

Philip Boyle's Case

addressed

TO THE

ROMAN CATHOLIC

ARCHBISHOPS AND BISHOPS

OF

IRELAND



MY LORDS,

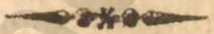
NOTWITHSTANDING my reluctance to present myself thus before the awful tribunal of the public, especially after the minute investigation of my character and case in the Courts of Justice; yet from the imputations laid to my charge in a circular letter many months ago printed in Dublin, and privately addressed to your Lordships, I feel it a duty incumbent on me, through the agency of the press also, to address your Lordship on the same subject: the liberality of your sentiments, the elevated rank you hold in the Catholic church, and your wishes to ascertain the truth before your approval of Dr. M'Loughlin's conduct towards me, justify me in the conviction that you will allow an injured individual the privilege of thus publicly entering his protest against the justice of the censures, and the accuracy of the statements contained in that circular address. Is it not rather too much for a persecuted individual, who has spent a laborious life in acquiring a reputable estimation among his humble acquaintance, to hear

himself spoken of, may handed down in print to posterity, in terms of unqualified reprobation, to the disgrace of his innocent children? I therefore entreat your perusal of the following address to Dr. O'Reilly, an address, which, besides giving your Lordships a true statement of the misunderstanding between Dr. M'Loughlin and me, completely refutes the charge made against me by Dr. M'Loughlin's counsel, who triumphantly asked, "If this man was injured, why not appeal to his Primate."

See the trial of Dr. M'Loughlin at Lifford Assizes, March 21, 1809, as reported by Randall Kiernan, Esq. Barrister at Law.



TO THE
MOST REV. DR. O'REILLY,
ROMAN CATHOLIC PRIMATE OF ALL IRELAND.



MY LORD,

HAVING been some months ago cruelly treated by my Bishop and Parish Priest, Dr. M'Loughlin, and finding that every day adds to my cause of complaint, I have taken the liberty of thus addressing your Lordship as his superior and representative of him who is the ultimate refuge of the injured.

IN Ballyshannon, the place of my nativity and residence, and chief town of the parish of Killbarron, we began to build a commodious Chapel in 1794, under the auspices of the worthy Father John Kelly, then our parish Priest. Bishop M'Loughlin, who became that revered clergyman's successor in 1805, laudably exerted himself in erecting an altar and three galleries. During his Lordship's making pecuniary collections every Sunday for defraying the expences of these works, he repeatedly informed the parishioners from the altar, that they all should equally par-

participate in the advantages and conveniencies derived from their erection. No sooner, however, were the galleries finished, than the Bishop and Mr. Shiel, a gentleman of the medical profession, who before had their pews on the ground, with a few more who assumed to themselves the name of a "Committee," though never nominated so by the people, possessed themselves of all such parts of the galleries as they thought proper, and set doors and locks to the gallery-pews, not only without the consent, but contrary to the wishes of the parishioners, who loudly complained of this violation of public faith, and withal threatened those who illegally seized on their property with a prosecution at law. Upon which, without any previous communication of the expenses incurred, the Bishop announced from the altar, "that the Chapel was £271 in debt, of which sum if the parishioners made up £160 in six weeks, and the remainder, which was a loan from the country-farmers, in three months after, they should still have an equal right to the galleries: as it was, he said, for paying that debt the pews were disposed of at specified prices." This offer was no sooner made than acceded to, and the people with pleasure, relinquishing their first intention of appealing to law, met in the Chapel after prayers to concert a plan among themselves for collecting the sum. They called on me as being the son of a man whom they esteemed, and who, as they were pleased to say, commanded more respect and property in the parish, than the fathers of all the present self-named Committee.

THE Bishop, being the best judge of the most respectable and proper persons in each town's-land, gave us in his own hand-writing, the names of all those who collected the last Chapel-assessment, and withal appointed James Boyle and me for this town.

THUS sanctioned by the Bishop, we began with spirit, met on Sunday at the Chapel after prayers, accounted for

the returns made, and would have made up the whole amount at the appointed time, had we not been prevented by the Bishop, at the instigation of Dr. Shiel, as was abundantly manifest to the parishioners at large on the subsequent Sunday by his Lordship's conduct, which was as follows:—

THE Bishop previously to the celebration of mass awaits, Dr. Shiel's coming to his pew, and then opens a paper and with evident pleasure reads thus:—"James Kelly of Tonnagee, desires I will inform the flock, that he will be no Collector, as neither he, nor any of his family will do any thing to disoblige Dr. Shiel." Here again the people saw their error in thinking the Bishop sincere. The Doctor being agent to Admiral Pakenham, to whom a great part of this parish belongs, had it in his power to frighten many of them into promises of not paying any of the parish contribution. The lands of some were out of lease, which was the case with Kelly and many others, who at the same time, sent in their money privately. In short, my Lord, the debt was nearly made up, when to our astonishment, the Bishop thus speaks from the altar:—"To humour you, I consented you should make up the debt, in which I was wrong, therefore return the money, for at any rate the time given has elapsed, and the money not made up;"—one man in reply, said "it was nearly collected, and the carpenter to whom he had been speaking about the business, would give three weeks longer to pay it, at which the Bishop stamped and desired "he would be silent." "Desist (says he) you set of combinator, or I will meet you with the weapons of the Church, and cut you off from the congregation;" "how dare you (continued he,) think of collecting at the gate for any part of that debt, as I want the gate-money for other purposes."

REPRESENT to yourself, my Lord, our horror and indignation at being thus stigmatized as "a set of Combinators," among our Protestant neighbours, and those the very people he individually appointed a few weeks since to collect the debt. The gate-collection the farmers offered to take until their loan should be paid.

ALTHOUGH the people obeyed in returning the money, yet they were fully determined not to give up their property in the house of God to any such people, one day, we were told the pews were to be set up to auction; another, to be sold by private contract. On a subsequent Sunday, the Bishop from the altar pointing to each pew, desired certain of his favourites to take possession of them, I said the parishioners would never consent to it, as the debt would have been long since paid if he had not prevented it, that I had returns in my possession of £180 of the money, in November last." In short, he said, he would ensure their places to them; and you, Sir, says he to me, would have taken a front seat if you got it for two guineas, I said I made no such offer.

At my return from Chapel, my wife however informed me that in speaking to a Mr. Harrigan a young priest, on the pew-business, she said, if pews should ever take place I would only give the guinea I was to contribute towards the parish debt; but, said she, pointing to one of my daughters ironically I suppose, if she be permitted to keep the one we now possess, she will give another; this Mrs. Boyle never more thought of, until hearing of the taunt from the altar. This, however, did not answer the end the Bishop expected, as the people clearly saw through it and knew I refused one before. On the following Sunday the Bishop addressed his favorites again, and desired them to take possession of their pews and he would ensure them to them: he then

mentioned twelve persons and pointed to their places, yet there was no answer, after prayers he addressed the congregation, and looking sternly at me, said "there is a combination formed against my OATS, and you, Mr. Boyle are at the head of it," at the same time taking Mr. Harrigan the priest by the arm, he continued, "Mr. Harrigan will prove you offered two guineas for a front seat," "Mr. Harrigan will prove so?" replied I, "the gentleman must be under a mistake," on which Mr. Harrigan said, "well your wife did then," "let her answer for herself," said I, whereupon the Bishop then addressed a militia-regiment we have here, and said "Gentlemen soldiers, do you hear this man make the Priest a liar before the altar of God?" then turning to me, he adds "Next Sunday I'll denounce you, and who now is to speak for you?" on which I addressed the parishioners and desired them to speak for themselves or hereafter come no more to me. At that instant (although only promised for the following Sunday) he denounced me. The whole congregation with the exception of ten or twelve families out of one thousand, cried out with one voice, "we are all denounced, as he speaks our sentiments." On the following Saturday Dr. Shiel sent me word, that if I went to Chapel on Sunday I should be certainly excommunicated, to which the respectable man, by whom he sent the message, replied, "If I was, the flock would share the same fate," I did not go on that day to prayers, on which Dr. Shiel made a long speech mostly in his own praise, with some invectives against me, and concluded by saying, "on Thursday next I will pay the debt," thus rendering the pews at his own disposal. On that week I sent a gentleman from another diocese to the Bishop with an offer of submission, such as the Church required and said I would, if necessary, make it in the

Chapel, which the Bishop refused to accept if I would not give up the parish-claims. I afterwards, at the desire of the parishioners, applied to an attorney for commencing legal proceedings against these persons who seized on the galleries and placed locks on the pews, in this I also failed, as the attorney, Mr. Fawcett, a Protestant gentleman, said some of these people were his clients and he could not proceed against them. I then entreated him to recommend me a law-agent, at which he requested I would wait his return from the Bishop's which was in a short interval after, when he said, "I am now come a peace-maker, make up the debt in a month's time, and there shall be no more separate property in the Chapel." This happy intelligence I made known to the parishioners, I then told him of the threats of excommunication which he said he would also settle, and returning after a second interview with the Bishop he informed me, "If I made such a submission as formerly offered all would be done away." On the following Sunday, my family and I went to Chapel to return thanks to the father of peace for the happy prospect before us, there I was called on by the Bishop to know if I was come to give satisfaction, I answered "I am my Lord, and I ask God's pardon and yours, if by any rash word I have offended God or the Church." He looked at me with an angry countenance and asked, "Is that all, Sir?" I replied, "I hope, my Lord, you think that sufficient," "No, indeed, if you do not give up in every particular," "I will accede to every thing, as Mr. Fawcett agreed on, but the parish-rights I'll ascertain if I can: you will please to wait till Mr. Fawcett's return from the assizes," to which the Bishop assented.

MR. FAWCETT, on his arrival, expressed his astonishment at the Bishop's refusing to accept of my submission,

and said he would convince him of his forgetfulness, and still entertained hopes of effecting a reconciliation. The Bishop, he, and I met and agreed on nearly the same terms as before I was to be accountable for the parish debt which I was bound to pay in a month's time; Mr. Fawcett took down the heads of the agreement and was to have committed them to writing on a stamp, to be signed by the Bishop and me; but, instead of meeting the Bishop the following day, he was informed by Dr. Shiel, the principal agent in this business, that "the Bishop changed his mind, and would not sign the agreement," although the words of the submission I was to repeat were according to his own particular directions. Dr. Shiel was not at home at this week's transaction, nor was he ashamed to insinuate to Mr. Fawcett "that the Bishop's word without his signature was not to be relied on."

THE following day, being Sunday, I went to Chapel, the Bishop asked if I was come to make submission for the scandal I had given the Church, and although I objected the day before, to the word scandal which he himself consented to omit altogether, yet I there repeated it without reluctance; then the Bishop produced a paper which he called on me to sign, I begged to hear it read, he reads "I Philip Boyle do withdraw myself from the head of a set of combinator," here I said, "No, my Lord, I know nothing of combinations or combinator, nor will I sign any such thing," to which he replied, "If you do not sign it I will positively excommunicate you;" so saying he put on his stole, and with the greatest solemnity pronounced in full that awful sentence against me: equally awful were the hollow murmurs of the people whom I entreated for the Lord's sake to remain quiet, as it did not signify, which, blessed be God, pacified

them. Now, my Lord, before you, I leave the true statement of this grievous affair which can be attested by numbers of respectable witnesses, and most earnestly implore your charitable interference. May the Father of Peace, whose minister your Lordship is, by his divine inspiration give you power to shew we have Prelates in our Church unbiassed by men, regardless of every tie to God and man, when put in competition with their own designs. Testimonials of my character your Lordship may have from Father Muldoon, Father Bryan Clancy, V. G. Rev. P. M'Gowan, and the Rev. Edward Kernan of Enniskillen, &c. considering it altogether unnecessary to make any reference on that head to Protestant gentlemen who are struck with horror at those strange proceedings against me.

I am,

My Lord,

With the most profound

And respectful deference,

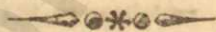
Ballyshannon,

April 3, 1808.

Your Lordship's

Most obedient Servant,

PHILIP BOYLE.



THE PRIMATE'S ANSWER

TO THE FOREGOING.

SIR,

I HAVE just now read through the letter which the bearer delivered to me from you, and regret exceedingly to learn from it, that a difference of a serious nature now subsists between your Prelate and Pastor, the Right Rev. Doctor M'Loughlin and you. Such a difference between the Pastor and Flock or individuals of it, is always disedifying and generally productive of a breach of that

subordination, peace and charity, which are the very life and soul of the holy religion we profess, and which without them is but an empty name. You are a Christian and a Roman Catholic, of course I need not tell you what is due from you to your Bishop and Pastor, to whom Almighty God has committed your best and dearest interests. Do not, my dear Sir, be backwards in approaching him with overtures of peace and reconciliation: he will not, I am confident, reject them, if accompanied on your part with suitable dispositions. I shall write to him without delay, recommending earnestly to him to concur with you and some friends of both, to devise some expedient or other to put an end to that disagreeable controversy, hoping, sincerely that my mediation may not prove entirely fruitless, and wishing you peace and every happiness,

I remain most truly,

Sir,

Your obedient,

RICHARD O'RIELY.

Drogheda, April 7th 1808.

Mr. Philip Boyle, Ballyshannon.

To my family the above answer, maliciously reported by a Geo. Brennan, and some of the pew-partizans to have been a forgery of mine, afforded some temporary consolation; as from its perusal we inferred that the Primate did not consider me in the light of a person justly excommunicated: with Doctor M'Loughlin, in the meantime, I still avoided any personal interview, hoping by the promised interference of the Primate, that in a few days a reconciliation may be effected. By a friend of mine, however, the Rev. Mr. Muldoon, from a neighbouring diocese, I sent the following letter.

COPY OF A LETTER TO

DR. M'LOGHLIN

FROM

PHILIP BOYLE.

MY LORD,

IN compliance with the wishes of his Grace the Primate of Armagh, to whom the unfortunate grievances of this parish, for some time past have been impartially stated, and hoping also from your Lordship's late declaration (as I was informed) that "had you known of your parishioners' general dislike to the galleries being made the property of individuals, you would not have thus interfered;" I am therefore willing to come forward again with overtures of reconciliation, flattering myself your Lordship may be pleased to accept of the two submissions already made by me in the Chapel, and at the same time have the goodness to withdraw that excommunication so unexpectedly, and, as I considered, undeservedly pronounced against me, which will, I hope, restore that peace so sincerely wished for by,

My Lord,

Your very humble servant,

PHILIP BOYLE.

*Ballyshannon,**May 9th, 1808.*

Notwithstanding the hopes I entertained of bringing the business to a happy termination through the mediation of Mr. Muldoon and the Primate's interference, yet all proved ineffectual. Mr. Muldoon though anxiously expected did not call on his return that day, whence I natu-

rally concluded his answer to my letter from the Bishop was such, as his feelings would not permit him to communicate. In a few days after another friend, from a neighbouring diocese, who felt for the anxiety of my family, called at the Bishop's to know his sentiments respecting my address and the Primate's interference, when in the course of conversation the Bishop introduced the subject and after some severe remarks said, "he was surprized how any man dare think, that the Primate should dictate to him."

ON the Sunday subsequently to the excommunication, I applied to the Clergyman of a neighbouring parish in another diocese, for permission to hear prayers at his Chapel: this he with pleasure assented to, hoping Doctor M'Loughlin might be soon pacified. To that Chapel my family and I went for the two following Sundays: on the ensuing week however I had a message from the Priest expressing his regret at being reluctantly obliged to forbid my further appearance at his Chapel; as he had orders to that effect from his Bishop in consequence of two letters directed to him from Ballyshannon. Still however my family continued to hear mass there, and to experience the most distinguished marks of attention from the parishioners, happy at having an asylum for them from such undeserved persecution.

THIS happiness, however was but of short duration: a Father John Keenan, of whom it is sufficient to observe, that he is considered as not having steadiness to keep a parish of his own, was sent (as is supposed) by the Bishop, with whom he dined on the following day) to give the congregation a most impressive and awful warning of the danger they incurred by associating or holding any intercourse with people under the curse of excommunication, which, said he, like a pestilence, contaminates all

those who are so unfortunate as to associate with them; thereby unequivocally intimating that my children would convey the contagion to the congregation. He concluded by saying, "that though a Bishop or Pastor should excommunicate in a passion or without a proper cause, still the effect was the same." From this, my Lords, you will judge of the system of persecution adopted not only against me, but against my unoffending children; children, who, as must be allowed by Dr. M'Loughlin, himself, were strictly regular in the duties of the Catholic religion.

By the young Priests, educated in the Bishop's College, the most zealous exertions were used, not only in deterring people from coming into my house, but also from associating with me at public places. On attending at a large funeral of a neighbour and friend; the Priest at the place of interment looked around and emphatically asked, whether a certain man (meaning me) was there, "as if he be among you (said he) I can neither consecrate the grave nor perform the usual ceremonies over the dead."

SHORTLY after the Rev. Mr. Keenan's extraordinary sermon Mr. *****, a gentleman from Dublin, who happened then to come on mercantile business to Ballyshannon; on ascertaining from all parties the reality of my wrongs, and my family's anxiety advised me to submit my case to the great body of the Catholic Prelates who were, in a few weeks time, to meet in Dublin. To this I readily assented; in the mean time Mr. ***** personally addressed both the Catholic Primate and Dr. Delany in my behalf, urging every argument that good sense, zeal for the Catholic religion, and compassion for my family could inspire. Of his letter in my favor to the Roman Catholic Primate of all Ireland, the following is a copy.

MR. ***** ADDRESS

TO

DR. O'REILLY,

ROMAN CATHOLIC PRIMATE OF ALL IRELAND.

MY LORD,

ZEAL for our holy religion, and compassion for Philip Boyle and his seven unprovided female children, induce me to address your Lordship thus by letter on the subject of his misunderstanding with Dr. M'Loughlin, especially as I had not the favor of your Lordship's answer, when I had the pleasure of meeting you personally in this city, or an opportunity of seeing you, though I repeatedly called at your lodgings. Your Lordship may recollect I mentioned that Boyle was repeatedly advised by his friends to commence immediate proceedings at law against Doctor M'Loughlin, and also, that he and his family should quit a religion, where (as they say) one of its principal pastors has done so much to ruin him and them, though in his opinion undeservedly. But should it be the case, that this couple and their seven daughters withdraw from the communion of the Roman Catholic church, what Doctor M'Loughlin's feelings would have been, I will leave it for himself and your Lordship to judge. To prevent the scandal our church would receive in having one of its teachers, nay of its Bishops, brought into a Court of Justice, and there degraded and punished, has been my principal object in thus troubling your Lordship. Should I not succeed, I will only have to regret that Dr. M'Loughlin, lulled, I fear, into a false security, will plunge himself into a situation, which he will wish, when too late, to have prevented.

Should proceedings be taken, I am much afraid that both your Lordship and I will be unwilling witnesses of the trial.

To prove the lengths this poor man went to, before he had recourse to the law, to have this business settled, I must beg leave to state to your Lordship, that I waited on the most Rev. Dr. Troy a few days ago, and stated the transaction between Dr. M'Loughlin and Boyle; the consequences of which he deplored equally with your Lordship, and expressed an earnest wish that it might not go before a Court of Justice. He, at the same time, told me he could not interfere, and moreover informed me it came under your Lordship's jurisdiction: I have only to add, that the great injury the man has sustained, cannot be easily comprehended; his being just on the point of making commercial connexions here for enabling him to support that family, who only could be settled in life by his exertions in pursuing that honest industry which he proposed to himself, and which is now blasted by this unfortunate business. I now beseech your Lordship to take the matter into serious consideration, in hopes your farther interference may bring it to a happy issue. Dr. M'Loughlin may now call to his feelings the situation of this man and large family, as well as recollect the late case of a parishioner against the Rev. Wm. O'Brien, I think, of the County of Limerick; which, if that mode be resorted to, in preference to a regular appeal to the Church after the usual way, as others advise, there is not a doubt on the minds of the best informed among the clergy and laity here who have heard the case, but the Doctor will have reason to regret. Before I conclude, I must beg your Lordship will pardon me for thus obtruding on your time, and requesting an answer as soon as possible, that being the only circumstance at present, which detains Mrs. Boyle from her disconsolate family in Dublin, where she has been at a heavy expense

since the beginning of last month, on that business. Flattering myself soon with your Lordship's reply,

I remain my Lord,
 With every sentiment of respect,
 Your Lordship's
 Obedient and humble Servant;

* * * * *

Dublin, October 18, 1808.

*Right Rev. Dr. Richard O'Reilly,
 Roman Catholic Primate of all
 Ireland.*

To the above address the Primate returned no answer, though I waited for four months longer, indulging the fond hope, that the Bishop would absolve me from the censure of excommunication. You see, my Lords, by the measures I pursued in making the submission agreed upon between the Bishop and Mr. Fawcett; by my immediate address to Dr. O'Rielly; by my own letter and the various applications of respectable Clergymen to the Bishop himself; as also by Mr. ***** personal interview and correspondence with both Primates in my favour, that, so far from being contumacious, I availed myself of every mode, I could devise, for bringing about a reconciliation. Finding all my exertions ineffectual, I determined, as my ultimate resource, to appeal to the laws of my country; not with a view of obtaining pecuniary damages, but relief from the sentence of excommunication pronounced against me twelve months before.

SUCH my Lords was my reluctance, still, to bring this business into a court of law, that Mr. *****

who was subpoenaed though not called on as a witness on my behalf at Lifford Assizes, and my law agent with my approbation, repeatedly proposed an accommodation during the two successive days, we were detained there before the trial came on; to which proposal the Bishop's final answer was, "that he would listen to no compromise or terms, except I paid, together with my own, every expense incurred on that business by him, and moreover submit to his mercy for any other punishment, he may think proper to inflict."

THE trial commenced and was determined by the decision of a most respectable and intelligent Special Jury of the County Donegal, on the 21, of March, 1809. From the Judge's summary of the evidence and observations on charging the jury, I beg to submit the following extracts to the particular consideration of your Lordships, as containing a most complete and satisfactory refutation of the transgressions and enormities with which the parishioners of Ballyshannon and I are charged in Doctor M' Loughlin's Circular Address to your Lordships.

GENTLEMEN OF THE JURY,

"SINCE I have had the honour of being appointed one of his Majesty's Judges, I have never, on any occasion, felt more sincere reluctance in discharging my duty than on the present trial. And I cannot avoid remarking, that it was highly imprudent in such persons as are principally interested in this cause, to suffer such an action to have been brought before a Court of Justice."

"GENTLEMEN, let me now call your attention to the facts of this case. A Roman Catholic chapel appears to have been built by public subscription in the town of Ballyshannon; the defendant is the Catholic Bishop doing

duty there ; galleries are built, partly by subscription. The Bishop applied several times to the parishioners for payment of the arrear, for which he had made himself personally liable, and he is put off, from time to time, by the parishioners.

“ It was recommended by one of the parishioners, Dr. Sheil, that certain pews should be sold, and it was stated, that £150 would be raised by the disposal of those pews. The parishioners objected to this sale,—and some of them emphatically said, that “ they would sell the shirts off their backs, rather than indulge the gentlemen of Ballyshanon.” You have been told, that £180 had been actually collected from the parishioners ; and, if the defendant was anxious that the arrear should be paid in that way, he ought to have accepted of that money. But what does the defendant tell the parishioners ? “ I am sorry that I granted you so much time : I will now dispose of the pews.” Gentlemen, those galleries were built by public subscription. Collectors were appointed by the parish, and were in the very act of doing their duty, when they were prevented by the interference of Dr. Sheil. Let me ask you, was it either wise or prudent in this Bishop, to raise a tumult in the Chapel, in opposition to the sense of the parishioners ? It appears to have been the work of Dr. Sheil, to have excluded the people from those galleries.”

“ In my mind, the moment the celebration of divine service was over, the Bishop should have retired from the Chapel, for the purpose of debating the subject, relative to those pews. He should not have contaminated the House of God, by exciting such a tumult. And on whose head are all the ill effects arising from his own misconduct, to be visited ? What was the beginning of this riot ? The Bishop ordered certain gentlemen to take possession of

their seats. The plaintiff speaks from the gallery, in order to oppose this measure. Provoked by this opposition, the Bishop lost his temper; stamped upon the altar and said, "desist you set of combinator, or I will punish you with the weapons of the Church." I confess, gentlemen, I cannot see in what the guilt or immorality of the plaintiff's conduct consisted, or how he demeaned himself contrary to the laws of the Church. How could the Bishop have been so far mistaken, as to call the conduct of the plaintiff, upon this occasion, an act of combination or conspiracy? From this authoritative language of the defendant, one would imagine, we were living, in the dark times of bigotry. Gentlemen, I cannot help saying, that I consider the conduct of the Bishop, throughout the whole of this transaction, as being most improper. First, he calls a meeting of the parishioners, who resolve, that the expence of the galleries shall be paid by subscription. Collectors are accordingly appointed to raise the amount, and then, the Bishop says, the pews must be disposed of. To this the plaintiff replies, that they should not be sold. Gentlemen, I am bound to tell you, that the plaintiff had a right to say so. See how the Defendant meets the objection.— "Desist, you set of combinator, or I will denounce you." Then one of the parishioners calls out "if you denounce him, you may denounce us all." From this it appears, that the Bishop was setting himself up against his whole flock.

It is said, that the people began to shout, and clap their hands, making the house of God resemble a theatre. Gentlemen might not those shouts and acclamations have been a sort of tumultuous joy, arising from the Bishop's having been defeated?

Captain Nash says, that a general ferment took place, the noise of which he knew nothing on earth to compare

to, but an Indian warwhoop. But, gentlemen, the plaintiff was not accountable for this shouting and tumult of the parishioners, nor could the riot excited on that occasion be attributed to spite and malevolence in him: Mr. Nash further says, that the plaintiff was guilty of disrespectful conduct. Was there any attempt to commit violence? I cannot be persuaded, that a Catholic would raise his hand against his Bishop. We all know the feelings of that body of people, and happy it is for the country that they possess such reverence and regard for their clergy.

Gentlemen, I am bound to tell you, that I consider the Bishop himself as the only person to blame for exciting this tumult and disorder, of which you have heard so much. What would you think of a Protestant Bishop who would act thus? In the Protestant Church a vestry would have been called, and the business disposed of without any confusion.

Gentlemen, it is my duty to tell you, that this transaction was a temporal meeting for a temporal purpose; what the Bishop has called a combination, but what I call the contrary. See with what submission the plaintiff afterwards humbled himself to the Bishop. He said, "If I have offended against the laws of God, and of the Church, I am sorry for it." One would think that this submission was sufficient atonement. Is an innocent man to make confession of his guilt? Is there any authority, in this country so strong as to do that which the laws of the land cannot compel? Or are we to be told, that a Catholic Bishop has a legal right to assume such authority, and to take the decision of the criminal law into his own hands? God forbid that such was the case.

I am sorry, gentlemen, to be obliged to go one step further; but I cannot omit mentioning a particular fact.

appears that a meeting between the plaintiff and the defendant, a Mr. Cassidy and a Mr. Fawcett took place. At this meeting some warm discussion about these pews arose, when the Bishop so far forgot the dignity of his character, as to call the plaintiff a "rascal."

It appears, gentlemen, that the plaintiff was ready to submit to every thing contained in the written apology, except to the accusation of his having been a combinator. He was then told, by the defendant, that if he refused to do so, the sentence of the Church should be pronounced against him.

I say, gentlemen, from that moment only, the tumult had its beginning, and from that moment, as I conceive, did the Bishop's conduct become illegal.

Gentlemen, under all the circumstances of the case, if you shall be of opinion, that by the sentence of excommunication the plaintiff was deprived of the benefit of society, you ought to find a verdict for him, and compensate him in damages, not only for the loss of business, but for the trouble and anxiety of mind, which this poor man and his family have, ever since the passing of the sentence of excommunication, suffered."



By the above extracts from the Judge's summary of the evidence adduced to the Jury at Lifford, an evidence chiefly founded on the direct and cross-examination of the Bishop's own witnesses (whose depositions as is manifest from the learned Judge's charge appear to be but partially given in the printed report of the trial.) Your Lordship may see that neither the parishioners nor I deserve the appellation of "a set of combinator:" but that on the contrary the "Bishop was setting himself up against his flock," as the Judge observes, and that the opposition of

the parishioners arose from the unjust seizure of their property, and its appropriation to a few of Dr. Shiel's and the Bishop's favourites; My Lords, that the tumult excited in the Chapel, at the time of my being excommunicated, arose from their astonishment, and that the whole was a TEMPORAL MEETING FOR A TEMPORAL PURPOSE.

SOON after this trial Dr. M'Loughlin withdrew the censure of excommunication, which he permitted to hang over me for more than twelve months, whereupon I addressed a few lines to Mr. Cummins, who officiated in his Lordship's absence, to know whether one of the clergymen would, as usual, attend at my house. His reply was that he could give no answer till the Bishop's arrival. On the following Christmas I again sent to the Bishop himself, to know whether he would allow me to chuse a father confessor, from a neighbouring parish to which he replied, "that he had no objection," and on my sending to him for a certificate next day, he said "that if any of his own Curates would satisfy me, he should with pleasure attend." By this act of condescension, I waited however, as was usual with us, till after the duty at the country stations being over as the clergymen would have more leisure. Upon applying to Mr. Harrigan to know when it might suit his convenience, agreeably to the Bishop's promise, to come to us; he expressed his regret that we did not immediately avail ourselves of the Bishop's indulgence "as he had since changed his mind," and would not now receive us except in the Chapel on the Monday or Tuesday following, being the days particularly appointed by the Bishop in his clemency for receiving the great delinquents and off-casts of his congregation.

THOUGH we foresaw, on announcing these days of grace for transgressors, the preceding Sunday from the altar, that we were to be the victims, as was afterwards realized;

yet we submitted to the mandate as a further test of our fortitude and trial of our devotion: we presented ourselves for three several days at the altar: but would not be admitted to the sacraments, of which Mr. Harrigan informed, us he hoped we might participate at the ensuing Easter !!! Thus was I dismissed though uniformly exact in the conscientious discharge of my religious duties until this misunderstanding took place, for the truth of which I appeal to the right reverend gentleman himself.

WE again applied after Easter to the Bishop, then at the sea side; he sent a gentleman before whom, when we presented ourselves at the Chapel, he candidly recommended our deferring any further application of this nature, until the determination of the law-suit, a period of time which we cannot at present ascertain.

AFTER the legal investigation of my character and persecution, and the decision in my favor at Lifford assizes, I entertained the most sanguine hopes that on perusing or hearing a report of the proofs, there adduced, of the reality of my grievances your Lordships, would for the honour of our holy religion interfere and put a stop to the further prosecution of this business; in this I was disappointed. He appealed to an higher tribunal, and in hopes of exhausting my pecuniary resources moved for an arrest of judgment from the former decision in my favor. In the mean time the Bishop, for obtaining your Lordship's approval of his conduct against me, addressed a circular letter to your Lordships, a copy of which I have hereto subjoined, and have the happiness to hope that every assertion therein against my fellow-parishioners and me will appear to your Lordships at complete variance with the testimony of his own witnesses.

COPY OF THE CIRCULAR LETTER

Addressed by the Right Rev. DR. M'LOUGHLIN

to the Roman Catholic Prelates of Ireland.

REVEREND

AND LORD,

YOU will have been informed, ere this, that an action at law was brought against me, and tried at the last Assizes in the town of Lifford; that the ground of this action was the injury said to have been sustained by Philip Boyle the plaintiff, in consequence of an excommunication I had pronounced against him, and that the jury under the direction of the learned Judge, Baron M'Cleland, who presided at such trial, found a verdict for the plaintiff Boyle and damages, which though inconsiderable as the sum itself is; yet compared with my means, and with the condition and sphere in life of my antagonist, were truly important, especially when coupled with the hint or admonition of the learned Judge himself, which, in my mind, and in the minds of all those with whom I have since conversed, amounted to an authoritative declaration, that the damages awarded were merely in compensation of the social comforts the plaintiff had been already deprived of, in consequence of an usurped power of excommunication, and that I might be thenceforth answerable for any damages which the then there plaintiff should experience in future, in consequence of that single act of mine; but most of all when considered along with the dictum of the same learned Judge, "that let the misconduct of the Plaintiff have been what it might, the remedy was to be sought for in the laws of the land, but that no misconduct could justify the act of power wherewith I was charged through its consequence. I was led at once by the direction of my legal friend, and

also by my over-wish to ascertain the rule of existing law upon a case without a precedent, and yet of most alarming and most comprehensive purport: I have journeyed to the capital for the purpose of attending an argument to be made in arrest of judgment, and fearing lest the same misstatement of facts, which, as I find, has been impressed upon many individual Catholics of this city, might have also reached you and prepossessed your judgment against me, as against a person intemperate, oppressive, or criminally prodigal of ecclesiastical power, I have employed this interval of time allowed me, in representing faithfully to you, my brother and Lord, the truth of the case as it stands between me and the late one of my flock, who with success has hitherto called down the secular arm against the judgment of a Christian Church, to which he still professes to adhere for his hopes of salvation: notwithstanding that he has opposed, denied, and persecuted that Church by insubordination, contumacy and impious acts and menaces against one of its authors who was also his proper Bishop and Priest. My object in sending to you Reverend and to the Archbishops and Bishops of the R. Cath. and Apostolical Church of Ireland, this statement is, that you may judge, not between me and the laws of temporal power, to which even when aggrieved for conscience-sake we are bound, by our gospel to submit, as to the ordinance of God, but between my actions as here narrated, and the rules, discipline, and canons of the Catholic Christian Church for which a Bishop of his calling is ordained to combat, in all humility and patience, through sufferings and through death as well as through honour and applause. Herein is the patience of the saints "who guard the commandments of God and the faith of Jesus."— Apoc. XII. 17.

In the year 1805, which was the year following after my ordination to the Roman Catholic Church of Raphoe, I fixed my residence at Ballyshannon, and became also the immediate Catholic Pastor of that town, I found that a Chapel had been recently built there under the direction of the former Parish-Priest and a committee, with the contributions of the faithful; but although spacious it did not admit beyond three-fourths of the congregation: Those side-galleries had been fitted up with pews at a total

It was therefore resolved to construct three galleries. When one had been finished at the expence of £100, I became jointly pledged with the members of the committee, for the payment of the estimate on the new undertaking. The galleries were compleated, and the residue of arrears came up to £270: the architect wanted his money, and threatened me with proceedings at law. I therefore proposed to the parishioners in the public congregation, as I had committed myself from an entire confidence in their zeal and religion, that such a number of front-pews should be allotted for the purchase of individuals; as might clear off the debt incurred, and that the remaining seats might without further contributions be assigned or left to the parish at large. This idea was disapproved of by Boyle, the plaintiff in this late action, and by his party. The plaintiff had, during a period of fifteen years, contributed to this erection, of which the cost is near £2000, and that paid by installments, but the sum total of one guinea: and a seat on the fourth row had been assigned him without any new demand or condition; he wished to possess a front-seat, and his *party*, by which term I wish clearly understood as meaning those, who by public and systematic concurrence with his views manifested him for their leader, this party remonstrated against the plan I had thrown out, and undertook to collect the arrear with a condition that the galleries should be left open, and that they should be allowed time for gathering in the sum due. I acquiesced in this plan and disposed the builder to grant twelve instead of nine weeks respite: at the end of which period I was still called upon by them for a further time, which it was not in my power to grant: not to mention that it was fully known to me that no more than £30 had been collected during all this time, and, that as a last resource, these individuals had resolved among themselves to beset the Chapel with a dozen of their most determined partizans, and to suffer none to enter unless upon payment of an assessment privately agreed, or to be agreed upon. This latter project, openly and in the hearing of the party, I reprobated as unfair, irreligious and illegal, and anxious to prevent a project so full of mischief, I proposed as a peace, that the two side-galleries should be thrown open to the whole of the parish, and that the arrears should be levied on the entire of that gallery which faced the altar.

expence of £314. The offer was approved of by the silence of the whole party, to whom so great a concession was like an unexpected gift, and Boyle himself was struck dumb.— On the morning, however, of the following Sunday, I received a message from the said Boyle through one of my curates, which it is of importance to state, as it revealed the unequivocal spirit which moved and actuated Boyle in all the opposition he gave me. I had a communication from him, that he would acquiesce to what I proposed, provided he was allowed to purchase a front pew for two guineas. I confess that this selfishness of a plausible ringleader excited in me a strong feeling of disgust, and when I mentioned in course to the people the proposals thus made, as I had been previously offered the sum of £20 for the very pew which he then wished to occupy, I directed their attention to the selfishness of these proposals. Boyle started up with considerable warmth and denied the fact: The clergyman whom he had made his messenger, stood at the time before the altar preparing to celebrate mass; and turning round confirmed what I said. The man repeated his denial, and in a few seconds after he allowed the message to have been given, but with a proviso that the parishioners were satisfied.

On the Sunday following, I mentioned the several proposals which had been sent in to me, and stated the urgency of the demand on the parish: that unless some better plan was ready to be offered, we should dispose of the pews to the several persons who had offered. Boyle rose up and said “I will not let you dispose of a pew in the Chapel,” I then reminded him that for 9 months he had been in the habit of disturbing a religious meeting, and that unless he desisted, I should in duty denounce him Boyle. He immediately started and told me that “while he had a button on his coat he would support the parish against me,” and as he advanced to the front of the gallery, he called out to the people assembled and said nearly in these words: “Parish of Kilbarron, I have supported you long enough, now is your time, speak for yourselves.” Upon which, as a preconcerted signal, such an uproar and tumult ensued, some endeavouring to escape, and the crowd advancing towards the altar, that some of the Limerick-Militia jumped from the galleries, and placed themselves with drawn bayonets between the multitude and the altar, at which I and my clergy remained rather stunned with the unexpected hor-

ror of the event, than able to think or provide against the imminent danger. I besought the military to allow my voice to be heard and declared that I was willing to risque my safety amongst the congregation; but they persisted remaining about me, until the Chapel was nearly cleared of the rioters. Boyle the plaintiff, as soon as he had given the signal, began to retire from the scene he had concerted; but a short pause having occurred, I formally denounced him. When he had gone out at a distance from the Chapel, meeting, as he imagined, one of his partizans, and taking him by the hand he pointed to it, saying "I have left a hot house there." The crowd of riotous persons continued without until the military should retire, and would yield to no expostulations of Captain Nash who was present, and afterwards was under the necessity of drawing his own sword to protect the House of God, and to prevent myself and my clergy from being maltreated, which, as a witness on the trial at his examination, he believed, was the intention of the infuriated populace. Peace, however, was restored, and bloodshed happily prevented by his exertions. In order to deprive me of the protection of the military, Boyle the plaintiff, applied circuitously to Captain Nash, and represented to him, that unless the militia was kept away from the Chapel, the people would not resort to Divine Service: his meaning and view when he made this application may be well understood from what was proved at the trial by one who then belonged to his party, to whom he thus addressed himself on the following Sunday, "I am so full of spite and malice when I go into the Chapel, that I cannot utter a sentence;"—do you oppose the Bishop when he will speak of the arrangement of the Pews, you will there find a party prepared to support you, we will by that means put down the system of Pews, and the defeat will be equal to the overthrow of the French constitution. I applied to him privately and publickly to apologize for the scandal he had given. To my private application, he answered that he could not make a submission without the guilt of perjury. To my public calls he answered that he would make no apology, and when the last day came, and I for the last time heartily conjured him to atone for the evil which he had done, he replied, that if he had offended God or the Church he was sorry for it, but that he would make no further apology.

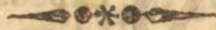
BEING thus reduced, without any wish on my part, either to use the authority which was given to the church by its author and law-giver, or to submit the Gospel to be trampled upon by open and impious violence, I pronounced against the said Philip Boyle the sentence which his contumacy had provoked: and for this cause I have been accused before the temporal law and found guilty of trespass.

IF in this case you judge me to have exceeded the limits of jurisdiction, or the limits of charity, it will be expedient to surrender me, as one who endangers the safety of the Catholic Church: but if I demeaned myself, justly I beg that you will signify your approbation under your hand, and thus commending me to your remembrance,

I wish you long to prosper, &c.

And Brother in Christ, &c.

(Signed)



YOUR Lordships perusal of the forgoing correspondence, and of the charge upon which a Jury founded their verdict renders it altogether unnecessary for me to trespass on your Lordship's time in refuting the catalogue of enormous crimes imputed to my fellow-parishioners and me in this circular address: I shall therefore confine myself to a few further observations.

AMONG other misstatements, my Lords, he says that through one of his curates he had a communication from me of my acquiescence in his proposal, provided I was allowed to purchase a pew for two guineas. This charge he also made against me at the altar, where I answered him by saying, in presence of Mr. Harrigan, the Curate alluded to, "that it was a mistake as I never said any such thing," upon which the Curate only said, "well then your wife did." Notwithstanding this refutation it was on that day that I was denounced, at which the flock were highly exasperated and loudly exclaimed, "we are all denounced," whereupon Capt. Nash, rushing from Dr. Shiel's pew, drew his sword, and therewith struck a man who would have prosecuted him had he not discovered

that Capt. Nash acted under a misapprehension of the business.

To another of the misrepresentations in this circular address, namely, that I never paid more than one guinea subscription towards the Chapel, I answer that for more than ten years previously to the Bishop's becoming Parish-Priest my fellow parishioners and I have been assessing ourselves for that favorite object, as the Doctor knows from his predecessor's returns, and as is also proved by the Doctor himself, who when Mrs. Boyle sent him her aid towards a contribution, at that time raised among the ladies, returned the money to her son, the bearer, with his love, adding that he was informed by the late Father Kelly that "her husband had always been one of his best benefactors."

IN Ballyshannon the Parish-Priest is paid by two annual collections; by funeral-offerings at the grave; by hanks of yarn from female house-keepers, and bags of oats from the farmers, whose backwardness in contributing after the pew-business he calls "a combination against his oats." For defraying the expenses incurred in building the Chapel a Sunday-collection was usually made at the Chapel-gate. The farmers, to whom a great part of the parish debt was due, offered to accept of this collection in rotation, till the whole was discharged. This, my Lords he prevented, and from the altar said to the collectors "desist you set of combinator," adding that "at his country-stations his conscience was affected on finding so many poor creatures lose mass for want of a halfpenny." This collection in his circular address he informs your Lordships "he then reprobated as unfair, irreligious and illegal", yet, my Lords, after all this the Bishop himself in complete contradiction to his declaration and sentiments has adopted this measure and continues every Sunday since to collect at the gate, where himself or one of his clergymen duly stands, assisted by two parishioners and a sturdy foolish fellow, who with a large club guards the passage and prevents any from entering without payment. Many a poor man has been driven away from the Chapel-gate, even by the Bishop himself who charitably desires such as have not an halfpenny to go and borrow it.

To the parishioners who all know that the money thus obtained, together with a forced contribution from the re-

luctant clergy of his diocese, is for supporting the law-suit against me. Nothing can be more grievous than this collection, rigidly exacted since 1808 and never accounted for or applied towards finishing the Chapel, the inside walls of which have not been hitherto plaistered.

To ruin my family and myself, no means were left untried, which art could invent or malice devise. Dr. Shiel, a gentleman of the medical profession, whose interference in this business, is pointedly mentioned in the preceding charge to the Jury, and who has become the Bishop's security in appealing to the Court of Error, then held a distinguished rank in this part of the country. On being asked by a friend of mine what would be the consequence of speaking to me, he replied by saying "would you speak to the Devil." Need I add that my near relations, who were his tenants, dare not enter my house during my interdict: and that a respectable shop-keeper refused bearing a letter to me from a friend of mine in Dublin, lest the Bishop or he should hear of it. Dr. Shiel being asked on the trial did he know me, replied, "he did, and that I was a shoe-maker." On this circumstance the Bishop's counsel also dwelt: but, my Lords, they would have been more correct had they stated, that I employed a great number of that trade in manufacturing part of the leather prepared and dressed in my own tanyard, circumstances these which no person better knew than Dr. Shiel, who lodged and boarded at my house for more than two years.

DURING his residence in my house, Dr. Shiel, though originally brought up with the rest of his family in the Catholic religion was a Protestant: and on finding it expedient to remove from a competition with another of the profession in Ballyshannon to Enniskillen, he there also accommodated himself to the established church. In that town however he remained but for about a year, when he returned to Ballyshannon, where, as he did not succeed to his wishes with his new creed, he again resumed that of his parents and became a Roman Catholic; which religion, unfortunately for me, he still continues to profess.

MANY circumstances contributed to his rising in public estimation after this. To the practice of his profession he added many other avocations, among which was that of his becoming agent to the Pakenham-estate. What his

humanity was, in conducting this agency, is fully recorded in the harrassed hearts of the tenantry, whose repeated complaints at length so excited the sensibility of their benevolent Landlord, as to institute an enquiry into their accumulated grievances, which ended in the Doctor's removal.

My engaging to pay the parish-debt within a month's time, according to an agreement drawn up by Mr. Fawcett, renders it unnecessary for me to trespass on your Lordships' time in answering the charges of difficulty in its collection, &c. I most solemnly declare to your Lordships, in the presence of the Almighty, it was my firm belief on the Sunday previously to my excommunication, that Dr. M'Loughlin's reason for declining to sign the article alluded to in my letter, was in order to have the pleasure of shewing the flock that his word on that or any other occasion was equal to his signature. And I felt sincerely happy in thinking that he would thus re-establish himself again in the good opinion and affections of the congregation.

ON the verity and merits of our respective statements, your Lordships and the public at large, have it now in your power to decide. It is yours exclusively to judge whether the Dr. "be a person intemperate or criminally prodigal of ecclesiastical power," and also whether my conduct in these proceedings has been marked by arrogance "contumacy or disobedience." To your Lordship's decisions I shall ever bow with deference and respect, who am,

Venerated Lords,

Your Lordships

Ever obedient

Ballyshannon,

And humble Servant,

April 28th, 1812.

PHILIP BOYLE.

