

## Some letters of John P. Leahy, O.P., regarding 'The Obnoxious Clause' of the Catholic Relief Bill 1829

### Introduction

On 5 March 1829, a month after the speech of King George IV for the opening of parliament, a Bill for the Relief of his Majesty's Roman Catholic Subjects began its passage through the House of Commons. On 16 March the second reading of the bill was approved and by the end of the month it had passed its third reading. The bill then passed to the House of Lords. After it received royal assent on 13 April, the Catholic Relief Bill 1829 became an Act of Parliament.<sup>1</sup>

One article of the bill provided for the conviction and banishment from the United Kingdom of any man who entered the Society of Jesus or 'any other such religious order, community, or society'<sup>2</sup> (the exclusion of nuns from 'the new penal enactment'<sup>3</sup> was attributed to the gallantry of Sir George Murray).<sup>4</sup> The injurious potential of the article was immediately apparent to the Regulars in Ireland and a meeting of the regular clergy of Cork was held on 15 March to consider 'the obnoxious clause',<sup>5</sup> with Fr Daniel O'Connor, the prior provincial of the Augustinian friars in Ireland, as chairman and Fr Bartholomew T. Russell, O.P., as secretary.<sup>6</sup> Assembled in the Dominican friary on Dominick Street, the Regulars of Cork resolved to apply to the bishops, secular clergy, and Catholic laity for 'an attestation of the loyal conduct and religious utility' of the Regulars of Cork.<sup>7</sup> In addition, the Regulars of Cork in tandem with the Regulars of Dublin were to engage themselves to avert 'the gradual suppression and final extinction of the monastic orders in Ireland as menaced by the Catholic Relief Bill'.<sup>8</sup> To that end, a deputation of two of the Regulars of Cork were to set out for

1 An Act for the Relief of His Majesty's Roman Catholic Subjects, 1829 (10 Geo. IV, c. 7).

2 Article XXXIII of 'The Catholic Relief Bill 1829' in Edmund Curtis and Robert B. McDowell (eds), *Irish Historical Documents, 1172-1922* (London, 1943), p. 250.

3 Letter from Fr John P. Leahy, O.P., to Fr Bartholomew T. Russell, O.P., 31 Mar. 1829 (Irish Dominican Archive, Documents of Historical Interest, 18/29).

4 Ibid.

5 Letter from Fr John P. Leahy, O.P., to Fr Bartholomew T. Russell, O.P., 1 & 2 Apr. 1829 (Irish Dominican Archive, Documents of Historical Interest, 18/29).

6 Resolutions of the Regulars of Cork, 15 Mar. 1829 (Irish Dominican Archive, Documents of Historical Interest, 18/29).

7 Ibid.

8 Ibid.

Dublin the next day, O'Connor who had acted as chairman of the meeting and Fr John P. Leahy, O.P.

As a result of Leahy's appointment to the deputation, he penned a series of nine letters to Russell from Dublin, Birmingham, and London between 18 March and 6 April, all of which are held in the Irish Dominican Archive at St Mary's Priory, Tallaght. The letter of 28 March, however, was continued by Leahy the next day and the final part of the letter is no longer extant. To the letter of 1 April Leahy added a short paragraph on 2 April which he, or another, subsequently stroked out entirely. The tone of the letters regarding the progress of the delegation of Regulars is more that of an exchange between confrères than of memoranda despatched by a member of a delegation in London to its secretary in Ireland. Indeed, Leahy and Russell had received the habit together on 8 September 1817 in Lisbon and throughout their lives maintained a constant correspondence.<sup>9</sup>

Extracts of Leahy's letters and of minutes of interviews with Robert Peel and the duke of Wellington were published by Fr Reginald Walsh, O.P., in 1914 in one of the first issues of *Archivium Hibernicum* to cast light upon 'an almost forgotten episode of Irish ecclesiastical history'.<sup>10</sup> Walsh's primary interest, however, was the list of Regulars in Ireland produced in compliance with the terms of the Catholic Relief Bill 1829 and printed by order of the House of Commons on 15 June 1830. The present contribution focuses on Leahy's letters and the minutes, provides a complete edition of these records, narrates a chronicle of the delegation's activities in Dublin and London, and considers the measure of success to be attributed to their efforts.

### The Deputation from Cork and the Regulars of Dublin

Leahy's first letter to Russell, written upon the day of his arrival in Dublin, 18 March, advises of his safe arrival with O'Connor and of 'a meeting of all the friars' held at the Augustinian convent in Dublin that same day.<sup>11</sup>

In the course of the meeting, it was agreed to present a memorial with no subscription of names so as to avoid recording evidence against any of its authors or adherents. The noble conduct of Daniel Murray, archbishop of Dublin, in the crisis was acknowledged with gratitude by the friars as was the zeal of Leahy and O'Connor in their defence. It was also agreed that the friars of Ireland should contribute to the expenses of the delegation and another meeting was slated for 20 March to decide whether or not a deputation of Regulars should proceed to London.

9 Biographical notes on John P. Leahy, O.P. (Irish Dominican Archive, Father Fenning Collection/Obierunt 1890-1899).

10 Reginald Walsh, 'A list of the Regulars registered in Ireland pursuant to the Catholic Relief Act of 1829' in *Archivium Hibernicum*, iii (1914), pp 34-86, p. 36.

11 Letter from Fr John P. Leahy, O.P., to Fr Bartholomew T. Russell, O.P., 18 Mar. 1829 (Irish Dominican Archive, Documents of Historical Interest, 18/29).

Some few days later, on 22 March, Leahy again wrote to Russell from Dublin, addressing his letter from Denmark Street. Almost certainly writing from the Dominican priory, Leahy advised Russell that two days earlier, on 20 March, at three o'clock in the afternoon and presumably after the meeting of the Regulars scheduled for that day, he, O'Connor, and Fr John F. Spratt, O. Carm., had travelled to Carlow with 'a document' to meet with James W. Doyle, O.S.A., bishop of Kildare and Leighlin and under whom O'Connor had studied theology at New Ross College, Wexford, c. 1809–1813.<sup>12</sup> Having arrived at half past ten at night, they left the memorial at Doyle's residence and returned at half past seven the following morning at which time the bishop was in his study 'perusing and correcting the memorial'.<sup>13</sup>

The memorial itself was based on one presented in the time of Fr Arthur O'Leary, O.F.M. Cap., abridged 'in great haste' and altered by Leahy, and to which he had added reflections he considered useful.<sup>14</sup> After Doyle's perusal and correction of the document, it was written out by Leahy in the drawing room after which every word was 'weighed ... in full council'.<sup>15</sup> Delighted with the memorial, Doyle declared it 'a powerful document'.<sup>16</sup> While Doyle had perused the memorial, O'Connor, Leahy, and Spratt examined a petition which Doyle himself had already despatched to the home secretary, Robert Peel, and as the only issue that arose concerned an adverb capable of a positive interpretation, 'it seemed right not to make any observation'.<sup>17</sup> Moreover, Doyle had accompanied his petition with a letter to Peel advising that he would consider it 'a *personal* favour' were the clauses in the Catholic Relief Bill regarding the regular clergy altered.<sup>18</sup>

O'Connor, Leahy, and Spratt left Carlow on 21 March and returned to Dublin, arriving at midnight. At two o'clock in the afternoon, a third meeting of the Regulars was held, with Fr William Kinsella, O. Carm., prior provincial of the Calced Carmelites, as chairman. It was decided to erase a part of the memorial to satisfy the objections of Fr Charles Aylmer, S.J. It was also decided to send a deputation to London. Fr Patrick R. Griffith, O.P., the only Dominican not lukewarm in the cause, proposed that the memorial be entrusted to Fr Peter J. Kenney, S.J., and his proposal was seconded by his confrère Fr John Tommins, O.P., and supported by

12 Quotation from a letter from Fr John P. Leahy, O.P., to Fr Bartholomew T. Russell, O.P., 22 Mar. 1829 (Irish Dominican Archive, Documents of Historical Interest, 18/29); Carmel Doyle, 'O'Connor, Daniel' in James McGuire & James Quinn (eds) *Dictionary of Irish biography from the earliest times to the year 2002* (9 vols, Cambridge: University Press, 2009), vii, p. 236.

13 Leahy to Russell, 22 Mar. 1829.

14 See Leahy to Russell, 18 Mar. 1829.

15 Leahy to Russell, 22 Mar. 1829.

16 Ibid.

17 Ibid.

18 Ibid.

Aylmer, and Fr John Devereux, O.F.M. Cap.<sup>19</sup> However, it was O'Connor who was appointed as deputy and 23 March was set as the date for his departure while the friars of Dublin dispersed with the intention of meeting on a regular basis.

On 23 March, at Chapel House, John's Lane, Dublin, as Leahy and Aylmer waited 'impatiently'<sup>20</sup> for the proof sheet of the memorial, the former despatched a third letter to Russell, advising that he was himself to set out for London on 24 March with O'Connor at the latter's insistence.<sup>21</sup> 'An early supporter' of Emancipation, Augustus Frederick Fitzgerald, third duke of Leinster, was expected to join them on the journey.<sup>22</sup> Aylmer was to arrange for the delegation's introduction to the duke in advance of their departure or, at least, to prepare him for a visit from the delegation upon their arrival in London. O'Connor and Leahy were accompanied by Fr John Rice, O.S.A., who joined the delegation 'in his capacity as assistant to the Augustinian provincial'.<sup>23</sup>

### The Journey to London

It was planned to leave for London on 24 March passing through Holyhead and arriving in Shrewsbury on the morning of 25 March and London that same night.

At six o'clock in the morning of 24 March, the delegation departed Dublin and, at half past eight, sailed from Howth. After a very rough passage which caused Leahy to be 'sick as a dog', they arrived in Holyhead twelve hours later where they had to contend with 'a rascally cheat' of a hotel keeper.<sup>24</sup> En route to Bangor, they passed the column erected at Llanfairpwllgwyngyllgogerychwyrndrobwllllantysiliogogogoch on the Isle of Anglesey in 1817 in honour of Henry William Paget, first marquess of Anglesey, for his role in the Battle of Waterloo, and crossed the Menai Strait. At half past one in the morning of 25 March, the party arrived at Bangor on the mainland of Wales. Having retired at two o'clock in the morning, they rose at half past five and, at seven o'clock, resumed their journey heading for Shrewsbury in the west midlands, dining in a tavern at

19 See Letter from Fr John P. Leahy, O.P., to Fr Bartholomew T. Russell, O.P., 23 Mar. 1829 (Irish Dominican Archive, Documents of Historical Interest, 18/29).

20 Ibid.

21 In 1828 Fr Andrew Fitzgerald, O.P., was elected prior provincial and held the office until 1832. Daphne D. C. Pochin Mould, *The Irish Dominicans: the Friars Preachers in the history of Catholic Ireland* (Dublin, 1957), p. 235. Thus, Leahy was not prior provincial in 1829 as stated by J. D. Fitzpatrick, *Edmund Rice: founder and first superior general of the Brothers of the Christian Schools of Ireland (Christian Brothers)* (Dublin, 1945), p. 208.

22 See Bridget Hourican, 'Fitzgerald, Augustus Frederick' in James Maguire & James Quinn (eds), *Dictionary of Irish biography from the earliest times to the year 2002* (9 vols, Cambridge: University Press, 2009), iii, p. 818.

23 Dáire Keogh, *Edmund Rice and the first Christian Brothers* (Dublin, 2008), p. 199.

24 Letter from Fr John P. Leahy, O.P., to Fr Bartholomew T. Russell, O.P., 26 Mar. 1829 (Irish Dominican Archive, Documents of Historical Interest, 18/29).

Llangollen on the River Dee. 'With the intention of advancing on London by the most rapid marches', the party left Shrewsbury at ten o'clock at night and, travelled through the night to reach Birmingham, 'the country ... illuminated by the fires of the manufactories'.<sup>25</sup> At six o'clock in the morning of 26 March, the party reached Birmingham where they were obliged to remain for the day due to the ill effects of fatigue on Rice.<sup>26</sup> The following day, the party passed through Stratford-upon-Avon and Oxford, arriving at their lodgings at 20 Cecil Street Strand, London, at 10 o'clock at night.

### The Deputation in London

In the evening of the day after their arrival, when his companions had retired to rest, Leahy began a letter to Russell which he finished the following day, 29 March.<sup>27</sup> It was the first of five letters despatched from London by Leahy to his confrère in Cork and it advised Russell of the delegation's initial activity in London.

Having previously instructed Russell to direct his post to the Post Office, London, Leahy and his companions, having risen a little after six o'clock, went to the post office early on the morning of 28 March.<sup>28</sup> As letters from Ireland did not arrive until ten o'clock, they were obliged to wait, and they fell in with a ship-broker who arranged for them to visit all the offices of Lloyds Bank, including the bullion-room.<sup>29</sup>

After the delegation had retrieved their letters, they went in search of Fr Peter Kenney, S.J.,<sup>30</sup> to whose care it had been unsuccessfully proposed in Dublin to entrust the memorial.<sup>31</sup> Found in 'the most splendid part of the West End', he immediately entered upon business with O'Connor, Leahy, and Rice.<sup>32</sup> He advised them that he had already distributed three circular letters among members of parliament, waited unsuccessfully upon several of its members, and extracted a promise from Sir Henry Brooke Parnell, a staunch advocate of Catholic claims and the member of parliament for Queen's County, to move a clause to render the Catholic Relief Bill ineffectual although Sir Henry had failed to act upon his promise. Kenney regarded the arrival of the delegation of Regulars from Ireland as most opportune and thought they might achieve infinitely more than he had and encouraged them to seek an interview with Peel.

Leahy finished his letter to Russell in the evening of 29 March, advising of reports which he had heard of interviews George IV had had with his

25 Ibid.

26 Ibid.

27 Letter from Fr John P. Leahy, O.P., to Fr Bartholomew T. Russell, O.P., 28 & 29 Mar. 1829 (Irish Dominican Archive, Documents of Historical Interest, 18/29).

28 See Leahy to Russell, 26 Mar. 1829.

29 See Leahy to Russell, 28 Mar. 1829.

30 Ibid.

31 Leahy to Russell, 22 Mar. 1829.

32 Leahy to Russell, 28 Mar. 1829.

brother the duke of Cumberland, the home secretary, and the prime minister. Leahy denounced the Irish members of the House of Commons as 'the most inactive, good-for-nothing set possible' and censured the attitude to petitions in the chamber.<sup>33</sup>

Earlier in the day, he had visited St Patrick's Church, Soho, with 'the monks' boys', that is, the boys of the school in the East End of London managed by the Irish Christian Brothers, and in his letter to Russell he disclosed the plan to have the boys deliver eighty copies of the memorial to the leading members of the House of Commons the next day.<sup>34</sup> He also acknowledged Bro. John Kelly, C.F.C., as 'an admirable fellow' who had been of the greatest assistance.<sup>35</sup> Finally, he informed Russell of the delegation's intention to request the next day an audience with Peel and to meet John Berkely Monck, the member of parliament for Reading and 'an honest M.P.!!!', as well as Charles Barclay, M.P. for Dundalk, and Thomas Spring Rice, M.P. for Limerick.<sup>36</sup>

In his next letter to Russell, written on 31 March, Leahy provides no information regarding the meetings with Monck, Rice, or Barclay that were scheduled for 30 March although he later observes that all the Whigs with whom they met seemed to have determined not to say a word that might jeopardise the passage of the bill.<sup>37</sup> However, his letter of 31 March does provide an ample account of the delegation's interview with Sir James Mackintosh on the previous day. As far as the delegation was concerned, the purpose of the meeting was to persuade Mackintosh, M. P. for Knaresborough, to present their petition.<sup>38</sup> Leahy described the kind treatment afforded them by Mackintosh who declared himself honoured to have their petition confided to him although he also made it clear that 'the House ... was quite impatient of any speeches relative to petitions'.<sup>39</sup> He inquired as to the number of Regulars and their government and read several passages to them from George Berkeley's *The Querist*, advising of the author's belief that the number of orders was 'a peculiar advantage' to Catholicism.<sup>40</sup> As the delegation took its leave, Mackintosh candidly informed its members that after labouring thirty-five years for Emancipation, he intended to support the Bill notwithstanding its pejorative significance for the regular clergy.

On the same day as their interview with Mackintosh, the delegation appear to have dined with the Christian Brothers, the confrères of Bro.

33 Leahy to Russell, 29 Mar. 1829.

34 Ibid.

35 Quotation from Leahy to Russell, 29 Mar. 1829; See Walsh, 'A list of the Regulars', p. 41, n. 1.

36 Leahy to Russell, 29 Mar. 1829.

37 See Leahy to Russell, 1 Apr. 1829.

38 Leahy to Russell, 31 Mar. 1829.

39 Ibid.

40 Ibid.

Patrick Leonard, and as the day drew to a close were in the House of Commons for the third reading of the bill.<sup>41</sup> Separated from Rice, their Augustinian confrère and the only one of the delegation familiar with the Palace of Westminster, Leahy and O'Connor found themselves obliged to pay for seats in a dreadfully crowded Strangers' Gallery even though the names of the delegation were on the Speaker's list for seats under the gallery. At two o'clock in the morning of 31 March and before the close of the debate, they left the House and returned to their lodgings in Cecil Street Strand.

On 1 April, the delegation met with the marquis of Lansdowne and Lord Clifden, and, for a second time, with Sir James Mackintosh. Prior to their meeting, the marquis of Lansdowne had already promised Thomas Weld, coadjutor Bishop of Kingstown, Ontario, Canada, and the Honourable Mr Clifford, the member of parliament for Dungarvan, to render the obnoxious clause 'inoperative'.<sup>42</sup> While he undertook to present a petition from the delegation, he made it clear that he did not intend to speak largely to it lest 'the clause ... be made much more penal'.<sup>43</sup> 'Lord Clifden was all animation', fulminating at the very mention of the 'extirpation' of the Regulars and divulging the content of the speech he intended to deliver in the House of Lords.<sup>44</sup> Although he considered the obnoxious clause 'a mere dead letter' and a 'brutum fulmen', he was reluctant to declare so publicly to 'the fools' of the second chamber lest John Scott, first baron Eldon, and former lord chancellor (1807–1827), might strive to render the clause effective.<sup>45</sup> Indeed, the delegation were informed by Kenney of 'a strong report' that John Copley, first baron Lyndhurst, and lord chancellor was determined 'to shut up the loop holes' of the bill and, in addition to the obnoxious clause, intended to move that Government be empowered to compel the Regulars to testify under oath as to any new members as well as to their identity.<sup>46</sup>

After their interview with Lord Clifden, the delegation went to see Mackintosh, for a second time, to thank him for the petition he had presented on their behalf. The delegation then proceeded to the Home Office to request an interview with Peel, the home secretary. They had just returned to Cecil Street Strand when a note arrived for O'Connor presenting the home secretary's compliments and stating he would see O'Connor, Rice, and Leahy at the Home Office at two o'clock the next day, 2 April. In a despondent tone, Leahy advised Russell that the delegation would try to secure the home secretary's influence over the prime minister,

41 See Leahy to Russell, 31 Mar. 1829.

42 Leahy to Russell, 1 Apr. 1829.

43 Ibid.

44 Ibid.

45 Ibid.

46 Ibid.

and he committed himself to write again to Russell immediately after the interview.

Convinced that there was not the slightest hope of securing any alteration to the obnoxious clause but determined to secure Peel's influence to hinder the clause from becoming more restrictive, the delegation of Regulars went to the Home Office on 2 April and were favoured by Peel with 'a most interesting interview' of more than half an hour's duration.<sup>47</sup> Employing 'a language of the countenance as well as the tongue', Peel conveyed that extirpation of the Regulars was not a danger.<sup>48</sup> Indeed, 'he gave ... many hints to the same effect' and dwelt 'particularly' on the need of any eventual prosecution against the Regulars to be initiated by the Crown thus protecting the Regulars from 'the petty magistrates'.<sup>49</sup> The interview also touched upon the exercise of ecclesiastical jurisdiction over the regular and secular clergy, 'differences' and 'jealousies' between the Regulars and bishops, the distribution of the Regulars in Ireland, the loss of their establishments on the continent, 'the power of enlarging numbers', and the future of the Regulars in light of the obnoxious clause.<sup>50</sup> At the end of the interview, Peel's recommendation of an interview with the duke of Wellington offered the delegation 'a splendid introduction' to the prime minister.<sup>51</sup>

On the same day as the interview with Peel, Kenney visited the delegation twice and expressed his surprise that they had secured an interview with Peel so quickly as Fr Edward Scott, S.J., the London agent of Stonyhurst College, Lancashire, had waited three weeks for an interview and Thomas Weld, the coadjutor bishop of Kingstown, Ontario, Canada, had not managed to obtain one at all. Kenney also advised the delegation that some held Anthony R. Blake, the chief remembrancer, responsible for the obnoxious clause, a claim Blake had rejected notwithstanding an admission on his part that the secular clergy did regard the Regulars as 'useless', an assertion he had often heard from none other than the bishops of Ireland.<sup>52</sup>

In concluding his letter, Leahy advises Russell that a great many copies of the memorial had been distributed to members of parliament and that the delegation had been obliged 'to work like galley-slaves'.<sup>53</sup> In addition to his letter to Russell on 3 April, advising of the interview with Peel, Leahy also advised that on 3 April the delegation of Regulars had left a note for

47 Letter from Fr John P. Leahy, O.P., to Fr Bartholomew T. Russell, O.P., 3 Apr. 1829 (Irish Dominican Archive, Documents of Historical Interest, 18/29).

48 Ibid.

49 Ibid.

50 Minutes of Interview with Mr Peel (Irish Dominican Archive, Documents of Historical Interest, 18/29).

51 Leahy to Russell, O.P., 3 Apr. 1829.

52 Ibid.

53 Ibid.

the duke of Wellington requesting an interview and that in the evening of the same day a reply was received appointing twelve o'clock on 4 April as the hour for the encounter.<sup>54</sup> However, the meeting was eventually held on 5 April at twelve o'clock, due to the pressure of parliamentary business on the prime minister.

In the course of the interview, the duke of Wellington pledged that the enactment against the Regulars would not be made more restrictive, a pledge Leahy regarded as 'a matter of the highest moment' and 'a much greater matter than most folks in Ireland ... perhaps credit'.<sup>55</sup> He also informed the delegation of Regulars that 'the sole reason' for the obnoxious clause was the existence of the Regulars although the law prohibited such institutions.<sup>56</sup> Indeed, as far as the prime minister was concerned, 'it would ill become us to protect those ... acting against the law'.<sup>57</sup> At the end of the interview, the duke himself went to the door with them and opened it, 'a deviation from strict etiquette' and a demonstration of 'the affable manner' in which the delegation had been received.<sup>58</sup>

In addition to the interview with the prime minister, the delegation also met with the marquis of Anglesey, 'the kind-hearted man'.<sup>59</sup> He attributed to himself the merit of having forced introduction of the Bill,<sup>60</sup> a reference to his first viceroyalty of Ireland which ended abruptly on 19 January 1829 after less than a year and yet was 'a pivotal point in Anglo-Irish politics as the campaign for Catholic emancipation approached its climax'.<sup>61</sup> The delegation was again received by the marquis of Lansdowne who accepted from the delegation a petition incorporating an argument from the duke of Wellington, that Catholics would remain dissatisfied as long as any restriction remained unrepealed.<sup>62</sup>

The delegation of Regulars intended to remain in London until the discussion on 'the clause' in the House of Lords and to depart on 9 April, arriving in Dublin via Liverpool two days later.<sup>63</sup> Thereafter Leahy planned to go directly to Cork.<sup>64</sup>

54 Letter from Fr John P. Leahy, O.P., to Fr Bartholomew T. Russell, O.P., 6 Apr. 1829 (Irish Dominican Archive, Documents of Historical Interest, 18/29).

55 Ibid.

56 Ibid.

57 Ibid.

58 Ibid.

59 Ibid.

60 Ibid.

61 Karina Holton, 'A turbulent year: Lord Anglesey's first viceroyalty and the politics of Catholic emancipation, 1828' in *Studia Hibernica*, xliii (2017), pp 53–93, p. 54.

62 Leahy to Russell, 6 Apr. 1829.

63 Leahy to Russell, 3 Apr. 1829.

64 Ibid.

### The Aims of the Deputation to London

On 15 March 1829, the regular clergy of Cork assembled in order to determine a response to the obnoxious clause of the Catholic Relief Bill.<sup>65</sup> It was resolved that the Regulars of Cork and Dublin be tasked with prevention of 'the gradual suppression and final extinction of the monastic orders in Ireland as menaced by the Catholic Relief Bill'.<sup>66</sup> Within three days of the Cork assembly, a deputation of the Regulars of Cork had met with their Dublin confrères, agreed upon the presentation of a memorial, and on a further assembly to decide whether or not a deputation of Regulars should proceed to London. Consequently, O'Connor, Leahy, and Rice set out for London to satisfy the Government that there was nothing in the constitutions or conduct of the Regulars that merited their destruction and to secure an alteration of the obnoxious clause.<sup>67</sup> Indeed, throughout the delegation's interview with Peel, the consequences of the clause were set squarely before the home secretary and at the very beginning of the delegation's interview with the duke of Wellington, alteration of the clause was explicitly requested.<sup>68</sup>

After a series of interviews with members of the House of Commons, Leahy observed that all the Whigs with whom they had met seemed to have determined not to say a word that might jeopardize the passage of the Bill.<sup>69</sup> While the propriety of the delegation registering a protest was acknowledged, its members found that the best of friends were unwilling to risk the success of the Bill for the sake of the Regulars.<sup>70</sup> Even Sir James Mackintosh, who had laboured for Emancipation since the Act for the Relief of His Majesty's Roman Catholic Subjects of Ireland 1793, quite candidly admitted that he regarded the safe passage of the bill as a greater priority than the protection of the Regulars.<sup>71</sup> By the time the delegation met Peel in the Home Office, none of them entertained the slightest hope of securing any alteration of the clauses hostile to the Regulars and so the delegation of Regulars to London did not achieve their initial goal.<sup>72</sup>

The lack of appetite to move for the deletion of the obnoxious clause saw the delegation determine that if the case of the Regulars could not be made better, 'at least it should not be made worse', and Leahy regarded the delegation's subsequent efforts 'to hinder the clause from becoming more

65 Leahy to Russell, 1 Apr. 1829.

66 Resolutions of the Regulars of Cork, 15 Mar. 1829.

67 Interview with Mr Peel, 2 Apr. 1829. See also Minutes of Interview with the duke of Wellington (Irish Dominican Archive, Documents of Historical Interest, 18/29); Leahy to Russell, 1 Apr. 1829.

68 Interview with the duke of Wellington, 5 Apr. 1829.

69 Leahy to Russell, 1 Apr. 1829.

70 Leahy to Russell, 31 Mar. 1829.

71 Ibid.

72 Leahy to Russell, 3 Apr. 1829.

restrictive' a complete success.<sup>73</sup> Indeed, 'a strong report' had reached the delegation of a determined effort 'to shut up the loop holes' of the Bill.<sup>74</sup> In his interview with the delegation Peel referred to the defeat of several amendments intended to render the clause 'oppressive'.<sup>75</sup> The assurance from Peel that the enactment against the regular clergy would not increase in its severity was therefore hailed by the delegation as 'a much greater matter than most folks in Ireland will perhaps credit'.<sup>76</sup> As for the duke of Wellington, 'he pledged himself that the enactment ... should not be made severer', a pledge which Leahy considered 'a matter of the highest moment' as did the Jesuits, the only institute explicitly named in the Bill.<sup>77</sup>

Retention of the obnoxious clause in the Catholic Relief Bill 1829 should not obscure the fact that a more restrictive enactment against the Regulars was not framed and 'the gradual suppression and final extinction of the monastic orders in Ireland' which the Regulars had feared were not realised.<sup>78</sup> Indeed, the obnoxious clause did remain 'a mere dead letter' and a harmless thunderbolt.<sup>79</sup>

The efforts of the delegation at political persuasion and advocacy on behalf of the Regulars may well have provided a useful experience to O'Connor who was appointed vicar apostolic of Madras, India, in 1840,<sup>80</sup> to Leahy who succeeded as bishop of Dromore in 1860, and to Rice who was appointed assistant general of the Augustinians for Germany and for all other provinces outside Italy except those of Spain.<sup>81</sup> As to Russell, it is hard to resist speculation as to his sentiments in 1865 as he appealed for subscriptions to appeal a decision of the Court of Chancery based upon the Catholic Relief Act 1829. Ironically, he found himself battling to secure a bequest to the Dominican Order from James Simms, a Cork butter merchant, whose son contested the validity of his will on the grounds that the bequest was for the benefit of a body that did not exist under law!<sup>82</sup>

73 Leahy to Russell, 1 Apr. 1829.

74 Ibid.

75 Interview with Mr Peel, 2 Apr. 1829.

76 Leahy to Russell, 6 Apr. 1829.

77 Ibid.

78 Resolutions of the Regulars of Cork, 15 Mar. 1829.

79 Leahy to Russell, 1 Apr. 1829.

80 Peter Clancy, 'The Irish Augustinians in India, 1834–1841' in Francis Xavier Martin & Clare O'Reilly (eds), *The Irish Augustinians in Rome, 1656–1994 and Irish Augustinian missions throughout the world* (Rome, 1994), pp 115–137, p. 116.

81 William J. Battersby, *A history of all the abbeys, convents, churches, and other religious houses of the Order particularly of the Hermits of St Augustine in Ireland from the earliest period to the present time, with biographical sketches of the bishops, provincials, priors, etc of that holy order* (Dublin, 1856), p. 205; Francis Xavier Martin, 'The Irish Augustinians in Rome, 1656–1994' in Francis Xavier Martin and Clare O'Reilly (eds), *The Irish Augustinians in Rome, 1656–1994 and Irish Augustinian missions throughout the world* (Rome, 1994), pp 7–55, p. 22.

82 Penal Laws versus the Dominican Fathers (Archive, St Mary's Priory, Cork, 33/4/4).

## Documents

More than a century ago, extracts from the letters of John P. Leahy, O.P., to Bartholomew T. Russell, O.P., regarding the Catholic Relief Bill 1829 together with extracts from minutes of interviews with Robert Peel and the duke of Wellington were published as an introduction to the list of the Regulars in Ireland published on 15 June 1830 by order of the House of Commons.<sup>83</sup> The present contribution is a complete edition of the letters and minutes of which only extracts were previously published. Paragraphs have been introduced and the use of capitals and punctuation silently correctly to favour intelligibility. Spelling has been modernised and corrected as necessary, dates standardised, and direct speech set within single quotation marks. Corrections of the text are set within square brackets.

Dublin,  
Wednesday evening<sup>84</sup>

My dear Batt,

We arrived here today, and had a meeting of all the friars at the Augustinian convent. We agreed not to petition for the reason expressed in your letter, but resolved to memorial without subscribing our names. Our memorial will be grounded on one presented in Arthur O'Leary's time,<sup>85</sup> which was luckily preserved, adopting however such changes as may be demanded by a change of circumstances.

We also agreed to thank Dr Murray<sup>86</sup> for his noble conduct at this awful crisis. The thanks of the meeting were presented to *us* for the zeal manifested in the defence of our institutes.

We are to have another meeting on Friday, when we shall decide whether it be necessary for any to proceed to London. The friars of Ireland are to contribute to the expenses – a subscription has been already commenced.

You shall hear all details by the next post.

I am a good deal fatigued.

J. P. Leahy

Denmark St,  
Sunday, 22 March 1829

My dear Batt,

Never had I so much work on hand as since I last saw you. I have not been

83 Walsh, 'A list of the Regulars', pp 34–86.

84 The date of 18 March 1829 is supplied in the handwriting of Bartholomew T. Russell, O.P., *pace* Fergus A. D'Arcy, *Raising Dublin, raising Ireland: a friar's campaigns: Fr John Spratt, O. Carm., 1796–1871* (Dublin, 2018), p. 78.

85 Fr Arthur O'Leary, O.F.M. Cap. (1729–1802).

86 Daniel Murray, archbishop of Dublin 1823–52.

in bed any night before one o'clock and with a single exception I have arisen at six. My head is actually dizzy, but I should willingly undergo twice the fatigue for the object in which we have engaged.

On Friday about three o'clock, as Mr O'Connor's letter must have informed you,<sup>87</sup> he, Mr Spratt,<sup>88</sup> and your humble servant posted for Carlow with a document part of which I had in great haste abridged from O'Leary's, with the corrections rendered necessary by a change of circumstances. The other part was composed of reflections which I thought useful. We arrived at Carlow at half past ten and left the paper at Dr Doyle's house.<sup>89</sup>

At half past seven on the following day (Saturday) we waited on him. He was in his study perusing and correcting the memorial. After a short time, not wishing to interrupt him, we said that we would walk about his demesne and gardens until such time as he should have made his corrections. He gave each of us a copy of his petition and requested our opinions. The word 'now' in the last paragraph was the only one to which we could have an objection but as it would admit of a favourable construction, it seemed right not to make any observation. I wrote on Mr O'Connor's hat a few lines to Tom Sheehan<sup>90</sup> in the gardens.

When the doctor had corrected the memorial, I wrote it out in his drawing room. We then weighed every word in full council. The bishop seemed delighted with it – said that he had preserved every thought in it and called it a powerful document, applying to it the expression of Virgil, 'Si Pergama ...'<sup>91</sup>

At twelve o'clock last night we arrived in Dublin. Today at two we had a meeting of the Regulars, Kinsella<sup>92</sup> the provincial of the Carmelites in the chair. Mr Aylmer<sup>93</sup> offered strong objections to one part of it, which he said would affect the Jesuits, and not wishing to offend him we erased it. All our reasons I shall explain another time.

It was then proposed to send a deputation to London according to the advice of Drs Doyle and Murray. Griffith<sup>94</sup> proposed an amendment that our memorial should be entrusted to Kenn[e]y.<sup>95</sup> He was seconded

87 Fr Daniel O'Connor, O.S.A.

88 Fr John Spratt, O. Carm. See D'Arcy, *Raising Dublin*, p. 78; Peter O'Dwyer, *Father John Spratt: beloved of Dublin poor* (Dublin, 1971), p. 13; Walsh, 'A list of the Regulars', p. 63.

89 James W. Doyle, O.S.A., bishop of Kildare and Leighlin 1819–34.

90 Elsewhere Leahy expresses his satisfaction at the suggestion of a Tom Sheehan as proprietor of a magazine. See Letter from Fr John P. Leahy, O.P., to Fr Bartholomew T. Russell, O.P., 25 Aug. 1829 (Irish Dominican Archive, Documents of Historical Interest, 18/29).

91 'Si Pergama dextra defendi possent, etiam hac defensa fuissent.' Virgil, *Aeneid* 2.291. 'If any strong arm could have defended our fortress, surely mine would have defended it.'

92 Fr William Kinsella, O. Carm. Walsh, 'A list of the Regulars', p. 61.

93 Fr Charles Aylmer, S.J. See *ibid.*, p. 54.

94 Fr Patrick R. Griffith, O.P. See *ibid.*, p. 63.

95 Fr Peter Kenney, S.J.; *ibid.*, p. 67. Kenney, superior of the Jesuit mission in Ireland from 1812–1817 and 1821–1830, had travelled to London in early March 1829. Thomas J. Morrissey, *As one sent: Peter Kenney, 1779–1841: his mission in Ireland and North America* (Dublin, 1996), p. 217.

by Tommins.<sup>96</sup> We divided. There were only four against us, Griffith, Tommins, Aylmer, S.J., & Devereux, O.S.F.C.<sup>97</sup> Mr O'Connor was then appointed as our deputy. He goes tomorrow.

So, I have nothing more to delay me in Dublin unless the friars who intend to meet regularly request me to remain.

I hope to send you the memorial tomorrow with further particulars, but I cannot conclude this without informing you that in sending his petition to Mr Peel, Dr Murray accompanied it by a letter in which he declared that he would consider it a *personal* favour to change the clauses regarding the friars.

We have had letters from the primate<sup>98</sup> and his coadjutor.<sup>99</sup>

Yours ever and sincerely,  
John P. Leahy

Chapel House, John's Lane  
23 March 1829

My dear Batt,

When I wrote to you yesterday, I imagined I should be soon in Cork to take my share of labour, but Mr O'Connor insists on my accompanying him to London, and off I go tomorrow morning.

It is probable that the duke of Leinster<sup>100</sup> will be our travelling companion, and in that case Mr Aylmer, S.J., will introduce us. At all events he will prepare him for a visit from us in London.

We go by Holyhead, as the weather is very boisterous and Mr O'Connor afraid of a long trip by sea.

On Wednesday morning we shall be in Shrewsbury and at night in the metropolis. We then purpose waiting on the duke of Wellington and Mr Peel, that is, should it seem expedient to our friends. I hope and so does Mr Aylmer (who by the bye is now writing in the next room, both of us waiting impatiently for the proof sheet of our memorial) that we shall have some success. Whether or no, it will be of service hereafter to enter our protest against the unjust clauses which affect us. So thinks Dr Murray, so thinks Dr Doyle, and so think the 'out and outers' among us.

As yet we have only received three answers to our circulars addressed to the prelates: a rigmarole one from the primate; a most affectionate and spirited one from his coadjutor, informing us that a petition signed by

96 Fr John Tommins, O.P. Walsh, 'A list of the Regulars', p. 63.

97 Fr John Devereux, O.F.M. Cap. The postnominal abbreviation O.S.F.C., *Ordo Sancti Francisci Capuccinorum*, one of the older abbreviations used by the Capuchins, was widely used, even in the early part of the twentieth century. Although Devereux was in Dublin, his name was not included in the list of the Regulars published by order of the House of Commons on 15 June 1830. See Irish Capuchin Archives EMT/2/6/1.

98 Patrick Curtis, archbishop of Armagh 1819–32.

99 Thomas Kelly, coadjutor archbishop of Armagh 1828–32.

100 Augustus Frederick Fitzgerald, third duke of Leinster.

3,000 persons in our favour had already gone forward from Newry, but that he would assemble his clergy and in conjunction with them present another petition; a very favourable one from Dr Murphy<sup>101</sup> of Cork. At least we suppose it was from him, for although there was no signature, yet it was dated Cork. The Djezzar of Waterford<sup>102</sup> will not petition; but his clergy and laity will. Dr Murray continues to express himself in the most affectionate terms with regard to us and indeed so do his clergy. One of them said that though we might give each other a knock now and then, yet that was no reason why we should allow others to do so. Dr Lube, the Dean,<sup>103</sup> proposed that a deputation of secular clergy should be sent to London in our favour. Dr Doyle desired us agitate to the end of the chapter. So much for their Lordships.

We have collected £25 10s. from the Dublin regulars as their contribution. It is expected that 10s. from each religious in Ireland will defray all the expenses. Aylmer gave £5 10s.

Our brethren in Dublin, with the exception of Griffith, are lukewarm in the cause. Stuart<sup>104</sup> of this house, Kinsella, Spratt,<sup>105</sup> and Hanlon<sup>106</sup> have made themselves very serviceable by their activity, Stuart especially.

Should you receive papers from any part of England, they will be sufficient to indicate my safe arrival.

With compliments to all the religious of Cork.

I remain your affectionate brother,  
John P. Leahy

101 John Murphy, bishop of Cork 1815–47.

102 Patrick Kelly, bishop of Waterford and Lismore 1822–29. In disappointment at Kelly's failure to petition, and in jest, Leahy refers to him as Aḥmad Pasha al-Jazzār (c.1720s–1804) a governor in the Ottoman Empire notorious for his cruelty and severity and known as Djezzar Pasha, the Butcher Pasha.

103 Dean Andrew Lube, parish priest of James's Street, Dublin 1810–31, and appointed dean of the metropolitan chapter in 1826. See Dublin Diocesan Archives, Papers of Daniel Murray, archbishop of Dublin 1823–52, AB3/30/9/56. See 'Lube (Louby, Luby), Andrew' in J. Anthony Gaughan, *The archbishops, bishops and priests who served in the archdiocese of Dublin in the eighteenth century* (Dublin, 2013), p. 75.

104 Fr Charles Stuart, O.S.A., who resided at John's Lane, Dublin, and organised the first meeting of the Regulars in John's Lane to campaign for the abolition of the clauses in the Bill hostile to them. See Thomas C. Butler, *John's Lane: a history of the Augustinian friars in Dublin, 1280–1980* (Dublin, 1983), p. 128. See also Thomas C. Butler, *The Augustinians in Cork, 1280–1985* (Cork, 1986), p. 52.

105 Fr John Spratt, O.Carm.

106 See Walsh, 'A list of the Regulars', p. 63 for reference to a Fr Redmond J. O'Hanlon, O.D.C. A reference to a Fr Raymond O'Hanlon, O.D.C., may be to the same individual. See James P. Rushe, *Carmel in Ireland: A narrative of the Irish province of Teresian, or Discalced Carmelites, A.D. 1625–1896* (Dublin, 1903), p. 175.

Birmingham,  
Thursday, 26 March 1829

My dear Batt,

Before this reaches, you will have ascertained the fact of my arrival in this land of bugs and bigotry by the very *interesting* paper I despatched last night from the Brunswick Hotel in Shrewsbury.

We arrived here about six this morning, having travelled all night with the intention of advancing on London by the most rapid marches, but poor Mr Rice<sup>107</sup> was so sick from fatigue that we were compelled to lie to for the day – unfortunately enough as I perceive by an excellent paper, *The British Traveller*, that the clause affecting us is to be reconsidered tomorrow evening. To obviate as much as possible the inconveniences arising from delay, we shall send forward by this evening's mail copies of our memorial to the leading members. We shall be in London about six p.m. tomorrow.

The following leaf from my journal may prove interesting: Tuesday morning left Dublin at six. Howth at half past eight. Very rough passage; sick as a dog. Only passengers of note: Col. LaTouche MP<sup>108</sup> and Miss Foote.<sup>109</sup> Arrived in Holyhead at half past eight. Hotel keeper a rascally cheat; servants as much so as their master. Posted to Bangor. Passed a monument to the Marquess of Anglesey<sup>110</sup> and that wonderful work, the Menai Suspension Bridge.<sup>111</sup> Arrived at Bangor at half past one. Went to bed at two. Up at half past five. Hotel excellent, nay superb, and servants very civil.

Is not this very like the notebook of those abstemious gentlemen, the Methodist missionaries? Left Bangor at seven. The count[r]y delightful,

107 Fr John Rice, O.S.A. Together with the names of O'Connor and Leahy, the name of John Rice appears at the end of the minutes of the interviews with Peel and the duke of Wellington, held on 2 and 5 April 1829 respectively, to attest to the correctness of the minutes. Walsh mistakenly identifies the Rice of the delegation as the founder of the Irish Christian Brothers, Blessed Edmund Ignatius Rice, rather than one of his brothers, Fr John Rice, O.S.A. See Walsh, 'A list of the Regulars', p. 36 & p. 39, note 1. Walsh is not alone in naming Edmund Ignatius Rice as part of the delegation despatched to London. See Fitzpatrick, *Edmund Rice*, p. 209; Carmel Doyle, 'O'Connor, Daniel', *DIB*, vii, p. 236; and D'Arcy, *Raising Dublin*, p. 79. Cf. Keogh, *Edmund Rice*, p. 199. The interventions of Rice during the interview with the home secretary regarding the administration of the sacraments and the size of church congregations also suggest Fr John Rice, O.S.A., as does his reference to 'the loss of our continental establishments during the French Revolution'. Interview with Mr Peel, 2 Apr. 1829.

108 Colonel Robert LaTouche, M.P. for Kildare 1802–30.

109 Most probably Maria Foote, a British actress, 'indefatigable in the pursuit of her profession, and is said to have traversed England, Ireland, and Scotland every year for five years, in course of which she posted twenty-five thousand miles'; John Joseph Knight, 'Foote, Maria, Countess of Harrington in Leslie Stephen (ed.), *Oxford dictionary of national biography 1895–1900* (63 vols, London, 1889), xix, p. 370.

110 The column erected at Llanfairpwllgwyngyllgogerychwyrndrobwilllantysiliogogoch on the Isle of Anglesey in 1817 in honour of Henry William Paget, first Marquess of Anglesey, for his role in the Battle of Waterloo.

111 The bridge across the Menai Strait designed by Thomas Telford, in use by 1826 although completed at a later date.

nearly as picturesque as Glengarriff,<sup>112</sup> for upwards of fifty miles. I never was so enchanted. The day was charming and the view was considerably improved by a playful succession of light and shade.

When we approached Shropshire, the thickening of the atmosphere indicated quite plainly the vicinity of the great manufacturing counties. Shrewsbury is a curious-looking old town. Most of the walls are divided by strong partitions of oak painted black and dividing each other at right angles. The interstices being filled up with a sort of red earth which hardens by exposure to the air and might easily be mistaken for brick.

At ten we left Shrewsbury. During the night the country was illuminated by the fires of the manufactories. These presented an awful appearance. Imagine that at every side, as far as the eye can reach, you see immense bonfires of red-hot coals and you will scarcely conceive the terrific reality of this wonderful country.

Birmingham is a very handsome, I might say, splendid, city. The streets are all spacious and the windows of all the second stories resemble those of shops. On tomorrow we shall pass through the birth-place of Shakespeare, Stratford-on-Avon, and that den of darkness, Oxford.

I forgot among many other things to mention that while at dinner yesterday, looking out from the tavern at Llangollen, on the beautiful meandering of the Dee, a Welsh harper (a complete master as far as my untutored ear could judge) kept playing during all the time we were at dinner some of the finest airs of his native country.

The cleanliness of the peasantry throughout Wales is remarkable; nor is their industry less so. Every woman going to or from the neighbouring towns was constantly plying her knitting needles. The children, even those who were weeding, breaking stones, etc., had on shoes and stockings and little frocks. They were not, at least in Wales, the boors that they are represented. The children invariably bowed or curtsied as we passed along, so did many of the more aged people. But I should never cease were I to enter into all the reflections that the sight of this remarkable county has produced. Though my fatigue has been extreme, I should have been amply repaid by the pleasure and information I have derived from the journey had no more important matter been at stake.

Apropos of that matter, notice which Mr Peel has given that he would take into consideration the propriety of permitting the secretary of state, being a Protestant, to allow foreigners of monastic orders to enter into the kingdom under certain limitations affords us great pleasure. It would in fact render the Bill a dead letter.<sup>113</sup>

The duke of Leinster is determined to divide the Lords on the clause.

112 Located on the Beara peninsula of Co. Cork.

113 'These provisions ... have been treated ever since they were passed as an absolutely dead letter.' James F. Stephen, *A History of the Criminal Law of England* (3 vols, London, 1883), ii, p. 493.

Mr O'Connor desires that you will inform Mr O'Neill<sup>114</sup> that he will write to him on our arrival in London.

Any letter to me you can address to the Post Office, London, to be left there till called for.

Yours ever and truly,

John P. Leahy

I know it is unnecessary to bid you call on my father and tell him that I am in excellent health and spirits.

London, 20 Cecil Street Strand,  
Saturday<sup>115</sup>

My dear Batt,

We arrived here about ten last evening. Of course, it was impossible to transact any business then. We were up this morning a little after six, and after saying our office, went to the post office to inquire for any letters promised by Dr Doyle. The Irish letters, we were told, would not be delivered till ten.

While waiting for them we casually fell in with a Mr Robinson, an extensive ship-broker, who had the kindness to introduce us to Lloyds, to all the offices of the bank, even to the bullion-room to which we were admitted by special favour, to the excise office, the stock exchange, etc. He presented us with his card and requested us to call on him next Monday when he would conduct us to the docks.

After getting our letters, we proceeded in search of Mr Kenn[e]y. We found him in the most splendid part of the West End. He immediately entered on business – put into our hands three circulars which he had distributed among members – told us that he had waited on several but found every assiduity unavailing. He had succeeded so far as to obtain from Sir H. Parnell<sup>116</sup> a promise that he would move a clause which might render the Bill ineffectual but Sir Henry never opened his lips. The impression among the higher politicians is that the bigots have made such impressions on the king's mind that if the clause regarding the Jesuits (which he had particularly insisted on) were abandoned, he would consider himself released from his promises to ministers to sanction emancipation.

Mr Kenn[e]y advised us to pursue our intention of seeking an interview with Mr Peel though Mr Scott,<sup>117</sup> a Jesuit resident here, could not obtain it for three weeks. Mr Kenn[e]y himself feeling that he was unfairly treated by the Right Hon. Gentleman thinks it fit to abstain from all communication with him. He seemed to consider our arrival most opportune, said that we might do infinitely more than he, and that even should we not succeed in the main point, we might soften asperities, etc.

114 Possibly his confrère Fr Bernard O'Neil, O.S.A. See Walsh, 'A list of the Regulars', p. 51.

115 28 Mar. 1829.

116 Henry Brooke Parnell, M.P. for Queen's County 1806–32.

117 Fr Edward Scott, S.J., the London agent of Stonyhurst College, Lancashire, 1817–32.

In this place, I may as well mention that when Mr Kelly the monk<sup>118</sup> waited on Mr S. Rice,<sup>119</sup> that gentleman exclaimed, 'How can we interfere in behalf of the regulars when they take such little interest in the bill themselves?'

(Sunday)<sup>120</sup>

So far I wrote last night after the other gentlemen had retired to rest. I must recommence tonight as orderly as I can, a difficult task I can assure you.

First, as to the king, I have told you one report regarding him. Another and what is considered a very likely one is that when Mr Peel waited on him a few days since, he exclaimed, 'Damn the Catholics. Damn the Protestants. Damn you all. I can't get a single moment's rest about this question.' And to the duke of Wellington, he is said to have expressed himself as follows on learning his duel with L. W.,<sup>121</sup> 'Carry the bill through the Lords in one day if possible, and on the next I shall go down and give it my assent in person.' It is also reported that he told the duke of Cumberland that he should always be happy to see him provided he should refrain from politics.

As to the Parliament, the Irish members are the most inactive good-for-nothing set possible. Petitions are laughed at here. A member gets up, says that he has a petition in favour of such an object, that he wishes it should be printed, and that's all about it. It is never read. A member may embody the substance of it in his speech but if he do not (which he seldom does) it is scarcely of any avail. Before leaving this point, I may as well mention that in the debate on Friday night, a strong feeling was manifested in favour of the regulars, more by the exclamations of the House than by any formal speeches. It was this that encouraged Peel to propose his miserable clause of which I had augured better things. At first, he himself was adverse to it.

Today we enclosed eighty of our memorials to the leading members of the Commons which we shall send by the monks' boys tomorrow. The monks for ever! We accompanied their boys to St Patrick's Chapel today. Kelly is an admirable fellow. He presented a petition suggesting a clause which though apparently excluding us would, if adopted, have saved us all. He has been of the greatest assistance to us.

Tomorrow, we request an audience from Mr Peel. We shall see Mr

118 Bro. John A. Kelly, C.F.C., the superior of the Irish Christian Brothers in London in 1826 and possibly still the superior in 1829. See *The Christian Brothers Educational Record, 1894* (Dublin, 1894), p. 469 & Walsh, 'A list of the Regulars', p. 41, note 1. In 1826 Edmund Ignatius Rice had taken over a school in St Patrick's, Soho, London. See *A Christian Brother, Edmund Ignatius Rice and the Christian Brothers* (Dublin, 1926), p. 387.

119 Thomas Spring Rice, M.P. for Limerick 1820-32.

120 29 Mar. 1829.

121 Lord Winchilsea and the duke of Wellington had fought a duel in Battersea Fields a week earlier, on 21 March 1829, provoked in part by Wellington's support of Emancipation.

Monck,<sup>122</sup> an honest M.P.!!!, Mr Barclay, M.P.,<sup>123</sup> and in all probability Spring Rice. You have no notion of the business pressing on us. Here I have got an opportunity to ask how in the name of wonder could you in Cork, whom we considered the '*spes ultima*' think of resolving that a deputation to London was not necessary.<sup>124</sup>

London, 20 Cecil Street Strand  
31 March 1829

My dear Batt,

The nobleman from whom I expected a frank<sup>125</sup> was not at home (having gone to the House of Lords) when we called on him today, else I should have written to you according to promise.

We were in the House at the third reading last night. Our names were on the speaker's list for seats under the gallery, but having separated in the crowd from Mr Rice, the only one among us acquainted with the intricacies of the labyrinth, we were obliged to pay our way into the usual place, which by the bye was dreadfully crowded.

It would make you laugh to hear the way in which petitions were read and received. Some other time I shall describe it. On the order of the day being moved, the House became very crowded, particularly the benches in which the old opposition sit. The marquis of Chandos<sup>126</sup> is a tolerable speaker, so is Moore of Dublin.<sup>127</sup> Young Bankes<sup>128</sup> is most impressive; he was listened to with breathless attention. The solicitor general,<sup>129</sup> tolerable. The late attorney general,<sup>130</sup> a man whose talents have been sublimated until they approach nearly to the scale of Bedlam, though highly impassioned and consequently likely to obtain a hearing, long before the end of his speech he wearied all the members except those who were sleeping very comfortably near him. Peel arose after him and laid on the bastinado in a manner which could not be appreciated by one who was not present. I shall never forget the feeling which he excited when, lowering his voice amidst the dead silence which the opening of his speech created, he said in a deep and startling undertone: 'I protest I have not as yet recovered from the astonishment (not to use a harsher expression) which I felt when the Honourable Gentleman retaining the office of Attorney General sitting

122 John Berkely Monck, M.P. for Reading 1820-30.

123 Charles Barclay, M.P. for Dundalk 1826-30.

124 The rest of the letter is no longer extant.

125 A letter with a 'frank', that is, the signature, of a peer or member of parliament in the corner of the envelope was carried without charge.

126 Marquis of Chandos, M.P. for Buckinghamshire 1818-39.

127 George Moore, M.P. for Dublin 1828-31.

128 Most probably William John Bankes, M.P. for Marlborough 1829-32 and son of Henry Bankes, M.P. for Dorset 1826-31.

129 Sir Nicholas Conyngham Tindal, solicitor general Sept. 1826-June 1829.

130 Sir Charles Wetherell, attorney general 19 Feb. 1828-29 June 1829.

on this bench beside me, conversing in friendly intercourse, started up, and used the information, the confidential information, which he had derived from his situation in order to betray that Government who had trusted him.' Sir Charles stood up to answer, but the deafening shouts of the House forced him to sit down. We left the House about two o'clock, and of course were not present at the close of the debate.

So, now the bill has passed the Commons. Its fate in the Lords is very doubtful. It will pass the first and second readings triumphantly, but the result in the Committee, as the duke cannot use his proxies there, is as yet uncertain.

The marquis of Anglesey declared at a large dinner party a few evenings since, that Government could not count on a greater majority than ten. Sir James Mackintosh said to us on Monday: 'I believe we shall have just enough of water to float over the bar, but nothing more.' As to the clause affecting us, I am afraid it is all over. Our best friends, acknowledging the propriety of our coming to London and entering our protest most distinctly, are still unwilling to risk the success of the bill to confer any benefit on us. When we were parting from Sir J. Mackintosh, he said to us: 'I have been labouring thirty-five years for Emancipation, and now that there is a likelihood of its success, I must tell you candidly, gentlemen, that I will not vote against it on your account.' 'Nor should we wish you would, Sir James', answered I. 'I am sure of that', was the reply.

As I am speaking of our interview with Sir James, I may as well tell you that we waited on him for the purpose of getting him to present our petition. He treated us most kindly, asked several questions relative to our numbers, government, etc., told us that Bishop Berkeley<sup>131</sup> in his *Querist*<sup>132</sup> had considered it a peculiar advantage of the Roman Catholic religion that it possessed so many orders. He took the trouble to fetch the book and read several passages from it. He said he was highly honoured by our confiding to him our petition, but could not undertake to speak to it, as the House was quite impatient of any speeches relative to petitions.

In all the newspapers that I have seen, except the *Herald*, it is mentioned as a petition from the clergy of Ireland against the clause regarding the Jesuits. I drew up the petition at Mr O'Gorman's<sup>133</sup> room in the Thatched

131 George Berkeley (1685–1753), appointed to the see of Cloyne in the Church of Ireland in 1734, an appointment he held until his death.

132 'Bishop Berkeley's *The Querist* (1735–37), a wide-ranging work addressing the potential for economic development, banking, and monetary reform in eighteenth-century Ireland, is perhaps the most important contribution to Irish economic thought in the period, even if his farsighted proposals had little practical impact on his peers.' Daniel Carey & Marc A. Hight, 'Conference Report: Bishop Berkeley's *Querist* in Context' in *Berkeley Studies*, xxvi (2016), pp 20–22, p. 20.

133 Possibly Charles James Patrick Mahon, the O'Gorman Mahon, who had arrived in London on 10 February 1829 with Daniel O'Connell. See Bernard Ward, *The eve of Catholic Emancipation: being the history of the English Catholics during the first thirty years of the nineteenth century* (3 vols, London, 1912), ii, p. 248.

House.<sup>134</sup> I read it for Mr O'Connor, that very rich merchant of Dublin. He seemed profoundly ignorant of who or what the friars were. Jack Lawless<sup>135</sup> came in and delivered (only for his cursing) a most amusing discourse. I saw Chas Brown<sup>136</sup> there, he was inquiring for you, Mr Power,<sup>137</sup> etc. He promised to call at my lodgings.

We dined yesterday with Patt Leonard's confreres.<sup>138</sup>

A private word for Patt: I learned from Kelly that he had a letter from Dunphy<sup>139</sup> stating that they had agreed on professing their novices as quickly as possible but that when he read it for Mr Kenn[e]y, that gentleman said that there was time enough. Jack Lawless told us, I don't know whether joking or not, that it was Sir George Murray whose gallantry saved the nuns from being included in the new penal enactment. They were so at first, but Sir George declared that having known many fine women in Ireland, nuns, he could not be a party to anything that would distress them.

I am longing for home and I am sure whenever I get a moment for reflection, I feel most sensibly the very serious labour to which my absence must consign you, Mr O'Connor,<sup>140</sup> and Mr O'Loughlin.<sup>141</sup> But how could I help it?

J.P. Leahy

134 The Thatched House Tavern where a meeting of the Irish Catholics in London was held to express gratitude for the Catholic Relief Bill 1829 soon after copies of the Bill had been circulated. See Ward, *The eve of Catholic Emancipation*, ii, p. 260.

135 Possibly 'Honest Jack' Lawless. See C. J. Woods & Patrick M. Geoghegan, 'Lawless, John', in James McGuire & James Quinn (eds), *Dictionary of Irish biography from the earliest times to the year 2002* (9 vols, Cambridge: University Press, 2009), v, p. 353.

136 Evidently an acquaintance of both Leahy and Russell, both natives of Cork. It might be worth noting that a Charles Browne, a Cork man, entered the novitiate at Collegio S. Isidoro, Rome, some few years later on 26 August 1832.

137 It is worthwhile to note that Bartholomew T. Russell, O.P., was related to a Power family through the marriage of his sister Mary to William Power.

138 Bro. Patrick J. Leonard, C.F.C., Cork. See Walsh, 'A list of the Regulars', p. 52. The reference to his confrères is to the Irish Christian Brothers in London.

139 Quite possibly Bro. Edward Austin Dunphy, C.F.C., 'the right hand for many years of Bro. Ignatius Rice'; *The Christian Brothers Educational Record 1909* (Dublin, 1909), p. 51.

140 Fr John O'Connor, O.P. See Walsh, 'A list of the Regulars', p. 53.

141 Fr Patrick O'Loughlin, O.P. See *ibid.*

London, 20 Cecil Street Strand<sup>142</sup>

My dear Batt,

How will you be able to pay the postman? Having a favour of such magnitude to ask from members, I thought it awkward, if not impolite to request a frank, so, my good brother, you must even diminish the means which I, of all others, should be rather unwilling to wager on.

We waited on the marquis of Lansdowne and Lord Clifden today. The marquis entered rather largely into conversation, but in a manner which by no means characterised an eloquent speaker. He told us that Bishop Weld<sup>143</sup> and the Hon. Mr Clifford had waited on him just before respecting the obnoxious clause and that he had taken on himself to promise them that it would be inoperative. 'The danger', continued he, 'is that the clause will be made much more penal, and though I shall present your petition, yet you must not expect me to speak largely to it, as I am afraid that if any change be made in the bill, it will lead to alterations of a tendency far different from what we could wish'. I asked him, whether he thought that government would be satisfied in restricting us permanently to a number equal to what we have at present? He replied that it would be hard to answer that satisfactorily, but that he thought government would not deviate from any part of the Bill. He said, as indeed everyone says, that we act rightly in entering our protest against the Bill. It is remarkable that 'protest' was the very word used by the marquis.

Lord Clifden was all animation. When Mr O'Connor remarked that we should not have come forward had anything less than our extirpation been contemplated, he exclaimed, 'Holy St Francis! Extirpate you! They would not dare do it. I shall ride down to the House of Lords and place my name on the list for presenting petitions, as I have got one from my friend Dr Doyle, the bishop of Kildare and Leighlin. I intend to say that the Jesuits (for they are principally attacked) might have been formidable when there was no press, and when they were confessors to such weak kings as Philip III and IV and Charles II of Spain and to Louis X and even to Louis XIV of France but now that a press is in existence, it is absurd to talk of their influence – I am ashamed gentlemen to be reciting my speech. It is on the very tip of my tongue to tell the fools that the clause against you is inoperative, a 'brutum fulmen', a mere dead letter, but I must take care not to express this lest Eldon<sup>144</sup> might say: 'Ha, Ha, this you say is a dead letter, then we shall take care to make it effectual.' All the Whigs with whom we have conversed seem to have entered into a compact not to say a word which might retard the passing of the Bill.

<sup>142</sup> Leahy began the letter on 1 April and added to it on 2 April. Walsh assigned composition of the entire letter to the latter date. See Walsh, 'A list of the Regulars', p. 42.

<sup>143</sup> Thomas Weld, coadjutor bishop of Kingstown, Ontario, Canada, from 1826 until his death in 1837. His departure for Canada was delayed by family circumstances.

<sup>144</sup> John Scott, first earl of Eldon, and lord chancellor 1801–06 and 1807–27.

After leaving Lord Clifden, we waited on Sir James Mackintosh to return our thanks for the petition he presented, and then went to the Home Office to request an interview with Mr Peel. We had scarcely returned to our lodgings when a note arrived from the Right Hon. Gent. directed to the 'Very Rev. D. O'Connor', presenting his compliments and stating that he would see him and Messrs. Rice and Leahy at the Home Office tomorrow at two o'clock. So, we must endeavour (though I think hopelessly) to win for us his influence over the duke of Wellington. I shall write to you immediately after the interview.

Mr Kenn[ey] informed us that a strong report was in circulation that Lord Eldon was employed in an endeavour to shut up the loopholes of the bill, i.e., that he intended to move in addition to the obnoxious clause against us, that any one of us might be compelled by Government (remitting the penalties, as in case of King's evidence) to testify on oath whether any fresh member were admitted into our body and who they might be. We shall press strongly on Mr Peel that if our case be not made better, at least it should not be made worse.

I must tell you again and again that the bill is very insecure – the Marquis Conyngham<sup>145</sup> complained bitterly to an acquaintance of mine that the proxies had not come to town. The duke of Wellington is worn to a thread from the anxiety which this bill has occasioned. We are employed 'hammer and thongs' in preparing our memorial and petition (~~Does Patt Leonard object to petitioning?~~) for the Lords.

I remain your most affectionate brother.

John P. Leahy

2 April 1829

~~Today Mr Kel[ly] handed me a Cork paper containing an account of the examination in the monastery schools. I was delighted to perceive that they had not fallen off from what I may call their ancient fame. Present my best respects to Messrs. John Leonard,<sup>146</sup> Riordan<sup>147</sup> and Patt Leonard though I am very angry with him for blaming Kel[ly] for adopting actually the only mode by which we could hope to save ourselves.~~

London, Cecil Street Strand,

3 April 1829

My dear Batt,

We had a most interesting interview yesterday with Mr Peel. It lasted for more than half an hour although the bishop of Oxford was waiting in the antechamber for an audience. We went to the place, as I believe I

145 Francis Nathaniel Conyngham, earl of Mount Charles, M.P. for Donegal 1825–1831.

146 Bro. John Leonard, C.F.C., Cork. See Walsh, 'A list of the Regulars', p. 52.

147 Bro. Michael Riordan, C.F.C., Cork. See *ibid.*

mentioned in my letter of Wednesday<sup>148</sup> we should go, without the slightest hope that we could obtain an alteration of the clauses. Think what little hope we could have of this when Lord Elrington<sup>149</sup> said that he did not wish to learn reasons against our suppression, lest he should be compelled to vote against the bill. We wished however to gain Mr Peel's influence in our favour so far as to hinder the clause from becoming more restrictive, and in this we completely succeeded. His manner was extremely kind. When we asked whether in the event of our petitioning in a future session, we might count on the support of government, he smiled and said: 'Oh, we shall all be good friends for the future, we have been too long separated.' 'But you know, Mr Peel', said Mr O'Connor, 'that if the Bill pass, we must obey it and then we shall be extirpated in a few years'. He smiled most significantly, hung down his head, but said nothing. There is a language of the countenance as well as the tongue, and if I interpreted aright, it spoke as plainly as possible. 'Ah! You will take care to evade it, and you may fearlessly do so.' Indeed, he gave us many hints to the same effect. He particularly dwelt on his having protected us from the petty magistrates, and regulated the bill so that even in case of a transgression, we could not be prosecuted except by the Crown. I asked him whether government would not be satisfied with restricting us to a like number of establishments and individuals as we had at present. This seemed to strike him particularly and he asked several questions relative to it, but made no direct answer.

A most curious incident in the conversation was that he asked, 'Had not some bishops in Ireland refused jurisdiction to the friars?'

'No.'

'Was there not some divisions.'

'No.'

'Some jealousies?'

'Not of any moment.'

'But was there not some dispute lately in Galway between the secular and regular clergy?'

I perceived by these questions that he thought our destruction would prove acceptable to the seculars and I immediately answered that notwithstanding this difference the bishops and clergy of Galway had come forward in our favour. On our rising to take leave he asked us did we not intend to visit the duke of Wellington, advised us to do so, and told us we might inform the duke that he had given us this advice. This will be a splendid introduction to his Grace. I have taken a minute of the whole conversation which I think will interest you much when I get back. You will see the propriety of keeping the details of this interview from the papers.

<sup>148</sup> Letter from Leahy to Russell, 1 Apr. 1829.

<sup>149</sup> Thomas Elrington (1760–1835), appointed to the see of Leighlin and Ferns in the Church of Ireland in 1822, an appointment he held until his death.

Mr Kenn[e]ly visited us twice on yesterday, he seemed rather surprised at the speed with which Mr Peel granted us the favour of an audience for Mr Scott the Jesuit was three weeks awaiting it and the Hon. Mr Clifford and Bishop Weld could not at all obtain it. Mr Kenn[e]ly told us that in a conversation with Mr Blake,<sup>150</sup> the chief remembrancer, he mentioned that the people blamed Mr B. for the present attack on the regulars. B. seemed highly incensed and replied: 'But, Mr Kenney, did I speak that way of your institute.'

'No', says Mr K., 'and it is on that account I have taken the liberty of mentioning what others say of you'.

'Well then, sir', said B., 'recollect I was on my oath. I was obliged to speak to the best of my belief and when asked whether I had heard that friars were considered useless by the secular clergy – could I answer that I had not, when in point of fact I had so often heard from bishops themselves that they were. But let not my intentions towards the friars be judged of from my evidence, but from my acts, when I was free to follow my inclinations. Did I in drawing up the bill of 1825 include a clause similar to that now under discussion? I did not. I was unwilling to sacrifice any portion of the clergy but I wished to connect them with the state and, for that reason, I adopted the principle of the veto, a much better measure than what is proposed at present.'

I hope we shall see the duke of Wellington tomorrow. Today he will be too much occupied with preparing for the debate of tonight.

We have distributed a great many of our memorials to different members of parliament.

I have not as yet been able to visit Westminster or St Paul's. Indeed, we have been obliged to work like galley-slaves.

We shall remain till the discussion on the clause affecting us. I think we shall leave this by Thursday next.

Proceeding by the way of Liverpool, we shall be in Dublin by Saturday, and then I shall lose as little time as possible in getting to Cork.

Yours, etc. etc.

John P. Leahy

London, Cecil Street Strand,  
6 April 1829

My dear Batt,

On Friday we dropped a note at the duke of Wellington's requesting an audience and though as you may very well suppose he was deeply engaged on that day in his parliamentary duties, yet in the evening we had a reply

150 Anthony Richard Blake was appointed chief remembrancer of the exchequer for life in 1823. See Richard Hawkins, 'Blake, Anthony Richard' in James McGuire & James Quinn (eds), *Dictionary of Irish biography from the earliest times to the year 2002* (9 vols, Cambridge, 2009), i, p. 580.

appointing twelve o'clock the following day and requesting to see us at that hour. We accordingly went, but as he had to be in parliament by one and had not got home before three o'clock the preceding night, he was unable to afford us the interview. He sent his secretary to apologise and hoped it would be no inconvenience to us to call about the same hour on Sunday.

We were received most affably by him on yesterday. He pledged himself that the enactment against us should not be made severer. This is a much greater matter than most folks in Ireland will perhaps credit. From the tenor of some of my former letters, you must have perceived that old Eldon intends or intended to move a clause which would enable a prosecutor to call on any one of us and force us to give testimony against each other, remitting the penalties to the individual so called on. You must have also seen that the Whigs were ready to concede many points sooner than lose the bill. So that the duke's *pledge* is a matter of the highest moment, and so the Jesuits consider it.

The duke also told us that his own prejudices, as far as they went, were in favour of the religious, and he three times expressly desired us leave the matter entirely to him. He informed us that the sole reason of his introducing the clause was this – the law of the country prohibited such institutions and yet Government could not shut their eyes to the fact that in despite of the law, we existed in the kingdom. 'Now', added his Grace, 'it would ill become us to go down to the House and in carrying this tremendous affair – for you see it is much more difficult than either you or I or anyone else could have imagined – it would ill become us to protect those who were acting against the law'.

'But, my Lord', said I, 'was not our existence legalised by the acts of '91<sup>151</sup> and '93?'<sup>152</sup>

He seemed evidently puzzled and answered that he believed not, that he thought he had an opinion to the contrary but that it was a matter for further consideration.

He went to the door with us himself and opened it – a circumstance, which however trifling may serve to show the affable manner in which he received us, as I believe it was a deviation from strict etiquette.

Today we saw that kind-hearted man, the marquis of Anglesey. He is all frankness. He came into the drawing room in his morning dress apologising on the ground that it was better appear so, than detain us a moment. He attributed to himself the merit of having forced government to introduce this measure and said that we might hope for everything provided Ireland would behave herself. 'We have much increased in knowledge',

151 An Act to Relieve, upon Conditions, and under Restrictions, the Persons Therein Described, from Certain Penalties and Disabilities to which Papists, or Persons Professing the Popish Religion, Are by Law Subject, 1791 (31 Geo. III, c. 32).

152 An Act for the Relief of His Majesty Roman Catholic Subjects of Ireland, 1793 (33 Geo. III c.21).

said he, 'and our descendants, it is to be presumed, will surpass us both in that and in its consequent liberality'. The marquis has nothing of the soldier about him. His voice is exceedingly mild.

Today also we again saw the marquis of Lansdowne and were again received most graciously. We handed him our petition. In it I inserted an argument which I borrowed from the very speech of the duke of Wellington that as long as any restriction was left unrepealed so long would the Catholics be dissatisfied. The marquis undertook to arrange matters with the duke and to take on himself all the blame of presenting our petition for we were afraid that as his Grace had so repeatedly desired the affair be left with himself,<sup>153</sup> he might feel hurt that we should at all move in it. This is only a specimen of the marquis's great kindness.

Yours ever and truly,

John P. Leahy.

You will still, I think, agree with me that these details are not for newspapers. Nine bishops voted for us in the great majority.

#### Minutes of our Interview with Mr Peel

Thursday, 2 April 1829, waited on Mr Peel, agreeably to his note, at two o'clock. Mr O'Connor, having introduced himself, apologised for the liberty which he had taken in addressing him from Birmingham, thanked him for the ready manner in which he had granted us the honour of an interview, told him that we were sent over by the Regulars of Ireland to thank him for the very great benefits he was conferring on it and to present ourselves to Government in order to satisfy them in any manner they might deem advisable that there was nothing either in our constitution or in our conduct which would call for our destruction.

'Well, but', said Mr Peel, 'you perceive I have cautiously abstained from impeaching your loyalty. Indeed, I had no information which could warrant me in doing so. I even resisted successfully several amendments which would have made the clause oppressive. I understood that it was intended to move an amendment ordering in three or five years all the Regulars to quit the kingdom, but I intended that I would oppose this with all the force of Government. And when Sir R.<sup>154</sup> moved that in three months from the date of this, education should be taken away from you, I successfully resisted the amendment, not wishing that you should suffer any personal inconvenience or that vested rights should be disturbed.'

Mr O'Connor replied that when several would drop off, we should become a burden to the people, being precluded from receiving any new members and consequently from having the assistance of more youthful associates.

<sup>153</sup> See Interview with the duke of Wellington, 5 Apr. 1829.

<sup>154</sup> Sir Richard Vyvyan, M.P. for Cornwall 1825-1831.

Mr Peel remarked that he thought our congregations would become larger.

Mr Rice said that would be perfectly correct if we were able to attend to them, which we could not when labouring under the infirmities of advanced years.

Mr O'Connor then entered on an explanation of our institutes – said: 'We had disclaimed by our Oath of Allegiance any foreign authority in temporals, and that as to authority in spirituals we were less under the foreign jurisdiction than secular priests, for this reason, that, all jurisdiction in the Catholic Chapel was derived through and from the pope, for the secular priests through the Propaganda,<sup>155</sup> for the regulars through what were called their generals. But the difference was that the person put in nomination to be bishop could exercise no jurisdiction until his appointment by the Holy See, whereas the superior after being elected by what is called our chapter immediately entered on jurisdiction and that the confirmation of the general was a mere formality which could not be refused except for a canonical fault.'

Mr Peel asked whether all our jurisdiction was not derived from the bishops.

Mr O'Connor said that all jurisdiction over the people and all right to administer sacraments were certainly derived from them.

Mr Peel asked whether jurisdiction was not refused the regulars by some of the bishops?

'No.'

'Was there not some difference between them?'

'No.'

'Some jealousies?'

'Not of any moment.'

'Were there not some lately in Galway?'

Mr O'Connor remarked that these were about some [cemeteries]<sup>156</sup> and Mr Leahy added that notwithstanding this, the secular priests and bishop of Galway had come forward to petition in our favour.

Mr O'Connor remarked that the bishops and laity would have come forward in stronger terms in our defence, but that gratitude for the Relief Bill hindered them from adopting any course which might embarrass the Government.

'Are they well satisfied?' asked Mr Peel.

'Indeed', said Mr O'Connor, 'the very prospect of relief has produced wonderful effects. It has acted like a spell. Their gratitude to you and to the duke of Wellington is extreme.'

155 Sacred Congregation de Propaganda Fide.

156 Regarding a final settlement in the 1820s of 'the old dispute about funeral offerings', see Hugh Fenning, 'The Dominicans of Galway' in Eustás Ó Héideáin (ed.), *The Dominicans in Galway, 1241–1991* (Galway, 1991), pp 22–36, pp 32, 33.

'It is, sir', said Mr Leahy, 'completely Irish gratitude. It is unbounded.'  
'Oh, yes', remarked Mr Peel, 'in giving relief at all, it was better to do it generously'.

Mr O'Connor went on to explain the nature of our institutes. He remarked we had no property, that we were supported by voluntary contributions.

'But', said Mr Peel, 'there is some property belonging to the different orders, some property in the funds'.

'There is', said Mr O'Connor, 'property of that kind held by the nuns'.

'And by the convents too', added Mr Peel, 'for so it is represented in accounts sent forward in 1825 to the Lords by the bishops, extremely candid and fair ones. They are appended to the evidence.'

'At least, I can say for my own order', replied Mr O'Connor, 'that we have none'.

'You know', said Mr Peel, 'that the Jesuits at Stonyhurst<sup>157</sup> in England have property. I don't know how they manage to possess it. I suppose by secret trustees quite contrary to the policy of the law.'

Mr O'Connor was entering on an explanation when Mr Peel interrupted him by saying, 'Mr Kenn[e]y explained to me all about Clongowes.<sup>158</sup> A great deal of forbearance and toleration was displayed towards them, as it was judged odious to harass them.'

Mr O'Connor took occasion to say that he hoped the same toleration would be extended now to us, and reminded Mr Peel that hitherto our existence was in perfect conformity with the law having been legalised by the Acts of 1791 and 1793 and that it was severe to re-enact now part of the Penal Code.

'Why, you see', said Mr Peel, 'we have been greatly embarrassed and have met with many difficulties'.

'We are perfectly aware of that', answered Mr O'Connor, 'and our gratitude is proportionately great, but we hope that when at a future period we petition we shall have the support of the Government'.

'Oh, I trust', said Mr Peel, 'that we shall be all good friends. We have been too long separated.'

'I have', said he (holding down his head and smiling significantly), 'delivered you from the prosecutions of the neighbouring magistrates, and so regulated the Bill that it must be a government prosecution by responsible persons'.

'Indeed, Mr Peel', remarked Mr O'Connor, 'if we were subject to be harassed by every petty magistrate it would be better for us to leave the country all at once'.

'I am sure of it', was the reply.

157 Stonyhurst College, Lancashire.

158 Clongowes Wood College, Co. Kildare.

‘But you know, sir’, added Mr O’Connor, ‘if the law be enacted, we must obey it, and thence from the natural course of human life we must die off in nine or ten years’.

He smiled, held down his head, but said nothing.

Mr Leahy asked whether Government would not be satisfied in confining us to the present number of establishments and members, not permitting us at one time to have a greater number, for added he: ‘They are so few in number at present that they could no harm if they wished.’

He asked: ‘Who had the power of enlarging the numbers, whether the superior here or in Rome?’

Mr O’Connor answered that it was decidedly the superior here and instanced himself, remarking in addition that being obliged by our constitutions to receive no more than each monastery will support, and that support depending on the people, we could not make any great additions to our numbers. And he took that opportunity of remarking that it was as much our wish, as it could be that of the Government, not to receive foreigners for we should be obliged to support them whereas not knowing the language they could not perform those duties of which our support was an equivalent.

To this he seemed to assent.

Mr O’Connor further said that he might take the liberty of remarking that when our numbers would be very much diminished, the people would feel it very sensibly.

‘But’, asked Mr Peel, ‘are there not many places in Ireland in which no regulars exist?’

Mr Leahy said that was only true of the country places but that they were in all the cities and towns, and Mr Rice and Mr O’Connor enumerated the towns in which they were found, adding they were in all parts of Ireland except the north.

‘And said’, Mr Peel, ‘is not divine service performed there, and the sacraments administered to Catholics equally well as in other parts?’

‘Yes’, said Mr Rice, ‘but the number of Catholics there bears no proportion to those of the other provinces’.

Mr Peel asked whether the number of regulars had not greatly diminished since 1757, for so it was stated by Doctor Murray.

Mr Rice said such was the fact owing to the loss of our continental establishments during the French Revolution but that we had recovered them at present.

Mr O’Connor entreated Mr Peel to use his influence that no more penal enactments pass the Lords.

He promised us all his advice and influence could effect, and on our taking leave, asked whether we did not intend to wait on Lord Wellington, to request that he would oppose any severer enactment.

Mr O'Connor said, 'We did', and asked whether we might take the liberty of saying that we called on him, Mr Peel.

He immediately said that we might and desired us to tell Lord Wellington that he had recommended us to wait on him.

In the course of the conversation, Mr Rice also mentioned that we were not agitators, that we cautiously abstained from mixing ourselves up with politics.

'So much so', added Mr O'Connor, 'as to incur the reproaches of some of our countrymen, some of them having said it was they not the Government had to complain of us'.

(A true copy)

Daniel O'Connor

John Rice

John P. Leahy

Annotated, 'Clause in Emancipation Act against regulars'

Minutes of our interview with the duke of Wellington Sunday, 5 April 1825, waited on the duke of Wellington at twelve o'clock, introduced to his Grace about a quarter past one.

Mr O'Connor introduced himself and his companions, thanked his Grace for the honour of an interview, said we were sent over by the Regulars of Ireland, first to thank his Grace for the measure of the Catholic Relief, secondly to present a memorial on their behalf, thirdly to satisfy the Government that there was nothing in their institutes or in their conduct which could demand their suppression, begged that his Grace if possible might alter the clause, in the Committee, and if that were impossible that, should we petition at a future time, he would lend us his support.

Mr O'Connor further stated that we had waited on Mr Peel, who most kindly allowed us to use his name, and advised to request of the duke that the clauses might not be made more severe in the Committee.

The duke replied that he did not think there was any intention to alter the clauses, that the present feeling throughout Europe would not allow existing rights to be disturbed.

Mr O'Connor said that if anything short of our extirpation were [contemplated]<sup>159</sup> we should not have troubled the Government.

His Grace answered that the Government did not inflict any penalty on any individual. It only prohibited others from entering into such societies.

Mr Rice remarked: 'We felt it was, by implication, casting a stigma on us, as why should we be suppressed if we were not disloyal or obnoxious to the state?'

'No', said the duke, 'I do not consider it in that light. I never used a word of censure against you. On the contrary, my prejudices are in your

159 The minute of the meeting reads, 'completed'.

favour but the law required that no such orders should exist and yet we cannot close our eyes to the fact that there are such orders both in England and Ireland. Now it would badly become us to come down to Parliament, and in carrying this tremendous affair – for you see it is a far more difficult matter than you or I or anyone else could imagine – it would ill become us to go down to Parliament and ask protection for those institutes which exist in despite of the law. You may easily perceive that the people of this country are decidedly hostile to you. We wish by this measure to produce peace, if possible, and the whole reason of the clause of which you complain is that you exist contrary to law. What I desire at present is that you leave the matter to me.’

Mr Leahy asked, ‘Were not the Regulars legalised by the acts of 1791 and 1793?’

His Grace hesitated and said he believed not, that he thought he had an opinion to the contrary.

Mr Rice said he wished to submit it to the Government.

The duke replied: ‘Yes, it is a matter for consideration.’

He again said that he wished we should leave the affair in his hands, and asked for our memorial. Mr O’Connor handed it, and Mr Leahy asked whether we might not petition. The duke said he thought it better not.

Mr O’Connor said that we trusted to his generosity.

He seemed pleased, and on taking leave he assured us that the clauses should not be made severer.

(A true copy)

Daniel O’Connor

John Rice

John P. Leahy