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REPORT
OF
THE DEPUTATION,
&c.



REPORT
OF THE
DEPUTATION

APPOINTED BY

THE HONOURABLE THE IRISH SOCIETY,

TO VISIT

THE CITY OF LONDON'S PLANTATION

IN

IRELAND,

IN THE YEAR 1840.

LONDON:

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1841.

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TO
THE HONOURABLE SOCIETY
OF THE
GOVERNOR AND ASSISTANTS, LONDON,
OF THE
NEW PLANTATION IN ULSTER,
WITHIN THE REALM OF IRELAND.

PURSUANT to the resolution of your Court, held on the 22nd May last, we, your Deputation, proceeded to visit this City's Plantation in Ulster, by way of Glasgow, and arrived in Coleraine on the 1st day of September, 1840.

In commencing our duties, we considered with the previous Deputations of 1836 and 1838, that the Charter of the Society confers upon it, the government not merely of the City of Londonderry and Town of Coleraine, but of the entire County of Londonderry, inasmuch as it gives "full power and authority to direct, appoint, and ordain, all and singular things which for or concerning the plantation, supply, establishment, continuation and government, of the City and County of Londonderry, as to them shall seem best and most expedient. And also, to send orders and directions for the ordering, directing, and disposing of all and all manner of matters and things whatsoever, of or concerning the same plantation, or the disposition or government

thereof. And also, for the receipt, ordering, disposing, and laying out of all sums of money now collected and received, or hereafter to be collected and received; and generally, any other cause, matter, or thing whatsoever concerning the direction or ordering of the said plantation, or concerning any other things whatsoever, which, by the true intent of these our Letters Patent, can or ought to be done by them for the better government and rule of the said City of Londonderry, and County of Londonderry.”

We therefore determined, not to confine our inquiries to the City of Londonderry and town of Coleraine only, but to extend our investigation throughout the whole of the county, in order that we might ascertain how far the duties and obligations of the Charter had been and were now carried out by each of the twelve Companies, in their separate proportions.

COLERAINE.

WE visited the Coleraine Mill, and saw the house ^{Coleraine} and grounds-^{Mill.} adjoining. We regretted to find that the General Agent had not yet been able to procure a tenant for this mill. The terms upon which the Society agreed to let this property, have long been placed in the hands of the General Agent, with directions to find a tenant, and it is a matter of surprise to us (all obstacles to giving possession having been removed) that some proposal has not been obtained.

At this mill there is a waterfall of very great power; ^{Waterfall at} and although the subject has been brought before the ^{Coleraine} Society by former Deputations, (see p. 9, 1835; p. 32, ^{Mill.} 1836; p. 19, 1838, of the Deputation Reports,) yet we cannot avoid again stating what we consider to be the very great importance of this property.

The fall of water is well adapted for the purposes of a flax spinning mill, and such an establishment could not fail, in our opinion, to be not only useful to Coleraine and its neighbourhood, but highly beneficial to any capitalist who might embark in such an undertaking. Our reasons for this opinion are, that the flax which is grown in the surrounding country in great abundance, is now sent to Manchester or Scotland to be spun into yarn at an expense of nearly 15

per cent. ; in this state it is returned to be manufactured into linen cloth. It is clear, therefore, that the expense of the transit to and from England or Scotland might be saved ; and inasmuch as labour is much cheaper here than in Scotland, a very large additional profit would be gained, besides the usual advantages derived from spinning the flax into yarn. The parties requiring the yarn would also prefer its being spun in their own immediate neighbourhood, inasmuch as they would thereby avoid the delay and inconvenience of sending their flax to so great a distance to be manufactured.

Cuts at
Coleraine.

While at the mill, we saw the cuts of the fishery, and were informed by Mr. Atkinson, the Agent who has been lately appointed by the Trustees of the Society's Lessees to the management of the Bann Fishery, that the produce of the salmon fishery had improved considerably during the past year.

Lough
Neagh
Drainage
Company.

At this place we viewed the rocks which the Lough Neagh Drainage Company have proposed to cut down to the extent of 3 feet 6 inches in depth, and 132 feet in width. We consider this measure, if carried into effect, would not only be prejudicial to the waterfall at the present mill, but would also prove injurious to the salmon fishery at the Cuts. The project would further destroy the sites for other mills on the south of the river, which we think it most desirable to preserve. We therefore repeated to the General Agent the orders of the Society, which had been already given him, to oppose this proposition by every means in his power. He stated that he had taken the necessary steps to oppose the measure, and also to obtain the costs of such opposition.

In this neighbourhood we viewed the woods of ^{Woods at} Mount Sandel, and found that they had been thinned, ^{Mount Sandel.} agreeably to the directions of former Deputations; but we instructed the General Agent to direct Mr. Richardson to have the timber thinned in a different manner, which we think will be better calculated to ensure the permanent well being of the plantation. We called the attention of the General Agent to the circumstance that no Report had been rendered by the late General Agent, as to the slob of the River Bann ^{Slob of Ri-} from the mill-wall between the high road and the river, ^{ver Bann.} as directed in page 9 of the 1835 Deputation Report. We directed him to take possession thereof for the Society, and to have a plan drawn of the same, from the mill-wall down to that portion of the slob lately granted to the Clothworkers' Company. We further directed him to be particularly careful to report upon the reclamation of any slob, either in the Bann or Lough Foyle, whenever it was reclaimed, or left by the water.

We observed that the Coleraine union-house, under ^{Coleraine} the new poor law, is now in the course of erection by ^{Union Poor} the guardians, on some land held by Mr. Bennett, in ^{House.} perpetuity, on one of the town lands in the suburbs south-east of Coleraine. We are informed this union comprises no less than fifteen parishes.

The Hanover-place slob reclamation and enclosure, ^{Hanover-} These works appear to have been very well executed. ^{place Slob.} Upon inquiry into the reason of this enclosure not having been planted, in conformity with the original intentions of the Society, the General Agent stated that he entertained fears that the idle boys who are sometimes found trespassing upon the enclosures from the bridge, (through

the railing of which access is surreptitiously obtained,) would destroy young trees or plants, and he deferred any planting until the new bridge was erected. We thought it better, however, not to defer planting (at the proper season,) a sufficient quantity of trees and shrubs, the expense thereof being inconsiderable; and we desired him to state to the local authorities that the Society expects they will be strict in the infliction of penalties upon any persons convicted of trespass upon premises from which the town derives so much advantage, and which have been improved at so large an outlay to the Society.

We visited the office of the General Agent, and consider that he has very judiciously laid out the Society's money in improving and fitting up the same.

Sam. Knox's
Cottages.

We viewed the cottages on the holding of Mr. Samuel Knox, which falls in to the Society next year. We recommend that the General Agent be instructed to serve the several occupying tenants with notice to quit, in order that the ground may be cleared and let for the erection of a superior class of houses.

Spittal-hill
Quarry.

We were informed that it is contemplated by Dr. Boyd, to debar the inhabitants of Coleraine and liberties from access to the Spittal-hill Quarry, one of the best and nearest to the town where stone can be procured for the purposes of building, repairing of roads, &c. We therefore visited this quarry, and found the stone to be of very excellent quality. If the attempt is actually made, we consider it would be clearly an infraction of the stipulations contained in the Society's lease, and so decidedly prejudicial to the interests of the tenantry on their estates, as to require prompt repres-

sion. We hope that the statement may be without foundation, and in the absence of Dr. Boyd, (at that time in England,) we forbear to make any specific recommendation on the subject, but we desired the General Agent to give immediate notice to the Secretary, should any interruption be attempted.

The General Agent announced to us that he had discovered documentary and parole evidence, such as would render the Society's title to the disputed property on the Long Commons, clear and distinct. We therefore instructed him to confer with Mr. M'Corkell, (the Society's local law agent,) and consult as to the proceedings which he considered most desirable to adopt, and report thereon to the Society.

We regret extremely to find that the new line of road from the Diamond to Millburn, which would shorten and improve the approach to the town from Port Stewart and Port Rush, is not yet completed. The culverts, drains and bridges, which cost the Society so large a sum, were finished twelve months since; and we learned that a presentment for bottoming and coating the road (all ready formed for the purpose) had been rejected by the Grand Jury at the late assizes, from the pertinacity of the cess-payers, in sending before them a contract for paving, contrary to the opinion of the county surveyor, and all modern experience. Delays and difficulties of this nature afford little encouragement to the Society to contribute towards public improvements, and we hope that no such prejudices will be any longer suffered to retard this most desirable work. A fine spring was laid open on the east side of this road, which, as the town is so indifferently supplied

Long Commons.

New Road to Millburn.

Supply of water.

with water, might be made available to the adjacent suburbs, by the outlay of a small sum in the erection of a proper and convenient cistern, or conduit. The apathy of the inhabitants on such matters, small in themselves, but productive of important consequences, is surprising and reprehensible. We directed the General Agent to ascertain the expense of erecting a conduit; and if the inhabitants will take the matter up, we authorized him to contribute a small sum towards it out of the petty cash expenditure, but not to do so otherwise.

Holding of
late Widow
Burnsides.

We viewed a lot of ground in Bannfield-lane, opposite No. 413, late the holding of Widow Burnsides. We recommend that when so much of it has been set out as is necessary for the improvement of the lane, that the remainder be let for building. On visiting the tenement, lately Alderman Copeland's house, which was

Old Custom
House.

purchased by the Society, with the old custom-house, for the purpose of carrying into effect an improvement on the property of the Society in the rear of these buildings; we directed the remains of the old custom-house, and walls of the garden, to be taken down, and the materials to be employed in inclosing the ground belonging to the Society, in the rear of the former premises.

We were sorry to find that the General Agent has not been able to find a tenant for one of the houses, part of this holding, which still remains unoccupied. We directed the surveyor to make a report on this property; and, in connexion therewith, to furnish a fresh plan of the improvements projected by him, together with the most eligible suggestion for making a road

from Coleraine-bridge to join the new road to Port Rush. (See page 17, 1838, Deputation Report.)

We visited the improvement which is nearly completed in Meeting-house-lane, (see p. 15, 1838, Deputation Report; and p. 30, 1836, Deputation Report:) we find that one house requires yet to be taken down in order to make the improvement complete. We received an application from Mr. J. B. Beresford, the agent of the Marquis of Waterford, requesting that the 100% might be paid, which the Society had agreed, in 1836, to contribute when the whole of the improvement was effected. We cannot recommend the Society to accede to this, but on the contrary should advise that the same be not paid until the work is finished.

We visited the quay at the bottom of Ferry Quay-street: the Society has been memorialized by Mr. Hugh Lyle to carry on the reclamation of the slob (from this place) to Bannfield-lane, in a similar manner to that which they have adopted in front of Hanover-place. We directed the General Agent to procure from Mr. S. Gordon, the new plan which he had been desired to furnish for carrying on this improvement.

LONDONDERRY.

Arrival in
Londonderry.

WE arrived in the City of Derry on September 7th. On crossing the long wooden bridge, and entering the town, we were saluted by a discharge of cannon from the Vice Admiral's yacht, which was lying in the river. On arriving at the hotel, the bells in the cathedral were rung, and other demonstrations of satisfaction were exhibited on hearing that your Deputation had arrived. Next day we were waited upon by the Mayor, the Recorder, the Sheriffs, and Chamberlain, in the name of the Corporation, to pay their respects to the Society. We were politely invited by the Mayor to dine, which we respectfully declined on account of the pressure of business, to which we had to direct our attention. We were also invited to dine by the Recorder, but whose kind invitation we were for the same reason compelled to decline. This gentleman, who is your Society's Standing Counsel, had at great personal inconvenience remained in Derry until our arrival, as we were anxious to have his valuable advice in some matters on which we considered it necessary to consult him.

Application
from 2nd
Presbyterians.

We were next waited upon by the Rev. James Denham, Mr. Pattison, and Mr. Burke, as a deputation from the 2nd Presbyterian church in James-street: they

requested that directions might be given to the General Agent to have the railing put up in front of their meeting-house, which was ordered by the Deputation in 1838, and that we should visit their school-rooms, which we afterwards did. We found them to be very commodious rooms, under the chapel. They stated it was their intention to apply to the Society for some annual aid towards carrying on the school.

On our visit to the Cathedral, our attention was called to the broken tombstone of Lieutenant-Colonel Cairnes. At the Siege of Derry, he was Lieutenant-Colonel of Murray's regiment of horse, and his fellow warrior at Pennyburn, when Murray slew Maumont, the French Commander; he was also Recorder and Representative of the City of Derry in Parliament for thirty years, and legal adviser of your Society.

Cl. Cairnes's
tombstone.

We directed the General Agent to have a suitable tablet placed in the Cathedral, as close as may be to the banners, which this hero and statesman so materially assisted in taking from the enemy, on the first movement made against the City by the combined French and Irish armies. We further directed that the inscription on the old tombstone should be copied on to this tablet.

We examined the Vice-Admiral's yacht, Mermaid, and considered her to be well worth the money she cost the Society, and well adapted for the purposes of the Vice-Admiral, whose exertions on behalf of the Society we altogether approve; we directed some trifling alterations to be made, which were pointed out by the Vice-Admiral as necessary for the safety of the men when employed on board in stormy weather.

Vice
Admiralty
Yacht.

Encroach-
ment on
Clooney
slob.

Close to the bridge on the Clooney side, we observed an encroachment upon some ground which was agreed to be granted to the Corporation by the Society at a nominal rent of 5s. per annum; and that some person had thought fit to commence the erection of some sort of a building thereon. We directed the General Agent to see that it was immediately removed and the ground enclosed, so as to prevent a repetition of such an encroachment on the Society's property or on the public way.

Quay above
bridge.

We visited the Quay, on the upper part of the City side of the bridge, where the General Agent has been directed to expend 80% towards extending and consolidating the pier already made, and which in some parts has been allowed to fall into decay. We observed that the collection of rubbish and mud, referred to by a former Deputation, had not been removed as directed. The General Agent said that part of this would be required for filling in the ground, which would be made by extending the pier, and he would see that the other was removed as soon as that object was effected.

City walls.

We walked round the walls of the City, which are in an excellent state of preservation. We noticed that several matters directed to be attended to by the Deputation of 1838, page 5, of their Report, had not been carried into effect. We therefore desired the General Agent to cause these works to be done without any further delay.

Gen. Agent's
Office.

We visited the General Agent's office in Foyle-street, for the accommodation of which he is indebted to Mr. Joseph Moore, in whose house it is. We also

visited his residence, which is situated near the Strand Road, above the Derry Bridge. Whilst upon this subject, we consider that the Society, as soon as their means will allow, should erect a large and commodious house, to be called the Government House, where the General Agent might reside, and have his office for the transaction of the business of the Society and the security of the papers, &c. It ought to be sufficiently large to accommodate the Governor, Deputy Governor, and Members of the Deputation with commodious apartments, on their visits to, and whilst residing on, the new Plantation. A property has lately fallen into the hands of the Society, in the upper Liberties of Derry, where such a building might be advantageously placed. It is in a good situation, and the expense of such a building need not be heavy, as stone might be quarried in the neighbourhood and brought thither at a very trifling expense.

We visited the lands, &c., which were soon likely to become the property of the Society by the death of the Bishop of Meath: we directed the General Agent and Surveyor immediately on that event occurring to have proper surveys made, and reports thereon forwarded to the Society.

We should have made a longer stay in Derry but on account of its being the race week. It appears these races have been lately re-established, after having been given up for several years. The Society formerly contributed fifty guineas per annum for a race-plate; but discontinued it on receiving a petition to that effect, signed by nearly 1000 persons, including all the clergy, and very many of the most respectable inhabitants of

Derry and its neighbourhood, who represented these meetings to be extremely prejudicial, subversive of decency and propriety, and destructive to the morals of the working classes and the peace of the community in general; as we believe these allegations to be well founded, we cannot but regret that they should have been recommenced.

Primitive
Wesleyan
Methodists. While in Derry we were waited upon by a deputation on behalf of the Derry Primitive Wesleyan Methodists, consisting of Mr. Nolan, Mr. Greenslade, and Mr. Mervin. They stated they were about to build a new meeting-house, and should in a short time memorialize the Society for some pecuniary assistance.

SCHOOLS.

WHILE in Coleraine we visited the Killowen female school, which is carried on in the old church, the new and improved church having been built within a short distance of the former within the last seven years. It is very satisfactorily conducted under the superintendance of the Rev. W. W. Sillito. Killowen is on the Clothworkers' proportion, and is one of the Advowsons belonging to the Society.

Killowen
Female
School.

We went to the infant schools, which are carried on under the superintendance of Mrs. Sturrock; we found between seventy and eighty children in attendance, who appeared clean, orderly, healthy, and happy; they went through their various exercises under the direction of the schoolmistress very much to our satisfaction. We consider the school very well conducted and satisfactorily managed; the dwelling-house in which the school is held is in a dilapidated state, and the lease of the premises will expire in 1841. Considering the handsome sum (26*l.* per annum) which the Society contributes towards its maintenance, we recommend (in the event of any memorial being presented to the Society for pecuniary aid towards the erection of new and more commodious school rooms) that a handsome proportion, if not the chief part, of the expense thereof

Coleraine
Infant
Schools.

should first be raised among the respectable inhabitants of the neighbourhood.

Society's
Schools.

We next visited the Society's male and female schools, and are happy to record our entire approbation of the excellent principles upon which they are conducted, and the very judicious arrangements which it is apparent are made in the management thereof. As it regards the boys' school, we understand, that very many children are admitted who with greater propriety might be sent to the infant school, and we therefore recommend that the Committee of this school should make it a rule that no boy under the age of six years shall be admitted, and to see that the same is strictly enforced.

Late Miss
Ripping-
ham's
School.

We paid a visit to the school, late Miss Rippingham's, and which we regret to state is now held in a very confined room on the first floor of a small house in Blindgate-street; the room is very small and not at all adapted for the purpose. The Society, upon the recommendation of the Deputation of 1838, (see page 27 of their Report,) increased their grant 10% to this school, making the annual grant 30%, for the purpose of enabling them to provide a suitable house wherein the children should be taught. This grant, we think, has been very injudiciously applied. We also observed that the children taught therein were about the same ages as the children in the Society's female school, and not as formerly, chiefly confined to the reception of girls who had left the Society's schools, or were too old to be received therein. We consider that this school should be incorporated with the Society's female school, and that the half-yearly grants thereto should be dis-

continued. The mistress, who is a very deserving woman, is the mother of the teacher of cutting out work in the Society's female school, and her services may be continued and made useful in assisting her daughter in that department, if the ladies' committee should approve of the same. We therefore recommend that an addition of 10% per annum be made to the salary of the teacher of cutting out work.

We visited the Lawrence-lane school-house, which is Lawrence-lane Schools. carried on by Mr. Cunningham and his daughter. These schools did not appear to us to be conducted in a very satisfactory manner. We directed the General Agent to request the ladies' committee of this female school, and gentlemen's committee of the male school, to be good enough to see that the intentions of the Society were carried out, and that the 15% granted by the Society for properly fitting up the school-rooms should be forthwith laid out to the best advantage. This house was built by the Society, and permitted to be employed for the purposes of these schools, so long as they shall be managed to their satisfaction; we therefore recommend that they shall be chargeable with the nominal rent of 5s. per annum to the Society.

We received an application from the Rev. Mr. Rev. Mr. Green. Green praying for some pecuniary aid towards building a school-house in the yard of the Coleraine Roman Catholic Chapel. We visited the building, and found it partly erected for that purpose. The Society's schools, which are in its immediate neighbourhood, receive children of all denominations. Children of Roman Catholic parents are also allowed to use in class their own version of the Scriptures—the Douay.

We do not, therefore, see any necessity for these new school-rooms, and if any memorial should be forwarded from Mr. Green we cannot recommend that any grant should be made him.

Ballyclaber School-house. Mr. Black and Mr. Murrough attended us on behalf of the Ballyclaber schools, stating that they were about to make an application to the Society for an increase of the grant formerly made to them of 10*l.*, (see page 49, 1836, Deputation Report,) for the purpose of building commodious school-rooms; in the event of their presenting a memorial, we recommend that it be favourably considered by the Society.

Temple Moyle Agricultural School. On Thursday, September 9, 1840, we visited the Temple Moyle Agricultural School, on the occasion of the annual examination of the pupils, where we found a large company assembled; among the Patrons and the Members of Committee of Management present we observed some of the most influential men of the County, Sir R. Ferguson, M.P., for Derry; the Mayor of Derry; Sir Robert Bateson, Bart.; Alderman Young, Major Scott, Mr. Lesley Alexander, &c.

We were much pleased with the management of this school, and the proficiency of the scholars in their various studies. We had a good account of the eight lads placed there by your Society from amongst the sons of your tenants. We cordially concur in what has been stated by former Deputations, with reference to this very excellent Agricultural Seminary. (See pages 39, 1835, Deputation Report; 42, 1836, Report, and 23, 1838, Deputation Report.) While on this subject we cannot avoid remarking that, although the peaceable disposition, and flourishing condition of the Province

of Ulster, has been much vaunted for many years past ; we would beg to point out to all landlords, to the several Companies in possession of their proportions, and still more especially to those expecting shortly to come into possession, how very much remains to be effected, to place even the most improved districts upon a footing to bear comparison with England or Scotland. Little has been hitherto done to protect crops and cattle from the driving storms of the northern climate by judicious planting. It is not the ornamenting of a picturesque glen, nor the grounds of a handsome demesne, which alone require the attention of the landlord. The sides of the hills should also be well clothed with a judicious selection of forest timber, and enclosures fenced with quick-set hedges, and trees of rapid growth for shelter. The introduction of good farming stock and husbandry implements also is an object of paramount importance. No one can bestow the most cursory glance upon the County without remarking the striking deficiency it exhibits in these respects. The County of Londonderry is not only behind some of the southern, but also western counties, in the several breeds of live stock ; and although commendable exertions are made in a few individual quarters to effect a change for the better, and though some good results are being tardily developed by the aid of Farming Societies, and the excellent course of instruction in the Temple Moyle Seminary, it is to the lords of the soil that the inhabitants of the Plantation will naturally principally look for good and vigorous example in the introduction of such improvements.

The wider culture of green crops, and the more

effectual labouring or working of the soil, demand every attention and encouragement.

The daily increase in the exportation of cattle and pigs to Liverpool and Glasgow by steam boats, affords the fairest scope for such advances. But the farms are too small, and farmers generally are too poor, to lead the way in the importation of expensive breeds of cattle, and in the introduction of agricultural improvements.

We would earnestly urge upon the consideration of the principal Companies and their associates that, whether they regard their interests as proprietors, or their solemn duty as Colonists under the Charter, the course before them is obviously the same, viz., to endeavour to place their estates and tenantry upon the most advanced footing in the scale of moral and religious civilization and improvement.

Derry Dio-
cesan
School.

We visited the Derry Diocesan School, which is carried on under the superintendence of the Rev. Wm. Smith. It is a very commodious building, a short distance from Derry, in a beautiful situation, overlooking the Foyle. We are glad to report that this school is slowly but steadily progressing in improvement, both in the number of scholars, and in the condition of its funds. The Mercers' Company have renewed their support, and the treasurer informs us that he has forwarded memorials to the Fishmongers' and Clothworkers' Companies, which we trust will be equally successful in propitiating their valuable patronage.

Since our last visit, an airy and spacious apartment has been fitted up as an infirmary; and another has

been constructed specially with the object of providing a comfortable private study, for those boarding pupils who may be desirous of improving their leisure hours in preparation for College or other pursuits in life.

The expense, however, which has been incurred in securing these advantages, and in completing a repair of the building generally, makes some further present aid very essential. And unless the appeal to the holders of the several proportions be speedily and liberally responded to, the Institution must ultimately cease to afford the means of a cheap education on extended principles, and merge into a private establishment at a much higher scale of charge.

FISHERIES.

WHILE in Derry the Vice-Admiral Stewart explained to us the difficulties with which the water keepers and conservators of the Lough Foyle fisheries had to contend, during the season which ended on the 1st of September, owing to the poachers having been encouraged by the Marquis of Donegal, to whom the whole of the Barony of Ennishowen belongs; and who actually sent an order to the Chief of the Constabulary to protect the men in their illegal fishings. He stated also, that it had been given out by some of the agents of the Marquis, that the poachers were entitled to protect their property by arms, and that a vessel belonging to them had been cruising about with armed men on board; he detailed the mode of fishing adopted by the illegal fishermen, by the use of bag or still nets. We visited the Merville establishment, and the ice houses, belonging to the lessees. We also visited the various fishing grounds where the poachers carry on their illegal practices. We heard with extreme regret that these poachers acted under the avowed instructions of the Marquis of Donegal, who is the Lord Lieutenant of the County of Donegal, and as such, at the head of the Magistracy who are intrusted with the

preservation of the public peace. Owing to the conduct of the poachers, the barony is burthened with an extra establishment of police.

The continuance of these depredations, and the encouragement and support the parties concerned in them appear to receive from the local authorities, is a matter of deep regret to your Deputation. Poaching, like smuggling, can only tend to encourage vice and crime, and to lead to the demoralisation of the lower classes. Smuggling may be considered at an end in this neighbourhood, though once so flourishing; and it is an universal feeling that all are gainers by the change. The pursuit of the labours of peaceful industry in these immediate districts, once mainly devoted to the production and exportation of illicit spirits, have been productive of the greatest moral and social benefits; but it only requires a little more encouragement to be permitted to the illegal fishing of these waters, to return a large portion of the tenantry to dissipation, idleness, and misery. The Society have maintained their right to these fisheries in no niggardly spirit, and solely with a view to their preservation, and for the benefit of the plantation and neighbourhood. They have always looked with anxiety to the legal preservation of these fisheries, because on the one hand, without such protection it must soon cease to exist; and on the other, the large sums of money spent by the Lessees in the country in employing the poor, and procuring, packing, and other branches of the fisheries, appear to the Society a most desirable investment of English capital, expended in a manner most advantageous to the comfort and employment of large masses of people. They would urge

these considerations upon the magistrates and gentry of these districts; and if this general reasoning fails to convince, they would ask them to imagine the consequences that would follow the successful resistance of the Society's rights, and the admission of claims such as those set up by Mr. Staples or Lord Donegal. It is well known that a large portion of the income of this Society, and therefore of its means of usefulness, is derived from the fisheries of the Foyle and the Bann. Unless the civilities shown your Deputation in Ireland are mere idle compliments, all the country feels that this income is wisely and benevolently expended for the advantage of the province. Surely, then, the Irish Society has a right to claim from the magistracy of this district, and from the country which it is their most anxious wish to improve and protect, that moral influence which every man possesses in the support of their rights, so valuable and so important. Suppose it were otherwise, and that the fisheries passed into the hands of individuals; it might be conceived that in the hands of one or two proprietors, the salmon would be rigidly enough protected, caught, and packed for the market; the profit would, however, naturally go into the pockets of the parties, and be safely kept there, without reference to schools, hospitals, churches, and meeting-houses; but in this case the admission of the rights of one would be to admit the rights of all, and the noble fisheries of the Foyle and the Bann would soon only become the sacrifice of an universal, an ill-judging, and a ruinous covetousness, and not expended as it now is, in improving and administering to the wants of the community at large.

Your Deputation have thus felt it right to bring

under the notice of the Society, and through them to the public, the general views which occur to them on this subject; but the duty they owe to the body of which they form a part, compels them also to lay before them the particular facts which have led to this train of reasoning and remonstrance. It is well known throughout Ireland, but particularly in the north, that the various and protracted law proceedings on the subject of the fisheries ended in 1836, in the complete establishment of the right of the Society to the exclusive fishing of the Foyle and the Bann. In these proceedings every defence that the ingenuity of Counsel could suggest was set up, and amongst others the pretended claim of Lord Donegal. Mr. Staples, the principal defendant, finally signed a submission, of which the following is a copy, under circumstances that will hereafter appear:—

(copy.)

SUBMISSION OF REV. MR. STAPLES.

SIR GEORGE DUCKET, Bart., <i>Plaintiff.</i>	}	I hereby consent,
REV. J. MOLESWORTH STAPLES, <i>Defendant.</i>	}	undertake, and promise to abstain from
		all further interference with, or to give any further disturbance, hinderance, or obstruction to the rights of the Irish Society, or of the plaintiff in this action, as claiming under them to the exclusive fishing in and over Lough Foyle, and all the waters thereof, as claimed in this action; and for the purpose of putting an end to all further litigation or

contest of the said rights, I hereby further consent that a verdict shall be had for the plaintiff, and a judgment entered forthwith thereon, hereby fully admitting and acknowledging the said exclusive right and title of the Society, and of the plaintiff, as claiming under the said Society, to the fisheries aforesaid.

Dated this 12th day of March, 1836.

JOHN MOLESWORTH STAPLES.

To Sir G. Duckett, Bart.,
and Alex. Henderson.

After this submission, your Deputation cannot but think that Mr. Staples was particularly called upon, as a gentleman and a clergyman, to endeavour to carry it out; but they regret to find that there is the strongest evidence that this was not the case. Illegal fishings took place from the glebe land, the parties engaged were assisted by the son of Mr. Staples, and his servants, and every countenance and encouragement was given. Under these circumstances the Lessees of the Society sought to enforce the provisions of the Act 3 Geo. III. cap. 35, (see Appendix, No. I.,) passed for the express protection of fisheries; and the law officers of the Crown gave it as their opinion, that the Magistrates were bound to convict upon it. (See Appendix, No. II.) But at the sessions at Mowille, in 1838, where the proceedings took place, the Rev. Mr. Staples sat as Chairman of the Magistrates, and one of the poachers directly addressed him with the words, "You know, your Reverence, we did it all under your orders." To complete the affair, the Magistrates refused to convict, and their decision was to the following effect:—"The Magistrates are of opinion that they have not any juris-

diction. in this case, as it involves a right of property.”

In this state of things, the Society thought it right to consult Mr. Litton upon the statement of facts which had been transmitted to the Irish Government, and the correspondence which had passed thereon. The following is the learned Counsel's opinion, and which gives the facts somewhat more in detail:—

COPY OF MR. LITTON'S OPINION ON THE AGGRESSIONS ON THE LOUGH FOYLE FISHERIES.

“ If numbers of the lower classes shall be set forward to resist and oppose the law, and if they shall, at the same time, be secretly protected, though they are not openly assisted by gentlemen of influence in the country, such a state of things it is, precisely, with which it is almost impossible for any individual or company possessing property, effectually to contend.

“ Civil actions against paupers, though they may be uniformly successful, are of no avail, the costs of the successful action falls upon the party who succeeds, for the defeated party has no means to pay. Successful prosecutions are of little more avail, for imprisonment to persons of the very lower classes, whose avocations are not, generally, of an important nature, can easily be compensated for, by those who encourage illegal conduct for their own purposes.

“ Therefore, as I have said, success, either in a civil or criminal proceeding of this nature, affords no redress; nor do I see how the Government of the country can interfere in such matter, save in one way, and that would be by removing from the Bench of the Magis-

tracy any Magistrate who shall be found to aid, abet, or protect illegal proceedings—over a Magistrate who so acts the Government and the Lord Chancellor have undoubted control; and, in my opinion, it is the case of all others in which the Government should so interfere. Indiscretion in a Magistrate should, in my opinion, when corrupt motives cannot be imputed, scarcely ever be dealt with, as sufficient ground for removal from the Commission of the Peace; but a deliberate encouragement to a breach of the law by a Magistrate is, in my opinion, the greatest offence of which a Magistrate can be guilty. Now, in my opinion, upon the case submitted to me, there is the strongest evidence that Mr. Staples has been the encourager of a clear breach of the law, and that he has lent his influence to protect the wrongs of which he has been the originator. The evidence of these two propositions, I think, is clear.

“Mr. Staples is defendant in an action to try the right of the fishery in question—the merits of the case are decided, and a verdict is found against him. The case is ordered for a second trial, upon the ground of the admission of some evidence which the Court above thought should not have been admitted upon the first trial; the case is about again to be tried, when Mr. Staples submits, and in writing, formally and deliberately cedes the right he had claimed. If Lord Donegal’s claim (if a claim it can be called) existed at the time of the last trial, such claim would have founded a case of justification for Mr. Staples in the action, if justification could have been founded upon such a claim. But supposing the claim of Lord Donegal, bearing his signature, dated 2d July, 1836, (as below,) to have been

justified, it warrants no taking of fish, or fishing. It is a claim (if such ever had or has subsistence,) which cannot, even if yielded to, to its full extent, warrant the taking of fish from the river, and all that it could warrant would be, a bill in Equity, or an action at law, at the suit of Lord Donegal, to recover the value of the fish he claims.

“To set it up as a justification for the conduct at present pursued, I consider to be the adoption of a mere pretext; and I think of so flimsy an one, as not to warrant the slightest doubt, or the raising of the slightest question as to the rights of the Society.

“Under these circumstances, Mr. Staples, according to the statement, permits his son, his man M^cCandless, and other men under his command, to renew all the trespasses with deliberation and obstinacy. That he is the individual who sets on those who commit the trespass, cannot, if the facts be truly stated, be doubted; the fact that, among the individuals engaged, are his son and servant; and his inability to deny the statement made by one of them on trial, viz., that he, the accused, had acted by Mr. Staples’s direction, all establish this fact. Mr. Staples, in addition, sits as a magistrate, takes a part in deciding, what is, in fact and in substance, his own case; and on these grounds, I am of opinion, that an application will be successfully made to the Government or the Lord Chancellor, to have Mr. Staples removed from the Magistracy.

“The facts stated in this case should be made the subject of distinct affidavit, and from what I have known of the removal of other gentlemen from the Commission of the Peace, upon grounds which do not

appear to me to have been in any respect so strong as those which exist in the present case; I think the Chancellor and Government will think it right to accede to the application.

(Signed)

“ EDWARD LITTON.

“ *London, 31st January, 1840.*”

“ *Ormeau, 2nd July, 1836.*

“ I authorise Mr. Lithgow to receive for my use, four of the finest salmon each week during the season, from the salmon fishery at Culmore.

“ These four fish being in lieu of my right to twenty-four salmon weekly during the season.

“ This compromise, on my part, depends upon the salmon sent being the very finest taken.

(Signed)

“ DONEGAL.

“ *To A. Buist, Esq., Manager of the Fisheries.*”

Mr. Staples is at present in France, but the same practices still continue from and upon his lands, under the protection of his son.

In the case of Lord Donegal, referred to in Mr. Litton's opinion, his Lordship, it will be seen, seeks to set up a right of open fishing; but it must be remembered that this is at the Society's expense. His Lordship has undisputed right of fishing at Strabreggy and Buncrana in Loughswilly, but we never heard of his granting free fishing to the poor at any of these places; and it is a matter of regret to us that we do not find his Lordship's name as a contributor to either school, charity, or dispensary: the rents and profits being all paid into the hands of trustees, for the benefit of those who have claims on his estates. In the barony of Innishowen

(where the claim is made) he is only known to the people as receiving the name of his title from their county, whilst the fishing of this part of the coast has been let by the Society from their first letting of the fisheries in 1609. With this state of things your Deputation were greatly surprised at finding a hand-bill distributed throughout these districts, and of which a copy, signed and dated by Lord Donegal himself, was placed in their hands. This bill is as follows:—

“NOTICE.

“I do request, that the tenantry on my Estate will support my fishermen on the Foyle, against the encroachments attempted to be made by persons claiming a right to my fishery; and I cannot think it possible (as I have heard) that any accommodation can have been given to persons opposed to me and to my rights.

“DONEGAL.

“*Dated this 10th day of August, 1840.*”

We believe that this appeal to the lower orders failed of its effect; and that his Lordship, as Lord Lieutenant of the County, has since been so ill-advised as actually to direct the police to interfere in behalf and on the part of the poachers, as will appear by the following note:—

“*July 25, 1840.*

“SIR,—You will much oblige me by protecting my fishermen in doing their duty in removing the nets of the Society, and protecting my rights.

“Your obedient humble Servant,

“To the chief of Police.”

“DONEGAL.”

These circumstances led to the appeal to the Lord Lieutenant, which will be hereafter adverted to. With one other fact of which we were informed, we shall close this most unpleasant part of our duty. At a place called Shroove, there is a small gang of poachers under the charge of a servant of Sir Arthur Chichester, and this man states that the net is the property of Sir Arthur. This is a claim of the newest kind, for the property was sold by the trustees of Lord Donegal, about ten years ago; and in the particular of sale there is no mention whatever made of any right of fishing.

COMPANIES' PROPORTIONS.

WE shall now proceed to a general notice of the Companies' Proportions in the County of Derry, to which we have referred in the commencement of our Report.

1st. GOLDSMITHS.

This Company's estate is situate in the neighbourhood of the City of Derry, north-east of the River Foyle; it is one of those let in perpetuity, and is at present possessed by Lesley Alexander, Esq., of Foyle Park.

The soil is generally poor and superficial, being the debris of mica slate, with occasional patches of alluvial soil, which are more productive.

The face of the country is without any wood, excepting here and there a few trees round a farm house, on two or three free-holdings on this Proportion, not held under the Company; these are the snug residences of gentlemen of small fortunes, who have improved and planted thereon, so that the otherwise naked appearance of the estate is not so remarkable. The present income from the estate is considered to be 4,500*l.* per annum; a number of leases having twelve years yet to run, will, upon their expiring, increase the amount to about 6,000*l.* per annum.

The farms are generally small, averaging from five to

ten acres; consequently the lands are badly cultivated, and the small farmers' houses are very inferior in comfort and appearance. The tenants are made to pay very high rents, and the cotters live in perfect hovels. It is hoped the poor law now introduced into Ireland will have the effect of reducing the number and of bettering the circumstances of the poor generally.

This property was until lately held in moieties, Mr. Alexander owning only one-half. He has lately, however, purchased the other moiety, and the estate is now entirely his own.

This division of the property was always stated as the reason why neither schools, dispensaries, nor charitable institutions of any kind were supported by the proprietors.

We were informed that nothing had as yet been done to meet these obvious claims of the tenantry, and that there did not appear any present prospect of the Society's Charter being carried out on this Proportion; but we hope, from what we know of Mr. Alexander, he has merely postponed, and not abandoned, the consideration of the claims and duties which are incumbent upon him as the sole proprietor of this large and valuable estate.

2ND. THE GROCERS.

The Grocers' Company's Estate is situated at an average of five miles from the City of Derry; its extent is about 15,000 statute acres, with a rental of about 5,000*l.* per annum.

The only town upon this property is called Muff, and consists of one street, with a very handsome market-

house, a large inn, and a considerable number of very good houses: all this has been built by the Company; but it, unfortunately, is only an evidence of a liberal, but most ill directed outlay, for the whole of it is disproportionate to the wants and means of the tenants. The Company have built several school-houses, which they contribute annually to support. In these improvements, the Grocers have doubtless expended a very large sum of money, but they have, at the same time, unfortunately and unaccountably neglected the general interests of the tenantry. Many of the farmers' and cotters' houses are of a very inferior description, and the state of agriculture has not improved. At present, we were informed, that the Agent appears to be more intent upon realizing a large income from the estate than ameliorating the condition of the tenants.

On this property there is the very useful institution referred to by us at large under the head of "Schools," named Temple Moyle Seminary, for the education of young men intended for agricultural pursuits. The Company assisted liberally towards its erection, and let the lands to a managing Committee of gentlemen at a moderate rent; they also subscribed annually towards its support. This lease is now expired, and it is hoped the Company will grant another lease on like favourable terms for so generally useful an institution.

The Grocers used to subscribe also to the Diocesan School at Derry; and there are arrears of three years, which the Directors of the School think ought to be paid. The Treasurer informed us they have only lately given notice of their intention to discontinue their subscription of £100 per annum without paying up their arrears of 300*l.* for their subscriptions for 1838, 1839,

and 1840, upon the faith of receiving which, the trustees incurred expenses in altering the building, &c. The nonpayment of these arrears leaves them in debt upwards of 300%. most unexpectedly and unavoidably: we consider the Company are bound, in common fairness, to pay up the arrears, even if they discontinue their subscription.

Several freeholds exist on this property, which present the same improved state in planting and wood as described in the Goldsmiths' Proportion. The Company has planted one or two glens near Muff, which add considerably to the beauty of the country.

3RD. THE FISHMONGERS.

The Fishmongers' Estate is situated about ten miles from the City of Derry; its chief town is Ballykelly, containing about 200 inhabitants; it is bounded by the Grocers', by Lough Foyle, and by the Skinners' Estate. The lands are, generally, superior to either the Goldsmiths' or the Grocers'; the low lands of Myroe are alluvial, and very productive; the soil near the mountains is formed of the debris of mica slate, whilst that in the neighbourhood of Claudy is formed of the disintegration of silicious sandstone and mica slate. This Proportion is supposed to extend to about 18,000 statute acres, and to be let at about 7,000%. per annum.

This estate has been for a considerable time in the Company's possession, and although they have improved the appearance of the country, yet the improvements are far from being carried to the extent that a public body ought to be satisfied with; very little of the income derived from the property is laid out for its im-

provement. The farms average about eight acres, which is far too small; they are badly cultivated, and have miserable farmhouses; the cotters' huts are void of every comfort, being thatched cabins of the most wretched character, and many which we went into were really unfit for the habitation of human beings.

The Company occasionally gives assistance to the tenants who wish to improve their houses; but that assistance is not sufficient to encourage them generally to undertake so desirable an object.

The Fishmongers have built two very excellent and suitable houses for the Presbyterians, who form three-fourths of their tenants: they have also built two dispensaries, and support them; they have also erected four schools on their estate, which they assist liberally in supporting.

The only wood upon the property is an ancient wood near Ballykelly, about 300 acres, and a little wood at Drumcovitt, about four miles from Dungiven. These woods or trees have been protected by the lessees who formerly held the mansions adjacent; the Company having done nothing towards increasing the plantations, except a very small portion near Loughermore. The farm steadings are generally void of trees, and very mean in appearance.

Much good might be done by the Fishmongers in planting, and draining—in assisting the tenants to rebuild and slate their houses—in increasing the facilities for supplying the tenants with limestone for agricultural purposes, and, if possible, in enlarging the extent of the farms.

On this proportion are two of the Society's advowsons, Tamlaght Finlaggan, and Faughanvale.

4TH. THE HABERDASHERS.

This estate is situated about fifteen miles from the city of Derry, and is bounded by the Skinners', the Merchant Tailors', the Mercers', and the Ironmongers' Proportions. It contains about 27,000 statute acres. The lands are of various soils. The Magilligan district is alluvial, the middle district is silicious sandstone. The higher lands are chiefly basaltic. Limestone is also found there. The property has been let by the Company in perpetuity, and is at present possessed by the Marquis of Waterford. The lands are let at fair and moderate rents, bringing a rental of about £10,000 per annum.

The tenantry on this estate are considered comfortable; and the sums paid by new tenants for old leases or holdings are very large, which shows that there is confidence between landlord and tenant, and that the lands are not rack-rented.

There is no town or village in this Proportion, nor any plantations worthy of notice; the only trees are a few here and there around the farm buildings. The farms average about ten acres in extent. The lands are not very well cultivated, as the fields are too small, and not properly squared. Several glens along the face of mountains, with rocky land, are favourable for plantations, and would repay any outlay necessarily incurred.

The farmhouses are of a middling class; the proprietor has done a good deal in assisting the tenants to slate their farmhouses—a great many private roads have been made, partly by him and partly by the tenants, for procuring turf for fuel, and limestone for manure. Several schoolhouses have been built at the

sole expense of the Marquis, and are assisted by annual grants : contributions of from 5*l.* to 20*l.* per annum are given by him to all the different charitable institutions of the district. Much more has been done for the Haberdashers' Proportion than for any other of the Company's estates, who have let them in perpetuity ; still the Proportion is capable of great improvement, both as to the face of the country, and the moral and intellectual cultivation of the inhabitants.

On this Proportion are three of the Society's advowsons, Bovevagh, Aghanloo, and Balteagh or Boydafeigh.

5TH. THE SKINNERS.

This Proportion is situated in its nearest part about four miles from Derry, and its extreme end is about twenty-two miles from Derry ; it is the largest of all the Company's estates ; the annual rents amount to about 11,000*l.* The estate is capable of great improvement, and, under proper management, may ultimately become by far the most valuable of the twelve Proportions.

The Skinners leased it to the late Robert Ogilby, Esq., of Pellipar Lodge, which lease has twenty years yet to run, with the concurrent life of Robert Leslie Ogilby, Esq., nephew of the late Robert Ogilby.

The soil is very varied ; about four miles from Derry the rocks are mica and clay slate ; when about three miles further, the silicious sandstone commences, and continues, with but little exception, to about three miles beyond Dungiven, where the basaltic rocks are seen, which stretch over the mountains of Jamcarne and Glen-shane ; then commences a sandstone district, covered

with patches of mica slate. The soil is generally poor and badly cultivated. A great extent of this estate is still unreclaimed, there being extensive tracts of moor and bog lands.

Limestone is found in patches through nearly every part of the estate, except at the extreme end towards Derry.

Dungiven is the only town of any importance on this estate; it consists of one long and rather mean street about half a mile in length, nearly all the houses being only one story in height. The town is kept tolerably clean from a stream constantly running down the water-channels of the street; and it owes something to the exertions of the agent, Mr. Robert Leslie Ogilby. Two or three schoolhouses only are seen upon this estate, which have been erected by the lessee; but the national system of education is making rapid advances, and promises to supply the deficiency. Great numbers of Roman Catholics inhabit the mountain districts of this property.

The late Mr. Ogilby seemed to look upon this vast tract of land as a property in which his only interest was to realise the largest possible income during his term; and from the manner in which it has hitherto been managed, the tenants are depressed by heavy rents and small holdings, the farms only averaging about five acres.

The houses of the farmers are many of them unfit for common day-labourers, whilst the labourers' or cotters' huts are unfit for human beings to inhabit, and we consider them as most disgraceful to any civilised country, but more especially to a property under the protection

of one of the wealthiest and most powerful of the London Companies.

There are remains of some old wood along the banks of the river Faughan; which, from inattention, have been almost destroyed. A portion is still kept in good order at Oaks, the residence of Hugh Lyle, Esq., who has made considerable improvements on his small holding. There is also a small plantation near Ballyartin-bridge, adjoining a very respectable residence inhabited by Alexander Ogilby, Esq., brother of the deceased landlord. At Dungiven, round the town, and at the seat called Pellipar House, there is some planting. The whole of these woods do not occupy, however, above 100 acres in the aggregate.

The tenants' houses are generally bare, and without shelter from trees, and no new plantations seem to have been made either to ornament or benefit this property.

The farms are badly cultivated, the fences in the worst possible state, although great facilities exist for bettering the condition of the farms, from the limestone and turf for manure being found on almost every portion of the estate; excellent free-stone is also found for erecting buildings, but no encouragement whatever is held out to the poor tenants to reclaim the land, or to rebuild or slate their houses.

The old castle, at the town of Dungiven, has been lately rebuilt two stories in height, flanked with two round towers, having an octagonal tower in the centre. This building is beautifully situated, but the construction is not very creditable in an architectural point of view; the three towers being merely connected by back and front gables, the under story having the kitchen, dining and drawing-room apartments, and the upper

story being intended for bed-rooms ; its extreme length is about 100 feet, whilst its breadth is 18 feet inside ; the interior is not yet completed.

Mr. Ogilby subscribed to very few charitable institutions of the county, but usually gave 25*l.* to each new erection of Presbyterian houses of worship, which have been built on this property. This proportion has been in the hands of the executors, (Sir Robert Ferguson, and Andrew Ferguson, Esq.,) for about eighteen months, but there seems no appearance of better management than when under the late proprietor.

The Society's advowson of Banagher and Dungiven is on this Proportion, and the presentations have been made by the holders of the property down to the present time, and of course, under the original title of and by permission of the Society.

6TH. THE MERCHANT TAILORS.

This estate is situated about twenty miles from Derry, and about two at an average from Coleraine ; it contains about 12,000 statute acres, and is worth about 6,000*l.* per annum. It has been let by the Company in perpetuity, and is at present possessed by Henry Richardson, Esq., of Somerset.

The lands are supposed to be let at fair and moderate rents, but the farms are generally small, averaging about eight acres. The soil is good ; it lies altogether upon a basaltic bed. There are extensive portions of the estate very capable of cultivation, but which are allowed to remain unreclaimed, either from bad management, or from the peculiar disposition of the property under the wills of the late proprietors. It is a matter of regret that no limestone is at present found on this Pro-

portion; the value of this mineral would be of vast importance in reclaiming these (almost) waste lands, and in improving the houses on the estate; but it is supposed that if proper search were made, limestone would be found, as it exists on all other sides of Boyd's mountain, upon which this estate abuts. The want of improvement of this land is very much to be regretted, as it is so conveniently situated for the Coleraine market.

The only wood on this estate is at Somerset, which has attained considerable growth; there are a few farmhouses with trees sheltering them, but the general appearance of the farmhouses is poor and miserable. The system of agriculture is not much improved, and the minute division of the holdings is a very great hindrance to the prosperity of the country.

As might be expected from this statement, little or no amelioration is taking place either in the moral or intellectual condition of the inhabitants, or in the comfort or progressive improvement of their condition. No schools are supported by the proprietor, and he subscribes to scarcely any charitable institutions on the property, so as to sustain even a semblance of the fulfilment of the Society's charter. Although there are many situations favourable for planting, no advantage has been taken thereof, but all is left wild and barren.

On this Proportion is the advowson of Camus; the title to which, with the other eleven advowsons in gross, has been so satisfactorily proved in the Court of Common Pleas, Dublin, on the two trials which have taken place during the past year. The charge given by the Chief Justice, which is appended hereto, (See Appendix, No. 3,) and which he stated to be the unanimous opinion of himself and the other three Judges, (John-

son, Torrens, and Ball,) at the last trial in November, places the justice of the Society's claim beyond all doubt. The legal expenses already incurred by the Society are upwards of £3,000 ; but they are advised that this, with the annual income of the living, for as many years as the Society are kept out of possession, will have, eventually, to be paid by the Bishop.

7TH. THE CLOTHWORKERS.

This estate is situated on the banks of the river Bann, within an average of two or three miles of the town of Coleraine.

It is in extent about 10,000 statute acres, and in value about 5,000*l.* per annum. It lies on a bed of basaltic rock throughout its whole extent ; three-fourths of the soil is under cultivation, and is capable of producing excellent crops ; the soil is very good, although in some places it is light. There is no limestone on the property, but abundance can be obtained at Magiligan, which is only a few miles distant from the estate.

The Clothworkers having only obtained possession during last year, they have but just commenced improvements ; and certainly few properties stand more in need of them. The Company lately sent two most active and intelligent members of their body to suggest plans for its speedy and effectual improvement. About one-half of the town of Killowen (which is a suburb of Coleraine) belongs to the Clothworkers. Many of the houses are much decayed and dilapidated. It is expected they will renew those buildings, and make improvements in Captain-street. The new stone bridge about to be constructed over the river Bann, at Coleraine, at an expense of £14,650 by the

County of Londonderry; and also the further contemplated improvements in forming a new line of road (passing through this estate) between Coleraine and Newton-Limavaddy, at an additional cost of between 7,000*l.* and 8,000*l.*, will enable the Company to do this with very great advantage.

This property was long in Chancery, and for the six years previous to the Company's obtaining possession, (by the death of Sir George Jackson, the last remaining life,) the lease was held by Mr. Lesley Alexander. During this period several of the tenants held favourable leases, and were correspondingly comfortable in their circumstances, whilst those who did not hold leases were rack-rented, and paid the highest amount that could be obtained from them; where this occurred the farm-houses, and state of agriculture, are in the most wretched condition. The lands generally are much divided, and the fields far too small.

A very fine mansion-house belongs to this estate, named Jackson Hall, on which is preserved the only wood on the property. Several of the farm-houses have a few trees around them; but the general appearance of the country is bare and void of hedge-rows, trees, or even decent looking houses. No buildings worth notice occur in Killowen, or in Articlave, which is a village on the estate. No schools erected by the late lessees are seen. No dispensaries or charitable institutions occur. The places of public worship are mean and unimportant. The farmers are chiefly Presbyterians. This estate is capable of great improvement, owing to its contiguity to the town of Coleraine. A very great linen market was formerly held on this pro-

perty at Killowen; but from inattention, or some other unknown cause, it has ceased of late to exist.

The Clothworkers' Company have lately appointed a highly respectable agent in the person of Mr. Charles J. Knox; and from the known liberality of the Company, we have every rational ground and confident expectation, that a few years of their spirited and liberal management will work a most beneficial change in this part of the plantation.

On this Proportion there are two of the Society's advowsons, Dunboe and Killowen, and a third, Tam-laghtard, on the lands of Magilligan, is in the immediate neighbourhood.

8TH. THE IRONMONGERS.

This estate is situated at an average of about seven miles from the town of Coleraine, and skirts the river Bann; there is none of the Proportions which is more scattered in its allotments, or more diversified in its soil. The land along the side of the river Bann is good clay, and is fertile; the part lying towards the mountains abutting the Haberdashers' is a light moory soil. The whole of this estate lies upon a basaltic bed of rocks. Limestone is found in the part adjacent to the mountain.

This Proportion is held by Lord Beresford, Sir John Beresford, and John Knox, Esq., of Rushbrook; the years of the lease have long expired, and the only surviving life is that of the Lord Bishop of Meath, who is now in his 83rd year, and in indifferent health: the

present rental is about 4000*l.* per annum; but on the falling of the lease it is presumed (from the favourable leases now held depending on the bishop's life,) the income will increase to about 5200*l.* per annum.

The present holders seem only to have used this property for the purpose of making the most of it during the term of their lease; consequently those who have no leases are heavily rented, and little or no improvement has taken place.

There are a number of freeholds on this estate, some of which have been well planted and improved, and upon some of them there are very handsome residences, such as Lord Garvagh's demesne; Rushbrook, the seat of John Knox, Esq.; Reeley House, the property of Major Stirling and Geo. Dunbar, Esq., of Landmore; but if these freeholds are excepted, this Company's estate is void of wood or planting to any extent, and the farms are generally in a very mean and disgraceful state. The cotters' houses are of the most wretched description of hovels. These high-rented farmers and meanly-lodged cotters look forward to be bettered in their circumstances only when the Ironmongers shall take possession of the estate. The average size of the farms is about six acres; they are badly cultivated; the fields are too small, and badly fenced and drained.

The Company has sent over Mr. Oseland to look after their interests until the falling in of the lease. This gentleman has been indefatigable in his exertions to preserve any plantations, bogs, or game upon the estate, but his power is very limited, and he is not able

effectually to improve the condition of the cotters' houses until the Company obtain possession.

Mr. Oseland has always supported a project for making a tumbling bay immediately above the Cutts in Coleraine, at the old mill belonging to the Society: this project ought to be watched with great care, as the lessening of the fall of water at this place would tend to depreciate the value of the mill, and possibly injure the fishery at the Cutts.

From the great extent of surface occasionally flooded on the banks of the Bann river and Lough Neagh, with its several tributary streams, (supposed to be not less than 20,000 acres,) a company has also been formed called the Lough Neagh Drainage Company, which proposes to remove the obstructions and shoals in the river Bann from Lough Neagh to the high water mark at the Cutts of Coleraine. This would be very prejudicial to the interests of the Society, as it would tend to destroy the water power obtainable at Coleraine Cutts, and it would lessen the value of the fishery to a great extent, as referred to in the former part of this Report. It would also be generally prejudicial, as the result would be to inundate the low grounds at and near the town of Coleraine, on the banks of the river Bann.

In consequence of these circumstances, the Society last year directed their general agent to employ their solicitor and surveyor to attend at Belfast and give evidence as to the extent of injury the Society and the neighbourhood would sustain in the event of this project being carried into effect.

These gentlemen attended, and from the informality

of the proceedings of the Drainage Company, the barrister at Quarter Sessions decreed against them. It is, we hear, intended to have the commission issued again from his Excellency the Lord Lieutenant of Ireland, to try the cases before the barrister, and we gave directions to the general agent to adopt every proceeding in his power to obtain security for damages, should the commission be granted. The Drainage Company have it in contemplation at present to remove the bars and shoals on the upper part of the river, and leave the lower bars and shoals to a future period. This part of the project ought to be viewed with great jealousy by the Ironmongers' Company, as it would have the effect of causing greater inundation of their lands lying on the Bann side, and for much longer periods than at present, as a greater quantity of water would be let down upon their low grounds without a corresponding lower passage or outlet to the sea.

On this Proportion are two of the Society's advowsons, Temple Errigal and Desert Toghill.

N.B. The Bishop of Meath has died since our return from Ireland.

9TH. THE MERCERS.

This Proportion is situate about twelve miles from the town of Coleraine, and twenty-eight from Londonderry: it is bounded by the river Bann for about seven miles on the east, and by the Ironmongers' on the north, and Vintners' Proportion on the south: its extent is about 21,000 statute acres, and its value 8000*l.* per annum.

There are two towns on the estate; Kilrea, the larger, containing about 1000 inhabitants, consists of a square and four principal streets, containing about 250 houses; twenty-five of which are slated, the remainder covered with thatch. There is a market held here every Wednesday for flax and linen, and a fair is held once a month for horses and cattle.

A handsome market-house has been built in the town, suitable to the place; also a police barrack in the cottage style, an agent's residence, a very handsome building; and several private residences for gentlemen of moderate fortunes. These are all built of brick. As stone can be procured about a mile and a half distant from the town, it may be remarked that it would ultimately be much more beneficial for the Company to make use of stone in all their new buildings. The access to the town has been considerably improved by the assistance given to the County in cutting down the hills and filling up the valleys which formerly existed. The Company have subscribed 1000*l.* towards a new Presbyterian meeting-house, in connexion with the Presbyterian Church of Ireland, (formerly called, the Synod of Ulster.) This place of worship is a very handsome edifice, in the gothic style, with lancet windows, surmounted with a bell and steeple. The total cost has exceeded 2000*l.*; the remaining sum was made up by private subscription, toward which the Irish Society granted 100*l.* The clergyman is the Rev. Mr. Rodgers. The Company are building some neat one-storied cottages for tradesmen, and are about to commence a new church in connexion with the Church of England, the cost of which (about 4000*l.*) will be

defrayed solely by the Company. A new Seceders' meeting-house has been erected by subscription: the Company subscribed towards it, and the Society gave 50% for the same purpose.

There are about twenty school-houses on the estate: the buildings are very inferior, with the exception of two or three which have been lately built. These schools need much encouragement. They are chiefly supported by payments of the boys, by the Company, and by the several clergymen of the County; but some have grants from the National Board of Education, and one is under Erasmus Smith's charity.

Swateragh is the lesser town on the Kilrea estate: it contains about 220 inhabitants. In the village is a meeting-house for Presbyterians, and a handsome new school-house, chiefly supported by the rector and his lady, with a grant from the Company: the rest of the houses are most wretched hovels.

The soil is very productive about Kilrea and towards the river Bann, whereas towards Swateragh it is light and barren. Nearly the whole estate rests on basaltic substratum; limestone and freestone are found on the mountain part of the estate in small portions.

The lands have been in the Company's hands for about seven years. Previously to their obtaining possession, the farms were cut up into very small portions, for making forty shilling freeholders; this great evil has not yet been obviated, but the Company, through their worthy agent, (Mr. Holmes,) are making progress in the enlargement of the holdings and improvement of the estate.

Agriculture is still at a very low ebb, and many of the tenants' houses, as also the houses of the cotters under the tenants, are in a deplorable condition; but it is presumed the Company will remedy these evils as soon as the funds derived from the property will enable them to do so. It is only an act of justice on the part of the Deputation, to state that this Company is acting in the most praiseworthy manner. They are expending nearly, if not all, their annual income in improvements, and in bettering the condition of the inhabitants.

There is very little old timber on this Proportion, only a few trees here and there about the parsonages; the farm-houses are generally void of that ornament and shelter. The Company have done a good deal in planting; perhaps in all about forty acres, the chief portion of which is situated in the neighbourhood of Kilrea. There are many rocky and other situations only adapted for planting, which it is presumed they will take advantage of as soon as their funds enable them.

A very handsome Roman Catholic chapel is building on the Proportion near Swateragh; we could not learn whether the Mercers have subscribed towards this building; it is however building by subscription.

10TH. THE VINTNERS.

This Proportion is situated about nineteen miles from the town of Coleraine, and twenty-five miles from the city of Londonderry: it contains about 25,000 statute acres, and its annual value is from 9000*l.* to 10,000*l.* It is bounded by the river Bann and Lough

Beg, also by the Mercers' and Salters' Proportions, and by the Phillips' Land, called the Castle Dawson Estate.

These lands have been alienated by the Company, and let in perpetuity, (or sold.) The present proprietors are the heirs of the Connolly family, viz., Lord Strafford, Lord Clancarty, Marquis of Lothian, and Colonel Conolly, as tenants in common. The former proprietor, Colonel Conolly, diminished the rents to some of the occupying tenants by giving leases in perpetuity for premiums; so that the income derived from this estate is not more than about 4000*l.* per annum.

The only town on the estate is Bellaghy, (formerly named Vintner's Town;) it contains 400 inhabitants: several of the houses are two stories in height, and have a decent appearance; but some of them are only cabins of a very mean character. A monthly fair is held in the town. An agent formerly lived here, but it is now managed by Andrew Spottiswoode, Esq., a gentleman much esteemed for his correct demeanour, and general usefulness as an agent; he is also agent for the Salters' Proportion, and to the Right Honorable George Robert Dawson, for his Castle Dawson property.

There are several small woods upon the estate, comprising probably in all less than 100 acres.

The houses of the farmers who have obtained leases in perpetuity are generally surrounded with a few trees, which gives the country a comfortable and agreeable appearance. These farmers also live in easy circumstances, but few of them have the taste to improve their dwellings beyond what their necessities require. The cabins of the labourers are very despicable hovels, and even the houses of the farmers who did not obtain

leases in perpetuity are generally deficient of every comfort.

The soil is generally good, and there is less of bog or moor upon this Proportion than on any other, except the Salters', comparatively with the extent: it lies generally on a basaltic substratum, but towards the river Bann and Lough Beg, and Lough Neagh, the soil is of alluvial formation, composed of the debris of silicious sandstone, mica, and clay slates, limestones, both primary and secondary, and trap rocks.

There are no schools on the estate supported by the proprietors: those which exist are assisted by the clergymen of the several denominations, by small payments from the scholars, and lately one or two have come under the National Board of Education. No charitable institutions are supported by the proprietors, or by the Vintners' Company, who have only 21% a-year of head-rent from the property. A Dispensary for medicine and medical aid is supported in Bellaghy by the County, and by private subscriptions.

The lands are indifferently cultivated; the fields too small, and the farms do not average more than eight acres. Hedge-rows are of frequent occurrence, and they greatly improve the appearance of the country; but altogether this property partakes of many of the evils arising from absentee landlords, without the fostering care of that Company to whom the lands were originally granted by the Society, and who were bound by every consideration to carry out the great purposes of the charter.

11TH. THE SALTERS.

This Proportion is situate about twenty-nine miles from Derry, twenty-nine miles from Coleraine, and twenty-nine miles from Belfast, being equally distant from the three sea-port towns. Its extent is about 18,000 statute acres, and its value about 14,000*l.* per annum. Several tenants hold favourable leases under the present lessees, so that the present income is only 12,500*l.* per annum. It is bounded chiefly by Lough Neagh, for seven miles by the Castle Dawson Estate, or Phillips' Land, and by the Vintners' and Drapers' Proportions.

The lease of the estate is held directly under the Company by Lord Londonderry, and Sir Robert Bateson, Bart., of Belvoir, one of the present members for the County of Derry, which lease will expire in May, 1853.

Magherafelt is the chief town on the Proportion: it contains 1500 inhabitants: it is spacious and well built, having a large quadrangle in its centre, from which radiate four principal streets. Most of the houses are two stories high, and roofed with slate; altogether there are 280 houses. Several of the small cabins are very poor and wretched, but the chief portion of the town presents a respectable and clean appearance. A market-house is situated in the centre of the quadrangle, the upper room, which is for public purposes, is supported upon arches, which are open on the ground floor. A new pork, corn, and provision market has been lately enclosed with a high wall, having sheds at the sides, and a weigh-house in the centre. This has

been done at the joint expense of the Salters and the present lessees. A new linen market has also been built by the same parties; this is a yard enclosed with high walls, with sheds and standings inside for the accommodation of the linen merchants. The Salters' coat of arms is very tastefully carved in freestone over the entrance to the market.

A new Bridewell has been lately built in the town, (Quarter Sessions being held here twice a-year;) the building is tastefully designed and well executed, but requires a wing to complete the design. This has been erected at the sole expense of the County. Although we did not approve of the situation, we were informed that the Board of Superintendence of Gaols in the County would not allow of its site being altered. The reason for this determination was stated to be that it might be near the Sessions House, on which it abuts, and thus one keeper be able to take care of both.

A free school was founded here by Hugh Rainey, Esq., in 1710, who bequeathed an annual endowment of 175*l.* Irish currency for its support: it is under the patronage of the Lord Primate of Ireland; fourteen boys are clothed and educated for three years, free of all expense, and afterwards placed out as apprentices, with a premium.

A Dispensary, supported by the County, and by the subscriptions of the landholders and gentlemen of the neighbourhood, is established in this town. Several public schools are also carried on here, as well as throughout the estate, to which the lessees subscribe. A Ladies' Clothing Society has also been established. There is a handsome church, a large but very old

meeting-house for Presbyterians, and a Female Working School, supported by the Marchioness of Londonderry and Lady Bateson.

There are two market days held in the week, one for pork, butter, barley, oats, wheat, potatoes, and the other for flax: the flax market is very extensive. There is also a fair held once a month for cattle, sheep, and pigs.

A linen manufactory is carried on in the neighbourhood, which employs above 1000 persons in weaving at their own houses, and nearly 100 are employed on the premises in preparing the yarn.

There is an extensive brewery; and a Manorial Court is held under the Society's charter. This town is also a station for police.

The soil is nearly all arable, of a good quality, chiefly alluvial, near Lough Neagh, at a distance from the Lough; it is formed of the debris of basalt. The whole estate rests on a basaltic substratum, with patches of limestone. The soil is very productive, and the surface of the country presents a rich and comfortable appearance. There are a few woods or plantations on the property, but the farm-houses are generally surrounded with trees and hedge-rows.

Although the system of agriculture is very inferior to English farming, yet the farmers are beginning to learn the value of occasional green crops; and iron ploughs, as well as other improved implements of agriculture, are becoming general; but the value of sowing grasses along with the corn is yet imperfectly understood, and the importance of having proper floors in their barns is not taken into consideration. This estate is considered to be let at very moderate rents, and the tenants to be well off.

Ballyronan is a town of some importance on this estate. It contains about 200 inhabitants, and is situated on the banks of Lough Neagh, four miles from Magherafelt. Considerable trade is carried on from its port. Vessels of from fifty to sixty tons burden can come to the quay, which import from the surrounding country for ten miles, timber, slates, iron, coal, flax-seed, groceries, &c., and export grain, pork, butter, and the general produce of the country by canal to Belfast, *via* Newry, whence it is shipped to Liverpool and Glasgow. A distillery is carried on at Ballyronan by Mr. Gaussen.

12TH. THE DRAPERS.

This Proportion is much scattered. Its average distance from Derry is twenty-nine miles, from Belfast thirty-two miles, and from Coleraine twenty-seven miles. It is bounded by the county of Tyrone, by the Vintners, by the Salters, and by the Skinners' Proportions. It contains 27,000 statute acres, and is let by the Company at about 10,500*l.* per annum. There are two towns of some importance on the estate. Moneymore is the larger, containing about 1050 inhabitants. It is an old post town, in which weekly markets are held on Monday, and monthly fairs on the 21st of each month. These fairs are noted for horses.

It consists of one principal street of shops and houses, and the circular road, on which are erected a few handsome buildings of stone as residences for the curate, the Presbyterian minister, and several private gentlemen. There is a very handsome church built of stone in the Norman style, which cost 7000*l.*; also a

very spacious meeting-house for the Presbyterians, in connexion with the Presbyterian Church, which cost 4000*l*. This meeting-house is plain in outward appearance, but is very convenient and suitable in the interior. These buildings have been erected at the sole expense of the Company. There is also a Seceders' meeting-house, and a Roman Catholic chapel, to each of which the Company subscribed above 200*l*. Two large and rather tasteful school-houses have been built at the end of the main street, with school-master's and school-mistress's houses, together with four other school-houses in the rural districts, at the entire expense of the Company, and they also support these schools in a very liberal manner. The masters receive 50*l*. salary, and the female teachers 35*l*., with a free house and supply of fuel. There are also four other streets in the town of Moneymore, making altogether about 200 houses, about two-thirds of which have been erected by the Company, as cottages for the tradesmen and labourers, and others employed in merchandize or business. A very handsome hotel, a dispensary, a market-house, a grain market, with corn stores, which cost 5000*l*., two residences for the worthy agents, the Messrs. Millers.

These are only a few of the works of this praiseworthy Company. A stranger arriving at Moneymore must be struck with the superior general appearance and the cleanly and orderly state of the town. The Company are about to erect an infant-school house and several cottages for the tenants, also a large barn. The sales of linen in this town are very large, and we were informed amount annually to 40,000*l*.

Drapers' Town, next in consideration, lies nearer the

mountain districts, and seven miles from Moneymore. It contains an ancient church with a handsome spire, and about sixty houses, thirty of which are newly built and slated. The new houses have been chiefly built by the tenants, with encouragement from the Company. It contains, also, a very commodious hotel, a market-house, and a post office, all erected at the Company's expense, who are now building a grain and pork store. These buildings are all erected on the most substantial scale, and do much credit to the Drapers' Company. A meeting-house for Presbyterians is about to be erected in this town, as there is no place of worship for this class within three miles, and they are numerous though poor. There is a dispensary supported by the Company, with a surgeon's residence adjoining. The Company allow the sum of 1000*l.* to be annually allotted for support of dispensaries and schools with the surgeons and teachers on this Proportion.

The soil of this estate is excellent, resting upon a basaltic substratum. Limestone is also found in all its districts, which, together with the occasional bogs, form excellent compost for manures. Silicious sandstone is also found in two or three places, which has been quarried and used for the buildings in Moneymore and Drapers' Town. It is presumed coal is to be obtained in the neighbourhood of Slivegallon, a mountain on the estate: borings were made to ascertain this, but unsuccessfully, although the strata of rocks in the neighbourhood are the geological accompaniments of coal. Perhaps those who made the experiment did not go to the necessary depth, or incur the requisite expense in the borings.

The Drapers have planted extensively in several glens and faces of hills on the estate, such as Gortinvary and Quilly Glens, Reuben's Glen, and the hill facing Moneymore. They have also planted a considerable extent near Draper's Town, making in all about 500 acres, which are thriving well, and this improvement will no doubt be very profitable in the result.

Besides the schools noticed as having been built by the Company, there are a great many more on the estate, to which the Company contribute annually. Every year ten boys are apprenticed from the Company's schools to trades.

The farms are considered to be let at fair and moderate rents: the tenants are obliged to whitewash all the outsides of their dwellings once in the year. The Company have within the last few years turned their attention towards the interior comfort of the farm houses, and have expended between 3000*l.* and 4000*l.* on them. The mode adopted is to give an improving tenant such a sum as may be necessary to rebuild or slate his house at the rate of 4 per cent. per annum, which per centage is added to the rent. Much more, however, remains to be done in this department of the management of the estate. And this improvement must be the work of many years, as the farms are generally small, averaging nine acres, and consequently very numerous. Nearly all the farm buildings have clumps of trees about them, which give the country an agreeable character, and hedge-rows are generally introduced round the fields. The Company supply the tenants with quicks for the hedges.

Mr. Rowley Miller, the agent, is universally respected

by the tenants. His son, who is joined in the agency with him, makes himself particularly useful in superintending the out-door or rural improvements. And he also is indefatigable in the assistance which he renders to the various schools and charitable institutions.

This Company is understood to expend all the income of their estate on its improvement, and in advancing the moral and intellectual welfare of the tenantry, whilst the comfort of the inhabitants is not overlooked even in the minutest detail by the very worthy agents.

About forty miles of road, sixteen feet in width, has been made by the Company, and kept in good repair, the average cost of which was about 80% per mile.

GENERAL REMARKS.

The City and County of Londonderry may be classed in its division of property under the following heads:—

The Honourable the Irish Society have retained in their own hands the city of Derry and town of Coleraine with their liberties, the Fisheries of the Lough Foyle and river Bann, and the ground and soil of the same, the Vice-Admiralty of the district between Ballyshannon (river,) and Olderfleete (castle,) with the deep sea fishings of the coasts and shores of the same, and all the royalties, &c., of the whole county, the advowsons, &c., &c.

The county may be considered as divided in the following manner:—

	Acres.
The city of Derry, the town of Coleraine, and the liberties thereof, about	14,000
The Twelve Companies' Proportions, comprising about	260,000
The Freeholds, about	110,000
The Church lands, formerly granted to the Bishop, about	100,000
Newtonlimavaddy and Castle Dawson Estates, about	25,000
Fisheries, Water, &c., about	12,000
Total	<hr style="width: 100%;"/> 521,000 <hr style="width: 100%;"/>

The annual value is about 250,000*l.* per annum, or an average of 10*s.* per acre. The population is about 250,000.

We have already referred to several instances of judicious planting upon some of the Proportions, highly creditable to those through whose instrumentality it has been effected. The success which has attended these plantations establishes beyond question the capability of the soil to grow good timber, but still the whole face of the country strikes the traveller as one sadly neglected in this particular; and when we call to mind the fact that at no very distant period the whole country was clothed and adorned with timber, even to the summits of the loftiest mountains, and that these ample forests were abundantly stocked with many sorts of game, and above all with that noble animal, the red deer, we cannot forbear the expression of our regret that either from inattention, or the cupidity of the proprietors, this fine and productive country should be allowed to remain in its present denuded state, stripped of its natural beauties, and rendered in some part almost unfit for the habitation of man or beast. In making these observations we are anxious to avoid imputing blame to any one; our only object being to draw the attention of the Society and the Companies of London to the fact, with a view to its amelioration; and perhaps we may be pardoned if we now take the liberty of suggesting to those who take an interest in this matter, the propriety of resorting to that cheap and easy mode of rearing forest timber, viz., the sowing of acorns. This simple process has been found extremely beneficial to those who have resorted to it, and it is perhaps desirable to notice the

fact that trees obtained from the seed in this way will arrive at maturity in about half the time necessary for those transplanted from the nursery.

Upon several of the Proportions we found the practice still continues of small lettings or sub-lettings; this has been universally condemned, as destructive of the best interests of the Irish peasantry; and judging from its effects, it cannot be too severely censured wherever it exists: it ought as speedily as possible to be abandoned, as striking at the very root of all improvement, and as a means of perpetuating that state of poverty and destitution for which unhappily Ireland is so pre-eminently conspicuous. As the result of a variety of conversations which we had with those who are familiar with the subject, we would recommend that in future the lettings should not be of smaller dimensions than would afford constant labour for two horses all the year round. This, on account of the inequality of the soil, is found to be a better and safer criterion than the mention of the number of acres, and that the practice of sub-letting should under no circumstances be permitted. In connexion with this subject, we deem it necessary to repeat the observations of former deputations with reference to the description of tenements and erections which appear but too common throughout Ireland, and we do this the more readily from a firm conviction that the health and comfort of the people depend in a very great degree upon the state of their habitations. At present a very large proportion of the houses (as they are called) consist of but one room, in fact a mere mud hut upon the ground; in this hovel the whole family live in a state of squalid wretchedness,

not easily made intelligible to the English reader by simple description; and we here beg again to draw the attention of the Society, Companies, and other proprietors to this circumstance, in order that whenever an opportunity offers, an improved class of buildings may be erected. It is to be lamented, however, that notwithstanding the efforts of the Irish Society and the English people generally to endeavour to benefit Ireland, there still exists a strong disinclination on the part of a portion of the native Irish to encourage the expenditure of English wealth in Ireland, or to promote any undertaking that has for its object the beneficial investment of English capital. This is a state of things much to be deplored, as productive of the worst results to Ireland, and as a means of perpetuating that fatal misunderstanding so destructive to the permanent well-being of both countries, and which it is clearly the interest of all to endeavour to remove. We are of opinion this can only be effected by the introduction wherever it is practicable, of that system of education which rightly teaches man alike his duty to his God, to himself, and to his country.

DUBLIN.

Having finished our examination, we arrived in Dublin, September 12. The next day we received a polite invitation from His Excellency the Lord Lieutenant of Ireland to dine on Monday, the 14th instant, at the Vice Regal Lodge, in the Phoenix Park, which we did ourselves the honour to accept, and have much pleasure in stating we were received by His Excellency in the most kind and courteous manner, and were very sumptuously and hospitably entertained.

On the next day by appointment we had an interview with His Excellency at the Castle upon an application which, when in Coleraine, we deemed it right to request the Governor to make on behalf of the Society, which was, that Sir Matthew Wood, Bart. M.P., the Governor of the Society, should be appointed Lord Lieutenant of the county of Derry, in the room of Lord Garvagh, recently deceased.

At this interview we stated to him our reasons for urging that this appointment should be made, inasmuch as the government of the whole county of Londonderry was granted to the Society by their charter, "with full power and authority for the ordering, directing, and disposing of all and all manner of matters and things

whatsoever, of or concerning the better government and rule of the said city and county of Londonderry." His Excellency observed it would give him great personal pleasure to comply with the wishes of the Society by the appointment of Sir Matthew Wood, but the difficulty he felt to exist was in the habitual non-residence of the Governor of the Society.

We were also honoured by an invitation from and dined with the Chief Secretary, Lord Morpeth, who received us with much affability, and entertained us in a very splendid manner at the Lodge in the Phoenix Park.

While in Dublin we had an interview with the Under Secretary, Mr. Norman M'Donald, at the Castle, on the subject of the aggressions of the poachers on the Lough Foyle fisheries, as previously adverted to; first, as to the non-enforcement of the conviction against M'Candless, the Rev. Mr. Staple's servant; secondly, as to the conduct of the Rev. Mr. Staples and others of the Magistracy at Moville; thirdly, as to the conduct of the Lord Lieutenant of Donegal, in writing a letter to the Chief of the Constabulary in that County, with directions to employ the police force for the protection of the poachers; full particulars of which had been furnished to the Government from time to time by the Society. After considerable discussion had taken place, he assured us that further inquiry should be made into the several subject matters of complaint, which the Government regretted should ever have occurred.

We also had the pleasure of dining with Mr. Litton, the member for Coleraine, at his house in Dublin. We were entertained by him with his usual kindness and

friendship, and we cannot refrain here from expressing our sentiments of the lively interest and active exertions which are uniformly exhibited by this gentleman on behalf of the Society.

Our stay in Ireland was unexpectedly abridged, and our departure for England accelerated by the sad intelligence of the sudden death of the lady of our worthy and respected friend, the Deputy Governor, upon which solemn event we shall not observe further than to say we are sure that each individual member of the Society sympathized most deeply with him in his irreparable loss, occurring as it did whilst he was absent from his home on the business of the Society.

All of which we nevertheless submit to the judgment of this Honourable Court, dated this 2nd day of February, 1841.

(Signed)

WILLIAM GREEN, *Deputy Governor.*
JOHN THOMAS NORRIS,
HENRY PATTEN,
WILLIAM HUMPHERY PILCHER,
JOHN E. DAVIES, *Secretary.*

At a Court of the Honourable the Irish Society, held in the Irish Chamber, Guildhall, London, on Friday, the 5th day of February, 1841,

IT WAS UNANIMOUSLY RESOLVED,

“That the thanks of this Court are especially due and are hereby given to WILLIAM GREEN, Esq., the Deputy Governor, JOHN THOMAS NORRIS, Esq., HENRY PATTEN, Esq., WILLIAM HUMPHERY PILCHER, Esq., and JOHN EBENEZER DAVIES, Esq., the Secretary, for the very able and efficient manner in which they have performed the important duties confided to them in their late mission to Ireland, and for the very luminous and interesting Report of their proceedings, which evinces the great exertions made by them, and their deep anxiety to promote the welfare and happiness of the Society’s tenants, and to advance the interests and raise the character of the Society in public estimation.

“That this Court desire further to record their unanimous opinion of the great importance of the suggestions and recommendations contained in the Report, and their conviction that, if carried into effect, they could not fail to remedy many existing evils, to encourage the investment of capital and the industry of the population, to alleviate the distresses and wants of the poor, to extend the prosperity and comfort of the entire county of Londonderry, and thereby to offer an example to the whole kingdom of Ireland.”

APPENDIX.

APPENDIX No. I.

ACT 3, GEORGE III. CAP. 35, SECTION 2.

AND whereas the several proprietors and farmers of the several salmon fisheries within this kingdom in general are continually disturbed in the property of their said several salmon fisheries, and such properties; and salmon fisheries destroyed by several persons on pretence of taking smaller and other kinds of fish within the bounds of the said several salmon fisheries throughout this kingdom in general; be it therefore enacted by the authority aforesaid, That from and after the first day of May, 1764, no person or persons whatsoever (except the proprietors and farmers of the said several salmon fisheries, and their several and respective fishermen,) shall make use of any boat or fish with any net or nets of any kind that hath or shall have a sole rope or ropes, with sinks of any kind thereunto fixed, or make use of any other instrument whatsoever for taking or killing of salmon within the limits of the said several salmon fisheries throughout this kingdom; and if any (except the said proprietors and farmers, and their fishermen by them respectively employed,) shall offend herein, every such offender being thereof convicted as aforesaid shall forfeit the sum of 5*l.* sterling, together with the boat or boats, net or nets, with all and every other instrument made use of in committing such offence, the same to be recovered and disposed of in manner hereinbefore directed, and that the limits and bounds of all and every salmon fishery in this kingdom is and are hereby deemed and understood to be such as they have been severally and respectively held, possessed, and enjoyed by the several and respective proprietors, and the several and respective farmers deriving under them for thirty-one years past.

APPENDIX No. II.

The joint opinion of the Law Officers of the Crown, viz., the Attorney General, (BALL,) Solicitor General, (BRADY,) and MR. SERGEANT CURRY.

We are of opinion that, under the inquisitions and charters, of which abstracts are given, and the other documents referred to in the foregoing statement, the exclusive right of fishing in every part of the river called Lough Foyle, from the deep sea to the town of Lifford, is vested in the Irish Society and their lessees.

We are further of opinion that on proof being made of the charter or grant to the Society, and that they or their lessees have exercised the right of fishing within Lough Foyle generally for the last twenty years or upwards, although they may not be able to prove that they or their lessees had actually fished in the particular spot where the trespasses have been committed; and on further proving that the party summoned has been guilty of any of the acts enumerated in the 2nd Section, 3rd George III. chap. 35, it will be the duty of the magistrates, if they believe the evidence, to convict those persons in the penalty of 5*l.* late currency, as directed by that section, and to condemn the boats, nets, &c., used by those persons in doing such acts, as forfeited. And we do not conceive the magistrates will be warranted in refusing to make such convictions by any mere allegation of right in the persons charged, or in others under whose directions they may state they have acted, unless sufficient grounds be laid before the

magistrates to induce them to believe that the acts complained of are done in the *bona fide* assertion of such right, and shall the magistrates refuse to convict on such mere allegation of right, it may be proper to apply for a mandamus to compel them to do so.

(Signed)

N. BALL,
MAZIERE BRADY,
WILLIAM CURRY.

Dublin, September 8, 1838.

APPENDIX No. III.

The charge of the full Court of Common Pleas, (Ireland,) on trial at Bar, as delivered by the LORD CHIEF JUSTICE DOHERTY on Thursday, the 12th day of November, 1840.

“Gentlemen of the Jury,—The evidence having closed upon both sides, it becomes now my duty to state the law as applicable to this case, which I shall do with the full concurrence of my learned brethren. And to assist you, as far as I am able, in applying the evidence you have heard to the law of this case, (which, I premise, is very peculiar,) it will become extremely important, in the progress of the observations which I shall have to address to you, to pay particular attention to what is laid down as to the peculiarity of the law upon this case; because, otherwise, the impressions which you may generally entertain might only tend to mislead you in the resolute discharge of your duty. Gentlemen, in this case the Governor and Assistants, London, of the new plantation in Ulster, seek to establish their right to present to the living of Camus-juxta-Bann, in the diocese of Derry. They claim that as a matter of right, and the Bishop of Derry resists the claim, asserting that they are not able clearly and satisfactorily to establish their right. Gentlemen, I shall not waste time by making any observations upon either the persons or the manner in which this case is brought forward; the question is one of mere right, and as such should be regarded by you: both are well warranted in coming before the Court to ask for a decision of the right, and equally deserve consideration. From the intelligence of the Jury—from the

extreme attention with which you have listened to the entire of the case, the verdict you will return will be, I am sure, a conscientious and safe one. In order to establish their right to present to the living of Camus-juxta-Bann, the plaintiffs must prove that they have a title to it, and that at some time or other they had a possession under that title. The first consideration is immeasurably the most important, and that is—whether they have established a right to present to that living. Gentlemen, the case of right originally put forward (*i. e.* in the Killowen case,) was the shortest and simplest imaginable. The plaintiffs stated that the Crown was possessed of the right to this, among other livings in the diocese of Derry; that the Crown was so possessed for a series of years, and that King James I., being so entitled to the advowson, did, by patent, grant it to the London Society, the Governor and Assistants, London, of the new plantation in Ulster. Gentlemen, it would be worse than useless to waste the public time by adverting to the occurrences connected with that critical and important portion of history, and which have been laid before you with such singular clearness by the learned counsel, Mr. Pennefather, who opened this case for the plaintiffs. You, gentlemen, being from the north of Ireland, are better acquainted than most persons with this portion of the history of the country, although the subject is one of the deepest interest to all. King James I. being anxious to accomplish the planting of Ulster, did, by his letters patent, make a grant to the Governors and Assistants, London, of the new plantation, upon the condition of their undertaking that most important work. Previous to that time, attempts had been made by the Crown, from time to time, to ascertain what was the exact state of the possessions of the Crown in the north of Ireland, and from time to time very uncertain and unsatisfactory information had been obtained upon that subject; but in the year 1609, when James I. had decided

upon that wise measure of undertaking the plantation of Ulster, he resolved, as a foundation for it, to obtain the most accurate and precise information as to the state of the property of the Crown, by escheat and attainder, or otherwise, in the province of Ulster. King James accordingly issued a commission of no ordinary kind to persons the highest in rank, the most eminent for their station and authority, and they were directed, in articles which were appended to that commission, to make specific inquiries, and in detail, as to the property of the Crown, not merely territorial, but even of ecclesiastical property, and in terms the advowsons that belonged to the Crown. Gentlemen, I need not repeat the observation which you have already heard, that that commission was directed, not to one class of individuals, but that a selection was made of men the most eminent in every profession and every station in the country; and they were to make the most diligent inquiry upon the subject of their investigation. That commission was sped into Ireland. Gentlemen, an inquisition was held in the town of Lymavaddy, in the north of Ireland, and the return which has been read to you, in a great many of its parts, was made in obedience to that commission. The inquisition finds, with precision, the property the Crown is entitled to; and one of the most important findings, for the purposes of this trial, is that with respect to the living now in controversy, the living of Camus, with respect to which there is an express finding. And further, the said "jurors do, upon their oaths, find and say, that all presentations in right of patronage and advowsons of churches, within the said county of Coleraine, do of right belong and appertain to the King's Majesty, in right of his imperial crown." Gentlemen, I am not about to enlarge upon the history of this commission, or of the inquisition, because you are so familiar with it; but even if you had not been so, I would not feel it necessary, as the evidence

attending that commission and that inquisition has been fully detailed to you; but with respect to the degree of credit to be attached to that inquisition, I shall only say, that such a document cannot be regarded but as one of very great authority indeed. It is, gentlemen, a document prepared with great minuteness, care, and attention; it is the finding of a jury upon their oaths, sitting upon the spot, and inquiring into the state of the property there; it is acknowledged, sanctioned, and ratified by the hands and seals of several eminent persons appointed commissioners by the Crown. But among the names of those sanctioning and ratifying the inquisition, are to be found two calculated to give very peculiar weight and authority to it; without making invidious comparisons as to the respectability of the individuals who did subscribe that inquisition. I may say, when we mention the name of Sir John Davies, King James's Attorney-General in Ireland, in that day, and when we mention the name of George Montgomery, the then (and for five years previously) bishop of the diocese of Derry; a finding of a jury upon their oaths, sanctioned and ratified by the hands and seals of the Attorney-General and of the Bishop of the diocese, should be of very great authority indeed, upon the state of the property within the diocese which George Montgomery himself showed to be the property of the Crown, and not belonging to any other person. It could not be supposed that at that day he was ignorant of his rights, (for he had been for five years previously in possession of the see;) and if he knew that the advowsons were the property of the see, it is scarcely credible that he would have approved of such an authoritative document, declaring that they were the property of the Crown. That document, upon a former occasion, (I do not allude to the last trial, but upon the first occasion of a trial, namely, in the Killowen case,) was treated as the foundation stone of the title of the plaintiffs, and observations

were then made upon the finding which, at that time, seemed to the Court to have some weight. I confess to you that such observations would not have occurred to me, nor do I now, upon the most attentive consideration of the inquisition, think that it presents grounds for or is legitimately open to such observations. It is said it did not give in detail the mode in which the Crown was entitled, and that the finding is only the statement of an abstract proposition, that the King was entitled to the advowsons in right of his imperial crown; and it is stated that it would have been more satisfactory if the evidence had been set out in terms, in order to show how the Crown was entitled. We have the oaths of the Jury, finding the result of the evidence, and I would have thought it sufficient to have in this what is required in other inquisitions; but when that finding is sanctioned and ratified by such a man as Sir John Davies, whose high attainments as a lawyer, and character as a man, have been universally acknowledged; the declaration that the advowsons of right belonged to the King's Majesty in right of his imperial crown, can never be taken as the language of a jury upon the spot; it is language pregnant with meaning, coming from such a high authority as the then Attorney-General. But I have now to tell you, since the trial which I alluded to took place, when it was attempted to impeach the inquisition which the plaintiffs did suppose sufficient for all purposes, they have been enabled (if I may use the phrase,) to go behind it, and, strange to say, they have been able, in a marvellous manner, to supply the evidence which it was objected was not spread upon the face of the inquisition, and have been able to show it with an accuracy almost calling forth an admission from the other side that it is conclusive on the subject. When the inquisition states that the advowsons belonged to the King's Majesty in right of his imperial crown, the plaintiffs have upon the present occasion been enabled to show that the

finding is borne out according to its very letter ; and if King James I. was entitled, as no doubt the inquisition found him to be, he was so in right of his imperial crown. We are here dealing with evidence connected with the history of the day. If this had been a case between inferior persons, it could hardly be supposed that such evidence would have outlasted the lapse of centuries : it is connected with the royal descent, with the descent of the Crown, and with exalted personages ; and now, at this day, the plaintiffs are enabled to go back and to satisfy you, that the expression in the inquisition of 1609 was accurately introduced. For six hundred years they have shown—(Here one of the Judges made an observation to his lordship.)

The Chief Justice—I am correct in the observation, for they have been enabled to trace up the right to the living to the thirty-ninth year of Henry III., when he made the grant of Ireland to his son Edward. I shall not go through the pedigree in detail, for it was, I take it, admitted, as it could not be denied, that whatsoever property was vested in Richard de Burgo, as Earl of Ulster, became vested in Edward IV., and descended from Edward IV. to James I. I shall not go through the grants from Henry III. to Edward the Prince, and from Edward I. of all Ulster to Walter de Burgo, to hold in as ample a manner as Hugh de Lacy held the same, and he held the Earldom of Ulster as palatine. Gentlemen, it is stated by the counsel for the defendants, who have admitted upon the trial that whatsoever vested in Richard de Burgo, as Earl of Ulster, afterwards came by descent to Edward IV., and subsequently to James I.—that looking at the terms of the patent of Henry III., it does not follow from it that advowsons were granted. Why, I believe the Court would have no difficulty in saying that the words were sufficient to convey the advowsons ; but the matter does not rest here, for we have a singular interposing piece of evidence given,

of peculiar importance, and that is, the proceedings in *quare impedit*, in 1299, to establish the right of the Earl of Ulster, who was delayed by the Bishop of Derry to present to this very living of Camus. The proceedings were taken by the Earl of Ulster, as patentee of the Crown. I say to this very Camus, because whatsoever cavil there might have been before upon the identity of Camus, that, in the present instance, has scarcely been put forward as a serious question. You have heard the history of those proceedings in 1299, precisely similar to those in which we are now engaged. There, in right of the Earldom of Ulster, Richard de Burgo had claimed to present to the living of Camus-juxta-Bann, and the then bishop of the diocese resisted his claim. It has been observed that the judgment in that case was obtained, not upon the title, but merely because of a misnomer. Gentlemen, the answer, in point of law and of sound sense, is this—if the bishop of that day had had title, he would have stated that title, and rested on it; but not having title, I presume he stood upon the quibble, that he was miscalled Galfridus instead of Gofridus. I need not state that Richard de Burgo established his right to present to the living of Camus, now in controversy, to that Camus which is found in juxta-position to Drumacose, where similar proceedings were taken in that day between the same parties; and it is established that Drumacose and Camus are connected, and are contiguous parishes. Another suggestion scarcely deserves notice in passing, and that is, “why the venue was not laid”—I know not where; because, in 1299 it could not have been laid in the county of Londonderry, which did not exist until 1613. Where else could it be laid? I forbear offering a conjecture, but I should say that there were several sufficient reasons to account for the laying of the venue in Meath; but I may say this—if you be satisfied (and you will ask yourselves if you can have a doubt of it,) that the proceeding was about the

Camus now in question, do you not think that the same counsel who advised the defence of the bishop on a misnomer would have taken advantage, if the proper venue had not been laid? Do you not think that he would have availed himself of any mistake upon this point? But there was a final judgment following upon the proceedings in *quare impedit* up to that day and that period, just as much establishing the right as if it had been had, not upon a misnomer, but upon the assertion of title in the bishop. When I state the pedigree which has been proved—the grants of Henry III. to Prince Edward, the rights of the Earls of Ulster traced back to the Crown in Henry the Third, and re-vested in the Crown in Edward the Fourth, and then, by descent, coming to James the First, I vindicate the finding of the inquisition of 1609. Do I not show that the expressions as to the advowsons belonging to King James, in right of his imperial crown, were appropriate? as that was the very right in which they did belong to the King. Sir John Davies (referred to upon so many occasions, and no man has obtained from posterity a fuller measure of approbation for all his merits, and for all that he has done) was peculiarly well acquainted, considering the times and his residence in this country, with the ancient history of Ireland; and when he sanctions an inquisition finding that all the advowsons in the county of Coleraine belonged to the King's Majesty, in right of his imperial crown, this is not a phrase lightly adopted; it is not the assertion of an abstract right; and the knowledge of that judgment of 1299 establishes this—that when the inquisition found that King James was entitled, in right of his imperial crown, it was in that way, also, that the patent of Henry the Third, and the judgment founded on it, showed he must have been entitled. I know not where the plaintiffs are indebted for a discovery of such great importance to them, but the attention of the public was first called to the existence of this patent by Sir

John Davies, in his splendid work upon the history of Ireland. You see, gentlemen of the jury, that the plaintiffs upon the present occasion have not alone rested on the inquisition, they have gone back four centuries previously, and they have shewn, I repeat it, in a marvellous manner, how the Crown claimed a right to the property. Gentlemen, this inquisition having been so found in 1609, the 30th August, and it having stated the advowsons to be the property of the Crown, King James the First, through the Privy Council, entered into articles of agreement with the Londoners, which bore date the 28th of January, 1609, that is, about six months after August, 1609, for, from the reason I have already stated, January followed August, according to the old style. The articles were entered into by the Privy Council on the one side, and the Londoners on the other, and in pursuance of that agreement between the parties, founded on the inquisition of the August before, the patent of 1613 was executed the 29th of March. If the inquisition is called the foundation-stone of the plaintiffs' title, you may not inaptly designate the patent of 1613 the key-stone of that title. The patent of 1613, specifying many of the livings contained in the diocese by name, grants to the plaintiffs "the advowsons, donations, and free dispositions, and rights of patronage," to a great number of livings, and among the rest to Camus and Killowen by name—Camus, which was within the county of Coleraine. The manner in which the Crown makes its grant is by patent. This is the solemn instrument by which the Crown disposes of its property. This you have done in 1613. You have the finding on oath of the jury, ratified by the hands and seals of the Attorney-General and of the Bishop of the diocese, who had been in possession of the see for five years. You have the finding, that the livings in the county of Coleraine did belong to the King's Majesty in right of his imperial crown. You have then the articles of agreement entered into for

valuable consideration, for such should the plantation of Ulster be considered, undertaken, as it was, at a large pecuniary expenditure, and at much trouble and peril; and in consequence of this agreement in 1613, that patent regularly passed unimpeached under the great seal of England, and enrolled in Ireland*—and enrolled in Ireland. The Attorney-General was a party to the inquisition of 1609, the finding of which was on the oaths of a jury; and I may now mention that the same eminent individual continued to be Attorney-General of Ireland in 1613. Gentlemen, if the case rested there, you would say that one so satisfactorily proved was rarely brought into a court of justice. If you were inquiring shortly after the period in question, you could have no doubt that the plaintiffs had made out their case of title. The inquisition has been quarrelled with for the generality of its finding; but the plaintiffs have, I presume, most satisfactorily vindicated the finding, which is to the letter borne out by the recovery in *quare impedit*, in 1299; and if King James was possessed of the living in 1609, it was in the very same right as Richard de Burgo was entitled to it. Having produced the recovery, and that most authoritative document, the inquisition, they rely upon the patent of 1613, unimpeached, under the hand and seal of the English Chancellor, and enrolled in Ireland, and which patent granted all the advowsons, or almost all, to the present plaintiffs, or their predecessors. Gentlemen, if the case, as I stated before, rested there, there could not be a doubt upon the title: but upon the part of the defendant it is said that the title is not so clear—and why? Because, say they, we produce documents of sufficient weight to raise a reasonable doubt in the minds of an intelligent jury; so that they cannot feel satisfied with the all but conclusive evidence adduced upon the part of the plaintiffs. What are

* The learned Judge repeated these words.

the documents they rely on to raise the doubt? The surrender by that George Montgomery, of whom I have already spoken, the very bishop who had signed the inquisition of 1609—a surrender by him, in general terms, of the livings he was possessed of, and a patent, dated 1610, to that George Montgomery, together with two of the King's letters, appointing to the see of Derry Dr. Babington and Dr. Hampton, with directions that they will endeavour to obtain the consent of the Dean and Chapter to the transfer of the advowsons. Gentlemen, it is admitted by the defendant, and he could not in point of law deny it, that the surrender and that patent, for the purpose of conveying anything, are mere waste paper, and the reason is intelligible. It was, and properly so, the law at the period in question, that the act of the bishop individually could not vest in the Crown possession of the property of the see; he should have the assent of the Dean and Chapter. He never obtained the consent of the Dean and Chapter, and, therefore, for the purpose of conferring title, that patent and that surrender are mere nullities. They very unequivocally show the parties were aware of this, and knew the invalidity of the documents; but, say the counsel for the defendant, although they are mere nullities for the transference of the property, although they are not to be relied on as giving any title, they may be used in the way of contradicting the plaintiffs' documents. They say there is an admission on the face of the patent, that the advowsons included in the general words of the surrender were the property of the bishop, and that the Crown meditated a grant to the bishop, at variance with and inconsistent with the finding of the jury upon the inquisition of 1609, and conflicting with the patent of 1613, which transferred the advowsons, as part of the property of the Crown, to the Londoners. They rely upon it that this was an admission on the part of the Crown, that the right to the livings was vested in the bishop. Is it likely,

intelligible, or reasonable, when we look to the solemn nature of the inquisition at Lymavaddy, when we consider that George Montgomery was there present, and signed and recognized the finding of the jury, finding with minuteness that the livings in Coleraine, including Camus, belonged to the King's Majesty, in right of his imperial crown; is it likely he would have signed such an inquisition, settling with minuteness and in detail the rights of all parties in separate findings, if, in truth, the livings had belonged to him in right of his see? The plaintiffs' counsel have stated the transaction as a very fraudulent one upon the part of the bishop. I do not feel (and in that I have the full concurrence of every member of the Court) it necessary to pronounce the transaction fraudulent—it is unnecessary, at this distance of time, to consider the question of fraud, which the Court would be slow to impute, particularly if it can reconcile this, although so very unexplained and obscure a document, with any other view of the case. If we can give any solution of it, (and if we may, we would hesitate to impute fraud to that high and eminent person, so long passed away,) ought it to have the effect of impugning the inquisition of 1609, as finding improperly that the property in the advowsons belonged to the King in right of his imperial crown, supported as that statement was by evidence? If the document created any difficulty, it would be sufficient for a jury to say, that after such a lapse of time they are unable to give any satisfactory solution to it. But, after the solemn finding of the inquisition of 1609, finding the livings to have been in the Crown, when all the proceedings were fresh and green, and at a time when the cloud was first raised—if ever it amounted to a cloud—and after the bishop executed the surrender of 1610, and obtained the patent, which it is urged now asserts and admits the livings to be the property of the bishop; when after that came the most solemn act, by

which the Crown transferred the advowsons to the London Society, besides contracting to support that title—thus ratifying and acting upon the inquisition of 1609—itself so authoritatively sanctioned in the way I have already named; and, amongst others, by the person interested in, and so intimately acquainted with the subject matter of the finding, it will be enough for a jury to say that the patent of 1613 ought not to be countervailed by any difficulty, if any should be raised, by means of so obscure and unexplained a document; particularly so, when it is considered that this patent of 1613 was made with the fullest deliberation, and at a time when the true state of facts must have been known to all the parties concerned. If I have been successful in conveying my views of this case, and the views of the Court, you would say, even if some difficulty had been raised by the surrender of 1610, and the patent of the day but one after, (that patent never enrolled in Ireland, but in England, while that of 1613 was enrolled in this country, the proper place,) whether at this distance of time it is not impossible for a jury, acting conscientiously and rationally, not to pronounce that the documents, upon the part of the plaintiffs, are so authoritative and so binding, so deserving of weight and consideration from an intelligent jury, that it is impossible, upon surmise or difficulties raised by the documents relied on by the defendants, to feel any difficulty in finding the right to have been in the Crown, and that it was afterwards transferred by the patent of 1613 to the Governor and Assistants, London, of the new plantation in Ulster. That, gentlemen, is the question you are first to consider—the question of title you will first take into your consideration; and if you do find the evidence is conclusive that the Crown had the right, and in 1613 absolutely transferred, by patent, the living to the plaintiffs' predecessors—if you be satisfied of that, it goes very far indeed in settling the other question. It is necessary, in point of law,

not only that there should be a title, but a possession or exercise of it at some time or other, either by the plaintiffs or others acting for them. If you be satisfied that they had this possessory right, even if there had been only one solitary exercise of that possessory right—if ten centuries had elapsed from that time, this single exercise of possession (if you be satisfied of title) would be enough to establish the right of the plaintiffs to recover. It is necessary here to state what I before alluded to in the opening of my charge, and that is the peculiarity of the law upon the subject of property of this description. I tell you, it is necessary for the plaintiffs to establish title—it is necessary that at some period or other they should have exercised that right. Three instances are relied upon; but it will be enough if any one of them was an act of possession, and this will answer the purpose of the plaintiffs. Gentlemen, in this consists the broad and important distinction between the law of advowson and that relating to any other species of property—I mean territorial property; and therefore I am the more anxious to impress this upon your minds, and the more anxious to repeat, that what I am about to state I do, not upon my individual authority, but bringing with me the weight and authority of the full Court; because, from the ingenious manner in which appeals have been made to your prejudices and feelings, which you naturally entertain with respect to other species of property, from the exercise of long enjoyment by the bishop, you might have been led to believe that your verdict would be the disturbance of an ancient possession acquired by adverse right. It is no such thing. If you be first satisfied that the right was in the Crown in James I., and that James I. transferred by his patent of 1613 the advowson of Camus, (of which you scarcely can have a doubt,) if you are satisfied of that, and that the plaintiffs have shown possession by the exercise of a possessory right, either in the case of Spicer, of 1619, of Thomas Vesey, in 1634, or of

Jonathan Edwards, in 1672, however inexplicable it may appear to you that they have slept since, and never exercised such right from that day to this, that does not go one jot towards establishing title in the bishop or in any other person. That is the law on the subject ; and in that, I repeat, it differs from the law with respect to other property : and when appeals are made to your natural prejudices, and you are asked what would you think if, after a lengthened possession of 170 years, a party came and laid claim to your estates ? the answer is this—In point of law the cases are in no manner analogous. If the plaintiffs have slept on their rights from the time of their presenting Jonathan Edwards—if they have committed this lapse, and if the bishop has presented either within the six months, or after the six months, for 170 years, aye or for 500 years, it goes no way in establishing a right or a title in him. It is not an adverse possession in the bishop, and the filling of the church is the exercise of his duty in the maintenance and support of the church, and for the discharge of the duties of the church. He does this in right of the true patron as his attorney, and for the protection of the right, and it never can operate as against that right. In the language of the law, there can be no usurpation by the bishop upon the true patron—you must carry this distinction in your mind, and must not be misled to believe that your finding would upset a possession of 170 years. If you are satisfied of title, and if you believe they exercised a possessory right in the three instances (or any one of them) relied on—if you are satisfied on these points, although the plaintiffs should have fallen asleep for five centuries, and the bishop for all that time collated upon lapse within six months, or after the expiration of six months, no number of collations set up by the bishop can avail him, unless he shows the existence of prior title ; for the mere fact of collating cannot be considered the exercise of a right as against the plaintiffs. It is the case

of a party going away—the bishop living in the north of Ireland, filling up the livings as they became vacant, and collating on the right of the plaintiffs, (if they had it.) These collations, on his part, go no way in showing possession in the bishop. It is the exercise of the right permitted him by the plaintiffs by devolution of it, if they have it. Gentlemen, the evidence upon the part of the plaintiffs to establish to your satisfaction that they have had a possessory right is what I shall now tell you. Mr. Ferguson produced a copy of the presentation of Alexander Spicer, taken from the Rolls of Chancery, dated the 14th day of May, in the seventeenth of James I. which is the year of our Lord 1619. That presentation is as follows—[here the presentation was read.] Gentlemen, the meaning of that is this,—the 14th of May in the seventeenth of James I.—that is, in 1619—that is, in six years after the date of the patent in 1613, under which the plaintiffs make title—in six years afterwards there was a presentation by the Crown to the living of Camus upon lapse. It is stated that this is perfectly consistent with the possession of the plaintiffs, the Londoners, who, in 1613, got their patent, and who having permitted a lapse within six years afterwards, it lapsed over to the Crown. It is said, upon the part of the defendant, that this is an equivocal act, because the Crown was fully entitled to present upon the lapse of the true patron, and that it is more probable the lapse was from the bishop, the ordinary, because they say that in the one instance the right would have lapsed from the Ordinary to the Metropolitan, and from the Metropolitan to the Crown; but that in the other it would have lapsed from the London Society to the Bishop, from the Bishop to the Metropolitan, and from the Metropolitan to the Crown, and that then there would have been one stage more of lapse, supposing the Londoners the true patrons instead of the Ordinary. But, gentlemen, see how powerfully this is encountered by the occurrences in

1634. In 1634, it appears, from an entry read by Mr. Hardinge from a book of the Board of First Fruits, that “by certificate of John Bishop of Derry, dated 26th of April, 1635, Thomas Vesey was admitted in 1634 to the rectory of Camus, in the county of Londonderry.” Gentlemen, that is a document under the hand of the bishop himself, which is read from the bishop’s own certificate, conveyed to the Board of First Fruits. There the bishop says, that Thomas Vesey was “admitted” to the rectory of Camus in 1634. You have it, then, coming to this: you have the lapse to the Crown in 1619, within six years after the patent of 1613, and in about twenty years after the patent of 1613 you have the bishop of that day, under his own hand, returning to the Board of First Fruits that Thomas Vesey was admitted to the rectory. It is now allowed that what is the force and meaning to be attributed to the word admitted, is for the jury; but the word admitted is the appropriate word which would be used, (and coming from the bishop, too, who must be supposed to know the right use of the word,) and is the very term applicable when a patron presents, and is not so where the bishop collates; and when the bishop, who must be supposed to know the technical language he uses, tells you by his certificate that he admitted Vesey in 1634, it is pregnant of this for the Society—that he admitted a clerk upon the presentation of another, and had not collated himself; and, therefore, that some other person was the true patron, and that in 1634 he was satisfied he had not the title. But, as I observed before, it is for you to construe the entry, and it is for you to consider, in construing it, that the word admitted has a precise and technical meaning, and that where the true patron is other than the bishop, and presents his clerk to the ordinary, this act is called the admission of the clerk; but where the bishop is himself the patron, he collates only. But, gentlemen, it is decided that the language used is not conclusive—it is for the Jury to

interpret it ; but when a rational and intelligent Jury have the opportunity of giving an appropriate technical meaning, and accurately used according to the right established (if you believe that the plaintiffs' right existed,) by thus giving "admission" its true ordinary technical sense of the admission of a clerk presented by the London Society to the bishop, you will be applying to it a meaning compatible to right, if you be satisfied the plaintiffs had the right ; but if you strain the word and the construction, you would still hesitate to do so upon slight grounds. If the preponderance of the evidence was, that the bishop had title, the Jury might then find that "admitted" means collated. Gentlemen, I have now disposed of the entry respecting Thomas Vesey, in which the precise technical word "admitted" is used in its proper acceptation, if you believe the London Society were the true patrons, and not the bishop. That with respect to Spicer is more equivocal, as there might have been the lapse to the Crown, either from the bishop, if he was the patron, or from the Society, if they had the right ; but if you be satisfied in your minds that the title in the Crown was clear, and that the King had transferred it to the London Society, then you will have the presentation by the Crown upon lapse naturally referable to that title, (which I presume you are satisfied of,) and will not strain the entry as applicable to a different state of things. The third entry relied on is that of 1672, of Jonathan Edwards. It appears by the certificate of Richard, Bishop of Derry, of the 28th of October, 1672, that Jonathan Edwards was instituted and inducted into the living of Camus-juxta-Bann. The First Fruits are 13*l.* 6*s.* 8*d.* It has been explained to you that the First Fruits originally found to have been 17*l.* 15*s.* 1¼*d.*, now were reduced to 13*l.* 6*s.* 8*d.*, because, in 1637, a change in the currency took place, and then the 13*l.* 6*s.* 8*d.* became exactly equivalent to the previous 17*l.* 15*s.* 1¼*d.* In this last entry you will understand that the

bishop in 1672 does not use the word “collated”—he says, “instituted and inducted.” That may be, in some degree, an equivocal expression ; but if Jonathan Edwards was presented by the London Society, the language used by the bishop would be fairly applicable to that presentation of theirs in 1672, and it would not be the precise and technical language if it was a collation by the bishop as of right. If any one of those entries relied on are to your minds satisfactory, then the case of the plaintiffs would be completed. If you should say that the whole is so clearly and satisfactorily proved as to raise no doubt that the title was in the Crown, and was afterwards transferred to the London Society, that would leave little difficulty in finding the second branch of the case, the exercise of possession either in 1619, 1634, or 1672. Any one of them would be sufficient ; but the admission of Thomas Vesey, in 1634, is so persuasive and unequivocal that it scarcely admits of a doubt. The others are reconcilable with it, and there is abundant evidence, even without that one of Vesey, to satisfy you of the exercise of a possessory right. Gentlemen, that concluded the evidence for the plaintiffs upon both branches—upon the question of title and upon the question of possession ; and, I repeat it, if you are satisfied upon title, you can hardly pause upon the subject of possession. The defendant relies on a possession beginning in 1629—evidence, no doubt ; and upon no less than nine collations—the first of John Freeman, in 1629 ; the second of Bryan Roche, in 1661 ; the third of Walter Forrest, in 1686 ; the fourth of Thomas Brebiter, in September, 1716, I mention the month ; the next of Thomas Hamel, also in 1716 ; then of Gardiner Young, the 5th of May, 1787 ; then of Harrison Balfour ; and, lastly, of Thomas Richardson, the 23rd of June, 1821, in the room of Harrison Balfour, who died about the 2nd of the same month. There is the original collation by the Bishop of Thomas Richardson, that differs from all the others, for

none of them stated in what right the bishop collated. Gentlemen, I have already anticipated partly the observations which arise upon such evidence; but as the case has been put forward, and dwelt upon by the defendants, it is right that I should offer you a few more observations on the subject. Gentlemen, this evidence is put forward to show that in succession, from 1629, the Bishops of Derry were in the habit of collating to the living of Camus. It is not, however, alleged it was an unbroken succession, for it could not be so; for 1629 comes ten years after 1619, and then comes the admission of Thomas Vesey in 1634; then that of Bryan Roche in 1664; and subsequent to that comes what the plaintiffs rely on—the institution and induction of Jonathan Edwards, in 1672; so that it is not an unbroken succession; but that in a succession, from 1629, the defendant says the Bishops of Derry were in the habit of collating to the living in controversy—that they collated, in eight different instances, as is apparent from the books; and in the ninth, Thomas Richardson's original collation is produced to show that the bishop collated *pleno jure*. In the eight previous instances it does not appear in what right the bishop collated: the ninth, the original collation, represents the bishop to have collated *pleno jure* in full right, claiming not to appoint temporarily to the church during the six months, not by devolution upon lapse. The appointment of Thomas Richardson, in 1821, is *pleno jure*, as if the bishop had original title in himself. Gentlemen, I have already told you, supposing you be satisfied that title was clear beyond all doubt in the Crown, and was transferred by the patent of 1613 to the plaintiffs, then no number of collations, whether made within the six months or not, would establish title in the defendant. Three of these collations, it is admitted, were made within six months, namely, that of Brebiter, of Daniel, and of Gardiner Young. It is admitted they were collations by the

bishop, not after the right had devolved upon him at the expiration of the six months, but within the six months. But I have to state to you again, that if you be satisfied beyond a rational doubt that title was at the time in the plaintiffs, and that they were only sleeping upon their rights, even supposing they had done so for ten centuries, the collating to keep the Church full, even for so great a length of time, would not create any title in the bishop by possession. But if this case could be considered by a conscientious jury as in doubt, and that title had not been made out clearly upon either side, if it were in balance, then the evidence of so long acquiescence, during such a series of collations, might be some evidence to go to you in turning the scale. But you must entertain a rational doubt upon the title before you can give the slightest weight to them. If, having looked at a document so authoritative in its nature as that relied on by the plaintiffs, you be conscientiously convinced that title was in the Crown, and was afterwards transferred in 1613, to the Londoners, there is no hardship upon the bishop. He had no adverse right—no possession so called—no property on his part, but was merely discharging a duty and exercising a right devolved upon him *pro tempore* by the laches of the true patron who was entitled to present: and the law is this—no number of collations of that description, *jure devoluto*, by devolved right, by the neglect of the true patron, will amount to a usurpation, or oust the true patron of his title, if he has once asserted his right. Gentlemen, whatever difficulty may have been apparently raised by the surrender of 1610, or by the patent which succeeded it in conferring title, they are literally waste paper, and they are relied on for this view only, viz. as an acknowledgment in the recitals of the surrender, and in the patent of 1610, that the Crown had not title in the advowsons. Having given that evidence, we could not exclude their collations, which, in the view so taken,

were referable to that difficulty. But, gentlemen, an intelligent jury has to deal with the matter; and it is essentially important that you should not be biassed by any popular conceptions of property. I hope I have disabused your minds of the idea, that mere possession by a bishop is the exercise of an adverse right. This is the case put forward upon the other side. With respect to the original collation in 1821—what is it? It states the collation to be *pleno jure*, but 1821 is coming down very close to the time in which the title was brought into controversy. You will recollect also it is an act of the bishop himself, and the bishop himself saying, after having been permitted to collate for a century and a half, (if you take it, he was so permitted by an original patron,) that he puts forward a claim for himself, and when he states under his hand that he collates *pleno jure*, it is anything but satisfactory evidence to lead the jury to the conclusion that he had the right which he so asserts. I was just about to conclude the observations which at great length I have addressed to you; but although unwilling to do so, I must detain you for a moment longer, while I warn you not in the slightest degree to be influenced by what has taken place upon the subject of a former trial. I hope I need not tell you that you are to dispose of this case upon your own consciences, and your own oaths—upon the law as laid down by the Court—the peculiar law applicable to this species of property. This case cannot be disposed of in deference to the opinion of others, by the opinions formed by the counsel upon the one side or the other; or by the jury on a former occasion. It is an important matter of right confided to you, and from your intelligence and the attention you have paid to the law as laid down by the Court, and the evidence as applicable to it, I am sure your verdict will be a satisfactory one. If you have no doubt that the Crown had title, if you have no doubt it conveyed the advowson to the London Society,

(and I say you scarcely can,) then there will be very little difficulty or doubt upon the second branch, and that is the exercise of a possessory right. If you are satisfied of the title, and of the exercise of it, you are bound to find a verdict for the plaintiffs. If you can entertain a conscientious doubt, as intelligent men, you will find a verdict for the defendants.

THE HONOURABLE THE SOCIETY OF THE
GOVERNOR AND ASSISTANTS, LONDON,
OF THE NEW PLANTATION IN ULSTER,
(*i. e. the City and County of Londonderry,*) FOR
THE YEAR 1840.

Governor.

SIR MATTHEW WOOD, BART., M.P., ALDERMAN.

Deputy Governor.

WILLIAM GREEN, ESQ., DEPUTY.

Assistants.

THE HON. CHAS. EWAN LAW, M.P., Q.C., RECORDER.

WILLIAM MAGNAY, ESQ., ALDERMAN.

MICHAEL GIBBS, ESQ., ALDERMAN.

SIR WILLIAM HEYGATE, BART., ALDERMAN.

JOHN JOHNSON, ESQ., ALDERMAN.

SIR GEORGE CARROLL, KNT., ALDERMAN.

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SAMUEL BRADLEY, ESQ.

JAMES TOPLIS, ESQ.

Secretary.

JOHN EBENEZER DAVIES, ESQ.

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