

CONSIDERATIONS
ON THE
PRESENT DISTURBANCES
IN THE
PROVINCE OF MUNSTER,
THEIR
CAUSES, EXTENT, PROBABLE CON-
SEQUENCES, AND REMEDIES.

THE SECOND EDITION.

By DOMINICK TRANT, Esq.

D U B L I N:

PRINTED BY P. BYRNE, No. 108, GRAFTON-STREET.

M.DCC.LXXXVII.

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ADVERTISEMENT.

THE Author is well assured that the rapid sale of the first edition of this pamphlet has been occasioned by the importance of the subject, and not, in any degree, by the value of the performance.—An intention to do good was received by an indulgent public as a species of merit; and a full and avowed statement of facts claimed and received the general attention.

THE author has thought it his duty to render this edition much less incorrect than the former, which, having been published hastily, was necessarily subject to many typographical errors; some additions he has also made in different parts, as the subject seemed to require them.

HAVING,

A D V E R T I S E M E N T.

HAVING, in the first edition, very slightly touched on the agistment-tithe, he understands that some of his readers have expressed a wish that he had been more explicit and circumstantial on that subject; he has therefore added an Appendix, which contains his thoughts on the nature of that species of tithes, and a brief account of some transactions relative to it in one of our Houses of Parliament in 1735, by which the property of the established clergy has, from that period to the present day, been very materially affected.

He thinks it unnecessary for him to offer his share of applause to the useful, able and well digested publications of the Lord Bishop of Cloyne and Theophilus on this subject, as they have already been honoured with the most unequivocal proofs of general approbation.

CONSI-

CONSIDERATIONS, &c.

IN a free state every citizen is individually concerned in the fate of the whole, and, in seasons of public danger, is not only permitted, but actually called upon, to exert his best endeavours for the general good of that society of which he is a member. It is the peculiar glory of the British constitution, wheresoever planted, that each subject is highly interested in the support of those laws under which he lives happily, and by which his life, his liberty, and his property are protected in a manner unknown to the citizens of other nations.—Thus sharing a large portion of the general happiness, he is bound to give his personal assistance to secure the permanency of that political constitution by which that happiness has been promoted, and, as a soldier, as a statesman, as a legislator, as a public officer

officer, or as a private citizen, he should exert his best endeavours for that purpose. No private man is so secure in his fortunes or establishment, as not to be within the vortex of general calamity, nor is he in the situation described by the poet,

“ Suave, mari magno turbantibus æquora ventis,

“ E terrâ magnum alterius spectare laborem—”

as, in fact *he* does not view the shipwreck from a lofty cliff, *himself safe from the effects of the storm*, but is *actually involved in the danger*, and a mariner on board the *unfortunate vessel* which is threatened with immediate destruction.

A sense of this duty has induced the writer of these lines to take up the pen on the present occasion; he has no private concern to engage or bias his judgment, no resentments to be gratified, no partialities to be indulged; the motives which urge him to engage in the present dispute he shares with every good citizen, a zealous anxiety for the settled establishments of his native country, and a desire to contribute his mite to the support of that civil and ecclesiastical constitution under which he lives, and which it is not his wish to survive. He hopes to receive from his fellow-subjects that candid attention which is due to every man who offers his sentiments either to the public, or in more private society,

society, without petulance or frowardness; who wishes to reason, and not to calumniate; whose aim is conviction, and not reproach; and who will, at all times, be ready to retract any errors he may have fallen into, and to thank those who may correct for the sake of truth, and without asperity or reproach.

The disturbances which *now more immediately* affect the *province of Munster*, but threaten, in their consequences, to involve the *whole kingdom*, are, in some points, similar to those which disgraced this kingdom in the years 1762 and 1763: the present outrages are however more alarming in their nature, more extensive in their objects and consequences, planned and conducted with more art, and, in appearance, supported by men of some intrigue, knowledge, education and influence; thus situated, they claim a much greater degree of attention than did the comparatively weak efforts of the misguided and unsupported populace of the period already mentioned; those disturbances were directed merely to obtain a correction of some alleged local grievances as to tithes and commons in the counties of Kilkenny and Tipperary; but, as armed mobs are usually sanguinary, in the prosecution of the intended reformation, many robberies and murders were committed, and among

others, an active and able magistrate was sacrificed to the brutal violence of those midnight ruffians. Then men of property took the alarm; the magistrates united themselves in the execution of the laws, Government co-operated, and in a short time, peace was restored through the whole country.

Let us now consider the situation of the whole province of Munster *at this day*, and compare it with that of the counties of Kilkenny and Tipperary *in its worst period*. Through the course of the last two years, that entire province is in a state of the greatest anarchy and confusion; the laws are violated openly in many instances; armed bodies of men patrol the country in the dead hours of night, and mark their progress with terror and danger to the peaceable and the unoffending; * a respectable clergyman has been seized, and even wounded, in his bed, treated with the most shocking barbarity, and his family abused and terrified. Other clergymen have been threatened with the loss of property, and even of life, forced from their livings and habitations, and obliged to take refuge in garrisoned towns to protect themselves and their families from further evils.—

* Mr. Ryan, Rector of Kilvemnon.—See his case, more at large in the Appendix.

One clergyman * has been attacked by a desperate mob, in the open day, while in the peaceable exercise of his legal right, viewing the tithes of his parish, saved from their hands almost by miracle, though severely wounded and maimed; the same clergyman was again in open day, and on a public road, way-lay'd and fired at by assassins, part of the same body, and again providentially escaped from their malice and revenge—Houses burnt, corn in flames, honest and unoffending men buried alive, and some of our unsuspecting and unguarded fellow-subjects dragged from their beds and butchered in cool blood, complete the horrid picture.

———“Pudet hæc opprobria nobis

“Et dici potuisse, et non potuisse, refelli.———”

I wish most sincerely that this were an exaggerated description of the late and present situation of many, and even of most parts of Munster, even so far only as the persons and properties of the established clergy, their farmers and proctors, are concerned. Let us now see whether *they alone* are the object of the present insurrection, and whether the removal of a *single* grievance be the only purpose of these armed reformers.

* Mr. Hare, Vicar-general of Cashel.

It is in proof in the hands of government, and of many magistrates, that many notices have been affixed to the doors of Roman Catholic chapels and other public places, by those desperate men, declarative of their fixed purpose to raise the rates of labour, to confine the labour of the peasantry to their own respective parishes, to prescribe bounds to the hearth-money and other taxes, to determine and limit the rent, value, and mode of taking lands, in short to level all those distinctions which have ever been established in all states, and by a sort of Agrarian law, to reduce the nobility of the land, the ecclesiastical establishment, the opulent representatives of the property of this kingdom in its parliament, and every other proprietor of land and possessor of personal wealth, to a degrading subjection to the will of the lowest order of the state, the mere popish peasantry of this country. This is the fond hope of the *deluded and ignorant multitude*? but it is to be presumed that those who pull the wires, and govern the puppets, have other schemes in view, and that it is not their wish to annihilate property, and for ever to destroy all distinctions in society; they, or at least *some of them*, would be losers by this *outrageous and excessive* reformation; they believe that they have it in their power to say to this threatening ocean, “ Thus far shalt thou go, and no farther ;”

ther ;” and to direct its progress and extent by their own interest and discretion ; thus *their hope* seems to be to weaken at first, and at length to destroy several of the most ancient and useful establishments of this kingdom ; to excite a combination among the occupiers, and even some proprietors of land, grounded on a specious appearance of their own individual interest, against the legal and long settled rights of the established clergy ; and thus by degrees, to bring on the religion itself that odium which they have artfully endeavoured to fix on its teachers. When the several orders of the people are once rendered inattentive to the *personal rights* of their clergy, they sink into indifference as to the forms and even principles of their religion, and leave the door open to every change which an artful, well combined, and numerous band of enemies may be induced to make in the ecclesiastical system of the kingdom—And who is there so ignorant as not to know that the political constitution of a country has an intimate connection with its national church ? That the manners, morals, habits and opinions of the people are framed and moulded by the nature of their creeds, and the purity or corruption of their religious doctrines and forms of worship ? And who can doubt that, by this natural and almost indissoluble connection, the greatest good, or the greatest evil has been

been produced in civil society? Thus, when the abuses of the church of Rome were discovered and successfully opposed. and the bright star of the reformation shone forth to illuminate the northern regions of Europe, civil liberty was, in many places, the natural attendant on ecclesiastical improvement; *then*, the brave inhabitants of the now united Netherlands, having felt the horrid oppression of the inquisition, rose as one man, and successfully vindicated their civil and religious liberties; then the political constitution of England was strengthened and improved, and a body of wise and virtuous men appeared, who, willing to destroy the numerous corruptions of the court and church of Rome, reformed those abuses, and restored the church to its real and primitive dignity and virtue; whatever seemed hurtful, or even useless, to the church, or dangerous to the state, in ecclesiastical doctrines, claims or forms, was abolished; a sufficient portion of the external splendour and dignity of the church was maintained, as originally and intimately connected with the nature of man, with the ancient Christian worship when first supported by the secular power, and as peculiarly united and interwoven with the general frame, and all the component parts of a free and limited monarchy. I will not readily believe that any one of my countrymen, of the present established religion,

tion, and who is honestly and conscientiously well affected to the civil and religious rights of this kingdom, will think himself at liberty to consent to any alteration in the present system, which has a direct, or may have even a circuitous tendency to weaken and consequently to destroy those establishments which formed a part of the early Christian constitutions, were approved and continued at the reformation, successively strengthened by every accession of civil liberty, and confirmed by the glorious revolution ; or that he will, by acquiescing in any innovation on the personal rights and properties of the established clergy, encourage the almost immediate annihilation of that religion of which they are the professors and teachers, and consequently introduce in its place the Romish church, which to speak in the mildest language even of modern toleration, is not entirely favourable to liberty of conscience, or to the personal freedom and civil rights of mankind.

Nor will I suppose that wise and virtuous men, forewarned of the danger, will in their legislative capacities, without the most cogent reasons, enter upon the arduous and dangerous task of changing old and well established habits, practices and properties, antecedent in these kingdoms to the present civil constitution thereof, and confirmed in

every period of their progress from barbarism to refinement; much less will I believe that such an attempt will be made while an armed and dangerous peasantry, under the guidance of artful and seditious leaders, actually assume to themselves the power of dictating the terms of such alterations, controul the executive and legislative orders of the state, and affect, by a treasonable defiance of all laws, to overturn the civil government of this country.

But, laying aside, *for a moment*, those great considerations of the dignity of the state, of the danger of great innovations at *any time* and in *any country*, and particularly at *this time* and in *this country*; of the shameful dereliction of all lawful authority and government, in listening to terms dictated by *armed* and profligate miscreants, and of the dreadful example it holds forth to future insurgents, thus incited to build the most alarming claims on the encouraged and successful practice of their predecessors in iniquity, let us coolly and dispassionately consider the naked and simple fact, whether any real grievance does exist, proceeding from the nature of tithes, or from the conduct of the established clergy, their farmers or agents, which may seem to require any great and substantial alteration, so as to change the nature of
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the property allotted by the civil powers of the state for the support of the established clergy.

As to tithes, and the laws by which they have been established and regulated, I hold them, in general, to have been admirably well contrived for the maintenance of the clergy, and for the ease of the subject by whom they are to be paid.—By this mode of subsistence, the property of the clergyman rises and falls with that of his parishioners, and bears, as is most equitable, a fair proportion to the progress or declension of the country ; in a bad season the farmer, suffering under the affliction of scanty crops, is not burdened with the payment of a fixed, regular, annual sum as his quota to the clergyman, but is called upon, at his own option, either to pay a sum of money esteemed to be a moderate compensation for the tenth part of such scanty crop, or to set out to the clergyman, his assignee or agent, his legal tenth part of the crop ; beyond which no avarice of the clergyman, no management of his farmers or proctors, can ever swell the amount of such tithe—So that, in plentiful years, the farmer, enjoying the advantage of abundance in his nine parts, may, without repining, set out the other tenth part to his pastor, unless he should prefer the alternative of purchasing it at the moderate estimated value ; and, in a year of scarcity, he pays in a

fair proportion to the nature of his own diminished profits.—Thus is the clergyman's private interest intimately connected with that of each of his parishioners ; thus is he personally concerned in promoting among them habits of sobriety, industry and skill ; thus is his spiritual connection with them strengthened by the additional incitements of temporal advantage ; residence becomes his interest, as it is his duty ; and an useful interchange of friendly and neighbourly offices forms a fixed habit of mutual kindness and affection.

Suppose that land were *originally* assigned to the clergyman for his maintenance, what would long since have been the natural consequence ? either that the clergyman, for the purpose of attaining a decent and honourable support, must be a daily and hourly drudge on his own farm, must give up that attention which he should pay to the various duties of his sacred function, and become immersed in all the sordid and illiberal pursuits of vulgar life, or he must see his farm uncultivated, his crops insufficient to support his family, his children uneducated, himself reduced by poverty to mean and disgraceful pursuits, and, possibly, his person and profession fallen into contempt among all orders of his parishioners and neighbours.

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Was it *at any time*, or *is it now*, the policy of our laws or the spirit of our constitution, that our established clergy should dedicate their whole time to farming, as a means of subsistence, and thereby neglect all their sacred and legal duties, or that, in adherence to those duties, they should neglect their temporal concerns, and thus diminish the national product, destroy the provision set apart for their families, and for the maintenance of that decent and temperate hospitality, without which they must sink into neglect and scorn?

But it may be said that the clergy may manage their lands by the hands of bailiffs and servants, as the nobility and gentry of the laity often do.

The nobility and gentry may afford to lose money by farming, and yet not be ruined, as must be the case of the clergy, whose whole dependence, in nineteen cases out of twenty, must arise from that portion of land appointed for their maintenance;—farming requires the eye and the hand of the master more than any other employment; the profits of it arise generally from an attention to many difficult practices, and the regular repetition of various operations in a great diversity of combinations; for these, the knowledge, the zeal,
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and the diligence of him who is to reap the profits, are absolutely necessary; neither the ability, alertness or integrity of servants can be relied on when profit is the object in farming, and, in almost all cases, a gentleman's farming is considered as at least unproductive, always highly expensive, and often totally ruinous.—Some men there have been, still are, and I hope always will be, who employ the powers afforded them by fortune and the leisure of honourable retirement, in rural improvements on a large scale, and by their example, excite a spirit of industry among their neighbours and tenants, often greatly advantageous to their own estates, and always highly beneficial to the country; but this purpose may be effected, though the individual nobleman or gentleman may actually lose on a fair statement of profit and loss of those special improvements—*he may gain by the consequences*;—but the clergyman who loses by his farming operations, can look to no remote effects for compensation; his proceedings may involve him in immediate ruin, nor can it afford him any advantage or consolation, as to mere worldly interest, that the whole country round him may have adopted his well grounded though unsuccessful theory, and happily joined to it a more skilful or more attentive practice.

Thus

Thus different as the cases of the lay-gentleman and clergyman are in point of *actual farming*, let us see whether they can be put on an equal, or nearly equal, footing, as to receiving the profits of their lands, through the medium of others, I mean through that of farmers, by a reservation of rents in money, on leases, as is the long-settled custom of this kingdom.

The layman often has his estate in his power, and, in such cases, may make leases for the longest terms, take fines, and, in consequence of such power of making long leases, may obtain immediate high rents, usually above the present value, as the tenant is assured that, in progress of time, the land, by his money and industry, will rise above the burthen of the rents, and produce a lasting and honourable support for his family: Thus is formed that middle race of men from which the bar, the pulpit, and the public offices are supplied with their most distinguished ornaments; from this order the army and navy usually receive their officers.—This class (the gentlemen farmers of this country and of England) and the substantial yeomanry, constitute the pride and security of every free state not absolutely commercial, and these ranks form the firmest barrier against the usurpations

pations of tyranny in the governors, and of licentious anarchy among the governed.

Not placed in those high situations which induce men to assume illegal authority, or to assist those who grasp at despotism, those who compose these useful orders have no temptations to destroy the liberty of their fellow-subjects, and to plunge in the same gulph their own freedom and independence—Yet, situated far above the mass of the people, enjoying a fair proportion of sufficiently durable property, and, as freeholders, forming the broad base of our happy constitution, they have a sufficient stake in the general interest to urge them to repress violence armed against law, and to prevent the destruction of that civil state of society under which they have procured, and by which they still maintain, their property and independence.

If the clergy had originally received the tenth or any other given part of the lands of this kingdom, that portion would not, on a single acre of it, see settled one of this most useful race of men, nor any farmer whose industry and stock could afford him a reasonable hope of improving his fortune by the cultivation of the soil, which can alone
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take place when the tenures are certain, and of a sufficiently long duration.

But, it may be said, the landed estates of Ireland are mostly bound by settlements, and the leases thereon consequently restrained as to duration, yet rich farmers live on them, and, at considerable expence, often make great and lasting improvements.

This I freely admit to have sometimes happened, but it should be considered that those settlements, almost always, leave the possessor of the estate a power of leasing for three lives or thirty one years ; that the farmer, taking a lease for lives (as was always the case among Protestant farmers, and as is now the general usage since the late relaxation of the Popery laws) chuses them among the healthiest of his own children, or those of his neighbours, and that, in such case, the lease may reasonably be expected to continue for more than forty years, and sometimes for fifty, sixty, or even seventy ; that no family settlement can bind the children of the intended marriage so as to make them tenants for life ; that, as tenants in tail, they must at some future period, have the power of opening the estate, of letting new leases, or renewing the former ; and that this forms a constant source of hope and encouragement in the mind of

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the farmer, who proceeds with vigour in the improvement of his ground, partly incited by the strong probability of the long duration of his subsisting lease for three lives, and in part by the reasonable presumption of obtaining a renewal—this presumption is built on many circumstances in the character or situation of his young and future landlords; on the honour of some, if he should be found an honest and improving tenant; the inattention of others; the wants and necessities of almost all—Whatsoever be the motive or cause of this hope, the effect is still the same; the land is improved; the tenant or the landlord, and often both, receive the benefit; and the nation at large partakes of the advantage.

What power of leasing can be given to a clergyman, to whom land is assigned for his subsistence, which shall not prove highly injurious to the kingdom in general, or hurtful to the interests of the successors, and consequently to the established church?

A power of leasing during *the incumbency* has been mentioned by an able and well-meaning writer on this subject, who writes under the signature of *Theophilus*, as the least exceptionable which could be devised, tho' by no means approved or recommended

mended by him ; but surely such a lease is as none, and affords no possible incitement to improvement ; a clergyman often gets his parish at an advanced age, and, *in such case only*, does he remain fixed, with any moral certainty, to the end of his days. — Suppose then that his incumbency and his life could be considered as of equal duration, what farmer would lay out money in lasting and expensive improvements on a lease hanging by so brittle a thread ? but, no clergyman, *young or old*, is fixed to his parish ; the duration of his incumbency is most uncertain ; the power of his patron, his own merit, his virtues or his vices, and the various occurrences of life, may remove him on the slightest notice. Where *then* is the tenure of his farmer, on which it is supposed he should lay out his time, his labour, and his money ? Or who is there in his senses, who would consider the duration of such a lease as equal to one for five years certain ?

Ler us next consider whether a power of leasing for twenty one years, which has also been suggested, will reconcile the interest of the farmer and the public with that of the church on this occasion.

A lease for that term, to induce the farmer to lay out money in improvements for his own and the national benefit, must, from the nature of the estate of the lessor, hold out to the lessee a moral

certainty of regular renewal by the same incumbent and his successors, or no improvement can be expected to follow, for the reasons already assigned as to other cases of short or very uncertain tenure:—if, by the wants or avarice of the renewing lessor, fines should be taken, and the renewal executed at the same rent or one very little advanced, (which must be most frequently the case, and which no human prudence can effectually prevent) then the interest of the successor during the next twenty-one years must be very materially affected, and, in the progress of time, perhaps in the succession of three or four incumbencies, the rents reserved will be found so inadequate to the real value of the land, the general rise in price of all commodities, and the comparative diminution of the value of money, that the revenues of the clergy will be found utterly insufficient for their mere support, and much less equal to their fair and honorable maintenance.

If coercive clauses should be contrived to vacate leases made by incumbents at a rent under the improved value, or on which fines shall be taken, let those conversant in the proceedings of courts of law judge how difficult, nay how impossible, it will be to induce juries of laymen, who must be the sole judges of those facts, to break such leases merely

merely because they have been made against the letter or spirit of such clauses as I have mentioned : At present, in cases between layman and layman, and where there is no professional or party prejudice, when family settlements made on the most valuable considerations limit the power of leasing in a similar manner, the illegal and unjust execution of those powers must be proved by the clearest and fullest evidence, and almost without a contradiction from the opposite party, otherwise the leases will be confirmed by the verdict of a jury ; such is the general prejudice against all restraining covenants of this nature.

It has been also mentioned by the same writer, Theophilus, that improvements may be made without any lease, and the example of England been incited in support of this position. Let us consider how this can be applied to the case of the clergy.

In England it *has been* usual for the heads of great families to continue from time to time the occupants of the farms on their estates, and their posterity, in possession, with little or no rise of rent, and frequently without any lease whatsoever. This was a noble and magnificent conduct, grounded on the princely ideas of the old feudal system, and
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on the close and honorable connection between landlord and tenant. The pride, the honor, the dignity and the justice of the great families were concerned in the maintenance of this system, and while the English Baron lived in the splendour of rural magnificence, and his blazing hall was crouded by a grateful tenantry, his wants were generally supplied from his own estates ; his passion for foreign luxuries and vices did not render it necessary for him to devise schemes for racking his tenantry or raising his lands to an artificial value ; the tenant whom he daily saw he loved, and, in him, he loved his posterity ; when the capital and the court drew the noble from his castle, his thirst for gaming, and his various other insatiable, artificial wants produced in his mind a neglect of that tenantry whom he no longer knew ; he considered his estate as his wares and merchandize, and, with the spirit of a pedlar, retailed them to the highest bidder ; this is, not unfrequently, the case at present in England, but almost universally so in Ireland, even among the most noble and distinguished families. But what family pride, what thirst for splendid and honorable popularity, what ancient connection of landlord and tenant can induce a succession of necessitous incumbents to continue the posterity of a farmer in the occupancy of his ground, from age to age, without lease, when a
much

much higher rent may be gained by letting it in the usual method? Will a series of rectors or vicars be found so romantically generous as to act in this manner, or so opulent as to bear the loss without utter ruin?—Or will a succession of farmers be found so visionary as to lay out time, money, and labour in improvements, in the fond hope of enjoying such a lasting, though unwritten tenure, as is possessed by the tenants of the MANNERS, the CAVENDISHES, the PERCYS, and the HOWARDS.

Speculative men have, in writing or conversation, proposed other plans for the maintenance of the established clergy; of that published in a pamphlet under the signature of a *beneficed clergyman* it is not necessary to take notice, as it has been so completely answered and refuted by THEOPHILUS.

Some have expressed a wish that the provision for the clergy should be ascertained in money, from time to time, by commissioners, then presented by grand juries, and apportioned and levied as county charges and presentments are at present in this kingdom.

Are we then so little acquainted with the nature of interested commissioners, of jobbing grand juries, of venal applotters, of exacting high and petty constables, and of the various evils which spread

spread through the whole system of grand-jury legislatures, and electioneering finance, as to trust the property and interests of our clergy, and consequently of our religion, in such hands?—Do we so little know that, among the *real* grievances of the distressed peasantry of this country, the shameful and prodigal grants of their money by the rural Thanes of their counties to those most abandoned miscreants, the professed road-makers, bridge-makers, and affidavit-men, is one of the most crying and most notorious? That the modes of applotment often add to the original burthen; that the exactions of the constables, under the pretence of a delay of payment, are most cruel and oppressive; that the disputes among the numerous cottier jointenants of the southern and western parts of this kingdom, for the apportionment of those county charges, are now exceedingly frequent, and occasion much animosity and litigation; that with the addition of this new burthen, those inconveniencies would be more widely spread and multiplied, and that a mode of collecting money from the occupants of the soil, now deservedly unpopular and hateful, would, in such case, become tenfold more grievous and detested? Or, with a conviction that this is the true state of the case, shall we adopt a mode highly ruinous to the clergy, whom we esteem,

esteem, or affect to esteem, and who certainly deserve our esteem, and at the same time burdensome and odious to that body of the people whom we either wish or affect to relieve from their present difficulties? It were an ill compliment to the hearts or the heads of my readers to enlarge further on this absurd and mischievous project.

Some have mentioned a rate of two shillings in the pound on the rents, or some other fixed rate per acre on the value, of the lands of this kingdom, after a certain deduction for bogs, rivers, mountains, &c.—The uncertainty, inequality and injustice of this sort of commutation must be obvious—as to rents, they vary exceedingly, and seldom are in accord with the real value of the land; on several *old leases* not one fifth of the real present value is reserved, on some not one seventh, eighth, or even tenth; two shillings in the pound on such trifling rents, as the clergyman's part would, reduce his portion to the seventieth, eightieth, or even one hundredth part of the real value on new leases, fines may be taken, and the rents lowered, or by collusion it may be rendered almost impossible to ascertain the real rents:—as to a fixed rate on the *value* of the land, nothing can be more arbitrary or unequal; lands rise or fall from various causes, such as good

or bad husbandry, the demands of foreign and domestic markets, the breaking up for tillage or laying down to pasture, and an endless combination of other circumstances :—In the same county, barony, parish, estate, *nay in the same farm*, the soil is of very different value ; to impose *an equal rate* on every acre in a province, county, &c. would be unequal and unjust ; to apportion the rates *fairly and according to the relative values*, would be a work of the highest difficulty, amounting nearly to a physical impossibility, and the attempt would open a thousand avenues to fraud, partialities and corruptions of every kind ; no man would be content with the burden which should be laid on his own property ; and more confusion, distress, and discontent would ensue than the innovators themselves have ever ventured to impute to the present system.

If then an *original* settlement of land, or of specific sums of money, or of money to be annually, or at other stated times, levied and apportioned, or of a fixed rate per pound on the rents, or, per acre, on the value of the lands, would have been inadequate, impolitic, burdensome and unjust modes of establishing a provision for the clergy of the church of Ireland, how much more absurd in the conception, and difficult in the execution must these

these or any similar schemes, be *at this day*, when the modes of maintenance of the clergy are grounded on the ancient laws of the land, sanctified by renewals of the legislature in successive ages, sufficiently clear in themselves, but rendered almost indisputable by repeated decisions, and of the least possible vexation to the people; when a length of time has wrought them into the very body of the religion itself, from which they cannot be separated without the most violent convulsion; when all the lands in the kingdom are, and have long since been granted and occupied, frequently bought and sold subject to the known incumbrance of tythes, bound by various obligations of debts and settlements, and cannot be devested from their present possessors for any purpose of commutation without the greatest degree of individual and national inconvenience; when the established church, already comparatively weak in *numbers*, if weakened in its *influence* and *property*, must yield to its natural and professed enemies; when any great alteration in the situation of the *teachers of a religion* is known to lead naturally to an equal change in the rank or influence of the *religion itself*; and that it is clearly known and acknowledged that every material change in the national religion produces highly useful, or highly dangerous, variations, in the civil and political state of every country.

When all these points occur to the observation of every reflecting, cool and unprejudiced good citizen, will he not set his face against any attempted dangerous innovations, and say to the insolent, insidious or unthinking proposers, as did the barons of old,

“ *Nolumus leges Hiberniæ mutari* !”

But it may be said by some that though the nature of the provision for the clergy may not be changed, and that tithes should be continued, yet, such is the severity of the laws now subsisting for their collection, and so great the exactions of the clergy, their farmers and proctors, that those laws must be totally changed, and the conduct of the clergy most severely censured and reprehended. — Let us examine briefly the law and the practice of tithes as now subsisting generally through the kingdom, and particularly through Munster, for, as to little local abuses which creep into all human institutions, no law can guard against them all individually by actual provisions.

The general law of tithes, coeval here with the full establishment of Christianity, in this kingdom, and, in England, little posterior to its settlement in that country, ordains that the tenth part of the fruit or lawful increase of the earth, of beasts, or
of

of men's labours be given to the ministers of the gospel in recompence for their attending their offices. And this law is now the law of the land, extending through the whole kingdom, unless where old and undisputed local customs, ancient compositions called Moduses, and particular exemptions derived from original grants or tenures from the crown or of some old abbey and churchlands, may form some special exceptions.

This universal law of the primitive Christian church, now part of the common law of the land, has been acknowledged, confirmed and guarded by several acts of parliament. The writer of these considerations, much as he respects the clergy and the established religion, will look for no more sacred origin for their rights and privileges in this kingdom than the known laws of the state; it is not now necessary to debate whether tithes were originally of divine institution, and, as such, were early ingrafted into the system of the Christian church, and consequently adopted by the several nations of Europe as they were successively enlightened by the rays of the gospel; it is sufficient, for the purposes of fair argument and discussion, that they are founded on the laws of the land, and intimately connected with various parts of our
civil

civil polity and temporal establishments ;—they have, by the laws enacted in the reign of Henry VIII. formed a very considerable part of the property of several lay families ; above one-third of the tithes of the kingdom is impropriate, and consequently not in possession of the clergy ; this considerable portion of tithes has been frequently fold, incumbered, settled, and, in every other respect, treated as land or any other temporal property ; it is recoverable (as tithes are in their nature) by ejectment and other civil actions, and is, at this instant, in such various situations, portions, estates and limitations in the respective families to which it belongs, as not to admit of any alteration without the utmost general confusion, nor to become, in any degree, an object for commutation or compensation.

Hen. I. The laws enacted here from time to time on this
 I. fef. subject, of which some are cited in the margin,
 c. 12. show the most scrupulous attention in the legisla-
 Geo. c. 25. ture to confirm the rights of the clergy to facili-
 Geo. c. 21. tate the means of recovering their just dues, and,
 in the case of litigation, to procure justice for the
 party injured in the shortest possible time, and with
 the least possible expence.—The occupant of
 the land, who, in almost all tithe-causes, is
 ne-

necessarily the impugnant or defendant, has the benefit of the oath of the promovent or plaintiff, whether he be the clergyman, his farmer or proctor ; and the ecclesiastical court is, by the express words of the statute, constituted a court of equity for that purpose, and for the benefit of the defendant. By those laws the proceedings are rendered summary, the delays and forms usual in all other courts are cut off, and the judges are expressly directed “ to receive such proofs as shall be “ offered, and finally to hear and determine such “ causes in the most summary manner, without “ any regard to the formality of proceedings, “ and regarding only the justice of the case.” And all this without the exaction of the slightest fee on any pretence whatsoever, and with a limitation of costs to the sum of one pound six shillings and eight pence.

In England, from whence we happily derive our present civil and ecclesiastical constitution, various acts have been made for this purpose ; among these statutes those of the 2d and 3d Edward VI. cap. 13. and 7th and 8th Wm. III. cap. 6. are, I think, the most extensive and effectual, pointing out clear and expeditious methods of enabling the clergy to collect their acknowledged rights, and guarding

guarding the property of the church by the strong arm of the civil power.

What then has the conduct of the clergy of the church of Ireland been in relation to their allotted maintenance, which should induce the legislature to alter its nature, to diminish its product, to prevent its future increase, and consequently restrain the extension of the doctrine and discipline of the established church, to cause the most grievous apprehensions to the friends of the present civil and ecclesiastical constitution, and to incite and animate the dangerous hopes and pernicious zeal of its *now armed* and most determined enemies ?

The clergy of Ireland, justified by law in demanding and taking the tenth of all predial and mixed products of the earth and of cattle, and of the clear profits of all trades and industry, have, in all parts of the kingdom, either declin'd to demand, or been unjustly deprived of the tithes of a great number of those articles to which they are by law entitled ; personal tithes, one great component part of the revenues of the ancient Christian clergy, are now, in practice, unknown in Ireland by the moderation of the present clergy ; many products of the earth and of animals, titheable in their own nature of common right, and
tithe-

titheable by the modern daily practice of England, are never demanded, either in kind or by composition, in Ireland; an English tithing-table contains almost every article of the longest feedfman's catalogue, and many products of an animal nature; it includes every thing which grows in fields or in gardens, even green-house plants and pine-apples; woods under twenty years growth, and even ancient woods, if of a species not usually denominated *timber*, honey, fish, rabbits, eggs, fruits, beans, peas, mills, orchards, and numerous other articles, are daily tithed in kind through all England; agistment of cattle forms a great part of the English clergyman's income; *here* those several articles, and many more, are absolutely unproductive to the Irish clergyman, and, of the benefit of the agistment-tithe he has for a long time been most impolitically deprived in the most extraordinary and unconstitutional manner. *

Thus restrained by their unexampled moderation, to a legal demand of one-tenth of corn, potatoes, flax and meadow, the Protestant clergyman is settled in the remote parts of Munster or Connaught, among people who, in general, hate him

* Vid. Some observations on agistment tithe in the Appendix, No. 3.

for his religious profession, and from whom he can expect little favour at any time, and sometimes not common justice; in such a situation the clergyman, usually unconnected and unsupported in the country, unprovided with servants, utensils of husbandry, barns or other conveniencies, can never be supposed willing to draw his tithe in kind, and must therefore set it at a moderate value, and usually to the occupant of the soil, who, from contiguity and various other circumstances, can become the purchaser at the greatest possible advantage. At the regular season the tithes of the parish are, farm by farm, and each species of crop by itself, viewed and valued by two intelligent persons, and, almost always, very considerably under the value; the preference of the tithe of each farm is offered to the occupant:—If, from an idea of its being estimated too high, from having already a redundancy of the several species of crops, or from any other motive, the occupant should not be inclined to become the purchaser, then it is commonly bought by some tradesman of the neighbouring villages, or by some little farmer or cottager, whose own crops happen not to be sufficient for the annual maintenance of his family, and the occupant of the farm suffers no wrong in any case, as, by no possibility, can more than the tenth of his crop be removed from the ground.

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The clergyman, his farmer, or agent, usually lies at the mercy of the occupant, who, by giving the legal notices of setting out his tithe at times which he knows must be inconvenient to the person entitled to draw it, can always command the market on his own terms; and thus he commonly purchases his tithe by the acre or in grofs, at twelve months credit, and on his single note, at a rate seldom exceeding the one-half, often not amounting to the one-fourth or one-eighth of the real value.

This will appear from the following calculation, which I have procured from those whose experience, intelligence, and integrity render them the best and the most impartial judges of this part of the subject.

Full value of an
acre, plantation
measure.

Real value of
the tithes.

The land in many parts of the counties of Tipperary and Limerick, and elsewhere, broken up for potatoes, in single fields, for two crops, is generally rented at from five to seven guineas per plantation acre each year; and a good crop is moderately estimated at from 15l. to 20l. per acre,

£.	s.	d.	£.	s.	d.
at 15	0	0	1	10	0
at 20	0	0	2	0	0

An acre of wheat is supposed to be worth from 7l. to 12l. exclusive of the straw,

at 7	0	0	14	0	0
at 12	0	0	1	0	0

An acre of barley and bere is worth from 6l. to 8l. exclusive of the straw,

at 6	0	0	12	0	0
at 8	0	0	16	0	0

An acre of oats is worth from 3l. to 5l. exclusive of the straw,

at 3	0	0	6	0	0
at 5	0	0	10	0	0

An acre of Meadow, supposing it to produce from 2 to 3 tons, at 30s. per ton,

at 3	0	0	6	0	0
at 4	0	0	9	0	0

An acre of Flax is computed from 6l. to 10l.

at 6	0	0	12	0	0
at 10	0	0	1	0	0

The rates for which the clergy sell their tithes in general in the province of Munster.

The tithes of the best acre of potatoes is usually sold for 10s. and in general for 8s. frequently for 7s. 6s. and very often for 5s.

This is sold usually at 6s. 7s. and 5s.
This is sold generally for 8s. or thereabout.

6 Shillings is the usual price demanded, often 5s.

2s. 6d. and 3s. the usual prices; for the best 3s. 6d. is sometimes demanded.

From 2s. to 3s. are the usual prices. N. B. No agistment is paid here as in England.

The tithe of the best acre is generally sold for 8s.—6s. is the common price, and 5s. frequently is given.

N. B. Five plantation acres are equal to eight English acres.

In some parts of Munster, particularly in the county of Cork, the White-boys, by notices posted on their chapel doors, and regularly served on the houses of the clergy, ascertained the limits which they were determined not to exceed for their tithes—They varied in different parts of the country, but the following were nearly the average rates per acre, plantation measure :

Potatoes,	Wheat,	Barley,	Oats,	Meadow,	Flax,
4s.	3s. 6d.	3s.	1s. 6d.	o	o

Thus, those impartial legislators have by their *armed authority* reduced, in several places, the price of tithes to *a mere nothing* as to certain products, and, as to others, to the one-fourth, one-sixth, and even the one-ninth of their real value, and some timid or distressed clergymen were induced by the threats of those furious and merciless men, by the persuasions of false friends, or by their own poverty, and the pressing demands of large families, to accede to these most unjust propositions—however, in many of the parishes where those accommodations had taken place, the conscientious CAPTAIN RIGHT and his honest myrmidons have broken through their agreements, forced the tithe notes from the clergy or their agents, and now retain the whole tenth, without any intention of offering the slightest retribution to the legal proprietors.

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The enemies of the present ecclesiastical system have, with equal industry and malignity, fished for information of the severity or seeming exacti-
ons of individual clergymen through every corner of the kingdom ; through the indistinct murmurs of many unspecified charges, I have not been able to hear of more than one precise accusation attempted to be brought home. The conduct of a clergyman is most grievously censured, who, as is alledged, forced from one of his parishioners, by fraud and litigation, a large sum, at the rate of 32s. per acre for the tithe of potatoes, being four, five or six times more than the current rate of the country.—The case I allude to, I shall state fully and fairly, from the most authentic information, and shall mention the names of the parties, as a proof that I think myself perfectly well grounded in my assertions, and do not dread contradiction.

The Rev. Mr. Hare, vicar-general of the diocese of Cashel, at the regular time in autumn, 1780, got the crops of his parish of Ballysheehane viewed and valued by two sufficient persons ; this is the settled and necessary practice, as, in the case of subtraction of tithes, there is no possibility of recovering the value but by the evidence of two competent witnesses, who have carefully valued the crops while

while growing and nearly advanced to maturity; those estimators judged that the farm of Garrane, occupied by Mrs. Strang, would produce such a number of barrels of potatoes, barley and oats, and tuns of hay, that Mr. Hare's moiety of the tithe, estimated at the then low rates of that neighbourhood, would amount to 33l. 1s. 4d. When their report was presented to Mr. Hare, he in person, went to the house of Mrs. Strang, to offer her the tithe at any valuation she herself should be willing to put on it, though it were even so low as the one-third of the estimated value; Mrs. Strang not being at home, her agent told Mr. Hare that no composition would be made with him, and that he absolutely *should get nothing for his tithes*, unless he immediately made Mrs. Strang a lease of the tithes—On Mr. Hare's refusal to make such lease, the whole tithes of this farm of Garrane were then subtracted, and Mr. Hare, finding it impossible to obtain his right without recurring to law, libelled for the value of his tithes in the spiritual court, though not till the succeeding spring, as he wished to give Mrs. Strang the fullest possible time to offer and make compensation for the tithes so subtracted:—Copies of Mr. Hare's petition, containing the nature and amount of his several charges, were regularly served on Mrs. Strang, at
least

least thirty days before the appointed day of trial, as the law directs; the cause was not heard till the ninth of July, when, though Mrs. Strang employed a proctor to defend the suit, no evidence was given on her part that she had, by herself or by any other person, made any proposal for a composition for her tithe, nor was any testimony offered on her part to rebut the evidence of value and subtraction given on the part of Mr. Hare.

Clear proof having been made of the value of the subtracted tithes, by the oaths of the two viewers and estimators, the ecclesiastical judge, in the presence of Mrs. Strang's proctor (who attended also at the examination of the witnesses) gave judgment for Mr. Hare, to recover from Mrs. Strang the sum of 33*l.* 1*s.* 4*d.* being the sworn value of the tithe subtracted; this the law absolutely directs him to do; there was no contrariety of evidence as to the facts, as there certainly would have been had Mrs. Strang's proctor been able to deny the allegations of Mr. Hare; the judge was, of course, bound to take "*pro confesso et concessio*," the only proof which was laid before him.

An appeal was then lodged, and, the due time for proceeding on such appeal having elapsed, without

without any steps having been taken therein, the decree of the spiritual court was of course valid, and a motion issued accordingly for 33l. 1s. 4d. the sum decreed.

Mr. Hare, supported by this sentence of the law, and having it in his power to recover and levy the full amount of the decree in his favour, evinced his moderation in the clearest manner by accepting the sum of 1cl. instead of 33l. 1s. 4d. the sum decreed; with which instance of his disinterestedness, and his general good conduct through the whole proceedings, Mrs. Strang expressed her entire satisfaction, though many attempts were made by the enemies of Mr. Hare, to misrepresent the case, and to blacken his character in the most shameful and malicious manner.

This will clearly appear by laying before the public Mrs. Strang's state of this business, as it appears in her own words, in the following attestation:

“MANY false and injurious reports having
 “been most industriously propagated, relative to
 “the demands made on me by the reverend Mr.
 “Hare, in the year 1780, for tithe, to remove the
 “effects of such malevolent misrepresentations, I
 F “ think

“ think it but just to declare that the reverend Mr.
 “ Hare offered to let me have my tithes for any
 “ thing I pleased to give him for them, but, by
 “ the improper conduct of my agent, who declar-
 “ ed (without any directions from me) that unless
 “ Mr. Hare gave a lease, he should get nothing,
 “ Mr. Hare sued me for the full value. And after
 “ he had obtained a decree against me, he relin-
 “ quished all advantage from it, and let me have
 “ for 10l. tithes which he had proved in court to
 “ be worth 33l.

“ Mr. Hare receives only half the tithes in the
 “ eastern division of the parish of Ballysheehan,
 “ and my tenants acknowledge themselves well
 “ pleased with his charges.

“ I make and subscribe this declaration in vindi-
 “ cation of Mr. Hare's character.

“ MARY STRANG.”

“ October, 1786.

I have made enquiries not only into the nature
 of this particular case, but also as to the general
 character of the parties, and have every reason to
 be assured that Mrs. Strang manages a very exten-
 sive property with the greatest skill, prudence, and
 pro-

propriety, and with the best possible private character, though, in this business, misled by the mismanagement or mistake of her agent; and that Mr. Hare has been long remarkable for his learning, hospitality, charity, and other valuable qualities; that he has some enemies, whom he has made such by an open freedom of speech and action in defence of the legal, civil, and religious establishments of his country, and that his * property has frequently suffered, and even his life been more than once endangered, in consequence of his manly and vigorous exertions to restore peace and order to that part of the country in which he resides. May IRELAND see many such citizens arise in the active defence of her laws and constitution!

So little then is there the appearance of a *real grievance* suffered by the peasantry of this country from the clergy, that on the fullest proof, it can be demonstrated that ecclesiastical dues of every kind are much more moderately levied *here* than in the *sister kingdom*, where, nevertheless, that species of property is as easily maintained and received as rents or any other income whatsoever; and that the clergy of this kingdom or their representatives

* Vid. the circumstances here hinted at, more fully stated in the appendix.

feldom receive more than one-third of their legal property, and sometimes not one-fourth or even one-fifth. What then are the *real causes* of the present discontents of the lower orders of the people in Munster? Are they of their own *original* discovery, or have they been *taught* to look for them, to feel them, and to mark their sense of them in lines of blood and devastation? Have they been artfully incited to turn away their eyes from the *true sources* of their poverty and distress, to look for *imaginary* evils, and combat *unreal* oppression? or is there somewhat, still more dangerous, lying hid and unknown even to the actual perpetrators of those horrid crimes which shock the ear of humanity? Have those whose councils guide, whose influence protects, and whose zeal inspires the motions of this body, conceived the deep-laid scheme of annihilating the established religion, confounding all orders of the state, and raising for themselves out of the wreck of the constitution, as out of CHAOS, new property, new power, and perhaps actual rule and dominion? Such were the aspiring hopes of CATILINE, a man of dignified birth and splendid connections. Such illustrious patricides were the FIESQUES of Genoa, the TIEPOLOS of Venice, the ESSEXES and the FAIRFAXES of England, and many others of birth and fortune, who, urged by personal resentment or political ambition,

ambition, by private avarice, by a general and disinterested love of injustice, and a glorious zeal for uproar and confusion, risked themselves, their families, and their fortunes in virtuous attempts to overturn the peace and the liberties of their country. Not the JACK CADES, the WAT TYLERS, and the MASANIELLOS alone, men of obscure birth and plebeian manners and fortunes, have had the happiness of laying nations in the dust, and humbling the pride of nobles and of monarchs; some, of higher orders, have distinguished themselves in the reformation of their country, by overturning her firmest ordinances and establishments from their very foundations. Can IRELAND *now* boast of any man or number of men of the higher or middle orders of life, fired with this god-like ambition, and desirous of emulating the deed of that ancient patriot who eternized his name by the destruction of the Temple of Ephesus? This it is not in my power to pronounce with *certainty*;—anxious as I am that my native country should snatch a praise

“Above all Greek, above all Roman fame,”

yet I have not presumption enough to adorn her brows with this sprig of civic wreath, or to pronounce any nobleman or gentleman of Ireland, on the mere credit of public report, worthy
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of being raised to this highest pinnacle of glory, and ranked by an admiring world in the temple of fame, with the patriotic CATILINE, and the high-minded HEROSTRATUS.

Let us however attempt to trace the history of the present disturbances, and to assign some causes for their alarming extent, and the want of success of those endeavours which have been used for their suppression by the interposition of government, by the exertions of magistracy, by the vigour of the military, or by any other means hitherto devised for that purpose.

It is an unfortunate truth that the state of the peasantry of the south of Ireland is wretched in the extreme. Want of capitals to work their little farms to the greatest advantage; want of employment, as labourers for the gentlemen of the country, the greater part of whom are too hospitable, too much addicted to the bottle, and, consequently, often too indigent, to find either time, inclination or money for rural improvements; the great dearth of land let in small portions for the cultivation of potatoes, the necessary, and indeed the only food of the lower orders of the people;—all these and many similar causes produce a dreadful degree of poverty among
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the cottier tenants in Munster. It is the bounden duty of the men of landed property to prevent or alleviate those distresses by all possible means ; but, most unfortunately, many of the principal noblemen and gentlemen of Ireland do not reside on their estates, and are therefore insensible to the distresses which they do not see, and to which they therefore flatter themselves that they do not administer any occasion. Many of the resident gentlemen, unwilling to diminish their incomes, to restrain their pleasures, or to acknowledge the justness of those complaints which they are not disposed to remove, shewed a disposition, if not hostile, at least not very friendly, to the rights of the established clergy, and, at all times, and on all occasions, endeavoured to lessen that reverence which all men, and more especially those of the lower class, should be taught to entertain for the functions, properties and persons of the ministers of religion. The precepts and examples of superiors have a most powerful influence and controul over the conduct of the inferiors, whose passions are easily inflamed, and whose ignorance will not permit them to see the artifices of those who lead them on to ruin. Grievances were pointed out which had no existence, or which, if existing, might easily have been removed by an easy appeal to the known and written laws of the land ; but a surer method was pointed out by which

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the great purpose might be effected, and the confederated opposers of the clergy be kept without the pale of severe or capital punishment.—

The EDICT was issued by CAPTAIN RIGHT, that, at every Popish chapel, oaths should be administered to every parishioner not to take tithes but under certain very unjust, illegal and impracticable regulations; thus binding the consciences of *the few* by the power of superstition, and giving to *the many* an excuse for committing that injustice to which they were already but too well disposed—Orders were published that the sworn parish should swear the next, and so on progressively, that the circle of combination should spread rapidly through the whole country, and the ruin of the clergy become universal and inevitable.

At this time no violence was committed, no nocturnal meetings were holden, no arms wrested from the houses and persons of Protestants, no act of gross outrage alarmed the really honest yeomanry, the gentry, or the magistracy; the indolence of some rendered them heedless, and many, not foreseeing the consequences, foolishly thought that they themselves might, with impunity and a safe conscience, reap some benefit by a diminution of the property of the clergy.

Thus

Thus the mischief crept on and spread far around, to the very shores of the Atlantic, like the TYPHON in the Indian seas, which at first appears as a small speck in the west, level with the horizon, then gradually rises to the zenith, and covers the whole ocean with lightnings, storms, and devastation.

While this cautious method of swearing the inhabitants of the several parishes to combine against the clergy and the laws, was thus secretly and, in appearance, effectually undermining the constitution, some men were found, among the insurgents, of less prudence and more active spirits than those weighty, cool and specious men, some of whom had, by their cunning planned, and some, by their dignified situation, supported, the original disturbances in the country ;—the *actors* in the tragedy became regardless of the cue of their respectable *prompters*, and were hurried on by that savage impetuosity which characterizes the lower orders of the native Irish.—Private revenge was often gratified in the most dreadful manner under pretence of redressing public grievances ;—armed parties marched in the dead hours of night, from house to house, collecting fire-arms from the Protestants by menaces, by force, and sometimes by torture ; exacting heavy contributions from all descriptions of

men for the purchase of ammunition, and for the better general support of the *common cause*; burning the tithes of the clergy, the haggards of such farmers as had dared to comply with the laws, and threatening to destroy the houses of the clergy, and of those few magistrates who had taken the alarm, and meditated an active opposition to their proceedings.—Some who had been farmers or agents of the clergy were torn from their wives and families, exposed to new and most grievous tortures, and often buried alive in graves dug in the point of meeting of the most public roads;—those graves were lined with black-thorn bushes and brambles, and, by an edict of those merciful reformers, no man was, under pain of a similar punishment, to attempt the relief of the unhappy sufferers, within some given and limited time. Some such graves has the writer of these lines seen long open on the high roads within two and three miles of the great and opulent city of Corke, to the utter scandal and disgrace of the gentry and magistracy of that city and of the neighbouring country.

These violences, however, produced some good effects; some men of property and honourable and independent principles, saw the necessity of opposing such outrages; and some magistrates (though

(though few) at the risk of their lives and properties, nobly dared to exert the powers of the law against the insurgents ; among those I am proud to mark the distinguished zeal, the intrepid firmness, and the well directed conduct of Mr. MANNIX, a magistrate of the county of Corke, who very early saw the tendency and probable consequences of those proceedings, and opposed them with vigour, perseverance and effect ; not deterred by menaces against his habitation, property and person, nor infected by the usually contagious supineness of his fellow magistrates, he stood forth the fearless corrector of lawless violence, the active and useful friend of the persecuted clergy, the steady and uniform supporter of the laws and the constitution.

MR. HAMILTON Cox of Dunmanway, has also proved himself an active, intelligent, and useful magistrate through the whole course of those disturbances ; the western parts of the county of Corke felt the most beneficial effects from his spirited exertions to restore public peace and tranquillity.

During Mr. Mannix's late necessary absence from the county of Corke, Mr. PUXLEY of Crosshaven, supplied his place, received informations

against those insurgents, issued warrants against them, and, in other respects, stood forth as an active magistrate, when many others shrunk from their duty, as from a service of danger.—Mr. Puxley left his own residence, where the country was in quiet by his influence and exertions, and took his station at CORKE, in the center of the disturbed parishes, that he may have it in his power to render the more effectual service to the real interests of the country.

In addition to the useful and honorable labours of these magistrates, thus called forth by the outrages of the White-boys, another good effect was, that the executive power, ever anxious to maintain the peace and good order of the kingdom, sent into the disturbed counties a considerable military force under the command of an active and able general, to aid and invigorate the civil power, in suppressing those violent and disgraceful proceedings. Many of the offenders were accordingly apprehended; the White-boy parties were frequently surprized, attacked and dispersed, and a temporary calm succeeded to the former devastations.

Government, in continuance of its most earnest good wishes to restore tranquillity to the country,
directed

directed a legal prosecution of the offenders, at a very considerable public expence ; but, such were the powers of influence and protection, the efforts of bribery and intimidation on the conduct of prosecutors and witnesses, and the blind and mistaken mercy of jurors, that, on the whole Munster circuit, where many White-boys were capitally tried, most of whom were notoriously guilty, yet only two were convicted.

The subtle and designing supporters of the original plan exerted their influence to the utmost in defence of their unfortunate *vassals* and *disciples*, and succeeded but too well on the occasion.

It was confidently promised by the known favourers of the insurgents that, after the assizes, peace should be restored, and that the oppressed and injured peasantry, as they were called, should lay down their arms, and submit their distresses in a legal and dutiful manner to the consideration of the legislature, from which alone they could expect effectual relief. Those who then promised had engaged for more than was within their power, or, perhaps, within their inclination, to perform. In a very short time the standard of rebellion was again displayed, and, in open day-light, again waved

waved over the country ;—her forces were again levied, regimented, and, in some degree, regularly disciplined ;—the same scenes of rapine, burnings and murder were renewed with additional circumstances of horror ;—the persons and properties of the very few magistrates, and such others as had shown themselves friends to the laws of their country, were threatened, and sometimes attacked ;—the habitations of many clergymen, the most remarkable for charity, a benevolent attention to the poor in the hours of sorrow and disease, and the utmost moderation in the collection of their legal rights, were in perpetual danger, though armed guards were, at a considerable expence, kept for the protection of some of them ;—the very protestant churches were not always secure ; that of Glanmire in particular was threatened to be burnt, though in the vicinity of the city of Corke, and in the center of a populous and protestant neighbourhood ; this audacious menace would probably have been put in execution, if Mr. Mannix had not exerted his usual firmness on the occasion, and effectually scattered that force which was intended by Captain Right for that very daring service.—Those who had prosecuted at the former, or who were bound over to prosecute at the ensuing assizes, were peculiarly marked as the objects of popular

popular resentment *; one of these unhappy men, who had long before been maimed and disfigured by the White-boys for having spoken disrespectfully of their proceedings, was again torn from the bed of his disconsolate and supplicating wife, and, in the midst of his affrighted infants, massacred with circumstances of unexampled horror and barbarity.

Are these things so?—The voice of fame is too loud, the facts are too near and too recent, and the proofs too pregnant and too numerous to admit of contradiction.

Whatsoever then be the CAUSES of these disturbances, whether the peasantry be in themselves really irritated against the clergy and the church, or artfully misled by cool and designing men, whose dislike to all religion or particular hatred to that established, prompts them to arm the hands of the multitude for its overthrow, or whether there lurks in secret a settled purpose gradually to overturn all the orders of the state, and to begin with that which, in these days of religious indifference, has the fewest protectors; the EFFECTS are certainly the

* James Dunn, near Urlingford.

the same, and all ranks of men are now called upon, when the magnitude of the evil is apparent, to exert their utmost endeavours to stop the growth of the contagion.

It was clearly the aim and policy of the internal cabinet of the white-boy republic to spread the mischief of combination by oath through the whole kingdom, that thus the lower orders of the Roman Catholics may become sworn confederates in the general cause of confusion and sedition; and this dangerous scheme would probably have had its full effect, had not the wise, manly, and vigorous spirit of the King's and Queen's counties, and that of Galway, all bordering on Munster, been roused, and by the union and firmness of the men of property and influence, the *armed invaders* been in time repulsed and defeated. What has thus *retarded* the *progress* of the evil, is one of the best remedies for its *total suppression*; from such a zealous, active, and enlightened co-operation of the gentlemen of property, connection, power and in *Munster*, much may be expected towards the final extirpation of this baneful and poisonous weed which now overruns that fruitful and delightful country. Let the landlords, now seeing the general danger, which had hitherto been artfully

kept

kept from their view, use their influence over their tenantry to separate them from the herd of the rebellious ; let the magistrates shake off their indolence or timidity, and firmly unite in the vigorous execution of the laws, without which their possessions, their honours, and all those distinctions in life which separate them from the dregs of the people, must be swept away into the gulph of universal ruin.

Let the executive and legislative powers unite in directing and enforcing the maintenance of the present laws, in disarming the most illegally and dangerously armed peasantry of the Roman Catholic religion, and in strengthening the hands of the civil power by further regulations, if, on full proof and fair debate, they should be found necessary.

Let justice be done to the injured clergy, and an adequate compensation made to them for the losses they have sustained by the outrages of the white boys in their properties and incomes ; let this be so managed that the burden of this act of justice shall fall on those who have offended, and consequently on the parishes where the injuries were committed ; the inhabitants of those parishes were either the principally guilty persons, or the confederates

of those who were, or, by not opposing the insurgents, contributed materially to the progress of the evil; thus the cottier tenants, who compose the bulk of the Munster parishes, and their encouraging, or at least acquiescing, landlords, will be convinced that, by an illegal attempt to remove a slight burden, they only bring on themselves a more heavy incumbrance, and that every resistance of the law must be corrected by every effectual mode of punishment. The spirit of the laws of the wise and good Alfred will be revived, by which every man through the whole kingdom was immediately, in person and in property, interested in the conduct of his neighbours of the same decennary, hamlet, parish, and hundred, and the self-interest of each individual was a sufficient incentive to him to exert his best endeavours for the maintenance of general order and tranquillity.

Let those who have the appointment of magistrates use double vigilance that honest, able, and independent men be chosen for that order; if that class shall be permitted to fall into general contempt, and that the execution of the laws in the distant counties, far removed from the supreme courts and the eye of government, be intrusted to the ignorant, the sordid, the timid, the profligate,

or

or the necessitous, the *laws themselves* will be despised, abhorred, and at length opposed, and universal ruin must ensue.

In the days of restored peace, the TRUE PATRIOT LEGISLATOR (and such we hope there are) will, with an humane and discerning eye, look into the real grievances of the peasantry of this country, and relieve them as much as may be in this power: Providence has most wisely ordained that all human societies should be composed of various classes of men, and that the lowest order should consist of those whose want of property obliges them to an exertion of daily industry and labour, to support themselves and their families, and thereby to procure the most signal benefits to the whole community; the *patriot legislator* will give every just and practicable aid to this class of men; he will animate their industry by well directed precepts, examples and rewards; he will establish the arts of cultured life thro' every corner of the island; he will procure and support more effectual laws for the suppression of idleness, immorality, and drunkenness; he will endeavour to diminish, if not totally prevent, the pernicious use of spirituous liquors among the little tenants, labourers and mechanics, and substitute in their place the more

nutritive,

tritive, wholesome, and strengthening use of malt liquor, of equal benefit to the revenue and agriculture, and little dangerous to the morals of the people; he will diffuse the blessings of an enlightened education among the lower orders, by the erection of new seminaries under the controul and visitation of the magistrates and the higher orders of the clergy, and by the suppression of any abuses which time may have introduced into those of ancient foundation: He will devise and recommend an effectual method of preventing the pernicious habit of smuggling, particularly on the coasts of this kingdom, by armed and numerous parties, who at present compose the flower and strength of the White-boy military establishment, and of guarding and collecting the revenue with the least possible injury to the forms and ancient usages of our legal constitution; he will examine and correct the drunkenness, the vices, the depraved habits and unnecessary distresses of our prisons, one great source of national depravity; he will facilitate the intercourse of the people with each other, and give stability and credit to their various dealings, by such an effectual improvement of our civil bill law as may bring home justice *really* to their doors, with the greatest possible expedition, and the least possible expence; these and similar enquiries may
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be made, and real improvements in our police, and in the practice and execution of our civil and criminal legal system, suggested and supported, by honest and able men, who wish to attain glory and distinction by honourable means, and who court that sweetest earthly reward of virtue, the applause of an improved, an enlightened, and a grateful people.

But, the TRUE PATRIOT will NOT turn away his eyes from *real abuses*, and diligently look after those which are *imaginary*; he will not consider as excrescences on the bark of THE CONSTITUTION those solid and firm parts “ which grow with her growth, and strengthen with her strength,” which are nourished by the main current of the purest sap, and form part of the heart of that tree which has spread its roots into the depths of the remotest times, and will, I trust, extend its branches to shade our most distant posterity.

The *true patriot* will NOT, but on the fullest conviction, impute fordid and illiberal conduct, nay actual extortion, to that class of men, who, from their education, their habits and their profession, are the least likely to be subject to such dishonest and dishonourable practices, and who, in fact, as
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the laws stand; are deprived of the power of acting unjustly, and cannot, by any possible contrivance, exact from any man more than their legal and acknowledged property.

But, if I have stated the *real case* of the clergy, and pointed out their general and almost universal conduct as to their property, as guided by a benevolence and charity, which usually prompt them to a chearful relaxation and diminution of their legal rights; on what ground do those arguments rest which have been urged for the annihilation of the tithe system on an assumption of *crying abuses* and *enormous exactions* on the part of the clergy? Shall the unsupported assertions of men whose ignorance, whose religious prejudices, whose seditious spirit, and whose rebellious actions entitle them to no possible degree of credit in the present case, be considered as a sufficient cause for any innovation even of the most trivial nature; and, even if some grievances did actually exist in this point, can men be found willing to give up the dignity of government, the honourable and useful pride of legislature, their own liberty and security, and those of their latest posterity, by receiving insulting propositions from *armed, obscure, and nocturnal ruffians*, either acting from their own infatuated and ill informed

informed understandings, or guided by the whispered counsels of men in higher ranks of life, regardless of aught but their own interests, and the exaltation of that religious or political party to which they belong? Is it a time, when your lately acquired political and commercial advantages are not thoroughly settled, when our kingdom is but just emerging into open day, into internal improvement and external consequence, and when we are *but now* become one among the nations of the earth, to risk our present possessions and future expectations of national opulence and dignity, by bending the SCEPTRE OF THE LAWS, and proving it weaker than the *rod of the peasant*? Or, in the present situation of the parties and religions of this country, in a great degree separated from our Protestant brethren of England, and unsupported by that power which, in the hours of severest trial, protected our religious establishment, as a branch of her own, against its confederated internal enemies, shall we be so inconsiderate as to shake any part of our ecclesiastical system, so conformable to our civil constitution, so friendly to the consciences, the rights and liberties of mankind, the religion of our Ushers and our Berkeleys, purified by the happy Reformation, and confirmed by the most glorious Revolution?—Let the man, who draws but a
single

single stone from the foundation of the sacred and venerable edifice, tremble at the probable consequences of his rashness ; the spirit of innovation is not easily restrained ; like every other passion, it gathers strength by ill example and indulgence ; new attempts will ensue to demolish the materials and destroy the cement of THE TEMPLE ; when the ornaments are disfigured, and all the out-works successively overturned, the center itself will soon crumble on its base, and involve all that is dear to us as freemen and as enlightened Christians in universal destruction.

May that day be far removed, and may the understanding and the virtue of the citizens and legislators of Ireland be successfully exerted to convey our present happy civil and ecclesiastical constitution, undiminished and unimpaired, to their latest posterity !

faith, that he immediately received several violent blows on the head and other parts of his body with poles and cudgels ; and this Deponent further faith, that he perceived an hanger over his head, but cannot tell whether he was struck with it or not, but says, from the shape of a dangerous wound over his eye, this Deponent believes he was struck with the cock of a gun or pistol ; this Deponent further faith, that in a short time he could perceive the warm blood flowing down his body in almost every direction ; and the said Deponent further faith, that he was thrown on the ground, and dragged across a very rough and broken pavement ; and further faith, that by this time loss of blood rendered him very weak, and that he fell on the ground ; and farther faith, that he was compelled by the said persons to rise, on which they assisted him, alledging that he (the Deponent) only pretended weakness ; and further faith, that when he was raised, he reeled and found himself ill able to stand without support ; and further faith, that they then proposed to put him on horseback, naked and bloody as he was, either to bury or drown him ; and further faith, that when he the said Deponent requested to be allowed some cloaths, they said he had no occasion for them ; and when he begged a little water to drink, they frequently repeated that he soon should get plenty of

of it; and further faith, that his wife (as she says, and he believes) expostulating and supplicating on this occasion, was loaded with the most opprobrious epithets, and a desperate blow made at her with a pole, which she avoided by withdrawing under the lintel of the door, and that the impression of said blow remained for several days visible in the thatch, and he supposes still does; and further faith, he verily believes they would have carried him away, had they not been delayed by a number who re-entered the house, and were busy lighting candles, singing, dancing, and searching the rooms for arms; said Deponent further faith, that during this time he was obliged to stand, under a guard, covered only with the remains of a bloody shirt, and exposed to the inclemency of a frosty night, frequently receiving blows and insults from those about him; and further faith, that his wife continued from the beginning to give him all the assistance in her power; and that, he believes, besides many blows made at herself, she received several intended for him, of which she bore several marks, exposed to the open air, and, as he believes, with no other covering than her shift; and further faith, that before their departure, they proposed to him to swear that he would keep no proctor, that he would value his own tithes and set them; and further faith, that on reasoning against such proposal,

and declining said oaths, and day approaching, they departed, feloniously taking away a pistol, an horfewhip, and a key ; and this Deponent believes that some of the said persons had fire-arms, as he is informed they fired some shots at and after their departure from his house ; and further saith, they left him nearly covered with blood, and with many wounds and bruises, some of which he believes were dangerous ; and further saith, that from his knowledge he cannot set forth the names of the said persons ; and this Deponent saith, that some of the neighbouring gentlemen sat up in said Deponent's house four successive nights, being apprehensive, as said Deponent was, of another attack on said Deponent's house, and that the same night be set on fire, by the said insurgents, it being a low thatched house, formerly a barn, but the best accommodation he could get for himself and his family (on any terms that were not very exorbitant) and for which however he was obliged to pay a rent far exceeding its real value ; and further saith, that his wife, during three of the said nights would not venture to go to bed ; and this Deponent saith, that in four days after said outrage, he removed to Clonmel for medical assistance and the protection of himself and his family ; where he has since been attended by a physician, a surgeon, and an apothecary, at considerable expence

pence to this Deponent, and saith that he hath been in many respects a great sufferer by his removal from the said habitation, where at great expence he had fixed himself and his family, and from which the said Deponent further saith that he removed with great reluctance for the preservation of him and them at a season of the year when his attendance was most necessary for the care and cultivation of his little farm ; and this Deponent saith, that he, and his wife, had endeavoured by acts of kindness and beneficence, as far as their circumstances would admit, to deserve the esteem and gratitude of the lower orders of the people in the said parish ; and further saith, that he proceeded in the setting of his tithes in such a manner as he thought most equitable and least oppressive ; that he did not suffer his proctors to receive any fees from his parishioners ; and that the said Deponent frequently proposed to individuals to value their own tithes, he offering to abide by their estimate ; and that he often proposed to the parish in general, to let any two reasonable inhabitants value between him and them ; and further saith, that the inhabitants of said parish had generally declared their approbation of this Deponent's conduct ; and this Deponent verily believes that the said outrage proceeded from professional rather than personal prejudice, and with a view to intimidate

midate the protestant clergymen from enforcing their just and accustomed rights ; and further saith, that he is under great difficulties from the circumstance of his being not able to procure the attendance of servants, on whose fidelity he can depend ; as many persons in that neighbourhood threaten destruction to any stranger who should come among them ; and that from those threats, a person whom this Deponent lately hired, was so intimidated, that he refused to come to this Deponent's service, who is now obliged to employ persons of that neighbourhood, from whom he cannot expect any assistance against the said insurgents ; this Deponent saith, he is ready at any risque to himself to do his duty, and to establish the customary rights of himself and his successors, as far as in him lies, but says that such repeated outrages and violations of the public peace, have been committed in that neighbourhood, that neither the public peace nor private property can be considered as secure, except troops should be quartered in some convenient situations in and about said parish ; and saith, he is informed and believes, there was a barrack in said neighbourhood, in which troops had been formerly stationed, for the purpose of keeping the said neighbourhood in order.

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APPEN-

A P P E N D I X.

(No. II.)

A brief account of the treatment received by the Rev. Mr. HARE, Vicar-general of Cashel, from the White-boys.

MR. HARE, on the 18th of June, 1786, sent out his proctors to view and value his tithes growing in the parish of Kilbragh, in the county of Tipperary, in Munster, and near the borders of the province of Leinster.—The law renders this an indispensable act, as no clergyman can recover the value of any subtracted tithes without the clearest proof of such value, by the oaths of two persons who have carefully viewed and valued them.

On the 25th of June, a mob pursued the said proctors into different houses into which they had fled for protection, dragged them out, beat them most unmercifully, robbed them of their valuation-books, some cash-notes, and accounts, and compelled them to swear that they would never view or value tithes again, &c. for which acts of outrage, three of the most violent of these White-boys were indicted at the ensuing assizes at Clonmel.

Mr.

Mr. Hare's proctors, having received such severe and barbarous treatment from the White-boys, refused going again to the parish to view and value, unless Mr. Hare should himself accompany them; Mr. Hare accordingly, as soon as his proctors had recovered and been cured of their wounds and bruises, went with them to the said parish to view and value his tithes, where on his first appearance, a great mob, collected by yelling and shouting, attacked Mr. Hare and his two proctors most furiously, pursued them for near half a mile, knocked down Mr. Hare, broke a bone of one of his hands, and two of his ribs, and gave him above twenty bruises and wounds in different parts of his body by stones thrown at him.

His two proctors were beat and abused in the same manner, and robbed of their arms, and the lives of them and of Mr. Hare were in the most imminent danger.

As soon as Mr. Hare had so well recovered from his wounds and bruises as to be able to ride on horseback, he went on the 11th of August. with eighteen men all well armed, to the said parish of Kilbragh, which is distant about sixteen miles from his residence at Cashel, in order to have
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viewed and valued such parts of his tithes as had not before been valued, but on his arrival there, he found that *all* the inhabitants of the parish had sworn not to sell, or give him lodging, victuals, or any sort of accommodation, or to any of the party which accompanied him.

Mr. Hare and his whole party, it being then night, were under the necessity of taking shelter in a new church, recently plaistered, and still dripping wet, the wind and rain beating in through the broken windows, and to sleep on new-mown wet grass in their ordinary cloaths, having been able to procure but one blanket and one pair of sheets for the whole party, from Mr. Lidwell, a gentleman who did not live in that parish.

Thus they spent seven nights, keeping a regular watch, continually alarmed and annoyed by great numbers of ruffians, who were constantly huzzaing for Captain Right, and threatening to destroy Mr. Hare and his party.

Their food they got, with danger and difficulty, from Cashel, sixteen miles distant, and frequently were obliged to eat raw potatoes.

Thus Mr. Hare continued with great trouble, risk and expence, to have the tithes of his parish viewed and valued as the law directs.

On the 5th of October Mr. Hare went again to the parish of Kilbragh, attended by some men in arms, for the purpose of letting his tithes, and was there informed that seven men of the parish had solemnly sworn and combined to assassinate him; Mr. Hare, however, remained in the parish in the greatest anxiety and danger, for near three weeks, until he had lett the greater part of his tithes as well as he could; it can be proved incontrovertibly, that some of those assassins were posted every night at different corners of the cabbin where Mr. Hare took shelter, while at this time in the parish, for the purpose of shooting him, if he should put his head out of the door after night fall, and some of them came by night to the window of the little room in the cabbin, to try if they could shoot him while in bed, but his intelligence was so good, and his caution so great, that they found no opportunity to attempt to murder him until the 29th of October last, when between the hours of two and three o'clock, in the open day, and immediately after divine service, as Mr. Hare was returning from church by the high road, in company with his curate

rate and another gentleman, Thomas Dawson and Michael Bohan, two of the assassins already mentioned, waylaid him, and from behind a field-gate, presented two muskets at him, who was then but four or five yards distant, pulled the triggers, and both providentially burned priming.—Mr. Hare and his two friends immediately pursued the assassins, took BOHAN prisoner, but DAWSON escaped.—Bohan was conducted to the neighbouring town of Thurles, where the charge of the gun which he had attempted to fire, was drawn in the presence of many gentlemen—It contained four bullets and a proportionable quantity of gun-powder.

A P P E N D I X.

(No. III.)

Of the AGISTMENT TITHE.

THE nature and modes of valuation and recovery of the agistment tithe, as set forth in the old law books, seem to me rather obscure, and the Court of Exchequer in England has lately established the doctrine and practice as to this species of tithe in so very different a manner, and on a foundation so much more natural and solid, that I think it unnecessary to give any detail of the ancient opinions and dicta on this subject.

AGISTMENT is properly defined “ the keeping or depasturing of sheep and of any kind of cattle, whether beasts or horses ;” and the tithe of agistment is “ the tenth part of the value of the keeping or depasturing of such sheep, beasts, and horses, as are liable to pay it.”

Beasts and horses used in the plough, or other business of husbandry, are exempt from this tithe, as are also milch cattle, which pay tithe of another kind.

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This tithe is, from its nature, not levied in kind, but all cattle subject to it, (commonly called barren and unprofitable cattle) are to pay a tithe for their agistment during the time they have been so kept in any parish, according to the value of the keeping of each per week:—

This tithe is payable by the occupier of the ground for his own sheep, cattle, and horses, as well as for those he takes in as *graziers*, or to *joist*, as is the phrase in England.

The agistment tithe, and all other species of tithes are founded on two general rules:

R U L E I.

The person to whom tithes are payable is entitled to the tenth part of *the produce* of the land, or the *value* of it; that is to the *produce*, where the tithe can be taken in kind, as in hay, corn, &c. to *the value*, where it cannot, as in agistment.

R U L E II.

So often as a new increase arises, so often a new tithe becomes due.

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The Court of Exchequer in England has ascertained these points in the clearest manner, by their unanimous decree in the case of *Bateman v. Aistrop*, and others, Easter, 1774, and the same points were before ruled in the same court in the case of *Willis against Haneey*. Mich. 1786.

It is adopted as a principle, that the agistment tithe is payable *of common right*, and as such, that the non-payment of it for any number of years, or even from time immemorial, is no bar against the payment of it when demanded or sued for, and that even arrears long due and not demanded may be recovered by the church, against which no prescription lies, according to a known maxim of our law.

Thus the agistment tithe is now established in England by the solemn decisions of the courts, as recoverable for the full value thereof, unless when a legal modus or composition intervenes.

This is a doctrine and practice not grounded on any act of parliament, but built on the broad base of THE COMMON LAW, which equally extends to Ireland as to England.—Let us now consider why the agistment tithe, which, in many parts of England,

land, forms a great part of the clergyman's income, has been for many years past entirely unproductive to the clergy of Ireland, and whether the diminution of that part of their dues, be founded on law, or that liberal and enlightened policy which should inspire the councils of a great nation.

On the 6th of December, 1735, a petition was presented to the House of Commons, signed by Benjamin Copland and others, on behalf of themselves and the rest of the farmers, graziers of Ireland, setting forth "that several of the petitioners have been of late, and now are, sued for the tithes of the agistment of dry and barren cattle, notwithstanding that, according to the best information they have had, no such tithes have been ever paid, or even demanded in this kingdom until a few years since, and praying relief therein."

A committee of 37 members was then appointed to examine the allegations of the said petition, and report their proceedings and opinion thereon.

On the 22d of December, 1735, the committee reported the following resolution :

"Resolved, that it is the opinion of this committee that the petitioners have proved the allegations

“ gations of their petition, to the satisfaction of
 “ the committee.”

The House accordingly “ ordered, that leave
 “ be given to bring in heads of a bill for ascertain-
 “ ing the tithe of herbage, or agistment of dry or
 “ barren cattle in this kingdom, and settling the
 “ methods of recovering the same.”

By this it appears that it was *then* the decided
 sense of the House of Commons, that the tithe of
 agistment was a legal and existing part of the pro-
 perty of the clergy; that this petition, which is
 not inserted at large in the Journals, *did not deny*
that right, but merely required a law to settle the me-
thods of recovering the same, those adopted by the
 clergy by bill in Chancery or the Exchequer,
 being alledged to be highly expensive to all par-
 ties.

I have not been able to discover whether any
 such heads of a bill were introduced; certain it is
 that no such bill passed—The opposers of the clergy
 seemed to be aware that the petition and order
 above-mentioned, were rather too favourable to
 their claim of agistment tithe, and probably declin-
 ed to bring in the bill, which, according to the
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tenor of the order, must have recognized the title of the clergy.

The enemies of the agistment tithe took new ground for their attack, and on the 5th of March, 1735, O. S. a petition of Samuel Law, and other gentlemen and landholders of the county of Meath, &c. &c. was presented to the House, setting forth, “that the clergy in the several parts
“where the petitioners dwell, have commenced,
“and threaten to commence suits for a *new kind of*
“*tithe*, under the name of agistment of dry and
“barren cattle, grievous to the petitioners, and
“to all those who are sued for the same, and pray-
“ing relief.”

On this petition, a committee of 37 members was appointed (some of whom had been of the committee on the former petition) and on the 17th and 18th of March, 1735, the report of the committee, and their resolution thereon, were laid before the House. The resolution of the committee was as follows :

“Resolved, that it is the opinion of this com-
“mittee that the petitioners have fully proved the
“allegations of their petition to the satisfaction of

“ the committee, and deserve the strongest assist-
 “ ance the House can give them.”

The House agreed to this resolution.

And the House resolved, “ That the allotments,
 “ glebes, and known tithes, with other ecclesiastical
 “ emoluments, ascertained before this * *new*
 “ demand of tithe of agistment for dry and barren
 “ cattle, are an honourable and plentiful provision
 “ for the clergy of this kingdom.”

“ Resolved, that the demand of tithe-agistment
 “ for dry and barren cattle is *new*, grievous, and
 “ burdensome to the landlords and tenants of this
 “ kingdom, who could have no notice thereof previous
 “ to their purchases and leases, nor the least
 “ apprehensions that such demands could have
 “ been claimed.”

A motion being made, and the question put,
 “ that the commencing suits upon these new de-

* This is surely an extraordinary doctrine, as nothing can be more certain or better established in law than that the tithe of agistment is due *communi jure*, as indisputably as the tithe of hay or corn.

“ mands

“mands must impair the Protestant interest, by
 “driving many useful hands out of this kingdom,
 “must disable those that remain to support his
 “Majesty’s establishment, and occasion Popery
 “and infidelity to gain ground by the contest
 “which must necessarily arise between the laity
 “and clergy,”

On a division, it was carried in the affirmative, by 110 against 50.

The business was then concluded by this resolution.

“Resolved, that all legal ways and means ought
 “to be made use of to oppose all attempts that
 “shall hereafter be framed to carry demands
 “of tithe-agistment into execution, until a pro-
 “per remedy can be provided by the legisla-
 “ture.”

What *legal ways and means* the House of Commons could adopt to oppose suits for agistment-tithe, otherwise than by concurring in an act of parliament for that purpose, I own myself at a loss to conjecture. Corrupt as those days were, the

members must have known that an expressed opinion of that House could not change the laws of the land, or deprive a whole body of men, an integral part of the state, of their legal and vested property :———If it were not their property, the courts of justice would soon pronounce the law against them, and, in the ordinary course of proceeding, soon restore peace and security to those worthy and disinterested graziers who supposed themselves injured. Was it intended that this resolution, not followed up by a bill, should influence men from the prosecution of their just rights, and deter the judges from entertaining such causes, and the gentlemen of the bar from assisting their clerical clients on such occasions ?

That the clergy *were* intimidated is most certain ; no suits for agistment-tithe have since been commenced, and all the then subsisting proceedings were discontinued ; no clergyman was found bold enough to give the *law of the land* an opportunity of struggling with an half-expressed opinion of one House of Parliament.

But I trust that in the courts of justice, on the bench and at the bar, many men would have been found who would steadily turn their inward eye
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to the shrine of the law, and receive the sacred responses from that oracle alone. I firmly hope and believe that the well-known example of the intrepid HOLT would prompt and inspire every man of the law who might be called upon to do his duty on such an occasion.

As, most clearly, the discontinuance of this claim of the agistment-tithe is not grounded on any law, let us examine if the resolution which produced it was founded on sound policy, or on the real interests of this country.

Will any man who considers that the wealth and prosperity of a nation depends on the number of its fully-employed, active and healthy inhabitants, establish a position that pasturage is to be preferred to tillage; that the mode of occupying the soil which enriches the few, and starves the many; which converts the most delightful plains of Ireland into silent, forlorn and desolate wastes; which banishes the active peasant, the skilful labourer, the intelligent mechanic, and renders the "human face divine" a novelty in the most fertile parts of the kingdom; which nips population, industry, and national prosperity in the bud, by preventing
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the means of earning an honest subsistence by useful labour ;—that pasturage, which when too far encouraged and extended, necessarily produces all these evils, should be preferred ; and that the plough and the spade, the favourite instruments of heroes, of philosophers, and of politicians, should be slighted ? No reasoning man, who has read a page in history, who has looked round him and contemplated the manners, habits, arts, and commerce of the living world, can for an instant entertain an opinion so repugnant to the sense of mankind in all countries and in all ages.

What then was the tendency of that resolution, or what would have been the object of the consequential act, had it passed on that occasion ?

Manifestly, that the whole subsistence of the clergy, which before was by law to be demanded and levied from the produce of the land of the *whole kingdom*, should, in future, be confined to that species of land which ought least to be burthened, and to that class of people which, in sound policy, should be most effectually encouraged and supported. That a bounty should be granted to extend the propagation of a national evil, and that the real cultivator of the soil should repine at the
existence

existence of a law, however ancient, however just, which still continues that incumbrance on him, from which intrigue, influence, and the selfishness of interested men in power, had relieved his indolent, useless, and depopulating neighbour.

This, in fact, seems to me the primary and radical cause of the present discontent, so far as tithes are concerned, if they are at all concerned, and so far as the peasantry are really, and from themselves, in earnest on that subject. We are all happy or miserable by comparison.—Abstract reasonings of right and wrong, of law, and of ancient usage, will never convince an illiterate cottager of a rich grazing county, that it is the real constitution of this country that the clergy should be maintained out of the produce of the lands of this kingdom. When he looks around him and sees that the five thousand best acres in the parish contribute nothing, and that he and forty or fifty other wretches, almost houseless and naked, must, out of the remaining three or four hundred acres, extract, by the power of incessant labour, sufficient for the support of their own families, and for that of the established clergyman;—even this ignorant peasant cannot suppose that such a gross partiality has the sanction of the law; he therefore concludes
that

that the whole is a fraud ; that tithes are a burden not imposed by law on him or on any man ; that his neighbour, the rich grazier, who covers the plains all around him with innumerable oxen, never hears the demand of the rector, or the voice of his proctor, “ charm he never so wisely ;” that tithes are never demanded from *him*, because his learning enables him to know that it is a cheat, and his wealth supplies him with the means of defence ; and that the imposition therefore falls with double weight on his own wretched and unprotected head.—All these are the natural conclusions of this unfortunate man, who has not knowledge enough to discover that one branch of the legislature has, in effect, declared one law for the rich, and another for the poor ; and that it is therefore the adopted policy of Ireland, in this instance, to bestow her rewards on those who most effectually retard her improvement, and even contribute to her destruction.

The peasant, therefore, undefended by the arms of the feeder of oxen, by wealth or by knowledge, has recourse to the arms supplied by nature, and calls in violence and outrage to protect him against the supposed fraudulent and illegal claims of the clergy, and is actually led into treason and rebellion.

lion by not properly understanding the mysterious wisdom of the patriotic House of Commons of 1735.

Why then shall that resolution remain uncanceled which manifestly commits private injustice, and transgresses all the rules and practices of every enlightened nation on similar occasions?—which having, by time and acquiescence, as it were, usurped the force of law, has established the dangerous precedent that an expressed wish of one House of Parliament, shall controul the rights of the subject, and check the free appeal to the established courts of justice in any case of real or alledged property?—which, taking advantage of the moderation, the disinterestedness, and the peaceable disposition of the clergy, turns their virtues against their interest, and converts their acquiescence under persecution, into an abjuration of their own rights and principles, and a dereliction of those of their successors;—which, in short, casts a stain on the morals and understandings of our forefathers, in the servile state of this kingdom; a stain which the founder equity and better policy of the present representatives of emancipated Ireland can alone wash away.

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And

And I trust that the day is now come when an atonement may be honourably made by the sons for the dishonourable injustice of the fathers, and the rights of the clergy may be completely established on the ancient and solid foundations of the law and the constitution.