice which probably he could not, were he so disposed, bring into use.

In the case of the Catholic emancipation being granted, and the Catholics being thereby placed on the same footing with Protestants, as regards civil rights in Ireland, would that make any difference in the ecclesiastical state of Ireland? —I do not suppose it would.

Is there any difference between a country that is considered in the state of a missionary country, and a country regularly under the Catholic church?—There is a material difference between a missionary country and one governed by a regularly constituted hierarchy; our church in Ireland is of the latter description, and not of the former; but our business with Rome, for the sake of convenience and dispatch, is transacted through the congregation *De propaganda Fide*, which watches over the missionary countries and their interests; but except that our business is so transacted, and Ireland thereby treated like a missionary country, I see no reason why it should be so considered either at Rome or by ourselves. We, in a word, do not consider our country as a missionary country, such, for instance, as England is, for we have a regularly constituted church.

Then it is not at all upon the ground of those transactions going on, as if Ireland was a missionary country, that the Pope has the nomination of the bishops in Ireland?—By no means; it is because the right of presenting was vested in a family which is extinct, and then the Pope, as the supreme head of the church, took to himself this right, which was, as it were, in abeyance, and acts upon it in the appointment of bishops, since the extinction of that family; for we do not, and cannot recognise in a prince, or in any number of persons professing a religion different from our own, a right to present to ecclesiastical benefices, if you call them so, or to offices having attached to them the care of souls.

In the case of the question of Catholic emancipation being granted, would there be any objection on the part of the Irish clergy, to an arrangement being made with the court of Rome, by which the nomination to the benefices in Ireland might become purely domestic?—We should be extremely glad, if such an arrangement were entered into, provided that such domestic appointment did not exclude, what we consider as essential to our Catholicism, namely, the right of the Pope to

give institution to our bishops, as he does for instance in France, to the Catholic bishops there.

In the case of Catholic emancipation being granted, would the Catholic clergy feel any objection to an arrangement being made, by which they might receive a salary for the performance of their ecclesiastical duties?—Upon that subject I could not make known to the Committee, the sentiments of the clergy as a body, or even of many of them as individuals; but I can tell what I think myself upon the subject: I should be adverse to the receiving of any emolument or compensation whatever from the Crown; and I should prefer receiving the slender support which I receive at present from the people whom I serve; but if His Majesty's government, or those through whose favourable exertions the Bill for our emancipation might be carried forward, were to require, as a condition, that I would receive such bounty as His Majesty might be pleased graciously to confer upon me, I should not refuse it if such refusal would be an obstacle to the passing of such Bill; but were I too choose for myself, I should prefer not receiving it. I would beg also to give the Committee to understand, that I would not, for any consideration whatever, receive a stipend or a means of support, which it would be in the power of His Majesty's government to give or withhold. If I were to receive any thing, I should expect it would be given, and that I would have a right to receive it, as long as I comported myself loyally and peaceably as it becomes a subject.

When you say, that you would consider that it would be proper that it should be liable to be taken away, in case of your not comporting yourself loyally, and in proper obedience to the laws, the Committee conclude you mean, in case you were convicted by some legal court of such conduct?—Unquestionably.

You stated, that the power of appointing to bishoprics in Ireland, resided in the Stuart family; will you state how that power came to reside in the Stuart family?—In the same manner as in most of the other royal families of Europe. Originally, in the Catholic church, bishops were elected by the people and clergy conjointly; afterwards those assemblies became scenes of riot and tumult, and the right of election was confined to the clergy alone; the clergy then being a numerous body, intrigues and cabals, and those other faults which human nature is liable to in every class and description of men, produced much evil, and hence the election of bishops was confined to chapters; those chapters in time also became seats of intrigue, and kings were anxious to get into their

own hands the patronage of the church: hence they entered into treaties or concordats generally throughout Europe with the Pope, that they should have a right of sending *a conge d'elire* to chapters, recommending a certain person to them to be elected by them, and they the sovereigns agreed at the same time with the Pope, that he should give institution to such person, he being fit and proper, as the chapter had elected, upon the royal recommendation. An arrangement of this, or of a similar nature, exists in almost every country in Europe; and it existed in Ireland in the time of the Stuarts and Tudors.

Will you have the goodness to state, whether the Catholic clergy in Ireland recognise that right in a Protestant sovereign?—We never recognise such right in any Protestant sovereign whatever.

Then, in point of fact, it was only recognised in the person of James the Second?—Only in the person of James the Second, of all the Stuarts.

You hold, that that same power still resides in the king, if that king happened to be a Catholic, but that during the sovereignty of a Protestant monarch, such power is extinct?—It is a right like all others; whether we call it a right derived from the law, or a right derived from usage or compact which ceases by disuse; and if by a supposition, which is merely possible, the king upon the throne were to be a Catholic, I do not think, that thereby this right, formerly residing in his predecessors being Catholics, would accrue to him; I think it has been lost by disuse, but it is a right, however, which a Catholic sovereign could easily obtain, by treating with the Pope.

Was the right of appointing to the Roman Catholic bishoprics of Ireland, ever practically exercised by James the Second?—Yes, I should think it was; and also by Mary, previous to the accession of the Stuarts. I cannot state the instances, because I should refer to the history of the church, at that particular period; and without doing so, I might fall into an error; but I am quite confident the right resided in him, and I should have no hesitation in saying, that it was exercised by him in more instances than one.

Do you think it was exercised by James the Second, before his arrival in Ireland?—Yes; during the entire of his reign.

From the period of his accession?—From the period of his accession till the time of his expulsion from Ireland.

He was at that time head of the church of England?—He might also have a right to present to the sees of the church in Ireland; but he would not become the head of our church, by

having a right to direct the chapter to elect a certain individual to be instituted as bishop by the Pope.

After his abdication, do you think he exercised practically that right, which the Catholic church still admitted to reside in him?—I am sure, after his abdication, or his expulsion from those countries, that he did recommend, whilst in France, individuals to the Pope, which individuals were appointed to bishoprics in Ireland; and not only he, but his son after him. I could name, but I should rather not, unless the Committee required it, I could name the last bishop who was appointed by the Pope to a see in Ireland, at the express recommendation of the late Pretender.

In the former part of your evidence, you mentioned that there was a possibility of such an arrangement being made with respect to the Roman Catholic church in Ireland, in case Roman Catholic emancipation should be carried, as would provide for the domestic nomination of the prelates?—That such an arrangement could be made, I think is quite certain; and there is nothing that I would be more desirous of.

In making that arrangement for domestic appointment, would you contemplate the election of the Roman Catholic prelate upon the occurrence of a vacancy, by the clergy belonging to the diocese, to the appointment of which he might be a candidate?—I would contemplate such election to be made by a certain portion of the clergy of the diocese in which such vacancy occurred; but I would also require the concurrence of the metropolitan and suffragan bishops of the province in which the vacancy happened to exist. I would beg to explain myself; I fear I cannot do it as satisfactorily as I could wish. I would not like that the election to a vacant see should rest with the metropolitan and the suffragan bishops of the diocese alone, nor would I like that it should be vested in the clergy of the vacant diocese, to the exclusion of the metropolitan and the suffragan bishops; but I would desire that such election should originate with a certain class of the clergy of the vacant diocese, and that before it would be sent forward to the court of Rome, that the metropolitan and suffragan bishops should have concurrence in it in a certain way.

Would you think it advisable, under that arrangement, to retain the office of coadjutor to the bishop?—That could be done if, by the arrangement, the coadjutors should be elected in the same manner as the bishop, on the vacancy of the see.

What would be the nature of the claim which, under this arrangement, the coadjutor would have to succeed to the vacant prelacy?—He would succeed upon the demise of the prin-

cipal, as a matter of right, because the bull of his appointment to his coadjutorship would go, "We appoint you bishop of such a place in *partibus*," as we call it (that is in some country where Christianity formerly flourished, but where infidelity now prevails) *cum jure successionis;* so that his election to the coadjutorship would secure to him the succession, upon the demise of the person to whom he would be appointed the coadjutor.

Are the coadjutors at present bishops in *partibus fidelium?* —They are, but with right of succession.

Supposing after the election of a coadjutor, it should so happen, in some individual case, that the coadjutor should misconduct himself, and that to such a degree, that in the opinion of the original electors he should be unfit for the prelacy, would his right of succession still be absolute, or without any control on their part?—It would be without any control on their part; but if he committed a canonical fault, he could be tried for it, and be removed from his right of succession, as he could be removed from his see.

Where would the trial take place?—The trial of a bishop is one of the *causæ majores* mentioned in the Council of Sardis, (?) and should be referred to the see of Rome. That council was held some thirty or more years after the first Council of Nice, and it decreed that the *causæ majores* should not be definitively settled without the concurrence of the Pope, whenever such concurrence was thought necessary by any of the parties who happened to be aggrieved; those *causæ majores* included cases where the faith was concerned or heresy broached, and also criminal accusations of bishops; so that when a bishop is accused of any crime, in the first case, if he be a suffragan, the charge can be preferred before his metropolitan; he can appeal from the metropolitan, formerly he could make such appeal to the provincial council, but as now provincial councils are seldom or never held, he can appeal from the metropolitan directly to the Pope; and that usage has obtained in the Catholic church from the beginning, and was decreed at Sardis, a little after the middle of the fourth century, and still holds good. A.D. 343 or 347.

Then the evidence by which the person in that situation would be affected, would be remitted from Ireland to Rome? —Yes.

Would the evidence be taken upon oath?—The evidence would be taken upon oath.

Supposing a party summoned before the tribunal of the first instance, if it may be so called, the tribunal existing in Ireland refused to take an oath, would the proceedings be sus-

pended?—In cases of that kind, we have no remedy, we are obliged to call in a magistrate, and request of him to administer an oath to the witness whom we wish to examine, and when he has done so, the witness is interrogated either through the magistrate, or by one of us.

Supposing the witness were a member of the Roman Catholic church, would he be subjected to any ecclesiastical censure, for demurring to the jurisdiction of the court?—As to a censure, I cannot say he would; but there is some remedy, there is some means whereby a witness can be obliged to give testimony in a bishop's court, what it is, as settled by the law and usage of the Catholic church, I do not at present recollect.

Before any arrangement, which provided for the domestic appointment of the Roman Catholic prelates in Ireland, could be carried into full effect, would the consent of the see of Rome be necessary?—Undoubtedly it would; because the see of Rome at present has the right to appoint, and any modification of that right could not of course be made, without the concurrence of the see of Rome.

Would the Roman Catholic priests of Ireland have it in their power to give a conditional consent to such an arrangement; the condition being, that the consent of the see of Rome should be subsequently obtained?—By all means they could.

You would still propose to reserve the institution of the bishop to the see of Rome?—Without it, he could not be a bishop in our church; he could not exercise any jurisdiction whatever, unless he received institution from the Pope.

By reserving the institution to the Pope, the Pope would still retain a discretionary power to reject the bishop who had been recommended to him, in virtue of the domestic arrangement; would he not?—The domestic arrangement would be one whereby the Pope would bind himself through a treaty, to give institution to such fit person as would be canonically elected by the persons named in such treaty. Suppose there was a concordat, enabling certain persons in Ireland to elect a bishop to a vacant see, the Pope by agreeing to such concordat, engages to give institution to all persons who may hereafter be elected by such electors as are therein defined, provided the person elected possesses the necessary qualifications for a bishop, and be duly elected.

Before any arrangement was made for a payment by the state of the Roman Catholic prelates and priesthood, would the consent of the Pope be absolutely necessary?—By no means, I should think not at all, for that is a matter of discipline

with which he has nothing to do; we can receive our support from any one that gives it to us, and of course we could receive it from his Majesty out of the goods of the state.

Supposing the receipt of a provision from the state, were accompanied, as it must be, by an abandonment of any claim upon the parishioners, would it be possible to abandon that claim upon the parishioners, without the consent of the Pope? —Certainly it would.

You say the fees upon baptism and upon marriage, now payable to the priests of the Roman Catholic church, could be abandoned by them, without having the previous consent of the Pope?—They can be abandoned by them, without the consent of the Pope, but there are offerings made at marriages, baptisms, and at the burial of the dead, which are a usage of the church so ancient, that I do think the clergy would not resign them; those at present are much higher than they need be, and though they are called voluntary, they are not, strictly speaking, so; those, however, are not the only or the principal dues or contributions by which the clergy are supported, there are other contributions given individually by the parishioners, which constitute the chief support of the priesthood. The contributions of this latter kind could be given up by the clergy, without consulting any one, and even the voluntary oblations at marriages and baptisms could, in my opinion, be relinquished by them; but those latter, I think they would not relinquish, because they are as old almost as christianity itself, and they exist in every church of whatsoever kind, in every nation with which I happen to be acquainted. But the other dues, the individual contributions from the parishioners at stated times of the year, could be given up, it would be desirable that they should be given up, and the clergy might give them up without any reference or communication whatever upon the subject, with Rome.

You do not think it would be desirable, in any event, to remit altogether the fees upon the performance of the rites of the church?—Upon all rites of the church, except baptisms, marriages, and the burial of the dead.

Those you would retain?—Those I would retain, because they are an universal custom; and I do not see why our church should be the only one in the world that would give up trifling contributions, which are given in every other church throughout Christendom.

By what authority are those contributions, of which you last spoke—namely, the fees upon the ceremonies of marriage and baptism, regulated?—They are regulated chiefly by usage; they are sometimes defined by a statute made by the bishop;

for instance, in the diocese in which I reside, I found those contributions existing generally; but there was no uniform rule, whereby they could be regulated; and I thought it better for the poor, and also I thought I should best consult the character and interest of the clergy, by reducing them, in some degree, to rule; I therefore regulated what they should be in most cases, and the manner in which they should be collected; in order also to prevent any thing like harsh treatment of the poor by the clergy, I prohibited, under pain of suspension, any clergyman from withholding his ministry from any person, rich or poor, on account of dues or emoluments; so that the office of the priest must first be discharged, and then the individual gives what is prescribed by usage, or by the letter of the statute.

The payment in all the parishes in the diocese, of which you are the Roman Catholic prelate, is uniform?—I may say it is uniform; there may be some deviations from it; but they are very few.

In amount is it uniform?—When I say uniform, I should say there is a kind of scale, because the poor man pays nothing, the man in better circumstances pays something, and the man whose condition is still more improved, gives a little more.

If temporalities (by which is meant a pecuniary provision payable by the Crown) were attached to Roman Catholic sees, and to Roman Catholic parishes in Ireland, would it be inconsistent with the doctrine or discipline of the Roman Catholic church, to admit any interference on the part of the Protestant sovereign of this country in the appointments?—It would be inconsistent with the discipline of the Roman Catholic church to admit, in such cases, the interference of a Protestant sovereign in such appointments.

Would that arrangement, in your opinion, be inconsistent with the discipline of the Roman Catholic church, even if it had the sanction of the Pope?—Were he to give his sanction to it, I think we should oppose the matter here. I think he would not sanction it; but were he to do so, we should not agree to it; for my part, I would not: I should resign the office that I hold, rather than assent to such a thing; I would first remonstrate against it, I would remonstrate a second time against it, and if this were not sufficient to ward it off, I should certainly resign my office; and I hope there is not a bishop in Ireland who would not do the same.

You are no doubt aware, that arrangements of that nature, in cases where there are temporalities attached to preferments in the Roman Catholic church, but where the sovereign is not

a member of that church, are admitted in some countries in Europe?—I know of arrangements of that kind, though I do not know the nature of them exactly; but I know there are some arrangements that seem to be of that kind, which have been lately entered into between the Pope and the Emperor of Russia, and also between the Pope and the King of Prussia, and I believe between the Pope and some of the lesser States in Germany, being Protestant; and also that there has been a treaty carried on for some time, between the Pope and the King of the Netherlands, having for its object such an arrangement as has been mentioned; but such treaty I believe at present is suspended, if not entirely broken off. I am not acquainted with the circumstances of the Russian empire, nor with those of the kingdom of Prussia, and therefore I can give no information as to the conduct of the Pope, in entering into such arrangement; but knowing the state of my own country, and having the religious feelings that I have, though such an arrangement were to be considered practicable by the Pope, and even wise, I should find it my duty, as an individual, to act as I have mentioned.

By interference, you mean all interference direct or indirect?—I mean all interference direct or indirect. Were the sovereign of this realm a Catholic, I should be very averse to his having the appointment of bishops vested in him; but his being of a different religion, makes me think that I could not consistently at all, with the principles of my religion, consent to his having any right to interfere directly or indirectly with the appointment of bishops.

Will you be good enough to explain the state of the law of the Roman Catholic church in Ireland, with respect to marriages?—Marriages have so many relations, that I cannot well understand in what sense I am to answer that question.

In what authority exists the power of dissolving a marriage?—We have no authority whatever to dissolve a marriage; once validly contracted, we recognise in no power on earth, Pope or Council, or the Church collective, any authority whatever, or power to dissolve a marriage.

Not in case of adultery?—Every bishop has the power, upon adultery being proved, to order a separation, *quoad thorum et habitationem;* but we neither have ourselves, nor do we recognise in the Pope, any power to dissolve a marriage, *quoad vinculum;* that is, the bond of marriage, according to our belief, is indissoluble.

That is, it would be impossible, under any circumstances, for one of the parties to make a second valid marriage, the other party being still living?—It never could be.

Is there no power in the Pope to give a dispensation from the general principle of the law in the Roman Catholic church? —There is no power in the Pope to dispense with a law of God or of Nature; and we consider that the law of God renders marriage indissoluble. The Greek church, and the Church of England, hold that marriage can be dissolved when one of the parties commits adultery; but the Catholic church holds that marriage, even by adultery, cannot be dissolved.

Will you be good enough to explain to the Committee, in what manner the bill, which is quite familiar to you by the name of the Burial Bill, which passed last session, has been carried into effect in your diocese?—With regard to the Burial Bill, it has not been carried into effect in any case, in the diocese where I live. There has not been leave sought for from the Protestant rector, to have the funeral rites performed, except in one instance, and there the permission was applied for by the father of the deceased, which father happened to be a Protestant; but no Catholic clergyman in the diocese where I live, has at any time applied to a Protestant rector for the permission which the Act requires that he should apply for; and therefore I may say, that the bill has not in any one instance in that diocese had effect.

Is there any objection, on the part of Roman Catholic priests, to make that application to Protestant rectors?—There is a very strong objection.

What is the nature of that objection?—It arises from feeling, I should think, because the Catholic priest conceives, that upon giving notice to the sexton or person having charge of the burial-ground, that a corpse was to be interred, he ought to have a right to go there and perform such service; and he does consider, that his being obliged to make application for leave to the Protestant rector to perform the funeral service, and to have the Protestant rector fix the time when such service can be performed, the priest does conceive this to be an act of submission upon his part, from which his feelings recoil. The Act, however, I think might very easily be so amended as to meet the views of all parties.

In what manner is the burial service performed at present? —At present we do not perform any burial-service in the burial-place. The service for the dead we perform in the chapel, or sometimes in the house of the deceased, and then the corpse is taken to the burial-ground, and interred without any ceremony. However, when the grave is about to be closed, if there be a clergyman present, he recites a short psalm, with a prayer; and, if there be no clergyman present, one of the laity does this; we do not now, nor did we at any

time, perform the burial-service; it is merely a common prayer that we recite.

What distinction does the priest draw between the right to perform the Burial service in the church-yard, and the right to perform the Marriage service in the church; does he draw any such distinction?—I never heard him draw the distinction or make the comparison; and I have never made it in my own mind.

Do you think that one right stands upon the same footing as the other?—I do not conceive it does; our marriages in Ireland need not be performed in the church by a Protestant clergyman, we can perform them where and when we please; therefore with us, in our common ideas, the one thing and the other are not naturally joined together, nor do we naturally make a comparison between them; but we do conceive that the rector of the parish has a just and reasonable right to his church, and that he can exclude from it or admit into it such persons as he thinks proper, except such as have an established right to go there; but we conceive that every Christian in the parish has a right to be buried in the parish church-yard; and we conceive, that as the friends of the deceased have a right to inter his corpse there, that they should also have a right to perform, either by themselves or their clergyman, such funeral rights as their faith would approve of.

You have the power, as a Roman Catholic prelate, to consecrate any ground for the purpose of burial?—I have, and have exercised it in many instances; however, I should rather much that the Funeral Service Bill were so mitigated as to meet our views, that a new line of distinction, as it were, might not be drawn between Protestants and Catholics; for, though I have consecrated some church-yards, I always did so with reluctance and pain, because I thought I was thereby keeping open the separation, which was too wide, between men whom I would be most anxious to see united, both whilst living, and even after death.

Have you found that there was a greater disposition on the part of the Catholic inhabitants to bury their dead in the church-yard of the parish church, even though they could not have the advantage of the religious service of the church there, than to avail themselves of the consecrated ground?—No, I have not observed it; they have a strong partiality for burying their dead in the place where their ancestors also lie; but as in our church there is a practice of praying for the dead, and as our newly-consecrated grounds are always adjoining chapels, people find a consolation in burying their dead in

them, because when they go to assist at mass, they can also pray for the souls of their friends who are interred thereabouts; so that one feeling as it were counteracts the other, and you scarcely know which the people would prefer.

You have stated, that you thought the Burial Bill might be modified so as to meet the views of both parties; will you have the goodness to state how you think it might be modified?—At present we are required by the Burial Bill to obtain from the rector permission to have the burial-service performed, and he is to fix the time when it is to be performed; this is attended with great inconvenience; in the first place the clergyman might not be at home, or if at home, he might not be prepared to give an answer; and in the second place, if he were not an agreeable man, (and unhappily in Ireland individuals of every class and persuasion are sometimes in ill humour with each other,) he might fix a time which would be very inconvenient. All this could be remedied, if we were entitled by law to bury our dead in the church-yard, by giving notice to the sexton or person having the care of the church-yard, suppose twelve hours, or any reasonable time before the interment. It might also be enacted, that we should not bury our dead there during the time of divine service, or for some time before it or after it; that simple regulation would make the Bill, in my opinion, perfectly acceptable to the Catholics; nor do I think it would trench in any way upon the rights or prerogatives or honours of the Protestant clergy.

Would you be disposed to leave a negative to the Protestant rector?—No; because I conceive all the parishioners have a right to be interred in their parish church-yard.

Is it not the practice in Ireland, for the funeral of a Roman Catholic, even of the lowest class, to be attended by a very great number of his relatives and friends?—It was rather than is the practice at present; for at present the people are throwing aside some of their ancient usages, and, amongst the rest, that of attending wakes and funerals in great numbers, though the attendance is still considerable.

Would not it be very difficult to place any restriction by law, upon the number of attendants at a funeral?—They never attend in such numbers as to cause inconvenience to the parson, when they go the church-yard; for all the church-yards are sufficiently spacious to contain and to accommodate, if I might so say, double the number that go; I do not think any inconvenience could arise from the number which might go into the church-yard.

You have stated, that you would not be disposed to leave any negative to the clergyman, as a matter of right, to refuse

permission to perform the service of the Catholic church in the church-yard; but should not you think it convenient to leave him a negative in point of time, seeing that two burial services, one Protestant and the other Catholic, might come at the same moment; or there might be some other good reason why the service should not be performed at the time demanded?—I should be satisfied that he would have such right of negative, provided he expressed a cause; because then it would appear, that the right was not resorted to through a motive of causing inconvenience, but through one of real necessity. But, as I conceive a right to exist on the part of the parishioners of being buried there, when this right is to be at all limited, I should like that the reason why it would be so limited were clearly expressed by the person putting the limitation.

Is not the feeling of attachment, on the part of the Irish peasantry, very strong to particular burying-grounds; which particular burying-grounds are frequently those attached to Protestant churches?—I think there is a strong attachment, in the minds of many Roman Catholics, to particular burial-grounds; but I think, in general, those are not burial-grounds attached to churches where service is actually performed.

Still the case might sometimes happen?—It might sometimes happen, but not generally.

Do you recollect an instance, in which a Protestant clergyman has refused permission, either before or since the passing of what is called the Burial Bill?—No application having been made to them within the diocese where I live, of course they could not have refused; I may have heard reports of applications being made, and refusals being given; but those reports I do not attend to; I cannot say I gave them credit.

Were any obstacles at any time, to your knowledge, thrown in the way of the celebration of Catholic funerals, by any of the Protestant ministers, previous to the passing of the Bill?—No such obstacles have been opposed in the diocese where I live, because, in that diocese, we have not at any time performed the burial-service within the church-yard; but, were we disposed to have performed it, I do not think, from the general temper of the Protestant clergy in that diocese, that we would have met with any obstacle; for, at their hands, we have generally received kind treatment, and have had no dispute with them upon such subjects.

In other parts of Ireland, are you aware whether the Catholic ministers have contented themselves with celebrating the service in the house of the deceased, or in other places than the burial-grounds?—I have not heard that in any one

case the Catholic clergy were not satisfied with performing the burial-service in their own chapel, or in the house of the deceased; and, wherever impediments were thrown in their way, or confusion created, it was upon their reciting the prayers that I mentioned before, at the time of the interment, and not upon their attempting to perform the burial-service, which I believe truly they do not attempt to perform in any part of Ireland.

On those occasions, do the Catholic clergy attend in vestments, or in any peculiar pontifical dress?—They wear no kind of vestments, or clerical dress; they appeared in short clothes, such as I now wear, or in clothes very like to them. When we do perform the funeral service according to the rite of our own church, we (that is, clergymen) wear a black sutan, with a white surplice over it, and over that a stole.

Are there any instances, or have there been any within your knowledge, where the clergy have claimed a right of entering the church, for the celebration of a funeral?—I have never heard of such.

Then, in instances where the corpse of a Catholic was to be interred within the church, in a vault for instance, or within the church, as is the case with many families, the Catholic clergyman would not claim a rite of reciting the psalm or hymn, according to the usage of his own church, within the church?—I should suppose not within the church.

Have any instances occurred within your knowledge, where the time of the celebration of divine service, according to the Protestant rite, has been chosen as the time also for a celebration of a Catholic funeral in the church-yard?—Not one.

In case of a Bill of Divorce passing, to enable a Catholic to marry again, would you consider that valid or able to hold effect?—I would consider it as valid, according to the law of the country; and I would consider the issue of such marriage as entitled to such property as might devolve upon them; and I would do all in my power, as a clergyman, to preserve such rights to them; but I would not consider the children of such marriage legitimate in the ecclesiastical sense.

In case an arrangement were made by the government, for paying stipends to the Catholic clergy, on the understanding and the regulations mentioned by you in a former answer, is it your opinion that the Catholic clergy would decline receiving the stipend now paid to them voluntarily by their flocks, marriage fees, baptism and burial fees excepted?—The Catholic clergy are always amenable to such regulations as are prescribed for them by their own prelates; and, if such provision were made, I think the prelates might be called on or

invited to make such regulations for their clergy, as would prevent the latter from collecting or requiring, or receiving such contributions as have been mentioned, always excepting burial fees, offerings at baptisms and marriages.

Then the only security that the Catholic flock could receive for not being called upon by the Catholic clergy, to pay those which are called voluntary fees, would depend upon the influence and the opinion of the Catholic prelates?—Yes, the influence or opinion; but not these alone, because the Catholic prelates will have it in their power to make it obligatory on their clergy not to require, and even not to receive such contributions; but I can also add, that if the Catholic prelates neglected to make such regulations, the people, seeing that the clergy had a sufficient maintenance without their contributions, would withhold such contributions from them, not universally but generally.

Is it your opinion that the Catholic prelates would think it right to make such a regulation?—I can only speak for myself; I would think it right to do so, and I would do so.

Do you think that it would be, in the eye of the Roman Catholic church, competent to the legislature to enact, that no such offerings should be made?—I think not.

That is a question of church discipline, which you think ought to be reserved for the prelates of Ireland?—Yes.

Would you not think it a just cause for withholding the stipend granted by law, if such offerings were received?—I mentioned, when before spoken to of the stipend, that I did not think the clergy, I spoke only as an individual, but I said that I myself would not receive any stipend whatever, unless it was secured to me by law; now, if that were the case, how could it be withdrawn when a person received those contributions. There should be a special provision, and a tribunal created, wherein the supposed offence should be tried, and there would be much machinery attending it; I would think it therefore a matter of regulation which ought not to be made by law, but which ought to be made through the other medium I have been just speaking of.

Would there be any difficulty in allowing an information to be made before the usual courts of law, of such offerings being received by any Catholic clergyman, and on such charge being proved, that the stipend should be withheld?—I think it could be done; but I think it would not be a good way of proceeding in the matter, because the other mode is very simple, and would be very effectual.

Are the dues on baptisms, marriages, and funerals, in their amount, voluntary or otherwise; that is, is the individual

obliged to pay a fee of a certain amount, according to his situation in life, on each of those occasions; or is the amount of it left to his own option?—There is almost in every diocese in Ireland, a sum fixed more by usage than by a positive regulation; as to the sum to be paid when a marriage is celebrated, a pauper pays nothing at all; a person in little better circumstances pays, for instance, 5*s.*; one a little more advanced in circumstances, may pay 10*s.*, very often 16*s.* 3*d.*, sometimes a guinea; I do not know that in any diocese in Ireland, any person, of whatsoever rank he may be, whether rich or poor, can be obliged, by usage, to pay more than a guinea; but it often happens that an opulent person being married, gives more than that to the priest.

Is the party obliged not to give less than a certain sum?—No; he can withhold all, if he pleases.

Will you state from what sources the income of a Catholic priest is derived?—The contributions by individuals residing within his parish, at particular stated seasons of the year, twice in the year.

Is the sum at each period defined and known?—Not defined; take, for instance, the head of a family who is a farmer, suppose, and whose family may consist of six or eight persons, all of whom are to be attended by the priest, such farmer pays an English shilling, which is thirteen-pence in Ireland; sometimes he gives two shillings, and if he be a person in better circumstances, that is, wealthier and more substantial, he may give 10*s.* about Christmas, and 10*s.* also at Easter; there are very few who give more.

Will you tell the Committee how the Catholic prelates are paid?—We hold one parish, sometimes two; and we employ clergymen to perform the ordinary duties in those, we ourselves labouring to assist them as much as we can. Besides that, we receive from each clergyman in the diocese, once a-year, a certain contribution; for instance, I hold parishes, one in Carlow, and the other in Tullow, in the county of Carlow; I keep three curates employed in each of those parishes, whom I am obliged to pay, and the little that remains after they are supported, I receive myself; in addition to that, at Easter or thereabout, I receive from each of the parish priests in the diocese, I think about three guineas, and from each of the curates about one, and the sum total of my income derived from those sources is generally between 450*l.* and 500*l.* a-year; at the same time, I may be permitted to state to the Committee, that the income of a bishop is charged with very heavy incumbrances, considering its quantity, for I am obliged to contribute to every charitable institution, to

assist in the erection and supporting of schools, to feed a considerable number of the poor, and in fact, if it were not for some help which I occasionally receive from friends, I could not afford to keep a house or a servant; however, there are a greater number of poor living about me than about most others, and my income is not so considerable as that of many other bishops in the kingdom.

Is the same mode of paying the bishops adopted in all parts of Ireland?—I believe it is the same in nearly all, except that in some dioceses, particularly in the south of Ireland, the bishops receive something like a contribution from the priest, out of the fees he receives at marriages; there is no such usage, however, in the diocese where I live, or in that of Dublin or Ossory.

Is the amount of fees paid on marriages, in the other dioceses, as far as you are informed, the same as that you state to prevail in your own diocese?—I think in most of the dioceses it is somewhat similar; but in the dioceses in the south of Ireland, besides the marriage fees, there is a usage of what they call A Wedding Cake; I have heard of that, but I am only acquainted with it by hearsay. The nature of this usage is, that a cake is distributed in small pieces amongst the people who assist at the wedding, and each person makes an offering when he receives the cake: this sometimes amounts to a considerable sum, at other times it is very trivial; but we have no such thing among us, excepting a few parishes; it is chiefly confined to the south of Ireland, but where it prevails, it is a source of very considerable emolument.

Have you not heard that in many instances the amount of that is very considerable?—I have heard that in many instances the amount is very considerable.

To what amount have you ever heard?—The greatest amount that I have ever heard was 40*l.*; I have heard that it did amount to that sum in one instance.

What is the amount of fee on a burial?—In some instances there is an office celebrated for the repose of the soul of the deceased; this office in my diocese cannot be celebrated unless at least six clergymen attend, then the parish priest is entitled to get 1*l.* and each of the assistant priests 10*s.* each, and if the person be poor only one priest attends to perform the service; at each service he generally gets 10*s.* and if it be the parish priest half-a-guinea, and sometimes 15*s.*

Is the saying of masses for the repose of the souls of the dead, a considerable source of income also?—It is on account of saying mass and assisting at the funeral that the priest receives this contribution which I have mentioned.

From what fees do you conceive the parish priest receives the larger part of his income; from the fees upon marriage, baptisms and burials, or from the Christmas and Easter fees? —From the Christmas and Easter fees much the larger part.

Can you state the average income of a parish priest in your diocese?—I could very nearly. I have classed the parishes, and I have caused a return to be made to me of the income of each; there were some large parishes in the diocese, all of which, except one or two, have become vacant since my appointment, and those I have divided; there are then at present, I believe, four parishes where the priest's income is about 400*l.* a year; there are, as I recollect, (I may be mistaken) fourteen parishes where the parish priest's income exceeds 200*l.* by something; in all the other parishes of the diocese I think it is less, and may amount to from 100*l.* to 200*l.*

How many parishes are there?—Forty-two.

How is the appointment to a Roman Catholic parish arranged?—When the incumbent dies, the bishop has the power of appointing any priest of the diocese to succeed to him; we have two classes of clergymen, the one are the incumbents or parish priests, and the other the coadjutors or assistant priests; when a parish becomes vacant, if it be a place where we wish a man of experience and information and pious habits of life to reside, and that we have not a person of this description amongst the curates, we take him from some other parish where he has shewn himself to be possessed of those qualities, and we appoint him to the vacant living; but if it be a parish where a person not specially gifted is necessary, we take from amongst the curates some man who has laboured for several years, and whose morals have been good, and who has a capacity for giving instruction in public, and place him there; but if a curate should at any time have been immoral or not be capable of preaching, we leave him in the rank of curate all his life time.

Supposing an arrangement were made for the payment, by the State, of the Roman Catholic Priesthood, it would probably be desirable to have a gradation of salary proportioned to the extent of the parish, and the duties to be performed in it —Unquestionably it would be necessary to have a gradation but I think that gradation should not so much be made according to the extent of the parish, and the duties to be performed, as to the parish having within it a town, or being a place where a man of better information, and of more improved habits should reside; those who live in towns are exposed to more expense, for they must dress better; they must pay a high rent for a residence, and they are obliged occa-

sionally to entertain their brother clergymen or others coming that way, and therefore they require a larger income. Now it may be, that in a country part, suppose a mountainous tract, the parish is of greater extent, and requires more laborious duties to be performed; but here the priest is very retired; the priest is exposed to little or no expense; and though he has more duty, he is a man of less conspicuous character, and one whom I should postpone to the other description of persons; there should be a classification of them, but that classification should not be regulated by the extent of the parish and the duty to be performed, but by the local situation of the town or place.

Supposing that classification to be established upon the principle which you have last adverted to, do you think it would be absolutely necessary to leave to the bishop of the diocese, the exclusive determination as to transferring an individual from one parish that stood low in the classification, to another that stood higher in the amount of salary?—Unquestionably so; unless all subordination were done away, as well as all power of rewarding merit and good morals; for unless the Catholic church were in some degree republicanized, it would be necessary to have a power left in the bishop, I cannot say vested in him, because he now has it, to translate individuals.

Excluding all interference, direct or indirect, on the part of the Crown or the State?—Literally so; the Crown would be annoyed if it were to be occupied with the little detail of our business; this detail would not be worth looking after, and would be very troublesome; besides, it would be impossible for any man in the government to be acquainted with the private life of individuals, or to know who was fit or who was unfit to be appointed; for instance, I had, whilst professor of theology, the care of educating the greater part of the clergymen of the diocese, and I am still obliged to inquire into their theological knowledge, to ascertain the manner in which they discharge their duties; to receive the reports of the rural vicars, as to their morals and conduct; so that I know as intimately the life and habits, and conduct of every individual of the clergy under me, as a father can be acquainted with the life and habits of his own son. It is this knowledge which enables me to place each of them in that situation for which he is particularly adapted; and it must be very clear to the Committee, that no government, or agent of government, could have this information; and therefore no such agent could be as competent as I am to appoint these men to places or offices.

Should the government have the power of promotion?—I

should advert to the two classes of priests we employ; the one are parish priests, the other are coadjutors; we have an arbitrary power in us to remove from his situation a curate, but we cannot suspend him without a canonical cause; that is, we cannot take from him the right of saying mass, unless upon cause shewn; but the parish priests have a title to their office, and from that office we cannot remove them, unless upon a charge defined by law being proved against them, and then we pass sentence upon them, and either reprimand them, suspend them for a time, or suspend them altogether.

Where is that cause tried?—By the bishop.

In your opinion, does not every reason for making the provision for the clergy of the Roman Catholic church inalienable, apply to the smallest parish in Ireland?—Unless you exempt the parochial clergy, in some degree from the authority of the bishop, to which they are now subject, you should make their receiving such salary depend upon their bringing with them to the person who pays them, a certificate from the bishop; that I would think, indispensable; and except in that respect, the provision should, in my opinion, be inalienable in every parish.

When you say that the salary should be irrevocable, you mean as attached to the station?—As attached to the station.

Will you be good enough to tell the Committee, what portion of the priests' income you think is derived from the fees upon marriage, baptism, and burial in the case of the largest living in your diocese; for instance, the income of which is 400*l.* a year, what portion of that is derived from the fees upon marriage, baptism, and burial?—I should think in that living from burials, marriages, and baptisms, about 100*l.* a year would be derived.

Which fees you think it would not be advisable to abolish by a law, accompanying the payment of the Roman Catholic clergy?—Those fees would be greatly reduced, if there were a provision made for the clergy, because the people then seeing that the clergy had a support, would give something upon those occasions, but that something would be very small. For instance at marriages, the greater part of the people at present give something; but I am sure, if there were a provision for the clergy, and that the people saw they were not totally dependent upon those contributions, there are only the wealthy portion of them who would give any thing at marriages. The same I might say of baptisms; and also, with some degree of limitation, of funerals. So that in that parish, where the fees derived from baptisms, funerals, and marriages, may have amounted, during the last year to 100*l.* I am very confi-

dent, that if a provision for the clergy were made, those contributions would be diminished by one-half.

Do you think, by reason of the certainty of the payment, the certainty growing out of the payment of the clergy by the state, the parish priest would be more satisfied to receive a reduced income than that which he now is in the habit of collecting? —Upon my word, I do not consider myself at all competent to answer as to the feelings of the priests; for, on money matters, I am a very bad judge of other men's feelings; I feel no interest myself about money; but I know, that of the Catholic clergy, there are some who do; I should not like to answer for them.

As in any arrangement that might be made, it must be left entirely discretionary to the party, whether he would receive it or not, could the bishops compel the clergymen of their diocese to receive it?—The bishops could compel them indirectly, because the bishops could make a rule, such as I before mentioned, prohibiting generally throughout their dioceses, priests from receiving the individual contributions to which I before alluded; and no priest could, after such regulation had been made by the bishop, continue to receive it within his diocese, so that it would not depend upon the will of the priests.

Might not the bishop, at the time he appoints to a living, when the possessor of it has died off, appoint the new incumbent upon the condition of his receiving this reduced income, which should be settled by legislative provision?—Yes, he could, indeed.

Would it be a great relief for the peasantry to be relieved from a double impost, the payment of the clergy of two persuasions?—Unquestionably.

Have you any idea of the actual number of parish priests and coadjutors in Ireland?—I believe the number of parish priests are about one thousand, and, at an average, I should suppose that each of them has a coadjutor. In some parishes, the parish priest has no coadjutor, in others, the parish priest may have two.

Are not the parishes in the Roman Catholic church, generally speaking, the same as those in the Protestant?—I might say generally so; but not universally by any means.

Are there various unions of parishes in the Catholic church? —Various unions.

Have you ever made a calculation as to the probable amount of expense that would accrue in making this legislative provision?—No, I could not possibly; because I could not know what it would be in the contemplation of government to give to each; I have never turned it in my mind, I have only heard it spoken of since I came to London.

You mentioned, that in filling up vacancies in parishes, the bishops selected those of their diocese whom they thought the most deserving; do you mean to say they never go out of the diocese to select?—They have a power of doing so, but I have not known any case wherein they have exercised that power; I should not consider myself at liberty to go out of the diocese where I live, because the clergymen officiating within the diocese consider, and I also consider, that they have a right to such livings as may happen to become vacant; so that to bring in a stranger, and exclude them, would in my mind be unjust.

Are they first designated for the dioceses, by performing the duties of coadjutor?—They are designated for the dioceses at the time of their ordination, which must be previous to their being appointed to serve in that capacity.

Do they always serve the office of curates or coadjutors before they are made parish priests?—I have not known, in the diocese where I live, any priest to be appointed to a parish, till he had served for some time, I might say for some years, as curate.

Is there a chapter in your diocese?—There is no chapter in my diocese.

Are there chapters in many of the Catholic dioceses?—There are.

Does the bishop name to the offices in the chapter?—To all offices, except to that of dean.

Who names to that of dean?—The Pope appoints to the office of dean.

Is not the office of dean in general attached to a particular parish in the diocese?—Not attached to a particular parish generally.

Have the bishops in Ireland, who are appointed by the Pope after domestic nomination, been nominated in Ireland by the chapter, or by the inferior clergy?—In no case have they been nominated or appointed by the chapter alone; but they have in some cases been elected by chapters, and then they have been recommended by the metropolitan and suffragan bishops of the province in which the vacancy existed. In other cases, such persons have been elected by the parish priests of the vacant diocese, and the metropolitan and suffragan bishops concurred in the election; in other places, they have been elected by all the serving clergy of the vacant diocese; and the person so elected by those clergymen has afterwards been recommended by the bishops; for instance, I was recommeded to the See of Rome by the parish priests of the diocese in which I live, and by the metropolitan and all his suffragans.

Do you mean, the recommendation of the metropolitan and all the suffragans followed the recommendation by the parish priests?—They happened, in my case, to be, as it were, simultaneous; the metropolitan and suffragans resolved to recommend me to the Pope, and this resolution they adopted and signed; but knowing that the clergy were about to assemble to elect a person, they kept the matter secret till such election did take place: the clergy assembled, and they also elected me; their instrument of election was placed in the hands of the metropolitan; he transmitted it to Rome, with that of himself and suffragans, and the appointment followed.

When you state, that objection would be felt to any interference of the state in the nomination of Catholic bishops, either directly or indirectly, do you mean to say, that any objection of a similar kind would lie against making it imperative that no bishop could be made in Ireland, except he received his nomination from one or other of those bodies?—I should have no objection to that; on the contrary, I should be glad of it.

To reserve to the see of Rome the power of institution only? —The power of institution, in this way: in Ireland, they do not elect one only; they transmit always to Rome the names of three persons, so that the Pope has the power to choose between them; the names of the persons elected are placed one after the other, on a piece of paper, and he has, in every instance, appointed the person whose name happened to be at the head of the list: however, I have stated before, that the Pope has the power to appoint, independent of that recommendation; but we would be glad, that the right which we now exercise, by courtesy or usage, were secured to us by a concordat.

Has not he done so, in some instances, among the Irish prelates?—Certainly not.

Was the present Catholic primate elected by any body in Ireland?—He was, I believe, recommended to the see of Rome by every Catholic bishop in Ireland, except one.

Was he a bishop in Ireland before he was appointed?—No; he had been at the Irish college at Salamanca previous to his appointment; upon the breaking up of that establishment, he returned to Ireland; and after he had been here between one year and two (the see of Armagh happening to be vacant at that time), the prelates in Ireland, with many of whom he was acquainted, considered him a very fit and proper person to fill that vacancy; and as they had a meeting at that time in Kilkenny, upon some business, I believe to protest against a rescript which came from Rome, signed by some officer there,

called Quarantotti, with reference to a negative power in the Crown to appoint to bishoprics in Ireland; I think it was there, I do not speak positively, that the bishops agreed to recommend Doctor Curtis as a proper person to fill the see of Armagh; and as there were some bishops not then present, these were applied to, and they allowed their names to be affixed to the instrument: it was upon that recommendation that the present Catholic primate was appointed.

In that rescript you allude to, was not the power of the Crown to interfere with the nomination of bishops, recognised as not inconsistent with the discipline of the Catholic church?—It was recognised by a man who outstepped his authority, by this Quarantotti, who was incompetent to decide upon a matter of so much moment; but though it had happened to have proceeded from higher authority in Rome, we would have acted as we did; that is, the prelates would, for I was not then a bishop; they would have remonstrated as they did.

How long have you been a bishop?—Unhappily too long, for my own peace; six years.

Are the Committee to understand from you, that this rescript of Quarantotti's did not come from the see of Rome?—It did come from the see of Rome, but the Pope at that time was prisoner in France, and he vested his spiritual jurisdiction in several individuals in Rome, first in one and then provisionally in others; so that in case the first and second and third happened to be removed by the French from Rome, some person might remain to administer the affairs of the church; the first individual, and I believe the second, who were entitled to do so, were removed by the French; this Quarantotti, who was an obscure individual at that time, happened to remain; he had those powers, and began to exercise them, and not being at all acquainted with our affairs, gave this rescript, upon an application being made to him by some interested person; and as soon as we received it, we protested against it.

He was a Cardinal, was he not?—He was afterwards appointed Cardinal; he had some merit with the Pope, but his appointment was not the reward of his conduct towards us.

What rank did he hold in the church at that time?—I do not know exactly; I believe he was what is called A Roman Monsignore; he was attached to some collegiate church, or held some situation in a public office.

But although you state what your own objections would be, and the unanimous objections of the Irish prelates to such a rescript, you are aware that the principle of that rescript

has been acted upon in the concordats which have taken place between the Pope and the Protestant states; that it is a doctrine recognised by the see of Rome itself, in treaties it has made?—I stated, with reference to the Pope treating with the Emperor of Russia and the King of Prussia, that I am unacquainted with the circumstances of their countries, or the motives which influenced his Holiness. I can therefore neither approve or disapprove of what may have been done, but as regards my own country, I am quite decided.

Was not the principle upon which that rescript, of Quarrantotti's was founded, the principle to which you say the Catholic prelates would object?—Being ignorant of those treaties, and the provisions of them, I cannot say whether the principle was the same or not.

Is not the general principle in that rescript the interference of a Protestant sovereign in the appointment of bishops?—Circumstances affect principles, so as almost to change them in their operation; I could not therefore recognise the principle, because it may be so modified, as to be changed altogether in its operation, from what it would be, in the view we take of it, as regards our own country.

Do not you think there might be great objections to making the appointment to Roman Catholic prelacies in Ireland, an elective appointment?—Yes, it is upon that account I hesitated so much to answer a question that was put to me, because knowing well as I do, from the history of the church, the great evils which arise from the right of election being vested in bodies, if such a right of election were settled regularly by concordat, it should be liable to checks; and in fact such as would descend very minutely, both into the quality of the electors, and the number and description of them; but that is a matter which would depend upon the prudence of the persons arranging such concordat, about which I might never be consulted; therefore, feeling as I do, that it is a subject of great difficulty, and one of which I myself would be scarcely able to treat, I should much rather withhold the opinions I entertain about it.

The Committee infer from your last answer, and from a former answer, that you think this arrangement could only be satisfactorily made by a concordat with the Pope?—I think so, but I think such concordat could be most easily made; and I should be most anxious that it were made, because it would secure to us always a domestic prelacy, and it would remove from us the possibility of the Pope ever interfering more than he now does in the appointments to our church.

Do you think that the Catholic church of Ireland is more

or less independent of the Pope, than other Roman Catholic churches existing in other countries?—I think we are more independent in a certain way, and more dependant in another. We are more dependant, because the Pope does not at present, and he could scarcely presume to nominate any one except such person as we recommend; we are therefore very independent, because we have the election of our own prelates in our own hands, and it would be morally impossible to take from us that right. But we are more dependant than other churches, in another way; for instance, in the church of France, the king has the appointment of the bishops, the Pope has only the power to give institution; there the church is national, the appointment being in the hands of the sovereign. We are more dependant, therefore, than the French church, because the Pope has the naked right of appointing in our church, without consulting us; and though I say it would be morally impossible for him to exercise that right, yet I think it an evil that he has it; and his having it, makes our church in that sense more dependant upon him than the church of France is, because there the Pope is obliged to give institution to the person if found fit, who is recommended by the sovereign. Bravo, Cranmer!

Veneris 25° die Martii, 1825.

LORD BINNING, IN THE CHAIR.

The Right Reverend *James Doyle*, D. D. Titular Bishop of Kildare and Leighlin, again called in; and further Examined.

In what and how far does the Roman Catholic profess to obey the Pope?—The Catholic professes to obey the Pope in matters which regard his religious faith, and in those matters of ecclesiastical discipline, which have already been defined by the competent authorities,

Does this obedience detract from what is due by the Catholic to the state?—Not in the slightest degree; on the contrary, as the laws of God, which the Pope does enforce amongst Catholics, ordains that we should pay obedience to the existing government of the country where we dwell, so the obedience we owe the Pope only tends to confirm us in our allegiance to such government.

Does that justify the objection that is made to Catholics,

that their allegiance is divided?—I do not think it does, in any way; we are bound to obey the Pope in those things that I have already mentioned; but our obedience to the law and the allegiance which we owe the sovereign, are complete and full, and perfect and undivided, inasmuch as they extend to all political, legal, and civil rights of the King, or of his subjects. I think the allegiance due to the King, and that due to the Pope, are as distinct and as divided in their nature, as any two things can possibly be.

Is the claim that some Popes have set up to Temporal Authority, opposed to Scripture and Tradition?—In my opinion, it is opposed to both.

What is your opinion respecting the conduct of those Popes who have interfered with states, and extended their pretensions to the civil business of men?—I do not like to speak harshly of men who have already passed out of this world; but I think that the Popes who so acted have done much mischief, and very often have acted upon a power, or upon an authority, which they had no right to exercise; however, when Popes did interfere with the civil business of men, or with the temporal rights of princes, I find that in almost every instance in which such interference occurred, that they professed to act upon rights which they had acquired by compact or cession, or some act upon the part of those sovereigns, or those countries, with which they so interfered; and I do not find that that interference was grounded in almost any case upon their spiritual authority only.

Are those rights you allude to temporal rights?—The rights to which I allude are temporal rights, which were acquired by the Popes from time to time, chiefly during the feudal times.

Do you mean, by princes transferring to Popes their kingdoms, or parts of their kingdoms?—Yes, by kings and princes making their states tributary to the holy see, or resigning them into the hands of the Pope, and then accepting of them back again, as fiefs of the holy see; thus the Pope was considered by them as the lord paramount of the kingdom, or dukedom, or principality; and he, acting upon this supposed right thus acquired, sometimes attempted to depose the princes, or to absolve the vassals of such kingdoms from the allegiance which they owed to their immediate lord.

Were those claims of the Popes opposed in Europe?—Opposed they were; and the consequence of such opposition were many and very bloody wars; the kings of France contended against the Popes; the sovereigns, properly so called, I cannot call them emperors of Germany, for they were the

emperors of the Roman empire, contended with the Popes; the kings of Naples have had, from time immemorial, disputes upon those grounds with the Popes; and there was scarcely a Catholic sovereign in Europe, who at one time or other, did not contend with his contemporary Pope, upon this very ground.

Did every Pope justify his claim to temporal interference, upon some previous right conferred upon him by a prince of some European country?—As far as I am acquainted with the history of such claims, put forward by the Popes, they rested them upon such temporal rights, previously acquired by themselves or their predecessors, with the single exception of, I think, Boniface the Eighth; and he in a contest, as I recollect, with some king of France, includes in a brief, which he issued, a declaration that he did so by an authority vested in him from above. The terms of this declaration were vague and general, and seemed to me, when I read it, to imply that it was not in virtue of the temporal authority he had acquired, but in virtue of his spiritual authority, that he attempted to act as he then did. This is the only instance of the kind which has occurred to me in my reading.

Does the Pope at present dispose in any way of temporal affairs within the kingdoms of any princes on the Continent? —The Pope at present does not interfere, or attempt to interfere, with the temporal concerns of any kingdom in Europe; to this, perhaps, there is an exception with regard to the kingdom of Naples; but I believe a concordat has been entered into in the time of the late Pope, between the then government of Naples and the Pope's minister Cardinal Gonsalin, wherein the ancient claim or claims of the Roman see to the kingdom of Naples, as a fief, were laid aside, and some equivalent for it accepted. It was customary for the king of Naples, as a mark of his holding that kingdom as a fief of the holy see, to send, amongst other things, a white pony or palfrey once a year to Rome; whether that custom is still continued I cannot say; but I know an arrangement has been entered into, which has settled differences which subsisted very long, and troubled both courts very much. Let me repeat, that the case of Naples is the one in which the Popes of Rome have, for the last three centuries nearly, interfered in any way, directly or indirectly, with the temporal concerns of any state in Europe; and I add, that if they were to attempt so to interfere at present, the interference would not only be disregarded, but scoffed at by every person of sense.

Do the Catholic clergy insist, that all the bulls of the Pope are entitled to obedience?—By no means, the Pope we consider as the executive authority in the Catholic church; and

when he issues a bull, enforcing a discipline already settled by a general council, such bull is entitled to respect; but he may issue bulls which would regard local discipline, or other matters not already defined, and in that case his bull would be treated by us in such manner as it might seem good to us. For instance, did it trench upon our local discipline, we might treat it as we did the rescript of Quarrantoti, about which I was questioned here the other day; did we find that it was unreasonable, we would refuse to accept of it; I have already spoken of his authority in matters of a purely spiritual nature.

In the creed of Pope Pius the Fourth, there are the following words: "I promise and swear obedience to the Roman bishop, the successor of St. Peter;" what is the proper meaning of those words?—Of course, that we would obey him in those things to which his authority extends; namely, spiritual matters, or the execution of decrees regularly defined by general councils and accepted of by us, for they are not all the decrees of even general councils which are received in each kingdom; for instance, the decrees of the Council of Trent, regarding discipline, are not received in the kingdom of France; the decree of the Council of Trent, regarding a particular discipline, is not received in the province of Dublin in Leinster, though it is received in the other parts of Ireland; all the decrees then even of general councils, much less all decrees of the Pope, cannot have force unless they are received formally by the nation which they regard, or whose discipline is affected by them; each church has its rights, and those rights cannot be subverted or affected by any proceeding on the part of the Pope, without the concurrence of the hierarchy of such church.

If the Pope were to intermeddle with the rights of the King, or with the allegiance which Catholics owe to the King; what would be the consequence so far as the Catholic clergy were concerned?—The consequence would be, that we should oppose him by every means in our power, even by the exercise of our spiritual authority.

In what manner could you exercise that spiritual authority?—By preaching to the people, that their duty to God as Catholics, required of them to oppose every person who would interfere in any way with that right, which the law of Nature, and the positive law of God, established in their prince, a prince whom we as subjects were bound to support; we would therefore exercise our spiritual authority, by preaching the gospel to the people, and by teaching them to oppose the Pope, if he interfered with the temporal rights of our king.

Is it well known, what the things are in which the Pope cannot interfere?—Unquestionably; in all things of a political or civil nature he cannot interfere; there are some matters of a mixed nature wherein he may be considered as having some power, such for instance as marriage; this we consider as a sacrament, and also as a civil contract; the power of the Pope, or of the bishop, extends to the spiritual qualities and effects of that union, notwithstanding the temporal character of it; but the temporal effects which flow from it are subjects of the civil law. If the Pope then, or any person connected with him, were to interfere in those temporal matters which are closely connected with spiritual things, in the contract of marriage, they would be outstepping their proper boundary, and no regard should be paid to what they would do, or say or ordain; their authority can affect only the spiritual rights which would result from such marriage.

With respect to Marriage, the Committee believe that, according to the doctrine or the rule of your church, certain marriages might be held as forbidden by the degrees of consanguinity, which, according to the doctrine of our law, are not so?—Yes.

In a case of that kind, the marriage being valid according to the law of the land, you might hold the party living in a state of sin, if he cohabited under such circumstances?—I should indeed.

Under those circumstances the issue of the marriage would be legitimate by our law, though the cohabitation would be sinful according to your doctrine; would you conceive that in consequence of your church holding the cohabitation sinful, the civil rights of the issue could in any degree be affected?—I hold that they could not.

Does this state of the case in regard to marriage, produce any notable inconvenience?—I do not find that it does; we have an experience here of two centuries and upwards; I mean in Ireland, where the ecclesiastical law differs from the law of the country, yet I have not in any one instance known or even heard of a case wherein any notable inconvenience resulted from the present state of things.

Could the matter be arranged without difficulty, so as to get rid of this discrepancy?—I should think so, with great ease; in fact the Pope, by my stating to him for instance, that a marriage was contracted within the prohibited degrees of kindred, but which marriage was reputed valid by the established law, would immediately grant power to dispense in that case to marry the parties, and so render the marriage

lawful in the eye of the church as well as in the eye of the law; this is done sometimes.

Do Roman Catholics pray to Saints?—We pray that the Saints would pray for us to God; we address ourselves to the Saints, and beg that they would pray to God for us; but we do not pray to them so as to ask of them any favour or grace, because we know they have no power of themselves to grant us such favour or grace; and that there is only one mediator between God and men, the man Christ Jesus.

In what sense do Catholics pray to the Virgin Mary?—In the same sense as they pray to other Saints.

Do Roman Catholics believe there is any divinity in images and relics?—They believe that there is not any divinity or virtue whatsoever in images; as to relics, they reverence them more than they do mere images.

What is the doctrine of the Roman Catholic Church respecting Absolution?—The doctrine of the Roman Catholic Church respecting Absolution, is precisely the same as that of the Established Church in this kingdom; so much so, that the words of absolution which we use are precisely those put down in the visitation of the sick in the Common Prayer-book, to be used by a clergyman of the Established Church, when he visits a person who wishes to confess his sins. Our doctrine then is, that the sinner, feeling that he may in his lifetime have transgressed the law of God, and being penitent for it, acknowledges his fault to a priest as to a minister of religion, and being sincerely sorry within him for having so offended God, by transgressing his law, the priest by a power derived from God, gives him absolution or pardon; always requiring of him that he do every thing in his power by amendment of life to satisfy for his past offences, and if he should have injured his neighbour in person, character or property, that he repair such injury to the full extent of his power.

Is there any difference between the doctrine of the Catholic church and that of the Protestant church, with respect to absolution?—I really know of none; I am sure the Established church requires, as we do, that the person making a confession of his sin be sorry or contrite for it; the words of the absolution, which the priest of the Established church uses, are precisely those which we use; so I see no difference between the one and the other.

What is the doctrine of the Roman Catholic church, with respect to Indulgences?—Our doctrine, with regard to Indulgences is, that a person who may have offended against God, or his neighbour, having done every thing in his power to satisfy

for his fault, that such person, by gaining an indulgence, is thereby assisted and relieved from such temporal punishment as God, in his justice might inflict upon him, either in this life, or hereafter in purgatory, previous to his admission into heaven.

What authority has the Catholic writer, Gother, among Roman Catholics?—Gother is esteemed by us a very venerable writer, and perfectly orthodox in all that he has written.

The Committee find, in a treatise called A Vindication of the Roman Catholics, the following curse, in a statement of curses; first, "Cursed is he that commits idolatry, that prays to images or relics, or worships them for God;" is that a doctrine which is acknowledged by Roman Catholics?—That is our proper doctrine, and I, and every Roman Catholic in the world would say with Gother, accursed be such person.

Further, it states, "Cursed is every goddess worshipper, that believes the Virgin Mary to be any more than a creature, that honours her, worships her, or puts his trust in her more than in God; that honours her above her Son, or believes that she can in any way command him;" is that acknowledged?—That is acknowledged; and I would say the same of that as I did of the former.

It then states, "Cursed is he that believes the Saints in heaven to be his Redeemers, that prays to them as such, or that gives God's honour to them, or to any creature whatsoever;" is that acknowledged?—So, I say, accursed be any person that does so.

It then further states, "Cursed is he that believes priests can forgive sins, whether a sinner repents or not; or that there is any power in earth or heaven that can forgive sins, without a hearty repentance, and a serious purpose of amendment?"—I most cordially coincide in the expressions used there by Gother, and so will every Catholic clergyman in the world.

It is then stated, "Cursed is he that believes there is authority in the Pope, or any other, that can give leave to commit sins, or that can forgive him his sins, for a sum of money?"—A frightful and impious doctrine, and most accursed is he that holds it.

What is your opinion of the indulgences granted by the Pope to certain churches, upon occasion of the holy year, which appear to the Committee to come within the description of that which you conceive to be not consistent with the sound doctrine of the Roman church?—I am certain, that the Pope, upon this matter, thinks as we do, for he is a divine of the Catholic church, and so is Gother, and so am I; our rank is different, but our doctrine, upon that subject, surely is the

same; I never found any diversity of doctrine amongst Roman Catholic divines upon that subject; there is a phraseology in their writings which might mislead persons not acquainted with their science; for instance, Saint Paul, himself, has sometimes given the name of sin to that which is not sin, but which was connected with it; as when he says, that our Redeemer was made sin for us; it is in like manner said, in the holy Scripture, "*Peccata populi mei comedent;*" "they shall eat the sins of my people," meaning the offerings for sin. Now, in the indulgences, it is sometimes said by the Pope, that he forgives the sin; that expression might lead into an error: but the meaning of it is, that he forgives, as far as in his power lies, the temporary punishment due to the sin, after the guilt of it has been remitted upon true repentance by the sinner; or in other words, after the guilt of the sin has been remitted by God, upon the repentance of the sinner.

Are there any words in the indulgences, as they are published, which would give the world a notion that they are to be understood with those qualifications?—I think that there is no Catholic at all who misunderstands the language in which indulgences are granted, because in all our books of prayer, which are in the hands of every Christian, the sense that I have now given is clearly expounded; and the priests in their exhortations, when they do publish indulgences of any kind, take care to impress strongly upon the people, that such indulgence cannot be obtained, unless they heartily repent of their sin, obtain pardon of the guilt from God, and do all in their power to make atonement for it by good works.

Are there any words to that purport, in the indulgences themselves?—I mentioned upon that subject all that I can say; there may be in some indulgences, obscure expressions which might mislead those who do not understand the matter as Catholics do; but I said, that upon the subject of indulgences those proclamations or bulls, or whatever they may be called, are not misunderstood by any Catholic of any rank or condition or country; that I distinctly stated, and I also, as I supposed, stated the reasons, namely, because the true explanation of the matter is found not only in every prayer book, but is constantly explained and inculcated by the clergy in their exhortations from the altar or pulpit, so that an error upon the subject is morally impossible; nor did I ever know in my life any one of any class or description, who laboured under the error, that an indulgence implied the remission of sin.

Will you describe to the Committee, the nature of an in-

dulgence?—We conceive that when a sinner heartily repents, he obtains from God, through the sacrament of penance, a remission of the guilt of the sin which he may have committed; but after such guilt is remitted, we believe that a temporal punishment may still remain to be inflicted on him; for instance, when David committed the crimes of adultery and murder, he was rebuked by the Prophet Nathan, and upon being rebuked, he repented sincerely, and exclaimed, "I have sinned against the Lord;" upon which the Prophet replied, "Notwithstanding, because thou hast done this thing, and caused the enemies of the Lord to blaspheme, the child which has been born to thee shall die the death." Here then we see that God Almighty may remit the eternal guilt of a sin, as he did to David, after he had declared I have sinned against the Lord, but yet that there may remain a temporal punishment to be inflicted afterwards by God, in order that he may show to the faithful at large, who often are scandalized by the sin, his justice as well as his mercy. We conceive that this providence of God has not been confined to the ancient, but that it is extended also to the new dispensation, for we find St. Paul telling the Corinthians, that the unworthy communions of some were the cause why many were sick and some died amongst them. From this then we infer, that though the Almighty may remit to the contrite heart the guilt of sin, he may yet punish even under the new law, by temporal afflictions; and we do believe, that an indulgence granted by the church and obtained by the sinner, relieves him entirely or in part from such temporal punishment as may remain hanging over him, after the guilt of his sin may have been wiped away.

Does the indulgence insure that forgiveness to the penitent?—It does not insure such forgiveness to the penitent, it only gives him a hope, that through the merits of Christ, and the united prayers of the faithful in the church, God may be propitious to him by the means of the indulgence.

Does it not also relieve the sinner from any penance imposed upon him by the church, in consequence of the commission of sin?—So far from relieving him from the penance enjoined on him by his confessor, unless he perform, or be resolved to perform such penance, he cannot obtain the indulgence; it is a help to his infirmity, but by no means a dispensation from performing all that is in his power to move the mercy of God.

Were there not very long periods of penance imposed for the commission of certain offences, at an early period of the church?—There were.

Was not the system of indulgences one of the means of avoiding the extraordinary length of those penances?—No; the extraordinary length of those penances was done away in the church, when the corruption of the morals of Christians became very great; the discipline which enjoined such prolonged penances became too severe for our infirmity, and they went therefore into disuse; but in some indulgences, it is said, that an indulgence of seven years, or of so many quarantines, is granted; and this seems to have reference to the ancient canons, and is to be understood thus, "We grant you by this indulgence an exemption from performing that public penance of seven years, or forty days, which, had you lived in the time when the ancient canons were enforced, you would have been obliged to perform."

Is it in any part of the doctrine of your church, or has it been any part of the practice of it, that those indulgences should extend to the remission of the temporal consequences, with respect to crimes to be committed?—Never at any period.

The reason you were asked that question is, because the Committee are aware that a vulgar error has prevailed upon that subject?—Yes; it is a horrible imputation.

In the case you have mentioned from Saint Paul, you described Saint Paul as saying, that in consequence of unworthy communion, many became sick and died?—He says there are many infirm and many weak, and I believe some have slept, but he distinguishes the different classes.

Those infirmities the Committee understand you to describe as the temporary penalties of sin; do you think that an indulgence can relieve from such infirmities as those which you describe as the temporary penalties of sin?—I conceive, for instance, that the Almighty, upon the repentance of a sinner, might forgive the eternal guilt of such unworthy communion as the apostle alludes to; but notwithstanding that the guilt had been remitted by God, yet such individual might be afflicted with sickness; and I do conceive that, if upon their remission of the eternal guilt by God, this person availed himself of the indulgence which the church might grant, the Almighty would relieve him from that sickness, which otherwise might fall upon him.

Do you think that an indulgence could avert sickness resulting from the wrath of God?—I think that an indulgence, such as I have mentioned, might avert such sickness.

Is there any distinction between Plenary and other indulgences?—There is; an indulgence may be for some years, as I mentioned, or it may be for a quarantine or more quaran-

tines than one (a quarantine signifies forty days), or it may be a plenary indulgence; the meaning of a plenary indulgence is, that the church thereby grants as full a remission of the temporal punishment or penance due to a sin, as it is in the power of the person granting the indulgence to bestow. These are not my words, but the words of a Pope, I think one of the Bonifaces, in an explanation which he gave of the word Plenary Indulgence.

What is the utmost extent, in point of duration, of an indulgence?—I believe seven years: there were many fictitious or forged indulgences (crowds of which were carried about the world, and which were not at all authentic) for I believe a greater number of years; but we do not recognise, and have not, that I know of, ever recognised any indulgence for a period beyond that of seven years, when time is at all specified.

The Sale of Indulgences used formerly to be a topic of imputation against the Catholic church; does any such practice exist at this time?—I believe it ceased in the sixteenth century. The consequences of it then were so frightful as to put a total end to it; nor has it been since revived, and I hope never will.

The Committee wish to know, whether every priest has the power of absolving in every case?—A priest, by his ordination, receives what we call a radical power, whereby he can absolve from sin; but besides this power, which belongs to him in virtue of the order which he receives, he must get jurisdiction from the bishop to absolve individuals, otherwise he cannot absolve any one. Now the bishop, in granting such jurisdiction to him, which he may grant either as to extent of territory or as to individuals, may restrict the power of absolution to a certain class of sins, or he may give power to the priest to absolve the contrite sinner from any sins he may be guilty of, with the exception of certain sins which he specifies, and those are called in our language Reserved Cases; for instance, in a case of deliberate murder. If a man who had committed deliberate murder in the diocese where I live, were to repent as deeply and sincerely as David did, no priest in it could absolve him, unless by special leave communicated by me. We reserve the absolution from those grievous crimes to ourselves, for the purpose that sinners who are so unfortunate as to commit them might come before us, and receive such reproofs and such penances to be performed, as would in some degree secure their amendment; and we would fear, that if we left it in the power of ordinary priests to absolve from such grievous offences, that they might not be so provident in

the exercise of that power as the bishop himself would be; that is the nature of reserved cases, and these are the grounds upon which certain cases are reserved.

Are there any cases reserved to the special jurisdiction of the see of Rome itself?—I believe not; there is no case whatever, that I know of, from which the bishop in this country has not the power to absolve. How the Pope treats the matter in his own territory, or in Italy, I cannot say.

In cases in which the priest has the power to absolve, is not his absolution as complete as that of the bishop himself? —I take it to be as perfect as that of the bishop or of the Pope.

Does the priest absolve of himself, as by authority devolved on him by God, or is he merely the instrument of declaring God's pardon to a sinner?—He is more; he absolves by authority, which we believe has been committed to him by God; the words of the absolution imply as much as you may see in the Common Prayer Book.

Is that absolution direct and absolute, or is it conditional, upon the repentance and making atonement on the part of the sinner?—In the form in which it is pronounced it is unconditional and absolute, but it cannot take effect if the penitent be not contrite; but that is his affair; we cannot see the secrets of hearts.

In cases of confession and absolution, is it not the duty of the Roman Catholic clergy, wherever they can, to induce the offender to make restitution and atonement to those whom he has offended in this world?—It is so much their duty, that they cannot at all grant absolution, unless the man has actually made, or engages most solemnly, and as it appears to them, most sincerely, to make as soon as possible, and to the utmost extent of his power, full reparation for any injury he may have done to the person, character, or property of his neighbour.

Have the instances of reparation and restitution, which have taken place within your knowledge, been numerous?—Numerous beyond the power of counting; and they are occurring almost daily. Every gentleman resident in Ireland must well know what a common practice prevails there, of a priest coming and giving money to individuals, and telling them, "This is money which is restored for an injury that has been done to you;" he cannot, however, tell the name of the person by whom the injury has been done, or any thing more about it. We clergymen frequently do this ourselves, but the reparation is much more frequently made in private, by the person who did the injury; we only become the chan-

nel through which it is made, where we find that the party concerned cannot make it without exposing himself to be known, to which we do not oblige him.

It must frequently occur, that a person comes before the priest, who has been engaged in plans for doing mischief, either public or private ; what is the uniform conduct of the priests in your church in such cases?—Our uniform conduct is, to oblige such person to withdraw himself from any wicked society of men with whom he may have been connected ; to make reparation to the full extent of his power, for all the injuries which were done by him, or by the party with which he was associated ; for we conceive, that a man is bound not only to repair the injury which he himself committed, but also the injury to which he had been a party ; the many ways in which a man becomes obliged to make reparation for injuries not done directly by himself, are comprehended in a verse, which is found in our theology: "*Jussio consilium consensus palpo recursus participans mutus, non obstans, non manifestans.*" If a man concur in any of those ways to the doing of an injury, he is bound to repair it as an accomplice, in the default of the principal.

In cases of mischief intended to be done, either to the public or to an individual, would not every priest of your church feel it his bounden duty to prevent that mischief being done, without disclosing the name of the individual, by apprising either the state or the party to whom the mischief is intended to be done?—We can make no use of any knowledge derived from confession ; but it is uniformly our practice to dissuade the penitent from the intended crime ; and I, myself, have frequently prevented the commission of mischief, by obliging the person who felt compunction at being concerned in plotting some evil, not at first to inform, but to dissuade his companions from doing the intended wrong ; if he did not effectually succeed thus, then by obliging him to warn the person concerned of the danger, or to give such information to him, or to a magistrate, or other proper authority, as would effectually prevent the intended evil.

Did not you, in the commencement of the late disturbances, publish a pastoral letter, warning your flock from entering into any of the illegal confederacies of the day?—I did.

Do you know whether that pastoral letter was reprinted and circulated by any, and what, of the public authorities in Ireland?—I have heard that it was, but I do not know it of my own knowledge ; I heard, it is true, and in a kind of way hich I could not be deceived, that there was an edition

of it published in Cork, by the gentleman who commanded His Majesty's troops in that quarter; I believe there was an edition of it also in Galway, by some of the public authorities in that town; whether there was one in Dublin I do not know; but I know that printers, for their own profit, did publish a great number of them.

In the event of the introduction of any of those illegal conspiracies into any part of the country, was not one of the earliest signs of the existence of those disturbances the absence of the peasantry concerned in them from confession?—Yes, it was; the persons uniformly absented themselves from confession. I should say, however, that the pastoral letter, to which the Committee allude, could not have had much effect if it had not been sustained by the personal exertions of the clergy; it was not only by publishing that pastoral letter, that I endeavoured to check the evil which prevailed in that part of the country, but I also spent several weeks, going from parish to parish, and preaching to multitudes of people in the chapels, and sometimes by the way sides, against the society in which they were engaged; pointing out to them, as well as I could, the unlawful nature of it, its opposition to the law of God and to the laws of the country, as well as the evil results with which it was fraught if persevered in.

What society do you allude to?—The society of Ribbonmen.

Do you know any instances in which the Roman Catholic clergy, following the same course that you have described with regard to yourself, were in consequence exposed to any personal danger?—I do; a clergyman, even in my own diocese, was put in peril of his life, and I was obliged to remove him from one parish to another, through a strong apprehension which he entertained, and in which I also participated, that if he continued in the parish where he laboured to check this evil, he might be assassinated.

Do you know any instances in which, in consequence of such opposition as you have described on the part of the Roman Catholic clergy, surrenders of arms have been made, to any considerable extent?—Yes, nothing more common; there was scarcely a parish where there had been many seizures of arms, where such arms were not either entirely, or in part, delivered up to the clergyman, and by him, or by his directions, to the magistrate, for he very often did not receive the arms himself, but directed the person to surrender them to the magistrate.

Have there been any other efforts made of another descrip-

tion, by you in your diocese, to convey moral and religious instruction to your Roman Catholic brethren?—I have not ceased, during the few years I have been bishop, to promote education of every kind, but particularly of a religious kind; for this purpose I have frequently required of the clergy to seek to raise contributions amongst the people, for the purpose of building schools and assisting to pay schoolmasters, where the peasantry were not able to pay them for educating their children. I have sometimes, upon the death of a parish priest, kept the parish vacant for some time, and have taken into my own hands what of the dues could be spared after supporting the assistant-priest, and applied those sums for the building of schools; besides which, I have established in every parish within the two dioceses of which I have the care, parochial libraries, which I have had stocked with books of religious and moral instruction exclusively; those books are given out to heads of families, upon their paying a penny a week or a fortnight for the use of them; they are given to the poor gratis; when a man has read one of those books, he returns it to the librarian upon the Sunday; he then gets another, and thus every class of people in the diocese are instructed in their moral, social, and religious duties.

Will you have the kindness to state to the Committee, whether Gother's Gospel, Reeve's History of Christ, Chaloner's Morality of the Bible, and other books of a similar description, are amongst the books in those libraries?—The books that have been named are found, I believe, in every library within my diocese; all these libraries consist of books of a religious nature exclusively; for I do not admit into them any profane history, or any political tract, or any book of science unmixed with morals.

Have there been any societies established within your diocese called Confraternities, for the purpose of administering religious and moral instruction to the poor?—When I came into that diocese, I found a few such societies existing in it, but from the advantages which I perceived to result from them, I myself recommended at the several visitations I held in the chapels, in the strongest and most earnest manner, that such confraternities should be formed; and I do not know that there is at present any one chapel in the diocese, to which there is not a confraternity of the Christian doctrine, as we call it, attached. These confraternities consist of young men and young females of a religious character, who assemble at an early hour on Sundays, and dispose the children in classes, and teach them the rudiments of the Christian religion; they read before mass to them some pious

lecture or instruction; and in some chapels after mass resume the same business, and continue it for an hour or two; they conclude these instructions by some form of prayer, after which they disperse and go home.

Do you conceive that the present state of your chapels and the insufficient accommodation which they afford to the Roman Catholic congregations in Ireland, impedes the efforts of the Roman Catholic clergy in giving religious instruction to the people?—Perhaps one of the greatest obstacles to the instruction of the people in Ireland, is the want of sufficient room in our chapels, but this is an evil which it is not in our power to remedy; the pressure upon the peasantry is so great from various causes, that they have not the means of enlarging their chapels, still less of building them anew, without making sacrifices which are peculiarly oppressive to them; and I have myself often ordered a chapel to be enlarged, or said, that otherwise I would not permit mass to be celebrated in it, and yet upon the representation of the priest, as to the distress and extreme poverty of the people, I have withdrawn such order, and suffered them to proceed as well as they could.

Have you known many instances in which, in poor parishes which have been unable themselves to build or to enlarge their chapels, contributions have been made for the purpose of assisting them, by Protestant landlords and Protestant inhabitants?—Within my diocese we have not enlarged or built any chapel, since my appointment to my present office, in doing which we have not been assisted and materially assisted by Protestant gentlemen; in the parish in which I reside, about six years ago we commenced a very beautiful chapel; we were enabled chiefly by the assistance given to us by Protestant gentlemen to build the walls and even to roof them in; I myself have endeavoured out of my small income to contribute some forty or fifty pounds a-year, for the two or three last years to the advancement of this work; but, from the extreme poverty of the parishioners, I have not till lately ventured to call upon them for any aid, and the building though a beautiful one, remains in that unfinished state; Sir Henry Parnell has been one of our most bountiful contributors towards this building.

Are there not instances in which Protestant proprietors, who are generally considered as being extremely adverse to the Roman Catholic claims, have nevertheless felt it to be their duty to come forward, and assist the Catholics in building or repairing their chapels?—That perhaps is the only matter in which I can scarcely distinguish between those of the Protestant gentry who are adverse, and those who are

friendly to our claims; they all seem to think it a duty, on their part, to contribute to provide for the people a place of worship.

Do you consider the number of priests in your diocese to be adequate to the full performance of their religious duties? —The priests in my diocese are perhaps somewhat more numerous, in proportion to the number of people to be served, than in most others in Ireland; the reason is, that I have a college at Carlow, to which a lay school is attached, and from the profits of that lay school we have been enabled to put together a very considerable sum of money; and by the interest of this money we are enabled to support a president and vice-president, and a competent number of professors; and hence we are, in my diocese, enabled to educate at Carlow such a number of priests as are wanted immediately in the diocese itself. But I will state, that notwithstanding this supply of ours, which is greater than can be found in any other diocese perhaps in Ireland, we have not yet employed upon the mission, more than two-thirds of the number which would be necessary for the due discharge of the priestly functions amongst the people; the reason however is, not that I could not furnish a sufficient number of priests, because I have at my disposal the college to which I have just alluded, but I do not like to burden the people, who are too much weighed down with other claims, by sending amongst them an additional number of priests, who of course should be supported by their contributions.

In point of fact, is the number of priests existing in your diocese sufficient to enable them to give instruction, in the shape of a sermon, after mass at every chapel within the diocese?—The priests in my diocese are so strictly bound by the statutes of the diocese itself, to give religious instruction, that unless in a case of difficulty almost extreme, they cannot avoid giving such instruction; but yet in general it is given by them at great personal inconvenience, for many of them have to celebrate two masses upon each Sunday, one of them at so late an hour as eleven or twelve o'clock. The priest who thus celebrates two masses, is obliged to fast until the labour is ended, and often to ride some miles between one chapel and another; having this heavy labour to perform then, he is not often able, particularly if he be an old man, or of a delicate constitution, to give so much instruction in public as I would wish. However, he must read either the epistle or the gospel of the day, or both, and give a short exposition of them; or if not of them, of a chapter of the common catechism, where the Christian duties are briefly laid down.

Considering the discipline of the Roman Catholic church as applicable to Ireland, do you not conceive that a regular instruction of the people, in the shape of a sermon, is actually necessary?—I think it actually necessary; but from the circumstances of the priests, which I have now described, and from the smallness of the chapels, such instruction cannot be given in the most desirable way.

You have alluded to an establishment at Carlow, for the education of priests; how long has that establishment subsisted?—That establishment was opened a year or two before the college at Maynooth; I do not know exactly the year.

From whence are its funds derived?—The funds have been derived partly from donations or bequests made to it by individuals, but they have chiefly arisen from the profits of a lay school, which is attached to the college.

Is there then a combined system of education at Carlow, lay and ecclesiastical?—There is.

Are the students of those two classes educated together?—No; they are educated in the same establishment, but not together.

Do you conceive there would be any objection to combine the two branches of the establishment there, the lay and ecclesiastical, referring to the Roman Catholic priesthood?—I should not think that persons destined for the ecclesiastical state, if they have resolved to enter into it, should be mixed with persons whose vocation was not yet decided.

What are the grounds which have induced you to form that opinion?—The grounds of it are, that I wish ecclesiastics to turn their minds and affections entirely to that state of life upon which they are about to enter, and to keep themselves, as much as may be, separated from those worldly feelings and pursuits, which are lawful, if not commendable in lay persons. I think in a word, that the ecclesiastical character, in order to be perfect, should partake as little as might be of that of a layman; and therefore I do not wish, that ecclesiastics who should live to God, and who are to be employed during life, in inculcating the pure morality of the gospel upon the people, not only by word, but also by example; I do not wish, or think it right, that such persons should be too much mixed with worldly concerns; I conceive that their being so, is opposed to the spirit of the gospel, and to the admonition of the apostle, who says, that nobody who is devoted to the service of the altar should mix himself with secular concerns.

Has the establishment at Carlow been always distinct in its branches, or have those branches ever been combined?—They

have never been combined more closely than they are at present.

Is there within your knowledge, any college in any other diocese in Ireland, similar in its objects to that of Carlow?—There is a college in the diocese of Ossory; and there is a seminary, I believe, at Waterford; and there is also a small one at Tuam, those are similar in their object, but they are small; I might say, insignificant compared with ours, for our establishments, comparatively speaking, are very large; the number of students educated in them is very considerable; the establishment of professors is very respectable; and the sciences taught by them are the same as those taught at Maynooth, or at any other public establishment; in a word we have a regular professor of theology, of sacred scripture, one of moral and rational philosophy, one also of natural philosophy, besides teachers of the classics; such an establishment as that, comprising so many professors, could not be had in a seminary unprovided with very considerable funds, therefore it is that those other seminaries are very small compared with ours.

Do you mean, that there are courses of scientific instruction, both pure mathematics and experimental philosophy?—Pure mathematics and experimental philosophy are taught at our college, in the same manner as they are taught at Trinity College.

What is the number of students?—It varies between 100 and 120, including the lay gentlemen.

How many of those are educating for priests?—The number destined for the priesthood varies from sixty to eighty.

What is the expense attending the education of a boy at the college of Carlow?—We charge them twenty-five guineas a-year for their commons, in which charge we do not consider ourselves as including any thing at all for education. Except those who are educating for the church, all our pupils are obliged to pay five guineas at entrance, and thirty guineas a-year.

What is the whole annual expense?—I should think, the education of a lay boy would cost between forty guineas and fifty pounds a-year.

Do you prefer this plan of education to that at Maynooth?—The plan of education, at our college, is very nearly similar to that at Maynooth, because there also the classics are taught, though they instruct ecclesiastics only; and as to the sciences, we teach the same course in both establishments.

Do you prefer a system of education, that would require this expense, to one entirely charitable, like that at Maynooth?—

Yes, I would; but, however, if you were to charge the students coming from several dioceses in Ireland, as much as they are obliged to pay at our house, you would exclude them altogether, as they have not the means wherewith to pay; for instance in the north, where the Catholics are, generally speaking, few in number, and very poor, I do not suppose you would find a number of persons inclined to enter into the church, who could afford to pay forty, or perhaps twenty pounds a-year during their studies. Not so in Leighlin and Kildare, for we have a great number of substantial farmers, who are able to pay what is charged for education of their sons.

Would you prefer the system of education at your college, to the system of education in the foreign universities?—I feel a partiality for the education at a regular university, because I have been educated at such a place myself; however, it is possible that our system of education, for the generality of ecclesiastical students, may be better than that of an university abroad; but I think, for certain classes of persons, an education at an university, where there is more emulation and more zeal, a longer time allowed for study, greater rewards and distinctions held out, would be far preferable to that of a private seminary or college, such as Carlow and Maynooth.

Do you think that so far as it is practicable, a less eleemosynary system of education would be preferable for the clergy?—As far as it is practicable, I should think so; but am of opinion, that much caution would be required in making such an arrangement as would burden the students with expense.

If there were any arrangement for the payment of the Roman Catholic clergy by the state, such as would make situations in the church an object for persons in a certain rank in life; do not you think that the persons who went would be able to pay for their education?—I think that such arrangement would probably have that effect.

What is the number of years which each student is obliged to reside at Carlow, previous to his ordination?—The students of my diocese are obliged to reside in Carlow at least six years; in general they reside for a longer time, but the course which is absolutely necessary for a student in the college, is only of five years.

Are they ordained for other dioceses besides that, after having received their education at that seminary?—Yes.

For any diocese in Ireland?—For any diocese in Ireland; we receive them from any diocese, when they come recommended to us by their bishop.

And a degree, or a gradating at that seminary, is considered

the same as a degree taken at Maynooth?—We have not the power of conferring degrees either at Maynooth or at Carlow; there is a testimonial signed by the president, of the student having passed through the regular course of studies, but it is not what we call a degree; a kind of proceeding sanctioned by law, which gives to a man a degree, is what we cannot have.

Is there no such power at Maynooth?—No such power at Maynooth; it is a power, I believe, generally derived from the King's act of foundation; in Ireland there is no such thing existing, except at the university, that is, at Trinity College; in fact, the power of conferring degrees is scarcely ever given to colleges, it is confined to universities; they are only religious orders in the church which have had the power, from time to time, of granting something equivalent to a degree.

Is a testimonial given at Carlow considered equivalent to a testimonial received at Maynooth?—Yes, it is.

Is it considered also the same thing when given at the other seminaries in the dioceses of Waterford, Ossory, and Tuam?—A man who gets a certificate of having fulfilled the course of studies adopted in any of those seminaries, is thereby entitled to be employed upon the mission; but it is a matter that depends upon the opinion of the public, whether he will stand as high in their estimation when he has fulfilled his studies at another seminary, as if he had studied at Carlow; I do conceive that the generality of students who have completed their studies at Carlow, are much esteemed throughout Ireland.

Can you inform the Committee, what the number may be at other seminaries?—I really cannot; I believe they are few.

Is it necessary for a person to have taken any degree, in order for him to be made a bishop?—It is not necessary.

Then, of course, persons educated at Maynooth and Carlow are qualified to become bishops?—Yes; and there are several bishops in Ireland who have been there educated.

Have the majority of the Irish prelates been educated at Maynooth, or at the foreign universities?—The majority of our present prelates have been educated at the foreign universities; but I suppose, in a few years, we are not likely to have any bishops but such as have been educated at home; I am myself the youngest prelate in Ireland who has received a foreign education.

Can you inform the Committee of any other circumstances, besides the facilities afforded by the establishments at Maynooth and Carlow, which lead you to think that students will not repair to foreign universities for education?—I do not know any other.

Have any obstacles been thrown in the way of the Irish youth repairing to the universities in France?—None whatever, that I am acquainted with.

Have not some of the burses been suppressed?—No.

Have any facilities been offered by the French government?—No facility, that I heard of; the funds belonging to our Irish college in France, or rather the management of them, was for some time past vested in a kind of board at Paris; and this board consisted of men who mismanaged our property very much; they placed in the seminary there, which belongs to the Irish, men in whose morals or capacity we had no confidence; and whilst the management of the seminary continued in the hands of this bureau, many of the Irish prelates were unwilling to send subjects there. But some short time past, this bureau was dissolved, and the administration of the college vested, I believe, in some person appointed by the King; I do not know but it may have been in one of the secretaries of state; an Irish ecclesiastic, however, who happened to be on business in Paris, was appointed president, and since then, our objections to sending students there have been, I may say, entirely removed. I myself have a right to send there a student, or perhaps two or three, and during the last six years I would not send one at all to Paris, for the reasons I have stated; but I am deliberating at present about sending one or two, on account of the change to which I have adverted.

When sent there, will they receive their education and support without any contribution by themselves or their families?—They will receive their education and support without any contribution, by themselves or their families; but they will receive it, not from the French government or the French nation, but out of funds which originally belonged to Irish families, and which funds were settled in that country, when at home we were not permitted to educate our own youth. Much of those funds was confiscated at the period of the Revolution, but some remnant of them was preserved; and it is this remnant which was restored to us at the time of the general peace, and which it was sought at that time to have transferred to Ireland, but the French government was averse to such translation; and I believe the representatives in France of our own government did not exert themselves very much to obtain the removal of this fund at that period, or they might have succeeded; but, at present, I should think we could not obtain the removal of it from that country to our own.

Can you inform the Committee, what number of students the exhibitions, which are continued in the foreign establish-

ments, might suffice to educate, speaking now of the University of Paris?—I cannot speak with much precision to the amount of our funds there, but I should think they may be rather less than 4000*l.* sterling a-year, besides having a very large college house.

Does that include the exhibitions to which those families in Ireland have a right of presentation?—It does include such exhibitions.

What means exist in other universities abroad, for the education of Irish youth, in the universities, for instance, of Flanders and Spain?—There is some income belonging to us at present in Flanders, but it has not been applied hitherto for the purposes of education; whether it will or whether it will not be so applied, I am not at present prepared to say; but except that, we have not upon the Continent any establishment deserving notice, for Irish secular priests; it is likely, however, that we may shortly have one at Rome. The Irish have had at all times past a college in Rome (when I say all times past, I mean from the period of the change in the state of the law in this country), and I think it likely that they would wish to have a college there at present.

When you speak of having funds in Flanders, do you mean French Flanders, or the kingdom of the Netherlands?—The kingdom of the Netherlands.

What has become of the establishment at St. Omers?—It was destroyed during the French revolution.

In saying that there were no funds for the education of the clergy, you used the distinction of secular clergy; what funds are there for the education of the regular clergy?—I do not well know; but I know, that as the religious orders in Ireland have each a distinct college at Rome, they must of course have some funds by which such colleges are supported.

Are there no funds in Spain?—There may be some trifling funds at Salamanca in Spain; but I believe they are very small.

Having stated that you conceive the French government would now be less inclined to admit the transfer of those sums appropriated for education, than they would have been at the time of the peace; do you mean to suggest to the Committee, that they are now more desirous of establishing the foreign education of Irish priests?—No; the meaning I attached to it then, and what I have at present in my mind is, that our influence with the French government was stronger at the period of the restoration than it can be supposed to be at present, when that government is settled; and as there would be an inclination at all times in a French government to retain in their own guardianship a large mass of property, I should

think that such inclination is strengthened by the circumstance of the government itself having grown strong and secure.

Could you furnish to the Committee, previous to your leaving London, any account of the number of students at the foreign universities, now destined for the priesthood?—It would not be in my power to do so; it is only by application to the several bishops of Ireland, whose subjects are upon the Continent, that such account can be furnished; and even then I doubt whether it would be possible to ascertain the number. I myself have no subject for my diocese in France, but yet there are several individuals of the diocese to whom I have given permission to go abroad, and study. Those individuals are gone to France for that purpose; and when they will have been educated, they can apply to any bishop in any part of the world for ordination. I may not receive them, but they will be received elsewhere, either in this country or in America.

When you mention the three orders that exist in Ireland, do you mean that they have distinct establishments in Ireland; houses belonging to their orders or confraternities there?—They have houses belonging to their orders in Ireland, where the religious live; and they send abroad young men to Rome, who are educated there and come home, and then occupy those houses which they have in Ireland.

What are the three orders?—There are Dominicans, Franciscans, and Augustinians.

Which is the most numerous of those?—I should think the Franciscans is by much the most numerous.

What duties of the ministry do they perform or assist in performing, in Ireland?—They assist in performing, I might say, every duty of the ministry; they preach, they hear confessions, and they catechise.

How are they supported?—They are supported chiefly, in towns, by collections made at the doors of their chapels on Sundays, from the congregations who assemble to hear mass; and when this is not sufficient, they send some person belonging to their families into the country, and he collects amongst the farmers alms for their support, in kind generally.

Have they no fund or endowment in Ireland?—I believe they have; some more, and some less.

Can you state where?—Almost every house, I should suppose, has more or less of property belonging to it.

Are there many of such establishments!—Yes, there are a good many; in Dublin, I suppose, there are six or seven; in Galway, there are three or four; in Limerick, there is an equal number; in Cork, there is an equal number; in Kilkenny there are, I believe two; and in several small towns there is at least one.

Can you state the number of regular clergy in Ireland?—I cannot, with any degree of accuracy; but I should suppose there might be about two hundred.

When you state that most of those houses have property, do you mean by that, landed property?—No; interest in houses, and some funded property or monied interest.

Is the establishment for education at Castle Browne, within the diocese of Kildare?—It is within the diocese of Kildare.

Can you inform the Committee how that establishment is conducted?—It is a school, where young boys are educated.

What is the number of persons in that establishment?—I really cannot say; but I suppose the number of pupils in the establishment exceeds an hundred; probably there may be an hundred and fifty.

At what age are they sent there?—I believe they are received there at the age of ten.

By whom is that establishment conducted?—There are several clergymen residing in it, the superior of whom seems to be a Mr. Kenny.

By what funds is it supported?—By the pensions received from those young gentlemen who are educated in it.

Have they not estates or property?—They have purchased the house in which they reside, with a piece of land attached to it; I do not know the number of acres.

Do you know who purchased it; was it Mr. Kenny?—I believe it was Mr. Kenny himself.

Are they of any particular order of ecclesiastics?—It is said that they are Jesuits.

In fact, are you aware whether they are or are not?—I do believe they are; amongst the Jesuits they are reputed such; but then the Jesuits in these countries are not recognised to exist as a corporation like the other religious orders; and if they be Jesuits, as I believe they are, they do not seem, as far as I can understand, to act in any other capacity than that of individual clergymen collected together; they sometimes exercise the ministry in the diocese of Kildare, but they do so by authority derived from me, and subject to my control.

You do not admit their right *virtute ordinis* merely as Jesuits?—By no means; I do not know in an official way that they are Jesuits at all; I even on one occasion, where it was necessary for me as I thought to know it, applied to Mr. Kenny in an official way, to ascertain whether he was or was not a Jesuit; I have communicated to the Committee the substance of the reply he made to me, in what I have just said.

Have you any reason to doubt that they act under the au-

thority of the officers of the order, and the rules of the order, as the members of it have always done?—Within their own walls and in their domestic duties they may do so, but certainly outside of their own house they do not, because they can do nothing in my diocese unless in virtue of authority derived from me; I have over them a full and perfect control in the exercise of their ministry.

When you say they can do nothing, you mean they can perform no function of the ministry?—They cannot preach or teach, or celebrate mass outside their own house, unless I commission them to do so.

What is the number of pupils in that establishment?—I said that I did not know, but I believe it may amount to between a hundred and a hundred and fifty; it may even exceed a hundred and fifty, but I do not know.

The expense of education there is high, is it not?—I believe their ordinary charge is fifty pounds or guineas a year.

Then the class of pupils educated there is necessarily of a high order?—They are very respectable indeed.

Are you aware how many ecclesiastics are employed in the superintendence of this establishment?—I suppose there cannot be fewer than twelve or fourteen.

Are there any foreigners amongst them?—There is one who I believe is a Pole, a simple good man, who has been there for some three or four years past; he seems to be a German or Pole.

The others are Irish?—The others are all Irish; they have an establishment of a similar nature at Stoneyhurst in Lancashire, and it sometimes happens that individuals from that establishment who are English, go over and reside for some time at Clongowes; I have seen, as I recollect, two or three or four young men who were introduced to me there as Englishmen.

Are you aware of the existence of any other establishment in Ireland, supposed to be conducted by persons of the same society?—There is one other in the diocese of Meath, but there is only one or two of those men residing in it; and a small number of young gentlemen of a more tender age.

However, at neither of those place sis any eleemosynary education afforded?—No, nor are there any ecclesiastics educated in either, except their own.

But for the ministry in Ireland, none have been educated at those establishments?—None have been educated at either place.

Have you ever heard of an establishment being about to be founded, or a purchase of land being made in the south of

Ireland?—No, I believe no such purchase has been made, or was intended to be made.

Can you inform the Committee, what was the amount of the purchase money of Castle Brown; what was the capital invested in that establishment?—I may be very wrong in what I say, but to the best of my recollection, I think it cost 16,000*l.*

You are not aware whether that arose from funds contributed by several individuals, or whether it was the investment of one individual?—No.

A few years ago, petitions were presented to Parliament from some of the Roman Catholic bishops, complaining of the state of the law with regard to Catholic charities; what are at present the feelings and opinions of the Catholic bishops, with respect to the powers that are possessed by Roman Catholics to endow Catholic charitable institutions?—The impression upon the minds of the Catholic bishops and clergy, and even laity, is, that every donation or foundation of that kind would be liable to litigation; and that, unless the instrument whereby it would be conveyed were drawn up in a very careful way, the Commissioners of Charitable Bequests in Ireland would be entitled, as no doubt they would be inclined, to seize upon it; and therefore the doubtful state of the law upon that subject is one cause, and I might say a chief one, why our places of worship, and our religious establishments, which might be very useful to the country, are left destitute of those means which they would otherwise acquire. It was a feeling of this kind which induced the bishops to send forward the petition which has been now mentioned, and I myself was among those who signed it; and the same feeling still continues, though in some degree mitigated.

Has not there been a decree of the court of Chancery, that goes to settle the doubts entertained with respect to the law?—There was a decree that bore upon that subject, made by the present Lord Chancellor of Ireland; but we conceive, that a decree of the Lord Chancellor is a very bad security for property, as he himself might make a different decree, or certainly his successors; and as every case that comes before the Lord Chancellor, is affected more or less by circumstances, we would fear very much to take a single decree of his as a precedent upon which to risk property; that is the feeling in my mind, and it is a feeling generally prevailing amongst the Catholic prelates.

Are you aware, that the decision of the Lord Chancellor in that case has been entirely acquiesced in by the Commis-

sioners of Charitable Donations?—I do not know that circumstance.

Are you aware, that when Lord Manners intimated the leaning of his opinion on the subject, in favour of the bequest for purposes connected with the Roman Catholic religion, it was entirely acquiesced in by the counsel on behalf of the Commissioners, and that they said they would not argue against it?—I believe I recollect the occurrence, and it was known to us all, that His Majesty's Attorney-General appeared in court, and waved his right to oppose the decision.

And distinctly stated, that he thought it so clear that it could not be controverted?—Yes, I believe we are aware of that.

Does there, in point of fact, exist a want of confidence amongst Roman Catholics, in the present state of the law, as to applying property in support of Catholic charitable institutions?—There does exist such want of confidence; after the short discussion which took place in Parliament last Session, I myself endeavoured to impress a contrary opinion upon the minds of many with whom I conversed about it; but I did not succeed in making them think even as I did myself.

Does this state of the law operate by throwing obstructions in the way of the building of chapels, and the establishment of schools?—Unquestionably; it is a great obstacle to the establishment of very useful institutions in the country.

What is the state of the lower orders of the people in your diocese?—I might say, that even in the lower orders we should distinguish some grades, there are some of them very low, but who yet have the necessaries of life; but there is a very numerous class who are extremely low, whose distress is, doubtless, indescribably great. I am in the habit of conversing with many of this description, I sometimes visit them in sickness; occasionally I see them in their cabins; my intercourse with them is constant, and I might say extensive; and I can safely state to the Committee, that the extent and the intensity of their distress is greater than any language can describe, and that I think the lives of many hundreds of them are very often shortened by this great distress; it enervates their minds, and paralyzes their energies, and leaves them incapable of almost any useful exertion.

Are the numbers, who are in this wretched state, very great?—Their numbers are comparatively very great; I would give the Committee an idea of it, by stating what I know of it from the last year. The town of Carlow and suburbs contain about 8000 or 9000 inhabitants by the late census; last year the distress was something more than usual; there were of

the poor of Carlow 237 families, consisting, I suppose, of five and a half persons on an average each, who applied to us for relief in public; and I should think, from the applications made to myself, by distressed persons, that the number of those, who would not go abroad to receive the food which we distributed, might be about 500 persons more, there was that number then in the town of Carlow. In the parish of Killishean, in which I reside, we also enumerated the poor who were actually in a state of starvation, and they amounted to 700, and some more, in a population of about 3000, or between 3000 and 4000 souls. In addition to those paupers in that parish, I know that the distress amongst the great bulk of the people was extremely great, so much so, that men having cabins and a few acres of land, and perhaps a horse or two, were obliged to sell even the furniture of their houses, and to pledge their beds, in order to procure subsistence, and this subsistence consisted of a few potatoes, supplied to the family once in each day, for about six or eight weeks, or perhaps longer. And I also can state, that this distress extended so high, that I myself, and I regret very much being obliged to introduce myself so frequently; but, as the mention of myself is necessary, in order to make the case clear, I do it, however reluctantly; I myself, have been obliged to lend money to almost the largest occupiers of land in the parish where I live, to buy seed for their farms; and if I, or some other charitable person had not done so, the land would have remained untilled. The Committee can perceive then, that not only the 700 paupers who were in a state of starvation, but also a great proportion of the remaining part, were reduced to the difficulties I mention. And, though the last year was a year of more than ordinary distress, yet I am confident, from the great number of poor not employed, and the small stock of provisions which they are enabled to preserve for the summer, that the season which is now approaching will be as pressing nearly as that which is passed.

Was last year a year of any extraordinary distress?—I cannot call it a year of very extraordinary distress; but it was a year of much more than ordinary distress.

Was the distress as great as it was in 1822?—By no means.

Then, is it your opinion, that this state of distress will be in some degree a matter of ordinary occurrence at particular seasons of the year?—That we will have great distress every summer, whilst the present state of things continues, is a matter of course; it will be greater or less in proportion, as the potatoe-crop happens to be good or otherwise, but that we

will have a great deal of it each year, is a matter to be counted upon as certain.

What is the reason you mentioned the summer, as a period of particular distress?—The poor people in general collect a little dung, (they have no land) this dung they put upon a piece of land given to them by a farmer, and it produces to them a little stock of potatoes; this, with their earnings, supports them until, suppose, March or April, then their entire stock is exhausted; and when the summer advances, particularly the latter part of it, before the harvest comes in, they have no means at all of support; they have no employment; they have no food; and they are actually dying of hunger.

Is there not sufficient employment during the summer, to give them the means of purchasing even potatoes?—By no means; till the hay harvest commences, you might get hundreds upon hundreds of men unemployed; when the hay harvest comes in, (and last year, the hay harvest being very fine, many labourers were not necessary); not half the number of persons disposed to work were employed.

In what manner does this large number of persons contrive to live?—The people who have some property are in general very charitable, and they see that broths are made in their families, and cabbages and roots which are very abundant, boiled and distributed out to the poor. Again, the male part of the family lie very frequently in bed; during the day, the wife or daughter perhaps goes abroad and begs about the neighbourhood for some few potatoes, which she brings home; on these they vegetate; and even an honourable Member of this Committee, who is so well acquainted with our poor, can scarcely imagine upon what a small pittance one of those wretches endeavours to subsist; in fact he is almost like a savage of the American deserts; he lies down on a little straw upon the floor, and remaining there motionless nearly all day, he gets up in the evening, eats a few potatoes, and then throws himself again upon the earth, where he remains till morning; thus he drags out an existence, which it were better were terminated in any way, than to be continued in the manner it is.

Do you think this evil is likely to increase?—If the laws be not altered, and the country so settled, that people will have a confidence in the peace and good order to be established, and if English capitalists do not go to Ireland, and those who have capital there employ it in agriculture, in manufactures, and in mines, I do not see why this evil must not increase.

What alteration in the law do you contemplate, as likely to

produce those effects?—The abolition of all disabilities on account of religious opinions, in the first place, because without that, I think no other measure can have effect; if that be done, I should suppose that those other institutions which are now in progress, and particularly the disposition which seems to exist on the part of English capitalists, to transfer their money to that country, and employ it in industrious pursuits, would produce those effects to which I allude.

You just now used the expression, "the present state of things," was it with reference to the circumstances last-mentioned that you used that expression?—I used it with reference to the state of the laws, which keep every thing unsettled, and every thing insecure, and which discourages men of capital and industry from embarking both in the improvement of the state of Ireland, and the advancement of their own fortunes.

Is that only a general observation, or have any instances come within your knowledge, in which those laws have discouraged persons from embarking capital in Ireland?—It is rather a general observation than one founded upon a knowledge of particular facts; but, however, this general observation is one that is founded upon a general notoriety as to the state of things, which notoriety, I think, is in itself a sufficient proof that the observation is not light or unfounded.

Have any circumstances contributed, particularly in the district you have spoken of, to increase the large amount of population you have described, to an amount so much beyond the means of employment?—I live in the vicinity, as I mentioned, of a very considerable town, into which there has been a great influx of poor people from the country, who occupy little dwellings, hoping to live by their labour. I speak of Carlow and its immediate vicinity; now, whilst the prices of corn were very high, there were mountainous districts and marshy lands, chiefly in the Queen's County, not far from us, which afforded to the people some support; and this support failing, they, not being able to pay their rent, were obliged to relinquish their habitations, and crowd down upon us; this is one cause.

Do very early marriages prevail amongst the poor?—I find also, that those poor people, without care or precaution, intermarry one with the other, even when they have no prospect of being able to support a family; and those early and improvident marriages, I think also, are a cause why we are oppressed with this starving population.

The town of Carlow is, in general, in a much more flourishing condition than other towns in the south of Ireland?—

I can only say, that if it be, those other towns must be wretched beyond all conception; for I speak of the state of Carlow from actual knowledge and observation.

Is there any manufacture there?—There is no manufacture, of what kind soever, in it; we have been endeavouring, and have made great efforts to encourage the spinning of coarse linen yarn; we have not, however, succeeded, to any considerable extent. I have, myself, made a great effort within the last year, to seek to have children taught the manufacture of bonnets. I have lately sent a person to be instructed in the stitching those bonnets which we call Leghorn bonnets; and upon her return, I hope some progress will be made in it, and that females may get employment to a considerable extent, either in spinning or bonnet-making: but except those, which are very trifling indeed, we have no manufactures of any kind whatsoever.

Then when you spoke of the great and unemployed population of the neighbourhood in which you reside, did you mean to refer to the neighbourhood of Carlow particularly, or did you mean that the same thing exists in the other parishes within your diocese?—Yes. I am intimately acquainted with all the parishes, and all the towns in the diocese of Kildare and Leighlin; and as far as I am acquainted, there is very great distress in all of them; but I think there is a greater proportion of distress in Carlow than in any other town in my diocese; but that impression may result from my being more intimately acquainted with that parish than with any other.

Has the subdivision of land in that part of the country contributed much to this increase of redundant population?—Yes.

Has that gone to a great extent?—In the county of Carlow it has not gone to a very great extent, in the county of Kildare it has not gone to a very great extent, in the Queen's County it has gone to a greater extent; those three counties are almost entirely within my diocese; I have also portions of the county of Kilkenny, the county of Wexford, the county of Wicklow, and the King's County, and here too I think the population, particularly in the county of Wicklow and the King's County, has increased considerably from that cause.

Is that subdivision of land generally arising from the arrangements of the tenants, or from the circumstance of their holding in joint tenantcy from their landlord?—It is derived from both those causes; I have known some instances where it has proceeded from that joint tenantcy, and many instances, perhaps more than in the other, where it has arisen from the

subdivision of land occasioned by the necessities or convenience of poor families.

Is there not a very extensive district of country called The Colliery country, which thirty years ago was almost destitute of inhabitants, that is now covered with a very dense population?—Yes, that very large tract of country has been covering with a dense population during the last twenty or thirty years, as I should suppose, and previous to that it was almost a waste.

Is that district of country twelve or fourteen miles square?—It is at least twelve or fourteen miles long; it is not so wide, but it is nearly.

In speaking of Carlow, do you not include the large village of Graigue?—Yes, I include the suburbs.

Have any other causes, besides those you have alluded to, tended in your opinion to increase the population in an excessive degree?—The population is immediately increased, as every one must perceive, by improvident marriages; but those marriages themselves, in my opinion, result in a great measure from the extreme poverty of the people, for that poverty has paralyzed their energies, it has prevented their taking such an interest in creating a respectable situation for themselves in life, as men possessed of some property always feel; for those wretched people say, their state cannot be worse when married than before, and hence they go together. Moreover, when the head of a family is extremely poor, he lives in a wretched cabin, and has only one apartment where he and his children dwell; it is so with his neighbour, and there is then a constant intercourse kept up in these small dwellings, so that the different sexes are mixed up together, and that respectful distance which is always observed in families of any thing of rank, is lost entirely amongst the poor. Hence it is, that if those people had some property that would give them education and a feeling of self respect, and would put them as it were upon their energies to seek a livelihood, they would look before them before they married; but now their very depression and their extreme poverty throws them together like so many savages in a wood. It is a frightful state of society, and when it is considered, it fills one with so much pain and horror, that I have frequently prayed to God, if it were his will, rather to take me out of life than leave me to witness such evils, if they were to continue; they are beyond the endurance of human nature.

Have the landlords of the country, in your opinion, with a view to receiving a higher rent, or with a view to other objects, increased the population by encouraging the subdivision

of land?—Upon my word I think they have, in many cases, done so, with a view to receiving a higher rent.

In point of fact, is a higher rent given, or rather promised, for land, when subdivided in this manner?—Yes; those poor people promise any thing almost for land, in order to get possession of it.

Do you think that the desire of registering a great number of freeholders, for instance, has contributed on some estates to the same result?—It has contributed, on some estates, to the subdivision of land, and to the creation of joint tenantcies.

Has that gone to a great extent of abuse or ill consequence in those parts of the country with which you are acquainted?—It has not gone to a great extent in that part of the country with which I am best acquainted. In Kildare it has not gone to a great extent, because we have not had a contested election there from time almost immemorial; in the county of Carlow it has not gone to a great extent, if I were to except the properties of three or four gentlemen; in the Queen's county it has gone to a considerable extent.

You have given to the Committee a very painful and a very true picture of the state of the peasantry in some of those districts; are the peasantry, such as you describe, in many instances possessors of the elective franchise?—No; the class of peasantry, which I describe as labouring under that extreme distress, are not, or but very few of them; but the Committee will recollect, that I presented to them a kind of scale of the poor. The great and most numerous class of those wretched beings have no elective franchise; then of the class which comes immediately above them, many have the elective franchise.

Do you know any instances in which Roman Catholics in Ireland, having a difficulty in finding the means of paying the clergy of their own persuasion for marriages, have applied to Protestant clergymen to be married?—Certainly I have never heard of an instance of that kind in the diocese where I live, because a priest in the diocese of Kildare and Leighli who refused to marry any one, would on that account be suspended.

That is owing to a regulation made by you in the diocese; that regulation is not essential to the discipline of the diocese?—It is a statute in my diocese, it is not a general law throughout the church of Ireland.

Could you state to the Committee from memory, what is the purport of the oath which a Roman Catholic bishop takes upon his ordination?—I really could not; the substance of it

is, that they profess canonical obedience to the Pope, and will receive honourably his legate going or coming, and various other things which I could not state with any degree of accuracy.

Could you furnish the Committee with a correct copy of the oath?—I am sure I could borrow a pontifical from the vicar apostolic, who lives in town.

Will you explain the distinction between a vicar apostolic and a Roman Catholic bishop?—We have the title by the appointment we receive to a see, as Roman Catholic bishop of it, whilst the vicar apostolic is only a delegate from the see of Rome to administer the interests of religion within any district which may be assigned to him, and therefore is removable at the will and pleasure of the Pope; but a bishop, such as we are in Ireland, cannot be removed when he is once appointed.

Is there any distinction between the power of a vicar apostolic and a Roman Catholic bishop, as to the power of withholding the publication of any bull or rescript from the see of Rome?—I should think there is a material difference, because the vicar apostolic depends, as to the existence of his office, upon the will of the see of Rome, he can be removed from it at the good pleasure of the Pope; the faculties which he exercises can be restricted or limited, or modified, just as the see of Rome may please. It is not so with us bishops, we cannot be removed, we have a title to our place; our rights are defined from the gospel and from the canon law, defined as well as those of the pope himself; we cannot be obliged to do any thing by the mere good will or pleasure of the Pope.

In the year 1799, the Roman Catholic prelates of Ireland, at that time, resolved, that in the appointment of prelates of the Roman Catholic religion to vacant sees within the kingdom, such interference of government as may enable it to be satisfied of the loyalty of the persons appointed, is just, and ought to be agreed to; do you think the Roman Catholic prelates at present entertain the opinion that was expressed by the Roman Catholic prelates in 1799?—If I were to pretend to speak the sentiments of the Roman Catholic prelates I might deceive myself, and deceive the Committee, and therefore I think it would be safer in communicating information, that I should only give my own private sentiments, for I do think I could not speak the sentiments of others with any degree of confidence; men's minds are so different, and it is so delicate a matter to pretend to speak for others, that I would not undertake at all to do it.

Do you dissent from the opinion which was expressed by the Roman Catholic prelates in Ireland?—I cannot say I dissent; but if what is meant there would go to imply, that in order to ascertain the loyalty of the person to be appointed, the Crown should have a direct or indirect interference with such appointment, then I do dissent from it; but if a mode of ascertaining the loyalty of the person to be appointed can be devised, which would not imply a right on the part of the Crown to interfere, directly or indirectly, with his appointment, I should fully agree then with the resolution; for there is no one in the country who would be more anxious that the Crown should be fully satisfied of the loyalty of the person appointed, than I would, for I think it essential to the well-being of the state, that perfect confidence should prevail between His Majesty's government, and every class of his subjects.

You are acquainted with the provisions which were made in the Bill that passed the House of Commons, in the year 1821, for the purpose of procuring that assurance as to the loyalty of the person appointed?—I have some vague recollection of what the provisions were.

Do you recollect enough of them to express any opinion, as to whether it is likely that the Roman Catholic prelates in Ireland would see with satisfaction the re-enactment of those provisions?—I should think they would not; and for my own part, I do say I would not.

Can you suggest any other mode of taking security for the loyalty of the person appointed, than that which was provided by the Bill of 1821?—My notions upon the subject are these: I am fully convinced, that if the disabilities under which the Roman Catholics labour were removed, we would be so incorporated by interest and affection with the State, that the same pledge which is required of His Majesty's other subjects, namely, the oath of allegiance, would be quite sufficient to secure our attachment, at all times, to the Crown and to the institutions of the country; for our religion, our church rather, is in its nature monarchical, it has, I might say, a natural tendency to support a kingly government, and if it were to do any thing to disturb or destroy the institutions existing in these countries, it would be acting contrary, as it were, to its own nature; moreover, we in Ireland, if we were incorporated with the State, would feel a most intense interest in promoting the interests of our own country, without reference to religious distinctions; there would be a bond arising out of our affections and natural inclinations, which would secure to the Crown our allegiance, better than any provision which

can possibly be made; further, we being thus incorporated with the State, and our affections secured to the King and his government, we would be enabled to render to both much greater services, than we could if by a provision, such as has been alluded to, we were connected with them by law, as the nature of the church is to connect itself, perhaps too closely, with the Crown; when it does so, it more or less loses the confidence which the people should have in their religious teachers, finding them not only men of religious characters, but also men who have political interests. If you leave our church unconnected by especial agreement with the Crown, you leave us to exercise over a country that is somewhat distant from the seat of government, a most salutary and wholesome influence, an influence which we would exercise naturally; because, by the exercise of it, we would only be confirming the principles of our own church, and labouring for the security and eminence of the State to which we belong. If, on the contrary, you bind us to you by an arrangement of that external kind which has been mentioned, you may make us strongly attached to you, but in proportion as you connect us more closely with you, you will remove from us, and thereby remove from the State, the people over whom we exercise jurisdiction; so that whilst you seek by such an arrangement to secure our useful influence, you in fact weaken that influence where it could be advantageously applied for you. And I am convinced in my soul,—I never spoke without sincerity, but I never spoke more from the fulness of my heart than I do at this present moment—that if we were freed from the disabilities under which we labour, we have no mind, and no thought, and no will, but that which would lead us to incorporate ourselves fully and essentially with this great kingdom; for it would be our greatest pride to share in the glories and the riches of England. Whilst then we are, as prelates of the Catholic church, jealous of the interference of the Crown, I think it may be collected from the sentiments I delivered on a former day, and on this, that we are not less jealous of the interference of the Pope; we are zealous for the independence of our church, and we do not like that either the Pope should interfere with it beyond what is necessary for preserving the Catholic communion, nor do we like that an interference of the Crown should be established in the appointment of our prelates, which would weaken our influence with the people; an interference which, under a bad minister, (and there have been bad ministers in every state,) might be made use of to put into places of great responsibility, men who would be unfit to fill them, either to the advantage of

religion or for the benefit of the State. Entertaining, then, as I do, these notions which I have expressed, I must feel, and I do say that, in my opinion, the best security we can offer, and the most effectual one that could be required of us, is, that our prelates be of a domestic kind; that the election of them be made by men resident in the country, and who are British subjects; and that there be no further interference with them, than that interference which would result from all persons concerned in such elections taking the oath of allegiance; and that they would elect only such persons as would be loyal and peaceable, and likely to discharge the trust reposed in them, in a manner useful to the State, and honourable to their calling.

In the course of your last examination, you stated that if a provision should be made by the State, for the Roman Catholic prelacy, you would refuse to receive it, unless it was made irrevocable by law, excepting in the case of a conviction of the prelate receiving it in a court of law, of some known offence?—That is what I stated.

You also stated, that if the court of Rome should agree, by any convention with the crown of England, to give any interference, direct or indirect, over the appointment of the prelacy in Ireland, you, for one, after trying the effect of a solemn protest, would still rather abdicate your functions as a prelate, than submit to any such arrangement?—Indeed I would; I would state at the same time, that I have no attachment to the office which I hold; and that, independent of such a cause, I would cheerfully resign it; but unquestionably I would resign it rather than be a party, in any way, to a concordat, in which a right to interfere in the appointment of the bishops would be vested in the Crown.

Do you think that such a right as the crown of England exercises in the province of Lower Canada, is entirely inadmissible in Ireland?—I am not acquainted with the nature of the influence which it exercised there; but I should think, that it would not be unreasonable that a greater right would be vested in the Crown, with regard to responsible officers placed in a distant colony, than with regard to a bishop in Ireland, who is mixed up with a community which forms a component part of the empire itself.

Do you think, in case such a provision as that which has been referred to were made, that it would be possible that there should be any control on the part of the Crown over the admission of bulls, rescripts, and other documents from the see of Rome, into Ireland?—I know that in 1821, when a bill, regulating the matter, was introduced into one of the houses

of Parliament, some strong objections were raised to it in Ireland. At that time I had very little experience in those things; and on that account, I scarcely ventured to give an opinion amongst my brethren in Ireland; however, the opinion which I did entertain then was, that the subjection of this correspondence to a board was not a matter to be objected to; because I thought, if things were arranged amicably between the Catholics of Ireland and the British government, that one of the bishops in Ireland probably, or if not, a nuncio, sent from Rome, would be placed in Ireland or in London; and that this person would be enabled to transact the routine business which is carried on between the court of Rome and us; and therefore I thought that this bill would be a dead letter; whereas another mode of transacting that business could be so easily adopted, which would be advantageous to all parties; but if the government should entertain any jealousy whatever of the correspondence which passes between Rome and us, I, for my part, and I can only speak as an individual, might have no objection whatever, that all the letters and communication which should pass between the court of Rome and me, should be subjected to the inspection of any ecclesiastics whom the government might think proper to name.

Do you mean ecclesiastics of the Roman Catholic religion? —I assure the Committee, I should not care who were to compose the Board, if they were all laymen, if they were all secretaries of state; for my part, I have never received any communication from Rome, nor ever will receive any which I would hesitate to exhibit upon any of the public places of London, so that, upon that matter, I, as an individual, feel perfectly quiet; however, I do not say that the other Catholic prelates think as I do about it.

Under the constitution of the Roman Catholic church in Ireland, as it stands at present, could a foreigner be appointed to exercise the functions of a bishop?—I mentioned on a former day, and I repeat now, that the Pope has in him a naked right of appointing whom he pleases to a see in Ireland; but I added then, and I repeat now, that we are not to suppose that he would attempt to intrude into our church an individual who was not recommended to him from Ireland. If he did so, I will not presume to say that such person would not be received, but, however, I think it would be extremely difficult for him to take possession of his jurisdiction, or to administer in it the laws of the church. The Committee will be pleased to observe, that I recognise in the Pope the naked

right to do so; but yet I think the exercise of that right is morally impossible.

Do you recollect any instance within the last thirty years, in which a foreigner has been appointed to a see in Ireland? —Not one; there has not been a foreigner appointed to a see in Ireland, as I recollect, since about the middle of the seventeenth century; there might have been one then, but only one, nor am I certain that he was appointed.

Was not there an instance, in the year 1794, of a foreigner being appointed?—I do not know it; if there was, as there might be, it was not known to me.

By a convention of the government of France with the see of Rome, a provision was made, that no person but a native of France should be appointed to any prelacy within that kingdom?—A very reasonable provision.

You think there could be no objection to a similar provision with respect to Ireland?—Undoubtedly not; I should wish it very much; I think it is most just and reasonable.

Could that provision be made by the Roman Catholic prelates in Ireland, without the consent of the see of Rome?—No; how could we have power to take from the Pope the naked right which we state to exist him; but I believe I mentioned before, and I repeat again, that if matters at home were put into a train of settlement, the British government would find not the least difficulty in entering into a concordat with the Pope, whereby he would relinquish for ever the right to appoint a foreigner to a see in this country.

Do you conceive the oath taken by a Roman Catholic prelate, upon his appointment, could be modified without the consent of the Pope?—Not without the consent of the Pope, but the Pope has already modified it; there was a part of it which was objectionable, some persons did not understand it in the way we did; this was represented to the Pope, in the life-time of the late Doctor Troy, in Dublin, and a rescript was sent from Rome, whereby such clause of the oath was modified to the satisfaction, I believe, of every person interested about it. If a further modification of the oath, or the substitution of a new one in place of the old one, were required by the British government of the Pope, I have no doubt whatever he would accede to it, for there is nothing particularly amiable in the oath we take at present; and the object of it could be as well secured by an oath to consist of four lines.

It could not be modified without a previous communication with the see of Rome, and without the consent of the see of Rome?—Oh, no, it could not.

You have already said, that the principle of domestic nomination appears to you to be a reasonable one?—Unquestionably, a reasonable one.

If that could be effected without any violence to any principle of religion, or without interfering in any disrespectful manner with the authority of the Pope, you would think it would be a desirable thing?—I do think it quite desirable; to an arrangement of that kind we might give a provisional consent, but only that.

Do you think there would be any objection raised to an arrangement of this kind, suppose the Crown were empowered to appoint a commission, consisting of a certain number of bishops of the Roman Catholic church, and to name that commission from time to time, that then it should be required that no person should hereafter be nominated either to a bishopric or to any function in the Roman Catholic church, unless this commission should certify to the Crown, either as to the loyalty, or as to the domestic appointment and education of that person, or as to all those circumstances? —It is a matter of so much moment, that I would hesitate to give an opinion about it; I know a commission of that kind is in its nature one that would not be very acceptable to us in Ireland, because we know that ecclesiastics are perhaps as much, if not more, liable to be influenced by the Crown than any other description of men; and we would fear, that if any intention hostile to our religion were entertained, those men would become the tools of others in effecting that work; and I think it is a matter that would be objected to strongly by us, though in itself it may be perfectly unobjectionable.

It was not intended in the question, that any power of nomination, or of setting aside the nomination, should grow out of the recommendation of that commission, but only that before the person was admitted to the exercise of those functions, that commission should certify that he was a loyal person, and that he was educated at home?—Such arrangement might be perfectly unobjectionable, and I cannot say it would not be so; but this I know, that any thing to be done previous to the appointment of a bishop, would be looked upon in Ireland with suspicion; and I myself being extremely young compared with my brethren, and very insignificant in every point of view, I would think, that as Doctor Curtis and Doctor Murray, who are men of age and experience, and of great weight with their brethren, happen to be in town, it would be much better to take their opinion upon it than mine, because such their opinion would be in itself deserving of greater

attention than mine; and would have much more weight with their brethren.

If there should be an objection felt to an arrangement of that kind, you think it would not be an objection growing out of the nature of the Roman Catholic religion, but an objection of a political kind?—Not certainly out of the Catholic religion.

If there should be coupled with a general measure for the settlement of the Roman Catholic question you have alluded to, in the course of your examination, any arrangement made for a provision for the Roman Catholic clergy by the State, do you think there can be any objection to this, that before that provision should be received, or before any person should be entitled to claim it, there should be a certificate from a commission, such as has been already alluded to, of the loyalty and domestic education and nomination of that bishop? —To that I, for my part, could have no objection; indeed I think it very reasonable, that before a man could eat the bread of the state, the king of that state should have a full and perfect knowledge of who he was.

You have already mentioned, that in order to make the influence of the Roman Catholic clergy efficacious for the purposes of the public good, they should preserve their character of independence, of which every body must feel the good sense; but do you conceive, that what is now about to be suggested would at all interfere with their so preserving an independent character, if, in the first place, a certain and fixed provision were allotted for the dignitaries of the Roman Catholic church; and if, after that, a table of the priesthood were to be arranged, not by name, but by classes; suppose you were to say there were to be three classes of them, who should have each of them a different rate of salary, so that one-tenth of them should be the first class; four-tenths of them the second class; and the remaining five-tenths the third class; would you think it at all interfering with the independence of character of the priesthood if, through such a commission as has been mentioned, persons were to be certified to the government, upon their admission to those classes, not giving the government any power but that of receiving a certificate from such commission, of the fitness of the person? —I think respecting them, as I before thought respecting the bishops, namely, that before they received a salary from the state, every thing respecting them, which the Crown wished to be informed of, ought to be communicated to it.

In the course of your last examination, you gave it as your

opinion that, in case there should be any provision for the Roman Catholic priesthood made by the State, and that there should be a classification of parishes, with respect to the amount of the stipend paid to the incumbent in each parish, it would still be necessary to leave to the Roman Catholic prelate of the diocese an absolute control over the appointment of the priesthood, and over their transfer from one parish to another, of greater value?—I did state that; nor do I think such control would at all interfere with what has just been inquired into, because when a man would be appointed, by the bishop having this control, it might be made obligatory on him, the bishop, to notify to the commission the description of person so appointed; and until such notification had been made, he might not be entitled to receive any thing, notwithstanding his appointment by the bishop. I added, that when such appointment would be made of this person, he should not continue there, and be permitted to receive his salary, independent of the bishop; so that although he might commit a canonical fault, for which he would deserve to be dismissed from his parish, he would still be entitled to receive the salary, to the exclusion of the man who might be placed to succeed him; I would therefore desire, that if a priest were placed in a parish, and thereby entitled to receive his salary during his life-time, that in case the bishop notified that such a person was suspended by him, or otherwise removed from his situation, or that he had been obliged to resign it through infirmity or incapacity, and that another had been appointed in his place, I would desire, that this statement of his bishop should be attended to by the commissioners, and that the person last appointed should become entitled to the salary; and that the former person, though originally entitled to it, should lose his right.

Supposing the bishop were to appoint an individual priest to a certain parish, do you propose that the exercise of his functions in that parish should be suspended until the commission had certified his loyalty to government; or do you mean that the receipt of a stipend from the Crown should be suspended until that certificate were received?—No; upon the priest being appointed to a parish, I conceive that he should produce to the commission the title by which he was appointed, and that then they would state to government what kind of person he was; and upon such statement being made, that he should be entitled to receive the salary. I also think that, if afterwards such priest should misbehave, or become incapable of discharging his duty as a parish priest, the bishop

should have henceforth, as he has at present, a power of punishing him, and even removing him from his situation altogether, and placing another in his stead; in which event I would expect that this man, so removed from his situation, would no longer be entitled to the salary; but that the person appointed by the bishop to succeed him, should acquire a right thereto, upon producing his title, but not before.

Supposing a prelate were to appoint a person, and that the commission were to withhold his certificate to government, in what situation would the person appointed be?—In that case there would be two remedies; first, the bishop might guard against the inconvenience, because he could give the appointment to the parish only provisionally, that is, he could appoint a priest to the parish, on proviso that he was approved of by the commission; so that in case they did not approve of him, he ceased to be the titular of that parish; or if the bishop pleased to give him an absolute title to the parish, and the commission afterwards disapproved of him, in that case the man would continue to live in the parish, and support himself in the best manner he could. Among the causes for which a priest can be removed from his parish, are these; if he be unable to discharge the duties of his state, if he become infamous, or if he be odious to the people; upon one or other of those causes, which entitle a bishop canonically to remove a man from his parish, this person might be removed, so that I think that is not a matter which could create any difficulty at all.

What is the process of canonical removal?—If a priest, for instance, commit violence upon one of his parishioners, or if he get intoxicated publicly, a complaint is lodged with the bishop, by the person who has been witness of the excess, or who has sustained the injury; the bishop writes to this person, or sends him a general citation to come before him; the person making the accusation, or a second person, proves upon oath, before the bishop, if his word be not taken, that he received this injury, or that he saw this excess; and upon that the bishop has a right to suspend that priest from his office, or to remove him altogether, if it be a very heinous offence.

What is the nature of the certificate, which you think the proposed commission might give to the government?—I do not know the words which should compose it; they might set forth, That the bearer is to our knowledge, or that he has been reported to us by his bishop of such a place, to be a moral man, a peaceable and loyal subject. Something equi-

valent to that would be sufficient; but it would not be my business to frame such certificate.

If you would admit the appointment of such a commission, for the purpose of giving to government a security with respect to the peaceable conduct and loyalty of the priest to be appointed, it is presumed you would have no objection to the same security being given by that commission, with respect to the character of a prelate to be appointed?—Yes, I would have a vast difficulty.

Will you explain why, permitting the interference of such commission with respect to a priest, you would object to it in respect to a prelate?—In the first place, the priests are very numerous, and it is very possible that a person of objectionable character might obtrude himself into a parish, on account of the neglect of the bishop, or the influence of others; and therefore I think there might be persons against whom it would be necessary to guard. In the second place, I think a matter of that kind would operate as an insult, in some degree, to that individual, but one that he would merit; yet I would not regard that in any degree as resting upon the order to which he would belong. In the third place, I think very decidedly, that the government might think it worth their while to influence the election of a bishop, but I think they would never descend to an interference, in that indirect way, with the very trifling office of parish priest in Ireland. These are the reasons which occur to me at present, and these appear to me quite sufficient, why I should establish that distinction in my mind. The order of office or bishop is so much raised over that of a parish priest, that an argument with regard to the one class, cannot in any case apply to the other.

Your objection is, with respect to a certificate being required of the loyal character of the bishop?—Yes.

Would the same reasons apply to a certificate of his having been born in Ireland, or educated in Ireland, or of his domestic nomination?—No, I should have no objection to that being included in the certificate.

In fact, the nomination of the bishops being domestic, the loyalty of the priest being provided, the loyalty of the prelates would also be provided for?—Very true, because the bishop springs out of the priesthood.

In the event of that order of things which has been described, being established, the prelate would, in the capacity of priest, have already obtained a certificate of his loyalty, through the medium of his commission?—Certainly.

Would you allow a certificate, that the priest or prelate

about to be appointed, had been educated in Ireland, and that that certificate should be a *sine qua non* of his subsequent appointment?—I think, by introducing that, you go to exclude from the Irish church, perhaps, some of the most deserving prelates who may hereafter live in it; for instance, a young man may go through a course of studies in Ireland, and he may afterwards go abroad, and study at a foreign university, in order to perfect himself in knowledge; now, if such a regulation as is mentioned were made, that priest so improved by travelling abroad, becoming acquainted with other languages, and extending his knowledge of those sciences with which he ought to be particularly conversant, would be excluded from a dignified office in Ireland, that, I think, would be very painful.

Supposing there was a power given to the government of the country, on the recommendation of the Commissioners, of dispensing with that condition, in the case of any person of exemplary merit, should you then see any objection to it?—In our church, the idea of dispensing with any established law is very odious, particularly since the holding of the Council of Trent; dispensations are looked upon with great jealousy; we consider every use of them as tending to relax the salutary discipline of the church.

Suppose it was wound up in the law itself, that no person should be appointed without a certificate of domestic nomination, except a person so recommended, it would then not be a dispensation, but an exception?—If there should be a particular case of that sort provided for by law, I cannot decide; but as to vesting in the Crown a right of dispensing with the law, it is a principle which I, bred an ecclesiastic, and having a kind of horror of dispensations, do not like to see placed any where.

Do you think it desirable, that either by a provision of this kind or by an Act, the ecclesiastics of this country should be excluded from foreign education?—I think it is very advantageous to young ecclesiastics to travel abroad, and to spend some time at universities; I may be wrong in that opinion, for I have received myself a foreign education, and I may be on that account partial to it; but, however, I am of opinion, that men's minds are much enlarged, and their feelings much improved, by residing in foreign countries for some time, and by comparing the institutions of those countries with our own; travelling holds out many advantages which naturally flow into the mind, by communication with mankind. I think it would therefore be a great injury to the Catholic church, to have men who might have studied abroad, excluded from any

office; at the same time I beg to remark, that there is no class of men who could be possibly employed at home in our church, who would be so much attached to this country and its institutions, as those who had lived abroad. I myself never would have loved the British Constitution so much as I do, had I not been acquainted with the forms of government which prevail in the countries where I have resided. It is by comparison with other institutions, that the excellence of our own is best known; and I would wish that many people might travel abroad, and compare what prevails in foreign countries, with what prevails at home. amongst those who enjoy a full participation of our admirable constitution.

You have already said, that any objection growing out of those reasons is rather of a political nature, than growing out of the Catholic religion?—It is chiefly of a political nature.

If the question, commonly called Catholic Emancipation, were carried, are you of opinion, that religious differences would cease to agitate the public mind in Ireland?—I am very confident they would.

Do the lower orders of the Irish take much interest in the question of the penal laws?—I know no class or description of people in Ireland who do not feel a very strong interest in the repeal of the penal laws; those, perhaps, who understand the nature of them least, are most anxious for their repeal.

Is it your opinion, that the question of Catholic Emancipation has excited a general interest among the lower orders of the Catholics in Ireland?—As far as I am acquainted with the lower orders of the people, and I am acquainted with them extensively, I do not suppose there is a man, a woman, or even a child, who thinks upon any subject, who does not feel an interest in the question of Catholic Emancipation.

Is it not known to you that a copy of the Catholic petition that has been presented to Parliament, is hung up very generally at the present time, in the cabins of the Irish peasantry?—I dare say it is.

If an impression exists amongst the public in England, that the lower orders in Ireland do not feel deeply interested in the success of the Catholic question, do not you suppose that impression to be an erroneous one?—Unquestionably it is erroneous.

Is not the exclusion of the higher orders of Catholics from the highest offices of the State considered by the lower orders of Catholics, as a mark of infamy and degradation affixed on their whole body?—It is so considered by them.

What effect do you conceive the carrying of emancipation will have upon the tranquillity of the country?—I think, if

emancipation were carried, that the whole of the Catholic population would consider their grievances, as it were, at an end, and those obstacles which exist to the improvement of their condition, and the general interest of the country, as removed; and that they would look with great confidence, and at the same time with unwearied patience, for the improvement of their own condition. I am also quite confident it would produce in them a feeling of satisfaction, of confidence and affection towards government, greater than has ever been experienced almost in any country.

What effect do you conceive Catholic Emancipation would have, in inducing the feelings of the country to turn, and become established in favour of the connexion between Ireland and England?—I think the carrying of the measure would make every man in Ireland sit down quite secure, to devote his time and his attention to his own interests, and the great interests of the country at large; and I do think, that the people of England, finding Ireland tranquil and likely to continue so, would then naturally turn their attention to that country, travel into it, view its beauties, become acquainted with its natural resources, and be induced to vest their capital and employ their skill in the improvement of it.

You have had, as a Roman Catholic bishop, much opportunity of intercourse with the Roman Catholic bishops and clergy, and of speaking to them on subjects connected with their religion, as it affects the State; upon the entire of your communication with them, have you any reason to think that there is any wish or object, on their part, hostile to the Protestant established religion?—I have never discerned in any class, or in any individual of the Catholic religion, either clergy or laity, I might say, any disposition hostile to the Protestant established religion; on the contrary, I know they have frequently deplored with me, the progress of sectaries; and that the characters of the Protestants were likely to be changed, by many of them falling off from the Established Church.

Have you read a recent publication, entitled, "Letters on the State of Ireland, by J. K. L.?"—I have seen it.

Do you hold the same opinions, with respect to the Established church, with the author of those letters?—I dare say I do.

Do you hold the same opinion, with respect to the elective franchise and the effect of attempts to disfranchise the 40*s.* freeholders, which are held by the author of those letters?—Upon that subject, as I happen to be an ecclesiastic, if the Committee would indulge me by permitting me not to express

an opinion, they would favour me much. In this place I would wish, that any testimony I am called upon to give should not be of a political kind; for if ever I took a part in political discussions, it was with great reluctance, and only until the difficulties under which the country laboured enabled me to return to that privacy in which I always wish to live. To give an opinion as to the 40*s.* freeholders would be rather a political one, than one connected with religion; therefore if the Committee will indulge me in my own inclination, I should much rather not give an opinion; merely for this reason, that it is a political question, and that I am an ecclesiastic.

The opinions, with respect to the Established church that are maintained in those letters, are opinions held by you?—My opinions, with regard to the Established church, if by the Established church is meant the temporal establishment of it, unquestionably are those which are expressed there; but if by the Established church is understood a church of religionists, professing a certain religious creed, I esteem them in that character more than any description or class of Christians in the universe, outside my own church.

When the Committee ask, whether those opinions are held by you, they mean, of course, to include any qualification that may be contained in those letters?—I made the distinction, lest as there may appear in that work, to which the Committee have alluded, a strong feeling of opposition to the establishment of the church; my answer might go to convey an impression to the Committee, and through the evidence, to the public, that I am as hostile to the establishment, in a religious point of view, as the writer of the letters seems to be to the temporal goods of the Established church; in a word, I have a high esteem, and the highest respect for the whole constitution of the Established church, and even for many of its clergy; but the same feelings that I have for the constitution of the church, and for many of its clergy, and for those who profess the creed of the Establishment, I have not towards the temporalities of that Establishment in Ireland.

Have you any objection to state your opinion, with respect to the title of the bishops of the church of England to the exercise of their ecclesiastical powers?—It is an article of the Catholic creed, I may call it an *article* of our creed, that communion with the Holy See is necessary for the rightful exercise of spiritual jurisdiction in the church; and as the Established church is not in communion with the see of Rome, I would cease to be a Catholic, if I did not say, that I believed they want that spiritual jurisdiction which is only found in the body of the Catholic church. That is a tenet of my religion as a Catholic, still they

may be validly ordained, and they have certainly a legal, just, and good right, to the property they hold.

Do you deny the spiritual character of the bishops of our church?—I do not deny the spiritual character of the bishops of any church, because it is the ordination that gives the spiritual character; but the spiritual character is one thing, and the exercise of a spiritual jurisdiction is another. I can best illustrate it by what I was speaking of just now regarding a priest, who, when he is ordained, receives as it were a radical power to administer the sacrament of penance, or to absolve sinners who are contrite from their guilt; but unless he get jurisdiction from the bishop to exercise that power within a certain district, or over certain individuals, he cannot exercise it. So in like manner I consider, that in the Established church the bishops may be real bishops, as much so as I am myself; but I think the spiritual jurisdiction whereby they can administer, for instance, the power of absolving the sinner from his guilt, they cannot have outside the Catholic church. It is therefore that I think that the separation of the church of England from the church of Rome is a most lamentable misfortune; but that opinion I entertain as a Catholic, whilst a Protestant gentleman, of infinitely more learning and greater knowledge, may think that my opinion upon the subject is quite idle.

Is the regular apostolic succession of importance, in that respect, to the spiritual character of a prelate?—Not with regard to the spiritual character of the prelate, but it is with regard to the exercise of spiritual jurisdiction; they are two things essentially distinct; the one depends upon order, the other depends upon being united with the Catholic church, and receiving mission through it.

In the case of the conformity of a bishop of the Established religion, to the Roman Catholic faith, would he be regarded by the Roman Catholic church as possessing the character of a bishop?—In the Roman Catholic church, there is a gradation of orders; in the Established church you recognise three, bishops, priests, and ministers; we have bishops, priests, and ministers; but this rank of minister contains four lesser orders. Now, it is a universal practice with our church, that when a person comes from another church, who has not had his ordination through each of those orders, that we either ordain him altogether again, under condition, or that we supply what was omitted in the ordination or ritual of the church to which he had belonged. Thus, if a Greek bishop, whom we certainly recognise to be a bishop as much as we are ourselves, came to us, we would supply all those defects, which we conceive to have occurred in his ordination and consecration. So in like manner, if a bishop of the Established

church of England were to pass over to ours, as the ritual of the Established church differs from ours, we would supply in like manner the defects that may have occurred; and as something respecting the Lambeth records is doubtful to us, we on that account, that there might be no doubt afterwards with regard to the validity of his ordination, make him pass through the entire ordination; but by doing so you will perceive that we pass no judgment upon the validity of his former ordination, we only consider that a certain fact has rendered the succession, even of orders, doubtful amongst the clergy of the Established church; and whenever a doubt exists, we would remove it entirely from the Christian ministry, and re-ordain under condition. For example, if a child be exposed at the door of my parish chapel, it may have been baptized before, as it probably was, but yet lest it was not, I take it, and baptize it under condition; so in like manner, if a bishop came to our church, with regard to whose ordination I have any the slightest doubt, I ordain him again under condition, lest by possibility he might not have been ordained; and then that the acts performed by him in the discharge of his ministry might become invalid, to the great detriment of souls.

Suppose you had the most positive testimony that the child, so exposed, had been previously baptized by a minister of the Church of England, in that case should you go through the process again?—No; the baptism of a minister in the Church of England is as good as that of the Pope.

The repetition of the ceremomy would only be in the case of a doubt?—Only in the case of a doubt.

Supposing you were perfectly certain of the ordination of the bishop of the Established church, would it still be necessary to re-ordain him, in order to convey to him the rank of bishop in the Roman Catholic church?—No; but it would be necessary to do with him as we do with the Greek bishops, to supply the defects which occurred in his ordination, namely, to supply those four minor orders which are omitted in the Protestant ceremony.

Would any ceremony of episcopal ordination have to be gone through?—By no means.

Would he then have the power of conferring orders in the Catholic church, as a bishop?—By all means he would.

Are there any Roman Catholic prelates in Ireland, who have the order of bishops, but who are not attached to any diocese, either as bishop or coadjutor?—Not one; nor have there been for several centuries.

Was not the late Lord Dunboyne bishop of Cork?—He separated from us, and he remained bishop during his life.

Are any vicars apostolic in England, bishops *in partibus?*—I believe every one of them.

It appears that, by a concordat between the government of France and the see of Rome in 1800, it was provided, that no national council should be held in France without communication with the government, and the consent of the government; could a national council upon religious matters be held in Ireland now, according to the constitution of the Roman Catholic church?—I do not know that there exists a law prohibiting us from holding a council in these countries; I have never known of it, nor has it ever been intimated to me that there was such a law.

You are speaking of the statute law?—Yes.

It would be quite consistent with the discipline and doctrine of the Roman Catholic church, to hold such a council, in case the interests of religion required it?—By all means.

What would be the means of convoking such a council?—The metropolitans agreeing with each other, or the primate, that is, the archbishop of Armagh (though we do not recognise him as having a jurisdiction over us), still we would, through respect for his office, assemble, if he called us together. In our church, the jurisdiction of the metropolitan bishops over their suffragans has been greatly lessened by the Council of Trent; and as to the jurisdiction of the Primate of all Ireland over the entire Church of Ireland, that, I might say, has ceased altogether, from the time of St. Lawrence O'Toole; in fact, the office of primate in the Catholic church has gone into disuse, I might say entirely; and they have become simple metropolitans.

If a council of that kind was held, would you esteem it a national council, or an ecumenical council?—A national council.

Could an ecumenical council be called, without the authority of the Pope?—No.

Would it be consistent with the doctrine and discipline of the Catholic faith, for the Pope to appoint a nuncio or legate, or any officer of that nature, to communicate with the Roman Catholic prelates of Ireland, or with a national council? On the contrary, it is quite in accordance with our discipline, that he should do so.

Has there been any instance of the appointment of a nuncio or a legate, since the appointment of Rentoccine?—No; and he came here as a political emissary, and did a great deal of mischief.

Upon any matter relating to the interest of the Roman Catholic church, such an appointment might be made by the see of Rome?—Certainly it might be made; but no nuncio would come to reside in these countries, because his residence here is illegal;

besides, he is a sort of ambassador from the Pope, and he would not demean his master, by coming into a country where he could not live with the honour that generally attends an envoy from the Pope.

It was supposed, that the nuncio or the legate should be commissioned not to communicate with the King, but to communicate with the national council of bishops, or with the bishops individually?—The Pope might send one for a special purpose, to remain for a short time, and in a private capacity, but he would not give him the title of legate, which is the most honorary distinction that an agent from the court of Rome can have; he might, as I have said, send an individual as a nuncio, but not to reside permanently in the country.

Had Doctor Hussey no such character?—Never.

Had he no character of political agent?—Not that I ever heard or knew of; and I am very confident he had not.

Was there any thing in the conduct of the Roman Catholics, in your opinion, during the reigns of the Stuarts, that justified the English Parliament in passing the penal laws against them?—Yes; I think at that time, the connexion of the Roman Catholics with the Stuarts was such as justified, and even made it necessary for the English government to pass some penal laws against the Catholics; such as the excluding them from offices of trust, and perhaps even from the councils of the Sovereign; but I think that the necessity which existed, and which certainly would justify, perhaps demand of the government, to pass certain restrictive laws against the Roman Catholics, could not justify them in passing the very harsh and unnatural laws which abounded in the penal code.

Inasmuch as that conduct was hostile to the principle of the constitution of England, and civil liberty, are you of opinion, that they were in that degree justifiable?—I do think they were justifiable; nay, that it was their duty to pass restrictive laws against the Catholics, considering the political principles of the Catholics at that period.

Do you think there would be any objection, in case the question of Catholic Emancipation should be carried, to the re-enactment of such laws, with respect to the Roman Catholic church, as were enforced in this country, when that religion was the established religion of the state?—I am but very imperfectly acquainted with the state of the laws at that period, in England, but from the knowledge that I have of them, and it is very imperfect, I should think not; however, the laws at that period, regarded chiefly the appointment to benefices and alienations of them, and giving situations, to which emoluments were attached;

now the title of the Catholic Church to every thing of that kind, has long since been extinct, and never can be revived; and to re-enact those laws, would be like making laws to regulate the winds; they would have no subject matter on which to act.

There were very strict laws enforced previously to the Reformation, with respect to the admission of documents into this country from the see of Rome?—What I said before, I should think, is the same that I would be disposed to say again; namely, that with regard to communications from Rome, as far as I am personally concerned, I really cannot see what objection I could have, or ought to have, to any restriction of any kind whatsoever that might be imposed upon them, provided they were permitted to come into my hands, and I might see the purport of them. I was going to observe, that at that time such restrictions were exceedingly necessary, as the Popes at that period pretended to have in this country rights and privileges, which are now utterly abolished, and never can be revived; on that account, it was very necessary that his correspondence with this country should be carefully watched, and an interference with the rights of the country and the rights of the Crown strictly guarded against; but at present, when no such right on the part of the Pope is pretended to, such laws as then existed cannot be thought necessary; but if they were thought necessary, I could not have any objection to them.

When were those powers formally disavowed by the Pope?—I do not know that they were ever formally disavowed by the Pope, nor do I suppose that they have been, nor was it necessary they should, because they have long since gone into disuse, and other laws have been enacted in the Church, which supposed their total abolition.

Where can the Committee find the laws which now define the powers or pretensions of the see of Rome, with respect to foreign countries?—We can best find them in the usages of the different churches in Europe; and we are not bound to recognise any of those ancient laws, which at all affected temporal rights.

Do the usages of the different States of Europe determine the power of the see of Rome?—Yes, the usages of each country respectively; for instance, in Spain, a usage, I think is, that the Pope should have the nomination to certain dignities in each chapter, upon their becoming vacant; also, that he should have the power, generally, through that kingdom, to nominate to benefices which became vacant in one particular month, or two months of the year; that is the usage of the Spanish church. In France, for instance, I believe he has no power to nominate to any benefice, either in the cathedral or out of it; thus the usage of one

church grants one thing, and the usage of another church denies the same thing to him in another country.

Can you state an instance of any country in Europe, being a Protestant country, in which there exist Roman Catholic prelates, with a provision of any kind from the State, in which the see of Rome does not permit a direct interference, on the part of the Protestant sovereign, in the appointment of the Roman Catholic prelates?—The only one that I know of, is that of the King of the Netherlands, within his dominions; there has no arrangement as yet been come to upon the subject; and therefore, that is one State where the king is not recognised to have any authority whatever, with regard to the appointment of bishops; and certainly if a see were vacant in the Netherlands, the Pope could appoint to it, but whether the bishop appointed could take possession of it, that is another thing; perhaps the king might prevent it.

Are you aware, that a negotiation has been pending for some years, between the King of the Netherlands and the see of Rome? —Yes; and I was sorry to hear it had been broken off.

Do you know, whether in the Netherlands the Roman Catholic prelates have legal rights and possessions, or whether they rest upon the same footing on which the Roman Catholic prelates here do?—In Flanders they have legal rights and possessions.

In that respect they differ from the Roman Catholic prelates in this country, all whose possessions are dependant upon the payments of their flock?—Yes.

If the Roman Catholic prelates were under any Act, to receive salaries from the State, does not it strike you, that it would make a considerable difference as to the propriety of some interference on the part of Crown in their appointment, either by regulation or by refusal?—I think I replied to that question in substance, by saying, that I thought it just and reasonable, before a Roman Catholic, appointed here to a see, should receive any emolument from the state, that it should be certified to the Crown, that he was a loyal and peaceable subject, by such commission or persons as His Majesty might think competent to report to him with regard to it.

You observe now, that the Committee are not asking with reference to the propriety of the person who is to be appointed, having been born in these countries, or having been educated in these countries; but they are asking now, merely as to the propriety of his nomination belonging to a domestic body, would you think it reasonable, in the event of a provision being made for the clergy, that it should form a part of the certificate that the government should have, not only that he was loyal, but that he had been postulated by a domestic body?—I before answered

that, I thought it most desirable, as well as most reasonable, that his appointment should be domestic.

Do you think, in case the question of Roman Catholic Emancipation were settled so far as regards the removal of political disabilities, that there ought to remain any restriction with respect to the public exercise of the Roman Catholic religion in Ireland, any restriction as to processions, or the performance, in the most public manner, of the ceremonies of that religion?—I think, wherever different religionists are living in the same country, the carrying abroad in the open air, and exposing to public view the ceremonies of any religion, is not consistent with sound sense, or that prudence which ought always to govern States; and therefore I think, that those processions in the open air, outside the precincts of a church, ought to be guarded against, even by law, if it were thought advisable; and to that I would make no exception, except as to the attendance of clergymen at funerals, and that attendance I would have so regulated, that his clerical dress, and the external shew which attends the performance of that rite, should be exhibited only at the burial-place, and not paraded through the streets, or through any place where it could offend the view, or hurt the feelings of persons of different religious persuasions.

You think there would be no objection to the enactment of provisions upon that head?—Really, I think it would be desirable they should be enacted, for the indiscretion of foolish men, by parading those things abroad, might create feelings in the community which would tend to evil; I should wish that such provisions were made.

Do you think it should be a part of Catholic Emancipation, that the Roman Catholic bishops should sit in the House of Lords?—On the contrary, I think it would be most pernicious to the public interest, both political and religious, that they should ever sit in it.

You have been examined upon the subject of the kingdom of the Netherlands, you are aware, that in the Catholic provinces, which form a considerable portion of the kingdom of the Netherlands, and which have lately been united to the former state of the United Provinces, the established religion is the Catholic religion?—It is.

If then in those provinces, the result of a concordat with the see of Rome, were to give to the sovereign of the country (a Protestant sovereign) the nomination to the sees in those Catholic parts of his dominions; do you conceive there would be any objection, except a political objection, to such an arrangement being made with respect to Ireland; in a word, do you conceive that it would be perfectly consistent with the discipline of the church of

Rome?—We are reasoning upon a hypothetical case, namely, that the Pope would enter into a concordat of that kind with the King of the Netherlands; but admitting that he did, I not knowing the circumstances of the Netherlands, or the reasons which might influence the parties contracting, cannot say whether it would be a precedent on which I would decide, in my judgment as to what ought to be done with regard to Ireland. But I repeat what I have before said, that looking to Ireland as I do, both in a political and religious point of view, I think the interference of the Crown in the appointment of the Catholic bishops, directly or indirectly, would be extremely injurious in its tendency, at least to the interests of religion; and I do aver, in the presence of the Committee, that I think it would be still more injurious to the interests of the State.

It might, however, take place consistently with the discipline of the church?—I mentioned before, that if the Pope entered into such a concordat with regard to Ireland, that I should have one remedy, and that it would not be painful to me to resort to that; I would express my opinion in the most respectful manner to his Holiness, and then if it were not attended to, I would give in my resignation, which I have no doubt would be accepted.

You are not aware how the nominations are made in those churches in the Netherlands?—I am not.

You stated, that the right of appointment to the vacant sees in Ireland was vested in the lineal descendants of Charles the First, until they became extinct?—I fear that I must have been mistaken, for certainly I do not wish to convey that idea; I said that the sovereigns of this country, whether the Tudors or Stuarts, who were Catholics, had, as far as I can judge, the right of presentation to the sees in Ireland; but after the Stuarts ceased to be the sovereigns of these countries, I think then, if their recommendations were attended to, it was a matter of courtesy rather than of obligation on the part of the Pope; for the right which he recognised in the Stuarts, to present to the sees in Ireland and England, whilst they were Catholics, he must have recognised in them because they were the sovereigns of these countries. Now when they ceased to be sovereigns, and to have jurisdiction in the country, I think if he still continued to pay attention to their recommendations, it was not in consequence of a right which he recognised to exist in them, but through a deference to their high though fallen state; I know, however, that he did practically attend, in some instances at least, to their recommendation.

Did he attend to the recommendation of the last Pretender and of Cardinal York?—Not of Cardinal York; I never heard of his

on the nomination of the "Old Pretender", James Francis Stuart, Son of James II, was appointed by papal brief to the see of Kilala & the Archbp of Tuam in 1787. It was the last Stuart nomination to a Bishop (the Bishops of Successors Kilala, Tuam, Ossory)

interfering, but I know, as a matter of history, that Bishop Burke, who lived in Ossory, and who wrote a work that is in the hands of all, called Hibernia Dominicana, was recommended to the see of Ossory by the late Pretender, and that it was in consequence of that recommendation, that he was appointed; at least I have known this from authority; but since that appointment, there has not one taken place in Ireland, to my knowledge, (and it is a matter I inquired into very diligently,) for some years past, which did not originate in Ireland.

In stating your opinion with respect to the Protestant hierarchy, you took a distinction between their spiritual and their temporal possessions, and you stated, that however highly you respected their spiritual character, as a denomination of Christians, whom, next to your own, you held entitled to respect, you considered the subject as capable of being looked at in a different point of view, with respect to their temporal possessions; do you, or as well as you can form a judgment, does any clergyman of the Roman Catholic church, at all entertain any notion of transferring the possessions of the Established church to the Roman Catholic church?—I never heard, nor do I believe there exists in the mind of any clergyman of any rank, any disposition to receive, or to ask, or to seek to obtain, by any means whatever, the possession of the temporal goods of the Established church in Ireland; and I will add, that for myself, and as far as I have been able to obtain a knowledge of the feelings of those of the clergy with whom I am conversant, I believe it is their opinion, as well as mine, that were a portion of those goods offered to us, we would decline accepting of them.

Supposing the tithes now received by the Protestant church were proposed to be transferred to the Roman Catholic church?—Unquestionably I would not accept of them.

Is it not one of the commandments of the church, to pay tithe to our pastor?—That is a command of the church, which is found written in catechisms published where tithes were paid; but where tithes are not paid, the command in the catechism signifies, or is, "contribute to the support of your pastor."

It was modified into those words in the year 1817, but the other is reprinted in the recent editions of the Douay catechisms?—I have not a control over printers, but I do not believe it has ever led any one into an idea that the Catholic clergyman was to be paid by tithes, for we claim our support upon much higher authority than that upon which tithe rests. Our claim to support is founded upon the law of Nature and of God, That the labourer is worthy of his hire; and upon the saying of the Apostle, "Thou shalt not muzzle the ox that treadeth out the corn," and "He that serveth the altar shall live by the altar."

These are the texts of scripture, which, as well as the arguments from reason, we adduce to show we are entitled to some kind of compensation for devoting to the service of the people our talents, our time, and our labour.

Are not those commandments of the church considered of equal authority with the commandments of the Table?—The commandments of the church are, first, to hear mass on Sundays and Holidays; now the law of God obliges us to sanctify the Lord's-day; and the church holds, that one part at least of that duty prescribed by the law of God, is to be fulfilled by assisting at the celebration of mass. In the second place, "Go to receive your communion at least once in a year;" now we conceive, that God ordained that we should approach to the Holy Sacrament frequently, or at least sometimes in the course of our life; and hence the Council of Lateran ordained, that every Christian should go to communion at least once in the year. Thus, then, the commandments of the church are only applications of the commandments of God, as to time, place, and circumstances.

Are not they enforced, under pain of mortal sin?—The commandments of the church are enforced under pain of mortal sin, such of them as are capable of binding a man's conscience by virtue of the law of God, on which they are founded; but, for instance, that "contribute to the support of your pastors," does not bind every man under pain of mortal sin, for we discharge all the duties of our office towards the members of our church, without receiving any compensation at all from a great number of them; and they are bound to contribute to our support only in proportion to their means. Thus then we are to understand those commands of the church, as being applications as it were of the law of God, binding us in such degree as we ourselves can plainly infer from that law of Nature or of God, from which those commandments of the church are derived.

In an abstract of the Douay Catechism, now before the Committee, there are no exceptions stated; are not the members of the Catholic church bound under mortal sin, to keep those commandments of the Catholic church?—I can give no further explanation of what I stated as the exposition of that commandment, which exposition common sense and reason dictate, and there is no person can understand it otherwise; for surely a poor man, who does not contribute any thing to the support of his pastor, cannot conceive himself as guilty of mortal sin, whereas he is neither desired to do it, nor permitted to do it, nor required to do it; but the commandment of going to communion, at least once a-year, he understands as binding him, under pain of mortal sin, for the reasons already stated; so these are matters which I should hope would not lead any rational person into error.

Martis, 22 *die Martii*, 1825.

LORD VISCOUNT PALMERSTON, IN THE CHAIR.

The Most Reverend *Patrick Curtis*, D. D. Titular Archbishop of Armagh, called in; and Examined.

How many years have you been Catholic Archbishop of Armagh?—The last six years.

Will you be so good as to explain to the Committee, the nature and origin of the authority of the Pope?—A Roman Catholic believes, and it is an article of his faith, that the Pope is the successor of St. Peter, who was constituted head of the Apostolic College, the College of the Apostles; and that the Popes succeed to him, the same as the Bishops succeed to the Apostles, and that he has the same superiority, which we call supremacy, the exercise of which is regulated by the canons of the church; he is no more than a Bishop, but the head or chief of them all, and of the whole church. We do not know him as a King or as a Sovereign, he is but a Bishop; that is, religion only recognises him as chief Bishop, and St. Peter was but an Apostle, yet chief among them; but we suppose, and I think it is clear in the gospel, that he is constituted the head of the Apostles, and head of all Christians. Christ said, that on him he would build his church—on Peter—although Peter, as well as the church, was certainly fundamentally and effectually built on Christ, it is still very compatible, that the whole church should be built on him, Peter; and that he, after his conversion (because he was to fall after that) was to confirm his brethren; and that he was to feed Christ's lambs and his sheep that is, the common faithful and the doctors or pastors of the church. With respect to any thing else that he may have, of temporal authority, or his influence over kings and princes, (whom he has sometimes deposed) he did very ill in doing that; unless he did it in virtue of authority that was given or allowed him by themselves. The sovereigns that he generally deposed, were the emperors of the west; the empire was translated from the east to the west. The sovereigns of the west were then very ignorant; they were a set of intruders at that time, Goths and Vandals; and they thought it necessary, that there should be a certain number of electors, mostly appointed by or sanctioned by the Pope; he was one of the chief arbitrators himself; and those people, in order to depose him (the emperor) often obtained the influence of the Pope, and so did the other Catholic sovereigns, who often applied to him for temporal as well as spiritual purposes; the Popes all had, at that time, a great deal of temporal influence.

Is the claim, which the Popes set up to Temporal Authority, opposed to Scripture and Tradition?—I do not think it is very conformable to it; I do not say exactly that it was opposed to it; but certainly he has received no such power from Christ. I do not say but he received it from men; the same as he received the kingdom he has now, or at least the dukedom, the Papal territory. Whatever he had, or has of temporal power or authority, he received from men; and, I believe, would have done better not to take it; he became a great deal less influential man, as a spiritual chief, after receiving it, than before.

Does the obedience that Catholics owe to the Pope, detract from what is due by them to the State under which they live?—By no means, we owe him no other than a spiritual authority, exercised according to the canons of the church; not arbitrarily, but according to the canons of the church; but we owe him no temporal obedience whatsoever.

Does the nature of the obedience that Catholics owe to the Pope, justify the objection, that their allegiance is divided to the States they live under?—By no means, we never profess any allegiance to the Pope; we take an oath, at our consecration, of fidelity, as it is called; what we mean to do is, to promise to him canonical obedience, and so does the priest to his bishop, and the bishop to his archbishop, but in a more limited degree.

Is the duty that Catholics owe to the Pope, and their duty to their King, really and substantially distinct?—Entirely distinct; and, regarding different subjects totally, they never ought to be confounded.

If the question, commonly called Emancipation, was carried, in your opinion would it have the effect of producing conciliation and tranquillity in Ireland?—I really think it would have a very direct tendency to that. There would seem then to be no sufficient motive for any persecution or contest, as it were against the Catholics; they are now put down merely to keep up an ascendency. There would be always an ascendency, but not an ascendency carried forward in terms so repugnant, and so disagreeable. I believe it would serve to bring people together, and to make them forget their disputes; that there would be few or no disputes in secular matters, and really none at all almost in religious matters, because the religious disputes are brought forward against Catholics, not for religious purposes, but for secular purposes, depend upon it.

The Most Reverend *Daniel Murray*, D. D. Titular Archbishop of Dublin, called in; and Examined.

How many years have you been Roman Catholic archbishop of Dublin?—Since the decease of my predecessor, on the 11th of May, 1823.

Were you coadjutor to the late Doctor Troy?—I was.

How many years?—Since the year 1809.

Will you be so good as to explain to the Committee, what is the nature and origin of the authority of the Pope?—The origin of the authority of the Pope we hold to be from God, who established a head of the church which he wished to appoint on earth; the nature of his authority is, that he is the executive power of that church; his office is to watch over and enforce the observance of the canons; he is, besides, the centre of Catholic unity, the great link that holds together all the different parts of the Catholic body; so that each Catholic throughout the world, finding himself in communion with the head of the church, may know thereby that he is in communion with the whole body.

Is his authority confined altogether to a spiritual authority?—Wholly confined to a spiritual authority, according to the words of our Saviour, "My kingdom is not of this world."

Is that authority under the control of general councils?—That authority is limited by the councils and canons of the church; he is the executive power of the church, appointed to preside over it, and enforce its canons or laws. Those canons vest in individuals, for instance in bishops, certain rights, which of course, it is the duty of the Pope to protect, and not to violate; his authority is thus limited by those canons.

To what extent and in what manner, does a Catholic profess to obey the Pope?—Solely in Spiritual matters, or in such mixed matters as came under his government, such as marriage for instance, which we hold to be a sacrament as well as a civil contract; as it is a sacrament, it is a spiritual thing, and comes under the jurisdiction of the Pope; of course he has authority over that spiritual part of it; but this authority does not affect the civil rights of the individuals contracting.

Does this obedience detract from what is due by a Catholic to the state under which he lives?—Not in the least; the powers are wholly distinct.

Does it justify an objection that is made to Catholics, that their allegiance is divided?—Their allegiance in civil matters is completely undivided.

Is the duty which the Catholic owes to the Pope, and the duty which he owes to the King, really and substantially distinct?—Wholly distinct.

How far is the claim, that some Popes have set up to Temporal Authority, opposed to Scripture and Tradition?—As far as it may have been exercised as coming from a right granted to him by God, it appears to me to be contrary to Scripture and tradition; but as far as it may have been exercised in consequence of a right conferred on him by the different Christian powers, who looked up to

him at one time, as the great parent of Christendom, who appointed him as the arbitrator of their concerns, many of whom submitted their kingdoms to him, and laid them at his feet, consenting to receive them back from him as fiefs, the case is different. The power that he exercised under that authority, of course passed away, when those temporal princes, who granted it, chose to withdraw it. His spiritual power does not allow him to dethrone kings, or to absolve their subjects from the allegiance due to them; and any attempt of that kind I would consider contrary to scripture and tradition.

Does the Pope now dispose of temporal affairs within the kingdoms of any of the princes of the Continent?—Not that I am aware of; I am sure he does not.

Do the Catholic clergy admit that all the bulls of the Pope are entitled to obedience?—They are entitled to a certain degree of reverence. If not contrary to our usages, or contrary to the law of God, of course they are entitled to obedience, as coming from a superior. We owe obedience to a parent, we owe obedience to the King, we owe it to the law; but if a parent, the King, or the law, were to order us to do any thing that is wrong, we would deem it a duty to say, as the Apostles did on another occasion, "We ought to obey God rather than men."

Are there circumstances under which the Catholic clergy would not obey a bull of the Pope?—Most certainly.

What is the true meaning of the following words, in the creed of Pius the Fourth: "I promise and swear true obedience to the Roman Bishop, the Successor of Saint Peter?"—Canonical obedience, in the manner I have just described, within the sphere of his own authority,

What do the principles of the Catholic religion teach, in respect to the performance of civil duties?—They teach that the performance of civil duties is a conscientious obligation which the law of God imposes on us.

Is the divine law then quite clear, as to the allegiance due by subjects to their prince?—Quite clear.

In what books are to be found the most authentic exposition of the Faith of the Catholic church?—In that very creed that has been mentioned, the creed of Pius the Fourth; in the catechism which was published by the direction of the Council of Trent, called "The Roman Catechism," or "The Catechism of the Council of Trent;" "An Exposition of the Catholic Faith, by the Bishop of Meaux, Bossnet;" "Verron's Rule of Faith;" "Holden's Analysis of Faith," and several others.

The Committee have before them a petition presented to the House of Commons, of the Dean and Chapter of the cathedral church of Peterborough; the petitioners say they consider as utterly unfounded, the allegation of the Romish Church being at

present less ambitious and less intolerant, than in former periods of its history; what observations would you be disposed to make upon that paragraph?—I consider it a very unfounded charge, which those who allege it should be bound to prove, or to retract. I do not think, that any facts can be found to substantiate that charge; I conceive that the Catholic church is not intolerant, that the members of it are not marked by any peculiar degree of ambition; on the contrary, I find in them much humility, as much as in any other description of Christians. I consider the charge wholly unsupported by fact.

Is not the character of the Church as referred to here, its political character, the character of the religion, of the ministers of the religion, and of the members of the religion, different to what it was some centuries ago?—I do not consider that the Church has by its constitution, any political character; as a church, I conceive that its object is wholly spiritual, the salvation of souls. I cannot conceive that it has any political character, except such as the State chooses to bestow upon it; our Church endeavours to educate its ministers with feelings of humility and a sense of devotion, rather than of ambition; and it teaches them to elevate themselves, by their zeal in promoting the salvation and happiness of men, rather than by any temporal pursuits.

In respect of Faith, has any change taken place?—With respect to Faith, there can be no change; the Faith of the Catholic church we consider invariable; its discipline is always changing, according to the local circumstances of the different kingdoms where it is placed.

You are disposed to deny, that at present, it is either ambitious or intolerant?—I wholly deny the charge.

The Committee have before them a recent publication, entitled, "Justification by Faith, in a course of Sermons, by the Reverend John William Whittaker;" those Sermons having been preached in the month of January, 1825. The Committee will read a paragraph or two, and ask you for any observations you may think proper to make upon them. In the second Sermon are the following observations: page 30. "It has been above observed, that justification by works, implies that 'we shall be rewarded precisely to the extent in which our good actions exceed our bad ones;' from this it may be inferred, that any portion of the former will obliterate an equal quantity of the latter." The Sermon proceeds, p. 31. "If this be true, (and it cannot be denied by one who avows a justification by *works alone*,) we have fairly established the merits of the Saints and works of supererogation, which our Church has unequivocally and laudably condemned in our fourteenth Article; those are the great bulwarks and strongholds of superstition. If

a person once believe in those supererogatory funds of merit, it requires very little additional credulity to think, that the holy men to whom they belong, can transfer them to whom they please, or sell them, or bequeath them as a legacy to their successors. Hence came that Romish treasure-house of merit, accumulated by all the Saints in the calendar, which in the days of ignorance proved so lucrative. Hence the infamous traffic of indulgences and free pardons for sin, which by anticipating guilt, tempted men to commit vice, and under the pretence of religion, sanctioned the blackest crimes. Hence even the invocation of the Saints themselves, and all the blasphemies that attend this open and shameless idolatry." The Sermon proceeds and states, " These dreadful results would not, I am well aware, have followed that doctrine in an enlightened age, because persons of information invariably forsake their principles, when they lead them to contradict their understandings, always preferring inconsistency to absurdity. But they are the natural and luxuriant growth of an ignorant age; and we know by experience that, when they have once taken root, they continue to keep their ground, notwithstanding the present diffusion of knowledge." Does the Catholic church adopt the doctrine of justification by works alone?—I perceive from the passage which has been read, that my answer must be somewhat at large, and I trust that the Committee will make allowance for the wounded feelings under which I find myself compelled to make that answer. I am really grieved that any Christian divine could be found to utter such a charge against so large a portion of his Christian brethren. It would appear from the first passage which has been read, that our idea of justification is, that if our good works overbalance our bad works, or if we perform a great quantity of good works, that will empower us to do a certain portion of bad works, and still leave us a sufficient fund for justification here, and salvation hereafter. I cannot find any language sufficiently strong to mark my abhorrence of that demoralizing doctrine. Not only is it true, in our belief, that no quantity of good works or of virtues that can be practised, can ever give us liberty to commit a sin, but we believe that after a long life passed in the practice of every virtue, social and religious, one sin, one solitary grievous sin against the law of God, would be sufficient to blast the highest sanctity to which human nature, aided by grace, can arrive; and that after all that long life of virtue, this solitary sin would mark out the individual so committing it, to the anger of Almighty God here; and if he were to go impenitent in that state, into his presence, our doctrine is, that he could never see his face in mercy. Thus then our doctrine of justification, is not a kind of balance between our good and bad works; our doctrine

utterly denies the lawfulness of any sin under any possible circumstance, and no virtues or series of virtues, that we can ever practise, can, under any circumstances, give us the least title or privilege or liberty to commit a sin. How then, according to our doctrine, is this sin, once committed, to be blotted out? Upon no other condition, than that of sincere and deep-felt repentance. No other good works that we can perform, will ever remove the stain that has been fixed upon the soul. We may fast, we may pray, we may give alms, we may go to confession and receive absolution; all is nothing towards the effacing of that sin, until the heart is changed by contrition and repentance, and that repentance must be so intense, and our hatred to that sin must be so sincere, that rather than commit the same or another grievous sin in future, our resolution should be to incur in preference a thousand deaths. That is the nature of the repentance which we deem necessary, as a first step towards the effacing of that sin; yet this is only the first step. After this it is required that the criminal should go and humble himself to his fellow man in the tribunal of penance, acknowledge himself as guilty of that crime, in sentiments of humility and compunction; he must promise to repair any injury which that sin may have offered to his neighbour; and he must likewise, as a mark of his detestation for it, receive with docility whatever penances or works of austerity may be enjoined. Thus then we require all that every other Christian denomination requires for the remission of sin, that is, sincere and intense repentance, including a purpose of future amendment; and we require further the additional humiliation of confession, the receiving of absolution from the proper authority, and an intention to practise such penitential works as may be enjoined, or as the nature of the sin may require. With regard to justification by works, we hold no such doctrine as justification by works alone: we always require faith through divine grace, for Saint Paul says, that without faith it is impossible to please God. Before justification, divine grace must touch the heart, and awaken us to the knowledge of God, as the rewarder of virtue and the punisher of vice. The contemplation of his attributes through faith, leads us gradually to horror for sin, and the love of virtue; to confidence through Christ, in his boundless goodness and mercies, and from confidence to that divine love, which unites us in friendship with God, and without which no one can be justified; all those things, it is true, we consider works. The very act of repentance that I have mentioned, is a work, and the act of confidence and love of God, those are all works, but they are also considered as the effects of faith; all flowing from that faith which, according to Saint Paul, "worketh by charity."

To what authority can you refer to shew the true doctrine of the Catholic church, with regard to Justification?—The Council of Trent most distinctly.

What is the doctrine of the Catholic church, with respect to Indulgences?—The authorities of the Catholic church have, in virtue of the power of the keys committed to them, a power to remit a certain portion of the temporal punishment due to sin, after the guilt of sin has been remitted; but in no case can Indulgences have effect, till the person is first justified and reconciled with God.

Are indulgences ever granted for anticipated guilt?—Never; there can be no permission to commit sin of any kind.

The Committee have before them a book, entitled, "A Protestant Catechism, shewing the principal Errors of the Church of Rome; printed in Dublin, for Ann Watson, in the year 1822;" the Committee will read to you some of the Questions and Answers, and ask your opinion upon them. In page 9, there is this Question, "How do the Papists treat those whom they call Heretics?" The Answer is, "They hold, that faith is not to be kept with Heretics, and that the Pope can absolve subjects from their oaths of allegiance to their sovereigns?"—To one part of that Question I have already answered, the Pope cannot absolve subjects from their oaths of allegiance; to the other I answer, with equal distinctness, it is no part of our doctrine, that faith is not to be kept with Heretics, in that sense in which faith is understood to be fidelity to engagements; we are bound to observe our oath, our pledge, our contract, our agreement, with persons differing from us in religion, in the same way as we are with one another.

Is there any sense, in which it is the doctrine of the Catholic church, that faith is not to be kept with Heretics?—Only in this sense, that our faith, that is, divine faith; our code of faith is not the same as that of Protestants; so that we do not hold spiritual communion with them.

Then in the ordinary acceptation of the words, it is no part of the doctrine of your Church, that faith is not to be kept with Heretics?—No part of the doctrine of our church. I merely made that distinction, lest I should be understood as applying my answer to religious faith; to the code of religious belief.

The common acceptation of the words, keeping faith with people, is not that you have community of faith with them, but that you keep your engagements with them?—In that sense I have answered distinctly.

Do not all Roman Catholics, in the oaths that they are required to take, for qualifying, and enjoying relief from the penal code of Queen Anne, and other reigns, swear, "I reject and de-

test, as an unchristian and impious principle, that faith is not to be kept with Heretics?"—Certainly.

That oath is willingly taken by all Roman Catholics?—Without the least hesitation; most willingly.

In page 11, there is this Question and Answer, "Do the Papists pray to any other beings, besides Almighty God?" The Answer is, "They pray to Angels and Saints, to intercede for them, and save them by their merits." What have you to observe upon that?—We pray to saints, and we ask the prayers of saints, in the same sense in which St. Paul asked the prayers of his fellow men; and we confide in the prayers of saints, just as St. Paul confided, that the prayers of Philemon would contribute to restore him to liberty. Whenever we pray to the saints, we merely ask them, to present our prayers, through Christ, to the throne of grace, in the same way that St. Paul asked his fellow men to pray for him, that speech might be given him; and that he might preach with confidence, the mystery of the Gospel.

Do Roman Catholics worship saints as God?—By no means; we honour them, as the friends of God; and we honour God, in them, as they are his friends, whom he loves, and in whom his grace has triumphed.

In page 12, there is this Question, "May we not worship the Blessed Virgin, the Mother of our Lord?" and the Answer is, "Though the Papists address many more prayers to her than to Almighty God himself, yet there is neither command nor example in the word of God to support such worship; and she is but a creature, it is downright idolatry?"—We never address any prayer to the Virgin Mary, to give us anything of her own; for she has nothing of her own to give; all that she has is the gift of God; and when we pray to her, we merely ask her to present our petitions, through her Son, as I mentioned before, to the throne of mercy and grace: this we conceive, is not idolatry, nor anything approaching idolatry; for it does not give to any creature the worship that is due to God.

Is it a doctrine of the Catholic church, that promises or engagements made with Heretics, are in any degree, or under any circumstances, less binding upon the Catholic who makes them, than promises or engagements made with a Roman Catholic would be?—In no degree, and under no circumstances less binding, than oaths and engagements made to Catholics.

The religious faith therefore of the person with whom the engagement or promise is made, cannot in any degree affect the obligation of the promise which has been made?—Not in the least.

What authority has Gother amongst Catholics, as a writer

upon the Catholic religion?—He is considered a very zealous and correct divine; he is very much in use amongst Catholics.

And his authority is received as sound?—His authority is considerable as an individual; the authority of no divine is paramount.

In order to remove the prejudices of Protestants, Gother published a work, entitled, A Vindication of Roman Catholics, as also their declaration, affirmation, commination, shewing their abhorrence of the following tenets, commonly laid at their door; and they here oblige themselves, that if the ensuing curses be added to those appointed to be read on the first day of Lent, they will seriously and heartily answer Amen to them all: First, it is stated, "Cursed is he that commits idolatry; that prays to images or relics, or worships them for God;" do you acknowledge the accuracy of that doctrine?—Fully; I do not like much the idea of cursing, but there is hardly any language strong enough to express the abhorrence I feel, of the doctrine that is there denounced.

Second: "Cursed is every goddess worshipper, that believes the Virgin Mary to be any more than a creature; that honours her, worships her, or puts his trust in her, more than in God; that believes her above her Son, or that she can in any thing command him?—I fully concur in the rejection of that impious doctrine.

Third, "Cursed is he that believes the Saints in heaven, to be his redeemers, that prays to them as such, or that gives God's honour to them, or to any creature whatsoever?"—I repeat the same answer.

Fourth, "Cursed is he that worships any breaden god, or makes gods of the empty elements of bread and wine?"—I concur fully, in renouncing in the strongest language which can be used, that impious doctrine.

Fifth, "Cursed is he that believes priests can forgive sins, whether the sinner repents or not, or that there is any power in earth or in heaven, that can forgive sins without a hearty repentance and serious purpose of amendment?"—I consider the doctrine wicked and impious.

Sixth, "Cursed is he that believes that there is authority in the Pope, or any other, that can give leave to commit sins, or that can forgive him his sins for a sum of money?"—I repeat the same answer.

Then the thirteenth, "Cursed is he that believes that the Pope can give to any, upon any account whatsoever, a dispensation to lie or swear falsely, or that it is lawful for any at the last hour, to protest himself innocent in case he be guilty?"—I reject the doctrine with great abhorrence.

Will you be good enough to describe to the Committee, the nature of Heresy, according to the doctrine of the Roman Catholic church?—The obstinate belief of error which has been condemned by the Catholic church, is called Heresy; any contumacious error in faith, any obstinate denial of an article of the Catholic faith, is called Heresy in the ecclesiastical sense of the word; we at present use the word heretic very sparingly; we choose rather, as it is an offensive word, to say, "our dissenting brethren," or "our separated brethren," or something of that kind; the original import of the word heretic, is merely a chooser of his own religion.

Is it a doctrine of the Roman Catholic church, that there is no salvation for heretics?—The doctrine of the Catholic church, in that respect, is very much the doctrine of the Established church, and that of every other Christian society, who hold that man owes to God the homage of his understanding as well as that of his will, and that therefore we are as much bound to believe the things He has revealed, as to do the things He has ordered; and therefore any one who, through his own fault, does not submit to the faith which God has revealed, and ordered to be believed, we consider as a sinner, like any other sinner, and, of course, to be treated as such; it is our belief with regard to ourselves, as it is the belief of the members of the Established church with regard to them, that ours is the Faith revealed by Christ, and ordered to be believed; that faith, respecting which he has himself said, "He who shall not believe, shall be condemned." We wish all mankind to be saved, but we are not to make a religion according to our own wishes; we must submit to the decrees of Providence, that has arranged it otherwise; and since the Gospel of Christ requires faith, as an essential requisite for salvation, we must bow with reverence to that decree; we cannot make a Gospel through a mistaken liberality, and lead people into error, by telling them they are safe in choosing a religion for themselves, such as may appear best to them, except they employ the usual means to arrive at a knowledge of that faith which God requires of them. With respect to Protestants, however, I must say this: we do not hold that all who are not united externally to the Catholic church, are to be lost; we even hope that many who are attached to other bodies of Christians, may (not having a sufficient opportunity of becoming acquainted with the true Faith) be treated with mercy before the Supreme Judge. All Protestants who are baptized, become, by the very act of their baptism, members of the Church of Christ, children of God, and heirs of everlasting life; and if they die at any period before they lose that innocence which is restored to them in baptism, and their consequent title to heaven, they will of course obtain that immortal kingdom.

At what period they may lose that title, or whether they lose it at all, it is not for us to judge; it is the business of God, who sees into the secrets of hearts, and who knows the opportunities which each individual has to arrive at a knowledge of the Faith which He has revealed, and who will judge His creatures with mercy. A person baptized, growing up in ignorance of what we consider the true faith, and without the means of arriving at it, if he do not commit any other grievous sin to exclude him from heaven, will reach the glory of God's kingdom with as much certainty as any one externally united to our body; that is our belief with regard to external unions. We hold, that faith is necessary to salvation, because God has so declared it; He has declared, that they who do not believe, shall be condemned. With regard to individuals, we pronounce no judgment, because it is He alone who can decide upon the sentiments of a man's heart. I beg to add with regard to Protestants in particular, that in their infancy they are rendered, by baptism, heirs to everlasting life; and that nothing can deprive them of the title thus received, to the inheritance of heaven, but some actual sin; whether that be the sin of refusing, through their own fault, to accept the faith that God has revealed or any other actual sin. I believe the Protestant church teaches something like that in its 18th Article, which pronounces them accursed, who will say, "that every man shall be saved by the law or sect which he professeth, so that he be diligent to frame his life according to that law, and the light of nature;" and in the 8th Article, it adopts the three creeds, one of which is the Athanasian, in which the doctrine of exclusive salvation is very distinctly marked.

Can you state the actual sin by which a person, once baptized, loses his title to heaven?—Any grievous transgression of the law of God, whether it be a violation of faith or of morals.

The Committee find, in the abstract of the Douay Catechism, a question is asked, "What is necessary to save a man?" the first thing answered is, "Faith?"—St. Paul gave the answer before, when he said, "Without faith, it is impossible to please God."

Then the next question that follows, is, "What is the opposite of this Faith?" which is followed by the answer, "Heresy;" the Committee would like to know, if possible, the nature of that heresy which is the opposite of saving faith, according to the question in the abstract of the Douay Catechism?—Any obstinate error in matters of faith, is called heresy; any culpable and obstinate error in matters of faith.

Is not the non-participation of the doctrines of the Roman Catholic church, considered heresy?—When that non-participation is culpable, which God only can know.

Does not Calvin write as follows, in the 64th Institute, chapter the 1st, "*Extra ecclesiæ gremium nulla est speranda peccatorum remissio nec ulla salus?*"—I think he does.

Is not the same doctrine taught in the profession of faith of Strasburgh, presented to Charles the Fifth, in 1530?—It is taught by most Christian societies.

In that of Switzerland in the year 1566, in that of the Low Countries, and in that of Scotland in 1647?—It is so.

What do you consider to be the temporal punishment of sin?—The temporal punishment of sin may be either in this world or in the next; if it be in this world, it may be any temporal visitation from God, or any voluntary infliction of penance by fasting and prayer, and self-denial; and if it be in the world to come, we hold that it is in a middle place, which is neither heaven nor hell; a kind of punishment known only to God, inflicted until the last remnant due to his justice, is purged away.

The temporary punishment of sins in this world, are sicknesses and infirmities?—Any means that God may think proper to employ to punish his creatures, or any austerities that the penitent himself may, in the spirit of penance, practise.

Can a priest of the Roman Catholic church, by granting an Indulgence, or by withholding an Indulgence, avert or accelerate the wrath of God, as far as the temporary penalty of sin is concerned?—As far as the temporary punishment of sin is concerned, the authorities of the Church can do so by the power intrusted to them by God. The grant of an Indulgence is accompanied, as a condition for obtaining it, by an injunction to perform some act of piety; it is a change of punishment from one species of austerity to another more suitable to human infirmity, a kind of commutation, which commutation is admitted in the canons of the Protestant church; it is admitted, and laid down in Burn's Ecclesiastical Law, that there are such things as commutations of penance in the Protestant church.

Can a priest of the Roman Catholic church, by granting or withholding an Indulgence, accelerate the course of a departed soul through Purgatory, or retard it?—It is our belief, that prayers in this world are of use to accelerate the passage of the soul in purgatory to future bliss; Indulgences, however, cannot reach beyond the present life, except as far as God may be pleased, through the merits of Christ, to accept our prayers for the release of the soul in purgatory; the Church has no power, by right, to grant an Indulgence for the relief of souls in purgatory, except by way of suffrage or prayer; but our prayers, offered through Christ for that purpose, are considered to be efficacious, in such a degree as is known only to God.

Is it the doctrine of the Roman Catholic church, that the most

undivided allegiance is due to the King, in temporal matters?—It is.

Is it the doctrine of the Roman Catholic church, that the same undivided allegiance is due to the Pope, in spiritual matters?—It is; that allegiance which is due to him as spiritual head, and which is limited by the canons.

That is the definition you would give to the limit of the allegiance due to the Pope?—Certainly.

According to the doctrine of the Roman Catholic church, marriage is a sacrament?—It is.

Marriage also, the Committee suppose, according to the doctrine of the church, partakes of a civil contract?—It is also a civil contract.

There are certain degrees of affinity, within which it is not allowed by the principles of the Roman Catholic religion for parties to marry; but suppose parties do marry within those degrees, is that marriage void, according to the doctrine of the Roman Catholic church?—If within the prohibited degrees, it is void.

Would the circumstances of that voidance entail penalties upon the parties in civil matters?—By no means; the issue of that marriage would inherit in the same way as if the marriage were wholly valid, because it is the law that decides that the marriage retains all these civil effects that the law gives it.

Would the children be legitimate?—In point of law as heirs.

In an ecclesiastical sense, they would not be legitimate?—They would not be legitimate.

Will you have the goodness to explain to the Committee the penalties, in the ecclesiastical sense, which parties so marrying within the prohibited degrees, would be subjected to?—They would be subject to no penalties, that I at present recollect, except the refusal of the administration of the sacrament, as persons living in the guilt of sin.

Supposing a child of such a marriage wished to become a member of the Roman Catholic ministry, would there be any objection to instituting him to the order of priesthood?—There would be an objection, which would prevent his taking orders in our church.

Is there any power to dispense with such penalties?—There is; the Pope possesses that power.

Does a bishop of the Roman Catholic church possess it?—Bishops do not exercise that power in the Roman Catholic church.

But under no circumstances, would the children of such marriage be subject to civil penalties?—No civil penalty whatever.

Should you, as a prelate of the Catholic church, consider the issue of such marriage as legitimate heirs to the property of the parents?—Most certainly.

With respect, to any of the sentences of our courts, either of civil or ecclesiastical jurisdiction, would you consider that, according to the doctrine of your church, any coactive step could be taken to resist those sentences, or to interfere with them?---I am not aware that any coactive step could be taken, except those sentences should go, for instance, to dissolve the marriage, which we, in our church, hold to be valid, we would refuse the parties the sacraments of our church.

As to any civil measure?---By no means.

In short, where the law of your church differs from the law of our church, your sanctions are merely of a spiritual nature?---Merely spiritual.

In case of divorce, the Roman Catholic church does not allow of breaking the matrimonial chain?---No; our doctrine is, that what God has joined together, man cannot separate; and when once the tie of matrimony is formed, it is only death can dissolve it.

Suppose parties are divorced by a decree of the civil court, and that either of the parties afterwards wishes for to marry, and makes application to a priest of the Roman Catholic church to marry them, will that priest refuse?---Certainly.

Then if a divorce once takes place, neither of the parties can by possibility enter into the state of marriage?---Neither could conscientiously enter into the state of marriage; but they can legally, and that marriage would have the same legal effect as a marriage formed with what we call impediments, that is, within the prohibited degrees.

Still it would be the duty of every Catholic priest to refuse to perform the ceremony of that marriage?---Certainly.

Has the Pope a power of dispensing with that part of the discipline?---By no means; we consider that as decided by the law of God, and the Pope can never dispense with the law of God.

There is a vulgar error, that the kingdom of Ireland is a fief of the popedom; is there any foundation for that assertion?---It has no foundation whatever; it is annexed, and I hope inseparably annexed to Great Britain.

You take a distinction with respect to the differences between the decisions of our ecclesiastical courts and yours, between that class of them which arise from the interpretation of the sense of scripture, and that class of them which arise from a difference between the law of which you judge of the rules of consanguinity?---Just so; the one is merely the law of the church, which the head of the church can dispense with; the other we contend to be the law of God, which no earthly power can dispense with.

That law of God, no earthly power can dispense with, is derived from your interpretation of scripture?---Yes.

You do not conceive that the Pope has any authority to overrule your sense of the true interpretation of scripture?—Just so.

Supposing Catholic Emancipation was carried, should you see any objection to government allowing a stipend to the Catholic priesthood in Ireland?—In the event of Catholic Emancipation being carried, and this arrangement being made a part of the final settlement of the country, I would not see any material objection to the Catholic clergy receiving a stipend.

Should you see any objection to it, supposing Catholic Emancipation was not carried?—Very great objection. I do not think it would be acceptable, either to the people or the clergy.

Supposing such a stipend was agreed upon and granted, under what circumstances should you think that the Catholic clergy would have a claim upon it?—I suppose that the law would regulate the claim they should have; and that it should not be revocable at will, but given, on the one hand, so as to preserve the independence of our church, and on the other, to preserve that degree of subordination which should subsist between the inferior clergy and the prelates of the church.

Should you think it ought to be attached to the different benefices, or given to the individuals?—I think that would be a matter quite of regulation, to which I have not finally made up my mind.

Should you conceive there would be any objection to a certificate of loyalty being required, before such allowance was paid to a clergyman?—Certainly not, if that certificate were to come from the authorities of our church; I think it would be a useful thing to have that certificate of loyalty.

Do you conceive there would be any objection to securing the domestic nomination of the bishops in the Roman Catholic church in Ireland?—I do not conceive there would be any objection to it; I think rather it would be an advantage.

In whom is the nomination now vested?—At present it is vested in the Pope; but he does not exercise it, except at the recommendation of some portion of the Irish clergy.

Should you think it an objectionable measure, to prevent any foreigner from being appointed to a see in the Catholic church in Ireland?—By no means.

Would you extend that to all benefices in the Catholic church?—To all benefices.

Should you conceive there to be any objection to the Crown having a power of interfering in any way, directly or indirectly, in the change of the lower clergy from one benefice to another?—I would conceive that such interference would be liable to great objections.

You would not conceive there would be any objection, on the

members of the Roman Catholic hierarchy being promoted from one rank to another, that the same certificate of loyalty and domestic nomination should accompany the change which accompanied the first appointment?—I think it would not be liable to any objection.

Do you think there would be any objection to letting the State have perfect assurance, that the person to be appointed or promoted in the Roman Catholic church, had not been educated out of foreign funds, or out of funds at the disposal of a foreign government?—I do not think it would be liable to any serious objection. I should not like to give up wholly the foreign education, because it is calculated to excite a kind of emulation which I think useful.

The question does not apply to foreign education, but to education provided at the expense of foreign states?—I know there are some funds of that kind at present applied. I am not aware that any bad consequences follow from the education received from them; for instance, I was myself educated upon a foreign fund in Spain, and that fund was wholly under the control of the King of Spain.

If it should be thought advisable, for the security of the State, that that practice should cease, and if an equivalent were given in this country out of domestic funds, do you think there would be any objection to a perfect assurance being given, that parties to be appointed or promoted in the Catholic church, should not have been educated or supported out of any such foreign fund?—I am sure there would not.

Are there not at present some funds that were originally created by gifts of Irish families, that are at present subsisting in France, and claimed to be under the control of the government of France?—There are.

To what extent do you suppose those funds may go?—I cannot exactly say, but possibly about an annual income of 70,000 francs.

About 3000*l.* a year?—Yes.

Have you any reason to believe, that the French government, or any persons acting under their authority, have latterly been expressing any interest about that fund?—No, on the contrary, the present king is giving more power over that fund to the people in this country than was given before; he has appointed a president at the recommendation of the clergy of this country.

Do they claim to keep up an intercourse with Ireland, with respect to the management of this fund?—I do not think they claim a right to keep up an intercourse, or that they express a wish so to do; they consider these funds to be placed under their guardianship, and they do not allow them to be removed from France; they continue under their trusteeship; but latterly they

have given us a great degree of power over them; they have appointed a president, who is at the same time administrator of them, an Irishman, a person recommended by us.

Necessarily in the administration of them, as they are at present constituted, there must be some intercourse with respect to them, kept up between Ireland and France?—This administrator must of course return his accounts to the French ministry.

They allow the persons to receive the benefit of the fund, to be selected at home?—They have no claim whatever with reference to the selection; there are certain families, who originally formed the fund, and the representatives of those families, in some instances, retain still the right; and in other instances the right is devolved upon the bishops; and when once a person goes regularly presented from the competent authority here, he is admitted on the fund without any further hindrance.

Then all that they claim is, that the fund should continue in France?—Should continue, and be administered, of course, under their control; till latterly, they exercised a very tyrannical power over these funds; they appointed a *bureau gratuit;* and this bureau managed, or rather mismanaged, those funds very much; but at present there seems a better disposition, and they seem more inclined to do justice.

If it should be thought expedient for the public safety, that that fund should be put an end to, and that an equivalent fund, entirely domestic, should be given for the same object; you think there would be no objection to give an assurance on the part of the Roman Catholic clergy, that the persons hereafter to be appointed, should be educated exclusively out of domestic funds?—I cannot see the least ground for refusing to give such an assurance.

The Catholic priests are now paid by voluntary monies raised amongst their flocks?—Yes.

If a stipend was regularly paid them by the government, under certain regulations, in case of the question of Catholic Emancipation being granted, are you of opinion, that the Catholic priesthood would give up their claim to those fees now paid by their flocks?—I think there are certain fees, established by long usage, that they would feel a reluctance to give up, which are received by the ministers of almost every church, on marriages and burial services, and christenings; but the other voluntary offerings which are given, they certainly would give up without any hesitation.

Easter and Christmas offerings?—Easter and Christmas offerings.

Are there not fees called confessional fees, paid to the priests? —They are not, properly speaking, confessional fees; but some-

times when the people assemble at what is called a station in the country, for the purpose of making confession, they take the opportunity which is afforded by that, to contribute their offerings.

Are those part of the fees which you think would be given up by the Catholic clergy?—Certainly.

The fees on baptism, marriage, and burial, do not come within the description of fees that you think the clergy would be willing to give up?—I think not.

Do you know what the proportion of fees arising from baptism, marriage and burial may be, in respect to the proportion of fees arising from other sources?—I really cannot form a judgment; but they are considerably inferior to the other fees.

Would those fees upon baptism, marriage, and burial, be decreased, if a general stipend was paid to the clergy?—It is very likely that they would be much decreased.

Are you of opinion, that there would be any objection in principle, to the priesthood giving up the receipt of those particular fees; or do you think the amount of those fees is the greater object of consideration?—I think the principle being so long established, and such a universal usage, would not be relinquished without some feeling.

It is the principle then, and not the amount of fees paid for those particular purposes, that would be the object?—Yes; because the amount is less than those which they would be willing to give up.

Supposing a Roman Catholic priest refused to perform the ceremony of baptism or burial, because the fee was not paid, should he not be subject to some penalty?—He would undoubtedly be punished, and very justly, by his own superior, by the bishop of the diocese, if a complaint were lodged against him.

Do not you think that a Roman Catholic priest should be bound to perform those ceremonies, without the payment of those fees?—He is conscientiously bound to perform them.

You would leave the payment of fees to the feeling of gratitude, and the feeling of good will that exists between the clergyman and his parishioners?—Just so.

Do different classes of persons, according to their circumstances, pay a different amount of fees?—They do.

Is there any class from whom no fees at all are expected?—The poorer classes are attended without any fee, when they have not wherewith to make that usual offering which is expected.

Will you state the amount of the different classes of fees paid by different persons?—It would not be possible; it varies according to places and circumstances, and according to the disposition of the people; and that is matter of feeling.

In the case of a stipend being given to the Catholic clergy, would that class which pays no fees at all now, be extended much further?—I think it would; and I think those that do pay, would pay a much smaller sum.

What power have the Catholic clergy to enforce the payment of those fees?—No power but public opinion, and a claim upon the gratitude of the people, which is generally met.

Have they any ecclesiastical power?—No; they have no ecclesiastical power; they cannot inflict a censure without the authority of the bishop, and the bishop would never give his authority for purposes of that kind.

You stated, that in your opinion, it would not be proper for the Crown to have any direct or indirect interference in the appointment of the Catholic clergy?—I think it would not be useful either to the Crown or to us. I apprehend, that we could serve the Crown much better by being left independent of it, excepting indeed that necessary dependence which all authorities of the state have.

Does this objection depend upon your religious opinions, or upon political feeling?—Upon both; upon religious opinions principally. I say, as far as I am concerned, wholly religious opinions, because it is our duty to serve the people, and to serve government; I think we could do that more effectually, by being left as much as possible to ourselves, without the interference of government.

Do you consider there is any thing contrary to the discipline of the Catholic church, in such an interference of the government?—I think it would be injurious to the discipline of the Catholic church; and I do not know that it is recognised in a Protestant government any where.

Supposing that by a treaty with the Pope, he was to admit of such an interference, in your opinion would the Catholic bishops in Ireland submit to it?—I think they would object to it, if that interference were to be in a material degree.

Would they think that the Pope exceeded his power, in making such an agreement?—Not his power certainly; but they would consider him as outstepping the limits of prudence and wisdom, and discretion.

Would they feel themselves justified, in consequence of that, in objecting to such a treaty?—They certainly would.

Would there be any objection in your mind, to the government naming a commission, consisting of prelates of the Roman Catholic church, through whom the loyalty and the domestic nomination and education of the several functionaries should be certified to them?—Not the least objection; we should be most anxious to have an opportunity of certifying to government, the

loyalty of every one who is employed as a functionary of our church.

Allowing the government to name the commission through whom that should be certified?—Certainly.

Would it be necessary for the Catholic prelates to obtain the consent of the Pope, previous to their engaging their co-operation in such an arrangement as to domestic nomination?—No, it would not; because the Pope has already signified his readiness to acquiesce in it.

When did the Pope signify his readiness to acquiesce in it?—About ten years ago.

Supposing the Pope was to agree to any thing, which in the opinion of the Catholic prelates in Ireland exceeded his authority, what would be the conduct of the Catholic prelates, in such a case?—If we thought he exceeded his authority, we would of course deem ourselves at liberty not to acquiesce in his decisions.

Is the authority of the Pope defined in such a manner, that it would be easy for the Catholic prelates to decide, whether he exceeded his authority or not?—I think it would.

Would there be any objection on the part of the Roman Catholic clergy, to submit their bulls and briefs, and other documents from the Pope, to the inspection of government, before they were transmitted to the authorities to which they were directed?—If we look at the substance of those communications, I do not find there would be any great difficulty; but I would find a great difficulty in submitting the private communication of any gentleman to another, without his consent; I think it would not be authorized.

Are those private communications the subject of briefs or rescripts from the Pope?—Every brief or rescript is of course a private communication, a communication from one gentleman to another; and I would not think myself authorized to show any gentleman's letter to another, without his consent.

Supposing the Pope consented to such an arrangement, should you see any objection to it then?—Not the least.

Your objection is rather on the principle of good manners, than of any religious feeling?—The communications with the Pope, are wholly of a spiritual nature; there are some confidential communications regarding the consciences of individuals, and it would not perhaps be right, that those communications should pass into other hands than those immediately concerned.

You would make an objection to submit those spiritual communications to any lay tribunal?—Yes.

Or perhaps to any tribunal that was not of your own persuasion?—Certainly.

Could there be any objection to submitting this communication

to a commission of your own bishops, to be named by the Crown, in the manner before-mentioned?—I do not see that there could be any objection to it, provided the Pope consented that his communications should be so submitted; and I think, even with respect to the objection founded on the rights of individuals, it might be done in such a way, as that the particular person should not be marked out; A. B. or C. D. would be a sufficient mark to distinguish the individual for whom the matter was intended, without communicating his name.

Would the prelates of your church object, that the spiritual communications that are made from the Pope to these countries, should, in the first instance, pass through the hands of that commission of your own prelates, and that they should exercise their discretion upon them?—I think there might be instances where one might feel an objection to allow a communication on a confessional case, to go into any other hands than those of the parties concerned; at the same time, I think it might be so regulated, as to conceal the name of the person by letters, or something of that sort.

Does not that restriction exist in Protestant kingdoms, for instance, in the kingdom of Prussia, and in the kingdom of the Netherlands?—It does, and in Catholic kingdoms too; sometimes by virtue of a concordat with the Pope himself; then he abandons his own right, and we cannot object to it; if he chooses to do it, we should most readily acquiesce in it.

You have stated, that you think there would be no objection on the part of the Roman Catholic prelates, to preventing foreigners being appointed to benefices and dignities in the Roman Catholic church in Ireland?—There is not the least likelihood that such an attempt would be made; and we should be glad that a law were enacted, to prevent the introduction of such persons; it is merely a case that we contemplate as barely possible.

Could a law of that kind be passed, without an agreement with the Pope, before-hand?—Certainly; the law can exclude any one whom it considers dangerous to the country; as it excludes aliens, it could exclude those foreign persons from exercising any function within this realm; and such a law would excite no kind of feeling of dissatisfaction in the Catholic population.

What would be the situation of the country, if such a law were passed, and the Pope were to institute such a person?—He never would institute such a person; he would not be so unwise as to enter into collision with the law of the country.

Is the present Pope bound by the opinions of the last?—He considers himself bound by the decisions of the last.

Is the willingness which the late Pope expressed to come into an arrangement for domestic nomination such a decision as you have mentioned?—It is such a decision as I have mentioned.

Such a decision as would make you feel yourself authorized in assenting to an arrangement of that kind?—Certainly a decision binding in honour, not having been recalled, he is bound by it in the same way as a subsequent government in this country, would be bound by the acts of the preceding government.

Are you aware whether the Catholic prelates in Ireland consider themselves sufficiently authorized by that decision, to cooperate in an arrangement of that sort, without further application to the Holy See?—They do.

Do you remember the rescript of a person called Quarantotti?—Perfectly well.

Did not the Roman Catholic prelates protest against that rescript?—Very earnestly.

On what ground?—On the ground that it allowed a certain interference in the appointment of the Catholic bishops in Ireland, which interference they thought would be injurious to the Catholic religion.

That rescript acknowledged the principle of a royal veto?—It did.

It went no further?—And also the principle of inspecting correspondence.

What they objected to was giving the Crown a veto?—Yes.

Did they consider that as coming from the Pope himself, or only from Quarantotti?—Only from Quarantotti, and a very limited council, which was left under the dominion of the French authorities in Rome. He was a very weak old man, and he had himself incurred the displeasure of the Pope during his captivity, by having taken an oath of allegiance to the French authorities, always guarding, however, as he thought, his allegiance to the Pope. However, it was still such as to incur the displeasure of the Pope, and the latter would not for some time admit him into his presence.

Had that rescript come from Pius the Seventh himself, would the Roman Catholic prelates have equally protested against it?—Most certainly.

Would they have protested against it on the ground that the Pope had exceeded his power?—On the ground that he had exceeded the limits of prudence and discretion, that he was not sufficiently acquainted with the circumstances of our country; and of course that we could not conscientiously help submitting this fact, and reminding him of the danger to which he exposed our religion.

Would you have protested against it, on the ground that he had exceeded the power vested in him, as the successor of St. Peter?—No.

They would not protest against it, on the principle that he had done any thing contrary to the discipline of the church; but, that

considering the situation of the Catholic church in Ireland, what he had done was opposed to the interest of the church?—That it was contrary to our discipline.

Not contrary to the fundamental principles of the Catholic church?—You may say there is no fundamental discipline of that kind, because that discipline may be changed.

Are you aware whether there has or not been any arrangement made in other countries, *in* which Protestant sovereigns have exercised a power equal or similar to that which it was proposed by that rescript to convey to the King of England?—I am not aware that there are any such powers in the hands of any Protestant sovereign.

Is there a power of nomination vested in any Protestant sovereign?—There is no power of nomination recognised in any Protestant sovereign.

Are you aware how it stands in the kingdom of Prussia?—I am.

Will you have the goodness to state that?—At present, in virtue of a concordat which was established a very few years ago, the nomination is vested in the Catholic chapters of Prussia; and the king of Prussia has given an endowment or establishment to the clergy.

Is there no right of interference?—No right of interference, that I am aware of; I have seen the decree.

He has no privilege of a veto?—None, that I am aware of.

Has the emperor of Russia any such right?—He has not; but the emperor of Russia being the head of a despotic government, recommends a certain individual to the Pope; and the Pope, that the Catholics of that country may not be persecuted, if he finds no canoncial objection to the individual, appoints that individual of his own authority, without any reference whatever to the recommendation of the emperor; he studiously avoids saying that such a person had ever been presented; in the fulness of his own authority he appoints him; but he is pleased to appoint the person so presented, if he feels no objection to him. It was the same in the kingdom of Prussia, before the concordat which I have just mentioned. The king of Prussia named a certain individual; the character and qualities of that individual were examined into; if the Pope saw no difficulty, he appointed him; but he made the nomination in the fulness of his own power, without any reference to the presentation.

In those cases it is a species of compromise between the court of Rome and the courts of Prussia and of Russia?—Just so; the Pope does not wish to enter into collision with those sovereigns, and he therefore allows it to go on in that way.

Has the King of Prussia any thing resembling a *congè d'elire*, in the appointment to the chapters?—Not that I am aware of.

Do you think it would be injurious to the Catholic church, if he had one?—It would be perhaps less injurious than in some other countries, because Silesia, the country chiefly in question, is principally Catholic, and not distracted by party feeling; that is quite a matter of prudence, to be regulated according to the circumstances of the place.

Supposing what is called Catholic Emancipation were passed, and that a provision were made for the Roman Catholic clergy; and that, in consequence of that provision, the Pope was to grant to the King of England the power of appointing the bishops of the Roman Catholic church, would the Roman Catholic prelates consent to that?—I do not think they would; and I am quite certain that the Pope would not grant, to any Protestant sovereign whatever, a power of direct nomination.

Are you aware that the King of Prussia has actually appointed to the Bishoprics of Culm and Posen?—I am quite aware that his recommendation has been attended to, but on the principle I have just mentioned, disallowing the right of the King of Prussia to nominate; but still the individual recommended, has been in general named by the Pope from his own authority, without alluding, in the bull of appointment, to the presentation that was made: that system has been changed, the nomination is now vested in the chapters.

But suppose the Pope did make such a concession to the king of this empire, what would be the conduct of the Roman Catholic clergy of Ireland, under such circumstances?—I cannot say what would be their conduct, but I think it would excite a very painful sensation, and might lead to very disastrous consequences; but I think it is almost an impossible case. It has never occurred that such concordat has been entered into by the Pope with any Protestant prince.

Does it enter into your mind, as a part of Catholic Emancipation, that the Roman Catholic bishops should take their seats in the House of Lords?—By no means; the bishops of the Established church take their seats in the House of Lords, as barons, which dignity they have from the Crown; we can have no claim to such a dignity.

Have you any reason to think, that in the minds of any part of the Roman Catholic clergy, there exists any hope or any wish to interfere with the temporal possessions of the Established church?—Not the least; there is no wish, on the part of the Roman Catholic clergy, to disturb the present establishment, or to partake of any part of the wealth that it enjoys.

Nor any objection to give the most full and entire assurance on that subject, by any declaration that may be required of them?—Not the least.

Do not you think, that if there was an establishment for the Roman Catholic clergy provided by the State, that would afford an argument to those who object, that they being Catholics, should pay for the Protestant clergy, as Protestants might then say, We who are Protestants, pay for the Catholic clergy?—I think that would be a very powerful argument.

Though the Catholic clergy of Ireland might not wish to interfere with the property of the Protestant church, is it not a general feeling among the Catholics, and general indeed amongst a great many of the Protestant communion also, that the establishment of the church of Ireland should be very much curtailed; that there should be a new modelling of it?—It is a general feeling, among Catholics as well as Protestants, that the establishment is unnecessarily rich; but I do not observe any feeling in Catholics as Catholics, to exert themselves for its curtailment, more than Protestants.

That feeling is rather an opinion of political economy, than a religious feeling?—Exactly so; as religionists they have no particular feeling.

Is it not their disposition to leave the matter entirely with the legislature?—Yes.

Do not the Catholics complain very much of the obligation of paying tithes to Protestant clergymen?—They complain in common with Protestants, and they have this additional ground of complaint, that they receive no service for it.

Is not that urged as a very strong and very general argument, against the establishment and continuance of tithes in Ireland?—It is a complaint, that they have to pay two churches, from one of which they derive no return. According to an idea thrown out, in a question which has been put to me, it would seem, that in the event of emancipation, they would not have to pay from their own pockets exclusively, their own clergy, and of course then there would be a greater disposition to bear with patience the burden of supporting the Protestant clergy.

Have not the disturbances on the subject of tithes in Ireland, which have been very numerous indeed, and existing from a very remote period, prevailed more generally in Catholic countries, than in those counties where Protestants were more numerous?—I believe they have, but I do not feel myself very competent to answer the question, for I am not sufficiently acquainted with the nature of those disturbances, or the causes from which they arose.

As far as you are acquainted with them, do you not believe that the disturbances with respect to tithes, have chiefly taken

place in those parts of Ireland where the tithe of potatoes was collected?—I understand so. I am not myself particularly acquainted with any part of Ireland where those disturbances nave taken place.

Is not the tithe upon potatoes the greatest cause of dissatisfaction connected with the tithe system?—So I have heard; because that is a tithe levied off the poorest classes of the community.

Then in the event of disturbances with respect to tithe, having taken place in particular counties in Ireland, do you connect those disturbances with the circumstance of the inhabitants of those counties being Catholics, or with the circumstance that in those counties, the tithe of potatoes was claimed?—I think it more likely that they arose from the nature of the tithe, and from the manner of collecting it.

Have not you found, or have not you collected from your observation, that the insurrections in different parts of the south and west of Ireland, have been directed, as much against the payment of dues to the Roman Catholic clergy, as against the payment of tithe to the Protestant?—They have often been so directed against the dues paid to the Catholic clergy, as well as against the tithes paid to the Protestant clergy.

Are there not lay impropriators in Ireland, who receive tithes as well as the clergy?—I understand so.

In that case, is any return made to the persons paying?—No return.

Do you suppose, that if the legislature chose to take away tithe from the clergy of the Established church, and to pay them in any other way, that they would make a present of the tithe to the land owners?—I do not know what the legislature might be inclined to do under those circumstances, but I believe the people feel as great an indisposition to pay tithe to a lay impropriator, as to an ecclesiastic.

Are they not sensible, that it is a burden upon the property which they hold, whether it is paid to the church or to the laity?—Yes.

Do not you think that the Protestant clergy find as much difficulty in getting the tithe from Protestant parishioners, as from Roman Catholic parishioners?—I have heard so, and very often more difficulty.

Why would you say, more difficulty?—From their being more able to resist.

You have not found, so far as your observation, or any thing you have heard, lead you to form an opinion, that a resistance to the payment of tithe, prevails more amongst Roman Catholic parishioners, than amongst Protestant parishioners?—No, I do

not; but it is a subject I am not acquainted with, from my having chiefly resided in Dublin.

From what you have understood of the state of the disturbed districts, do you not suppose that the disturbances there proceeded from the general condition of the peasantry, and from other circumstances not connected with the profession of the Roman Catholic faith?—I believe, from their extreme poverty, which made them feel the pressure of those things more than elsewhere; but I am not sufficiently acquainted with those parts of the country where disturbances took place.

Do you think that what is called Catholic Emancipation would at all reconcile the peasantry and farmers of Ireland to the payment of tithes?—I think it would diminish their repugnance to it.

Do you think it would make them more satisfied under those burdens, than they are at present?—I am certain it would remove a great source of discontent, and put them of course in a better temper, and induce them to acquiesce more readily in all the burdens the State imposes on them.

Is not that feeling of discontent connected in some degree with the disturbances which have taken place?—I fancy it is.

Are you at all acquainted with the operation of the Tithe composition Bill?—Not at all; I have heard that where it has been carried into operation, the effect has been favourable; but I am not personally acquainted with any case in which it has been carried into effect.

Have you heard that it has had the effect of removing the pressure from the small holders of land who paid the tithe of potato, to a general burden upon all the land?—I have heard so, that it divides the burden more equally, and relieves the poorer classes.

Have you formed any opinion as to the operation of the law with respect to Church Rates in Ireland?—I have had no opportunity of forming an opinion upon that subject.

Have you heard any complaints made by the poorer classes, of the burden which is imposed upon them, of repairing the churches of the Established religion?—I have heard that there were complaints of that nature, particularly where there were very few Protestants, and where the chief burden was to be borne by Roman Catholics.

Has that been the cause of disturbances in any part of the country?—I am not aware whether it has or not.

Upon subjects of that nature, your constant residence in Dublin disables you from giving to the Committee that opinion which you would otherwise be able to give, had you lived in the country?—It does.

In the event of there existing any dissatisfaction with regard to the payment of church rates, that is, funds for building and repairing Protestant churches, do you not think that that dissatisfaction would cease, if those rates, in place of being charged upon the occupying tenant, became in fact a charge upon the landlord and upon the rent?—I think it is likely that it would.

In case of Catholic Emancipation being carried, would you propose that the Catholics should be allowed to have processions?—By no means. Public processions in the street, out of their places of worship, I would not think at all advisable in a country so mixed as ours is, where the different denominations are blended together, and where, of course, one description of persons might receive ground of offence, from those external ceremonies.

You have heard that there have been great objections made against the Church Establishment in Ireland, particularly by Irishmen; do you think that if a great attempt was made to new model the Church Establishment, not to take away its riches, but to allow them that wealth in a different way, that that attempt would be supported by the great body of the Catholics in Ireland?—I am not aware that the great body of the Catholics would trouble themselves much about the manner in which it would be employed, provided that the pressure was to continue the same, and that it was to be levied in the same way.

If there was an attempt made to relieve the peasantry of the payment of tithes, and to appropriate the landed property of the Church to the payment of bishops, deans, and clergy, and to the repair of the churches, and to the encouragement of education, and perhaps other purposes connected with church matters; do you think there would be a general feeling among the Catholic population in Ireland, to join such a plan?—I think there would be a general feeling amongst both Catholics and Protestants, to rejoice at any plan which would remove the people from unnecessary burdens, or to employ the fund in such a way as would be of general service; I do not think the Catholics are more particularly interested in that, than the Protestants.

Then the Committee are to understand you as saying, that it is the burden itself that is oppressive, and not the circumstance of the persons to whom it is paid?—The burden.

Do you think the Catholic population would exert themselves more strongly to get rid of tithe, than they would of the burden of any other tax?—I do not think they would.

In any opinions you have heard respecting this question of Church reform, which has been pointed at in the latter part of your examination, can you state which you have found most eager and anxious upon the subject, the Protestants or the Ca-

tholics?—I think the Protestants are equally anxious with the Catholics.

Is not it your opinion, that any class of men, either Catholic or Protestant, in any country, if they found themselves peculiarly aggrieved by any particular tax, would naturally be very glad to be relieved of that by any means the legislature of the country could possibly provide?—Most certainly.

The Most Reverend *Oliver Kelly*, D.D. Titular Archbishop of Tuam, called in; and Examined.

How many years have you been Roman Catholic Archbishop of Tuam?—Since the year 1815.

Will you be so good as to explain to the Committee, the nature and origin of the authority of the Pope?—The Pope derives his authority from Jesus Christ. He is the successor of St. Peter, and holds the same rank in the church that St. Peter did among the Apostles; he is the first bishop and head of the church, and enjoys a primacy, not only of honour, but also of jurisdiction.

Is his authority distinctly defined?—His authority is distinctly defined; and besides the ordinary episcopal power, which he enjoys in common with the other bishops, he has the authority of presiding over the universal church, and of governing it according to the canons.

Does the obedience that is due by a Roman Catholic to the Pope, detract from what is due by a Roman Catholic to the prince under whom he lives?—Not in the slightest degree.

Does it at all justify an objection that is made to Roman Catholics, that their allegiance is divided?—By no means.

Is the duty that a Roman Catholic owes to the Pope, and the duty he owes to the King, really and substantially distinct?—The duty which the Roman Catholic owes to the Pope, and that which he owes to the King under whom he lives, are really and substantially distinct, inasmuch as they regard different matters. The duty which he owes the Pope, is confined to matters spiritual, and affecting ecclesiastical and religious matters. This duty is by no means incompatible or inconsistent with his social duties; it does not clash in any manner whatsoever with the civil allegiance which he owes to the King; on the contrary, his bounden duty, as a Catholic, is to pay obedience and submission to the civil authorities.

What do the principles of the Roman Catholic religion teach, in respect of performing civil duties?—The principles which the Roman Catholic church teaches, with regard to civil duties, are, that subjects are to obey the King, and all those placed in au-

thority under him; they are to be amenable to the laws of the land.

Does the Pope, in point of fact, at present dispose of Temporal affairs within the kingdoms of any of the princes of the Continent?—I am not aware that the Pope, at present, interferes in any degree in the temporal concerns of the princes of the Continent.

Has any Pope of late years, at all attempted to interfere in the temporal concerns of the States of Europe?—I do not know that, of late years, any Pope has attempted to interfere in the temporal concerns of independent states.

When the Pope did interfere in the temporal concerns of independent states, on what did he found his claim to such interference?—I should think, when he did interfere in temporal concerns, it was in consequence of concessions made to him by temporal princes themselves, and that it was in virtue of the power which he had received from them; but I do not conceive that the Pope, at any period, in virtue of his authority as Pope, did interfere in any manner whatsoever with the temporal concerns of any state.

Was it ever admitted as a doctrine of the Roman Catholic church, that the Pope had any temporal jurisdiction out of the patrimony of St. Peter?—It never was admitted as a doctrine of the universal church, that the Pope could exercise temporal jurisdiction without the limits of his own territory; there may have been some individuals who held that opinion, but it never could be called or considered the doctrine of the Roman Catholic church.

In point of fact, was not that doctrine resisted by the north of Europe, whilst it was admitted by many persons in the southern countries of Europe?—Most undoubtedly.

And hence the difference between Transalpine and Cisalpine principles?—The Transalpine and Cisalpine doctrines, in respect to the authority of the Pope, differ; but what we call those doctrines, are doctrines held by individual divines of one country or the other.

Does any such difference now exist in any part of Europe, with regard to temporal power?—I am not aware that there is a Catholic divine in existence at present, who holds the doctrine of the Pope having temporal power or authority over independent states.

Do the Roman Catholic clergy insist, that all the bulls of the Pope are entitled to obedience?—The Roman Catholic doctrine, in respect to bulls from the Pope, is, that they are always to be treated with respect; but if those bulls or rescripts, proceeding from the Pope, do contain doctrines or matters which are not

compatible with the discipline of the particular churches to which they may be directed, they feel it their duty then to remonstrate respectfully, and not to receive the regulations that may be contained in the bull or rescript which may emanate from the Pope.

Do Roman Catholics pray to Saints?—Roman Catholics believe that the blessed saints in heaven, replenished with charity, pray for us their fellow members here on earth. Roman Catholics believe, that the saints, seeing God, they see and know in him all things suitable to their happy state; that God may be inclined to hear requests made in our behalf by them, and to grant us many favours through their intercession. This manner of invocation is no more injurious to Christ, our Mediator, than it is for one Christian to beg the prayers of another in this world, as Saint Paul did.

When Roman Catholics are said to pray to the Virgin Mary, what is the meaning of that expression?—When they invoke the Virgin Mary, they do not consider that she can grant favours of herself, but that she may, through her powerful intercession, obtain favours from God for us.

Do Roman Catholics pay veneration to Images and Relics?—Roman Catholics allow a certain veneration, or honour, to be given to relics, and to the images of Christ, and his saints who have departed this life in the odour of sanctity; and they consider images useful, inasmuch as they may occasionally remind them of certain subjects and points of doctrine and religion, which may be most conducive to their spiritual welfare; but they renounce all adoration and divine worship of images and pictures. The Almighty alone they worship and adore, and pictures are used to excite our thoughts to heavenly things.

Do the Roman Catholics consider those images or relics as possessing sense or intelligence?—Not the least sense or intelligence; and the honour or respect given to pictures and images, or relics of those pious persons who lived here on earth, has reference only to the character represented.

They consider, that they may be useful in reminding them of circumstances connected with religious duties?—Exactly so.

Beyond that, they attach no importance to them?—None.

It is stated in a publication called A Protestant Catechism, showing the principal errors of the church of Rome, that "Roman Catholics pray to angels and saints, to intercede for them, and save them by their merits;" is that a correct statement?—Not by any means; saints or angels cannot save us by their merits, except so far as they may be available in their intercession with the Divine Mediator.

Do they invoke angels or saints, with the same spirit with which they invoke the interference of our Saviour?—Not by any

means; they address the Saviour as their Mediator, as their Lord, and as their God; and they address the saints as the servants or creatures of God, who have died in favour with Him. They can give them nothing of themselves, they only intercede with God for them.

Would the Roman Catholics conceive, that any other mode of prayer to the saints, would be admitting another Mediator between God and man, than the Redeemer?—If they were to pray in any other manner to them, than for intercession, I should consider it an error, and that they would be asking of them what they had not the power to give.

Would not praying to them to save them by their merits, be, in point of fact, admitting another Mediator between God and man, besides Jesus Christ?—It would, if they thought the saints could save them by their own merits, without the mediation of Jesus Christ.

There is in this same book, a question, "What do you think of the frequent crossings, upon which the Papists lay so great a stress in their divine offices, and for security against sickness and ill accidents;" the answer is, "They are vain and superstitious. The worship of the crucifix or figure of Christ upon the cross, is idolatrous; and the adoring and praying to the cross itself, is of all corruptions of the Popish worship, the most gross and intolerable." Is it in point of fact, a part of the Roman Catholic practice, to worship the crucifix, or adore or pray to the cross?—Roman Catholics renounce all divine worship, or adoration of the cross; they use it as a memorial of the passion and death of our Lord and Saviour Jesus Christ, it reminds them of his sufferings and death for us; but the crucifix, or the cross, has no intrinsic virtue or efficacy in it, more than any other inanimate substance; it is merely a memento to impress upon our minds, the mediation of Jesus Christ, and that it is through him alone, that we can expect salvation.

Is the respect and regard which the Roman Catholics bear to such image or crucifix, of the same nature as that which any other person might bear to a picture of a dear and absent friend?—Yes; respectively so.

Is there any worship in your church, of images, or of idols, or of relics?—There is no divine worship of images, of idols, or of relics, in our church; I have already stated the relative respect we entertain for certain images and relics.

Then do not you conceive, according to your judgment, that the charge of idolatry which is brought against your church, is an unfounded charge?—I consider it as most unfounded, inasmuch as we do not have recourse to those images, for any other purpose than what I have already mentioned; they are books for

the illiterate; by looking at the crucifix, they are reminded of the death and passion of our Lord; further than that is not expected or desired.

In this same catechism, there is upon the subject of Penance, a statement, that the sinner is allowed to get another person to do penance for him, and besides, the Pope grants indulgences, whereby he remits all penances, not only of sin past, but sometimes such as shall be committed for a great number of years to come, or during a man's whole life; and these indulgences, which cannot but be considered as licenses for sin, are publicly sold for money; what would you wish to observe upon that statement?—The doctrine of Indulgences in the Catholic church, does not by any means imply the idea, that sin can be remitted by indulgences; sin, according to the doctrine of the Roman Catholic church, can never be forgiven, without a sincere and hearty sorrow, accompanied with a firm purpose and resolution of amending life; and when the sinner so disposed, avails himself of the sacrament of penance, his sins are forgiven by sacramental absolution; but indulgence in the Roman Catholic church, never meant the forgiveness of sin, or of the pain eternal due to it. Indulgence means the remission or relaxation of the temporal punishment due to sin, after the eternal guilt and punishment had been previously remitted.

Is there any instance of an indulgence being granted, for sins to be committed at a future period?—There can be no indulgence for sins to be committed at a future period; and there is no authority in the Catholic church, and there never did exist an authority in the Catholic church, which assumed to itself the power of giving leave or indulgence to commit sin at a future period.

Are indulgences ever sold for money?—I have never known an indulgence to be sold for money; I have read in books, that have been written against the Catholic religion, that it was the practice in the Catholic church, to sell indulgences; but this is a misrepresentation and a mis-statement of the doctrine of the Catholic church; in some instances, there may have been a commutation of temporal penances, and pious pecuniary contributions may have been substituted in lieu of some other atonement. But if mistakes and abuses have been committed, in granting indulgences, through the ignorance of particular persons, such abuses cannot be reasonably charged on the church, as it rejects and condemns those practices.

Can that commutation be obtained in the present age?—I am not aware how far it may be practised at present.

Is the sinner allowed to get another person to do penance for

him?—In the Catholic church, every sinner is required to do penance for himself.

Is there any instance in which he can be allowed to get another person to do penance for him?—He is at liberty to avail himself of the prayers, and the good works of others, in his behalf.

Could that in any instance, excuse him from doing penance himself?—By no means.

In the doctrine of penance in the Roman Catholic church, is there not included, besides the outward acts of penance, a contrite disposition of mind, and a resolute determination to avoid sin in future?—In the Catholic church, we set no value upon the external act of penance, unless it be accompanied by repentance; unless in fact, it be accompanied by sorrow and contrition for sin, with a firm resolution not to relapse into it.

Therefore to the doctrine of repentance, as distinguished from penance, there is superadded the outward mark, which the Catholic church has connected with that change of mind?—Exactly.

What are the usual external marks of penance which are imposed, for example, in your diocese?—They are various; fasting, prayer, alms deeds, and other good works.

Are pilgrimages imposed as penance, pilgrimages to holy places, and the observance of duties at those places?—In some instances, pilgrimages may be imposed as penances; it is not a general practice.

Are those pilgrimages, which the Catholic peasantry in Ireland are accustomed to fulfil, voluntary on their part, or commanded by some authority of their church?—The pilgrimages they perform in Ireland, generally speaking, are voluntary. I have forbidden performance at wells, not that I consider it evil in itself; but in consequence of the abuses, which I have known to arise from those performances, I have thought it prudent to endeavour to put a stop to them, and have in some degree succeeded.

You say the church has the power of removing the temporal punishment of sin; by that you mean the penance enjoined?—Yes.

Is that temporal punishment remitted by virtue of the indulgence, or is it remitted by the Catholic clergy; after the indulgence being given, is the indulgence a qualification to receive the remission, or does the indulgence itself remit the temporal punishment?—The indulgence consists in the remission of the temporal punishment, that may remain due after the eternal guilt be remitted; this indulgence cannot be gained, unless the sin is previously forgiven; and after the sin and the eternal punishment due to the sin are forgiven, then the indulgence remits the temporal

punishment, or a portion of temporal punishment, that is due after the sin is forgiven.

In Ireland, how are those indulgences now granted, by what authorities, and in what manner?—The indulgences in Ireland are granted by the Pope generally.

Directly, or passing through the medium of the ecclesiastical authorities in Ireland?—Passing through the medium of the ecclesiastical authorities; they are sent to the ecclesiastical authorities, and they announce them to the faithful, who are at liberty to avail themselves of them.

Are they generally or individually granted?—Generally.

Are they granted generally to the Catholic communicants in a particular diocese, or to individual communicants forming part of that body?—There are some indulgences granted for the entire kingdom; there are other indulgences granted to particular dioceses.

Are they in those particular dioceses granted generally, or to individuals, at the pleasure of the bishop or metropolitan?—There are certain conditions generally required in order to obtain the benefit of an indulgence; one of the conditions is, to approach the sacraments with proper dispositions, as inward sorrow, detestation of sin, and a firm purpose and resolution of amendment: when those conditions are complied with, on the part of the penitent, then the indulgence extends to him.

It is stated in this same catechism, that Roman Catholics hold that faith is not to be kept with heretics, and that the Pope can absolve subjects from their oath of allegiance to their sovereign: is there the slightest truth in those two accusations, or the most remote ground for them?—Not the slightest truth; as a minister of the Catholic church, I feel it my duty to declare, that I have always considered it imperative on me to impress on the minds of those who are under my spiritual care, that they are bound to keep faith with heretics, and all those differing from them in religion, as strictly and as rigidly as they would towards persons of their own communion. With respect to the allegiance that is due to the sovereign, the Pope has no right of interference whatsoever; we recognise no power in the sovereign pontiff, or in any other authority, to absolve us from the allegiance which we owe to our king.

By heretics, are all persons understood who are not of the Roman Catholic communion?—I should conceive there are many who are not within the communion of the Roman Catholic church, who yet are not heretics.

Are the individuals belonging to the Greek church considered as heretics, by the Roman Catholic church?—No, not at all.

They are considered as schismatics?—As schismatics; according to the doctrine of the Roman Catholic church, to constitute a

heretic, contumacy in error with respect to matters of faith is necessary; and where there is not a contumacious adherence to error in matters of faith, there is no heresy.

Would not that character of heresy apply then to all churches which have separated from the see of Rome, and continued to deny its authority?—No; I do conceive that there are many, who are not of the Roman Catholic communion, whom, when it is their conscientious belief that they are not denying any thing which is essential to salvation, and that they have no means of having their error removed, I do not by any means consider as heretics, though they may not belong to the visible body of the Roman Catholic church.

Is it in the power of the Pope to grant a dispensation from observing an oath?—The Pope can grant no dispensation from observing a lawful oath.

Although the Catholic church would regard many of the members of the Protestant establishment as heretics, it does not necessarily regard them all as heretics, on account of their differing from the Roman Catholic church?—Not by any means.

All members of the Church of England believe in the same articles of faith, then how do you draw a distinction between those whom you say you would call heretics belonging to the Church of England, and those whom you say you would not call heretics belonging to the same church?—I have already mentioned that, in order to constitute a heretic, contumacy in error concerning matters of faith, is necessary; I think there are many who are invincibly ignorant of those articles of faith which we hold to be essential, and their being unacquainted with them, and having no opportunity of removing the error under which they labour, is a sufficient ground for not considering them as heretics.

Do you mean by your past evidence to state, that you conceive that all members of the Church of England believe the same doctrine, or that there is not a considerable difference of opinion among members of the Church of England?—I do not pretend to say, that all members of the Established Church hold the same articles of faith.

Will you be good enough to explain to the Committee, what you mean by the word Contumacy?—A refusal on the part of an individual to embrace doctrines necessary to salvation, after having had a sufficient opportunity of being convinced of their truth.

If a person was not conscientiously convinced of the necessity of believing such doctrine, would you consider him contumacious?—If his ignorance was voluntary, I should consider him contumacious; if his ignorance was involuntary and invincible, I should consider him free from the guilt of contumacy.

Then, under that interpretation, would you consider all the divines of the Established church and of the Presbyterian church, and, in short, of every denomination of Christians differing from the Roman Catholic church, as contumacious?—If the errors which they held, were involuntary and invincible on their part, I should not consider them so.

But if what are called errors, arise from a conviction in the mind of the person who holds them, of their not being errors, and are thereby involuntary on his part, would you then consider them contumacious?—When he has had sufficient opportunities of being instructed and enlightened, and he still continues to hold what I consider erroneous doctrine, I do no longer consider his error involuntary, I consider it voluntary, and then, of course, comes the guilt of contumacy.

Then, in short, every person who has had education, and has turned his attention to these matters, who has received the general instruction that people do upon a religious education, is, in your interpretation of the word, a heretic, if he does not agree with the principles of the Catholic religion?—I could not undertake to pronounce sentence upon any individual, the individual is the best judge whether he has used the necessary diligence, in order to remove his error; all I assert, generally, is, that those who, after having had a full opportunity of acquiring a knowledge of the truths which I consider necessary to salvation, and of having their error removed, if they still persist, I do consider such error on their part to be voluntary, and that they therefore become contumacious; but who the individuals are that are so circumstanced, is what I do not take upon myself to determine.

You of course believe that your own church is the true church; it is the nature of every church, that the conscientious professors of it believe that their own profession is the true one?—Yes; I do believe the Roman Catholic church to be the true one.

Then with respect to a person who differs from your church, if in your opinion it is merely error, on his part, and that he honestly and conscientiously differs from your church; and after he has endeavoured to inform himself, still continues in error, you do not count that person a heretic?—I do not count a person a heretic, whose error is involuntary and invincible.

What is the distinction you take between Schism and Heresy; is it that the one is voluntary, and the other involuntary?—No. Schism and Heresy are different things; schism refers to the government and discipline of the church, and heresy to its doctrines.

Whether a person differs in a voluntary manner, or an involuntary manner, still you consider that Catholics are bound to keep faith with him, as well as with one of their own communion?—Just as much as with persons of their own communion.

And all other moral ties that subsist between man and man, subsist equally between a Catholic and a heretic, and between a Catholic and one of his own communion?—Exactly the same; it makes not the smallest difference. All moral ties, all contracts, and all engagements, we are bound to fulfil towards those who differ from us in religion, as well as towards those who are of the same persuasion.

Then, if the Committee understand your evidence right, it is perfectly consistent with the general belief in the mind of a Roman Catholic, that a church which differs from his own in important matters of faith, may be heretical; that yet that Roman Catholic may not be disposed to visit with the severity of that opinion, individuals belonging to that church?—Exactly.

Do not you think it almost impossible, for one human being to look so into the heart of another, as to determine positively, whether he is in a state of involuntary ignorance, or of obstinate refusal to the truth?—I would not undertake to do it.

Do not you think, under those circumstances, that persons who differ from one another in religion, are bound to the observance of mutual duties as to each other, and to put a kind interpretation upon their motives and conduct?—They are strictly bound to love each other, and to discharge the duties of society and of christian charity towards each other, just the same as if they agreed upon every point of religious belief.

Is it your opinion, that the general question of Catholic Emancipation excites a considerable degree of interest among the lower orders of Catholics, in the part of Ireland with which you are particularly acquainted?—In the part of Ireland with which I am particularly acquainted, it is my opinion that the question of Catholic Emancipation, engages the thoughts and the attention of all ranks of Catholics considerably.

Though in the case of Catholic Emancipation being granted, no particular or immediate benefits might be considered to be granted to the lower orders of Catholics, is it not your opinion, that they would look upon it as a boon to the Catholic population at large, removing from the higher ranks of their religion, the mark of infamy and degradation which is now affixed to them?—I am perfectly satisfied that they would receive it as a boon, and that they would feel the utmost gratitude for it; and that it would tend most materially towards tranquillizing their minds, and leaving them more at ease than they can feel at present.

Do not you think it would have a soothing effect upon the lower orders of Catholics?—It would have the most soothing effect.

Do not you think the payment of the Catholic clergy by the State, would have a yet more soothing effect upon the lower orders in Ireland?—I am not aware that the payment of the Roman

Catholic clergy by the State, would by any means be considered a boon by the lower orders.

Do not the lower orders of Roman Catholics in Ireland, feel an objection at times to paying the dues that the Roman Catholic priests receive from them?—In some instances, I have no doubt that they may feel some reluctance.

Would not relieving them from the payment of those dues, be considered by them as a boon?—They would prefer paying their clergy as they do at present, to seeing them become the stipendiaries of government.

Do you mean to say, that they would prefer continuing to pay their clergy as they do at present, rather than to see them become the stipendiaries of government, if the grant of those stipends was accompanied by what is called Catholic Emancipation; or do you mean to confine your answer to the consideration of that grant, separate from Catholic Emancipation?—My answer referred to our present state; whilst the Roman Catholic laity remain excluded from the benefits of the constitution, I do conceive that they would feel much hurt at seeing their clergy become the stipendiaries of government.

You do not believe that the same jealousy would be felt by the Catholic population, if the two measures, a provision for the clergy and the removal of political disabilities, on account of religious persuasion, were made concurrent measures?—I am not aware exactly what effect it might then produce; perhaps it would be then considered a kindness, provided the Roman Catholic clergy were allowed the free exercise of their functions, and there were no influence or authority, direct or indirect, exercised over them in the discharge of their duties.

Will you have the kindness to explain to the Committee, what interference with the discharge or exercise of their functions could be suspected, by their receiving a provision from the State, in lieu of their present mode of payment?—If, for example, the appointment of Catholic ministers were to be vested in those who differed from them in religion, they would conceive that in that case persons might be appointed as clergymen of their communion, whose selection might be influenced by motives distinct from the consideration of their fitness for the discharge of their duties.

Then the objection would be, not to the clergy receiving a provision from the State, in lieu of their present payment, but to allowing an interference in the appointment of their bishops or other clergy?—I should think principally so.

Then the doubts which you felt, with regard to the question how far a provision for the Roman Catholic clergy would be acceptable to the Catholics of Ireland, referred altogether to the independence of the Catholic church in the question of appointments,

and their protection from what might be considered an undue interference on the part of the Crown?—It is in that sense particularly I understand it at this moment.

Then, in the event of a payment for the Roman Catholic clergy being connected with arrangements that would secure the independence of the Catholic clergy, as well as being connected with Emancipation itself, have you any doubt that that measure would be acceptable to the Catholics of Ireland?—I really have not turned my thoughts to that question exactly, as it is now put; I do believe that some of the people would have no objection, in that event, to a provision being made for them.

You have stated, you are not aware what the feelings of the Catholic population might altogether be; would there be any objection do you believe, on the part of the prelates and clergy, to receiving such a provision, provided, as was stated in a former question, the grant of it was accompanied by the concession of political privileges to the laity, and the security of the independence of the Catholic church?—I cannot exactly answer what the feelings of our prelates and clergy might be on the occasion; I would not undertake to say.

Should you, yourself, as one of the prelates of that church, have any objection to such a provision being made?—As one of the prelates of the church, I will candidly confess, I should prefer remaining as I now am.

Would you have any objection to state to the Committee generally, what the value or amount of revenue received by the bishop and clergy of your diocese, may be?—I can safely answer, I should think, although I have never made an exact calculation, my receipts, within any one year, never amounted to 700*l.*; and I do not suppose, that in general, they ever much exceed 500*l.*

With respect to the clergy of your diocese, what is the average income of a parish priest?—There may be three or four parishes in the arch-diocese of Tuam, where the receipts of the priests amount to perhaps about from 250*l.* to 300*l.* per annum.

Do those parishes include the towns?—They include the towns.

The parish of Tuam is your own parish?—It is.

From what other sources, besides the parish of Tuam, is your revenue derived?—Each parish priest gives a guinea or two in the year, and for each marriage that is performed in the parish, there is a certain portion of that money given to the support of the bishop; those are the sources of his emolument as bishop.

Have you more than one parish?—I have the charge of Westport parish at present.

Is it the custom of the Catholic church to have unions of parishes, in the same manner as in the Established church?—It

sometimes happens. On my appointment to the see of Tuam I found the revenues of it inadequate to the objects I had in view. I wished to establish an episcopal seminary, and to establish schools for the education of the poor; and I wished, besides that, to have it in my power to give occasional assistance towards the erection or repair of Roman Catholic chapels throughout my diocese: and finding that the revenues of the diocese were inadequate to those objects, I made application to be allowed to hold another parish along with the parish of Tuam, in order that by receiving some emolument therefrom, I might be able to fulfil those objects I have alluded to.

How do you administer the parish of Westport?—By curates.

May the Committee ask, what is the value of that parish?—I should think about 300*l.* a year.

Is the union of parishes in themselves, separated by great distance, usual in the case of Catholic archbishops or bishops, with a view of augmenting their income, or supplying the inadequacy of their income?—The principal object I had in view, in obtaining a second parish, the parish of Westport, was what I have stated. I had other objects besides; I did apprehend, that perhaps if I were to send another priest to the place, he would not be very kindly received by certain individuals there, and I thought that an unpleasant difference would be avoided by taking the parish in charge myself.

When you state the average income to be from 500*l.* to 700*l.* a year, of the parish of Tuam, and of your office of bishop, do you mean to include the produce of the parish of Westport also, or is that an addition to the average income?—Although I have held the parish of Westport now for nearly three years, I can declare safely, that I have not received 100*l.* out of it during the whole time I have held it. The poverty of the people was such, that I gave directions to the curates there, in consequence of the severe pressure of the times, and the distresses of the people in that town and parish, not to be very urgent in the collection of the dues, for which reason I have received very little emolument out of it.

Is there the same union of the bishopric of Ardagh with the archdiocese of Tuam in the Catholic, as there is in the Protestant church?—No.

Do you hold any bishopric united with the archdiocese of Tuam?—None.

Did you mean, by stating that you would rather things remained as they are, with respect to any project of a stipendiary provision for the clergy, to carry your objection to that stipendiary provision so far as to say, that you would regret it should

be carried into effect, provided it facilitated the great question of Catholic Emancipation?—I should be very sorry to raise the slightest difficulty in the way of Catholic Emancipation; and I would make great sacrifices of my personal feelings as to the mode of provision, were such sacrifices essential to the attainment of that object, inasmuch as I consider it a paramount consideration.

Mercurii, 23° die Martii, 1825.

SIR HENRY PARNELL, BARONET,

IN THE CHAIR.

The Most Reverend *Oliver Kelly*, D.D., Titular Archbishop of Tuam, again called in; and further Examined.

HAVE you been able to observe any increase in the population of the district with which you are acquainted?—For the last twenty-four years that I have been in Ireland, I have observed a very considerable increase in the population of the part of the country where I have been residing.

Have you been able to discover any distinction in the ratio of increase in those districts where the situation of the people is improved, as compared with the increase of the population where the people are in a great state of misery?—I think I have. About the year 1806 I was appointed to a parish in the county of Mayo, along the sea coast, between the towns of Westport and Newport, and I found that the people who inhabited that district were extremely comfortable; they were more industrious than the generality of the people in other parts of the country; they were weavers; they had taken spots of ground along the sea-coast, and they employed themselves occasionally at the linen business, at other times in tilling their little farms, and where an opportunity offered, in fishing: by those means they became much more comfortable than the peasantry in other parts of the country, and the increase of the population was not so rapid.

Have you been able to compare the number of marriages which took place in a district like that which you have described, with the number of marriages that took place in the more agricultural and less prosperous districts?—Yes, I think I have; I did observe, that in those prosperous districts the

marriages were not so frequent as I found them in more impoverished districts.

In those more prosperous districts you found that there was an indisposition, on the part of the people, to contract improvident marriages?—I found that there was an indisposition, on their part, to contract improvident marriages. I have perfectly on my recollection that the circumstance struck me at the time, and that I did inquire amongst the people how it happened; and the reply I received was, that they had no idea of entering into the matrimonial state until they could acquire a competency for their own support, and the support of a family. In other parts of the country, where I observed very considerable poverty, I found a greater indifference about their future comforts than among persons in a more prosperous situation in life.

Then do you believe that every measure which has a tendency to augment the comfort of the peasant, and raise his condition in society, has also a tendency to check improvident marriages? —Decidedly; from the experience I have had, and from the observations that I have made.

Do the peasantry feel any considerable difficulty in providing themselves with habitations of a decent and respectable kind in your part of the country?—Very great difficulty.

Is there much timber available for those purposes within the reach of the peasantry?—There is a great want of native timber, there is very little of it grown in the parts of the country I am acquainted with; and the foreign timber is quite beyond the reach of the poor, and therefore they cannot make their habitations comfortable or convenient; and I have heard them frequently make the remark, that if they could get timber at a cheap rate they would endeavour to make comfortable habitations for themselves.

Is not the high price of foreign timber in Ireland a great obstacle to the building of slated houses for the peasantry?—I think it is.

Do you conceive that a reduction of the duty on foreign timber would place timber and slated houses within the reach of a class in Ireland who are now prevented from making use of it from the high price of the article?—I know it would; I know that if the duty on foreign timber were reduced, it would enable many to build comfortable houses, who are now obliged to content themselves with thatched cabins.

Do you conceive that any facility given to the peasantry to improve the state of the houses in the country, would also have a tendency to check the increase of the population to which you have adverted, on the principles laid down in the early part of your evidence?—I am decidedly of opinion, that any thing

that would tend to improve the condition of the peasantry, would be a check on improvident marriages.

Is it the custom in that part of Ireland with which you are connected, for landlords to give long leases to their tenants?—No.

What is the general term?—One life, or twenty-one years, whichever may last longest.

Are the peasantry aware, under such a tenure, that if they plant and register their trees, they become the actual proprietors of that timber when grown up?—I have endeavoured to impress that upon them, but I do not know that it is generally understood.

Have you found any of the tenantry sufficiently enlightened to follow that advice?—The planting of trees is a matter not much attended to by them; the forms necessary for the registry may in some degree account for it.

Can you at all inform the Committee what is the expense of the timber that would be necessary for building a slated house for that kind of peasantry who would be likely to build it?—I could not exactly say.

Could you draw any comparison between the price of the wood with which they at present support the roof of this house, and what would be required in order to support a slated roof?—I dare say it would require four times as much money to put on a roof fit for slates as it would for a thatched cabin.

Can you tell what would be the cost of a roof constructed as at present?—It depends upon the part of the country where the houses are built; from 20*s*. to 40*s*. I suppose.

The question of the transport of the timber is a question quite independent of the duty?—When I speak of from 40*s*. to 20*s*. I speak of the timber they now use.

You conceive that you might calculate that a roof of foreign timber, fit for supporting slates, would cost three or four times that amount?—Yes, at least.

Do you know at all the difference between the value of slates for a roof and the thatch that is at present used?—In the parts of the country I am acquainted with there are slates of different prices; between the cheapest kind of slate and the thatch roof there is a very considerable difference; in fact, the thatch they do not consider an expense: the straw they make use of grows on their own little farm, they do not purchase it.

Could you form any estimate of what would be the value of the whole tenement of a poor person if built with foreign timber and with slate; what would be the cost of building at the present price of timber?—I conceive I could not complete such a comfortable habitation as would be sufficiently spacious for a family under seventy or eighty pounds.

Have the lower orders any capital which would go to build such improved houses?—Not at present, the lower orders in that part of the country have no capital.

Do you know whether many of the farmers who now build thatched houses of a better description than those occupied by the peasantry would not be disposed to build slated houses, and whether they do not possess the means of doing so, if they could procure the timber at a cheaper rate than at present?—When I spoke of the expense of building houses I alluded to the better order of the poor, many of whom I know at present do live in thatched cabins who would, if the materials were cheaper, build more comfortable houses for themselves.

Have you known the circumstance of the occupation of thatched houses by the description of farmers to whom you refer made a means by which they were intimidated by the White Boys, the Ribbonmen, and the disturbers of the public peace?—I declare I have not.

Can you tell the Committee whether a new plan which has been adopted in several parts of Ireland, of covering the poorer kind of houses with a mixture of lime and moss together, has been adopted in the diocese of Tuam?—No, I have not seen it adopted.

Have you heard of the process of covering cottages with that mixture?—No, never till now.

Can you inform the Committee upon what principles the clergy in your arch-diocese have acted with regard to improvident marriages; whether they have taken any steps to discourage them, or whether they felt themselves at liberty to do so?—I know, whenever consulted, they always recommend those who enter into the matrimonial state, not to do so without having the prospect of being enabled to support, and to make out subsistence for their families.

Is there not a fee paid upon marriage in your church?—There is.

Have any instances come within your knowledge in which the receipt of that fee has tended to encourage improvident marriages, or has induced the priest to recommend them?—I have never known or heard of a priest recommending marriage for the sake of the fees.

Have you known any instances in which Roman Catholics, both parties being Roman Catholics, have agreed to be married, and have been actually married by Protestant clergymen?—I have known instances where the Roman Catholic parties have made application to Roman Catholic clergymen, and have been refused on account of canonical impediments, and the parties

were subsequently married by a minister of the Established Church.

At what age of the parties, can you inform the Committee, are marriages usually contracted among the peasantry?—Very young; in general the females marry at eighteen or twenty; the males at twenty-one, twenty-two, and from that to thirty.

Almost universally, are they not married before they are one or two-and-twenty?—Generally speaking, the females are.

Is the practice of subdividing land by the father or chief of a family usual in the part of the country with which you are acquainted, in order to enable them to contract those marriages?—It is quite a usual thing in that part of the country.

Will you have the kindness to state to the Committee any facts which have come to your knowledge, if any are within your knowledge, with respect to the subdivision of land, and the accumulation of families upon any particular districts, owing to that practice, accompanied by that of early marriages?—I can bring to my recollection a farm which was originally leased to about twenty families, and I recollect to have seen sixty different families afterwards living upon the same farm.

Was that in the neighbourhood of Tuam?—It was.

Do you happen to know whether the land or the farm upon which that immense increase of population arose was derived immediately from the proprietor of the fee, or through a gradation of landlords or interests?—It was derived immediately from the landlord in fee.

Was the subdivision of land which resulted from this state of things that over which the landlord had any control, or was the tenantry multiplied in this manner without any intervention of his?—There was no intervention on the part of the landlord.

Then it grew from the natural causes of the subdivision of the soil, and the increase of marriages?—Entirely.

Was the tract of land an extensive district upon which this great augmentation took place?—The tract of land was not very considerable; they were obliged to have recourse to other parts of the country to have tillage, in what we call, in that part of the country Conacres.

Will you have the kindness to explain to the Committee what the practice of conacres is in the county of Galway?—The practice of conacres in the county of Galway is, that a poor man who has not land, or a sufficiency of land of his own, takes an acre, or half an acre, or less, from some person for a single season, and takes the crop of that year off the land.

Is not the practice of burning the soil usual upon taking the

conacres?—That is sometimes allowed; many persons have an objection to have their land burnt.

Either process is a great exhaustion of the soil?—Very considerable in some soils.

Then do you mean to describe to the Committee, that the circumstance of the increase of the number of families upon a certain district within your knowledge was so great, that, for the purpose of having absolute support, the people who lived upon that soil were forced to recur to this practice of conacres upon another estate and property?—They were obliged, for their absolute support, to have recourse to another property.

Was that farm upon which this subdivision took place a considerable farm in the first instance?—A very considerable farm in the first instance; it would have made the twenty families comfortable, without being under the necessity of having recourse to any other land.

Will you have the goodness to state, if you can form any sort of estimate, what the number of individuals might have been in those sixty families?—The average I always make in families is six.

Then on this farm the number had increased to 360 souls?—Thereabouts.

Have you ever been able to compare the result of your own enumeration of the people in any one part of your district with the number contained in the last population returns?—Yes, I have in some instances.

What has been the result of that comparison?—So far as ever I examined, I always found the population under-rated.

In the population returns?—In the population returns.

As far as your experience goes, the number of people in your district is above the return officially made to Parliament?—I think so.

In what proportion?—I could not exactly say.

Do you know any one instance you can state the number; in the county of Mayo, for instance, or any other part of your district?—I could not exactly adduce any instance, but the general impression upon my mind always was that the population was under-rated.

Are you able to state the proportion of births to deaths in your diocese, or in any parish in your diocese, in a year?—I could not at this moment.

What is your opinion with regard to the proportion that the number of Roman Catholics bear to Protestants in your diocese?—I recollect that in the year 1815 the Catholic clergy took a census of the population in the parish of Tuam, and it amounted to 6000 souls, and at that time the proportion was,

that of those 6,000 there were 380 Protestants, and the rest were Catholics.

What counties are there in your diocese?—Parts of the county of Galway and the county of Mayo, and one or two parishes in Roscommon.

Have you, or has any person under your direction, taken any regular census of any part of the diocese?—The parish priests in general can pretty nearly ascertain the amount of the Catholic population of their respective parishes.

In what instances is it that you have discovered an error in the population returns?—Comparing the population of some of the small towns in my diocese, and also the returns of the Roman Catholic clergy, with those made to Parliament, I found the latter under the returns made by the Roman Catholic clergy.

Are those returns made from actual enumeration or from calculation?—In the instance of Tuam in was done by actual enumeration.

The Committee understood you to state that the population return that was recently taken was incorrect?—I did not say incorrect; but I mentioned that, in the population returns I had looked over, I found that they were under the idea that I had formed of the population of the districts to which I looked.

Then your conviction of their being under-rated in the population returns arises from that calculation, and not from any actual enumeration?—My belief that the population was under-rated in the census proceeds from my comparing those returns with the reports of the Roman Catholic clergy.

Were those reports of the Roman Catholic clergy generally founded upon actual enumeration, or only upon calculation?—In the instance of Tuam it was by actual enumeration; in the others it was from a calculation, knowing the number of families and averaging the number of individuals in each family.

Have you any of those returns that have been made to you by the Roman Catholic clergy?—I have not got one.

Could you furnish the Committee with them?—I could not at this moment.

Was there not a return made during the season of distress in Ireland of the number of persons relieved in the county of Mayo from actual enumeration; from the distribution of that relief?—I really never thought that enumeration correct.

Did you consider that it was above the actual number or below it?—Generally above it.

Then you do not conceive that return to be correct?—I do not consider that return correct.

In enumerating the causes of the increase of population in

Ireland, do not you think that the facility of procuring fuel is one of the chief causes?—The facility of obtaining fuel is a great encouragement to the building of cabins.

Is not turf the common fuel?—Turf is the common fuel.

Is the turf bog leased out to the tenantry in the same manner as their lands are leased, or is it held by the landlord in his own power?—It is generally held by the landlord in his own power, and not included in the lease.

Has any landlord within your knowledge ever refused permission to cut turf, with the view of keeping down the population, of his district?—No, I have never known them to do so for that purpose; I have known landlords not to allow tenants to cut more than a certain quantity of turf, but that was to prevent the bog being exhausted.

You were stating to the Committee the circumstances under which the population has increased in some particular parts of the diocese of Tuam, and having among other causes mentioned the subdivision of land, would you have the goodness to inform the Committee whether that subdivision of land has been increased by any other causes, that contribute to it besides the early marriages: in point of fact, whether the landlords of the country have at any time contributed to its increase?—I have reason to believe that the landlords of the country have often contributed to it for the purpose of increasing the number of freeholders.

As contested elections have more than once taken place in the county of Galway, and in the county of Mayo, both which counties are in part within your diocese, you have had an opportunity doubtless of witnessing the manner in which votes are manufactured in those counties?—I have heard and seen a good deal about it.

You reside in Tuam?—I do.

Tuam is a quarter sessions town?—It is.

Have you seen the registry of freeholders constantly proceeding in that town?—Frequently.

Have you had an opportunity of knowing how a freehold is created, and what the class of persons is to whom it is given, as well as the interest which they generally have in the tenure of their lands? The Committee take the liberty of referring to you, because they know that Tuam has been a considerable manufacturing town.—I have known landlords of the country to parcel out their lands into small portions, making leases of a life or twenty-one years to their tenants, for the purpose of enabling them to give a vote at elections.

What is the smallest portion of land out of which you have known a freeholder's being registered?—They register out of three acres sometimes.

Have not instances come within your knowledge of one or more freeholders being registered out of less than three acres?—They may perhaps have registered out of less.

Are not the farms in your part of the country generally held in joint tenancy?—They have been.

Is not that the usual practice?—It has been the usual practice.

Are not the population of the country in the county of Galway usually congregated in villages, and not residing in separate houses?—They are.

Those villages are generally held under a separate lease?—They are.

How many partners in the lease?—Ten, twelve, or twenty partners.

And the holders in such joint tenancy divide again, as you before described, to their sons and sons-in-law, and the members of their families?—Yes, they do.

Are they not obliged by their landlord, or induced perhaps, to create a freehold interest in each of the persons upon whom such small subdivisions of land have devolved?—In many instances.

They all are brought in to be registered?—In many instances they are.

Will you have the kindness to describe any of the scenes of registry which have taken place within your own observation?—I have never been present at a registry, but I have met the unfortunate people who have registered, very often.

Do you mean coming in, or returning from registering?—Before and after registering.

Have you ever conversed with those persons?—Yes, I have.

Will you have the kindness to state the tenure of their conversation, or of their observations upon the task they had been performing?—They have often called upon me to represent their condition, and stated that the quantity of land they held was very small; that they were very apprehensive about taking the oath that they were 40*s*. freeholders; and they requested me to advise them what to do upon the occasion. My advice uniformly was for no person to register as a freeholder unless he could do it with safety to his own conscience: I have met them afterwards, and they acknowledged to me, that although they did not feel their consciences quite at ease, they were obliged to register those freeholds; that they had been threatened to be expelled from their holdings, and to be deprived of their land, unless they registered those freeholds.

Will you have the kindness to explain to the Committee, seeing that the persons so registering had a freehold lease, what the circumstances of the peasantry of that country are, in general, which enable the landlord to execute the threat of ex-

pelling them from the possession of their land?—In some instances, bog is not included in the lease which the tenant has; and in order to get rid of a tenant, although he may have a lease, the landlord withholds the use of the bog from him, and he can no longer keep the holding. In other parts of the country, along the sea-coast, the lands are not of value, without the help of sea-weed, or what they call rack, which they make use of as manure for the ground; and the liberty to cut this sea-weed, or rack is not included generally in the lease: when, then, the landlord wishes to get rid of the tenant, he has only to refuse him permission to cut rack.

Does not the circumstance of joint tenancy, and the failure of any one tenant in the co-partnership, give to the landlord an indefinite power over the whole of those who hold in such a tenancy, and to compel them, if registered as freeholders, to submit to his dictation?—I think it does.

Do you not conceive, then, that any proposition which should have for its object to discourage the joint tenancy of farms, would in itself contribute very much to raise the tenant in his own class of society, and to make him, in a great degree, more independant of his landlord?—Decidedly. I think the joint-tenancy system is very injurious to the prosperity of Ireland.

Have you ever been present at a contested election?—No, I never was; I never was at election in my life.

Then you can give no information to the Committee of the manner in which freeholders are brought up to vote in Ireland?—Not from actual observation.

If there is any information you can give the Committee on that subject, the Committee will be glad to hear it?—The general impression upon my mind is, that the system of 40*s*. freeholds in Ireland is a system replete with much mischief; that it is highly injurious to the morals of the people; that it is a source of perjury in many instances.

You can have no doubt either of the effect it must have generally upon the population of the country, the being either induced or menaced by their landlords, who are their magistracy, and who ought to be their protectors, and instigated to the commission of the crime of perjury for the sake of advancing the political influence of the person under whom they derive?—Not the least doubt of it.

You have stated, that you have met with, and conversed with many of those whom you justly describe as unfortunate people, who have been compelled to register their freeholds; have you found, generally, amongst the peasantry of the arch-diocese of Tuam, that the people themselves after having so registered, set any great value upon the possession of their franchise, or that the

possession of it raises them in their own estimation, or in that of others?—I really do not think it does, in the slightest degree, raise them in their own estimation.

Or in that of others?—Or in that of others; and if they were left free, I am convinced that many of them would prefer much being allowed to take no share in the election, under their present circumstances.

The observations which you have made apply to both the counties?—To both the counties, the county of Galway and the county of Mayo, so far as I am acquainted with them.

Then you do not think that any legislative enactment, the effect of which would be to raise the qualification of freeholders, would be one that would be generally unpalatable to the mass of 40*s*. freeholders themselves?—As to what the effect of it would be in a political point of view, I will not attempt to offer an opinion; but as to the moral effect of it, I am convinced they would be most happy if there was some reform in the present manner of registering 40*s*. freeholders.

Do you think that on the whole the people would consider it as a measure calculated for their happiness, if the 40*s*. freeholds were done away with?—I declare it is my opinion, that a vast number of them would consider it as conferring a great favour on them under the existing mode and circumstances.

Have you any doubt, that if such a measure were made concurrent with the grant of political privileges to the Catholics generally, that to the body of the Catholics such an act would be unobjectionable?—To the poor I think it would be unobjectionable, and probably to the better order of the Catholics also.

Are you of opinion, that raising the elective franchise from 40*s*. to a higher sum, say 10*l*. or 20*l*. would be palatable to the lower orders of the present existing 40*s*. freeholders?—I believe some of them would consider that it would better their condition, others perhaps not.

In point of fact, is not a large proportion of that class of persons who are now registered as 10*l*. or 20*l*. freeholders, or who might register freeholds to that amount, of the Catholic persuasion?—A great portion of them are in my part of the country.

In towns they are unquestionably so, and the middling order of farmers is almost exclusively Catholic?—Yes.

Would not all the poorest description of 40*s*. freeholders consider it a relief from what is now considered by them a great inconvenience, if the qualification was raised to 10*l*.?—I am perfectly satisfied that many would consider it a relief.

Would not a great number of the better description of

40*s*. freeholders be able to qualify at the new nate of 10*l*.? —They would.

You have said, that, morally speaking, the people would not object to the qualification being raised, but you doubted as to politically; will you have the goodness to tell the Committee whether you have any authority for saying that there would be a political objection to such an arrangement?—I stated that as to the political effects of it I could not speak, but I was thoroughly convinced as to the moral effects that they would be good.

You have stated, that you think the moral effects of altering the rate of the elective franchise would be beneficial to the general condition of the people of Ireland?—Of the poor.

Is it not your opinion, that if the system of 40*s*. freeholds, the abuse of the system rather, was totally altered and done away, that that would be a better mode of benefiting the moral condition of the lower orders of Catholics, then raising the rate of qualification from 40*s*. to a higher rate?—Any alteration that would check the evils of the present system must lead to the improvement of the public morals.

Do not you think, that doing away the 40*s*. freeholders as they are now, not the real *bonâ fide* 40*s*. freeholders, but the 40*s*. freeholders in joint tenancy, would more improve the condition of the lower classes than raising the rate of voting in joint tenancy?—I am satisfied it would.

The better way to correct the moral evils would be to do away the system entirely?—Certainly.

Can you point out how it would be possible to make such an arrangement?—I declare I could not without due consideration.

Do you think, that in the state of dependence in which the Irish peasant is necessarily kept by the situation in which he stands with relation to his landlord, it would be possible, under any circumstances with respect to an agricultural population such as that of Ireland, to regulate the registry of the 40*s*. franchise in such a manner as to prevent its abuse?—I do not know, at this moment, in what manner the abuse could be remedied.

You are aware that a bill passed the Houses of Parliament a year back, or two years back, which was intended to prevent the registration of votes under joint-tenancy leases?—Yes.

Did the enactment of that law produce any dissatisfaction whatsoever amongst the 40*s*. freeholders within your observation?—None whatsoever.

Did you hear any one amongst them complain of the effect of that law in limiting the 40*s*. franchise?—I never heard one complain of it.

On the contrary, have not you heard the people express their satisfaction at the encouragement that was afforded to the abolition of the system of joint tenancy?—All that I have heard speak of joint tenancy seem to be well pleased at its being done away.

Have you ever met an industrious working peasant who did not complain of the system of joint tenancy as subjecting him to inconvenience, and the loss which must fall on him from the failure or negligence of those who were his partners?—I have often heard them make such complaints.

In the counties of Galway and Mayo, with which you are connected, are there any persons in the condition of small farmers who hold a fee of five or six acres of land, or who hold land in perpetuity to that amount?—Very few; I do not know any hardly; there may be some few.

Are there any in that condition in the towns with which you are acquainted?—No, not so low as that.

With respect to the principle of disfranchising the 40*s*. freeholders, do not you think it would be unfair to deprive men, under those circumstances, holding a fee of land of a small number of acres, or holding a lease in perpetuity, by which they have no more than a 40*s*. franchise, although they have that, to deprive them of their franchise?—I think if they had a lease in perpetuity, and that it was worth 40*s*. to them, that it would be doing injustice to them.

In short, the same reasons do not hold good with respect to that description of freeholders that hold good with respect to the common 40*s*. freeholders of Ireland?—No doubt of it; I do not consider that depriving the common freeholder of his franchise is depriving him of a right; on the contrary I think it is, in many instances, conferring a favour upon him, relieving him from doing that which he is unwilling to do, but which dread and intimidation induce him to do.

In the event of disfranchising the 40*s*. freeholders in counties, and retaining them in towns and cities, would not the effect of that be to throw the great power of returning the members for the county into the hands of persons residing in towns?—I should think not.

If the 40*s*. freeholders are retained in towns and abolished in the open country, if there exist any number of 40*s*. freeholders in towns, it must give them a great preponderance?—Yes; but if the country were divided into small farms instead of having those joint-tenancy leases, and if the inhabitants were allowed another right of voting; for example, raising it from 40*s*. to 5*l*. or 10*l*.

Can you inform the Committee what is the size of the town of Tuam?—Of about 800 houses: the suburbs and all, about 1000.

If the system was to allow the 40*s*. freeholder in a town to retain his vote, would not that system give the town of Tuam, a very small town, a very unfair preponderance in returning the members for the county?—I do not know a single 40*s*. freeholder at all in the town of Tuam.

Is not that town principally bishop's property?—Yes.

Would not those observations apply to a town that was not held under a bishop: for instance, the town of Westport, in Mayo?—Those observations would be applicable to Westport.

Or to any town of a freehold tenure?—Yes.

Does it not appear to you that that would be a very blind way of legislating with respect to the 40*s*. freeholders?—I do not see the injury it would do to those who in the country would be deprived of their vote, because I do not consider they generally set any value upon the right of voting; they derive no benefit from it.

Does the description of tenant inhabiting a small house in such a town as Tuam or Westport, enjoying a 40*s*. franchise, differ very much from the description of man who at present resides in the country and enjoys the elective franchise?—It does.

Will you state the difference?—A man in a town enjoying a 40*s*. freehold is more comfortable, possesses more advantageous tenure, and more opportunity of employment.

When you drew a distinction between the 40*s*. freeholds in towns or cities and the 40*s*. freeholds in the country, did you mean the 40*s*. freeholds in towns and cities of counties at large, or did you refer to peculiar and corporate jurisdictions, such as the town of Galway, the county of the town of Galway, the county of the city of Kilkenny, or cases of that kind?—There is no town within the arch-diocese of Tuam which I could call a corporate town save that of Tuam, in which there are no 40*s*. freeholders.

Do not you think the disposition amongst Irish landlords is so strong to create 40*s*. freeholders, and to make their property subservient to political purposes, that if the 40*s*. freeholders in the counties were abolished, those possessing property in towns, would immediately set about the creation of 40*s*. freeholders for the purpose of giving them the political right?—I do not see exactly how they could make 40*s*. freeholders in towns to such an extent.

Would you conceive it expedient to preserve 40*s*. freeholders in such a town, for instance, as the town of Westport, in the county of Mayo, unless that 40*s*. freehold tenancy was a tenancy for ever, or a tenancy in fee?—Unless it was a tenancy for ever I would not consider it should be preserved.

Do the whole of your observations with respect to 40*s*. freeholders apply to that class of persons who are dependent upon the proprietor of the soil?—The class of persons against whom I object as voters out of 40*s*. freeholds is that of persons having only a short tenure of land.

And your objection is equally applicable to the freeholders in towns and cities?—Yes.

Then your observations apply altogether to 40*s*. freeholders of that description voting in counties?—Yes.

Is this right of voting upon a 40*s*. freehold property called a franchise, generally speaking?—It is called a franchise in general.

Generally speaking, do those 40*s*. freeholders exercise any freedom of election?—The poorer order of the 40*s*. freeholders certainly have no freedom of election, generally speaking.

Is not it considered dishonourable in a candidate to canvass the freeholders of an adverse proprietor?—Yes, I believe they do consider it dishonourable.

Is it not regarded as a species of poaching?—They certainly do not interfere with each other's tenants.

You have described yourself as meeting some voters who had returned from registering themselves, and you added also from perjuring themselves, according to their own representation; how were those unfortunate men dressed?—Very poorly.

Had they shoes to their feet?—Some had.

And some had not?—I have seen some who had not,

Did not they bear more the appearance of mendicants than of independent electors?—They had very little appearance of comfort about them, many of them.

How are they collected together, and conducted to the sessions for registering?—I have already mentioned I have not been present at any of those registries.

Do you think that increase in the qualification for the exercise of the elective franchise in Ireland would increase or diminish the Roman Catholic interest in that country?—I do not think it would diminish the Catholic interest in my part of the country.

In the arch-diocese of Tuam, what is the state of the chapels in the different parishes, and what is the character and degree of accommodation afforded to the population of the Catholic persuasion for the celebration of religious worship?—The state of the chapels in the arch-diocese of Tuam is very wretched.

Will you have the kindness to give any detailed information upon that point to the Committee that you have had an opportunity of making a note of?—As far as my memory has been able to serve me, without having any document to go by at the

moment, I believe that there are in the arch-diocese of Tuam from about fifteen to eighteen slated chapels, and eight or ten now in progress; there are in all about one hundred and six places for catholic worship.

You mean buildings?—Yes, I mean buildings of some description.

How are they protected from the weather?—With the exception of those I have mentioned, all the others are thatched chapels; some of them wretched, none of them sufficiently spacious to contain the congregation, and in many instances the public prayers are celebrated in the open air, having no covering but the canopy of heaven.

Are those chapels which are of a better description usually in the towns within the diocese?—In the towns usually.

Can you state to the Committee the number of the largest congregation which has been in the practice of assembling at any one of those places where the accommodation is insufficient?—I have known congregations to average from 1000 to 1500 where they had not sufficient accommodation in places of worship.

Where there are chapels for the reception of the people, is it the practice for great numbers to assemble without side, in the neighbourhood of the place of worship, or do they so from the impossibility of their being received and accommodated, within the building?---They remain on the outside because there is no accommodation, no room for them in the inside.

Do they equally remain outside, notwithstanding the inclemency of the weather, or other circumstances which might add to the inconvenience of their being so exposed?---They remain outside under the inclemency of the weather for the purpose of offering up their prayers, and because they cannot get room and accommodation in the house.

From what distance have you known the people in the habit of sometimes coming to resort to a place of worship?---I have known them to resort to a place of worship at a distance of four, five, and six miles.

And regularly to resort on days of worship from such a distance?—Yes.

Are there any parishes within the Unions in your arch-diocese, in which there is no place of worship whatever?—I know of no Union that has not some place of worship.

Will you have the goodness to describe to the Committee such a place of religious worship as that you have last alluded to, what may be its size, the mode in which it is constructed, and the probable expense of such an edifice?—I have seen some of those edifices where the walls of the house were not above

eight or ten feet high, twelve or fifteen in breadth, and forty or fifty in length.

Thatched of course?—Thatched.

For what number of persons might that have been intended as an accommodation, or rather what might be the number of the congregation to attend where only such a building existed? —The number of the congregation that is expected to attend, if there could be accommodation for them at many of those places, would amount to 1000 or more.

Have you any funds in your arch-diocese, or other resources applicable to the construction of places of worship, or to the keeping them in repair?—No funds whatever, except the voluntary contributions of the faithful; the contributions of the clergy and the bishops, and the aid they receive from their Protestant brethren and neighbours.

Has that aid been liberally given, and without any admixture of religious feeling?—I have been very much engaged in erecting chapels, of the slated chapels that have been erected; most of them have been in my time; I have been in the several parishes myself, and have taken a part very frequently in the collection, and I do not recollect any instance of my being refused by a Protestant gentleman when I applied to him to contribute towards a chapel.

Placing out of consideration the advantage and the comfort that it would be to the people to have suitable places for their reception, do you conceive that any act would be more acceptable to persons of the Catholic persuasion in Ireland than some means being afforded for improving their places of religious worship?—I know of no act that would give the Catholic population of Ireland so much satisfaction as to see that there was some arrangement for the erection of houses of worship for them.

Is it not usual when the inferior class of the persuasion are unable to contribute money for them to contribute their labour, and in other ways to compensate for the deficiency of that subscription which they cannot afford to give?—Yes; they give their labour where it is a thatched chapel, the poor bring straw, and they give aid in that manner towards the repair of the chapel.

The assessment made upon such occasions, though in its name voluntary, is in point of fact, upon those who are able to contribute any thing, an obligation which cannot be avoided?—It cannot be conveniently avoided, and in order to reconcile the people in some measure to it, the plan I have pursued in having those chapels erected is to recommend the clergyman to form a committee in his parish, this committee to consist of the principal men in each village, and to appoint a treasurer, and that

the priest, with the aid of the principal men in each village, would lay an assessment upon the people according to their circumstances; this assessment is collected in the best manner it can, then put into the hands of a treasurer, and expended afterwards upon the building.

Have not instances come frequently within your knowledge where the assessment made in this manner has fallen very heavily upon the people, and has been complained of by them, although submitted to for the sake of having a place of worship?---Many instances have occurred where they complained of the assessment, and of being called upon for this aid.

Are there any means of enforcing that assessment?—No means whatever of enforcing; the clergyman threatens to withhold his services from them, and reproaches them for not contributing; and I know of no other means whatever of enforcing it.

But those appeals from the clergy have generally been found successful as far as their means have permitted them to contribute?—Yes.

What do you understand by the clergy threatening to withhold their services from them?—What I allude to is, the practice of churching females after their accouchement, and the clergyman, unless he finds that the husband has paid his portion of the cess, does not church the woman till that money for the erection of the chapel is made up.

Is that the only service that they threaten to withhold?—That is the only service; they never refuse the administration of sacraments by any means.

Are there many parishes within your arch-diocese in which there are no resident gentry of either persuasion, either Catholic or Protestant?—There are some.

In which county?—In both Galway and Mayo.

Have the Catholic clergy in any parish within your arch-diocese any glebe, or possession of other land in right of their pastoral character, or as bequeathed to them by any persons of their own persuasion to be held by those who hold their office?—I know two instances.

Will you state those instances?—One in Castlebar, and one in Tuam.

Are those ancient endowments?—No; the endowment at Castlebar was made by the late Lord Lucan; he gave a house for the clergyman in Castlebar, and in Tuam it has been a lease of a small park, a bishop's lease renewable, and the person who had this lease assigned it over to the clergyman, and the inhabitants of the town made amongst themselves a collection of a sum of money, by which they built a slated house for the accommodation of the clergyman of the town.

How is the trust under which that is held accomplished, or to whom has it been conveyed?—In Tuam it has been conveyed to me.

To you and to your successors, or to you individually?—To me; and I make a declaration that I hold it for the purpose that I now mention.

Do you think, that if there was a power under the law of endowing parishes, or the holders of parishes of the Catholic persuasion, with houses, or with land whereon houses could be built, that endowment would be carried to any extent, for instance, in your own arch-diocese?—I think it would, to a greater extent than it is at present.

Do you know of other instances in Ireland, besides those two you have mentioned in the arch-diocese of Tuam?—I know there are many other instances throughout Ireland; I could not exactly refer to them at this moment.

In any instances which have come within your knowledge, have you also known of cases of dispossession of persons holding under such titles?—Not as to a glebe, but I have as to a chapel.

Will you state the instance which has come to your knowledge as to a chapel?—It has occurred in the parish of Ballynakill, in the arch-diocese of Tuam. There was a Mr. O'Flaherty held the lease of a farm, and he built a slated chapel for the accommodation of his family, and for the tenantry and people around him. The landlord found in the course of time that there was some formal defect in his lease, and he broke or threatened to break it. He and the landlord came to some agreement, but Mr. O'Flaherty gave up the lease under a verbal understanding with the landlord that the chapel was not to be molested; but after getting possession of the property the landlord thought proper to lock up the chapel doors, and not allow the faithful to resort to it as a place of worship; he converted it into an office or farm-house.

That was in Connamara, was not it?—Yes.

Did he not build another chapel for the people?—Never.

In other parts of Ireland, have you heard of cases where the possession of lands, granted either for places of worship, or for the residence of Catholic ministers, has been disputed by the proprietor, after possession has been had, and the buildings erected?—I could not exactly state any particular case.

You have given to the Committee information as to the state of the chapels and places of worship in your diocese; will you inform them what accommodation is afforded for schools, and places of education?—We have built large and commodious school-houses for the education of the poor in the towns of Tuam and Westport, and of Castlebar; there are schools

throughout the diocese at large, established by the exertions of the clergy, and the contributions of the faithful, where the poor in each parish receive gratuitous instruction; and in one country parish in the arch-diocese, where there is no resident gentlemen whatever, the Catholic clergyman has succeeded in establishing sixteen schools, for the gratuitous education of the poor of the parish; he has received some aid latterly from some public fund, in money, stationery, and school requisites.

Are the chapels used as school-houses generally, or have you other buildings applicable for that purpose?—All the chapels in my diocese are used as sunday-schools, and a great many of the country chapels are used as daily schools.

By sunday-schools you mean schools where the children are catechized by the minister?—Schools for religious instruction before and after mass.

In the country parishes where the chapels are used for daily schools, do you apply them to that use, on account of any particular circumstances that make it desirable to use them for that purpose, or for want of other buildings to receive the children?—Necessity compels us to use them; we should have great reluctance to convert the house of God into a school if we could avoid it; but the want of having any other place for giving instruction to the poor obliges us to avail ourselves of the chapels as school-houses.

Are there any congregations in your diocese without any place of worship?—I do not know any parishes without some small place. From the inadequacy of the places of worship, on performing parochial visitation, I have been almost in fact obliged to administer confirmation out in the open air, as in the extensive parishes there are sometimes two or more congregations.

Are the parishes very large?—Not very large, generally.

Do the peasantry of the country express their feelings upon this subject, having no places of worship?—They do regret it extremely, not having places of worship; they feel it very much.

Are you aware that considerable sums of money have been granted for furnishing places of worship for the highlands of Scotland?—I have heard so.

What would be the average expense of building a chapel to contain from one thousand to fifteen hundred people in that part of the country?—I should think from six to eight hundred pounds perhaps.

Is there a disposition amongst the people to attend their places of worship regularly on Sundays?—Yes, I find a very great disposition on their part to attend on Sundays.

Is there a disposition generally to attend to their religious duties?—I think there is a very strong disposition: there are exceptions to it, but generally speaking I think there is that disposition.

In their communication with each other, do they observe strictly the common and proper moral duties?—Their moral conduct in general is tolerably good.

Are they kind in their conduct towards each other?—They are generally.

Is there a readiness on their part to take advantage of the instruction that is afforded them at the schools?—A very great readiness; a great desire of receiving instruction in our schools.

Is there a general disposition on the part of the people to come to confession?—There is.

Does that disposition to come to confession vary according to the state of tranquillity, or of disturbance which prevails in the country?—That has a very great influence upon that disposition.

Does the inclination to come to confession either increase or diminish when the country is in a state of disturbance?—It diminishes considerably, manifestly.

Are the individuals who in those cases cease to come to confession, individuals who are connected or concerned in disturbances in the country?—Invariably I have found it so.

You recollect the year 1820?—Yes.

The immediate neighbourhood in which you reside, and a great part of the arch-diocese of Tuam, was at that time considerably disturbed?—Yes.

Did you find that the indisposition you allude to existed extensively at that period?—At that period I recollect it in a particular manner; we could not persuade them generally to comply with their religious duties.

Can you state any particular instances with respect to any particular part of the country where that happened?—In a parish in the immediate vicinity of Tuam, and in all the parishes where the disturbances prevailed, I found an indisposition on the part of the people to attend their religious duties, and even their attendance at prayers on Sunday was by no means so regular as it was previously and subsequently thereto.

Did you find generally, at that period, that the influence of the Catholic Clergy over their flocks was much impaired?—I experienced myself that it was very much impaired, and that those, who on all former occasions paid very great attention to my advice, disregarded it upon that occasion.

Was their not in the demeanor of the people, and in their deportment towards the Catholic clergy, a great alteration at

that time from the habit of respect and deference which they usually paid to their pastors?—Manifestly so. I had to go to several chapels on that occasion to address the people, and I have known instances where, after I had retired, some of those refractory persons assembled the people, and endeavoured to persuade them not to pay any attention to the advice I had given them, saying, what I had said was very good, but what relief did I give them that their distresses and their poverty were not relieved.

Have any instances come within your knowledge of personal indignity or disrespect offered to members of the Catholic priesthood at that time, or of injuries to their property?—Not in my neighbourhood at that time.

Within your diocese were there not?—No personal insult.

Or injuries to property?—Not on that occasion. On former disturbances I have known injury to be done to the property of Roman Catholic clergymen; I have known their corn to be set fire to.

Was that a very remote time?—I should think it was in the year 1807 or 1808.

You have stated that at that period the people complained of the price of land and the weight of taxes, did they not complain also of the exaction, as it was called, with respect to both religions which they complained of having to support?—They complained of the priest, the parson, and the tithe procter.

When they complained of the priest, will you have the goodness to state what the particular circumstances of pressure upon the population were which they attributed to the priest?—They considered that oppressed as they were they could not afford to be giving the priest 2*s.* 6*d.* for baptisms, a guinea for a marriage, money for building a chapel, money for establishing a school; that, in short, the demands of the priest upon them were so many, that they could not answer them, and that it would be better not to attend to those things.

Part of the obligation which they imposed was not to make those payments to the priests?—It was; they bound them by an oath not to make those payments to the priests; in other instances, they bound them by an oath not to go to confession.

Were the sums you have mentioned the fees at that time payable to the priests for the performance of those duties?—Yes.

Are the same sums still payable?—The same.

Have they been at that rate ever since you presided over the arch-diocese of Tuam?—At that rate exactly; there has been no augmentation whatever.

Within your diocese is not the pressure of tithes payable to Protestant ministers particularly severe?—It is complained of generally.

Is it particularly severe as pressing upon the occupying tenant?—It is particularly severe upon the occupying tenant.

The tithe of potatoe is not payable in your arch-diocese?—No, it is not.

Will you state what is the tithe, the payment of which presses particularly upon the tenant in the province of Connaught?—Grain of every kind, flax, and I think wool, lambs, &c.

Is he not much better off than the peasant in the province of Munster?—Isuppose he is; but yet the tithe on corn they find very severe, particularly in a bad season; when the crop fails, they feel agreat hardship. I have heard them say in some instances that the tithe proctor's demand for tithe was to the full value of the crop.

The tithe of hay is not payable in the province of Connaught?—No, it is not; it has been demanded latterly by some.

In the year 1820 very serious disturbances took place in the counties of Mayo and Galway?—In part of the counties of Mayo and Galway.

Does it come within your knowledge that the cause of those disturbances was attributable in any degree to the pressure of tithes?—They generally complained of tithes, taxes, grand jury cesses, vestry cesses, the payment of the Catholic clergy, the high price of land: all those things together.

Were their complaints louder against the pressure of tithes than against the pressure of any other charges?—No; they complained equally of high rents, grand jury cesses, and church rates.

Those disturbances were the origin of what are usually called the White Boy disturbances?—They were called Ribbonmen.

Then the efforts of those Ribbonmen were not directed specially against tithes?—Not by any means; they were directed more against landlords.

You are aware that petitions were sent to Parliament complaining of the state of the law with regard to endowments of chapels and other charitable Catholic institutions, did you sign any of those petitions?—I do not at this moment recollect that I did.

Has not there been a decree of the court of Chancery that has contributed to settle the law recently?—I do not know that there has been a decree; there was some declaration made; I

have heard some person state that it did not amount to a decree.

In point of fact, have the Catholics such a confidence in the state of the law as to induce them to bequeath property for the purpose of endowing chapels or school-houses?—No, they have not.

When you stated just now the causes which led to the insurrection in 1820, amongst the complaints of the people which marked that insurrection, you stated the payment of dues to their own clergy, can you then have any doubt that the remission of those fees and the payment of dues of that nature, if provided for by any arrangement made by the State, would be extremely acceptable to the people themselves?—However much the people may have complained, I think they would prefer, notwithstanding, to support their own clergy, to seeing them paid by the State.

You mentioned to the Committee what the amount of the fees paid in your arch-diocese was, have you reason to believe that the amount of them is the same in other dioceses in Ireland, or is it greater or less?—That is the general practice throughout the province of Connaught.

Is that practice regulated by agreement among your suffragans, or by any mandate or arrangement of yours?—By agreement amongst ourselves.

Are you aware whether the amount is the same in the province of Munster?—No; I believe there is some difference.

Have you not heard that it is greater in the province of Munster?—I believe it is greater; I am not acquainted with the province of Munster.

You mentioned to the Committee on the subject of early and improvident marriages, that in some instances the rite of marriage had been celebrated by a Protestant minister, in consequence of the disinclination of the Catholic clergyman to perform the ceremony?—Yes.

In such cases does the Protestant minister receive a fee for the performance of that duty from Catholics?—They receive none from the poor I have heard.

Is the Catholic clergyman accustomed to marry the lowest order of the poor without demanding any fee?—Yes; often receiving no emolument whatsoever.

Besides the fee paid by the individuals who are united, is there not another source of benefit to the Catholic clergyman from contributions made at marriages?—Not in the province of Connaught at present.

Are they not accustomed to make collections?—No, not at present, that I am aware of, in Connaught.

Has the disuse of that custom taken place since your presidency over that see, or has it never been the custom?—It has got into disuse within my time.

But it is still continued in other parts of Ireland?—I hear so.

Have you not heard that it is a considerable source of the revenue of the Catholic clergyman in some parts of the south?—I understand it is.

Are there any other occasions on which collections or contributions are made by those who assist at ceremonies performed by the Catholic clergy?—None whatever; the only collections that we make are for the erection and repair of chapels and the establishment of schools.

Have you not at marriages what is called a cake?—No.

You stated that the only mode of enforcing the assessment that was levied for the repair of chapels was by threatening to withhold the rites of the church, and that the rite which was threatened to be withheld was that of churching women; is that the only rite that is threatened to be withheld with a view of enforcing the payment of those assessments?—That is the only rite they are allowed to withhold.

That of course operates only upon persons who have wives, and who have wives that have children, have they any mode of enforcing the payment against other persons?—None whatever, but remonstrating publicly with them before the congregation that they have not paid their proportion the same as their neighbours have done.

What is the nature of that public remonstrance?—Before the congregation they state that such and such persons have paid the assessment that has been laid on them by their neighbours towards the repairs of the house of God, and that such and such other persons withheld their contributions, and the clergyman exhorts them not to withhold any longer.

What is the effect of that remonstrance upon the persons against whom it is directed?—It generally has a very good effect; they generally contribute to the utmost of their power.

What would be the effect upon them if they did not contribute?—They would bear it patiently.

Does it imply any exclusion?—No censure, no excommunication, no ecclesiastical punishment whatever is inflicted or apprehended.

On the confession, would not the non-payment of those assessments interfere with the absolution of the penitent?—Never.

Does not a remonstrance of this nature expose the individual to some temporal inconveniences?—It may be hurtful to his feelings.

Does not it excite against him the prejudice of his neighbours? I am not aware that it does; they may disapprove of his conduct.

Do you know any instances in which it has so operated?—No, not to his injury.

Does this mode of levying this particular assessment generally prove sufficient for its enforcement?—It often fails.

Is it applied to any other assessment excepting that for chapels?—For chapels and schools.

And those only?—Those only.

Has it not been applied occasionally to the levy of what is called Catholic Rent?—Not to my knowledge, never in any one instance.

Have you never heard that a clergyman did withhold, or threaten to withhold the performance of a religious rite, or remonstrate publicly with an individual, on that account?—Certainly not in my part of the country; they never made any observation upon any individual for the non-payment of that contribution; in fact, I do not suppose there was any great opportunity, for I never knew any money that was paid with such alacrity as that was.

In your diocese no instance of that kind occurred?—I never heard of one.

Are the assessments for the repair of chapels laid on by the people themselves?—By the people themselves, by the heads of villages; the clergyman is recommended to form them into a committee, who assess the parish, and the clergyman is the principal collector of this assessment; he pays it into the hands of a treasurer appointed by themselves, and the money is expended afterwards.

Can you describe to the Committee the manner in which church and parochial rates are levied within the parishes with which you are acquainted in the arch-diocese of Tuam?—The collection of the church rates rests with the churchwardens; they employ a clerk, and this clerk sends out his man amongst the people, and he collects this church rate from them.

The churchwarden is empowered by the vestry?—By the vestry.

Are you able to inform the Committee how the vestry is assembled and constituted?—I have never attended at a vestry, but I have heard it mentioned that the parishioners assemble there, Catholic and Protestant, and that the vestry cess for the year is announced and discussed; the Catholics are allowed to offer their opinion on the matter, but if a difference of opinion should arise, I understand that latterly the Catholics have been

excluded, as not having a legal right to vote in vestries on the occasions for which they are usually assembled.

Not having votes in church matters?—Not having votes in the vestries on those occasions.

Do you mean that they are allowed to attend and give opinions, but not to give their votes?—Yes.

Do you mean that they have no votes on any occasion in vestries, or that being assembled in vestry, they are excluded from voting in matters relative to the repair of churches?—In matters relative to the repair of churches. Among others, they are allowed to be present at the discussion, and where they come to vote an assessment for the repair of the church they are excluded, I have heard them say so.

Do you mean that they have a vote in all proceedings of vestries except as to the amount of assessment?—No, I have not known them to vote at all.

Is not the exclusion of Catholics from voting at vestries in the parish at Tuam, for example, a matter of late origin, and a few years ago were not they allowed to vote?—It is a matter of late origin; they were always in the habit before of taking a share in it.

Residing in the parish of Tuam, you can inform the Committee whether the amount of rate has been greatly augmented since the period when they have ceased so to vote at vestries?—Yes, I have heard them say that it has increased considerably.

Do you know whether their attendance at vestries is a matter of right, or a matter of courtesy?—A matter of courtesy, on those occasions, I understand.

Do you know any instances in which, at the parochial vestries, sums have been voted for the repair of Roman Catholic chapels in your district?—I have heard of one instance.

And levied on the parish?—Levied on the parish.

Or for the support of Roman Catholic schools?—I have never known any thing to be done in vestry for Catholic schools; I have heard of one vote of a vestry for the repair of a chapel.

Where was that?—At Athenry.

Although a vote has not been specifically made for the repair of chapels, are not you aware that sometimes, under a vote for contingencies, there is a sum included for the repair of Roman Catholic chapels?—I never knew an instance in the arch-diocese of Tuam, except the one I have mentioned.

Do you know of any considerable sum having been assessed in the parish of Tuam for the repair of the cathedral church?—Yes, I have heard of that.

Do you know what amount?—1500*l.* I understood.

Are you aware what the assessment made in the parish of Athenry was, which you have alluded to?—10*l.* I understood.

Annually?—No, only on one occasion.

Was this vote in the parish of Athenry in support of a Roman Catholic chapel made while the Catholics were in participation of the right of voting at vestries?—I never knew them to have the right of voting; they were lately excluded from attaching any weight to their opinions.

In the course of the last year there prevailed in Ireland generally a strong opinion on the subject of certain prophecies known by the name of Pastorini's Prophecies, were they much circulated within the arch-diocese of Tuam?—I have made the most diligent search in my power, and in my life I never met more than two copies of Pastorini's Prophecies; they certainly were not in general circulation throughout the arch-diocese of Tuam, for I used the utmost diligence, and got my clergy to unite in making the most strict search, and we could not make out a third copy of Pastorini's Prophecies.

Can you inform the Committee what the impression was generally with respect to those prophecies upon the minds of the lower orders of the population?—I do not think the prophecies of Pastorini were much read or understood in my part of the country at all.

Have you heard that in other parts of Ireland they were extensively circulated?—Yes, I have.

Did you hear whether they had much effect upon the people in those other parts of the kingdom?—I think that they made an impression upon some individuals.

Or that there was considerable expectation and excitement in the popular mind caused by them?—Not that I could ever discover.

Did not some members of the Catholic prelacy publish addresses to the people to dissuade them from believing in those prophecies, and to deny any authority being attached to them by the church?—They did.

May the Committee not assume then, when such letters came forth from them, that the circulation of the prophecies must have been general, at least in those dioceses where such addresses were published?—I cannot speak as to other dioceses.

Did not the clergy in your diocese also inculcate upon the people that the church attached no authority to those publications?—They did; and for the last year in particular, in consequence of the importance that was attached to those prophecies by some persons, the clergy throughout the diocese had instructions to announce to the peasantry not to read the prophecies of Pastorini should they come in their way, or any other prophecies

whatsoever; nor any books having a tendency to inflame their minds; and, in short, to submit all books to their pastors for inspection.

At what time was this?—Throughout the entire of the last year.

Are there generally amongst the people circulated prophecies of a general nature, which lead them to the expectation of the accomplishment of particular events, or of great changes arising in their situation, or in that of the country; is such the habit or the custom in your part of the country?—I believe there are imposters, who go about and undertake to circulate and explain prophecies; but I never could learn that they were successful in their imposition, or that they had made any material impression.

Or that much credit is attached to them?—Or that much credit is attached to them.

Is the belief general in Ireland in the cases which have been stated of the miraculous cures that have taken place, and have been supposed to take place in consequence of the interposition of particular prayers or services of the church?—There is a general belief that God listens to the prayers of pious men, and that through their intercession the infirm are sometimes restored to health.

And that such was the case in the instances which have been published?—And that such has been the case in some late instances. The Catholic doctrine, with respect to miracles, is, that God has at all times the power of performing miracles, and that he does sometimes perform those miracles through the intervention of pious persons.

Are those miracles regarded by the Roman Catholic church, as evidence of the superiority of that church to others?—The Catholic church does consider that the power of working miracles is a strong evidence of the truth of the faith of the church.

Is the opinion inculcated or believed, that it is a proof of the exclusive truth of that church?—The Catholics believe their church to be the true church, and consider that miracles furnish one of its proofs.

Do they consider, in the Roman Catholic church, the performance of those miracles to be evidence of the superiority of that church to all others?—They do consider those miracles as one of the proofs of the truth of the faith of their church.

Are there a great number of Catholics who do not believe in the truth of those miracles?—No Catholic is bound to believe in the existence of those miracles to which allusion is made.

Are you aware of the fact that there are a great number of Catholics who do not believe in those miracles?—I am; they do not cease to be Catholics on that account.

Do Catholics conceive any particular privilege to be obtained by their own Church in consequence of those miracles?—They conceive the power of working miracles to exist, but in what particular instance that power is exercised they are not called upon to decide.

That is a matter of private judgment?—That is a matter of private judgment, as to the recent miracles.

And formed upon their own view, on examination of the evidence on which each rests?—Exactly.

How can a miracle which parties are at liberty to believe or disbelieve afford any evidence of the truth of the church in which it is worked?—The evidence afforded of the truth of the faith that is in our church, is deduced from the miracles formally recognised in the universal church; but as to the particular question whether this power has been recently exercised, that is a matter of private judgment which does not affect the faith of an individual.

Does the Roman Catholic church consider that miracles can be worked by other churches?—The Roman Catholic church believes that God can work a miracle through the instrumentality of any agent he may please to select.

Do they believe that a miracle so worked is evidence of the truth of that religion through the instrumentality of which it is worked?—Miracles form a part of the evidences of the true church.

In point of fact, are the Committee to understand that all miracles subsequent to those recorded in the New Testament are matters on which a good Catholic may exercise his private judgment as to any particular miracle?—Certainly. But every good Catholic believes that miracles have been wrought in the church subsequent to those recorded in the New Testament, and may still continue to be wrought.

Subsequent to those recorded in the Evangelical books?—Yes.

Yesterday you stated, in your examination, that in the prayers which were addressed to the Virgin Mary, Catholics addressed her not as a Divinity, but as an intercessor?—Yes.

The Committee see in a book which contains prayers addressed by Roman Catholics to the Deity, the following prayer: "Tu qui es Mater Dei miserecordissima humilis omnibus penitentibus "inclinans potestissima; quia per te ruine angelice reparantur, "per te sanctis vite janua aperitur, que regem glorie tuis sacris "uberibus lacrasti et nuturisti et totis visceribus dilexisti, te "deprecor ut mea inopia sublevetur, ut per te purgationem "peccatorum obtineam:" does not that prayer infer something "more than a prayer of intercession?—Not in the least, it is through her intercession; the words are "ut per te purgationem peccatorum obtineam."

It is the use of the word *per* that constitutes it a prayer of intercession?—Yes, it is through her intercession only that all those favours are sought to be obtained by this prayer.

You stated in your examination yesterday, that Catholics in addressing the cross, do not consider the cross as more than either a picture or a piece of wood?—Nothing more.

The Committee see in the same book of prayers the following prayer addressed to the cross: "Crux Christi semper sit meum; "Crux Christi est quam semper adoro; Crux Christi est vera "salus; Crux Christi superat gladium; Crux Christi solvit "vincula mortis; Crux Christi est arma invincibilis; Crux "Christi est via veritas et vita; Crux Christi impedit omne "malum; Crux Christi dat omne bonum; Crux Christi affert "vitam eternam; Crux Christi salvet me; Crux Christi sit "super me; Crux Christi sit ante me; Crux Christi sit post "me, quia antiquus hostis semper fugit ubi te vidit." The Committee wish to ask whether those prayers can be addressed to the cross merely as matter, or as a piece of wood, or whether they do not contain more?—Nothing more than this; we consider that it was on the cross Jesus Christ purchased redemption and salvation for us; the words Crux Christi adoro te have not reference to the material of the cross, but that adoration has reference to Him who died upon the cross.

Then the cross is not separated from Jesus Christ in any prayer which Catholics address either to Christ upon the cross, or to the cross itself?—When we address the cross in these words, our adoration is directed to Him who died upon it.

Is the cross used in that sense figuratively?—Figuratively; of course, in the sense I have mentioned.

And in no other sense than that in which a Protestant would understand the word when he may be told to bear the cross of Christ?—[*A book was handed to the witness.*]

Is that a catholic prayer book in common use in Ireland?—It is an approved catholic prayer book in common use in Ireland.

In page 204, in paragraph 11, there is the following passage: "Catholics renounce all divine worship and adoration of images "or pictures; God alone we worship and adore, nevertheless "we place pictures to reduce our wandering thoughts and "excite our memory towards heavenly things; further, we "allow a certain honour to be shown to the images of Christ "and his saints beyond what is due to profane images and "figures; not that we believe any divinity or virtue to reside "in them for which they ought to be honoured, but because "the honour given to pictures as regard to the prototype or "thing represented," is that the doctrine taught by the Roman Catholic clergy to the people of Ireland? Precisely.

Veneris, 25° *die Martii*, 1825.

LORD VISCOUNT PALMERSTON,

IN THE CHAIR.

The Right Reverend *James Magaurin*, D.D, Titular Bishop of the Diocese of Ardagh, called in; and Examined.

ARE you acquainted with the transactions that took place in the year 1788, respecting a communication with foreign Universities, on the subject of matters relating to the authority of the Pope?—Yes; I have some recollection of it.

Mr. Pitt, in that year, called upon the Committee of the English Roman Catholics to send some queries to those Universities?—Yes, it is on my recollection, that it was a good deal talked of in the Irish College of Salamanca, in the year 1789, on my arrival there.

These are the questions; first, "Has the Pope or cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction or pre-eminence whatsoever, within the realm of England; secondly, Can the Pope, cardinals, or any body of men, or any individual of the Church of Rome, absolve or dispense with His Majesty's subjects from their oath of allegiance, upon any pretext whatsoever; thirdly, Is there any principle in the tenets of the Catholic Faith, by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction either of a public or a private nature." Where are the answers to those questions to be found?—I believe the Universities of Salamanca, Alcala, and Valladolid, in Spain, have been consulted, and I believe also the Universities of Paris, Louvain, and Douay, and those universities have given their answers, and I believe their answers are all the same in substance.

Are not they contained at length in Mr. Butler's Memoirs?—Yes; I believe so.

Are those answers acknowledged to contain a doctrine that is admitted to be correct by the Catholic bishops of Ireland?—No doubt of it; and by the Catholic laity; I believe they form the substance of the oath of allegiance which is taken by the clergy and laity; I believe the oath of allegiance has been framed on the foundation of those decisions.

Was not an Abstract of those answers published, with the address of the Catholic Committee of 1793?—Yes; I think so.

Have you read them?—I have; and I subscribe to them, with all my heart and soul.

Is that before you, an Abstract of the answers that were returned, (*the same being shewn to the witness*) ?—It is.

[*The same was delivered in, and read.*]

" Abstract from the Answer of the Sacred Faculty of Divinity of Paris, to the above Queries.

" After an introduction, according to the usual forms of the University, they answer the first query, by declaring, Neither the Pope nor the cardinals, nor any body of men, nor any other person of the Church of Rome, hath any civil authority, civil power, civil jurisdiction, or civil pre-eminence whatsoever, in any kingdom, and consequently none in the kingdom of England, by reason or virtue of any authority, power, jurisdiction, or pre-eminence, by Divine institution, inherent in, or granted, or by any other means, belonging the Pope, or the Church of Rome. This doctrine, the Sacred Faculty of Divinity at Paris, has always held, and upon every occasion maintained; and upon every occasion has rigidly proscribed the contrary doctrine from her schools.

" Answer to the second Query, Neither the Pope nor the cardinals, nor any body of men, nor any person of the Church of Rome, can by virtue of the keys, absolve or release the subjects of the King of England from their oath of allegiance.

" This and the first query are so intimately connected, that the answer of the first immediately and naturally applies to the second, &c.

" Answer to the third query, There is no tenet in the Catholic Church by which Catholics are justified by not keeping faith with heretics, or those who differ from them in matters of religion; the tenet, that it is lawful to break faith with heretics, is so repugnant to common honesty, and the opinions of Catholics, that there is nothing of which those who have defended the Catholic faith against Protestants, have complained more heavily, than the malice and calumny of their adversaries, in imputing this tenet to them, &c. &c. &c.

" Given at Paris, in the General Assembly of the Sorbonne, held on Thursday the 11th day, before the calends of March, 1789.

" University of Louvain. " Signed in due form."

" The Faculty of Divinity at Louvain, having been requested to give her opinion upon the questions above stated, does it with readiness; but struck with astonishment that such questions should, at the end of this eighteenth century, be proposed to any learned body, by inhabitants of a kingdom that glories in the talents and discernment of its natives—The Faculty being assembled for the above purpose, it is agreed, with the unanimous

assent of all voices, to answer the first and second queries absolutely in the negative.

"The Faculty does not think it incumbent upon her, in this place, to enter upon the proofs of her opinion, or to shew how it is supported by passages in the Holy Scriptures, or the writings of antiquity; that has already been done by Bossuet, De Marca, the two Barclays, Goldastres, the Pithæuses, Argentre Widrington, and his Majesty King James the First, in his Dissertation against Bellarmine and Du Perron; and by many others, &c. &c.

"The Faculty then proceeds to declare, that the sovereign power of the State, is in nowise (not even indirectly as it is termed) subject to, or dependent upon any other power, though it be a spiritual power, or even though it be instituted for eternal salvation, &c. &c.

"That no man, nor any assembly of men, however eminent in dignity and power, nor even the whole body of the Catholic church, though assembled in general council, can upon any ground or pretence whatsoever, weaken the bond of union between the sovereign and the people; still less can they absolve or free the subjects from their oath of allegiance.

"Proceeding to the third question, the said Faculty of Divinity, (in perfect wonder that such a question should be proposed to her,) most positively and unequivocally answers, That there is not, and there never has been among the Catholics, or in the doctrines of the church of Rome, any law or principle which makes it lawful for Catholics to break their faith with heretics, or others of a different persuasion from themselves in matters of religion, either in public or private concerns. The Faculty declares the doctrine of the Catholics to be, that the divine and natural law which makes it a duty to keep faith and promises, is the same, and is neither shaken nor diminished, if those with whom the engagement is made, hold erroneous opinions in matters of religion, &c.

"Signed in due form, on the 18th of November, 1788."

"University of Valladolid.

"To the first question it was answered, That neither Pope, cardinals, or even a general church, have any civil authority, power, jurisdiction or pre-eminence, directly or indirectly, in the kingdom of Great Britain, or over any other kingdom or province in which they possess no temporal dominion.

"To the second, it is answered, That neither Pope nor cardinals, nor even a general council, can absolve the subjects of Great Britain from their oaths of allegiance, or dispense with their obligat .

"To the third, it is answered, That the obligation of keeping faith, is grounded on the law of nature, which binds all men

equally, without respect to their religious opinions; and with regard to Catholics, is still more cogent, as it is confirmed by the principles of their religion.

"Signed in the usual form, February 17, 1789."

Do not the oaths that are required to be taken by Catholics, by the Act of 1773, and the Act of 1793, contain a denial of those charges that are so frequently made against Roman Catholics, with respect to not keeping faith with heretics, and with respect to the supposed temporal authority of the Pope?—Yes; I think those oaths contain that.

[*A copy of the Oath required by the Act of the* 13*th and* 14*th of George* 3*d, was delivered in; and read as follows:*]

"I, *A. B.* do take Almighty God, and his only Son Jesus Christ, my Redeemer, to witness, That I will be faithful, and bear true allegiance to our most gracious Sovereign Lord King George the Third, and him will defend, to the utmost of my power, from all conspiracies and attempts whatever, that shall be made against his person, crown, and dignity; and I will do my utmost endeavour, to disclose and make known to His Majesty, and his heirs, all treasons and traitorous conspiracies which may be formed against him or them. And I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown in His Majesty's family, against any person or persons whatsoever, hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the style and title of Prince of Wales, in the lifetime of his father, and who since his death, is said to have assumed the style and title of King of Great Britain and Ireland, by the name of Charles the Third; and to any other person, claiming or pretending a right to the crown of these realms; and I do swear, that I do reject und detest, as unchristian and impious, to believe that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics; and also, that unchristian and impious principle, that no faith is to be kept with heretics. I further declare, that it is no article of my faith, and that I do renounce, reject and abjure the opinion, that princes excommunicated by the Pope and council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed and murdered by their subjects, or by any person whatsoever; and I do promise, that I will not hold, maintain or abet any such opinion, or any other opinion contrary to what is expressed in this declaration; and I do declare, that I do not believe that the Pope of Rome, or any other foreign prince, prelate, state or potentate, hath or ought to have

any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm; and I do solemnly, in the presence of God, and his only Son Jesus Christ my Redeemer, profess, testify and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever, and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatever, and without thinking that I am, or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other persons or authority whatsoever shall dispense with, or annul the same, or declare that it was null and void from the beginning. So help my God."

[*A Copy of the Oath required by the Act of the 33d George 3d, chapter 21, was delivered in, and read as follows:*]

"I, *A. B.* do hereby declare, That I do profess the Roman Catholic religion.

"I, *A. B.* do swear, That I do adjure, condemn, and detest, as unchristian, and impious, the principle, that it is lawful to murder, destroy, or anyways injure, any person whatsover, for or under the pretence of being a heretic; and I do declare solemnly, before God, that I believe that no act, in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour, that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever. I also declare, that it is not an article of the Catholic faith, neither am I thereby required to believe or profess, that the Pope is infallible; or that I am bound to obey any order in its own nature immoral, though the Pope, or any ecclesiastical power, should issue or direct such order; but, on the contrary, I hold, that it would be sinful in me to pay any respect or obedience thereto. I further declare, that I do not believe that any sin whatsoever committed by me, can be forgiven at the mere will of any Pope, or of any priest, or of any persons whatsoever; but that sincere sorrow for past sins, a firm and sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well-founded expectation of forgiveness; and that any person who receives absolution, without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament: and I do swear, that I will defend, to the utmost of my power, the settlement and arrangement of property in this country, as established by the laws now in being. I do hereby

disclaim, disavow, and solemnly abjure, any intention to subvert the present church establishment, for the purpose of substituting a Catholic establishment in its stead: and I do solemnly swear, that I will not exercise any privilege to which I am or may become entitled, to disturb and weaken the Protestant religion, and Protestant government, in this kingdom. So help my God."

Are you acquainted with the declaration that was published in Ireland by the Catholic committee in the year 1757, drawn up by a titular bishop, Dr. O'Keefe?—I have a recollection that I have seen it.

Was that a document universally acknowledged and subscribed to, at the time, by the Catholics?—There is not the smallest doubt entertained by any Catholic with regard to it.

That declaration was first published in the year 1757?—I think it was about that time; that declaration was sent to the See of Rome, and I believe it was renewed afterwards, when there was some appearance of a French invasion.

Was it not again put forth in the year 1792, at the time that petitions were presented to Parliament, for the concessions that were made at that time?—I think so.

[*A Copy of the Declaration was delivered in, and read as follows:*]

"Whereas certain opinions and principles, inimical to good order and government, have been attributed to the Catholics, the existence of which we utterly deny; and whereas it is at this time peculiarly necessary to remove such imputations, and to give the most full and ample satisfaction to our Protestant brethren, that we hold no principle whatsoever, incompatible with our duty as men or as subjects, or repugnant to liberty, whether political, civil, or religious:

"Now we, the Catholics of Ireland, for the removal of all such imputations, and in deference to the opinions of many respectable bodies of men, and individuals, among our Protestant brethren, do hereby, in the face of our country, of all Europe, and before God, make this our deliberate and solemn declaration:

"1st. We abjure, disavow, and condemn the opinion that princes excommunicated by the Pope and council, or by any ecclesiastical authority whatsoever, may therefore be deposed or murdered by their subjects, or any other persons. We hold such doctrine in detestation, as wicked and impious; and we declare, that we do not believe that either the Pope, with or without a general council, or any prelate or priest, or any ecclesiastical power whatsoever, can absolve the subjects of this kingdom, or

any of them, from their allegiance to His Majesty King George the Third, who is, by authority of Parliament, the lawful King of this realm.

"2d. We abjure, condemn, and detest, as unchristian and impious, the principle, that it is lawful to murder, destroy, or anyways injure, any person whatsoever, for or under the pretence of being heretics; and we declare solemnly, before God, that we believe that no act, in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever.

"3d. We further declare, that we hold it as an unchristian and impious principle, that no faith is to be kept with heretics: this doctrine we detest and reprobate, not only as contrary to our religion, but as destructive of morality, of society, and even of common honesty; and it is our firm belief, that an oath made to any person not of the Catholic religion, is equally binding as if it were made to any Catholic whatsoever.

"4th. We have been charged with holding, as an article of our belief, that the Pope, with or without the authority of a general council, or that certain ecclesiastical powers can acquit and absolve us before God from our oath of allegiance, or even from the just oaths and contracts entered into between man and man:

"Now we do utterly renounce, abjure, and deny, that we hold or maintain any such belief, as being contrary to the peace and happiness of society, inconsistent with morality, and above all repugnant to the true spirit of the Catholic religion.

"5th. We do further declare, that we do not believe that the Pope of Rome, or any other prince, prelate, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm.

"6th. After what we have renounced, it is immaterial, in a political light, what may be our opinion or faith in other points respecting the Pope; however, for greater satisfaction, we declare that it is not an article of the Catholic faith, neither are we thereby required to believe or profess, that the Pope is infallible, or that we are bound to obey any order in its own nature immoral, though the Pope or any other ecclesiastical power should issue or direct such order, but on the contrary we hold, that it would be sinful in us to pay any respect or obedience thereto.

"7th. We further declare, that we do not believe that any sin whatsoever committed by us, can be forgiven at the mere will of any Pope, or of any priest, or of any person or persons whatsoever, but that sincere sorrow for past sins, a firm and sincere resolution, as far as may be in our power, to restore our neighbours'

property or character, if we have trespassed on, or unjustly injured either, a sincere resolution to avoid future guilt, and to atone to God, are previous and indispensible requisites to establish a well-founded expectation of forgiveness; and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating the sacrament.

"8th. We do hereby solemnly disclaim, and for ever renounce all interest in, and title to all forfeited lands resulting from any rights, or supposed rights of our ancestors, or any claim, title, or interest therein; nor do we admit any title as a foundation of right, which is not established and acknowledged by the laws of the realm as they now stand; we desire further, that whenever the patriotism, liberty, and justice of our countrymen shall restore to us a participation in the elective franchise, no Catholic shall be permitted to vote at any election for members to serve in Parliament, until he shall previously take an oath to defend, to the utmost of his power, the arrangement of property in this country, as established by the different acts of attainder and settlement.

"9th. It has been objected to us, that we wish to subvert the present church establishment, for the purpose of substituting a Catholic establishment in its stead: now we do hereby disclaim, disavow, and solemnly abjure any such intention; and further, if we shall be admitted into any share of the constitution, by our being restored to the right of elective franchise, we are ready, in the most solemn manner, to declare that we will not exercise that privilege to disturb and weaken the Protestant religion, or Protestant government in this country."

What counties are under your jurisdiction in your diocese?—There is a part of seven counties; it is principally Leitrim and Longford; but there is a part of the county of Roscommon, a small part of the county of Sligo, and other counties.

In which of those counties do you reside?—I reside in the county of Longford.

In the discharge of your duties, and in the discharge of the duties of the inferior clergy who are under your direction, do you consider it right to co-operate with the magistrates of the country in endeavouring to maintain the tranquillity of the country, and to secure obedience to the laws?—Indeed I always wished to do so, and I have always been tolerably successful in having it so; I always believed it a matter of the utmost necessity; and whenever I have found in the diocese committed to my care, that there was not that kind of harmony between the magistrates and the Roman Catholic clergy, I think, in the same proportion, in general, that neighbourhood was not tranquil.

In the discharge of that portion of your duty to which you have referred, have you met with the active and zealous co-operation of the magistrates of the country?—Indeed I have, in many instances. I have met with it in the county of Fermanagh, where I was first placed, and have met it in the county of Leitrim; and I met it in the county of Longford, and no part of the country I ever was placed in, was disturbed. I was fortunate in that respect, for it is scarcely possible to describe the effect it produces on the public mind, when they see men of both religions, in public situations, go hand in hand with each other.

Have you any doubt, from the communications that you have received from the magistrates of the county of Longford, and more particularly from Lord Forbes, that the magistracy of the county of Longford attribute the tranquillity of the county, in a very considerable degree, to the cordial co-operation which exists between the justices of the peace and the Roman Catholic clergy? —I do believe it is a general feeling. I think I get more credit myself perhaps than I deserve, but it is a general feeling; much credit is due to Lord Forbes.

Is there, generally speaking, a cordial communication between the two sects, in the county of Longford?—There is no open hostility, but there is a something of a heat of mind or an irritation, but there is nothing of a violent nature.

To what causes do you attribute this degree of irritation and distrust, that you have described to exist?—I think the party feelings of Orangemen and Ribbonmen, and the question of Catholic Emancipation, with the feelings of hope on one side, accompanied with some fear perhaps, and apprehension on the other side, altogether; there are two parties, and they are kept at that kind of distance, arising from a variety of causes, that I am not able to describe.

Having alluded to Catholic Emancipation, do you conceive that a strong feeling of anxiety upon that subject, exists amongst the bulk of the peasantry?—I think very strong.

How do you consider that laws, which operate practically as an exclusion only of the higher orders, are considered by the lower orders as a grievance to them?—I know if they were asked what emancipation meant, they perhaps would not be able to define it; but they have a feeling that they are belonging to an excluded cast, and that they are not treated like the other subjects; that there is something wrong with them, and they are very anxious to be relieved from this kind of slavery, which they are not able to explain.

Do you consider that it produces any distrust of the law in its own nature, or of the administration of the law?—I think a great

deal of the misfortunes of Ireland arise from the disrespect of the lower orders to the laws. They are of opinion, that the laws were not made for their protection; they know no parts of them, except the penal and the punishing parts.

Have they any recollection, either by tradition or otherwise, of the former state of the penal laws in Ireland?—I cannot exactly tell; except that I believe in their little meetings on winter nights, they have amongst themselves many traditionary stories regarding the sufferings of their ancestors.

In point of fact, do you know any spots in the different parts of Ireland with which you are acquainted, which are considered as peculiarly holy; where, during the time of the ancient persecutions for religion, masses were celebrated and priests took refuge?—I think I do, at least so far as I have heard those traditionary reports. They tell, that the priests withdrew to mountains and retired parts, and the people flocked after them; and there is a kind of veneration to those spots, to this day continued.

Can you name any of those particular spots?—I do believe I have known some of them. I do not know any particular place by name.

Having stated, that the existing disabilities produce some degree of distrust in the mind of Catholics towards the administration of the law, do you consider that those existing disabilities produce any and what effect, upon the disposition of Protestants towards their Catholic brethren?—I think they are in as great distrust, and in as great a state of fever in many instances, and perhaps others; for instance, in the beginning of the year 1825, I remonstrated with some on the folly of entertaining such a state of fearfulness and distrust.

On whose part was the fearfulness?—On the part of some Protestants in the neighbourhood; so much so, that one gentleman told myself, that he locked his doors at four o'clock, and did not permit any one to leave his house till the following morning.

At what time was this?—About Christmas last, commencing the year 1825.

Was that connected with any peculiar report?—I believe it was connected with unfounded reports; I have known gentlemen in my neighbourhood that absolutely quitted their houses, and came to reside in Dublin under that state of feeling.

Will you explain to the Committee what the circumstances were which excited this alarm, or what the immediate cause of apprehension was?—Certain idle mischievous reports, I believe, that are sent forth through the country, exciting the fears and alarms, both of the one party and the other; one report was, that all the Protestants were to be murdered on Christmas-eve; another, on

the eve of New-year's day; those reports were circulated by a set of designing individuals, to keep alive this kind of alarm, this kind of fearfulness between parties; I believe it was done sometimes from design.

Were those fears excited by the circumstances of the circulation of the prophecies?—I think they were in a great degree.

Were those fears felt by all the Protestant gentry, or were there exceptions?—There were not among all, I think; they were particularly among those who were in the habit of reading, exclusively, newspapers of a party spirit; the people that were in the habit of reading those newspapers, and no other; and having their minds filled with them, and in the habit of receiving communications from a lower description of designing individuals; those were the persons that were most subject to such alarm.

What description of persons do you allude to, when you state they received communications from a lower class of persons?—I mean some of the yeomanry of the country.

The Protestant yeomanry?—The Protestant yeomanry.

Are the yeomanry of Longford exclusively Protestant?—Indeed I think they are nearly so.

Are they supposed to be Orangemen?—They are supposed to be Orangemen.

Amongst the Protestants who do not participate in these alarms, were there many of the most active and influential magistrates of the country?—Some of them; and some of those that were under those apprehensions were good and kind men; but they permitted themselves, from timidity, to labour under those apprehensions.

Can you state, whether the precautions, which you have described to have been taken in other houses, were taken at Castle Forbes?—Indeed they were not; Lord Forbes would not have any hesitation or fear to leave his doors open; that was the case with others in the same county.

When you allude to newspapers which gave currency to those impressions of alarm, what papers do you allude to?—I mean the Mail and the Star, violent party papers.

Do not you allude to another paper, which contains food of an opposite description?—There are others, I believe, of an opposite description.

What papers are those?—There is the Morning Register, and other papers.

The Dublin Evening Post?—I do not think the Dublin Evening Post is a violent paper.

Have those persons who left their homes, at the time it was given out that there would be a massacre of Protestants at a particular period, since that period returned to their respective homes?

—There are some of them who, I think, have not returned; but not, perhaps, from any fearfulness of returning; but that they do not find it then convenient.

Then the alarm is allayed?—So far, yes.

Does that alarm arise from the same cause; namely, an apprehension of the murder of the Protestants?—No.

From what does it arise?—I believe from designing individuals scattered all over the country, to keep still alive this kind of party feeling between Protestants and Catholics.

By whom do you think they are scattered?—It is impossible to know; it is not easy to fasten the charge on any individual, but there are such individuals.

How do you think they are paid; what is your reason for thinking they are employed at all?—I have heard of such miscreants ranging through the country, exciting the Catholics against the Orangemen, and the Orangemen against the Catholics.

Have any people of that description been arrested?—Not that I have heard of.

In no one instance has there been an arrest?—No that I heard of.

Has there been any instance, in which there has been clear proof brought before, of the same individual that appeared at one chapel having subsequently appeared at another chapel?—There was no proof.

Were you a member of the Catholic Association?—No.

Were the clergy of your diocese?—I do not believe there were many, not more than two or three.

Were the addresses, that proceeded from the Catholic Association, distributed in your diocese?—They were sent to my diocese.

Was not the rent collected in your diocese?—In some degree it was.

Do not you think, that the collection of that rent, and the distribution of addresses from the Roman Catholic Association, might partly account for the alarm that was felt by the Protestants?—I dare say it might *.

What councils are admitted as of force in Ireland at present?—The Council of Trent is the last council.

Are the decrees of the Council of Trent in force in Ireland at present?—For the most part, they are.

What power is there in Ireland to reject any part of the decrees of the Council of Trent?—There were certain points of discipline, which were not to become obligatory till promulged and

* In consequence of Dr. Magaurin's examination having followed that of the other Catholic bishops, a great part of his evidence is necessarily a repetition of what was stated by them, and has therefore been omitted in this volume.

received. In some parts of Ireland, these were not received, such as the law of clandestine marriages.

Are not all the important decrees of the Council of Trent enforced in Ireland?—They are.

Are the decrees of the Council of Lateran enforced in Ireland? —I am not aware what parts you refer to.

If a person is refused the Sacrament, does that imply that he is refused absolution?—There is no instance of giving the one, and refusing the other.

Supposing an individual has not paid his assessment for a chapel, would there be any power on the part of the bishop or the priest, to withhold from him the Sacraments?—No power, for any pecuniary consideration.

Then if the Committee should find a letter issued by a *vicar capitular* in Ireland, to this effect; "Reverend Sir, I enjoin you again not to administer any Sacrament, publicly or privately, to any person, or any one of his family, who shall not have previously paid the full amount of both taxes; nor any of the rites of churching women, blessing of clay, or celebrating mass for them, under pain of suspension, to be incurred by the fact;" If such an order as that were issued to a priest, do not you think he would be compelled to obey it?—I do not think he should obey it. I do not think such an order should be issued. I know the printed regulations in my diocese are, that neither marriages or baptisms are to be refused on account of money. We have no civil means of enforcing the payment of money; and sometimes, perhaps, the churching of women, which is not a matter of absolute necessity, may be threatened to be postponed, in order to obtain this money for the support of a chapel or of a school; but a clergyman would be very criminal, if he refused absolution for any such consideration.

What is the ceremony of blessing clay?—It is on account of the law not permitting Roman Catholic clergymen to attend the burial; that ceremony takes place in the house of the deceased.

It is a ceremony previous to the burial?—Yes.

What is the state of the chapels in your diocese?—There are some of them in a miserable state; but there is an improvement within these few years.

Are they not so bad, as to justify great efforts to obtain money in order to procure decent accommodation?—They are, in many instances.

Is the authority of the vicar capitular any other than to administer the see during a vacancy?—He is a vicar appointed by the chapter to administer the see during a vacancy.

Do you concur with those prelates who have stated that they should see no objection, or inconsistency with the discipline of the

Catholic church in Ireland, to restrict the nomination of prelates absolutely to those who have been postulated from Ireland?—Not the smallest objection.

In fact, to make domestic nomination essential to the institution?—Not the smallest objection.

Should you object, as being inconsistent with the independence of the Catholic church, to a provision being made by the State for the bishops and clergy of the Catholic church in Ireland?—I do not see any objection as to its independence, but so far as regards myself, I have no anxiety for it.

You say you see no objection as to the independence of the church; do you see any objection upon any other ground?—I do believe there are some who would suppose the exertions of the Catholic clergy might slacken when their support was independent of the will of the people; but, however, I have not those apprehensions, because I think, as long as I live, the clergymen under my care will do their duty.

Does not the necessity of contributing to the support of the clergy, in many instances, press rather severely upon the population?—No doubt it is so much out of pocket.

And in many instances out of a pocket which contains very little?—Yes.

In many instances, then, it must press very severely upon the population?—Yes.

You can have no doubt, then, that if there was no objection to it in point of independence or of discipline, that such an arrangement must be acceptable to a large body of the Catholic population in Ireland?—I think it would, conditionally.

Of course concurrent with Catholic Emancipation?—I think in that case it would be acceptable; I think it would be well received; but without that condition I do not think it would be received as a boon.

If made concurrent with Catholic Emancipation, or consequent upon such a measure, and not objected to by the bishops or clergy, you cannot have a doubt it would be acceptable to the people?—I think it would.

In the event of the gift of such a provision being made, concurrent with the grant of Catholic Emancipation, should you see any objection to the Crown receiving a power of inquiring into the character and principles of persons postulated for the Catholic episcopacy, and acting upon such information?—I would.

Would you think that objection would equally lie against it if the inquiry was made by a commission consisting of Catholics?—I would not like any interference at all on their part, except so far as regards the clergy of the diocese, over whom the individual in contemplation is to preside.

Should you conceive it objectionable even if the commission was composed, not only of Catholics, but of Catholic ecclesiastics? —That they should report to the Crown the appointment, I have no objection to it.

That they should report to the Crown the character and principles of the individual so appointed?—Of the individual so appointed they might report their opinion; who he is, and their opinion as to his fitness and loyalty, &c. &c.

You would consider a previous examination as to his qualification as inconsistent with the discipline of the church?—I do not think it would be consistent.

In the event of a provision being made by the State for the support of the Roman Catholic church, do you think there would be any objection in principle to a certificate being required by the Crown from an ecclesiastical Roman Catholic commission, appointed by the Crown, of the character, loyalty, principles, and domestic nomination of the bishops and clergy, before they received the stipend which the State gave them?—That is perfectly consistent.

You see no kind of objection to such an arrangement?—Not the smallest.

Your only objection then is an objection to any interference on the part of a Protestant State, even though exercised by an ecclesiastical Roman Catholic tribunal in the appointment itself?—Certainly; that is all.

Do you think it just on the part of a Protestant State to require to be assured of the loyalty and irreproachable character of the Roman Catholic priesthood and hierarchy, before they received a stipend from the State?—I think it is perfectly consistent and perfectly right.

Do you conceive that the payment of the Roman Catholic hierarchy and clergy by the State would put an end to the complaint at present existing in Ireland, of the support of a double order of clergy being cast upon the Catholic peasantry?—I think it would be a relief to them, and I think in course of time it would be acceptable enough to them.

Do you conceive that, as far as that relief was felt, it would be an additional security to the Protestant establishment in Ireland? —I think it would.

Have you ever heard expressed in Ireland, or do you yourself feel any disposition as a Roman Catholic bishop, to interfere with the temporal authority or property of the Protestant church?—Not the slightest; if I was offered the tithes, I would reject them.

Has it ever been suggested by any individuals amongst the Roman Catholic hierarchy, or do you yourself feel any desire that the Roman Catholic bishops should in any event be admitted

into the House of Lords?—Never; I never had such an idea, and it never entered the mind of any ecclesiastic.

You never heard that the admission of the Catholic bishops into the House of Lords has entered into the contemplation of any of the leading Lay-catholics in Ireland?—It never entered their minds. We have no ambition for those matters; our great anxiety is for the peace and welfare of the country, and we are ready to make any sacrifices for the sake of promoting that object which is consistent with the discipline of the church.

The Committee would wish to inquire, whether you see any objection on the part of the clergy to the relinquishment of all those dues and fees which they now receive for the performance of religious rites, or for their own support, in the event of their receiving an adequate provision from the State?—There are some which they might not be willing to relinquish; for instance, perquisites on marriages, and baptisms and funerals; but the rule I would observe myself on such an event taking place would be, to have a meeting of the clergy to regulate "thus far you shall go and no farther;" I would conceive it my duty to do so.

There is not, however, in the character of those fees or obligations any thing so essential, as to make it impossible or difficult for the clergy to relinquish them?—Nothing at all; I believe in all churches they have generally what is called small dues.

There is nothing in the oblation which adds either to the sanctity or force of any religious act performed?—No.

You think there would be no difficulty in relinquishing altogether such fees?—No difficulty, as far as regards discipline.

Do not those fees in many places form the principal portion of the income of the Catholic clergyman?—Mostly.

What is the marriage fee in your diocese?—They are not allowed to charge more than three crowns.

Are you aware, that in some Catholic countries, in France for instance, the holidays have been diminished to four?—I did hear they were diminished.

They were so diminished by permissive power granted from Rome?—I presume so.

Is it not the custom of the people of Ireland to indulge in great licentiousness on those days?—It is so, I fear; and on Sundays too.

In fact they almost cease to observe them religiously?—They cease to keep them according to the spirit of them when they violate the rules prescribed.

You were asked a question on the subject of the state of the chapels in your diocese, are the chapels generally in a good state, or otherwise?—Some of them are, but the others are miserable enough.

When you answer that they are in a good state, do you mean that the buildings are in good repair, or that they are commensurate to the wants of the people?—They are, some of them, in a respectable situation, so far as regards the building outside; they are not so decently finished inside as I could wish.

Are there many places within your diocese where the chapels are entirely inadequate to the number of the congregation?—I think in general all are so.

Will you describe what occurs in such cases, or how the population can attend divine worship?—The only remedy we can adopt in order to avoid the awkwardness of remaining outside, is to increase the number of clergymen. At the chapel at Ballimahon, I attend every morning at eight o'clock, on Sundays, invariably, and my curate attends at ten and at twelve afterwards, and there is a large congregation each time.

Are there other places within your diocese where service is celebrated three times?—Yes, there are.

Are there any instances where it is celebrated more than three times?—I think not.

Are those three services on the Sunday entirely owing to the number of the congregation and the inadequacy of the means of receiving them, or at all those parishes would not two services be celebrated on Sunday?—Not always two, in case where there are two chapels and only one clergyman.

Are there any instances in which the congregation are obliged to kneel down in the open air?—It does occur in many instances where there is only one mass.

Is there any endowment in any part of your diocese for the support of the parochial clergy, or is there any house for the residence of any of them in any instance?—There are a few instances since I came into the diocese where they have built parochial houses.

In such instances has the house been built at the expense of the Catholic clergyman, or by a contribution from the parish?—Principally by the clergyman, and partly by contribution.

Will that house, in that case, be the property of his successors?—So far as regards those with which I am concerned I think it must, because I have endeavoured always that it should be within the precincts of the chapel-yard. I have heard of instances where it has happened that the relation of the deceased refused to give up possession.

Where the relation of the deceased has claimed as his heir?—Yes.

Do you know any instances where ejectments have been brought to recover possession of such buildings?—I have heard of them.

Will you have the goodness to state to the Committee how your diocese is circumstanced with respect to parochial schools?—The school-houses are miserable.

Have you been enabled to do much of late years in the improvement of them?—A good deal; but want of means leaves us much still to do.

Have you a general school in each parish?—There is a general school, and particular schools in each parish.

How many schools are there in the large parishes?—I suppose about five or six in large parishes.

In what sort of buildings are they generally kept?—Some of them very wretched; in the towns they are better.

Are the chapels generally used for the purpose of school-houses in country parishes?—In some places they are; I disapprove of it, but sometimes of necessity they are allowed, from there being no other.

Have many schools been founded or aided under the establishment in Dublin, within your diocese?—I do not think there is one at all, of the Catholic schools under my direction, so founded or aided.

Will you mention to the Committee how funds are obtained towards those schools that are under your direction?—Subscriptions from priests, subscriptions from those Catholics that have some better means, whatever assistance I can afford, and mostly some stipend from the parents of the children.

Have you also received assistance from Protestant proprietors?—I have as often as I have applied to them, and I would have applied to them more, but I did hope that this session of Parliament there would be something done for us in that way.

You stated that at one time you had an intention of sending a nephew of your own to Clongowes?—I had.

To what school did you send your nephew?—To Mr. Edgeworth's school, in the county of Longford.

Your resolution led you to send him to a school kept under the direction of a Protestant gentleman, in preference to a school kept by the Jesuits?—I considered it a fit school, and it was convenient.

Are there any religious distinctions of any kind in the school which is kept under the superintendence of Mr. Edgeworth?—Not the slightest.

It is attended indifferently by Protestants and Catholics?—By Protestants and Catholics; in fact the words Protestant and Catholic are not only not mentioned, but I think, except from the division that takes place on Sundays, they do not know what religion the others are of.

How many young men are there in that establishment?—Two hundred and fifty or thereabouts, so far as I have a recollection.

Does not this arise out of regulations that Mr. Edgeworth has there adopted, and which totally prevent the possibility of any spirit of proselytism being manifested?—I think it is altogether his own regulation; and such was my approbation of that school, in contradistinction to proselyting schools, that I sent my nephew there, to sanction the one in contradistinction to the others.

Is any religious instruction given at that school?—On two days in the week the catechism is taught, in one part of the building, to the Protestants, and in the other part of the building, to the Catholics; and on the Sunday evening, when the one comes from the church, and the other from the chapel, they assemble for instruction.

Would you object to allow the same system of education to be extended to the lower orders?—I am as anxious for the education of the poor of my diocese as any man can be, provided there is no interference with religion.

Has the system of creating 40*s*. freeholds with a view to an election interest prevailed extensively in your diocese?—I presume it has.

Have you witnessed any occasions in which large bodies of the population have been brought to a sessions town for the purpose of registering freeholds?—No, I have not witnessed; I never attended such.

You have not happened to be present at registries?—No.

Have you seen large bodies of freeholders coming in to be registered, or returning from having registered?—I have.

Can you describe the general appearance of that class of individuals?—Wretched, in many instances.

Do you conceive that class generally to consist of persons possessing, in the real sense of the law, a freehold of 40*s*. value?—I rather think they do; if they were to dispose of their freeholds, they would generally get 40*s*.; but in many instances I do not think they are worth it.

Are they not in a state of entire dependance upon the landlords in general?—They are.

Is that owing to the lower class of occupying tenant being generally in arrear for rent, or is it owing to other circumstances of his situation giving the landlord a powerful influence over him?—I suppose both.

Does the system of joint tenancy prevail much in the part of the country with which you are acquainted?—I think it does; but I think it is doing away a good deal.

Have you ever heard of a candidate canvassing the 40*s*. freeholders?—Yes; I have.

In frequent instances?—In some instances.

Against their landlord?—Against their landlord.

Do you mean without having obtained permission from the proprietor?—I think in some instances without his consent; but I think it is a matter of etiquette in general not to do so.

In point of fact, do you believe that the general class of 40*s.* freeholders in those counties exercise the right of franchise independent of, or at the absolute dictation of, the person under whom they derive their leases?—I think, in general, they go along with their landlords; but in some instances they do not.

What is the general practice?—I think generally they do.

Have you any doubt that, generally speaking, the tenants of an estate vote with the proprietor of the soil?—I know some instances where they did not, but I think in general they do.

Have you the least doubt that they are driven in to vote without any consultation of them or of their disposition?—I have not. I think, in general, when they are called upon, they go along with their landlords without ever reflecting.

Have you the least doubt that they are called upon to vote without ever consulting them as to what their own disposition is, or informing them how their vote is to be given till they appear at the poll?—I think that is the practice in general.

Do you think that that class of persons would feel injured or benefited, or that they would have much public feeling of any sort, upon that franchise being disallowed?—I think each individual would feel no loss, but I think there would be a degree of dissatisfaction among the body at large.

Can you say from what cause or principle that would arise?—They would conceive it was taking away so much from them, and there would not be wanting individuals who, from design, would be stirring up their minds to think so.

But if the great majority of the freeholders, such as you have described, are brought up to the poll, not only without any consultation of what their disposition is, but without any information even of the name of the candidate for whom they are to vote, till they are produced upon the hustings, do you think that such persons would feel that they were deprived of any political privilege?—They generally act with their landlord; they have the power of acting otherwise.

Will you state what the result of their acting otherwise would be upon the tenantry of any large property within your knowledge?—I dare say to incur the dissatisfaction of the landlord, and if they owed arrears of rent to press them for it.

Do you not think that perjury is committed to a very great extent in consequence of this system?—I do.

Both upon registries and upon elections?—Yes.

Do you not think that any alteration of the law, which was to reform this system, would in itself produce a great improvement in the morality of the people?—I hope so.

You cannot doubt that the present system demoralizes them extremely?—I think it does.

Have you any doubt that a system under which perjury prevails to the extent you have admitted must of itself demoralize the country?—Indeed I think it is a demoralizing system.

The great mass of the 40*s.* freeholders in the part of Ireland with which you are acquainted are Catholics, are they not?—Generally.

Do you not conceive the effect of altering the franchise, and striking off the 40*s.* votes, as it is called, would be to impress upon the Catholic population at large a feeling that their religion had sustained a loss?—No doubt.

Would not the effect of it be that they would feel that the Catholic influence of Ireland was diminished?—I think so.

Would not that be a great source of dissatisfaction that would be felt at any attempt to alter the 40*s.* franchise?—There would be that dissatisfaction.

If the alteration of the franchise was accompanied by a measure advantageous to the Catholic religion, as by passing what is called Catholic Emancipation, do you not think that the satisfaction created by the one measure would outweigh the dissatisfaction excited by the other?—Indeed I rather think so; I think the one would be swallowed up in the consideration of the other.

Have you then any doubt that the Catholics, generally speaking, would be more gratified at the removal of what they consider a stigma upon their religion, than they would feel apprehensive at their deprivation of the 40*s.* franchise, such as you have described?—I think so.

EVIDENCE

TAKEN BEFORE

THE COMMITTEE OF THE HOUSE OF LORDS.

Die Mercurii, 2° *Martii*, 1825.

THE LORD PRESIDENT IN THE CHAIR.

Anthony Richard Blake, Esquire, is called in, and examined as follows: *

You are Chief Remembrancer of the Exchequer in Ireland? —I am.

Are you of opinion that the diffusion of education in Ireland, and the improvement of the condition of the people, must necessarily lead them to feel more strongly the situation in which they are placed, under the civil disabilities under which they now labour?—I certainly think so; I think that is the tendency of the law; just as a man advances in society the law checks his course, and thus rendering him discontented, renders his influence the means of inflaming all within its reach.

Do you think the people are generally aware of the extent to which offices are open to them in Ireland?—I think the people consider that there is in the law a spirit of hostility to them and their religion.

Are there not a great many offices or situations open to the Roman Catholics by law, from which nevertheless they are generally practically excluded by the spirit which prevails in different parts of the country?—I cannot speak much of the interior of the country, with respect to those offices which are of a local nature, and disposed of by what may be considered local authorities. The Roman Catholics have certainly been eligible to the office of assistant barrister for a number of years; but until lately no Roman Catholic was appointed to it. I would take the liberty, however, of adding, that there were not formerly amongst the Roman Catholics so many candidates for promotion whose claims were grounded on station in their profession, as at present; because every year, in some

* A great portion of the evidence given by Mr. Blake before the Committee of the House of Lords, being, necessarily, a repetition of that which he gave before the House of Commons, it has been omitted in this volume.

degree, adds to the number of Roman Catholic barristers, and adds to the qualifications of those already at the Bar.

Do you think the feeling you have described general among the Catholics at present?—So far as my opinion goes, it certainly is.

That, without understanding precisely the question, there is a general feeling that the law, as it stands at present, is in hostility to them and to their religion?—They consider that the Roman Catholics and Protestants of Ireland are by law divided into two nations; a dominant and an inferior nation. They feel that they are of the inferior nation; and this sense of inferiority is kept in a state of perpetual inflammation by the constant discussion of the Catholic Question.

You think that is generally felt among all ranks of the Roman Catholics?—I believe it to be so. I have, on these cursory visits to which I have alluded, occasionally spoken to the lower orders of the people, and I found great eagerness in their minds in regard to what they called the emancipation.

Do you conceive that they annex to the idea of emancipation the idea of the re-establishment of the Roman Catholic church in Ireland?—I do not think they do. I think they have a confused notion in their minds, that they do not stand on an equal footing with the Protestants.

Do you think that they mean by emancipation, that the Roman Catholics should be rather uppermost than the Protestants?—I think not. I recollect asking a peasant what he meant by emancipation; his answer to me was, I should like to vote for your honour to go into parliament, or to see you a judge.

By emancipation they mean equality?—They mean equality; a man to have equal rights with the Protestant. I recollect last year, when discussions took place with reference to the Catholics of England, there was something said of the danger of allowing Roman Catholics to sit upon the Bench, to be mixed with Protestants in the administration of justice; it is quite impossible for any person, who was not in Ireland at the time, to conceive the feeling that this created amongst the Roman Catholics. They derived an argument from it, that they could not be secure if the Bench was exclusively Protestant; they asked, "If you think you would not be secure if there were any Catholics on the Bench, how can we be secure when none but Protestants are there?"

Do you think, if they were to obtain what is called emancipation, they would be content without the restoration of the church revenues to the Catholic clergy?—I am perfectly satisfied that they would rather deprecate that restoration than

wish for it. I think they would be very glad to get rid of tithes altogether, but that they would not wish to see them transferred to their own clergy; they would rather the Roman Catholic clergy should remain in their present state.

Do you speak of that as the opinion of the peasantry, or persons above them?—I speak of it as the opinion of the peasantry. They complain now of the dues which they have to pay to the Roman Catholic clergy; they sometimes consider them too well off. One of the complaints of the Ribbon-men, in the year 1820, was of the amount of the dues they had to pay to their own clergy; they complained of them in common with the tithes.

Do you think that an increase can take place in the wealth and property of the people, without increasing the feelings of discontent and of dissatisfaction created by the present state of the law?—I think the necessary tendency of an increase of wealth and knowledge at present among the Roman Catholics is the increase of discontent. The injurious operation of the disabling statutes is particularly felt by the men of property and education. Therefore, in proportion as men of that description increase, discontent must increase, and this not in the particular class only, but through the whole body, because such men constitute the influential part of society, and naturally give to the body to which they belong its general spirit and tone.

Is not the present unequal state of the law, with regard to Catholics and Protestants, felt to be injurious to individuals, and galling to all?—I should apprehend there could be no doubt that it is so felt.

What practical effect do you conceive to be produced on the administration of justice in Ireland, by the unequal privileges of Catholics and Protestants?—I conscientiously believe, that the administration of justice in the superior courts in Ireland, with which alone I am acquainted, is as pure and honest as the administration of justice in any part of the world; that is my honest and conscientious opinion. But the state of the law with respect to the Roman Catholics, makes the multitude regard the general administration of justice with distrust.

Have you any information whether the Catholics have increased greatly in the acquisition of landed property of late years?—Yes, I have; upon several sales which have lately taken place in Ireland, Catholics have been the purchasers.

Do you not think it would be necessary to accompany a measure of state provision for Roman Catholic priests with some legal provision, which should make it illegal, perhaps prohibit, under a penalty, the exaction of some of the fees from

which the maintenance of the priests is now derived?—I should think the object might be attained by a wise administration of the regium donum; which I would prefer to legal enactments.

Do you apprehend that the pope is in the habit of taking any measure for the purpose of obtaining any knowledge of the individuals recommended to him for bishops?—I apprehend not, otherwise than through a communication with the Irish Bishops.

Subsequent to such recommendation?—In some instances subsequent to such recommendation, that is, where there are rival recommendations; I apprehend not otherwise.

Do you really think that an arrangement for the payment of the clergy, would give anything like complete satisfaction to the Roman Catholic hierarchy?—I should feel great difficulty in saying that any arrangement would give complete satisfaction to any body of men; but, speaking comparatively, I should say it would give to them very great satisfaction; as much satisfaction as the state, in any general arrangement, can in any case well hope to give.

And would probably produce content?—I am satisfied that it would.

Are you enabled to state, whether since the regium donum has been established with respect to the Presbyterians, it has been found expedient to withhold it in any particular instances?—I have understood in none.

Are you aware of any communication carried on between the Roman Catholics of Ireland and the pope, and the nature of it?—I am not aware of any communication being carried on, except between the bishops and the pope; the nature of that, I believe, is purely ecclesiastical. I have heard the bishops declare, and have been solemnly assured by them, that they are forbidden to touch upon any matter of a political nature.

Do you believe that communication to be of any considerable extent?—I believe not.

That it has reference to mere matters of necessary form?—It has a reference to mere matters of necessary form; the Roman Catholics of Ireland are rather jealous of the power of the pope than otherwise.

Is it not the interest of the Roman Catholic church of Ireland to have as little to do with the pope as possible, and to connect themselves as much as possible with the established government, the government of the country?—I think it is.

Can you state whether, with respect to the power of the parish priest, as to confession and absolution, he does not consider himself bound to secrecy as to what may be communicated to him by the person so confessing?—I apprehend so.

Does not that even extend to evidence in a court of justice?—Certainly.

And to cases of treason?—To cases of treason; and the clergy of the established church, by the canons, are also enjoined to secrecy. I speak only of what the canons require of them. I allude to the 113th of the canons of 1616. I have heard the clergy justify the practice, by stating that persons cannot be prejudiced by their hearing of a crime having been committed, or of an intention to commit a crime; the only effect is, that they may prevent the intention being acted upon, or, knowing of a crime, endeavour to turn the heart of the person who had committed it.

Are you aware whether the pope derives any revenue from Ireland?—I really am not; but I never heard it surmised that he did.

Is the existence of the Roman Catholic religion in its present state in Ireland, of the slightest advantage to the pope in any way?—In point of feeling, he must be gratified by having so extensive a body as the Roman Catholics of Ireland in communion with the church of Rome.

But he derives no temporal advantage?—I apprehend not.

In stating, that in consequence of the diffusion of education, and the opening of the professions to Roman Catholics, considerable wealth has flown in upon them, and that they have expended that wealth much in the purchase of land; has it fallen in your way, in the high office you hold, to know whether any objection is made by Roman Catholics to investing their acquirements in land on Protestant titles?—Quite the contrary; the great object in making out title in Ireland, is to trace it to a patent from the crown, and most patents were consequent on forfeiture.

Are you to be understood, that the general mass of Catholics so purchasing, do now hold under Protestant titles?—Certainly.

Would the raising of the elective qualification materially diminish the influence of the priests over the voters at elections?—I think it would; and I think, in every view of it, it is a measure essential to the peace of Ireland.

Have the goodness to explain the manner in which that measure would operate?—I think it would operate beneficially in various views of it, as connected with political power, as connected with the subdividing of land, and as connected with the want of a respectable yeomanry in Ireland. It would operate usefully, in point of political power, because it would give extended effect in Ireland, to what I conceive to be a vital principle of the British constitution, that property and not numbers should constitute the basis of political ascendency in the

state. It would operate to prevent multiplied sub-divisions of land, by taking away from landlords the temptation to such divisions, which the hope of extending political influence creates; it would tend to encourage the growth of a respectable yeomanry in the country, in the same proportion, and upon the same principle; because landlords who wished to have political influence, and who could only have it through a respectable class of freeholders, would be induced to promote the existence of such a class.

To what sum would it be necessary to raise the elective qualification, in order to effect these objects?—I am rather disposed at present to speak with reference to the principle, than to give a standard for regulating it. My own notion is rather aristocratical upon the point; I should be disposed to carry it as high as 20*l.* a year. I have stated that in another place. I have since found, from conversing with many Irish members, that this was considered too high a qualification; that a 10*l.* qualification would be considered a more proper one to fix on. In my view of the subject, it is not so material to consider whether a person should have 10*l.* a year, or 20*l.* a year, as it is to consider the means of securing something like real independence; and if I could have a reasonable certainty, that the person who was to come forward and represent himself as a 10*l.* freeholder, or even perhaps a 5*l.* freeholder, had really an interest of that description, I should certainly say, that raising it to 5*l.* might be sufficient; but my fear is, from experience of the readiness of persons to swear to 40*s.* freeholds who have none, that you might find persons willing to swear to the extent of 5*l.*; but I do not think they would be barefaced enough to come forward and swear to 20*l.*, or even to 10*l.* To show why I think they may be thus willing, I would, with permission of your lordships, state some facts which have come to my knowledge. Part of my duty as chief remembrancer of Ireland is to attend to the accounts of the receivers in whose hands estates are placed by the court. Their accounts are passed before me. I have found various instances of arrears existing upon estates to a very considerable extent. In those instances, where it was stated to me that the arrears were occasioned by the land having been let at exorbitant rents, I have directed inquiries to be made, to see whether it would not be desirable to abate the rent, and to afford some relief with respect to the arrears. On those occasions I have had laid before me the affidavits of persons of character and of knowledge, to show me what the real value of the property was; and I have generally found that the property really was let at exorbitant rents, something worse than rack rents, and yet that the peo-

ple holding at those rents have been induced to swear to 40*s.* freeholds.

Your intention would be to extend this arrangement respecting freeholds to Protestants as well as Roman Catholics?—I would extend it to all, and if extended to all, coupled with the settlement of the Catholic Question, I think it would give very great permanent satisfaction.

What effect do you think it would have upon the Protestant interest?—I am satisfied that it would not weaken, but strengthen the Protestant interest in Ireland; and I assure your lordships, that if I did not think it would have that effect, if I thought it would go to disturb the Protestant settlement in Ireland, not one of your lordships would disapprove of it more heartily than I should. The Protestant church in Ireland is a great link in the chain which connects Great Britain and Ireland together; and with the security of that connexion, I am satisfied the interests of Ireland are essentially identified. Now it appears to me, that the present state of the law in Ireland is founded upon an erroneous principle, taken with reference only to the security of the establishment. By the act of 1793, a formidable species of political power, the elective franchise was given to the Roman Catholics, subject to so low a qualification as to vest it in the lowest orders. Capacity for another species of political power, that exercised through a seat in parliament, was at the same time withheld from those Roman Catholics who possess property and intelligence, and in whose exercise of power most confidence may be placed. Therefore the proposed measure would not, as it is said, give political power to the Roman Catholics; they have it; but it would change the nature of the power intrusted to them. It would take away the power of electing from numbers, and give the capacity of being elected to property. By doing so, it would take from the nominal freeholders of 40*s.* a year, who may be turned against their landlords, or against the Church or the State, the power of being mischievous, and would give the Roman Catholic gentleman the power of being useful; for in proportion as a Roman Catholic gentleman be relieved from his disabilities, he is rendered capable of being useful to the Government. The present disabilities are injurious, not to the Roman Catholics only, but to the State; they disable the State from availing itself of the services which the Roman Catholic gentry could render it. One of our great wants in Ireland, is that of a resident gentry proportioned to the population of the country; a want which must be felt particularly with reference to the purposes of government, as the State has not a gentry sufficiently extensive to enable it through that gentry so to in-

fluence the great mass of the people, as to rule by the force of general opinion. Then what is to be thought of a system of law which renders those of the limited gentry we have, who profess the religion of the mass of the people, so far as the purposes of government are considered, worse than useless. The present state of the elective franchise, when acted upon by religious feelings, is peculiarly dangerous in this, that it habituates the lower orders to repeated conflicts with their landlords, and to conflicts in which they triumph. It is only necessary to hint at the general moral effect of this, in order to shew how alarming it is.

Do you conceive, speaking as a Roman Catholic, if the elective franchise were restricted in the way you speak of, it would be received with thankfulness by Roman Catholics, coupled with what is called Roman Catholic Emancipation?—I think it would.

Have you any opinion how it would be received by the Protestants in the north of Ireland, particularly the Presbyterians? —I have an opinion upon that subject, in consequence of some conversations I have had within the last five days. I was examined to this point in another place, and some of the members for Ireland, who are from the north, have spoken to me upon it since, and spoken to me in a way which shewed they were disposed to take a favourable view of it.

What effect would the raising of the elective qualification produce upon the feelings of the persons disfranchised?—My belief is, that those people would have no feeling upon the subject, unless roused by the Roman Catholic leaders; and I do not think they would be so roused if the qualification were raised as part of a comprehensive settlement of the Catholic Question.

Are not those persons sometimes now placed in the most embarrassing situation, between the contending influence of their landlord and of the Catholic priest?—They are.

Would it be a relief to them to be no longer exposed to that embarrassment?—Certainly.

You have stated that the priests have on several occasions interfered of late in elections?—I have been so informed, and I believe the fact.

That has been in cases of contest between candidates, one of whom was supposed to be favourable to their claims, and the other adverse?—Certainly; into those contests only religious feelings run.

Would not religious feelings enter as much into other contests; would they not enter into contests between a Roman Catholic candidate and a Protestant candidate, after the altera-

tion suggested?—I think not; if the Catholic question were set at rest, I am persuaded that religion would no longer run into elections to any degree. Political or personal considerations would govern; I should vote for the Protestant or Catholic candidate without reference to his religion, according as I should be led by political principles or connexions.

May not the Committee infer, from the answer you have given, that as a Roman Catholic you consider the elective franchise granted to the Roman Catholics in the year 1793, in its operation, to have been a disadvantage, instead of what it was conceived at the time, a considerable boon?—It is an advantage to the Roman Catholics in the way of political power; I think it is a disadvantage to the State, as producing very great general evils.

To the persons themselves, who have exercised that power, has it not been an evil rather than a good?—It is an evil rather than a good where it produces the species of struggle to which I have adverted, where they are pulled in one way by religious feelings, and in another by the influence of the landlord; but otherwise I should not say, that as to them it was either a good or an evil.

Has it not increased the misery of their condition by encouraging a subdivision of land, and also their moral condition by encouraging perjury?—It has certainly most deeply injured them by encouraging perjury.

Was any feeling excited in Ireland by the rejection of the Bill proposed last year in favour of the English Roman Catholics?—I think there was; I think it tended very much to extend the Catholic Association. I was known myself to have warm feelings of attachment and gratitude to some persons who took a part hostile to that Bill, and I was taunted with that very much.

Do you conceive, that within the last few months the feelings of religious animosities have been increased or diminished?—I am sorry to say, that I think religious animosities have been on the increase.

To what cause do you attribute that increase?—To the struggle to which the Catholic Question gives rise, and in which Roman Catholics and a portion of the Protestants have been engaging from day to day with more and more eagerness.

Do you not think that a more intimate union subsists at present amongst all descriptions of Roman Catholics, both in England and Ireland, than at any former period you remember?—The English Roman Catholics used always to act as a separate body; they were considered as pursuing, in some measure, a separate policy. Now I think the English and Irish

Catholics seem incorporated. I myself, formerly, when at the bar, took rather an active part in the concerns of the English Catholics; since I have been in Ireland, I have not at all done so.

Do you not attribute that difference, with respect to the Roman Catholics in England, in some degree to the Catholic Association?—I do, and to what took place last year; I did perceive a degree of irritation in the body on my return to this country, which was not here when I left England.

You refer to the rejection of the Bill brought in by Lord Lansdowne?—Yes.

Have any measures occurred to you for the relief of the lower orders in Ireland?—None. Quieting Ireland I think is a measure that would relieve all orders and descriptions; in proportion as Ireland is quieted English capital will get into it; it is now getting into it, but not to the extent to which I think it would if we could only live in peace.

In what manner do you think the benefit, to which you have just referred, would be most easily and rapidly communicated to Ireland?—I speak under a bias on the particular question I have alluded to. My persuasion is, that while that question remains in the state it is, Ireland will be in a state of distraction; there will be a perpetual warfare between Protestants and Roman Catholics.

Do you not apprehend that the question of a State provision for the Catholic Clergy, and the question of raising the qualification, are necessarily intimately connected with the question of admitting them to the enjoyment of equal Civil privileges?—I do not think, regard being had to the feelings of the country, the one could be effected simply or apart from the other. I think each would assist the other; and the whole would, I hope, produce concord in the country.

Might not the reductionof the 40*s*. freeholders be accomplished, even separately from the other measures you have named?—The 40*s*. freeholders now give to the Roman Catholics a very considerable degree of political power. They would exchange, I think, the species of political power they have for another which I think would be more constitutional; but if, without giving them the power which property gives to others, they are told that they shall not have the power from numbers which they now have, I think a furious flame would be kindled in the country.

Would it not appear as the first step in a retrograde course?—I think it would touch so materially the power of the active men of the Roman Catholics of Ireland, as to induce them to raise a universal cry against it, which I have no doubt they

would succeed in doing. I have mentioned the subject myself, and the notion of it has been heard of with horror as a separate measure.

Would they not conceive, that by losing the 40*s*. freeholds as they now stand, unaccompanied by any other measure, they would lose the best security they now enjoy for the equal administration of justice?—The possession of political power is generally considered as the security which men possess for the due enjoyment of all their rights, an equal administration of justice among others. If you were to take away from the 40*s*. freeholders the right of voting, you would take away from the mass of the Roman Catholics of Ireland the great political power which they now possess; and in proportion you would render their civil rights insecure if you did not settle the great question.

Do they not conceive that the possession of those 40*s*. freeholds is one great hold of the present representatives of Ireland in Parliament?—I think they consider it as one great power in their hands of effecting their great object, a general settlement of the Catholic question; and I think that in the exercise of that franchise they could find men much more ready and much more willing, though calling themselves Protestants, to act for any extravagant objects they might have, than they could amongst Roman Catholics. I think I know Protestants who would be disposed to go much further than myself; they know that they may be suspected of insincerity, and in order to prove themselves sincere, may be disposed to go to lengths which others would not think of going.

In point of fact, you think that a great many of the representatives of Ireland hold their places, as it were, on condition of supporting the Roman Catholic propositions?—They hold as the representatives of Roman Catholics; they are elected by their suffrages, and those suffrages will not be given to people to enable them to go into Parliament, and then to vote for the exclusion of their constituents.

According to the tenets of the Roman Catholic church, they do conceive that it is the one church, that there is no other church; if that be so, can any conscientious Roman Catholic, maintaining that tenet, solemnly pledge himself to maintain a Protestant ecclesiastical establishment?—I think he might. Speaking as a Roman Catholic, having I hope a conscience, I should say I would. At present the law of Ireland requires every Roman Catholic, in order to qualify for enjoying the benefits of the Act of 1793, to swear that he will support the Protestant government, and that he will not countenance any design to subvert the Protestant establishment, for the purpose

of substituting a Catholic establishment in its stead; he also promises that he will not exercise any privilege to which he is or may become entitled, in order to disturb the Protestant establishment within the realm. I swear to support the civil rights given to the establishment by law. If I lived under the Grand Turk I should feel myself bound to support all the civil rights and revenues which the Turkish empire gave to the Turkish clergy. I am bound by the opinion of the state, and am not to exercise my own opinion upon the subject. There were formerly two different classes of Roman Catholics, Cisalpines and ultra Montaignes. The ultra Montaignes considered that, there being but one church, and the Pope being the head of that church, he might for the benefit of the church, which was to be considered as the first of all objects, interfere in civil matters. The Cisalpines always denied any such right in the church. The Cisalpine doctrine has prevailed at all times in England; the statute of provisors and præmunire prove this.

Have you the same opinion with respect to the Roman Catholic clergy, that they could conscientiously maintain a Protestant ecclesiastical establishment?—I think the Roman Catholic clergy would state, that they would not disturb the Protestant establishment; that they would not attempt to alter it through any political conspiracy or device.

Do you think that if a state provision were given to the Roman Catholic clergy, a better description of persons would be inclined to enter into that office than do now?—Persons of a higher order might probably come into it; but I think it just to say this, that I left Dublin this autumn, on a tour connected with the subject of education, under the impression that the second order of clergy in Ireland were of a lower description than I found them to be; both Mr. Grant, who travelled with me, and myself, received an impression certainly very favourable to them. I know most of the bishops, and they are very valuable men.

Do you consider that any grant from government, under the shape of regium donum, would be an addition to the value of the possessions of the clergy, or a substitute for others, which they are now grievously exacting from the lower orders?—I think it would be a substitute for others, and would give to the clergy a degree of independence which they have not now; it would leave them more at liberty to act on their own good dispositions and feelings. They are now, in the first place, acted upon by the passions of their flocks, and sometimes re-acting upon those passions, they increase and inflame them.

Have you had any opportunity of knowing whether good has arisen from the act for the composition of tithes?—I have

heard in several places of the tithe composition act having been carried into effect with great advantage to the country.

Do you apprehend that the carrying it generally into effect would remove the present hostility between the Protestant clergy and the Roman Catholic occupiers?—I do not think there is any great hostility between the Protestant clergy and the Catholic occupiers.

Do you think that the composition act could be amended or altered in any way, so as to come into more extended and advantageous operation?—Perhaps if the act should not come into general operation, a compulsory clause might be called for.

Do you think if it could be left to a good-will operation, it would be preferable?—I would much rather leave it to its present operation, which appears to me to be giving satisfaction, and to be extending that satisfaction every day.

Do you think that the better feeling established between a clergyman and his parishioners, by carrying into effect this composition act, will very much facilitate the arrangement of all subjects of difference between the Catholics and the Protestants? —Every thing which tends to produce a cause of content, tends to produce satisfaction.

Do you not think that this season of general peace, when Ireland is deriving great improvement and advantage from the prosperity from the other parts of the empire, is, of all others, the most convenient time for carrying into effect a general settlement of all subjects of difference between the two religions? —I think it is peculiarly favourable.

Should you not say, from your general knowledge of the world, and of persons of different opinions upon the Catholic question, that those opinions are verging to something like compromise, and that the question is considered more in a practical manner now than it ever has been at any former period?—I have had communications within the last few months in Ireland with several of the leading Protestants there, who have been adverse to the Roman Catholic claims, and I think they seem to be generally very anxious for a settlement of the subject, provided it could be settled on such principles as would afford them due security for that proprietorship ascendency which belongs to them; and of course for the permanence of the Protestan, establishment.

Is it not, as far as your knowledge goes, generally desired, by persons of both opinions, that some settlement should take place, and that things should no longer remain in the state in which they now are?—I think that is very strongly the general feeling. I do think, too, that the Roman Catholics at this mo-

ment are more disposed for a compromise than they were at any former period within my recollection.

What do you mean by a compromise ?—A settlement on such principles as I have ventured to throw out ; that of raising the qualification for the franchise, the payment of the clergy, and some limitation of office. I think an exclusion from some political offices would not materially touch their feelings ; that they would cheerfully submit to it, if the question could be settled in a way satisfactory to the Protestants. That the Roman Catholics are more desirous of having an amicable settlement than a triumph.

You mean that the Catholics are now disposed to give the Protestants substantial securities for the maintenance of the Protestant establishment, in lieu of that which alone the Protestants now possess in the Protestant oath ?—I think the Catholics are now disposed to give the Protestants substantial securities, instead of that which I consider not a source of security, but of danger.

Do you not think you have seen rather an increasing disposition in the Protestants to meet the Catholics in an arrangement of the matter ?—Very much.

Do you think it possible for the other sources of improvement, which are now opening to Ireland, to produce permanent effect, unless the great question between the two religions should be speedily and satisfactorily settled ?—I should think no more than healing a particular sore would go towards removing a cancer.

Do you think that the merely giving emancipation, unattended with other measures, would give permanent tranquillity ?—I think concession to the Catholics, coupled with raising the qualification for the exercise of the elective franchise, and a provision for the clergy, would make the mind of Ireland sound, and would enable the government, by measures of general detail, by a good system of diet as it were, to give to Ireland the benefit of all the natural advantages which she possesses ; but without such a settlement, the mind will continue in a state of disease, and that state of disease will perpetually shew itself in convulsions.

Do you think that any structure that can be possibly now raised for the benefit of Ireland, can be effectually permanent, unless what is called Catholic emancipation were made the foundation and corner stone ?—No more than a system formed to preserve general chastity could succeed under a general prohibition of matrimony. The only way of guarding against the rising ambition of the rising wealth and intelligence of the Roman Catholics, is by affording it the means of lawful gratification.

Die Mercurii, 9° Martii, 1825.

The LORD PRESIDENT in the Chair.

Daniel O'Connell, Esq. is called in, and Examined as follows* :

As you have had opportunities of observing the course of the administration of justice in those parts of Ireland with which you are acquainted, will you state to the Committee the result of those observations?—I have had opportunities of course in my profession of observing the administration of Justice in those provinces; it is hard for me within the limits of a short answer to speak of the result.

What is your opinion of the administration of justice in the higher courts?—I have an extremely high opinion of the administration of justice in our Court of King's Bench, as at present constituted; I believe it to be as well constituted a tribunal as can be formed, recollecting that we have fallible men to deal with; it is in short admirably well constituted. I am bound to answer the question, though it is unpleasant. Our Court of Chancery is not so well, indeed it gives no satisfaction at all; and the dissatisfaction is perhaps increased, because the present chancellor succeeded, after a short interval, the best judge I ever saw, I mean Lord Redesdale, who gave extreme satisfaction as a judge. I have no hesitation in saying he was the best judge I have seen during my experience.

Have you observed in the administration of justice in the superior courts, any disposition towards undue partiality?—In particular instances I have; but the apprehension of partiality is more occasioned by the kind of instruments that are used to bring jury questions to trial, than in the superior judges themselves; the city of Dublin is particularly constituted in that respect, especially in later times. There has been a great deal of party spirit; and no persons can now be sheriffs of Dublin that do not give a very unequivocal pledge, before their election, of taking a particular part in politics hostile to the Roman Catholics. Those gentlemen have the summoning of all juries, and the formation of all grand juries; and whatever may be the result in individual cases, it leaves a general impression upon the minds of the Roman Catholics, that their property, or, in cases of criminal offences, their lives and liberties are not secure. I know that that prevails to a very great extent; so that a Roman Catholic, the most cool and rational amongst them, and dispassionate as to parties, would rather submit to

* For the reasons before mentioned, in regard to Mr. Blake's evidence, the greatest part of Mr. O'Connell's evidence before the Committee of the House of Lords has been omitted.

great wrongs than attempt a trial in Dublin; and that, as I said before, originating with the species of persons who are sheriffs, and of the persons who are at the head of the special jury lists, for they place at the head of the special jury list the high corporators. An act of parliament that was proposed in the Lower House last sessions, would tend certainly, if carried into effect, to do away a great deal of that evil, in my judgment.

With the exceptions you have stated, have you, as a Roman Catholic barrister, any other ground of complaint against the superior courts in Ireland?—Not without entering into a consideration which I should wish to avoid, of individual appointments to the bench; the recent appointments have given great satisfaction. The effect of the present system is, that from the taxing grand juries, Catholics and liberal Protestants in Dublin are practically, though not legally excluded; practically against the law, I may say; and in all questions of property, the present system works infinitely beyond the opportunity of actual mischief in individual cases, by the kind of spirit of hostility and apprehension that such a system generates; and in all cases where political or religious feelings can be excited as to criminal matters, leaving the same impression upon the minds of the Roman Catholics.

Do you mean to say that any inequality in the administration of justice in the superior courts arises altogether from an inequality of natural talents and acquired knowledge in the different judges?—Certainly it does arise in part from the character of mind of each individual judge. In the Court of King's Bench, from what I have said already, every thing is done that any one can wish. I cannot say that of the Court of Common Pleas or the Exchequer; though there are individual judges in both, of whom I think highly, and whom I know to be well suited to their situations.

Have you any complaint against the administration of the superior courts at the assizes?—Upon the Munster circuit, which I have gone for a great number of years, very little. At present I find it more advantageous not to go the circuit; but I have gone for three or four and twenty years the Munster circuit, scarcely omitting a town. Difference of religion does not at all affect the administration of justice at the assizes in the county of Clare, and very little in the county of Limerick; and I think I should be warranted to say not at all in the county of Limerick; in the county of Kerry not at all; in the city of Cork very little; but it does, I think, to some extent in the county of Cork.

What is your opinion of the administration of justice in Ire-

land by individual magistrates?—My opinion upon that is certainly very unfavourable. It has been somewhat improved by the petty sessions; but even petty sessions themselves engender another species of abuse. The magistrates before the petty sessions were established had, as they have now, two separate jurisdictions; one was criminal and ministerial, the other was judicial; the criminal and ministerial related to the imprisonment for the purposes of trial or holding to bail of individuals; the judicial relates to the decision of tithe and other cases, and the infliction of pecuniary penalties for offences where the magistrate is judge and jury altogether under particular statutes. Now, with respect to the ministerial acts, the magistrates were very much in the habit of receiving written informations brought to them ready prepared, drawn up in general by some person who was sometimes a schoolmaster, and in general called a hedge-attorney, (that is, did not belong to the profession, but had the name), who put down the most violent terms that his knowledge of the law admitted; introduced felony and burglary into every case,—feloniously milking a cow, I recollect; and "feloniously digging potatoes." Then upon these informations the magistrates were in the habit of committing persons to gaol upon charges of felony, and they lay in gaol then until the ensuing assizes; sometimes three, four, five, and six months, and sometimes seven, between the Autumn assizes and the ensuing Spring assizes. Then, when the judges arrived, it turned out that the utmost the charge could be was a civil trespass, or some light misdemeanor; but the man had lain in gaol months. That was a thing of by no means unfrequent occurrence. They were also in the habit of turning almost all cases with respect to civil rights into criminal offences, and beginning by inflicting punishment, that is imprisonment; by sending an individual, who frequently was least in favour, for it came to that, to gaol.

Has not that practice been corrected by the appointment of petty sessions?—It has been diminished, and diminished to a considerable extent; but if the magistrates are disposed to act wrong, they protect each other, by their being two or three in petty sessions, more than they would be protected if they acted individually; so that some evils are created even in that way, the remedy being in my humble judgment to get a better class of magistrates.

Do not you think they are frequently a check upon each other?—In some instances; and in many they are, because three, or four, or five, of the magistrates cannot well come together, that there is not some gentleman of superior station and disposition amongst them; and when there is one such, he will

correct, or at least tend to correct the mischiefs of the others; so that I take the petty sessions to be, notwithstanding some abuses, a very great improvement.

Do you think there has been any one instance of misconduct so gross as that to which you have alluded in a former answer, on the part of single magistrates, since the petty sessions have been introduced?—I do not; I think in that respect the petty sessions are decidedly a great improvement.

Have they tended to give the population a more favourable opinion of the administration of the law?—They have; subject always to a qualification, that the system has so worked in Ireland, that the people conceive that almost every thing done is done as a matter of favour and not of right; and as they before solicited individual magistrates, and I believe used more powerful means than mere solicitation, they now endeavour to solicit the magistrates who are to hold the petty sessions; a kind of canvass takes place; for the impression upon the Irish peasant is, that unless he has what they call interest, he has no chance of success before any tribunal. The superior tribunals are not open at all to the Irish peasant; he cannot have money enough to go to law: the attorney may speculate in taking up his individual case, but a peasant himself cannot bring the law into action on his behalf at all, that is quite out of the question.

Those are all cases arising out of the state of society, both as to the rich and the poor, and not at all connected with religious differences?—I should not go to that extent; I may be mistaken, but I think the system itself is so interwoven with religious distinctions, and its present state so much, if not created, amalgamated with it, that it would be impossible for me to say that they are unconnected; they do not in very many individual instances operate as between Catholic and Protestant immediately, but they do in some, and part of the origin of the system is, in my opinion, the religious distinction.

Have not many magistrates been lately dismissed in consequence of their misconduct?—There has been lately what is called a revision of the magistracy. Many bad magistrates have been certainly excluded. In particular counties the exclusion ran more according to religion than misconduct; and in the county of Cork, almost every Catholic magistrate was struck out. I think, but I may be mistaken as to number, eighteen out of twenty-one.

Have not a great number been restored?—A great number have been restored; a great majority have since been restored.

On what ground do you conceive they were dismissed in the first instance?—Of course, representations to Lord Manners by

the persons in whom he had confidence in the county. He could not have any personal knowledge or personal feelings, as I conceive, upon the subject; he acted, in my opinion, upon the opinions of others, and who deceived him upon the subject.

Do you think there is at present a fair proportion of Roman Catholics in the commission of the peace in the counties with which you are acquainted?—I do not think there is. In the county of Cork there are some gentlemen who are not restored, and one in particular, who, I think, ought not ever to have been struck out, and ought to be restored. In Kerry every thing has been conducted with the utmost fairness as to the magistracy. I do not know it, but I believe it to be so, to a great extent, in the county of Limerick. In the county of Clare one very excellent Catholic magistrate was struck out, who has been since restored. I do not know the individuals of that county further than that, with respect to the subject matter of the question.

Generally speaking, in those counties, have the Catholics a fair share of the bench, in proportion to their property?—In Kerry they certainly have; and I would venture to say, that the Catholic magistrates are among the most useful magistrates. In Cork I do not think they have. I should think they have in Limerick, and also in later times in Clare.

Do you think the Roman Catholics in the part of Ireland to which you have adverted have any reason to complain of the conduct of the magistrates in point of partiality in the administration of justice?—The system has left just this impression upon their minds, that in all cases where they are before the magistrates, it would be better for them to be Protestants than Catholics; that they would prefer their being Protestants.

That is the general impression upon their minds?—That is the general impression upon their minds, produced by the result of the system infinitely more than by any individual misconduct in magistrates, but there are, of course, individual instances to create and continue that impression.

There is no qualification in point of property requisite for magistrates in Ireland?—Generally there is no qualification, as far as my limited knowledge of the law extends, for magistrates in Ireland; for the performance of particular functions of the magistracy there are qualifications.

Would it, in your opinion, be an improvement if some qualification of property were established, without which the office of magistrate could not be held?—Yes; I should think that certainly an improvement.

Do you think that there are persons holding the commission of

the peace in Ireland, who would not be able to produce any qualification which the legislature might think fit to require?—The impression upon my mind is, that there are still persons in the commission of the peace who could not qualify at all; I am quite sure there are many who could not truly qualify.

The question does not include corporate magistrates?—No; I do not refer to them, there is no question as to the insolvency of several of those.

You conjecture, that if they were disqualified from want of property, they would not be a very great loss to the country as magistrates?—A clear gain, in my opinion.

You do not include all in that?—I should be inclined to say, that almost all those that could not qualify should be struck out; I should be sorry to say all, for I might include persons that I ought not to include.

As far as your knowledge of Ireland goes, would it be difficult to find a sufficient number of gentlemen possessed of real landed property to act as magistrates, if the qualification of real property was required?—No; I think a sufficient number of magistrates would still be found. I think that it would be a positive improvement to diminish the number of magistrates in Ireland; that is the impression that is upon my mind from my experience.

Have you formed any judgment what extent of qualification would be desirable?—I should not venture to do that further than saying, that I think no man ought to be a magistrate who had not at least five hundred pounds a-year; but I speak from a very loose, and therefore on that account very unsatisfactory, consideration.

Do you think that there are districts in Ireland where you could not for a great extent find magistrates that would be able to produce such a qualification?—There are considerable districts; and wherever particular circumstances arose, the statute law should certainly leave the Chancellor an opportunity of making officers of the army magistrates, for their own protection, and the better to enable them to use the military force with that effect, and so suddenly as to suppress imminent danger. I do not therefore include, in speaking of qualification, officers in the army. In the course of my experience I never knew a complaint of an officer in the army who was a magistrate; on the contrary, the peasants would infinitely prefer going to him, rather than to several other magistrates, so far as I have seen.

Are there many clergymen in the magistracy?—There were a very great number; there are still very many. Before the

revision, clergymen, down to the poorest curate, were in general in the commission; a number of curates were struck out at the period of the revision.

Is it not necessary at present to have clergymen magistrates in some parts of Ireland, for want of proper people to act?—Certainly it is; the rectors of the established church are generally gentlemen of education, and constitute, as a portion of the magistracy, in individual instances, a most respectable and befitting class.

You have already mentioned, in answer to a question, that you think there are several large tracts of country which could not afford a magistrate, according to the qualification you have just specified; how do you think that that deficiency could be supplied?—Though I stated the fact, I think that, supposing the absence of those magistrates to be the result, it would not be worse than any evil that would exist from their not being on the spot; the only evil that would result from their absence would be, the travelling a little further, to look for a respectable magistrate; and it seems to me it would be better to give an Irish peasant the trouble of another half day's, or even day's journey, than to put an improper magistrate in his immediate neighbourhood.

Will you state your opinion as to the mode in which the jurisdiction in the case of tithe is exercised in ecclesiastical and other courts?—It can be exercised in ecclesiastical courts only, and by the magistrates, except in cases of contract. Unless there be a bargain for the tithes, they cannot sue in the courts of law for them; in courts of equity they can sue for them by bill. There are therefore remaining the two jurisdictions for tithes, namely, the ecclesiastical courts and courts of equity. The ecclesiastical courts are considered, and I believe them to be, an extreme grievance in that respect. The expense of a citation is eighteen shillings; the tithes may be but five, or ten, or fifteen shillings. Frequent adjournments take place; and the ecclesiastical courts are situated in one point of an extensive country; peasants have frequently to travel 25 and 30 miles, and to go back again with the case untried; then, when it comes to be tried, there is no great confidence in the decision—none at all. Proverbs are applied to it that are very expressive; and, in short, there is no notion amongst the peasantry of obtaining justice. The tithe valuator is a man very little esteemed by the people in general; his oath is almost conclusive; and the practice, therefore, of levying tithes through the ecclesiastical court is very much complained of. There is a double application of expense; for when the ecclesiastical court has pronounced its decree, it issues a sentence, denominated a

monition, that in itself is inoperative, and is carried into effect only by a civil bill process to the sessions court, where the production of the monition is made conclusive evidence; but then the expense first of a monition is incurred, and afterwards the expense of a civil bill decree to carry it into effect; and thus frequently five or six times the amount of the subject matter of dispute is accumulated in costs, exclusive of the expense of attending the tribunals.

Are you acquainted with the administration of justice by the magistrates of corporate towns?—It is extremely complained of in both civil and criminal matters; they have civil jurisdictions, called courts of conscience, that set at defiance certainly every notion of conscience; they are considered as the worst receptacles of perjury; they are very much complained of, and I believe most justly complained of. The magistrates in corporate towns derive very considerable emolument from that miserable species of litigation, and wherever men derive emolument from it, it is not to be expected that they will discourage it, and the natural results are understood to have followed from the system in Ireland.

What is the limitation of causes in the courts of conscience?—In the different corporations they are different; 40*s.* and 5*l.* are the usual limitations in those courts.

Have the magistrates no other jurisdiction?—They have, as magistrates, criminal jurisdictions; they have all the functions of magistracy to perform in the criminal jurisdiction; and in the corporate towns there are many complaints of their proceedings, and a good deal of apprehension and complaint with respect to differences of religion.

Does it not often happen that persons who are ex-officio magistrates in the corporate towns get also the commission of the peace for the adjoining counties?—That is the fact; but I have known most outrageous instances of misconduct in corporate magistrates. In the town of Tralee there was a person, a provost there, who was understood to have a regular scale of money, for which he bailed any offence whatsoever. There is, I believe, a jurisdiction lately given to the Chancellor over such magistrates. There was a criminal information filed against this gentleman in the court of King's Bench. He had been five or six years, or more, in the office of provost in the town, committing every species of nuisance in that way; bailing most improperly; at the rate of ten guineas for a capital felony of an atrocious kind, five for a minor offence.

Are the magistrates of corporate towns removable by any process but a criminal information?—They are certainly not removable by any process but that which arises out of the King's

Bench, if ever you can reach them where they have been properly elected; the criminal information is for punishment, not for removal.

Supposing a person to have been found guilty on a criminal information, would he still remain a magistrate?—Yes, in a corporate town he would; it would not create a disqualification.

Is he not subject to removal by the Lord Lieutenant after his election?—In general, by the new rules and regulations, the previous approval of the Lord Lieutenant is necessary to the appointment.

So that if he is elected the following year he must come before the Lord Lieutenant?—He must, in the towns subject to the new rules and regulations; there are about thirty-two regulated by them. The corporation of Tralee is a close body, and as the provost is not within those new rules and regulations at all, the consequence is, that the individual I have alluded to was not subject at all to the Lord Lieutenant and the Privy Council.

Of what date are those rules and regulations?—They were attached to the statute of 17th and 18th Charles II.; they were made between 1666 and 1672, or thereabout.

Do you know what proportion of the corporate towns in Ireland are subject to those rules?—Their number is thirty-two: I know that all the large corporations in Ireland are subject to them.

Do you know, in point of fact, whether magistrates in the towns so circumstanced have frequently been rejected by the Lord Lieutenant and Council?—In point of fact, very seldom; they interfered, very properly, in a case at Limerick, where a person was to be re-elected recorder, who had incurred the censure of one of the houses of legislature.

Do you know what is the number of corporations to which those rules do not apply?—No; but the number must be considerable. A number of corporations were created in Ireland in the reign of James I., and close boroughs, for the purpose of increasing the power of the Crown in the House of Commons; and those close boroughs there was no occasion to regulate by the new rules, for they were rules that could not have borne at all upon them; and the object of the new rules and regulations was to give to the royalists an advantage over the persons who had acquired property and influence in the towns during the usurpation.

Generally speaking, have not the Roman Catholics of Ireland greater reason to complain of the administration of justice in corporate towns than elsewhere?—Certainly; much greater in corporate towns than elsewhere. The superior judges, very

many of them, are unexceptionable personages; they do not at all sanction any maleadministration of justice; as far as their authority and influence can go, the Catholics have nothing at all to complain of.

But in corporate towns you think they have?—In corporate towns they certainly complain, and I think have reason to complain.

By the existing laws, are Roman Catholics admissible to corporations in Ireland?—In all the great corporations regulated by the new rules and regulations they are not admissible to any thing but the mere function of being freemen; they cannot be mayors or sheriffs, or sub-sheriffs, or aldermen, or common councilmen, or masters or wardens of any particular guild; they can hold nothing in those corporations beyond the mere enjoyment of the franchise of being freemen, and in point of practice they have been in some of the corporations disappointed even of that.

Have they been frequently disappointed of that franchise to which they are entitled?—Yes; for the last thirty-two years Catholics have been admissible to the freedom of the city of Dublin, and though there is a great degree of wealth in the hands of Catholics in Dublin, there is not one instance of a Catholic having obtained his freedom; they have been as much excluded as if the law had not been repealed.

Has any considerable portion of that mercantile capital been applied to the purchase of land?—A great deal of it; a Catholic merchant is always anxious to purchase land.

Does not commercial capital in general find its way more quickly in Ireland into investments in land than in this and in other countries?—Certainly much more quickly in Ireland; it being a less commercial country, and the respect that is paid to landed proprietors, being greater, tends naturally to that effect, and has that effect. And again, it is only recently that the Catholics have much purchased into the funds; the system acts with a kind of revulsion as to every thing connected with the government; and they have been desirous therefore of laying out their capital on land as much as possible.

Have they latterly increased their investments in the funds?—They have.

Is there any difference in the value of lands which have ever been forfeited from that of lands which have not?—I think there is a difference practically, though not marked, in such lands; I think lands that have been forfeited, and especially the recent forfeitures of the usurpation, and of the revolution, bear a higher price; in practice we consider them, as lawyers, as better titles, as more marketable, than lands that were for-

feited at a remoter period; the patent is found at once, and that, and the act of settlement, makes a complete title at the period; we have then only to deduce the searches from that period to this; there is therefore a great facility, in my experience, and greater readiness, arising from that clearness of title, in purchasing. There is scarcely any land in Ireland that has not been forfeited at one time or other; indeed I believe almost all Ireland has been forfeited four or five times over.

Did you ever know an instance in which land bore a less price in the market, in consequence of the simple circumstance of its having been a forfeiture?—I never knew it, nor heard of it, except one individual, whom I may name for this purpose; Lord Norbury has made that a ground of objection, to cheapen it, but he never omitted to make the purchase.

Will you state your opinion of the manor courts?—The manor courts are extremely bad; it is hardly possible to convey to the committee an idea of such a grievance as the manor courts are: in general the senechal is a very obscure person: he holds his court in a whiskey-house; the jury that are sworn must have a certain quantity of whiskey before they will go together. I speak from information upon this subject of which I have no doubt; and I have heard of an instance in which they decided for a person merely because he gave them more whiskey than the other. In short, it is impossible, according to my idea, to have any thing worse than the manor courts.

Though it is a trial by jury?—Though it is a trial by jury.

What sort of cases may come before them?—The jurisdiction they exercise on summary proceedings is to forty shillings or five pounds; but in most of those manor courts they commence by issuing what is called a distingras; and there the jurisdiction may be unlimited, if the patents creating those courts have not been preserved; the evidence of their jurisdiction is evidence of usage; and the greater and more lengthened continuation of the abuse, the more strong is the evidence, and the legal right to continue that abuse. There are no functions to be performed by the manor courts in Ireland such as those in England: we have no copyhold tenures; there are not above three or four in all Ireland; and such courts therefore exist for no other purpose than this miserable litigation. I take it they are an unmixed and unmitigated evil.

Are you not aware there is an Act of Parliament which requires the Lord of the manor to have a copy of his patent in the hands of the clerk of the peace in the county?—I am.

And that unless such copy is in the hands of the clerk of the peace no writ or process from that manor court is available?—I am not aware of that: it will be reserved upon appeal; but

that would not be a void execution, so as to protect, what I believe do occur, homicides in the execution of their decrees. The decrees are to be executed by the parties themselves, who have obtained frequently that decree improperly: they are resisted, and lives are lost.

Are those manor courts of any use?—In my humble judgment of not the least use. I have heard that on the Duke of Devonshire's estate there has been some reform; but taking it as a general principle, my opinion is, that they are not of the least utility whatever.

And that they might be safely abolished?—My judgment is, that not only they might be abolished with the greatest safety, but that it would be doing a great and substantial benefit to get rid of them altogether.

In the event of the abolition of manor courts, do you not think it would be necessary to supply some other means for the recovery of small debts to the poor within certain distances?—My own judgment is very much against those inferior courts. I may be very much mistaken in it, but I think I have formed my judgment to this extent, that it would be of use to abolish the inferior courts altogether; for that there ought not to be credit given for small sums, and that the giving a process to recover small sums is a greater evil than any that would result from having no tribunal to recover them. No man of the lower classes, or even of the upper, would give credit but to a man of character; it would have a tendency to increase the value of character. The lower classes would be precluded from going into debt, a habit which I take to be quite ruinous to the poorer classes.

Have you any means of forming a judgment as to the relative landed property of Protestants and Roman Catholics in Ireland, either generally or in any particular district?—The proportion is very greatly superior of Protestant to Roman Catholic landed property in Ireland, I mean of estates in fee. I should suppose that the Roman Catholics do not hold above one tenth perhaps of the fee simple; the derivative interests are considerable in the hands of the Roman Catholics. I could not give so loose an answer or so loose a calculation as I must give, as to what the proportion of derivative interests is up to the period of 1778. For a greater portion of a century, Catholics could not acquire landed property; they have been acquiring it, considering their means, I think so rapidly since, that the rapidity is now I think increasing very much, and will, under the present system, continue to increase, except that some wealthy persons are talking, and I believe intending, if there is not a change, to take their property out of Ireland, and settle elsewhere; I

know two instances of wealthy Catholics so intending if the present system continues. I cannot come closer on the calculation than that. In some counties, the Catholic property has the preponderance; in my own county of Kerry, the estate of the Earl of Kenmare constitutes such a portion of the county, that I should suppose he and other Catholics are in possession of one half of the county. I may be mistaken about that, and probably am.

The relative proportion has been stated as low, in point of comparison with respect to Catholics, as one in fifty?—Perhaps, upon reflection, I should think one in ten too high for the Catholics, and that one in twenty would be nearer; and when I give this answer, giving evidence as I do, as far as my judgment goes, it must demonstrate how loose the guess is.

Are you not convinced, from your own knowledge, that one in fifty is taking it much too low?—I am quite convinced of that.

Can you state whether, in instances of large property in the South of Ireland, which have been sold in lots in the course of the last twenty years, the larger proportion has been purchased by Catholics, or by Protestants?—In some instances, as in the county of Waterford, the largest proportion, I have reason to think, was purchased by Catholics. Considerable lots have been purchased in the county of Tipperary; many lots of the Courtenay estates in the county of Limerick have been purchased by Catholics; lately, in the Llandaff estate, I closed a purchase, a few days before I left Dublin, to the extent of 43,000*l.* for a Catholic gentleman.

What description of persons have made those purchases?—Country gentlemen, and mercantile men; mercantile men have purchased to a very considerable extent.

Do you apprehend that many of those who have purchased are likely to reside, and become resident gentlemen?—Yes; almost all the Catholics intend to reside. The effect of the present system of the union is, in my judgment, to increase very much the relative proportion of the Catholics resident, for every thing draws off the Protestants; the legislature, every kind of connexion with the legislature, the highest situations in the army, every appointment in the colonies, tends to draw off the Protestant population, of the best classes; and the want of these advantages leaves the Roman Catholics in the country; so that the relative proportion of resident Catholics is manifestly on the increase.

Is there not a very large proportion of money lent on mortgages in Ireland by Catholics?—A very considerable proportion of it lent by Catholics and Catholic Institutions, such as

convents, and things of that description; they have lent their money generally on mortgage; latterly there has been more attention turned towards lending it in the funds.

There is a great deal of Catholic money lent on mortgages in Ireland?—Mortgages and judgments; judgments have been considered, until lately, as of nearly equal value with mortgages; but a recent decision on the registry acts has very much shaken the value of them.

In what case?—It was thrown out by Lord Redesdale in a case which has been since adopted by Lord Manners against the opinion of the Court of Exchequer, but having been thus adopted, it is considered as affecting the security of judgments. The decision was, that an unregistered deed is valid as against a judgment, what is familiarly called a pocket deed.

Have you had any means of calculating what proportion the commercial property in the hands of Catholics bears to the commercial property in the hands of Protestants?—No, I have not. I have formed an opinion that the commercial wealth of the Catholics in Dublin is greater than that of the Protestants. In Belfast the great proportion of the wealth is in the hands of dissenters. All Protestant dissenters are emancipated in Ireland; all Protestants are on a perfect equality there.

Do you know the circumstances connected with the conduct of Mr. Neylan, a priest?—The Rev. Mr. Neylan, a Catholic priest, is a magistrate of the county of Kerry; he has been always very active in suppressing any species of disturbance, and his residence in the country became quite unsafe. He was obliged to barricade his windows, and make a garrison of his house, and have arms in it, exactly as the gentry in the disturbed districts were; and ultimately to take refuge in the town of Tralee.

Are there any other instances of Roman Catholic priests being magistrates?—I never heard but this. He is a very wealthy man; he has heritable property, and has accumulated his savings in the funds.

Should you think it desirable, on general grounds, that Roman Catholic priests should fill that situation?—No, I should think it better they should not; I should be sorry to see them filling it; they have abundant duties to perform without it; and it is totally unnecessary to put them into it. I think the advantage which the government could so well derive from their influence would be diminished by making them magistrates.

Does your general idea with respect to the Protestant clergy extend in the same line as you have mentioned with respect to the Roman Catholic?—No; the Protestant clergy are of an higher class, and are more educated for society; their education is there-

fore what one would call of a superior class, and they have more leisure; so that where party spirit did not prevail, in general it would be advisable to have the Protestant rector a magistrate. In detail, however, I must say, that evils are found from making them magistrates; but if either were to be, I should prefer them. My idea is quite general, from the notion I have formed of the clergy of the establishment.

Die Veneris, 11° *Martii*, 1825.

THE LORD PRESIDENT, IN THE CHAIR.

Daniel O'Connell, Esquire, is called in, and further Examined, as follows:

In what manner, and to what degree, does remaining civil disability upon the Roman Catholics, affect the peace and prosperity of Ireland?—It prevents the due administration of justice; it creates, in my judgment, actual injustice in the administration of the law; it renders, in the opinion of the Roman Catholics of Ireland, life and property less secure than those of their Protestants fellow-subjects; it gives a perpetual superiority, accompanied naturally by triumph, and even insolence, to the ruling party, which becomes more marked and severe as it descends among the inferior grades of society, and is of course mitigated in the superior classes by education and better feelings. It works, I think, actual injustice by its exclusions; for to my certain knowledge the Roman Catholics of Ireland are as sincerely attached to the succession of the crown in the present Royal Family, and to the principles of the constitution, and to the connexion with Great Britain, as any Protestants possibly can be; and the exclusion of persons with those feelings and opinions, which are matured into a sense of duty, leaves upon our minds a perpetual notion of injustice. In the detail of the administration of the law by magistrates, there occurs from the system, pretty general prevalence of advantage to the Protestant over the Catholic, so that no matter how poor or humble a Protestant is, he has a decided superiority in opinion, and I think in fact over the Catholics; and the result of the entire is to create an indisposition towards the government, a notion that they are ruled by power, and not by law; a separation of the country into two classes, so that they do not consider themselves as king's subjects, as it were; and then every local grievance, and every thing that in the state of society tends to create disturbance, is aggravated by the spirit that is thus generated. And although the disturbances in Ireland

should not be traced to the penal laws by any means, but have wider and more general causes creating them, they are aggravated, and they have something of a tendency to perpetuity given to them, by the existence of what we call the penal code.

If you consider the disturbances in any considerable degree to be connected with the difference of religion, how do you account for this circumstance, that in the province of Ulster, where religious animosities unfortunately prevail to the greatest degree, there has been for the last twenty-five years no occasion to put in force the Insurrection Act; whereas it has been repeatedly in force in the counties of Clare, Limerick, Cork, and a part of Kerry, besides other counties in the centre and south of Ireland, in some of which little religious animosity comparatively exists?—There was within the last twenty-five years, in the north, one attempt at open rebellion, connected with the affair of the unfortunate Mr. Emmett, at the head of which attempt was a Mr. Russell, who, as I recollect, was executed for it; they were both Protestants; that was in the year 1803. There have been in the north White-Boy outrages of a horrible nature, such as burning the lodge called the Wild-Goose Lodge, with some of the inhabitants in it. My opinion, derived from information, is, that with respect to the government and security of the State, the Catholics in the north are in a much more dangerous situation, and have been, than the Catholics in the south. There is in the north, and has been, a perpetually organised force of yeomanry, mostly Orangemen, ready of course, at any moment, to meet any particular act of insubordination or insurrection; and giving, therefore, a more constant opposing force to particular acts of outrage. The consequence has been, that the discontent, instead of exposing itself in crimes of what I would call a driftless nature (that is, horrible crimes, which by their very perpetration lose all further effect except by intimidation), the Catholics in the north, who originally were organized into defenders to oppose the original formation of the orangemen, have since, to a very considerable extent, according to my information, organised themselves into a society called Ribbonmen. I believe that, from information, to prevail to a very considerable extent; that organization, which, from the information I have, was, and still continues to a certain extent to be in its nature extremely formidable, has enabled, within the last year or two, the individuals connected with it to hold their open processions as well as the Orangemen; and if a foreign enemy were to send them assistance, they would be, in my judgment (at least until lately, for we have endeavoured as much as possible to check that ribbonism), they would have been quite ready to join a foreign enemy; so that although there was no breaking out into open outrages, I am perfectly convinced that

the spirit of religious hostility is infinitely more embittered, and I would say more dangerous, in the north than in the south. It is upon that account that I spoke of the effect of the penal laws being general throughout Ireland. That ribbon system extended itself into the Leinster provinces; it was extending itself into Tipperary. I obtained information from a Catholic clergyman of it, which I immediately transmitted to the Irish Attorney-General; and between the measures taken by government (I believe some of which I suggested, such as exhibiting, without making any public parade of it, a great force in the neighbourhood in which the ribbonism was spreading into Tipperary), and the exertions of the Catholic clergy and laity, it was stopped from spreading there. It is threatening a good deal in the county of Dublin, in the southern parts of it towards Wicklow; but efforts have been made to stop its progress. There is an oath of secrecy: there is an oath or declaration of being of the Catholic Religion; so that it is an exclusive society, and its designs are certainly perfectly hostile. It has its origin and continuance, I am entirely convinced, in the law, which creates the religious distinctions. From my information, upon which I entertain no doubt, there is scarcely any body connected with the ribbonism of the better class of society.

If there are no persons of the better class connected with the Ribbon Association, in what manner would the removal of disabilities which affect directly only the better class, contribute to the repression of those outrages?—It affects the lower classes of the towns and cities, and affects the working tradesmen, by shutting them out of offices in the guilds and corporations; and that among the industrious class, who have more intelligence in general, and are greater politicians than the country people. And thus it brings within the direct scope of the penal laws the working tradesmen, manufacturers, and artisans of the cities and towns.

Are they positively excluded by the penal laws from becoming members of the guilds?—Not from their being freemen, but they are from all offices, as master and warden of any of the guilds, or from being master, warden, sheriff, sub-sheriff, aldermen, and common-councilmen, and all offices in the guilds, as well as in the general corporations; that is limited, to be sure, to the corporations governed by the new rules and regulations, which however include all the large towns and cities in Ireland.

How does that affect the lower classes living in the country?—The lower classes living in the country are not affected directly by the penal laws, but indirectly, to a very great extent. The resident Catholic gentry, being shut out from parliament and the higher offices, lose that patronage which they would naturally

have connected with the government, enabling them to place in the lower situations the deserving peasantry of their neighbourhood. The accumulation of church rates latterly, especially, is attributed in a very considerable degree by the peasantry to the existing penal laws. Since the Union there have been two or three statutes passed, that enabled the clergy of the established church, without any reference to the wish of the parishioners, to build churches where there are no Protestant inhabitants; and the constant superiority, and the insolence, which I spoke of as belonging to the lower classes of persons that are thus rendered superior, all affect the minds of the peasantry; and then any thing political, that gets connected with religion, is apt to go even beyond the truth and necessity of the case. That these mingled together, to my knowledge, have produced that indisposition upon the minds of the lower classes of peasantry, which I have described, or attempted to describe, in my former answer.

Would not the admissibility of the higher class of the Roman Catholics, both to those offices from which they are now excluded by law, and to other offices from which they are excluded by the particular rules and practice of particular corporations, both dispose and enable them to exercise a more efficient and constant influence over the lower order of their own persuasion, in the repression of outrage, and the maintenance of the peace of the country?—There are influences both ways as to that. Perhaps Roman Catholic gentlemen have, and I sometimes think they have, more influence by reason of the disabilities over the lower orders; because, combining the sentiments of mutual exclusion gives them what I would deem an improper influence, more extensive, perhaps, than any direct and proper influence would be; and amongst the educated classes of Catholics there is at present a very great disposition, and has been, to assist the government; of course when you brought individual interest to run in the same channel with that disposition, it would increase it. The moment that we became actual subjects, all particular interest would be done away in the general one of supporting the State, and consolidating the entire system of government.

Can they, in their present state of exclusion, act as efficiently as a medium of communication between the lower orders and the government, with respect to real or supposed grievances, as they would if those disabilities were removed?—No, certainly not. In the present state of a Catholic gentleman, if he take that part which every gentleman feels it to be his duty to do, in repressing disturbances, he is instantly linked in the class of the enemies, and they hate him as much as they do any one else; and therefore their legitimate influence, as organs between them and government, is certainly very much diminished by the present state

of the law, and the consequent hostile feelings. I should think there never was a period when it would be so easy to subdue that feeling altogether, and to create a better one, than just now.

Why do you suppose that this period is so particularly favourable to an alteration of the law?—The measures which have been taken, and of which of course I am inclined to speak favourably, having taken an active part in them myself; the committee will therefore receive my answer with the species of abatement and allowance which an interested person always receives. We have brought the people to a great connexion now with the gentry; we have combined the clergy with the gentry and the people; the consequence, without arrogating more of the present tranquillity than we ought to ourselves, certainly is, that there is universal tranquillity at this moment; and acting thus together, and the disposition of the clergy of every class and the gentry being most sincerely to consolidate the interests of the people with that of the government, I am convinced, that at this moment it can be done with more effect and general satisfaction than at any time that has come within my knowledge, up to this. At any former period there would have been something of triumph, and perhaps I may say insolent victory, on our parts; I do not think there would be the least at present. In that of course, I beg to say, the committee will perceive my interests run with my opinions, but that is my conscientious opinion.

Are you of opinion that the Roman Catholics of Ireland, so united as you have described them to be, are at the present moment more disposed to go considerable lengths, for the purpose of coming to a fair and equitable arrangement with the Protestants, than they have been at any former period?—I am quite sure of it; and if I may be permitted to say, I believe I possess a good deal of influence myself; and I certainly came to England with a notion, that many, and even high names, that have opposed the equalization of civil rights, gave as reasons (I hope I shall be pardoned for expressing my opinion,) what I would call, without any reserve, pretexts. From what I have seen in England, I am convinced I was in error; I have no doubt in my mind upon that; and the circumstances which now lead me to the firm belief, that those were honourable and conscientious objections, are very likely to make the same impression upon the people of Ireland; and I certainly, whatever may be the event of the present prospects of the Catholics, must for the rest of my life, having arrived at that conviction, speak of it, and treat of it with the Catholics, in public and in private, as my conviction; as far as my influence goes, therefore, I will extend that sentiment, and the reasons that convince me, will be likely to convince many other Catholics.

In what manner would you propose to remove those objections on the part of the opponents of Catholic Emancipation which you believe to be honourable and conscientious?—By their inquiring minutely into the facts on which they at present rest their opinions; by their inquiring of Catholics, who are, like myself, conscientiously convinced of the truth of the Catholic religion; making, as I before said, a kind of rebate for any particular political position; consulting the Catholic prelates upon their oaths; inquiring into our habits, political and religious; and I am quite convinced, that that being done, in the spirit, in which, if it be done at all, I am sure it will, those persons would either arrive at the conclusion, that their opinions were grounded on facts that did not support the opinions, or would, on the other hand, arrive at a certainty of facts, which, if they existed against us, would confirm them in their present opinions; and I do declare, that if we were excluded in that way by facts against us, my own anxieties on the subject would be at an end, and I would submit to the justice of such an exclusion.

What are the facts upon which the conscientious opponents of the claims of further privileges to the Catholics rest, and upon which you think, if better informed, they would withdraw their opposition?—We understand that some extremely high names, and there cannot be higher possibly than some of them, rest their opposition on the danger of the reassumption of the forfeited estates. There were opinions published of persons of rank and weight, that the Catholics, if admitted to the administration of justice, would not do equal justice to Protestants as well as Catholics—opinions that Catholics looked for the establishment of their church in the room of the present established church; that they looked for a transfer of the ecclesiastical property; that they looked for the means of oppressing the Protestants of Ireland, and obtaining a Catholic ascendancy in the room of the Protestants. These appear to me, from my present recollection, to be the facts upon which it seems that there is a conscientious objection to the admission of the Catholics; and I should wish to say, that if they were founded, or any of them founded, I should certainly admit them to be most valid objections to Catholic Emancipation. I know that there is not the least danger of the reassumption of forfeited estates. The forfeited estates are of two natures: estates which belonged to the church when it was a Roman Catholic Church, and estates which belonged to individuals who were Catholics, and who forfeited. Now I know that in practice the more recent forfeitures, which would be of course the most exposed to danger of re-assumption, are considered now the best titles to be purchased by Catholics. I know that there is an impossibility at present in tracing out the persons who,

if there were a re-assumption, would have what would be considered legitimate title to those forfeited estates, even the most recent, or so great a difficulty as to amount in any one case in my judgment to an impossibility; but take three, or four, or five cases, I would venture to assert, and I do assert it to amount to an impossibility. The forfeited estates are now constituted the properties of the Roman Catholics. I do not know a Roman Catholic who ever purchased any thing but a portion of a forfeited estate, forfeited either by the church or by private individuals; so that I can state with confidence to the Committee, that all the estates the Catholics have purchased since 1778 have been forfeited estates. Then the Catholics have a number of leases for lives renewable for ever, and leases of lives and valuable terms of years; all that I know, and I believe the proposition may be stated universally, are upon forfeited estates. Of course, if there was a re-assumption, the Catholics would lose those. In my own individual instance, if I may be permitted to say it, I have but one small property that was not forfeited; the rest, which although comparatively trivial, is of course of great importance to me, is either forfeited by individuals, or forfeited by the church, for I have both. The property I allude to as forfeited by the church belonged to the priory of the canons regular of Saint Austin, in the barony of Iveragh; the parish which is still called the Priory Parish. The word forfeiture certainly is not an applicable term, but the term of re-assumption would apply to both; it was a confiscation. All the property of both of my brothers, and they are each of them quite independent, is forfeited estates, if I may use the expression, of one or the other kind; for my youngest brother, before I came here, completed a purchase of a fee simple estate of about 700*l.* a-year, that was forfeited by a Colonel Roger M'Killigut at the Usurpation; it appearing by the patent of the person who passed the patent of the family of Morris, that it had been so forfeited, stiled in the Book of Distributions an Irish Papist. My other brother has one estate that produces him 1000*l.* a-year at present, and being set on determinable leases, the reversion is very valuable. That was the estate of the Abbey of O'Dorney, called in the ancient records the Abbey of Kyrie Elison; it was a mitred abbacy, and the abbot was a lord of Parliament. I mention these individual instances to shew that the Catholic gentry are all interested in maintaining the present system of property; that the Catholic farmers are all interested in maintaining the present state of property that is derived under the Acts of Settlement, and those patents; and I would venture to assert, that there is nothing that would be so likely to create a civil war in Ireland among the Roman Catholics, as any attempt to alter the Acts of Settlement,

or look for the old heirs or successors to those properties; all the intelligence of the Catholics of the country, all its moral vigour, would certainly take as strong a part as prudence and conscience permitted them, to oppose such an alteration.

You state that it would be totally impossible to trace any persons who were entitled to landed property among the laity; what objection would there be to the church setting forward her old rights; the church having a perpetual succession, and perpetual descent, and claiming the abbey and church lands, which have been forfeited?—That the Catholics would resist that precisely as much as any others would. An immense number of Catholics on the estate of the Earl of Limerick would, to my knowledge, resist it most strenuously.

You do not conceive that there would be any danger of the Roman Catholic Church reclaiming those lands, the church having perpetual succession?—To my knowledge, not the least; and no Protestant would resist it more strenuously, to the loss of life, than the Catholics would. We know that in point of religion the title is now gone out of the church, and could not be reassumed without the law of Ireland giving it again to the church; and the making of that law we would resist, feeling, as conscientious Catholics, that the land is ours.

The second branch of the objection was on the ground of the Catholics looking to the re-establishment of the Catholic Church in room of the Protestant Church?—I know, from my own knowledge, having been conversant for twenty-one years with those who have taken an active part for Catholic Emancipation; having heard them, not only in public, where sentiments may be feigned, but in private, in the privacy of domestic and gentlemanly intercourse, where no sentiment would be concealed, for there would be no motive to conceal it; I can state, under the solemn sanction under which I am speaking, that I never heard one sentiment from Catholic laymen or clergymen upon that subject, but of decided hostility to any such measure; and, that the Catholics would accept of Emancipation with the same gratitude that they would take it without the provision which I am going now to state, coupled with a proviso, that it should be utterly void, and that the entire penal code should be re-enacted the moment any such claim to the transfer of church property from the Protestant church to the Catholic was made by any considerable portion of the Catholic people; we would most readily make that the charter or condition enacted by the Protestant Parliament, of the equalization of our civil rights, and restore the entire penal code whenever any thing of that kind was proposed. Being bound to answer the question, we are convinced, that for particular purposes, the wealth of the clergy is not desirable; and, as Ca-

tholics, as far as religion influences us, we are therefore against our clergy being rich; as citizens of the state, we do not well understand the value of it; and, as citizens of the state, as far as we understand the value of it, we are decidedly opposed to the transfer; that could only take place through tumult and riot, and insurrection, and brute force, in which life ceases to be valuable to men of any religion.

Will you explain whether there is any ground for supposing they would wish to transfer the tithes now received by the Protestant clergy to the Catholic clergy?—I meant to include the tithes in my former answer. There is no species of property that there would be so much opposition by the Catholics to the transfer of as the tithes. Ireland is at present almost solely an agricultural country, and therefore the tithes bear heavily on a country that is solely agricultural; they bear universally on the people, and they are, I would say, odious both to Catholic and Protestant in Ireland, and we would revolt extremely at the idea of our clergy getting any share of them.

The next portion of your answer referred to the idea of their looking to a Catholic ascendency?—I beg to state the same grounds of my knowledge. I know that the Catholics do not look to any such ascendency: I know there is a very warm and cordial feeling in the minds of the Catholics towards all Protestants in Ireland who are what we call liberal Protestants, a sense of friendship and patronage, as we may consider it, towards us; and from the present state of society and of education, we are quite convinced that an ascendency coupled with the state, and governing and oppressing any proportion, as ascendency must, other fellow-christians, would be derogatory to our safety as citizens, and injurious to our religion. I am of opinion that the Roman Catholics are made more zealous in the profession and practice of their religion by there being a Protestant ascendency in Ireland; and I take it for granted it would have precisely the same effect on the Protestants if the Catholics had the ascendency. Men who suffer for any persuasion, become, I fancy, more attached to it, especially when their suffering does not extend to any thing like utter extermination, but is an inconvenience to be boasted of, as this practically would be, to a certain extent. I am quite certain there is no provision that the legislature would think fit to make by law to prevent the possibility of any danger of a Catholic ascendency, which would not be most cheerfully and readily acceded to by the Irish Catholics.

Of what nature do you conceive any such provision could possibly be?—Only those provisions that would make the civil liberties of the Catholics depend upon this; the non-introduction of any law that would have a contrary tendency; and then, until

a majority of both houses of Parliament become Catholics, the thing would be impossible. It would be necessary, therefore, to convert a majority in both houses, the danger of which I believe is not much apprehended.

There is no specific provision you have in your mind to that effect?—No, there is not. They could acquire the ascendency only, by becoming the great majority, so as to have a physical force as well as a moral power. I think the equalization of civil rights would therefore tend to diminish the accumulation of our numbers. We are accumulating very fast in our relative proportions in Ireland at present.

Is there any species of pledge upon that subject, which the Catholics, collectively or individually, would refuse to make?—I am convinced there is not; there is no pledge which the legislature would require upon that subject that the Catholics would not be most ready to make; there is no provision which the legislature could devise for that purpose, that the Catholics would not, in my judgment, readily and cheerfully accede to, so as to secure the State against any idea of a Catholic ascendency.

Is it possible to suggest any provision beyond the oath by which a Catholic is now required to state that he will not make use of any power he receives in the state towards the overturning of the Protestant establishment?—I do not think there is, except the connecting by interest with the Protestant succession, the Catholic clergy as well as the Catholic laity.

Do not the Catholic clergy hold it as one of their tenets to obtain ascendency for their religion over any other?—If by ascendency is meant any thing political, they certainly do not; they certainly maintain no tenet that does not make them ready to submit to the ascendency, even of another persuasion; and in Ireland, as far as they mix politics with religion, I know they seek and desire nothing but equality of civil rights. There is no species of disclaimer of the tenet of seeking such ascendency that I am sure the clergy would not readily acquiesce in; but of course they think their own religion the best, and they would not submit to be prevented from, by preaching and argument, seeking to convert others by the means of reasoning and persuasion.

Do you think any objection would be felt to the continuance of the oath just referred to, with respect to all Catholics who might be admitted into any office, or into parliament?—Not the least upon that part of the oath; the only part of the oath to which I know that an objection exists, is that part which requires us to swear, that we do not believe that it is lawful to kill or injure any person for or under pretence of being a heretic. Now we really feel extremely unpleasant when we are called upon to take such an oath; it is not that we have any religious scruple on

the taking it, but it comes upon us as a degradation, that we should be asked to do it; and if we entertained the tenet which that contradicts, we ought not to be emancipated, most assuredly.

The next opinion you referred to was, that Roman Catholic judges would not do equal justice to Catholics and Protestants?—As to meeting that, I am really convinced such a danger does not exist. I am bound, however unpleasantly, to speak of myself, who, upon the subject of reform and other things, may not be well thought of at any time by the existing governing power. I am perfectly well able to say, there is no such danger. Roman Catholics, as they get into business, are constantly employed between Catholics and Protestants as arbitrators. I myself am very frequently arbitrator. I have been arbitrator twice between clergymen of the Established Church and Catholics. The Reverend Mr. Graves, of the county of Limerick, had a suit with a Catholic, respecting accounts, coupled with a right to tithes; the Catholic appointed me as arbitrator, and the clergyman appointed another gentleman, who was my junior. The award was mine; and I claim no merit at all, of course, from having made an award in favour of Mr. Graves; I would have felt most painfully the least idea that I had any merit in making that award. The Reverend Mr. Miller, I recollect, of the county of Clare, a Protestant clergyman, appointed me an arbitrator between him and a Catholic; and I made an award which was so unsatisfactory to the Catholic, that he made an application, or was about to make an application, to set it aside, as being against the merits. Every Roman Catholic barrister feels, that he would have no merit at all in that. Then if Roman Catholics be taunted, so far as to have a justifiable suspicion that they would not administer justice fairly to Protestants, that would re-act, and create a suspicion that Protestants would not do justice to Roman Catholics; if it be in human nature, that we should be influenced by our religion against our duties and our oaths, the same must operate against the Protestant judges.

The Judges being removable on the address of both Houses of Parliament, would not a Catholic judge have a motive of interest, as well as of honour and duty, in administering justice in the most honest and impartial manner?—He certainly would; and as it is religion which is supposed to influence him; in doing injustice it seems a strange anomaly to use religion; for it is impossible. If he be a religious Catholic, that is, a man who is attached to his religion, as such, he will revere the sanctity of his oath, and the greater obligation, if possible, of the duties of his station; if he be not a religious Catholic, he has not the powerful influence to make him do injustice for the sake of that religion which he does not venerate or revere; and then the Crown, being the source of

all appointments, would certainly be very ill-advised, if it appointed a Roman Catholic, from whom there was any such danger. I should therefore venture to assert, that the danger in question cannot possibly follow; and in the instances where Roman Catholics were judges, the last Roman Catholic judge who sat was a Judge Daly; and history tells of him, that no man could have conducted himself with more impartiality than he did, even during the reign of James the Second, in Ireland.

Do you know of any instance, from the highest office connected with the administration of justice to which Catholics are now admissible, to the lowest in the police, in which any Catholic appointed to such office has been removed upon the imputation of acting unfairly between Catholic and Protestant?—I do not know of any such, and I believe it is impossible that any such should exist; for this reason, that there is in Ireland a press extremely active, and extremely hostile to Catholics, asserting constantly the most unfounded falsehoods against us; and if there were one fact of that kind existing, it certainly would be published throughout the empire, by means of that press; there is the greatest possible probability that it would, if it existed.

You were understood to have stated, that Catholics now think they cannot obtain justice from Protestant judges or magistrates; is not equally natural, that Protestants should apprehend they could not obtain justice from the Catholics?—It would certainly be equally natural; but it is not the opinion of the Catholics, that they do not obtain justice from the Protestant judges. The instances in which the Catholics attribute injustice upon that point to judges are extremely rare and few; but my former answer, if it implied that, did not convey my meaning, because I intended to include the machinery of justice through the medium of which the judge acts, that is, juries and inferior officers, as, for instance, masters in chancery; but as to ten or eleven of the judges of the common law courts, no human being in Ireland imagines that the Catholics do not get from them the full equal measure of justice which the Protestant does, as far as the judge himself is concerned, I would say, eleven out of the twelve; on the contrary, the opinion is universal, that the judges themselves make no such distinction.

Would it be possible for a Roman Catholic judge, on the bench, to shew a Roman Catholic bias, in the sight of an intelligent bar?—I think utterly impossible, without its being detected and known, and despised and punished.

Can you state about what number of Roman Catholic barristers there are at present in considerable business in Ireland?—About seven or eight.

Can you state the whole number of Roman Catholic Barristers?

—In round numbers, there are somewhere more than 120 called to the bar.

What proportion does that bear to the Protestant barristers?—I should think, there are perhaps twenty to twenty-five Protestant barristers, in considerable business.

In business as considerable as the Roman Catholics to whom you have referred?—Yes; taking them on the same scale, the Protestant bar are in the greatest business, with one exception. I believe there is one Catholic barrister in as much business as any Protestant unconnected with office.

Do you know the whole number of Protestant barristers?—The number called to the bar is great; I should suppose 500. There attend the Hall, in round numbers, about 150 or 200, altogether, Protestants and Catholics. The Catholic barristers are not so likely to get into business as Protestants, because all the offices are either by law excluded, or have been practically excluded from the Catholics until lately. There has been lately a Roman Catholic gentleman appointed to a chairmanship; they have been eligible to that situation since the formation of the assistant-barristers.

Are there many Roman Catholic solicitors?—Very many; and the number is daily increasing.

Are they in considerable business?—In considerable business, and of integrity, family, and character. The Roman Catholics are furnishing a very excellent set of men to the profession of attornies.

Would not the number of Roman Catholic barristers have been more considerable, had they been admissible to the higher offices of judicature?—I do not know that; it has appeared a kind of ambition with Roman Catholic families to have their sons called to the bar, since the bar has been open to them; but if they were admissible to the higher offices, more of them would have attended to the drudgery and details of the profession, that are necessary in order to get into business. I do not think they would be more in number than they are at present, but they would be more in efficiency in business. The damp and depression upon a Catholic barrister is very considerable; for example, in my own case, for a great number of years I scarcely got any business from Roman Catholics at all; my clients were almost all exclusively Protestants, and many of them very high ascendency persons; the Roman Catholics had a kind of feeling, that they were not quite so secure in the courts (I mean this not to apply to judges, but to the entire machinery) as the Protestants. They, the Catholics, did not like to increase the disfavour by having a Catholic advocate; and there are reasons, connected with myself, of perhaps more animation, I would call it, and others intemperance, which made them particularly desirous to avoid

me; so that I got into professional business by my clients being generally, and almost universally, Protestants.

Therefore, the increased employment of Catholic Barristers would rather shew increased confidence in the administration of justice?—I am sure it would; and if both parties were put upon terms of equalization in civil rights, I believe, and I hope, that a distinction in practical life between Catholic and Protestant would be unknown; I think it would be unknown, and that every man's individual merit would be the sole cause of his employment.

Do you not think that if a perfect equalization of civil rights were to take place, it would shortly happen that in judicial, as well as other proceedings, the question of religion never could arise, or in all probability be thought of?—That is certainly my conviction, and I will venture to say, that if it was not, so many efforts would not be made for that equalization.

Does it occur to you that the equalization of political rights enjoyed by Catholics and Protestants would be conveniently and advantageously accompanied by some legislative provision for the Catholic clergy, dependent upon the will and pleasure of the crown? —Yes, it does. I think it would be very desirable in that case, that the government should possess a legitimate influence over the Catholic clergy, so that in all the relations of the state with foreign powers the government should be as secure of the Catholic clergy as they are now of the Protestant clergy. I think therefore it would be very desirable, that the government should have that reasonable bond, that would bind the Catholic clergy in interest to them, as well as in duty. I should be very desirous myself of seeing government possess that influence.

Have you considered, and can you communicate to the Committee, the details of any such measure?—I think a moderate provision made for the Catholic clergy, ascertaining that they were native-born subjects, born in the allegiance. With the exception of individuals at present alive, and fit for offices, who have been partly educated abroad, my wish, and that of the Catholic gentlemen and noblemen with whom I act, would be, that the Catholic clergy should be, means being found for that purpose which do not exist at present, educated within the allegiance, so that all foreign influence by reason of education should be taken away, as well as foreign influence by reason of birth.

Is it not generally believed, that the members of the Roman Catholic hierarchy in Ireland, who have been educated abroad, are as respectable, and as well conducted in all respects, and as much attached to the constitution, as those who have been educated in Ireland?—Certainly, it is so believed, and I am convinced it ought to be so believed, for I would venture to say, I know that they are so; but I happen to know that in future it

may not be quite so safe. The gentlemen thus circumstanced were educated while foreign influence, operating upon the Catholic mind, was checked by the natural anti-jacobinism, if I may use the phrase, of the Catholic clergy. The revolutionary tendency on the continent was, to destroy the Catholic clergy and the Catholic religion; and those who have been thus educated at present are all not only perfectly loyal persons, but if they have a fault at all, it is the exaggeration of that good principle. But I have reason to fear that there are means taking in a neighbouring county to educate a number of Catholic priests for Ireland; and there certainly is now no anti-catholicity in that country, but the contrary; and I feel it a sacred duty to say, that I look with alarm to the progress of that species of education, unchecked as it would be in future by enmity between the Catholic clergy generally, and the particular power to which I allude in the present instance.

Were any, or any considerable number of the present Catholic hierarchy educated in Ireland?—Many were; I would say the great majority were educated in Ireland, according to my impression. I know of my own knowledge, for example, the Catholic Bishop of Kerry, the Right Reverend Doctor Egan, was educated in Ireland.

Has any marked difference of character fallen under your observation, between that proportion of the Catholic clergy in Ireland that has received a foreign education, and that which has received a comparatively domestic education?—Those whom I remember as old men had all been educated abroad, and had naturally a tinge of jacobitism connected with them. In the reign of his late majesty that merged into unaffected loyalty to the present family; the family of James having become extinct. Those persons were not, I think, educated to purposes of so much mental activity and power as the Catholic clergy at present. The education of the former began at a much later period of life. In general they could not go to the burses, as they were called in France and foreign parts, until they had been actually priested, for the burses were not in themselves sufficient for their entire support; they must have the advantage of the payments they received for saying masses. They could not say mass without being priests; they could not be priested until the age of twenty-three and some months. Up to that period they acquired no knowledge, but some classical knowledge of Greek and Latin. Properly speaking, their education commenced at twenty-four. The consequence naturally followed, that the period of great mental activity had passed before they could come into the practical employment of that education. At present, the Catholic clergy educated in Ireland are educated under very strict and

rigid discipline from a very early period of life, from that period when the desire of science is a voracious appetite to a person separated from amusements and business; and they have, in my knowledge of them, acquired a very superior degree of intelligence, and being most of them the sons of very low persons, they have astonished me by not only their manners, but by the classical facility and elegance of their style in writing. I would refer to some of the controversies on the distribution of the Bible, which have lately taken place, the published speeches of many of the priests are written (putting the argument of course out of the question) in a style quite superior to that of which the former class of clergy were capable.

You have said that the present clergy are in general the sons of persons of a low condition; what was the class from which the former clergy were taken?—I do not mean to make a contrast in that respect; the former were taken from the same, or nearly the same class; I should think perhaps a little superior; but the difference not very great, and by no means for any public purpose could I say it would be essential.

In point of fact, were not some of the Roman Catholic clergy, educated abroad, the sons of gentry, whereas there are none of that class now?—Some of those formerly educated abroad were the sons of gentry; at present, several of the sons of gentry are educated at Maynooth. I have a nephew at Maynooth, and another very near relation, the son of a gentleman of independent means, who is letting the property pass to his second brother, and becoming a priest.

Were not those burses which you have mentioned the establishments in foreign colleges for the purposes of education, established by respectable middling families of the Roman Catholic persuasion in Ireland?—They were established by Roman Catholic families, who claimed to be of high descent, and whose means were limited of course by various causes. The largest foundation in Paris was one made by my family several years ago, that would give us at present, if there had been no revolution, something more than twenty burses. My two brothers and I have three at present; it is regulated that the three principal persons of the name in the county of Kerry should nominate to those burses. We have, at present, three or four establishments in the University of Paris; the young men we have sent there are not educating for the priesthood, but I am very much afraid, from some recent circumstances, that we shall not be able to send them in future any other than persons educating for the priesthood; in which case, if there be emancipation and another provision, I should think we should be very glad to dispose of the right to the French government. If at the peace this matter

had been known, it is probable those funds might have been easily transferred to this country.

What is the amount of those burses?—About 25*l.* British a year was the income of each burse. The way in which they were established was by vesting a sum to accumulate in the French funds for a certain number of years, and then the accumulation to be left for ever hereafter at interest; with a portion of it, however, in the nature of a sinking fund; but being a fund always accumulating, so that the number of those burses will increase.

Are you acquainted with the number of burses in foreign universities now remaining?—No, I am not; but I heard in round numbers that there were now educating in France, for Ireland, something about two hundred priests, not on Irish burses, but on means found by the Catholic church in France, or persons acting under the government; I have heard that estimated at two hundred; of course, that is a loose estimate.

In what places?—In almost every part of France, certainly in various parts. Every bishop in France has endeavoured to have a diocesan seminary, and in various parts of France those exist; and my own apprehensions, with respect to the foreign education of the Catholic clergy, are founded principally upon the view of our continuing without what we call emancipation,—the cause of discontent continuing; I should not myself be so much afraid of foreign education if we were emancipated.

Are there not many persons educating for the Catholic church in the Belgic provinces?—I may be mistaken; I believe there are not. I know there were very many before the revolution; there were several establishments, both of what we call secular and regular clergy, before the revolution. Some of them may exist at present, but I do not know that they do.

Do you mean, when you mentioned in round numbers, two hundred students, that they were natives of Ireland, or natives of other countries destined for Ireland?—All natives of Ireland. I do not believe the Catholic bishops of Ireland would knowingly receive any foreigner into the priesthood in Ireland at present, except some of the emigrant priesthood that suffered by the revolution, and that are still remaining; with that exception, I am quite convinced that the Catholic bishops in Ireland would not one of them receive a foreigner.

In what mode does the selection take place of individuals who are sent to enjoy the benefits of education in France?—That depends on the original constitution of the burse. In many instances the head of the family is described in the French grant or notarial instrument that regulates the nomination. In the instance of my family, it is the three principal persons of the

family and name of O'Connell in the county of Kerry; and our presentation, I may call it, is a right to be received in the university of Paris, unless there be particular objection to the individual. We consider in ourselves vested the right of presentation.

With respect to those who go over to the diocesan seminaries, how is the selection made?—I believe there is no selection; that those who go there are supernumeraries, whom our bishops have not an opportunity of having educated, either at Maynooth or in their own diocesan seminaries; that that system of education is not encouraged, as I believe, by the Catholic bishops in Ireland; but having more subjects than they can educate, there is a surplus of them that go to France for education. Irish Catholic priests are in great demand; they are in demand in England; they are very much in demand in all the United States; they are in demand in Canada; in all the British colonies; and even New South Wales is claiming a portion of them.

How are they recommended by the Irish bishop to the bishop in France?—Merely by an exeat, consisting of a testimonial of good character; I know of no other. The person claims that as a right, if he has conducted himself with strict morality, and is competent in point of classical literature.

At what age are they sent over to those diocesan seminaries?—Young, certainly; that is, from sixteen to nineteen, or twenty, or twenty-one perhaps. In our burses in Paris we have put in very young persons; at present my family has none, but for secular education.

Upon the principles upon which you have been answering some of the last questions, and in the event of any regulation respecting the Roman Catholic clergy, do you think that a separate education for the Roman Catholic clergy would be an advisable thing to continue or not?—My own wish would be very much, that the Catholic and Protestant clergy should be educated in the same university. I think it would be a most desirable thing; and I think it would be one of the consequences that would follow very shortly after emancipation. There are mutual mistakes and mutual prejudices that would prevent its being done perhaps at the present moment, with the cordiality that ought to accompany it, in order to make it useful. It is matter of speculative opinion; but I am sure it would be very much the wish of the Catholic laity to see the clergy of the three principal persuasions educated in the same university, as it is very desirable that the laity of all persuasions should be educated together.

In the event of its being found expedient to extend the present system of education to the Roman Catholic clergy, with a view to the accommodation of great numbers, would there be any

great difficulty in connecting in Ireland a more extensive system of education in general science with that of theology?—No difficulty at all, if the government thought fit to grant sufficient funds for that purpose.

Are the Committee to understand, that that extension of the means of educating the Roman Catholic clergy in Ireland, which you state to be desirable, would not be desirable, if confined to the present system of exclusive education, such as prevails in the college at Maynooth?—I did not mean to convey that idea at all. I should, from my opinion, be of the two more anxious to increase the means of Maynooth college, if there were not an equalization of civil rights, leaving to the combination of future events the mode in which the clergy of all persuasions should be educated in the same university. I should think it still more desirable, in the event of our remaining as we are, that Maynooth should be enriched, so as to take away the temptation and the necessity of foreign education, which I take to be dangerous principally in the event of the continuance of the existing order of things.

The question refers to the equalization of civil rights?—I think that the college of Maynooth ought to be increased; it being in my opinion desirable that the Catholic clergy should be educated at home, but the funds are inadequate.

Do you think the establishment of a state provision for the Catholic clergy would produce any alteration in the character, conduct, and influence of the Catholic priests?—If the state provision were not accompanied with the equalization of civil rights it would not be accepted of at all, I take it; and even if it were, the effect of it would be to destroy the influence and respectability of the Catholic priests, in my humble judgment. In the event of the equalization, I do not think it would destroy their influence at all; I think that it would have some tendency to improve the character; but however mistaken I may be, my own opinion is very high of the general character of the Catholic clergy at present, and therefore I speak of improvement with diffidence and doubt.

From your knowledge of the feelings of the Catholic clergy, are you convinced that, as accompanying emancipation, they would be generally ready and willing to receive state provision?—I have not the least doubt upon my mind that they would be quite ready, as accompanying emancipation. I have as little doubt that they would be decided in their rejection if offered to them without the equalization of civil rights—what we call emancipation.

Do you think the Catholics of Ireland would be content to exchange the indirect political power they now possess, by means of

the 40*s*. freeholders, for the direct advantage of the political influence they would possess if admitted to the enjoyment of equal rights?—There may be some little clamour upon that subject, but it would be an irrational one, and, I think, easily put down. I am convinced the Catholics would very readily make that exchange, particularly as accompanied by all the other advantages that they would look to from a participation generally with the Protestants of power. I do not think there would be any difficulty in coupling that with the measure of emancipation; in my own judgment there would be none.

Do you not think that, in consequence of the present complete union existing among all the Catholics in Ireland, and in consequence of their being now under the guidance of men capable of appreciating the real benefit which would be derived to the country from the equalization of civil privileges, by means of that influence, those persons so seeing the real advantages of the measure, would be able to quiet any jealousies or animosities which might arise from the supposed change of the law on the part of the 40*s*. freeholders.—Without venturing to adopt any part of the question, which implies a complimentary expression, I have no doubt that would be easily effected by the persons who have been acting for the body at large hitherto. I know it would be very much their desire to do it; and I can answer that measures have been already taken upon the persuasion, such as there is, of carrying emancipation. I have reason to hope that those preliminary measures have met with success.

Do you not think that the 40*s*. freeholders themselves, or the lower classes in Ireland, would have a disposition to concede, even independent of the interference of the higher classes?—My opinion is, that down to the lowest class of the Catholics in Ireland, the emancipation is considered an object of value, for the attainment of which they would make sacrifices; and therefore, I think that the 40*s*. freeholders must participate in the general feeling on that subject, and would be ready to contribute to the general advantage, even at a loss to themselves.

Are you convinced, from your knowledge of the Roman Catholic body in Ireland, that the statements which have been made, that the question of Emancipation does not affect the feelings of the lower classes in Ireland, are unfounded?—I am quite convinced that they are unfounded; and many of the answers I have given shew that such conviction is strongly upon my mind. I would venture to say, that I know that statement is unfounded; the collection of the Catholic rent proves that pretty well.

Do you think that the objection which might be made to the raising the qualification from 40*s*. to 10*l*. would proceed from the person who now is described as the 40*s*. freeholder, or rather from

a middle description, the person who outrageously creates those freeholders for the purpose of disposing of them, and might be called a freehold jobber?—I am persuaded it would proceed very much from the person described as a freehold jobber; and that the excitation of the 40*s*. freeholders would be attributed, in a great measure, to such jobbers.

Under the present system, would not a freehold jobber, whose estate might let for 2,000*l*. a year, be able to get more votes than a person who had 20,000*l*. a year would have upon his estate, if that estate were properly managed?—Certainly; the freehold jobber whose estate might let for 2,000*l*. a year might have an immense number of votes without diminishing his rent at all; while a gentleman of 20,000*l*. a year might have a less number by managing his property as he ought to do.

Does not such a system then give a direct premium in the mismanagement of property?—It certainly does; and there are complaints made even to the clergymen, of wretches being compelled to swear to a 40*s*. freehold where they cannot in conscience do it.

Is not therefore the present system of 40*s*. freeholds in Ireland liable to all the evils of universal suffrage, adding to it the evil of perjury?—I should think, that universal suffrage would correct the evil; and I am the less competent therefore from that opinion to answer the question; my opinion being, that universal suffrage would correct the evil, by taking away the inducement to jobbing, and the means of jobbing, and the perjury also.

You did not mean to say, that your opinion was, that universal suffrage was a good; but that it was preferable to the system stated?—Yes, I did. I meant to say, that my opinion, however erroneous it may be deemed, is, that universal suffrage, under proper regulations, would be a real good.

Do you think that the feeling of dissatisfaction under the present disqualifying laws is increasing among the Catholics in Ireland?—Certainly; increasing as the Catholics increase in wealth and numbers, which they are doing. The dissatisfaction is increasing very much, and as they become more intelligent; personally to myself, it oppresses me more from my success in my profession.

You are of opinion, therefore, that whatever evils may, up to the present moment, have arisen from the existing state of disqualification under which the Catholics labour, those evils must increase instead of being diminished, while the present laws exist?—I am sure, that so far as the evils of Ireland are to be attributed to the penal code, they must accumulate instead of diminish by the continuance; holding out, as they do, a temptation to a foreign enemy, and mixed with other matters rendering life and property insecure.

Is there any Catholic tenet whatever that renders a divided allegiance necessary in political objects, between the government

and any other foreign power whatsoever?—Certainly not; the allegiance of the Roman Catholics, to be consistent with their religion, should be undivided and unconditional; that is, subject to no other condition than that which the law of the particular state directs it should be attended with.

You apply that to civil and political allegiance?—To any thing directly or indirectly civil or political; if allegiance be coupled with spirituality, certainly not with spirituality, because the spiritual head of the Catholic church is in Rome; but if he were to invade these dominions, or order any invasion, there is no Protestant would be more ready, or shew more decided zeal in opposing him, at every peril, than the Catholics, to the extreme of personal hostility, and to the loss of life.

Is there any difference, according to the Roman Catholic tenets, between the allegiance which a Roman Catholic owes to a Protestant sovereign, and the allegiance which he owes to a Catholic sovereign?—Not the least; they are precisely the same; unqualified as to all things temporal and civil, whether directly or indirectly.

In the case of a Roman Catholic sovereign or a Protestant sovereign, they are equally regarded as to spiritual points?—So equally, as not to have any exception whatever. In such case the King being a Catholic makes not the least difference; the King being a Protestant makes not the least difference.

Die Lunæ, 21° *Martii* 1825.

The LORD PRESIDENT in the Chair.

The Reverend *James Doyle*, D.D. is called in and Examined as follows*:

Have the goodness to inform the Committee in what manner the Roman Catholic bishops are appointed in Ireland?—They are recommended to the Pope by the clergy, or some portion of the clergy of the vacant diocese, and this recommendation is generally accompanied by one from the metropolitan and suffragans of the province in which such vacancy exists; and upon this recommendation the appointment generally takes place. I believe in every instance.

Is the mode of proposing the candidate or candidates to the

* The number of pages to which this volume has reached, has rendered it impossible to give more than a small portion of Dr. Doyle's evidence before the Committee of the House of Lords. The parts omitted chiefly consist of evidence similar to that given by Dr. Doyle before the House of Commons.

Pope, uniform in the different Roman Catholic dioceses of Ireland?—In substance it is, but not in the detail; for in some dioceses there are chapters, in others there are none. Where there is a chapter, the persons to be recommended to his Holiness are generally, in the first instance, elected by the chapter, and afterwards the names of those persons so elected by the chapter are submitted to the metropolitan and suffragans; these latter concur in the election, by approving of the persons whose names have been thus submitted to them, or they make, in their communications to the Pope, such remarks about their character or fitness as may seem proper to them, and then the appointment succeeds. If there should be no chapter in the diocese, the clergy, who are called parish priests, assemble, and elect in the same form as the chapters do where such chapters exist; and there have been some instances where all the serving clergy of the diocese have been permitted to vote at such elections. I should observe, in explanation of what I first said, that the electors, whosoever they may be, elect not one only, but three; however, the person whose name is placed first among those three is, I believe, uniformly appointed by the Pope.

How long has this mode of nominating candidates to the Pope been in practice in Ireland?—To the best of my recollection, it has prevailed universally in Ireland since the death of the late Pretender.

Prince Charles Edward?—Yes.

In the interval between the Revolution and the death of the Pretender, by whom was the nomination made to the Pope?—I do not know that there was an uniform rule; but I have heard that during that period, King James, after his abdication, and his son after the decease of the father, did often recommend to the Holy See persons to be appointed to bishoprics in Ireland.

Previous to the revolution, by whom was the recommendation made?—Previous to the revolution, both in the time of the Tudors and the Stuarts, when Catholics, the recommendation was generally made in this way, that the reigning sovereign sent a conge d'elire to the chapter, and they elected upon that, and the nomination followed. The history of our church presents us with some cases where the chapter pretended to the right of presentation independently of the sovereign; however, I believe it was an established custom in the beginning of the reign of Henry the Eighth, that the election should be of the kind I have first mentioned.

Really by the Sovereign?—Yes, but in the mode I have mentioned.

By conge d'elire and the Sovereign recommending?—Yes.

Do you know whether the recommendations of the Stuarts,

after the revolution, were universally attended to?—When made I cannot say that they were not, but I believe they did not recommend in every instance.

Do you apply that to the grandson of James the Second, as well as the son?—Perhaps I should not be correct if I extended it to the grandson, without consulting books I cannot speak with accuracy.

That privilege of recommendation was not extended to Cardinal York?—I have never heard that it was in any case.

Was the mode of recommendation uniform from Henry the Eighth downwards?—There was no Catholic sovereign but Mary after Henry the Eighth, with the exception of James the Second.

But in the case of James the Second, and the subsequent cases to which you have alluded, were the recommendations made in the same form as they were by Henry the Eighth?—After the abdication of the Stuarts, I do not believe there was any regularity, because they, being in a foreign country, could have no communication with the chapters in Ireland, nor did those chapters always exist in Ireland; so I think, that during the period of their living upon the Continent, when applied to to employ, as it were, their influence at Rome, they recommended an individual as if from themselves personally to his Holiness, and that the appointment of such individual almost uniformly followed upon such their recommendation.

Are the Committee to understand that the nomination of a certain number of candidates to the Pope took place subsequently to the cessation of the privilege of nomination which had been allowed to the Stuart family?—I think so.

Can you state the manner in which the Catholic bishops of Ireland were elected during the time of Queen Elizabeth, James the First, and Charles the First?—During that time our history shews that the appointments were made by the Pope, sometimes at the entreaty of a nobleman resident in Ireland, sometimes through this or that influence, but there was no uniform rule.

Are there instances of the issuing a conge d'elire by the sovereigns during those reigns?—No, not one, to my knowledge; I do not think they ever attempted it.

During those reigns the Pope exercised a direct nomination?—Yes.

Do you know by what authority the different modes of recommending candidates to the Pope in the different dioceses were established?—It grew up, I may say, gradually.

The candidates are nominated to the Propaganda, are they not; is not that the channel to the Pope?—The usual channel is through the Prefect to the Propaganda.

Are there any instances of the Pope rejecting the whole of the candidates?—I know of not one.

Are there in Ireland translations from one diocese to another, with the exception of from the bishoprics to the archbishoprics?—There might; but I have no knowledge that such translations did occur.

Is it now the practice?—No; it is not at present.

Are there any instances of persons appointed in later times not natives of Ireland?—No, in no instance whatever; the last person, being a foreigner, and appointed to a see in Ireland, seems to me to have lived about the year 1645. I infer that he was a stranger, because I find his signature to a council held about that time in the province of Dublin; and he is called by a name, which to me appears to be that of a Spaniard. However, it is very probable that he might have been an Irishman, who adopted that Spanish name during his studies abroad.

Is the power of the Pope to nominate directly either a native or a foreigner to a Roman Catholic bishopric in Ireland, now acknowledged by the Roman Catholic church in Ireland?—It is acknowledged by us; he has such power.

Has it, in point of fact, ever been exercised?—It has not, in point of fact, ever been exercised to my knowledge.

Has any attempt been made to exercise it?—There has not.

But he has the right?—I conceive he has.

What oaths are taken by the bishops?—We take the oath of canonical obedience to the Pope, which means that we are to obey him as the head of the church, according or agreeably to the discipline as found established in the sacred canons. We insert in the oath a clause, Salvo meo Ordine; which implies, that the obedience which we promise to him is not to be understood so as to trench upon our own rights as bishops, or any rights of the church in which we are bishops.

Can you furnish the Committee with a copy of that oath?—I have not got one; but there is a Roman Catholic bishop resident in London, who would willingly furnish such an oath,—Doctor Poynter, the vicar apostolic.

Are there more oaths than one, or more engagements or acknowledgments than one?—Only one oath, and that oath, as found in the pontifical, has been modified by the late Pope, at the express desire of the Catholic bishops in Ireland; for there was one expression in it, which seemed to give offence to persons professing a religion different from ours. It was this: "Hereticos persequar et impugnabo." The word persequar was understood by persons differing from us as if it imposed an obligation upon us, by the oath, to persecute in the ordinary meaning of that phrase. The meaning which we attributed to it, was only to follow up by argument, and to convince, if we could, by

proof. However, as it was an ambiguous expression, it was struck out of the oath. There was also an objection taken, that the promise of obedience, though canonically made to the Pope, interfered with our allegiance to our lawful sovereign; and therefore there was a clause inserted in the oath which removed that objection; for it says, "Hæc omnia et singula eo inviolabilius observabo quo certior sum nihil in illis contineri quod fidelitati meæ erga Serenissimum Magnæ Britanniæ et Hiberniæ Regem ejusque ad Thronum Successores debite adversari possit. Sic me Deus adjuvet et hæc Sancta Dei Evangelia."

Is there any other oath taken?—There is no other oath taken by a bishop, except the ordinary profession of faith, which every Christian may take as well as we. There is an oath taken by archbishops upon receiving the Pallium from Rome, but I am not acquainted with the form or substance of it, as I never had occasion to take it.

When you state that in the oath you have alluded to, you swear that you will obey the Pope, agreeably to the canons; do you mean that each individual taking that oath reserves to himself the right of judgment how far what is commanded is conformable to those canons?—I can say that as individuals we do reserve to ourselves that right. But then there are many canons which are of dubious import: there are others of them which define the rights and privileges of bishops: those are known to us: but upon those it is not the individual judgment of the man that he is to trust to, but the universal understanding of the bishops of the country in which he dwells. For instance the bishops of France, and I might add, the bishops of Ireland, have always maintained that many privileges belong to their order in their respective countries, which the bishops of Belgium for instance, do not claim for themselves. Thus then the privileges of the episcopal order depend upon canons that are not always universal, but which may be local; and each nation, or the bishops of each nation, understand by that clause of the oath, the privileges with which their own order is vested, not only by the universal canons of the church, but by the canons and usages of their own particular nation.

When you state, by the canons of their own particular nation, do you mean the literal sense of those canons, or the meaning they have received in the Roman Catholic church of that nation?—I mean the canons enacted in national councils in that nation.

Can you state in what respect the national canons received in Ireland, or any particular construction put upon the general canons, is different from those which are received in other countries?—For instance a particular church or the canons of a particular council, might define, that the authority of a general council

was superior to that of the Pope; such canon may be received, for instance, in Ireland or in France, and might not be received in Italy or in Spain. It is in that sense I spoke. I might perhaps deviate from the exactness I wish to observe if I descended more minutely to particulars, and I have on that account taken a proposition which seems to be clear, and at the same time to touch the case as closely as perhaps it can be touched.

When you use the words *Salvo meo Ordine*, what are the distinctive privileges of the Irish church which you reserve?—By the canons of the church, I being once inducted into a bishopric, cannot be removed from that bishopric unless I commit a canonical fault, am tried for it, and sentence passed upon me. There is a case where the canons secure to me a right which every other man has not: for instance the vicar apostolic who lives in this town, though he were to do nothing at all that was faulty, could by a mere rescript from the Pope be suspended from his office, or deprived entirely of it. I have a right from which I cannot be removed more than the Pope can be removed from his see, unless I transgress the law of God, and am tried and convicted of the offence.

Is that a privilege peculiar to the bishops of Ireland by the general canons of the church, or in consequence of any thing peculiar in Ireland?—I can call it a privilege, but it is a right belonging to every bishop of the universe regularly inducted into his see.

Do you conceive your obligations towards the Pope to be limited by the words contained in your oath?—Unquestionably.

That it is not to go beyond what is expressed by the oath?—Yes.

If the Pope were to reject any recommendation of any persons proposed to be appointed bishop in Ireland, what would be the consequence; must there be a fresh election?—That is a case which has not hitherto occurred in the history of our church, as far as I am acquainted with it; and it would be too much for so humble an individual as I am, to state what resolution the persons concerned would come to in that event.

Would you object to an arrangement by which the crown should have an influence in the election of Roman Catholic bishops, the Roman Catholic church being of course secured on all religious and ecclesiastical points, supposing such arrangement could be made with the consent of the Pope?—As an individual, I would object to any arrangement, even sanctioned by the Pope, which would go to give an influence, direct or indirect, to the Sovereign in the appointment of Roman Catholic bishops in Ireland.

Are there any peculiar circumstances in the state of Ireland

which would render such an arrangement objectionable there, which has not been found objectionable in most of the countries on the continent where the population is Roman Catholic and the Sovereign Protestant?—The reasons which appear to me principally are these:—In general, the ministers of state in every country are anxious to intermeddle in ecclesiastical matters, and draw to themselves the patronage of the church, and thereby frequently lesson the liberties of the people. I feel that I am not only an ecclesiastic, but also a subject of the king, and entitled to participate in the liberties of the constitution of the country; and I would therefore not agree to any regulation which would have a tendency to diminish the rights or liberties of the people, or to vest in the king's government a powerful influence. In the second place, as a religionist, I have observed since I came to manhood, that there have been uninterrupted and strong efforts made to injure, and even to subvert the Catholic religion in Ireland. I have heard of private instructions being sent by the British government to their Agent in Canada, to withdraw from certain places there, Catholic missionaries, and substitute less zealous for more zealous men, as well as to diminish their number. Viewing, then, the systematic and persevering and strong efforts that have been made for two or three centuries past in Ireland, to impair our religion, and which efforts have been perhaps increased rather than lessened of late years; and seeing also, in the fact to which I have alluded, the temper which still prevails in the councils of his majesty, or in some departments of them, I would, under all circumstances, protest against vesting the right alluded to in His Majesty's government.

When were those instructions sent to Canada by His Majesty's government?—I will ascertain before to-morrow the precise time when they were sent; but it was in the time of the late Lord Castlereagh. The matter was mentioned to his lordship by a Roman Catholic prelate, and he seemed to wish to make inquiry into it, as if he had been previously unacquainted with it; but the fact seems to us to have been ascertained beyond all doubt.

Might there not have been other reasons for objecting to those missionaries besides their religious zeal?—It is very possible there might have been; but as far as the fact was discovered by us, it appeared to have been founded on that motive only.

Should you have any objection to this arrangement, that, previous to the institution of the bishop, the names of the persons to be recommended to the Pope should be communicated to His Majesty's government, leaving it of course open to his

Majesty's government to make any such communications on the subject of such appointment to the Pope as they might deem necessary?—I would have an objection to that. I will take, for instance, Silesia, a province in Germany, formerly belonging to the court of Vienna, and which was ceded to the King of Prussia: the inhabitants of that country were almost exclusively Catholics, and being so, the nobility and gentry being Catholic; I should think any efforts which the Sovereign or his council might make to subvert the Catholic religion could not be successful against the people, who were thus united and almost exclusively Catholic. But in Ireland it is not so: much the greater part of the gentry are Protestants, the greater part of the property of the country is held by Protestants; their influence is exceedingly great; their numbers too very respectable: when to these there are added the agents of government, if they all co-operate in seeking to subvert the religion of the multitude, I think they would have much greater chance of success than the agents of the government of Prussia in Silesia would have; therefore, an arrangement which might be unexceptionable in Silesia might be very objectionable in Ireland.

If the person to be appointed bishop must be a person recommended either by the Irish chapter or the Irish clergy, and subsequently approved by the Pope, how could the giving to the government a knowledge of those persons previously assist the government in the wish you suppose it to have of subverting the Catholic religion?—If, previous to the appointment, the names were to be communicated to the government such is the weakness or corruption of man, that many individuals in the country would seek to gain the good will of his Majesty's ministers, and desert, perhaps, their duty, for the purpose of gratifying some individual in the country who could forward their interests with such government. Now, if the election were confined to a chapter, his majesty's government might intimate to the individuals composing this chapter, who would be a few, that it would be a thing acceptable to the Sovereign if such a person were preferred; or they might state, that it would be very disagreeable to his Majesty's government that another person should be elected. Thus it is, that if his Majesty's government have a right to interfere previous to the appointment, in the course of time and the working of events, I think that, if a disposition existed on the part of the government, that they might use it to the prejudice of the Catholic religion in Ireland.

Although the person was to be recommended by the chapter, and subsequently approved of by the Pope?—Yes, even so.

At what period were those words in the consecration oath

taken by the Roman Catholic bishops in Ireland, first omitted? —In the life-time of Pius the Sixth; I think about the year 1793.

To your knowledge, have they been uniformly omitted ever since?—They have been uniformly omitted ever since.

Who exercises the power of the see during the vacancy?—A vicar capitular. Where there is a chapter, they elect the person to administer the diocese during the vacancy; that person is called a vicar capitular.

Where there is no chapter?—Then the metropolitan appoints such vicar capitular.

Is it the practice in the Roman Catholic Church in Ireland for the bishops to have coadjutors?—There are many instances of the bishops having coadjutors; but it is not a uniform nor a general practice, and it is discouraged rather than encouraged by the Pope.

Who appoints the coadjutor?—The coadjutors are generally appointed in the same manner as bishops are appointed; but in the appointment of coadjutors, the wishes and feelings of the bishop to whom he is given are principally attended to.

Is the person appointed coadjutor considered to have a right to look to nomination to the see?—He is appointed cum jure successionis.

What is the authority of the Warden of Galway?—His office is quite a peculiarity in our church. I do not know that there is in the universal church any one like his. I will, if it be wished, explain it at more length. The warden of Galway is elected by certain persons in Galway and the neighbourhood, who are supposed to be the descendants of certain English families who settled many centuries ago in that town. Those persons assemble once in three years, as I recollect, and they elect a clergyman to be the guardian, or warden as they now call it, of their ecclesiastical concerns. This warden, so elected by the clergy and people, is inducted by the ecclesiastical vicars; and then he is placed in jurisdiction to govern that little church. At the end of three years, if I be correct as to the number, the same process must be gone through again, and his jurisdiction renewed.

Has he episcopal jurisdiction?—He has what we call quasi episcopal.

To the exclusion of any other bishop in his district?—Not to the exclusion; for the Archbishop of Tuam has a right of visitation, with some other rights, within that district.

Have not the metropolitans the right of visitation over all the bishops within their provinces?—They have not; the right of metropolitans has been greatly limited in the Council of Trent.

The only right, which remains to them in our church, is that of receiving appeals from the decisions of their suffragans; but there are very few cases indeed in which they have the right of visitation.

What is the extent of the power of the warden of Galway?—His jurisdiction extends to the town and suburbs. I believe there are eight or ten parishes subject to him. Upon that subject I may be in error; but the error is not material.

By whom are the parochial clergy appointed in each diocese?—By the bishop exclusively.

Does the bishop remove a parochial priest from one parish to another?—He may remove him if the priest consents to it, but without the consent of the priest he cannot do so, unless the priest be guilty of some canonical fault.

The question refers to translation?—He may do so.

Is that a frequent practice?—Pretty frequent, not very.

By whom are the curates of each parochial priest appointed?—They are uniformly appointed by the bishop.

Is the money paid to the parish priest for performing the ceremony of marriage exclusive of the money paid for the license?—There is no money paid for the license, nor no license granted by the bishops for the celebration of marriage in the province in which I live, with the exception of the diocese of Ferns, throughout which there is something which must be given by the priest to the bishop on account of each marriage which he solemnizes.

Are there banns published in the church previous to marriages?—No, it is not customary, in most instances, to do so.

Are licenses granted by the bishops for marriages?—No.

Is it merely on the application of the parties to the parish priest that the marriage is performed?—Unless it be within the prohibited time. The parish priest has a right to solemnize the marriage of his own parishioners, on application being made to him, without reference to any one; but if the parties should appear to be related, within the prohibited degrees, or any other impediment, such as a promise of marriage made to any other person by either of the parties previously existing, reference must then be made to the bishop.

In what manner are the deans and chapters paid?—They hold parishes; they have no particular emolument.

The deans and chapters have no particular emolument whatever?—They have not: their's is a mere honorary distinction.

When a priest is appointed a dean, he has a particular parish, which is usually annexed to that deanery?—Not a particular parish; I do not know that particular parishes are at all joined to deaneries in Ireland.

Are the customary payments of parishioners ever withheld from the parochial clergy?—I am sure they sometimes are, for in the time of the Whiteboy system in Ireland, we found the people complained as much of the dues paid to the priests, as of the tithes required by the clergy of the established church; and I think I might state, that the priests very frequently are unable to collect the customary dues from the people. This results generally from the poverty of the poorer classes, and often from an unwillingness, on the part of some, to contribute.

Are those payments ever enforced?—I cannot say that they are. I apprehended that in my own diocese, sometimes, persons very poor might be obliged to pay something; and, in order to prevent the possibility of oppression of the poor, I prohibited the priests, under the penalty of suspension, from withholding their ministry from any, whether rich or poor, on any such ground.

Occasionally they did withhold their ministry from them on that account?—I believe there have been instances.

Is the rule, you state yourself to have laid down, general in the other dioceses?—I believe it may have prevailed in some other dioceses; but I cannot say that it is general.

Would you apply it in any case where the person was able to pay?—Yes, I would even there, because I think that money ought not to be a subject of dispute between the priest and his parishioners at all. If a man be not generous enough to give a contribution to a priest who labours for him, and has devoted his time and his talents to his service, I should rather go without it, and live in peace: and that is the disposition I wish to impress upon the clergy under my care.

Would it be felt by the peasantry in Ireland as a relief to them, if the provision for their priests were provided from some other funds?—I am sure it would; a very considerable relief.

If any provision were made by government towards the maintenance of Catholic priests, should you think it better to relieve the people from the annual payment, or the payment of fees?—I should say that, with the exception of a few towns, where there is a kind of annual payment distinct from fees, every contribution made by the people to the clergy is made at the time when the priest is performing some office for them, so that all of them might be denominated fees in some measure. If, then, I were to suggest any thing, it would be that all and every contribution to be made by the people, or accepted of by the priest, should cease altogether, with the exceptions that I have before mentioned, that is baptisms, marriages, and burials. I think the relief to the people would be very great, if the dues of priests were entirely done away; and unless pro-

vision is made to put an end to them, they will be continued by avaricious men in various ways, and the relief of the people would not be attained. I would add, that in the event of a regulation of that kind being made, the contributions at funerals, marriages, and baptisms, would be diminished by I suppose one-half; for now the people, knowing that the clergy have only the precarious kind of support which they have, are liberal on those occasions of baptisms and marriages; but if they saw that the priest had a provision independently of those, many probably would give much less than they now do, and some nothing at all.

Would you object to this measure being an isolated measure separate from any other measure that may be in contemplation for the relief of the Catholic laity?—Yes, I should sooner lay my head on a block than accede to the receiving any relief whatever from Government in a pecuniary way, unless the disabilities under which the laity labour were first removed.

Would you object to an arrangement by which every person obtaining a living in Ireland should memorialize the crown upon coming into such living, for the usual stipend allotted to his situation; and afterwards, when promoted to a bishopric or any other dignity, should memorialize the crown for such additional stipend; the crown having the discretion to grant or withhold such stipend, but the stipend being once granted, not to be forfeited or changed in amount, except for canonical offence?—I think there is nothing more just or reasonable than that such an arrangement should take place, for I think it would be very fair and very just that a man who expected to eat the bread of the state, should make known to the government who he was, and that they should be satisfied he was a proper person to get such stipend, I think that is just and fair; but I think the parochial clergy would do better to memorialize through the bishop, or that he should be the channel through which their memorials should pass. I hope your lordships would not have in your minds a disposition to exclude the just authority of the bishop, which he now has over the parish priest; so that, in case the priest were convicted of any fault, or unable to perform his duties, that he should not continue to receive such stipend.

Is it understood, the memorial of the bishop in that case should be received by the government as conclusive upon their making that grant?—That the government is to exercise its judgment; but the bishop, in my opinion, would be the proper channel to make the communication, in order that the parochial clergy should not be holding communication directly with the government.

Do you think it would be desirable, in such a case, to throw the livings into classes, annexing different salaries to them, in some proportion to their duties?—I think there should be a scale of the salary; but I doubt whether that scale should be regulated by the extent of their duties. I think it ought rather to have reference to the towns or cities in which they would dwell. It might happen that a clergyman in the country, in a mountainous country, might have very laborious duties to perform; and yet his situation is obscure, and he himself not exposed to expense; whereas the person in the town must be a person of improved manners, pay more for a house, and be obliged occasionally to entertain friends. There should, then, be a scale; but it ought not to be regulated, in my humble opinion, by the duties to be performed.

Do you conceive that there exists a desire, on the part of the Catholic church generally, or of many individuals in it, supposing the arrangements referred to in a former question to be made or not, to possess themselves of any part of the revenues of the church of England?—Whether such arrangement were made or not made, I never discovered in others, nor have I ever entertained myself, any disposition whatever to be put into possession of any portion at all of the revenues or property belonging to the established church. I will add, that if any portion of that property were offered to me, I would not accept of it; that if it were proposed to grant the stipend at present spoken of out of the tithes received by the clergy of the establishment, I would not be induced to accept of it.

Without meaning to doubt that which you have stated, were it possible to suppose such a disposition to exist on the part of the Roman Catholic church, is it one that would find any countenance or favour on the part of the Roman Catholic laity?—Unquestionably not; they would be more averse to it than the Roman Catholic clergy, if more averse to it they could be.

Do you mean to say that there is no indisposition on the part of the Roman Catholic laity to allow the established church to continue in possession of all her present emoluments?—I do not by any means say that; for it may be that Roman Catholics, as well as the dissenters of other kinds from the establishment, may think that the present property enjoyed by the clergy of the establishment is rather great for the means of the country. I could not, therefore, say that Catholics would not, in common with others, wish that the amount of that property were diminished, and applied to other uses of the state; but I am quite clear, that neither the Catholic clergy nor Catholic laity have any disposition at all to possess themselves, in any kind of way, of such property.

Are you acquainted with the letters which were published under the title of I. K. L. ?—I have seen them.

Do you concur in the opinion given in those letters of the established church in Ireland ?—The opinions which I entertain with regard to the establishment are these; and as the letters alluded to are many, and they may contain opinions which might be misunderstood, I think it better to make myself responsible for the answer I here give, than for what is found written in those letters. The established church in Ireland I look at in two lights: as a Christian community, and as a corporation enjoying vast temporal possessions. As a Christian church, consisting of a hierarchy, and professing the doctrine of the gospel, I respect it and esteem it more than any other church in the universe separated from the see of Rome; but I do unquestionably think that the amount of property enjoyed by the ministers of that church is prejudicial to the interests of the established religion in Ireland, as well as to the interests of the country. I have, therefore, given to your lordships my feelings and opinions in those words most explicitly; and I believe that they are the same in substance as those expressed in the letters alluded to, if those letters be understood in the sense in which I understand them myself.

In regard these 2, i letter or u than, sa the Ortho G. Ch. ?

Do you entertain any objections to the establishment of the Church of England in Ireland, in the respect now adverted to, which a Protestant might not equally feel ?—I do not suppose that I do.

Would the objection to tithes, as they now stand, be removed in any degree by giving admissibility to political power to the Roman Catholic laity ?—Yes; I do conceive that they would be greatly removed.

In what way ?—I conceive that the removal of the disqualifications under which Roman Catholics labour would lessen considerably those feelings of opposition which they may at present entertain with regard to the establishment, chiefly for this reason, that whilst we labour under the disabilities which now weigh upon us, we find that the clergy of the establishment, being very numerous and very opulent, employ their influence and their opulence in various ways in opposing the progress of our claims; and I do think, that if those claims were once adjusted, and the concessions which we desire granted, the country would settle down into a habit of quiet, and that we would no longer feel the jealousy against the clergy of the establishment which we now feel; because that jealousy which we do feel arises chiefly from the unrelaxed efforts which they have almost universally made to oppose our claims. We would view them then, if those claims were granted, as brethren labouring in the

[albeit uncalled]

same vineyard, as ourselves, seeking to promote the interests of our common country.

How would tithes become the less objectionable, considering they are to be paid by a people chiefly engaged in tillage of land ?—I think if the present Tithe Composition Bill were universally adopted, or a compulsory clause inserted in it, and the tithe levied by an acreable tax, that would excite infinitely less discontent than exists at present. I would state one cause of that opinion to your lordships. I hold myself about a dozen acres of land, which I employ in rearing a little hay for my horses, and feeding two or three cows for my household. I have one field of about three acres which ran to moss ; and my steward told me it was necessary, for the purpose of rendering it useful, that it should be broken up. I hesitated long to do so, because I should thereby subject myself to a heavy tithe. If the matter were regulated by tax, that apprehension would not prevail in my mind, and I would not hesitate to improve my farm. I will mention another instance. I was walking in one of his meadows with a farmer who held a large tract of land, and which meadow he had neglected to mow. I asked him why so much grass was left upon the surface. He stated, that he left it there for his cattle to eat in the winter ; for that if he had cut it and saved it for them, he would have been obliged to pay tithe. If, then, the Tithe Composition Act were enforced, neither of those objections would have arisen in our minds, nor similar objections in the minds of thousands of people in Ireland, who feel what touches them immediately, though they would be blind to what is remote.

Is not the payment of tithes to the Roman Catholic clergy enjoined by your catechism ; specially enjoined before the year 1817, omitted in 1817, and renewed in 1819 ?—There are several catechisms in Ireland. I am acquainted only with that in use in the diocese in which I live ; that was one drawn up by a late Archbishop of Cashel, of the Ormond family, and he translated it almost literally from a catechism that was in use on the continent ; it was afterwards revised by the Catholic archbishops of Ireland and printed. There are several editions of the Catechism which was originally published by Doctor Butler, as also of that approved by the four archbishops. The command of the church alluded to, which says, " Pay tithes to your pastor," was a literal translation from the original ; this was found to be a question or answer that might give offence, and it was corrected in the edition to which your lordships have referred. But I have never known, nor do I suspect in my mind —I am upon my oath before your lordships and before God— I do not know that it was ever thought of by any one that this

command had reference to the payment of the tithes which we owe to the Protestant clergy as to be made to ourselves; it was always understood as only obliging us to contribute to the support of our pastors—an obligation which is derived from a much higher authority than that of the catechism of the church.

Is not that injunction now contained in the catechism circulated in England, under the authority of the vicar apostolic?—I do not know; but I am quite sure, that wherever it is circulated, it is understood by our people as I have stated.

Is it not much better altered?—It is much better; but we have no copyright in this catechism, and the printers in the country towns print them off without consulting us at all.

This catechism, you conceive, has not had any special authority from the church in its circulation?—No, it has not.

Are you aware of any authority having been given for the renewal of this passage in 1819?—Not only am I not aware of any authority being given for its renewal in 1819, but I am satisfied there was no such authority given; and there is not any Catholic bishop in Ireland who will not watch carefully to prevent the insertion of those words.

Authority was given for leaving out those words?—Yes.

And no authority given for their re-insertion?—Just so.

As you are aware that the Roman Catholic laity look for restoration of certain rights, which their ancestors formerly possessed, namely, seats in Parliament, *&c.*; do you conceive that the Roman Catholic church looks for a restoration of similar rights exercised by their predecessors?—Not at all; we never thought of such a thing. The right of sitting and voting in Parliament is derived from the baronial title of the bishop in the established church, and not from his episcopal character; and we would think it destructive, (I would not use a weaker word) that any of our bishops should be admitted into the legislative assembly. It is a thing quite foreign from our thoughts. God forbid that it should ever enter into the minds of others.

You have said that you consider the ecclesiastical authorities and functions of the bishops confined to the church of Rome?—To the church in communion with the see of Rome; we do not recognise as lawful the mission or jurisdiction of any other church.

Entertaining those tenets, how do you conceive that a Roman Catholic ecclesiastic can recognise and engage for the maintainance of a Protestant ecclesiastical establishment?—I do not see any thing more easy than that, because the state in which we live has been pleased in its wisdom to establish a certain mode of worship, and to give certain immunities and privileges to the clergy of that establishment; this entering into the state as an

integral part, why should not we support the state which supports that establishment. I do not see, certainly, how that interferes at all with our tenets; but I view it just in that light in which I have placed it before your Lordships.

In the address of the Roman Catholic bishops to their clergy, published at the end of last year, and to which your name is affixed, it appears that you object to the possession of the bible by the Roman Catholic laity; does that apply to the bible attempted to be circulated by the Bible Society, or does it equally apply to any other version of the scriptures, such as that called the Rheims or Douay version?—It applies to the version sought to be circulated by the Bible Society amongst us; and not to the Rheimish or Douay version, which is sanctioned by our prelates. That we have no aversion to the reading of the bible, and to the possession of it by the laity of our church, is best proved by the great many editions it has gone through in Ireland, under our express sanction; and to which editions there is affixed a rescript of Pius the Sixth, directed to a prelate in Italy called Martini, who had translated the bible out of the vulgate into the Italian language. We prefix this rescript of Pius the Sixth to our editions in English of the bible, in order to show, that not only we, but the head of our church is joined with us, in exhorting the faithful to read the word of God. We have not only procured editions of the bible; I believe three by Coyne, two by O'Reilly, and one by Cross (perhaps it is two); but this very year we have procured a stereotype edition of the bible, of a small print and low price, to circulate it among all; so that, of all the things said of us, there is not any thing said of us more opposed to truth, than that we are averse to the circulation of the word of God.

Have the editions which have been circulated of the Douay or Rheims translations been accompanied with notes?—They have very short notes.

You think it necessary that notes should accompany the bible, for the purpose of explanation?—In our country, where religious controversy prevails to such an extent, I do think it necessary that short notes, explanatory of the texts on which our differences turn, should be prefixed to the bible.

You consider yourselves pledged to all matters contained in those notes?—No, not by any means. On the contrary, there were notes affixed, I believe, to the Rheimish Testament, which were most objectionable; and on being presented to us, we caused them to be expunged. The notes carry, in our edition of the bible, no weight; for we do not know the writers of many of them. If we find them clear enough in explanation of doctrine, we leave them there; but whenever we find any thing

exceptionable we put it out, as we have done in the cases I have referred to.

But those published with the objectionable notes were published by authority of the bishops?—The translation was made at Douay and Rheims, without our knowledge perhaps; and when we found it in circulation, and examined it, we found it to be correct, and then we approved of it; which approbation refers to the text, without the exceptionable notes, as stated in my last answer.

Have you in any instances allowed the circulation of the bible among the laity without notes?—I do not know that we have.

It appears, by this address, that you direct that all religious tracts, circulated by certain societies, shall be restored to their owners or destroyed, except bibles and testaments, which you direct to be given to the parish priest. Supposing that direction disobeyed, what are the consequences to those who may disobey them; are they visited with any consequences?—Really I do not know that they are. I do not think we ever inquired into the disobedience or non-observance of what is there enjoined; for we are confident the people will do what we recommend to them in religious matters; and having promulgated what we think it their duty to perform, we leave the matter there.

Have you heard, or have you any knowledge, that the sacraments of the church have been refused to those who have been in possession of such books, and have not delivered them up in consequence of the admonition?—I have not heard of any such thing; before your lordships, and before God, I never did.

Could it have been done in any part of Ireland and you not know it?—I think it might, and I am quite assured there are amongst our clergy persons of so warm and heated feelings, as to do precisely what has been mentioned; but I have stated before, that I do not know of its having been done; that it might have been done, I am quite sure, considering the character of some of our young clergymen, and old ones too. We have got enthusiastics in all churches.

You would not think it a necessary part of Roman Catholic discipline that the sacraments of the church should be refused for disobedience to such an order?—Oh no, it is not a matter of that moment; it is a serious thing to refuse sacraments.

Or that they should be subject to penances?—No; it is a matter of quiet expostulation, not reduced to any thing like trial or punishment.

Would the priest, so refusing the sacrament, be subject to ecclesiastical censure, if his conduct were known?—Supposing

there were a priest, who required a Catholic parishioner to give up those books, if the Catholic parishioner retained them, approving thereby of the doctrine contained in them, we would not subject a priest to any penalty for withholding sacraments from that man, for it would appear that he was adopting that doctrine, and separating himself from us; but if the priest required a man to give up those books, and the man said, I will not, because I find some passages which are amusing, or some instructive, or my landlord gave them to me, and I will not go back with them; if the priest refused sacraments to a man acting thus, we would reprimand the priest, and leave the man at peace.

The only case, in which the priest could be justified in withholding the sacraments, would be that of a suspicion on his mind that the person retaining them was a separatist from the church of Rome?—Precisely so, or becoming one; on that ground only. I read every kind of book myself, and should be glad that every Catholic had an improved mind, and were sufficiently educated to be able to read every book; and then I should be glad if they read every possible book; but the ignorant people are very easily seduced by a plausible statement.

You stated that some notes to the Rheimish and Douay Testament had been expunged; do you recollect on what account they were expunged?—They were expunged on this account, that they seemed to favour a spirit of persecution in our church, of persons who differed from us in religious faith.

Do you think it necessary or desirable, that in any notes which are retained in those translations, anything more should be done than stating the grounds of your difference with the established church?—That is all I would ever wish to see in such notes; that the note would state what we conceive to be the true meaning of the text, leaving every thing on the other side entirely out; for we do not wish so much to confute what we conceive the errors of others, as to inculcate our own doctrine.

Do you consider it desirable any note should be expunged which you consider as reflecting uncharitably on other religions?—Undoubtedly.

Do you know that the doctrine of exclusive salvation in the Church of Rome is preached in Ireland by your parochial clergy to their flocks?—I think it is preached by the parochial clergy of every church in Ireland, as well as ours; so that in that I do not suppose there is any difference between one church and another. The doctrine of exclusive salvation is found, as expressly stated, in the eighteenth article of the Thirty-nine Articles of the Established Church, I think, as in any of our

creeds: besides, that profession of faith adopts the Athanasian Creed, which also establishes exclusive salvation; so that I do not know of any church the ministers of which do not preach exclusive salvation in one sense or another; for it is in my opinion a doctrine common to every sect of christianity.

Is the pope's authority received by the Irish Roman Catholic church as supreme in matters of faith and morals?—We recognise him as the head of our church, and therefore give him the executive authority. But that is limited by the sacred canons: he cannot create new articles of faith.

Are papal bulls received in Ireland?—They are.

For what purposes?—Suppose a bull, like that which is published in the pamphlet that was in the hands of a noble lord, wherein he makes a regulation that has reference to a sect of infidels, and also to the Bible Society; we received that, as I explained to your lordships, by translating it into the English language and giving it circulation: it is thus that we receive them. But we would not receive any bull that would trench on our rights as a national church.

Would it be objected to, that the publication of all bulls should be subject to the royal license?—Bulls are very seldom or never issued by our church; communications from Rome come in the form of letters generally. In writing a letter, there are two persons concerned, the person writing and the person receiving; and for us to engage to submit a letter of that kind to authority, without the concurrence of the pope, our doing so would, perhaps, not be consistent with the reverence we owe him, as the head pastor of the church; but at the same time, as far as I am personally concerned, and know of those communications, I should have no objection in the world that every one of them were posted at Charing-Cross.

Are they chiefly on spiritual matters?—They are, almost exclusively; that there is one which partakes more of a temporal nature, than any I have ever seen before, as it refers to the Bible Society.

How do you distinguish in all cases between a spiritual and a temporal interference?—I do not think it is very difficult for us, at present; because those things that are of a spiritual or religious nature obviously regard the articles of our creed, as they are found in our profession of faith, or those moral actions of ours which might or might not be contrary to the commands of God. The temporal matters are either exclusively of a civil or temporal kind, or they are of a mixed kind. With regard to those of a civil or temporal kind, such as the old bulls of the pope, regarding the rights of princes, and such things; those are quite obviously not to be classed with things of a

religious or spiritual nature. Then there are other bulls, or other decisions of the court of Rome, which may be said to be of a mixed nature; such, for instance, as those which regard matrimony. In matrimony we recognise, as it were, two things; the one the civil contract, and the other the religious rite. The civil contract and all its effects we leave entirely to the civil law of the country where we dwell: and when we receive any communication from the pope regarding matrimony, we immediately understand it as appertaining to the spiritual rights of the parties concerned, and not at all as relating to the civil effects of the marriage, or the temporal rights which might accrue to the parties, or to their issue. I will explain the matter more fully by a case: Suppose persons related in the second degree of kindred were married; this marriage according to the law of the country is valid; and the bishop or the pope have a right to declare that such marriage is null and void according to the law of the church. Here then the rescript of the pope upon that subject would oblige us to think those persons as living in a state of sin, whereas the law of the land would recognise them as living in a lawful state. We would be obliged to recognise them as man and wife, according to the law of the land, and to maintain them in their rights; according to the law of the land, we would also be obliged to preserve the rights of inheritance to the issue of such marriage, whilst we consider this issue as illegitimate in the ecclesiastical sense, so that if a son of that marriage applied to us for ordination, we could not ordain him.

You would consider him as legitimate for one purpose, and illegitimate for another?—Yes, just so.

Are not Catholics prohibited intermarrying with Protestants by the Council of Trent?—No; there is not a syllable about it in that council.

Is the discipline of the Council of Trent completely admitted by the Roman Catholic church of Ireland?—No, it is not; in some places, for instance in the province of Dublin, we have not admitted the discipline of the Council of Trent, regarding marriages and other things.

Is the creed of Pius the Fourth, the creed acknowledged in the Irish Roman Catholic church?—Yes, every Catholic admits that creed.

Does not the last article but one of that creed declare every thing done in that council binding?—That regards faith, and not discipline. The French church never received the decrees of the Council of Trent regarding discipline; and in a part of Ireland such decrees are received, in another part of Ireland such decrees are not received.

By what authority are such decrees received in some parts of Ireland, and not in others?—The mode of receiving the council is this: the bishops of the province assemble, and deliberate whether the discipline enacted at Trent would or would not be useful to their church. If they think it useful, they immediately publish a declaration, and cause it to be read by the parish priest in each chapel; and thus the decrees of discipline become published and have force. And if they think that such discipline of the Council of Trent will not be useful to their church, they separate and do nothing.

Do you consider the marriage of a Protestant with a Roman Catholic valid?—It is valid, in a civil and in an ecclesiastical point of view.

Have you never known a marriage between a Roman Catholic and a Protestant, solemnized by a Protestant clergyman, dissolved by a priest?—Never; it could not be done; nor by the pope, nor council, nor any authority on earth, unless there is a canonical impediment (which the difference of religion is not) intervening.

Did you ever know an instance of a marriage of that kind dissolved, by which the woman became an outcast?—Never; it could not be done.

If a Roman Catholic and Protestant intermarry, and the children are brought up Protestants, does the Roman Catholic incur any censure?—No, never.

Have you never known the Catholic clergy make it a condition in a marriage between a Catholic and a Protestant, that the children should be brought up in the Roman Catholic faith?—They advise it; it is in the nature of religion, that the ministers of it seek to make all the proselytes they can.

Have you ever known them refuse to perform marriages unless that condition were acceded to?—I have; but if they should, the parties can go to the Protestant clergyman, who has equally the power of marrying them.

If the wife is a Roman Catholic, and the husband is a Protestant, and the husband converts the wife to the Protestant faith, what course do you pursue with respect to her?—The person who ceases to be a Catholic, ceases to frequent our assemblies, and we know no more of him.

Are you sure there is no prohibition of a Catholic intermarrying with a Protestant; or is it a fact that there is such a prohibition, and that it is suspended in Ireland?—There is no such prohibition arising from the Council of Trent; and I do not know of any such prohibition by any council, except by the Council of Chalcedon, celebrated in the fifth century; the canon of which certainly is not in use nor force; so that if an

individual choose to act so, he acts in virtue of his own authority, whatever it may be for. I think very few priests in Ireland know even of the existence of the canon, as we have but few canonists among our clergy.

In the year 1809 the late pope, by a circular letter addressed to his Italian bishops, distinguishes between oaths of active and passive fidelity to a temporal sovereign; do you hold any such distinction?—We hold no such distinction with regard to a legal sovereign, such as ours is. But in order to remove such objection as might arise from the bare mention of such doctrine, it may be necessary for me to state to your lordships the occasion on which such declaration was made, as I recollect it. At the time when the pope had been violently taken away from his own dominions, and the French troops had taken possession of his territories, they endeavoured to compel the subjects of the pope to take an oath of allegiance. Many of the latter refused to do so. He was applied to by the bishops, in order to know what line of conduct they should pursue, as subjects; and he understanding well that he who has the power de facto cannot be resisted, desired that they would take the oath of passive obedience, that is, that they would not resist the usurped authority of Buonaparte during the period he might occupy their territory; but he would not allow them to take, or sanction their taking an oath, so as to disclaim his own rightful title to his territory, and acknowledge that of a violent usurper. If I were to suppose a case, where the king of Denmark made a descent upon Ireland, and occupied some of our towns, surely this descent and forcible occupation of our territory for a time would not free us from our allegiance to our lawful sovereign, though it would entitle us to remain quiet, as otherwise our heads would be cut off.

In the year 1813, Doctor Milner, vicar-apostolic in the midland district of England, in a paper entitled "A Brief Memorial on the Catholic Bill," dated the 21st of May, under his hand, declared that the Roman Catholic subjects could not conscientiously swear to defend to the utmost the Protestant succession of this kingdom, and they might swear that they would submit to it; do you hold such distinction?—I do not; I believe that the Roman Catholic oath in Ireland has those words, "I have taken it with a good conscience, and will keep it, with the blessing of heaven, 'till my death."

Are you aware of the existence of any persons who hold any ecclesiastical or other high situations in the Catholic church of Ireland, who entertain a different opinion from you upon that subject?—Never one; I never heard of one who entertained a different opinion.

Do you consider it desirable that the Roman Catholic laity should be educated conjointly with the Protestant?—I see no objection whatever that they should be educated together; on the contrary, if by being educated together the harmony of the different sects in Ireland could be promoted, I think that it would be a matter to be desired.

If they were so educated together at Trinity College Dublin, must they not have separate professors of their own faith to instruct the young men?—That would not be necessary for those who attend college, as many of those who enter there can lodge in town, and receive religious instruction where they please; and even those who reside within Trinity College have sufficient opportunities of obtaining religious instruction abroad on Sundays.

In point of fact, are there not now some Roman Catholic students in Trinity College Dublin?—I apprehend some hundreds of them. The Roman Catholics in Trinity College are not obliged to attend prayers with others, and of course they would resort to the prayers of their own church, at least on Sundays. On other days of the week they might perform their devotions in their chambers.

Of those who are educating for the priesthood, do you consider it most desirable they should be educated in Ireland, or on the continent?—I think it desirable, and even necessary, that the great bulk of them should be educated at home; but I think it also desirable that young men of improved minds and good talents should travel abroad, and receive those advantages from travelling and mixing with communities on the continent which cannot be had at home.

Are those who are educated on the continent on burses better educated than those who are educated at home?—I think the education at home is as good as is to be had at most of the colleges on the continent; but our Irish students who receive an education at the universities abroad are better educated than they can be educated at home.

You make a distinction between the colleges and universities; have the goodness to state the ground of that distinction?—At the colleges on the continent there is generally at each a course of studies; and by attending to those studies, a young man may get a certificate, and be rendered fit to serve in the church in Ireland. Now, besides this course of studies, which is found within the college at home, there are public halls at the university, where lectures are given, where public examinations are held, where public exhibitions are performed, where degrees are given to those who have most distinguished themselves, and where, of course, there is that emulation and excitement of

genius which tend to improve the mind and to increase the knowledge of men. For instance, I studied upon the continent, at Coimbra in Portugal; but in the college in which I lived there were several students educated who never attended the university; some few others, as well as myself, did attend the university; and hence there was a difference in the education.

In what do you apprehend the superiority to consist of an education at the foreign universities over any domestic education which can now be procured in Ireland?—On the continent they have men of more extensive learning to teach in their universities that we can find in our colleges at home; there are greater rewards held forth; genius is better cultivated; and for these reasons I have found that a person receives more information, and improves his talent more by studying at a university than at any private college.

Do you think that a considerable degree of improvement might be introduced in the present system of education for the priesthood in Ireland?—I do think there could be considerable improvement in the system of education; but at the same time I am only an individual, and it would be presumption in me to state that that which now obtains is not the best. I could not undertake to suggest an improvement, considering that there are men of great judgment and experience at the head of the establishment at Maynooth; and though I think there might be an improvement in the system pursued there, it does not follow that I think rightly. If your lordship had not asked me, I would not have presumed to say that that was my opinion.

Would there be any objection on the part of the Catholic Church to connecting with the present establishment at Maynooth a course of instruction in other sciences,—sciences not theological?—If it be in contemplation to have it simply and exclusively ecclesiastic, there is no necessity for introducing any science more than those now taught in it; because classics are taught in it, rational and moral philosophy are taught in it, there is a regular course of mathematics, and natural and experimental philosophy taught, besides theology; so that, unless it was turned into a university by the king, and other sciences taught, such as law and medicine, I do not know what additional sciences can be taught in it.

Is chemistry taught in it?—I think it is, but I am not quite clear as to that.

Would not the extension of it in that way rather tend to what you have disapproved of in a former answer, a separate education?—Yes; I would not wish that ecclesiastical seminaries should be thrown open.

To what causes do you attribute the opposition which has

arisen to the education of Catholic children with others?—Exclusively to the efforts which have been made by persons differing from us in religion to interfere directly or indirectly with the faith of Roman Catholics.

Where such a suspicion has been altogether removed, do you know any instance of schools being established, and continuing to flourish, where Roman Catholic and Protestant children have been educated together?—I have got copies of the returns made lately to the commissioners on education appointed by His Majesty, and I find by the returns, that in three-fourths of the schools throughout my diocese, Roman Catholics and Protestants are educated together, without any complaint of proselytism on either side. I find in the returns made by the clergymen, no attempts made in those schools to proselytise.

In those cases they are educated together without difficulty?—Yes; where such interference does not occur, there is no difficulty in carrying on the education of both.

Have you any doubt, that in the instances where no such apprehension of proselytism was entertained, the Roman Catholic clergy would feel it their duty actively to promote education in such schools?—I have not; of course the clergy would be the most zealous of those seeking to promote education.

Have not the Roman Catholic children been withdrawn in many instances since those returns made to the commissioners?—I dare say they have; but if they have, it was owing to an interference with the religious tenets of the children, either actually made, or suspected to be made; so that the withdrawing of the children has, in every instance which has come to my knowledge, arisen from the conviction or apprehension that such efforts were using.

Do the Roman Catholic clergy contribute frequently in their individual or collective capacity to the establishment of schools for the education of the poor?—I do not think that there is a priest in my diocese, however poor, or of whatever description, who has not contributed his money and his labour to the establishment of schools; and I myself have done every thing in my power to promote education in every shape among the people.

What is the most approved and authentic summary of the creed of the Roman Catholic church?—The most approved and authentic summary of the creed of the Roman Catholic church will be found in the decrees of the Council of Trent, and in the profession of faith by Pope Pius the Fourth, and in what we call the Roman catechism, or catechism of the Council of Trent. The latter work particularly is perhaps the most authentic summary, because in the Council of Trent many things are mixed up with the declarations of faith; whereas, the catechism

of the council is confined, I believe, exclusively to matters of faith and morals.

Is Bossuet's Exposition of the Doctrine of the Roman Catholic Church considered orthodox?—Yes, quite orthodox; and we consider it extremely good. There is another that would be exceedingly useful to read, which is Veron's Rule of Faith.

Of what date is that?—Some time after the Council of Trent. I mention its utility, because he not only expounds what truly are the Catholic tenets, but he also removes a misunderstanding which then subsisted in the minds of many with regard to those tenets; there is both the tenet and the exposition, but in Latin; and it is a work universally admitted as a standard of our doctrine.

Are not the Roman Catholics taught that no change whatever has taken place or can take place in the doctrines of their church?—Yes, that is a tenet of our faith; and it regards, as your lordships must have perceived from many of my answers, the doctrine of faith, and not the discipline of the church, which is eternally varying.

When Roman Catholics are required to profess their assent to all things declared and found by the canons of councils, what canons are meant?—The canons universally received by the church, or such parts of them as are received by the church.

The whole of some, and parts of others?—Just so.

When crimes, such as murder or treason, are revealed in confession, is the confessor bound not to disclose that?—He is bound not to disclose it in any case whatever.

Has not such disclosure been allowed at Rome?—Never.

Not in the case of a conspiracy against the Pope?—No. That statement has been made. It is a matter which I have taken pains to ascertain.

It is said by Du Thou, in his history, that it has been allowed in France?—I would not believe, on the authority of Du Thou, nor any authority whatever, that it could have been allowed; for we hold universally, in the Catholic church, that the revealing of any secrets confided to the priests in confession is contrary to the law of nature and to the authority of God, in respect of which no Pope or council can dispense or exercise any authority, unless to enforce such law.

Would not such a regulation, were it adopted, defeat its own purpose, as far as connected with the security of the State, by preventing the habit of confession on those subjects?

Altogether; but by leaving it as it is, the abuse of it is impossible; because when a criminal comes, if he should come, to

make known his crime to the priest, the latter endeavours to dissuade him from it, if not perpetrated, and to repair, if it be done, the injury he has committed, as far as it is in his power. If, however, it were once allowed to the priest to reveal the confession, under any circumstances, no criminal would come to him.

Would a priest think himself justified, in case he received in confession a knowledge of an intended crime, to take any measure by which he could prevent the execution of that crime?—No, he cannot; more than the means he uses with the individuals themselves.

Could not he warn the person against whom the crime is intended to be committed?—He cannot. We adopt, with regard to the secret of confession, an expression of St. Augustine; his Latin is very bad, but it expresses our sentiment very strongly; "Plus ignorat quod sacerdos a peccatore audit quam quod nescit." No more than much of your own English.

Are the miracles of Prince Hohenlohe generally credited in Ireland?—I believe they are generally credited.

Are they considered by Roman Catholics as evidences of the Divine favour towards that church?—I was personally concerned in one of them: I have considered that an instance in which the Almighty was pleased to interfere, and shew his mercy to the individual who was afflicted.

Is it not likewise considered as a proof of the intention of the Almighty to interfere for the recovery of the Roman Catholic church from its present state of oppression?—As a proof that the Almighty has watched over a faithful member of that church.

Have those miracles been acknowledged by the court of Rome?—The court of Rome has taken no cognizance of them.

The Roman Catholic bishops in Ireland still feel themselves entitled to receive them as miracles?—The bishop in his own diocese has a right to examine into the fact, and to receive the miracle if his mind is convinced; but his declaration in its favour does not bind any one.

With respect to all miracles now wrought, the right of private judgment is exercised by every individual seriatim?—Of course.

Till they have been acknowledged by the Head of the church?—And even then, I think, a declaration of the Head of the church on a miracle does not bind the faith of any one; it would be irreverent to doubt it; but it is a matter on which the Pope and a general council might be in error.

But it is a matter in which you believe, and which you would inculcate on those you instruct?—It is not a matter I

would inculcate, because I think it unnecessary to do so: it is not a matter which can form a part of such instruction as we give to the people; but I do believe it myself. It is the doctrine of our church, that miracles are wrought in every country, and in every age, when the Almighty may think it necessary to do so for the relief of any of his creatures, who petition him in the spirit of humility and faith.

Do you not think it desirable, for the purpose of avoiding any collision between persons of different religious feelings, that no procession should take place, which would give offence to either parties?—I do think that such processions should be confined to the places of worship, or their precincts; to a small enclosure about them, if it were necessary, or to the churchyard, but not the street.

Are you acquainted with the service for the sick in the Common Prayer Book of the Established Church?—Yes.

In that service, where a Protestant applies for the special interference of Providence for the relief of the sick person, where no human help can avail, does he appear to you to ask for more than has been granted, in your opinion, in the case of Prince Hohenlohe?—Precisely the same; but in the case of Prince Hohenlohe it was granted in a more special and striking degree.

Are you acquainted with the prophecies published by Pastorini?—I have read them some years ago, but not lately; I know sufficiently the substance of them.

They have been circulated extensively, on a separate sheet, among the peasantry of Ireland; have they not?—I do not know; the book is a large one; that there may have been an extract of that kind printed and circulated among the peasantry, I have little doubt; at the same time I am very confident, that if done, it has been done lately, by persons in the south, to excite dissension in Ireland, and to produce appearances of disturbance.

Have any means been taken by the Roman Catholic bishops or clergy to discountenance that?—I have taken, myself, a very active part in seeking to discountenance it; and not only to discountenance it, but to prevent altogether the reading of it. I have gone so far in a Pastoral, which I published in the beginning of this Lent, as to call it the impious production of an over-heated mind; and I doubt whether any noble lord could designate it more strongly. Those words express what I think of it.

Are you aware of any other persons, holding the same situation with yourself, or other offices in the Catholic church, who have taken a different part from yourself respecting it?—No;

I have known other bishops to denounce it as a mischievous work.

Have you known any who have given it the least countenance?—No.

Do you think their efforts have been successful in discountenancing it?—Yes; I am persuaded there is no one in my diocese who gives the least countenance to it.

Have you any establishment in your church, parochial or other, for the relief of the poor?—We have some Mendicity Societies; but except those, I do not know that we have any.

No parochial establishment?—No.

What particular or general benefit would, in your opinion, be produced in Ireland by the admission of the Catholics to equal rights and privileges?—I think that the general benefits produced by it would be incalculable. I am quite confident it would put an end to those religious heats and animosities which now prevail so generally. I am also of opinion it would tranquillize the public mind effectually, and make us all sit down quietly to promote our local and general interests. I also think that the country being thus intent on its internal improvement, the capitalists of England would find it their interest to go amongst us, and to employ, for their own advantage as well as ours, their capital, and skill, and industry, upon those vast resources with which Ireland abounds. It is in that way, I think, our general interests would be promoted by it. As to the particular interests to be promoted by it, I should think, in a vast community like ours, abounding with talent, and now becoming well-educated, many individuals would shew themselves deserving of attention, and acquire those situations, from which profit and honour would be acquired to themselves and their families; and if only one individual of the commnnity had this prospect before him, that would cause all others in his neighbourhood to look up to the state, and to labour with the government for the public good. In fact, I think it would knit together, and effectually secure the affections of the multitude as well as of individuals, and make us one people immediately, and I hope, in a few years, a very happy and prosperous people. Those are my views, such as I entertain them in the presence of God and your lordships; and I may add, that I think prosperity and tranquillity will never prevail in Ireland while the present political differences, arising from religion, are suffered to prevail.

Do you think the Roman Catholics in Ireland have any feelings upon that subject?—Their feelings are more acute, in proportion as their passions are stronger, than those of better educated persons.

Does not that feeling arise more from a sense of the fact of degradation to which persons of their religious sentiments are subject, than from any hope they themselves have of individual benefit?—It arises chiefly from that feeling which your lordship has just mentioned; but they do expect, and the impression is strong amongst them, that if those religious differences were taken away, the country would improve, and their own condition become thereby somewhat better.

Do they not also expect that they would receive a more certain degree of protection, from the elevation of those individuals of their own community, whose wealth or talent might raise them to situations of distinction?—I have no doubt that feeling is general amongst them.

Is the admission of the Catholic community to equal rights anxiously desired by the Catholic priesthood?—Most anxiously. In fact, our situation is one of extremely difficulty; one in which we are endeavouring to conciliate the upper orders, and to keep quiet the feelings of the lower orders. In this restless state in which our society is at present, we feel considerable difficulty and pain; and we hope that if our claims were settled by an amicable adjustment, we could go on without being obliged to interfere in political matters; that the country would be at least relieved from the extreme poverty which is now so afflicting, and our own condition improved thereby. It is impossible to estimate the state of anxiety in which we live, arising unquestionably from the state of the laws.

THE END.

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