

ROXBOROUGH SCHOOLS, LIMERICK (CORRESPONDENCE).

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RETURN to an Order of the Honourable The House of Commons,  
dated 5 May 1896 ;—for,

COPIES “ of (1) Correspondence between His Lordship the Bishop of Limerick and the Chief Secretary in reference to the Endowment Scheme concerning Roxborough Schools at Limerick ; (2) Correspondence between the Bishop of Limerick and the Judicial Educational Commissioners on same subject ; (3) Letters of the Bishop of Limerick to the Lord Lieutenant of Ireland on same matter ; and (4) Copy of the Memorial of the Mayor, Aldermen, and Burgesses of the City of Limerick to the Lord Lieutenant on this same subject.”

Dublin Castle, }  
16 May 1896. }

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J. B. DOUGHERTY.

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(*Mr. O’Keeffe.*)

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*Ordered, by The House of Commons, to be Printed,*  
*24 July 1896.*

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COPIES of (1) Correspondence between His Lordship the Bishop of Limerick and the Chief Secretary in reference to the Endowment Scheme concerning Roxborough Schools at Limerick; (2) Correspondence between the Bishop of Limerick and the Judicial Educational Commissioners on same subject; (3) Letters of the Bishop of Limerick to the Lord Lieutenant of Ireland on same matter; and (4) Copy of the Memorial of the Mayor, Aldermen, and Burgesses of the City of Limerick to the Lord Lieutenant on this same subject.

The Palace, Corbally, Limerick,  
3 December 1895.

Sir,

HER Majesty's assent was given on 5th of last July to a Resolution of House of Commons dealing with a Scheme of Educational Endowment Commission for the Roxborough-road School in this city.

As the matter has been spun out for years, may I ask what is the reason that effect has not yet been given to the very explicit decision of Parliament; and when those who are interested in the Scheme may hope that the Lord Lieutenant will finally approve it.

G. W. Balfour, Esq. M.P.,  
Chief Secretary.

I have, &c.  
(signed) *Edward Thomas*,  
Bishop of Limerick.

Chief Secretary's Office, Dublin Castle,  
5 December 1895.

My Lord Bishop,

IN reply to your letter of the 3rd inst., regarding the delay in the notification of the Lord Lieutenant's approval of the Scheme for the Roxborough-road School, Limerick, Endowment, I beg to inform your Lordship that, as the result of the disapproval in part of that Scheme by the House of Commons, it was referred in its amended form to the Judicial Commissioners, under the Educational Endowments Act, for their observations. This was the course which was followed in the only other case in which the House of Commons amended a scheme under that Act.

The Judicial Commissioners have furnished their observations, which are now before the Law Officers with a view to their submission to the Lord Lieutenant, after consideration by the Judicial Committee of the Privy Council.

I have, &c.  
(signed) *G. W. Balfour*.

The Most Reverend Bishop O'Dwyer, D.D.

The Palace, Corbally, Limerick,  
6 December 1895.

Sir,

I BEG to thank you for your letter of 5th inst., in reply to mine of 3rd, and to request you to be so good as to allow me to inquire further whether the purpose for which the Roxborough-road School Scheme has been referred to the Educational Endowments Commission and Privy Council is merely to determine the precise form in which effect is to be given to the Resolution of the House of Commons, or whether it is contemplated to re-open the case on its merits.

If this latter supposition is correct, I would venture also to inquire whether those parties who are interested, as I am, in maintaining the justice and equity

of the decision of Parliament will be allowed an opportunity of appearing, either personally or by counsel, in sustainment of it, if there is any tribunal capable of trying such an issue; or whether it can be possible that the subordinate tribunals whose decision has been disapproved of by Her Majesty acting on the advice of the House of Commons will now be constituted a secret court of appeal from Parliament itself, with power to nullify its action and deprive the citizens of Limerick unheard, of the advantages which that action conferred upon them.

To G. W. Balfour, Esq., M.P.,  
Chief Secretary.

I have, &c.  
(signed) *Edward Thomas*,  
Bishop of Limerick.

My Lord Bishop,

Dublin Castle, 9 December 1895.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 6th instant, and to state in reply that the purpose for which the Scheme relating to the Limerick Diocesan Endowment has been referred to the Commissioners is to obtain their observations for the information of his Excellency. No unnecessary delay will take place, and no alteration will be made in the Scheme without your Lordship, and every person interested, having opportunities of making objections in writing, and of appearing in support of them.

I have, &c.  
(signed) *G. W. Balfour*.

The Most Reverend, Bishop O'Dwyer, D.D.

The Palace, Corbally, Limerick,  
8 February 1896.

Sir,

IN reply to a letter of mine you were good enough to write to me on the 9th of last December, "the Scheme relating to the Limerick Diocesan Endowment has been referred to the Commissioners to obtain their observations for the information of his Excellency. No unnecessary delay will take place, and no alteration will be made in the Scheme without your Lordship, and every person interested, having opportunities of making objections in writing, and of appearing in support of them."

To-day, however, I have received an official communication which rather surprises me. I am informed that his Excellency the Lord Lieutenant has decided not to approve of the Scheme, that it is to be set aside *in toto*, and a new draft scheme substituted for it.

Of course you are aware that neither I nor anyone else, at least on the Catholic side, got the slightest inkling of what was being done, or how effectually the decision of Parliament was being nullified.

May I venture, then, to refer you to your letter, above quoted, and to ask whether, in your opinion, I am justified in alleging that the explicit undertaking then given to me has not been kept.

I have, &c.  
(signed) *Edward Thomas*,  
Bishop of Limerick.

To the Right Honourable  
the Chief Secretary for Ireland.

My Lord Bishop,

Irish Office, 11 February 1896.

IN reply to your Lordship's letter of the 8th instant, I have to express my regret if anything that I have previously written should have given rise to misunderstanding. It is not contemplated to make any alteration in the Limerick Diocesan Endowment Scheme without affording opportunities for objection. The position is this: His Excellency has withheld his approval of so much of the Diocesan Schools Scheme as relates to the Limerick Diocesan School, for which a new and separate Scheme has been framed by the Judicial Commissioners, Lord Justice Fitzgibbon and Mr. Justice O'Brien. To this Scheme your Lordship, and every other person interested, will be entitled to make objections

objections in writing, and to appear in support of such objections. When I stated that no alteration would be made in the Scheme without such opportunity of objection being given, it was not my intention to imply that the Lord Lieutenant would not take the preliminary step of withholding his sanction without in the first instance inviting objections. Such a course would be altogether without precedent.

I have, &c.  
(signed) *G. W. Balfour.*

The Most Reverend Bishop O'Dwyer, D.D.

The Palace, Corbally, Limerick,  
13 February 1896.

Sir,

I BEG to acknowledge the receipt of your letter of 11th inst., and to express the sense of surprise and pain with which I have read it.

You express your regret for any misunderstanding to which your letter of 9th December 1895 has given rise. I beg to assure you that there has been no misunderstanding. The case is quite clear. I thought so when writing to you on 7th inst. but I considered it only fair to allow for the possibility of your being able to offer some explanation of your proceedings. Your letter of 11th instant disposes even of that, and puts it beyond all doubt or question that you have distinctly and deliberately broken your pledged word, and deceived me in reference to a matter of at least local importance.

I am fully alive to the gravity, on personal as well as official grounds, of such a charge. I make it with great pain against one occupying a position of great responsibility in the government of the country, but it will be for you, and for the public, to judge whether or not it is justified.

When I wrote to you early in last December the Scheme for dealing with the Roxborough-road School in Limerick had reached its final stage. It needed only the signature of the Lord Lieutenant to have the force of law, and the Under Secretary had written in the month of October previously that everything was finally settled, and that the Scheme would be presented to his Excellency for his signature on the first convenient occasion.

After waiting for two months, I wrote to you to inquire what was the reason of the delay, and then you informed me, in your letter of 5th December, that the Scheme had been referred to the Judicial Commissioners for their observations, and that these observations were being considered by "the Law Officers with a view to their submission to the Lord Lieutenant after consideration by the Judicial Committee of the Privy Council." This letter surprised me, and I suspected that some of the influences that we know are always at work in Dublin Castle and give it its reputation in Ireland, were being brought into play, and that by some underhand move we might be defrauded of the results of years of labour and worry and great expense.

Accordingly I wrote to you to inquire what was the purpose for which the Scheme was being reconsidered; was it for mere verbal changes, or to re-open the whole question on its merits, and if it were for this latter purpose, I asked whether I and others who were interested would be allowed to appear either personally or by counsel to maintain the justice of the decision given by the House of Commons.

That decision, as you are aware, was to "disapprove of any part of the said Scheme, which if retained therein will operate to compel or allow the Commissioners to take any course with regard to the said premises other than put up for sale, and sell to the best advantage all their estate and interest therein and convey same subject as aforesaid to the purchaser thereof."

In reply to that letter you gave me the promise which has been broken. Here are your words again:—

"The scheme relating to the Limerick Diocesan Endowment has been referred to the Commissioners to obtain their observations for the information of his Excellency. No unnecessary delay will take place, and no alteration will be made in the Scheme without your Lordship and every person interested having opportunities of making objections in writing, and appearing in support of them."



Nothing could be more explicit, nor, as I thought at the time, fairer. I could ask no more than a fair hearing before an adverse decision was come to. But what happened? Without giving me one word of notice, having lulled me to rest, and leaving me without the faintest suspicion of what was going on, some secret inquiries were held in Dublin, it was resolved to put aside the judgment of the House of Commons, not only to alter the Scheme, but to strain the Lord Lieutenant's power, and actually to make a new precedent under the Act of 1885, and to cut out of it everything that the people of Limerick had gained by open discussion before the tribunals of the country; and the first intimation that I or anyone else got that such a course was being taken was the official intimation which I received on last Saturday, as if in very irony, over your own name, that the whole thing had been perpetrated, and that the Lord Lieutenant had refused to finally approve the Scheme, which your Under Secretary told us in October last only awaited a convenient opportunity to get his signature. And in the face of all that, you do not think that not only has your word been broken, but a very gross deception has been practised upon me.

When I wrote to you last December you might have declined to answer my letter, or you might have refused to give me any assurance; you might have told me then as your answer what you now write as your excuse, that the Lord Lieutenant would take what you call the preliminary, but what in reality is the final, step of withholding his sanction, without, in the first instance, inviting objections. It would then have been open to me to appeal to the Lord Lieutenant himself, and, had I done so, I am sure His Excellency would not have descended to deception; he would, in all probability, have given me true information as to how the case stood, and allowed me to submit to him the very grave reasons which I could allege in sustainment of the justice of the Scheme as amended by Parliament, but I am quite sure he would not have promised an opportunity of making such representations, and then, without giving it to me in any shape or form, decided the whole question against me.

But in dealing with you I thought I was safe, and that I might rely on the word of an English gentleman. But bad as all this is it is made infinitely worse by your letter of 11th instant. May I ask you, sir, do you expect me to accept the statements of fact in that letter? A stranger to the whole of this business might be taken in by it, but I have to tell you that it was hardly worth your while to waste so much ink on palpable unreality. You undertook to give me an opportunity of objecting before any alteration was made in the Scheme. That was the Scheme to which reference was made in all the correspondence. That Scheme is altered, and what you yourself, with a curious forgetfulness of the position which you had to defend, call "a new and separate Scheme" has been framed in its stead, and you do not hesitate to ask me to accept the right which I have, in common with the general public and by statute, independently of you, to object to this new and separate Scheme, as a fulfilment of your pledge to give me an opportunity of objecting in the case of the other Scheme, before any alteration was made in it. Perhaps now, sir, you may admit that it was hardly candid to write, "It is not contemplated to make any alteration in the Limerick Diocesan Endowment Scheme without affording opportunity for objection." The alteration was already made. The Scheme about which you gave me a pledge was already altered. The new and separate Scheme is quite another thing. The wrong and injustice of which I complain is that there should be any such new Scheme at all. That is the alteration against which I thought I was protected by your express promise, and I cannot imagine how you could hope to cover the breach of that promise by a pretence of this kind. Why, if you need any further demonstration that your promise to me had no reference to this "new Scheme," you have it by the simple consideration of dates. When you wrote to me on the 5th of last December, in reply to my letter "regarding the delay in the notification of the Lord Lieutenant's approval of the Scheme for the Roxboro' Road School, Limerick, Endowment, &c.," there was but one Scheme in existence; that was Scheme 90, as it was amended by Parliament. This Supplemental Scheme, which has been framed for the purpose of giving Canon Gregg 450*l.* of public money, was signed and published for the first time on 28th January 1896.

Yet you venture to suggest to me now that your promise had reference, not to the Scheme which you actually named, but to a Scheme which did not exist at the time.

I think

I think, sir, that this is enough to satisfy even yourself of the insufficiency, to use no stronger term, of your letter of 11th instant. Unfortunately I now have only the power of complaint and protest. By the skill with which you threw me off my guard you have effectually secured their ends for the persons connected with government in Dublin, whose influence I have felt in this business for the last seven years. While the discussions were being carried on in public, even though, as in the case of Privy Council, the tribunals were obviously one-sided, I could rely on the merits of our case to get justice. But when secret influences are substituted for public investigation the opportunities arise for malpractices, and public confidence is shaken.

It is very unfortunate that, at the opening of your administration, such things should occur, and that the persons in Dublin who are mainly responsible for the distrust with which Government in Ireland is so unhappily regarded should have drawn you into proceedings of the kind, and put you into the position which this correspondence discloses. I wrote to you as a precaution against such methods, and thought I was quite safe in relying on your word. It is no pleasure to me to write that, in my life, I was never more deceived.

I propose to publish this correspondence, but shall withhold it from the press until you have an opportunity, should you desire it, of making a reply to this letter.

The Right Hon.  
G. W. Balfour, Esq., M.P.,  
Chief Secretary for Ireland.

I have, &c.  
(signed) *Edward Thomas*,  
Bishop of Limerick.

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Irish Office, 18 February 1896.

My Lord Bishop,

YOUR Lordship's letter of the 13th inst. has duly reached me. I have read it with profound amazement, and I should indeed be glad to think that you have thus written to me in ignorance of facts which, had they been present to your mind, would have absolved the Irish Government and myself from the imputations which you have thought fit to make.

The very simple facts of the case are as follows :—

Previously to the resolution of the House of Commons of the 20th May 1895, the Scheme for the Limerick Diocesan Schools had been three times before the Privy Council. On the first occasion the Scheme as presented provided 450*l.* compensation to Dr. Gregg. The Privy Council disapproved of compensation and substituted in Dr. Gregg's favour a pre-emption right at 831*l.*

On the second occasion the Privy Council remitted the case to the Commissioners in order to take further evidence as to value. I believe it was on your application or on that of the Limerick Corporation this was done.

On the third occasion the pre-emption right at 831*l.* was finally approved of by the Council.

The Scheme as thus approved came before the House of Commons on the 20th May last, when after debate the power of pre-emption was disapproved of by a majority of the House.

May I beg your earnest attention to the report of the debate as it appears in the Parliamentary Reports, and especially to the speech delivered by Mr. Morley. That speech proceeded on the contention that the Privy Council ought not to have altered the original proposals of the Judicial Commissioners. He argued that the latter were engaged on very special work; that they had special opportunities for inquiry, and that their conclusions should not have been lightly departed from.

I venture to assert that no other conclusion can be drawn from the report of that debate, save that the original Scheme was to be reverted to. The resolution of the House, however, was not phrased so as to carry out such an intention. It dealt solely with the omission of the pre-emption right.

In that condition of things it became essential for his Excellency to be definitely informed whether the pre-emption right was intended as a substitute for compensation. If so, then it was obvious that the approval of the Scheme with the mere omission of the pre-emption right might possibly work a very

grave injustice. The Judicial Commissioners, Lord Justice FitzGibbon and Mr. Justice O'Brien, were accordingly asked for a report, which they gave at considerable length, and from which the following are extracts :—

“ When framing that Scheme, the Judicial Commissioners did not think it just or right to confer an absolute right of pre-emption upon the Rev. Canon Gregg; but, on the other hand, they did not think it just that he should be disturbed in his possession without reasonable compensation, in respect of so much of his expenditure as enhanced the actual present selling value of the reversion upon his subsisting tenancy from year to year, and also, to a limited extent, by way of allowance for ‘ salvage ’ or ‘ goodwill. ’ In conjunction with the Assistant Commissioners, they carefully examined the detailed accounts of his expenditure, they included all repairs of an ephemeral character and all works done by the Commissioners or allowed against rent, and they came to the conclusion that a sum of 450*l.* would be a reasonable allowance to the Rev. Canon Gregg. This sum was made up in round numbers of 400*l.* in respect of actual outlay of a permanent beneficial character, and 50*l.* by way of allowance for ‘ goodwill. ’ ”

“ Accordingly, the Original Scheme provided that the premises should be put up for sale by public auction, subject to the Rev. Canon Gregg’s tenancy; that if he should become the purchaser he should have absolute credit against the purchase-money for 450*l.*, and that if he should not become the purchaser, and if his tenancy should be determined by the purchaser he should be entitled, so far as the purchase-money after expenses would suffice, to 450*l.* in respect of his expenditure and goodwill. ”

\* \* \* \* \*

“ The effect of now striking out the pre-emption clause, without reinstating the compensation clause, in substitution for which the pre-emption clause was introduced, would be to deprive the Rev. Canon Gregg both of the pre-emption directed by His Excellency in Council, and also of the compensation to which the Judicial Commissioners originally thought, and still think, him to be justly entitled. ”

This report left absolutely no doubt as to the moral aspect of the case.

Your Lordship, in effect, charges me with having deliberately lulled your vigilance to sleep with false assurances intended to deceive. To those who know me, a simple denial of this charge will be sufficient. That you should have put a different interpretation on my words from that which they were meant to bear, may have been my fault or it may have been my misfortune. But I repeat, that when I informed you that no alteration would be made in the Scheme without your Lordship, and every person interested, having opportunities of making objections in writing and of appearing in support of them, it was not my intention to suggest that objections would be invited prior to the withholding of the Lord Lieutenant’s sanction. The withholding of the Lord Lieutenant’s sanction was necessary, in order to enable the Judicial Commissioners to reconsider, modify, or recast the Scheme, His Excellency having now power to himself to initiate any alteration. The new Scheme drawn up by the Judicial Commissioners will be submitted in due course to the Privy Council, when every person interested will have an opportunity of objecting; and if your Lordship can persuade the Privy Council that you are right and the Judicial Commissioners are wrong, the Privy Council may, if it pleases, restore the Scheme to the form in which it was left by the Resolution of Parliament.

Your Lordship says that the wrong and injustice of which you complain is that there should be any new Scheme at all.

In other words, your Lordship desires to absolutely deprive Dr. Gregg of any opportunity of showing that the original Scheme settled by the Judicial Commissioners and not disapproved of by the House of Commons, was based on right and justice. His Excellency cannot adopt that view. On the contrary, he thinks it but common fairness to afford that opportunity, and he has been advised he could do so only by withholding his sanction and referring the matter for reconsideration to the Judicial Commissioners. I make no further comment on your Lordship’s letter, save to express a hope that if your Lordship is at any future time impelled to form a judgment as to any action of mine you will



will do so with a full apprehension of the circumstances and motives that governed my conduct.

I can have no objection whatever to the publication of this correspondence.

I have, &c.  
(signed) *G. W. Balfour.*

The Most Reverend Bishop O'Dwyer, D.D.

The Palace, Corbally, Limerick,  
21 February 1896.

My Lords,

THE Chief Secretary in a letter dated the 18th instant, in reference to Roxborough-road School Endowment in this city, quotes some observations which your Lordships have made on the effect of a resolution adopted by the House of Commons in reference to the matter last May.

In the course of these observations your Lordships state: "The effect of now striking out the pre-emption clause with re-instating the compensation clause, in substitution for which the pre-emption clause was introduced, would be to deprive Rev. Canon Gregg both of the pre-emption . . . and of the compensation."

In reference to this statement, may I inquire on what authority it is asserted that Privy Council gave Rev. Canon Gregg pre-emption "in substitution" for compensation. They deprived him of the latter, no doubt, and gave him the former, but over and above that sequence, I desire to know if your Lordships have had before your minds any evidence to sustain the suggestion conveyed by the word "substitution." As your Lordships are aware, the claim to pre-emption, and that to compensation, rested on completely different grounds. They were entirely independent of one another.

Canon Gregg claimed both. I impugned both before Privy Council. They held with me on one, against me on the other, but never said one word, at least in public, to convey that they meant one as a substitute for the other.

The following is their declaration —

"That a right of pre-emption of the Roxborough-road School in fee-simple be given to the Rev. J. F. Gregg, at a price to be ascertained by valuation, and that in case he shall not become the purchaser, the premises be set up and sold, as provided in the draft scheme.

"That the claim of the Rev. Canon Gregg to credits out of the purchase-money be disallowed in any event.

"And that all necessary consequential changes be made in the scheme."

The terms of this declaration seem to me to be inconsistent with any other view than that the Privy Council considered the claim to compensation on account of outlay to be unsustainable, and consequently disallowed it absolutely. "In any event" are their very strong words.

On the other hand, I cannot find anything in the declaration to favour the suggestion which your Lordships make in your "observations" as quoted by the Chief Secretary.

But, of course, I have only the facts as they occurred in open court. Your Lordships may have had some other official source of information, and if so, I shall take it as a favour if you will let me know the grounds on which you have made the statement about which I have taken the liberty of addressing this inquiry to your Lordships.

I am, &c.  
(signed) *Edward Thomas,*  
Bishop of Limerick.

To the Right Hon.  
Lord Justice Fitzgibbon and Justice O'Brien,  
the Judicial Commissioners,  
Educational Endowment Commission.

The Palace, Corbally, Limerick,  
25 February 1896.

My Lords,

I BEG to address another inquiry to you in reference to your "observations" addressed to the Lord Lieutenant on the Roxborough-road School Endowment Scheme as amended by Parliament. These "observations," as is evident from the letter of the Chief Secretary addressed to me on the 18th instant, have determined the Lord Lieutenant to take the very extreme step of refusing to give his final approval to the Scheme. I think then I am within my rights in asking your Lordships for some information about them.

I am by this time pretty familiar with the whole case. I have been present at all the inquiries both by the Educational Endowment Commission and the Privy Council. I have all the evidence before me, and I take the liberty of stating, as strongly as my respect for your Lordships will allow, that your statement that Canon Gregg made an outlay of 400*l.* of a "permanently beneficial character" on the Roxborough-road school premises is absolutely and glaringly at variance with the ascertained facts. And I think at this stage of the case that it is not unreasonable of me to demand that information which will enable the Lord Lieutenant to estimate the accuracy of your Lordships' observations given under the following heads:—

(1.) During the whole course of your Lordships' investigations, did you at any time get evidence of a report from any competent person, such as an architect or builder, as to the nature and value of the works alleged to have been done by Canon Gregg on these schools. If so, will you kindly name that person?

(2.) You state that, in conjunction with the Assistant Commissioners, you carefully examined Canon Gregg's detailed accounts, and came to the conclusion that a sum of 450*l.*, of which 400*l.* was for permanent improvements, would be a reasonable allowance to the Rev. Canon Gregg. With regard to this detailed examination, I think it of very great importance in the interest of truth to ascertain whether or not it went beyond a consideration on paper of the account furnished by Canon Gregg himself. I beg to ask, then, for the information of the Lord Lieutenant, if you, in this detailed examination, either personally or by any competent official, compared the claims made on paper with the buildings, so as to see how far they corresponded. I ask you, then, are your Lordships in a condition to state now, on your personal knowledge, or on reliable evidence, that Canon Gregg has permanently enhanced the value of the buildings by 400*l.* Of course I do not stick at the precise figure; I do not mind 50*l.* one way or another. But do you know as the result of reasonable investigation, that the buildings are this moment better than when he went into possession by the sum of 300*l.* to 400*l.* by Canon Gregg's outlay? I submit, my Lords, that you do not; that there is not one shred of evidence to sustain such a position, and that it is rather unfair to his Excellency the Lord Lieutenant to represent that there is.

Of course your Lordships have before you the report of the architect whom you instructed in the year 1892 to value these premises. That was Mr. M. Mitchell, late architect to the Commissioners of Education in Ireland. You accepted his valuation, embodied it in your Scheme, and represented to the Privy Council on two different occasions your entire confidence in it.

It is worth while then to collate that valuation with your Lordships' observations. The report runs:—

"Taking into account all these circumstances, and likewise Canon Gregg's interest in the premises as a yearly tenant, I estimate the present value of the buildings at 400*l.*, making with the land a total of 975*l.*"

With the buildings alone we have to deal in reference to improvements, especially those of a permanently beneficial character. Your Lordships then must have been struck by the curious coincidence that the very sum that you assess as the value of the improvements the architect whom you employed states is the present value of the buildings as they stand, improvements and all.

Is it unreasonable to ask some explanation of this apparent absurdity. Either Mr. Mitchell must have given a false valuation or your Lordships in your observations must have fallen into some grave error.

Put

Put in the form of an account it may make my meaning clearer—

	£.
Present value of buildings (Mr. Mitchell) . . . . .	400
Deduct value of permanent improvements of Canon Gregg	400
	<hr/>
Balance (value of house) . . . . .	0

But even Canon Gregg has never been equal to the assertion that the house as he got it was worth absolutely nothing, which is the sole way which I can see of sustaining your Lordships' "observations." As bearing on the value of the permanently beneficial improvements on which your Lordships have set so much value, I may be permitted to quote the following from the same report of Mr. Mitchell. Instead of improvement, this gentleman seeks to indicate steady deterioration in the buildings.

"They are in a bad condition at present, no repairs of any kind having been carried out for more than two years past, while the sums laid out in this manner during previous years were quite insufficient to keep the buildings in good order. The roof is dilapidated and fragile, one portion having been propped up for several years to save it from collapsing." . . . "The sanitary fittings are old-fashioned and much worn, as well as insufficient, and should be replaced with others of a more modern kind."

And this is the state of the property, after 21 years of wear and neglect which your Lordships think entitles Canon Gregg to compensation as an improving tenant.

3. If your Lordships have taken the extraordinary course of putting a value on building works of a very minute kind, spread over a period of 20 years, without taking competent evidence as to their original cost, their present value, especially as to permanent improvements, may I ask if it is unfair to request you to tell the Lord Lieutenant so.

4. I have before me at this moment Canon Gregg's statement of claim. It is an extraordinary document. May I ask you if you have ever invited the opinion of any expert architect or builder as to how far, on the face of it, it represents "permanent improvements." I venture to assert that if even now you place it in the hands of any respectable firm of builders in Dublin, so as to be in a position to advise the Lord Lieutenant correctly, you will find how very strangely your "observations" are at variance with the fact. I think, however, that I can even myself point out to you a series of items which will make it pretty plain that your Lordships somehow or other have been led into a great mistake.

(a.) I find in sums of various amounts, such items as "car hire," "poor rate," "postage," "tithe rent-charge," "paid to Mrs. Hall for possession," &c., under the head of "buildings." These are evidently not buildings nor "permanent improvements," at least as the words are usually understood. These items amount to 51*l.* 2*s.* 9*d.*

(b.) I find another set of charges, such as "gravel," "cartage of same," "whitewashing," "painting," "glazing," "mending kitchen boiler," "repairing gate," &c. These charges extend over a period of 20 years. They do not strike me as coming under the category of "permanent improvements." I should like to know how they were regarded in the detailed investigation of the Commission. They amount to 105*l.* 5*s.* 1*d.*

(c.) As your Lordships must be familiar from your examination of the account with its details, I should wish for some information as to how your Commission regarded Canon Gregg's outlay on special works proper to his poor school, but which add nothing to the value of the property for general use. Under this head I would direct your attention to his charge for "a big bell," and "hanging same," "a cesspool," "drain at the far end of field," "a laundry for the school girls," &c. These and similar items amount, in addition to those already given, to 101*l.* 1*s.* 7*d.*

(d.) The charges for "plumbing" alone spread over 20 years amount to the considerable sum of 153*l.* -*s.* 8*d.* I should wish to know if your Commission have any information as to how far this sum represents work permanently beneficial to the property, as distinguished from the continual



repairs, with their consequent almost daily expense, which we all know are inevitable in connection with the sanitary and domestic arrangements of a school such as that of Canon Gregg. There is nothing in the face of his account to show to which class of plumbing work his charges belong, except indeed the smallness of several items, some of them being as low as a few shillings, and the recurrence of several of them at the end of each year.

In his letter to me on the 18th instant, the Right honourable the Chief Secretary, having quoted your Lordships' observations, remarked, not unnaturally: "This Report left absolutely no doubt as to the moral aspect of the case." And, for my part, if I thought that that Report was in accordance with the facts, even though I considered the course taken by the Lord Lieutenant both illegal and unconstitutional, I should not think of prosecuting the case further. But, as I know the contrary, I shall go through with it as far as I can. As bearing then on the "moral aspect" of the case, I beg to request your Lordships for some information for the guidance of the Lord Lieutenant as to the equities, as distinguished from the mere technical legalities of Canon Gregg's occupancy.

(1.) Have your Lordships any objection to quote the epithet which Mr. Justice O'Brien applied to the methods by which Canon Gregg got into possession. I have stated over and over again that they were "disreputable," and one at least of the Judicial Commission confirmed my judgment. The facts are all detailed in the Blue Book of 1881, pp. 380, 381, and I cannot believe that the Lord Lieutenant, if he were allowed to read Canon Gregg's own evidence given there, would not count as audacious a claim for equitable compensation founded on such a title.

(2.) Furthermore, I have always thought that *bona fides* was a necessary condition to found an equitable claim to compensation. It has been proved on Canon Gregg's own sworn evidence that he made his outlay in bad faith thinking that he could defeat the Trustee owners. Here are his very words taken from the Blue Book of 1881, p. 381, Q. 11502: "I came to the conclusion that they had not got any title, and I went on and expended 400*l.* on the premises." I should greatly like that your Lordships would candidly give your opinion to his Excellency as to the "moral aspect" of that proceeding, and of the equities that depend upon it. Has his Excellency been informed that Canon Gregg having got into possession of a house to which he had no more right or title than any man going the road, by a payment of 20*l.* to a woman who was over-holding, had the dishonesty to hold the same house and grounds for six years until exposure came in 1879, without ever paying any rent? Has he not admitted that fact on oath, and at the same time did he not state that after his repairs, such as they were, the premises were worth 60*l.* a year, or 30*l.* as he got them. From that day to this he never paid one penny of that just debt. Your Lordships know that. Have you set off the rent of these years against his bogus claims for improvements? I do not think it unconnected with the moral aspect of the case that his Excellency the Lord Lieutenant should know these details.

(3.) I would suggest too that it bears upon the same moral aspect to consider whether the terms on which Canon Gregg has held these premises have been exceptionably favourable or otherwise. We have his own evidence of their value. A man does not usually exaggerate in money matters against himself.

Why, then, did the Commissioners of Education set him these premises at a rent of 20*l.* a year. In common parlance it would be called a job. I know no better word to describe it. Their own architect has valued the premises for the Privy Council at 840*l.* Anyone can tell whether a house and grounds that are worth 840*l.* in the opinion of a not unfriendly architect, and 1,400*l.* in that of our city engineer, are honestly set at a rent of 20*l.* a year. I presume his Excellency has heard nothing of all this. But there is more as your Lordships know. Canon Gregg as a fact never paid this rent at all. The landlords—that is these very kindly Commissioners in Dublin—by a formal arrangement hand him back the rent regularly as against repairs, so that it comes to this, that Canon Gregg, having got possession of these premises in the year 1874, holds them to the present day without ever having paid one penny of *bona fide* rent, and



and then when at last a stop is being put to these indecent proceedings he attempts to defeat the just rights of the people of this city, by a bogus claim for compensation. He has held a house and lands worth 60*l.* a year for 21 years for nothing. That is, he has put into his pocket no less than 1,260*l.* of public money, and then your Lordships think that on account of sinking cesspools, and other things of that kind which you are pleased to designate "outlay of a permanently beneficial character," he ought not only to be allowed to walk off with this, but get 450*l.* for his performance.

But in estimating equities no one seems to have thought of the people of Limerick. Personally, I have no pecuniary interest in all this business further than my share as a ratepayer and citizen. But it is worth remembering that this land was bought and this school was built at a cost of 1,640*l.*, levied off the ratepayers of Limerick, city and county. In all equity these premises belong to the city. The proceeds of their sale go to promote the education of all the people without distinction of creed. This claim of Canon Gregg is, in my humble opinion, a final effort to perpetuate at least in part the injustice of the last 21 years.

I know it is rather hard to ask your Lordships to reverse your formal opinion given to the Lord Lieutenant, yet I claim it as a matter of right and justice, or, at least, I claim that you should give me, in order to submit them to His Excellency, detailed answers to the questions which I now venture to propose, so as to enable him to see that the course which equity, and, if I may venture to put a foot outside my province, law require is to sign the Scheme as it has been amended by Act of Parliament.

I have, &c.  
(signed) *Edward Thomas*,  
Bishop of Limerick.

To the Right Hon. Lord Justice Fitzgibbon and Mr. Justice O'Brien,  
Judicial Commissioners.

#### Limerick Diocesan School,

My Lord Bishop,

25 February 1896.

A BUSINESS visit to Cork, whence I returned only last evening, has delayed my acknowledgment of your Lordship's letter of the 21st inst., addressed to the Judicial Commissioners, relating to the above endowment. I shall submit your Lordship's letter to the Judicial Commissioners at the earliest possible opportunity.

I have, &c.  
(signed) *N. D. Murphy*,  
Secretary.

Most Rev. The Lord Bishop of Limerick,  
The Palace, Corbally, Limerick.

Educational Endowments Commission,  
23, Nassau Street, Dublin,

My Lord Bishop,

29 February 1896.

IN reply to your Lordship's letters of the 21st and 25th instant, I am directed by the Judicial Commissioners to say that they possess no information with reference to the subject of this correspondence other than that which they have officially obtained in the course of the proceedings. They do not feel themselves at liberty to discuss, in correspondence with one party interested, the grounds or the reasons for their judicial action, which is subject to review by the Lord Lieutenant in Council, and by each House of Parliament.

The materials on which the action of the Judicial Commissioners, at each stage of the proceedings, has been based, appear in the evidence taken at the public inquiries, with the documents therein referred to; the Scheme in its various stages, from the draft published on 4th August 1890, to the Scheme which was signed at the request of the Lord Lieutenant on 26th January 1896, and now awaits His Excellency's consideration; the several objections presented to the Commissioners themselves and afterwards considered at their public inquiry, also the objections presented to the Lord Lieutenant in Council; the observations which the Judicial Commissioners in ordinary course were requested

to submit thereon; the documents referred to in those observations; the declarations of the Lord Lieutenant in Council; and the resolution of the House of Commons. They also had before them the report of the Endowed School Commission, 1880-81, with the evidence which it contains in reference to Roxborough Road School.

The observations, submitted by the Judicial Commissioners on 6th August 1892, state the principles which they adopted in originally forming the provision for compensation to the Rev. Canon Gregg, which has now been re-submitted by them. They are not at liberty to furnish you with their correspondence with the Lord Lieutenant without His Excellency's permission, but so far as they are concerned they have no objection to your obtaining it.

The Rev. Canon Gregg's account mentioned in your letter was signed by him and certified by an accountant on 28th November 1889 to have been compared with his vouchers and ledger, and to be correct. Having regard to the other evidence before them, and to the principles upon which the compensation was fixed, the Judicial Commissioners did not deem it necessary to institute any further inquiry as to the outlay specified in that account, but it is right to inform you that many of the items mentioned in your letter were excluded from consideration in fixing the sum of 450*l.* mentioned in the Scheme. The Judicial Commissioners believe you are under a misapprehension in stating that the Rev. Canon Gregg has never paid the rent of 20*l.* under which he holds the premises in question; they are informed, on the contrary, that the rent has been regularly paid to the Commissioners of Education, and that since the year 1890 no part of it has been allowed against repairs, or expended on the premises.

In conclusion, the Judicial Commissioners desire me to say that they must not be understood as acquiescing in many of the observations and criticisms contained in your Lordship's letters; but they cannot enter into a discussion upon them, as their authority and duty at the present stage are confined to furnishing to the Lord Lieutenant any observations or information which His Excellency may be pleased to require.

I have, &c.

(signed) *N. D. Murphy,*  
Secretary.

The Palace, Corbally, Limerick,  
2 March 1896.

My Lords,

I BEG to acknowledge the receipt of your Lordships' letter of the 29th ultimo in reply to two letters of mine, dated respectively 21st and 25th ultimo.

I presume that your opening sentence, to the effect that "you possess no information with reference to the subject of this correspondence, other than that which you have officially obtained in the course of the proceedings," is intended as an answer to the inquiry conveyed in my letter of the 21st, and as you did not obtain, and could not have obtained, any official information as to the mind of the Privy Council in its decision of the 24th August 1892, I assume that it is acknowledgment that your "observations," quoted by the Chief Secretary in his letter of the 18th ultimo, were made without authority.

It that be so, I regret that your Lordships' judicial reticence has not allowed you to say so explicitly.

Of course, I recognise the entire reasonableness of the position which your Lordships have taken up in declining to discuss your decisions as Judicial Commissioners with one of the parties to the case; but I note with considerable interest that one or two apparent inaccuracies in the course of my statement have tempted your Lordships to depart from that attitude of reserve. May I then be permitted, without an infringement of my respect for your Lordships' judicial character, to point out one or two important matters which on your Lordships' own showing confirm all that I have alleged in this extraordinary case.

Your Lordships admit that in assessing the value of the "permanent improvements" made by Canon Gregg you never obtained the evidence of any competent person, either builder or architect; that you did not even make an inspection

inspection of the buildings for the purpose of comparing, with even the common sense of ordinary men, the items claimed upon, with the works; that you simply took the account as it was upon paper, and you seem to think that it has some bearing on the question that "it was certified by an accountant." May I ask, my Lords, what has that to do with the matter? No one has raised a question as to the truthfulness of the account; but I have denied what your Lordships have officially reported to the Lord Lieutenant, that the account represents "a permanently beneficial outlay."

Let me make the case clear by an illustration. I find: "1877, July 30th, Painters' Bills, P. Bowles, 40*l*."

If it were my duty to assess the value of that expenditure in the year 1892 as a permanent improvement, I should not be content to know that it was made in the year 1877. I would say to myself that "painting" is not usually considered permanent, and that possibly it might need renewal, and I should either see the work myself or get some competent person to see it for me and report upon its condition.

So, too, with regard to the gravel which was spread upon the walks in 1879, and all the rest of it. I should not think that I had done my duty if I ascertained from an accountant that the gravel had been paid for.

Of course, my Lords, I shall submit this correspondence to the Lord Lieutenant, and I shall be curious to see what he will think of what his Chief Secretary calls the moral aspect of the case in the light of this remarkable admission of your Lordships.

Incidentally, your Lordships informed me that "many of the items mentioned in your letter were excluded from consideration in fixing the sum of 450*l*." It is a pity that your Lordships in condescending to go so far in discussion did not go a little further and add what items were and what were not excluded. "Many" is very vague. My contention is, and has been all along, that the account on the face of it is an evident and palpable sham. It is unfortunate that your Lordships have not found yourselves at liberty to express your opinion upon that contention further than to agree with it as to "many of the items."

I am very much obliged to your Lordships for being so good as to enter so far into the merits of the case as to correct my statement as to the payment of the rent of 20*l*. a year by Canon Gregg. My statement was that it was never paid, but given to him as against repairs. I must allow that your Lordships are, strictly speaking, right down to the year 1890; Canon Gregg did pay the rent of 20*l*. a year, and it was not given back to him as against repairs, but the Commissioners spent it for him in repairs, and to that extent your Lordships are entitled to the benefit of the inaccuracy. But, my Lords, may I presume to remark that this was rather child's play. On the face of the account you find:—

"Out of the rent paid by the Rev. Canon Gregg as tenant to the Clare Street Commissioners of the Diocesan School premises, amounting from 1st Jan. 1880 to 31st Dec. 1888, nine years, at 20*l*. per annum, the Commissioners expended 179*l*. 12*s*. 8*d*."

That is signed by Canon Gregg himself, vouched by the accountant, and yet your Lordships, departing from your rigid rule of judicial etiquette, proceed to correct my statement that Canon Gregg never paid a penny of *bona fide* rent since the year 1874. My statement was that he was allowed to spend the rent in repairs. The distinction which your Lordships seem to think makes a difference is that the Commissioners spent it for him. To use the words of Lord Justice Naish, in October 1889, "the rent you (Canon Gregg) were bound to pay to the Commissioners was, in effect, returned by the Commissioners to the buildings."

As to your Lordships' information as to the discontinuance of this scandalous dealing with public funds since the year 1890 I know nothing; I have only the information to be got at your Lordships' public inquiries, which ceased that year.

But I think it reasonable to ask why has it ceased since 1890? If it were a fair and honest transaction why give it up? What has happened since 1890, except the intrusion of a little daylight, to alter Canon Gregg's claim to this annual gift from the Commissioners of Education?

I notice, in conclusion, your Lordships' statement that your authority and duty

duty at the present stage "are confined to furnishing to the Lord Lieutenant any observations or informations which His Excellency may be pleased to require." I propose, then, to appeal to His Excellency to require from your Lordships full and detailed information under the various heads contained in my letters of 21st and 25th ult., unless, perhaps, His Excellency may consider that this correspondence, so far as it has gone, is sufficient to demonstrate the inaccuracy of your Lordships' observations, on which, according to the Chief Secretary, His Excellency's extraordinary action with regard to the Roxborough Road Scheme has been based.

I think that the letter of the Chief Secretary entitles me to make that appeal, and I shall make it; and I venture to hope that before I am done with it the parties in the Castle, who have attempted by underhand means to defeat the rights of the people of Limerick under the action of the House of Commons, will be as well pleased that they had not soiled their hands with so nefarious a business.

I have, &c.  
(signed) *Edward Thomas*,  
Bishop of Limerick.

Limerick Diocesan School.

My Lord Bishop,

10 March 1896.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 2nd instant, which reached my hands to-day. It may not be possible to summon a meeting of the Judicial Commissioners for an early date, as Mr. Justice O'Brien is on circuit, and will probably not return to Dublin until the end of the month. As soon, however, as a meeting of the Judicial Commissioners can be convened, I shall lay your Lordship's letter before them.

I have, &c.  
(signed) *N. D. Murphy*, Secretary.  
Most Rev. The Lord Bishop of Limerick.

Educational Endowments (Ireland) Commission.—Scheme No. 90.—  
Limerick Diocesan School.

NOTE to be appended to copy of Correspondence between the Judicial Commissioners and the Most Rev. Dr. O'Dwyer, Bishop of Limerick.

"The Judicial Commissioners did not meet after the date of the foregoing letter until 14th April 1896, and did not think it necessary to reply to the Bishop's letter, dated 2nd March 1896, which was not received by their Secretary until 10th March, and which had appeared in the 'Freeman's Journal' on 3rd March 1896."

*N. D. Murphy*, Secretary.

The Palace, Corbally, Limerick,  
5 March 1896.

May it please your Excellency,

I BEG to submit to your Excellency a copy of a recent correspondence between the Judicial Commissioners under the Educational Endowments Act and myself, in reference to the Scheme for the Roxborough Road School Endowment in this city.

Should your Excellency deign to consider this correspondence, I venture to hope that it will materially affect your Excellency's judgment on at least the moral aspect of this case.

The "observations" of the Judicial Commissioners, as quoted by your Excellency's Chief Secretary in his letter to me of 18th ultimo, contained two important statements (1) that the right of pre-emption given to Canon Gregg by the Privy Council on 24th August 1892 was given in substitution for the right to compensation, in other words that the one was given as a substantial equivalent



equivalent for the other; and (2) that Canon Gregg during his occupancy, by an outlay of "a permanently beneficial character" enhanced the value of the Roxborough-road premises to the amount of 400*l*.

My letters of the 21st and 25th ultimo were directed to the purpose of eliciting from the Judicial Commissioners information of which they are judicially possessed, which, in my opinion, would demonstrate the total inaccuracy of both statements referred to, and consequently cut the ground completely from under your Excellency's unprecedented action, which, according to the Chief Secretary, rested, at least for its moral aspect, on the assumed truth of these observations.

It will be for your Excellency now to say whether the letter of the Judicial Commissioners addressed to me on the 29th ultimo leaves any doubt as to how the truth stands, but if the information already elicited is insufficient, I submit that, as a matter of common fair play, the letter of your Excellency's Chief Secretary of 18th ultimo entitles me to claim that the Judicial Commissioners be invited to give to your Excellency the detailed answers to my letters of 21st and 25th ultimo, which they are precluded by their judicial position from giving to one of the parties to the suit, as "their authority and duty at the present stage are confined to furnishing to the Lord Lieutenant any observations or information which his Excellency may be pleased to require."

I have, &c.

(signed) *Edward Thomas,*

To his Excellency the Lord Lieutenant General *Bishop of Limerick.*  
and General Governor of Ireland.

My Lord Bishop,

Dublin Castle, 11 March 1896.

I AM directed by his Excellency the Lord Lieutenant to acknowledge your Lordship's letter of the 5th instant, and in reply to state that his Excellency is unable to enter into the details of a case which is still *sub judice*.

It has been the object of his Excellency to secure that the final decision in this case shall be made with due regard to the rights of all the parties interested after they have had the opportunity of presenting their views in proper form.

I am, therefore, to state that your Lordship must raise any question which you desire to submit for the consideration of the Lord Lieutenant in Council by presenting an objection in the manner prescribed by the Educational Endowments (Ireland) Act, 1885

I am, &c.

The Most Rev. Bishop O'Dwyer, D.D.,  
The Palace, Corbally.

(signed) *D. Harrel.*

The Palace, Corbally, Limerick,  
14 March 1896.

May it please your Excellency,

I BEG to acknowledge the letter which your Excellency has been graciously pleased to cause to be written to me in reply to mine of the 5th inst.

May I, however, be permitted to remark that owing to some cause or other your Excellency's advisers do not seem to have apprehended the purpose of my letter.

It had no reference to proceedings which are *sub judice*, but to those which have been taken in private before your Excellency to my disadvantage, nor did I venture in it to ask your Excellency to go into any details.

But I did presume to ask your Excellency to submit my letters to the Judicial Commissioners, and invite them to inform your Excellency whether the representations therein made were true in substance or not.

And I must say that the refusal on mere technical but entirely unsubstantial grounds which your Excellency has been advised to give to so simple and obvious a proposal for ascertaining the truth sheds some light on the Chief Secretary's appeal to the moral aspects of the case.

As, however, it seems to be a foregone conclusion that the case must pass into the hands of Privy Council, I take the liberty of asking your Excellency to direct that an assurance be given to me that the inquiry by that body shall be

a full and *bonâ fide* investigation into the substantial merits of the case, and that I shall not be shut out by legal pretexes from going into the questions at issue, notably those raised by your Excellency's Chief Secretary in his letter of 18th ultimo by the statements (1) that the right of pre-emption was given to Canon Gregg by Privy Council in August 1892, in substitution for compensation, and (2) that Canon Gregg has *de facto* enhanced the value of the premises to the extent of 400*l.* by outlay of a permanently beneficial character.

I take the liberty of stating to your Excellency that without some such assurance it is simply waste of time and money for me and others to go before Privy Council. Where religious interests are at stake I have no confidence in that body as ordinarily constituted; and unless it is required by your Excellency to give a full and free hearing on the real issues in the case to those who are concerned, I am quite prepared to be told, should I appear before it, that the very questions for which your Excellency refers me to them are matters of detail into which the Lord Chancellor would never advise the Council to enter.

I have, &c.

To the Right Hon.

(signed)

The Lord Lieutenant General

and General Governor of Ireland.

*Edward Thomas,*

Bishop of Limerick.

My Lord Bishop,

Dublin Castle, 18 March 1896.

I AM directed by his Excellency the Lord Lieutenant to acknowledge the receipt of your Lordship's letter of the 14th inst., and I am to state that his Excellency has implicit reliance on the impartial discharge of their duties by the Committee of the Privy Council.

His Excellency is confident that the Committee will act in this case in entire accordance with the provisions of the law, and that every opportunity will be afforded to all parties interested to have their respective rights duly discussed and determined.

I have, &c.

The Most Rev. Bishop O'Dwyer, D.D.

(signed) *D. Harrel.*

Town Clerk's Office, Town Hall, Limerick,

May it please your Excellency,

24 March 1896.

WE, the mayor, aldermen, and burgesses of the City of Limerick beg to present to your Excellency's gracious consideration the enclosed memorial.

We have, &c.

To his Excellency

(signed)

The Lord Lieutenant General

and General Governor of Ireland.

*W. M. Nolan,*

*R. MacDonnell,* Town Clerk.

To His Excellency the Lord Lieutenant General and General Governor of Ireland.

The Memorial of the Mayor, Aldermen, and Burgesses of the Borough of Limerick, constituting the Town Council of the City of Limerick.

Sheweth:

1. WE the Town Council of Limerick beg to approach your Excellency and ask that your Excellency would graciously reconsider the decision of which we have received the official notification in your Excellency's name in reference to the Scheme 90 of the Educational Endowments Commission as amended by Resolution of the House of Commons on 21st of May 1895, that "it is not intended to approve of that part of the said Scheme which related to the said "Limerick, Killaloe, and Kilfenora Diocesan School."

2. With

2. With reference to this notification we beg to inform your Excellency that your Excellency's Under Secretary wrote to the Law Agent of this Council on the 4th day of October last acknowledging receipt of his letter of the 3rd, and stating that "the Scheme referred to therein will be submitted for final approval of the Lord Lieutenant in Council at the earliest convenient date." From that letter it is evident that, up to the 4th of last October, no one had invented the pretext on which your Excellency has been now advised to act. That pretext is a manifest afterthought, which comes as a surprise and a disappointment to this Council.

3. It is rather hard on this Council and on other citizens who, relying on the provisions of the Educational Endowments Act, have at great labour and expense brought their claims before the Commissioners under that Act, before your Excellency in Council, and the House of Commons itself, to find that your Excellency at the last moment has been got to change your mind in Council, and by declining to do the executive act of finally approving of the Scheme, should render nugatory the whole work of eight years, and set aside the decisions which were arrived at after most protracted inquiries, and had even come back to your Excellency for signature amended by Parliament itself.

4. We beg most respectfully, but at the same time most emphatically, to protest against the way in which this thing has been done. Your Excellency's intention of which we complain has been arrived at in secret. There has been no form of public inquiry. We, who were placed in a position of advantage by the Resolution of the House of Commons, did not even get a notice that any inquiry was going on; and therein we consider that the treatment we have received is unconstitutional and unjust.

5. This intention of your Excellency not to approve of the Scheme was formed, we presume, under the authority of the clause of the Act which provides that after all the public tribunals concerned have held their inquiries, and pronounced their judgments, and Parliament itself shall have had, if sought for, an opportunity of amending the Scheme by resolution, "it shall be lawful for the Lord Lieutenant in Council to declare his approbation of such scheme or any part of it to which such Resolution does not relate."

Thus, a merely executive act remained to be done, and we cannot think that it was ever the intention of Parliament to include in the power of doing it a supreme power of veto over all the proceedings from first to last.

6. That it seems to us that such a power would constitute your Excellency, in theory, and the gentlemen of the Privy Council who manage these matters, in fact, a Court of Appeal from Parliament itself and that besides the manifest absurdity of such a supposition it is in this case peculiarly absurd, inasmuch as the Act gives an appeal, which in this case was actually taken from your Excellency in Council to Parliament. It can hardly be probable, then, that the same Act intended that your Excellency should in turn become a Court of Appeal from Parliament in the very same case.

7. We submit, moreover, that if it were the intention of Parliament that your final act of approving of the Scheme in Council should be a judicial one, in which case your Excellency would decide on the merits of the case, it would have provided some form of procedure to protect the interests of those who were concerned, and save them from injustice.

8. If your Excellency has the graciousness to refer to the Act you will see how fairly it is framed, so as to guard against all wrong, and give all interests every opportunity of being heard. The procedure before all the tribunals is most minutely described (1) before the Commission when the draft Scheme is in question (2) before the Judicial Commissioners (3) before Privy Council. All these tribunals must sit and take evidence in public, must hear all interested parties, personally or by counsel, and, as far as the nature of the matters under consideration admit, they follow the forms of all the courts of the country. Finally, to make sure against all injustice, Parliament itself is open to those who think themselves aggrieved to put their whole case in all its parts before it.

But when all these courts have been passed and the time comes for your Excellency's final approval there is no form of procedure prescribed, no judicial investigation—no publicity, and consequently we hold that it was the



intention of Parliament that your Excellency should give, as the representative of the Queen, a formal sanction to what was done.

9. Instead of doing this executive act your Excellency has been advised to take a course which is without precedent, and bears a very ugly appearance. Your Excellency has cut the scheme in twain, taken out of it the parts which seemed undesirable to those advisers, and finally approved of the remainder. What your Excellency, by what power we know not, selected for final approval serves the interests of Protestants in Banagher and elsewhere. What your Excellency intends not to approve of concerns the Catholics of Limerick.

We submit that this picking and choosing out of the Scheme is clearly against the terms of the Act.

10. Your Excellency has been so good as to direct the Judicial Commissioners to frame a new Scheme which is termed supplemental, a name which seems to have been invented for the occasion as it is not found in the Act.

11. With reference to this new Scheme we confess to some surprise at its being issued. The Chief Secretary to your Excellency's predecessor wrote to the mayor of this council on the 18th February 1895, acknowledging receipt of a copy of a resolution which the town council expected to have proposed in the House of Commons, and stating as follows:—"The Educational Endowments Act, 1885, has expired, and, therefore, if their petition against the Scheme in question were successful, there would be no power to obtain a substituted scheme." We presume that he wrote on the advice of the law officers of the Crown. We may then be pardoned for a feeling of wonder at finding that, what in your predecessor's viceroyalty was impossible, because illegal, is now a fact and legal. In the meantime nothing has changed but the political party in power. We trust that the laws which we hoped were interpreted by fixed principles do not change with the predominant colour in the Castle of Dublin.

12. This supplemental Scheme, as it is called, is identical with the Scheme of the Commissioners which came before Privy Council on appeal, and was remitted by them with a declaration, on 24th August, "That a right of preemption of the premises of the Roxborough Road School in fee simple be given to the Reverend Canon J. F. Gregg, at a price to be ascertained by valuation, and that, in case he shall not become the purchaser, the premises to be set up and sold as provided in the draft Scheme." (2) "That the claim of the Reverend Canon Gregg to credits out of the purchase-money be disallowed in any event." It seems to us a strange thing to be invited to go before the same tribunal in the year 1896 on identically the same Scheme,—we suppose for the purpose of giving them an opportunity of mending their hand and giving a different decision now.

13. Having, as we already stated, at the cost of great labour and the expenditure of considerable sums of money, brought the Scheme to its final stage, and being then deprived of all we had gained by some secret agencies, we regard it as little less than a mockery to invite us to go over the whole ground again with no assurance that we should not in the end receive a similar disappointment for our pains.

14. We submit that the parties in whose interests your Excellency's advisers have acted should have made their whole case before the House of Commons, where it could have been met and answered, and we think it a monstrous thing that they should withhold from the consideration of the House of Commons what are regarded as more important points in order to raise them underhand in the Castle when their political allies return to power.

15. As to the substantial merits of these points, we think that the correspondence between the Lord Bishop of Limerick and the Chief Secretary and the Judicial Commissioners under the Educational Endowments Act must have made your Excellency's advisers feel that they have been attempting to bolster up a very rotten case. We shall only say in reference to it that it seems to us deplorable that your Excellency's Chief Secretary having in his possession evidence at first hand to demonstrate (1) that the Privy Council in the year 1892 did not give Canon Gregg the right of pre-emption as a substitute  
for



for compensation ; (2) and that the claim for compensation was so exposed as a sham and an unreality that it was disallowed " in any event," should now, on a second-hand report of the Judicial Commissioners, who were not present at the inquiry and had no knowledge of its proceedings, attempt to mislead the public on these two material points.

16. As to Canon Gregg's alleged improvements, your Excellency has now before you the extraordinary admissions of the Judicial Commissioners who assessed the value of these improvements, and we submit most respectfully that if your Excellency justifies the extraordinary course that has been taken in reference to this Scheme on the existence of these improvements this admission of the Commissioners makes it a public duty even now to have these school premises examined by a competent person and a report given, and, if that is done, we have no doubt that even your Excellency's advisers will recede from the position which they have taken up.

17. People in other parts of Ireland may be deceived by the statement of your Excellency's Chief Secretary, but to us on the spot they are simply aggravating misrepresentations. The Educational Commissioners, in violation of the express terms of an Act of Parliament, have let these premises to Canon Cregg, and corruptly at a most inadequate rent, which instead of accumulating for the public benefit they have spent back again upon the house; for years they see these premises going to ruin and they do nothing to save them, and when at long last, the citizens of Limerick, Catholics and Protestants, are on the point of recovering a remnant of their property which cost the ratepayers 1,640/., your Excellency is advised to interpose on behalf of a claim for compensation which your Excellency's predecessor in Council, consisting of eight Protestants to two Catholics, absolutely rejected, and which we venture to assert is on the very face of it a sham and a deception.

18. In conclusion we beg very candidly to declare that such proceedings as that of which we complain tend to shake the confidence, such as it is, of the people of this country in its Government. We understand that your Excellency knows nothing personally about this question : you are in the hands of your Excellency's advisers, that is, of persons who permanently shape the policy of Dublin Castle. In these persons we have no trust, they are anti-Irish and anti-Catholic, their power is exercised in secret ways, they sap and mine under the efforts of those who have to look for justice in open ways, and the result is, as your Excellency, even in your Excellency's brief occupancy of the Vice-Royalty, must have felt already, that there is a wide chasm of distrust and dislike between the great majority of the people of this country and the Executive Government.

Your Excellency must deplore such a state of things, but we beg to say that it will not be changed, but aggravated, so long as the Representative of Her Most Gracious Majesty sets aside the decisions of the public tribunals and of Parliament itself under secret influences which, like parasites, live on and ruin the Government of Ireland.

And your Memorialists will ever pray.

*W. M. Nolan, Mayor of Limerick.  
Robert MacDonnell, Town Clerk.*

**ROXBOROUGH SCHOOLS, LIMERICK**  
(CORRESPONDENCE).

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COPIES of (1) Correspondence between His Lordship the Bishop of Limerick and the Chief Secretary in reference to the Endowment Scheme concerning Roxborough Schools at Limerick; (2) Correspondence between the Bishop of Limerick and the Judicial Educational Commissioners on same subject; (3) Letters of the Bishop of Limerick to the Lord Lieutenant of Ireland on same matter; and (4) Copy of the Memorial of the Mayor, Aldermen, and Burgesses of the City of Limerick to the Lord Lieutenant on this same subject.

(*Mr. O'Keeffe.*)

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