

Secret

N. 22.5

April 1. 1835.

My dear Harding,

I drew up the accompanying analysis of the Proposed Report of the Ordnance Commission, for the use of my friend Skempton, & as it comprehends all the Ordinances, and a close sifting of it, you may probably like to read it.

Have the goodness to consider it as confidential, and return it to me. I never read or send or bartered a Report in my life, & one so directly contrary to all the Ordinances.
Yours faithfully
W. Gordon

Dublin Castle
4 April 1835

Dear Wood

Enclosed herewith I beg to
send you a Bill on the Bank of
England for one hundred Pounds
for Mr D O Goby - by Mr Williams
desire -

Ever truly yours

W. Taylor

A. Wood &

4 April 35

85th April

Mr. Macdonnell. £100.

20th & Mr. Fitzgibbon £20.

Mr. D. O. Goby 1/2 £100.

Note these amounts to

to Mr. Taylor's credit

Dublin April 25th 1835

Sir

I do not know how to express my thanks to you for the kind letter with which you have honored me and for the pains you have taken in my behalf among to many ^{other} cares and difficulties. I return thanks also to those who were so good as to listen to your recommendation. The sum you have obtained for me will enable me to get through the year very well.

I am writing out a fair copy of the new pamphlet which I think will be ready for the press in about a fortnight. The main object of it is to show that the two religions properly understood are substantially the same, and that the peculiarities of the Roman Catholic either may or ought to be dispensed with. Some of these peculiarities are handled severely and are shown to be incompatible with true religion.

It also contains a long chapter on the unbecoming position in which the P.C. Priesthood of Ireland have taken up and on the present state of Society ⁱⁿ Ireland. It follows up the principles both as to religion and policy contained in the former essay. I trust in heaven it will do some good. Undoubtedly it will help to awaken a spirit of useful enquiry. The excitement among the poor people against me has subsided, but I fear the appearance of the new work will be the signal for its resuscitation. I trust however that the second storm will not be so violent as the first.

I have not made up my mind when I shall publish my new essay. I do not like to publish it in Cork. The printers there have not given me satisfaction. I think my better way is to have it printed either in Dublin or London. The third edition, which consisted of 8000 copies has not answered our expectations. There are in Cork nearly 1000 copies on hand, and a greater number in London. I have not yet heard how it is in other places. This has proved a considerable drawback on the concern.

We are all well and quiet here at present, but the despatches

Mr. Coakley
25 April/35

Mr. P. P. ...

Money ...

Other ...

1/2 note for £100 sent
according to the ...
his letter ... 20/4

Nov 28th 1852

of the unhappy people is the same.

I shall do myself the honor of writing to you whenever I shall have any thing useful to communicate and whenever it may be your wish I should do so. I hope the present state of public affairs will not continue.

I think the better way to transmit the money is by two half notes enclosed in an letter for me under cover directed to the Rev. William Harvey - Atholven Globe - No. Clericollg - my most respected friend and neighbour. There is a sharp look out after letters directed to myself. I have the honor to be with all possible respect Sir

Yr much obliged and very faithful servant

David O. Crosby

Sir Henry Harcourt

Mr. David Croly

1st May/85

Recd. 8 the 1/2 £00.-

and 4/5. -

The other 1/2 of 100 sent
in similar manner.

18909

7 April 1885.

Ovens May 5th / 85

Sir

Your kind communication of the 28th of
April has just come to hand safe with
the enclosure as specified. I have the
honour to be with all possible respect

Yr much obliged and
faithful servant

David Croly

W^{ch} Hon^{ble} Sec^y Henry Howard

Sir
London May 20th 1835

I have received your letter of the 19th instant referring to a Printed Statement which appears to have been published on the 23rd of April last upon the subject of which I said in the House of Lords on the 25th June 1834 upon the presentation of a Petition from Buddenfeld.

I should think it would have been good to call my attention to this publication at some earlier day; rather than that preceding the one in which the subject is to be taken into consideration in the House of Commons.

If the Privilege of Parli^{am} gives a Peer the Power of discussing freely every subject

As comes under the consideration of the
House, it requires from him that he should
use that freedom without injuring the
Character of others. I hope that I did not
lose sight of this principle in the discussion
in question. I am certain that if I had
there been many present who would have
reminded me of it; and I must add
that there being in existence two Reports
of what I said it would have been fair
to conclude that that was the true one
which manifested most consideration for
the feelings of others.

There is no time now to advert to other
parts of your publication of the 23rd April;
and to print my observations preparatory

to the Preamble.

I positively deny that I ordered or that
I ^{sent the Paper} ~~could have ordered~~ that you might be
tried by a general Court Martial.
I declare positively that my Letter on the
subject of these Resolutions was dated the
28th Nov. and not the 28th Dec. as is stated.
The Difference is important on account of
the Change of Delay.

Upon all the matters relating to what
you have heard respecting my conversa-
tion with Mr Thomas Maitland upon
the Conduct of Mr Maitland Power, and
respecting Resolutions in the Army &c.
the Preamble I must say that I
positively

deny the truth of
all the different versions of the facts
stated whether in this publication, or
in any former one.

I always felt the greatest respect for
Mr. Stanley Power.

It is quite a new proceeding to make
any Man responsible for the Gospel of
the head quarters of the Army in the
Mediterranean; and ^{to which you have} amount for
Reports in circulation in the Peninsula
twenty five years ago, of which there is
no record.

The question appears to me to be a very
simple one whether the gentlemen had
been guilty of a Military Offence.

If they were the sentence was not an
unjust one; and I must add that every
denial was manifested by their superior
in England that full justice should be
done to them; as orders were given that
the proceedings of the Court Martial should
be revised, ^{with} per se that their defence
might be entered as the Minutes
of the Proceedings, and might be taken
into consideration as well by the Court
Martial as by the Authorities in England
whose duty it was to confirm the sentence.

I have the honor to be Sir your most
Obedient Servant
Edw. Maitland

London May 26 W 35¹⁷⁰

My dear Madam I
send you the enclosed
Letter on a subject on
which I have had you
last year.

The Bill is really necessary
in order to remove the suspicion
of fraud in the neighbourhood
of King's Cross Temple by
a very large body of people
for whom there is now no
employment.

My share a true amount
of eighty Pounds!

In the Country House of
Commons I have known

When Paddy & I were
an attendance. I wish

to George Coker

Ever your most sincere
Worshipper

Edw. M. P. C.
in very haste

Tithes. Ch. Baron J. J.

Woodlawn House 7 July
1835

My dear Mr Henry

As you expressed some regret at having
mistaken the letter which I wrote you when you
were last here on the subject of Tithes, I shall
endeavour to supply its place. My opinion upon
that subject is of many years standing. Time has
served to strengthen it. It has lately received ad-
ditional confirmation by the concurrence of Mr
Stanley. When he first announced his intention of
bringing in a Bill on the subject of Tithes, I took
the liberty of submitting to him my views, more in
detail than in the slight sketch of them which
I gave you. I received from Mr Stanley in reply

a letter from ~~him~~ in which he expressed his satisfaction ~~in~~ the import itself to those for whose use it was imposed: that my views entirely concurred with his own, not so strong was it, that a life of benevolence & charity only in the general outline, but even in the minutest details. Unfortunately he was unable to carry in effect the plan which he had proposed. It was in ~~his~~ disposition that he would be able to do so, that he unguardedly let fall the expression of "the extinction of Tithes" which was laid such hold of by the Agitators here.

To every one who has looked, with only a moderate share of attention, at the affairs of this country, it must appear that Tithes were an import that was universally disliked; & that to the majority of the Representatives of Ireland they were an object of insupportable hatred. This feeling was transferred from

disposed to discountenance this feeling. Extracting from them with the Tenantry the utmost advantage, they were not displeased that that odium which ought justly to have attached itself to them, should be diverted from its natural course, & be directed against another object. They are now beginning to see the natural consequences of this, & are disposed, tho' late, to adopt a different line of conduct. Whatever may have been thought some years ago, every one must now be convinced that under no possible modification Tithes can be other than an object of dislike, & a cause of turbulence & insubordination.

If we wish for tranquility, the very name of Tithe universal, & should be permanent - Having then
must be obliterated from the catalogue of civil rights. We must change the relation which at
present subsists between the Clergyman & his
Parishioners from that of Taxgatherer & Tax-
payer, to one admitting of more kindly feelings,
that of landlord & Tenant. That this can be
done, & done without difficulty, I am firmly per-
suaded. The Tithe composition Acts were most
beneficial to Ireland as far as they went. They
went as far perhaps ^{as} they could go as an end: but
as a means to an ulterior end, they fell short.
I recommended therefore to Mr Stanley that with
a view to the great measure of the extinction of
Tithe, composition should be compulsory, should be

rendered the impost a permanent charge upon the
Inheritance, that should be redeemable like the
land Tax in England. The money paid for the redemption
should be laid out in the purchase of land, which
should be the provision for the Clergyman. To promote
this redemption, encouragement should be given to
the owner of the Estate on which the charge was placed,
but the right of purchasing ought not for ever to be
confined to him. Others should be at liberty, after a
certain time, to be permitted to purchase. Facilities
ought to be given to the owner of the Estate. He ought
to be enabled to borrow money on the security of the
~~land~~ ^{land} even though he was but Tenant for life; & the

money
So borrowed & applied should be the primary charge
on the Estate, having priority to all other incumbrances
For this there is a precedent in the late Act for the purchase
of the fee simple of Bishop's lands. If the Tenant for
life should have the money himself, & lay it out
in this way, he should be all liberally to keep that money
a charge upon the inheritance, for portions of his
younger children, or on any other part of his personal
estate. Still further, should the owner of the Estate not
be able, or not be disposed to borrow money for the redemption
of the Tithe, he should be permitted to assign to the
Commissioners in Trust for the Clergyman, a portion
of his land equivalent to the price of the redemption.
This is a mode which I have some reason to think

would be frequently resorted to; & one that would most
be
simple in its operation. It would obviate the objection
arising from the difficulty of getting land to purchase
in the neighbourhood of the Parish. The land thus
assigned should be by the Act discharged from all incum-
brances. It might be objected that, if this course were
generally adopted, the Estate of the Clergyman would
consist of several detached farms: but this I do not
think material. If it should be considered desirable
to have the Clergyman's Estate in what is called a ring
fence, this could be achieved by exchange; for which
we have the mode shewed out by the Statute for the
Exchange of Glebe. Nor do I think it essential that
the Estate of the Clergyman should be all situated
within his Parish, tho' his residence ought to be there.

Perhaps it might even be desirable that his Estate
should not be situated within the Parish; & that the
poor part of his Parishioners should recognize in
him only the spiritual guide, & the humane &
charitable individual, without recollecting that
the funds by which he was enabled to exercise these
virtues, were derived from the people. It is well
known that Roman Catholic Tenantry prefer infinite
living under a Protestant landlord, as Roman
Catholic servants prefer living under Protestant
Masters; & therefore the difference of their religious
creeds would form no obstacle in the way of that
reciprocal good feeling, which ought to subsist
between landlord & Tenant. This arrangement

would in another point of view go to promote the
tranquillity of the country. There can be no doubt
that the R. Catholic Clergy look forward to the
establishment of theirs as the dominant religion.
For this purpose they encourage agitation; & as
the subject of Tithes is that which takes most with
those who are disposed to disturb the public peace,
they encourage a resistance to Tithes. But, tho'
they do so, they are the last persons in the world that
would wish for the total extinction of Tithes. They
encourage resistance to them as a means of disturbing
the public peace, & bringing the Clergy of the Established
Church into odium with the people. But they

look forward to the time when they will be able
to resume their ancient possessions. When therefore
all hope of this is cut off, the effect on the public
peace will soon be manifest. Till then once extinguished
can never be set up again even by them. Now, the
Estates in Land, which by the proposed arrangement
will be assigned to the Protestant Clergy, can never
be claimed by the R. Catholic Clergy on the ground
of ancient possession, or original right —

But to return to the details of the arrange-
ment, — I would give to the Clergy as Tenants
for Life, a reasonable Leasing Power; the extent
of that Power & the conditions on which it shall

be exercised, to be such as may, on consideration of the subject,
be agreed upon. I should think that a power of Leasing
for 21 years would be sufficiently extensive, & it should
be stipulated for in order to prevent successive Leases
or taking surrenders & granting them new Leases,
that no new Lease should be granted until within
2 years of the expiration of the old one. I would
further add that no Lease granted in Trust for the
Clergyman himself, or any of his family, should be
void against his Successors. No Fine or other private
advantage should be taken or received as a considera-
tion for the Lease. I would give greater latitude, as
to the Rent reserved, than what is usually given in
private settlements; viz that the best improved

rent should be reserved. This in cases of private settlements occasions much litigation, on the subject whether the best improved rent has been reserved: And as I was of opinion that the rent of land is too high in Ireland (often oppressively so) I should wish the Clergyman to be able to set an example of the contrary disposition. To encourage improvement on the part of the Tenantry, I would have it declared that in ascertaining the rent to be reserved on any new lease, the improvements made on the land by the Tenant at any time within the last five years of his lease should not be taken into the account against him in valuing the new rent. The only difficulty which presents itself

to my mind is that which may arise from the present subsisting leases. Much of the land in Ireland is held under leases for lives renewable for ever. The simplest mode of dealing with such cases (& indeed with all others where it can be done) is for the lessee, with the consent of the head landlord, to assign a portion of the land. These leases, tho' considered as perpetuities, are occasionally evicted in consequence of the default of the lessee in not paying the fines for renewal. A transfer of a portion of the land would prevent any difficulty arising from that circumstance: And even if the lessee should redeem the Title by a

money payment, yet, as that redemption would ~~be~~ much occupied, my thoughts upon this important
operate to discharge not only the lease but also ~~the~~ subject. They may afford some hints for abler heads
the inheritance, the money so advanced should ^{to work upon;} I need not say what pleasure it
be a charge upon both. The same principle may ^{will give me, if I can contribute in any way}
be applied to other ^{long} ^{of considerable tracts} leases, not in perpetuity. But
there will still remain a great number of small
holdings, where the tenants can neither advance
money, nor spare any portion of their farms. The
Landlord may transfer a certain number of them
with their farms to the Clergyman, which will only
occasion to the tenants a change of Landlord,
in all probability greatly for the better -

I have thus, my dear Sir Henry,
thrown upon paper very hastily, as my time

to work upon; I need not say what pleasure it
will give me, if I can contribute in any way
towards promoting the peace of this unfortunate
Country -

I am my dear Sir Henry
your very truly
Henry

Right Honble
Sir Henry Bouverie
Sir Sir

London August 21¹⁷¹¹

1735

My Dear Madam

As I see by the News

that you are in

town I shall be very

pleas'd to see you if

you will put it in my

power I have a

moment's conversation

with you at the Church
Bill.

Rebecca Nelson Jones
Dunsmuir
W. H. H. H.

(Copy)

War Office,

6th October 1835

Sir,

57068

1

Referring to Mr. Frankland Lewis's letter of the 10th of January 1828, conveying the decision of the Lords Commissioners of Her Majesty's Treasury as to the rules under which allowances should be granted to Clergymen officiating to the Troops in the United Kingdom, I have the honor to state for their Lordships' information that my attention has been called to various instances in which duty has been performed in Ireland to those Regiments denominated as Scotch in Mr. Lewis's letter, and Claims have been preferred by Ministers of the Kirk of Scotland to be remunerated for such duty.

It is difficult to deny that Scotch Regiments, when out of Scotland, have as good a Claim to the indulgence of being attended by Presbyterian Clergymen, in connection with the Church of Scotland, where they may be to be found, as English Regiments have to be attended by Episcopalian Clergymen in Scotland, who in that part of the United Kingdom are Dissenters - as yet claims have been preferred by Presbyterian

The Honble J. Stewart
Treasury.

Ministers

Ministers in Scotland and Ireland only, for Duty to the Scotch Corps; but it is highly probable that similar applications may be made for Divine Service to those Regts when stationed in England; and I am not aware of any sufficient reasons for rejecting them, if they should.

Their Lordships will advert to the decision communicated in Mr. Stewart's letter of the 16th of March 1833, in which they consented to the Rev. Mr. Gibson's receiving payment for officiating to the 91th Foot at Mullingar, Mr. Gibson being a Minister of the Kirk of Scotland; and I find that similar concessions were made by my immediate predecessors without reference to their Lordships, on occasions of duty performed at Limerick and Armagh to Scotch Regiments.

I have now an Application before me from the Officer Commanding the Depot 48th Foot, quartered at Galway from which it appears that his Corps is composed almost entirely of Presbyterians who attend Service in the Church of the Rev. Mr. Fisher, a Minister of that persuasion, and that Mr. Fisher performs Hospital Duty, while at the same time, the Rev. Dr. Whitley, a Clergyman of the Established Church, has urged the Claim to be continued in the Office which he held until the arrival of a Scotch Regiment at

Galway

Galway.

Referring to the concessions made in the cases before alluded to, in which the Regulations have been departed from in favour of Presbyterian Ministers in Ireland and to the principle upon which their Lordships' decision of ^{10 January} 1828, was founded, which admitted of payment to Episcopalian Clergymen for Service rendered to English Regiments in Scotland, I would beg to call their Lordships' earliest attention to the subject generally, and to suggest that Mr. Fisher should be remunerated for such duties as he shall have performed according to the rules and rates prescribed for Services recognized by the existing Regulations; and that a similar indulgence should be extended to any Presbyterian Minister in Ireland who may be called upon to officiate to the Troops under the like circumstances.

I have &c
(Signed) Howick

E. Macdonald

8 Manor Terrace
Kings Road, Chelsea.
Nov: 16 - 1835

Dear Sir

I should feel much obliged
by your sending me copies of the
Return of Church property ordered,
on your motion, and of the Catholic
Marriages bill and Irish Corporation
Bill — They could be forwarded
by the B post, unless on Sunday

I enclose a Westport Paper
containing a letter from me as to
Mr. Sheehy's evidence, with comments
evidently written by Walker.

The Beaver takes my letter
to the Times. I wish I could
influence them to publish it speedily,
as I have a ^{copy} ready to send when
it appears, which will complete the
proof of the guilty attacks on the
Lords. My desire ^{is} that these papers should
follow each other, as closely as possible,
so that the Public mind may have all
the facts before it, at the same time,
and ^{show} the ^{very} ^{truly}
Sir H. Hardinge E. Macdonald

M.P.

172
A. P. Thorne December 31st

My dear Lady Anne
I send you the enclosed
which I happened to
have with me

I am waiting for news
and therefore lay no more
than expect my hopes
that your Protege may
succeed. Love from most
tenderly W^m M^r Norton

Lady Anne Lindsay

5 Trafalgar Square, Chelsea

May 19. 1835

My lord

I present to your Grace the enclosed copy of a published letter, called for by the reported observations of your Grace, that the statements in my Pamphlet, in defence of my military Integrity at Malta, respecting yourself, are positive falsehoods; - and showing the importance of the matters which are thus questioned to the Trial against which I appeal. - The letter replies also to other reported observations of your Grace by which my objections to perform Roman Catholic Ceremonies denounced as idolatrous by the Oath enjoined on me by my King and the Legislature on the acceptance of my Commission, - are caused to appear weak in themselves, contrary to my duty as a British Officer, and to a known Treaty with Malta.

I have the honor to be, my lord,

Your Graces

most obedient

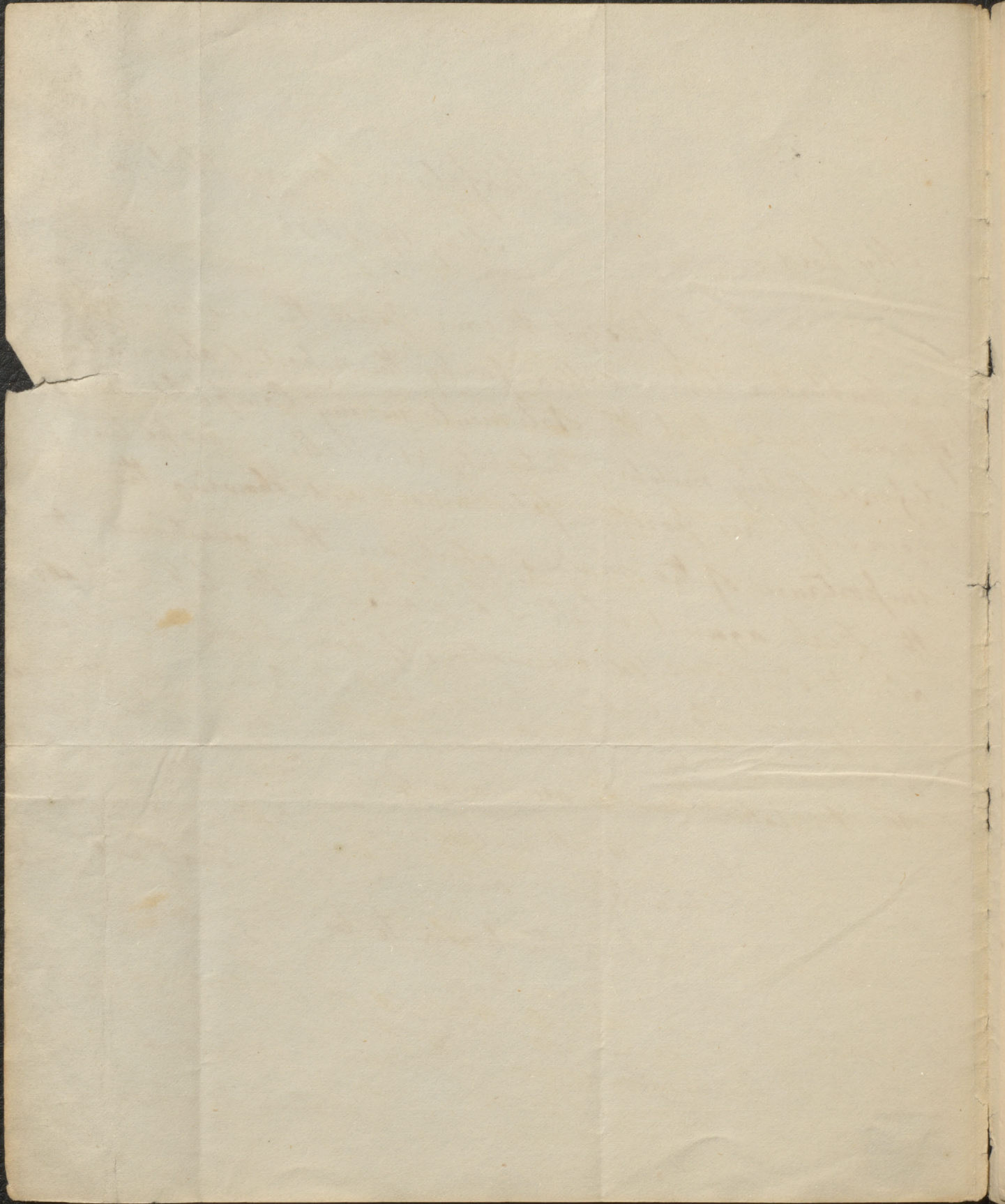
humble servant.

Thomas Atchison

His Grace

The Duke of Wellington.

Gen Gen &c



187c

MR. ATCHISON'S LETTER,

IN VINDICATION OF HIS PAMPHLET IN DEFENCE
OF HIS MILITARY INTEGRITY,

FROM THE REPORTED CHARGE OF THE DUKE OF WELLINGTON,
THAT
"ITS STATEMENTS CONCERNING HIM ARE POSITIVE FALSEHOODS;"
AND SHOWING
THE IMPORTANCE OF THE MATTERS THUS QUESTIONED,
TO THE TRIAL AGAINST WHICH HE APPEALS:

Replying also to other reported observations of his Grace, by which
Captain Atchison's objections to perform Roman Catholic ceremonies,—
denounced by the oath, enjoined on the acceptance of his Commission,
as idolatrous,—are caused to appear weak in themselves, contrary to his
duty as a British Officer, and to a known Treaty with Malta.

TO THE EDITOR OF THE RECORD.

SIR,—In the report of the speech of the Duke of Wellington
in the House of Lords, on the presentation of a Petition from
Huddersfield against our Protestant troops being "forced to act
in the idolatrous ceremonies of the Roman Catholic and Greek
Churches," given by the *Morning Post* the 25th of June last, his
Grace, in reference to my pamphlet "IN DEFENCE OF MY MILI-
TARY INTEGRITY," is represented to have said, "the statements
in the pamphlet respecting him, he begged to say, were positive
falsehoods."

Having been prevented noticing the subject at the time by a
severe illness, which seized me while waiting to obtain the tes-
timony of some distant friends, I trust you will allow me to vin-
dicate my statements from the charge against them, as those who
oppose my claims are likely to refer to the above reflections of
his Grace when my case is brought before the House of Com-
mons by Mr. Plumptre on the 21st of May.

On examining the report in the *Mirror of Parliament*, I found the following qualification of the above words :—" At least Captain Atchison has been entirely misinformed with regard to the subject-matter of those statements ; I therefore conclude that many others of his statements are of the same unfounded description."

His Grace is reported to *specify* two matters as wrongly given in my pamphlet, namely, that I have stated *he ordered* the court-martial, and that his letter respecting it was dated the *28th of December* ; whereas, his Grace says, he had not that power, and that his letter was written the *28th of November*. My pamphlet expressly refers to the official minutes, in which the prosecutor states the original correspondence had been forwarded to the Duke of Wellington, and that it was returned " accompanied with orders, dated the *28th of December*, for the trial of the prisoners." (See Lieut. Dawson's published *Trial*, p. 13, in the opening address of which the prosecutor stated all the incidents which related to both of our trials.)

In my pamphlet there are only two matters respecting his Grace for which I do not quote or refer to official or other published data ; they were cases in which the official papers were not accessible to me.

First, The precedent of a General officer of artillery, belonging to the Peninsular army, *remonstrating* against a *personal wrong*, in the course of public duty, before the order was carried into effect, given page 13. The circumstances were given me many years ago by a friend of the General, serving with him at the time, and they have been corroborated to me by other officers who were on the same service, so that I have no reason to doubt the substantial accuracy of this precedent.

The other matter for which I had not official data is the fact, that the reflections of the Duke of Wellington on Major-General Sir Manly Power for allowing the remonstrances of Lieutenant Dawson and myself, and our exemption from the Roman Catholic ceremonies, said to be contained in a letter to Sir Thomas Maitland (then just deceased), "*had been suffered to transpire in the garrison of Malta*" before the trials ; and, according to the version brought to me, the Major-General was

"called a fool" for what he had done; which, having operated as a most injurious and influential prejudgment against my own case, I felt it right to notice.

The day after I saw the statement in the *Morning Post* (a fortnight after the publication), I waited on a member of the court-martial then in town, and asked him if he remembered the alleged reflections of the Duke of Wellington on Sir Manly Power, circulated at Malta. He said, "I have read your pamphlet, and well remember the words—we all had it—who questions it?" I mentioned the passage in the *Morning Post*, and said I judged his Grace must refer to this subject; when he told me I might obtain all the particulars from a son of Sir Manly Power, who, he understood, was in London.

From two friends, who were on service with me at Malta, I have received two other versions* of the matter, one as strong in language as that given in my statement; the other version is in more measured terms, and reason is given for supposing it contains, "*as nearly as possible, the exact words of his Grace.*" A third officer, who was daily in personal communication with the Staff of Malta at the time, corroborates to me this version, word for word; and it contains the reflections *on the sense* and military conduct of the Major-General, from which, if correctly stated,

* POSTSCRIPT.—The following are the testimonies referred to in this letter:—

1st. "I certainly always believed the fact to be as you stated it, though with some variation as to the language employed. The word *Fool* was not in the communication as I heard it—'Thickheaded Fellow' was, as I recollect, the appellation 'given by his Grace to Sir Manly,' saying, however, 'he thought he had been a better soldier than to let such a business pass unnoticed.' It stood to my view, at the time, on good evidence, but I cannot recollect what it was."

2d. "I will give you what I believed at the time were, as nearly as possible, the exact words of the Duke, and which were repeated to me by either an eye-witness or an ear-witness of them, viz., 'That although Manly Power had been a Protégé of his in the Peninsula, he never had *any opinion* of his *head*, but he thought he had been a better soldier than to have acted as he had done.'"

I may here state that, soon after my arrival in England, I heard the version given in my pamphlet from more than one quarter, and used as authority against my case. And so far from having an idea that my statement was an exaggeration, an old and intimate military friend of Sir Manly Power confirmed my belief, that I was stating only what was admitted in well-informed circles.

THOMAS ATCHISON.

the other versions have obviously arisen. When parties about public offices divulge communications of such a nature, different reports are almost sure to get into circulation, and any one will judge what verbal differences amount to under such circumstances.

My pamphlet gives the reported reflections of his Grace without any comment, in connexion with Sir T. Maitland's prejudgment of my case in public orders, to show the disadvantages under which I was tried. As to the effects of divulging his Grace's reflections *before the trials*, the party that did this, caused my objections and remonstrances to appear foolish and unofficer-like, with all the weight of the Duke of Wellington's name and influence. The act of this party also caused the officers of the garrison and of the court-martial to know they would be subjected to the same stigmas, should they entertain objections to the requisitions of the Romish Church, or hesitate to enforce them on the troops.

Sir Thomas Maitland's public order, unfairly *withholding* all mention of the Church requisitions and the circumstances of my conduct, pronounced me guilty of "*unheard-of insubordination,*" "*relative to a public military duty.*" The prosecutor urged Sir Thomas Maitland's opinions and censures on the court-martial in support of his charges (see Lieutenant Dawson's *Trial*, p. 13), so that the members could not act on a different opinion, without resisting public orders.

It was a case of official prejudgment when a trial might take place, unknown before in the British service; and as it appears that it was on the receipt of Sir Thomas Maitland's public order that the Duke of Wellington desired the court-martial; and as the opinions of Sir Thomas are now publicly referred to in support of the proceedings, I beg attention to the following circumstances, showing the arbitrary and unjust nature of the assertions above quoted from the order:—

The Romish Church salutes and bell-tolling in question *were not known to the public or to the army* as military duties,—the requisitions *being secret* even to the garrison of Malta, until the trials brought them to light,—except to a few individuals. The *Protestant oath*, enjoined by the King and Legislature *on British*

officers on the acceptance of their commissions, denounced the identical ceremonies as idolatrous, and required a line of public conduct consistent with that oath; and the King's army regulations, which order that no Roman Catholic soldier shall be compelled to attend the worship of the Church of England, also commanded that *nothing contrary to the spirit of these regulations* should be enjoined on the troops. The King's Articles of War allowed me to make the complaint of wrong, and to seek its redress, on which my commanding officer at once exempted me from the Romish Church requisition, without expressing any disapprobation of my conduct; the Major-General also not censuring me, but leaving me in the discharge of my military duties for three months after, as proved in evidence. The succeeding Governor, the Marquis of Hastings, discarded the bell tolling and the Church petteraro salutes from the troops, the day after the court-martial passed its sentence, when the priests regularly performed these ceremonies according to the custom of their worship, and proved they were *not military duties* in any sense.

These circumstances show the true character of Sir Manly Power's military conduct, and that of my own,—it being kept in mind the Articles of War not only provide for officers making their complaints of wrong, without limiting or prescribing the time when such complaint shall be made, as *has been assumed for my condemnation*, but also require that the General in command shall examine into such complaints when referred to him.

It will, therefore be judged that I have great cause to show all the adverse influence brought to bear on the court-martial, when appealing against an unfair prosecution, which *suppresses the bell tolling and Romish requisition*, to make it appear I had objected to a proper military duty, and which charges me with disobedience of orders when the documents showed my commanding officer had *countermanded his previous orders to myself*, and had exempted me in the fullest manner from the ceremonies:—appealing also against the decision of a court-martial which resisted both evidence and defence on the facts suppressed, and which pronounced a sentence contrary to the evidence which was obtained, and contrary to the Articles of War, which allowed my remonstrance; the good faith of which articles I claim to be observed towards me.

* Sir Manly Power had himself declined the custom of joining the processions of priests and monks, and carrying lighted candles after the host and images, for which I was required to toll a bell and fire the Romish Church petteraroes, under the directions of the same priests, affording a probable clue to the views under which he allowed my remonstrance, and my exemption from these ceremonies.

I may here observe that Sir Thomas Maitland's public order expresses his *entire approval* of the moderation of Sir Manly Power, in having had the subject referred to the Master-General of the Ordnance,—which approval, I have a right to say, is inconsistent with the assertions, that a *public military duty* was in question, or that I had been guilty “*of unheard-of insubordination;*” for had such been the case, Sir Thomas must have placed the Major-General under arrest, for allowing such duty to be objected to, and for suffering such insubordination in his garrison.

As to its being said that the performance of the Romish Church requisitions was required by treaty; Sir Manly Power having allowed my remonstrance, and the Marquis of Hastings having discarded them from the troops, must show they were not required by treaty. Sir T. Maitland's proclamation in the name of the Prince Regent published as the law of the Island, promises to the Maltese “in the fullest manner the free exercise of their religion, and the maintenance of their ecclesiastical establishment,” but nothing more. The public order of Sir Thomas against myself and Lieutenant Dawson, refers to no treaty or *any other authority* for the requisitions, which he naturally would have done had such been in existence, when the right to enforce them was questioned.

The treaty with the Maltese securing respect to the Roman Catholic religion, and providing penalties against all who should molest or interfere with their ceremonies, could never authorise the ecclesiastics to make requisitions which interfered with the religious principles, feelings, and rights of Protestants.

The Duke of Wellington, in support of the court-martial, is reported to say, “there was no *act of the mind* in all this, it is the performance of a mere duty, a *duty of honour.*” [The same might have been said of the order of Nebuchadnezzar *to bow*

down to his golden image.] The natural act of the mind of a *Protestant* is to abhor serving and honouring any object or ceremony held to be *idolatrous*, as disobedience to God's plain command, most derogatory to his honour, and as a disregard of his moral Government; the same as we naturally abhor to honour and salute a harlot, and fear the consequences of serving or honouring a pretender to the King's throne, or to honour or assist any party rebelling against his laws.

The Duke of Wellington's published letter to Lord Anglesea, in the year 1828, shortly before His Lordship's recal from Ireland, relative to some of his household attending the Roman Catholic association (the legality of which was questioned), and occasioning Lord Anglesea to reply, "this is remarked upon as *a stain upon me*," shows what is expected under the principles of civil Government, and sufficiently exemplifies what integrity and duty in our Protestant faith, and our interest in God's present mercy, and eternal favour demands from us.

To be a *duty of honour*, it is necessary it should consist with the principles and rights of the Protestant religion, before it can be honourably required by one party, or rendered by the other. Honour as well as religion would allow the same requisitions to be performed by Protestants in Great Britain as well as abroad; and by our Protestant King, and every person in public and private life, as well as by a soldier.

That the ceremonies in question are religious observances, will be further judged by the fact, that when my objections became known at Malta, a respectable inhabitant said to one of my sergeants, "He was surprised that Captain Atchison, a man professing religion, should object to give glory to God."

Freedom from such requisitions of the Roman Catholic Church is the constitutional birthright of Protestant subjects, and the King and every authority in the State owes the subject protection from such demands as much in the regular army, as if in the militia, yeomanry, or any other capacity: and if any one has a claim on his King and country to have his religious principles respected, it is the soldier who cheerfully gives his life to the vicissitudes of climate as well as war in their service, and is more liable than other men to be called at an instant to his eternal

award : a consideration even now allowed to all but our Protestant troops.

My pamphlet enters fully into all the military laws and principles belonging to the public services and honours rendered by the troops, exemplified by military precedents, as well as into the details of my own trial, in order to show that the essential facts of my case, and the laws and principles belonging to it, have been evaded, or most arbitrarily set aside, in order to effect my sentence, and dismissal from the army. It also meets all the objections and fears which have been raised against allowing our troops their rights of conscience in the *established principles* of the Protestant religion ; and it gives, in the appendix, the requisitions of the Roman Catholic ecclesiastics at Malta, and other documents showing the nature of the ceremonies in question.

THOMAS ATCHISON.

5, Trafalgar-square, Chelsea, 23d April, 1835.

