

SHORT  
REMARKS

Upon the Late

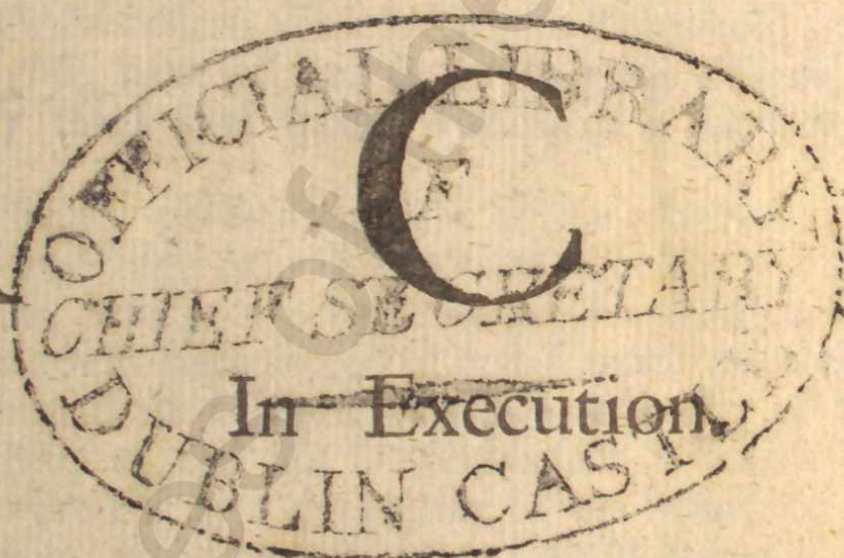
Act of Resumption

OF THE

IRISH FORFEITURES,

And upon the Manner of Putting that

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L O N D O N,

Printed in the Year 1701.



Houses of the Oireachtas



*Short Remarks upon the late Act of Resumption of the Irish Forfeitures, and upon the manner of putting that Act in Execution.*

1. **E**Very the least Trade or Body of men in the Kingdom, when they find themselves agriev'd by a Law, are allowed the liberty of plainly representing their Grievance, and petitioning for redress by the repeal of that Law. I hope it will not be accounted a Crime, nor an unbecoming assurance, in one who is a Sufferer by the late Bill for Resumption of *Irish* Forfeitures, to lay before the Honorable House of Commons a few short Remarks upon that Bill, and the manner of the Execution of it, whereby himself and many other of his Majesty's Protestant Subjects, whose Veins hold no other Blood than what is *English*, have suffered to a very great degree, in hopes that the House may think that matter worthy of a Review, and second Consideration.

2. I am firmly perswaded, that if the truth of the state of the *Irish* Grants, or any thing near it, had been honestly represented to the House of Commons, whatever Schemes of Affairs some particular enterprizing Gentlemen might have projected and framed to themselves, it would have been impossible to have gain'd a Majority of that House to have passed the Bill, at least not in the manner it is now framed.

3. As to the Bill now depending in the House for the Resumption of *English* Grants, altho probably there is not one of the Grantees, who is not represented by a Member, in whose Election his Grant gave him a Right of Voting; and altho the Matter being transacted here, it may reasonably be presumed that many Members of both houses are thoroughly acquainted with the Grants themselves, and the Considerations for making them; the Printed Votes tell us every day, that as many Petitions as are offered against the Bill, are easily received, and referred to the Committee to whom the Bill is committed: But unhappy *Ireland* is to be bound by a Law made by Persons never chosen to represent her,



Persons who cannot be presumed to be truly acquainted, of their own knowledge, with her present Circumstances, Interests or Affairs, and this too without giving her any opportunity of being heard for her self. It is not the Intent of this Paper to enter into the question of the Right ( which some however think of considerable weight and consequence in the matter ) but to consider how a thing so unusual and extraordinary did prevail.

4. I do not presume by any means to arraign or censure the Proceedings of a Parliament ; it is no reflection upon them to do things which carry a fair appearance of advantage to the Publick, as they are represented to them, tho' Deceits may be put upon them : And it's a sufficient reconciling of their Proceedings to the Rules of Justice and Equity, that they used all the caution that was necessary to obtain a true Information of the state of the Case ; that they sent over Commissioners, fortified with very large Power, to make Enquiries, and to report the matter to the House. It could not be presumed ( and therefore a Suggestion of that kind would have been ridicul'd ) that Persons so imployed would dare to make a Report to such an Assembly without due Examination, and much less to affirm Facts contrary to plain Informations received ; and it is no wonder, as the Report stated matters to them, that it should move their Indignation to the highest degree. I shall not offer to dispute the reasonableness of any one step taken by either House in the Affair ; I have learned to make my Understanding submit to whatever the Parliament judg to be reasonable and fitting to be done : But if many innocent Families must unavoidably be ruined by the Bill grounded upon that Report ; and if that Information shall Evidently appear to be grossly false in it self in many, nay, most particulars, and that those Mistakes were not due to want of Opportunities of being truly informed, but to a resolution to represent things quite otherwise than the Truth was ; perhaps the House may think it self concern'd in Honour to express some Resentments, or a dislike at least, of such an abuse of the Confidence reposed by them in their Commissioners, which produced a Bill so severe, to say nothing more of it.

5. The most avowed Enemies of that unfortunate Kingdom, tho witty Gentlemen ( who altho they despise it, and all that belong to it, yet at the same time, contrary to the nature of Contempt, make it the very mark of their Envy ) must allow that the dull Protestants of *Ireland* were great Sufferers upon the account of their Religion and firm adherence to the Interest of *England* ; that such of them as were forced to fly for want of Arms, or of a Force capable of making a stand, were as forward to  
return



return and venture their Lives for the asserting the *English* Laws and Liberties as any Subjects whatever; and that such of them as could get into a Body, and possess themselves of Places of any Strength did defend those Places to the wonder of Mankind. And it cannot be denied, that by that Defence, and the stand that they made there, the Ravages and Calamities that attend a War were kept in that poor Country, of which War (without that opposition) *England* in all probability had been the Seat.

6. These things could not soon slip out of Memory, or be forgotten; nor could the Interest that some of those Sufferers, and the Protestants of *Ireland* had in those Grants in general be unknown; and therefore the Gentlemen who projected the creating of beneficial Offices to themselves, at the expence of a poor Kingdom, were put to make use of all their skill to work up the minds of People into such a ferment, as might master and over-power every thought of Tenderness and Compassion: And it's pretty well known what Courses they took to do it; But time will quiet Passions and discover Truth. Two of the three reporting Commissioners are soon to appear before the House. I think it may not be improper to give some hints of Enquiries, which the Members, if they please, may make, in order to their having some certain measure of what they are to depend upon from the Act (for, as has been very well observed, the late Report skilfully avoids every thing of this kind) and that the poor Soldiers, the Persons concerned in the Transport Debt, &c. after a tedious waiting may not find themselves deceived by such a Fund as to make selling their Debentures at fifty *per Cent.* the most eligible part.

7. I will for the present admit that the general Distaste which this Bill has given to the body of the Kingdom of *Ireland*, is not a false step in policy at this time: I will suppose too, that the Apprehensions which many there have taken up, that it looks like a very breach of their Constitution, is perfectly groundless, and of no consequence (without doubt the Gentleman, who said in discourse, that it were better the Bill should be lost, than the express Repeal of an Act of their Parliament should be omitted, as he seemed perfectly master of the Conduct of the whole Bill, has some very extraordinary Reasons for his saying so) yet I am fully perswaded if *England* had been made sensible, that the Act would be a certain Ruin to so many *English* Protestant Families; that besides the Resumption it self, (which would lie heavy enough upon many of the Subjects of that Kingdom) the Charges of making and attending their Claims would be such, as that Kingdom is not able to bear; and that the effect of this would be only the creating Offices of advantage to some particular Gentle-



Gentlemen, with a very little return in ease of the *English* Debts; I am perswaded that an *English* Parliament would have scorned to take this course in easing her self in an inconsiderable Sum, by laying such an overload upon her Slave and Drudge; much less would it have committed into the hands of some Gentlemen such unlimited Powers over a Kingdom, as are without any Precedent in *English* Law or History: and perhaps their Justice and Compassion may incline them yet to find out some means of removing the Load, and relieving the poor Sufferers.

8. Instead of this, it's reported abroad, that the Gentlemen imployed are not content with their present Power, nor think themselves yet Arbitrary enough, but solicit an enlargement of their Authorities, as well as of their Time, and consequently of their very good Salaries. Whether that, or the finding some way of delivering a miserable people of such Masters, be the more reasonable, a satisfactory Answer to some few Questions may perhaps in some measure determine.

9. The first Report is before the House: it was that which raised the expectation of the Parliament so high, that they thought reasonable to vary from their general Course of Proceeding, and to do things not common, by which several Members expressed themselves sensible that some Hardships would unavoidably fall upon particular Persons, but the general Good over-ruled such Considerations that they chose rather to strain a little, than not come at such a Mine as was promised them towards easing a Burden, which lay very heavy on *England*. Two of the three who subscribed the first Report (as is said before) are soon to attend the House, particularly Mr. *Ansley*, who after having delivered that Report at the Bar of the House, undertook to justify and answer all Objections that should be made against it; for the truth of which, I am confident I may appeal to the memory of several Members who heard him, altho perhaps he might have reason to be assured he did not run any great hazard of being at that time called upon to make good what he so strongly promised. I think it may be immediately expected, after a full years further attendance upon that Enquiry, he should be able to give a full, plain, and direct Answer how far that Revenue may be depended upon as a Fund for what is charged upon it (which are Debts of Honour and of great compassion) and whether the produce of it will be an equivalent for the setting a Precedent of investing a few Gentlemen, not all of them perfectly skilled in the Laws or of visible Fortunes, with so arbitrary a Power of judging & determining the Property of a whole Kingdom, that the Wisdom of the Laws of *England* has not thought it safe to intrust the King, the House of Peers and all the Courts of Justice in this Land with any thing like it.



10. The Estate commonly called the private Estate (those Lands which were vested in the Duke of York before his Accession to the Throne, and afterward granted to the Lady *Orkney*) I take to be out of the compass of this Enquiry: There was no need of furnishing out Commissioners at such an Expence, and such large Powers, relating to that.

There were very few Claims to be heard; the Commissioners, as I have been well assured, had an Entry at large delivered to them, a perfect Rent-Roll of the Estate; the Gentlemen concerned in the Management of it put that matter into such order for them, that Mr. *Hooper* (now a Commissioner, and their then Secretary) said at the Board, that had the like Methods been observed in all Returns, three Months would have been sufficient to have compleated their business. So that a very small Expence of Time and Pains might ascertain the true state of those Lands, as may be very easily judged, as well from what is abovesaid as from that very nice \*Account given of this Estate by a late Ingenious Author. *Fus Regium.* If therefore there has been any considerable waste of Time and Expence in that matter, it has had some other end in it, than barely to be informed of the truth of that Revenue. I hear the Commissioners report those Lands to be of a very extravagant Value; at present I'll not concern my self further about them, than to caution People against being deceived by the same Methods a second time, and to say that those Lands may be disposed of without the yearly Expence of Forty Thousand Pounds in Salaries, and other Charges to effect it.

11. But it may be proper to have the House truly informed what has been made of things properly called Forfeitures, in a years time. There can have been but little need of their Judicial Power of hearing and determining Claims to Personal Estates; and therefore it's to be presumed that all those matters are over, and that they are able to give a perfect Account of them.

It may then be reasonably demanded,

1<sup>st</sup>, What the Value of those are? How much received, and what proportion those Receipts bear to the first Report? and in general how far the first Report will be verified, in what particulars it will fall short, and how much?

2<sup>ly</sup>, Whether they have made any Inventory of those Personal Goods and Chattels that are vested in them, to whom they have Sold them, and for how much?



The neglect or delay of doing this, is an abuse of the Favour intended by the Parliament to the Purchasers of Forfeited Interests, as to the third part of their Purchase-Mony, forasmuch as they are to receive part of the twenty one thousand Pounds allotted to them out of the Produce of the personal Estates.

It may be demanded of them in general,

3<sup>ly</sup>, What Cash remains now in the hands of their Receivers, or Casheers in *Dublin*, above the Charge of their Salaries and Management; and whether in their Accounts Credit is given by what is made by the Fees in several Offices? It is conceived this ought to be done, in regard the whole Expence is defrayed out of the produce of the Forfeitures, and therefore it's reasonable that the Fees should be esteemed so much neat Money, and ought to be accounted for as such.

And it is to be hoped the House will require their laying before them their Table of Fees, which (however moderate it may appear) is an excessive Charge to the Kingdom; for by the Act the Claimant is obliged in his Claim to set forth his Title, and by what Deeds he derives it; So that where the thing is of inconsiderable Value (which generally happens in cases of such as are least able to bear it) the Charge of Attendance and paying the Court exceeds the Value of the Interest claimed. The usual Expence in the Offices for an ordinary Claim is about ten pounds, of greater Claims abundantly more.

4<sup>ly</sup>, Have they proceeded to sell such part of the Forfeited Lands, as have been not claimed, or such as have been claimed, and discussed? If so, to what Value do the Lands sold amount? If not, what is their reason for delaying the execution of that part of the Act?

5<sup>ly</sup>, Whether they have given Certificates to intitle the Purchasers to their respective Shares of the twenty one thousand Pounds? If they have given such Certificates, when did they give the same, and whether such Certificates have not been demanded, and refused by them? If so, upon what account was such Refusal? Whether by such Refusal the Purchasers have not been hindred from receiving *All-Saints* Rent, and will not also lose the Rents becoming due this *May*? Have they allowed them Interest for their Shares of the twenty one thousand Pounds? Have they not been delayed of the advantage the Act intended them of demanding the Remainder of the Mony from those of whom they purchased, for want of such Certificates? What was the number of those Purchasers, and what was the Expence of prosecuting



secuting each Claim, in order to intitle such Purchasers to their Share of the twenty one thousand Pounds.

12. This Right must be done to the Trustees, That they have endeavoured in most Cases to make the utmost of their Trust; but whether by such Methods and Courses as the Honour of an *English* Parliament would endure, if they were acquainted with them, may be known by Answers to the following particulars.

1<sup>st</sup>. The Act requires such as are in Possession of forfeited Lands to return a true Particular of the Value under a great Penalty: Whether they have expected such a Particular, according to the Value that a Tenant might reasonably give for the Land to be set out to Farm, or whether according to the Rates which the lowest under-Tenants and small Cotters (who work out all that which is called their Rent, and much more with their Landlords) do agree to pay to the Tenant, and what all such under-Rent cast up together amount to?

This is the kind of Enquiry which has been made in the private Estate, to make its Value appear considerable.

2<sup>ly</sup>. Whether they have not contracted with Tenants for Leases for one Year, and what the Returns of such Contracts were? Whether they have not frequently set the same Lands afterwards to other Tenants notwithstanding the former Agreements, for a little more than the first Tenant contracted for? And whether they have not dispossess'd the first Tenant, and compelled him, and by what means, to advance his Rent, or quit the Possession?

3<sup>ly</sup>. Whether they have not order'd their Collectors, Managers, and Receivers, to demand more Rent than the Tenants contracted for, and not to allow what the Tenant paid for Quit-Rents, or the Land-Tax; and in default of payment, to distress? Whether they have not directed their Receivers not to obey or regard any Replevins, if the Tenant should sue out such, and require Sheriffs (particularly the Sheriff of the County of *Limerick*) not to issue or execute any Replevin against any Person distraining by their Order? Have they any Entries or Copies of the Orders given by them to their Collectors and Receivers? These would be worth perusal.

4<sup>ly</sup>. What is the Reason why Lessees, who are not liable to pay Quit-Rent, or any more than a Moiety of the Land-Tax, have been obliged to pay their whole Rent, without allowance given for Quit-Rent, or for the Landlord's part of the Land-Tax paid by them, only being promised an Allowance for the Money in some future half Years Rent? If the intent



of this proceeding should be to make the Rent-Roll as considerable as possible, that were a deceitful Representation to continue the House under the same mistake, into which the former Report led them, which the House will hardly endure. It's past all Dispute, that the incurring Interest of allowed Incumbrances, and Arrears due for Quit-Rent, and for the Land-Tax, mightily swell the Debt, and that they must be pay'd one time or other, unless the Land be sold, and by that means, and by the Clause in the Act, the Quit-Rent, and Land-Tax be cut off : But this would be such a piece of Injustice, as it is to be hoped will not be suffer'd.

13. As to the Hardships put upon the Claimants, and the Burden upon the whole Kingdom, the irregularity of their Proceedings, and the Liberty they take by their supreme Power of setting aside formal settled regular Proceedings at Law ; It may be worth inquiring,

1<sup>st</sup>. The Trustees being by the Act impowered to send for Persons as they shall think fit (which seems so great a Trust and Authority, that it ought not to be put into other hands) have they not committed that Power of summoning Persons to any Clerk or Clerks, and to whom? Have not several Persons been summoned from remote parts of the Kingdom, and after long attendance at *Dublin*, been dismissed without being examined? Have not blank Summons been sent into the Country, and filled up there? Have not Claimants attended with their Witnesses at the times their Claims were posted to be heard, and been put off from day to day, yet obliged to attend at the peril of their Claims, being dismissed for want of Prosecution? Have they not been so delay'd and put off upon Motion of the Trustees Council, or of Mr. *White*, upon a bare Suggestion, that they should have Evidence hereafter for the Trust? Did the Trustees in Cases of this Nature, when the Claims had been regularly posted, and the times for their coming on were well known to Mr. *White*, require any Oath, or put them off upon bare Allegations, or shewing of Letters out of the Country? Was not this very expensive to the Claimants? was any Allowance made to them for such their Loss and Expence?

2<sup>ly</sup>. Where a Protestant was in Possession before the 13<sup>th</sup>. of February 1688, or since that time, upon Mortgages, Judgments, Extents, or otherwise, of Lands belonging to forfeiting Persons :

Whether the Trustees have not dispossessed such Protestants and received the Profits, altho such Protestants recover'd at Law (after the Forfeiture) against the King or his Grantee, whilst they had the Estate of the forfeiting



forfeiting Person in them, and were actually in Possession when the Act past?

3<sup>ly</sup>, When such Protestant Incumbrances have been allowed upon the Claims of such Protestants, whether they have again been put into Possession, or been paid any part of the Interest of their Incumbrances by the Trustees?

The Act vesting the Lands in the Trustees, according to the several Interests of the forfeiting Persons, with a Saving to the Rights of others, whether they do carry the equal and indifferent hand which Persons intrusted as Judges ought, if they do first by their Power first dispossess him who had a lawful Title to the Possession, because the Act vests the Lands in them, but afterwards, tho' the Claimant's Title be allowed, will not restore him to his Possession, or allow him Interest for his Money?

14. The property of the Subjects of *Ireland*, tho not much valued and regarded by some People, is to them as dear as theirs is to the happier Men whose Lot is fallen to them in *England*, and they wish for nothing more than to be subject to the same Laws as *Englishmen*. *Ireland* has been famous to a Proverb, for producing Witnesses ready to assert any thing that may give them a prospect of yielding Advantage: Such Witnesses, and the Credit they deserve, are pretty well known to their Neighbourhood, the Inhabitants of that Country, who have been long under the afflicting Necessity of conversing with them: But they are not so unskilful in their Trade, as not to be able to frame Stories so consistent, that Strangers to them and their Behaviour (of which kind of Persons the Trust is for the greatest part composed) may easily be imposed upon by them. I mention not this out of a desire that more Trustees of that Kingdom should be appointed. That Nation has had too sad Experiences of the Candour and good Will of some of her Natives already, to make that her wish. But since the matters subject to their Enquiry and Determination are of so great Value, and Property is so highly concerned, whether it might not have been reasonable to have kept up to the old Law of *England*, of enquiring by Jury in some of the most difficult and considerable Cases, if not in all, might surely be worthy of Consideration; especially if what I hear some of the Trustees pretend unto, and aim at be true.

In a Place that never had a Priviledge of holding Parliaments of its own confirm'd to it, let it be never so intirely subjected to the Crown of *England* by an absolute Conquest, or otherwise; yet if the Benefit of



*English* Laws were once granted to it, I cannot believe that a Parliament of *England* would think it reasonable to subject the Estates and Properties of Persons living there, not guilty of any Crime, nor under any Accusation, to the Arbitrary will and disposal of any number of Men: yet according to the Interpretation some of these Gentlemen put upon their own Authority, and which, as it is reported, they are endeavouring to get explain'd and established by new Clauses, this seems to be the Case of *Ireland*.

15. The words of the Act do vest the Estates of Forfeiting Persons in the Trustees, and impower them to dispose of those Estates. *A.* who is a Forfeiting Person, has Lands called *D.* adjoining to the Estate of *B.* A Forfeiting Person called *S.* *A.* is in possession of a piece of Land as parcel of his Estate, but *B.* laid Claim to it as a parcel of *S.* The Trustees in this Case are warranted by the Act to adjudg that *B.*'s Estate called *S.* is vested in them; but if they may go farther, and determine that that particular parcel of Land, of which *A.* was in possession, is parcel of that of *S.* (the Estate vested in them) and thereupon shall dispossess *A.* (such Opinions and Cases there have been) and this Proceeding should be establish'd, what Man in *Ireland* can be safe? Or what Estate is there in that Kingdom that is not subject to their Pleasure, and Arbitrary Determination, without Jury, or other legal Proceedings whatsoever, or any Appeal of Redress?

16. Might it not be of dangerous Consequence to allow a Power to Persons (some of whom have shew'd themselves not very well vers'd in Legal Proceedings) to ravel into the Acts of Courts of Justice, and unsettle Legal Determinations, taking upon themselves a Jurisdiction to determine between Party and Party, which of them has a Right to the thing claimed, and by that Determination in effect reversing a former Decree, or other legal Proceeding? For Example; A Debt claim'd upon a Forfeited Estate by two several Claimants, both of them fully, and to satisfaction, make the Debt appear to be due; so that the Trustees are by the Act required to decree that it is a just Debt: But what are the words of the Act, or was it ever the intent of the Parliament to take from the proper Courts, and the ordinary Course of Law, the Power of deciding to which of the contesting Parties the Debt belongs, and to make the Trustees the Judges and Determiners of that which in no sort encreases or diminishes the Sum to be raised? Yet such Cases there are, where the Trustees have exerted their Power, and taken upon themselves to adjudg (and that too contrary to former legal Determinations in proper Courts) to which of the Parties of the Debt of Right belongs, and have refused



refused to form their Decree in such terms as might have allowed the Debt, and saved the Right (whatever it was) of each Party.

17. A few Instances of this kind may shew how dangerous a thing the giving of a Power, which seems unlimited, may prove, and what the Consequences of their obtaining a general Confirmation of their Proceedings would be, which it seems they are endeavouring to procure.

18. The Trustees, by the Act, have a Power to adjust Accounts on Penalties. A Protestant Incumbrancer is in possession by virtue of his Incumbrance (for example Tenants by *Elegit* or Statute) the Land is granted by the King in Fee, and the Grantee sells it: The Purchaser (whose Business and Interest it then was, to be as strict in exacting an account as possible) accounts with the Tenant by *Elegit*, &c. and after the best information he can get, settles the Land, as if it were worth two shillings *per Acre* during the Extent, and pays the Ballance of the Account settled: having now lost two thirds of his Purchase Money at least in effect, claims the remainder of the Debt which he paid to the Creditor, and has not received out of the profits of the Land. The Master to whom the Account is referred, charges the Land as worth (by a Value new set upon it) four shillings *per Acre*, so as the Debt is not only paid, but a great ballance on the other side. Were it not a strange way of accounting in this case, to charge him that paid off the Debt for clearing his Purchase, with more profits made of the Land than he could get allowed in his accounting with the Creditors, tho he used his utmost endeavors, and good husbandry, as it was his interest, all that he could get allowed, being for what appeared then so much saved in his Pocket; so that he may be concluded to have done his best?

19. Have not the Trustees obliged all persons who had Money secured to them by Judgment, Statute or Mortgage, since *May 86.* to prove the actual Payment and Loan of the Money, and adjudged all Securities on voluntary Conveyances within the intent of the Act, where there has not been actual proof of the payment of the Money? And have not several persons lost their Debts upon that account, tho there was no ground of suspicion or pretence of Fraud in acknowledging such Statute or Judgment; but for want of Witnesses directly proving the payment of their Money, have had their Claims dismissed?

20. Have not the Trustees protected all persons from Arrests, who either are summoned as Witnesses, or pretend to be able to do service by making out a Title to Lands in the Trustees?

Have not several Debtors been thus protected, who never did or could do such Service? Does not Mr. *Abraham White*, their Clerk, give such



such Summons as oft as asked, and enter any man's Name as a Discoverer who calls himself so? That Entry makes his Person sacred, till Application is made to the Trustees, who it's true of late have been less fond of Protecting such Persons then formerly: But the Expence of moving the Trustees, and procuring a Report of the matter, is so great, that few complain of the Hardships of that kind which they lie under:

21. Upon the whole matter, if the Parliament shall upon Examination find the Resumption it self, in the manner it now stands, a great blow to the Protestant Interest in *Ireland*, and a lessening the *English* Interest there; if it be made evident to them that the Expences of attending by Claimants and Persons summoned to *Dublin*, by the Power of the Trustees, will amount to a greater Charge upon that impoverish'd Kingdom, than the whole Enquiry will return neat to *England*; if they shall find that the Powers given the Trustees, either really in themselves, or as they are put in practice, do put a stop at present to the common course of Justice in that Kingdom, ravel into and unsettle Legal Determinations as far beyond the common sense of the words of the Act, as the Powers themselves do exceed all that were ever yet granted; and if after all this the continuance of this Act, and of the Execution of it, will prove at last only an enriching of some particular Persons out of the Spoil of a poor harassed Kingdom, and giving to a few Opportunities of venting their private Piques and Animosities, without turning to any considerable advantage to *England*: It is humbly offered to the consideration of the Parliament, whether *England* will not think it worth its while to fall in with some more tolerable Expedient of gaining out of those Estates so much as they may bear, without the ruining many innocent Families who have been faithful to its Interests, and not insist upon the exerting of such an extraordinary Power, so unprecedented in its Frame, and fatal in its Consequences?

22. The Writer of this Paper would not by any of his Expressions be apprehended to charge all the Trustees with the Hardships and Severities of which *Ireland* complains. He believes there are among them some very honest Gentlemen who bear no particular grudge, in whose Composition Malice has no share, who are not so far engaged in point of Reputation to maintain the first Report, or linked with those who are, so as to break through Rules of Justice to do it: He wishes there were a few more of the same kind. The different Carriage of those Gentlemen upon the Bench, and their Candour in hearing fairly without asking captious Questions, making such Enquiries as shew that they search after Truth, and are willing to hear the whole, as well what makes



makes against them as for them, does distinguish their Behaviour, and shew that they intend to put the Trust reposed in them honestly in execution; and ( as some People have expressed it ) *to make no more hard Cases than are made to their hands.* But the Skill of the resolved Gentlemen is such, that there can be no publick distinction made ; their Debates and Votes, like those of the Inquisition, are private among themselves, and the Sentence of the Majority there is pronounced generally upon the Bench by one of them as the Opinion of the whole Number. I blame not the Proceeding, but mention the Course as an excuse for charging the Trustees in general with things which I am satisfied some of them do abhor, and cannot submit to without indignation.

Thus I have endeavoured with Candour and Justice to lay things as they really are before the Great and Wise Legislators of this Nation, to whose Determination I do with all Humility submit the same.

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Houses of the Oireachtas



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