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The Irish House of Lords, 1780-1800: Politics and Ideology.

Charlotte Mary Murphy, MA, HDE, DCG

Thesis submitted for the degree of PhD in History

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Supervisor: Dr. Clare O'Halloran, Department of History,
University College, Cork

Head of Department: Professor Dermot F. Keogh



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Finally, I must record my debt to my family. It has, with great tolerance, lived with the ghosts of departed peers for many years and with an accumulation of books and papers relating to the eighteenth-century which came close to threatening family harmony.

ABBREVIATIONS

BL	British Library, London.
CP	*The Complete Peerage.*
DEP	*Dormant, Abeyant, Forfeited and Extinct Peerages of the British Empire.*
DNB	*Dictionary of National Biography.*
DPB	*Debrett's Peerage and Baronetage.*
FJ	*Freeman's Journal.*
GHD	*Genealogical and Heraldic Dictionary.*
HMC	Historical Manuscripts Commission.
NAD	National Archives, Dublin.
NLI	National Library of Ireland, Dublin.
PRO	Public Record Office, London.
PRONI	Public Record Office of Northern Ireland, Belfast.

Introduction.

This thesis is a political study of the Irish House of Lords in the final twenty years of its existence. It presents an analysis of the House, its members, powers, management, and leadership. The vital relationship of the House of Lords with the Commons is explored, as is the relationship between Dublin Castle and the peers in their capacity as members of the upper chamber. Heretofore, studies of the Irish parliament have focused almost exclusively upon the House of Commons, thus creating a distorted and one-sided picture of the legislature at the end of the eighteenth century.[1] One aim of this study is to demonstrate for Ireland, as John Cannon has for Britain, that this was indeed the 'aristocratic century', in terms of the wielding of political power and influence.[2]

The first analysis of the position of the Irish House of Lords in the political life of the kingdom was undertaken by Edith Mary Johnston in a brief section of her book on the political administration of Ireland and Great Britain in the second half of the

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[1] E. M. Johnston, *Great Britain and Ireland 1760-1800: a study in political administration* (Edinburgh, 1963); J. L. McCracken, *The Irish Parliament in the Eighteenth Century* (Dundalk, 1971); R. B. McDowell, *Ireland in the Age of Imperialism and Revolution 1760-1801* (Oxford, 1979); Gerard O'Brien, *Anglo-Irish politics in the age of Grattan and Pitt* (Dublin,1987); James Kelly, *Prelude to Union: Anglo-Irish Politics in the 1780s* (Cork, 1992); Patrick McNally, *Parties, Patriots & Undertakers: Parliamentary Politics in Early Hanoverian Ireland* (Dublin, 1997).

[2] John Cannon, *Aristocratic Century: The peerage of eighteenth-century England* (Cambridge, 1984)

eighteenth century, *Great Britain and Ireland 1760-1800* (1963). She concluded that the real power of the upper House was greater than its constitutional position would imply, because, of the two hundred and thirty-six borough members of the Commons, about one hundred and fifteen were returned by lay and spiritual peers. According to Johnston, this virtual control of the lower House, rather than the constitutional functions of the House of Lords, gave the peerage its importance. It was also her belief that the twenty year period preceeding the Union saw the gradual increase in the prestige and importance of the House of Lords. This was partly due to its numerical expansion, the modification of Poynings' Law and the repeal of the 6 of George I.[3]

By recognizing the impressive influence of the nobility of the kingdom, especially in relation to the composition of the House of Commons, Johnston focused attention on a very important aspect of Irish political life which had been neglected. The peers were powerful men in their local areas through their ownership of land and their Commons patronage. They influenced the voting patterns in the Commons through the men they put there. However, the House of Lords itself was, after Dublin Castle, perhaps the most powerful establishment in eighteenth-century Ireland, because its members not only dictated to many of the members of the Commons but held the power of veto over all legislation coming from the lower House. Wealth, influence and political power were to be found in the eighteenth-century House of Peers.

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[3] Johnston, *Great Britain and Ireland*, pp. 257, 269. The pages devoted to the House of Lords run from 256 to 269.

In his 1971 pamphlet, *The Irish Parliament in the Eighteenth Century,* J. L. McCracken briefly concurred with Johnston's arguments that the Lords was powerful because of the influence many of its members enjoyed in the selection of members of the Commons. However, he placed more emphasis on the desire of the peers for patronage in order to advance their own wealth and influence rather than as a means of binding their followers to them.[4]

In *Ireland in the Age of Imperialism and Revolution 1760-1801* (1979), R. B. McDowell also looked very briefly at the Irish House of Lords. He saw the seat in the Lords as a glittering prize, because it gave the holder a permanent voice and vote in the parliament and conferred an 'elevated and secure status in Irish society, local and metropolitan.'[5] Johnston and McCracken, while discussing the influence of the peers in terms of the patronage they enjoyed and the influence they wielded over seats in the Commons, did not look at the House and its political power. McDowell introduced this question but dismissed the legislative work of the House as virtually unimportant. He did not consider the Lords a powerful or influential Chamber. It was his opinion that almost all political drama belonged to the House of Commons. However, he did accept that the government lost control of the Lords during the regency crisis. McDowell noted, but did not pursue, this very significant demonstration of the fact that the peers had a deep attachment to the Crown and the British constitution. To the majority of peers the Prince of Wales represented lawful succession to the Crown. They were not afraid to oppose Pitt and his ministry when

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[4] McCracken, *The Irish Parliament in the Eighteenth Century,* pp. 6-7.
[5] McDowell, *Ireland in the Age of Imperialism and Revolution,* p.121.

he clashed with them on the issue. It was only the recovery of the King which prevented the crisis from developing further. McDowell also ignored the fact that the Lords could initiate both public and private bills and held the power of veto.

With the publication of Francis G. James' *Lords of the Ascendancy: The House of Lords and its Members 1600-1800* (1995), the Irish House of Lords was at last acknowledged as deserving of detailed study independent of the House of Commons. The book covers topics such as the struggle between the catholic and protestant peers in the seventeenth century. It also looks at the absentee lords and the wealth in land held by the nobility. Only one chapter discusses the functioning of the House of Lords during the eighteenth century and James argues for its importance as part of the legislative process of the kingdom. He makes the point that while the Commons initiated all revenue measures and the majority of other bills, every bill, nevertheless, had to pass the Lords in order to become law. While this book is the first major study of the Irish House of Peers, James does not engage with the questions raised by McDowell as to which of the two chambers of parliament was the most powerful and influential. Also, he does not deal with the vexed question of patronage, the relationship between the peers and Dublin Castle, or the management of the House of Lords.

A. P. W. Malcomson has made the most recent contribution to the discussion of the place of the upper House in Irish political affairs. In his article 'The Irish Peerage and the Act of Union 1800-1971', he argues that prior to 1782 the Lords actually played a lesser part in Irish legislation than both the Irish and British privy councils and after 1782 it made little use of its enhanced power. Like all previous

historians under discussion, he makes the point that the Lords was inferior to the Commons because it did not propose as much legislation as the lower House.[6] It is true that the Lords never introduced as many bills as the Commons, either before or after 1782. However, it is a mistake to look at the two houses of parliament as versions of each other. If that is all they were, then there would hardly be a need for two houses. While the Lords had the power to initiate legislation, the power of veto confirmed it in its role as a supervisory body. It had the final say on legislation coming from the Commons. For example, an education bill was sent from the Commons to the Lords in April 1791. The peers believed that it censured the bishops of the anglican church for their handling of money given for public charities. This attack was strenuously refuted and the bill was not permitted to pass into law.[7] The power of the Lords to veto legislation is further demonstrated in relation to the bankruptcy bill in 1792. The Lord Chancellor considered the bill poorly drafted and therefore in the ensuing vote that bill was also lost.[8]

Malcomson is also of the opinion that the peers of Ireland saw the proposed union of the two kingdoms as an opportunity for individual advancement and gave overwhelming support to the principle in 1799, even though there was no mention of compensation for disenfranchised boroughs. They preferred the possibility of sitting in Westminster over a guaranteed seat in the provincial institution at College Green.[9]

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[6] A. W. P. Malcomson, 'The Irish Peerage and the Act of Union 1800-1971', *Transactions of the Royal Historical Society, 6th series*, X (2000), pp. 289-327.
[7] *Freeman's Journal*, 5-7 April 1791.
[8] *Ibid.*, 20-22 March 1792.
[9] Malcomson, 'The Irish Peerage and the Act of Union', p.306.

This conclusion does not allow for the possibility of any other political attitudes which the peers held in relation to the English Crown and its government. While accepting self-advancement as an important factor, this study will explore the political beliefs of the peers, such as their attachment to the protestant constitution and the monarchy.

This study has benefited from recent biographies of two major figures in the House of Lords in the final decades of the eighteenth century. Malcomson has written a monumental exploration of the life of Charles Agar, who as archbishop of Cashel was leader in the Lords for many years during the 1780s and 1790s.[10] He was also a member of the inner circle of advisers around the lords lieutenant. The wealth and political influence accumulated by Agar is a powerful indication of both his own abilities and the potent position of the House of which he was a member. He was opposed to union in 1799 but changed his mind in order to protect the Church of Ireland from an unfriendly House of Commons.[11] This conclusion by Malcomson regarding the reasons why Agar altered his position undermines the claim, in his article on the peers and the Union, that Ireland's nobility saw the political change purely in terms of personal advancement. Apart from detailed discussion on the Union, comparatively little is written about Agar's political role in the House of Lords, while much of the biography is devoted to his work for the anglican church.

John Fitzgibbon, the Earl of Clare and Lord Chancellor of Ireland from 1789, is

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[10] Malcomson, *Archbishop Charles Agar: Churchmanship and Politics in Ireland 1760-1810* (Dublin, 2000).

[11] *Ibid.*, pp. 556-9.

the subject of a searching biography by Ann C. Kavanaugh.[12] In the study she gives a detailed analysis of the reasons behind Clare's passionate attachment to the British constitution, and his influence over the House of Lords when lord chancellor. She concludes that his upbringing accounted for much of his devotion to Britain, while his legal expertise, dominant personality and eloquence were at the root of his power in the Lords. However, Kavanaugh did not undertake any exploration of the political life of the House itself.

The main sources for this thesis have been the papers of the lords lieutenant, chief secretaries and the peers themselves. Members of the government tended to look upon the peers as people to be managed so that legislative programmes could be passed through parliament. When peers were uncooperative, the frustration and irritation of the executive is clearly revealed. The papers of the peers indicate the political concerns and attitudes of the nobility. These include control of seats in the House of Commons, law and order at local level and national issues such as the regency crisis and the Union.

The publications of the Historical Manuscripts Commission contain a valuable collection of letters which lords lieutenant wrote to London about Irish problems. They also contain answers received from the London ministry. The *Carlisle Mss* are very informative about the attitudes of the Irish peers in the years which led up to the constitutional changes of 1782, while the letters of Earl Temple deal with the problems which were thrown up by these changes. The Duke of Rutland also faced

[12] Ann C. Kavanaugh, *John Fitzgibbon, Earl of Clare: Protestant Reaction and English Authority in Late Eighteenth-Century Ireland* (Dublin, 1997).

formidable opposition from the peers in relation to the plan to reform the House of Commons and the commercial regulations of 1785. The regency crisis and the reactions of the Irish peers, as the Marquis of Buckingham experienced them, are well illustrated in the *Fortescue Mss.* The influence exerted by the nobility on some of the lords lieutenant, particularly in relation to the catholic question, and the high esteem in which the peers were held by Westmorland, Camden and Fitzwilliam are revealed in the papers of these earls.

The attitudes of Irish peers to the main political problems of their day are to be found in their own private papers. John Fitzgibbon wrote of his deep distrust of the catholics of Ireland and his reluctance to grant them any relief. These opinions are to be found in the *Sneyd Mss*, while the *Charlemont Mss* contain the views of one of the leading Whigs of the day, who, though anxious to limit the power of the monarch, was also distrustful of catholics. There is much to be learned from the *Shannon Mss* in the Public Records Office of Northern Ireland (PRONI), on the subject of the peers' influence with government and the management of the peers by the lords lieutenant. The power of the peers in their local areas is demonstrated in the *Villiers Stuart Mss* and the *Fitzgerald Mss*, which are also to be found in PRONI. Lord Downshire was one of the few noblemen who consistently opposed the Union and his political attitude is expressed in his letters in the *Downshire Mss* in PRONI.

The *Journal of the Irish House of Lords* lists the names of the peers who attended the House and records each day's order of business. It is therefore an essential, although inadequate source for the study of the Lords. Apart from the

speeches from the throne given by the lords lieutenant and the peers' addresses in response, no account is given of members' speeches. The numbers who voted on divisions are given but there is nothing to indicate how each individual peer voted. The only exception to this is when peers exercised their right to have a protest entered into the *Journal*. There are also lists of all members of standing and *ad hoc* committees and parts of some committees' reports are entered. This study also analyses the public utterances of the peers in the House of Lords. The *Parliamentary Register* limited its coverage of the proceedings and debates of the Lords to the 1783-4 session of parliament.[13] It is therefore necessary to turn to the newspapers of the time to attempt to fill this gap. The *Freeman's Journal* and the *Hibernian Journal* reported the debates and proceedings of the Irish parliament from 1771 onwards.[14] Important sections were quoted from speeches and less significant parts were summarized briefly. These newspapers are a major source of information in relation to the political outlook of individual peers on the important issues of the time.

It seemed appropriate to add two appendices to the thesis. One contains brief biographies of the peers referred to in the text. Most of the nobles are not very well known political figures and the intention of appendix one is to put people in the context of their own time, place and family; thus rendering political attitudes and beliefs less abstract and impersonal. Appendix two is a list of all lords lieutenant of

[13] James Kelly, 'Recording the Irish Parliament: The Parliamentary Register of Ireland - History of the Proceedings and Debates of the House of Commons of Ireland. Review Article', *Eighteenth-Century Ireland, 15* (2000), p.10.
[14] *Ibid.*, p.11.

the last two decades of the eighteenth century. The viceroyalty could change hands very rapidly. The changes reflected the alterations in the political outlook of the London ministry.

This thesis covers the Irish House of Lords in the last two decades of its life. A number of important themes run through the work - the regency crisis, patronage, the management of the Lords, the relationship between the Lords and Commons. These themes, explored from different angles, are vital to an understanding of the political role of the upper House in the 1780s and 1790s. This study is confined to the Lords as a political institution and thus its judicial role as final court of appeal, which was restored to it in 1782, will not be explored here.[15] The thesis consists of two parts. Part one examines the structures and powers of the House of Lords while part two looks at the parties and policies of the House. Chapter one discusses the British constitution as imposed upon Ireland. The House of Lords was the second pillar of this constitution. Therefore, an understanding of the origins of Britain's constitution is vital in any study of the institutions set in place to govern Ireland. Chapter two suggests the reasons why constitutional changes were introduced in 1782, and looks at the contribution made by the Irish House of Lords in securing these changes. Chapter three explores the various channels of influence which the peers enjoyed. Usually they were great landowners and as a consequence controlled many

[15] For a recent preliminary analysis, see Andrew Lyall, 'The Irish House of Lords as a Judicial Body, 1783-1800', *The Irish Jurist*, New Series, XXVIII-XXX (1993-95), pp. 314-360.

parliamentary boroughs. Thus, the nobility had a significant, if unquantifiable influence on the House of Commons. Peers also consolidated their power over elections to the Commons by ensuring the appointment of friendly sheriffs and magistrates. /Chapter four explores the sometimes tense relationship between Lords and Commons./ In order to become law, all bills had to pass both houses of parliament. While the veto enjoyed by the Lords has been referred to, the Commons also had the power to reject bills coming from the Lords. However, a study of the *Journals of the House of Lords* during the last two decades of the eighteenth century shows that all bills, both public and private, which originated in the Lords and were rejected, were in fact rejected by the peers themselves and never went to the Commons.[16] The electoral system of the day was designed to represent property, and the peers owned most of the land in the kingdom. Therefore, those MPs who sat for the boroughs owned by members of the Lords were required to represent the views of their patrons. However, the Commons had almost exclusive control over initiating financial legislation and this gave it a confidence and importance of its own. /Chapter five examines management of the House of Lords by Dublin Castle./ It included elevation to the peerage and promotion within the peerage. Dublin Castle also spied on the nobility in order to learn its political plans, while the lords lieutenant spent much time enjoying the pleasures of the great houses of the kingdom, in an attempt to bind the nobility even closer to the Crown. Part

[16] *Journal of the House of Lords of the kingdom of Ireland, 1634-1800* (8 vols, Dublin, 1779-1800), v, vi, vii, indexes, (n.p.).

/two, begins at chapter six. This chapter explores the leadership of both parties within the Lords. / Michael McCahill has argued that the British House of Lords was, throughout the eighteenth century, dominated by a party of the Crown.[17] This thesis uses the same term to refer to government supporters in the House of Lords, rather than the more usual Castle party, as party of the Crown describes more accurately the ideological position of most, if not all peers, who gave their loyalty primarily to the Crown rather than to the executive and lord lieutenant in Dublin Castle. In the Irish House the party of the Crown was led by men from a legal background who, as lords chancellor, were automatically speakers of the House, while the Whigs followed nobles who believed that the power of the Crown should be reduced. During the 1780s a new position was taking shape, the post of leader of the House. /Chapter seven looks at how patronage was used to reward those who were loyal to the government. / Patronage was not a crude form of bribery but a means of filling essential positions in running the country. It was logical that such positions should be given to those who had proved their loyalty by constantly voting in support of government issues./Chapter eight explores the influence of the Whig opposition./ In Ireland the Whig opposition flourished briefly when the Whigs formed the King's ministry in 1782 and when their supporter, the Prince of Wales looked like becoming regent in 1788. /Chapter nine looks at the controversial attempts made by Pitt and his ministry during the 1790s to win the support of catholics and turn them from the lure of French ideas, and of the response of the peers to these attempts./The

[17] Michael McCahill, *Order and Equipoise: The Peerage and the House of Lords, 1783-1806* (London, 1978), p.2

Relief Act of 1793, which gave the parliamentary franchise to catholics, was a breach of the protestant constitution of the kingdom. One of the prime purposes of the constitution, especially since the Act of Settlement of 1701, had been to keep political power in protestant hands. The constitution was also undermined, in the opinion of the Whig opposition, when an Indemnity Act gave legal protection to magistrates who had acted in an arbitrary manner during the tumult of the 1790s. At the core of this criticism lay reverence for the rule of law in civil society; such rule of law was the direct counter to the tyrannous, arbitrary exercise of political power, and was the only safeguard for the life, liberty and property of the individual.[18] It is Ian Christie's contention that by 1769, if not before, the Rockingham Whigs had begun to project themselves as the sole champions and guardians of the constitution and of English liberties against 'subversion by a supposed secret junto working behind the scenes in court and Parliament.'[19] The Irish Whigs also saw themselves as guardians of the subject's life and liberty and opposed legislation which gave retrospective protection to magistrates who acted without due process of law. Chapter ten is concerned with the relationship between the peers of the House of Lords and the lords lieutenant during the 1790s. The peers, their relatives and followers set much of the agenda for the country's legislation, and the viceroys, usually, but not always, followed where they

[18] Ian R. Christie, *Stress and Stability in Late Eighteenth-Century Britain: Reflections on the British Avoidance of Revolution* (Oxford, 1984), p.182.
[19] *Ibid.*, p.39.

led. Chapter eleven looks at the Union and the House of Lords and attempts to answer the question historians have long asked: why did the Irish parliament and the House of Lords in particular, look favourably on the proposed union of the two kingdoms and the end of their own institution?

The House of Lords in the closing decades of the eighteenth century was an institution within which the wealth and power of the kingdom could be found. Its members were politically active, both inside and outside the House. It contained a majority who saw the Crown as the source of stability, but it was a living and evolving political organism and therefore it contained men who believed that the Crown should have its influence limited. This evolution is also demonstrated in its desire for political change in 1782 and 1788. Its last, and perhaps most radical decision, was to vote for its own demise in 1800.

Chapter 1

The Irish House of Lords, 1780.

The system of government by which Ireland was ruled in the eighteenth century was the creation of the British state; therefore, any study of the Irish House of Lords must begin with an investigation into the structures and powers of the various institutions which, together, made up the British constitution. According to Corrine Comstock Weston, 'As early as there was theorizing about the nature of the English government, it was suggested that it was a mixed government.'[1] One of the earliest expressions of this theory appeared in the writings of Sir John Fortescue (c.1394-c.1476), Chief Justice of the Court of King's Bench in the reign of Henry VI and one of the first lawyers in England to deal systematically with the nature of the English constitution. Fortescue drew upon the writings of Aristotle and Polybius, in order to formulate the theory and it is, therefore, generally referred to as the classical theory of the English constitution. According to its tenets, government by king, lords and commons represented a combination and blending of the simple forms of government - monarchy, aristocracy, and democracy; and to this mixture of the three forms political thinkers attributed what they regarded as the peculiar quality of the English system. The mixed character of the English constitution was a fundamental assumption of eighteenth century England; and it was summed up by the

[1] Corrine Comstock Weston, *English Constitutional Theory and the House of Lords 1556-1832* (London, 1965), pp. 9-10.

Bishop of Rochester in a sermon he preached before the House of Commons in 1701, in which he declared that England had a 'Constitution, nicely poiz'd between the Extremes of too much Liberty, and too much Power; the several Parts of it having a Proper Check upon each other'.[2]

The transfer of power from James II to William of Orange during 1688-89 left the exercise of executive power vested in the Crown. The ancient rights of the House of Lords to co-equal legislative power with the House of Commons, in all but fiscal matters, were also left unchanged, as was its supreme appellate jurisdiction in civil litigation. The House of Commons had the right to discuss any matter it chose and it could criticize freely the executive power, while its supremacy in the matters of financial supply was assured.[3] The four institutions of government, the Crown, the Lords, the Commons and the Courts of Common Law were confirmed in their respective spheres of authority, within which each was largely, but not entirely independent of the others. All were mutually indispensable and none of them in the eighteenth century showed any inclination to attack the position of the others.[4]

This government of 'checks and balances', which resulted from the partial division of powers, prevented the absolute supremacy of any one part of the constitution over another. However, it was necessary, if the machinery of government was to work well in practice, to ensure harmonious relations between the executive and the legislature, between Crown and parliament. The Crown had the power to dissolve parliament at any time, and parliament could bring the executive to a stop by

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[2] Quoted in *Ibid.*, p.142.
[3] S. B. Chrimes, *English Constitutional History* (Oxford, 1967), pp. 121-22.
[4] *Ibid.*

refusing financial support and by disbanding the army. Deadlock between the two powers would mean anarchy and could not be allowed to happen. In order to make certain that it did not happen, the Crown had at its disposal the means of ensuring harmonious relations in all normal circumstances. As Chrimes put it: 'If it could not rely on the loyal support of majorities in the Houses, it could and did attach to its interest the needful balance of votes in either House by exercising its influence.'[5] In the eighteenth century party divisions were not clear-cut; there were no parties in the modern meaning of the word. There were no party organizations or programmes; there were no clearly definable Tory or Whig groups. There were also many members of parliament who saw it as their duty to support the Crown in parliament; if necessary against plots and plans of group interests, on the principle that the king's government must be carried on.[6]

The Crown's powers of patronage were huge; the favours, the honours, the pensions, the sinecures were great - greater than those within the gift of any powerful and wealthy leader of whichever group happened to be resisting the influence of the Crown.[7] The link between the executive and the parliament which was most effective in keeping the wheels of government turning in the eighteenth century was the exercise of influence. This was considered to be the 'conventions of the Constitution' without which a constitution of checks and balances could not be made to work. It was, in Chrimes's opinion, a system necessitated and also rendered possible by the

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[5] *Ibid.*, p.123.
[6] *Ibid.*
[7] *Ibid.*

state of parliamentary representation and the electoral franchise.[8] Most constituencies, both in boroughs and counties, had come to be, in practice, dominated by the interest of a small number of great families; large landowners and wealthy individuals, who secured the election of their own nominees. Few of the lawful electors were in a position to exercise a free choice at an election, even if they had wished to do so. In many boroughs the lawful electors were extremely few in number. The days of popular politics, in the modern sense, had as yet not dawned and most elections were decided by family connections, local interest and personal advantage. The effective electorate was often very small and most of the members of parliament themselves were, in reality, the nominees of a handful of peers, or large landowners, or the Crown:

> Influence and connection counted for more then party feeling, and when the Crown bid for votes in the House [of Commons] it was but outbidding or supplementing the influence and connections of the aristocratic families, who dominated the party affiliations of many of the members.[9]

The logical outcome of this state of affairs was the formation of a Court connection or party, and this is what happened in the time of George III from 1760 onwards. At the beginning of his reign the services of William Pitt the elder as a war minister could not be dispensed with and reliance upon one section or another of the Whigs was temporarily necessary. But from 1770 to 1782 George III with the

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[8] *Ibid.*

[9] *Ibid.*, p.124.

assistance of Lord North, rid himself of the Whigs. Part of this Whig network ousted from royal favour, began to form a genuine opposition based on political principles, which, when they could be carried into effect, would modify the reality of the royal influence by drastically curtailing its rights of patronage. This Whig opposition would eventually destroy the basis of government by influence, when it secured the reform of the House of Commons in 1832.

When by the end of 1783 George III rid himself of the Whig ministry that followed Lord North's resignation in 1782, and the King, by his favour, procured a great Tory majority behind the younger Pitt, the Crown had unwittingly given a strong impetus to government by party. There was now to be a Tory ascendancy comparable in length and completeness with that of the Whigs in the earlier half of the eighteenth century, and although royal favour was to continue for at least a generation to be indispensable to the formation of any particular ministry, nearly all future government was to be primarily government by party. The importance of the link of influence therefore declined, but still remained essential, for there was to be no reform of parliament until 1832.[10]

In the eighteenth century and up to the Great Reform Act, the House of Lords was extremely influential. Turberville made a perceptive comment in his discussion of the House in eighteenth century Britain:

The significance of the eighteenth-century House of Lords cannot be

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[10] *Ibid.*

> appreciated by keeping one's attention fixed solely upon the proceedings in the Chamber, as they are recorded in the *Journals* and in the *Parliamentary History.* The House was the legislative organ of the men who governed the country by their control of the electorai machinery of the House of Commons and by their domination of the Cabinet and of the departments of Administration.[11]

The prestige of the House of Commons grew during the eighteenth century, in particular because Sir Robert Walpole, who was first minister from 1721 to 1742, remained throughout his term of office a member of that Chamber. In Turberville's opinion, from Walpole's day onwards, the Commons was the more prominent House. He also believed that its enhanced position was maintained on certain conditions, by a compromise with the House of Lords. The peers did not object to the increased consequence and prestige of the lower House, so long as they could retain an effective hold upon its composition.[12] During the latter half of the eighteenth century what Turberville refers to as the 'moneyed class' grew in political strength and threatened the landowners' power. However, as late as 1800, the landlord aristocracy still retained their commanding position and predominated in both the Lords and Commons. [13]

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[11] A. S. Turberville, *The House of Lords in the XVIII Century* (Oxford, 1927), p.483.
[12] *Ibid.*, p.481.
[13] *Ibid.*

The House of Lords, whose members represented no one but themselves, also exercised an independent veto on the bills sent to it by the House of Commons. According to the classical theory, if the Lords rejected a bill of the Commons, aristocracy would have checked democracy for the public good. But to limit the powers of the House of Lords, to change its hereditary basis, to make it subordinate in any way to the Commons or to abolish it, would be to replace the English system of mixed government with a simple form of government; either pure monarchy or pure democracy; both were considered tyrannical and absolutely unacceptable.[14]

When Britain finally subdued Ireland in the 1690s, it was inevitable that she would impose this mixed system of government upon the country. Those who were given places in the House of Lords were the men who owned the landed property of the country. As C.D.A. Leighton has written: 'in England, there was the Harringtonian dictum that power must follow property, which rose to the level of one of the most fundamental political principles of the age.'[15] By the mid-eighteenth century most of the land in Ireland was owned by families which originally came from Great Britain. In *Lords of the Ascendancy,* F. G. James points out that an analysis of the family origins of the resident peers who attended the Dublin parliament during the early eighteenth century demonstrates that almost all sprang from families established in Ireland before the era of the English Civil War and the rise of

[14] Comstock Weston, *English Constitutional Theory and the House of Lords,* p.144.
[15] C.D.A. Leighton, *Catholicism in a Protestant Kingdom: A Study of the Irish Ancien Régime* (London, 1994), p.29.

Cromwell.[16] The attendance records of the Irish House of Lords for the years 1692-1727 show that approximately one hundred peers participated on a regular basis. These hundred peers represented sixty-three major land-holding families, only five of which were established by men who came to Ireland after 1640. All the rest traced their ancestory to Gaelic, Anglo-Norman or Tudor roots.[17] James goes on to list the ancient names whose representatives sat in the eighteenth century Lords; the names are those of many of the Normans who came into Ireland in order to carve out a lordship for themselves: Barry, Burke, DeCourcy, Dillon, Fitzgerald, Fitzmaurice, Fleming, Saint Lawrence, Barnewall, Bermingham, Butler, Netterville and Nugent. These families brought with them to Ireland, the form of government they knew in England - the Crown and an embryonic parliament. The constitutional changes which this form of government underwent during the centuries were reflected in England's sister kingdom.

However, Ireland did not present an exact reflection of Britain's constitution in the eighteenth century; some differences did exist in the structure and power of the various institutions of government. Both Houses of the Irish parliament suffered a severe curb upon their power by the provisions of Poynings' Law. This statute prevented the summoning of a parliament until the lord lieutenant and council in Ireland had informed the monarch and council in England why a parliament was

[16] F. G. James, *Lords of the Ascendancy: The Irish House of Lords and its Members 1600-1800* (Dublin, 1995). p.11.
[17] *Ibid.*, p.13.

considered necessary and what specific bills were to be proposed. As provided by Poynings' Law, Irish bills had to originate with the Irish privy council. This body was appointed by and usually dominated by the Crown or its chief ministers. According to James, by 1660 the Irish privy council was becoming increasingly a source of legislation. Since over half of its members consisted of peers or bishops, it had close ties with the Irish House of Lords.[18] If the monarch and English council agreed, the lord lieutenant would receive a license under the great seal of England to summon a parliament in Ireland.[19] During the sixteenth century Poynings' Law was modified and by the end of the seventeenth century members of the Irish parliament had obtained the right to introduce what was called heads of bills. Theoretically, heads of bills had the status of a request for legislation; but in practice they were treated by both houses of the Irish parliament as if they were proper bills.[20] The heads of a bill was read three times in the house in which it had originated. If approved by that house it was presented to the Irish privy council to be drawn up into a proper bill. Unlike a bill at Westminster, heads of a bill was not presented to both houses of parliament. Such a development was always opposed by the government, no doubt because it feared that heads of a bill which had been approved by both houses would carry greater authority than one which had been agreed to by only one house.[21] Once the heads of a bill had been presented to the Irish privy council it could be amended,

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[18] James, *Lords of the Ascendancy,* p.37.

[19] R. E. Burns, *Irish Parliamentary Politics in the Eighteenth Century 1714-1760* (2 vols, Washington, 1989), I, p.5.

[20] Patrick McNally, *Parties, Patriots & Undertakers: Parliamentary Politics in Early Hanoverian Ireland* (Dublin, 1997), p.42.

[21] *Ibid.*

accepted or rejected. If approved, the bill then passed to the privy council in London where it could be again rejected, accepted or amended. If it was not rejected, the bill was then returned to Ireland where it had to pass both houses of the Irish parliament in order to become law. Neither house could amend the bill; they could only accept it or reject it. McNally believes that while Poynings' Law was theoretically adhered to, the Irish parliament, in fact, regained the legislative initiative. During the eighteenth century the vast majority of Irish legislation began life in the form of heads of bills which meant that the Irish parliament had in practice but not in theory, the power to initiate legislation.[22]

In 1720 an 'Act for the better securing of the dependency of the Kingdom of Ireland upon the Crown of Great Britain', usually known as the Declaratory Act, was passed at Westminster. In the words of Isolde Victory, it was 'an attempt to regulate the constitutional relationship between the parliament of Westminster and Dublin'.[23] Specifically, the act denied the Irish parliament the right to independent legislative and judicial powers, and claimed for Westminster the right to legislate for Ireland. McNally believes that the British parliament did not exercise the powers it claimed under the Declaratory Act; if it had, Ireland would have been nothing more than a colony.[24] Although the British parliament very rarely passed legislation which affected Ireland, the existence of Poynings' Law and the Declaratory Act rendered the Irish

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[22] *Ibid.*

[23] Isolde Victory, 'The Making of the 1720 Declaratory Act,' in Gerard O'Brien (ed.), *Parliament, Politics & People. Essays in Eighteenth-Century Irish History* (Dublin, 1989), p.9.

[24] McNally, *Parties, Patriots & Undertakers*, p.30.

parliament a subordinate body to that at Westminster. The power which the lord lieutenant, the privy councils of both Ireland and Britain, and the British parliament could wield over Ireland's parliament meant that both the Lords and Commons of Ireland were secondary institutions. The members of both houses demonstrated their discontent with this state of affairs when Britain's own political situation permitted them.

In a particular way, the Declaratory Act undermined the place of the House of Lords within the constitution. It denied its appellate jurisdiction over cases adjudicated in Irish courts. This arose out of a series of complicated cases extending over many years involving conflicts between the Bishop of Derry and the Irish Society of London, the Earl of Meath and Lord Ward, and finally Hester Sherlock and Maurice Annesley. All of these cases dealt with land and went on appeal to the Irish House of Lords from Irish courts. In each case the Lords reversed the decision of the lower courts, and the litigants who had lost in the Irish Lords appealed to the British Lords. Thus, the question of the relationship between the British and Irish Lords became a matter of grave constitutional importance and in January 1720 the judges in the British House were ordered to draft a bill 'for the better dependency of Ireland.'[25] The Irish Lords defended their position on the grounds that England and Ireland constituted a dual monarchy, bound together by allegiance to the same king.

[25] Burns, *Irish Parliamentary Politics in the Eighteenth Century*, I, p.9.

However, the monarch of Britain could not act alone. Westminster made laws for Britain and now proceeded to make laws for Ireland also. This issue of dependance was not a matter which gave the British peers a crisis of conscience. Within a week the judges delivered the bill to the British House of Lords. The contents took the Irish peers by surprise; not only did the bill deny the right of the Irish Lords to hear appeals from Irish courts, it also stated that the British parliament had the power to legislate directly for Ireland.[26] As Isolde Victory has written:

> At a stroke, therefore, the two most contentious areas of Anglo-Irish constitutional relations were regulated by statute. Further, the preamble of the bill declared that it was being brought in because attempts had been made to shake off the subjection of Ireland to the Crown of Britain.[27]

It was not true that attempts had been made to shake off Ireland's subjection, but some involved in politics at the time believed that this statement was included in order to get the bill through the British Commons.[28] This bill, which was known to the peers of Ireland as the Irish Peerage Bill, made it very clear that the parliaments of Britain and Ireland were not, as Burns has written, 'co-equal'.[29] Any ambiguity about the rights of the British parliament to make laws which were binding in Ireland, such as the question of the Irish House of Lords' appellate jurisdiction over cases adjudicated in Irish courts, was now clarified. The British parliament had the right

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[26] Victory, 'The making of the 1720 Declaratory Act', p.25.
[27] *Ibid.*
[28] *Ibid.*, pp. 25-6.
[29] Burns, *Irish Parliamentary Politics in the Eighteenth Century,* I, p.10.

to make laws binding in Ireland and the Irish Lords did not have appellate jurisdiction. The consequences were considerable in Irish political life. The questions of legislative or judicial independence no longer occupied parliament. Irish magnates moved further towards a system of undertaking in order to maintain some control over Irish affairs. In terms of political philosophy the Declaratory Act had profound consequences. Isolde Victory summed this up as follows:

> Until 1720, the Anglo-Irish had rooted their political legitimacy in being the inheritors of common law rights. Historical, judicial and legislative precedents were the bulwarks of their constitutional construct. The Declaratory Act undermined the foundations of these beliefs by providing an overriding precedent against all such claims[30]

The Irish peers were forced to look again at their constitutional position and they found in Molyneux's book, *The Case of Ireland Stated*, a source of new ideas. Molyneux had believed in the power of precedents, but he had also incorporated the idea of natural right from his own reading of Locke's *Two Treatises of Government*. The concept of natural rights began to shift political views from the rights of parliament to the rights of people.[31]

In other important respects also the Irish constitution was different from that of Britain. One such difference was the tenure of judges. British judges held tenure during good behaviour and were removable only by an address from both houses of parliament. Judges in Ireland, on the other hand, served at the monarch's pleasure.

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[30] Victory, 'The making of the 1720 Declaratory Act', p.28.
[31] *Ibid.*

Therefore, the Irish judiciary was bound by the executive and not independent of it. As dependents of the Crown, Irish judges were expected to perform political services as well as judicial ones. They were, for example, appointed to the privy council and were, as Burns has written, 'expected to speak and vote in that body on behalf of the Irish government'.[32] Another constitutional difference was the absence in Ireland of a bill of rights; only those sections relating to the Crown and to the succession were extended to Ireland. The dissolution of parliament by the lord lieutenant on the death of the monarch was the only means of having a general election, until 1768 when the Octennial Act was passed. The country had to wait until 1782 for *habeas corpus* legislation, and the annual Mutiny Act, which was also not in place until 1782, meant that the standing army was not within the control of the Irish parliament.

There was one other extremely important difference between the structures of government which applied to Britain and those which applied to Ireland. As in Britain, the chief source of executive authority in Ireland was the royal prerogative. In Ireland the king exercised these powers through the lord lieutenant who was chosen by the ministry in London. The lord lieutenant was responsible to the ministry and not to the Irish parliament. Therefore, neither house of the Irish parliament had control over the lord lieutenant, who answered only to the London government. This was an extreme form of limitation upon the powers of both Houses because it meant that the Irish executive could virtually ignore the

[32] Burns, *Irish Parliamentary Politics in the Eighteenth Century*, I, p.10.

the displeasure of the Irish parliament. Once sworn into office, the lord lieutenant held impressive powers; all civil, military and ecclesiastical appointments were in his gift. He also controlled huge patronage through his disposal of government offices, pensions and peerages. The full range of the lord lieutenant's executive powers were, in practice, shared with and exercised by the chief secretary, who was also the lord lieutenant's chief spokesman in the Irish House of Commons.[33]

In 1750 there were one hundred and fifteen Irish peerages; one hundred and fifty in 1783 and two hundred and forty in 1801. The reason for this increase, according to A. P. W. Malcomson, was the changing economic and political situation in Ireland during this time:

> It is clear that there was a dramatic rise (in real and non-inflationary terms) in the rental income of Ireland between the mid-eighteenth century and 1815. Since landed income was the basis for all creations of Irish peerages in this period, except for a very few for distinguished legal, military or naval services, it is not surprising that peerage creations too increased dramatically.[34]

This opinion is also shared by James: 'Most of eighteenth-century Ireland's largest landlords were, or became peers'.[35] Lords Lansdowne, Sligo, Kenmare, Downshire, and Conyngham between them owned six hundred thousand acres, and the yearly rental returns for some of the peers demonstrates the impressive incomes many enjoyed. For example, Earl Fitzwilliam, in 1783, was in receipt of £17,653;

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[33] *Ibid.*, p.2.

[34] A. W. P. Malcomson, 'The Irish Peerage and the Act of Union, 1800-1971', in *Transactions of the Royal Historical Society, sixth series*, x (2000), p.300.

[35] James, *Lords of the Ascendancy*, p.112.

Lord Wicklow in 1780 received £5,966; Lord Charlemont in 1798, made £10,709 and Lord Longford's income in 1780 was £4,504. [36] The Duke of Leinster enjoyed the enormous sum of £20,000 in 1799 while the Earl of Clanricarde and the Earl of Drogheda had, in 1777, £10,000 and £18,000, respectively.[37] In addition, the peerage drew income from other, supplementary sources, such as mines, investments in the funds, government debentures and government offices.[38] It was clear to these extremely wealthy men that Ireland should not be subject to the dictates of Westminster. With the power of the British House of Lords in the constitution constantly before them, it could only be a matter of time and the occurrence of propitious political circumstances before the peers of Ireland, together with the House of Commons, attempted to remedy their position of inferiority and the inferiority of all of the institutions of the Irish government.

However, in spite of its subordinate position, the Irish House of Lords still enjoyed a number of powers. As in Britain, the Commons initiated all revenue bills, but every bill had to be accepted by the Lords before it could become law. It also drew up resolutions and addresses to the Crown and it performed what James has described as 'quasi-judicial functions'[39] by receiving petitions and drafting private bills in order to settle estates or grant divorces. At the commencement of each session the Lords, like the Commons, set up standing committees to deal with five general

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[36] D. Large, 'The Wealth of the greater Irish landowners, 1750-1815', *Irish Historical Studies*, xv (1966), p.46.

[37] James, *Lords of the Ascendancy*, p.113.

[38] Large, 'The Wealth of the greater Irish landowners'. p.27.

[39] James, *Lords of the Ascendancy*, p.73.

areas: religion, privileges, grievances, courts of justice, and trade. All members of the House of Lords who were present in the chamber were named for all five committees; latecomers were often added. The five committees met each week, on different afternoons. A special committee was also set up to supervise the keeping of the Lords' *Journal*. It recorded the names of the members who attended each day's proceedings and listed the order of business. However, it did not indicate how much time was spent on each item and, aside from the formal addresses of the lords lieutenant, speeches were not even summarized. If a vote went to a division only the numbers on each side were given but not the names. On some occasions peers exercised their right to enter a protest in the *Journal*. All members of standing and *ad hoc* committees are listed and parts of some committees' reports are included.[40]

The investigation of a special problem was dealt with by the appointment of a select committee; such a committee was set up on 15 February 1780, for example, in order to investigate how several charities had disposed of the donations which they received. The committee had the power to send for papers and records; it could also 'demand the attendance of witnesses who could be examined with the assistance of two judges'.[41] At the beginning of each session the Lords also set up a committee whose function it was to go through the statute books in order to determine what temporary acts were due to expire and to recommend whether they be continued, modified or dropped.[42]

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[40] *Ibid.*, pp.74-5.

[41] *Journal of the House of Lords of the kingdom of Ireland, 1634-1800* (8 vols, Dublin, 1779-1800), v, p.156. Hereafter referred to as *Journal of the Irish House of Lords*.

[42] James, *Lords of the Ascendancy*, p.78.

Even though the House of Lords lost its appellate jurisdiction in 1720, one of its principal concerns remained the regulation of the law courts and legal procedures. Like their English colleagues, the judges of Ireland's chancery and common law courts were *ex officio* associates of the Lords. They were not full members of the House, (except for the lord chancellor), their names were not listed in the *Journal* of proceedings and they could not vote. Some of them had to attend the House every day and be available for consultation and legal advice, but because they served as judges at the pleasure of the government, any political , as opposed to legal advice, tended to be vague and non-commital.[43]

According to the British constitution the government of Ireland should have been the Crown, Lords and Commons of Ireland. However, from the first days of the Anglo-Norman invasion, a tension existed between the two islands. How was England to keep control of her strategically important neighbour? Poynings' Law had been introduced in order to safeguard the constitutional connection between the two kingdoms, as J. C. Beckett has pointed out in his article on Anglo-Irish constitutional relations.[44] The Declaratory Act was the result of a long conflict for supremacy in Ireland between the British and Irish House of Lords. Beckett has argued that,

Irish opinion came to regard the Declaratory Act as a grievance, not because

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[43] *Ibid.*, p.82.

[44] J. C. Beckett, 'Anglo-Irish constitutional relations in the later eighteenth century', *Irish Historical Studies*, xiv (1964), p.25.

> Ireland was being continually harrassed by fresh British legislation, but partly because some British acts, very few in number, did seriously limit the freedom of Irish trade, and partly because the very fact that the British parliament could legislate for Ireland at all was a galling reminder of Ireland's inferior status.[45]

This 'inferior status' would be challenged by the Irish parliament who, with the British model of mixed government as a constant example, could not be expected to accept its limited power indefinitely.[46] As soon as the political circumstances in Britain changed in 1782, the Irish parliament fought for the same powers as its British counterpart. It is true to say that Britain's constitution was the ideal model which Ireland's élite aspired to and the constitutional agitation and subsequent changes of 1782 can be viewed, not as a political attack upon Britain but a desire to be as politically identical as possible with the sister kingdom. The peers of Ireland were particularly committed to this view, as well as to the Crown, its ministry in London and its representatives in Dublin Castle. The majority of members always supported the Crown and all it represented and it is from this perspective that the events of 1782, the regency crisis of 1788 and the union of 1800 must be viewed.

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[45] *Ibid.*, p.21.
[46] *Ibid.*

Chapter. 2

Constitutional change, 1782-5.

The constitutional changes of 1782, which modified Poynings' Law and repealed the Declaratory Act, left only the royal veto as a restricting device on Irish legislation. The events leading up to this great change have been looked at, almost exclusively, from the perspective of the Irish House of Commons, a Commons dominated by the personality and rhetoric of Henry Grattan, in particular. However, the very significant role of the House of Lords and its members tends to be overlooked. It would not be an exaggeration to state that these changes in Ireland's constitutional relations with Great Britain would never have come about but for the peers of Ireland and their connections with many of the ruling families of its sister kingdom.

During the sixteen years between 1766 and 1782 the movement for an Irish parliament free of the restrictions imposed by the British parliament was interwoven with other issues, such as the desire for a Septennial Act, annual sessions of parliament, mitigation of the penal laws, an act to make judges irremovable, a review of the pensions list, a mutiny act, freedom of trade and parliamentary reform.[1] The discussion of these matters stimulated a general political awakening in Ireland which was heightened when Britain and America went to war in 1775. It is the opinion of David Schweitzer that the war not only caused the rapid growth of a

[1] David R. Schweitzer, 'The Whig political connection in Great Britain and Ireland 1784-1800' (Ph. D thesis, University of London, 1983) p.16.

patriot party in Ireland, but created new problems for the British government.[2] The Prime Minister, Lord North, was forced to change government policy towards Ireland to prevent it from going down the same confrontational road as America. The British opposition, led by Lord Rockingham, took the opportunity to support the demands for political change made by the country's ruling élite. As a result, the Irish who called for change were convinced that a new government in Britain would put the control of Dublin Castle into hands which were sympathetic to the desire for an independent parliament. As Schweitzer has made clear, the opposition Whigs were not over-enthusiastic about supporting what he refers to as 'the patriotic cause', but they had adopted it as part of their policy in order to embarrass Lord North and they could not easily abandon their commitment.[3]

The relationship between Britain and Ireland was affected in another very important way by the war in America. The Volunteer movement began in 1778 to preserve order and to defend Ireland against a possible French invasion. Once taken, Ireland could be used to mount an attack upon Britain, most of whose forces were involved in America. By 1780 Ireland had forty-two thousand Volunteers under arms, but the interests of this vast body of men soon turned to political matters. The Volunteers supported the call for Ireland's free trade with the British colonies. Having granted this, Lord North also removed the Test Act in 1780 and a *habeas corpus* bill was introduced in 1781.[4]

Lord Buckinghamshire was replaced as lord lieutenant in late 1780 by Lord

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[2] *Ibid.*

[3] *Ibid.*

[4] James Kelly, 'A secret return of the Volunteers of Ireland in 1784', *Irish Historical Studies*, xxvi (1989), pp. 268-9.

Carlisle, who brought William Eden, later to be created Lord Auckland, as the chief secretary. The political ferment in the Irish House of Commons is indicated by the Lord Lieutenant's relief that parliament did not assemble between 2 September 1780 and 9 October 1781. It was his opinion that when members of the Commons came together, the result was what he termed 'mischief'[5]. However, he had a different story to tell about the peers to whom he spoke; they declared themselves satisfied with the changes in Ireland's trade with the rest of the Empire. Carlisle did not give a list of names in his letter of 30 June 1781 to Lord Gower, when he concluded that the nobility saw the attempts to restore the appellate jurisdiction of the House of Lords and the repeal of Poynings' Law as a means of weakening the connection between the two kingdoms; a political result which they deplored.[6] While it is true to say that the vast majority of the nobility, including those who called themselves Whigs, were extremely attached to the British constitution and consequently the Crown, when the opportunity arose in 1782 to restore the appellate jurisdiction and repeal Poynings' Law, the House of Lords backed these changes. It did not fight to keep Ireland in its inferior constitutional position. The majority of peers combined a firm attachment to the Crown and its government with a commitment to the position of their own House within the constitution.

Carlisle dreaded the return of parliament in the autumn of 1781 because he

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[5] Lord Carlisle to Lord Gower, 30 June 1781 (HMC, *Carlisle Mss.*, 15th Report, Appendix, Part VI) p.509.

[6] *Ibid.*

knew that what he termed, 'Parliamentary fever' would rise to a great height and the repeal of Poynings' Law and the Declaratory Act would be demanded and would be hard to defeat.[7] However, he believed the Duke of Leinster, Lord Shannon and Lord Ely when they expressed great attachment to his administration, and indeed in November of 1781 he boasted to Lord Gower that he had united together all of the great interests and factions in the support of government.[8] The list he gave of those who had joined with his administration seemed to prove his point: he had the Beresfords and Ponsonbys, two of the most influential families in the country, the Duke of Leinster and Lords Ely, Shannon and Donegall.[9] But he did not have all of the magnates on his side. A study of the *Journal* of the House of Lords for this period demonstrates that there existed a small group of what was termed in the *Journal,* 'non-contents', or those in opposition to the policies of Carlisle. The names usually listed were: Lords Charlemont, Moira, Irnham, Mountmorres, Carysfort and Arran.[10]

In his essay on Anglo-Irish constitutional relations in the later eighteenth century J. C. Beckett uses the word 'oppositon' and 'patriot' interchangeably, when he is describing the group in the Irish parliament which opposed the subordinate position of Ireland to Britain in political and economic matters.[11] Patrick McNally has defined Protestant patriotism as a multi-layered phenomenon:

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[7] *Ibid.*

[8] Same to same, 23 November 1781 (HMC, *Carlisle Mss.,)* p.533.

[9] *Ibid.*

[10] *Journal of the Irish House of Lords,* v, p.162.

[11] J. C. Beckett, 'Anglo-Irish constitutional relations in the later eighteenth century', *Irish Historical Studies, xiv* (1964), p.26.

> The first layer represented the broad and non-political definition which referred to the desire to improve the state of the country, economically, in particular. The second although still representing a broad definition of patriotism, was more political in nature in that it reflected a consensus among the Protestant community on issues such as Ireland's relationship with Britain, the nature of the religious establishment, and the rights of the Irish parliament. The final layer represented the patriotism of the parliamentary opposition and related to the specific motivation of individual or groups of politicians in opposing an administration. The motivation (as opposed to the rhetoric) behind this activity might have little or no connection with the philosophy of patriotism in general.[12]

The opposition or the patriots in the House of Lords belong to this final layer in the definition. They were a small minority, as most peers voted in line with the wishes of the lord lieutenant who represented the Crown in Ireland. This was demonstrated in December 1781 on the subject of the Mutiny Bill. The Earl of Arran presented to the House heads of a bill for punishing mutiny and desertion. The opposition wanted Ireland to have a Mutiny Bill presented to parliament annually and not have the country subject to a perpetual Mutiny Act. A detailed review of the dangers of the Irish perpetual Mutiny Act was entered in the Lords *Journal* at the request of Lords Westmeath, Mornington, Arran, Mountgarrett,

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[12] Patrick McNally, *Parties, Patriots & Undertakers: Parliamentary Politics in Early Hanoverian Ireland* (Dublin, 1997), p.175.

Aldborough and Charlemont. This indicates that Westmeath, Mornington, Mountgarrett and Aldborough were also members of the opposition at this time. It was believed by these lords that a standing army in times of peace, unquestioned from session to session of parliament, was contrary to the spirit and dangerous to the existence of the constitution.[13] However, the real issue for these lords was the power of the Irish parliament over Irish matters. The opposition lords believed that no other privilege or freedom could exist if total control over the army rested with the lord lieutenant and therefore, in essence with the London ministry. Thus control of the army was a major constitutional matter. The perpetual Mutiny Act took from parliament the power to disband the army, if it so desired. The Earl of Arran's motion to request the introduction of such a bill into the House of Lords was defeated by forty-three votes to ten. This vote clearly demonstrates the fact that a majority of the peers supported the Crown and its policy and did not believe that outstanding issues of a serious nature for the kingdom could be dealt with outside this political context.

The opposition in Ireland had connections, both political and personal, with the opposition at Westminster who were anxious to make life difficult for the First Lord of the Treasury, Lord North. Consequently, in a demonstration of political cynicism they decided to take up the cause of the opposition in Ireland. North was already under severe pressure because the war in America had proved a massive defeat for him and his ministry. If Ireland's discontent with its constitutional position could be used to add yet another difficult burden to his load, his ministry must collapse and

[13] *Journal of the Irish House of Lords*, v, p.249.

make way for the opposition Whigs. Beckett argued that the leaders of the opposition in Britain, such as Lords Rockingham and Shelburne, the Duke of Richmond and Charles James Fox, acted selfishly and irresponsibly in bringing Ireland into British party politics.[14] However, the nobility of Ireland and Britain had extremely close family and political connections. For example, in the British parliament of 1774-80 Viscount Middleton sat for the borough of Whitchurch, while during the same years his brothers sat for the family borough of Middleton, Co. Cork. Lord Bessborough sat in the British House of Lords as Baron Ponsonby, while his brother John Ponsonby sat in the Irish House of Commons. Absentees such as the Marquis of Rockingham, the Earl of Abercorn and the Duke of Devonshire had property in both kingdoms.[15] Irish and British Whig families also intermarried. Lord Bessborough's heir, Lord Duncannon, married Harriet Spencer, daughter of the dedicated Whig, Earl Spencer, and sister to the Duchess of Devonshire. Devonshire House in London provided a meeting place for the leading members of the Whig opposition such as Fox, Richard B. Sheridan, Charles Grey, the Duke of Richmond and Earl Fitzwilliam, another nobleman with great estates in Ireland.[16]

The fact that a change in Ireland's constitutional position had for some time been part of the Whig party's policy is made clear in a letter from Fox to the Duke of Leinster in January 1780. In it he claimed that it was Lord Rockingham 'who stirred the affairs of Ireland here and at a time when we were not forced to it in the manner

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[14] J. C. Beckett, 'Anglo-Irish constitutional relations in the later eighteenth century', *Irish Historical Studies*, xiv (1964), p.26.

[15] E. M. Johnston, *Great Britain and Ireland, 1760-1800: a study in political administration* (Edinburgh, 1963), p.287.

[16] Amanda Foreman, *Georgiana, Duchess of Devonshire* (London, 1998), p.87.

we are now'.[17] Fox was referring to the fact that Ireland's affairs would help to oust Lord North and his ministry. In fact North resigned on 20 March 1782, and when parliament reassembled, he had been replaced by Lord Rockingham and the Whigs. The English Whigs were a party which had evolved a political philosophy aimed at limiting the prerogatives of the Crown by taking office with an established leader, thereby robbing the King of his power to select his first lord of the treasury.[18] In fact, the essential motivation of the Whigs was to do everything possible to limit the power of the Crown.

Almost immediately, Lord Carlisle was recalled from Dublin and the Duke of Portland, one of the most influential members of the Rockingham Whigs, was sent to Dublin as lord lieutenant. In the Irish House of Lords he delivered the message that this ministry was open to the desire for constitutional change. In the King's speech delivered by Portland in the Lords on 16 April 1782 he stated that the King directed the peers to seek what he termed 'a final Adjustment as may give Satisfaction to His Kingdoms of Great Britain and Ireland'.[19] The memoirs of Lord Charlemont give a clear indication of the closeness which now existed between the new Rockingham ministry and the members of the opposition in Ireland. Charlemont quoted from a letter written to him by Rockingham, whom he referred to as 'my ever, dear, and ever lamented friend'.[20] Rockingham accepted that a new system must be set in place for

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[17] Charles James Fox to the Duke of Leinster, 4 January 1780 (HMC, *Charlemont Mss.*, 12th Report Appendix Part X) p.369.

[18] Denis Kennedy, 'The Irish Whigs, Administrative Reform and Responsible Government, 1782-1800', *Eire-Ireland*, 8 (1973), pp. 56-7.

[19] *Journal of the Irish House of Lords*, v, p.294.

[20] *Lord Charlemont's Memoirs of His Political Life* (HMC, vol. I, 12th Report, Appendix 9-10,) p.53.

the connection between the kingdoms, but nothing specific is stated: '...the time is come, when a new system and new arrangements of connection between the kingdoms must be settled, to the mutual satisfaction and reciprocal interests of both'.[21] This letter dated 9 April 1782 does not suggest any desire to hold up the constitutional changes for which the opposition members of the Irish parliament were anxiously pressing. However, when the Duke of Portland arrived he wanted to adjourn parliament, in order to give himself time to grapple with the full implications of the proposals. Lord Charlemont and his opposition friends were totally against this and the matter was 'firmly refused and wisely given up'.[22] The refusal came from what Charlemont termed 'our few steady friends'.[23] Henry Grattan, with Charlemont's approval, drew up resolutions in answer to the King's desire for a final adjustment to solve the jealousies and discontents which existed in Ireland. Portland thought these resolutions too demanding, but he did not actually disapprove of them until, again in Charlemont's words '...the old courtiers getting about him and making their last effort he began to waver'.[24] However, Charlemont took it upon himself to see Portland in order to persuade him back to his former viewpoint and he claimed to have succeeded. On 17 April the House of Lords moved a resolution of thanks to the King for his message delivered on 16 April by the Lord Lieutenant; to that resolution the peers attached an amendment stating that the subjects of Ireland were entitled to a free constitution and that the Imperial Crown of Ireland was forever

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[21] *Ibid.*
[22] *Ibid.*, p.60.
[23] *Ibid.*
[24] *Ibid.*

annexed to the Crown of Great Britain and upon this connection the happiness of both kingdoms depended.[25] It continued by claiming that the only power with the right to make laws for Ireland was the King, Lords and Commons of Ireland. The amendment also claimed that much discontent arose from the legislative and judicial claims of the British parliament asserted in the Declaratory Act. The opposition in Ireland wanted total legislative independence from the parliament of Great Britain. As James Kelly has written:

> In the light of the failure of the patriot leadership to agree even to commence negotiations on the subject of a 'final adjustment' and their threat to intensify agitation unless their demands were met, ministers reluctantly concluded that they had no alternative but to yield unconditionally to Irish demands. Rockingham's worsening health delayed the decision, but on 15 May the cabinet finally sat down to discuss Ireland.[26]

The Cabinet decided to grant the desired concessions on the Declaratory Act, Poynings' Law and the Mutiny Act.

By April 1782 the desire for the repeal of these pieces of legislation was no longer confined to the Whig opposition. The Anglican Bishop of Killaloe, when writing to the former lord lieutenant, Lord Buckinghamshire, discussed the proposed resolutions which were to be put to the new session of parliament after the fall of

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[25] *Journal of the Irish House of Lords*, v, p.296.

[26] James Kelly, *Prelude to Union: Anglo-Irish Politics in the 1780s* (Cork, 1992), p.41.

Lord North's ministery. 'The whole country, of every Party and Faction, have united in a Resolution to support, and insist on a Parliamentary Declaration that the King's Majesty with the Lords and Commons in Parliament assembled are the only Power competent to make Laws that shall Bind the People of Ireland...'[27]

This change in the political climate was dramatic; from a relatively small group of opposition Whig members of parliament, the desire for constitutional parity with Great Britain had, by April 1782, spread to almost all members of both Houses. In relation to the Lords the swing from the attitudes expressed to the Lord Lieutenant in 1780 and 1781 is not difficult to understand. The majority of peers in either the British House of Lords or the Irish House of Lords were firmly attached to the Crown and constitution. They saw their prime function as assisting the King's government to perform its various tasks. In his book on the British House of Lords, Michael McCahill has defined this attitude of the peers to the Crown in the following way:

> ...they were deeply conservative men who assumed that a strong monarchy was an essential prerequisite for stable government and that systematic opposition or political innovation inevitably led to disruption and dislocation. Even more than patronage or friendship, factors whose impact varied from peer to peer, their conservative principles bound members of this group to the crown.[28]

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[27] The Bishop of Killaloe to Lord Buckinghamshire, 5 April 1782 (NLI Heron Mss., 13047 (2)).

[28] Michael McCahill, *Order and Equipoise: The Peerage and the House of Lords, 1783-1806* (London, 1978), p.145.

The vast majority of peers saw their constitutional function as supporting the King and his ministers. While they also resented the kingdom's inferior constitutional position, they would not attempt to change it in defiance of the London ministry. However, when the ministry changed and the Whigs, who had promised to review sympathetically Ireland's grievances, came to power, the focus shifted. The majority of peers could now put their weight behind the movement for parity without any trouble to their political consciences.

In the same letter to Buckinghamshire, Killaloe also concluded that the constitutional parity of the two kingdoms was achieved by the co-operation of Lord Rockingham and not by any influence exerted by the Volunteer movement. 'The truth is that however the Volunteers seem to have taken the Lead in these measures, they now appear to have originated from a higher Source'.[29] In fact the Bishop was dismissive of the Volunteers and their Convention at Dungannon in February 1782. They demanded constitutional parity with Britain and threatened that if it was not granted they would abstain from drinking port wine and would not vote for anyone who did not share their political aspirations. However, the Bishop believed that the majority were sincerely attached to the London government and that while they 'speak daggers, they will use none'.[30] The Volunteers were a very conservative force; Lord Rockingham himself had great estates in Co. Wicklow and

[29] The Bishop of Killaloe to Lord Buckinghamshire, 5 April 1782 (NLI Heron Mss., 13047 (2)).
[30] *Ibid.*

he armed and equipped his tenants at Shillelagh as a corps of Volunteers.[31] Lord Charlemont was the commander-in-chief and the Duke of Leinster was in charge of a Dublin regiment. P. D. Smyth's proposition that it is impossible to visualize the constitution of 1782 having been achieved without the co-operation of the Volunteers and parliament does not take properly into account the vital relationship between the Whig nobility in the two kingdoms and the change in the London ministry due to Britain's defeat in the war.[32]

Lord Rockingham, the First Lord of the Treasury, did not stay in power for long; his health was very poor and on 2 July 1782 the King agreed to the appointment of Lord Shelburne to take his place. Shelburne also held vast estates in Ireland; his ancestor William Petty had accumulated great wealth and much land in Co. Kerry in the mid-seventeenth century. The Duke of Portland was recalled to London and Earl Temple became the new lord lieutenant. On 23 July the House of Lords presented an address to Portland, in which were listed all of the changes introduced during the spring and summer of 1782. The reconstruction of the constitution was detailed and far-reaching and demonstrates the extent of the achievement when the Whigs in Britain and the opposition in Ireland worked together from a position of power. Judges were now appointed for life, thus greatly increasing their independence of lords lieutenant. The Mutiny Act was no longer permanent; this

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[31] Conor Cruise O'Brien, *The Great Melody* (London, 1992), p.189.

[32] P. D. H. Smyth, 'The Volunteers and Parliament, 1779-1784' in Thomas Bartlett and David Hayton, (eds.), *Penal Era and golden age: essays in Irish History, 1690-1800* (Belfast, 1979), p.113.

gave the Irish parliament greater control over the country's army. The House of Lords had its appellate jurisdiction automatically restored with the repeal of the Declaratory Act. All bills now originated in the Irish parliament, which had the sole right to legislate for Ireland. However, the bills continued to be submitted to the privy council in London for consideration by the English law lords to ensure their uniformity and compatability with British legislation. If they were seen as objectionable they were ordered to be amended or they were not returned to Dublin and so did not become law.[33] Poynings' Law was thus modified, but London still held a certain amount of power in relation to Irish legislation.

The new lord lieutenant, Earl Temple, faced problems when he arrived in Ireland on 15 September 1782 in the form of unfinished business, thrown up by the changes in the constitution. During the debate in the British House of Commons, on Irish resolutions, Charles James Fox raised the question of the differences between internal and external matters and stated that it was his belief that Britain still possessed legislative authority over Ireland's external affairs. Because of this statement, the Irish members of parliament demanded a renunciation by Britain of her superintending powers. One of the most influential supporters of this position

[33] Kelly, *Prelude to Union,* p.157.

was Henry Flood, who was vociferously supported by Lord Bellamont in the House of Lords.[34] Temple was determined that the matter of renunciation should be dealt with; he referred to it constantly in his letters during the winter of 1782-83. He believed that it was a great point which must be carried quickly or he could not remain at his post in Ireland.[35] Lord Shannon, the Archbishop of Cashel, and Lord Tyrone were consulted on the question and all told Temple that he would have to resign if it was not conceded. He wrote to his brother, William Grenville and told him: 'they have all agreed that my quitting the government upon these given grounds would have rendered it impossible for my successor to find one man who would support English claims'.[36] At this time the British Cabinet was pre-occupied with negotiations on a treaty with America, but Temple believed that the Irish matter was every bit as important and he threatened to resign if there was any duplicity. He had accepted the position in Ireland because he had confidence in those with whom he had to act; in other words the ministry in London. He believed that they 'dare not shuffle with Ireland'.[37] Therefore, he believed that everything would work out satisfactorily but he intended to resign if there was any major problem. The outcome of all the controversy was the introduction of a bill by the Home Secretary, Lord Townsend, which declared:

> that the said rights claimed by the people of Ireland to be bound by laws

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[34] *Journal of the Irish House of Lords*, v, p.364.
[35] Earl Temple to William Grenville, 21 December 1782 (HMC, *Fortescue Mss.*, 13th Report, vol. I, Part III), p.171.
[36] Same to same, 3 January 1783 (HMC, *Fortescue Mss.*,) p.178.
[37] Same to same, 15 January 1783 (HMC, *Fortescue Mss.*,) p.180.

> enacted by his Majesty and the parliament of that kingdom in all cases whatever..shall be and is hereby declared to be established and ascertained for ever and shall at no Time hereafter be questioned or questionable.[38]

Lord Shelburne and Charles James Fox were nervous at the constitutional parity accorded to Ireland but in 1783 there was no possibility of claiming power over Ireland's legislative programme. In general the Cabinet in London shared these feelings. A memorandum it produced stated that while ministers were eager 'to confirm the happy settlement which took place last session' they could not agree on the limits of that confirmation.[39] Shelburne had misgivings, as had Lord Mansfield, the Lord Chief Justice. The note of fear struck by the Whig ministry makes it clear the adoption of Ireland's constitutional claims was, at best, a political tactic to gain power from a weakened and confused Lord North. Shelburne's government was still under the influence of the powerful members of Ireland's opposition, such as the Ponsonbys, Lord Charlemont and Lord Moira. In these circumstances it had little choice but to continue with what had been started in the early 1780s as a movement to oust Lord North and his ministry.

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[38] P.J. Jupp 'Earl Temple's Viceroyalty and the Question of Renunciation, 1782-3', *Irish Historical Studies*, xvii (1971), p.516.

[39] *Ibid.*, pp. 514-15.

The institution of the Order of St. Patrick was not a constitutional matter but it was symbolic of the new relationship which now existed between the ministry in London and the Irish nobility and as such was therefore very significant. It fell to Earl Temple while lord lieutenant in 1782-3 to put the wishes of the King for an Irish order of knighthood into effect. The King desired that the order should be confined to sixteen knights who should all be peers. It was his plan that he and one of his sons should also be members of the proposed order. This would send a strong message of the King's regard for the kingdom of Ireland and her nobility.[40] Temple wrote to his brother, William Grenville in order to discuss the matter: ' I will look over the names and think of limiting the number to sixteen: which considering that we have 157 lay peers, of whom near 100 are resident in Ireland, and others occasionally there, will not be more than is absolutely necessary'.[41] From this letter of December 1782 Temple appears to be claiming the idea of limiting the order to sixteen peers whereas in his letter of January 1783 he gives the credit to the King. The Lord Lieutenant also intended to confine the award to resident peers, except for Lord Courtown who was a special friend of the King. Temple also offered it to Lord Nugent who was a relative of his own. He had the badge of the order designed in Dublin and hoped that the first installations would take place on 25 March 1783.[42]

This was a very important development for the Whigs in both Ireland and Britain because the party believed in government by the aristocracy.[43] Any elevation in the

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[40] Earl Temple to W. W. Grenville, 2 January 1783 (HMC, *Fortescue Mss.*,) p.177.
[41] Same to same, 25 December 1782 (HMC, *Fortescue Mss.*,) p.174.
[42] Same to same, 2 January 1783 (HMC, *Fortescue Mss.*,) p.177.
[43] Kennedy, 'The Irish Whigs', p.56.

status of the nobility was in line with this policy. In spite of this, the ministry in London did not act quickly on the matter. Temple moved ahead with setting up the order and consulted with Ireland's premier peer, the Duke of Leinster, who was in favour of the idea, provided the members would be of high rank. The political significance of the order for the Irish nobility is made clear in a letter the Lord Lieutenant wrote to London, in which he pleaded: 'Pray likewise press my Order of St. Patrick, as it will be very useful'.[44]

In January 1783 Temple forwarded to London a list of the peers he wished to have honoured: the Duke of Leinster; the earls of Antrim, Inchiquin, Tyrone, Clanbrassil, Hillsborough, Bective, Ely, Clanricarde, Westmeath, Drogheda, Shannon, Charlemont, Mornington, Courtown and Nugent. He commented that no particular party or description of men were chosen and this would seem to be true, if one excludes the common denominators of wealth and position within the kingdom.[45] Tyrone, Clanricarde and Hillsborough were certainly not members of the Whig opposition political group, while Mornington and Charlemont were. Courtown was chosen as a particular favour to the King and Lord Nugent was Temple's own father-in-law. This attempt to include those who belonged to the party of the Crown

[44] Temple to Grenville, 21 December 1782 (HMC, *Fortescue Mss.*,) p.172.
[45] Same to same, 2 January 1783 (HMC, *Fortescue Mss.*,) p.177.

and the Whig opposition had two major implications. The concept of 'party' was as yet relatively new and both houses of parliament were dedicated, in general, to support of the Crown and the carrying on of the King's government.[46] Therefore, the great peers of Ireland must be rewarded for their contribution to the smooth running of the country. Temple also saw the order as a means of bringing the two kingdoms of Britain and Ireland closer together. He was anxious that the King should give the order to one of the royal princes, thus enhancing its prestige. This gesture would also act as a bridge uniting the kingdoms. The Lord Lieutenant believed that 'it might lead, at some future day, to establishing an immediate connexion between the Royal family and the Government of Ireland, in case the King should wish to send any one of the young Princes as Lord Lieutenant'.[47] The order proved very attractive to the peers of Ireland and Temple was plagued by an endless stream of aspirants. He wrote urgently to London, requesting the King's agreement to his list of lords to be honoured, in order, as he put it, 'to prevent my being plagued here by Lords Altamont, Arran, Aldborough and others'.[48] Lord Donegall was refused the order, as was Lord Clermont and Lord Muskerry. Some peers in turn, refused to accept the order, such as lords Nugent, Hillsborough and Antrim. It seems likely that they considered it inferior to the orders awarded in London, such as the Garter and the Bath, and believed that their wealth and status required the ancient English orders rather than this new and untried experiment. Antrim declined

[46] S. B. Chrimes, *English Constitutional History* (Oxford, 1967), p.123.
[47] Temple to Grenville, 2 January 1783 (HMC, *Fortescue Mss.*,) p.177.
[48] Same to same, 25 January 1783 (HMC, *Fortescue Mss.*,) p.186.

the Irish order so that that he could keep his order of the Bath.[49] The Duke of Leinster used his acceptance of the order of St. Patrick to put pressure on the London ministry to give him the order of the Garter.[50] The Earl of Arran replaced Antrim and the King and his son, Prince Edward, became knights of the order, bringing its membership to sixteen in number.[51] It had been hoped that with royal members the order would be seen as a very important honour but clearly that plan failed to win over some of the peers of Ireland. Lord Charlemont, while refusing a place in government, accepted the offer of the order and, in the opinion of the Lord Lieutenant, Temple, was vain enough to believe that his becoming a member secured its success.[52]

Lord Shelburne's government fell in February 1783 on his proposed peace settlement for America and was replaced by the Fox -North coalition. A new lord lieutenant, Lord Northington, was sent to Dublin. After the constitutional changes it would be logical to assume that both houses of parliament were enjoying their increased powers. England had the order of the Garter, Scotland had the order of the Thistle and after 1783 Ireland had the order of St. Patrick, with the King and his son as members. The symbolic recognition of Ireland as a virtually independent kingdom pleased many in Ireland but not all.

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[49] The Duke of Leinster to Earl Temple, 15 January 1783 (PRONI Leinster Papers, D/3078/3/4).

[50] The Hon. Chichester Skeffington to his wife, 11 February, 1783 (PRONI Foster/Massereene Papers, D/562/2718).

[51] Temple to Grenville, 17 January 1783 (HMC, *Fortescue Mss.*,) p.183.

[52] Same to same, 22 January 1783 (HMC, *Fortescue Mss.*,) p.184.

Ireland did not present a politically peaceful, contented picture to the new Lord Lieutenant, Lord Northington, and his Chief Secretary, William Windham. According to Robert Jephson, MP for Granard, Windham resigned only a few months after his arrival in Dublin because he found the country in such a state of discontent. As Jephson wrote: '...such furious & unmeaning Storms seem to be brewing against Government from every quarter of this unruly Kingdom that I consider you [Windham] as having escaped from a Vessel not to be governed by any skill or address of the Pilot'.[53]

During the winter of 1782 parliament did not sit. The harvest had been so bad that there were severe shortages of wheat and flour in Dublin and Cork. A proclamation forbidding the export of corn, potatoes, flour and products from these items was sanctioned by the Lord Lieutenant, Earl Temple on 13 November 1782. In order to prevent any form of action against the Lord Lieutenant for exceeding his powers, it was considered necessary by the government that an indemnity bill should be passed. It was introduced in the House of Lords by Lord Carysfort on 31 October 1783.[54] A message was sent to the Commons desiring its concurrence which it gave and the bill was given the royal assent on 22 December 1783.[55]

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[53] William Jephson to William Windham, 5 September 1783 (BL Add. Mss., 37873, ff. 64-5).

[54] *Journal of the Irish House of Lords*, v, p.389.

[55] *Ibid.*, p.423.

The Lord Lieutenant, Lord Northington, and the government in Dublin Castle doubted the legality of Temple's proclamation in the face of a parliament which was extremely protective of its newly won powers and independence. It had no intention of allowing the government to erode its hard won status. The House of Lords was very much in favour of the indemnity bill to protect the Lord Lieutenant from criticism, since it was believed by many in the political world that he had acted unlawfully. The Irish parliament had gained many, if not all, of the powers enjoyed by the British parliament under the British constitution. It wished to maintain the delicate balance of powers between Crown, Lords and Commons. While devoted to the King it did not wish to allow the Crown, in the person of the lord lieutenant, to take powers which it felt rightly belonged to the other two pillars of the constitution.

Of the thirty-six peers who attended the House of Lords on 14 November 1783, the day on which the bill was passed in that House and sent down to the Commons, only three peers did not agree with its passage: the Archbishop of Cashel, and lords Annaly and Kinsale.[56] Thirty-six may not seem a large attendance for so important an issue, but it represented the average number of peers who took their places in the House on a daily basis.[57] The three peers who would not vote for the indemnity bill had a statement of dissent written into the *Journal*. They took issue, in particular, with the preamble to the bill which stated that the orders 'were not justifiable by law'.[58] These lords believed that the orders made under the proclamation by the

[56] *Journal of the Irish House of Lords*, v, p.394.
[57] F. B. James, *Lords of the Ascendancy: The Irish House of Lords and its Members, 1600-1800* (Dublin, 1995), p.73.
[58] *Journal of the Irish House of Lords*, v, p.394.

Lord Lieutenant, Earl Temple, were lawful and 'justifiable by the Prerogative of the Crown'.[59] They believed that the proclamation was not only legal but that 'it is necessary such a Prerogative should exist in the Crown'.[60] Because the orders were issued, many people who might otherwise have starved had food and they continued ' should we be again threatened with such a Calamity, at a time when Parliament is not sitting, we do not see (if the King has not such a Prerogative) how it [starvation] can be prevented'.[61]

The indemnity bill can be seen as an attempt to clarify the position of the Irish parliament in relation to the direct executive power of the Crown. It was not an issue which concerned the right of the British parliament to make laws which bound Ireland. The House of Lords introduced the indemnity bill to protect the Lord Lieutenant, Temple, from attack by the Irish parliament. The majority of peers believed that he had exceeded his power but they were anxious to aid him with the problem. However, Cashel, Annaly and Kinsale firmly believed that the Crown, in the person of any lord lieutenant, had the power to make such a proclamation if parliament was not in session.

The controversy in relation to the indemnity bill is a clear indication of the influence of the Whig party's political philosophy on the thinking of a majority of Irish politicians at this time. As E. J. Evans has written in his book on British political parties in the late eighteenth century: 'The crucial element in the second half of the eighteenth century became the role of the monarch. George III's reassertion

[59] *Ibid.*
[60] *Ibid.*
[61] *Ibid.*

of the independent authority implied an attack on party as a device for limiting his powers.'[62] The influence and connections which many of the Irish peers had with the Whigs in Britain led to the constitutional changes in 1782; this gave the party greater influence than ever on the general Irish body politic. It is from this source that the Irish parliament drew its example in its attempt to confront the executive power of the Crown itself. However, this phase of Irish politics came to an end in December 1783 when Charles James Fox's bill to reorganize government and administration in India was defeated by eight votes in the British House of Lords. Three days later, following a second adverse vote, George III, who had been encouraging opposition to his own ministers in the Lords, dismissed the Fox-North coalition. On 19 December 1783 William Pitt the Younger accepted the King's request to form an administration. The Whigs were gone from office. As Evans has commented: 'The younger Pitt's promotion was, therefore, a clear exercise of independent royal power.'[63]

The Irish parliament had recovered much of its power between 1782-3. After the fall of the Fox-North coalition, it retained a certain amount of independence of mind. This is very evident in its handling of two extremely significant matters which were presented to it in 1784 and 1785. The first was the reform of the House of Commons and the second was the commercial regulations. As in 1782 the situation

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[62] E. J. Evans, *Political Parties in Britain, 1783-1867* (London, 1985), p.8.
[63] *Ibid.*, p.5.

in Britain had a significant influence on political attitudes in Ireland. William Pitt the Younger had become the first lord of the treasury. He was a man of formidable ability but at this time he was only twenty-four, inexperienced and uncertain of himself. Therefore, he was not prepared to push matters in Ireland when he came up against the determination of those with political power to keep such power intact. It would be a very different story in the 1790s on matters such as catholic relief. Then he was older and more experienced; he saw reform of the penal laws as essential for political security in the face of a hostile, revolutionary France.

Through the early 1780s many corps of Volunteers passed resolutions in favour of what they termed 'the more equal representation of the people'.[64] In fact reform of the House of Commons was fast emerging as the most important issue of the day for the middle-class rank and file membership of the Volunteers. However, few, if any, had a clear idea as to the precise reforms they sought. Most hoped for some reduction in the number of corporation boroughs, an increase in the number of MPs returned for populous county and urban constituencies, the broadening of the franchise, and triennial or even annual parliaments.[65] The new First Lord of the Treasury intended to introduce some reform proposals in the British parliament. It was believed that the success of reform in England would increase the pressure in Ireland for such reforms. Pitt was concerned at the numerous loose ends remaining after the settlement of 1782 and he saw reform of the House of Commons, along

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[64] James Kelly, 'Parliamentary Reform in Irish Politics: 1760-90' in David Dickson, Daire Keogh & Kevin Whelan (eds.), *The United Irishmen: Republicanism, Radicalism and Rebellion* (Dublin, 1993), p.78.

[65] *Ibid.*, p.79.

with a commercial treaty, as a means of establishing the connection between the two kingdoms on a firm footing.

The Duke of Rutland, the new lord lieutenant, was very anxious at the possibility of reform being carried in Britain. He believed that it would make the administration's position in Ireland much more difficult. As he wrote to William Pitt in June 1784: 'In England it is a delicate question, but in this country it is difficult and dangerous in the last degree.'[66] When Pitt took up the question of parliamentary reform in Britain he did so without giving any thought to the implications for Ireland.[67]

There were two major objections to reform of parliament in the mid-1780s. One was the catholic question and the other arose from the nature of the British constitution itself. Rutland feared that any improvement in the representation of the middle classes in the Commons must encourage catholics to seek to be part of the enfranchised population. This he believed would be a disaster for the country. He saw that the parliamentary system 'does not bear the smallest resemblance to representation, I do not see how quiet and good government could exist under any more popular mode.'[68] Corinne Comstock Weston has suggested that if those who backed parliamentary reform at this time were democrats in the twentieth century meaning of the word they would not have stopped at reform of the Commons.

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[66] The Duke of Rutland to William Pitt, 16 June 1784 in Lord Mahon (ed.), *The Correspondence between the Rt. Hon. William Pitt and Charles, Duke of Rutland* (London, 1890), p.17.

[67] Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question 1690-1830* (Dublin, 1992), pp. 113-14.

[68] Rutland to Pitt, 16 June 1784 in Lord Mahon (ed.), *Correspondence,* p.17.

They would have insisted on either a limitation of the powers of the Lords or a change in its hereditary basis.[69] They did none of these; therefore, they were 'mixed' democrats who would have reformed only the democratic branch of the mixed government while leaving the aristocratic branch and the monarchic branch untouched. The reformers saw that to limit the aristocratic and monarchic branches would be to replace Britain's 'mixed' form of government with a simple form of either pure monarchy or pure democracy which would have destroyed the constitution.

Reform of the House of Commons and the catholic question became totally intertwined in Ireland. Rutland was suspicious that spies from France or America were doing all in their power to mix the two questions. Lord Charlemont, the reviewing general of the Volunteers, gave a decided negative when the question of admitting catholics to the vote was introduced at the summer review of 1784. In the words of James Kelly, 'he was profoundly resistant to the suggestion that Catholics should be admitted to the constitution'.[70]

There was yet another political strand to the matter of reform in Ireland. Pitt and Rutland believed that the Duke of Portland, when lord lieutenant of Ireland in 1782, tried to make the Whig opposition very strong and well organized. Rutland went on to wonder whether it was part of the Whig plans to have Augustus Hervey, Bishop of Derry and forth Earl of Bristol, place himself at the head of those who felt that catholics should be given the vote. The Lord Lieutenant also feared that any

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[69] Corrine Comstock Weston, *English Constitutional Theory and the House of Lords 1556-1832* (London, 1965), p.146.

[70] James Kelly, 'A 'genuine' whig and patriot: Lord Charlemont's political career' in Michael McCarthy (ed.), *Lord Charlemont and His Circle* (Dublin, 2001), p.26.

move against the Bishop of Derry would lead to foreign assistance being called in and finally the horrific idea presented itself that Ireland would imitate America and leave the Empire.[71]

The Lord Lieutenant was against any reform of the parliamentary system in Ireland as were almost all politicians familiar with Irish affairs. At least this is the assessment of the Earl of Mornington. It was his opinion they believed 'all English government will become utterly impracticable from the moment that any alteration is admitted in the representation of the people'.[72] Mornington confirmed that there was a very strong feeling throughout the Kingdom for parliamentary reform but it was accompanied by 'as strong an alarm upon the subject of the Roman Catholics' pretentions to a right to sufferage'.[73] Mornington shared these worries himself. He attended a meeting where a resolution calling for reform was under discussion. He had not planned to be at the meeting; he was there as a guest of Lord Bective. Because of Mornington's energetic efforts the resolution was defeated.[74] Another influential member of the House of Lords who opposed reform was the Archbishop of Armagh, Richard Robinson. He believed that the catholics meant to separate Ireland from Britain and give Ireland a catholic king.[75] In fact it seems that the majority of the members of the Irish House of Lords were opposed to reform. Rutland's almost hysterical fear of the consequences of reform was due in no small

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[71] Rutland to Pitt, 24 July 1784 in Lord Mahon (ed.), *Correspondence,* p.26.

[72] Earl of Mornington to W. W. Grenville, 5 September 1784 (HMC, *Fortescue Mss.,*) p.234.

[73] *Ibid.*

[74] *Ibid.*

[75] Lord Sydney to the Duke of Rutland, 26 September 1784 (HMC, 14th Report Appendix Part I) p.140.

measure to the arguments put to him by the many peers with whom he spent many convivial evenings.

> His [Rutland] extravagant behaviour aroused the ire of more than one Irish hostess, but this was compensated for by his conviviality and by the duchess's beauty, which gave the viceroyalty a style manifestly absent during the incumbencies of his predecessors. But style and dash were of little use if they were not matched by political ability, and reservations were expressed in several quarters about Rutland's political *savoir faire*.[76]

Pitt when writing to Rutland in October 1784 had the following comment to make: 'I see how great the difficulty of your situation must be in this respect because it must have naturally happened that the persons with whom you have necessarily most habits of intercourse must be those who are most interested against any plan of reform; that is to say, those who have the greatest share of present parliamentary interest.'[77] The peers of Ireland with whom Rutland drank and dined, controlled many of the seats in the House of Commons. Purely in terms of their own power they would naturally have been very reluctant to agree to any change in the system which suited them so well.

However, Pitt did want to press ahead and apply his principles of reform to Ireland, in spite of Rutland's local difficulties. The tactics to be adopted in order to have some measure of reform passed into law were forwarded to Rutland by Lord Sydney, the Home Secretary, in January 1785. The Lord Lieutenant must do

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[76] Kelly, *Prelude to Union,* p.77.
[77] Pitt to Rutland, 7 October 1784, in Lord Mahon (ed.), *Correspondence,* p.46.

all he could to ensure that no motion relating to reform was introduced in the Irish House of Commons until the matter had been dealt with in the British Commons. This would enable Rutland to see what was acceptable to the majority in parliament and it would also ensure that he gave no offence to his supporters.[78] However, according to Thomas Orde, Rutland's chief secretary, by this time Pitt was coming around to the belief of the impracticability of such a measure and to finally see the risks involved in bringing it forward.[79] Pitt had been anxious that reform should be uniform in both kingdoms but it also ran into difficulties in the British parliament. According to G. M. Ditchfield no decade in the eighteenth century witnessed so detailed a concentration on British electoral reform as did the seventeen-eighties. The issues themselves - fraudulent voters, disputed returns, expenses, bribery - were not new, but parliament's attention was focused upon them more intensely than ever before. Lord Mahon, who later succeeded to the title of third Earl Stanhope, was a relative of Pitt who did much work on these issues, but in the mid-1780s he was doomed to failure, mainly because of the hostility of the British lord chancellor, Lord Thurlow and that of Lord Sydney, the Home Secretary.[80] However, if Rutland was correct the movement for reform in Ireland in 1784 was due to Pitt himself. It seems clear that the very young and inexperienced statesman of twenty-four had not taken into account the threat that any reform of the franchise would pose for the

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[78] Lord Sydney to the Duke of Rutland, 11 January 1785 (HMC, 14th Report) p.161.

[79] Thomas Orde to the Duke of Rutland, 30 November 1784 (HMC, 14th Report) p.152.

[80] G. M. Ditchfield, 'The House of Lords and Parliamentary Reform in the Seventeen-eighties' in Clyve Jones and David Lewis Jones (eds.), *Peers, Politics and Power: The House of Lords 1603-1911* (London,1986), p.331.

dominance of members of the anglican church. He also did not seem to realize that the Irish peers would fight to retain their tight hold on the Irish Commons. In the final analysis, Pitt dropped reform in Ireland because the majority of peers would not accept it; it was also defeated in Westminster by the hostility of Lord Thurlow, the Lord Chancellor and Lord Sydney, the Home Secretary. Parliamentary reform was not popular among the ruling élite of either Britain or Ireland in the years 1784 and 1785

The peers of Ireland were always reluctant to defy the London ministry. The 1782 settlement was achieved with the help of the Whigs in power. The nobility could reject Pitt's idea of parliamentary reform because the political climate was such that their non-co-operation was accepted meekly enough by the First Lord. This was due to his own political circumstances in Britain. The British parliament was also reluctant to have reform thrust upon it. Pitt had been elevated by the King because of his very limited association with established political leaders and he faced many difficulties in his first years in power:

> Pitt had no Commons majority; indeed, he was opposed there by an unprecedentedly cohesive grouping of ex-ministers and their supporters (about 200 in all) baying for blood. His opponents, led by Fox, North and the Duke of Portland, believed that George III was breaking with constitutional precedent by selecting a prime minister without reference to the wishes of parliament, and they now relished the prospect of humbling the young upstart on the floor of the Commons.[81]

[81] Evans, *Political Parties in Britain,* p.6.

Pitt enjoyed a reputation as a reformer in Britain and this proved popular in the counties and larger English towns where public opinion was becoming more important. As a result of a general election in March 1784 Pitt obtained the Commons majority he needed. However, he was, during 1784-85, still gaining experience and confidence and his ministry was defeated in 1785 over the Westminster scrutiny. Charles James Fox had been returned to the Commons with a seat in the Westminster constituency. The validity of the election was questioned and the Commons investigated. The Commons found in favour of Fox, thus defeating Pitt in the division.

The Irish peers were dedicated to the British constitution, which was replicated in Ireland. The House of Lords was one of the pillars of this constitution. However reluctant these men might be to fall out with the ministry in London, they were not at the same time mere tools; they held strong opinions on political and economic matters especially in relation to Ireland. It was the comparative weakness of Pitt which enabled them to resist parliamentary reform in 1784 and his plans for a new commerical and financial relationship between the two kingdoms in 1785.

Following Adam Smith, Pitt believed that it was poverty and distress which caused all the discontent in Ireland. If this could be alleviated and Irish prosperity linked permanently to that of Britain, he was confident that, as James Kelly has written, 'the fears of an imminent separation, of Ireland becoming independent or succumbing to French influence, would quickly recede.'[82] In a very long letter to the Duke of

[82] Kelly, *Prelude to Union*, p.87.

Rutland in January 1785 Pitt stated that the Cabinet in London had come to a unanimous opinion on the subject of the vital commercial settlement between the two kingdoms. However, while aware that the plan could not meet with universal approval in Ireland, he believed that the government had enough influence over the Irish parliament to ensure that the essential point 'of reciprocity in the final compact' would be accepted.[83] This was Pitt's major miscalculation; he did not fully understand the feelings of independence and power created in many of those of political consequence in Ireland since the spring of 1782 and he was also misjudging his own power in Britain. Pitt genuinely believed that the proposed arrangements gave full equality to Ireland, and even extended 'that principle to many points where it would be easy to have urged just exceptions and in many other points possibly turn the scale in her favour...'[84]

On 7 February 1785 the outline for the proposed commercial regulations between Great Britain and Ireland was introduced in the Irish House of Commons. On the following day the Duke of Leinster complained bitterly because the matter had not been first introduced in the House of Lords. It was far more usual for legislation to be first introduced in the Commons and not the Lords, but Leinster was

[83] Pitt to Rutland, 6 January 1785 in Lord Mahon (ed.), *Correspondence*, p.55.
[84] *Ibid.*

signalling his anger with London and his dissatisfaction with the measure. He gave vent to his anger in a speech reported in the *Freeman's Journal.*

> Interested as their Lordships must naturally find themselves in a measure of such importance, he thought it a disgrace to the House, that this commercial plan had not been submitted to the consideration of their Lordships, that they might be enabled to form a proper degree of judgement of its several parts when it should come in due course before them.[85]

Leinster was giving expression to a belief in the predominance of the House of Lords in the world of politics, and the constitution. Lord Mountgarret agreed with Leinster and added a comment which was very significant in demonstrating the political and economic ambitions of the whole House, but in particular of the Whig members of the House, in that it emphasised not only the importance of the aristocracy in the government of the country but also their vast wealth when compared to the members of the House of Commons:

> ...though he knew it was not customary in Government to lay matters before that House until they came in course, yet he deemed it a mark of inattention, when a subject of such magnitude came before the other House of Parliament, that their Lordships were not paid the compliment of laying before them a commercial system in which their Lordships were, in his opinion, more interested than the Commons.[86]

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[85] *Freeman's Journal,* 8-10 February 1785.
[86] *Ibid.*

Leinster, in spite of his vast land holdings and great wealth was in almost constant need of government patronage which would give him much needed money.[87] However, he did not feel inclined to support Pitt.[88] As he reportedly stated on one occasion, when he was in 'in the height of folly, passion, foam and claret, Fox was the only honest man in the world, and however he might not refuse his support, he would never receive office from any Government in which Fox was not chiefly concerned.'[89] Fox was Leinster's first cousin, but in spite of his protestations, Leinster did indeed take office from governments in which Fox had no place. Mountgarret was also a Whig supporter and therefore both men saw Pitt as a political enemy. However their attacks were also aimed at the proposed regulations themselves.

The Duke of Rutland was aware of the dissatisfaction and he discussed it in a letter to Pitt in late January 1785. He claimed that Dublin Castle's most confidential friends saw the subject of Ireland's contributions to the upkeep of the Empire giving rise to great discontent.[90] Rutland expanded further on the problem, as seen from the Irish perspective, when writing to Lord Sydney. The proposed system professed reciprocal equality, but the payment required from Ireland destroyed any reality in the concept of equality, because it required the hereditary revenue surplus be applied to the naval force to serve British interest. However, in spite of these reservations, on 16 February 1785 the commercial regulations were sent up from the Commons to

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[87] James, *Lords of the Ascendancy*, p.113.

[88] A. P. W. Malcomson, *The Pursuit of the Heiress: Aristocratic Marriage in Ireland, 1758-1820* (Antrim, 1982), p.10.

[89] Edward Cooke to William Eden, 27 July 1782 in Bishop of Bath and Welles (ed.), *The journal and correspondence of William Eden, First Lord Auckland* (4 vols, London, 1861-2), I, p.335.

[90] Duke of Rutland to William Pitt, 23 January 1785 (HMC, 14th Report), p.166.

the Lords, with a request that they be passed in the Upper House also.

Lord Mountgarret expressed the opinion that while the commercial adjustment between the two kingdoms should be founded on equality, those under their consideration were unequal and he concluded his speech by making it clear that his opposition was absolute. Lord Bellamont moved an amendment to the eleventh resolution which directed the surplus of the hereditary revenue to go to England's defence needs. The amendment required that the surplus should be applied to the naval force of the Empire, in the service of Ireland. However, the amendment was lost and the resolutions were carried without a division.[91]

The opposition in the House of Lords had contracted to a handful of peers. Leinster, Mountgarret, Farnham and Bellamont spoke against the regulations and Charlemont, Desart and Belmore entered a protest into the *Journal* of the House. They felt that the commercial regulations struck at Ireland's fundamental rights, both constitutionally and commercially.[92] However, the support of the majority of the peers at this stage was given to the regulations, and thereby to the London ministry of Pitt. Michael McCahill, in his study of the British House of Lords, has defined this body which generally supported the government and the Crown, in the following way:

> ...all attached great importance to the preservation of a strong monarchy, all believed that the support of the nation's property was an essential prerequisite

[91] *Freeman's Journal,* 15-17 February 1785.
[92] *Ibid.,* 8-10 September 1785.

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> for continuing stability, and most had a horror of systematic opposition or substantial political innovation.[93]

It can be seen therefore, that support in the Irish House of Lords for the King's ministry varied due to a number of reasons. The 1782 settlement was achieved with the strong support of the Whig ministry. Pitt lost the fight for the reform of the Commons elections because of his own weakened position in both Ireland and Britain. A politically much stronger Pitt had proposed the commercial regulations and won support in both Lords and Commons, except among dedicated Whigs. The situation would change again, because alterations made in the regulations by the British parliament seemed to treat Irish issues in an unequal manner; and even though Pitt was politically, in a strong position, he could not effectively carry the regulations in the face of massive discontent in the Irish parliament.

Eleven commercial regulations were formulated and presented to the Irish parliament by Dublin Castle. When the regulations were sent to London they grew into twenty and in these circumstances attitudes in Ireland began to change. In the Lords the same peers who had spoken against the old eleven regulations, now spoke against these new ones. The additional nine regulations were seen as an

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[93] McCahill, *Order and Equipoise*, p.153.

attack on the country's legislative independence, and their abandonment, in August 1785 was, in the opinion of the Earl of Mornington, 'absolutely a measure of necessity'. He continued by stating that the 'clamour of the country has been very great, and has only been appeased by the dereliction of the Bill'.[94] The opposition tended to centre largely on the fourth resolution. James Kelly has made the following analysis of the possible impact of this proposed change when allied to the power the British parliament still enjoyed over Irish legislation after the constitutional reforms of 1782:

> The respiting of the 1785 gunpower bill and the instructions to amend others pursuant to the provisions of Poynings' Law attests to the continuing interference by the British privy council in the legislative deliberations of the Irish parliament after 1782. The fourth resolution, by introducing a mechanism whereby the Irish parliament undertook to enact particular items of legislation ratified by Westminster, would obviously increase British authority over the deliberations of the Irish legislature; and together the two provisions could be applied in such a way as would significantly diminish the Irish parliament's legislative autonomy.[95]

Opposition to the fourth resolution grew during the summer of 1785. The British Whigs again saw an opportunity to embarrass the London ministry and thousands of copies of pamphlets, many written in England, were re-published in Dublin to be sent throughout the country.[96] The Whigs attempted to avail of this opportunity

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[94] The Earl of Mornington to W. W. Grenville, 20 August 1785 (HMC, *Fortescue Mss.*, 13th Report Part v) p.255.

[95] Kelly, *Prelude to Union*, p.158.

[96] *Ibid.*, p.163.

to set up an Irish Whig party. They had tried in 1780, 1782 and 1783 without success and once more the attempt ended in failure, but the ambition was not abandoned.

Central to the Irish opposition to the commercial regulations was the Duke of Leinster and his following in the House of Commons. He was patron of the boroughs of Athy, Harristown and of the two seats for Co. Kildare. This gave him significant influence over at least six members of the Commons. His huge wealth and his close family connections with the British Whigs also added greatly to his influence. The other opposition peers were also a formidable aggregate of wealth and Commons influence but if his own words are to be credited, Leinster was a highly significant player in ensuring the defeat of the commercial regulations. The story was told at second-hand by John Fitzgibbon, who later became lord chancellor of Ireland. He was a staunch supporter of the British ministry, and therefore his tone is one of irony. While Leinster's claim seems far-fetched, his wealth, influence, Whig connections and Commons following did make him a force to be reckoned with:

> The Duke of Leinster With All The Caution and Wisdom Which Always Marked his Conduct Justifies himself to Foster for a Breach of Faith with him By Acknowledging that the Whole has Been A trial of Skill Between his friends, England and the Government Here. That by getting rid of the Bill for Adjusting the Intercourse Between the Two countries He had Shaken the Duke of Rutland's Government And That by Beating him in the Election of a

Speaker He Shall Drive him Out of the Country.[97]

Leinster had promised support to Foster who was looking for the position of speaker of the House of Commons. In fact, Leinster did not keep his promise and supported instead his Whig friend William Ponsonby, who also had the support of Lords Loftus, Clifden, Shannon, Drogheda and Thomas Conolly, who controlled forty votes between them.[98] If Ponsonby secured the speakership, so soon after the virtual defeat of the commercial regulations, it would mean another defeat for Pitt and Rutland. It is unlikely that it would have meant the end of Rutland's viceroyalty but it would have caused political embarrassment. However, Ponsonby did not get the position and Foster was elected, much to the relief of Dublin Castle.

Between 1782 and 1785, the Irish parliament enjoyed an unprecedented period of power and influence. The factors leading to this were complex. Generally, most members of the Lords supported the London ministry and its representative in Dublin. This changed with the war in America, the Whig desire to seize the advantage and take power in London and the close connections between the British Whigs and their Irish friends and relations. Later Pitt's weakness allowed the defeat of the proposed reform of the Commons, but the commercial regulations would have been accepted, if they had not come back from London carrying a provocative threat to the relative independence of the Irish parliament. The relationship between the

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[97] John Fitzgibbon to William Eden, 22 August 1785 (University of Keele, *Sneyd Muniments*).

[98] Kelly, *Prelude to Union,* p.205.

London ministry and the House of Lords was extremely significant in the 1780s. While always conscious of the vital place of the Crown, and therefore of its ministers, the Lords was also very aware of its own pivotal place, as the second pillar of this mixed, classical constitution and wished to assert the fact. It was a delicate balancing act to stress the fact that Ireland had an independent constitution, yet at the same time to acknowledge attachment to Britain's constitution and to the Crown which both constitutions and both kingdoms shared in common.

Chapter 3.

Channels of Influence.

'Edmund Burke once wrote that without their close association with the monarch and their extensive influence in the lower house the peers's chamber would not have existed for a single year'.[1] While Burke was referring to the British House, the statement could, with a slight alteration, be applied to the Irish Lords. The Irish peers had a close association with the lord lieutenant in Dublin Castle and not with the monarch in London. However, Burke's declaration poses questions; why had the peers a close association with the lord lieutenant and extensive influence in the Irish Commons? McCahill put land at the centre of the influence of the British peerage:

> In a landlord-tenant society members of the peerage were the greatest landlords. It was from their acres that they derived their close association with the monarch, their extensive influence in the lower house and much else besides.[2]

The House of Lords in Ireland was also made up of the great landowners of the country who controlled every channel of influence, every aspect of power in Ireland which the London government had not taken into its own hands. The peers did not have any say in the appointment of the administration in Dublin Castle, or the

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[1] Michael McCahill, *Order and Equipoise: The Peerage and the House of Lords, 1783-1806* (London, 1978), p.168.

[2] *Ibid.*

appointment of the British prime minister and his cabinet. The fact that the Irish parliament itself had no input into the composition of the executive branch of government in Ireland left it in a weakened position when compared to its British counterpart. As James Kelly has written, 'The fact that the executive was neither controlled by nor answerable to parliament was a major constraint on the latter's power...'[3]

However, the Irish House of Lords did have a major influence over the composition of the Irish House of Commons. Its members also controlled the appointment of local magistrates, sheriffs and freeman; officials who were an essential part of the process of returning aproved members to the Commons.[4] This influence in the lower House and the voting rights they enjoyed in the upper House meant that the peers were consulted by Dublin Castle on all proposed legislation. If legislation did not meet with the Lords' approval, the veto was an extremely powerful weapon in ensuring that unacceptable bills did not reach the statute book.

There were three hundred members of the Irish House of Commons; each county returned two members; two hundred and thirty-four MPs represented one hundred and seventeen parliamentary boroughs and Trinity College Dublin returned two members. The right to vote for members of the Commons was confined to a relatively small number of people. The *State of the Borough-Representation in*

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[3] James Kelly, *Prelude to Union: Anglo-Irish Politics in the 1780s* (Cork, 1992), p.8.
[4] E. M. Johnston, *Great Britain and Ireland, 1760-1800: a study in political administration* (Edinburgh, 1963), p.321.

Ireland in 1784, which was published as an appendix in the *History of the Proceedings of the Volunteer Delegates on the Subject of a Parliamentary Reform*, lists the parliamentary boroughs in every county with the number of electors in both county and borough elections. It also lists what it terms 'the proprietor of the soil'[5] and the patron of the borough. Patronage of a borough was a commodity which could be bought and sold. The borough of Charleville, Co. Cork, had been under the patronage of the Earl of Cork, but was sold in the early 1780s to the Earl of Shannon.[6] Boroughs were also disposed of to men who wished to enter the House of Commons. In 1781 Lord Shannon, an influential Irish peer, wrote a letter giving advice to one of his supporters, the Knight of Kerry. Kerry wished to dispose of the borough of Dingle to a Mr. Townsend, who intended to use it as a means to enter the Commons. The price of the seat in 1781 was £2,000. Shannon was very specific about the conditions of sale.

> He to pay you [Kerry] the sum of £2,000 and you on your part to co-operate in the election of a legal magistrate to establish such legal freemen as shall be objected to; to procure judgement by information against such freemen as may refuse to resign and to waive all pretensions in favour of your issue male.[7]

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[5] *'State of the Borough-Representation in Ireland, 1784'*, appendix to *History of the Proceedings of the Volunteer Delegates on the Subject of a Parliamentary Reform* (Dublin, 1784).

[6] *Ibid.*

[7] Lord Shannon to the Knight of Kerry, 18 April 1781 (PRONI - Copy NLI Fitzgerald Mss., T.3075/55).

It is also clear from the letter that the patron decided on who would be magistrate; and the magistrate in turn, decided who would, or would not be, freemen of the borough and therefore entitled to vote in parliamentary elections. For example Dingle in 1783 had eight hundred inhabitants; the electors were: a sovereign, who was the chief of the burgesses, twelve burgesses and one hundred and fifty honorary freemen, only two of whom resided in the town. The local landlord and patron of the borough was Mr. Townsend: the proposed purchase from the Knight of Kerry had obviously succeeded.[8]

Kerry and Townsend were part of a far-flung mesh of influence and inter-dependence radiating from the Earl of Shannon, who in 1777 had 'the most decided following of any man in Ireland.'[9] In 1771 Richard Townsend had described their relationship in language which Malcomson has termed 'almost romantic.' '...Embarked with you for life, the summer's surface [sic] can never seduce or winter's blast drive me from that political bottom in which I shall ever sink or swim with you...'[10] Malcomson argued that Lord Shannon, 'In practical terms of jobs and emoluments, saw that his party was well provided for, sometimes - at least ostensibly putting their objects ahead of his own, and generally evincing a solicitude for their interests which must have added greatly to his attractiveness as a patron.'[11]

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[8] *State of the Borough-Representation in Ireland, 1784.*

[9] A. P. W. Malcomson, 'Lord Shannon' in E. Hewitt (ed.), *Lord Shannon's letters to his son* (Belfast, 1982), p.lii.

[10] Richard Townsend to Lord Shannon, 10 November 1771 (PRONI D.2707/A2/2/6) quoted by Malcomson in *Lord Shannon's letters*, p. lii.

[11] Malcomson, *Lord Shannon's letters*, p.lii.

The cost of a Commons seat in the early 1780s seems to have been almost standardized at £2,000, because Lord Glandore sold the seat at Ardfert to Sir Frederick Flood for this amount also.[12] Peers did not always seek monetary recompense for their boroughs; they were sometimes given to people who would work for the peer, particularly in a political capacity. Lord Glandore was angry with Robert Day in 1791, because it appeared that Day had stated publically, that he had purchased his seat in the Commons from Glandore when in fact, according to Glandore, he had been returned for it free of charge. Another of the advantages of being a borough patron was the fact that prior to the Union, boroughs returned two members to the Commons. Therefore, while one seat might bring in a monetary return, the other could be given to a clever and helpful follower. Robert Day had acted as Glandore's eyes and ears in Dublin during the 1780s, writing long letters on political matters to Ardfert Abbey and keeping his patron in touch with the lord lieutenant's court.

His letters discuss audiences with the lord lieutenant, the departure of Pelham, the Chief Secretary, for whom he was full of praise, and comments on various bills, such as the indemnity bill in 1783 and the address of parliament to the King in 1784. Day was an astute observer of political trends and deplored the fact that changes in the British ministry meant changes for Ireland also: 'But certainly Ireland is likely to

[12] Robert Day to the second Earl of Glandore, 11 November 1783 (PRONI copy in NLI) Fitzgerald Mss., T.3075/2.)

suffer if she loses Lord Northington: a lamentable consequence of our connection with England that every faction of that country shall shake and derange this, which would be much happier in pursuing its own distinct and peculiar concern'.[13] It is an indication of the autocratic nature of the patron-MP relationship that Glandore could even consider dismissing, on hearsay evidence, such a long term and intelligent collaborator. Not all patrons acted in such a high-handed fashion. For example, Lord Charlemont treated Henry Grattan with much consideration after they went on different political paths.

Glandore, however, liked to think of himself as liberal-minded, even freedom-loving in his relationships with his MPs. In 1795, he wrote to Maurice Fitzgerald, also of the family of the Knights of Kerry, who had been looking for a Commons' seat in Tralee which was also under Glandore's patronage, making the rather improbable declaration: 'I shall never look to any other compliances from you, nor require any deference to my political opinion, than inasmuch as they are conformable to your own'.[14] It is unlikely that a man who required Day to acknowledge, publically, his indebtedness to him for his patronage, would be generous enough to allow Fitzgerald hold political opinions which ran counter to his own. There is stark evidence that the patron could and did rid himself of MPs who stepped out of political line. Lord Carysfort made this very clear in a letter written

[13] Robert Day to Lord Glandore, 23 December 1783 (PRONI - copy NLI Fitzgerald Mss., T3075/15).

[14] Lord Glandore to Maurice Fitzgerald, 25 February 1795 (PRONI - copy NLI Fitzgerald Mss., T3075/5/6).

in 1799 to Lord Grenville, the foreign secretary. The proposed union of the two kingdoms was the major political question of the day and Carysfort favoured the idea, but one of the MPs representing his Wicklow borough of Carysfort voted against the motion. The Commons member was required to vacate the seat immediately. Lord Carysfort was determined to punish the MP because he saw the issue as so important.[15] Whether a patron was indulgent to his MPs or acted in a high-handed and autocratic fashion, very much depended on the lord in question.

The relationship between the patron and holder of a seat in the Commons could be a difficult one. The friendship and subsequent stresses and strains experienced by Lord Charlemont and Henry Grattan is a very famous case in point. Grattan and Charlemont met at the meetings of the Society of Granby Row, sometime after 1772 when Grattan returned from his legal studies in London. In the words of James Kelly, the society was 'a liberal political and convivial club.'[16] Lord Charlemont was a borough proprietor, predictably enough for the borough of Charlemont in County Armagh. In 1775 the MPs for Charlemont were Francis Caulfeild, brother to the Earl and Sir Annesley Stewart, a relation. In October 1775 at the beginning of the new parliamentary session, Caulfeild left Chester for Dublin in a packet boat which was wrecked in a great storm. Caulfeild was drowned and his brother had to find a new member for the borough. Grattan's personality and principles appealed to

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[15] Lord Carysfort to Lord Grenville, 23 January 1799 (HMC, *Fortescue Mss.*, vol. IV) p.440.

[16] James Kelly, *Henry Grattan* (Dublin, 1993), p.7.

Charlemont; he offered him the vacant seat and Grattan was able to enter the Irish House of Commons at the age of thirty.[17] Charlemont wrote the following comment in his memoirs: 'I was the happy instrument of bringing forward to active life and to the service of the public a gentleman whose great talents, whatever his subsequent conduct may have been towards me, have undoubtedly been a principal source of the emancipation of Ireland, an event which had been, even from my boyish days, the dearest wish of my heart.'[18] At the beginning of the relationship Charlemont was of the opinion that he and Grattan shared a common political outlook. Writing to Charles James Fox in April 1782 he declared: 'We are both of us precisely of the same mind. We respect and honour the present administration. We adore the principle on which it is founded.'[19] This administration was the Whig government in which Lord Rockingham and Fox were the most important figures. They had appointed the Duke of Portland as lord lieutenant in Ireland and every indication was given that Ireland's constitutional demands for parity with Britain would be honoured.[20] However, Grattan and Charlemont were soon in disagreement, because it appeared to Charlemont that his friend was becoming too attached to the Dublin Castle administration; he believed, in fact, that Grattan had become, in his words 'a party man'.[21] Northington, the Lord Lieutenant, decided to form a 'little cabinet' for the management of the House of Commons. Charlemont believed that he was being

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[17] R. B. McDowell, *Grattan: a life* (Dublin, 2001), p.28.
[18] *Lord Charlemont's Memoirs of His Political Life.* (HMC, vol.I, Report 12 Appendix 9-10,) p.41.
[19] *Ibid.*, p.59.
[20] Kelly, *Grattan*, p.18.
[21] *Lord Charlemont's Memoirs* , p.80.

excluded from the councils' of the lord lieutenant, while Grattan was working closely with the administration. The lord lieutenant resided, during the summer, in the Phoenix Park and the council was summoned to meet there. Charlemont was never called to any meeting during September 1783 while Grattan attended regularly. When he complained, Charlemont was invited to dinner at the Park, but no political business was discussed. As the year progressed, Charlemont wrote that he 'received several occurrences, of a nature perfectly private but induced me to think myself slighted by my beloved friend'. According to Charlemont, Grattan wrote to him on 22 October 1783 implying that they must meet and the Earl replied that such a meeting would suit him. There was no answer to his acceptance of the proposal and as he sadly wrote: 'until our final rupture I never had a moment's private conversation with Mr. Grattan'.[22] Charlemont continued by criticizing Grattan's personal weaknesses; vanity was one of his besetting sins and the government realizing this, had found the direct road to his h[illegible].[23]

With Grattan supporting the Castle administration and Charlemont resolutely against such a position, a difficult situation presented itself. As Stephen Gwynn has written in his life of Grattan: 'In the ordinary course, a man who sat for a borough as the nominee of a patron voted according to the patron's wish. [illegible] not unreasonably, thought that his position in the State was such that he could not accept

[22] *Ibid.*, p.105.
[23] *Ibid.*, p.107.

dictation.'[24] Charlemont would not go down the road later taken by Lord Carysfort and Lord Glandore and dismiss the unco-operative MP, nor did he wish to accept Grattan's resignation. Grattan was determined even if he still represented Charlemont's borough, to vote in a manner which suited his own conscience. Therefore, he felt obliged to provide Charlemont with someone who would follow his guidance in the Commons. He paid £2,000 for the borough of Longford and returned the son of Sir Annesley Stewart, his co-member for the borough of Charlemont. This did not please the Earl, who made it clear that while he approved of young Henry Stewart being brought into the Commons, he would not consider him a political connection.[25] Charlemont wrote what Maurice Craig has termed a touchy and pompous letter stating: 'The Friendship of an honest Man is inestimable - *That* you have possessed in the highest Degree-For *That* alone you are obliged to me, an Obligation which nothing can cancel, and which cou'd only have been repaid by an equal Return.'[26] Clearly he was replying to Grattan's concerns about the obligations owed to a borough patron.

From this time onwards Grattan was looking about for another seat. He felt extremely uncomfortable in sitting for Charlemont's borough yet voting against him. He could not resign the seat, such a facility was not given to Irish MPs until 1793.[27] He would have liked to represent County Dublin but he was unwilling to pay the

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[24] Stephen Gwynn, *Henry Grattan* (Dublin, 1939), p.189.
[25] Maurice Craig, *The Volunteer Earl* (London, 1968), p.190.
[26] Kelly, *Grattan*, p.25.
[27] McDowell, *Grattan*, p.104.

large sum which was necessary.[28] In 1790 he was returned for the Dublin city constituency in the general election. The borough patrons and the rich landlords who dominated the county elections were those who controlled most of the seats in the House of Commons; consequently their influence upon its proceedings was extremely significant. The aristocratic nature of political power in Ireland, stemming as it did from the ownership of land and the wealth and political influence which were a consequence, was commented on by Lord Cornwallis, when he was lord lieutenant of Ireland in the late 1790s. Robert Johnston, MP for Hillsborough seemed to perform for Lord Downshire, the same functions which Robert Day performed for Lord Glandore; he was his eyes and ears in Dublin. Johnston, when writing to Downshire, reported the following:

> 'Corny [Cornwallis] has accused the parliament of being a Protestant parliament, of being an aristocratic parliament, of being a parliament possessing its power by an unequal monopoly of the landed property; and in pursuance of these opinions, he has discountenanced the Protestant interest, he has insulted many of the aristocracy, and has endeavoured to govern the land against the opinion of its landed property.[29]

Apart from the representatives of the parliamentary boroughs, the Irish House of Commons also contained sixty-four MPs two of whom were returned by each county. The numbers of people in each county who could vote at parliamentary elections was

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[28] Kelly, *Grattan,* p.25.

[29] Robert Johnston to Lord Downshire, 29 January 1799 (PRONI - copy NLI Downshire Mss., D607/G/38).

comparatively small. For example, of the sixty-six thousand inhabitants of Co. Clare in 1784, only one thousand could vote. In Co. Cork only three thousand people of the county's two hundred and fifty thousand, could return the two county members to the House.[30] In these county elections the position of county sheriff was very significant. He was the returning officer for the county and therefore had the power to adjourn and eventually close the parliamentary poll. The sheriff could favour one candidate or another and in an attempt to lessen this corruption, in 1775 a law was passed requiring the sheriff to swear an oath that he and his deputies would take the poll impartially.[31]

The significance of the role of sheriff is indicated by Lord Glandore who was very interested in the appointment of that official for Co. Kerry in the summer of 1795. The Dublin Castle administration of the day had not consulted him on the matter; previous lords lieutenant had been more co-operative. Glandore expressed his anger at the conduct of Pelham, the Chief Secretary, when writing to Maurice Fitzgerald.

> ...with respect to the appointment of sheriff, I do not feel in sufficient good humour with your friend Mr. Pelham to ask any favour from him. He has treated me very cavalierly, and the instance of Mr. Mullins [the appointed sheriff] with something very like disrespect; but if this were otherwise, I never applied for the appointment to any administration. If the present one is not

[30] *State of the Borough-Representation in Ireland, 1784.*
[31] Johnston, *Great Britain and Ireland,* p.140.

disposed to pay me the same compliment as their predecessors I shall let them take their course, without laying myself under an obligation for a nothing. [32]

Glandore's dismissal of the office of sheriff as 'a nothing' cannot represent his cool political judgement, but bears all of the signs of hurt and disappointed pride. If the position was really so unimportant, he would not have reacted with such anger. Equally, previous administrations would not have consulted his wishes on a matter that was of little importance; the choice of sheriff was central to the election of candidates favoured by the local magnate.

Patronage was not confined to electioneering purposes, as Malcomson has pointed out. It was also used as a reward to those who were loyal and as a form of encouragement. The local peers were the unpaid representatives of the government in the provinces, 'and as such were entitled to expect that the patronage as well as the authority of the government would be delegated to them.'[33] Lord Shannon laid claim to the advowson, or the power to appoint vicars, for Carrigaline and even went to law to have the matter decided to his satisfaction.[34] He also believed that he had the right to influence the appointment of bishops of the Church of Ireland where it

[32] Lord Glandore to Maurice Fitzgerald, 3 July 1795 (PRONI - copy NLI Fitzgerald Mss., T.3075/5/68).

[33] A. W. P. Malcomson, *John Foster: The Politics of the Anglo-Irish Ascendancy* (Oxford, 1971), p.249.

[34] Rev. H. Townsend to Lord Shannon, 20 January 1785 (PRONI -copy NLI Shannon Mss., D.2702/A2/2/82).

had dioceses, either in or close to his great land holdings. John Beresford wrote to him in 1780, in order to make it known to Shannon that he had defended the Earl's right to recommend a successor to the bishopric of Cloyne. Beresford did not mention to whom this defence was made, but it seems very probable that it was to the lord lieutenant, who was not aware that it was 'universally allowed to be your right'.[35] Later that same month of January 1780 Shannon received a letter from George Chinnary, Bishop of Killala, about his approaching transfer to the diocese of Cloyne. It seems to imply that Shannon had no small part in securing the more attractive post for him: 'My removal to the more immediate influence of that protection of which your Lordship has honoured me with so public an avowal, in a circumstance which leaves no wish of my heart unanswered'.[36]

The influence over the appointment of men to positions in the Church of Ireland was considered to be very significant and was not dispensed lightly. Robert Day requested that his brother Edward should succeed to the deanry of Ardfert in 1785, but Lord Glandore was in favour of a man named Graves and inevitably he was appointed.[37] Even relatively minor appointments in the Church were carefully watched by patrons who ensured that men of whom they approved were given preferment. Thomas Bushe wrote to Lord Shannon in 1780 in order to inform him that he had been unanimously elected by the four trustee bishops to be chaplain of

[35] John Beresford to Lord Shannon, 27 January 1780 (PRONI- copy NLI Shannon Mss., D2702/A2/2/70).
[36] George Chinnary, Bishop of Killala to Lord Shannon, 31 January 1780 (PRONI - copy NLI Shannon Mss., D2702/A2/2/72).
[37] Robert Day to Lord Glandore, 1785, no month given (PRONI - copy NLI Fitzgerald Mss., T. 2075/6).

Kingston College, Mitchelstown, and he thanked him, for what he termed, 'your effectual support'.[38]

This influence over the Church was very important to the peers. Since the bishops had seats in the House of Lords, helping members of one's own family or one's own political outlook into such a powerful place was a natural part of the peerage's function of helping to rule the country. The appointments to less influential posts, such as vicarages, was also an essential prop in the edifice of power. Such men could usually vote in parliamentary elections. The system of appointments could ensure a position for a supporter and could be a reward for unswerving loyalty or to win over an undecided vote.

Local patronage did not stop with Church appointments. Civil positions were also used as means of cementing together patron and client, for mutual benefit. John Montgomery from Glenarm, County Antrim, writing to Lady Moira in 1785, reminded her of a promise, made to him by her daughter, Lady Granard, to obtain for him a better situation in the revenue service. The Montgomery family looked for patronage to the Granards and, to ensure it was forthcoming, John made clear its support for the Whig party, to which the Moiras and Granards were attached. Montgomery wrote that his elder brother, who had some votes in County Longford, had left his place of residence in County Donegal, and gone to Longford where he

[38] Thomas Bushe to Lord Shannon, 28 February 1780 (PRONI - copy NLI Shannon Mss., D.2702/A2/2/75).

was actively canvassing for the Whigs.[39] Lord Moira was an extremely wealthy peer, with much land in both Ireland and England. His attendance at the Irish House of Lords was very infrequent.[40] This letter makes the circle of interaction between the two classes of society very clear. The aristocracy needed the support of middle-class protestants in order to uphold the political structures, and the protestant middle-classes needed the patronage of the aristocracy, in order to secure attractive positions in the lower ranks of the country's administration.

Another letter to Lady Moira supports this point. Thomas Hanley, from Newtownforbes, reported on the local celebrations held in honour of the birth of Lord Forbes, Lady Moira's grandson, in 1785. However, Hanley moved quickly to the political arena and asked Lady Moira who was to be elected sovereign of St. Johnstown on 27 June of that year.[41] A man named Gerard O'Farrell also wrote to Lady Moira and asked her to use her influence with her son-in-law, Lord Granard, to support him [O'Farrell] for the new post of chairman of quarter sessions in Co. Longford, the salary being £300 per annum. He cleverly reminded Lady Moira that having his nominee in such a position would strengthen Lord Granard's future influence.[42]

A peer could hold the position of governor of his area, which gave him authority over the local police constables. The lord could appoint men to the force and

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[39] John Montgomery to Lady Moira, 6 May 1785 (PRONI - copy NLI Granard Mss., T.3765.J/1/2/12).

[40] McCahill, *Order and Equipoise*, p.74. It seems that the first and second Earl of Moira spent much time in England and contributed to the work of House of Lords in that kingdom.

[41] Thomas Hanley Jnr. to Lady Moira, 30 May 1785 (Granard Mss.,T.3765,J/1/1/13).

[42] Gerard O'Farrell to Lady Moira, 24 February 1787 (Granard Mss.,T.3765.J/1/2/16).

arrange for their promotion. He also had physical and psychological influence over the local population which the control of such a body of men conferred. There is an account in the *Freeman's Journal* for 1791 which demonstrates the various functions of the governor being used by Lord Glandore in order to enforce law and order.

> A large brig from St. Domingo to Dunkirk laden with sugar, coffee and indigo was driven ashore on Thursday night the. 13 January, 1791, at Kilmore, the estate of the Earl of Glandore, at the mouth of the Shannon. The Captain was so ignorant as to mistake the Shannon for Milford Haven. The crew are all safe, and every exertion is making to protect the cargo. Lord Glandore as Governor, has ordered the Chief Constable of the barony, with a strong party of the police constables, to attend and they are since reinforced by a party of the army. His Lordship, has, with the utmost humanity attended in person, and exerted himself to prevent plunder and restrain the country people, who are flocking in crowds about the vessel. [43]

While the great landlords controlled so much of the lives of those who lived on their estates, their thoughts were very firmly fixed on power at its source, in other words the Dublin Castle administration. The lord lieutenant and his chief secretary recognized that the peers were part of the constitution of the kingdom and therefore, had to be included, in an informal manner, as well as in the formal structures of the government of Ireland. The chief members of the administration had regular meetings with members of the House of Lords, during which legislation of all kinds was discussed. Letters were also exchanged in which points of view and proposed plans of action were dealt with. For example, Sir Richard Heron, the Chief

[43] *Freeman's Journal,* 22-25 January 1791.

Secretary, wrote a long letter to Lord Shannon, in which he supplied details of the trade concessions to be given to Ireland in 1780. Heron had been trying to win Shannon around to vote against the short money bill, introduced in 1779. Many members of the Irish parliament wished to show that neither the Commons nor Lords were powerless institutions, acting at the will of the lord lieutenant, and in 1779 they were attempting to bring Dublin Castle to heel by granting supply for only a few months, hence the short money bill. This, it was hoped, would force the administration back to parliament again with further requests, within a short time. That saw, in the words of James Kelly, 'the fast-emerging demand for constitutional reform'.[44] Heron's letter to Shannon, gives evidence of meetings between the Earl, Dublin Castle officials and the political interaction which took place between peers and the administration: 'Your Lordship will, I hope, pardon my reminding you of the strong assurances I gave you in Henrietta Street [Shannon's Dublin address] of the kind disposition of Great Britain towards Ireland, although you would not give me so much credit as to be prevailed upon to oppose the short money bill.'[45]

Later that same year Heron wrote again to Shannon requesting him to attend a forthcoming parliamentary debate. Lord Mountmorres had given notice that he intended to bring forward a question respecting the jurisdiction of the Irish House of Lords on appeals from the courts of justice; in other words he was trying to focus attention on the Irish Lords' lost appellate jurisdiction. 'Lord Carysfort's

[44] James Kelly, *Henry Flood: Patriots and Politics in Eighteenth-Century Ireland* (Dublin, 1998), p.269.

[45] Sir Richard Heron to Lord Shannon, 15 January 1780 (PRONI - copy NLI Shannon Mss., D2707/A2/2/65).

intended heads of a bill is supposed to be confirming the titles of Irish estates held under British acts and as there is likely to be the agitation of such questions, my Lord Lieutenant has directed me to acquaint your Lordship that he shall be much obliged by your being in Dublin, if it will not be particularly inconvenient.'[46] The Lord Lieutenant, Buckinghamshire, estimated that Shannon had eighteen members of the Commons who would follow his lead in political matters.[47] He was a very powerful peer who, in 1780 supported the administration but in an inconsistent and undependable manner. In late 1781 he was awarded the position of vice-treasurer of Ireland in place of Henry Flood. This was clearly an attempt to fix his support in a more definite manner, and Viscount Townshend, when writing to Shannon, openly confessed the anxiety of the London government to have such an important peer in its camp: 'To see a nobleman returned in the bosom of government whom I always esteemed and whom political causes alone obliged me with infinite regret to consider as an adversary, now advancing in the service and situation under my sovereign, is a most sensible gratification to me.'[48] A few years later in 1787 Thomas Orde, as chief secretary, was writing to Lord Shannon to fix an appointment for a meeting, in order to communicate the ideas of the administration and to seek his advice upon the measures necessary to restore peace in a Munster troubled by the Rightboys.[49]

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[46] Sir Richard Heron to Lord Shannon, 13 July 1780 (PRONI - copy NLI Shannon Mss., D.2707/A2/2/78).

[47] Johnston, *Great Britain and Ireland,* p.359.

[48] Viscount Townshend to Lord Shannon, 2 December 1781 (Shannon Mss., D.2707/A2/2/79).

[49] Thomas Orde to Lord Shannon, 26 January 1787 (Shannon Mss., D.2707/A2/2/109).

It is true to say that all of the sources of influence enjoyed by the peers ultimately rested upon political power; their control of Commons' seats and their vote in the House of Lords constituted a hugely significant fact that the Dublin Castle administration and the London government had to take into account in all of their calculations. Sometimes the administration got carried away with the difficulties of the task and over-extended themselves, as Chief Secretary Orde did, at least according to the Marquis of Buckingham: 'Orde has acted very unhandsomely by pledging his assurances in twenty instances, that he has no doubt but that you will be immediately gratified; and this upon the head of pensions, peerages and every office which his lists have mortgaged.'[50]

However, if the members of the House of Lords were determined to oppose a particular issue, they dug their heels in and could not be managed so easily, either by the Commons or Dublin Castle. In 1788 Grattan in the Lower House, had a plan for a bill which would limit the tithes of the three staple articles of flax, hemp and rape to five per cent per acre. He intended to include an exemption for reclaimed bog and mountain from all tithes for seven years and to enable the bishops of the Church of Ireland to make leases for three lives, as in England.[51] However, as Robert Day commented when writing to Lord Glandore: 'These it is expected will be rejected by the bishops, or through their influence.'[52] He was correct in his assessment. This

[50] Marquis of Buckingham to W. W. Grenville, 10 January 1788 (HMC, *Fortescue Mss.*, 13th Report, vol.I, Appendix Part III), p.297.
[51] Robert Day to Lord Glandore, 11 March 1788 (PRONI - copy NLI Fitzgerald Mss., T.3075/16).
[52] *Ibid.*

is demonstrated by a letter from the Marquis of Buckingham, Lord Lieutenant at the time, to his brother William Grenville, in which he makes the following angry comment: 'We shall compel the clergy to give up the tythe [sic] of hemp; and I am sorry to say that I found the Bishops in general most unreasonable upon this; or any other point, which can check or control abuses.'[53]

At first sight it may seem strange that bishops were not interested in checking abuses, but as Jeremiah Falvey has pointed out: '...primary consideration was the nature and extent of those temporal rewards of wealth, status and influence which accrued from episcopal office.'[54] During the regency crisis the peers of Ireland, both lay and clerical, demonstrated the full force of their power. A majority in the House of Lords was in favour of a regent for Ireland and the Lord Lieutenant, Buckingham, had to plan his strategy accordingly. He intended to let the peers put forward their proposals and then he would fight their measures. This was a much better approach than for the administration to propose and defend its own set of plans.[55] While Buckingham was fully aware of the feelings of the majority in the Lords, he had no great respect for the political skills of the peers. He believed that through 'intemperance and ignorance'[56] they would bring forward, prematurely, their own measures on the regency, thus making it easier for him to defeat them. In fact, he did not defeat them in the Lords; he underestimated his opponents and

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[53] Marquis of Buckingham to W. W. Grenville, 10 January 1788 (HMC, *Fortescue Mss.*,) p.297.

[54] Jeremiah Falvey, 'The Church of Ireland episcopate in the eighteenth century: an overview', *Eighteenth Century Ireland,* viii, (1993), p.104.

[55] Marquis of Buckingham to W. W. Grenville, 27 January 1789 (HMC, *Fortescue Mss.*,) p.404.

[56] *Ibid.*

miscalculated their intelligent determination when fully committed to a particular point of view.

The Lords did not confine their interests to constitutional matters at this time of political crisis. In 1788 a bill dealing with prisons was attacked by Lord Carhampton; he felt that the inspector of prisons should not enjoy a doubling of his salary from £200 to £400 per annum. He also disagreed with a clause requiring grand juries, not only to provide money for whey, broth and medicines for prisoners, but also to pay for an apothecary.[57] Lord Earlsfort considered that the bill contained a great deal of confused matters. He deplored the practice of putting prostitutes into the Bridewell, because they were generally followed by what he termed 'a set of ruffains, who were infected with loathsome disorders'. It would be very unfair, in his opinion, for the public to pay for medicine for people of this description. After careful consideration of all of these objections, Lord Carhampton's motion was accepted and the bill fell.[58]

A minority of peers who stood by Buckingham, the Lord Lieutenant, and William Pitt were suitably rewarded when the regency crisis came to an end. At the opening of the 1790 session of parliament the much discussed title of marquis was granted to some of the wealthiest and most loyal of the Irish peers. George De LaPoer, Earl of Tyrone, became Marquis of Waterford, Wills Hill, Earl of Hillsborough, became Marquis of Downshire, and Randal William McDonnell, Earl of Antrim, became

[57] *Freeman's Journal,* 11-13 March 1788.
[58] *Ibid.*

Marquis of Antrim. There were other promotions of loyal supporters of the King and Pitt. Francis Charles Annesley became Earl of Annesley, and Viscount Carysfort became Earl of Carysfort. The Hon. Richard Hamilton became Viscount Boyne, and John Scott, Baron Earlsfort became Viscount Clonmell. William Conyngham became Viscount Conyngham; Charles Tottenham Loftus became Viscount Loftus and the Hon. Robert Howard became Viscount Wicklow.[59] The numbers promoted within the House of Lords give an indication of the London government's view of the importance of the institution. Clearly, it was seen as vital to the stability of London's control of the Irish legislature that the peers of Ireland be loyal and supportive to London and Dublin Castle. The lesson was unambiguous: those who could be trusted would be well rewarded. It was essential that the Irish peerage should take it to heart, as far as Pitt and his Cabinet were concerned. The peers of Ireland were too important individually, and collectively, to be allowed to drift out of a tight, controlling relationship.

The House of Lords also made efforts to extend its power within the constitution. One such attempt in 1793 dealt with the power of the House to inflict punishment upon people found guilty of gross disrespect towards it beyond the length of the session of parliament. Usually the sentence could only last until parliament rose. The matter grew out of the secret committee of the House, set up in response to the threat from the United Irishmen. This organization had been conceived in order to obtain reform of the House of Commons. The outbreak of war in February,

[59] *Ibid.*, 21-23 January 1790.

1793 between France and Britain, made the Society, with its avowedly pro-French and anti-war stance, deeply suspect. On Friday, 1 March 1793 the Hon. Simon Butler, Chairman of the Society of United Irishmen and Oliver Bond, Secretary to the same society, appeared in custody at the bar of the House of Lords. They were found guilty of libelling the secret committee of the House. The Earl of Westmeath moved that they should be fined £500 each and imprisoned for six months. The Lord Chancellor wished the sentence to be a fine of £50 each and imprisonment for only three months. However, he did state that it was his opinion that 'the powers of that House to punish do extend beyond the session of Parliament'.[60] Lord Bellamont was surprised by this statement of the Chancellor, it was a doctrine that was new to him and if it was unknown to a member of the House, it must be unknown to people outside the House:

> He therefore, earnestly intreated [sic] the learned Lord not to suffer himself to be hurried beyond the term of three months, which his Lordship had moved, a term which as it would in the course of things, fall within the session of Parliament, would evince to the minds of those gentlemen who were the objects of it, that in the very act of asserting the constitutional rights and authority of this House, - it not only respects but reveres, even to the extreme, the spirit of the Constitution.[61]

Lord Bellamont was making a very significant point. If the Lords imposed the six month prison sentence it was contravening the constitution while acting in its

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[60] *Ibid.*, 5-7 March 1793.
[61] *Ibid.*

defence. The Lord Chancellor seemed to wish to deny the rule that the House could not punish beyond the limit of the session of parliament. He was pushing the bounds of the power of the House in the matter of Butler and Bond, but the unsettled nature of the times meant that few would seriously question him. The House agreed to the Earl of Westmeath's motion which passed unanimously, according to the newspaper reports of the time. Lord Bellamont, it would seem was either absent or had been persuaded to change his mind.[62]

The Bench of Bishops within the House of Lords shared all of the power and privileges enjoyed by the lay lords. As Falvey has written: 'From the moment of appointment by royal letters patent to a bishopric, every eighteenth-century prelate, with only a few notable exceptions, aimed for advancement - initially to a richer see, possibly then to one of the three metropolitan sees of Dublin, Cashel or Tuam, and ultimately to the greatest prize of all, the primatial see of Armagh'[63] Just as the lay lords looked for promotion within the peerage, the bishops looked for promotion within the episcopal college. Most new bishops began their careers in the poorer dioceses, such as Killaloe, Killala, Dromore, Clonfert, Ossory and Ferns, but they constantly looked for more attractive postings. The Bishop of Clonfert, for example, wrote a long letter to Lord Charlemont, in which he discussed his chances of preferment on the Irish bench. The Primate, Archbishop Richard Robinson, had just died a few days previously and Clonfert wondered 'who actually gave away that

[62] *Ibid.*

[63] Falvey, 'The Church of Ireland episcopate in the eighteenth-century', p.103.

particular promotion.'[64] He then proceeded to give an account of his own attempts to seek preferment. When the Archbishop of Tuam died in 1782 he wrote to his friends in England to ask them to help his promotion to the vacant see; all answered him most kindly except the Duke of Portland. He even wrote to the Prince of Wales, who immediately and warmly replied and requested Pitt to appoint him to Tuam. However, nothing came of all of this kindness. Just before he wrote this letter to Charlemont on 18 October 1794 the Lord Lieutenant, Lord Westmorland, wrote to Clonfert offering him, not Armagh, but the bishopric of Cloyne, which had a value of £4,300 per annum. In the circumstances, Clonfert was not inclined to accept the offer. It seemed to him that Westmorland's plan was to recommend the government supporter, William Beresford, Bishop of Ossory, to Armagh [in fact he was given Tuam later in 1794] and to send Cloyne to Tuam and Clonfert to Cloyne. If he is to be believed, Clonfert preferred to remain in his diocese: 'Clonfert is a very comfortable place, and the see very much increased since I got rid of a knavish agent.'[65]

Preferment and wealth were the motivating forces for many of the bishops. Promotion was controlled by the lord lieutenant, and therefore, in fact, by London, in order to keep the wheels of the constitution in smooth motion; patronage was the means of ensuring that the government of the country never came to a standstill.[66] The Bench of Bishops were a section of the House of Lords who shared the same

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[64] Bishop of Clonfert to the Earl of Charlemont, 18 October 1794 (HMC, *Charlemont Mss.*, 13th Report, Appendix Part VIII.) p.250.

[65] *Ibid.*

[66] Corrine Comstock Weston, *English Constitutional Theory and the House of Lords 1556-1832* (London, 1965), p.145.

motivation as the lay lords and the means used by the London government to keep both Houses of parliament co-operative with each other and in tune with the King's ministry was its vast patronage. A highly attractive diocese not only conferred wealth on the lucky bishop, but also increased his political influence. Borough patronage was enjoyed by the Primate of Armagh and the bishops of Ferns, Ossory and Clogher.[67]

One final avenue of power was established for the members of the peerage by the war with France in the 1790s. This was the setting up of the militia and yeomanry forces in an answer to the government's quandary on how to meet the 'military and antithetical demands of invasion and insurgency'.[68] The obvious people to set up regiments of militia and yeomanry were the great landowners and they threw themselves into raising and maintaining units in their own local areas. For example, Lord Glandore became colonel of the militia in north Kerry and he was very interested in making it a force to be admired. Robert Day, when writing to Maurice Fitzgerald stated: 'Lord Glandore, who is passionately solicitious for the regiment proposes to have William Crosbie [his son] for his youngest ensign, just as Lord Dillon appointed the young earl of Roscommon his youngest ensign.'[69] However, it was estimated that the Irish militia establishment of nineteen thousand included no less than fifteen thousand catholics. It was no longer reliable as a force, in spite of the close interest demonstrated by the local magnates.[70] This vacuum was an

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[67] Johnston, *Great Britain and Ireland*, p.329.

[68] Allan Blackstock, *An Ascendancy Army: The Irish Yeomanry* 1796-1834 (Dublin, 1998), p.50.

[69] Robert Day to Maurice Fitzgerald, 12 March 1793 (PRONI - copy NLI Fitzgerald Mss., T.3075/5/32).

[70] *Ibid.*

important contributory factor in the formation of the yeomanry which would defend the country against invasion and act in support of the magistracy.[71] The militia and yeomanry added to the landlord's influence. The yeomanry regiments owed their existence to their captain, not the government, and although their pay came from the public purse it was obtained by the landowner and channelled through him for distribution or confiscation.[72]

While the peers used the yeomanry as a means of extending their influence, many do not appear to have become deeply involved in the day-to-day running of the various regiments. The Earl of Shannon's eldest son, Viscount Boyle, was in command of a corps of yeomanry. A letter from Shannon to his son in January 1797 demonstrates the fact that he left much of the routine work to middle-ranking officers. 'Your corps were out yesterday; your lieutenant submitted to them the idea of going into winter quarters, they spurned the suggestion, saying they would persevere in their exercise to be perfect in case of a review next summer.'[73] This letter was written in the unsettled and dangerous days, shortly after the French fleet was in Bantry Bay and only a storm prevented the landing of a formidable French army. However, there is no hint of anxiety on the part of either Shannon (who, it must be remembered, was a County Cork landlord) Boyle or the members of the Corps. Boyle was absent and the yeomen were focused on the summer review rather than on the protection of Cork from invading French. It would seem that the peers

[71] Blackstock, *An Ascendancy Army*, p.52.
[72] *Ibid.*, p.223.
[73] Earl of Shannon to Viscount Boyle, 18/19 January 1797 (PRONI - copy NLI Shannon Mss., D.2707/A2/2/26).

saw these local military establishments as important means of protection against tumult and upheaval within their own area of control: 'There is evidence the availability of yeomanry could benefit landowners who had been having problems controlling their tenants.'[74]

Catholic peers, such as Lord Kenmare, were anxious to demonstrate their loyalty to the Crown by becoming involved in the formation of yeomanry corps in the mid-1790s. The government saw the necessity of winning the goodwill of catholics and so turning them from any sympathy with the French. Kenmare was allowed an influence in the military establishment, something which would have been unthinkable even six years previously. However, it is clear from his letter that Kenmare was aware of the sensitivity of his situation and he was anxious that he should not cause antagomism to those in government or let himself down in any way in their eyes: 'I shall be anxious to get every possible information as to the mode in which it will be most agreeable to government, and the most proper for myself, to carry on the formation of the yeomanry...'[75] Kenmare, as a catholic peer did not sit in the House of Lords, but he always seemed to have been supportive of Dublin Castle.

A. P. W. Malcomson has written the following comment upon the Irish aristocracy in the late eighteenth century:

The aristocracy in Ireland (defined for present purposes as those members of

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[74] Blackstock, *An Ascendancy Army*, p.223.

[75] Lord Kenmare to Maurice Fitzgerald, 23 October 1796 (PRONI - copy NLI Fitzgerald Mss., T.3075/6/12).

> the Irish peerage who were resident or partially resident in Ireland) were depressed both socially and politically by the viceregal system whereby Ireland was governed. They were depressed socially because the court where they did homage was presided over not by the king but by a lord lieutenant who was invariably a member of the British aristocracy, and not necessarily a British aristocrat of the first rank. They were depressed politically because that lord lieutenant, who was a chief minister as well as a king's representative, was appointed and recalled by the British government and in response to the political situation in the British not the Irish parliament.[76]

True, the apex of Irish society was the viceregal court and as such was at a remove from the royal court in London. However, Ireland was a kingdom with George III as its king and the viceroy as his representative. When the peers attended the court of the lord lieutenant they were attending the court of their king. Ireland was not a province of empire, she was a sister kingdom. The lord lieutenant changed in response to the political situation in London; whatever ministry was in power sent its own man as lord lieutenant to Dublin to represent the king and to implement the policies decided in London. However, whether the policies were accepted or not depended upon the Irish parliament, and the Lords and Commons had the power to

[76] A. P. W. Malcomson, 'A lost natural leader: John James Hamilton, First Marquess of Abercorn', *Proceedings of the Royal Irish Academy*, 88 c, no.4, (1988) p.61.

reject what they did not like. The House of Lords had a veto over all legislation and the control the peers exercised over the parliamentary boroughs and the county representation in the Commons meant that in effect, both houses of parliament were almost totally in the hands of the great magnates of Ireland. Malcomson has made much of the fact that the Irish executive did not change in response to the wishes of the Irish parliament but was appointed by the ministry in London. The British parliament did not enjoy such a clear cut power to choose its first lord of the treasury and his cabinet as seems to be implied in Malcomson's lament on the reduced power of the Irish aristocracy. King George III had a huge imput into the choice of his first minister. For example, in 1765 he dispensed with the services of George Grenville and replaced him with the Marquis of Rockingham.[77] William Pitt the Younger preferred to rely on royal support than build up a personal following among MPs; in fact he worked to strengthen his support in the British House of Lords. For a long period during the eighteenth century few additions were made to the two hundred British peers; Pitt created over one hundred while first lord, forty-five of them between 1784 and 1790. Most became good friends of the government in the House of Lords.[78] As Eric Evans has written: 'Pitt was the king's minister, not in the narrow sense of doing the monarch's every bidding, but more broadly. He interpreted his authority as prime minister as deriving from the king's initial choice

[77] Jeremy Black, *The Politics of Britain*, 1688-1800 (Manchester, 1993), p.89.
[78] Eric J. Evans, *Political Parties in Britain 1783-1867* (London, 1985), p.11.

and subsequent support, and not from any party grouping which happened for the moment to hold a parliamentary majority.'[79] Therefore, it can be seen that the ministry in London was the choice of the monarch and not that of parliament. The London ministry choose the executive for Dublin; therefore, it reflected the King's attitudes and policies, in a broad manner. Ireland was intimately connected to its monarch and thus the Irish aristocracy was closely bound to the Crown.

With its control of so many seats in the House of Commons and its influence over the appointment of sheriffs and magistrates, the Irish peerage was a formidable institution. Its vast landholdings gave it enormous wealth. Consciousness of their own status ensured that the peers held on tightly to the privileges of their class and the vital place their role in the constitution conferred upon them. Only a few short years before the Union, more power was given to them by government when the militia and yeomanry acts put military power into their hands. As a pillar of the constitution and as individuals of wealth, status and power, the Irish peerage was an impressive institution.

[79] *Ibid.*

Chapter 4.

A marriage of inconvenience - the relationship betwen the House of Lords and the House of Commons.

The House of Lords and the House of Commons enjoyed co-equal legislative power under the evolving terms of the British constitution, in all but fiscal matters. The House of Commons was the superior partner in the area of financial supply. To balance this extremely powerful position which gave the Commons control over the government's money supply, the House of Lords enjoyed the power of veto, or the right to vote down any bill sent to it from the Lower House. In this situation, it seems inevitable that the relationship between the two pillars of the constitution would be tense and at times even acrimonious, as each house jostled for its own dominance and status.

The Irish House of Commons was composed of three hundred members. Two were returned by each of the thirty-two counties; two by each of one hundred and seventeen borough and two by Trinity College, Dublin.[1] The great landowners of the various counties looked upon the seats in the Commons as important for their power and influence and the return of county members was generally hotly contested. For example, in 1783 a struggle began between the Hill and Stewart families, in the

[1] J. L. McCracken, *The Irish Parliament in the Eighteenth Century* (Dundalk, 1971), p.10.

the County Down elections for the Commons. These two families were great landowners and were represented in the House of Lords by the Marquis of Downshire and the Earl of Londonderry. Londonderry challenged Downshire's monopoly of the county representation. In the general election of 1790, Downshire's son, the Earl of Hillsborough, was opposed by Londonderry's son, Viscount Castlereagh, who was making his first appearance in politics. The contest cost Londonderry sixty thousand pounds and Downshire spent over thirty thousand pounds.[2] However much the peers wished to forward the fortunes of their own families and the hold they had on the House of Commons, few magnates could afford such sums. Another wealthy peer was the Earl of Shannon who could usually, but not always, ensure the return of his supporters for the county of Cork. In 1783 for example, Shannon suffered a reverse of fortune. After thirty-six days, his nominee, Townsend lost to Richard Longfield, a supporter of Lord Kingsborough.[3] Some absentee peers delegated their influence in the counties in which they had great landholdings, to family members. For example, Lord Bessborough looked to his brother, John Ponsonby to take care of his Commons seat in County Kilkenny.[4]

While county elections were virtually the preserve of the very wealthy landlord, the borough elections did not require such a huge effort. The boroughs had very

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[2] E. M. Johnston, *Great Britain and Ireland, 1760: a study in political administration* (Edinburgh, 1963), p.129.

[3] *Ibid.*

[4] *Ibid.*, p.130

small electorates. For example, the borough of Armagh, under the patronage of the Primate of the Anglican Church, contained thirteen burgesses, as did the borough of Charlemont, which was under the control of Lord Charlemont. In County Wicklow, the borough of Baltinglass, which was the property of the Earl of Aldborough, contained twelve burgesses plus twenty freemen. Lord Carysfort's borough of Carysfort had thirteen burgesses, all non-resident.[5] Through the borough system, the nobility of Ireland controlled approximately one hundred and fifty seats in the House of Commons. It must be remembered that boroughs were not exclusively in the patronage of peers but some were the property of non-noble members of peers' families. One example was the borough of Bandon-Bridge, owned by Francis Bernard. This family intermarried with Lord Shannon's family and Bernard was raised to the peerage in the 1790s as Lord Bandon.[6] Henry Bingham was patron of the borough of Tuam and was a member of the family of the Earl of Clanmorris, while Sir Charles Bingham of the family of Lord Lucan was patron of the borough of Castlebar. Nathaniel Clements, a member of the family of Lord Leitrim, controlled the borough of Carrick, County Leitrim, with thirteen burgesses, all non-resident.[7]

In the opinion of E. M Johnston, in her masterly book on eighteenth century Irish politics, almost invariably the eldest sons of Irish resident peers entered the House of Commons.[8] In the 1768 general election, the heirs of the Duke of Leinster, and the

[5] *Ibid.*, pp. 320-8.
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*

Earls of Carrick, Hertford, Arran and Antrim were all returned to the Commons. The Earl of Altamont returned two of his sons in the same election. Lord Belvedere returned his heir, Lord Bellfield, and two other sons, while the Earl of Tyrone had one brother, five brothers-in-law and fourteen cousins in the House. When they did enter the Commons the members of the rich and powerful families, such as the Fitzgeralds, Boyles, Loftus, Ponsonbys and Beresfords, usually formed political groups composed of family and supporters. However, they did not fight for any specific set of policies Their coming together and breaking apart was influenced by self-interest, British political connections and the state of politics at Westminster.[9]

The composition of House of Commons reflected the electoral system on which it rested, a system designed to represent property. Country gentlemen and relatives of the aristocracy constituted the largest group among the members, lawyers came next in importance and army officers, bankers and merchants made up the majority of the remainder. However, it is McCracken's opinion that these divisions are artificial: 'the army officers were of landed or noble origin, the majority of lawyers belonged to the same class and the bankers and merchants, if not drawn from it, [landed or noble class] tended to move into it.'[10]

Entry into the House of Lords usually required ownership of substantial estates, and therefore impressive wealth. For example the second Earl of Aldborough built

[9] *Ibid.*, pp. 216-217.
[10] McCracken, *The Irish Parliament*, p.13.

two great houses in London, Stratford and Aldborough House, founded the town of Stratford-on-Slaney and improved his Commons borough of Baltinglass. His second wife brought him a fortune of £50,000.[11] John Cole, who was elevated to the peerage as Earl of Enniskillen, spent lavishly on his house at Florence Court, County Fermanagh.[12] Five peerage families held over six hundred thousand acres between them in Ireland. These were the families of the Marquis of Lansdowne, Sligo, Downshire, Conyngham and the Earl of Kenmare.[13] Baron Annaly, however, had been solicitor general and chief justice of the king's bench from 1766 to 1784.[14] Generally the Irish peerage represented men who were wealthy and landowning or men who had spent their lives in government service. Many had been raised to the peerage, having begun their political lives in the House of Commons. For example, James Stopford had been MP for Courtown 1721-1727, before being raised to the peerage as Baron Courtown.[15] Amar Lowry-Corry had been MP for County Tyrone 1769-81 and high sheriff from 1769, before becoming high sheriff of County Fermanagh in 1779.[16] He was created Baron Belmore of Castle Coole, County Fermanagh, 6 December, 1784. Richard Longfield had sat as MP for Charleville

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[11] Sir L. Stephens and Sir S. Lee (eds.), *Dictionary of National Biography* Vol. XIX (Oxford, 1937), p.30.

[12] Sir B. Burke, *A Genealogical and Heraldic Dictionary of the Peerage and Baronetage* (London, 1887), p.130

[13] Francis G. James, *Lords of the Ascendancy: The Irish House of Lords and its Members, 1600-1800* (Dublin, 1995), p.118.

[14] *Dictionary of National Biography,* Vol VIII, p.238.

[15] *Burke, A Genealogical and Heraldic Dictionary,* p.337.

[16] *Ibid.,* p.166.

in 1761 and afterwards for the city of Cork. He was elevated to the peerage of Ireland as Baron Longueville of Longueville, County Cork in 1795, and became a viscount in 1800.[17] In all, between 1767 and 1785, fifty new peerages were created, thus indicating the increasing importance of the Irish parliament in general and of the Upper House in particular, during this period. Of these fifty, thirty-two were bestowed upon Irish members of the Commons, one upon Lord Chancellor Lifford and one on the Irish Primate, Richard Robinson, who became Baron Rokeby in 1777.[18] As Johnston has pointed out: 'The chief recommendation of the majority of Irish M.P.s who were elevated to the peerage lay in their borough property. Lords Erne, Dawson, Bangor, Lucan and Riverdale all owed their elevation to their political influence.'[19] Once a man became a peer, he usually craved further advancement and looked to Dublin Castle as the fountain of all honours and progress. For example, Lord Loftus was only elevated to the peerage in 1785, but by 1800 he had risen to the rank of Marquis of Ely, and he was not alone in this climb up the ladder of the nobility.[20] Francis Mathew had been MP for County Tipperary and was created a baron in 1783; a viscount in 1793 and an earl in 1797.[21] For such

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[17] Sir B. Burke, *Burke's Dormant and Extinct Peerages* (London, 1883), p.331.
[18] James, *Lords of the Ascendancy,* p.213.
[19] Johnston, *Great Britain and Ireland*, p.257.
[20] Burke, *A Genealogical and Heraldic Dictionary*, p.504.
[21] Burke, *Dormant and Extinct Peerages*, pp. 360-1.

spectacular promotion borough ownership was the key in Ely's case. He controlled three boroughs in County Wexford: Bannow, Clonmines and Fethard. This meant that he could return six members to the House of Commons.[22] Francis Mathew did not have borough patronage in Tipperary but the Mathew family had influence at the county election. Thomas Mathew, father of Francis, brought forward John Scott, another Tipperary man and later Lord Clonmell, at the County Tipperary election of 1776. Francis Mathew, later Lord Landaff was a firm supporter of government, for example favouring the Union, in 1799.[23]

The two houses of parliament were bound together in an almost circular relationship. Many members of the peerage controlled boroughs which returned members to the Commons. Some of the wealthiest peers had substantial influence on the return of county members also. They returned members of their families and friends upon whom they could depend to vote in accordance with their wishes. An ambitious member of the Commons could become a good friend of Dublin Castle and reap substantial rewards which might even lead to a peerage. One conclusion is obvious about both houses of parliament, both pillars of the constitution; they did indeed reflect the wealth and power of the kingdom.

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[22] Johnston, *Great Britain and Ireland*, p.327.

[23] A. P. W. Malcomson, *Archbishop Charles Agar: Churchmanship and Politics in Ireland,* 1760-1810 (Dublin, 2002), p.71.

The great borough owners in Ireland were the Earl of Shannon, the Duke of Leinster, the Marquis of Ely and the Marquis of Downshire. According to Johnston their support or opposition could make a difference of sixty-two for or against the government.[24] From 1769 to 1789, Lord Shannon's parliamentary following in the Commons was approximately eighteen to twenty MPs, even though he only returned nine MPs for his boroughs. The extra nine members are explained by the fact that the prestige of a powerful peer like Shannon attracted many ambitious MPs to seek his patronage. For instance when James Dennis wished to succeed Chief Baron Foster as chief baron of the exchequer, his political friendship with Shannon helped him to get the position.[25]

Because the House of Lords was filled by government-appointed bishops and wealthy landowners raised to nobility by the power of the King, usually at the suggestion of Dublin Castle, the House of Commons, could, at first glance, appear politically closer to those who were not so powerful in the kingdom. For example, the county franchise was based on an Irish Act of 1542, which gave the vote to the forty shilling freeholders. A constant problem throughout the eighteenth-century was the creation of fictitious freeholds. Many landlords tried to increase their voting strength by making tenants nominal owners of freeholds. In spite of this, prior to 1793, all counties, with the exception of Down, had under four thousand voters.[26]

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[24] Johnston, *Great Britain and Ireland*, p.261.
[25] *Ibid.* p.262.
[26] *Ibid.*, pp. 122-124.

Therefore, the belief that the Commons was somehow representative of the wealthier non-noble section of the anglican population is misleading. Also in the boroughs themselves, the qualification for the franchise varied. The great majority of boroughs were either corporation boroughs or freeman boroughs. In the fifty-seven corporation boroughs, the franchise was confined to members of the corporation, usually thirteen in number. In the thirty-four freeman boroughs, the freemen of the borough, as well as the members of the corporation had the right to vote. The number of freemen varied; the admission to the freedom of the borough had come to depend, in most cases, on the will of the patron. There were eight county boroughs which had an electorate made up of the members of the corporation, the freemen and the freeholders. In Dublin and Cork, consequently, the number of voters was relatively large, ranging in 1784 from five hundred to three or four thousand. Of the remaining boroughs, twelve were potwalloping boroughs where the franchise was vested in the five pound, and until 1793, protestant householder, who had been resident in the borough for at least six months; after 1782 a year's residence was necessary.[27] There were also six manor boroughs in which the resident, protestant freeholders enjoyed the franchise. The electorate was small, especially during the period when the franchise was confined to protestants. In Mullingar twelve could vote, in Athboy, thirty, and in Granard, fifty.[28]

[27] Johnston, *Great Britain and Ireland*, p.165.
[28] *Ibid.*

Many of the boroughs were insignificant villages and some had no inhabitants at all; Bannow, in County Wexford, was a pile of sea sand without a single house; at Clonmines, Wexford, there was one house and at Harristown, County Kildare, which was a borough belonging to the Duke of Leinster, there was none. In the university constituency, the electorate for two Commons seats consisted of twenty-two fellows and seventy scholars.[29] It is very clear from all of this that the House of Commons represented very few of the inhabitants of the kingdom. The electorate was tiny and therefore relatively easy to influence by persuasion or bribery.

McCracken's comment that 'The extent of a patron's influence, the energy with which it was defended and the use to which it was put varied greatly from borough to borough,'[30] is a very significant one. It is a reminder that the structures of power were not absolutes, and that the attitudes of the rich and powerful played a great part in the world of politics. He goes on to point out that some boroughs were difficult and expensive to control; others were pocket boroughs at the disposal of their owners. Some patrons were negligent and allowed their control to slip away from them; others went to great trouble and expense to defend their position. Many patrons looked upon their boroughs as a source of prestige and political influence, while others regarded them as a source of income:

Support of the government could be made to pay a rich dividend by men like

[29] McCracken, *The Irish Parliament*, p.9.
[30] *Ibid.*, p.12.

> Lord Roden, who regarded every occasion on which the government was short of votes in the house of commons as 'a fair opportunity to serve all our family.' Or a borough owner could sell the seats at his disposal. £2,000 was the price paid for a seat at the general election of 1783 but by the time of the next election in 1790 seats were selling at £2,700.[31]

The government itself did not exert much influence at election time. However, the episcopal sees of Armagh, Clogher, Ferns and Ossory had parliamentary boroughs attached to them. Therefore the government, which was instrumental in the appointment of bishops to the sees of the anglican church, expected to have an imput into who would be returned to the House of Commons, from these boroughs.[32]

The government and the borough patrons expected their nominees to speak for them in the Commons. Lord Clifden, a brother to Charles Agar, the Archbishop of Cashel, had much trouble with the men who sat for his boroughs of Gowran and Thomastown in County Kilkenny. He had tried to get John Philpot Curran to stand for one of these boroughs, but the negotiations foundered on Curran's stated intention to advance his own views and ambitions. Three of the men who did stand in the boroughs found it difficult, financially, to spend months in Dublin in order to attend at the Commons. It was therefore necessary that Lord Clifden should see that they were compensated. George Dunbar obtained a pension, George Roth was appointed clerk of the report office and Patrick Welch became collector of excise

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[31] *Ibid.*, p.12.

[32] Malcomson, *Archbishop Charles Agar,* p.176.

at Naas. George Burdett had sat in the Commons for Lord Clifden and had voted as his patron required from 1783. However, he was not rewarded until 1798, when he received the post of commissioner of appeals at £500 per annum.[33]

The relationship between the Lords and Commons was an unequal one weighted very much in favour of the peers and their House. The magnates controlled at least half of the seats in the Commons, if not more. An MP with a peer for a patron usually did not have much freedom to express his own opinions, so that the House of Commons, with its very limited electorate and strict control of its members by the House of Lords, could be seen as an extension of the powers of the nobility. Because of this close, frustrating relationship from the point of view of the members of the Commons and because the lords wished to keep reminding the world of their power and position, rules of procedure and protocol had grown up over the years in both houses of parliament. An example of such procedures was demonstrated during the regency crisis in the late 1780s. King George III became so ill he was incapable of functioning as monarch. The Whigs in both kingdoms looked to the Prince of Wales to become regent. However, the crisis presented unique problems to the lord lieutenant in Dublin. If a measure was passed in the Irish parliament setting up an Irish regency which varied in any way from that set up in Britain, it would be seen as a signal of separation between the two kingdoms.[34] The lord lieutenant declined to transmit an address by both houses of parliament to the Prince of Wales. Therefore, the Duke of Leinster moved in the House of Lords that commissioners be appointed

[33] Malcomson, *Archbishop Charles Agar*, p.129.
[34] P. N. Meenan, 'The Regency Crisis in Ireland' (MA thesis, UCD, 1971), p.35.

from that House to carry the address to the Prince. The motion was favoured by the Whigs and opposed by government supporters. Among those who voted against Leinster's motion were lords Earlsfort, Carhampton, Mountmorres, Bellamont, Tyrone and Valentia. The motion was carried by a majority of nineteen and it was decided that Leinster and Charlemont should go to London to present the address.[35]

Acting on the encouragement from the Whigs in London, the Whigs in Ireland, or to be more accurate, since many were not Whigs, the opposition to the London government, had grown greatly in size and confidence. The same outlook and increase in numbers visible in the House of Lords were reflected in the House of Commons. A majority in both houses voted in the same manner on this extremely important matter of the regency. This is to be expected, given that the Commons had to reflect the outlook and concerns of those peers who controlled so many of its seats.

Henry Grattan, after having taken notice of the lord lieutenant's refusal to transmit the address of both houses to the Prince of Wales, moved a resolution: 'His Excellency the Lord Lieutenant having thought proper to decline transmitting into England the Address of both Houses to his Royal Highness the Prince of Wales, requesting him to take upon himself the Government of this realm during his Majesty's indisposition, that a competent number of the Commons be appointed by this House to convey the same.'[36]

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[35] *Freeman's Journal,* 21-24 February 1789.
[36] *Ibid.*

Even though the Lords and Commons were closely bound together, they were still different houses of parliament, each with distinct powers. The members of each house wished to retain their own identity and importance. The ritual involved in deciding on the number of members from each house to convey the decisions of the Irish parliament to the Prince in London is a graphic demonstration of this desire. Grattan went on to explain why he used the phrase 'competent number' in relation to members of the Commons going to London. It was always the practice that two members of the Commons should be named for one member of the House of Lords, where both houses acted together in a deputation; he wished that the Lords should first name its commissioners and then the Commons would afterwards appoint twice as many.

When the question of the deputation was put to the House of Commons and passed without a division, a message was sent to the House of Lords, with Grattan's resolution, requesting them to appoint their members to accompany the members from the Commons in presenting the address to the Prince of Wales. The Commons sent J. O'Neill, Thomas Conolly, William Brabazon Ponsonby and James Stewart while the Lords sent Leinster and Charlemont.[37] The House of Commons was jealous of its power and status and the sensitivity it displayed on the issue of the numbers in a deputation relative to the numbers from the House of Lords is clear indication of this

[37] *Ibid.*

sensitivity.

The House of Commons had rules of procedure which were put in place, in order to give it protection from the power and ambition of the House of Peers. During the Commons debate on the issue of Grattan's resolution and its implications for the status of the Irish parliament, the messenger from the Lords was announced. This clerk from the Upper House was sent to give the names of Leinster and Charlemont, who would be on the deputation to London. Sir John Blaquiere moved that the messenger be called in to the Commons' chamber. However, there was opposition to this and Blaquiere replied that it was a matter of privilege. This was denied by Attorney-General, John Fitzgibbon, who said that no one was privileged to interrupt the debates of the House of Commons. However, a favour could be granted to the messenger and he [Fitzgibbon] would not oppose this but he stated firmly: 'he would never throw the privileges of the Commons at the feet of the Lords'.[38] These marks of status and independence were cherished because so many of the members of the Commons knew that it was the peers who controlled their seats in the House.

The fact that the lord lieutenant had refused to convey the resolution of both houses of parliament to the Prince of Wales created a constitutional crisis in Ireland. During the debate on the issue, Todd Jones MP said that he believed every man who then heard him felt the deepest conviction that the constitution of the kingdom

was this day at stake - the Chief Governor of this independent kingdom, upon

[38] *Ibid.*

> a solemn question, touching the executive branch of the legislature, refuses to take cognizance of a resolution of the two other branches, formally testified to him by their respective presidents, accompanied by both Houses met in full Parliament - and upon what ground was that refusal? Upon his oath - that is the oath of the Chief Governor can militate with and pronounce to be illegal, a solemn determination of the Parliament of the kingdom.[39]

It was very disturbing for both houses of parliament that together they did not constitute a body sufficently powerful to be deferred to by the lord lieutenant who took his orders from London. Even after the constitutional changes of 1782, the Irish parliament was not an independent and autonomous body with unquestioned power over the kingdom of Ireland. This position of inferiority in which both houses found themselves led to an interesting debate in the House of Lords. The debate centred around the power which the English parliament exercised when it offered the Crown to William of Orange. Lord Donoughmore argued that the peers of England had addressed the Prince of Orange in 1688 and asked him to take upon himself the administration of public affairs, both civil and military, and the disposal of the public revenue. They were offering him complete possession of the executive government. The person appointed to the executive government could be no other than a king or a regent with kingly power. Donoughmore's point was clear enough; if the English House of Lords, members of the House of Commons and members of London 's corporation had requested William to take up the executive power in 1688 it thus set an example which the Irish parliament might follow.[40] A majority in both houses were very worried that the wishes of parliament were ignored by the lord

[39] *Ibid.*
[40] *Ibid.*

lieutenant. They shared the opinion that the action was of doubtful constitutional legality. However, events overtook them; the King recovered his health and the need for a regent no longer existed.

The dominance of the House of Commons in matters of finance was jealously guarded because its power in this area grew out of one of the basic causes of the English Civil War - the supply of finance to the Crown. In spite of the extremely important questions in front of both Lords and Commons during the early part of 1789, the Chancellor of the Exchequer, Sir John Parnell, had to lay a state of the nation speech before the House of Commons which had resolved itself into a committee for the occasion. During the year ended 29 September 1788 spending had exceeded income by £51,000. However, no changes in the system of taxation were proposed: 'Nothing could be more irksome than laying new burdens on the people; but if great and expensive projects of building and inland navigation were to be undertaken, that they ought to be specially provided for...'[41] Inland navigation was costing £174,000, with, according to the Chancellor, little to show for it, apart from the Grand Canal.[42] Furthermore much of the failure of these undertakings 'was attributable to the manner in which Parliament had granted the money in small sums, by which method, nothing effectual could be accomplished.'[43]

The huge sums of money which the Commons could raise and the various ways in which they were applied gave the lower house an impressive area of control in the life of the kingdom. A good example of this can be seen in the estimated expenses for

[41] *Ibid.*, 24-26 February 1789.
[42] *Ibid.*
[43] *Ibid.*

establishment which cost £535,000, while 'Charges under head of Parliamentary grants' ran to a considerable £113,000.[44] Some members of the Commons saw such large sums as possible means of enriching themselves and their families. One such member who was notorious in this regard was Edmond Sexton Pery, Speaker of the House from 1771 to 1785.[45] Such an attitude was certainly not confined to Pery. In fact John Foster, who succeeded Pery as speaker in 1785, boasted that he had done more for his friends than any other member of the House.[46] Channelling government patronage into their own spheres of influence was not confined to members of the Commons. The peers were also anxious to have some of the fruits of this kind of power. In 1777 the County Down magnate, the Earl of Hillsborough, later first Marquis of Downshire, reminded the lord lieutenant just how necessary it was to be a conduit of government favour to one's own area.[47]

While the House of Lords did not control the finances, it exercised its influence through various members who owed their places in the Commons to the goodwill of peers. However, the peers resented deeply the exclusive power of the lower house over money matters, and under the section headed "Rules and Orders to be observed in the Upper House of Parliament" entered for 9 February 1784 in the *Journal of the Irish House of Lords*, there is a sub-heading "Against annexing clauses in Bills of

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[44] *Ibid.*

[45] A. W. P. Malcomson, 'Speaker Pery and the Pery Papers', *North Munster Antiquarian Journal,* xvi (1973-4), p.54.

[46] A. W. P. Malcomson, *John Foster: the politics of the Anglo-Irish ascendancy.* (Oxford, 1978), p.246.

[47] Lord Hillsborough to Lord Buckinghamshire, 9 August 1777, quoted in *ibid.* p.245.

Aid." Under this sub-heading the following resolution is entered.

> Resolved by the Lords Spiritual and Temporal in Parliament assembled, *nemine dissentient*s That this House will reject any Bill of Aid or Supply to which any Clause or Clauses, the matter of which is foreign to and different from the Matter of the said Bill of Aid or supply, or any Clause, or Clauses for granting of any Sum or Sums of Money for the Encouragement of particular Manufactures Arts or Inventions, or for the Construction or carrying on of any public or other Works, shall be annexed.[48]

The peers were clearly attempting to limit the power of the Commons to give money to favoured projects in their own area, just as Pery and Foster had done. As the House of Lords could not alter the money bill, they required separate bills for each individual case where public funds were handed out, thus allowing for greater scrutiny by both Lords and Commons but especially by the peers.

The House of Lords operated a strict code of conduct in its relations with the members of the House of Commons. Every item of instruction was formulated with one objective in mind: the members of the Commons must be constantly reminded of their inferior position in relation to the House of Peers. If MPs went to address the Upper House they were forced to wait patiently until the peers concluded their own business in hand. Then the members of the Commons were sent for and were received by the peers who remained sitting, with their heads covered. The MPs had to remain at the lower end of the peers' chamber until called into the middle of the

[48] *Journal of the Irish House of Lords*, v, p.433.

room by the lord chancellor. They were then required to curtsy three times, deliver their message to the chancellor and then leave, the message being passed on to the peers by the chancellor. Once the lords had made a decision on the matter in hand, the MPs were called back and had to approach the bar of the House and make three curtsies again. The answer was returned to them by the chancellor while he occupied the woolsack. Conversely, if the peers had to contact the House of Commons they did not send a member of the nobility; a barrister was usually asked to convey any message or request.[49] These rules and regulations were a means of upholding the power and status of the upper house in the face of the growing financial influence of the Commons.

The importance of the House of Lords, in all but financial matters, was again reinforced by the fact that judges of Ireland's chancery and common law courts were *ex officio* associates of the Upper House. The Lords had won back its role as the final court of appeal when the Declaratory Act became null and void in 1782. It thus became the highest court in the kingdom and the guardian of its judicial independence. The House of Commons did not enjoy the distinction of having senior members of the legal profession in attendance at its daily work. While the judges could not vote in the House, some of them were always in attendance, in order to be available for consultation when legal problems arose from various pieces of proposed legislation. The judges were essential to the daily business of the Lords

[49] *Ibid.*, p.431.

and exerted influence on issues such as petitions for private bills dealing with divorce and inheritance.[50] For example on 1 December 1783 it was ordered in the Lords that a copy of the private bill dealing with the estate of James Nicholson, which was to be vested in trustees so that a portion of it could be sold to deal with debts, was to be sent to Mr. Justice Robinson and Mr. Baron Hamilton. The judges had the power to summon all parties with an interest in the bill. After the hearing, they had to report their opinion and whether all parties concerned had consented to their judgement.[51] The judges were also consulted when legislation was being considered which would revise legal practices, and they were also charged with providing a list of statutes that were expired or almost expired. They were then expected to prepare heads of bills, for new legislation, if any of the outdated acts had to be replaced. They also advised the peers on the constitutionality of any piece of legislation coming before the House and if considered contrary to the constitution, the peers held the power of veto over these proposals. With such impressive legal support and power, it is not surprising that the peers rigidly enforced their elevated status in all relations with the House of Commons.

While the House of Lords enjoyed a dominant position under the constitution in late eighteenth century Ireland and Britain, and insisted on demonstrating this superiority whenever possible, both Lords and Commons in Ireland shared a position of subservience in relation to Dublin Castle and the lord lieutenant, the Crown's

[50] James, *Lords of the Ascendancy*, pp.82-3.
[51] *Journal of the Irish House of Lords*, v, p.407.

representative in Ireland. By 1780 the problem of Poynings' Law was dominating the political world in Dublin. In April of that year Grattan made, in the words of James Kelly, 'a powerful speech'[52] in support of his contention 'that the king's most excellent majesty, lords and commons of Ireland were the only powers competent to make laws to bind this kingdom'[53] and that the free trade between Britain and Ireland, won with great difficulty in 1779, was vunerable and incomplete without political liberty. However, Grattan was outmanoeuvred by Dublin Castle which proposed and carried an adjournment motion by one hundred and thirty-six votes to ninety-seven. Lieutenant-General Cunningham, who was MP for Monaghan, writing to Lord George Germain, Secretary of State for the Colonies, stated: '...there were 136 of opinion that such a resolution at this time was inexpedient, there was not a single member that spoke who did not declare that Ireland was not bound by British Acts of Parliament in any cases whatsoever...'[54] The members of the House of Commons were being kept firmly in their place by the Castle which treated the Lords in a similar fashion. In a letter to Lord Gower, Lord Carlisle, the Lord Lieutenant, expressed his belief that the favours which the government had given to the Duke of Leinster would bind him to its side. He went on to express the same opinion in relation to the speaker of the Commons, Edmund Sexton Pery, and the MPs Thomas Conolly, Denis Daly, John Fitzgibbon and John Hely-Hutchinson, the Provost of

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[52] James Kelly, *Henry Grattan* (Dublin, 1993), p.13.
[53] *Ibid.*, p.14.
[54] Lieutenant- General Cunningham to Lord George Germain, 20 April 1780 (HMC, *Stopford Sackville Mss.*, vol. I), p.269.

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However, this tight management of the Irish parliament did not create a mutual bond of support between the Lords and Commons. Henry Flood MP, at this time was causing trouble for Lord Carlisle. Though he held the position of vice-treasurer of Ireland he was nevertheless anxious to forward the cause of constitutional parity between the two kingdoms. The Lord Lieutenant wrote angrily

> Flood, though he came up to Dublin upon my arrival, resents the manner in which I directed he should be talked to, viz, that in consideration of the very high and lucrative employment he held under the Crown, that I did expect a decisive conduct from him. Whether he is now mediating whether he will fling the V. Treasureship at my head, or force me to strip him of it (which I think I shall be necessitated to do) or behave as he ought, I am perfectly at a loss to guess.[55]

Flood went that step too far in October 1781 on the problems of Irish trade with Portugal. Irish goods did not enjoy the same standing in Portugal as British goods. When Flood heard in the Commons that this problem was being dealt with by the Castle he distrusted its motives and the possible outcome. He objected to the matter being taken out of the hands of parliament; the Lord Lieutenant concluded that he could not allow such conduct by a government official to go unnoticed and Flood was dismissed from his post. The position of vice-treasurer was now offered to Lord Shannon and he accepted the office. Thus Shannon did not demonstrate solidarity with Flood's belief that matters of Irish trade should be dealt with by the Irish parliament.[56]

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[55] Lord Carlisle to Lord Gower, 30 June 1781 (HMC, *Carlisle Mss.*, 15th Report Appendix Part VI), p.510.

[56] James Kelly, *Henry Flood: Patriots and Politics in Eighteenth-Century Ireland* (Dublin, 1998), p.280.

In fact neither house took a stand against the Castle during Carlisle's term in Dublin and in his letter to Lord Gower in November 1781, he could express satisfaction at his handling of both Lords and Commons in relation to the Mutiny and Sugar bills. In Britain the Mutiny bill came before parliament every year but in Ireland it was a perpetual act. The opposition had made an attempt to have this situation altered in order to give parliament more control over the army in Ireland but Carlisle, by skillful management, had the attempt defeated.[57] The Sugar bill aimed at dealing with the duties on refined sugar imported from Britain. The Castle wished to keep duties as low as possible. The opposition saw such duties as a symbol of the recently won right of free trade between the two kingdoms, believing that it was Ireland's right to impose heavy duties on such sugar. In the end, Carlisle had his way and wrote triumphantly on how he kept Lords and Commons in check. Neither house stood up for Flood and his political objectives, both accepted the dominance of Dublin Castle.

> Your Lordship knows mankind and the nature of Government too well to suppose that these successes were attained without difficulty and without management, particularly when you consider I have effected what, I may say without vanity, my predecessors never did effect - the uniting together all the great interests and factions in the support of Government; the Duke of Leinster, and Lords Shannon, Ely, Donegall, Tyrone, the Ponsonbies [*sic*] the Daly's [*sic*] and almost every independent individual (excepting some from the North) respectable or worth having either for possessions, consequences or abilities. [58]

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[57] See Chapter 2, pp. 22-23.

[58] Lord Carlisle to Lord Gower, 23 November 1781 (HMC, *Carlisle Mss.,*), p.534.

Lords and Commons deeply resented the fact that Ireland's parliament did not share in the full rights enjoyed under the British constitution and when the opportunity presented itself to rectify this position they did so, with huge majorities in 1782.

While the Irish House of Commons was significantly influenced by members of the peerage and had to treat the Upper House with elaborate public deference and respect, there was one particular aspect of parliamentary life where, at first glance, it appeared that the Commons was the superior House. It alone originated money bills. However, the Lords could and did, on one famous occasion, veto such a bill. On 16 March 1783 the House of Commons requested the Lords to pass a bill granting £10,000 to promote fisheries on the coast of Donegal. The Lords ordered that the bill be sent to a committee of the whole House and this committee was adjourned to 1 August, which meant the bill was lost.[59] William Burton Conyngham was, at this time, attempting to develop the fishing industry in the seas surrounding his estate in Donegal. This provoked much resentment from fishing interests in other parts of the country. However, the Lord Lieutenant, the Duke of Rutland, had promised a syndicate which included Lord Sudley, Sir Annesley Stewart and Alexander Stewart that it would be granted £10,000, to also pursue the aim of developing the Donegal fishing industry. The House of Lords embarrassed Rutland by voting down the grant, because it was under the impression that the money was all for Conyngham when, in fact, it was also for the syndicate favoured by Rutland.[60]

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[59] *Journal of the Irish House of Lords*, v, p.719.

[60] James Kelly, 'William Burton Conyngham and the north-west fishery of the eighteenth century', *Journal of the Royal Society of Antiquaries of Ireland*, cxv (1985), p.79.

When the House of Lords understood that it had made a mistake, the decision was reversed but seventeen peers still voted against the bill while thirty voted in favour.[61] The Lords only used the veto on the rarest of occasions. It saw itself fulfilling the role of overseeing and supervising the quality and content of all bills rather than being the prime originator of legislation. In 1782 the Lords originated six public bills which were passed by parliament. The remaining two public bills were rejected. In the same year, the only private bill from the Lords, dissolving the marriage of the Rev. Richard Gibbings and Alice Hyde, was passed. If this is compared to the work of the House of Commons, the different functions of the two Houses becomes apparent. In 1778 the Commons originated more than twenty-seven public bills which were passed by parliament.[62] In 1792 four of the public bills coming from the Lords were passed. In the same year the Commons originated upwards of forty bills which became law.[63]

While it is undoubtedly true that the House of Commons undertook far more legislative work than the House of Lords, it would be wrong to suppose that this relegated the peers to a secondary place in the political life of the kingdom. The nobility made a very significant contribution to the programme of legislation by its control of so many seats in the Commons. It could therefore dictate how MPs voted.

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[61] *Journal of the Irish House of Lords*, v, p.742.
[62] *Ibid.*, v, index.
[63] *Ibid.*, vii, index.

It was natural that many MPs would find this curb upon their freedom difficult to accept. The only means they had to express this discontent was through a strict maintenance of the dignity of their House when it seemed to be threatened by members of the Lords. The dominance the Commons enjoyed in relation to originating money bills gave it a very important role in the constitution. However, even in financial matters the Commons was not free of the authority of the Lords.

The relationship between Lords and Commons was but one of the aspects of Irish political life in the late eighteenth century which was full of difficulties. The management of the Lords was also fraught with misunderstandings, rival ambitions and hurt pride. It presented Dublin Castle with one of its most demanding challenges as it attempted to implement the political plans of the London ministry in the sister kingdom.

Chapter 5

The Management of the House of Lords.

During the last two decades of the eighteenth century, the management of the House of Lords was a complex and multi-dimensional activity. It included not only elevation to, and promotion within, the peerage, but also negotiations and discussions with peers over proposed bills. There were times when Dublin Castle resorted to spying by having letters opened and their contents perused for interesting information in relation to how a particular peer intended to vote or what he thought about Dublin Castle and its policies. Pre-parliamentary gatherings held by members of the opposition in order to discuss proposed legislation were noted carefully, and information relating to decisions taken and plans made was prized.

Following the repeal of the Declaratory Act of 1720 and the modification of Poynings' Law in 1782, the Irish parliament required more careful handling. In this context the King reportedly made a comment in 1784 to Lord Sydney, the Home Secretary, which demonstrated the increased importance of the House of Lords in particular, within the new constitutional arrangements:

> When I mentioned the House of Lords, I think I should have said one word upon what has fallen from the King when His Majesty has been talking to me upon the affairs of Ireland, I mean the necessity there will be in future to consider well of the person who may be recommended to the peerage. That situation, as your Grace well observes, now becomes a much more important

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one than formerly and from that House a great part of the support of Government must hereafterbe derived.[1]

In the same letter Sydney discussed the death of Lord Annaly who had been chief justice of the King's bench. It was felt that John Scott should succeed him and be given a peerage, because, as Sydney restated, 'His Majesty is sensible of the importance of a strong support to his government in the House of Lords, and is therefore ready to adopt your suggestions for promoting the respectable persons alluded to in several of your late dispatches.'[2] The enhanced power of the Lords and the necessity of having it filled with Crown supporters was clearly an issue which preoccupied both the Home Secretary and the King. The approach to the Irish parliament had been quite different in the earlier part of the century.

Between 1703 and 1767 the lord lieutenant resided in Ireland only while parliament was sitting. This custom favoured the growth of a system in which the lord lieutenant contracted with some of the principal Irish magnates to ensure the necessary parliamentary majorities. Payment for this help was in the form of government patronage. This method of controlling parliament, known as the 'undertaker' system was replaced during the viceroyalty of Lord Townshend by a

[1] Lord Sydney to the Duke of Rutland, 28 April 1784 (HMC, 14th Report Appendix Part 1), p.91.
[2] *Ibid.*, pp. 90-1.

system where the lord lieutenant dealt directly with those who controlled boroughs and various groups or factions in the House of Lords and House of Commons. While this system continued in Ireland until the Union in 1801, the change brought about in the country's constitutional position in 1782 which gave the Irish parliament a more autonomous role, ensured that Dublin Castle had to manage with great care, the peers in particular.[3]

Almost all promotion to, and within the peerage came after a peer or member of the House of Commons had adhered to the Crown and its government for some significant period of time and in some difficult circumstances. It was extremely unusual for a favour to be given before anything was done to earn it. However, William Brabazon Ponsonby attempted to reverse this order when his relative, the Duke of Portland, was a member of the London ministry during 1783. Ponsonby demanded a peerage for a follower of his and threatened to withdraw support from the government if it was not forthcoming: 'I need not say how much real concern it would give me to find myself disabled from supporting an administration of which the Duke of Portland is the Head.'[4] This letter was written to William Windham, Chief Secretary to Lord Northington, lord lieutenant in 1783. In the words of James Kelly, Northington was kept busy combating the 'enemy within', in other words, the Ponsonby interest, which had re-emerged as a force in domestic politics in 1782, as a

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[3] Thomas Bartlett, 'The Townshend Viceroyalty, 1767-72' in Thomas Bartlett and David Hayton (eds.), *Penal Era and Golden Age: Essays in Irish History* 1690-1800 (Belfast, 1979), p.88.

[4] W. B. Ponsonby to William Windham, 22 July 1783 (BL Add. Mss., Windham Papers 37873).

result of the Duke of Portland's encouragement and patronage. Ponsonby was not given the peerage, the reason perhaps being that the ministry to which Portland belonged fell in the winter of 1783. It is also just as likely that favours were given only after much support, even to so influential a family as the Ponsonbys who had between ten to fourteen followers in the House of Commons.[5]

The arrangement whereby promotion was given to secure friends who had delivered help to the Crown is demonstrated in a letter from Lord Northington to the Duke of Rutland, who succeeded him as lord lieutenant. Northington apologized for neglecting to inform him that he had promised elevation to the title of viscount to Baron Gosford. The reason for such attention was the fact that Gosford's brother-in-law, the Bishop of Ferns, was in Northington's words 'the only bishop, out of four, who holds boroughs, that gave his two seats to the nomination of His Majesty's Government, a conduct which certainly deserves to be noticed.'[6] In gratitude for this support Gosford was elevated to the title he coveted in 1785.

The extreme seriousness of disappointing an influential applicant in his quest for self-advancement is made clear by Lord Mornington's reactions in 1784, when he understood that the promises made to him were not to be honoured. Mornington stated to Thomas Orde, the Chief Secretary, that he considered the faith of government had been broken since the session had ended and no suitable provision had been made for him. He threatened that he would no longer take an active part

[5] James Kelly, *Prelude to Union: Anglo-Irish Politics in the 1780s* (Cork, 1992), p.60.

[6] Lord Northington to the Duke of Rutland, 27 February 1784 (HMC, 14th Report Appendix Part 1), p.76.

in support of government unless an office was given to him or was, as he put it: 'in immediate unavoidable prospect.'[7] However important Mornington considered himself to be, the government did not look upon him as a peer of major consequence. Such a magnate was the Duke of Leinster who had been offered the position of lord president of the council, but he had refused it. Mornington regarded this as a breach of faith as when that offer was made to Leinster, he was still unprovided for. At the same time it was very important that Mornington should not be alienated completely, and in consequence, the Chief Secretary gave him grounds for future expectations of Irish patronage. But Mornington was by this time very angry. He believed that he was merely being told lies. He was being fed with hopes of the position of vice-treasurer, but suspected that as he put it: 'the idea of giving it into Irish patronage was abandoned.'[8] In other words the vice-treasureship was taken out of the hands of Dublin Castle and therefore, Orde was being dishonest in suggesting to Mornington that it was a possibility for him. Mornington blamed Orde for his unanswered ambitions and was angry and frustrated. William Pitt, writing to the Duke of Rutland, indicated that he was aware of Mornington's feelings. Pitt stated that he found the Earl full of expressions of attachment to the Lord Lieutenant, Rutland himself, but as he wrote: 'in a different disposition towards a part of your Government [Orde] and on that account disposed to be very much out of humour.'[9]

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[7] Lord Sydney to the Duke of Rutland, 28 April 1784 (HMC, 14th Report), pp. 90-1.

[8] Earl of Mornington to W. W. Grenville, 26 January 1785 (HMC, *Fortescue Mss.*, vol. X. 13th Report Appendix III), p.245.

[9] Pitt to Rutland, 14 January 1786 in Lord Mahon (ed.), *The Correspondence between the Rt. Hon. William Pitt and Charles, Duke of Rutland* (London,1890), pp. 136-7.

However, Pitt saw the necessity of keeping Mornington happy and attached to the ministry and he assured him, through Rutland, that the post of vice-treasurer in Ireland would be his.[10]

Pitt was very conscious of the necessity of binding supporters all the more tightly to the Crown and endorsed the policy of showing considerable attention to the government's steadfast supporters in Ireland.[11] The First Lord of the Treasury was even prepared to create again the title of marquis, in order to reward magnates of considerable wealth and importance such as Lord Hillsborough, Lord Shannon and Lord Tyrone.[12] In the mid-1780s only the Duke of Leinster's family held the title of marquis. The enhanced status of the kingdom is seen in the reluctance of the Duke of Rutland to promote Englishmen to the Irish peerage. It gave him, as he wrote: 'much concern and embarrassment' and he advised that such a step should be postponed for some time. He also considered that it was a matter which Dublin Castle alone should decide upon and that peerages should first be given to those in the Irish parliament who gave their support to the Crown.[13]

Promotion into the peerage as a reward could be sought for many years without success. For example, Luke Gardiner had been promised a peerage by the Earl of Buckinghamshire, when he was lord lieutenant, in 1779. The next lord lieutenant, Lord Carlisle, supported Gardiner's claims, as did the Duke of Portland when he was

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[10] *Ibid.*
[11] Pitt to Rutland, 19 July 1786 in Lord Mahon (ed.), *Correspondence.* p.150.
[12] Pitt to Thomas Orde, 14 July 1786 in *Ibid.*, p.149.
[13] Rutland to Orde, 20 July 1786 in *Ibid.*, p.153.

lord lieutenant. Gardiner was also supported by Earl Temple when he was in Dublin Castle, but by 1783 he was still not promoted to the peerage. The elevation was refused by Lord Northington and this drove Gardiner into the ranks of the opposition, according to the Marquis of Buckingham. Once with the opposition, he was one of those who pressed most strongly for the introduction of protection duties, a concept which the government found totally unacceptable. These duties, if introduced, would erect economic barriers between the two kingdoms. However, protectionism was popular in Ireland because of the very high levels of unemployment in the depressed textile industry in Dublin and was, according to James Kelly, 'instinctively favoured by manufacturers, workers and Patriots as a means of countering the cheap British textiles that were currently flooding the Irish market.'[14] The government saw it as essential that Gardiner be brought back into the fold as soon as possible, and when Northington left Ireland, the Marquis of Buckingham was asked to discuss the matter with the disappointed MP and to hint that the title would be given, if he left the opposition and abandoned his support for the protection duties. Gardiner promised his support to government, but he had pledged himself to move the question of the duties in the House of Commons. Once this was done, according to his promise, he assured Buckingham that he would then be only too happy 'to return to that system from which he had been driven by Lord Northington'.[15] However, even though Gardiner did return to the side of the

[14] Kelly, *Prelude to Union*, p.79.
[15] The Marquis of Buckingham to William Pitt, 23 January 1785 in Lord Mahon (ed.), *Correspondence* , p.94.

government by January 1785, he still had not received his peerage and Buckingham, anxious that he should be finally rewarded, wrote to William Pitt and requested urgently, that the undertaking be honoured. It was not honoured and Gardiner had to wait until 1789 to be elevated to the peerage with the title of Baron Mountjoy.[16] In almost every situation, reward was given to those who had stood by government; Gardiner was too changeable in his allegiance to be fully trusted with a place in the peerage until he had proved himself over a number of years. Also, he was not crucial to government's plans, because he did not hold any borough patronage. He owned land in Dublin city and his family was involved in building and development, but he could only pledge his own vote to the government. He could not bring any others to the service of Dublin Castle.[17]

The negative aspects of management were also used to ensure that the government's wishes were paramount. Earl Temple, when lord lieutenant, used a pressing request from Edmund Sexton Pery, Speaker of the House of Commons, that his brother should be made Bishop of Limerick, to force Pery to stay in the speaker's chair. Temple did not want William Ponsonby or George Ogle to take over as speaker. The position of bishop was the only inducement he would offer to Pery, since there was no question that he could be elevated to the peerage. As Temple wrote to his brother William Grenville, who was acting as his chief secretary,

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[16] Francis G. James, *Lords of the Ascendancy: The Irish House of Lords and its Members 1600-1800* (Dublin, 1995), p.159.

[17] *Ibid.*

in Dublin Castle, 'Endeavour therefore to see Perry; [sic] do not hold out the least present hopes of any peers to be made, and he will gladly close with the offer'.[18]

The Order of St. Patrick was instituted as another method for managing the members of the peerage. It was an added attraction and a mark of distinction which many of the Irish peers saw as a very desirable award. King George III wanted the order confined to members of the peerage and the Lord Lieutenant saw the logic of this attitude as he wrote to his chief secretary: 'I will think over the Order again, but my idea is to give it only to *peers* as the other plan will lay me under a variety of difficulties; and this was strongly the King's wish'.[19] In order to emphasize the dignity of the order and thus increase its significance in relation to the management of the peers of Ireland in the House of Lords, Earl Temple went a step further and decided to confine the award to earls One exception had to be made for the Duke of Leinster; the premier peer of Ireland could not be excluded from the order of knighthood. One other decision made by the Lord Lieutenant was that only resident earls were to be considered for the order. Temple made this clear in a letter to his brother. He believed that this would enhance the status of the new order. He intended to inform disappointed viscounts and barons that they would be considered in the future, once the matter was fixed in Irish political consciousness as something extremely significant. Lord Courtown, who was a particular friend of the King was offered the order. Temple saw that having a close confidant of the King as a

[18] Earl Temple to W. W. Grenville, 25 December 1782 (HMC, *Fortescue Mss.*, 13th Report Appendix Part III), p.174.
[19] *Ibid.*

knight of St. Patrick would help to establish its status.[20]

Temple also decided that the order would not be given to anyone who was not a dedicated supporter of Dublin Castle. Lord Bellamont had supported Henry Flood during the 1782 session of parliament, when he was in opposition. As a result Bellamont, though a resident earl, would not be admitted to the order. Temple's comment on the Earl's conduct was a clear indication that in the vast majority of cases only steady supporters of government were sure of reward: 'Lord Bellamont, who ended last session the advocate of Mr. Flood, must be objected to till he has expiated his offence.'[21]

The extra work imposed upon the law lords in the House of Peers, after the return of the power of appellate jurisdiction in 1782, also put pressure upon the lord lieutenant to increase the personnel available to deal with the extra number of cases. However, the ministry in London appeared to be indifferent to the difficulties of Earl Temple in relation to this situation. He had requested that Hussey Burgh should be elevated to the peerage. Burgh was a barrister and had been made prime serjeant in May 1782. In the eighteenth century, serjeant-at-law was the highest rank of barrister and therefore the prime serjeant was chief of all barristers. Temple's choice of Burgh was a good one as he was a man who would aid greatly the ailing and old Lord Chancellor, Lord Lifford, and the equally old Chief Justice, Lord Annaly. It

[20] Temple to Grenville, 2 January 1783 (HMC, *Fortescue Mss.*,), p.177.
[21] *Ibid.*

was Temple's considered opinion that both men were tired and worn out and he continued his letter to his brother by complaining:

> When I therefore state it is indispensible to the justice of the kingdom, to the dignity of the House of Peers, that legal assistance should be given to them, and when I added the advantages I should draw from his [Burgh] abilities, from his character, and from his influence over a large party [the barristers] I little expected to have this evasive answer, which pledges nothing but leaves me totally unsupported.[22]

Temple persisted in his request for the new appointment, which he believed necessary for the effective handling of the legal obligations of the House of Lords. The reluctance of London to raise Burgh to the peerage seemed to have arisen from the King's desire to limit the numbers elevated in Ireland: 'The King must consider that I have parried every other application, but he must enable me to secure to his service those who can be useful to it; and for that he must give me credit, or else *actum est*.'[23]

A study of the Irish peerage between 1780 and 1790 demonstrates clearly that the elevations to the peerage, and promotions within it, reflected the enhanced status and political importance of its post-1782 position. It is also to be remembered that Ireland was given new marquisates. Up to this the only marquisate in the kingdom belonged to the family of the Duke of Leinster. In 1781 there were three creations: barons Muskerry, Welles and Belmore. There were also elevations within the peerage. The title of viscount was given to Lifford, Clifden, Mayo, Erne and Desart, and Mountcashel became an earl. All were rewards given for constant support and loyalty to the government. The years 1782 and 1783 were very quiet in relation to

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[22] *Ibid.*
[23] *Ibid.*

the peerage; in 1782 Viscount Hood was the only creation and 1783 three barons were created: Harberton, Leitrim and Riversdale. By 1785, in its attempt to introduce unpopular commercial regulations, Pitt's ministry needed the bulwark of more support in the House of Lords. Consequently, there were seven elevations, including the first marquisate since the constitutional changes of 1782, that of Clanricarde, and three creations. The elevation of further peers to the title of marquis did not take place until 1789. Those who had stood by the Crown during the regency crisis had to be suitably rewarded. Lord Tyrone became Marquis of Waterford, Lord Hillsborough, Marquis of Downshire, and Randal McDonnell, Marquis of Antrim. There were other elevations during this period: Ely became a viscount as did Clonmell, while Enniskillen, Erne and Carysfort became earls. There were also new creations: Baron Castlereagh, Baron Kilmaine, and Baron Cloncurry.[24]

The bishops of the Church of Ireland were also very firm supporters of the Crown in the House of Lords. As Falvey has shown, forty bishops of eighteenth century Ireland owed their appointments to being chaplains to various lords lieutenant. Twenty-six had connections to someone with a position of power in the church, while twenty-four were in some way related to the landed gentry.[25] Also once upon the bench of bishops, the churchmen were not shy in looking for further promotions.

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[24] Sir B. Burke, *A Genealogical and Heraldic Dictionary of the Peerage and Baronetage* (London, 1887). Entries are listed alphabetically.

[25] Jeremiah Falvey, 'The Church of Ireland episcopate in the eighteenth century: an overview', *Eighteenth Century Ireland,* viii (1993), p.110.

Charles Agar, when bishop of Cloyne, had ambitions to become archbishop of Cashel. He applied for the position as soon as he heard of the death of the encumbant.[26] Agar was rewarded and proved the wisdom of the government in granting him preferment by remaining, for most of his political life, a staunch supporter of the Crown in the House of Lords.[27]

The Bishop of Ossory was also a man firm in his support for government. When Lord Buckinghamshire left Ireland in November 1780, Ossory wrote: 'I think it next to certain that I shall remain here [in Dublin] to attend my old master, Lord Buckingham [sic] to the water side on his departure, and to prostrate myself at the feet of my new one, Lord Carlisle on his arrival.'[28] This comment demonstrates clearly the regard which Ossory and most of the bishops of the anglican church had for the London ministry, and its representatives in Dublin Castle. The bishops were automatically members of the Upper House and therefore politicians of influence.

Their pastoral role as bishops of their flocks was not their primary concern, as is demonstrated by the conduct of the Bishop of Ossory when he was given the richer living of Clogher in March 1782. It was not until July of that same year that he found time to venture into his new diocese; as he wrote, in a rather dismissive tone: 'I took advantage of our present parliamentary recess to run down and see what sort of a thing I had gotten.' [29] In his study of the eighteenth century anglican bishops

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[26] Bishop of Cloyne to Lord Buckinghamshire, 30 May 1779 (NLI *Heron Mss.*, 13044).

[27] A. P. W. Malcomson, *Archbishop Charles Agar: Churchmanship and Politics in Ireland, 1760-1810* (Dublin, 2002), p.581.

[28] Bishop of Ossory to Lord George Germain, 3 November 1780 (NLI *Heron Mss.*, 13044).

[29] Bishop of Clogher to Viscount Sackville, 9 July 1782 (HMC, *Stopford-Sackville Mss.*, vol. 1) p.279.

of the diocese of Killaloe, Falvey states that apart from the moment of appointment by royal letters patent to a bishopric, every prelate, with only a few notable exceptions, aimed for advancement - 'initially to a richer see, possibly than to one of the three metropolitan sees of Dublin, Cashel or Tuam, and ultimately to the greatest prize of all, the primatial see of Armagh.'[30] The poorer dioceses where most new bishops began their careers included Killaloe, Killala, Dromore, Clonfert, Ossory and Ferns. Arthur Young's valuation of the episcopal incomes of the twenty-two Irish dioceses, made in the late 1770s, puts Killaloe, with an income of £2,300 per annum, only above Ferns, Ossory and Dromore: 'It is no great surprise therefore that only two of the thirteen Killaloe prelates died as bishops of that diocese, while the others usually progressed to richer ones.' [31] However, Falvey points out that what he calls the 'turnover factor' does not tell the whole story. The diocese of Meath also had thirteen prelates during the century, but these were older men at the height of their careers and were entitled, *ex officio,* to a seat on the Irish privy council.[32] Falvey also looked briefly at the career of William Knox, the fourth son of Viscount Northland, who began his rise in the world as chaplain to the House of Commons in Dublin. In 1794 he became Bishop of Killaloe and in 1803 he was was translated directly to the rich see of Derry where he remained until his death in 1831.[33]

The bishoprics of the anglican church offered a distinct form of management of

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[30] Jeremiah Falvey, 'Killaloe's Eighteenth-Century Anglican Bishops: a biographical survey', *The Other Clare,* 19 (1995), p.34.

[31] *Ibid.*

[32] *Ibid.*

[33] *Ibid.*, p.35.

the House of Lords to the government. The bishop not only received a seat in the House but an income from the diocese. If he was loyal and supportive he could be translated to an even richer diocese with the added attraction of a seat on the privy council. Falvey's concluding comments on the bishops of Killaloe apply equally to all of the anglican bishops in the late eighteenth century and it demonstrates clearly the political nature of their office.

> However, once consecration had taken place, the struggle to climb the episcopal ladder through supporting the government and particular powerful patrons, both inside and outside the House of Lords began. Even though at Killaloe a full diocesan structure, inherited from the medieval period and continued, after the Reformation, required to be administered, nevertheless, on account of the very scant Protestant population, the work was never of an onerous nature. In common with most other bishops in England and in the Roman Catholic countries of Europe, those men spent their time, money and energies in being what they were appointed to be, namely, lords of the realm - no more, no less.[34]

The bishops of the anglican church were usually given their initial promotion because of their close contact with the lord lieutenant of Ireland or even the monarch himself. Their loyalty in the House of Lords earned them further attractive promotions; they

[34] Falvey, 'Killaloe's Eighteenth-Century Anglican Bishops,' pp. 36-7.

were lords of Ireland as much as the earls, viscounts and barons who also sat in the Lords, because they too were loyal to the Crown.

However there were instances when the government could take away what it had given to a supporter. It could not, of course, reverse its decision once a man was elevated to the House of Peers or promoted within the peerage. However, it could take pensions or positions within the administration of the country from men who were not supporting the Crown as they were expected to do. One such incident occurred in relation to Viscount Strangford. He had been awarded a pension of £400 per annum by the King, but the pension was withdrawn shortly afterwards. The Duke of Leinster considered that this was an unconstitutional action and offended the dignity of the House.[35] According to Lord Farnham, speaking in the House of Lords, Strangford lost his pension because he had not voted with the government. Farnham went on to make a comment which indicated the huge gap between the reality of the political management of the day and the self-image some peers possessed. He was worried that the action of the ministry could destroy the influence of both houses of parliament. If peers had to vote as the government required, this would mean that parliament could only speak for the government. This was a concept that should, in Farnham's words 'create alarm throughout the whole kingdom'.[36] The matter was seen as an important constitutional issue - the Crown versus parliament - with the Crown exerting unacceptable levels of influence. The

[35] *Freeman's Journal,* 6-9 February 1790.
[36] *Ibid.*

Crown's supporters in the House of Lords disagreed with Farnham's views. Lord Carhampton, a loyal supporter of government, unlike his father who flirted with opposition in the early 1780s, felt that the Crown granted a bounty at pleasure and that therefore, it could with equal freedom, take it away. However, Lord Valentia reported rather dangerous evidence, as far as the government was concerned. He remembered delivering a message from Lord Strangford to the Lord Lieutenant, the Marquis of Buckingham. Strangford had wished Buckingham to know that he would vote with the administration on every measure it brought forward. He also wanted it to be known that he would support every administration in which Buckingham was involved.[37]

This undisguised equation of parliamentary support with the grant of a pension deeply angered the opposition members of the House of Lords, who were anxious to limit the power of the Crown. Lord Portarlington was outraged that Lord Valentia had carried such a message to Buckingham, claiming that it struck at the independence of the members of the House. It was, he believed, an attack on parliament. He went on to state that it was unacceptable 'to make an offer of the unconditional dependence of a noble Member of the Lords to the will and influence of Government let the measure be what it may. Good God!' declared Portarlington in his frustration, 'is that an office for any noble Lord of this House? Is Government to rule the Parliament of this country?' [38]

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[37] *Ibid.*
[38] *Ibid.*

This row highlighted the opposition's desire to limit the power of the Crown and emphasized the constant possibility of confrontation between Crown and parliament in the late eighteenth century. The clumsy way in which the question of Lord Strangford's pension was handled was an example of very poor management on the part of Dublin Castle. It certainly raised important constitutional matters which gave the opposition an opportunity to embarrass the government and the Crown.

The lord lieutenant engaged in lengthy and serious discussions with members of the House of Lords, in relation to questions which were due to come before parliament, in an attempt to win as much support as possible. Lord Shannon described how he waited upon Lord Camden, who had succeeded Lord Fitzwilliam as lord lieutenant in April 1795, in order to talk over the catholic emancipation bill which was proposed by Henry Grattan. Camden believed that the bill should be resisted, and as Shannon wrote: '...it is decidedly the opinion of the Cabinet that the representative franchise should be resisted, and Mr. G[ratttan]'s bill thrown out'.[39] Malcomson has proposed the following definition of the cabinet which is referred to in Shannon's letter. 'Every Lord Lieutenant had an intimate body of advisers, much smaller than the whole Privy Council, but membership of this body was not necessarily connected with the holding of particular office.'[40] It seems that Shannon

[39] Lord Shannon to Viscount Boyle, 4 April 1795 in E. Hewitt (ed.), *Lord Shannon's letters to his son* (Belfast, 1982), p.34.

[40] *Ibid.*

could have been a member of this informal cabinet. Camden would not have consulted with the entire peerage before the meetings of the House; such a concept would be neither practical nor constitutional. Shannon met with the Lord Lieutenant some days later and again discussed the catholic emancipation bill. Camden informed him of his determination to resist the bill because it would lead to the overthrow of the protestant establishment in Ireland. However, the Lord Lieutenant recognized that he needed the assistance of parliament. The discussions also made it plain that Shannon's following in the House of Commons was a necessary part of the force to defeat Grattan's bill: 'he [Camden] and Mr. Pelham [the Chief Secretary] separately told me that, well knowing my sentiments upon that question, they hoped my friends would be good enough to attend the meeting [of parliament] and assist them upon a point on which everything depends.'[41]

There were also occasions when desired results were obtained by keeping information from parliament. This point is made by the Lord Lieutenant, the Earl of Westmorland writing to Lord Grenville, the Home Secretary, in 1791. London wished for Irish money in order to pursue her war with Russia, but Ireland would not receive any benefits from this conflict. Westmorland, anticipated that he would run into severe opposition on the matter from the Irish parliament and his management technique was very basic and practical. He decided that, 'the less communication of

[41] Lord Shannon to Viscount Boyle, 9 April 1795, *Ibid.*, pp. 35-6.

general politics to the Irish Parliament I should think the better.'[42]

There were other methods of management by covert means. At times, lords lieutenant were extremely well-informed about the plans of those who intended to sponsor measures to which the government was opposed. According to Castle sources, a meeting was held on 7 March 1784 at Lord Charlemont's house in Dublin, in order to give careful consideration to the matter of parliamentary reform. Forty people attended and it was decided that William Brownlow, MP for County Armagh, would move the motion to introduce a bill which was to be seconded by Sir Edward Newenham.[43] The Lord Lieutenant, the Duke of Rutland, decided to give leave to admit the bill with the aim of having it rejected with, what he called: 'great and solid argument'.[44]

That the Castle spied on members of the Commons and peers who seemed to be out of step with its policies would appear to be both incontrovertible and logical. For example, the volatile anglican Bishop of Derry, Frederick Hervey, who was also the 5th Earl of Bristol, had to be watched very carefully, so that any political trouble which he might cause could be dealt with. As Rutland wrote to Lord Sydney, the Home Secretary, at the time: 'For this purpose I have despatched [*sic*] a gentleman of the neighbourhood who will not be suspected by the bishop, and on whom I can certainly depend to watch the effect which the news of the rejection of the

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[42] Earl of Westmorland to Lord Grenville, 3 January 1791 (HMC, *Fortescue Mss.*, 14th Report Appendix Part V), p.3.

[43] Duke of Rutland to Lord Sydney, 10 March 1784 (HMC, 14th Report Appendix Part 1), p.80.

[44] *Ibid.*

[parliamentary reform] bill shall produce.'[45]

However, management of parliament was not all concerned with spying and limiting the flow of information to members. There was also an informal, sociable aspect to this work which was commented on by members of the Irish aristocracy. Lady Moira, writing to Lady Granard, her daughter, commented on Earl Temple when he was first appointed as lord lieutenant in Dublin. 'I hear he is warm in his temper & cold and haughty in his address: not calculated to tamely bear opposition and though given to pleasure, not popular with the young men he associates with.'[46] While it is impossible to quantify the relationship between the social manners of the lord lieutenant and the control he exerted over the peers, nevertheless, it was important to create a receptive and positive atmosphere. This fact was recognized and acknowledged by Dublin Castle. Each summer, the lord lieutenant went on progress to the houses of Ireland's nobility, in order to make warm and informal contacts which would benefit the government when parliament resumed in late January or early February. For example, Earl Cornwallis travelled through the south of the country in July of 1799. Before he left, Lord Shannon went to Dublin Castle and informed Cornwallis that he would be delighted to receive him in his house at Castlemartyr, County Cork. According to Shannon, he was very well received by the Lord Lieutenant as he wrote to his son: 'Nothing could be more handsome or

[45] Rutland to Sydney, 24 March 1784 (HMC, 14th Report) p.83.
[46] Lady Moira to Lady Granard, 30 July 1782 (PRONI - copy NLI Granard Mss., T.375, J/9/1/27).

considerate than he was, and he gave me the general sketch of his route...'[47] He intended to dine and sleep at Lord Roden's house, Brockley Park on 22 July. On the following two days he intended to stay with the Earl of Ormond and then journey to Curraghmore, the home of the Marquis of Waterford. The Lord Lieutenant did not pass his time exclusively with peers. He included a visit to Marlfield, Clonmel, where one of the MPs for County Tipperary, John Bagwell, would receive him. On Tuesday 30th July he intended to dine with Lord Donoughmore and on 31st he hoped to visit the Archbishop of Cashel in his residence in the town. Shannon planned a house party in order to honour and entertain Cornwallis: 'My luggage will arrive at Castlemartyr on Friday the 26th at latest, and we have full time before us, servants and all, to have things in good order. I invited Donoughmore to meet his Excellency at Castlemartyr, and he is much pleased at the compliment.'[48] Shannon had asked the Earl of Westmeath to join the party, but he could not do so as he had to travel north on business.[49] These house parties were part of what James Kelly refers to as, 'the convivial niceties, which the management of the Irish parliament demanded'.[50]

There were problems with much of this social interaction. Lord Carlisle referred to them in a long letter he wrote to Lord Fitzwilliam. Carlisle had been lord lieutenant in the early 1780s. When it was proposed that Fitzwilliam be sent to Dublin in late 1794, Carlisle wrote to him with some advice as to how he should

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[47] Lord Shannon to Viscount Boyle, 18 July 1799 in E. Hewitt (ed.), *Lord Shannon's letters to his son*, p.204.

[48] *Ibid.*

[49] *Ibid.*

[50] Kelly, *Prelude to Union*, p.77.

behave on such social occasions. Carlisle strongly advised Fitzwilliam to have a country retreat, cut off from all unwelcome guests, otherwise he would never get a quiet moment. He also believed that consistency in behaviour was very important in order to prevent jealousy. If the lord lieutenant spent a lot of time at one person's table and very little at another's, it would give rise to gossip and ill-feeling. In Carlisle's opinion the whole town of Dublin was like one large family under one roof; everything was known and was talked about. His last piece of advice was perhaps, the most important. If Fitzwilliam had followed, it he might have had a better chance of achieving his goals in relation to Ireland. Carlisle counselled the new lord lieutenant not to attempt to do too much business at first: '...a very little time will show you what ought to be in your own hands, & what must of necessity be trusted to others...'[51]

The various methods used to manage the House of Lords, both open and covert, increased urgent discussion on the whole question of the independence of, not just the Lords but of parliament in general. The question was fundamental to the understanding of the role of parliament in the government of the country. Was parliament a rubber stamp which had to vote as its patrons dictated or could it hold an independent view of policies put before it for consideration? The vast majority of

[51] Lord Carlisle to Earl Fitzwilliam, 14 September 1794 (Sheffield City Libraries, Wentworth, Woodhouse Muniments, F30 (c)).

of members of the Commons accepted the dictation of their borough patrons. The House of Lords was managed by Dublin Castle in the name of the Crown. Both houses of parliament saw support for the Crown and its ministry as a fundamental duty, on most occasions. But there were ambitions to break free. The Irish parliament achieved a certain amount of freedom from London in 1782 but the constant dilemma remained. What was the role of parliament and who should decide just what that role was?

Chapter 6

Leadership within the House of Lords.

The last twenty years of the life of the Irish House of Lords saw its leadership fall into the hands of a group of men who had intelligence, legal expertise, determination and deeply held political convictions. This statement is particularly true in relation to the leaders of the party of the Crown. While some of the leaders of the Whig opposition had intelligence and political convictions they seemed to lack determination and ruthlessness, both very necessary for success in the political world of the time. However, the House presented many examples of men holding ideologies which they valued with passion. Therefore, good leadership was essential for the House of Peers. It was necessary that the London ministry, through its officials in Dublin Castle should arrange for careful and intelligent leadership in order to keep the party of the Crown content with proposed legislation. The Whig opposition also needed good leadership in its difficult task of attempting to reduce the power of the Crown and to fight against bills of which it disapproved.

The position in the House of Lords which carried the greatest status and power was that of lord chancellor. The two men who held this post in the last two decades of the eighteenth century were distinguished lawyers: Lord Lifford and the Earl of Clare. Lifford was born in 1712 in England, where he became a barrister-at-law in the Middle Temple. He was appointed lord chancellor of Ireland in 1768, a position

he held until his death in 1789. One reason for his elevation is perhaps best indicated in a letter written by the Lord Lieutenant, Lord Carlisle, when Lifford was very ill in 1781. Carlisle was in favour of appointing another Englishman to the post if Lifford should die. It was his opinion that an Englishman would have no temptation 'to swerve from the path of duty and honour',[1] in other words he would be unquestioningly loyal to London.

While Lifford did not die in 1781, he continued to suffer from recurring bouts of illness. It was therefore necessary to have a peer equally well-versed in the law who could step into his shoes. Such a man was Lord Chief Justice of the King's Bench, Baron Earlsfort. Before his elevation to the peerage as Baron Earlsfort, John Scott had filled the positions of solicitor-general and attorney-general.[2] Legal knowledge was essential for those who led the party of the Crown in the House of Lords, because the Upper House acted as guardian of the constitution and as a check upon the power of the House of Commons. Lawyers such as Lifford and Earlsfort, could be expected to spot potential problems in proposed legislation, while other peers who also played a leadership role in the House, but who were without legal training, could be unaware of the full implications of bills or various clauses in bills. This is clearly demonstrated during the debate on the Paving Bill in 1786. Lord Carhampton was a vocal member of the opposition in the early 1780s. This was a

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1 Lord Carlisle to Lord Thurlow, 1 July 1781 (HMC, *Carlisle Mss.*, 15th Report Appendix VI), p.513.

2 Sir B. Burke, *A Genealogical and Heraldic Dictionary of the Peerage and Baronetage* (London, 1887). Entry under Clonmell.

group which prided itself on defending the liberty of the subject. The peer saw a clause of the bill as a direct attack on the rights of the people of Dublin, in particular. He considered as improper the clause which gave the Commissioners of Paving and Lighting in the city of Dublin the power of committing to the House of Correction, anyone who refused to give evidence to enquiries involving the Commissioners. The Commissioners could also decide upon the amount of time spent in detention, which could be substituted by a fine of forty shillings. Carhampton described it as a 'pernicious clause'[3]. He attacked the supporters of the government in general and the Archbishop of Cashel in particular. Cashel, from the influential Kilkenny family of Agar, had been Bishop of Cloyne, before his elevation to Cashel; he was a constant and loyal supporter of government. The Archbishop was very angry with Carhampton for the attack upon him personally, stating that it was so contemptible as to 'fall beneath his notice'[4], but claimed that he had not advocated the clause when speaking in the House. Carhampton reminded him that he had, in fact, voted for the clause on the previous night. This comment put Cashel in a tight spot, but he answered it by explaining that he thought it unnecessary to oppose the clause 'as it would throw an impediment in that state of its progress, though he was an enemy to its tendency'[5]. Cashel's answer makes no sense whatsoever; he clearly had not given

[3] *Freeman's Journal,* 28-30 March 1786.
[4] *Ibid.*
[5] *Ibid.*

enough thought to that particular clause which gave the Commissioners of Paving and Lighting such draconian powers. When his mistake was demonstrated he tried to squirm out of the embarrassing situation.

However, both the Chancellor and Lord Earlsfort saw the unconstitutional aspects of the clause. The bill had been sent to the Lords from the Commons and Earlsfort excused the Lower Chamber by stating that it must have escaped the attention of its members because of the huge amount of business with which they had to deal. Another constitutional problem would arise if the Lords dropped the clause but Earlsfort believed that was the only possible route to follow. His reasoning was very logical: '...it might be advanced that it [the controversial clause] had the sanction of the Commons, and the bill be rejected if any alteration should be made. Could it be supposed that the Commons would be jealous that the Lords took care of their liberties? If such a clause was persisted in better that the bill should be sacrificed.'[6]

The Lord Chancellor, Lifford, took the opportunity of the debate to define the powers of the House of Lords in relation to those of the Commons. Such a definition was an important aspect of the rights and duties of the Chancellor and a significant example of his leadership role for the peers:

> [The Chancellor] thought it perfectly consistent with the right of the Lords to alter every impropriety in bills, without fearing whether they should or should

[6] *Ibid.*

not be rejected in the Commons; which did not immediately touch upon the means of granting money whether by taxes or otherwise, which he considered the right of the Commons. In every other respect he would never give up the exercise of a right in that House to alter, in bill, whatever to them might seem improper.[7]

Lifford was interpreting the British constitution and asserting the rights and duties of the House of Lords. In doing so he was speaking with the support of the government which appointed him. A comment from the Marquis of Buckingham, lord lieutenant in the late 1780s, makes it very clear that the Lord Chancellor was looked upon by Dublin Castle as a man who was loyal and dependable, if unexciting. In May of 1788 Lifford had informed the Lord Lieutenant that he intended going to England for two months. He added that he had not felt so well in a long time and he had not the slightest intention of retiring. Buckingham was pleased enough by this news and wrote the following comment: 'In truth, though he is an old woman he is useful to English government by holding himself unconnected with party, and following implicitly every direction which he receives.'[8]

In spite of his optimism in relation to his health, Lord Lifford died in 1789. Buckingham wanted yet another Englishman for the position of lord chancellor. In his opinion '... the arguments for an English successor are too obvious'.[9] An

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[7] *Ibid.*

[8] The Marquis of Buckingham to W. W. Grenville, 24 May 1788 (HMC, *Fortescue Mss.*, 13th Report Part III), p.331.

[9] *Ibid.*

Englishman could be trusted to see all questions from the viewpoint of those in power in London and Dublin Castle. In the letter which Buckingham wrote to Grenville in May of 1788, apart from stating his preference for an English chancellor, he discussed, in some detail, the possibility of John Fitzgibbon filling the post. He was not in favour of Fitzgibbon, yet he seemed to be full of admiration for him; his devotion to the King and to Britain clearly made a huge impression on the Lord Lieutenant.

> His intrepidity, his influence, and weight have, in fact, placed him at the head of the country. We all fear him; and, on all occasions, I have found him fair, manly, and to be trusted. Under all of these circumstances (which might be further detailed if I had time) I have no doubt but that he will carry his point. I feel that I could not successfully resist him *now*, and his power must encrease.[sic] To this I must add my conviction that he is firmly attached to Great Britain and to the King's prerogative...[10]

However, following strong encouragement from Orde and the Duke of Rutland, Fitzgibbon was chosen to replace the deceased Lifford on the woolsack. Fitzgibbon was too clever a man to antagonize Buckingham. His approach to him had been gentle and undemanding, as demonstrated in the Lord Lieutenant's own words: 'All the engagement to which he pressed me was, and is, that if it was *judged advisable to give the seals to an Irishman he might be the man.* To this I had no difficulty of acceding and there stand my *engagement;* ...'[11] The regency crisis was the catalyst which changed the Lord Lieutenant's mind and turned him into a staunch advocate of Fitzgibbon's ambitions. Fitzgibbon vigorously opposed the move by the House of

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10 *Ibid.*

11 *Ibid.*

Commons to offer the regency of Ireland to the Prince of Wales, with absolutely no limitations attached. Thus he was seen as a firm supporter of the position of William Pitt and of the British ministry's views on this controversial subject. Buckingham described Fitzgibbon's actions in the House of Commons, where he represented the government as attorney-general, in tones of reverence and admiration:

> The violence in the House of Commons could not be conceived and nothing but Fitz-gibbon's steadiness prevented the instantaneous vote, without even the shadow of an argument. To his firmness, to steady friendship, and to his very superior powers, I am more indebted than to any man in this kingdom; and Great Britain is not less indebted to him as the only Irishman who would fight her battles in such a moment. I trust that [in] every situation he will meet from Pitt that affectionate support which he so fully deserves.[12]

Fitzgibbon's firm attachment to London is accounted for in his recent biography by Ann Kavanaugh. It would seem that he learned his great distrust of Irish catholics from his father, who was a convert to protestantism. He told Sir Lawrence Parsons that his father had frequently warned him of the innate evil of Irish Roman catholics: 'My father was a popish recusant. He became a Protestant and was called to the bar, but he continued to live on terms of familiarity with his Roman Catholic

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[12] Buckingham to Grenville, 14 February 1789 (HMC, *Fortescue Mss.*,) p.411.

relations and early friends and he knew the Catholics well. He has repeatedly told me that if ever they have the opportunity, they would overturn the established church and resume the Protestant estates.'[13] For Fitzgibbon, security and prosperity were represented by an unswerving attachment to Britain and her politics However,. during his term of office from 1789 to 1801 Fitzgibbon did not always battle to uphold the spirit of the British constitution. He saw security as the first and most important duty of government and he seemed to have no qualms in helping Dublin Castle push through legislation which aimed to undermine individual liberty. A clear example of this is provided in July 1793 when a bill came before the House of Lords which attacked the right of individuals to freely assemble and set up political associations. The bill entitled 'an Act to prevent Tumults and Disorders by Elections, Conventions or other unlawful Assemblies under Pretence of preparing or presenting public Petitions or other Addresses to his Majesty or the Parliament' was introduced into parliament during the summer of 1793. Its purpose was to serve as a balance to the Catholic Relief Act of the same year. In the words of Thomas Bartlett, '..."sectarian" concessions to Catholics would be balanced both by "national" and "defensive" concessions to Protestants, and thus the passage of Catholic relief would be eased.'[14]

However, this bill was controversial because of its attack upon the right of assembly, and its introduction, late in the 1793 session of parliament, was a ploy by

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[13] Lord Rosse to Lord Redesdale, 9 May 1822 (PRONI Rosse Papers d/20), quoted in Anne C. Kavanaugh, *John Fitzgibbon Earl of Clare: Protestant Reaction and English Authority in Late Eighteenth-Century Ireland* (Dublin, 1997), p.15.

[14] Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question* 1690-1830 (Dublin, 1992), p.165.

Fitzgibbon to ensure that there was as little opposition to it as possible. Its purpose was, in Ann Kavanaugh's opinion, to deprive the Catholic Committee of a powerful political tool; the Chancellor had been considering such a bill since November 1792. He made every effort to ensure its passage, leaving his place on the woolsack and explaining his ideas relating to the proposed legislation from the body of the House. Such a move was taken to impress upon the peers the importance of the matter being dealt with. It also indicated that the Chancellor was not relying upon his position in the House in order to push the vote through. His speech was forceful and tried to dispel the doubts of the unconstitutional nature of the bill by declaring that there had not been the smallest intention to affect the right of the people to petition the throne or either house of parliament. He stated that he strenuously inclined to maintain and protect this principle and that the bill would maintain the right by preventing abuses of the privilege. Fitzgibbon argued, in fact, that he was attempting to uphold the constitution and protect it from what he termed 'self-created Congresses'. Referring to the Volunteer convention, the Chancellor stated that if such actions were allowed to continue they would overturn the constitution. He then cleverly moved from proving the constitutional nature of the bill to frightening his listeners by reminding them that there were those in Ireland who wished to separate Ireland from Great Britain and to erect a republican government connected to France. It was a plausible argument in a year when Britain and republican France had gone to war and the Bill was passed by seventeen votes to three in the House of Lords.[15]

[15] *Freeman's Journal,* 9 July 1793.

Fitzgibbon's fear of catholics was also demonstrated in an exchange in the House of Lords in relation to the clause in the Militia Bill which admitted catholics to the ranks of militia officers, once they had taken the catholic test oath. He believed that catholics should be required to take the oath of supremacy, before even being considered for such responsible positions. The Militia Bill was supported by London and Dublin Castle, but the Lord Chancellor's fear and distrust was greater than his absolute loyalty to Britain. Lord Farnham, who had been a supporter of the Whig opposition during the 1780s, proposed a motion in the House calling for catholics who aspired to join the officer class in the militia to be required to take the oath of supremacy. This motion was actively supported by the Chancellor who did not relish the possibility of catholics having any legal and influential contact with military matters. To persuade the House of Lords of the validity of Farnham's motion and his own support for it, the Chancellor stated that it was a known fact that catholics, in every town and parish in the kingdom, had been levying large sums of money from people of their own persuasion; as much as £20,000 or £30,000 had been collected. This money could not, in his opinion, be levied for any lawful purpose. He was implying that it was to aid some form of rebellion by the purchase of arms. Consequently, in the Chancellor's opinion, to allow such people to become officers in the militia would be a foolish decision, unless they took the oath of supremacy. However, in spite of Fitzgibbon's support, the motion was defeated.[16]

[16] *Ibid.*, 23-26 March 1793.

Fitzgibbon was a chancellor full of contradictions. He was passionately attached to English rule in Ireland, but he questioned the wisdom of the London ministry in granting concessions to catholics, such as allowing them to take positions of command in the newly created militia regiments. As a lawyer at the height of his profession, he took risks with the constitutionality of some of the legislation he supported and as an ardent admirer of Britain's political development, he castigated the Whig opposition of that country for encouraging dangerous ideas in Ireland. In spite of all of these contradictions in his political philosophy, his prime belief was in the absolute necessity of the closest possible connection between Ireland and Britain. He considered Ireland 'a giddy country'[17] and warned the Marquis of Buckingham that the people of England would learn to fear the consequences of tampering with it. In the same letter he criticized the English for making political experiments in Ireland since 1782, '...which have most Completely Demolished English Influence here'.[18] He continued by suggesting that a union was necessary if the state of Ireland was to improve: 'If We Are ever to See Europe at Peace, The British Government Cannot too Soon pay Attention to the State of Ireland. They have but one Chance of preserving her Connection With The British Crown Unless by a new War in Ireland, And that Is by Uniting Our Parliament With that of Great Britain.'[19]

The Chancellor hated the Whig opposition in Ireland and blamed it for the attempted French invasion of December 1796. In his speech in the House of Lords

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[17] The Earl of Clare to the Marquis of Buckingham, 16 April 1797 (BL *Wellesley Papers*, Add. Mss., 37308).

[18] *Ibid.*

[19] *Ibid.*

at the opening of the 1797 session he stated that the invasion was not the fault of what he termed 'petty traitors'.[20] It was due to, 'the folly of the upper classes adopting an interest in British party politics that gave rise to the treason of the United Irishmen, the subverting sympathy and daring hopes of the French.'[21] He found the connection between the Irish Whigs and the British Whigs very disturbing and abhorred the desire of some politicians, such as Grattan, to grant catholic emancipation. Fitzgibbon believed passionately in the British connection but he found it very difficult to deal with the fact that such subversive ideas, as granting the catholics the right to vote, came from the British government. In a letter to Lord Auckland, the Chancellor set out his reasons for the virtual collapse of law and order in Ireland in the late 1790s. He bitterly criticized the concessions made to catholics and the actions of Pitt and Henry Dundas, the Home Secretary, who pushed through these reforms by trying to convince those in power in Ireland that they would help to detach catholics from the republicans and dissenters of the North. The present situation in Ireland clearly showed that this tactic had not worked. In Fitzgibbon's opinion every concession England made was followed by more demands. He listed what the catholics saw as necessary changes in the law: the repeal of the Act of Supremacy and the test laws and a full share in parliamentary representation, but even these concessions would achieve nothing in restoring peace in Ireland. It

[20] *Freeman's Journal,* 19 January 1797.
[21] *Ibid.*

was the Chancellor's belief that '...if there is a Man in England Who supposes that by yielding the Demands Which We have in their full Extent The Rights of the British Crown can be Maintained In Ireland unless by the Sword, he is An Egregious Dupe indeed.'[22] To uphold the rights of the British Crown in Ireland was John Fitzgibbon's highest priority and confirmed that Buckingham had made an excellent choice in putting forward such a man for the highly influential position of lord chancellor. Any group which worked to weaken the rights of the Crown earned Fitzgibbon's absolute hatred, whether it was the English Whigs or the Irish catholics.

Fitzgibbon also had a talent which was vital for the lofty position he gained in 1789. He was an excellent orator and demonstrated this many times in his political life. He was careful, logical and presented facts, however unpleasant, in a compelling, if unglamorous, unromantic manner. These attributes are demonstrated in Fitzgibbon's speech during the second reading of the bill for the relief of catholics in March 1793.

> If the Parliament of Ireland is to listen to the claims of the Popish subjects of this country, to be admitted to political power on the grounds of right, I desire to know, where are we to make a stand? Religion is the great bond of society and therefore, in every civilized country there must be a religion connected with

[22] Lord Clare to Lord Auckland, 23 May no year given. However it is probable that it was written sometine in 1792 before the 1793 Relief Act. (Keele University *Sneyd Mss.* No. 35).

> the state, and maintained by it against attacks and encroachments; and therefore, I deny the right of any state, to demand admission into the state, upon which alone the established religion can rest for support. If the principle is once yielded, in my opinion, it goes directly to the subversion of all civilized government. Should the Parliament of Ireland once admit the claims of Irish Papists to political power, on the ground of right, I desire to know where are we to draw the line? If the Papists have a right to vote for representatives in a Protestant Parliament, they have a right to sit in Parliament, they have a right to fill every office in the state; they have a right to pay tythes exclusively to their own clergy; they have a right to restore the ancient pomp and splendour of their religion; they have a right to be governed exclusively by the laws of their own church; they have a right to seat their bishops in this House; they have a right to seat a Popish Prince on the Throne; they have a right to subvert the established government, and to make this a Popish country, which I have little doubt is their ultimate object; and therefore, if I were to look only to the manner in which this bill has been brought forward in my judgement, we are about to establish a fatal precedent in assenting to it.[23]

The speech builds itself by a series of clauses, all of which are logical deductions from the first premiss, to a final conclusion, which compels agreement. The logical steps he pursues do not render the speech dull or plodding; it moves briskly to its conclusion.

The member of the House of Lords who was next in importance to the lord chancellor was the lord chief justice. It was essential that he should be a loyal

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[23] *Speeches Delivered in the House of Lords of Ireland by John, Earl of Clare Lord High Chancellor of Ireland* (Dublin, 1800), pp. 20-22.

member of the party of the Crown but it was not required that he be born in England, as his chief function was to concentrate less on policy and more on the technical, legal aspects of proposed legislation. The ailing Lord Annaly held the position until his death in 1784, when John Scott was elevated to the position. Scott had been solicitor-general, attorney-general and prime serjeant of Ireland between 1774 and 1783. He was given the post of lord chief justice in May 1784 and also created Baron Earlsfort of Lisson-Earl. A measure of sucess in the position was his further elevation as Viscount Clonmell in 1789 and Earl of Clonmell in 1793.[24]

Clonmell was determined that poorly drafted bills would not pass into law and thereby cause confusion and lengthy legal proceedings. An example of his approach to his work is found in his handling of the Poddle Water Course Bill in 1796. When the Bill was read on 10 March of that year, Clonmell stated that he had only a brief glance at its contents but he went on to criticize it in some detail. In order to clean the river Poddle a tax was laid on every house from which water descended into the river. He objected to the word "descend" because houses that stood a mile distant upon high ground might be made, unjustly, subject to this tax. Any bill which laid taxes upon people had to be studied very thoroughly, in Clonmell's opinion.

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[24] Burke, *Genealogical and Heraldic Dictionary,* entry under Clonmell.

He also disapproved of the Board which the bill proposed to carry the business into effect. It consisted of the Archbishop of Dublin, his two vicars and two archdeacons. He respected the Archbishop but he could not be satisfied with the fact that this powerful churchman chose all of the other members of the Board. All of these points of difficulty to which Clonmell drew attention were relevant to any law which aimed to avoid injustices, such as inequitable taxation and a monopoly given to powerful people.

Charles Agar, the Archbishop of Cashel agreed that the channel of the river must be cleaned. It had brought St. Patrick's Cathedral almost to ruins having overflowed and inundated the church to the height of four feet. If Lord Clonmell objected to a tax to aid the cleaning of the river channel, perhaps, the Archbishop wondered, a private subscription would be a more suitable means of collecting money. As it was a private bill, the Commons would not reject it when altered by the House of Lords, even though it was a money bill. The matter of who should pay for the cleaning of the Poddle was one which clearly interested Clonmell very much. It was obvious that he did not intend to allow St. Patrick's to pass the cost on to local householders and a few days later he returned to the bill in the Lords. He now quoted from acts passed in the sixteenth and early eighteenth centuries which declared that the dean and chapter of the cathedral were bound to repair the Poddle watercourse, perhaps because it was near the church, and in consideration of this, they were exempt from other expenses.[25] Clonmell won his points about who should pay for the cleaning of

[25] *Freeman's Journal,* 12 March 1796.

the Poddle. He was determined not to allow the imposition of illegal taxation on the householders living near the river. After several amendments the Poddle Bill was passed and ordered to the Commons.

The position of leader or manager of the Irish House of Lords was in place in the early 1780s. The concept of a leader of the House was growing in Britain since the beginning of the eighteenth century. There, Lord Shelburne had the management of the Lords for a brief period in 1782, as did Lord Sydney between 1783 and 1789.[26] As David Large has written in his discussion of the rise of parties in the House of Lords, someone had to be made responsible for co-ordinating activities such as holding pre-sessional meetings and steering government business through the Lords 'and to this end there emerged a quite unofficial office, that of government leader of the house of lords.'[27] William Pitt's elevation of William Grenville to the peerage and the home secretaryship in 1790 appears to have been designed, in part, to permit him to take the lead for the ministry in the Lords.[28] In Ireland in 1780 the Lord Lieutenant, Lord Buckinghamshire, when writing to Lord George Germain, Secretary of State for the Colonies, stated: 'The Archbishop of Cashel has cordially undertaken to watch the business of the House of Lords'.[29] This seems to imply that Cashel had agreed to act as manager or leader of the House for the government, in the early part of the 1780s. By 1784 the position had passed to the Earl of Mornington. The Earl

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[26] J. C. Sainty "The Origins of the Leadership of the House of Lords" in Clyve Jones and David Lewis Jones (eds.), *Peers, Politics and Power: The House of Lords 1603-1911* (London, 1986), p.215.

[27] David Large, "The Decline of the 'Party of the Crown' and the Rise of Parties in the House of Lords, 1783-1837", *Peers, Politics and Power*, p. 257.

[28] *Ibid.*

[29] Lord Buckinghamshire to Lord G. Germain, 5 February 1780 (HMC, *Stopford Sackville Mss.*, vol. I), p.267.

stated as much in a letter to William Grenville, in 1785. Mornington was a very disappointed man because in spite of his work for the government he had not been given a formal, recognised and paid post which would give him status and income. He therefore decided to withdraw from Ireland, but when he wrote to Grenville he was still trying desperately to come to a decision:

> I have not yet fully determined with regard to continuing in the management of the Lords. I hope to be able to take my decision tomorrow; as yet, I have not had sufficient time to give this very delicate question the consideration it requires. My situation is really very distressing between the candor, the honour, and the friendship of Pitt, and the falsehood and perfidy of Orde.[30]

Mornington, the eldest of the five Wellesley brothers was a close friend of William Pitt, the First Lord of the Treasury, and only one year his senior. This may explain his position as leader of the House of Lords, where, as an Irish peer, he had an automatic right to take his seat. However, Mornington's ambitions were greater than any that could be satisfied with a post in Ireland. The Duke of Northumberland ensured his election for a seat in the British House of Commons in the late 1780s. By 1790 he was a member of the Board of Control in London and in November 1797, he was appointed governor general of India. Ehrman, Pitt's most recent biographer, has described Mornington in the following terms:

> ...in many ways a highly attractive but undoubtedly difficult figure, with an innate exalted conception of place and worth. Ardent, imaginative, casting an image of splendour on his policies and his surroundings, charming and inspiring

[30] The Earl of Mornington to W. W. Grenville, 26 January 1785 (HMC, *Fortescue Mss.*, 13th Report, Part III), p.245.

> to a talented young staff - a kindergarten devoted to "the glorious little man" - and in general to those who served his policies well, he was also unable to work easily or charitably with equals and his sensitivity to his own requirements, practical and emotional, allowed little room for dissent or suspected lack of appreciation.[31]

Mornington began his work in the Lords in Ireland with confidence in his own judgement, but there appeared to be a lack of communication between the new manager and the government. In a long letter to Earl Temple, who had been lord lieutenant of Ireland in 1782-3, Mornington made the point that he must be informed and supported if government policy was to be implemented as London and Dublin Castle required. He discussed, in some detail, the Post Office Bill which, he wrote, had passed the Commons with little difficulty but had run into deep trouble in the Lords because it proposed to limit the right of the peers to have letters franked. Lord Carysfort headed the opposition to the bill, but the Archbishop of Cashel was praised by Mornington for his support of the government's policy. He was highly critical of the Lord Chancellor, Lord Lifford and even seemed to be suggesting that if he had his way Lifford would be removed:

> Cashel is a firm friend, and fought the good fight for us; and the Chancellor was more decided than I have ever seen him, a circumstance which I attribute partly to his natural affection for a very bad measure, and partly to his apprehensions upon the subject of his own situation, where his incapacity (to say nothing

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[31] John Ehrman, *The Younger Pitt: The Consuming Struggle* (London, 1996), pp. 439-40.

> worse) is become a public grievance, insomuch that I am persuaded he must be removed, at all events, before the next session.[32]

He continued by asserting that his advice on the matter of the Post Office Bill should have been attended to and there then would have been no revolt by Lord Carysfort and his friends. Carysfort was usually a very loyal supporter of Dublin Castle and the London ministry, and if handled correctly would have voted for the bill.

> ...there has been no opposition that could deserve that name, excepting that in the House of Lords to the Post Office Bill, which would not have been so great, if the early remonstrance of some friends of your Lordship's had been attended to, and a little more severe discipline observed; but this will be more strictly adhered to in future.[33]

A further comment made by Mornington on a bill introduced by John Foster into the House of Commons demonstrates his position of leadership in the Lords and the pride and resolve of his personality. Foster's bill required that every printer should give his name, and the names of all of the owners of the newspaper, to the Commissioners of Stamps so that they could be sued for libel, if the necessity arose. Mornington believed that these requirements did not infringe upon the liberty of the press. However, he was extremely angry at other matters which were added on to the bill. It was, in his opinion, put together too quickly and without due care, consideration and discussion. 'I, amongst others did not see the Bill 'till after it was moved; a treatment which I neither deserve nor will submit to; and I am therefore resolved either to force an alteration in it before it comes to the Lords, or oppose it with the utmost exertion of my capacity when it comes.'[34] Clearly Mornington was

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[32] The Earl of Mornington to Earl Temple, 10 April 1784 (HMC, *Fortescue Mss.,*), p.227.

[33] *Ibid.*, p.228.

[34] *Ibid.*, p.229.

not getting the co-operation which he felt he needed to manage the Lords. His treatment also demonstrates that the government was not always careful and efficient in dealing with bills.

The manager or leader of the British House of Lords at this time, Lord Sydney, was home secretary. Such a responsible position gave Sydney the necessary status to command the respect of the peers. Mornington spent much of his time in Ireland attempting to gain an important position which would confer authority upon himself and his informal, yet significant, responsibility. He was not given any help by the Lord Lieutenant, the Duke of Rutland, or his Chief Secretary, Thomas Orde. However, Mornington believed that Earl Temple, the former lord lieutenant and his present mentor, would do all that he could to aid his career. Temple had made use of Rutland's and Pitt's names when asking him to go to Ireland to assist the lord lieutenant. A clear promise had been made that he would be the very first person to be taken care of in any arrangement. Nothing of this nature had taken place and, therefore, according to Thomas Orde, Mornington when discussing his problems had stated:-

> ...that he desired it to be remembered that though he had the utmost personal regard for your Grace [Rutland] he could not suffer himself to be led away from his object, and that he wished it to be understood as his intention not to appear any more as a declared supporter of your administration. It is to be understood, therefore, ' that Lord Mornington will not take an active part in support unless he has office in possession or in immediate unavoidable prospect'. [35]

[35] Thomas Orde to the Duke of Rutland, 9 June 1784 (HMC, 14th Report, Appendix Part 1), p.105.

The matter of promotion consumed Mornington and he wrote to Earl Temple bitterly lamenting his lack of progress:

> With regard to my own personal objects, on which subject I believe your partiality may induce you to be anxious, although the Duke [Rutland] and Mr. Orde [Chief Secretary] are extremely civil to me, the former particularly so, I do not believe that they are disposed to make those arrangements which your Lordship's experience of this country pointed out to you as important to the King's service here.[36]

By June of 1784, he was still without a place in government, other than the leadership of the Lords. Orde, writing from London to the Lord Lieutenant, the Duke of Rutland, stated that he had discussed the situation with Lord Sydney, the Home Secretary. Orde claimed that he had insisted upon Mornington's desire for advancement. It appeared that Sydney was reluctant to make Mornington's position official in Ireland by granting him some recognised post. It also seems that the Home Secretary believed that Mornington would be foolish not to make his career in Britain. Possibly this is the true reason why London was slow to award the Earl some lucrative position in the Irish government. It was believed that so ambitious a man would use Ireland as a stepping-stone to further his career and that his stay in the country would be brief. Therefore giving him some post which was desired by an Irish politician, who had no intention of ever leaving the country, would be a foolish decision. Thomas Orde set out these arguments in a letter to Rutland.

> I stated all your [Rutland] difficulties, and particularly insisted upon Lord

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[36] The Earl of Mornington to Earl Temple, 10 April 1784 (HMC, *Fortescue Mss.*, 13th Report, Part III), p.229.

> Mornington's situation and claims. This argument was only disputed upon the grounds of impolicy in Lord Mornington himself to prefer the formal line, which might *possibly* be open to him in Ireland, to the more agreeable prospect of breaking his way in this country [Britain] although the first steps might not be equally magnificant.[37]

Mornington's determination to obtain a government post was annoying Orde and Rutland, owing to the difficulty which the latter experienced in finding such a position for so young a man whose interest in government in Ireland was just beginning. No matter how close a friend he was of Pitt, the patronage in Ireland was too tied up by those who had spent long years in the legislature in Dublin; there was little or nothing left over for an ambitious young man who clearly looked to the wider empire for his future career. Orde reported a meeting he had with Mornington in London during the month of June 1784. The Earl was disappointed and angry. He stated that he considered the faith of government broken because the session of parliament had now closed and yet no provision had been made for him.[38] Mornington did return to Ireland in September of that year. His language to the Lord Lieutenant was intemperate and his attitude to those in Dublin Castle in general, was very hostile. Rutland, in his letter to William Pitt, sounded as though he was at his wits's end and listed all of the difficulties he faced in pleasing and managing the many powerful men whose support was vital for his administration:

> To purchase the office of Master of the Rolls and to render it an efficient one cannot be a negative measure, but the terms which alone would induce the

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[37] Thomas Orde to the Duke of Rutland, 9 June 1784 (HMC, 14th Report, Appendix Part 1), p.105.

[38] *Ibid.*

> Provost of [Trinity College] to quit the office of Secretary of State and Privy Seal are so exorbitant that the scheme is absolutely impracticable. If this measure was to be adopted in any shape, it should be done upon an extensive system, that is, to place responsible persons in the House of Peers, for which situation there are many candidates, such as the Duke of Leinster, Lord Hillsborough, etc, and therefore a President of the Council, etc, should at the same time be created. I go into this detail that you may see the variety of my difficulties and embarrassments towards the accomplishment of Lord M[ornington]'s objects.[39]

However, in spite of his disappointments, Mornington remained in Ireland, following the advice given to him by his friend, William Grenville. He also wished to display his abilities and talents. As he wrote to Grenville: 'I am anxious for an opportunity of manifesting my disposition to stand forward in the great business of final adjustment.'[40] He was referring to the commercial regulations to adjust trade between Ireland and Britain. He was hopeful for his future by January 1785, because the position of president of the council had actually been offered to the Duke of Leinster, who had refused it, thus, in Mornington's opinion, leaving the place open for his ambitions. Chief Secretary Orde tried to convince Mornington that the other object which he had in view, the vice-treasureship of Ireland, would soon be brought within the scope of Irish patronage and he informed him that the Duke of Rutland had decided to give it to him.[41] Mornington however, believed that Orde was lying, and that at the time that he was making these promises, the idea of giving the ·

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[39] The Duke of Rutland to William Pitt, 13 September 1784 (HMC, 14th Report) p.136.

[40] The Earl of Mornington to W. W. Grenville, 26 January 1785 (HMC, *Fortescue Mss.*, 13th Report, Part III), p.245.

[41] *Ibid.*

vice-treasurership into Irish patronage was abandoned. In view of all of this disappointment, the Earl decided that he must withdraw from any concern in the management of the Lords.[42] Mornington's letter to Grenville, in 1785, emphasised his desire to be in London, but also his determination to remain in Ireland because of the situation of the country. For example, the Militia Bill had not yet been discussed in the Lords. Yet his comment on the commercial propositions indicated that he no longer acted as leader in the Lords. He wrote to Grenville: 'I also feel that in the event (which I hope is very improbable) of Pitt's consenting to any alteration of our propositions, I should be in the unpleasant state of being obliged to oppose him, and perhaps the whole House.'[43] This statement indicates that Mornington felt himself free enough from any commitment to London to vote in accordance with his own political outlook. He did eventually leave Ireland in the mid-1780s to pursue his career in Britain, without ever being given a position in the Irish government.

Based on the frequency of his contributions to debates in the House of Lords, it was very probable that the Archbishop of Cashel again took over the position of leader or manager of the House when Mornington left Ireland. Cashel was not given any post within the government during his time as leader in the late 1780s and 1790s. It appeared to be the policy of Dublin Castle that the Irish House did not need a leader who acquired status from an important post in government; this was an honour confined to the British House of Lords. However, at times Cashel did not

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[42] *Ibid.*

[43] Same to same 1 April 1785 (HMC, *Fortescue Mss.*,), pp.249-50.

give the impression of being the most intelligent of peers, nor did he seem to spend too much time consulting with others on forthcoming bills and it would appear that he had few qualms about standing up in the House and contradicting everything he had stated there earlier in a debate. As a leader or manager of the Lords he was not impressive, but he was, for the most part, unquestioning and loyal, very important asets for any party politician. However, Malcomson in his recent biography of Charles Agar, Archbishop of Cashel, expresses the belief that the Archbishop was a very impressive member of the Lords and even provoked jealousy in the heart of Lord Clare, the Lord Chancellor and Lord Clonmell, the Lord Chief Justice. He writes: 'But it takes little imagination to see that Agar was a threat and rival to Clare and other senior lawyers: though by profession a churchman, he was alarmingly well travelled in the statute book, a master of legal and parliamentary precedent and ofter referred to and deferred to for his opinion on such matters.'[44]

This claim seems unconvincing when measured against Cashel's action in the House of Lords. It is true that apart from the Lord Chancellor and the Lord Chief Justice, no other member of the House on the government side contributed so consistently to debate than the Archbishop. However, at times, he did not seem quite sure exactly what position the government was taking. One such example was the Insolvent Bill of 1794. Cashel was very much in favour of this bill, believing that it attempted to prevent unfortunate persons suffering long confinement for not paying small sums which they owed. The Lord Chief Justice, Lord Clonmell, expressed

[44] A. P. W. Malcomson, *Archbishop Charles Agar: Churchmanship and Politics in Ireland, 1760-1810* (Dublin, 2002), p.73.

grave concerns about the bill on the basis that it was an attempt to alter a bill passed during the previous session of parliament which extended relief only to those who were indebted for sums to the amount of £200. This new bill gave relief to people who did not owe more than £200 to any one person. Clonmell felt sorry for the poor creditors in Ireland; and objected to almost every part of the bill. Cashel had not consulted with the law lords about the implications of the proposed measure and he now looked rather foolish. However, he rowed in behind Clonmell and stood up in the House to oppose the bill, once the Lord Chief Justice had made his opinions known.[45] He appeared to totally misunderstand the Insolvent Bill and again had not looked into the whole question of small debts. He did not recollect the Act on insolvency passed in the previous session and when corrected he deferred to the law lords. Similarly, he had not done his research in relation to the Poddle Bill where he again clashed with Clonmell. It seems only fair to conclude that, at the very least, Cashel did not put a lot of effort into his performances in the House of Lords.

Of the leaders in the Lords during the last two decades of the eighteenth century, John Fitzgibbon was the most talented, but Lord Clonmell was also a man of ability in legal matters. The Earl of Mornington, as his later career in India indicated, had enormous ambition and ability but Ireland proved too small and unrewarding an arena for such a man and his place as leader in the Lords was filled by an ambitious, loyal, but in relation to the kingdom's legislation, an unimpressive successor.

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[45] *Freeman's Journal,* 27 March 1794.

The party of the Crown, was not the only party which produced an interesting group of men to manage its affairs in the House.[46] The Whigs came to power in 1782, and also took control in Ireland, albeit briefly, during the regency crisis and when Lord Fitzwilliam was lord lieutenant. Such a party not only needed leadership when in power but also careful guidance and motivational management when consigned to the wilderness of political life. The Whig opposition was not made up of members who were consistently at war with the government and its party in the House. Members of the House of Lords moved from support of government to support for the opposition in a relatively consistent manner. The majority of peers almost always voted with the party which had the support of the King. Even those who like the Duke of Leinster, could be regarded as dedicated members of the Whigs, voted with the government on some occasions.

When the Whigs did not make up the party supported by the King, and therefore were not in government, its numbers could dwindle to as few as six peers. These magnates who remained loyal to the party and its ideology constituted its leadership when its numbers swelled in response to political changes. A study of the *Journal of the Irish House of Lords* indicates who were members of the loyal core making up the opposition in the early 1780s. It was their custom to request that their position of disagreement with the government-supporting majority be entered into the *Journal*. On 2 March 1781 for example, an address to the throne was moved which stated that Ireland was very content, but that some misguided men were attempting to stir up the

[46] Large "The Decline of the 'Party of the Crown' and the Rise of Parties in the House of Lords, 1783-1837", *Peers, Politics and Power*, p.233.

anger of the people.[47] Lord Moira, Lord Eyre and Lord Irnham [later given the title of Earl of Camhampton] voted, by proxy, that they wished a dissentient statement be entered into the *Journal of the Irish House of Lords.* Voting in person and supporting the dissentient viewpoint were: lords Mountmorres, Carysfort, Arran and Charlemont.[48] The Duke of Leinster, who generally was on the side of the opposition, on this occasion, supported the resolution and even became a member of the committee set up to prepare an address pursuant to the resolution.[49] However, he was more decidedly in the ranks of the Whigs in July 1782 because the party had come to power in London and consequently appointed the lord lieutenant and his officials in Dublin Castle. A motion was proposed in the House to drop a bill which attempted to take the vote from revenue officers, who were staunch supporters of the Crown. The following peers objected to the motion and had their objection written into the *Journal:* Leinster, Mornington, Charlemont and by proxy, Valentia, Powerscourt, Carhampton, Westmeath and Belmore. These dedicated Whigs saw the revenue officers bill as an attempt to reduce the power of the Crown and they would not countenance any attempt to have it dropped; it was necessary, in their opinion, in order to secure the independence of parliament by reducing the influence of the monarch.[50]

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[47] *Journal of the Irish House of Lords*, v, p.162.
[48] *Ibid.*
[49] *Ibid.*
[50] *Ibid.*, v, p. 360.

The Duke of Leinster, as the premier peer of Ireland, was always of great interest to Dublin Castle. He controlled the parliamentary boroughs of Athy, Harristown and Kildare town. He also influenced greatly the elections for County Kildare; it was therefore estimated that he had a following of approximately ten members in the House of Commons.[51] Leinster was not however, a determined unremitting member of the Whig opposition. He always had an eye on government patronage from the lord lieutenant. He asked the Marquis of Buckingham about the position of vice-treasurer in April 1788, but he was too late, the post was given elsewhere.[52] In the words of Buckingham: 'The Duke of Leinster is very civil, but waits to be bought.'[53] By the autumn of the same year Buckingham had changed his opinion about the Duke: 'As to the Duke of Leinster, I have determined to let him take his chance; his conduct to me deserves no kindness.'[54] The Marquis was angry because of Leinster's opposition to the Police Bill. He had presented a petition from the citizens of Dublin against the bill and argued that the police might become instruments for overturning the constitution in the hands of some future administration.[55] Anger at his disappointed hopes and a genuine fear for the constitution were the forces which motivated Leinster in his opposition to the bill.

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[51] E. M. Johnston, *Great Britain and Ireland, 1760-1800: a study in political administration* (Edinburgh, 1963), p.358.

[52] Marquis of Buckingham to the Duke of Leinster, 18 April 1788 (HMC, *Fortescue Mss.*, 13th Report, Part III), p.323.

[53] Buckingham to W. W. Grenville, 10 January 1788 (HMC, *Fortescue Mss.*,), p.297.

[54] Same to same, 11 August 1788 (HMC, *Fortescue Mss.*,), p.320.

[55] *Freeman's Journal*, 11-13 March 1788.

However, Leinster played the part of one of the leaders of the Whigs during the regency crisis. Closely related to the leading Whig family of the Duke of Richmond, Leinster, in his heart, if not always in his voting pattern, was a Whig. According to the Whigs in London, the Prince of Wales had the sole and inherent right to be regent and this was the policy adopted by the Whigs in Dublin. Not only the Whigs but the majority of the peers voted in support of a motion that an address be forwarded to the Prince. On strong advice from Fitzgibbon, the Attorney-General, who was fearful of a precedent being set of communication from parliament to the Crown by-passing the lord lieutenant, the Marquis of Buckingham determined that the address should be transmitted through him.[56] In response Leinster moved an address to Buckingham, which criticised him for his refusal to transmit the address from parliament to the Prince of Wales.[57] Leinster did not give up in the face of government opposition and on 20 February 1789, he moved a motion that two commissioners be appointed from the Lords to carry the address to the Prince.[58]

The Duke himself as the premier peer of the kingdom was chosen for the task, as was Lord Charlemont. The vote on the motion to send the two commissioners was forty in favour and twenty-one against. The opposition had become the majority voting bloc, in spite of the fact that Buckingham obtained proxy votes from Lord

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[56] Buckingham to Grenville, 8 February 1789 (HMC, *Fortescue Mss.*,), p.411.
[57] Same to same, 30-1 January 1789 (HMC, *Fortescue Mss.*,), pp. 406-7.
[58] *Freeman's Journal,* 19-21 February 1789.

Carysfort and Lord Mornington to use as he saw fit.[59] However, once the King recovered his health early in 1789, the Whig opposition, both in Britain and Ireland, began to decline, but it did not happen at once. Buckingham was still very anxious about the conduct of the House of Lords in March 1789 and therefore, by implication the leadership role of the Duke of Leinster:

> I am told that much change will take place in the opinions of people but I do not yet find it to any great degree. I shall however anxiously look forward to the next division, and, in the mean time, I have every engine employed to detach individual members from this wicked combination; and have been tolerably successful, particularly in the House of Lords, which I trust, is tolerably secure. But I should feel singularly fortunate if the state of public business could allow Mornington or Lord Carysfort to come over and assist me in it, for I feel miserably dependent upon the caprice and jealousy of individuals in that House.[60]

On a vote in the House of Commons, early in March 1789, the government recovered its majority even if it was a slim nine votes. Buckingham was delighted; his comment indicates that the leading lords of the opposition could also lead from the Commons: 'This triumph is unexpected, for everything which could be mustered by the Duke of Leinster, Lord Shannon, Loftus, Clifden and Ponsonby was there and voted against us.'[61] As late as May 1789 it was reported in the *Freeman's Journal* that 'the Duke of Leinster and Lord Shannon with spirit becoming their rank, are resolved still to retain their employment and still to oppose Government.'[62] In reality, however, Leinster and his friends had no plans to resist the efforts of Buckingham to divest them of the influence they enjoyed, briefly, during late 1788

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[59] Buckingham to Grenville, 30-1 January 1789 (HMC, *Fortescue Mss.*,). p.408.
[60] *Ibid.*
[61] Buckingham to Grenville, 4 March 1789 (HMC, *Fortescue Mss.*,), pp. 425-6.
[62] *Freeman's Journal* 7-9 May 1789.

and early in 1789. The Crown always demanded and won support from parliament or at least, the vast majority of members of both houses of parliament.

By the end of April 1789 Buckingham had defeated the opposition in the Commons and the Lords. He therefore decided that it was time to remove from office the two most poweful Whigs, Leinster and Shannon: '...the second of these is more wretched than you can imagine at the certainty of his removal, and of our protection and support to Lord Kingsborough and Mr. Longfield against him.'[63] Leinster continued to attend the House of Lords and to attempt to lead opposition to government proposals but usually to little effect. For example, in July 1793, on a motion to have the bill preventing what were termed, 'unlawful assemblies' submitted to a committee of the whole House of Lords, the Duke of Leinster, Lord Charlemont and the Earl of Arran were the only three voices to issue a dissentient statement. In their opinion the laws as they stood were sufficient to curb outrages. They also believed that spur of the moment legislation was always dangerous to constitutional liberty.[64] From the mid-1790s onwards Leinster made few contributions to the debates in the House of Lords. He was still active politically, but it tended to be outside the Chamber. For example, he wrote to the Lord Lieutenant, Lord Camden, in April 1797, stating that he had wished to retire from public life, but the condition of Ireland called him back to the public arena.[65] He stated plainly that he disapproved of Camden's handling of the country's upheavals and violence,

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[63] Buckingham to Grenville, 22 April 1789 (HMC, *Fortescue Mss.*,), p.458.
[64] *Journal of the Irish House of Lords*, vii, p.68.
[65] The Duke of Leinster to Earl Camden, 25 April 1797 (Kent Co. Archive, Camden Mss., 0840. addn. 0182/18).

deeming it repressive and cruel: and he went so far as to state that he would do all in his power to have Camden recalled by the King. At the same time he was worried by the talk of French invasion and wished to add another company to the Kildare and Carlow regiments of militia.[66]

While Lord Shannon held great estates in County Cork and enjoyed an annual income of £16,000 in 1799, he made very few contributions to the debates in the House of Lords.[67] However, until his fall from grace in 1789, he was one of the vice-treasurers of Ireland. A. P. W. Malcomson has described him as lacking in political ambition, but his borough influence, in particular, made him a man the government could not ignore:

> It was Lord Shannon's capacity for being out of office, which had much to do with his lack of political ambition, that made him a formidable opponent and an effective politician. He was able to play a waiting game. As usual with him, something which was instinctive, not calculated, yielded rich rewards. It is almost certain that he would never have obtained the first lordship of the Treasury in 1793 if he had not marched into it out of the political wilderness.[68]

He had been banished into the political wilderness by the Marquis of Buckingham in 1789, because of his support for the unrestricted regency of the Prince of Wales.

Lord Charlemont was a most influential leader of the Whig opposition, yet he

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[66] Leinster to Camden 5 March 1797 (Kent Co. Archive Camden Mss.,0840 addn. 0182/14).

[67] Francis G. James, *Lords of the Ascendancy: The Irish House of Lords and its Members, 1600-1800* (Dublin, 1995), p.113.

[68] A. P. W. Malcomson, 'Lord Shannon' in E. Hewitt (ed.), *Lord Shannon's letters to his son* (Belfast, 1982), p.lxxvii.

could contribute little or nothing to debates in the House of Lords. The reason, according to James Kelly, went back to his early years in the House. An attack of 'nervous diffidence' brought on 'violent rheumatism' which prevented Charlemont from every sort of business for two and a half years.[69] When he returned to the Lords he sat with the Whig opposition.[70] He strongly supported the constitutional parity between Ireland and Britain; however, once this was achieved he was relatively inactive politically until the regency crisis. Charlemont also believed that Ireland should be treated as a separate kingdom and had the right to send an address to the Prince of Wales, requesting him to become regent of Ireland. He also saw it as very important that the Irish Whigs and British Whigs should work closely together and therefore wrote to John Forbes [the opposition MP from Ratoath] who was in London in the winter of 1788, in order to encourage him to enter into constant and serious discussion with the English Whig opposition: 'I now think it a duty not only of patriotism but of friendship, to remind you of the high expectations entertained by your friends here that your presence in London, and that of other patriotic countrymen, especially Grattan will be highly serviceable to Ireland at this critical and unprecedented juncture.'[71] However, the recovery of the King's health enabled the lord lieutenant to plan the destruction of the Whigs in Ireland, but Charlemont had

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[69] James Kelly, 'A "genuine" Whig and Patriot: Lord Charlemont's political career' in M. McCarthy (ed.), *Lord Charlemont and his circle* (Dublin, 2001), p.10.

[70] *Ibid.* p.11.

[71] Lord Charlemont to John Forbes MP, 18 December 1788 (HMC, *Charlemont Mss.*, 13th Report, Appendix Part VIII), p.84.

no intention of quietly accepting such actions on the part of those in Dublin Castle. When writing to Edmund Burke, he discussed, with a heavy heart, these plans of the lord lieutenant:

> Our party, hitherto so honourably and so successfully supported is likely to follow the fate of all Irish parties. An amnesty has been offered by the castle, and accepted by some. The terms, to be sure appear rather disgraceful to the lieutenant. Perfect oblivion for all that has passed, and nothing stipulated but that the ordinary business should be suffered to go on.[72]

This was a fortunate outcome for the members of the opposition who were willing to compromise with Dublin Castle, but for Charlemont it signalled the destruction of his party. He never abandoned the policies of the Whigs in order to win a government appointment. A meeting of the party members was held to discuss the offer of amnesty in March 1789. Lords Shannon and Loftus intended to accept the offer. Charlemont maintained a spirited defiance:

> After combating as long as I was able, and peremptorily expressing my determined resolve never to treat with, and for ever to oppose, the men who had insulted my country through her parliament, I brought forward a resolution expressly and fully declaring the final determination of the meeting forever to maintain the full and exclusive right of Ireland to appoint her own regent, and to exercise that right whenever occasion should occur, by appointing the prince of Wales sole regent for Ireland without limitation or restriction.[73]

This resolution was passed unanimously. It was unfortunate for the Whig party and for Charlemont himself that he found addressing the House of Lords such a very difficult, if not impossible task.[74] Otherwise he might have been able to form a

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[72] Lord Charlemont to Edmund Burke, 24 March 1789 (HMC, *Charlemont Mss.*,) p.89.

[73] *Ibid.*

[74] Kelly, 'A "genuine" Whig and Patriot:' p.13.

loyal group around himself in the Lords, which could act as a counter-weight to Dublin Castle. Working at an informal level, as he did, limited his impact and influence. However, the Duke of Leinster made it very clear at the meeting that he too would not accept the amnesty from the Castle. It is very probable that he arrived at this decision under the influence of Charlemont's determination to do all in his power to work for the survival of the Whig party in Ireland. Even Edmund Burke did not share Charlemont's commitment to the party. When replying to him he wrote: 'Perhaps in the present strange posture of affairs it is right to let opposition lie fallow for a while.'[75] The British Whigs followed this approach, but it did not appeal to Charlemont who set about establishing a Whig club in Dublin. This action won him great praise from Burke who seemed to change his mind about the necessity of keeping the opposition alive and active:

> Party is absolutely necessary at this time. I thought it always so in this country [England] ever since I have had anything to do in public business; and I rather fear that there is not virtue enough in this period to support party, than that party should become necessary on account of the want of virtue to support itself by individual exertions.[76]

During the 1790s Charlemont retained his moral influence among the Whigs in both Ireland and Britain. In the summer of 1794 the Portland Whigs in Britain, broke with Charles James Fox because of his continued opposition to the war with. France. Earl Fitzwilliam, Portland's nephew, entered the Cabinet in London, as lord president of the council. However, the possibility arose of his being sent to Ireland

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[75] Edmund Burke to Lord Charlemont, 27 May 1789 (HMC, *Charlemont Mss.*,) p.99.

[76] Same to same, 9 August 1789 (HMC, *Charlemont Mss.*,) p.106.

as lord lieutenant, and in August of that year he wrote to Charlemont, requesting his aid and support. It seemed that the Whig opposition was once more in the ascendant. 'I am now soliciting your aid and assistance' he wrote, ' - not the promise of unconditional support, but only, that upon trial, the government I attempt to establish shall appear to your excellent discernment of a nature fit for the preservation of the pith and spirit of the British constitution...'[77] Charlemont, who at this time had been confined to his house for ten weeks by a riding accident, replied that he would be highly gratified in helping a man such as Fitzwilliam, who would do all in his power to restore hope in Ireland by, in Charlemont's own words, 'a change of men and measures.'[78] This encouragement to sack powerful supporters of the party of the Crown was one of Fitzwilliam's major mistakes and it led to his untimely recall to London. Charlemont was the unwitting instrument which helped to destroy the very government he longed to see in Ireland. Fitzwilliam dismissed from office the man whom he himself called 'the king of Ireland' on account of the amount of patronage he controlled. This was John Beresford, a member of a most powerful family led by the Marquis of Waterford. Fitzwilliam also dismissed Wolfe, the Attorney-General; Toler, the Solicitor General and the civil and military under-secretaries, Hamilton and Cooke.[79] However, Cooke, when writing to his former master the Earl of Westmorland, did not blame Charlemont's influence on Fitzwilliam for all of the changes. He stated that with Fitzwilliam's arrival in Ireland,

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[77] Earl Fitzwilliam to Lord Charlemont, 23 August 1794 (HMC, *Charlemont Mss.*,), p.246.

[78] Lord Charlemont to Earl Fitzwilliam, 25 August 1794 (HMC, *Charlemont Mss.)*, p.247.

[79] R. B. McDowell, 'The Fitzwilliam Episode', *Irish Historical Studies*, xvi (1966), pp. 115-30.

the Ponsonby family, which was related to the Duke of Portland and therefore to Fitzwilliam himself, had the lord lieutenant under its control. Fitzwilliam attempted to introduce a bill into parliament which would grant catholic emancipation. This was unacceptable to London and he was recalled almost immediately. Charlemont did not approve of this bill so its unwelcome introduction cannot be blamed upon his influence.[80] However, Fitzwilliam made many enemies when he dismissed powerful people from office. Charlemont must bear some responsibility for these mistakes, in light of what he wrote to the Fitzwilliam about changing policy and men in positions of power.

As late as 1797 just two years before he died, Charlemont was still an influential Whig. He was in fact the most influential of the Irish Whigs, his name and reputation acting as a powerful focus for other members of the party. He was requested by the Duke of Leinster, Thomas Conolly of Castletown and William Ponsonby to reply to a strange letter received by the Whigs in Dublin from the Prince of Wales. The Prince was deeply unpopular in England at this time. His marriage had ended and he was hated by his father the King. He assured his Whig friends in Ireland that he desired to help save the kingdom from the danger in which it stood from the violence and division which were everywhere. It was his intention, as he put it, to arrive in the kingdom 'with full powers to do justice to the ill-used Irish'.[81] However, he desired

[80] Kelly, 'A "genuine" Whig and Patriot:', p.34.

[81] The Duke of Leinster, Earl of Charlemont, Thomas Conolly, William Ponsonby to the Prince of Wales, 1797 (HMC, *Charlemont Mss.,)*, pp. 302-3.

to be invited by some of the country's leading men. The letter written by Charlemont in reply to the Prince gently hinted that he had better stay at home. The Earl wrote:

> But while we exult in the idea, we cannot be so selfish as not to take the liberty of mentioning to your royal highness the dread which sad experiences has brought us to conceive lest those benign intentions which alone induce you to be our chief governor should be disappointed and frustrated by your acceptance of that office under the present administration.[82]

It was an extraordinary suggestion on the part of the Prince. He appeared to be attempting to treat Ireland as if it had no connection whatever with Britain. He also seemed to be totally unaware that while the Whigs wished to reduce the power and influence of the Crown, they still remained loyal to the British constitution and the Crown itself as one of the vital elements of that constitution. The Prince did not appear to be acting with the consent of the King and the King's ministers, therefore, he could not seriously be considered as the governor of the kingdom for such a suggestion was unconstitutional.

For much of the 1780s and 1790s the Whigs were in the political wilderness and had few dedicated members. The Duke of Leinster and Lord Charlemont led the small party in the House of Lords. Other Whig peers gave them little support. Shannon spent much time in County Cork. Lord Moira was in England and Loftus was not very interested in a leadership role. Because of his physical and emotional difficulties Lord Charlemont did not show himself at his best in the House of

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[82] *Ibid.*

Lords. However, he did inspire great confidence and respect among the party because of his unswerving devotion to the ideals he cherished: to reduce the power of the Crown and thereby increase the power of the aristocracy and to ensure the independence of the Irish parliament from that of Britain. In a special way, Leinster and Charlemont remained central figures in the Irish Whig party to the end of their lives.

The British ministry, always distrustful of the Irish magnates, saw the absolute necessity of having a lord chancellor on whom they could place total reliance. Such a man was John Fitzgibbon. His devotion to the British constitution and to the full integration of the kingdom of Ireland into that of Britain, in a strange way echoed Charlemont's devotion to his beliefs. Both men were single-minded in their political outlook. Fitzgibbon combined a forceful personality, impressive oratorical skills, and a clever legal brain. He strengthened greatly the leadership of the party of the Crown in the House of Lords, in contrast to the previous lord chancellor, Lord Lifford, whose bad health had meant that he was frequently absent from his place on the woolsack.

Working with Fitzgibbon, Lord Clonmell added efficiency and clarity to the presentation of bills in the House. Another dimension was added to the party of the Crown in the use of the relatively new position of leader or manager of the House. Lord Mornington was too ambitious to stay long in a post which offered him little chance of promotion and after a few years he left Ireland. His place was taken by the Archbishop of Cashel, who was not politically ambitious in the same manner as Mornington. He muddled through the work, but together with Fitzgibbon and

Clonmell constituted an effective team in protecting the interests of the British ministry in the Irish House of Lords. During the last two decades of the eighteenth century the House had leaders of both parties who had an ideological dedication to different interpretations of the British constitution and how it should evolve in the kingdom of Ireland.

Chapter 7.

The Party of the Crown and Patronage in The Irish House of Lords.

> A cursory examination of such seminal statements of Protestant opinion as William Molyneux's *The Case of Ireland being Bound by Acts of Parliament in England, Stated* (1698) might suggest that Protestants were wont to appeal to the idea of an 'ancient constitution' specifically to the inauguration of parliamentary government by Henry II in support of their defence of their rights, but in practice their constitutional horizon was dominated by the Glorious Revolution of 1688.[1]

This opinion, expressed by James Kelly in his discussion of conservative protestant political thought in late eighteenth century Ireland, points to the importance of the British constitution in Ireland at that time. The deposing of James II remained an event which occupied the minds of protestants because it not only saved them from catholic rule but in Kelly's words, 'it inaugurated a constitutional monarchy in which commoners participated with the monarchy and aristocracy in making law and in the practice of government.'[2] Irish protestants as well as English protestants gloried in their balanced constitution because, as Richard Cox observed in 1748, it assured them 'liberty in its largest and clearest character.'[3] The dedication of the Irish élite to the

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1 James Kelly, 'Conservative political thought in late eighteenth-century Ireland', in S. J. Connolly (ed.), *Political Ideas in Eighteenth-Century Ireland* (Dublin, 2000), pp. 187-8.

2 *Ibid.*

3 Richard Cox, *A Charge Delivered to the Grand Jury...of Cork on Twelfth of July* 1748 (Dublin, 1748), p.8.

British constitution created a relationship between the King's ministers and the peers which was essential to them both. The smooth running of the kingdom required nobles for the second pillar of the constitution - the House of Lords. It also needed bishops for the dioceses, commanders for regiments, privy councillors, commissioners of the barrack room board, commissioners of customs, deans for the Church of Ireland, vice-treasurers of the kingdom and a host of other positions, most of which carried attractive remuneration. The lord chancellor earned £4,000 in 1789, while the guardians and keepers of the rolls, the Earl of Glandore and the Earl of Carysfort were given £157. 9. 11. each. As first commissioner of the treasury, the Earl of Shannon received £3,000 per annum in 1793; Lord Clonmell, as the lord chief justice of the King's Bench earned £2,300 in 1784 and Lord Carleton, as lord chief justice of the Court of Common Pleas was given £1,700 in 1789.[4] The government required a host of men to keep the kingdom working as a political, economic, military, religious and judicial body. This was a huge amount of patronage to be given out to those who were loyal. Patronage, far from being a form of corruption, was a very necessary means of running the kingdom. Those who received places and peerages were not necessarily corrupt. Many were ambitious, many understood the vital reasons for supporting the Crown and the government, and many believed that their contributions to politics were essential and therefore deserving of reward.

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[4] E. M. Johnston, *Great Britain and Ireland, 1760-1800: a study in political administration* (Edinburgh, 1963), pp. 308-312.

The majority of all British and Irish peers believed that order could not be maintained in the kingdom without the steady support of the nation's property and talent.[5] During his fifty years of service, Lord Liverpool, who was first lord of the treasury from 1812-1827, told Addington, who was also first lord from 1801-1804, that he had always tried to act 'in a manner that merited his Majesty's approbation'.[6] Few of his colleagues were men of business who wished, like Liverpool, to reform the coinage system. Yet they did share his conviction 'that loyal adherence to the crown contributed to stable government."[7] To a great British peer like the Duke of Marlborough, systematic opposition 'seemed senseless and needlessly disruptive."[8] Other peers viewed Charles James Fox and the Whig party in darker terms. Archbishop Markham of York told his son in the troubled spring of 1780, with the American war going badly for Britain that 'the same wicked faction which has been so long active in contriving the ruin of this country has brought its design to a dreadful explosion."[9] Similarly, when his sister dared to blame the nation's terrible situation on the incompetence of Lord North, Lord Wentworth furiously replied:

> that we are not in a scrape owing to the measures of those I have supported - but I lay it solely on those Patriots who by thwarting every good design, & by depreciating the wealth, the power, ye legal government (in all its branches) of this country, have given encouragement to our enemies and made them spring up like mushrooms.[10]

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5 Michael McCahill, *Order and Equipoise: The Peerage and the House of Lords, 1783-1806* (London, 1978), p.154.

6 Quoted in *ibid.*,p.154.

7 *Ibid.*

8 *Ibid.*, p.155.

9 Quoted in *ibid.*, p.155.

10 *Ibid.*

The government needed the support of the peerage in order to run the country, both, within the House of Lords and outside the House, in various offices of state. These offices constituted much of the government's patronage. The government needed the peers, the peers were happy with the various offices and the attached remuneration, and thus patronage was an essential element in the running of the kingdom.

Almost every letter written by lords lieutenant to London passed on requests from the Irish peers for some consideration or other to be shown to a relative, friend or themselves. While much patronage was a reward and a means of cementing relations between a peer and the government, it could also be used to attract magnates of unsettled political commitment, such as the Duke of Leinster, who in 1780 had joined the party of the Crown, after persuasion from the Lord Lieutenant, Lord Buckinghamshire.[11] The Lord Lieutenant, writing to Lord George Germain, Secretary of State for the Colonies, in September 1780 stated:

> Upon a very urgent sollicitation [*sic*] from the Duke of Leinster I wrote last night to Lord Sandwich expressing his wish that his brother should be appointed Captain of the Belle Poule frigate. It was my duty to recommend the measure earnestly. The name of Fitzgerald, ever of consequence in Ireland, is at this juncture a material object.[12]

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[11] Lord Buckinghamshire to Lord George Germain, 31 August 1780 (HMC, *Stopford Sackville Mss.*, vol. 1), p.274.

[12] Same to same, 30 September 1780 (HMC, *Stopford Sackville Mss.*,), p.276.

The inter-relationship of patronage and government is clearly demonstrated in a letter written in 1784 from the Lord Lieutenant, the Duke of Rutland, to Lord Sydney, the Home Secretary in London. He declared that the Duke of Leinster was about to abandon the Whig opposition. Leinster was thus offered the position of postmaster but he rejected it as not honourable enough for a man of his standing. The Provost of Trinity College, Hely Hutchinson, always had an object in view, according to Rutland. He was willing to resign his office of secretary of state and privy seal to obtain the mastership of the rolls. This plan would suit the Lord Lieutenant because it allowed him to offer the privy seal to Lord Mornington who wished to play a leading part in the administration.[13] The importance which the government placed upon accommodating as many peers as possible at any time is seen in the same letter from Rutland to Sydney:

> Lord Clifden seems perfectly disposed to lend his assistance to Government, but not without a steady view to his object. His particular wish at this time is some official establishment for his second son, and which would be accomplished by his succeeding to Mr. Foster's employment in case of a vacancy. The ease as well as advantage of Government would be more effectually consulted by conferring that office on Lord Clermont in lieu of the Post Office, and removing Lord Clifden to the latter, by which a seat at the Revenue Board would be left vacant.[14]

In a letter which the Lord Lieutenant wrote in late October of that same year, the use

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[13] The Duke of Rutland to Lord Sydney, 24 March 1784 (HMC, 14th Report Appendix Part 1), p.83.

[14] *Ibid.*

which patronage served as a reward for loyalty is demonstrated. Buckinghamshire had been recalled from Dublin and he wrote to Germain stating that he would forward a list of men he wanted promoted in the peerage and given seats on the privy council. He did not give names but clearly these men had done his administration some service and he was not forgetting their due compensation.[15]

The Duke of Leinster continued to support the government during 1781 and this enabled the new Lord Lieutenant, Lord Carlisle, to claim a great success in both houses of parliament during November of that year. Three important bills were all passed, much to Carlisle's satisfaction: the Money Bill, which supplied the finances to run the country, the Mutiny Bill which took permanent control of the army away from parliament and put it into the hands of the ministry in London, and the Sugar Bill which did not impose the threatened duties on refined sugar imported from Britain. Carlisle however, made it plain when writing to Lord Gower that he now had to reward those who supported these controversial measures. Making an extravagant claim for his endeavours, Carlisle stated that he was the first lord lieutenant to unite together all of the great interests and factions in the support of government, including the Duke of Leinster, the Lords Shannon, Ely, Donegall and Tyrone.[16]

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[15] Buckingham to Germain, 20 October 1780 (HMC, *Stopford Sackville Mss.*, vol. I), p.277.

[16] Lord Carlisle to Lord Gower, 23 November 1781 (HMC, *Carlisle Mss.*, 15th Report Appendix VI), p.534.

Of the great lords he listed, the only one who was relatively serious about opposition was Leinster. Shannon also could be changeable in his allegiances but at this time he was firmly wedded to the government, having replaced Henry Flood as vice-treasurer in September 1780. However, this triumph presented Carlisle with the huge problem of finding enough patronage to reward all those who were loyal to Dublin Castle.

> By Mr. Flood's dismission [*sic*] Lord Shannon and Mr. Daly [Flood's political enemies] are satisfied. The others fling themselves upon me in the confidence that I shall not deal unfairly by them, if they act honourably by me. In calculating what would be the sum that would defray the expense of this whole arrangement, and which is not to arise by the construction of new employments, it appeared, upon paper that the whole would be under £8,000 per annum, to satisfy all the demands alluded to, and I am bold to say restore the public tranquility, and the dignity of the King's Government.[17]

The fact that there were times when the executive could not carry a very important issue through parliament demonstrates that the correlation between patronage and control was not always constant. Such a breakdown occurred when the commercial regulations of 1785, suffered a virtual defeat in the Irish parliament. The reasons were complex. The constitutional changes of 1782 were still very fresh in men's minds. The commercial arrangements were seen as a direct attack on limited independence won in that year and Pitt was a very young, inexperienced first lord who was in the process of gaining strength and support in the Westminster parliament. However, the government did receive what the Duke of Rutland termed 'decided and unequivocal support' and he listed in a letter to Pitt all those who had

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[17] *Ibid.*

stood by the government:

> The Attorney-General [John Fitzgibbon later Lord Chancellor] stood forward in the most distinct and unreserved manner. Mr. Pole [Right Hon. William Wellesley Pole, later Lord Maryborough] supported his brother Lord Mornington, took a direct line, and held a very manly language: the Provost, Mr. Foster, and Mr. Beresford did their part in the debate ably and honourably; and the following of Lord Shannon Lord Tyrone, Lord Clifden, and Lord Hillsborough were steady and decided in their support of the King's Government.[18]

The following year Rutland set about winning a substantial reward for many of those men who had stood by the government. Rutland had wanted English titles for them but Pitt, who had made many additions to the British peerage, did not want a large influx of Irish peers taking British titles. He felt that the concept of Irish marquisates should be explored and the most important and loyal of the Irish peers should be thus rewarded:

> But what I should like much better on full consideration and what I should hope would answer, not only as well but better, on your side the water, would be, to revert to the original idea in the room of which this was substituted; I mean the creation of Marquisates. As that was the original object of Lord Shannon and Lord Tyrone, and the other only suggested as an expedient, [English titles] I think they cannot complain if their first wish is gratified, especially if you approved of it. The Marquisates might be given them immediately and they would prefer that honour at present to the future prospect of the other.[19]

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[18] The Duke of Rutland to William Pitt, 17 August 1785 in Lord Mahon (ed.), *The Correspondence between the Rt. Hon. William Pitt and Charles, Duke of Rutland* (London, 1890), p.124.

[19] William Pitt to Thomas Orde, 29 April 1786 in *Ibid.*, p.149.

The peers mentioned by Rutland included Lords Antrim and Drogheda; but Pitt considered them of little importance. The men he really wanted to honour were Lords Hillsborough, Shannon and Tyrone, who had been particularly loyal in relation to the commercial regulations.[20] Others like Fitzgibbon would be rewarded also but at a somewhat later date.

The peers did not always sit patiently and wait for government to think about them and any reward due for their help and loyalty. Michael McCahill has written the following interesting observation: 'It is also notable that eighteenth-century magnates had a remarkably proprietary attitude towards government. If in some cases they recognized an obligation to the minister who conferred favours upon them, in many instances they assumed that they had a right to pick at will from among the choicest plums in the ministerial larder.'[21] For example the Earl of Clanricarde, wrote, in an almost peremptory style to William Pitt in 1797 stating that he was mortified because he was the only peer in Ireland 'of the superior Class'[22] who was not a peer of Great Britain. Clanricarde's elder brother had been given the title of marquis in 1786, but had died without issue and his brother only inherited the lesser title of earl. He felt that he was entitled to be a British peer for all that he had done for the government: '...for not only my uniform and warm support to your Administration from its commencement to the present moment', but also because his

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[20] Pitt to Rutland, 19 July 1786, in *Ibid.*, p.151.

[21] McCahill, *Order and Equipoise*, p.164.

[22] Earl of Clanricarde to William Pitt, 19 October 1797 (PRO London, *Chatham Papers* 30/8/123).

example and influence ensured that much of Connaught was tranquil and in good order when the rest of Ireland was very disturbed.[23] However, Pitt was not impressed and Clanricarde wrote again one year later now demanding a dukedom in the Irish peerage or a seat in the British House of Lords as the only means of rewarding him in a worthy manner for all of his hard work.[24] He did not get his dukedom but he did go to the British Lords as a representative peer of Ireland after the Union.[25] The supporters of the Crown might demand places and promotions from the government, but they were not always given what they wanted. But in spite of disappointment, there is no evidence that, in general, they were driven into the arms of the opposition. Clanricarde was rebuffed but he remained a loyal supporter of the Crown and backed the Union in 1800; he then enjoyed his reward.

Viscount Clifden, brother of Charles Agar, Archbishop of Cashel, also wrote the same sort of letter to Pitt during the early years of the Union between the two kingdoms. In it, he reminded the First Lord that he had two boroughs in Ireland before the Union and returned four members to the House of Commons in Dublin. Three of these MPs were unfriendly to the proposed Union. He continued in his letter to paint a picture of the tight control peers could exercise over the political activities of the men who were returned for their boroughs. 'I persuaded them to vacate their seats & returned [men] more devoted to Government - one the brother

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[23] Earl of Clanricarde to William Pitt, 19 October 1797 (PRO London *Chatham Papers* 30/8/123).
[24] Same to same, 12 September 1798 (PRO London *Chatham Papers* 30/8/123).
[25] *Freeman's Journal,* 5 August 1800.

of Lord Castlereagh.'[26] He had been a firm supporter of the Union. 'I can venture to assert no man in England did do more earnestly - notwithstanding which I made no bargains, I asked no favours.'[27] Clifden was a typical supporter of the Crown, a borough owner who would not tolerate his members in the Commons defying his political outlook. He claimed his reward after the voting was completed. He did not first ask for a favour and then vote with the government. As a further proof of his devotion to the Crown, he claimed that he passed from April to November of 1798 in his own house in Gowran, County Kilkenny, and risked his life in an attempt to suppress the rebellion of that year. His letters to his brother confirm that he was zealous in putting down rebellion. 'We are out every day foraging and burning the houses of known rebels...'[28] he wrote in early May of 1798, on duty with his yeomanry corps in the south-east. 'We have burnt near 30 houses and recovered between Grange and Gowran about 200 pikes and some bad arms, 50 stand, I believe.'[29] Clifden acknowledged to Pitt that he was rewarded for all of this effort when he was appointed as clerk to the council, for life. However, it was his opinion that he had earned the position, it was not given as a present. One favour which he had requested and which was not granted was the post of commissioner of stamps for his

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[26] Viscount Clifden to William Pitt, 22 May 1804 (PRO London *Chatham Papers* 30/8/123).

[27] *Ibid.*

[28] Lord Clifden to the Archbishop of Cashel, 11 May 1798 (PRONI T3719/C32/53)

[29] *Ibid.*

brother. He was now hoping that Pitt would award the post to his relative.[30] The requests for positions of influence and promotions in the peerage, such as those from Clanricarde and Clifden, were accompanied by much evidence of work done for the Crown. Pride in this work and pride in ancient ancestry are the two reasons which were usually put forward to justify requests for peerages, places and pensions.

Such arguments were not always successful. Lord Conyngham, writing to Pitt, stated that he always supported the King's government but this did not save him from disappointment: 'I therefore did not expect my Junior Peers would have been promoted & my name totally forgotten, which by the last Creation [1795] of Irish Peers Has been the case.'[31] Conyngham did end life as a marquis, but mainly because his wife attracted the roving eye of the Prince of Wales and thereafter elevation in the peerage and positions of influence came thick and fast.[32]

There were times when the executive could not carry a very important piece of legislation through the House of Lords. Such an event occurred in 1782 in connection with an Education Bill which was defeated in the Lords. In the opinion of Maureen Wall, the reason was because 'the bishops' superintending power over education was not sufficiently underlined.'[33] Lord Kenmare, a catholic peer,

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[30] Viscount Clifden to William Pitt, 22 May 1804 (PRO London *Chatham Papers* 30/8/123).

[31] Lord Conyngham to William Pitt, 29 September 1795 (PRO London *Chatham Papers* 30/8/123).

[32] Christopher Hibbert, *George* IV (London, 1980), pp.627-38.

[33] Maureen Wall, 'The Making of Gardiner's Relief Act 1781-2', in Gerard O'Brien (ed.), *Catholic Ireland in the Eighteenth Century: Collected Essays of Maureen Wall* (Dublin 1989), p.144.

and therefore not permitted to sit in the Lords, claimed that Charles Agar, the Archbishop of Cashel and Primate Robinson of Armagh, led the opposition to the Bill.[34] The staunchest supporters of the Crown had a still higher obligation. Most bishops believed that they must do all in their power to maintain the position of the established church, even at the expense of displeasing Dublin Castle.

Protecting the established church was not confined to bishops or archbishops. Other members of the Crown's party could and did show their displeasure at any attempt to give relief to catholics or protestant dissenters, thereby weakening the position of the anglican church. In 1782 a bill was also introduced to grant relief to dissenters and a group of bishops entered their objections into the *Journal of the House of Lords*. They were predictably enough Primate Robinson, the Archbishop of Dublin and the Archbishop of Cashel. The bishops of Raphoe, Down and Connor, Cloyne, Leighlin and Ferns, Kildare, Meath, Waterford, Cork and Rosse and Clonfert were also in the group. But objections were not confined to the bishops. Lords Belmore, Shannon, Tracton, Clanwilliam, Milltown, Bellamont, Enniskillen and Antrim also put their names in the list of the discontented.[35] Public disagreement with the government was not confined to churchmen when the issue was the maintenance of the primacy of the anglican church.

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[34] *Ibid.*

[35] *Journal of the Irish House of Lords*, v, pp. 320-1.

Charles Agar, the Archbishop of Cashel, and John Fitzgibbon, the attorney-general to 1790 and lord chancellor from then onwards, were two members of the party of the Crown who were extremely anxious to protect the anglican church in Ireland in the early 1790s. Fitzgibbon expressed his strongly held opinions in a letter to Lord Auckland: 'If we are to gratify the Papists of Ireland in their present Pursuits We Must replace The Act of Supremacy and Uniformity.'[36] Cashel vehemently opposed the Catholic Relief Act of 1793, which gave the parliamentary vote to catholics, among other concessions. One clause of the bill dealt with intermarriage between catholics and anglicans. He believed that all intermarriage was attended with great trouble. It usually ended with both parties going to mass and educating their children as catholics. However, the Archbishop did not want to defy Dublin Castle so he compromised by voting against the clause relating to the hated intermarriage but voted for the bill itself in its totality.[37]

Apart from supporting the measures introduced by the lord lieutenant on the instructions of London, with greater or lesser determination, another function performed by the party of the Crown was to oppose measures introduced by the Whig opposition in the House of Lords. In 1790 for example, Lord Farnham, a member of the opposition, introduced a bill for the relief of under-tenants.

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[36] John Fitzgibbon, Earl of Clare to Lord Auckland, not dated, but probably written in the mid-1790, when catholics were actively campaigning for greater representation in the political life of the kingdom. (Keele University *Sneyd Muniments*).

[37] *Freeman's Journal,* 1-3 March 1792.

Fitzgibbon, the Lord Chancellor, Lord Carleton, the Archbishop of Cashel and the Earl of Drogheda all opposed the bill because it was considered to be destructive of the landed property of Ireland.[38] One of the principal beliefs of the supporters of the Crown was 'that the support of the nation's property was an essential prerequisite for continuing stability.'[39] Cashel made this aspect of the political outlook of the supporters of government very clear in his speech to the House. The bill, he argued, might encourage a collusion between the immediate and intermediate tenants. It was not always easy to distinguish between men of bad principles and those of exemplary honesty. He went on to make the position of the party of the Crown very clear: 'To impose, by the principles of the bill, a tenant upon a landlord aversive to his inclination, could never be in the intention of Parliament.'[40]

Apart from supporting the landed property of the kingdom, the party of Crown, naturally enough, also supported the rights of the Crown. This was the main issue thrown up by the bill for granting money to pious and charitable uses introduced in 1790. The Duke of Leinster, who in 1782 returned to the opposition and was its virtual leader in the Lords, objected to the sum of £1,000 being taken out of the money attaching to the deanery of Down by Dublin Castle for the purpose of building a church, and keeping it in repair. The Duke believed that the anglican church was now under threat from the Crown but the Lord Chancellor firmly supported the right of the Crown to dispose of its patronage as it saw fit. He was determined to allow no encroachment by the Whigs into such an important area for the government.[41]

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[38] *Ibid.*, 13-16 March 1790.
[39] McCahill, *Order and Equipoise,* p.153.
[40] *Freeman's Journal*, 13-16 February 1790.
[41] *Ibid.*, 9-11 March 1790.

Michael McCahill has the following to say in relation to the peers who were most loyal supporters of the Crown and its government: 'Stability was their overriding concern: they did not, like the whigs, believe that the executive had destroyed the constitution's balance, and they could only perceive the dangers, not the possible advantages of such reforms as Catholic emancipation.'[42] The same is true of their attitudes to issues of law and order. They saw the maintenance of order as one of the first priorities of government. They believed that law and order, in other words stability, were essential for the survival of both the Crown and their own position in society. The early 1790s were a time of great disturbance in Ireland. The reasons for riotous behaviour particularly in the northern part of the country, are summed up by Allan Blackstock in his book on the setting-up of the militia and yeomanry to cope with such problems:

> In the mid-1780s a sinister development occurred in county Armagh: disturbances started between lower classes of Protestants and Presbyterians on the one side and Catholics on the other. These troubles rolled on with changes of manifestation and location into the mid-1790s and proved to have a resonance far beyond their place and time. At first they took the form of fair-day feuds between gangs known on the Protestant side as 'fleets' because of the recent currency of the term in naval warfare. Ominously, they soon began raiding Catholic homes for arms. These raiders styled themselves 'Peep O'Day Boys' from their habit of attacking in the early hours of the morning. The Catholics banded together as 'Defenders' to resist. In 1788 the emphasis shifted from fair-day riots and arms raids to more violent struggles for local territorial dominance often resulting in fatalities.[43]

In March 1790 the House of Lords went into committee on the bill for the

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[42] McCahill, *Order and Equipoise*, p.166.

[43] Allan Blackstock, *An Ascendancy Army: The Irish Yeomanry 1796-1834* (Dublin, 1998), p.32.

preservation of the peace. The Earl of Portarlington, who was not a constant friend of the Crown and could, on occasion, be found among the ranks of the opposition, moved an amendment to the first clause, which stated: 'That the operation of the act might be continued to such counties only, to which they were at present confined and not to be further extended'.[44] The Lord Chancellor felt that such an amendment might be productive of bad effects. It might remove fear from the minds of those inclined to violence in the counties to which the act had not been extended, this would encourage further disturbances. The supporters of the Crown in the House came together to counter Portarlington's amendment. Lord Clonmell declared himself of the same mind as the Lord Chancellor, while Lord Drogheda gave a long speech and the Archbishop of Cashel contended that the bill ought to pass without amendment because the country was experiencing the excellent effects of the government's strong measures against riot and disorder. Lord Mountjoy believed that the disorder prevented any increase in prosperity and for that reason the bill should be passed into law 'unclogged with any amendment'.[45] The bill went through, without a division, and was passed into law.

Also in March 1790 another bill was introduced in order to deal more effectively with the very disturbed state of the northern part of the country in particular. It planned to enable the lord lieutenant to appoint head constables for every barony and

[44] *Freeman's Journal,* 9-11 March 1790.
[45] *Ibid.*

these would, in turn, have a number of petty constables under their direction. To the party of the Crown this presented itself as another very effective plan to maintain law and order, but to the Whig opposition it was a sinister plot on the part of the government to extend its influence. Lord Portarlington again objected strongly to the proposal because he considered it unconstitutional and calculated to increase the power of the Crown. The Bishop of Killaloe disagreed with Portarlington and praised the determined efforts of government to maintain order. Ten years previously in County Clare the Bishop maintained, a justice of the peace could not carry the laws into execution but as the Bishop put it: '...at the extreme hazard of his life'. However, now in his opinion: '...the whole face of the country' had been changed because of government commitment to maintaining the rule of law.[46]

Those who were supporters of the Crown in the Irish House of Lords appeared to be, on the whole, relatively uncritical of government, even when it indulged in what would appear to be questionable tactics which undercut the power and status of the House itself. The only kind of a bill coming from the House of Commons which the Lords felt very reluctant to modify or veto was a supply or money bill.[47] Therefore, if the government wished to give money to a private institution, it tacked the grant on to a supply bill and the peers tended not to question the matter too closely. Lord Portarlington was virtually alone in the House when he attacked such a tactic in early 1790. The Lords resolved itself into a committee on the bill for granting £4,000 to

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[46] *Ibid.*

[47] Francis G. James, *Lords of the Ascendancy: The Irish House of Lords and its Members,1600-1800* (Dublin, 1995), p.73 and p.78.

the trustees of the linen manufacture. He claimed that this was a mode of granting money for private purposes which had long and justly been condemned in parliament. The Lord Chancellor, however, explained that this was in fact a means of allowing the lying-in hospital [the Rotunda] to raise £4,000 which was required to finish the improvements around its grounds. The £4,000 was to be borrowed from the Linen Board by the hospital at five per cent interest. The hospital repaid this loan from money it received as a parliamentary grant, from a tax on sedan chairs. This extremely convoluted method of moving money through the parliamentary system evoked little or no criticism from the peers. It indicated a trust in the government's handling of money generally.[48]

In fact it could be argued that the party of the Crown was not careful enough in overseeing the spending of government money. Portarlington also criticized the application of money granted for the support of public schools. The misapplication of money in such cases was notorious and required immediate attention. This was acknowledged by Lord Chancellor Fitzgibbon who stated that there were great abuses committed with respect to the application of money granted for endowed schools. Commissioners had been appointed to investigate these evils and it was discovered that an annual revenue of upwards of £40,000, granted for the education of the poor throughout the kingdom, had in numerous instances been diverted from the benevolent purposes originally intended.[49] In spite of the fact that commissioners

[48] *Freeman's Journal*, 9-11 March 1790.
[49] *Ibid.*

had been requested to look into the spending of such vast sums, the fact that so much had been misapplied is a clear indication that not enough attention went to ensuring the proper use of much of the kingdom's finances.

Another interesting aspect to the financial philosophy of the party of the Crown and, in fact, of peers generally, was a dislike of business monopolies. This is made clear during consideration on the Royal Canal Bill. Lord Drogheda, acting on behalf of the Grand Canal Company, presented a petition which stated that the Royal Canal Bill seemed to contain a clause which intended to deprive it of a stream of water and other advantages which it needed. Lord Carhampton declared that he never heard a petition read in the House which so deserved to be rejected. It was, he argued, a declaration from the Grand Canal Company of their dislike of any other canal but their own. Lord Chancellor Fitzgibbon thought that the grievances complained of appeared to be the fact that the Company did not have a monopoly of all the water carriage in the kingdom. On this commercial issue, revolving around one company's desire to retain its monopoly status, the Duke of Leinster was ideologically on the same side as the Lord Chancellor. Neither favoured giving one company total control of the canal business. Leinster believed that the Grand Canal Company feared that the Royal would reduce its income. The Royal Canal Bill was passed on 17 March 1790, demonstrating that in commercial and business matters the friends of government and the opposition had a shared ideology.[50]

[50] *Freeman's Journal*, 18-20 March 1790.

Within the British constitution the support of the peers was a vital necessity in both law-making and the administration of the kingdom. The peers of Ireland, many of whose families originally came from Britain, were deeply attached to the structures which obtained in the sister kingdom. On its side, the government at Dublin Castle needed to call on the landed property of Ireland to fill the many and varied posts in church and state necessary to the smooth running of the country. There was thus a relationship between the Castle and the peers which was mutually beneficial and absolutely essential. The party of the Crown supported the government, the rights of landed property, the concept of stability and the vital necessity of law and order. The majority of peers saw these as essential supports if the kingdom was to survive in the face of violence and revolution during the 1790s.

Chapter 8.

The Whig Opposition in the House of Lords 1786-90.

By 1786 the Whig opposition in Britain, was as a party out of favour with the King and going through a period of severe decline. The talented William Pitt who was quickly consolidating his power in the British parliament, enjoyed the trust and support of the monarch. In the Irish parliament the ideology of the Whigs did not attract enough numbers to render it a significant group when it was not enjoying the King's favour in London. However, with the regency crisis it again gained the position of the majority party in Ireland because it was seen as the choice of the Prince of Wales while he took his father's place as head of state. The numbers in the British parliament which supported the party of the Crown or the Whigs did not depend upon the ideology of either group, but rather which the Crown looked upon as suitable to form a ministry. Once either party enjoyed the confidence of the monarch, it then enjoyed majority support in both the British and Irish parliaments.

The party of the Crown and the Whigs had deeply held political beliefs which were in sharp contrast to each other. The former gave support to the monarch and his government, while the latter attempted to limit the prerogatives of the Crown and put in its place, as a natural consequence, greater power for the aristocracy.[1]
George III was very anxious to reassert his own authority and looked upon the rise of

[1] Eric J. Evans, *Political Parties in Britain 1783-1867* (London, 1985), p.7.

parties as a device for limiting his powers. While royal propaganda sought to discredit the concept of the political party, Whig politicians were very anxious to convince supporters of the legitimate role of the political party in the British constitution.[2] In the writings of Edmund Burke, party was elevated so that it was not seen as a mere faction, and Whig propaganda asserted that the King had confused party with faction. By the end of the 1780s the terms 'leader of the opposition' was coming into use, though it was applied to Charles James Fox, the active debater in the House of Commons, rather than to the Duke of Portland, the nominal leader of the old Rockingham Whigs who sat in the House of Lords. William Pitt did not like the idea of party and did not attempt to build up a personal following among MPs. He preferred to see his authority deriving from the fact that he was chosen by the King to be his first minister.[3]

It is important to appreciate eighteenth century parties on their own terms, as Jeremy Black has written: '...rather than as unsatisfactory anticipations of modern equivalents.'[4] The parties did not have an identifiable national leadership, an organised constituent membership or a recognised corpus of policy. The rather haphazard nature of the Whig opposition in the Irish House of Lords at this time is made clear by the fact that the number of peers supporting the opposition varied with the contents of the many bills which came before the House. For example only four

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[2] *Ibid.*, p.8.
[3] *Ibid.*
[4] Jeremy Black, *The Politics of Britain 1688-1800 (Manchester, 1993)*, p.92.

lords voted against measures proposed to deal with the Rightboy disturbances in 1787.[5] Six peers voted against the attack on the status of the House contained in the Post Office Bill in 1786[6], but at the height of the regency crisis, the Lord Lieutenant bemoaned the fact that the opposition had become the real power in Ireland.[7] The issues involved in the government's fight against the Rightboys were significant constitutional matters and the problems thrown up by the Post Office Bill related directly to power of the House itself. However, the majority of peers voted with the government and against their own long-term interests, thus indicating that the peers gave their trust and support to those in power. This pattern of thinking and voting explains why the House swung behind the Prince of Wales in 1788.

In September 1786 the Duke of Rutland wrote anxiously to Pitt stating that the country was almost in a state of war.[8] The Rightboy disturbances began in 1783-4 and by 1785 the southern half of Ireland was in the grip of a pattern of well-organised groups. Their main objective was to moderate the payments made to the clergy of both denominations and acceptable fees and dues were stipulated. To force people

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[5] *Freeman's Journal*, 18-20 March 1787.

[6] *Ibid.*, 21-23 February 1786.

[7] Marquis of Buckingham to W. W. Grenville, 25 February 1789 (HMC, *Fortescue Mss.*, 13th Report Appendix Part III), pp. 420-1.

[8] Rutland to Pitt, 13 September 1786 in Lord Mahon (ed.), *Correspondence. between the Rt. Hon. William Pitt and Charles, Duke of Rutland* (London, 1890), p.167.

to adhere to these fees the Rightboys used violence and intimidation.[9] In spite of the very disturbed state of the country, Rutland was convinced that the bishops of the established church would consider any settlement involving a reduction of tithes, 'as a direct attack on their most ancient rights.'[10]

William Pitt and the Irish Chief Secretary, Thomas Orde, were, in the opinion of James Kelly, 'committed to the existing Protestant establishment and anxious not to excite conservative Protestant apprehensions, though they realized the reform of the tithe was the only way to allay the grievances of the Rightboys.'[11] Therefore, when the 1787 session of parliament opened, Lord Mountgarret, speaking for the opposition, was of the opinion that in the first article of the address to the King, the House of Lords was called upon to support the anglican church. He declared that he supported the rights of the anglican clergy, but he did not see the necessity to resort to, what he termed: 'the extremities of fire and sword'.[12] The disturbances in the country, he believed were not aimed against the state. There was no idea in people's minds of 'arming on behalf of the Pope, the Devil and the Pretender'.[13]

Mountgarret was referring to the bill drawn up to suppress Rightboy disturbances. Those who administered oaths for the movement or who interfered with the collection of tithes faced transportation. The death penalty was attached to such

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[9] James Kelly, 'The genesis of "Protestant Ascendancy": The Rightboy Disturbances of the 1780s and their Impact upon Protestant Opinion', in Gerard O'Brien (ed.), *Parliament, politics and people: Essays in eighteenth-century Irish History* (Dublin, 1989), p.102.

[10] Rutland to Pitt, 13 September 1786 in Lord Mahon (ed.), *Correspondence.* p.167.

[11] Kelly, 'The genesis of "Protestant Ascendancy", p.108.

[12] *Freeman's Journal,* 18-20 January 1787.

[13] *Ibid.*

actions as seizing arms or using force to compel individuals to join the movement.[14] The Duke of Leinster and Lord Desart joined Mountgarret in condemning what Ann Kavanaugh has termed 'the machinery of state terror'.[15] However, they were lone voices. All other peers voted with the government and gave some of the reasons why they claimed such legislation was necessary. The Lord Chancellor, Lord Lifford, referred to the Rightboys as insurgents who possessed arms, issued proclamations against the payment of tithes and perpetrated great cruelties.[16] Lord Earlsfort maintained that the unrest endangered the anglican church and attempted to deprive the clergy of their rights.[17] The tithe issue was seen as central to the maintenance of the established church and the maintenance of the church was seen as vital in sustaining the position of the Crown. Given its ideology of working to reduce the power and influence of the Crown, this issue would seem an ideal one for Whigs to vote against the government sponsored bill. But in threatening and difficult times the majority trusted the government and gave it support, in spite of the principles underlying the bill.

The tiny opposition worked on in the House of Lords. When the proposals to end Rightboy violence, which were embodied in the form of a bill entitled: 'An Act to prevent tumultuous risings and assemblies and for the more effectual punishment of persons guilty of outrage, riot and illegal combination, and of administering and

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[14] Ann C. Kavanaugh, *John Fitzgibbon , Earl of Clare: Protestant Reaction and English Authority in Late Eighteenth-Century Ireland* (Dublin, 1997), p.108.
[15] *Ibid.*, p.109.
[16] *Freeman's Journal* , 18-20 January 1787.
[17] *Ibid.*, 27 February -1 March 1787.

taking unlawful oaths;' were discussed at the second reading stage, the Duke of Leinster argued that before a bill of such importance was committed, an enquiry should be set up to look into whether causes existed to give rise to the outrages in which the peasants indulged. He was backed by Mountgarret, who, while he claimed that every peasant from Dublin to Cork was a Rightboy, maintained that force was no real solution if the established church was 'not willing to abate one inch of its demands.' Mountgarret made a point that was always on the minds of the Whigs. He argued that the bill might be used to pave the way for a union of the two kingdoms. He asserted that the strongly coercive nature of the legislation would generate such discontent that peace could only be assured by a union. Lord Desart supported him and also stressed that the extremely repressive legislation presented an unacceptable change in the constitution of the kingdom. ' It was the duty of the Whigs,' he stated, 'to remind parliament of this fact as a means of protecting the parity achieved in 1782-3.' In spite of such warnings and reminders, the House went with the government and the bill was passed on 5 March 1787, with only four Whig peers voting against it: Leinster, Mountgarret, Desart and Charlemont. These peers had their disapproval of the bill entered into the *Lords Journal*. They argued that the bill undermined the constitution and gave unquestioning support to the anglican church and therefore to the Crown.[18] Charlemont did not often attend in the House of Lords in the late 1780s. Thus the fact that he came and entered his concerns in the *Journal* is an indication of how objectionable he considered this piece of legislation. The four peers who voted against the bill believed that it was, in their

[18] *Ibid.*

words: 'too desperate to be useful and too dangerous to be admissible.'[19]

The efforts of the government to pacify the country and the insistence of the Whigs that the methods proposed were unconstitutional continued through the spring of 1787. Mountgarret was again very vocal in relation to a bill for the preservation of peace, which was going through the House in April 1787. He considered that the permission which the bill gave for the appointment of constables was unconstitutional in that it allowed for the setting up of a military power by giving the government new and repressive powers. 'The true question to ask', Mountgarret stated, 'was why a military power was now to be established to harrass the people of this country by night and by day?' He claimed a system of patronage was being introduced which he condemned in mocking terms: 'even the audacity of a Minister would not attempt in the other kingdom.' Mountgarret was referring to the large increase in the personnel of law enforcement introduced by the Preservation of Peace Bill. There were to be thirty-two rural judges and five hundred and thirty-two constables, armed like a military force, at the annual cost of £97,000. This, Mountgarret believed, was 'a daring innovation on the constitution and this merely acceded to by landlords to enable their half-starved rack-rented tenants to pay them the better'.[20] However, his was a solitary voice. Fear of violence and anarchy reduced constitutional matters, in the minds of the majority of the peers, to the margins and they trusted the government to see them through this time of threat and danger.

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[19] *Ibid.*

[20] *Ibid.*, 17-19 April 1787.

To trust the government in times of grave upheaval appears logical. Who else could stand against the forces of disorder which, unless counteracted, might destroy the fabric of the establishment? However, on the issue of the privileges accorded by the post office to the peers no such threat existed. In spite of this, the House of Lords went along with the government's plans. As a result of the constitutional changes of 1782, it was decided that Ireland should have its own postal arrangements. A bill, originating in the House of Commons, curtailed the franking rights which the peers always enjoyed. The peers who belonged to the Whig opposition, were very jealous of the rights and privileges of their own House and fought tenaciously in their defence. Mountmorres and Mountgarret were angry that the Commons thus seemed to be attacking their privileges, without any prior consultation.[21] Farnham was a member of the opposition, on most, but not on all topics. For example, he did not vote with the Whigs on the Rightboy legislation. He now angrily stated that no bill, or part of a bill, dealing with the privileges of the House of Lords should originate in the Commons. However, when Farnham put this concept, in the form of a motion to the House it was defeated by twenty votes to seven.[22]

No matter how tiny the Whig opposition numbers in the House of Lords, from December 1783 onwards when the Whigs no longer constituted the London ministry, the fact that there was an opposition at all was significant. It kept the policies of the Whigs in the mind of parliament and in the newspapers of the time. When the King

[21] *Ibid.*, 18-21 February 1786.
[22] *Ibid.*, 21-23 February 1786.

became ill in 1788, the tiny party worked with its larger counterpart in London in an attempt to set up a new government. The connection between the Whigs in both kingdoms during the mid to late 1780s was commented on by politicans interested in Ireland. Lord Hobart, nephew to the Lord Lieutenant the Earl of Buckinghamshire, discussed the new commercial treaty which was due for consideration in the 1787 session of the Irish parliament. His remarks were clearly very hostile to any idea of an opposition to the government's proposals and he was scathing in his assessment of how the Whigs in Ireland arrived at their policy decisions.

> The Commercial Treaty is not yet unpopular in Ireland, they wait for arguments against it from your Lordship's side of the water which they cannot expect until the meeting of the English Parliament, when no doubt a disinterested regard for Ireland will induce some Gentleman to inform them how much they are aggriev'd. [23]

His comment has all of the bitterness of a supporter of the Crown when considering the Whig opposition. However, he was politically very aware; apart from the fact that his uncle, Buckinghamshire, had been a lord lieutenant, he himself became a chief secretary in 1789, when the upheavel of the regency crisis had passed. There is more than a core of truth in the assessment that the Whigs of both countries kept an alliance, of sorts, from 1784 onwards, but it was not the daunting political structure feared by those in government. There was a constant social interaction between the great Whig families of the two kingdoms. These families were inter-married

[23] Robert Hobart to the Earl of Buckinghamshire, January 1787 (Norfolk Record Office, *Hobart Mss.*, 2/6 D/MH/H).

and visited each other and it is logical to assume that they discussed the politics of the day. Leinster was the first cousin of Charles James Fox and of the Duke of Richmond. Holland House and Devonshire House, the two great centres of Whig social intercourse and enjoyment in London, were open to him and the Ponsonbys, who had intermarried with the great Devonshire, Portland and Spencer families. While there is no evidence in the House of Lords that there were any plots and conspiracies to defeat the government, it is inevitable that the Whigs hoped their day would come again with some powerful event which would bring down Pitt and his ministry. David Schweitzer, in his study of the Whig political connection between Ireland and Britain, has concentrated on the relationship between members of the houses of Commons. He believes that only a weak alliance existed between Fox and Grattan, in spite of the Irish administration's fears that there were sophisticated plans to undermine its power. In Schweitzer's words, 'Grattan had no inclination to do so, Fox lacked the ambition.'[24]

The Duke of Rutland died in the autumn of 1787 and was replaced by the Marquis of Buckingham. He had already been lord lieutenant of Ireland, under his former title of Earl Temple from July 1782 to May 1783. When Buckingham arrived in Ireland he did not anticipate a very difficult political situation, if what he wrote to his brother reflected his true assessment of the situation: 'We are going on very well,

[24] David R. Schweitzer, 'The Whig Political Connection Between Great Britain and Ireland: 1784-1801' (Ph.D. thesis, University of London, 1982), p.352.

as I can judge. The idea of no opposition very much prevails but I am whipping up all our strength for fear of any difficulty.'[25] Not only did he dismiss the opposition as though it virtually did not exist but he reported that the Duke of Leinster was believed to be waiting for the opportunity to support the government. After the first session of the House of Lords in 1788, Buckingham was even more pleased, for he noted: 'The Duke of Leinster has joined; he stipulates for the first vacancy of calibre enough for him.'[26] This must surely be considered the nadir of the fortunes of the Whigs, as they seemed to be losing Ireland's premier peer, a Whig with extensive family connections among Britain's Whigs. But the Duke was not as easily pinned down as Buckingham thought he would be. In March 1788 he was not supporting the government in the House of Lords. He moved the postponement of the second reading of the Police Bill, stating that he had no objection to a proper bill, but that this one was unpopular and designed to provide patronage for what he termed: '...a few broken aldermen'.[27] Buckingham was very angry and wrote to his brother: 'In the House of Lords the Duke of Leinster has flown off, and it remains with me, as matter of cool reflection, to decide whether I will break or not with him; I rather incline to the former.'[28] It would represent a substantial triumph for Buckingham if

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[25] Marquis of Buckingham to W. W. Grenville, 1 January 1788 (HMC, *Fortescue Mss.*, 13th Report Appendix Part III), p.296.

[26] Same to same, 17 January 1788 (HMC, *Fortescue Mss.*,), p.298.

[27] *Freeman's Journal*, 1-4 March 1788.

[28] Buckingham to Grenville, 14 March 1788 (HMC, *Fortescue Mss.*,), p.309.

he could win Leinster from the Whigs and to the support of the government. He was still worrying about the matter some days after the Duke had proposed the postponement of the Police Bill in the Lords: 'The Duke of Leinster has been duped by Forbes [MP for Ratoath] who dipped him in an opposition to the police bill which he treats with such acrimony, that I fancy I shall hardly think it worth while to continue our negotiations; for the impression of weakness which it will give will injure me more than can be repaid by the accession of his votes.'[29] However, one of Leinster's constant worries was a lack of money and this inclined him towards government office.[30] He wrote directly to Buckingham requesting the post of vice-treasurer for himself but the Lord Lieutenant was now in no mood to be rushed. Six weeks later he wrote to his brother Grenville and indicated that he was not giving Leinster the vice-treasurership but he was considering giving him mastership of the rolls. 'I have not yet settled with the Duke of Leinster about the Rolls.'[31]

The power of the Whig opposition was at its lowest ebb as were the political fortunes of their leader in the House of Lords. The Lord Lieutenant was in no rush to win Leinster with the offer of lucrative posts. The reason why the Duke was being treated in such an off-hand manner by Buckingham is explained by the fact that the government did not see its legislation threatened by Leinster and his followers in both the Lords and Commons. The triumph of the Whigs in 1782 was followed by a swing, on the part of the peers, back to the party of the Crown. In 1785 the Bishop

[29] Same to same, 16 March 1788 (HMC, *Fortescue Mss.*,), p.310.
[30] A. P. W. Malcomson, *The Pursuit of the Heiress: Aristocratic Marriages in Ireland* 1750-1820 (Belfast, 1982), p.10.
[31] Buckingham to Grenville, 24 May 1788 (HMC, *Fortescue Mss.*,) p.331.

of Killaloe referred to the Whigs and Leinster as '...a mere Rump...' declaring that they had only from five to seven members in the Lords.[32] The Lord Lieutenant at the close of the 1788 session of parliament boasted of his successful management of the passage of a full legislative programme through both houses:

> ...and I take some merit that this session is closed with a very considerable augmentation of the external and internal army, with a very capital encrease[*sic*] in our revenue, with a fund for our whole debt, with a successful stand against the clamour for a revision of the system and with a steady pursuit of such measures as necessary for our internal quiet.[33]

The Whigs could achieve nothing with so few adherents. But there was a Whig opposition and events in Britain changed the political landscape in a dramatic fashion, for both kingdoms, in late 1788.

On 11 November 1788 the Lord Lieutenant learned of the grave illness of King George III. In a long letter to his brother he expressed his thoughts on a possible new ministry in London. He hoped that Pitt would continue in power and he then passed on political gossip from Anthony St. Leger, who was in the confidence of the Prince of Wales. It seemed, if St. Leger was telling the truth, that the Prince was now afraid of his one-time close friend, Charles James Fox. Therefore, Buckingham hoped that Fox would not be put into Pitt's place as first lord of the treasury.[34]

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[32] The Bishop of Killaloe to the Earl of Buckinghamshire, February 1785 (NLI *Heron Mss.*, 13047 (4)).
[33] Buckingham to Grenville, 18 April 1788 (HMC, *Fortescue Mss.*,) p.323.
[34] Same to same, 11 November 1788 (HMC, *Fortescue Mss.*,) p.362.

However, on the following day, he received the news which he dreaded. His brother had indicated the fact that the Prince of Wales would, in all probability, step into his father's place and represent the Crown with some title or other. Buckingham found the idea of the Prince in charge of the two kingdoms insupportable: 'It is indeed most extraordinary that the death of the King, to which we of course never could look but as the most calamitous event, should appear light compared with the scene which threatens us.'[35] He went on to discuss what option he considered would present the fewest difficulties: 'That which appears the least likely to risk the security of the country seems to be a commission, to be signed by the King, authorizing the Prince to sign papers and instruments in the King's name during his illness.'[36]

If the King could not rule, his legitimate heir was the obvious and legal choice to act in his place. Pitt did not wish to give power over to Fox, who it was assumed would be the Prince's choice as his first minister. The King's illness raised fears within the ministry in London that far-reaching changes would be introduced which would lead to loss of power and position. Such changes had happened earlier in the century with dramatic results. When George I become king, the Tories had been swept from power. When George III took power 1760 he broke with Pitt the Elder in 1761 and the Duke of Newcastle in 1762 and made the Earl of Bute his first minister.[37] It was not parliament but the monarch who made men first lord of the treasury. Pitt and Buckingham were therefore determined to limit the Prince's

[35] Buckingham to Granville, 12 November 1788 (HMC, *Fortescue Mss.*,) p.364.
[36] *Ibid.*
[37] Black, *The Politics of Britain*, p.123.

powers as regent, in order to keep themselves in office as long as possible. Ireland's position on the matter made the situation even more difficult for them. For years the Prince had befriended Fox and the Whigs, as St. Leger's gossip indicated. If Fox was chosen as the Prince's first lord of the treasury, those who in Ireland shared some of his political ideas saw their star rising once more. The Ponsonbys, for example, were, according to Buckingham, very vocal on the matter of the regency. Earl Fitzwilliam, one of the richest and most influential of the British Whigs, was married to Lady Charlotte Ponsonby a niece of John Ponsonby who managed the family interest in the Irish House of Commons.[38] 'Ponsonby amuses himself with very indecent language on the whole subject;' Buckingham wrote to Grenville in December 1788, 'and is now very loud on the point of the limitations to the Regent's power, and says that the Prince certainly will not accept of it clogged with any restrictions or council; and that the ministry will not dare to propose any other Regent upon his refusal.'[39] The gossip in London was that Buckingham would be recalled as soon as the Prince became regent.

The Whigs in Britain believed that by virtue of his position as heir to the throne the Prince had an inherent right to exercise full regal powers while acting as regent. By making this claim, the Whigs were venturing on very uncertain constitutional and political ground. A long tradition existed of parliament placing restrictions on regents. The situation now presented itself whereby Fox, whose policy was to limit

[38] E. M. Johnston, 'Members of the Irish Parliament 1784-7', *Proceedings of the Royal Irish Academy,* 71, sect. c (1971), pp.139-246.

[39] Buckingham to Grenville, 2 December 1788 (HMC, *Fortescue Mss.,*) p.379.

the power of the Crown, pushed for the prerogatives of the monarchy. This weakened the Whig party in Britain by making the self-interest of the politicians apparent for all to view.[40] The determination of Pitt to play for time by involving the British House of Commons in debate on the regency issue proved decisive. In January 1789 parliament was persuaded to permit only limited monarchial powers to the Prince.

It was also known that the Irish parliament intended to offer the Prince an unrestricted regency it did not intend to impose the limitations which Pitt was planning. It was thus hoped that the Prince would look with special favour on Ireland in the future. As Lord Lucan wrote to Viscount Pery:

> I know the P[rince] sets his heart on being better treated in Ireland than he has been here, and my opinion is that the restrictions are not of consequence enough to us to make us adopt them, when it will disincline him to us in future, and when otherwise our chosing him unrestricted Regent will and ought to endear us to him for ever.[41]

Lord Charlemont summed up the Irish Whig position:

> The King of England is necessarily king of Ireland. This bond of our union, which after the liberty of my country is the second ardent wish of my heart, shall ever by me be respected, and, had the prince succeeded of right to the regency, he would have been regent here [Ireland] and as such must have been recognized. But an elected appointed, or even adjudicated regent stands upon a footing totally different.[42]

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[40] J. W. Derry, *The Regency Crisis and the Whigs* (Cambridge 1963), pp. 13-20.

[41] Lord Lucan to Viscount Pery, 31 January 1789 (HMC, *Emly Mss.*, 14th Report Appendix Part IX), p.195.

[42] Earl of Charlemont to John Forbes MP, 18 December 1788 (HMC, *Charlemont Mss.*, 13th Report Appendix Part VIII), pp. 84-5.

This was an extraordinary moment in Irish and British constitutional history. The Whigs in Ireland and Britain stood behind the Crown and did not desire any limitations imposed upon its powers and prerogatives. The British party of the Crown were anxious to limit the regency and wished to use parliament in order to achieve this. It also denied the right of the Irish parliament to grant an unrestricted regency to the Prince of Wales. It was a reversal of the usual policies of both parties. While the British party of the Crown elevated parliament into a position of defining the role of the regent, it denied the rights of the Irish parliament to have the regency it desired. It was an extremely complex constitutional tangle full of contradictions.

Charlemont was perhaps one of the most vocal of the Irish peers when criticizing the desire of the British parliament to bind Ireland by its decision on the regency. He suggested that the Irish state physicians should be permitted to visit the King and make a report on their findings. This method, he felt, would be in keeping with the dignity of the Irish parliament. It had the right to decide for itself on the King's condition and must not accept, at second hand, opinions put forward by British state physicians.[43]

The idea of a regency seemed to have popular support in Ireland by the end of January 1789, if Buckingham is to be believed. The Irish Whigs looked to the Prince to overturn the power of those who supported Pitt's government, such as Earlsfort

[43] *Ibid.*

and Cashel. The Duke of Leinster, by this time, had openly deserted the government, as had Lord Shannon. Shannon's wife was a member of the Ponsonby-Whig faction and Shannon himself had connections by marriage to the Duke of Devonshire. Shannon had changed sides very abruptly, having committed himself to Buckingham only a few days previous to the opening of parliament in January 1789 and given his vote in the Irish House of Lords to the Lord Lieutenant to use as he saw fit. He also pledged the votes of those in the House of Commons who held boroughs of which Shannon was patron. Buckingham was so angry at the defection of Shannon that he thought about having the whole story put into the government controlled press. However, he was realistic enough to understand that nothing would make Shannon go back to the support of the government still in power, except a change in the condition of the King. Buckingham summed up Shannon's actions in an unflattering phrase: 'In short he has proved himself a very rat.'[44]

Lord Loftus also abandoned his support for the government in response to the regency crisis. In consequence of these defections, Buckingham was convinced that Dublin Castle would be defeated in the House of Lords. In order to stabilize the situation, he was anxious to persuade peers to allow him to use their votes, or proxies, in support of the government. He asked Lords Fife, Mornington, Courtown and Clanricarde. Altamont and Montalt, he reported, already sent him their proxies.[45]

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[44] Buckingham to Grenville, 27 January 1789 (HMC, *Fortescue Mss.*, 13th Report Appendix Part III), p.404.

[45] *Ibid.*

Buckingham, in a letter to Grenville, explored the reason why the parliament of Ireland turned away from the government of Pitt which was still clinging to power. The Whigs were delighted that the opportunity now presented itself for Fox, the most famous and admired member of their party, to become first lord of the treasury. The reason why so many of those who normally made up the party of the Crown, turned from the government and towards the Prince of Wales, was because that was their natural political inclination. They were conservative men who always supported the Crown and its government and this was what they were now doing, on the old principle that 'the King is dead long live the King.' That the King was in this case not actually physically dead but mentally incapable of ruling, made no difference; they were simply looking to the Crown and giving it their support, as they always did. There were some such as John Fitzgibbon the Attorney-General, and Lord Earlsfort who did not abandon Buckingham and Pitt because they had a deep ingrained distrust of Fox, the Whigs and the Prince. They also saw that if Pitt could not remain as first lord their days in government were over. However, these men did not now represent a majority in the Irish parliament.

Buckingham quoted Lord Shannon who made the point that he followed the Crown: '...for as late as this day, he [Shannon] said (not to me) that he had no idea of the King's recovery, and that his doubts upon his conduct were founded on the persuasion that the sun was set.'[46] Buckingham continued: '...but I have no reason to

[46] *Ibid.*

to think that anything would induce him to return but the change in the Kew notes.'[47] Thus, while Shannon supported the Whigs at this point because he assumed the King would never recover, even Buckingham saw that if the King did return to health Shannon would give his allegiance to the King and not the Prince of Wales. That was the thinking of the vast majority of the members of parliament. Because their devotion to the British Crown was so strong, the Prince, as the natural successor to his father was the person to whom they wished to pledge their allegiance.

Inevitably the British Whigs were in contact with their Irish friends and in Buckingham's opinion were stirring up a lot of trouble in Ireland. He was determined to spare no expense in order to expose what he called their plots, and his comments demonstrate the use the government made of newspapers in their propaganda war: 'We shall in the course of a day or two, have several more newspapers in pay; and I shall not spare my private purse for the purpose of exposing both in Great Britain and in Ireland the abominable attempts of the English faction'.[48] In essence, the regency crisis can be seen as a battle caused by Pitt's desire to stay as first lord. To do this it was necessary that he should limit the powers of the Prince who looked to the Whigs, and Fox in particular, to provide him with a government, thus ousting Pitt and his friends from their posts. Buckingham was committed to Pitt and did all that he could in Ireland for him. In late January 1789 he wrote to his brother and bewailed the fact that the Irish parliament seemed

[47] *Ibid.*
[48] *Ibid.*

determined to side with the Prince of Wales. 'I think the ferment encreases [*sic*] and that we shall have much strangely collected support against this Aristocracy, but still we shall, unless by some strange chance, be beat by 30 at least. Indeed you all owe me much for this hell which in all points, is more intolerable than any I could have conceived;'[49]

On 5 February 1789 as parliament opened, the Whig opposition was keeping its intentions to itself. However, Buckingham's spies provided him with the information that it was planned to postpone the address to the Lord Lieutenant and to move one to the Prince of Wales, requesting him to assume the regency.[50] Bernard, Buckingham's personal secretary, when writing to Grenville, made it plain that the Lord Lieutenant could not command the same majority in Ireland that Pitt commanded in Britain. Power seemed to be moving inexorably in the direction of the Prince and his political friends, Fox, the Duke of Portland and the Whigs in general. The magnates of Ireland, according to Bernard, always followed: '...the English party in power, be it what it may, so as to secure to themselves the patronage of the country and a continuance in their offices.'[51] In the new circumstances the Crown was to be represented by the Prince and that was the person to whom the majority of the Irish parliament would give allegiance. Bernard was, perhaps, being

[49] Buckingham to Grenville, 30-31 January 1789 (HMC, *Fortescue Mss.*,),p.406.
[50] Same to same, 5 February 1789 (HMC, *Fortescue Mss.,)*, pp. 406-7.
[51] S. Bernard to Grenville, 6 February 1789 (HMC, *Fortescue Mss.*,), p.409.

overly cynical when he attributed motives to do exclusively with the patronage and offices to be kept. In fact, in this situation it was those with government offices that were most anxious that Pitt and Buckingham should remain in charge of Ireland. Later in the same letter, Bernard reported to Grenville that the government had been defeated in the Irish House of Commons by fifty-four votes on the question respecting the day for taking the physicians' report on the health of the King. He stated that the victory was due to the combination of the Shannon, Ponsonby, Loftus and Leinster interests which were being guided by what he called the Prince's party in England.[52] The Irish parliament was making its intentions clear. It was not taking direction from the Lord Lieutenant who, to the majority of members, no longer represented the British Crown.

The address to the Prince of Wales as regent of Ireland, from the Irish parliament was passed, in the teeth of Buckingham's anger and disapproval. The Attorney-General, John Fitzgibbon, was nervous that a precedent would be set of communication from parliament to the Crown, by-passing the chief governor, so he advised Buckingham to insist that the address should go to the regent through his hands. In fact, Buckingham did not take Fitzgibbon's advice and would not transmit the address to the Prince. The reasons why the Lord Lieutenant withdrew from the

[52] *Ibid.*

task were very controversial. He refused to obey the Irish parliament. This was a step which created its own constitutional problems. However, if Buckingham had carried the address to London he would be putting himself in a delicate situation in relation to the First Lord. He did not want to offend him by giving recognition to a document which challenged Pitt's hold on power. There were also complications involved with the address which could lead to further embarrassment. These complications were pointed out by the Earl of Carhampton:

> Your Lordships have been told that this Address, without a bill, cannot invest the Prince with the powers of Regency. Are your Commissioners to tell the Prince so, and that a bill is to follow? But suppose such a bill afterwards does not pass and that his Majesty immediately recovers, what is to be done?[53]

The Earl of Portarlington tempted fate by stating that he doubted if the King would recover.[54] The entire issue was a legal and constitutional minefield which the Irish peers could not and did not tackle. However, it would be unthinkable for anyone other than the heir to the throne to be regent. If a bill was necessary to make him regent of Ireland, it is a logical deduction that the same parliament which passed the address to the Prince offering him the regency of Ireland would also pass a bill investing him with the regency. An address took the matter out of the hands of Buckingham and Pitt's friends by signalling the intentions of the Irish parliament. If it waited for a bill to become an act, it would give too much time to the powers in

[53] *Freeman's Journal,* 19-21 February 1789.
[54] *Ibid.*

London to sabotage its plans.

The Duke of Leinster and Lord Charlemont were chosen as the commissioners from the House of Lords to carry the address to the Prince. But the gods were on the side of King George and Pitt and against the Irish commissioners. The King recovered and as Nicholas Robinson has put it: 'In the midst of the excitement at the King's recovery, the Irish delegation, with farcical mistiming arrived in London just soon enough to be too late.'[55] However, Buckingham's reactions demonstrate that the government in London and Dublin Castle had received a fright of massive proportions. Ireland had almost gone her own way in offering an unlimited regency to the Prince of Wales.

Buckingham believed that the regency crisis had lifted the opposition out of the doldrums it inhabited since 1784. As evidence of its new vigour an association was formed and rules drawn up and signed by the Duke of Leinster, Lords Shannon, Loftus, Drogheda, Granard and Charlemont, the latter mockingly called by Buckingham the Duke of Armagh. The purpose of the association was to declare that all members would oppose any government who turned out a man from his employment because he had voted in favour of the Prince of Wales.[56] The Lord Lieutenant was determined not to bow to this pressure. He had resolved to give to his successor: '...a majority founded on the dismissal, and, I trust on the subsequent

[55] Nicholas Robinson, 'Caricature and the Regency Crisis: an Irish perspective', *Eighteenth-Century Ireland*, I (1989), p.159.

[56] Buckingham to Grenville, 25 February 1789 (HMC, *Fortescue Mss.*,), pp. 420-1.

annihilation of the party'.[57] He was at great pains to prove that the swing from the government was prompted only by greed. In order to do this, he used Lord Shannon as an example of the supposed greed and self-interest of the peers who gave their allegiance to the Prince of Wales. Buckingham wrote that he knew for a fact that Shannon had been contemplating such a move for three years and that he felt he enjoyed insufficient patronage. He desired to have the nomination of one bishop, offices for his dependants and the entire patronage of the county and city of Cork.[58] The Lord Lieutenant was attempting to rationalize the desertion of the government by the majority of the peerage of Ireland in 1789. By giving this analysis of Shannon's motivation he was implying that all of the peers were similarly motivated. This, of course, is a common political ploy by which any opposition is portrayed in extremely unflattering terms.

With the news of the improvement in the King's health, the peers of Ireland swung back to support Buckingham and Pitt. Buckingham believed that once again he would have majorities in the House of Lords; however, events were not moving swiftly enough in that direction. Therefore, he tried to push the process along by doing all in his power to detach individual members from what he termed 'this wicked combination'.[59] He saw that the means to achieve this end must be some form of punishment, as he wrote: '...without that punishment the King's government never will be re-established'.[60] His plan was to have an adjournment of parliament for three

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[57] *Ibid.*

[58] Buckingham to Grenville, 2 March 1789 (HMC, *Fortescue Mss.*,), p.424.

[59] Same to same, 9 March 1789 (HMC, *Fortescue Mss.*,), p.427.

[60] *Ibid.*

weeks and during that time to proceed to dismiss from lucrative and influential posts all those who were most important in the Whig opposition.

> I should then proceed to dismiss Ponsonby, Lord Loftus and those whose commissions can be recalled by my warrant; and to notify to Lord Shannon, the Duke of Leinster, Lord Drogheda, the Commissioners of Revenue, the pensioners, and others, my intention of recommending to his Majesty successors to their employments, and the determination of their pensions.[61]

At the same time the Lord Lieutenant offered generous terms to those who would leave the opposition. This approach split the party; even the richest and most powerful lords such as Shannon and Loftus went back into the government fold. The unwavering members of the opposition such as Lord Charlemont were very worried at this change in the fortunes of the party. He called a meeting and proposed a resolution which declared: '...the final determination of the meeting forever to maintain the full and exclusive right of Ireland to appoint her own regent, and to exercise that right whenever occasion should occur, by appointing the Prince of Wales sole regent for Ireland, without limitation or restriction.'[62] Charlemont hoped that the Whig party, with this clear course of action as one of its ideological guidelines would not disintegrate and in the Earl's words: '...follow the fate of all Irish parties.'[63]

Buckingham refused to negotiate with the Whig party, but he would deal with individuals. He realized that the government of the country needed the support of as many of its members as he could return to the government fold. As he

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[61] *Ibid.*

[62] Lord Charlemont to Edmund Burke, 24 March 1789 (HMC, *Charlemont Mss.*,), p.89.

[63] *Ibid.*

explained to his brother, Grenville:

> This line is made indispensable by the extent of the influence of the combination, which sooner or later must be (in part at least) taken into the King's service on proper terms of subjection and restraint.[64]

Soon he had other worries. He was informed that the English Whig opposition, through the mediation of the Prince of Wales, offered the closest connection to the Irish Whigs, provided that they would immediately cease negotiating with the Irish government concerning the positions in the country's administration which they could lose unless they came to satisfactory terms with the Lord Lieutenant. Buckingham was horrified and told Grenville that he saw nothing but disaster ahead: '...and I do not hesitate to say that such a combination, supported and guided by the Prince of Wales, and Mr. Sheridan and the whole English party, would convulse the whole kingdom.'[65]

Even after the recovery of the King, the Whig opposition in Ireland retained a certain measure of power, because it was thought that he might again slip into his illness. But as time passed and he remained healthy, the peers came back into the fold. Lord Loftus gave promises for his future good conduct; Lord Clifden happily returned; Lord Shannon was, according to the Lord Lieutenant: '...eager and loud in his self-condemnation'. However, the Duke of Leinster by the end of March 1789 had still not quite decided what he would do.[66]

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[64] Buckingham to Grenville, 21 March 1789 (HMC, *Fortescue Mss.*,), p.434.
[65] *Ibid.*
[66] Same to same, 22 March 1789 (HMC, *FortescueMss.*,), p.435.

At this time the House of Lords was still full of bitterness and controversy relating to the regency. Lord Mountmorres refuted the charge made by the Duke of Leinster that the Lord Lieutenant had treated certain members of the House with hauteur when he met them at Dublin Castle. Mountmorres went on to justify Buckingham's conduct in refusing to transmit the address of parliament to the Prince, whom he described as 'a fellow subject'.[67] The Earl of Portarlington moved an address of thanks to the Prince of Wales for his answer to the address from both houses of the Irish parliament.[68] However, the address of thanks contained a statement that the proceedings of the Lords during the regency crisis were constitutional. When this statement was put to a vote thirty-eight voted in support while twenty-seven were opposed. This was a very clear demonstration that the majority of peers believed that their actions were legitimate. They had the courage to take this step even though the King was again unquestioned head of state.

A debate on the Pensions Bill demonstrated the recovery of power enjoyed by the government. The bill proposed forbidding pension holders from being members of the House of Commons, with the aim of limiting the power of the government, such pensions being a form of payment to loyal supporters of the Crown. If they were excluded from the Commons it would be a blow against the prerogatives of the King. Leinster moved that the bill should be committed, but Lord Mountmorres believed that at a time when the King's recovery was being celebrated, it was ungenerous to be

[67] *Freeman's Journal*, 21-24 March 1789.
[68] *Ibid.*

full of what he termed: '...murmurs and grievances'.[69] The introduction of the Pensions Bill made Leinster optimistic about the position of the Whigs: 'Government had now laid down their arms and offered peace and declared its incapacity to govern without the assistance of the Opposition, and in that respect it was a proper time'.[70] But the Duke was being unrealistic. The Bill was passed in the Commons but was defeated in the Lords. By the end of April, the Lord Lieutenant believed that the opposition was now totally defeated and he intended to propose the removal of the Duke, Lord Shannon and Mr. Ponsonby from all government places.

There was, understandably, much bitterness between those in the opposition who had gone back to the government and those who remained true to the Whigs. According to Buckingham, Lord Loftus who, since his return, was, '...most decided and earnest in his devotion', had quarrelled with Ponsonby. 'They have' wrote the Lord Lieutenant, 'mutually exchanged every term of abuse and are decidedly enemies.'[71] Rancour and disappointment also engulfed the English Whigs when the King recovered. Edmund Burke, writing to Charlemont, commented on this feeling of hopelessness and stated that nothing was being done and nothing had been planned. However, he wondered if this might not be for the best and concluded: 'Perhaps in the present strange posture of affairs it is right to allow opposition lie fallow for a while.'[72]

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[69] *Ibid.*, 28-31 March 1789.
[70] *Ibid.*
[71] Buckingham to Grenville, 22 April 1789 (HMC, *Fortescue Mss.*,), p.458.
[72] Edmund Burke to Lord Charlemont, 27 May 1789 (HMC, *Charlemont Mss.*,), p.99.

But opposition did not stay fallow. As David Schweitzer has written in his study of the Whigs: 'The Regency Crisis had strengthened the opposition and the Irish Whigs became even more cohesive with the formation of the Irish Whig Club, no doubt modelled after the Whig Club founded in London in 1784.'[73] While the members of the Commons may have retained cohesion the peers did not share that experience. The club's declaration and a party programme drafted by Grattan were published in August 1789.[74] Like the English Whigs, members were pledged to support the constitution as established by the Glorious Revolution of 1688, but they were also pledged to preserve the constitutional changes of 1782, Ireland's connection with Great Britain and to fight parliamentary corruption. Originally the club was limited to one hundred members, but the membership list indicated that by 1791 over nine hundred men had joined. However efficient, party structures and programmes had little influence on what happened within the houses of parliament. Just as the opposition could no longer muster majorities in the House of Lords, it could only control between eighty and one hundred votes in the House of Commons. Therefore it enjoyed little success, if success be counted in terms of having legislation passed with which it was in sympathy.[75] That the peers should embody a determined support for the Crown was seen by many political observers as their natural function. Archbishop Paley writing in the 1830s remarked: '...that one of the proper uses of

[73] Schweitzer, 'The Whig Political Connection', p.124.
[74] James Kelly, *Henry Grattan* (Dublin, 1993), p.25.
[75] Schweitzer, 'The Whig Political Connection', p.124.

the Lords was to fortify the power and secure the stability of regal government by an order of men naturally allied to its interests'.[76] Thomas Gisborne observed in 1794 that the nobility were inclined: '...to give every degree of preponderance to the monarchial branch of the constitution'.[77] Edmund Burke lamented that, 'the generality of peers, far from supporting themselves in a state of independent greatness, are but too apt to fall into oblivion of their proper dignity and run headlong into an abject servitude to the court.'[78] Whether the actions of the peers were approved of, as they were by Paley or disapproved of, as they were by Burke, a consideration of the years 1786-9 indicate, powerfully, the dedication of the nobility to the monarchy. Unquestioning loyalty to the Crown was a potent force in political motivation. When that was allied to the concept of an Irish parliament independent of dictation from Britain's parliament, the mix became so attractive that the majority of peers fell in behind the Whigs who led the movement in 1788-9 to support royal orthodoxy and a parliament which gave its blessing to such an interpretation of the British constitution.

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[76] Quoted in David Large, "The Decline of the 'Party of the Crown' and the Rise of Parties in the House of Lords, 1783-1837", in Clyve Jones and David Lewis Jones (eds.), *Peers, Politics and Power: The House of Lords 1603-1911* (London, 1986), p.241.

[77] *Ibid.*

[78] *Ibid.*, p.233.

Chapter 9

The House of Lords in the 1790s.

An analysis of the House of Lords during the last decade of the eighteenth century reinforces many of the themes which this study has so far traced for the 1780s. The actions of the House during the regency crisis and after the recovery of the King indicate its commitment to the British Crown and constitution. This commitment is clearly reflected in the voting patterns of the peers during the contentious questions which arose in the 1790s in relation to catholic relief and the various methods of handling the violence which engulfed the kingdom in those years. The fact that the House voted as Pitt dictated and at times rejected the deeply held fears of its members is also a demonstration of the contradictions which existed at the heart of the constitutional changes of 1782. Such contradictions were a natural result of an evolving political model. An independent parliament in Dublin did not mean a parliament whose members turned their backs on their primary loyalty to the British monarch and as a consequence, his chosen ministry. This produced a constant internal contradiction which was never worked out. If the King's ministers proposed a particular path to parliament, especially in matters of great national importance, was it disloyalty to the Crown to reject the proposal? When the independence of the Dublin parliament was weighed against the primary political creed of devotion to the Crown, the Crown must win. This was true of catholic relief, and of the whole

question of the union of the two kingdoms. The political pattern of the 1790s, whereby the Irish parliament agreed to matters proposed by London for its legislative programme, prepared members for their final vote in 1800 in favour of the union.

Such loyalty was not asked for trivial motives. Britain was at war with revolutionary France. The voting pattern of the Dublin parliament was seen as a means of ensuring the victory of both kingdoms in the face of such a major threat. This threat was both internal and external. Groups which had been in favour of the reform of parliament, especially in Belfast and Dublin, began to draw encouragement from events in France. In July 1790 the Volunteers marched to celebrate the fall of the Bastille. By October of that year, the Lord Lieutenant, Westmorland, was alarmed by indications from his spy network that there were dangerous plots being discussed and planned. A document came into his possession entitled 'The Belfast Constitutional Compact' which contained a series of resolutions calling on protestant dissenters and catholics to join together against those who took tithes, and pledging the dissenters' support for the catholics' 'just claim to the enjoyment of the rights and privileges of freeborn citizens.' Westmorland expressed his belief that catholics would co-operate with any party which would help them gain concessions. The British government was alarmed by this assessment and in response to the threat of an alliance between catholics and protestant dissenters considered granting further relief to catholics.[1] Predictably, this met with sustained resistance from the

[1] Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question 1690-1830* (Dublin, 1992), p.125.

exponents of what James Kelly has called 'conservative Protestant thought.' They held that catholicism posed a threat to the lives as well as the liberties of protestants, but more centrally considered that relief to catholics must be opposed 'because the granting of civil and political rights to Catholics posed a direct threat to the constitution many Irish Protestants were committed to uphold."[2]

It was not just the party of the Crown in the Irish House of Lords who upheld this particular viewpoint. Lord Charlemont, the most dedicated Whig, was extremely nervous of seeking catholic support for the reform of parliament. He believed that the catholic question would be an 'invincible impediment' to reform and would provide 'a subterfuge under which many who dare not be open foes to reform would conceal their real guilty motives.' However, later in the same letter to his friend Dr. Haliday, he admitted that his objections to catholic inclusion in political activity was not a tactical one. He saw catholics taking power in Ireland and this was the development which he dreaded. Haliday had been greatly influenced by Wolfe Tone's pamphlet 'An Argument on behalf of the Catholics of Ireland.' Charlemont took Tone's point to its logical conclusion and it disturbed him greatly: 'Complete your plan, and Ireland must become a Catholic country, but whether our masters will be as tolerant as we are must be a matter of doubt..."[3] In this letter Charlemont embodies the fears of the Irish protestant conservatives[4] about the ambitions of catholics in the face of the introduction by Henry Dundas, the Home Secretary in

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[2] James Kelly, 'Conservative Protestant political thought in late eighteenth-century Ireland', in S. J. Connolly (ed.), *Political Ideas in Eighteenth-Century Ireland* (Dublin, 2000), p.187.

[3] Lord Charlemont to Dr. A. Haliday, 15 December 1791 (HMC, *Charlemont Mss.*, 13th Report Appendix Part VIII), p.181.

[4] Kelly 'Conservative Protestant political thought', p.187.

Pitt's Cabinet since early in 1791, of the concept that protestants, must 'forego their exclusive pre-eminence.'[5]

Dundas, writing to Lord Westmorland the Lord Lieutenant, in 1791, recommended the relaxation of laws which worked against catholics taking their place in professions, disallowed intermarriage, limited their education and denied them the right to vote at parliamentary elections.[6] Early in January 1792 Westmorland replied to Dundas, in a private letter. He discussed the great difficulty in getting what he termed 'the Cabinet' in Ireland to agree to concessions to catholics.[7] In particular, John Beresford, Sir John Parnell, and the Archbishop of Cashel, all members of the informal Irish Cabinet, were not sympathetic to such reformist ideas.[8] In fact, the whole problem of being caught between the expectations from London and the pressure exerted by the conservative protestant interest was almost too much for Westmorland who requested that he be relieved of his office.[9] The opinion of the Irish Cabinet on the proposed concessions was that they would not remove violence from Irish society and the only way of keeping the peace was to have an exclusively protestant legislature. The proposal which most disturbed the members of the Irish Cabinet was the clause granting the right of suffrage to Irish catholics. Westmorland, when writing to Dundas in London, was convinced that it would cause trouble both

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[5] *Ibid.*, p.207.

[6] Henry Dundas to the Earl of Westmorland, 26 December 1791 (NAD *Westmorland Mss.*, No.27).

[7] A definition of the Irish Cabinet will be dealt with in detail in Chapter 10.

[8] Westmorland to Dundas, 14 January 1792 (NAD *Westmorland Mss.*, No.1/42).

[9] Same to same, 9 January 1792 (NAD *Westmorland Mss.*, No.1/41).

inside and outside parliament. 'It was conceived' he wrote 'to be a proposal which if made to parliament by Administration wd [*sic*] occasion such a Ferment both in the House & out of the House as would totally prevent any of the concessions wish'd for & that seem'd to be proper, whilst at the same time it would encourage the Catholics' unfounded Expectations.'[10] Westmorland reported that the most powerful people in Ireland would see the extension of the franchise as an abandonment of the protestants' power. The London government dropped the idea of giving the franchise to catholics in 1792 in response to the pressure, but a modified bill was introduced in the House of Commons which allowed greater access of catholics to education, the professions and also intermarriage between catholics and anglicans.

The conservative protestants believed that catholicism was not just a religion. To again quote James Kelly, they saw it as 'a dangerous and seditious belief system that would, if allowed to operate free of restriction, endeavour to ensure the eradication of Protestant liberties, the Protestant religion and Protestant lives.'[11] Yet in spite of their apprehensions the legislation requested by London was passed in the Irish parliament because of the loyalty of that body to the Crown and its ministers. The revolution in France had created a potentially dangerous situation in that French ideas could infect discontented catholics. Given this situation the parliament of Ireland swallowed the unpalatable medicine. Legislation for catholic relief could

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[10] *Ibid.*

[11] Kelly, 'Conservative Protestant political thought in late eighteenth-century Ireland', p.190.

have been rejected then and later in the decade. What could London have done in the face of Dublin's intransigence? It could not make an enemy of so tactically important a kingdom. Just as Ireland was linked to Britain by ingrained loyalty, Britain was also bound to Ireland's ruling magnates. It was this very loyalty which defused any real confrontation between the two countries. Vehement protests were made, but in the final analysis neither the House of Lords nor the House of Commons rejected these changes which they clearly distrusted passionately.

A brief look at the debates on the 1792 and 1793 Relief Bills in the House of Lords illuminate the views the peers had on these proposed changes. The Archbishop of Cashel, Charles Agar, did not want the body of the penal laws criticized, because he considered that they were essential for the survival of protestants. In 1792, the Duke of Leinster considered that the main clause of the bill really dealt with the entry of catholics to the legal profession and had nothing to do with any threat to protestants. There were differing views even in the House of Lords but Leinster was in a minority with his interpretation.[12] Thomas Bartlett has described the significance of the 1792 Relief Act as lying

> in the debate it provoked (but did not resolve) on the nature of the Anglo-Irish connection, in the jealousies and suspicions it aroused concerning the British government's 'Catholic game', and in the fact that it was clearly incomplete. The Catholic Committee was by no means satisfied, and Protestant Ascendancy - that line drawn around the constitution - was

[12] *Freeman's Journal*, 1-3 March 1792.

breached within a year.[13]

In 1793 in the face of the strong disapproval of the Irish cabinet and the majority of the peers, the bill giving catholics the parliamentary franchise was introduced. The Lord Chancellor, Fitzgibbon, stated in the House of Lords that he wanted the bill passed but he also expressed his deeply held belief that catholics could not be trusted. It was almost part of their nature to attempt to subvert the established church and government of Ireland.[14] Cashel also supported the bill, but his speech dealt in great detail with the arrogance of the popes and the doctrine of papal infallibility which to him proved his point completely. Very logically, he then went on to discuss how dangerous it was to admit people holding belief in the infallibility of their leader, to a full share in the constitution of a protestant state.[15] The Bishop of Killaloe, however, argued that granting the vote to catholics did not really mean that they would soon have a share in government. Catholics would vote under the influence of their landlords, most of whom were protestants.[16] This reasoning provided a certain element of reassurance but Cashel summed-up in his speech the reason why the peers voted for the bill they so disliked. He believed that the bill was 'originally recommended by his Majesty, framed by his Ministers in this country, approved by the other House of Parliament [Commons] and generally accorded to as the sense of the people without doors.'[17]

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[13] Bartlett, *The Fall and Rise of the Irish Nation*, p.145.
[14] *Freeman's Journal*, 12-14 March 1793.
[15] *Ibid.*
[16] *Ibid.*
[17] *Ibid.*

In a letter to Lord Loughborough, the British Lord Chancellor, the Provost of Trinity College, Dublin, John Hely-Hutchinson MP, made it very clear that the relief for catholics came primarily from the London ministry. He claimed that Pitt had succeeded in his objectives and that catholics were grateful for the relief granted to them and had no intention of adopting what he called 'French principles'.[18] He felt that the action of both houses of parliament in granting the franchise to catholics had calmed the political situation. 'The spirit of volunteering seems to be laid' he wrote 'and the Catholics are not only peaceably disposed, but seem to be well satisfied and grateful'.[19] However, his letter also makes it clear that while he was in favour of the changes not all members of Ireland's political élite were of the same opinion. He again made the point that relief for catholics needed the support of London. 'Your letter has given me great comfort, as it opens the prospect of removing those dissensions and of promoting general contentment and confidence between the governors and governed, objects which will never be attained but by the interposition of the British Ministry.'[20]

Many members of the House of Lords were angry because of the concessions won from them so reluctantly and they took various steps to reassert themselves. The Lord Chancellor, for example, called upon the peers not to vote for a bill which granted relief to catholics who had not taken the oath of allegiance prescribed for them in 1773 and 1774. He is a perfect example of the man caught between his ingrained distrust of catholics and his devotion to Pitt and the British constitution.

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[18] John Hely-Hutchinson to Lord Loughborough, 18 March 1793 (HMC, *Donoughmore Mss.*, 12th Report, Appendix Part IX), pp. 325-6.

[19] *Ibid.*

[20] *Ibid.*

The principle of this proposed bill was, in the Chancellor's words, 'to exempt for a still longer time from the necessity of testifying their allegiance to the King and his government that very body of people [the Catholics] at whose instance that act and those very oaths were framed.'[21] The Chancellor felt that the catholics were being pandered to by London and it made him very angry. The Archbishop of Cashel agreed with the Chancellor, but the Duke of Leinster raised the voice of the Whig opposition to take issue with them. He believed that people who did not take the oath were acting out of ignorance or the inability to pay the three shillings due to the clerk of the peace for its administration. But the Chancellor was quick to point out that the clerk of the peace was no longer allowed to demand payment.[22] It was a petty attempt on the part of the Chancellor and Archbishop to vent their anger and disappointment in a manner which was not overly disrespectful of London.

Another futile attempt to roll back some of the concessions made to catholics was taken up in the House of Lords in relation to the militia force which was being set up. Lord Farnham, who in the 1780s had belonged to the Whig opposition, proposed a motion which required that catholic officers joining the militia should be obliged to take the oath of supremacy. The Lord Chancellor was in favour of the motion but two peers who were experienced lawyers, Carleton and Clonmell, disagreed. Clonmell reminded the House that as the legislature had already passed a bill freeing catholics from disabilities in relation to professions, they could not now undo the

[21] *Freeman's Journal*, 14-16 March 1793.
[22] *Ibid.*

effects of such legislation.[23] Cashel was in favour of the motion. He considered it frightening that catholics who denied one of the vital principles of the constitution, which was that the monarch was head of the church, could possibly be in command of a county.[24] However, the amendment was lost ten votes to twenty-three.

The anger which many peers felt in relation to the choice they were forced to make between Crown and protestant constitution had some benefits for the Whig opposition's programme of reform. In the words of Denis Kennedy: 'hitherto, they had constituted a highly conservative force but in 1793 they clamored loudly for reforms.'[25] The majority of peers, supporters of the party of the Crown in 1793, gave their endorsement to a government-sponsored Pension Bill, which copied the Whig measure by putting a ceiling of £80,000 on the pension list. In other words it put a limit on the number of pensions the government could grant and it also limited the amount of money payable as a pension, thus limiting government patronage. However, grants to the royal family or sums paid out as a consequence of parliamentary addresses were not to be subject to this limitation. The Whigs' reform bill of 1793 had proposed the removal of the thirty-nine revenue officers and government placemen who were not in the higher offices of state. However, the government's reform acts eliminated only eleven revenue officials, and none of the other one hundred and ten placemen. In Kennedy's opinion the government's

[23] *Ibid.*, 23-26 March 1793.
[24] *Ibid.*
[25] Denis Kennedy, 'The Irish Whigs, Administrative Reform and Responsible Government, 1782-1800', *Eire Ireland*, 8 (1973), p.64.

measures, while only of marginal significance, were fairly effective over a period of time, 'since they set on foot a gradual reduction of the influence of the crown which sank to 62 places, and at least 15 pensioners (for life), by 1800.'[26]

An Irish Treasury Board was created under another reforming act. It was composed of the chancellor of the exchequer, the secretary of state, the chief secretary and other officers who were appointed to act as commissioners for the superintendance of incoming money and outgoings in the Treasury and Exchequer. Up to this time a king's letter dictated expenditure in Ireland and only required the signature of the lord lieutenant and the chief secretary. In effect, the Irish House of Commons, in particular, had a very reduced role in relation to money, as the king's letter coming from London wielded the real power in financial matters. From 1793 onwards, the countersignatures of the majority of the members of the Irish Treasury Board were necessary to authorize the expenditure of public money. Again to quote Denis Kennedy: 'The effect of the act was to remedy the Irish cabinet's crown-colony status in fiscal matters by creating Irish Lords of the Treasury accountable to the Irish parliament.'[27] The creation of the Irish Treasury Board is a clear statement that up to 1793 the role of the Irish Commons in originating money bills was an extremely limited prerogative. Its control of finance was more apparent then real. Thus it enjoyed no significant power to make it a more influential House than the Lords.

Another very important reform, long sought by the Whigs, was the abolition of the hereditary revenue, which was money granted in perpetuity to the Crown. It was now replaced by a civil list, which was money given by the Irish parliament for the

[26] *Ibid.*, p.64.
[27] *Ibid.*, p.65

upkeep of the royal household and its members. It came before parliament each year and could be accepted, rejected or modified. After 1793, the Irish parliament was equipped to exercise effective control over the financial side of government.[28] However far-reaching these reforms, they did not alter the fact that the lord lieutenant and the chief secretary were appointed by the British ministry and accountable to it and not to the Irish parliament. The King still followed the advice of the British ministry in relation to Irish affairs and exercised his royal prerogative according to its advice.

Catholic relief and fiscal reform did not convert the country to a peaceful outlook. Jim Smyth has set the scene for the last seven years of the 1790s as follows:

> To many observers in the winter of 1792-3 Ireland appeared to be on the brink of rebellion. Little distinction was made, in the ascendancy mind, between the politics of catholic relief or parliamentary reform on the one hand, and Defenderism, disloyalty or outright subversion on the other. However exaggerated that view may have been in 1793 - and it is far from clear that the hard men of the ascendancy, like Fitzgibbon, had got it entirely wrong - by 1795 the iron rod of coercion had hammered the equation into reality. Moreover, with hindsight it is hard to disagree with ubiquitous contemporary perception that after the recall of Fitzwilliam the last hope of a peaceful, 'political' resolution of the Irish crisis had passed. Revolution or complete submission, as the radicals (and many catholic activists) now saw it, were the only alternatives; repression as the ascendancy saw it, the only way.[29]

In order to contain the violence of society, many magistrates resorted to illegal actions. To give protection to these men an Indemnity Bill was introduced in parliament early in 1796. Many people saw the irony of an act of parliament which allowed certain people to break the law with impunity. Henry Grattan, when writing

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[28] *Ibid.*, p.65.

[29] Jim Smyth, *The Men of No Property: Irish radicals and popular politics in the late eighteenth century* (London 1992), p.157.

to Lord Fitzwilliam described the consequences of the Indemnity Act in the following manner: '...you see the situation of our country, a constitution repealed by Parliament because a rebellion has been produced by Government'.[30] There was a lot of truth in Grattan's analysis of the situation. The repeal of the constitutuion had begun in the early 1790s with the catholic relief acts. In essence the protestant constitution of Britain had been breached. The constitution was again under attack in order to protect the magistrates from their own excesses. The constitution was not safe in the hands of Dublin Castle. It would have been much more secure with Lord Chancellor Fitzgibbon and the Archbishop of Cashel. They would not have allowed any catholic relief if the matter rested with them. But London and Dublin Castle thought that compromise would win and the country would remain peaceful. They were proved wrong and were now forced to again hack away at the constitution. Their priority was survival but the methods they adopted proved insufficient.

In the House of Lords the Indemnity Bill was debated during January 1796. Lord Dillon was lavish in his praise of the magistrates. They had, he said, 'spiritedly stepped forward upon dangerous occasions to save certain parts of this country from anarchy and outrage'.[31] Lord Glentworth also supported the Bill and argued that the proposed legislation would help to save the constitution. The magistrates, he believed, acted in defense of the constitution and the Indemnity Bill supported their decisions taken in order to defeat 'the lawless actions of evil men'.[32] In his opinion,

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[30] Henry Grattan to Earl Fitzwilliam, 19 April 1796 (Sheffield City Libraries *Wentworth Woodhouse Muniments*, F30(c) 30-68-1).
[31] *Freeman's Journal*, 13 February 1796.
[32] *Ibid.*

'It was ridiculous cant to say that these persons acted unconstitutionally, whatever steps they had taken were to preserve the constitution and their exertions were attended with good effect.'[33] The Marquis of Waterford, Lord Portarlington, the Earl of Farnham and the Earl of Altamont all supported the Indemnity Bill, which was passed into law on 13 February 1796. These men represented a mixture of views. Farnham and Portarlington had on various occasions spoken for and voted with the Whig opposition, whereas Waterford and Altamont were firm supporters of the party of the Crown. There was no serious oppositon to the measure and Grattan's analysis of the virtually untroubled passage of the bill through the Commons can also be applied to the Lords: '...we [the Whigs in the Commons] proposed to examine into the proceedings of the magistrates before we assented to their indemnity for an admitted departure from the law [but] this house [the Commons] was in astonishment & passed the bill without inquiry & with acclamation.'[34] The Whig opposition had also proposed to look into the state of the peasantry, in order, as Grattan put it, 'to prevent the alliance of poverty with rebellion.' Nothing came of it and he added that 'all the presumptions of the Commons were against the starving peasants and in favour of the illegal acts of the magistrates.'[35]

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[33] *Ibid.*

[34] Grattan to Fitzwilliam, 19 April 1796 (Sheffield City Libraries, *Wentworth Woodhouse Muniments*, F30(c) 30-68-1.).

[35] *Ibid*

This piece of legislation was not the only act of doubtful constitutional character which was passed during these troubled years. Because the agents of the United Irishmen continued to tour the country swearing in new members and telling them that the French would soon land in Ireland, by the end of 1796 scores of thousands were enrolled in the conspiracy.[36] Therefore, the protestants of Ireland and Dublin Castle were anxious that the most severe measures possible were taken to protect their interests. In March 1796 the House of Lords went into committee on the Insurrection Bill. Portarlington was worried by the clause which gave magistrates the power to seize people guilty of acts of violence. However, he trusted that the power would be executed by the magistrates with impartiality: 'He said he was willing to concur to [*sic*] any measure for the prevention of such terrible crimes as had been known in this country, such as the Defenders reign of terror in murdering anyone who might provide evidence against them'. However, he added that he looked with 'a cautious eye upon any measure that in the least lessened the force of the constitution'. Farnham supported the bill but he also recognized that it was not constitutional. As he stated in the House: 'The necessity of the times it was that justified the measure, and therefore, it had his approbation.'[37] Dillon felt that it was idle to talk of its being unconstitutional, because it had been brought forward by government to preserve the constitution:

It was also said, in speaking upon this subject, that the bill militated

[36] Bartlett, *The Fall and Rise of the Irish Nation*, p.214.
[37] *Freeman's Journal*, 5 March 1796.

against the liberties of the people. How absurd were such objections at this time, when it was evident that instead of it having any such an effect it went to prevent the people from being murdered by the bands of Traitors and Assassins to prevent rapine, and to secure them in the possession of their properties.[38]

The Insurrection Bill presented to parliament the same problem that the Indemnity Bill had presented. The Bill proposed extremely severe penalties in order to discourage crime and restore calm to the country. Under its terms the death penalty was prescribed for administering an illegal oath and transportation for taking one. Extensive powers were given to local magistrates to search for arms, impose curfews in disaffected areas, and to send suspects to serve in the navy.[39]

There was no change in the attitude of those in power to the extreme and unconstitutional methods adopted at this time. In March 1797 a motion of thanks was proposed for the Lord Lieutenant, Earl Camden. The peers wished to assure Camden that they entertained 'the utmost Abhorrence and Detestation of the dangerous and daring Outrages committed in many Parts of the Province of Ulster, evidently perpetrated with a View to supersede the Law.'[40] The motion expressed great satisfaction that by 'the temperate conduct of General Lake and his troops, and the zealous co-operation of the yeomanry, a very considerable number of arms had been taken.'[41] As Bartlett has argued, under General Lake, all restraint was abandoned, with flogging, torture and house-burning being employed on a wide scale in order to find arms.[42] Only one peer disagreed with this motion, the ageing and

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[38] *Ibid.*
[39] Bartlett, *The Fall and Rise of the Irish Nation*, p.214.
[40] *Freeman's Journal*, 20 March 1796.
[41] *Ibid.*
[42] Bartlett, *The Fall and Rise of the Irish Nation*, p.231.

almost blind Lord Charlemont, who felt that the Lord Lieutenant and Lake were defying the constitution. James Kelly has pointed out that at this time Charlemont was at last prepared to accept that catholics should sit in parliament in order to avoid what he called 'civil war'.[43] In a letter to Camden in May 1797 he wrote:

> Concede to [the people] of Ireland emancipation and reform, which is the extent of their rights and demands; restore to them the fundamental principles of the British constitution, in their original integrity, as the palladium of safety and peace throughout the united kingdom... [44]

One other peer disagreed with the conduct of affairs in Ireland at this time. Lord Bellamont did not speak against the motion praising Camden, but while he admitted that the situation of the country required strong measures, he did not believe that those in place were the best adapted to meet what he termed 'the enormities which they were intended to correct'.[45]

The 1790s were an extraordinary time in Irish parliamentary history. The protestant constitution was breached first by Pitt and his ministry when the parliamentary franchise was granted to catholics in 1793. The hope he entertained of winning catholics to a peaceful acceptance of the political situation was to be dashed. As a result of his example, it became easier and easier for government to present legislation which did not accord with the conventions of the constitution. These looked to the due process of law to deal with crime. Once presented by the government, such unconstitutional legislation was accepted by both houses of parliament. It became habitual to see extreme solutions to the problems presented

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[43] James Kelly 'A "genuine" Whig and Patriot: Lord Charlemont's political career' in M. McCarthy (ed.), *Lord Charlemont and his circle* (Dublin, 2001), p.35.
[44] Charlemont to Camden 8 May 1797 (HMC, *Charlemont Mss.*,), pp.297-8.
[45] *Freeman's Journal*, 21 March 1797.

by the violence and radicalism of the period, as the only means to save the kingdom. The constitution proved to be inadequate for its own protection. In the hands of British ministers and the Irish House of Lords, it did not inhibit legislation which was deemed to be unconstitutional by the small opposition, because it protected men who acted with violence outside the law and the judicial system.[46] In fact, the bills breaching the constitution were welcomed with enthusiasm by the majority of peers. The nobility saw the new laws as offering them physical protection in difficult years. This weakened the hold of the constitution on the minds of those in the Lords and Commons and they had little enough difficulty in accepting Pitt's ultimate solution, which was the union of the two kingdoms.

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[46] A. V. Dicey, *Lectures Introductory to the Study of the Law of the Constitution* (London, 1885), pp. 24-25.

Chapter 10

The Irish Peerage and Lords Lieutenant.

Immediately after the Glorious Revolution, the task of managing the Irish parliament was given over to Irish politicians. These men were known as 'undertakers' because they 'undertook' to provide the government with a majority in the Commons in return for a voice in policy-making and a large share of official patronage for themselves and their friends.[1] The Townshend viceroyalty, which lasted from 1767 to 1772, marked the end of the 'undertaker system'. Bartlett has argued that Townshend was not sent to Ireland with instructions to reside there and break the power of the undertakers. His long stay in Ireland was necessary because of the opposition he met with over the augmentation of the number of soldiers paid for by Ireland. The leading undertakers of the time agreed to see the measure through parliament if their demands for favours were met. Townshend's policies were his own, shaped as Bartlett has written 'by his character, connections, political principles and his experiences in Ireland.' It was Townshend who decided to live in Ireland, to lessen the power of the undertakers and to create a Castle party.[2]

Thus, by 1772 the great undertakers such as Ponsonby and Shannon were no

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[1] David Hayton, 'The Beginnings of the "Undertaker System" ' in D. W. Hayton and T. Bartlett (eds.), *Penal era and golden age: essays in Irish history,* 1690-1800 (Belfast, 1979), p.32.

[2] Thomas Bartlett 'The Townshend Viceroyalty, 1762-72' in *ibid.,* p.109.

longer able to lay down terms or to negotiate on an equal footing with the lord lieutenant 'for the purpose of undertaking the King's business through parliament.' In Bartlett's words 'The oligarchy had been broken.' From 1772 the lord lieutenant headed, and his chief secretary controlled, a 'Castle' party in parliament.[3]

After the constitutional reforms of 1782 the relationship of lords lieutenant with the peers of Ireland was a very changed one. A resolution was passed in the House of Lords on 17 April 1782 which was to be sent to the King. In this declaration it was made very clear that the kingdom of Ireland looked to the monarch and its own houses of parliament to frame its laws.

> That there is no Power whatsoever competent to make Laws to bind this Nation, except the King, Lords and Commons of *Ireland*,[4]

There were no longer heads of bills being sent to the Irish privy council to be vetted and then sent to the British privy council for further possible changes. When the bill was returned from Britain before the altered constitutional position of 1782, it could be accepted or rejected, but not altered. The new constitutional parity meant that bills originated in one house of parliament or the other and did not go to either privy council to be assessed. The House of Lords could reject or modify any bill. In 1786 it took the highly unusual step of rejecting a money bill supported by the lord lieutenant which provided £10,000 for the Donegal fisheries.[5]

It was now a very different parliament and the attitudes of its members changed accordingly. From the days of the Duke of Portland's viceroyalty in April 1782 until

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[3] *Ibid.*, p. 111.
[4] *Journal of the Irish House of Lords*, v, p.296.
[5] *Ibid.*, p. 719.

Lord Camden left in June 1798, the lords lieutenants were generally anxious to please the peers with the legislation which was introduced into the houses of parliament. Rutland, Westmorland, and Camden were sympathetic to the views and fears of the peers who made up the party of the Crown, while Fitzwilliam was firmly in support of the Whig lords and their political aspirations. The Marquis of Buckingham, lord lieutenant in the late 1780s, was the exception and his relationship with the peers during the regency crisis was a study in irritation and distrust, on his part and the part of the peers. Lord Cornwallis, who took over from Camden, was a strong man who kept himself clear of the influences from the Irish nobility. The enhanced self-confidence of the peers after 1782 was reflected in the trust and even deference given to them by most of the viceroys sent from London during this period. But for some, like Buckingham and Cornwallis, the magnates of Ireland were wrong-headed and politically obdurate men and they were angry and contemptuous of the élite with whom they came in contact. The fact that the king of Britain was the king of Ireland and that legislation had to be passed by the Irish parliament renders the description 'Castle' party no longer applicable to the 1780s and 1790s. The majority voting group in the House of Lords was the party of the Crown, its loyalty was to the monarch and his representative in Ireland.

Perhaps one development more than others is a tangible proof of the close and trusting relationship between most viceroys and the magnates of Ireland. It was the evolution of an informal body known as the Irish cabinet. A very detailed description of this body is given in a document headed 'A State Paper on Ireland' found in the *Fortescue Mss.* It is without date, or signature, and was, according to

Edith Johnston, probably written in 1792.

> ...no man in Ireland is called into Cabinet consultations in virtue of his office. The Lord Lieutenant applies, at his discretion, to any person he thinks fit; sometimes it has been the Chancellor, sometimes the Speaker of the House of Commons, sometimes the Prime Sergeant, or Attorney General, at others men in no official situation, with whom the general plan of Government has been concerted, and every measure of importance previously determined and arranged. Then follows a separate communication, consultation there is none, to each of the leading members of both Houses, whether in or out of office, upon whose support the Government principally rely; and afterwards, a more general meeting at which the address or the motion intended to be proposed is read. This also is mere matter of ceremony, and I have known such meetings attended by men of name and figure, who have gone from the Castle to the House to lead the opposition. Men cannot be properly responsible for measures which they have no share in advising...the odium of every measure falls upon the Lord Lieutenant and his Secretary; and with the greater violence as the people are conscious that...they are out of the reach of punishment.[6]

It would appear that the cabinet was merely a group of men who was informed of measures by the lord lieutenant but that there was no process of consultation. Because it was an informal group, and one feared by the London ministry, it left the lord lieutenant to take the blame for unpopular decisions, as far as the public was concerned. However the last two sentences of the document tell the fuller story of the real influence of this cabinet.

> Yet nothing is more certainly true than that the Irish part of the administration is the spring of all the measures pursued by Government. The suggestions they make and the information they give, are the grounds of every resolution adopted by the Lord Lieutenant; and the British Cabinet...[7]

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[6] 'A State Paper on Ireland', undated, (HMC, *Fortescue Mss.*, 13th Report Part III), pp. 553-4. Quoted in E. M. Johnston, *Great Britain and Ireland 1760-1800: a study in political administration* (Edinburgh, 1963), p.95. A. W. P. Malcomson attributed the document to Lord Mornington and dated it to 1789 in his book *John Foster: the politics of the Anglo-Irish Ascendancy* (Oxford, 1978), p.377.

[7] *Ibid.*

The Duke of Portland considered that this development of the Irish cabinet was an unconstitutional measure and directly subversive of English government and of the unity of the British Empire:

> It would annihilate in the Lord Lieutenant that responsibility which is the greatest pledge for his administration of Government and transfer it into hands which not being amenable to any Tribunal here or indeed anywhere else, would destroy the essence of Government itself, and more effectually and immediately tend to the separation of the two Countries and the introduction of anarchy into Ireland than any other means that could be devised.[8]

The evolution of this informal, fluid, unstructured arm of administration points to the growth in influence of the Irish magnates since 1782. There was a forward progression towards a form of dominance among those who had wealth and place in Ireland which ran through the 1780s and was not stopped by the fact that Ireland gave its support to the Prince of Wales during the regency crisis. The lords lieutenant of the early to mid-1790s were anxious to please the peers, and Portland saw this as dangerous to Britain's power and he wanted an end to it.

That the nobility of Ireland had huge influence over the lords lieutenant is made clear by how Westmorland wished to treat the question of catholic relief. Concessions to English catholics in 1791 triggered off a desire in Irish catholics for an improvement in their situation. Westmorland, who was lord lieutenant from 1789 to 1794, was faced with this very difficult situation. His letter to Lord Grenville in March 1791 demonstrates some interesting aspects of his relationship with the peers of Ireland. He told Grenville that he had engaged in much consultation and the

[8] The Duke of Portland to Earl Camden, 26 March 1795 (Kent Archives Office, *Camden Mss.*, U840 0I42A/3).

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and the general opinion of the protestants in Ireland was that catholics could not be entrusted with further privileges. He went on to reveal that Fitzgibbon, the Lord Chancellor, was determined that catholics must not be given what he called 'further indulgence'. Westmorland was very protective of the Chancellor and his public reputation and told Grenville: 'It would not be right to make public this opinion for fear the Catholics should resent it'.[9]

Later that same month Westmorland again wrote to Grenville telling him that the catholics had requested permission to wait upon Hobart, the Chief Secretary, with their petition to parliament for a removal of the legal restraints under which they suffered. In this letter the Lord Lieutenant showed that he was very conscious of the attitude of both houses and was nervous about their reaction. 'I have not seen their [catholics] petition. In these times of general toleration and innovation it is not easy to foretell the effects of such an application, but the Irish Senate does not seem a very favourable ground for them.'[10] The care and attention given by Westmorland to the opinions of the Irish magnates indicates that he was fearful of their attitudes and that they there anything but a docile group waiting for a lead from Dublin Castle. However, when writing to the Home Secretary, he was very anxious to find out just what the intentions of the British cabinet were towards catholics in Britain. Lord Grenville in reply praised Westmorland's approach but he stated that the two kingdoms need not follow the same path. He believed that the question was one of

[9] The Earl of Westmorland to Lord Grenville, 7 March 1791 (HMC, *Fortescue Mss.*, 14th Report, Part V.), p.39.
[10] Same to same, 12 March 1791 (HMC, *Fortescue Mss.*,), p.40.

expediency not of right. Westmorland believed that this approach would make it much harder for him to please the magnates and keep concessions from the catholics. 'I would bring to your consideration when these points may be in debate how the Government in Ireland will be able to resist the claim of the Irish Catholics, however inexpedient in Ireland, to these privileges which are given to their English brethern, though the concessions may be expedient in England considered by herself without reference to Ireland.'[11]

Towards the close of the 1791 session Westmorland wrote to the Home Secretary stating that it was now necessary to pay for the support he had received. He requested that Lord Donegall and Lord Drogheda should be elevated to the title of marquis. Lord Welles had been encouraged to hope for the elevation to the title of viscount since the days of Lord Northington, and Westmorland felt it should now be granted to him. The readiness he displayed in attending to the desires of the peers demonstrates the care and attention which he gave to maintaining a harmonious working relationship with them. He complained of the lack of patronage he had at his disposal which would also indicate how anxious he was to please them: 'I tell you that I have not had the disposal of a piece of Crown preferment worth £200 per annum, except the Bishopric of Kildare.'[12]

The Viceroy was in a difficult position at times. He had, as it were, to ride three horses at once and sometimes they took off in different directions. The Irish peers,

[11] Lord Grenville to the Earl of Westmorland, 24 March 1791 (HMC, *Fortescue Mss.*,), p.41.
[12] Westmorland to Grenville, 29 March 1791 (HMC, *Fortescue Mss.*,), p.42.

the Irish House of Commons and the British cabinet did not always see the same solution to the Irish problem as either practical or desirable. For example, Westmorland received two official dispatches in early 1792. One stated the decision and suggestions of the British cabinet respecting the situation of the catholics of Ireland, and the other detailed the reasons which persuaded the cabinet to come to these decisions. The Viceroy thought it proper to keep this second dispatch a secret because of his knowledge of the views of the Irish privy council. The Irish privy council was a statutory, formal body not to be confused with the informal and unconstitutional Irish cabinet. A place on the privy council could be used to reward a government supporter. Likewise, if a councillor displeased government he could be removed. In 1784 there were eighty-nine members of the council. It was customary for certain officials to have places, such as the speaker of the House of Commons, the chief baron of the exchequer, the archbishop of Cashel, and the deputy vice-treasurer.[13] On some occasions the *Freeman's Journal* referred to the fact that there was a meeting of the privy council and listed members attending. At no time does it list eighty or more at the council. In December 1793, for example it gave the following names: Lord Chancellor Fitzgibbon, Lords Bective, Bellamont, Carhampton, Dillon, Pery, Clonmell, Loftus, Carleton and Mountjoy. The non-noble members mentioned, almost all of them related to peers, were: John Foster, Speaker of the Commons, John Beresford a member of the powerful family of the Marquis of Waterford, John Hely-Hutchinson, Provost of Trinity College, Dublin, who had won

[13] Johnston, *Great Britain and Ireland,* p.94.

for his family the title of viscount Donoughmore, John Parnell, Lucius O'Brien of the family of the Earl of Inchiquin, W. Conyngham of the family of Viscount Conyngham, H. T. Clements of the family of Viscount Leitrim, R. Cunningham, D. LaTouche of the famous banking family, Robert Hobart, Chief Secretary, Arthur Wolfe, later Lord Kilwarden, James Fitzgerald and Sir Hercules Langrishe.[14]

Westmorland felt that it would be wise to see the reaction of the privy council to the first dispatch from the British cabinet. He listed the points upon which the cabinet decided to give relief to the catholics: the exercise of professions; the power of intermarriage; the right of education; the right of carrying arms and of serving on grand and petty juries. The very significant right of suffrage for returning representatives to parliament was merely suggested. A variety of opinions were expressed by the council, but the general judgement seemed in the end inclined to approve of complying with the suggestions of the British cabinet relating to intermarriage and education. However, there were reservations in relation to grand juries. The council believed that while it might be proper in theory to grant catholics the right to be members of grand juries, owing to the large sums of money raised annually by these bodies, 'it would give them a power which affords much Consequences to the Protestant Gentry'.[15] The council did not relish giving such status to catholics. It also did not agree with the freedom of catholics to bear arms

[14] *Freeman's Journal,* 16-18 December 1793.
[15] Earl of Westmorland to Henry Dundas, 9 January 1792 (NAD *Westmorland Mss.,* 1/14).

or the plan to allow them the power to vote in parliamentary elections.

It was a delicate problem for any viceroy to manage to be the servant of London and at the same time to keep the peers of Ireland in agreement with his plans and decisions, which often ran counter to their own. He had to work closely with the Irish magnates. The informal Irish cabinet was acquiring great influence. According to Westmorland, the Irish cabinet decided to exclude mention of relief for catholics in the 1792 speech from the throne. After the speech was delivered by the Lord Lieutenant, another meeting of the cabinet was held and the contents of the address or response was decided upon and the mover and seconder were chosen From the discussion at that meeting, Westmorland had every reason to hope for the support of most of the members for the proposed, but still secret, catholic relief bill. However, some were still dubious on the issue and the correct manner of introducing it into the political life of the country.[16] Dundas, the Home Secretary had made it plain to the Viceroy that credit for the suggested concessions to catholics must go to the government in Britain by an explicit mention in the speech from the throne.[17] The cabinet members did not want the concessions yet they did not want any credit being given to Britain for such generosity. They wished to keep a tight control on proposed legislation, especially legislation of such a huge significance. They won part of their argument. They agreed to the relief proposed by London, provided it was not recommended from the throne. A recommendation from the throne would indicate that London was still very much in charge of legislation in Ireland and such

[16] *Ibid.*
[17] *Ibid.*

an idea was deeply resented by many of the peers and members of the Commons. London was attempting to be diplomatic and wished to appear prepared to allow the Irish cabinet and parliament to make their own decisions in relation to the catholic issue. Dundas, when writing to Westmorland assured him that the matter was to be left solely to the 'Irish government'.[18] The phrase is an extremely significant one. What constituted the Irish government at this time? Did Dundas mean the lord lieutenant, chief secretary and Irish cabinet? This was an indication of the growing independence of Ireland, as a distinct political entity from Britain, which wished to make its own decisions and was most anxious to be seen to make them.

There was a lot of anger among what Westmorland designated as some of the most powerful men in Ireland. They believed that the concessions were being pushed by the British government as an 'act of resentment' because of the changes in Ireland's constitutional position in 1782; the rejection of Pitt's commercial arrangements in 1785; the assertion of Ireland's independent constitutional position during the regency crisis in 1789 and 'the constant endeavours in every question of imperial policy to maintain the particular interests and prerogatives of Ireland.'[19] This impression was gathered by Westmorland, from not only the Whigs with whom he came in contact, but even the great majority of the party of the Crown. It so unnerved the Lord Lieutenant that he saw the only solution as a political union

[18] Henry Dundas to the Earl of Westmorland, 29 January 1792 (NAD *Westmorland Mss.*, 1/47).
[19] Westmorland to Dundas, 9 January 1792 (NAD *Westmorland Mss.*, 1/41).

between the two kingdoms. Pitt, in reply, made it plain that he agreed and saw union as the only real solution to the problems created by Ireland's changed position since 1782: 'I hardly dare flatter myself with the hope of its taking place, but I believe, if tho' of itself not easy to be accomplished to be the only solution for other and greater difficulties - It must certainly require great delicacy and management but I am heartily glad that it is at least in your thoughts.'[20]

The Irish magnates won their point in 1792 and at the opening of parliament no mention was made in the speech from the throne on the matter of catholic concessions. The Relief Bill of that year was introduced as a private members' bill in the House of Commons by Sir Hercules Langrishe, in response to a request from the Lord Lieutenant. Westmorland agreed with the Irish ruling class and was against any further concessions to catholics. But Pitt insisted and the Irish cabinet had to accept a speech from the throne at the opening of 1793 session of parliament which publically held out hopes of further relief.

There was a constant tension between London and the Irish magnates at this time. London pushed catholic relief, the Lord Lieutenant saw things from the Irish viewpoint and put this to Pitt in a letter in December 1792: 'If you do not boldly profess determination to support the Constitution the English Government in Ireland is at an end.'[21] But Pitt insisted and in response many members of the House of Lords supported his plans when they were introduced by the speech from the throne.

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[20] Pitt to Westmorland, 18 November 1792 (NAD *Westmorland Mss.*, 1/71).
[21] Westmorland to Pitt, 7 December 1792 (NAD *Westmorland Mss.*, 1/79).

The Earl of Westmeath moved the address to the King and said that every attention would be paid by the House of Lords to the recommendations from London, especially those relating to catholics. The Duke of Leinster publically stated his opposition to the Westmorland administration, but on this occasion he declared that he would not oppose the address because he was in favour of relief for catholics. Lord Glandore used the occasion to praise the King. He believed that the plans to wed the catholics further to the constitution was 'a most striking instance of his Majesty's paternal regard for the happiness of his people.'[22] He continued by stating that if the country was united it would prosper but while people continued to talk of 'Papists, and Popery, and Protestant Ascendancy, they would never be great, rich or powerful.'[23]

The term 'protestant ascendancy' was introduced into political argument in Ireland in the 1780s and 1790s. Dr. W. J. McCormack drew attention to this new phrase in his book *Ascendancy and tradition*[24] and claimed that the term could be traced to the early 1790s, when Irish protestants, under severe pressure from London to grant catholic relief, used it as a reminder of their rightful place in the political world. His central thesis is that the phrase is not the same as 'protestant interest' or 'protestant power.' Its use by the common council of Dublin Corporation identified

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[22] *Freeman's Journal,* 10-12 January 1793.

[23] *Ibid.*

[24] W. J. McCormack, *Ascendancy and tradition in Anglo-Irish literary history from 1789 to 1939* (Oxford, 1985), pp. 61-96. However, James Kelly has taken issue with Dr. McCormack on the dating of the phrase. He ascribes it to the 'paper war' of 1786-8. James Kelly, 'Eighteenth-century Ascendancy: a commentary', *Eighteenth-Century Ireland,* 5 (1990), p.173.

the phrase with the constitution itself and the glorious revolution of 1688. It became a potent language for protestants who saw their position as those in charge of all political power being threatened, especially by London itself. Glandore's use of it demonstrates that it was a form of battle cry - protestant ascendancy versus the distrusted and feared popery - and he was pleading, as a staunch supporter of the Crown, that such hostility was out of place in the Ireland of the 1790s. In spite of their fear of catholics and their natural reluctance to forfeit their place at the head of the political nation, the members of the Irish parliament voted as London dictated. The sympathy of Westmorland could not help when Pitt saw the political necessity of catholic relief.

In 1794, the portion of the English Whigs under the direction of the Duke of Portland broke with Charles James Fox, because Fox was determined in his opposition to war with revolutionary France.[25] However, the Portland Whigs went through much soul searching before they finally went over to Pitt's government. After discussions, the Whig lords, Spencer, Mansfield, Grenville, Windham and Portland himself, unanimously agreed that 'in the present Circumstances no reason existed to prevent our Union with the present Administration.'[26] Portland listed what he saw as the compelling reasons why he and his political friends should join the government: 'Because Ireland may be saved by us & made a powerful & useful member of the British Empire. Because the true Spirit of Aristocracy & the true Principles of Whiggism may be served & reestablished. Because the Libertys [*sic*] of

[25] John Ehrman, *The Younger Pitt*: The Consuming Struggle (London, 1994), p.36.
[26] The Duke of Portland to Earl Fitzwilliam, 14 June 1794 (Sheffield City Libraries Wentworth Woodhouse Muniments, F3Ib).

Europe may be saved'.[27] Portland was setting out an ambitious agenda for his party. His nephew, Earl Fitzwilliam, agreed with Portland's decision to join the Pitt government. However, he had certain reservations respecting himself and declined to negotiate with Pitt on the terms under which he would join the government, explaining in a letter to his uncle that he lacked ability and experience and therefore should not be a member of the cabinet.[28] In the light of his tumultuous and controversial viceroyalty in Ireland, his own insight has a prophetic ring, but Portland saw the country's saviour in the person of his diffident nephew and assured him: 'Windham had a very long conversation with Pitt in which the latter concurred perfectly with us in the impossibility of our remaining in office unless You took the Government of Ireland...'[29] The events and discussions leading up to the appointment of Fitzwilliam is a very good example of the extra-parliamentary influence of the peers of Ireland which had a huge impact on the affairs of the country. By the middle of August 1794, it had been decided that Fitzwilliam should go to Ireland, but this fact was not communicated to the King. Portland again expressed his satisfaction and wrote that the idea was an extremely attractive one, because it could be '...the means of imparting satisfaction & security to the whole people of Ireland with as few exceptions possible.'[30] Portland's Irish relations, the Ponsonbys, had clearly been party to these discussions from the beginning. The

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[27] *Ibid.*

[28] Earl Fitzwilliam to the Duke of Portland, 15 June 1794 (*Ibid.*, F31 a-e 31/18).

[29] Portland to Fitzwilliam, not dated (*Ibid.*, F31 a-e 31/32).

[30] Same to same, 14 August 1794 (*Ibid.*, F31 (d)).

family owned vast estates in County Kilkenny which earned £9,000 in 1777; their title of nobility was Bessborough, and they were intermarried with the Portland family and the other great Whig family of the Duke of Devonshire.[31] Immediately upon receipt of the letter from his uncle, Fitzwilliam wrote to the Earl of Charlemont requesting his support in the difficult job of Irish lord lieutenant. His declared programme of government was open to all sorts of interpretations: 'I am now then soliciting your aid and assistance - not the promise of unconditional support, but only that if upon trial, the government I attempt to establish shall appear to your excellent discernment of a nature fit for the preservation of the pith and spirit of a British constitution...'[32] Charlemont, in his reply, did not commit himself and demonstrated a reluctance to to believe in a joyous outcome to the plans of the new administration: 'Yet since, however firm my confidence may be in your lordship's character and dear connexion absolute security is a political vice.'[33]

In Ireland the Whigs such as Charlemont and the Ponsonby family may have been pleased with the proposed advent of Fitzwilliam, but it is clear that Fitzgibbon and his friends were horrified at the prospect and were doing all in their power to prevent it. The Portland Whigs had to resort to political pressure on Pitt in order to get him to accept Fitzwilliam as lord lieutenant. They threatened to withdraw from his

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[31] Francis G. James, *Lords of the Ascendancy: The Irish House of Lords and its Members 1600-1800* (Dublin, 1995), p.113.

[32] Fitzwilliam to Charlemont, 23 August 1794 (HMC, *Charlemont Mss.*, 13th Report Appendix Part VIII), p.246.

[33] Charlemont to Fitzwilliam, 25 August 1794 (HMC, *Charlemont Mss.*,), p.247.

government in September 1794, if Portland's nephew was not sent to Ireland.[34] But September slipped by and Fitzwilliam was still not sent to Ireland. Fitzgibbon and the Archbishop of Cashel, Charles Agar, two of the most influential anti-Whig peers, were applying pressure upon Pitt to keep Westmorland in Dublin. Charlemont, in a letter to Dr. Alexander Haliday, wrote that Dublin Castle was assuring all who asked that Westmorland would certainly remain for another session of parliament, from January 1795 to late summer, at least.[35] A letter which Portland wrote to Fitzwilliam also indicates the frantic efforts being made by the anti-Whigs to retain the lord lieutenant who had been so sympathetic to their point of view. However, Pitt and his cabinet friend Lord Grenville, were of the opinion that if Fitzwilliam did not go to Dublin it would be both 'dangerous and impolitick'.[36]

The pressure applied by Fitzgibbon and Cashel did not succeed. If Pitt lost his new home secretary, the Duke of Portland, his ministry would find it very difficult to survive. He had no intention of having his government fall in order to reassure his Irish lord chancellor. That sort of power did not reside in the members of the Irish party of the Crown, no matter how much 1782 augmented their importance. At the same time Pitt assured Fitzgibbon and Agar that they need not fear any great changes in their positions or in the policy of government in Ireland.[37]

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[34] Portland to Fitzwilliam, 11 September 1794 (Sheffield City Libraries, Wentworth Woodhouse Muniments, F31 (d)).

[35] Charlemont to Haliday, 18 October 1794 (HMC, *Charlemont Mss.*,), p.250.

[36] Portland to Fitzwilliam, 14 October 1794 (Sheffield City Libraries, Wentworth Woodhouse Muniments F31 (d)).

[37] Ann C. Kavanaugh, *John Fitzgibbon, Earl of Clare: Protestant Reaction and English Authority in Late Eighteenth-Century Ireland* (Dublin, 1997), p.304.

By December 1794 Fitzwilliam was named as the new lord lieutenant but on the understanding that he would not remove from office any of the anti-Whig members of the party of the Crown. It was also rumoured that William Ponsonby was to be secretary of state and George Ponsonby appointed attorney-general. The rumours proved correct. Fitzwilliam dismissed Wolfe, the Attorney-General and appointed George Ponsonby in his place. Beresford, a staunch supporter of the party of the Crown and of the Lord Chancellor, to whose family he was connected by marriage, was sent a peremptory letter dismissing him from office. Pitt was extremely angry at this high-handed treatment of the supporters of government. Such a move, he claimed, had never even been hinted at by the Lord Lieutenant before he left for Ireland.[38]

Fitzwilliam ensured the total and implacable enmity of the supporters of the Crown when he opened the question of catholic emancipation. In a letter marked 'secret' the Duke of Portland wrote to his nephew: '...it seems advisable for me to lose no more time in cautioning you against commiting Yourself by engagements even by encouraging language to give your countenance to the immediate adaption of a measure which by being precipated may be productive of very unfortunate & dangerous consequences.'[39] David Wilkinson has written that the English government failed to respond quickly enough to Fitzwilliam's suggestion about the emancipation

[38] Pitt to Fitzwilliam, 9 February 1795 (Sheffield City Libraries, Wentworth Woodhouse Muniments, Fa-e 31/41).
[39] Portland to Fitzwilliam, 8 February 1795 (*Ibid.*, F31 (f) 31/48).

of catholics.[40] It appears from Portland's letter that he responded rapidly and with obvious horror, leaving his nephew in absolutely no doubt about the feelings of the London government on the issue.

Westmorland had come to see policy from the point of view of peers and their relatives who were supporters of the Crown in Ireland. Fitzwilliam, on the other hand, gained all of his support from the Irish Whig peers, their relatives and dependants. Evidence of this is given in a letter written by Edward Cooke, Assistant Chief Secretary at Dublin Castle. 'The Ponsonbys are all powerful', he wrote, 'Bill [William Ponsonby] got drunk at Lord Shannon's and boasted he had the power of the Country and by God he would use it.'[41] Fitzwilliam had set two powerful processes in motion which would inevitably bring about his downfall. The image which members of the Ponsonby following had of John Beresford, a member of one of the most important families which gave support to the Crown was awe-inspiring. In January 1795, just as Fitzwilliam took over the lord lieutenant's position, John Beresford was seen by Denis Bowes Daly MP, a Whig married to John Ponsonby's daughter, as a man with more power than any lord lieutenant. He chose who would be lord chancellor, the chief justice of the king's bench, the attorney-general and the commander-in-chief of the army. He was head of the revenue and had the giving of patronage in the law, the army, the revenue and the anglican church. Finally,

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[40] David Wilkinson, 'The Fitzwilliam Episode, 1795: a reinterpretation of the role of the duke of Portland', *Irish Historical Studies*, xxix (1995), p.317.

[41] Edward Cooke to Lord Westmorland, January 1795 (NAD *Westmorland Mss.*, 1/127).

Denis Bowes Daly stated his belief that Beresford was considered the king of Ireland.[42]

Because Fitzwilliam had decided upon introducing catholic emancipation he alienated almost all of the powerful families of Ireland, except the Ponsonbys and the Duke of Leinster.[43] He also allowed the Ponsonbys to flaunt their influence over him. According to the Chancellor, Fitzgibbon, William Ponsonby always attended official dinners given by Fitzwilliam. Before the new lord lieutenant was in Ireland for ten days 'he [Ponsonby] had announced Without reserve to the Gentlemen who chose to Sit and get Drunk, that Lord Fitzwilliam had come over to Ireland for the Purpose only of Putting the Kingdom of Ireland into his hands.'[44]

It was tactless of Fitzwilliam to dismiss such a powerful man as John Beresford and isolate himself with the Whigs, many of whom disapproved of his stand on catholic emancipation. Lord Shannon, another relative, whom he consulted on the question, reportedly stated that he could not see any trouble which would arise from the concession, but he agreed with Chief Baron Yelverton that the question should not be introduced so speedily.[45] It is understandable that Fitzwilliam would try to put power into the hands of his relatives and those who shared Whig sympathies but it was, politically, a very foolish choice. The powerful men of the party of the Crown had too much to lose to accept demotion quietly. Therefore, on 21 February

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[42] John Beresford to Lord Auckland, 9 January 1795 in William Beresford (ed.), *Correspondence of the Right Honourable John Beresford* (2 vols, London, 1854), II, p.51.

[43] Fitzgibbon to Auckland, 24 March 1795 (Keele University, *Sneyd Mss., 37).*

[44] *Ibid.*

[45] The Duke of Portland to Earl Fitzwilliam, 16 February 1795 (Sheffield City Libraries, Wentworth Woodhouse Muniments, F a-e 31/42).

Portland sent a letter to Fitzwilliam stating that the question of his viceroyalty had been brought before the Cabinet in London and the decision was, in Portland's words: '...that the true interest of Government, I mean, the cause of Government abstractedly considered, required that you should not continue to administer that of Ireland.'[46]

Portland did not give the concession of catholic emancipation as the reason for his nephew's recall. The difficulties which the Cabinet in London and the Fitzgibbon - Beresford group found with Fitzwilliam's administration was that it displayed too much deference to Grattan and Ponsonby and their policies. Portland continued in the same letter: '...that there seems to me no other way of rescuing you & English Government from the annihilation which is impending over it but by the distressful & affecting measure, which I ventured to propose.'[47] In these words Portland summed-up the relationship which existed between Fitzwilliam and his chosen group of Irish peers and their friends. The viceroyalty of Fitzwilliam had two dangerous elements contained within it. At one level it was as threatening to the party of the Crown as the regency crisis. They lost position and influence. The other aspect of it which was insupportable was the proposal to grant catholics the right to sit in parliament. It threatened the Fitzgibbon-Beresford group in their personal careers and in their political ideology. Fitzwilliam's time in Ireland was not a turning-point in Irish history, as was later claimed, nor was it in timing and symbolism a

[46] Portland to Fitzwilliam, 21 February 1795 (*Ibid.*, F 31e 31/44).
[47] *Ibid.*

watershed.[48] It was an inter-party fight over power and influence among the peers who supported the Whig viewpoint and those who supported the party of the Crown. The thought of catholic emancipation did frighten many of Ireland's ruling class but they had previously accepted many other measures of catholic relief. In time, and handled with sensitivity, they would have also accepted emancipation. However, it was the conjunction of the issues which brought about Fitzwilliam's downfall.

Earl Camden was appointed to succeed Fitzwilliam as lord lieutenant and in March 1795 Portland wrote a long letter to him setting out how he was to behave politically. The Home Secretary recognized that the question of catholic emancipation should be debated in the House of Commons, for then what he called reasonable people would see that in the present state of Ireland it merely presented them with 'the choice of Evils'.[49] In general, he trusted Camden would not allow any discussions of important matters without previous communication with the British cabinet and instructed that he must not act without receiving the King's thoughts on topics under review. Portland was making an attempt to detach the lord lieutenant from the dangerous influences under which Westmorland and Fitzwilliam had fallen. He wanted a viceroy who took his lead from London and not from a group of the Irish peers. This is made even more clear when Portland went on to discuss the problem of who should or who should not be in positions of power in Ireland. Camden must have an inclusive policy. Both Whigs and supporters of the Crown

[48] R. B. McDowell, 'The Fitzwilliam episode', *Irish Historical Studies*, xvi (1966), p.130.

[49] Portland to Camden, 26 March (Kent Archives Office, *Camden Mss.*, U840 O142A/3).

must be drawn into the lord lieutenant's circle of friends.[50]

However it was impossible for Camden to function as lord lieutenant without dealing with the powerful nobility of Ireland. He was conscious, because of Portland's warnings, that he must consult with London. One of the most powerful members of the Beresford family, the Marquis of Waterford, wrote to Camden requesting a peerage for his second son. The answer makes it plain that no matter how influential a member of the government's supporters he was, Waterford was not in control of this new man at Dublin Castle. Camden advised him that the King was most reluctant to create new peers, but assured Waterford of the government's attention and gratitude, and 'of the attention I think it my duty to pay to the wishes of so firm a supporter of the King's Government.'[51] Waterford was not automatically getting what he demanded, in spite of being so powerful and supportive of the Crown but neither was he being dismissed out of hand. However, in June 1795 Fitzgibbon was elevated to the title of Earl of Clare, and as befitted his position as lord chancellor was regularly consulted by Camden. For example, he was anxious for the Chancellor's opinions on a proclamation he was about to issue against the Defenders, who had become a threat to peace and stability with their raids on the homes of gentry in a constant search for arms. On the advice of the privy council, and in the form of a proclamation, the Lord Lieutenant gave strict orders to the officers commanding the army to exert themselves, in order to suppress the bloodshed and outrage and to bring speedy punishment to the persons who committed the offences. The Chancellor, because of the importance of his position, his legal knowledge and

[50] *Ibid.*

[51] Camden to Waterford, 6 December 1795 (*Ibid.*, U840 addn.01/4/1).

the strength of his personality, introduced some alterations to Camden's proclamation. Lord Clare wrote: 'If such a Proclamation is followed up by military Execution in the Disturbed Districts I have Every hope that the Unfortunate Wretches who have been Seduced to Disturb the Public Peace Will be terrified into submission. But to justify such a proceeding Certainly it Aught to appear that Treason Is the Main Object.'[52] Therefore, in order to justify such draconian punishment Clare suggested the introduction of the word 'traitor' into the draft. He also expressed his belief that a proclamation should be followed by a very massive exertion on the part of the executive government. Camden reconsidered the whole measure and felt that the cause and the times were not ripe for such drastic measures.[53] In this, Camden was guided by London and not by Clare. Once again government in London was made aware the dangers of allowing a lord lieutenant be enveloped by the influences exerted by Ireland's nobility.

Camden opened the 1796 session of parliament and in the speech from the throne dealing with the disturbed state of the country, he was lavish in his praise for magistrates, the army and the militia. When the session ended Clare made every attempt to stay in close contact with the Lord Lieutenant by writing long letters. He told him about his wonderful harvest on his County Limerick estate but he also discussed what he called 'the giddy People of this Country'[54] who were disaffected towards the British government. The only security possible, according to the

[52] Clare to Camden, 20 August 1795 (*Ibid.*, U840 addn. 018 3/2/1).
[53] Camden to Clare, 29 August 1795 (*Ibid.*, U840 addn. 018 3/3/1).
[54] Clare to Camden, no month, 1796 (*Ibid.*, U840 addn. 0183/6).

Earl of Clare, was a military force and he hoped that the noblemen and squires would enter into military service to defend the country. In fact, in the autumn of 1796, the country was in such a state of turmoil that parliament was recalled many months before its usual date.

The fear of French invasion had many noblemen writing to Camden with protests of loyalty and suggestions for raising corps of militia. But even at such a moment the eternal balancing of powers went on. Lord Dillon wrote a long letter about the military situation, but he also requested an English peerage. His wealth in both kingdoms was matched by few he claimed, and his dedication to the King's government was matched by none. He then went on to report how Lord Carhampton, Commander-in-Chief of the army, had come to the assizes in Roscommon and told the grand jury that there were one hundred thousand French soldiers assembled in Brest and it was probable that Ireland would be invaded. Lord Dillon felt that the only way to secure the kingdom was to raise more militia and yeomanry. He promised that in one week he could raise three hundred horse and two hundred foot, provided he got assurances from Camden that he should do so.[55]

However, not all the peers were so openly co-operative. It was difficult for many to judge exactly where the Duke of Leinster stood in relation to the new lord lieutenant. The Bishop of Ossory, who was very attached to Lord Fitzwilliam, wrote to him early in 1796 and told him about the state of the country in the wake of his

[55] Lord Dillon to Lord Camden, 19 May 1796 (*Ibid.*, U840 addn. 0181/1).

departure. According to Ossory, the Duke still remained in his government position as Clerk of the Hanaper and rumour was that he had pledged himself to Camden's administration. The Bishop had little respect for Leinster and this is demonstrated in his comment: 'Your Lordship knows my opinion of him & consequently will not be surprised to hear that I gave full credit to the Intelligence.'[56] It appeared that Leinster could not make up his mind as to where he stood. Camden wrote to him in relation to setting up fencibles to protect the interior of the country when the army was sent to protect the coastal regions from the French. Leinster was hesitant in giving his commitment, but agreed to show the Lord Lieutenant's letter to the gentlemen of the county of Kildare. He however, wished to remain in the state of retirement which he had kept since Camden's arrival in the country. Later the same month he wrote a petulant letter to Camden complaining that he was not given command of a regiment of fencibles, when, as he put it, every gentleman in the county had received their commissions.[57] As a Whig, the Duke was bitterly disappointed at the recall of Fitzwilliam and he could not make up his mind whether to be helpful to the new man or not.

At the end of 1796 and the beginning of 1797, Leinster appeared more pathetic

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[56] The Bishop of Ossory to Earl Fitzwilliam, 12 January 1796 (Sheffield City Libraries Wentworth Woodhouse Muniments, F30d, 30-84).

[57] The Duke of Leinster to Earl Camden, 25 September 1796 (*Camden Mss.*, U840 addn. 0182/4).

and irrelevant as he wrote of his political beliefs to a polite but unresponsive Camden. He contended that nothing but radical reform of all of the abuses which had crept into the government of the country would solve its problems. He wrote: '...it has been my Fate to disapprove of the System of Government of this Country Ever Since my first Embarking in Publick Life which is near 30 years'.[58] He further explained that he expressed his political views to the Lord Lieutenant, not to be a form of criticism but as a means of keeping him informed of his political activities. '...I might as well apprise [*sic*] you Exactly that in Case you saw my name attending meetings for the purpose of outlining my Sentiments as to Reform or Catholic Emancipation...'[59] It is an interesting and illuminating fact that a peer as important as Leinster, and as disenchanted with the politics of the time, still found it necessary to unburden himself to the man who represented the Crown in Ireland. There was a bond between the peers and the King's man in Dublin, whether they belonged whole-heartedly to the party of the Crown or the opposition Whigs. It seemed very difficult, if not impossible, for most of them to live outside the world of power and the Crown. By April 1797 Leinster had decided to return from the wilderness and again take his place in the public life of the country. He wrote to Camden: '...my Rank and situation does not permit me to be a Spectator, to the misfortunes that overwhelm this unfortunate Island.'[60]

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[58] Leinster to Camden, 7 March 1797 (*Ibid.*, U840 addn. 082/15).
[59] *Ibid.*
[60] Same to same, 25 April 1797 (*Ibid.*, U840 addn. 082/18).

By 1797 Ireland was in a state of what Thomas Bartlett termed 'incipient insurrection'.[61] In January of that year the Lord Lieutenant and the privy council issued a proclamation declaring ten parishes in County Armagh to be 'in a state of disturbance'.[62] Rev. John Cleland of Newtownards, a justice of the peace, was shot at in the town in October 1796 and another proclamation was issued which offered pardon to anyone who would give information to the authorities. In December of 1796 the French fleet in Bantry Bay had caused great alarm and the Commander-in-chief, the Earl of Carhampton, arrived in Cork and spent much time improving the defences. The Marquis of Downshire patrolled the neighbourhood of Hillsborough with a party of dragoons but in spite of his efforts houses in the area were broken into and arms stolen. The murder of Rev. William Hamilton, a magistrate, gives a graphic example of the determined lawlessness of the country. A house on the banks of Lough Swilly was broken into because Hamilton dined there. A band of men surrounded the house owned by the Rev. John Waller, and called for Hamilton to show himself. They broke into the house and in an effort to save her husband Mrs. Waller threw herself in front of him. The men shot her and her husband and threatened to burn the house if Hamilton did not show himself. The servants, to save their own lives, dragged him from the cellar. He was then taken outside and murdered.[63]

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[61] Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question 1690-1830* (Dublin, 1992), p.230.
[62] *Freeman's Journal*, 7 January 1797.
[63] *Ibid.*, 7 March, 1797.

The Earl of Charlemont also wrote to Camden. He too was extremely critical of the handling of the explosive situation in Ireland.[64] The fact that two such important Whig peers as Leinster and Charlemont were in energetic and critical communication with Camden demonstrates that the peers were always alive to the possibility of exerting influence on the viceroy and continued in this belief even when not belonging to the group in power in London. Charlemont was indignant at the fact that the British parliament had added £1,500,000 to be applied to the King's services in Ireland, in such a manner as was approved of by the Irish parliament. He asked angrily: 'Does the nation or parliament of Great Britain mean to give an unconditional support, by supplies of money to any measures whatsoever to which the ministers of Ireland may think proper to apply it?' He continued by demanding whether or not the British parliament was aware that a state of civil war was declared in the kingdom. *Habeas corpus* was suspended and General Lake had proclaimed martial law throughout Ulster. Charlemont objected, particularly, to the provision that both houses of the Irish parliament would use the money as the Lord Camden and the Irish privy council thought fit. Such a measure by Westminster was a direct attack upon the independence of the Irish parliament. If it needed money to quell widespread violence it could raise its own through some form of taxation and it then would have more influence on how it was spent. Charlemont continued by stating that he was disappointed and shocked by the co-operation of London in the extremely

[64] Charlemont to Camden, 8 May 1797 (HMC, *Charlemont Mss.*, 13th Report Appendix Part VIII), p.297.

bad management by the Lord Lieutenant and privy council of the situation in Ireland. The solution to Ireland's problems, Charlemont wrote, was the concession of emancipation and reform. The true principles of the British constitution would ensure peace and liberty. He was uncompromising in his use of language and described the administration in Dublin Castle as a 'corrupt government'. The evils in Ireland had to be redressed 'by dignified and constitutional reformation.'[65]

While Whigs like Leinster and Charlemont still hoped to influence the Lord Lieutenant to adopt policies which they believed would bring peace to Ireland, the Ponsonby family made no such attempt and reacted by becoming extremely radical, certainly verbally, if not in action, if the Bishop of Ossory is to be believed. In a letter to Lord Fitzwilliam, the Bishop claimed that William Ponsonby had declared that he disliked even the liberal administration of Fitzwilliam, because it was not extreme enough: '...that he & his Brother's language, their measures, their new Connexions, all tend to a separation between the two Kingdoms, that they daily pledge themselves more & more firmly to the tenets & objects of the United Irishmen, coupling their reform in Parliament with Roman Catholic Emancipation and declaring that they will not accept one without the other.'[66] This, if true, was an extraordinary position for relatives of Irish peers. Leinster's brother, Lord Edward Fitzgerald, was following the same political path and was a member of the United

[65] *Ibid.*

[66] The Bishop of Ossory to Earl Fitzwilliam, 4 May 1797 (Sheffield City Libraries Wentworth Woodhouse Muniments, F30 (d) 93/1).

Irishmen While Lord Edward did follow this path to his death in 1798, the Ponsonbys seemed to have thought better of the matter and withdrew from so radical a stance.

According to Ann Kavanaugh, the Lord Chancellor, Lord Clare, was the government's architect and apologist of repression, although there is little documentary proof of his role; in those days most decisions were arrived at in almost casual conversation. However, she believes that it would be very unusual if he had not encouraged brutal initiatives against the Defenders and the United Irishmen. 'Moreover, the mere fact that he dominated Camden, as he had dominated Camden's equally good-natured and limited predecessors Westmorland and Rutland, lends credence to an overwhelming influence on policy.'[67]

This policy of repression and dependence upon a military solution to Ireland's problems is very evident at the opening of the 1798 session of parliament when Camden, in the speech from the throne in the House of Lords, spoke much about defending the country from possible French attack: '...he [the King] implicitly depends on the valour of his regular and militia forces, the active loyalty of the district corps, the courage of the nation, and the prowess of his fleets and armies for defeating every hostile attempt which may be made on this kingdom.'[68]

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[67] Kavanaugh, *John Fitzgibbon, Earl of Clare*, p.318.
[68] *Freeman's Journal*, 16 January 1798.

The Lord Lieutenant also gave an account of how, in May 1797, he had directed immediate and vigorous measures to be taken for repressing tumult in the northern part of Ireland. In the words of Thomas Bartlett, 'counter-terror' was Camden's preferred policy option.[69] There was a campaign of savage repression and an alliance between Dublin Castle and the Orangemen.[70] The Lord Lieutenant claimed that these measures which he ordered proved effective and led to the return of peace and industry, but he was not telling the truth. By April 1798 Dublin Castle came to accept that it was facing a rebellion and ordered its forces to react accordingly.[71] In spite of the advice given to Camden by Portland when he was appointed to Ireland in 1795, that he should listen to and be guided by both members of the Whig opposition and members of the party of the Crown, it is clear from the actions he took in the late 1790s that it was indeed Lord Clare and not Charlemont or Leinster who influenced his thinking.

The speech from the throne in January 1798 also dealt with mundane matters. It urged the peers to pay attention to commerce, agriculture, manufacture and it asked them to protect the protestant charter schools. The Earl of Roden, a government supporter, had been chosen to move the address of thanks to the King. He praised Camden's speech and went on to say that he trusted it would stimulate all ranks of people at this important crisis to come forward and declare that they would stand or fall with their 'gracious Sovereign,' as he had declared that he [the King] would do

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[69] Bartlett, *The Fall and Rise of the Irish Nation,* p.224.

[70] Allan Blackstock, 'The Social and Political Implications of the Raising of the Yeomanry in Ulster: 1796-98', in David Dickson, Daire Keogh & Kevin Whelan (eds.), *The United Irishmen: Republicanism, Radicalism and Rebellion* (Dublin, 1993), p.242.

[71] Bartlett, *The Fall and Rise of the Irish Nation,* p.229.

with his people in defence of their constitution.[72]

Significantly, the address was unanimously accepted. Peers who were not satisfied with Camden's handling of the situation did not intend to arouse charges of disloyalty against themselves and their views by voting down the address to the King. However there was one such discontented peer. Lord Bective voted for the address of thanks to the King but he recommended a change in the measures which the government had recently pursued. He believed that it was necessary to deal with people's dissatisfaction and unite them against the plots of 'an enemy who were meditating the destruction of the people and property of this isle.' One means of satisfying people was the introduction of catholic emancipation; another was moderate reform of parliament. It was Bective's opinion that only by these means could the French be held at bay.[73] The Lord Chancellor replied on behalf of the government and suggested sarcastically that Bective seemed rather mixed up in relation to the causes of the discontent in Ireland. Bective should have known from the report of the committee of the House of Lords that 'a wicked and degenerate confederacy was formed in the nation for overthrowing the Government and the Constitution, separating this country from Great Britain and erecting in its stead a Republican form of Government like that of France.'[74]

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[72] *Freeman's Journal*, 16 January 1798.
[73] *Ibid.*
[74] *Ibid.*

In early 1798, London, the majority of Irish peers and the Lord Lieutenant were virtually at one in relation to the means necessary to save the kingdom. The rebellious must be crushed and France held back from Irish shores. Few voices joined with that of Bective to propose an alternative approach. However, there were others, such as Lord Moira and his friend Lord Charlemont who were very critical of the approach of Camden. In a long letter to Charlemont, Moira wrote that he had to deal with the topic even though he knew his letter would be opened by government spies. A group of friends working in Ireland had collected a great body of evidence respecting what he called 'the shocking outrages' that had been committed in different parts of Ireland by those supporting the government. He intended to lay this evidence before the Irish House of Lords.[75] He had not originally intended to give this information to the House, fearing that its response would not be sufficiently decisive. Moira wrote that he found it necessary to try and convince those in power in England of the outrages committed against the people in Ireland because the newspaper accounts were disbelieved. His hope was that the British cabinet would be shamed into prescribing a different course of action for Lord Camden.[76] Moira, who belonged to both the British and Irish peerage, made a long speech in the Irish House of Lords in February 1798, in which he proposed that an humble address

[75] The Earl of Moira to Lord Charlemont, 31 January 1798 (HMC, *Charlemont Mss.*,), p.314.

[76] *Ibid.*

be presented to the Lord Lieutenant recommending the adoption of conciliatory measures. But the majority were in no mood to recommend such changes; the House of Lords divided on the motion forty-four against and nine in favour. The peers who voted with Moira were: Charlemont, Bellamont, Arran, Kilkenny, Granard, Belvedere, Dunsany, Cloncurry, the Bishop of Down and a proxy vote from Lord Mountcashel.[77] It is interesting to note in relation to Moira's speech that the *Freeman's Journal* dealt in some detail with his comments on the soldiers. 'His Lordship therefore disclaimed, in the system of coercion and severity by which he said this kingdom was ruled, to impute any voluntary participation to the soldiery, he imputed to them only obedience and that he knew to be the virtue of a soldier.'[78] However, in relation to outrages in various parts of the country, all that was reported in the *Journal* was a comment that Moira claimed to have corroboration for those facts 'which would honourably bear him through'.'[79] No space was given to reporting these outrages. The government was clearly in control of the press. Lord Glentworth answered on behalf of the party of the Crown and went through 'forcible and pathetic detail of the many barbarities, which had been exercised against humanity, and the laws of this Country'.[80] The government had no intention of allowing Moira to suggest that all outrages originated with the soldiers who were acting on behalf of Dublin Castle.

However, it was not just the nine peers in the Irish House who were angry with Camden's handling of the situation and his reliance on the advice of the

[77] *Freeman's Journal*, 20 February 1798.
[78] *Ibid.*
[79] *Ibid.*
[80] *Ibid.*

Lord Chancellor and his friends. Pitt himself was growing uneasy at the repressive measures used in Ireland. In early June 1798 he told Camden that he had arranged for an extra five thousand men for Ireland, on a temporary basis; once the disaffection and tumult were put down he required the men for the war with France. He also asked Camden to use the force in a manner consistent with high principles and feelings and resist what he called 'the Intemperance of your Friends.'[81] Pitt was aware of the strong influence exerted upon Camden by the Chancellor. In reply to the letter from Pitt, Camden advised the First Lord that the most efficient military man that England could produce must be sent to Ireland in order to assume command of the army.[82] Camden was exhausted and did not see any possibility of turning around the calamitous situation in Ireland.

Pitt did send a most efficient military commander, Marquis Cornwallis, not only to command the army but, in fact, to replace Camden as lord lieutenant. He had been considered by Pitt as early as 1797, but the Marquis was of the opinion that catholic emancipation was necessary to quieten Ireland and it was not seen by London as a possible option. Cornwallis was a mature and experienced man with a distinguished military and civil career in both America and India. Unlike the easily influenced Camden, Cornwallis drew criticism from the Lord Chancellor, Lord Clare. In a letter

[81] Pitt to Camden, 2 June 1798 (NLI *Union Correspondence Ms.*, 886.301).
[82] Camden to Pitt 6 June 1798 (NLI *Union Correspondence Ms.*, 886.307).

to Camden, Clare expressed the opinion that the new lord lieutenant had mistaken the temper and situation of the country and the means by which it was to be governed. According to the angry Chancellor, Cornwallis treated with and indulged the rebels. In contrast he was severe on the yeomanry who might have committed excesses in their attacks upon the rebels. Thus, he slowed down the suppression of the rebellion and disgusted many loyal protestants.[83] There was no possibility that Cornwallis would fall under the influence of the Chancellor and his friends such as the Beresfords. According to Clare himself '...he [Cornwallis] Seems to be impressed With an Opinion that the minds of Gentlemen With Whom he must Act in his Government, are so heated and Warped by passion and prejudice that their Opinions are not the safest by which he can Act and therefore his Determination is made to act Solely for himself.'[84] The days when the pro-government party in the House of Peers could virtually control the lord lieutenant were at an end.

From 1782 onwards two parallel developments appear in the politics of Ireland. A parliament with more independence from government in London created a greater confidence in its members, especially among the peers who all but dominated the institution. This went side by side with a belief that in the final analysis the kingdom of Ireland was not independent of, but rather depended upon, Britain when war and rebellion threatened life and property.

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[83] Clare to Camden, 16 February 1798 (*Camden Mss.*, U840 c103).
[84] Clare to Auckland, 26 November 1798 (BL *Auckland Papers*, Add. Mss., 34455).

There were interesting and exciting developments in Irish politics, such as a parliament much more akin to its British counterpart and the first mention of an Irish cabinet. According to Johnston the English cabinet itself was still in a very fluid state and did not possess a strict form or function. For example, it seems that cabinets which considered Irish affairs were composed of the first lord of the treasury, the secretaries of state and the lord president of the council, while the other ministers attended if their departments were involved.[85]

In spite of the disapproval of ministers in London this informal body, the Irish cabinet, continued in Ireland as late as 1798, thus demonstrating the strong hold of the peers upon the various lords lieutenants who were sent to Dublin in the late eighteenth century. This is clear from a letter written by Lord Carlisle, a former lord lieutenant. He referred to it as 'the innovation', it caused him great uneasiness and he even called it 'the fatal institution'. It had worked itself into being considered almost as a component part of 'that deputed authority' of the lord lieutenant, his chief secretary and the privy council. This informal structure, consisting of whomever the lord lieutenant favoured, constituted, in Carlisle's opinion, a most dangerous phenomenon 'of authority disjoined from responsibility'. But it was the beginning of another institution of state which copied that which existed in Britain and in more favourable circumstances it might have grown, as the cabinet in Britain

[85] Johnston, *Great Britain and Ireland*, p90.

grew, to be an integral part of the structure of government. It was also Carlisle's opinion that Ireland in 1798 could not be saved if the military defence depended upon 'the tactical dictates of chancellors, speakers of the House of Commons, etc.etc.' He considered that the best soldier would make the best lord lieutenant 'on whom no junto there would presume to fling their shackles'.[86] The Irish peers began to put shackles on the viceroyalty from 1782 onwards and in the following two decades the shackles became stronger and stronger. Power rested so completely in the hands of the group or party to which the lord lieutenant belonged that some peers, who did not belong to it felt that there was no point in even attending the House of Lords. The Bishop of Down and Connor, a Whig supporter, writing to Charlemont in March 1798, believed that 'all further opposition is worse than useless.'[87] He stated that the present system was abominable and the faction who carried it out so desperate that there was nothing left for those who resisted but to retire from the contest and await events with calmness.[88] The lords lieutenant were dominated by the party to whom they themselves gave allegiance, either the party of the Crown or the Whigs. Ireland's independence meant that the designation 'Castle party' was no longer valid. If Britain wished to exercise influence over the legislative programme in the Irish parliament, as it did with catholic relief, it was necessary for London to persuade the lord lieutenant to abandon the Irish peers and support the British measure.

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[86] Lord Carlisle to W. Pitt, 9 June 1798 (HMC, 15th Report, Appendix VI), p.729.
[87] The Bishop of Down and Connor to Lord Charlemont, 19 March 1798 (HMC, *Charlemont Mss.,)*, p.316.
[88] *Ibid.*

The Whigs were excluded from positions of power while Westmorland and Camden, friends and followers of Pitt, were in Dublin Castle. The Whigs had their brief taste of power in the 1790s when Fitzwilliam was lord lieutenant and he in turn sacked those who held important government posts and belonged to the party of the Crown. The process whereby the two-party system slowly evolved was to be found not just in Britain but in Ireland also, where it was given emphasis by the actions of the viceroys.

Chapter 11.

The House of Lords and the Union.

The passing of the Act of Union in 1800 changed dramatically the constitutional position of the kingdom of Ireland by subsuming it within the entity known as the United Kingdom of Great Britain and Ireland. The parliament house in College Green was closed and one hundred members of the House of Commons and thirty-two lay and spiritual peers moved to take their places in the Palace of Westminster. Historians have long asked why the Irish parliament voted itself out of existence. It could have handled the violence and tumult of the 1790s without handing power to London. The answer is to be found in the deeply held political ideology of the majority of the nobility of Ireland. This chapter will argue that it was belief in the British constitution which made the passage of the Union Bill through the House of Lords a relatively simple task. It will also look at the arrangements made for the representation of the lay and spiritual peers of Ireland in the parliament of the United Kingdom.

The immediate catalyst for the proposal of a union was the political situation of the 1790s. The French revolution made it necessary that catholics should be incorporated into the world of political power; without this, revolutionary ideas could find fertile ground. Pitt was anxious to conciliate catholics, but protestants were very unhappy at such a plan and as James Kelly has written: '...when it became clear

they could not dissuade the government, some sought refuge from the implication in a union.'[1] The concession of the franchise to catholics was a major blow to protestants, who then saw a union as a means of ensuring their physical safety and political survival:

> ...the débàcle of the Fitzwilliam administration and, more especially, the revolutionary, separatist and frequently violent activity of the United Irishmen and Defenders in the 1790s increased the disposition on both sides of the Irish Sea to favour a union, and it now featured more prominently in political calculations and general calculations and general conversation.[2]

Thomas Bartlett believes that it was the emergence of the catholic question and the 'mobilisation and politicisation of the catholic masses that made it [the Union], necessary.'[3]

The means by which the Union was passed through both houses of parliament have always been extremely controversial. W. E. H. Lecky believed that it was 'idle to dispute the essentially corrupt character of the means by which the union was carried.'[4] This view predominated until G. C. Bolton wrote his classic study of the passing of the Act of Union. It was his opinion that the methods used to secure the Act, namely patronage and borough compensation, were an acceptable part of late eighteenth century politics.[5] In the light of Bolton's study, previous assumptions

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1 James Kelly, 'The origins of the act of union: an examination of unionist opinion in Britain and Ireland 1650-1800', *Irish Historical Studies*, xxv (1987), p.260.

2 *Ibid.* p.261.

3 Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question 1690-1830* (Dublin, 1992), p. 258.

4 W. E. H. Lecky, *Ireland in the eighteenth century* (5 vols, London, 1898), 5, p.289.

5 G. C. Bolton, *The passing of the Irish act of union* (Oxford, 1966), pp.51, 181-2.

about corruption were dropped in favour of his analysis. Gearoid 0 Tuathaigh, in his study of Ireland before the Famine, accepted that while there may have been bribery and much use of patronage, such means of securing the passing of legislation were accepted in the late eighteenth century.[6] Donal McCartney has also argued that it would be simplistic to believe that the Union was carried because of corruption on the part of the government. Instead he is of the opinion that the word 'management' rather than corruption would best describe the methods used by Dublin Castle.[7]

The recent discovery of Home Office secret service accounts in Britain, which were first used in a discussion of the Union by David Wilkinson, provide proof that covert illegal funds were used by the government to aid its campaign.[8] The Civil List Act of 1782, which had been applied to Ireland in 1793, declared that only £5,000 of secret service money could be spent in the country in any one year. This restriction was ignored by government and, in fact, the total figure spent on the secret service in Ireland between 1799 and 1800 was £32,556.[9] According to Patrick Geoghegan in his recent study of the passing of the Act of Union however, the significance of this money should not be exaggerated, because alone it did not help to pass the Union Bill, but rather joined borough compensation, patronage and the catholic question as the driving forces by which the Union became law.[10]

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[6] Gearoid 0 Tuathaigh, *Ireland before the famine, 1798-1848* (Dublin 1972), p.32.
[7] Donal McCartney, *The dawning of democracy* (Dublin, 1987), p.12.
[8] Patrick Geoghegan, *The Irish Act of Union: A Study in High Politics* 1798-1801 (Dublin, 1999), p. 87.
[9] *Ibid.*
[10] *Ibid.*

Discussions about the Union, such as those undertaken by Lecky, Bolton and Geoghegan, look at the methods used to have the bill passed into law. Much emphasis is placed on the attractions of patronage, in all of its forms, and on the political situation in Ireland which made a union seem essential. This approach does a disservice to very many who held political power in Ireland in the late eighteenth century. It is based on the principle that they cared nothing for ideology and in essence did exactly what they were paid to do. Crudely put, the government used its vast patronage to buy the votes of the peers. This belief over-simplifies the political philosophy which was at the heart of the identity forged during the eighteenth century by those who held land, wealth and power in Ireland. S. J. Connolly argues that by the middle of the Hanoverian period the image of the British constitution 'as a uniquely superior, even providential, set of arrangements' had emerged.[11] Charles Lucas stated in 1747, 'No scheme of human invention ever formed such a constitution as ours.'[12] This intense admiration of British constitutional liberties became central to Irish as well as English thinking. The constitution embodied the balance of monarchy, aristocracy and democracy and a body of legal principles, rules and procedures which evolved over centuries. Connolly has summed up this adoption of the British constitution into Irish political identity in the following manner:

The relevance of this celebration of British liberty, whether derived from

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[11] S. J. Connolly, 'Introduction: varieties of Irish political thought', in S. J. Connolly (ed.), *Political Ideas in Eighteenth-Century Ireland* (Dublin, 2000), p.15.

[12] Charles Lucas, *The Complaints of Dublin, Humbly Offered to his Excellency, William, Earl of Harrington* (no place, 1747), p.3.

> the ancient constitution or from the Revolution [1688] rested on the assumption that the principles concerned extended to Ireland as well as England.[13]

This admiration for the British constitution became central to the philosophy of those peers who made up the dominant party of the Crown in the Irish House of Lords. The opposition within the Lords also gave its allegiance to the constitution, but when a union was proposed it disagreed violently with such a solution to the problems which faced Ireland in the late 1790s. The Whigs' position is summed up in Grattan's words as follows:

> I have ever had, and shall ever continue to have but one opinion-that Ireland should improve her Constitution, correct its abuses, and assimilate it as nearly as possible to that of Great Britain; that whenever Administration should attempt to act unconstitutionally; but above all, whenever they should tamper with the independence of the Parliament, they ought to be checked by all the means that the Constitution justifies.[14]

The maintenance of this much valued constitution was in jeopardy in Ireland in the late eighteenth century. A combination of republicanism, extreme violence and the threat from political relief for catholics formed a triple-pronged attack which frightened a majority of the ruling class. The only way to defeat such enemies was to agree to an even closer relationship between the two kingdoms. To men who greatly admired the constitution, such a relationship would not necessarily be difficult or distasteful.

It was extremely important in these circumstances that the concept of union originated in London with William Pitt. This provided the proposal with a status and

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[13] Connolly, 'Introduction: varieties of Irish political thought', p.16.

[14] Henry Grattan, Jnr.(ed.), *The Speeches of the Right Honourable Henry Grattan in the Imperial Parliament* (4 vols, London, 1822), III, pp. 116-7.

an importance which was vital if it was to pass through the Irish parliament. It was a plan which Pitt had entertained as early as 1792.[15] To add to its constitutionality in the eyes of the party of the Crown, the King himself looked upon a union as a most desirable solution to political problems in Ireland. He wrote to Pitt in June 1798, and suggested that the Lord Lieutenant, Lord Cornwallis, must not, as he put it: '...lose the present moment of terror for frightening the supporters of the Castle into a Union with this Country.'[16] This major constitutional change in the kingdom's government originated with the King's minister and was strongly approved of by the monarch himself. Thus, the source from which the concept sprang ensured its acceptance by a majority of the peers of Ireland.

Not only did the majority of peers have a deep commitment to the Crown and its ministers, they also had a strong emotional attachment to Britain and all things British. A. P. W. Malcomson has made the point that during the eighteenth century the Irish peerage had been most ambitious for British honours. He refers to the fact that Lord Kildare, in 1761, chose to walk in George III's coronation procession as a British viscount instead of walking as the more senior peer of the kingdom of Ireland. In 1783, when his son, the second Duke of Leinster, was offered the foremost place in the new order of St. Patrick, he made it plain that he would prefer the Garter. The Earl of Antrim declined the new Irish order so that he could hold on to the British Order of the Bath. Malcomson has demonstrated that there was a tendency

[15] Kelly, 'The origins of the act of union:', p.260.
[16] The King to Pitt, 13 June 1798 (NLI *Union Correspondence* Mss., 886), p.323.

for Irish peers to choose titles which dissociated them from Ireland and associated them with places in England, Scotland and Wales:

> Thus there were earls of Aldborough (who were also Viscount Amiens) Altamont, Belvedere, Brandon (who was actually a countess in her own right), Carhampton, Clermont, Darnley, Egmont, Gosford, Grandison, Kingston, Llandaff and Mount Cashell, a Viscount de Vesci, and Lords Arden, Clarina, (who was nearly Niagara) de Montalt, Harberton, Lisle, Mount Charles, Mountflorence (briefly), Somerton and Templetown.[17]

It is clear from correspondence between Lord Shannon and Lord Bandon, his son-in-law, that the management of the peers, in order to secure their votes for the question of a union, had begun by November of 1798, if not sooner. The energetic chief secretary, Castlereagh, was in contact with members of the Lords in an attempt to persuade them of the importance of the proposed measure. Shannon, writing to Bandon in late December 1798, confirmed that a union was in prospect. He stated that he was now sure about the matter, because he had an interview with Cornwallis, and Castlereagh.

> '...no doubt remains but that it [the Union] will not only be brought forward but meet every support from government. He [Castlereagh] tells me that there exists utmost anxiety to make the terms unexceptionally just between the two countries. Should they prove so I shall give my support to the measure, but till I know what they are to be, I can form no opinion, and am at perfect liberty to take my part.[18]

In early January 1799, a few days before the opening of parliament, Edward Cooke

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[17] A. P. W. Malcomson, 'The Irish Peerage and the Act of Union 1800-1971', *Transactions of the Royal Historical Society,* 6th series X (2000), 289-327.

[18] Lord Shannon to Lord Bandon, 29 December 1798 (PRONI Bisbrooke Hall Mss., T.2966/3/6 copy in NLI).

the Under-secretary at Dublin Castle, when writing to Lord Grenville, gave his reading of the situation in Ireland. He hoped that the government majority would hold on the first day the matter of union was introduced. He referred to three of the great magnates who had followers in both Lords and Commons and indicated their extensive power by stating: '...and if Lord Ely, Lord Downshire and Lord Abercorn are decided I have no doubt of the measure in Parliament.'[19] He was unaware that Downshire was against the proposal, but his analysis indicated the major influence such men had in both houses of parliament. However, it is interesting to note that the speech from the throne delivered in January 1799 by Cornwallis contained no direct reference to union, but looked for some permanent adjustment between the two kingdoms 'which may extend the advantages enjoyed by our sister kingdom to every part of this island'.[20]

Inevitably there was opposition within the House of Lords to a major constitutional change. Some surprise was expressed at the government introducing such a controversial topic and thereby restoring life to the Whigs. When writing to Lord Charlemont in December 1798, James Stewart, a member of the opposition in the House of Commons, expressed great astonishment that the issue should be introduced at all because it would do so much to regenerate the Whigs: 'To introduce a subject of controversy as the union must be, at such a time is

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[19] Edward Cooke to Lord Grenville, 15 January 1799 (HMC *Fortescue Mss.*, vol, IV), p.441.

[20] *Freeman's Journal*, 24 January 1799.

unpardonable, and in my mind impolitick in ministers, since it must necessarily raise a powerful party in opposition to them at the moment when all opposition seemed at an end.'[21] Stewart was partially correct in his predictions, although less so for the Lords than the Commons. An anti-unionist spirit was felt among the peers, but it could never be called powerful. Before the vote in the House in 1799 rumours abounded as to where various peers stood on the issue. According to the Marquis of Buckingham, Lord Boyle asked for and obtained the permission of his father, the Earl of Shannon to oppose.[22] But Shannon informed Robert Johnston MP for Hillsborough and a supporter of the Marquis of Downshire, that there was not the least truth in the report. Johnston went on to report Shannon's views on union: 'He [Shannon] says that if we have not an Union it is inevitable that the Papists will succeed here, and if that is the case, and the parliaments remain separate, he thinks Papists will work for a separation.'[23] The unfamiliarity of the proposal led to rumour and counter-rumour in the days before the vote was taken in January 1799.

Edward Cooke, the Under-secretary at the Castle, when writing to Grenville, in January 1799 gave his reading of the situation in Ireland. He believed that 'the Protestant Ascendancy men are active against it [union] everywhere.'[24] The phrase 'Protestant Ascendancy' had become a common description of protestants who were opposed to religious, economic, educational or political relief for catholics. As James Kelly has written, the mid-1780s was a key moment for many protestants because

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[21] James Stewart to Lord Charlemont, 12 December 1798 (HMC, *Charlemont Mss.*, 13th Report, Appendix Part VIII), p.342.

[22] Buckingham to Grenville, 14 January 1799 (HMC *Fortescue Mss.*,), p. 435.

[23] Robert Johnston to Lord Downshire, 8 February 1799 (PRONI *Downshire Mss.*, D.607/G/52 copy NLI).

[24] Edward Cooke to Grenville, 15 January 1799 (HMC *Fortescue Mss.,)* p. 441.

'...the emergence then of a strong neo-conservative strand emboldened many Protestants to affirm their commitment to the defence of what they now termed "Protestant ascendancy." '[25] Clearly there were two contrasting views of union among dedicated members of the church of Ireland. Some like Shannon believed that if union did not take place the catholics would eventually become politically dominant in Ireland, while other 'ascendancy' protestants believed that union meant catholic emancipation.

There was constant speculation as to how the peers would vote. According to Buckingham, Lord Cole and Lord Corry were canvassed by the Speaker of the Commons, John Foster, to oppose the issue.[26] Robert Johnston, writing to Downshire, indicated that Lords Louth, Meath and Westmeath were to enter resolutions in the Lords against the proposal. The Duke of Leinster was against the Union, as was Lord Dunsany, but a surprise convert to opposition was one of the Crown's chief supporters - the Marquis of Downshire himself. His treatment by the Castle is a good example of how such matters were handled. Long conversations with Castlereagh had no effect in changing his mind and Downshire himself summed up the growing popularity of the measure by writing: 'I [said] I was sorry that terror or corruption could take such hold of men's minds'.[27] The position of Downshire in

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[25] James Kelly, 'Conservative Protestant political thought in late eighteenth-century Ireland', in S. J. Connolly (ed.), *Political Ideas in Eighteenth-Century Ireland* (Dublin, 2000), p.219.

[26] Johnston to Downshire, 13 January 1799 (PRONI *Downshire Mss.*, D.607/G12 copy in NLI).

[27] Downshire to John Reilly, [his agent] 23 August 1799 (PRONI *Downshire Mss.*, D. 607/G/193. copy in NLI).

relation to the Union centred upon his belief that Ireland was being taken advantage of during a very difficult time in her history. He concluded that the government resorted to spying on him in an effort to know the exact state of his mind on the issue.[28] When persuasion failed, the King's permission was sought and obtained for Downshire to be removed from his command of the militia, from the governorship of the county, and from the Privy council.[29]

The peer most constantly in opposition to the government, the Earl of Charlemont, did not change sides in relation to the Union and gathered a few peers about him who looked upon him as their leader. One such was Lord Strangford, who while supporting the address to the Throne when the proposition was put in the House of Lords in late January 1799, nevertheless did not regard himself as 'acting as supporter to the union of the two countries.'[30] Strangford was not the only peer to find the proposal confusing. In the debate, many wished to support the government and the Crown while disagreeing with the measure before them. The newness of the concept also added to the confusion. According to Lord Carysfort, a pro-unionist, Lord Powerscourt proposed an amendment which questioned the competence of parliament to discuss a legislative union. The Archbishop of Cashel, leader of the House, voted for the retention of Powerscourt's amendment. This was a strange decision for a key pro-government supporter to make. Carysfort had been told by Lord Ely that he was undecided on the question of union, since Cashel, who had

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[28] Downshire to John Reilly, 3 January 1800 (PRONI *Downshire Mss.*, D.607/11/1 copy NLI).

[29] Geoghegan, *The Irish Act of Union,* p.106.

[30] Strangford to Charlemont, 23 February 1799 (HMC, *Charlemont Mss.*), p 346.

great influence over him, appeared to be tending to an anti-union stance. When Bellamont proposed an amendment which stated disapproval of the Union, Lord Farnham spoke in favour of it but voted against it when it was put to the House. Carysfort was also of the opinion that Lord Carhampton contributed to the virtual defeat of the government in the House of Commons.[31] He caused harm, according to the Marquis of Buckingham, by declaring his intention to oppose.[32] Enniskillen acted in resentment against Cornwallis when he voted against the proposal, as did many members of both houses of parliament who were against catholic emancipation, since it was assumed that emancipation, supported by the Lord Lieutenant, would follow upon the legislative union of the two kingdoms. In spite of rumours and uncertainty, personal resentments and fear, Carysfort was in no doubt that the Union would be achieved when backed by all of the resources of the British government:

> The fixed determination of the British Ministry, which will, I doubt not be well supported by the voice of Parliament and the nation, will ultimately accomplish the great object of the Union. And I should hope that the extraordinary violence with which the Opposition here have resolved to act, will bring it nearer than might have been expected.[33]

Carysfort stated the fixed and realistic belief that ultimately the majority in parliament would give their votes and support to such an important motion which had the backing of the government. He had the examples of the actions of parliament in the early 1790s when it voted for catholic relief because the British government

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[31] Carysfort to Grenville, 23 January 1799 (HMC, *Fortescue Mss.*,), p.449.
[32] Buckingham to Grenville, 14 January 1799 (*Ibid.*,), p.435.
[33] Carysfort to Grenville, 23 January 1799 (*Ibid.*,), p.449.

supported these changes. He also knew that the Irish parliament, in voting for the reform of the anti-catholic legislation, diluted the protestant constitution of the kingdom but had done so under pressure from London. Therefore, it was a logical conclusion that another change of equal, if not greater importance in the constitution would be accepted by the Irish parliament. It had been prepared for momentous changes by the London ministry.

In 1799 the Irish peerage consisted of twenty-two spiritual peers and two hundred and twenty-five temporal peers, including five royal earls and eleven peeresses in their own right.[34] Approximately one hundred members generally resided in Ireland.[35] Thus, in the vote taken on the question of union in the House of Lords in 1799 the government majority of fifty-one in favour to seventeen against was very substantial. In supporting the Union, the peers were giving their support to the constitution which they saw as essential for stability in protestant church and state. In his discussion of conservative protestant political thought, James Kelly has written that the crisis of 1798 resulted in 'the further energizing of conservative Protestant thinking.'[36] This in turn helped to prepare men's minds for the decision which would provide the security of the British constitution for Ireland in the most assured manner possible.

The House of Commons, however, did not replicate the voting pattern of the Lords; one hundred and seven voted in favour to one hundred and five against.

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[34] R. B. McDowell, *Ireland in the age of imperialism and revolution, 1760-1801* (Oxford, 1979), p.121.

[35] E. M. Johnston, *Great Britain and Ireland,* 1760-1800: *a study in political administration* (Edinburgh, 1963), p.269.

[36] Kelly, 'Conservative Protestant political thought in late eighteenth-century Ireland', p.220.

Given the political dominance of the peers over a substantial number of men in the Commons, this close result is unusual. Bolton explains it by stating that many families covered themselves both ways. The head of the family in the House of Lords supported the motion, while the eldest son opposed in the Commons. The Earl of Leitrim supported, but the two members for his borough of Carrick-on-Shannon and his son, Viscount Clements voted against the Union. Lord Landaff supported and his two sons opposed, while' Richard Dawson M.P., for Co. Monaghan, and a prominent anti-unionist, was heir to the courtier, Lord Cremorne.'[37]

The influence of the Lords upon many in the Commons clearly slipped away during the vote on the proposal in 1799. This is explained by the fact that members were dealing with a new situation - a bill which would radically alter the structures of parliamentary power. Because only one hundred Irish members were to go to the British Commons, the loss of two hundred seats meant that at least half of the MPs could no longer be subject to pressure from the peers. Voting as the majority in the Lords indicated, would result in the loss of many seats and political careers. The Lords were also going to lose seats in the Westminster parliament, but they would still retain their titles and wealth. With the reduction in places for MPs, the outlook appeared very bleak for them and their future in the world of politics.

In defying the peers, the members of the Commons were acting in accordance

[37] Bolton, *The passing of the Irish act of union*, p.158.

with the wishes of vociferous groups in the city of Dublin. Buckingham, who had returned to Ireland as commander of a regiment of volunteer militia which he brought from England in 1798, reported to his brother Grenville that: 'The clamour against it [the Union] in Dublin is as violent as anything can be that is urged forward by everyone the most violent, and the most disaffected, and to which no resistance or check of any sort is opposed by Lord Cornwallis.' A very anti-union pamphlet had been produced and circulated all over the kingdom by the Irish Bar.[38] Lord Shannon also confirmed that Dublin traders were in uproar. 'This business,' he wrote, 'will occasion much riot and popular fury, and I should suppose bloodshed.'[39] However, the fact that the Commons split on the vote and therefore ensured the virtual defeat of the issue does not imply that it was acting in a representative role for the Dublin traders and barristers. The members of the Commons voted primarily against the threat which the Union posed to their own careers.

Buckingham blamed the defeat in the Commons on poor management by Cornwallis: '...and I feel bound as an honest man to tell you that, having disgusted every man in the country, friend or foe and having shewn in the common management of the question and of the men through whom he was to work the most absolute incapacity'. The only solution, in his opinion, was to recall Cornwallis.[40] Clearly Buckingham believed that the management of the Commons, on such an

[38] Buckingham to Grenville, 7 December 1798 (HMC, *Fortescue Mss.*,) p.405.
[39] Shannon to Bandon, 29 December 1798 (PRONI *Bisbrooke Hall Mss.*, T. 2966/3/6. copy NLI).
[40] Buckingham to Grenville, 23 January 1799 (HMC, *Fortescue Mss.*,) p.449.

issue, required a huge amount of planning and work from Dublin Castle which was not forthcoming from the Lord Lieutenant. Lord Carysfort, had a similar view for the defeat of the measure. He did not believe that defeat in the Commons was due to what he called the Orange or the Green faction and neither could ensure that the measure would be successful on another occasion. It was his opinion that sufficient time and energy had not been spent in attempting to win around powerful men with influence in parliament: 'Either time or address has been wanting to treat with individuals who are not prepared to make a great personal sacrifice without personal compensation.'[41] Members of the Commons could hardly be expected to abandon two-thirds of their seats and be relegated to political oblivion without some form of tangible reward.

Castlereagh, in the House of Commons on 22 January 1799, announced that no further proceedings would take place upon the measure of the Union without the government giving further and very full notice.[42] The Lord Chancellor was of the opinion that the opposition to the measure had built up far too much and must be allowed to cool down before another attempt could be made to have it passed into law. However, he was nervous of the agitation against the proposal which was still very great in Dublin and he did not think that it would evaporate for many months. It would be the next parliamentary session before the question could again be brought

[41] Carysfort to Grenville, 28 January 1799 (HMC, *Fortescue Mss.*,), p.459.
[42] Buckingham to Grenville, 23 January 1799 (HMC, *Fortescue Mss.*,), p.451.

forward: '...but that it will be carried I have little doubt'.[43]

While awaiting the reintroduction of the measure, both opposition and government set themselves the task of winning as many to their point of view as possible. The opposition set out to press for laws which would attract wide support. John Patrickson, a friend and supporter of Lord Downshire, reported that they would press for short money bills, catholic emancipation, the regulation of tithes and payment of the catholic clergy. Opposition had always favoured the money bill which granted the government powers to collect revenue for a very brief period of time. Some of them had also favoured emancipation and a regulation of the tithe question.[44] Robert Johnston writing to Downshire, reported that the Ponsonby/Whig faction was in full vigour and activity and alleged that certain people, whom he did not name, were attempting to bind the opposition into one firm body. If they succeeded, in his opinion: ' government cannot stand it.'[45]

The proposal for union was again brought before parliament in February 1800. Charlemont had died in August 1799, but his son voiced his own objections in the House of Lords. He also firmly rejected the Lord Chancellor's charge that the opposition had used bribery to win votes, stating that: 'he never gave a bribe to any man to secure a political purpose, nor did he know of any such bribe, being given.'[46]

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[43] Lord Clare to Lord Camden, 8 February 1799 (*Camden Mss.*, U840. addn. 0183/13).

[44] John Patrickson to Downshire, 5 February 1799 (PRONI *Downshire Mss.*, D.607/G/45)

[45] Johnston to Downshire, 8 February 1799 (PRONI *Downshire Mss.*, D.607/G/52)

[46] *Freeman's Journal*, 11-13 February 1800.

The government went straight on the attack because it was quite determined to carry the issue through on this occasion. While this tactic may appear like a desire to smear the opposition, Patrick Geoghegan supports the proposition that the opposition did engage in bribery. However, all that they could offer was money, which in no way compared with the titles and government offices which the administration had in its gift.[47] The opposition had little chance to swing members in both Lords and Commons with its puny offerings. The Marquis of Downshire also denied any knowledge of what he termed 'a Consular Exchequer', [48] nor had he heard of any such funds until mentioned by the Chancellor. Downshire assumed that all bribery was aimed at the Commons, because he stated that he would have nothing to do with any such shameful actions and would consider himself unworthy to appear in the House of Lords if he had been guilty of any attempts to corrupt the members of the House of Commons.[49] From his statement, it does appear that the lower house was the object of most of the management engaged in by the government and opposition.

One of the main forms of attack that the government engaged in was to attempt to tarnish the reputation and motivation of members of the opposition. Apart from charging them with using bribery, it also threw the insulting term of 'faction' at them. Viscount Dillon, usually a firm supporter of the government, attempted to answer this charge by stating that he was loyal to his king and the constitution, but that both could be best supported in an Irish House of Lords. He claimed that it was 'his own

[47] Geoghegan, *The Irish act of union,* p.118.
[48] *Freeman's Journal,* 11-13 February 1800.
[49] *Ibid.*

solid opinion, founded in experience, that the union was calculated to promote disloyalty and insecurity, instead of producing particular and general stability.' [50] A spirit of party or faction could not be levelled against his opposition to the Union, because he had never been a member of the Whig club. Dillon then dealt with the charge of corruption. If the members of the opposition were corrupt they could plead that they learned from the example given by the supporters of government. To prove this he drew the attention of the peers to the newspapers of the day. There they would see '...the signatures of the vilest dregs of the people subscribing assent to the overthrow of the Constitution...' These same people were so far from Ireland that it was impossible for anyone to have had communication with them.[51]

Apart from the vast array of positions and titles which the government had at its disposal in order to reward those who voted for the Union, and supported the Crown and constitution, it also had, in the person of the Lord Chancellor, a most effective speaker on the issue. When the matter of the Union was re-introduced in parliament in February 1800, the Chancellor's speech in the House of Lords was intended for the ears of more than the peers. It was a call to the entire kingdom to support the Union and to see those in opposition as evil or at least misguided. He was firmly of the opinion that nothing but union could save Ireland from annihilation. Lord Clare stated: 'I am satisfied in my judgement and conscience, that the existence of her independent Parliament has gradually led to her recent complicated and bitter

[50] *Ibid.*
[51] *Ibid.*

calamities, and that it has at length become desperate and impracticable.'[52] The Chancellor was deeply committed to the values of the British constitution and would do much to preserve it in Ireland. He expressed these views when writing to his friend, Lord Auckland in relation to the viceroyalty of Lord Fitzwilliam:

> '...that to my knowledge A Deliberate and Settled Conspiracy had Existed in Ireland from the year 1791 to Separate this Country from Great Britain, and that Catholick Emancipation as it Was most improperly and Wickedly Called, Was the Corner Stone of the System That the Principal Conspirators were the Men Who had Come up to the Castle of Dublin With an address to him...'[53] [Lord Fitzwilliam]

In his speech to the Lords he poured scorn on the constitutional changes of 1782: 'The concession of a free trade was succeeded by the demand of a free constitution,' he lamented, 'and the English colony was taught in an evil hour, to separate itself from the English nation.' The Chancellor cast doubt on the validity of the means used to achieve the political changes of 1782:

> It is the fashion now to assert, that what passed at that period was acknowledged in both countries to be a final adjustment of all political claims and controversies between them, and a full security for their constitutional connection. If it be a final adjustment of political controversy, and a full security for their connection, it was achieved with a rapidity unexampled, and by means the most extraordinary which have ever attended an adjustment of any kind between two independent countries. The history of this adjustment lately

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[52] John Fitzgibbon, Earl of Clare, *The Speech of the Right Honourable John, Earl of Clare, Lord High Chancellor of Ireland in the House of Lords of Ireland on a Motion made by Him on Monday, February* 10, 1800 (Dublin, 1800), pp. 2-3.

[53] Lord Clare to Lord Auckland, 24 March, no year given but probably 1795 because of the discussion of Fitzwilliam's viceroyalty (Keele University, *Sneyd Mss.*, No.37).

> given in the name of the gentleman who is styled the Father of it [Grattan] is - "That it emanated from the armed convention assembled at Dungannon, was approved at county meetings of the people armed and unarmed, and was sanctioned and registered by the Irish Parliament." If this history of our boasted constitution be well founded, I have no scruple to declare that we cannot too soon get rid of it: [54]

The constitution which the Chancellor hated was the one which, he considered, moved Ireland away from Britain and did not really reflect Britain's constitution, the one he loved. He also attacked the Whig opposition especially for its actions during the regency crisis. It plunged the kingdom into a constitutional crisis of major proportions, in the Chancellor's opinion, and actually put Ireland and Britain into a state of separation from each other: '...if the proceedings of the Irish Parliament can be supposed to have anything of validity in them, you were for some weeks in a state of actual separation from Great Britain.'[55]

The Chancellor pressed home this point in order to frighten the assembled peers, to whom the attempted invasion by the French in 1796 and the bloodshed of the last few years were still vivid and painful memories. He elaborated even further in order to make clear the foolishness and corruption of those who would threaten the vital link between the two kingdoms. The Whig clubs had been set up, he believed, for the purpose of raising a 'junta' in both kingdoms in opposition to the government. It was only through the medium of a union that this 'mischevious party' and the political questions it raised, such as parliamentary reform and the limitation of government patronage, would fade away. It was his hope that 'from the operation of English

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[54] *The Speech of the Right Honourable John, Earl of Clare.*, pp. 30-31.
[55] *Ibid.*, p.55.

manners, and the flowing in of British capital, civilized and independent habits must succeed to the present barbarous usages.'[56]

The Chancellor continued to analyse the constitutional structures of the two kingdoms. He admitted the dependence of the Crown of Ireland upon the Crown of Great Britain. However, there was a distinct parliament in each country exercising all legislative functions without restrictions. He acknowledged that the executive was a different matter: '...the unity and dependence of our executive is unquestioned'.[57] His conclusion was that between two countries equal in power, such a connection could not last very long and 'therefore' he concluded, 'its existence must depend upon the admitted inferiority and marked subordination of one of them.'[58] In the Chancellor's opinion Ireland was the inferior country, and here government must be a provincial government of the worst description: '...a government maintained, not by the avowed exercise of legitimate authority, but by a permanent and commanding influence of the English executive in the councils of Ireland, as a necessary substitute for it.'[59] In such a situation the only way to lift Ireland from its present inferior status was through a union of the two kingdoms.

The party of the Crown had a leader who was convinced of the merits of the British constitution, British military support, economic assistance and even British manners. He could express himself in the House of Lords with clarity and energy. The opposition did not have a peer who could put the case against union with equal

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[56] *Freeman's Journal, 11 February 1800.*
[57] *The Speech of the Right Honourable John, Earl of Clare,* pp. 44-5.
[58] *Ibid.*
[59] *Ibid.*

eloquence. Speeches were made by the young Lord Charlemont, but they were solid and concerned with detail rather than interventions which stirred the blood. Downshire was more spirited in his contributions. He spoke in the House about what he called the 'contradictory policy pursued through the influence of British Counsels',[60] which he blamed for the recent violence and bloodshed in the country. At one period the parliament of Ireland was called on to maintain protestant ascendancy, and less than four years after, instructed to support catholic emancipation. It was his conclusion that; 'A policy of this kind must naturally have had an irritating effect upon the public mind, and caused those evils which now, to serve the project of Union, were ascribed to other causes.'[61]

Another former supporter of government was eloquent in his opposition to union during the speeches of the spring of 1800. Lord Dillon was convinced that the bloodshed of 1798 had been put down by the wisdom and firmness of the Irish parliament and not by the intervention of the British ministry. British influence had, unfortunately, lead to mercy being shown and this caused continued disturbance.[62] The anti-unionist members struggled on, but without any real hope of success, and in 1800, not only the Lords, but the Commons, gave a decisive vote in favour of the Union; one hundred and sixty-one to one hundred and fifteen.[63] Nothing had been left to chance during the second vote. The management of the Commons was firmly in the hands of the government. Portland wrote to Cornwallis in February 1800 and

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[60] *Freeman's Journal*, 13 February 1800.
[61] *Ibid.*
[62] *Ibid.*
[63] Geoghegan, *The Irish Act of Union* , p.107.

instructed him that everything was to be risked in pursuit of success. The Home Secretary informed the the Lord Lieutenant that there were to be no limits or restrictions on the rewards given. He reminded Cornwallis that he was authorised to give generously to those who would support the union.[64] With this determination it was inevitable that a substantial majority in the Commons would vote in favour of union. They were being compensated for their loss of seats and the future advancement which they could have expected to be theirs.

With the Union secured, an extremely significant issue for the peers was the allocation of seats for them in the British House of Lords. In March 1800, the discussion moved on to deciding the number of peers to be returned by the Irish Lords to sit as representative nobles in the British House. Perhaps because the matter was in fact already decided by government, the party of the Crown in the Lords made little or no contribution to the discussion. The fact that it had been virtually decided by Dublin Castle is indicated in a list drawn-up by Under-secretary Edward Cooke. Forty-three peers are named on the list. Opposite each name is the reward he could expect if he voted for union. The position of representative peer in London is promised to twenty-three.[65] The final number decided upon was twenty-eight lay nobles and four members of the bench of bishops. The document, unfortunately, is not dated, so it is impossible to know if the list was made out before or after the discussions held in the House of Lords during March 1800. Even

[64] Portland to Cornwallis 9 February 1800 in Charles Ross (ed.), *The Correspondence of Charles 1st Marquess Cornwallis* (3 vols, London, 1859), III, p.188.

[65] Undated list by Edward Cooke, Under-Secretary at Dublin Castle (PRONI *Castlereagh Mss.*, D/ 3030/16).

though the representative peers were elected by the members of the House, all twenty-three on Cooke's list were returned to represent the Irish peerage in London. This implies extensive lobbying by the government in order to have its promises fulfilled and also lobbying by the named peers among their fellow noblemen.

Perhaps the most emotional speech on the issue of the number of representative peers was delivered by a member of the old Whig opposition, Lord Farnham. He felt that he would much rather let the generosity of the British parliament decide the matter. He did not wish to put a number forward, he said, because it would appear to give sanction to what he termed 'a mockery of representation to a measure so ruinous and unjust as that of a legislative union. Neither was the number in a just proportion to the number of commoners, and he begged to know on what principle it was that they were not so.'[66] Farnham continued by calculating the number of peers and commoners in Scotland at the time of the union of Scotland and England. He understood that 'the proportion returned to the British Parliament was strictly conformable to the number of Commoners.' In relation to the boroughs which were, as Farnham emotionally observed, 'to be thrown out of the representation' he said that it would be mere justice if Britain also disfranchised some of her boroughs.[67]

Farnham was answered by Lord Yelverton who, when he was the untitled Barry Yelverton, a member of the Commons in 1782, had worked hard to obtain constitutional parity between the two kingdoms. In his speech he clarified the

[66] *Freeman's Journal,* 25 March 1800.
[67] *Ibid.*

concept of parliamentary representation for those in positions of political power at the end of the eighteenth century. He was unhappy with the concept of numbers being in proportion to population, because that indicated that the people could dictate to parliament and that their will should determine its conduct: 'I will not say that the voice of the people is wholly to be disregarded because I admit that all governments have been instituted to insure their happiness and prosperity, but I will appeal from the cry of the giddy multitude to the sober and corrected sense of the people.'[68] He summed up by stating that it was not the people but the property of the country that was represented. Yelverton recalled that at the time of the union of England and Scotland, sixteen peers were returned, a proportion of one to three. The proposal for Ireland was that thirty-two peers should sit in London. This was short of the proportion of one to three, but only by a small deficit.[69]

Glandore, another supporter of government, was even more positive in his representation of the power that the Irish peers would enjoy after the Union. He reminded the assembled nobles that about forty Irish peers were in possession of English titles, which meant that Ireland would possess more than her ratio of numbers in the imperial parliament.[70] However, Glandore voiced his concern about the selection of the boroughs which were to retain the right of sending representatives to the House of Commons in London. The Irish Commons had three hundred seats, but Ireland could now send only one hundred members to London. The loss of

[68] *Ibid.*
[69] *Ibid.*
[70] *Ibid.*

influence was not as shattering as it appeared at first. He considered that the patronage of seats in the Commons in London outweighed the loss of a wider patronage confined to the kingdom of Ireland. Glandore's objections rested, he declared upon the 'dread that it would occasion too great a shock in the political weight and influence of the aristocracy, and the ancient families of the country.'[71] He was concerned, as was Yelverton, that the ownership of land should continue to confer power and influence. This influence, Glandore claimed, was supported by the writers and commentators who studied the British constitution. It was essential that there was no loss of power to those who held property as a result of these changes in Ireland's status.[72] The opposition was also concerned that the influence of property be maintained. Lord Farnham pointed out that of about eighty-three members of the Irish peerage who always resided in England, only twenty-three had a small amount of property in Ireland. It could happen, Farnham claimed, that the whole of the twenty-eight temporal peers selected for seats at Westminster might have no actual property, fortune or interests in Ireland.[73]

The first group of twenty-eight temporal peers to go to Westminster were to be selected by the Irish House of Lords in the following manner:

> That upon the day and hour appointed for the call of the House for the purpose of electing the twenty-eight Lords Temporal, when the name of a Lord is called he shall (if present) immediately deliver to the Clerk of the Crown or his Deputy (who is to attend for that purpose) a list of twenty-eight Lords Temporal

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[71] *Ibid.*, 29 May 1800.
[72] *Ibid.*
[73] *Ibid.*

> signed with his title of honour and the Clerk of the Crown or his Deputy is immediately to read the said list with an audible voice and shall then proceed to take down the names of the said twenty-eight Lords Temporal in a book or paper that he shall provide for the purpose and shall then put the said list upon a file before the name of any other Lord shall be called and so in like manner until the names of all the Lords shall have been called over.[74]

Proxies were also counted and when all was finished the Clerk of the Crown then declared the names of the twenty-eight peers chosen by the majority. The inclusion of proxies was a measure suggested by the Marquis of Buckingham when writing to Lord Grenville, in May 1800. He was fearful that the opposition would dominate the election of the representatives peers: 'I repeat that I know of such a cabal for directing the election in the House of Lords; and unless proxies are allowed for the first election, that cabal will name the twenty-eight Lords.'[75] Proxies facilitated those peers who usually resided in England. Buckingham's advice was followed; proxies were included in the count and the elected peers were all supporters of the government. The list of elected peers was published in the *Freeman's Journal* on 5 August 1800. The earls were: Clanricarde, Westmeath, Bective, Roden, Altamont, Glandore, Longford, Erne, Desart, Leitrim, Lucan Londonderry, Conyngham, Landaff. The viscounts were: Wicklow, Northland, Oxmantown, O'Neill, Bandon, Donoughmore, Carleton; while the barons were: Cahier, Glentworth, Callan,

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[74] *Ibid.*, 24 July 1800.
[75] Buckingham to Grenville, 11 May 1800 (HMC, *Fortescue Mss.*,), p.221.

Somerton, Longueville, Rossmore and Tyrawley.

Edward Cooke's undated list of rewards for those peers who would support the Union includes all but four who were elected to represent the Irish nobility at the imperial parliament. They were Baron Somerton, who was Charles Agar, Archbishop of Cashel, and the earls of Londonderry, Clanricarde and Westmeath. The list also shows some of the positions and rewards promised to those who were in favour of the Union. For example, Lord Belvedere was to receive a pension and to become a privy councillor. Lord Altamont would be elevated to the title of Marquis of Sligo and be made a knight of St. Patrick. Lord Carysfort was to become a British peer. Baron Yelverton was to become a viscount and would receive a pension of £1,000 a year. Baron Kilconnel was also to become a viscount and his son a bishop.[76] The various grades of the peerage, ribbons of noble orders, bishoprics, places on the privy council were all necessary in the administration of the kingdom in the late eighteenth century. The smooth running of the country depended upon the co-operation of those who controlled the land and much of the wealth. If the government could not turn to such people to assist in the administration of church and state, to whom could it turn?

The temporal peers were not alone in their task of representing the old Irish House of Lords. The spiritual peers were to go to Westminister but also in reduced numbers. The proposals for the representation of the church of Ireland in the British Lords was drawn up in 1799 to win the support of the bishops for the Union.

[76] Undated list by Edward Cooke, Under-Secretary at Dublin Castle (PRONI *Castlereagh Mss.*, D.3030/16).

Because he was uncertain in his attitude to union in its early stages, Cashel had little influence on decisions taken in relation to the Church of Ireland.[77] It was his belief that the church should be represented by the four archbishops. However, in order to win the support of the eighteen bishops, Cornwallis and Castlereagh had decided on a rota system. The four archbishops were in one rota and the eighteen bishops were in another. It was arranged that there should always be one archbishop and three bishops in the British Lords. While the representative temporal peers sat for life the spiritual peers attended once in every six years. Cashel disapproved strongly of this system and believed that it was beneath the dignity of spiritual peers. He also believed that a bishop sitting in the Lords for five or six months every six years could not become fully aware of the rules of the House and certainly could not plan measures to aid and promote the Church of Ireland.[78]

Irish counties and the cities of Dublin and Cork could each return two members to the united House of Commons. One seat was allocated to Trinity College, and one each to the thirty-one boroughs with the largest population. The taking of population as the basis of selection did not involve any change in the fundamental philosophy that property not people was to be represented, because the boroughs with the largest population were not necessarily the boroughs with the largest electorate. As E. M. Johnston-Liik has written in her study of the Irish parliament from 1692-1800:

> The Irish parliament represented the landed proprietors of the country

[77] A. P. W. Malcomson, *Archbishop Charles Agar: Churchmanship and Politics in Ireland, 1760-1810* (Dublin, 2002), p.559.

[78] *Ibid.*, p.561.

> who controlled the majority of the borough constituencies virtually absolutely. It was this that gave the epithet 'a borough parliament' its peculiarly derogatory application. In fact they were property to such a degree that it was necessary to compensate their patrons to the amount of £1,200,000 to obtain consent to the Act of Union.[79]

Castlereagh was the man who had most of the responsibility for ensuring the passage of the Act of Union. He had hoped that compensation would not be necessary but in the end he admitted that:

> There are two modes of making compensation; the one by Representation, the other by money. The latter seems almost exclusively applicable to Boroughs where the interest is so distinctly understood to be property by the parties that all interested will acquiesce in the equitable application of money.[80]

The majority of the members of the Irish House of Lords were extremely attached to the British constitution, in spite of the huge sums of money paid in compensation for lost parliamentary boroughs. They believed that it was their duty and right to work with government in administering both church and state. They were firm believers in the rights of property. These beliefs constituted their political philosophy. In these circumstances it would be strange indeed if they did not accept the concept of a united kingdom which would join them completely in a state which represented all that they admired in the political world.

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[79] E. M. Johnston-Liik, *History of the Irish Parliament 1692-1800* (4 vols, Belfast, 2002), II, p.92.

[80] Quoted in *Ibid.*, p.92.

Conclusion.

The parliamentary system of late eighteenth century Ireland was structured to represent the propertied classes of the kingdom. At the apex of this society, owning vast amounts of land, were the peers of the realm. At local level they were instrumental in the appointment of magistrates and sheriffs who had great influence in the conduct and therefore the outcome of elections to the House of Commons. Some peers owned parliamentary boroughs and also had huge sums of money to spend on county seats in the Commons. Men who were beholden to peers for their places in the lower house were expected to represent the views of their patrons in speeches and voting patterns.

The legislative function of the House of Lords was not simply a reflection of that conducted by the lower house. It enjoyed a veto on all legislation, including financial bills, sent up from the Commons. While it could also initiate legislation, the Lords' primary function was to supervise the contents of all bills coming to it from the Commons. It could alter or reject what it considered to be unsuitable.

Because of the political philosophy to which the majority of peers subscribed, the genesis of the modern two-party system is to be found in the House of Lords. Almost all of the members of the nobility saw loyalty to the Crown as an essential public virtue necessary to maintain stability in the fractured world of late eighteenth century Ireland. However, a small number of peers, with strong family connections

in Britain believed that the prerogatives of the Crown should be limited and that more power should fall into the hands of the aristocracy. This small group became very influential in the Irish Lords when their powerful Whig friends and relatives in Britain formed the King's ministry in 1782 and almost came to power again in 1788. The two-party system was given further encouragement, however unintentionally, by the lords lieutenants, who, as British aristocrats themselves identified with the problems and aspirations of Ireland's peers. Camden and Westmorland aligned themselved with the majority of the nobility who supported the Crown and its rights while Fitzwilliam gave, however briefly, encouragement and hope to the Whigs.

Perhaps one of the greatest ironies of Irish history is the fact that the British constitution was weakened by Pitt himself in an effort to win catholics away from the dangerous political ideas coming from France in the 1790s. The majority of Irish peers were reluctant to follow this path, because they were very alive to its dangers for the protestant constitution. However, their loyalty to the Crown triumphed in the end and they voted in favour of catholic relief. When finally the Crown and its ministers saw a union of both kingdoms as the ultimate solution to the problems of the two kingdoms, the peers voted in its favour and out of extreme devotion condemned their House to oblivion.

The members of the peerage and the House in which they oversaw the legislative programme of the kingdom cannot be distanced from each other. Peers were elevated to the nobility because they possessed great wealth or were impressive

performers in the House of Commons, on the government side. Many peers were descended from ancient families of wealth and distinction. Most peers because of vast landholdings or ability, or both, were influential members of the political world. The fact that they belonged to the upper house of parliament with its own individual powers added greatly to their prestige. The House of Lords itself had its veto and its power to originate legislation to give it impressive authority. Therefore, individual members of wealth, ability or ancient family added to the distinction of the House, while the House, the second pillar of the constitution, conferred upon its members an aura of power and majestic potency. The member and the House cannot, in terms of political influence and impressive authority, be separated. However, there was something fitting and even logical about the fate of the Irish House of Lords. Ireland's constitution grew out of Britain's history and political evolution. In some ways, therefore, the Lords was more at home in London than College Green, Dublin. The decision to take seats in Westminster, with the intention of drawing the two kingdoms closer together, could be seen as a natural progression.

Appendix One.

Brief biographies of peers referred to in the text

Aldborough: Edward Stratford, second Earl of Aldborough was widely known for ability and eccentricity. He was elected Whig MP for Taunton to the British House of Commons in 1774 but was unseated, on petition, in 1775 for bribery and corruption. After that he represented Baltinglass in the Irish Commons until his father's death. In 1777, as Viscount Amiens he was elected to the Royal Society. He founded the town of Stratford-on-Slaney and improved the borough of Baltinglass. As a supporter of the Union with Britain in 1800 he received compensation for the disfranchisement of Baltinglass. He died, without issue, on 2 January 1801.

Reference: Sir Leslie Stephens and Sir Sydney Lee (eds.), *The Dictionary of National Biography* (22 vols, Oxford, 1937), XIX, p.30.

Altamont: John Denis Browne third Earl of Altamont. Created Marquis of Sligo on 29 December 1800 and peer of the United Kingdom as Baron Monteagle of Westport, Co. Mayo.

Reference: Sir Bernard Burke, *A Genealogical and Heraldic Dictionary of the Peerage and Baronetage* (London, 1887), p.130.

Annaly: John Gore, Baron Annaly (1718-1784). He was educated at Trinity College, Dublin. After practising with success as a junior, he was appointed king's counsel and counsel to the commissioners of the revenue. In 1745 he became MP for Jamestown, Co. Leitrim, solicitor-general on 31 July 1760 and chief justice of the king's bench on 24 August 1764. On 17 July 1766 he was made an Irish peer with the title of Baron Annaly of Tenelick. He was granted permission to act as speaker of the House of Lords in the absence of the lord chancellor. On 26 November 1747 he married Frances, second daughter of Viscount Powerscourt. He died on 3 April 1784.

Reference: *DNB, VIII,* p.238.

Antrim: Randall William McDonnell, was born on 4 November 1749. On 3 July 1774 he married Hon. Letitia Morres, eldest daughter of the first Viscount Mountmorres. Because he had no male issue he obtained a new patent dated 2 May 1785 creating him Viscount Dunluce and Earl of Antrim with remainder to his daughters, primogeniturely, and their male issue. In August 1789 he was created Marquis of Antrim.

Reference: Patrick Montague-Smith (ed.), *Debrett's Peerage and Baronetage* (London, 1980), pp.68-69.

Arran: Arthur Saunders Gore KP, succeeded as second Earl of Arran Islands in the Irish peerage in 1773. On 24 July 1760 he married Catherine, only daughter of Viscount Glerawley. He died in 1809 and was succeeded by his son.

Reference: *DPB,* p.76.

Avonmore: Barry Yelverton was born in 1736. He became a lawyer and was appointed attorney-general in 1782. In 1784 he was appointed to the privy council and became lord chief baron of the exchequer. He was elevated to the peerage as Baron Yelverton in 1795. On 29 December 1800 he became Viscount Avonmore of County Cork. On his death in 1805 he was succeeded by his eldest son.

Reference: *DPB*, p.73.

Bandon: Francis Bernard was born on 26 November 1755 and was elevated to the peerage of Ireland as Baron Bandon on 30 November 1793. He was created Viscount Bandon on 6 October 1795 and Viscount Bernard and Earl of Bandon on 6 August 1800. On 12 February 1784 he married Catherine Henrietta, only daughter of Richard, second Earl of Shannon.

Reference: *GHD*, p.86.

Bective: John Taylour, second Earl of Bective was born in 1757. He was created Marquis of Headford in 1800.

Reference: *GHD*, p.691.

Bellamont: Charles Coote was born in 1738 and attended Trinity College, Dublin. In 1766 he inherited the peerage from a cousin and in 1767 he was elevated to an earldom. In 1774 he married Lady Emily Fitzgerald, daughter of the Duke of Leinster. It was not a happy marriage and after the death of his heir in 1786 he became an infrequent visitor to his estate in Co. Cavan.

Reference: Henry McDougall, *Sketches of Irish Political Characters* (London, 1799), pp.68-70.

Belmore: Armar Lowry-Corry was born on 7 April 1740. He represented County Tyrone in the Irish House of Commons from 1769-81 and was high sheriff of the county. In January 1781 he was created Baron Belmore of Castle Coole, County Fermanagh and Viscount Belmore in 1784. He was created Earl of Belmore in 1797. In October 1772 he married Lady Margaret Butler, daughter of the Earl of Carrick. After a divorce he married, in 1780, Lady Harriet Hobart eldest daughter of the Lord Lieutenant, the Earl of Buckinghamshire. He married for a third time to the daughter of Sir James Caldwell. He died in 1805.

Reference: *GHD*, p.93.

Bessborough: Frederick Ponsonby, third Earl of Bessborough was born in 1758. In 1780 he married Lady Henrietta Spencer daughter of Earl Spencer. He died in 1844.

Reference: *GHD,* p.130.

Caher: Richard Butler, tenth Baron Caher was born in 1775. He took his seat in the House of Lords in 1796. In 1793 he married Emily, daughter of James St.John Jeffreys of Blarney Castle, County Cork, by Arabella his wife who was sister to John Fitzgibbon, Lord Chancellor of Ireland.

Reference: Sir Bernard Burke, *Dormant and Extinct Peerages* (London, 1883), pp.360-1.

Callan: George Agar of Ringwood, County Kilkenny was born in 1751. He was MP for Callan in 1789 and was raised to the peerage of Ireland as Baron Callan of Callan County Kilkenny in 1790. He died without issue in 1815.

Reference: *DEP,* p.2.

Carhampton: Simon Luttrell who died in 1787 had been elevated to the peerage, successively, as Baron Irnham, Viscount Carhampton and Earl of Carhampton, in the Irish peerage. He was succeeded by his son Henry as second earl. Henry was born in 1743 and died in 1821. In 1770 he was given the post of adjutant-general of the land forces in Ireland. At the general election of 1783 he was returned for the Irish House of Commons for the borough of Old Leighton. In 1788 he was appointed colonel of the 6th regiment of dragoons and was promoted to lieutenant-general of the ordnance in 1795. He was entrusted with the suppression of the Defenders in Connaught and in 1796 he was promoted to the commandership of the army in Ireland. However, he was replaced by Sir Ralph Abercromby in December 1797. In 1798 he sold his property in Luttrellstown, County Dublin and spent the remainder of his life at his seat of Painshill, Surrey.

Reference: *DNB*, XII, pp.299-300.

Carleton: Hugh Carleton was solicitor-general for Ireland in 1779. In 1787 he was appointed lord chief justice of the common pleas and raised to the peerage in 1789 as Baron Carleton of Anner. In 1797 he was advanced to become Viscount Carleton of Clare, County Tipperary. He died in 1825 and the title became extinct.

Reference: *DEP*, p.103.

Carysfort: John Proby, second baron and Knight of St. Patrick was born in August, 1751. He was created Earl of Carysfort, in the peerage of Ireland in 1789 and enrolled amongst the peers of the United Kingdom as Baron Carysfort of Norman Cross, in January 1801. He married first in 1774, Elizabeth daughter of the Right Hon. Sir William Osborne of Newtown, County Tipperary. His second marriage was in 1787 to the sister of the first Marquis of Buckingham.

Reference: *GHD*, p.254.

Cashel: Charles Agar, was born in 1735. He became Bishop of Cloyne in 1768 and Archbishop of Cashel in 1779. He was one of the anglican church's leading administrative reformers and spokesmen in its efforts to resist the dismantling of the penal laws against catholics and dissenters. Between 1770 and 1800 he was prominent in the cabinets of successive lords lieutenant. He was created Baron Somerton in 1795, Viscount Somerton in 1800 and Earl of Normanton in 1806. In 1801 he was elevated to the see of Dublin.

Reference: A. P. W. Malcomson, *Archbishop Charles Agar: Churchmanship and Politics in Ireland, 1760-1810* (Dublin, 2002), p. 1.

Charlemont: James Caulfeild, first Earl of Charlemont was born in 1728 and died in August, 1799. He was one of the major Irish Whig politicians of the second half of the eighteenth century. He was also commander-in-chief of the Volunteers during the 1770s and 1780s.

Reference: James Kelly, A 'genuine' Whig and Patriot: Lord Charlemont's political career', in Michael McCarthy (ed.), *Lord Charlemont and his circle* (Dublin, 2001), pp. 7-37.

Charleville: Charles William Bury was born in 1764 and raised to the peerage of Ireland as Baron Tullamore in 1797 and created Viscount Charleville on 29 December 1800.

Reference: *DEP,* p.603.

Clanbrassil: James Hamilton, second Earl of Clanbrassil, died in 1798, without issue. His sister had married the Earl of Roden and she inherited the estates.

Reference: *DEP,* p.260.

Clanricarde: Henry de Burgh, twelfth earl of Clanricarde was born in January 1742. He was a member of the Irish privy council, a knight of St. Patrick and governor of County Galway. On 18 August 1785 he was created Marquis of Clanricarde but died, without issue, in December 1797, when the marquisate expired. However, his other titles devolved upon his brother, John Thomas, the thirteenth earl, who had been born in 1744 and died in February 1808.

Reference: *GHD,* pp. 287-8.

Clanwilliam: Sir John Meade was born in April 1744. He was elevated to the peerage of Ireland on 17 November 1766 as Baron Gillford and Viscount Clanwilliam. On 20 July 1776 he was created Earl of Clanwilliam. He died in October 1800.

Reference: *GHD,* p.287.

Clifden: James Agar, first Viscount Clifden, was elder brother to the Archbishop of Cashel, Charles Agar. He served as MP for Gowran and for County Kilkenny. He was created Baron Clifden in 1776 and Viscount Clifden in 1781. He was a privy councillor and joint postmaster-general for Ireland. He died in 1789.

Reference: Malcomson, *Archbishop Charles Agar:*, pp.41-44.

Conyngham: Henry Conyngham, third Baron Conyngham of Mount Charles, County Donegal was born on 26 December 1766. He was created Viscount Conyngham in 1789 and Viscount Mount Charles and Earl Conyngham in November 1797. In 1816 he was further enobled as Viscount Slane, Earl of Mount Charles and Marquis of Conyngham. He was a general officer in the army, a knight of St. Patrick and a representative peer of Ireland. He died in December 1832.

Reference: *GHD,* p.322.

Courtown: James Stopford, who became the second Earl of Courtown in 1770 when his father died, represented Taghmon as MP between 1761-8. In 1796 he was created a peer of Great Britain as Baron Salterford.

Reference: *GHD,* p.337.

Cremorne: Thomas Dawson was elevated to the peerage of Ireland in May 1770 as Baron Dartrey and advanced to the title of Viscount Cremorne in June 1785. He had no direct descendant and was created Baron Cremorne in 1797, with remainder to his nephew Richard Dawson. He died in 1813.

Reference: *DEP,* p.640.

Desart: Otway Cuffe, third Baron Desart was advanced to the title of Viscount Desart in 1781 and created Earl of Desart and Viscount Castle Cuffe in December 1793. He married in 1785, Lady Anne Browne eldest daughter of John second Earl of Altamont and died in August 1804.

Reference: *GHD,* p.409.

Dillon: The viscounty was created in 1622. Charles, the twelfth viscount, was born in 1745. He conformed to the established church in 1767. He claimed and was allowed the title in 1778. He married the daughter of the first Lord Mulgrave.

Reference: *GHD,* pp.422-3.

Donegall: Arthur Chichester, fifth Earl of Donegall was born in 1739. He was created a British peer with the title of Baron Fisherwick of Fisherwick, County Stafford in 1790. In June 1791 he was advanced in the Irish peerage to the titles of Earl of Belfast and Marquis of Donegall. His first marriage, in 1761, was to Lady Anne Hamilton, eldest daughter of James fifth Duke of Hamilton and Brandon. In all he married three times and died in 1799.

Reference: *GHD,* p.428.

Donoughmore: John Hely-Hutchinson was called to the bar in 1748 and became an MP in the Irish House of Commons. He was appointed provost of Trinity College, Dublin in 1761. In 1777 he was secretary of state for Ireland and keeper of the privy seal. His wife Christiana was raised to the peerage of Ireland as Baroness Donoughmore of Knocklofty, County Tipperary in October 1783. She died in 1788 and was succeeded by her son Richard. He was advanced to a viscounty as Viscount Donoughmore in 1797 and created Earl of Donoughmore in December 1800, with special remainder to the male descendants of his mother. He was elected as a representative peer and died unmarried in 1825.

Reference: *GHD,* pp.432-3.

Downshire: Wills Hill was created Earl of Hillsborough, in the Irish peerage, in October 1751. A privy councillor in both Britain and Ireland he was promoted to the post of secretary of state for the colonies in 1768 and advanced to a British viscounty and earldom in August 1772 by the titles of Viscount Fairfield and Earl of Hillsborough. In 1747 he married Margaretta, daughter of the first Duke of Leinster, and was created Marquis of Downshire in 1789. The second Marquis of Downshire, Arthur Hill was born in 1753. He opposed the union of the two kingdoms and died in 1801.

Reference: *GHD,* p.439.

Drogheda: The earldom of Drogheda was created in 1661. Charles Moore, the sixth earl, was born in 1730. His mother was Lady Sarah Ponsonby, daughter of Brabazon Ponsonby, first Earl of Bessborough. He married in 1766 Lady Anne Seymour, daughter of the first Marquis of Hertford. In 1791 the Earl of Drogheda was elevated to the title of Marquis of Drogheda.

Reference: *GHD,* pp.443-4.

Earlsfort: John Scott, created first Baron Earlsfort and first Viscount and Earl of Clonmell, was sucessively solicitor-general and attorney-general, 1774-82 and was lord chef justice of the king's bench, from 1784 to his death in May 1798.

Reference: Malcomson, *Archbishop Charles Agar:*, pp.72-6.

Ely: Henry Loftus, fourth Viscount Loftus was born in November 1709. He was advanced to an earldom as Earl of Ely in December 1771 and installed as a knight of St. Patrick in 1783. He died in May 1783, without issue. His honours expired and his estate devolved upon the son of his sister, the Hon. Elizabeth Tottenham. The Right Hon. Charles Tottenham assumed the surname and arms of Loftus and was created Baron Loftus of Loftus Hall in 1785. On 22 December 1789 he was advanced to a viscounty as Viscount Loftus of Ely and in 1794 he was created Earl of Ely. On 29 December 1800 he was created Marquis of Ely and a peer of the United Kingdom as Baron Loftus in January 1801. He died in March 1806.

Reference: *G-HD,* pp.504-5.

Enniskillen: William Willoughby Cole, second Baron Mountflorence in the peerage of Ireland was created Viscount Enniskillen on 20 July 1776 and Earl of Enniskillen on 18 August 1789. He married in 1763, Anne sister of Armar Lowry Corry, Earl of Belmore. He died on 22 May 1803.

Reference: *GHD,* p.508.

Erne: John Creighton, second Baron Erne was advanced to a viscounty as Viscount Erne on 6 January 1781 and created Earl Erne of Crom Castle on 18 August 1789. He married Catherine a sister of Viscount Wicklow, in 1761 and in 1776 he married Mary Hervey, eldet daughter of the Earl of Bristol and Bishop of Derry. He died in 1828.

Reference: *GHD,* pp.508-9.

Farnham: Barry Maxwell, third Baron Farnham of Farnham, County Cavan, was created Viscount Farnham in 1781 and Earl of Farnham in 1785. He died in October 1800 and was succeeded by his only son John James.

Reference: *GHD,* p.528.

Glandore: William Crosbie, second Baron Brandon of Brandon, County Kerry was advanced to the title of Viscount Crosbie of Ardfert, County Kerry in 1771 and created Earl of Glandore in 1776. He was succeeded by his son John Crosbie in 1781 as third baron and second earl. In 1777 John married Diana Sackville, daughter of George first Viscount Sackville. However, he died, without issue, in 1815 and the viscounty of Crosbie and the earldom of Glandore became extinct.

Reference: *DEP,* pp.148-9.

Glentworth: The Right Rev. William Cecil Pery was born in 1721. He was consecrated Bishop of Killaloe in 1781 and Bishop of Limerick in 1784. He was created Baron Glentworth of Mallow in June 1790. He died in 1794 and was succeeded by his eldest son Edmund Henry who was created Viscount Limerick on 29 December 1800 and Earl of Limerick in 1803.

Reference: A. P. W. Malcomson, 'Speaker Pery and the Pery Papers', *North Munster Antiquarian Journal*, xvi (1973-4), pp.33-60.

Granard: George Forbes, sixth Earl of Granard was born in 1760. He married Lady Selina Frances Rawdon, fourth daughter of John first Earl of Moira in 1779.

Reference: *GHD,* pp.615-6.

Harberton: Arthur Pomeroy was elevated to the peerage of Ireland in October 1783 by the title (derived from the town of Harberton, Devon) of Baron Harberton of Carbery and advanced to the viscounty in July 1791. He married in October 1747, Mary, daughter and heir of Henry Colley of Castle Carbery, County Kildare and niece of Richard, first Lord Mornington. He died in 1798 and was succeeded by his eldest son Henry.

Reference: *GHD,* pp.660-1.

Kilwarden: Arthur Wolfe was born in 1739 and was solicitor-general of Ireland in 1787, attorney-general in 1789 and chief justice of the king's bench in 1798. In 1798 he was elevated to the peerage as Baron Kilwarden of Newlands and on 29 December 1800 he became Viscount Kilwarden.

Reference: *DEP,* pp.592-3.

Landaff: Francis Mathew MP for County Tipperary succeeded his father Thomas to the family estate in 1777. He was created a peer of Ireland as Baron Landaff in October 1783. In December 1793 he became Viscount Landaff and in 1797 he was made Earl Landaff. He died in September 1806 and was succeeded by his eldest son, Francis James.

Reference: *DEP,* pp.360-1.

Leinster: William Robert Fitzgerald, second Duke of Leinster was born in March 1749 and died in October 1804. The title was the premier duke, marquis and earl of Ireland. The earldom of Kildare was conferred in 1316, the marquisate in 1761 and the dukedom in 1766.

Reference: *GHD,* pp.834-8.

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Leitrim: Robert Clements was elevated to the peerage of Ireland in October 1783 as Baron Leitrim of Manor Hamilton. He was advanced to the viscounty of Leitrim in December 1793 and created Earl of Leitrim in September 1795. In May 1765 he married Elizabeth, daughter of Clotworthy, first Earl of Massareene. He died in July 1804 and was succeeded by his son Nathaniel.

Reference: *GHD,* pp.838-9.

Lifford: James Hewitt, who became lord chancellor of Ireland in 1767, was elevated to the Irish peerage as Baron Lifford of Lifford, County Donegal in 1768. He became Viscount Lifford in 1781 and died in 1789.

Reference: *GHD,* p.849.

Londonderry: The Right Hon. Robert Stewart of Bailylawn Castle, County Donegal, and of Mount Stewart, County Down, who was MP for County Down was elevated to the peerage of Ireland in 1789 as Baron Londonderry. He was created Viscount Castlereagh in 1795 and Earl of Londonderry in 1796. His first marriage, in 1766 was to Sarah Frances, second daughter of Francis, Marquis of Hertford by whom he had Robert, his successor. His second marriage in 1775 was to Frances, eldest daughter of Charles, first Earl Camden. In 1816 he was created Marquis of Londonderry. He died in 1821 and was succeeded by his son Robert, who was chief secretary for Ireland in 1798. After working for the passage of the Union Bill, between 1798 and 1800 he became secretary for foreign affairs in London. He died by his own hand in August, 1822.

Reference: *DNB*, XVIII, pp. 1233-1245.

Longford: Thomas Packenham was born in May 1713 and married in 1739, Elizabeth daughter and sole heir of Michael Cuffe and niece of Ambrose Aungier second and last Earl of Longford, of the first creation. In consequence of the alliance with the heiress of the old earls of Longford (which earldom had expired in 1704) Packenham was created Baron Longford in 1756. In June 1785, Elizabeth, the heiress herself was created Countess of Longford. Thomas, the third baron, inherited the earldom of Longford from his grandmother who died in 1794.

Reference: *GHD,* pp. 868-70.

Longueville: Richard Longfield of Longueville, County Cork, was born in 1734. He was a justice of the peace and high sheriff for the county. He was MP for Charleville in the Irish House of Commons and he later represented County Cork in the House. In 1795 he was elevated to the peerage of Ireland as Baron Longueville of Longueville, County Cork and was elevated to a viscounty in 1800. He had married in 1756 Margaret daughter of Richard White and aunt to Richard first Earl of Bantry. Longueville died in 1811 and the title became extinct.

Reference: *DEP,* p. 331.

Lucan: Sir Charles Bingham MP for County Mayo was, in 1776, created Baron Lucan of Castlebar and Earl of Lucan in 1795.

Reference: *GHD,* pp.882-3.

Mayo: John Burke, privy councillor of Ireland was elevated to the Irish peerage in 1776 as Baron of Naas, County Kildare. In 1781 he was created Viscount Mayo and Earl of Mayo in 1785. He died in 1790 and was succeeded by his eldest son.

Reference: *GHD,* p.935.

Milltown: Joseph Leeson, who sat as MP in the Irish House of Commons, was created Baron Russborough in May 1756. He was elevated to the viscounty of Russborough in 1760 and was created Earl of Milltown in 1763. He was succeeded by his son, who had been born in 1730. However, the second earl died unmarried in 1801 and his honours devolved on his brother.

Reference: *GHD,* p.959.

Moira: Sir John Rawdon, first Earl of Moira, was elevated to the peerage of Ireland in 1750 as Baron Rawdon of Rawdon, County Down and created Earl of Moira in December 1761. He died in June 1793 and was succeeded by his eldest son Francis, second Earl of Moira, who had been born in 1754. In 1816 he was created a peer of the United Kingdom with the titles of Viscount Loudoun, Earl of Rawdon and Marquis of Hastings. He was governor-general of India and governor and commander-in-chief of Malta. He died in 1826.

Reference: *DEP,* p.618.

Mornington: Richard Colley Wellesley, second Earl of Mornington, eldest brother of the first Duke of Wellington was born in June 1760 and created Baron Wellesley of Wellesley, County Somerset in the peerage of Great Britain in 1797 and Marquis Wellesley of Norrah in the peerage of Ireland in 1799. He became viceroy of India, secretary of state for foreign affairs and twice lord lieutenant of Ireland. He died in 1842 and was succeeded as Lord Mornington by his brother William Wellesley Pole, Lord Maryborough.

Reference: *DEP,* p.573.

Mountcashel: Stephen Moore, second Viscount Mountcashel was advanced to an earldom in 1781 as Earl Mountcashel of Cashel. He married, Helena, daughter of John second Earl of Moira. Mountcashel died in 1791 and was succeeded by his son Stephen.

Reference: *GHD,* p.993.

Mountgarret: Edmund Butler, eleventh Viscount Mountgarret was born in July 1745. In October 1768 he married Henrietta, second daughter of the first Earl of Carrick. He died in July 1793 and was succeeded by his eldest son Edmund the twelfth viscount who was advanced to the earldom of Kilkenny in December 1793. He died, without issue, in 1846.

Reference: *GHD,* p.995.

Mountmorres: Hervey Redmond Morres, second Viscount Mountmorres succeeded in 1776. However he died, unmarried in 1797 and was succeeded by his half-brother Francis Hervey as third viscount.

Reference: *GHD,* p.996.

Muskerry: Sir Robert Tilson Deane was born in October 1747 and was MP for County Cork in the Irish House of Commons. He was elevated to the Irish peerage as Baron Muskerry in January 1781. In 1775 he married Anne daughter of John Fitzmaurice, who was the sole heir of her grandfather John Fitzmaurice of Springfield Castle, County Limerick. Muskerry died in 1818 and was succeeded by his eldest son.

Reference: *GHD,* p.1009.

Northland: Thomas Knox MP for Dungannon in the Irish House of Commons was created Baron Welles of Dungannon, County Tyrone in January 1781. On 5th July 1791 he was elevated to the viscounty of Northland. He married Anne, daughter of John first Lord Knapton and sister of John first Viscount de Vesci.

Reference: *GHD,* p. 1150.

Nugent: Robert Nugent of Carlanstown was advanced to the peerage of Ireland in 1747 as Baron Nugent of Carlanstown, County Westmeath and Viscount Clane in 1767. He was created Earl Nugent in 1776. His daughter Mary Elizabeth married the Marquis of Buckingham, who was lord lieutenant of Ireland on two occasions during the 1780s. Nugent died in 1788.

Reference: *DEP,* p.405.

O'Neill: John O'Neill MP for Shane's Castle was born in 1740. In 1777 he married Henrietta only daughter of Charles Boyle, Lord Dungarvan. He was created Baron O'Neill of Shane's Castle in 1793 and Viscount O'Neill in 1795. He died fighting the rebellion in 1798 and was succeeded by his eldest son who was created Earl O'Neill in 1800.

Reference:*DEP,* pp. 416-7.

Pery: Edmund Sexton Pery was born in 1719. He was speaker of the Irish House of Commons from 1771-85 and was elevated to the peerage of Ireland in December 1785 as Viscount Pery of Newtown Pery, County Limerick. He died in 1806 without male issue and his honours went to his nephew Edmund Henry who was created Viscount Limerick on 29 December 1800.

Reference: *GHD*, p.853.

Portarlington: John Dawson, second Viscount Carlow was born in 1744 and was advanced to the earldom of Portarlington in June 1785. He married Caroline Stewart, daughter of John, third Earl of Bute and died fighting the rebellion in 1798.

Reference: *GHD,* pp.1117-8.

Ranelagh: Charles Jones claimed the titles of viscount Ranelagh and baron Jones but his claim appears to have been false as he did not have direct descent from the first viscount. He lied about his descent and was allowed to take his seat in the Irish House of Lords in 1759. He chaired several committees. Between 1760 and 1787 he received grants and pensions worth £13,000. He assumed the name of Wilkinson in 1785 in order to inherit the lands of Samuel Wilkinson of Surrey and Dublin. Ranelagh died in 1797.

Reference: G. E. Cokayne, *The Complete Peerage* (19 vols, Stroud, 1998), XIV p.539.

Riversdale: Colonel William Tonson, lieutenant governor of Cork and MP for the borough of Rathcormac was elevated to the peerage of Ireland in October 1783 as Baron Riversdale of Rathcormac. In November 1773 he married Rose, eldest daughter of James Bernard of Castle Bernard, MP for County Cork and sister of Francis, first Earl of Bandon. Riversdale died in 1787 and was succeeded by his eldest son.

Reference: *DEP,* p.534.

Roden: Robert Jocelyn, auditor-general of Ireland, was created Earl of Roden of High Roding, County Tipperary in September 1771. He married in 1753, Anne, daughter and heir of James, Earl of Clanbrassil. Roden died in June 1797 and was succeeded by his eldest son Robert the second earl, who died in 1820.

Reference: *GHD,* p.1175.

Rossmore: General Robert Cunningham was elevated to the peerage of Ireland in October 1796 as Baron Rossmore of Monaghan. He died in August 1801.

Reference: *GHD,* p.1186.

Rosse: Laurence Parsons was born in July 1749. He was MP for County Longford and was elevated to the peerage of Ireland in September 1792 as Baron Oxmantown. He was created Viscount Oxmantown in 1795 and Earl of Rosse in February 1806. In 1772 he married Jane, eldest daughter of the first Earl of Kingston.

Reference: *GHD,* pp.1184-5.

Shannon: Richard Boyle, second Earl of Shannon was born in 1727. He married Catherine, eldest daughter of Speaker Ponsonby of the Irish House of Commons. He was elevated to the British peerage in 1786 as Baron Carleton and died in 1807.

Reference: *GHD,* p.1242.

Strangford: The viscounty was created in July 1628. Philip Smythe the fourth viscount was Dean of Derry. He died in 1787 and was succeeded by his son Lionel Smythe, who was born in 1753. He was a soldier who had fought in North America and then took Holy Orders. He died in 1801 and was succeeded by his son.

Reference: *DEP,* p.621.

Tracton: James Dennis, lord chief baron of the exchequer in Ireland was raised to the peerage of Ireland as Baron Tracton of Tracton Abbey, County Cork in December 1780. He died suddenly in 1782 and the title expired.

Reference: *DEP,* p.165.

Tyrawley: James Cuffe MP for County Mayo was created Baron Tyrawley of Ballinrobe in November 1797.

Reference: *DEP,* p.149.

Upper Ossory: John Fitzpatrick, the second earl of Upper Ossory was born in 1745. He was created a peer of Britain in August 1794 as Baron of Upper Ossory of Ampthill, County Bedford. He died in 1818 without male issue and the titles became extinct.

Reference: *DEP,* p. 210.

Waterford: George de la Poer Beresford, second Earl of Tyrone was born in 1735. He inherited the barony of de la Poer at the decease of his mother in 1769. He was enrolled among the peers of Britain in 1786 as Baron Tyrone of Haverfordwest, County Pembroke. He was created Marquis of Waterford in the peerage of Ireland in 1789 and died in December 1800.

Reference: *GHD,* p. 1422.

Westmeath: Thomas Nugent, the sixth earl who had conformed to the established church died in 1791. He was succeeded by his only son George Frederick as seventh earl. He married as his first wife a niece of John Fitzgibbon, Earl of Clare and as his second wife a daughter of the second Marquis of Drogheda.

Reference: *GHD,* pp.1444-5.

Wicklow: The Right Hon. Ralph Howard MP for County Wicklow, member of the privy council of Ireland was elevated to the peerage of Ireland as Baron Clonmore of Clonmore Castle, County Carlow on 21 July 1776. He was created Viscount Wicklow in June 1785 and died in June 1786. His son Robert succeeded him as the second viscount. In 1807 he became Earl of Wicklow on the decease of his mother, who had been created Countess of Wicklow on 20 December 1793.

Reference: *GHD,* p.1454.

Appendix 2.

Lords lieutenant of Ireland appointed between 1780-1801.

January 1777-December 1780.	John Hobart, Earl of Buckinghamshire.
January 1781-March 1782.	Frederick Howard, Earl of Carlisle.
April 1782-July 1782.	William Henry Cavendish Bentick, Duke of Portland.
September 1782-December 1782.	George Grenville Nugent, Earl Temple.
May 1783-December 1783.	Robert Henley, Earl of Northington.
February 1784-October 1787.	Charles Manners, Duke of Rutland.
November 1787-June 1789.	George Grenville Nugent, Marquis of Buckingham. (formerly Earl Temple)
January 1790-December 1794.	John Fane, Earl of Westmorland.
December 1794-March 1795.	William Wentworth Fitzwilliam, Earl Fitzwilliam.
March 1795-June 1798.	John Jeffreys Pratt, Earl Camden.
June 1798-January 1801.	Charles Cornwallis, Marquis Cornwallis.

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