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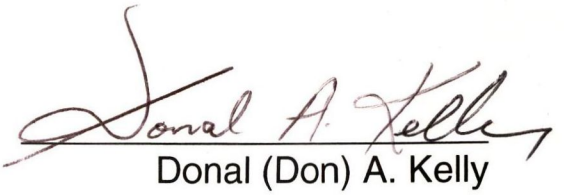
The Contribution Of Blessed Edmund Ignatius Rice And His Christian Brothers To The Philosophy And Structures Of Nineteenth Century Irish Education.

By Donal (Don) A. Kelly

A thesis submitted to the Department of Higher Education in fulfilment of the requirements for the award of the Degree of Doctor of Philosophy.

9th September, 1999.

I declare that this thesis is entirely my own work and that it has not been submitted as an exercise for a degree at any other university.



Donal (Don) A. Kelly

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Appendix Twenty Two:
Photocopy of the book Positio Super Virtutibus and the following five relevant pages.

Pro Deo Et Pro Patria

The contribution of Blessed Edmund Ignatius Rice and the Irish Christian Brothers to the philosophy and structures of 19th century Irish education.

Abstract:

The aim of this thesis is to provide a balanced and factual evaluation of the subject matter outlined in the title of the work. The two opening chapters provide an historical account of educational provision for Catholics in the 18th century in Ireland in general. These chapters also take account of the efforts of Catholic individuals, both lay and clerical, to circumvent the Penal Laws against Catholic education in various locations, initially on an ad hoc basis and later in a more structured form.

Chapter Three addresses the early life of Edmund Rice, his background , his family history, his education and his commercial life in Waterford, with the success, prominence and wealth he achieved, together with an account of his marriage and its tragic ending. Chapter Four outlines the educational structures that existed for Catholics in Ireland in the 18th century with particular reference to the city of Waterford. Chapter Five deals with his growing interest in the field of Catholic education and the crystallisation of his ideas and thinking on the subject. His abandonment of his successful career and his early initiatives in providing elementary structures of free education for the poor boys of his adopted city also feature in this chapter. Edmund Rice's realisation of the need to recruit young men dedicated to this work in the service of God leads him to form a religious Institute of men devoted to this cause. Chapters Six and Seven give an account of the growth and expansion of his Institute and the of the development of structures of the early spiritual formation, which was indicative of the fact that Edmund Rice's initiative in education met the educational needs of those whom he sought to serve. These chapters also include an account of the

granting of a Papal Brief of Approval from Rome and of the opposition of the local bishops in Waterford and Cork to the extra-diocesan dimension of his undertaking. The various crises which faced Edmund Rice and his confreres in relation to Stanley's National Scheme of Education and in relation to the issue of pay are outlined in Chapter Eight of the thesis. The Maynooth Decrees Controversy of 1875 is also fully covered in this same chapter. Chapter Nine outlines the pedagogic system of Edmund Rice's Brotherhood in the 19th Century - its evolution, development and implementation and its underpinning educational philosophy.

Chapter Ten deals with the production of their own school texts by the Brothers, their controversial teaching of Irish history, their devotion to Irish culture and the promotion of Irish nationalism through Irish games, music and the national language. An account is also given of their service in a missionary capacity overseas to cater for the Irish diaspora. The thesis concludes in Chapter Eleven with an evaluation of the achievements of the Irish Christian Brothers as educational pioneers and innovators in 19th century Ireland and of their influence on the philosophy and educational structures of Irish education in the 19th century.

INTRODUCTION

The choice of the subject matter of this thesis had its origins in a number of factors, which , when considered cumulatively, provided a compelling incentive for the writer to proceed with the task within the natural parameters which the material itself would impose on such an undertaking. A written dissertation on any subject which has a clearly defined historical background imposes restrictions on the writer, particularly in regard to a strict adherence to fixed time periods. The history of nineteenth century Ireland, viewed from the perspective of developments in the field of education is, however, a compact and clearly delineated period and is capable of evaluation within that exact time frame.

The provision of structures of education on a formalised structured basis was far from satisfactory in meeting the needs of the vast bulk of the children of Ireland in the 18th and 19th century. The political, religious, social and cultural rights and traditions of the vast majority of the Catholic population of Ireland were officially denied to them. English policies towards Ireland in the wake of the Williamite victories of the late seventeenth century were directed towards the strengthening of English control of the island of Ireland and the domination of its people in every facet of their daily lives. It seemed only natural and politic to the Crown officials in London and their representatives in Dublin that those members of the Protestant population, whose political and religious affinities lay with the English Crown and Church, should receive the rewards of their loyalty and their natural orientation on the political and religious level. Thus the Protestant Irish Ascendancy classes were sure of protection and preferment in all aspects of their lives.

The situation in which the majority Catholic population of Ireland found itself in the eighteenth century could reasonably be described as dire. From the English viewpoint, this great mass of people was patently disloyal. They had manifestly shown this by their participation in three

outbreaks of revolt and rebellion in the years 1594-1603, 1641-1650, and again in the Jacobite Williamite conflict of the years 1688-1690. Their political sympathies lay with the defeated James II and his Jacobite successors, and their religious allegiance was even more firmly grounded in total obedience to the Church of Rome. This political cum religious disaffection would continue to fester. This perception of the situation led to apprehension in the minds of officials of Church and State in England of a likely and continuous state of political and civil unrest among the majority Catholic population of Ireland. This fear and apprehension would be more immediate and threatening for English-based power structures in Ireland. A concerted policy of oppression of the native Catholic Irish was planned and instituted. It took the form of a series of laws, known as the Penal Laws, enacted over a period of almost seventy years from 1690 to 1760, which succeeded in depriving Irish Catholics of almost every vestige of their political, civil, religious, economic and cultural rights. The critical comments of Samuel Johnson[1] and Edmund Burke[2] on the very nature of the Penal Laws as quoted in Chapter One of this thesis, provide an eloquent testimony not merely on the inequity of the laws themselves, but on the thinking of those legislators who formulated and enacted them. Even the illustrious Dean Swift, by no means a supporter of the rights of his fellow Catholic Irishmen was compelled to remark in a political dictum on the Penal Laws "that Government without the consent of the Government is the very definition of slavery".[3] These laws will be further elaborated upon in this thesis in so far as they have a direct impact on the subject-matter of this study. One comment however, is of crucial importance in attempting to understand the political and religious milieu in which the Penal Laws were passed and implemented. "The law does not suppose any such person to exist as an Irish Catholic".[4]

This legal dictum, unrivalled in its clarity and decisiveness, was enunciated as a matter of principle in the third decade of the 18th century by no less personages in Ireland than Lord Chancellor Bowes and Chief

Justice Robinson.[5]

In the field of Catholic worship and education, the Penal Laws had their own particular impact. The aim of this work is directed towards an understanding of the difficulties which faced Irish Catholic children in securing any form of basic schooling or education consonant with their religious beliefs, and which would free them from their illiteracy. It would be true to say that structures of education were provided by the Established Church in eighteenth century Ireland. These schools complemented the Parish Schools of Henry VIII's reign, the Diocesan Schools of Queen Elizabeth established in the 1560s, and the Royal Schools of James I, which were established in the early seventeenth century after the Ulster Plantation. Their performance was lacklustre and mediocre in many cases, at best. By no means were they structured, administered or financed to cater for any greater number than those which they already served. These Charity/Charter schools established in the early decades of the eighteenth century, grew in number as the century progressed. Their financial resources were limited initially, but with the receipt of Crown and Parliamentary grants from the 1740s onwards, their financial security greatly improved. However, their levels of pupil intake and academic achievement did not grow apace with their improved financial resources. The system of Charter Schools, their educational standards and their methods of administration were subject to the most severe censure and indictment by the 1791 'Report of the Irish Parliamentary Enquiry into the Charter and Endowed Schools'. The report of this Enquiry was so sensitive and embarrassing to the authorities of Church and State, because of the mismanagement of funds and resources, the pitiful condition of the pupils in these schools, and their low level of educational attainment, that the Report itself was shelved and not published until 1858.

Irish Catholic children could, if they had wished, been enrolled in these schools and could have received a basic form of free education,

but the price they would have had to pay would have been, in most cases, the abandonment of their Catholic faith and conversion to membership of the established Anglican Church. Their parents were not prepared to pay this price. The alternatives were either the abandonment of the hope of any formal type of schooling, or attendance at the local hedge school, where such existed, for instruction from itinerant schoolmasters at a small fee. These hedge schools, or pay schools, were not formally structured. They opened in areas where there was a demand for them, and where even the low level of fees demanded was capable of being met. The hedge schoolmaster, himself a product of some earlier furtive Catholic school run by either fugitive Catholic clergy or lay teachers, had no formal pedagogic training. The curriculum of these pay or hedge schools was not uniform. It depended on the extent of the knowledge of the lay teacher in question. The phenomenon of these hedge of pay schools, their spread and development throughout Ireland, and their academic achievements will be expanded upon in this thesis.. It is ironic that the Penal Laws in relation to the education of Irish Catholics although planned to have, a negative effect on the ability of Catholics to receive such an education had a most positive and beneficial effect in the long term on the same Catholic education of the Irish people. The Penal Laws unwittingly provided the incentive for Catholic individuals to try to circumvent the Penal Laws on Catholic education and provide alternative, if illegal systems of schooling for Catholics in both urban and rural Ireland from the mid 18th century onwards. These efforts by Catholic individuals took on a more structured format with the foundation in the early 19th century of Congregations of Catholic men and women, bound by religious vows, whose primary aim was to provide for the education of the Catholic youth of Ireland.

The only other alternative for Catholics who had some basic education and who wanted to pursue higher studies for the ministry of the Catholic Church, or in the more liberal arts, was to emigrate to the Irish Colleges in Europe. Again, this involved expense, and a certain degree

of danger, as Catholic emigration for education was also proscribed by the Penal Laws. The eighteenth century saw initiatives being taken by individual members of the Catholic clergy, both secular and regular, and by lay people, almost single-handedly in many cases, to open pay-schools, and in other cases, free schools, in the larger towns and cities of Ireland. Examples of this commitment to Catholic education can be seen in Dublin in the persons of Teresa Mullaly, Nano Nagle and the Jesuit Fathers Mulcaile and Betagh. The rural Catholic people supported their local pay or hedge school. In short, the situation was very far from satisfactory. It only needed the inspiration and commitment of Catholics of the calibre of Nano Nagle, Edmund Rice, Mary Aikenhead, Catherine Mac Auley and others, to answer the call and devote their lives and resources and those of their followers to the work of this educational ideal - the provision of structures of free Catholic education for the economically deprived and educationally ignorant children of Catholic Ireland.

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[1] James Boswell, Life of Johnson, ed. R.W. Chapman, (Oxford University Press, 1970), p 544.

[2] Edmund Burke, "Letter to Sir Hercules Langrishe on the Subject of the Roman Catholics of Ireland" (Dublin : P.Byrne 1792), - T.C.D. Library ref. Pamphlets - 54 u 93).

[3] Carl Van Doren, The Portable Swift, (New York : The Viking Press, 1948), p. 122.

[4] John Scully, Scully's Penal Laws and Refutation, (Dublin : H. Fitzpatrick, 1812), Vol. 1, p. 344.

[5] Ibid.

Chapter 1

An Historical Background to the Penal Laws in 18th Century Ireland

1.1 Introduction

The late 17th century - early 18th century Penal Laws, as we know them, are generally acknowledged as the immediate consequence of the victory of William III of Orange over his Stuart uncle and father-in-law, King James II, in a series of military engagements in Ireland in the period 1690-1691. This view could be fairly described as being over simplistic. It could be seen as excluding a more necessary and detailed examination of political and religious events, not merely in the context of contemporary English politics, but in the wider arena of European political, social and commercial activities. The immediate catalyst which could be said to have precipitated the events which led to the enactment of the Penal Laws against all Catholics and other non-conformists under English jurisdiction is described by historians as "The Glorious Revolution" of 1688.

> It was a decisive event in the history of modern Europe and also of the English speaking peoples; for it changed the character of English Government, gave meaning to a political philosophy and contributed to the working out of a balance of power between nations.[1]

The hero of this "Glorious Revolution" was Prince William III of Orange who became King William III of England, Ireland and Scotland. Its villain, or victim, was King James VII of Scotland who, more importantly, also held the thrones of England and Ireland as King James II.

1.2 General historical background to the Irish Penal Laws in the late 17th and early 18th century

1.2:1 The period 1570-1660

The causes of the 1688 Revolution had their origins a century and a half earlier in the Protestant Reformation. The consequences of the Revolution have endured until the present time in the structures of British political life and parliamentary and constitutional democracy. The English Protestant establishment which, for political, social, religious and cultural reasons supported the Williamite Protestant movement would present the events of 1688

> ... as a triumph for the purity of constitutional law over a blatant and outrageous attempt at its perversion, a re-affirmation of the liberties of the English people after the exercise by a monarch of unbridled arbitrary power.[2]

This interpretation, which has been called "the Whig Interpretation", was endorsed by chroniclers and supporters of the Revolution who wrote soon after its occurrence. It was the unchallenged perception of the events in question as seen from the English Protestant viewpoint and it held sway until the late 1930s. It was epitomised in the work of the English historian Trevelyan.[3] To other later twentieth century historians, however, the English Revolution of 1688 has been viewed and written of as

> a respectable revolution, an upper class revolution which left the integrity of the Stuart monarchy almost unimpaired: a slow and sober development of the inevitable forces of history, following accepted lines and scarcely deserving the title of a revolution at all.[4]

This view could be regarded as a modern revisionist interpretation of the events of 1688/89. Other historians hold this view.[5]

The genesis of the events in Irish history following the Williamite victories of the early 1690s, followed by the exultation of the class which became known as the Ascendancy and its support and espousal of the Penal Laws of the following seventy years, had its origins much further

back in English and Irish history than is generally acknowledged.

> The mentality, attitude and actions of the Protestant Ascendancy class in Ireland with strong support from England for the systematic and pitiless persecution of their Irish Catholic fellow-countrymen is more complex than the tradition of historical writing unduly influenced by the apologetics of nineteenth century Catholicism might suggest.[6]

Irish society had built into it conflicts of a kind not experienced in most other parts of Europe in the eighteenth century. The upheavals of a political, social and religious nature which occurred in Ireland in the sixteenth and seventeenth centuries had left a series of catalysts which would bode ill for the eighteenth and nineteenth centuries. The native Irish nobility had become a dispossessed elite and were now shrunken in size. They still had, however, the potential to threaten the established English order in Ireland. Allied to this potential for trouble was the even greater danger of a vast native Irish Catholic population, most of whom vehemently rejected and disavowed the established Anglicanism of the state.

The threat posed to the state and to the ruling Protestant minority by this large disaffected and potentially rebellious Catholic population was very real in the period 1691-1720. Catholic political affiliation to the Stuart dynasty in the person of the deposed and exiled James II was a constant reminder to the Irish Protestants of a danger that could recur. Allied to this fear was the possible danger of French and continental Catholic support for an invasion of Ireland to overthrow the Williamite settlement. This minority Protestant ruling class was, to a considerable degree, influenced in its attitude and actions towards Irish Catholics by its perception of its numerical inferiority. Other Protestant fears included a sense of their insecurity and the danger to their privileged status in a country which regarded them as interlopers and usurpers. They were, however, a determined and resourceful group of people, who, despite the odds ranged against them, were prepared to use every means open to them to hold on to their possessions and privileges.

The world of early eighteenth century Irish Protestantism has all too often been approached through the study of a handful of outstanding thinkers on the one hand, and the examination of a misleadingly systematic looking body of statute law, the so-called penal code, on the other. The result has been an unduly schematic approach.[7] This has led to a tendency to think in terms of an "Anglo-Irish intellect", or even a "Protestant mind", which is too uniform and simplistic an approach to the matter and one which cannot be upheld.[8] Irish Protestants had diverse and fundamental differences of opinion on a variety of important matters. The most pressing of these issues due to the perceived threat from the Catholic majority was whether they should be contained by penal legislation or the more humanistic method of conversion by means of proselytism. The treatment of dissenters was another issue that divided the minds of the Anglican Ascendancy in this early period 1691-1720. The latter decades of the century saw sharp political divisions among the Irish Protestant ascendancy in matters political, legislative, economic and commercial.

Feelings against Roman Catholicism, both as a religion and as a tool of primarily a foreign political power, had been running high in England from the reign of Mary Tudor. The memories of "Bloody Mary" and her execution of Protestant clergy and laity were handed down from generation to generation. The Papal Bull of Execution of Queen Elizabeth in 1570 by Pope Pius V and the alleged Jesuit encouragement of attempts to murder her were an integral part of English folk history. Mary, Queen of Scots, while in captivity in England from 1568 to 1567, was implicated in the Ridolfi Plot in Sept-Oct 1571 to have Elizabeth overthrown and Mary elevated to the English throne. It can also be recalled that Elizabeth's successor, James I, had been willing enough to show tolerance to English Catholics and had been 'rewarded' for this tolerance by the Guy Fawkes Plot of the 5 November 1605.[9]

Charles I, son of James I, thought little enough of the religious susceptibilities of his Protestant English and Scottish subjects to contemplate marriage with the Catholic princess, the Infanta Maria of Spain. When the negotiations, being more of a political than personal nature, foundered in 1623, he subsequently married the French Catholic princess Henrietta Maria in 1625. This marriage was regarded as a model of marital devotion, but it earned Charles I little credit from a nation suspicious of the dangers of Catholic subversion.[10] Queen Henrietta Maria was known to be a zealous Catholic propagandist, while Archbishop Laud, the choice of Charles for the Archbishopric of Canterbury, was wrongly believed to be 'a disguised papist'.

The 1641 rebellion in Ireland against English rule, allied to the horrific reports reaching London of the massacre of thousands of English and lowland Scottish settlers and planters, particularly in Ulster and in other areas of Ireland, but mostly in the Northern half of the country, in the early 1640s by ' wild Irish papists'[11] contributed in its own way to the revolt of the English Parliament against King Charles I in 1642.[12] The extent of 'planned' or deliberate massacres has been greatly overstated.[13] The most improbable of the numerous 'atrocity stories' that were soon in circulation found ready acceptance.[14] Howell, in his biography of Oliver Cromwell, claims that although there was great slaughter and suffering endured by the English settlers, the truth of a figure of in excess of 200,000, although readily accepted in England, cannot be proven.[15] These revelations profoundly affected Cromwell in his invasion of Ireland in 1649 and his later dealings with the rebellious Irish papists.[16]

1.2:2 The period 1625 - 1649

The conflict between King and Parliament in England was not a new phenomenon. King James VI of Scotland, who later became King James I of England on the death of Queen Elizabeth in March 1603, succeeded to the Scottish throne on the execution of his mother, Mary Queen of Scots, in 1587. James believed passionately in his divine hereditary right to rule as King. This philosophy or doctrine of the divine right to rule of the lawfully anointed sovereign came originally from the Old Testament records of the appointment and anointing of such biblical personages of King David and Solomon. The early Christian Church cherished those old Testament references to the anointing and consequent divine rights of Kings. They found a ready acceptance by the Catholic Church in the middle ages and were espoused by the medieval papacy as a further source of its power, not only in spiritual matters, but also in those which were political i.e. monarchical. This papal approval and support of the theory of the 'divine hereditary right of Kings to rule' was made clear by the papal condemnation of King John of England's signature of the Magna Carta in 1215. By so doing, King James in the Pope's view, had voluntarily renounced or reduced his divine right to rule by conceding to his barons and knights, freedoms and privileges that were intrinsically royal in nature and character.[17]

The Pope regarded the popular movement of the English baron and their support to secure 'their rights and privileges' from the King as enshrined in Magna Carta, as nothing less than rebellion against a lawful sovereign.[18] King James I maintained, rather unwisely, that the reason for the existence of Parliament was merely to ratify his decisions and to grant him the revenues by means of taxation to enable him to carry them out. In his own words he was "King by divine hereditary right" and "God's lieutenant on earth".[19] This royal belief of King Charles I was common among other Kings and rulers in Europe at the time. Parliament made no claim to control the administration, which it recognised as the King's province, but it did claim to lay down the general principles by which the

King governed.

> So began the struggle for self-government and an ordered liberty against an imposed despotic order, after the continental model.[20]

It was not a struggle for freedom and the acceptance of existing privileges, as had been outlined already the case of the barons in the reign of King John and which led to the signing of the Magna Carta in June 1215 by which the barons had secured the protection of their own privileges.

> This new struggle between King and Parliament in 17th century England was more focused on the privilege of the upper and middle classes and other groups represented within it such as nobility, gentry, lawyers and moneyed merchants, but it was a step towards the liberty of all.[21]

The Tudor break with Rome by King Henry VIII in 1534 conferred a new self-proclaimed spiritual and moral authority on the English monarchs in matters spiritual and ecclesiastical. Allied to this strong centralised Tudor administrative and political structure, it was the first step on the long road of absolute monarchical power as practised by King Henry VIII's successors on the English throne. Royal absolution, however, did not go unchallenged. It had its opponents among whom may be listed, John Milton, the famous 17th century puritan poet and political thinker, and John Locke, one of the greater political theorists of the 18th Century. John Milton in his treatise The Tenure of Kings and Magistrates written in 1649, observed that "the power of Kings and Magistrates is nothing else but what is only derivative, transferred and committed to them in trust for the people, to do the common good of them all."[22] John Locke's Two Treatises on Government were even more radical from the point of view of the rights and freedoms of the ordinary individual citizen or subject.[23] Sir James Tyrrell's book entitled Patriarcha Non Monarcha written in 1681 was again directed against royal tyranny.[24] Taking a contrary view, Sir Robert Philmer had written some fifty years earlier, in 1639, a treatise entitled Patriarcha, A Defence of the Natural Power of Kings against the un-natural liberty of the People. It was

published in 1680.[25] Philmer wrote another work in 1648 entitled The Freeholders Grand Inquest touching upon our Sovereign Lord the King and his Parliament. In this, Philmer argued from medieval statutes that the privileges of parliament were derived from and governed by the King. "Parliament was no Court" he argued, but was subject to the monarchy.[26]

Halliday apparently considers 'all' as a totally inclusive category which clearly did not include the ordinary people but rather those groups he mentioned. The liberty of all, including the common people, had to wait some further centuries for its full evolution and implementation.

The history of the reigns of James I and his son Charles I (1625-1649) is largely an account of the struggle between King and Parliament over the perennial royal demands on Parliament for revenue, and the resistance of Parliament to these demands. Both James I and Charles I in turn prorogued and disbanded non compliant Parliaments and sought by royal decree to imposes taxes and curtail the rights of Parliament and those it represented. This despotic and unrepresentative approach to the duties, rights and obligations of the ruler to his subjects provided the catalyst for the civil war in England from 1642-1649 and the establishment of Oliver Cromwell's English Commonwealth from 1649-1658.

1.2:3 The Cromwellian period 1649 - 1659

The history of the English Commonwealth and its leader Oliver Cromwell cannot be commented upon in any great detail within the limited scope of this study. It is important, however, to comment on the Puritan Parliamentary faction which directed the affairs of state and brought about a situation in which

> simple Englishmen were for the first time allowed free expression of thought, without fear of persecution from state or church, a privilege that was never to be forgotten. A regime that produced George Fox and the Society of Friends known as Quakers was not altogether a failure.[27]

Oliver Cromwell's settlement of the Church in England was a comprehensive and tolerant Protestantism, amid which Anglicanism maintained a clandestine life and Roman Catholics were less molested than for a century, while he was also responsible for the re-admission of Jews to England in 1655.[28]

The ideals of religious toleration and freedom of expression which seem to have been an integral part of Oliver Cromwell's historical legacy to the 'simple Englishman' were not evident in his dealings with Ireland during the period 1649 to 1655. The 1641 Ulster rebellion and the massacre and dispossession of many thousands of Scottish Presbyterian planters by the Irish papist rebels was seen as an attempt to massacre the entire Protestant population of Ireland, a view shared by Protestants of all hues in Britain.[29] A decade later, Cromwell could justify the slaughter of the Irish garrison in Drogheda as a 'divine judgement' on barbarous wretches who have imbrued their hands in so much innocent blood.[30]

Cromwell landed in Dublin in August 1649 to put down the native Irish and Anglo-Irish rebellion which had been begun in Ulster by Sir Phelim O'Neill in 1641. The English civil war between Royalists and Parliamentarians had spread to Ireland. Irish supporters of Charles I and others, mostly Ulster Presbyterians, supporting the Parliamentary party in the struggle, further complicated the confused situation in Ireland. The native Irish Catholic faction, allied to their Anglo-Irish religious compatriots, had added a strongly religious element into their rebellion by establishing a Catholic Confederation which met in Kilkenny from November 1642 onwards until May 1648. The Confederation was favoured by the appointment by Pope Innocent X of a nuncio, Archbishop Rinuccini, in 1643. The duties of the nuncio were to assist and advise the Confederate leaders in the conduct of their war to secure religious freedom for Irish Catholics.

Oliver Cromwell's aim in coming to Ireland was the total suppression of the forces of the Catholic Confederation and the remnants of royalist support among the English nobility in Ireland for the cause of the executed Charles I. Cromwell's policy of severe retribution was visited on the inhabitants of towns which refused to welcome his forces, or worse still, which had the temerity to refuse to surrender. It continued unabated with ruthless efficiency until he left Ireland in 1650. Most of the fortified towns had capitulated to his superior military prowess and on his departure he left his son-in-law Sir Henry Ireton to continue his policy of suppression until total surrender had been achieved. Irish folk memory recalls the acts of merciless slaughter inflicted upon defenceless inhabitants of the captured towns of Drogheda, Clonmel, Waterford, Limerick and others in this Cromwellian campaign. When all resistance had been crushed Cromwell and his Council of State appointed commissioners to rule Ireland in the Parliamentarian interest. The decrees and enactments of these commissioners had a lasting impact on the political and religious history of Ireland in the succeeding centuries. The religious dimension of the 1641 Irish rebellion provided an ideal opportunity for the enactment of a most unjust and harsh regime of oppression and persecution of the native Irish Catholic population.

In May 1651 a proclamation was issued warning officers and soldiers not to marry Catholics. This was amended to include civil officials in July 1653. When the towns had fallen to the Cromwellians, Catholic bishops who had chosen to remain with their besieged flocks were hanged. Bishop McEgan of Ross was executed when Macroom was captured in May 1650. Henry Ireton had Bishop O'Brien of Emly hanged after the fall of Limerick in late October 1651. In August 1652, an 'Act for the Settling of Ireland' was passed by Cromwell's Parliament in London which involved a massive forfeiture of land throughout Ireland. The lands of the native Irish in all four provinces were declared forfeit and granted to the Cromwellian soldiers in Ireland and to other supporters of Parliament. These supporters included soldiers of fortune and others who saw the

opportunities for personal gain. They also included those who had supplied money and services to further the Parliamentary campaign in both England and Ireland.[31] Provision was also made in the province of Connacht and the county of Clare, west of the Shannon for the allocation of land for those whose properties had been confiscated in other parts of Ireland. Provision was also made in this Land Settlement Act to categorise opponents of Parliament according to the degree of guilt imputed to them. It also set out qualifications for the treatment of those who were regarded as being ineligible to qualify for pardon of life and estate due to their participation on the side of the Jacobite forces.

In 1653 the Parliamentary commissioner issued an edict expelling all Catholic priests from Ireland. The drawing of lots for adventurers' lands commenced in London in June 1653. This was followed in September of the same year by an Act of Satisfaction, providing for the allotment of land to adventurers and settlers and reserving the greater part of Connacht and Clare for the transplanted native Irish.[32] Some months earlier, an edict was issued ordering the transplanting of Ulster Presbyterians to the southern counties of Kilkenny, Tipperary and Waterford as a counter-balance to ensure that there would be no further rebellion in these areas by any papists or other disaffected subjects.

In May 1654, a proclamation against Catholic schoolmasters was issued. In November of that year, an order was made requiring all transplantable persons, as set out in the categories of the Land Settlement Act of August 1652, to move to Connacht and Clare by the 1st of March 1655. Transplantable persons were defined in July 1655 as proprietors and soldiers. William Petty was appointed by the Cromwellian authorities to map out the forfeited lands, which were set apart for Cromwellian soldiers and adventurers in twenty two of the counties of Ireland.[33] This was known as the 'Down Survey'.

Two specifically anti-Catholic actions of the authorities in 1655

included the order in January to the Governor of Dublin to ship to the Barbados all Catholic priests in his custody not found guilty of murder. In April 1655 a proclamation was issued prohibiting the observance of Easter. The previous month, court-martials were established to try cases of failure to transplant, with powers to pass sentence of death on those found guilty.

Three further acts in 1656 complete the Cromwellian legislative programme in Ireland directed against the native Irish, Anglo-Irish and Royalist elements who had fought against Cromwellian forces. In June of that year, an Act was passed confirming the Cromwellian settlement of lands and estates in Ireland. This was followed later in the same month by an Act for the Attainder of Rebels in Ireland. In addition to this Act of Attainder, a further anti-Catholic piece of legislation was decreed. It was called the Act for Convicting, Discovering and Repressing the Popish Recusants. The Act required 'suspected Catholics' to take oaths of abjuration of papal supremacy and denial of the Catholic doctrine of transubstantiation on pain of sequestration of two-thirds of their property.[34]

It would appear that Oliver Cromwell and his Puritan revolutionaries in England saw their solution to the problems of Ireland in a very different manner from those of England and Scotland and that they acted accordingly. This difference in the treatment of Ireland had its roots in a tradition of Irish hostility and resistance to English political and religious hegemony in Ireland, as evidenced in the Irish rebellions of the 16th century. These Irish rebellions included the Geraldine rebellion of 1535-37 in Leinster, the Geraldine rebellion in Munster 1569-73 and 1579-83, and more particularly the Nine Years War in Ulster from 1594-1603. The outbreak of the Ulster rebellion led by Sir Phelim O'Neill in 1641 and the ill treatment, expulsion and other alleged Irish acts of hostility to the Scottish lowland Presbyterian planters of Ulster caused them to flee to England with stories of Irish atrocities. The rebellion and the flight of the

planters fuelled the feeling among the Puritan rulers of post 1649 England that only a drastic and heavy-handed military approach towards the Irish would prevent the native Irish population mounting further rebellions against their political and religious rulers in England.

1.3 The immediate historical background to the enactment of the Penal Laws in Ireland 1660 - 1685

The collapse of the Cromwellian Protectorate in 1659 followed the death of Oliver Cromwell in 1658. The forced resignation of his son Richard the following year was due to pressure from the Cromwellian military generals. England had no focus of national leadership. Parliament had been weakened and left powerless by Cromwell due to his differences with it in the late 1650s. The feeling of political instability among the English grew from an absence of formal or regular legislative and administrative institutions such as King and Parliament. This led rapidly to the feeling that a restoration of the monarchy, subject to strict Parliamentary supervision, would fill the political vacuum so evident towards the end of 1659. In early February, General George Monck, later the first Duke of Albermarle, entered London with the aim of restoring a representative Parliament, which became known as the Convention Parliament.[35] Monck, on behalf of this body, entered into negotiations with the exiled Charles II.

In April 1660, Charles made the Declaration of Breda in which he offered a general pardon and amnesty for all offences committed by those who had opposed the royalist cause during the Civil War and the Interregnum.[36] Charles also undertook to rely on the advice of a free Parliament and to grant a degree of religious liberty - i.e. 'liberty to tender consciences'.[37] The Declaration of Breda paved the way for what was in the event a more conservative Restoration Settlement. A Convention which originally met in Dublin in February 1660, composed of Protestant Anglo-Irish and English Royalists, proclaimed Charles II as King on 14 May. Charles himself returned to London on 29 May 1660 and was proclaimed King. His accession was formally back-dated to 1649.

Charles II was naturally conscious of the delicacy of his position as monarch, having been restored to the throne by such disparate groups as former Cromwellians, suspicious supporters of a system of Parliamentary democracy, and relieved Royalists. The latter group hoped for recognition of their past services to the Royalist cause, and the losses in position and land which they suffered. Puritan and Cromwellian groups hoped that their magnanimity in permitting the Restoration would guarantee them security in the lands and material gains they had won so dearly in support of Parliament and the Commonwealth. The Anglican Church, which had also suffered in support of the Royalist cause, looked forward to its restoration as the established church of the realm at the expense of the aggrandised position of the Presbyterians. As for the Catholics, both English and Irish, they hoped that their suffering and persecution at the hands of the Cromwellian regime might receive recognition and be included in the terms of the religious toleration contained in the Declaration of Breda.

Charles II's freedom of action was therefore restricted in terms of the expectations of the various groups which claimed favourable treatment of their positions and principles arising out of their support for the Royalist cause and the Restoration Settlement. Ireland, it would appear, was to be singled out for a very different treatment than that for England and Scotland in the matter of amnesty and indemnity for those who had rebelled against King and Parliament from 1641. It can be argued that the different treatment meted out to Ireland in the aftermath of the English Restoration was due to a number of factors, four of which merit special attention.

The first factor in putting down the rebellion in Ireland by Cromwellian forces was financial. It had largely been financed by loans to the Puritan regime from sympathetic and entrepreneurial individuals known as adventurers. These individuals who ventured their money for an

indeterminate return were dependent on their redemption by grants of land in Ireland to those who had granted them money and to officers and soldiers of lower rank who were promised payment for their services also by grants of land. Secondly, from the late 16th century and into the 17th century, Ireland had been the location of several rebellions against English rule, and needed a firm and final solution to crush this anti-English religious and political resistance by the native Irish. Thirdly, Charles II could not afford to pay the Cromwellian adventurers by reneging on the promises of confiscated Irish lands granted to them. Neither could he afford to antagonise his erstwhile political foes who had reluctantly agreed to his return to the throne. Fourthly, there were political and religious scores to be settled in Ireland itself between the Protestant Royalist supporters and their natural religious and political foes as exemplified by the Confederation of Kilkenny.

On 30 Nov 1660, the restored King Charles II issued a royal declaration to his officials in Ireland instructing them to restore the lands of those who had lost them for the support of the Royalist cause. This was in response to hectoring claims from Royalists who had supported his late father's cause against Irish Catholic Confederate forces and Cromwellian armies in Ireland. Seven Commissioners were appointed to form a "Court of Claims". The judgements of these Commissioners were not upheld when challenged in the Irish courts because the judgements had no legal or constitutional basis. In April 1662, the King's Privy Council in Dublin, with the support of its sister body in London, proposed a Bill of Settlement for passage in the Irish Parliament. This bill became law when enacted by both Houses of Parliament in July 1662 [38] and is known as the Irish Land Settlement Act. Section xxv of this Act specifically excluded persons who had taken part in the Irish rebellion,[39] i.e. the Ulster Catholic rebels and their confederate colleagues in the period 1642-48. In November 1660, Charles made a declaration confirming Cromwellian soldiers and adventurers in their ownership of the lands in their possession. This declaration also included 'provision' for

'innocent papists' and for those who had supported the monarchy.[40]

The third session of Charles II's Irish Parliament passed an Act of Settlement designed to give effect to Charles' declaration of 30 November 1660 and to the resolve conflicting claims of the Cromwellians and the former proprietors.[41] This act was followed in September 1662 by an Act for Encouraging Protestant Strangers and Others to Inhabit and Plant in the Kingdom of Ireland.[42] A First Court of Claims to hear claims in Ireland arising from the Act of Settlement of November 1660 began its deliberations in September 1662. It ceased its hearings the following August, having issued 556 decrees of innocence to Catholics, but left many other claims unheard. In December 1665, an Act of Explanation was passed by the Irish Parliament, providing that, with specific exceptions, Cromwellians should give up a third of their holdings to make land available for restoration to Catholics.[43]

The Act of Explanation of 1665 was the last gesture of authority in the reign of Charles II towards propitiation of the religious and property inequities inflicted on Irish Catholics. It is worthwhile mentioning the Catholic Remonstrance of December 1661, declaring unqualified allegiance to the King and disclaiming the Pope's authority to absolve them from such allegiance. This Remonstrance was drawn up by a number of Catholic Anglo-Irish nobles and presented to the Duke of Ormond, the newly appointed Lord Lieutenant. The Remonstrance was rejected by Ormond in 1666 because it had been condemned by both the Papacy and the majority of Catholic bishops. The thwarting of the Remonstrances of 1661 by Rome may have added to suspicions on the part of the authorities in London that further threats and interference by European powers of a political cum religious nature in league with the papacy into English affairs was more than a distinct possibility. This perception of foreign intervention, particularly by France and to a lesser extent by Spain, was to become a major factor in the formulation and implementation of the Penal Laws strategy, especially against Roman

Catholics in Ireland, England, Scotland and the North American Colonies. Charles II, for his part, issued a Declaration of Indulgence in March 1671 announcing his intention to suspend the Tudor Anglican penal statutes against nonconformists and recusants.[44] This declaration was never implemented due to the public resistance which Charles II encountered because his heir apparent, his brother James Duke of York, had recently been converted to Catholicism. The fact that the heir apparent to the throne was an acknowledged Catholic was threatening enough to the position of Anglican supremacy without offering religious toleration and freedom to other Catholics.

The Restoration of Charles II in 1660 made little legal difference to the position of the Catholics in Ireland, despite the hopes of Catholics that their resistance to the Cromwellian regime might earn them some respite or recognition from Charles in their desire for religious toleration. The rebellion of 1641, led by Sir Phelim O'Neill in Ulster was, in itself, a rebellion against the authority of King Charles I. This took place at a time when Charles, in his struggle with the English Parliament, could least afford the distraction of an Irish rebellion. Catholic Ireland was to suffer continuous religious discrimination by the passage in the Irish Parliament in June 1666 of an Act of Uniformity, prescribing the use of the Revised Book of Common Prayer, requiring episcopal (Anglican) ordination of clergy and prohibiting schoolmasters from teaching without a licence from the local Anglican bishop.[45] In 1672, new rules for Corporations were drawn up, requiring elected representatives to take the oath of supremacy, but granting the Lord Lieutenant power to exempt individuals from its requirements.

The arrest and death in captivity without trial of the Catholic Archbishop of Dublin, Peter Talbot, in Nov 1680, followed the Titus Oates Popish Plot in London in September 1678. The anti Catholic feelings generated in England by this plot were sufficiently strong to encourage further action against Catholic prelates in Ireland. As a result, Archbishop

Oliver Plunkett of Armagh was arrested and brought to England. His trial and execution was one of the highlights of a campaign of anti-Catholic feeling widespread throughout England, but which found easier expression in Ireland. Catholicism, while officially outlawed in Ireland, did not suffer the same degree of restriction in its activities, due to the size of its membership, whereas in England the proportion of Catholics was far fewer. Even in the small pockets in Lancashire and other places where they were to be found, Catholics, as a dissident religious group, would be widely known for their religious allegiance. In consequence, their presence would be known to the local authorities who could harass them and arrest them at will. These rural English Catholics could hardly be credited with having contacts at a sufficiently high level to be implicated in the London based Popish plot.

These anti-Catholic activities had been proceeded by proclamations issued in October 1673 and October 1678, both of which required the banishment of all Catholic bishops and regular priests and the closure of religious houses and schools. It must be emphasised, however, that Charles II, a secret Catholic, and his Catholic Portuguese Queen, Catherine of Braganza, cannot be assumed to have had any direct connection with these excesses of anti-Catholic legislation in Ireland. Those zealous and dedicated members of the Anglican Church in Ireland had not forgotten what they had suffered and lost during the 1641 rebellion and the subsequent, if short, existence of the Catholic Confederation of Kilkenny between November 1642 and May 1648. Cromwell's invasion of Ireland in 1649 and his Puritan Commonwealth regime in the following ten years took its toll on the privileged position of the pre 1641 Anglican population of Ireland. It seemed only natural to Anglicans and Royalists who had remained true to the royal cause that they should seek to protect and buttress their positions of privilege now that the restoration of the monarchy had taken place. The losses, which they had suffered since 1641, through the short period of the Catholic Confederation of Kilkenny and the longer military and administrative era

of Cromwell's Commonwealth Commissioners in Ireland, had almost crushed their hopes of survival. They rested their hopes of renewed good fortune, with all its concomitant privileges, on the expectation that Charles II's Restoration would once more restore them to positions of power and influence. The re-imposition of the Tudor religious enactments of Elizabeth I would provided a powerful bulwark against any future Catholic encroachments on their rights and powers.

The situation of Charles II in England, conscious as he was of the 'goodwill' of those who had restored the monarchy, left him very restricted in what he might or might not attempt in terms of political or religious reforms. His attempts, to carry out his own concepts of domestic and foreign policy, were viewed with suspicion and mistrust in an atmosphere that was distinctly hostile to Catholic and French influences. This inability to manoeuvre with any degree of real power left Charles very little room for concessionary reliefs for the hard-pressed Catholics of either England or Ireland.

Ireland on the other hand was a much more likely and opportune location in which the English Parliament and those opposed to Catholic or papal influences could exercise their hostility to these 'enemies' within the remit of Charles' sovereignty. It would have been no less than patriotic for the English authorities in the name of English monarchs to impose penalties of a religious and political nature against a people who had only too readily shown their willingness to challenge English power and break English political and religious domination of Ireland in the 16th and mid 17th centuries. If discriminatory English laws were necessary to subdue the rebellious Irish and provide the requisite colonial advantages to which England felt entitled, then so much the better. These discriminatory laws against Catholics and dissenters were re-introduced to Ireland by a compliant Irish Parliament in the early 1660s. Further discriminatory laws against Irish trade and commerce were passed by the English Parliament in 1662, 1663, 1667 and 1671.[46]

The English policy of religious, financial and economic discrimination against Ireland posed problems for English officials in Dublin, whose duty it was to see that the law was obeyed. The vast majority of Catholics were distressed to discover that official proscription of their religion was again a matter for prosecution by the authorities. The Duke of Ormond, King Charles II's Lord Lieutenant in Ireland, was less than enthusiastic about these new English policies since he himself had Catholic members among his wider Butler family circle. The Protestant mercantile, commercial and agricultural class, chafing against restrictive English trade tariffs and regulations, might not immediately rebel against their perceived inequitable treatment at the hands of their English counterparts. The time indeed would come, as it did with the formation of the Patriot Party in the 18th century, when the seeds of this Protestant discontent with English domination would rise to challenge England's interests in Ireland.

1.4 Fears of Catholic succession to the English Throne in the reign of Charles II 1660 to 1685

Charles II was a pragmatic man, whose main concern following his restoration was to re-establish the claim of the Stuart dynasty to rule a troubled kingdom.

> In spite of the progress being made towards modern science, notably by the foundation of the Royal Society in the early years of Charles II's reign, this was still a credulous age. Even educated Englishmen were genuinely and persistently afraid of the black and evil intentions of the papists, the dedicated servants of anti-Christ.[47]

The Great Fire of London in 1666 was popularly attributed to papists. In so far as witchcraft lingered on in rural areas, it was associated in people's minds with popery.[48] The marriage of Charles II in 1660 to the Catholic Portuguese princess, Catherine of Braganza, did little to decrease the genuine fears of the English people that any offspring of the marriage would be likely to be raised as Catholics. Should this happen, there would be a Catholic monarch on the throne of England.

Charles II's mother, Queen Henrietta Maria, widow of the executed Charles I, was a French Catholic princess. Catholic encroachment on the highest royal circles in England throughout the 17th century was seen as a highly dangerous and sinister phenomenon by the bulk of English people.

Charles II's younger brother, James, Duke of York, had married Anne Hyde, daughter of Edward Hyde, Earl of Clarendon, in 1660. They had two daughters, Mary and Anne, both raised as Protestants and both married to Protestant European princes. In 1677, Mary married Prince William III of the principalities of Orange in the south of France and of Nassau in the Dutch Netherlands. William was a Calvinist, but he also had the advantage of having Stuart blood in his veins, his mother being princess Mary Stuart, daughter of the executed Charles I. William of Orange and his wife Mary were therefore first cousins to each other. James' second daughter, Anne, married the Lutheran Prince George of Denmark in 1683. All the children of this marriage died in childhood. The Protestant succession was safe as long as Charles II and his wife Catherine remained childless. The attempts of the English Parliament in 1673 and 1679 to pass Exclusion Bills against James, brother of Charles II, had been quashed only by Charles' prorogation of these two Parliaments.

James' religious beliefs were simple enough in essence. He was raised as an Anglican, the son of the Anglican monarch, Charles I. His mother was a Catholic French princess, Henrietta Maria, who married Charles I, but fled to her native France following the regicide of Charles I in 1649. James was also in exile in France during the Cromwellian Commonwealth of 1650 to 1660. His first marriage to Anne Hyde, daughter of the Earl of Clarendon, was an Anglican marriage and his two daughters of that marriage, Mary and Anne, were both raised in the Anglican religion. His various periods of enforced exile in Catholic France, had no doubt, an influence on his religious beliefs. His second

marriage to the Italian Catholic princess Mary of Modena had a profound influence on his decision to convert to Catholicism. She was regarded as a very pious woman both in her public and private life and she exerted quite a strong religious influence on her husband. The rather profligate lifestyle of King Louis XIV and his court in his earlier years underwent a rather curious reversion to Catholic piety when Louis married Madame de Matignon, a Catholic lady of high virtue and ideals. James' conversion to Catholicism in 1673 led eventually to his overthrow and downfall by anti-French and anti-Catholic forces within the English Parliament and among the ruling and influential English Anglican nobility.

James had learned nothing from the execution of his father Charles I in 1649. The difficulties which his brother Charles II had to endure in his reign, were largely due to James' conversion to Catholicism in the 1660s and his open and unequivocal support for the relaxation of anti-Catholic legislation. His second marriage in 1673 to Mary Beatrice of Modena, a devout Catholic, was reflected in the passing of the First Test Act of that same year. These events made little or no impression on the stubborn James. The exclusionist crises of the 1670s which forced Charles to exile James to France again made little impact on James' views of an unfettered monarchy or on his devout commitment to restore England to Catholicism. He had little understanding of his subjects' religious intolerance, which was firmly committed to Protestantism and an unyielding abhorrence of Catholicism and its papally administered authority and structures. It was the danger of interference by Catholic European powers in English affairs, argued on by the papacy that constituted the greatest resistance of the English establishment to James II's position, precisely because of his conversion to Catholicism. Upon his return from exile in France in the 1680s, after the passage of the Second Test Act of 1678, James was appointed Lord High Commissioner for Scotland from 1680-1682. As Scottish Lord High Commissioner, he reversed Lauderdale's policy of non concession to religious dissent. In 1684, Charles re-appointed James to the position of Lord High Admiral.

The reign of Charles II can be characterised as being a period of experimentation with various domestic political strategies. Various administrations such as those of Edward Hyde, Earl of Clarendon, the Cabal and the Earl of Danby can all be viewed as expedients to deal with Charles' domestic policies. Charles engaged in complicated foreign relationships with his nephew William of Orange in the Netherlands. The greatest problems in his foreign policy were caused by the ever present and ubiquitous influence of Louis XIV of France, who alternatively sought to hinder or assist the designs and ambitions of Charles with regard to French expansionist policies in the Netherlands and Germany. The question of religion was very much to the fore in these foreign entanglements. The question of succession to the English Crown following the death of Charles II, was the central issue underlying all these secret treaties and negotiations. The English Parliament and the House of Orange under William III made common cause to exclude Charles' brother James from the succession due to his religious adherence to Rome. The strict limitation of the sovereign and hereditary powers of the monarchy, as embraced by the Parliaments of Charles II's reign, were as equally resisted by William of Orange and his wife Mary. Both had Stuart blood in their veins and while they supported the cause of Parliament to exclude James from the succession, they were equally determined to uphold the royal power and the sovereignty of the monarchy.

Three or four events are noteworthy in so far as they relate to the widespread feeling in England, at all levels of society, that it was necessary to exclude Catholics from the succession to the English Crown in the period 1673 to 1685. The Secret Treaty of Dover, agreed between Charles II and Louis XIV in May 1676, obliged Charles to declare himself a Catholic in return for French subsidies. The English Parliament, in a determined and finely timed response, passed with the King's reluctant approval, the Test Act of 1673. This Act required office holders to take

the sacrament according to the rites of the Anglican Church.[49] This act also obliged Charles II's brother James to resign his naval title and position as Lord High Admiral of England. James was banished to Scotland to remove him from the centre of this religious controversy in London.

The last seven years of the reign of Charles II, from 1678 to 1685, were rent by internal dissentions which brought fears of a renewed civil war and almost rehearsed the "Glorious Revolution".[50] The high points of this period, fuelled by anti-Catholic hostility on the part of the Parliament and people of England, were two popish plots - that of Titus Oates in September of 1678 and the Rye House Plot of 1683. The Titus Oates Plot was in essence a popish plot 'involving' a group of Roman Catholics. Their aim was to murder Charles and place his brother James on the throne. The plot stemmed from the pro-French and pro-Catholic atmosphere of the Court. The details of the Titus Oates plot are greatly detailed in the works of the historians John Kenyon and John Miller.[51] The alleged plotters were arrested and executed and Parliament was summoned by a reluctant Charles II. Parliament passed a second Test Act of 1678 excluding Roman Catholics from both Houses of Parliament. James was excluded from its provisions by a majority of two votes. This second Test Act provided that members of the Lords and Commons must take oaths of supremacy and allegiance and make an anti-Catholic declaration before taking their seats.[52] The Commons tried again in 1679 to pass a bill excluding James from succeeding his brother Charles. The Commons passed the bill by 207 to 128 but Charles, still loyal to his brother, prorogued Parliament and later dissolved it to prevent the bill becoming law.

The Rye House Plot of June 23-24 June 1683, had as its rationale the alleged plot by Catholic agents to murder Charles II, with a view to securing the throne for James. It was the second such plot discovered within five years and it convinced the English people of the necessity of

preventing James from succeeding to the throne. Ashley postulates that neither the Titus Oates Plot or the Rye House Plot of 1683 can be accepted as being completely true or factual.

Neither of these small plots was completely genuine. Both were largely the inventions or embroideries of lying informers suggesting that if James' enemies could not secure their ends constitutionally, the would do so by revolutionary means.[53] This view in the case of the Rye House Plot is not shared by other historians.[54]

1.5 Towards the Glorious Protestant Revolution of 1688

The reign of Charles II from the early 1670s can be described as a series of improvisations as the King and a succession of ministries strove to find a stable basis at a time when consensus on religious matters was noticeably absent.[55] Parliamentary support was necessary for Charles' pursuit of any kind of enterprising foreign policy. This support, primarily financial, would be forthcoming only if Charles was prepared to exclude his Catholic brother from the succession; to permit a reduction in the powers of the monarchy, or to permit James II's son in law, William of Orange, and his wife Mary to act as regents during the reign of James. Charles would not consent to these three propositions. Three different parliaments in the 1670s and early 1680s were dissolved because the exclusion of James was the main priority of the parliamentarians. Charles would not consent to any exclusion, or diminution of the principle of royal absolutism and the divine hereditary nature of kingship. The result of this stalemate boded ill for the reign of James, if and when he would succeed to the throne.

1.5:1 The reign of James II, 1685 - 1689

The death of Charles II on the 6 February, 1685, without surviving legitimate issue, allowed James to succeed to the thrones of England, Ireland and Scotland. His brief reign from 1685 to 1688 was the catalyst that provoked the civil war between Protestantism and the possibility of a

renewal of militant Catholicism in England and Scotland. The succession to the throne of James II on 6 February 1685 was challenged by risings led by the Duke of Monmouth, the illegitimate son of Charles II, and by Archibald Campbell, 9th Earl of Argyll. Both of these uprisings were defeated by Royal forces and their leaders were executed. The Parliament, summoned at his accession, displayed a loyalty based on the Tory and High Anglican principle of obedience and fealty to the lawful sovereign. This principle was a consequence of the commonly held belief in the concept of divine hereditary succession. The Tory faction was strongly opposed to the growth in Parliamentary Whig determination to exclude James from succession. In consequence, the Tory led Parliament voted James a generous financial settlement. The value of this financial grant was further enhanced by buoyant economic conditions.[56]

James was open in his attempts to revive Catholicism in England, a religion to which he had become deeply attached. He displayed little understanding of the limits of his subjects' tolerance in this regard. Catholicism was anathema to the vast bulk of the ordinary people of England and Scotland. The same could be said for the great bulk of the gentry and the Anglican Church, Presbyterians and other non conformists. This hostility to Catholicism and to its leader, the Pope, had its roots in the Papal Bull of Excommunication of Queen Elizabeth I known as *Regnans in Excelsis* of 1570. It was not merely that a foreign European ruler claiming the right to excommunicate Elizabeth on grounds of religious non conformity to Roman Catholic beliefs. The Pope also claimed the right to free her subjects from their allegiance to her and called on them to depose her and replace her with another monarch. This outside foreign interference from the papacy in matters of purely internal concern to the English people was one which filled them with a sense of rightful national resentment. The political principle of the acceptance by a people of their own prince or rule under accession by divine hereditary right was sacrosanct. It was an issue solely for the

decision of the people of a particular territorial entity. It was not a matter for foreign political interference, be it by the pope, or anyone else.

Resentment caused by this Papal claim weakened the remaining English loyalty to Catholic church structures and doctrines. In fact, it fused English religious beliefs which became an amalgam of political and religious 'nationalism' opposed to all things Roman Catholic. This nationalism found its natural expression in the growth of support for purely Anglican religious beliefs and structures. The decline in religious loyalty to Rome was strengthened by Queen Elizabeth I and her successors who skilfully combined the concept of national loyalty to Crown and country with an equally compelling commitment to use the religion of the monarch to further the country's political interests at home and abroad. Some few Catholics remained loyal to their faith and to the Papacy. They were numerically a very small proportion of the population of England. Some noble families remained Catholic, taking a low profile in the political and social life of England. Pockets of ordinary Catholic laity were to be found in Lancashire and other scattered districts of northern England and the western isles of Scotland.

Ireland, on the other hand, took a contrary position to that of England in the matter of the Anglican religious reformation. Adherence to the Catholic religion took on the form of resistance to English military and political domination in Ireland. Religious and political resistance, allied to the other factors of a social and cultural nature, became fused into the main focus of what the native Irish Catholic people perceived to be the main threat of their continued way of life - the twin English policies of Anglicisation and proselytism. It would indeed have been facile of the native Irish Catholic people not to have been aware that English domination and total control of the land of Ireland and the wealth of its natural resources was the main or dominant feature of English colonial policies in Ireland. It would almost have been an aberration on the part of the Catholic population of Ireland to allow itself to be assimilated into the

Anglican religious, cultural and political dimension of the English domination of Ireland and to permit itself to be deprived of its ownership of its lands and its other natural resources.

James II promoted Catholics to military and government positions. An example of this was the exemption from the Oath of Supremacy of the Richard Talbot and Justin Mac Carthy, leaders of the regiments, both of whom were Catholics. He justified this setting aside of the Test Acts by claiming to use his 'dispensing power', a claim strongly disputed by the growing number of his opponents. He also obliged the universities to admit Catholics who had been excluded from Elizabethan times as a result of the Act and Oath of Supremacy and the Act of Uniformity. The recalcitrant Anglican masters and scholars of Magdalen College Oxford, were not tardy in having James' II's Catholic appointees, both to the post of Master and to the position of scholars, removed from the College in the early months of the accession of William and Mary. This continuous exclusion of Catholics from the old established universities of England, Scotland and Ireland was a feature of Anglican religious control of these institutions of learning which continued for well over a century, up to the 19th century. It was nothing new, but rather a continuation of the pre-Jacobite status quo.

The revocation of the Edict of Nantes by Louis XIV of France in October 1685 added to the fears of English Protestants and non conformists. They feared the possible replication of such measures by their new Catholic King, James II. Since Louis XIV's marriage to the pious Madame de Maintenon, it had been his aim to have only one religion throughout the French kingdom. The French Calvinists or Huguenots were regarded by Louis as not only heretics but potential rebels. Every means was used to force their conversion to Catholicism. In effect, this French Catholic King devised his own Penal Laws against French Protestants which were as severe, if not more so, than the Penal Laws of the English Crown as applied against Catholic recusants and

other Protestant non-conformists. These efforts culminated in the revocation of the Edict of Nantes. Protestant churches were closed. Military pressure, 'dragonnades' and even torture were employed to prevent backsliding. Those who were caught trying to flee the country were sent to the gallows. Yet despite these measures, tens of thousands fled the country, mostly to the Calvinist Netherlands of William of Orange, but many thousands reached England. Their tales of torture and persecution fuelled the feelings of hostility towards Catholicism and its proponents, Louis XIV in France and James II in England. Even James was moved at the suffering of these Huguenot religious refugees from France and contributed £500 from his privy purse towards a fund for their relief. English Catholics in the higher ranks of the nobility were appalled at Louis' treatment of the Huguenots, fearing it would rebound on them in the volatile political and religious situation then current in England.

Charles II died on 6 February 1685. Shortly after James II announced to the Privy Council in an impromptu speech

> I shall make it my endeavour to preserve this Government in Church and State as it is now by law established. I know the principles of the Church of England are for monarchy and the members of it have showed themselves good and loyal subjects, therefore I shall always take care to defend and protect it. [57]

The Privy Councillors, all Anglicans, were delighted with this statement which protected their church and its adherents. They urged James to publish his statement, which he did. He was later to regret this action as his policy to advance the cause of Catholicism of necessity conflicted with this declaration. James told Paul Barillon d'Amoncourt, the French Ambassador to London, in the first half of 1685

> that he (James) was aware of the aversion of the majority of the people of England to the Roman Catholic religion and that his aim was simply to establish it in such a manner as it could not be ruined or destroyed.[58]

James was not foolhardy enough to request Parliament to pass far-reaching measures in favour of Catholics. His main objective was to get

rid of the Anglican religious statutes enacted from Tudor times. These laws prevented Catholics from worshipping freely and required them to attend Anglican Church services. The Anglican religious enactments of Elizabeth I were virtually dead letters but they did remain on the statute books and could be used at any time.[59] The Grand Committee on Religion within the House of Lords requested James to publish a Proclamation "for putting the laws in execution against all dissenters whatsoever from the Church of England."[60] James refused this demand.

The years of James II's short reign were complicated by domestic religious issues and intricate and devious foreign policies. The appointment of Catholics by James to various positions of State and the constant and suspicious contacts between James and Louis XIV left the people of England and those anti-Jacobites forced to flee to the Netherlands with the firm belief that no other solution to their position was possible other than the overthrow of James II. The information in November 1687 that James' second wife, Mary of Modena, was pregnant added a new impetus to the general desire to be rid of the Catholic King James before a male Catholic heir to the throne was born. Proposals to William of Orange, James' son in law, and to his wife Mary to come to England to claim the throne became more insistent and more urgent.

The King's efforts to disestablish the position and prerogatives of the Anglican Church, to deprive it of its privileges and to by-pass the authority of the Test Laws through his use of the Royal Prerogative caused increasing alarm. In the spring of 1688 a general pardon was issued by King James II to the Quakers and Anabaptists. 1,200 Quakers were released from imprisonment. James' philosophy in matters of religious toleration was expressed to the special Dutch Ambassador to London, William Bentinck as follows

> ... that in matters of religion he detested Louis XIV's conduct and treatment of the Huguenots, as not being politic, much less Christian and that he (James) aimed at nothing else but liberty of conscience and that so many honest people should not remain slaves to

laws introduced in a singular manner.[61]

James II, upon his accession in 1685, would have been content to obtain freedom of religious worship and practice for his subjects in England and Scotland, while not seeking any special legislative status for Catholicism or its restoration. In fact, as already stated, he solemnly promised his Privy Council upon his accession that he would uphold and protect the Anglican religion as established by law, which greatly pleased the members of the Council of the Anglican Church. This affirmation by James of his support for and protection of the Anglican Church temporarily assuaged the fears of its adherents. The political pressures on James from King Louis XIV of France and the suspicions of William of Orange that it was Louis XIV's desire to overrun the Netherlands became a fundamental aspect of James' new overall political strategy for English foreign policy.

James II's perception of this new situation led him to be more bold in his religious objectives and to seek more than religious toleration for Catholics. He undertook legislative and administrative initiatives with the aim of promoting their status. The alarm, created by this volte face on James' II's part, aroused the suspicions of many influential English statesmen. They allied themselves to the growing chorus for a severe limitation of his powers as king. The events leading to his downfall and replacement by his son-in-law and nephew William of Orange were in no small way influenced by his aggressive pursuit of a legal status for, and recognition of the Catholic religion in England. It would appear that despite James II's past experiences in the reigns of his father, the executed Charles I, and his brother Charles II, he had learned nothing from the lessons of history. This was obvious from his apparent lack of appreciation of the religious and political sentiments of his subjects.

1687 was the year of climax in the reign of James II. In July 1686 James set up an Ecclesiastical Commission to which he delegated his power as Supreme Governor of the Anglican Church. He had this

Commission suspend Henry Compton, Anglican Bishop of London, who refused to discipline a clergyman whose preaching was anti-Catholic. James dismissed the Marquis of Queensbury as Royal Commissioner for Scotland when the Scottish Parliament refused to sanction the suspension of the two Test Acts. He kept the English Parliament prorogued until a Board of Regulators was set up with powers to remodel the Corporations and Boroughs. This would ensure that their new composition would return members of Parliament who would be amenable to suspend the Penal Laws against Catholics and remove the Test Acts.

In February 1687 James published a Declaration of Indulgence in Scotland under powers granted in 1669 to his late brother Charles II. Liberty of conscience was granted to all except extreme Presbyterian covenanters.[62]

James extended the Declaration of Indulgence to England on 5 April 1687. These declarations suspended all the official Anglican regulations and laws against Catholics and other nonconformists. They relieved office holders from obeying the Test Acts. James II invoked his royal prerogative to issue these declarations.[63]

The situation in Ireland was equally threatening for the Anglican Ascendancy and the Cromwellian settlers. James replaced his brother in law, Henry Hyde, the Earl of Clarendon, as Lord Lieutenant with Richard Talbot, Earl of Tyrconnell, who was a committed and vigorous Catholic. He was anxious to carry out James' Catholic policies in a predominantly Catholic country. In March 1687, two judges set out from London for Ireland with proposals to alter the land settlements of Cromwell and Charles II. Tyrconnell, the new Catholic Lord Lieutenant, was issued in June with a royal warrant to grant new charters to Irish cities and the corporate towns. Protestants in Ireland were alarmed. These measures threatened their ownership of land and their prosperity and ascendancy in the Irish world of business and commerce. The return of an executive

sponsored Catholicism to Ireland, a country where the minority Protestant Ascendancy class was threatened with extinction by a vastly numerically superior native Irish Catholic population, was becoming a stark reality. The Protestants in Ireland quite sensibly feared that a dispossessed and persecuted Irish Catholic people would seek revenge for all the injustices they had suffered at English hands through the entire 17th century.

The birth on the 10 June 1688 of a son, James Edward Stuart (James VIII of Scotland and III of England - the Old Pretender), to James II and Queen Mary was the final straw as far as the people of England were concerned. A Catholic monarchy stretching indefinitely into the future was a bleak prospect. The invitation to William of Orange and his wife Mary could no longer be delayed. James II tried to draw back, making such concessions as the abolition of the Commission for Ecclesiastical Causes in September 1688.[64]

These concessions came too late. The situation was irretrievable. William and his Dutch, English and German forces, landed in Torbay in Devon on 5 November 1688. James II fled to his 'protector' Louis XIV of France in late December 1688. The Glorious Revolution which secured Protestantism in England, Scotland, Ireland and the British & North American colonies was successful. The situation in Ireland was somewhat less absolute in terms of the long-term historical perspective. The resistance and military campaigns of James II with French assistance in England, Scotland and Ireland (1689-1691) and their outcome, particularly in Ireland, culminated in the Treaty of Limerick of October 1691. The treaty and its impact laid the background for the introduction of the legislative process known as the Penal Laws.

1.6 Conclusion: Events in Ireland 1685 to 1691

The arrival of the deposed King James at Kinsale in March 1689 was the final blow to the hopes and aspirations of Irish Protestants. The

accession of King James II four years earlier meant the subjection of the Irish Protestant population to alarming Catholic exultation and jubilation.[65]

Irish Protestant hopes had risen with the possibility that Charles II's illegitimate Protestant son might succeed to the English throne after his father's death. Monmouth's failed invasion of England in 1685 from the Netherlands, and the subsequent execution of Monmouth by James II's forces, put an end to any sanguine expectations that Irish Protestants might have had for a Protestant succession. The work of the Catholic Richard Talbot, Earl of Tyrconnell, from 1686 onwards first as commander of James' armies in Ireland, and from 1687 as Lord Lieutenant, in placing Catholics in civil administrative and military positions with James' full approval, added to the feelings of insecurity on the part of the Irish Protestants. Sir Stephen Rice, a devout Catholic member of an ancient Anglo Irish family from Kerry, was appointed Chief Baron of the Court of the Irish Exchequer. This erosion of Protestant dominance in local government, the law courts and the civil administration was a foretaste of further trouble to follow for Irish Protestants.

> It would appear that little if any compromise was possible between Catholic and Protestant interests. What had began as an attempt to give Catholics a share in power had rapidly become a drive to replace one exclusive domination by another.[66]

Despite this Catholic usurpation of civil and administrative powers, Irish Protestants failed to mount any effective resistance to the monarchy of James II. The rebellions against James in England and Scotland in 1685 was vigorous and demonstrable. In contrast "The response of the Irish Protestants of the middle and upper classes to Catholic rule was at most passive resistance."[67]

By the middle of 1686, there were reports of a big fall-off in trade as wealthy Protestants, fearing an uncertain future, were reluctant to buy or trade in livestock or tie up their money in renting lands or other commercial undertakings. Those who could emigrate did so as is

evidenced by the statement of Sir Paul Rycaut, the secretary to the Lord Lieutenant, Edward Hyde, Earl of Clarendon. He said that "Those who can fly out of the country, either to Pennsylvania, Virginia or other places, hasten away."[68] Those Protestants, who, by reason of their principles of conscience could not fight against their King for religious reasons, realised like others of their faith that resistance would be futile due to their numerical inferiority in proportion to the native Irish Catholic population.

When James was deposed in England and fled to France, however, the Presbyterians of Ulster, due to their numerical superiority there, renounced their allegiance to James. The weak Irish Protestant reaction to the events in the reigns of Charles II and James II could be attributed to the fact that no Irish Parliament had been convened since 1666. The Irish Parliament, in the normal course of events, could be expected to provide a forum of sorts for the expression of Protestant discontent in Ireland. Its membership was composed of the mercantile classes, the landed gentry and nobility. Some few Protestants, including four bishops, five peers and six members of the Irish Commons, took their seats in James II's Irish Parliament of May - June 1689.[69] Their presence in such a 'packed' Catholic assembly could achieve little. They protested against the Act for the Repeal of Charles II's Restoration Land Settlement of 1662 on 22 June 1689 to no avail.

It was only the open resistance of the Ulster Presbyterians from mid 1687 onwards, culminating in the arrival of the Dutch Williamite General Schomberg in Bangor Co. Down, in August 1689, followed by the Jacobite siege of Derry in December of the same year and the eventual arrival of King William III himself at Carrickfergus in June 1690, that galvanised Irish Protestants into some form of resistance to the Jacobite forces. Initially the resistance was only of a defensive nature. By 1691, Protestants had for almost forty years been the unchallenged rulers of Irish society in all its aspects. Their power was based partly on religious discrimination, partly on their control of the greater part of Irish trade and

commerce but mainly on their ownership of some four-fifths of the land of Ireland.

It was not their opposition to James' promotion of Catholicism alone that rankled so grievously with Irish Protestants. It was rather the threat of the loss of their lands, power and privileges in Ireland which caused such bitterness, shown by Irish Protestants to their Catholic fellow countrymen in the decades following 1691. This Protestant minority, supported by English political and religious legislation for over a century, had come to believe that it was their natural inheritance to possess these privileges. They would not readily forgive those who had sought by armed rebellion to deprive them of this position of dominance. This inter communal or tribal hostility was to some degree part of the raison d'être for the enactment of the Penal Laws in 18th century Ireland, which were directed primarily against Catholics and to a lesser extent against other non-Anglican dissenters.

It would, however, be over simplistic to attempt to explain or justify the Penal Laws in their Irish context purely in terms of racial or religious bigotry, rivalry or animosity as between Catholic, Protestant or Dissenter. The religious background to inter communal or sectarian hostility in Ireland had much deeper and more significant roots, based in the wider European domain of politics, religion and economic realities in the 16th and 17th centuries. The religious cum political power of the papacy with its own pre-set strategic agenda, when allied to the shifting balances of political power of other European states, in particular, to those of France, Spain and the United Netherlands, had a significant influence on the aims, ambitions and policies of England and its rulers. The different religious affinities of European rulers, which had to a large extent motivated the political alliances among them in the 16th century, had with the passage of time and events become blurred and of less importance in the 17th and later centuries. This change was in no small measure due to the scramble in 17th century Europe among its nation states for further territorial aggrandisement, political supremacy and not least for

commercial gains and a share in the discovery, conquest and exploitation of overseas colonies.

England, because of her insular location on the edge of Western Europe and her traditional skills as a maritime people in the fields of trade and colonial conquest, could not afford at best to be merely a spectator in the unfolding events of European policies, or at worst, a casualty in the face of changing events. England's territorial integrity and influence as a European and colonial power, could not be left unprotected from the meddling of Louis XIV of France, whose ambitions on the European political stage knew no bounds. His attempts to interfere and dominate the actions of Charles II and later James II of England in religious and political matters in his constant conflict with the state holder of the United Netherlands, Prince William of Orange, were a source of grave anxiety and concern to the English Protestant ruling classes. Their affinity lay with William of Orange on religious and political grounds. This English ruling class was not prepared to sacrifice England's position as a key player on the European and World political stage to the inept and self serving ambitions of the incumbents of the English monarchy. This disingenuous and fickle behaviour in political matters by Charles II and his brother James, Duke of York would, if unchecked, leave England as a second rate power among the other states of Europe. In consequence the aristocratic and powerful political families of England made contacts with William of Orange and his wife, Mary Stuart, to negative the religious, diplomatic and political manoeuvrings of Charles II and his successor, James II with Louis XIV of France. Their aim was to save England from what they sincerely believed would be nothing less than a national catastrophe. Their efforts were 'crowned' with success upon the deposition of James II and his replacement with the joint accession of William III of Orange and his wife Mary Stuart, the daughter of the deposed James II to the English throne.

James II and his Irish allies were attempting to reverse a progressive transfer of power and property which had begun in the sixteenth century

and had been largely completed by 1660. Their aim was counter-revolution, and the Williamite victories of 1690-91 were less the triumph of a new order than the re-establishment of one that had existed for more than thirty years.[70]

Ireland, no less than Scotland, was an integral part of the patrimony of the English crown, and could not be left isolated and forced to pursue actions of a political or religious nature which would prove inimical to the interests and well-being of the realm of King William III and his wife, Queen Mary. Ireland had proved its disloyalty to English interests on two occasions in the 17th century, from 1598 to 1603 in the reign of Elizabeth I and again in the Ulster rebellion of 1641. It was only to be expected that the Jacobite - Williamite conflict would spread from England to Ireland in the late 1680s and would find many Catholic adherents ready to do battle in the cause of the exiled and deposed James II with French and papal assistance, if need be. A policy of coercion and domination of the Catholic people of Ireland would be a necessary consequence after the defeat of the Jacobite forces in Ireland by the armies of King William III. The treaty which concluded the military defeat of the forces of James II by his Williamite opponents was signed in Limerick in early October 1691.

The Treaty of Limerick was never ratified by either the English or Irish Parliaments. The non implementation of many of its claims became the foundation stone for the enactment of a system of legal enactments known as the Penal Laws. The misrepresentation of the terms and clauses of the Treaty of Limerick provided a dubious legal basis for the enactment of this Protestant legislative code of action against Catholics and other Protestant non conformists. The Penal Laws became the subject of much bitterness and contention on the part of the native Irish Catholics who suffered from their hardships and inequities. They also clouded and obtruded the growth and development of any positive manifestations of goodwill in the evolving relationship between Ireland

and England in the following centuries.

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[1] Maurice Ashley, The Glorious Revolution of 1688, (London: Hodder & Staughton, 1966) p. 9.

[2] Ibid.

[3] George M. Trevelyn, The English Revolution (London: Thornton Butterworth, 1938)- no page reference necessary.

[4] Maurice Ashley, The Glorious Revolution of 1688, p. 9.

[5] Dudley Bahlman, The Moral Revolution of 1688 (London: Oxford University Press, 1957).
Stephen Baxter, William III (London: Longmans, 1966).
John P. Kenyon, The Nobility in the Revolution of 1688 (Hull: University of Hull Publications, 1963).
David Ogg, England in the Reigns of James I and William III (Oxford, Clarendon Press, 1955).
Lucille Pinkham, William III and the Respectable Revolution (Cambridge, Massachusetts: Harvard University Press, 1954).
Francis S. Ronalds, The Attempted Whig Revolution of 1678-1681 (Urbana, Illinois Press, 1937).

[6] S. J. Connolly, Religion, Law and Power: The Making of Protestant Ireland (Oxford: Clarendon Press, 1992) p. 3.

[7] Ibid.

[8] Seamus Deane, "Swift and the Anglo Irish Intellect" in Eighteenth Century Ireland Vol. 1 (Dublin: Eighteenth Century Ireland Society, 1986), pp. 9-22.

[9] Maurice Ashley, The Glorious Revolution of 1688, p. 23.

[10] Joanna Innes in The History Today Companion to British History, editors Juliet Gardiner and Neil Wenborn (London: Collins and Brown, 1995) pp.149-150.

[11] J. C. Beckett, The Making of Modern Ireland 1603-1923, (London: Faber and Faber, 1966) p. 83.

[12] Maurice Ashley, The Glorious Revolution of 1688, p. 23.

[13] J. C. Beckett, The Making of Modern Ireland 1603-1923, p. 83.

[14] Ibid.

[15] Roger Howell, Cromwell (London: Hutchinson, 1977), pp. 33-34.

[16] Ibid.

[17] Maurice Ashley, p. 102.

[18] Ibid.

[19] F. E. Halliday, A Concise History of England (London: Thames and Hudson, 1964) p. 110.

[20] Ibid.

[21] Ibid., pp. 110-111.

[22] Maurice Ashley, The Glorious Revolution, p. 98.

[23] Ibid., p. 103.

[24] Ibid., p. 99.

[25] Ibid., p. 100.

[26] Ibid.

[27] Ibid., p. 121.

[28] Joanna Innes in The History Today Companion to British History, pp. 212- 213.

[29] J. C. Beckett, The Making of Modern Ireland 1603-1923, p. 82.

[30] Ibid.

[31] T. W. Moody, F. X. Martin and F. J. Byrne ed. A New History of Ireland Vol. VIII - A Chronology of Irish History to 1976 (Oxford: Clarendon Press, 1982), p. 240.

[32] Ibid.

[33] Ibid., p. 241.

[34] Ibid., p. 242.

[35] Ibid, p. 243.

[36] Joanna Innes in The History Today Companion to British History p. 97.

[37] T. W. Moody, F. X. Martin and F. J. Byrne ed. Vol. VIII - A Chronology of Irish History to 1976, p. 243.

[38] English Statute, 12 Chas. II, c. 2, 3l July 1662.

[39] Ibid., Section XXV.

[40] T. W. Moody, F. X. Martin and F. J. Byrne, ed. Vol. VIII - A Chronology of Irish History to 1976, p. 243.

[41] Irish Statute, 14 and 15 Chas.11, c.2, 3l July 1662.

[42] Irish Statute, 14 and 15 Chas.11, c. 13, 27 September 1662.

[43] Irish Statute, 17 and 18 Chas. 11, c.2, 23 December 1665.

[44] Recusants. This term comes from the Latin verb "recusare", Pres. Infin., to refuse. Its earliest use in Elizabethan times referred to Catholics, Presbyterians and others who

refused to attend services of the Churches of England and Ireland as by law established. These Catholic and Protestant recusants were first fined for non attendance at established church services under the English Acts of Uniformity of 1552 and 1559. The term recusant took on the meaning as referring purely to Catholics in the mid 17th century, when Presbyterians became more commonly known as dissenters or non conformists. Extract from Christopher Cook, Macmillan Dictionary of Historical Terms (London: Macmillan press, 2nd edition, 1989), p. 278.

[45] Irish Statute, 17 and 18 Chas. 11, c.6, 18 June 1666.

[46] The four statuettes in question are listed as follows:-
English Statute, 12 Chas. 11, c.18, 13 September 1660 (Navigation Act).
English Statute, 14 Chas. 11, c.18, 19 May 1662 (Woolen Tariff Imposition Act - export of Irish wool a felony).
English Statute, 18 Chas. II, C.2, 18 January 1666 (Cattle Acts - prohibition of imports of Irish cattle to Ireland).
English Statute, 23 Chas. 11, c.22, 22 April 1677 (no direct imports from colonies to Irish ports).

[47] Maurice Ashley, The Glorious Revolution of 1688, pp.23-24.

[48] Ibid., p. 24.

[49] English Statute, 25 Chas. 11, c.2, 29 March 1673.

[50] Maurice Ashley, The Glorious Revolution of 1688, p. 26.

[51] John Kenyon, The Popish Plot, (London: Heinemann, 1972) and John Miller, Popery and Politics in England 1660-1688 (Cambridge: Cambridge University Press, 1973), pp.154-188.

[52] English Statute, 30 Chas., 11, c.2, 29 March 1678.

[53] Maurice Ashley, The Glorious Revolution of 1688, p.26.

[54] Douglas R. Lacey, The Rye House Plot, 1683 (Brunswick, New Jersey and Rutgers University Press, 1969), pp. 150-163.

[55] Joanna Innes in The History Today Companion to British History, p. 151.

[56] Ibid., p. 432.

[57] Maurice Ashley, The Glorious Revolution of 1688, quoting James II's Biographer, James Stanier Clarke, The Life of James II Vol. II (London: Longman, Hurst, Rees, Orme, Brown, 1816), p. 4.

[58] Maurice Ashley, The Glorious Revolution of 1688, quoting John Dalrymple, Memoirs of Great Britain and Ireland Vol. II (Edinburgh: A. Kincaid, J. Bell and J. Balfour, 1771), p. 104.

[59] Maurice Ashley, The Glorious Revolution of 1688, p. 59.

[60] Ibid. p. 60.

[61] Ibid., p. 64, quoting Baschet's "Transcripts of Correspondence of French Ambassadors in London, May 3/13, 1686" (London: Public Records Office) and Add. Mss. 34512, f.48 (London: British Museum).

[62] These were a fringe group of what might be described as ultra right wing Presbyterians outside the mainstream of organised Scottish Presbyterianism. They held radical views on their right to choose not only their ministers of religion with all the relevant church government structures that would entail. They were also suspected of harbouring republican principles which would incorporate the right to choose their rulers. It was a form of radical republican philosophy that had its roots in the ultra democratic views of some Dutch Calvinists. These Scottish Covenanters often conducted their religious cum political meetings in the open in secret locations not easily accessible to the vigilance of the local civil authorities. They originally adhered to the Scottish National Covenant of 1638 and the Solemn League and Covenant of 1643. The 1643 Covenant was in effect an international treaty between Scotland and England securing civil and religious liberty. Extract from A.M. MacDonald, Editor, Chambers' 20th Century Dictionary, (Edinburgh: W. & R. Chambers, 1979), p. 300.

[63] The Royal Prerogative and its invocation was a historical contrivance invented by and added to by monarchs and rulers in Europe in the late middle ages and early modern times. Its purpose was to give extra authority and substance to the principle of the God given rights of anointed princes and kings to rule their subjects by divine right. It was taken to mean a particular privilege shared by none other than the ruler, i.e. rights a sovereign had as a result of his office. Underlying this was the principle of the powerlessness of the ordinary subject to challenge the will of the ruler when he was acting for his subjects and for their common good. Kings and rulers were reluctant to over use this device of Royal Prerogative in countries where lesser princes, the nobility or representative public assemblies might challenge its validity. If its use was perceived as a ploy to frustrate the will of the people in the pursuit of the popular common goal. Its use was largely restricted to declarations of war, acceptance of peace terms or in circumstances where the common consensus of the population for a particular political action by a ruler was difficult to obtain, or unlikely to be generally supported. In more modern times the Royal Prerogative has been exercised in dispensing clemency, mercy or pardon to those convicted judicially of criminal offences. Extract from A.M. McDonald, Editor, Chambers 20th Century Dictionary, (Edinburgh: W.& R. Chambers, 1979), p. 1060.

[64] The Commission for Ecclesiastical Causes or the Ecclesiastical Commission as it was more commonly known was established by James in 1686. It was used by James to regulate matters concerning appointments to the Anglican Church of England, of which church he was Governor, or Supreme Ruler. These titles arose from the actions of Edward VI and Elizabeth I who abrogated Papal supremacy in matters of religion in England and Ireland, and claimed that right for the English Crown. King James II, whose nominees held the controlling power in this commission extended its power to deal with more extensive religious decisions embracing the Presbyterian and Catholic religions. These Commissioners were men who would do his bidding in religious matters regardless of the view of the Protestant clergy. Extract from Maurice Ashley, The Glorious Revolution of 1688, pp. 65, 116-117, 120 and 145.

[65] S. J. Connolly, Religious, Law and Power, pp. 33-36.

[66] Ibid., pp. 36-37.

[67] Ibid., p. 37.

[68] Patrick Melvin, "Sir Paul Rycaut's Memoranda and Letters from Ireland, 1686-1687" in Analecta Hibernica, Vol. 27 (Maynooth: 1972), pp. 35-111.

[69] J. G. Simms, "The War of the Two Kings, 1685-1691" in Early Modern Ireland, 1534-1691 Vol. III edited by T. W. Moody, F. X. Martin and F. J. Byrne (Oxford: Clarendon Press, 1976), p. 489.

[70] S. J. Connolly, Religion, Law and Power, p.40.

Chapter 2

The enactment of the Penal Laws in the 18th century Ireland and their application in Britain and British Colonies.

2.1 Introduction

The death of Queen Anne on August 1st, 1714, brought to an end one of the very many agitated periods in Irish political history. The previous twenty years had been a time of revolutionary unrest, domestic and foreign wars and intensely partisan political conflict. The victory of the Williamite armies over their Jacobite rivals in 1691 marked the end of a long struggle between Protestants and Catholics for control of the land and government of Ireland. With the assistance of English arms and finance, the Irish Protestants gained ascendancy. They were determined never to be placed in a situation where they would have to wage a similar struggle in the future.

> The post Williamite settlement in Ireland executed in the name of King William excluded Catholics from political life and established an economic and social ascendancy of about one thousand Irish Protestant families over the rest of Ireland.[1]

The members of this Protestant ascendancy held most of the land and controlled the financial institutions and the main commercial and industrial enterprises. They sat in both houses of the Irish Parliament in Dublin, served as administrators and bureaucrats in Dublin Castle, the centre of English administration in Ireland, and dominated all levels of urban and rural government. Their members provided clergy for the Anglican Church in Ireland. They also filled all positions of legal authority and provided the officer corps and enlisted men of the Crown military forces in Ireland.

It took over twenty years to develop and establish this political system, which was dominated by the Protestant ascendancy. It was mainly devised by this class to perpetuate their control of Ireland. It was

not fully operational in all its many facets until some years after the accession of King George I in 1714. It must be emphasised, however, that when it was completed, this political system served its planners well. It proved to be extremely successful in that it gave Ireland, from the Establishment point of view, an interlude of relative political and social stability between eras of revolution and international conflict. This period of stability can be defined as the era between the Jacobite-Williamite wars at the end of the 17th Century and the American Colonial revolt and the French Revolution in the closing stages of the 18th century.

2.2 The constitutional and political setting of Ireland from 1692

2.2:1 The Irish Parliament in the 18th century

Since the Penal Laws were largely the enactments of the Irish Parliament, it seems necessary to give some account of its development, evolution and influence in respect of the legislative passage of those same laws. The Irish Parliament originated in the Middle Ages as part of the central government of the Norman-Irish state. It developed along the lines of its English counterpart at a different pace and with distinctive features. McCracken in his booklet, The Irish Parliament in the Eighteenth Century states that the Irish Parliament met fairly frequently in the medieval period, but at the height of its power even in this period, it never represented more than fourteen counties and liberties and twelve towns.[2]

The native Irish recovery from the initial successes of the invading Normans took almost two centuries. This Irish containment of the Norman expansion lasted almost a century and a half until Gerald Fitzgerald, the 8th Earl of Kildare, acting as Justiciar or Deputy for the Yorkist and Lancastrian Kings of England between 1477 and 1513, imposed a form of English law in Ireland, largely directed towards furthering his own princely ambitions, but ostensibly undertaken in the name of the Tudor Henry VII. In the period prior to Gerald's appointment,

the English Royal writ had very confined territorial limitations. In consequence, the power of the Irish Parliament, representing English policy in Ireland, declined greatly in influence and represented only the four counties of the area known as the Pale, a strip of land surrounding Dublin approximately 30 to 40 miles long north and south of the city, and hardly more than twenty miles in width inland.

The Tudor conquest of Ireland in the 16th century enlarged this small English territorial enclave. Unfortunately, weak parliaments are generally associated with strong monarchs and in consequence, the Dublin Parliament met very irregularly. In Elizabeth's long reign from 1558 to 1603 only three Irish Parliaments met, for short periods, in a span of over forty years. The Stuart, James I, held only one Irish Parliament in his reign from 1603 to 1625. Matters improved considerably in the reign of Charles I and there was a spate of Irish Parliamentary activity from 1633 - 1640 during the deputyship of Thomas Wentworth, Earl of Strafford. These Parliamentary sessions were largely devised by Wentworth to induce the Parliamentarians to grant very increased revenues to the Crown. These revenues were used to further the cause of the impoverished Charles I who was in dispute with his own English Parliament over its reluctance to grant revenues to the Crown.

The Irish Parliament did not meet again until 1661 after the restoration of Charles II. That was the last 'normal' Parliament held in Ireland until William III's Irish Parliament of 1694. In the view of McCracken, James II's Irish Parliament of 1689 was "too much the product of an exceptional situation to be classed with the other Parliaments of that century."[3] This statement of McCracken may have some historical validity depending on one's perspective but James II's Irish Parliament was constitutionally a valid and legitimate Parliament. Its enactments had all the elements necessary to give them validity. McCracken's view would not coincide with the writer's opinion that James II's Irish Parliament was a 'lawful Parliament'. Its only weakness was that King James II, who summoned it and approved its decrees, was

deprived of his thrones in England, Ireland and Scotland by the military victories of his son in law and nephew King William III against him. McCracken argues that only in the last hundred years of its existence, from 1692 to 1800 can the Irish Parliament be said "to have had a continuous history",[4] a statement with which the writer of this work would regard as reasonably accurate from a historical perspective.

It was a measure of the increased importance of the Irish Parliament in the eighteenth century that only then did it acquire a permanent meeting place. Over the centuries it had met in different towns, for example Drogheda in 1494 where Sir Edward Poynings had his bill restricting the legislative powers and freedom of the then Irish Parliament passed. It also met in different venues in the city of Dublin. The first post 1691 Revolutionary parliament occupied part of a decaying building in Dublin's College Green, opposite Trinity College. Between 1729 and 1739 a stately Parliament house was built on the site and was in use until the Parliament dissolved itself by the Act of Union with Britain in 1801.

2.3 The composition and character of the Irish Houses of Parliament after the Williamite revolution of 1688

The Irish Parliament in the eighteenth century consisted of a House of Lords and a House of Commons - in effect a bicameral institution.

2.3:1 The House of Lords

The upper house, the House of Lords, consisted of twenty two spiritual peers - four archbishops and eighteen bishops of the established Anglican Church of Ireland, and a varying number of temporal peers. The bishops were active and influential especially in the early decades of the 18th century when, according to McCracken, "few of the lay peers had any aptitude for, or interest in, parliamentary business".[5] Lord Chesterfield, as quoted by McCracken, went so far as to say that "the house in truth consists only of the bishops."[6] As a result of

the bishops' political influence, the English government saw that it was to its advantage to fill the most important Anglican ecclesiastical positions with Englishmen. All the eighteenth century Anglican primates were Englishmen, many of whom came to Ireland "in the entourage or train of a newly arrived Lord Lieutenant."[7]

Archbishop Hugh Boulter the primate from 1724 to 1742 was the foremost advocate of appointing Englishmen to ecclesiastical and judicial offices as a means of strengthening "the English interest in Ireland."[8] His successor from 1747 to 1764, George Stone, had more personal political ambitions. With the assistance of the Ponsonby family he tried to build up his own interests and influence in the Irish Parliament by seeking to remove the Speaker, Henry Boyle. In the later decades of the 18th century, the leadership in the House of Lords passed to the lay peers, whose numbers and influence as undertakers, i.e. managers of parliamentary business for the Crown, greatly increased. Not all of those who held Irish titles were active members of the Irish House of Lords. Catholic peers received writs of summons to attend the House of Lords but they were then disbarred from taking their seats by the Oath of Supremacy. Between 1767 and 1785, fifty new peers were created from among the loyal members of the Commons. This was to counteract the growing influence of a new opposition group in Parliament known as the Patriot Party, who espoused both legislative and parliamentary independence for Ireland.

2.3:2 The Irish House of Commons

The House of Commons was composed of 300 members. Two were returned by each of the thirty two counties, two by 117 boroughs and two members by Trinity College Dublin. The electorate for the Trinity College constituency was comprised of the twenty two fellows and seventy scholars. The county franchise was based on an act of Henry VIII's Irish Parliament of 1542 which gave the vote to forty shilling freeholders (those who held land, either leased on specific terms, or owned it

outright, worth at least forty shillings a year over and above the rent or other charges on it, were entitled to vote). There were men of wealth and standing in the counties who had no vote because they held their lands on terms other than those laid down in the 1542 act. Attempts were made to circumvent this restriction by landlords who tried to increase the number of votes they controlled by making their tenants nominal freeholders. These landlords gave their tenants legal possession in the form of title deeds and rent charges, but not the actual ownership of the freeholds. Parliament tried to get around this practice by requiring freeholders to declare on oath that they were genuine freeholders and stipulating that freeholds should be registered six months before an election. Landowners in effect, by virtue of their absolute ownership could vary the terms of lease-holders and by other means, make it sufficiently clear to their tenants and free-holders that their continued security of tenure depended on their willingness to vote as they (the Landlords) required. Failure to do so in open voting could lose a tenant his holding or result in higher rents.

In the boroughs the franchise qualification varied. The great majority of boroughs were either corporation boroughs or freeman boroughs. In 57 Corporation boroughs, the franchise was confined to elected members of the Corporation, usually twelve or thirteen in number in each Corporation. Corporation boroughs included such towns as Enniscorthy, Kilbeggan, Boyle, Carrick-on-Shannon, Coleraine, Belfast and Bangor. In thirty four freeman boroughs, the freemen and members of the Corporation of that borough had the vote. The number of freemen varied, as admission to the freedom of the borough had come to depend in most cases on the will of the patron. Examples of these freeman boroughs were Clonmel, Dingle, Ardfert, Naas and Kildare Town. There were eight county boroughs where the franchise was held by members of the Corporation, the freemen and the freeholders. The number of voters in these county boroughs was reasonably large, and varied from 500 up to 4,000 by 1784.[9] Eighteen further boroughs made up the list, twelve of those being 'pot-walloping' or 'rotten' boroughs i.e. insignificant villages

with few inhabitants. Examples of these rotten boroughs include Rathcormack, Co. Cork with seven voters, Mullingar with twelve and only the inhabitants of one house at Clonmines in south Wexford. Bannow in south Wexford had no habitants, while Harristown had "not one single house but one tree inhabiting."[10] There were six manor boroughs in which the resident householders and the freeholders of the manor respectively had the right to vote. The squire of the manor had obtained this privilege by petition to the Lord Lieutenant, or to the speaker of Parliament, who had the necessary legislation passed or the legal instrument arranged to set up such a borough. Granard, Mallow, Doneraile and Ratoath were examples of manor boroughs. The composition of all these kinds of boroughs with such restricted numbers of voters could hardly be described as representative of the total population of over two million inhabitants.

2.3:3 The social, ethnic and religious composition of the early 18th century Irish Parliament

The Irish Parliament which met in Dublin in 1692 was the first Parliament to be legally convened after the Williamite revolution. The legislation altering the succession of the Crown in England was not re-enacted in Ireland. By the provisions of the Irish Statute, 33 Hen VIII c.1 1541, the Irish Parliament declared the King of England to be ipso facto the King of Ireland also. The 1692 Parliament, by the Act of Recognition, 4 William and Mary c.1, acknowledged the English monarch's right in this respect.

> The Irish Parliament in Elizabeth's reign had never adopted the Act passed in the 5th year of Elizabeth's reign imposing the Oath of Supremacy upon members of the Irish House of Commons. The house had been full of Roman Catholics in the reigns of Elizabeth, James I and Charles I. In this second session of the Irish Parliament of Charles I in 1641, when the Irish Rebellion led by Sir Phelim O'Neill was at its height, the Irish House of Commons was induced to exclude by a resolution of their own all who would not take the Oath of Supremacy. In the Parliament of 1661, no Roman Catholic, or only one, was returned, but the House addressed the Lords Justices to issue a commission for

> administering the Oath of Supremacy to all its members. A bill passed the Commons in 1663 imposing that oath in future, which was stopped by a prorogation.[11]

Swift Mac Neill refers to an English Statute passed in 1691 (3 William III and Mary c.3) which recited in its opening chapter

> the great disquiet and many dangerous attempts that had been made to deprive their Majesties and their royal predecessors of the said realm of Ireland by the liberty which the Popish recusants had there.[12]

This English Statute required every member of both Houses of the Irish Parliament who took his seat to take a new oath of allegiance to the English monarch and to subscribe the declaration against transubstantiation before taking his seat. Swift Mac Neill declares that there was "cheerful submission on the part of the Irish Parliament to this English statute of 1691."[13] This English act was not, however, confirmed by an act of the Irish Parliament until 1782, despite being uniformly observed in the Irish Parliament between 1692 and 1782.

Warden Hatton Flood in his book Historical Review of the Irish Parliaments from the Epoch of Henry II to the Union, makes some interesting, comments on the composition and character of the Irish House of Parliament in the period from 1688 to 1768. Hatton Flood states that

> the Irish Parliaments underwent a new organisation on the fall of the Stuarts. From the Reformation, or at least from the reign of James I, Roman Catholics and Protestants sat in the same parliaments, and carried on all social affairs in perfect harmony, and were of nearly equal proportions in the House of Commons.[14]

Hatton Flood asserts that the conduct of James II caused the overthrow of that principle of unity in Ireland on which her "dearest interests hinged, and her commercial and legislative independence." He provides an assessment of the roles and characters of the Stuart monarchs of the 17th century, describing

> the 'double and evasive conduct' of Charles I, the

'frivolity' of Charles II, and finally the 'perfidy' of James II to both persuasions; (Protestant and Catholic) hence the strong Protestant tendency of the triumphant party to establish, by new dynasties, a 'new polity in Church and State.'[15]

In consequence, the Houses of Parliament in both Kingdoms were Protestant.

Hatton Flood gives an interesting commentary on the composition of the Irish House of Commons and the legislative weakness and defects of that house. The Irish House of Commons was composed of settlers from the time of the Reformation, down to the reign of William III.[16] He does not consider the settlers to be 'mere adventurers'

> but rather they were generally derived from ancient and often noble Norman lineages, animated by national views, anxious for the prosperity of Ireland but not sufficiently strong to effect it. The members were, then, gentlemen by birth, property and birth and education, quite as much as in the English House of Commons.[17]

Hatton Flood lists the flagrant defects of the Irish House of Commons, arising out of the dynastic changes in England following the 'misrule of the Stuarts' as follows

1. A limited representation of the Protestant section only;
2. A restricted franchise; the free-hold and house-hold franchise being on tenures too long or too high;
3. The unequal duration of Parliaments, pending on the life of the King; the demise of the Crown being the uncertain period of the existence or life of the Irish legislature;
4. Members, unlike their English colleagues, having only the privilege of introducing "heads of a bill" which were fully debated and amended in the Parliament. They were then submitted to the Lord Lieutenant and his Privy Council in Dublin for approval, and then transmitted to the King and his Privy Council in London if so warranted. If the Irish Privy Council at worst refused to transmit Heads of a bill to London, or at best allowed it to proceed, with or without amendment it went through the same process in London before being returned to the Irish Parliament to continue its parliamentary life as a bill for discussion.
5. The prohibition of the publication of the debates of the House.[18]

Hatton Flood goes on to list the commercial restraints on Irish industries such as the woollen industry but the issues involved in that

section of his discourse are more fully treated in Hely Hutchinson's book Commercial Restraints.[19]

2.3:4 The first Irish Parliament of William III October 1692

The first Irish Parliament of the reign of William III was called into session on 5th October 1692. This event had been preceded by the appointment of Lord Sydney as Lord Lieutenant on 4th September, barely a month earlier. It should be noted, as Hatton Flood records, that the duration of the Irish Parliament was fixed to a specific time frame as in the case of its English counterpart. The duration of that parliament was three years[20] as specified in the Triennial Act of William III in December 1694, which in turn was added to by the Septennial Act[21] of George I in 1716, fixing the length of Parliament at seven years. The Irish Parliament had by the end of the 17th century, as a result of various modifications of Poynings' Law, been granted a measure of legislative independence, in particular the right to introduce a head of bill without the prior permission of the King and the English Privy Council. These heads of bill differed only from English bills in the formal wording of their preambles. The Irish Parliament fully debated their heads of bills as the English Parliament did with its bills, but with one fundamental difference. When the head of bill cleared all its formal steps in the Irish Parliament, it was sent to the Lord Lieutenant and his Privy Council for approval, and then if approved by them it was sent to the English Privy Council for approval. If approved in England, it was certified under the great seal of England and returned to the Irish Parliament. If approved by the Irish Lords and Commons, it was sent to the Lord Lieutenant for royal assent. If in the course of the head of bill's passage through either the Irish or English Privy councils it was altered, amended or suppressed, then the Irish Parliament could only accept or reject the head of bill in its new form.[22]

The events of 1692 in William III's first Irish Parliament clearly showed the members of parliament that England had no intention of

weakening or foregoing its assumed control over Irish legislation. An Irish 'heads of bill'[23] containing the principal terms of King William III's Bill of Rights then in force in England was sent to England with the approval of the Lord Lieutenant Sydney and the Irish Privy Council by the first Irish Parliament after the Williamite revolution. It never returned from London. In fact, Ireland never had a Bill of Rights.[24] An effort was made by the Irish Parliament, in 1692, to obtain some control over the Irish finances similar to that enjoyed by the English Parliament. The Irish House of Commons rejected a Money Bill sent over for acceptance from England on the grounds that it did not originate in the Irish House of Commons as a head of bill. The Commons accepted that all other matters in the form of 'heads of bill' had to be certified by the Irish Privy Council with the sole exception of Money Bills.

The Irish Commons passed a resolution asserting their 'sole right'[25] to raise and appropriate public funds and rejected English constitutional claims to negate or set aside 'their assumed traditional rights' in this matter.[26] The leaders of the 'sole right' controversy were John Osborne, Alan Brodrick and Robert Rochford.[27] They had a majority in the Irish House of Commons. In February 1693, however, the matter was referred to the Irish judges to decide the legality of the Commons' claim. They rejected the claim of the Irish Commons. They classified all 'heads of bills,' of a money or financial nature, as being covered in law and practice in like manner to other 'heads of bills'.[28] An opinion on the subject was sought from the leading English judges who concurred with their Irish counterparts.[29] The Irish Parliament quite clearly had no legislative independence by these judgements. Lord Sydney for his part opposed the sole right claim of the Irish Commons by entering a protest in the Irish House of Lords' Journal.[30] Sydney was so pleased with the decision of the judges that he knighted them in the King's name forthwith and prorogued the Parliament which was dissolved soon after.[31]

Not merely had the Irish Commons no legislative power but the Irish House of Lords was adjudged to have no supreme appellate jurisdiction

over cases adjudicated upon in the Irish courts.[32] In disputes over lands, Bishop King of Derry, the Earl of Meath and Hester Sherlock had successfully appealed judgements against them to the Irish House of Lords. Their opponents appealed to the English House of Lords which ruled that the Irish Parliament had no appellate legal jurisdiction. They held the Irish Lords position to be *coram non judice*.[33]

William Molyneaux of Dublin, a political commentator of the period, published a reasoned argument against the right and practice of the English Parliament to enact laws that were binding on Ireland in his treatise entitled The Case of Ireland being bound by Acts of Parliament in England. This treatise was published in 1698. In it Molyneaux argued that "consent alone provided the force of law and justification for government".[34] Representation, he argued, was a necessary precondition for consent, and since Ireland and its people had no representation in the legislature that enacted its laws, these laws were illegal. Molyneaux was shunned and excoriated by the establishment in Dublin Castle and in London, and his views were seen as little less than sedition. They bore fruit, however, in the later decades of the 18th century providing the British colonists in North America with the ideology of "no taxation without representation". Ireland in the era of Grattan, Flood and Charlemont in the 1770s and 1780s won for the Irish Parliament the rights espoused over eighty years earlier by William Molyneaux.

2.3:5 Conclusion

In concluding this section, it is necessary to distinguish between the liberal and democratic actions of members of the Protestant Irish ascendancy in defence of their Protestant Irish Parliament and their own specific political, commercial and religious interests. The terms liberal and democratic are relative in that their application to members of Parliament only distinguished those who sought their own advantage as opposed to others who were prepared to accept unquestioningly any

English inspired policy, whether it adversely affected the general well-being of Ireland or not. The plight of the unrepresented mass of the Irish Catholic population was of no concern to these Protestant members of Parliament as an act of the 1692 Irish Parliament illustrates. It was entitled "An Act for the Encouragement of Protestant Strangers to settle in this Kingdom of Ireland."[35] It permitted such persons to worship in the manner in which they were accustomed.

The scene was set for the enactment of some considerable number of Penal Laws affecting the Irish people, both Catholic and dissenter, over the next seventy years following the death of Queen Anne in 1714. The remnants of Tory political influence in England and Ireland which was influential in the reign of Queen Anne vanished and the English Whigs and their Irish associates took control of political and religious affairs in Ireland under the new Hanoverian Monarchy of George I. The Whigs were, from an English perspective, more sympathetic towards the religious discrimination affecting both English and Irish non-Catholic dissenters, in particular to the repeal of the Test Acts. When the Irish Parliament was not in formal session, the Lord Lieutenant returned to England having spent approximately six months in residence in Ireland in each two year period. The government of Ireland was left in the hands of the three Lord Justices, usually comprised of the Anglican Primate, the Lord Chancellor and one other influential Protestant official. Any hope for an amelioration of the civil, political and religious rights of the Catholic majority population of Ireland could be only an unattainable dream. Their daily existence over the next seventy years was to be determined by a set of Penal Laws which would deprive them of their basic civil and religious rights, and subject them to poverty, ignorance and despair in their daily life.

> Upon the whole, the Irish may justly blame themselves for whatever they have, or shall suffer in the issue of this matter, since it is apparent that the necessity was brought about by them, that either they or we must be ruined.[36]

The above quotation was written by William King, Dean of St.

Patrick's' in 1691. He was a high church Anglican clergyman, who had been imprisoned by the Jacobites in Government in Dublin in 1689. He was a firm believer in the principles of divine right monarchy and the necessity to justify his transfer of allegiance from King James II to King William III and his wife Queen Mary I presented him with a conscientious dilemma. He published a booklet in 1691 entitled State of the Protestants of Ireland under the late King James's government to justify his change of allegiance. In this booklet he presented the whole Protestant case against the Irish Roman Catholics and concluded that they had by their own actions, brought ruin upon themselves. His views, as expressed in his booklet, merely echoed the prevalent feeling of the victorious Protestant party. King William III as he showed in the six years following his enthronement was not in favour of pressing the issue of punishment for Jacobite Irish Catholics too rigorously as evidenced by his wish to implement the terms of the Treaty of Limerick. His Protestant supporters in Ireland, however, were impatient of all compromise. They used William Kings' booklet for many years as a repository of all the unpalatable facts and arguments against Catholics to justify their demands for more and more stringent measures against the Roman Catholic majority.

Protestant fears in Ireland did not stem from their immediate past dangers and experience. The situation in Ireland was far from secure for them. The Tories or outlaws of the Restoration period in the decades after 1660 were succeeded by groups of 'raparees' or armed bands of ex Jacobite soldiers, whose exploits were regarded as a combination of pseudo patriotism and outright robbery. These raparees created great fear and terror in small isolated Protestant settlements. This anxiety was increased by the ever greater incursions of French naval privateers in coastal areas and the even greater threat of a French landing. Papal support for the deposed King James II and his Stuart cause left the loyalty of Roman Catholic clergy to King William II open to suspicion, not merely in religious matters, but more significantly in the sphere of political issues. The remaining Roman Catholic nobility had considerable

influence in their own localities, and were regarded by their Protestant neighbours as supporters of the Jacobite cause.

Protestants would naturally regard King William III's innate sense of tolerance and attitude of conciliation towards Irish Catholics with a sense of alarm, in particular his readiness to admit Catholics to the army and his sense of duty to honour the terms of the Treaty of Limerick. These two issues implied a threat to the security of the Williamite victory in Ireland in the case of the admissions of Roman Catholics to the army, and a betrayal of the Protestant cause in the matter of the ratification of the Limerick Treaty. English opinion supported this Irish Protestant rationale towards Irish Catholics. King William III could not afford to alienate the goodwill of his English supporters, particularly where the need of Irish Protestant support was essential, if Ireland was to be kept in safe subjection. By 1690, King William III had second thoughts based on the arguments of practical expediency and he continued with the established English practice of appointing Englishmen as Lords justices in Ireland and a having a Privy Council in Dublin to maintain the traditional system of English Government in Ireland.

In this system carefully controlled from London, Irish Protestants, by virtue of their religion and proven loyalty would exercise considerable power and influence in the future administration of Ireland especially in the reconstituted Irish Parliament from 1692. The Irish Parliament had in practice, been exclusively Protestant during the reign of King Charles II. This Protestant religious character of the Irish Parliament was made absolute by the application to Ireland of an English act of 1691,[37] requiring members of both houses, Lord and Commons, to subscribe to certain oaths which conflicted with distinctively Roman Catholic doctrines. An Irish Protestant legislative monopoly was thus assured. Those members of the Irish Parliament whose sensibility and prejudices led them to despise Roman Catholicism and its religious ideologies and more particularly, the inimical foreign alliances which membership of that church imposed on its adherents, could now give free reign by legal

means to the subrogation and possible dismantling of the Roman Church in Ireland for good.

King William III felt constrained by the need to secure the support of his loyal Protestant Irish subjects and was compelled to acknowledge their genuine fears and prejudices. It was a price he would have to pay despite his own inclinations to a more conciliatory policy towards all his subjects be they Protestant or Catholic. Prior to his arrival in England in 1688 as stateholder of the United Provinces of the Netherlands, he had by and large been characterised by moderation, conciliation and practicability towards his subjects whose own political and religious views were liberal and non-conformist. King Williams' first Lord Lieutenant to Ireland was Lord Sydney, who was forced by the Protestant Irish Parliamentarians to take steps to disarm Irish Catholics, to prevent their entry to the army and to "scrap" a bill being prepared for confirmation of the articles of the Treaty of Limerick. King William III had a further difficulty. The question of finance or revenue for the upkeep of the Kingdom of Ireland was a matter of great urgency. The decline in hereditary crown revenues was grossly insufficient to meet current administrative expenses. Therefore the King and his Viceroy were dependent on an Irish Parliament which would be sufficiently docile and pliant to provide the revenues by way of taxes, which the crown urgently needed. Sydney was only partly successful in securing the passage of a first money bill in September 1692. The Irish Commons refused to pass a second money bill claiming that all such money bills should originate in the house. This claim, when examined by English and Irish judges, was found to be in conflict with Poynings Law of 1494. The Irish Commons held firm and refused to pass a perpetual mutiny bill, and demanded that Poynings Law should be repealed. This was one of many issues on which they felt they should take a stand independent of English wishes.[38] Parliament was prorogued in November 1692 and again in the summer of 1693.[39]

The Irish Commons made it clear that they were following the

example being undertaken in the English Parliament. The Crown could have its revenue, but this could not be assumed to be an automatic procedure. Its provision by Parliament in England and Ireland, in most instances, had to be circumscribed by other legislative enactments which were demanded by the members to meet their own political and personal demands and privileges. In the long term, however, they became less concerned about constitutional rights than about Protestant security and privileges. When it became clear from 1693 that King William III was prepared to modify his conciliatory policy towards Roman Catholics, the way became open for him to establish a good understanding and rapport between him and his Irish Protestant subjects. They dropped their Habeas Corpus bill, their bill of proposed rights and their opposition to their 'claimed' sole right of initiating money bills. The Irish Parliament met in 1695 and it was presented with two bills calculated to please Protestant opinion - the sending of Catholic children abroad for educational purposes and an Act for the banishment of Roman Catholic bishops and members of male religious orders, which was passed in the Parliament's second session in 1697. This session also allowed for the confirmation of the Treaty of Limerick in a most watered down or mutilated form.[40]

Within ten years of the Battle of the Boyne, 12 July 1690, the character of a new Protestant ascendancy had been formed and had found fruitful and powerful expression.

The practical toleration long enjoyed by Roman Catholics was to come to an end. They were now to be deprived of every means by which they might threaten the position of the dominant minority.[41] They were to be excluded from political power and they were to derive no benefit as a body from the terms of the Treaty of Limerick. The era of the Penal Laws had begun.[42]

2.4 English rationale for the Irish Penal Laws

The security of the Protestant Ascendancy classes in Ireland which had led in the first instance to the passing of the Penal Laws against Irish Catholics had significance for the English government. England's interests in the wider arena of European politics often required the support of Catholic powers in the constantly changing pattern of European alliances. Many Catholic European monarchs, especially the Emperor Leopold of Austria, when allied to England, sought to ameliorate the harsh Penal Laws against their Irish co-religionists. The Protestant Irish ruling classes sought by every means to negate this European Catholic influence on behalf of Irish Catholics on every possible occasion. They basically ignored England's wider European needs in their attempts to copper-fasten their own local security, prosperity and ascendancy.

Successive bills were approved under pressure from the Protestant gentry, who formed the majority of the Irish House of Commons, and whose relish for Anti-Popery legislation had its roots in a desire to avenge past humiliations as well as to prevent future threats to their economic and social ascendancy.[43]

It is important, when judging the Penal Laws as they applied to Irish Catholics to bear in mind that in the beginning of the 18th century, restrictive and even Penal Laws also applied in Catholic countries against Protestants. The laws against Irish Catholics, though much more multifarious and elaborate, were, on the whole, in their leading features, less stringent than those against Catholics in England itself.[44] The laws, in the main, were modelled on those that had been passed at Westminster against the small minority of English Catholics. These English laws were again in turn, inspired and influenced by the earlier Penal Laws imposed in France in the mid 17th century to extirpate the power, influence and even the very existence of the Huguenots in that country. Their effects were, however, much more far-reaching in Ireland, where, unlike those directed against a Huguenot minority in France, the Penal Laws were directed against the majority of the population of

Ireland. Lecky states

> The persecution of Catholics in Ireland, oppressive as it was, never approached in severity that of Louis XIV in France, and it was absolutely insignificant compared with that which had extirpated Protestant and Judaic minorities from Spain.[45]

The Penal Laws against Irish Catholics were not mainly the product of religious feeling, but of policy, and they were defended in their broad thrust and outline by some of the most eminent Irishmen in the latter half of the 18th century. These Anglo Irish Protestant apologists for the Penal Laws argued that

> At the close of a long period of savage civil war, it was absolutely necessary for the small minority, who found themselves in possession of the government and land of that Country, to fortify their position by disqualifying laws to deprive the conquered and hostile majority of every element of political and military strength.[46]

If such was the object of the Penal Laws in Ireland against the Catholic population, viewed from that perspective, it might be said by its apologists that this penal code was justified in those circumstances as a measure of security and self defence.[47] Lecky postulates this viewpoint as being a likely or possible rationale for the passing of the Penal Laws. This view was accepted by some historians such as Froude. Lecky indicated that he himself did not necessarily accept this viewpoint. He also puts forward the argument that it might be said that the Penal Laws brought about a situation which resulted in a period of almost eighty years of relative peace and tranquillity in Ireland.[48] The Irish Catholics who lived through this era of peace and tranquillity might be forgiven for confusing the terms "peace" and "tranquillity" with the very different or difficult circumstances which would face them in their daily life in the following decades.

It cannot be disputed that the laws were a flagrant breach of the first and principal article of the Treaty of Limerick, 3 October 1691, which stipulated that

> the Roman Catholics of this Kingdom shall enjoy such privileges in the exercise of their religion as are

> consistent with the laws of Ireland, or as they did enjoy in the reign of Charles II; and their Majesties (William III and Mary II), as soon as their affairs will permit them to summon a Parliament in this Kingdom, will endeavour to procure the said Roman Catholics such further security as may preserve them from any disturbance upon the account of their said religion.[49]

The 9th Article determined that 'the oath to be administered to such Roman Catholics as submit to their Majesties' government shall be the oath of allegiance and no other.'[50] These Articles were signed by the Lords Justice of Ireland and ratified by their Majesties under the Great Seal of England.

This treaty, and in particular Articles 1 and 9, could reasonably be regarded as guaranteeing freedom of religion and religious practice for Irish Catholics and as providing protection against further penalties or harassment on account of their religion. It is true that the religious enactments of Elizabeth I against Catholicism remained unrepealed, but they had become wholly obsolete. They were not enforced during the reign of Charles II and so it was assumed that they could not be enforced after the Treaty of Limerick. It is also true that an Irish Parliament was needed to give this treaty and its provisions legal sanction. It was clearly stated in Article 1 of the treaty that this would be convened as soon as possible. A parliament was summoned in 1692, by William III, but its members were determined that any concessions granted to Irish Catholic Jacobites under the treaty would not be given full legal effect, thus preventing them from being presented or voted upon in Parliament. Hence the Treaty of Limerick was never accorded legislative status in the Irish or English Parliament.

> These new Penal Laws would impose severe restrictions on Catholics in the practice of their religion and on their ability to conduct their natural daily life as normal free-form subjects of any reasonable system of political government. [51]

2.4:1 Inauguration and Enumeration of the Principal Penal Laws

The Penal Laws were enacted by the Irish Parliament over a period of almost 67 years, beginning in September 1695 and ending with an enactment of 30 April 1762. These laws can be classified under six general categories:

1. Laws against the Catholic clergy and Catholic worship;
2. Laws against Catholic ownership of land;
3. Laws against Catholic and Protestant intermarriage;
4. Laws against Catholic civil rights which included exercise of the franchise, entry to the professions and to Crown officerships and to positions in the army;
5. Laws against Catholic participation in trade and commerce; and
6. Laws against Catholic education in Ireland or abroad.

The scope of this thesis and its specific emphasis on the structures of Catholic education in the 18th and 19th centuries precludes any substantial examination or analysis of the first four categories of Penal Laws other than in a very general context and only in so far as they impinge on matters of an educational nature.

2.4:2 Laws against Catholic Clergy and Worship

The first penal law specifically directed against Catholic bishops, clergy and worship, was that of William on 25 September 1697. It commanded all Catholic bishops, vicars general, deans and members of male religious orders to leave Ireland by 1 May 1698.[52] If bishops were forced to leave the country, there could be no priestly ordinations, and without ordinations the Church would die for lack of priests. The Act was enforced from the outset. 444 clergy of religious orders were transported mainly to France in 1698.[53] Many remained on, passing themselves off as secular clergy. Of the eight Catholic bishops remaining in Ireland in 1698, three left voluntarily and one was arrested and transported.[54] Bishop Donnellan of Clonfert was arrested in 1703 but freed by Catholic rescuers. The authorities were unable to discover or punish his rescuers.[55] Bishop Patrick Donnelly of Dromore was arrested in 1706 and tried in Dublin but was acquitted for lack of evidence.[56] Archbishop

Comerford of Cashel was sheltered by the Mathew family of Cashel until his death in 1710.[57] The Catholic Emperor of Austria, Leopold, appealed to William not to enforce the banishment of bishops, lest the Church die for lack of priests but the Peace of Ryswick 1697 with France left William less dependent on his Catholic European allies and less receptive to their pleas for the relief of Irish Catholic clergy. William was content to remain uninvolved in the drawing up of State religious policies and left this matter to the discretion of his Ministers and his Parliament and supporters. He was more attentive to the demands of the Protestant Irish Parliament.[58]

The cyclical nature of the changing European political situation and the need for allies, Catholic or Protestant, had a corresponding effect on English religious policies towards Irish Catholicism. During the war of the Spanish Succession (1703-1713), Protestant England had need for Catholic European allies against Louis XIV of France. These Catholic European allies, Austria and Poland, complained to Queen Anne that the renewed persecution of Irish Catholics was contrary to the terms of the Treaty of Limerick and their intervention had some ameliorating influence on the situation. By the end of the reign of Queen Anne in August 1713, there were fourteen papally appointed Catholic bishops illegally resident in Ireland, including two eminent and vigorous prelates in the persons of Archbishop Edmund Byrne of Dublin and Archbishop Hugh McMahon of Armagh.[59] The Banishment Act of 1697 had been circumvented by the Catholic bishops and the immediate Episcopal crisis associated with it receded.

The most formidable law against the Catholic clergy in Ireland was passed early in the reign of Queen Anne, by the Irish Parliament in March 1704.[60] It was entitled 'an Act to prevent the further growth of Popery.' Its aim was to reduce Irish Catholics to a condition of helpless subservience and it does not allege as a raison d'être for its introduction and passage any specific or general political crime or threat to security from Catholics.[61] It was justified in its preamble on the grounds that

> the Papists still continued in their gross and dangerous errors, that some Protestants had been perverted to Popery and that some Papists had refused to make provision for their Protestant children.[62]

Chapter 7 of the Act required Catholic clergy to register with clerks of the peace at the next quarter sessions. It also required them to remain in their own counties, not to keep a curate, and to enter a bond with two sureties of £50 to be of peaceable behaviour.[63] One thousand and eighty nine priests registered and they were left unmolested by the law for five years until the Act of 1709[64] was passed. This Act, known as the Act of Abjuration, was a strengthening amendment to the 1704 Act. It required the clergy to take an Oath of Abjuration, abjuring the right of James III to the Crown and accepting that Anne was the lawful Queen. Only thirty-three priests took this oath. All the others refused, due to pressure from Rome which still recognised the Stuart claim to the throne of Ireland and England. The very small number who took this oath would have left the state authorities with the view and reasonably so, that the non-abjuring Catholic clergy, i.e. the vast majority would in effect, constitute a large group of potentially disloyal and subversive subjects. These clergy would need to be kept under constant surveillance and harassment. The enforcement of the Act was uneven, depending on the zeal and enthusiasm of individual local magistrates and informers. The Tory Government in England, flirting secretly with the idea of a possible Stuart Succession after the death of the heirless Queen Anne, did not push the enforcement of the 1709 Act.

This 1709 act also dealt with the property rights of Catholics, but the harassment of bishops and vicars apostolic was made more severe by the offering of rewards of £50 for their discovery and apprehension. The discovery of regular clergy who were unregistered could benefit those who 'discovered' them by a reward of £20 per priest. To effect these 'discoveries', magistrates were empowered to summon any Papist over the age of sixteen years and to require him on oath to reveal when and where he last heard Mass, who celebrated it and who was present and the present whereabouts of the celebrant, particularly if the priest was an

unregistered regular clergyman.[65] By these means it was intended that unregistered priests would be detected and transported. Priests who refused to take the 1704 Oath of Abjuration, as amended under the 1709 Act, before March 1710, were to be banished for life, and would suffer the penalty of death, if they returned to Ireland and were apprehended. Even Catholic laymen could be summoned to take this oath. Each refusal on the first two occasions would result in imprisonment, but on a third refusal, the papist so refusing was deemed guilty of *praemunire* and liable to perpetual imprisonment and the confiscation of all his property.[66] Rome forbade Catholics to take this oath under pain of sin, as being contrary to the teaching on the divine hereditary right of Kings. Few took the oath. Three factors made this Act unenforceable in practical terms: the concerted resistance of the Catholic clergy in Ireland to the oath; the risk of causing popular civil disorder in attempting to expel over 1,000 priests, and the negative European reaction to such a course of action. This Act of 1709 completed the penal early legislation against Catholic clergy and worship. An interesting feature which refers to the third factor in the unenforcibility of these early penal acts in Ireland, should be borne in mind. The policy of religious oppression of the majority Irish Catholic population clearly conflicted with English requests to the Catholic Austrian Hapsburg Emperor, Leopold, to treat his minority Protestant subjects in Hungary and Silesia with greater religious toleration and respect.[67] The English apparently believed in two different standards for religious dissenters. They, the English could impose harsh and religious laws against their Catholic subjects in Ireland, but expected the Catholic Leopold to treat his Protestant subjects with 'freedom and favour'.

Various other heads of bills or proposed bills made their way from the Irish Privy Council through the Irish Houses of Parliament and on to the English Privy Council, but for various reasons of a political or diplomatic nature, the King's signature was not obtained or appended to these bills and so they never became law. One such bill of 1719, in a period of a Jacobite invasion threat of Scotland led by the 'renegade Duke of Ormond', proposed among its many repressive clauses, the

infliction of castration upon unregistered priests discovered in Ireland. The English Privy Council removed this obnoxious clause and substituted 'branding by a red-hot iron the cheek'. On its return to the Irish House of Lords, however, the Bill was defeated for other reasons and there it ended.[68] Maureen Wall in her book Catholic Ireland in the 18th Century refers to another piece of proposed legislation initiated by the new Lord Lieutenant, the Duke of Grafton, in view of the dangers of another Jacobite threat posed by the birth, in 1720, of a son Charles Edward Stuart, to the Pretender James III. The Irish Parliament passed a stringent measure against Catholics re-iterating much harsher penalties. It prescribed death by hanging, drawing and quartering for all unregistered clergy caught in Ireland after 25 March 1723.[69] This Act also proscribed the activities of 'popish nunneries' and their work of educating young females. In its provisions, it also proposed the closure of Mass Chapels were mass was celebrated behind closed doors or where the priest was 'veiled' or concealed from the Congregation.[70] This bill never became law, but it earned Lecky's condemnation when he stated that "it was no exaggeration to say that it deserved to rank with the most infamous edicts in the whole history of persecution."[71] This Catholic persecution provides an interesting contrast with the toleration granted to Presbyterian Dissenters under the Toleration Act of 1719,[72] which exempted them from the obligation to attend services of the established church and exempted their ministers from the penalties provided by the Act of Uniformity of Charles II in 1666.[73] This contrast in the treatment of the dissenters can be explained by the fact that their religion had no foreign governing authority to direct or compel its members to take any specific course of action, whereas Rome controlled the views and actions of the Irish Catholic clergy.

2.4:3 Laws against Catholic ownership of land

In the case of landed property, the Penal Laws against Catholics were the most severe, and the most successful, since it was the third great object of the penal code to deprive the Catholics as much as

possible from land ownership. Lecky makes the following observation on the importance of the ownership of land as a stabilising influence in any political situation:

> Land being an irremovable property, subject to government control, has always provided the best pledge of the loyalty of its possessor and its acquisition never fails to diffuse through a disaffected class, conservative and orderly habits.[74]

A small proportion of the less profitable lands remained in Catholic hands, as will be outlined in the following paragraph. The policy of making the landed class exclusively Protestant, while the tenant class was exclusively Catholic, was to plant in Ireland the seeds of a most menacing situation, which, with the passing of time, would ripen into the Whiteboy outrages in Munster and elsewhere in Ireland in the 1760s and the agrarian agitation of the 1870s. This critical and potentially explosive situation was remedied only by a series of more equitable redressive land acts from the 1880s until the early 20th century.

The great land confiscations under James I and Cromwell, and the Williamite Settlement of the late 1690s, had done much to make the proprietorship of the land of Ireland almost exclusively Protestant. It is true that after the Treaty of Limerick approximately 250,000 acres were restored to Catholics, who were adjudged by the Commissioners to be comprised within the articles of Limerick. Another group so 'comprised' were those who were adjudged to be eligible for the restoration of their lands by the Williamite General Ginkel after the surrender of Galway on 21 July 1691. A third group of Catholics who had their lands restored were those who were freely pardoned by King William. Nevertheless, a great step had been taken towards placing the land of Ireland in Protestant hands. The proportion of profitable lands owned by Catholics was reduced from 22% in 1688 to 14% in 1703 and this figure was further reduced by the land enactments of the Penal Laws to an estimated figure of 5% in 1776.[75] The other 95% belonged to some 5,000 Protestant landowners.[76] The Williamite Settlement of 1695-1697 did not greatly affect the composition of the Protestant landed class. It

distributed lands mainly to families already resident in Ireland for some considerable time and who had already acquired estates from the 16th century monastic land appropriations of Henry VIII, Elizabeth I's Composition of Connacht in the 1560s, her Munster Plantation of 1584 and the great Ulster Plantation of James I in 1608/9. The Cromwellian land settlement of 1654 must also be included as a source for the Protestant acquisition of native Irish held lands. Some of the landed families who gained from the above expropriations were Anglo Irish or native Irish in origin, who conformed religiously and politically to the new order as it evolved.

The Williamite confiscations did not result in a new wave of settlers from Britain, with some few exceptions. Some Dutchmen of William's personal entourage, military and political men like Ginkel and Bentinck and some others, who had been his friends and confidantes in the Netherlands in his period as State-holder, and who had crossed to England with Queen Mary II and himself, were rewarded for their loyalty with grants of land in Ireland. Land speculators like William Connolly of Castletown in Co. Kildare, although of humble origins, amassed great tracts of lands through speculation. Conolly, a convert to Anglicanism in his early years, later went on to become a Lord Justice and Speaker of the Irish House of Commons. The ranks of Protestant landowners were augmented during the 17th century by 'converts' to Anglicanism who were anxious to hold on to their lands, and to secure more if possible.[77] Others who acquired lands were successful bankers, merchants and lawyers who invested their money in landed estates. The aristocratic balance of this new ascendancy group was also changed as a result of numerous elevations to the Irish peerage for services rendered in the second half of the 18th century.

An act passed in March 1704, in the reign of Queen Anne, provided the main legislative framework for the exclusion of Catholics from the purchase, inheritance or acceptance of the leasing of land by way of life annuities, renting or mortgaging.[78] It was very comprehensively

structured and left few if any loopholes for Catholics to evade its all encompassing reach. No Catholic was allowed to buy land or to inherit it as a gift from Protestants, or to hold life annuities, or mortgages on land, or lease for more than 31 years, or any lease on such terms, that the profits of the land exceeded one third of the annual rent. If a Catholic leaseholder, by his skill or industry, increased his profits so that they exceeded this proportion and did not make an immediate and voluntary increase in his rent, his farm would pass to the first Protestant who made the 'discovery'. This was a crushing disincentive for any Catholic to improve his farming skills and consequent standard of living. This clause contributed enormously to keeping the Catholic landholder in a continuous state of abject poverty. Its aim was to demoralise Catholic peasant tenants. Of all the Penal Laws which had had this general purpose as their objective, this particular Act was, perhaps, the most immediately successful in achieving the desired result.

The deprivation of the freedom of Catholics to exercise their fundamental natural right to dispose of their property on death, by way of testamentary disposition, was also part of this penal land proscription. This testamentary right was enjoyed by all other subjects of the Crown. For the Catholic, the Irish Statute of Queen Anne, 2 Anne, c.6 and c.8 of 4 March 1704,[79] prescribed that upon the death of a Catholic landowner, all his lands and property were to be divided equally among all his male heirs on the principle of gavelkind, unless the eldest son or male heir became a Protestant. In that situation, the whole estate, or holding of land or property passed to this son on his conversion to Anglicanism on the principle of primogeniture as if that son were the eldest son and sole heir to the property. In this manner Catholic-held lands were reduced in size on the death of each testator, so that eventually and inevitably Catholics would individually hold areas of land of no more than a couple of acres which would clearly be unviable to sustain a reasonable livelihood. If one were to take the dependants of these small Catholic landholders into account, the potential for actual poverty and potential starvation was frightening.

The general increase in the rural Catholic peasant population over the period 1712 to 1791 was only too obvious and could only lead to a catastrophe in a famine situation as history ultimately proved in the mid 19th century. This had been earlier forecast in the early to mid 18th Century, in 1723, 1726-28, 1739 - 1741. The 1741 period was particularly known as Bliain an Air. Between 200,000 and 400,000 died. The late Kenneth H. Connell drew up revised population estimates for Ireland, in the 18th Century, based on the 'hearth money' returns. His statistics, although lacking absolute accuracy, are revealing. He estimates the population of Ireland in 1712 at 2.8 million people, 3.5 in 1767 and 4.8 in 1771.[80] L. M. Cullen, on the other hand, suggests that the decline in population growth in the years 1712 to 1754, leading to an increase in population of only 400,000 in a 42 year period, is not accurate. Cullen's judgement is based on the belief that the figure calculated by Connell did not take into account levels of Catholic emigration to the armies of Europe, or of France in particular. Cullen also believes that Connell's figures do not allow for the two great waves of Dissenter emigration from Ulster to the North American colonies in 1718 and 1729.[81]

Lecky's comment on the Penal Laws as they affected Catholics in the ownership of land, is clear and unambiguous.

> The Penal Code as it was actually carried out, was inspired much less by fanaticism than by rapacity and was directed less against the Catholic religion than against the prosperity and industry of its professors. It was intended to make them poor and keep them poor, to crush in them every germ of enterprise, to degrade them into a servile caste who could never hope to rise to the level of their oppressors.[82]

It can be argued that Lecky wrote with the passion of the viewpoint of 19th century historians and not perhaps in the atmosphere of the late 20th century, where the benefits of historical hindsight of the events in question affords the historian a more leisurely considered background for his scholarship. Lecky is regarded as a very authoritative and well

respected historian, who could evaluate the effects of the Penal Laws from both a historical and factual basis, being nearer to the events of that period. He also had the added advantage of a Protestant and establishment background in which to make his evaluation of these events. In the view of the writer of this work, this additional factor adds rather than detracts from the factual and judgmental opinion which Lecky expresses in the above quotation.

2.4:4 Penal Laws against Catholic-Protestant Intermarriage

Any Protestant who married a Catholic, or permitted his children to be educated as Catholics was exposed to all the penalties and rigours of the penal code. Any Protestant woman who owned land, upon her marriage to a Catholic was at once deprived of her inheritance, which passed to her nearest Protestant relative.[83] Later laws provided that every marriage celebrated by a Catholic priest between a Catholic and a Protestant should be null and void and that the priest who officiated should be hanged.[84] This law, coupled with those of Anne against the inheritance of land by Catholics, was designed to sow strife and disharmony among Catholic families and ultimately to destroy interfamily relationships. In fact, they produced the bitterest and most pathetic complaints from among Catholics. The eldest son of a Catholic who apostasised for whatever reason, be it one of greed, spite or frustrated ambitions, or perhaps even a conscientious and principled conversion to Anglicanism, could disinherit his father and reduce him to the position of a mere life tenant, unable to sell, mortgage or dispose of his property by will. The legal situation in relation to the eldest son was based on the feudal inheritance provision of primogeniture. A wife, likewise, on becoming a Protestant was freed at once from her husband's control and the Irish Lord Chancellor was empowered to assign to her a certain proportion of her husband's property. If any child of a Catholic landowner, however young, professed to be a Protestant, he or she was at once taken from the care and control of his / her father's care. The Chancellor or the child, if an adult, could compel the father to produce the title deeds to his estate and declare on oath the value of his property.

The Chancellor also had the power to determine the proportion of land to be given to the Protestant members of the family.[85]

By these means, children were set against their parents and wives against their husbands. This resulted in many cases in broken marriage, family discord and interfamily feuds and rivalries. An undutiful wife or an insubordinate or rebellious son or daughter, had only to add feigned conversion to the Established Church to their transgressions to secure at law both impunity and reward for their activities. The most cruel aspect of all these laws[86] was that which faced a Catholic landowner or leaseholder, who was afflicted with a mortal illness, while his children were still young and regarded as minors at law. Under the Act, 2 Anne, c .6, 4 March 1704, Catholics were prohibited to act as guardians of minors. A Landowner knew that after his death, his wife, or any Catholic relative or friend could not legally act for his children as their guardians and carry out his directions for their future education or welfare. The Chancellor was bound to provide them with a Protestant guardian, whose duty it would be to bring them up in the Protestant faith. In fairness, many Catholics had Protestant friends and neighbours who would agree with the dying Catholic father to take legal responsibility for the children as the law required, while leaving the actual care and education of the children to a pre-nominated Catholic. The writer of this work in the context of the enumeration of the Penal Laws makes no judgement on the merits, spiritual, moral or theological, of the Protestant creed as opposed to that of Roman Catholicism. An adherent of any faith pursuing the propagation of that faith in good conscience and within the law should be accused of any wrong doing.

Informers and discoverers were always a threat to this arrangement as were those who bore a grudge or ill-will towards the dying Catholic parent or the accommodating Protestant friend. Lecky describes the subterfuge of one such Catholic in that situation, Sir John Colter who died in 1706. The subterfuge was revealed and the fate of the children came before the Irish House of Commons in 1707. The result was as

expected. The Chancellor appointed a Protestant guardian and the children were brought up as Protestants.[87] Eileen O'Byrne's Convert Rolls make interesting reading in this context.[88] It is interesting to contrast the difference in the official attitude to Catholics and Dissenters in the question of marriage and inter-faith marriages, by way of legislation. A Catholic priest was executed in Limerick in April 1727 for marrying a couple contrary to the Act of George I in 1726.[89] Yet within eleven years of that event, by an act of George II in 1738, immunity was granted from prosecution to persons contracting Presbyterian marriage.[90]

2.4:5 Penal Laws against Catholic civil rights and entry to professions, trades and public office

The earliest of the Penal Laws which restricted Catholics in the exercise of the professions came with the English Statute of Queen Anne in late February 1703 which required office holders under the crown, lawyers and schoolmasters in Ireland to take the oath of abjuration, renouncing Stuart claims to the crown and accepting Anne to be the lawful Sovereign.[91] This English act would appear to be a clear anticipation of the later English statute of George I in April 1720 which claimed and asserted the right of the British Parliament to legislate for Ireland.[92] The net result for Irish Catholics, holding such offices, or practising as lawyers or schoolmasters, was that they could no longer hold these positions. On conscientious and religious grounds, they could not take this oath, nor could their clergy do likewise, as proposed in the 1709 Act. Catholics, both clerical and lay, were forbidden by the papacy to take the Oath of Abjuration as the papacy still recognised the Stuart monarchies as the legitimate rulers of England, Scotland and Ireland until the death of the Pretender James III in 1766. Thereafter, the Hanoverian Kings George III and his successors were recognised by the Papacy as being the lawful Monarchs of the United Kingdoms of England and Scotland and the Kingdom of Ireland.

A further exclusion for Catholics seeking public office was contained in Section 17 of Anne's Act of March 1704, an "Act to prevent the further

growth of Popery." This section imposed a sacramental test for those seeking public office. This provision was applicable equally to Protestant dissenters.[93] An earlier act of William III in 1699 excluded Catholics from practising as solicitors.[94] Catholics explicitly lost their right of parliamentary franchise as a result of an act passed in May 1728,[95] which, in addition to the Oath of Allegiance required them to take the Oath of Abjuration to the Stuarts. In 1734, another act prohibited converts to the established church, who had Catholic wives, from acting as justices of the peace.[96] Attempts were made to prevent Catholics from enlistment in foreign service without licence, by an Act of George II in March 1738. This, on the surface at least, might have appeared to have some justification on the grounds that it was in the regiments of the French services that Irish Catholics to a very large extent enlisted, and France was most frequently the main adversary of Britain in the ongoing series of European Wars in the 18th century. The Irish Catholics, suffering the rigours of religious persecution and social, political and economic deprivation, might be forgiven for regarding service in the armies of Europe as an opportunity to redress by arms, even abroad, the injustices they suffered in their own homeland. Furthermore, foreign military service, particularly in the armies of France, provided them with a sense of racial and cultural pride and an attachment as exiles to their homeland. Thomas Davis' poem, 'The Battle Eve of the Brigade' records their exploits.

> They fought as they reveled - fast fiery and true,
> and though victors, they left on the field not a few:
> and they who survived fought and drank as of yore,
> But the land of their hearts hope they never saw more;
> For in far foreign fields from Dunkirk to Belgrade
> Lie the soldiers and chiefs of the Irish Brigade.[97]

The penalties, for subjects of the Kingdom of Ireland in French or Spanish service, were increased by the provisions of an Act of George II,[98] which debarred such persons from holding property. Six years earlier, in March 1740, an Act was passed reinforcing the prohibitions on Catholics from keeping arms.

2.4:6 Laws against Catholic participation in Trade / Commerce

Catholic tradesmen could not obtain the freedom of any corporate town or city. This freedom or charter of rights entitled the freeman to engage in his trade or business enterprise without penalties, while conferring on him the right to share all the privileges, benefits and exemptions of freemen. Since freemen also had to the right to vote at parliamentary elections and in borough elections for municipal offices, it could happen in a short time, if Catholics were permitted to become freemen, that by weight of numbers they would eventually oust the Protestant ruling urban classes and take over the towns and cities for themselves.[99] Catholic tradesmen and merchants were permitted only on sufferance to carry on their trades in their native towns and cities, and on condition that they paid a special vexatious levy or imposition known as quarterage. This was in effect a further penal restriction by way of extra taxation imposed on Catholic merchants and traders in the towns and cities in 18th century Ireland. Catholic merchants and tradesmen resisted both this imposition of quarterage and a fine called 'intrusion money' in many towns and cities.

In 1715, the Catholic merchants and tradesmen of Cork challenged the concept of quarterage in the Courts on the grounds that the imposition of the charge was not provided for in their municipal charters. This position, they maintained, was borne out by the fact that the Statute Law did not impose any disabilities on the Catholic commercial or trading classes except for two specific statutes. These were Statute 8 Anne, c.3 (1709) which limited Catholics to two apprentices except in the linen trade and Statute 7 William, c.5 (1695) which excluded Catholics from the gunsmith's and ironmongery trades.[100] The Mayor of Cork ordered that the 'quarterly tradesmen be sent to gaol for non-payment of quarterage'. The Cork merchants or 'popish quarters' as they were called, however, continued to flout the orders of the Mayor and Council. A successful challenge was given some degree of legal support in 1758,

but this resulted in a petition from many other city and town councils that the quarterage charge be made legal.[101] Cork City Council responded by passing new bye-laws to force the Catholic traders and merchants to pay the quarterage charge.[102]

A petition from all these towns and cities with Protestant dominated municipal councils were sent to the Irish Parliament in 1767. With the support of Charles Lucas, one of the leaders of the Patriot Party, a bill to impose quarterage charges on Catholic merchants and traders passed both houses in 1768, but it was rejected by the English Privy Council and never became law.[103] The historian, Maureen Wall, who has written extensively on the subject, postulates the theory that King George III was opposed to these Irish quarterage bills because he believed their underlying principle and the penalties arising from their passage into law would shut off the majority of his Irish subjects from full participation in commercial pursuits in a manner contrary to his principles of toleration and enlightenment.[104] Lecky states that Catholics were forbidden, after a certain date, to take up their abodes in the cities of Limerick and Galway, or to purchase property within their walls.[105] Quarterage and other discriminatory limitations on the commercial freedoms of the Catholic merchants and tradesmen was finally terminated by Luke Gardiner's First Catholic Relief Act of 1778.[106] This ushered in a more enlightened era of toleration for Catholics, even if it was only grudgingly conceded in the light of contemporary political difficulties for the English in the North American colonies.

2.4:7 Penal Laws against Catholic Education in 18th Century Ireland

The philosopher and political theorist, John Locke (1632 - 1704), stressed the necessity of government direction of education. Locke viewed the human mind at birth as a *tabula rasa*[107]

> No man was born a papist, popery was acquired, it was the product of education and environment. A Protestant environment, he argued, could create a loyal Protestant nation.[108]

Roman Catholic education, in whatever format or structure it might try to survive was faced with an uphill struggle to maintain its very existence. The Penal Laws as they affected Catholic education, would if enforced, make it almost impossible for a Catholic child or youth to acquire any semblance of a structured form of Catholic education within Ireland. In such a situation, educational ignorance would become the hallmark of the Irish Catholic. In town and country, when contrasted with the opportunities afforded to their Anglican fellow-countrymen to benefit from a variety of Protestant educational establishments to be found in various parts of the country, Catholic children had no educational facilities at all. The absence of any reasonable system of education for children or young adults of a school going age must inevitably produce a situation in which educational knowledge of even a fundamental kind can only be equated with basic ignorance. It was not unreasonable from the Anglican and establishment perspective to try and remedy this ignorance with knowledge of a religious nature, allied to the basic skills of earning a living even if only from a sense of religious duty. Thus efforts to proselytise ignorant and poor Roman Catholic children, would have a positive value in that poor ignorant Catholic children would receive the benefits of instruction in religion, albeit Anglican in nature and likewise be instructed in the English language, customs and culture. This would in effect produce loyal and useful subjects, the benefit of whose talents and life-skills could not but enhance and strengthen the position of the Protestant ascendancy in Ireland and the overall economic and commercial contribution of Ireland in the overall interests of Ireland.

Edmund Burke, politician and essayist, was in no doubt as to the grave injustices inflicted on Irish Catholics by denying them the opportunity to be educated as Catholics in the Catholic faith and its tenets.

> To render men patient under such a deprivation of all the rights of human nature, everything that would give them a knowledge or feeling of those rights was rationally forbidden.[109]

The effect of the Penal Laws relating to Catholic education was equally as serious to that pertaining to the ownership of lands and

political influence and representation, in that educational deprivation would deny Catholics any future hope of aspiring to that economic and financial situation, which was essential to the purchase of land and the political and social influence concomitant with it. It must be stated that the Penal Laws against Catholic education were not indeed rigidly enforced.[110] A constant stream of young men went abroad to be educated for the priesthood and for other branches of learning, such as the professions of law and medicine. This phenomenon became known as "emigration for education" and will be elaborated upon in a further chapter. There were numerous popish schools in Dublin and other parts of the country, as Archbishop Boulter's Report to the Irish House of Lords in 1731 records.[111]

In the middle of the 18th century, the Catholic Archbishop Boulter of Cashel even established a diocesan seminary for ecclesiastical students.[112] For the Roman Catholic laity in general, however, there was no higher education at home, and few could afford to seek it abroad. This situation undoubtedly helped to achieve the essential purpose of the Penal Laws. This purpose must be clearly stated and understood.

> The aim of the Penal Laws was not to destroy Roman Catholicism, but to make sure that its adherents were kept in a position of social economic and political inferiority.[113]

This penal legislation against Catholic education, which will be subsequently outlined in detail in its several acts, can be described as a device of universal, unqualified and unlimited proscription.

Any commentary or treatise on the educational restrictions imposed by the Penal Laws of the 18th century on Catholics would be incomplete if reference was not made to Statute of the late 17th century which emphasised the importance attached by the English authorities to the pivotal role and influence of the Catholic schoolmaster. They held their pupils firm to the beliefs and teaching of the Catholic church and in doing so, obstructed and resisted the English government's twin-track policies of the Anglicisation and proselytism of the Irish people. It was the first of

the specific Statutes directed against Catholic schoolmasters, be they clerical or lay, and it found many echoes in the legislation of the 18th century. By the Act of Uniformity, 17 and 18 Charles II, c.6,1666 it was specifically decreed

> ...that every Schoolmaster keeping any public or private school and every person teaching youth in any house or family shall subscribe the declaration ... That I will conform to the Church of Ireland as it is now by law established ... and take the Oath of Allegiance and Supremacie, and shall not instruct any youth before license obtained from his Ordinarie.[114]

A contemporary writer, Sir Henry Piers, in a description of conditions in the County of Westmeath gives an opinion on the importance which the Irish Catholic attached to learning and education at this time.

> The people still retain an ardent desire for learning and both at home and abroad do attain unto good measures therefore ... from the highest to the lowest classes they will not breed their youth in our universities, neither in the Kingdom nor in England, but choose rather, being not permitted to have public schools of their own, to educate their children under private professors, or else send them abroad into France or Spain for their breeding.[115]

The above quotation anticipated the two means used by Irish Catholics to circumvent the penal restriction on their education in the 18th century. The 'private professors' became the wandering pedagogues familiarly known in later years as the Hedge Schoolmaster, a phenomenon of a particularly Irish character, which will merit more detailed examination and analysis in a later section of this chapter. The second choice of those students who required education at a higher level mainly for clerical ministry and training and for other professions, and who could afford it, was the perilous ship voyage to France and Spain, where universities and colleges of higher learning provided for their needs. This process became known as 'emigration for education' and it will also receive more detailed examination in this chapter.

It is significant that the first Penal Law against Catholics, which was passed in William III's Second Irish Parliament in September 1695, was directed against Catholic education. The act known as 7 William III, c.4

[116] forbade Catholics to 'teach school' in Ireland or to send their children abroad for education. The second element in the act was in fact the more important from the English point of view. This was the section which sought to exclude Irish Catholics from foreign colleges, and prohibited any person from going overseas or sending anyone to a foreign popish university, college school or nunnery, or from residing abroad with a private popish family for the same purposes. The penalties prescribed 'that every person so going or sending shall be disabled to prosecute any action, or to be capable of receiving any legacy or gift and shall lose and forfeit all his, her, or their goods.'[117]

This English abhorrence of any foreign influence in matters political or educational had its roots in the excommunication of Queen Elizabeth I by Pope St. Pius V in February 1570 by his bull '*Regnans in excelsis*'.[118] This papal document sought to interfere in three vital aspects of England's national integrity: the right of a foreign power to choose England's sovereign; the papal claim to release English subjects from their fidelity and loyalty to their ruler; and its right to exhort other European princes and powers to combine against England and its rightful ruler. This papal bull and the efforts of various popes to have its terms implemented created in a perverse way a strong and unshakeable loyalty on the part of Englishmen to their sovereign and an ingrained national aversion to continental and papal interference in their national affairs.

> The fear of Rome as a political system was so widespread and so sincere in Protestant England and the Netherlands, that nothing but the realisation of its magnitude can justify in any way the severity of the Penal Code to which Irish Catholics were subjected.[119]

The domestic provisions of William III's act of 1695 to restrain foreign education were even more sinister.

> ...be it enacted that no person whatsoever of the papist religion shall publicly teach school, or instruct youth in learning ... upon pain of £20 and also being committed to prison with bail or main prize for the space of three months for every offence.[120]

The reign of Queen Anne (1702 -1714) saw the continuation of this Williamite tradition of the suppression of Catholic education. In the second year of her reign in March 1704, an act was passed[121] re-affirming William's 1695 act. It added the following clause

> Where any two justices of the peace suspect that any child has been sent into foreign parts, they are required to convene any relation who had care of the child, to produce the child within two months and if good proof is not given that the child is resident not beyond the seas, then such child shall incur all the penalties in the act to restrain foreign education.[122]

In August 1709, an 'Act for explaining and amending an Act' entitled 'An Act to prevent the further Growth of Popery'[123] became law. Among its provisions was the following :

> Whatever person of the popish religion shall publicly teach school, or instruct youth in learning in any private house within this realm, or be entertained to instruct youth as usher, or assistant by any Protestant Schoolmaster, he shall be esteemed a popish regular clergyman and persecuted as such ... and no person, after November 1, 1709, shall be qualified to teach or keep such a school publicly or instruct youth in any private house, or as usher, or assistant to any Protestant Schoolmaster, who shall not first, at the next general assizes or quarter sessions of the place where resides, take the oath of abjuration, under a penalty of £10 for every such offence - a moiety to go to the informer.[124]

An act, passed in 1729, enshrined the provision that any Protestant knowingly permitting his children to be educated as Catholics, became subject to the penalties of the popery laws himself.[125] Another act forbade converts to the established church to educate their children in the popish religion, lest the children be subject to the penalties imposed on the Catholics.[126] A final statute, six years later in 1734, forbade converts to the Established church, whose wives still remained papists, from educating their children as Catholics.[127]

Donald Akenson concludes that there is good evidence that the laws concerning Catholic education were enforced in the first half of the eighteenth century and that they remained a threat for a considerable

period afterwards.[128] Judicial records are scarce as proof of the prosecution of popish Schoolmasters. T. J. Corcoran provides some evidence in his list of education prosecutions taken from The Limerick Grand Jury Presentment Book showing nineteen indictments against popish schoolmasters in the period 1711 - 1722.[129]

It can be argued that the provisions of the penal code against Catholics, both in their general results and in reference to their application to educational restraints in particular, were too oppressive and all-embracing to last. Minor measures of an ameliorative nature to this discriminatory code of laws began to find their ways onto the statute books from as early as 1774.[130] This softening of establishment and Ascendancy attitudes did not arise from any Pauline conversion on the part of those who formed and enforced the Penal Laws. It came about as a result of a combination of factors. These included the explosive and threatening political situation created in the late 1760s and early 1770s by the resistance of the English colonists in North America to British legislation directed against their rights and liberties. The implications of this situation for Ireland, as another British Colony beset by the same problems, and perceived as such by the Irish Parliament, was not lost on the English administration in Dublin and London.

The revolutionary social thinking of the French Encyclopedists and of Rousseau in particular, was another cause of concern for those in authority in England and in other European countries. Not merely did the authorities in England fear its influence,[131] but it was condemned by the Catholic Church as insidious and reactionary.[132] The Encyclopedists in turn had no affection for the Catholic Church or its philosophy, in particular for the Jesuits.[133] The Jesuits, for their part, fought against the philosophy of Jansenism within the Church and against the spirit and ideals of the Enlightenment in Europe at large.[134] The common man was given a role in his destiny by these radical social thinkers. If rulers could not accommodate their structures of government to these newly expressed and eagerly espoused principles, then the price they would

have to pay for this neglect, be it indolence at best, or indifference at worst, would be very great. Revolution was in the air. The Age of Enlightenment had dawned, and Ireland, for all her isolation from the centre stage of these momentous events, could not and would not be excluded from their influence.

A series of acts beginning with Luke Gardiner's 1st Catholic Relief Act of 1778[135] and continuing with two others in 1782, Gardiner's 2nd Relief Act of May 4, 1782[136] and his 3rd Relief Act of July 27, 1782,[137] which act in particular permitted Catholics to teach school, helped to remove many of the more obnoxious Penal Laws against Catholics from the statute books. Further acts in April 1792[138] (Langrishe's) and April 1793[139] (Hobart's) removed most of the restrictions upon the exercise of the Catholic religion. Luke Gardiner's 3rd Catholic Relief Act of July 1782 has a relevance for the topic of this thesis because of its educational nature. It mirrored the acts of William III, c.4 and 8 Anne, c.3 which related to the education of papists or persons professing the popish religion and removed the penalties and forfeitures on Catholic schoolmasters inherent in those Acts.

There was in this act, however, what one might describe as a 'sting in the tail' for Catholic teachers, clerical and lay. Catholics could 'teach school' but this was subject to three conditions: they had to take the Oath of Allegiance to the Crown and the Oath of Abjuration of Papal Claims in relation to the deposition of temporal princes; secondly, guarantee the non-reception into his school or classes of any Protestant and thirdly, the obtaining of a licence from the local Anglican bishop of the area in which the popish schoolmaster/schoolmistress proposed to open a school or commence classes. The first condition was not of a religious nature, but an effort to counteract the political pre-occupation and claims of the Papacy as a state, into the effects of other European states. This licence was a demeaning restriction in that the teacher-applicant had to accept the evaluation, testimony and opinion of a clergyman of a religion to which he did not belong, as to his character, behaviour and fitness to

teach. Moreover, the Anglican bishops could withdraw at will, any time, his licence to teach from the popish school teacher. It was a restricting and limiting factor on the freedom of the Catholic teacher. It had distinct overtones of a quasi-judgmental character and it conferred judgmental powers on the local Anglican bishop. A copy of the format of the Anglican bishop's licence to teach is included in the Appendices of this thesis. Another clause of the 1782 Act added a further penal restriction on Catholic education in that it forbade the endowment of any popish educational foundation in Ireland. This was a serious difficulty for those like Nano Nagle and Edmund Rice, who sought to establish and endow schools of their new religious teaching orders in the early 19th century.

The question of seeking the Anglican bishops' licence to teach was not regarded as a serious obstacle by lay teachers in urban and rural pay-schools, as many lay Catholic teachers never bothered to seek it and the law in its regard was not strictly enforced. This licence requirement was not repealed in Langrishe's Relief Act of 1792.[140] Nano Nagle never bothered to seek a licence in Cork City,[141] but her congregation in Waterford,[142] the Ursuline nuns in Thurles,[143] Edmund Rice in Waterford,[144] and the priest/headmaster of St. John's College in Waterford[145] were obliged for a variety of reasons, legal, financial and political, to seek this licence. The relief Acts and the provisions with regard to licences to teach were part of the legal structure decided upon eventually by the government to demolish the Penal Laws. As far as popular Catholic educational facilities were concerned, however unstructured, unperfected and rough and ready as they might have been, not to mention their illegality, the Penal Laws had long since failed in their aim of keeping the Irish Catholic ignorant and illiterate. The Irish character, formed in an atmosphere of deprivation and official hostility, had overcome and circumvented the Penal Laws against Catholic education for many years prior to the Relief Acts. Continental colleges and universities had already provided facilities for higher education. The growth of the hedge-school phenomenon in rural and urban Ireland also provided a system of education, though inadequate in many respects,

that met many of the urgent and immediate needs of the Catholic people of Ireland.

2.5 The imposition and enforcement of religious laws against Catholics and dissenters in England, 1650 - 1715

The general feeling of antipathy to Roman Catholicism among the people of England and Scotland at all levels of society was the key factor in the overthrow of the Catholic James II and his replacement by the Protestant William III of Orange. This anti-Catholic hostility may be traced back to the Protestant Reformation or even earlier - when secular and religious movement against the supremacy of the Church of Rome and its ruler, the Pope - gathered momentum. It would be over-simplistic to attribute this opposition to the Roman Church purely in terms of doctrinal or liturgical differences. The secular power of the Papacy and its policies of political involvement in the wider European context was of itself a reason why the developing nation states would not wish to cede any aspect of their national sovereignty, in local domestic affairs or in the wider international political milieu, to a supreme religious authority in a foreign state. The history of Europe, from the Middle Ages through the early modern period up to the eighteenth century, had provided tangible proof, that the Papacy as a temporal Italian state and the Popes as religious leaders, had a political and secular agenda, which of its very nature, could not but conflict with the political and domestic interests of those very peoples on whose allegiance and obedience the Papacy made claim.

The Renaissance in its varied facets had challenged many long held verities in a wide variety of fields of human knowledge. New uncertainties to perceived wisdom were a source of anxiety to the Catholic Church, which relied on a submissive acceptance of doctrinal beliefs and traditional human values. Freedom of intellectual thought and expression was championed by the Renaissance movement and its supporters as a basic right of the human spirit. The Church found this questioning innovative movement disconcerting to its authority and sought to limit its

spread and influence. Those who expressed religious dissent in terms of theological reasoning and debate received scant regard from an institution which claimed theocratic infallibility and God-given authority. Those, like Gallileo and Copernicus, whose treatises on non-religious topics expressed views and conclusions at variance with the Church's concept of what constituted the 'eternal verities' were forced to recant or, more accurately, to disavow intellectual knowledge and experience and the freedom to express it.

The sixteenth century Protestant Reformation, in those countries which had embraced it, had ended the Catholic religious and intellectual domination of the minds of men and women. Thus it was with England and Scotland. The temporal advantages in wealth and land and other material assets which had accrued to those rulers who broke with Rome has often been over-emphasised as the main rationale for the sundering of the ties with Rome. But no less important was the freedom of conscience and the desire to seek alternative routes to salvation, which the new religious order gave to those who chose to explore these new intellectual freedoms and opportunities.

It is of interest to recall that this new impetus and movement to religious freedom and tolerance did not of itself confer the logical and natural corollary of religious and intellectual tolerance on those whose ideas and beliefs did not conform to the accepted norms of a particular religious group who dominated the society in which they lived. This was the case of Scotland, when an Anglican form of Lutheran religious beliefs, established by law in England was attempted to be put on an official basis as the state religion in the reigns of James I and Charles I. These attempts to establish Anglicanism in Scotland were badly received by the general population where the tenets of the Calvinism Faith had been firmly established by John Knox. Presbyterians reacted in like manner. Catholics got very little if any recognition or respite in either country. In northern Germany and the Scandinavian lands, Lutheranism became the established religion and little if any toleration or freedom of

conscience, was accorded to those who dissented from the newly established Lutheran regimes. It appears inconsistent that the absence of religious freedom and toleration to all men in accordance with their consciences, was in effect, the very antithesis of that intellectual freedom the reformers had originally sought for themselves in their religious revolt from the authoritariansim of the Church of Rome. Logic, however, does not influence the reformers. They viewed the Church of Rome and its past errors from a psychological view. Rome was the enemy and its efforts to extirpate reformers or 'heretics' left it no rights in terms of its adherents being granted toleration, even where the following claimed conscientious and intellectual freedom to support it.

King James II of England was perhaps naive in this respect, maybe even a man before his time in his belief that it was possible to reconcile his claim to wish to protect and maintain the established Anglican Church in England as outlined in his Declaration for Liberty of Conscience, which he issued on 4 April, 1687, while at the same time guaranteeing freedom of religion to those of any other religious denomination not conforming to the Anglican religious beliefs.[146] The Petition of the Seven (Anglican) Bishops of May 18, 1688, requesting James II not to insist that his Declaration of Liberty of Conscience be read and distributed from the pulpits of their Churches, again illustrates a genuine lack of toleration for the religious freedoms of those who did not conform to their faith, not yet from any want or due tenderness to dissenters, in relation to whom they (the bishops) are willing to come to such a temper as shall be thought fit when the matter shall be considered and settled in Parliament and Convocation.[147]

The Letter of Invitation to King William III of Orange to come to England, signed on June 30 1688 by six leading nobles and the suspended Bishop of London, Henry Compton (a group known as 'The Immortal Seven') refers to the dissatisfaction of the English people "with the present conduct of the Government in relation to their religion, liberties and properties (all of which have been greatly invaded)."[148] The

seven signatories refer to the many soldiers in King James's army "who do daily show such aversion to the popish religion that there is the greatest possibility imaginable of great numbers of deserters which would come from them."[149] William III, in his answering declaration of September 30, 1688, spoke of the 'evil counsellors' whose advice to King James had propelled England into an approaching civil war. The counsellors in question, the Earls of Sunderland and Derby, Lords Dartmouth and Delamere, the Dukes of Newcastle and Berwick, the latter being an illegitimate son of James II, were among those men denounced by William. William referred to the dangers posed to the Protestant faith by the popish activities of James and his counsellors on three specific occasions in his Declaration of September 1688

> The counsellors who have now the chief credit with the King have overturned the religion, laws and liberties of those realms and subjected them in all things relating to their consciences, liberties and properties to arbitrary government.[150]

William also complained of the establishment of the Commission of Ecclesiastical Causes set up by James on 15 July, 1686, to deal with matters affecting the Anglican Church, the dismissal of the President and the Fellows of Magdalen College Oxford in April 1687 and the appointment to posts of ecclesiastical dignity in the Anglican Church

> of persons that have no zeal for the Protestant religion, and that now hide their concernedness for it under the specious pretence of moderation in which Commission there has been, and still is, one of his Majesty's ministers of State, who makes now public profession of the Popish Religion (Sunderland).[151]

The Declaration of William then instances the favouring of papists, the pressures on the clergy and local government and the trial of the seven Anglican bishops as grievances against the 'evil counsellors' of James II. William further postulates the calling of

> a free Parliament which would bring to justice those evil men for their open violations of law, for their plots and conspiracies against the Protestant religion ...
>
> They have endeavoured, under the specious pretence of liberty of conscience, first to sow divisions among Protestants, between those of the Church of

> England and the dissenters ...and would seek to have elected to Parliament, only those who would give their voices (votes) to the repeal of the Test and Penal Laws.[152]

The offer of the Crown to William and Mary was made by the 'Convention Parliament' of January 1689 on the basis of thirteen demands which would have to be accepted by William and Mary. These demands in effect reinstated the prerogatives and supremacy of Parliament over the monarchy and closely approximated to the concept of the kind of Parliament, free of royal control and manipulation, as had opposed Charles I in 1641. The accepted constitutional and limited powers of the monarchy were thus re-established and redefined by the 'Convention Parliament' of 1689, and the Stuart claims of James I, Charles I and James II of royal absolutism in the government of England were cast aside.[153] The Constitutional position of the English monarchy which evolved from the deposition of James II and the accession of William III *vis a vis* the English Parliament, remains basically the same today.

A similar offer to William and Mary to assume the Scottish throne arrived from Scotland on 11 May 1689. A Convention had met in Edinburgh to discuss the constitutional issues. It was suggested that a new Settlement might be made conditional on an agreed union between England and Scotland, but it was felt that such a suggestion would take too long to work out. The highlanders boycotted the Scottish Convention. They were satisfied with the Declaration of Rights issued by the English 'Convention Parliament' in February 1689. The Whig Presbyterian lowlanders controlled the deliberation of the Scottish Convention and they passed a 'Claim of Right' declaration which included a clause condemning episcopacy - the structure of the Anglican church government. The Scottish Episcopal (Anglican) clergy and the highlanders remained loyal to the deposed James II of England and VII of Scotland. The Revolution in Scotland, influenced by the Williamite events south of the border, was in effect a triumph for the Kirk or Presbyterian Church, which the Scottish Convention made the 'official

church'.

This Convention in its 'Claim of Right' decreed that the deposed James VII had attempted to convert a legal limited monarchy to an absolute despotic power.[154] The Scots in effect deposed James VII and elected William and Mary in his place. This was a radical step in that it set the precedent in Scotland for an elected monarchy with limited power. William and Mary would have to accept their conditions embodied in their 'Claim of Right'. In England, on the other hand, the situation regarding William and Mary's acceptance of the Declaration of Rights as a pre-condition for ascending the English throne was different from that of Scotland. The English Convention offered the throne to William and Mary not by means of an elective procedure. A Request by Consensus was the method used by the English Convention to invite William and Mary to the throne of England.[155]

The English Convention of January 1689 transformed itself into a 'normal Parliament', a most dubious legal and constitutional procedure since it had not been summoned by the King, neither James II or William III as specified by law. It passed a Mutiny Act and a Toleration Act in 1689, a Triennial Act in 1694, a Civil List Act in 1698 and an Act of Settlement in 1701.[156] The Toleration Act of 1689, or more strictly, the Act of Indulgence, is of major concern to the subject matter of this chapter as it contained restrictions on religious toleration for non-conformists including Catholics. This Act of Indulgence was by no means as liberal or far-reaching as James II's two declarations of liberty of conscience, the first relating to Scotland on 12 February 1687, and the second for England on 4 April of 1689. Nonconformists were still excluded from public office and from the universities, much against the will of William III.[157] They had to obtain licences from the local Anglican church authorities or quarter sessions to meet for worship in their chapels.

The 16th century Penal Laws of the Tudor monarchy and of King

Charles II's first Parliament and in particular the Act to prevent Conventicles (22 Chas. II, c.1, 1670) were not abolished. Nonconformists were required to take the Oaths of Allegiance and supremacy which gave them immunity from non-attendance at Anglican services. Nonconformist clergy were required to accept a declaration against the Catholic doctrine of transubstantiation and to subscribe to the doctrine of the Thirty Nine Articles of the Church of England, though not those parts pertaining to Church order. Nonconformists, who were agreeable to make these concessions to Anglicanism, were exempted from the Act of Uniformity, the Five Mile Act and the Conventicle Act.[158] All these regulations applied only to England .

In England the Quakers, who conscientiously objected to oaths, were allowed instead to declare their allegiance and belief in the doctrine of the Trinity and the inspiration of the Bible. The Quakers' refusal to take oaths sometimes led them to be persecuted for contempt of court until the 1696 Act gave them the right to make an affirmation or declaration. Further Acts of 1727 and 1749 extended and confirmed this practice. Non Trinitarian dissenters and Catholics were excluded from the Toleration Act of 1689.[159] Two new Acts were passed against the Catholics, one excluding them from London and Westminster, the other forbidding them to possess arms. In practice, the Toleration Act of 1689 inaugurated an era in England in which toleration in practice was beyond that which the Act formally guaranteed. In general, there was little or no persecution of a structured or organised kind.[160] Unitarians were still left outside the protection of the law.

The Declaration of the English Convention Parliament of February 1689, expressed in its original form of a resolution, stated that

> it hath been found by experience to be inconsistent with the safety and welfare of this Protestant kingdom to be governed by a Popish prince.[161]

This resolution passed through both Houses without any of the difficulties that the constitutional resolutions encountered.[162] It was duly turned into statutory form in the Bill of Rights. It prescribed that no

Roman Catholic nor anyone marrying a Roman Catholic should be capable of succeeding to the throne. Whatever has been the views and opinions of the ordinary Englishman in regard to the harmonious relations or otherwise between King and Parliament, one thing was clear. Most Englishmen were determined to establish a Protestant succession and to defend it by force, if necessary, against any Catholic monarch, English or foreign, who might seek to overthrow it.

> The age of genuine religious conviction was passing but even the most free-thinking and sceptical Englishman regarded Roman Catholicism as the ultimate horror, the mark of a society based on tyranny and obscurantism.[163]

Englishmen may not have seen William III's war on Louis XIV's France in early May as a religious or theological crusade, but they saw it as a struggle which would determine the fate of their Protestant traditions and way of life.

The Earl of Nottingham's Bill to provide relief for most Protestant dissenters, legalising their meeting houses and exempting them from the Penal Laws proposed that dissenting laymen would take an oath of loyalty to William and an oath against the Catholic doctrine of transubstantiation. Dissenting clergymen who would take this act and accept some non doctrinal aspects of the 39 Articles were free to preach to their flocks. This one aspect of the Williamite Revolution did not confirm the principle of toleration. Nottingham's act, known as the Toleration Act, became known for a time as the Bill of Indulgence. As was seen in the reign of Anne, however, there was a great difference between granting a temporary indulgence and affirming legally and absolutely an agreed principle of official toleration.

> Catholics were to be excluded on the basis that the religious settlement of 1689 was conceived in fear of Catholic French domination, and men's chief concern was not that English Protestantism be liberal, but that it should be strong.[164]

2.5:1 The position of Catholic recusants in 18th century England

Since few people were brave or misguided enough to reject Christianity altogether, the only other people in England outside the Anglican fold were the Roman Catholics, usually called 'papists' or 'recusants', and the Protestant dissenters made up of such disparate groups as the Presbyterians, Congregationalists, Baptists, Quakers, Unitarians and other minor sects. These Protestant dissenters constituted one of the great formative influences on England in the 18th century.[165] Their numbers were reckoned by the Anglican Episcopate in 1676 as numbering over 108,500, compared with 2.47 million Anglicans. This figure of 108,500 was upgraded to at least 200,000 by 1688, while between the years 1689 and 1709 they had over 1,000 chapels or meeting houses. A Parliamentary commission in 1710 estimated the dissenter population in London alone to be over 101,500.[166]

Catholics or Papist Recusants were a very small minority in the overall population of England and Wales. Their numbers were impossible to quantify due to the absence of the later 10 year Censuses, or as in the case of Ireland, by absence of Hearth tax returns. The Catholic Church Authorities, where they existed, kept no record for obvious security reasons. It was not until the nineteenth century that Catholic Church leaders came to play any positive part in national life. In the eighteenth century they had only a negative standing, in that the hysterical fear and hatred which they aroused was a potent political force.[167] Efforts were made by the first Hanoverian monarch, George I, to ameliorate the disabilities imposed on non-papist Protestant dissenters. King George, as Elector and ruler of Hanover, like William of Orange before him, was a Lutheran before he was an Anglican. The Toleration Act of 1689 had merely granted freedom of worship to Protestant dissenters. The Occasional Conformity Act of 1711,[168] promoted by the Tory Earl Stanhope in the last years of Anne's reign, was designed to prevent dissenters from evading the seventeenth century Corporation and Test Acts. They were now required to receive the Sacraments in an Anglican Church in order to qualify for civil, military or municipal posts,

but they were still permitted to continue to worship in their own chapels. The Schism Act of 1714[169] forbade dissenters to teach in or keep a school. This was the high point for the High Church Anglican Party in the reign of Queen Anne. This Tory Policy was designed to weaken the political and social influence of the Whigs' dissenting allies.

In 1719, the Occasional Conformity Act of 1711 and the Schism Act of 1714 were repealed by the Whig influenced Parliament led by Walpole and Sunderland.[170] Stanhope, however, got no support for his plans to modify the Test and Corporation Acts and grant relief for Roman Catholics. The 1715 rebellion in Scotland of John Erskine, 9th Earl of Mar, and his invitation to James Edward Stuart, the Pretender son of the dead James II, who landed at Aberdeen, was a failure. The Scottish Jacobites were routed at Sheriffmuir by John Campbell, 2nd Duke of Argyll. But the lack of enthusiasm even in England among Tories and others for a Stuart Restoration under the Pretender, James III, strengthened the Hanoverian dynastic hold on the English throne and brought the Whigs to power in England for many decades. There might have been no great enthusiasm in England on Queen Anne's death in August 1714 for the Hanoverian Elector George, but Henry St. John, Viscount Bolingbroke, a Tory Secretary of State and a plotter to have James III restored, made the rather succinct comment that 'England would as soon have a Turk as a Roman Catholic for King.'[171]

The Protestant dissenters continued to receive further relief from the restrictions on their religious practices under the Whig administration of Walpole (1721-1742). In 1727 they received a half-yearly grant from the royal purse for the support of the widows of poor dissenting ministers.[172] The Whig administration continued its harassment of the pro Tory high Church Anglicans. The Anglican Church's Assemblies or Convocations of York and Canterbury Church administered bodies, which met usually after each election of a Parliament to undertake Church business, were forbidden to transact church business until the middle of the 18th century to save Bishop Hoadley of Bangor from censure. This Anglican bishop

asserted in 1717 that 'the Gospels afforded no warrant for any visible Church authority.'[173] The Church, had it been allowed, would have condemned Hoadley's 'heresy', both from the level of the lower clergy and the non Whig appointed bishops. The Anglican State Church was in effect silenced as a focus for political opposition to the Whig control of England, which damaged its vitality as an integral part of English society.

If the officially established Anglican Church found itself in such straitened circumstances, what hope of relief, however remote, faced the hapless Roman Catholic adherents. Suppression and circumscription have often proved to be the leaven in the bread of resistance and renewal for those faced with great difficulties. A number of Catholic personalities, lay and clerical, came to the fore in the early and middle decades of the 18th century in England, a period in which there was little toleration for religious freedom of Catholics. These priests and prominent lay Catholics, by their activities, gave cause for hope that the spirit of Catholicism was not moribund and in many instances far from it. The Benedictine monk, Henry Joseph Johnston, in common with his English Benedictine brethren, played an important role in the religious, political and inter church dialogue of England for a short number of years, from the mid 1680s.[174] Fr. Henry Johnston might well be regarded as a pioneer, three centuries before his time, in the ecumenical movement which today finds expression in the Anglican-Roman Catholic inter faith dialogue between Canterbury and Rome. Johnston would have been aware of the alleged complicity of four English Benedictines in the Titus Oates plot and the execution of one of them for this alleged activity.

Johnston's career was directed mainly toward advancing the cause of James II and Catholicism. An account of his work in this field is to be found in the successful translation of the work of the French Catholic apologist J.B. Bossuet and a defence of Bossuet's views.[175] Johnston worked to draw Anglicans and Catholics closer together in the field of doctrinal matters and to allay any suspicion of Catholicism within English society. He was keen to reveal any theological affinity which existed

between the Catholic and Anglican Churches.[176] Unfortunately Johnston was drawn into the secret world of intrigue and conspiracy involving plans to prepare for an invasion by James II with French help in 1696-1697. The plot took on a more sinister aspect in 1696, involving the proposed kidnapping of King William III while he was out riding in Richmond Park and his subsequent murder. Johnston was kept in ignorance of this plan to kidnap the King and to subsequently assassinate him This plot happily was forestalled. The authorities became aware of the plot and Johnston was compelled to flee to France, where he lived out the remainder of his life engaged in Catholic theological studies.[177]

The position of Roman Catholics in England in the eighteenth century was weak when considered from the perspective of its lack of legal freedom of worship. In practice, however, some degree of religious practice was overlooked in view of their small numbers and their scattered locations other than in the area around Preston in Lancashire. The penal legislation passed under the Tudors and Stuarts which excluded Catholic completely from public life remained in force. The Gordon Riots of 1780, were caused by the Catholic Relief Act of 1778 which permitted Catholic recruits to join the army on taking a simple oath of allegiance to the Crown. This hostility to any vestige of relief in the civil disabilities of Catholic citizens, showed the continued strength of anti-Catholic feeling, even in the last decades of the 18th century. Jacobism, which might be described as a political philosophy which the English perceived as linking the Papacy with the last Stuart cause of the earlier 18th Century, hardened opinion against Catholicism and its perceived outlook.[178] The anti-Catholic opinions of these times are succinctly expressed by William Pitt,

> 'The errors of Rome' declared the Elder Pitt ' are rank idolatry, a subversion of all civil as well as religious liberty, the utter disgrace of reason and human nature.[179]

Catholicism had few adherents as a quantifiable percentage of the general population of England and Scotland. No accurate figures of their

numbers are available and the hidden Catholic Church kept no written records for obvious reasons. Even Irish immigration to England in the early and middle 18th century was insufficient to increase their numbers to any great extent. The main body of Catholics in England in the early years of the reign of George I was located in Lancashire and West Yorkshire. In London, Catholicism was kept alive largely by six chapels attached to foreign embassies. The situation in Lancashire, does, however, need some elaboration as regards the numbers of Catholics, their vitality and their continuing profession of the Catholic faith. The activities of Rev. Samuel Peploe, Anglican Vicar of Preston from 1700 to 1726, are of interest.[180] In this regard, the story is recounted that the vicar was conducting a church service during the 1715 Jacobite Rebellion in the Preston area. Insurgents when entering his church urged him in a spirit of Jacobite Catholic exuberance to cease praying for the Hanoverian King George I or they would kill him. Peploe replied 'I must do my duty - you go and do yours'. The King, on hearing of his courage is reputed to have said 'Peep-low, peep-low (a pun on his name) but he shall peep-high and I shall make him a bishop.' The King did so, promoting him to the Bishopric of Chester in 1726.[181]

Peploe's devotion to the House of Hanover and his hostility to the exiled Catholic Stuarts stemmed in large measure from his strong dislike of Popery. Lancashire contained more Catholics than any other English shire. The Anglican Bishop, William Dawes of Chester, introduced a petition in the English House of Lords complaining of 'the intolerable boldness ... of the Romish priests and papists in openly practising their religion there.'[182] Peploe estimated that there were 643 papists in his Preston parish in 1717. He further complained that they made no secret of their faith. The Tory justices of Lancashire protected the Catholics until the Whig ministry appointed new justices after the 1715 Jacobite rebellion in Lancashire. Matters changed drastically for local Catholics and the Forfeited Estates Commission was established to uncover and confiscate lands yielding revenues for 'superstitious uses' namely, the support of the Catholic church and its clergy.[183] Peploe supplied the

Commission, which sat for some time in Preston, with information about Catholic estates in the area in the hope that their sequestration would weaken the hold of popery in the town and surrounding areas. The 18th century English Society for Promoting Christian Knowledge was set up to keep a watch on Papists to prevent them from subverting Her Majesty's (Queen Anne) subjects.[184] Peploe sent for a set of bibles to the Society to help in his task of proselytising the Papists of the Preston area, an undertaking which he knew was unlikely to make any great inroads in converting the staunch Catholics to Anglicanism. [185]

Reference must be made, in concluding this section on the Penal Laws against English Catholics, to the particular situation which existed in Lancashire during the period of the 1715 Jacobean rebellion. Historians are generally agreed that Lancashire was the most Catholic and the most Jacobean shire in England at the time of the 1715 rebellion.[186] Paul Kleber Monod in his book, *Jacobitism and the English People 1688-1788*, appears to have finally established these facts with certainty.[187] Lancashire had, according to Monod

> the largest recusant population in England at the end of the 17th century, and of the 688 listed Jacobean rebels captured at Preston in 1715, 336 were from Lancashire, 227 from Northumberland, 78 from other counties, six were from Ireland and eleven others were from unidentified places.[188]

Monod also investigated the religious affiliations of four fifths of the Jacobite rebels and discovered that 76% of them were Catholics.[189]

John Bossy has estimated the size of the Catholic community in Lancashire in 1700 to be between 16,000 and 18,000 adults and children.[190] The total population of Lancashire in 1690 is given as 180,909.[191] This would mean that Catholics formed roughly ten percent of the total Lancashire population. It is not possible to be more accurate as the Penal Laws of successive administrations drove the Catholic church underground. No parish registers were kept for reasons of security in the 18th century. As a consequence, there is a dearth of documentary corroboration, unlike the situation in the 17th century,

where Recusancy Rolls were kept until 1691.[192]

Gordon Blackwood in his article "Recusant History" in *Lancashire Gentry and the Great Rebellion, 1640-1660*, lists the following areas where Catholics were numerically strong: West Derby, Amounderness, Leyland and Blackburn i.e. the south and west of Lancashire and in the Ribble Valley, with Preston, Wigan, the Fylde and Prescot and the countryside around Liverpool. In 1715 Catholic gentry formed 5.6% of the local recusant population and were very influential in supporting the 1715 Jacobite Rebellion, as were the poorer classes.[193] These were mainly the groups who paid for their treason by execution, fines and forfeiture of lands in the case of the gentry.[194]

The pastoral care of Catholics in the penal years of the late 17th century and most of the 18th century was undertaken by chaplains to major or minor Catholic gentry families. A chaplain's primary duty was to the squire or nobleman who paid his annual stipend and kept him in secure accommodation in order to minister to the squire and to his immediate dependants. Only secondarily did he administer to other Catholics outside that circle, i.e. to the scattered and isolated Catholics living in the area. The chaplain was obliged to undertake this latter duty to Catholics, individually or in groups, in a most secret and discreet manner. Catholic proselytism of non Catholics was out of the question whatever ambitions these private Catholic chaplains may have entertained about the conversion of England. Gooch gives a very full account of the nature of these chaplaincy positions. These chaplaincies were referred to as 'the mission' by the Catholic Church authorities, i.e. the Vicars Apostolic.[195] This chaplaincy work was haphazard at best as a method of providing pastoral care for the isolated and scattered Catholic groups in 18th century England. They did, at least provide some semblance of religious worship at a time of religious persecution.

For some two hundred years the Catholic Mission in England was secured largely by the willingness of the gentry to house priests and

provide chapels.[196] This system of manorial chaplaincies lasted until the 1870s.[197] As time passed, the Catholic gentry, who housed, fed and paid their chaplains, privately regarded their chaplains as coming within their own sphere of influence and control and not subject to the Church Authorities - the Vicars Apostolic. They were not willing to spare any surplus funds to establish missions in nearby towns and larger settlements. Efforts would have to be made to get town tradesmen and merchants to support the church.[198] Urban areas of England were less fortunate in not having many priests and places of worship. Yet in various towns, religious orders braved the dangers and built small and insignificant houses of worship in back lanes and tried to carry out their missionary and pastoral work. The Franciscans in Birmingham provide a notable example of this type of apostolate.[199] In the late 19th century and the first half of the 20th century, secular priests from Ireland helped re-build the shattered Catholic Church in England, at both episcopal and sacerdotal level.

2.5:2 The Religious Disabilities of Catholics in Post Reformation Scotland in the Period 1560 - 1800

The Protestant Reformation, that great religious convulsion which divided Europe from the second decade of the 16th Century onwards, lefts it mark on most of the countries of Western and Northern Europe in one form or another, in the spheres of politics, religion, culture and not least in matters commercial and economic. Hardly anywhere, however, were the effects of the Protestant Reformation, more profound and permanent than in the case of Scotland. It would be over simplistic to attribute the causes of the Reformation to any one single major factor. Political and religious events played a pivotal role in the momentum which propelled the reformed Christian doctrines to the fore in the daily lives of the people of Western and Northern Europe.

It can be argued that a driving force in the spread and acceptance of the reformed doctrines arose out of a passionate sense of the contrast between the simplicity of the early Christian Church in the Apostolic age

and the abundant and disedifying wealth, secularism and an absence of true spirituality and morality to be found in the Roman Church of the late middle and early modern ages. The spiritual role of the Pope, and the Institution of the Western Church, as successors of the Apostles had over the intervening centuries, had acquired a temporal and political dimension which inevitably led to a conflict of interests, in which the spiritual dimension of the Church fared second best.

> In those regions of Northern and Western Europe in which the various reformed doctrines had succeeded in gaining a foothold, the Protestant Reformation was protected against the forces of Catholic reaction by a widespread confiscation of Church lands and property and the creation of a vested interest in the spoils of a plundered church, which was in certain regions so deeply rooted that neither war nor revolution was able to disturb it.[200]

So it was in Scotland. The dynastic wars of the Valois, Hapsburgs and Tudors in the 16th century, gave way to a perception that political power and equilibrium could best be achieved by abandoning outmoded dynastic considerations in favour of support for religious causes. The rulers who made religion the central plank of their internal and external policies gained much support. Henry II of France and his immediate successors, found to their cost that concentration on hopes of a possible victory over the Hapsburgs had allowed their dissident Calvinist or Huguenot subjects to strengthen their position in the late 16th Century. By the 1598 Treaty of Nantes, French Huguenots had by force and rebellion, established an *imperium in imperio* within what should have been a tightly controlled centralised kingdom.

The political axiom of *un roi, une loi, une foi*, had now achieved an importance, not merely for France and its King, but for any ruler who wished to control a unified and centralised state, be he or she, a Catholic or a Protestant. This new religious policy was pursued by most Western and Northern European rulers. In Scotland, the situation was somewhat different. The Calvinist revolution of 1560 and 1567 were carried out by a dissident religious population of nobles, clergy and common people with

the Catholic, Mary Queen of Scots in nominal power in 1560 and her infant son, James VI, a baptised Catholic with a Calvinist regent, the Earl of Moray. It was the Earl of Moray, as much as any of the clerical ministers including John Knox, who was responsible for Calvinism becoming the doctrine and discipline of the Scottish Reformation.[201]

In *The Scot in History'* the American historian Wallace Notestein contends that 'in explaining the Scottish character, nothing is more important than religion.'[202] The Country's uniquely influential reformation created a new political scenario and a new concept of freedom.[203] 'The corruption of the Catholic Church in Scotland was many faceted. There was an abundance of tinder into which a radical incendiary could fling his torch, for the Scottish Church had long been remarkable for the depth of its corruption.'[204] On 11 May 1559, John Knox, a revolutionary priest involved with the theology of John Calvin's Geneva, preached a sermon 'Vehement against idolatry' in the ancient and beautiful church in Perth. His audience to whom he referred as 'brethren' damaged the church fittings and went on to sack the houses of the Augustinians, Dominicans and Carthusians in that city. The regent of Scotland, Mary of Guise and mother of the young Scottish monarch, Queen Mary, sought unsuccessfully to put down this heretical rebellion. [205]

This rebellion was not just the removal of one aristocratic clique to thrust another to power. This religious rebellion was to become a great popular revolution, backed by a large number of articulate men of every class who had become discontented with the political and religious environment in which they lived.[206] The outcome of the events at Perth had a profound effect on the following four centuries of Scottish history and upon the evolution and formation of post-reformation society.[207] The close religious links of Catholic Scotland with the Church of Rome which had lasted for over five centuries were sundered.

The historian Smout portrays in graphic detail the corrupt practices of the pre-reformation Catholic Church in Scotland.[208] It is in effect a

familiar litany of immorality in the lives of the highest Churchmen including Cardinal David Beaton, Archbishop of St. Andrews, a number of other bishops, many abbots of monasteries and mother-abbesses of nunneries. The General Council of Trent (1545-1563) sought from within the Catholic Church to institute internal reforms which would eradicate the abuses of pluralism, immorality, the appropriation by lay princes and nobles of Church revenues and the abysmal intellectual and doctrinal ignorance of the Clergy. All these defects within the Church in general were in more than abundant supply within the Scottish Catholic Church.[209]

Religious radicalism had no deep roots of native tradition in Scotland.[210] The 15th century had seen intermittent flickerings of the Lollard heresy which developed in England following the preaching of Wycliffe. A couple of foreigners, supporters of the Lollard doctrines were burned at the stake at Perth and St. Andrews.[211] In 1525, the Scottish Parliament passed an act against the importation of books outlining Luther's teachings which were finding supporters in the North of Scotland. In 1528, Patrick Hamilton was burned at the stake for preaching Luther's doctrines of justification by faith.[212] In 1530, there was a larger scale illegal importation of Tyndale's English bible. Further Scottish Parliamentary Acts were passed in 1535 against heresy.[213] In 1546, Cardinal Beaton was responsible for the trial and martyrdom of George Wishart for preaching the Swiss Protestant (Calvinist) doctrine of 'respecting all beliefs' and practices for which authority could not be found in Scripture.[214] Thereafter, Protestant members increased rapidly, until between 1555 and 1559, a network of organised congregations grew up in the main burgs (towns) using the English prayer-book. The Mass was denounced as idolation. These new doctrines were preached vigorously by John Knox and others, who like himself were mainly priests who had broken with the Roman Catholic Church.[215]

The Lords of the Faithful Congregation, as the nobles and others who supported Knox and his Calvinist doctrines were known, set out in

1559 with the double purpose of defending the Protestant faith and freeing the country from the bondage and tyranny of strangers.[216] The strangers referred to were the Regent, the Dowager Queen of Scotland, Mary of Guise-Lorraine, and her daughter, Mary, Queen of Scots, who was married to Francis I of France and the strong Franco - Scottish alliance which resulted from these French marriages. Mary of Guise had been married to the late James V and their only child Mary, Queen of Scots, was married to the French Dauphin, Francis I, who succeeded to the French throne in 1559, but who died in 1560. The alliance of the Scottish Lords with Elizabeth's England was sealed by the Treaty of Edinburgh in 1560. This unnatural alliance, which heretofore might have been seen as a most strange grouping, helped to break the Scottish connection with Catholic France and ensured the success of the Scottish reformation.[217] The Scottish Parliament met in June 1560, and abolished the Pope's authority in Scotland. The celebration of the Mass was also outlawed, under heavy penalties. The influence of the Roman Church was eliminated and its doctrines and authority outlawed.[218] Mary, the widowed Queen of Scots, who returned from France in December 1560, and while, accepting the religious change as a fait accomplit, never ratified the acts of the Scottish Reformation Parliament of June 1560, nor changed her own allegiance from Roman Catholicism

The Protestant reformation had come into being in the name of the Scottish Parliament of Mary Queen of Scots, in June 1560, but without her authority. Mary's mother, the Regent, Mary of Guise, had died in June 1560, after which event the Lords of the Congregation called into session the Reformation Parliament with its aims as mentioned above. The reformed Church of Scotland had come to the surface with the events of 1559 - 1560. It was based on Knox's Calvinist Confession of Faith.

> For the next 130 years, it went on changing and developing, twisting in its ecclesiastical polity, first to one side and then to another to accommodate different shades of opinion until finally in 1690, it emerged as the classic Presbyterian church of the eighteenth and nineteenth centuries, with its elders, deacons and

> ministers, its Kirk sessions, presbyteries, synods and general assembly, its frequent but not invariable association with sabbatarranism and Puritanism, and its convictions of ecclesiastical parity.[219]

The question may well be asked at this juncture as to whether any groups of Scottish people with any of their priests had remained loyal to the Church of Rome. Henry Grey Graham in his scholarly book, The Social Life of Scotland in the Eighteenth Century[220] makes no mention whatever of Scottish Catholics in his chapter 'Religious and Ecclesiastical Life'. This Chapter runs to ten sections and 125 pages.[221] Yet Catholicism did exist in pockets in the Highlands and in some of the islands of the Outer Hebrides, where many crofters remained loyal to Rome and its doctrines.

It is not possible for obvious reasons to provide any accurate or factual figures as to the numbers of those Highland and Island Catholics. Their Catholicism, in complete contrast to their Calvinist fellow Scots in the Central lowlands and other parts of Scotland, had as much to do with their continued loyalty to the deposed Catholic / Jacobite Pretenders as to purely Roman allegiance for its own sake. This fusion of lingering Catholicism allied to a political loyalty to the deposed Stuarts, manifested itself in the rebellions of 1715 led by James Edward Stuart, the Pretender James VII, and that of 1745, led by James's son, Charles Edward Stuart.

The saying of the mass anywhere in Scotland became as Knox had wished, a capital crime. However, the priests of the old church were not the stuff of which martyrs were made. One or two paid the supreme penalty. Some fled to Europe. Others became reforming ministers.[222] The Scottish historian G. Donaldson suggests

> That in the absence of complete factual statistics, it is dangerous to suggest figures at all but it seems likely that over the whole country, the proportion of those Catholic priests who conformed and continued to minister in their old spheres under the new regime was at least a quarter. [223]

'Most of the rest remained in contented possession of two thirds of

ecclesiastical income, doing nothing to help the new Church or Kirks, and nothing to revive the old. Lay Catholics of the old faith were discouraged by the bad example of their clergy.'[224] In the burgs, they were subjected by Kirk-sessions and the baillies to the endless pressure of interference, abuse, preaching, the pillory and all ostracisation, homelessness and ruin until they conformed.[225]

Roman Catholicism had died out before 1600 except in the homes of some of the great nobles, such as the Earls of Huntly in the North East and the Maxwells in Dumfriesshire, who with their families and close personal ties were too powerful locally to be driven to do that which they did not wish to do.[226] In time it would seem that the old Church would only become a memory to most Scots. There were exceptions, however, notably in the thinly populated Highlands and the Isles. In the Highlands, the dismantling of the old Church had proceeded much faster than the ability of the new Kirk to furnish it with Gaelic-speaking ministers. In such circumstances, a religious vacuum developed even greater than the situation which had existed in some areas in Catholic times. This absence of any minister of religion of any church continued until long after 1690.[227] Areas around Badenoch and Lochaber, totalling 1800 square miles, which was once served by three Catholic churches, now had neither priest, minister or pastor of any kind. Knowledge of religion and its practice by the local people had all but died, a fact lamented by the new reformed church. [228]

Into such remote areas after 1600, went Jesuit priests from the Scots College at Douai in France. The Jesuits supported the revived Catholic faith with much courage and no little personal suffering. Several districts returned to the Catholic faith and have remained Catholic since. These include the Hebridean Islands of Barra and South Uist and Highland areas such as Glenmoriston, Abertarff and Glen Garry.[229] There was little the reformed church could do about it. A Jesuit Priest from Cork, David Galway, went to the Inner Hebrides in 1619 to recover souls lost to the Catholic faith. He celebrated the first Mass ever

attended by the people then living in Islay. He baptised numerous children and converted so many inhabitants of Kintyre, that a party of armed soldiers was sent to capture him on the orders of a local Calvinist Minister and disrupt his work. He, however, successfully eluded them.[230]

The English Government was not slow to recognise the absence of a proselytising society for Scotland by its foundation of the Scottish Society for propagating Christian Knowledge by royal charter in 1708.[231] This society known as the SSPCK had as its rationale the expansion of Protestantism within Scotland, based on the structure, doctrines and practices of the Anglican established Church of England. It had however, to take cognisance of the dramatically opposed principles of the Kirk or Church of Scotland, based and structured on the Calvinist principles of John Knox, which was the official and nationally accepted Church of Scottish Protestants. The English Government could not ignore the de facto religious situation in Scotland and was obliged to give an annual grant to the Calvinist Scottish Church and its General Assembly for the support of itinerant Presbyterian Ministers in the Highlands and to introduce the English language into church services. The failure of this policy led the society to publish a new Bible in 1754, in which the Scriptures and Liturgies were in Gaelic on one page and on English translation on the opposite or facing page. The different objectives of the Anglican SSPCK and the General Assembly with its Royal annual bounty led to overlapping and friction and the two groups fell out in 1758.[232]

The Kirk or Presbyterian Church became the established Church of Scotland in 1692, when the Scottish Parliament in June of 1692, offered the throne to William and Mary, subject to five important contractual principles, one of which was the recognition by William of the Presbyterian Kirk or Church of Scotland as the official established Church of Scotland.[233] The Kirk of Scotland regarded the Anglican or Episcopal Church as the spiritual arm of Jacobism.[234] Protestant evangelisation of the Highlands by Calvinists and Episcopalians (Anglicans) began in earnest in the period 1715-1792. The SSPCK had

twenty five schools operating on the bordering areas of the Highlands by 1715. This number grew to 16 schools in 1755, 149 by 1792.[235] The bulk of the schools were located on the Southern edges of the Highlands or in Moray or Easter Ross. In 1792, the SSPCK. had twenty two schools located in the Western Islands.[236] It was not until 'Gaelic Society Schools' were established after 1811, however, that most of the Western Highlands were comprehensively covered by this new Protestant School Society, in whose schools girls were also taught.[237]

The Highlands in the eighteenth century were not a godless society but one awaiting the opportunity for a spiritual rebirth. A report to the General Assembly in 1718 on the state of the parishes of Glengairn, on the lower slopes of the Grampians on Deeside, told of 'new converts full of hot and furious zeal, filling all companies they were amongst with noisy debates.'[238] But these were Catholic converts. The established Presbyterian Church in the East and Central lowlands occupied itself with the evangelisation of Episcopalian Protestants, whom they regarded as spiritual Jacobites with all the inherent Catholic and continental dangers that implied. In the western Highlands and the Isles, the Established Church sought to combine evangelisation with a 'civilisation of the people from their Gaelic culture'.[239] The Catholic Church, on the other hand, was avowedly Gaelic in its approach to reconversion and was fortunate to have the services of Gaelic speaking Irish priests for much of the seventeenth century.[240] An Irish Franciscan missionary team sent to the Western Isles, to an area between Islay and Skye in the 1620's and 1630's, claimed to have had a 'dramatic impact in conversions to Catholicism'. They claimed that in 1633 that 6,627 people had been converted. There were 3,010 baptisms - figures which were received sceptically by Propaganda Fide in Rome.[241] These Franciscans did not venture further into the adjacent mainland than Glen Garry. Jesuits were active in Strathglass from the 1670's, but they were very few in number. There are few physical traces of the 'underground' phase of Catholicism, according to Lynch.[242] Even where Catholics were numerous, they built no churches. In Lochaber, two mass stones, used

as primitive altars, are its sole monuments.[243]

The rebuilding in 1688 of the parish church of St. Ninian at Enzie in Banffshire was very unusual as was the seminary for training priests, founded in 1716 at Scalan in the remote area of Glenlivet, which provided a base for the rebirth of Scottish Catholicism in North East Scotland in the eighteenth century.[244] Thomas Nicholson was appointed the first Vicar Apostolic, or Bishop, by Rome in 1694 to preside over the entire Scottish Mission.[245] It was not until 1732 that a separate Gaelic speaking Catholic mission for the Highlands, as distinct from the Lowlands mission, was established.[246] The foundation of a Highland seminary for the training of Gaelic speaking Highland priests was attempted unsuccessfully on six occasions between 1732 and 1828 until Blairs College was founded near Edinburgh in 1829.[247] Even then, Gaelic speaking Highland seminarians got no great welcome there.[248] All of the Catholic priests in the Highlands in the eighteenth century were Gaelic speaking with the exception of two Irish priests. Most of the aspirant priests or seminarians were members of the MacDonald or MacEachan clans, as were the first five Vicars Apostolic for the Highlands, the first being Hugh MacDonald.[249]

Catholicism in the Highlands held its ground in the eighteenth century despite the efforts of the General Assembly and the SSPCK, both of which received backing from London. The bed-rock of support for Catholicism came from Catholic landowners and heritors such as the Catholic laird of Clanranald and other lairds.[250] On the island of Barra in 1760, there were more than 1,000 Catholics and only 40 Protestants.[251] On South Uist in 1764, there were only 164 Protestants among 1,400 Catholics.[252] By 1799, the chief patron of Scottish Catholicism was none other than the London Government.[253] They had seen the outcome of the American War of Independence and the loss of the American Colonies to the offspring of the first English Calvinist colonisers of the 17th century. The epoch-making events of the French Revolution and its Napoleonic consequences in Europe had led to its condemnation by the

Papacy and the Catholic Church. The Papacy and the Roman Catholic Church, long time religious enemies of the Protestant Kingdoms of England, Ireland and Scotland could only now be regarded as allies against the French and were welcomed as such.

Thus French Jesuits were accommodated in a seminarial college at Stonyhurst in Lancashire in the 1780s. Likewise, Catholic seminaries in Ireland were established at Carlow (1780s) and Maynooth in 1795. These Catholic Colleges were actively encouraged and financially supported by the Crown, as a guarantee against Catholic support for the French revolutionary doctrines. So it was with Scotland. The Scottish Catholic Seminary for the Lowlands at Aquhorties near Inverurie in Aberdeenshire received crown finances in an effort to discourage loyal Catholic Highlanders from emigrating to America. The dark days of Catholic suppression and insecurity in Scotland were over, as was the case in England and Ireland. Penal legislation against Catholicism as a religious profession in its many facets in the three Kingdoms of the British Crown which had lasted for over two and a half centuries was almost over. The questions of full civil and political liberties for Catholics, co-equal with those enjoyed by Protestant fellow countrymen in the United Kingdom of Britain and Ireland, would have to await events in the 19th century.

This intense rivalry and opposition to an imposed religion from outside Scotland was not a new phenomenon as far as the reformed Scots Kirk was concerned. James VI of Scotland and I of England, from his early accession to the English throne in 1603, had sought to impose the Anglican religion of England into Scotland. James, as head of state and now ruler and Governor on all his three Kingdoms ruled not merely in matters political, but also in the religious sphere. His attempts and those of his clerical agents to impose by force, if necessary, Anglican Church structures of Episcopalianism; the use of vestments, and a sacramental liturgy were anathema to the vast bulk of Scottish Presbyterians and their English puritan co-religionists. It was this

situation which had led to the departure of English Puritans, William Penn and the Pilgrim Fathers on the Mayflower from Plymouth to the American Colonies in 1620. Protestantism in Scotland had within it the seeds of division. Scottish Presbyterians were opposed to the levels and structure of the established Anglican Church of England & Ireland which the English sought to impose on Scotland after the Scottish - English Act of Union in 1707.

The seeds of Calvinism and its populist structures and doctrines were introduced from England into the coastal colonies of North America. Calvinism remained the dominant religious sect in most of the thirteen English Colonies in North America for the next century and a half. Calvinist colonial opposition to royal centralised control from London, not only in matters political, but also those of a religious and commercial nature, played a significant role in preparing the colonists for their rebellion against London in the 1770's. The rebellion in turn led to the American Declaration of Independence and the subsequent War of Independence.

2.5:3 Penal Laws against Catholics in the English Colonies of North America in the 17th and 18th centuries

The Penal Laws against Catholics in the English Colonies of North America were intended to have the same results as those in force in England, Ireland and Scotland. The earliest English Colonists were largely English Puritans, or Dissenters, i.e. those attached to Calvinist doctrines. They had decided to emigrate to the newly-claimed English colonies in North America to avoid the stress and intolerance imposed on them for their religious principles by James I of England in the early decades of the seventeenth century. They refused to conform to James's attempts to impose on them the established Anglican doctrines and liturgical practices of the Church of England. It was only natural for James I to try and impose the Anglican religion on them, because as King, he was the Supreme Governor of the Church of England. It was rather strange that the Puritan Colonists who left England for the New

World to enjoy religious toleration were the very same group who denied religious toleration to Catholic convicts and other Catholic people who had emigrated voluntarily or had been forced to emigrate to North America. It should be noted that the thirteen American colonies listed hereafter are not treated in terms of their geographical proximity to one another. They are grouped together in terms of the similarity of the religious laws and freedoms which they afforded to their citizens.

The first Virginia Charter in 1606 established the Anglican Church in North America. The second in 1609 repeated the terms of the establishment and prescribed the Oath of Supremacy. In support of the Established Church, the draconian laws of Governor Dale were aimed more at the lax moral standards of the colonists than securing Anglican religious conformity. When lawmaking passed to the colonial assembly, the Established Church was still maintained and higher standards of personal morality were encouraged. Lord Baltimore, a Catholic peer, refused to accept the ecclesiastical supremacy of the King in 1628 and was denied temporary residence in the colony. Following this incident, a new Act of Uniformity was passed in the Colonial Assembly fining absentees, including Catholics, for not attending Divine Service. Another act in 1642 specifically disenfranchised Catholics and enforced the expulsion within five days of any Catholic priest coming into the colony. Governor Berkeley, after 1642, caused an act to be passed forcing the expulsion of Puritan Non-Conformists but with the advent of Cromwell's Commonwealth in England, the Puritans got a foothold and expanded it. Toleration began to grow except for Catholics. The Quakers, however, suffered harsh penalties and were in fact, banished in 1659. The Restoration in 1660 saw the return of Anglican Church structures and no religious minister could perform religious duties such as marriage unless they had been ordained by an Anglican bishop. Prejudice against Catholics continued as evidenced by the Disarming Act of 1755 'for disarming Papists during the Anglo-French wars in the American Colonies.'[254] This act was passed by the Colonial Assembly of Virginia but was never enforced.

In North and South Carolina, Penal Laws were passed to establish and strengthen the Anglican Church. The laws were aimed particularly at wealthy colonists whose indifference to Tory high Anglicanism had a basis more in their expressed desire for political independence from London than in religious dissent. Intolerance of Catholics was legally expressed in the two Carolina colonies.

The Massachusetts' Bay Colony charter made no mention of religion, but a strong Puritan element under the leadership of John Wintrop took control of the colony and established an absolute theocracy on Calvin's Geneva model in what was known as the Great Migration from England in 1640's. Episcopacy was repudiated and Congregationalism was established. Men making active profession of an alien faith were banished. Catholics were not permitted to reside in the Colonies and Jesuits, if they were caught and banished, were liable to execution if they returned again. The execution of four Quakers forced the London authorities to seek to restore the Anglican Church and break the power of the Puritan theocratic colonial government.[255] They eventually succeeded in partially restoring the Anglican or Episcopal Church over a period of some sixty years.

In Connecticut, Congregationalism, using its famous instrument, the Saybrook Platform, became the colony's religion. Toleration was allowed to other licensed religions. Even Quakers were permitted freedom of religion and there was no mention of the iniquitous phrase "except Papists". A law, however, in 1743 allowed dissenters "being Protestants" to seek relief from religious instructions.[256]

New Hampshire was joined with Massachusetts until 1673. Initial attempts were made unsuccessfully to restore Anglicanism in this colony. The Colony's Assembly, however, fixed the state religion as Congregational. The franchise was limited to Protestants only. Acts were passed in 1692, 1702 and 1714 which allowed the Constable to collect

the church tax for the Anglican Church, but Protestant dissenters were exempt and could pay the tax to their clergy. So it must be presumed that others, including Catholics, had to pay tithes to the Anglican clergy. Under the English Toleration Act of 1689, all citizens were obliged to make a declaration against the Pope and the doctrine of the Catholic Church.[257]

During the short reign of James II, 1685-1688, all churches in the New York Colony were granted freedom of worship. Persecution for the sake of conscience seems unrecorded. There was a certain toleration of other religious creeds in the area around New York. This resulted from its earlier colonisation by the Dutch whom the English drove out and who generally did not persecute religious believers for the sake of persecution, in line with the tolerant thinking of Dutch Calvinists. This toleration of Catholics was legalised in the reign of James II, but during the subsequent reigns of the three Hanoverian Georges, the Anglican Church became the Established Church until the American Revolution of 1776 separated Church from State.[258]

The colonies of Maryland and Rhode Island began with a separation of Church and State, and religious toleration was allowed to all as a result of the acts of these colonies for church liberties. Catholics, however, were fined for any attempt at proselytising Protestants, and Jesuits were denied the protection of church canon law. The Toleration Act of 1649 denied toleration to non-Protestants and Unitarians. Following the events in England resulting in the Williamite victory, the Episcopal or Anglican Church was established as the state religion although Puritans, deemed an illegal group, were not persecuted. That 'privilege' was kept for Catholics alone. Catholics were deprived of all civil and religious rights. They could practice their religion in their 'private homes'. The law of 1704 laid a tax of twenty shillings on every Irish servant who was imported. In 1715, a law was passed by the Colonial Assembly, saying that the children of a Protestant father and Catholic mother could be taken from the mother on the death of the father. The

first Catholic church , in what is now the United States, was erected in the city of Baltimore in 1763 without opposition. The first Catholic bishop, an Irish priest named Carroll, was appointed there in the 1780s. Baltimore is the primatial Catholic diocese of the USA and is now designated an archdiocese.[259]

In New Jersey, Presbyterians and Quakers, land-tenants under their proprietors or estate owners, were granted entire liberty of conscience. No mention is made of the position of Catholics, so it can only be presumed that they continued their worship in a secret manner. The English-French Colonial Wars were responsible for diverting attention away from purely religious matters. When New Jersey became a royal province in the early mid 18th century Catholics were disenfranchised.

In Pennsylvania, Rhode Island and Delaware, separation of Church and State enabled all religious groups to worship freely. The Pennsylvania Commonwealth restricted to Christians the right to hold public office. Despite William Penn's service with the Catholic James II, Penn's personal partiality for religious freedom of worship for all was overturned by the Test Oath, which became mandatory under the Parliament's Toleration Act or Bill of Rights in 1689. This Test Oath, which excluded Catholics from all civil rights, was adopted by the Pennsylvania Assembly in 1705. It was never strictly enforced.

In concluding this survey of Penal Laws against Catholics in the British North American Colonies, some mention must be made of Canada. The late 18th century struggle between Britain and France for supremacy in seizing the Canadian Maritime Provinces and the area around Quebec led to a fluid situation as regards religious toleration. The French were mostly Catholics. They had the pastoral assistance of many French Jesuit priests who had fled from France after the suppression of the Jesuit order in 1763. The regrettable situation of the suppression of the Jesuits was due to the influence of the French statesman, Choiseul. The Papacy unfortunately, went along with the suppression of the Jesuits

for a combination of political and religious motives in 1763.[260] These French Jesuits ministered to their colonial compatriots in Canada and undertook the work of trying to instruct native Canadian Indians in Catholicism. The struggle for control of the eastern provinces of Canada between Britain and France in the final quarter of the 18th century is not a concern of this thesis other than in the context of provision of religious toleration for Canadian French colonists. On 22 June 1774, the British Parliament passed the Quebec Act[261] which allowed Catholics in that province free exercise of their religion and exemption from taking the Oath of Supremacy. The act was intended to pacify French Canadians. The implementation of this act was to be administered by a governor and consultative council. The Quebecois were allowed to practice their Roman Catholicism. Their former French code of law was perpetuated in the new British Province of Quebec, and in the territory west of the Alleghenies, as far south as Ohio.

> American colonial propagandists effectively suggested that Britain intended to use its 'Popish slaves' to subdue the British American colonies and limit their commercial and economic expansion and prosperity.[262]

The Penal Laws, regarded with such abhorrence by Catholic Ireland in the late 17th and 18th century were not specifically a purely anti-Catholic Irish phenomenon, but had in fact application and regrettable consequences for Catholics in mainland Britain and in her North American Colonies.

2.6 The Penal Laws in Ireland: Laxity and Severity

By the beginning of the Hanoverian period, there existed a body of legislation which, had it been enforced, would have made the continuing existence of the Catholic Church in Ireland impossible. Instead, the Catholic Church in Ireland, far from going into a decline, began to renew its organisation and consolidate its position as the church of the majority of the population of Ireland. The Act of 1697[263] banishing bishops, other church dignitaries and regular priests, coming at a time when the number of Irish bishops was already very depleted, brought the church to a very

low ebb. In 1703, only three bishops were left in the country. By 1707, however, the papacy began to fill the Irish episcopal vacancies. By the year 1714, fourteen appointments were made to vacant Irish sees, some of which had been without incumbents since the late 17th century.[264] By the 1750s, most of the remaining Catholic episcopal vacancies had been filled, with few long gaps between the death of one bishop and the appointment of his successor. Most of these papal appointments to vacant Irish sees were made on the nomination of the old Pretender James III from 1715 until his death in 1766, when Pope Clement XII refused to recognise James Charles Stuart, the Young Pretender, as the legitimate heir to the English, Scottish and Irish thrones. The papacy had at last recognised the Hanoverian succession of 1714.

Members of the Franciscan and Dominican orders of regular clergy were appointed as Irish bishops in this period, including the three Butler Archbishops of Cashel. Many of these regular clergy bishops were members of old Irish landed families in Ireland, although the leadership of the Irish Church never became as closely associated with Catholic nobility or gentry as happened in England. This caused a particular problem for Catholicism in England when many of the Catholic landed gentry-families conformed to the Anglican Church as the reigns of the early Hanoverians proceeded.[265] The structures and number of Irish dioceses began to be re-organised from 1718 onwards to form more easily administrable units.[266]

Like the bishops, members of the religious orders were condemned to banishment by the act of 1697. Four hundred and forty four male religious were actually transported in 1698.[267] Some evaded the round-up, and many registered themselves as parish priests in 1704 under the Irish act entitled 'An Act to Prevent Further Growth of Popery.'[268] These priests evaded banishment in this way, but community life was broken up. 1,089 priests registered under the 1704 Act and were left unmolested by the law until the Act of 1709,[269] which required them to take the Oath of Abjuration. This oath required the cleric to abjure the right of James III

to the Crown and to accept that Queen Anne was the lawful Queen. Only thirty three priests took the oath. as Rome still recognised James III as King. This 1709 act was unevenly enforced, depending on the zeal and enthusiasm of the local magistrates. The Tory administration in England, secretly flirting with the idea of a possible Stuart re-accession to the throne on the death of the heirless Queen Anne, did not push the enforcement of the act.

Within a few years, members of the regular clergy began to return, especially to Connacht. In 1715 the grand jury of Co. Galway reported that great numbers of priests had come into the country and were settling down in the vicinity of old ruined abbeys and monasteries.[270] They rented houses from Catholic landowners and even from those who had conformed to the Established Church[271] who had kept alive their old Catholic contacts. They farmed land, admitted novices whom they passed off as servants, and collected alms for their support in the surrounding districts. In the early 1700s, communities of nuns also began to appear. Initially a small group of Dominican nuns re-established themselves in Galway and a small number of Carmelite nuns set themselves up in Loughrea. In 1712, the Poor Clares had established themselves in Galway but they soon moved to Dublin following hostility in that city towards Catholics, as a result of the 1715 English-Scottish Jacobite invasion and rebellion. They established a school in Channel Row for the education of the daughters of well-to-do Catholic merchants.[272] Some of the Dominican nuns in Galway also moved to Dublin after the 1715 'scare'. They also established a school for the daughters of well-to-do Catholic Dublin merchants and business people very near to the Poor Clare convent in Channel Row.[273] Eventually, both of these communities, which did not cater specifically for the poor Catholic girls of the north city gave up teaching and returned to the contemplative life.[274]

By 1721, the Dominican friars had set up communities in Cork, Cashel, Cork, Drogheda, Dublin, Limerick and Sligo. The Anglican

Primate, Archbishop Hugh Boulter of Armagh, established a Committee of the Irish House of Lords to inquire into the state of popery in Ireland on 10 November 1731.[275] The Report, which is published in the Journals of the Irish House of Lords, records 51 friaries in operation in Ireland, with 254 friars therein.[276] This figure of 254 is regarded as being too low.[277] By 1750 it was estimated that there were more than 800 friars of various orders in the country. This figure declined after 1751 when Rome ordered novitiate training to be undertaken in the continental houses of these orders.[278] By 1767 the number of friars had dropped to less than 500, including 231 Franciscans, 147 Dominicans, 68 Augustinians and 34 Carmelites.[279]

When the penal legislation was being enacted originally, the parish clergy were treated differently from the bishops and the regular clergy. Wholesale banishment of clergy of all ranks would have been both impossible and impracticable. Other less extreme initiatives would, it was felt, achieve the same result in the long term. In 1704, by an Act of Queen Anne's Irish Parliament,[280] every Catholic priest was to register his name, address, age, parish, the date and name of his ordination and the name of the ordaining prelate. He had to find two independent sureties of £50 each for his good behaviour. He could not leave or minister in any county other than the one in which he was registered. He could not have any curates to assist him. 352 priests registered in Leinster, 289 in Munster, 259 in Connacht and 189 in Ulster making a total of 1,089.[281] Registered priests were free to say Mass, administer the Sacraments and carry out all their parochial duties. The 1697 Act of Banishment[282] removed all the bishops. It was anticipated that when a bishop or bishops died, there would be no replacements. This in turn, would ensure no further ordination of priests. So, in effect, Catholicism would die out for lack of pastors and clergy. Bishops and regular clergy registered themselves as ordinary parish priests and remained despite the laws. They even resurrected the titles and areas of old extinct medieval parishes and became parish priests and curates in these 'new' parishes.

The Act of the Irish Parliament[283] requiring registered clergy to take the oath of Abjuration rejecting the Stuart claims to the throne and the Papal claim to remove a monarch, on pain of banishment, was complied with by only 33 priests out of the 1,089 duly registered. In effect this 1709 Act was not consistently or uniformly enforced at all.[284] In the early years of the reign of George I, in or about the year 1720, Catholic church services were being openly conducted without interference. Dublin had nine parochial chapels in addition to six run by religious orders, open to the public. It may be taken for granted that most of these churches were originally converted warehouses and stables. Existing Catholic churches and cathedrals were taken possession of by the established Church, which retains almost all of them to this day. As the century progressed and persecution or the fear of it declined, purpose built chapels or churches began to be built. Six chapels alone were built in Dublin in the reign of George I (1714-1727). Many of these Dublin chapels, although inconspicuously sited had elaborate interior fittings and furnishing. Archbishop Hugh Boulter's Irish House of Lords sub-committee, inquiring into the state of popery in Ireland, reported that there were 892 Mass-houses, beside numerous movable huts and moveable altars.[285] Ulster was badly provided for in this respect. Armagh had but 25 Mass-houses, Clogher and Derry nine each, Raphoe and Dromore had but two each and Down had three. Outside of Ulster, the Mass-house was a building of some kind, but where people were too poor to build or provide a chapel or the landlord refused a site, Mass was celebrated in the open air in the ruins of an old abbey.[286]

It is of interest to speculate how the Catholic Church, which in the mid 1740s had some parochial schools in the Dublin parishes, was able to function in spite of the anti-Catholic penal statutes. A number of reasons may be postulated. It would appear that the ruling classes were lacking in religious fervour and had no urge to proselytise. The failure of the Protestant Charity schools from lack of funds and commitment in the 1720s was a symptom of this lack of fervour. Yet the efforts of the

Anglican Primate Hugh Boulter in getting a Royal Charter for his Incorporated Protestant (Charter) schools in 1733, and the initial success which attended Boulter's efforts would seem to belie this Anglican religious inertia. The Catholic Church and its doctrines were despised by Protestant theologians as a manifestation of Roman superstition and idolatry in contrast to the pure and simple tenets of a bible based reformed religion. The Catholic Church was also feared by the Protestant people and the Government of England and Ireland, as a subversive agent of Papal political intrigue, when linked with its anti-English European allies. If Catholicism in Ireland and its vast number of adherents could be deprived of education, this in turn could deprive them of the opportunity to acquire the wealth and economic power, then the Protestant Ascendancy would feel that they would have reason to fear its influence. 18th century Ireland was largely ruled in the English interest from within Ireland itself by the activities and initiatives of the local Protestant gentry and landowners. They had not the resources in men or money to engage in large-scale oppression or persecution of native Irish Catholics. Local officials could and did connive at the evasion of the Penal Laws as Brady and Corish illustrate in their book on The Church under the Penal Code.

> The Mayor of Galway reported to Boulter's Inquiry into the state of Irish popery that the Galway sheriffs searched 'a reputed friary' in Back Street but found 'no friars'.[287]

The friary's house records however show the purchase of a bottle of wine to treat the sheriffs on the occasion of their visit.[288]

Magistrates were largely reluctant to cause public resentment and hostility in their area by arresting Catholic clergy or closing Mass-houses. The British Government itself was not overly anxious to give offence to friendly Catholic powers in Europe such as the Emperor Leopold of Austria by undertaking a vigorous persecution of Catholics.[289] The Catholic Church, like all other bodies outside the law, had learned to adapt itself to the new situation by keeping a low profile. The clergy dressed in the ordinary frieze of the peasantry and the bishops and town

clergy dressed like men of the middle class.[290] In the early days of the Penal Laws, many of the Catholic clergy lived with their own relatives or with friends, thus diverting attention away from themselves. Despite their perilous situation, the Catholic bishops and clergy were confident that Catholicism would survive because of its secure base as the religion of the majority of Irish people and the practice of Catholics to travel to Europe to renew their hopes and spirituality in Catholic centres such as Rome, Paris and Brussels.[291]

In spite of the lack of a uniform and stringent implementation of the Penal Laws, the church did encounter severe, if sporadic, persecution at times of war or threatened invasion from Europe. Mass-houses were closed by proclamation in 1711, 1715, 1719, 1723 and 1744.[292] Most of these dates coincided with Jacobite or French inspired invasions of England and Scotland, with similar threats to Ireland. Individual landlords and magistrates took action against Catholic clergy at other times. Severe anti- Popery legislation, against nuns and unregistered priests was proposed in the Irish Parliament in 1719 and 1723, but the English Privy Council saw fit not to implement these harsh measures. These proposals in fact never reached the statute books. Priests were arrested at various times. The use of informers and priest hunters such as the infamous Garzia,[293] who had Archbishop Edmund Byrne of Dublin and six priests arrested between 1719 and 1723, are part of the folklore of Dublin. Garzia, a dissolute priest in flight from the retribution of the Church authorities in Spain arrived in Dublin in 1719 and offered his services as a priest-hunter. His activities led to his dismissal in 1721 and he left Ireland and faded into oblivion. Such activities earned Garzia and others not only the hostility of Catholics but the disapprobation of the vast bulk of the fair-minded Protestant citizenry.[294] Bishops were often arrested on the complaint of disaffected priests who had been disciplined by the bishop for some offence, or who felt they were denied their due rights of ecclesiastical preferment. Bishop James Gallagher of Raphoe had to flee his diocese in 1734 after attempting to evict an unsatisfactory priest from his parish. The Archbishop of Armagh, Bernard McMahon,

went into hiding in 1741 for a similar reason and the famous Bishop Nicholas Sweetman of Ferns was arrested in 1751 as a result of the complaint of an excommunicated priest that he (the bishop) was recruiting men for service in foreign armies.[295]

The belief that all parts of the Penal Laws were constantly and vigorously implemented in Ireland throughout most of the 18th century has been widely and erroneously held in Ireland. This conviction has been the subject matter of intensive research by many historians.[296] There was always the possibility as long as they remained in the statute books that they could be enforced if the need to so do arose, a view expressed by the 19th century French traveller to Ireland, Gustave de Baumont. These other laws sought to deprive the native Irish Catholic population of an equitable share in the ownership of land, of economic influence and wealth and their rightful place in the civil and administrative structures of Ireland. These were the real and tangible results of the Penal Laws which had a very negative impact in the minds of the Irish people and which bedevilled the relationships between the islands and peoples of Ireland and England for far too long a period.

2.6:1 Conclusion

The purpose of the Penal Laws, as stated earlier in this chapter, was not to destroy Roman Catholicism, but to make sure that its adherents were kept in a position of social, economic and political inferiority. These laws succeeded in their broad thrust until changed political, social and economic circumstances in 19th century Ireland made most of these laws redundant and superfluous. The Penal Laws affecting Irish Catholic education did not achieve the general thrust of the purpose which inspired them. The facts and figures of early 19th century official educational reports acknowledge this situation. It is safe to assume that the great majority of Catholic children in Ireland in the early decades of the 19th century, as shown in the Abstract of Returns of the 1824 School Census,[297] were being educated in hedge schools or pay schools, as

they might be more accurately described. Tuition in hedge schools was not free. It had to be paid for, with a wide variation in the range of cost, depending on a variety of factors, which do not require elaboration at this juncture. It is sufficient to note that there were 8,000 pay schools in Ireland in 1824, of which 7,600 were run by lay masters and mistresses and can be designated as hedge, or, preferably, pay schools. The remaining 400 schools in 1824 were run on an individual local basis by the secular clergy, some as diocesan seminaries, others by members of religious orders of priests, brothers and nuns. When the number of Irish Catholic pupils in these pay schools are added to numbers of young men who emigrated to European colleges for education, then Catholic Ireland can be said to have achieved a result, which was nothing short of remarkable, in providing Catholic education for its pupils in most difficult circumstances.

The humble hedge school, which will be expanded upon in Chapter Three of this work, played a pivotal role in the defeat of the Established Church inspired and state supported system of education which was designed to anglicise and proselytise the Catholic people of Ireland. Adversity and difficulties very often inspire in those who endure these setbacks, responses and reactions that lead on to great undertakings and achievements. So it was with the Irish hedge school movement, if one could call it such. The system had its flaws and faults like all human institutions. The actual existence of the schools and their financial support by ordinary people is, in itself, a most important consideration, if one is to have an understanding of the successful development of the later system, which became known as the National System of Education, founded on the basic structures of the pay-schools.

> Willingness on the part of a great majority of the common people of Ireland to support popular educational institutions is one of the chief reasons that Ireland was to become the first country in the English-speaking world to possess a state-sponsored system of national education.[298]

Many aspects of human endeavour, designed for negative and discriminatory purposes, very often produce the opposite results from

those intended. Thus it was in the case of the 18th century Penal Laws against Irish Catholicism in general, and in respect of the educational provisions of that legislation in particular. The hedge or pay school movement which evolved from efforts to circumvent the penal restrictions on Catholic education was a remarkable phenomenon in itself. The political and social agitation of the early decades of the 19th century was engendered by state-inspired partisan schemes. These initiatives would appear to have been designed to make it most difficult if not impossible for the vast bulk of Irish Catholic children to receive a basic elementary education. But then the provision of basic elementary education for children was not a concept to be found in other European countries at that period. The Irish for some peculiar historic reason had a desire to educate their children. To deny them that preference purely on the grounds of restricting their religious economic or political potential seemed less than equitable or just. This purpose was negatived by the success of the pay school movement which laid the foundation for the establishment of a national school system, devised by Thomas Wyse, Edward Stanley and others. Their national school system, if it did not fulfil the highest and most worthy aims of its planners, did leave Ireland with the structures of an education system of which any people could reasonably be proud.

Another positive outcome of the Penal Laws was undoubtedly the alternative systems of Catholic education provided by Nano Nagle, Edmund Rice, Mary Aikenhead, Catherine McCauley and Bishops Daniel Delaney and James Warren Doyle of Kildare and Leighlin, as a Catholic response to the absence of a structured Catholic school system. These individuals rose to the challenge and their work is recorded in the educational history of Ireland and of the many other countries to which their educational apostolate spread, even down to the present day. In the current Irish historical, social and ecumenical contexts, the events of past history, associated with the Penal Laws against Catholics and Dissenters among other occurrences, are being viewed in present times in a more open, positive and reconciliatory spirit. This re-evaluation of past history

is essential if the people of Ireland of many diverse historical, political and religious backgrounds are to come together in a spirit of fraternal warmth and understanding.

Bishop Samuel Poyntz, the retired Anglican Bishop of the Diocese of Connor in Northern Ireland, in a homily which he delivered at a service of Christian unity in a Catholic church in Bray, Co. Wicklow on Thursday 21st March 1997, said *inter alia*

> In regard to the wrongs of history, the magnitude of the wounds and wrongs required more than words for the reality of forgiveness and reconciliation to be realised. Acts of reparation and restitution needed to take place. The churches - even divided as we are - can become communities of forgiveness, modelling the honesty of facing the truth of the past by making a public confession where there had been a wrong done ... There was much in their past histories of which they should be ashamed, events which had left a legacy of hurt, stress and bitterness ... to name but one among the Church of Ireland side - we never raised a voice against the Penal Laws which had such a savage effect on Roman Catholics and Presbyterians. The Catholic Church might in turn mention the 'Ne Temere' decree of 1908 on inter church marriages which had so decimated the numbers of Church of Ireland members through its rigorous imposition until recent times. Scratch the surface and we all find we have hurts.[299]

Bishop Poyntz argued for sincere dialogue between the churches at international, national and local levels, coupled with the development and encouragement of personal interrelationships between the clergy and laity of all churches to help this healing process of reconciliation, understanding and acceptance. The Penal Laws in Ireland did contribute in their perverse way to an awareness and a realisation of intercommunal harmony and friendship between the people of Ireland, albeit almost two centuries later.[300]

The Penal Laws, in their own way, helped foster an appreciation of the different cultural, religious and political traditions and principles which shaped the identity of the people of all parts of the island of Ireland. If properly evaluated, they can continue to be of assistance towards an

acceptance of the concept of Irishness which is the heritage of the entire island.

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CHAPTER 3

Catholic and Anglican responses to the Irish Penal Laws in 18th century Ireland.

3.1 Emigration for education - Catholic Colleges in Europe

3.1:1 Introduction

It has been noted by historians that the Renaissance, Reformation and Counter-Reformation coincided in Elizabethan Ireland.[1] Education was a critical factor in channelling the direction that the religious reformation took in Ireland. In England, the reformation was supported by the government and was stimulated by the demand for professional lay administrators following the departure from office of leading Catholic churchmen like Cardinal Wolsey and their lay equivalents of the calibre of St. Thomas More, who remained still committed to Rome and the papacy. An educated and literate laity emerged from the English Reformation.[2] In Ireland the tardiness of the early Tudor administrations to organise, fund and control schools and educational structures in a determined and efficient manner, allowed the initiative in this regard to pass to the Jesuits and other Counter-Reformation activists in the second half of the 16th century. Ireland, however, was a different case in comparison to England. In Ireland, the Tudor monarchs and the early Stuarts faced political and military resistance to English attempts at colonial domination. This resistance formed a ready and natural alliance with the religious resistance of both diocesan secular clergy known as clergy and priests of religious orders (i.e. the regulars) to the English attempts to impose an alien religious creed on the people.

If Ireland in the Post-Reformation era of the 16th and early 17th centuries lacked lay administrators from among the small number of Anglo-Irish loyalists available to pursue English policies and interests, there was no shortage of skilled and dedicated personnel who could be sent from England to fulfil the necessary tasks. Sir Philip Sidney, Sir John Perrott, Sir George Carew, Sir Charles Blunt (Lord Mountjoy), Sir

Arthur Chichester and Thomas Wentworth, Earl of Strafford, were all administrators in this able and ruthless mould. The need for the establishment of a college or university of higher learning in Ireland had been a long held desire from the late 15th century, as those seeking higher education had no option but to travel to Oxford or Cambridge and even further afield to European universities. The establishment of the College of the Holy and Undivided Trinity near Dublin, by Letters patent of Queen Elizabeth in 1592 to her deputy, Sir William Fitzwilliam, in no way met the needs of Catholic Ireland for a university or school of higher learning. Trinity College, Dublin, as it became familiarly known, because of its stated fundamental aims and objectives, functioned primarily at the beginning to provide educated clergymen for the new religion i.e. Elizabethan Anglicanism. It also aimed to provide facilities of higher education for those Catholics, who could be persuaded to conform to the new, Established church, and thus avoid the need to travel abroad to study in foreign universities. This study in foreign continental colleges was held to be injurious to the loyalty of English subjects, because they incurred the danger of being 'infected with poperie and other ill qualities and so become evill subietts'.[3]

3.1:2 The Colleges and their influence on Ireland

The outflow of native Irish and Anglo-Irish Catholic youth to Continental European Universities continued, with all its perceived and real dangers to the political and religious stability of Ireland from the viewpoint of the English administration in Ireland. It is indicative of the perceived threats and dangers to English control of Ireland implicit in this Catholic emigration to Europe for education, that the first penal law of the reign of William III in September 1695 was an act forbidding Catholics to send their children abroad for education.[4] This Act was further strengthened by an Act of Queen Anne in March 1704, already discussed.[5] These statutes, devised to cut off the Catholic Irish from education in Europe, seem to have proved strikingly ineffective. It was beyond the capacity of the English administration to watch the many

quiet bays and inlets along the west and south coasts, where willing hands were ready to assist travellers. The majority of Irish students went to France, where a long period of hostility to England in the almost unending wars between England and France in the 18th century, ensured the support of the French Kings and other powerful persons for these Irish Colleges and their students. It can be argued that the concept of Irish nationalism that emerged in the mid nineteenth century owes some degree of its origins to the presence of 'French nationalism' with its anti-British philosophy and agenda and also of the many Irish students, both clerical and lay in the 18th century French colleges. Those intellectual émigrés on their return to their 'mission' in Ireland, would morally have failed to transmit the 'embryonic concept' of the need for the development of an 'Irishness' in spirit and outlook to those people with whom they come into contact.

The main Irish Colleges on the Continent was located in five countries, France, Spain, Portugal, the Spanish Netherlands and in Rome. A brief resume of their foundation and success is necessary at this juncture to illustrate the sacrifices Irish students were prepared to make to attain scholarship in those branches of learning that would fit them for the priestly life or for the secular and military professions. The arrival in Paris in 1578 of Fr. John Lee from Dublin appears to mark the start of a regular Irish community within the University of Paris. By 1623 an Irish clerical seminary was established with permission to receive charitable bequests.[6] By 1626 this Irish College provided a rigorous regime of religious observance and intellectual studies for its students. When it was dissolved in 1794, as a result of the anti-clericalism of the French Revolutionaries, it had become the largest Irish College in Europe. Initially, its alumni were mostly secular clergy who returned to face the rigours of priest-hunting and persecution. Amongst its noted alumni were the distinguished Irish scholar historian and literary figure, Fr. Geoffrey Keating (1570 - 1644)[7]. Other Irish Colleges in France had powerful patrons; that at Bordeaux, established in 1602, was endowed by Anne of Austria in return for the assistance of Irish priests during the

rebellion of the Fronde.[8] Likewise the College at Toulouse, established in 1660, was again endowed by Anne of Austria in return for the help of the Irish Brigade against the Frondeurs.[9] The Irish College at Douai, founded in 1596, was under Jesuit control and was endowed in 1604 by King Phillip III of Spain.

The first Irish College in Spain was founded at Valladolid in 1589 by an Irish Jesuit, Fr. Thomas White, but he relocated it to Salamanca in 1592 to associate it with the famous university in that city. College discipline was very strict and the clerical students there were required to take three oaths upon entry, obedience to their superiors, loyalty to the College and a commitment to become priests and to return to the Irish Mission.[10] The examination standards in Salamanca were very strict, with little praise given, and there was a marked tendency for caustic criticism.[11] Many students broke under the strain and left the College to pursue military careers in the French and Spanish armies and others became tutors to the sons of the Spanish nobility.[12] The Jesuits had other Irish colleges in Spain, one was founded at Santiago in 1605, another in Seville in 1612 and in Madrid in 1629. There were two Irish colleges in Portugal, at Alcala, founded in 1590, and the other at Lisbon, founded in 1593.[13] In the Spanish Netherlands, the Irish had three Colleges within the prestigious University of Louvain, the most famous being that of St. Anthony, run by the Irish Franciscans. Its first guardian was Fr. Hugh Ward. Under his tutelage there, the lay brother Michael O'Clery spent fifteen years collecting manuscript material for a book on the lives of the Irish saints, which Fr. Ward planned to write, but never did. Brother O'Clery returned to Ireland. He went to Donegal, where with three others he wrote the Annals of the Four Masters.[14] There was an Irish College in Antwerp, founded in 1600, and one in Prague, founded in 1631.

Four Irish Colleges were established in Rome in the years 1625, 1626, 1656 and 1677. The Franciscan College of St. Isidore, founded by a famous Waterford Franciscan friar, Fr. Luke Wadding, was the most

wealthy Irish College in Europe. The Irish Franciscans in Rome used their close proximity and connections with the Holy See to promote religious freedom and the claims of other civil liberties long denied to Irish Catholics in 18th and early 19th century Ireland. The ongoing pressure and success of the Irish Franciscans in Rome in their work of Irish Catholic propaganda reached the stage that in later years, Gladstone's emissary to the Roman Pontiffs, Pius IX and Leo XIII in the later decades of the 19th century, remarked that 'the most extreme Irish politicians in Ireland were moderates in comparison to the Collegians of St. Isidore's.[15] The success of the Irish Franciscans in Rome in their efforts to highlight the plight of Irish Catholics in penal times may have been very modest in the 17th and 18th centuries, but the foundations laid then against the injustices suffered by the Irish people at the hands of the English junta who ruled Ireland at the time, might in some way, and to some beneficial degree have influenced Anglo-papal relations and events in the early middle 19th century.

To conclude this section on the emigration to Europe of Irish Catholics for the purposes of securing an education, it is necessary to make the following observations. The demise of Irish Colleges in France and Spain can be attributed to two main factors in the second half of the eighteenth century. The first was the expulsion of the Jesuits from Spain in 1767 and the handing over of their colleges to local bishops who had not the zeal and commitment to the work of those colleges. This transfer of control and administration of the colleges to local diocesan bishops, caused of necessity, a disruption of the academic life and of the traditions, so vital to institutions of their particular genre. The suppression of the Jesuit order in 1767 by Papal decree,[16] was countenanced by a Papacy more concerned with its diplomatic and political power, position and influence on the European stage, than with the better interests of its primary spiritual mandate. The second factor which influenced the decline and closure of the many Irish Colleges in France was the advent of the French Revolution. The Revolutionary Government, with its peripheral anti-church and anti-clerical philosophy eventually subjected

religious houses and institutions to the growing anti-religious sentiments of sections of the French people. These anti-religious concepts inherent in the catch-call of the revolutionaries of 'Liberty, Equality and Fraternity' were inspired and orchestrated by the ideologies of the new social order in France.

The Irish Colleges in Europe catered mainly for the education of Irish priests for the home mission. Many laymen travelled abroad also for higher education in such diverse subjects as legal studies, politics, jurisprudence, classical and philosophical studies and the more mundane sciences of medicine and military training. The Liberator, Daniel O'Connell, friend and supporter of Edmund Rice, was a notable student of the Irish Colleges of St. Omer and Douai, in the early 1790s, where he witnessed many bloody episodes in the turbulent times of post-Revolutionary France. This experience instilled in him a profound horror of the shedding of any human blood, in the pursuit of any political ideal, however equitable or justifiable. This personal philosophy of O'Connell of the use of non-violent means of political agitation was to have an important bearing in his handling of Irish political affairs in the fourth decade of the 19th century. The writer of this work accepts O'Connells' decision of the use of non-violent means of political agitation as a mature judgement, conscientiously arrived at by O'Connell and implies no disapproval of it.

It must also be stated that the majority of those Irish students both clerical and lay, who went abroad for further studies to Europe, received their basic elementary schooling and clerical studies at a higher level in Ireland, not exclusively from Jesuit or other schools of that kind, which still operated furtively and sporadically in the towns. The local hedge school master, provided the Catholic Irish townsman and rural peasant with a system and standard of general basic education, comparable, if not superior to anything similar in England, or in Europe at that time.[17]

3.2 The Hedge Schools of Ireland

3.2:1 The origins of the Hedge Schools

The Hedge School phenomenon in Ireland owes its origin to the laws against Catholic education from the late 17th century to the early 18th centuries. These schools derived their name from the frequent practice of keeping school under the sunny side of a hedge. It became the custom of teacher and pupils to meet in some quiet and isolated place away from their homes and to put one boy on the look-out for the approach of a stranger, or of any person, who might prove to be an informer.[18] In either case, the boy was to warn the schoolmaster immediately, upon sighting the approach of such a person. On such occasions the school dispersed for the day, but it would always meet in a different, but pre-arranged location on the following day.[19] In this way, the hedge school became the recognised method for surreptitious education in country districts.[20]

> where
> ... crouching 'neath the sheltering hedge,
> on stretched on mountain fern,
> the teacher and his pupils met
> feloniously to learn.[21]

Later when laws against Catholic education were somewhat relaxed in the later decades of the 18th century, these hedge schools moved indoors and school might be held in the kitchen of a farm house, being the largest room available, or in an outside barn tidied up for the purpose or in the school-master's own home. These Catholic schools although deemed illegal by statutes (17 and 18 Charles II, c.6, 1666 and 7 William III C.4 Sept. 1695)[22] were in no way engaged in the plotting of political activity, sedition or what was perceived as sedition by the authorities. Most were small units of the hidden Catholic educational 'industry', meeting a need for local literacy and community control. 'The English Authorities had long been aware of the existence of these schools, the numbers of their pupils and of their stubborn hold on the imagination of the People.'[23] In effect these hedge schools within less than a century of

their foundation in the late 17th century became known as pay-schools although, they were known as hedge schools until well beyond the middle of the 19th century.[24] In official documents the name 'hedge school(s)' was used officially for the first time in 1835 on public instruction in Ireland.[25] The hedge schools came into existence within a period of twenty or more years after the end of the Bardic Schools. These bardic schools were the ancient professional schools of learning in Ireland, which survived from the early 14th century until the beginning of the Ulster Rebellion of 1641. They closed down finally, only when their patrons, the Gaelic Chiefs, and in some cases, the assimilated Anglo-Irish nobility, had become landless, homeless, or exiles due to the various English land confiscations and subsequent plantations in the 17th century.

The professors and scholars of these native Irish bardic or hereditary schools of learning, deprived of their former patronage and endowment, had no future as part of a formalised structure of education. Their decline and disappearance was inevitable. In some few areas where they remained almost as anachronisms of a bye-gone age, they were said to have declined into 'Courts of Poetry' - assemblies in private houses, at which Irish poetry of earlier times was recited and discussed.[26] It would seem that the Gaelic tradition had more feeling for poetry than prose. Even by the late 17th century, prose was not in general use as a form of artistic expression. Poetry was less affected by the decay in political and social institutions, while it provided a suitable medium for the expression of outraged Catholic feelings.[27] It was not the fall of the Bardic Schools that brought the hedge schools into existence, but rather the suppression of all the ordinary lawful means of education, first during the Cromwellian regime and more cogently during the Penal Code first introduced by William III in 1695.[28] The bardic schools had represented a highly developed system of learning in specialised disciplines, providing up to the middle of the 17th century the nearest approach to what might loosely be called a Gaelic university education. As such, these schools had nothing in common with hedge schools, in either the content of their

Curriculum, or their methodology.

Some students of the bardic schools, through love of learning, or perhaps more likely, from financial necessity, took up the practice of hedge school teaching, since in the economic, social and religious conditions of the times, few, if any other occupations were open to them. The first manifestation of the hedge school phenomenon appeared towards the end of the 17th century. Wandering scholars found it necessary to hide themselves away in isolated places, remote from official observation, largely because of the legal prohibition against papist teachers contained in six acts of the Irish Parliament passed during the period 1665 and 1709.[29] These wandering scholars, who through economic and financial necessity, had become hedge school teachers posed little or no threat to the disruption of public order from the point of view of their political activities. There were some scholars, however, of the poetic class, whose poetry in the Irish language contained sentiments and expressions of a patriotic and revolutionary nature, which was viewed by the authorities as being of a treasonable and inflammatory quality, even if couched largely in metaphorical form. Among this group of poets we find: Padraig Mac Giolla Fhrondain (1665 - 1735), Aogan O Rathaille (1670 - 1726), Sean Clarach Mac Domhnaill (1691 - 1754), Piaras Mac Gearailt (1705 - 1792), Sean O Tuaima, (1708 - 1775) Art Mac Cumhaidh (1715-1773), and Eoghan Rua O'Suilleabhain, (1748 - 1784).[30] These facts expressed in varying degrees of passion, a desire for the freedom of Ireland from English tyranny and in some cases, a plea for the restoration of the Stuart monarchy, material of a subversive nature which would have been less than favoured by the English authorities in Ireland.

Despite the fact that in many parts of Ireland, hedge schools and their papist teachers were not interfered with largely from the mid-eighteenth century onwards, it would be incorrect to assume that this was always the situation, particularly in the earlier decades of the same century. The early Penal Laws from 1695 to 1709 against Catholic clergy

and papist schoolteachers already outlined above gave more than cause for alarm to both these groups. Life and liberty were the penalties imposed on both Catholic clergy and Catholic lay schoolteachers if apprehended in the course of their religious or pedagogic duties. In effect, the Catholic church went underground to escape detection. The works of Nuala Burke[31] and P. J. Corish[32] on the hidden church and on the state of Catholicism in Ireland in general, and Dublin in particular, provide adequate documentary evidence on this sad era in Irish Catholic church history.

Various strategies and ruses were undertaken by Catholic bishops and priests, both secular and regular to remain on in Ireland or to return there from abroad. The bishops affected by the 1697 Act of Banishing of Catholic Bishops and priests of religious orders for the most part complied with the decree of expulsion but soon returned within twelve to fifteen years.[33] Many priests of religious orders passed themselves off as secular clergy and when required to register with the authorities under the 1704 Act of Queen Anne, both the order Priests and the secular clergy who exceeded one priest per parish as stipulated in the same act, merely resurrected the names and existence of old parishes which had long before become extinct and returned themselves as the one secular priest serving the people of these newly resurrected parishes.[34]

A goodly number of these so called hedge or pay schools flourished in rural Ireland without any great degree of interference from English officialdom from the second and third decades of the eighteenth century onwards and could be found indoors in sheds, barns and country kitchens rather than in the open from this period onwards. Arthur Young, an English gentleman, in his travels to Ireland as late as 1776 -1778 came upon many a ditch full of scholars and their teachers by the roadside.[35] This toleration or rather connivance at local level depended on the good-will or perhaps conscious inactivity of local sheriffs, magistrates, Anglican clergy and gentry. A policy of live and let live is one more suited to rural areas rather than urban, where a certain degree

of tolerance is necessary on all sides to make the wheels of social intercourse and harmonious daily contact between people of all religious and social classes run more smoothly. The nature of country living and needs of agriculture on any scale required a level of good-will and co-operation between landed estate owners and the labourers where needed to work and till the land. It cannot be assumed, however, that this pattern of connivance of hedge schools applied uniformly to the whole country. There is an absence of documentary sources relating to the history of the local enforcement of the Penal Laws against Catholic teachers and schools. The Assize records of the counties of Ireland are for the most part, missing from official records of the period. The counties of Kerry and Limerick are fortunate in that some of their Assize records survived in fragmented form for a period of thirteen or so years from 1711 - 1724 and they make interesting reading. The Limerick Grand Jury Presentment Book for the years 1711 to 1722 list nineteen popish schoolmasters who were indicted by the local Grand Jury. Indictment meant automatic conviction and transportation of the popish schoolmasters to the American Colonies, where the plantation owners' prosperity depended on a good and constant supply of slave labour. The officials in Ireland who provided such convicts for slave labour were paid land, a price or bounty for their efforts.[36]

Likewise the Kerry Justices of the peace meeting at Tralee on the 11 June 1714 and 21 June 1714, list the names of Catholic parents who sent their children to France for education, among whom were two members of the Rice family, namely Stephen and Bartholomew. Five Popish teachers were also indicted for their pedagogic activities.[37] A judicial charge to a Munster assembly of Cromwellian landlords, delivered at the close of the decade 1731 40, urged these landlords to increase their zeal to apprehend popish schoolmasters for conviction and transportation. Nor can the charge to the Grand Jury at Bandon, Co. Cork, on 13 Jan 1740 by Sir Richard Cox of Dunmanway be overlooked.[38] It exhorted local officials and landlords in Co. Cork, to seek out and apprehend popish schoolmasters as they would regular Romish

clergymen for a bounty of ten pounds per capita. So popular was Sir Richard Cox's exhortation against Catholic schoolmasters that it was reprinted in Dublin for the third time in 1741.[39] While wealthy supporters of these schools were very rare, there are a few recorded wealthy patrons of hedge schools, as in the case of Lady Esmond's school at Ringville and that of Richard Power, at Gurteens, both in Co. Kilkenny. This type of patronage was more the exception than the rule.[40]

Hedge schools were essentially popular institutions supported by relatively poor country folk. Both the friends and enemies of Irish hedge schools agreed that the peasant Irish possessed a striking avidity for learning. In his Education Systems in Ireland from the Close of the Middle Ages, T.J. Corcoran quotes a review of his book by the editor of the Times of London Education Supplement dated 1928:

> ...The education in English charity schools, in the English endowed schools, in practically all schools became worse than ineffective, while in Ireland, somehow or other, the love and desire for learning survived among the commonality. It did more than survive. It was a living natural force at the very time when, at the close of the Napoleonic War, English National education was the despair of every thinker... the hunger and thirst for learning had survived in Ireland for a period of a thousand years...[41]

Sir Robert Peel, hardly an enthusiast for things Irish, said in the British House of Commons on 27 February 1816, that he could 'state as a fact within my own knowledge that the greatest eagerness and desire prevails among the lower orders in Ireland, for the benefits of instruction.'[42] A statistical and political account of Ireland, undertaken by Edward Wakefield in 1812, reflects his view of the desire of the poorest people for education for their children. "' do not know any part of Ireland so wild, that its inhabitants are not anxious, nay, eagerly anxious for the education of their children.'[43] An Irish landlord declared of the peasantry: 'they set so high a value on learning, that the poorest labourers will often appropriate a part of their scanty earnings to the education of their children.'[44]

This enthusiasm and zeal for learning can, to some considerable degree, be attributed to the deprivation of Catholic education inflicted on the Catholic children and youth of Ireland by the passage of the Penal Laws against education. No less significant were the less than patent attempts of the English authorities and the established church to provide education for these children, that had as its motivation, the twin ideals of Anglicisation and proselytism, a concept eschewed no less vigorously by the Catholic parents of these children. Two or three short quotations bear out the actuality of this situation. In a letter to London dated 16 October 1703, Sir John Percival, Earl of Edgment writing from Dublin on the suppression of popish schoolmaster stated:

> ... I should humbly hope that the Irish youth may soon have English habit, and in one or two generations be true sticklers for the Protestant Church and interest.[45]

In a memorial to the Duke of Ormond, Lord Lieutenant of Ireland written in March 1712 by the Anglican Bishop of Kilmore and several of the gentlemen and clergy of the Kingdom on the subject of the common welfare of Ireland, the following sentence concludes the contents of the memorial with the ensuing proposal:

> that the whole nation may in time be made both Protestant and English... and that charity schools be erected in every parish in Ireland for the instruction of the Irish children *gratis* in the English tongue and the catechism and religion of the Church of Ireland.[46]

The Charity School Manual of 1721 has the following quotation:

> ... it has been judged a farther reason for erecting charity schools in this kingdom wherein the children of the popish natives ... may be so won by our affectionate endeavours, that the whole nation may become Protestant and English and all such rebellions as have hereto arisen from the difference between us, in religion, language and interest for the future be prevented.[47]

It was not an un-natural phenomenon on the part of the English authorities in Ireland to attempt to seek a uniformity of language, culture and religion among all the inhabitants of the island to make the

governments and control of the country more amenable to their stated aims and policies. While the native Irish Catholic population remained entrenched behind their cultural and religious barriers, their obdurate resistance to assimilation into the English plan of things, would continue to constitute a threat to the security and pacification of Ireland with the concomitant dangers of Papal and other hostile European intervention in the Irish scene.

The era of the Williamite victory and its aftermath saw the economic growth of the ascendancy classes consolidated in terms of increased land, ownership, political power and growing commercial prosperity. This in its own way clearly pointed out to the vast bulk of the native Irish Catholic population that their continued adherence to the Irish language and culture would leave them at a distinct disadvantage in attempting to break out of the economic poverty of social deprivation. If they were to continue to eschew any willingness to make use of the English language, which was the medium through which the realities of daily life and living was conducted, then they would confine themselves to backwardness and poverty. This perhaps more than any other single factor led to a gradual acceptance on the part of the native Irish to learn and use the English language on a daily basis. This phenomenon led to the involuntary Anglicisation of the native Irish population, which manifested itself in a gradual and increasing decline in the use of the native Irish language, which led to its present minor status as the spoken language of Ireland.

In respect of the English religious policy for the conversion of the native Irish Catholic population to the State religion of Anglicanism, matters were very much more difficult. The policy of repression and persecution of the Catholic Church and in particular, of its prelates and clergy had begun in earnest in the reign of King Edward VI, (1547-1552). The confiscation of the monasteries and church property had begun in the reign of Henry VIII, (1509-1547) but particularly, after his split with the Church of Rome, in the 1534-37 period in England and from 1536-46

in the case of Ireland. The Regency Council which ruled England and Ireland during the minority of King Edward VI, was imbued with a religious spirit of Lutheranism adapted to English needs. Catholic Church doctrine and liturgy which had remained largely untouched during the period 1536-47 now underwent a very drastic and radical change. The Catholic Church in Ireland could have lived with, or even tolerated, King Henry VIII's declaration of the his own supremacy in the control of the Church, and perhaps even survived the confiscation of the monasteries and other Church property.

Under the lord-deputyship of Ireland during the reign of King Edward VI, the three deputies during this seven year period, Bellingham, St. Leger and Crofts, had specific instructions from the Regency Council in London under the leadership of the Dukes of Somerset and Buckingham and their supporters to forcibly introduce, if necessary, Lutheran doctrines, liturgy and other Reformation practices. Roman Catholic resistance to these changes differed very considerably, aided by the renewal decrees of the Council of Trent, (1545-1563) and by the arrival in Ireland of the first Jesuits led by Fr. David Woulfe and by other clergy of the Catholic religious orders from various other continental countries, where the Catholic Counter-Reformation was strongly established. There followed a period of almost one hundred and fifty years, from 1549 to 1689, when religious persecution of Catholic prelates and priests became acute. Archbishop Dermot O'Hurley of Cashel (1584) and Oliver Plunkett of Armagh (1679) among many others suffered the ultimate sacrifice of martyrdom. The native Irish Catholic populations acknowledged the misery, hardships and even death, which waited upon those Catholic priests and clergy who willingly put their lives and liberty at risk, on a daily basis, to provide their people with the fundamentals of Catholic worship, and the continuing link with the Papacy in Rome. This situation continued with its pressure of religious persecution growing or reducing depending upon the attitudes, and perspectives of the various monarchs on the English throne and their officials in Ireland, as conditioned by political and other considerations, not merely from a

purely Irish context but in the wider European scenario.

The reigns of Queen Elizabeth I (1558 - 1603) King James I, (1603-1625), King Charles I (1625-1649), the Cromwellian Commonwealth period 91649-1659) and the restoration monarchy of King Charles II (1660-1685), all saw an increase or decrease in the level of Catholic religious harassment and persecution, according to need and circumstance. But amid these persecution variables, one factor remained constant, which was the unshakeable loyalty and commitment of the Catholic clergy and laity alike to the Church of Rome, in its teachings and authority. Religious persecution had in the main failed to achieve the proselytism of the vast majority of the ordinary native Irish Catholic population. It cannot be disputed that the Anglican Church did succeed to a limited extent in winning over to conformity to Anglicanism Catholic landowners and others of that faith, who, due to their positions of influence in the civil, administrative and commercial structures of the English administration in Ireland, were unwilling to sacrifice their positions by remaining Roman Catholics. Details of this conformity by Catholics to Anglicanism, is treated in a scholarly manner by Eileen O'Byrne in her book, The Convert Rolls.[48]

The Catholic church in Ireland continued with its ministry in an underground and secretive manner. Its fortunes improved somewhat in the reign of King Charles II, (1660-1685) and religious toleration of Catholics in Ireland, if not officially recognised, was at least connived at during this period. There were of course, political cum religious events in England in which Catholics were reputedly involved and which had anti-Catholic repercussions not only in England, but also in Ireland, namely the Titus Oates Plot of September 1678 and the Rye House Plot of 1683. Oliver Plunkett, Archbishop of Armagh and Catholic Episcopal Primate of Ireland, became a victim of the Titus Oates Plot in Ireland because of his prominent ecclesiastical position, his contacts with Rome and his zeal in pursuing his ecclesiastical duties. He paid the ultimate penalty for his 'treason' on the scaffold at Tyburn in 1681. The heir apparent to the

English throne was James Stuart, Duke of York and brother of King Charles II. His conversion to Catholicism in 1673 and his second marriage to the Catholic princess, Mary of Modena, filled Catholics in England and Ireland with the hope that upon his succession to the thrones of England and Ireland and to a lesser extent Scotland, matters would improve considerably for his beleaguered Catholic subjects. The hope was realised when James, in 1685, succeeded his brother Charles II on the English, Irish and Scottish thrones as King James II of England and Ireland and King James VIII of Scotland. The events of the short reign of King James II need no repetition at this juncture. The short four year reign of King James II restored the fortunes of Catholics for a brief period, only to have them dashed with the military successes in England and Ireland of his son-in-law and successor King William III of Orange and his wife (James' eldest daughter) Queen Mary II.

The Williamite victory in Ireland 1690-91 led to the signing of the Treaty of Limerick on 3 October 1691 by William Sarsfield, Earl of Lucan on behalf of the defeated Jacobite forces and by the Dutch Williamite General Ginkel and King William III's Lord Justices in Ireland. King William III and his wife, Queen Mary II, conjoint monarchs, subsequently ratified the treaty.[49] The purpose of this treaty was to secure three main conditions: a measure of religious toleration for the whole Roman Catholic population of Ireland; security of life and prosperity for Jacobite officers and soldiers remaining in Ireland and submitting to the new government; similar security for the civil inhabitants of Limerick and other places held by the Jacobite forces and of areas under their protection.[50] The execution of the Treaty depended upon co-operation between the crown and the Irish Parliament. King William III, for his part, tried to administer it fairly. This is borne out by the figures of 1.300 persons, who formally claimed benefit under its terms. 1,284 persons were granted benefit and exemption for their claims and only sixteen applicants were refused.[51] The Irish Parliament, however, took a very different line. Parliament did not ratify the treaty until 1697, and then in a very mutilated form. In particular, Article I, which had guaranteed to Catholics,

the privileges in the exercise of their religion, as are consistent with the laws of Ireland, or as they did enjoy in the reign of Charles II, was completely ignored.[52] Within a period of less than 50 years from 1695, twenty four acts of the Irish Parliament were passed against the civil political, economic and religious liberties of Irish Catholics and reduced them to a position of servitude in their own country.[53] Some 270 landed estates comprising almost one million acres, held by Catholics, were confiscated. This left just one/seventh of the land of Ireland in the hands of Catholic Irish land-owners.[54] The Penal Laws of the 18th century reduced this figure still further.[55] The monopoly of political, economic and religious power that the Irish Protestant minority had enjoyed even before the Williamite revolution was therefore reinforced by a monopoly of land, which was to survive unchallenged until the middle of the 19th century.[56]

The Penal Laws provided a legislative frame-work for the English policy in Ireland of Anglicisation and proselytism. The introductory sentences of the Act of King William III, passed by he Irish Parliament in 1695, speak for themselves.

> And whereas it is found by experience that tolerating and conniving at papists keeping schools, or instructing youth in literature, is one great reason of many of the natives of this Kingdom continuing ignorant of the principles of true religion, and strangers to the Scriptures, and of their neglecting to conform themselves to the laws and statutes of this realm, and of their not using the English habit and language to the great prejudice of the public weal thereof ... be it further enacted ... [57]

The above introduction is followed by the elaboration of the specific rules forbidding papists to publicly teach school and instruct others in learning.[58] This penal law in particular was the first 'iron fist' approach of the English policy in Ireland for the Anglicisation and proselytism of the native Irish Catholic population. Should this measure not prove successful in weaning Irish Catholics away from their religion and Gaelic culture and language as had been shown to have been the case with stricter English policies in the previous century and a half, then a 'kid-

glove' or more humane experiment could be embarked upon in the foundation of Protestant schools to try to rectify the situation. These schools might achieve the same result with less pain and resistance, if Catholic parents could be induced to see the economic and social advantages their children would gain by accepting the inevitable step that alone would leave their children better off and less poverty stricken, which would be their fate in the absence of any form of structured Catholic education.

This official 'iron fist' strategy, designed and promoted largely by the Established Church at its convocation in Dublin on 25 October 1711, decided on a plan under the leadership of Thomas Parnell, Archdiocesan of Clogher, to provide for the universal compulsory Protestant education of Irish Catholic children. This Anglican church bill or proposal is given in its full detail in Corcoran's Some Lists of Catholic Law Teachers and their Illegal Schools in the Later Penal Times.[59] The details of this Anglican proposal reflect to a great extent the spirit of Oliver Cromwells' decree of 1657 both in scope and content.[60] The convocation of the Irish Anglican church sent a special delegation to Queen Anne and her officials in London to provide the necessary finance. This, however, could not be provided without increased general taxation on the taxpayers of Ireland, which Queen Anne and her Ministers were reluctant to implement and hence this universal, compulsory Protestant education scheme for Catholic Irish children was dropped.

The unwillingness of the Irish Parliament to provide the funds needed for this scheme of universal and compulsory Protestant education of Irish Catholic children caused the birth and growth of a new type of Protestant school in Ireland known as charity schools. Some 300 of these schools were established between 1710 and 1730.[61] The aim or policy of these charity schools has already been referred to at reference 30 of this chapter. The words "our affectionate endeavours" quoted in that reference does not, however, conceal the true objectives of these schools, which had the support of two distinguished Irish Anglican

clergymen. Bishop Berkeley of Cloyne and the illustrious Dean Swift of St. Patrick's Cathedral in Dublin.

> Dean Swift in his book Wretched Condition of Ireland... lands the example of certain Anglican clergy in Ireland in establishing Protestant charity schools in several parishes... This would in time that part of barbarity and ignorance, for which our natives are so despised by all foreigners. They should be taught to read and write, to know something of cashing accounts, to understand the principles of religion. Trained up in the manner I mentioned, and then bound apprentices in the families of gentlemen and citizens for which a late law hath given great encouragement they will prove a strong check above the rest.[62]

Bishop Berkeley of Cloyne, an Anglican churchman of great eminence within his Church and Communion, in his book The Querist poses a number of questions which outline his attitude to the native Catholic population as a race and to the need for their assimilation into the Protestant Irish population

> ... whether our natural Irish are not partly Spaniards and partly Tartars ? and whether they did not bear the signatures of their descent from both these nations ?...
>
> ... whether the Tartar pro is not numerous in this land ? [63] ...whether the bulk of our Irish natives are not kept from thriving, by that cynical content in dirt and beggary which they possess to a degree beyond any other people in Christendom?[64] ... and whether it doth not greatly concern the State, that our Irish natives be converted, and the whole nation united in the same religion, the same allegiance and the same interests ?... and how this may most probably be effected ?[65]
>
> ... whether any sum which would go but a little towards erecting hospitals (i.e. boarding schools) for maintaining and educating the children of the native might not go for in binding out apprentices to Protestant masters for husbandry useful trades, and services of families ? [66]

Swift had much the same view of the 'ignorance and barbarity' of the native Irish as Berkeley and the civilising effect that the provision of the Protestant schools would have on those Catholic Irish children.

> ... fourthly, that some effectual methods may be

> taken to civilise the poorer sort of our natives, in all those parts of the nation where the Irish abound, by introducing among them our language and customs, for want of which they live in the utmost ignorance, barbarity and poverty, giving themselves wholly up to idleness, nastiness and thievery.[67]

Swift and Berkeley were more in favour of sending out the Catholic children to apprenticeship with Protestant families having initially been given some basic elementary education, rather than institutionalising them in hospitals, i.e. boarding schools, for reasons of financial cost. The expense of 'hospitals' would limit the numbers of children who could be catered for, whereas the costs of feeding and clothing these large numbers of 'Catholic children' in boarding schools, would have been prohibitive and not feasible. This policy of apprenticeship was in effect a carbon copy of Oliver Cromwell's similar scheme in his proposal "The children of the poorer sort of Irish" of 1657.[68] In 1730, the whole body of the leaders, lay and clerical alike of the Protestant Ascendancy class in Ireland sent an application to King George II in London in 1730, for a Royal Charter of Incorporation as a state system of Promoters of Primary Boarding Schools. In addition to the teaching of the principles of the Anglican religion and the basic skills of literacy and numeracy, the children who would be accepted into these schools would be expected to engage in agricultural and trade-like activities on the form-land attached to the schools to help pay for their up-keep. The preamble to the petition sent to King George II and presented to him on 17 April 1730 with 142 signatures of Archbishops, Bishops, Judges, Gentry and Clergy include the following:

> ... humbly showeth that the gerality of the Popish Natives ... are not only kept in gross ignorance, but in great disaffection to your sacred majesty ... among the ways proper to be taken for the converting and civilising these poor deluded people ... one of the most necessary, and without which all others are likely to prove ineffectual, has always been thought to be, that a sufficient number of English Protestant schools should be erected and established, wherein the children of Irish natives might be instructed in the English tongue and the fundamental principles of true religion, to which they are both generally strangers.[69]

The petition was granted in 1733 and the Charter School system was established to replace the ailing charity school system which was near to collapse, due to a fall off in voluntary public contributions for their upkeep. The results of the Charter school system and its operation are described elsewhere in this work.

The first recorded hedge or cabin school was opened by a Jesuit, Fr. James Ford, in the period 1652 - 1656 in South Leinster. The poverty of his school and the desolate area in which he worked is described in the Ms. Status ac Conditio Hiberniae, which is in the library of the Jesuit College, Stonyhurst, in Lancashire.[70] Another Jesuit, Fr. Stephen Gelosse, fared no better in the squalor of his surroundings - a school in a ditch near New Ross, Co. Wexford, opened in 1650.[71] Popish schoolmasters were detected in Meath and Louth in 1654 and orders were issued by the Lord Deputy and Council for their suppression.[72] During his travels in Ireland between the years 1776 -1779, Arthur Young, the English traveller and commentator, remarked that he came upon many a ditch full of scholars.[73]

> The master was usually sure of his food and lodging in a friendly household; for the rest, his support consisted of such small fees as he could earn from the petty payments of his scholars, supplemented by payments for recitations or occasional labour on the land.[74]

It must be remembered that hedge schools were pay schools. There was no state sponsored campaign from the mid 18th century to suppress them. School buildings probably became less primitive as the more tolerant decades after the middle of the 18th century proceeded. Yet these school buildings were far from adequate for the task in hand. The diary of one celebrated pay school master, Humphrey O'Sullivan from Killarney, describes the premises which were constructed for his father, also a pay school-master, and for himself, at a crossroads near Callan in Co. Kilkenny in 1791:

> A small hut, not more than ten feet wide and twenty feet in length. The sod walls were put up one day; timber and lathes were added the next day and the thatch on the third.[75]

The account given of the hedge school or pay school at Moate Lane in the town of Callan itself, attended by the young Edmund Rice, between the years 1771 - 1777, differs little from that of O'Sullivan's hedge-school.[76] Lord Palmerston writing in 1808 spoke of the tenants on his Co. Sligo estate as follows:

> Their thirst for education is so great, that there are now three or four schools on the estate, where the people engage some itinerant master build him a miserable mud hut on the roadside, and the boys pay him half a crown or some five shillings a quarter for his services as a teacher.[77]

3.2:2 The curriculum of the hedge schools and teachers' qualifications

The teaching of reading, writing and arithmetic - the three R's formed the backbone of the curriculum in all such schools. The parochial returns of 1824 revealed that of the 262 male teachers in the Diocese of Kildare and Leighlin, on whom information was returned as to the subjects they taught, only five were found to teach less than all the three R's.[78] There is no reason to assume that these figures were atypical, or that the average hedge school taught less than the three R's.

John McEvoy, in a statistical survey of the County of Tyrone, drawn up in the years 1801 and 1802, and quoted by Donald Akenson, suggests 'that from the age of six or seven, to that of ten or eleven years is the usual time for children to be kept at school.'[79] This general time scale would appear to reflect the national pattern, which would have left time for the teaching of subjects other than the Three R's.

Other subjects found their way into the curriculum according to local needs and insofar as the qualifications and knowledge of the teacher would allow. These subjects included history, geography, book-keeping, surveying and navigation. The classics also appear to have entered the curriculum of the hedge schools. Akenson affirms 'that great respect was paid to the possessors of classical learning of any sort and Latin tags

were a major item in the hedge teacher's intellectual kit.'[80] Brenan's study in Kildare and Leighlin, of the two hundred and sixty-two teachers already referred to, found that sixteen of these were conducting schools with enough Latin taught to be classified by him as 'Classical Schools.'[81] The hedge schools of Munster seem to have acquired a great reputation for learning, so much so that students came from many parts of Ireland to study in them. In his History of Kerry, written in 1756, Dr. Smith refers to the long-standing tradition of the classical schools of Kerry:

> It is known that classical learning extends itself, even to a fault, among the lower and poor kind of the county, many of whom, to the taking by them of more useful works, have greater knowledge in this way than some of the lesser sort, in other places.[82]

Dr. Smith in his survey also met good Latin scholars, like Peter Kelly from a remote mountainous place, who could not speak English. He also referred to Greek being taught in similar remote locations.[83] However Akenson stresses that the more mundane teaching of basic and advanced arithmetic was the back-bone of the hedge school curriculum and the masters' skill with numbers was what most impressed the parents.[84] By the beginning of the 19th century, English was rapidly replacing Irish as the medium of instruction in the hedge schools. Three reasons would account for this change, according to Dowling: the lack of printed books in Irish, the use of English even at local level, in the conduct of most business affairs, and the apparent carelessness of parents in transmitting a knowledge of Irish to their children.[85] In the case of the carelessness or apathy of the parents to transmit a knowledge of Irish to their children, it can be reasonably assumed that these parents saw the economic advantage to the children to speak English in an economic and commercial environment dominated by the English language. A knowledge of English would advance their job prospects. A knowledge of Irish alone in such a situation, would be a distinct economic drawback to the economic and social progress of Irish speaking children in the work-place.

The academic and pedagogic qualifications of the hedge school-

master conformed in general to no set pattern or level of academic attainment, such as would be conferred by attendance at a university. The only Irish university was closed to members of the Catholic religion until 1793.[86] They were as Akenson says, 'products of educational incest, men trained in hedge schools to teach in hedge schools.'[87] One such character was William Carleton, a hedge schoolmaster trained in a hedge school. His work entitled, Traits and Stories of the Irish Peasantry gives interesting and first-hand knowledge from his own experiences of conditions in the hedge schools of his native Clogher, Co. Tyrone from the turn of the 19th century.[88] The records and traditions of the hedge schoolmaster are highly distorted, because the hedge schoolmaster depended upon his ability to convince the parents of the depth of his knowledge and experience in order to obtain the confidence of the parents and thus secure employment. Immoderate and greatly exaggerated claims of knowledge and scholarship were often made by schoolmasters to enhance their chances of gainful employment as an economic necessity for their survival. Bishop James Doyle of Kildare and Leighlin (1819 - 1834), in a letter which he wrote to Sir Henry Parnell, states that

> Nearly all the Catholic children of Carlow, Kildare and the Queen's County attend school during the summer and autumn, where they are taught reading, writing and arithmetic but their masters in many instances are extremely ignorant.[89]

This view would appear to be at odds with the general evidence of the knowledge and abilities of the great majority of the hedge schoolmasters of the time as described by William Carleton in his essay The Hedge School and by the various corroborative references already made in this section.

In Akenson's view, the methodology, used in the hedge schools, was 'that enlightened chaos common to classroom organisation of the period in those particular type of schools.'[90] As Carleton indicates in his sketch The Hedge Schools, the hedge school usually had as many different things going on simultaneously as there were levels of pupils.[91] The

master, as one might expect in a one-room school, could be characterised as a manager, co-ordinator or facilitator, who tried to juggle or balance all the activities that were required of him as teacher, supervisor and disciplinarian. In most schools the students' school day would appear to have been broken for students into periods of teaching/lesson learning and examination by the master, followed by alternate periods of rehearsing and rote-learning aloud by different groups of students. This situation naturally led to a certain degree of general background noise. The usual quietness which one finds today in classrooms when teachers are imparting information or new skills, would have been an unbelievable luxury for hedge schoolmasters and their students. Progress was made and knowledge was imparted and received. The hunger of the Irish Catholic peasant for education was satisfied in the most difficult circumstances. Dowling is quite clear in his view

> that the monitorial system was in use in the hedge schools before it was refined and introduced into schools by Bell and Lancaster and that there was no such thing as grouping children in classes; all pupils were taught individually.[92]

Carleton would seem to concur that the monitorial system was in operation in the hedge schools.[93]

3.3 An evaluation of Irish Catholic educational facilities in the 18th century

It must not be overlooked that a complex structure of educational establishments had been established in Ireland during the period 1540 to 1733 by the English administration, to cater for adherents of the Anglican Church and for those whom it hoped to woo away from the superstition, idolatry and ignorance of the Popish religion and give them a knowledge of the 'true' religion (Anglicanism).[94] These schools ranged from elementary schools at parish level, through Diocesan, Royal and Charity/Charter schools at secondary level, up to the University foundation in Dublin in 1592. There were many other schools of private foundation and endowment such as those of Erasmus Smith established

in the 1650s. All these categories of schools, which will be explored upon in some brief detail in the next chapter of this thesis, had one common aim or objective. They were schools of the English mould in language, culture, outlook and pedagogic tradition. They were staunchly and unashamedly Anglican in religious principle and commitment and they sought by every means, with Establishment support and financial endowment, to entice the papist child away from the tenets, practices and authority of the Church of Rome.

An interesting comparison can be made between Ireland and Scotland in the matter of the introduction of the principles of proselytism and Anglicanism as understood and enunciated by Archbishop Hugh Boulter, the Primate of the Anglican Church in Ireland. In a letter dated 5 May 1730, Boulter wrote in the context of his proposal to establish Charter Schools in Holland:

> and the obstinacy with which they (Irish Catholics) adhere to their own religion, occasions our trying what may be done with their children to bring them over to our church; and the good success the Corporation established in Scotland for the instruction of the ignorant and barbarous part of that nation has met with, encourages us to hope if we were incorporated for that purpose here, that we might likewise have some success in our attempts to teach the children of the papists, the English tongue and the principles of the Christian religion.[95]

However sanguine Archbishop Boulter might have been with regard to the success of proselytism and Anglicisation in Scotland as outlined above, the situation in that country was vastly different to that which pertained to Ireland. Scotland had been a kingdom completely independent of England until King James VI of Scotland became King James I in 1603. Scotland from 1559 onwards, during the reign of Mary, Queen of Scots, had succumbed to the Calvinist religion as preached by John Knox and his followers. Calvinist dogma and ritual had been popularly embraced by the Scottish people of the Lowland areas bordering on England and also in the Rift valley or Central area of Scotland, which latter area embraced the centres of large urban

population such as Edinburgh, Glasgow, Stirling, Dundee, Ayr and Perth and other such towns. It had even made its way with lesser success into the southern slopes of the Highlands which bordered on Central Scotland. The causes for this transformation from Roman Catholicism to the radical religious teachings of John Knox and his disciples was due largely to two main causes. The French connection and influence of Mary of Guise, wife and widow of King James V and latterly Regent for their infant daughter, Mary Queen of Scots until 1560 and the marriage of Young Queen Mary to Francis II of France had left a bitter anti-French, anti-Catholic legacy in the political life of Scotland from the middle of the 16th century, from 1554 onwards for some twenty or more years. Appointments of French supported nominees to the high offices of State in Scotland in this period resulted in the Regency of Mary of Guise 1554-1560 and the French connection of prominent Scottish churchmen including Cardinal Beaton and John Hamilton, Abbot of Paisley.[96]

The Scottish Catholic Church had enjoyed a unique relationship in 1301 with the learned Canon lawyer, Master Baldred Bisset. He advised the Pope that the Scots had been converted to Christianity some 400 years before the English and that no fewer than thirty six Christian Kings had ruled over Scotland while England languished in paganism.[97] In 1565, the Bishop of Dunblane on a mission to Rome to raise a papal subsidy to aid a Catholic restoration under Mary, Queen of Scots pointed out to the Pope 'that for 1,364 years, ever since the pontificate of Victor I, a long and unbroken line of Scottish Kings had protected the Church and defended the faith on behalf of the papacy.'[98] The papacy and the Scottish Crown had owed as much to successive Kings of Scotland, as they in their turn had relied on it to underpin their own authority.[99] The twelfth century had seen efforts supported by Pope Gregory the Great to divide the whole of the island of Great Britain into two ecclesiastical provinces ruled from London (Canterbury) and York. In 1192, Pope Celestine III in his bill *Cum Universi* established all the dioceses of Scotland, except Galloway, as 'the special daughter of Rome', in effect giving the papacy vicariate or direct Papal ecclesiastical control over the

Scottish Church.[100] This papal claim and its consequent recognition did not extend to granting metropolitan status to any Scottish Bishop. This recognition did not come until 1472 when the diocese of St. Andrews was erected into an Archdiocese with metropolitan status. The effects of this anomaly of a national church ruled by a conservator, rather than an archbishop, and with a provincial council of bishops, rather than a national hierarchy resulted in a church in which the Scottish Kings exercised a close interest in church appointments. In return for this royal influence in church appointments, the papacy gained a centralised form of authority within the church with regular demands for papal taxation or the implementation of statutes of reform of the life and conduct of the clergy.[101] These statutes of church reform in the lives and morals of the clergy were promulgated from Rome and implemented in other countries in varying degrees. In the case of Scotland they were also promulgated but hardly ever enforced. This in effect left the clergy and religious of Scotland, and also the nunneries in the state of moral and spiritual decline amounting almost to corruption almost for centuries, but particularly in the period immediately proceeding the Calvinist religious movement led by John Knox.[102] The Catholic laity had no proper spiritual or religious guidance or example from their clergy at local level. In consequence, they were inspired and motivated by the refreshing purity, simplicity and sincerity of the teachings and examples of the reformed Calvinist doctrines and of its church structures in which they, the laity, could fully participate. This was a stark contrast to the authoritarian and inept structures of the Roman church. The laity of Scotland, both of the noble landed classes and those of ordinary peasant and urban classes, cast envious eyes at a system that endowed the church and its clergy with landed estates and unearned wealth, while they were largely left to fend on an individual basis in the moral and spiritual teaching and example which reasonably good-living and pious people aspired.[103] John Knox in the preface to his History of the Reformation, asked the 'Christian Reader' to ask for the 'simple truth ... in this last and most corrupted age.'[104]

The history of Scotland in the 18th century was inextricably linked to that of England, resulting mainly from the union of the crowns of the two Kingdoms in 1603, when King James VI of Scotland (1587-1625) became King James I of England and Ireland upon the death of Queen Elizabeth I in February 1603. King James I, son of the executed Catholic, Mary Queen of Scots, disappointed his Irish Catholic subjects in that they had hoped for some amelioration of the Tudor anti-Catholic legislation of Edward VI, 1547-1551 and Queen Elizabeth I (1558-1603). The Scots likewise, had hoped for a strengthening of John Knox's Calvinist established family in most of Scotland with the exception of the Highlands and the Western Isles. Again the Calvinist or Presbyterian Scots were doomed to disappointment, in that King James VI, a practising Calvinist within his Scottish Kingdom from 1557 to 1603, found the concept of English Kingship allied to its other role as Supreme Governor of the English State Anglican Church, a most useful twin-pronged instrument with which to establish an almost absolute form of authority over his subjects in matters civil and religious. He sought by various means to impose the Episcopalian and other doctrinal forms of Anglicanism in Scotland from as early as1607, a policy resisted by the Presbyterian people of southern and central Scotland led by the Kings Council, a Presbyterian controlled body in Edinburgh Castle.[105] The final step in King James I's policy of restoring Anglican episcopal structures to the Scottish Church or Kirk had been largely successful on the surface. The Scottish people other than the Highlanders had regarded any form of return to old Roman Catholic church structures and liturgy as anathema to their Presbyterian tenets, be they dressed up in a new form of Protestant Anglicanism.

King James I wanted more than 'a mere conformity in polity'.[106] He saw himself as another Constantine of earlier times, in which he viewed his united realm as having a common church for all his subjects, Calvinist in doctrine but Erastian in habits.[107] There was no room in such a church for sectional differences on worship or liturgy. The governing body of the Kirk of Scotland - the official state Presbyterian church

known as the general assembly rejected King James' five articles in a meeting in St. Andrews in November 1617. These five articles, consisting of private baptism, private communion, conformation by bishops, observance of holy days and kneeling at communion, were partly implemented by a fist of the King' Scottish privy council two months later. They were then forced through the general Church assembly at Perth in 1618 and passed by an even more reluctant Scottish Parliament in 1621 by only eighty six votes to fifty nine despite strong royal pressure on reluctant waverers.[108] Protest at this mutilation and upturning of popularly accepted Presbyterian doctrines and practices were muted, of necessity, but they came back to haunt and torment James I's son Charles I in the disturbances against him in Scotland in 1638.

The Cromwellian Commonwealth era from 1649-1660 provided a respite for Scottish Presbyterians, since Oliver Cromwell and his English Puritan Parliamentarians and their supporters including such unstable figures as the poet John Milton, were in effect English Presbyterians. The restoration reign of King Charles II (1660-1685) was never solid or vigorous enough to reintroduce religious strife in Scotland by trying to restore Anglicanism in place of Calvinism. Calvinism had been officially re-established in Scotland by the National Covenant of 1638, and the solemn league and Covenants of 1643, by which the embattled King Charles I agreed to the restoration of Presbyterianism in Scotland in return for Scottish support against the Cromwellian anti-Royalist Parliamentary revolt against the King. The Cromwellian Commonwealth was successful in its struggle with King Charles I's Royalist forces in England and Ireland. Scotland did not need the same vigorous suppression by Cromwell, as the religious tenets of Scottish Presbyterians were akin to those of English Puritanism and political conformity to Cromwell's policy proved to be no serious cause for concern to the leaders of the Commonwealth in London. Scotland, under the terms of the Cromwellian Union, agreed to in December 1651 incorporated Scotland into the 'free state and Commonwealth of England.' Twenty nine of the thirty one Scottish shires and forty four of

the fifty eight royal burgs accepted the union.[109] The landed estates of the nobles were confiscated and most of Scottish titled nobility fled abroad to exile or were hanged or imprisoned. Cromwell ruled Scotland by creating heavily fortified garrisons in strategic places at Aye, Perth, Leith.[110] Cromwellian forces never exceeded 10,000 'men' but they even held sway in the highlands at heavily fortified fortresses at Inverlochy and Inverness and their control of Scotland was absolute.[111]

The restoration period of the reign of Charles II was similar to that of Ireland, with returning landless nobility claiming restoration of their Cromwellian expropriated lands. The short lived reign of King Charles II's Catholic brother, James, Duke of York and subsequently King James VIII of Scotland and James II of England and Ireland from 1585 - 1589 left the Scottish Parliament and people in no doubt as to the terms under which they would accept William of Orange and his Stuart wife Mary as their conjoint sovereigns. The Scottish Parliament in June 1690 offered the throne to William and Mary on very clear conditions: the restoration of the Presbyterian church in its original structures as enunciated by John Knox, the abolition of lay patronage, the abolition of prelacy, the Claim of Right and the articles of Grievances.[112] King William III and his wife Queen Mary I accepted these conditions. King William was granted the right to appoint ministers of the Crown and a supply of money to campaign against the Jacobite forces in Ireland. Within seventeen, years an action of union was passed by both the Parliaments of England and Scotland (1707) and the legislative independence of Scotland came to an end. The Irish Parliament was to take similar action in 1800 leaving the three kingdoms of England, Scotland and Ireland represented in a United Kingdom Parliament in Westminster.

In regard to education, 'John Knox like his mentor Calvin and even Martin Luther himself held the thoroughly Protestant view that children were born wicked, and believed (the words are those of an eighteenth century presbytery) that the business of education was to prepare children for the business of life and the purpose of eternity.'[113] There

were to be schools in every parish, schools in every burgh 'able to teach grammar and the Latin tongue, Colleges teaching at least logic, rhetoric and languages in every notable town; every child was to be made to attend, and money should be provided so that the poorest who went to the parish schools should if they proved scholars, eventually be able to go on to College.'[114] By proclamation of the Scottish Privy Council, Acts of the Scottish Parliament, municipal by-laws and a great deal of energetic effort by the Kirk at all levels, the seventeenth century had seen much of Knox's plans implemented. An act of the Scottish Parliament in 1696 decreed that a school should be erected in every parish in the Kingdom and the salary of its teacher met by a tax on the local heritors and tenants.[115] If the collection of the tax was slow, the local presbytery of the Kirk could ask the Commissioners of Supply to compel the heritors to meet their obligation. The elders of the presbytery could exert moral pressure on the few parents who had not sent their children, to school. Compulsory education was not laid down by the law of 1696 but it was 'compulsory' in every other sense - few if any would defy the local Kirk. Education was not free - the Kirk sessions were left to provide the fees for the poorest children out of their benevolence, aided by a few bursaries and by private or municipal charity.[116] The view was held by those providing Scottish education that if education was free, it would have appeared as it had been akin to charity and undervalued by those who received it. Therefore the benefits and virtue of Scottish education lay in the financial arrangements that underpinned it, unlike English schools, which were either profit making concerns or were financed by the fluctuating streams of private charity, and which were without the legal means to compel land-owners and others to provide parish schools or maintain those in decline, whatever the educational needs of an area. The Scottish scheme, financed by local taxation imposed on local landowners, heritors and tenants was not an excessive burden, nor was it so on municipal funds in the burghs. Thus children could receive at least an elementary education for a small local expense. Ireland had a nationally devised system of elementary education, supposedly structured at local parish level. This system was decreed by

King Henry VIII in the 1540s, some century and a half before Scotland's law of 1696. Irelands' system, however, was to be financed by the local Anglican clergymen in each parish. No system of enforced compliance was imposed on these local Irish Anglican clergy, who had neither the means nor the inclination to implement it, especially since the local Irish Catholic population, unlike the compliant Scots, would have no truck with Anglican administrative schools and the dangers inherent in such schools for their Roman Catholic beliefs.

The Irish charity school system of the early eighteenth century was like its English counterpart. Its existence depended on the fluctuating generosity or parsimony of the endowments of those whose beneficence was expected to keep these schools in existence. The lowlands of Scotland had an extensive and fully operational system of parish schools by 1696. They were properly financed by the local heritors and had regular disciplinary inspections by elders and officials of the local Kirk.[117] By 1696, sixty one of the sixty five parishes in the three Lothian counties had a school, as had fifty seven of the sixty parishes of Fife and forty two of the forty four parish in Angus. A similar situation existed in the presbyteries of Aberdeen, Elton and Turriff before 1702.[118] Parishes in some shires of the lowlands such as Stirlingshire had parishes with areas measuring six or even eight square miles, and it was impossible in some circumstances for one parish school, with one teacher and an average of approximately fifty to sixty children to cope with the needs of all the children of a scattered populous parish.[119] Parents were prepared to pay for private schooling in schools, known as 'adventure schools' much like the hedge or pay schools of Ireland in the penal era of Irish history in the 18th century.[120]

The elders of the local presbytery or Kirk were unhappy at the development of the 'adventure' or private pay schools, operated by men and women, who were sufficiently literate to open their homes to children to instruct them in reading and writing for a few pence. The Kirk elders were fearful of these pay schools on two grounds: firstly lest they might

undermine the numbers of pupils attending parish schools and secondly, though no less important, that the adventure school teachers might be incompetent or doctrinally unorthodox.[121] These fears gradually abated with the passage of time, when the use of these schools became necessary to cope with an increasing school population that the stretched resources of the parish schools could not service. Schools and schoolmasters endowed by charity also appeared in Scotland in the course of the eighteenth century to supplement the work of the parish school. Many of these schools were established by the generosity of landowners like those of Polmont in Stirlingshire in 1758, who opened a public subscription to provide for a second teacher because 'the number of scholars that for ordinary attend the school of this parish renders the right and careful instruction of these children a task too difficult to be discharged by one man.'[122] Other charity schools were directed towards the problems of providing cheap schooling for girls where they could learn to read, but also to spin, sew and knit.[123] These charity schools, although they were considered less important than the adventure or pay schools, were useful adjuncts to the parish school system.[124] The victory of the Duke of Cumberland at Culloden in 1745 was bloody, bitter and complete. Some 5,000 men of the highland clans had risen under their chiefs for the Pretender. They were military defeated at the scene of the battle itself and by the atrocities which followed it.[125] Legislation followed which consolidated the military victory - no one in the highlands could carry firearms except cattledrovers. The wearing of highland dress or the playing of bagpipes was outlawed. The judicial powers of landlords in their own courts was taken away from them. Military tenures, the granting of land leases by chiefs in return for military service to the chiefs, were abolished outright. A committee of Edinburgh lawyers was established to administer the estates forfeited by rebel leaders in all parts of the Highlands. 'These lawyers worked on the assumption that Highland peasants were ignorant, idle and culturally savage and they strove to do all they could to eliminate the more of the clans.'[126] Many of the forward looking landlords, i.e. those who had appreciated the consolidation of the Hanoverian dynasty in England, such as the Campbell Dukes of Argyll

and the Earls of Breadalbane, were aggressive and successful in their support of the Hanoverian kings in London and became agents of the new milieu following Culloden. These men, agents of the forces of change which had been gathering momentum in Scotland in the decades prior to the Jacobite rising of 1745 were not slow to be seen as promoters of the new order of things in the Highlands, which culminated in the decline of the clan system and the elimination of the remnants of Jacobean Catholicism which had been clung to, quite stubbornly, in the remote glens and Scottish hamlets of the Highlands and some of the Western Isles.

Up to the mid 18th century, the Scottish clan chiefs were by tradition fostered out to other chiefs and clans thus cementing the ties of kinship which was of vital importance in later years in mustering armed men for interclan warfare, cattle raids and other minor land boundary skirmishes. This system also operated earlier in the 15th and 16th centuries. In Scotland it was the key to the provision of over 5,000 Highland clansmen to rise and support the cause of the young Stuart Pretender in 1745. As the 18th century progressed, wherever lowland and Presbyterian pressure had any weight at all, fosterage was abandoned. Boys were brought up and educated at home, and then sent to Lowland cottages, where they were encouraged deliberately to 'unlearn their 'uncouth' ways and to mix as equals with the lowland lairds and their children.'[127] In this way, an important proportion of the highland chiefs came themselves to accept the lowland view of clan society as being barbarian.[128] What Culloden and its aftermath did was to remove the last of these chiefs in authority, who were dedicated to upholding the old Highland values, and to leave in positions of influence, those others who were converts to the new ideology and reality. The Scottish Presbyterian parochial school system had never operated to any degree in the Highlands since its legal inception in 1696. This situation was due largely to geographical and historical cause. It was not until after the battle of Culloden that the Highlands had been brought under strict Hanoverian rule from London through the influence of the Scottish officials in Edinburgh answerable

strictly to London. There were very few schools in the Highlands before the last quarter of the seventeenth century and very few Highlanders saw the point in sending their children to them. The people spoke Gaelic, a language which relatively few Presbyterian clergymen or teachers could understand. There were virtually no books in the Scottish Gaelic tongue. A translation of the psalms was published in 1690, but there was no translation of the New Testament into Gaelic until 1767 and no complete translation of the entire Bible until after 1800.[129] Highland parishes were of immense size, Glenmoreby being sixty miles in length and twenty four miles wide and Kilmalie sixty miles in length and thirty miles wide. The population in these vast areas were widely scattered and without any major village concentrations. It would have been physically and financially impossible for the scattered children to reach any one central parochial school which was the minimum that heritors and tenants were obliged to pay taxes for under the 1696 act. The Presbyterian Church and the heritors did their best and by the middle of the 18th century less than a fifth of Highland parishes were without a school.[130] Where parishes were too big territorially to provide a central single school, the rules were modified to allow for a number of schools that operated for only six months of the year. This system was changed in the middle of the 18th century. Heritors and tenants were only taxed to provide one school and any further needs could be met by charity schools.

By the year 1750, the Highlands became the main area for the activities of the charity school movement, begun by the enthusiasm of a group of gentry, 'men of knowledge, solid piety and estates.'[131] These gentry were moved by the 'illiteracy, ignorance and superstition of the Highlanders.' They were also alarmed by the activities of Roman Catholic missionaries who were winning over new converts due to rivalry between the Presbyterian Church and its rival the English Episcopal or Anglican Church. In 1700, Catholics were said to have six priests on the island of Skye. It was reported that there was a great Catholic revival in the Great Glen and even reports of the existence of a secret Catholic seminary set up in 1712 at the Braes of Glenlivet to teach the sons of Catholic gentry,

who could not go abroad for education.[132]

An organisation was founded in London in 1600, called the Society for the Promotion of Christian Knowledge, i.e. a charity school movement which English reformers believed was the panacea for social ills, and which was a sister organisation to the Scottish Society for the Propagation of Christian Knowledge, founded in 1709.[133] The two societies kept in close contact but they were separate in that the English society was Anglican in doctrinal belief and the Scottish society was strictly Presbyterian. It was a non profit making joint stock company with a patent from the crown. Its purpose was to found schools 'where religion and virtue might be taught to young fold' in the form of reading, writing, arithmetic and religious instruction. The Gaelic tongue spoken widely in the Highlands was regarded as 'one of the main roots of superstition and barbarity' and the SSPCK fought the use of Gaelic by the pupils until 1766, when it was realised that children were repeating long scriptural passages in English, which they did not understand.[134] The Scottish charity schools continued to press the use of English in the schools. The Scottish church General Assembly gave the Society legal and moral backing but no funds. Its income was only £2,000 per annum up to the end of the 18th century. In spite of this, its schools multiplied rapidly. There were five schools established by 1711, twenty five by 1715, and one hundred and seventy six by 1758 with 6,500 pupils.[135] By 1808, there were 1hundred and eighty nine schools but the numbers rose to 13,000 in that year. Not all these schools were in the Highlands. The Society did good work in Orkney, Lowland Carthness, eastern Aberdeenshire and even for a while in Fife, Edinburgh and the borders. The Society secured a second royal patent in 1738, to enable them to establish spinning schools which also taught reading. By 1800, there were one hundred of these girls schools with 2,300 pupils enrolled.[136] This Scottish Society was the organisation of which Archbishop Hugh Boulter, the Irish Anglican primate who was so eloquent when he set about organising the Irish Charter School movement in 1729-1723. However, the political and historical differences between Ireland and

Scotland in this period, as earlier outlined, ensured that the Scottish Charity school scheme would be more likely to be successful in its role of Presbyterianism and Anglicisation of former Catholic people than the Irish scheme. The Irish, from a historical, political and religious background, would resist any such form of Anglicisation and proselytism.

That they did not succeed in this endeavour of enticements and blandishments, did not deter those who provided them. The less harsh approach to this apparently intractable problem of proselytism of the Irish Catholic population by the offer of the free Protestant school system could, if circumstances required otherwise, be substituted for by the application of the more coercive policy of penal legislation. These Penal Laws would in due course, it was hoped, break the resistance of the natives and bring about a more ready compliance to the twin goals of Anglicisation and proselytism. It would appear that the opposite in fact took place. The religious, political, economic and cultural harassment and persecution seemed only to succeed perversely in strengthening the resolve of the Irish people to remain true to their religious and political ideals and traditions. Where Catholic educational facilities were denied to them, the Irish Catholic sought ways and means to circumvent the penalties and restrictions imposed upon them by the Penal Laws. They succeeded in developing an alternative system of education, which although clandestine in status and furtive in character and operation, met the needs of a goodly proportion of the children of Ireland.

The determination of Irish Catholics to secure learning and education, tempered in the heat of repression, deprivation and harassment from the 16th century onwards, but more particularly during the penal times, was, in the opinion of this writer, a compelling incentive, for the outstanding efforts and commitment made by them to provide education both at home and abroad. The sacrifices they made to achieve this level of education is hardly capable of quantification or computation in terms purely of monetary values. Even the State Administration conceded as much in the remarkable statement issued in the Report of

the Royal Commission on Protestant Charter Schools, issued in 1814.

> We are convinced, that if a thousand children educated in Charter Schools, were to be compared with an equal number who had remained in the apparently wretched cabins inherited by their parents, but who had attended orderly and well-regulated day-schools, it would be found, not only that the latter had passed their years of instruction far more happily to themselves, but that when arrived at the age of manhood, they would upon a general average, be in every respect more valuable and better members of society.[137]

The native Irish had held onto their Catholic religious beliefs and practices despite all the obstacles and disincentives which faced them in their efforts to remain loyal to their old faith and traditions. They were well served by their clergy, both secular and regular, who were prepared to make whatever personal sacrifices that were required of them to provide the liturgical and sacramental elements essential to a worshipping community in a hostile environment. Irish Catholics had their hedge schools, which despite the primitive conditions in which they operated, had achieved reasonable and in many instances, high levels of attainment in both the basic elements of education and the study of English, Mathematics and the Classics. The failure of the government policy of the suppression of the Catholic religion with its concomitant objectives of the eradication of the native Irish culture, language and traditions and the Catholic zeal for education and learning can be amply proven from statistical evidence available towards the end of the 18th century. When the Penal Laws were being gradually removed from the statute books in the final three decades of the 18th century, at least two thirds of the population of Ireland were Catholic and more than two million people spoke Irish as their only language.[138]

Universal education had not as yet become the policy of any major European state. The proportion of the Catholic population of Ireland who had received a reasonable basic education, despite the effects of the Penal Laws, was probably quite high in relation to comparable situations for the period in Britain itself, and in the wider European context. Such

comparable statistics would be of invaluable assistance in assessing the educational standards of the alumni of the Irish hedge school system. Unfortunately reliable statistical evidence of that kind was not recorded and in consequence is not available. The widespread popularity of the Irish hedge schools can be gauged by the school census provided for in the First and Second Reports of the Commissioners of Irish Education Enquiry of 1825.[139] Two sets of figures are provided on the number of pupils and schools throughout Ireland in 1824. One set of returns was provided by the Protestant clergy, the other by the Catholic clergy on a parochial basis. The difference between the number of schools on a national basis is insignificant. The Protestant clergy returned a figure of 10,387 day schools while the Catholic return was 10,453, or sixty-six more schools than the Protestant figure. The Protestant return of pupil numbers was 538,601 which included 397,212 Catholic pupils and 141,392 Protestant pupils. The Catholic clergy returned a figure of 522,016 pupils. Of these, they credited Catholics with the number of 397,208 and Protestant pupils they numbered at 124,808. The discrepancy in the number is not significant in a national return and may be explained by local enthusiasm or exuberance on the part of the participating clerical enumerator.

3.3:1 Summary

The Penal Laws affecting Irish Catholic education had ended in dismal failure. The facts and figures of early 19th century official educational reports acknowledge that situation. It is safe to assume that the great majority of Catholic children in Ireland in the early decades of the 19th century, as shown in the Abstract of Returns of the 1824 School Census,[140] were being educated in hedge schools or pay schools, as they might be more accurately described. The tuition in hedge schools was not free. It had to be paid for, with a wide variation in the range of cost, depending on a variety of factors, which do not require elaboration at this juncture. It is sufficient to note that there were 8,000 pay schools in Ireland, of which 7,600 were administered by lay masters and

mistresses and can be designated as hedge, or, preferably, pay schools. The remaining 400 schools in 1824 were established on an individual local basis by the secular clergy, as diocesan seminaries, others by members of religious orders of priests, brothers and nuns. When the number of Irish Catholic pupils in these pay schools are added to numbers of young men who emigrated to European colleges for education, then Catholic Ireland can be said to have achieved a result, which was nothing short of remarkable, in providing education for its pupils in appalling circumstances, which might well have deterred, if not defeated, many another race.

The hedge school played an important role in helping to weaken the Established church inspired and state supported system of education, designed to anglicise and proselytise the Catholic people of Ireland. Adversity and persecution very often inspire in those against whom they are directed the very opposite responses and reactions. So it was with the Irish hedge school movement, if one could call it such. The system had its flaws and faults like all human institutions. But the actual existence of the schools and their support by ordinary people is, in itself, a most important consideration if one is to have an understanding of the growth of the later system, known as the national system of education.

> Willingness on the part of a great majority of the common people of Ireland to support popular educational institutions is one of the chief reasons that Ireland was to become the first country in the English-speaking world to possess a state-sponsored system of national education.[141]

3.4 Attitudes of tolerance by certain Irish Anglican clergy and laity to the plight of Catholics in penal Ireland

From time to time there were signs that several members of the Irish Anglican episcopate had qualms abut making the law intolerable for Catholics. It should be noted that some exhibited, on more than one occasion, a greater moderation in dealing with Catholics than either house of the Irish Parliament. This became clear in the case of a piece of

proposed legislation, which came before the Irish House of Commons in 1697. This measure was entitled 'A Bill for the better security of the King's person, 1697.' It contained a clause to empower magistrates to summon any person before them and to compel them on pain of *praemunire*, i.e. perpetual imprisonment and confiscation of all one's property, to renounce the superiority of any foreign power in ecclesiastical and spiritual matters within the realm.[142] It had terrifying implications in the immediate aftermath of the Williamite conquests of 1691, when religious animosity against Catholics was rife and when a spirit of intolerance and avarice went hand in hand. The measure passed the Commons, but was rejected in the Irish House of Lords, largely through the efforts of William King, the newly-appointed Anglican Bishop of Derry. Bishop King was joined by seven other bishops in opposing the measure, which had the support of the Anglican Primate, Archbishop Narcissus Marsh of Armagh and two other bishops. Writing to Archbishop Laud of Canterbury, Bishop King said that :

> It was hard to subject 800,000 Catholic subjects, without distinction of age, sex, or quality, to the discretionary power of two Justices of the Peace in a matter that not only affected their liberty and property but their very lives. Bishop King and his seven colleagues felt they should be particularly tender in the case ; all severe laws in the matters of conscience and arbitrary proceedings, being laid at their door, though they have the least hand in them. Besides we understand that his majesty, was both by nature, principles and education against persecuting any upon mere conscience.[143]

Others of Bishop King's mentality and outlook sought humanely to limit the severity and number of Decrees of Attainder of Catholics following the Williamite Revolution for which the historian Froude castigates them.[144] Others tried to mitigate and retard the provisions of some of the more savage penal enactments of the reign of Queen Anne.[145] Another example of this trend towards a more liberal consideration of Irish Catholics by Anglican clergy can be seen from the text of a sermon preached before the Irish House of Commons in 1725 by Edward Synge, prebendary of St. Patrick's Cathedral and a son of Archbishop Synge of Tuam. The occasion for the sermon was the annual

commemoration of the anniversary of the Williamite Revolution. Edward Synge, took the text 'Compel them to enter in', a text so often used to justify coercion and persecution. He used to a large extent the reasoning of Locke and Hoadby and examined in detail the duty of a Protestant legislature in dealing with a predominantly Catholic population.

> Coercion, which is directed simply against religious teaching as such, is always illegitimate and useless. Its only good end could be to release men from error, but this involves a change of judgement, which cannot be effected by external force. All persons therefore in a society, whose principles in religion have no tendency to hurt the public have a right of toleration.[146]

Synge explained that Catholics could be considered then as 'merely erring men and as such no church or magistrate had any right to use force against them'.[147] He did enter the caveat that the sole justification for the Penal Laws was based on the Pope's claim to have authority to depose temporal princes - the principle of *plenitudo potestatis* (fullness of power) and the corollary that such power gave him the authority to release the subjects of any prince, so papally deposed, from their obedience and allegiance to that prince. Synge believed that the Gallican Catholics of France had repudiated those papal claims and that Irish Catholics should be given the opportunity to do the same in return for some benefits of toleration. Edward Synge's father, Archbishop Synge of Tuam, an opponent of Catholic theology through his prolific writings, believed that the oath of abjuration contained in Anne's Act, 8 Anne, c.9 of Aug. 30, 1709, should be 'altered so as to meet the objections of the Catholics and that they should thus be drawn within the pale of legal toleration.'[148]

George Berkeley, Anglican clerical scholar and essayist (1635 - 1753) became Anglican Bishop of Cloyne in 1732. He wrote a series of tracts between the years 1735 and 1737, of which the most remarkable was The Querist published in three parts. The first part was published anonymously in Dublin in 1735. Part two and part three followed in the two succeeding years. Bishop Berkeley's tract, The Querist, contains many valid theories on the laws of industrial development and it

anticipated many of the conclusions of Adam Smith[149] and his followers. Two points in Berkeley's Querist are noteworthy from the point of view of his liberality towards, and toleration of Catholics. He clearly saw the absolute folly of a system, which divorced Catholics from all ownership of land. He suggested that Catholics should be permitted to purchase forfeited land, which would unite their interests as landowners with that of the government. He also advocated the admission of Catholics to Trinity College, Dublin, so that they might obtain the highest possible education without any interference to their religion. The first part of The Querist published anonymously in Dublin in 1735, was edited by Rev. Dr. Samuel Madden.[150]

The liberal views of Bishop Berkeley towards Catholics were by no means unparalleled. It would be difficult for any intelligent observer of the Irish scene not to recognise that the economic wealth of Ireland as a whole was totally under developed and its potential under utilised. This was due almost entirely to the degraded condition of the Catholic population, who were deliberately excluded from any share in the development of wealth or prosperity, for fear that it would challenge the privileges, wealth and position of the Ascendancy classes who controlled all the land and all the positions of power and influence in the country. Thomas Prior and Rev. Dr. Samuel Madden founded the Dublin Society in 1731. It became the Royal Dublin Society in 1750, when it received a royal charter and parliamentary grants. Its aim was to improve agricultural husbandry, manufacturing and the promotion of native industry and other useful arts. Both Prior and Madden were supporters of Bishop Berkeley. They realised that the imbalance in the distribution of prosperity due to the penalisation of the Catholic population, was causing an economic imbalance in the agricultural, commercial and industrial development of Ireland. This, they believed, would impede the economic growth of the country with damaging consequences for all its people. Rev. Dr. Madden said of Ireland that 'the nation resembled a paralytic body, where one half of it is dead, or just dragged about by the other.'[151]

To men of the calibre of Prior and Madden, the economic well-being of the entire country was more important to them than an over emphasis on religious conformity. If the Catholic population could share in the economic prosperity of Ireland and the ownership of land, they would have a greater incentive then to conform to political norms and might even be tempted with prosperity to conform eventually to the state religion. A leading Protestant nobleman, Viscount Molesworth, published a pamphlet in 1723, entitled Some Considerations for the Promotion of Agriculture and Employing the Poor, a document in which he outlined the gross defects of the Irish agricultural economy. He proposed a series of remedies, which he believed would make Ireland a happy and prosperous country. He proposed that

> a school of agricultural husbandry be set up under an expert master in every county for teaching the best methods of agriculture and that these schools be thrown open to children of every creed and from which all distinctive and proselytising religious teaching would be excluded from the curriculum.[152]

This system, Molesworth believed:

> would provide a system of practical and non-sectarian education, which would meet the economic and educational needs of the bulk of the population living on the land in rural Ireland, and would assist in the growth of wealth and prosperity for all in the country.[153]

Molesworth also proposed a solution to the question of the Catholic priesthood. He outlined in great detail the extreme hardship of the burden placed on the wretched cottier, who had to pay dues to support his own Catholic clergy, in addition to the legal imposition of the payment of tithes to support the Anglican clergy.[154] These two payments, added to the exorbitant or 'rack' rents demanded for the small plot of land the cottier cultivated to feed his family, reduced most of the peasantry to levels of extreme destitution. Molesworth, accordingly proposed that

> the Crown should pay the salaries or stipends of the Catholic clergy, which would put an end to their ambiguous and illegal position and would attach their loyalty to the government. It would free the cultivators of the soil from an oppressive burden. Its benefits would be felt and understood in the most pathetic

> hovels of the poor and would create a spirit of loyalty and goodwill among the cottiers.[155]

Molesworth's proposal, which echoed the sentiments expressed in the sermon of the Rev. Edward Synge in 1725, showed that growth was coming, if only slowly, in the spirit of religious toleration for Catholics and Dissenters in the 18th century.

Two further statements of prominent Establishment personages serve to further illustrate this gradual attitudinal change. While a degree of toleration might be forthcoming as time elapsed, Dissenters, and to a greater extent Catholics, still had a long road to travel to secure their full civil and religious liberties. Lord Chesterfield, during his period as Lord Lieutenant August 1745 - September 1747, strongly discouraged all attempts to interfere with Roman Catholic worship, though he believed it possible to subvert the Catholic religion by the Charter Schools and the Gavel Act. He was accustomed to say that 'Ireland had much more to fear from her poverty than her popery.'[156] In contrast, Sir Richard Cox, a Justice of Common Pleas, when opposing toleration for dissenters remarked:

> I was content every man should have the liberty of going to heaven, but I desired nobody might have the liberty of coming into government but those who would conform to it.[157]

3.5 Charity and Charter Schools in 18th century Ireland and their ideologues

3.5:1 Introduction

It is important to understand clearly the difficulties which faced those who were motivated from a Catholic standpoint to provide educational opportunities for those in Ireland disabled by the strictures of law and circumstance. In particular, this invites an analysis of the social and economic situation in 18th century Europe which caused the emergence of a new group of general poor among whom the vast bulk of the native Catholic population of Ireland may be counted.

During the 18th century, a new movement of change and social polarisation was sweeping across Europe.

> One of the basic changes that occurred in the movement from medieval to eighteen century economic and social patterns was the emergence of a new group of poor.[158]

Previously the poor, for whom the practice of Christian charity had provided, were those who could not work due to age, infirmity, physical or intellectual disability, or the orphaned. The new poor in 18th century Britain and Europe, however, were predominantly workers. These masses of people in rural and urban locations, through the depressed economic level at which they were forced to survive, provided the base for the accumulation of wealth and prosperity of the growing number of European capitalists and commercial entrepreneurs. Ownership of property had become the principle of society's stability. In consequence, social rights were based on the ownership of property. Without property a man was a non-person, politically, legally and socially. 'The vast majority of persons were clearly subordinated, even by law to property.'[159]

The attitude of society to the ownership of property, together with a peculiarly Irish form of loyalty to the Stuart dynasty, by certain elements of Catholic Irish society, gives the European background to the struggle for survival in Ireland in the 18th century.[160]The Williamite conquest of Ireland in 1691 and the consequent subjugation of the native Catholic population led to their oppression and the denial of their civil rights. When this additional dimension of suffering and penalisation was added to the general level of poverty and privation, which was the accepted lot of their European counterparts, then the plight of the native Irish people was dire in the extreme. The Williamite victory was the third great defeat suffered by the Irish people in the 17th century. The victory was decisive and it led to the firm establishment of the Protestant Ascendancy class in Ireland. Referring to the attitude of that Ascendancy class towards Irish Catholics in the succeeding 18th century, McDowell writes:

> Probably the most striking feature of Irish life in the century was the peculiar system by which the large majority of the people were kept in a state of carefully planned and well preserved inferiority.[161]

The Ascendancy class was assured of a privileged position in Irish life, through their monopoly of all political, economic, social and religious power. Penal enactments were enforced mainly against Roman Catholics, though not exclusively so, since Presbyterian and other non-conformist Dissenters, like their Catholic compatriots, were not members of 'the Church of Ireland, as by law established.'[162] This Penal Code was comprised of laws imposing civil disabilities on the one hand and religious restrictions on the other.[163] The laws were enforced with varying degrees of rigour during the greater part of the 18th century.[164] It is no exaggeration to state that 'the general condition of the Irish people in the 18th century was one of extreme wretchedness and poverty.'[165]

In painting the back-drop to the situation in which Irish Catholics found themselves in their endeavours to provide themselves with such basic human rights as the liberty of religious worship, educational facilities and economic opportunities, the following statement must not go unrecorded for its clarity and decisiveness:

> The law does not suppose any such person to exist as an Irish Catholic.[166]

This legal dictum was clearly enunciated as a matter of principle in the early 18th century by no less personages than Lord Chancellor Bowes and Chief Justice Robinson.[167]

3.5:2 Foundation of Charter/Charity Schools

It must not, in fairness, be forgotten that leading Anglican churchmen in Ireland, with support from the English administration in Ireland and from well-intentioned Protestant laity, did put forward schemes for the betterment of popular education during the reigns of the early Hanoverians, George I and George II. However well motivated these initiatives might have been, they were generally formulated and

structured with a bias towards proselytising Irish Catholic children. This basic philosophy had as its goal, the rescue and retrieval of the native Irish from their 'natural state of sloth, nastiness, idleness, thievery and ignorance' and re-introduce them to the skills of reading, writing and conversion to the Established Church.[168] Catholics were prepared, where no other alternatives were available, to use the facilities of local Protestant schools, but the sincerity of their intention to convert to Anglicanism was if present at all, a superficial adherence to Protestant precepts based on the need for economic advancement. Conversion could always be eschewed in later years if greater inducements to convert to Anglicanism had been offered rather than proscriptive declarations then perhaps the level of conversion might have been more successful. On the other hand, it is acknowledged that the use of 'over-kill' in the application of penal restrictions could be afforded. The result would be a more stubborn resistance than might otherwise have been anticipated. There appears to have been a considerable element of this 'inspired resistance' by Irish Catholics to Anglican proselytism.

Bishop Berkeley of Cloyne expressed views not dissimilar to those of Dean Swift on matters racial and educational in Ireland in the period 1730 - 1750,[169] although his views mellowed somewhat, in his later years. Both men found it difficult to comprehend the racial origins of the native Irish, which made them so different and 'apparently inferior' to their English co-inhabitants in Ireland. It is significant, however, that both Dean Swift and Bishop Berkeley saw the need for the education of the native Irish to be adapted to the Cromwellian principle of almost a century earlier, whereby their schooling would be geared 'to producing apprentices for Protestant masters and for husbandry and useful trades and the services of families.'[170]

The first initiatives of Irish Protestants, in the early 18th century, who felt the need to remedy the educational deprivation and deficiencies of the native Irish Catholics, took the form of an enterprise which came to be known as the Charity Schools Movement. These schools began to be

established in or about the year 1710. They were officially called English Schools of Private Foundation, set up for the elementary education of Protestant children in poor circumstances. They were, however, prepared to take any poor children, including Catholics, who were willing to attend them. Hence they were termed 'Charity Schools'. They were also known as 'English Schools' because it was not intended to teach Latin as part of the curriculum. At first they operated under private control and depended on funding from voluntary private benefactors. One such school was set up in the Liberties area of Dublin City, as early as 1704, to teach 40 or 50 boys, sons of Catholic parents, basic reading, writing, arithmetic and religion. Bible reading and catechising monopolised most of the children's time. The religion in question was to be that of the Church established by law. In this particular school in the Liberties area, the pupils also got a partial clothing grant, but as subscriptions drastically decreased, this particular school closed. Financial support was raised by committees of subscribers and after 1710 some support came from the trustees of the Linen Board.[171]

Two other Charity Schools were set up in Dublin in 1712 by two Protestant Aldermen of the Corporation, Matthew Pearson and Matthew Knight. One school was to cater for twenty boys and the other for twenty girls - all children of Catholic parents. The pupils got free clothes and books and when they reached a required proficiency in their studies, they were then sent on for further education to Protestant schoolteachers. At this stage they got a grant of three pounds and five shillings in money, plus a bible of the Authorised Version and the Book of Common Prayer. They were obliged to attend worship in St. Patrick's Cathedral, where another Charity School had been established in 1716 with funds provided from an annual charity sermon. There were three Protestant Charity Schools in Dublin in 1706 and fifteen by 1717. Rev. Dr. Henry Maule, later Anglican Bishop of Meath, was the early leader of the Irish Charity School Movement. He was the chief founder in 1717, of the Society for Promoting Christian Knowledge, whose purpose was the general establishment of Charity Schools. By 1725, this Society was

operating 163 Schools with 3,000 pupils on the rolls. A further advance in this growth was halted by declining financial support.[172]

These Charity Schools took Catholic and Protestant pupils alike before 1733. While it was suggested that no discrimination was intended against Catholics, the proselytising and anglicising attitude and influence of their founders and benefactors must be taken into consideration. As private subscriptions and donations declined, Archbishop Hugh Boulter of Armagh, the Anglican Primate, sought new means of support for the schools. On two earlier occasions, requests for a crown charter, which would have ensured much wider public support, had been denied. In 1730, with the support of most of the Irish Anglican Bishops and a goodly number of Protestant nobility and gentry, Archbishop Boulter, petitioned the English government once more to have King George II grant these schools a royal charter. In the course of the petition some interesting facts, observations and opinions were articulated.

> ... more especially in the provinces of Leinster, Munster and Connaught the papists far exceed the Protestants of all sorts in number. That the generality of the popish natives appear to have very little sense or knowledge of religion ... and are thereby kept, not only in gross ignorance, but in great disaffection to your sacred majesty and government ... so that if some effectual method be not made use of to instruct these great numbers of people in the principles of true religion and loyalty, there seems to be little prospect, but that superstition, idolatry and disaffection, will, from generation to generation, be propagated among them.[173]

The petition goes on to state that the establishment and erection of a sufficient number of English Protestant schools would ensure 'that the children of the Irish natives might be instructed in the English tongue and the fundamental principles of true religion, to both of which they are generally strangers.'[174]

The petition of Archbishop Boulter was duly granted. In 1733, The Incorporated Society in Dublin for Promoting English Protestant Schools in Ireland was consequently founded. The executive committee was

empowered to establish whatever number of English Protestant schools they thought necessary to educate the children of the poor therein, free of charge. The language of the schools for the purpose of the medium of instruction was to be English and the religion taught was to be that of the established church. Secular learning was to be limited to those skills necessary for the menial arts and for husbandry.[175]

It is not proposed to examine the operation of these Charter Schools in anything but the briefest detail. Such outline is necessary, however, in so far as it relates to attempts to proselytise Irish Catholic children through their process of education and the refusal of Irish Catholics to trade or barter their religion for what might be fairly described as the dubious benefits of a misconceived and incompetent system of education.

The King gave an annual grant of £1,000 per annum to the Incorporated Society from 1739 until 1794.[176] Duty revenues[177] and parliamentary grants to the Society were made by the Irish Parliament. The parliamentary grant in 1747 was the first such grant to elementary education in the history of the United Kingdom.[178] From 1751 to 1760 the average annual parliamentary grants to the Society was £3,500 per year. From 1790 to 1800 this annual figure rose to £11,850 and from 1800 to 1807 the figure was an average £20,000 per year.[179] In 1818 the figure exceeded £38,000 per annum[180] but it declined sharply thereafter and ceased in 1831. It is estimated that the Society for Charter Schools received over £1.25 million, voted from public funds in the period 1747 to 1831.[181] Akenson comments that in return for such public largesse, 'the Irish public were treated to the spectacle of a curious and thoroughly inefficient administration.'[182] Four subordinate sub-committees, subject to the executive committee of the society, ran the daily affairs of the society in such matters as accounts, the law as it applied to the schools and the appointment of teachers. Each local area which had a school, had its local committee which in theory supervised the operation of the schools. Classroom activities were left to the teachers. When to this was

added the rarity of school inspections, Akenson notes that

> ... it is obvious there was ample scope for malfeasance on the part of unscrupulous teachers and the elaborate system of central administration was swallowed up by local incompetence and abuse.[183]

Children aged four years to six years were admitted into the four nursery schools the Society ran in Dublin, Monasterevan, Co. Kildare, Shannon Grove near Limerick City and Monivea in Co. Galway. In its 32 other schools, all of them boarding schools, the age limit was from six years to ten years and they were then apprenticed out to tradesmen. The boarding aspect of the schools was planned to remove Catholic children from their homes and in consequence from any influence of their Catholic parents or relatives. Originally the schools were open to Protestants but from 15th March 1775 until May of 1803, the society confined admission to children, born of Catholic parents.[184] The children were taught reading, writing, arithmetic and the established church catechism. Akenson describes the Charter School approach to the teaching of religion as fanatical

> ... the system was formed for the purpose of fanaticising the Country - it outchurched the Church, it was determined to educate outright into Protestantism.[185]

One of the striking features of charter school education was the amount of manual labour performed by the children in the earlier years of the Society. The boys were occupied in garden and farm labour and the girls in spinning and cloth manufacture. Jones cites the extraordinary amount of manual work carried out by a small number of boys under the average age of ten in the Stradbally school in Co. Laois (Queen's County) in clearing, ploughing and planting five acres with flax - and all without adult help.[186] The Society also undertook to feed and clothe the children by means of a flat rate contract between the schoolmasters and the Society. In this situation, opportunities existed for the teacher to provide cheaper clothes and less food than was allowed for. Money could be saved, also, on the fire or heating allowance and a tidy sum by way of profit could be made by unscrupulous and dishonest schoolmasters. Abuses such as these were widespread.

The undisclosed misery of these unfortunate children did not come to light publicly or officially until 1784, when John Howard, the British philanthropist visited some of the schools and published a report of the abuses and ill-treatment which the children were enduring. He revisited the schools again in 1787 and reported to a Committee of Parliament. The Chief Secretary for Ireland, Alleyne Fitzherbert, following the lead given by his predecessor Thomas Orde, introduced a Bill in the Irish House of Commons, in March 1788, to enable the Lord Lieutenant to appoint commissioners to inquire into the funds and revenues, both of public and private donation, given for the endowment of schools and also into the condition of the schools. The Bill passed both houses of the Irish Parliament and by 18 April 1788, it had received the royal assent.[187]

Among the members of the Commission appointed were Fitzherbert himself and John Hely Hutchinson, Provost of Trinity College Dublin. Sir Jeremiah Fitzpatrick, Inspector General of Prisons, visited 28 of the schools and his report on the situation which he encountered was disturbing. The report was severely critical concerning the health, clothing, housing and physical care of the children and in regard to the standard of the education they were receiving.[188] The 1788/1789 Commission Report was never published but a copy of the report of 1791 became available in 1858, as a result of a diligent search by officials of the Endowed Schools Commission. They consequently published the 1791 Report in full. This Report recommended sweeping changes in the composition of the board of visitors or governors of the schools. The local Anglican vicar and four laymen, two of whom would be Catholics, would constitute the board of visitors. The 1791 Commissioners recommended that Protestant children as well as Catholics should be admitted and that Catholic children should receive their religious instruction from a Roman Catholic clergyman.[189]

There were other fundamental changes recommended by the 1791 Commissioners which included the visitation of the school, the method

for its annual inspection and the report to Central Authority.[190] The 1791 Commissioners' Report was a blueprint for inter-denominational education introduced by the Kildare Place Society in 1811 and legally incorporated into Stanley's National System of Education in 1831. Parkes in her Guides to Sources in the History of Education, suggests that the non publication of the Report of the Commissioners of Irish Education Inquiry of 1788/89 at the time, occurred 'perhaps because it was too radical.'[191] While that may be true because of the radical interdenominational educational recommendations contained therein, it is also possible that a concealment of the appalling circumstances of the physical welfare of the children and of the poor educational standards which they received in the schools, may have been a more pressing reason for the report's suppression. Had these facts become known, this might have caused shame, discomfort and acute embarrassment to leading Anglican churchmen and Establishment officials. They would have also given the Catholic Committee of the time and its supporters much valuable material, with which to fight their case for proper structures and finance for Catholic education.

Akenson is of the opinion that 'in terms of educational quality, the Incorporated Society's schools were not significant in the number of students.'[192] He further concluded that in the society's earlier years before it became known as a remorseless proselytising agency and before it began to take Catholic children into its boarding schools to remove them from parental influence, it was besieged by Catholic parents only too happy to secure food and clothing for their children.[193] But this Catholic parental support was quickly withdrawn when the school's true objectives became fully known. By the second half of the 18th century it had difficulty filling the schools.[194] The Commission of 1788 found that only 1,400 children could be accounted for in the Charity Schools, although the Society claimed there were 2,100 children in its care.[195] Returns furnished by the Society to the Commissioners of the Board of Education in Ireland for the seven years ending on Jan 5, 1808, for thirty five schools and four nursery schools, only amounted to 2,619

and that was for a seven year period.[196] This figure of 2,619 included 640 children of Catholic parents and 555 children of mixed Catholic/Protestant marriages. This totals 1195 children with full or partial Catholic parentage while the schools only catered for 1,148 children of Protestant parents. Thirty four schools operated in 1824 with 2,150 children.[197] In 1828 the figure was 1,500; in 1829 it had declined to 1099 and further still to 834 in 1830.[198]

The operation and achievements of the Charter School were abysmally poor when compared with the flourishing hedge or pay-school system, patronised by a poverty stricken but educationally conscious native Irish Catholic population. The number of children educated in the Charter school system was but a very insignificant percentage of the children of Catholic Ireland. The remainder were too economically deprived to have been able to afford even the hedge or pay-school system. The population statistics of Ireland given by Nicholls in his History of the Irish Poor Laws and quoted hereunder are widely accepted as having some historical basis.[199]

1712	Based on hearth money returns	2,099,094
1731	Supplied by magistrates and Clergy	2,010,221
1754	Based on hearth money returns	2,373,634
1785	Based on hearth money returns	2,845,932
1788	G.P. Bushe to the Royal Irish Academy	4,040,000

Primate Boulter, Anglican Archbishop of Armagh estimated in 1731 that the proportion of Catholics to Protestants was 5 : 1, but allowed that the ratio might be 7 : 1.[200] A Royal Commission of 1834 estimated that there were 6,436,000 Roman Catholic persons in Ireland and that they formed 81% of the population.[201] When one considers the infinitesimally small number of children whom the Incorporated Society catered for in its thirty four schools and four nurseries over the period 1737 to 1831 at an estimated cost to the public exchequer and from private endowments of approximately £1.25 million, this expenditure would seem nothing less than wasteful in the extreme. The despondency and almost despair of Irish Catholics of ever achieving a just and equitable system of education

was further frustrated in the so called Relief Act of Luke Gardiner in May 1782 which was found to contain clauses 'forbidding the erection or endowment of any popish university, or college or endowed school in the realm.'[202]

3.6 The social and economic conditions of Catholics in rural Ireland in the period 1750 - 1850

By the end of the first half of the 19th century, Ireland had an even more agricultural economy than in 1800. Although some towns - notably Belfast - undoubtedly grew, the collapse of the domestic textile industry ensured that relatively more people were becoming dependent upon farming and its associated activities. In May 1821, the first Census in Ireland was undertaken showing a population of 6,801,827.[203] Ten years later in Dec 1831, the second Census revealed a population of 7,767,401, a 14.19% increase on the figure of ten years earlier.[204] A third Census of Ireland taken in June 1841 revealed a population of 8,175,124 - an increase of only 5.25% on the figure of the 1831 Census.[205] This 1841 Census, taken in Britain as well, was more thorough in the statistical analysis of its results. Some interesting facts emerge from this analysis. Firstly, Irish emigration to England and Wales was given as 289,404 or 1.8% of the total population and in the case of Scotland the figure was 126,321 or 4.8% of the total.[206] Thus emigration, always a factor in Irish demographic trends, could now be clearly gauged from the period prior to the mass emigration to America, Canada and Australia which took place in the post 1845-47 Great Famine disaster. The second factor shown up clearly by the 1841 Census indicated that in Ireland less than 14% of the population lived in towns of 2,000 or more people and almost 75% of males were occupied in farming.[207] Roughly comparable figures indicate that by contrast, well under a quarter of the British labour force was similarly engaged in agriculture,[208] while only a little over half of the population of England and Wales lived outside towns or settlements of 2,500 or more persons.[209] Ireland remained, therefore, overwhelmingly a rural and agrarian country.

Interaction between demographic, economic, social, political and cultural changes are the formative elements which shaped the early 19th century Irish historical experience. The aspect of population growth, including its speed, causes and effects, would seem to be the element in that complex equation, which has most often exercised the minds of social historians.[210] Various explanations are put forward for the great growth in the Irish population in the period 1750 - 1845. Mokyr and O' Grada postulate that accepting the Census population figure of Ireland in 1841 at 8,175,124, it would be reasonable to suggest that ninety years earlier in 1751 it would have been no more than 2.5 million people.[211] The difference between these figures places Ireland at the top of the contemporary demographic league, with an annual average population growth of 1.3% for the period 1751-1841, ahead of England with 1.0%; 0.8% in Scotland; 0.7% in Sweden and 0.4% in France.[212]

Most of the poor were to be found in rural Ireland. There the great majority of the Catholic population depended on agriculture for a livelihood. Despite improvements in industry and agriculture in 18th century Europe, the general standard of living of the Irish peasantry deteriorated in the later decades of the century. In 1815, there was an agricultural and economic depression which followed the relative prosperity, due to the demand for food and foodstuffs during the course of the French and later Napoleonic Wars 1793 - 1815. The actual size of land holdings in terms of acreage, the over use of land, and the number of people for which very small holdings had to provide a subsistence livelihood holds the key to an understanding of the abysmal poverty which was the daily lot of the native Irish peasant.

The plots of land, tenanted by the rural poor, amounted on average to one acre per family.[213] The livelihood which could be eked out on such a small plot of land was of a very low standard. In addition, exorbitant or 'rack' rents were generally demanded by landlords. Many land-owners were absentees, living in England off the income generated by the letting and sub-letting of their lands. Other landlords, who were in residence,

were unwilling to incur the costs and inconvenience of direct estate management and utilised the services of a middleman. In effect, both the absentee land-owner and those who were resident on their Irish estates, let substantial parts of their properties on long leases to wealthier tenant-farmers. These middlemen who contracted to pay a fixed long-term rent directly to the land-owner, sub-divided the land into smaller farms at a much higher rent which in turn earned them a handsome profit. The sub-division into smaller plots continued downwards at increasingly higher rents until the peak of cottier exploitation was reached.

While landed proprietors constituted the economic apex of the rural pyramid, its numerical base was supplied by those who actually worked the land. Differences in the size of holdings and unequal access to land for tenants were vital features of the quality of rural life. Some 150,000 'strong' farmers controlled almost one half of the land of Ireland and an even higher proportion of the better land. These same farmers owned in addition, over one half of the country's entire livestock capital.[214] It is interesting to note that in the barony of Ballybrit, King's County, in 1821, seventy four farmers held as much land as the remaining 1,008.[215]

In terms of income, poor peasants/cottiers and labourers overlapped considerably. Farmers who neither hired labour, nor were hired out, i.e. family farmers with mean holdings of 20 acres, were relatively few in pre-famine Ireland. The 1.3 million who depended at least in part being hired, on hiring out, were also involved in seasonal migration to Britain, in fishing or in part-time textile production. Their stake in the land and in livestock capital was small. Conacre, a form of annual sub-letting of small plots of land, adapted the prevailing system of tillage to their poverty, but was in itself a constant source of friction among cottiers.[216] It made the labourer a commercial speculator in regard to potatoes, mortgaging his labour against manure and seed, and paying the debt to the farmer by working a certain number of days at an agreed rate.

The diet of labourers and cottiers consisted of potatoes and milk.

Those living in areas near the sea or fishing ports obtained some fish, which helped to prevent such ailments as scurvy and opthalmia, common enough among the poor elsewhere. Nevertheless they had to withstand food shortages.[217] For the rural poor, full employment was fairly regular during the spring and harvest. Those near towns in the north-east and elsewhere, who depended on occasional work in the woollen and textile trades, were left unemployed when those industries declined. The daily wage rates bear out the seasonal nature of the farm labourer's employment.

The diary of Amhlaoibh O Suilleabhain, a hedge school master in Callan, Co Kilkenny, records that in late July 1830 the poor of that region were employed breaking three cartloads of stones at 3d per day. By mid-August 1830 the wage rose to 8d per day for migratory farm labourers and to 15d per day for sickle use (cuig pingine deag sa lo do lucht corrain).[218] Connolly estimated that 6d to 10d per day was the average daily wage of the labourer.[219] The opinion that labourers worked for forty weeks per year was not accepted by the Poor Relief Inquiry Commissioners who, from the evidence presented to them, argued for a shorter period and in consequence for lower overall incomes.[220] These Commissioners were set up by Act of Parliament.[221] The Royal Commission, established on 20 November 1843 under the Lord Lieutenant, the Earl of Devon, to enquire into the state and practice relating to the occupation of land in Ireland,[222] reported on 14 February 1845 with recommendations for improvements in the existing situation and other minor reforms.[223] The Devon Commission was told again and again how 'labourers were oppressed by farmers', were made 'dependent as slaves','"more wretched than the Fellahs of Egypt or the Blacks of Cuba.' The Commission was informed that indeed, 'every class in this country oppresses the class below it, until you come to the most wretched class. There is no exaction practised by their superiors that they do not practice on those below them.'[224]

The middlemen agents of the landlords, in a bid to maximise their

profit surplus, forced cottiers to bid against equally impoverished competitors at uneconomic rates for strips of land which yielded a bare level of subsistence. Security of tenure for the cottiers in these unjust and unregulated circumstances did not exist, even if they worked their land well. Inadequate food and squalid living conditions were responsible for many premature deaths although the general level of population continued to rise, but at a great cost in suffering. For the Catholic peasant classes, on the land of rural Ireland from 1750 to 1845, life was a great void.[225]

The lack of personal possessions and the absence of even the most meagre of home comforts were features of the poverty and squalor in which the Irish peasant lived. Arthur Young, who visited Ireland between 1776 and 1779, recorded the following in his journal:

> ... the cottages of the Irish which are called cabins are the most miserable looking hovels that can well be conceived ... the furniture is as bad as the architecture ; in very many, consisting only of a pot for boiling their potatoes, a bit of a table and one or two broken stools ; beds are not found universally, the family lying on straw[226]

The historian T.P. O'Neill describes the inadequate clothing of the typical peasant family of the period:

> ... Clothing in general was very bad ... It was unusual for a labourer to have an overcoat. His apparel consisted of a shirt, waistcoat, trousers, boots, stockings and a frieze body-coat ... worn to a thread and repatched until they became practically unrecognisable ... The clothing of the old and young was even worse ... The cast-off or fallen-off clothing of the father was passed on to the children, who from the age of 10 months to the age of 10 years were practically naked ... Rags tied or stitched together bravely served the purposes of decency, but offered little or no protection against the cold ... while the children were always barefooted.[227]

The seasonal migratory farm-labourer or *spailpin* often felt bitterly the anguish and despair of his miserable existence and the helplessness of his situation. An 18th century Munster poet describes the *spailpin's* sense of personal indignity and humiliation at having his physical

condition evaluated by those well-off farmers on horseback who came to the hiring fairs and offered poor wages and health-endangering working conditions. He finally vowed to go abroad and take service with the French Army to avenge his personal wrongs and those of his class and race, exchanging his spade and reaping-sickle for a fighting pike and the flag of France as his shroud, if such should be his fate.

Geo deo deo aris ní raghad go Caiseal
Ag díol na ag reic mo shláinte .....
Bodairí na tíre ag tíocht ar a gcapaill
Da fhiafraí an bhfuilim híralta .....
Im' spailpín fánach fágadh mise
Ag seasamh ar mo shlainte,
Ag siúl an drúchta go moch ar maidin
Is ag bailiú galair ráithe
Ni fheicfear corrán im' laimh chun bainte,
Suist' na feac beag ramhainne,
Ach bratach na bhFrancach os cionn mo leapan,
Is pice agam chun saite.[228]

The alternatives to this drudgery and despair were stark. Emigration began to manifest itself as an emerging and increasing pattern for this landless class of Irish peasant in the years 1815 to 1845 and more dramatically in the post 1845 famine years. O'Grada suggests that Irish emigrants to North America in the years 1815-45 may have numbered one tenth of the total figure of European emigration to America and Canada.[229] The other alternative for the cottier was to abandon the unequal struggle for a living from the land and seek unskilled labouring work in Irish cities and towns, very often finding that no such work existed. They thus exchanged their rural misery and poverty for one no less harsh and even more degrading in an urban setting.

3.7 The social and economic conditions of Catholics in the cities and towns of Ireland from 1750 to 1850

In Western Europe, population growth after 1800 was usually accompanied by mass urbanisation. According to census returns taken in 1821 and 1841, this was clearly not the case with regard to Ireland. The statistics, according to both these census figures, showed only about one eighth of the population to be living in cities or urban centres of 1,500 or more persons. Even if one allows for Dublin, still a big city by the standards of the day, Ireland remained one of the least urbanised countries in Western Europe. This was due, without doubt, to the fact that Ireland, outside the industrialised centre located in Belfast and its environs, had been bypassed by the industrial revolution which had left its mark on the many and large industrialised urban centres of Britain, of the Ruhr Valley of Germany and of other similar areas in Western Europe. Ireland had lacked the coal, the mineral resources, the capital and the skilled workforce, which were the essential elements in this process of growth in the light and heavy manufacturing industries. Ireland's geographical remoteness from the centres of British and European industrial development, allied to her predominantly agricultural economic base, had a strongly negative effect on any possible potential for industrial growth and development. The particular political and social situation in Ireland cannot be overlooked, as a major contributory case of the economic poverty and backwardness of the majority of her population in terms of basic prosperity, both in town and country.

Dublin itself was relatively small as a premier city, containing less than three per cent of the total national population, according to the Censuses taken in 1821, 1831 and 1841.[230] It certainly lost what status it had as the legislative capital of the Kingdom of Ireland, following the Act of Union in 1801 and the transfer of legislative functions to the British Parliament in London. It still remained the centre of English administration in Ireland. The Lord Lieutenant and Chief Secretary still resided in the city, and Dublin Castle, the Custom House, the Four Courts building, various military barracks and other such establishments

provided the legal, military and administrative structures of English rule in Ireland. The ancillary social and commercial functions of the city which were greatly dependent on Dublin's pre-Union status suffered a serious decline. There were no other cities of even 100,000 people, although Belfast and Cork had exceeded a population figure of 80,000 as indicated by the 1841 census. The slow pace of urbanisation, given low agricultural productivity, might be seen as a symptom, though hardly a cause of economic backwardness. It is true that Irish towns, like towns elsewhere, attracted migrants from rural areas. Most of these rural migrants lodged in the most wretched habitations in the cities and towns, in the largely vain hope of getting a day's work. But the real centres of the pre-famine Irish migrants were Manchester and Glasgow, rather than Dublin or Cork. [231]

Trade restrictions, tariffs and prohibitions were placed on the Irish shipping and woollen industries by the English Parliament in the late 17th century. This was due to commercial jealousy and the fear from the competition of cheaper Irish goods and services felt by the growing business-magnate class who were well represented in the British House of Commons. The English statutes of 1662[232] and 1699,[233] banning the export of Irish wool and woollen goods, destroyed the only Irish industry which offered a reasonable economic framework on which further growth and expansion could be built. The substitution of the linen industry and its promotion by government incentives could only offer very limited and localised compensation for the ruin that faced hill sheep-farmers on a country-wide level. The Navigation Acts of 1671[234] and 1685[235] cut off direct exports from the British overseas colonies to Irish ports.

It was clear that Ireland had no economic or trading rights other than as an expendable colonial pawn whose interests could be manipulated, restricted or regulated to suit the pecuniary interests of the growing commercial and business lobby in England. Dublin, Cork and the larger provincial towns became more economically impoverished as the 18th century progressed due to these English imposed trade restrictions.

Many small, but thriving Irish industries fell into decline, with all the consequential miseries of unemployment and poverty that accompany such events. The population of Dublin, however, continued to grow rapidly and the city began to develop from 1725 onwards from an architectural point of view, with terraces of fine Georgian houses and spacious parks. These were the town residences of the landed gentry who attended Parliament, as either members of the Lords or Commons and who enjoyed in the exciting social life that surrounded the Vice-regal court of the Lord Lieutenant and his administrative entourage.

The darker and more sinister side of Dublin was also to be observed. Swarms of beggars and urchins congregated in Dublin, as indeed they did in all the large cities of England and Ireland in the 18th century. These beggars received the stamp of immortality in Dean Swift's Modest Proposal, published in 1727.[236] Dublin, in the first half of the 18th century, was a curious city, full of the sharpest contrasts between affluence and wretched poverty.

> The stately Georgian buildings, which were to serve as a background for the gay life the 'second city of the Empire' were beginning to rear their heads about the tattered and ragged urchins who were to surround them. In Mary's Lane, the houses of the nobility rubbed with noisy and ill-kept taverns ... [237]

An English Protestant, who travelled widely in Ireland in the mid 18th century makes an interesting comment on the poor of Dublin at this time:

> ... A few of the hospitable gentlemen of the first rent and fortune in the Kingdom would concur for the setting on foot of some generous and humble establishment for the relief of thousands of their miserable poor, whose oppression, poverty and want of employment drives almost to desperation ... [238]

Hawkers and peddlers did a brisk business in the congested streets of Mary's Lane on the north side of the river Liffey, and in the Liberties area around Christchurch and St. Patrick's Cathedral on the south bank of the river, in the old walled city area. Their numbers caused the Irish Parliament to impose a tax[239] on them in 1746, which on average, produced £1,100 per year until the 1780s.[240] This revenue was given to

the support of the Charter Schools.

The poverty of the Irish Catholic population left the Catholic clergy with little or no financial resources to establish the kinds of hospices and charitable church institutions, which the monasteries had provided prior to their dissolution by King Henry VIII in 1536. Other Catholic countries such as France, Spain and Italy provided an ad-hoc system of hospices and rudimentary hospital care mainly due to the plethora of new religious orders founded in the post Tridentine period from 1600 onwards. A number of hospitals or hospices for the free medical treatment of poor sick and indigent citizens of Dublin were established by benevolent and philanthropic Protestant gentry and medical practitioners. These hospitals included Jervis Street, which was originally founded in 1728 in Cork Street and endowed by Lord Charlemont in 1792. Dr Steevens Hospital was established in 1710 by Doctor Richard Steevens. Mercer's Hospital was established in 1733 by Mrs Mary Mercer, a wealthy Protestant widow. The Dean Jonathan Swift endowed the foundation of a 'charitable institution for lunatics and idiots.' It opened its doors in 1757 and still functions as a leading psychiatric hospital. Sir Patrick Dun endowed a hospital in Grand Canal Street in the 1780s by means of generous financial contributions to the project in his will. It became a teaching hospital for students of Physic in Trinity College. Dr Mosse, with the assistance of Lady Arabella Denny, established the Rotunda Maternity Hospital which still provides maternity services to the citizens of Dublin today.[241] All these hospitals were Protestant in terms of their deeds of trust and in the religious affiliation of their governors and their medical and nursing staffs. They did, however, provide the only medical care and facilities for the Catholics, who made up two thirds of the population of Dublin, and who had no Catholic hospitals to cater for their needs.

There can be no doubt that the medical and social benevolence shown to the poor of Dublin was undertaken by charitable and well motivated Protestants. It can hardly be described as satisfactory,

however, given that over two-thirds of the city's population was Roman Catholic and that the Catholic Church was neither enabled nor encouraged to meet the needs of its flock in a manner consistent with its pastoral obligations. There was, in comparison, it could be argued, considerably less philanthropic activity in the area of education apart from the endeavour of the Charity/Charter school system. If Catholics wished to accept the education provided by these schools, they would have to "barter away their one remaining possession - their faith".[242] An additional social problem was presented by the tendency of the poor to seek relief from their prevailing miseries in drunkenness. This was compounded by the fact that in Dublin, liquor and spirits were only half the price of similar beverages in London. A pamphleteer, writing in 1747 tells us :

> To be sure drunkenness is a great vice, but I am sorry and ashamed to say that it is gaining ground every day, at a time when it is left off and abhorred by all the Nations round us.[243]

Sir William Petty, in his survey on the population of Ireland in the late 17th century, pointed out that the inhabitants of Dublin were more over-crowded in their housing than in London. Petty put the population of Dublin at 58,045 in 1682.[244] In the intervening years the population had doubled and by 1766 it was estimated to be 131,940. Building had not kept pace with the growing population and the inevitable result was that the poor lived in filth and squalor. The worst congestion was in the Liberties area around St. Patrick's Cathedral on the south - central bank of the river. On the north-side, the oldest area was the district around Mary's Lane, which was also grossly overcrowded. The living conditions of the poor were appalling. The Rev. James Whitelaw, Anglican rector of St. Catherine's Parish who made a thorough personal survey of the inner city area in 1798, gives the average number of people living in each house in St. Michan's parish north of the river as 12.56 persons, and the figure for the Liberties he calculated at an average of 15 persons per house.[245]

The social, economic and educational conditions of the urban

Catholic poor of Dublin, and indeed of other large centres of population such as Cork, could be justly described as abysmal. A quotation from the 1798 survey of Rev. James Whitelaw sums up in graphic detail the plight of the urban slum dwellers of Dublin in the late 18th century. It also serves to illustrate the difficulties and challenges which would face Catholics, lay or religious, who might be inspired to provide an education for these poor Catholics.

> ... For the most part they inhabit narrow lanes, where the insalubrity of the airs, usual in such places is increased to a pernicious degree by the effluvia of putrid offals ... The houses are very high and the numerous apartments swarm with inhabitants. It is not infrequent for one family or individual to rent a room and set a portion of it by the week or by the night to any accidental occupant ; each person paying for that portion which his extended body occupies. In this way it will not appear incredible that 108 individuals have been reckoned in one building and that seven persons were found lying in a fever on the floor at one time out of twelve that occupied the small apartment.[246]

It continues to outline privation, nakedness and despair. But there were resolute men and women who were prepared to undertake the daunting challenge of Catholic rehabilitation both in Dublin and Cork. The next section of this chapter outlines the work undertaken by clerical and lay Catholics to remedy Catholic educational deprivation.

3.8 Catholic educational initiatives in Dublin and Cork in the 18th century

Edmund Burke, an eye-witness, has given a scathing judgement on the educational objectives of the Penal Laws.

> To render men patient under a deprivation of all the rights of human nature, everything which would give men knowledge of those rights was rationally forbidden. To humanity fit to be insulted, it was fit that it should be degraded. Indeed, I have even thought the prohibition of the means of improving our rational nature to be the worst species of tyranny that the insolence and perverseness of man ever dared to exercise.[247]

Edmund Burke's biographer, John Morley, the English Non-

conformist politician and man of letters, was equally scathing in his opinion of the Penal Laws.

> Protestants love to dwell on the horrors of the Revocation of the Edict of Nantes and of the proscriptions of Philip II of Spain and of the Inquisition. Let them candidly turn to the History of Ireland from 1691 down to 1798 and they will perceive that the diabolical proscription of the Penal Laws ... are absolutely unsurpassed in history.[248]

Just as the English administration in Ireland sought to curb attempts by Catholics to practice their religion, even more stringent efforts were made to eradicate initiatives by Catholics to provide structures for education, consistent with their beliefs. The penalties and forfeitures which faced a Catholic schoolmaster as outlined in Queen Anne's Act of 30 August 1709 were formidable. It would often take heroic courage on the part of any Catholic schoolteacher to deliberately place himself in such jeopardy. Corish in his book The Catholic Community in the 17th and 18th Centuries tells us that by 1730, a Catholic parish system of pastoral care was clearly in existence and in operation together with a number of mass-houses and chapels, run both by friars and secular clergy, but 'they were hidden and unpretentious buildings.'[249] A detailed description, compiled by a Protestant in 1749, indicated that by this date 'they (the popish mass-houses) had attained to some interior dignity.'[250]

The system of pastoral care, referred to by Corish, was not confined to a harried clergy endeavouring to provide some basic instruction in the tenets of the Catholic religion, away from the prying eyes of informers. Catholic schoolmasters also played their part in this dangerous process. The act of 1709 prescribed that any Catholic teacher was liable on his first conviction to a penalty of three months imprisonment, followed by transportation. If he returned to Ireland to recommence the practice of his profession he was, on conviction, to be found guilty of high treason and to be sentenced to be hanged, drawn and quartered. Informers were paid a bounty of ten pounds for every Catholic teacher they successfully betrayed.

In 1714, the Sheriff of Dublin reported to the government that two Catholic schoolmasters were lodged in the County Jail awaiting transportation. Corcoran in his book Education Systems in Ireland from the Middle Ages gives an account of specific court proceedings against Catholic educationalists in the period 1714 - 1722. At the Clare County Assizes in Ennis on 24 March 1715, evidence was presented of a reputed Catholic seminary in operation near Crusheen 'under the direction of one Hedegan, a reputed friar.'[251] The Kerry Justices of the Peace meeting at Tralee on 11 June 1714 spoke of four young men being sent to France for 'foreign education' and of one Daniel Breen 'a papist, teaching youth in education.'[252] The Grand Jury of Galway at the spring assizes in 1715 lists nine young men sent abroad for education in breach of the law, including two sons of John Burke, Earl of Clanrickard.[253] The Limerick Grand Jury Presentment Books 1711 - 1724 list nineteen schoolmasters as having stood their trial 'for teaching school being a papist.'[254]

It was no coincidence that the initiatives undertaken by the Anglican Primate Archbishop Hugh Boulter and his colleagues to establish the Charter School system on the foundations of the ailing Charity School project (1710-30), should follow the results of the Irish House of Lords Inquiry into the State of Popery in Ireland 1731. The results of that Inquiry confirmed evidence of the growth of illegal Catholic schools in the city of Dublin and on a country-wide basis. The inquiry helped to impel Boulter to secure a royal charter and proper state funding for his proposed new Charter School system, in an effort to neutralise the menace of the growing number of illegal Catholic schools. The Irish House of Lords Committee sought clear and detailed statistics from the Lord Mayor, Joseph Nuttall, on November 4, 1731, regarding the number of mass-houses, priests, nunneries and priories existing in the city, with a list of all the Catholic schools within the city and Liberties. The survey was undertaken on a parochial basis, the Protestant parishes being the units surveyed. The report of the Minister and Church Wardens of St. Michan's refers to three public mass-houses, one in Mary's Lane, one in

Arran Quay, operating prior to the accession of King George I in 1714, and one in Church St. which was built post 1714. A nunnery, with a private chapel, was reported to be located in King Street. No information was available as to the number of Catholic priests serving the population of the city at this time.[255]

The survey from St. Michan's returned the number of Catholic schools as follows : Two Latin Schools and nine English Schools (i.e. schools where Latin was not taught), making a total of eleven illegal schools run by Catholic teachers in this one parish alone.[256] This is the largest number recorded in any one parish. The numbers of pupils in each school would have been small, as large numbers would have attracted the attention of the authorities. Even in Protestant schools, the numbers of pupils were also small at that period. The fifteen Charity Schools operating in Dublin about 1717 had only 513 pupils in total, making an average enrolment per school of 34.[257] In the case of the eleven Catholic-run schools in St. Michan's, some of them are certain to have been pay schools, or small academies for the education of the sons of better-off Catholic tradesmen and small businessmen. There is no mention in the St. Michan's parish returns of Irish Schools, but it is likely that many Catholic teachers taught Irish in their schools, if it were requested by the pupils.

In the 1731 returns from the parish of St. Catherine, in the south-central city district around St. Patrick's Cathedral known as the Liberties, an Irish School, conducted by Thaddeus Norton, heads the list. Norton, known in Irish as Tadhg O'Neachtain, composed a list in versified form in Irish, of a group of Gaelic scholars, whom he knew and who were resident in Dublin in the period 1726 - 1729.[258] It is likely that many of them conducted Irish schools or at least taught school, offering Irish as a subject. Thomas Clarke, in the 1939 issue of the journal Eigse published a poem composed by Tadhg O'Neachtain in 1728, to commemorate the departure to Spain of his son Peter, to join the Jesuits. He lists his son's educational achievements and mentions that he himself taught his son

Irish and music, the boy's grandfather, Sean O'Neachtain, taught Peter grammar and literature, and a Jesuit, Fr. Milo Byrne taught him the humanities.

From as early as 1712, the Jesuit Fathers, acting as secular priests were to the fore in St. Michan's parish in founding schools devoted to the provision of a classical education for the boys of that north city area. Fr. Milo Byrne, Peter O'Neachtain's tutor, along with another Jesuit confrere, Fr. Michael Murphy, conducted a very successful classical school in Mary's Lane, in addition to carrying out their priestly duties as parochial clergy. Fr. Murphy fell victim to the informer and renegade Spanish priest Garzia. He was arrested in 1718 and was accused of being 'an unregistered priest and teacher of grammar and philosophy.' He was imprisoned for some time, but was eventually released and returned to his teaching and clerical duties in Mary's Lane until his death in 1736.[259]

The Jesuits, officiating as secular clergy, to avoid the banishment penalty attaching to regular clergy, continued their work in St. Michan's parish, throughout the 18th century. Indeed, as many as twelve Jesuit priests served the Catholic population of this quarter on occasion. In 1760, in the south city area, Fr John Austin opened his famous classical school for young middle-class boys in Saul's Court, off Fishamble Street in the year 1760. In the same street eighteen years earlier, Handel's great oratorio, The Messiah, had been performed, on 13 April 1742. Fr. Austin had spent most of the previous ten years in Cook Street behind Merchant's Quay, where he opened his first school for poor boys.[260] The life of Fr. John Austin is noteworthy, in that he was born in the Coombe area of Dublin in 1717 and attended Dean Swift's Charity School at St. Patrick's Cathedral. Dean Swift, it is said, was impressed by the boy's literary promise, and having provided funds for his education from his own resources, suggested to the young John Austin that he should go and join the Jesuits - Austin acted on this advice. This was a rare ecumenical gesture from Dean Swift, both for the man and for his times.[261] John Austin went to Champagne in France in 1735 and

returned to Dublin in 1750 as a Jesuit priest. He took up parish duties as a curate in St. Michael's parish in Rosemary Lane, where he also conducted a school for poor boys.

Fr. Austin had among his pupils in his academy at Saul's Lane Thomas Betagh, born in Kells, Co. Meath in 1738. Like his teacher, Betagh went abroad and returned as a Jesuit in 1773, the year of the Papal Suppression of the Jesuit Order. He joined the teaching staff in Saul's Lane. He was regarded as a brilliant teacher, scholar and academic and was given responsibility by two successive Catholic Archbishops of Dublin, Drs. Carpenter (1770-86) and Troy (1786-1823) for church administration in the Archdiocese. He took a particular interest in nurturing the talents of Daniel Murray, later to become Archbishop of Dublin in succession to Dr. Troy. Dr. Daniel Murray, as Archbishop of Dublin from 1823 - 1852, became a major contributor to the development of the system of elementary Catholic education in Ireland in the critical period 1831 to 1841. Fathers Austin and Betagh were joined by another Jesuit, Fr. Richard O'Callaghan and the number of their schools grew into a little network of academies in the areas around Skinner's Row, Smock Alley and Schoolhouse Lane.[262] Bishop Plunkett, Catholic Bishop of Meath, in a report or 'Relatio Status' sent to Rome in 1790 on the state of his diocese reported :

> ...This was a remarkable school, i.e. a classical academy in Dublin, presided over by two secular priests Fr. John Austin and Thomas Betagh, who had formerly belonged to the Jesuits before their suppression and that this school and its high standards had given him such satisfaction that he (Bishop Plunkett) had adopted it as a junior seminary for his diocese.[263]

Corish speaks of the improved situation of Catholics in Dublin in the period 1747 to 1761 and thereafter with regard to the more open and less secretive practice and organisation of Catholic worship with Benediction and exposition of the Blessed Sacrament on Sundays and holy days, while Parliament was not in session. These devotions were undertaken by friars, such as the Dominicans, at their chapel in Bridge

St. Richard Lincoln, Catholic Archbishop of Dublin in 1761, did not approve of too open or too public displays of forms of Catholic worship,[264] nor did his secular clergy, perhaps for fear of offending the authorities and bringing retribution down afresh upon Catholic worship. Active persecution of public Catholic worship was by this time almost over. Archbishop Carpenter (1770-86), a noted Irish scholar, commissioned an Irish form of preparation for Sunday Mass, which was in itself a wide-ranging exposition of Christian doctrine.[265] His concern for education can be judged from the fact that there were 47 Catholic parish schools in Dublin with 1,700 pupils at the time of his death in 1786.[266]

3.9 Catholic schools in the city of Dublin: problems and solutions

Despite the progress in the provision of educational facilities for the Catholic youth of Ireland from the middle of the 18th century, the bulk of the children of the country remained without education. In proportionate terms, the children in rural Ireland were better provided for by the patchwork of rural hedge schools (or pay schools), than those in the urban centres. The greatest number of Irish Catholic youths, both male and particularly female in Irish towns and cities, were not provided with anything that approached a co-ordinated, integrated or adequate system of schooling at any level. The challenge of initiating such a system was taken up by a series of pioneering individuals in Munster. Educational innovators, like Nano Nagle, Edmund Rice, Mary Aikenhead and their followers, rose to this challenge with qualities of commitment, tenacity and selflessness, that still remain an inspiration to the educators of today.

None of the eleven schools located in the Dublin north city parish of St. Michan's, which figured in Primate Boulter's 1731 Commission on the State of Popery in Ireland, catered for the education of female Catholic children.[267] In two of the other city parishes, some few schools are listed as providing a very rudimentary education for Catholic girls.[268] These schools were run by Catholic lay-women teachers, who earned their

livelihood, such as it was, from teaching. These schools would have been pay-schools, patronised by those Catholic parents, who could afford to pay the small fees required for basic education for their daughters. They were clearly not patronised by the vast bulk of the native Irish Catholic poor, who, through their poverty, had neither the hope nor expectation of any kind of schooling whatever for their children. The Dominican nuns who had fled to Dublin from Galway in 1715, had a school adjacent to their dwelling house in Channel Row, which was attended surreptitiously by the daughters of the few remaining member of the Catholic nobility and by those of their wealthy co-religionists. The fortunes of this school, whose roll-numbers never exceeded more than 100 students, fluctuated as the government authorities relaxed or tightened their execution of the Penal Laws against Catholic education.[269] The Poor Clare nuns, who also came from Galway to Dublin at about the same time as the Dominicans, and who resided in the same general area of the north city, also ran a school for the daughters of prosperous Catholic merchants and business people.[270] But as time progressed, these two orders of nuns withdrew from open teaching in the inner larger urban centres and concentrated on a more enclosed religious life. They relocated their convents to more secluded areas, rather than the poorer inner city areas which were more in keeping with their cloistered lifestyle.[271] They still, however, engaged themselves in education. One branch of the Dominican sisters became fully cloistered and enclosed in Drogheda in 1924.

It was the inspired work of two committed Catholic women from differing backgrounds and circumstances which set about providing an adequate Catholic education, both of an academic and practical nature, for the young girls of the cities of Dublin and Cork. Maria Teresa Mullaly, a middle class milliner from Dublin and Honora (Nano) Nagle, a daughter of a landed Catholic family from Ballygriffin, Co. Cork, were the two Catholic women of outstanding dedication and practical commitment who embarked on this unchartered journey, filled with zeal to provide sound structures for the gratuitous education of poor Catholic girls. Their

achievements have left Ireland with a heritage of Catholic female education, unrivalled almost anywhere in the civilised world. They became friends and collaborators in their efforts to achieve their objectives. There can be no denial of the interaction of their educational ideologies and beliefs upon one another.

Educational historians would perhaps rank Nano Nagle as the more important and influential member of this remarkable duo. She founded a religious teaching sisterhood, which in the two centuries since its foundation has spread its roots into the five continents. Teresa Mulally, on the other hand, remained an unmarried lay person who, almost single-handedly, created a school-structure in Dublin into which Nano Nagle's religious sisters were easily able to enter, integrate and expand. Each was an inspiration to the other as their correspondence of more than twenty years graphically illustrates. If Nano Nagle is regarded as the pioneer of Catholic female education in Ireland in a national sense, then Teresa Mullaly justly fulfils that role in her native Dublin.

Teresa Mulally was born in Pill Lane (now Chancery Street) in the Parish of St. Michan in Dublin, in October 1728. She was the only child of Daniel and Elizabeth Mulally. Her father, a provision merchant retired from business when Teresa was quite young. Her father's reduced income caused many of her companions and suitors to cool in their friendship for her. She looked after her parents until they died, and with the help of a few hundred pounds which she won in a State lottery, she set up a successful millinery business. The conscientious care which she gave to her parents until they died turned her thoughts to giving her life to the service of God in one of the two local Convents near her. Their contemplative lifestyle, however, did not appeal to her. These nuns, Dominicans and Poor Clares, had, in their earlier years, taught the daughters of wealthier Catholics, but no provision was available to provide even the basic skills of reading and writing for poor girls. Much less still were the basic skills of housewifery available to them which would enable them to cater for their families if they married, or to earn a

living, if that was their choice. We have no details of Theresa Mulally's early education, but she was a devoted daily worshipper in her local chapel in Mary's Lane, where her great Christian qualities and outstanding spirituality came to the notice of Fr. James Philip Mulcaile (often called Mulhall), the County Carlow born Jesuit priest, who came from France in 1763 to take up his duty as a curate in the parish. Fr. Mulcaile was a tireless worker for his people as priest-teacher-social worker until his death in December 1801.

Following hours spent each day in spiritual recollection in Mary's Lane chapel, Teresa would then visit the sick poor in their own homes. She would personally attend to the treatment of their ailments and provide bandages, ointments and medications free of charge from her own resources. Fr. Mulcaile became her guide and counsellor. Due to his influence, she was directed to consider the alleviation of the wretched condition of the poor uneducated girls around her. The Catholic clergy tried to provide poor children with a fundamental knowledge of the tenets of their faith. Basic secular education, however, was sadly lacking. With encouragement from Fr. Mulcaile, the expenditure of her own money and an appeal for funds to the parishioners of Mary's Lane Chapel, Teresa rented a top floor back room in an old three-storied house in Mary's Lane and began her apostolate of providing a basic Catholic education for poor girls in May 1770. She observed with prudence the need for caution in such a venture, as the Penal Laws against Catholic schools were still in force. Benefactions came in from the wealthy Catholic family of Sir Patrick Bellew and others, amounting to £129 per annum in 1774.[272]

Although lacking in any formal training as a teacher, Teresa's own account of the rules of her school, the length of the school day and its division into periods of religious and secular instruction, combined with the acquisition of practical skills of sewing, knitting, glove-making and lace-work, show the soundness of her judgement as a pragmatic Catholic educationalist.[273] The school day seemed long, measured by today's standards, but it was very well balanced for the needs of that

age, with an excellent blend of prayer, religious instruction, formal lessons and practical handicraft. Prayer and spiritual values were integrally blended with secular instruction. The numbers attending her school soon increased, and with the help of two dedicated women of good background, Ann Corballis and Judith Clinch, she was catering for over 100 pupils. The numbers having increased further, she was obliged to use her own most trusted and advanced pupils as monitresses, presaging the monitorial system propounded by Lancaster and Bell by over thirty years.

She trained her monitresses in great detail, paid them a small remuneration and laid down rules for them to observe, which are cited in full in Burke Savage's work of her life and times.[274] Teresa often had to feed and clothe her poor pupils, as well as teach them. She opened an orphanage or boarding school in 1771 for the poorest and most destitute girls, beginning with five orphans and increasing the numbers as funds and support became more readily available. She taught these children in addition to her regular school programme of glove-making, lace-work, dress-making, sewing and home-management. The gloves and lace-work were purchased by wealthy Catholic supporters such as Lady Fingall, Lady Bellew, Mrs. Coppinger and others and the proceeds helped provide for the upkeep of the orphanage. She then obtained sheltered employment in domestic service for these girls after their training. Teresa Mulally also kept in touch with Nano Nagle, the foundress of the Presentation Teaching Sisterhood in Cork, exchanging ideas and requesting her to send nuns to Dublin to assist her in her work. In spite of many set-backs and disappointments, she secretly solicited funds and endowments prohibited by law, for the erection of a large convent and school building in George's Hill in readiness for the arrival of Nano Nagle's nuns. She sent four postulants, including her assistant Judith Clinch to Cork to be trained as nuns in the religious rule of Nano Nagle's sisterhood. In April 1796, Nano Nagle's sisters established the first Presentation Convent of Religious Teaching Sisters in Dublin. Teresa Mulally retired from her work and went to live with the

Presentation nuns until her death in February 1803.

From humble beginnings, Teresa Mulally's vision and its implementation flourished beyond her greatest expectations. She was not only the pioneer of free primary education for poor Catholic Dublin girls, but also the first to combine instruction in religion integrated with the teaching of reading, writing and arithmetic, and the provision of technical skills. This could be described as a very full and balanced education for the times in which she lived. She prepared her pupils fully for life and livelihood. It could be said that Teresa Mulally justly earned the title 'A Valiant Dublin Woman', the term used by Burke Savage, her biographer, to describe this pioneer of Catholic education for girls in 18th century Dublin.

3.10 Nano Nagle's initiatives in Catholic education in Cork from 1750

It is not possible to attempt more than a brief resume of the work and educational philosophy of Nano Nagle which greatly influenced Edmund Rice in the pursuit of his ideals for Catholic education. The immediate background to the vision and ministry of Nano Nagle 'would seem to be found', according to her biographer T.J. Walsh, 'in the teeming and disorderly poverty-stricken people of Cork.'[275] Cork presented two contrasting pictures of wealth and prosperity on one hand, and the squalor and poverty of the poor on the other. The concentration of population under primitive conditions in a relatively small area in the centre city area of Cork, north and south of the River Lee, was a source of the social evils with which Nano Nagle had to grapple. There appears to be no accurate figure of the population of Cork city in the 1750's. Smith reckoned that Cork had 7,366 houses with an average of ten people per house in 1750 i.e. 73,660 people in all.[276] Later, Lecky quotes a figure of 100,000 arrived at by Chief Justice Willis in 1757.[277] Another local historian, O'Sullivan reckons the figure to have been 60,000 in 1760, a figure which exceeded the population of Glasgow, Liverpool or Birmingham.[278]

Cork was a thriving port city with a flourishing export provision trade supplying salted meats to the many ships which plied to the British colonies in North America and the West Indies. This was a trade in which the Catholic mercantile classes of Cork had a very extensive influence and control. The rich pasture lands of the valleys of the rivers Blackwater and Lee provided the fattened cattle and sheep for this provision trade. The large land owners had abandoned tillage in favour of pasture following the decision of Parliament in 1736 to exempt pasture land from the Tithe of Agistement for dry and barren cattle.[279] This increase in the supply of cattle for the meat/provision trade opened up new commercial avenues for Catholic entrepreneurs when penal legislation almost ruled out almost any other professional activity for them. The well-to-do Catholic commercial and mercantile classes resided in town-houses or in spacious villas in the areas of Tivoli, Montenotte or Blackrock. They patronised the arts of music, dance and the theatre. Their children were educated in the schools and convents of France. In their exclusive circle 'not to be able to speak French like a native was a social defect.'[280]

The homes of the poor and of the labouring classes were to be found in the narrow streets and alleyways close to the river on either side. The homes of the poor, were for the most part mud-cabins roofed with thatch. They were airless and insanitary abodes. Beggary and social dejection, coupled with diseases and a variety of physical illnesses, afflicted the unfortunate inhabitants. Contemporary records tell of bull-baiting in the streets, murders, assaults, robberies and bloody faction fights.[281] So constant was the need of a gallows, that in 1754, a permanent stone-built structure was erected in Gallows Green.[282] The bulk of the Catholic population still clung to the Faith, but the great shortage of priests, churches and more importantly schools, had left its mark on the moral fibre of the poorer classes. Drunkenness, debauchery and lawlessness, in all its forms, were prevalent. It was against a background such as this, of moral abuse, social disorder, poverty, ignorance and superstition, that one may try to understand Nano Nagle's call to Christian service. This

call motivated her to establish a Catholic school system for the poor and neglected children of Cork city and for poor girls in other Munster towns.

Honora (Nano) Nagle was born in 1718, at Ballygriffin in the Blackwater Valley area of North County Cork, 45 miles north of Cork city. She was the eldest of the seven children of Garrett Nagle, a member of a wealthy landed Anglo-Norman family and his wife Anne Mathew, a daughter of Major George Mathew of Anfield, Thurles, Co. Tipperary. By birth she was connected with the noblest families of the time. Her mother's great grandfather was the 1st Duke of Ormond and on her maternal grandfather's side, she could claim kinship with Fr. Theobold Mathew (1790 - 1856), the Capuchin priest and great Irish temperance reformer. Her paternal grandfather, David Nagle, had been M.P. for Mallow in the Irish Parliament of James II, and his brother, Sir, Richard Nagle, was the Speaker of that Parliament. The great orator and statesman Edmund Burke (1729 -1797), was her distant cousin - Burke's mother being a Nagle of Shanballyduff.[283] Bishop William Coppinger of Cloyne, who was a contemporary of Nano Nagle and who knew her well, wrote a biography of her in 1794, ten years after her death.[284] Her early life was spent in Ballygriffin, Co. Cork. She later lived in Paris as a student, moving back to Dublin as a young woman. She also spent some short time as a postulant in a French convent in the late 1740s. She left on the advice of her confessor, however, to return home to begin her educational apostolate for the poor of Cork in 1750.

Nano Nagle came to realise the intellectual ignorance of the poor, concerning the truths of their religion, from her charitable work in the city tenements. Bishop Coppinger tells us that the absence of basic religious knowledge among those with whom she spoke filled her with feelings of mental anguish.

> They were totally devoid of the spirit of religion, their fervour was based on superstition rather than knowledge or true belief, their faith was erroneous, their hope presumptuous and they lacked true charity.[285]

About 1759, she returned from the period of her postulancy in a French Convent to live with her brother Joseph and his wife at Cove Lane in Cork city. Without the knowledge of her brother or his wife, she rented a mud-cabin in Cove Lane, which had two rooms with earthen floors.[286] In order to avoid unnecessary attention to her scheme, she had her maid solicit pupils from among the poorest girls of the area. Soon she had thirty girls ready for instruction and teaching.

Her brother Joseph and his wife Frances accidentally learned of her 'reckless adventure'. They reacted in fear and anger at first with the thoughts of what repercussions could follow.[287] While the Penal Laws against Catholic education were not being rigidly enforced, there was always the danger as long as they remained on the Statute Law. Gustave de Beaumont, a 19th century French traveller to Ireland, accurately summed up the situation.

> ... Though persecution often appeared to be temporarily suspended, it could always be renewed ... Bad laws are never as pernicious as when they are dormant ... a fact is far less important than a right ... for a fact has no tomorrow.[288]

Gradually Nano Nagle's family's anger and foreboding gave way to a growing appreciation of the urgent necessity for her work. Nano Nagle's family, and her wealthy uncle William, rallied to her support. Growing numbers of children forced her to rent a second mud-cabin and soon she was instructing over two hundred poor girls in her two schools, in St. Finbarr's parish, south of the river Lee. She was guided by the advice of her local curate, Fr. Francis Moylan (later to become in turn, Bishop of Kerry and then of Cork). Requests for a similar school came from north of the river, and with financial support from benevolent Catholics, Nano Nagle purchased a two-storey building in Philpot Lane and began her third school there.

Her sister-in-law Frances felt there was an equal need for schools for boys and urged Nano Nagle to undertake this widening of her apostolate. In addition to the paid lay assistants she employed to help her teach the

girls, Nano Nagle now employed a male teacher for the boys school in Cove Lane. Another boys' school opened rapidly in the Cathedral parish, north of the river Lee. She herself undertook the religious instruction of her pupils and in her seven schools, she prepared the children twice yearly, in all her schools, for first reception of the Sacraments. Her plans for her poor schools owed much to what she had seen in France. The models for her schools were the *petites ecoles*, which were the ordinary means of education for poor children in the towns of France. These schools were designed to provide free elementary education in France from 1560 onwards.[289] In the rural areas of Northern and Eastern France these 'little schools' were numerous. In Alsace and Franche Comte each parish had its own *petite ecole*, but in Central and Southern France and in Brittany they were fewer in number. When Nano Nagle was in Paris in 1736, there were 191 *maitres d'ecole* catering for boys and 170 *maitresses d'ecole* catering for girls, which latter figure had risen to 334 in 1789.[290]

The curriculum, of necessity, was of the narrowest kind. In accordance with French pedagogic practice, spelling was taught from a Latin text due to the fact that Latin is pronounced more nearly as written than is French.[291] When the children had progressed, they were taught to read the Catechism in the vernacular. At a later stage some elementary arithmetic was added. For girls, however, needlework, sewing, mending and other domestic skills were added. Great emphasis was placed on religion within the school context. The teachers brought the children to Mass each day and each class began and ended with prayer. Nano Nagle modified this system to suit the local circumstances of Cork. Her greatest difficulty was in obtaining, paying and keeping dedicated lay teachers, whom she tried to train in her own rudimentary system of pedagogy. She found it almost impossible to keep and pay motivated teachers. She resolved to seek a religious order of nuns to take over her schools to ensure dedication and commitment to her apostolic ideal of Catholic education, gratuitously given. The Paris Ursuline Convent in the Rue San Jacques agreed to train postulants for

her, if she could pay for their travel and keep while in Paris, and provide a convent and school for them in Cork when they returned. She secured four postulants, two being sisters of Bishop Coppinger, and with the aid of a large legacy from her deceased uncle, Joseph Nagle, sent them to Paris for training. She had a convent and school built for them. They returned to Cork and opened the first Ursuline Convent and school in Ireland in January 1772.

Nano Nagle's joy at this event turned to sorrow when she learned that, while the Ursuline nuns were glad to teach the poor gratuitously, they could not, as a religious order bound by solemn vows, leave the enclosure of their convent grounds to teach the poor and visit the infirm and dying in other parts of the city on a daily basis. This was what Nano Nagle had done herself and had hoped they would also do. Although it brought about some episcopal opposition, these were the circumstances which prompted her to found her own religious order. She secured three companions, bought a premises in Cove Lane, and consequently the great Teaching Sisterhood of the Presentation came into being on 24 June 1776.[292] Nano Nagle was a pioneer and innovator in many aspects of educational theory and practice that are accepted as standard principles in the educational thinking of today. At night, she visited the homes of her pupils, however poor, to learn of their background and circumstances and to keep the parents in touch with her aims and ideals and the progress of their children. It has been determined by recent studies in the United States, that a child's ability to profit from schooling is determined to a very large extent by three factors: the child's home and background; the attitude of parents and the co-operation between school and home.[293] Night time classes for adults also formed part of her educational programme. Each week night of the year and each Sunday evening, she gave catechetical instruction on the Sacraments lasting one hour to labourers and poor adults, whose numbers generally consisted of up to 200 adults.[294] Nano Nagle believed that knowledge was an empowerment, a liberating, enriching and beneficial experience in the lives of the poor and educationally deprived people. This legacy she

bequeathed to Edmund Rice and his followers, who in the formative years of their Teaching Congregation were greatly influenced by Nano Nagle's pedagogic philosophy and methodology.

3.10:1 Conclusion

While the religious formation of her pupils was the main aim of Nano Nagle's educational programme, she did not neglect the secondary but no less important aim of providing her pupils with the practical skills to earn a living. The acquisition of these livelihood skills is described by Thomas E. Eliot 'as a simple and intelligible notion that equipment to earn one's living is one of the purposes of education.'[295]

Nano Nagle and her friend and collaborator, Teresa Mullaly, together with their friends and followers, fulfilled the true role of Christian educators by endeavouring to shape human persons during their life time, so that the persons being educated, would attain the destiny for which they had been created by God.

> Christian education embraces the whole sum of a man's activity, sensible and spiritual, intellectual and moral, individual, domestic and social, not with a view to attenuating that activity, but in order to ennoble it, guide it and perfect it, according to the example and teaching of Jesus Christ.[296]

Nano Nagle and her contemporaries strove valiantly to achieve this high ideal. This is, in itself, a fitting epitaph to their success as pioneers in the field of Irish education.

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CHAPTER 4

Edmund Rice - Founder of the Irish Christian Brothers & The Presentation Brothers

4.1 Introduction

In outlining the pioneering activities of Edmund Rice in the formation and development of structures of Catholic education for the male youth of Ireland in the early 19th century, it is essential to remember that the social conditions in which he lived and worked had little in common with those of today. Universal suffrage, the provision of state sponsored schemes of health, education, social welfare, and the myriad of other welfare provisions which the modern state accepts as a *sine qua non* for the well being of its citizens in an age of enlightened democracy, were unheard of. Such elements of modern society would, perhaps, have been considered dangerous, revolutionary and ill-conceived in the time of Edmund Rice. More importantly, the provision of such unthought of schemes of public beneficence on the part of the Kings and other rulers, would with certainty , have been beyond the administrative capacities of the organs of government to finance and implement such schemes in an age of limited social thinking and executive inexperience.

The late 18th and early 19th centuries can be regarded in terms of modern social and political thought as being a harsh and uncaring age in which severity, subjection and hardships were the daily lot of the common people. The relationship of the State to the individual, although apparently ruthless in some of its expressions, was none the less casual and inconsequent in a great many of its aspects.

> For centuries it had been part and parcel of the general philosophy of the then governing world that the mass of mankind had no business whatever with education, recreation or the wide and spiritual interests and purposes of life. The working class was a people to be kept out of mischief rather than a people with faculties and character to be encouraged and developed.[1]

It might be unfair perhaps to have expected more generosity of spirit and financial benevolence and liberalism on the part of rulers to their subjects prior to their rudimentary awakening to such matters, which were demonstrated so forcefully to them by the out-break of the French Revolution. Nonetheless landlords dominated the lives of large sections of the people by inducing Parliament to enact laws for the benefit of their own class. In no country more than Ireland was this domination of the rural peasant by a landlord class so absolutely total. There it was buttressed and consolidated on an ethnic cum sectarian basis, for political, religious, cultural and economic considerations by all the agencies of the English government and the State Church. In England, trade expanded to such an extent that its development absorbed the attention of the Government and its supporters to the almost complete exclusion of other important concerns of national welfare. After 1760, the capitalist emerged amongst the governing classes as the petty tyrant of a new economic system. This had come about with the advent of the Industrial Revolution where industries became centralised around the coal fields. Countless numbers of people, men, women and even children, exchanged such 'freedom' they already enjoyed, to become slaves to machinery. For these unfortunate people the only alternative to starvation was the pitiful grind of twelve to eighteen-hour daily working shifts, in conditions which were often so inhuman and degrading as to be almost incredible.[2]

Any attempt by the victims of this new tyranny to ameliorate their lot was ruthlessly suppressed.

> To the modern mind, the resignation, one might almost call it the satisfaction, with which such a state of things was accepted marks the eighteenth and early nineteenth centuries as one of the definite catastrophies of civilisation.[3]

Is it any wonder that the principles that under-pinned the French Revolution as embodied in their clarion call of liberty, equality and fraternity should find such widespread acceptance by the downtrodden peoples of Europe. The subject colonists of British North America had

already shown the way to freedom by their successful Declaration and War of Independence from 1776 onwards. In spite of this, governments sought to contain this human misery rather than ameliorate it. It is interesting to note that the progress of the working classes up the ladder of social and economic advancement took place for the most part in those countries, such as Britain and the United States of America, where the principles of the French Revolution took least root.

In Ireland the people were in a worse condition. The penal code against Catholics was in operation. Lecky, makes an interesting and compelling comment on the impact of the Irish Penal Laws: "It was not merely the persecution of a religion, it was an attempt to degrade and demoralise a whole nation".[4] Thus four fifths of the population of Ireland were deprived of almost every basic human, civic and religious freedom to which humankind innately aspire.

4.2 Edmund Rice, his birth, childhood and early manhood years, 1762 - 1789

4.2:1 Callan, Co. Kilkenny - the birthplace of Edmund Rice

Kilkenny, the native county of Edmund Rice, is remarkable for its great variety of scenery, the fertility of its soil and the industry of its inhabitants. It is a county of undulating countryside, well diversified by hill and valley, stretching 50 miles in length and about 25 miles in breadth. It is traversed from north to south by the river Nore - a source of irrigation, navigation, transport and power for the water mills of the many industries located in towns along its banks. The town of Callan, near to which Edmund Rice was born, is situated some ten miles south west of the ancient city of Kilkenny. It is on the *Abhainn Righe* or King's River and stands on the main road from Dublin to Cork via Clonmel. In size, Callan ranks as the second most important town in the county. In ancient times it was a walled town of considerable importance. Its charter is said to date back to 1217 AD when it was incorporated by Earl William Marshall. The town was entitled to hold fairs and markets, to

levy tolls, administer its own affairs and enjoy all the customs and privileges which feudal laws conferred. The Ducal House of the Butlers of Ormond was its overlord.

Like many Irish towns established in early Norman times, Callan was an outpost of the English Pale, a kind of island fortress safely guarded by the twin Norman institutions, the castle and the monastery. The people of Callan were regarded as loyal to their Ormond overlords and to the English Crown - loyalty that for the most part was not misplaced, except for the period of the Cromwellian invasion and the wholesale confiscations that followed this event. Callan, like many other Irish urban centres, remained loyal to the cause of Charles I and paid the penalty for this loyalty. The Loyalist Commander, Captain Geoghegan, and 1,500 of his followers were killed in striving to defend the approaches to the town from advancing Cromwellian forces.[5] Merciless retribution followed. Callan, however, partially regained its former position on the restoration of King Charles II. The Duke of Ormond recovered his estates. Through his influence, his nephew, Colonel John Butler, later to become Lord Desart, although a Catholic, was allowed to retain possession of his seven hundred acre holding at Westcourt, Callan. Towards the middle of the 18th century, this property passed into the hands of the Smiths of Ballycallan. They were a wealthy family whose lands had been confiscated in the Williamite Land Settlement of 1691,[6] following the success of William of Orange in the Jacobite Williamite Wars of that era. With the connivance of the Duke of Ormond, the Smiths were allowed to administer these lands. This Smith family were related to the Tierney family. One of this family Margaret, married Robert Rice. She gave birth to Edmund Rice, the founder of the Presentation Brothers and of the Christian Brothers.[7]

The Catholics of Callan were more fortunate than their co-religionists in most other parts of Ireland in the mid 18th century and even earlier. That they suffered less from the proscriptions and penalties of the Penal Laws was due in no small measure to the influence of the Duke of

Ormond, a Protestant, and of his Catholic nephew, Colonel John Butler, one of the local land-owners during the early decades of the 18th century. It is also the credit of the Protestant dominated Corporation or Town Council of Callan, which held power from 1690 to 1816, that it did not insist on the letter of the law, which permitted only one registered priest for each parish. According to the returns made by the Protestant clergy to the Irish House of Lords in 1766, there were no fewer than seven priests then functioning in the parish of Callan, i.e. three secular priests, Frs. Butler, Delaney and White and four Augustinian friars, Frs. Fitzgerald, Prendergast, O'Meara and Lawlor.[8] The immunity which the Augustinians enjoyed can be gauged from the fact that during the priorship of Fr. Daniel Tierney (1771 - 1786), a relative of Edmund's mother, a novitiate for the training of young Augustinian clerical students was established in Callan, with five young novices.[9] There were but two small chapels for Catholic worship in Callan. These were 'the stone house by the green' in the care of the parish clergy, and the 'thatched chapel in the lane' of the Augustinians. These two houses of worship catered for more than the five thousand Catholic inhabitants of Callan. The seven priests, resident in the town, were more than adequate to cover the spiritual requirements of the nine hundred and forty one Catholic families. Through the ministry of the priests, the religious instruction of the children of the parish and the standard of religious observance by Catholic community would have been well above the national average, in the circumstances prevailing nation-wide in the latter half of the 18th century. Even as late as 1800, five years after the establishment of the Royal College of St. Patrick in Maynooth for the training of Irish secular priests, the then Bishop of Ossory, James Lanigan, complained to Archbishop John Thomas Troy (who had formerly been Bishop of Ossory) that due to the scarcity of priests, there were still parishes in Ossory having only one priest.[10]

In relation to the financial support demanded by law from the Catholic community for the Protestant Clergy by way of the iniquitous system of tithes, it must have appeared strange to Edmund Rice that at

harvest time each year the Protestant tithe proctor visited his home at Westcourt to assess the annual charge for the support of the Established Church to which the family did not belong. Edmund's father was assessed for a payment of five guineas from the produce of his farm,[11] while for the whole parish of Callan the tithe levy was £2,338-19s-10d each year for the support of a clergy, whose duties consisted in ministering to the spiritual needs of sixty four families.[12] The entire income of the Catholic diocese of Ossory, consisting of 29 parishes and which was returned for the year 1800 came to £3,145 -00s -00d. This sum was all that was available for the support of twenty nine parish priests and thirty curates. The Bishop, Dr. James Lanigan, had an annual income of £365-10s-0d which came from two mensal or Bishops' parishes, St. Mary's Kilkenny and the parish of Ballyragget, and a levy of £45 from each of the other 28 parish priests. This income figure for the Bishop is included in the total diocesan figure of £3,145. The Catholic parish income in Callan in the same year was £120 for the support of a parish priest and one curate and the upkeep of the church and presbytery. The income of the average Catholic curate was £25 per annum.[13]

4.2:2 The birth of Edmund Rice, 1st June 1762 and his immediate family

In section 4.2:1 of this work, reference is made to the lands of Westcourt, near Callan which were administered by the Smith family. Margaret Tierney, mother of Edmund Rice was related to this Smith family. Her marriage to Robert Rice provided the family background into which Edmund Rice was born. Edmund Rice's birth in 1762 occurred between the date of the last Penal Act of 1746 and that of the first Catholic Relief Act of 1771. The year 1762 was just nine years before the first crack appeared in the Penal Laws when the first Catholic Relief Act, i.e. the Bogland Act of 1771, was passed, although it could be argued that one penal law replaced another as later events were to prove. Edmund was a child of the new generation who would finally see Catholic Emancipation. His grandparents and parents had known the

pressures resulting from the Penal Laws 1691 - 1746. Family memories must have included sermons at the blessed well - where children were brought for baptism - catechetical instruction at the turf fire; the station at the farm house; the secret early morning liturgy at the Mass-rock or barn. Irish Catholic piety in those times of persecution found expression in a remarkable appreciation of the spiritual riches of the Mass and in a deep devotion to Mary, the Mother of God. This was the heritage Edmund absorbed as a child and as a boy in Callan. Edmund was born on 1 June 1762, the fourth of seven sons born to Robert Rice and his wife Margaret nee Tierney.[14] His elder brothers were Thomas, Patrick and William, his younger brothers were Richard, John and Michael. He had two step-sisters, Joan and Jane, by the previous marriage of his mother, Margaret Tierney, to a local farmer named Murphy.

Callan was a town of '941 Popish families and 63 Protestant families.'[15] The Protestants, though in a minority, held sway over the town and neighbourhood. In 1757, some five years before the birth of Edmund Rice, at an election for members of the corporation, objections were made by Protestants to several electors, on the grounds of their being 'papists and married to papists.'[16] The Catholic Rice family however was held in high esteem. Edmund's father was a farmer of good standing. He had a large holding of 182 acres on the outskirts of the town of which 55 acres made up the home farm.[17] The outfarm of one hundred and twenty seven acres at Ballykeeffe reared stock.[18] On 4 October 1762 in the year of Edmund's birth, his father, Robert Rice, was appointed a market juror for the township for the following year. Edmund's grandfather had been appointed to the same office on 1 July 1754.[19]

Edmund Rice's mother came from a family which gave many members to the Augustinian Order, including Rev. Daniel Tierney, who established a novitiate in Callan in 1781 and Rev. James Tierney, prior of the local friary in 1791. Edmund's eldest brother, Thomas, became a publican in Callan, but in 1825 his family emigrated to Newfoundland.

Little is known of his brothers Patrick or William. Edmund's younger brother, Richard, married Bridget Egan. Their descendants are widely scattered, although some relatives by marriage still live near the old home at Westcourt. Edmund's youngest brother, Michael, became a tradesman in Waterford city and died in early manhood. His remaining brother, John, was educated by the Augustinians in their friary in New Ross, Co. Wexford. John came to Waterford about the year 1788 to be apprenticed to his Uncle Michael who had prospered as a successful merchant in the business of supplying victuals and provisions to the growing merchant shipping-fleet plying between Waterford and ports in Europe and Newfoundland. The subsequent career of John Rice as an Augustinian priest and the assistance he gave to his brother, Edmund, when the latter set about founding an institute of religious teaching brothers from 1802 onwards, is referred to in chapter 6 of this work.

To conclude this short section on the immediate family background of Edmund Rice, it is of interest to record that no certificates of baptism or marriage are available for any member of the Rice family. Parochial registers for the parish of Callan which would have contained these useful genealogical certificates were not kept until 1821.[20]

4.2:3 The formal education of Edmund Rice - the early years in Callan, 1762 to 1771

Edmund was educated in his own home until the age of nine years when he attended the local hedge school. Callan, and even the city of Kilkenny itself, was Irish speaking to a large extent at that time, Edmund may have been called Eamonn at home by his family.[21] He had three elder brothers to help in the more strenuous operations of ploughing, sowing and reaping. His services, in the form of an extra pair of willing hands around a busy household, were probably much in demand by his mother. She was a woman with a strong commitment to the practice of her faith. Her generosity and hospitality to the local clergy, and her benevolence to the poor, had a profound influence on the shaping of the spiritual and physical character and qualities of her fourth son. During

these impressionable years, she implanted in his mind and heart the seeds of virtuous living and an aversion to what was evil and ungodly. She taught him his prayers and accompanied him to Mass and the Sacraments - a training that was to bear fruit in the achievements of his later years. Another person who influenced the development of his deep spirituality and sense of commitment to the well being of his fellow man, was Fr. Patrick Grace, an Augustinian friar, who frequently visited the Rice homestead and helped in the religious formation of the seven boys of the Rice family. Fr. Grace had been a schoolmaster before joining his order and his influence and pedagogic skills would have made a very beneficial contribution to the learning processes of the Rice household.[22]

Edmund's home, around which revolved the whole life of the family as a unit, gave him a close-up view of the perennial and unceasing duties incidental to life on a farm. As a boy, he had chores to undertake and was required to make his contribution to the economic well being of the family. Living in such an environment during his formative years, Edmund could not but learn to assess the value of men and things, lessons which would stand him in good stead in later years. Fitzpatrick summarises very aptly the lessons Edmund learned in his early years on the farm.

> Here he became acquainted with the discipline which the cycle of the season's inexorably provides for the farmer, he saw that Nature, though bounteous, has to be fought regularly and persistently in every sort of weather and in all seasons; that there can be no reaping without sowing ... Here in short, he was led to appreciate the reward of persistent effort and of patient endurance. Mutual aid and dependence, devotion to the welfare and happiness of others, union of minds, unwavering trust in God's ever-present aid resulting in a patient and calm serenity - these were the lessons he learned from his elders, as they followed their rounds of daily duty in that quiet comfortable homestead.[23]

4.2:4 Edmund Rice at the Callan Pay School 1771 to 1777

While the Catholics of Callan enjoyed a more liberal toleration of their religious practices and the non-implementation of the law relating to

the permission of only one registered priest for each parish, their educational facilities in the year 1771 were the reverse of what one might expect in this situation. There were two schools in the town. One of these was conducted by a Protestant clergyman for his few parishioners and the other was a "pay school" located in Moate Lane. This pay school, which Edmund Rice attended for six years from his ninth to his fifteenth year, is well described for us by a contemporary of Edmund Rice, a native of Callan, one Edmund Grace, who himself attended this school and who went on to join Edmund Rice's fledgling religious order of Teaching Brothers in the early 1800's.

Catechism classes were held in most Catholic churches on Sundays throughout most of Ireland, either before or after Mass, but this was the limit of formal pedagogic instruction and it was confined to religious doctrine.[24] The non-attendance of most of the poor Catholic children of Callan at any school, due to the absence of free and adequate educational facilities and properly trained, motivated, and adequately remunerated teachers, was not a phenomenon to be found in Callan alone. Most small Irish rural towns and villages were in a similar situation. The larger towns and cities fared better in that there was a greater number of these hedge or pay schools available, in addition to the proselytising Protestant Charter/Charity Schools. After the year 1800, the English Evangelical Bible Societies emerged to proselytise and win Catholic children over to Protestantism through bible lessons and other methods. Their aim, as outlined in The First Report of the Commissioners of Irish Education Inquiry of 1825 'was to convert and civilise these deluded people and provide English Protestant schools to instruct native Irish children in the Fundamental Principles of True Religion.'[25]

If any field of apostolic endeavour was rife for the future commitment and dedication of Edmund Rice and of his followers, then the education of the Catholic poor of Ireland was clearly in that category. Many Irish people whose sons benefited from a Christian Brothers' education would

subscribe to the view that the reaping of that future harvest was providentially inspired and provided for by the establishment of the Brother Rice's Irish Christian Brotherhood. The selfless dedication of Edmund Rice and his followers assumed a role of even more vital importance for Catholic education in Ireland in the years 1800 to 1870, described by Bowen as the period of 'The Protestant Crusade in Ireland.'[26]

If, earlier in the 18th century, Jonathan Swift believed, however conscientiously, that the Established Church had a duty to provide educational establishments for Catholic children "to retrieve the native Irish from their natural state of sloth, nastiness, idleness, thievery and ignorance and re-introduce them to the skills of reading and writing ....",[27] then it would have appeared to him very ironic and almost inexplicable that it was 19th century Catholic educators, like Nano Nagle, Edmund Rice, Mary Aikenhead and Catherine McAuley who provided those very facilities. These pioneers of Catholic education achieved those very aims and objectives for Catholics which, Swift had so 'clearly' outlined some eighty years earlier. The system of Catholic education which, Rice, Nagle and the others had envisaged and devised for Catholic children was firmly based on the principles of a Catholic educative ethos, a concept which was tragically at variance with what Swift believed as an 'education' suitable for the training and personal development of Catholic youth.

The schools, i.e. Charity/Charter schools, which Swift envisaged as the vehicle for this 'great moral and educational reform' of the children of the native Irish Catholics, proved to be an experiment of disastrous proportions, morally, socially and educationally. This sad situation was outlined by two government inspectors, Mr. John Howard, the philanthropist, and Sir Jeremiah Fitzpatrick, Inspector General of Prisons, in their report of 1788 to the Irish House of Commons.[28] Even James Anthony Froude, the 19th century historian, who can in no way be regarded as a neutral observer of events in Ireland in which Irish

Catholics and their religion was concerned, describes the Charter Schools as 'a conspicuous and monstrous failure.'[29]

Before proceeding to a description of the hedge school in Callan, which Edmund Rice attended, and bearing in mind the educational achievements which characterised his later years, it is perhaps prophetic and certainly more than coincidental to relate an account of an activity in which the young Edmund Rice engaged. According to a tradition preserved among the Rice family descendants in Newfoundland, to which country his eldest brother Thomas emigrated in 1825, Edmund, even at the age of twelve, used to assemble boys from the neighbourhood to teach them prayers and catechism. This activity by Edmund it would appear was directed towards reinforcing and strengthening the prayers and catechism taught to these boys on Sundays in the parish church.

> ...People wondered at the influence exerted by a boy of his tender years and at the instructions he used to give his young companions. His mother often found him in the midst of a group of boys whose ages ranged from three to twelve. She encouraged him in his good work and advised him to teach them all he could of their duty to God and that God would reward him. Was this a portent of things to come?[30]

Fitzpatrick in his biography of Edmund Rice describes the pay-school of Callan as follows and the situation regarding the provision of elementary education for catholic children in that town.

> ...The pay school was a small one-storied building, where thirty pupils at most might be accommodated. It was a pay school, the fees being quite ample to provide the teacher with what was then considered to be a reasonably good income of between £10 and £20 annually. There were at least four hundred children of school going age in Callan and its vicinity. If one allows for the small number of Protestant children attending their school and the thirty or so Catholics who could afford to pay for tuition in the pay school, then the vast majority of Catholic children did not go to any formal school, or receive any structured type of education.[31]

The Callan hedge school which Edmund Rice attended from 1771 until 1777 is best described by Brother Edmund Grace, a native of Callan

and a contemporary of Edmund and who later became one of the first members to join his fledgling religious congregation in Waterford in the early 1800's.

> ...'The Academy,' he writes, 'where I (Edmund Grace) began my literary, scientific and artistic career was in that part of Callan known as Moate Lane. The doorway was the only lateral aperture and the remains of what once were windows were securely closed with a variety of disused objects not selected for the purpose on account of their transparency ... When a new boy presented himself for admission he was greeted by the master, a portly man, attired in a frieze body-coat, knee breeches and woollen stockings ... When various pious salutations and general questions as to the boy's health, well-being of parents and relatives were put and answered, the business part of the transaction was arrived at and the aspirant was informed that the terms were four pence a week and a halfpenny for dancing which was practised on the door of the Academy which was taken down and laid flat on the clay floor - its double duty reflecting shades of Oliver Goldsmith's Village School - 'a bed by night, a chest of drawers by day'.[32]

> 'Our mentor seemed quite oblivious of the economy in time and labour, which could have been secured by grouping boys of the same standard of knowledge. We were taught individually and our day was spent almost entirely in 'rehearsing' and 'writing'. Writing meant copying headlines set by our teacher. He did little more than teach us to 'rehearse' and hear us repeat what we had learned 'by heart'.[33]

It is a pity that Brother Grace did not refer to the name of the teacher, the length of the school day, the number of pupils in attendance at any one period, the school furniture, the time-table for the various subjects taught there, the names of the books they read and memorised, or the subjects taught. Brother Grace himself was a fluent Irish speaker. Fitzpatrick commenting on Brother Grace's description of the Callan pay-school concludes

> ...It is reasonably certain that Edmund Rice, whatever his attainments were in the sphere of dancing, had been well grounded in the fundamentals of reading, writing, spelling, grammar and arithmetic.[34]

In 1777, Edmund finished his course of studies which were provided

in the local pay school. The problem of his future career confronted his parents. He had three elder brothers working at home on the family farm. There was little scope or opportunity for another member of the family to profitably enter that occupation. Edmund had shown aptitude and abilities more comprehensive than those which would be required for a career in farming. His parents felt that a career in the business and commercial world of a city such as Waterford might be more suitable to one of his particular talents, but further studies would be required, if such a course of action were to be seriously contemplated. Accordingly, it was decided that he should be sent to a more advanced or higher level school where his evident abilities would have greater scope for development. Edmund set forth for Burrell Hall School in Kilkenny in the year 1777.

4.2:5 Edmund Rice's second level education in Kilkenny City, 1777 to 1778

Burrell Hall School in Kilkenny City stood on the site facing James's Green, now occupied by the Catholic Cathedral of St. Mary. In size, location and accommodation, this school was the very antithesis of the Callan hedge school. The building, situated beside an open square in the most elevated part of the city, was large and spacious. It had formerly been the town residence of Lord Clifden of Gowran, the landlord of Callan. There was nothing furtive or secretive about the schooling offered at Burrell Hall. It was unashamedly staffed by Catholic masters, although this was prohibited by the Penal Laws. Kilkenny City was fortunate in that it was the Ducal seat of the Butlers of Ormond, who although Protestant, had many Catholic members among the lesser ranks of that noble house. At least two members of the wider Butler family had been Catholic Archbishops of Cashel in the 17th and 18th centuries, despite the religious persecution of the times. The Ducal Butlers of Ormond made the city of Kilkenny a place of religious toleration for Catholics, and a refuge from the misery and affliction which characterised their situation during the period of the Penal Laws.

The Catholic school master, like that of his contemporary clerical colleagues, received safe sanctuary in Kilkenny to carry on his profession. Burrell Hall, to which Edmund Rice came in 1777, was in the charge of a Mr. White, a Catholic. The school was conducted on similar lines to the better class pay-schools of the time established by both Catholic and Protestant masters. The fee for boarders was twenty pounds per annum. The curriculum, according to a newspaper advertisement of the time, was:

> English Grammar, Writing, Arithmetic, French, Latin, Greek, Mathematics, Ancient and Modern History - in short, every branch of useful and polite literature on the most approved plan.[35]

The proficiency which Edmund Rice acquired at this school can best be judged from the personal records of him which are extant.

> His penmanship was neat, graceful, artistic and quite characteristic of one who was methodical, regular and imaginative. His letters were models of style, grace and refinement. It was at Burrell Hall that he developed an aptitude for figures and the keeping of accounts. The care with which he recorded financial transactions, some of them trifling, shows that he was exact and systematic.[36]

Indeed it might have caused him less trouble in his future career as First Superior General of his Order in the late 1830s if he had been less exacting and dedicated to carrying out wills and deeds of trust and finance committed to his care in earlier years. This unwavering dedication to principle and detail, qualities which were unusual in one so young earned him the hostility of his successor in the office of Superior General, Brother Michael Paul Riordan.[37] This aspect of Edmund Rice's character will be elaborated on in subsequent chapters of this work.

Edmund Rice was deeply impressed by the system of education at Burrell Hall. Years afterwards he made it the basis of the system of education which he evolved for his school and which he put into practice from the beginning of his career as an educator of Catholic youth.[38] Mr. White, his teacher at Burrell Hall, appears to have had a very inspirational and beneficent influence on his young student by reason of

his excellent standards of learning and virtue. Edmund Rice, in his later years, paid tribute to this good man's influence on him on many occasions.[39] Burrell Hall School afterwards had interesting associations with other important political and ecclesiastical events in Kilkenny.[40] After the repeal of the Penal Laws against Catholic teachers in 1782, Dr. J. T. Troy, the then Bishop of Ossory, took over Burrell Hall and made it the first diocesan Seminary in the country. It had up to forty boarders and some day boys, who were taught by two secular priests, Frs. Dunne and Lanigan, both of whom were subsequently appointed Bishops of Ossory. The property proved to be inadequate for the purpose as did the next property to which they moved. Eventually the present St. Kieran's College was built to meet the ecclesiastical educational needs of the diocese and it maintains its proud record to this day, more than two centuries later.

4.3 The Early Years of Edmund Rice in Waterford, 1779 to 1790

When Edmund Rice had concluded his studies in Burrell Hall to the satisfaction of his teacher Mr. White and that of his parents, his immediate future plans became a matter for decision by his parents. His scholarship and commercial training had prepared him for a career in business. The opportunity of a career in this field seemed obvious to his family due to the position held in the Waterford business world by Michael Rice, a brother of Robert Rice, Edmund's father. Appropriate arrangements were made for Edmund to travel to Waterford to join his uncle's business as an apprentice. There appears to be some doubt as to the actual date of the arrival of Edmund Rice in Waterford to begin his apprenticeship to his uncle, Michael Rice, a successful businessman engaged in all branches of the victualling business, who carried on an extensive home and foreign trade. Mc Carthy lists the year as 1779 when Edmund was 17 years of age.[41] Fitzpatrick puts the year as 1778,[42] while Blake quotes the year as 'about 1780'.[43]

The date in itself is not significant, but his arrival in Waterford most

certainly was; it possesses a significance in matters spiritual, educational and cultural that has left its mark on the history of Ireland since then and also in other places further afield. Edmund Rice played a conspicuous role in the Catholic life of Waterford and in its commercial activities. It seems appropriate to review here, very briefly, the conditions which then obtained in the city of his adoption. Waterford was a walled city with a royal charter which earned a laudatory *soubriquet* from King Henry VII in 1499 of *Urbs Intacta* for its refusal to admit the Yorkist Pretender Perkin Warbeck and his Irish supporters. Waterford had constantly remained loyal to the English Crown. Its civic and commercial prosperity was soundly based on that loyalty. The Corporation or City Council was maintained in power by English settlers together with Huguenots, Dutchmen and Quakers, whom they had absorbed into the commercial and social life of Waterford city. From the era of the successful Williamite Conquest of Ireland in 1691 - in which it must be stressed the loyalty of Waterford to William was never in doubt, - the city's civic, political and commercial affairs were firmly in the control of non-Catholics.

The Trade Guilds which controlled the operation of trades, commerce and industry in the city were also closed to Catholic members. As late as 1764, the Guild of Master Bakers protested to the Corporation 'that several Popish Bakers' carry on the 'Art and Mistery of Bakers of Waterford City', contrary to the Charter and 'to the great impoverishment of the Petitioners and their Familys who are all Protestants.'[44] Owing to its geographical position, Waterford City possessed many economic advantages. It was located at the mouth of the confluence of the three great waterways of the Barrow, Nore and Suire, converging from east, north and west. The fertile agricultural hinterland directed its produce to the city-port, thus giving rise to a plethora of industrial activities such as flour milling, brewing, distilling, bacon curing, tanning, soap making and other ancillary industries. Its quay or port facilities was almost a mile in length and was the centre of a very thriving commercial and trading city. Its predominance as a centre for an extensive export trade in agricultural produce of every kind made it one of the chief ports of Ireland. Its

exports went to Europe, Newfoundland and the West Indies. The importance of this trade may be gauged from the fact that approximately one thousand ships, averaging nine hundred tons each, entered the port each year in the period 1790 - 1810.[45]

Sugar refining and the manufacture of glass were industries particular to Waterford. The glass ware produced was of such a high standard that many skilled glassmakers came from England and Scotland to study the techniques of its manufacture. The demand for Waterford glass from America and elsewhere became so great that its export volume increased ten fold in the period 1790 - 97.[46] Waterford had a fleet of between 60 and 80 sailing vessels, locally owned and crewed, which were capable of transporting up to 5,000 persons and large cargoes of goods to Newfoundland in any one year. There was a thriving commercial connection between Waterford and Newfoundland which served not only Waterford, but the whole of Munster.[47] As befitted a city of its importance, it had its own banking system, Guildhall, Custom House, Exchange, Chamber of Commerce as well as its own newspapers and theatre.

4.3:1 The State of Roman Catholicism in the City of Waterford

The history of Waterford City, as far as Catholicism was concerned, was one which reflected the fortunes of that persecuted faith from the time of Henry VIII's confiscation of Religious Houses and Monastic establishments. These events left their mark on the Catholic Church in Waterford and on the lives and fortunes of its citizens. In spite of the religious persecution and economic deprivation wrought on its inhabitants by Puritan and Penal Enactments, Catholics, in the most part, held firmly and tenaciously to their religion. Catholics although numbering five sixths of the population, had but one place of worship – 'the little chapple in the bye-streete.'[48] The non Catholic population was well served with places of worship, six Protestant churches, including one Cathedral, one Presbyterian Church, one Baptist Church and a

Quaker Meeting House. In the 1704 list of Registered Clergy under the heading 'Parishes of which they pretend to be Popish Priests', the names are given of the six Catholic priests of the parishes approximating to the Protestant parishes of Holy Trinity, St. Peter's, St. Patrick's, St. Michael's, St. Olave's and St. John's. They were Fathers Bellew, Tobin, Everard, Martin, Higgins and Hackett respectively.[49]

There were, therefore, in the city and suburbs of Waterford in the year 1704, six parish priests, five of whom had no church or chapel for the worship of their parishioners. Throughout the 18th century a group of Jesuit priests braved the dangers of that era to provide for the spiritual needs of the Catholic people. Among them were the following Superiors, Fr. Higgins (1732); Fr. Kelly (1742); Fr. St. Leger (1742 - 1783); Fr. Power (1794) and Fr. Barron (1798).[50] No reference is made to those superiors who held office in the period 1783-1794. These Jesuits, even after the suppression of the Order in 1773, continued to work among the people as secular priests until 1799 when a reasonable supply of secular diocesan clergy came on stream and the Jesuit connection with Waterford ceased.[51] From 1697 until 1739, there was no resident bishop. During that period, Bishops Lloyd, Creagh and Egan lived in the relative safety and seclusion of Carrick on Suir, a town within the diocese, and paid only occasional visits to the city when required. Pope Pius VI appointed Dr. Thomas Hussey, a distinguished scholar, churchman and diplomat, as bishop in 1797. From that point onwards, things began to change for the Catholics of Waterford.

4.3:2 Edmund Rice - The Apprentice; 1779-1784

Such were the conditions which prevailed in Waterford city when Edmund Rice arrived there to begin a new phase of his life as an apprentice to his uncle Michael in 1779. He lived with his uncle at number 3 Arundel Place, off Barrowstrand Street in the city. His uncle had two sons, Patrick and Robert, neither of whom, it seems, appeared to have had any interest in, or aptitude for their father's flourishing provisions business. Edmund, was exactly the opposite. He very quickly

settled down to learning the essentials of the business and displayed an assiduousness, interest and flair for his work which left his uncle in no doubt that Edmund would be the worthy successor to inherit his business interests.

Edmund's keen business acumen, allied to a willingness to work long hours and a meticulous devotion to detail, earned him the financial rewards and success that dedication to duty at that level brings in its wake. On foot, or on horseback, he traversed the counties of Munster attending as many of the country cattle and sheep fairs as possible to purchase the live cattle and sheep that were needed to provide the raw material for his uncle's thriving victualling and provisions business. O'Caithnia, in his essay entitled The Man from Callan, makes the following interesting comments on Edmund Rice as a successful Waterford business man and entrepreneur:

> Edmund Rice loved his business, loved the world, loved the money, was ambitious for success and had every intention of making it to the top - penal law or no penal law! He had the brain of a shrewd and natural lawyer and all the ramifications of his buying and selling of property will probably never be fully known because as a Catholic he had to cover his traces.[52]

This view of Edmund Rice, based on a detailed study of his character and life style, both in his earlier and later years, would seem on the surface only, to conflict with the appraisal of the character of Edmund as detailed earlier in this chapter. There is little doubt that he was a skilled business man, he had the strength of character to pursue a worthwhile goal to the end, whatever the effort and personal sacrifice required. To suggest that he loved money and success for its own sake, as the writer seems to imply, does not appear to be consistent with the humane, caring and compassionate qualities with which he viewed the plight of his fellow man. Evidence, relating to his formative early years and to the period following the death of his young wife in 1789, provides many examples of his charity to the poor and his concern for those much less fortunate than himself. There is no doubt that he was successful. His aptitude, integrity and dedication to honest and keen enterprise

would have brought him success in any field he might have chosen as a way of life. By the age of twenty seven, in 1789, ten years after his arrival in Waterford, he was regarded as a man of probity, wealth and substance. He was welcomed socially into the homes of the wealthy Catholic mercantile and landed classes in the city and county.

With regard to his lifestyle, there is little by way of corroborative evidence. Burton in her book, Edmund Rice, Merchant Adventurer, purports to paint a picture of Edmund Rice in his early twenties as a social high flyer in the whirl of gaiety and excitement that passed for polite and successful society in the Waterford of the mid 1780s.[53] Unfortunately, her account is singularly lacking in substantiated evidence.

In 1785, when Edmund was twenty-three years of age, he married a young lady, Mary Elliott, 'of a well to do family that owned a tanyard.'[54] The Positio or volume published specifically for the promotion of the Cause of the Canonisation of Edmund Rice, lists the year of Edmund's marriage as 1787, when he was about 25 years old,[55] yet the same volume records his marriage as having taken place in 1785 when he was 23 years of age.[56] No Catholic marriage Registers of the period remain extant, as far as records of Edmund's marriage was concerned. Edmund's biographers, particularly those who were his contemporaries, have left only very meagre and incomplete information on this event. The first public acknowledgement of his marriage was made known by his followers in his religious Congregation only in 1926 with the publication of a biography of Edmund Ignatius Rice by an anonymous Christian Brother, subsequently identified as Brother W.M. McCarthy. Brother McCarthy in his biography referred to the Founder's marriage in a rather discreet and low key manner.

> When he was 23 years of age he married, but his biographer has left us only meagre information on this event of his life. The early Brothers with a delicacy of feeling that is commendable, seldom refer to it. We only know that his married life was brief, for his wife died young, leaving an only daughter, for whom her

pious father suitably provided during her life.[57]

Brother McCarthy, in the 1926 account, makes no mention of the cause of Mary Rice's death or the health or condition of her infant daughter Anne. Very little is known of the family or antecedents of Edmund Rice's wife, the former Mary Elliott. Brother L. P. O'Caithnia in his article, 'The Death of Mrs. Edmund Rice', raises some very intriguing questions as to the certainty of her Christian name, surname, age, her religious persuasion or occupation. Scholars are often faced with a similar quandary. One can only surmise or pose many questions as does O' Caithnia. The answers arrived at after such an unsatisfactory process can be no more than speculatory for lack of factual corroboration.[58] There are two distinct accounts of her untimely death. One of these can be found in Normoyle's book A Tree is Planted.[59] It is a verbatim account in the form in which it was given by Sr. Josephine Rice, a descendant of Edmund's brother Thomas, who emigrated to Newfoundland in 1825. Sr. Josephine Rice, a Mercy Sister of the Mercy Convent, Fort Belvedere, St. John's, Newfoundland, gave the following account to Brother T.J. Hogan, Assistant to the Superior General of the Christian Brothers in 1930.

> The Founder had been married to a lady of a well-to-do family who was fond of the hunt as most wealthy people were in those days. When she was well advanced with child, she went riding and was thrown from her horse, dying as a result of the accident. The doctor managed to save the child who had evidently been injured by the fall and hence did not develop normally. This was the child he provided for when he began his work.[60]

O' Caithnia raises many interesting questions on the factual content and accuracy of this account. His main contention is that it is strange that this story only surfaced some 140 years after Mary Rice's death and was unknown to the Rices of Callan, Waterford or New Ross.[61] The same writer quotes an interview in July, 1949, given by John Power of 38 O'Connell Street, Waterford to Brother W.B. Cullen cited in M.C. Normoyle's volume - Memories of Edmund Rice. Brother Cullen transcribed the statement of John Power, whose father Peter was a local

historian and prided himself on his knowledge of Brother Rice's affairs. Brother Cullen gave sworn testimony before a Commission of Oaths on the accuracy of the following transcript which he transcribed for the oral account of John Power. John Power states :

> I heard my father say that Edmund Rice's wife is buried in an old graveyard near the site of the present Court House, Waterford, which was then outside the city walls. There was fever in the city and it was thought she contacted the fever and died ... I distinctly recollect his (my father - Peter Power) statement relative to the death of Edmund Rice's wife.[62]

Again there is reference in many works on Edmund Rice to the state of health of his infant daughter, Anne. She is credited with being of a delicate state of health. The nature of her infirmity, whether it was physical or mental, has never been adequately explained or corroborated. It is sufficient to state that from her birth in 1789, her father provided handsomely for her and an entry in his account book, which had been mislaid for eighty years, states that an annuity of sixteen pounds per annum was provided for her.[63] This was a generous sum when compared with the annual stipend of ten pounds per annum paid at that time to the Catholic curate in the Parish of Trinity Within, in Waterford.[64] Annual stipends for Catholic priests varied considerably in keeping with the ability and willingness of their Parishioners or the diocesan funds to finance them. After Edmund Rice began his apostolic work for the establishment of structures of Catholic education in Waterford, and following the expansion and recognition of the work of his Congregation of Teaching Brothers, the Congregation itself took over responsibility for the maintenance of his daughter, Anne Rice. She was boarded out in lodgings in Carrick on Suir where she died in her seventieth year on 23 January 1859. She was buried in the Cemetery of Carrickbeg in that town on 24 January 1859,[65] although the exact site of her grave is not known.

The death of Mrs. Edmund Rice was announced briefly in many newspapers in late January 1789. 'Died at Ballybricken, Waterford, the wife of Mr. Rice.'[66] The above simple statement appeared in many

newspapers, including the local Clonmel Gazette, 13 January 1789.

The many notices of her death, appearing in the newspapers, would indicate the social standing of Edmund Rice in Waterford. It would also indicate that the bereavement of a person of such standing and substance was an item of interest to his many business friends and widespread social acquaintances.

The shock of this devastating personal tragedy for one so young and successful, standing as he was at the threshold of a future life of even greater happiness, prosperity and success, must have left Edmund numbed, desolate and bewildered. Whatever the circumstances of the death, he had been dealt a cruel blow. There is no doubt that he had come to a crisis point in his young adult life. He had to bury his young wife and make immediate arrangements for the physical care of his newly born daughter. These cares would have occupied him temporarily. But in the loneliness of his personal sorrow and inward reflection he must have asked himself the classic question in such situations - a question faced by countless thousands down through the ages, *Nunc quo vadis?* - Whither goest thou –now.?.

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[1] John L. Hammond and Barbara Hammond, The Town Labourer 1760-1832 (London: Longmans Green, 1917), p. 36.

[2] F. S. Betten and A. Kaufmann, The Modern World (Boston: Allen and Bacon, 1919), p. 634.

[3] Hammond and Hammond, The Town Labourer, p. 58.

[4] W. E. H. Lecky, History of Ireland in the 18th Century Vol. 1 (London: Longmans Green, 1913), p. 283.

[5] William Carrigan, The History and Antiquities of the Diocese of Ossory Vol. 3 (Dublin: Sealy, Bryers and Walker, 1905), p. 294.

[6] Ibid., p. 317.

[7] A Christian Brother, Edmund Ignatius Rice and the Christian Brothers (Dublin: M.H. Gill and Son 1926), p. 46. (The anonymous author was afterwards identified, as Bro. W. M. Mc Carthy).

[8] W. Carrigan, History of the Diocese of Ossory Vol. IV, Appendix No. vi, p. 404.

[9] Ibid., Vol. III, p. 314.

[10] Ibid., Vol. IV Appendix vii, p. 409.

[11] Land Commission Applotment Book of the Parish of Callan, dated 18 June 1827.

[12] Carrigan, History of the Diocese of Ossory Vol. IV, p. 404.

[13] Ibid., Appendix vii, pp. 409-410.

[14] J. D. Fitzpatrick, Edmund Rice, Founder and First Superior General of the Brothers of the Christian Schools of Ireland (Dublin: M. H. Gill and Son, 1945), p. 33.

[15] Ibid., p. 42, and Carrigan, The History of the Diocese of Ossory Vol. IV, p. 404.

[16] William Carrigan, The History and Antiquities of the Diocese of Ossory Vol. III, p. 296.

[17] Four documents form the basis of this reference:
(a) Betham Extract of Wills No. 375 Registry of Deeds, Dublin;
(b) The Will of Robert Rice, Westcourt, Callan, Co Kilkenny, 21 Sept 1787 ref. D1. F. 0308/005, Archives of Christian Brothers' Generalate, Rome;
(c) John Shelly, Edmund Ignatius Rice and the Christian Brother - A Compilation (Kilkenny: Coyle, 1863).
(d) The land held by Robert Rice, father of Edmund Rice, is shown as Applotment Numbers 358, 363, and 364 in the Applotment Book of the Parish of Callan. This Applotment Book is dated the 18th of June 1827 and was compiled under the Title Applotment Act of 1823. It is located in the Public Records Office Dublin.

[18] Will of Robert Rice of Westcourt, Callan, Co. Kilkenny, 21 Sept 1787, Registry of Deeds, Dublin.

[19] Refs. No. 18 and 19 are found in Document No. 2, Chapter 2, page 24 of a Volume known as Positio Super Virtutibus - Rome 1988. This volume is referenced, - Congregation for the Causes of the Saints Prot. N. 1375- Dublin - Cause of Canonisation of the Servant of God, Edmund Ignatius Rice (1762-1844), Founder of the Congregation of the Christian Brothers and of the Presentation Brothers - (The circulation of this volume is very limited and is regarded as strictly confidential. The permission granted in this instance to read it and to abstract from it is sincerely appreciated).

[20] Statement of V. Rev. Michael Doyle PP. Callan, Co Kilkenny, 27 June 1952, ref. F. 0120/012, Christian Brothers Generalate Archives, Rome.

[21] Liam P. O'Caithnia, The Man from Callan, Cited, in A Man Raised Up - Recollections and Reflections on the Venerable Edmund Rice (Dublin: Elo Publications for the Irish Christian Brothers, 1994), p. 13.

[22] Thomas C. Butler, The Augustinians in Callan 1467-1977 (Callan, Co Kilkenny: The Augustinian Fathers, 1977), p. 49.

[23] J.D. Fitzpatrick, Edmund Rice, Founder and First Superior General of the Brothers of the Christian Schools of Ireland (Dublin: M. H. Gill and Son, 1945), p. 36.

[24] Brenan, Schools of Kildare and Leighlin, pp. 15-16 and pp. 21-22.

[25] First Report of the Commissioners of Irish Education Inquiry, HC 1825, (xii) p. 5.

[26] Desmond Bowen, The Protestant Crusade in Ireland.

[27] Jonathan Swift, Swift's Works Vol. IV (Dublin: Geo. Faulkner, 1742), p. 261.

[28] Irish House of Commons Journal, 1786-1788, pp. 807-828.

[29] James Anthony Froude, The English in Ireland in the 18th Century Vol. II (London: Longmans, Green and Co., 1872 (2 Vols.), p. 450.

[30] Positio Super Virtutibus, Ch. 2, p. 12, footnote No. 6. Statement of Sr. Josephine Rice, Convent of Mercy, Belvedere St. John's, Newfoundland, great grand-niece of Edmund Rice, given to Brother J. G. Hogan, Assistant Superior General on 19 Sept 1936, Generalate, Ref. 2R, MI, F.0120/006.

[31] A Christian Brother (W. M. McCarthy), Edmund Rice and The Christian Brothers, pp. 39-40.

[32] Ibid.

[33] Ibid.

[34] J .D. Fitzpatrick, Edmund Rice Founder and First Superior General, p. 45.

[35] W. Carrigan, History of the Diocese of Ossory Vol. I, p. 263.

[36] J .D. Fitzpatrick, Edmund Rice Founder and First Superior General, p. 45.

[37] M. C. Normoyle, A Tree is Planted (Dublin: Christian Brothers Private Circulation, 2nd Edition, 1976) pp. 337-353.

[38] J. D. Fitzpatrick, Edmund Rice, Founder and First Superior General, p. 45.

[39] Ibid.

[40] W. Carrigan, History of the Diocese of Ossory Vol. 1, pp. 274-275.

[41] A Christian Brother, Edmund Rice and the Christian Brothers, p. 5.

[42] J. D. Fitzpatrick, Edmund Rice, Founder, p. 47.

[43] D. S. Blake, "The Christian Brothers and Education in 19th Century Ireland" (Unpublished M.Ed. Thesis, U.C.C., 1977), Ch. 1, p. 12.

[44] Cited in Edmund Downey, The Story of Waterford (Waterford: Waterford New Printing Works 1914), p. 333.

[45] Samuel Lewis, Topographical Dictionary of Ireland (London: S. Lewis, 1837), p. 687.

[46] Alice E. Murray, Commercial Relations between England and Ireland (London: King and Co., 1907), p. 277.

[47] Arthur Young's Tour of Ireland 1776-1779 Vol. I, edited by A. W. Hutton in 2 Vols. (London: Geo. Bell and Sons, 1892), p. 406.

[48] M. Egan, A History, Guide and Directory of the City and County of Waterford (Kilkenny: P. M. Egan, 1894), p. 520.

[49] Patrick Power, A History of the Diocese of Waterford and Lismore (London: Longmans, Green, 1937), Appendix x, p. 373.

[50] Ibid., p. 332.

[51] Ibid.

[52] L. P. O'Caithnia, The Man from Callan, cited in A Man Raised Up, p. 14.

[53] Doris Burton, Edmund Rice Merchant Adventurer, (London: Sands and Co., 1964), p. 30.

[54] D. S. Blake, "The Christian Brothers and Education in 19th Century Ireland", Ch. 1, p. 12.

[55] Positio Super Virtutibus, Chronology, Page X. Note: this chronology, which is the second section of the Positio, is an historical account of Edmund Rice's life covering the period 1754 to 1844. It contains 52 pages numbered in roman numerals from pp. XI to LXII.

[56] Ibid., Chapter 2, p. 13. Historical text on the life of the young Edmund Rice in Waterford.

[57] A Christian Brother, Edmund Ignatius Rice and the Christian Brothers, p. 55.

[58] Liam P. O'Caithnia, The Death of Mrs Edmund Rice, cited in A Man Raised Up, p. 67 and accompanying footnotes on pp. 75-76.

[59] M.C. Normoyle, A Tree is Planted, p. 25.

[60] Ibid., p. 27 (the Original Statement is in the Archives of the Christian Brothers' Generalate, Rome).

[61] L. P. O'Caithnia, The Death of Mrs Edmund Rice, cited in A Man Raised Up, pp. 68-70 and footnotes, pp. 76-77.

[62] M. C. Normoyle, Memories of Edmund Rice (Dublin: The Christian Brothers - Private Circulation 1979), p. 242, No. 179.

[63] Account Book of Edmund Rice, Archives of Christian Brothers' Generalate, Rome.

[64] Patrick Power, Parochial History of Waterford (Waterford: Bevans, 1912), p. 385.

[65] Positio Super Virtutibus, Chapter 2, pp. 30-32, Doc. No. 6. This document contains extracts from the official Account Books of the Institute listing payments made for the maintenance of Edmund Rice's daughter, Mary. Generalate, Ref. IR, Nos. 1, 15, 42; 6R, 4-F0011, 0015, 0033; and 0289/005.

[66] This simple statement appeared, in the following newspapers:
(1) Hibernian Journal, Dublin, Jan 19. 1789;
(2) Faulkner's Journal, Dublin, 17-20 Jan. 1789;
(3) The Freeman's Journal, Dublin, 17-20 Jan. 1789;
(4) Dublin Evening Post, Jan 17 1789;
(5) The Clonmel Gazette, 13 Jan. 1789.

Chapter 5

Educational Structures in late 18th Century and Early 19th Century Ireland with Particular Reference to the City of Waterford

5.1 Introduction and Summary

For centuries it had been an essential element of the general philosophy of the then governing classes that the mass of mankind had no business whatever with education, recreation or the wider and spiritual interests and purposes of life. "The working class were a people to be kept out of mischief, rather than a people with faculties and character to be encouraged and developed."[1] In England, landlords dominated the lives of large sections of the people by inducing parliament to enact laws for the benefit of their own class. The expansion of trade and the development of the Industrial Revolution from 1760 onwards absorbed the attention of the British Government and its supporters to such an extent, as to almost completely exclude consideration of any other important concerns of national well-being.

It may appear irrelevant and out of historical context to compare the levels of living standards of a large proportion of the population of the developed nations of Europe, North America and elsewhere in the last decade of the 20th century with those of the 18th and 19th century in Western Europe. This contrast has a comparative historical value in that it enables one to visualise the progress in general made by the working classes and landed peasants of Ireland, England and Western Europe to improve their living standards and to endeavour to shake off the mantle of poverty and deprivation which held them firmly in thrall in their daily existence.

The conditions of the workers, men, women and even children in the factory-towns and coal-fields of Industrial England in the late 18th and

early 19th centuries were truly appalling when contrasted with modern day living and working conditions. The level of exploitation of these workers in providing enormous wealth for their employers is indeed a dark chapter in the history of the development of a system of social justice and equitable working conditions for the English working classes. A working day of eighteen hours in dreadful unsanitary and dangerous conditions became the norm. The only alternative to starvation, penury and an early death for the many thousands of workers was to accept most reluctantly a way of life that placed their health, and that of their families, in jeopardy by compelling them to work and live in conditions that bordered on the unbelievable.

> To the modern mind, the resignation, one might almost call it the satisfaction, with which such a state of things was accepted marks the 18th and early 19th centuries as one of the definite catastrophes of civilisation.[2]

Yet amid the overwhelming sense of darkness resulting from the human poverty, suffering and deprivation in England, a faint flicker of light and hope emerged to lighten the burden of hopelessness and despair. One such person who typified the belief that hope and action can dispel gloom and despair was Elizabeth Prout (1820-1864). She was a most remarkable English Catholic lay woman, who had a very acute social conscience and a true feeling for the misery and injustice being suffered by the worker/victims of the Industrial Revolution in her native Manchester. She immersed herself in the chaos of Manchester's worst slums and brought comfort, education and hope to the poorest of the poor - the largely Irish immigrant Catholic mill workers. Elizabeth Prout founded of a religious order of nuns, whose members were themselves from working class backgrounds. Without either endowments or wealth patrons, these Sisters of the Cross and Passion worked tirelessly to support themselves and to help the slum dwellers among whom they lived, while still finding time to sanctify their lives in prayer.[3] Their prayer life fuelled their apostolic mission. Cardinal John Henry Newman in his short spiritual poem expresses the feeling so aptly 'Lead kindly light, amid the encircling gloom, Lead thou me on.'[4]

Nano Nagle, Edmund Rice, Mary Aikenhead and Catherine McAuley undertook similar charitable and educational endeavours in Ireland at a somewhat slightly earlier period in their country's hour of need.

5.2 The social and industrial context of late 18th century Ireland

If the island of Ireland and its people can be deemed fortunate in not having to endure the harsh living and working conditions which one associates with the development of the Industrial Revolution in England, Ireland had its own contemporaneous era of poverty, suffering and deprivation. In Ireland, the ordinary people of all the religious traditions, but particularly the Catholic majority, were if anything, in a much worse social and economic plight than the ordinary English peasant or factory worker be he or she an adherent of the Anglican State Church or of no religious persuasion at all. A penal code against Catholics was in operation in Ireland from the last decade of the 17th century through the first decades of the 18th century. In its earlier stages it was administered with all the designed intolerance which only conflicting religious animosities can espouse. Catholics were debarred from every position of trust and emolument in the state. They were excluded from exercising the franchise, from membership of the Irish Parliament, from administrative positions and all clerical offices in town and city councils, from membership of trade guilds and from the banking and legal professions.

Catholics could not take out leases of lands or property, nor bequeath their property to their heirs on their death. In addition Catholics had to pay tithes to support an alien clergy not of their own religious persuasion. Perhaps the most painful and pernicious denial of their civil and religious rights was their denial of a Catholic education, since by law, no Catholic, lay or clerical, could be a school teacher. Neither were Catholics permitted to go abroad to seek a Catholic education in Europe.

Education, in the form in which it was structured, was exclusively Anglican and purposely designed to convert to Protestantism/Anglicanism, any Catholic child, whose parents or guardians for economic or other reasons sought to entrust that child to any of the state-sponsored schools. The comments of the orator Edmund Burke,[5] and those of the essayist, Dr. Samuel Johnson,[6] on the inequality and harshness of the Penal Laws against Catholics have already been quoted in an earlier chapter of this thesis. These men condemned the penal code against Catholics. This systematic and organised scheme of state sponsored deprivation of structures of Catholic education for a Catholic people, had as one might expect, the most profound effects on the intellectual, physical and material well being of Irish Catholics. Education has from the time of the golden era of Greek and Roman civilisation, down through almost two millennia of Christianity, been regarded as a cornerstone in the intellectual, spiritual and moral development of the individual. Education in the modern context has been regarded as an indispensable factor in man's efforts to advance up the social and economic ladder towards material prosperity. This positive if limited view of the value of education in its broadest sense was no different from the concept of it which was held by those who lacked its benefits in Ireland into the 18th and 19th centuries. To deny a people this fundamental opportunity to improve their lot was a hard burden to bear if they were ever to aspire to some reasonable level of material prosperity and social advancement. This was the plight of the Irish Catholic in 18th century Ireland.

It is interesting to note that all this deprivation of the opportunities to gain religious, civil, social and economic freedoms of four fifths of the people of Ireland from which the other fifth of their fellow countrymen were not by law excluded, resulted in Catholics being reduced to a state of poverty and degradation. This phenomenon took place in a period when "Ireland in the second half of the 18th century has been described as being in an era of economic growth, industrial development and

growing prosperity".[7] Throughout the period there was a continuing increase, allowing for sporadic and temporary short-term setbacks, in output from both industry and agriculture. Population expansion in Britain as well as in Ireland created an expanded market for foodstuffs and manufactured goods. Irish trade both to England and to the North American Colonies enjoyed a lengthy period of sustained growth and buoyancy. A rise in the prices of agricultural products encouraged increased production and the area under tillage increased. In 1778, the total value of grain and oatmeal exports from Ireland to Britain was put at £72,211.[8] By 1798, during the wars with Revolutionary France, the value of these exports had risen to £291,010.[9] Irish exports of butter, beef and pork to Britain rose proportionately. In 1720, exports to Britain accounted for 44.4% of all Irish exports, but by 1800 this figure had risen to 85.4%.[10] Britain thus became the main customer for all Irish agricultural exports.

Industrial activity also expanded in this period. The linen industry was foremost in this area. It had expanded very greatly following the eclipse of the Irish woollen industry in the early 18th century, which misfortune was solely due to the restrictive legislative enactments of the English Parliament against Irish woollen exports to England. In 1720 Irish linen exports amounted to over two million yards. By the mid-century this had risen to over eleven million and by 1790 it had exceeded 37 million yards.[11] In 1788, linen accounted for over 70% of all Irish exports and by 1798 it still accounted for some 58.2% of all Irish exports.[12] The location of the linen industry from flax growing through spinning and weaving was mainly situated in North East Ulster. Certain areas in Connacht and North Leinster were also involved in the production of linen, but it was in mainly Presbyterian North East Ulster, centred on Belfast and its hinterland, that the linen industry flourished. The port of Dublin was the exit point for these linen exports but with the advent of the Act of Union and related political and economic factors, Belfast supplanted Dublin and the linen bleachers of that city dealt directly with their English buyers.

The woollen textile industry in Ireland, located in areas where sheep-rearing was best suited to large areas of otherwise infertile agricultural land in Connacht and other areas, received a welcome regeneration in the growing demand for woollen garments and cloth for the home-market. In the last quarter of the 18th century, the manufacture of glass products mainly based in Waterford took on a new significance, as did the more widely located brewing and distilling industries. The sugar refining industry thrived in the port towns and the famous silk-weaving industry of Dublin, which was operated by skilled Huguenot émigré artisans played a vital role in Ireland's increasing industrial prosperity. These latter industries had the advantages of protective trade tariffs and bounties provided in the 1780's by Grattan's Irish Parliament. This was a mercantile and landed-gentry based Protestant Ascendancy body, motivated more by a desire to enhance their own prosperity, rather than a desire to see a general improvement in the living standards and social well being of the deprived majority Catholic population of Ireland.

The basic raw material for much of this increased industrial activity - coal - had to be imported. Imports of coal from Britain increased from approximately 150,000 tons in 1760 to almost 400,000 in 1800.[13] The coastal towns and cities were not the locations to benefit from this growth in industrial and commercial prosperity. Inland towns prospered from the growth of local markets and fairs. This increase in trade and business activities increased the need and use for money, which in turn acted as a stimulus for further commercial growth. The inter-connecting road system between towns improved and greater use was made of the navigable inland rivers as a means of transporting goods and material. Canals were constructed in the early decades of the 19th century to facilitate further means of inland transport waterways. Water mills were used increasingly to provide the power for the flour-milling and brewing industries which were located in towns situated on the banks of most of the larger river systems.

Cork was the centre of the provision export trade for the south and much of the west of Ireland. In September 1777 Arthur Young, that intrepid 18th century travel-commentator, describes Cork as a thriving port city with 70 - 80 locally owned trading ships. The value of exports through Cork port in the period 1754 - 1773 was £1,100,190.[14] Waterford was one of the busiest harbours in the British Isles during the period 1766 - 1771, ranking in 8th place after Liverpool, Bristol, Greenock in Scotland and Dublin in the Irish Sea region and was placed 28th in order of importance out of 460 ports in the British Isles.[15] Belfast began its urban development towards the end of the 18th century, aided by its maritime proximity to the port cities of the Cumberland and Lancashire region, to which its exports were directed, and from whence the raw materials of coal and later iron-ore were imported. The Act of Union in 1801 which removed Dublin's status as Ireland's legislative capital and centre of English social and administrative activity in Ireland, greatly facilitated Belfast's economic growth and civic self-esteem.

5.3 The growth of the population of Ireland, 1750 - 1800.

Up to 1801 it was Dublin the 'Confident Capital of Britain's Irish Kingdom which constituted the most outstanding monument to the age of expansion'.[16] It was the seat of the Irish Parliament, the location of England's government in Ireland and the seat of the Lord Lieutenant and his large array of crown officials and administrators. It was Ireland's largest port and the centre of a complex system of credit and exchange. It was a university city, whose Trinity College ranked third in the British Isles after Oxford and Cambridge for its antiquity, learning and scholarship. Dublin's public buildings were impressive. Its residential Georgian houses were the envy of many European cities. Its commercial confidence was symbolised by Gandon's masterpiece, the Custom House. Its population by 1750 numbered 130,000 people, which figure rose to almost 200,000 by the end of the 18th century.[17] Amidst all this bustling commercial activity, social revelry and intercourse and architectural splendour, lay a darker and more sinister side to the city.

This other Dublin was characterised by the tenement dwellings and hovels of the poor and deprived citizens, who were deemed of little account and importance. Other British and Irish cities of that time reflected this same division in social and economic influence - a situation of inequality which still exists today on the outskirts of cities in Africa, Asia and in Central and South America. These same wretched and miserable Catholic citizens, deprived of all civic, social, educational and economic opportunities for advancement were the ready raw material for the outstanding achievements of Edmund Rice, Nano Nagle, Catherine McAuley, Mary Aikenhead and other social and educational pioneers and innovators.

The climate of Irish economic and industrial growth and prosperity was soon to change, a change which brought distress and dire consequences to vast sectors of Irish society. The industrial tariffs and bounties granted benevolently to Irish industries by 'Grattan's Parliament' in the 1780's only lasted while Grattan and his parliamentary colleagues were in a political position to ensure their continuance. Political events in the British North American colonies and the Revolution in France and consequent European political upheavals ensured that Grattan, Lucas, Flood, Lord Charlemont and others could manipulate English policy to suit the immediate short-term economic and political goals of the 'Patriot Party' in the Irish Ascendancy Parliament. Trade tariffs and bounties provided a temporary protection to fledgling Irish industries, which saw no need to improve their costly production methods by failing to adapt to the needs and demands of competition. These necessary demands were inevitably forced upon them in the wider world markets by the dramatic progress of the English Industrial Revolution. The Act of Union in 1801 and the abolition of the Irish Parliament brought about a swift and painful end to the cosy protection which Irish trade and industry had hitherto enjoyed.

The factor which gave greatest cause for concern, however, was the

rapid rise in the Irish population from the 1760's. In 1767 the population of Ireland was approximately two and a half million; by 1781, it had risen to over four million and by 1801 this had increased by a further million to approximately five million people.[18] Demographers are not of one mind as to the *primum mobile* of this speedy acceleration in growth. Various causes have been postulated, which include a falling death rate arising from improvements in the quantity, quality and distribution methods of food supplies from the middle of the 18th century. Other scholars of this aspect of social history postulate a rising birth-rate due to earlier and more frequent marriages and by a higher population fertility due to an improved dietary situation. A decline in epidemics of fatal diseases is another theory put forward.

Perhaps the proposition which deserves the most credibility, as later events were to prove so tragically in reverse in the years 1845-47, was the view that the great nutritional value of the potato was a key factor in reducing mortality. It was the staple diet of the cottier and the more disadvantaged social classes. It could be grown and harvested cheaply and substantially in a relatively small land holding from one quarter of an acre upwards. This small acreage, from one quarter of an acre up to one or two acres was the only land available to the cottiers and other almost landless agricultural labouring classes, from which they could provide a minimal subsistence level to support their families. Should the potato crop fail, then starvation and disaster faced the bulk of the landless population of rural Ireland. This dire situation occurred in 'black '45' with catastrophic famine results. The social, economic, cultural and political reverberations of this most momentous event in modern Irish history are still of profound importance in the psyche of the Irish people. One example of this is the willingness of the Irish people to contribute generously in money donations and in the provision of relief workers and other practical resources to areas of famine and other natural catastrophes in Africa, Asia and other Third World areas.

The finer points of the academic debate about the causes of the demographic increase in Ireland in the century from 1750 to 1845 must be left to scholars, the focus of whose studies lie in the area of socio-economic history. It is clear that the reliance of the impoverished Irish rural community on the potato had a profound effect on the conditions and structures of Irish society. The importance of potato cultivation caused a rapid subdivision of the small land-holdings that were available to the small farmer, cottier and agricultural labouring classes. The disproportionate growth of the cottier class in relation to the small tenant farmer element in Irish rural society was a primary cause of a growing imbalance in the general agricultural community. Many landlords and their middle-men managers did not find this competition unwelcome.

The area of land available for potato cultivation and other cereal crops remained reasonably static, while those seeking to rent it vastly increased. The principle of supply and demand, allied to the natural desire of landlords to get the maximum financial benefit they could from their holdings, led to rent increases of an unrealistic and irrational character. The unfortunate cottier bid for small holdings at greatly inflated prices. Should bad weather, crop-failure or some other misfortune befall him, then being unable to pay his rent, starvation and eviction would follow inexorably for himself and his family. In such situations outbreaks of agrarian violence were not uncommon from the 1760s onwards. Groups of cottiers and small tenant farmers, already overburdened by other agrarian grievances such as the enclosure of commonages, rent increases, the demands for payment of tithes to the Established Church and necessary requests for 'dues' from their own Catholic clergy formed secret societies to help ward off these financial exactions. The Whiteboys of Munster caused great alarm from the 1760's onwards to both landlords and the English administration in Dublin. In Ulster, sectarian rivalry towards Anglican landlords by Presbyterian and Catholic tenants and between Catholic and Presbyterian tenants themselves over rents and tithes, led to clashes in the 1770's between Protestant 'Peep O' Day

Boys' and Catholic 'Defenders'. Other secret societies in Ulster included the 'Hearts of Oak' and 'Hearts of Steel', Catholic and Protestant respectively. Both groups has the common aim of securing redress of agrarian grievances and the amelioration and eventual abolition of payments of tithes and dues. The English administration had a problem of some magnitude to face in the social and economic structures of land holdings on a wide-scale in rural Ireland in the last quarter of the 18th century.

5.4 The development of early modern European political and social thinking and its minimal impact on 18th century Ireland

Political events in Britain's North American colonies underwent a swift and radical change from the early 1760s. Britain's policies towards her colonies in North America, India and not least in Ireland, were based on the following principle. The wealth and natural resources of the colonies and the economic and commercial prosperity generated by the industry and enterprise of her colonial subjects, by both expatriate British and native born colonials existed first and primarily for the benefit of the mother country. This situation was to continue while the inhabitants of the British colonies were prepared to be quiescent and to accept the imposed conditions and restrictions which governed their daily existence. But man, as a rational creature possessed of faculties of intelligence, cognition and judgement, was not disposed to accept either mutely or meekly, inequitable and unreasonable restrictions on his basic and fundamental freedom to aspire to a life style which would remove him from the base line of economic poverty, social deprivation and political and civil impotence.

The philosophy of political thought for the rulers of Europe had as its foundation stone the principles of Niccolo Machiavelli (1469 - 1527), as expressed in his essay 'The Prince.'[19] It is true that some aspects of a limited form of genuine popular government flourished for a time in the

republican city states of Northern Italy in the 15th and 16th century. The princely families of the Medicis in Florence, the Sforzas in Milan and the Tedeschis in Venice had, however, with the connivance of their oligarchic supporters, soon reverted to forms of government that were neither truly democratic or representative of their subjects. In spite of this there was a strong inbuilt sense of obligation towards and loyalty to their rulers in their subjects. The absolute power of kings grew to quasi-dictatorial proportions. This absolute regal power became the basic requirement for the developing nation states of Europe in 17th and 18th century Europe. Kings and princes in many instances adopted benevolent policies and attitudes towards their subjects if not solely to better the lives of their people, then to ward of attempts at rebellion by their subjects and possible overthrow and civil unrest. It also prevented the invasion of their territories by ambitious neighbouring rulers anxious to seize any chance to acquire more territory. Kings and princes could not conceive of any circumstances in which their divine right to rule, in an absolutist context, could be diluted by political or social concessions to those whom they governed. Nor was the Roman Church any less dogmatic in the exercise of its autocratic authority as embodied in the person of the Pope - 'Christ's Vicar on Earth'.

The 15th century Bohemian Hussites had among their other demands claimed the rights of individual church congregations to democratically choose their priests or pastors by means of popular demands or franchise. This was a principle which was anathema to and firmly resisted by both the Pope and the Holy Roman Emperor, each for equally valid reasons central to the security of their particular situations. The Reformation upheavals in 16th century Europe witnessed a similar demand for popular freedom and representation of the people themselves not only in the choice of dogmatic and liturgical principles, but in the choice of their religious rulers. This uncertainty and religious insubordination on the part of the worshippers themselves took place amid the welter of doctrinal and liturgical disputes and controversies

pursued by higher ecclesiastical personages at papal and episcopal level. The results of this absence of the old autocratic and authoritative structures led clergy of the lower ranks to form their own doctrinal systems, which in most cases received the active support of their parishioners at local and national level.

Strong feelings of regionalism and incipient nationalism, allied to growing resentment by the princes and lay people to the wealth, prosperity, privileges and corrupt religious and political practices of the Roman Church and its rulers, the Pope and his prelates, fell on the fertile soil of the disgruntled and disadvantaged lower clergy and their supporters. Zurich's reformer Ulrich Zwingli, Germany's stalwart, Martin Luther, and Geneva's ideologue, John Calvin, had to a certain extent had espoused an element, however imprecisely expressed, of the concept of choice by the people themselves in the framing of their doctrinal and liturgical reforms. But in the case of Luther, this principle of consent by the governed, be it in any ecclesiastical or political context, was soon extinguished by his need for the immediate political and military support of the Princes by whose autocracy the necessary stability would be provided for his religious revolution to survive. In effect in German speaking lands, and through the progression of these Reformation principles to Henrician, Edwardian and Elizabethan England, the former autocracy of the papacy in matters spiritual and ecclesiastical was replaced by a system of no less harshness. The newly claimed kingly authority sponsored by the Reformation and which now encompassed a dual absolutism embraced both the spiritual and political domination of the inhabitants.

It was perhaps only in Switzerland, where the influence of Zwingli in Zurich and to a much greater extent that of John Calvin in Geneva, that the principles of a truer form of republicanism or popular government took root at both religious and political level. This spread with the Huguenots to France and Holland and to Scotland and England by

Presbyterian or Puritan devotees and adherents. The reign of James VI of Scotland and I of England, saw the erstwhile Presbyterian James in his Scottish context, turn to the same Anglican absolutism in matters political and religious, as had his Tudor predecessors. This Anglican absolutism had its roots in the Lutheran political system of Northern Germany and Scandinavia. The Pilgrim Fathers in their flight in 1620 and thereafter to the New Colonial World of North America brought with them the seeds of non-conformist independence to their new colonial lands. This seed with its Calvinist/Puritan undertones of democratic and populist values took firm root in the English colonies on the Atlantic coast of North America. It bore fruit almost one hundred and fifty years later in the Declaration of American Independence in 1776.

5.5 The French political philosophers of the 18th century and their influence on the British Colonists in America

The development of political thought which could lead to the evolution of new structures of government and a threat to the fabric of existing regimes began to find expression in England and on the continent, particularly in France. The English philosopher and political theorist Thomas Hobbes (1588-1679) tried to construct the science of civil society from first principles, derived from his imagination of what man would be like in a state of nature where all authority, political, moral and social, was lacking.[20] Hobbes used the deductive reasoning of geometry in his studies. The substance of his political thinking is contained in his writings De Cive[21] and Leviathan,[22] both published in 1651. In these he sought to demonstrate that man's natural condition in which all authority was lacking and in which he enjoyed a natural right to everything that would assist his self-preservation, was one of mitigated strife. In such a state there was no security for any human purpose. He further argued that since man possessed reason, which was his capacity to know the state of things, he was able to discover those principles of conduct which he ought prudentially to follow for his security and safety. These principles he called 'The Convenient Articles of Peace' under

which men agreed to lay down their national right to everything and submit to absolute and sovereign authority.[23] In fact Hobbes, advocated royal absolutism and royal prerogative, a position which forced him to flee to Paris during the protectorate of Oliver Cromwell.

John Locke (1632-1704), another English political and social thinker wrote an essay entitled 'Essay Concerning Human Understanding' in 1690,[24] in which he emphasised that experience was the only source of knowledge. This is the basis of empiricism. Locke postulated that 'we can only have knowledge no further or wider than ideas, prompted by such experience.'[25] He fled to Holland in the reign of King Charles II and returned with William of Orange in 1688. Locke published many political tracts and essays in his later life on such diverse subjects as philosophy, politics, theology and economics. These works include 'Letters on Toleration', 1689-1692, and 'Some Thoughts Concerning Education', 1693.[26] Locke's Two Treatises on Government published in 1690 helped form contemporary ideas on liberal democracy. His thinking on politics supplied the classic statement of English Whig theory and it also enjoyed great influence in political thinking in the English North American Colonies and also in early 18th century France. The basis of Locke's thesis on politics postulated that Governments derived their authority from popular consent, which consent he regarded as a 'contract'. From this, Locke deduced that governments may be rightly overthrown if they infringe such fundamental rights of the people as religious freedom.[27] He believed that the mind of every person at birth was blank - a *tabula rasa* - and that all ideas came from the senses.[28]

Gottfried Wilhelm Liebnitz (1646-1716), a German philosopher and mathematician, developed concurrently with Isaac Newton the science of calculus, an invaluable contribution to the development of mathematical thinking. In the field of metaphysics, Liebnitz published a thesis entitled 'Monadology' in 1714.[29] He postulated the theory that everything of innumerable units, which he called *monads*, the individual properties of

which determined each thing's past, present and future. Monads, although independent of one another, interacted predictably, which meant for example that the Christian faith and that knowledge acquired by scientific knowledge need not be in conflict. This conclusion would appear to provide the best of all possible worlds - a premise with which Voltaire disagreed vehemently.[30]

The Encyclopedists, a group of French scholars headed by Diderot and D'Alembert were engaged from 1751 - 1756 in preparing the French Encyclopaedia, which embodied the most advanced scientific and philosophical ideas of the time.[31] This period of the development of political and social thinking, particularly in France, is known as the Period of Enlightenment. All these scholars, and especially the French, became leaders in this intellectual movement which reached its zenith from the middle of the 18th century onwards. They included Diderot, Rousseau, Voltaire and the Englishman Thomas Paine. These men, like their immediate predecessors, were interested in social, scientific and political reform and progress. They were openly critical of existing society and the basis on which it worked. They were for the most part hostile to the very concept of religion, as it was then known, on the grounds that religion as they perceived it kept the human mind chained down by superstition. The American and French Revolutions, which took place some years later, were justified to some extent by Enlightenment principles of natural human rights, as espoused by the political philosophers already mentioned above.[32]

Denis Diderot (1730-1784) was the French political philosopher who was most closely associated with the beginning of the movement known as the Enlightenment. He was editor of the French publication known as The Encyclopedie from 1751 to 1780.[33] This publication was emulated in England by a publication that has become famous as a reference work, which is now known as the Encyclopaedia Britannica. It's original author was Ephraim Chambers (c. 1680-1746) but the English edition was more

a work of general knowledge reference material rather than it's French counterpart to which Diderot had given a particular political and social bias.[34] Diderot's Encyclopedie exerted great influence on contemporary French social thinking, with its emphasis on the importance of materialism and anti-clericalism. The various contributors to Diderot's publication were known as the Encyclopedists and among them are found such writers as Voltaire and Rousseau.

Francois-Marie Arouet (1694-1778), social philosopher and writer, chose the pen name Voltaire to disseminate his ideology and philosophy in 18th century France. He was born in Paris, the son of a legal notary. He had a strong personal belief in Deism. He devoted most of his adult life to the promotion of the principles of tolerance, justice and humanity within French and European society. His first notable treatise was a work entitled "Philosophical Letters on the English", written in 1733.[35] In this work he advocated and promoted his thoughts in favour of English ways, thinking and political practices. This approval of the English system of political structures did not find favour in France. The French system favoured an autocratic and absolute system of monarchy with a concomitant rigid social strata. Voltaire was forced to flee the country. He was twice imprisoned in the Bastille for his activities. He was a prolific writer, producing historical biographies of King Louis XIV (1751), Peter the Great of Russia (1748) and King Louis XV of France. His work Candide, written in 1759, was a satirical parody on Gottfried Liebnitz's 'best of all possible worlds proposition'.[36] He spent two years (1751-1753) as visiting philosopher at the Royal Court of Frederick II (the Great) of Prussia. Frederick and Voltaire became estranged , however, and great hostility grew up between them which forced Voltaire to return to France.

Jean Jacques Rousseau (1712 - 1778), a member of a French Calvinist family who had sought sanctuary in Geneva from religious persecution in 1550 was temporarily resident in Paris in the early 1740's.

Here, through his writings he gained the acquaintance of men of letters including Diderot and D'Alembert and was influenced by their thinking and ideologies on many subjects. Rousseau published his Discourse on the Origin of Inequality in 1753, which failed to win him a prize from the Academy at Dijon. It did, however, establish him among the foremost French writers of the period. Among the many arguments he put forward in this Discourse, the following could be regarded as the most startling and important from the perspective of the development of political thought and philosophy. Rousseau argued that 'all property is asserted to be derived from confiscation, all wealth is a crime, all government is tyranny, all social laws are unjust.'[37] In 1760 he published the New Heloise, a volume with elements of romance, of admiration for the simple rural life, for nature in its grand and wild aspects. Among his development of these particular themes he sought to impress on French society, which he regarded as artificial and un-natural, an understanding of the rights of the poor and the duties of the rich. This work established him as a writer whose philosophy was readily understood and appreciated by his readers. Rousseau's treatise on education or Emile, written in 1762, 'counted for much in stimulating fresh thought on education, being indeed the most soundly reasoned of all his works.'[38]

In 1762 Rousseau published his most important socio-political treatise, The Social Contract. It was entitled Du Contrat Social ou Principes du Droit Politique.[39] It was published originally in Amsterdam to escape French censorship. This was a profound work which greatly influenced the course of political events in France and in the British American Colonies in the following 27 years. It had immense peripheral political repercussions in other European countries. It was extremely influential in the British North American colonies in the 1770s, in the events leading up to the rebellion of the American Colonists and in pre-Revolutionary France, and also to a considerable extent in Ireland in the 1790s when the United Irishmen were founded. Rousseau's Social Contract had more influence and impact on Northern Irish Presbyterian

thinkers in Ulster in the 1780 period of Irish history than it had with the traditionally Irish Catholic monarchists.

The Social Contract proceeds on the premise that the basis of society is an original compact by which each member surrenders his will to the will of all, on condition that he gets protection and defence. It further argues that the community is the true sovereign, that each member of it has equal power and right to make laws. Its conclusion is that kings are usurpers and that no laws are binding to which the whole people's assent has not been gained.[40] The Social Contract influenced Presbyterian thinkers in Ulster in the 1780 period in Ireland more than the pro monarchical Irish Catholics, a factor shown by the Presbyterian elements in the united Irishmen movement.

As a Calvinist and a native son of Geneva, where strong republican sentiments and traditions found favour in both the religious and political structures of that city, Rousseau believed that only in a republic, in which all the people had personal voting power, was true political validity to be secured.[41] His doctrines of liberty, equality and fraternity were clearly expressed in the Social Contract. They soon became the catch-call for all those seeking freedom from political and social oppression in France in particular, in other parts of Europe and European colonial possessions in general, but most notably in the British North American colonies. In the British colonies of North America, where trade, commerce and the generation of wealth and prosperity was so blatantly directed towards the enrichment of the mother country through levies and taxation at the expense of the colonists, the strident cry of 'no taxation without representation' began to be heard with increasing clamour and conviction in the corridors of power in London. This section on the development of political thinking in 18th century Europe would be incomplete without reference to the Englishman, Thomas Paine (1737-1809), often regarded as the most left wing and radical political theorist of his age. He played an active part in both the American War of Independence in 1776 and

the French Revolution of 1793.[42] His pamphlet, Common Sense, written in 1776, played its part in igniting the passions of the North American colonial rebels. He also wrote two further radical and influential treatises, The Rights of Man (1791) and The Age of Reason (1793).[43] Paine was a believer in republicanism, Deism, the abolition of slavery and the emancipation of women. He went to the American Colonies in 1774 and became a friend of Benjamin Franklin, one of the founding fathers of the American Republic. His work, The Rights of Man, was Paine's answer to Edmund Burke's treatise Reflections on the French Revolution, which was a conservative defence of the pre-French Revolution status quo in politics and Government.[44] In 1792, Paine was accused of treason and fled to France. He later returned to England post 1800 and died in relative obscurity. His writings did, however, have a profound influence on the changing political thinking of his time.

It is true that the English governments of the period largely ignored this increasing unrest among the colonists of North America on the basis that the power and political structures of Crown and Parliament would bring these unruly and disloyal citizens to their senses. There were others, however, who feared what might happen should the social and political philosophy of Rousseau and others find fertile soil in which to take root and grow. Among them we find the Rockingham Ministry in England in the mid-1760s in which there were Ministers, who were not alone motivated by the fear of revolution in the colonies, but who themselves felt that justice and equity should prevail in the relationship of the governments to their citizens, be they in colonies far overseas, or nearer to hand in Britain itself and in its most proximate colony of Ireland. The Irish-born orator and statesman Edmund Burke, a member of the Rockingham Whig-Ministry played a primary role in framing and steering into law in the English Parliament, proposals which became known as the American Stamp Act of 1766.[45]

It was, as has been mostly the case, where British government

initiatives towards providing justice and relief to its oppressed colonial subjects has been at issue, a question of too little and too late. The American Declaration of Independent of 1776 and its sequel was the culmination of a long series of real and perceived injustices and the denial of their fundamental civil rights as free-born subjects of the British Crown. The American War of Independence was fought skilfully and successfully by the English colonists against the forces of what might have been regarded as a militarily invincible mother-country. The repercussions which followed the victories of the colonists and the final defeat of Lord Cornwallis and the British Crown forces were momentous, not just for Britain, but for other colonised peoples. A shiver of alarm was sent down the spines of the collective European Absolutist Monarchies.

5.6 Enlightenment ideology and its impact on 18th century Ireland with its natural consequences of greater human rights and freedoms

The Age of Enlightenment had dawned. Events in America, and those which would follow some twenty years later in France, had shown the downtrodden that true freedom and equality were attainable. What did the seeds of this social and political revolution bide for the majority of the Irish Catholic people, so oppressed and deprived of their basic human rights? The problems of Ireland became an added complication for the English government.

The majority Catholic population of Ireland had endured the inequalities of the penal legislation imposed on them as a religious group for almost a century. They were conscious of their role as second class subjects and of the inequality of the legislation which imposed those civil, economic and social disabilities upon them. Regionalised agrarian disturbances marked the resistance to tithe payments by the tenant and cottier classes. The Ascendancy, composed of the landed and mercantile classes in Grattan's 'Patriot' Irish Parliament saw their opportunity to exact increased legislative independence from England and greater opportunities for self-aggrandisement against a background of the

success of the rebellion of the colonists in North America. The unfolding drama of the French Revolution and the radical political and social philosophy and ideologies which underpinned it readily took root in Ireland. The Ulster Volunteers of Lord Charlemont and his supporters and their convention resolutions in Dungannon in February 1782 could be reasonably viewed from London as either a protective force for Ireland and the Crown against the threat of a military invasion from Republican France. In reality, they combined these aims in a general way, but were viewed more as a pressure group intent on extracting for ascendancy Ireland legislative and other freedoms, inimical to the immediate and long-term interests of the English Crown, government and Parliament.

5.7 The repeal of the Penal Laws and the granting of concessions to Catholics in late 18th century Ireland

During the course of the 18th century, many of the more severe Penal Laws against Catholics had been allowed to lapse due to the lack of political will to enforce them because of changed circumstances. Many of the statutes had never been fully enforced. As the dangers of a Stuart invasion of Ireland became increasingly remote from the mid 1760s, there appeared to be reasonable grounds for the dismantling of the more extreme elements of this Penal Code. The growth of the concept of religious toleration for religious minorities in Prussia, in the Turkish controlled areas of the Balkans and Greece, and even in France itself, contributed towards the creation of this new attitude. In Protestant England and to a greater extent in Ireland, where Catholics were in the majority, there was a certain mellowing in the attitude of harsh intolerance of religious minorities, provided these minorities were discreet and private in their acts of religious worship and undemanding and unthreatening in the practice of their religion. In Ireland, for the most part these Catholics in the mid 18th century who had the good fortune to enjoy some reasonable level of economic and material prosperity, such as the families of Edmund Rice and Nano Nagle, were very little disabled by the Penal Laws other than their restricted opportunities for political

advancement. The lower classes for their part suffered for their inability to pay tithes and to provide any form of payment, however small, to secure admission to any form of education, scant as such facilities were. This was not just an Irish lower class phenomenon. The position of that growth was similar in England and other European countries as well. The Seven Years War, 1756-63, in which Great Britain declared war on France, saw a renewed public fear and suspicion of papal intrigue from Rome as a destabilising influence on the situation on the part of the English government and by all levels of British society and echoed in Ireland by the Ascendancy establishment.

A number of Catholic landed aristocrats comprising such persons as Viscount Kenmare, Viscount Gormanston and others came together in Dublin in March 1760 with the intention of forming a Catholic Committee. Their aim was to try and influence the English administration to ameliorate the plight of the Catholic people of Ireland and to secure for them relaxation of those Penal Laws which denied them such basic rights as those of renting or purchasing land, to engage openly in a pursuit of a livelihood in industry, commerce, banking and the professions. This lobbying by the Catholic Committee was done in a low-key manner while simultaneously emphasising their loyalty and that of the leading Catholic churchmen to the English king and to the institutions of state. Their petitions had some small effect in that by 1760, the lower levels of the British army were thrown open to Catholics. In 1772 an act known as 'The Bogland Act' was passed by the Irish Parliament to enable Catholics to take 61 year reclamation leases of bogland.[46]

The Gordon anti-Catholic riots in London in early June 1780 followed Gardiner's First Catholic Relief Act of Aug 1778[47] and the Protestant Dissenter Relief Act of May 1780, which abolished the sacramental test imposed on them by an act of the Parliament of Queen Anne 24 in March 1704[48] showed the level of religious intolerance which still existed in England to those citizens not of the Established Church. This religious

bigotry and intolerance, as shown by the events of the 1760's and the Gordon riots was never far beneath the surface of religious and political consciousness at most levels in British society. Political events, however, especially those as significant as the American Declaration of Independence in 1776 and the defeat of Britain in the ensuing war with the colonists, followed by the French declaration of war on Britain in 1778, caused English officialdom to have second thoughts on the wisdom of maintaining too restrictive a policy in Ireland, in matters political and religious. Growing religious and civil toleration for the Catholic and Dissenter in Ireland was wrung unwillingly from the Government and its administrative and legislative supporters through dire political necessity. Gardiner's Second Relief Act for Catholics in May 1782[49] followed by James Stewart's Act declaring valid marriages performed by Presbyterian Ministers also in May 1782,[50] was further proof of this concessionary spirit of toleration. It was also proof, if this were needed, of the desperation of the Dublin administration at its inability to control political and civil events in Ireland.

On the broader and more significant aspects of anti-Catholic discrimination, such as the right to vote at local council level, to sit as members on these city and town councils, to serve as members of County Juries, to vote in parliamentary elections, to sit in parliament, to hold public offices under the crown and to practice at the Bar - very little progress was made on these issues by this prudently cautious Catholic Committee. The Catholic Committee had secured some small success in redressing the educational grievances of Irish Catholics by the passing of the Catholic Relief Act, i.e. Gardiner's 3rd Relief Act in July 1782.[51] This Act permitted Catholics 'to teach school' subject to certain conditions. Catholics were also permitted to act as guardians of minors. This act was in itself discriminatory and restrictive and did not meet the Catholic case for proper educational freedom for Catholics. It was a start, albeit, even only just. The Catholic Committee was composed of members who like the churchmen for whom they spoke, had very little sympathy with or

understanding of the political radicalism espoused by a growing Dublin based Catholic middle class element composed of traders and businessmen such as John Keogh, Richard McCormick and Edward Byrne. This political radicalism was espoused by a similar stratum of Presbyterian society in and around Belfast. It owed its origin to the writings of Rousseau and the success of the American and French revolutions. This group of middle class Dublin traders had received the kind of Catholic education which was tolerated in Dublin in the 1750s and 1760s, as already described in Chapter 2 of this thesis. It was adequate for their needs to earn their livelihoods. However, Catholic educational needs did not figure prominently in this middle-class group's political and social agendas.

It was not only the middle class Catholics who felt the injustice of their social, political and economic plight. For Irish radicals, as for radicals throughout Europe, the enunciation of the principles of liberty and equality, the abolition of privileges, the re-shaping of the institutions of state in accordance with the wishes of the people as propounded by Rousseau in his Social Contract, coupled with the stirring events in post-1789 France all seemed to herald the dawn of a new era. The politically conscious middle class Dissenters of Belfast, who resented the control of the levers of power by the Anglican landed classes in the corrupt Irish Parliament in Dublin, found the events in Revolutionary France particularly encouraging. Liberty, equality and fraternity among all the citizens of the country, irrespective of race or creed found expression in the radical debating societies which began to flourish in Dublin and Belfast.

These groups included Catholics and Dissenters, men such as Robert Simms, merchant and newspaper owner, Thomas Russell an army officer, Samuel Nielson draper and printer and Henry Joy McCracken a Presbyterian cotton manufacturer, all from Belfast. In Dublin this group included such persons as Napper Tandy, Dr. William

Drennan, Thomas Addis Emmett, Dr. Rowan Hamilton the physicist, Oliver Bond, woollen merchant, the lawyer-brothers John and Henry Sheares and the aristocrat Lord Edward Fitzgerald. These were the men whose explicit aims included parliamentary reform and full civil and religious rights for all, irrespective of religious denomination or class. They were greatly influenced by Theobald Wolfe Tone, a young Dublin-born Protestant barrister whose pamphlets and writings on radical political issues influenced not only his own countrymen but the Whig opposition in the English and Irish Parliaments. Tone's employment in 1792 by the new Catholic Committee, led by John Keogh and other middle class Catholic radicals, followed the ousting in December 1791 of the conservative leadership of Lords Kenmare, Fingall and Gormanston and sixty seven other members. The efforts of this new radical group of Catholics resulted in the passing of Hobart's Catholic Relief Act of 1793.[52] This act conceded the right to Catholics to vote at parliamentary elections to the 40 shilling free-holders in the counties and in the open boroughs, to act as Grand Jurors, to bear arms, to take degrees in T.C.D., to receive officer-commissions in the army below the rank of general and to hold other minor state offices. But the right to the higher Crown offices and more importantly the right to sit in Parliament were still denied to Catholics.

5.8 Educational initiatives in late 18th century Ireland

Reference must be made at this juncture to those members of the Ascendancy and Establishment class, who through personal conviction, believed that Irish Catholics were suffering great hardships and deprivation of all kinds due to the rigours of the Penal Laws. John Hely-Hutchinson, provost of Trinity College, Dublin was a proponent of parliamentary reform and of relief of Catholic disabilities. By reason of his interest in education and his university position, he also concerned himself greatly with educational matters. Although the Penal Laws relating to education seem not to have been enforced from the middle of the 18th century, their educational consequences lingered on. In

response to attempts to suppress Catholic educational initiatives, the Catholic peasantry created a patch-work like system of privately-run local elementary schools, known as 'hedge schools'. They continued to support these institutions well into the 19th century. Many of these schools were still in existence when Stanley's National Education System of 1831, which established the current Irish structures of primary education, was introduced.

While the Penal Laws were enforced Catholic schoolmasters taught as members of a quiet but widespread conspiracy. Their fellow conspirators were the students who formed the classes and the parents who sheltered them and paid their fees. In many rural areas a hedge school was literally that.[53] It was a collection of students holding class in a ditch or hedge row, with one of the students taking it in turn to act as look-out for the unannounced and sudden arrival of an officer of the law or of a local landlord or his agent, who would report the incident to the law officers.[54] As the Penal Laws were less strictly enforced from the 1750s onwards, conditions for these teachers and pupils became somewhat less harsh and more tolerable, a mud hut replacing the al fresco arrangement of earlier times. The schoolmasters became less itinerant in that they would stay in a fixed area, provided that the parents of the children would pay their fees. These pay schools in the late 18th and early 19th centuries became a synonym for 'hedge schools'. This was the perception of A.R. Blake in a report submitted by the Select Committee of the House of Lords on the plan of education in Ireland in 1837[55] with minutes of evidence.

Both friend and foe of the Irish hedge school system could agree that the Irish peasant possessed a keenness for learning. Sir Robert Peel, the Secretary of State for Ireland and later to become Prime Minister, said to the House of Commons on 27 February 1816 that he could "state as a fact within my own knowledge that the greatest eagerness and desire prevails, among the lower orders in Ireland, for the benefits of

instruction."[56] The Commissioners of the Board of Education in their XIVth and summary report in 1812 - 1813 concluded :

> From the facts here stated, we conceive it clearly to appear that the lower class of the people of Ireland are extremely anxious to obtain instruction for their children, even at an expense, which though small, very many of them can ill afford.[57]

Edward Wakefield wrote in 1812 "I do not know any part of Ireland so wild, that its inhabitants are not anxious, nay, eagerly anxious for the education of their children."[58]

The Penal Laws, certainly unintended in their aims and formulation, encouraged Catholics to seek learning and education but not the education of the Anglican Church, scant as it was. The Catholic peasantry realised that educational deprivation would grind them further into economic helplessness, permanent social inferiority and religious ignorance. It was the intention of the penal legislators in regard to their anti Catholic educational decrees to direct the Catholic population, for religious, economic and political reasons, into an acceptance of Anglican educational structures in the hope that in time sufficient Catholics would convert to Anglicanism. In response the individual Catholic, realised that his own family's survival depended upon his children obtaining the basic knowledge to eke out some form of livelihood, in a hostile society, which aimed to keep his social and economic standard of existence at as low a level as possible. It is unlikely, however, that this positive concept of the value of education as viewed by the individual, was seen in a group context as providing a bulwark or barrier to preserve intact the cultural entity of the Irish people as a race. The Irish people had a long history of respect for learning and scholarship going back to the early Christian era of the monastic schools and their later bardic counterparts. The Penal Laws against Catholic education perhaps unintentionally motivated many Irish Catholics of the lower classes to appreciate the benefits of an education, even at a basic level, as a vehicle by which they could improve their material and economic prospects and advance from their poverty and deprivation. Taking a wider perspective, if only with the

benefit of hindsight, it might be argued that in some ill-defined way, the Irish people, as a distinct racial group, perceived that a native Irish educational systems, basic as it might be, was the only way they could prevent their racial culture and traditions from being extinguished. This was certainly the aim of those nationalists in the late 19th century who promoted distinctive Irish linguistic and cultural values through such organisations as the Gaelic Athletic Association and the Gaelic League.

John Hely-Hutchinson, provost of Trinity College, already referred to as a proponent of parliamentary reform and of relief of Catholic disabilities, began a campaign in late October 1783 in the Irish House of Commons for the establishment of two or more 'great public schools' in Ireland, similar to Westminster and Eton. He briefly mentioned the outline of a scheme for establishing such schools in Ireland which he intended to introduce to the house at a later date.[59] In December 1785, he outlined his plan in detail and sent it to Thomas Orde, then Chief Secretary for Ireland. "The want of good schools in this Kingdom", Hely-Hutchinson wrote, "has long been the subject of general complaint. There was never greater cause for it than at present".[60] Hely-Hutchinson's scheme outlined in Donald Akenson's The Irish Educational Experiment[61] clearly shows that Hely-Hutchinson in spite of his liberal views on Catholic penal disabilities, had in mind some form of restructuring and reformation of the existing Diocesan / Royal / Charter schools system, on a very limited scale for pupils of the Established Church. He believed that the need for the provision of educational facilities for the Catholic masses did not exist. He was limited in this regard by his personal experience of the weaknesses of the existing Anglican school system as it was exposed in the literate and scholastic short-coming of entrants to Trinity College, Dublin. His interest and enthusiasm in the quality of education and the need for it to be more broadly based throughout Protestant Ireland, at least inspired and motivated Thomas Orde, the Chief Secretary to set out on a similar but more extensive re-appraisal and evaluation of the existing educational system.

Orde went further in that he foresaw the need for legislation in the matter of education. Thomas Orde was a member of the Irish House of Commons for Rathcormack from 1784 - 1790 and also served as an English MP from 1780 - 1796. He was Chief Secretary for Ireland from 1784 - 1787. The Lord Lieutenant at the time was the Duke of Rutland. Thomas Orde, as Chief secretary, was impressed by Hely-Hutchinson's proposals. He allowed some time to elapse which he spent on the consideration of general educational principles and proposals.[62] He proposed a plan in the Irish House of Commons on 12 April 1787 for 'an improved system of education in Ireland.'[63] Orde's proposals were very comprehensive in that he proposed radical changes in the existing state sponsored school structures from Henry VIII's parish schools at elementary level right up through second level. At second level, Orde proposed to cater for the technical arts, navigation, agriculture, modern languages and other useful subjects in 'four great schools, one in each province.'[64] Orde also proposed that the existing diocesan schools of Elizabeth I of 1570 be increased in numbers to a total of twenty two schools, in which the teaching of classical learning would their main goal. He also proposed two higher level secondary schools, 'great academies', to serve as preparatory schools for boys of great ability for entry to the university. He concluded his proposals with a plan for a second university to be located in the north-west of the country.[65]

He believed that the funding of this system of education would come from increased contributions from the Protestant clergy, both from humble parochial incumbents to the Bishops and from donations and endowments and from student fees. He finally added to his proposals a resolution "that it was expedient for Parliament to create an annual fund, to be known as 'the Lord Lieutenant's school fund' to be applied to purchasing and building of schools and to provide for free instruction for the poor". He concluded his address by recommending that Parliament at its next session should take steps to carry his proposals into full effect.[66]

John Hely-Hutchinson seconded Orde's proposals, while naturally demurring from the idea of the creation of a second Irish university, a view which one could understand as he was Provost of Trinity College, Dublin. The reception of Orde's proposals was generally well received outside parliament. The Grand Jury of Limerick city congratulated him for a plan "what we must not only reform the morals of the people but furnish the nation with a new and most useful body of industrious men."[67] The Protestant Archbishop of Cashel, Dr. Allott, was also euphoric on "this well digested plan of education which if implemented would confer on my country one of the greatest blessings that providence can bestow on a people."[68]

Orde's plan, introduced the principle, which in the view of Donald Akenson, became so important in the next century, namely that "the benefits of education should be equally available to all children, irrespective of their religious denomination."[69] This opinion is hard to justify in terms of Orde's actual proposals which clearly implied that where state expense was involved in any student's education by way of maintenance or tutoring, then it was only reasonable to expect that 'such children be brought up in the established religion'.[70] Orde also proposed that the superintendence and staffing of the institutions which he proposed be under established church control. Catholics and Presbyterians could hardly be expected to be enthusiastic on religious grounds for Orde's proposals, however well grounded they might be in terms of progressive educational principles and philosophy. Richard Griffith, MP, speaking on this motion, clearly put the point that the proposals did not extend to Catholic or Presbyterian youth, unless pastors of these denominations were appointed to instruct their adherents in these schools.[71] The Presbyterians of Ulster petitioned the Irish Parliament in February 1787 for ample and permanent support for an academy of their own, which would obviate the need for them to send their clerical students abroad for university education. James Stewart, an Ulster MP, mentioned this petition in the context of the discussion on

Orde's proposals but it was not entertained.[72] Orde felt that those who were objecting, notably the Presbyterians, would

> readily perceive and acknowledge the evident propriety of forming these public establishments, thus made in general open to all disciples of all religions upon the 'single basis' of the established church.[73]

The Catholic reaction was equally hostile. Archbishop Egan of Tuam wrote to Archbishop Troy of Dublin in February 1788 stating that Orde's educational proposals were a deep-laid and hostile plan against the interests of the Catholic religion in that it had a two-fold purpose. Firstly, he feared the establishment of Protestant schoolmasters in every parish to the exclusion of Catholic teachers. Secondly, he believed that the many inducements to the Catholic poor to send their children to these schools, would inevitably result in these children, when fitted for employment being employed by Protestant employers where all the physical and economic advantages of being Protestant would be clearly seen by them, and lead to their eventual abandonment of their Catholic faith.[74] Archbishop Egan's attitude to Orde's proposal is interesting in that he clearly implies that Catholic children who might seek education in Protestant schools would result in their losing their faith for the price of possible worldly or material gains. The converse of his argument would also seem to imply that there was merit in maintaining poverty, and if necessary, ignorance, as the price for keeping their Catholic faith. This argument of Archbishop Egan illustrates the complexities of the problem.

Some members of the Ascendancy Parliamentary class were well disposed personally to the relief of Catholic educational disabilities. Perhaps this attitude, motivated by some degree by their fears that if concessions were made to Irish Catholics, then the political and social well-being of Ascendancy Ireland would be better safeguarded in the threatening European political crises of the time and its safety better secured. Yet it appears, at worst, inconsistent of them, and at best, naïve, to offer support in this conflict, for support of an educational proposal that would exclude the vast bulk of Irish Catholic children from

participation in Orde's scheme. Orde's proposals however laudable in their motivation, were fatally flawed in this respect.

In late October 1787, the Lord Lieutenant, the Duke of Rutland died suddenly aged 33. Thomas Orde resigned as Chief Secretary at the end of the same month. The Irish Parliament, despite its resolve of the previous year, never again discussed Orde's proposals due to political pressures arising from the war with France and the regency question. In conjunction with Orde's proposals the Irish Parliament in April 1787 requested the Lord Lieutenant to have exact returns prepared on the number and state of the parish schools and the facts relating to their financial arrangements and endowments for the Parliamentary debate in 1788. Further requests were added to include the same kind of returns on the Charter schools, the Erasmus Smith schools and the Diocesan schools.[75] Alleyne Fitzherbert, Orde's successor, who also had an interest in education, introduced a bill in the Irish House of Commons on 13 March 1788 to enable the new Lord Lieutenant to appoint commissioners to inquire into the funds and revenues, both of public and private donations given for the endowment of schools. The condition of the schools was also to be examined. The bill passed all stages in the Commons and Lords[76] and received the royal assent on 18 April 1788.[77]

The commissioners worked very speedily. The Waterford Herald of 4 December 1788 reported that the commissioners were almost finished their task.[78] It is likely that some preliminary report was issued in late 1788 or early 1789 of which no copy has survived.[79] The commission had not completed its work and their warrant of appointment was extended to 1791.[80] The members of the commission included Fitzherbert himself, John Hely-Hutchinson and a future Chief Secretary, Robert Hobart. The final report of 1791 was not published until 1858 when the Endowed Schools Commission of that year found a copy of the report and used its findings and conclusions in tandem with its own deliberations. The reasons for the non-publication of the 1788-91 report can only remain

speculative. It can be inferred, however, that the findings of the commissioners with particular regard to the conditions obtaining in the Charter schools were so appalling and discreditable, that acute embarrassment for all concerned might best be avoided, if the report remained undisclosed. This could reasonably be accepted in view of the more threatening political events occasioned by the French Revolution and the threat of the spread of its radical principles, which were finding expression in Ireland in Wolfe Tone's United Irishmen movement and other forms of political agitation. It is only fitting to attribute to Thomas Orde's work in education the accolade, that "it was a touchstone in the evolution of the core of ideas, from which the future national system of education in Ireland was eventually to be fashioned."[81]

5.9 Educational structure in Waterford City 1788 to 1838.

The county and city of Waterford are well served in the number of excellent local histories of the area which have been published from as early as 1746. There are seven standard works on this subject, each of which give excellent general background information on the history, topography and antiquities of the city and county. The authors who have been consulted for this thesis in a study of Waterford City, particularly in the years 1788 - 1838 and up to present time, insofar as they appeared relevant, include Charles Smith writing in 1746, Rev. R. H. Ryland, 1824, Joseph Hansard 1870, P.M. Egan 1894, Edmund Downey 1914, Patrick C. Power 1990 and William Nolan and Thomas P. Power 1992. Their histories of Waterford County and City are of a general kind in the nature of the historical facts they presented. A Parochial History of the Diocese of Waterford and Lismore was written and published by V. Rev. Patrick Canon Power in 1912. The same author wrote a more extensive history of the diocese itself in 1937. It was obviously written from an ecclesiastical and religious perspective. Canon Power's approach to the subject and the judgements and inferences he draws from historical facts reflect in a very balanced way a Catholic churchman's view of the history of his native city and county.

Charles Smith, in his account of the state of affairs in Waterford in 1746, records the existence in

> Christchurch yard of a Latin Free-school, the patrons of which are the Major, Sheriffs and commons of the city, who pay the schoolmaster £20 per annum. Above stairs is a writing school for the convenience of the Latin scholars.[82]

Smith does not mention the number of pupils attending the school. He next refers to "the Free school, or Blue-boys school, situated at the lower end of Broad Street and corner of Arundel Street."[83] He goes on to give a description of the building itself, half of which is devoted to school-rooms, the other half being the residence of the master. This school, Smith informs us, was founded and endowed in 1707 by the Anglican Bishop of Waterford and Lismore, Nathaniel Foy, for the gratuitous education of Protestant children. It was built in 1708. In 1728 an act of the Irish Parliament, was passed which was supported by Rev. Nathaniel France. Its aim was 'to perpetuate and better regulate the charitable foundation.'[84] The result of this parliamentary support enabled the trustees "to instruct and cloath 75 boys annually on the Feast of St. Michael and to put out some of the most worthy of their apprentices to Protestant masters of the established Church."[85] Charles Smith adds that some four years after its foundation

> to frustrate this design, a Popish school supported by subscription was erected which gave the same encouragement, by teaching children grates to read, write and cast accounts and this project had the intended effect, for the number of boys daily decreased in the Bishop's school and for many years together threescore could not be had, while the Popish school has its full complement of fourscore boys.

The Corporation of Waterford were apparently in dispute with Bishop Foy's successor, Bishop Thomas Mills, whom they blamed for the success of the establishment of the Papist school, because "he entertains Papist servants in his house and corresponds with Papists to ye disatesfaction of ye people."[86] The controversy between the corporation and the Bishop, as to the administration of the income

accruing to the Bishop Foy School endowment, continued for several years until the Anglican Dean of Waterford, Rev. Nathaniel France, mentioned above, sought parliamentary authority for the future administration of the charity. An act of the Irish Parliament was passed in 1728 enabling Rev. Nathaniel France, as Dean, along with the Bishop and Mayor of the city as trustees to administer the Foy School trust which required them to have 75 poor children of the city of Waterford taught gratuitously and to be clothed. Any surplus funds thereafter were to be applied to paying fees "to employers to accept the boys as apprentices".[87] Charles Smith in his Natural and Civil History of Waterford states:

> To this present year 1745 these (boys) have been bound out to trades. The number of these boys is 110, to each of whom are given a bible, a common prayer book and a Whole-Duty of Man. The cloathing of the boys comes to about £86 per annum, the sum of £5 is generally given as an apprentice fee ; and by the prudent and careful management of this foundation the school has produced many eminent tradesmen to the city, who by this means are become useful members to the public.[88]

Bishop Foy's school had a chequered story over the next 150 years. The commission, appointed through the initiatives of Alleyne Fitzherbert, Orde's successor, by an Act of the Irish Parliament in 1788[89] and whose report was not published until 1858, mentions the school as 'being a well regulated charity and of great benefit to the city of Waterford.'[90] An Act of the British Parliament in 1808[91] gave the trustees power to sell the existing school property and to move to a new location at Grantstown outside the city and to change the nature of the school from a boys' day school to a boarding college catering for a greater number of pupils. The number of boys in attendance in 1808 was 57 and in 1812, the figure had risen to 67,[92] in which year it moved to Grantstown. The school, commonly called the Blue School, in the second report of the commissioners of the Board of Education in Ireland in 1826 is quoted as having thirty pupils.[93] The number of boys in the school in 1835 is given as 47 in the second report of the commissioners of Public Instruction

(Ireland)[94] and that number was stated to be stationary. The Endowed Schools Commissioners held a public inquiry in Waterford on the Bishop Foy School 15 August 1857 and also visited the school. Their report was most unfavourable. There were thirty eight boys in the school and the Commissioners found

> ... many of the defects that are so common in charitable boarding schools for the poor ... Schoolhouse dirty, children neglected, food supply deficient - a very unsatisfactory state of affairs both as to the care of the children and the state of instruction.[95]

They suggested that the management of the school "be transferred to the Incorporated Society with power to effect the changes which we have recommended in the Constitution of the school".[96]

The Bishop Foy school became fee paying as reported by the Endowed Schools (Ireland) Commission 1881.[97] The fee was £20 per annum. There were forty five boys on the roll of whom five were fee paying. The commissioners noted that the free pupils were taken from the poor Protestant boys of the city of Waterford, being generally the sons of poor tradesmen, servants and 'that class of people.'[98] These free pupils were chosen by examination - there being a large number of candidates for each vacancy. On the last occasion there were twenty two boys competing for four places. The subjects taught in the school included reading, spelling, writing, dictation, arithmetic, English history, geography, grammar, Euclid, algebra, mensuration, book-keeping and vocal music. The free boys were clothed at the expense of the school and a fee of eight pounds was paid to an employee who took on a boy as an apprentice. The commissioners did not seem concerned that the payment of fees, even by only a small number of pupils, contravened the terms of Bishop Foy's original bequest.

Commissioners appointed under the Educational Endowments (Ireland) Act of 1885[99] again visited the school in October 1887. There were only found fourteen pupils on the rolls. This was a reduction of fourteen from the twenty eight present in the previous year. It was due to

falling rents from lands, the annual income from which provided the bulk of the funds for the endowment of the school. The Irish Church Disestablishment Act of 1860[100] caused uncertainty with regard to the many educational and charitable endowments created in Waterford at various times over the preceding 200 years. Many of these endowments became unnecessary and unsuited to the altered conditions of the times. As a result of this situation a number of influential Protestant representative citizens of Waterford obtained an Act of Parliament in 1902.[101]

> To provide for the amalgamation of certain school in or near the said city, to authorise the establishment of a primary school and also a secondary school with a governing body for these schools with powers of vesting property and creating endowments for their support and also a management structure to control and run the schools.

The Act mistakenly called Bishop Foy's school a Diocesan School, which it most certainly was not, as understood by the 1570 Act of Queen Elizabeth I which established the Diocesan School System.

Mary Mason established a Protestant girls' charity school in Lady Lane, Waterford in 1740 on the site of a former chapel dedicated to the Blessed Virgin. Thirty poor female children of Protestant parents were taken in at seven years of age. They were clothed and maintained, taught to read, spin and to do needlework until fit for service. This was known as the Blue Girls' School and was supported by an annual grant of £60 per annum from Waterford Corporation, in lieu of a bequest of over £900 made to the Corporation for this purpose by Sir John Mason, his son John and daughter Sarah.[102]

R. H. Ryland in his history of Waterford confirms the details of the Waterford Blue Girls School as described in the previous paragraph, but notes that the building which cost £750 to erect "is plain and rather gloomy but sufficiently well adapted to the purpose for which it was intended."[103] Ryland also adds that the salary of the mistress was ten

pounds per annum and that in the year 1784, "Counsellor Alcock left £1,000 to the charity, the interest of which is expended in apprenticing the most deserving children."[104] This girls' charity school is not referred to again in any further detail in most histories of Waterford City, other than a reference to its existence until its amalgamation with the other Protestant schools, as a result of the 1902 Act.[105] Joseph Hansard in his history of Waterford refers briefly in the same general terms to the Blue Girls School.[106] Another school mentioned in the preamble to the 1902 Amalgamation of Waterford Schools Act was the Lady Lane Infant and Girls School which was established about 1797 "as a new Sunday school house or charitable house for improving the morals and promoting piety and industry among the children of the poor of the city of Waterford".[107]

Another school, mentioned in the 1902 Act was the 'Protestant Ragged School', referred to in reference 110, whose object was 'to assist in the promotion of mission work amongst the children of the Roman Catholic poor of Waterford.'[108] This school was apparently located in Bolton St. It seems to have ceased to function for some time prior to the 1902 Act. When it was established and by whom is uncertain. Neither is there any concise information on the number of pupils it catered for, or how long it was in existence. Its object was obviously of a proselytising nature. Due to the number of unofficial and illegal pay schools and hedge schools, as they are better known, in existence from the middle of the 18th century onwards in both urban and rural locations in Ireland, it would seem likely that the Protestant Ragged School had little hope of success in enticing even the poorest Catholic parent to barter the religion of their children for the little temporary advantage that they might gain.[109] The Ragged School movement achieved a wider educational growth and significance in England in the 19th century. These schools were to be found in London and in many other large industrialised centre of population. Schools were established in London and elsewhere to cater for the poor children of Irish Catholic emigrants in the immediate post famine era. Seymour's book Ragged Schools, Ragged Children, is a brief

modern work on this subject.[110]

In 1869, an Act of Parliament was passed (Sunday & Ragged Schools (Exemption from Rating) Act), exempting these schools from liability to pay poor and other rates.[111] Clause 2 of the Act defined a Ragged School 'to mean any school used for the gratuitous education of children and young persons of the poorest classes.'[112] Clause 3 of the Act excluded Ireland from its provisions.[113] The 1902 Act amalgamated the Bishop Foy School with the Mason Blue Girls School and the Lady Lane Infant School into a new school which opened in Cathedral Square in 1903, consisting of two separate ventures, a High School for Boys and a High School for girls. The boys' school had fifty two pupils and the girls' school twenty three. The two schools amalgamated into a co-educational school in 1917 and moved to a new location, the former 'palace' of the Protestant bishop opposite the Protestant Cathedral.

Two other Protestant Schools are worthy of inclusion in the list of 18th and 19th century Waterford educational establishments. The first of these is the Waterford Corporation Free School. Charles Smith refers to this school as

> the Latin free school situated in Christ-Church yard, the patrons of which are the Mayor, Sheriff and commons of the city who pay the school master £20 per annum. Above stairs is a writing school for the conveniencing of Latin scholars.[114]

R. H. Ryland in his history of Waterford refers to the Waterford Corporation Free School as "the principal and only Endowed School here, under the patronage of the Corporation, who give a school house and a residence for the master's family rent free".[115] He goes on to state that the master is necessarily a clergyman of the established church, who also holds the appointment of Lecturer (Preacher) of St. Olave's Church, with a salary of £100 per annum, made up of an allowance from the Corporation plus the interest from a bequest of the Anglican Bishop, Dr. Mills.[116]

Michael Quane in an authoritative article on the Waterford Corporation Free School[117] provides in great detail a history of this school from the late 16th century to its closure in 1862. The details of Mr. Quane's study were obtained from particulars recorded in the Waterford Corporation Minute Books concerning the City Free School. While it does not seem possible to establish when, and in what circumstances this school originated, it clear that in the 16th century it existed as a free school supported by the citizens. In his list of learned men and authors of Ireland, Raphael Holinshed, who died in 1580, refers to Nicholas Fagan, "a batchellor of art of Oxford and a school master in Waterford".[118] Holinshed also mentions the 16th century scholar Peter Lombard, who was born in Waterford and a scholar of Fr. Peter White. Peter White, a Catholic priest and Master of Arts and Fellow of Oriel College, Oxford in 1551, returned to Ireland in the late 1550s and established a famous school in Kilkenny city to which the Catholic and Protestant gentry sent their sons for a classical education.

Fr. White left Kilkenny about 1566 to take up the position of Dean of the Diocese of Waterford and Lismore having previously been Canon of the prebendary of Mayne in the Ossory diocese. He refused to accept or acknowledge the spiritual supremacy of Queen Elizabeth I in 1570, and was dismissed from his church appointments. He continued to teach in Waterford, probably in a school which he ran himself, until his death. The journal of the Old Waterford Society issued in January 1957 clearly states

> That among the most notable teachers in the "Free School of Christ Church Cathedral were Mr. Nicholas Fagan to whom Holinshed has already made reference and the jolly schoolmaster of Munster Fr. Peter White, who was forced to leave the school for refusing to conform to the new religion.[119]

The Rev. Professor Canon Power, a noted Waterford ecclesiastical historian is equally clear that the Academy or Public School maintained in Waterford by the Municipality was staffed by Dean Peter White from 1560 -1570.[120]

An English Protestant school master, John Shearman, M.A., encouraged by the Protestant Archbishop of Armagh, Dr. John Long, took up the post as master of the free school in 1585. Within a few months most of his thirty pupils had left him to attend a school run by a papist. Shearman resigned within the year from a perceived lack of support for his efforts from city officials including the Mayor and the Sheriffs, whom he described as his "greatest enemies".[121] John Flahy, a Catholic, conducted the school from 1602 - 1617 and this is borne out by the numbers of his students who were prepared by him for entrance to the Irish College in Salamanca.[122] The *Visitatio Regalis*, i.e. the Royal Visitation or Inspection of Schools for 1615 again lists John Flahy as the only school teacher "to teach publick scholes in this diocese and do not find that he comes to church at the tymes of divine service or sermons".[123] From 1629 to 1649 there were two Jesuits conducting a public grammar school, assigned to them by the Mayor, one William Dobbyn, a member of one of the old Catholic families of Waterford.[124] By 1649, a third Jesuit joined the staff but Cromwell's arrival in Ireland and his subsequent campaigns put an end to the Jesuit input into the Waterford Corporation Free School.[125]

The following two hundred years in the history of the school were to a large extent uneventful. The master was invariably a clergyman of the established church who combined his duties as a teacher of the classics with that of preacher or lecturer at the nearby St. Olave's Church. The teachers appointment was at the discretion of the Anglican bishop and the Mayor and Corporation duly ratified this appointment and paid the annual stipend of £100 for the discharge of both teaching and clerical duties. The original school premises was located in Christ-Church yard in Holy Trinity Parish. By the year 1742, however, the structure of the school premises had deteriorated to such an extent that the Corporation decided to build a new school on the site of the former Catholic Lady's Chapel in Lady Lane. The teacher in the school was the Rev. John Fell

who was also Treasurer of the Cathedral. He was authorised to hold classes in his private rooms, for which use, the Corporation paid him an allowance of £4 per annum.[126] The proposed new school was never built. Dr. Gabriel Stokes was appointed master in 1773 and also lecturer in St. Olave's Church.

By an Act of the Irish Parliament in 1788 commissioners were appointed *inter alia* 'to inquire into the state and condition of all schools in this Kingdom of public or charitable foundations'.[127] Prior to the visitation of the school in September 1790 by Isaac Corry, one of the Commissioners, a return dated 19 December 1787 on the particulars of the school was prepared by the Diocesan Registrar, Simon Preston in which he stated that:

> The school had eleven boarders and twenty five day boys and there were no free scholars. The sole assistant 'employed by the master' was the Rev. John Frazer. The school was described as 'a grammer school giving a classical education preparatory to university. The school house was described as being a two storey building, thirty six feet by twenty one feet containing ten class rooms.[128]

It is of interest to note that the Corporation records indicated that the school was a free school when Andrew Coulter was appointed school master in January 1669.[129] This situation still obtained in the school under the mastership of Lewis Alcock 1687 - 1696, Rev. Thomas France 1696 - 1704, Rev. John Fell 1704 - 1753 and Rev. Samuel Jessop 1753 - 1774. This is borne out by a reference to the 'Latin free school' in the second edition of Charles Smith's History of Waterford published in Dublin in 1774.[130] It was apparently during the tenure of Rev. Gabriel Stokes as master that the school ceased to be free. In fact, it became a combined boarding and day school which operated for the private gain of the master. The Twelfth Report of the Commissioners of the Board of Education issued in 1812 and established under an Act of Parliament of 1806,[131] reported that

> Isaac Corry one of the Commissioners, so appointed, had inspected the school in May 1809. He

> found that there were six boarders in the school and twenty day scholars, none of which are free nor does it appear that any such privileges claimed. The fees for boarders were thirty guineas per annum and six guineas entrance fee. For day scholars studying Latin, the fee was six guineas per annum, and for day scholars studying English the fee was four guineas. Both of these types of day scholars had also to pay an entrance fee of one guinea.[132]

It seems anomalous that a publicly endowed institution could be so conducted for the private gain of an individual and the report referred obliquely to this situation.[133] This was more particularly so since the corporation of Waterford had spent almost £2,500 in 1792 in buying a new site in Stephen St. for the school and erecting a new building on it to house the school. In addition, they had purchased a large site adjoining the new school as a residence for the master. The school could accommodate sixty boarders.[134] Also, Rev. Mr. Stokes and his successors received annual payments of £100 to act as Master of the School and Lecturer at St. Olave's. Mr. Frazer was succeeded as Master in 1816 by Rev. William Price by Rev. John Graham 1826 - 36 and finally by Rev. William J. Price, a son of the previous Mr. Price. He held the position until the school finally closed on his death in 1862. From 1843 until the school closed in 1862, however, the Master, Rev. Mr. Price, lost his endowment from Waterford Corporation and had to pay a rent for both his own house and the school-house. This arose from the Municipal Reform Act of 1840[135] which allowed the Corporation to withdraw its endowments of public funds to a privately run fee paying school. The Endowed Schools (Ireland) Commission finally reported that the number on the roll of the school was sixty nine. The religious denomination of the pupils was recorded as fifty pupils who were members of the Established Church and nineteen Dissenters of various denominations, there being no Roman Catholic pupils enrolled.[136] "The master has classical, English and French assistants and the state of education in the school is satisfactory".[137]

The second publicly funded school of the Established Church located

near to Waterford city to merit examination in this thesis is the Killotran Charter School established in 1744. It is necessary to expand briefly on the foundation and development of the Charter School movement in 18 century Ireland. The Charter School movement began in the early 18th century. It was first known as the Charity School movement. Financial support was raised by committees of subscribers to establish elementary schools of a voluntary nature, which would not be state-financed or subsidised and which would provide elementary education for both Protestant and Catholic children. Religious instruction would be provided. This religious instruction, however, would only comprise the religious tenets of the Established Church. They sought to provide a Protestant education for children. The methods they employed were less blatantly proselytising in character and structure than those obtaining in the state parish schools. They hoped this less emphatic approach to their religious objectives would entice Catholic children into these schools. The emphasis in these Charity schools was on bible reading and catechising, which activities monopolised most of the children's time.[138] By 1710 some financial support came from the trustees of the Linen Board. There were three Protestant charity schools in Dublin in 1706 and their number had risen to fifteen in 1717. Dr. Henry Maule, later Anglican bishop of Meath was the leader of this movement. He founded in Dublin in 1717, a Society for Promoting Christian Knowledge, whose purpose was the general establishment of Charity Schools. By 1725 there were one hundred and sixty three charity schools in Ireland with a pupil enrolment of approximately 3,000 pupils. Voluntary finance for the movement began to decline seriously in the late 1720s and some further means of financing the schools became necessary if they were to survive.[139]

The Anglican Primate, Archbishop Hugh Boulter of Armagh, in concert with most of his episcopal colleagues and a number of Protestant nobility and gentry, petitioned the English government in 1730 to grant of a royal charter to these charity schools, which would undoubtedly ensure greater public and possibly state support for the schools. He framed his

petition and its stated objects in terms of clear and unambiguous proselytism. He outlined the danger to Protestants of their being vastly outnumbered in Munster, Leinster and Connacht by papists, the absence of very little sense or knowledge of 'true religion' by these papists, their adherence to superstition and idolatry which was likely to become perpetuated "unless they were instructed in the principles of true religion and loyalty to your sacred majesty (George II)."[140] The Charter was duly approved by the crown on October 24 1733 and by this royal approval, the Incorporated Society for promoting English Protestant schools in Ireland was established in Dublin.

The executive committee was empowered to establish and maintain whatever number of English Protestant schools they thought necessary and to educate the poor therein free of charge.[141] They were to appoint schoolmasters who would instruct the children in the English tongue and in the Protestant religion. "Secular learning was to be limited to those skills necessary for the menial arts and for husbandry".[142] The Royal Charter encouraged greater voluntary subscriptions, but the finance was still insufficient. In 1836, the Lord Lieutenant, the Duke of Dorset got a grant of £5,000 from public funds for the society. Primate Boulter petitioned the Crown for a grant of funds. King George II responded with an annual grant of £1,000 which continued until 1794.[143] Parliamentary support for the schools began in 1747, when the Crown licence duty on hawkers and peddlers was assigned to the society, which brought in an average sum of £1,100 per year until the 1780s.[144] Parliamentary grants of public funds began in 1751 and averaged £3,500 per year, rising to £11,850 per year in the 1790s and to £20,000 per year in the first decade of the 19th century.[145] In 1818, it had risen to £38,000 per annum,[146] but declined thereafter and ceased totally in 1831. Philip O'Connell in his book The Schools and Scholars of Breifne estimates the total state subvention to the Society in the period 1747 to 1831 to have been in the region of one and a quarter million pounds.[147]

The Irish Parliament had created an expensive precedent, when before adjourning in 1747, 'it made the first parliamentary grant to elementary education in the history of the United Kingdom.'[148] The Incorporated Society which received this parliamentary grant and which administered the Charter schools operated on the following basis. There were four subcommittees assisting the main executive committees, firstly a committee of fifteen which ran the ordinary business of the society, secondly an accounts committee, thirdly a law committee and fourthly a committee for examining teaching candidates. In addition there was a local committee for each school. Children from four to six years were admitted to the society's four nursery schools. The school in Dublin had 120 children; Monasterevan school in Co. Kildare had 100 children; Shannon Grove school in Limerick had 100 children and Monivea school in Co. Galway had 100 children.[149] Children from 6 years to 10 years were admitted to the regular schools where they were taught the three R's, religion and manual skills. Sir Thomas Wyse, M.P. for Waterford speaking on 19 May 1835 in the British House of Commons, on moving leave to bring in a bill for the establishment of a Board of National Education in Ireland spoke of the almost fanatical teaching of the Protestant religion in these schools "by which it was determined to educate outright into Protestantism and carry the nation by a *coup de main*".[150] The schools were originally open to Protestant children but due to the resolutions of the society on 15 March 1775 and 4 December 1776, entrance to the schools was confined to children of popish parents, policy not rescinded until May 1803.[151]

The Society set up a number of boarding schools to enable it to perform its task of proselytising the children more efficiently by removing them completely from parental and other counter-balancing religious influences or by changing them from the neighbourhood of the parents' residence to a more distant school.[152] The amount of manual labour performed by the children in the early years of the society was striking. Manual labour by school children was also a feature of English schools

and orphanages in this period as immortalised by Charles Dickens in the Yorkshire Schools of the 1830s.[153] Schools of industry had been established in early 19th century England, primarily to teach pauper children a trade, so manual labour for girls and boys was a common feature of the free schools catering for the poorest classes.[154] Gardening and farm labouring on the lands of the school was a major part of the work of the boy pupils. The girls were put to spinning and cloth manufacture. The children were fed and clothed by the society by means of a fixed sum paid to the master for each child. It was inevitable that this system of payment led to abuses, as did the sums allocated for heating in winter. Children, it was discovered, were underfed, ill-nourished, poorly clothed and housed. The two reports of the philanthropist and prison-reformer John Howard, as a result of his two inspections of the schools in 1784 and 1787, make appalling reading. "The children were sickly pale and miserable, a disgrace to society and their reading neglected for the purpose of making them work for the masters".[155] Sir Jeremiah Fitzpatrick, Inspector General of Prisons, visited twenty eight of the schools in 1787 and 1788 and his report to Alleyne Fitzherbert's Parliamentary Committee was equally shocking.

Thirty five schools and four nursery schools, run by the Incorporated Society, made detailed returns in tabular form to the Commissioners of the Board of Education in Ireland for the seven year period ending 5 January 1808.[156] The number of pupils enrolled in the thirty nine schools and nurseries came to 2,619. Of these 1,418 were children of popish parents, 555 children of parents of which one of the parents was a papist and 646 children were of Protestant parents. The Dublin nursery school took in 1,083 children in the seven year period, 583 children of Catholic parents, 264 with one Catholic parent and 236 children of Protestant parents. 905 children were 'bound out to trades' in the period, 446 children 'bound to services' and 1,351 children were 'apprenticed' in the same period.[157]

The Charter School near Waterford, Killotran is listed as having had thirty six pupils in the school. Of these only two were of Protestant parents, twenty five were of Catholic parents and nine children had one Catholic parent. Twenty children were 'bound out to trades', two were 'bound to services' and twenty two children were apprenticed.[158] One of the commissioners John Corneille, Esq., visited the school on 23 August 1808.[159] He was very impressed by the Master, one Henry Balmer, who had held the office for three years. He describes the school buildings, its gardens and lands in great detail. He was very impressed with the standards of the children's clothing, bedding and personal appearance and cleanliness. "I never saw an assembly of more healthy and cheerful looking children." Mr. Corneille commented very favourably on the religious knowledge of the children and their progress in writing and arithmetic. The boys were employed in knitting and spinning as well as gardening. He arrived for his inspection at 2 p.m. and left at 5.30 p.m. "satisfied that nothing as far as I could judge can be better conducted - the most thorough and English neatness prevailed throughout."[160] He concludes by reporting that there were 50 children in the school. These included one orphan, two foundlings, two children who had one Catholic parent and forty two children of Catholic parents. Twenty two pupils were from Waterford city, eleven from Dublin, seventeen from Counties Waterford, Cork and Limerick.[161]

Other small schools flourished in Waterford city in the last decades of the 18th century. John Webb a Quaker conducted an excellent school in Colbeck St. attended by children of all Protestant denominations. His son William Webb continued to run the school after his father's death.[162] Mr. Waters kept a boarding school at the Glasshouse on the Kilkenny side of the city, moving to the Mall in January 1788,[163] where, with the help of Mr. Adamson and other teachers, he engaged "that youth will be fitted for the College, Navy, Army and Counting House in a short a time as at any Academy or School in Ireland".[164] In 1793, one of Mr. Water's teachers, Mr. Adamson opened a Seminary in Waterford limited to twenty pupils "in

order to give them the fullest satisfaction his abilities and attention are capable of".[165] His list of subjects were comprehensive and he charged four guineas per year and one guinea entrance fee, with book-keeping costing a fee of two guineas.[166]

5.10 Conclusion

Brother J.D. Fitzpatrick in his book on Edmund Rice gives the population of Waterford in the closing decades of the 18th century as being about 30,000 persons. Of these he reckons Catholics to number about 26,000 and Protestants and Dissenters to number approximately 4,000.[167] It is impossible demographically, without exact information, to give the number of children in a population of thirty thousand persons in Waterford. Allowing for the larger number of children i.e. those up to 4 years of age in Catholic families, and using a hypothetical proportion of 6 Catholic children to every 4 Catholic adults this would leave a Catholic child/youth population in Waterford city and suburbs of 15,600, with 10,400 Catholic adults. Using the same inexact and hypothetical means of reckoning the number of Protestant children in Waterford city on the basis of a smaller number of children in Protestant families. Perhaps the ratio might have been reasonably close to 7 : 3 - seven adults for each three children. This hypothetical figure would result in a figure of 1,200 children and 2,800 adults. Catholic and Protestant children might approximately have numbered 16,800 in a total population of 30,000. Even with the endowed Protestant state and municipal schools and the privately run fee paying Protestant schools, children of that denomination stood a proportionately better chance socially, economically and demographically of obtaining an education of some reasonable standard. On the other hand, Catholic children were catered for in a number of privately run pay schools, the numbers of which schools and the aggregate number of their pupils can only be speculated upon. In addition these pay schools could only be availed of by children, whose parents, although relatively poor, were prepared to make the great sacrifice of paying the fees that the teachers demanded on a weekly or

quarterly basis.

The vast bulk of the Catholic children of the poverty stricken parents of Waterford got no education. They were forced to roam the streets as beggars and semi-vagrants. Is it any wonder that the Catholic Bishop of Waterford and Lismore, Dr. Thomas Hussey felt obliged in conscience to highlight the educational deprivation of the children of his flock and the danger to their faith from the Anglican proselytising schools and newly formed Evangelical Bible and School Societies in issuing his controversial pastoral on Catholic education in 1797?[168] This pastoral was received with anger and dismay by the crown authorities and those of the Established Church, both in England and in Ireland. It set the tone of the thinking of the Catholic church on this important issue of Catholic educational rights. Much more importantly, it helped to provide the inspiration to committed Catholic laity like Edmund Rice, Mary Aikenhead, Catherine McAuley and the Waterford woman Margaret Aylward (foundress of the Holy Faith Sisters) to crystallise their thinking and ideas on this subject and to initiate activities and undertakings, which in the fullness of time, would remedy Catholic educational deprivation, not only for the youth of Ireland, but in the wider world as well. The educational facilities for the poor Catholic children of Waterford were non-existent, as the above detailed survey of schooling facilities in Waterford has illustrated. It was clear that structures of Catholic education for the poor of Waterford were urgently needed. Edmund Rice saw this need and undertook the initiatives necessary to alleviate and remedy this situation. The activities of Edmund Rice in this context in his adopted city of Waterford, and the structures and philosophical principles he devised to meet and overcome this great educational challenge, will form the basis of the remaining chapters of this thesis.

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[48] Irish Statute, 2 Anne, c.6, 4 March 1704.

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[61] Donald Akenson, The Irish Education Experiment (London: Routledge and Keegan Paul 1970), pp. 60-61.

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[64] Ibid., - i.e. ref. 38 (1) The Parliamentary Register, Vol. vi, pp. 486-92.

[65] Ibid.

[66] Ibid., pp. 492-6.

[67] John Ferrar to Thomas Orde, 16 April 1787; Bolton Mss. 29/6.

[68] Dr. Allott to Thomas Orde, October 1787, Bolton Mss. 29/19.

[69] Donald Akenson, The Irish Education Experiment, p. 66.

[70] The Parliamentary Register Vol. VII, pp. 500-504.

[71] Ibid.

[72] John Gifford, Mr Orde's plan etc as in Ref. 38 (ii) p. 121.

[73] Ibid.

[74] Timothy Corcoran, The Dublin Education Bill of 1787 quoted but not cited in the Irish Monthly Vol. IX (Dublin: Jesuit Fathers Publication 1931), p. 499.

[75] The Parliamentary Register Vol. VII, 12 April 1787, pp. 493-4.

[76] Journal of the Irish House of Commons 19 January 1788 to 18 April 1788, pp. 402, 413, 419, and 427.

[77] Irish Statute, 28 George III, c.15, 1788.

[78] The Waterford Herald, 4 December 1788, (Irish National Library, Dublin).

[79] Donald Akenson, The Irish Educational Experiment, p. 70 footnote No.30.

[80] Ibid.

[81] Donald Akenson, The Irish Education Experiment, p. 68.

[82] Charles Smith, The Antient and Present State of the County and City of Waterford (1746- Published with the approbation of the Physico - Historical Society - Printed by A. Reilly for the Author and sold by Edward and John Exshaw, Booksellers, for Cork Hill, Dublin MDCCXLVI), p.189.
It must be stated however that the historical content of most of these local histories were not written with any in-depth information or comment on the development and growth of structures of schooling or education, which is the central theme of this thesis. References to the foundation of schools and to the existence of educational establishments in the city and county of Waterford in the period 1750 to 1850 are only treated peripherally in the context of the general history of the area. Archival material is also difficult to come by for the same period. The archives of the Catholic Diocese of Waterford and Lismore are deficient for the first seventy years of the period in question, largely due to the religious and political climate in Ireland at that period. From the date of the excommunication of Queen Elizabeth I by Pope St. Pius V by his Papal Bull '*Regnans in Excelsis*', down to the year 1908, the affairs of the Catholic Church in Ireland and England were dealt with by the Papal Congregation of the Propagation of the Faith, commonly known as Propaganda Fide, whose primary responsibility was for church development and governance in 'missionary lands'.
The climate of religious persecution and harassment of the Catholic Bishops and clergy of Ireland particularly during the Penal Era of the 18th century left little opportunity or scope for bishops or clergy to keep meticulous or even acceptable church records. Fear of discovery and the absence of fixed diocesan chancellery offices in an era of active persecution makes it clear that matters could not be otherwise. Single copies of each Catholic Bishop's '*relatio status*' i.e. the written account of the state of his diocese required every four to five years by the Roman Curial Congregation for the Propagation of the Faith, were the norm. Duplicates were not kept. The Archives of most Irish Catholic diocese at this time were in much the same disorganised state as that of Waterford and Lismore. It was not until 1908 in the pontificate of Pope St. Pius X that the affairs and business of the Catholic Church in Ireland and England were returned to the normal care and direction of the Papal Secretariat of State and the Curial Congregation for Bishops.
Various local voluntary societies such as the Waterford and South East of Ireland Archaeological Society established in the late 19th century and the more recent Old Waterford Society have provided through their periodical publications and journals

provided some additional source and reference material, as did the collections of Old Waterford newspapers which are far from complete for the period under study. The archives of the religious orders of Brothers and Nuns subsequently located in Waterford provide some interesting material from an educational perspective. It was the British Parliamentary Commissions on Irish education and their published reports, dating from 1809 to 1921 and which number 86 in total, that produced the most revealing and detailed information on the structure and operation of the schools and educational establishments of Ireland in general, and of Waterford in particular, to which this thesis is directed.

[83] Ibid., pp. 189-190.

[84] Ibid., p. 191.

[85] Ibid.

[86] Michael Quane, Bishop Foy School, Waterford, cited in Cork Historical and Archaeological Society Journal Vol.I, xxi, Nos. 213-214, 1966, p. 107.

[87] Irish Statute, 1 George II, c.1, 1728.

[88] Charles Smith, The Antient and Present State of the County and City of Waterford pp. 192-3.

[89] Irish Statute, 29 George II, c.15, 1756.

[90] Endowed Schools (Ireland) Commission 1857-58, Appendix to Vol.II, pp. 341-379.

[91] British Statute, 48 George III, c.21, 1808.

[92] Michael Quane, Bishop of Foy School etc., p.110

[93] Second Report from the Commissioners of the Board of Education in Ireland, 1826 (Abstract of 1824, Returns from Protestant and Roman Catholic Clergy in Ireland of the State of Education in their Respective Parishes), pp.1180-1.

[94] Second Report of the Commissioners on Public Instruction (Ireland) 1835 (47) xxxiv. 1. p. 3c.

[95] Endowed, Schools (Ireland) Commission 1857/58 Vol. 1, evidence taken before the Commissioners, Q 16634/5, p. 87.

[96] Ibid., pp. 162-3

[97] Endowed Schools (Ireland) Commission 1881, Report p. 214.

[98] Ibid.

[99] British Statute, Educational Endowments (Ireland) Act 1885, 48 and 49 Victoria c.78.

[100] British Statute, The Irish Church Disestablishment Act 1869, 32 and 33 Victoria c.42.

[101] British Statute, 2 Edward VII c.35, 1902.

[102] Charles Smith, The Antient and Present State of the County and City of Waterford, p. 193.

[103] R. H. Ryland, The History, Topography and Antiquities of the County and City of Waterford (London: John Murray, Ablemarle St, MDCCXXIV), p. 185.

[104] Ibid.

[105] British Statute 2 Edward VII c.35, 1902.

[106] Joseph Hansard, History of the City and County of Waterford (Dungarvan, Co Waterford, Publisher Joseph Hansard, 1870), p. 186.

[107] Michael Quane, Bishop Foy School, p. 119.

[108] Ibid.

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[110] Claire Seymour, Ragged Schools, Ragged Children (London: London Ragged School Museum Trust, 1995).

[111] British Statute, 32/33 Victoria c. 40, 26 July 1869.

[112] Ibid., clause 2.

[113] Ibid., clause 3.

[114] Charles Smith, The Antient and Present State, p. 189.

[115] R. H. Ryland, The History, Topography, p. 180.

[116] Ibid.

[117] Michael Quane, "Waterford Corporation Free School" in The Journal of the Cork Historical and Archaeological Society (Cork: Printed, and published, for the Society by Guy and Co; 1959).

[118] Raphael Holinshed's Chronicles, VI, Ireland (London: J. Johnson, 1808), p. 59.

[119] The Old Waterford Society Journal, Waterford, January 1957, p. 33.

[120] Rev. Canon Patrick Power, The Jesuits in Waterford in Studies Vol. XXXV (Dublin: The Irish Jesuits, Sept 1947), No. 140, p. 273.

[121] Michael Quane, "Waterford Corporation Free School", p. 8.

[122] Archivium Hibernicum Vol.II (Dublin: Catholic Record Society, Maynooth College, 1913), pp. 14-34.

[123] Reeves MS. 1066 ff 264-5. Mss. Section TCD Library, Dublin.

[124] Rev. Canon Patrick Power, A History of the United, Diocese of Waterford and Lismore (London: Longmans Green, 1937), p. 289.

[125] Timothy J. Corcoran, State Policy in Irish Education (Dublin: Fallon and Co, 1916), p. 23.

[126] Michael Quane, "Waterford Corporation Free School", p. 95.

[127] Irish Statute 28 Geo. III, c.15, 18 April 1788.

[128] Michael Quane, "Waterford Corporation Free School", pp. 92-95.

[129] Ibid., p.87.

[130] Charles Smith, The Antient and Present State of the County and City of Waterford 2nd Edition (Dublin 1774, published details same as in ref. 96 except date), p. 187.

[131] British Statute, 46 George III, c.122, 1806.

[132] Twelfth Report of the Commissioners of Education in Ireland, on Classical Schools of Private Foundation in Ireland 1812 (218), v.553, pp. 284-285.

[133] Ibid.

[134] Ibid.

[135] British Statute, 3 and 4 Victoria, c.108, 1840.

[136] Endowed, Schools Commissioners Report 1857-58 (General Report 1858), p. 116.

[137] Ibid.

[138] Donald Akenson, The Irish Education Experiment, pp. 29-30.

[139] Mary G. Jones, The Charity School Movement, A Study of Eighteenth Century Puritanism in Action (London: Cambridge University Press, 1938), pp. 223-228.

[140] Donald Akenson, The Irish Education Experiment, pp. 30-31.

[141] 3rd Report from the Commissioners of the Board of Education in Ireland, on the Protestant Charter Schools 1809 (142), VII. 478.

[142] Ibid.

[143] Ibid., p. 16.

[144] Ibid.

[145] Ibid.

[146] Parliamentary Grants for miscellaneous services (Ireland) 1818. H.C. 1819 (515) xv, p. 1.

[147] Philip O' Connell, The Schools and Scholars of Breifne (Dublin: Browne and Nolan 1942), p. 248.

[148] Mary G. Jones, The Charity School Movement etc., p. 236.

[149] 3rd Report from the Commissioners of Education on Protestant Charter Schools 1809, Appendix 1.

[150] Hansard, Parliamentary Debates, 3rd Series, Vol. XXVII, H.C. London, 19 May 1835, p.12.

[151] Third report from the Commissioners on Protestant Charter Schools 1809, p. 19.

[152] Ibid., p. 20.

[153] Charles Dickens, Oliver Twist (London: Macmillian & Co. Ltd., 1924) p. 9.

[154] Anthony Wood, Nineteenth Century Britain, 1815-1914 (London: Longmans, Green & Co. Ltd., 1960), p. 18.

[155] First Report of the Commissioners of Irish Education Inquiry 1791. Not published until 1857/58, (2336-11) XXII, Part iii, p. 7.

[156] Ibid.

[157] 3rd Report from the Commissioners of the Board of Education in Ireland on Protestant Charter Schools 1809 Vol. VII, Appendix 1.

[158] Ibid., Vol. VII, Appendix 1, p. 38.

[159] Ibid., Vol. VII, Appendix 1, pp. 85/86.

[160] Ibid.

[161] Ibid.

[162] Michael Quane, "Waterford Corporation Free School", p. 95.

[163] Ramsey's Waterford Chronicle, 14 March 1788.

[164] Ibid., 20 November 1787.

[165] The Wexford Herald, 17 December 1792.

[166] Ibid.

[167] J. D. Fitzpatrick, Edmund Rice Founder and First Superior General of the Brothers of the Christian School of Ireland (Dublin: M.H. Gill, 1945), p. 71.

[168] The Right Rev. Dr Thomas Hussey, A Pastoral Letter to the Catholic Clergy of the United, Diocese of Waterford and Lismore 1797, quoted in full in John Healy, Maynooth College: Its Centenary History 1795-1895 (Dublin: Browne and Nolan, 1895), Appendix IX. pp. 693-696.

Chapter 6

The Foundation by Edmund Rice of the Brothers of the Christian Schools of Ireland

6.1 Introduction

Edmund Rice's determination to devote his life and very considerable personal wealth to the establishment of a society of Catholic men, bound by religious vows and totally committed to the gratuitous instruction and education of the poor male Catholic youth of his adopted city, did not spring spontaneously from any one momentous event in the period 1788 - 1801, spent in Waterford city. Edmund Rice's interest and commitment to the ideal of providing structures of Catholic education evolved rather from a combination of circumstances and events which had taken place over a number of years. A believing Christian might assert that these events and circumstances had their origins and undoubtedly their inspiration, in the intervention of Divine Providence, ably assisted by the innate goodness, Christian charity and concern of this good man for the spiritual salvation and material well-being of his fellow-men. Edmund Rice had achieved considerable wealth and status as a prosperous Waterford provision-merchant and business entrepreneur in the period 1788 - 1801. He was regarded by his fellow citizens as a man of the utmost integrity and probity, not only in the social and commercial circles of which he was part, but more significantly by the poor, deprived and marginalised citizens of Waterford, to whose relief and needs his charitable benefactions were readily available.

A number of events intimately connected with his own personal history provided him with an incentive to look more closely at his life and more importantly, its long term aims and purpose. The tragic death of his young wife and the responsibility of a newly born invalid daughter gave him considerable food for thought and obliged him to reflect on life's deeper meaning. His life, up to the death of his wife, had been modelled

on the principles of justice and equity in his commercial activities, and on a commitment to the physical relief of the suffering and deprivation of the poor by benefactions from his ample resources. These charitable good works devoted to the physical relief of those in need were motivated by a deep-seated spirituality, based on Christian tenets of love of one's neighbour and concern for his spiritual and material well-being. He now however sought to relieve their spiritual and intellectual poverty in a concrete manner. The means of doing this slowly emerged, resulting formally in his decision to enter the vowed religious way of life in 1808.

6.2 Development of the Religious Vocation of Edmund Rice 1790 to 1800

Despite Edmund's own reticence about the years between his wife's death in 1789 and the establishment of his first school in New Street in 1802, written and oral sources provide reliable insights into the circumstances and steps by which he came to recognise and respond to his special vocation. After the death of his wife, Edmund Rice's growing absorption in personal piety, and his increased dedication to the works of charity, seem to indicate that he was experiencing a profound inner spiritual change as he sought to cope with his personal grief. His experiences between the years 1789 and 1793 radically altered the character and direction of his life. These inner sufferings became the seed-bed of a founding inspiration, which in the long run resulted in Edmund Rice's establishment of his Congregation of the Brothers of the Christian Schools of Ireland. There were other significant factors in the process of the religious growth and development. His family background, his education and temperament, coupled with the social, religious, economic and political milieu in which he lived, all played their part in shaping his mind and heart to an intimate personal evaluation and acknowledgement of Gospel truths and values.

The quality of the liturgical and pastoral care provided by the local Catholic clergy in Waterford in the last decade of the 18th century

surpassed that of any other urban centre of Catholicism in Ireland.[1] Dean Thomas Hearn, vicar general of the United Catholic Dioceses of Waterford and Lismore and parish priest of the Chapel of Trinity Within, spearheaded the Catholic revival in Waterford which signalled the beginning of a new era in religious practice, devotion and evangelisation. The neighbouring parish of St. Patrick's was under the pastoral care of the Jesuits. Although their order had been papally suppressed by Pope Clement XIV in 1773,[2] they continued their priestly duties as secular clergy and had a powerful influence on the growing Catholic business community in the city. Edmund Rice came under the influence of these Jesuits both in relation to the deepening of his own personal spirituality and his increasing awareness of the needs, both spiritual and material of the urban poor of his adopted city. He became a daily mass-goer and sought the company of like-minded men, who felt an attraction to a more profound Christian way of life, than that normally practised by the devout middle class.[3] In later life, he recalled with gratitude the support and inspiration he received from these 'spiritual confreres', men like O'Brien, Carroll, Quan and St. Leger - drawn together by the common aim of spiritual growth.

It was quite usual for Edmund Rice to gather a group of men together to recite the rosary aloud in the evening. The group included the Irish poet Tadhg Gaelach O Suilleabhain, known also by his English name as Timothy O'Sullivan, who had led an irreligious life in his younger days. Having repented of his errant ways, he joined the devout circle of Edmund Rice and his pious friends and was greatly esteemed and influenced by them. Towards the end of his life, Tadhg Gaelach O'Suilleabhain, happy to be restored to God's friendship, published a volume of sacred poems or penitential psalms under the title of <u>The Pious Miscellany</u>.[4] Edmund Rice also invited Catholic merchants and businessmen, with whom he had done business deals, to join this informal prayer-group. This group of pious laymen, of whom Edmund was the accepted leader, drew its inspiration from the local Jesuit priests,

who had a strong influence on the direction in which Edmund's life was proceeding. The Waterford Jesuits had established a strong local confraternity designed to promote specific devotion to the Sacred Heart, which was one of the oldest sodalities of its kind in Ireland. They had also organised a Sodality of the Blessed Virgin for the small group of men likely to become leaders of the local Catholic community. This sodality provided a definite rule of life under the guidance of a spiritual director. Members were obliged to make an annual retreat and were encouraged to visit prisons and hospitals to offer spiritual comfort to the inmates of those institutions. Catechising too was also a major apostolate for the members and Edmund readily joined in these spiritual exercises and the corporal works of mercy. Even some ten years after the departure of the Jesuits from Waterford in the late 1790's, when he established his teaching order, Edmund Rice felt sufficiently indebted to them to take the name of their founder, Ignatius Loyola, as his name in religion.[5]

It is possible that Edmund Rice was also influenced in his choice of the religious name, Ignatius, because of a family connection of more than a century earlier. Fr Stephen Rice was an eminent Jesuit of the Kerry/Limerick branch of the wider Rice family in the period 1650 - 1690. He was active in the field of education in New Ross where he conducted a Jesuit school. When he was forced by the religious laws of the time to leave New Ross, he was invited by the Catholic Primate, Oliver Plunkett, to open a Jesuit school for him in the town of Drogheda. The Primate became an intimate friend of his, and was very much influenced by his personal and priestly qualities. Afterwards, Fr Rice became rector of the Irish Jesuit College in Poitiers, France.[6]

In 1791, an edition of The Holy Bible - the 5th McMahon edition, was published by private subscription in Dublin. Edmund Rice, one of the original subscribers, received his copy and on the title page he wrote his name - Edmund Rice, 1791. Immediately after his name, in his own

handwriting, the authenticity of which is verified by his close friend and one of his earliest collaborators, a Brother Patrick Ellis, are noted various texts of the Sacred Scriptures, which impressed him and which served as a guide to him in his dealings with others. The references which he underlined are in the main concerned with the practice of usury. In the financial circle of which he was a member, he saw men engaged in a dour struggle for money and power, in which the less fortunate fell by the wayside and the poor were crushed by oppression.

> Daily immersed in the trade of the city, he sought in his leisure hours the guidance of the Holy Spirit so that he might transact his business in conformity with Divine teaching. The texts on usury and on the lending of money which he underlined in his bible are the signposts on the road of the Christian virtues which he adhered to in his dealings with his neighbours.[7]

These passages refer to the lending of money without seeking repayment as an extortioner, nor with usury (Exodus, cxxii, 25) and the blessings God bestows on those who lend money without usury (Exodus xxiii,19). In addition to these Old Testament verses, he quotes from the Book of Proverbs (28.8) on the same theme and likewise from the New Testament, in particular verses from St. Luke (v.35) and St. Matthew "Give to him that asketh of thee and from him that would borrow of thee, turn not away" (Matthew v.42). It was the privilege of the author of this thesis to have handled Edmund's Bible and to have noted the passages marked therein; it is preserved in the Archives of the Christian Brothers Generalate in the *Via della Maglianella* in Rome.[8] This ancient and well thumbed Bible is a mute but eloquent testament to the simple and deep piety of a humble man of strong spiritual convictions.

Another spiritual book became compulsive reading for Edmund Rice and on it he tried to model his daily life. Edmund subscribed in 1793 to the publication in Waterford of The Spiritual Combat. This book was an English translation of the writing of an Italian Theatine priest of the 17th century, one Fr. Lorenzo Scupoli, who inscribed his original work with a dedication on its title page "To all who seek true piety themselves and

contribute to promote it in others".[9] It was a guide book for the spirit and it taught the reader through the principles of meditation and self-examination to lead a better life of humility and self-denial. As earnest soldiers of Christ, they strove as far as possible by example and good works to extend Christ's Kingdom on earth.[10] St. Francis de Sales had used it as his *vade-mecum* for twenty years and it was to serve Edmund Rice in a similar role for almost fifty years.[11]

Another event in the early 1790s had a profound influence on the course of the spiritual life which Edmund Rice was later to embrace. His younger brother John had come from Westcourt, Callan, to the city of Waterford in 1788, to be apprenticed, like Edmund, to the provision business of his uncle Michael. He was trained in the details of the export branch of the business and was sent to the port of Cadiz in southern Spain to take charge of that section of the business. But after some three years there, John Rice decided that his vocation in life lay in serving God through the priestly ministry of the Church, rather than in a life of business and commerce. He returned to Ireland in 1791 and entered the novitiate of the Augustinian Order in New Ross, Co. Wexford.[12] He received the Habit of the Order there in 1792 and was sent to Rome to pursue his further studies. In due course he was ordained a priest and subsequently obtained his doctorate in theology. He returned to Ireland in 1801, spending time in both New Ross and Waterford before his appointment as Prior of Callan in 1803. While prior of that friary, he was responsible for undertaking the building of the new Augustinian Church in his home town, which still serves as a fitting memorial to his apostolate.[13] Edmund had been close to his brother John at the time of the death of his wife, Mary, in January 1789, and in the immediate period of his grief and bereavement. He actively encouraged John Rice's later vocation to the church and provided generous financial support towards its fulfilment.[14]

Edmund Rice became identified with many charities in Waterford for

the relief of the poor and the needy, giving generously of his time and money.[15] His frequent visits to the homes of the poor provided ample proof, if it were needed, that great suffering and misery were the daily lot of many of the poorer citizens of Waterford. His sympathy was profoundly moved and his purse heavily taxed by the many calls which their needs made on his charity.[16]

Edmund Rice had become respected far beyond the limits of the city of Waterford as a man of honour and integrity, one who could be trusted. Two small events testify to his continuing compassion for the poor and underprivileged in this disturbed period of Irish history. He personally obtained the liberation of a young male Negro slave 'Black Johnny', whom he came upon working on a ship docked at Waterford. Upon securing the young man's release, he had him instructed in the Catholic faith by the newly arrived Presentation Sisters. In addition, he set the young man up in business.[17] This business prospered to such an extent that he bought two houses as an investment. Black Johnny became remarkable for his piety and religious devotion among the people of Waterford. He never lost his high regard and deep gratitude to both Edmund Rice and the Presentation Sisters. Upon his death on 15 February 1848, he bequeathed his house property to the Presentation Sisters along with a legacy of £95.[18] The income from the ground rent of the same property he bequeathed to the executors of the late Brother Edmund Ignatius Rice, his first benefactor, the sum in question to be paid on an annual basis.[19]

Another impoverished immigrant was befriended by Edmund Rice. He was an Italian street peddler named Charles Bianconi, whom Edmund helped financially to establish himself as a successful businessman. His business as a provider of stagecoach travel was located in Clonmel, of which town he later became Mayor.[20] The coaches of Bianconi traversed the roads of Ireland in the 1830s. His story is one of the great examples of entrepreneurial success in the pre-railway travel era in Ireland. Again

it was the generosity and compassion of Edmund Rice for his less fortunate fellowmen that brought about Bianconi's success. In grateful remembrance of Edmund's beneficence to him in his hour of need, he gave the privilege of free travel to Edmund Rice's Christian Brothers on his stage coaches. A further evidence of Bianconi's appreciation of Edmund Rice is provided by a clause in his will which stated "failing direct issue, I bequeath to the Christian Brothers the reversion of my property".[21]

The alleviation of the distress of the poor was left mainly to the charity of the well-disposed throughout Ireland, until Poor-law relief schemes were introduced, following the extension to Ireland in July 1838 of the English poor law system.[22] This act, when it was introduced, allowed for the election of boards of guardians to set up and administer a workhouse system, subject to the control of a body known as the Poor Law Commission. This act, flawed as it later proved to be, was still in the distant future, as far as the poor of Waterford were concerned in the late 1790s. Waterford Corporation did allocate large sums of money to buy food for the poor in years of scarcity in 1794, 1800 and 1801.[23] Such philanthropy, however, was at best a temporary expedient and was totally inadequate to meet the long-term needs of the marginalised Catholic population of urban and rural Ireland. The political, social and economic needs and opportunities of the native Irish population in general, and Waterford City in particular, had a very low priority in the scheme of events which characterised English political and economic administrative policy in Ireland at that period.

The Catholics of Waterford city, to their credit, were the first to attempt any initiatives to remedy the distress of the poor of the city by founding hostels for the deserving poor. In 1779 the Wyse Charity provided for three hostels, having been preceded by the Butler Charity in 1771, which founded two hostels, as also did the Fitzgerald Charity.[24] These were free hostels for the aged and destitute. A new Catholic

charity, the Distressed Room Keepers, was established in 1794. It was a charitable society set up to visit and relieve the poor in their own homes. Among the many active and outstanding members of this Society was Edmund Rice.[25] With Dean Hearn, the Catholic Diocesan Vicar General and others, Edmund Rice established the Trinitarian Orphan Society in 1794.[26] Edmund Rice is also reported as having contributed to the Kilkenny Charitable Society in 1799.[27] Finally there was the richly endowed charity, founded in 1804 by a Mrs. Mary Power, the widow of a wealthy corn merchant, who, in her will bequeathed £9,000 in trust to Edmund Rice for the foundation of a Ladies Home.[28] As is evident from legal documents preserved in the archives of the Christian Brothers Generalate in Rome, Edmund Rice was eventually appointed executor of these and other charities. In later years he went to great pains and legal expense, which his fledgling religious congregation could ill afford and from which it derived no benefit, to ensure that all the provisions of these charities were meticulously carried out.[29]

The events of 1793 had a profound influence on Edmund's decision to abandon his commercial and business undertakings and to devote his life to the service of God. While travelling in connection with his business interests, he one day fell into the company of a friar, who was travelling in the same direction. When night fell they both put up for the night in an inn, sharing the same room. During what proved to be a sleepless night for Edmund "he frequently heard the friar praying to God in most impressive and touching colloquies".[30] Edmund Rice was deeply moved by the example of this holy man, who although wearied by a day's travel, spent the night in prayer, and he asked himself, why should he not become like this servant of God, entirely engaged in the thought of God and forgetful of the trivial and transient things of earth.[31] Edmund Rice later described this experience to one of his wards, a Miss Keeshan, as being a key motivation in his determination to devote himself to the service of God, preferably in a contemplative mode. It was incidentally on Edmund's advice that this lady, Miss Keeshan, became a

Presentation nun in the Presentation Convent in Waterford in 1821 - a convent which Edmund had helped secure for the Sisters in Hennessy's Road in 1796.[32] Miss Keeshan's testimony regarding Edmund Rice's experience with the prayerful friar is documented in the archives of the Presentation Convent, Waterford and in the documents for the Cause of Edmund Rice's Beatification lodged in Rome.[33]

Edmund Rice's yearning took on more concrete shape as he envisaged retiring from business and joining a religious order, possibly the Augustinians in Rome, of which his brother John was a member. When he made his intention of retiring to a contemplative monastery known to Miss Ellen Power, the sister of Fr. John Power, Edmund's local parish priest, who was a close friend and advisor of Edmund, she immediately brought him to the window of the sitting room of her house where a commotion was taking place in the street outside. A group of youths were heard shouting and fighting. Miss Power, in the presence of her brother, Fr. Power, who was in the company, said to Edmund -

> Well, Mr. Rice, you are thinking of burying yourself in a monastery on the continent. Will you leave these poor uncared for? Can you not do something for them?[34]

Her words found an echo in Edmund's heart. No one had taken any interest in the plight of such boys, who were impoverished mentally and physically. His vocational uncertainty vanished when he gave consideration to Miss Power's challenge. He daily met great numbers of these uncouth and ignorant Catholic boys aimlessly roaming the streets and lanes of Waterford. He now began to feel a growing inclination to instruct them and to improve their lot. His practice of giving hand-outs of food and clothing was no longer a sufficient response to the basic needs of this deprived group of male youth. He resolved to devote himself and his resources to the establishment of a structured project to provide for their gratuitous instruction.[35]

Edmund discussed his proposed project with Dr. James Lanigan, the

Catholic Bishop of Ossory, his home diocese in Kilkenny. Bishop Lanigan urged him to implement his resolve.[36] Edmund then put his plan in writing to the Holy Father, Pope Pius VI, who likewise encouraged him to go ahead with the project.[37] Edmund prudently kept the whole idea and the preparations necessary for putting it into effect in the forefront of his mind, while continuing the various charitable activities with which his life was filled. While Edmund planned for his own future apostolate, he also helped with the foundation of another religious community in the city - the Presentation Sisters. The calm planning in 1795 of the foundation of a convent and school in Waterford for the Presentation Sisters was in contrast with the fiery circumstances of the 1798 Rebellion, which accompanied its final achievement. The Presentation annalist narrates in some detail a meeting in Waterford between Edmund Rice's friend and confidante, Fr. John Power, and a young girl who had recently arrived from Cork. "Father Power was astonished at the standard of religious instruction attained by the girl who had attended the Presentation Sisters' School in Cork".[38] The result was an appeal by Fr. Power (later to become Bishop of Waterford and Lismore), supported by the then bishop, Dr. Thomas Hussey, to the Cork mother house of the Presentation Sisters for an extension of their schools to Waterford. Mother Angela Collins replied that she had not sufficient sisters or resources to accede to this request. If Waterford could supply candidates to enter her convent as postulants, she would train these and return them to Waterford. Fr. Power's own sister, Ellen, who had planted the seed for Edmund Rice's own future apostolate in his mind, answered the call, along with her widowed sister-in-law, Mrs. Margaret Power, and Miss Mary Mullowney. They began their novitiate in Cove Lane in Cork on 1 April, 1795.[39]

In anticipation of their return to set up a foundation in their own city of Waterford, Edmund Rice secured for them a site in Hennessy's Road.[40] Later, on 1 June 1799, Edmund stated that this lease had been taken by him "for the sole use and benefit of those three ladies".[41] On that same

day he also provided for their financial security by granting them an interest rate of ten per cent (10%) on their collective dowries, a rate that could not have been obtained from any commercial bank.[42] Edmund Rice was delighted at the success of these Sisters' mission in Waterford during the initial years of their foundation, between 1796 and 1799. He granted a life annuity to Lydia Hearn, the first postulant received into the Presentation Convent, Waterford from his own fund.[43] His continuing support for these nuns was clearly shown in the following twenty years when Edmund agreed to act as executor of the Wills of eighteen Presentation Sisters between 1801 and 1820. This duty involved him in a great deal of administration, at a period when he was busily engaged in securing the development and expansion of his own fledgling brotherhood.[44]

Edmund Rice had transferred his residence from Ballybricken, some time after his wife's death, to a site nearer to his business premises, at No. 3 Arundel Place, off Barronstrand Street.[45] He brought many poor boys to his comfortable home in the evenings where he fed them and gave them instruction in religion and in secular subjects.[46] It is true that there were pay schools in Waterford where the parents did not have to pay very high fees.[47] Brother J. D. Fitzpatrick, in his biography of Edmund Rice, lists at least two private schools in Waterford city in the 1790s which were under Protestant control and management. There were, however, only two Catholic pay schools. St. John's Catholic Preparatory School was run by a Catholic diocesan priest, Fr. Roynane, and the second was a private school conducted by Mr. Waters, who, although himself a Catholic, took pupils of both the Catholic and Protestant faiths. The fees in these private schools were six guineas per year for day pupils and thirty guineas for boarders.

Such fees excluded automatically all but the children of the well-to-do and middle classes. The children of the skilled working class, such as masons and carpenters, whose wages ranged from two shillings and ten

pence to three shillings and three pence per working day, could avail of an education in the Protestant parochial schools in the city where such schools existed, or, alternatively, in the cheaper private pay schools conducted by private individuals. The children of the unskilled labourer, however, whose wages ranged from ten pence to one shilling and four pence per working day, had little or hope of acquiring any formal schooling or education. Such children, as was the case in England, could be employed from the age of ten years upwards as cheap labour in local factories. The absence of centres of similar industrial activity in Ireland provided no such outlet for the employment of cheap child labour. In consequence, poor Irish children were more likely to make use of whatever structures of free education might be available to them locally. The Commission of Irish Education Inquiry of 1791 provides evidence of this situation in its report of 1791. "The number of scholars receiving gratuitous education in the whole Kingdom is estimated to be about 25,250."[48]

6.2:1 Bishop Thomas Hussey's pastoral on Catholic Education

In 1796 Edmund widened his field of spiritual reading and catechetical knowledge through the purchase of the newly published Sermons and Exhortations for the Whole Year on the Sacred Mysteries and the most Important Truths of the Catholic Religion, by the late Rev. Joseph Moroney, S.J.[49] Edmund's conviction of the appropriateness of the goal he had set himself, namely, to found a society for the Catholic education of poor boys, was strengthened by the forceful wording of the pastoral letter, written in 1798, by Bishop Thomas Hussey, Catholic Bishop of Waterford and Lismore, and published by James Ramsey in Waterford. In his pastoral the bishop called upon the clergy

> to stand firm against all attempts which may be used under various pretexts to withdraw any of your flock from the belief and practices of the Catholic religion and to protest with any parent who would be so criminal as to expose his offspring to those places of education where his religious faith or morals are likely to be perverted ... If he will not attend to your

> remonstrances refuse him the participation of Christ's Body; if he should still continue obstinate denounce him to the Church in order that, according to Christ's Commandment, he be considered as a heathen and a publican.[50]

It can be argued that Bishop Hussey, like many of his episcopal colleagues in Ireland and elsewhere at that time put the importance of remaining true to the tenets of the Catholic religion and to the teaching authority of the Church and its bishops before the opportunities of their flocks to secure a non Catholic education and the material wealth and prosperity might confer on its recipients. Their belief in the philosophy of poverty before prosperity at the price of religious subversion or indifference had strong scriptural roots in the New Testament as exemplified in St. Mark's Gospel of the rich young man who refused to follow Christ because of the need to give all to the poor and Christ's response of the difficulty of the rich to enter heaven (Mark X, 23-27). Likewise, St. Luke's Gospel would have bolstered the bishops' views on the daily plight of the poor by St. Luke's reference to the ravens, who neither planted nor sowed, but who were fed and to the lilies of the field who neither toiled nor spun but were more beautifully arrayed than Solomon. God knowing the daily deeds of the poor, could provide for them in His providence (Luke XII, 21-31).

Bishop Hussey had struck a blow in defence of the freedom to preach and practice the beliefs of the Catholic faith.

> The pastoral could in all fairness be regarded as a dispassionate impeachment of a persecuting oligarchy, in which Dr. Hussey gave emphatic statement to the teaching mission of the Church - a theme on which a word had hardly been spoken in Ireland for nearly a century.[51]

It is necessary to refer in some small detail to the career and personality of Thomas Hussey, Bishop of Waterford and Lismore. He was born at Ballyboggan in County Meath about the year 1746. He obtained locally the preparatory education which was necessary for any student intending to travel to Europe to study for the priesthood. He

travelled to Spain to study at the Irish College at Salamanca. He was ordained to the priesthood in 1769, having obtained a doctorate in theology from the University of Salamanca.[52] Soon afterwards, he was appointed a chaplain to the Spanish Embassy in London and in 1784 was made principal chaplain, a position which he held until his death in July 1803.[53]

> He was a man of great genius, of enchanting conversation, whose manners were at once imposing and elegant. Nature had endowed him with physical gifts to correspond with his moral and intellectual accomplishments. He was extraordinarily eloquent, courageous, generous of soul and of deep piety. In the Spanish Catholic Church in London his sermons attracted Catholic and non-Catholic alike. He was a powerful preacher, almost hypnotising his hearers, especially when he preached on eternal truths.[54]

In the political world of the time, Dr Hussey played a unique part for a Catholic clergyman. In addition to his official clerical status at the Spanish Embassy, he was, for some years, Spain's only diplomatic representative in England, as both countries were then at war. On special occasions he acted as a special Ambassador for England to the Spanish Court at Madrid. At the personal request of King George III, he accompanied the English statesman, Cumberland, on a visit to the Spanish Court during the American War of Independence.[55] The purpose of the visit was to persuade Spain to disengage itself from its alliance with France, supporting the American colonial revolutionaries against England. He was well known in English Court circles, and periodically entertained King George III at the Spanish Embassy. The king was much impressed by his personality and his ability as a negotiator.[56] He enjoyed the confidence of leading English politicians including Chatham, Pitt, Fox and the Duke of Portland.[57] He was a particular friend of Dr Samuel Johnson.[58] Foremost, however, among his personal friends, was Edmund Burke, and, to a lesser degree, the Duke of Portland. It was with the help of Edmund Burke that an endowment was provided by the English Government in 1795, for the foundation of Maynooth College.[59] Dr Hussey, through the influence of Burke and Portland,[60] was appointed

first president of the College.[61] It opened on 1 October 1795.[62] In 1796, Pope Pius VI appointed him military chaplain to the Irish Regiments in the English army. This was the first occasion such an appointment of a Catholic chaplain to English regiments had been made since 1688.[63]

Dr Hussey was, however, not destined to remain long in his post as president of Maynooth College. In 1797, two years after his appointment to Maynooth, he was appointed Bishop of Waterford and Lismore. He was consecrated in the Church of St Nicholas in Francis Street, Dublin, early in 1797. The government in Dublin Castle paid him the unusual compliment of sending a military guard of honour to the ceremonies.[64] This act of official courtesy contrasted strangely with the circumstances which attended upon the appointment of Dr Hussey's predecessor, Bishop Egan. That bishop, in the political climate of the time, was obliged to seek private consecration to his office on Pentecost Sunday, 1771, in the house of his brother-in-law, at Taghmon, County Wexford, the ordaining prelate being Bishop Nicholas Sweetman of Ferns.[65] During most of the Penal era in the 18th century, successive Bishops of Waterford felt it more prudent, for security and other reasons, to reside in either of the towns of Clonmel or Carrick-on-Suir, rather than in Waterford city which had traditionally been the cathedral city of the diocese prior to the 16th century Reformation.[66] Bishop Hussey was the first Catholic bishop of Waterford for more than a century who ventured to live in Waterford city and to exercise his episcopal functions from there.[67]

Mc Dowell is very clear in his view of the significance of the episcopate of Bishop Thomas Hussey in Waterford. He describes Hussey as "a symbolic figure in the history of Catholic Ireland at the close of the 18th century."[68] Mc Dowell continues his evaluation of Bishop Hussey in the following terms:

> From his arrival in Ireland, he was ready to voice publicly his indignation at what he perceived to be injustice to Catholics. A strong conservative in an

> international setting, he was quick to criticise the ruling world in Ireland. He made a *cause celebre* out of the whipping of a Catholic soldier named Hyland for refusing, in defiance of military discipline, to attend a Protestant military service. In a pastoral to his flock he expressed strong disapproval of Catholic children attending Protestant schools and directed his clergy to warn Catholic soldiers against attending Protestant services.[69]

Mc Dowell concludes his appraisal of Bishop Hussey by describing him as "an Irish Catholic bishop who was not prepared to accept concessions with deferential gratitude... He was the harbinger of a new era in Irish life".[70]

For the first time, the authorities at Dublin Castle were made aware that Bishop Hussey would act as a Catholic shepherd rather than as a compliant bystander in the political circles in which he mixed in his earlier role as chaplain to the Spanish embassy in London.[71] Astonished by this apparent *volte face* on the part of Bishop Hussey, the English establishment in London and their officials in Dublin sought to make a *cause celebre* of his pastoral. He had publicly reprimanded the Established Church in Ireland for certain of its practices. Retribution was bound to follow swiftly and inexorably. Because of his 'imprudence' he was lampooned in pamphlets, denounced in Parliament and pursued by the unrelenting hostility of officials of Church and state in England and Ireland.[72] His friend Edmund Burke, wrote to him with approval for his pastoral stance. "You have come to an open issue with them. On your part what you have done has been perfectly agreeable to your duty as a Catholic bishop and a man of honour."[73] However Burke also warned him of the likely official establishment opprobrium which would descend on him. "The government who employed you betrayed you ; they are now determined to destroy you".[74] Hysterical demands were made in the press and pulpit to bring the bishop to trial for sedition. The correspondence which his pastoral generated, and the bitter ripostes and responses which were penned by Anglican clergy and laity during the controversy, make interesting reading.[75]

The new Viceroy, Earl Camden, and the Chief Secretary for Ireland, Thomas Pelham, also tried to have Bishop Hussey removed from Ireland, by pressurising the Duke of Portland in London to use his friendship with Bishop Hussey to persuade him to resign, but to no avail.[76] Camden and Pelham felt that the pastoral and its contents, when taken in its wider political implications, was increasing growing political disaffection and discontent among the Catholics of Waterford city and the landless Catholic agrarian classes of that county and in the surrounding counties.[77] Following the rising of 1798, Bishop Hussey was identified by the English establishment in Ireland, and in particular by Sir Richard Cosgrave, as being one of the contributory causes of the 1798 rebellion in the Waterford area.[78] It had been forgotten, conveniently or otherwise, that Bishop Hussey had issued another pastoral in July 1798, denouncing the rebellion, its philosophy and its adherents.[79] However, it was for his 1797 pastoral that he was remembered and castigated, both by Church and State, and even by his own Catholic episcopal colleagues.[80] Bishop Carroll, of Baltimore in Maryland, the first Catholic bishop to be appointed in the newly-independent America, read Bishop Hussey's pastoral and expressed his approval of its contents. He entered a caveat, however, in regard to the indignation and furore which the pastoral aroused in Ireland and England. Bishop Carroll was of the view that the fallout surrounding the whole matter was due to "a lack of prudence in the circumstances on the part of Bishop Hussey rather than the actual content of the pastoral itself."[81]

It was not only the members of the Established Church in Ireland and the Crown representatives in Dublin who were affronted by both the religious and political tone of Bishop Hussey's pastoral on education. Archbishop Troy of Dublin, writing to Archbishop Bray of Cashel, Bishop Moylan of Cork, and other bishops, complained bitterly of the imprudent and intemperate language which Bishop Hussey had used in his pastoral. He accused Bishop Hussey of using "too much vinegar",

linguistically speaking, and "not enough oil".[82] Troy described it as an "unpastoral letter".[83] The Catholic bishops felt that the atmosphere of good will and toleration towards the Catholic Church and its claims for full emancipation which had come about between the Catholic Church authorities and the Crown during the Viceroyalty of Earl Fitzwilliam, up to his departure in 1796, had been seriously damaged. The bishops sought, through Rome, to have Bishop Hussey removed from his diocese, and recalled to Rome with a compensatory titular position as an Archbishop *ex partibus*.[84] They also tried to force Bishop Hussey to resign from the presidency of Maynooth College, which he still held in tandem with his episcopal duties in Waterford. Bishop Hussey refused to resign as president, and the bishop/trustees of the College only managed to dismiss him in 1799 on the grounds that he no longer resided in the College.[85]

In Waterford, Bishop Hussey's pastoral caused no small stir among the well-to-do Catholics of that city, many of whose children were being educated at the Protestant schools. Among the Catholic poor there was similar concern. Some poor Catholics had committed their children for various reasons, both economic and socio/educational, to the four proselytising schools in or near the city, i.e. the Bishop Foy School, the Corporation Free School, the Blue Coat School for Girls and the Charter School at Killotran, some two or more miles outside the city.[86] The Charter School at Killotran, in common with all other Charter Schools in Ireland, saw its role primarily as an establishment in which Catholic children could be successfully converted to the Anglican faith. The histories and activities of the schools have already been treated in some detail in this work.

The Quaker Community in Ireland was opposed likewise to the proselytising of its children in the Established Anglican schools and to the payment of the iniquitous tithes.[87] As a group, the Quakers had some commercial influence and consequently did not suffer to the same

degree the injustice of proselytism, which the Catholic poor had to endure as the price for a subsidised or 'free' education for their deprived children.

As a Catholic bishop, Thomas Hussey felt obliged to expose the proselytism which was widespread throughout Ireland where Protestant schools operated. While the controversy over the pastoral continued, however, and before a more developed solution to the problem could be rationally discussed, the rebellion of 1798 broke out in Ireland. Bishop Hussey had left Waterford in May 1797 for London, having been recalled to his chaplaincy duties by the Spanish Ambassador.[88] The Ambassador kept him there until April 1798. He then proceeded to Rome in the early summer of that year to make his *ad limina* visit to Pope Pius VI and to report on the state of his diocese. The Bishop was out of Ireland for well over a year before the 1798 Rebellion began. British officered Irish militia occupied the city of Waterford. They took possession of Dr. Hussey's house and converted it into an artillery barracks. Martial law was proclaimed and political passions were aroused. The spirit of inter-communal harmony, increasing tolerance and goodwill between the different religious denominations in Waterford city, which had been growing steadily since the early 1790s, quickly evaporated in this climate of rebellion, hostility and mutual suspicion. The spirit of this earlier tolerance had been admirably evidenced by the Corporation of Waterford, when it granted the lease in May 1792 of a wood-yard in Barronstrand Street to the Catholic committee as the site for the building of the 'Big Chapel' or new Catholic Cathedral.[89] This the Corporation did "with nobleness of spirit, unanimous benevolence and in a gracious and pleasing manner".[90] The Cathedral of the Most Holy Trinity was completed in 1796 and opened for public worship, at a cost of £20,000.[91] In the disturbed military and political situation following the 1798 rebellion, and the atmosphere of hostility to Bishop Hussey which had been generated by his pastoral of the previous year, Bishop Hussey decided to remain on the Continent. He returned to Waterford in the

latter part of 1801 when the situation had become more settled, but more particularly for the reason that his health had begun to fail.[92]

Edmund Rice kept aloof from the civil unrest which affected certain parts of Ireland in the wake of 1798 rebellion which was inspired by Theobald Wolfe Tone and his Society of the United Irishmen. This policy of Edmund Rice not to antagonise English officialdom in Ireland contrasts oddly with the avowed nationalistic outlook of the Christian Brothers in the later 19th century. Perhaps the political and social events of that century had brought about this change, events such as the sufferings of the Great Famine 1845-47 and the evictions of the Land Agitation of the 1870s. As a provision merchant who supplied victuals to British Naval vessels in Waterford port and to several military posts in Waterford and surrounding counties

> his name was known at all the military posts in County Waterford and in the Counties of Kilkenny, Carlow, Queen's County (Laois), Tipperary and Limerick and he could pass them unmolested at any hour of the day or night.[93]

There is no documentary evidence in either the archives of the Catholic diocese of Waterford and Lismore or in the archives of the Christian Brothers Generalate in Rome to suggest that there was any personal contact between Bishop Hussey and Edmund Rice during the period of the Bishop's arrival in Waterford in early 1797, and his departure for Rome in the summer of 1798 to make his *ad limina* visit to Pope Pius VI. One can only speculate that Fr John Power, the parish priest of the parish of St Patrick's, in which Edmund Rice lived, would, in the course of his clerical meetings with the bishop, have made the charitable activities of Edmund Rice among the Catholic poor of Waterford known to the bishop. This situation changed dramatically for both men when Bishop Hussey returned to Waterford from the Continent in late 1801. Edmund Rice's desire to undertake a ministry of education to the Catholic poor boys of Waterford received the warm backing of Bishop Hussey, and both men became firm friends and co-operators in

this undertaking.

6.3 The final decision of Edmund Rice to commit his life and resources to the task of Catholic education 1800 to 1808

6.3:1 The Years 1800 to 1802

The population of Waterford at the beginning of the 19th century was approximately 27,000 people.[94] The Catholic population could reasonably be estimated to have been 25,000. There were but nine priests to cater for their spiritual needs in two churches within the city, Trinity Within, and St. Patrick's. Two small chapels, Trinity Without at Ballybricken, and the recently acquired Quaker Meeting House served the needs of the suburbs.[95] There were but two Catholic schools to cater for the educational needs of this very large group of Catholic children and both of these were pay schools, as has already been detailed.

There were therefore some thousands of Catholic children for whom no education, religious or secular was provided. In such circumstances it was not surprising that the Catholic Bishop, Dr. Thomas Hussey, alarmed at the almost total absence of any educational facilities for the instruction of the poorest children of his flock, should focus the attention of both clergy and laity to this situation, compounded as it was by a campaign of active proselytism of these children in the local schools of the established church.

Edmund Rice, as a benefactor of the poor and underprivileged, was fully aware of the lack of any reasonable educational structures for the children of the poorer Catholic classes of Waterford. All around him, he saw on a daily basis, these children who were the victims of a regime which branded them as a subject people. These children were not only destined to be deprived of the advantages of intellectual knowledge and training, but were also to remain uninstructed in the knowledge of the religious truths of their Catholic tradition. Edmund Rice, it must be

concluded, not only saw the educational deprivation of the children of the Catholic poor of Waterford as the symbol of a social injustice, but rather as a paradigm of a national malaise, which had its afflicting counterpart in every town and city in Ireland.

The children of the poor were growing to adulthood without adequate education or instruction to enable them to earn a decent living wage. Neither were they provided with the opportunity to imbibe the religious knowledge that would assist them to know and practice the Christian virtues of piety and respect for God and their neighbour. Education was the key to the resolution of this drastic situation. It would infuse a spirit of morality and manly self-reliance into a dispirited people. The quality and the underlying philosophy of any education they might receive would be of pivotal importance in determining the results of that education and the personal and spiritual benefits and standards that would accrue from it. These fundamental truths were clear and self-evident to Edmund Rice. A Catholic education for a Catholic people would be the fundamental axiom of any project he might undertake in that regard.

It became more clear to him, as he sought to rationalise his thoughts, both on the spiritual level and the practical plane, that his experience as a successful businessman would only be of limited value to him were he to undertake such a daunting task in attempting to provide some type of educational structure for the Catholic youth of Waterford while still a layman. Fr. John Power of Waterford, Bishop James Lanigan of Ossory and the Holy Father, Pope Pius VI, had all encouraged his apostolic vision in this field of social justice. The conviction grew in his mind, however, that despite the almost insuperable practicalities that he would encounter in taking up the challenge, he would have to devote his life and his resources in sharing Christ's mission to the poor through the apostolate of education in the slums of Waterford.[96] "His way to holiness would have to be through prayer with Christ, the Apostle of the Father, as a servant of the Gospel in the field of education".[97]

Like the prudent business man he was, he did not move too precipitously. There were many reasons for this. His humility and understandable diffidence led him to doubt his ability to face up to what seemed impossible demands. How was he to become a teacher at his age? Where was he to get assistance? How should he pioneer a form of religious life then without precedent in English-speaking countries - the vocation of an apostolic teaching religious? How was he to circumvent the recently enacted statute of 1791,[98] which forbade any Catholic or papist to establish a religious order or society of male persons bound by monastic or religious vows? The one paradigm for him - the De La Salle Brothers - had been abolished by the French Revolution and he knew nothing of them.[99]

A preliminary investigation of the legal conditions governing the position of the Catholic teacher showed Edmund that his course of action would not be quite so smooth as might at first be imagined. Luke Gardiner's 3rd Catholic Relief Act of 1782[100] had granted permission to Catholics to teach school, but this was offset by penal regulations regarding endowments. The implications of certain words and phrases in this act were such as to dissuade any Catholic from opening a school. Dr. John Thomas Troy, Catholic Bishop of Ossory and later Archbishop of Dublin (3 December 1786) in a letter of September 1782 to Dr. Fallon, the Catholic Bishop of Elphin states:

> School masters can teach in future with impunity on taking the oath of allegiance and obtaining a licence from the respective Protestant Bishop, but these forms will be attended with some expenses, which many poor teachers will be unable to pay.[101]

The expenses referred to by Bishop Troy are outlined in pencil at the bottom of the licence issued on 2 April 1819 to Rev. Garret Connolly, Roman Catholic Priest, of the City of Waterford, by the Protestant Bishop of Waterford and Lismore, Dr. Richard Marley, 'to teach youth and keep a boarding school in the diocese of Waterford.'[102] Added in pencil at the end of the document is the following:[103]

Stamp and parchment	£1 - 15 - 0
Fee of license and registering	£1 - 2 - 9
Subtotal	£2 - 17 - 9
Tax	£0 - 10 - 6
Total	£3 - 8 - 3

There are no records of expenses attached to the licences granted to Sr. Ursula Clare Tobin of the Ursuline Sisters in Thurles on 3 June 1799,[104] or to Sr. Eleanor Power of the Presentation Sisters in Waterford,[105] granted on 16 December 1799. There is no record in the archives of the Christian Brothers of the licence granted to Edmund Rice. The inhibition contained in the final clauses of the licence issued by Anglican Bishop Richard Marley of Waterford to Sr. Eleanor Power, already referred to, would have left Edmund in no doubt, but that he would be compelled to seek one, if he wished to pursue his apostolic goal in the field of Catholic education in Waterford.[106]

Another act of parliament in regard to Catholic Emancipation was enacted in 1791[107] which sought to define in further detail the conditions under which Catholics might be allowed to open schools and become teachers, as had already been enacted some nine years earlier in Gardiner's 3rd Catholic Relief Act.[108] In the pages of the Waterford Herald of 7 July 1791,[109] Edmund Rice would have found the full text of the legislation under which he was obliged by law to undertake his educational initiatives for the poor male youth of Waterford. It was a restrictive act, aimed at restricting the growth of Catholic conducted schools and injurious to say the least, insofar as Edmund's proposed project was concerned. Three conditions of this act must be considered in greater detail as they applied to Edmund's proposal. Firstly, there was the oath of abjuration, declaration and allegiance. Edmund was quite familiar with these requirements. He had joined with the Catholic Bishop of Waterford and Lismore, Dr. William Egan, and with other local Catholic clergy and over a hundred prominent Waterford Catholics in signing and publishing a Declaration of Protest in April 1792,[110] against the oath prescribed by the Act of 1778[111] (Catholic Leaseholders Act). This oath was perceived by Catholics to contain derogatory and demeaning

imputations against Catholic doctrine, and phrased in language regarded as discourteous and disrespectful to the Holy See.[112] As it contained nothing contrary to Catholic faith and morals, however, Catholics were advised that, in conscience, they could take it. Another condition was that the prospective teacher had to apply to the quarter or general session of the County Court or assizes for registration and receive an appropriate certificate from the Clerk of the Peace of the said court.

The third condition necessary for the registration for a Catholic to teach school was the obligation to obtain a licence from the local Protestant bishop, to which reference has already been made. It was not necessary, *de jure*, to get a licence, for by the Catholic Relief Act of 1792, Sir Hercules Langrishe's Act repealed this clause. However, *de facto*, it had to be obtained, for in 1799, a heavy window tax was imposed on all non-State owned schools which had not been licensed.[113] It was this tax that motivated Miss Eleanor Power, known in religion as Mother Mary de Chantal, superioress of the fledgling Presentation Sisters Convent School in Waterford, to seek her licence from Bishop Richard Marley of Waterford. It was granted by his consistorial court on 19 December 1799.[114]

Since there was not at that time, any such legally recognised educational establishment as a Catholic school administered by Catholic clergy, the evident intention was to restrict Catholic education as much as possible. In Carlow, the Protestant Bishop of Kildare and Leighlin, although pressed by his own friends and local Protestant clergy, firmly refused to grant a licence to the Catholic Bishop of Kildare and Leighlin, Dr. Daniel Delany (1788 - 1814) for the opening of St. Patrick's Roman Catholic College at Chapel Lane, Carlow, on 1 October 1793. In consequence, Bishop Delany was forced to pay a window tax of about £30 per annum.[115] M.C. Normoyle, Edmund Rice's principal biographer records in his biography, A Tree is Planted, that Edmund Rice applied to Bishop Richard Marley for a licence to teach, but to Edmund's surprise, it

was refused initially.[116] This was rather strange in view of Edmund's acknowledged eminence as a prosperous merchant, his generous contributions to charitable causes, irrespective of religious affiliation, and his indefatigable work in visiting prisoners, hospitals and in general relief of the poor. Friends of Edmund appealed to Bishop Marley and the licence was eventually granted.[117] It appears that Bishop Marley, although initially reluctant to grant such licences eventually granted them.

The third clause of section xvii of the 1791 act became Edmund Rice's greatest torment. He wished not only to teach, but to found and endow a school that would have permanence. The obstructing clause was quite clear and explicit. By its terms, Edmund could not found any association or society of male persons bound by monastic or religious vows. In this respect his case was quite different legally from that of the Presentation Sisters whose friend and supporter he was, in that they had been founded in Cork by Nano Nagle in 1775, when no such legal prohibition of the foundation of male Catholic religious teaching orders was in force. Even Luke Gardiner's Catholic Relief Act of July 1782[118] which permitted Catholics to teach school, did not contain any such exclusion, possibly on the grounds that such male religious foundations had not been contemplated or envisioned by the authorities. But the 1791 Relief Act closed off any possible contingency in that regard. The fact that this new penal restrictive clause was inserted into a Catholic Relief Act, in an era where greater religious toleration and acceptance were more in keeping with the spirit of the times, was in no way accidental or unintentional. This can be proven by the fact that when the greatest and most comprehensive of all the Catholic Relief or Emancipatory Acts was enacted in 1829,[119] this discriminatory clause was included again, in what otherwise might have been considered as a just and equitable piece of basic civil rights legislation. The continued inclusion of this penal clause in the 1829 act shows clearly the attitude of the British government towards male Catholic religious societies. Whether it was a case that nuns were tacitly ignored as presenting less

of a threat to government policies, or that motives of chivalry prevailed, is not known.[120] The fact that societies of nuns were specifically excluded from the penalties imposed on Catholic male religious in the 1829 act fairly indicated the attitude of the authorities.[121] It would appear that the education of male children was regarded as a special or particular prerogative of the state authorities, since civil obedience and respect for lawful authority was more likely to be challenged by disloyal and rebellious male subjects than by girls and women, whose natural position in society was far more restricted.

6.3:2 The years 1802-1804 - Edmund Rice prepares to establish his Teaching Brotherhood

The religious inspiration of Edmund Rice to undertake the work of educating the Catholic male youth of Waterford was the basis for the foundation of his Catholic Teaching Brotherhood. It is necessary to dwell on this aspect of his motivation to fully understand the development of his ideological philosophy and consequent pedagogic practices. The difficulties for Edmund in the 1791 act, although in themselves of no small significance, would not deter a man, whose determination to pursue a particular goal had been thought through with prayerful and prudent deliberation over a period of ten years. It was true that many small Catholic schools were in existence contrary to the law. One more would make little difference, when the motivation to establish such a school appeared to him to have been inspired by Divine Providence. Edmund had the financial resources to implement his project. It would not be inopportune at this point to make reference to the extent of those resources. The destruction of the Four Courts building, which housed the Irish Public Records Office, on 30 June 1922,[122] has left the historical writer with a dearth of historical records in relation to the finances of Edmund Rice. There is a further difficulty in ascertaining exact details when it is borne in mind that the events being recalled refer to a period almost 200 years ago. In 1802, the year in which Edmund Rice set up his school in New Street Waterford, Ireland was just recovering from the

trauma and repercussions of the 1798 rebellion. War raged on the continent of Europe. In a financial context, the inevitable results of this civil strife and upheaval, both on a local and international level, could not be avoided in Ireland, any more then it could be elsewhere.

The Irish currency became inflated in terms of its economic and monetary value. Taxation, made inevitable by the increasing costs of waging an almost global war with Napoleonic France, rose steadily. The Irish National debt of more than £2,000,000, which had been a cause of great anxiety to the politicians of the Irish Parliament prior to that Parliament's abolition in 1801, had steadily mounted from a figure of £1,917,784 (British) on Lady Day 1783 to the figure of £28,551,157 (British) on 5 January 1801.[123] The condition of Irish finance in the last decade of the 18th century and the first decades of the 19th century was extremely bad, so much so that the country was on the verge of bankruptcy.[124] The immediate period following the end of the Napoleonic wars was also fraught with the risks of financial and fiscal insecurity which culminated in ruin for many people, with the failure of a number of banks in Munster.[125]

Edmund Rice, wise businessman that he was, had invested his money in land and house property, which was the safest investment in the prevailing conditions. Records of Edmund's property at this time show that he held 700 acres of land at Kilmac Dernog in County Kilkenny, 500 acres at Ballyboden in Queen's County, 185 acres in and around his birthplace at Callan, Co. Kilkenny and a further 412 acres scattered in other locations in the same county. This figure totals 1,797 acres, of which he held 1,500 acres in his own right, i.e. not encumbered or entailed.[126] A mortgage deed[127] records that he had loaned a Mr. Foley, a Waterford friend of his, the sum of £500. For one of his Callan farms of 28 acres, he paid £1,500.[128] Another farm of ten acres in Callan brought him in an annual rent of £85.[129] He also owned a Posting Establishment or Inn in Callan called The Garter Inn.[130] In addition, he

had house property in Waterford and in Callan, held in fee simple.[131] His income from rents from his lands, if the Callan returns were the norm, would have amounted to between £3,000 and £5,000 per annum. Had he capitalised all his property the figure could have been reckoned to have been worth between £30,000 and £50,000 - a very handsome sum, but inadequate for what he was about to undertake.[132] This wealth was spent long before his death in 1844, due to the substantial cost of opening new schools in England and in Ireland. His Brothers and their schools were constantly in serious financial difficulties of a most critical nature, in some cases almost precipitating the closure of some schools such as those in Carrick on Suir and Dungarvan.[133]

Edmund Rice's brother, the Augustinian priest Fr. John Rice, returned from Rome in October 1801, having been ordained a priest and also having secured his doctorate of theology in Rome. His return was fortunate for Edmund, who had begun preliminary preparations to wind up his business interests in preparation for his commitment to educate poor Catholic boys in Waterford. Edmund truly needed the advice of his priest-brother, who was familiar with the life and practices of religious orders in Spain and Italy. They discussed Edmund's proposed religious undertaking from every angle that could have a bearing on his future life as a religious teaching brother. Various styles of religious rules and observances, different types of community life, and in particular the rule and activities of Nano Nagle's newly established Presentation Sisterhood were evaluated by both men. Fr. John Rice was not a little surprised and disappointed to learn that not even one of Edmund's friends and supporters was prepared to leave the cares of the world behind and join Edmund in his proposed enterprise.[134] Perhaps the uncertainty of the venture, the unfavourable political and social climate of the times, and not least, the absolute drudgery and heart-breaking efforts that would be required of anyone who would have the temerity, nay rashness, to commit himself to such a daunting and unpromising vocation, may have checked the ardour or enthusiasm or any prospective collaborator in this

apostolate. Not even Fr. John Power, Edmund Rice's parish priest and confidante, could secure anyone to join Edmund in his venture.

Both Fr. John Rice and Fr. John Power thought that Edmund should postpone his undertaking until they themselves, or Edmund, could find some suitable collaborators. They felt that it would be unwise for a man of forty to proceed with an undertaking which would involve the operation and management of a school and the teaching of unruly youths, particularly when he had no training or experience in this field.[135] It had taken Fr. Power four years, from 1795 to 1799, to get postulants for the newly opened Presentation Convent which had opened in Waterford. Fr. Power then had to send them to Cork for training and profession and had to establish them in a school and convent which Edmund Rice had greatly helped in financing and securing for them. Despite these arguments, Edmund decided to press on alone, confident in the certainty that Divine Providence, to whom he had entrusted his life and his goals, would not be found lacking to him. Dr. Thomas Hussey, Catholic bishop of Waterford, and a staunch defender of the principles of a Catholic system of education for Catholic children, returned, in late 1801, from the Continent.

Fr. John Power brought Edmund Rice to Bishop Hussey to discuss Edmund's proposals for the establishment of free Catholic schooling for the educationally deprived poor Catholic boys of Waterford. Edmund found in Bishop Hussey a strong supporter of his venture. The Bishop was deeply grateful to learn that Edmund proposed to provide a school system for poor Catholic boys, similar to what was being provided for girls by the Presentation Sisters. The bishop encouraged him to proceed cautiously and not to dispose of his business interests, lest the undertaking might prove impossible and impracticable, but as a first step to rent a suitable premises for the school.[136] The die was cast. There could or would be no turning back for Edmund. His ten year spiritual preparation and his constant reading of the Scriptures would have

reminded him of the gospel story of the rich young man who had observed all the commandments from his youth;

> And Jesus looking upon him loved him, and said to him you lack one thing ; go, sell what you have, and give to the poor, and you will have treasure in heaven ; and come, follow me.[137]

Edmund Rice was about to purchase from the Wyse Trustees, an acre and a half of ground, where his future house and schools could be built in an area bordering on the disused Faha Chapel. Legal delays in securing this site would take time, which Edmund could not spare in his anxiety to press on immediately. He rented premises in New Street, an unprepossessing street near to the city walls and to Kiely's Brewery, which is still a landmark in the district.[138] The building he rented was, in all likelihood, a livery stable, as the ground floor was used for stabling horses.[139] He sent his step-sister, Joan Murphy, who had been his housekeeper for twelve years since his wife's death in 1789, back to his old home in Callan, taking with her his disabled daughter Mary, now in her early teens. He repaired the New Street premises, bought some simple school furniture, which included a crucifix, a statue of the Virgin, some desks, a blackboard and table - the bare necessities needed in any kind of school.[140] Thus began the educational apostolate of Edmund Rice in a stable.[141] It was not the first time in human history that an event of great importance had taken place in a stable - an augury, which Edmund hoped would bode well for his apostolate of the classroom. Tradition has it that Edmund lived for quite some time in a room over the classrooms.[142]

In this unpretentious school, Edmund Rice's spirit was to be tested under trying conditions. "It was there that he underwent his baptism of fire in the unfamiliar battleground of the school room".[143] J. D. Fitzpatrick, in his biography of Edmund Rice, describes the difficulties which, he felt, Edmund Rice would have faced on taking up his ministry of education to the poor youth of Waterford:

> It may be presumed that in keeping with his ample means and spirit of generosity he made the best

> possible provision for his pupils, most of whom, having never attended any school previously, would have been an unruly and undisciplined group of boys. He would have to inculcate a spirit of order and discipline into his young charges, without any unnecessary severity, which might in such circumstances, cause them to regret their coming and in consequence leave off attending the school. He would need to encourage them, to build their self-esteem and confidence and show them that they had the potential and opportunity to better themselves and make something of their lives. He would need to show them that the useless and wasteful roundabout of vagrancy, begging, street-fighting and poverty, which had been their *modus vivendi* before coming to his school, was now to become for them a thing of the past.[144]

Edmund Rice, in keeping with his knowledge of the world, and the preparations necessary for the successful undertaking of any new venture, obtained the advice of Bishop Hussey, his priest friend, Fr. John Power, and the Presentation Sisters. This advice he considered essential if he were to become familiar with such basic matters as teaching methods, discipline and other classroom related skills.[145]

Fitzpatrick continues with his observations on the natural progression of Rice's thinking in this evolving situation:

> He would introduce them gradually to the three R's and provide the slates and pencils needed for this process, along with suitable reading material. Most importantly, the teaching of the catechism and the all pervading emphasis on religious and spiritual education and values, would permeate his entire pedagogic philosophy. Dr. Butler's Catechism, of which he purchased a liberal supply of copies, became the foundation stone of his *ratio studiorum*.[146]

The History of the Institute describes Edmund as being "constantly seen going through the streets and alleyways meeting these rough and unruly boys and advising them with a paternal solicitude to attend his school and try and become scholars."[147] The preparations had been made, the school in New Street opened in 1802, but apparently the occasion passed un-noticed. The newspapers of the day had nothing to say about the event.[148] The educational facilities in Waterford prior to

1802 have already been outlined in this thesis.

For the children of the poor no such facilities existed, other than the initial provision for poor Catholic girls undertaken by Nano Nagle's Presentation Sisters upon their arrival in Waterford in 1795. It is estimated that two thirds of Waterford's male children between the ages of five and fifteen received no education at all.[149] In the volume entitled The Positio Super Virtutibus, submitted to Rome in 1988, and which embodied the documentation for Edmund Rice's cause for canonisation, the section outlining the chronology of his life and work, lists the existence of the New Street premises as being firstly a night school with volunteer workers.[150] It is implied that these pupils were older youths and perhaps even young men, who, although unemployed by day, felt it inappropriate for their self-esteem to attend the school in the day time, at a time when boys and younger youths would form the bulk of the student body.

Edmund Rice's offer of free instruction naturally resulted in a large number of poor, rough, illiterate boys clamouring for entrance to his school in New Street. The schoolroom was soon full to overflowing.[151] The noisy and undisciplined conduct of these youths was indicative of their need of education and training. Their presence was resented by the residents of the neighbourhood, who saw the likelihood of their peace and privacy being ruined by this noisy establishment. One local non-Catholic gentleman, a Mr. Compton, remonstrated with Edmund Rice and tried to convince him of the impossibility of his task of trying to educate such a group of boys. Mr. Compton also pointed out to Edmund Rice the undesirability of the location of the school in that area.[152] But Rice remained unmoved. He did agree, however, that a less built-up central residential location would be more advantageous for his school. It became apparent that the numbers of his pupils would increase and the inevitable noise of through traffic of pupils would increase and cause annoyance to, and friction with, unsympathetic residents.

Those of Edmund Rice's friends who volunteered to help as teachers, were, unlike him, easily disheartened by the difficulties involved. They gave up. Edmund paid two teachers to assist him, but the undisciplined state of the pupils did not encourage them to stay very long, even when offered more money for their efforts. Edmund found himself alone, attempting to cope with a situation beyond his capacity or experience, and with no support save his spiritual determination to persevere for the sake of Christ. He perhaps reflected on the words of St. Luke on love of one's neighbour:

> Give, and it will be given to you; good measure, pressed down, shaken together, running over will be put into your lap. For the measure you give will be the measure you get back.[153]

Something more than paid assistant-teachers was needed. A fortunate event, one might even say providential, occurred for Edmund in this moment of personal tribulation for him. His brother, Fr. John Rice, had returned from Rome and was appointed Prior of the Augustinian Friary in his native Callan. Two young Callan men, Thomas Grosvenor and Patrick Finn had expressed their intention to Fr. Rice of devoting their lives to Christ in the apostolate of educating youth.[154] Fr. Rice suggested that they join his brother Edmund in his school in New Street Waterford, as an initial test of their sincerity and commitment to the vocation to which they felt called.[155] They immediately set out for Waterford and not only offered their services as 'teachers', but also their companionship. In the rooms over the ground-floor schoolrooms, which he had restored from their previous use as a stable, the three began to follow an ordered life of prayer, work and recreation, infusing a new spirit of hope and progress into Edmund Rice's undertaking.

The Penal Laws forbidding Catholics to teach had been repealed in 1782[156] in the Irish Parliament, but an English Statute of 1791 forbade any Catholic "to fund, endow or establish any school, academy or college".[157] The licence required by a Catholic to become a teacher

under the 1782 act and which had to be obtained from the local Anglican bishop seemed to have been dispensed with by an Act of the Irish Parliament of 18 April 1792,[158] proposed by Sir Hercules Langrishe. The wording of the act seems ambiguous in relation to the need to obtain a licence.[159] A further 'refinement' or penal restriction against Catholic teachers and their schools was enacted in 1799,[160] when state finance to fund the war with Republican France was scarce. An Irish statute of that year enacted that a 'window tax' be imposed on school premises, used for that purpose by Catholic teachers, who had not obtained a licence to each from the local Anglican bishop. Edmund Rice applied to Bishop Richard Marley of Waterford for a licence to teach. An initial refusal resulted, but with the help of influential Protestant and Catholic business friends of Edmund Rice, he eventually secured his licence. This saved Edmund Rice from the window tax of an unlicensed school but did not absolve him and his companions from the illegality of having formed an illegal quasi-religious society, since they were not merely teaching but founding and endowing a Catholic school, forbidden by section xvii of the English Catholic Relief Act of 1791.[161]

The application of Acts of the English Parliament to Ireland was governed by an Act of that Parliament, familiarly known as the 6th of George I (1720). This Act decreed that the English Parliament had the right to legislate for Ireland and also denied the appellate jurisdiction of the Irish House of Lords. The Act specified that the application of any specific English Act to Ireland would be a discretionary matter for the English Privy Council alone.[162] This English Act of 1720 was repealed by the English Parliament on 21 June 1782[163] and it left the Irish Parliament free to initiate legislative measures for Ireland which it considered appropriate.

Dr. Thomas Hussey, Catholic Bishop of Waterford and Lismore, returned to Waterford in late 1801 from the Continent. Edmund had received strong encouragement from the beginning of his educational

apostolate from Dean Hearn, the Vicar General in the bishop's absence. Now that Bishop Hussey was home, Edmund set about purchasing a more permanent and suitable site for his schools and residence. He bought a site on an elevated position, known as the Old Faha Chapel from the trustees of the Wyse estate not without legal delays and difficulties. It bordered on the site of the Presentation Convent and Schools at Hennessy's Road where he could attend Mass daily in the Sisters Convent chapel. This site, which had been that of a religious house prior to its confiscation by Henry VIII in 1536,[164] once more returned to the ownership and care of a Catholic religious order and became famous as the location of a new religious foundation and the mother-house of that new Congregation - the Presentation Brothers of the Brother Edmund Rice.

On 1 June 1802, Bishop Hussey laid the foundation stone of Mr. Edmund Rice's new residence and schools on the site of the old Faha Chapel.[165] Meanwhile the original school in the converted stables at New Street progressed. With the wholehearted support of his two new assistants, Thomas Grosvenor and Patrick Finn, the general discipline of the pupils improved greatly, as did the elementary secular and religious instruction. The outstanding spirit of self-sacrifice and dedication shown by Edmund Rice to this work in spite of almost overwhelming difficulties, provided a living inspiration to his two young helpers, who responded to the challenge with equal generosity and commitment.

A new trial for Edmund came from an unexpected source. For some reason unknown to Rice, Bishop Hussey's attitude of warm support and encouragement of the work changed and he appeared to become cold and indifferent to Edmund Rice and his undertaking. He no longer visited the school and seemed to become aloof and indifferent to the progress of the venture. Edmund in his perplexity over this inexplicable change in Bishop Hussey's attitude to him and to his work, sought the advice of his friend Fr. John Power. Fr. Power informed him of what he believed to be

the cause of the problem :

> It was evident that some jealous and envious persons had been at work. They had got the ear of the bishop and conveyed to him that Mr. Rice was acting an independent part and sought to set aside the Bishop's authority, there being no desire whatever to place himself or his schools under the surveillance of the bishop. In fact it was suggested that Mr. Rice had an ulterior object, altogether apart from educational purposes, in the new buildings he was erecting.[166]

Fr. Power advised Edmund Rice to effect a Deed of Assignment making over to Bishop Hussey and his assigns, not only the Faha Chapel site, but also the buildings being erected on it, reserving only the life use of it for himself.[167] This, Fr. Power believed, would prove Edmund's loyalty and submission to Bishop Hussey's authority and remove the baseless motives ascribed to Edmund Rice.[168] He had the deed of assignment drawn up[169] and presented it in person to Dr. Hussey with a clear statement of his aims and intentions for his school, subject to the approval and authority of the bishop. Edmund Rice thus entrusted to Providence and to Dr. Hussey, all his plans for the foundation of a religious congregation, and the property and resources necessary for its establishment. Bishop Hussey was completely convinced by this act of humble submission, declaring that he required no deed from Edmund in proof of his loyalty and allegiance and bestowed his blessing on and good-will towards the new school, which he opened and blessed on 7 June 1803.[170] Bishop Hussey, observing the elevated position of the site of the new schools and residence and its close proximity to Waterford city, was forcibly struck by its resemblance to Mount Sion in Jerusalem and said "All things considered, I think a very appropriate name for this school would be Mount Sion, and so I name it".[171] Fr. Patrick Power in his work The Parochial History of Waterford, refers to a map of the city of Waterford drawn in 1764 by the land surveyors Scale and Richards. This map is preserved in the British Museum and shows a rocky prominence on the north side of the River Suir, marked on the map as Mount Sion. Perhaps this locally known name may have suggested the idea to the bishop of naming Edmund Rice's new school and house as Mount

Sion.[172]

6.3:3 The Formal Establishment by Edmund Rice of the Presentation Teaching Brotherhood as a Religious Institute of Diocesan Status, 15 August 1809

Early in 1803, Fr. Luke Concanen, a Dominican priest who was the representative in Rome of the Irish Catholic bishops, heard from Bishop Hussey about Edmund Rice's initiative in the sphere of Catholic religious education. When giving advice to the bishop about the *relatio status*, or written account on the state of a diocese, which every Catholic bishop was obliged to send to Rome every few years, Fr. Concanen strongly urged Bishop Hussey to mention the Catholic educational initiatives undertaken by Edmund Rice in Waterford and to stress his (Bishop Hussey's) support for them. Fr. Concanen pointed out that Bishop Francis Moylan of Cork had acquired immense goodwill in Rome for his active support and encouragement some fifteen or more years earlier for the foundation and development by Nano Nagle of her Institute of the Presentation Teaching Sisterhood in Cork city.[173] In May of the same year, 1803, Fr. Concanen again wrote to Bishop Hussey to say that a group of men, devoted to the instructions of boys, and operating on the same principles as Nano Nagle's Presentation Sisters for the poor girls of Cork and elsewhere in Munster, would be most pleasing to the Holy See. He assured Bishop Hussey that a Papal Brief of approval granting the status of a Diocesan Religious Institute would be readily granted to Edmund Rice and his collaborators, once a set of rules for their way of life and work had been drawn up and approved. In the meantime, he urged the Bishop to encourage Edmund Rice and his companions to proceed with their work in the field of Catholic education.[174]

In June 1803, Bishop Hussey sent his *relatio* to the Holy See. In it, he mentioned the good effects upon the poor girls of Waterford city given by the Presentation Sisters since their arrival in the city some five years earlier in 1798. Bishop Hussey then spoke of Edmund Rice and his

companions as a society of laymen, already living in community and hoping to obtain the approval of the Holy Father, Pius VII, for their way of life and their apostolate. They were anxious, he said, to take vows of poverty, chastity and obedience.[175] On 10 July 1803, Bishop Hussey, who had been feeling unwell since November 1802, as he had stated in a letter to Dean Hearn, his Vicar-General, at that time,[176] made his last will and testament and signed it. The next day, 11 July, while on holiday in Dunmore East with Dean Hearn, his first day there, he collapsed suddenly and died almost immediately at the comparatively young age of 57 years.[177] It was a tragic occurrence for Edmund Rice and his companions to have lost such a staunch supporter of his work at such an initial and crucial stage of its development. In death, however, Bishop Hussey still gave his support and approval to Edmund Rice and their work, for a great part of the late bishop's will was taken up with his bequests to Edmund Rice and his fledgling society of Catholic educators.[178]

Edmund Rice and his two companions were very fortunate in that the priest chosen to succeed the late Bishop Hussey was Rev. Dr. John Power, former parish priest of St. John's parish, a close friend, confidante and enthusiastic supporter for many years of Edmund Rice's scheme to provide Catholic education for the poor male youth of Waterford. He had also strongly supported the establishment of the Presentation Sisters in Waterford from 1795, his sister and sister-in-law both joining that convent as members of the Community. Bishop Power blessed Edmund's new house and schools at Mount Sion in one of his first official duties after his installation in late April 1804. The entire building cost of the new house and schools was £2,000 and it was defrayed completely from Edmund's own resources.[179] The annual maintenance and support costs of £120 for house and schools came from the interest on a sum of £2,000 bequeathed to Edmund's society in the will of the late Bishop Hussey.[180]

Edmund Rice and his two helpers, Thomas Grosvenor and Patrick Finn, now living in Mount Sion, followed as far as was practical, the daily rule of life laid down for the Presentation Sisters. The rule took the form of meditation, the recital of the office of Our Lady, examens of conscience and spiritual reading.[181] In 1804, a religious book on spirituality, The Interior Christian by Jean Bernieres-Louvigny,[182] was published in Dublin, and Edmund Rice purchased three copies of it for his community. Bishop John Power had given them the privilege of the reservation of the Blessed Sacrament in their oratory as is the case in any Catholic Church, but they had to go by a private pathway, which Edmund rented at a cost of four pounds per annum, to the nearby Presentation Sisters' Convent for daily Mass.[183] Although they were able to follow the regular life of a religious community, they felt that they were lacking the one vital element needed to bind themselves totally to their teaching vocation, i.e. religious vows. Bishop Power agreed with them in their wish to take vows as a religious community and, writing to his colleague Bishop Moylan of Cork, on three separate occasions in 1804, he stressed the good work being carried on in Edmund's school in Mount Sion, and the advantages to be gained by his followers if that work were to spread to other centres and if they had the vows and status of an episcopally approved religious institute.[184]

The beneficial results of the system of education and its methodology devised by Edmund Rice, so increased the reputation of his school at Mount Sion that soon the number of pupils in attendance was far in excess of what could be effectively managed by himself and his two assistants. They prayed that the Lord would send more labourers into their vineyard with resultant success, for shortly afterwards, two more aspirants joined them. One of these men was a John Mulcahy, a former clerical student who wished to devote himself to the teaching apostolate, and the other was John Power, a nephew of Bishop Power. James Mulcahy, a brother of the afore-mentioned John Mulcahy, also joined the group at Mount Sion in 1807, to be followed shortly afterwards by

Edmund Dunphy from Callan. Both James Mulcahy and Edmund Dunphy were to become Edmund's main collaborators in the years of the early development of the Society.

A personal friend of Edmund's from his business days, Thomas O'Brien, a wealthy Waterford wine merchant, at Edmund's invitation, sold his property and business and decided to follow the life which Edmund had chosen in providing free instruction for poor Catholic boys. Thomas O'Brien had decided to extend the apostolate to Carrick-on-Suir in nearby Co. Tipperary, which was located also in the Waterford diocese. By January 1806 the monastery and school in Carrick were built and ready for occupation. They were blessed by Fr. Keating, the local parish priest, in the presence of a large number of people. The cost of the monastery, £1,500, was paid for by Thomas O'Brien from his own personal assets, and the cost of the school building was met by local contributions. John Mulcahy and Thomas O'Brien were the first members of the Carrick community. They were joined shortly afterwards by two young local men, John Hogan and Thomas Reidy.

In 1807, William Bannon of Faha, Co. Waterford, left £1,000 in his will for the opening of a school at Dungarvan Co. Waterford. With Bishop Power's approval, John Mulcahy was sent from Carrick-on-Suir to take charge of this new foundation. It was a success from its inception. Describing the opening day the annalist wrote : "The first day the school was opened more than 200 boys swarmed into the classrooms, none of whom had previously attended any school".[185] The Carrick-on-Suir annalist recorded a somewhat similar situation in that school in the previous year and added : "The boys were so wild that nobody could control them".[186] There were now three houses of the society in the Waterford Diocese, all under the spiritual authority of Bishop John Power.

Each community observed the rule chosen for them by Edmund

Rice. They rose at 5.00 a.m. each morning and spent an hour in prayer and personal meditation. This was followed by a period of spiritual reading prior to attending Mass. The main meal of the day was taken after school. Further spiritual exercises then took place including visits to the Blessed Sacrament in the house oratories and the recitation of the Little Office of the Blessed Virgin. The day closed with a communal recitation of the Rosary. Preparation of class work for the next day was also an important part of the communities' work schedule after the formal school activities had concluded.

The low-key public approach of Edmund Rice and his followers did not arouse the suspicions of either the civil authorities or of those whose innate bigotry towards the Catholic church and its pastoral activities might have posed serious legal consequences for this new educational initiative. Almost all sectors of the community were conscious and respectful of the regenerative nature of the work being done for the well-being of the poor and undisciplined male youth of their localities. Both Catholics and others in Ireland at this time regarded these pious men as 'monks' - a loose term used to describe pious laymen, living together in community life, where the religious practices of each depended more on his piety than on any fixed rule and where members came and went at will, not being subjected to any fixed ecclesiastical regime. Such communities of men were not uncommon in Ireland, particularly in Connacht and Munster, both before and after the repeal of the Penal Laws.[187]

In Thurles, Co. Tipperary, such a community of 'monks' existed. Two of the leaders of this group, Thomas Cahill from Callan, Co. Kilkenny and William Cahill from Thurles, were later to join Edmund Rice's Religious Institute and to establish a very successful school in their former residence in Thurles. They and their fellow monks followed their trades, cultivated land and pursued their religious exercises.[188] In some instances, they acted as sacristans in their local parish churches and

taught catechism in the churches on Sundays to local children under priestly supervision. These monks had no official canonical status and as such were unofficial, but they received local recognition as pious men by the parish priest and other clergy of the areas in which they resided and worked. To the ordinary people of Waterford, Edmund Rice and his companions were regarded as monks, a title by which the Irish Christian Brothers have been frequently designated.[189]

It may appear strange that, imbued with this desire to found a religious community with full church approval, Edmund Rice made no formal application to either Bishops Hussey or Power for official ecclesiastical permission to take religious vows in the period 1803 to 1808. His qualities of prudence and caution may have led him to this decision. Already by founding and endowing three separate schools in Waterford, Carrick-on-Suir and Dungarvan, he had ignored the British Statute of 1791, which prohibited any Catholic from founding, endowing or establishing a school or college.[190] In 1808, circumstances had changed. In Europe, Napoleon, in a few short years, had conquered Russia, Prussia Austria, the Papal States, Spain, Portugal and The Netherlands. He had imprisoned and exiled Pope Pius VII and had issued in late November 1806 his Berlin Economic Decrees against Britain. Britain stood alone and isolated in her struggle against Napoleonic domination and was fighting for her very existence. Ireland was at peace and was providing solid support in men and materials for the British war effort. In consequence, the British government perceived that Ireland offered no threat to the pursuit of its primary goal i.e. the defeat of Napoleon. A spirit of toleration and goodwill between Catholics and Protestants had developed in Ireland. This good will grew out a number of sources: firstly, the Irish were encouraged by the promises of full Catholic emancipation implied by Pitt and other politicians, if Irish Catholics supported or did not resist the passing of the Act of Union of 1800. Secondly, there was sense of outrage felt by Catholics to Napoleon's treatment of Pope Pius VII in 1807. Thirdly, the Irish

Protestant Ascendancy were totally opposed to Napoleon's dream of total domination of Europe and of Britain in particular. Finally, the agricultural prosperity that blossomed in Ireland by the need to provide grain and foodstuffs for the British armies fighting Napoleon and the recruitment and paying of Catholic Irishmen in the British armies provided an uplift in the Irish economy.

Edmund Rice's personal friendship with the Waterford M.P., Sir John Newport, and the need felt by other Ascendancy and Establishment figures for Catholic electoral support - Catholics having gained the parliamentary franchise in 1793,[191] gave Edmund the courage to proceed with his plans to establish a Catholic religious Teaching Institute. Catholics, as a group in the body politic, could no longer be ignored nor could their limited and restricted civil rights be conveniently overlooked or side-tracked. Early in 1808 a very representative body of Waterford Protestants, mindful of the loyalty to and goodwill towards the Crown which had been shown by Irish Catholics and of the harmony, security and stability of the British Empire in its struggle with Napoleon, passed a resolution declaring their conviction that 'the longer continuance of Restrictive Laws against Catholics would be unjust and impolitic'.[192] They were in fact demanding for Catholics rights equal to their own. Some months later, all the Protestant nobility of County Waterford, including the Dukes of Devonshire and of Ormonde, with many of the Protestant clergy, protested to the British Parliament in similar terms, as did Protestants likewise in Counties Kerry, Clare, Limerick, Galway and Kilkenny.[193] Catholics all over Ireland joined in this demand for full Catholic emancipation. Lord Grenville eloquently championed their cause in the House of Lords saying :

> If a boon is to be given to Irish Roman Catholics let it be such as may reach to Protestants and all the lower orders of the Irish Community. Let its basis be education, the blessings of which will be felt in cottage and cabin.[194]

Henry Grattan's similar pleas for Catholic emancipation in the House of Commons fell on the deaf ears of an administration led by the Whig

Prime-Minister, the Duke of Portland, who had been elected on a 'no-popery platform' in June of 1807.[195] After three days of debate in the Commons, the government gave an assurance of an 'honourable spirit of toleration towards the Catholics of Ireland'.[196]

The way was now clear for Edmund Rice. He requested Bishop Power to approve his petition for permission to bind himself and his followers by religious vows to the service of God and religion in an approved church institute devoted to the apostolate of Catholic education. The Bishop gave his warmest approval to the request and Edmund Rice and six of his followers from the three houses of the society took temporary vows of poverty, chastity and obedience for one year. This ceremony took place during Mass on 15 August 1808, the Feast of the Assumption, in the Convent Chapel of the Presentation Sisters at Hennessy's Road, Waterford, in the presence of Bishop Power. The bishop, foreseeing the great future possibilities of the infant society, determined to make application to Rome for a more permanent Papal approval of its status. Much thought was given to the drawing up of the terms of a rule of life, based on that of Nano Nagle's Presentation Sisters, but adapted to suit Edmund's society and its different emphasis, in that its apostolate was the education of male youth. The continental wars and the Pope's enforced absence from Rome made it very difficult to attempt any transmission of a copy of any rules to Rome.[197]

In January 1809, Bishop Power wrote to Cardinal di Pietro, Prefect of *Propaganda Fide* in Rome, outlining Edmund's character, the nature and work of his society and his commitment of his personal wealth and resources to his vocation to provide free education for poor boys. Bishop Power also affirmed the great success which Edmund's efforts had achieved to date. In consequence, Bishop Power petitioned Rome for a brief of approval for Edmund's society, similar to that which the Holy Father, Pius VII, had granted to Nano Nagle's Presentation Sisterhood in Cork, on 9 April, 1805, in order to ensure the continuance and stability of

Edmund Rice's society and the vital work for the good of the Irish church.[198]

Cardinals di Pietro and Quarantotti, Prefect and Secretary, respectively, of Propaganda Fide, in their reply to Bishop Power praised the work of Edmund Rice and his companions and stated that a Papal Brief of Approval could be obtained, once the Rules and Constitutions of the society were received in Rome and approved. Meanwhile, however, the Cardinals wished it to be known that Edmund Rice's charitable work was highly pleasing to the Holy Father.[199] This encouraging reply was confirmed in a letter from the Dominican priest Fr. Luke Concanen, the Irish Bishops' Agent in Rome, in a letter to Bishop Power, who quoted it in turn when writing to his friend Bishop Moylan of Cork.[200] On the strength of these two letters, Bishop Power decided that those members of Edmund's society who so wished could make perpetual vows of a simple rather than a solemn nature.[201] Once again, on 15 August 1809, Edmund Rice and his seven companions took their perpetual vows in the convent chapel of the Presentation Sisters "according to the Constitutions of the Congregation of our Blessed Lady approved by the Apostolic Authority of Our Holy Father, Pope Pius VII".[202] The ceremony was presided over by Bishop John Power. Edmund Rice's Society was now a religious Institute of diocesan right.

6.4 The Years 1809 to 1817: progression from status of a Diocesan Religious Institute to one of Pontifical Right

The rule of life of the Brothers at this period was an adaptation of the Presentation Sisters' Rule. The Brothers were usually referred to by people as 'Monks' and an old hand-written copy of the early regulations survives, bearing the legend 'Rules of the Presentation Monks'.[203] The title "Presentation Brothers" was to be reserved, however, for an off-shoot of Br. Rice's Institute, founded in Cork in 1826 as a result of the local bishop's objection to the extra diocesan structure of Edmund Rice's Christian Brothers, which they had acquired by Papal Brief from Pope

Pius VII in 1820. This gave them pontifical status and freed them from local diocesan control.

Edmund Rice and his seven companions took new religious names at the time of their perpetual profession of vows in August 1809. Edmund took the name Ignatius, the name of the founder of the Jesuits, St. Ignatius Loyola, possibly because of his personal connection with the Jesuits in Waterford in the period 1790 - 1792, after his wife's death, or perhaps on account of his close friendship with Fr. James Peter Kenney, the Dublin Jesuit and founder of Clongowes Wood College in 1814[204] and St. Stanislaus' Novitiate College at Tullabeg, Co. Offaly in 1818.[205] This priest gave much valued advice to the newly formed Institute of Brothers on matters of spiritual formation, religious training and the conduct of their novitiate.[206] It was Edmund Rice who purchased in trust for Fr. Kenney, the land on which Clongowes Wood College was to be built. The combination of the suppression by the Papacy in 1773 of the Jesuits, the traditional Protestant hostility to the Jesuits in particular and the legal prohibition against the foundation and establishment of Catholic religious conducted educational establishments would not have resulted in the Jesuits being enabled to buy these lands directly. The reason Fr. Kenney could not have purchased the property himself was the legal prohibition on Catholic religious from founding, endowing or establishing any school. This prohibition was due to the Act passed by George II, known as 31 Geo. III, c.32, 1791.[207] Br. Ignatius, to give Edmund Rice his new name in religion, and his companions, began to wear a distinctive religious garb in their houses and schools. This religious habit is similar to that worn by the brothers today, i.e. a small Roman collar, full black soutane with a flat black cincture worn around the waist with two sashes following down the left side of the habit, except that the original white cravat was replaced by a narrow white clerical collar introduced by the general chapter of 1851.[208]

Up the year 1809 the sphere of influence of Edmund Rice as founder

had been confined to his three schools and the attached brothers' houses in the diocese of Waterford at Mount Sion, Carrick-on-Suir and Dungarvan. There were, however, problems arising from the operation of these schools which included the inadequacy of accommodation for the brothers in Dungarvan, and financial difficulties in the case of Mount Sion. Carrick-on-Suir and Dungarvan both suffered from a severe cash shortage due to inadequate income. In Mount Sion, the original two classrooms were soon overcrowded and it became clear that extra school rooms would urgently be required. Edmund had exhausted his available funds in building an unpretentious dwelling for the brothers and the original school house, both of which he built within strict economic limits. He had to conserve other funds which he controlled to provide for the future growth of the order. All his assets could not be spent at once. He had to plan for future unpredictable liabilities. Their simple buildings and lifestyle were in keeping with his views on the ideals of simplicity which he felt were appropriate for members of a religious order who had taken vows of poverty. He considered it imprudent in the circumstances to build any more substantial school rooms in the absence of the necessary finance. To meet his needs, however, he erected some wooden sheds in the small playground and borrowed benches from Mr. Buggy, a publican friend of his in Barrack Street. These benches had to be returned to the hostelry each afternoon after school. It was hardly the most suitable arrangement.

One special problem facing Edmund was the difficulty of securing regular attendance at school by badly fed and wretchedly clothed boys. To cater for the hungry boys he built a bakery at Mount Sion, where bread was regularly supplied to these children.[209] For those who needed clothes he set up a tailor's shop. When he began this charitable work of clothing the poorest boys is not accurately recorded, but his ledger account for the year 1813 has as its first item a balance sheet for 1812 of school income and expenditure meticulously kept and now lodged in the Generalate Archives in Rome. By 1813, large amounts of cloth had been

bought and made into garments for needy boys. Subscriptions from rich and poor alike, Catholic and non-Catholic, flowed to Edmund Rice to enable him to keep this clothing charity in operation.[210]

Edmund Rice's innate sense of respect for the dignity of the poor, especially those leaving his school to take up apprenticeships, caused him to see to it, with a fine sense of delicacy for their feelings, that no boy would be ill-dressed going into his first working position. This situation was noted by two non-Catholic visitors to Mount Sion, the celebrated Mr. & Mrs. Samuel Carter Hall, in their comments on the general high standard of the pupil's clothing, "where no difference was made in the quality of the clothes of the destitute pupils and those whose parents could afford to clothe them".[211] As more and more pupils sought admission to his school, Edmund Rice decided to build two new permanent classrooms. Shortage of funds to complete the work forced him to seek money, not in his own name but by way of charity appeals through two local newspapers, the Waterford Mirror and the Waterford Chronicle.[212] These appeals were made in the name 'The Superintendents of the Poor Schools, Barrack Street'.[213] The appeals were warmly endorsed by the editors of the two newspapers who sought a generous response from their readers to the appeal. The editor of the Chronicle made the point that "for lack of accommodation 200 pupils were receiving tuition in the open air".[214] Edmund sought the sum of £250, but in fact received £310 from these two appeals. Mount Sion's immediate needs had been met.

The situation in the two other schools, in Carrick-on-Suir and Dungarvan was less sanguine from a financial point of view. Edmund's business friend, the Waterford wine merchant Mr. Thomas O'Brien, had decided to follow Edmund's new vocation in 1805. He wished to become 'founder of a school in his own right'.[215] He decided on Clonmel as the site for his endeavours. This was not the first attempt by the Brothers to establish a school in Clonmel. An offer by Edmund Rice conveyed by

Bro. John Mulcahy to the parish priest Fr. Flannery some years earlier had been declined. Fr. John McKenna, the parish priest of Carrick-on-Suir, in turn accepted the offer. The details of this foundation have already been given in this chapter. It was estimated that 60% of the inhabitants of the town were illiterate.[216] The opening day in 1806, the House Annalist records as one of "hectic activity with 60 grown up lads, rude, ignorant and uncultivated who became noisy and unmanageable, and intolerant of any attempt to chastise them."[217] It took the assistance of the two local Catholic curates to enable John Mulcahy and Thomas O'Brien to restore order. The general discipline, however, improved steadily and the work progressed and the success of the school was ensured. Good writing, accurate spelling, expeditious calculation and a thorough knowledge of book-keeping became the hall-marks of the tuition offered. Financial disaster loomed, when Brother Thomas O'Brien, the founder, aged 64 years and tiring of this dauntless task of teaching, which was far removed from his former duties as a prosperous wine merchant, sought Bishop Power's permission to leave the community and return to the practice of his profession as a wine merchant in Waterford.

Before he left, Thomas O'Brien gave a bond for £900 at 6% to Bishop Power to be used for the support of the school and the community.[218] He paid the annual interest until 1814, but then defaulted. Bishop Power felt the community could not support itself and that the members should disband and return to their homes.[219] Brother Thomas Corbett, a new member of the community who had joined that house on Bishop Power's advice the previous year (1813) refused and begged the Bishop for a loan of £70, which he willingly gave.[220] Thus the house and schools were saved for the time being. Another financial crisis occurred in 1819, when the new bishop, Robert Walsh, advised that legal action be taken to force Mr. O'Brien to honour his bond. Edmund Rice was averse to this, fearing that such action would embitter an old friend of almost seventy years of age. Edmund got legal advice supporting the

Bishop's view but did not act on it.[221] Edmund's customary innate prudence and charity was proved right, when on his death on 8 September 1832, Mr. O'Brien left the bulk of his property in trust to Edmund Rice for the continued support and maintenance of his (Thomas O'Brien's) school at Mount St. Nicholas, Carrick-on-Suir.[222]

The house and school in Dungarvan, Co. Waterford and its foundation through the beneficence of a bequest in 1807 of £1,000 by a Mr. William Bannon of Faha, Co. Waterford, for that purpose, had a less happy history. Brother John Ignatius Mulcahy and his blood-brother, Brother James Joseph Mulcahy opened the house and school in 1807 in this small sea-port town in west Waterford. It was described as a town of wretched houses and hovels and filthy in its thoroughfares.[223] It had no Catholic school for a population of almost 6,000 people, more than half of whom could neither read nor write.[224] The two Mulcahy brothers obtained temporary lodgings and took a lease on an old store in the Main Street for use as a school. Over 200 boys presented themselves on the day the school first opened. Everything appeared to be progressing satisfactorily. Mr. Barron, a County Waterford gentleman provided an assignment of £1,000 in 1808 for the school's maintenance. This sum was entailed in a bond to his son at 6% and was not available to meet the immediate financial needs of the school. In 1809, the newly appointed parish priest, Rev. John Walsh, gave a donation of £300, the interest on which was to be used for clothing poor children attending the schools of the Brothers and the Presentation Sisters. Brother John Mulcahy unwisely used this money to rent a local small farm, the produce of which, when sold, would, he thought, provide him with badly needed money. The project failed and he was obliged to invoke the Insolvency Act. He then rented land at Shandon some two miles from Dungarvan at £6 per acre from the Marquis of Waterford and thereon he built a community house and school.

Edmund Rice was unhappy at the perils of the farming projects

undertaken by Brother John Mulcahy, but as the Bishop, Dr. Power, was the ecclesiastical superior, Edmund Rice had only an advisory role in the matter. Mr. Barron's son defaulted on the bequest, declared himself bankrupt and went to America. The bequest reverted to the two Brothers Mulcahy for the endowment of the Shandon School. It later fell to Brother Rice in 1821 to recover by legal means the £1,000 bond, securing £672 in English currency exclusive of costs - a sum less than the original £1,000 bequest. By 1823, there was a debt of £150 on the Shandon farm attached to the school and a notice of eviction was served on the Brothers. The Brothers were forced to leave the town in 1823. Brother Rice, by now Superior-General of his new congregation, arranged for the continuation of the school, until the Brothers could financially return to run it, which they did in a little over a year.

Brother Rice never intended that his sphere of educational influence should be limited to Waterford city and county, or even to one diocese. He had ambitions to see his Institute spread throughout Ireland, if it were the will of God to provide him with the religious manpower and the necessary financial resources. In Cork City in 1793, the Cork Charitable Committee was founded by a group of Catholic city merchants to organise a network of school for poor children, especially boys.[225] Nano Nagle's Presentation Sisters were already active in that city teaching poor girls. The integrity and business acumen which enabled the Mahonys, Dalys, Moylans, McCarthys, Murphys, Hennessys and Sugrues to build up a successful commercial sphere of activity in Cork, were now turned to a practical form of Catholic action in an age of enhanced civic liberties brought about by the Catholic Relief Act of 1793.[226] A general committee of 24 members, with five sub-committees of management, was successfully engaged by the year 1795 in conducting eleven schools in Cork for poor children, nine for boys and two for girls.[227] Bishop Francis Moylan presided over the monthly meetings of the main committee. The lay teachers' salaries in these eleven schools were paid for by subscriptions from the members, from the public and from the

proceeds of Charity Sermons.[228] The attendance of pupils in these schools up to 1808 varied between 750 and 1000 pupils, but this increased with the introduction of the Lancastrian monitorial system of instruction.[229] The system of instruction of the pupils is described in some detail in T.J. Walsh's study of Nano Nagle and the Presentation Sisters.[230] Little information is provided on the nature or extent of the religious instruction provided other than a statement that responsibility for that aspect of the curriculum in the committee's schools rested with the priests of Cork.[231]

Negotiations for a site for a new central school in the western suburbs to cater for 1,000 boys went ahead in 1807. Joseph Lancaster was contacted in person to supply a teacher trained in his pedagogic methods.[232] Fr. John England, Bishop Moylan's chaplain, was put in charge of this new undertaking, which was beset with legal difficulties in regard to the title deeds of the site.[233] The bishop was uneasy about Fr. England's enthusiasm for the Lancastrian system and also about the absence of a firm and committed Catholic religious element and ethos in the boys' schools.[234] He paid a visit to Waterford to meet his friend, Bishop Power, and learned at first hand of the great work undertaken in an intrinsic Catholic school system by Edmund Rice and his Institute. Being fully convinced of the true religious quality of the education Edmund Rice was providing in his schools, Bishop Moylan met with Brother Rice and requested him to train and provide Brothers for his Cork boys' schools. When he returned to Cork, Bishop Moylan proposed to his committee that the boys' schools be placed under the care of members of Edmund Rice's institute.[235] Two committee members, Jeremiah O'Connor and John Leonard, agreed to devote their lives to God in the apostolate of education under the aegis of Edmund Rice's society in Waterford. These two men, funded by the Cork committee, left for Mount Sion for training and religious profession in March, 1809, and returned to Cork in November, 1811.[236] They taught in the old school in Chapel Lane until the new building in Peacock Lane was established.

The Lancastrian school was completed in 1814 but it was not until 1827 that the Christian Brothers took complete charge of that school.[237] This school, which was soon catering for 1,000 boys, was to become the flag-ship for excellence of all the Catholic boys schools in Cork, where it still flourishes today under the title of Our Lady's Mount, or more familiarly, the North Monastery.[238]

6.4:1 Spread of Edmund Rice's institute to Dublin, 1813.

In 1811, Dr. Daniel Murray, Co-adjutor Archbishop of Dublin to the ageing Archbishop, James Troy, sent a pressing invitation to Brother Rice to open a school in Dublin. Brother Rice sent his first disciple, Brother Thomas Grosvenor, to Dublin with a gift of £387 to help establish a new school in the poor south docklands area of Dublin, at Hanover Street in the parish of St. Andrew. Before long 500 pupils were enrolled. In Dublin at that time, 1811, there were 36 Catholic pay-schools - some of them co-educational, catering for 1,065 boys. For the poor there were but eight free schools catering for only 265 boys.[239] The premises at Hanover Street were acquired with the proceeds from a public appeal made by Dr. Murray and was supported by other charitable gentlemen. The school and a house with an oratory for the brothers were ready for occupation in 1813. The filth, general squalor, lack of proper sewerage, the absence of sanitary drinking water and the ensuing disease, rife among an underfed and emaciated school-age population in the Hanover Street area, left many of the poor children physically unfit to be able to attend school and reap its benefits.[240] This was the situation in which Brother Grosvenor and his companion had to struggle with to establish their school and apostolate. In 1818, Rev. Dr. Martin H. Hamill, Vicar-General of the Dublin Arch-diocese and parish priest of St. Nicholas's parish, applied to Brother Rice to send him a community to conduct a school in his parish. Brother Rice complied and he rented four large classrooms in Mill Street. The school opened and accommodated about 600 pupils. Many of the charitable practices, learned by Brother Grosvenor in Mount Sion, were adopted in the new Dublin foundations.

Hanover Street had its school lending library and in Mill Street, "a Sunday School was established for the convenience of those whose employment allowed for no daily instruction".[241]

In 1820, Rev. Dr. Andrew Lube, parish priest of St. James' Street parish, sent a request to Brother Rice for a community of brothers to run a boys' school. Brother Rice sent brothers under Brother Francis Manifold, a convent to Catholicism. The school was located near Guinness's Brewery. Brother Manifold, with the help of another brother, taught up to 220 boys. He also clothed up to 60 of the most destitute pupils and provided breakfast for many others. The Brothers conducted an 'evening school' for an unlimited number of boys, whose number kept increasing. They also conducted a Sunday School in where one hundred youths, who had weekly employment were instructed.[242] In regard to the Mill Street School established in 1818, Dr. Alexander McArthur, later headmaster of the Marlborough Street Model Training School in Dublin, giving evidence in 1837 before the Select Committee of the House of Lords on the plan of education in Ireland stated "I take this school (Mill St) as the standard at present. It is the best school we have".[243]

Edmund Rice's institute was spreading to other provincial centres. Arch-Bishop Thomas Bray of Cashel, a friend of Edmund Rice since 1810, and who was most interested in, and supportive of his work, sought a community of brothers to replace the pious men or 'monks' who had been doing charitable works in Thurles for some years. Only two monks remained, Thomas Cahill from Callan and William Cahill from Thurles. Both men went at Archbishop Bray's invitation to Mount Sion for their novitiate and the acquisition of basic class-room techniques under Edmund Rice in 1815. They returned to Thurles to establish a Brothers' School, where with the assistance of the Archbishop and the aid of the local townspeople, they opened a flourishing school in temporary premises in 1816. They moved to newly-built premises in 1820 and the school still flourishes today as one of the leading educational

establishments in Co. Tipperary.

Limerick was the last centre to receive a school run by Brother Rice's institute in the early years of the institute. This city of almost 50,000 people came close to having a school run by the Brothers in 1812. The history of the Institute in the Generalate Archives in Rome states:

> Mr. Rice went to that city (Limerick) in 1812 for the purpose of making arrangements with the Bishop (Dr. Tuohy) and clergy on this subject ; (i.e. the opening of a school with its attendant community) but being unable to procure a suitable schoolroom, as well as for other causes, the establishment was not begun until four years later.[244]

Bishop Tuohy of Limerick applied to Brother Rice in 1816 for a school run by the Brothers. He promised to provide accommodation and financial support. Edmund Rice sent three brothers, all trained in Mount Sion. They arrived in Limerick on 25 June 1816. They included Austin Dunphy and Francis Grace, both from Callan. They had both joined Edmund's institute in 1809. The third brother was Aloysius Kelly from Limerick, who had joined the Brothers at Mount Sion in 1813.[245] On arrival, they found that no accommodation for a school or lodgings for themselves had been arranged by the Bishop. Bishop Tuohy was an ill man and was not present in the city to provide any of the help he had promised. The brothers got lodgings in a house in Hill's Lane, a poor area of the city,[246] and arranged for classes on the upper floor of the Assembly Hall - a stone building used for meetings and concerts and which was totally unsuitable for a school.[247] When they opened their school on 1 September 1816, 200 boys attended, having left the nearby Lancastrian school to be educated by the Brothers. This trend continued over some time, with the result that the Lancastrian non-denominational school eventually closed for want of pupils. The trustees of that school gave the building to the Catholic bishop, who in turn gave it to the Brothers. The Brothers' house and schools were now located in the same street.[248] The Brothers provided clothing for the poor and needy, collecting the money for this aspect of their charity on Saturday

afternoons.[249] The names and ages of the boys who received clothing were entered in a record book - the first entry being on 4 February 1817 and the last on 22 May 1841, the total being in excess of 1,600 boys.[250] Limerick was the last school of the early period established on a reasonably sound financial footing.

To conclude this section on the spread of the schools of the institute in the early period 1804 - 1820, it is necessary to mention that a fourth school had opened in the small Waterford town of Cappoquin in 1813 at the request of Bishop Power. Brother Ignatius Mulcahy and a companion ran this small and successful school. Ten schools were thus established between 1804 and 1820. Three were located in the city of Dublin, three in Waterford city and county, two in County Tipperary and one each in the cities of Cork and Limerick. The statistics quoted in the Irish Catholic Directory for 1821, published in Dublin, give the following figures for the growth of Edmund Rice's Educational Institute, 9 Communities of Brothers called the Presentation Brothers with 37 Brothers in total, 10 schools and 3,150 pupils[251] - a rich harvest from humble beginnings.

6.5 1817 to 1820: The final years in the progression of Edmund Rice's Diocesan Religious Institute to the status of a Pontifical Congregation

Edmund Rice's Society become a Religious Institute of Diocesan Right on 15 August 1809, following the acceptance by Edmund Rice and his seven companions of perpetual religious vows, subject to the local authority of the Bishop John Power, and consolidated with Papal authorisation from Pope Pius VII. Although Edmund Rice had founded his society for a specific purpose and had selflessly spent his entire and very considerable personal assets to further his aims and endeavours, his role as the final arbiter and ultimate authority within his society was very restricted. This was due to the canonical and administrative structures of the Catholic church which were firmly centred on the authority of the local bishop as the ultimate ecclesiastical authority in all

church matters within his diocese. This local episcopal authoritative structure had developed in the western church over many centuries. It dated back in fact to the teaching tradition of the early church that the bishops were the natural successors of the Apostles. It was Bishop Thomas Hussey and in particular his successor, Bishop John Power, who had given Edmund Rice initial approval to begin his Catholic educational work. It was Bishop Power who sought papal approval for the erection of Edmund's society to the status of a Religious Institute of Diocesan Right. Edmund Rice might exercise his authority in a paternal way in his daily dealings with his colleagues in community and within the school situation, but where decisions of substance were concerned, the local bishop was the supreme authority.

Edmund Rice, in his humility, coupled with his burning desire to offer Catholic education gratuitously to poor boys, saw no fundamental conflict between the implementation of his desires and those of his bishop, since the physical and material well being of their Catholic co-religionists was a common bond which presumably bound both equally to the work in hand. It was only when the expansion of the work of his Institute necessitated the transfer of Brothers from one diocese to another, that the consent of the bishop, from whose diocese the brothers were to be transferred, could create difficulties. The goodwill of the 'home bishop' was the determining factor as to whether transfers of 'subjects', as the individual Brothers were known by, in terms of canon law, could, or could not take place. The two Brothers sent by Edmund Rice from Mount Sion to Dublin in 1811 in response to Archbishop Murray's appeal, were in fact on loan to the Dublin Archdiocese with the consent and permission of Bishop Power of Waterford. This situation had been foreseen in 1809, when, after the society was established as a Diocesan Institute, a special clause had been added to the Presentation rule at a 'Chapter' meeting in Mount Sion which stated :

> It shall be in the power of the bishop with the concurrence of the superior to remove any one of the 'subjects' of one house to another of the same institute,

whether a new foundation or otherwise in the Diocese or in the Kingdom.[252]

Since Edmund was superior in only one house, Mount Sion, his powers were very limited.

It would have been imprudent for Bishop Power to wish to hold on to the educators of Mount Sion to meet the growing needs of his own diocese, since Dr. Power had encouraged their foundation and formation in the first place. A system to overcome this difficulty of opening new houses had evolved among the Ursuline Sisters in Cork who had been invited there from Paris by Nano Nagle in September 1771. Were any bishop outside of the Cork diocese to request the Ursuline Sisters to open a new convent and school in his diocese, the bishop requesting the new foundation had to provide the postulants and the money for their support and religious formation in the Cork Ursuline Convent. While there, these postulants underwent novitiate, profession and pedagogic training before returning to their home base to establish a new convent. This happened in the case of Thurles in June 1799. Archbishop Bray of Cashel went to Cork to attend the profession of two postulants he had sent there for training and to escort them home to Thurles. Thus these two professed Ursuline Sisters from Thurles, who had been trained and professed in the Cork convent[253] would be able in turn to train postulants sent to them from other places. The Thurles Ursuline convent trained and professed Waterford aspirants, who returned to open an Ursuline convent in Waterford in 1816.[254] The same position obtained in Nano Nagle's own Congregation of the Presentation Sisters. The Cork Presentation Mother-house begot further foundations at Killarney in 1793, George's Hill, Dublin in 1794 and Waterford in 1795.[255]

The unsatisfactory situation in regard to the transfer of Brothers from Mount Sion and the other Waterford communities began to lead to the fragmentation of the new Institute. This difficulty existed both in regard to the overall planned development of the Institute, and its governance in matters relating to the disposal of personnel within the Institute, and the

handling of the finances of the Institute. The founder had made this problem known to Daniel Murray, who was Coadjutor Archbishop in Dublin to the aged Archbishop Troy. Archbishop Murray knew of Rice's difficulties in providing brothers for the Hanover Street School in 1811.[256] Local diocesan control of individual brothers would not work, if the Institute were to develop on a nation-wide basis. Archbishop Dr. John Thomas Troy had mentioned in his *relatio status* to Rome in August 1816 the excellent work being done by the Brothers, both in Dublin and elsewhere and outlined the pre-eminent position which Edmund Rice's schools held in the evangelisation of Irish youth.[257]

Archbishop Murray, who had to travel frequently to Rome in connection with the Veto Controversy, brought back to Edmund Rice from Paris in 1817 which he visited on his return to Ireland, a copy of the Papal Brief of Pope Benedict XIII, issued in 1725 and entitled '*In Apostolicae Dignitatis Solio*'.[258] This Papal Brief had been issued in 1725 to the followers of the rule of the Institute of John Baptist de la Salle as their document of papal approval for their apostolate as a congregation of Lay Teaching Brothers in France. The De La Salle Brothers, as they were known, had been suppressed during the French Revolution. They were restored in 1808, and their rule-book, which included as a prologue the full text of Pope Benedict XIII's Bull of 1725, was reprinted in Paris in 1809. Their Papal Brief gave them Rome's approval for their congregation, organised on a supra-diocesan basis, with their own Superior-General and a central novitiate in Paris. Their vow of obedience was directed to Rome, through their own Superiors, rather than through the local diocesan bishops.

This structure appeared admirably suited to the needs the growing institute and was warmly recommended to Edmund Rice by Archbishop Murray, as a perfect model for Edmund's society, which was being seriously hampered in its growth and development by the existing diocesan control structures.[259] The De La Salle Brothers took five vows

of obedience, poverty, chastity, gratuitous instruction of the poor and perseverance, which were completely in line with Edmund's concepts of the role of his Institute. The structure of their order, with its Superior-General and direct obedience to Rome, gave it the Status of a Papal Congregation, free from local diocesan interference or control, like that of all the major religious orders in the church.

In August 1817, Edmund Rice invited the Directors (Superiors) of the nine houses of his Brothers to Mount Sion, for a full week's discussion on the De La Salle Brief, as to whether it was appropriate to their needs, or as to whether it needed some alterations to meet local circumstances.[260] It became clear that, whereas Edmund's society had been following a rule that was adapted from that of Nano Nagle's Presentation Sisterhood, with adaptations to meet its particular ministry, this French rule not only allowed for a different, more autonomous style of government, but also allowed the Brothers to shape the details of their lives in accordance with what they themselves discerned as their own charism.[261]

The assembled brothers appeared pleased with the proposed new rule of life and the form of government of the Institute as based on De La Salle practices. The directors i.e. the Brothers in charge of each house, of all the communities were present except the director of the school in Cork. This house was represented by a deputy, Brother Baptist Leonard. His community, as in the case of all the others, had received a copy of the Brief well in advance of the Mount Sion meeting of August, 1817, and preliminary discussions had been held in all houses on the document. An extract from the Annals or house records of the Carrick-on-Suir community later in 1820, outlined the disadvantages of diocesan control and the view expressed in that community "that the Presentation Brothers Institute would never become successful as an order, because there was no particular person to head it".[262] In the Irish context, Pope Benedict XIII's Papal Brief of 1725 was unique in its basic concept and idea, perhaps even revolutionary, since it brought into existence a body

of lay religious, not subject to diocesan control. The assembled directors in Mount Sion, having first consulted the members of their communities, drew up thirteen articles, based almost essentially on the De La Salle rule, with some slight modifications to be presented to Rome for approval as the basic charter of the Institute of the Brothers of Edmund Rice. Fearing that the Irish Bishops might resent their wish to become a supra-diocesan Institute and take offence, they decided not to take any further action on the new rules until (i) the bishop's attitude was ascertained, (ii) the decision of the local communities be obtained and (iii) until the professed brothers had decided on the form of approach to Rome for seeking papal approval.[263]

It was not until mid 1819, that a formal petition was made by Edmund Rice to Rome, seeking papal recognition and approval for his Institute. The petition included the 13 Articles of the Rule he proposed to adopt, which defined the aims of the society, its system of government and the regulations regarding the instructions of the pupils in religious and secular knowledge. Archbishop Troy of Dublin added his recommendation to Edmund's petition.[264] His coadjutor, Archbishop, Daniel Murray, also supported the petition. More importantly, still Archbishop Murray obtained the supporting signatures of most of the Irish bishops, with three exceptions.[265] The opposing bishops were Bishop Robert Walsh of Waterford, Bishop Kyran Marum of Ossory and Bishop John Murphy of Cork.[266] They were opposed to any religious group operating within their dioceses who were not under their sole diocesan authority.

6.5:1 Episcopal opposition in Waterford to Edmund Rice's Institute 1817 - 1820 by Bishop Robert Walsh

Unfortunately for Edmund Rice and his young Institute, at this most critical stage in its development and internal re-structuring, Bishop John Power of Waterford died in January 1816. He had been Edmund Rice's greatest supporter and a very close friend and collaborator in the early

years of growth of the infant society. The vacancy left by his death filled Edmund with foreboding as the foundation house and school at Mount Sion and three other communities were located in the Waterford diocese. The choice of bishop with his complete ecclesiastical jurisdiction and control over Edmund Rice's Society would be a matter of critical import for the continued growth and well-being of the Institute. Unfortunately, in 1816-17 there did not exist a universal and formalised church procedure for the selection of a bishop to a vacant diocese. That did not come until 1829.[267]

Edmund Rice's fears were well founded. The clergy of the diocese totalling approximately fifty two priests met in Carrick-on-Suir on two occasions, once in February and again in April 1816 to nominate a successor to the late Bishop Power. While no individual priest was regarded as being so outstanding as to merit unanimous and instantaneous approval, a decision of sorts was made to nominate Dr. Thomas Flannery, parish priest of Clonmel and Dean of the Diocese, to the position of *dignissimus* - or most worthy candidate. Within a few days, however, Bishop Charles Sugrue of Ardfert intervened in the process. He warned Fr. Flannery privately of certain allegations concerning the probity of his private life style and behaviour, which in his (Bishop Sugrue's) judgement, would make him an unsuitable and unfit person for the episcopacy. In view of this caution, Fr. Flannery withdrew his candidacy.[268] However circumscribed his own position had now become, Fr. Flannery entered the fray again by proposing a close friend of his, Fr. Robert Walsh, the parish priest of Dungarvan, as a candidate. Fr. Walsh's character and personal fitness for the office also left very much to be desired, as it was to be proven some years later, with sad and very damaging results for the diocese of Waterford in particular, and the church in Munster in general.[269]

The diocesan clergy met again, but bitterness and in-fighting among the assembled clergy caused nine parish priests and fifteen curates to

withdraw from the meeting, declaring that in such disharmony and rancour "they were of the view that the matter should be resolved by the Metropolitan and suffragan bishops of the Ecclesiastical province of Munster",[270] in other words, by referring it to Archbishop Thomas Bray of Cashel and the five bishops of Cork, Cloyne and Ross, Limerick, Ardfert and Killaloe. The remaining twenty eight priests at the Waterford diocesan conference chose Fr. Robert Walsh of Dungarvan as their *dignissimus* or nominee.[271] Archbishop Bray of Cashel, the Metropolitan of the Province of Munster, was very ill with paralytic haemoplagia and was unable to attend the Munster bishop's meeting held in Kilkenny in June 1816. Bishop William Coppinger of Cloyne and Ross, acting as the senior serving suffragan bishop of the province, wrote to *Propaganda Fide* on 7 September 1816 outlining the decisions taken by the five bishops present, which had the subsequent support of Archbishop Bray. Bishop Coppinger declared that neither Frs. Flannery nor Walsh were suitable in any respect for episcopal appointment. Instead, Dr. Crotty of Maynooth College was recommended as the most worthy and suitable candidate.[272] Despite the prudent advice of these bishops, Rome appointed Robert Walsh as Bishop of Waterford on 4 July 1817 and he was consecrated and installed in Waterford on 31 August 1817.[273]

There was therefore an interregnum of some eighteen months in the administration of the Waterford diocese between the death of Bishop Power and the installation of Bishop Walsh. This period had allowed plenty of time for sides to be taken, interfactional disputes and rivalries to develop, bad feelings to grow and fester and more importantly, a time for the plotting and settling of old scores. Edmund Rice was right to have been apprehensive with regard to these developments and their implications for the future well-being of his diocesan Institute in its home base of Waterford. Whether he was prudent to have let himself become involved, however involuntarily, through personal friendship with two priest friends who supported those priests who wanted the Munster Bishops to decide the issue, was another matter.

Not long after his installation, Bishop Walsh summoned Edmund Rice and his two priest friends Fr. Foran, President of St. John's Diocesan Seminary and Fr. Murphy, a Dean in Maynooth to a meeting in their capacities as executors of the will of the late Bishop Power. Their probity as executors and that of the deceased bishop himself was called into question with regard to their handling of the Bishop's estate.[274] Their inquisition at the bishop's hands lasted for three days. Fr. Patrick Meagher, the new parish priest of Dungarvan, appointee and friend of Bishop Walsh and the redoubtable but disappointed candidate, Fr. Flannery, spread false rumours locally that Edmund Rice and Frs. Foran and Murphy had 'embezzled' £1,500 of the late Bishop Power's estate.[275] Bishop Walsh although lacking any corroborative factual evidence, dismissed these two priests from their clerical posts in what appears to have been a most partisan and unjust manner and transferred them to rural curacies.[276] They resigned their responsibilities as executors of Bishop Power's will to spare themselves further unjust punishment and opprobrium.[277] This left Edmund Rice individually to bear the brunt of Bishop Walsh's undisguised hostility to Edmund personally and his Brotherhood. He too, wished to resign as executor, but Archbishop Murray of Dublin pleaded with him to remain on that office "for the sake of the poor to whose relief the funds of the late Bishop's will were directed".[278] Edmund Rice was compelled for his own protection to send to Rome a sworn statement of his administration of the charitable funds of the late Bishop Power's estate.[279]

Matters went from bad to worse. Bishop Walsh, incensed at Edmund's 'hostility' to his appointment and his connections with those fractious clergy who had also opposed him, began a campaign of vilification of Edmund Rice's personal character in a series of letters to Rome. He also used the petition of Edmund Rice to Rome, supported by Archbishop Troy of Dublin for Papal rather than diocesan status for Edmund's Religious Institute,[280] as 'an attempt by laymen' to undermine

the structures and authority of church administration at diocesan level.' Bishop Walsh also intimated in this letter to Rome that most of the Munster bishops were opposed to the granting of a Papal Brief to Edmund Rice's Institute, giving it extra diocesan status.[281] As if that were not sufficient to poison the minds of *Propaganda Fide* against the integrity of Edmund Rice's personal character and moral rectitude, he had two petitions signed and sent to Rome of a very serious nature. The first and most damaging was a 'signed statement' from six brothers of Edmund Rice's Institute objecting to the organisational change of government of the Institute which Edmund was seeking from Rome and their objection to the appointment of a 'perpetual general' (i.e. a Superior General) appointed for life to rule their Institute This letter was sent from Dungarvan on 1 August 1818.[282] Three of the named "six monks", William Brown, Garrett McGrath and Robert Hanley were not recorded as members of any of the seven houses of the Brothers then in existence. Two of the houses mentioned in this letter in which one or more of the brothers were listed as residing were not in existence at this time. Clonmel was not founded until 1847 and the Youghal community was not founded until 1857. This was nothing less than an act of forgery, but Rome, so far away, was not in a position to verify the facts.

Another forged letter, dated 11 September 1818, was sent to Cardinal Litta in Rome. The letter emanated from Dungarvan, the clerical base of the Fr. Patrick O'Meagher, friend and confidante of both Bishop Walsh and Fr. Flannery. It purported to be 'signed' by seventeen pastors of the Waterford diocese, maligning in a most vicious and malevolent way, the personal morality and integrity of Edmund Rice, again without factual or corroborative evidence.[283] This personal vilification of Edmund Rice as a highly respected person and as an influential founder member of a religious Institute was linked with his (Edmund Rice's) wish to become-

> a perpetual general of his Institute and lord it over the priests and bishops and be under no control should the papal status of Pope Benedict XIII's Brief be

granted him and be introduced into Ireland.[284]

Cardinal Fontana, the new Prefect of *Propaganda Fide*, was not too disturbed about the contents of this letter but rather by the similarity of the writing of the seventeen signatures, "which he concluded were repeated many times, being illegible and many false".[285]

Four developments of crucial importance to the future of Edmund Rice and his Institute occurred about this time, however, which brought a most welcome end to the unhappy events in Waterford of the period 1817 - 1820.

Firstly, Edmund Rice was most fortunate in that his priest-brother, Fr. John Rice, was recalled from his office as Prior of Callan in 1817 to Rome to take up a position as an Assistant to the Prior-General of the Augustinian Order.[286] John Rice had also been the focus of malevolent and pernicious comments by Bishop Walsh in his letters to Rome criticising Edmund Rice and the proposed new status of the Brotherhood, which was being sought by way of a Papal Brief of approval.[287] Fr. John Rice, used his position and good offices to negative the slanders of Bishop Walsh against his brother Edmund and his Institute. Fr. Rice also used his friendship and influence with a learned and respected Abbot of the Camaldolese Fathers, Dom Mauro Capellari, to help him in his endeavours. Abbot Capellari was a consultor to many Congregations in Rome and in later life was elected Pope Gregory XVI.[288] Bishop Walsh was summoned to Rome in 1820 but died at Tivoli in 1821 before his case was heard.[289] The method of electing bishops in Ireland in 19th century Ireland, because of the choice of Bishop Walsh in Waterford was changed in 1829 by Papal decree.[290]

The second development concerned the letter sent to Rome by the Munster bishops outlining the scandalous and deplorable state of affairs, both religious and administrative, in the Diocese of Waterford under Bishop Walsh.[291] They petitioned Rome for Bishop Walsh's suspension

and the appointment of an Administrator to the Diocese, until Rome undertook a full and exhaustive inquiry into the situation. This necessity, they pleaded, was for the good of the church in Waterford and the county in general.[292]

Thirdly, about this time, Pope Pius VII was becoming very alarmed at reports he was receiving from Ireland about the growth and influence of the newly established Protestant Bible and Evangelical Societies, and the danger this posed to the Catholic faith of poor children and their families, who were being offered gifts of food and clothing when they attended proselytising religious meetings. The Pope was aware of the weak state of Catholic education in Ireland. He was also convinced that only through committed pastoral care and structured and formalised catechetical instruction, could Irish Catholics be protected from this dangerous situation.[293]

The fourth factor was the decision of Pius VII in 1819 to instruct Cardinal Fontana, the Prefect of *Propaganda Fide*, in 1819, to write to Archbishop Troy of Dublin to ascertain the facts regarding the proselytising work of the Bible Societies.[294] In this connection, Cardinal Fontana also sought information on the work of Edmund Rice and his Institute and the prospects that this Institute might provide in counteracting the influence of proselytising groups through the provision of Catholic education for the poor.[295] Archbishop Troy replied outlining the praiseworthy work done by Edmund Rice and his followers for the Catholic poor in the centres where they operated. The Archbishop, having shown the Cardinal's letter to the other Archbishops and Bishops of Ireland, added in reply that these bishops had every confidence in Edmund Rice and his Institute and approved of their way of life and educational apostolate.[296]

The die was cast. Archbishop Troy's letter of approval of Edmund Rice and his work caused Pius VII to issue the Papal Brief on 5

September 1820 entitled '*Ad Pastoralis Dignitatis Fastigium*'.[297] The battle was won. Edmund Rice had won for his Institute the extra-diocesan status enjoyed by the De La Salle Brothers under Papal Approval given by Benedict XIII in 1725. The Brothers of Edmund Rice were at last a Papal Congregation.

6. 6 Conclusion

Archbishop Murray lost no time in informing Edmund Rice that the Universal Church through Pope Pius VII had approved the birth of a new religious congregation giving formal approval to the Rules and Constitutions of Edmund Rice's Society. The document of approval was entitled '*Confirmatio Instituti et Regularum Laicorum Monachorum Scholarum Christianarum in Hibernia*'. Archbishop Murray wrote :

> I cannot tell you how much pleasure it gives me to find that your Institute has at length obtained the approbation of His Holiness. God grant stability to an Institute that promises so fairly to be of essential benefit to the interests of religion in this country.[298]

Little did the Archbishop realise at that time that not only would the youth of Ireland benefit from this new Congregation, but so also would the youth in the five Continents of the world in the following 150 years. The brief was accepted by the Brothers on 15 August 1821 - always a propitious date for the Brothers, who were so devoted to the Blessed Virgin.[299] Edmund Rice was elected first Superior General on January 20 1822 following a nine-day retreat by the professed Brothers at Mount Sion.[300]

It was the critical events of the years 1802 to 1822 that enabled Edmund Rice to found two Congregations in the church, the Christian Brothers and later the Presentation Brothers. Had the events of 1817 - 20 in Waterford and their consequences in Rome turned out differently, then a less happy and fortunate result might have ensued and a very different story of Edmund Rice and his Institute might have been recounted.

The availability of the volume the Positio Super Virtutibus, a tome of pivotal importance in promoting the cause for the Beatification and hopefully the canonisation of Edmund Rice in the near future, was of critical importance to the work of research that the thesis required. There are but very few copies of it available and those are only accessible to the Provincial Superiors of the Christian Brothers, to the Generalate Staff in Rome and to the Vatican Congregation for the Causes of Saints. The documentary and archival material in the Positio is of a quality of scholarship and research that is quite unique. It has not been available heretofore to scholars and researchers into the life of Edmund Rice and his apostolic work in education. It was quite a rare and an exceptional privilege for a lay student, as is the author of this thesis, to have been offered unrestricted access to its knowledge.

For that permission, the author of this thesis is most sincerely grateful and appreciative of the honour shown to him in the pursuit of a balanced and equitable treatment of the subject-matter of the thesis. Research work for this thesis, carried out in the Archives of *Propaganda Fide* in Rome and in other places, necessitated detailed examination of many original documents which are of a sensitive nature and not normally available for public scrutiny, in that allegations of impropriety in the personal lives of the personalities named therein, are alluded to in some detail. It would not have added to the veracity or scholarship of this thesis to have quoted verbatim from these documents. The essential information contained in them has been faithfully reported and commented on. It was necessary to balance accuracy, knowledge and veracity in examining this material. It is to be hoped that the correct balance was struck, allowing for human frailty in this, as in all other fields of human endeavour.

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[1] The Positio Super Virtutibus i.e., The Volume of Evidence submitted, by the Congregation of the Brothers of the Christian Schools of Ireland to the Congregation for the Causes of the Saints. Prot. N. 1375, Dublin for the Cause of Canonisation of the Servant of God, Edmund Ignatius Rice (1762-1844) Founder of the Congregation of

Christian Brothers and of the Presentation Brothers, Rome 1888 (Not for public circulation), p. 16.

[2] Pope Clement XIV, in his Decree Dominus ac Redemptor 1773, cited in Louis Mc. Redmond, To a Greater Glory - A History to the Irish Jesuits (Dublin: Gill and MacMillan, 1991), pp. 114 and 116.

[3] Positio Super Virtutibus, p.16

[4] W. M. McCarthy, Edmund Ignatius Rice and the Christian Brothers (Dublin: M.H. Gill and Son, 1926), pp. 57-58.

[5] Positio Super Virtutibus, p.16.

[6] Louis McRedmond, To the Greater Glory - A History of the Irish Jesuits (Dublin: Gill and Macmillan, 1991), pp. 88, 90 and 93.

[7] J. D. Fitzpatrick, Edmund Rice, Founder and First Superior General of the Brothers of the Christian Schools of the Christian Schools of Ireland (Dublin: M.H. Gill and Son Ltd, 1945), pp. 77-79.

[8] The Holy Bible translated, from the Latin Vulgate, inscribed, copy of Venerable Edmund Rice (printed, by Hugh Fitzpatrick for Richard Crowe, 28 Bridge St, Dublin. MDCCXC (1791), now in the Archives of the Generalate in Rome, Via Maglianella, 375, Rome, cited, in the Positio Super Virtutibus, Chapter 2, Document No. 7, p.33.

[9] J. D. Fitzpatrick, Edmund Rice, pp. 79-80.

[10] Ibid.

[11] Ibid.

[12] Ibid. pp. 55-56.

[13] Ibid.

[14] Positio Super Virtutibus, Ch. 2, p.17

[15] D. S. Blake, "The Christian Brothers and Education in 19th Century Ireland" Unpublished M.Ed. Thesis, University College Cork, 1977, pp. 14 and 45.

[16] J. D. Fitzpatrick, Edmund Rice, pp. 58-59.

[17] Francis Wyse to Edmund Rice. Vol. 53, No. 857, Public Records Office, Dublin. - also Positio Super Virtutibus, Ch. 2, p. 21.

[18] Positio Super Virtutibus, Ch. 2, p. 21.

[19] Ibid.

[20] W. M. McCarthy, Edmund Ignatius Rice, p. 65.

[21] Ibid., pp. 65-66.

[22] Poor Relief (Ireland) Act, 1838 1 and 2, Victoria, c.56, 31 July 1838.

[23] Minutes of Waterford Corporation, 8 August 1800 and 9 July 1801 - Waterford City Archives, Civic Offices, Waterford.

[24] J. D. Fitzpatrick, Edmund Rice, p. 57.

[25] W. M. McCarthy, Edmund Ignatius Rice and the Christian Brothers, p. 56.

[26] Positio Super Virtutibus, Chronology p. xi.

[27] Ibid., p. xii.

[28] Patrick Power, A History of the Diocese of Waterford and Lismore (London: Longmans Green 1937), p. 292.

[29] D.S. Blake, "The Christian Brothers and Education in the 19th Century Ireland", p. 45 (footnote 22) and p. 100 (footnote 5).

[30] J. D. Fitzpatrick, Edmund Rice, Founder and First Superior-General, p. 81.

[31] W. M. McCarthy, Edmund Rice and the Christian Brothers, p. 60.

[32] Positio Super Virtutibus, Chronology p. xi and T. J. Walsh, Nano Nagle and the Presentation Sisters (Dublin: M.H. Gill and Son, 1959), p.152.

[33] Positio Super Virtutibus, Chapter 2. Document No. 8, pp. 34-35.

[34] D. S. Blake, A Man For Our Time - A Short Life of Edmund Rice (Dublin: Edmund Rice 150 Committee of the Christian Brothers, 1994), p. 7.

[35] Positio Super Virtutibus, Chapter 2. Document No 9, pp. 36-37. Comprising answers to queries submitted, to the Christian Brothers by the Royal Commissioners appointed, to enquire into the State of Primary Education in Ireland. (Royal Commission of Inquiry into Primary Education (Ireland) (Dublin: Alex Thom, 1870, Vol. III), pp. 83-84.

[36] Positio Super Virtutibus, Ch 2. Document No. 10, p. 38.

[37] Ibid., Ch. 2, Document No. 11, p. 39 (An Extract from the examination of Brother Michael Bernard Dunphy, on oath before the Commissioners of the Irish Education Inquiry 12th Jan 1825. First report of the Commissioners 1825 House of Commons Vol. xii p. 949).

[38] T. J. Walsh, Nano Nagle and the Presentation Sisters, p.152.

[39] Ibid.

[40] Francis Wyse to Edmund Rice, Printed Rentals, City of Waterford, Vol. No. 53, No. 857 Public Records Office, Dublin.

[41] Positio Super Virtutibus, Ch 2, p. 20.

[42] An extract from the Memorial of an Indented Deed, of date 1 June 1799 between Edmund Rice and Three Nuns of the Presentation Convent, Waterford. Registry of Deeds, Ireland, Henrietta St, Dublin. No. 567-401- 381567. Cited in the Positio as Document 12, Chapter 2, p. 40 in the Positio Super Virtutibus.

[43] An extract from the Memorial of an Indented Deed, of date 5 October 1801 between Edmund Rice and Lydia Hearn of the Presentation Convent, Waterford. Registry of Deeds, Ireland, Dublin. No. 567-402- 381568, cited in the Positio as document No. 13 Chapter 2, p. 41.

[44] Positio – Chronology, p. xii.

[45] M. C. Normoyle, A Tree is Planted (Dublin: 2nd edition 1976- For Private Circulation only), Footnote no. 34, p. 27.

[46] D. S. Blake, "The Christian Brothers and Education in the 19th Century Ireland", p. 14.

[47] Ibid., p. 15 cited in J. D. Fitzpatrick, Edmund Rice, p.96. who quotes as his source The Waterford Herald and Waterford Chronicle of 1793.

[48] Report of the Commissioners of Irish Education Enquiry 1791. Not published until 1857/58 (2336 - 11) xxii. Part iii, p.343.

[49] Positio Super Virtutibus, Ch. 2, p. 20.

[50] John Healy, Centenary History of Maynooth College (Dublin: Browne and Nolan 1895) Appendix IX, p. 693. The complete text of Bishop Hussey's pastoral of 1797 is given in the Appendices to this thesis.

[51] T. J. Walsh, Nano Nagle and the Presentation Sisters, p.153.

[52] John Healy, Centenary History of Maynooth, p.163.

[53] John Healy, Maynooth College, p.163.

[54] J. D. Fitzpatrick, Edmund Rice, p.86.

[55] John Healy, Maynooth College, pp. 164-165.

[56] Ibid.

[57] Ibid.

[58] Ibid.

[59] Irish Statute, 35 Geo. III, c.21 - Act for the better education of persons professing the Popish or Roman Catholic religion', June 5 1795.

[60] Daire Keogh, Thomas Hussey, Bishop of Waterford and Lismore 1797-1803, and the Rebellion of 1798 in Waterford, History and Society, Interdisciplinary Essay on the History of an Irish County, editors William Nolan and Thomas P. Power (Dublin: Geography Publications, 1992), p. 406.

[61] John Healy, Maynooth College, p.173.

[62] R. B. McDowell, Ireland in 1800, in A New History of Ireland, Eighteenth Century Ireland, 1691-1800 Vol. IV, editors T. W. Moody and W. E. Vaughan (Oxford: Clarendon Press, 1986), p. 689, and John Healy, Maynooth College, p.168.

[63] Daire Keogh, Thomas Hussey, Bishop of Waterford and Lismore 1797-1803, and the Rebellion of 1798 in Waterford, History and Society, Interdisciplinary Essay on the History of an Irish County, editors William Nolan and Thomas P. Power (Dublin: Geography Publications, 1992), p. 406.

[64] J. D. Fitzpatrick, Edmund Rice, p. 87.

[65] Ibid.

[66] Patrick Power, A History of the Dioceses of Waterford and Lismore (London: Longmans, Green, 1937), p. 32.

[67] Ibid.

[68] R. B. McDowell, as at ref. 62 supra, p. 689.

[69] Ibid.

[70] Ibid.

[71] J. D. Fitzpatrick, Edmund Rice, p. 89.

[72] John Healy, Maynooth College, pp. 177-178.

[73] Ibid., p. 176.

[74] Ibid., p. 172.

[75] Royal Irish Academy Dublin (Hussey Pastoral) H.P. Vol. 719/6, pp. 6-15.

[76] Daire Keogh, as at ref. 63 supra, pp. 413-416.

[77] Ibid., p. 415.

[78] Ibid.

[79] Ibid., p. 419.

[80] Ibid., pp. 417-418.

[81] Ibid., p. 419.

[82] Ibid., p. 413.

[83] Ibid., p. 414.

[84] Ibid.

[85] Ibid., pp. 414-416.

[86] J. D. Fitzpatrick, Edmund Rice, pp. 93-95.

[87] Ibid., pp. 97-98.

[88] John Healy, Maynooth College, p. 182.

[89] Minutes of Waterford Corporation, 5 May 1792, Civic Offices, Waterford.

[90] Waterford Herald, May 1792.

[91] Michael Olden, History and Guide of the Cathedral of the Most Holy Trinity, Waterford (Waterford: Intacta Print Ltd, 1993), pp. 12-13.

[92] John Healy, Maynooth College, p. 183.

[93] Positio Super Virtutibus, Ch. 2, p. 21.

[94] Anthony Manion, The History of the Maritime Ports in Ireland (London: Cox, 1856), p. 550.

[95] Rev. Canon Patrick Power, A History of the Diocese of Waterford and Lismore (London: Longmans Green, 1937), Appendix X, pp. 384-385.

[96] Positio Super Virtutibus, Ch. 2, p. 15.

[97] Ibid., p. 16.

[98] English Statute, 31 Geo. III, c.32, June 1791, Section 17.

[99] Positio Super Virtutibus, Ch. 2, p. 18

[100] Irish Statute, 21 and 22 Geo. III, c.62, 27 July 1782 (Luke Gardiner's 3rd Catholic Relief Act).

[101] William Carrigan, The History and Antiquities of the Diocese of Ossory Vol. 1 (Dublin: Sealy, Byres and Walker 1905), p. 263.

[102] Journal of the Waterford and South East of Ireland Archaeological Society, Vol. XII, January - March 1909 (Berkeley Library, T.C.D.), pp. 162-163.

[103] Ibid.

[104] T. J. Walsh, Nano Nagle and the Presentation Sisters, p. 240 in the Ursuline Convent Archives, Thurles.

[105] Journal of the Waterford and South East of Ireland Archaeological Society Vol. XIII, October - December 1910 (Berkeley Library, T.C.D.), p. 130, and J. D. Fitzpatrick, Edmund Rice, pp. 114-116.

[106] J. D. Fitzpatrick, Edmund Rice, pp. 116-117.

[107] English Statute, 31 Geo. III, c.32, 1791, Section 17.

[108] Irish Statute, 21 and 22 Geo. III, c.62, 27 July 1782 (Catholic Relief Act - Luke Gardiner's 3rd Relief Act).

[109] Waterford Herald, 7 July 1791.

[110] Waterford Herald, 24 April 1792.

[111] Irish Statute, 17 and 18 Geo. III, c.49, 14 August 1778 (Catholic Relief Act, Luke Gardiner's 1st Relief Act allowing Catholics to take leases for 999 years, and inherit in same manner as Protestants).

[112] J. D. Fitzpatrick, Edmund Rice, p.67 - footnote no. 2.

[113] Irish Statute, 39 Geo. III, c.15 section 10, 1799.

[114] Convent Archives, Presentation Convent Waterford, and J. D. Fitzpatrick, Edmund Rice, pp. 115-116.

[115] Peadar Mac Suibhne, "The Early History of Carlow College" in the Irish Ecclesiastical Review (Maynooth: Maynooth College, October 1943), p. 239.

[116] M. C. Normoyle, A Tree is Planted - The Life and Times of Edmund Rice 2nd Edition (Dublin: The Christian Brothers, 1976), for private circulation, p. 43.

[117] Ibid.

[118] Irish Statute, 21 and 22 Geo. III, c.62, 27 July 1782 (Gardiner's 3rd Catholic Relief Act).

[119] UK Statute, 10 Geo. IV, c.7, 13 April 1829 (Roman Catholic Relief Act).

[120] J. D Fitzpatrick, Edmund Rice, pp. 117-118.

[121] Ibid.

[122] T. W. Moody, F. X. Martin, F. J. Byrne, A New History of Ireland Vol. VII, A Chronology of Irish History to 1976 (Oxford: Clarendon Press, 1982), p. 403.

[123] Alice Effie Murray, A History of Commercial and Financial Relations between England and Ireland from the Period of the Restoration (London: P.S. King and Son, 1903), p. 306.

[124] Ibid.

[125] Cork Southern Reporter, 21 May 1820.

[126] Registry of Deeds, Dublin. No 715, 145.

[127] Ibid., 734, 127, 500462.

[128] Ibid., 564, 147, 377168.

[129] Ibid., 576, 440, 393251.

[130] Ibid., 502, 339, 324994, and 564, 147, 377168.

[131] J. D. Fitzpatrick, Edmund Rice, p. 126.

[132] Ibid.

[133] D. S. Blake, "The Christian Brothers in the 19th Century Ireland", unpublished M.Ed. Thesis, U.C.C. 1977, p. 40.

[134] J. D. Fitzpatrick, Edmund Rice, pp. 127-128.

[135] Ibid., p. 128

[136] Ibid., pp. 128-129

[137] The Holy Bible Revised, Standard Version (Nashville, Tennessee, USA: Thomas Nelson, 1958) St Mark's Gospel, Ch 10. Verses 21-22, p. 100-106.

[138] J. D. Fitzpatrick, Edmund Rice, pp. 130-131.

[139] Ibid.

[140] Ibid.

[141] Positio Super Virtutibus, Ch. 2, p. 21.

[142] Ibid., p. 22.

[143] J. D. Fitzpatrick, Edmund Rice, p. 132.

[144] Ibid., pp. 105-106.

[145] Ibid., pp. 128-129.

[146] Ibid., pp. 131-132.

[147] History of the Institute Vol. I (1958-61), p. 11.

[148] J. D. Fitzpatrick, Edmund Rice, p. 132.

[149] The Parliamentary Gazetteer of Ireland Vol. I (Dublin, London, Edinburgh: A. Fullarton and Co; 1843/44), p. CXXV. In the terminology of the time, 'Schools' generally meant " 'Classes' or 'Classrooms'.

[150] Positio Super Virtutibus, Chronology, p. xii.

[151] History of the Institute Vol. I (1958-61), p. 11.

[152] Positio Super Virtutibus, Chapter 3, p. 43, footnote no. 2.

[153] The Holy Bible, Standard Version (Nashville, Tennessee, USA: Thomas Nelson, 1958), St Luke's Gospel. Ch. 6 Verses 37, p. 1085.

[154] Positio Super Virtutibus, Ch. 3, p. 43, footnote No. 3 p.5 (Generalate Archives).

[155] D. S. Blake, "The Christian Brothers and Education in The 19th Century", Ch. 1 footnote no. 30, p. 47. Both of them early companions of Edmund Rice later left the Community to become priests. Thomas Grosvenor died in 1823 as a curate in Donnybrook, Dublin, and Patrick Finn joined the Cistercians in Mount Melleray and died in 1847.

[156] Irish Statute, 21 and 22, Geo. III, c.62, 27 July 1782 (Luke Gardiner's 3rd Catholic Relief Act).

[157] English Statute, 31 George III, c.32, 24 June 1791; *vide* J.D. Fitzgerald, Edmund Rice, pp. 111-120.

[158] Irish Statute, 32 Geo. III, c.21, 18 April 1792.

[159] P. J. Dowling, A History of Irish Education - A Study in Conflicting Loyalties (Cork: Mercier Press 1971), pp. 80-81. The words of the Act regarding the need for a licence are quoted by Dowling, and do appear to be unclear if not ambiguous.

[160] Irish Statute, 39 Geo. III, c.32, Section X, 1799.

[161] English Statute, 31 Geo. III, c.32, Section XVII, 24 June 1791.

[162] English Statute, 6 Geo. I, c.5 Declaratory Act, 7 April 1720.

[163] English Statute, 22 Geo. III, c.53, Repeal of Declaratory Act, 21 June 1782.

[164] J. D. Fitzpatrick, Edmund Rice, pp. 136-137.

[165] Ibid.

[166] Positio Super Virtutibus, Ch. 3, p. 45 and History of the Institute of the Christian Brothers Vol. I (Dublin: No author listed, Bray Printing Co; Dublin - 3 Volumes, 1958-61), private circulation, pp. 12-13.

[167] J. D. Fitzpatrick, Edmund Rice, p. 141.

[168] Ibid.

[169] Document No. 553315/368721, Office of Registry of Deeds, Dublin (Extract from a Memorial of an Indented, Deed, of Assignment of date 25 April 1803 between Edmund Rice and Dr. Thomas Hussey, Bishop of Waterford).

[170] Positio Super Virtutibus, Ch. 3, p. 46.

[171] Christian Brothers Educational Record 1891 (Allen Library, North Richmond St, Dublin), p. 447. The Educational Record was published, annually in Dublin by the Educational Committee of the Christian Brothers during the period 1887-1900. The Educational Record is still published, annually and contains articles on educational and other topics relevant to the teaching apostolate of the Christian Brothers.

[172] Patrick Power, Parochial History of Waterford (Waterford: Bevans, 1912), p. 299.

[173] Archives of the Diocese of Waterford, Bishop's House, John's Hill, Waterford. No. 76/1 26 January 1803 (Letters of Fr. Luke Concanon O.P. Rome, to Bishop Thomas Hussey.

[174] Positio Super Virtutibus, Ch. 3, p. 45.

[175] Archives of the Sacred, Congregation of Propaganda Fide, *Irlanda: Scritture Riferite dei Congressi Rome* (APF, SC., Irlanda, Vol. 18 f.125 rv. 29 June 1803).

[176] Waterford Diocesan Archives, No. 618/36. Bishop Hussey writing to Dean Hearn, 14 November 1802.

[177] J. D. Fitzpatrick, Edmund Rice, p. 146.

[178] The Last Will and Testament of Bishop Thomas Hussey, 10 July 1800, cited in full in Archivium Hibernicum Vol. III (Dublin - 1914), p. 201.

[179] Document No. F0003X, Christian Brothers' Generalate Archives, Rome.

[180] Positio Super Virtutibus, Ch. 3, p. 47.

[181] Ibid.

[182] Jean de Bernieres-Louvigny, The Interior Christian (Dublin: R. Cross and Limerick, J. and T. Mc Auliffe. Printed at the Pope's Head, 1800).

[183] Original Lease Document No. 2. Generalate Archives Rome.

[184] Extracts from these three letters of Bishop Power to Bishop Moylan are cited, in Collectanea Hibernica - Sources for Irish History. (Dublin: Irish University Press, 1972) No. 15. Letter (1) 26 June 1804, Ibid., p. 69. Letter (2) 15 August 1804, Ibid., p. 72. Letter (3) 19 December 1804, Ibid., p. 72.

[185] J. D. Fitzpatrick, Edmund Rice, p. 158.

[186] Ibid.

[187] Ibid., p. 159.

[188] The Christian Brothers - A History of the Institute Vol. I (Dublin: published for the Christian brothers at the Bray Printing Company, Lower Ormond Quay 1958-1961), for private circulation, pp. 29-30.

[189] J. D. Fitzpatrick, Edmund Rice, p. 159.

[190] See ref. No. 98 - this chapter.

[191] Irish Statute, 33 Geo. III, c.21, 9 April 1793 (Hobart's Catholic Relief Act extending parliamentary franchise to Catholics)

[192] The Waterford Mirror, January 1808.

[193] J. D. Fitzpatrick, Edmund Rice, p. 162.

[194] Lord Grenville on Roman Catholic Petition for full Emancipation in Corbett's Parliamentary Debates, Vol. XI House of Lord's Debate, 27 May 1808, pp. 643-665.

[195] T. W. Moody, F. X. Martin, F. J. Byrne, A New History of Ireland Vol. VII - A Chronology of Irish History to 1976, Part 1 (Oxford: Clarendon Press, 1982), p. 297.

[196] Henry Grattan M.P. on Roman Catholic Petition for full Emancipation on 25 May 1808 in the House of Commons, as reported in Corbett's Parliamentary Debates Vol. XI (London: R. Bagshaw, Publisher, Covent Garden. Printer T.C. Hansard, Fleet St., 25 May 1808), pp. 550-571.

[197] Origin, Document IR. No. 9, p. 5 (Generalate Archives, Rome)

[198] Positio Super Virtutibus, Ch. 3, Document No. 8, pp. 56-57.

[199] Archives of the Sacred Congregation of *Propaganda Fide*, Rome (*Lettere e Decreti della Sacra Congregazione*, APF, LDSC, Vol. 294, f.94-95).

[200] Positio Super Virtutibus, Document No. 10, p. 60.

[201] The taking of simple vows and dispensation from them was a matter for the discretion of the local bishop. The taking of solemn vows was restricted to members of religious orders where such orders had a Superior General and a Papal or Pontifical status i.e. extra-diocesan. Dispensation from solemn vows was subject to a more strict canonical process involving the Superior General and the appropriate Papal Congregation in Rome.

[202] The Actual Formula or Wording of Perpetual Vows taken during the period 1809 to 1822 are reproduced, in the History of the Institute, Vol. I, p. 63 (See ref. 146 for details of this History) and in the Positio Super Virtutibus Ch. 3, Document 11, p. 61.

[203] Now preserved in the Generalate Archives in Rome.

[204] John S. Crone, A Concise Dictionary of Irish Biography (Dublin: The Talbot Press, 1928), p. 112.

[205] Louis Mc Redmond, To the Greater Glory, p. 156.

[206] D. S. Blake, "The Christian Brothers and the Education in the 19th Century Ireland" unpublished M.Ed. thesis, UCC. Cork 1977, p. 24.

[207] See ref. 98 above.

[208] The wearing of the Catholic clerical dress or religious habits out of doors, in public places was naturally forbidden by the Penal Laws, which did not presume Catholic religious orders to exist legally. By the late 19th century this ban on the public wearing of Catholic clerical dress, apparel or church vestments in public acts of Catholic worship was no longer invoked.

[209] Positio Super Virtutibus, Ch. 4. Document No. 6, p. 81. Extract from a Statement of James O'Rourke, Peter St, Waterford sworn in 1812 before Bishop Richard A. Sheehan of Waterford, located in the Generalate Archives, Rome. No. 2R. MMH, No. 132.

[210] Ibid., Ch. 4, Document No. 7, pp. 82-83 Extract from Brother Rice's Clothing Book, for 1813 Generalate Archives Rome, IR. No. 13, pp. 1-4.

[211] Mr and Mrs Samuel Carter Hall, Ireland, Its Scenery and Character Vol. I (London: How and Parsons, 1841), pp. 305-306.

[212] Positio Super Virtutibus, Ch. 4 Document 9, p. 85.

[213] Ibid., Document 8, p. 84.

[214] Ibid., Document 10, pp. 87-88.

[215] Ibid., Document 11, p.90 - also Carrick House Annals BK.1, 2V, 3R.

[216] Ibid., Chapter 4, p. 68.

[217] Annals of Mount St. Nicholas, C.B.S. Carrick on Suir, Book 1 p. 9V.

[218] Positio Super Virtutibus, Ch. 4, p. 69.

[219] Ibid.

[220] Ibid.

[221] Ibid., Chapter 4. Document No. 12, p. 91.

[222] Ibid., Chapter 4. pp. 69-70, also an Extract from the Will of Thomas Brien, 5 September 1832, Generalate Archives No. 6R, 4, No. 2.

[223] The Parliamentary Gazetteer of Ireland Vol. II (Dublin: A. Fullarton and Co, 1844-45), p. 5.

[224] Ibid., Vol. 1, p. CXXV - See ref. No. 149 above.

[225] T. J. Walsh, Nano Nagle and the Presentation Sisters 2nd Edition (Monasterevan, Co. Kildare; Presentation Sisters Generalate, 1980), p. 88.

[226] Irish Statute, Catholic Relief Act (33 Geo. III, c.21 - Hobart's Act), 9 April 1793.

[227] Ibid., p. 189.

[228] Ibid.

[229] (a) Encyclopaedia Britannica Vol. XIII (London: Encyclopaedia Britannica Co. Ltd., 1961), p. 642. Joseph Lancaster a Quaker Schoolmaster opened a School in Borough Rd, London in 1801. He employed older boys as monitors or pupil teachers to instruct younger pupils. Lancaster dispensed with the use of copybooks, readers, and stationery of all kinds. He used hanging cards printed in large type to teach reading, and slates and chalk to teach spelling. Pupils were rewarded for excellence with premiums, awards, and badges of merit. The salient feature of the Lancastrian system or method of pedagogy was its relative inexpensiveness, and (b) William Corston, A Brief Sketch of the Life of Joseph Lancaster including the introduction of his system of Education (London: Harvey Darton and Co., 1840).

[230] T. J. Walsh, Nano Nagle, pp. 190-191. See ref. No. 225 above.

[231] Ibid.

[232] Ibid.

[233] Ibid.

[234] Ibid., p. 192.

[235] J. D. Fitzpatrick, Edmund Rice, pp. 172-173.

[236] Ibid.

[237] T. J. Walsh, Nano Nagle, p.193.

[238] J. D. Fitzpatrick, Edmund Rice, p. 173.

[239] John Brady in *Reportorium Novum*, No. 1 Vol. I, citing from the Gilbert Mss Collection in the Central City Library, Pearse St, Dublin.

[240] A Sister of Charity, The Life and Work of Mary Aikenhead (London: Longmans, Green and Co; 1924), p. 135.

[241] Positio Super Virtutibus, Ch. 5, p. 105.

[242] Extract from the Catholic Directory of 1821 as cited in *Reportorium Novum* - The Dublin Diocesan Record (Dublin: Browne and Nolan 1956) Vol. 2 No. 2 pp. 344-346.

[243] Christian Brothers Educational Record 1897-98. p.85 - also of the House of Lords on the plan of Education in Ireland, 1837. (543-1) Vol. II, pt. 1.1.

[244] Origins of the Institute, 1r 9, p.9, Generalate Archives Rome, also Positio Super Virtutibus Ch. 5, p. 109, footnote No. 39. The term origin in any reference indicated that the reference had come from " An Account of the Origin - Rise and Progress of the Institute of the Society of the Religious Brothers of the Christian Schools in Ireland." This work in Manuscript form and is believed, to have been the work of Bro. Austin Dunphy. The text of "Original" is printed in the Brothers Educational Record 1982, pp. 5-30 under the title The First History of the Congregation (Bro. F.R. Hickey ed.). On the question of authorship and value of content see The Early Brothers of the Society of the Presentation by Bro. A. O'Hanlon, Educational Record 1979, pp. 16-18 and p. 58.

[245] Positio Super Virtutibus, Ch. 5 p. 110.

[246] Limerick House Annals 1816.

[247] Letter of Bro. Austin Dunphy, Superior of the Limerick Community, to Bro. Joseph Hogan, dated 4 August 1816 and quoted in the Christian Brothers Educational Record, 1909, p. 54.

[248] Positio Super Virtutibus, Ch. 5, p. 110

[249] Ibid.

[250] Ibid., Ch. 5, p. 110, and Document 19, of Chapter 5 of same, p. 137. (Extract from Limerick Clothing Account Book for date 15 December 1813 under the letter "C" Generalate Archives, Rome ref. 1R, No. 8. p. 24).

[251] Extracts from the Irish Catholic Directory, Dublin 1821 cited in *Reportorium Novum* - Dublin Diocesan Historical Record Vol. II, 1959-60, No. 2 , p. 333.

[252] Manuscript of the first rule of the Presentation Brothers, ref. 4. R. 2, Generalate Archives Rome.

[253] T. J. Walsh, Nano Nagle and the Presentation Sisters, p. 240.

[254] Ibid., p. 242.

[255] Ibid., pp. 146-152.

[256] Positio Super Virtutibus, Ch. 5, p. 103.

[257] Ibid., Ch. 8, p. 224

[258] Ibid.

[259] Ibid.

[260] Ibid., p. 225.

[261] Ibid.

[262] Annals of the Carrick on Suir Community 1820, cited in the Positio, Ch. 8, p. 220.

[263] Positio Super Virtutibus, Ch. 8, p. 225, and Document No. 4, p. 236.

[264] Ibid., Ch. 8, p. 226, and Document No. 5, p. 237.

[265] D. S. Blake, "The Christian Brothers and Education in 19th Century Ireland", Ch. 1, p. 25.

[266] Ibid.

[267] Positio, Ch. 8, p. 222.

[268] Ibid.

[269] Ibid.

[270] James Mc Caffrey, A History of the Catholic Church in Ireland in the 19th Century Vol. II (Dublin: M.H. Gill and Son 1909), p. 173, and Appendix Syn. Plen. Epis. Hibe. 1900. pp. 140-145. The unsatisfactory nature of the election of 4 Bishops was dealt with by two decrees of *Propaganda Fide* (1) on 1 June 1829 and (2) in 1835 and also by a regular of the Synod of Irish Bishops held in Maynooth in 1900.

[271] Ibid., and Positio Super Virtutibus, Document No. 2, Ch. 8, pp. 232-233.

[272] Archives Rome ref. A.P.F SOCG,1816 Vol. 317, f227-230. (Extract from a letter of Most Rev. William Coppinger, Bishop of Cloyne and Ross, Cobh, Co. Cork. 7 September 1816 to the Sacred Congregation of Propaganda Fide)

[273] Positio. Ch .8, p. 223.

[274] Ibid., p. 226.

[275] Ibid.

[276] Ibid.

[277] Ibid.

[278] Ibid.

[279] Ibid., Chapter 6, Document No .4, p. 153.

[280] Positio, Ch. 8, Document 5, p. 237 - Most Rev. James Thomas Troy, Archbishop of Dublin, recommends to the Holy See, the application of Edmund Rice for papal approval

of the rules of his Institute undated but c. 1818, Reference Archives of Propaganda Fide, 5OCG, Vol. 926. pt. 2 f.146-148.

[281] Ibid., Ch. 8 Document 6, p.238, Extract from letter of Bishop Robert Walsh to Cardinal Litta, Prefect of Propaganda Fide Waterford, 30 July 1918, Archives of *Propaganda Fide* ref. A.P.F, SC. Irlanda. 1818, Vol. 21, f.354-355.

[282] Ibid., Ch. 8, Document 7, p. 238. Letters of Six 'Monks' to the Sacred Congregation of Propaganda Fide, dated Dungarvan, 1 August 1818, Archives of *Propaganda Fide*, ref. A.P.F, SC. Irlanda, 1818, Vol. 21, f.414.

[283] Ibid., Ch. 8, Document 8, p. 242. Extract from a letter to Cardinal Litta in Rome from '17 Pastors of the Diocese of Waterford and Lismore.' Same *Propaganda Fide* ref., except f.513.

[284] Ibid.

[285] Letters of Cardinal Fontana, Prefect of Propaganda Fide, to Archbishop Troy of Dublin, 25 September 1819, ref. APF; LDSC, 1819, Vol. 300, f.649 (Rome - *Propaganda Fide*)

[286] J. D. Fitzpatrick, Edmund Rice, p. 182.

[287] D. S. Blake, "The Christian Brothers and Education in 19th Century Ireland", Vol. I, p. 26 quoting Bishop Walsh's letter to Rome 1820, Rome, ref. APF, SOCG, Vol. 923, f.97 (footnote 54, p. 51).

[288] J. D. Fitzpatrick, Edmund Rice, p. 182.

[289] D. S. Blake, "The Christian Brothers", Ch. 1, p. 26, also footnote 56, p. 51.

[290] J. H. Whyte, "The Process of Election of Bishops in 19th Century Ireland" in The Catholic Historical Review, April 1962.

[291] Positio, Ch. 8 Document, No. 11, p. 247, Report of the Bishops of the Province of Munster.

[292] Ibid.

[293] J. D. Fitzpatrick, Edmund Rice, pp. 182-185 citing Pamphlet Ir. 28282, S2, National Library, Dublin.

[294] Ibid.

[295] Ibid.

[296] Positio, Ch. 8, Document No. 10, p. 245. Extract from a letter of Archbishop John Troy of Dublin, to Cardinal Fontana Dublin, 10 January 1820, Vol. 23 f.66-67, *Propaganda Fide*, ref. APF, SC. Irlanda, 1820-1822, Vol. 23, f.66-67.

[297] Positio, Ch. 8, Document No. 13, p.256. Extract from the document presenting the 'Rule of the Brother Monks' to the Holy Father and asking him to confirm the Institute, and Document 14, Ch. 8, pp. 257-262 - Papal Confirmation of Edmund's Institute signed in 5 September 1820 by Pope Pius VII entitled In Apostolicae Dignitatis Solio and countersigned for transmission to Ireland by H. Cardinal Consalvi.

[298] D. S. Blake, "The Christian Brothers", p. 26, quoting The Christian Brothers Educational Record 1894 (Dublin: William. J Alley and Co; 9 Ryders Row, Chapel St, 1894), p. 438.

[299] D. S. Blake, "The Christian Brothers", p. 27.

[300] Ibid.

Chapter 7

Trials and Tribulations - The Growth and Expansion of Edmund Rice's Brotherhood in the period 1821 to 1828

7.1 Introduction

The Papal Brief of Pope Pius VII, entitled Ad Pastoralis Dignitatis Fastigium,[1] formally approving of Edmund Rice's Institute or Congregation and its objectives, was issued in Rome on 5 September 1820. The documentation containing the Brief[2] did not arrive in Ireland, however, until May 1821, as it was brought in person by Fr. Peter Kenney, S.J., who had been attending the 20th General Congregation of the Society of Jesus in Rome.[3] Its safe conveyance had to be ensured, for its contents would not be welcome in certain Church quarters in Ireland. A small number of bishops who would not have welcomed a group of lay religious in their dioceses, even with Papal approval. They would have had no ecclesiastical jurisdiction at diocesan level over any such group. Cardinal Litta had already been warned about the interception of correspondence between Ireland and Rome.[4] According to Origins,[5] the Brothers first intended to meet in Dublin to make an eight day retreat under the direction of the Jesuit priest, Fr. Peter Kenney S.J. to prepare for the reception of the Roman Brief.

Dublin was chosen as the venue, in view of the tension that existed at Mount Sion, which was in the Waterford diocese, although Bishop Robert Walsh, Edmund Rice's fiercest critic, had been summoned to Rome to answer charges in regard to his inept and grossly deficient administrative mismanagement of his diocese.[6] Power, quoting the Series Episciporum Ecclesiae Catholicae, notes that at the time, Bishop Walsh was 'under sentence of privation'[7] i.e. suspension from episcopal authority. Bishop Walsh would not be entitled to prohibit discussion of an ecclesiastical matter such as that which was addressed by the Papacy to the Brothers for their consideration.[8] None of the Dublin houses of the

Brothers at Hanover Street, Mill Street, or James Street, it was ascertained, could provide adequate accommodation for the twenty or more brothers due to meet and so it was decided to hold the meeting at Thurles, Co. Tipperary. The meeting was fixed for 25 August 1821. Edmund Rice had a copy of the brief translated into English and despatched in advance to the seven communities of Brothers prior to the meeting.

The joy of receiving the Papal Brief was tinged with real personal hurt and sadness for Edmund Rice. Upon translation of the Brief into English, it was discovered that the thirteen substantive articles, which Rice and his fellow members had drawn up in Waterford on 25 August 1817 and which had been forwarded to Rome in 1818 by Archbishop Troy,[9] had been returned and approved, but with the addition of an extra 14th Article. Article 14 is quoted in full in Latin in an inserted copy of the entire brief in Normoyle's book A Tree is Planted between pp. 144-145. It reads as follows:

> *Quod demum Fratres visitare non possint Moniales sine expressa localis Episcopi licentia, et servatis conditionibus ab ipso in scriptis appositis...*

The translation of the above into English strictly forbade the Brothers to visit convents of nuns without the express written prior approval of the local bishop for any such visit and that the conditions for any such visit as set out by the bishop in his prior approval were to be fulfilled absolutely in accordance with the bishop's instruction.[10]

The inclusion of Article 14 was considered most unwise in Edmund Rice's view in that it implied a slur on the integrity of the vow of Chastity which the Brother were obliged to take as laid down in the opening paragraph of the Brief. Edmund Rice had no objection to the rule in itself.

> He thought it unwise in a Protestant ruled country like Ireland, that persons, who are constantly on the watch to lay hold of any opportunity, by which they may

> have it in their power to publish and print anything that may tend to injure religious institutes, they may base on the rule (which seems to insinuate a necessity of restraint in our regard which is not common with the rest of the faithful), suspicions affecting our character and those of the nuns to the prejudice of our holy religion.[11]

Those views of Edmund Rice on the impropriety of the insertion of Article 14 into the Rule of his Institute, he put in writing to Cardinal Fontanta in Rome, signing himself as 'one of the Brothers of the Christian Schools.' Archbishops Troy and Murray of Dublin authenticated his signature and added their own support to Edmund Rice's request that the offending article be deleted.[12] These two Archbishops had sought the inclusion of Article 14 in the first instance, when Edmund Rice was seeking Roman approval for his Institute. On reflection they felt that Edmund Rice was correct in his view. Rome would not, however, change an article in a papally approved Rule so recently granted and so Article 14 remained.[13]

So distressed was Edmund Rice at the inclusion by Rome of this 14th Article, that he did not include it in the translated copies which he sent to the seven houses of the Institute. The reason for not doing so was his hope that with the support of Archbishops Troy and Murray of Dublin, he might be able to have it excluded from the Brief.

The presence of Article 14 in the Papal Brief originated from a misunderstanding. As Archbishop Troy and Murray believed[14] the source of the misunderstanding arose from a somewhat similar situation which occurred with the foundation of a male and female order of religious in the French Church in the 17th century. There was concern in Rome that Papal approval for Edmund Rice's Institute might have the effect of transforming the Presentation Sisters' Congregation into a female branch of his Society. This is what happened to the French Vincentian Daughters of Charity, co-founded by Vincent de Paul and Louise de

Marillac in the 17th century. The French Daughters of Charity were made subject in various aspects of religious life and administration to the Vincentian or Lazarist Fathers founded by Vincent de Paul at the request of Louise de Marillac.[15] This situation suited the French orders in question in a Catholic ruled country, but it was most certainly not so in the thinking of Edmund Rice and his Brothers, and equally so in the case of the Irish Presentation Sisters. In the Irish political and religious situation, Rome did not wish any such precedent to be signalled. The danger that such a possible confusion could arise in the case of Edmund Rice's Brotherhood and Nano Nagle's Sisterhood was both accidental and coincidental. Both congregations were known by their Presentation titles - the Presentation Sisters and the Presentation Brothers. Edmund Rice's monastic residence at Mount Sion was located quite near the Presentation Sisters' convent at Hennessy's Road, Waterford. The Brothers attended daily Mass in the Sisters' oratory and in fact took their vows as religious there in 1808 and 1809. Edmund Rice's earliest system of pedagogic practice from 1804 to the 1820s was based on an adaptation of the teaching methods of Nano Nagle's Sisterhood.

There was, however, a more ominous and malevolent side to the inclusion of Article 14 which forbade the Brothers from visiting the nuns in their convents without first obtaining the permission of the local bishop.[16] It was natural for the Presentation Sisters not to wish to become, or even to be regarded as an appendage, or associated group linked to Edmund Rice's Congregation. They had collaborated to provide free instruction for the poorest boys and girls of Waterford City, which was their common goal. The Sisters had also frequently been the recipients of Edmund Rice's charity in terms of financial loans and settlements. That was as far as either Congregation wished their formal or informal religious co-operation to proceed. Bishop Walsh, while awaiting papal investigation into his episcopal 'misdeeds', at Tivoli near Rome, sent on 20 June 1820, a most insensitive and distressful letter to the Presentation Sisters in his diocese through his Vicar General, forbidding all contacts between the

Presentation Sisters and Edmund Rice's Brotherhood.[17] The insinuations were of a most insidious nature, which cast a slur on the vows of chastity which both the brothers and nuns had taken freely, and to which they had adhered so vigorously. Bishop Walsh's intervention in the form of these allegations could be seen as a pathetic attempt to pursue a vendetta against Edmund Rice for what he viewed as Rice's perceived hostility towards him as bishop.

The Presentation Sisters were outraged by Bishop Walsh's letter and protested to the Holy See.[18] Archbishop Murray was asked by Rome to investigate the matter. He concluded that a grave injustice had been done to the Sisters whose reputation had been seriously and publicly damaged.[19] Archbishop Troy agreed with him and both praised the Sisters' exceptional virtue and piety.[20] The Holy See, to make amends to the Sisters and to expiate the unfounded insinuations implicit in Bishop Walsh's letter, decreed that the letter would have to be retracted by the Vicar General in Waterford in the same quasi-public manner in which it had originally been sent.[21] In addition, the Sisters' distress led the Holy See to leave Article 14 in Edmund Rice's Brief of Approval as an inbuilt protection for them.[22] This was, in fact, in line with general canonical church rules and procedures in such situations.[23]

Edmund Rice remained distressed by the unexpected inclusion of Article 14 in his Rule, which he recognised from painful experience as the product of Bishop Walsh's interference. It appalled Edmund Rice to contemplate that anyone in Rome would think of attributing to him a lack of commitment to the religious vow of chastity which he so willingly embraced as a religious. Unlike his early confreres, he had been a happily married man, the father of a disabled child. When his wife died, he could have remarried. He left all this behind for the service of God in the religious state, and had shown total commitment to his religious vows.[24] In a calm and well reasoned letter to Rome, in which he was supported by Archbishops Troy and Murray, he sought to have Article 14

removed. He made strong objections in his letter to Archbishop Troy to its inclusion in the Rule of his Brotherhood.[25] Archbishop Troy forwarded his objections to Cardinal Fontana in Rome. General church practice in this matter, however, was regarded as the more cogent and prudent course of action and Article 14 was left in the Papal Brief awarded to him. No such Article appeared, however, in the 1725 Brief of Pope Benedict XIII to the De La Salle Brothers[26] upon which Edmund Rice's Brief was substantially based. This was to be the first of the many trials that faced him in the early years of his new Congregation of Brothers.

7.2 The Years 1821 to 1825: The establishment of the Structures and Rules of the New Institute or Society

7.2:1 Election of Edmund Rice as Superior General, 20 January 1822

The reception of the Papal Brief in Thurles in August 1820 by the nineteen professed brothers present and its subsequent adoption, involved much discussion and heart-searching. It was planned to initiate the proceedings with a retreat in the hope that a general consensus would emerge with regards to the adoption of the Brief. This did not happen. Three professed Brothers thought the Brief gave too much authority to the Superior-General. They preferred the original structure of local diocesan control, shared between the bishop and the local house superior. There were twenty four professed brothers in the Society at this time.[27] Nineteen were present in Thurles. Three, who could not conveniently leave their house and attend, sent apologies and indicated that they were ready to concur with those decisions reached by the majority of those present.[28] Brother Ignatius Mulcahy of Cappoquin, one of Edmund Rice's earliest disciples refused to come to Thurles, preferring to remain under diocesan control in the Waterford diocese. Brother Thomas F. Reidy of Carrick-on-Suir left the Society to return to secular life. The Cork community of brothers did not come to Thurles at all. Their new bishop, John Murphy, in 1817 had succeeded the venerable and supportive Francis Moylan. Bishop Murphy was very

opposed to the concept of a non-religious society in his diocese, which would be independent of his authority and control. The Cork brothers, in deference to the delicate situation in which they found themselves, felt that discretion was the better part of valour.

The nineteen brothers in Thurles, after full discussion of Edmund Rice's thirteen Articles contained in the Brief, produced two written declarations before the meeting finally adjourned. The first, bearing seventeen signatures, adopted the Rules and Constitutions contained in the Brief.[29] The second declaration, signed by all nineteen present, contained five resolutions. Two of these resolutions dealt with issues of rights of property and franchise, and the remainder were framed to seek, if possible, the acceptance by local diocesan bishops of the new papal status of Brothers as a non-diocesan Society.[30] It was further agreed that a meeting would be held in Mount Sion early in 1822 to transact three items of essential business. These were firstly, the renewal of vows by the brothers in accordance with the new Brief, secondly, the election of a Superior-General and two assistants and thirdly, the adoption of all the necessary rules for the government and future life of the Society. The next five months were a period of tension for some brothers who found it hard to come to terms with the Brief.[31] Edmund Rice, meanwhile, like the efficient businessman he once was, set out to make preparations for the coming meeting. He sought advice from learned members of other religious orders concerning the correct procedures to be followed at the meeting. He did this with the intention of harmonising the new rules with the spirituality which was the fundamental motivation of his apostolate.[32]

The meeting was held in Mount Sion on 11 January 1822. The proceedings opened with an eight day retreat conducted by Fr. Peter Kenney S.J.[33] Fr Kenney had earned a high reputation for scholarship and piety as a student at Stonyhurst College[34] in Lancashire - a major centre of learning of the Society of Jesus after its restoration in England. He had also studied at the nearby Jesuit Novitiate at Hodder and later at

Palermo University. At the conclusion of the retreat, appropriate religious ceremonies including Holy Mass and the intoning of the *Veni Creator* were followed by the formal acceptance by the nineteen brothers present of the Papal Brief and its fourteen Articles. The meeting concluded on 20 January 1822. That same day, a meeting of the brother-superiors of the seven houses of the Society was held at which they constituted themselves, by rule, into a General Chapter. Edmund Rice was chosen as chairman to direct the proceedings. This was the first General Chapter of the Society of Religious Brothers of Ireland. In a secret ballot, Edmund Rice was chosen as the first Superior-General of a new Papally approved Religious Institute.[35] He was acclaimed by his colleagues, both by those who had been his electors and by all the other brothers present in Mount Sion. They kissed his right hand signifying their loyalty, obedience, respect and admiration.[36]

The Chapter also decided that the brothers who had already made vows under the earlier rule, could now re-make them under the new rule of the Brief. Eight brothers made vows in the new form and the next day, 21 January 1822, three more brothers made final vows.[37] On the same day, two Assistants to the Superior-General were elected. They were Brother Patrick Ellis and Brother Austin Dunphy.[38] The other senior brothers were admitted as members of the Chapter. It was decreed that those brothers who had been invited and did not attend the proceedings at Mount Sion were 'to have no claim whatever on us for admission to our Congregation or Institution unless they give sufficient reasons for their non-attendance.'[39] The Chapter spent four further days discussing matters relating to discipline, and the practices of piety to be observed. The formulation of rules for the daily lives of the brothers was entrusted to a committee, which was given 'a decisive voice in the rules to be drawn up.'[40] The Chapter was dissolved on 26 January 1822. In the opinion of Brother Dominic Burke: "The Society now had a head, as well as a founder".[41]

7.3 The Spiritual Formation of Edmund Rice's Brothers in the early years of the Institute

7.3:1 Introduction

Two topics are of key importance in gaining an insight into the development of the system of Catholic education provided by Edmund Rice and his Confreres in the first half-century of their activities and in arriving at an evaluation of that work in the wider context of other events in the 19th century Irish educational scene. The first of these topics which requires some detailed examination is the spiritual setting or background which Edmund Rice regarded as essential in the spiritual formation of his followers as members of a religious institute. He considered this to be of signal importance, if they were to be imbued with the same religious vision and dedication which had motivated his initial interest in and selfless commitment to the gratuitous or free -education of the unschooled and poverty stricken male youth of Waterford and surrounding areas. The second matter of importance to Edmund Rice at this juncture was the development and implementation of a system of pedagogic training for his Brothers. This matter is dealt with in some detail in Chapter 9, sections 3 and 4.

In Edmund's thinking, it was not sufficient to be motivated by a desire to improve merely the physical and material well being of those who had suffered, or were continuing to suffer educational deprivation, by merely providing a system of schools, which would remedy this deficiency on a purely material level. Edmund Rice's personal *via dolorosa* through the loss of his wife in the early years of their marriage and the physical handicap of their daughter had brought him on a spiritual pilgrimage from almost the abyss of despair and self-pity to an appreciation of the more permanent and fundamental truths of life's mystery. It became clear to Edmund that one's life, however comfortable and secure it might be, was in essence a transient episode in the greater plan of the God for His human creation. Through his difficult process of spiritual and mental introspection, assisted by his devotion to prayer, reception of the

Sacraments and his devotion to charitable and pious good works, Edmund came to realise that life, in its fullest meaning, had a higher purpose and that everyone was called to play his or her part in achieving that higher goal and in helping others to achieve eternal salvation. How best to proceed on this newly discovered road was his next challenge. Once he became convinced of his calling to help the poor in the apostolate of Catholic education there was no turning back. His example and his new-found spirituality were sufficient to motivate others to join him in this undertaking.

His initial efforts to educate the poor for free with the help of paid teaching assistants proved unsuccessful. A personal commitment to this work needed to be rooted in an acceptance, by those who might join him, of the same calling of Christ to His apostles and disciples to leave all and come follow Him. The seed of such a calling would need to be nurtured and strengthened in a suitable religious and spiritual environment. The provision of such an environment and way of life was, Edmund knew, of great importance in securing others to follow his own calling in the same spirit of commitment and selfless dedication to an ideal, which eschewed purely human values and attachments. His earliest followers, Thomas Grosvenor and Patrick Finn, were motivated by the same ideals as Edmund in their early life in their community, in their first school in New Street and later in Mount Sion.

A structured system of religious and spiritual formation for others, who might wish to join them would require the services of a trained novice-master. This structured system of religious formation for those young men who entered Edmund Rice's newly formed teaching brotherhood in its earliest years was the one aspect of Edmund's usual thoughtful planning which received the least attention and devotion to detail, which it so essentially required. This lack of an organised and well run Novitiate was to have an adverse effect on the growth of his Brotherhood in its earliest years. The earliest efforts of Edmund's

Institute to provide adequate novitiate training was, to say the least, haphazard at best.[42] This deficiency may perhaps be even excused or explained by the fact that Edmund Rice, as a lay-man and founder of this new teaching Institute of Brothers, had himself received no formal novitiate training in the religious life, before he committed himself to the call of the religious life as a teaching brother.

7.3:2 Religious and spiritual formation of the earliest members of Edmund Rice's Institute 1806 to 1861

The personal spirituality and religious philosophy of Edmund Rice was not formed in any structured way by any period of time spent by him in the formalised setting of a novitiate or house of religious formation and spiritual training. Edmund had to rely on the spiritual values inculcated in him by devoted and loving parents whose Christian values, practised daily in the family home at Westcourt, Callan, made an indelible imprint on his mind and moulded his character. His mother, Margaret Rice (nee Tierney), was a member of a respected family, three of whose male members were priests of the Augustinian Order. One of his mother's cousins, Fr. Tierney, was Prior of the Augustinian Friary in Callan from 1771-1786.[43] An elderly Augustinian priest, a Fr. Patrick Grace, known affectionately by the local people as 'The Little Grey Friar'[44] and who lived in Callan during Edmund's formative years. He was a constant visitor to the Rice homestead. This priest's talks on spiritual and religious topics also influenced Edmund's early spirituality.[45] The influence of Mr. White, the headmaster of Burrell Hall in Kilkenny City where Edmund spent almost two years 1777-1778 after his preliminary hedge school education at Moate Lane in Callan, had a most beneficial influence on the young scholar. The learning and virtue of this good man was always appreciated by Edmund in later life, when he often spoke openly in tribute to Mr. White.[46] His early years in Waterford prior to his marriage saw Edmund Rice engaged in exercises of charity destined to relieve the poverty and misery of his less-fortunate co-religionists,[47] particularly debtors who were in gaol for their unpaid debts.

His early marriage and its tragic end left Edmund with sufficient time, opportunity and motivation to reflect on the transience of life and its fleeting pleasures. His spiritual introspection gained an added momentum from his personal tragedy and loss. With the help of the Jesuit Fathers in Waterford and of his own parish priest, Fr. John Power, Edmund broadened his field of spiritual reading, attended Mass and the Sacraments much more frequently and widened the scope of his charitable work among the poor. The poverty and ignorance of the children of the Catholic poor of Waterford was to be seen on a daily basis in the squalor and misery of the streets and back lanes of Waterford. The arrival of Nano Nagle's Presentation Sisters in 1795 to try to provide some remedial action among the poor girls of Waterford was an inspiration to many, including Edmund, who generously helped to secure a site for the Sisters' school and convent at Hennessy's Rd. These noble Sisters and their utter dedication to the spiritual and educational deprivation of the poor girls of Waterford not only inspired Edmund, but provided him with a challenge to try and emulate their example for poor Catholic boys, whose plight was even more necessitous. The details of his entry to the service of these wretched children has already been outlined in an earlier chapter of this thesis. Edmund was forty years of age, when he finally committed himself to the ministry of Catholic education. His spirituality, and apostolic vision of what he knew must be the course of his future life, was not formed in any religious novitiate, but was tempered in the fires of his personal experience of the ignorance and poverty of the youth of his adopted city.

It is to be regretted that comprehensive written records of the establishment of a novitiate for the spiritual formation of those Brothers, who joined Edmund Rice's Society in its earliest years are not available.[48] Brother M. C. Normoyle in an appendix to his book, A Tree is Planted gives a somewhat nondescript account of the Brothers novitiate in the years 1820-1850.[49] Bro. Normoyle gives a purely factual account of

the regulations and principles which were to be followed both by the Novice Master and his novices. Brother Normoyle's account of this process appears to this writer to lack the experiential richness of a system which must have proved difficult and challenging for the aspiring young Brother. It fails to refer to the real-life difficulties and the accommodations which these young men had to make in their personal lives and attitudes to conform to its strictures. M. C. Normoyle himself expresses the natural concern of the members of all the early Chapters of the Institute about the formation of aspirants to the Congregation. He then lists the many regulations made for the administration and duration of the novitiate.[50]

The principles adopted by the Brothers over the years with regard to the spiritual formation of aspirants to the institute were as follows:

(i) The Novice Master should have no other office and his duties should be confined exclusively to the care of the novices;

(ii) No novice should be sent on the mission until after one full year of training;

(iii) The novitiate should be kept distinct from the community of the professed;

(iv) There should be at least two professed brothers in any house to which a novice would be sent;[51]

Normoyle describes the period of the novitiate 1800 - 1820 as

> ... The probationary period of the Institute during which many experiments were made to adapt its workings to the end proposed so as to produce satisfactory results. Those who joined the Institute during this period were of mature age; all were men whose religious habits were already formed and who required little training in this respect. This was carried out in the houses in which they entered, and consisted mainly of following the examples of their confreres in the practices of religious life.[52]

In the ten year period 1820-1830, forty seven postulants were received between the ages of 25 and 30. Eight more were under 20 years of age. Seventeen of the forty seven were rejected after a short

trial as unsuitable. Three of the remaining thirty left and twenty seven made final profession. Of these twenty seven, seven left or were dismissed, five died in the Congregation, and fifteen were in the communities in 1850.[53]

The same unsatisfactory conditions of organisation remained for the period 1830-1840. In addition, the novitiate was changed from Waterford to Hanover Street, then to North Richmond Street and finally to Cork. During the ten years, sixty seven postulants were received between the ages of twenty and thirty years of age. Thirty six were rejected as unsuitable candidates, three left at their own decision, five died in the Congregation and twenty three were finally professed. Of these, by 1850 three had died, one was dispensed and nineteen were in the community. Some brothers felt that a commitment to the religious life at an early age would strengthen with the growth in age of the postulant. Others felt that moulding the personality and character of a young postulant would prove more fruitful and would lead to less departures of brothers than experienced with those who entered at a later age. The character and expectations of satisfaction with their calling as brothers if they entered at a later age would at times find conflict and dissatisfaction with their choice, when compared to their earlier life experiences.

There were many arguments in favour of accepting postulants at an early age. Of the twenty one under twenty years of age on admission, only seven persevered to final profession and one of these was later dispensed from his vows. A Papal Rescript to admit 'serving brothers' was received in 1833; these made the ordinary vows of the Institute or Society except that of gratuitous or non paying instruction of poor boys. Their training was minimal; they worked in the kitchen or the garden and attended the religious exercises as far as their other duties permitted.[54]

Brother Ellis was also given the added responsibility of being novice master, a position for which he had no training or experience.[55] In

preparation for his duties in this regard, he spent some months living with the Jesuit Community at Clongowes Wood College[56] near Clane, in Co. Kildare during the early part of 1823, to study at first hand Jesuit methods of training new members.[57] The Superior of this Jesuit College was Fr. James Peter Kenney the newly elected Superior of Irish Jesuit Vice-Province. He was a close friend and confidante of Edmund Rice and had proved his loyalty and devotion to the Brothers, while they were negotiating with Rome the shedding of their diocesan status in favour of their preferred option of a status as an Institute of Papal or Pontifical Right. He had acted as a spiritual and canonical advisor to the Brothers prior to their acceptance of the Papal Brief of 1820 and subsequently to their first General Chapter in January 1821. Fr. Kenney was one of the youngest doctors of divinity of Palermo University in Sicily and was a renowned preacher. He was also chosen in 1812 by the Irish bishops to become Vice-Rector of the Maynooth College Seminary.[58] Brother Patrick Ellis was indeed fortunate to have had Fr. Kenney as his tutor and advisor in the religious formation of novices even for the short period involved.

Meanwhile during the 1820 s, it was the formulary of the old Presentation Rule, i.e. the rule of Nano Nagle's Sisterhood composed in 1793 by Fr. Lawrence Callanan OFM[59] that was used and adapted by Edmund Rice in 1808 to suit his new Society.[60] It was this amalgam of the Presentation Rule with Edmund Rice's adaptations of it that became the backbone of whatever loose system of novitiate training existed for the Brothers, who joined the Institute between 1808 and 1822.[61] The adoption of the new Rules and Constitutions in 1829[62] brought about changes in that it was proposed to erect a new novitiate on the same site as the model schools at Nth. Richmond Street, Dublin when that building was complete. The intervening years of the 1820s were periods which left the novices dependant on the spiritual gifts of Edmund Rice, the knowledge gained by Brother Ellis with the Jesuits in Clongowes Wood College and the lived experience of daily community life in Mount Sion.

That this training was not altogether ideal for a novitiate is stated in a lengthy document written by a later novice master, Brother Thomas Joseph Hearn,[63] in 1859, who himself had been a novice in Mount Sion in the mid 1820s, having entered the Society in 1826. Prior to 1822 there was no central novitiate, each novice being trained by the Community of the house in which he had first sought admission to the Society.[64] This inadequate system of noviceship was not so great a disadvantage for those involved in it, as the first generation of novices were mature men whose average age was 27 years.[65] They included four established merchants, two bankers, a journalist, a chemist, an architect and a builder.[66] They were mature men, whose characters, virtues and spirituality would have been well formed and established by their daily professional lives and activities and their prayer life. Brother Hearn comments that "the system of training consisted in merely showing those who entered how to live like the rest."[67] Edmund Rice's zeal and devotion to his cause quite obviously attracted these mature men to join in his enterprise. This, in itself, shows no mean qualities of spirituality and leadership in the new Society which Edmund had founded.

Brother Joseph Hearn had some interesting observations to make on the period of Brother Patrick Ellis's mastership of novices

> Difficulties in conducting the novitiate still existed; the Master of Novices was much engaged with many things, being elected as one of the Assistants to the Superior General, and having a heavy school to teach, besides occasionally giving religious instruction to adults out of school hours. A portion of the evening was as much as he could devote to the novices ... And the postulants entering having little more than good dispositions to recommend them, and being allowed but a very limited time in the novitiate, scarcely any so long as one year, the result of such training was as what may be expected.[68]

Brother Hearn also supplies interesting statistics of the numbers who entered the novitiate in the 10 year period 1820-1830. Forty seven postulants joined the Institute in that period, but only twenty of them

persevered in their vocation.[69] He concludes with a rather sharp comment:

> Unless the novices are properly taught and trained before they are sent on the mission, there is a radical defect which will present the same result - putting water through a sieve.[70]

Brother Hearn was commenting to a certain degree with the benefit of hindsight. Affairs within the Congregation had become more organised by 1859, when he wrote his account of The Government and Novitiate of the Institute some thirty years later than the events he describes. The novitiate training of the early Brothers was only in the experimental stage in the 1820s. Furthermore, the pressure on Edmund Rice to accede to requests from clergy and laity to open and establish schools in Ireland and England in that period was very great.[71] Young men had to be provided, and if the period of their spiritual formation had to be curtailed to supply these new foundations, any shortcomings, Brother Rice was sure, would be more than compensated for. This would be accomplished by the example and religious practices of those Brothers in the communities to which these novices were being sent, and by the very selfless and dedicated nature of the teaching apostolate in which they would be exhaustively engaged.

Brother Thomas Regis Hughes[72] (1841-1913), one of the pioneers of the Brothers' Schools in Australia, has left us with a pen-picture of Brother Patrick Ellis - the man. "As Novice Master he was feared as a strict superior, loved as a tender Father and reverenced as a living Saint."[73] There is no doubt that Brother Ellis was a strict Novice-Master and that few, if any, among the postulants, would attempt to back-slide or to evade the strict rigours of the Rule to which they had voluntarily committed their lives and abilities. Brother Thomas Regis Hughes wrote as follows concerning Brother Ellis' strictness:

> Under him as Director, no novice had the slightest chance of being recommended for vows unless he was fully determined to die to himself. 'I would not' he said, 'speak much to the novices, but I would try them well.' And certainly he did try us well, as for instance, in

> clothes, work and sleeping accommodation - all which bore unmissable marks of holy poverty and mortification. Still, animated by the example, and encouraged by the ascetic teaching of our good Director we endured all cheerfully, being convinced that patient suffering and complete denial of self-will were sure means of sanctification ... It was indeed edifying to see him in the oratory every morning at a quarter past five, that being the appointed time ...[74]

This asceticism and strict adherence to the Rule as practised by Brother Ellis, and inculcated by him in his postulants and novices would appear to be the result of his time spent in learning his duties as a Novice Master with the Jesuits in Clongowes Woods College in 1823.[75]

There was as one might expect, another side to the character and personality of Brother Ellis as Brother Thomas Regis Hughes outlines for us, which imbued his charges with the true spirit of the Brothers.

> In the kindest manner he encouraged us to come to him whenever we found any difficulty in the religious state or felt in need of spiritual advice. He used, moreover, to devote one hour every Sunday to a conference with us on the rules, or on some other suitable subjects ... When each novice had given his explanation of the subject under discussion, the Brother Director himself explained or illustrated it in language at once simple and impressive.[76]

The Papal Brief of Pope Pius VII, Ad Pastoralis Dignitatis Fastigium of 1820 said little concerning the formation of new members :

> The Brothers can be admitted into their Institute in the 16th or 17th years of their age, but they cannot be permitted to make their simple perpetual vows until they have completed their one and twentieth year.[77]

Pope Pius VIII on 13 September 1829, through the initiative and efforts of Father Peter Kenney S.J., granted to Edmund Rice's Religious Society of Brothers the same Indulgences and Favours granted to the De La Salle Brothers by the late Pope Pius VII on 1 June 1816. These included a Plenary Indulgence on receiving the habit at First Profession and at the hour of death, a Plenary Indulgence on the Feasts of the Nativity, Circumcision and Epiphany of Our Lord, St. Joseph, St. John the

Baptist, Pentecost and Trinity Sundays, the Conception, Nativity and Assumption of the Blessed Virgin and the Feast of the Sacred Heart. In addition, all Masses for deceased Brothers shall have the same effect as if they were celebrated at a privileged altar.[78]

The regulations in use in the novitiate in the 1820s, although much maligned by Brother Hearn, were largely based on the old Presentation Rule of 1809 adapted from Nano Nagle's rule to suit the needs of Edmund's early Brotherhood. These regulations as regards the time to be spent by each postulant and novice are specific in their requirements:

> For the first six months, the time of their postulation, they shall attend the schools every day for three hours. The remainder of the time they shall employ in spiritual exercises and in learning such things as may qualify them for the functions of the Institute ... (Afterwards), the time of their noviceship shall continue two entire years ... The first six months shall be employed chiefly in spiritual exercises and in the study of the duties and functions of the Institute. They shall afterwards attend more closely to the schools and to the instruction of poor children.[79]

Brother John Austin Grace[80] was 23 years old when he applied for admission on 21 September 1823. He spent six months as a postulant and received his religious habit on 17 March 1824 and made his perpetual vows and was fully professed on 17 March 1826.[81] Six postulants entered the Institute Novitiate in 1823 when Brother Ellis was novice master.[82] The records show that only two of this six, Austin Grace and James Joseph Dollard persevered and died as Brothers.[83] Three others left voluntarily and one was asked to leave.[84] The General Chapter of 1831 to 1832 was so disturbed about the poor perseverance rate among postulants and novices that they passed decree no. 76 requiring a longer period of probation for new members. This required permission from Rome as it changed the terms of the original Papal Brief of 1820.[85] They petitioned Rome to endorse a longer period of probation for new members joining the Institute.[86] In 1832, the Holy See granted permission for aspirants to make triennial vows and to renew these vows annually until they had at least reached the age of 25 years.[87] No one

could proceed to perpetual profession until they had made these triennial vows.[88] Lay or 'serving brothers' of whom there were nine in the Institute in 1831 were also required to make the same vows as the teaching Brothers except that they were exempted from the vow 'of instructing the poor'.[89] These lay or serving brothers did domestic duties, but prior to the General Chapter of 1831-32, they took no vows and had no canonical status. As a result of Pope Gregory XVI's Rescript of 11 June 1832, they were now canonically recognised under the official Roman title of *fratres conversi*.[90]

The novitiate training for the new aspirants to the Institute, as laid down in the 1820 rules of the Papal Brief, was simple enough, perhaps too much so, if proper spirituality and perseverance of the novices were to be achieved. The Rule just stated that: 'Before making their vows, the Brothers shall spend from three to six months in the Novitiate as the Brother Superior (General) may direct.'[91]

Regarding the pre-1822 period, there was no central novitiate, and the novices, mostly mature men, received spiritual and pedagogic training in the houses to which they were sent from the Brothers in those houses. In the case of John Austin Grace (1800-1886) and his fellow novices there was no period of temporary profession. The first and only vows they made were perpetual. These vows could be made at the discretion of the Superior-General and his Council at any time:

> At the expiration of the years trial in the schools, provided in his whole conduct a love of regularity and for the virtues of his state and ... (was) well acquainted with the Christian doctrine, as well as the other necessary qualifications to educate the children.[92]

Brother John Austin Grace was a case in point. He entered the Institute at Mount Sion on 21 September 1823 at the age of twenty three years. He was transferred to Ennistymon, Co. Clare, on 15 May 1824, again from there to Limerick on 1 September 1825. He was again moved from Limerick to Mount Sion on 2 January 1826 and made his perpetual vows there on 17 March 1826, being transferred to Preston, Lancashire,

in the following month of April.[93] Edmund Rice must have received some complaints about removing novices from Mount Sion before the completion of their novitiate. In his defence, Edmund Rice, could plead that with requests for new foundations coming from various places and especially England, he had no alternative, in the absence of adequate trained manpower, but to use the novices from Mount Sion. The practice did worry him and he wrote before Christmas 1825 to his friend and spiritual confidante Fr. Peter Kenney S.J. for advice and guidance on the matter.[94] Fr. Kenney replied *inter alia*:

> The objection raised about the time spent (by the novice) in other houses, where the novice lived under obedience and in the practices of religious discipline, is wholly groundless ... In your case (Brother Rice's dilemma) the Superior of each house is more for the time being the Master of Novices, and the occupations of the day are as efficient a trial of the as that noviship (sic) ... Wherever such a man was, he found his cloister, his noviship there.[95]

Fr. Kenney admitted however, that although Brother Rice was acting within his rights as Superior General and within the scope of the 1820 Brief, by transferring novices to various houses, he did not view the practice as the ideal arrangement :

> I dislike the whole arrangement ... It seems to be an unwise experiment to split the two years probation in so many pieces that the appointed Master of Novices has scarcely time and opportunity of sounding the dispositions and of forming the religious habits of the novice.[96]

Brother Rice had decided to send Brother Austin Grace to England, while just out of the noviceship, a situation with which Fr. Kenney was still unhappy as he concluded his reply to Brother Rice as follows: "I do not relish the idea of sending a man to England, who has just come out of the noviship."[97]

It is of interest to note that although the structure of Edmund Rice's Institute was closely modelled on that of the De La Salle Institute,[98] no formal correspondence was entered into with the French Brothers until

1826, in regard to practices which they had found useful in both community life and school work.[99] The De La Salle Brothers, from their Generalate in Paris were generous, both with their advice and with copies of their various religious and school manuals.[100] Regarding the training of novices, the French Superior General, Frere Guillaume wrote to Brother Rice in 1826: "When you are able to send one of your brothers to us, we will do our best to see that his stay may prove fruitful."[101] The 1826 De La Salle invitation to Edmund Rice's Brothers to travel to Paris could not be taken up until 1832 because of internal dissentions within the North Monastery Community of Edmund Rice's Institute. There the two Brothers Leonard, Brother Joseph and later Brother Baptist persisted in discourteous and disedifying practices, by referring to Edmund Rice's Institute as the Irish branch of the De La Salle Brothers. They disrespectfully by-passed Brother Edmund Rice, their Superior General by engaging in frequent and unapproved correspondence with the De La Salle Generalate, seeking advice, guidance and solutions to their "perceived weaknesses in the structures and administration of Edmund's Institute."[102] This admiration for the De La Salle structures in particular, and all things French in general will be detailed in section four of the next chapter of this thesis.

Eventually Edmund Rice sent Brother Bernard Dunphy and Brother Ignatius Barry to France in May 1832[103] to visit the De La Salle Novitiate and to report back on its practices and organisation. They spent ten weeks there and on their return reported:

> The difference in race, customs and environment is so great that few of the French regulations and practices can with advantage be introduced into our Novitiate. The practices and methods of training and formation established in our own Novitiate are better adapted to our County and to the character of the Irish people than any others.[104]

The daily horarium or timetable of religious practices and spiritual observances for professed Brothers and Novices in the Rules and Constitutions adopted by the Christian Brothers' General Chapter of

1831-1832 strengthened the devotional and liturgical aspects of the Rule. Greater emphasis was placed on meditation and prayer. The status of the Mass in the daily ritual of the Brothers' spiritual life was greatly enhanced and new rules were made for the celebration of masses for deceased Brothers.[105] The reading of Holy Scripture[106] was also upgraded as was devotion to the Blessed Virgin Mary, through the Rosary.[107] Interior recollection, silent devotion and adoration of the Brothers before the Blessed Sacrament in the Community Oratories was included in the new rules, as was the necessity for monthly retreats on the first Sunday of every month.[108] The new rules also exhorted the Brothers "not only to manifest, but to cherish in themselves a love of holy prayer, which they are to consider as the first and principal of their daily duties".[109] All these changes in the Rules and Constitutions of the 1832 General Chapter had an uplifting and strengthening effect on the spiritual lives of Brothers and Novices. In relation to the organisation of the novitiate, matters remained unsatisfactory. The General Chapter of 1841 decided to have three novitiates, one each in Preston, Cork and Waterford. Nothing was done, however, to improve the formation programme.[110]

Novitiate Statistics[111]

	1841			1850			
	Admitted	Retired or dismissed	Died in the Institute	Finally professed	Triennial vows	Serving Brothers	Novices
Preston	72	40	6	17	8	1	0
Cork	35	19	2	9	2	1	2
Waterford	98	32	6	14	24	4	8

The Preston Novitiate was closed in 1847 because of a decline in the number of novices entering as indicated above. Of the two hundred and five men who were admitted, 51% were lost to the Institute through voluntary withdrawal, dismissal or death. The Novice Master in Cork summed up the general unsatisfactory situation prior to the General Chapter of 1861, which drew up a properly organised programme of

spiritual formation for novices in one central novitiate under the immediate supervision of the Superior-General,[112] as follows

> I have long been of the opinion that the state of things for some years existing in this house (Cork) will not, and indeed should not, continue after the forthcoming Chapter. I cannot hesitate to say that in the present state of the Institute there should be one and only one novitiate with one uniform system by which the young brothers should be trained ... If we have but one it will be under the constant and immediate superintendence of the Government of the Institute, who are in my opinion the proper and legitimate persons to be most intimately acquainted with its condition.[113]

This advice was acted upon.[114] The 1851 General Chapter ordered the discontinuance of the Cork Novitiate.[115] The remaining novitiate at Mount Sion was transferred to North Richmond Street Dublin in 1853.[116] The 1861 General Chapter agreed to its extension and renovation as the Central Novitiate. This work was begun in March, 1863.[117]

In concluding the topic of the Novitiate training of the young aspirants to the Brotherhood of Edmund Rice, it is of interest to note the qualities which the Institute sought from these young men. This information is based on the returns of the Brothers to the Powis Commission in 1870:

> Members are usually admitted between the ages of fifteen years and twenty five years. They should be of decent families and irreproachable character, and must be recommended by a clergyman, or by one of the Brothers, to either of whom they must be personally known. None are admitted whose parents are heavily in debt, whose services are necessary for their families, who have been engaged in low employments, or who have a delicate constitution, short sight, deafness, or any natural deformity. Each postulant is required to bring with him a suitable outfit, and to pay at the rate of twenty five pounds a year during the first two years of his probation.[118]

The spiritual formation of the postulants and novices may not have been the ideal of Edmund Rice and his Novice Masters in the early years of the Institute. As time progressed, however, the system became more efficient and the admirable qualities of the Brothers, both as members of

a religious Institute and as proficient Catholic educators, allied to a very high rate of perseverance to their vocation, became the hall-mark of the Congregation for almost the succeeding century.

7.4 The Early Pay-School Dispute 1823 to 1826

On 23 January 1823, Edmund Rice, as Superior General, sent to Rome a full account of the proceedings and decisions of the first General Chapter of the Congregation for the approval and sanction of the Holy See.[119] Towards the end of this report or 'Memorial' he added an appeal on his own behalf and on behalf of his brethren for permission to open pay schools. Before the matter of pay schools was taken any further, Edmund Rice, now sixty years of age and at what might be regarded as the high point of his life, found himself once more the subject of much criticism as Superior General. Within a year of his election to that office, he had to send a very official and detailed communication to Rome setting out the procedures of his election and the position of the eleven brothers who had failed to come to the vital meeting at Mount Sion in January 1822.[120] He, along with his two assistants, Brothers Patrick Ellis and Austin Dunphy, together with the newly appointed Bishop of Waterford, Dr. Patrick Kelly, had to sign and authenticate the procedures of the first General Chapter. Complaints had been made to Rome about the composition of the Chapter and the amount of agreement on the acceptance of the Papal Brief. In his formal statement, Edmund Rice, without any evidence of resentment, gave a detailed account of the events of the General Chapter of January 1822.

Some brothers had later opposed Edmund over the pay-school question. In many meetings and discussions preceding the seeking of Apostolic Status from Rome in 1818,[121] he had in fact shown himself to be opposed to the inclusion of a vow of 'strictly gratuitous instruction'[122] in the Brief, which in the event, specifically mentioned teaching the children "*gratis*, never accepting anything as a reward or repayment from them or their parents - *gratis* ... *Neque praemium munera a discipulis vel*

ab eorum parentibus oblata accipiant".[123]

There were four basic reasons why Edmund favoured the concept of accepting some small remuneration from those parents whose financial circumstances would allow for it. Firstly, Edmund Rice had spent his own personal fortune on establishing New Street, then Mount Sion, and on the upkeep of the brothers in the other early foundations which had no resources. If the brothers could not afford the basic necessities of life such as food, clothing and shelter, then they could not perform their teaching duties and the whole apostolic work of the Society would collapse. The idea of any further expansion of his work to other parts of Ireland, where they were badly needed, could be no more than an impossible dream, if Edmund Rice could not feed and support the few brothers he already had.

Secondly, the dire financial straits of the houses in Carrick-on-Suir, Dungarvan and even Mount Sion itself in the period 1808 - 12, taught Edmund Rice that even a small amount of money could work wonders in his scheme to provide education for the poor. Thirdly, any small income generated by such payments from those parents who could contribute something to their sons' education, would be made available to provide more space and facilities for even larger numbers of the poor who could not pay. Fourthly, while Catholic pay schools were already in existence, for the most part, the fees were fairly high and the accommodation and the curriculum which they provided were generally inferior.[124] In consequence, Catholic boys, whose middle-class and lower middle-class parents, could afford to pay something towards their children's education, were not being catered for. Some Catholic pupils of better off families were indeed attending Protestant pay schools in Waterford city, to which they were attracted by the superior facilities on offer in these schools.[125]

It was this last consideration, the danger to the faith of Catholic pupils, both in Protestant pay-schools and through the less defined

'Catholic ethos' in the pay schools conducted by Catholic teachers, that motivated Edmund Rice and his brethren to seek urgently from the Holy See permission to operate some pay-schools. To outward appearances it might seem that within three years of obtaining a Papal Brief to set up a congregation for the gratuitous education of the poor, Edmund Rice now sought to set aside a fundamental principle of his undertaking by seeking to make a charge for the teaching services his Society would offer. The distinct possibility that his motives would be open to misconstruction and misrepresentation did not deter him. He believed that the greater the resources he could accumulate, the greater the number of poor boys his Brothers could educate gratuitously. Edmund Rice's option for the poor did not exclude the better-off. His priority was the preservation of the faith of the young, be they poor or better-off. They were Christ's favoured ones – "Suffer little children to come unto Me, for theirs is the Kingdom of Heaven."[126]

Edmund Rice made his case to Pope Pius VII in a communication dated 23 January 1823.[127] It was a reasoned and cogent statement in which he set out the reasons for his petition. He outlined his pastoral care and grave concern for the spiritual dangers to the faith of Catholic children of comfortable home circumstances who were being educated in Protestant pay-schools. Edmund argued that, with the income from those Catholic parents who could pay small sums for their sons' education in his schools, he could offer further gratuitous education and instruction to the poor. He made it clear that the petition was one which he made with great reluctance after much soul-searching with his fellow brethren. He further contended that the eternal salvation of the souls of children, nurtured in the principles of the Catholic faith, had to outweigh any reservations which might have compelled him to do otherwise. The Holy See wrote to Bishop Kelly of Waterford seeking his opinion as to whether the condition of well-to-do Catholics in his diocese was such that it was difficult for them to educate their children without endangering their faith, and under what conditions Edmund's petition might be granted.[128]

Bishop Kelly replied on 13 September 1823

> that there was no lack of Catholic schools in his diocese, even for the rich, though that was not to say that the petition should not be looked on with favour, which permission, if granted, would accrue some financial help to the brother monks, but if so, it should be done in secret and without ostentation.[129]

Bishop Kelly added that neither he nor his fellow bishops were certain as to whether the Brothers enjoyed the status of an 'exempt institute' and could be subjected to episcopal visitation, which if clarified, would help him to decide on his 'right of visitation' as bishop to the houses of those communal monks.[130]

By the early autumn of 1823, some eight months after his request to Rome for permission to open pay schools, Edmund had received no response. In August 1823, Pope Pius VII died and was succeeded in September by Pope Leo XII. He wrote again on 24 January 1824 to Pope Leo XII, outlining in greater detail the urgency of his request, in view of the Bible Societies which had begun to mount a vigorous campaign to win over the Irish Catholic people and their children to this new form of vibrant Evangelical Protestantism.[131] The London Hibernian Society, through the activities of two of its promoters, a Captain Gordon of the English Royal Navy and a Scottish clergyman, Rev. Mr. Noel, attempted to open one of their proselytising schools in Waterford. The public meeting, which they called to secure support for their school was opposed by Rev. John Sheehan, a Catholic priest in Waterford city, who denied that the children of Waterford were either benighted or ignorant.[132] Fr. Sheehan challenged the two London Hibernian Society promoters adding:

> that if they desired, he would send for any three or four of the humble children educated in Mr. Rice's extensive school, and would fearlessly assert that any of them would be found as fully informed of the nature of his duties to God, his neighbour and himself as either the Honourable Gentleman (Capt. Gordon) or the Gallant Caledonian.[133] (Rev. Mr. Noel.)

Bishop Kelly of Waterford wrote to Rome on 5 July 1824[134] to offer

his comments on Edmund Rice's second petition to Rome in January 1824 on the need for pay schools, and on a third letter to Rome from Rice, on 22 May 1824, on the same subject. Bishop Kelly's views in his original support for Rice's first petition in his letter of 13 September 1823 had radically changed. This, perhaps, was due to the fact that any 'pay-school' in Waterford of the Brothers would in fact be competing for the same pupils as St. John's College in the city, administered by the diocesan clergy. This change in attitude to the Brothers, expressed in a hostile and derogatory way, took place despite the fact that Edmund Rice had guaranteed in writing to the Holy Father in May 1824[135]

> That at any time hereafter, when the majority of the Irish bishops shall declare it to be their opinion that the Brothers of this Institute, by attending to the education of the rich, neglect in consequence that of the poor, that the Brothers will, with readiness, relinquish the liberty of receiving payments should the Holy See so order them.[136]

Bishop Kelly in his reply to Rome referred disparagingly to the Brothers as a 'Society of Laics' i.e. a group of laymen, and went on to oppose their request for permission to open pay-schools

> because it seems unfitting in this miserable country, where tailors and cobblers and even women arrogate to themselves the liberty of interpreting Holy Scripture at their whim and therefore inventing new tenets - that religious instruction should be committed with any solemn approval to laymen, even though they are monks, and, hence, what has been done in this place should not perhaps have been done at all.[137]

It was quite clear that Bishop Kelly, in the fashion of his predecessor, Bishop Robert Walsh, though in less calumnious terms, was calling into question the wisdom of the Church Authorities in having given approval to Edmund Rice's Society and its educational objectives. Bishop Kelly continued

> It is certain that Catholic schools abound in this southern part of Ireland, and no Catholic boy frequents a Protestant school on account of the lack of Catholic schools ... Our Catholics greatly abhor not only association with the heretics and their schools, but also their very name.[138]

The Bishop's final remarks were the most insulting and derogatory of all

> And even in my diocese, though it is by no means true, if there existed a lack of Catholic schools in which rich Catholics might be instructed, the aforesaid monks are incapable of applying a remedy to this evil on account of their illiteracy.[139]

The implication was clear. The Brothers might be able in their 'limited way' to provide basic instruction for the poorer classes who were totally ignorant and uneducated and that might be sufficient for their needs. When it came to the imparting of more advanced knowledge to the sons of the richer families, who would need and expect this from their teachers, then the Brothers were not fitted or qualified academically to provide this. Some allowance for Bishop Kelly's views may be considered in view of the fact that many Catholic bishops of the period, from their elevated social and intellectual positions, believed that poverty and social and economic inequality were the lot of the poor and should be accepted as such. Did not Jesus himself say "the poor you will always have with you?"[140] Even the poor themselves would have accepted this situation. Edmund Rice did not seek to eliminate wholesale poverty but rather to provide hope and opportunity to those who might succeed in escaping from its clutches through benefiting from better educational opportunities.

It is unclear precisely what Bishop Kelly had in mind when he used the term 'illiterate'. He had only recently returned from pastoral work in the American colonies to take up the position of Bishop of Waterford and Lismore, and the only Community of Brothers with whom he would have come into contact would have been the Mount Sion Community in Waterford city. The allegation of illiteracy on the part of the Brothers in general and of those in Mount Sion in particular was unsustainable. Edmund Rice's personal attainments in the field of literacy, accounting and general business and legal acumen were of the highest calibre. His outstanding success as one of the leading figures in the commercial and business sphere of Waterford from 1780 to 1802 was ample proof of his

high intellectual and literary capabilities. The letter written by his first assistant, Brother Austin Dunphy in 1816, shows him to have been an accomplished writer and scholar.[141] Edmund Rice's second assistant, Brother Patrick Ellis had been Professor of Mathematics in St. John's College, Waterford, the diocesan seminary, for some years prior to his joining Edmund's Society. This clearly disproves Bishop Kelly's insinuation of illiteracy among the Brothers.[142] Brother Patrick Murphy, a member of a wealthy Waterford family, is recorded as being "a man of both extensive and accurate literary attainments."[143] Brother James Dollard, had been a highly reputable Dublin businessman, holding a high position in that city, prior to his joining Edmund's Society.[144] Brother Roger Ryan was proficient in Latin and Greek and Brother Patrick O'Flaherty had taught 'Christian Doctrine, Grammar Latin and Greek' in a Catholic pay-school in Harcourt Street, Dublin, before he entered the Institute of Christian Brothers.[145] The facts speak for themselves with regard to the erudition, scholarship and pedagogic experience of the Mount Sion Community.

It is also extraordinary that Bishop Kelly could know so little regarding the number of well-to-do Catholics who were attending Protestant schools in Waterford city in 1824. The statistics concerning this situation, at the time Bishop Kelly was writing to Rome in July 1824, were given in the report of a Government Commission.[146] Bishop Kelly, as parish priest of his cathedral parish, should have been familiar with the figures returned in his name to the Government Commission. The number of well-to-do Catholic pupils attending thirty two Protestant pay-schools in Waterford city was 107.[147] Normoyle, in his book A Tree is Planted, cites in tabular form the full details of the school-going population of Waterford for the year 1824 as provided in the Appendix to the second Report of the Irish Education Inquiry of 1826-26.[148] There were thirty eight Catholic pay schools including St. John's Seminary College conducted by the Catholic Diocesan Clergy and the Convent School of the Ursuline Sisters in Waterford city. These thirty eight schools catered for 847 Catholic

boys and 703 Catholic girls. Up to 650 boys attended Edmund Rice's Free School at Mount Sion and 430 girls attended the Free Convent School of the Presentation Sisters at Hennessy's Road.[149]

The same accusation of 'illiteracy' and pedagogic incompetency was levelled against the Christian Brothers in 1879, when the question of the Brothers taking part in the new Scheme of Intermediate Education was raised. This later accusation, as unsubstantiated as Bishop Kelly's was in 1824, was made in the context of a largely hostile Catholic Episcopal reaction to the Brothers' successful challenge to the Maynooth Decrees Controversy of 1875. However, in 1824, not only complaints of supposed 'illiteracy' on the part of the Brothers, but further and more serious accusations were made against Edmund Rice's Institute to no less a body than The Holy Office. This was the Papal Congregation responsible for the orthodoxy of Catholic Church Doctrine and for the supervision of those in the religious or lay state, who were teachers of doctrine. The content of the accusation against the Brothers' teaching of Catholic doctrine was as follows:

> That a deal of false doctrine is taught to the poor children in their schools. That instead of being a benefit, it were much better that their Society had never been instituted, and that they did not deserve in any manner the support or protection of Rome.[150]

Details of the name of the author of this accusation or from where it came were never made known to Edmund Rice or his brethren. Subsequent research in Rome and Ireland has been unsuccessful in tracing the person or persons responsible for this accusation.

Edmund Rice and his two Assistants, Brothers Patrick Ellis and Austin Dunphy, took immediate action to counteract this calumny, declaring that, were such grave imputations grounded in truth, they would not be deserving of the protection of the Holy See, or even deserving of the name of Catholics. Edmund Rice, writing to Rome,[151] reminded Pope Leo XII that for over twenty years, his Brothers had taught their pupils their prayers openly, the Catholic Catechism approved by the four

Catholic Archbishops[152] and had given religious instruction in their schools and in Catholic chapels in the presence of priests and under the inspections of Bishops. There were no complaints of any doctrinal defects in their teaching or in the knowledge of the children whom the priests examined. The Christian Doctrine that the Brothers had taught conformed in every respect to the true and approved doctrines of the Church.[153] Edmund Rice stated that the work of his schools had received the sanction and approval of the Irish Archbishops and various individual bishops. This was supported by the testimony of the thousands of poor Catholic boys, who flocked to the Brothers' schools despite the incentives of the Protestant Evangelical Bible Societies.[154] Bishops Hussey and Power of Waterford had made the Brothers legatees in their wills.[155] In conclusion, Edmund, in this memorial to Leo XII, said he did not request the name of the person making the charge, unless it was deemed necessary that the Brothers should know it to be enabled to refute formally the charge 'of teaching heresy' in any official hearing before the Holy Office.[156] This charge was never pursued by the Holy Office, so groundless and malicious did it appear.

Since it did not appear that Rome was going to give Edmund Rice a decision on his request to provide pay schools, he let the matter rest, although it did arise again within the Brothers' Congregation, in a divisive and contentious manner in the following decades. Other and more immediately pressing matters occupied his attention, in particular his attempts to raise funds to keep his schools open and his Brothers furnished with the basic necessities of life. When he built Mount Sion in 1803, he sold off most of his property and used the interest on his remaining investments to maintain the establishment. The situation in Carrick-on-Suir, Dungarvan, Dublin and elsewhere became grave from the financial point of view. Various friends and parishes where his schools were located made occasional donations. The Brothers, with local clerical approval, organised the preaching of 'charity sermons', the proceeds of which went to keep the schools operating. In the case of

Carrick-on-Suir and Dungarvan, this small income kept the houses from closure and bankruptcy. The local diocesan clergy, however, taking their cues from their bishops became less than supportive of Edmund Rice through charity sermons[157] and parochial collections, especially after the granting of the Papal Brief to his Society. The diocesan bishops, including Bishops Lanigan and later Marum, both of Ossory, Murphy of Cork and in particular Bishop Kelly of Waterford, were less than pleased to find that the Brothers had now papal protection and extra-diocesan status and were, in a canonical sense, independent of local episcopal jurisdiction.

Another financial difficulty facing the Brothers lay in the fact that as a religious group under religious vows of the Roman Catholic church, they were in their very existence illegal and in contravention of the Penal Laws.[158] In consequence, they could not openly receive legal bequests. Edmund Rice was fortunate in that bequests granted to himself and to his Brothers in the will of Bishop Hussey, who died in 1803, were not legally challenged.[159] Another factor which affected the financial stability of his schools and communities was the collapse of many banks in Munster about the year 1820.[160] This arose from a recession brought about by the restrictive and tariff-driven measures of businessmen in England against Irish trade arising from the 1800 Act of Union. It had a two-fold impact on Edmund Rice's financial resources in that interest on some of his assets ceased to be paid and secondly, his supporters also became financially embarrassed and donations to his Society declined. The financial travails of the Carrick on Suir house between 1815 and 1821 are graphically detailed by M.C. Normoyle in his biography of Edmund Rice - A Tree is Planted.[161]

> The situation of this house became dire in 1821, when the local parish priest, Fr. O'Neill, withdrew permission for the preaching of the annual charity sermon for the Brothers. Local ladies sought leave for a collection for the almost destitute community in Carrick and the crisis was averted.[162]

The local clergy were only reflecting the displeasure of their bishops

at the extra-diocesan status of Edmund Rice's Institute.

The financial situation of most of the Brothers' houses and schools was very precarious. It was clear in an era of sudden financial stringency following the inflation of the Napoleonic wars, that there was little economic growth or prosperity in rural Ireland. The poor, whose children the Brothers were teaching, could afford nothing towards their sons' education. They could hardly eke out an existence for themselves. The Catholic clergy had to be supported and provision made for the erection and maintenance of a growing number of Catholic chapels. Clearly, a community of Christian Brothers or Presentation Sisters could be a burden on a poor parish. It is a source of wonder that the work of the Brothers continued at all in that climate of financial deprivation. It was an even greater marvel that they expanded their services freely in their existing locations and even opened two new centres, one in Ennistymon in 1824, and another in Ennis in 1827.[163] Furthermore, three centres in England,[164] Preston in 1825, and Manchester and London in 1826 were subsequently opened. It is easy to understand why many of the bishops were anxious to attach the Brothers Schools to the State-funded National Board in 1831. This affiliation would give the schools some certainty of income, while relieving their own parish funds from the constant pressure of providing for Catholic schools run by the Brothers and Sisters.

There was also the question of the thinking of three of the Catholic bishops in particular towards the new National Education System. These were Archbishop Murray of Dublin, the most influential Catholic prelate in Ireland at the time, Bishop William Crolly of Down and Connor and Bishop James Warren Doyle of Kildare and Leighlin.[165] These three articulate prelates had been to the fore in their efforts in the 1820s in pressing the British authorities for a national system of education for Ireland that would incorporate adequate protection for the religious instruction of Catholic children. They felt that a reasonably fair compromise had been formulated in Lord Stanley's proposals and they

were prepared to give the system a fair chance. They carried most of their episcopal colleagues with them in this approach and also a substantial number of the parochial clergy. They pointed out that "the system had been created as a response to their demands".[166] Bishop Doyle had a more enlightened attitude to the general social good, religious harmony and the future peace of the country than many of the other bishops. He felt that these worthwhile ideals would come from children of all denominations being educated together in a spirit of tolerance and understanding. His letter to his diocesan clergy in December 1831, quoted in Akenson, urging them to affiliate their parochial schools to the newly established National School System is a fair reflection of his balanced views on the question.[167]

By 1835, the Commissioners for National Education in their report for that year "noted a total of 1,397 signatures of Roman Catholic clergymen who had requested National Board aid for their schools",[168] "these being the signatures of 941 individual members of the Catholic clergy."[169] Furthermore, since the Ulster Presbyterians in particular, and the Church of Ireland clergy in general, were hostile towards Stanley's scheme for a variety of reasons already given, they were slow to affiliate their schools to the system. The result of this was that most of the schools which had affiliated to the Board from the mid 1830s were in fact attended mainly by Catholic children which gave the schools a Catholic denominational status in all but name.[170] There were opponents among the Catholic clergy to the system, led by Archbishop John MacHale of Tuam from late 1837. He gathered around him a minority group of Catholic bishops, numbering about ten, opposed to the scheme out of a total number of twenty four Catholic bishops.[171] The Brothers, led by Edmund Rice, were also starting to oppose Stanley's scheme on grounds of conscience in the ten years after 1831.

7.5 The parting of the ways: The crisis of authority and identity in Edmund's Presentation Community in Cork City, 1826

Matters of much graver consequence faced Edmund Rice in the years 1826-30. The North Monastery in Cork city, or the Peacock Lane Monastery as it was more familiarly known to the local inhabitants, was founded in 1811 on the initiative of Bishop Francis Moylan, Bishop of Cork. In 1808, Bishop Moylan paid a visit to Waterford to meet his friend and fellow bishop, Dr. John Power. Here Bishop Moylan was introduced to Edmund Rice. Bishop Moylan visited Mount Sion and was much impressed by the personality of Edmund Rice, his system of education, the zeal and enthusiasm of his confreres and the exemplary conduct and proficiency in religious and secular knowledge of his pupils. Before leaving Waterford, Bishop Moylan expressed his admiration of the edifying work he had witnessed and resolved on his return to Cork to have his own schools conducted by men of a similar mould.[172] The city of Cork had a population of approximately 60,000 people but it lacked schools other than those conducted gratuitously for poor girls by Nano Nagle's Presentation Sisters. The schooling of the children of the middle classes were mainly conducted by Protestants.[173]

Bishop Moylan had a system of parochial schools run by a group called the Cork Charitable Committee. This committee was founded in 1793, and was composed mainly of the leading wealthy Catholic merchant families of Cork. The committee collected funds and subscriptions from among their own merchant fraternity and from the general public.[174] Bishop Moylan was the chairman and he oversaw the running of the schools, the curriculum being pursued by the pupils and the general competence of the teachers, whose salaries were paid by the Cork Charitable Committee.[175] Of the many difficulties encountered by the Committee, one of the greatest was the problem of finding competent and dedicated teachers. A report by the visiting committee on 10 January 1806, called attention to the 'unsatisfactory conduct of some teachers and made a strong recommendation in favour of the methods of teaching devised by the English educationalist, Joseph Lancaster'.[176] Bishop Moylan appointed a sub-committee under the banker Mr. John

Roche, who gave three cogent reasons in favour of adopting the Lancasterian monitorial method. The advantages of Lancaster's system appeared to be three-fold. It would firstly provide a solution to the problem of finding suitable teachers, secondly achieve the desirable prospect of a centralisation of pupils and teachers in one large location and thirdly lead to the increased public financial support which such a re-organisation of facilities for the education of the poor would engender.[177]

Plans for the purchase of a large central school-site capable of accommodating 1,000 boys were put in hand in 1807. Mr. Lancaster himself was written to, requesting him to supply a teacher who would supervise the scheme during its first year of operation. A new management system for the school composed of four laymen and four priests under the chairmanship of Fr. John England, Bishop Moylan's nominee was formed. Legal difficulties in regard to the site at Peacock Lane held up the construction of the school for almost four years until 1811.[178] Fr. John England was a thorough believer in the Lancasterian monitorial system and he encouraged the Presentation Sisters to adopt it in the schools of the North Presentation Sisters Convent in 1810.[179] But Bishop Moylan was uneasy about the future of the boys' schools. He felt that the only solution to their future existence lay in the introduction of a male religious Institute to conduct them. He went to Waterford to request Edmund Rice and his Society to take charge of the boys' schools in Cork. Brother Rice offered to train and profess any Cork aspirants to his Society whom Bishop Moylan could send him.[180] The Cork Charitable Society endorsed the Bishops' views and the Committee, on 10 February 1810, agreed to vote £100 to meet the expenses of sending two young men to Mount Sion to be trained and professed in the Society. When they had concluded their studies and novitiate they would return to Cork and open a school based on Edmund Rice's religious and pedagogic principles.[181]

Two young members of the Committee volunteered to offer their lives

to this apostolate. Jeremiah O'Connor and John Leonard had been businessmen of the highest reputation and integrity in Cork before volunteering for this project. They went to Mount Sion in March 1809, made their novitiate, took annual vows, and subsequently made their final profession in the presence of Bishop John Power of Waterford. They returned to Cork in November 1811.[182] They taught in the old school in Chapel Lane pending the completion of the new school building and house in Peacock Lane, which the Cork Charitable Committee had purchased and provided for them. Work still continued on the building of the central Lancasterian school. The two Brothers soon moved into their new buildings, which was later to become the famous 'North Mon' or Monastery, justly earning the reputation, which it still proudly holds, as the most renowned boys' educational establishment in Cork city. The new Lancasterian central school began its work in the summer of 1814 staffed by lay masters. The two Brothers trained by Edmund Rice in Waterford began work there on 16 August 1814.[183] By 1827, the Brothers had taken complete control of the Lancasterian School, which when fused with the Brother's original school, became known in totality, as the North Monastery.[184] Within a few years of its establishment, it was catering for more than 1,000 boys.

Brother Jerome O'Connor and John Leonard (now Brother Baptist Leonard in religion), were soon joined by other young zealous Cork aspirants. Francis Ryan joined the community in 1811, followed by John Leonard's brother, Patrick (later Brother Joseph), in 1812. Michael Ignatius McDermott and Michael Augustine (or Austin) Riordan, both joined in 1814.[185] Thus Waterford did for Cork boys what Cork had done for Waterford girls, a decade earlier. Brother McDermott died in 1816 and Brother Ryan in 1817. This was a great loss at such an early stage in the development of the work of the Brothers in Cork. Disease and illness were rampant in those days, without the availability of preventative or curative medications. Patrick Leonard was a popular, gifted and influential bank manager in Cork city and Michael Augustine Riordan a

qualified and capable architect.[186] Both men made great personal sacrifices to follow the call to the religious life. All these brothers, other than the two who were originally professed in Mount Sion, made their novitiates and took their perpetual vows in the North Monastery in Cork according to the formulae and rules of Edmund Rice's Society.

The Cork Community of Brothers was under the jurisdiction of Bishop Francis Moylan until his death in 1816. He had no major personal problem with Religious Institutes in his diocese, or in the matter of his diocesan control over them. The Ursulines, with a Papal rule and constitution approved for their founder Angela Merici, by Pope Paul V on 25 September 1612,[187] were regarded canonically as being an apostolic institute of extra diocesan jurisdiction. They had been invited to Cork by Nano Nagle in the late 1760s and it was she who personally provided for the expense of their convent and school which opened in January 1772 with the approval of the Bishop, Dr. John Butler. Dr. Moylan was chosen as their spiritual director.[188] When Nano Nagle found that the Ursuline rule of enclosure prevented the sisters from leaving their convent on a daily basis to teach and visit the poor in areas in the city away from their convent, Nano, with at first the opposition of Dr. Moylan, and later his whole-hearted support, founded her own Institute of Presentation Sisters for the gratuitous instruction of the poor and the visitation of the sick and destitute in their homes in 1775.[189]

The situation changed in Cork for the Brothers in 1817 when Bishop John Murphy succeeded the late Bishop Moylan who died in 1816. Significantly, this situation was paralleled in Waterford, when Bishop John Power, a strong supporter of Edmund Rice's work who also died in 1816, was replaced by the enigmatic Bishop Robert Walsh. Diocesan control of male and female Religious Institutes was a matter of some concern for these two new bishops as their actions subsequently demonstrated. The position in Cork was, however, to prove more dramatic and momentous for Edmund Rice and his Institute than that

which developed in Waterford. In fact, it led to a split in his Institute, and the foundation of a new break-away religious Society of Brothers in the Cork Diocese. This new religious group, who continued to follow his early religious rule of 1802 - 1809, continued to be known as Presentation Brothers, but remained under diocesan control and would not accept the terms of Pius VII's Papal Brief of 1820.

In August 1817, when Edmund Rice met with the Superiors of the eight houses of Brothers in Mount Sion to discuss the terms of the Papal Bull of approval of the Institute of the de la Salle Christian Brothers, In Apostolicae Dignitatis Solio, issued by Pope Benedict XIII in 1725 - a copy of which the coadjutor Archbishop of Dublin, Daniel Murray, had secured in Paris for Edmund Rice, the Cork Community was not represented by its superior, Brother Jerome O'Connor. They had only sent a representative, Brother Baptist Leonard, in deference to their Bishop's disapproval of extra-diocesan Religious Institutes. The discussion centred on whether the De la Salle Rule would, in whole or in part, be more suitable to the needs of Edmund Rice's Society. It should be recalled that the Brothers were operating under a modification of the Presentation Sisters rule which Edmund Rice had adapted to meet his requirements

> It was clear that the French rule not only allowed for a more autonomous style of government, but also allowed the brothers to shape the details of their own life in accordance with what they themselves discerned as their own charisma.[190]

The meeting of the nineteen Brothers from all the Communities in Thurles on 25 August 1821 to discuss the Papal Brief approving of Edmund Rice's Society was not attended by any Brother from the Cork Community at the North Monastery. This was because of Bishop Murphy's stern disapproval of extra-diocesan religious societies. The Cork Brothers had already been sent copies of the De La Salle Brief in 1817 and their own Society's Papal Brief of 1820. It is certain that the Cork Brothers discussed the terms and implications of both documents, as they related to their constitutional and canonical status. The meeting

of January 1822 in Mount Sion, which accepted the Brief, and the first General Chapter which immediately followed it and at which Edmund Rice was chosen as First Superior General, was not attended by any of the four professed brothers of the North Monastery in Cork.

By their non-attendance at these three meetings of their Society the Cork Brothers, in a climate of increasing episcopal hostility towards them, decided for the present to accept Bishop Murphy's views and remain under his jurisdiction in the hope that relations would improve. The Brothers, as it later transpired, were living in false hope.

Bishop Murphy's hostile attitude to Edmund Rice's Brothers, principally because of their extra-diocesan status was not unique to them. The same attitude also showed itself to the Irish Sisters of Charity, founded in Dublin in 1815 by Mary Aikenhead, a Cork convert to Catholicism. Bishop Murphy had no objection *per se* to the work of the Sisters in their teaching, nursing and visitation of the poor, but he had a rooted objection to having in his diocese any nuns governed from Dublin. St. Joseph's Convent, Stanhope Street Dublin, was the location of the Generalate of Mary Aikenhead's Irish Sisters of Charity. This Dublin convent was to him the 'Headquarters of a Foreign Government' while the Mother General, Mary Aikenhead was the symbol of 'Foreign Rule'.[191] In fact the position of the Sisters in Cork became so serious, that Mary Aikenhead feared that Bishop Murphy would induce some of the nuns to break away from the parent congregation and form a new convent in Cork with similar aims. Archbishop Murray of Dublin, the patron and advisor of Mother Mary Aikenhead, agreed with this view and appealed to *Propaganda Fide* in Rome for advice. The Holy See, in June 1836, issued a decree stating that "Sisters who had already joined, and those who would join in the future, could not pass to any other religious order or institute without the special permission of the Holy See."[192]

The Papal Brief was formally accepted on 2 June 1822 by Brother B.

Cahill and Brother J. Cahill (of no blood relationship) from the Thurles Community, who had not attended the meetings at Mount Sion in January 1822. In the autumn of 1822, Brother Edmund Ignatius Rice, as Superior General, began his canonical visitation of the eight houses of the Congregation. He ended his round of visitations with a courtesy visit to the monastery in Cork, which had not affiliated to his Congregation. There he met the superior, Brother Jerome O'Connor, who, along with Brother Baptist Leonard, had spent a year with him in Mount Sion, the mother house of the institute and home of the founder Edmund Rice, some years earlier. He also met Brothers Joseph Leonard, a blood brother of Brother Baptist; Brother Michael Augustine Riordan, and a new novice, Brother Michael Paul Riordan who eventually was to succeed him as the second Superior General of the Christian Brothers in 1838. Edmund Rice gave them a full account of the formal acceptance of the Brief by the first General Chapter of January 1822, along with news from the other eight houses of the Brothers which he had just visited. He listened sympathetically to their difficulties with Bishop Murphy over the diocesan control issue. He explained the advantages of living, working and praying within the framework of the Brief and hoped with God's help that they would one day be all united in the one Institute.[193] Early in 1823, and not long after Edmund Rice's visit the Cork Superior, Brother Jerome O'Connor, whose term of office as Superior had expired, left of his own accord for Mount Sion, where he took his vows according to the terms of the Brief. He did not return to Cork again.[194]

An atmosphere of insecurity and despondency once again fell over the Cork community. Another novice, Ignatius Barry, a qualified pharmacist, sensing the gloom and depression that pervaded the community, soon left for Mount Sion to join Edmund's Congregation, as did another novice, Brother Bernard Duggan, some short time later. Brother Charles Bernard Riordan, a blood brother of Brother Michael Augustine (Austin) Riordan had joined the Cork community in 1821. He also left it shortly afterwards against his brother's express wishes[195] to

join Edmund's Community in Mount Sion, where he was professed and later assigned in May 1822, to the Limerick house. He subsequently returned to secular life in 1832. It is possible that Bishop Murphy's reluctance to renounce his jurisdictional authority over locally based religious communities was based on a fear of losing dedicated teachers bound by religious vows to other dioceses or locations, at the expense of damaging his own excellently structured educational facilities. It is understandable that he would seek to put the needs of Cork first on his list of priorities.

For Edmund Rice, however, his vision of the pastoral needs of the poorest children, deprived of any structured Catholic education, was the driving force in his life. He did not accept that the provision of educational facilities for the poor of Waterford city, was the extent of his service for Christ. Wherever there was such a need, whether in Waterford, England, North America, or the Antipodes, there his brothers must rise to any challenge to achieve this goal.[196] He knew that a diocesan structure would appeal to some of his followers. The security and comfort that comes from living in common with the same daily companions, would be a hard bond to sunder. This was their 'home' and as with all humans, those ties that bind us to home, when broken, lead to heart-break both of a physical, mental and spiritual nature.

The social haemorrhage of emigration, whether it be leaving one's country or one's home place, is a particularly Irish phenomenon. It was part of the Irish social and political milieu in the 18th, 19th and 20th centuries and is easily appreciated. The experience of separation from home is no less a burden for those who take religious vows. A further personal sacrifice is required from religious who having settled into one religious community, having familiarised themselves with the atmosphere of that community, and having made friends with other members of the community, have on occasions and with very little notice to move to another community at the direction of their superiors. This, however, is

expected from those who embrace the religious life. The rationale for this considerable personal sacrifice by members of religious orders could be found in the scriptural quotation "Seek first the kingdom of God and His mercy, and all things shall be added unto you".[197]

The year 1826 was to become a most critical and eventful one both for the Brothers of the North Monastery and for Edmund Rice's Institute. That year saw the affiliation of the Cork Community to Edmund Rice's Society. It also brought about the necessity for Brother Michael Augustine (Austin) Riordan to form a separate Institute south of the River Lee, with the enthusiastic support of Bishop Murphy. The sequence of events was as follows. Early in 1826, Bishop Murphy determined to acquire full authority over the North Monastery community and their property. He sent for Brother John Baptist Leonard, and in the presence of Dean Collins, Vicar General, and parish priest of St. Finbar's Church, demanded that Brother Leonard draw up a Deed assigning the Monastery, schools and property of the Community to the Bishop and to others he would name. The land on which the house and schools were built was held on a leasehold basis from Sir George Gould in the names of Brothers John Baptist Leonard, Brother Patrick Joseph Leonard and Dean Collins.[198] Brother Baptist replied that as part of the property belonged, through the terms of the lease, to himself and his brother, he would not consent to the Bishop's request unless his legal rights and those of his brother were protected by being included in the terms of the Deed of Assignment for the period of their lives.[199] This was the procedure Edmund Rice had adopted in 1803 to win the approval of Bishop Hussey in Waterford. In fact, Edmund Rice made a Deed of Assignment to the Bishop, but retained a life interest in it for himself.[200] In a spirit of generosity, Bishop Hussey refused to accept it. This was only just and prudent, as the property in Mount Sion had been purchased with Edmund's own personal funds.

Bishop Murphy refused this legal protection to Brother Leonard and

the Brothers refused to accede to the Bishop's demand.[201] They feared the Bishop would renew his demands and they had not the money to buy out the freehold of the property. They sought the advice of Fr. Bartholomew Russell, their Dominican friend, who had just returned from studies in Lisbon. After a full discussion, of which there is no record in the house annals,[202] it is presumed that Fr. Russell suggested that the most practical solution to their dilemma was to place themselves under the jurisdiction of Edmund Rice's Institute and the canonical protection the Papal Brief of 1820 afforded them.[203]

Their formal affiliation as an independent religious unit to Edmund Rice's Institute and working to Edmund Rice's Rule was effected in a very simple manner. In May 1826, Brother Baptist Leonard went secretly to Mount Sion, made an eight-day retreat and was professed under the terms of the Brief on 14 May 1826 and returned to Cork the next day as a member of the Brotherhood led by Edmund Rice. He was followed by Brother Patrick Joseph Leonard on 1 June 1826. Brother Michael Paul Riordan, not to be confused with Brother Michael Augustine (Austin) Riordan, also travelled there and was professed in Mount Sion on 17 June 1826. Edmund Rice appointed Brother Patrick Joseph Leonard as house Superior.[204] Edmund Rice had some misgivings about the 'forced professions' in Mount Sion of these three Cork Brothers. His two Assistant Brothers, Austin Dunphy and Patrick Ellis were opposed to their admittance to Edmund's Institute "because of their noted eccentricity and imperiousness".[205] Brother Bernard Dunphy of the Hanover Street Community in Dublin, writing some years later (26 Nov 1840) to Archbishop Daniel Murray of Dublin, states

> It was only when their home (the North Monastery) was threatened with desertion that they offered to join. So it might be said that it was as much from necessity as from free choice that they did join.[206]

The misgivings of Edmund Rice and the opposition of his two Assistants to the admission of the three Cork Brothers to their Institute was to prove portentous and prophetic. Serious difficulties emerged in

the future personal relationship of Brother Edmund Rice and Brother Michael Paul Riordan. This would have implications in general terms for the Institute, in particular with regard to the handling of the National School Board affiliation problem and the renewed issue of pay-schools.

Fearing that Bishop Murphy would resume his attempts to secure the Deeds of the Cork property, Edmund Rice sent Brother Joseph Leonard to Paris in June 1826, immediately after his profession in Mount Sion, to buy out the freehold title of the North Monastery site from Sir George Gould.[207] He achieved this purchase for the sum of £400. Brother Joseph, who was not in good health, largely due to the stress and tension of the Brothers' relations with Bishop Murphy, took a holiday in Paris, at Edmund Rice's request. He visited the Generalate of the De La Salle Brothers in Paris, meeting with their Superior General and other brothers of that Congregation, who held administrative office in the order.[208] He learned all he could of the system of administration of their Congregation and other related matters. On his return to Cork he spoke enthusiastically of the excellence of the De La Salle Constitutions and system of government, on which Edmund Rice's Brief was based with appropriate variations to suit the Irish situation.[209] This new found admiration of Brother Leonard for the French Brothers was to have some unhappy repercussions for Edmund Rice in his later years as Superior General.

In the late autumn of 1826, Bishop Murphy of Cork paid a formal diocesan visitation to the North Monastery to appoint a new house superior. His visit may also have intended to renew his demands to be granted the title, when he had appointed a superior who would be more amenable to do his bidding than Brother Leonard.[210] He was surprised to find a complete change in the situation. Brother Patrick Joseph Leonard had been appointed the new superior of the house, which was now affiliated to Edmund Rice's Institute as were two other brothers, Brother Baptist Leonard and Brother Michael Paul Riordan. He also learned that

Brother Rice's Institute now owned the property freehold. This left but one member, Brother Michael Augustine (Austin) Riordan, still under diocesan control in conformity with first Presentation Rule of Edmund Rice of 1808. The Bishop appealed to Brother Michael Augustine to remain under his authority and agreed to make arrangements for him to leave the community and transfer his residence to the Douglas Street premises of the Presentation Sisters which they had recently vacated on the south side of the river.[211] Brother Michael Augustine Riordan left the North Monastery for Douglas St and opened a temporary school in Cat Lane off Barrack St on 27 August 1827.[212] This house and school became known as the South Monastery.

There are three points which should be made by way of final comment on this section. Brother Michael Augustine Riordan set about building a new school in Dean Collins' parish of St. Finbar, with a donation of 500 guineas from the Ursuline Sisters.[213] Brother Riordan, being an architect, designed the Ursuline Blackrock Convent in Cork prior to his entry to religious life in 1814.[214] Dean Collins, a clergyman whose actions in the Cork crisis are difficult to understand, also provided a sum of 500 guineas. The new school was soon built and Brother Michael Austin Riordan was soon joined by two postulants, and thus the religious society, known since then as the Presentation Brothers, took on a new and distinct existence and identity from Edmund Rice's Brothers of the Christian Schools, commonly called Irish Christian Brothers. The Presentation Brothers' school in Cork became known as the South Monastery and was soon catering for up to 530 pupils.[215] Not long afterwards, they took over the new Lancasterian school erected by the Cork Charitable Committee in the western suburbs of Cork. The North Monastery Brothers had earlier declined to become involved with this new project due to the poor ecclesiastical relations, which by then existed between the Bishop and Edmund Rice's Community. This second Lancasterian school, conducted by the Presentation Brothers was soon catering for 500 pupils.[216]

The second interesting aspect of the Cork conflict between Bishop Murphy and the North Monastery Brothers, was the role played by Dean Collins. He gave his verbal support and his congratulations to Brother Baptist Leonard when Brother Leonard refused to assign the property to the Bishop. He then, subsequent to the establishment of Brother Riordan's school in his own parish of St. Finbar, and unknown to Bishop Murphy, went to the North Monastery and requested the Brothers to come and open an additional school to the one already established.[217] The Brothers complied and opened a school in a temporary location at Cove St on the south quays, while a permanent building was being erected at Sullivan's Quay.[218]

When Bishop Murphy discovered this new school in operation in temporary quarters on the south quays and plans well advanced for the building of a permanent school at Sullivan's Quay, he was very aggrieved. He summoned Brother Baptist Leonard and Brother Michael Paul Riordan from the North Monastery to his house. There, on 6 July 1827, he demanded to know from them by whose permission, and by what canonical right in a diocesan context, they had proceeded to establish this new school on the south quays. He made it clear that this was done without his knowledge or consent, or that of the parish priest, Dean Collins, who was present at the interview.[219] Dean Collins never demurred from the Bishop's statement and in fact supported the Bishop's disapproval of the action of the Brothers. The Brothers parried the questions as best as they could, refusing to answer the specific questions asked and pleading that by so doing they would 'implicate themselves' and 'incur the displeasure of their superior.' The Bishop threatened them with 'exposing the faithful to scandal' and threatened the Brothers with excommunication.[220] They did not, however, expose Dean Collins' duplicity. The Bishop took no action and the matter was let rest. The new school was opened in due course, in Sullivan's Quay, and was catering in a few years for up to 300 boys.[221] Perhaps the Bishop

had felt he could not let Edmund Rice's Brothers get the better of him on a second occasion, but the situation was a *fait accompli*. Perhaps Brother Michael Austin Riordan, who had remained aloof and independent of Edmund Rice's Institute, complained to the Bishop about the close proximity of this new school to his newly opened South Presentation Monastery.

The Congregation of the Presentation of our Blessed Lady by which the Presentation Brothers became known, as distinct from Edmund Rice's Brothers, began to grow as an Institute of diocesan status. It was vigorously devoted to the free instruction of poor boys on the same lines as Edmund Rice's Congregation. They spread to the Kerry Diocese and opened schools in Killarney in 1838 and in Milltown, Co. Kerry in 1841.[222] In 1843, three Presentation Brothers left Ireland for America and established a school for 500 boys in Pittsburgh, Pennsylvania, a city with a large emigrant Irish population. Three American novices joined them, but the Pittsburgh house closed in 1848 after two of the founding brothers were killed by lightning and the remaining community dispersed.[223]

The Presentation Brothers regard Edmund Rice as their founder in the year of 1802[224] although some Presentation Brothers had disputed this and believed their founder to be Brother Michael Augustine (Austin) Riordan.[225] The Catholic Directory of Ireland published in 1911 lists Edmund Rice as their founder. Edmund Rice himself suffered the indignity of not being regarded as the founder of his own Congregation. This view was strongly held by the Brothers of the North Monastery in Cork in the 1830s, and in particular by the Brothers Joseph and Baptist Leonard. Brother Joseph Leonard's contacts with the De La Salle Order in Paris in 1826, and his admiration for the Papal Brief of 1725 which approved the De La Salle Order and on which Edmund Rice's Papal Brief of 1820 was largely based, led the Cork Community to regard themselves as an Irish branch of the De La Salle Brothers.[226] These Cork

Brothers, in particular Brother Joseph Leonard, openly regarded the Abbe Jean Baptist De La Salle as their founder and regularly communicated with the De La Salle Superior General rather than with their own, much to Edmund Rice's annoyance. He regarded this as another obstacle to overcome and did not take these constant slights and discourtesies personally. He was obliged by letter however, with courtesy and firmness, to draw the attention of the De La Salle Superior-General, Frere Guillaume, to the fact that he was the supreme authority with the Congregation of the *Fratres Monachi* of the Christian Schools of Ireland.[227] But a "prophet is not without honour, except in his own country and in his own house".[228] The words Institute, Society and Congregation appear frequently in different early manuscripts and records of Edmund Rice's Teaching Brotherhood in differing contexts, but they must be taken as meaning the one and same organisation.

In conclusion, it is interesting to note that the structured changes in Edmund Rice's Society which arose from the Papal Brief of 1820, were actually welcomed eventually by the successors of Brother Michael Austin Riordan.[229] The writer of the Presentation Brothers Annals at the end of the 19th century mentions the feeling of strength that was engendered among the Presentation Brothers by the uniting, under a Superior General, of what were formerly groups of diocesan entities and the enthusiastic expectations of the spread of their Congregation, engendered by this new type of union.[230] It took the Presentation Brothers almost 80 years and an unnecessary secession from their parental founding society to accept the wisdom of Edmund Rice. He believed that any religious society which seeks to undertake an evangelical mission on a universal scale must have administrative structures that will accommodate that objective, rather than a restrictive and localised diocesan structure. The Presentation Brothers received an initial papal decree of approval called the '*decretum laudis*' from Pope Leo XIII in 1889, permitting them to elect a Superior-General and to hold an elective General Chapter. The final papal approval came with the

'*decrum approbationis*' of Leo XIII in 1899.[231] To conclude this section it is felicitous to be able to note that the Presentation Brothers have not forgotten their origins or roots and, in particular, their founder Edmund Rice. In an extract from The Constitutions of the Institute of the Presentation Brothers adopted at a General Chapter of that Institute in 1975, the following lines recognise, in a most honourable and fraternal way, the special spiritual gift of Edmund Rice, their founder.

> The spirit of the Congregation is one of loving service of Christ in Himself and in His members through active participation in the Apostolate of education according to the spirit and ideals of its Founder, Edmund Ignatius Rice.[232]

7.6 Official and private evaluation and appraisal of Edmund Rice's Schools 1825 to 1835

By 1825, the basic structure of the Congregation of Christian Brothers had taken shape. Under Edmund Rice's leadership, a group of dedicated, educated laymen had taken religious vows, were living in community and had secured recognition and approval from Rome as a body whose aim was 'to educate youth according to the maxims of the Christian Law'.[233] The Brothers' objection to acceptance of any fees or grants, whether given privately by parents, or from the National Board was largely orchestrated by Brother Michael Paul Riordan. He later succeeded Brother Rice in 1838 as the second Superior General. Any payments from any source were anathema to him and a breach of their vows.

> ....If we were to attach ourselves to the National Board we would lose our characteristic as a religious body and merge into merely secular schoolmasters, and by adopting pay-schools our love for the poor would eventually cease.[234]

The Brief of Approbation made it clear that the Brothers were to teach the normal secular subjects as well as religious instruction. The educational role of the Brothers was their *raison d'être*.[235] Corcoran, the Irish educationalist, makes the following comment:

> The school regulations of the Irish Christian Brothers, fully developed by 1810, are of great value as showing how the traditional hedge-school practice concerning religious instruction and the basic school arts were standardised and improved for use in new and larger Catholic urban schools. This was done along entirely Irish lines.[236]

Accounts of contemporary evaluations of Edmund Rice's schools in the unsettled social, religious, economic and political situation in Ireland, which led to their establishment, are of great relevance in terms of assessing their intrinsic value in meeting the needs of those whom they sought to cater for. The uniformity of Edmund Rice's system, being the same in all his schools, simplifies the need for comparative studies of different schools of that Institute and enables general judgements on its effectiveness and methods of operation to be arrived at with reasonable accuracy.[237] These reports, while for the most part laudatory, are sometimes critical of the pre-eminence given to religious instruction and Catholic values in the curriculum. Other reports are hostile because of the particular religious bias and attitudes of the commentators. The attitudes of those who were directly connected with the Protestant Bible Societies in their support for proselytism are easy to understand.[238] The policy of many of these Protestant educational societies may be summed up in the words of Mr. John West, a member of the Baptist Society, speaking before the Royal Commission in 1825: "We consider that popery is an error and having been brought to a knowledge of the truth, they (the people) will certainly not remain Roman Catholics".[239] This Protestant evangelical movement in the first two decades of the 19th century, which took many forms, was widely regarded as 'The Second Reformation.'[240] It was not surprising that people, however principled, would have serious misgivings about the uncompromising Catholicity of Edmund Rice's system of education as practised in his schools.

One gentleman who had such misgivings about Edmund Rice's schools states that having visited a large Catholic School in Waterford

(Mount Sion) catering for upwards of 700 children, while not wishing to question the sincerity of Edmund Rice or his Brothers, he

> could not regard favourably an institution under such tuition. I know too much of Catholicism in other countries to doubt that intellectual training will be made very secondary to the theological instruction ... I would rather not see a system of education extensively pursued in which the inculcation of Popish tenets forms the chief feature.[241]

This could be regarded as the fair comment of one observer. Another critic more openly hostile and belittling, described the plan of education pursued in Edmund Rice's schools

> as perhaps the most intolerant and mischievous which any individual or society has attempted to mask under the disguise of Christian instruction, and nothing could be more hopeless in a human sense, than the task of attempting to eradicate the peculiar impressions which are burned into juvenile feeling by the operation of the system.[242]

The writer concluded his remarks with a most unflattering and unusual description of Edmund Rice and his pupils. "There are about 6,000 orthodox larvae in these poisonous receptacles and the queen bee, (Edmund Rice) it seems, is still in vigorous operation".[243] Such vituperation must have pleased Edmund Rice inversely, in that his 'enemies' recognised the success of his work and his own skills in achieving it.

Not all Protestants reacted in this way. The learned educational philosopher, philantrophist and reformer, Richard Lovell Edgeworth, visited Mount Sion and the North Monastery in Cork in 1824. He was active in the interests of education since his membership of the Commissioners of Irish Education Enquiry in 1791.[244] He was also noteworthy for his introduction in 1799 of an Education Bill in the Irish House of Commons[245] which unfortunately lapsed, when the Irish Parliament was abolished by the Acts of Union of Great Britain and Ireland.[246] On his visit to Mount Sion, Edgeworth 'expressed himself delighted with all he saw there'.[247] He also visited the Brothers' school at

the North Monastery in Cork, which at that time had not yet formally linked itself to Edmund Rice's Institute, but which pursued the same educational programme. Edgeworth, a discerning critic of matters educational, left in written form his impressions of the Cork school:

> There is so much to say and approve of in this establishment that I really do not know where to begin. I was first struck by the appearance of discipline and obedience which seemed to pervade the whole. The countenances were in general cheerful, and although many were in different clothing, yet, the faces and hands were cleaner than in most schools of the same sort. I make no doubt but that the acquirements are equal to what might be expected from the unwearying zeal and constant attention of the instructors of this unique establishment.[248]

Rev. R.H. Ryland, Anglican Dean of Christ Church Cathedral, Waterford, wrote eloquently of the work being done in Waterford for the education of poor Catholic children in the schools of Edmund Rice:

> In Mr. Rice's schools, established for the education of poor Catholic children we have a splendid instance of the most exalted generosity ... Among a distressed and unemployed population, whose opinions militate against the system of education offered them by their Protestant brethren, these schools have been of incalculable value; they have already impressed upon the lower classes a character which was hitherto unknown to them; and in the number of intelligent and respectable tradesmen, clerks and servants which they have sent forth, bear the most unquestionable testimony to the public services of Edmund Rice.[249]

During the crisis which arose for male Catholic religious orders in Ireland in consequence of sections 26 to 37 of the Catholic Emancipation Act of 1829,[250] many prominent Protestant and Ascendancy politicians and nobility, sought to have Brother Rice's Congregation of Teaching Brothers excluded from the penal religious clauses of this act, which if enforced, would have led to their dissolution. Sir John Newport,[251] M.P. for Waterford, who was a personal friend and supporter of Edmund Rice's Institute, wrote a letter of commendation of the Brothers in 1829, and sent it to the Prime Minister, Lord Melbourne in London. This letter was counter-signed by sixty seven of the most prominent citizens of

Waterford including the Sheriffs and Aldermen. It read:

> The schools established by Mr. Rice at Mount Sion, Barrack Street in the year 1803, and which up to this date have continued, and still continue to afford every opportunity to hundreds of poor children of this city to acquire a truly useful education, have materially contributed to improve the morals of our youth, by the excellent system of instruction which is practised in them, and to diffuse among the poor principles of integrity and social order. I have the highest possible opinion of the system of instruction pursued in Mr. Rice's Waterford school, and have for many years witnessed with the most cordial satisfaction the infinite benefits from it to the inhabitants of the city in particular, and to the public generally.[252]

The Rev. Standis Grady, Rector of Carrick on Suir, in which town Edmund Rice's second foundation had been established in 1807, like many other liberal and fair-minded Anglican clergy and nobility, became fearful for the continued existence of Edmund Rice's Brothers and school in that town, as a result of the Penal Clauses against religious orders in the proposed 1829 Emancipation Bill before Parliament. Rev. Mr. Grady had a petition signed by the Protestant gentry and inhabitants of the town. He sent it to the Marquis of Lansdowne, who lived locally, in order that the Marquis might present it in person to the House of Lords.[253] Rev. Mr Grady's petition was signed by four Protestant clergymen, three justices of the peace, two medical doctors and twenty four other gentlemen from the town of Carrick.[254] Rev. Mr. Grady spoke from his personal knowledge of twenty years of the work of the Brothers in Carrick-on-Suir and the usefulness of their Institution.

> From five to six hours each day they are engaged in the instruction of a number of boys who but for them would be exposed to idleness or vice, and I am bound to say the very visible improvement which has taken place since I first came to this country is in my opinion mainly attributable to their exertions.[255]

The Marquis of Lansdowne presented the petition to the House of Lords on 10th April 1829 and, noting the social and religious standing of the Protestant petitioners of Carrick-on-Suir, he said that he personally supported the sentiments of the petitioners and besought the noble lords

not to include Edmund Rice's Institute in the penal clauses of the Catholic Relief Bill.[256]

Two further petitions on similar lines were presented by Lord Clifden. The first petition was signed by Brother Ignatius Kelly of Mount Sion and countersigned by 1,000 Catholic citizens of Waterford.[257] While it could be expected that the Brothers, their pupils and the parents of their impoverished pupils would be the first to suffer from the loss of the instruction provided free by the Brothers, and would naturally praise the Brothers' achievements, it is the petitions of the Protestant groups that are most interesting and noteworthy. These petitions are remarkable for their lack of any prejudice or hostility to Catholic religious teachers and Catholic schools. Indeed, they pay a most generous and fair minded tribute to the efforts which Edmund Rice's Brothers had made for the social, moral, religious and educational well-being of their less fortunate Catholic fellow citizens. A second Petition was presented on behalf of the Protestant Gentry and inhabitants of the city of Waterford to the House of Lords, 'requesting exemption for Edmund Rice's Institute from the penal monastic clauses of the Catholic Relief Bill'.[258] It is an interesting document in that it lists in a positive way the actual beneficial achievements of the Brothers' School at Mount Sion.

> For many years past they (the petitioners) have witnessed the good which has resulted from the exertions of these men, by sending forth from their schools numbers of well educated boys, by which means they have not only been useful members of society, but have attained respectable situations in Counting Houses, Shops and Trades, so as to enable them not only to support their poor parents, but also in many instances to acquire for themselves very independent establishments in different branches of business.[259]

The British Parliament on 25 September 1834, in the fourth year of the reign of William III, by writ of the Privy Seal, Earl Bathurst, established a Commission of Enquiry into the condition of the poorer classes in Ireland and appointed Commissioners to undertake the task.[260] Each county was to be surveyed by local crown officials. The first

report was published in 1835, Volume XXXII, Parts 1-2, and another volume appeared the following year in 1836, Volumes XXXI - XXXIV.[261] With reference to the First Report of 1835, a number of counties were either not surveyed, or if surveyed, these county reports were not included in the final published report. Among these 'missing counties' was the city and county of Waterford. It would appear that when the required report for Waterford was not forthcoming, these gentlemen were instructed to furnish the missing information or did so voluntarily, out of a sense of public duty.[262] They went to Waterford in early 1834 and surveyed the educational, hospital, mendicity, hospice, asylum and penal establishments in that city. They also include a report on the general state of the population in relation to their economic well being or poverty and to the general social conditions of the ordinary citizens of Waterford. In respect of their report on the schools of Edmund Rice and the benevolent effect of these schools on the pupils, their parents and the local inhabitants, the information of Messrs. Johnston and Moylan is very noteworthy:

> Roman Catholic Schools, Rice's School, (A Monastic Establishment) situated in the parish of Trinity Without in the city of Waterford was instituted in the year 1804 for the gratuitous instruction of poor boys by Mr. Edmund Rice who has expended about £4,000 on the establishment, the greater part of his own property and the remainder derived from pious donations. The building is about 130 feet long and 30 feet wide, there are apartments in it for 16 of the brothers, also 4 school rooms capable of containing 600 boys, three of which are set apart for the use of day scholars. The fourth for men and boys of the labouring classes who come in the evening after work to receive religious instruction. The schools are open every day in the week from ½ past nine till ½ past 2. Children of eight years of age and over are admitted and kept until they have attained the age of 14 and longer if necessary, they are provided with pens ink and slates and paper gratuitously the poorer portion and more deserving among them are clothed at the expense of the establishment as a reward for good conduct and regular attendance in the schools. The instruction is on the Lancasterian system. The boys are taught reading, writing, English Grammar, Geography, Arithmetic, Book-keeping, Geometry, Mensuration, Navigation and surveying. After school

> business is over they are taught Catechism. A library of religious moral and historical works is attached to the school. The religious works are chiefly The Sincere Christian instructed from the written word by Doctor Hay. The Poor Christian instructed from the written word by ditto - Gobinet's Instructions for Youth, Mannings Moral Entertainments, Reeves History of the Old and New Testament, (Graham's & Co. abridged) and other books. They are lent out on Sundays gratuitously as a reward for good conduct and attention to school and the librarian endeavours to give each boy the book most suited to his disposition or that which he may be most in need of : about 500 boys daily attend and about 300 are annually received. The greater number who leave the schools go to trades under their fathers or others some to Merchants offices, some to shops, many emigrate, others go to sea and others join the Army. The funds of this establishment consist of £100 per annum from houses and land the property of Mr. Rice together with subscriptions and Donations collected in the city and neighbourhood amounting to between £90 and £100 from persons of all religious denominations and an annual grant of £50 from the Commission of Education. The expenditure formerly exceeded the income ; but for the last two years they have been enabled to keep within the limit of the income.[263]

A concluding comment by these two officials in this manuscript regarding the civilising and refining impact of the educational and uplifting influences of Edmund Rice's school system on his pupils both at a community and social level, is clearly demonstrated by the startling and rather dramatic statement quoted immediately hereunder:

> Since the establishment of Mr. Rice's schools, the change produced in the general deportment and habits of the people is admitted by all. Previously such was their ferocity and state of uncivilisation that it was not safe for a respectable person to go thro' parts of this city, particularly Ballybricken an attack or grevious assault was certain arising out of religious or political spleen, now though excitement should display itself by unkind and often by unmerited expressions. Yet injury to persons or property is seldom sustained.[264]

These comments provide a reasonable justification from British Crown officials, of the urgent social, religious and educational needs of the poorest class of Irish urban youth in the early 19th century. They

also prove the efficacy and success with which the endeavours of Edmund Rice and his Brothers were rewarded in their heroic and selfless commitment to the youth of Ireland and elsewhere. It is perhaps no exaggeration to say that it was a tragedy of some significance to a truer understanding and appreciation of the development of structures of Irish Catholic education in the 19th century, that the report of Johnston and Moylan, although addressed to the British Parliament from Dublin, on 5 April 1834, never found its way into the official published reports. The discovery of this hitherto unpublished and undiscovered manuscript by the writer of this thesis will hopefully inspire other scholars to pursue similar avenues of scholastic investigation.

It is necessary in view of the rather disorganised and unstructured format of most of the educational facilities which provided schooling for the bulk of the Irish Catholic population, to return to the early 1820's to get a perspective on the development of this unsatisfactory situation and to get some indication as to what proposals were put forward to deal with it. There was in existence a society familiarly called the Kildare Place Society, but formally known as the Society for the Promotion of Education of the Poor of Ireland.[265] When founded in 1811, the sincere and genuinely philanthropic aim of its originators was to promote non-sectarian education as a means of achieving a structured system of elementary education devoid of the more divisive, religious, cultural, social and ethnic elements, which might be found in any other system structured on strictly denominational and ethnic lines. The aims of the Kildare Place Society were received with less scepticism than that which previous similar undertakings were viewed by a suspicious Catholic clergy. This was particularly so at a time when English based Evangelical and Bible Societies were actively engaged in offering to minister to the educational needs of the Irish people under the guise of various forms of barely concealed proselytism.[266] Some Catholic schools co-operated with the scheme run by the Kildare Place Society and received government aid through its aegis, at a time, when even in

England itself, no government funding was provided for education as such. The British government was generous with its aid to the Kildare Place Society - a non governmental agency. Between 1811 and 1831 the government provided £2 ½ million in grants to the Society.[267]

With the passage of time, suspicions grew and hardened on the part of Catholics that the non-denomination character of the system of education provided by the Kildare Place Society was becoming compromised. Many Catholics became more sceptical of the 'religious neutrality' of the work of the Society in the schools, than of the more open and patently aggressive proselytism of the other bible societies. When Daniel O'Connell, a patron of the Society, withdrew his support from it in 1822[268] and Lord Cloncurry resigned as a Vice-President of the Society in 1826,[269] the suspicions of both the Catholic clergy and Catholic parents as to its deviation from its founding principles were confirmed. It was only a matter of time until it would rank no higher in the public conscience as a bona fide non-denominational educational society than the more blatant proselytising bible societies.

In contrast the 'Hedge Schools' and their teachers, so frequently despised by the ascendancy, attempted to fulfil the needs of those Catholics who could afford the small fees required. The masters of those schools drew heavily on the tradition of bardic and medieval school systems: the curriculum of the schools was based on Latin literature. This earlier Bardic school programme also encompassed the study of Brehon, Roman and Norman laws and legal practices. In addition it included the specific study of Medicine, Gaelic literature, while poetry and history formed a vital part of the wider curricular programme. In an era of penal restrictions on any form of Catholic educational endeavour in the 18th century, elements of this Bardic school programme composed of so many diverse elements of learning and knowledge, was transformed by the hedge schools into a popular system of literary and mathematical education.[270] These early hedge Schools, their very name denoting their

precarious existences in primitive locations, were patronised increasingly by a people, desperate for learning, when all other avenues of legitimate educational opportunity were denied to them.

In time, these hedge schools became very numerous. A Royal Commission in 1812 reported over 4,000 of them in existence.[271] Moreover, the Commissioners admitted that the Irish peasants were obtaining an education for themselves:

> And though we conceive it practicable to correct it, to check its progress appears impossible; it may be improved but it cannot be impeded.[272]

Allowance must be made for the deficiencies inherent in the Hedge School programme of instruction which lacked any uniform structure. They were generally situated in unsuitable accommodation, with almost non-existent equipment and a curriculum, which was not standardised and which varied from school to school in quality and content. Yet nonetheless, these hedge schools, for all their shortcomings and inadequacies, were a success from the perspective of the numbers attending them and their provision for some form of basic education. The proof of this view is supported by the comments of the Commissioners of Irish Education Inquiry in 1825 in their First Report:

> We are convinced that if a thousand children educated in the Charter Schools were to be compared with an equal number who had remained in the apparently wretched cabins inhabited by their parents, but who attended orderly and well-regulated day-schools, it would be found, not only that the latter had passed their years of instruction far more happily for themselves but that when arrived at the age of manhood, they would upon the average be in every respect more valuable and better instructed members of society.[273]

In 1824, a Royal Commission on Education in Ireland was under consideration and the Irish Catholics Bishops sent a petition to the British government in that year outlining the requirements which they would find necessary in any acceptable scheme of education:

> The literary and religious of instruction are

> universally combined, and no system of education which separates them can be acceptable to the members of our religious communion; that the religious instruction of youth in Catholic schools is always conveyed by cathecetical instruction, daily prayer and the reading of religious books wherein the Gospel morality is explained and inculcated ; that Roman Catholics have ever considered the reading of Sacred Scripture by children (without the necessary explanation and elaboration) as an inadequate means of imparting religious instruction to them.[274]

This uncompromising stance of the Irish Catholic Bishops was not welcomed. Compromise would have to play its part, if the unregulated hedge school arrangements were to be replaced by one in which government funding, so essential to cash-starved Catholic parishes, was to be provided. An educational system in which the Catholic bishops would have access not only to funding, but to some degree, of control in relation to the nature and quality of the religious programme of instruction along with the appointment of the teachers of religious instruction would be required. It was recognised, however, that compromise there would be needed. The Commissioners found that:

> Catholic schools possessed a character so peculiar and distinct, that few Protestants had ever been known to attend them because the religious and general instruction was so bound together and unless the course of teaching should be wholly changed then such schools could never afford any other than a strictly Roman Catholic Education.[275]

No government funding could be given to such a school. But with regard to the schools of Edmund Rice's Institute, the Commissioners were of the opinion that they

> ... appeared to be capable of extension so as to admit the possibility of forming the basis of a system of education, which might readily be made to comprehend a great majority of the Roman Catholic children.[276]

7.7 Conclusion

It is of interest to note that the Institute of the Brothers of the Christian Schools were willing to appear before the 1825 Commissioners

of Irish Education Inquiry and to submit their principles of education, their pedagogic practices and all the other facets of their daily work to the fullest scrutiny. The Brothers had no fear of the consequences on this level from a purely Catholic educational viewpoint. On the instructions of Edmund Rice, who was ill at the time, Brother Bernard Dunphy, Director of the Brothers' School at Hanover Street East in Dublin gave a lengthy sworn statement to the Commissioners concerning Hanover Street school in particular and all the other schools of the Brothers in general, since the Commission accepted that all the schools operated the same system and principles in common.[277] The actual description of the Hanover St School in relation to the buildings, in addition to full details of the equipment, the curriculum, daily pedagogic horarium, the numbers of Brother-teachers, the number of pupils and their social and economic background were given.[278]

It is useful at this point to quote the broad religious and socio-educational principles, which Brother Dunphy quoted as being the raison d'être of his Institute.

> Mr. Dunphy states, that although the first object of the Congregation is the education of poor children and instruction in the Roman Catholic religion, they are not prohibited from giving literary instruction to Protestants; and that they have in fact had some few Protestant scholars in the schools; and that they endeavour to implant in the children principles of loyalty and fidelity to their Sovereign, not only from duty, but in gratitude, and that they teach charity and goodwill to mankind, without distinction of religion.[279]

It would appear that these noble Christian virtues and civil responsibilities so highly thought of by the Brothers and so carefully inculcated by them in their pupils did not merit the same value by the Duke of Wellington and Sir Robert Peel. This was quite clear in the drawing up of the discriminatory terms of the anti-Catholic penal clauses in the Catholic Relief Act of April 1829.[280] The 'Catholic Emancipation Act' could be considered neither charitable nor fair-minded. It failed to meet the criteria of equity and justice, which are basic elements in any

law which seeks the respect and allegiance of loyal subjects. This 'Catholic Relief' legislation imposed drastic penalties on Edmund Rice's Institute, as it also did on the Jesuits and other religious orders. This had a marked effect on the development of Catholic education in Ireland.

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[1] The Complete Papal Brief Ad Pastoralis Dignitatis Fastigium is reproduced in its original Latin form in the Positio Super Virtutibus, Ch. 8, Document 14, pp. 257-262.

[2] An English Translation is provided, at the end of The Rules and Constitutions of the Society of the Religious Brothers (Dublin: Printed for the Brothers by Joseph Blundell, Nelson's Lane, Dublin. 1832), pp. 51-57. The earliest extant translation can be found in Archbishop Bray's Papers, ref. 1920/1. in the Cashel Archdiocesan Archives, Thurles, Co. Tipperary.

[3] Positio Super Virtutibus, Ch. 9, p. 264.

[4] Propaganda Fide Archives, Rome, ref. APF, SC. Irlanda, 1819, Vol. 22, f357, 4 December 1917.

[5] For Explanation of term "Origin" see ref. 199, Ch. 5 of this Thesis.

[6] Positio Super Virtutibus, Ch. 8, p. 229.

[7] Rev. Canon Patrick Power, Waterford and Lismore, (Cork University Press, 1937), p. 37.

[8] W. A. O'Hanlon, The Early Brothers of the Society of the Presentation, cited in The Christian Brothers Educational Record 1979, p. 133.

[9] See ref. 234, Ch. 8 of this Thesis.

[10] Normoyle, A Tree Is Planted, pp. 144-145.

[11] Normoyle, A Tree Is Planted, p. 137.

[12] Ibid.

[13] *Scritture Riferite nei Congressi, Irlanda*, 1820, Vol. 923, F. 472-3, 8 June 1821 (*Propaganda Fide* Archives, Rome).

[14] Normoyle, A Tree Is Planted, p. 137.

[15] Positio Super Virtutibus, Ch. 9, p. 265.

[16] Ibid.

[17] Positio, Ch. 8 Document 12, pp. 253-255. also ref. No. 205/8. Waterford Diocesan Archives, Bishop's House, John's Hill, Waterford. (Letter of Right Rev. Robert Walsh, Bishop of Waterford and Lismore to the Monks and Presentation Nuns of the United, Dioceses of Waterford and Lismore) Tivoli, Rome, 20 June 1820.

[18] Positio, Ch. 9, p. 265.

[19] Ibid.

[20] Letter of Archbishop Daniel Murphy, Dublin. to Cardinal Fontana Dublin. 7 May 1821. *Propaganda Fide* ref. APF, SOCG, Vol. 923. p.2, f465/466.

[21] Positio, Ch. 9, p. 265

[22] Letter of Archbishop James Troy of Dublin, to Cardinal Fontana Dublin, 2 June 1821, *Propaganda Fide* ref. APF,SC., Irlanda, 1820-22. Vol. 23, f382. It is of interest to note that Cardinal Perdicini replied, to Archbishop Troy on 11th August 1821 and made it clear in his letter to Archbishop Troy, that it was he, Archbishop Troy who suggested, the inclusion of Article 14 into Edmund Rice's Papal Brief - ref., APF, IDSC, 1821, Vol. 302, f.347.

[23] Positio, Ch. 9, p. 266.

[24] A. L. O'Toole, A Spiritual Profile of Edmund Ignatius Rice Vol. II (Bristol: published for The Congregation of the Christian Brothers, Liverpool, by the Burleigh Press, 1985).

[25] Positio, Ch. 9 Document No. 2, p. 275, Letters of Edmund Rice to Cardinal Fontana, Dublin 8th June 1821, *Propaganda Fide* Reference. APF, SOCG, 1820, Vol. 923, f472-473.

[26] In Apostolicae Dignitatis Solio, Pope Benedict XII, 1725, D. S. Blake, "The Christian Brothers and Education", p. 50, footnote No. 50.

[27] W.A. O'Hanlon, The Early Brothers of the Society of the Presentation in the Christian Brothers Educational Record, 1979, p. 135.

[28] Positio, Ch. 9, p. 267.

[29] Positio, Ch. 9, Document No. 3, pp. 277-278.

[30] The two original Documents of Thurles are in the Generalate Archives in Rome. ref. IR3. No's 35 and 35a. Secondary ref. F. 0058 and F.0059.

[31] W. A. O'Hanlon, The Early Brothers, p. 141.

[32] A. L. O'Toole, A Spiritual Profile Vol. II, pp. 191-192.

[33] Louis Mc Redmond, To the Greater Glory, A History of the Irish Jesuits (Dublin: Gill and Macmillan, 1991), pp. 135-243.

[34] Ibid., pp. 121-177, also pp. 201-222.

[35] Positio, Ch. 9, Document No. 5, pp. 280-281, See Roman ref., at 37 below, and A. L. O'Toole A Spiritual Profile Vol. II, pp. 197-198.

[36] Positio, Ch. 9, p. 268.

[37] History of the Institute Vol. I, Non listed author (Dublin: Bray Printing Co, 1958-61, 3 Vols. Vol. 1, p. 5).

[38] Positio, Ch. 9, Document No. 5, pp. 280-281.

[39] Origin, p.37, Generalate Archives, Rome.

[40] Ibid., p. 38.

[41] Positio, Ch. 9, p. 269.

[42] M. C. Normoyle, A Tree Is Planted, Appendix XX, p. 647 and Positio Ch. 14, p. 496.

[43] J.D. Fitzpatrick, Edmund Rice, p. 37.

[44] Normoyle, A Tree Is Planted, pp. 16-17.

[45] W. M. McCarthy, Edmund Rice and the Christian Brothers etc., pp. 51-52.

[46] J. D. Fitzpatrick, Edmund Rice, p. 45.

[47] Ibid., pp. 60-61.

[48] The only account of the religious training offered to Edmund's earliest companions are to be found in published biographies of the lives of some of the more outstanding educationalists among the early members of the Congregation, or in unpublished academic theses on similar lines written by post-graduate students for higher university degrees. An example of each of these categories would include Daniel V. Kelleher's biography of Brother James Dominic Burke and D. S. Blake's doctoral thesis on Brother John Austin Grace. Outside of that type of material there is a paucity of official Institute documentation of the detailed programme of religious formation which had to be undertaken by postulates seeking admission to membership of the Institute of Christian Brothers.

[49] M.C. Normoyle, A Tree is Planted, (Published by the Irish Christian Brothers for Private circulation, 2nd edition 1976), Appendix XX, pp. 467-469.

[50] Ibid., p. 467.

[51] M.C. Normoyle, A Tree is Planted, Appendix XX, p. 467.

[52] Ibid.

[53] Ibid., pp. 467-468.

[54] Ibid., p. 468.

[55] D. S. Blake, "The Christian Brothers", p. 39.

[56] The Society of Jesus: The Jesuits in Dublin (Dublin: John F. Fowler, 3 Crowe St, Dame St., 1854), p.114. The Jesuits upon their restoration in Ireland in 1814 purchased Castle Browne, Co. Kildare, which they opened as a boarding school and to which they attached their novitiate. This novitiate was transferred some years later Tullabeg, Co. Offaly.

[57] D.S. Blake, "The Christian Brothers", p. 39.

[58] John S. Crone, A Concise Dictionary of Irish Biography (Dublin: The Talbot Press, 1928), p. 112.

[59] T. J. Walsh, Nano Nagle and the Presentation Sisters (Monasterevan Co. Kildare: Presentation Generalate, 2nd edition 1980), p. 164.

[60] Positio Super Virtutibus, Ch. 10, p. 298. Roman Reference, Congregation of the Christian Brothers Inheritance Collection 1 1982, pp. 106-108, also "Brother Ignatius Rice and the Presentation Brothers" in Presentation Record No. 6, p.39. file F.0346, Generalate Archives Rome.

[61] Edmund Austin Dunphy, Origin, Rise and Progress of the Institute of the Society of Religious Brothers in Ireland c.1845 Roman Reference Origin, Ir, No. 9, pp. 4-5. F.003X, 0053, Generalate Archives Rome.

[62] Positio, p. 299. Inheritance Collection 1, p.106, as at reference 16 above.

[63] D. S. Blake, "Austin Grace", p. 40, footnote no. 50, p. 433.

[64] Ibid., pp. 40-41.

[65] William L. Gillespie, The Christian Brothers in England 1825-1880 (Bristol: Burleigh Press, 1975), p. 14.

[66] Ibid.

[67] Thomas Joseph Hearn, The Government and the Novitiate of the Brothers of the Christian Schools with their Resources and Liabilities - also called, "Government and Novitiate 1859" (on the spine) in Ms. form of 73 pages, p. 27. Generalate Archives Rome (IR.- 2, 47, p.27), file 37.

[68] Thomas J. Hearn, "Government and Novitiate", p. 28.

[69] Ibid., p. 29.

[70] Ibid.

[71] Ms. Applications for Brothers to open Establishments Book 1 1825-1854, ref. Ir - 1 24 Generalate Archives Rome.

[72] Educational Record 1914, Necrology, Brother Thomas Regis Hughes 1841-1913, pp. 212-227.

[73] "Memoir of Brother Patrick Ellis, 1792-1859", Educational Record, 1892, p. 111.

[74] Ibid., pp. 109-110.

[75] William Grace S.J. Georgetown, U.S.A., to Pierce Grace Cappahayden Callan, Co. Kilkenny, 20th September 1821. Contained in the Grace American File, 5R-4, No. 6. Generalate Archives Rome.

[76] Educational Record, 1892, op. cit., p. 109.

[77] Rules and Constitutions of the Society of Religious Brothers (Printed by Joseph Brundell, Nelson Lane, 1832), p. 53.

[78] Positio, Ch. 13, Document No. 5, pp. 460-461.

[79] Presentation Rule 1809, Ms, First Part, Chapter VII, Articles 1 and 3, (printed in the Educational Record 1981), pp 168-169.

[80] D. S. Blake, "Brother Austin Grace"

[81] Ms. General Register 1802-1878, General Archives, Rome.

[82] Ms. Novitiate Register 1823-1842, General Archives, Rome.

[83] Liber Mortuorum, 1978, General Archives, Rome.

[84] D. S. Blake, "Austin Grace", pp. 43-44.

[85] Positio, Ch. 14, p. 496.

[86] Ibid., Ch. 14, Document No. 10, p. 522.

[87] M.C. Normoyle, The Roman Correspondence - Treating of the Early Years of the Institute of Edmund Rice 1803-1844 (Dublin: The Christian Brothers - for private circulation, 1978), Document No. 62, p. 158.

[88] Ibid.

[89] Ibid.

[90] Ibid., footnote 1, p. 159.

[91] Rules and Constitution of the Society of Religious Brothers (Dublin: Printed by Joseph Brundell, Nelson Lane, 1832), Ch. XVI, Art. 25, p. 26.

[92] Ibid., Ch. XVI, Of the Vows, Art. 3 & 4, pp. 25-26.

[93] D. S. Blake, "John Austin Grace", Vol. 1, Chronology, p. ii.

[94] Ibid., p. 70.

[95] Father Peter Kenny S.J. Clongowes Wood to Edmund Rice, 31 January 1826, "Rice Correspondence File," No. 62, Generalate Archives, Rome.

[96] Ibid.

[97] Ibid.

[98] *Vide* references nos. 213-217, Chapter 5 of this Thesis.

[99] The First Letter dated 8 May 1826 in the Paris letters File. Generalate Archives, Rome (Photocopies of the originals are in the Generalate Archives of the De La Salle Brothers in the *Via Aurelia*, Rome, ref: FSC: En. 655-1, D.I-7.

[100] De La Salle General Archives, *Via Aurelia*, Rome reference FSC: En. 655-1,3. Br. Austin Dunphy, second assistant to Bro. Rice wrote a letter dated 28 July 1826 to the De La Salle Superior General, Frere Guillaume, thanking him for forwarding copies of the following De La Salle Manuals; i) *Regles et Constitutions*; ii) *La Conduite*; iii) *Les Douze Vertus*; iv) *Le Recueil*; v) *Le Devoir*; vi) *La Civilite*; and vii) *Meditations pour tous les Dimanches de l'annee; Exercices de Piete*. Some of these volumes were circulated in

manuscript form in an English translation. They were later adapted for the use of Brother Rice's Institute and were put into printed form in the 1840s.

[101] The letter containing this quotation is not now extant. It is quoted, however, in a letter which Edmund Rice wrote to the French Superior General on 20 February 1832, seeking permission to send two Irish Brothers to Paris to study the rules and practices of the De La Salle Novitiate in Paris, ref: FSC: En. 665-1 D.7, De La Salle Generalate Archives, Rome.

[102] In letters to Frere Guillaume the De La Salle Superior, General Brother Joseph Leonard over a year period 1826-18 wrote away letters in which the following phrases were used; (i) "...the Parent Institute upon which ours is grafted" 15 February 1827, FSC: En. 655-1, D.2,2; and (ii) "I know you are interested in your Irish Brothers" 29 October 1827, FSC: En, 665-1, D.2,3; and (iii) "You give me grounds for believing that you look upon us as you do those of your own Institute" 28 February 1828, FSC: En. 655-1, D.3,1; and (iv) "Your constant interest in your Irish Brothers" 8 October 1828, FSC: En. 655-1, D.3,5. All these references refer to the De La Salle Generalate, Rome.

[103] D. S. Blake, "Bro. John Austin Grace," Vol. 2, p. 432. Ms. Book of Changes 1832-1843, General Archives, Rome.

[104] Brother Bernard Dunphy and Ignatius Barry, "The De La Salle System and the Visit to France 1832", a 223 page Ms. in report form for the Superior General, ref. Ir-2, 29, Generalate Archives, Rome.

[105] Positio Super Virtutibus, Ch. 13, Document No. 12, p. 455.

[106] Ibid., Document No. 3, pp. 456-457.

[107] Ibid., Document No. 4, pp. 458-459.

[108] Ibid., Document No. 6, pp. 462-463.

[109] Ibid.

[110] M.C. Normoyle, A Tree is Planted, Appendix XX, p. 468.

[111] Cited in Normoyle, A Tree Is Planted.

[112] Ibid.

[113] Ibid.

[114] Ibid.

[115] History of the Institute Vol. III, p. 17.

[116] Ibid., p. 18.

[117] Ibid.

[118] Ibid., p. 17.

[119] Positio, Ch. 9, Document No. 5, pp. 280-281, 24 January, 1823, ref. ADF, SOCG, Irlanda 1826-1827, Vol. 24 f.23-24.

[120] Positio, Ch. 9, Document No. 6, p. 282, 31 March 1823, Same Roman ref. except f.61.

[121] *Vide* ref. 234, Ch. 6 of this thesis.

[122] Positio, Ch. 9, p. 270.

[123] Ibid., Ch. 8, Document No. 14, p. 259. *Vide* ref. 250, Ch. 6 of this thesis.

[124] D. S. Blake, "The Christian Brothers and Education in the 19th Century Ireland", (Unpublished M.Ed., Thesis, UCC, 1977), p. 32.

[125] Appendix to the Second Report of the Commissioners of Inquiry (Abstract of Returns in 1824, from the Protestant and Roman Catholic Clergy in Ireland on the State of Education in their respective Parishes) 1826-27, (12) XII, 1, reprinted in M.C. Normoyle, A Tree is Planted, (Second Edition 1976, For Private Circulation), p. 449.

[126] St. Mark's Gospel, Ch. 10 Verses 13-16 From the Holy Bible- Revised, Standard Version, (New York: Thomas Nelson Inc., 1971), p. 1066.

[127] *Propaganda Fide*, ref. No. APF, SC., Irlanda, 1823-27, Vol. 24, f.23-24.

[128] Ibid., ref. APF. LDSC, 1821, Vol. 304 f.441-442, (Letter from *Propaganda* ...).

[129] Letter of Bishop Kelly of Waterford, to *Propaganda Fide*, 13 September 1823, ref. APF, SC., Irlanda, 1823-1827, Vol. 24, f.137-138.

[130] Ibid.

[131] *Propaganda Fide* ref., APF, SC. Irlanda, 1823-27, Vol. 24, f.23-24.

[132] Positio, Chapter 9, p. 272.

[133] Royal Irish Academy Archives, Dublin, Halliday Pamphlets, 1824, Vol. 1294, No. 2.

[134] Positio Ch. 9, Document No. 10, p.289. Roman ref. as at ref. 49, except the Folio "F" number is f.258.

[135] Ibid., Document No. 9, p.287, Roman Reference as at ref. 49 except the folio "F" number is f.258.

[136] This is a letter of Edmund Rice of Waterford, 6 April 1824, to Pope Leo XII. It is not recorded in the *Propaganda Fide* Archives. It is in English and is possibly a draft of his subsequent letter, in Italian, of 22 May 1824 to the Holy Father. This draft letter in its original form and script is in the Archives of the Brothers Generalate in Rome.

[137] *Vide* ref. no. 52.

[138] Ibid.

[139] Ibid.

[140] St. Matthew's Gospel, Ch. 25, Verse 11. Book reference as in ref. 44, but p. 1048.

[141] D. S. Blake, "The Christian Brothers and Education in 19th Century Ireland", p. 35.

[142] Ibid.

[143] Mount Sion House Annals.

[144] Ibid.

[145] Ibid.

[146] *Vide* reference 43 of this Chapter.

[147] M. C. Normoyle, A Tree is Planted, Appendix XI, p. 449.

[148] Ibid.

[149] Ibid.

[150] *Propaganda Fide* ref. APF, SC. Irlanda, 1823-27, Vol. 24, f.258.

[151] Copy of Edmund Rice's Memorial is in the Generalate Archives, Rome.

[152] The Catechism in question was "The Catechism of Christian Doctrine, complied by Archbishop James Butler of Cashel" (1774-1791) - no known publisher or date, c. 1780.

[153] *Vide* ref. 69 above.

[154] Ibid.

[155] Ibid.

[156] Ibid.

[157] D. S. Blake, "The Christian Brothers and Education in 19th Century Ireland", p. 38.

[158] Irish Statute, 21 and 22 Geo. III, c.62. July 27 1782. (Gardiner's 3rd Catholic Relief Bill permitting Catholics to teach with conditions attached, but the English Statute, 31, Geo. III, c.32, 24 June 1791, Section XVII, made it unlawful to found, endow, or establish any religious order or society of persons bound by monastic or religious Vows or to found, endow , or establish any school, Academy or College by persons professing the Roman Catholic Religion. See J. D. Fitzpatrick, Edmund Rice, pp. 37-38.

[159] D. S. Blake, "The Christian Brothers and Education in 19th Century Ireland", pp. 37-38.

[160] Cork Southern Reporter, 21 May 1820.

[161] M. C. Normoyle, A Tree is Planted, pp. 151-153.

[162] Ibid.

[163] J. D. Fitzpatrick, Edmund Rice, pp. 196-197.

[164] William Gillespie, The Christian Brothers in England 1825 to 1880 (Bristol: Published, by the Burleigh Press Bristol for the Christian Brothers, The Priory, Bath, Somerset, 1975).

[165] D. K. Akenson, The Irish Education Experiment, p. 202.

[166] Ibid.

[167] Ibid., pp. 203-204.

[168] Ibid., p. 204.

[169] Ibid.

[170] Ibid., p. 202.

[171] Ibid., pp. 206-208.

[172] J. D. Fitzpatrick, Edmund Rice, p. 172.

[173] Ibid.

[174] T. J. Walsh, Nano Nagle and the Presentation Sisters 2nd Edition (Monasterevan, Co. Kildare, Presentation Sisters' Generalate 1980), pp. 188-191.

[175] Ibid.

[176] Ibid., p.191 - Note: The Minute Books of the Cork Charitable Community are preserved in the Archives of the Presentation Brothers' Generalate, Mount St. Joseph's, Cork City.

[177] Ibid.

[178] Ibid., pp. 192-193.

[179] Ibid.

[180] J. D. Fitzpatrick, Edmund Rice, p.172.

[181] T. J. Walsh, Nano Nagle, pp. 192-193.

[182] J. D. Fitzpatrick, Edmund Rice, p. 172.

[183] T. J. Walsh, Nano Nagle, p. 193.

[184] Ibid.

[185] Positio, Ch. 10, p. 308.

[186] Ibid., Ch. 10, p. 297.

[187] T. J. Walsh, Nano Nagle, p. 91.

[188] Ibid., pp. 79-87.

[189] Ibid., pp. 98-99.

[190] Positio, Ch. 8, p. 225.

[191] A Sister of Charity, The Life and Work of Mary Aikenhead (London: Longmans, Green and Co, 1924), p. 91. Also ref. Dublin Diocesan Archives, Murray Papers, ref. AB3-31-5(38).

[192] Ibid., p. 92. Alternate ref., Decree of Pope Gregory XVII, 30 June 1836, Dublin Diocesan Archives, Murray Papers, ref. AB3-31-5 (39) this also included, Loretto Nuns and the taking of Perpetual Vows.

[193] M. C. Normoyle, A Tree is Planted, pp. 159-160.

[194] Ibid., p. 161.

[195] Positio, Ch. 10, p. 306.

[196] Ibid.

[197] St. Matthew's Gospel, 6.32 The Holy Bible, Revised, Standard Version, 2nd Edition (New York: Thomas Nelson Inc., 1970), p. 1024.

[198] Positio, Ch. 10, p. 301, and M. C. Normoyle, A Tree is Planted, p. 162.

[199] Ibid., in regard to both references.

[200] Positio, Ch. 3, pp. 45 and 46 and Ch. 3, Document No. 2, p. 50.

[201] M. C. Normoyle, A Tree is Planted, p. 162.

[202] Ibid., pp. 162-163.

[203] Ibid.

[204] Positio, Ch. 10, pp. 301-302 and Presentation Record No. 10. The Presentation Record 1916-20 (No's 4-17) was published in Cork by the Presentation Brothers in their Generalate, at Mount St, Joseph's. It was edited, in those years by Brother De Sales Mehigan and contained, articles and commentaries in the Annals of the Presentation Brothers Institute, necrologies of deceased, Brothers, Anecdotes of Brothers and pupils, reports of school work, devotional and educational articles and poetry It was a quarterly publication and Continued, from January 1916 to April 1920.

[205] Letter of Brother Bernard Dunphy, to Archbishop Murray of Dublin, 26 November 1840. Dublin Diocesan Archives, Murray Papers, ref. AB3-33-5(14).

[206] Ibid.

[207] M. C. Normoyle, A Tree is Planted, p. 163.

[208] Letter of Edmund Rice, to the De La Salle Superior General, 19 August 1926, De La Salle Generalate Archives, *Via Aurelia*, 476, Rome.

[209] M. C. Normoyle, A Tree is Planted, pp. 163-4.

[210] Ibid., p. 164.

[211] Ibid.

[212] Presentation Record No. 9, January 1918. Presentation Brothers Generalate Archives, Cork.

[213] M. C. Normoyle, A Tree is Planted, p. 164.

[214] Positio, Ch. 5, p. 100.

[215] Second Report of the Commissioners on Public Instruction (Ireland) 1835 (47) XXXIV. 1. p. 112.

[216] Ibid.

[217] M. C. Normoyle, A Tree is Planted, p. 164.

[218] Ibid.

[219] Ibid.

[220] Ibid.

[221] As at Reference 129 above.

[222] (a)Cork Post Office General Directory, p. 99.
(b) South Monastery Cork Account Book, May 1845.
(c) Annals of the Presentation Monastery, Killarney.

[223] Positio, Ch. 10, p. 304, and The Pittsburgh Catholic, 8 July 1848.

[224] Positio, Ch. 10, Document No. 2, p. 310, citing an extract from the Annals of the Presentation Monastery, Douglas St, Cork, pp. 1-5, now in their Generalate Archives, Mount St, Joseph's, Cork.

[225] Positio, Ch. 10, p. 297.

[226] Positio, Ch. 10, pp. 297-298.

[227] Letter of Brother Edmund Rice, 16th October 1829, Frere Guillaume, De La Salle Superior Generalate, Archives of De La Salle Generalate, *Via Aurelia*, 476, Rome.

[228] St. Matthew's Gospel, Ch. 13, V.57, Reference as at ref. 44, p. 1034.

[229] Positio, Ch. 10, p. 297

[230] Ibid.

[231] The Irish Catholic Directory 1975 (Dublin: James Duffy and Co, Ltd. 1975), p. 383.

[232] Positio, Ch. 10, Document 13, p.332, Extract from The Constitutions of the Presentation Brothers 1975, Part 1, Chapter 1, Constitution No. 3.

[233] Brief of Approbation, 1820, *Ut pauperes adolescentes tum Christianae Fidei rudimenta, tum letteras.....gratis edocerentor*.

[234] Bro. Michael Paul Riordan to Rev. Dr. Paul Cullen, Irish College, Rome, 11 March 1843, Cullen Correspondence, Archives Irish College, Rome No. 779.

[235] A scholarly treatment of the many Protestant educational Societies operating in Ireland at this time is to be found in an unpublished thesis, J. J Sullivan, "The Education of Irish Catholics, 1782-1831" (Queen's University, Belfast, Ph.D., 1959).

[236] T. J. Corcoran, Education Systems in Ireland from the close of the Middle Ages (Dublin: Dept. of Education, U.C.D., 1928), p. XXI.

[237] First Report of the Commissioners of Irish Education Inquiry 1825 (400) XII. 1.

[238] James Mc Caffery, History of the Catholic Church in the Nineteenth Century Vol. II (Dublin: M.H. Gill and Son, 1909), p. 216.

[239] First Report of the Commissioners of Irish Education Inquiry 1825 (400). XII. 1. Appendix No. 249.

[240] James Godkin, Education in Ireland (London: Saunders, Otley, and Co., 1862), p. 50.

[241] H. G. Inglis, Ireland in 1834 - A Journey through Ireland In Spring, Summer, Autumn of 1834 (London: Whittaker and Co, 1834), pp. 65-66.

[242] Practical Observations on The First Report of the Commissioners on Irish Education, 1825 (British Museum, London, p.21080, T.1135), pp. 31-33.

[243] J. E. Gordon, Practical Observations of the First Report of the Commissioners on Irish Education (London: Richardston and Co., 1826), pp. 32-33.

[244] Irish House of Commons Journal 1799, Vol. XVII, 22 February 1799, p. 32. Early Printed Books Dept, T.C.D., Dublin.

[245] Ibid., 26 February 1799, p. 42.

[246] British Act of Union, 40 Geo. III, c.67, 2 July 1800, and Irish Act of Union, 40 Geo. III, c.38, 1 August 1800.

[247] J. C. Normoyle, A Tree is Planted, p. 160.

[248] House Annals, North Monastery, Cork. Memorial of Richard Lovell Edgeworth, 18 November 1824.

[249] R. H. Ryland, History, Topography and Antiquities of the County and City of Waterford (London: Murray and Co. 1824), pp. 187-188.

[250] Roman Catholic Relief Act, United Kingdom Statute, 10 Geo. IV, c.7, April 13 1829 - Section II (Oath of Allegiance) and Sections XXVI - XXXVII (Prohibition of Male Catholic Religious Orders).

[251] John S. Crone, A Concise Dictionary of Irish Biography (Dublin: The Talbot Press, 1928), p. 168.

[252] Letter of Sir John Newfort, M.P., to Lord Melbourne, House of Lords London, 1829 - Copy of letter in Generalate Archives, Rome.

[253] The History of the Institute Vol. I, (Dublin: Bray Printing Co., Ormond Quay, 1958-61), pp. 131-133.

[254] Ibid.

[255] Ibid.

[256] Hansard's Parliamentary Debates Vol. XXI (New Series), 10 April 1829, p. 619.

[257] The Christian Brothers Educational Record, 1895, p. 87 cited in J. D. Fitzpatrick, Edmund Rice, p. 213.

[258] The Christian Brothers Educational Record, 1895, p. 97 cited in J. D. Fitzpatrick, Edmund Rice, pp. 214-215.

[259] Ibid.

[260] British Parliamentary Commission of Enquiry into the State of Poverty in Ireland, 25 September 1834, 4 William III. By writ of Privy Seal, Earl Bathurst.

[261] Reports of the Commissioners for inquiring into the Condition of the Poorer Classes in Dublin, 1835, Vols. XXXI - XXXIV, National Library of Ireland, Dublin.

[262] Ibid. Note: the pages of this manuscript are not numbered, but follow a natural sequence in relation to topics reported on. The very lengthy quotation is transcribed exactly as it was written in the manuscript and it will be included in the Appendices to this thesis. It is given in report form. Normal paragraphs, punctuation, etc, were omitted by the compilers of the report.

[263] Ibid.

[264] H. Kingsmill Moore, An Unwritten Chapter of the History of Education (London: Macmillan and Co. Ltd., 1904). This volume can be regarded as the official history of the Kildare Place Society.

[265] J. J. Sullivan, "The Education of the Irish Catholics 1782-1831", unpublished Ph.D. thesis, Queen's University, Belfast, 1959, pp. 250-299. This thesis covers in detail the proselytising activities of these English and Irish banned Protestant Evangelical and Bible Societies.

[266] Colonel E. Connolly to the Duke of Wellington, May 1928, Kildare Place Mss. 3/42 quoted in N. Atkinson, Irish Education: A History of Educational Institutions (Dublin: Hodges Figgis, 1972), p. 70.

[267] H. Kingsmill Moore, An Unwritten Chapter, p. 82.

[268] Ibid., pp. 82 and 85.

[269] M. C. Normoyle, A Tree is Planted, p. 268.

[270] XIV Report of the Commissioners of the Board of Education in Ireland. View of the Chief Foundations with some general remarks. 1812-13 (21) V.221 also M. C. Normoyle, A Tree is Planted, p. 268.

[271] First Report of the Commissioners of Irish Education Inquiry 1825 (400) XII. 1. p. 102, quoting the Report of 1812.

[272] First Report 1825 Commission, p. 29.

[273] Ibid., p. 1.

[274] Ibid., p. 91.

[275] Ibid.

[276] Ibid., pp. 85-86 (Summary) Brother Dunphy's Actual Evidence is contained in Appendix to Report of Commissioners on Education in Ireland 1825, pp. 749-758.

[277] Ibid.

[278] Ibid.

[279] Ibid.

[280] Roman Catholic Relief Act 1829, 10 Geo. IV, c.7 April 13th 1829, Sections XXVI - XXXVII, Berkeley Library, T.C.D.