

A
L E T T E R

FROM A DISTINGUISHED
ENGLISH COMMONER,

TO A
PEER OF IRELAND,

ON THE
P E N A L L A W S

AGAINST
I R I S H C A T H O L I C S ;

PREVIOUS TO THE LATE REPEAL OF A PART
THEREOF, IN THE SESSION OF THE
IRISH PARLIAMENT, HELD
A. D. 1782.

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REPORT

OF THE

COMMISSIONERS

FOR

THE

LANDS

IN IRELAND

IN THE YEAR 1840

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L E T T E R

FROM A

Distinguished ENGLISH COMMONER, &c.

Charles-street, London, Feb. 21, 1782.

MY LORD,

I AM obliged to your lordship for your communication of the heads of Mr. Gr——r's bill. I had received it in an earlier stage of it's progress, from Mr. Br-gh-ll; and I am still in that gentleman's debt, as I have not made him the proper return for the favour he has done me. Business, to which I was more immediately called, and in which my sentiments had the weight of one vote, occupied me every moment, since I received his letter. This first morning, which I can call my own, I give with great chearfulness to the subject, on which your lordship has done me the honour of desiring my opinion. I have read the heads of the bill,

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with the amendments. Your lordship is too well acquainted with men, and with affairs, to imagine that any true judgment can be formed on the value of a great measure of policy, from the perusal of a piece of paper. At present I am much in the dark, with regard to the state of the country, which the intended law is to be applied to. It is not easy for me to determine whether or no it was wise (for the sake of expunging the black letter of laws, which, menacing as they were in the language, were every day fading into disuse) solemnly to re-affirm the principles, and to re-enact the provisions of a code of statutes, by which you are totally excluded from **THE PRIVILEGES OF THE COMMONWEALTH**, from the highest to the lowest, from the most material of the civil professions, from the army, and even from education, where alone, education is to be had. Whether this scheme of indulgence, grounded at once on contempt and jealousy, has a tendency gradually to produce something better and more liberal, I cannot tell, for want of having the actual map of the country. If this should be the case, it was right in you to accept it, such as it is. But if this should be one of the experiments, which have sometimes been made, before the temper of the nation was ripe for a real reformation, I think it may possibly have ill effects, by disposing the penal matter in a more systematic order, and thereby fixing a permanent bar against any thing that is truly substantial. The whole merit or demerit of the measure depends upon the plans and dispositions of those

a vote at a vestry; from having a gun in his house, from being a Barrister, Attorney, or Solicitor, &c. &c. &c.

This has surely a much more the air of a Table of proscription, than an act of grace. What must we suppose the laws, concerning those good subjects, to have been, of which this is a relaxation? I know well that there is a cant current, about the difference between an exclusion from employments even to the most rigorous extent, and an exclusion from the natural benefits arising from a man's own industry. I allow, that under some circumstances, the difference is very material in point of justice, and that there are considerations which may render it adviseable for a wise government to keep the leading parts of every branch, of civil and military administration in hands of the best trust: But a total exclusion from the commonwealth is a very different thing. When a government subsists (as governments formerly did) on an estate of its own, with but few and inconsiderable revenues drawn from the subject, then the few officers which subsisted, were naturally at the disposal of those who paid the salaries out of their own pockets, and there an exclusive preference could hardly merit the name of proscription: almost the whole produce of a man's industry remained in his own purse to maintain his family. When a very great portion of the labour of individuals goes to the state, and is by the state again refunded to individuals, thro' the medium of offices, and in this

this circuitous progress from the public to the private fund, indemnifies the families from whom it is taken, an equitable balance between the government and the subject is established. But if a great body of the people who contribute to this state lottery, are excluded from all the prizes, the stopping the circulation with regard to them, may be a most cruel hardship, amounting in effect to being double and treble taxed, and will be felt as such to the very quick by all the families high and low of those hundreds of thousands, who are denied their chance in the returned fruits of their own industry. This is the thing meant by those who look upon the public revenue only as a spoil; and will naturally wish to have as few as possible concerned in the division of the booty. If a state should be so unhappy as to think it cannot subsist without such a barbarous proscription, the persons so proscribed ought to be indemnified by the remission of a large part of their taxes, by an immunity from the offices of public burden, and by an exemption from being pressed into any military or naval service.

Common sense and common justice dictate this at least, as some sort of compensation for their slavery. How many families are incapable of existing, if the little offices of the revenue, and little military commissions are denied them? To deny them at home, and to make the happiness of acquiring some of them somewhere else, felony, or high treason, is a piece of cruelty, in which till very lately I did not suppose this age capable of persisting. Formerly a similarity of religion
made

made a sort of country for a man in some quarter or other. A refugee for religion was a protected character. Now, the reception is cold indeed: and therefore as the asylum abroad is destroyed, the hardship at home is doubled. This hardship is the more intolerable because the professions are shut up. The church is so of course. Much is to be said on that subject, in regard to them, and to the protestant dissenters. But that is a chapter by itself. I am sure I wish well to that church, and think it's ministers among the very best citizens of your country. However such as it is, a great walk in life is forbidden ground to seventeen hundred thousand of the inhabitants of Ireland. Why are they excluded from the law? Do not they expend money in their suits? Why may not they indemnify themselves, by profiting, in the persons of some, for the losses incurred by others? Why may not they have persons of confidence, whom they may, if they please, employ in the agency of their affairs? The exclusion from the law, from grand juries, from sheriffships, and undersheriffships, as well as from freedom in any corporation, may subject them to dreadful hardships, as it may exclude them wholly from all that is beneficial, and expose them to all that is mischievous in a trial by jury. This was manifestly within my own observation, for I was three times in Ireland from the year 1760 to the year 1767, where I had sufficient means of information, concerning the inhuman proceedings (among which were many cruel murders, besides an infinity of

of outrages and oppressions, unknown before in a civilized age) which prevailed during that period in consequence of a pretended conspiracy among roman catholics against the king's government, I could dilate upon the mischiefs that may happen, from those which have happened, upon this head of disqualification, if it were at all necessary.

THE head of exclusion from votes for members of parliament is closely connected with the former. When you cast your eye on the statute book, you will see that no catholic, even in the ferocious act of queen Anne, was disabled from voting, on account of his religion. The only conditions required for that privilege, were the oaths of allegiance and abjuration---both oaths relative to a civil concern. Parliament has since added another oath of the same kind : and yet an house of commons adding to the securities of government, in proportion as its danger is confessedly lessened, and professing both confidence and indulgence, in effect takes away the privilege left by an act full of jealousy, and professing persecution.

The taking away of a vote is the taking away the shield which the subject has, not only against the oppression of power, but that worst of all oppressions, the persecution of private society, and private manners. No candidate for parliamentary influence is obliged to the least attention towards them, either in cities or counties. On the contrary, if they should become obnoxious to any bigotted or malignant people amongst whom they

they live, it will become the interest of those who court popular favour, to use the numberless means which always reside in magistracy and influence, to oppress them. The proceedings in a certain county in Munster, during the unfortunate period I have mentioned, read a strong lecture on the cruelty of depriving men of that shield, on account of their speculative opinions. The protestants of Ireland feel well and naturally on the hardship of being bound by laws in the enacting of which they do not directly or indirectly vote. The bounds of these matters are nice, and hard to be settled in theory, and perhaps they have been pushed too far. But how they can avoid the necessary application in the case of others towards them, I know not.

It is true, the words of this act do not create a disability; but they clearly and evidently suppose it. There are few catholic freeholders to take the benefit of the privilege, if they were permitted to partake it; but the manner in which this very right in freeholders at large is defended, is not on the idea that they do really and truly represent the people; but that all people being capable of obtaining freeholds, all those, who, by their industry and sobriety merit this privilege, have the means of arriving at votes. It is the same with the corporations.

The laws against foreign education are clearly the very worst part of the old code. Besides your laity, you have the succession of about 4000 clergymen to provide for. These having no lucrative thing

thing in prospect, are taken very much out of the lower orders of the people. At home, they have no means whatsoever provided for their attaining a clerical education, or indeed any education at all. When I was in Paris, about seven years ago, I looked at every thing, and lived with every kind of people, as well as my time admitted. I saw there the Irish college of the Lombard, which seemed to me a very good place of education, under excellent orders and regulations, and under the government of a very prudent and learned man [the late Dr. Kelly]. This college was possessed of an annual fixed revenue of more than a thousand pounds a year; the greatest part of which had arisen from the legacies and benefactions of persons educated in that college, and who had obtained promotions in France, from whence they made this grateful return. One in particular I remember, to the amount of ten thousand livres, annually, as it is recorded on the donor's monument in their chapel.

It has been the custom of poor persons in Ireland, to pick up such knowledge, of the latin tongue as, under the general discouragements, and occasional pursuits of magistracy, they were able to acquire; and receiving orders then at home, were sent abroad to obtain a clerical education. By officiating in petty chaplainships, and performing, now and then, certain offices of religion for small gratuities, they received the means of maintaining themselves, until they were able to compleat their education.

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Through such difficulties and discouragements, many of them have arrived at a very considerable proficiency, so as to be marked and distinguished abroad, who afterwards, by being sunk in the most abject poverty, despised and ill-treated by the higher orders among protestants, and not much better esteemed or treated, even by the few persons of fortune of their own persuasion; and contracting the habits and ways of thinking of the poor and uneducated, among whom they were obliged to live, in a few years retained little or no traces of the talents and acquirements, which distinguished them in the early period of their lives. Can we, with justice, cut them off from the use of places of education, founded, for the greater part, from the economy of poverty and exile, without providing something that is equivalent at home?

Whilst this restraint of foreign and domestic education was part of an horrible and impious system of servitude, the members were well fitted to the body. To render men patient, under a deprivation of all the rights of human nature, every thing which could give them a knowledge or feeling of those rights was rationally forbidden. To render humanity fit to be insulted, it was fit that it should be degraded. But when we profess to restore men to the capacity for property, it is equally irrational and unjust to deny them the power of improving their minds as well as their fortunes. Indeed, I have ever thought the prohibition of the means of improving our rational nature, to be the worst species of tyranny that the insolence

insolence and perverseness of mankind ever dared to exercise. This goes to all men, in all situations, to whom education can be denied.

Your lordship mentions a proposal which came from my friend the Provost, whose benevolence and enlarged spirit I am perfectly convinced of; which is, the proposal of erecting a few fizerships in the college, for the education (I suppose) of roman catholic clergymen. He certainly meant it well; but, coming from such a man as he is, it is a strong instance of the danger of suffering any description of men to fall into entire contempt—The charities intended for them are not perceived to be fresh insults; and the true nature of their wants and necessities being unknown, remedies, wholly unsuitable to the nature of their complaint are provided for them. It is to feed a sick Gentoo with beef broth, and foment his wounds with brandy. If the other parts of the university were open to them, as well on the foundation as otherwise, the offering of fizerships would be a proportioned part of a *general* kindness. But when every thing *liberal* is withheld, and only that which is *servile* is permitted, it is easy to conceive upon what footing they must be in such a place.

Mr. Hutcbinson must well know the regard and honour I have for him; and he cannot think my dissenting from him in this particular, arises from a disregard of his opinion: it only shews that I think he has lived in Ireland: to have any respect for the character and person of a popish priest there—oh! 'tis an uphill work indeed! But until we come to respect what stands in a respectable

spectable light with others, we are very deficient in the temper which qualifies us to make any laws and regulations about them. It even disqualifies us from being charitable to them with any effect or judgment.

When we are to provide for the education of any body of men, we ought seriously to consider the particular functions they are to perform in life. A Roman catholic clergyman is the minister of a very ritual religion: and by his profession, subject to many restraints. His life is a life full of strict observances, and his duties, of a laborious nature towards himself, and of the highest possible trust towards others. The duty of Confession alone is sufficient to set in the strongest light the necessity of his having an appropriated mode of education. The theological opinions and peculiar Rites of one religion never can be properly taught in universities, founded for the purposes and on the principles of another, which in many points is directly opposite. If a Roman catholic clergyman, intended for celibacy, and the function of Confession, is not strictly bred in a seminary where these things are respected, inculcated and enforced, as sacred, and not made the subject of derision and obloquy, he will be ill fitted for the former, and the latter will be indeed in his hands a terrible instrument.

There is a great resemblance between the whole frame and constitution of the Greek and Latin churches. The secular clergy in the former, by
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being married, living under little restraint, and having no particular education suited to their function, are universally fallen into such contempt, that they are never permitted to aspire to the dignities of their own church. It is not held respectful to call them papas, their true and ancient appellation but those who wish to address them with civility, always call them hieromonachi. In consequence of this disrespect, which I venture to say, in such a church must be the consequence of a secular life, a very great degeneracy from reputable christian manners has taken place throughout that great number of the christian church.

It was so with the Latin church, before the restraint on marriage. Even that restraint gave rise to the greatest disorder before the council of Trent, which together with the emulation raised, and the good examples given by the reformed churches, wherever they were in view of each other, has brought on that happy amendment, which we see in the Latin communion, both at home and abroad.

The council of Trent has wisely introduced the discipline of seminaries, by which priests are not trusted for a clerical institution, even to the severe discipline of their colleges; but after they pass through them, are frequently, if not the greater part, obliged to pass through peculiar methods, having their particular ritual function in view. It is in a great measure to this, and to similar methods used in foreign education, that the Roman catholic clergy of Ireland, miserably provided for, living among low and ill-regulated people, without any discipline

discipline of sufficient force to secure good manners, been hindered from becoming an intolerable nuisance to the country, instead of being, as I conceive they generally are, a very great service to it.

The ministers of protestant churches require a different mode of education, more liberal and more fit for the ordinary intercourse of life, and having little hold on the minds of people by external ceremonies, and extraordinary observances, or separate habits of living, they make up the deficiency by cultivating their minds with all kinds of ornamental learning, which the liberal provision made in England and Ireland for the parochial clergy, and the comparative lightness of parochial duties enables the greater part of them in some considerable degree to accomplish; to say nothing of the ample church preferments, with little or no duties annexed.

This learning, which I believe to be pretty general, together with an higher situation, and more chastened by the opinion of mankind, forms a sufficient security for their morals, and their sustaining their clerical character with dignity. It is not necessary to observe, that all these things are, however, collateral to their function, and that except in preaching, which may be and is supplied, and often best supplied, out of printed books, little else is necessary for a protestant minister, than to be able to read the English language; I mean for the exercise of his function, not to the security of his admission. But a popish parson in Ireland may do very well without any considerable classical erudition, or any proficiency

proficiency in pure or mixed mathematics, or any knowledge of civil history. Even if they should possess those acquisitions, as at first many of them do, they soon lose them in the painful course of professional and parochial duties: but they must have all the knowledge, and what is to them more important than the knowledge, the discipline necessary to those duties. All modes of education, conducted by those whose minds are cast in another mould, as I may say, and whose original ways of thinking are formed upon the reverse pattern, must be to them not only useless, but mischievous. Just as I should suppose the education in a popish ecclesiastical seminary would be ill fitted for a protestant clergyman. Here it would be much more so; as, in the case of the first, it only requires to reject: in the other little for his purpose is to be acquired.

All this, my lord, I know very well, will pass for nothing with those who wish that the popish clergy should be illiterate, and in a situation to produce contempt and detestation. Their minds are wholly taken up with party squabbles, and I have neither leisure nor inclination to apply any part of what I have to say, to those who never think of religion, or of the commonwealth, in any other light, than as they tend to the prevalence of some faction in either. I speak on a supposition, that there is a disposition to take the state in the condition in which it is found, and to improve it in that state to the best advantage. Hitherto, the plan for the government
of

Ireland has been, to sacrifice the civil prosperity of the nation to its religious improvement. But if people in power there, are at length come to entertain other ideas, they will consider the good order, decorum, virtue, and morality of every description of men among them, as of infinitely greater importance, than the struggle (for it is nothing better) to change those descriptions by means which put to hazard, objects, which, in my poor opinion, are of more importance to religion and to the state, than all the polemical matter which has been agitated among men from the beginning of the world to this hour.

On this idea, an education fitted to each order and division of men, such as they are found, will be thought an affair rather to be encouraged than discountenanced: and until institutions at home, suitable to the occasions and necessities of the people, and which are armed, as they are abroad, with authority to coerce the young men to be formed in them, by a strict and severe discipline,—— the means they have, at present, of a cheap and effectual education in other countries, should not continue to be prohibited by penalties and modes of inquisition, not fit to be mentioned to ears that are organized to the chaste sounds of equity and justice. Before I had written thus far, I heard of a scheme of giving to the Castle the patronage of the presiding members of the catholic clergy. At first I could scarcely credit it: for I believe it is the first time

that the presentation of other people's alms has been desired in any country. If the state provides a suitable maintenance and temporality for those governing members, and clergy under them, I should think the project, however improper in other respects, to be by no means unjust. But to deprive a poor people, who maintain a second set of clergy, out of the miserable remains of what is left after taxing and tything—to deprive them of the disposition of their own charities among their own communion, would, in my opinion, be an intolerable hardship. Never were the members of one religious sect fit to appoint the pastors to another. Those who have no regard for their welfare, reputation, or internal quiet, will not appoint such as proper. The Seraglio of Constantinople is as equitable as we are, whether catholics or protestants: and where their own sect is concerned, full as religious. But the sport which they make of the miserable dignities of the Greek church, the little factions of the Haram, to which they make them subservient, the continual sale to which they expose and re-expose the same dignity, and by which they squeeze all the inferior orders of the clergy, is (for I have had particular means of being acquainted with it) nearly equal to all the other oppressions together, exercised by mussulmen over the unhappy members of the Oriental church. It is a great deal to suppose that even the present Castle would nominate bishops for the roman church of Ireland with a religious regard for its welfare. Perhaps they cannot, perhaps they dare not do it.

But

But suppose them as well inclined as I know that I am, to do them all kind of justice, I declare I would not, if it were in my power, take it on myself, I know I ought not to do it. I belong to another community, and it would be intolerable usurpation in me to affect such authority, where I conferred no benefit, or even if I did confer (as in some degree the Seraglio does) temporal advantages. But, allowing that the present Castle finds itself fit to administer the government of a church which they solemnly forswear, and forswear with very hard words and many evil epithets, and that as often as they qualify themselves for the power which is to give this very patronage, or to give any thing else that they desire; yet they cannot insure themselves that a man like the late lord Chesterfield will not succeed to them. This man, while he was duping the credulity of papists with fine words in private, and commending their good behaviour during a rebellion in Great Britain, (as it well deserved to be commended and rewarded) was capable of urging penal laws against them in a speech from the throne, and stimulating with provocatives the wearied and half-exhausted bigotry of the then Parliament of Ireland. They set to work, but they were at a loss what to do; for they had already almost gone through every contrivance which could waste the vigour of their country: but, after much struggle, they produced a child of their old age, the shocking and

unnatural act about marriages, which tended to finish the scheme for making the people not only two distinct parties for ever, but keeping them as two distinct species in the same land. Mr. G——r's humanity was shocked at it, as one of the worst parts of that truly barbarous system, if one could well settle the preference, where almost all the parts were outrages on the rights of humanity, and the law of nature.

Suppose an atheist, playing the part of a bigot, should be in power again in that country, do you believe that he would faithfully and religiously administer the trust of appointing pastors to a church, which, wanting every other support, stands in tenfold need of ministers who will be dear to the people committed to their charge, and who will exercise a really paternal authority amongst them? But if the superior power was always in a disposition to dispense conscientiously, and like an upright trustee and guardian of these rights which he holds for those with whom he is at variance, has he the capacity and means of doing it? How can the Lord Lieutenant form the least judgment of their merits, so as to discern which of popish priests is fit to be made a bishop? It cannot be: the idea is ridiculous.—He will hand them over to Lords Lieutenant of counties, justices of the peace, and other persons, who, for the purpose of vexing and turning to derision this miserable people, will pick out the worst and most obnoxious they can find amongst
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the clergy, to set over the rest. Whoever is complainant against his brother, will be considered as persecuted: whoever is censured by his superior, will be looked upon as oppressed: whoever is careless in his opinions, and loose in his morals, will be called a liberal man, and will be supposed to have incurred hatred, because he was not a bigot. Informers, tale-bearers, perverse and obstinate men, flatterers, who turn their back upon their flock, and court the protestant gentlemen of the country, will be the objects of preferment. And then I run no risk in foretelling, that whatever order, quiet, and morality you have in the country, will be lost. A popish clergy, who are not restrained by the most austere subordination, will become a nuisance, a real public grievance of the heaviest kind, in any country that entertains them: and instead of the great benefit which Ireland does, and has long derived from them, if they are educated without any idea of discipline and obedience, and then put under bishops, who do not owe their station to their good opinion, and whom they cannot respect, that nation will see disorders, of which, bad as things are, it has yet no idea. I do not say this as thinking the leading men in Ireland would exercise this trust worse than others. Not at all. No man, no set of men living are fit to administer the affairs or regulate the interior economy of a church to which they are enemies.

As

As to Government, if I might recommend a prudent caution to them,—it would be, to innovate as little as possible, upon speculation, in establishments, from which, as they stand, they experience no material inconvenience to the repose of the country,—*quieta non movere*—I could say a great deal more ; but I am tired : and am afraid your Lordship is tired too. I have not sat to this letter a single quarter of an hour without interruption. It has grown long, and probably contains many repetitions, from my total want of leisure to digest and consolidate my thoughts : and as to my expressions, I could wish to be able perhaps to measure them more exactly. But my intentions are fair, and I certainly mean to offend nobody.

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Thinking over this matter more maturely, I see no reason for altering my opinion in any part. The act, as far as it goes, is good undoubtedly. It amounts, I think, very nearly to a toleration, with respect to religious ceremonies, but it puts a new bolt on civil rights, and rivets it, I am afraid, to the old one in such a manner, that neither, I fear, will be easily loosened. What I could have wished would be, to see the civil advantages take the lead ; the other, I conceive, would follow (in a manner) of course.

For what I have observed, it is pride, arrogance, and a spirit of domination, and not a bigotted spirit of religion, that has caused and kept up those oppressive statutes. I am sure I have known
those

those who have oppressed papists in their civil rights, exceedingly indulgent to them in their religious ceremonies, and who wished them to continue, in order to furnish pretences for oppression, and who never saw a man by converting escape out of their power, but with grudging and regret. I have known men, to whom I am not uncharitable in saying, (though they are dead,) that they would become papists in order to oppress protestants; if, being protestants, it was not in their power to oppress papists. It is injustice, and not a mistaken conscience, that has been the principle of persecution, at least as far as it has fallen under my observation. However, as I began, so I end. I do not know the map of the country. Mr. G——r, who conducts this great and difficult work, and those who support him, are better judges of the business than I can pretend to be, who have not set my foot in Ireland, those sixteen years. I have been given to understand, that I am not considered as a friend to that country: and I know that pains have been taken to lessen the credit that I might have had there. * * * * *

* * * * * I am so convinced of the weakness of interfering in any business without the opinion of the people in whose business I interfere, that I do not know how to acquit myself, of what I have now done.—I have the honour to be, with high regard and esteem,

my Lord,

Your lordship's most obedient
and humble servant, &c.

1002-10-0
1564-14-4
444-1-11
429-16-9
434-20-1
409-14-10
411-4-9
402-10-3
445-3-10
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335-4-5
1093-10-5
364-2-2
672-6-10
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1234-0-17
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