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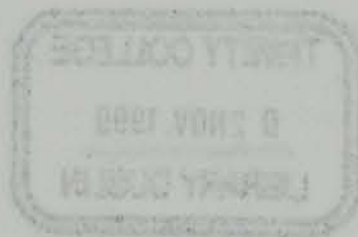
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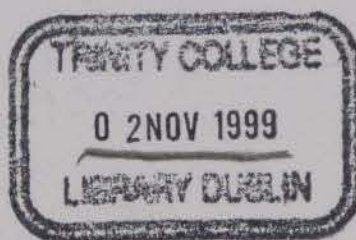
The Politics of Law and Order in Ireland, 1794-8

by Tony Gaynor.



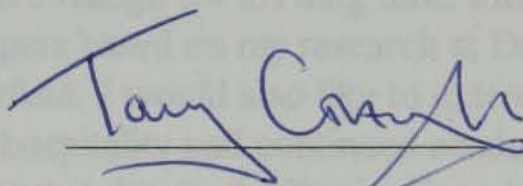
The Politics of Law and Order in Ireland, 1794-8

by Tony Clayton



Thesis
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A handwritten signature in blue ink, appearing to read 'Tony Gaynor', with a stylized flourish at the end.

Tony Gaynor, 31 August 1999

Acknowledgements

I would like to extend my grateful acknowledgement first and foremost to my supervisor, Prof.L.M.Cullen, whose advice and assistance throughout the course of my studies have proved invaluable. His untiring patience in correcting the earlier drafts of this thesis have served to eliminate many of my errors and inconsistencies. I would also like to thank Dr. David Dickson and Dr. Anthony Malcomson for their insightful comments on aspects of my work and for Dr. Dickson's support during Prof.Cullen's time in Japan. Special thanks go to Dr.Daire Keogh for his long term friendship and for allowing me the opportunity to deliver papers based on my research at Dublin Castle and at the Byrne-Perry summer school in Wexford. I would also like to extend my gratitude to Prof.I.S.Robinson for his mid-summer hospitality and continued academic encouragement. Particular acknowledgement is due to the Trinity Foundation for bestowing a Fellowship upon me. This allowed me to concentrate on my research on a full-time basis and also gave me the self-belief necessary to carry it through. Additional thanks go to the custodians of the Grace Lawless Lee fund for financing very rewarding trips on my part to both Belfast and London. My warmest appreciation is also due to the staff at the Allen Library for warmly facilitating my frequent visits. On a more personal note, I would like to thank my parents whose undemanding support can never be fully repaid, and it is to them that this work is dedicated. Finally, but most importantly of all, I would like to acknowledge the debt I owe to Carol, whose patience and understanding contributed in an immeasurable manner to the completion of this thesis.

Summary of Research Methods and Conclusions

In essence this thesis is an examination of the law and order policy adopted by the Irish government in the period from 1794 to 1798. This involves an investigation of the motivation behind the formation of that policy, the manner in which it was implemented, and the consequences of its implementation for the kingdom as a whole. I have concentrated my attention on a number of subjects which have either been neglected or misrepresented by historians in the past.

One of these subjects comprises the circumstances surrounding the dispatch of Earl Carhampton to Connaught in May 1795. Contrary to the prevailing interpretation of this episode, that Carhampton was responsible for illegally transporting over a thousand suspects as recruits to the navy, I have shown that the pace of events in Connaught was set not by Carhampton but by a local gentry faction who combined a vigorous anti-catholicism with a heavy handed approach to security issues. I have also endeavoured to illustrate that the numbers sent from the west of Ireland to the fleet were far less than the estimates which are usually given.

The conduct of the military in Ireland in the pre-rebellion period is another topic which has been misrepresented in the past. While a number of regiments on the Irish establishment in the late 1790s were prone to commit outrages in the execution of their duty, the notoriety of their conduct has unfairly coloured historical evaluations of the force as a whole. It is my contention that one of the main reasons for this misinterpretation lies in the allegations of whigs politicians on both sides of the Irish sea who were allied in an attempt to undermine the Pitt administration by attacking the severity of the Irish government's law and order policy. That the whigs were not unbiased observers of events in Ireland, but politicians with their own agenda, is often forgotten by those who accept their declamations at face value. The difficulty of the whig position on law and order issues will also be illustrated in the course of this thesis. While it will be shown that they recognised that the deteriorating security situation in the kingdom required additional legislative measures, they were concerned above all else to keep any new coercive measures within the existing parameters of the constitution. At the same time, it must be recognised that they were involved in a political agitation designed to force a change of government.

The 'Abercromby crisis' of the spring of 1798 is another episode which has received little attention in the historiography of the 1790s. This was a struggle, between the ruling Castle clique and the commander-in-chief, for the control of military policy in the kingdom. The importance of this struggle cannot be overemphasised, as it highlighted

the existence of two rival ideologies concerning the manner in which the military should be deployed and employed. This crisis in the army command resulted in Abercromby's resignation and the rejection of his more measured policy by the law and order lobby in the kingdom.

The conclusions reached in the course of this study combine to reveal the essential weakness of the Irish government's position in the late eighteenth century. This weakness was most clearly apparent in the judicial field, where the Castle encountered severe difficulties in capitally convicting known political offenders. Similarly in the intelligence field, there were several key areas of radical activity about which the government were wholly ignorant. But this weakness extends through most areas of governmental activity. It will be shown that even some of the most powerful coercive acts adopted to cope with the disaffected, like the insurrection act, were fundamentally flawed. The Camden administration struggled to formulate an adequate response to the deteriorating security situation in the kingdom from 1795. In attempting to maintain its authority in the face of a strong challenge by whigs and radicals alike, the government dangerously compromised its position by allying with the overtly sectarian Orange Order, adopting several measures whose legality was highly dubious at best, and by relying solely on the military power for the continuation of its very existence. It will be suggested in the light of these circumstances that it was the bankruptcy of the Irish government and its policies which ultimately sealed its fate by determining the British Prime Minister to abandon the existing mode by which the kingdom was governed.

My research is based upon primary sources, mainly from the National Library of Ireland and its Manuscripts Department, the National Archives in Dublin and the Public Record Office of Northern Ireland in Belfast. I have also used sources held in the Old Library and Manuscripts Department of Trinity College, Dublin, and in the Public Record Office, British Museum, and the National Army Museum in London. Of particular importance to this study are the rebellion papers, which are held in the National Archives in Dublin, the Home Office papers, copies of which are deposited on microfilm in the National Library of Ireland, and the Pratt papers, which are available on microfilm in the Manuscripts Department of Trinity College. In addition, I have extensively consulted contemporary newspapers and published works. A large number of secondary works were also of considerable importance. I would like to take this opportunity to thank the librarians of Trinity College, the National Library and the National Archives in Dublin, the Public Record Office in Belfast, and the Public Record Office, British Museum, and National Army Museum in London.

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List of abbreviations used in the text

<i>B.L.</i>	<i>British Library</i>
<i>B.N.L.</i>	<i>Belfast Newsletter</i>
<i>C.J.</i>	<i>Connaught Journal</i>
<i>D.E.P.</i>	<i>Dublin Evening Post</i>
<i>D.N.B.</i>	<i>Dictionary of National Biography</i>
<i>E.H.R.</i>	<i>English Historical Record</i>
<i>F.D.J.</i>	<i>Faulkner's Dublin Journal</i>
<i>F.J.</i>	<i>Freeman's Journal</i>
<i>F.L.J.</i>	<i>Finn's Leinster Journal</i>
<i>H.J.</i>	<i>Hibernian Journal</i>
<i>H.M.C.</i>	<i>Historical Manuscripts Commission</i>
<i>H.O.</i>	<i>Home Office papers</i>
<i>K.A.O.</i>	<i>Kent Archive Office</i>
<i>N.A.</i>	<i>National Archives , Ireland</i>
<i>N.A.M.</i>	<i>National Army Museum</i>
<i>N.L.I.</i>	<i>National Library Ireland</i>
<i>N.S.</i>	<i>Northern Star</i>
<i>O.P.</i>	<i>Official papers</i>
<i>P.R.O.</i>	<i>Public Record Office , London</i>
<i>P.R.O.N.I.</i>	<i>Public Record Office Northern Ireland</i>
<i>R.P.</i>	<i>Rebellion papers</i>
<i>S.N.L.</i>	<i>Saunders's NewsLetter</i>
<i>S.O.C.</i>	<i>State of the Country papers</i>
<i>T.C.D.</i>	<i>Trinity College Dublin</i>

Introduction

The significance of the 1790s as one of the most important decades in modern Irish history cannot be disputed. It witnessed the birth of the physical force republican tradition and the emergence of the Orange Order as a rallying force for the loyalist defenders of protestant ascendancy. It also saw a vicious sectarian rebellion which was brutally suppressed and which resulted in the deaths of over 20,000 individuals.¹ This turbulent decade concluded with the extinction of the degree of independence which had been enjoyed by the Irish parliament under the constitutional settlement of 1782. By the Act of Union of 1800 'Grattan's parliament' voted itself out of existence amidst widespread allegations of corruption and abuse, and the seat of legislative power was transferred from Dublin to London. It is testament to the fundamental importance of the 1790s that the legacy of these events still haunt us today to a degree unparalleled by those of any other decade.

In recent years there has been a plethora of work on the late eighteenth century. This has resulted in invaluable efforts to penetrate into the radical movements of the time and to investigate, as much as the primary sources will allow, their aims, ideology and organisation.² Other historians have endeavoured to recreate the pattern of events leading

¹ Thomas Pakenham, *The Year of Liberty, The Great Irish Rebellion of 1798*, (London, 1978), p.392

² Marianne Elliott, 'The Defenders in Ulster', in Dickson, Keogh and Whelan (eds.), *The United Irishmen*, (Dublin, 1993); Jim Smyth, *The men of no property: Irish Radicals and Popular Politics in the Late Eighteenth Century*, (Dublin, 1992), and Nancy J.Curtin, *The United Irishmen: Popular politics in Ulster and Dublin, 1791-8*, (Oxford, 1994); L.M.Cullen, 'The Political Structures of the Defenders', in Hugh Gough and David Dickson (eds.), *Ireland and the French Revolution*, (Dublin, 1990)

to rebellion on a local level, and their work is particularly important in contributing towards our understanding of the broader picture on the national stage.³ There have also been significant investigations of the links between the United Irishmen and mainland Europe.⁴ The troops stationed on the Irish establishment in the late eighteenth century have also received some long overdue attention.⁵ In addition, a series of articles published in historical journals have proved extremely important in questioning traditional assumptions about aspects of the period.⁶ One of these articles in particular has proved seminal to the manner in which I have decided to approach the issues covered in this thesis. In contradiction to the prevailing belief of a dominant and confident Irish administration, Professor L.M. Cullen has argued that throughout the 1790s the Castle regime faced a succession of crises which it found difficult to manage and to which it could only respond in an uncertain manner and after considerable delay. This has occasioned a reappraisal of many of the assumptions about the strength of the relative positions of the whigs and radicals on the one hand and the government on the other.⁷

³ Daniel Gahan, *The People's Rising, Wexford, 1798*, (Dublin, 1995); Liam Chambers, *Rebellion in Kildare, 1790-1803*, (Dublin, 1998); Ruan O'Donnell, *The Rebellion in Wicklow, 1798*, (Dublin, 1998)

⁴ Marianne Elliott, *Partners in Revolution: The United Irishmen and France*, (New Haven, 1982); Paul Weber, *The United Irishmen and Hamburg, 1796-1803*, (Dublin, 1998)

⁵ Thomas Bartlett, 'An End to Moral Economy: the Irish Militia Disturbances of 1793', *Past and Present*, xxxcix (May, 1983), 99, pp.41-64; Ibid., 'Indiscipline and Disaffection in the French and Irish armies during the Revolutionary Period', in H.Gough and D. Dickson (eds.) *Ireland and the French Revolution* (Dublin, 1990); Ibid., 'Defence, Counter-Insurgency and Rebellion: Ireland, 1793-1803', Thomas Bartlett and Keith Jeffreys (eds.), *A Military History of Ireland*, (Cambridge, 1996); Allan Blackstock, *An Ascendancy Army: The Irish Yeomanry, 1796-1834*, (Dublin, 1998)

⁶ N.J.Curtin, 'The Transformation of the Society of United Irishmen into a mass based Revolutionary Organisation, 1794-6', in *Irish Historical Studies*, xxiv, 96 (Nov.1985); Thomas Graham, 'An Union of Power? United Irish Organisation' in David Dickson and Daire Keogh and Kevin Whelan (eds.), *The United Irishmen*, (Dublin, 1993) pp.244-55

⁷ L.M.Cullen, 'The Politics of Crisis and Rebellion, 1792-8', p.1 (This is a forthcoming article which will be published as part of the proceedings of a conference held in Notre Dame in 1998, edited by Jim Smyth)

The general trend of this recent historiography has been towards a more modern and analytical approach to the history of the decade in general, and of the events of 1798 in particular. Far from exhausting the study of this period, however, there are many topics which still remain to be investigated or analysed afresh. In addition, a tendency remains in even the most modern historiography to perpetuate some of the generalisations made by nationalist historians in the past, who often shaped their interpretations of history in the light of what they would have liked to have occurred rather than what actually happened. This thesis will highlight some of these generalisations by focusing on one of the issues which has previously been treated in a relatively simplistic manner, that of law and order. In essence, this revolves around an investigation of the security policy adopted by the Irish government in the years leading to the outbreak of rebellion, involving an examination of the motivation behind the adoption of certain measures at particular times, the manner in which these measures were implemented, and their consequences for the kingdom at large. The sheer pace of events in the 1790s in terms of law and order issues, and my desire to investigate several specific subjects in some detail, prompted me to concentrate my efforts on a crucial four and a half year period from the close of the Westmorland viceroyalty in 1794 until May 1798. For the same reasons, and in light of the amount of coverage recently given to the course of the rebellion itself, I have chosen the 23rd. May as my cut off point, the date usually given for the outbreak of open hostilities.

(1)

Any investigation of government policy in the 1790s must examine the nature of the relationship between the Irish lord lieutenant and his principal advisers, who became increasingly important to the formation of law and order policy as the decade progressed. The immediate origins of the influence of a powerful group of loyalist politicians upon the councils of the viceroy are to be found in the constitutional settlement of 1782, as the degree of independence granted to the Irish legislature in that year resulted in the British

government having to pay more attention than it had in the past to the political management of both houses of parliament. After 1782 the British government could no longer realistically adopt the simple but politically emotive expedient of not 'returning' a bill that had been sent to London after passing through both Irish houses: the potentially disastrous repercussions of such a move on the constitutional relations between the two kingdoms made the British cabinet shy away from exercising this prerogative unless it was necessitated by purely technical considerations of draftmanship. In consequence, the British government began to rely more heavily on the services of a number of Irish politicians in order to ensure that any bills sent to Whitehall were satisfactorily framed. The increasing volume of parliamentary business, both caused and accentuated by the establishment of annual sessions, increased Whitehall's dependence on these Irish politicians who acted as counsellors to the lord lieutenant, the representative of British rule in Ireland.

The growing relationship between the lord lieutenant and his counsellors was strengthened by the regency crisis of 1789-90, when the Pitt ministry rewarded those who had supported it during the political turmoil arising from the king's temporary insanity. In particular, this resulted in the emergence of John Foster, John Beresford and John Fitzgibbon to the forefront of a caucus of politicians who began to exert considerable influence over the Irish viceroy.⁸ Fitzgibbon in particular began to emerge as the dominant figure in the counsels of the lord lieutenant, becoming the first Irishman since the 1720s to hold the office of lord chancellor. His appointment to this office is highly significant to this thesis as the lord chancellor was the government official most responsible for law and order. As a result of the regency crisis, therefore, the alliance between the lord lieutenant and his advisers, already fashioned in the 1780s, was considerably strengthened, and the new ruling clique moved closer to the centre of the

⁸ For an excellent biography of Foster, see Malcomson, *John Foster*, and for Fitzgibbon, see Anne C. Kavanaugh 'John Fitzgibbon, Earl of Clare: A Study in Personality and Politics' (Dublin, 1997)

political stage.⁹ As the 1790s progressed these individuals constituted an unofficial Irish cabinet, *de facto* if not *de jure*¹⁰, and although they posed as the advisers of the lord lieutenant, at times they completely dominated him and the formation of government policy. Their endeavours in this respect were assisted by the appointment of two malleable candidates as viceroy during this period. Westmorland was a pliable character who quickly allowed himself to become dominated by those around him, while Fitzwilliam's brief lieutenancy in 1795 merely represented the situation in reverse, with Fitzwilliam strongly influenced by his whig advisers and Irish supporters. Contrary to traditional accounts of his tenure of this office, however, it is one of the conclusions of this thesis that Fitzwilliam's successor was a far more spirited and independent lord lieutenant than either of his two predecessors. Unlike either Westmorland or Fitzwilliam, there were a number of significant occasions when Camden revealed a marked disinclination to follow the advice of those who had become accustomed to dictating policy to his predecessors.¹¹

Fitzwilliam's appointment as lord lieutenant in the autumn of 1794, as a result of the formation of an alliance between Pitt and the Portland whigs, had turned the political situation in Ireland on its head as he attempted to marginalise the Castle clique and empower his own political allies in their place. The Fitzwilliam episode witnessed a power struggle between two rival political factions for the dominant influence over the decision making process of the Irish government. Fitzwilliam's viceroyalty was only a temporary reversal of fortunes for those who had formed Westmorland's cabinet, however, and they soon flexed their political muscle in a campaign to discredit the lord lieutenant and his pro-catholic policies.¹² The machinations initiated against Fitzwilliam

⁹ L.M.Cullen, 'The 1798 Rebellion in its eighteenth century context', in *Rebels, Radicals and Establishments*, ed. P.J. Corish (1985)

¹⁰ The term 'cabinet' is employed throughout this thesis for the sake of convenience only. It should be recognised that this cabinet was a panel of experts rather than a set of responsible ministers. On this point see Malcomson, *John Foster*, p.384

¹¹ For examples of Camden's independence see chapter two, pp.81-90 and chapter eight, pp.346-352.

¹² For a general history of the Fitzwilliam viceroyalty see R.B. McDowell, 'The Fitzwilliam episode', *Irish Historical Studies*, xvi, no.

are extremely important in illustrating the strength of those whose position was under threat by his appointment . They also reveal the extent to which these individuals could exploit their connections with influential British politicians in order to canvass support among members of the British cabinet. Central to their efforts in this respect were Lord Auckland, who had formed connections with several leading Irish politicians during his period of office in Ireland as chief secretary in the 1780s, and the Earl of Westmorland, whose natural allegiance to his former advisers was accentuated by his sense of grievance at the circumstances surrounding his removal from office. Perhaps the most important aspect of the anti-Fitzwilliam campaign in 1795, however, was the manner in which it foreshadowed the hysteria generated against Lieutenant-General Sir Ralph Abercromby in the spring of 1798. Abercromby, appointed commander-in-chief of the forces on the Irish establishment in the autumn of 1797, aroused the wrath of the Irish cabinet by challenging their control over the formation of military policy. On both occasions, in 1795 and 1798, the Irish cabinet successfully defeated the challenge to its authority. Fitzwilliam was recalled in February 1795, and Abercromby resigned in March 1798.¹³

The appointment of Camden as lord lieutenant in March 1795 with instructions to 'rally the protestants' and defeat the catholic relief bill introduced by the Irish whigs¹⁴, re-established the pre-Fitzwilliam political order, but those who had successfully dominated Westmorland found Camden a far more pertinacious individual. The new viceroy appears to have attempted to resist the influence of those who had effectively dictated policy to Westmorland. In particular, he endeavoured to prevent the re-appointment of Edward Cooke as military under-secretary at Dublin Castle and he may also have attempted to marginalise John Beresford from his inner councils.¹⁵ The latter's

58 (1966) pp.115-30; Deirdre Lindsay, 'The Fitzwilliam episode revisited' in Dickson, Keogh, and Whelan (eds.), *The United Irishmen*, pp.200-13

¹³ For the Abercromby crisis see chapter eight.

¹⁴ Portland to Camden, 26/03/1795 (P.R.O. H.O.100/56/455-66)

¹⁵ Sir M.Cromie to T.Conolly, 06/04/1795 (T.C.D. Conolly papers Ms.1050); Wm. Ponsonby to Fitzwilliam, 22/06/1795 (N.L.I.

public vilification by Fitzwilliam, who publicly identified him as the main cause of his recall from Ireland, may have made it politically expedient for Camden to distance himself from Beresford.¹⁶ Although far more strong willed than Westmorland, Camden could not wholly escape the influence of the Irish cabinet. By the beginning of April 1795 he informed the Duke of Portland that he was relying on a number of politicians and magnates for advice and counsel, in particular Lords Shannon, Downshire, Ely and Waterford, Archbishop Agar of Cashel, Foster, Fitzgibbon and Sir John Parnell.¹⁷ These were the same politicians who had dominated Westmorland. The history of the Camden viceroyalty, therefore, witnesses a struggle between an Irish cabinet intent on reasserting its control over the formation of government policy, and a lord lieutenant equally determined at times to establish his political independence of those around him.¹⁸

(2)

Domestic and international factors combined to ensure that law and order was the dominant political issue in the second half of the 1790s. The recall of Fitzwilliam in February 1795, the defeat of the catholic relief bill in May, and the appointment of an administration specifically designed to maintain the status quo in a time of international turmoil, all ensured that the catholic question which had dominated the first half of the decade, would lie dormant until it was revived in the negotiations which preceded the act

Fitzwilliam papers Microfilm p.5641); Beresford to Auckland, 29/11/1797, 01/02/1798 (P.R.O.N.I. Sneyd papers T.3229/2/17,26)

¹⁶ Fitzwilliam to Carlisle, 06/03/1795 (*The Correspondence of the Rt.Hon. John Beresford*, ed. William Beresford, 2vols, London, 1854, vol. ii, 78-84)

¹⁷ Camden to Portland, 06/04/1795 (P.R.O. H.O.100/57/68-71)

¹⁸ Although no mention of it is made in the course of this thesis, it should be noted that the members of this cabinet were far from being a unified force. On the contrary, they were individuals with 'mutual suspicions and antagonisms'. (Malcomson, *John Foster*, p.392) On the issue of law and order, however, the members of the cabinet tended to agree on a hardline policy. It is for this reason only that the divisions within the ruling clique are not highlighted in this study.

of union. On the international front, the outbreak of war with revolutionary France in February 1793 had raised the spectre of possible French intervention in the British Isles. The success of British arms in the first two years of the conflict ensured that the French Directory were too preoccupied with continental affairs to seriously contemplate invasion plans of any kind. A succession of French victories in 1795, however, forced the Duke of York and his army to beat a hasty retreat from mainland Europe.¹⁹ The release of a sizeable contingent of French troops from active duties, and the evident desire of many French revolutionaries to revenge British involvement in the bitter civil war which had raged in the Vendee, raised fears both in London and Dublin that the Directory might seek to employ these men in a direct attack on British territory. These fears had already existed a year earlier when, in the spring of 1794, an Anglican clergyman, Rev. William Jackson, was sent by the Directory to London in order to discover the degree of support which a French invasion force would meet among the native population. Finding little enthusiasm for such an intervention in London, Jackson progressed to Dublin, where he was introduced to prominent members of the capital's radical community. Before he had left London, however, Jackson had confided the purpose of his mission to an old acquaintance, John Cockayne, an impoverished figure at the time who betrayed the secrets of his friend to Pitt in return for financial gain. Under instruction from Pitt, Cockayne accompanied Jackson to Ireland and reported on his movements. When Jackson appeared to have sufficiently implicated himself and several Irish radicals in treasonable activities he was arrested on a charge of high treason.²⁰ Although the government endeavoured to exploit this arrest in order to rally support to its standard, the episode also served for the first time to publicly confirm French interest in Irish separatism. As Thomas Addis Emmet expressed it : `The arrest of Jackson and the publication of his designs, conveyed no unwelcome information to the body of the Irish people. From thence they derived the first authentic intelligence, that their situation

¹⁹ R.B.McDowell, *Ireland in the Age of Imperialism and Revolution*, (Oxford, 1979), pp.501-3

²⁰ McDowell, *Ireland in the Age of Imperialism and Revolution*, 441-3

was an object of intelligence to France, and that they might perhaps, at some future period, receive assistance from that quarter'.²¹ The threat of invasion was to remain throughout the 1790s, and the appearance of a French fleet at Bantry Bay in December 1796 was to prove of immense significance in the formation of law and order policy in the immediate pre-rebellion period, as Irish loyalists steeled themselves to crush domestic disaffection before the French could launch a second expedition.

It was the internal threat to the established political order which occupied most of the government's attention throughout the late eighteenth century. From 1794 the security situation was deteriorating in the kingdom. The principal concern of the administration throughout that year and into the next was the Defenders, a predominantly lower class catholic movement which had first emerged in county Armagh in the late 1780s.²² Although sectarianism is usually identified as the *modus vivendi* of this organisation, its political dimensions cannot be ignored. From Armagh and the south Ulster borderlands, the Defenders soon spread into north Leinster, across the midlands and into parts of north Connaught. By September 1795 they had appeared in over thirteen counties.²³ Their religious and lowly social composition, the secrecy observed in their proceedings and their violent attacks upon landed gentry of a loyalist disposition guaranteed them priority status in the Castle's security policy. Adding to government unease on this front were the signs which appeared from 1795, of a growing alliance between the Defenders and the United Irishmen, a radical middle class organisation founded in Belfast in October 1791 for the purpose of campaigning for parliamentary reform and catholic emancipation.²⁴ The United Irishmen had been interested from an early date in forming links with the Defenders. In 1792 an important delegation of

²¹ Thomas Addis Emmet, 'Towards the History of Ireland', in William James MacNevin, *Pieces of Irish History*, (New York, 1807)

²² N.J.Curtin, *The United Irishmen*, pp.149-52

²³ Camden to Portland, 25/09/1795 (P.R.O. H.O.100/58/334-50)

²⁴ For the United Irishmen see Curtin, 'The transformation of the Society of United Irishmen into a mass-based revolutionary organisation, 1794-6', and *Ibid.*, *The United Irishmen*, *passim*.

prominent United Irishmen, including Wolfe Tone and Samuel Neilson, travelled to Rathfriland in county Down in an effort to restore order between the Defenders and their sectarian rivals, the protestant Peep O'Day Boys. In 1793 Napper Tandy, a prominent Dublin radical and United Irishman, had taken the Defender oath at Dundalk in order to enter into the secrets of that organisation. Other influential United Irishmen like Revd. James Coigley and Henry Joy McCracken were also in communication with the Defenders before the mid 1790s.²⁵ It is from 1795, however, that the signs of an emerging alliance between the two radical organisations becomes more apparent, particularly as the United Irishmen exploited the outrages perpetrated by members of the Orange Order in Armagh and parts of the surrounding counties, to recruit among the catholic population. The Defender alliance was extremely valuable to the United Irishmen as it gave them a handle with which to corrupt the militia units stationed in Ulster, who were mainly catholic in composition and who on occasion were actively sympathetic towards their persecuted co-religionists.²⁶

The government's concern with the Defenders in the period from 1794 until the spring of 1796 has often led historians to underestimate the threat posed by the United Irishmen at this time. In particular, it contributed to a belief in the past that when the government raided the premises of the Dublin Society of United Irishmen in May 1794, in an effort to obtain evidence with which to capitally convict Rev. William Jackson, it suppressed the society. In actual fact, however, the United Irishmen never stopped meeting in the capital, and there were signs that even before the government's intervention there were elements within United Irish ranks who were endeavouring to impose a greater degree of collective secrecy on their proceedings. The confusion of historians about United Irish activity in Dublin during the period 1794-6 simply reflects the inadequacy of the intelligence in the Castle archives on the same subject. It will be

²⁵ N. J. Curtin, *The United Irishmen*, pp. 157-8

²⁶ For the Orange Order and the benefits to the United Irishmen of the Defender alliance see chapter five pp. 212-213 ; for the Irish militia see chapter six pp. 241-244.

seen in the course of this thesis that this was not the only aspect of radical activity about which the government were wholly ignorant.²⁷

The combination of internal and external threats posed serious problems for the Irish government in its attempt to formulate a coherent law and order policy. In particular, it was forced to confront the problem of how it was to reconcile the need to employ the military on two contradictory duties. The alarms of frightened government supporters necessitated the dispersal of troops in small detachments in order to police the interior of the kingdom. The threat of invasion, however, demanded a contrary policy, one of concentrating the troops in order to facilitate rapid mobilisation in case of emergency. Political rather than strategic concerns were to prove paramount in determining which policy would dominate. The government did attempt to resolve this conflict of interests by embodying a yeomanry in the autumn of 1796, a force designed to police the interior of the kingdom in the event of the regular army being called away to face an invading enemy.²⁸ The appearance of the French at Bantry in the following December, however, actually accentuated the dispersal of the full time troops. The Bantry episode was crucial to the Irish loyalist psyche. It confirmed their worst fears about the intentions of the French, while the discontent evident in parts of Ulster during the invasion scare served to convince them of the disloyal disposition of the radical community. Loyalist resentment was heightened by the inability of the British navy to prevent part of the invasion force from hovering off the Irish coast for two weeks. Under these circumstances, Camden's supporters forced him into a policy of counter-repression designed to crush the disaffection within the kingdom before the French could arrive a second time. The military were dispersed across the country in a greater degree than ever before and were employed in a more direct hands on manner against the disaffected. The first target was Ulster, the radical stronghold of the day. On 3 March 1797 the commanding officer in the northern district, Lieutenant-General

²⁷ On this point see chapter four.

²⁸ Camden to Portland, 24/08, 28/08, [Aug. 1796] (P.R.O. H.O.100/62/190-5, 196-9; K.A.O. Pratt papers U840/c31/4)

Gerard Lake, was directed to initiate the disarmament of the province. In a move which had significant future repercussions, the troops employed on this task were authorised to act without the civil authority. Prior to this, the standing orders of the kingdom had restricted the military to acting only under the direction of the civil magistrate, except in the case of attack. A combination of factors induced the government to extend this liberty of action to the the troops in the rest of the kingdom in May 1797.²⁹ From the spring of 1797, the Castle had been under considerable pressure from its supporters to adopt a firmer security policy, mainly in consequence of the spread of United Irish principles into the south of the kingdom. In addition, however, the government was faced with the unwelcome prospect of a series of county meetings which were organised by the whigs for the purpose of undermining the Pitt administration. It was a combination of these concerns, particularly the need to curb any tendency towards political agitation in the sensitive pre-election period, which led to the decision to liberate the army from its dependence on the civil authority. The late nineteenth century historian, W.E.H. Lecky is responsible for the existence of some uncertainty about the date on which this liberty was granted. Lecky confused a proclamation issued by the lord lieutenant and privy council on 17 May - which announced the government's intention to directly employ the military against the disturbances in the kingdom - with the orders issued on 18 May by the then commander-in-chief, the second Earl of Carhampton, which actually authorised the troops to act independently of the civil power.³⁰ It was Sir Ralph Abercromby's contradiction of these orders, by restricting the military to the standing orders of the kingdom through his general orders of 26 February 1798, which was the ostensible cause of the crisis in the army command in the spring of 1798. It will

²⁹ For these orders to the military see *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland*, (Dublin, 1798), appendices ix and x, pp.120-128, and for a detailed investigation into the motivation behind their issue see chapter seven.

³⁰ See W.E.H. Lecky, *A History of Ireland in the Eighteenth century*, (5 vols., London, 1892), vol. iv, pp.202-7 and *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland* (1798), appendices ix and x, pp.120-128

be shown, however, that this was merely a surface manifestation of a deeper struggle for control of the formation of military policy, waged between the commander-in-chief and the Irish cabinet. The 'Abercromby crisis' resulted in a victory for the ruling clique. Abercromby resigned, and the proclamation of 30 March 1798 reasserted the authority granted to the troops to act independently of the civil magistrates.³¹

The conflict between Camden's advisers and Sir Ralph Abercromby over the degree of independence which the troops should enjoy raises the whole question of the manner in which the military conducted themselves in the pre-rebellion period. Important to any evaluation of this subject is the role of the whigs, who have too easily been dismissed in the past as a spent force after Fitzwilliam's recall from the Irish viceroyalty in the spring of 1795. On the contrary, however, we have seen that the whigs were a sufficient threat to the Castle regime in the early summer of 1797 to provoke a military response from the government. Throughout this period they proved a continual thorn in the side of the Irish administration. A crucial figure in this respect was Francis Rawdon-Hastings, second Earl of Moira and the political confidant of the Prince of Wales. He was an influential figure in the politics of the time, serving as a focal point for co-operation between Irish whigs and radicals and between whigs on both sides of the Irish sea. The outbreak of war with France in 1793, and the deterioration in the internal rule of law from 1794, had served to strengthen the hands of the Irish administration, by rallying support to its standard. This resulted in a significant increase in the size of the government's parliamentary majority, particularly on security legislation, and left the whigs in a difficult position. It must also be remembered that they themselves were not oblivious to the need for emergency legislation in times of crisis. What they insisted upon, however, was that any additional measures designed to combat disaffection should not infringe upon the boundaries of the constitution. This is something which is most

³¹ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland (1798)*, appendix xxxvi, p. 131

clearly revealed by the debates surrounding the insurrection act, which was introduced into the house of commons in February 1796.³²

The assertions of the whigs, anxious to topple the existing regime, are too often accepted at face value. They were not impartial observers of the Irish political scene. On the contrary, they were, above all else, politicians attempting to impose their own interpretation on events for the sake of political gain. Their success in this respect is revealed in the degree to which their views on several subjects remain unquestioned to this day. This is perhaps best illustrated in the prevalent notion that Ulster was 'dragooned' in the spring and summer of 1797. The conduct of the military in the years prior to the outbreak of rebellion is a subject which requires significant caution on the part of the historian who endeavours to establish with any accuracy the truth of what actually transpired. The difficulty arises from the care taken by many of the contemporary sources to conceal or blur the truth in their own interests. The issue of military outrages was hotly contested at the time by polemicists on both sides of the political divide. The actions of those who did transgress the boundaries of the law in the execution of their duty were a source of bitter contention between radical and official sources, as each side sought to score political points off its opponent. It was part of the whig strategy, in both Dublin and London, to embarrass the Pitt administration by criticising the security policy being implemented in Ireland. Lord Moira's condemnation of the manner in which the military were being employed in Ireland, delivered in the British house of lords in November 1797 and the Irish lords in February 1798, was another stroke in this propaganda battle and must be recognised as such. It is a central contention of this thesis that the brutality of the troops in Ireland in the pre-rebellion period has been grossly overestimated, and that one of the main reasons for this exaggeration lies in the success of contemporary whig policy. A careful examination of the primary sources actually reveals that while the military were a turbulent entity

³² See chapter two pp.60-77.

throughout the period under discussion here, as they were throughout the eighteenth century, outbursts of serious brutality were limited, both temporally and geographically.³³

The above factors are all essential to an understanding of the political history of the later 1790s, and it is only after grasping these fundamentals that one can appreciate the dynamics involved in the law and order policy implemented by the Irish government during this crucial period of modern Irish history.

³³ For a discussion of the conduct of the military see chapters six and seven.

Chapter one: Carhampton in Connaught in the summer of 1795

'Lord Carhampton was sent to the west to suppress the rioters, and he preceded the judges with his troops, opening the gaols as he went, and, without any form of trial, he sent the prisoners on board a tender, which sailed along the coast to receive them, and they were transferred to the service of the navy. Such a precedent for superceding the authority of the law, was promptly followed by magistrates and others, the army was misled and disorganised, and misrule prevailed. Parliament was compelled to interfere, first to arrest the progress of actions which had been brought in the civil courts against those who had acted without authority from the laws, and ultimately it became necessary to pass a bill of indemnity'.¹

This chapter endeavours to reconstruct the background to the dispatch of Lieutenant-General Henry Lawes Luttrell, second Earl of Carhampton, to Connaught in the summer of 1795, and the course of conduct he pursued while stationed there. This is an episode largely ignored by modern historiography, which satisfies itself with propounding the misconceptions originating in a number of nineteenth century accounts like that of Lord Dunfermline quoted above. Although the events of the summer of 1795 in Connaught have never been investigated in any detail, they contain important implications for the study of law and order in the 1790s as a whole. The fact that

¹ James, Lord Dunfermline, *Lieutenant General Sir Ralph Abercromby, K.B., 1793-1801: a memoir by his son*, (Edinburgh, 1861),

Carhampton's activity centred on county Roscommon, with the surrounding counties of Leitrim, Longford and Sligo playing a secondary role, is extremely significant in this respect and it serves to reveal the essentially political background to his mission. This was a region which had a powerful faction within its gentry who supported a tough stand on law and order, clearly illustrated by the brutal suppression of the anti-militia riots of 1793 and by the burning of the town of Ballinaugh in May of the following year. Such high-handed activities were suspended from July 1794, however, in consequence of the formation of the Pitt-Portland coalition, until March 1795, when the whig nominee, Earl Fitzwilliam, was removed from the Irish viceroyalty. When the normal course of business resumed at the Castle under Camden the path was clear for a renewal of trenchant security measures. This gentry faction combined their stance on law and order with a rooted anti-catholicism, which was resisted by a catholic middle class who were extremely active in the politics of the early 1790s. The catholic challenge to the conservative politics of the region may have resulted in some rudimentary politicisation among the lower orders and in opposition to the high-handedness of local loyalists. This is not to overestimate the disturbed condition of north-east Connaught in the spring and summer of 1795. There were a number of factors at work which served to exaggerate the degree and extent of these disturbances. Local protestant gentry, intent on securing a return to the vigorous security measures of pre-July 1794 and anxious to persuade Camden to abandon the pro-catholic policies of his predecessor, exaggerated the intensity of the unrest and attributed it to a grand catholic design. This resulted in the dispatch of Carhampton to Connaught with enlarged powers which authorised him to act on his own initiative. Contrary to traditional interpretations of this event², however, his presence in the west was not the catalyst for the 'dragooning of Connaught'. Local magistrates had already adopted vigorous counter-insurgency measures before Carhampton's arrival, and these continued for a considerable time after his departure. The numbers illegally sent to the fleet from the west in 1795 have also been

² Thomas Bartlett, 'The Invasion that never was', in *The French are in the Bay*, ed. John A. Murphy, (Cork, 1997), p.53

overestimated in the past; the actual number of those dispatched to the navy in this manner was in reality a far more conservative figure.

(1)

The short lived viceroyalty of Earl Fitzwilliam ended in his recall from Dublin in February 1795. The brevity of his reign was no indication of its significance. During his two month exercise of power Fitzwilliam had removed from office some of the stalwarts of Irish loyalism and acquiesced in the introduction of a bill to grant further relief to catholics. It was a combination of these two initiatives which had resulted in his recall by the British government and his replacement by Camden, who arrived in Ireland towards the end of March. Appointed to co-ordinate protestant resistance to the catholic bill, Camden reinstated those officials identified with the loyalist cause who had been displaced by his predecessor and called to his councils those individuals who had surrounded Westmorland during his period as lord lieutenant.³

It was not long after his arrival in Ireland that Camden began to receive accounts of serious unrest in north Connaught. From the beginning of April 1795 reports of widespread Defender activity began to arrive at the Castle. Disturbances were first reported from counties Longford, Leitrim and Roscommon, but gradually spread to include parts of Sligo and Galway.⁴ The sum of the intelligence received in Dublin represented that large numbers of well armed Defenders, sometimes amounting to thousands, were assembling under cover of night. They stole arms, cut down ash trees, burned hay and swore whole areas to be true to them and the French. They were reported to have forced local blacksmiths to manufacture some 600 pikes along the French model. This disaffection was alleged to be a common cause with all the lower

³ Fitzwilliam to Portland, 28/01/1795 (P.R.O. H.O.100/56/161-4); Portland to Fitzwilliam, 23/02, Portland to Camden, 26/03/1795

(Ibid.100/56/290-1, 455-66); Camden to Portland, 06/04, 07/04/1795 (Ibid, H.O.100/57/144-5)

⁴ Camden to Portland, 30/04, 04/05/1795 (P.R.O. H.O.100/54/91-3, 57/225-6)

class', who were being manipulated by 'strange emissaries' either from Dublin, Belfast or Paris. The purely catholic membership of the Defenders was emphasised, as were their attacks on the persons and property of protestants. Gentlemen and magistrates, all protestant, were said to have been marked out as victims to the popular fury. In consequence they were allegedly 'petrified with fear' and afraid to act against the Defenders, thereby neutralising the power of the military, who were restricted by the standing orders of the kingdom to acting only in the presence of a civil magistrate, except in case of attack. Disarmed and defenceless, the protestant community were reported to be retreating into the towns for security. There were claims that many catholic gentlemen surrendered their arms to the Defenders 'with a view of encouraging the risings' and there were suggestions that it was not only the lowest orders of the catholic community that were implicated in arms raids. The murder of eleven revenue police near Drumcollop hill in county Leitrim on 23 April facilitated the claims of Castle correspondents that these disturbances formed part of a general system of organised revolt. In consequence of the Drumcollop engagement over 3,000 Defenders were reported to have marched on the nearby town of Drumsna, only to be dispersed by a party of the Derry militia. They were also represented as having stolen two barrels of gunpowder which Lord Kingston was conveying from Dublin, as well as lead and powder from the Arigna iron works. The province of Connaught was described as being in 'a most violent state of insurrection'. By early May it was alleged that a democratic government of the finest jacobin principles had been established over a great district which issued summonses and administered justice. As the Defenders possessed all the fire arms of the area, the landed proprietors were reported to have submitted to their orders, preferring obedience to the power *de facto* to that of *de jure*.⁵

That parts of Connaught were seriously agitated in the spring and early summer of 1795 is undeniable. But it must be recognised that many accounts of these

⁵ For the letters upon which this summary is based, see K.A.O. Pratt papers U840 0144-46

disturbances were purposely exaggerated for political ends.⁶ For example, while requesting troops on 11 April the Rev. Alexander Montgomery, vicar of Abelara, claimed that there had been nearly 200 attacks on houses in county Longford and its borders since August 1794.⁷ Around the same time another inhabitant of Longford, Sir Thomas Fetherstone, composed a detailed list of 138 robberies which had been committed within the previous year in a twelve mile radius of Ardagh, a town along the Westmeath border which Fetherstone inhabited. James Young, a magistrate in Baileborough, estimated in June 1795 that in the previous three years nearly 400 lives had been lost in county Cavan. Added to those killed in neighbouring counties, Young claimed that the total would amount to some 2,000 individuals.⁸ Despite the alarming accounts of widespread murder and plunder pouring into the Castle, there were signs from the Camden administration itself that it was not unduly worried about the situation in Connaught. On 7 April the lord lieutenant reported to London that there were no disturbances in the country serious enough to mention. He was confident that the kingdom 'though in a state which requires much caution and circumspection, is not in so alarming a situation as has been represented'.⁹ Edward Cooke, the influential military under-secretary, had informed Lord Auckland on the previous day that 'as far as I have intelligence of the country it is quiet, and likely to remain so - at least the popery question will not produce ferment'.¹⁰ On 6 May the Bishop of Cloyne acknowledged to Westmorland that parts of the north-west were disturbed but added that 'we make nothing of such things of this side of the water'. Similarly, the attorney general, Arthur

⁶ For a useful account of the disturbances in county Leitrim in the 1790s see a recent work by Liam Kelly, *A Flame Now Quenched - Rebels and Frenchmen in Leitrim, 1793-1798*, (Dublin, 1998). At times, however, Kelly accepts many of his sources at face value without questioning their validity or investigating their bias.

⁷ A.Montgomery to Camden, 11/04, A.Montgomery to _____, 17/04/1795 (Reb.papers 620/22/05; K.A.O. Pratt papers U840/0144/13)

⁸ Sir T.Fetherstone to _____, n/d (K.A.O. Pratt papers U840/0145/5); J.Young to Mr. Smyth, 01/06/1795 (Ibid.U840/0146/22)

⁹ Camden to Portland 06/04, 07/04/1795 (P.R.O. H.O.100/57/68-71, 95-9)

¹⁰ Cooke to Auckland, 06/04/1795 (P.R.O.N.I. Sneyd papers T.3229/2/7)

Wolfe, believed that the present disturbances were no cause for concern as they were identical to those which had commonly existed throughout Westmorland's viceroyalty. He reported to Westmorland in a letter on 9 May that the degree of seditious principles among the lower orders had not been increased 'or in any degree affected by the removal of Lord Fitzwilliam or the decision of the catholic question'.¹¹

The actual evidence for organised Defender involvement in the disturbances reported to the Castle is extremely tenuous. Some of the proof adduced by Camden in support of his claim that the agitation was being organised by the United Irish or Defender leadership was highly dubious. In support of his assertion that emissaries were being dispatched to the west to foment unrest, he informed the British home secretary on 28 May that 'there was a man killed in one of the encounters with the troops, whose body has never been claimed, and of whom as yet no intelligence has been obtained'.¹² Furthermore, the summer assizes of 1795, which were held after a widespread number of arrests, resulted in a large proportion of acquittals, suggesting that the evidence against many of those captured as alleged Defenders was inadequate.¹³ In fact, the government had determined in May not to immediately try those confined in the jails of Connaught by a special commission, specifically because the evidence against several of them was incomplete.¹⁴ Even within the province itself there were signs that the situation was not as serious as had been represented. Although he advocated the adoption of strong measures by the military, a correspondent of George Sandford, M.P. for the borough of Roscommon, was forced to admit that there had actually been few acts of outrage committed.¹⁵ A local post master informed John Lees, secretary to the general post office, on 25 April that although there were 'a few petty robberies' in the neighbourhood

¹¹ Bishop of Cloyne to Westmorland, 06/05, Arthur Wolfe to Westmorland, 09/05/1795 (N.A. Westmorland papers 1/108, 109)

¹² Camden to Portland, 28/05/1795 (P.R.O. H.O.100/57/336-341)

¹³ Wolfe to S.Hamilton, 26/07/1795 (K.A.O. Pratt papers U840/0149/9); Wolfe to _____, 26/08/1795 (Reb.papers 620/22/36)

¹⁴ Camden to Portland, 28/05/1795 (P.R.O. H.O.100/57/336-341)

¹⁵ _____ to George Sandford, n/d (K.A.O. Pratt papers U840/0146/6)

of Longford town, the Defenders had not openly appeared in daylight in the county since they had been checked by Lord Granard at Ballymahon on 8 April.¹⁶ The absence of any kind of organised disaffection in the west is clearly illustrated by the fact that the arrival of troops in an area ended reports of its being convulsed by disturbances.¹⁷ Any opposition to the laws that did exist inevitably collapsed after a series of violent displays by the military from mid-April. The people were reported to be 'panic struck' by the brutality of the troops and they instantly proposed in several areas to surrender those arms they had in their possession.¹⁸ Camden admitted on 5 May that 'as soon as these disturbances are met with spirit they quickly subside'.¹⁹ The general in command of the western district, Major-General Charles Crosbie, was confident by 7 May that tranquillity had been restored in consequence of the great force he had dispersed through the province.²⁰ Perhaps the best indication that the situation in Connaught had been misrepresented to the authorities in Dublin was the fact that Carhampton only felt it necessary to spend a mere two weeks in the west, arriving in Athlone on 8 May and returning to Dublin fourteen days later.²¹

The exaggeration surrounding the extent and nature of the disturbances in north Connaught in the spring and early summer of 1795 owes much to the efforts by whigs and conservatives alike to extract political capital from the condition of the kingdom, or what they claimed to be its condition, in the aftermath of Fitzwilliam's recall. The belief that there was serious unrest was partly generated by the declarations of whig politicians who were eager to use the existence of such disorders to condemn the policy of recalling

¹⁶ William Boyle to John Lees, 25/04/1795 (K.A.O. Pratt papers U840/0144/18)

¹⁷ Camden to Portland, 30/04, 05/05/1795 (P.R.O. H.O.100/57/225-6, 257-9); W.P.K.Trench to govt, R.L.Edgeworth to govt, 07/05/1795 (K.A.O. Pratt papers U840/0145/22); Maj-Gen.C.Crosbie to Genl.Cunningham, 07/05/1795 (Ibid U840/0145/21/2)

¹⁸ D.Stark to _____, 27/04/1795 (K.A.O. Pratt papers U840/0144/22); *C.J.* 11/05/1795; *D.E.P.* 23/05/1795

¹⁹ Camden to Portland, 05/05/1795 (P.R.O. H.O.100/57/257-9)

²⁰ Major-General Charles Crosbie to General Cunningham, 07/05/1795 (K.A.O. Pratt papers U840/0145/21/2)

²¹ Carhampton to _____, 08/05/1795 (K.A.O. Pratt papers U840/0146/2); *D.E.P.* 23/05/1795

Fitzwilliam and frustrating catholic political aspirations. Fitzwilliam himself had been among the first to predict that the rejection of catholic relief would spark serious disturbances in Ireland. Reacting angrily to instructions from London to postpone the catholic bill, he asserted on 14 February that by doing so he would 'raise a flame in the country that nothing short of arms would be able to keep down'.²² He almost boasted to Edmund Burke on 4 March that his recall 'has caused such a ferment....in every part of the country it has yet reached, that it requires but the accidental touch of a match to set the whole in a flame'.²³ The Irish parliamentary opposition also fostered the belief that the country was in a dangerous condition in an effort to avert the rejection of the catholic relief bill. Henry Duquerry, M.P. for the borough of Rathcormack, claimed that its rejection would risk the destruction of the kingdom. John Egan, member for the borough of Tallagh in county Waterford, stated that if emancipation was not granted, the most conciliatory measures would not be sufficient to moderate the subsequent reaction. The usually level-headed Sir Lawrence Parsons warned that if catholic hopes were frustrated after being so publicly encouraged by the Fitzwilliam administration, 'the daemons of darkness' could not do more mischief than if they arrived on earth and threw a firebrand among the people.²⁴ The British opposition also played their part in creating an expectation that the rejection of the bill would lead to lawlessness. In an effort to embarrass the Pitt administration, they demanded an investigation into the circumstances surrounding Fitzwilliam's recall. In order to justify these demands they exaggerated conditions in Ireland. Charles J. Fox claimed in March that the kingdom was 'truly dangerous and alarming', and that the disappointment of the catholics had engendered great 'irritation and resentment'. In the commons on 24 April, Joseph Jekyl declared that the integrity of the British empire itself had been endangered by the 'extreme agitation'

²² Fitzwilliam to Portland, 14/02, 20/02/1795 (P.R.O. H.O.100/56/237-8, 292-7)

²³ Fitzwilliam to Edmund Burke, 04/03/1795 (N.L.I. Fitzwilliam papers Microfilm p.5642)

²⁴ C.J. 02/03, 09/03/1795

produced in Ireland by Fitzwilliam's departure.²⁵ Throughout the summer of 1795 and beyond, whig politicians and the liberal press both voiced their opinions that the disturbances in the country originated in the impolicy of removing Fitzwilliam from the viceroyalty.²⁶ They declared that his recall had thrown the country into 'a state of continued insurrection, bordering on rebellion'.²⁷ William Ponsonby claimed on 22 June that Ireland was 'the most disaffected country in the world'.²⁸ Mrs. Ponsonby informed Fitzwilliam on 21 August that every 'unprejudiced person in any part of the kingdom' attributed the prevailing disturbances to his removal and the re-establishment of 'the old system' of government.²⁹ Even as late as March 1798 in the house of commons, Parsons identified Fitzwilliam's recall as the major factor behind the deterioration in the rule of law in the kingdom.³⁰

The reality of the situation in Ireland in the spring and summer of 1795 was also deliberately misrepresented by members of the Castle regime who, in an effort to play down the success of the catholic campaign and the extent of Fitzwilliam's support, endeavoured to attribute a political motive to existing unrest, rather than concede that the catholic issue had become an important political issue in the country. Fitzwilliam's political confidant, the Bishop of Ossory, informed him in May 1795 that the Irish government were treating reports of disturbances 'as the exaggeration of those who wish to have it supposed that your removal from the government, and the failure of the Roman catholic bill, have caused a general ferment'.³¹ Looking back to this period in

²⁵ C.J. 02/04, 04/05/1795

²⁶ Edward Hay to Fitzwilliam, 21/06, Henry Grattan to Fitzwilliam, 18/07/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

²⁷ D.E.P. 21/04, 05/09/1795; Dean Charles M. Warburton to Fitzwilliam, 12/06, Fitzwilliam to George Ponsonby, 06/10/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

²⁸ William Ponsonby to Fitzwilliam, 22/06/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

²⁹ Mrs. Ponsonby to Fitzwilliam, 21/08/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

³⁰ D.E.P. 06/03/1798; S.N.L. 07/03/1798

³¹ T.L. Ossory to Fitzwilliam, 22/05/1795 (N.L.I. Fitzwilliam papers Microfilm p.5643)

October 1795 Fitzwilliam himself believed that it had been the order of the day at the Castle 'to remark the firmest attachment of the catholics to government during the whole course of the late insurrections: I suppose it is held out as an answer to me in regard to the necessity of the catholic question'.³² When the Castle did comment on the unrest in certain western counties, it claimed that any disturbances had been fomented by the United Irishmen in Dublin in order to coincide with the introduction of the catholic bill.³³ This was the message transmitted from the Castle even before Camden had arrived in the kingdom. The new lord lieutenant's memoranda on a number of interviews he held with members of the ruling clique shortly after his arrival are extremely illuminating in this respect. In a meeting on 2 April Fitzgibbon informed Camden that the agitation in the country had been fomented by the United Irishmen 'whom he could prove to have correspondence with the enemy [the French]'.³⁴ John Foster, speaker of the house of commons, echoed these sentiments in an interview on the following day when the viceroy had requested his thoughts upon the catholic question. It was Foster's opinion that 'the disturbances in the country were not so much owing to the consideration of that question as to the very great pains which were taken by the United Irishmen to spread and to disseminate their republican doctrines, that this question was made use of by them for such purposes, but that he believed the catholics at large cared little about it'.³⁵ Camden accepted this exaggeration of the political origins of the disturbances and propounded it in his letters to the British cabinet. He informed Portland on 28 May that there was little doubt but that the disaffected in Roscommon were encouraged and instigated 'by persons not belonging to the county'. In addition, he was careful to discredit reports that the rejection of the catholic bill was behind the disturbances: 'They [those behind the disturbances] are encouraged with the hope of being what they call up

³² Fitzwilliam to George Ponsonby, 06/10/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

³³ Camden to Portland, 30/04, 05/05/1795 (P.R.O. H.O.100/57/225-6, 257-9))

³⁴ Audience Memorandums, 02/04/1795 (K.A.O. Pratt papers U840/0155/138-141)

³⁵ Audience Memorandums, 03/04/1795 (K.A.O. Pratt papers U840/0155/141-2)

or getting uppermost which is totally unconnected with any religious sentiment except so far as it serves as a pretext for influencing them at particular times'.³⁶ *Faulkner's Dublin Journal*, a newspaper under government patronage, followed his example, declaring that the Defenders, who it blamed for the disturbances, were from their first appearance 'the political instruments' of the United Irishmen.³⁷

(2)

It is only after recognising the efforts of both whigs and conservatives to impose their own interpretation on events in Ireland after Fitzwilliam's recall that one can begin to investigate what really happened in Connaught in the spring and summer of 1795 to prompt the dispatch of Carhampton to the west with augmented powers. It has correctly been observed that this was a region 'which was far from central to the state of subversion in 1795'³⁸, and the background to Carhampton's mission requires considerable explanation. What is clear is that this episode is intimately connected with the politics of the region, and with two inter-related factors in particular. The first was that north-east Connaught possessed an active law and order lobby who brooked no opposition to the *status quo*. The high-handed behaviour of Joshua Cooper of Markree Castle, M.P. for county Sligo, was recorded in 1791 by a French traveller through the region, Coquebert de Montbret. Cooper had declared to the Frenchman that the town of Colloony 'is nothing but a nest of robbers' and that 'he would dearly like to wipe it out', an aim which according to the traveller 'he has already largely succeeded in doing. Colloony recalls *The Deserted Village*, a poem by Goldsmith'.³⁹ The anti-militia riots in

³⁶ Camden to Portland, 28/05/1795 (P.R.O. H.O.100/57/336-341)

³⁷ *F.D.J.* 30/05/1795

³⁸ L.M. Cullen, 'The Politics of Crisis and Rebellion, 1792-8', p.5

³⁹ S.Ni Chinneide, 'A Frenchman's Tour of Connacht in 1791', in *Journal of the Galway Archaeological and Historical Society*, xxxv,(1976), p.64 (Quoted in L.M. Cullen, *The Emergence of Modern Ireland 1600-1900*, New York, 1981, p.209)

the province in 1793 evinced the willingness of many magistrates in the region to act with brutality in suppressing disturbances.⁴⁰ In May 1794 the town of Ballina in county Cavan was set alight on the orders of a local magistrate, Henry St. George Cole, in an effort to dislodge a number of alleged Defenders who had retreated into it for protection. This had been preceded by an engagement at the fair of nearby Kilnaleck when the Defenders had been challenged by a party of armed protestants who had been assembled by their landlord, Mr. Blakeley of Ballyjamesduff. Some thirty-two Defenders were killed in the encounter.⁴¹ The town of Boyle in Roscommon also possessed a hard-line element. The allied victory over the French at Martinique in late April 1794 produced great rejoicing among its loyalist inhabitants. An effigy of a *sans culotte* was dragged through the streets of the town in a cart and burnt.⁴² The gratitude publicly bestowed upon Carhampton for his activity in suppressing disturbances, by the grand juries of Roscommon and Sligo, and the Drumsna association for the preservation of the king, constitution and internal peace in county Leitrim, is another indicator of the heavy-handed disposition of many loyalists within this district.⁴³ The most convincing proof of the existence of a hard-line lobby in north-east Connaught, however, lies in the debates on the indemnity act in February 1796, when members representing western constituencies gave their unanimous approbation to the counter-insurgency measures adopted in the region during the previous year. Sir Edward Crofton as member for county Roscommon, Theophilus Jones, member for county Leitrim, Owen Wynne, member for the borough of Sligo, and George Sandford, member for the borough of Roscommon, all bore testimony to the necessity of the exertions which had been made and of the absolute necessity of an act designed to indemnify those who had transgressed

⁴⁰ Sir Henry McAnally, *The Irish Militia, 1793-1815, A Social and Military study*, (London, 1949), pp.33-4

⁴¹ *F.D.J.* 17/05, 24/05/1794

⁴² *F.D.J.* 08/05/1794

⁴³ *D.E.P.* 04/08/1795; P.M.Hogan, 'Civil Unrest in the Province of Connacht 1793-98: The Role of the Landed Gentry in Maintaining Order', (Univ.Col.Galway M.Ed. thesis, 1976), p.33; K.A.O. Pratt papers U840/061

the boundaries of the law in their efforts to restore tranquillity.⁴⁴ Another individual who signalled his firm approbation of the indemnity act was Lord Dillon, a notorious hard-liner, whose estates lay in north-east Connaught, the principal theatre of action during the summer of 1795. Although of catholic background, Dillon was extremely desirous of pleasing the administration in order to gain elevation in the peerage.⁴⁵

With their demands for a vigorous security policy, the majority of these individuals combined a rooted anti-catholicism. This group contrasts with Denis Browne in Mayo who advocated a tough law and order policy but who was also a firm supporter of catholic emancipation, and he delivered a powerful speech in support of the 1795 relief bill.⁴⁶ Browne is the exception that proves the rule, however, as there is almost universal overlap between the personnel in both groupings. The north-east Connaught area, particularly counties Sligo and Roscommon were 'regions with some tradition of determined protestant colonisation'. Many of the landlords in the region, through their interest in the linen industry, had promoted protestant settlement. The Wynne, Cooper and O'Hara families, for example, were involved in this enterprise in county Sligo.⁴⁷ Wolfe Tone recorded in his journal on 1 August 1792 that a catholic activist, Mr. Everhard of Sligo, had given him 'a most melancholy account of the depression and insults under which the catholics of that town labour': 'every protestant rascal breaks their heads and windows for his amusement, and no grand jury will find their bills, nor petit jury convict them'.⁴⁸ When the principal inhabitants of Carrick-on-Shannon assembled on 26 April 1795, in the aftermath of the Drumcollop hill murders, to devise 'the most effectual means for their own safety', catholics were excluded from the

⁴⁴ *F.D.J.* 04/02, 06/02/1796

⁴⁵ See his speech in the lords on 12 February 1796 on the third reading of the indemnity bill (*Hibernian Journal* 15/02/1796)

⁴⁶ *The Debates at large on the catholic bill...1795*, (Dublin, 1795), p.11

⁴⁷ L.M.Cullen, *The Emergence of Modern Ireland 1600-1900*, pp.196, 209

⁴⁸ *Memoirs and Journals of T.W.Tone*, (ed.) T.Bartlett, (Dublin, 1998), p.142

committee which was established to regulate the security of the town.⁴⁹ The presbyterians of Creggan and Crosmile, county Cavan, were one of the first to petition against catholic relief in 1795.⁵⁰ The agent of Henry Theophilus Clements, M.P. for county Leitrim, was markedly anti-catholic, something which is clearly evident from his correspondence.⁵¹ The disposition of Owen Wynne's agent at Sligo is revealed in his interpretation of the anti-militia riots in 1793 as the result of catholic disappointment at the relief act of that year. He claimed that catholics had been led to believe that it would give them religious equality as well as equality of property. Bouyed by these expectations, they were now determined to effect with force 'that equality of property they vainly hoped for'.⁵² The Crofton family of Mote, county Roscommon, were virulently opposed to catholic relief.⁵³ The voting patterns among the members of parliament for north-east Connaught are extremely illuminating in this regard. The county members for Cavan (Francis Saunderson and Viscount Maxwell), Leitrim (Henry T. Clements and Theophilus Jones), Roscommon (Sir Edward Crofton), Longford (Sir William Gleadowe Newcomen and Caleb Barnes Harman), as well as Joshua Edward Cooper in county Sligo, all voted against the catholic relief bill in 1795. The same pattern was evident in the boroughs of Belturbet, Cavan town, Carrick, Boyle, Roscommon, Tulsk and Sligo, whose members unanimously voted against the bill.⁵⁴

The second element behind the dispatch of Carhampton to the west in May 1795 was the emergence of a degree of rudimentary politicisation among elements of the local catholic population. Rev. James Little, rector of Lackan in the diocese of Killala, left a short but invaluable account of events in Mayo in the 1790s. Although it chiefly refers to

⁴⁹ William White to John Lees, 27/04/1795 (K.A.O. Pratt papers U840/0145/15/2)

⁵⁰ P.R.O. H.O.100/58/13-14, 17,18

⁵¹ Henry Clements to Henry T.Clements, 20/01, 22/01/1795 (T.C.D. Clements Ms.7308/20,21)

⁵² *Extracts of letters received respecting the disturbances in Leitrim, Mayo, Roscommon and Sligo* (P.R.O. H.O.100/44/5-11)

⁵³ Henry Clements to H.T.Clements, 20/01/1795 (T.C.D. Clements Ms.7308/20)

⁵⁴ For voting patterns on the bill see *D.E.P.* 12/05/1795, *H.J.* 13/05/1795, and Pratt papers U840/0142

events in that county it is broadly applicable to the rest of the surrounding area. Little chronicled an alleviation in the economic conditions among the lower orders in Mayo in the 1790s. He believed that during this decade there were few parts of the kingdom which experienced more beneficial economic change:

A more regular and free exportation of grain and potatoes had afforded a greater and more steady encouragement to tillage; as also the clandestine distilleries, which in an extensive district wild and mountainous, it is very difficult to suppress, and which produced here as in every other place, money, profligacy, sedition and rebellion: the demand for the breed of smaller black cattle had increased and they sold very high... The manufacture of coarse linens, promoted by the introduction here of emigrants from the north, was greatly extended, and afforded employment to numbers in the cultivation of flax, and spinning of yarn. From all these circumstances, operating suddenly, the profits of land were perhaps doubled, before there was time from the expiration of leases, to make a proportionate increase of rent: so that the generality of the peasantry found themselves raised from great poverty to a state of more comfortable accommodation, which was to them a sort of affluence.

This should have resulted, in Little's mind, in an increase of affection for the government and the established political order, from which the increased prosperity had derived. But he believed that it had the opposite effect in many instances, 'for Machiavel has too truly observed that man is ungrateful'. While the older and wiser, in Little's eyes, were content with their lot and refused to risk it in any sort of dangerous enterprise, the youthful and inexperienced as well as the idle and dissolute 'were but too ripe and ready to seize on the first opportunity that might present itself of exercising their activity in violence and rapine'.⁵⁵ This is a far cry from Lecky's famous description of the lower orders of the late eighteenth century as being 'sunk in poverty and ignorance' with no political interests

⁵⁵ Nuala Costello (ed.), 'James Little's Diary of the French landing in 1798', in *Analecta Hibernia*, no.60, pp.70-2

and without the smallest disposition` to rebel against the political order under which they lived`.⁵⁶

Combined with this improvement in the economic conditions of the peasantry in the north-west was the fact that the region in general, and counties Roscommon and Leitrim in particular, possessed a catholic middle class who were very active in catholic politics. Roscommon, Sligo and Leitrim all acted quickly to elect their delegates to the catholic convention in 1792, in contrast to Mayo and Galway, whose reluctance to do so obliged Wolfe Tone to travel to the Ballinasloe fair in order to enfuse spirit into the local catholic community.⁵⁷ Catholics in both Mayo and Galway sent petitions to Fitzwilliam in favour of catholic relief in 1795, as did catholic interest groups in counties Sligo, Cavan, Galway, Clare and Longford and in the towns of Castlebar, Sligo and Cavan.⁵⁸ Catholics in counties Roscommon and Leitrim were among the first to adopt as their own the important resolutions passed by the Francis street meeting in Dublin on 27 February, protesting at the recall of Fitzwilliam.⁵⁹ In addition, out of the membership of the first Dublin society of United Irishmen, five were from Roscommon, four from Mayo, two from Sligo, two from Longford and one from Leitrim. Five of these United Irishmen had also been members of the catholic convention in 1792 and two others were active in the democratic side of the catholic committee.⁶⁰ Furthermore, in county Mayo and along the Roscommon/Sligo border there existed a tight group of nine or ten catholic families of some property with a tradition of foreign, especially French, military service. Four of

⁵⁶ W.E.H. Lecky, *A History of Ireland in the Eighteenth century*, (5 vols., London, 1892), vol. iii, p.111

⁵⁷ *Memoirs and Journals of T.W. Tone*, (ed.) T. Bartlett, pp.157-8

⁵⁸ *The Parliamentary register, or History of the Proceedings and Debates of the House of Commons of Ireland*, (17 vols., Dublin, 1782-1797), vol. xvi, pp.28-70

⁵⁹ *D.E.P.* 14/03, 19/03/1795

⁶⁰ R.B. McDowell, 'Personnel of the Dublin Society of United Irishmen', *Irish Historical Studies*, ii, (1940-1), pp.12-53

these families provided 'either radicals in 1792, or revolutionaries who stayed the course'.⁶¹

The increasing prosperity of the lower orders, coupled with the activity of middle class catholics, may have introduced a degree of rudimentary politicisation into north-east Connaught, even if this only took the form of opposition to local high-handedness on the part of the conservative protestant ruling elements. A Defender handbill signed *Philanthrope* which was circulated through Sligo in April 1795, claimed that their grievances arose from the hostile attitude of the majority of parliamentary members towards catholic relief: 'We thank our friends in both houses of parliament for their strenuous exertions in our favour, and had their petition met with the success it deserved, we would instead of crowded dungeons and blood spilled on the information of perjurers, we would we say, enjoy peace, tranquillity and the cultivation of the arts and sciences'. They claimed that they were not hostile to the constitution, and that they had no quarrel with the army or any particular religious persuasion.⁶² A number of loyalists in the west who had proved themselves obnoxious to the local catholic population by their antagonistic stance both on catholic relief and on law and order were the subject of attack by armed bands. Joshua Cooper's residences at Markree in Sligo and at Castle Tenison in Roscommon, were both singled out for frontal assault in widespread Defender unrest in north-east Connaught in the spring of 1793.⁶³ The Defenders involved in the riot at Kinaleck fair in Cavan in May 1794, which led to the burning of the town of Ballinaugh, announced on their appearance that they would destroy every Scotchman or Presbyterian they could find. They then specifically targeted one Mr. Biggers, employed as land agent by Henry Maxwell of Crover, an individual known for his readiness to evict tenants and suppress Defenders. Maxwell was cousin to the Bishop of Meath

⁶¹ L.M. Cullen, 'Late eighteenth century politicisation in Ireland: Problems in its study and its French links', in Cullen (ed.), *Cultures et Pratiques Politiques en France et en Irlande*, (Paris, 1991), p.152

⁶² William White to John Lees, 29/04/1795 (K.A.O. Pratt papers U840/0145/1)

⁶³ L.M.Cullen, *The Emergence of Modern Ireland 1600-1900*, p.209

whose estate in Cavan was also plundered by the Defenders during these disturbances. The Bishop himself, also called Henry Maxwell, was the youngest son of the first Lord Farnham and was also renowned for the number of evictions on his estate.⁶⁴ The bishop's own land agent, Rev. Thomas Butler, was assassinated at Ardracran in neighbouring county Meath in October 1793 as a result of his implementation of vigorous measures against the Defenders.⁶⁵

The effort on the part of the authorities to crack down on the illicit distilling of poteen and whiskey was another issue which manifested a widening gulf between the ruling classes and many others in the local community.⁶⁶ Illicit stills were reported to be widespread in Leitrim at this time, with every seventh house in the county doubling as a whiskey shop.⁶⁷ Sir Edward Newenham wrote from Carrick-on-Shannon that 'the innumerable little unlicensed whisky-houses are the destruction of the labourers, and a nest for Defenders and every type of vagabond'.⁶⁸ Rev. Little identified the connection between the numerous clandestine distilleries spread across neighbouring county Mayo and the circulation of 'money, profligacy, sedition and rebellion'.⁶⁹ The spring of 1795 witnessed at least two attacks on revenue police who were involved in seizing illegal stills. On 19 April a revenue party were attacked and beaten in county Sligo while engaged in such a manoeuvre.⁷⁰ A more serious incident occurred in county Leitrim four days later when a revenue party acting under Francis Waldron, a revenue official and magistrate for Roscommon and Leitrim, set out to seize a poteen still near Funshinagh, located between Mohill and Keshcarrigan. Reports relating to the events of that day

⁶⁴ *F.D.J.* 17/05, 24/05/1794; S.O'Loinsigh, 'The Burning of Ballinaugh', *Breifne*, ii, no.7, (1964), pp.359-64

⁶⁵ *N.S.* 13/02/1794; *Trial of John Fay esq. of Navan*, (Dublin, 1794)

⁶⁶ L.M. Cullen, 'The Politics of Crisis and Rebellion, 1792-8', p.2

⁶⁷ Lecky, iii, 76-7

⁶⁸ Quoted by Lecky, vol. iii, p.76-77.

⁶⁹ Nuala Costello (ed.), 'James Little's Diary of the French landing in 1798', pp.60, 70-2

⁷⁰ *C.J.* 30/04/1795

are confusing, but what is clear is that the revenue party were surrounded in the course of their duty by 'a party of Defenders' and were forced to take refuge in a house situated near the top of Drumcollop hill. The hostile crowd encircled the house, set it alight, and murdered all eleven policemen as they fled the rising flames.⁷¹ There were contemporary reports, some from sources sympathetic to the forces of law and order, that these men had been ultimately responsible for their own fate. The post master at Sligo claimed that they had provoked the local people 'by their receiving a bribe and their duplicity of conduct afterwards'.⁷² Charles O'Hara, M.P. for county Sligo, claimed that for an eight mile radius around Drumsna this revenue party were detested, and that the affair on 23 April began with 'a wanton murder by one of them'. The radical polemicist, Edward Hay, claimed that the murder of the revenue police originated in their 'scandalous exactions from the poor'. A gentlemen who had just arrived from Leitrim had informed him, in June 1795, that the revenue officials had two hundred families under contribution. Another account claimed that one of the revenue officers had murdered a local man who had endeavoured to warn him of the consequences of his misconduct in the course of his duty.⁷³

Charles O'Hara believed that the aim of the attack on Drumsna town on 24 April was to murder the magistrate in charge of the revenue party, Francis Waldron, who had been absent at the time of the attack.⁷⁴ The fact that a magistrate accompanied the revenue party suggests that it was not on routine business, and implies that there may have been a political motive behind their activity. This complies with the pattern of loyalist activity across the province, where hard-liners were seeking to re-impose their

⁷¹ Memorial of Francis Waldron, April 1795 (Reb.papers 620/22/59); James Murphy to John Lees, 25/04/1795 (K.A.O. Pratt papers U840/0144/19); Camden to Portland, 27/04/1795 (P.R.O. H.O.100/57/203-6); See also L. Kelly, *A Flame Now Quenched*, p.39, for some good local insight into the incident.

⁷² William White to John Lees, 27/04/1795 (K.A.O. Pratt papers U840/0145/15/2)

⁷³ C.J. 30/04, 11/05/1795; Edward Hay to Fitzwilliam, 21/06/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

⁷⁴ Charles O'Hara to _____, 16/05/1795 (K.A.O. Pratt papers U840/0146/17)

authority on the local population after the forced interruption caused by the Fitzwilliam viceroyalty. The manner in which Waldron was singled out by those who attacked the revenue party indicates that he may already have made himself an unpopular figure locally by pursuing a tough line on law and order. It is significant in this respect that in a memorial which he composed after the attack on 24 April, and in which he sought government finance to allow him to leave the district and establish himself elsewhere, Waldron cited the intensity of local hostility towards his person as the motivation behind his request.⁷⁵

Faced with an assertive catholic community, the loyalist lobby in north-east Connaught sought to defend their interests by violently suppressing any opposition that emerged to challenge the established order, while simultaneously discrediting catholic requests for relief. The formation of the Pitt-Portland coalition in July 1794, one of the planks of which was a plan to form a new Irish administration that would enjoy the support of the Irish whigs, was crucial in determining the manner in which security policy would be implemented in Ireland. The uncertainty hanging over the heads of Westmorland's advisors in Dublin, as well as in the wider loyalist community throughout the kingdom, appears to have diminished demands for vigorous law and order measures.⁷⁶ The anticipation and advent of the Fitzwilliam viceroyalty had essentially tied the state's hands in dealing with the internal threat represented by the Defenders and the United Irishmen.⁷⁷ During the eight month period from the formation of the coalition until Fitzwilliam's departure from Dublin, 'security policy at local level seems to have ground to a halt; it lost impetus even in counties where there had been an active security lobby'. This helps to account for the belief often entertained in the past that the pace of radical activity slackened in 1794. This slackening was in fact more apparent than real:

⁷⁵ Memorial of Francis Waldron, April 1795 (Reb.papers 620/22/59)

⁷⁶ L.M.Cullen, 'The United Irishmen', in *Ulster Local Studies*, Vol. 18, number 2, p.17

⁷⁷ Kevin Whelan, 'United and Disunited Irishmen', in *The Tree of Liberty: Radicalism, Catholicism and the Construction of Irish Identity 1760-1830*, (Cork, 1996), p.112

`It was more a consequence of malcontents not being confronted by determined magistrates, or by the revenue officers or military commanders on whom in some areas in the recent past loyalist magistrates had often successfully prevailed for action.⁷⁸ It was only with the return of the old regime to power in March 1795 that demands began to be renewed for a return to the type of coercive security policy which had been pursued right until the eve of the formation of the Portland-Pitt coalition and which had been responsible for the manner in which the anti-militia disturbances had been suppressed in 1793 and for the burning of Ballinaugh in May 1794.

The accounts sent to Dublin Castle, which consistently began from 6 April, were not designed solely to press Camden into a tough law and order policy, but also to discredit the catholic relief bill which was about to be introduced into parliament. As early as 24 March the liberal *Dublin Evening Post* reported that `the friends of the faction, whose influence has so long and so uniformly oppressed the Irish nation`, had employed their emissaries to industriously circulate `every species of misrepresentation, with a design of exciting distrust, and reviving animosities`. It warned its readers on 23 May to be on their guard against `the insidious and exaggerated accounts of riots and Defenders in the country` which were propagated by `the wretched scribblers in the pay and employ of a junto of English emigrants`. ⁷⁹ The number of correspondents writing to the Castle about the situation in Connaught was limited and included a number of protestant clerics, including the Bishop of Elphin, a curate and clergyman in Carrick-on-Shannon, the vicar of Abelara, and a clergyman in county Galway.⁸⁰ It also included officials in the pay of the administration or acting to enforce its laws, like the post masters at Sligo, Carrick-on-Shannon, and Strokestown, the chief constable of the

⁷⁸ L.M.Cullen, `The Politics of Crisis and Rebellion, 1792-8`, p.2

⁷⁹ *D.E.P.* 24/03, 23/05/1795

⁸⁰ Rev. Alexander Montgomery to Camden, 11/04/1795 (Reb.papers 620/22/05); Bishop of Elphin to _____, 14/04/1795 (K.A.O.

Pratt papers U840/0144/11); Henderson to Rev. John Chakond, 18/04/1795 (Ibid. U840/0144/23/1-2); J. Bennett to _____,

27/04/1795 (Ibid. U840/0144/20); D.Y. Campbell to Hamilton, 06/06/1795 (Ibid. U840/0147/3)

Athlone area, and the present and former high sheriff of county Galway.⁸¹ The correspondents also included several politicians, military officers and magistrates⁸², some of whom like George Devenish of Strokestown, Sir Edward Newenham of Hampstead in county Galway, and George Sandford in Roscommon, openly displayed their anti-catholic prejudices.⁸³

The sectarian motivation behind many of these accounts is occasionally clearly manifested. On 11 April Rev. Alexander Montgomery reported that the disturbances in county Longford resulted from 'frustrated ambition', implicitly suggesting that their anger at the recall of Fitzwilliam had led catholics into committing outrages.⁸⁴ Lord Granard personally called upon Camden on 1 May, a few days before the catholic bill was scheduled to receive its second parliamentary reading, in order to inform him that 'the catholics...had been materially concerned in these disturbances'.⁸⁵ Sir Edward Newenham claimed that many catholic gentlemen surrendered their arms to the Defenders 'with a view of encouraging the risings'.⁸⁶ On 6 May he informed Pelham that the chief secretary's hard-line speech against the catholic bill on the previous day had strengthened the resolve of many gentlemen in the west.⁸⁷ At the same time the members of parliament who represented constituencies in those western counties which were

⁸¹ Low to _____, 06/04/1795 (K.A.O. Pratt papers U840/0144/5); Mr. Feams to J. Lees, 20/04, J. Murphy to John Lees, 25/04, William White to John Lees, 27/04/1795 (Ibid. U840/0144/14, 19, 0145/15/2); Charles Blake to _____, 03/05/1795 (Ibid. U840/0145/13)

⁸² A.M. Trench to _____, 11/04/1795 (K.A.O. Pratt papers U840 0144/6); J.W. Peyton to Major-General Crosbie, 23/04/1795 (Ibid. U840/0144/17); Ross Mahon to _____, n/d (Ibid. U840/0145/6/1); Major Akmaty to Pelham, 30/04/1795 (Ibid. U840/0145/4); Major-General Crosbie to _____, 01/05/1795 (Ibid. U840/0145-7)

⁸³ George Devenish to _____, 11/04/1795 (K.A.O. Pratt papers U840/0144/7); _____ to George Sandford, n/d (Ibid. U840/0146/6); Edward Newenham to government, 09/02/1796 (Reb. papers 620/23/30)

⁸⁴ Rev. Alexander Montgomery to Camden, 11/04/1795 (Reb. papers 620/22/05)

⁸⁵ K.A.O. Pratt papers U840/0155/4

⁸⁶ Edward Newenham to government, 09/02/1796 (Reb. papers 620/23/30)

⁸⁷ Edward Newenham to Pelham, 06/05/1795 (K.A.O. Pratt papers U840/0145/20)

reported to be most agitated indicated to Camden the stand they desired him to adopt on the catholic question when he consulted with them on 30 April as to the best means of treating the disturbances in Connaught. He solicited their active co-operation in the suppression of these tumults, which they promised to give, but only after the catholic question had been decided in parliament. This was an unmistakable intimation of the approach which they wanted Camden to adopt in relation to the relief bill.⁸⁸ It is no coincidence that the reports of outrages begin shortly before the introduction of the catholic bill into parliament in April, and climax at the time of its crucial second reading. Furthermore, soon after the bill's defeat, the reports of tranquillity returning to the disturbed areas begin to multiply.⁸⁹ Finally, although minor disturbances continued sporadically throughout the remainder of the year, they elicited no response from the Castle authorities, as there was no political necessity for such a response.⁹⁰ Definitive proof of the exaggeration by interested individuals of the disturbances in Connaught for political ends is contained in an account of the condition of the region sent to Camden by a supporter of catholic relief. After travelling through the area on his return to Garbally from parliament, William P.K. Trench, M.P. for county Galway, wrote that the country was not in as bad a state as he had expected in light of the accounts of the area which had been circulating in Dublin.⁹¹

(3)

In response to the alarms of loyalist opinion in the west, Camden initially ordered Major-General Crosbie into counties Roscommon and Leitrim, with large reinforcements of cavalry, infantry and some field pieces. Crosbie's presence, however, only served to

⁸⁸ Camden to Portland, 30/04/1795 (P.R.O. H.O. 100/57/225-6)

⁸⁹ See K.A.O. Pratt papers U840/0146/10-18; Camden to Portland, 16/05, 26/05/1795 (P.R.O. H.O.100/57/299-300, 326-7)

⁹⁰ See *C.J.* for June and July 1795; *S.N.L.* 04/08, 19/08, 21/08/1795

⁹¹ W.P.K.Trench to _____, 07/05/1795 (K.A.O. Pratt papers U840/0145/22)

antagonise those individuals who had provoked his arrival in the area, and who wanted the adoption of a more aggressive policy by the military.⁹² He had found the troops so much weakened and dispersed from gentlemen having procured garrisons for their houses that he had issued orders for them to rejoin their respective detachments. In addition, he directed that no further parties were to be granted for such duties, pointing out that small bodies of troops were extremely vulnerable to being cut off in the event of an attack.⁹³ Crosbie tended to discredit reports of the existence of near insurrection in the disturbed areas, recognising that such accounts were exaggerated in order 'to answer selfish views'.⁹⁴ By 1 May he was of the opinion that tranquillity was returning to the province, with many of the disaffected already bringing in their arms, and he did not fear for the general safety of the area.⁹⁵ This was not the policy desired by many of those in communication with the Castle, who endeavoured to lobby for his recall from the district. Several of the magistrates in the town of Roscommon were anxious, on 3 May, to scour the countryside once sufficient numbers of troops had arrived. Their spokesman, C.S.Caulfeild, declared that 'the fever is high, and will require some blood to be drawn'.⁹⁶ A correspondent of George Sandford's claimed that in consequence of Crosbie's concentration of the troops the Defenders were boasting that '[the] government have no military in the kingdom to oppose us, and if they even had, where can they find us'. He advocated the destruction of their cabins and stock, as it was better 'to lop off a diseased member' than suffer 'the whole body' to perish. Significantly, he recognised those in the administration who were of a similar opinion, expressing the wish

⁹² Camden to Portland, 30/04/1795 (P.R.O. H.O.100/57/225-6); *C.J.* 11/05/1795

⁹³ Camden to Portland, 30/04, 05/05/1795 (P.R.O. H.O.100/57/225-6, 257-9); Major-General Crosbie to _____, 01/05/1795
(K.A.O. Pratt papers U840/0145-7)

⁹⁴ Major-General Crosbie to Pelham, 04/05/1795 (K.A.O. Pratt papers U840/0145/14/1)

⁹⁵ Camden to Portland, 30/04, 05/05/1795 (P.R.O. H.O.100/57/225-6, 257-9)

⁹⁶ C.S. Caulfeild to Lord Kingston, 03/05/1795 (K.A.O. Pratt papers U840/0145/4/4)

that Fitzgibbon would 'undertake our cure'.⁹⁷ Edward Hills of Mount Prospect reported that the gentlemen and magistrates were afraid to call out the military and that Crosbie's order to recall the detached troops 'has been the unfortunate cause of the gentlemen leaving their houses and arms to the fury of those ruffians'.⁹⁸ Edward Newenham addressed Pelham on 6 May, hoping that an active commanding officer would be sent to the west.⁹⁹ Even Denis Browne, sympathetic to catholic claims but a believer in heavy-handed methods, urged on 2 May that in the situation of the country 'nothing but the most violent steps can save those that have property'.¹⁰⁰ It was in consequence of such representations that Camden took the decision on 5 May to send Carhampton into Connaught with the authority to act upon his own initiative.¹⁰¹

Carhampton's activity in Connaught, and the number of men allegedly sent out of the country illegally under his authority, has been misrepresented by contemporaries and some modern historians alike.¹⁰² Although the sources do not permit any sort of clear identification of Carhampton's itinerary in Connaught, what is beyond doubt is that he only remained in the area for two weeks, arriving in Athlone on 8 May and returning to Dublin on 22 May.¹⁰³ The military, acting under the authority of local magistrates whose exaggerated fears had prompted Carhampton's intervention in the province in the first place, had begun retaliatory tactics upon the disaffected before his arrival, and they continued them after his departure. The murder of the revenue police near Drumcollop

⁹⁷ _____ to George Sandford, n/d (K.A.O. Pratt papers U840/0146/6)

⁹⁸ Hills to Major-General Charles Crosbie, 30/05/1795 (K.A.O. Pratt papers U840/0145/4/2)

⁹⁹ Edward Newenham to Pelham, 06/05/1795 (K.A.O. Pratt papers U840/0145/20)

¹⁰⁰ _____ to Denis Browne, 02/05/1795 (K.A.O. Pratt papers U840/0145/10). Although not written by Browne the author of this letter claims to share Browne's sentiments.

¹⁰¹ Camden to Portland, 05/05/1795 (P.R.O. H.O.100/57/257-9)

¹⁰² Wm.J.MacNeven, *Pieces of Irish History*, (New York, 1807), p.112; Lecky, *History*, iii, 420; Nancy J. Curtin, *The United Irishmen: Popular politics in Ulster and Dublin, 1791-8*, (Oxford, 1994), pp.154-5

¹⁰³ Carhampton to _____, 08/05/1795 (K.A.O. Pratt papers U840/0146/2); *D.E.P* 23/05/1795

hill on 23 April provoked a vigorous response from some hardline magistrates, who had the military out everyday scouring the countryside in search of arms and offenders.¹⁰⁴ On receiving news of the murder of the revenue party, Lord Granard and a party of the ninth dragoons left Longford on 24 April, and met a great number of reputed Defenders near Drumsna. They were reported to have killed and wounded a considerable number of them. Lord Granard evidently seized this opportunity to revenge himself upon those who had made him swear an unlawful oath in early April. He was also reported to have marched to the village from where most of the mob responsible for the attack on the revenue officials had collected, and burned every house in it to the ground.¹⁰⁵ House burning played an important role in the effort of the authorities to terrify the local inhabitants, and reveals the strength of their desire for repressive measures. On 27 April the district surrounding Drumsna was combed by a large number of troops accompanied by a number of magistrates under the overall supervision of Hugh Crofton. Fearing the intentions of the search party, the houses for miles around were deserted. The townland close to the scene of the murders, as well as other deserted houses in the neighbourhood, were set alight by direction of the magistrates.¹⁰⁶ After an unsuccessful search for suspected Defenders in county Galway on 5 May, James Caulfeild, a county Roscommon magistrate, ordered the dragoons under his command to burn their houses. On 7 May the eighteenth light dragoons stationed at Elphin were called out by a local magistrate, Oliver Cary, in consequence of a report that some 400 alleged Defenders were in the process of burning down the property of Edward Mills at Fairymount, near Roscommon town. Although they arrived too late to save Mills's property, the dragoons charged the Defenders, who fired two or three harmless shots. James Caulfeild, who was returning from another search when he encountered this engagement, joined the action. He

¹⁰⁴ J. Bennett to _____, 27/04, D. Stark to _____, 27/04/1795 (K.A.O. Pratt papers U840/0144/20, 22); *F.D.J.* 12/05/1795

¹⁰⁵ *C.J.* 11/05/1795; Alexander Montgomery to Camden, 11/04/1795 (Reb. papers 620/22/05); William Boyle to John Lees, 25/04/1795 (K.A.O. Pratt papers U840/0144/18)

¹⁰⁶ D. Stark to _____, 27/04/1795 (K.A.O. Pratt papers U840/0144/22); *C.J.* 11/05/1795

reported with evident relish that the troops 'dashed in amongst them determined to take no prisoners and made noble havok with their pistols and sabres'. Seven were killed on the first fire of the cavalry, twenty were sabred and shot, and about fourteen were drowned in endeavouring to ford the Shannon. Others were cut down in various directions during the pursuit. Caulfeild felt that such treatment would 'do more to settle the country than all the assizes [and] executions to doom's day'.¹⁰⁷ An officer of the Clare militia stationed in county Leitrim reported in early May that 'the light horse are scouring the country, burning every house and village they meet with'.¹⁰⁸ An engagement on 10 May between a group of individuals reported to be Defenders and some of the seventh and ninth dragoons and the Monaghan militia, about eight miles from Longford town, left some eighty Defenders dead and several more imprisoned.¹⁰⁹ On 15 May there was a conflict between another group of alleged Defenders and a party of the Clare militia which left thirty-two Defenders dead.¹¹⁰ On the following day a party of 2,000 or 3,000 Defenders were alleged to have attacked a company of the Derry militia between Boyle and Sligo. The militia repelled the attack, leaving more than fifty of the insurgents either dead or wounded.¹¹¹ A company of the Tyrone militia quartered at Tuam, also engaged the Defenders on a separate occasion, killing eighteen.¹¹² The habitual use of the term 'Defender' to describe those killed by the troops in these encounters is misleading. Without doubt it was employed as a convenient label in order to justify the conduct of a violent magistracy who were intent on re-asserting their authority after the Fitzwilliam viceroyalty and the agitation surrounding the catholic relief act. Referring to these

¹⁰⁷ Oliver Cary to _____, 07/05/1795 (K.A.O. Pratt papers U840/0146/1); James Caulfeild to Foster, 08/05/1795 (Ibid.

U840/0146/5); Lieutenant Richard Kely to Handcock, 08/05/1795 (Ibid U840/0146/4); *C.J.* 18/05/1795

¹⁰⁸ *N.S.* 14/05/1795

¹⁰⁹ Captain Brown to _____, 11/05/1795 (K.A.O. Pratt papers U840/0146/11)

¹¹⁰ *F.J.* 19/05, 21/05/1795

¹¹¹ Ossory to Fitzwilliam, 22/05/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641); *F.D.J.* 21/05/1795; *C.J.* 25/05/1795

¹¹² *F.D.J.* 21/05/1795

engagements, Edward Hay informed Fitzwilliam in June that 'the innocent as well as the guilty have been sacrificed, and the fright, terror and flight of the wretched inhabitants at the approach of the soldiers is sufficient apology for their pursuers to murder them'.¹¹³

The radical *Northern Star* reported on 25 June that it had received 'accounts of the most atrocious acts committed by the soldiery on the poor unoffending peasantry':

'In many parts where an armed force has been called to by the exaggerated rumours of revolt, and the arrogance of some upstart magistrates, the soldiery are represented in the rage of disappointment to have wreaked their vengeance in the most wanton manner, on the innocent unarmed peasant, who, terrified at the idea of the bayonet, and the approach of the army, fled from his little cottage to take refuge in fields and bogs - there found a ready executioner in the soldier, his hard earnings contributed to support, and who should be the ardent protector of his liberty and property'.¹¹⁴

There is actually only one recorded instance of Carhampton himself employing the extra-legal prerogative granted to him by the lord lieutenant. Having been sent to the province in consequence of local displeasure with the policy of Major-General Crosbie, Carhampton was ready to accommodate those Roscommon magistrates who had expressed their desire, on 3 May, to scour the country in search of offenders once sufficient troops had arrived.¹¹⁵ This was the crucial difference between the two officers. While Crosbie had proved unco-operative, in the eyes of local hard-liners, Carhampton proved himself far more amenable to their designs. It was after consultation with these magistrates that Carhampton formed a plan to anticipate the intentions of the disaffected 'and turn the tables upon them'. He ordered all available reinforcements from Athlone to Roscommon and arranged with the magistrates to scour a large district on 12 May.

¹¹³ Edward Hay to Fitzwilliam, 21/06/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

¹¹⁴ *N.S.* 25/06/1795

¹¹⁵ C.S. Caulfeild to Lord Kingston, 03/05/1795 (K.A.O. Pratt papers U840/0145/4/4)

Carhampton reported that *the magistrates** intended 'to take out of their beds not only such persons who I had information on oath against, but also such as they suspected to have been active in these outrages with orders to fire on all those who were assembled in arms, pikes etc'. It was the magistrates, therefore, rather than Carhampton who were responsible for the greatest transgressions of the law in north-east Connaught in the spring and summer of 1795. This was the only recorded instance in which Carhampton openly acted in defiance of the law, and there is every reason to credit his claim that he relaxed his severity after this episode, fearing that 'the people may be terrified over much, and the country be deserted or untilled'. Carhampton actually endeavoured to control the potential licentiousness of the resident magistrates and troops under his command. After the execution of the plan on 12 May the local inhabitants were reported to be 'terrified out of their senses'; and they began to assemble in large numbers to sign declarations of loyalty and penitence before the magistrates and surrender whatever weapons they possessed. Carhampton ordered that those who had signed such declarations of loyalty were not to be molested by either the civil or military authorities. On 14 May, however, he issued an order that all lurking strangers were to be apprehended as vagrants and dispatched to the fleet. This, in effect, gave the magistrates free license to act as they pleased, and it is to their conduct, rather than Carhampton's, that the number of Connaught men sent to the fleet in the summer of 1795 is to be attributed.¹¹⁷ In fact, upon his return from the province Carhampton even earned the praise of the *Dublin Evening Post* for his 'wisdom and humanity' in abstaining from spilling the blood of the lower orders.¹¹⁸ In a similar fashion, the *Northern Star* praised 'the conciliatory measures of Lord Carhampton'.¹¹⁹ Contemporaries recognised that the

* italics mine

¹¹⁷ Carhampton to _____, 14/05/1795 (K.A.O. Pratt papers U840/014614/3); Camden to Portland, 28/05/1795 (P.R.O. H.O. 100/57/336-341)

¹¹⁸ *D.E.P.* 25/05/1795

¹¹⁹ *N.S.* 25/05/1795

magistrates were in fact the principal offenders. On 21 June Edward Hay claimed in a letter to Fitzwilliam that he had it from undoubted authority that the certificates of good conduct which Carhampton had granted to those who signed declarations of loyalty, had been disregarded by 'ignorant and sanguinary magistrates'.¹²⁰ Complaining of the breaches of the constitution in the previous summer, Henry Grattan informed Fitzwilliam on 25 January 1796 that the magistrates in the disturbed parts of Ireland had 'exercised a power of gaol delivery without trial or commission and have pressed into the army or transported aboard the fleet such persons as on examination held by them in prison they had not sufficient evidence to convict'.¹²¹ The indemnity act was introduced on 21 January 1796 to indemnify 'certain magistrates and others', and not just Carhampton. Furthermore, in the debates on the act itself George Ponsonby, M.P. for the Tighe borough of Innistioge in county Kilkenny, reserved his censure for the 'illegalities of the magistrates'. It was rumoured that 'certain magistrates had privately conferred together', he declared, 'and without any information on oath, or good evidence of any kind, did, at their own pleasure, and without observing any form of law whatever, lay hands on several of their useful and laborious fellow subjects, and transport them'.¹²²

Although the vast majority of the illegal transportations were committed by magistrates in north-east Connaught, their activity was applauded by loyalists in other parts of the kingdom who saw the methods they had adopted as the only effectual way of treating disaffection. On 27 June 1795 Richard Longfield of Castlemary, a governor of county Cork and the future Lord Longueville, requested sanction from the government to send those offenders to the fleet, 'that we are convinced have violated the laws, but whom we cannot convict'.¹²³ A county Meath magistrate advised the government in July that the situation of the country 'requires strong measures, and none other will answer'.

¹²⁰ Edward Hay to Fitzwilliam, 21/06/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

¹²¹ Grattan to Fitzwilliam, 25/01/1796 (N.L.I. Fitzwilliam papers Microfilm p.5641)

¹²² F.D.J. 04/02, 06/02/1796

¹²³ Richard Longfield to government, 27/05/1795 (K.A.O. Pratt papers U840/0147/15)

He felt that 'if we could go a little farther (with prudence) than the law allows', Defenderism would be at an end.¹²⁴ George Holdercroft, post master in Kells, believed that 'the present existing mild laws of the country' were ineffectual against the Defenders. Unless stronger legislation was adopted, the constitution would be 'torn to pieces and destroyed'. He recommended that magistrates be empowered to search suspected houses during the night, and if any male inhabitant found absent could not satisfactorily account for his absence to three magistrates, he would be transported from the kingdom, or sent to serve in the fleet or army.¹²⁵ An association of gentlemen in Westmeath advised the government in September 1795 that 'taking up and sending off as sailors the suspected' was the only way left to act as they could not hope for legal convictions.¹²⁶ While many wanted to adopt such a measure, however, it was extremely difficult to act in this manner with impunity. When two magistrates of the Westmeath association endeavoured to illegally transport three men in October 1795 they became the subject of a prosecution which received considerable attention in the liberal press. The two magistrates involved, William Webb and Arthur O'Reilly, were tried on 28 January 1796 and an attachment was awarded against them. In his charge to the jury Chief Justice Clonmel declared, 'god forbid that *suspicion* shall be deemed to be *guilt*: *It is the worst species of tyranny*'.¹²⁷ It was in an effort to avoid similar prosecutions that Camden determined in January 1796 to introduce 'an act to indemnify such as have acted against the forms of law, for the preservation of the public peace and the suppression of insurrections prevailing in some parts of this kingdom during the year 1795'.¹²⁸

¹²⁴ Mr. Noble to government, 09/07/1795 (P.R.O. H.O. 100/58/225-6)

¹²⁵ George Holdercroft to [J. Lees], 06/08/1795 (Reb.papers 620/22/26)

¹²⁶ Cooke to Pelham, 12/09/1795 (B.L. Pelham Add. Ms.33,101,272-3)

¹²⁷ N.S. 28/01/1796

¹²⁸ Camden to Portland, 06/11/1795, 22/01/1796 (P.R.O. H.O.100/59/68-70, 62/15-20); Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, (Reprint, Fort Wayne, 1995), pp.125-7

It is not only the relative roles of Carhampton and the local magistrates in Connaught in the summer of 1795 that must be re-evaluated, it is also necessary to re-assess the numbers of those who were actually sent to the fleet. The nationalist historian, W.J.Fitzpatrick, for example, declared in the late nineteenth century that 'Lord Carhampton...seized upon every man who it was conjectured entertained feelings of disaffection towards the government, and sent him off to the fleet to fight for King George'.¹²⁹ William Sampson, a United Irish barrister, claimed in his *Memoirs* that the mutiny in the Nore and Spithead fleets in 1797 was called 'Carhampton's mutiny' in consequence of the vast numbers of Irishmen he had sent to the navy.¹³⁰ We have already seen, however, that it was the magistrates of the north-west and not Carhampton who were actually responsible for dispatching suspects to the fleet, and such accounts only serve to hamper any attempt to impartially evaluate the number of those who were in reality illegally transported in this manner. Those who have attempted to quantify the numbers involved have all been extremely wide of the mark. The *Dublin Evening Post* reported on 5 January 1796 that during the previous year 'thousands of persons' had been torn from their families and, 'without the form of a trial, the ceremony of a judge or jury', sent beyond the seas.¹³¹ In 1807 Thomas Addis Emmet, the former United Irish leader, wrote in *Pieces of Irish History*:

Lord Carhampton had gone down to quell the insurrections, and after he had succeeded, thinking perhaps that legal proceedings were tedious and sometimes uncertain in their issue, he delivered the gaols of most of their inhabitants, by taking such as he thought fit, and sending them, without form of trial, or other warrant but his own military order, to serve on board the fleet. In this manner, nearly 1300 persons were transported, not by their own connivance, nor as a kind of voluntary commutation of what they might suffer if rigorously prosecuted. On the

¹²⁹ W.J. Fitzpatrick, *The Life, Times, and Contemporaries of Lord Cloncurry*, (London, 1855), p.88

¹³⁰ William Sampson, *Memoirs*, (New York, 1807), pp.31-2

¹³¹ *D.E.P.* 05/01, 07/01/1796

contrary, it was not even pretended, that those selected were accused of the most serious crimes, or the most likely to meet conviction before a jury; nor was the act attributed by the inhabitants of the country, to a misjudging lenity. Indeed, the objects of this summary measure were frequently seen tied down on carts in the bitterest agonies, crying out incessantly for trial but crying in vain. This conduct marked his lordship's attachment to government too closely not to have its imitators. Magistrates therefore, without military commissions but within the influence of his example, assumed to themselves also the authority of transporting without trial.¹³²

Towards the end of the nineteenth century W.E.H. Lecky estimated in his *History of Ireland* that over 1,000 people had been illegally transported to the fleet in 1795.¹³³ None of these attempts to gauge the numbers involved were grounded on facts, and neither Emmet nor Lecky had any evidence with which to support their claims. In spite of this, their calculations have been accepted and perpetuated by modern historians. Jim Smyth has lately estimated that Carhampton was responsible for sending 1,300 individuals to the fleet.¹³⁴ Even more recently, Nancy J. Curtin has pointed to Carhampton's activity in 'indiscriminately transporting suspected Defenders to the fleet', and she claims that 'more than a thousand...unfortunate agricultural labourers and small farmers were dispatched to the tenders'.¹³⁵ Both of these accounts are based on the work of Lecky and Emmet which themselves, as we have seen, have no supporting evidence. Smyth also cites Sir Richard Musgrave's *Memoirs* in support of his claim, but Musgrave's account of events in the west during this period is flawed in several respects, most noticeably as to the length of time spent by Carhampton in Connaught, the areas in which he was most active, and in his belief that the suspects were transported to the

¹³² W.J. MacNeven, *Pieces of Irish History*, p.134

¹³³ Lecky, iii, p.420

¹³⁴ J. Smyth, *The Men of No Property: Irish Radicals and Popular Politics in the Late Eighteenth Century*, (Dublin, 1992), p.110

¹³⁵ Nancy J. Curtin, *The United Irishmen*, pp.154-155

army rather than the navy.¹³⁶ Historians have either ignored or proved averse to using the estimate reached in July 1797 by Camden in Dublin and Lord Spencer in London, who was first lord of the admiralty at the time. Working independently of one another both men concluded that in consequence of Carhampton's activity in Connaught and the operation of the insurrection act combined, less than 200 men had been sent to the fleet.¹³⁷ In view of the actual events in north-east Connaught in the summer of 1795, however, and in light of the adverse publicity that surrounded the activity of Webb and O'Reilly when they did endeavour to initiate illegal transportations, it is this more conservative figure which is undoubtedly the more trustworthy.

(4)

Carhampton's mission to Connaught in May 1795 has great significance for the politics of law and order in the period from 1795 until the outbreak of rebellion in May 1798. The example set by Carhampton in county Roscommon in May 1795 established a precedent of extra-legal measures by the authorities which could be used by Irish loyalists as an argument for the adoption of similar measures in other parts of the country. It is extremely significant that the indemnity act, which pardoned the offences of those who had illegally sent suspects to the fleet, was accompanied in January 1796 by the insurrection act, one of whose clauses empowered any two magistrates in areas proclaimed out of the king's peace to transport certain categories of individuals deemed 'idle and disorderly' to the fleet without trial.¹³⁸ The replacement of Major-General Crosbie by Carhampton as the commanding officer in Connaught in May 1795 is an

¹³⁶ Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, pp.125-7

¹³⁷ Camden to Portland, 17/07, Portland to Camden, 22/07/1797 (P.R.O. H.O. 100/72/109-112, 127-8)

¹³⁸ *H.J.* 04/03/1796; Camden to Portland, 05/03/1796 (P.R.O. H.O.100/62/215-222); *S.N.L.* 11/04/1796; Edmund Curtis and

R.B.McDowell (eds.), *Irish Historical Documents 1172-1922*, (London, 1968), pp.204-8; See chapter two for a detailed examination of the provisions of the insurrection act.

enactment in miniature of the national crisis in the army command in April 1798 when Lieutenant-General Sir Ralph Abercromby was replaced as commander-in-chief by Lieutenant-General Lake. In both cases a circumspect military officer was replaced by an officer who proved more compliant with the demands made by the loyalist community for extra-legal measures against the ill-disposed. The conduct of the magistrates and military in the north-west of the kingdom in the summer of 1795, and the indemnity act which proved necessary to exonerate them, provided a propaganda field day for the radical press and parliamentary opposition. The *Northern Star* claimed that the illegal measures adopted in Connaught were incontrovertible proof that the kingdom was 'blessed with a kind of liberty hitherto unknown to any other free country, and totally opposite to that promised by magna charta'.¹³⁹ The opposition declared in parliament that the indemnity act was 'an evidence of the crime of the Irish system of government which has brought us to a situation in which the government acknowledges they can't administer the country according to law'.¹⁴⁰ With the benefit of hindsight the whigs began to regard this as the first in a series of episodes in which the Camden regime had overstepped the boundaries of the constitution. In his motion on the state of the country on 5 March 1798 Sir Lawrence Parsons blamed the events of mid-1795 for the number of assassinations and outrages subsequently committed by the United Irishmen. By their sanction of the illegal transportations the government had taught the people how to transgress the law and it was from this time, he claimed, that one could date the outrages committed by the disaffected.¹⁴¹ Others claimed that this was the first step in the administration's secret design of forcing the Irish people into revolt. William Sampson declared that 'the combined efforts of Clare and Carhampton, and the weakness of what they called *a strong government*, had driven the whole people to rebellion'.¹⁴² In a similar

¹³⁹ *N.S.* 22/10/1795

¹⁴⁰ Grattan to Fitzwilliam, 26/01/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

¹⁴¹ *D.E.P.* 06/03/1798; *S.N.L.* 07/03/1798

¹⁴² William Sampson, *Memoirs*, pp.31-2

fashion, William T.W.Tone wrote in the introduction to his father's collected works:

'With the viceroyalty of Lord Camden began the triumvirate of those three noble earls, Camden, Carhampton and Clare, who, by a series of increasing persecutions, succeeded at length in driving the people to madness and open and general insurrection'.¹⁴³

The insurrection act was the product of a series of events and passed by the Irish government in the course of the 1790s. Chapter 2, in contrast to most of the most serious and comprehensive work by Irish historians, only briefly touches upon the act itself, its provisions, its implementation and consequences. This chapter seeks to examine the insurrection act as a product of its time. Firstly, it will be shown that its immediate origins are to be found in the decision of Defenders' outrages in the summer and autumn of 1795, and the demands of government supporters for the adoption of more vigorous security measures. Although the Defenders were involved in violent clashes with the Protestant Free O'Boy boys in county Antrim, the provisions of the act were primarily designed as a means of crushing the disturbances in those areas of counties in close proximity to the capital. The debate surrounding the passage of the bill through parliament will also be examined, as they serve as significant illustrations of the Whig position on law and order. The main thrust of this chapter, however, involves an examination of some of the direct impact on the act itself which have been overlooked in the past. Sir Richard Martin attributed the salvation of the Defenders in 1796 to the 'voluntary execution' of the insurrection act, and in theory it was a

¹⁴³ *Memoirs and Journals of T.W.Tone*, (ed.) Thomas Bartlett, p.104

Chapter two: The insurrection act of 1796

The insurrection act was the strongest of a series of coercive acts passed by the Irish government in the course of the 1790s. Despite its notoriety as 'one of the most severe and comprehensive' ¹ acts in Irish history, very little has actually been written about the act itself, its provisions, implementation and consequences. This chapter seeks to examine the insurrection act in a number of respects. Initially, it will be shown that its immediate origins are to be found in the escalation of Defender outrages in the summer and autumn of 1795, and the demands of government supporters for the adoption of more vigorous security measures. Although the Defenders were involved in violent sectarian clashes with the protestant Peep O'Day boys in county Armagh², the provisions of the act were primarily designed as a means of crushing the disturbances in those midland counties in close proximity to the capital. The debates surrounding the passage of the bill through parliament will also be examined, as they serve as significant illustrations of the whig position on law and order. The main thrust of this chapter, however, involves an examination of some of the flaws inherent in the act itself which have been overlooked in the past. Sir Richard Musgrave attributed the salvation of the kingdom in 1798 to the 'salutary coercion' ³ of the insurrection act, and in theory it was a

¹ W.E.H. Lecky, *A History of Ireland in the Eighteenth century*, (5vols., London, 1892), vol. iii, p.451

² Camden to Portland, 24/09, 25/09/1795, 22/01/1796 (P.R.O. H.O.100/58/330-3, 334-50, 62/15-20)

³ Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, (Reprint, Fort Wayne, 1995), p.130

powerful tool of coercion. But how did it perform in practice? It will be shown that there were several difficulties surrounding the act, including the fact that its very severity made Camden reluctant to acquiesce in its implementation. There were also difficulties involved in enforcing it in counties with a dominant liberal establishment. The very nature of the act, with the initiative for proclaiming areas out of the king's peace lying with the resident magistrates, meant that its more severe provisions could not be forced upon an unwilling magistracy. Most importantly of all, however, was the fact that the insurrection act involved a *civil* response to the growing security crisis in the kingdom. In the heated atmosphere of the pre-rebellion period many loyalists regarded the civil power, irrespective of how much its prerogative was enlarged, as hopelessly inadequate to the task, and began to canvass for direct military intervention.

(1)

From the summer of 1795 the Irish government was forced to confront a growing security crisis in the midland counties nearest Dublin. After a period of abeyance Defender disturbances re-emerged in county Meath⁴, and quickly spread into neighbouring Kildare and Westmeath and on towards the borders of Louth.⁵ From mid-July they began to encroach upon the capital itself, the Defender movement recruiting in Dublin through existing organisations such as the Philanthropic and Telegraphic societies.⁶ This intensification of Defender activity was accompanied by a series of outrages, whose political nature proved particularly disturbing. The most alarming of

⁴ William Elliott to government, 14/05, Lord Maxwell to government, [June 1795], George Holdcroft to John Lees, 21/06/1795

(K.A.O. Pratt papers U840/0146/16, 23, 0147/6); J.G.O'Kerrane, 'The Background to the 1798 Rebellion in County Meath', (Unpublished N.U.I. M.A. Thesis, 1975), pp57-60

⁵ *S.N.L.* July-August 1795; Archbishop of Cashel to Pelham, 20/07/1795 (K.A.O. Pratt papers U840/0149/17)

⁶ *S.N.L.* July-September 1795; *F.D.J.* 03/09/1795; Camden to Portland, 07/08/1795 (P.R.O. H.O.100/58/233-6); Camden to Pelham, 19/08/1795 (B.L.Pelham papers Add.Ms.33,101,215-7)

these was a number of attacks on certain magistrates who had rendered themselves particularly obnoxious by their determined stance against disaffection. On 13 July Thomas Ryan, a catholic magistrate of Ballinakill in county Kildare, was wounded by a party of Defenders at Kilcock. Earlier in the day Ryan and three other magistrates had been confronted by a large armed mob while escorting two prisoners charged with high treason from Kilcock to Naas jail. Although the mob were deterred from making a rescue attempt, they publicly threatened vengeance against those magistrates present. It was on his way home that Ryan was attacked and severely wounded.⁷ On 3 August William Henry Finlay of Ginnets, a county Meath magistrate, was shot in the arm.⁸ A week later Rev. George Knipe, an active magistrate of Castlerickard near Trim, was fired upon in the neighbourhood of Rathmoylan. He was on his way to Summerhill in county Meath in order to attend a meeting of well disposed individuals who had been invited by the magistracy to take the oath of allegiance and express their abhorrence of Defenderism. Knipe had proved himself particularly objectionable to the Defenders. On 14 July he had shot dead two of their number who had been involved in an attack upon his house, and even more recently he had helped convict some of those involved in the same attack.⁹

Confronted by demands from his supporters for a tougher line against the Defenders, the lord lieutenant had dispatched additional troops to the disturbed midland areas and extended the police establishment into seven of the most badly affected counties.¹⁰ The Irish County Police Act of 1787, which was largely modelled on an act of the previous year reforming the manner in which the capital was policed, empowered the viceroy to establish a police force in baronies proclaimed by him to be in a disturbed condition. Each of these baronial police forces, which was recruited solely from the protestant community, was commanded by a chief constable appointed by the

⁷ N.A. Frazer Ms. box i, 1; Camden to Portland, 15/07/1795 (P.R.O. H.O.100/58/135-8); *F.D.J.* 25/07/1795

⁸ Henry Thomas Preston to Pelham, 04/08/1795 (K.A.O. Pratt papers U840/0149/23); *S.N.L.* 06/08/1795

⁹ Camden to Portland, 11/08/1795 (P.R.O. H.O.100/58/239-244); *F.D.J.* 17/09/1795; *S.N.L.* 19/07, 17/08/1795

¹⁰ *F.D.J.* 16/07/1795; Camden to Portland, 24/07, 29/07, 01/08/1795 (P.R.O. H.O.100/58/157-60, 171-212, 219-222)

government, while the subconstables, numbering 16 at most in any one barony, were appointed by the county grand jury. The police force was also co-financed by the central and local authorities. On its introduction in 1787 the act was limited in its operation to counties Kerry, Cork, Tipperary and Kilkenny, those Munster counties most disturbed at the time by the Whiteboy movement.¹¹ In the face of the Defender threat in 1795, Camden sought to extend this police act into counties Meath, Westmeath, Leitrim, Cavan, Roscommon, Sligo and Longford. A lack of unanimity among the magistracy on law and order issues, however, served to frustrate both the extension of the police act and the dispatch of troop reinforcements into disturbed areas. This lack of consensus arose from the refusal of those magistrates with liberal principles to implement the tough security policy expected of them by their more hard-line counterparts. Electoral interests also influenced the conduct of many of those entrusted with the maintenance of the peace. This was particularly true in relation to the police bill. No one wanted to be associated in voters minds with a measure which had proved to be an extremely expensive burden on the county. One commentator had observed of the police act as early as 1787 that it 'rendered every person that supported it extremely unpopular in the counties where they had influence, on account of the heavy expense it entails on them [the counties]'.¹² By September 1795 the police regulations had only been provided for in four of the seven counties chosen, and Camden complained to Portland that 'those gentlemen who in Dublin concurred in the measure, and recommended the persons who were to superintend it, have been afraid to hold up this institution in their respective counties and have suffered election expectations to interfere with this measure'.¹³ With many magistrates refusing to act either from political principle or electoral interests, the

¹¹ Stanley H. Palmer, *Police and Protest in Ireland and England, 1780-1850*, (Cambridge, 1988), pp.110-113 [There was also an attempt to extend this act in 1792 but records on the episode are extremely sparse, see Palmer pp.137-138]

¹² Rev. Charles Brodrick to Middleton, 29/07[1787] (Quoted in E. Hewitt, ed. *Lord Shannon's Letters to his son: A Calendar of Letters written by the Second Earl of Shannon to his son Viscount Boyle, 1790-1802*, Belfast, 1982, introduction, lxvi)

¹³ Camden to Portland, 25/09/1795 (P.R.O. H.O.100/58/334-50)

troops sent to the disturbed areas were of little use on their own, being confined by the standing orders of the kingdom to acting under the civil authority at all times, except in case of attack.¹⁴ A county Meath magistrate highlighted this point in July: 'Without the unanimous activity and perseverance of the gentlemen of the country the military force have it not in their power to do anything effectual'.¹⁵ It shall be seen later that this same difficulty would resurface for Irish loyalists when they sought to enforce the provisions of the insurrection act in counties with a dominant liberal gentry interest.

The intimidatory tactics practised by the Defenders were extremely successful in frustrating the Castle's attempts to penetrate their organisation. The government's only successful operative in this respect, Friar Michael Philips, was assassinated in January 1796 before he could impart the information which would have facilitated successful prosecutions against leading individuals in the movement.¹⁶ The authorities' difficulties were increased by the Defender strategy of intimidating and on occasion murdering those who were brave or desperate enough to testify against their members in court.¹⁷ This tactic was so successful that it engendered exaggerated fears among government supporters that the judicial system was being neutralised. Lord Pery complained early in 1796 that 'the best disposed persons are intimidated from giving any evidence...and under the influence of such terror it is become almost impossible to bring such offenders to justice'.¹⁸ Another loyalist expressed his concern at the same time that the murder of those intending to give evidence against the Defenders had become a 'universally established' system. The inevitable operation of this system, he predicted, would be 'the

prosecution ended in August 1795 which required a long delay in the trial

¹⁴ *S.N.L.* 16/07/1795; Camden to Portland, 24/07, 01/08/1795 (P.R.O. H.O.100/58/157-60, 219-222)

¹⁵ Mr.Noble to _____, 09/07/1795 (P.R.O. H.O.100/58/225-6)

¹⁶ Cooke to Major-General G.Nugent, [Jan. 1796] (P.R.O.N.I. McCance papers D.272/43/3). For a more detailed account of Friar Philips see chapter four, pp.177-179.

¹⁷ George Holdercroft to _____, 02/08/1795 (K.A.O. Pratt papers U840/0149/21); *S.N.L.* 20/08/1795; *C.J.* 28/09/1795

¹⁸ Lord Pery to _____, 14/02/1796 (Reb.papers 620/23/23)

detering jurymen from finding honest verdicts, and witnesses for the most part from coming forward to say what they know'.¹⁹

Dissatisfaction among Irish loyalists with Dublin Castle's handling of the Defender threat resulted in pressure for the adoption of stronger coercive measures. The previous chapter has served to show that several magistrates wanted to imitate the practice adopted in north-east Connaught in May 1795 of sending suspected individuals to the fleet without the necessity of legal conviction.²⁰ That this practice actually gained support in some areas is confirmed by Camden's acknowledgement to Portland in November 1795 that the magistrates in several districts, 'not finding that the regular mode of endeavouring to convict these offenders had the effect which was expected', had resorted to the illegal practice of sending suspects to the navy.²¹ Other loyalists recommended the establishment of voluntary armed associations as the most effective means of restoring tranquillity.²² It was with some difficulty that Camden, fearful of reactivating the volunteer movement, managed to suppress proposals by Lords Carhampton and Mountjoy for an armed association for the protection of the capital.²³ 'Several persons' had even suggested to the viceroy that it might be necessary to place some of the disturbed districts out of the king's peace, in effect placing them outside of the normal boundaries of the law. Camden himself was reluctant to resort to such a measure at that time for fear of the political repercussions in both London and Paris, and his natural hesitation on this point considerably increased after the British Cabinet expressed its disapproval of any proposal of this sort.²⁴ Fitzgibbon was behind a proclamation drafted in August 1795 which proposed to employ the military

¹⁹ William Elliott to government, 14/02/1796 (Reb.papers 620/23/33)

²⁰ See chapter one pp.45-46.

²¹ Camden to Portland, 06/11/1795 (P.R.O. H.O.100/59/68-70)

²² Neville to _____, 04/08/1795 (K.A.O. Pratt papers U840/0149/24)

²³ C.J. 28/09, 12/10/1795

²⁴ Camden to Portland, 29/07/1795 (P.R.O. H.O.100/58/171-212); Portland to Camden, 20/08/1795 (Ibid. H.O.100/58/269-71)

independently of the civil authority in repressing unrest, a tentative step towards the freedom granted to the military by the proclamation of 30 March 1798.²⁵ Camden balked at the kind of direct military intervention that Fitzgibbon and other members of the ruling Castle clique desired to force upon him. Displaying an independent political judgement for which he is rarely credited, he shelved the proclamation for the same reasons which had governed his response to the recommendation to proclaim districts beyond the law, expressing his belief that 'the cause and the times are hardly ripe for such measures at present'.²⁶

It was the pressure on Camden from government supporters as much as the continuation of Defender disturbances through the autumn and winter of 1795-6 which finally left him with little option but to embrace a more active security policy. By the autumn of 1795 he was growing increasingly pessimistic about the condition of the kingdom. He reported to Whitehall on 25 September that 'the little impression which speedy execution of offenders has made on the multitude, the endeavours to destroy the magistrates who had been active in their prosecution' and the intimidation of witnesses, were circumstances which had proved very discouraging to the extinction of 'the spirit of tumult and disorder'. He claimed that little progress had been made towards eradicating the evil, in spite of every step that had been taken. When unrest subsided in one district it was certain to erupt in another, and he did not perceive any probability of its decrease in the immediate future.²⁷ The trial of Lawrence O'Connor in Kildare in September, as well as that of a number of Defenders in Dublin in December 1795, added to Camden's dilemma. The evidence produced upon these trials was grist to the mill of Irish loyalists, anxious to press Camden into more dynamic law and order policy, as they afforded

²⁵ Draft proclamation, [August 1795] (K.A.O. Pratt papers U840/0183/2/2); for the proclamation of 30 March 1798 see chapter eight pp.352-354

²⁶ Fitzgibbon to Camden, [August 1795] (K.A.O. Pratt papers U840/0129/46, 0183/2/1); Camden to Fitzgibbon, 20/08/1795 (K.A.O. Ibid. U840/0183/3)

²⁷ Camden to Portland, 25/09/1795 (P.R.O. H.O.100/58/334-50)

irrefutable proof of the extent and sophistication of the Defender threat.²⁸ As Robert Day (later raised to the bench at the beginning of 1798) declared in his speech at the opening of the quarter sessions at Kilmainham on 12 January 1796, it was now clear to all that the Defenders were not merely a lawless rabble confining their views to acts of plunder and felony. Rather, they were regularly embodied and organised under leaders and committee men. The insurgents in no less than nine counties, he claimed, 'acted in unison, and were moved as if by one spring'. In addition, they were learning the use of arms, dispatching emissaries through the kingdom and endeavouring to seduce the militia.²⁹ It was the prevalence of such a determined belief among those closest to him that forced Camden into devising new means to cope with this threat and, perhaps more importantly, to satisfy the demands of his supporters. The insurrection act was born out of this need on Camden's part to meet the expectations of the loyalist community for a more stringent law and order policy.

(2)

The 'bill to prevent future insurrections, tumults and riots by persons styling themselves Defenders and other disorderly persons', which became known as the insurrection act, was introduced and read for the first time on 28 January 1796. Its second reading occurred on 4 February and it was ordered to be committed for 10 February. The committal was first postponed to 19 February, however, before being abandoned altogether. On 16 February, Arthur Wolfe, the attorney general, rose in the commons and said that upon introducing the bill he had entreated the ideas of gentlemen on both sides of the house on the manner in which its intended purpose could be best effected. He had since been honoured with 'several plans' from different gentlemen, proposing the adoption of different measures and expedients. As a result, he deemed it

²⁸ For more on the significance of these trials see chapter three pp.130-131.

²⁹ *F.D.J.* 26/01/1796

expedient to move that the order for the committal of the bill for 19 February be discharged, and that the house instead on that day resolve itself into a committee of the whole house 'to take into consideration what measures may be necessary to restore tranquillity to certain disturbed parts of the country'. To that committee he would submit the suggestions he had received, and then move to bring in a bill based upon them. This motion was agreed to.³⁰

This change of approach was forced upon Camden by those Castle supporters who felt that his original bill, which had actually been printed, was not strong enough. This first draft does not survive but many of its provisions were similar to those included in the bill which subsequently passed into law: it included a provision making it a capital felony to enter into a conspiracy to assassinate or to administer illegal oaths, and another empowering magistrates to take up all idle vagrants and persons without any means of sustaining themselves and send them to serve aboard the fleet.³¹ The original bill did not include any of the provisions for the registry of arms, or more significantly, for the proclamation of districts out of the king's peace. It was the absence of clauses of this nature from the first draft which aroused criticism from loyalists who regarded the bill as it originally stood as unequal to the challenge of the times. The murder of a government informer, Patrick McCormick, and his brother on 11 February was the occasion for an outburst of dissatisfaction among government supporters directed at Camden's proposed bill. McCormick had given information to Carhampton and was scheduled to testify against several Defenders on the following day. The systematic nature of his murder by an armed mob of about twenty Defenders, while in the protective custody of Carhampton on his Luttrellstown estate and with a military guard stationed nearby, added to loyalist fury. This anger manifested itself before the third reading of the indemnity bill in the house of lords on 12 February. Lord Dillon took the lead in criticising the government

³⁰ *N.S.* 28/01/1796; *H.J.* 01/02, 08/02, 12/02, 19/02/1796; *S.N.L.* 05/02, 17/02/1796; For two of the measures recommended by

country gentlemen for inclusion in the insurrection act see *Reb. papers* 620/23/14 and 620/23/23

³¹ Camden to Portland, 22/01/1796 (*P.R.O.* H.O.100/62/15-20); *H.J.* 25/01, 08/02, 12/02/1796; *SNL* 05/02/1796

for its failure to adequately deal with a long series of similar incidents. He claimed that the fate of the McCormick brothers was clear proof of the strategy adopted by the seditious to murder witnesses in an effort to intimidate those with information from coming forward to give evidence. The ill-disposed 'were bound by oaths, from which it was found impossible to disengage them, therefore information could not be obtained; the witnesses were murdered, therefore prosecutions at law could not be carried on'. He warned the government not to let the present session terminate without providing measures against this alarming system, and suggested a bill 'to authorise the executive government, at its discretion and under its responsibility, to declare particular districts out of the king's peace'. This in effect became the proclaiming clauses which were absent from the first draft of the insurrection act. Dillon's representation of the condition of the kingdom and his demand for tougher security measures were roundly supported in the house of lords. The most significant speech on this occasion belonged to Fitzgibbon whose position as lord chancellor made him the government official responsible for law and order. Already favouring direct military intervention as early as August 1795, he now exploited the assassination of the McCormicks to publicly force the lord lieutenant into a firmer stand against the Defenders. Pointing to the murders at Luttrellstown he declared that 'this system of terror...was not to be combated by the ordinary course of law. What man will come forward to support the laws, if the laws cannot protect him from the vengeance of the violator?'. He clearly signposted the approach he wanted Camden to adopt: 'If this session should pass over without the enactment of laws strong enough to meet the smothered rebellion in the country, there will be a revival of the miseries of 1641. The traitors proceed systematically to deter witnesses, and make conviction impossible; how then, unless magistrates are empowered to repress the treason in a summary way, can it be put an end to?'. Fitzgibbon's speech was designed to alarm Irish loyalists and leave the lord lieutenant with no choice but to succumb to the pressure exerted by his supporters and those closest to him for a more comprehensive security policy. The conclusion of his speech was particularly significant in this respect.

He warned 'that if parliament did not adopt efficient measures of safety in the present session, the evil might become too great to be resisted on the next meeting'.³²

Camden acquiesced in the demands of his supporters, and after consultation with his cabinet it was decided that Wolfe, as attorney general, should move for a committee of the whole house in order to take into consideration the disturbed state of certain districts. Resolutions to this end would be moved in that committee and a bill then brought in upon them.³³ According to order, therefore, the house resolved itself into a committee of the whole house on 20 February, in order to enquire what measures may be necessary to restore tranquillity to certain parts of the kingdom. Before introducing resolutions designed for this purpose, the attorney general traced a brief history of Defenderism since the year 1790, dwelling particularly on the events in Connaught in the previous summer. He emphasised the point that despite the considerable exertions made by Carhampton and the resident Connaught magistrates, similar disturbances had continued in other parts of the kingdom. Wolfe highlighted the tactics adopted by the Defenders, exploiting the murder of the McCormicks in an effort to illustrate a sinister design on the part of the ill-disposed to assassinate all who were scheduled to appear as witnesses against them. Under these circumstances, he argued, it was necessary to strengthen the laws, and he introduced four resolutions which were designed to form the basis of the type of measures desired by the government. This involved considerably enlarging the powers of the magistracy in a number of respects: to enable them to arrest certain categories of individuals (vagabonds, those with no lawful trade or occupation) as idle and disorderly, and to empower them to dispatch such individuals to the fleet without trial. It was also proposed to allow magistrates to search houses for arms and ammunition in districts that were disturbed or likely to become so. In addition, it was

³² H.J. 15/02/1796

³³ Camden to Portland, 17/02/1796 (P.R.O. H.O.100/62/177-80)

intended to make it a capital offence to administer illegal oaths, and the information of a murdered witness was to be made admissible as evidence in court.³⁴

The parliamentary debates surrounding these resolutions and the insurrection bill of which they formed the basis, are extremely important in highlighting the complexity of the politics of law and order in the late 1790s. Wolfe's resolutions were introduced on 20 February and unanimously approved. The bill itself received its first reading in the commons on 22 February. It was read a second time three days later, and the report of the committee on the bill was received on 29 February, after which it was sent to the house of lords. After its swift passage through the upper house without amendment, the bill was sent to London for approval, and received the royal assent on 24 March 1796.³⁵ The chronology of the bill's passage through parliament, in a relatively short time and without a division at any stage, conceals the intensity of the debates which such a comprehensive bill was bound to provoke. The introduction of the report on the initial resolutions on 22 February occasioned a debate, which was unusual in itself since the resolutions had already been unanimously approved by a committee of the whole house two days earlier. In addition, the debates on its second reading on 25 February and on the report of the committee on the bill on 29 February, were extremely prolonged, continuing until two o'clock in the following morning. The extraordinarily large number of members who felt obliged to voice their opinions during these debates and the extent of the coverage they received in contemporary newspapers reveals the degree of importance with which the bill was contemplated at the time.³⁶

³⁴ *H.J.* 24/02/1796; *D.E.P.* 27/02/1796

³⁵ R.B.McDowell and E.Curtis (eds.), *Irish Historical Documents*, (London, 1968), pp.204-8

³⁶ The debates surrounding the passage of this act through the commons are not covered in the *Irish Parliamentary Register*. Accounts of the debates are to be found, however, in contemporary newspaper reports. The most comprehensive of these accounts is in the *Hibernian Journal* (24/02, 29/02, 02/03, 04/03/1796 issues). The bill's passage through the lords is barely covered, mainly because the they were overshadowed by the intensity of the commons debates (see *S.N.L.* 08/03/1796; *H.J.* 07/03/1796).

The debates themselves are particularly invaluable in illustrating the whig position on law and order. The introduction of this bill confronted the parliamentary opposition with a serious dilemma and the difficulty of their position has not always been appreciated by the historiography of the 1790s. The outbreak of war with France in February 1793 had served to substantially increase the size of the government's usual parliamentary majority. This rallying of support to its standard considerably strengthened the hand of the administration, particularly in relation to security issues. Camden realised the strength of the government's position before the introduction of the insurrection bill. He was particularly satisfied with the manner in which the indemnity act had passed through the commons at the beginning of February. He drew great solace from the fact that 'a very considerable proportion of the country gentlemen, of every description' had supported that bill, and he pointed to the fact that members representing boroughs owned by Lord Granard and Thomas Conolly, who were both usually found among the ranks of the opposition, had actually voted with the government.³⁷ An examination of the debates on the insurrection act reveals the degree of support which the general principle of the bill received among large numbers of those M.P.s who did not normally support the government, or among those who were not usually known for a hard-line position on law and order. What is often overlooked is the fact that the whigs themselves were not oblivious to the condition of the country and the dangers posed by both internal and external threats, and that they recognised the need for a parliamentary response to the changing situation in the kingdom. Above all else, however, they were 'mindful of legality'.³⁸ Their main concern was to ensure that any additional legislative powers remained within the parameters of the constitution. It was this consideration, as well as their awareness of the size of the majority which the administration could expect, that governed their response to the bill. It will be seen, therefore, that while they were

³⁷ Camden to Portland, 09/02/1796 (P.R.O. H.O.100/63/142-55)

³⁸ L.M.Cullen, 'Politics and Rebellion in Wicklow in the 1790s' in Ken Hannigan and Wm. Nolan (eds.), *Wicklow: History and Society. Interdisciplinary Essays on the History of an Irish County*, (Dublin, 1994), p.466

prepared to acquiesce in its general provisions, they strenuously opposed the proclaiming clauses which allowed for an enlargement of the powers of the magistracy amounting to an elimination of the system of trial by jury. While they voiced their objections to these particular clauses of the bill, however, the opposition did not vote against it. Apart from their recognition of the need for additional security measures, they also realised that if they opposed the bill in the division lobby they would suffer an overwhelming defeat. On the other hand if they supported it they would have to abandon their position as self-appointed guardians of the constitution. It is only by understanding the complexity of the whig position, therefore, that one can reconcile the apparent contradiction between the intensity of the debates surrounding the passage of the bill through the commons with the fact it did not encounter a division at any stage.

Their acceptance of the need for a tougher security policy governed the whigs' acquiescence in the necessity of a measure which would incorporate the resolutions introduced by the attorney general on 20 February. Sir Henry Cavendish, member for the close borough of Killybegs, voiced the opinions of many of those in the house when he declared on receipt of these resolutions that liberty in the British Isles consisted of having 'a government by law': the nature of that law was 'that it should be proportioned in its severity to the prevalence of offences - thus when there was no crime there was no law - when crimes were infrequent and light, the laws were few and lenient - but when crimes became frequent and enormous, it then became necessary that laws should be more numerous and in their penalties more severe'.³⁹ The fact that Cavendish was not normally known as an advocate of a vigorous law and order policy illustrates the manner in which parliamentary members altered their position in consequence of the combination of internal and external threats facing the kingdom. The only objection to the resolutions at this stage was raised by John Ormsby Vandeleur, member for the borough of Granard. Although he was a member of the opposition, Vandeleur was conscious of the deterioration in the rule of law and he expressed his perfect agreement with the tenor of

³⁹ D.E.P. 27/02/1796

the attorney general's resolutions. He wished, however, that Wolfe had taken some notice of the outrages committed by the protestant Peep O'Day Boys in Armagh.⁴⁰ The only outright opposition to the resolutions came from the radical figure of Lord Edward Fitzgerald. He declared that they would fail to prevent Defender outrages, as coercive measures, however strong, could not remedy the unrest in the kingdom. On the contrary, he believed that the resolutions would only exasperate the situation. The restoration of tranquillity could only be achieved by redressing the grievances of the people. While Fitzgerald approved of Wolfe's intention to make the evidence of a murdered man admissible in court, he protested that all of the other proposals violently infringed upon the liberty of the subject. This was the only determined objection to the resolutions, however, and they passed through the commons without a division. This further strengthened the government's position, as it allowed them to claim in later stages of the bill itself that its principle had already been virtually unanimously accepted.⁴¹

On 22 February, when the report of the resolutions agreed to by the committee of the whole house only two days earlier was read, Grattan endeavoured to move an amendment. He drew the attention of the house to recent events in Armagh, where the Peep O'Days (reconstituted as the Orangemen after their victory over the Defenders at the battle of the Diamond) had initiated a series of attacks on the homes of catholics, designed to drive them from the county. He read a number of affidavits which accused certain magistrates of complicity in this persecution and endeavoured to trace this complicity to the Castle itself. He also exploited a speech made by the governor of county Armagh, Lord Gosford, to an assembly of county magistrates on 28 December 1795. In this speech Gosford had expressed a certain degree of sympathy with the plight of those catholics in the county whose lives or properties had been threatened, and he argued for the necessity of an impartial application of justice as the only means of ending

⁴⁰ *D.E.P.* 27/02/1796

⁴¹ *S.N.L.* 26/02/1796; *D.E.P.* 27/02/1796

the disorders in Armagh.* Drawing upon Gosford's speech and the affidavits he had in his own possession, Grattan criticised Wolfe's 'complete silence' about the crimes of protestant offenders in the preamble to his resolutions, which had concentrated solely on Defender outrages and had significantly omitted all mention of Armagh from the list of disturbed counties in the kingdom. He declared that there should be no appearance of religious bias in the bill which would be founded upon those resolutions, but that there should be 'equal justice and equal punishment, alike extended to all denominations of persons within the contemplation of the laws'. He highlighted the dangers of enlarging the powers of the magistracy in the manner proposed by the resolutions by pointing to the example of Armagh, 'where the subjects complain that they have been seized as deserters, falsely and illegally, through the supineness or partiality, or connivance of the magistrates, and through the same supineness to say no worse, have been by force driven with impunity from their habitations'. He proposed an amendment to the resolutions in an effort to make them more inclusive of all transgressors of the law, irrespective of their religious denomination. He also proposed that the bill should include a clause making it mandatory upon grand juries to present on the county for such damages as the catholics might sustain in the attacks made upon their homes. Sir Lawrence Parsons followed Grattan's lead in implying that the administration was biased in favour of protestant offenders. He claimed that the government had not been so quick to send a general officer to suppress the disturbances in Ulster, in contrast to their heavy-handed approach in Connaught in the previous year. Parsons also implicated the government in helping to create the political climate which facilitated the outrages in Armagh, by pointing to the fact that 'Lord Camden had avowedly come over to resist the catholic claims'.⁴³

Grattan's proposed amendment and the accusations of partiality directed towards the Camden regime drew a swift response from government officials. Wolfe opposed the

* For the Battle of the Diamond and the formation of the Orange Order see chapter five pp.200-201. For a further insight into the ambiguities surrounding Gosford's speech see chapter five p.203

⁴³ *H.J.* 24/02/1796; *N.S.* 25/02/1796

amendment, declaring that he had deliberately avoided making any religious distinction in his resolutions: 'They were intended for general good, and persons of every class would partake of their benefits'. He felt that Grattan's amendment would give the resolutions a very different complexion, by identifying particular groups whose outrages it aimed to combat. The chief secretary defended the government's reaction to events in Armagh. In answering Parsons' criticism that no general officer had been sent to Ulster, he declared, rather weakly, that this was only because they were all engaged elsewhere at the time, but he stressed that Colonel Cradock had been dispatched with a military force. Pelham was particularly anxious to scotch allegations that Camden had been sent to Ireland with a protestant agenda. On the contrary, he claimed, 'Lord Camden did not come over to oppress any part of his majesty's subjects, but to afford equal protection to all'.⁴⁴ William Richardson, M.P. for county Armagh, objected to Grattan's use of Gosford's speech in support of his amendment. Although this speech had been printed in the press affixed with the signatures of several of the county magistrates, Richardson argued that none of those who had signed the speech understood that by so doing they sanctioned its sentiments in any way, particularly its apparent identification of protestant offenders as the main aggressors. James Verner, member for the borough of Dungannon in county Tyrone and an individual with strong links to the Orange Order, also sought to correct some of the representations which had been made about the situation in Armagh. In particular, he claimed that the Orangemen were not responsible for all of the outrages committed in the county. Verner argued that the plight of the catholics had been purposely exaggerated for political motives: 'That many Roman catholics had left the county from apprehensions of danger - many from consciousness of guilt, was true - and it was equally true that threatening letters had been sent to many of that body, but it was no less true, that letters of that description were often written by the parties themselves, and shown for the purpose of placing the act of aggression on the Orangemen'.⁴⁵

⁴⁴ *H.J.* 24/02/1796; For Cradock's mission to Ulster see chapter five p.208-211.

⁴⁵ *F.D.J.* 25/02/1796

Even though he accepted the truth of Grattan's representation of the situation in Armagh, Maurice Fitzgerald, the Knight of Kerry, sought to defend the administration from allegations of partiality towards protestant offenders. He claimed that the speeches of several gentlemen throughout that session had perpetuated 'a series of misrepresentations' about the Camden regime. Fitzgerald did not deny that there was a dangerous situation in Armagh, even Verner had been obliged to admit that, but he identified the county magistracy rather than the government as being the root cause of the problem. It had become customary among the opposition, he claimed, to overlook 'the supineness of our country gentlemen' in order to incriminate the administration. In defending the government's impartiality, Fitzgerald indirectly identified what would later become the main source of loyalist dissatisfaction with the insurrection act - the reliance on the civil authority for its implementation. He firmly believed that the government was incapable of being swayed by any party considerations, 'by any political or religious prejudice whatsoever', in its administration of the laws. On the contrary, he was confident that it was their consistent intention 'to extend the utmost protection in their power to all descriptions and denominations of the king's peaceable subjects'. In a concise analysis of the faults of the existing system by which the laws were administered, Fitzgerald identified what would later frustrate loyalist efforts to have the insurrection act enforced in areas which did not possess a magistracy united in their stand on law and order: 'But idle and nugatory would be such dispositions on the part of government, as long as they continue to be counteracted by them who must be employed to carry them into effect'. The military force had been arranged through county Armagh, he claimed, 'so as to afford protection to all those for whom the civil power may claim it'. In consequence of the standing orders of the kingdom, however, the armed forces were restricted to acting only under the authority of the civil magistrates. If the magistrates of Armagh refused to act, therefore, the military were powerless. Fitzgerald advocated a reform in the conduct of the magistracy as the solution to this problem. Until such a reform was initiated, no legislative act would have any effect, unless it received the full co-operation of the magistracy. In view of his confidence in the government's intentions,

Fitzgerald believed Grattan's amendment to be unnecessary. Although it was not the proper time to debate particular provisions of the bill, as it had not even been introduced at that stage, he spoke of it in general as being 'dictated by the soundest policy' and he had no doubt but that when it became law it would be implemented by the government 'with the same moderation and humanity, as well as vigour and firmness, which had hitherto characterised their dispensation of the laws'.⁴⁶

William Smith, M.P. for the borough of Lanesborough, expressed his belief that Wolfe's resolutions would be all the more unexceptionable if Grattan's amendment was included. As he had been present a few nights earlier when the house had unanimously accepted the resolutions, however, he believed it would be inconsistent in him to press for their alteration at that time. Smith did entertain some reservations. In particular he criticised Wolfe's belief that the more general the nature of the resolutions, the better. Their major weakness was, he claimed, 'that they were not of a general nature, but did in their expression go to describe a particular kind of offence to the exclusion of others. They did in their language, though not he believed in their design, point exclusively at Defenderism, and come short of another class of outrage which they should include; and this defect, it was, which the amendment sought to cure'. Trusting to 'the fair and honourable views' of the administration to deal with both sets of offenders equally, however, he did not propose to retract the approbation he had already silently given to the resolutions by his acquiescence on 20 February. Instead, he would reserve his watchfulness for the bill itself, of which the resolutions were after all only the foundation. If the anticipated bill discriminated against one set of offenders, he was prepared himself to move appropriate clauses at the appropriate time, but he was confident that this would prove unnecessary. 'He was persuaded that government would never prefer one treason to another, or use less severity towards the bigotry and excesses of Break O'Day Boys, than towards the equally abominable outrages of Defenders'. He appealed to Grattan not to press his amendment at that time and trust to the honourable intentions of the

⁴⁶ H.J. 24/02/1796

administration. It was to be wished, he declared, that 'in every proceeding which marked their hatred of insurrection, the house should forget all distinctions of party and be unanimous', and he pointed to the fact that the object of the amendment could be attained by modelling the bill once it had actually been introduced.⁴⁷

Smith was criticised by Castle supporters for having 'travelled wide of the subject in debate', in arguing about the clauses of a bill which had not yet been introduced. Isaac Corry, M.P. for the borough of Newry, disparaged Smith and the line which the debate had taken, particularly the manner in which the bill was being discussed without its exact provisions being known: '...if a man should rise in his place to say, that if the bill exempted from its penalties every person not under six feet high, it should meet his opposition, and that he would support the liberties of the people - every man must wonder at so idle a parade of solemnity and patriotism; yet of this kind was the motion which the honourable member gave'. Smith defended himself from this attack, claiming that he had confined himself to the question directly before the house. In mentioning the bill he had only followed Wolfe himself who had informed the house that when the bill was introduced it would serve 'to show what an even handed administration meant to hold towards all offenders'. He declared, with strong justification, that he had steered a middle and a moderate course during the debate, recommending a reliance on the government's integrity and advising Grattan not to press his amendment. In consequence of this he felt himself deserving of more candour than he had received from those government supporters in the house who had misrepresented his argument. Smith pointed to the imprudence of discouraging such a moderate line as he had adopted. As a result of Smith's intervention, Grattan withdrew his amendment, but only on the understanding that the spirit of it was to be incorporated into the bill. Wolfe then presented his bill which was read for the first time.⁴⁸

⁴⁷ H.J. 24/02/1796

⁴⁸ H.J. 24/02/1796

The nine clauses of the insurrection act were divided into two categories, general and local. There were four general provisions designed to counter the activities of the disaffected. In an attempt to prevent the spread of the Defender system, the administering of treasonable oaths was made punishable by death. In addition, anyone convicted of taking such an oath would be transported for life. In view of the Defenders' widespread endeavours to arm themselves, it was determined that all arms had to be registered before the nearest clerk of the peace before 1 May 1796. Anyone convicted after that date of possessing unregistered arms would be fined ten pounds or be imprisoned for two weeks. For any subsequent conviction for the same offence the fine and term of imprisonment were doubled. Magistrates were empowered to search the houses and grounds of those they suspected of possessing unregistered arms, and any arms found in the course of such a search would be confiscated. The third general provision was designed to discourage attacks on crown witnesses or those entrusted with the maintenance of law and order. Henceforth if any witness was maimed, killed or otherwise disposed of before a scheduled appearance for the crown, any testimony or information they had given on oath would be admissible as evidence in court. In addition, grand juries were empowered to make presentments off their respective counties for magistrates, peace officers and witnesses who were maimed or murdered in the execution of their duty. The final general provision was directed toward preventing the dispatch of emissaries through the kingdom. To this end, magistrates were empowered to arrest strangers and question them in relation to their place of abode, manner of livelihood, and their object and motive for remaining or coming into the area in which they were found. Any individual so questioned who did not answer satisfactorily to the magistrate would be committed to gaol until he could find surety for his future good behaviour.⁴⁹

⁴⁹ H.J. 04/03/1796; Camden to Portland, 05/03/1796 (P.R.O. H.O.100/62/215-222); R.B.McDowell and Edmund Curtis (eds.), *Irish*

Apart from these general provisions, the insurrection act contained specific clauses designed to restore tranquillity to disturbed parts of the kingdom. If a county was disturbed or likely to become so, any two magistrates could convoke a special session of the peace at 48 hours notice, summoning all magistrates to attend in order to consider the condition of the county. Provided that at least seven magistrates attended the subsequent meeting, and that one of them was of the quorum, the majority of those assembled could memorialise the lord lieutenant to proclaim the county or a part thereof to be in a state of disturbance or in immediate danger of becoming so. Upon this, the lord lieutenant and privy council could issue a proclamation accordingly. Within three days of the issue of such a proclamation a petty session of the peace had to be held. The purpose of this meeting was to officially notify the inhabitants of the relevant district that it had been proclaimed, warn them to remain within doors between sunset and sunrise, and inform them of the penalties of non-compliance. After such notification, any person found out of his house during these hours could be taken before two magistrates, and unless he could prove that he was out of his house on his lawful occasions, he would be deemed to be idle and disorderly and be sent by the magistrates as a recruit to the navy. He could appeal to the next session, however, provided he gave satisfactory bail before a justice of the quorum. Magistrates were authorised to enter houses during the night, to search whether its inhabitants were at home. Unless those found absent could prove that they were abroad on their lawful occasions, they would also be deemed disorderly and sent to the fleet. All who did not follow a lawful trade or employment, those without means of sustaining themselves, those tumultuously assembling, those obstructing the operation of the act, those found in public houses between nine at night and six in the morning, and those distributing unstamped seditious handbills or papers, would be similarly treated. If women were found distributing unstamped seditious handbills they could be sent to jail for three months unless they discovered their employers. Within a proclaimed district magistrates were empowered at any time to request those with arms to produce proof that they were registered under the general provisions of the act. They could also search any house for unregistered arms and seize any found under that

description. Magistrates acting under this act were indemnified against civil suits, if the judge believed there was a probable cause for their conduct. A plaintiff could receive no more than sixpence damages in such a case and no costs of the suit. If the judge or jury thought that the magistrate's act was maliciously and wilfully committed, the plaintiff could receive double costs of the suit.⁵⁰

The second reading of the insurrection bill on 25 February was the occasion for a heated debate which lasted until two o'clock in the following morning. It also serves as another illustration of the difficulty of the whig position. Although they attacked the proclaiming clauses of the bill and its virtual suspension of trial by jury, the whigs welcomed its general provisions which were in themselves particularly severe. Despite strenuously censuring its more stringent clauses, Sir Lawrence Parsons declared from the outset that while he wanted to state generally his objections to the bill, it was not his intention to oppose its second reading. He acknowledged that Wolfe had introduced it 'from the best of motives' and he expressed his abhorrence of the outrages which had provoked such a response by the legislature. It was the proclaiming provisions of the bill which he attacked for being 'unnecessarily severe' and 'a useless violation of the first principles of the constitution'. He gave an exact summary of the whig position on law and order: 'They wished only to restore tranquillity, and to preserve the peace of Ireland and certainly they would not surrender the established constitution as an experiment'. If the government wanted to restore permanent tranquillity, it was incumbent upon it to identify the root of existing unrest before introducing tough legislation to repress it: 'If the root of the evil were once come at, the evil itself would have been easily removed, but by applying merely to the effect, the cause of the evil is left untouched, and the consequence would be that it would continue to germinate new evils'. Although he admitted that the economic condition of the kingdom was improving, he pleaded the poverty of the Irish peasant as an extenuation of the crimes which he was often driven to: 'He called on gentlemen to look at the hovel of the miserable cottager, and, instead of

⁵⁰ *ibid.*

telling tales of atrocity, in order to excite our wrath and indignation, he wished that gentlemen would soften their own feelings, and melt their hearts, to commiserate the situation of the lower order of the people in this kingdom, and to mitigate their situation'. He appealed to the independent country gentlemen not 'to drive the chariot wheels over the necks of the poor'. Parsons disclaimed any intention of inflaming the popular mind or embarrassing the government, pointing to his unexceptionable conduct since the opening of parliament in the previous month: 'From the commencement of the session to that hour, he had not brought forward any subject of complaint, nor had he opposed any tax proposed for the security of the state, or the expense of the war'. On the contrary, he had conducted himself 'with a scrupulous delicacy', and therefore hoped that in delivering his thoughts on this subject he would be considered as 'acting only according to the dictates of his conscience in what he considered one of the most important acts of legislation which the house had ever exercised'.

Quoting extensively from Blackstone's *Commentaries*, he argued that the best writers on English law had declared that a surrender of the trial by jury was a forerunner of arbitrary monarchy. By empowering magistrates to send suspected individuals out of the kingdom, the constitution was being surrendered. This would only aggravate the potential for disorder in the country by giving offenders an opportunity to say that they were suffering only by an arbitrary and tyrannic law. If, on the other hand, an individual was convicted by a jury for crimes clearly proved in a court of law, the punishment would have a salutary effect. Parsons made an emotional appeal to the past, to the achievements of the barons at Runnymede and their wresting of *Magna Charta* from a tyrannical monarch. He argued that there was no need to surrender the constitutional benefits which had been granted under that charter, 'the acknowledged foundation of all our liberties': 'Was it that juries were become corrupt and would no longer do their duty? No such thing. The judges who were at circuit through the country would inform gentlemen if they had any doubt on the subject that the juries were sufficiently ready to convict on fair evidence'. Parsons followed Grattan's example in pointing to the allegations of partiality against the magistracy in Armagh in order to highlight the

dangers involved in enlarging their powers: 'If such men were entrusted with a power of transporting men at pleasure, what was there to be expected', he asked, 'but the most gross and flagrant violations of justice?'. Existing powers, if fully implemented, were fully adequate to the challenge of the times: 'A little increased exertion in the magistracy would be sufficient to repress the existing disorders'. If new measures were thought necessary, he proposed an augmentation of the number of constables, and an increase in secret service expenditure in order to procure intelligence on offenders.⁵¹

It was the more severe provisions of the bill which also attracted the censure of the other whigs who spoke during the second reading. Edward Hoare, member for the Ponsonby borough of Banagher in King's county, declared that the bill was 'contrary to Magna Charta'. He criticised the establishment of a curfew in proclaimed districts, and traced the concept itself back to an act of William the Conqueror, parts of which he actually quoted. In a similar fashion to Parsons, he attacked the bill, in light of its proclaiming clauses, as 'a repeal of Magna Charta, and of the bill of rights, and an outrage on the constitution'.⁵² Perhaps the most stinging criticism came from Arthur Browne, member for Dublin University, who claimed that it was merely 'a system of terror' which served to legalise 'all those dreadful violations of the constitution which had taken place in the course of the [previous] summer'. Arguing in a similar vein to Parsons, he claimed that the administration had only investigated what was the remedy for the disturbances in the country, and not the cause. It was 'a bill of passion' in his opinion which continued the struggle between the governors and the governed to see who could be the most unconstitutional. In addition, by allowing magistrates to transport those without a trade or the means to support themselves, the bill would create an 'eternal war and breach between the poor and rich'. Although he understood the reasons behind the anger of the country gentlemen, he warned against legislating in a fit of passion: 'Individuals might be angry - the mob might be outrageous - but the senate

⁵¹ *H.J.* 29/02; 02/03/1796

⁵² *H.J.* 29/02/1796

should be ever calm, nor depart from the known principles of the constitution'. Again, following Parsons' lead, Browne was confident that 'the existing laws, properly understood and exercised, provided for every evil'.⁵³

John P. Curran traced the disturbances in the kingdom to the recall of Fitzwilliam in the previous year: '...had not Lord Fitzwilliam been removed, the kingdom at this day would have been in a state of perfect tranquillity.' He continued the theme of identifying the bill as biased against the lower orders: 'What was a bill which put the liberty of the poor man who had no visible means of living but by labour, in the discretion of the magistrates?' He also criticised the power of transporting out of the country those deemed idle and disorderly: 'Gentlemen had reasoned very ingeniously to prove that he who should be transported by this law, would only be sent into an honourable retirement where he might gain glory for fighting for the country from which his poverty had expelled him; but he believed there would be but few men found who would be reconciled by these arguments to transportation; and he again conjured the house to weigh well the danger of abrogating the constitution by a law so little likely to attain the end it aimed at'. Like Parsons and Browne, he also attacked it as a bill for the rich and against the poor: 'it constitutes poverty a crime and leaves it in the discretion of wealth to apportion the punishment'.⁵⁴ It is extremely significant, however, that the whigs confined their opposition to the more severe provisions of the bill. The speech of Richard Jephson, a member for the borough of Charlemont, is particularly illuminating in this respect. Jephson acquiesced in the general provisions of the bill, but took exception to the proposal to enlarge the powers of the magistrates at the expense of trial by jury: 'This power, he said, would enable men to gratify the blackest passions of the human heart, and the history of the world afforded abundant proof that such powers were never

⁵³ D.E.P. 03/03/1796

⁵⁴ H.J. 02/03/1796

enjoyed by men without being exercised'. Although Jephson felt that some of its clauses were 'exceptionable', however, he too accepted the necessity of the bill.⁵⁵

Government supporters, led by Wolfe and John Toler, the solicitor general, justified the severity of the bill by referring to the deterioration in the rule of law in parts of the kingdom. They also argued that there were precedents for the extraordinary measures contained in the bill, and dismissed fears that such powers would be abused by a partial magistracy. Wolfe admitted that the bill was not altogether founded on the principles of the constitution, but maintained that 'it has for its object the preservation of the constitution'. The constitution and the trial by jury had to be temporarily suspended in order to guarantee their continued existence. In contrast to the accusations of the opposition, he claimed that 'it was impossible to conceive a milder remedy'. It was a merciful bill, 'for its object is not punishment but restraint; it prevents the necessity of recourse to the last and melancholy remedy', that of martial law. Toler declared that no one would deny that it was a strong measure, but argued that 'the prevalence of the mischief being admitted universally, it remains for parliament to provide the remedy'. He hoped that the 'mischevious misrepresentations' of the opposition would end, and pointed to the fact that the bill was of a limited duration.⁵⁶ Colonel James Stewart of Killymoon argued that trial by jury was only applicable to quiet times when the course of justice was not deliberately obstructed by the disaffected: 'it could not be seriously contended that in times like the present, when a conspiracy existed in the country, so organised that it had found ways effectually to elude the ordinary process of justice, and to escape from the punishments of law, by preventing the delivery of evidence; it could not seriously be contended, that in such circumstances, conviction by a jury should still be made to precede punishment, for crimes of which no man could doubt the existence, though no man could expect to obtain the ordinary proof'. Stewart declared, with considerable exaggeration, that actual insurrection was in progress. He dismissed

⁵⁵ H.J. 02/03/1796

⁵⁶ H.J. 02/03/1796

Parsons arguments on behalf of the lower orders: 'in every country there must be poor, and in every country the poor must feel calamities, to which legislature can apply no remedy'. Parsons' faith in the existing laws was also ridiculed. If they were sufficient to crush disaffection, he asked, 'why then had insurrection increased from such small beginnings to such alarming magnitude as now presents itself, and threatened not the constitution only, but the property and life of every individual?'⁵⁷ James Cuffe, member for county Mayo, argued in favour of the bill in the same fashion as Stewart. He claimed that the plight of the poor had been exaggerated, and attacked Parsons' plea in mitigation of their crimes: 'And what were the crimes for which the honourable baronet [Parsons] solicited the humanity of the house for indulgence? Murder, rapine, insurrection and treason!' He declared that not even Blackstone himself would deny that 'in a time of pressing danger, when an almost universal conspiracy existed throughout the land, even this excellent institution might not suffer a temporary suspension, not only without danger to liberty, but for the salvation of it'. 'Blackstone's doctrine was calculated for quiet times, but could not prove that the tedious though constitutional mode of trial by jury could be pertinaciously adhered to when law, liberty and constitution were on the verge of annihilation from conspiracy and treason'. The reactionary George Ogle, M.P. for county Wexford, exclaimed that 'the situation of the country demanded this bill; nothing but strenuous measures could now be effectual'.⁵⁸

Toler also claimed that the powers given to the magistracy under the bill were the same as those which had consistently been granted to British magistrates in times of war. He suggested that an act of Queen Anne's reign which had authorised grand juries at sessions to present vagabonds to be transported, formed a precedent for the enlargement of these powers. Charles Ormsby, M.P. for the close Bruen borough of Duleek in county Meath, addressed whig assertions that the power given to magistrates was unusual or that it would be abused: 'It gave a power to magistrates exactly of the same kind which

⁵⁷ H.J. 04/03/1796

⁵⁸ D.E.P. 03/03/1796

had often been given in Great Britain'. The solicitor general defended the situation in Armagh, and took advantage of the fact that Bernard Coyle, who had initiated legal proceedings against John Greer for showing a marked partiality in the exercise of his duty as a magistrate, was imprisoned at that time on treasonable charges: 'a single magistrate has been accused of partiality, principally on the oath of a man now in jail under a charge of high treason'. Toler ignored the fact that the charges against Coyle were highly dubious and the efforts made to retard his prosecution of Greer did not redound to the credit of the administration. James Cuffe also refuted opposition allegations that the bill would have a mischievous effect in Armagh: 'He saw no reason why a measure calculated to repress disturbance in one county would not have equal efficacy in another'. Government supporters also sought to exploit the difficulty of the whig position, by pointing to the fact that as the resolutions had passed without a division, a bill based upon those resolutions could not be expected to encounter serious opposition. Wolfe expressed his surprise that 'any gentlemen but he who had negatived the resolutions, should oppose the bill'. Even a member of the opposition like William Smith recognised the irony in the debate: '...our unanimous resolutions had pronounced the state of the country to demand strong measures, and the investing magistrates with unusual powers; and we now object to this bill as being a strong one, and as conferring these extraordinary powers'. Confident of its position, and anxious to embarrass the whigs, the administration defiantly encouraged them to declare their sentiments against the more severe provisions of the bill by voting against it in the division lobby. Sir John Parnell challenged the members on the other side of the house: 'If you think the bill unnecessary, reject it at once; if you think it necessary, why this unprofitable debate?'⁵⁹

The speeches delivered in favour of the bill by members not usually associated with a hard-line stand on law and order are particularly interesting in illustrating the manner in which the deterioration in the rule of law altered the attitude of many members on security matters. John Egan, member for the borough of Tallagh in county Waterford

⁵⁹ H.J. 04/03/1796

and usually to be found among the ranks of the opposition, supported the principle of the bill 'because it had appeared by the indemnity bill that it was necessary such powers as the bill conferred must be exerted if the country was to be kept quiet...because it is limited in its duration to one year - and because on the late trials for high treason it had appeared clearly that a conspiracy not only against the constitution but against the lives of thousands of the king's subjects, does exist'.⁶⁰ The complexity of the security situation is also revealed by the example of Charles O'Hara, a liberal representative of county Sligo in the early 1790s whose political sentiments had hardened by 1795. Although his speech on the insurrection bill is not printed, he spoke in its favour.⁶¹ Others like Colonel John Hely Hutchinson, M.P. for the City of Cork and not usually known as an advocate for coercive legislation, acknowledged that the threat facing the government required the adoption of additional repressive measures. Hutchinson claimed that 'the mild spirit of the law, formed for the regulation of quiet times' was inapplicable in the current situation: 'new measures therefore must be taken, commensurate in strength and duration to the mischief they are to meet'.⁶²

The recognition by the whigs that they could not hope to defeat the government in a division, and their acceptance of the need for a tougher stand against disaffection, albeit within the framework of the constitution, is apparent from their conduct after the question was put for the committal of the bill at two o'clock in the following morning. Those who had spoken against the measure simply left their seats and on the house dividing there appeared only one teller for the noes, Lord Edward Fitzgerald. This meant that there could be no division, and the bill was committed.⁶³

The same pattern repeated itself on 29 February, when Wolfe's motion that the report of the committee on the insurrection bill should be received provoked further

⁶⁰ D.E.P. 03/03/1796

⁶¹ H.J. 29/02/1796

⁶² H.J. 04/03/1796

⁶³ D.E.P. 03/03/1796; H.J. 04/03/1796

lengthy debates which also lasted well into the following morning. Parsons resumed the attack from where he had left off on 25 February. In addition he criticised the clause by which anyone found selling seditious or unstamped handbills would be deemed idle and disorderly and sent to the fleet. He claimed that this amounted to an annihilation of the liberty of the press. By this clause any two magistrates were made judges of libel, by which means both the law and the fact were taken from the jury. Grattan who had not attended the second reading through indisposition, rose to state his objections to some of the more severe provisions of the act. It is again significant, however, that like Parsons and Jephson during the second reading, Grattan announced at the outset that it was not his intention to oppose the principles of the bill nor to deny the urgent necessity upon which it was founded. In order to allow for the full consideration of certain amendments which he and others wanted to propose, he moved instead that the bill be recommitted. The question was then put, and the recommitment was rejected without a division. The report was then received, read and agreed to.⁶⁴ Again, the conclusion of this debate serves to reveal the complexity of the whig stance on law and order issues. Although they welcomed the general principle of the bill, they criticised its proclaiming provisions and its suspension of trial by jury. They realised, however, that whichever course they pursued in the division lobbies they were guaranteed to lose. If they voted against the bill they would suffer defeat by an overwhelming majority, if they supported it they would compromise their position as guardians of the constitution.

(3)

In theory the insurrection act was a powerful tool of coercion designed to meet the loyalist demands for a more incisive law and order policy. In actual fact, however, there were many circumstances surrounding the act and its provisions which proved it to be fundamentally flawed in the eyes of many government supporters, and which led to

⁶⁴ N.S. 29/02/1796; H.J. 04/03/1796

demands for a military rather than a civil solution to the escalating security crisis in the kingdom.

The first difficulty lay in Camden's reluctance to resort to the proclaiming clauses of the act. These were the provisions which had been specifically inserted in the second draft of the act in response to the demands from Castle supporters for a more coercive policy. Although the initiative for proclaiming districts out of the peace lay with local magistrates, it soon became evident that the lord lieutenant wished to discourage any moves in this direction. Again showing more independence of those around him at the Castle than he is often credited for, Camden was personally convinced that the kingdom would have to be in dire condition indeed before such a proceeding could possibly be justified. He hoped instead that the very existence of the act on the statute book would prevent the necessity of enforcing its proclaiming provisions.⁶⁵ The difficulties encountered by Arthur Hill, second Marquess of Downshire, in his efforts to have parts of Down and neighbouring counties proclaimed in November 1796 serve to illustrate this point.

From early in October Downshire, one of the most powerful political magnates in the kingdom, began to lobby Camden for the proclamation of parts of Down, where he dominated the local political world⁶⁶, as well as the adjacent districts in counties Antrim and Armagh.⁶⁷ Under the sixteenth section of the insurrection act the lord lieutenant and council were empowered to proclaim parts of adjoining counties to prevent the extension of disturbances.⁶⁸ Downshire claimed that the 'system of terror' was gaining ground daily, assassinations were becoming more frequent, and loyalists were beginning to be

⁶⁵ Camden to Portland, 05/03/1796 (P.R.O. H.O.100/62/215-222)

⁶⁶ A.P.W. Malcomson, 'The gentle Leviathan: Arthur Hill, 2nd. Marquess of Downshire, 1753-1801', *Plantation to Partition*, ed. P. Roebuck, (Belfast, 1981), pp.102, 104

⁶⁷ Camden to Downshire, 08/10/1796 (P.R.O.N.I. Downshire papers D.607/D/220)

⁶⁸ Joseph Pollock to Downshire, 09/11/1796 (P.R.O.N.I. Downshire papers D.607/D/298)

intimidated from performing the duties they owed to the state.⁶⁹ The intelligence supplied by John Bird, an informer on the activity of the disaffected in Belfast, tended to support Downshire's claims, revealing as it did that the United Irishmen had considerably increased their numbers, were successfully infiltrating the mainly catholic militia units stationed in Ulster, and were arming in anticipation of a French invasion.⁷⁰ This information forced the Castle into an appreciation of the extent of the threat posed by the United Irishmen and undermined its complacent attitude towards the security of the kingdom. In an effort to address the situation in the north of the kingdom in particular, the government acted quickly to establish a yeomanry, arrest those known to be at the head of the United Irish conspiracy in Ulster and suspend the *habeas corpus* act.⁷¹ These measures failed to subdue the spirit of disaffection in Ulster.⁷² In a defiant gesture large mobs gathered to dig the potatoes and harvest the corn of those arrested on charges of high treason.⁷³ In areas where United Irish influence was strong, considerable difficulty was encountered in embodying the yeomanry.⁷⁴ There was resistance to taking the yeomanry oath in various parts of county Antrim⁷⁵, particularly in the radical stronghold of Belfast.⁷⁶ The same was true in neighbouring Down. Patrick Savage informed Downshire on 19 October of his inability to raise yeomen in the Portaferry area: 'I have a

⁶⁹ Downshire to Camden, 27/10, 04/11/1796 (K.A.O. Pratt papers U840/0160/5, 8); Downshire to Pelham, 02/11/1796 (Reb.papers 620/26/11)

⁷⁰ For Bird see chapter four pp.184-187.

⁷¹ For the September 1796 arrests see chapter four p.188; for the suspension of the *habeas corpus* see chapter three p.148; for the establishment of the yeomanry see chapter six pp.246-252

⁷² Cooke to Auckland, 22/10/1796 (P.R.O.N.I. Sneyd papers T.3229/2/9)

⁷³ N.S. mid Sept.-mid Nov. 1796; Patrick Savage to Downshire, 29/10, Robert Kingsmill to Downshire, 11/11/1796 (P.R.O.N.I. Downshire D.607/D/264, 303)

⁷⁴ W.C. Lindsay to _____, 07/09/1796 (Reb. papers 620/25/29); Lecky, iv, p.38

⁷⁵ George Macartney to Cooke, 10/01/1797 (Reb.papers 620/28/79)

⁷⁶ John Brown to Pelham, 28/12/1796 (Reb.papers 620/26/177); N.S. 26/12/1796

number of tenants at this moment loyal and friends to government, but they have told me themselves that they are afraid to come forward and show themselves, as they would be marked out by the United Irishmen and have themselves, their family and property destroyed'.⁷⁷ Thomas Conolly's tenants on his Bellaghy estate in county Derry refused to embody, and they criticised the government's failure to intervene in a meaningful way in the sectarian strife in Armagh. They claimed that the only disturbances in the kingdom which necessitated the embodiment of armed yeomen were those outrages committed upon the catholic population by the Orangemen.⁷⁸ At a meeting on 1 October to form a corps in Letterkenny, county Donegal, men publicly refused to sign a very moderate resolution and take the oath of allegiance, openly employing seditious language at the same time.⁷⁹ James Stewart of Killymoon in county Tyrone found the plan of raising yeoman cavalry 'so odious to the people' in November 1796 that he had been forced to abandon the idea. One of Stewart's cottages had been burnt to the ground as a result of his exertions.⁸⁰ Even at Armagh the Earl of Charlemont discovered in November that 'there is a considerable degree of cold water thrown on the yeomanry corps of this town'.⁸¹ There were also a number of incidents which illustrated the extent of the threat posed by the United Irishmen in Ulster. Rev. Philip Johnson, a clerical magistrate of Derriaghy in county Antrim, was shot at on 8 October.⁸² On 19 October William McBride, a reputed informer, was shot dead in the streets of Belfast.⁸³ On 28 October the king's stores at Belfast were broken open and ten casks of gunpowder were stolen.⁸⁴ On

⁷⁷ Patrick Savage to Downshire, 19/10/1796 (P.R.O.N.I. Downshire papers D.607/D/241)

⁷⁸ N.S. 17/10/1796

⁷⁹ J.Boyd to Justice Boyd, 05/10/1796 (Reb.papers 620/25/148)

⁸⁰ Rev.John Walsh to government, 03/11, A.Newton to government, 07/11/1796 (Reb.papers 620/26/14, 26)

⁸¹ Nathaniel Alexander to _____, 08/11/1796 (Reb.papers 620/26/32)

⁸² N.S. 24/10/1796

⁸³ N.S. 17/10, 31/10/1796

⁸⁴ N.S. 28/10/1796

the following day another clerical magistrate and agent to Lord Londonderry, Rev. J. Cleland, was shot at in Newtownards.⁸⁵

It was in consequence of the evident decline in the rule of law in Ulster that Downshire sounded Camden about the propriety of implementing the proclaiming clauses of the insurrection act. The lord lieutenant endeavoured to placate Downshire with less drastic measures. He hoped that 'by the presence of the troops and the continued activity of the magistrates', the disturbances in Down would be suppressed.⁸⁶ In accordance with this belief he dispatched additional troops to Ulster under the authority of the commander-in-chief, Lord Carhampton, who was instructed to call upon the magistrates in general terms for exertion, consult them upon the best means of meeting the necessities of the country, encourage them to raise yeomanry corps, and offer them all the military assistance which the situation of the country could afford.⁸⁷ His journey to Ulster was planned to coincide with the issue of a proclamation on 6 November, which threatened the 'divers ill-affected persons' who had entered into illegal and treasonable associations in counties Down, Antrim, Tyrone, Derry and Armagh, that if they persisted in these outrages all the powers of the constitution would be employed against them.⁸⁸ It was only in the event of these measures failing to produce an amelioration of the situation that Camden would even contemplate resorting to the insurrection act.⁸⁹

It was Downshire, irritated by the viceroy's procrastination, who actually forced Camden's hand on this occasion, exploiting Carhampton's visit to realise his goal of proclaiming parts of Down, Armagh and Antrim. To this end he met both Carhampton

⁸⁵ Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, p.142

⁸⁶ Camden to Downshire, 27/10/1796 (P.R.O.N.I. Downshire D.607/D/259)

⁸⁷ Camden to Downshire, 26/10/1796 (P.R.O.N.I. Downshire D.607/D/255); Camden to Portland, 01/11/1796 (P.R.O. H.O.100/62/312-6); Pelham to Carhampton, 10/11/1796 (P.R.O.N.I. Pelham T.755/3/321)

⁸⁸ Camden to Portland, 07/11/1796 (P.R.O. H.O.100/65/105-8); Sir Rd.Musgrave, *Memoirs of the Irish Rebellion of 1798*, p.146

⁸⁹ N.S. 07/11/1796; F.D.J. 12/11/1796

and Lord Gosford, governor of county Armagh, at Newry on 8 November. The result of this meeting was almost certainly engineered by Downshire. Acting under his influence, Carhampton informed the chief secretary that it would not do 'to act any longer on the defensive', and expressed his determination to urge the adoption of 'another system'.⁹⁰ He recommended that Downshire and Gosford proclaim certain districts which straddled the border of both counties. Angered by the reluctance of the civil authorities to call the military out, he threatened that if the magistrates in these disturbed districts did not request their immediate proclamation, he would recall the troops stationed there.⁹¹ Aided by this support both Downshire and Gosford summoned special sessions of the peace in their respective counties to enforce the proclamation of those areas recommended by Carhampton.⁹² Even when this step had been forced upon him, however, Camden endeavoured to resist Downshire's influence. Both Downshire and Carhampton were instructed by the viceroy that at the meeting for county Down resolutions designed to intimidate the disaffected should be formed along the lines of the proclamation of 6 November. It was only if the country gentlemen assembled at the Hillsborough meeting felt that their persons and property were under threat without the protection of the insurrection act that Camden was willing to sanction the implementation of the measure.⁹³ Downshire and Carhampton's presence at Hillsborough, however, ensured that, in defiance of the lord lieutenant's wishes, the meeting resulted in the dispatch of a memorial to Dublin requesting the proclamation of the parishes of Tullylish, Aghaderg, Donaghcloney, Moira, Maralin and Seapatrick in county Down. Outmanoeuvred and

⁹⁰ Carhampton to [Pelham], 08/11/1796 (P.R.O.N.I. Pelham T.755/3/306); Downshire to Camden, 09/11/1796 (K.A.O. Pratt papers U840/0160/9)

⁹¹ Carhampton to Gosford, 07/11/1796 (P.R.O.N.I. Gosford D.1606/1/189); Downshire to Camden, 09/11/1796 (K.A.O. Pratt papers U840/0160/9); Camden to Portland, 13/12/1796 (P.R.O. H.O.100/62/368-376)

⁹² Downshire to Camden, 09/11/1796 (K.A.O. Pratt papers U840/0160/9)

⁹³ Camden to Downshire, 10/11/1796 (K.A.O. Pratt papers U840/0160/10); Pelham to Carhampton, 10/11/1796 (P.R.O.N.I. Pelham T.755/3/321)

politically and publicly compromised by the memorial, Camden had little choice but to reluctantly issue the proclamation on 16 November.⁹⁴

Throughout his administration Camden exhibited the same reluctance to resort to the proclaiming clauses of the insurrection act unless it was deemed absolutely unavoidable. He hoped at all times that magisterial activity in enforcing the judicial powers already at their disposal would obviate such a necessity.⁹⁵ When Charles Agar, Archbishop of Cashel, enquired of the government in December 1796 what measures he should adopt in consequence of reports of the emergence of disturbances in Tipperary, Pelham advised him against proclaiming the county, recommending instead regular meetings of the magistracy to enquire into the nature and extent of the disturbances.⁹⁶ Similarly, Camden endeavoured to dissuade Sir Richard Musgrave from requesting to have parts of county Waterford proclaimed in November 1797. He urged Musgrave to first consider whether conciliatory measures or the ordinary process of the law would suffice to re-establish peace and good order.⁹⁷ When the magistrates of county Carlow requested the proclamation of their county in November 1797, Camden expressed his reluctance to proclaim a county 'that has been so remarkable for its good conduct and loyalty'.⁹⁸ When moves were made in January 1798 to have Queen's county proclaimed, the viceroy felt that the magistrates of the county were 'much more alarmed than is necessary', and he was confident that tranquillity could be preserved by the exertions of the magistrates and yeomanry, assisted by the military.⁹⁹ This reluctance to implement the proclaiming provisions of the act often resulted in frustration among government supporters. Angered by Camden's hesitation over proclaiming parts of Down in

⁹⁴ NA. OP. 990/1 and 2

⁹⁵ Pelham to Lord O'Neill, 18/11/1796 (Reb.papers 620/26/52 - endorsement)

⁹⁶ Charles Agar to Pelham, 13/12/1796 [enclosed, Pelham to Agar, 15/12/1796] (Reb.Papers 620/26/119)

⁹⁷ *F.L.J.* 22/11/1797; Camden to Richard Musgrave, 14/11/1797 (K.A.O. Pratt papers U840/0187/5)

⁹⁸ William Burton and John S.Rochfort to government, 09/11/1797 (Reb.papers 620/33/29 - enclosure)

⁹⁹ Camden to Portland, 22/01/1798 (P.R.O. H.O.100/75/29-33)

November 1796, Downshire acknowledged that the insurrection act was 'a strong measure', but he could not see why it should not be enforced, 'as it was thought proper to make a law to give that power'.¹⁰⁰ The lord lieutenant's refusal to proclaim Armagh town in the winter of 1796, in consequence of a threat by the Earl of Charlemont to withdraw from the yeomanry, was criticised by Carhampton as a 'relaxation of energy'.¹⁰¹ His reluctance to proclaim the disturbed parts of county Waterford in November 1797 resulted in accusations among local loyalists that Camden was sacrificing the well disposed to 'the sanguinary fanaticism of popery'. They were angry at the viceroy 'for having so long exposed them to be massacred by a popish banditti, who have seized a great quantity of arms'.¹⁰² When Camden hesitated before extending the act to Carlow, the county magistrates complained that the disaffected would only attribute this delay 'to a want of confidence of the executive government in the magistrates and principal gentlemen of this county'.¹⁰³

Camden was in a difficult position, caught between British uneasiness over the severity of the insurrection act and the pressure of those around him for its implementation. When he had first informed London of the desire among some of his supporters for proclaiming districts out of the king's peace, Portland had ensured that the proposal was promptly shelved.¹⁰⁴ The British government frowned upon any measure which had the possibility of bringing Ireland to the centre stage of Westminster politics. It was this concern that forced the lord lieutenant to seek to justify the necessity of the insurrection act when sending it to London to receive the royal assent in March

¹⁰⁰ Downshire to Camden, 27/10, 04/11/1796 (K.A.O. Pratt papers U840/0160/5, 8); Downshire to Pelham, 02/11/1796 (Reb. papers 620/26/11)

¹⁰¹ Carhampton to Downshire, 21/11/1796 (P.R.O.N.I. Downshire D.607/D/331)

¹⁰² Richard Musgrave to Camden, 09/11/1797 (K.A.O. Pratt papers U840/0187/2, 3); Richard Musgrave to Pelham, 15/11/1797 (Reb.papers 620/33/63)

¹⁰³ William Burton and John S.Rochfort to government, 11/11, 14/11/1797 (Reb.papers 620/33/39, 57)

¹⁰⁴ Camden to Portland, 29/07/1795 (P.R.O. H.O.100/58/171-212); Portland to Camden, 20/08/1795 (P.R.O. H.O.100/58/269-71)

1796. Despite Camden's insistence that the deterioration in the rule of law demanded such legislation¹⁰⁵, Portland could not repress his astonishment at the necessity of such a measure 'in a country enjoying the same form of government as this'.¹⁰⁶ In response, the viceroy sharply informed the British home secretary of his surprise that 'the fine feelings of British legislators should be so much wounded as they appear to have been upon this occasion'.¹⁰⁷ Pelham indirectly revealed the fact that the origins of the act itself lay in the need to pacify hard-line government supporters, when he claimed that it was the universal opinion in Ireland that if this bill did not restore peace, 'we must have recourse to the sword'. He even implied to Portland that ministers in London were negligent in their duties in having ignored the accounts sent from Dublin charting the extent and nature of the disturbances in Ireland.¹⁰⁸ Despite the best efforts of the lord lieutenant and his chief secretary, however, Whitehall's doubts over the propriety of the measure remained. When Camden informed Portland in November 1796, in response to pressure from Downshire, that it might be necessary to implement the insurrection act, the duke expressed the British cabinet's hope that the 'awe' of the measure would be sufficient to restore subordination 'without having recourse to more exemplary acts of severity'.¹⁰⁹ When his hand had finally been forced by Downshire and he was obliged to proclaim certain districts in county Down, the lord lieutenant endeavoured to pander to the sensibilities of the Pitt ministry by underplaying the violence of the act, assuring Portland that he 'entertained too strong an impression of the severity of this measure'. At the same time he acknowledged that the authority granted to the magistrates was greatly enlarged and that they would therefore be 'continually recommended to be cautious in

¹⁰⁵ Camden to Portland, 05/03/1796 (P.R.O. H.O.100/62/215-222)

¹⁰⁶ Portland to Camden, 24/03, 27/03/1796 (P.R.O. H.O.100/62/81-3, 88-9)

¹⁰⁷ Camden to Portland, 21/03, Camden to Pitt, April 1796 (P.R.O. Chatham papers 30/8/326/72-5; Ibid. H.O.100/62/71-4)

¹⁰⁸ Pelham to Portland, 31/03/1796 (P.R.O. H.O.100/62/94-8)

¹⁰⁹ Portland to Camden, 05/11/1796 (P.R.O. H.O.100/62/321-4); Camden to Portland, 14/11/1796 (K.A.O. Pratt papers U840/0154/4)

their conduct and exact in their interpretation of this statute'. He vowed to monitor their conduct 'with all the attention I can give to this measure'.¹¹⁰

Camden was also extremely conscious of the impression that would be made in France by the proclamation of large swathes of the Irish countryside out of the king's peace. When some of his advisers had initially broached the subject of proscribing areas beyond the law in July 1795, Camden instinctively thought of the possible political repercussions in Paris. This consideration intensified after the appearance of the Brest fleet in Bantry Bay in December 1796, which served to confirm the interest of the French Directory in Irish affairs. Although the loyalty evinced by most of the kingdom during the invasion scare raised question marks over the reliability of the information supplied to the Parisian authorities by United Irish ambassadors, the implementation of a measure as severe as the insurrection act could only serve to support their assertions about the readiness of the native population to rebel. By February 1797 the Irish government was extremely conscious of this and signalled its disinclination to issue further proclamations, for fear that they would represent the kingdom to be 'in a worse state than it really is'.¹¹¹ One government official informed Downshire on 7 March that Camden had ordered that proclamations were not to be printed nor widely dispersed, 'as the French gazettes have got every proclamation which issued under this law'.¹¹² Indeed two days later Downshire was informed that the French Directory had collected all the Irish proclamations and published them at Paris for propaganda purposes.¹¹³

An added reason for Camden's reluctance to resort to the insurrection act was the fact that he regarded the measure as the definitive word in coercion. He feared that if it was implemented by the government but not fully enforced by local magistrates it would lose its ability to terrify the disaffected, leaving him with little option but to

¹¹⁰ Camden to Portland, 14/11, Camden to Pitt, 16/11/1796 (K.A.O. Pratt papers U840/0154/4; P.R.O. Chatham papers 30/8/326/94-8)

¹¹¹ Camden to Downshire, 04/02, Camden to Robert Ross, 21/02/1797 (P.R.O.N.I. Downshire D.607/E/80, 116)

¹¹² John Patrickson to Downshire, 07/03/1797 (P.R.O.N.I. Downshire D.607/E/162)

¹¹³ Robert Ross to Downshire, 09/03/1797 (P.R.O.N.I. Downshire D.607/E/165)

declare martial law. In consequence, the viceroy was anxious that before the act was resorted to, it should have the support of those who would ultimately be responsible for its enforcement.¹¹⁴ Pelham made this point in a letter to Castlereagh on 4 November 1796. The remedy for the existing evil in the north, he claimed, could only be applied with effect through the magistracy. It was therefore absolutely necessary 'that the majority at least should feel and acknowledge the necessity which dictates some vigorous corrective of the present danger'.¹¹⁵ Camden instructed Downshire in December 1796 and February 1797 not to request proclamations unless the magistrates were unanimous and determined to act with the utmost vigour. Before any request of this kind was initiated, 'the most minute enquiry' had to be made into the state of the country and it was to be established with certainty that the law would be carried into execution.¹¹⁶ When he finally agreed to proclaim the barony of Lower Iveagh in county Down in March 1797, it was 'under the express understanding that the provisions it [the insurrection act] holds out are acted up to and that it will be carried completely into force'.¹¹⁷ Cooke made the same point in December 1796, when he informed Sir George Hill of his hope that the magistrates of a county would not recommend the measure unless they were previously determined to act with 'unanimous and determined vigour'. In short, he added, 'if the measure be taken it is wished that it should be effectual'.¹¹⁸

The insurrection act itself contained a number of flaws. Perhaps the most significant of these was the fact that it could not be forced upon an unwilling magistracy. The full provisions of the act could only be guaranteed to be enforced in counties with a hardline governing interest or whose magistracy were united in their stand on law and order. The Shannon and Longueville interests in Cork and the Musgraves and a number

¹¹⁴ Pelham to Charles Agar, 15/12/1796 (Reb.papers 620/26/119)

¹¹⁵ Castlereagh to Pelham, 04/11/1796 (Reb.papers 620/18/07/03)

¹¹⁶ Camden to Downshire, 10/11/1796, 21/02/1797 (K.A.O. Pratt papers U840/0160/10, P.R.O.N.I. Downshire D.607/E/118)

¹¹⁷ Camden to Downshire, 10/03/1797 (P.R.O.N.I. Downshire papers D.607/E/169)

¹¹⁸ Cooke to Sir George Hill, 22/12/1796 (P.R.O.N. I. Hill of Brookhall papers D.642/A/9/10)

of lesser gentry figures in Waterford ensured a rapid response to the appearance of unrest in their counties. Similarly, the magistrates of county Sligo responded with alacrity to the appearance of very minor disturbances in the lower half of the county in May 1797. A numerous meeting of the magistrates and gentlemen of the county formed spirited resolutions on 15 May, and at the following special sessions which took place ten days later they requested the proclamation of the entire county.¹¹⁹ In other areas the deterioration of the rule of law weakened the reluctance of many magistrates to resort to the insurrection act and facilitated the proclamation of troubled districts. The whole of Queen's county was proclaimed on 23 January 1798, despite reservations among certain magistrates about the propriety of such a measure.¹²⁰ W. Wellesley-Pole of Ballyfin was critical of the readiness of his fellow magistrates to resort to the insurrection act, but he acquiesced in the sentiments of the majority, 'upon the principle of its being advantageous to the peace of the county, that upon this subject we should appear to be unanimous'.¹²¹ Similarly, when the magistrates of county Tyrone were considering the propriety of requesting the proclamation of the barony of Dungannon in December 1796 James Stewart, Charlemont's right-hand man, opposed the issue of a proclamation out of principle. Finding himself alone in this determination, however, he acquiesced in the decision of the majority and signed the memorial, 'believing that it might injure the country if it should appear that there are differences of opinion in the business'.¹²² There was a similar response among the Carlow magistracy who succeeded in having their

¹¹⁹ James Hamilton to Abercorn, 08/05/1797 (P.R.O.N.I. Abercorn papers T.2541/1A2/6/26); Camden to Portland, 19/05/1797 (P.R.O. H.O.100/71/332-3); O. Wynne to govt., 24/05, 29/05/1797 (N.A. S.O.C. papers 1016/42, 43); John Martin to Colonel Cooper, 24/05/1797 (Reb.papers 620/30/171); *F.L.J.* 31/05/1797

¹²⁰ N.A. O.P. 990/40

¹²¹ W. Wellesley-Pole to Camden, 17/01/1798 (N.L.I. Melville Ms.54a, 121)

¹²² James Stewart to Charlemont, 17/12/1796 (*The manuscripts and Correspondence of James, first earl of Charlemont*, 2 vols, H.M.C. London, 1891-4, vol. ii, p.288)

entire county placed out of the king's peace on 15 November 1797.¹²³ Carlow was a county that was politically divided but whose magistracy proved capable of co-operating in the face of a serious security crisis.¹²⁴ Colonel John Staunton Rochfort pointed to this fact in April 1798 when he boasted that 'if the gentlemen in every other county conducted themselves as they have conducted themselves in this county [Carlow] rebellion would soon be stifled'.¹²⁵ There had been signs of United Irish penetration of the county from May 1797¹²⁶, but it was only in the late summer and autumn of that year that serious disturbances began to emerge.¹²⁷ On 21 October John Butler, magistrate and first lieutenant of the First Carlow infantry, was shot in the arm at Kilbride.¹²⁸ Four days later William Bennett of Ballyloughan was murdered in an arms raid upon his house. The house of his brother, John, a captain in the Carlow militia, was plundered of arms at the same time.¹²⁹ When Robert Cornwall of Myshall Lodge reported this murder to the Castle, he demanded the immediate proclamation of the county and signed requisitions for a special sessions of the peace. Cornwall feared that the political divisions in the county would prevent any united stand on this issue. He claimed that 'the spirit of party seems to operate too strongly in those who ought to be the first in stepping forward'. He entertained little hope that gentlemen could be prevailed upon to do their duty since some had been heard recently to declare 'that they would never act as magistrates under the present administration'.¹³⁰ The attack upon one of their number, however, appears to

¹²³ N.A. O.P. 990/34

¹²⁴ L.M Cullen, 'Politics and Rebellion in Wicklow in the 1790s', p.477

¹²⁵ John S. Rochfort to govt., 01/04/1798 (Reb.papers 620/36/110)

¹²⁶ D.E.P. 20/05/1797; Robert Cornwall to government, 25/05/1797 (Reb.papers 620/30/188); *FLJ.* 27/05/1797

¹²⁷ Camden to Portland, 06/10, 15/11/1797 (P.R.O. H.O.100/72/283-6, 66/59-64); Robert Cornwall to government, 22/10, 09/11/1797 (Reb.papers 620/34/24, 34/27); *FLJ.* 15/11/1797

¹²⁸ *FDJ.* 07/11/1797

¹²⁹ *FLJ.* 04/11/1797

¹³⁰ Robert Cornwall to government, 26/10/1797 (Reb.papers 620/34/25)

have stimulated the county magistracy to find some common ground. They met on 28 October and offered rewards for the conviction of those involved in the attempt on the life of John Butler, and Cornwall was pleased to inform the Castle that 'gentlemen..have come to a sense of their duty'.¹³¹ This was followed by a meeting of the county magistracy on 2 November which resulted in a request for the dispatch of additional troops to the county.¹³² The special sessions of the peace was held on 9 November and it resulted in a memorial requesting the proclamation of the entire county.¹³³

Magistrate acquiescence in counties like Carlow and Sligo, and the domination of Cork and Waterford by hardline governing interests, ensured that if areas within those counties were proclaimed the full rigours of the insurrection act would be applied. The proclamation of parts of Waterford and the whole of Queen's county was immediately followed by a number of arrests and the seizure of a quantity of arms.¹³⁴ Certain magistrates in Carlow evinced their enthusiasm by exceeding the powers granted to them under the act.¹³⁵ In those counties where there was no consensus on law and order, however, the weakness of the act became apparent, namely that it could not be forced upon an unwilling magistracy. This meant that the best that could be hoped for in counties with a large liberal interest was politically selective proclaiming.¹³⁶ The clearest illustration of this is to be found in county Antrim which, except for a small area in the north-west, remained beyond the more extreme provisions of the insurrection act. This was in spite of the fact that it was a radical stronghold with Belfast as the centre of the United Irish conspiracy.¹³⁷ There was no cohesive law and order lobby in the county.

¹³¹ Robert Cornwall to Cooke, 31/10/1797 (Reb.papers 620/34/26); *F.L.J.* 01/11/1797

¹³² William Burton, John S. Rochfort to Pelham, 02/11, 08/11/1797 (Reb.papers 620/33/08, 33/09, 33/26a)

¹³³ Benjamin O'Neale Stratford to govt., 09/11/1797 (Reb.papers 620/33/32); J.S. Rochfort to Pelham, 02/11/1797 (Ibid. 620/33/08)

¹³⁴ *S.N.L.* 06/01, 09/01, 26/01/1798

¹³⁵ *The Press* 09/11, 19/11, 11/01/1798

¹³⁶ L.M Cullen, 'Politics and Rebellion: Wicklow in the 1790s', pp.446-7

¹³⁷ Castlereagh to Pelham, 23/08/1796 (Reb.papers 620/18/07/02); George Moore to Richard Magennis, 04/02/1797 (Ibid.

Major landowners like Lord Donegall and the Marquis of Hertford were absentees, whereas the Countess of Antrim, who owned over 150,000 acres in the east of the county, had lost control over most of her lands as they were granted away in perpetuity.¹³⁸ Those magistrates like Edmund Alexander McNaghton, a political satellite of Lord Hertford, who desired a firm security policy were too isolated and marginalised to break the liberal stranglehold on the politics of the county. It was left to Downshire, governor of neighbouring Down, to try and force the insurrection act on Antrim from the outside, by co-ordinating the activities of government supporters in the region. We have already seen that the sixteenth section of the act empowered the lord lieutenant and council to proclaim parts of adjoining counties to prevent the extension of disturbances. Downshire had expressed a wish to implement the insurrection act in parts of Down, Antrim and Armagh as early as the beginning of October 1796¹³⁹, and he encouraged the efforts of those few ardent loyalists within the county Antrim magistracy who supported a firm stand against the disaffected.¹⁴⁰ Downshire's efforts were persistently thwarted, however, by Camden's reluctance to countenance such a proceeding. The lord lieutenant hoped that regular meetings of the county magistracy would restore tranquillity 'without having recourse to the insurrection bill'.¹⁴¹ It has already been shown that Downshire sought to circumvent this policy by exploiting the opportunity of Carhampton's visit to Ulster in November to further his own ends. After having virtually instigated the proclamation of parts of Down and Armagh¹⁴², Carhampton attended a meeting of the county magistracy at Antrim town on 12 November with the same purpose in mind.

620/28/208); Lieutenant-General Lake to Camden, 25/03/1797 (K.A.O. Pratt papers U840/0165/5)

¹³⁸ Allan Blackstock, *An Ascendancy Army: The Irish Yeomanry, 1796-1834*, (Dublin, 1998), pp.215, 217

¹³⁹ Downshire to Camden, 27/10/1796 (K.A.O. Pratt papers U840/0160/5, 8)

¹⁴⁰ Edmund Alexander McNaghton to Downshire, 26/11/1796 (P.R.O.N.I. Downshire D.607/D/348)

¹⁴¹ Pelham to Lord O'Neill, 18/11/1796 (Reb.papers 620/26/52 - endorsement)

¹⁴² Carhampton to Gosford, 07/11/1796 (P.R.O.N.I. Gosford D.1606/1/189); For Carhampton's role in proclaiming part of Armagh see

supra pp.100-102

Downshire felt that Carhampton's attendance was essential as his mere presence in Ulster had raised terror among the disaffected in Belfast.¹⁴³ Carhampton's ability to influence events had been curtailed, however, after the Castle reprimanded him for having deviated from his original brief through his interference in local politics. Pelham reminded him of the limits set upon his conduct and of the precise instructions he had received before departing from the capital.¹⁴⁴ This effectively blunted the impact of Carhampton's presence, with the result that those assembled at the Antrim meeting evinced a strong disinclination to proclaim any part of the county. Both he and Downshire had to content themselves with the formation of resolutions which expressed indignation at the appearance of 'a system of assassination and outrage' in the county and warned that a continuance of this system would lead to the proclamation of certain areas at the next meeting, scheduled for 23 November at Ballymena.¹⁴⁵

This refusal to implement the insurrection act 'where it is of most use, where it is most necessary and where it will operate with greater effect', angered Downshire, and he criticised the Antrim magistrates for being 'terribly warped' and afraid of Belfast. He urged Camden to write to Lord O'Neill before the Ballymena meeting and encourage him to act the part that Downshire expected of him as county governor, 'for he is so easy and good natured that he is ready to give way to the opinions of others who become more positive and pointed as his diffidence leads him to be more cautious or undetermined'.¹⁴⁶ Much to Downshire's annoyance, however, the meeting on 23 November adjourned to 14 December after resolving that the county in general was in a state of tranquillity.¹⁴⁷ To further aggravate matters, there were moves at this assembly to

¹⁴³ Downshire to Camden, n/d (K.A.O. Pratt papers U840/0160/14)

¹⁴⁴ Carhampton to Pelham, 12/11/1796 (P.R.O.N.I. Pelham T.755/3/329)

¹⁴⁵ N.S. 11/11/1796; Carhampton to Pelham, 15/11/1796 (P.R.O.N.I. Pelham T.755/3/340); Lord O'Neill to _____, 15/11/1796

(Reb.papers 620/26/53); Camden to Portland, 13/12/1796 (P.R.O. H.O.100/62/368/376)

¹⁴⁶ Downshire to Camden, n/d (K.A.O. Pratt papers U840/0160/14)

¹⁴⁷ Lord O'Neill to Pelham, 23/11/1796 (Reb.papers 620/26/74)

call a meeting of freeholders in order to petition parliament for reform and the degree of support which the proposal attracted illustrates the strength of the liberal/radical interest in the county. Several influential individuals like Revds. George Macartney and Edward Hudson added their support and endeavoured to convince the government that parliamentary reform would drive a wedge between politically moderate reformers and United Irish extremists, leaving the latter isolated and vulnerable.¹⁴⁸ Even the governor of the county, Lord O'Neill, revealed his liberal leanings by inclining to favour the proposal on reform, and he hesitated before giving a response, waiting until he could hear the government's determination on the subject.¹⁴⁹ This angered the administration who considered the plan to have originated with the United Irishmen, and Camden privately criticised O'Neill and some of the principal gentlemen of the county for having 'partaken of the frenzy' associated with Belfast.¹⁵⁰ O'Neill's hesitation would have 'the worst effects in the country at large', by persuading the reformers that he was not so wholly opposed to them.¹⁵¹ Camden felt that the agitation of the question of reform at that time would have an 'extremely detrimental effect'. By these resolutions, the gentlemen of the county would stamp their approbation on the proceedings of the United Irishmen, and it would serve to justify the designs of an invading French army, who could claim that they had arrived in response to the demands of the Irish people. It would also foster the United Irish system by revealing to them that gentlemen were willing to adopt any measures 'for their own immediate relief'. In addition, it would serve to encourage meetings and discussions of the same nature in other counties. Camden subtly but distinctly reprimanded O'Neill for not reducing his county to 'a subjection to the laws and constitution' before listening to its grievances, 'real or imaginary'. He instructed

¹⁴⁸ Rev. George Macartney to Cooke, 30/11/1796 (Reb.papers 620/26/89a); Rev. Edward Hudson to Charlemont, 18/12/1796 (*H.M.C.* Charlemont, vol. ii, p.289)

¹⁴⁹ Lord O'Neill to Pelham, 08/12/1796 (Reb.papers 620/26/106)

¹⁵⁰ Camden to Portland, 13/12, 21/12/1796 (P.R.O. H.O.100/62/368-376, 65/177-8)

¹⁵¹ Pelham to Lord O'Neill, 11/12/1796 (Reb.papers 620/26/116)

O'Neill to prevent any county meeting which would provide a forum for discussion of issues of reform. If such a meeting was unavoidable, however, O'Neill was to ensure that he did not lend his name to the proceedings, and was to point out the unsuitability of the time for the discussion of topics which were best left to parliament.¹⁵² Roused by the directives from Dublin, O'Neill ensured that the meeting of twenty-one county magistrates at Ballymena on 14 December 'universally reprobated' the proposal of parliamentary reform. O'Neill pledged himself to carefully avoid giving any sanction or encouragement to similar proposals in the future. He was confident that the matter would end there and that there would be no county meeting 'or at least none that can have any weight'.¹⁵³

Before the assembly at Ballymena Edmund Alexander McNaghton had consulted with Downshire on the best means of attempting to have Belfast and other parts of the county proclaimed. McNaghton, who was presumably acting with the encouragement of his political master, Lord Hertford, whose estates bordered on Downshire's property at Hillsborough, appealed to the gentry of the surrounding counties, which he claimed to have been poisoned by the disaffection spreading from Belfast, to assist in putting a stop to its treason, and he urged Downshire to persuade those gentlemen of county Down who were also magistrates of county Antrim to attend the next meeting. Acting with Downshire's approval, McNaghton proposed the proclamation of Belfast at the Ballymena meeting. Despite the best preparations of both men, however, McNaghton only gained the support of two of the other twenty magistrates present.¹⁵⁴ At a further meeting at Carrickfergus on 10 January 1797, attended by Generals Lake and Nugent and Colonel Durham (all three of whom had been given commissions of the peace) the overwhelming consensus was that although there was 'a sullen discontent' visible in certain districts, as well as an aversion to take the oath of allegiance as worded in the

¹⁵² Camden to Lord O'Neill, 13/12/1796 (K.A.O. Pratt papers U840/0188/1)

¹⁵³ Lord O'Neill to Pelham, 14/12, Lord O'Neill to Camden, 15/12/1796 (Reb.papers 620/26/120; K.A.O. Pratt papers U840/0188/2)

¹⁵⁴ Edmund Alexander McNaghton to Downshire, 26/11/1796 (P.R.O.N.I. Downshire D.607/D/348)

yeomanry act, yet 'every district was quiet and [there was] no difficulty in executing the laws'.¹⁵⁵

Similar difficulties were encountered when an attempt was made in November 1796 to proclaim part of Armagh, a county which had a particularly sturdy tradition of parliamentary independence. Again, the initiative came from Downshire and, as before, he chose to exploit Carhampton's visit to Ulster for his own designs. After consulting with Downshire at Newry on 7 November, Carhampton recommended to Lord Gosford, governor of Armagh, that he immediately proclaim the parishes of Loughgall, Ballymore, Kilmore and Drumcree. If this was not done, Carhampton threatened to withdraw the troops stationed in these areas.¹⁵⁶ Gosford, a firm adherent of the status quo, needed little encouragement and called a meeting of the county magistracy for 25 November, which was attended by both Downshire and Carhampton. Downshire had encouraged Carhampton's attendance at the Armagh assembly, as he believed that it was from Armagh that his own county had been 'brought to the shameful situation we are in'.¹⁵⁷ Their presence was crucial in encouraging those assembled not only to request the proclamation of those parishes Carhampton had recommended but others too, including Armagh town.¹⁵⁸ The inclusion of Armagh in the memorial sent to Camden prompted protest by the Archbishop of Armagh, a Fitzwilliam appointee, and the sovereign of the town, Arthur Jacob Macan. They claimed that there had been no disturbances within its borders, and that the credit of a town which dealt very largely in the linen business would be materially affected by such a move. Macan claimed that Armagh was very quiet until news of the intended proclamation had spread, but that ever since the inhabitants had

¹⁵⁵ N.S. 12/12/1796; Rev. George Macartney to Cooke, 10/01/1797 (Reb.papers 620/28/79)

¹⁵⁶ Carhampton to Gosford, 07/11/1796 (P.R.O.N.I. Gosford D.1606/1/189)

¹⁵⁷ Downshire to Camden, 09/11/1796 (K.A.O. Pratt papers U840/0160/9)

¹⁵⁸ Carhampton to Pelham, 12/11, 17/11/1796 (P.R.O.N.I. Pelham T.755/3/329, 344); Downshire to Camden, n/d (K.A.O. Pratt papers U840/0160/14)

found that their bills were non-negotiable.¹⁵⁹ The trump card in their pack, however, was the Earl of Charlemont's threat to resign his position in the yeomanry if the town and his estates were not excluded from the proclamation.¹⁶⁰ Camden was unwilling to jeopardise the success of the yeomanry, which was in its infancy and was encountering stiff opposition in many parts of Ulster, and he eagerly seized upon a legal discrepancy in the memorial to exclude the city and corporation lands of Armagh and the two Granges from the proclamation which issued on 21 November. He also recommended that the magistrates reconsider their initial request.¹⁶¹ A special sessions of the peace had been summoned for 29 November to consider the propriety of proclaiming those districts which had been excluded from the proclamation.

The Castle contacted James Dawson, assistant barrister for county Armagh, and Rev. Bisset, in an effort to persuade them to attend this meeting, and prevent the proclamation of Armagh town. Dawson was instructed to explain to those present at the meeting, as if it came from himself, 'how anxious government is to aid the exertions of the magistracy, and that the attention to legal exactness is on *that* account', instead of originating with Charlemont's intervention.¹⁶² Camden personally appealed to Gosford on 26 November. He pointed to the importance of unanimity among the governor and the magistrates about the necessity of the proclamation, and he claimed that his opinion on the subject was shared by 'all other persons unprejudiced and unconnected with the county'. He argued that the inclusion of a town with a considerable garrison and resident magistrates, and which was also the residence of the primate, gave a worse impression of the state of the country than it deserved. He hoped that Gosford would ensure that the town at least would be excluded from the memorial of the meeting on the 29th. Camden

¹⁵⁹ Abp. of Armagh to Camden, [Nov. 1796] (Reb. papers 620/26/76); A.J. Macan to Abp. of Armagh, 24/11/1796 (Ibid. 620/26/76)

¹⁶⁰ Charlemont to Camden, 02/12/1796 (K.A.O. Pratt papers U840/0177/5)

¹⁶¹ Camden to Portland, 21/11/1796 (P.R.O. H.O.100/65/132-3); *F.D.J.* 31/12/1796

¹⁶² Cooke to James Dawson, 21/11/1796 (Reb. papers 620/26/68); Camden to Rev. Bisset, 28/11/1796 (K.A.O. Pratt papers

sought to reassure Gosford that this desire was not owing to a preference on his part for Charlemont over Gosford.¹⁶³ Despite his own desire to have the town proclaimed in particular, which he believed to contain 200 known United Irishmen¹⁶⁴, after consulting with Bisset, Dawson and two or three others at the meeting on 29 November, Gosford acquiesced in Camden's instructions. He insisted, however, that there were only two magistrates present who had not been determined to request the proclamation of the city, and he himself remained of the opinion that no part of the country deserved it more. In addition, he sourly informed Camden that it was notorious that 'a spirit of republicanism and disaffection' existed in the town.¹⁶⁵

Those loyalists who lived in Kildare, another county with a vibrant liberal establishment, also had to make do with politically selective proclaiming. The strength of the liberal interest in the county is clearly revealed in the fact that when the rebellion formally began in May 1798 only six of its fourteen baronies had been proclaimed, despite the fact that Kildare's proximity to the capital made the government particularly concerned about its condition. It had only been the murder of Rev. Knipe across the border in Meath on 29 April 1797 that enabled the county's small loyalist community to demand the proclamation of the barony of Carbury.¹⁶⁶ Even at this special sessions of the peace, however, which was held on 8 May and attended by thirty-five magistrates, there were signs of dissent from the liberal interest. The most powerful magnate in the county, the Duke of Leinster, opposed the proposed proclamation 'as tending in reality to throw that part of the county into confusion'.¹⁶⁷ Even some who signed the memorial registered their protest against the measure. Sir Fenton Aylmer of Donadea Castle acquiesced in the decision of the majority and signed the memorial, but informed the Castle of his

¹⁶³ Camden to Gosford, 26/11/1796 (K.A.O. Pratt papers U840/0173/6)

¹⁶⁴ Gosford to Downshire, [23/11/1796] (P.R.O.N.I. Downshire D.607/D/360)

¹⁶⁵ Gosford to Camden, 26/11/1796 (K.A.O. Pratt papers U840/0173/7)

¹⁶⁶ N.A. O.P. 990/25

¹⁶⁷ S.N.L. 10/05/1797

opposition to the measure of placing areas out of the king's peace. Although he recognised that something had to be done to address the unrest in the county, it was only the fact that no other solution had been proposed that had prompted him to support the call for the memorial. He expressed his belief, however, that there were other means that would be more likely to extinguish the flame of sedition.¹⁶⁸ Wogan Browne, one of the twelve dissenting magistrates at the meeting who refused to sign the memorial, observed to Pelham that several others, like Aylmer, had also declared that they had voted for the measure solely because of the apparent lack of a viable alternative. Browne feared the consequences of subjecting areas to the insurrection act, and predicted that such a move would only serve to produce disquiet rather than tranquillity. He also argued that the proclamation of a district within twenty miles of the capital and seat of government would increase rather than allay the uneasiness and discontent which already existed. He felt that the magistrates would not employ their increased powers, or even worse, they might actually use them and thereby provoke the United Irishmen to greater indignation and excess. Browne recommended conciliatory measures as the best means of restoring order.¹⁶⁹

Although Camden's reluctance to resort to the more coercive provisions of the insurrection act, and the inability to force the proclamation of counties with a dominant liberal political establishment, detracted from the act's appeal for Irish loyalists, these were not their main source of dissatisfaction. The fundamental flaw of the act was that although it had considerably enlarged the powers of the magistracy, it was still dependent on that magistracy for its implementation. Districts could be proclaimed, but the effectiveness of the act was circumscribed unless the resident magistrates were willing to enforce its provisions. The difficulty of enforcing any legislative act without the co-operation of those entrusted with its enforcement was obvious. We have earlier seen that the knight of Kerry had effectively made this point during the debates on the

¹⁶⁸ Sir Fenton Aylmer to Pelham, 08/05/1797 (Reb.papers 620/30/38)

¹⁶⁹ Wogan Browne to Pelham, 09/05/1797 (Reb.papers 620/30/46)

insurrection act in February 1796. With the supineness of the Armagh magistracy in mind, he claimed that unless the magistrates of a county were united in their intention of administering the laws, 'no legislative act, no exertion on the part of government, would have any effect'.¹⁷⁰ Without magistrates willing to act it did not matter how greatly their powers were defined. As the security situation deteriorated in Ulster through the winter of 1796-7, many loyalists began to question whether the solution lay within the ambit of the civil power at all. Henry Alexander wrote from Derry in December 1796 that the magistrates were hopelessly inadequate for the challenge of the times.¹⁷¹ Colonel James Leith of the Aberdeenshire fencibles remarked that the 'supine conduct of the magistracy' in Strabane, combined with their wish to acquire popularity had superseded the duty they owed to the public. The civil power had become 'totally destitute of energy'. Magistrates were afraid to act, and Leith received anonymous information from them which they themselves dared not act upon. It was only after the United Irishmen had stolen all the powder and guns, he complained, that meetings were held 'to consider whether it will not soon be necessary to proclaim such districts'.¹⁷² Lord Londonderry felt that 'timid and selfish trimming considerations make so many hang back' that those who did act with spirit were singled out as objects for the vengeance of the disaffected. The civil power, he reported, had been openly 'set at defiance' in the north of Ireland.¹⁷³

This dissatisfaction with the government's attempts to solve the law and order problem through the medium of the civil power led to growing demands for a more aggressive stance. Henry Alexander recommended that only 'terrors adverse and contrary to those excited' could control the violence of the disaffected.¹⁷⁴ Sir George Hill exclaimed that 'something more decided must be done. I may watch and watch but

¹⁷⁰ N.S. 22/02, 25/02/1796

¹⁷¹ Henry Alexander to _____, 24/12/1796 (Reb.papers 620/27/150)

¹⁷² Colonel J. Leith to _____, 07/02/1797 (Reb.papers 620/28/228)

¹⁷³ Londonderry to Camden, 28/02/1797 (Reb.papers 620/29/03)

¹⁷⁴ Henry Alexander to _____, 24/12/1796 (Reb.papers 620/27/150)

without an issue of a serious kind we may live in fear all our lives'. Hill even wondered if the government were fully cognisant of the extent of the threat to the established order in Ulster, or if they doubted the information sent by individuals like himself.¹⁷⁵ He actually travelled to Dublin in the early spring of 1797 to personally inform Camden of the condition of the country, and of 'the unanimous wish of all well disposed men that we should be permitted by government to *act at discretion* against the rebels'.¹⁷⁶ This loyalist dissatisfaction resulted in calls for the disarmament of Ulster under martial law and the employment of the military in counter insurgency duties independently of the civil authority.¹⁷⁷ Lord Londonderry saw the solution lying in a military response. He was convinced by the end of February that nothing could crush disaffection but the march of a large body of troops into Ulster, and the disarmament of its inhabitants under martial law.¹⁷⁸ The murder of the Rev. William Hamilton six miles from Raphoe on 2 March was exploited by those seeking to force Camden into disarming Ulster as proof of the policy of the disaffected to obstruct the rule of law by targeting those responsible for its enforcement. Hamilton's murder intensified complaints that the situation was beyond the control of the civil magistrates, that the insurrection act had failed in its application, and that additional measures were absolutely necessary.¹⁷⁹ Lord Cavan, commanding officer in the district, believed that the murder would serve to discourage the exertions of the well disposed, and that some very strong increase of authority, either civil or military, was absolutely necessary.¹⁸⁰ Camden was also pressed by several influential politicians including Fitzgibbon, Beresford and Downshire, to initiate the disarmament of the north.

¹⁷⁵ Sir George Hill to _____, 28/01, Sir George Hill to John Beresford, 05/02/1797 (Reb.papers 620/28/157, 217)

¹⁷⁶ *Facts which occurred in the neighbourhood of Derry from August 1796 the whole attested on oath before Sir George Hill*, (P.R.O.N.I. Hill of Brookhall papers D.642/A/16/16)

¹⁷⁷ Colonel J. Leith to _____, 07/02/1797 (Reb.papers 620/28/228)

¹⁷⁸ Londonderry to Camden, 28/02/1797 (Reb.papers 620/29/03)

¹⁷⁹ James Hamilton to Abercorn, 11/02/1797 (P.R.O.N.I. Abercorn T.2541/1A2/6/17); FDJ 07/03/1797

¹⁸⁰ Lord Cavan to 03/03/1797 (Reb.papers 620/29/13)

Beresford warned the viceroy that his reluctance to adopt 'strong measures' had dispirited 'every loyal subject in the kingdom', and that as a result the house of commons was being driven to 'near confusion'. Beresford and Downshire had also endeavoured to force Camden's hand by canvassing support in London for a tougher security policy through letters and personal representations to their political allies in England.¹⁸¹

Faced with growing demands for the adoption of the measure which he had refused to adopt in August 1795¹⁸² - the employment of the military independently of the civil authority - Camden found it difficult to maintain his position. The influence of those around him in this respect is evident from his apparent acceptance of the extreme loyalist allegation of supineness among the magistracy. In this regard, he was certainly subscribing to the views of his chief secretary, who was closely linked to the hardline interest and who angrily informed Lake on 3 March 1797 that many of those magistrates who had urged the proclamation of their districts 'were not prepared to carry the most efficient part of the [insurrection] bill into effect'.¹⁸³ Camden informed Portland in a similar fashion on 9 March that had the extensive provisions of that act been properly executed, it would have proved 'extremely efficacious'. Although several areas had been proclaimed, however, 'the want of activity and system, which it is not unnatural to find amongst that description of persons who compose the magistracy, has prevented that law from having had the effect I had hoped from it'. In the same letter he indirectly revealed the growing dominance of those around him on the formation of security policy when he stated that in order to maintain any degree of regularity in Ulster it was absolutely necessary to adopt such steps '*as occurred to those persons, with whose advice I am assisted*'.¹⁸⁴ It was in consequence of the advice of his cabinet and of those northern

¹⁸¹ Corresp. of Camden and Portland, 09/03, 16/03, 10/04/1797 (P.R.O. H.O.100/69/132-9, 71/167-9, 241-2); *FLJ.* 22/03/1797;

John Beresford to Lord Auckland, 07/03/1797 (P.R.O.N.I. Sneyd papers T.3229/2/23, 287)

¹⁸² Camden to Fitzgibbon, 20/08/1795 (K.A.O. Pratt papers U840/0183/3)

¹⁸³ Pelham to Lieutenant-General Lake, 03/03/1797 (N.A.M. Nugent Ms.6807/174/222-8, 230-4)

¹⁸⁴ Camden to Portland, 09/03/1797 (P.R.O. H.O.100/69/132-9); italics mine

loyalists who had charted the decline of the rule of law in their province, therefore, that Camden authorised the disarmament of Ulster in March 1797 and directed the military to act without the civil authority.¹⁸⁵

From March 1797, it was clear that there was a law and order lobby in existence which saw the direct employment of the military as the best means of restoring tranquillity. The freedom given to the army in the spring of 1797 was limited in its application to Ulster and was exercised at a time when the military and civil establishments were united on the course of action to be adopted. Serious problems arose, however, when Carhampton's successor as commander-in-chief sought to confine the military to acting only under the direction of a magistrate. This again placed the responsibility for the maintenance of internal law and order squarely on the civil power thereby frustrating the favoured loyalist policy of employing the military independently of that authority. In effect it forced government supporters to trust in the insurrection act and the enlarged powers it granted to the magistracy. In the heated atmosphere of the spring of 1798, however, this was no longer sufficient to satisfy loyalist demands. It was actually the British prime minister who highlighted this point in the clearest manner. In commenting on Abercromby's subordination of the military to the civil authority, Pitt informed Camden that 'all the accounts which we receive of the state of the most disturbed parts of Ireland, lead me strongly to doubt whether it can in many cases be practicable to act only under orders of the civil magistrate, when so many magistrates are murdered for doing their duty...I doubt whether anything but the vigorous exertion of military force, under the military and not civil direction, can restore quiet to the country'.¹⁸⁶ Pitt's belief that numerous magistrates had been murdered is in itself extremely revealing of the representations which were being sent to Whitehall by the administration and its closest advisers. In actual fact, there were only four magistrates assassinated throughout the period 1794-8: Rev. Hamilton in Donegal in March 1797,

¹⁸⁵ Pelham to Lieutenant-General Lake, 03/03/1798 (N.A.M. Nugent Ms.6807/174/222-8, 230-4)

¹⁸⁶ Pitt to Camden, 13/03/1798 (N.L.I. Lord Lieutenant's correspondence Mss. 886/249-51)

Rev. Knipe in Meath in April 1797, Mansergh St. George in Cork in February 1798, and Johnson Darrah in Kildare in March 1798.¹⁸⁷ All of these individuals were notorious hardliners unpopular in their own areas because of their activity in strictly enforcing the laws. The exaggeration of the number of those who had been killed by the disaffected was a symptom of the loyalist effort to gain the support of the British cabinet for the measures they desired to see implemented in Ireland. It will be shown that the struggle that was being waged between this law and order lobby and the army command resulted in a complete victory for Camden's supporters. They forced Abercromby's resignation, the subjection of the military to the civil establishment, and re-established their domination over the formation of military policy.¹⁸⁸

(4)

This chapter has sought to illuminate how an examination of the background to the insurrection act of March 1796 provides several significant insights into the politics of law and order in the pre-rebellion period. The act itself was calculated to counter the spread of Defenderism and its associated outrages - in particular the assassination of crown witnesses and the occasional attack upon active magistrates. The original draft of the act which was introduced into parliament in February 1796 was not considered draconian enough by government supporters, and the controversial proclaiming clauses were added to make it more substantial. The passage of the bill through parliament without a division at any stage illustrates the dilemma of the whigs who were not wholly adverse to strong measures themselves but who sought to keep security measures from infringing upon the constitution. In the proclaiming clauses Irish loyalists appeared to have been equipped with a powerful weapon in their struggle against the disaffected. In

¹⁸⁷ For Knipe, St. George and Darrah, see Camden to Portland, 17/05/1797, 15/02, 06/03/1798 (P.R.O. H.O.100/71/330-1, 75/92-5, 162-9; For Hamilton, see Reb.papers 620/29/13

¹⁸⁸ For the Abercromby crisis see chapter eight.

Chapter three: The legal challenge to the Irish government in the 1790s

It is part of the aim of this thesis to challenge traditional assumptions about the strength of the Irish government's position in the 1790s, and to show that during this eventful decade the Dublin administration was actually in a relatively weak position and lurched from crisis to crisis in its struggle against the disaffected.¹ It is the contention of this chapter that this weakness was most clearly visible in the judicial field, where the government's performance in the pre-rebellion period was poor indeed. On several occasions it suffered significant defeats in the courtroom, some of which were attended with severely embarrassing repercussions. The most important of these was the collapse in January 1798 of its prosecution of the state prisoners, which was politically disastrous at a time when tensions were already running high as a result of the Abercromby crisis.² Even those victories it did obtain were often pyrrhic, as was the case with the trials of Archibald Hamilton Rowan, Rev. William Jackson and William Orr. Although each of these cases ended in a conviction, they were attended by circumstances which served to undermine rather than strengthen public faith in the judicial system. The assizes, which were held twice yearly throughout the kingdom, serve as the best gauge of the government's success, or otherwise, in prosecuting offenders. An examination of conviction rates at these assizes will reveal that, as in many other fields, the

¹ On this issue see L.M. Cullen, 'The Politics of Crisis and Rebellion, 1792-8'.

² For the background to the Abercromby crisis see chapter eight.

administration's position was never as secure as might have been expected. Looking back on the turbulent decade which heralded the close of the eighteenth century, Charles Teeling observed that 'the difficulties they sometimes encountered in procuring convictions for political offences' was 'a subject of disquiet to men in power'.³ Before investigating the government's failure to procure a consistently satisfactory conviction rate, therefore, it is instructive to highlight some of the reasons which occasioned this sense of frustration among men in power.

(2)

Part of the government's difficulty in the law courts arose from the fact that their principal opponents at the time, the United Irishmen, had a significant degree of legal expertise in their ranks. The first membership of the Dublin society included thirty attorneys and twenty-six barristers.⁴ Even as late as May 1798, there were several celebrated legal minds among their number, including Thomas Addis Emmet, William Sampson and Matthew Dowling. In addition, as the pace of events in Ireland gathered speed after the autumn of 1796 and as the Castle initiated widespread arrests of United Irishmen, subscriptions were raised to fund the defence of those brought to trial for their activity.⁵ As well as employing those United Irishmen who practised at the bar, these funds were also used to recruit the services of eminent whig legal counsel like John Philpott Curran and the Ponsonbys.⁶ On 20 April 1797, for example, 190 licenses were sent to Curran to plead at the spring assizes of that year on behalf of prisoners charged

³ Charles Hamilton Teeling, *A Personal Narrative of the Irish Rebellion of 1798*, (1972 Irish University Press edition), p.71

⁴ John Larkin, *The Trial of William Drennan, on a trial for Sedition in the Year 1794*, (Dublin, 1991), p.15

⁵ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland*, (Dublin, 1798), appendix ii, p.58, appendix xiv, p.156

⁶ N.S. 27/01/1794, 26/10/1795; T.Lane to Downshire, 01/05/1797 (P.R.O.N.I. Downshire D.607/E/255); *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland* (1798), appendix ii, 57-8; D.E.P. 11/07, 13/07, 01/08/1797

with various political offences in Ulster.⁷ Caesar Colclough of Duffry Hall concluded in April 1798 that the fact that the prisoners tried at the spring assizes in Waterford were left to defend themselves without any aid from the United Irish provincial committee was sufficient proof that the county had not been organised by the United Irishmen.⁸ Ensuring that their members received the best possible legal defence was only one of the means employed to frustrate the course of justice. Both the United Irishmen and the Defenders used intimidatory tactics in an effort to tip the scales of justice in their favour. In particular they targeted those likely to appear in court, in cases involving their comrades, as either crown witnesses or jurors.

Those who agreed to testify in court against individuals charged with political offences could expect to find themselves the targets of popular vengeance.⁹ On occasion this even extended to murder.¹⁰ John Cockayne, the chief witness against Rev. William Jackson, was the subject of an unfulfilled assassination plot by the Defenders in 1795.¹¹ In February 1796 ten Defenders were convicted of a conspiracy to murder John Hanlon of the Royal Irish Artillery, in order to prevent him giving evidence against the brother-in-law of one of their number who was to be tried at Naas for Defenderism.¹² These examples served to discourage others from coming forward to testify in court against the disaffected. One informer, William McClure refused to appear as a crown witness in June 1796, 'saying if he did so he scarce knew an asylum afterwards on earth'.¹³ Captain MacNevin, a government agent, informed under-secretary Cooke from Carrickfergus on

⁷ D.E.P. 22/04/1797

⁸ Caesar Colclough to government, April 1798 (Reb.papers 620/36/142)

⁹ Camden to Portland, 11/08/1795 (P.R.O. H.O.papers 100/58/239-244); S.N.L. 12, 17, 19, 20, 21/08/1795; N.S. 08/08/1796

¹⁰ James Hamilton to Abercorn, 07/05/1797 (P.R.O.N.I. Abercorn papers T.2541/1A2/6/25); See N.S. 11/02/1796 for the murder of the McCormicks at Luttrellstown in February 1796.

¹¹ F.D.J. 29/12/1795

¹² T.B. Howell, *Collection of State Trials*, xxv-xxvii, (London, 1818-20), vol. xxvi, pp.437-62

¹³ Sergeant John Lee to government, 26/06/1796 (Reb.papers 620/23/197a)

27 June that it was difficult to get anyone to come forward and prosecute, 'as they think there is no part in the three kingdoms they could afterwards be safe in'.¹⁴ The discouragement given to those with information to testify in court meant that those who did come forward were quite often disreputable individuals whom desperation had induced to run the gauntlet of popular vengeance. It was usually the expectation of reward or immunity from prosecution which accounted for their co-operation. Curran declared that these 'horrid miscreants' were induced to give evidence against their fellows 'by the fear of death and the hopes of compensation'.¹⁵ The motivation of this 'battalion of testimony'¹⁶ did not resound to the credit of the government. John Bird, himself a crown witness who had fled the Castle fold, warned Cooke on 29 January 1798 that if Edward John Newell and Frederick Dutton, two unsavoury characters, were brought forward as crown witnesses against the United Irish leaders then held in confinement, 'the ponderous weight of their crimes must oust their evidence'. Their exhibition in court would disgrace the administration and 'change the fear and dread the people now have of government, into hatred, derision and contempt'.¹⁷ More importantly, the disreputable nature of these men left them open to attack by the defence counsel who were eager to undermine their characters in order to discredit their evidence. William Lawler, crown witness at the Defender trials in Dublin in the winter of 1795-6, was accused in court of being an irreligious man, the implication being that any information he gave on oath could not be trusted.¹⁸ John Cockayne had previously been tried for perjury, although acquitted, and the defence counsel exploited this fact in an attempt to arouse suspicions about the evidence he gave against Rev. Jackson.¹⁹ The

¹⁴ Captain Andrew MacNevin to Edward Cooke, 27/06/1796 (Reb.papers 620/23/197)

¹⁵ Charles Philips, *Curran and his contemporaries*, (London, 1856), p.243

¹⁶ *The Press* 03/02/1798

¹⁷ *The Press* 01/02/1798

¹⁸ *N.S.* 28/12/1795; *F.D.J.* 29/12/1795

¹⁹ Sylvester Douglas to King, 23/10/1794 (P.R.O. H.O.100/52/230-1); [King] to Douglas, 24/10/1794 (Ibid, H.O. 100/52/232-3)

historian J.A. Froude believed that Curran's treatment of the crown witness during Jackson's trial had the effect of deterring others from stepping forward, as he 'stretched Cockayne as painfully as ever the rackmaster of the Tower stretched a Jesuit'.²⁰ At the spring assizes in Enniskillen in 1796, Leonard McNally, defending two men accused of being Defenders and administering an unlawful oath, objected to the use of the testimony of the principal crown witness who had previously been convicted of felony. Even the presiding judge, Justice Chamberlaine, advised the jury that the witness's testimony ought to be received 'with a great degree of caution' as he was 'branded with the conviction of theft'.²¹ Chamberlaine also advised the jury to exercise similar caution when assessing the evidence of James O'Brien, the chief crown witness in the trial of Patrick Finney in January 1798. O'Brien had admitted in court that he had been guilty in the past of several acts of extortion and that he had been a cheat in a number of instances. After pointing to numerous inconsistencies in O'Brien's evidence, Chamberlaine warned the jury that if they felt that the witness had perjured himself, 'even as to a collateral fact', and if he was uncorroborated by other unimpeached evidence, they should reject his entire testimony: '...however strongly you may suspect the prisoner', he declared, 'yet it were better that 100 guilty persons should escape, than make a precedent by which one innocent man might be found guilty upon such testimony'.²²

Those likely to be called as jurymen in political trials were similarly intimidated. They were often sent threatening letters and handbills warning them not to appear at the assizes.²³ Such intimidation of jury members allegedly induced them to acquit known offenders, much to the displeasure of the judiciary.²⁴ Lord Yelverton, for example, was reported to have been so outraged by the decision of a Galway jury to acquit a Defender

²⁰ W.J. Fitzpatrick, *Secret Service under Pitt*, (Dublin, 1892), p.48

²¹ D.E.P. 29/03, 31/03/1796

²² T.B. Howell, *Collection of State Trials*, vol. xxvi, pp.1019-1134

²³ Camden to Portland, 15/04/1797 (P.R.O. H.O.100/69/195-213); C. Warburton to govt., 12/04/1797 (Reb.papers 620/29/223)

²⁴ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland* (1798), appendix ii, p.71

named Burke in the summer of 1795 that he informed the jurors in open court 'that he never wished to see one of their faces again'.²⁵ At the Derry summer assizes in the same year the jury acquitted a prisoner of a capital charge despite a strong intimation from the judge to the contrary. On receiving this sentence, the judge 'burst into an immoderate passion, animadverted in the most pointed terms on the conduct of the jury, and ordered the sheriff to have their names posted up the next day in the public court, as men totally unfit to serve their country in the like capacity again'.²⁶

We have seen in the previous chapter that there were fears among Castle supporters that the intimidatory tactics of the disaffected would effectually neutralise the judicial system. Although the alarms of Irish loyalists were considerably exaggerated in this respect, the government was sufficiently concerned by the situation to attempt to prevent the targeting of witnesses by legislating, under the insurrection act, that the evidence of a maimed or murdered witness was to be admitted as evidence in court.²⁷ Despite this precaution, however, the disaffected still succeeded in targeting those willing to give evidence against them. Many Defenders escaped conviction at an adjournment of the Trim spring assizes in May 1796 after the approver, Thomas Dunn, had been thrown off the top of the gaol by five of his fellow prisoners who then escaped by tying their blankets together.²⁸ Revd. George Macartney reported the existence in county Antrim in October 1796 of 'a determined resolution' to massacre every witness who did his duty.²⁹ As late as November 1797 Pelham reported to London in a tone of heightened alarm that 'the assassination of all informers is part of the system of the United Irishmen'.³⁰

²⁵ Robert Gregory to Alexander Marsden, 02/09/1796 (N.A. S.O.C. papers 1015/24)

²⁶ N.S. 10/09/1795; Leonard McNally to _____, 17/09/1795 (Reb.papers 620/10/121/29)

²⁷ See chapter two pp.56-57.

²⁸ D.E.P. 10/03, 14/05/1796; F.D.J. 14/05/1796

²⁹ Rev. George Macartney to government, 02/10/1796 (Reb.papers 620/26/12)

³⁰ W.E.H. Lecky, *A History of Ireland in the Eighteenth century*, (5vols., London, 1892), iv, p.83; See *supra* p.124 for the murder of

William McCormick, another witness successfully targeted by the disaffected before a court appearance.

The assizes serve as a barometer of the success of the disaffected in their attempts to frustrate the course of justice. In 1796 the first attempts were made by the Inspector General of the Irish prison service to compile returns from every county in Ireland of the number of prisoners tried, the nature of their offence, and the punishment they received. A compilation and analysis of these returns allows one to gauge the government's performance at the assizes in this period. They reveal that from 1796 to the spring of 1798 the average national conviction rate for all offences (political and non-political) never rose higher than 31%. The average conviction rate for purely political offences never rose above 35%, and dropped as low as 18% at the spring assizes in 1797. Perhaps the most revealing statistic in this respect, however, is the fact that of those prisoners tried for political offences* the average number who received capital convictions peaked at 18% and was at times as low as 3%.³²

The United Irishmen in particular, proved particularly adept at intimidating those scheduled to appear as witnesses or jurors in cases involving their members. Their influence over legal proceedings at the assizes began to become apparent as their organisation began to spread from its original heartland in county Antrim into surrounding areas. This is perhaps first noticeable at the summer assizes in neighbouring Derry in 1796, when every United Irishman tried was acquitted.³³ Intimidatory tactics played a crucial role in this outcome. Before the assizes had begun, the government had been warned that the county was 'ripe for revolt', and that the ill-disposed were

* From 1797 the returns compiled in most counties list the offence charged against those brought to trial, which makes it possible to examine the conviction rate in trials for purely political offences. A note of caution must be introduced here, however, as it is often difficult to distinguish in the late eighteenth century between political and other offences. For example, I have excluded those crimes listed under the appellation 'burglary' or 'felony' while including those under the title of administering or taking illegal oaths, timber-cutting, seducing soldiers, taking arms, or those which have been marked with the appellation 'United Irishman'.

³² See appendix ii at the end of this chapter.

³³ Nancy J. Curtin, *The United Irishmen: Popular politics in Ulster and Dublin, 1791-8*, (Oxford, 1994), p.83

preparing themselves to bribe evidences to vilify the characters of the crown witnesses.³⁴ Many of those summoned to form the juries refused to attend for fear of the consequences.³⁵ Rev. James Jones warned that it would be in vain to try anyone in Derry for being a United Irishman anymore, 'as they are well supplied with money; any sum would be advanced to buy off an evidence and threats are plentifully made use of to intimidate which have a great effect here'.³⁶ Cooke blamed the sheriffs of the county for the 'many blunders' at the Derry assizes. He advised Sir George Hill that 'unless some means may be found of obtaining a list of the untainted freeholders of the county' before the next assizes, 'all trial will be in vain'.³⁷

The following assizes, in the spring of 1797, were a source of discomfort for the Camden administration, and marked a significant triumph for the United Irishmen. The amalgamation of the United Irish and Defender organisations was underway before the appearance of the French at Bantry Bay in December 1796, but that event served as an enormous recruiting boost to the numbers of the disaffected. As the United Irishmen began to penetrate beyond Ulster, a move made easier by their links with the Defenders, they began to enjoy greater influence over a wider area than ever before. The extent of their influence and the success of their intimidatory tactics was clearly manifested at the 1797 spring assizes. The national average for convictions in trials of all kinds (i.e. political and non-political crime) dropped from 26% in 1796 to 20%. The conviction rate for purely political offences was similarly low, at 18%, while the percentage of those tried for political offences who received capital convictions was only 3%.³⁸ The intimidatory tactics of the United Irishmen were most visible and most successful in Ulster. Jurors were targeted by threatening letters and handbills warning them not to

³⁴ Rev. James Jones to Cooke, 29/07/1796 (Reb.papers 620/24/61)

³⁵ Thomas Kemmis to government, 06/08/1796 (Reb.papers 620/24/94); Sir George Hill to Cooke, n/d (Ibid. 620/24/112)

³⁶ Rev. James Jones to Cooke, n/d (Reb.papers 620/24/108)

³⁷ Cooke to Sir George Hill, 24/11/1796 (P.R.O.N.I. Hill of Brookhall papers D.642/A/9/5)

³⁸ See appendix i to this chapter.

appear at the assizes.³⁹ One such handbill requested the juries of Down and Antrim to think as men, and not as the tools of government.⁴⁰ Chichester Skeffington, high sheriff of county Antrim, received an anonymous letter written 'by no vulgar hand' which approved of his conduct and impartiality hitherto and desired him to continue it, 'for, if he dared to pack a jury, his blood should answer it'. He advised the government not to try those confined on charges of high treason at Carrickfergus as it would be difficult to find a jury to convict them. He would endeavour to select the best men the county afforded, but he feared that 'the system of terror that has for some time existed will deter the well affected from doing their duty'.⁴¹ The success of these threats was exhibited across the province in the difficulty encountered by the high sheriffs in returning juries.⁴² Lord Abercorn's agent complained from the Omagh assizes: 'Although the sheriff was peculiarly careful to summon respectable and proper jurors, few have attended, and those chiefly who were somehow connected with the prisoners: the others absented themselves and preferred paying a fine rather than be exposed to subsequent marks of resentment by a faithful discharge of their duty'.⁴³ Those who did consent to act as jurors across the province proved extremely unwilling to capitally convict.⁴⁴ Thomas Lane, land agent to Lord Downshire, reported to his employer after attending the assizes at Armagh and

³⁹ Robt. Sparrow to Camden, 02/04/1797 (K.A.O. Pratt papers U840/0158/2/2); Alex. Ker to govt., 09/04, C. Warburton to govt., 12/04/1797 (Reb.papers 62029/201, 223); Camden to Portland, 15/04/1797 (P.R.O. H.O.100/69/195-213); *F.L.J.* 19/04/1797

⁴⁰ Handbill addressed to the Jurors of the counties of Antrim and Down, 29/04/1797 (Reb.papers 620/29/335)

⁴¹ Chichester Skeffington to government, 27/03/1797 (N.A. S.O.C. papers 1016/1); Mrs. McTier to Drennan, c.March 1797 (*The Drennan Letters 1776-1819*, ed. D.A. Chart, Belfast, 1931, p.254)

⁴² Andrew Newton to _____, 04/04/1797 (Reb.papers 620/29/196 - enclosure); John Beresford to Cooke, 11/04/1797 (*Ibid.* 620/29/216); Camden to Portland, 15/04/1797 (P.R.O. H.O.100/69/195-213); *D.E.P.* 20/04/1797

⁴³ James Hamilton to Abercorn, 04/04/1797 (P.R.O.N.I. Abercorn papers T.2541/1A2/6/21)

⁴⁴ Thomas Lane to John Patrickson, 19/04/1797 (P.R.O.N.I. Downshire D.607/E/250); *Facts which occurred in the neighbourhood of Derry from August 1796 the whole attested on oath before Sir George Hill* (P.R.O.N.I. Hill of Brookhall papers D.642/A/16/16); *S.N.L.* 26/04, 05/05/1797; *F.L.J.* 29/04/1797

Downpatrick that the juries 'either will not or dare not do their duty'. Even the fact that one of the judges on circuit, Baron George, stated 'the necessity of juries doing their duty', was ignored by those who had been summoned to act in that capacity.⁴⁵ One loyalist observer at Omagh commented sarcastically that 'the clearest and most satisfactory evidence of guilt, always ensured an acquittal'.⁴⁶ The reluctance of juries to convict those tried on capital charges is reflected in the fact that of those tried for political offences in Ulster only 2% were capitally convicted.⁴⁷ Similar intimidation was practised upon those scheduled to appear as crown witnesses, and the United Irish success in this respect is revealed by the number who contradicted their own testimony. Sir George Hill reported from Derry that the chief crown witnesses 'were so threatened and terrified, that they denied everything and the prisoners were released'.⁴⁸ Scarcely a witness appeared at Monaghan 'who did not go back from the deposition which they had given before the magistrates'. The crown lawyers ended up putting two of their own witnesses in the dock and prosecuting them for perjury.⁴⁹ These scenes were mirrored across the province. Some simply absconded, some denied the examinations they had previously sworn, while others failed to identify the men against whom they had sworn examinations.⁵⁰ Four men accused at Downpatrick of cutting down trees on Lord Annesley's estate were acquitted when the witness against them drunkenly declared that he was ignorant of the nature of his own testimony which was to be brought forward.⁵¹ At Lifford John Diver was indicted for administering the United Irish oath to James

⁴⁵ T.Lane to John Patrickson, 19/04, T.Lane to Downshire, 20/04, 01/05/1797 (P.R.O.N.I. Downshire D.607/E/250, 252, 255)

⁴⁶ James Hamilton to Abercorn, 22/04/1797 (P.R.O.N.I. Abercorn papers T.2541/1A2/6/22)

⁴⁷ See appendix iii to this chapter.

⁴⁸ *Facts which occurred in the neighbourhood of Derry from August 1796* (P.R.O.N.I. Hill of Brookhall papers D.642/A/16/16)

⁴⁹ A.Ker to govt., 09/04/1797 (Reb.papers 620/29/201); J.Beresford to Cooke, 11/04/1797 (Ibid.620/29/216); *F.L.J.* 19/04/1797

⁵⁰ *F.L.J.* 22/04, 29/04/1797; *S.N.L.* 26/04, 05/05/1797

⁵¹ John Macartney to government, 26/04/1797 (Reb. papers 620/29/324); *S.N.L.* 28/04, 05/05, 06/05/1797; *D.E.P.* 04/05/1797;

Thomas Lane to Downshire, 01/05/1797 (P.R.O.N.I. Downshire D.607/E/255)

McGlashkin. When McGlashkin, on whose information the prisoner had been apprehended, denied any knowledge of the transaction, the prisoner was acquitted, and McGlashkin himself was immediately committed to be tried for perjury.⁵²

The success of the strategy adopted by the disaffected is revealed most clearly in the numbers of those tried for United Irish or Defender related offences who were acquitted. There were widespread acquittals of such individuals at Carrickfergus, Monaghan, Derry, Downpatrick, Lifford and Drogheda.⁵³ Almost all those tried on similar charges at Omagh were acquitted. Others who had been charged with capital offences were indicted for misdemeanours so that they would be at least liable for transportation.⁵⁴ Thomas Lane noted that 'the prevarication of the evidence, the rascality of the jury and the insulting declamation of Messrs. Curran and Sampson, rendered every exertion abortive at Armagh'. Out of twenty-eight people in the county jail charged with United Irish offences, only two were brought forward and both were acquitted. During the second of these trials the United Irish oath was produced, and in a speech of an hour and three quarters Curran defended both the oath and the society. He claimed that 'instead of being a system of organised treason and murder', as the government claimed, the oath was instead 'a great bond of national union, founded upon the most acknowledged principle of law, and every sacred obligation due to our country and creator'. Despite a contrary conclusion by the judge, Baron George, who declared that the oath was illegal, the jury proceeded to acquit the prisoner.⁵⁵ The consequence was

⁵² *F.L.J.* 26/04/1797

⁵³ Alexander Ker to govt., 09/04, J. Macartney to govt., 26/04/1797 (Reb.papers 620/29/201, 324); *S.N.L.* 10/04, 26/04, 28/04, 05-06/05/1797; *D.E.P.* 20/04, 22/04, 25/04, 04/05/1797; John Beresford to Cooke, 11/04/1797 (Ibid. 620/29/216); Camden to Portland, 15/04/1797 (P.R.O. H.O.100/69/195-213) Thomas Lane to Downshire, 01/05/1797 (P.R.O.N.I. Downshire D.607/E/255)

⁵⁴ Andrew Newton to _____, 04/04/1797 (Reb.papers 620/29/196 - enclosure); Camden to Portland, 15/04/1797 (P.R.O. H.O. 100/69/195-213); *D.E.P.* 20/04/1797

⁵⁵ T.Lane to J.Patrickson, 19/04, T.Lane to Downshire, 20/04/1797 (P.R.O.N.I. Downshire D.607/E/250, 252); *S.N.L.* 22/04/1797

that the conviction rate for political offences at the spring assizes in 1797 were lower in Ulster than in the rest of the kingdom (as they remained throughout this period).⁵⁶

The experience of the spring assizes of 1797 was a source of serious concern to the administration. Thomas Lane concluded that they had served to render the mass of the people 'more and more audacious'.⁵⁷ Dean Charles Warburton of Loughgilly in county Armagh prophesied that 'the game is nearly up in the north'.⁵⁸ The collapse of the state's judicial proceedings prompted Brigadier-General John Knox, commanding officer in mid-Ulster, to recommend that at all costs 'means must be found to avoid trials by jury'.⁵⁹ Portland was also concerned by the spectacle of mass acquittals. He enquired of Camden on 12 June whether it would be advisable to pass an act enabling the Irish government to depart for a certain time from the established rule of law, and enable it to try seditious offences in any county of the kingdom. This had previously been found necessary in Britain, most recently during the 1745 rebellion.⁶⁰ Camden's advisers were determined to avoid resorting to such a measure, not only from its unpopularity but from its probable inefficacy, as when a similar tactic had been attempted for trying offenders belonging to the hearts of steel movement in the 1770s, the Dublin juries had refused to convict. Camden was persuaded to try the experience of another assizes before implementing an act of this kind.⁶¹

The government took greater precaution in preparing those cases it wanted to try at the next assizes. In July 1797 Joseph Pollock, assistant barrister for county Down, was dispatched to Belfast and Carrickfergus, and the future judge, Robert Day, was sent to the counties surrounding the capital, in an effort to make the crown prosecutions at the

⁵⁶ See appendices ii and iii to this chapter.

⁵⁷ Thomas Lane to Downshire, 01/05/1797 (P.R.O.N.I. Downshire D.607/E/255)

⁵⁸ Dean Charles M. Warburton to government, 12/04/1797, n/d (Reb.papers 620/29/223, 242)

⁵⁹ Brigadier-Gen. John Knox to Pelham, 04/04/1797 (Reb.papers 620/29/177)

⁶⁰ Portland to Camden, 12/06/1797 (P.R.O. H.O.100/72/29-30)

⁶¹ Camden to Portland, 17/06, 25/07/1797 (P.R.O. H.O.100/69/395-6, 72/142-5)

ensuing assizes more efficient. Pollock was directed to identify the degree of evidence against the prisoners in the jails and estimate the probability of their conviction if their trials were proceeded in. He could then brief the attorney general when he arrived upon the scene.⁶² On 9 August Pollock advised Cooke that some prisoners confined solely on suspicion, and with little chance of finding evidence against them, should be dismissed.⁶³ The release of such individuals was a bitter pill for some loyalists to swallow. It angered General Lake, who believed that the release of suspects without trial was of 'great disservice' and served only to encourage others in treasonable practices.⁶⁴ When Day visited Naas jail in August he decided to release a number of prisoners who had been confined on very little evidence. By this means, he reported, 'the judges are relieved of much fruitless trouble, the county of the burden of maintenance and the fees of acquittal, and (what is more essential) the crown of the mortification and mischief of many defeats'. He hoped that those prisoners he had discharged, who would have been acquitted anyway, would carry home with them an impression of the moderation and mercy of the government they were taught to abhor rather than the sense of triumph which they would have gained from their acquittal. At Philipstown he held 'a bed of justice' and released on bail about half of 'the wretches cooped up and crammed upon each other like barrelled herrings in this vile gaol'. At Mullingar he had 'no scruples to indulge in mercy, because the lust of plunder was a short lived fever, on which lenient means may satisfactorily be tried'.⁶⁵

In consequence of the greater preparation taken to prepare cases, and the decision to prosecute only those cases which had a chance of success, the summer assizes in 1797 were more satisfying for the government. The home circuit, consisting of counties Meath, Westmeath, Carlow, Kildare, Queen's county and King's county,

⁶² Cooke to Joseph Pollock, 22/07/1797 (Reb.papers 620/31/265); Joseph Pollock to Cooke, 24/07/1797 (Ibid. 620/31/272)

⁶³ Joseph Pollock to Cooke, 09/08, 18/08/1797 (Reb. papers 620/32/31, 34/16)

⁶⁴ Lieutenant-General G. Lake to government, 14/08/1797 (Reb.papers 620/32/46)

⁶⁵ Robert Day to Cooke, 02, 04/08, Robert Day to Arthur Wolfe, 16/08/1797 (Reb.papers 620/32/68, 34/14)

produced forty-six capital convictions⁶⁶, and the Ulster assizes produced between forty and fifty more, the majority of which were for political offences. Several of those capitally convicted were immediately executed, but the judges recommended the respite of others from time to time, in order to keep them 'as hostages for the good behaviour of the neighbourhood in which their crimes were committed'.⁶⁷ The national average for convictions secured in all cases tried rose from 20% at the spring assizes, to 29%, while the conviction rate for political offences rose by 14% to 32%. More significantly, 18% of those brought to trial for political offences were capitally convicted, a rise of 15% on the spring assizes.⁶⁸ Despite the obvious upturn in the government's fortunes, however, there was still some cause for concern among the loyalist community. Although the number of capital convictions for political offences rose in Ulster from 2% at the spring assizes to 17%⁶⁹, a large number of political prisoners were acquitted. This was a consequence of the large number of arrests which had been made in the province after areas in several counties were proclaimed under the insurrection act. In addition, the disarmament of Ulster, which began in March 1797, served to further crowd the jails and tenders of the north. Many of those confined were arrested without sufficient evidence to support charges against them. At Downpatrick, for example, the prisoners charged with high treason were all bailed, as the attorney general found the evidence upon which they were confined so suspicious that he could not initiate proceedings against them.⁷⁰ A number of prisoners had to be bailed at Monaghan owing to the non appearance of an informer who was the sole witness against them. Even Wolfe admitted that this informer was 'a man of bad character', who had 'certainly charged men not only innocent, but meritoriously

⁶⁶ D.E.P. 12/09/1797

⁶⁷ Camden to Portland, 06/10/1797 (P.R.O. H.O.100/72/283-6)

⁶⁸ See appendix i to this chapter.

⁶⁹ See appendices ii and iii to this chapter.

⁷⁰ Thomas Lane to Downshire, 01/10/1797 (P.R.O.N.I. Downshire D.607/E/319)

active in resisting and detecting sedition'.⁷¹ There was much dissatisfaction among government supporters at the acquittal at Derry of William McKeever, alias Campbell, who had been charged with high treason. McKeever was reported to be 'the great leader of the Defenders and United Irishmen' in counties Armagh, Tyrone, Antrim and Derry'⁷² as well as being a member of the Ulster provincial committee.⁷³ Sir George Hill blamed the presiding judge who had allowed the crown witness, Grey, to be discredited 'upon the merest trifle of difference' from the information he had originally sworn. Hill believed that 'it should not have weighed a particle against Grey's testimony' if the judge had put it properly in perspective.⁷⁴ Hill's frustration was echoed at the Castle, with Cooke informing the baronet: 'your fine, scrupulous balancing judges are great nuisances, there never yet was an evidence in which there was not some hitch'.⁷⁵ The judges at Omagh were angered at the conduct of the juries who 'invariably acquitted every United Irishman tried and on the clearest evidence of guilt'.⁷⁶ There were also complaints from southern loyalists about 'the bungling manner' in which the prosecutions had been conducted at the Cork assizes. Twelve men were acquitted when the principal informer, who had been induced to appear after having received twenty guineas from Brigadier-General Coote with the promise of another hundred and the Surveyorship of Beerhaven, escaped from the court house. Another informer was tried for perjury, convicted and sentenced to seven years transportation. Although over 100 bills of indictment were found, there were only seven convictions, none of which were capital. Lord Shannon complained that the acquittal of so many people had caused much discontent in the

⁷¹ Arthur Wolfe to Cooke, 01/09/1797 (Reb.papers 620/32/93)

⁷² F.D.J. 16/06/1796

⁷³ D.E.P. 23/09/1797; Charles Dickson, *Revolt in the North. Antrim and Down in 1798*, (Dublin, 1960), pp.177-8. For more on Campbell see chapter four pp.177-178.

⁷⁴ Sir George Hill to _____, 12/09/1797 (Reb.papers 620/32/114)

⁷⁵ Cooke to Sir George Hill, 16/09/1796 (P.R.O.N.I. Hill of Brookhall papers D.642/A/9/26)

⁷⁶ James Hamilton to Abercom, 21/09/1797 (P.R.O.N.I. Abercom papers T.2541/1A2/6/45)

county, and had discouraged gentlemen from exerting themselves in the cause of law and order. They could not be persuaded that there had been a serious wish for convictions, and they were unwilling to make themselves objects for assassination where no public benefit was likely to follow.⁷⁷ Lord Downshire, who possessed an estate near Blessington, was furious over the conduct of one of the judges presiding at the Wicklow assizes. William McCormick, who had been scheduled to appear as evidence against a man charged with having administered the United Irish oath to him, was murdered shortly before the assizes began. Under the insurrection act his information should have been admitted as evidence in court, but the judge had informed the jury that as McCormick was a deserter from the army he was a perjured man whose evidence could not be trusted. Those arrested on his evidence were acquitted, in Downshire's opinion, 'to the great joy of all United Irishmen'.⁷⁸ John Pollock, crown prosecutor for Leinster, wrote that the assizes at Naas witnessed 'a most decided and unequivocal determination to subvert the king's government'. In every case relating to the disturbances, the prisoner was supported by the countenance of the radical Lord Edward Fitzgerald, Valentine Lawless (the future Lord Cloncurry) and every catholic on the grand jury. There were 'notorious and decided rebels on the grand jury' who disclosed the evidence of the crown to the prisoners, and openly encouraged refractory jurymen.⁷⁹ When the jury failed to find a verdict in the trial of John O'Brien, who was charged with administering the United Irish oath, the presiding judge, John Toler, ordered that they be carried in kishes to the verge of Queen's county and discharged. Lord Edward was one of the multitude who accompanied the jury.⁸⁰

The government's recovery at the summer assizes must owe something to the strain placed upon United Irish finances by the widespread arrests of its members during

⁷⁷ *The Press* 18/11/1797, 25/01/1798; Lord Shannon to _____, 12/11/1797 (Reb.papers 620/33/41)

⁷⁸ Downshire to Pitt, 26/08/1797 (P.R.O. Chatham papers 30/08/326/202-3)

⁷⁹ Joseph Pollock to [Cooke], 30/08/1797 (Reb.papers 620/32/89)

⁸⁰ P.O'Kelly, *General History of the Rebellion of 1798*, (Dublin, 1842), p.21

the disarmament of Ulster in the spring of 1797. As the number of United Irish prisoners increased, it became increasingly difficult to raise sufficient funds to pay for their defence.⁸¹ This strain was evident before the advent of the summer assizes, when Leonard McNally, a government spy who earned his living as a radical lawyer, observed that 'great economy' was employed in dispensing funds to fee defence counsel.⁸² Before the onset of the spring assizes in 1798 the situation had further deteriorated for the radicals. By December 1797 the expense of maintaining the state prisoners in Dublin and preparing for their trials had stretched United Irish finances to breaking point. In desperation the Ulster provincial committee contemplated the formation of a lottery in order to raise funds.⁸³ McNally reported to the government on 26 December that 'the finance for defending prisoners in Dublin is entirely exhausted - Neither [Henry] Jackson or [Oliver] Bond will advance more - and a subscription set on foot a few days ago has failed - The counsel have not got a single guinea'.⁸⁴ Although subscriptions were still being levied in some areas in 1798 for the defence of United Irish prisoners⁸⁵, it was impossible to raise sufficient funds to cope with the demand, and this served to strengthen the government's position.

In preparation for the spring assizes of 1798, the government continued to carefully prepare its cases and ensured that only those with a reasonable prospect of success were brought forward. Counsellor Robert Johnson had been sent on a tour of Wexford, Waterford and Cork in January 1798 'to examine into all the informations and commitments made by magistrates...of Defenders, and make report to government'.⁸⁶

⁸¹ Information of Thomas Boyle, 10/02/1797/8 (Reb.papers 620/18/03)

⁸² Leonard McNally to _____, 18/09/1797 (Reb.papers 620/10/121/75); P.R.O.N.I. Cleland-Magin papers D.714/2/6b; For more on McNally see chapter four pp.179-180.

⁸³ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland* (1798), appdx. xiv, pp.143-4

⁸⁴ McNally to J.Pollock, 26/12/1797 (Reb.papers 620/10/121/85)

⁸⁵ McNally to _____, 21/05/1798 (Reb.papers 620/10/121/103)

⁸⁶ Robert Johnson to Downshire, 15/01/1798 (P.R.O.N.I. Downshire D.607/F/16)

Despite the care taken by the administration in its preparation of prosecutions, however, the spring assizes produced mixed fortunes to the Camden regime. The national average for convictions of all offences rose slightly to 31%, and the conviction rate for political offences rose to 35%. While it was impossible to equal the 18% capital conviction rate for political offences at the summer assizes of the previous year, the 10% national average was still satisfactory.⁸⁷ The government's efforts to rally the loyalist community in the south of the kingdom, especially in the counties surrounding the capital, was evident in the number of capital convictions secured. There were, for example, eleven at Carlow⁸⁸, thirteen at Maryborough⁸⁹, thirteen at Philipstown⁹⁰ and eight at Mullingar.⁹¹ Further south, there were eight capital convictions at Cork.⁹² These assizes were not entirely to the Castle's credit, however. The increase of the number of capital convictions was often made at the expense of judicial impartiality. Even McNally questioned the validity of the proceedings at the Maryborough assizes in Queen's county. He believed that many of the convictions were not so much owing to conclusive evidence as to a predetermination on the part of loyalist dominated juries to make examples. The defences set up by the prisoners were too often treated with 'inattention, laughter and contempt' while everything alleged against them was received as truth. Although working covertly for the government, even McNally recognised that this was a source of serious grievance among the lower orders, in whom it had instilled more resentment than terror. They considered the sufferers as objects of vengeance rather than of justice. The introduction of Orange principles among the gentry was evident in the orange ribbons and rings with orange emblems sported by some gentlemen of fortune.

⁸⁷ See appendix i to this chapter.

⁸⁸ *FLJ*. 28/03, 31/03/1798

⁸⁹ *S.N.L.* 13/04/1798

⁹⁰ *S.N.L.* 13/04, 20/04/1798

⁹¹ *S.N.L.* 21/04/1798

⁹² *F.D.J.* 21/04/1798

McNally commented that 'such ensigns of enmity' were not conducive to conciliation, and asked his employers at the Castle if they served any good purpose.⁹³ With events at Maryborough in mind, Camden informed Portland on 23 April 1798 that if any fault was to be found with the administration of justice at the assizes, 'it is that the juries were almost too anxious to convict'.⁹⁴

In addition, there was still some reason for discontent among supporters of the Camden administration. The conviction rate for all offences remained lower in Ulster than in the rest of the kingdom, 22% compared to 34%. More significant, however, was the spectacle of numerous acquittals for political offences in the northern province. At Downpatrick, for example, there were large scale acquittals of individuals charged with high treason.⁹⁵ The conviction rate for such offences dropped from 25% at the summer assizes in 1797 to a derisory 6%. This was the lowest rate recorded in the period from the spring of 1797 to the outbreak of rebellion. The rest of the kingdom witnessed a conviction rate of 41%. In addition, the percentage of those tried for political crimes who were capitally convicted dropped to 2% in Ulster, compared with 12% in the rest of the kingdom.⁹⁶ Loyalist frustration was not solely confined to the north of Ireland. In certain southern counties, there was considerable anger at the lack of capital convictions for political offences. Almost thirty people were discharged at Naas for want of prosecution.⁹⁷ John Lees, secretary to the general post office, felt that Judge Finucane, who presided at the Cork assizes, was 'disposed to play the modern patriot', and he blamed him for the release of Roger O'Conner, brother of the radical leader, Arthur. Lees expected that the grand jury at Cork would report his conduct to the government.⁹⁸

⁹³ Leonard McNally to _____, 21/05/1798 (Reb.papers 620/10/121/103)

⁹⁴ Camden to Portland, 23/04/1798 (P.R.O. H.O.100/76/122-9)

⁹⁵ D.E.P. 12/04/1798; S.N.L. 21/04/1798

⁹⁶ See appendices ii and iii to this chapter.

⁹⁷ D.E.P. 27/03/1798

⁹⁸ John Lees to Lord Auckland, 14/04/1798 (B.L. Auckland papers Add.Ms. 34,454, 221)

Lord Shannon felt that Finucane should be removed from the bench for his conduct at Cork.⁹⁹ There was similar anger at Waterford at the manner in which Judge Yelverton had conducted business at the assizes in that county. Certain prisoners scheduled for trial had claimed protection under the proclamation of 17 May 1797, which pardoned those guilty of certain categories of political offences who were prepared to take the oath of allegiance. Yelverton had requested an adjournment in order to seek the government's advice on this subject. Sir Richard Musgrave canvassed Castle opinion against Yelverton's ruling, as it 'must tend to obstruct the cause of justice, and consequently injure the peace of this country'. Musgrave claimed that the loyalists of the county had gone to great expense to collect evidence against these men and to protect their informers. All their efforts would be undone if Yelverton's decision was upheld, 'by discharging without trial, a number of villains, who have been guilty of the most atrocious crimes'.¹⁰⁰ Counsellor Robert Johnson, who had been sent to Waterford to conduct such prosecutions as might be deemed necessary by the crown, was of opinion that the result of the adjournment was that 'all the witnesses who had been collected with much difficulty and some hazard are dispersed and probably will never be got together again'.¹⁰¹ John Beresford, foreman of the Waterford grand jury, was angry at the acquittal of one man in particular whom Yelverton had released 'on a whim'.¹⁰² Yelverton was also partly blamed for the 'prosecution catastrophe and wholesale release of prisoners' in counties Wicklow and Wexford.¹⁰³ The jails of both counties were reported to be crowded with prisoners charged with high treason, the majority of whom were detained on the information of an informer, John Cooper. Cooper was an inhabitant of the barony

⁹⁹ Lord Shannon to Lord Boyle, 14/04/1798 (Quoted in Esther Hewitt ed., *Lord Shannon's letters to his son: A Calendar of Letters written by the Second Earl of Shannon to his son Viscount Boyle, 1790-1802*, Belfast, 1982, p.83)

¹⁰⁰ Sir Richard Musgrave to Cooke, 05/04, 06/04/1798 (Reb.papers 620/36/128, 131)

¹⁰¹ Robert Johnson to Cooke, 09/04/1798 (Reb.papers 620/36/154)

¹⁰² John Beresford to Lord Auckland, 10/04/1798 (B.L. Auckland papers Add.Ms.34,454, 212-5)

¹⁰³ L.M.Cullen, 'The Politics of Crisis and Rebellion, 1792-8', p.8

of Shillelagh, who had begun to give information to the authorities in the first week of December 1797. He was rumoured to have been an English convict before becoming a gelder and was reported by contemporary polemicists to have been 'adept at every kind of villainy'.¹⁰⁴ Miles Byrne claimed in his *Memoirs* that Cooper had been beaten up by one Whelan and was persuaded by 'an Orange magistrate' that his best means of obtaining revenge was to swear that Whelan was a United Irishman. Cooper followed his advice and a number of men were arrested on his information and sent to Wicklow and Wexford jails.¹⁰⁵ Both Major Hardy, commanding officer in Wicklow, and Thomas Kemmis, the crown solicitor, were not optimistic that Cooper's character and evidence were sufficient to secure convictions. Hardy warned Cooke on the second day of the assizes that Cooper's evidence was not supported and 'his character doubtful if not worse'.¹⁰⁶ Hardy's fears were confirmed when the first four defendants were acquitted at the outset. Under cross examination by Curran, Cooper was revealed to be an individual named Morgan who had been transported for ten years for robberies and other crimes and who had only recently returned to the kingdom. The cases against the remaining eighty-six prisoners appear to have been quashed by Yelverton's direction.¹⁰⁷ This angered Major Hardy who reported to the Castle that the release of 'so many scoundrels' had given 'great courage to the disaffected'. Hardy also sharply criticised the county magistrates for having made wide-scale arrests without sufficient evidence.¹⁰⁸ The result of the Wexford assizes was hardly more encouraging. Cooper, disgraced by the debacle

¹⁰⁴ *S.N.L.* 23/03/1798; Edward Hay, *A History of the Rebellion in the county of Wexford, A.D. 1798*, (Dublin, 1803), pp.51-2; N.L.I.

Cullen papers Ms. 9761,161-2; Wm. Wainwright to Fitzwilliam, 10/12/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

¹⁰⁵ *Memoirs of Miles Byrne, edited by his widow*, (2vols, 1863), vol. i, pp.28-9

¹⁰⁶ Major Joseph Hardy to Cooke, 20/03/1798 (Reb.papers 620/36/32)

¹⁰⁷ *F.L.J.* 24/03, 28/03, 31/03/1798; *D.E.P.* 24/03/1798 (Quoted by L.M. Cullen, 'Politics and Rebellion in Wicklow in the 1790s' in

Ken Hannigan and Wm. Nolan, eds. *Wicklow: History and Society. Interdisciplinary Essays on the History of an Irish County*,

Dublin, 1994); *Memoirs of Miles Byrne*, i, pp.28-9

¹⁰⁸ Major Joseph Hardy to Cooke, 04/04/1798 (Reb.papers 620/36/123)

of Shillelagh, who had begun to give information to the authorities in the first week of December 1797. He was rumoured to have been an English convict before becoming a gelder and was reported by contemporary polemicists to have been 'adept at every kind of villainy'.¹⁰⁴ Miles Byrne claimed in his *Memoirs* that Cooper had been beaten up by one Whelan and was persuaded by 'an Orange magistrate' that his best means of obtaining revenge was to swear that Whelan was a United Irishman. Cooper followed his advice and a number of men were arrested on his information and sent to Wicklow and Wexford jails.¹⁰⁵ Both Major Hardy, commanding officer in Wicklow, and Thomas Kemmis, the crown solicitor, were not optimistic that Cooper's character and evidence were sufficient to secure convictions. Hardy warned Cooke on the second day of the assizes that Cooper's evidence was not supported and 'his...character doubtful if not worse'.¹⁰⁶ Hardy's fears were confirmed when the first four defendants were acquitted at the outset. Under cross examination by Curran, Cooper was revealed to be an individual named Morgan who had been transported for ten years for robberies and other crimes and who had only recently returned to the kingdom. The cases against the remaining eighty-six prisoners appear to have been quashed by Yelverton's direction.¹⁰⁷ This angered Major Hardy who reported to the Castle that the release of 'so many scoundrels' had given 'great courage to the disaffected'. Hardy also sharply criticised the county magistrates for having made wide-scale arrests without sufficient evidence.¹⁰⁸ The result of the Wexford assizes was hardly more encouraging. Cooper, disgraced by the debacle

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¹⁰⁷ F.L.J. 24/03, 28/03, 31/03/1798; D.E.P. 24/03/1798 (Quoted by L.M. Cullen, 'Politics and Rebellion in Wicklow in the 1790s' in

Ken Hannigan and Wm. Nolan, eds. *Wicklow: History and Society. Interdisciplinary Essays on the History of an Irish County*,

Dublin, 1994); *Memoirs of Miles Byrne*, i, pp.28-9

¹⁰⁸ Major Joseph Hardy to Cooke, 04/04/1798 (Reb.papers 620/36/123)

at Wicklow was not brought forward as a crown witness, and a large number of prisoners he had sworn against were bailed.¹⁰⁹ Another man scheduled to appear as a crown witness was Joseph Murphy, who had given information about several prisoners whom he alleged were United Irishmen. Edward Hay dismissed him as 'a creature of such idiot aspect, that it was impossible, even at first view, not to conclude him destitute of common intellect'. The crown solicitor, Kemmis, only ventured one trial upon his evidence. When Murphy appeared in the box, his testimony was almost instantly discredited and the prisoner immediately acquitted. The rest of those held upon his information were then released without trial.¹¹⁰

(3)

What the government ideally wanted in the courtroom was clear cut capital convictions which could be exploited for political ends, like those of the county Meath Defender leader Lawrence O'Connor in August 1795, and of the several Defenders tried in Dublin in the winter of 1795-6. The papers found upon O'Connor at the time of his arrest, and the evidence supplied by William Lawlor, crown witness at the Defender trials, served to reveal the extent of the threat facing the establishment.¹¹¹ The Castle patronised *Faulkner's Dublin Journal* exulted on 31 December 1795 that Lawlor's testimony at the trial of the Defender committeeman James Weldon had proved that under various denominations, 'treasonable clubs were held in the private streets and environs of Dublin'. It claimed that the 'democrats' could no longer deny that a dangerous conspiracy had been detected in the kingdom by the vigilance and activity of the government. 'How', it asked, will the apologists for Defenderism (no longer able to deny its existence) reconcile such a declaration to their new style of arguments, that the

¹⁰⁹ *Memoirs of Miles Byrne*, i, p.30

¹¹⁰ Edward Hay, *History of the Irish Insurrection of 1798*, pp.30-1

¹¹¹ *C.J.* 10/09/1795; *F.D.J* 31/12/1795

Defenders are merely robbers, who have no political intention in their depredations, nor no political objects in their view'.¹¹² Such evidence could also be employed in parliament to justify the adoption of a tough law and order policy. The convictions of O'Connor and Weldon were later employed by the government in the house of commons in October 1796 to prove the extent of the disaffection in the kingdom as justification for the suspension of the *habeas corpus* act.¹¹³ It was also hoped that the public execution of such offenders would serve to deter others from following the same path. Camden ordered O'Connor's head to be placed on a spike on the top of Naas jail, as a visible reminder in a turbulent county that crime did not pay.¹¹⁴

The opportunities for such propaganda were rare, however, and when the government was successful in the headline trials of the 1790s there were usually attendant circumstances which soured the fruits of victory. An examination of three such cases will highlight this point. The first involved Archibald Hamilton Rowan who was convicted in January 1794 of distributing a seditious libel. Rowan was sentenced to two years imprisonment, a fine of £500 and security for good behaviour for seven years - himself in £2,000 and two others in £1,000 each.¹¹⁵ The Castle's success in this case was weakened, however, by several circumstances surrounding the trial which did not redound to its credit and served to undermine the strength of the conviction. In the first instance, it took the government more than a year to bring Rowan to trial.¹¹⁶ This delay allowed the defence counsel to allege that the authorities were deliberately dragging their heels in order to allow time for the vilification of Rowan's character in the Castle newspapers. Curran, acting on Rowan's behalf, suggested that it had been found necessary 'to heat the public mind by misrepresentation' in an attempt to prejudice the

¹¹² *F.D.J.* 31/12/1795, 19/03/1796

¹¹³ *F.D.J.* 31/05, 03/06/1794, 18/10, 20/10/1796; *N.S.* 10/10, 17/10/1796

¹¹⁴ Camden to Portland, 09/09/1795 (P.R.O. H.O.100/58/298-301)

¹¹⁵ *N.S.* 30/01, 06/02/1794; *Autobiography of Archibald Hamilton Rowan, Esq.*, ed. W.H.Drummond, (Dublin, 1840), p.183

¹¹⁶ Rosamund Jacob, *The Rise of the United Irishmen 1791-4*, (Dublin, 1936), pp.149-153

populace against his client. A more serious charge was that the delay was occasioned by the government's desire to await the election into office of Sheriffs Giffard and Jenkins, men who could be counted upon to ensure that the panel of jurors returned was pre-disposed towards a guilty verdict.¹¹⁷ William Drennan noted that the jury was 'half aristocrats'¹¹⁸, and in an address to Rowan after his conviction the Dublin society of United Irishmen claimed that the trial by jury lost its whole value 'when the sheriff or the panel is under the influence of interest, prejudice, or delusion; and that battery which liberty and wisdom had united to construct for the security of the people, is turned against them'.¹¹⁹ The principal witness against Rowan, George W.T. Lyster, was a disreputable character who received a commission in the army as a reward for his appearance for the crown. Lyster's evidence was, according to the Young Irelander R.R. Madden, utterly at variance with truth'. Drennan dismissed him as a 'miserable specimen who was proved by 'two respectable witnesses not to be evidence that could be received in a court of justice'. In December 1794 Lyster was successfully prosecuted by his father-in-law, in order to recover money expended for the support of his wife, whom he had deserted. Soon after this he was dismissed from the army, 'for conduct unbecoming a gentleman and an officer'.¹²⁰ After his conviction, but before receiving sentence from the court, Rowan produced 'several very strong affidavits' stating that Lyster had more than once perjured himself and he further offered to prove that two of the jury had declared that 'Ireland would never be quiet until Hamilton Rowan and Napper Tandy were hanged'. Although the challenge was not allowed by the bench, the fact that the allegation was made at all weakened the government's position.¹²¹

¹¹⁷ *Autobiography of A.H. Rowan*, pp.184-7; *N.S.* 30/01/1794; Charles Philips, *Curran and his contemporaries*, pp.221-3

¹¹⁸ Drennan to Sam. McTier, 29/01/1794 (*The Drennan Letters*, pp.183-4)

¹¹⁹ *Autobiography of A.H. Rowan*, pp.202-3

¹²⁰ Drennan to Sam. McTier, 29/01/1794 (*The Drennan Letters*, pp.183-4); R.R. Madden, *The United Irishmen, Their lives and times*, 2nd. edition, (4 vols., London, 1857-60), vol. i, pp.19-20

¹²¹ *Autobiography of A.H. Rowan*, pp.189, 195-6; Drennan to Sam. McTier, 03/02/1794 (*The Drennan Letters*, p.187)

Allegations were also made that Francis Graham, a magistrate, had attempted to suborn witnesses against Rowan by promises of reward. Joseph Corbally, a Defender captain who lived near the Naul in county Dublin, had been arrested by Graham on a charge of high treason in February 1793, and imprisoned in Kilmainham gaol. During his confinement, he claimed, Graham had offered him a pardon if he swore against Rowan as a Defender leader. Corbally refused and was confined for five months, until the time came to have him either tried or discharged. The charge of high treason was then withdrawn and an indictment found against him for a misdemeanour. He gave bail and obtained his liberty. On his release Corbally lodged examinations against Justice Graham for an attempt to make him perjure himself. He was counting on the testimony of another Defender called Maguire who had been confined with him in Kilmainham and who had received similar proposals from Graham. Once the examinations were lodged against him, however, Graham accepted Maguire's bail, which he had refused before, and nothing further was heard of him. After Graham was tried and acquitted, he initiated proceedings against Corbally who was sentenced to four years transportation to Botany Bay in January 1794.¹²²

The obvious bias of the presiding judges against Rowan, which induced them to make great efforts to lead the jury towards a guilty verdict may have helped secure his conviction but it did little to strengthen the government's position in the public eye. William Drennan dismissed Chief Justice Clonmell's charge to the jury as 'the most barefaced piece of partiality ever heard in a court'. Judges Downes and Boyd followed his lead and appeared to enter into the cause with greater warmth than had the crown's law officers.¹²³ The radical *Northern Star* claimed that in his charge to the jury Clonmell

¹²² Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, (Reprint, Fort Wayne, 1995), p.622; *Autobiography of A.H.*

Rowan, 188; R.R. Madden, *Antrim and Down in '98*, (Dublin, n/d) p.134-5; Drennan to Sam. McTier, 17/01/1794 (*The Drennan*

Letters, p.180); *FDJ* 25/02/1794. Rowan says that Corbally's sentence was two year's imprisonment, while Drennan claims that it was seven years transportation.

¹²³ Drennan to Sam. McTier, 30/01/1794 (*The Drennan Letters*, pp.184-6)

had read the libel in question and `reasoned with a great deal of ingenuity to prove that almost every line in it went to establish the accusation`. ¹²⁴

There were similar circumstances surrounding the trial of Rev. William Jackson in April 1795 which also detracted from the Castle's satisfaction at securing a capital conviction. The administration had hoped for great things from Jackson's arrest in the spring of 1794 on a charge of high treason.¹²⁵ Immediately after the arrest Westmorland, lord lieutenant at the time, was confident that if Cockayne agreed to testify they would be able to prosecute not only Jackson but also those he had consulted in Ireland, namely Rowan, Tone, Dr. Reynolds and Drennan.¹²⁶ The papers seized with Jackson furnished `most incontrovertible evidence of his guilt`, and served to implicate the others although not directly proving their guilt.¹²⁷ The government's hopes of prosecuting anyone else besides Jackson were foiled by Cockayne's reluctance to incriminate them, and the flight from Ireland of some of those under suspicion. Rowan and Reynolds fled soon after Jackson's arrest. Rowan's escape from Newgate, by bribing the under-jailer¹²⁸, was particularly galling as the government had been determined to see him hang if at all possible.¹²⁹ The cases against those remaining, Tone and Drennan, proved to be non-existent owing to the fact that Cockayne would not `speak positively to the different conversations of these persons`, and claimed to have `only caught the substance by hints and accidental words`. By the beginning of May the administration was forced to admit

¹²⁴ N.S. 30/01/1794

¹²⁵ See introduction, pp.8-9.

¹²⁶ Marcus Beresford to John Beresford, 28/04/1794 (*The Corresp. of the Rt. Hon. John Beresford*, ed. William Beresford, 2vols, London, 1854, vol. ii, pp.25-6); Westmorland to _____, 22/04, 01/05/1794 (P.R.O. H.O.100/52/28-31, 34-6)

¹²⁷ Westmorland to Pitt, 17/04/1794 (P.R.O. Chatham papers 30/08/331/222-8); Marcus Beresford to John Beresford, 28/04/1794 (*The Corresp. of the Rt.Hon. John Beresford*, pp.25-6)

¹²⁸ *Autobiography of A.H. Rowan*, pp.210-7; Drennan to Sam. McTier, 03/05/1794 (*The Drennan Letters*, pp.196-9)

¹²⁹ Marcus Beresford to John Beresford, 28/04/1794 (*The Corresp. of the Rt. Hon. John Beresford*, pp.25-6); Westmorland to London, 22/04, 01/05/1794 (P.R.O. H.O.100/52/28-31, 34-6)

that they had 'not a tittle of evidence' against either Tone or Drennan, although they were 'heartily worth punishing'. After Rowan's escape, Pitt had favoured the policy of persuading Jackson to turn evidence in an effort to convict the others involved. Fitzgibbon and Wolfe were adamantly against the idea, for 'it would ruin government in the opinion of the public, as it would be thought, as is now insinuated that Jackson was sent merely to entrap the others'. Wolfe argued that Jackson's conviction was certain, while if he was used as a witness Tone and Drennan would be more than likely acquitted. Above all, the Irish cabinet wanted someone to hang, and Westmorland declared that such an example was absolutely necessary.¹³⁰ In consequence of this difficulty, the government was more easily persuaded to reach a compromise solution with Tone, who had proved himself a thorn in their side through his involvement with the catholic committee. After Jackson's arrest Tone was anxious to take measures to protect himself from prosecution, and he initiated negotiations with the administration through Marcus Beresford. It was in Tone's interest to strike a deal as he realised that the government could ruin him financially, through his practice at the bar, even if they did not succeed in convicting him. He was therefore willing to make a full disclosure of all the details of his involvement with Jackson, provided it would not be used as evidence against individuals, conditions which were accepted by the authorities.¹³¹ The attraction for the Castle was the prospect of ridding themselves of an able malcontent without the necessity of an inconclusive or dubious trial, and they would later adopt an identical logic and policy in their treatment of the state prisoners in 1798. Drennan commented on Tone's negotiation with the government: 'to get him out of the kingdom is, I believe, an object they think worth absolving what is past and rewarding in future'. It was the government's aim, he believed, 'to get rid of us [radicals] by prosecution, persecution, or the terror of it'.¹³² This negotiation was conducted, however, without the knowledge of the British ministry,

¹³⁰ Westmorland to Pitt, 08/05, Westmorland to Dundas, 12/05/1794 (P.R.O. Chatham papers 30/08/331/238-4; Ibid. H.O.100/52/46-8)

¹³¹ Marcus Beresford to John Beresford, 01/05, 07/05/1794 (*The Corresp. of the Rt. Hon. John Beresford*, pp.27-8, 31)

¹³² Drennan to Sam. McTier, 14/07/1794 (*The Drennan Letters*, p.211)

who were determined that, as Rowan had escaped, Tone was the next guilty person and ought to hang. Westmorland only received word of Whitehall's sentiments on the subject after the deal had been agreed. Although he promised to endeavour to prevent any settlement with Tone, his administration had already pledged itself, much to London's displeasure. Already furious over Rowan's flight, the British cabinet were 'much displeased' by the compromise reached with Tone, who they were confident they could convict.¹³³

Even the apparently straightforward task of convicting Jackson of high treason involved the government in innumerable difficulties and it took them a year to bring him to trial. Almost immediately following his arrest, problems began to arise. The end of the legal term was looming, and there was not sufficient time to prepare a case against Jackson. In consequence, although he was arraigned on a charge of high treason on 23 May, the trial had to be postponed until November.¹³⁴ It was then further postponed, when two witnesses scheduled to testify to his handwriting had to be present at the treason trials in London which were being conducted at the same time.¹³⁵ Far more serious were the doubts entertained over Cockayne's reliability as a crown witness. He was the linchpin of the prosecution's case, but there were doubts from the beginning over his willingness to testify. He dragged his heels, enquiring what recompense he would receive for his trouble and prudently ensuring that he first received his pardon before giving any evidence.¹³⁶ The defence counsel endeavoured to exploit the weaknesses in his character, and sought to undermine the value of his evidence by

¹³³ Westmorland to Pitt, 08/05/1794 (P.R.O. Chatham papers 30/08/331/238-41); John Beresford to Marcus Beresford, 13/05/1794 (*The Corresp. of the Rt. Hon. John Beresford*, p.32)

¹³⁴ Rosamund Jacob, *The Rise of the United Irishmen 1791-4*, p.232

¹³⁵ S.Hamilton to Nepean, 17/10/1794 (P.R.O.H.O.100/52/226-7); Portland to Westmorland, 23/10/1794 (Ibid.H.O.100/52/228-9)

¹³⁶ Westmorland to Pitt, 17/04/1794 (P.R.O. Chatham papers 30/08/331/222-8); Marcus Beresford to John Beresford, 28/04/1794 (*The Corresp. of the Rt.Hon.John Beresford*, pp.25-6); Westmorland to Portland, 22/12/1794 (P.R.O. H.O.100/52/286-7); Sackville Hamilton to J.King, 23/12/1794 (Ibid. H.O.100/56/3-4)

discrediting his character, a task rendered easier by the fact that he had stood trial for perjury in the past. The Irish chief secretary at the time, Sylvester Douglas, informed London in October 1794 that there were 'attempts made to get at facts, which if not anticipated and explained might tend to discredit the characters of the principal witnesses against Jackson'.¹³⁷ The trial had to be further postponed in January 1795 when Cockayne declared himself unfit to travel from Holyhead.¹³⁸ The government entertained 'strong suspicions' that his reluctance to appear in court did not arise solely from ill health. Fitzgibbon informed Portland on 28 March that there was 'strong ground to suspect' that Cockayne had been tampered with, and that his excuse of being ill-disposed had arisen 'for the purpose only of enabling Jackson to evade justice'.¹³⁹ When Cockayne finally appeared in court he was garbled in his testimony, being unable to swear to specific conversations at specific times. At one point he claimed that 'tis a year ago, and I have had that on my mind since, that has shattered my memory very much'.¹⁴⁰ Although the combination of Cockayne's evidence and the papers found in Jackson's possession sufficed to secure a capital conviction, the suicide of the clergyman in the dock after his conviction but before sentence could be pronounced upon him, robbed the government of the highly desirable spectacle of a public execution of a convicted traitor.

Perhaps the one trial which resulted in a victory for the government but was attendant with the most damaging circumstances was that of William Orr, a thirty-one year old presbyterian farmer from Ferranshane in county Antrim. He had been an active volunteer and had joined the United Irishmen sometime after 1794, occasionally contributing to the columns of the *Northern Star*.¹⁴¹ At the Carrickfergus summer assizes in 1797 Orr was convicted of administering an illegal oath to two fencible soldiers,

¹³⁷ Sylvester Douglas to King, 23/10/1794 (P.R.O. H.O.100/52/230-1); [King] to Douglas, 24/10/1794 (Ibid. H.O.100/52/232-3)

¹³⁸ Lord Milton to King, 26/01/1795 (P.R.O. H.O.100/56/155-60)

¹³⁹ King to Milton, 14/02/1795 (P.R.O. H.O.100/56/216-7); Fitzgibbon to Portland, 28/03/1795 (Ibid. H.O.100/57/5-6)

¹⁴⁰ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland* (1798), app.xxii, 221-30

¹⁴¹ A.T.Q. Stewart, *The Summer Soldiers: the 1798 Rebellion in Antrim and Down*, (Belfast, 1995), p.45

Lance-Corporal Hugh Wheatley and Private John Lindsay.¹⁴² It was a particularly important case for the government as this was the first indictment for such an offence under the insurrection act, which had made it a capital felony.¹⁴³ For that reason the prosecution was seen very much as 'an experiment of strength on the part of the government against the people'¹⁴⁴, and this made both parties all the more determined to obtain victory. Conscious of the importance of success the government moved cautiously, waiting a full year before bringing Orr to trial.¹⁴⁵ Its problems only began after the verdict had been delivered, however, when the jury annexed a recommendation that mercy be extended to the prisoner. Despite the fact that the presiding judge, the former patriot Yelverton, was 'perfectly satisfied with the conviction' and was convinced that neither the state of the country nor the nature of the case would allow him to recommend Orr to mercy¹⁴⁶, and in spite of Pelham's own belief that 'the example might be necessary', the chief secretary hesitated on what course of action to adopt at a time when Camden was absent from the capital. Unwilling to take the responsibility of ordering the execution himself, Pelham agreed to grant a respite of the sentence for ten days.¹⁴⁷ This only served to encourage Orr's friends, whose endeavours were assisted by the dominant liberal establishment of county Antrim. Various stratagems were employed in an effort to undermine the strength of the conviction. Two days after the verdict had been delivered, Curran moved an arrest of judgement based on two extraordinary affidavits sworn by three members of the jury which had tried the prisoner. Although Justice Chamberlaine

¹⁴² N.S. 12/09/1796; C. Dickson, *Revolt in the North*, pp.177-8, 241

¹⁴³ Lecky, iv, p.104

¹⁴⁴ C.H.Teeling, *A Personal Narrative*, p.343; W.J. Fitzpatrick, *The Life, Times, and Contemporaries of Lord Cloncurry*, (London, 1855), p.125

¹⁴⁵ Lecky, iv, p.105

¹⁴⁶ Yelverton to Pelham, 19/09/1797 (K.A.O. Pratt papers U840/0131/1)

¹⁴⁷ Pelham to Yelverton, 20/09/1797 (K.A.O. Pratt papers U840/0131/2)

refused to allow them to form the basis of any motion¹⁴⁸, they contained serious allegations. The affidavits claimed that the jury had been plied with alcohol while considering its verdict, and that intimidation had been employed to ensure that those who entertained doubts over the prisoner's guilt would be compelled into delivering a guilty verdict. One of the juryman swore that he had resolved to acquit Orr, and had only agreed to concur in the verdict of the majority, on the representation of some of his fellow jurors that a verdict of guilty would not be followed by an execution.¹⁴⁹ These affidavits were followed by three others, sworn on 2 and 3 October by Rev. James Elder, dissenting clergyman of the parish of Finvoy, Alexander Montgomery of the parish of Rasharkin, and Rev. George Macartney, the magistrate who had originally arrested Orr, all of county Antrim. They claimed that one of the principal witnesses against Orr, Lance-Corporal Hugh Wheatley, had attempted suicide in April 1796 out of guilt for the crimes he had committed. After his unsuccessful attempt on his life, Wheatley had allegedly confessed to Rev. Elder that he had seduced women, killed innocent men, and sworn false oaths against a prisoner. It was further claimed that Wheatley had informed Rev. Macartney at the Carrickfergus spring assizes in 1797, when it was thought that Orr's trial would commence, that he recognised Rev. Elder, and was convinced that the clergyman had been summoned by the defence to discredit his evidence.¹⁵⁰

Although the death sentence was pronounced on Orr, the doubts raised over the validity of his conviction popularised his cause and served to intensify the campaign for clemency. Faced with a growing body of opinion in favour of leniency, the government hesitated before executing the sentence and twice respited Orr. This encouraged the exertions of those radicals and liberals seeking to exploit the government's apparent weakness.¹⁵¹ Several influential inhabitants of county Antrim, headed by the politically

¹⁴⁸ W.J. Fitzpatrick, *The Life, Times, and Contemporaries of Lord Cloncurry*, p.125

¹⁴⁹ *The Press* 05/12/1797; Lecky, iv, pp.106-7

¹⁵⁰ Affidavit of Alex. Montgomery, G. Macartney, Rev. J. Elder 02/10, 03/10/1797 (K.A.O. Pratt papers U840/0131/4-6)

¹⁵¹ Information of Nicholas Magin (P.R.O.N.I. Cleland-Magin papers D.714/2/8a)

moderate governor of the county, Lord O'Neill, agreed to sign a memorial testifying to Orr's unimpeachable character before the crime of which he had been convicted. The memorialists declared that the political sentiments of the county had changed much for the better, and 'that mercy extended to the prisoner upon the present occasion would have a greater and more salutary effect than by making an example at the expense of his miserable life and be the means of convincing the public at large that the government of the country were actuated by no other motives than their good'. The tranquil state of the country, they hoped, would render the example unnecessary.¹⁵² In addition, the respites suggested that the government was going to commute the sentence to one of transportation¹⁵³, a fact which undermined the confidence of those loyalists who were determined to see Orr executed. The high sheriff of the county informed his brother on 10 October that he was now of opinion that a commutation of Orr's sentence would be advisable. Although originally believing that the execution was necessary 'as an example to deter others from similar offences', Skeffington had since changed his mind, 'as government have thought proper to respite the sentence twice -and as it has been insinuated that they are desirous to be strengthened in their wishes in favour of the unfortunate man by the gentlemen of the country'.¹⁵⁴ In a similar fashion, Rev. William Bristow, sovereign of Belfast, had become convinced by 10 October that as the government had thought fit to grant Orr a respite, mercy should be extended to him in some form.¹⁵⁵ It was the need to restore faith among the loyalist community that finally prompted the government to proceed with the execution. Colonel Lucius Barber had warned Cooke from Belfast on 10 October that 'Orr's respite has caused great exultation through every disaffected part of the northern district'. Barber reduced the issue to

¹⁵² Memorial, n/d, Wm. J. Skeffington to _____, n/d (K.A.O. Pratt papers U840/0131/7, 9/1); Memorial, Received on 12/10/1797

(Ibid. U840/0131/10a); George Macartney to Wm.J. Skeffington, 12/10/1797 (Ibid. U840/0131/11)

¹⁵³ Mrs. McTier to Drennan, 09/10/1797 (*The Drennan Letters*, pp.262-3)

¹⁵⁴ Chichester Skeffington to William Skeffington, 10/10/1797 (K.A.O. Pratt papers U840/0131/9/2)

¹⁵⁵ William Bristow to William J. Skeffington, 10/10/1797 (K.A.O. Pratt papers U840/0131/9/3)

simple fundamentals, predicting that if Orr was pardoned, no jury would ever convict again.¹⁵⁶

The fact that Orr's execution took place on 14 October, after hopes had been raised that his sentence would be commuted, added to the bitterness felt by many after his death. Towards the end of the nineteenth century W.E.H. Lecky, a liberal unionist, wrote of 'the feeling of deep, passionate, indignant sympathy which the fate of this young presbyterian farmer evoked, not only throughout Ulster, but throughout the whole of catholic Ireland'. He believed that Orr's fate left behind it 'more bitter and enduring memories than any that had occurred in Ireland since that of Fr. Sheehy'.¹⁵⁷ The execution of the sentence, particularly after the allegations which had been made about the strength of the case against Orr, presented the radical and whig opposition with priceless propaganda in their struggle with the government. The radical newspaper, the *Press* reported Orr's death to be 'one of the most sanguinary and savage acts that had disgraced the laws'.¹⁵⁸ The British opposition print, the *London Courier*, employed the headline 'Murder most foul' to describe the proceedings surrounding the trial.¹⁵⁹ Lord Moira felt that 'an event more fatal to the British interest in this country could scarcely have occurred', and he believed that the execution bore 'the stamp of political violence'. He could not understand how Camden could acquiesce in 'so impolitic an act', and prophesied that 'this ill-judged violence' would be the source of dreadful bloodshed if insurrection began.¹⁶⁰ Undoubtedly Orr's execution added to the hostility felt by many towards the administration and its supporters. After the execution, Chichester Skeffington pointed to the numerous reports which had been circulated 'to the prejudice

¹⁵⁶ Colonel Lucius Barber to _____, 10/10/1797 (Reb. papers 620/32/159)

¹⁵⁷ Lecky, iv, pp.103, 115

¹⁵⁸ *The Press* 26/10/1797

¹⁵⁹ W.J. Fitzpatrick, *The Life, Times, and Contemporaries of Lord Cloncurry*, p.126

¹⁶⁰ Moira to Colonel J. McMahon, 15/10/1797 (A. Aspinall, *The Later Correspondence of George, Prince of Wales 1770-1812*, vol.

iii 1795-8, London, 1965, p.372)

of government and particularly pointed at myself and a few gentlemen who refused from principle to join in a recommendation of Orr'.¹⁶¹ In the longer term, the catch-cry 'Remember Orr' would be employed by the rebels to rally their forces during the rebellion in Ulster in the following year.¹⁶²

(4)

Even legal victories obtained under dubious circumstances, like those over Rowan, Jackson and Orr, were preferable to no victories at all, and the history of the 1790s is littered with a string of failed crown prosecutions. Defeats in the courtroom were a source of great embarrassment to the authorities, and provided excellent opportunities for the parliamentary opposition and the disaffected to criticise the arbitrary nature of the Castle regime. The government suffered 'a disastrous run of failures in prosecutions' in 1793-4.¹⁶³ In particular, it failed twice in its prosecution of the proprietors of the *Northern Star* on charges of seditious libel in May and November 1794¹⁶⁴, and in its attempt to convict William Drennan in June 1794 for having causing a seditious libel to be published.¹⁶⁵ Drennan's trial proved 'a humiliating failure in the capital, followed by a display of popular elation in the streets'.¹⁶⁶ When the foreman of the jury delivered the verdict of not guilty, 'there was a violent burst of applause which continued for a considerable time'. Samuel McTier estimated that there was about a thousand people ready to chair Drennan through the streets of Dublin.¹⁶⁷ The government

¹⁶¹ Chichester Skeffington to William J. Skeffington, 14/10/1797 (K.A.O. Pratt papers U840/0131/12)

¹⁶² Lecky, iv, p.103

¹⁶³ L.M.Cullen, 'The Politics of Crisis and Rebellion, 1792-8', pp.5-6

¹⁶⁴ *F.D.J.* 31/05, 18/11/1794

¹⁶⁵ J. Larkin, *The Trial of William Drennan*

¹⁶⁶ L.M.Cullen, 'The Politics of Crisis and Rebellion', 1792-8', pp.5-6

¹⁶⁷ Samuel McTier to Mrs. McTier, 26/06/1794 (*The Drennan Letters*, p.208)

also failed in its prosecution of John Fay, a prominent catholic merchant of Navan, county Meath, who had been charged with being an accessory before the fact in the murder of Rev. Thomas Butler in October 1793¹⁶⁸, and in its attempt to convict three Drogheda merchants, James Bird, Roger Hamill and Casimer Delahoyd, of having plotted a Defender attack on a magistrate's house near Drogheda in December 1792.¹⁶⁹ The motivation behind these prosecutions was highly suspicious, particularly as the four men had been involved in the catholic agitation of the early 1790s. Fay had been secretary of a meeting of catholic representatives at Trim in October 1792 which had strongly repudiated a declaration against emancipation by the magistrates and freeholders of county Meath. Bird, Hamill and Delahoyde had been prominent in publicly opposing the resolutions of the Louth grand jury on the same subject. They had also acted as delegates from Drogheda to the catholic convention of December 1792.¹⁷⁰ In this context it is difficult to avoid the conclusion that these prosecutions were an extension of the policy, evident in the report of the secret committee of the house of lords in 1793, by which the government had endeavoured to discredit the catholic committee by attempting to associate it in the public mind with the activities of the disaffected.¹⁷¹ The *Northern Star* reported a rumour on 28 April 1794 that the influence of the Irish cabinet lay behind these prosecutions, and Curran later suggested in the commons that they originated in the desire of the administration to revenge its forced acquiescence in the

¹⁶⁸ *N.S.* 13/02/1794; *Trial of John Fay esq. of Navan*, (Dublin, 1794); J.G.O'Kerrane, 'The Background to the 1798 Rebellion in County Meath', (Unpublished N.U.I. M.A. Thesis, 1975), pp.47-49

¹⁶⁹ *N.S.* 24/04/1794; *D.E.P.* 26/04/1794

¹⁷⁰ *D.E.P.* 21/01/1792; *N.S.* 29/09/1792; *A candid and impartial account of the disturbances in the county of Meath in the years 1792, 1793, 1794 by a County Meath freeholder*, (1794), appendix ii; J.G.O'Kerrane, 'The Background to the 1798 Rebellion in County Meath', p.50; Drennan to Sam. McTier, 29/01/1794 (*The Drennan Letters*, pp.183-4)

¹⁷¹ W.J. MacNeven, *Pieces of Irish History*, (New York, 1807), pp.59-62; *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland* (1798), app. i, pp.37-42; Cooke to British government, 27/05/1793 (P.R.O. H.O.100/39, Quoted by Sir Henry MacAnally in *The Irish Militia, 1793-1815, A Social and Military study*, London, 1949, pp.36-7)

grant of catholic relief in 1792-3.¹⁷² The fact that the prosecutions of Fay and the three merchants occurred in counties Louth and Meath was also particularly significant. John Foster, speaker of the house of commons and a violent partisan of protestant ascendancy, was the governor of county Louth and his influence was also felt in neighbouring Meath by virtue of the fact that his estate extended into that county as well as from the fact that the protestant Bishop of Meath was his brother-in-law. Furthermore, the man in whose murder John Fay was accused of involvement, Rev. Butler, was land agent to the Bishop of Meath. During the course of Fay's trial Curran implied, none too subtly, that Foster had bribed the chief witness for the crown to give information against the prisoner. John Keogh even claimed that two of Foster's nephews were responsible for organising the arrest of Fay and the Drogheda merchants.¹⁷³

Even when the law appeared to be on their side, the government was often successfully challenged in the courtroom. This was the case in the summer of 1797 when it was attacked in the law courts in consequence of the confusion over whether the *habeas corpus* act had been suspended altogether or only in certain cases. Leonard McNally pointed to the fact that the act had not been totally suspended. He declared, however, that it was the contrary opinion which generally prevailed through the country, and was illustrated by the conduct of those magistrates and military officers who had acted as if it had really had been wholly suspended. In this manner they 'violated every principle of the law, and every privilege of the constitution that remained to the subject'. He claimed that the *habeas corpus* act had only been suspended in special cases and expressly under the warrant of the lord lieutenant or his secretary. At a meeting of the independent freemen and freeholders of the capital on 29 July 1797, McNally declared that numberless instances fell within his knowledge when this power had been assumed and executed without the warrant of either, and these instances 'had been winked at by

¹⁷² N.S. 28/04/1794; *The Parliamentary register, or History of the Proceedings and Debates of the House of Commons of Ireland*, (17 vols., Dublin, 1782-1797), vol. xvii, p.31

¹⁷³ T.B. Howell, *Collection of State Trials*, vol. xxv, pp.752-67; Keogh to Nepean, 15/04/1794 (P.R.O. H.O.100/46/154-6)

those in power'. The committals accompanying many individuals to different gaols were 'couched in terms of the grossest ignorance' and carried into effect 'the most flagitious violations on the liberty of the subject'. In many of the returns he had seen, the magistrates failed to specify the crime perpetrated by the prisoners, and in some cases they even omitted to mention their names.¹⁷⁴

From May 1797 writs of *habeas corpus* had begun to issue from the court of king's bench, for the trial or discharge of individuals who had lain in prison for long periods of time often being held quite illegally or without charge. As the disarmament of Ulster intensified from May 1797 the number of those arrested, especially in the north of Ireland, significantly increased. Writs also issued on behalf of those individuals who had been sent to recruiting tenders, before being sent to the fleet, under clause twenty-eight of the insurrection act. This clause stipulated that any two magistrates in a proclaimed area could send suspected 'idle and disorderly individuals' to the naval service. As the security situation deteriorated throughout 1797, and as more areas became proclaimed under the insurrection act, large numbers of individuals were sent to the tenders without trial, before being dispatched to the fleet in this manner.¹⁷⁵ After part of King's county had been proclaimed out of the king's peace, three of the county magistrates sent a number of idle and disorderly individuals to the recruiting tender in Dublin Bay. In June McNally, acting on behalf of some of these men, succeeded in obtaining writs of *habeas corpus* for nineteen of them. By 11 July almost thirty similar writs had issued from the court of king's bench, to bring before the bar prisoners detained in various locations in order to have the causes of their detention examined. When the returns for those prisoners sent from King's county were read in court it appeared that they had been committed by three magistrates as idle and disorderly individuals, and as such had been transmitted to the gaol of county Dublin in order to be sent to the fleet. McNally argued that the return was illegal, and inconsistent with the provisions of the insurrection act. In

¹⁷⁴ D.E.P. 01/08/1797

¹⁷⁵ Lieutenant-General G.Lake to Pelham, 17/05/1797 (P.R.O.N.I. Pelham T.755/5/75); S.N.L. 23/06/1797

consequence, he moved that the prisoners be discharged. Townshend, counsel for the magistrates, was forced to admit that the returns were illegal, and the court immediately ordered the release of the prisoners.¹⁷⁶ In September 1797 twelve men who had been brought from Mullingar to the New Prison in Dublin to be sent to the navy, and another prisoner sent from Derry, were discharged by the court of king's bench on writs of *habeas corpus*.¹⁷⁷ In November General Lake was forced to send another twelve men to Dublin after receiving similar writs on their behalf. The prisoners were bailed to attend at the next Carrickfergus assizes.¹⁷⁸ Writs were also served on Robert Cornwall in February 1798 for several prisoners whom he, as a magistrate in county Carlow, had summarily sent to Duncannon fort in the previous month without waiting until the assizes.¹⁷⁹

The regulating captains in command of the naval recruiting tenders adopted various stratagems in an effort to frustrate the operation of such writs. When faced with writs on behalf of eleven men in his custody, Lambart Brabazon, the regulating captain in the port of Dublin, argued that the men in question had volunteered for the naval service. Brabazon and other regulating captains argued that these men were voluntary recruits because they had been first put on board one of the king's ships, before being transferred to another not under the king's dominion. They were then brought back to the first ship by their own choice, and in this manner deemed volunteers of the fleet. Brabazon's ploy was unsuccessful, however, and legal proceedings were initiated against him for having made false returns to the writs he had received.¹⁸⁰ On another occasion the same captain was similarly unsuccessful when he argued that the men named in four writs served upon him had been delivered to him as a naval officer, by a warrant under the hand and seal of

¹⁷⁶ *S.N.L.* 23/06/1797; *D.E.P.* 11/07/1797; William Lambert to _____, 30/07/1797 (Reb.papers 620/31/291)

¹⁷⁷ *D.E.P.* 12/09/1797

¹⁷⁸ Lieutenant-General Lake to Pelham, 14/11, 17/11/1797 (*B.L. Add.Ms.* 33,105,216-7, 232-3); Arthur Wolfe to Pelham, 15/11/1797

(*Ibid.* Pelham papers *Add.Ms.* 33,105,219); *D.E.P.* 21/11, 25/11/1797

¹⁷⁹ Robert Cornwall to government, 17/01/1798 (Reb.papers 620/35/41); *S.N.L.* 14/02/1798

¹⁸⁰ *D.E.P.* 11/07, 01/08/1797

a magistrate, as vagabonds and persons of disorderly conduct. The court rejected Brabazon's claim and the four prisoners were discharged.¹⁸¹ Captain Lees, commander of the *William and James* tender, endeavoured to avoid writs of *habeas corpus* being served upon him for those prisoners in his custody by simply coasting round the kingdom where he could not be reached.¹⁸² The captain and his lieutenant, Mr. Ellesman, later had an attachment issued against them for a contempt of court, in consequence of their refusal to receive or pay any obedience to these writs.¹⁸³ The general commanding Duncannon fort in county Wexford also had an attachment issued against him when he refused to accept writs on behalf of several prisoners in his custody.¹⁸⁴ Many of these writs were funded by United Irish finances. In December 1797 alone the Ulster executive committee advanced £137 8s for bringing thirteen prisoners from Belfast to Dublin in this manner.¹⁸⁵ It was another means by which the disaffected could frustrate the authorities by exploiting the fact that in seeking to uphold the rule of law the administration quite often stepped beyond its boundaries.

The greatest example of the government's weakness in the courtroom in the 1790s was its failure to successfully prosecute any of the United Irish leaders before the outbreak of rebellion. On three separate occasions it swooped to arrest the leaders of the conspiracy on charges of high treason. The first arrests, in Belfast and Lisburn in September 1796, were based on the information of John Bird; those in Belfast in April 1797 were facilitated by intelligence supplied by Edward John Newell; and those in March 1798 were made possible by the assistance of Thomas Reynolds.¹⁸⁶ Each of these

¹⁸¹ D.E.P. 21/11/1797

¹⁸² *The Press* 22/02/1798

¹⁸³ S.N.L. 14/02/1798

¹⁸⁴ William Fawcett to _____, 03/11/1797, 12/02/1798 (Reb.papers 620/33/10a, 35/138); General Wilford to Pelham, 15/08/1797

(Ibid. 620/32/50/91A)

¹⁸⁵ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland* (1798), app. xiv, pp. 143-4

¹⁸⁶ See chapter four for more information on Bird (pp. 184-187), Newell (p. 191) and Reynolds (p. 191-192)

men, however, gave their information on the strict understanding that they would not be called upon to testify in court.¹⁸⁷ The failure to persuade Bird to appear as a crown witness against those arrested on his information in 1796 meant that the government was forced to suspend the *habeas corpus* act in order to prevent their release on the first day of the following legal term in early November.¹⁸⁸ This was considered to be one of the bulwarks of the constitution, and ensured that a prisoner had to be released if he was not tried or indicted within two terms of his committal. With the act suspended, the prisoners charged with high treason could be imprisoned for any length of time without trial, allowing the Castle the opportunity to construct concrete cases against them.¹⁸⁹

Confident that they could persuade Bird to testify, the government initiated the prosecution of those state prisoners against whom his evidence was strongest. In consequence, James Burnsides, Samuel Kennedy, John Barret, Daniel Shanahan and John Gordon were indicted for high treason on 23 June 1797 and dates set for their trials in November.¹⁹⁰ A stroke of fortune in the late summer of that year resulted in Bird's consent to testify in return for financial reward.¹⁹¹ The government's hopes of mounting successful prosecutions were raised, however, only to be cruelly dashed. The indisposition in November of three of the four judges of the court of king's bench necessitated the postponement of the trials of the five state prisoners until the following term. Despite the pleas of the prosecution counsel that they were ready to proceed, the trials were postponed until the following January, when the bench would be full.¹⁹² In

¹⁸⁷ Charles Dickson, *Revolt in the North*, pp.119-20, 164-6; W.J. Fitzpatrick, *The Secret Service Under Pitt*, (Dublin, 1892), p.292;

N.A. Frazer Ms., ii, 17

¹⁸⁸ Camden to Downshire, 10/10/1796 (P.R.O.N.I. Downshire D.607/D/220); Camden to Portland, 13/10/1796 (K.A.O. Pratt papers U840/0154/2, P.R.O. H.O.100/62/262-3); N.S. 17/10/1796; F.D.J. 20/10/1796

¹⁸⁹ F.D.J. 29/05/1794; C.J. 25/06/1795; N.S. 30/12/1795

¹⁹⁰ D.E.P. 07/11, 10/11/1797

¹⁹¹ See chapter four pp.194-196.

¹⁹² D.E.P. 07/11, 10/11/1797

fact, however, this served to end all hope that the government would be able to mount successful prosecutions against the five United Irish leaders in its custody. Before the trials could be held in the following January, the cases against the state prisoners collapsed in consequence of the departure from the Castle fold of both Bird and Newell. The reasons behind their change of allegiance will be examined more closely in chapter four. The important point here is that Bird, upon whose testimony the entire prosecution depended, abandoned the government on 22 January 1798.¹⁹³ After his flight Newell realised that the pressure on him to come forward and testify would intensify considerably. In consequence, he prepared himself to follow Bird's lead. The Castle was warned on 29 January that Newell only awaited his official pardon before following Bird's footsteps.¹⁹⁴ It was only two weeks later, on 16 February, that Newell also departed from the government's ranks.¹⁹⁵

Bird's defection, or at least its permanency, does not appear to have been immediately apparent to either the defence or prosecution counsel. When the trial of Burnside and Barret, the first two state prisoners to be tried, opened in the court of king's bench on 24 January 1798, the defence endeavoured to postpone the trial in consequence of the absence through illness of a material witness, Henry Joy McCracken. At this point Wolfe was still pressing for the trial to proceed. In spite of the attorney general's best efforts, however, the court agreed to the postponement.¹⁹⁶ By 27 January when the trial of Daniel Shanahan began, both sets of legal counsel were aware of the altered situation. Wolfe immediately sought an adjournment, hoping to discover Bird's whereabouts and procure his testimony at a future date. This was a propaganda coup for the defence counsel. Curran ridiculed Wolfe's motion for postponement, and claimed that it was an application for the 'perpetual confinement' of the prisoner, 'because the

¹⁹³ D.E.P. 27/01/1798

¹⁹⁴ Rowland J.O'Connor to Pelham, 29/01/1798 (Reb.papers 620/35/75)

¹⁹⁵ Sir John T. Gilbert, *Documents Relating to Ireland 1795-1804*, (Dublin, 1893), p.10

¹⁹⁶ D.E.P. 25/01/1798; S.N.L. 26/01/1798

witness for the crown had run away, and nobody could tell when, or whether he ever would, return'. Ponsonby argued that the case of the subject would be hard indeed, 'if on the testimony of the lowest and most profligate man in the community, the crown should be authorised first in confining a man for any length of time the prosecutors might think proper, and then when the time of trial was at last fixed and the witness had absconded, they should succeed in application to the court to put off the trial until he should be found again'. The judges unanimously refused the prosecution's motion, and Shanahan was acquitted.¹⁹⁷ Samuel Kennedy was acquitted on 29 January, and Gordon, Barrett and Burnsides had only to wait until the beginning of May before being released in a similar manner.¹⁹⁸

The collapse of the state prosecutions was a political disaster for the Camden regime, coinciding as it did with the crisis in the army command occasioned by Abercromby's refusal to employ the military in the manner desired by hardline government supporters.¹⁹⁹ Even Camden was forced to recognise that Bird's betrayal 'has subjected us [the government] to some disgrace from not being able to prosecute those persons who have been so long confined'. He blamed the attorney general for his administration's poor performance in the judicial field, claiming that Wolfe had 'misconducted' the state trials, as well as many others, 'by having suffered some to be so long deferred and not having the evidence upon others so arranged as to proceed with effect'.²⁰⁰ Since the first United Irish leaders had been arrested in September 1796 there had been a growing sense of frustration among Irish loyalists at the Castle's inability to bring them to punishment.²⁰¹ Downshire had warned Camden in November 1796 that the disaffection was growing every hour 'from want of public example and execution being

¹⁹⁷ D.E.P. 27/01/1798

¹⁹⁸ S.N.L. 14/02, 30/04/1798

¹⁹⁹ For the 'Abercromby crisis' see chapter eight.

²⁰⁰ Camden to Pitt, 12/02/1798 (N.L.I. Ms.886 Lord Lieutenant's correspondence, 229-31)

²⁰¹ A.C. Hamilton to govt., 21/09, T.Knox to govt., 24/09, H.Alexander to govt., 27/09/1796 (Reb.papers 620/25/88, 103, 122)

made of some of the offenders that are in your power'.²⁰² This frustration increased during the winter of 1797-8 when the government was forced to bail those of the state prisoners it could not hope to prosecute in the immediate future.²⁰³ From the opening of parliament in January 1798 the lord lieutenant came under increasing pressure from his supporters for a more active security policy, including the arrest of those known to be at the head of the Leinster United Irishmen, even though they could not be brought to trial. The pressure on Camden was so intense as to force him to agree to order the arrests, in spite of having received 'somewhat like a remonstrance' from London against the measure.²⁰⁴ With Thomas Reynolds, the man upon whose information the arrests at Oliver Bond's were made, refusing to testify in court²⁰⁵, Camden's supporters grew increasingly determined to proceed against those arrested by bills of attainder.²⁰⁶ Cooke explained to Lord Auckland on 19 March that it would be impossible to legally convict those arrested, 'though we have evidence upon evidence'. He recommended proceeding by attainder, as 'they must be punished or the country is gone'. Fitzgibbon was of a similar opinion. He felt that the arrests were useless by themselves. He informed Auckland on 23 March that 'if these villains escape with a temporary imprisonment only, there will be no possibility of living in Ireland'. At the beginning of April Fitzgibbon confided to Lord Shannon his opinion that both 'civil and military forms of trial are too slow for the times, that all culprits should be executed on the instant, and that we should

²⁰² Downshire to Camden, 11/11/1796 (K.A.O. Pratt papers U840/0160/11)

²⁰³ Mary McNeill, *The Life and Times of Mary Ann McCracken, 1770-1866: A Belfast Panorama*, (new edition, Belfast 1988), pp.162-4, 167; Lieutenant-General Lake to Pelham, 27/01/1798 (B.L. Pelham Add.Ms. 33,105,336-9); Madden, *Antrim and Down in '98*, 27; Newell to Cooke, 20/11/1797 (Reb.papers 620/33/72); S.McSkimmin, *Annals of Ulster, 1790-1798*, (Belfast, 1849), p.61

²⁰⁴ Corresp. of Camden and Portland, 08/02-11/03/1798 (P.R.O. H.O.100/75/71-4, 85-9, 126-35, 162-9, 187-8, 195-210)

²⁰⁵ Camden to Portland, 01/03/1798 (P.R.O. H.O.100/75/138-41); Thomas Reynolds (ed.), *Life of Thomas Reynolds*, 2 vols. ed. by his son, (London, 1859), vol. i, pp.183-8, 204-7; W.J. Fitzpatrick, *Secret Service*, pp.301-3

²⁰⁶ Camden to Portland, 26/03/1798 (P.R.O. H.O.100/75/295-7); William Pollock to Downshire, 16/03/1798 (P.R.O.N.I. Downshire D.607/F/99); Lord Wycombe to Lord Holland, 02/04/1798 (B.L. Holland Ms.51,684,45-6)

put to death ten for every one'. John Beresford believed that the forces of law and order would be lost if 'proper measures' were not adopted to capitally punish the prisoners, as the system of terror and intimidation established by the disaffected had in his opinion effectually neutralised the judicial process. It was Beresford who best described the government's weakness in relation to the United Irishmen: 'we see and know everything that is doing, but cannot bring legal evidence to convict these people'.²⁰⁷ John Lees informed Auckland on 18 April of the difficulties involved in keeping those arrested in confinement without bringing them to trial. The radicals declared it was tyranny, the whigs urged their trial or release, and the loyalists criticised the government's inactivity. Lees desired the government to act with 'vigour and energy', and wished that Camden 'had a little of the devil in his disposition', so that he would 'forget that law, or the semblance of law, exists among us'. It was a farce, he claimed, 'to resort to the ordinary course of trial when the dagger is opposed to you'. It was absurd 'to go to law with the insurgents when they are at open war with us', and the government should have no business at that time with an attorney general or any other law officer of the crown.²⁰⁸ By the end of April Castlereagh, acting as chief secretary in Pelham's absence through illness, was canvassing opinion in among politicians in London on the subject of proceeding against those arrested at Bond's by bills of attainder.²⁰⁹

Even when circumstances conspired to leave Thomas Reynolds at the mercy of the government after his arrest at Kilkea on 5 May, forcing him to agree to testify against those arrested at Bond's²¹⁰, doubts remained as to exactly how many of them could be successfully prosecuted. When the decision was finally taken, on 20 May, to

²⁰⁷ Cooke to Auckland, 19/03, Fitzgibbon to Auckland, 23/03, Beresford to Auckland, 10/04/1798 (B.L. Auckland papers Add. Ms. 34,454,181-2, 185-6, 212-5); Shannon to Boyle, 09/04/1798 (Quoted by E.Hewitt, ed. *Lord Shannon's Letters*, 80)

²⁰⁸ John Lees to Lord Auckland, 18/04, 01/05/1798 (B.L. Auckland papers Add.Ms. 34,454,226, 240-1)

²⁰⁹ Castlereagh, Viscount, *Memoirs and Correspondence of Viscount Castlereagh*, ed. C.Vane, Marquess of Londonderry, (4 vols., London, 1848-53), vol. i, pp.201-4

²¹⁰ *Lie of Thomas Reynolds*, i, pp.207-223, 234-43, 258-61, 270-1

establish a special commission, it was imagined that only Lord Edward, Oliver Bond, John McCann and a few others out of the seventy or more confined on charges of high treason could be brought to trial.²¹¹ It was the uncertainty of securing convictions against the vast majority of those imprisoned which eventually persuaded Camden's replacement as viceory, the Marquis of Cornwallis, with the support of Castlereagh and Fitzgibbon, to reach a compromise with the state prisoners. Cooke pointed to the advantages which would accrue to the government from this settlement: 'We get rid of seventy prisoners, many of the most important of whom we could not try, and who could not be disposed of without doing such a violence to the principles of law and evidence as could not be well justified'.²¹²

(7)

This chapter has endeavoured to question the strength of the government's position in the law courts in the pre-rebellion period. It has been shown that it very rarely obtained what it most desperately wanted in the legal field - clear cut capital convictions. In actual fact, the second half of the decade is most remarkable for a string of failed crown prosecutions. These failures proved extremely embarrassing in the heated political atmosphere of the late 1790s, and served to undermine the confidence of the loyalist community in the capability of the administration they supported. The single most damaging failure in this respect was the collapse of the case against the state prisoners in January 1798, coinciding as it did with a crisis in the army command. Other defeats, like those of John Fay and the Drogheda merchants in the spring of 1794, or that of Bernard Coyle, a county Armagh linen merchant, served to discredit the administration and raise questions about the impartiality of its justice. Even those successes which the

²¹¹ John Beresford to Auckland, 20/05, Fitzgibbon to Auckland, 21/05/1798 (B.L. Auckland papers Add.Ms. 34,454,258-60, 262)

²¹² Cooke to William Wickham, 28/07/1798 (*The Correspondence of Charles, first Marquess Cornwallis*, ed. Sir Charles Ross, 3 vols., London 1859, vol. ii, pp.377-8)

government did obtain were often attended with circumstances which served to detract from the strength of the victory, most significantly so in the case of William Orr. The Castle's hesitancy in executing his sentence was a serious error, as it encouraged radicals and liberals alike to campaign together for a reprieve, while simultaneously disillusioning northern loyalists. Orr's trial was just one of those which the *Dublin Evening Post* had in mind when it printed, in January 1798, a retrospect of the previous year. The paper referred to 'multitudes accused of crimes, taken up on the slightest grounds - nay often on no grounds at all - crammed into unconstitutional gaols - confined for several months without cause, and then released without reason - several who were not so happy as to be so well off, sent on board tenders, and shipped off to disseminate discontents in the navy'. Others were 'tried by *convenient* juries and condemned to death from the doubtful evidence of *convenient* witnesses'.²¹³ The reason for the government's weakness in the law courts lies in the strategy adopted by the disaffected to obstruct the course of justice. Through intimidation and the employment of seasoned defence counsel for those of its members who were brought to trial, the United Irishmen consistently sought to challenge the administration in the law courts. They were extremely successful in this enterprise, particularly at the Lent assizes of 1797 which marked the low point in the administration's fortunes, producing widespread acquittals of political prisoners across the province of Ulster. Although the government adopted measures which ensured that this spectacle was never repeated, the other assizes held before the outbreak of rebellion were never without significant failures for the forces of law and order. It can be seen, therefore, that the struggle for supremacy in the courtroom between the government and the disaffected was yet another manifestation of their wider struggle that was being waged throughout this period on several fronts.

²¹³ *D.E.P.* 02/01/1798

Appendices ²¹⁴

A - Conviction rate for all offences (political and non-political)

B - Conviction rate for political offences

C - Percentage of trials for political offences which resulted in capital convictions

(i) Conviction rates in the entire kingdom , 1796-Spring 1798²¹⁵

	A	B	C
1796	26%	n/a	n/a
Spring 1797	20%	18%	3%
Summer 1797	29%	32%	18%
Spring 1798	31%	34%	10%

(ii) Conviction Rates at Ulster assizes , Spring 1797-Spring 1798

Ulster	A	B	C
Spring 1797	20%	14%	2%
Summer 1797	26%	25%	17%
Spring 1798	22%	6%	2%

(iii) Conviction Rates at assizes in the rest of the kingdom , Spring 1797-Spring 1798

Rest of Kingdom	A	B	C
Spring 1797	19%	18%	4%
Summer 1797	31%	44%	19%
Spring 1798	34%	41%	12%

²¹⁴ All statistics based on reports of inspector general of Irish prisons 1797-99, in *Commons Journal of Ireland*, vol. xvii, (1796-1798); vol. xvii, part 2, (1798), Dclxxxii-Dclxxxiii; and xviii, (1799), ccxxxiii-cccxliv. All figures exclude those tried for debt related offences.

²¹⁵ Dublin city and county *Oyer and Terminer* and Quarter sessions excluded due to the combined nature of the returns given

Chapter four: Dublin Castle's intelligence network

Until quite recently it had often been argued that the secret service extending from Dublin Castle in the 1790s was remarkably successful in frustrating the plans of those poised to usurp its authority. Without doubt the government did score some significant successes in the intelligence battle it was waging against the disaffected in the pre-rebellion period. On three separate occasions, for example, it moved to arrest the main United Irish leaders: in September 1796 in Belfast and Lisburn, in April 1797 in Belfast, and in March 1798 in Dublin. By the end of 1797 it had penetrated into the provincial and executive committees of the United Irish organisation in Ulster, and by the time that rebellion erupted in Leinster the main leaders of the republican movement were nearly all imprisoned, including the talismanic figure of Lord Edward Fitzgerald.¹ Its infiltration of the Ulster organisation allowed the Castle to frustrate the plans of the insurgents of Antrim and Down to co-ordinate their activities by arresting the adjutant general of county Down, Rev. William Steel Dickson. In addition, the commanding officer in the province, Major-General Nugent, was able to concentrate his troops in anticipation of the rebel attack, thereby defeating their hopes of finding his forces divided.² It was successes like these that have often been taken as proof of the

¹ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland* (Dublin, 1798), appendix i, p. xv

; Col. Lucius Barber to E. Cooke, 22/10/1797 (Reb. papers 620/32/179); Charles Dickson, *Revolt in the North. Antrim and Down in 1798*, (Dublin, 1960), pp. 119-20, 164-6; W. J. Fitzpatrick, *The Secret Service Under Pitt*, (Dublin, 1892), pp. 118-135, 292

² Camden to Portland, 05/06/1798 (P.R.O. H.O. 100/77/39-46); Castlereagh to Pelham, 08/06, Castlereagh to Wickham, 22/06/1798

omniscience of the Castle regime in the 1790s. This was often the belief of contemporaries like William Drennan who commented after the arrest of Rev. Jackson in April 1794, that 'the spy system is for the present sharp indeed'.³ He believed in February 1796 that the government had an informer stationed in every coffee house, literary newsroom and social club in order 'to report conversations and to denounce names to the Castle'.⁴ Caesar Colclough of Duffry Hall, county Wexford, reported in June 1797 that it was 'almost impossible' for anything to be concealed from the authorities.⁵ In his examination before the secret committee of the House of Lords in August 1798 Samuel Neilson claimed that the arrest of the Leinster provincial committee at Oliver Bond's house in the previous March had convinced him that the government were well informed of the proceedings of the disaffected.⁶ Looking back at the events of the 1790s from a mid-nineteenth century vantagepoint, James Hope, the United Irish organiser, lamented that 'no real secrecy ever existed among us; for as soon as any efficient measure was proposed, the government was instantly prepared, if not to prevent its execution, yet eventually to counteract its effects'.⁷ Later historians perpetuated this view. R.R.Madden wrote in the 1840s that 'every important proceeding of the United Irishmen was known to government'. In support of this view he quoted from a speech by Lord Clare in the British lords in 1801, wherein the latter acknowledged that 'the United Irishmen who negotiated with the Irish government in 1798, had disclosed nothing which the king's

(J.T.Gilbert, *Documents relating to Ireland 1795-1804*, Dublin, 1893, p.131; P.R.O. H.O.100/77/180-1); R.R.Madden, *Antrim and Down in '98*, (Dublin, n/d), p.123; C.Dickson, *Revolt in the North*, pp.145-55; Charles Hamilton Teeling, *A Personal Narrative of the Irish Rebellion of 1798*, (1972 Irish University Press edition), p.129

³ Drennan to Sam.McTier, c.May 1794 (*The Drennan Letters 1776-1819*, ed. D.A.Chart, Belfast, 1931, pp.195-6)

⁴ Drennan to Mrs. McTier, 24/02/1796 (*The Drennan Letters*, p.231)

⁵ Caesar Colclough to government, 15/06/1797 (Reb.papers 620/31/101)

⁶ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland (1798)*, appendix xxxi, pp.316-7

⁷ R.R.Madden, *Antrim and Down in '98*, p.116

ministers were not acquainted with before'.⁸ As late as the 1950s Charles Dickson claimed that in consequence of its spies and informers 'the government was in a position to strike down the leaders when the opportune moment arrived'.⁹ Even one of the most recent commentators on the subject has subscribed to this view, concluding that the Camden regime's spy system provided 'most accurate and copious intelligence. No event occurred of which the Castle did not receive forewarning...One thing the government was never short of was information'.¹⁰

This traditional view of an all-seeing, all-knowing Irish administration has recently been more carefully scrutinised. In a pioneering article in the late 1970s Clive Elmsey initiated the process of challenging the prevailing assumptions about the extent and capability of the secret service run by the home office in London. In particular, he drew attention to the fact that statements about the 'terrifying proliferation' of spies and agents provocateurs were highly exaggerated.¹¹ Despite Elmsey's work, however, it has only been within the past few years that similar attempts have been made to accurately evaluate the capability of the corresponding secret service run by Dublin Castle. Professor Thomas Bartlett has argued that there were significant flaws in the Irish government's intelligence network in the 1790s, pointing in particular to its inability to process and analyse the vast amount of information it received.¹² This re-evaluation of the Castle's intelligence network forms part of a wider revision of traditional assumptions about the strength of the Irish government's position in the pre-rebellion period. Reference has earlier been made to recent work by Professor L.M. Cullen which

⁸ R.R.Madden, *The United Irishmen, Their lives and times*, 2nd. edition (4 vols. , London , 1857-60) vol.ii , p.20

⁹ C.Dickson, *The Life of Michael Dwyer*, (Dublin, 1944), p.18

¹⁰ Oliver Knox, *Rebels and Informers: Stirrings of Irish Independence*, (London, 1998), pp.19, 270

¹¹ Clive Elmsey, 'The Home office and its sources of information and investigation 1791-1801', in *E.H.R.* (1979), p.532

¹² Thomas Bartlett, 'Informers, Informants and Information - The Secret History of the 1790s', in *History Ireland*, vol. 6, no. 2

(Summer 1998), pp 23-26; Thomas Graham, 'An union of power: The United Irish organisation 1795-8', in D.Dickson, D.Keogh and

K.Whelan (eds.), *The United Irishmen*, (Dublin, 1993), pp.249-50, 253

contends that the general belief that the Dublin administration was responsible for forcing the pace against the disaffected is without foundation.¹³

This chapter builds upon both of these initiatives. It will reveal that the intelligence network emanating from the Castle in this period, such as it was, was constructed in the mid-1790s, when the means by which the government collected its intelligence were improved and expanded. It was during the Camden administration that this became a systematic process but there are signs that it had already begun under Westmorland. There were two main components to this modernisation process: the preservation of correspondence received at the Castle in a more systematic manner than had previously existed, and the establishment of more regular and permanent channels of communication between the Castle and a network of informants whose services it cultivated throughout the kingdom. These informants included loyalists in counties with a heavy concentration of ill-disposed individuals, those in the employ of the government such as revenue and postal officials and military officers, as well as a number of spies who were paid to penetrate into the secrets of the disaffected. It will then be illustrated that the intelligence network established through the efforts of government officials was deficient in several respects. In particular, it will be shown that Dublin Castle's attempt to professionalise its information gathering operations was not entirely successful, and that the government never established an evenly spread intelligence system. This meant that it suffered from a lack of adequate information on certain key areas. Perhaps the most obvious examples in this respect were its failure to identify the reality of United Irish organisation in county Wexford. The Mountnorris pacification campaign in November 1797 and April 1798, combined with the absence of any returns for the county in the papers seized during the arrests at Oliver Bond's in March 1798, duped the government into a dangerous complacency about the tranquillity of the county.¹⁴ This

¹³ See introduction p.2

¹⁴ L.M.Cullen, 'The 1798 rebellion in Wexford: United Irish organisation, membership, leadership', in K.Wheelan (ed.), *Wexford, History and Society*, (Dublin, 1987), p.250

accounts for Cooke's evident surprise when it became the main focus of rebellion: 'Wexford, the peaceable, the cultivated has been and is the formidable spot. You will recollect there was no returns, no delegates from Wexford. How artificial !'.¹⁵ This chapter aims to highlight the other key areas about which government intelligence was hopelessly inadequate, such as the activity of the United Irishmen in Dublin after May 1794 and in Belfast from their foundation until the spring of 1796. It will also be shown that the Castle experienced as many failures as successes in the intelligence battle which it waged against the disaffected. In particular, its attempt to penetrate into the Defender movement ended in failure in January 1796 with the murder of Friar Philips in Belfast. Most importantly, however, it will be revealed that the arrest of the United Irish leaders in September 1796, April 1797 and March 1798, instead of manifesting the strength of the Castle's intelligence network, actually revealed its greatest weakness: its total inability, until the very eve of rebellion, to produce an informer willing to testify in court in support of his information.

(1)

The administration of Earl Camden, from March 1795 to July 1798, was responsible for succeeding to a great extent in professionalising the intelligence network emanating from Dublin Castle. There are signs, however, that this process had already begun before Camden's arrival in Ireland. The Westmorland regime had possessed its own intelligence agents, although the geographical extent of their activity was rather limited. Soon after his arrival in Ireland, Camden himself referred to the information reaching the Castle through 'the channels established in Lord Westmorland's administration'.¹⁶ It had been under Westmorland that 'the first of the systematic

¹⁵ W.E.H. Lecky, *A History of Ireland in the Eighteenth century*, (5 vols., London, 1892), vol. iv, p.402 (Quoted in L.M. Cullen, 'The 1798 rebellion in Wexford', p.249)

¹⁶ Camden to Portland, 28/05/1795 (Reb.papers 620/22/08)

informers` had emerged. Thomas Collins, a failed silk mercer, had given information to the government on the Dublin society of United Irishmen from December 1791 until May 1794.¹⁷ The manner in which Collins` letters were preserved already pointed towards the practice subsequently adopted during the Camden viceroyalty of retaining and filing in its archives all correspondence sent to the Castle. The fact that the digest of government intelligence composed in July 1795 contained letters dated as early as 4 February suggests that a network of sorts already existed¹⁸, comprising figures like Francis Higgins, the proprietor of *Faulkner`s Dublin Journal*, Captain Andrew MacNevin of the Royal Irish Invalids in Carrickfergus, Thomas Boyle, the son of a publican at Drumcondra, and Friar Michael Philips, a Dominican friar from Coolavin county Sligo.¹⁹

It had also been towards the end of the Westmorland regime that the first efforts were made to establish a more adequate supply of intelligence from the critical area surrounding the United Irish stronghold of Belfast. At some time around the beginning of 1795 an agent was sent to Carrickfergus in an effort to obtain information against the United Irishmen in the area. This individual, known only by the initials A.M., was under instructions from a Castle official called John Patrick `to be cautious, and not to alarm, but to work a way to the intentions of those infamous clubs`. After some months A.M. succeeded in finding `an honest keen intelligent man` of loyal principles whom he persuaded to join the United Irishmen on 11 March 1795. By 21 March this individual had already been solicited to go as an emissary to the country on United Irish business. A.M. advised him to postpone his decision while he awaited instructions from the

¹⁷ R.B. MacDowell, `Proceedings of the Dublin Society of United Irishmen, 1791-4`, in *Analecta Hibernia*, xvii (Dublin, 1949); Ibid., *Ireland in the Age of Imperialism and Revolution*, (Oxford, 1979), p.386

¹⁸ Camden to Portland, 29/07/1795 (P.R.O. H.O.100/58/171-212)

¹⁹ Francis Higgins to Sackville Hamilton, 29/03/1795 (K.A.O. Pratt papers U840/0143/1); Ibid. U840/0150/2-3; Camden to Portland, 04/03/1797 (P.R.O. H.O.100/67/129-33); Alexander Worthington to Alexander Marsden, 24/08/1802 (Reb.papers 620/10/125/4);

Peadar Bates, *Rebellion in Fingal*, (Dublin, 1998), p.3

government on how to proceed.²⁰ By 5 April A.M. had still not received a reply, illustrating the disruption occasioned at the Castle by the Fitzwilliam administration.²¹ As with many other facets of government policy, intelligence gathering appears to have suffered from the uncertainty among government stalwarts about their political future. In a letter to the new chief secretary in April 1795 John Pollock complained that 'the old Hobart system' of intelligence gathering had been interrupted by the political upheavals at the Castle and that at that time it was 'not so perfect as it was'.²² With Camden securely established as viceroy and Sackville Hamilton and Edward Cooke re-appointed to their respective administrative posts, however, a stable political regime was created which facilitated the attempt to professionalise Dublin Castle's mode of collecting information throughout the kingdom. The re-appointment of Cooke to the office of military under-secretary after the Fitzwilliam episode was extremely relevant to this new departure. Pelham's long absences from the kingdom and his frequent bouts of ill health, meant that much of the burden for this reorganisation fell upon Cooke's shoulders, and his endeavours were rewarded in May 1796 when he was promoted to replace Sackville Hamilton as civil under-secretary.²³ The Camden administration endeavoured to cultivate regular communication links with solid and politically reliable figures in troublesome areas²⁴, such as Downshire in county Down, Sir George Fitzgerald Hill in county Derry and Revd. George Lambart and Hamilton Gorges in county Meath. The Castle also adopted a more professional approach towards the correspondence it received. As has already been stated, the manner in which the letters of Thomas Collins have survived reveal that this was not without precedent. In addition, the government began to expect more frequent intelligence from those in its employ, such as military personnel, custom

²⁰ A.M. to John Patrick, 21/03/1795 (K.A.O. Pratt papers U840/0144/1)

²¹ A.M. to John Patrick, 05/04/1795 (K.A.O. Pratt papers U840/0144/3/1)

²² John Pollock to Pelham, 16/04/1795 (K.A.O. Pratt papers U840/0143/7/1-2)

²³ Camden to Portland, 07/05/1796 (P.R.O. H.O.100/64/68-72)

²⁴ L.M.Cullen, 'The United Irishmen', in *Ulster Local Studies*, Vol. 18, number 2 pp.17-8

and excise officers, revenue officers and postal officials. In particular, the post office began to be rigorously exploited as a means of monitoring the movements and correspondence of the disaffected.

Although there is no figure for the number of post office deputies in Ireland at this time, there were about five hundred in Britain by the close of the eighteenth century.²⁵ This amounted to a vast pool of potential intelligence gatherers spread across the kingdom. At its centre was John Lees, an influential loyalist and secretary to the general post office. He instructed the postal officials to send him reports on disturbances and on the activities of suspected individuals in their localities.²⁶ Their services were also engaged to trace the movements of United Irish emissaries across the kingdom.²⁷ The most important function of the post office, however, was to provide a medium for monitoring the correspondence of suspected individuals. In Britain the secretary of state was empowered to authorise the collection of information by opening suspicious correspondence. This practice dated back to Tudor times, and had been confirmed by the Post Office act of 1711.²⁸ It appears from the existence in the Castle archives of a copy of Tone's famous letter of 1791, expressing his views on separation, that it was also exploited for this purpose in Ireland from an early period. Thomas Braughall's correspondence was being monitored in the autumn of 1792.²⁹ It was only from 1795, however, that this becomes a more systematic process, particularly in troubled areas. At Belfast, for example, Thomas Whinnery, the post master of the town, maintained a strict observance over the letters arriving in his office, opening those which interested him and

²⁵ K.Ellis, *The Post Office in the Eighteenth century*, (Oxford, 1958), pp.31-2, 61 (Quoted by C.Elmsey, 'The Home office and its sources of information', p.537)

²⁶ For eg. K.A.O. Pratt papers U840/0146/24/2, U840/0144/14, 18, 19; Reb.papers 620/30/74, 52, 96, 102, 127, 128, 129

²⁷ Edward Dudley, post master of Roscrea, to John Lees, 22/09/1795 (Reb.papers 620/22/42)

²⁸ K. Ellis, *The Post Office in the Eighteenth century*, chapter 6 (Quoted in C.Elmsey, 'The Home office and its sources of information', p.538)

²⁹ Hobart to Evan Nepean, 07/09/1792 (Quoted in Lecky, iii, 103)

forwarding them to John Lees in Dublin if they contained significant information.³⁰

Letters of foreign origin, or addressed to disaffected individuals or to the radical press, were opened, copied and either placed back into the post, or simply confiscated altogether.³¹ After taking one such letter out of circulation, Whinnery advised Lees that 'the date on the back [of the letter] ought to be altered if you send it down [to Belfast] again'.³²

This exploitation of the post office was an important element in the government's intelligence system, but it was a jealously guarded prerogative which could only be extended to certain highly trusted individuals. In March 1796 the post master of Boyle in county Roscommon intercepted a letter in the post and forwarded it to the local magnate, Lord Kingston. Addressed to a prisoner in Castlebar gaol who had been charged with high treason, it was believed to have been written by a man who fled to America for the same offence. Kingston forwarded it to the Castle as he felt it might contain some information which would be of service. Pelham was displeased with this interference. He instantly returned the letter to the post, and expressed the government's anger 'that the postmaster should give up any letters even to his lordship'.³³ Such blatant abuse of the postal system, particularly the removal of actual letters from the post instead of merely copying them, served to confirm the suspicions of the ill-disposed that they were under observation.³⁴ Arthur O'Connor personally complained to the authorities

³⁰ Thomas Whinnery to John Lees, 06/06, 24/12/1796 (Reb.papers 620/23/152, 26/153a)

³¹ Wolfe Tone to John Chambers, 13/10, 17/10/1791 (Reb.papers 620/19/29-30); Andrew O'Reilly, Badom in Germany, to Richard Cruise, 06/03/1796 (Ibid.620/23/44); Rev.J.Coigley to John Shaw, 27/07/1796 (Ibid.620/24/59); Thomas Whinnery to John Lees, 29/10/1796 (Ibid.620/25/197); *Brutus* to editor of the *Press*, 17/11/1797 (Ibid.620/33/67)

³² Thomas Whinnery to John Lees, 29/10/1796 (Reb.papers 620/25/197)

³³ Lord Kingston to Pelham, 16/03/1796 (Reb.papers 620/23/49 - endorsement)

³⁴ Daniel Shanahan to John Burke, 10/06/1797 (Reb.papers 620/31/72); Mary McNeill, *The Life and Times of Mary Ann McCracken, 1770-1866: A Belfast Panorama*, (new edition, Belfast 1988), pp. 142, 150; Mrs.McTier to Drennan, c.Oct. 1797 (*The Drennan Letters*, 263); Drennan to Mrs.McTier, 01/08/1797 (Ibid., 259-60)

before the outbreak of rebellion that his letters were being constantly opened and often suppressed by the post office.³⁵ The inevitable result of these suspicions about the postal system was that those with secrets to hide adopted measures to preclude official inspection of their correspondence. It was reported from county Tyrone in March 1796 that the United Irishmen conveyed all of their intelligence by messengers, 'for they dare not to correspond by post'.³⁶ The Rev. George Lambart informed the Castle from county Meath in January 1797 that the disaffected wrote their letters in lemon juice which was invisible to the naked eye and could only be read by holding it up to the light.³⁷

Perhaps the most important element in the Camden regime's efforts to increase the amount of information at its disposal was its continuation of the process of constructing an active intelligence community in the troublesome area of south-east Antrim. Captain N. Johnston, surveyor-general of the post office, was dispatched to Belfast and Carrickfergus in April 1795. He forged links with existing informants like Captain MacNevin, and reliable loyalists like Robert Clements, the post master and sheriff, and Rev. Snowden Cupples, the curate of the town. Captain Johnston also cultivated the services of one Close, a local United Irishman, who agreed to supply him with information, although he refused to testify in court. It was also on Johnston's initiative that Thomas Whinnery was transferred from the Newry post office to Belfast. Whinnery's presence in a town which was regarded as 'the source and mainspring of rebellion' secured a reliable line of communication between it and Dublin Castle, and allowed, as we have seen, for the monitoring of suspected individuals and their correspondence. At Carrickfergus Captain MacNevin acted in the same capacity as Francis Higgins in Dublin, that of spymaster. He furthered his enquiries on United Irish activity in the area by employing his own set of spies, and his activity was encouraged by

³⁵ McNally to _____, March-May 1798 (Reb.papers 620/10/121/152)

³⁶ Andrew Newton to Rev. Dr. O'Connor, 30/08/1795 (Reb.papers 620/23/09)

³⁷ George Lambart to government, 29/01/1797 (Reb.papers 620/28/167)

Lord Downshire who had an interest in the Corporation of the town.³⁸ MacNevin fostered the exertions in the same field of a sergeant in his company, John Lee, and persuaded others, like the failed tobacconist James Blackwood, to join the United Irishmen in order to obtain intelligence. Sergeant Lee proved to be an extremely daring agent, even managing on one occasion to conceal himself at a United Irish meeting. In addition, he proved particularly adept at developing a network of spies of his own, including Rev. James MacCary, the parish priest of Carrickfergus.³⁹

From January 1796 the MacNevin/Lee circle in Carrickfergus was replicated in Belfast where Major-General Nugent was active in the intelligence field, ably assisted by Colonel Lucius Barber.⁴⁰ By June 1796 Cooke was orchestrating the mutual co-operation of the Belfast and Carrickfergus circles to monitor the activities of suspected individuals. Thomas Whinnery informed John Lees on 22 June that two 'very doubtful characters', a Colonel Stafford and a Mr. Richards, were lodging about four and a half miles from Belfast. He reported that both men, who he believed to be of English origin, spoke very freely against the Pitt administration and his interest had been aroused by the unorthodox manner in which their letters were addressed.⁴¹ Cooke initiated enquiries about the two men through Captain MacNevin, who reported on 30 June that Colonel Stafford was in fact eldest son to a gentleman near Castlebellingham, county Louth. He had been disinherited by his father for embezzling the county money while high sheriff. The colonel had been in the service of the Court of Brunswick from which he had been dismissed for intriguing. MacNevin could not discover a great deal

³⁸ Capt. Andrew MacNevin to Pelham, 09/05, Capt. A. MacNevin to Cooke, 02/07/1796 (Reb.papers 620/23/101, 24/31)

³⁹ Captain N. Johnston to John Lees, 22/04, 27/04, 03/06/1795 (K.A.O. Pratt papers U840/0144/15, 21, 0146/24); Sergeant John Lee to Captain N. Johnston, 01/06/1795 (Ibid.U840/0146/24/2); Captain MacNevin to Pelham, 06/06, 06/07/1795, Captain MacNevin to John Lees, 09/07/1795 (Ibid.U840/0144/26, 0148/2, 9); Sergeant John Lee to Cooke, 02/07/1796 (Reb.papers 620/24/02); Camden to Portland, 29/07/1795 (P.R.O. H.O.100/58/171-212)

⁴⁰ Cooke to Major-General Nugent, [Jan. 1796] (P.R.O.N.I. McCance papers D.272/43/3)

⁴¹ Thomas Whinnery to John Lees, 22/06/1796 (Reb.papers 620/23/188)

about Richards but presumed that he was Stafford's aide-de-camp. The captain dismissed both men as mere adventurers incapable of any revolutionary activity.⁴² In other areas the Castle exploited the services of individual loyalists who used their influence and position in society to monitor events in their neighbourhood. Lords Downshire and Castlereagh were prominent in this respect in county Down, where they relied upon the services of lesser gentry figures like Nicholas Price and Rev. John Cleland.⁴³

The increase in the amount of information at its disposal allowed the government to become more pro-active in the intelligence field, initiating enquiries on subjects close to its security interests. In July 1796 Cooke had Rev. James MacCary employed to obtain information on the prospect of a French invasion and the number of fire-arms in the possession of the United Irishmen in Ulster.⁴⁴ In a like manner, the Castle responded to the appearance of disaffection in county Cork in the spring of 1797 by orchestrating the activity of the commanding officers in the region, General Dalrymple, Major-General William Loftus and Brigadier-General Eyre Coote. Under close supervision by the authorities their efforts proved extremely successful, resulting in the arrest in late May of two United Irish committees, consisting of thirty-nine individuals in total.⁴⁵ Leonard MacNally was instructed by Cooke in May 1797 to make enquiries in the capital on a number of subjects, including the means by which the United Irishmen were financed,

⁴² Captain MacNevin to Cooke, 30/06, 02/07/1796 (Reb.papers 620/23/210, 24/31); There was further evidence of cooperation in August- Cooke to Major-General Nugent, 06/08/1796 (P.R.O.N.I. McCance D.272/43/6), and in September- Capt.MacNevin to Cooke, 18/09, 24/09/1796 (Reb.papers 620/25/68, 106); Major-General Nugent to Cooke, 30/07, 08/08, 09/08, 20/08/1796 (Ibid.620/24/66, 91, 132, 143); Major-General Nugent to Pelham, 30/09/1796 (P.R.O.N.I. Pelham T.755/3/209)

⁴³ C.Dickson, *Revolt in the North*, 119-20, 164-5; Bp.of Dromore to Downshire, 20/08/1797 (P.R.O.N.I.Downshire D.607/E/300)

⁴⁴ Rev.James MacCary to Wm.Williams, 23/07/1796 (Reb.papers 620/24/45)

⁴⁵ Brigadier-General Eyre Coote to Pelham, 17/04, Brigadier-General Coote to Dalrymple, 24/05/1797 (P.R.O.N.I. Pelham T.755/4/2/367, 5/119); General William Loftus to Pelham, 15/05, General Dalrymple to Pelham, 22/05/1797 (Ibid.T.755/5/63,93); General Dalrymple to Marshall, 10/05, 11/05/1797 (Ibid.T.755/5/28, 37)

and how they conducted their correspondence between Dublin and Belfast.⁴⁶ In October the Dublin spy, Thomas Boyle, was instructed to discover the identity of the printer of the *Union Star*, a newspaper which proved an irritable thorn in Cooke's side.⁴⁷

The Castle's activity in developing an intelligence network during this period is reflected in the expenditure from the secret service fund. This had been established by an act passed in the Irish parliament in 1793 which authorised the viceroy to make payments for the detection or prevention of treasonable or other dangerous conspiracies against the state in any part of the kingdom. The considerable rise in expenditure during the Camden administration points to an intensification of secret service activity. In the ten months from April 1795 to January 1796 the government spent £445 on secret service. For the six months from January to May 1796 this total increased to £2,673, while in the fifteen month period from May 1796 to August 1797 total expenditure was nearly £6,000.⁴⁸ These figures illustrate the government's outlay on recruiting informers and spies, by manipulating the fears and desires of those in a position to give information on the activities of the disaffected.

The improvement of the means of intelligence gathering in the mid-1790s, the exploitation of the services at the government's disposal - like the postal and revenue departments, and the establishment of a network of spies and informers, meant that in the years immediately preceding the rebellion the Castle began to receive a far greater amount of information than it had in the past. This information was also more carefully preserved and filed than previously, providing the material upon which to build a coherent security policy. In this manner the foundation was laid for the successes enjoyed by the authorities in the intelligence field, and helped create the myth of an omniscient Dublin Castle. The intelligence network established in the mid 1790s had significant

⁴⁶ Leonard MacNally to _____, 27/05/1797 (Reb.papers 620/10/121/60-61)

⁴⁷ Information of Thos. Boyle, Oct. 1797 (Reb.papers 620/18/03)

⁴⁸ J.T. Gilbert, *Documents relating to Ireland, 1795-1804*, pp.v-vi, xi, 2

flaws, however, which serve to illustrate that traditional conclusions about the government's omniscience are not entirely accurate.

(2)

While it enjoyed success in several respects, the intelligence network at the Castle's disposal in the pre-rebellion period also suffered from many inadequacies. The reason that these inadequacies have not been highlighted in the past owes something, at least, to the political agenda behind many historical accounts of the period. A number of those who have helped to construct the image of an omniscient Castle regime were politically motivated. R.R.Madden, the Young Irelander, was anxious to prove that the administration was fully aware of United Irish plans but allowed them to progress in the hope they would result in a rebellion which could then be used to force the legislative union on a protestant ascendancy jealous of its own independence.⁴⁹ In an effort to discourage his contemporaries from joining secret societies, James Anthony Froude endeavoured to illustrate that the government would forever be cognisant of the activities of the ill-disposed. He also attempted to show that there could be no safety in such secret organisations by portraying those in the highest ranks of the United Irishmen as eager to give information to the government in return for reward, 'stipulating only for concealment from the execration and revenge of their confederates'.⁵⁰ W.J.Fitzpatrick wrote from a different political standpoint but towards the same end. He hoped that the organisers of illegal conspiracies would conclude from his work that 'in spite of the apparent secrecy and ingenuity of their system, informers sit with them at the same council board and dinner table, ready at any moment to sell their blood'.⁵¹ Many of these

⁴⁹ R.R.Madden, *The United Irishmen*, ii, p.20

⁵⁰ James Anthony Froude, *The English in Ireland in the Eighteenth Century*, (3 vols., London, 1872-4), vol. iii, p.318

⁵¹ W.J.Fitzpatrick, *The Secret Service Under Pitt*, pp.v-vi

authors approached their study of Dublin Castle's spy network with a pre-determination to find what they were looking for, irrespective of whether it existed in reality or not.

Perhaps the most obvious flaw in the government's intelligence system lay in the fact that the civil administration at the Castle could not cope with the sharp increase in the correspondence it received after 1795, as the security situation deteriorated in the country. In the first six months of 1796 an average of 35 letters a month were sent to Dublin Castle. For the corresponding period in 1797 this rose to 179. By May 1798 the average was 240.⁵² Clive Elmsey has highlighted the fact that at the close of the eighteenth century the home office in London was 'a tiny organisation, consisting of less than two dozen individuals'. This included the secretary of state at the top of the hierarchy, followed by two permanent under secretaries. The remainder of the establishment consisted of 'a dozen or so clerks and the various cleaning and janitorial staff'.⁵³ The exact size of the clerical staff at Dublin Castle is unknown although there are occasional brief references to the existence of such individuals. In March 1795 Fitzgibbon alluded to 'the clerks in the different offices about the Castle'.⁵⁴ What is certain is that the number of personnel employed in Dublin must have been smaller than its equivalent in the home office, with the result that it simply did not have the administrative capacity to process the vast amount of information which it began to receive. The task of analysing these letters, forwarding those with significant information to the relevant government official, and sending replies, lay with Edward Cooke, the civil under-secretary from May 1796.

Cooke was 'a one-man agency' responsible for operating the security machine in the Castle.⁵⁵ His importance and success in this endeavour is indicated by the belief of his

⁵² Deirdre Lindsay, 'The Rebellion papers', in *Ulster Local Studies*, vol. 18, no.2, p.29

⁵³ Clive Elmsey, 'The Home office and its sources of information', p.532

⁵⁴ Fitzgibbon to Westmorland, 25/03/1795 (N.A. Westmorland papers, 114)

⁵⁵ L.M.Cullen, 'Politics and Rebellion: Wicklow in the 1790s', in Hannigan and Nolan (eds.), *Wicklow, History and Society*.

Interdisciplinary Essays on the History of an Irish County, (Dublin, 1994), p.418; T.Bartlett, 'Informers, Informants and Information -

opponents in the intelligence war that he was, in the words of Edward John Newell, 'that arch betrayer of every honest heart, the diabolical agent of the sanguinary Pitt'.⁵⁶

Undoubtedly this engendered in him a certain self-importance which far exceeded the significance normally accorded to those in his position. Fitzwilliam, for example, found Cooke acting not as a clerk but as a minister, and felt that his 'tone and style' towards a superior were 'not to be supported'.⁵⁷ In contrast to his predecessor, Fitzwilliam was determined to treat both Cooke and Sackville Hamilton as clerks, and he insisted that they should not enjoy direct personal access to him. Their business with the lord lieutenant was to be conducted through Fitzwilliam's private secretary or the chief secretary.⁵⁸ It is interesting that Fitzwilliam's successor, Earl Camden, also attempted to treat Cooke more like a clerk than Westmorland had.⁵⁹ It appears that Camden initially intended not to reinstall Cooke after Fitzwilliam's removal, and that the former under-secretary, who was in 'high dudgeon' at this determination, exploited his influence with Pitt in order to secure his re-appointment.⁶⁰ Dean Charles Warburton of Loughgilly, who accused Cooke of blocking his appointment to the bishopric of Killala by reporting to Pitt that he was a catholic, informed Fitzwilliam in June 1795: 'Your lordship knows that Cooke is the spy of Mr. Pitt in this country, and his being restored to office was a much greater object with the minister, than that of the first commissioner of the revenue [John

The Secret History of the 1790s', p.26

⁵⁶ Edward John Newell, *The Apostacy of Newell, containing the Life and Confession of that Celebrated Informer....Written by himself*, (London, 1798), pp.9-10

⁵⁷ Fitzwilliam to Carlisle, 06/03/1795 (*The Correspondence of the Rt. Hon. John Beresford*, ed. William Beresford, 2vols, London, 1854, vol.ii, pp.78-84)

⁵⁸ Bishop of Cloyne to Westmorland, 12/01, Cooke to Westmorland, 13/01/1795 (N.A. Westmorland papers, 126, 127)

⁵⁹ Grattan to Fitzwilliam, 18/07/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

⁶⁰ Sir Michael Cromie to Thomas Conolly, 06/04/1795 (T.C.D. Conolly papers Ms.1050); William Ponsonby to Fitzwilliam, 22/06/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

Beresford]'.⁶¹ Like Fitzwilliam, Camden was also irritated by Cooke's independence of the lord lieutenant and his willingness to act on his own initiative. When Cooke was promoted to the position of civil under-secretary, Camden found great satisfaction in his replacement in the military department, William Elliott; precisely because as he was new to his job he tended to keep Camden better informed than Cooke had of what was going on.⁶²

Although the various sources for the 1790s contain hundreds of letters addressed to Cooke, there are very few written by him which have survived. The Hill of Brookhall papers are therefore particularly valuable as they contain a series of letters written by the under secretary to Sir George Hill in Derry. These letters give the impression of Cooke as being a busy man. They are invariably short, usually not exceeding a few lines, and are terse and to the point.⁶³ Apart from receiving letters, Cooke had to act upon them, file them or forward them to Pelham or Camden for their attention. In addition he was obliged to personally consult with the many spies and informers in his employ who frequented the Castle for advice or financial assistance.⁶⁴ The under-secretary also had to perform his parliamentary duties as member for the episcopal borough of Leighlinbridge in county Carlow.

The deterioration of the rule of law in the kingdom through 1796 increased the pressure of business at the Castle and there were signs that at times, in spite of Cooke's undoubted efficiency⁶⁵, there was more information than it was possible to digest and he was 'simply overwhelmed'.⁶⁶ In mid-December 1796 Sir George Hill scolded him for the

⁶¹ Dean Charles M. Warburton to Fitzwilliam, 12/06/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

⁶² Camden to Pelham, [post 15/06/1796] (P.R.O.N.I. Pelham T.755/3/37)

⁶³ The Hill of Brookhall papers can be found in the P.R.O.N.I. under D.642/A/9/3

⁶⁴ Edward Nicholson to Cooke, 16/05/1796 (Reb.papers 620/23/109); Captain Andrew MacNevin to Pelham, 23/04, Captain Andrew MacNevin to Cooke, 14/07/1796 (Ibid.620/23/84, 24/32)

⁶⁵ Camden to Portland, 26/05/1795, Camden to Pelham, post 15/06/1796 (P.R.O. H.O.100/57/326-7; P.R.O.N.I. Pelham T.755/3/37)

⁶⁶ Oliver Knox, *Rebels and Informers*, p.19

delay in responding to his letters.⁶⁷ After Hill made similar charges in February 1797, Cooke was provoked to declare: 'when you complain of me for not writing more fully, I know not my guilt'.⁶⁸ Captain MacNevin made similar complaints against Cooke in March 1797. The captain complained to Downshire that he had written several times to the under-secretary for advice on an important matter but 'of late he has thought proper to decline acknowledging my letters, which contained some matter of importance, but I believe the pressure of parliamentary business will not allow him time'.⁶⁹ After Cooke had failed to send him a pamphlet he had twice requested in December 1796, Lord Auckland complained to John Beresford that the under secretary was 'not attentive in small matters'.⁷⁰ A slightly embarrassed chief secretary explained to Robert Longfield Conner in November 1797, nine months after Conner had sent a letter to the Castle, that 'by some accident' it had been mislaid amongst Cooke's papers and he had only just received it.⁷¹ When John Lees forwarded a copy of the *Northern Star* to Pelham in February 1798, he entrusted it to one of the Castle clerks, believing that 'My friend Cooke ten to one might mislay the enclosed *Northern Star*'.⁷² In addition there were often complaints about the quality of information sent from the Castle to its correspondents in the country. After receiving warrants for the arrest of several individuals in September 1796 Rev. William Bristow of Belfast requested a more specific description of one of the men as there were two individuals of the same name living in the same area.⁷³ He complained to Lord Downshire on 8 October after twice visiting Ahoghill in search of one McGlaughan, only to find that there were three men of that

⁶⁷ Cooke to Sir George Hill, 17/12/1796 (P.R.O.N.I. Hill of Brookhall papers D.642/A/9/9)

⁶⁸ Cooke to Sir George Hill, 07/12/1796 (P.R.O.N.I. Hill of Brookhall papers D.642/A/9/14)

⁶⁹ Captain Andrew MacNevin to Downshire, 12/03/1797 (P.R.O.N.I. Downshire papers D.607/E/182)

⁷⁰ Lord Auckland to John Beresford, 22/12/1796 (*The Correspondence of the Rt. Hon. John Beresford*, vol.ii, pp.138-9)

⁷¹ Pelham to Robert Longfield Conner, 29/11/1797 (Reb.papers 620/33/101)

⁷² John Lees to _____, 08/02/1797 (Reb.papers 620/35/125)

⁷³ Rev. William Bristow to Cooke, 22/09/1796 (Reb.papers 620/25/91)

name there. He wanted an exact description of the man he was supposed to arrest, and confided to Downshire his opinion that 'they are not sufficiently careful above [in the Castle]. Surely the informers can give a more particular account of the persons against whom they swear'.⁷⁴

Apart from administrative problems encountered by Dublin Castle in its attempt to cope with the increase of business in the second half of the 1790s, there were more fundamental flaws in the operation of its intelligence network. In particular, it never succeeded in establishing an even spread of intelligence through the kingdom. It has recently been observed that the Rebellion Papers, the main archive for correspondence sent to the government, are 'ultimately deceptive' in that they only reveal 'a fraction of the reality' in many counties. The vast majority of those who corresponded with the authorities were government supporters, and they tended to give a very one-sided picture of the condition of the country, as they sought to enhance their own self-importance or endeavoured to force the government into a particular course of action. Liberal magistrates and politicians, on the other hand, rarely wrote to the Castle, with the result was that outside of areas which had prominent loyalists in correspondence with the authorities, like Downshire in county Down, Sir George Hill in Derry and Dean Charles Warburton in Armagh, the government's intelligence on the condition of the kingdom was rather limited.⁷⁵ Even the information which the government did receive from its correspondents was often of little benefit, originating in the exaggerated alarms of a heated loyalist imagination or amounting merely to extremely general observations on what the author *believed* to be occurring in his neighbourhood. Camden recognised in July 1795 that much information came from people of 'nervous dispositions' which was 'magnified from the anxiety of men to show their activity in collecting, and their zeal in transmitting information'.⁷⁶ Lord Fingall later summarised quite accurately the nature of

⁷⁴ Rev. William Bristow to Downshire, 08/10/1796 (Reb.papers 620/25/154)

⁷⁵ L.M. Cullen, 'Politics and Rebellion: Wicklow in the 1790s', pp.413, 419

⁷⁶ Camden to Portland, 29/07/1795 (P.R.O. H.O.100/58/171-212)

much of the information received when he wrote that 'every trifle in this sort of times and in such an irritable country makes me at least suspicions and my conscience is so delicate that the smallest circumstance I cannot but communicate'.⁷⁷ The general nature of such correspondence frustrated the authorities. One of the Castle officials complained in May 1797 that the substance of a recent letter from Rev. George Lambart of county Meath, a frequent correspondent, was of little use 'as it is general and does not point at any particular persons'.⁷⁸ Similarly, an endorsement on a letter received from George Clibborn of Moat in county Westmeath, noted on 29 May that 'as he does not state any facts nor any grounds for suspicions but the general and vague report of others, nothing can be done upon it'.⁷⁹ The government was confronted with the same problem in attempting to sift through the intelligence it received from those spies in its employ. Some of its agents, like Rev. James MacCary, were deserving of little credit. MacCary became an assiduous correspondent of the government after his recruitment by his landlord, Sergeant John Lee, but detailed little information of any value. His main interest lay in extorting small sums of money from the Castle's secret service fund.⁸⁰ In addition, a great deal of the intelligence sent to Dublin was tainted by the prejudices of its author, as was the case with Leonard MacNally and Francis Higgins who were both prone to overestimate clerical involvement in the plots of the disaffected.⁸¹ Others exaggerated their reports, and the dangers they faced, in order to emphasise their own importance and thereby justify their claims to entitlement for a larger reward.⁸² The failure to establish a reliable and widespread intelligence network in the late 1790s is revealed by the existence of several lacunae in the government's information on key

⁷⁷ Fingal to Alexander Marsden, 23/07/1804 (Reb.papers 620/13/178/25)

⁷⁸ 'Mr. H.'s Mem[orandum]' on a letter by Revd. George Lambart, 13/06/1797 (Reb.papers 620/31/87)

⁷⁹ 'Mr. H.'s Mem[orandum]' on a letter by George Clibborn, 31/05/1797 (Reb.papers 620/30/267)

⁸⁰ Lecky, iii, p.467

⁸¹ Lecky, iv, pp.77-8

⁸² W.J.Fitzpatrick, *The Life, Times, and Contemporaries of Lord Cloncurry*, (London, 1855), p.70

areas of radical activity. This was dangerous in that it engendered a sense of complacency among Castle administrators about the extent of the threat confronting them. The government often mistakenly interpreted its lack of information *on* the disaffected as a sign of a lack of activity *by* the disaffected. The most significant examples in this respect were its failure to penetrate the Defender movement, and its lack of accurate information about United Irish activity, in Dublin from the departure of Thomas Collins from the movement in May 1794, and in Belfast from 1791 until the emergence of John Bird as an informer in the spring of 1796.

Until it began to receive information from John Bird on the activity and strength of the United Irishmen, the government regarded the Defenders as the more dangerous of the two radical organisations. This did not arise from its possession of any more detailed information on the Defenders. Rather, it was the outrages committed by this lower class catholic movement and their attacks on the homes and persons of gentry figures associated with the ascendancy, whether protestant or catholic, which ensured that they were a priority concern for the administration, for political as well as security reasons. By the summer of 1795 Defenderism had spread from its area of origin in Armagh into at least another twelve counties stretching in a broad swathe from the south Ulster borderlands into the midlands and across to north Connaught. They were even beginning to threaten the environs of the capital itself. Furthermore, the lower class catholic composition of this organisation, and its confused mixture of republican and catholic ideology, appeared far more alarming to the ruling oligarchy than the United Irishmen with their middle class leadership and mixed religious membership. The evidence produced upon the trial of Lawrence O'Connor in August 1795, and that supplied by William Lawlor in the Dublin Defender trials in the winter of 1795-6, revealed that they had infiltrated the armed forces and were arming to assist an anticipated French invasion. Their success in corrupting the military was perhaps the most worrying concern for the government, as several militiamen had already been convicted of Defenderism. The Castle's prioritisation of the Defenders over the United

Irishmen is indicated by the composition in September 1795 of a digest of information which concentrated exclusively on Defender activity.⁸³

The government's intelligence on the Defenders, despite the acknowledged magnitude of the threat they posed, was less than satisfactory. Camden admitted to the British cabinet in September 1795 that he was 'puzzled extremely' by the Defenders. He declared that 'by their extreme ferocity, of which there are too many horrid instances, they have established such an ascendancy over the lower orders of people, that government has never been able to obtain an entire scheme of intelligence'.⁸⁴ At the same time Cooke reported to Pelham that 'Defenderism puzzles me more and more'.⁸⁵ The Castle never successfully penetrated this movement, despite efforts to do so in the winter of 1795. In July and August of that year the government received information from three independent sources that Robert Campbell, a publican who lived on Lord Charlemont's estate in the parish of Armagh, was one of the two main Defender leaders in the country. One of the informants in this case was Sweeney, a native of Armagh who called himself an inspector general and claimed to be an agent of Campbell's in Connaught. Desperate to gain an insight into this organisation, either Cooke or Pelham initiated enquiries on this subject through Dean Richard Allott of Armagh and Lord Carhampton, commanding officer of the western district at the time. Although they were unsuccessful in their endeavours to 'make out any satisfactory information against Campbell', they concluded that the intelligence was well founded and that he was 'certainly a captain of Defenders'.⁸⁶ Hopes were raised in October of that year when an investigation by one of

⁸³ Camden to Portland, 25/09/1795 (P.R.O. H.O.100/58/334-50); For more on the July and September digests see *supra* pp.183-184

⁸⁴ Camden to Portland, 25/09, Camden to Pitt, 26/09/1795 (P.R.O. H.O.100/58/334-50; Ibid. Chatham papers 30/08/326/26-7)

⁸⁵ Cooke to Pelham, 12/09/1795 (B.L. Pelham papers Add. Ms.33101/272-3)

⁸⁶ Fleming to Pelham, 27/06, 21/07/1795 (K.A.O. Pratt papers U840/0147/14, 4); Richard Allot to Pelham, 12/07/1795 (B.L. Pelham

Add. Ms.33,101,197-8); Henry Major to Pelham, 29/07/1795, Examination of Thomas Mulheran (K.A.O. Pratt papers

U840/0149/16/1, 2); Camden to Portland, 29/07/1795 (P.R.O. H.O.100/58/171-212); Camden to Pelham, 25/08/1795 (B.L. Pelham

Add. Ms.33,101,228-33); Wolfe to government, 26/08/1795 (Reb.papers 620/22/36)

Dublin Castle's most daring spies, Friar Michael Philips, a Dominican friar who resided at Kilfrea near Boyle, revealed that Campbell and John Magennis, the other main Defender leader, were involved in purchasing and distributing arms.⁸⁷ Campbell's presence was reported in Cavan towards the end of 1795 and at Balbriggan shortly afterwards. Through Thomas Boyle the authorities were aware that Campbell 'is constantly travelling from county to county where disturbances are'.⁸⁸ In response, the Castle dispatched Friar Philips to counties Armagh, Down and Antrim in November 1795. He managed to gain an introduction to John Magennis at Balleely, county Down, before travelling to Newry to infiltrate the Defender organisation in the area.⁸⁹ Philips' investigation threatened to uncover links between prominent United Irish and Defender leaders and members of the catholic committee, and he revealed that efforts were being made to combine the United Irish and Defender organisations. Cooke delayed making arrests in anticipation of 'auxiliary evidence' which would secure definite convictions.⁹⁰ The delay proved fatal, however. Philips' purpose was discovered while he was at Belfast and he was murdered and dumped in the river near the town's paper mills on 5 January 1796.⁹¹ Cooke regarded the friar's death as 'a great loss to us'. He believed that had Philips lived he would have been able to expose 'the whole system' of Defenderism.⁹² His death ended the only real chance the government possessed in the late 1790s of penetrating into the secrets of the Defender organisation.

⁸⁷ Examination of Friar Philips, 22/10/1795 (Reb. papers 620/22/47); K.A.O. Pratt papers U840/0150/2-3

⁸⁸ Cooke to Pelham, 04/12/1795 (P.R.O.N.I. Pelham T.755/2/253-5); Thomas Boyle to _____, n/d, 01/01/179_, _/08/179_ (Reb. papers 620/18/03)

⁸⁹ N.A. Frazer Ms., box ii, 2

⁹⁰ Cooke to Pelham, n/d (B.L. Pelham Add. Ms.33,101,358-9); Charles Teeling, *Personal Narrative*, p.114

⁹¹ N.S. 04/01/1796; Major-General Nugent to Government, Jan. 1796 (Reb.papers 620/23/11); Carhampton to Downshire, 13/01/1797 (P.R.O.N.I. Downshire D.607/E/28); W.J. Fitzpatrick, *Secret Service*, p.173

⁹² Cooke to Major-General Nugent, [Jan. 1796] (P.R.O.N.I. McCance papers D.272/43/3)

The Camden regime had similar difficulties in penetrating the inner councils of the United Irish movement in the capital following Collins departure from the Dublin society in May 1794 until the emergence of Francis Magan on the very eve of the rebellion. Even the information which Collins had supplied from 1791-4 was not without its deficiencies, especially as he began to absent himself from society meetings in an effort to avoid his creditors.⁹³ With Collins removed from the scene, the Castle depended upon a handful of individuals for its information about the disaffected in Dublin. These included Francis Higgins, proprietor of *Faulkner's Dublin Journal*, Thomas and Edward Boyle, Edward Nicholson, and Leonard MacNally.⁹⁴ None of these men managed to effectively penetrate into the secrets of the organisation. Although Thomas Boyle eventually rose to the rank of a United Irish captain in the north-east division of county Dublin, his low social status prevented him from entering into the designs of the radical leaders.⁹⁵ It appears from the sources that the government also began to give unwarranted attention to the information supplied by Leonard MacNally, one of the first informers recruited by the Camden regime in the spring of 1795.⁹⁶ MacNally had entered the Castle fold after fearing that he had implicated himself in the treasonous mission of Rev. Jackson in April 1794. Rather than run the risk of prosecution himself, MacNally agreed to supply information to the administration.⁹⁷ He was a useful acquisition, in that through his friendship with James Tandy he was able to read the letters sent to Ireland by Napper Tandy, A.H. Rowan and Dr. Reynolds, who had all fled to America after the

⁹³ L.M. Cullen, 'The Politics of Crisis and Rebellion, 1792-8', p.5

⁹⁴ For Higgins see W.J. Fitzpatrick, *The Sham Squire and the Informers of 1798*, (3rd. edition, Dublin, 1866) and Reb.papers 620/15;

For the Boyles and Edward Nicholson see Ibid. 620/18; and for MacNally see Ibid. 620/10/121

⁹⁵ Alexander Worthington to Alexander Marsden, 24/08/1802 (Reb.papers 620/10/125/4)

⁹⁶ Cooke to Pelham, 21/05/1796, 18/12, 26/12, 30/12/1797 (B.L. Pelham papers Add. Ms.33105/268-9, 307-8, 313-4; P.R.O.N.I. Pelham T.755/3/21); Camden to Pelham, 01/06/1796, 20/12, 27/12/1797 (Ibid. Add. Ms.33105/270-5, 311-2; P.R.O.N.I. Pelham T.755/3/22)

⁹⁷ Correspondence of Camden and Portland, May 1795 (P.R.O. H.O. 100/57/287-90, 301-2, 328-9)

Jackson affair. More importantly, MacNally was the legal adviser and advocate of the United Irishmen, and was involved in the defence of almost all of their number who were brought to trial during this period. This placed him in a position from whence he was able to reveal vital information to the authorities about the defence strategy proposed by his clients.⁹⁸ Perhaps the most noticeable example of such activity occurred in April 1798 when MacNally travelled to Maidstone to assist in the defence of Arthur O'Connor. By the end of the month he had supplied the government with a complete list of all the witnesses scheduled to appear at the trial, and the facts to which they were prepared to testify.⁹⁹ As a lawyer travelling on circuit he also had opportunities to learn the state of the country, and he had the advantage of appearing to the public as an ardent patriot, duelling with Jonah Barrington in 1793 after Barrington had made some imputation on the United Irishmen.¹⁰⁰ The importance of MacNally's services as an informer has been overestimated in the past, however, particularly by Lecky, who believed that 'from no other quarter did the government obtain so many useful warnings'. He felt that if MacNally's information had been listened to more often, 'some of the worst consequences of the rebellion might have been avoided'.¹⁰¹ MacNally's great weakness lay in his distance from the centre of events. He had been a United Irishman until May 1794, but was discarded during the reconstitution of the Dublin society in 1794-5. In consequence, he only received his intelligence at second hand from his former United Irish colleagues, or from James Tandy, who was not himself privy to the inner councils of the radical leaders. The lack of information in the Castle's possession on the Dublin organisation after May 1794 was interpreted by historians in the past as proof that the society was suppressed in the capital after the raid by Sheriff Giffard on its premises in

⁹⁸ MacNally to _____, 01/10/1796 (Reb.papers 620/10/121/37); W.J. Fitzpatrick, *The Sham Squire*, p.124; Lecky, iii, p.378

⁹⁹ John Pollock to _____, 15/04/1798 (Reb.papers 620/36/175); W.J. Fitzpatrick, *Secret Service*, p.189

¹⁰⁰ Lecky, iii, pp.375, 378

¹⁰¹ Lecky, iii, p.380

that month.¹⁰² In actual fact, however, the United Irishmen were never suppressed in Dublin, and Giffard's raid was not designed for that purpose. It was motivated solely by the hope of seizing documents which would assist the prosecution of Rev. William Jackson.¹⁰³ Furthermore, there were signs that even before Giffard's intervention the important business of the society was being conducted elsewhere by a 'select party'. Collins had voiced suspicions of this nature as early as January 1794. In attempting to identify those involved in these private sessions, however, he was reliant on guess work which resulted in him mistakenly lumping together hardened jacobins like the Sheares brothers with far more politically moderate individuals like William Drennan and John Keogh.¹⁰⁴ The government's failure to penetrate the movement in Dublin in the period after May 1794 is illustrated by a report in *Faulkner's Dublin Journal* in October 1794: 'As a proof that the sedition published by the United Irishmen was the spring which actuated the late tumult and discord in this kingdom, all disorderly meetings have entirely subsided since that execrable club was dispersed by the magistrates of the city'.¹⁰⁵ The same paper reported its belief on 3 September 1796 that the United Irishmen had only recently recommenced their seditious meetings since Giffard's raid.¹⁰⁶ As late as November of that year Cooke believed that the United Irishmen in the capital had not ventured to meet regularly since the police raid of May 1794.¹⁰⁷ The confusion among historians about the composition of the Leinster executive in the period after the March 1798 arrests reflects the degree to which the administration was in the dark on the subject at the time. As has recently been observed, it is against this background of

¹⁰² Lecky, iii, p.382

¹⁰³ L.M. Cullen has highlighted this point in 'The Politics of Crisis and Rebellion, 1792-8', p.5

¹⁰⁴ Charles Greville to Cooke, 01/06/1797 (Reb.papers 620/31/01); Cooke to Nepean, 26/05/1794, Cooke to King, 25/11/1796 (P.R.O. H.O.100/52/72-3, 65/130-1)

¹⁰⁵ F.D.J. 30/10/1794

¹⁰⁶ F.D.J. 06/09/1796

¹⁰⁷ Cooke to King, 25/11/1796 (P.R.O. H.O.100/65/130-1)

intelligence lacunae in the capital in the immediate pre-rebellion period that the information supplied by the northern informer Nicholas Magin stands out so sharply. Magin's 'scant but useful detail on Dublin only serves to emphasise how poor intelligence in Dublin was into 1798'.¹⁰⁸ In actual fact the government never succeeded in penetrating the higher echelons of the United Irish organisation in Leinster, with the result that when the day of the rising dawned the Castle was still unclear 'as to its timing, its rendezvous points or even its form'.¹⁰⁹

The government's information on the Belfast organisation, especially in the period 1791-6, was even less satisfactory.¹¹⁰ There had been no comparable figure to Thomas Collins in Belfast during the formative years of the United Irishmen in Ulster. It is a mark of how little the government knew of the northern societies, for example, that historians of the movement, relying on the information retained in the Castle archives, have been unable to trace its early proceedings. Perhaps even more damaging, however, was the fact that the information that the government was actually receiving about the organisation in and around Belfast suggested that it was on the decline. Captain N. Johnston, the agent sent north at the beginning of Camden's viceroyalty specifically for the purpose of collecting intelligence on the United Irishmen, predicted on 2 July 1795 that they would die away like the hearts of oak and steel. In a remarkable analysis he dismissed them as feeble conspirators incapable of doing 'much mischief'.¹¹¹ In August 1795 Johnston questioned the accuracy of the information which Sergeant Lee was sending to Dublin, implying that Lee was too gullible in accepting at face value the idle boasts of the ill-disposed. In particular, Johnston suspected that Lee's information originated in one of the rural United Irish societies, composed of 'the lowest and most

¹⁰⁸ L.M. Cullen, 'The United Irishmen', pp.17-8

¹⁰⁹ T. Graham, 'An union of power: The United Irish organisation 1795-8', pp.249-50, 253

¹¹⁰ L.M. Cullen, 'The United Irishmen', pp.17-8

¹¹¹ Capt. N. Johnston to John Lees, 22/04, 27/04, 03/06, 02/07/1795 (K.A.O. Pratt papers U840/0144/15, 21, 0146/24, 0147/17)

ignorant of the people'. The captain was inclined to be sceptical of the proceedings at these meetings:

..on many foolish matters some of their members babble out nonsense, which they know they have neither power or even inclination to put in execution, but merely to be admired by some of their associates still more foolish than themselves.¹¹²

Similarly, when McNally commented on the condition of the north east, he was also prone to underestimate the United Irish threat. He reported in April 1795 that the republican clubs meeting at Belfast were not meeting as United Irishmen. While he acknowledged that there was some disaffection in the province, he revealed his anti-catholic prejudices by attributing existing discontent to a popish conspiracy designed to repeal the penal laws.¹¹³

The weaknesses in the government's knowledge on the United Irishmen by the summer of 1795 is revealed in a summary of the information received by Camden since his arrival in the kingdom, which was sent to London on 28 May, as well as by a more systematic evaluation of this intelligence in a digest composed in July. The digest was based upon the information of thirty-seven individuals sent to the Castle in some fifty-eight letters in a period stretching from 4 February to 11 July. This information came from magistrates, military officers, protestant clergymen and postal officials, mainly in Carrickfergus, Belfast, and Connaught. The inclusion of Connaught, an area far removed from the designs of the disaffected at the time, reveals how the government could be misled by the intelligence it received. The large volume of correspondence from this province did not arise from any significant radical activity. Rather it originated in the desire of a local gentry faction to continue the vigorous security policy which they had initiated in 1792-3 in the face of increasing catholic assertiveness, but which had been

¹¹² Capt. N. Johnston to John Lees, 08/08/1795 (Reb.papers 620/22/28)

¹¹³ McNally to _____, late winter/spring 1795 (Reb.papers 620/10/121/26)

interrupted by the Fitzwilliam administration. The summary composed in May and the July digest actually serve to illustrate just how little the government knew about the United Irishmen. While Camden pointed to the existence of a number of societies at Dublin, Belfast and Cork, he felt that this information was such as made it necessary to be vigilant, 'but it was not particular enough to warrant any measure on the part of government'. The Strugglers, who were believed to be composed of the United Irish leaders, were reduced to 'a few desperate but otherwise inconsiderable people', and the societies at Cork and Belfast were on the decline. After contemplating the intelligence contained in the digest, Camden concluded that although there might be some cause for concern, 'I cannot entertain any very serious apprehensions of these disturbances arising to a very alarming height if no invasion takes place'.¹¹⁴

The government's retreat into 'comparative unconcern'¹¹⁵ over the United Irishmen only ended when it began to receive information from John Bird in the spring of 1796. Bird was a bankrupt English blanket merchant who had fled from England in the summer of 1795 in order to avoid imprisonment for debt. He arrived in Dublin before travelling to Belfast on business matters on 21 September 1795. With links to the Constitutional Society of London and the London Corresponding Society, and as a regular purchaser of the *Northern Star*, he was soon welcomed into leading radical circles in the town. Soon after his arrival in Belfast Bird suffered a financial reverse which left him destitute of what little property he had left in his possession. This was followed by a long period of sickness, during which he and his wife were evicted from their lodgings and left in a destitute condition. He claimed that his United Irish friends revealed the limits of their philanthropy by ignoring his plight. A serious disagreement arose between Bird and his former colleagues which resulted in an attempt on their part to debauch his wife and label him a spy. Out of desperation and a desire to gain revenge,

¹¹⁴ Camden to Portland, 28/05, 29/07/1795 (Reb.papers 620/22/08; P.R.O. H.O.100/58/171-212)

¹¹⁵ Anne C. Kavanaugh, 'John Fitzgibbon, Earl of Clare: A Study in Politics and Personality', (University of Dublin, Phd. Thesis, 1992),

Bird applied to Chichester Skeffington, the collector at Belfast on 19 April 1796, offering his services as a pamphleteer and offering to penetrate the secrets of the United Irishmen in order to incriminate them in treasonable activities. Skeffington referred him to Cooke on 25 April, after which date he returned to Belfast, managing to convince his fellow radicals of his integrity, and beginning his employment as a government spy.¹¹⁶

Bird's information on the Belfast societies and their leaders, which he continued to supply until August 1796, allowed the authorities an insight into the activity of the disaffected in several key areas. He confirmed suspicions which the government had already entertained, through intelligence supplied by other informers like MacNally, Friar Philips and Thomas Boyle, that the United Irishmen had exploited the 'Armagh outrages' to coalesce with the Defenders and establish societies throughout the kingdom. When Bird first joined the United Irishmen in the autumn of 1795 there had been thirty-eight societies in Belfast. By the time he rejoined their ranks as a spy in April of the following year their numbers had doubled, and they had coalesced with the Defenders. Daniel Shanahan, one of his principal sources of information, had informed him of the gradual amalgamation of the two radical organisations. Shanahan boasted in May 1796 that 'the two parties, Republicans and Defenders, were now united in the common cause'.¹¹⁷ Friar Philips had reported in the winter of 1795 that measures were being taken to link the United Irish and Defender organisations.¹¹⁸ Their association with the Defenders facilitated United Irish infiltration of the ranks of the mainly catholic militia units stationed in Ulster. Shanahan and Joseph Cuthbert had driven to Blaris camp near Lisburn in a coach and four, and on his return Shanahan had informed Bird that the camp contained about 600 men who were both Defenders and United Irishmen, and another

¹¹⁶ J.T. Gilbert, *Documents relating to Ireland 1797-1804*, 110; Notebooks of Denis Browne and J. Maxwell (Reb. papers 620/30/06, 34/54); Information of John Bird, n/d (Ibid. 620/27/01); N.A. Frazer Ms., box ii, 17 (25/04/96), 18 (May 1796)

¹¹⁷ N.A. Frazer Ms., box ii, 18 (May 1796), 39 (n/d)

¹¹⁸ Cooke to Pelham, n/d (B.L. Pelham papers Add. Ms. 33, 101, 358-9); Charles Teeling, *Personal Narrative*, p. 114

1600 Defenders but that they were daily becoming members of both organisations.¹¹⁹ This confirmed reports from MacNally who had earlier raised doubts over the reliability of the militia.¹²⁰ Bird also disclosed the international dimension of the United Irish threat, reinforcing Castle suspicions about links with radicals in Scotland¹²¹ and, what was of more concern, with the French Directory. He revealed that there were agents at Paris negotiating for military assistance. He claimed that the French had promised arms and ammunition, and that by August 1796 arms had actually been landed through Guernsey and Jersey. Ulster was reportedly 'full of arms'. In addition, he revealed that on the domestic front, preparations were being made for rebellion after the collection of the harvest was complete. There were emissaries working throughout the kingdom to stir the people up to revolt, and Shanahan had assured him that the rebellion would commence with French assistance and with the support of the militia.¹²² This information was soon confirmed by intelligence from the home office in London, which stated that the French were contemplating an invasion of Ireland.¹²³ In anticipation of this, the United Irishmen were taking steps to arm themselves. Bird reported that by the end of August members were obliged to pay a certain weekly sum for the purpose of buying arms for those who could not afford them.¹²⁴ His information in this respect was confirmed by the interception of two illegal transports of arms on their way to the north from Dublin in July and August 1796.¹²⁵ By the end of August Bird warned that 'this country is in a state little better than rebellion, unless something is shortly done and that of the most vigorous

¹¹⁹ N.A. Frazer Ms., box ii, 18 (May 1796), 24 (July 1796)

¹²⁰ McNally to _____, 11/09/1795 (Reb.papers 620/10/121/27)

¹²¹ N.A. Frazer Ms., box ii, 23, 24 (July 1796)

¹²² N.A. Frazer Ms., box ii, 18 (May 1796), 20 (28/05/1796), 22 (15/07/1796), 23 (July 1796), 23a (19/07/1796), 35 (29/08/1796); Reb.papers 620/52/18

¹²³ Camden to Downshire, 03/08/1796 (P.R.O.N.I. Downshire papers D.607/E/110)

¹²⁴ N.A. Frazer Ms., box ii, 28 (05/08/1796), 37 (n/d)

¹²⁵ F.D.J. 05/07, 23/08/1796

nature, the disease will soon grow too desperate to be cured'. He wanted the government to do something 'prompt and powerful', as the disaffected were only waiting for the means before deluging 'the kingdom with blood'.¹²⁶

The information supplied by Bird, who Camden considered to have 'more address and sense than any of those we have employed'¹²⁷, awakened the administration to the extent of the threat posed by the United Irishmen. By 1 June the lord lieutenant informed Pelham that he apprehended 'much more danger now than I ever did'.¹²⁸ Cooke's anxiety in the summer of 1796 is clearly revealed by his attempt to convince Captain MacNevin and Sergeant Lee to persuade some of those in their pay as informers to come forward and prosecute the United Irish leaders in court.¹²⁹ In particular, it was the allegations of corruption in the militia, the mainstay of the Irish establishment at that time, which caused the government the most serious concern.¹³⁰ In July 1796 Cooke initiated enquiries in order to investigate the degree of truth behind Bird's allegations. He encouraged Major-General Nugent, the commanding officer at Blaris camp, to probe the militia colonels on the subject, and this resulted in the emergence of private James Connell of the Limerick city militia as an informant in late July. Connell had been sworn into the United Irishmen along with twenty-five of his comrades, a list of whose names he possessed as well as those of several inhabitants of Lisburn who were active in this business. His evidence suggested that there were United Irish and Defender emissaries corrupting the camp, and General Nugent felt that if these assertions were accurate, it would lead to the conviction of many of those involved in the plot. Connell went to Belfast to further his investigation, but his indiscretion in revealing the purpose of his mission to several others in his regiment cost him his life and frustrated the Castle's

¹²⁶ N.A. Frazer Ms., box ii, 35 (29/08/1796), 37 (n/d)

¹²⁷ Camden to Pelham, 30/07/1796 (P.R.O.N.I. Pelham T.755/3/81)

¹²⁸ Camden to Pelham, 01/06/1796 (Ibid. T.755/3/23)

¹²⁹ Sergeant John Lee to Cooke, 26/06, Capt. MacNevin to Cooke, 27/06/1796 (Reb.papers 620/23/197-197a)

¹³⁰ For more on this point see chapter five pp.212-214

attempt to establish with accuracy the degree of disaffection in the armed forces. Connell was murdered at Belfast on 30 July and thrown into the canal, only five days after arriving in the town. This proved particularly galling for the authorities as the murder had occurred before Connell had disclosed his intelligence to General Nugent.¹³¹ The government's disappointment intensified when another private of the Limerick city militia 'who had repeatedly given information' on the same subject was murdered between Belfast and Lisburn in mid-August 'as he was going to collect further proofs'. The murdered soldier's deposition had not been taken in writing before he was murdered and Castlereagh complained that 'much information which the Limerick soldier could have given has thus been lost'.¹³²

The increase in United Irish numbers in consequence of their amalgamation with the Defenders, the belief that rebellion was imminent in co-operation with French assistance, and the evidence of disaffection in the ranks of the militia, all combined to undermine Dublin Castle's complacent attitude towards the security of the kingdom. It was this realisation that prompted Camden to order the arrest in September 1796 of those known to be at the head of the United Irish conspiracy in Ulster.¹³³ This measure, which was accompanied by a display of military strength in Belfast, was designed as a manifestation of the government's superiority over its enemies.¹³⁴ In actual fact, however, it served to reveal the greatest single weakness of the intelligence network emanating from Dublin Castle in the 1790s: its inability to mount successful prosecutions against leading conspirators.

¹³¹ Major-General Nugent to Cooke, 30/07, 08/08, 20/08/1796 (Reb.papers 620/24/66, 91, 132); Major-General Nugent to Pelham, 30/09/1796 (P.R.O.N.I. Pelham T.755/3/209); Cooke to Major-General Nugent, 01/08/1796 (P.R.O.N.I. McCance papers D.272/43/4); *FDJ* 11/08/1796; Castlereagh to Pelham, 23/08/1796 (Reb.papers 620/18/07/02)

¹³² Castlereagh to Pelham, 23/08/1796 (Reb.papers 620/18/07/02)

¹³³ Cooke to Pelham, 21/05, Camden to Pelham, 06/08/1796 (P.R.O.N.I. Pelham T.755/3/21, 95); Camden to Portland, 22/09/1796 (P.R.O. H.O.100/61/106-9)

¹³⁴ *N.S.* 12/09/1796

Better means of intelligence gathering in the mid-1790s succeeded in producing a number of informers who allowed the government to identify the leading conspirators attempting to undermine its authority. The number of informers in the north of Ireland significantly increased after the arrest of leading United Irishmen in the autumn of 1796 and spring of 1797¹³⁵, the sheer number of arrests prompting a number of radicals to change allegiance in order to save themselves. Extremely useful acquisitions to the Castle's cause like Nicholas Magin and Samuel Turner were recruited at this time, when widespread arrests were causing many among the United Irishmen to question where lay their best hope of survival. Magin entered the Castle fold after fearing that he had fallen under suspicion for his treasonable activities as a member of the Down county committee. He proved an extremely valuable asset to the authorities. Through the medium of Rev. John Cleland he provided the Castle with detailed reports on the proceedings of every United Irish meeting he attended in the crucial period from 14 April 1797 to 31 May 1798. His value increased significantly from mid-June 1797 when he became a colonel in the United Irish military system. Of equal importance was his election, in early August, to the Ulster provincial committee. Through Magin the government received critical information which allowed them to monitor the activities of leading United Irishmen in the northern province while they concerted plans for rebellion. In addition, he gave valuable insights into the organisation in the capital, as well as links between the United Irishmen and the French Directory in Paris and the United Britons in England.¹³⁶

¹³⁵ T. Graham, 'An union of power: The United Irish organisation 1795-8', p.247

¹³⁶ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland (1798)*, appendix xiv;

Information of N. Magin (P.R.O.N.I. Cleland-Magin papers D.714/2); Charles Dickson, *Revolt in the North*, pp.119-20, 164-5

Samuel Turner was a native of Turner's Glen, near Newry, and began to give information to the Pitt administration from May 1797.¹³⁷ He had been a member of the Ulster provincial committee, but had fled with others from Ireland to Hamburg in the general dispersion of radical leaders in May 1797, following the refusal of the moderate United Irish leadership to stage an immediate insurrection. Turner attributed his subsequent change of allegiance to his disgust at the 'unhappy situation' of those areas of the continent which had fallen under the domination of the French. He claimed that even the French themselves had begun to realise that 'they had changed their good government for a worse', and this had prompted fears on his part for his native country should a French invasion prove successful. In addition, Turner entertained a considerable antipathy towards the catholic membership of the United Irishmen, which he blamed for the moderate position of the organisation's leadership in refusing to rebel in the summer of 1797. Turner's intelligence was extremely useful. His former position in the United Irish movement meant that he was able to reveal to the authorities the proceedings of its leadership during the previous two years. More importantly, however, after leaving Ireland he had taken refuge with Lady Edward Fitzgerald at Hamburg, through whose brother-in-law, General Valence, he had been introduced to General Hoche, De La Croix and Talleyrand. Trusted by the Fitzgeralds, he had discovered that all important negotiations between Ireland and France passed through Lady Edward in Hamburg and Lady Lucy Fitzgerald in London. Turner was thus able to monitor the correspondence received in Hamburg, Europe's communication nerve centre, and pass his information on to the London government.¹³⁸

Armed with information supplied by individuals like Magin and Turner, the Castle was able to identify United Irish leaders, whom they swooped to arrest on three different occasions. We have already seen that in September 1796 it acted upon the information of

¹³⁷ Paul Weber, *The United Irishmen and Hamburg 1796-1803*, (Dublin, 1998), pp.70-3

¹³⁸ Samuel Turner to _____, 16/06/1803 (Reb.papers 620/11/160/04); W.J. Fitzpatrick, *Secret Service*, 2-4; Lecky, iv, pp.166-7; Paul

Weber, *The United Irishmen and Hamburg 1796-1803*, p.88

John Bird to make several arrests at Belfast and Lisburn. In April of the following year further arrests were made in Belfast on information supplied by Edward John Newell, a portrait and miniature painter originally from Downpatrick, who had travelled to Belfast in March 1796 in order to enlarge his trade. He had earlier been sworn a Defender in Dublin, and soon after arriving in Belfast he joined the ranks of the United Irishmen, quickly becoming a member of the baronial and military committees. After spending five weeks working in the house of George Murdock, a hearth money collector and a known loyalist, he fell under the suspicion of his colleagues. Learning that a plot had been laid against his life, he sought protection from Murdock, who directed him to Dublin Castle. On 13 April 1797 he was interviewed by Cooke, who persuaded him to give information to the government. This led to the arrest of two United Irish committees with their papers in Belfast in mid-April. Warrants were also issued against forty-four inhabitants of the town, and Newell was given unlimited powers to make arrests.¹³⁹ In March 1798 the government decided to arrest the Leinster provincial committee after receiving the information of Thomas Reynolds, a silk mercer who had been sworn into the United Irishmen by Oliver Bond in February 1797. He was elected soon after to the baronial committee in Dublin, and in November 1797 he reluctantly agreed to temporarily replace Lord Edward as a colonel of the barony of Kilkea and Moone in county Kildare. At the same time he became treasurer in the civil organisation and this post qualified him to attend the provincial committee and to enter into the inner secrets of the movement.¹⁴⁰ Whether the motivation behind Reynolds' decision to supply intelligence to the government lay in his abhorrence of an alleged United Irish design to assassinate a number of loyalists after the planned rebellion, or whether it arose from financial greed,

¹³⁹ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland* (1798), appendix ii, p.70;

Camden to Portland, 15/04/1797 (P.R.O. H.O.100/69/195-213); Pelham to Lake, 15/04/1797 (P.R.O.N.I. Pelham T.755/4/2/357);

The Apostacy of Newell, pp.2-6, 8-12, 20

¹⁴⁰ Lecky, iv, pp.260-4

remains unclear.¹⁴¹ What is important here is the fact that from 26 February he was communicating information to the government through the medium of William Cope, a merchant of established loyalty. Reynolds feigned to have received this information from a United Irish friend who had grown to abhor their design, and stipulated that his alleged informant would not be prosecuted himself, or be forced to prosecute any other person, as a United Irishman, that his identity would be kept secret, and that he would be given £500 to enable him to leave Ireland for a time. In return, Reynolds communicated the vital information that the Leinster provincial committee was to meet on 12 March at Oliver Bond's house in Bridge street to finalise plans for a general rising.¹⁴² In consequence of this information, fourteen Leinster delegates were arrested on 12 March, with Thomas Addis Emmet, Henry Jackson, William James MacNevin and John Sweetman simultaneously being apprehended elsewhere in the capital.¹⁴³

While Dublin Castle was empowered by the information supplied by its agents to monitor the activities of the United Irish leaders and strike at appropriate times to arrest them, its main problem until the very eve of the rebellion was its inability to prosecute those leaders to conviction. Bird, Newell, Reynolds, Turner, Magin and all the other key spies in the government's pay all gave their information on the strict understanding that they would not be called upon under any consideration to testify in court.¹⁴⁴ Their reluctance to appear as crown witnesses is testament to the success of the intimidatory tactics adopted by the disaffected to obstruct the course of justice. There were understandable reasons for this success. It was hard enough for the administration to recruit informers and spies, let alone persuade them to come forward and appear as crown witnesses. Irish society in the 1790s exhibited an inherent dislike of the practice of

¹⁴¹ W.J. Fitzpatrick, *The Sham Squire*, pp.149-150; *Life of Thomas Reynolds*, 2 vols. ed. by his son, (London, 1859), vol. i, pp.194-5

¹⁴² *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland* (1798) appendix xvii,

177-9; *Life of Thomas Reynolds*, i, pp.183-8, 194-5, 204-7; W.J. Fitzpatrick, *Secret Service*, pp.301-3

¹⁴³ *Life of Thomas Reynolds*, i, pp.207, 211, 218-9; [Cooke] to _____, 12/03/1798 (Reb.papers 620/36/04)

¹⁴⁴ Charles Dickson, *Revolt in the North*, pp.119-20, 164-6; W.J. Fitzpatrick, *Secret Service*, 292; N.A. Frazer Ms., ii, 17

informing. Robert Gregory informed Fitzwilliam in September 1795 that 'a common Irishman would prefer being considered a principal in any crime than an informer'.¹⁴⁵ E.Roche reported to the Castle in January 1797 that 'an informer is so detestable a character in the eyes of the common people that no person would undertake it, or go through with it'¹⁴⁶, and an anonymous correspondent informed Cooke in March of the following year that the odium attached to the character of an informer prevented many of the well affected from giving information to the government.¹⁴⁷ It was not only the fact that spies and informers were 'universally..execrated and abhorred' that discouraged others from following in their footsteps. There was also the fact that, as John Bird explained to Colonel Lucius Barber on 1 December 1797, 'every hand is lifted as by instinct to destroy' them.¹⁴⁸ Many of those who did enter the Castle fold as spies were actively targeted by the disaffected. Friar Philips and the two Limerick city militiamen mentioned earlier were only three of a large number of such individuals who paid for their assiduity with their lives.¹⁴⁹ In December 1795 James Hyland and his wife were murdered by the Defenders at their home near Trim, on suspicion that they were informers. Notices were soon posted on all the neighbouring chapels, announcing that all those who gave information against, or searched for Defenders, should be sacrificed in the same manner.¹⁵⁰ In December 1796 a county Down spy, Daniel Morgan, was viciously murdered near Castlewellan. He had very imprudently boasted while drunk of the advantages he should derive from his disclosure of United Irish secrets. The brutality of his death, with part of his head blown away and nineteen stab wounds to the body,

¹⁴⁵ Robert Gregory to Fitzwilliam, 18/09/1795 (N.L.I. Fitzwilliam papers Microfilm p.5641)

¹⁴⁶ E.Roche to government, 17/01/1797 (Reb.papers 620/28/110)

¹⁴⁷ _____, to Cooke, 19/03/1798 (Reb.papers 620/36/26)

¹⁴⁸ John Bird to Colonel Lucius Barber, 01/12/1797 (Reb.papers 620/33/105)

¹⁴⁹ Robert Rochfort to Cooke, 11/06/1797 (Reb.papers 620/31/73); *N.S.* 17/10, 31/10/1796

¹⁵⁰ Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, (Reprint, Fort Wayne, 1995), p.673

was designed as a warning to others involved in the same practice.¹⁵¹ In March 1797 four individuals who were accustomed to give information to Sir George Hill simply disappeared, and Hill himself was convinced that at least two of them had been assassinated.¹⁵² Another spy, William McClure, was murdered near Ballymena on Easter Sunday night 1797, after having already escaped a similar attempt on his life in August 1796.¹⁵³ These murders, and the rumours that they were perpetrated by an assassination committee, served as a successful deterrent to other would-be informers.¹⁵⁴

We have already seen in a previous chapter that similar efforts were made to discourage individuals from appearing in the dock as crown witnesses.¹⁵⁵ The extremely successful nature of these attacks illustrated the major weakness of the intelligence network developed during the Camden administration. While the government received sufficient information to identify and arrest those at the head of the conspiracy in the kingdom, it was unable to secure their conviction. The suspension of the *habeas corpus* act in October 1796 was the first public manifestation of this weakness. With Bird's refusal to testify against those arrested on his information in the previous month, Camden was forced to agree to this measure in order to prevent them from being released at the beginning of the next legal term.¹⁵⁶ It was only when its key informants compromised themselves that the government could hope for any chance of a legal victory against

¹⁵¹ A. Macredy to Downshire, 15/12, Thomas Lane to Downshire, 17/12, Bishop of Dromore to Downshire, 18/12/1796 (P.R.O.N.I. Downshire D.607/D/404, 409, 411)

¹⁵² *Facts which occurred in the neighbourhood of Derry from August 1796 the whole attested on oath before Sir George Hill*, (P.R.O.N.I. Hill of Brookhall papers D.642/A/16/16)

¹⁵³ Captain Andrew MacNevin to Cooke, 04/08/1796, 13/09/1797 (Reb.papers 620/24/80, 32/118)

¹⁵⁴ James Ternan to Pelham, 14/05/1795 (K.A.O. Pratt papers U840 0146/15); John Beresford to Lord Auckland, 05/03/1796 (*The Correspondence of the Rt.Hon.John Beresford*, ii, pp.120-2)

¹⁵⁵ See chapter three pp.111-114

¹⁵⁶ John Pollock to Cooke, 12/09, 17/09/1796 (Reb.papers 620/25/53, 74); Major-General Nugent to Cooke, 14/09/1796 (*Ibid.* 620/25/56); Camden to Portland, 22/09, 13/10/1796 (P.R.O. H.O.100/61/106-9, 62/262-3)

those leaders in confinement. Hopes were raised, therefore, in the late summer of 1797 when Bird was forced to agree to testify against five of the state prisoners. Despite his later declarations that he had never intended to prosecute and that he only delayed his flight from the Castle fold until he could obtain sufficient evidence to expose its secrets¹⁵⁷, Bird had in fact concluded an arrangement with the government in September 1797.

His usefulness as a spy had already been circumscribed after it had become known almost immediately after the arrests in Belfast in the previous September that they had been caused by his information.¹⁵⁸ His position was further compromised in the summer of 1797 after he was sent to Wicklow to penetrate into the growing disaffection in that county. Cooke appears to have hoped that, having been so much at the centre of things in Belfast, Bird might perform similar services in the politically suspect counties of Kildare and Wicklow. His identity and purpose were discovered, however, forcing his recall to Dublin in September. With his usefulness as a spy definitely at an end, he had little option but to agree to prosecute some of the state prisoners, in return for a substantial cash reward.¹⁵⁹ The government's expectation of initiating successful prosecutions against those United Irish leaders in confinement soon evaporated, however, when both Bird and Newell fled the Castle fold early in 1798. Bird had been complaining of neglect from November 1797¹⁶⁰, and his sense of grievance was eagerly exploited by his former United Irish colleagues. As early as 7 January 1798 Francis Higgins had warned the authorities that Bird had been suborned away from the government after having received £400 from the imprisoned Samuel Neilson through the

¹⁵⁷ *The Press* 20/02/1798

¹⁵⁸ William Trail to Lord _____, 25/09/1796 (Reb.papers 620/25/113)

¹⁵⁹ For this point see an undergraduate BA dissertation by Linda McAlister (1995), 'The Role of John Bird as informer among the United Irishmen, 1795-8', chapter 3, p.2 (T.C.D. Mod. History Dept); L.M Cullen, 'Wicklow in the 1790s', p.473

¹⁶⁰ John Bird to William Taylor, 13/11, John Bird to Kemmis, 29/11, John Bird to Cooke, 30/11/1797 (Reb.papers 620/34/28)

medium of Matthew Dowling.¹⁶¹ Despite this note of caution, however, the Castle remained confident of Bird's fidelity, and continued to supply him with secret service funds until 20 January.¹⁶² Two days later he abandoned the government¹⁶³ and returned to the ranks of the United Irishmen, who secured lodgings for him and exploited his change of allegiance as a propaganda coup.¹⁶⁴ The prosecution of the five state prisoners rested entirely on Bird's testimony¹⁶⁵, and after his flight Newell realised that the pressure on him to come forward and testify would intensify considerably. In consequence, he prepared himself to follow Bird's lead. His dissatisfaction had been visible since 9 December, when he began to complain about Cooke's lack of response to his requests for money. George Murdock, who had been responsible for recruiting him as an informer in the first place, warned Robert Ross that Newell felt himself much injured by this neglect 'and will be apt to withdraw himself from us'.¹⁶⁶ On 29 January Rowland J. O'Connor informed Pelham from the Belfast stamp office that he had good reason to believe that 'Newell...will deceive you in the end'. He claimed that the informer only waited for his pardon to be sealed before switching political allegiances.¹⁶⁷ The government ignored these warnings about Newell's likely conduct, and he was supplied with money from the secret service fund until 16 February 1798, the day on which he departed from the Castle fold.¹⁶⁸

The Camden administration only succeeded in initiating proceedings against the state prisoners when Thomas Reynolds found himself with little option but to co-operate

¹⁶¹ Francis Higgins to government, 07/01/1798 (Reb.papers 620/36/226)

¹⁶² Account of secret service expenditure 1797-1804 in J.T. Gilbert, *Documents relating to Ireland 1795-1804*, p.9

¹⁶³ D.E.P. 27/01/1798

¹⁶⁴ J.Stoyte to _____, 03/07/1798 (Reb.papers 620/51/196)

¹⁶⁵ D.E.P. 27/01/1798

¹⁶⁶ George Murdock to Robert Ross, 09/12/1797 (Reb.papers 620/33/134)

¹⁶⁷ Rowland J.O'Connor to Pelham, 29/01/1798 (Reb.papers 620/35/75)

¹⁶⁸ J.T. Gilbert, *Documents relating to Ireland*, p.10

with the authorities. After the arrests at Oliver Bond's, Reynolds had endeavoured to withdraw from the ranks of the United Irishmen without drawing suspicion upon himself. He began preparations to leave the kingdom, only to be foiled by the conduct of his former colleagues and the suspicions of the government, who were ignorant that he was Cope's informant.¹⁶⁹ In mid-April one of the Sheares brothers had identified Reynolds as the man whose information lay behind the March arrests, and this led to the formation of United Irish plots against his life. When one such assassination attempt had failed, his former colleagues changed tack and informed the local commanding officer, Colonel Campbell, that he was a principal United Irish military leader. Campbell lost no time in arresting Reynolds at Kilkea castle on 5 May. Under apprehension of being immediately court martialled and executed, Reynolds revealed himself to be the source of Cope's information, and he was instantly brought to Dublin for examination. This left him at the mercy of the government, and he was forced to consent to testify against those arrested at Bond's.¹⁷⁰ It was only at this point, therefore, on the eve of rebellion, that Dublin Castle was finally able to address the main fault of its intelligence network: its inability to produce a witness in court to testify against the state prisoners. Even with Reynolds' co-operation, however, the government was still uncertain over how many of the United Irish leaders it could hope to convict. It was this uncertainty that was to lead to the compact with the state prisoners in July 1798.¹⁷¹

(4)

The main aim of this chapter has been to highlight some of the weaknesses of the intelligence network established under the Camden administration. That network was

¹⁶⁹ *Life of Thomas Reynolds*, vol. i, pp.207, 211-5, 218-9; Camden to Portland, 11/05/1798 (P.R.O. H.O.100/ 76/170-7)

¹⁷⁰ *Life of Thomas Reynolds*, vol. i, pp.221-3, 234-7, 258-61, 270-1

¹⁷¹ Cornwallis to Portland, 26/07, Cooke to Wickham, 28/07/1798 (*The Correspondence of Charles, first Marquess Cornwallis*, ed.

Sir Charles Ross, 3 vols., London 1859, vol. ii, pp.372-8

constructed in the mid-1790s when efforts were made to professionalise the means by which information was collected by and stored in Dublin Castle. This endeavour may have begun during the Westmorland regime but was partially disrupted by the viceroyalty of his whig successor. The political stability which returned to the Castle with the appointment of Camden as lord lieutenant facilitated the development of a more effective approach to information gathering from mid-decade onwards. This involved the cultivation of correspondents throughout the kingdom: loyalists in disaffected areas, revenue and postal officials in the government's service, and professional spies and informers who were paid to penetrate into the confidence of the ill-disposed. Despite the undoubted improvements achieved, the main failing of the Castle's intelligence system lay in its inability to produce a witness in court who would incriminate the radical leaders. Although the government knew their identities and was able to monitor their activities, the difficulty lay in persuading any of its spies to appear as crown witnesses in a court of law. J.A.Froude correctly recognised that on the eve of the rebellion the Castle was aware of the designs of the disaffected - 'the names of the leaders, their purposes, their methods of proceeding' - 'but the witnesses who in private were ready to betray their comrades or their cause were unavailable for purposes of public order and justice'.¹⁷² This situation only improved when Reynolds found himself in an impossible position and was forced to consent to appear as a crown witness in order to save himself from the vengeance of the disaffected. Even with Reynolds co-operation, however, the government was uncertain about how many of the United Irish leaders in its custody it would be able to convict. Once one moves to investigate in detail the actual capability of the Castle's intelligence network in the 1790s, therefore, it is clearly seen that traditional assumptions about its omniscient nature are very wide of the mark.

¹⁷² J.A.Froude, *The English in Ireland*, vol. iii, 327-8; C.Dickson, *Revolt in the North*, pp.119-20; M.McNeill, *Mary Ann McCracken*

Chapter five: Dublin Castle and the Orange Order, 1795-1798

This chapter endeavours to trace the relationship between the Irish government and the Orange Order, from the formation of the latter in September 1795 until the eve of the rebellion in May 1798. Contemporary historians were responsible for generating the belief that the authorities in London and Dublin patronised the Orangemen from their inception and employed them to break the bonds of union that were beginning to grow between Irishmen of all religions. Charles Teeling claimed that the Orange Order were a '*cherished faction*' organised under the auspices of government for the purpose of '*perpetuating religious rancour*'.¹ William James MacNevin declared that the Orangemen were the British government's response to the decline of sectarianism in Ireland. They were, he claimed, '*the legitimate growth of English policy which had long fomented...the spirit of religious dissension*'. In the cordial union of Irishmen, '*England beholds the downfall of her usurpation, and the establishment of their liberties*'.² These assertions that the Orange Order were fostered by an administration eager to pursue a policy of divide and conquer are incapable of withstanding careful examination. In actual fact, Dublin Castle did not initially welcome the emergence of this manifestation of protestant principles. In consequence of its experience of the volunteers in the 1780s, the Irish administration entertained genuine concerns about the appearance of any organised expression of public opinion. In addition, there were circumstances surrounding the early

¹ Charles Hamilton Teeling, *A Personal Narrative of the Irish Rebellion of 1798*, (1972 Irish University Press edition), p.187

² Memorial of State prisoners, August 1798, in J.T.Gilbert, *Documents relating to Ireland 1795-1804*, (Dublin, 1893), pp.150, 177

existence of the Orangemen, especially their use of a secret oath, their expression of conditional allegiance, and their links with the systematic persecution of the catholic population in Armagh, which were certain to raise objections in official circles. In reality, the Castle evinced considerable hesitation in formulating a response towards this new organisation. The gentry figures associated with the Orange Order from its beginning were anxious to obtain official government approval, in order to enable them to publicly emerge and legitimately avow their Orange principles. In pursuit of this goal, they endeavoured to establish their political orthodoxy and to distance themselves from the outrages committed upon catholic homes in Armagh and neighbouring counties. It was the fruits of this endeavour, coupled with the growth of disaffection among the armed forces and a critical deterioration in the rule of law, which persuaded the Irish government to form an uneasy alliance with the Orange Order in the summer of 1797. The Orangemen never gained the absolute approval of the Camden administration, however, and the relationship between the two was never entirely comfortable. This was revealed in an exchange between a student who had recently joined the Orange Order and Fitzgibbon, the lord chancellor, during the latter's visitation to Trinity College in the immediate pre-rebellion period. Fitzgibbon informed the student that 'however proper it may be to express your sentiments of loyalty, any association united by an oath is highly improper'.³

(1)

The immediate impetus for the formation of the Orange Order in September 1795 was a series of sectarian skirmishes in county Armagh which culminated in a protestant victory at the 'battle of the Diamond' on 21 September 1795.⁴ But it has recently been

³ P.R.O.N.I. T.3247/2/20 (Quoted by Anne C.Kavanaugh, *John Fitzgibbon, Earl of Clare*, Irish Academic Press, 1997, p.326)

⁴ Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, (Reprint, Fort Wayne, 1995), p.60; James Anthony Froude, *The English in Ireland in the Eighteenth Century*, (3 vols., London, 1872-4), pp.177-9

convincingly illustrated that there was a more complex political motivation behind the emergence of the Order at this time which has often been ignored. Electoral politics in the county had been destabilised by the 1783 general election, when the Cope family of Loughgall had embraced radicalism as the best vehicle for their political ambition. In the Armagh by-election of January 1795 Robert Camden Cope, who had endeavoured to exploit radical discontent in the county during the election campaign, was only defeated after a protracted poll by seventy-two votes by William Brownlow junior. Alarmed by the apparent strength of a radical undercurrent in the constituency, as well as by narrowness of his victory with only two years to go until the general election, Brownlow and his supporters attempted to raise 'Church and King' mobs in order to rally the conservative supporters of protestant ascendancy to his standard. It was against this background that the emergence of the Orange Order must be viewed, and it is particularly significant in this respect that Brownlow's town of Lurgan was an early stronghold of the new movement. The commanding officer in the northern region at this time, Lieutenant-General Dalrymple, astutely observed in July 1795 that until the general election 'all will be sacrificed to election politics. My situation is not improved by all this, for the people see clearly the views of their superiors, and know their safety'.⁵ He reported on 3 October, a little over a week after the foundation of the Orange Order, that some of the country gentlemen and other inhabitants were endeavouring to exploit existing religious animosity in the county between catholic and protestant for their own ends.⁶ The radical lawyer William Sampson asserted in February 1796 that 'the spirit of hostility between the different religious persuasions, which was...on the very eve of expiring, has been rekindled, particularly in Armagh, by the corrupt influence of political machinations'.⁷ The Bishop of Ossory informed Fitzwilliam in March 1796 that the

⁵ L.M.Cullen, 'The Political Structures of the Defenders', in *Ireland and the French Revolution*, (eds) Dickson and Gough, (Dublin, 1990), pp.119, 128; Ibid, 'The United Irishmen', in *Ulster Local Studies*, vol. 18 no. 2, pp.13-4

⁶ Lieutenant-General Dalrymple to Pelham, 03/10/1795 (B.L. Pelham papers Add. Ms.33,103,302-3)

⁷ Edward Hay to Fitzwilliam, 04/02/1796 (N.L.I. Fitzwilliam papers Microfilm p.5641)

disturbances in Armagh owed their existence more to `electioneering practices, and one magistrate undoing what a magistrate of an opposite interest did, than from any other cause`.⁸ Even Downshire attributed the disturbances in Armagh to `religious and electioneering nonsense`, while looking back to this period in February 1798 Fitzgibbon blamed the Armagh magistrates for keeping sectarian antagonism alive for their own electioneering purposes.⁹

Electoral politics inevitably intruded into the enforcement of law and order. As early as June 1795 Dr. Richard Allott had claimed that much of the ill blood between the Peep O'Day boys (forerunners to the Orange Order) and the Defenders had arisen from the partial conduct of a particular magistrate, Samuel Turner, in favour of protestant offenders. This had given occasion to the Defenders to allege that justice was not to be had for them, and that they must redress themselves.¹⁰ William Kelly, a dancing master in county Armagh, advised the government in January 1796 that the magistrates and higher gentry were `the only persons to be blamed for the present state of the county. Was there a single impartial and active magistrate in the county the business might have stopped in the beginning with the greatest ease, but they are all supporters of one side or the other`. Kelly felt that what was required was a superintendent magistrate paid by the government, `a determined active man who had no election interest to support, who would neither court favour from the higher nor seek applause from the lower ranks`.¹¹ Thomas Lane, agent to Lord Downshire, identified William Brownlow and John Greer as the two most prominent Armagh magistrates who had been administering partial justice.¹² Greer, who lived near Lurgan, was actually convicted at the Armagh summer assizes in 1796 for `gross partiality and refusal of justice` in the performance of his office. He was

⁸ T.L.Ossory to Fitzwilliam, 30/03/1796 (N.L.I. Fitzwilliam papers Microfilm p.5641)

⁹ Downshire to Camden, 09/11/1796 (K.A.O. Pratt papers U840/0160/9); *F.J.* 22/02/1798

¹⁰ Richard Allott to government, 17/06, 21/06/1795 (Reb.papers 620/22/09-10)

¹¹ William Kelly to Pelham, 28/01/1796 (Reb.papers 620/23/19)

¹² Thomas Lane to Downshire, 04/02, 24/03/1796 (P.R.O.N.I. Downshire papers D.607/D/27, 43)

sentenced in November to six months imprisonment and a fine of £100.¹³ The governor of the county, Lord Gosford, was also accused in February 1796 of 'partiality influenced by electioneering motives'.¹⁴ At the very least he maintained an ambiguous attitude towards the Orangemen, allowing them to march through his estate in July, and intervening in May in order to secure a reprieve for William Trimble, an Orange captain who had been capitally convicted at the Armagh spring assizes. Gosford argued that the existing tranquillity of the county would be disrupted if Trimble was executed.¹⁵ He was criticised by a county Down magistrate for concealing from the government the extremely disturbed condition of Armagh, in order to have mercy extended to Trimble.¹⁶ In self-justification, Gosford pointed to the resolutions which he had formulated in December 1795, designed to protect the catholic inhabitants of Armagh from persecution by protestant mobs. In that speech, however, he had used without disapproval the term 'protestant ascendancy', clearly indicating where his loyalties lay.¹⁷ Those gentry figures associated with the newly emerged Orange Order, like the Brownlow, Knox, Verner, Blacker and Bisset families, did not openly proclaim their affiliation until they could gauge the government's response to this new phenomena. In addition, they did not wish to be associated with the series of outrages committed on the catholic population in Armagh by lower class protestants who were following up their victory at the Diamond. These attacks were designed to drive catholics from the county 'by violence or by terror'. They soon spread across the Armagh border into county Down.¹⁸ By June 1796 they had spread into county Tyrone and into county Antrim by July.¹⁹

¹³ *N.S.* 23/11/1795; *F.D.J.* 04/08, 29/11/1796

¹⁴ Lord Gosford to Pelham, 25/02/1796 (Reb.papers 620/23/37)

¹⁵ Pelham to Lord Gosford, 16/04/1796 (P.R.O.N.I. Gosford papers D.1606/1/184); Lord Gosford to Sackville Hamilton, 19/05/1796 (Reb.papers 620/23/115); Lord Gosford to Cooke, 10/07/1796 (P.R.O.N.I. Gosford papers D.1606/1/185/B)

¹⁶ Holt Waring to his father, 02/06/1796 (Reb.papers 620/23/141)

¹⁷ Lord Gosford to Pelham, 25/02/1796 (*Ibid.* 620/23/37)

¹⁸ J.Short to G.Geraghty, 06/01/1796 (N.L.I. Fitzwilliam papers Microfilm p.5641); *N.S.* 13/01/1796; Thomas Dawson Lawrence to

The situation in Armagh was extremely unwelcome to the government in Dublin. Although Camden had been sent to Ireland to 'rally the protestants' and prevent the grant of further catholic relief, he did not want to needlessly provoke the catholic population. He sincerely regretted the developments in Armagh, complaining to the Duke of Portland in January 1796 that the magistrates of that county had 'imbibed the prejudices which belong to it' and had 'been swayed by those predilections in the discharge of their duty'.²⁰ Camden realised the potential dangers of this situation, as it supplied the parliamentary opposition and the United Irishmen with prime propaganda in their respective endeavours to win the allegiance of the population at large. The whigs exploited this situation to discredit the administration. The debates over the insurrection and indemnity acts in February 1796, and the suspension of the *habeas corpus* act in October of that year, witnessed accusations by the parliamentary opposition that the government evinced 'a scandalous partiality' towards protestant offenders. During the debate on the resolutions which preceded the insurrection act, Grattan claimed that a system of extermination was being waged against the catholics of Armagh, and criticised the government for the apparent bias of its justice. The Orangemen, he declared, were similar in nature to Lord George Gordon's mob during the London riots of 1780, and he implied that their conduct arose from their confidence that it would gain the approbation of the Camden administration. The charges of partiality against the magistrates of county Armagh were particularly useful to the opposition in their criticism of those clauses of the insurrection bill which proposed to enlarge the powers of the magistracy in proclaimed districts. We have seen in an earlier chapter that both Grattan and Sir Lawrence Parsons highlighted the danger of entrusting these magistrates with greater

government, 06/03, 11/03/1796 (N.A. S.O.C. papers 1015/6, Reb.papers 620/23/48); Thomas Lane to Downshire, 13/03/1796

(P.R.O.N.I. Downshire D.607/D/41)

¹⁹ Lieutenant-General Dalrymple to Pelham, 13/07/1795 [sic-1796] (B.L. Pelham Add Ms 33,103, 200-1); Cooke to Pelham,

14/07/1796 (P.R.O.N.I. Pelham T.755/3/68); Rev. James MacCary to _____, 19/07/1796 (Reb.papers 620/24/43)

²⁰ Camden to Portland, 22/01/1796 (P.R.O. H.O.100/61/15-20)

powers than those which they had already abused so notoriously.²¹ The opposition returned to the attack in October 1796. Curran, in a speech of exaggerated sensibility on 26 October, moved to have a parliamentary enquiry established in order to ascertain the reality of the situation in county Armagh. He claimed that over 1400 families had been exiled from their homes and forced to seek shelter in the surrounding counties, 'save such of them as may have been murdered, or burnt in their cottages, or perished in the fields or highways by fatigue or famine'.²²

Of even more concern to Camden was the United Irishmen's exploitation of the Armagh outrages to encourage recruitment into their ranks and to facilitate co-operation with the Defenders.²³ The state prisoners of 1798 wrote that the United Irishmen were 'most exceedingly indebted' to the Armagh persecutions for the enlargement of their membership: 'We will here remark that, once for all, what we solemnly aver, that wherever the Orange system was introduced, particularly in catholic counties, it was uniformly observed that the numbers of United Irishmen increased most astonishingly. The alarm which an Orange lodge excited among the catholics made them look for refuge by joining together in the United system, and, as their number was always greater than that of bigoted protestants, our harvest was tenfold'.²⁴ Robert Waddell reported in July 1796 that through their persecutions the Orangemen had forced hundreds to join the disaffected in county Down.²⁵ Lord Downshire's agent informed him at the same time that United Irish emissaries were 'astir in every quarter', offering the

²¹ N.S. 22/02, 25/02/1796; See chapter two pp.65-67.

²² *The Parliamentary register, or History of the Proceedings and Debates of the House of Commons of Ireland*, (17 vols., Dublin, 1782-1797), vol. xvii, pp.34-6, 50-66, 147-151; Camden to Portland, 14/10/1796 (P.R.O. H.O.100/65/41-4)

²³ J.W. to Government, 04/02/1796 (Reb.papers 620/10/121/49); Cooke to Pelham, 27/07/1796 (P.R.O.N.I. Pelham T.755/3/74); Camden to Portland, 06/08/1796 (P.R.O. H.O.100/62/153-63)

²⁴ Memoir of state prisoners (in *Memoirs and Correspondence of Viscount Castlereagh*, ed. C.Vane, Marquess of Londonderry, 4 vols., London, 1848-53, vol. i, pp.356-7)

²⁵ Robert Waddell to Robert Ross, 19/07, 29/07/1796 (Reb.papers 620/24/33, 65)

catholic population the alternative of taking their oath and being protected or of being burnt out by the Orangemen and sent to hell or Connaught.²⁶ Joseph Pollock, assistant barrister for county Down, reported in August that the republicans were increasing their numbers by thousands in the county in consequence of the success of their recruitment drive among the catholics.²⁷ In the same month John Ogle reported from Armagh that the United Irishmen were taking 'every advantage' of the situation 'to raise the people against the government'.²⁸ As the catholic refugees from Armagh and Down settled in other areas, particularly Connaught, they were targeted by radical emissaries. Lord Altamont reported from Mayo in July 1796 that such emissaries had been at work amongst the northern settlers on his estate. He claimed that a rumour had spread 'that the persecutions in the north have been fomented by government', and it had gained belief and disaffected 'a great body of the catholics of every rank throughout the kingdom'.²⁹ A large number of catholics settled on the estate of Colonel Martin in county Galway, and in September it was reported from the area that 'the bad treatment which the Roman catholics receive in the north' was the subject of everyone's conversation.³⁰ A government spy informed Cooke on 6 September that unless the administration adopted measures to suppress the Orangemen, 'nothing will prevent the people in the counties of Louth, Meath, Westmeath and Dublin from murdering every protestant presbyterian they can come at..... You can't conceive how much the people in general are displeased at as they say the silence of government on the disturbed state of the north'.³¹ Cooke and Camden were all too aware that 'the irritating conduct of the Orangemen' in Armagh and parts of Down did 'infinite mischief' by exciting a spirit of revenge among the catholics

²⁶ Thomas Lane to Downshire, 16/07/1796 (P.R.O.N.I. Downshire papers D.607/D/102)

²⁷ Joseph Pollock to Downshire, 02/08/1796 (Ibid. D.607/D/109)

²⁸ John Ogle to Cooke, 07/08/1796 (Reb.papers 620/24/89)

²⁹ Lord Altamont to Cooke, 27/07/1796 (Ibid. 620/24/64); J.W. to Government, 05/10/1796 (Ibid. 620/10/121/38)

³⁰ D.E.P. 09/08, 27/08/1796; Robert Gregory to _____, 02/09/1796 (N.A. S.O.C. papers 1015/24)

³¹ Edward Boyle to Cooke, 06/09, 14/09/1796 (Reb.papers 620/25/25, 64)

`in other places', as well as facilitating the coalescence and expansion of the United Irishmen and the Defenders. Camden recognised that the Armagh outrages, although they were not specifically aimed at the government, `are perhaps more dangerous than even direct conspiracies, as they justly irritate the catholics, and give a pretence for the disaffected to act upon'.³²

The United Irishmen also offered legal protection to persecuted catholics and formed committees to prosecute biased magistrates who encouraged or condoned sectarian attacks. Radical activists like Henry Joy McCracken, Joseph Cuthbert, Daniel Shanahan, Bernard Coyle, Rev. James Quigley and James McGucken were prominent in this enterprise as well as in organising the legal defence of those catholics whose property had been wrecked by the Orangemen in 1795.³³ Subscriptions were opened in Belfast and Dublin to bring offenders to justice and William Sampson was appointed by the inhabitants of Belfast to initiate proceedings against certain magistrates.³⁴ There was also more material relief on offer. Refugees from the persecution in Armagh were invited to Belfast, and dispatched from there to farmers in counties Down and Antrim, where `they were secured from danger, provided with employment, and treated with affectionate hospitality'.³⁵ The *Northern Star* reported on 4 January 1796 that many of those catholics who had fled from Armagh had met with `a humane asylum and generous protection' in Belfast: `Their industry has been directed into a useful course, their wounds have been healed, and their afflictions have been soothed. Their true story has

...of the public at large the moderate and equity of the Camden regime. The fact
...also attributed to the ... of 1796 as a ... to the ...
... the ... to open the legal ... of Armagh

³² Cooke to Pelham, 14/07, 27/07/1796 (P.R.O.N.I. Pelham T.755/3/68, 74); Camden to Portland, 06/08/1796 (P.R.O. H.O.100/62/153-63)

³³ L.M. Cullen, 'The Political Structures of the Defenders', p.119; Nancy J.Curtin, *The United Irishmen: Popular politics in Ulster and Dublin, 1791-8*, (Oxford, 1994), pp.163-4

³⁴ *N.S.* 19/11/1795; Edward Hay to Fitzwilliam, 04/02/1796 (N.L.I. Fitzwilliam papers Microfilm p5641)

³⁵ William James MacNeven, *Pieces of Irish History*, (New York, 1807), p.117

been told, even at the risque of prosecution; and we trust the law...will make them retribution'.³⁶

Under these circumstances, with the parliamentary opposition and the disaffected both exploiting the excesses of the Orangemen in north-east Ulster in order to gain support for themselves and discredit the Camden administration, it was incumbent on the government to adopt measures in an effort to re-establish its integrity. If it did not react to the situation in Armagh it was in danger of alienating the affections of the catholic population. A Tyrone catholic, who had been given notice by the Orangemen that he was to leave his home immediately or suffer the consequences, indirectly highlighted the dangers facing the administration through its continued inactivity. If the 'loyal catholics' did not receive the support of the authorities, where were they expected to find shelter, between the 'unrestrained persecutions of Orangemen, and that of Union men'.³⁷ Camden responded to the situation by endeavouring to make a number of gestures which were designed as public manifestations of the impartiality of his regime. The most important of these was the dispatch of reinforcements to Armagh in January 1796 under the command of Colonel Cradock. The colonel was given commissions of the peace for county Armagh and the three adjoining counties and his orders were to give 'equal aid and assistance to those magistrates, who exert themselves for the suppression of outrage and disorder from whatever quarter they may arise'.³⁸ The Duke of Portland recognised that Cradock's mission was a public relations manoeuvre, designed to 'impress upon the minds of the public at large' the moderation and equity of the Camden regime.³⁹ The lord lieutenant also attempted to use the spring assizes in 1796 as a further means to this end. Arthur Wolfe, the attorney general, took pains to open the legal proceedings at Armagh with two cases of the same nature, and both of capital crimes, which were intended to

³⁶ N.S. 04/01/1796

³⁷ Patrick Devlin to Mark Devlin, 06/08/1796 (Reb.papers 620/24/103)

³⁸ Camden to Portland, 22/01/1796 (P.R.O. H.O.100/61/15-20)

³⁹ Portland to Camden, 02/02/1796 (Ibid. H.O.100/63/115-6)

illustrate the impartiality of the judicial system. The first concerned two Defenders and the other, three Orangemen who had been charged with stealing arms. Wolfe used the opportunity of opening this case to deliver a solemn speech to 'the whole county' praising the government's intention 'to proceed against all persons charged with crimes, of whatever religious persuasion they might be, of whatever description, whether in high or low life'. He directly appealed to the magistrates to perform the duties of their office: 'Laws he said could not protect themselves, they were a dead letter unless brought into life and activity by those who were conservators of the peace; and an enlightened magistrate could only have the public peace in view. He called on them to unite together and execute the laws firmly, yet mildly, and with a strict and honourable impartiality'.⁴⁰ Both of the Defenders were convicted, but only after 'a very long and patient examination'. Two of the Orangemen were similarly convicted, the other being 'very properly acquitted'. Wolfe considered these convictions to be a great victory in the battle to regain public confidence in the judiciary. He even considered ending proceedings at this point, in order to emphasise the government's impartiality.⁴¹ Anxious to avoid any possible source of contention, he only prosecuted those cases which were considered 'by all parties as criminal by whomsoever committed'. In addition, he supervised the introduction of the petitions of those Catholics who claimed compensation under the Whiteboy act for the destruction of their homes. More than 150 petitions, amounting to over £2,000 in compensation claims, were forwarded for the consideration of the county grand jury. The political design behind the attorney general's patronage of these claims was obvious. Wolfe deemed it 'essential in a political view that it should appear that this redress could be had'.⁴² At the Downpatrick assizes, the government initiated similar prosecutions against several Orangemen, and the Monaghan assizes ended with 'a strong lecture' from Prime Sergeant Stanley to the Orangemen who had begun to intrude into

⁴⁰ N.S. 31/03/1796

⁴¹ Arthur Wolfe to government, 01/04/1796 (Reb.papers 620/23/62); Isaac Corry to Cooke, 01/04/1796 (Ibid. 620/23/61)

⁴² Arthur Wolfe to _____, 05/04/1796 (Ibid. 620/23/68)

the area from neighbouring counties. There was also 'an exhortation from the bench to the lower orders of people to persevere in the paths of peace and industry, and assuring them that the government of the country would equally protect all classes and descriptions of the king's subjects while they behaved with submission to the laws and would punish them all equally when they offended'.⁴³

The government also passed an act which allowed victims of sectarian attacks to apply for compensation from the county. This was based on a proposal made by Grattan during the debates on the insurrection act.⁴⁴ In October 1796 the time limit for making such claims was extended until the following assize in order to facilitate those individuals who might have been too frightened to make earlier applications. These political manoeuvres were designed to establish 'the even handed justice' of the Camden administration in the face of accusations from its political enemies that it connived at or encouraged Orange violence, and they were used extensively for that purpose in the key parliamentary debates on the insurrection act in February and on the suspension of the *habeas corpus* act in October 1796.⁴⁵ The pro-government *Faulkner's Dublin Journal* claimed on 16 November that 'the steady, temperate, and impartial manner in which his majesty's business was conducted' at the previous Armagh spring assizes had effectually ended disturbances in the county.⁴⁶

All three of these measures adopted by the government were significantly flawed. The problem in Armagh was that the magistrates were either refusing to act or dispensing partial justice. Although Colonel Cradock was sent to the county with the power to act as a civil magistrate he could not be in several places at once. He appears to have found the resident magistrates unco-operative and, despairing of his ability to

⁴³ *F.D.J.* 24/03, 12/04/1796

⁴⁴ *N.S.* 22/02/1796

⁴⁵ Camden to Portland, 07/05/1796, 13/10/1797 [sic 1796] (P.R.O. H.O. 100/64/68-72, K.A.O. Pratt papers U840/0154/2); Pelham to Lord Moira, 21/10/1796 (Reb.papers 620/25/178); *Parliamentary Register*, vol. xvi, pp.107-11, vol. xvii, pp.34-6

⁴⁶ *F.D.J.* 17/11/1796

achieve any tangible results on his own, he had returned to Dublin within a month of his departure. Cradock explained the nature of his mission in the commons on 26 February 1796. Although he had received the assistance of the commanding officer in the region, General Nugent, both men soon found that 'such was the nature of the disturbance, that after repeated consideration they could see no possible way in which the troops could be employed'. In consequence of this conclusion, Cradock recommended to the government that he be recalled from Ulster, 'as he thought that he could be of no use'.⁴⁷ The Castle's carefully constructed appearance of judicial impartiality at the Armagh spring assizes was similarly frustrated. Wolfe's attempt to ensure that equal numbers of catholic and protestant offenders were capitally convicted was undermined by Gosford's intervention on behalf of one of the Orangemen, William Trimble. In consequence of Gosford's representations to the government that a respite would restore tranquillity to the county, Trimble's sentence was first respited and later commuted.⁴⁸ The benefits of the act introduced by the administration to provide for the relief of catholics whose property had been damaged by the Orangemen were also mitigated by the fact that it left the redress to be granted to the discretion of the grand jury, which was chiefly composed of those very magistrates whose partiality had been called into question. In his speech to the commons on 26 October Curran pointed to the inadequacy of this measure: 'What a picture of barbarity in a country, to assemble a grand jury gravely assessing the civil equivalent of rape or murder; did not gentlemen, he said, feel a little for the sneering and ironical charity of a law, which offered compensation to the absent and banished, who they know dare not return to demand it'.⁴⁹

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⁴⁷ N.S. 22/02/1796

⁴⁸ Pelham to Lord Gosford, 16/04/1796 (P.R.O.N.I. Gosford papers D.1606/1/184)

⁴⁹ *Parliamentary Register*, vol. xvii, pp.147-151

The government's attitude towards the Orangemen, and its desire to distance itself from them, began to alter in the summer of 1796 when the intelligence received at the Castle startled the authorities into an appreciation of the extent of the threat posed by the disaffected in Ulster. The inadequacy of the government's intelligence on the United Irishmen until the emergence of John Bird as an informer in the spring of 1796 has already been revealed. Bird's information was the catalyst in undermining the Castle officials' complacent attitude towards the security situation in the northern province.⁵⁰ The most alarming development was the manner in which Bird's information coincided with other reports about the success achieved by the disaffected in their endeavours to corrupt the militia units stationed at Blaris, a military camp established near Lisburn in June 1796. The militia which had been established in 1793 had never gained the full confidence of the loyalist community, mainly due to the fact that below the rank of officer it was a predominantly catholic force.⁵¹ As the security situation deteriorated rapidly in the second half of the decade, suspicions about its reliability became more widespread. From early in their existence it had been an element in both United Irish and Defender strategy to corrupt the troops on the Irish establishment. They pursued their goal in part by supplying free drink and prostitutes, and promising farms and military commissions to those willing to join their ranks.⁵² By February 1795 the Defenders boasted that they enjoyed the allegiance of two thirds of the militiamen of Ireland.⁵³ The situation in Ulster was particularly worrying for the government. The outrages committed upon the catholic population of Armagh by the Orangemen through the

⁵⁰ For this point see chapter four pp.184-187.

⁵¹ John Beresford to Lord Auckland, 04/09/1796 (*The Correspondence of the Rt. Hon. John Beresford*, ed. William Beresford, 2vols, London, 1854, vol. ii, pp.127-30)

⁵² Camden to Portland, 25/09/1795 (P.R.O. H.O.100/58/334-50); Lieutenant-General Dalrymple to Pelham, 01/10/1795 (B.L. Pelham Add. Ms.33,103, 290-3); Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, 158, 177-8; K.A.O. Pratt papers U840/0155/23; W.J. MacNevin, *Pieces of Irish History*, pp.120-1

⁵³ Information of Friar Philips, 04/02/1795 (K.A.O. Pratt papers U840/0150/3)

winter of 1795 and into 1796 left many catholic militiamen vulnerable to the anti-Orange propaganda of the United Irishmen. Owing to the fact that militia regiments could not be stationed in their native county or those adjoining, the units on duty in Ulster were mainly catholic in rank and file⁵⁴ and proved sympathetic in many cases to the plight of their co-religionists in Armagh. The Queen's county regiment had been infiltrated in this manner since its arrival in Armagh in October 1795, and its commanding officer feared that the oppression of the catholics in the county had made some of the catholic soldiers in the regiment more receptive to radical propaganda.⁵⁵ By the end of July 1796 Cooke estimated that 1250 of the 7000 soldiers stationed at Blaris had been sworn into the United Irish organisation.⁵⁶ Camden himself was of the opinion that the United Irishmen had 'to a degree succeeded' in their designs, and that it was impossible 'to have much confidence in some of the militia regiments'.⁵⁷ There were ominous signs for the loyalist community as reports of disaffection in the ranks at Blaris began to multiply. By August officers of the county Limerick militia informed the administration that they could place little reliance on their men, and two soldiers of the Westmeath regiment were punished for attempting to plant a tree of liberty in the camp.⁵⁸ It was the fact that 'the suspicion of the militia is become general' that twice prompted the Castle, in July and September 1796, to initiate enquiries to ascertain the degree of truth behind the widespread allegations of corruption.⁵⁹

⁵⁴ Kevin Whelan, 'United and Disunited Irishmen', in *The Tree of Liberty: Radicalism, Catholicism and the Construction of Irish Identity 1760-1830*, (Cork, 1996), p.115

⁵⁵ Earl of Portarlington to Cooke, 25/09/1796 (Reb.papers 620/25/114)

⁵⁶ Cooke to Major-General G.Nugent, 25/07/1796 (N.A.M. Nugent papers 6807/174/147-8)

⁵⁷ Camden to Pelham, 30/07, William Elliott to Pelham, 04/08/1796 (P.R.O.N.I. Pelham T.755/3/81, 93); Camden to Portland, 06/08/1796 (P.R.O. H.O.100/62/153-63)

⁵⁸ W.E.H. Lecky, *History of Ireland in the eighteenth century*, (5vols., London, 1892), vol. iii, p.464

⁵⁹ See chapter four pp.187-188 for the failure of Cooke's investigations in July; for Pelham's September enquiry see Pelham to Major-General G.Nugent, 26/09/1796 (P.R.O.N.I. Pelham T.755/3/192)

It was the growing suspicion about the reliability of those militiamen stationed in Ulster⁶⁰, combined with the increasing numbers of the disaffected in the north of the kingdom, that first forced the government to appreciate the possible value to be gained from a well organised body of loyalists whose gentry leadership was beginning to publicly emerge. The first alteration in the Castle's attitude towards the Orangemen was its failure to prohibit the Orange celebrations on 12 July 1796, despite having received the opinion of the commanding officer in the area as early as 10 June that the preparations being made for the July celebrations should be stopped, and in spite of having been clearly informed that to allow the parades to proceed without official interference would be interpreted as officially sanctioning the Orangemen.⁶¹ Noted Orange sympathisers canvassed the government to allow the planned processions to occur. Lord Gosford, governor of county Armagh, played an important role in this respect. In an interview before 10 July he had endeavoured to elicit consent for the parades from the commanding officer of the region, Lieutenant-General Dalrymple. Gosford pointed to the fact that those who planned to parade professed loyalty to the king and would be without offensive weapons of any kind. Furthermore, he claimed, it was their intention 'not to disturb or offend anybody but after walking through different parts of the county to return peaceably to their own homes'.⁶² Holt Waring, a county Down magistrate, also lobbied the government on behalf of the paraders, declaring that there would be no ill consequences from their conduct. He reiterated Gosford's point that they would be without arms, and added that they had prohibited the use of spirituous liquors during the celebrations.⁶³ In the light of these representations and with an eye on the security situation in Ulster, the government hesitated on what course of action to

⁶⁰ *N.S.* 03/06/1796; Lieutenant-General Dalrymple to Cooke, 10/06/1796 (Reb.papers 620/23/164); J.W. to government, 05/10/1796

(*Ibid.* 620/10/121/38); Cooke to Pelham, 27/07/1797 (P.R.O.N.I. Pelham T.755/3/74)

⁶¹ Lieutenant-General Dalrymple to Cooke, 07/06, 10/06, 19/06/1796 (Reb.papers 620/23/164, 23/183, 24/20)

⁶² Lord Gosford to Cooke, 10/07/1797 (P.R.O.N.I. Gosford papers D.1606/1/185/b)

⁶³ Holt Waring to Cooke, 04/07/1796 (Reb.papers 620/24/11)

adopt. It was only on 8 July that the Castle belatedly acted and sent Gosford instructions to prevent the meeting scheduled for Armagh.⁶⁴ This was a half-hearted and tardy initiative by the government and it suited Gosford's purpose, allowing him to allege that the order had arrived too late for him to stop the parade. He was extremely disingenuous in his response to the Castle on 10 July. He denied that there were any outrages being committed on the catholics of the county. There were instead 'petty robberies of protestant as well as catholic houses'. Outrages were in progress in neighbouring parts of county Down and he feigned to believe that it must have been misrepresented to Camden that these disturbances were occurring in Armagh. Gosford used the Castle's delay in responding to the concerns expressed by Dalrymple, about the intention of the Orangemen to parade on 12 July, as an excuse for his inaction on this subject. Looking on Dalrymple 'as the confidential friend of government' in the area, Gosford claimed to have held frequent conversations with him on this subject: 'He [Dalrymple] told me he had repeatedly advised government of all that was going forward respecting this meeting on the 12th. and that by their silence he did not suppose it was the intention or the wish of government to take any notice of their assembling on that day. By this information of the general's that he had stated the business so fully and minutely to government I did not wish to trouble his excellency with a repetition on the same subject, which was the reason of my not writing. And I really did not think myself authorised to take any part without first having my lord lieutenant's sentiments'. Had the directive from the Castle arrived sooner, he could have adopted measures to prevent the parade but it was now too late, especially as the Orangemen had 'gone to considerable expense in banner, orange ribbons etc'.⁶⁵

The government's belated effort to prohibit the July 12th. celebrations failed to prevent a number of small parades taking place in counties Armagh, Down, Tyrone,

⁶⁴ Cooke to Lord Gosford, 08/07/1796 (P.R.O.N.I. Gosford papers D.1606/1/186)

⁶⁵ Holt Waring to Cooke, 04/07/1796 (Reb.papers 620/24/11); Lord Gosford to Cooke, 10/07, Lord Gosford to Camden, 13/07/1797

(P.R.O.N.I. Gosford papers D.1606/1/185/b, 188)

Monaghan and Fermanagh.⁶⁶ The behaviour of the Orangemen on this occasion favourably impressed at least one previously hostile observer. Dalrymple reported to Pelham on the day following the celebrations that the behaviour of the paraders had been 'faultless', and he believed the assurances he had been given that 'in future no countenance will be given to any outrages'. There are signs too that the pragmatic Cooke may also have warmed to the organisation after this display.⁶⁷ The fact that these proceedings were uninterrupted by the authorities was an unmistakable sign to both loyalists and radicals alike that the government entertained at the very least an ambiguous attitude towards the Orangemen. The *Northern Star* reported with horror that Orangemen had paraded through Lurgan, Waringstown, Tanderagee and Portadown, pointing to the fact that these same men had exiled 700 families from their homes but were still allowed to assemble in open day 'under banners bearing the king's effigy, and sanctioned by the magistrates'.⁶⁸ The events of the 12th July encouraged Orange sympathisers to continue in their efforts to gain the support of the administration. They pointed to the potential utility of the Orangemen, estimated to be 20,000 strong, as a counterbalance to the growing numbers of the disaffected, something which the Castle itself may have already begun to appreciate.⁶⁹ Efforts were also made to legitimise the Orange Order. A pamphlet entitled *An humble petition of the Protestant association*

⁶⁶ *The formation of the Orange Order, 1795-8: the edited papers of colonel William Blacker and Colonel Robert H. Wallace*, ed. Cecil Fitzpatrick, (Belfast, 1994), p.71-2; *N.S.* 15/07/1796; Robert Waddell to Cooke, 19/07, Holt Waring to Cooke, 23/07/1796 (Reb.papers 620/24/33, 46); *D.E.P.* 21/07/1796

⁶⁷ Lieutenant-General Dalrymple to Pelham, 13/07/1795 [sic 1796] (B.L. Pelham papers Add Ms 33,103, 200-1); Robert Waddell to Cooke, 05/08/1796 (Reb.papers 620/24/82)

⁶⁸ *N.S.* 11/07, 15/07/1796

⁶⁹ Holt Waring to Cooke, 02/06, 04/07, 23/07/1796 (Reb.papers 620/23/141, 24/11, 24/46); Lord Gosford to Camden, 13/07/1797 (P.R.O.N.I. Gosford papers D.1606/1/188); *F.D.J.* 19/07/1796; Robert Waddell to Cooke 19/07, Mantray Jones to Cooke, 27/07, R.Magennis to Cooke, 28/07, Lord Farnham to Cooke, 07/08/1796 (Reb.papers 620/24/33, 60, 63, 90); T.E.Higginson to Foster, 26/08/1796 (Ibid. 620/24/156)

forming the Loyal Union of Orange was circulated to every magistrate before the 1796 summer assizes in parts of Ulster, declaring their readiness to support the civil authority, and distancing them from the Peep O'Day boys, to whom they attributed the outrages perpetrated upon northern catholics. Their own principles, they declared, were 'as sacred and so distinct, as that venerable body of brotherhood called Free Masons'.⁷⁰

At the same time there was an endeavour to allow those gentry who sympathised with the Orange cause to avow their principles and claim their place at the head of the movement. From the origins of the 'Orange Boys', an earlier manifestation of the same sectarian spirit that infused the Orangemen, in mid-1795, Rev. William Richardson, who was to be co-originator of the 'Dungannon resolutions', was aware of the need to enforce gentry leadership.⁷¹ The Orange Order itself had associations with members of the Atkinson, Blacker, Bisset, Cope, Verner and Jephson families from its inception. Viscount Northland of Dungannon and William Brownlow of Lurgan were reported to be patrons of the 'infant institution'.⁷² The gentry were reluctant, however, to openly declare their support for the new organisation, for fear of being publicly associated with the series of nocturnal raids on catholic homes which began in Armagh soon after the protestant victory at the Diamond. It was Thomas Knox, the son of Viscount Northland, who attempted to gain government approval in June 1796 for a series of resolutions which were designed to create armed associations from among the local gentry, under officers appointed by the crown, for the internal defence of the country in the event of a

⁷⁰ Lieutenant-General Dalrymple to Pelham, 20/07/1795 [sic 1796] (B.L. Pelham papers Add. Ms. 33,103, 202)

⁷¹ William Richardson to _____, 03/05/1795 (K.A.O. Pratt papers U840/0145/12)

⁷² Richard Jephson to Charlemont, 09/10/1795 (*The manuscripts and Correspondence of James, first earl of Charlemont*, 2vols,

H.M.C. London, 1891-4, vol. ii p.251); *N.S.* 18/01/1796; Thomas Lane to Downshire, 04/02/1796 (P.R.O.N.I. Downshire

D.607/D/27); Cooke to Pelham, 14/07/1796 (P.R.O.N.I. Pelham T.755/3/68); Pollock to Robert Ross, 26/08/1796 (Reb.papers

620/24/161); *Report from the Select Committee appointed to enquire into the nature, character, extent and tendency of Orange*

lodges, associations or societies in Ireland, with the minutes of evidence and appendix, H.C. 1835 [377], vol., xv, pp.10, 257-8

French invasion.⁷³ These 'Dungannon resolutions' developed from a series of protestant 'loyal associations' which had emerged in parts of Ulster from October 1795, only a month after the formation of the Orange Order.⁷⁴ Although it is likely that Knox, a politically ambitious man, entertained hopes that the Dungannon plan would be adopted on a nation-wide basis, he exploited his family's links with the Orangemen to ensure the initial success of the measure in the Orange stronghold of mid-Ulster.⁷⁵ From the very beginning Knox conceived the creation of 'a legally armed society that Orangemen could join'. He suggested that by placing the Order under official supervision, the administration could benefit from its enthusiasm while keeping its expression within 'due bounds'. The Orangemen had to be supported 'in a certain degree', he claimed, 'for with all their licentiousness, on them must we rely for the preservation of our lives and properties should critical times occur'.⁷⁶

The Dungannon resolutions only met with Camden's qualified approval, the lord lieutenant being fearful lest they should result in the formation of 'a new system of volunteers'. In spite of this concern, there are signs that the government had already accepted that the growing security crisis in Ulster and the increasing probability of French invasion necessitated the embodiment of a new force which would allow for the concentration of the troops, in order to prepare them against the possibility of invasion, while simultaneously providing for the defence of the interior of the kingdom. Above all else, however, the Castle was determined not to allow the formation of military companies independent of its control. It was this determination that prompted Camden to

⁷³ Thomas Knox to government, 25/06, 06/07/1796 (Reb.papers 620/23/202, 24/16); R.Sibbet, *Orangeism in Ireland and throughout the Empire*, (2 vols., London, 1939), vol. i, p.304

⁷⁴ Sibbet, *Orangeism in Ireland*, vol. i, pp.293-4, 302-3

⁷⁵ Allan Blackstock, *An Ascendancy Army: The Irish Yeomanry, 1796-1834*, (Dublin, 1998), pp.62-3

⁷⁶ Thomas Knox to government, 06/07, 13/08/1796 (Reb.papers 620/24/16, 106); Hereward Senior, *Orangeism in Ireland and Britain, 1795-1836*, (London, 1966), pp.41-5

countenance instead a scheme first proposed by his whig predecessor in 1795, that of an Irish yeomanry, as it was adjudged to be far more amenable to centralised authority.⁷⁷

The formation of the Irish yeomanry did not by any means amount to an exclusive arming of the Orangemen. Camden was extremely conscious of the need to guard against arming 'a section of the population', and he endeavoured to embrace the well disposed of all denominations.⁷⁸ He informed Downshire in August 1796 that it was the government's wish to recruit 'those catholics and dissenters upon whom you can rely', and he encouraged catholic aristocrats like Lords Kenmare, Gormanston, Fingall and Sir Edward Bellew to raise corps.⁷⁹ There were certain characteristics surrounding the yeomanry as opposed to the militia or regular forces, however, which facilitated the recruitment of large numbers of Orangemen by gentry figures associated with the Orange Order. The difficulty involved in the embodiment of the yeomanry was the government's powerlessness to refuse commissions to those well disposed gentlemen willing to raise companies. If gentry, especially outside Ulster, were frequently ready to recruit catholics and protestants alike, several of the force's strongest advocates were determined to limit recruitment to 'loyal protestants' or 'the protestants, who can be depended on'.⁸⁰

The desire of many influential government supporters to raise the yeomanry primarily among the loyalist community was accentuated by the contrast between the United Irish response to the embodiment of the new force in Ulster and in the rest of the

⁷⁷ For a more detailed account of the origins of the yeomanry and its relation to the Dungannon resolutions see chapter six pp.246-253.

⁷⁸ Portland to Camden, 29/08/1796 (P.R.O. H.O.100/62/200-3); Lieut-General Dalrymple to Cooke, n/d (Reb.papers 620/24/174);

Camden to Waterford, 14/09/1796 (K.A.O. Pratt papers U840/0130/233, 0174/15); *Parliamentary Register*, vol. xvii, p.37

⁷⁹ Camden to Downshire, 06/09/1796 (P.R.O.N.I. Downshire papers D.607/E/142); R.B. McDowell, *Ireland in the Age of Imperialism and Revolution 1760-1801*, (Oxford, 1979), p.559; Although Fingall was a protestant he came from a catholic family and was a member of the catholic committee.

⁸⁰ Robert Waddell to Cooke, 05/08, 23/08/1796 (Reb.papers 620/24/82, 144); W.J.Lindsay to government, 06/08, 07/09, 22/10/1796 (Ibid. 620/24/87, 25/29, 25/182); John Foster to Camden, 02/09/1796 (K.A.O. Pratt papers U840/0184/3); John Beresford to Lord Auckland, 04/09/1796 (B.L. Auckland papers Add Ms.34,454,61-2)

kingdom. While in Ulster they endeavoured to organise a boycott of the new force by their members, they appear to have taken the decision, after initial attempts to prevent catholic recruitment, to infiltrate rather than resist its embodiment in the south of the kingdom. This may have been due to a realisation on their part that resistance to enrolment could only hope to be successful in areas where United Irish influence was strongest and most active.⁸¹ This was confined at the time to the north of the kingdom and the capital, with the result that while efforts were made to deter recruitment into the new force in Dublin, the main focus of resistance lay in Ulster.⁸² Through the dispersal of handbills, threatened boycotts of the businesses of those who enrolled and through the pages of the *Northern Star*, the United Irishmen attempted to discourage recruitment amongst their supporters.⁸³ Their success in this endeavour resulted in the almost exclusive recruitment of the force from the loyalist community, including many of 'the most violent protestants' or of those 'with Orange sympathies', who had heightened their desirability by the respectability of their July 1796 celebrations.⁸⁴ Rev. William Richardson later recalled that while the administration was contemplating the formation of a yeomanry in the late summer of 1796, '[Orangemen] held meetings quietly and signified their readiness to join...When it was so far advanced that it was certain government would adopt it, they held pretty general meetings, whence they signified..they would meet no more as a party...the best of them are in the yeomen'.⁸⁵

Several of those raising corps in Ulster used their connections with the Orange movement to fill the ranks. Gentlemen with notable Orange links like James Verner, who defended the Orangemen in parliament in October 1796 and who was reported to have

⁸¹ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland* (Dublin, 1798), app.ii, p.70

⁸² *NS* 10/10/1796; *F.D.J.* 15/10, 18/10, 22/10/1796; Lecky, iv, p.38

⁸³ *N.S.* 26/08, 16/09/1796; S.Close to John Toler, 26/10/1796 (Reb.papers 620/25/190); P.R.O.N.I. Pelham T.755/4/2/249

⁸⁴ Lecky, iii, p.473, iv, p.48; Hereward Senior, 'The Early Orange Order 1795-1870', in T.Desmond Williams, *Secret Societies in Ireland* (Dublin, 1973), p.39

⁸⁵ William Richardson to Lord Abercorn, 22/02/1797 (P.R.O.N.I. Abercorn papers D.623/A/156/5)

turned 115 catholic families off his estate⁸⁶, were among the first to raise corps.⁸⁷ Colonel William Blacker, grand master of county Armagh, formed his Seagoe infantry 'by taking into council a number of the Orange leaders' and 'deciding to select a certain proportion from each lodge'.⁸⁸ Wolsey Atkinson, the grand secretary of the first Grand Orange Lodge, was a first lieutenant in the Portadown cavalry corps. John Crossle, grand secretary of Tyrone, was captain of the Aghnahoe infantry corps. Thomas Knox was captain of both the Dungannon and Killyman infantry corps. William Brownlow was captain of the Lurgan cavalry. Rev. Philip Johnson, grand chaplain of the Orange Order, was chaplain to the Ballymacash infantry.⁸⁹ Colonel Blacker admitted that the accusation by the catholic historian, Francis Plowden, that the marquises of Hertford and Abercorn, Lords Northland and Londonderry, Messrs.Cope, Brownlow and Richardson, M.P.s for county Armagh, and other landed proprietors insisted on their protestant tenants and labourers becoming yeomen and Orangemen, was 'true in part'.⁹⁰ It was only to be expected that the political sentiments of the individual raising a corps would influence its complexion. The hardline and anti-catholic Downshire reported in November 1796 that an infantry corps he was raising near Newry were 'chiefly Orangemen, and all agree in

⁸⁶ Edward Hay to Fitzwilliam, 04/02/1796 (N.L.I. Fitzwilliam papers Microfilm p.5641)

⁸⁷ Sibbet, *Orangeism in Ireland*, pp.31, 313, 330; D.McMullen to Downshire, 13/09/1796 (P.R.O.N.I. Downshire D.607/D/163); Downshire to government, 25/11/1796 (Reb.papers 620/26/77); Mrs McTier to Drennan, 17/03/1797 (*The Drennan Letters 1776-1819*, ed. D.A.Chart, Belfast, 1931, p.652); Francis Plowden, *An historical disquisition concerning the rise, progress, nature and effects of the Orange societies in Ireland*, (Dublin, 1810), pp.70-3, 92; *Rep. on Orange lodges iii*, H.C. 1835, pp.20-1

⁸⁸ C.Fitzpatrick (ed.), *The formation of the Orange Order 1795-8*, 67-8; T.G.F. Paterson, 'Lisburn and its neighbourhood in 1798', *Ulster Journal of Archaeology*, i, 1938, pp.193-4

⁸⁹ *A list of the officers of the several district corps of Ireland 1797* (Dublin, 1797); C.Fitzpatrick (ed.), *The formation of the Orange Order 1795-8*, pp.102-3

⁹⁰ C. Fitzpatrick (ed.), *The formation of the Orange Order 1795-8*, 130; F.Plowden, *An historical disquisition concerning ...Orange societies in Ireland*, p.66

not admitting a papist, however recommended'.⁹¹ Lord Annesley, described by Wolfe Tone as 'a mere brute, [who] has a trick of knocking down the catholics on the roads, or wherever he meets them, for his amusement'⁹², proudly informed Downshire on 7 November 1797 that he had enrolled into his corps dependable men 'and not one papist'.⁹³ In other cases when corps were embodying, those willing to enrol adamantly refused to serve with catholics. A large number of individuals were ready to enlist under Henry Major, provost of Ballyshannon in October 1796 on the express condition that 'catholics of every description shall be excluded'.⁹⁴

Sir Richard Musgrave, himself an Orange grand master, estimated that four fifths of the yeomen in county Tyrone were Orangemen, as were the majority of the force in counties Fermanagh, Armagh and Derry.⁹⁵ As early as 13 August Camden was conscious that the proposal to form a yeomanry was being 'construed into a protestant combination, supported by Gov[ernment] against the catholics'.⁹⁶ Fitzgibbon endeavoured to soothe the lord lieutenant's fears that this would provoke resentment among the catholic population, by assuring him that in the present 'very critical situation' it would 'be dangerous in the extreme to damp the ardour of those who may be depended upon, under an apprehension that their zeal may become the subject of misrepresentation by the catholics, who...are in my opinion the body of all others in this country at the present moment, who ought to be watched most narrowly'.⁹⁷ It was the manner in which the yeomanry was embodied, therefore, combined with the United Irish response to the measure, that facilitated the recruitment of large numbers of Orangemen

⁹¹ Downshire to government, 25/11/1796 (Reb.papers 620/26/77).

⁹² *Memoirs and Journals of T.W.Tone*, (ed.) T.Bartlett, (Dublin, 1998), p.147

⁹³ Lord Annesley to Downshire, 07/11/1796 (P.R.O.N.I. Downshire papers D.607/D/293)

⁹⁴ Henry Major to Pelham, 29/10/1796 (T.C.D. Conolly papers Ms.1106)

⁹⁵ Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, pp.155, 174

⁹⁶ Camden to Pelham, 13/08, Camden to Portland, 03/09/1796 (P.R.O.N.I. Pelham T.755/3/101, P.R.O. H.O.100/62/208-215)

⁹⁷ Fitzgibbon to Camden, 07/09/1796 (K.A.O. Pratt papers U840/0183/8)

in mid-Ulster without the government having to officially countenance such a proceeding. A more formal alliance did not develop between the Castle and the Orange Order until the rapidly deteriorating security situation in the north of the kingdom forced the government to appreciate the potential value of Orange zeal and reliability. The key stimulus behind this chain of events were the revelations about the extent of the disaffection in the ranks of the Monaghan militia in the spring of 1797.

In April 1797 several Monaghan militiamen were arrested on the evidence of Edward John Newell, the government informer. Further investigation revealed that the United Irishmen had attempted to corrupt at least one man in each company who would then endeavour to seduce his colleagues. Their success in this enterprise was illustrated by the systematic nature of the disaffection within the regiment. More than seventy men stood forward and declared that they had taken the United Irish oath. General Lake, who replaced Dalrymple as commanding officer of the northern district, feared that 'by investigating other regiments too closely I may find so many guilty that I shall not know what to do with them'.⁹⁸ Four Monaghan men were sentenced to death by court martial, and within the space of a month, six other militiamen, from the Wexford, Kildare and Louth regiments were executed for similar offences.⁹⁹ Although strong suspicions had previously been entertained about several regiments which had been stationed in Ulster, including the Limerick, Queen's county, Dublin and Tipperary units, the revelations surrounding the Monaghan regiment were without precedent and forced the administration to fully appreciate the extent of disloyalty in the militia as a force.¹⁰⁰ From

⁹⁸ Camden to Portland, 28/04/1797 (P.R.O. H.O.100/69/245-8); Lieutenant-General Lake to Pelham, 30/04, 01/05/1797 (P.R.O.N.I. Pelham T.755/4/2/412, 5/3)

⁹⁹ Lieutenant-General Lake to Knox, 29/04, 17/05/1797 (N.L.I. Lake papers Ms.56, 56, 75); Pelham to Coote, 29/04, Pelham to Lake, 12/05, Pelham to Brownrigg, 20/05/1797 (Ibid. T.755/4/2/408, 5/44, 5/87); Camden to Portland, 18/05/1797 (P.R.O. H.O.100/69/307-14); Major-General Loftus to Pelham, 29/05/1797 P.R.O.N.I. Pelham T.755/5/141); N.L.I. Kilmainham papers Ms.1013/276

¹⁰⁰ Camden to Pelham, 30/08/1795, 01/06/1796 (B.L. Pelham Add.Ms.33,103,248-9, P.R.O.N.I. Pelham T.755/3/23); Downshire to J.Reilly, 02/10/1795 (P.R.O.N.I. Downshire D.607/C/146); Cooke to G.Hill, 17/08/1796 (Ibid. Hill of Brookhall papers D.642/A/9/3);

April 1797 Generals Lake, Knox and Cavan, the commanding officers in the northern district, were requesting the removal of the militia from the province and their replacement by more trustworthy British fencibles.¹⁰¹ Knox regarded the militia as the biggest threat to the security of Ulster, and he criticised Carhampton's declaration as commander-in-chief that the force in general was to be depended upon. Knox felt it was 'wise to hold that language to the world, but we ought not to deceive ourselves'.¹⁰² The dramatic events at Blaris Moor and the growth of United Irish strength that they reflected, served to convince the Castle authorities of the potential utility of the Orange Order in creating a loyalist nucleus in the province. By April 1797 the institution had spread from Armagh into the surrounding counties of Down, Antrim, Tyrone and on into Fermanagh, Monaghan and Cavan.¹⁰³ Brigadier-General John Knox was the means of impressing upon the government the advantages to be derived from a more definite arrangement with the Orangemen. Members of his family had strong Orange associations: his brother had been the motivation behind the Dungannon resolutions, and his father, Viscount Northland, was an early patron of the Orange Order.¹⁰⁴ Knox's appreciation of the potential value of an Orange alliance is illustrated by his concern that the disarmament of Ulster, ordered by the proclamation of 13 March 1797, should not be indiscriminately enforced in counties Armagh, Cavan, Monaghan, Fermanagh and

Nugent to Pelham, 20/09/1796 (P.R.O.N.I. Pelham T.755/3/209); Bagwell to Pelham, 07/12/1796 (Reb. papers 620/26/104);

Dalrymple to Pelham, 17/04/1797 (N.A. S.O.C. papers 1016/8); Camden to Portland, 28/04/1797 (P.R.O. H.O.100/69/245-8)

¹⁰¹ Lieutenant-General Lake to Downshire, 19/03/1797 (P.R.O.N.I. Downshire D.607/E/210); Brigadier-General John Knox to govt., 04/04/1797 (Reb.papers 620/29/177); Lieutenant-General Lake to Brigadier-General Knox, 14/04/1797 (N.L.I. Lake papers Ms.56, 52); Lieutenant-General Lake to Pelham, 13/03, 16/04, 03/05/1797 (P.R.O.N.I. Pelham papers T755/4/2/224, 361, 5/20)

¹⁰² J.Knox to Pelham, 19/04, 14/05/1797 (P.R.O.N.I. Pelham T.755/4/2/381, 5/59); Knox to _____, 12/05/1797 (Ibid. T.755/5/39);

¹⁰³ Henry Clements to _____, 07/03/1796 (N.A. S.O.C. papers 1015/8); *F.D.J.* 12/04/1796; Holt Waring to his father, 23/06/1796 (Reb.papers 620/23/141); J.Knox to Lake, 11/03/1797 (P.R.O.N.I. Pelham T.755/4/2/265); Pelham to J.Knox, 24/03/1797 (Ibid. T.755/4/2/285); C.Fitzpatrick (ed.), *The formation of the Orange Order 1795-8*, 61; Senior, *Orangeism in Ireland and Britain*, 77

¹⁰⁴ Thomas Lane to Downshire, 04/02/1796 (P.R.O.N.I. Downshire D.607/D/27); Senior, *Orangeism in Ireland and Britain*, 20

Tyrone, 'where..a proportion of the people are hostile to the United Irishmen - particularly those calling themselves Orangemen'. He planned to scour one area 'not so much with a hope to succeed to any extent, as to increase the animosity between the Orangemen and the United Irishmen.....Upon that animosity depends the safety of the centre counties of the north. Were the Orangemen disarmed or put down, or were they coalesced with the other party, the whole of Ulster would be as bad as Down and Antrim'.¹⁰⁵ Knox realised that the Orangemen, who formed a conservative bloc between the United Irish heartland of Antrim and Down and the Defender stronghold of south Ulster, were 'the only description of men in the north of Ireland, that can be depended upon'.¹⁰⁶ By exploiting their services in the mid-Ulster region, therefore, he could prevent province-wide action by the disaffected.¹⁰⁷ Knox outlined his policy to the Marquis of Abercorn on 5 May 1797. The Orangemen were, he claimed, the only pro-government party in the area and although he acknowledged that they were inclined to be licentious, he had little choice but to encourage them.¹⁰⁸ To this end, he lobbied the government to recruit the Orangemen *en masse* into yeomanry corps. With the help of such a force, he declared, he could suppress the United Irishmen in counties Armagh, Cavan, Monaghan and Tyrone. While it was not necessary for the government to compromise itself by giving them 'an avowed protection', which might cause trouble in the three catholic dominated southern provinces, 'that protection may be given silently by permission to enrol themselves in the district corps and by having it generally understood that their meeting (a sort of freemasonry) shall not be disturbed, as long as the Orangemen refrain from outrage etc'. He requested, on 19 April 1797, that the Castle authorise James Verner to enrol two or three hundred Orangemen as supplementary yeomen. They were to be attached to Verner's corps, the Address infantry, without pay, provided that the

¹⁰⁵ Brig-Gen. J.Knox to Lake, 11/03/1797 (P.R.O.N.I. Pelham T.755/4/2/265); Pelham to J.Knox, 24/03/1797 (Ibid. T.755/4/2/285)

¹⁰⁶ Brig-Gen. J. Knox to Pelham, 19/04/1797 (P.R.O.N.I. Pelham T.755/4/2/379); K.Whegan, 'United and Disunited Irishmen', p.121

¹⁰⁷ Allan Blackstock, *An Ascendancy Army*, p.94

¹⁰⁸ Brigadier-General John Knox to Lord Abercorn, 11/05/1797 (P.R.O.N.I. Abercorn papers D.623/A/156/4)

government would provide them with arms. On 22 May, he forwarded a similar proposal from Mr. Atkinson of Belfast to arm one hundred Orangemen as yeomen. Although he considered Atkinson to be 'illiterate and of rude manner', he believed that 'a corps might be entrusted to him with good effect'.¹⁰⁹

While Knox was canvassing the government's support for these proposals to recruit Orangemen wholesale into the yeomanry, the masters of the Ulster lodges met on 21 May in order to assure the administration that Orange principles were loyal and dependable. Having seen their organisation 'calumniated and stigmatised, their obligations belied and exaggerated, and themselves abused and insulted' by the United Irishmen, they determined to publish their resolutions in the *Belfast Newsletter* on 29 May, in order to publicly declare the principles 'upon which their glorious institution was established'. They claimed that theirs was a defensive association, designed 'to defend ourselves and our property', and they denied any intention of extirpating the catholic population. 'Loyal, well-behaved men' had nothing to fear from them. They issued a direct appeal to the Irish government, earnestly requesting that 'the several members of the administration in this country' would not be prejudiced against them by 'the unfounded calumnies of unprincipled traitors, of ambitious dispositions, and desperate circumstances, who detest us for no other cause than our unshaken loyalty; and who are using every exertion to increase their consequences and repair their shattered fortunes by plunging the kingdom into all the horrors of rebellion, anarchy and civil war'. They invited gentlemen of property to reside in the country, 'in order that we may enrol ourselves as district corps under them', and to subscribe money to properly cloth Orange yeomen, as the government allowance of two guineas was insufficient for that purpose.¹¹⁰

The administration hesitated only momentarily before accepting the offers of Verner and Atkinson on 26 May and thereby accepted direct responsibility, for the first time, for the recruitment of Orangemen into the armed forces. Against the background of

¹⁰⁹ Brigadier-General John Knox to Pelham, 19/04, 21/05, 22/05, 28/05/1797 (P.R.O.N.I. Pelham T.755/4/2/379, 5/91, 5/101, 5/139)

¹¹⁰ J. Knox to Pelham, 21/05/1797 (P.R.O.N.I. Pelham T.755/5/91); *B.N.L.* 29/05/1797; Sibbet, *Orangeism in Ireland*, pp.353-4

a deteriorating security situation and widespread suspicions about the loyalty of the militia regiments in Ulster, Pelham had become convinced that 'nothing can be better than the resolutions of the Orangemen'. While he stressed that the religious differences in Armagh had produced such consequences that infinite prudence was required in carrying out Knox's plan of arming the Orangemen, the chief secretary considered that the suppression of the United Irishmen had become 'so desirable' an object to the government that 'one can hardly object to any means for gaining it'.¹¹¹ The same logic lay behind an attempt to improve the reliability of the militia by an introduction of Orange principles into its ranks. There had been a certain degree of Orange infiltration before the government crisis occasioned by the revelations over the Monaghan militia in the spring of 1797. Many of the soldiers stationed at Blaris had been attracted to the Orange Order, reflecting in a variable way the pattern of population or recruitment in certain counties which resulted in a significant number of protestant militiamen, and by the close of 1796 Orange principles had appeared in at least two regiments, the Queen's county and the Downshire.¹¹² The crisis over the Monaghan militia appears to have accelerated this process, especially among northern regiments, and by the end of 1797 Orange lodges had been established within the Monaghan, Cavan, Armagh and Fermanagh regiments. By March 1798 the Tyrone militia also contained its own lodge.¹¹³ The spread of hardline loyalist principles among the militia was commented upon in March 1798 by Brigadier-General Moore, a disciple of the liberal Sir Ralph Abercromby who had followed him to Ireland from the West Indies and been appointed by him to a command in county Cork. Moore was obliged to formally address the regiments under his command in order to

¹¹¹ Pelham to Brigadier-General John Knox, 23/05, 26/05/1797 (P.R.O.N.I. Pelham T.755/5/115, 123)

¹¹² Thomas Lane to Downshire, 23/09, Major George Matthews to Downshire, 03/12/1796 (P.R.O.N.I. Downshire papers

D.607/D/199, 366); Earl of Portarlington to Cooke, 25/09/1796 (Reb.papers 620/25/114)

¹¹³ B.N.L. 14/07/1797; Mary Leabeater, *The Leadbeater papers*, 2 vols., (London, 1862), vol. i, pp.212-5; Senior, *Orangeism in*

Ireland and Britain, pp.71-3, 91

discourage the growth of Orangeism within their ranks.¹¹⁴ In the same month, Abercromby himself was obliged to advise against the display of 'orange ribbons or cockades' by the military.¹¹⁵

The 12th July celebrations in 1797 served as an illustration of the growing alliance between the government and the Orange Order in Ulster.¹¹⁶ Captain William Blacker contrasted the proceedings with those of a year earlier when the Orangemen had 'crept along byeways like children learning to walk'. In complete contrast, in July 1797, they presented 'a mighty front to sedition, with heads erect, drums beating, banners flying'.

Twelve months had produced a great change in the relation between the government and the Orange society; and it was felt that the time had come for the Orangemen to make a display of their number and strength. Their action was stimulated by the approval of General Lake.¹¹⁷

Lake authorised the celebrations and reviewed Orange paraders at Belfast, Lisburn and Lurgan. Among their ranks were a number of military personnel, including members of the artillery corps, Monaghan militia, and 'the various corps of yeomen'.¹¹⁸ Such demonstrations were unmistakable signs of the growing understanding between the Castle and the Orange Order in Ulster, and these links were further strengthened in the spring of 1798 when the government took the decision to raise supplementary yeomen

¹¹⁴ J.F. Maurice (ed.), *The Diary of Sir John Moore*, (2 vols., London, 1904), vol. i, pp. 279-80

¹¹⁵ General William Loftus to William Bentinck, 22/03/1798 (Quoted in A.P.W. Malcomson, *Eighteenth Century Irish Official papers*, P.R.O.N.I., 1990)

¹¹⁶ Senior, *Orangeism in Ireland and Britain*, p. 77

¹¹⁷ C. Fitzpatrick (ed.), *The formation of the Orange Order 1795-8*, pp. 102-3

¹¹⁸ Mrs. McTier to Drennan, 07/07/1797 (Drennan letters, p. 668); Alex. Halliday to Charlemont, 13/07/1797 (*H.M.C. Charlemont*, vol. ii, p. 307); *B.N.L.* 14/07/1797; Senior, *Orangeism in Ireland and Britain*, p. 77; Sibbet, *Orangeism in Ireland*, pp. 359-60; C. Fitzpatrick (ed.), *The formation of the Orange Order 1795-8*, pp. 83-5, 105-08; *Rep. on Orange lodges iii*, H.C. 1835, p. 135

for emergency duty. On 16 April Castlereagh, as acting chief secretary, sent a circular to the yeomanry captains authorising them to embody supplementary troops.¹¹⁹ William Elliott, Cooke's replacement as military under-secretary, privately briefed General Knox of the government's agenda behind the adoption of this measure: 'Though it is intended (for the purpose of precluding any jealousy or appearance of invidious distribution) to make the measure of enrolment general, yet Lord Castlereagh considers the part of the country falling under your command *particularly* within the object of the plan'.¹²⁰ As Allan Blackstock has observed, in the light of Knox's correspondence with Pelham in the summer and autumn of 1797 this could only mean one thing: an extension of the policy of recruiting the Orangemen in a wholesale manner into the yeomanry.¹²¹ Camden later recalled this policy in a letter to Castlereagh in November 1798, at a time when his successor as lord lieutenant, the Marquis of Cornwallis, had made known his disapproval of the activity of the Orangemen: 'How long is it, my dear Lord C[astlereagh], since we ordered an exclusive armament of supplementary yeomen in the north, and of Mr. Beresford's corps in Dublin? How many months have elapsed since we could not decidedly trust any bodies of men but those who are now so highly disapproved of'.¹²²

The alliance between the Castle and the Orange Order remained a marriage of convenience throughout the pre-rebellion period. Each needed the other to maintain its position. The Orangemen needed the approval of the administration in order to allow its gentry supporters to publicly emerge and claim their position at the head of the movement, while the security crisis in Ulster forced the government to accept whatever support was on offer. Camden for one, however, was never entirely comfortable with the Orange alliance, in consequence of his anxiety not to completely alienate the loyalty of

¹¹⁹ P.R.O.N.I. Lurgan Yeomanry Detail Book D3696/A/4/1 (Quoted in Allan Blackstock, *An Ascendancy Army*, p.95)

¹²⁰ William Elliott to Lieutenant-General Lake, 16/04/1798 (N.L.I. Lake papers Ms.56, 154)

¹²¹ Allan Blackstock, *An Ascendancy Army*, pp.95-6

¹²² Camden to Castlereagh, 04/11/1798 (*Memoirs and Correspondence of Viscount Castlereagh*, i, pp.424-6). The Beresford

connection was heavily involved in the Dublin Orange lodge.

the majority of the Irish catholic population, and he was unwilling to compromise his administration by identifying it too closely with sectarian principles. Even though Castle officials like Edward Cooke may have encouraged the introduction of the Orange movement into south Leinster, for example, the proceeding was never officially countenanced by the Camden regime. Similarly, while he would allow the recruitment of Orangemen *en masse* into the yeomanry, which was a decentralised force recruited by local gentry, the viceroy was unwilling to sanction the formation of regular regiments along confessional lines, the responsibility for which would lie firmly at the government's feet. In May 1797, when he was considering the proposals of Verner and Atkinson for the formation of Orange yeomen corps, Pelham received an offer from Alexander Bisset to form a fencible corps from 'some of his friends in Armagh commonly called the Orangemen'. Lieutenant-Colonel Bulkley of the Northamptonshire fencibles also proposed to raise a regiment entitled 'The Armagh Royal Orange Masonic fencibles'. Camden balked at these offers to raise purely sectarian fencible regiments, recognising that there would be 'many difficulties in forming them into corps which have the appearance of establishing religious distinctions', and the proposals were shelved.¹²³ In addition, Camden discouraged a proposal from the Duke of Portland in March 1798, to arm the Orangemen directly and employ them either as an auxiliary force in Ulster, or as a counter to the growing strength of the disaffected in the south of the kingdom. While Camden admitted that the Orangemen might be useful allies in an emergency, he was extremely conscious of the fact that 'at present any encouragement of them much increases the jealousy of the catholics'. He considered it unwise, therefore, 'to give an open encouragement to this party, although it certainly is not expedient to suppress them'. He did not wish to employ one party to suppress another, and wished to continue

¹²³ Pelham to Brigadier-General John Knox, 26/05, Pelham to Alexander Bisset, 23/06/1797 (P.R.O.N.I. Pelham T.755/5/123; B.L.

Pelham Add. Ms 33103); Alexander Bisset to Pelham, 02/07/1797 (N.A. S.O.C. papers 1017/5); Corresp. between Pelham and Robert

Robert Brownrigg, 19/10, 01/11/1797 (Ibid. Add.Ms.33,105,178,198-9)

the previous arrangement of recruiting Orangemen into the yeomanry without the necessity of raising specifically sectarian regiments.¹²⁴

Events in the spring of 1797 were not only significant in forging links between the government and the Orange Order in Ulster. The formation of a coalition of British and Irish whigs under Lord Moira, and supported by the Prince of Wales, posed a serious challenge to the existence of the administration in the months preceding the general election of the summer of 1797. One of their leading strategies was to organise a series of county meetings throughout Britain and Ireland to petition the king to dismiss his ministers. It has already been mentioned that the threat posed by this whig coalition was serious enough for the Irish government, concerned about any political agitation in the months before a general election, to authorise the military to act without the civil authority in order to suppress the county meetings.¹²⁵ In the months before and during the election the government was confronted with a strong whig challenge, especially in counties like Kildare and Wicklow whose proximity to the capital made them strategically crucial and whose liberal political establishments frustrated the Castle's desire to have a tough security policy implemented within their borders. In consequence, the government was forced to find a means of circumventing the liberal dominance of county politics in order to implement the law and order policy it desired. It will be shown in a later chapter that one means of attaining this object was to send into the south Leinster area the hardline loyalist troops on the Irish establishment who could be counted upon to act vigorously against the disaffected.¹²⁶ Another method was the introduction of Orange principles into this region in an effort to stiffen the resolve of the loyalist community and rally support for the government's measures. Although the sources are vague on this subject, at times deliberately so, it is beyond doubt that certain members of the Camden administration played a leading role in this endeavour. The Order had

¹²⁴ Corresp. of Camden and Portland, 24/03, 29/03/1798 (P.R.O. H.O.100/75/285-9, 331-4)

¹²⁵ On these points see introduction pp.11-13; For more detail on the whig challenge to the government see chapter seven pp.299-302.

¹²⁶ For an illustration of this policy in action see chapter six pp.279-283.

already appeared in county Meath as early as February 1797, although it appears to have been confined to members of the lower orders.¹²⁷ In October of that year the radical *Press* reported that an attempt had been made to introduce the Orange Order into several counties, including county Wicklow, for the purpose of counteracting the United Irishmen. It was rumoured that this movement was countenanced by 'men high in rank and office'. The same newspaper claimed on 2 December that the Irish cabinet, 'the English faction', were attempting to raise 'Orange mobs' and establish Orange lodges in an effort to undermine the radical threat. This policy had been particularly successful, it declared, in county Westmeath, where lodges had been established in Mullingar and were attended by some of the leading gentry of the county. On 23 January it identified Edward Cooke and John Giffard as 'planners of the Orange system'.¹²⁸ Giffard was reported to have become an Orangeman soon after the battle of the Diamond, and when the first lodge was established in Dublin in June 1797 he was a prominent member, along with John Claudius Beresford, Patrick Duigenan and Colonel John Staunton Rochfort. Duigenan was Cooke's fellow M.P. for the episcopal borough of Leighlinbridge, county Carlow, and Colonel Rochfort was one of his Carlow correspondents who actively promoted the establishment of Orange societies before the rebellion. Another two of Cooke's Carlow correspondents, Robert Burton and Robert Cornwall also became members of the Order in the spring of 1798.¹²⁹ It is likely, therefore, as has recently been argued, that Cooke played an important role in encouraging the formation of Orange principles in the crucial Carlow/Wicklow region. Another of Cooke's correspondents who joined the Order in the spring of 1798, Benjamin O'Neale Stratford, who had close

¹²⁷ George Holdcroft to John Lees, 14/02/1797 (Reb.papers 620/28/268)

¹²⁸ *The Press* 07/10, 09/11, 02/12/1797, 23/01/1798

¹²⁹ C. Fitzpatrick (ed.), *The formation of the Orange Order 1795-8*, pp.30, 100, 116-8; Evidence of W.Verner, *Rep. on Orange lodges* iii, H.C.1835 [476], xvi, p.252; N.L.I. Ms.5398; William Elliott to Pelham, 03/06/1798, in J.T.Gilbert, *Documents relating to Ireland*, pp.125-6, 230; L.M.Cullen, 'Politics and Rebellion: Wicklow in the 1790s', in Ken Hannigan and Wm. Nolan (eds.), *Wicklow: History and Society. Interdisciplinary Essays on the History of an Irish County*, (Dublin, 1994), p.471

links with both Kildare and the Rochforts, is suspected of contributing to the spread of the Order into Wicklow and Kildare.¹³⁰ Camden confirmed the involvement of those at the highest level in this enterprise. He informed the Duke of Portland at the beginning of March that 'the eager protestants' around him were describing the United Irish conspiracy as 'a popish plot' and 'indulging in language and in conduct revolting to the catholics'. More significantly, they were 'encouraging the Orangemen, avowing themselves of their society, and averring that until the penal laws against catholics are again enacted, the country cannot be safe'. On 30 March Camden reported to London that since the disturbances in the south of the kingdom had escalated, the Orangemen had 'certainly been encouraged by very respectable persons'.¹³¹ The success of these efforts by gentry figures and government supporters to toughen the stance on law and order in the strategically crucial arc of counties surrounding the capital is reflected in the fact that by the beginning of May 1798, there were ten Orange lodges in Carlow, three in Wicklow and one in Wexford. There were also signs of penetration into Queen's county.¹³²

Coupled with the support given to the Orange Order by leading gentry and Castle officials was a simultaneous effort to press Camden into a more public alliance with the organisation. The advocates of this policy pursued this aim by canvassing support among British political figures, emphasising the strength of the Orangemen and their respectability. John Beresford informed Lord Auckland at the beginning of February 1798 that the Orangemen were 127,000 strong, and claimed that it was a new organisation which was not even a month old. This was a deliberate effort on Beresford's part to disassociate it from the outrages which had been connected with the early years of the Order in Armagh and surrounding counties. Beresford emphasised this point: 'They are not the mad people who first associated under that name, and began a religious

¹³⁰ L.M. Cullen, 'Politics and Rebellion: Wicklow in the 1790s', pp.432, 472

¹³¹ Camden to Portland, 06/03, 29/03/1798 (P.R.O. H.O.100/75/162-9, 331-4)

¹³² J.W. to govt, 08/04/1798 (Reb.papers 620/10/121/97,153); L.M.Cullen, 'Politics and Rebellion:Wicklow in the 1790s', p.470-1

war'.¹³³ In a similar fashion an Irish correspondent of Lord Mornington informed him in April 1798 that it was necessary to countenance the Orangemen 'to a certain degree' in order to counter the influence of the United Irishmen.¹³⁴ The result of such lobbying in British political circles was Portland's proposal to the Irish lord lieutenant to exploit the services of the Orangemen more directly by imposing the central authority of Dublin Castle upon them and employing them as an auxiliary force to crush disaffection in the south. Significantly, Portland's proposal arose from accounts he had received from 'two very respectable quarters' about the strength and loyalty of the Orangemen.¹³⁵

(3)

This chapter has served to illustrate how the government's relationship with the Orange Order altered during the period from its formation in September 1795 until the outbreak of rebellion in 1798. The nature of this changing relationship can only be appreciated by reference to the political context of the times. The administration's initially hostile reaction towards the Order arose from its desire not to unnecessarily irritate the catholic population after the rejection of the relief bill in May 1795. The deterioration in the security situation in Ulster, however, and the growing suspicions of the loyalty of the catholics in the militia units stationed at Blaris in particular, softened the government's attitude in the summer of 1796. This is illustrated by its failure to prohibit the Orange parades in July of that year. The embodiment of the yeomanry in the late summer of 1796, largely in response to loyalist fears about the security of Ulster, allowed numbers of Orangemen to array themselves under local gentry with commissions from the crown. The peculiar characteristics of the yeomanry force, particularly the manner in which it was raised, allowed the government to avail of these services without

¹³³ John Beresford to Lord Auckland, 01/02/1798 (P.R.O.N.I. Sneyd papers T.3229/2/30)

¹³⁴ _____ to Mornington, 22/04/1798 (B.L. Wellesley papers Ms.37,308,132-8)

¹³⁵ Portland to Camden, 24/03/1798 (P.R.O. H.O.100/75/285-7)

officially countenancing such a procedure. The recruitment of Orangemen *en masse* into the ranks of the yeomanry was accelerated by the revelations surrounding the Monaghan militia in April 1797, prompting the government to consider the real need to establish an ultra-loyalist force in the north of Ireland. The threat from the whig coalition before the general election of the summer of 1797, and the growth of disaffection in the south of the kingdom, encouraged certain members of the administration to begin to introduce Orange principles into the counties surrounding the capital, in order to stiffen the stance on law and order in this region. As Judge Robert Day observed in 1801: 'In the commencement of the late troubles, the [Orange] institution was productive of much good, for it served as a rallying point for the well affected and enlisted all-powerful fashion in the service and cause of loyalty.'¹³⁶ At the same time, however, Camden was extremely conscious of the fact that the Orangemen were 'a dangerous species of ally'.¹³⁷ It was this recognition that made Camden reluctant to publicise the Castle's relationship with the Orangemen, and prompted his decision to refuse to sanction the formation of regiments of Orange regulars, as this would explicitly illustrate the nature of the policy being pursued by his administration.

This attempt to maintain at least the appearance of neutrality failed to prevent United Irish efforts to implicate the administration with the Orange Order. As the disaffection spread through the south of the kingdom in the autumn of 1797, the United Irishmen encouraged recruitment by playing on catholic fears of the Orangemen.¹³⁸ In the months immediately preceding the outbreak of rebellion, rumours that the Orange Order aimed at the extirpation of the catholics were reported from Wexford, Carlow and Kildare in Leinster and from Cork and Tipperary in Munster.¹³⁹ The Roscrea yeomanry

¹³⁶ Quoted in Kevin Whelan, 'United and Disunited Irishmen', in *The Tree of Liberty: Radicalism, Catholicism and the Construction of Irish Identity 1760-1830*, (Cork, 1996) p.128

¹³⁷ _____ to Mornington, 22/04/1798 (B.L. Wellesley papers Ms.37,308,132-8)

¹³⁸ Camden to Portland, 15/11/1797 (P.R.O. H.O.100/66/59-64)

¹³⁹ Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, pp.661, 668, 682, 711-2; Roger McHugh (ed.), *Carlow in '98: The*

felt obliged in November 1797 to disclaim 'having any connection with the persons styling themselves Orangemen'. After avowing 'the strongest attachment to their Roman Catholic countrymen', they offered a reward for the apprehension of 'the propagators of so vile a calumny on their characters as Irishmen and as soldiers'.¹⁴⁰ In a similar fashion the captain of the Athy yeomanry was obliged to publish an exhortation on 27 January 1798 which was read at all the chapels in the area: 'Some persons have basely and maliciously endeavoured to agitate the public mind by reports, that certain societies called Orangemen have been formed for the extirpation of Roman catholics'. He solemnly denied any knowledge of such a society, and was convinced that such rumours were circulated 'for no other purpose but to disunite the protestants and roman catholics; and to kindle the most implacable hatred in the latter against the former, to answer the purposes of rebellion'.¹⁴¹ In addition, the government's links with the Orangemen provided contemporaries with a prime opportunity to claim that the rebellion of 1798 'originated out of Orange outrage'.¹⁴² This proved a major handicap in the propaganda war which began almost as soon as the actual hostilities had ceased. Apologists for the catholic insurgents in Wexford could excuse the vicious sectarian atrocities committed upon the protestant population of the county by highlighting the brutal conduct of the Orangemen before the outbreak of hostilities. Edward Hay's history of events in Wexford is the clearest illustration of this interpretation of events in the pre-rebellion period. Hay was responsible in particular for popularising the myth that a county unorganised by the United Irishmen and unprepared for insurrection was provoked into open warfare by the excesses of the ultra-loyalist North Cork militia and a number of Orange Wexford magistrates.¹⁴³

Autobiography of William Farrell, (Dublin, 1949), pp.48-52; *F.D.J.* 13/01/1798

¹⁴⁰ *F.L.J.* 22/11/1797

¹⁴¹ Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, p.682

¹⁴² Marianne Elliott, *Partners in Revolution: The United Irishmen and France*, (New Haven, 1982), p.198

¹⁴³ Edward Hay, *A History of the Rebellion in the county of Wexford, A.D. 1798*, (Dublin, 1803), pp.52-4

Chapter six: The Irish military establishment

The troops on the Irish establishment in the 1790s have generally been portrayed by historians in the past as ill-disciplined and prone to violent conduct.¹ Although this representation owes a great deal to the allegations of whig politicians, which will be examined in the next chapter, it is also based upon a number of quite damning comments about the army in Ireland which were made by respected military figures.² In his general orders of 26 February 1798 Sir Ralph Abercromby declared that the army was 'formidable to everyone but the enemy'.³ Brigadier-General John Moore was critical of the militiamen under his command in Cork, complaining in the spring of 1798 that the privates had no respect for their officers. Had pains been taken when it was first formed to select proper officers and to introduce discipline, he believed that by that time the militia might have been a respectable body of men, 'but like everything else in this country, the giving of regiments was made an instrument of influence with the colonels, and they made their appointments to serve electioneering purposes'. Every sort of abuse had been tolerated, and he feared that it was too late to amend them. The officers in

¹ J.W. Fortescue, *A history of the British Army*, (4 vols., London, 1899-1910), vol. iv, part i, pp.595-6; W.J. Fitzpatrick, *The Life, Times, and Contemporaries of Lord Cloncurry*, (London, 1855), pp.85-6; W.E.H. Lecky, *History of Ireland in the eighteenth century*, (5 vols., London, 1892), vol. iv, p.275

² For the role of the whig politicians and their role in exaggerating the number of outrages committed in this period see chapter seven.

³ J.F. Maurice (ed.), *The Diary of Sir John Moore*, (2vols, London, 1904), vol. i, p.283

general he criticised as profligate and idle, and serving merely for emolument.⁴ It was not long after his appointment as commander-in-chief in June 1798 that the Marquis of Cornwallis began to voice criticisms of the troops under his command. In letters written to the Duke of Portland and Major-General Ross, on 8 and 24 July respectively, Cornwallis censured the condition of the troops on the Irish establishment. His most severe criticism was reserved for the yeomanry. They were, he claimed, 'ferocious' and they took the lead in 'rapine and murder'. The militia he considered to be 'totally without discipline, contemptible before the enemy when any serious resistance is made to them, but ferocious and cruel in the extreme when any poor wretches either with or without arms come within their power'. With few officers, 'and those chiefly of the worst kind', they followed closely on the heels of the yeomanry 'in murder and every kind of atrocity'. 'In short', he concluded in an oft-quoted remark, 'murder appears to be their favourite pastime'. He regarded the fencibles as the least offensive of the three main pillars of the Irish military establishment, although even they were guilty of occasional outrages.⁵ These comments were grist to the mill of nationalist historians anxious to highlight the licentiousness of the military in Ireland in 1798, and mainly for that reason they have remained unchallenged ever since. It is the yeomanry, the subject of Cornwallis' most severe remarks, who have gained the greatest degree of notoriety in the historiography of the 1790s, being usually represented as 'a brutal and partisan force'.⁶ Charles Teeling claimed in his *Personal Narrative* that the yeomanry proved 'admirably adept in cutting down the unarmed peasantry'. If they were not as skilled in more manly warfare, he claimed that they were at least familiar with 'the excesses which the generous

⁴ *Diary of Sir John Moore*, vol. i, pp.273-4, 282-5

⁵ Cornwallis to Portland, 08/07, Cornwallis to Major-General Ross, 24/07/1798 (*The Correspondence of Charles, first Marquess Cornwallis*, ed. Sir Charles Ross, 3 vols., London 1859, vol.ii, pp.358-61, 370-1)

⁶ Allan Blackstock has endeavoured to appraise the conduct of this force in a more impartial manner in *An Ascendancy Army: The Irish Yeomanry, 1796-1834*, (Dublin, 1998), p.13

soldier deploras'.⁷ A recent military historian, G.A. Hayes McCoy, wrote in the same vein that 'the duty of the yeomanry was still the enforcement of the conquest. They were an armed partisan police rather than a soldiery'.⁸

The basis for these general condemnations must be re-examined, and the context in which both Abercromby and Cornwallis made their remarks needs to be taken into account. Abercromby himself admitted that his general orders were purposely strong in order to shock the civil authorities into an appreciation of the danger involved in continuing the military policy they had embarked upon. The strength of the loyalist opposition to the policies he wanted to adopt ensured that he could not afford a softly softly approach.⁹ In addition, the orders themselves were issued in the immediate aftermath of the rape of Catherine Finn, at a time when indignation was understandably high.¹⁰ Even Abercromby did not deliver wholesale censure on the armed forces. While he admitted to the Duke of York on 17 February 1798 that the discipline of the militia was lax, he declared that when they were attended to by their officers 'their appearance on the parade is good'. He considered the discipline of the fencibles to be superior to that of the militia.¹¹ Most significant of all is the fact that he was sufficiently impressed with the discipline and appearance of the yeomanry to be prepared to leave the internal defence of the kingdom in their hands.¹² Cornwallis's comments must also be seen in perspective. He wrote his reflections on the armed forces during the suppression of a vicious sectarian rebellion which had enflamed passions on all sides to the highest degree.

⁷ Charles Hamilton Teeling, *A Personal Narrative of the Irish Rebellion of 1798*, (1972 Irish University Press edition), p.112

⁸ G.A Hayes McCoy, 'The government forces which opposed the Irish insurgents in 1798', in *Irish Sword*, iv, no. 14, p20-1

⁹ Abercromby to his son, 23/04/1798 (James, Lord Dunfermline, Lt. Gen., *Sir Ralph Abercromby K.B. 1793-1801. A Memoir by his son*, Edinburgh, 1861, pp.108-110)

¹⁰ N.L.I. Kilmainham papers Ms.1014/120; For the background to Abercromby's general orders see chapter eight pp.325-340.

¹¹ Abercromby to Duke of York, 19/01/1798 (N.L.I. Melville Ms.54a, 121)

¹² Abercromby to Duke of York, 28/12/1797 (Dunfermline, *Abercromby*, pp.74, 84-5); Abercromby to Camden, 15/03/1798 (P.R.O.

H.O. 100/75/229-30)

It is perhaps unfair, therefore, to relate his post-rebellion censure to the months preceding the outbreak of hostilities. His criticism of the yeomanry was also influenced by the contempt entertained by the professional soldier for part-time troops.

It is one of the aims of this chapter to establish a more balanced appreciation of the conduct of the military in Ireland in the pre-rebellion period. Ironically, the best way of challenging traditional assumptions is to seek to identify those regiments which were responsible for committing outrages on a consistent basis. This is a difficult process, as the sources are often reticent in naming the individual regiments behind particular outrages. What does emerge from such an investigation, however, is that although there may have been complaints about the general unruliness of the troops during this period, it is only possible to identify a small number of regiments which proved themselves consistently prone to the perpetration of illegal activities. W.E.H. Lecky named the North Cork militia, the Ancient Britons and the Hessians as those regiments which left 'the most bitter recollections in Ireland' and similarly, when referring to 'the burnings, pitch-cappings, half-hangings, picketings, tarrings, and scourgings to which the unfortunate people were notoriously subjected for long anterior to the rising of '98', W.J. Fitzpatrick identified the 'fencibles, Ancient Britons (so many monsters in human form)' as the main culprits. Indeed, these are the usual suspects who are used to prove the licentiousness of the entire establishment.¹³ This list can be supplemented by a few other units such as the Wicklow and Monaghan militias, but beyond this limited circle, the vast majority of troops in Ireland before the rebellion did not reveal an abnormal propensity to commit outrages. Although the conduct of the above named regiments was particularly brutal on occasion, their very notoriety arises from the fact that they were very much the exception to the rule. Having established that there were only a small number of particularly violent regiments in Ireland before the rebellion, this chapter will then seek to illustrate that the government quickly realised the

¹³ W.J. Fitzpatrick, *The Life, Times, and Contemporaries of Lord Cloncurry*, pp.85-6; Lecky, iv, p.275

value of these troops and accordingly sent them into strategically crucial areas because of their obvious dependability.

(1)

The Irish establishment in the pre-rebellion period was composed of three main categories of troops: militia, fencibles and yeomanry. I have chosen to exclude the regular troops of the line and the two detachments of Hessian riflemen who were imported into the kingdom before the outbreak of hostilities. The regulars consistently formed less than ten percent of the total garrison in this period, while the 400 Hessians only arrived in Ireland on 25 April 1798, leaving them little time to distinguish themselves before the rebellion.¹⁴

The Irish militia, which formed the mainstay of the establishment, was embodied in 1793 in consequence of a combination of domestic and international factors. On the homefront there was a re-emergence of bodies of armed volunteers who were independent of central authority. This resurgence of volunteering activity took two forms. Inspired by events in France, radicals in Dublin and Belfast began to form volunteer associations which soon assumed republican form.¹⁵ A meeting of the volunteers and inhabitants of Belfast in July 1792, which numbered about six thousand, unanimously voted an address to the French nation congratulating them on the fall of the Bastille. Perhaps even more disturbing for Dublin Castle was their endorsement of an address in favour of granting further catholic relief. In the capital a new military association was formed in the fashion of the French national guards and openly avowed republican principles. They adopted as their emblem the symbolic image of the harp without a crown, surmounted with the cap of liberty. Those who enrolled bound

¹⁴ S.N.L. 27/04/1798; T.Bartlett, 'Defence, Counter-Insurgency and Rebellion: Ireland, 1793-1803', in T.Bartlett and K.Jeffreys (eds.),

A Military History of Ireland, (Cambridge, 1996), p.249

¹⁵ Hobart to Evan Nepean, 26/07/1790 (P.R.O. H.O.100/30/146-8)

themselves not to lay down their arms until they had forced parliamentary reform and further catholic relief.¹⁶ By the beginning of January 1793 Chief Secretary Hobart was warning the Home Office that 'the levelling spirit' was rapidly spreading, 'and such pains are taking to raise volunteer corps connected with it, that a considerable military force will be necessary in Ireland'.¹⁷ If some or many of these volunteer units were radical, others were loyalist. There were reports from Down and Monaghan that hundreds of volunteers had appeared 'upon the pretext of preserving the peace but they are generally averse to the cause of the catholics and their real object is to keep them down'.¹⁸ 'The great danger', wrote Westmorland, 'is from the north, where certainly the volunteering spirit, from the dislike to the catholics, has gained ground'.¹⁹

Loyalist or republican, both sets of volunteers were beyond Castle control and were therefore a threat to central authority.²⁰ Pitt informed Westmorland that it was 'an object of the most serious importance not to let protestant volunteering on any pretence gain ground. Whatever may be its object or effect in the present moment, it must in the end be destructive to the authority of regular government'.²¹ Under these circumstances, with danger of a widespread revival of volunteering activity, the Irish government began to contemplate the formation of a militia as the solution to its problems. Hobart explained to Evan Nepean at Whitehall that the embodiment of such a force would 'operate effectively to the suppression of volunteering'.²² International factors played an important role in London's approval of this proposal. With the prospect of war with

¹⁶ Westmorland to Dundas, 05/12/1792 (P.R.O. H.O.100/38/115); Lecky, vol. iii, p.102

¹⁷ Lecky, vol. iii, pp.102, 129

¹⁸ T.Bartlett, 'An End to Moral Economy: The Irish militia disturbances of 1793', in *Past and Present*, xxxcix, (May, 1983), 99, p.196

¹⁹ Westmorland to Dundas, 11/12/1792 (P.R.O. H.O.100/38/70-82)

²⁰ T. Bartlett, 'An End to Moral Economy', p.197

²¹ Pitt to Westmorland, 14/10, 18/11/1792 (Lecky, iii, p.99)

²² Hobart to Evan Nepean, 19/03/1793 (P.R.O. H.O.100/43/117-9)

France becoming more likely everyday, the British government would again depend upon Ireland for a supply of regulars to send to the front line. They could not do this, however, until a substitute force was in place.²³ The only source of disagreement between London and Dublin arose over the religious composition of the proposed militia. Westmorland had envisaged a wholly protestant force as a means of reassuring Irish loyalists that the British government was not bent on undermining the protestant ascendancy by favouring a policy of catholic relief.²⁴ But the increasing inevitability of war with France ensured that Westmorland's objections were overruled by the wider strategic considerations of the British ministry. Pitt would grant catholic relief in return for catholic manpower, and it is significant that both the militia and catholic bills received the royal assent at the same time in April 1793.²⁵ The religious composition of the militia has never been adequately established. John Beresford estimated at the beginning of September 1796 that the force was nearly 80% catholic.²⁶ His estimation needs to be accepted with some caution, however, as he was canvassing at the time for support for an Irish yeomanry. One of his strategies was to emphasise the unreliability of the predominantly catholic militia, effectively equating catholicism with disaffection. There were considerable numbers of protestants in the northern militia units, and even in some southern counties the numbers of protestant recruits must have been significant, particularly in counties like Wicklow which had a vibrant protestant community, as well as Queen's county and Cork. The officers of the new force came from the landlord and large tenant class and were almost wholly protestant.²⁷

²³ T. Bartlett, 'An End to Moral Economy', p.197

²⁴ Westmorland to Dundas, 17/11/1792 (P.R.O. H.O.100/38/70-82)

²⁵ T. Bartlett (ed.), *Memoirs and Journals of T.W.Tone*, (Dublin, 1998), p.xiii; For the procedure involved in the embodiment of the militia see Bartlett, 'An End to Moral Economy', 201-2 and Lecky, vol. iii, pp.216-7

²⁶ John Beresford to Lord Auckland, 04/09/1796 (*The Correspondence of the Rt. Hon. John Beresford*, ed. the Rt.Hon. William Beresford, 2vols., London, 1854, vol. ii, pp.127-30)

²⁷ Kenneth P.Ferguson, 'The Army in Ireland from the restoration to the Act of Union', (Unpublished Ph.D. thesis T.C.D., 1980),

The British government hoped that the establishment of the militia would facilitate the widespread withdrawal of troops of the line from the Irish establishment in the event of war with France. Although this process had already begun before the embodiment of the militia, it was greatly accelerated once the new force was in place.²⁸ The demands for troops arising from the war with France, however, proved beyond all precedent and led to the near wholesale removal of the regular troops from the Irish establishment. This provoked widespread anger among government supporters, who censured Westmorland for allowing the regulars to be removed at a time when fears about the possibility of a French invasion were accentuated by the emergence of serious discontent within the kingdom, particularly in parts of west Cork. From January 1794 Westmorland was apprehensive lest questions should be raised in parliament about the preparedness of the kingdom to face a possible French landing.²⁹ The chief secretary at the time, Sylvester Douglas, informed Henry Dundas at the home office on 27 February that the disturbances in Cork had 'brought before men's minds the possibility of an invasion or insurrection, and created much anxiety on the defenceless state in which they consider the country to be left by the troops being drawn from hence'. He believed that it would be extremely difficult to justify this proceeding in parliament if it was raised in discussion.³⁰ Cooke agreed that the removal of the regulars had frightened the country gentlemen, and he predicted that this would lead to some unpleasant parliamentary motions.³¹ In November 1794 Westmorland calculated that since the beginning of the French war some 32,000 regular troops had been removed from Ireland for foreign

pp.145-6; G.A Hayes McCoy, 'The government forces which opposed the Irish insurgents in 1798', in *Irish Sword*, iv, no.14, p19

²⁸ Dundas to Westmorland, 21/09/1793, 13/02/1794 (P.R.O. H.O.100/40/340-1, 47/183-6)

²⁹ Westmorland to Dundas, 17/01, Westmorland to Pitt, 29/01/1794 (P.R.O. Chatham papers 30/08/331/187-95; Ibid. H.O.100/47/65-68)

³⁰ Sylvester Douglas to Dundas, 27/02/1794 (P.R.O. H.O.100/51/209-214)

³¹ Cooke to Evan Nepean, 01/03/1794 (P.R.O. H.O.100/47/217-8)

service.³² The British government responded to the alarms of Irish loyalists by substituting those troops which had been withdrawn from the Irish establishment with fencible regiments.³³ There were two Irish fencible regiments, which were both raised in 1794, but they were mainly a British (and particularly a Scottish) phenomenon. Some forty such regiments, both cavalry and infantry, were raised in Britain in the winter of 1794-5, mainly with a view to Irish service.³⁴ They were in all respects regular soldiers, except that they were not liable for service outside of the British Isles, and they were enlisted only for the duration of hostilities. The first of these fencibles to be sent to Ireland arrived in April 1795, and by the outbreak of rebellion there were five cavalry and twenty-four infantry regiments of fencibles on the Irish establishment.³⁵

There was much dissatisfaction in Ireland at the quality of the fencibles in comparison with the troops of the line they were sent to replace. When the Prince of Wales' infantry regiment was inspected by Major-General Eustace upon its arrival in Ireland in July 1795, 396 men were discovered to be unfit for service.³⁶ Camden complained to the Duke of Portland that the fencibles sent from Britain were 'in general extremely bad, and none of them in a state of any discipline, or fit for any service'.³⁷ This was the impression created among many contemporary observers. After witnessing the arrival of the Rothsay and Caithness fencibles at Hillsborough on 20 June Lord Downshire's estate agent informed him that 'they even beggar Falstaff's description of his company'.³⁸ By mid September fourteen such regiments had been disembarked in

³² Memorandum of Cooke, 16/11/1794 (*The Later Corresp. of George III*, ed. A. Aspinall, 5 vols., Cambridge, 1962-70, iii, p.264-8)

³³ Portland to Fitzwilliam, 21/03/1795 (P.R.O. H.O.100/56/429-31)

³⁴ Kenneth P. Ferguson, 'The Army in Ireland from the Restoration to the Act of Union', p.144

³⁵ G.A Hayes McCoy, 'The Fencible corps in Ireland, 1782-1803', in *Irish Sword*, ii, no.6, pp.140-2; *Ibid.*, 'The government forces which opposed the Irish insurgents in 1798', p.18

³⁶ Camden to Portland, 24/07/1795 (P.R.O. H.O.100/55/70-4)

³⁷ Camden to Portland, 29/07/1795 (P.R.O. H.O.100/58/171-212)

³⁸ Thomas Lane to Downshire, 20/01/1795 (P.R.O.N.I. Downshire papers D.607/C/104A)

Ireland, amounting in total to 9,286 men. When those who were found upon inspection to be unfit for service were discharged, however, the actual number of effectives was around 7,000 rank and file. Camden hoped that if additional fencibles were destined for Ireland 'their inspection in Great Britain will be more rigorous than has hitherto been the case'.³⁹ Nonetheless, when Major-General Sir James Duff inspected the Perthshire infantry on their arrival in Ireland in early October he reported it to be composed of 'old men and young boys, few of either fit for his majesty's service'. Shortly after his inspection nineteen of the rejected men had died, and others were daily following suit. The cause of the fatality among them was attributed to a want of proper clothing.⁴⁰ After investigating the alarming death rate from natural causes among soldiers in British fencible regiments, the Army Medical Board concluded in April 1796 that those recruited as fencibles were all too often 'boys too young for service, or...unhealthy old men...most of them mechanics from unhealthy parts of Great Britain or from unwholesome sedentary trades'.⁴¹

With the arrival of these fencible regiments in Ireland, irrespective of their quality, the British government felt sufficiently justified in initiating the wholesale withdrawal of troops of the line from the kingdom. Despite the arrival of sixteen fencible regiments by the summer of 1796, in addition to some 22,000 militiamen⁴², a combination of internal and external factors forced the government to contemplate the embodiment of a new force to cope with unforeseen circumstances.

Through the spring and summer of 1796 the security situation in Ulster had deteriorated, and the numbers of the United Irishmen in the province had rapidly

³⁹ Camden to Portland, 17/09/1795 (P.R.O. H.O.100/55/223-6)

⁴⁰ Camden to Portland, 14/10/1795 (P.R.O. H.O.100/55/299-304)

⁴¹ The Irish Medical Board, April 1796, *Observations on the diseases of the militia and fencible regiments on the Irish Establishment* (NAM Ms.6807/174/123/41; Quoted in T.Bartlett, 'Counter insurgency and rebellion: Ireland 1793-1803', p.259)

⁴² G.A Hayes McCoy, 'The Fencible corps in Ireland, 1782-1803', pp.140-2; *Return of the Effective men in the British army stationed in Ireland, Jan.1793-Jan.1806* (P.R.O. H.O.100/176/429)

increased through their alliance with the Defenders.⁴³ It had been part of Defender strategy from an early date to corrupt the militia, and their association with the United Irishmen had allowed the latter organisation a convenient means of infiltrating those militia units stationed in the radical stronghold of counties Antrim and Down. We have earlier seen that by the summer of 1797 considerable numbers of those militiamen stationed at Blaris camp were suspected of having taken either the Defender or United Irish oath.⁴⁴ The reports of disaffection in the ranks of the militia regiments stationed in Ulster alarmed many protestant gentry and led some of them to call for a more reliable force.⁴⁵

The spread of the Defender threat across a large swathe of the kingdom in the early 1790s had already prompted many among the loyalist community to contemplate the best means of defending their persons and properties. As early as 29 January 1794 Westmorland had informed Pitt that if additional regular troops were not sent to Ireland in the near future, it would be extremely difficult to prevent his supporters from arming themselves in case of emergency.⁴⁶ In the house of commons on 19 February chief secretary Douglas rejected a proposal that the government ought to raise independent companies for the defence of the kingdom.⁴⁷ Certain areas faced with a serious Defender threat in 1794 had formed their own local armed associations, such as that organised by Henry Clements at Fort Henry in county Cavan⁴⁸, and the Drumsna association in county Leitrim.⁴⁹ The intensification of Defender activity in the summer of 1795 and its

⁴³ N.A. Frazer Ms., box ii, 18 (May 1796), 39 (n/d)

⁴⁴ See chapter four pp.185-188.

⁴⁵ T.Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question, 1689-1830* (Dublin, 1992), p.220; Lecky, iii, p.464

⁴⁶ Westmorland to Pitt, 29/01/1794 (P.R.O. Chatham papers 30/08/331/187-95)

⁴⁷ N.S. 20/02/1794

⁴⁸ Henry Clements to Cooke, 20/09/1796 (Reb.papers 620/25/102); R.G.Morton, 'The Rise of the Yeomanry', in *The Irish Sword*, viii (1967-8), p.59; T.Bartlett, 'Counter insurgency and rebellion: Ireland, 1793-1803', pp.267-8

⁴⁹ K.A.O. Pratt papers U840/061

appearance in at least thirteen counties, including the capital, led to further proposals for the establishment of armed associations on a more regular basis.⁵⁰ The Kildare grand jury formed a plan in early August to form troops of cavalry under the direction of and with commissions from the government.⁵¹ The degree of support given to these plans by prominent loyalists was highly significant. From mid September Lords Carhampton and Mountjoy were lobbying Camden for permission to establish armed associations for the protection of Dublin and its surrounding counties.⁵² A meeting held at Baldoyle in county Dublin on 22 September, for the purpose of raising a county force, was attended by John Beresford and John Toler, the solicitor general.⁵³

Camden, dreading anything which might lead to a re-emergence of volunteering in a dangerously volatile political climate or provoke the formation of radical counter associations, suppressed all attempts to establish such associations.⁵⁴ By the summer of 1796, however, external circumstances had forced him to the conclusion that an additional force of some kind was essential for the security of the kingdom. From the outbreak of war with France in 1793 Ireland had lain under the threat of invasion. The increase in United Irish numbers in consequence of their amalgamation with the Defenders, the evidence of disaffection in the ranks of the militia and the need to prepare against the possibility of a French invasion all combined to underline the need for an auxiliary force to police the interior of the kingdom in the event of the regular troops being called away to face an invading army.⁵⁵ Camden recognised that 'the army must be

⁵⁰ *C.J.* 03/08/1795

⁵¹ Camden to Pelham, 19/08/1795 (B.L. Pelham papers Add.Ms.33,101,215-7); Neville to govt., 04/08/1795 (K.A.O. Pratt papers U840/0149/24)

⁵² *F.D.J.* 24/09/1795; *C.J.* 28/09/1795

⁵³ *D.E.P.* 26/09/1795

⁵⁴ Camden to Lord Mounjoy, 01/10/1795 (K.A.O. Pratt papers U840/0130/69-71, 0159/3); Camden to Pelham, 03/10/1795 (B.L. Pelham Add.Ms.33,101,306-7); Cooke to Pelham, 05/10, Camden to Portland, 30/10/1795 (Ibid. Add.Ms.33,101,322-4, 329-31)

⁵⁵ Camden to Portland, 06/08/1796 (P.R.O. H.O.100/62/153-63); Camden to Pelham, 30/07, 06/08/1796 (P.R.O.N.I. Pelham

withdrawn from many of its quarters and must be drawn together to act in larger bodies than it has lately done'. The viceroy was also keenly aware that the regular troops were 'extremely' dispersed, and that the number of cantonments could not be significantly diminished without endangering public tranquillity. If a French invasion coincided with internal insurrection, there would be 'a very small force' at liberty to move against the foreign enemy, without leaving the country exposed to domestic insurgents.⁵⁶

The importance of the Dungannon resolutions in the formation of the Irish yeomanry has often been exaggerated in the past.⁵⁷ These resolutions were yet another manifestation of the readiness of protestant Ireland to arm in its own defence when it imagined that its privileged position was under threat. After agreeing in June 1796 that a civil war could not be very remote, and that 'the first up' would carry the day, Thomas Knox, M.P. for county Tyrone, and William Richardson established an association of the town of Dungannon.⁵⁸ In a number of resolutions issued on 13 July the association pledged itself to defend the king with their lives and fortunes against all foreign and domestic enemies. In case of invasion or insurrection, they would offer to arm in defence of their town under commissions from the king. These resolutions were approved by the magistrates assembled at the Omagh assizes, and they warmly recommended their adoption to the different towns and parishes of the county.⁵⁹ Knox and Richardson lobbied the government for the adoption of these resolutions on a nationwide basis. Knox claimed that the establishment of loyal associations would serve to illustrate the numbers and strength of the well affected and tend, consequently, to depress and terrify the United Irishmen.⁶⁰ It was the dread of 'a new system of volunteers' that governed

T755/3/81, 95); Camden to Pitt, [pre 24/08/1796] (K.A.O. Pratt papers U840/0156A/2)

⁵⁶ Camden to Pelham, 28/08/1796 (P.R.O.N.I. Pelham T.755/3/115)

⁵⁷ See Allan Blackstock, *An Ascendancy Army*, pp.50-58, for a more accurate interpretation of their significance.

⁵⁸ Rev. William Richardson, *A History of the Origin of the Irish Yeomanry*, (Dublin, 1801), pp.10-14, 26

⁵⁹ N.S. 15/07/1796

⁶⁰ Thomas Knox to government, 25/06, 06/07/1796 (Reb.papers 620/23/202, 24/16); Richardson, *Irish Yeomanry*, p.19

Camden's response to the Dungannon resolutions. While he gave a qualified approval to Knox's scheme, he was still fearful lest it should result in the formation of independent military companies beyond Castle control.⁶¹ Moreover, there are signs that the government was already contemplating the adoption of measures to prepare the kingdom against French invasion. When Cooke sent Knox's resolutions to Pelham in London on 14 July, he remarked that the cabinet were considering the embodiment of a yeomanry cavalry.⁶²

It had been the intention of Camden's whig predecessor to form a yeomanry force along the lines of that which had been established in England in 1794. Fitzwilliam had envisaged that this would provide an internal police force, including catholics, which would allow the military to be withdrawn from their counter-insurgency duties in the interior of the kingdom, in order to be concentrated together and trained to confront the possibility of French invasion. Although Camden had originally been hostile to Fitzwilliam's idea of forming a yeomanry force, the alteration in internal and external circumstances by the summer of 1796 forced him to contemplate the embodiment of a force of some kind.⁶³ By 30 July he was convinced of the magnitude of the threat facing his administration and he informed Pelham that a degree of vigour in preparation would probably prevent 'any and certainly most of the ill effects we apprehend'. He pointed to the demands made upon him to establish something similar to the English yeomanry cavalry and infantry 'by almost all those whom we usually consult', especially Fitzgibbon, Wolfe, Carhampton and Lord Dillon.⁶⁴ We have previously seen that Beresford and Toler approved of such a force as early as September 1795.⁶⁵ After further

⁶¹ Camden to Pelham, 28/06/1796 (P.R.O. H.O.100/64/129-135); Cooke to Thomas Knox, 09/07/1796 (Reb.papers 620/24/24)

⁶² Cooke to Pelham, 14/07/1796 (B.L. Pelham Add.Ms 33102, 69); On this point see Allan Blackstock, *An Ascendancy Army*, 56

⁶³ Camden to Pelham, 28/06, 06/08/1796 (P.R.O. H.O.100/64/129-135; P.R.O.N.I. Pelham T.755/3/95); Camden to Portland, 24/08, 06/08, 22/09/1796 (Ibid. H.O.100/62/153-63, 190-5, 61/106-9)

⁶⁴ Camden to Pelham, 30/07/1796 (P.R.O.N.I. Pelham T.755/3/81)

⁶⁵ D.E.P. 26/09/1795

consultation with his cabinet at the beginning of August, Camden was convinced of the necessity to form an additional force for the internal defence of the kingdom. In consequence, he requested authority from the Duke of Portland to embody such a force.⁶⁶ Although Camden and his advisers were agreed on the need to enrol a force of some kind, it was not decided whether this would take the form of armed associations or a yeomanry similar to that which had been raised in England in 1794 as a property based force, predominantly cavalry, that were organised, financed and manned by the county elites.⁶⁷ It was the need to guarantee government control over the force to be raised that ensured the establishment of a yeomanry was the favoured option.⁶⁸

After further discussion with his cabinet and other influential politicians, a definitive scheme for raising corps was officially announced on 19 September.⁶⁹ A number of precautions were taken to prevent the new force from becoming an independent and possibly politically inspired force. The troops raised were to remain firmly under central control, with Dublin Castle responsible for commissioning the officers and equipping the men. In addition, each corps was to have a regular sergeant attached upon constant pay during the continuance of the levy, and corps were grouped under the supervision of brigade majors, who reported to the general commanding the district.⁷⁰ There were to be no county meetings held to forward the measure as the initiative would then appear to be coming from the country gentlemen and not from the Castle. Such meetings would also allow for the discussion of sensitive political topics

⁶⁶ Camden to Portland, 06/08/1796 (P.R.O. H.O.100/62/153-63); Camden to Pelham, 06/08/1796 (P.R.O.N.I. Pelham T.755/3/95);

Camden to Pitt, [pre 24/08/1796] (K.A.O. Pratt papers U840/0156A/2)

⁶⁷ Camden to Portland, 24/08, 28/08, [Aug. 1796] (P.R.O. H.O.100/62/190-5, 196-9; K.A.O. Pratt papers U840/c31/4)

⁶⁸ Camden to Pelham, 28/06, 30/08/1796 (P.R.O. H.O. 100/64/129-135; P.R.O.N.I. Pelham T.755/3/119)

⁶⁹ Camden to Pelham, 02/09/1796 (P.R.O.N.I. Pelham T.755/3/123); *Plan for raising county corps* (P.R.O. H.O.100/61/105-9, 112-5)

⁷⁰ *Standing Orders for the yeomanry corps of Ireland: Dublin Castle, 15/05/1798* (1798); R.B.MacDowell, *Ireland in the Age of Imperialism and Revolution*, (Oxford, 1979), p.559; K.Whegan, 'United and Disunited Irishmen', in *The Tree of Liberty: Radicalism, Catholicism and the Construction of Irish Identity 1760-1830*, (Cork, 1996), p.115

which were not on the government's agenda.⁷¹ Non-commissioned officers and privates were to receive pay on days of exercise; officers were only to receive pay when called into actual service. Corps would not be expected to march beyond a barony next adjoining the one in which their place of assembly was fixed, but if they volunteered to do so, and their offer was accepted, they would receive pay and become subject to the mutiny act. The oath of allegiance was to be taken upon enrolment.⁷² The original intention had been to raise only cavalry troops. Mounted men were preferred as they were capable of protecting a greater district, and it was felt that 'a better description of persons' would engage in such corps. But as there were fears that it would be difficult to raise cavalry in Ulster, and that they would not be sufficient by themselves in any area, it had been considered necessary to depart from the initial plan and allow mixed corps of cavalry and infantry. The proportion of mounted and dismounted men would depend upon local circumstances.⁷³ The government attempted to limit infantry corps to the towns outside Ulster, as a precaution against the enrolment of lower class catholics of suspect principles. Even in Ulster, however, Pelham informed Downshire that 'it would require great circumspection in accepting the services of infantry' in order to prevent any ill disposed radicals from joining the new force.⁷⁴

After the yeomanry plan was announced in mid-September, the government was inundated with offers from individuals willing to arm under the crown.⁷⁵ Even Camden was taken back by the success of the measure, informing Portland on 15 December that he 'had not a conception the country would have made such an exertion'.⁷⁶ Cooke

⁷¹ Camden to Downshire, 12/09, Camden to Waterford, 14/09/1796 (K.A.O. Pratt papers U840/0160/4, 0174/15)

⁷² *Plan for raising county corps* (P.R.O. H.O.100/61/105-9, 112-5)

⁷³ *Plan for raising county corps* (P.R.O. H.O.100/61/105-9, 112-5); Corresp. of Camden and Foster, 01/09, 02/09/1796 (K.A.O. Pratt papers U840/0184/2-3); Camden to Downshire, 06/09/1796 (P.R.O.N.I. Downshire D.607/E/142)

⁷⁴ Pelham to Downshire, 10/12/1796 (P.R.O.N.I. Downshire D.607/D/384)

⁷⁵ See *F.D.J.* for late September-October 1796

⁷⁶ Camden to Pitt, 15/12/1796 (P.R.O. Chatham papers 30/08/326/104-7)

reported to Lord Auckland around the same time: 'The yeomanry is doing well, and is the fashion'.⁷⁷ By December 1796 the government had enrolled some 20,000 recruits. It was even obliged to stop raising new corps in Ulster at that time, as the number already established in the province was 'so very considerable' that it appeared sufficient for the purpose of internal defence. The number of corps had become so numerous that there were difficulties involved in arming those already recruited. In consequence, all new proposals to raise corps were suspended, except those from disturbed parts of the country and where there did not appear to be adequate protection for the well disposed. The government hoped to complete the allotted number of each corps which had already been approved before embodying any additional corps.⁷⁸ By the end of 1797 the number of yeomen in the kingdom had grown to 35,000, while at the outbreak of rebellion it had further risen to some 50,000 men.⁷⁹

(2)

Having traced the background of the three main forces on the Irish establishment in the period from 1793 to the outbreak of rebellion, it now remains to identify those regiments in particular which were remarkable for their violent behaviour. That several regiments earned well deserved reputations for brutality is without question. Of the militia units, the Wicklow regiment were by far the most notorious in this respect. Their appearance in Westmeath in January 1797 was soon followed by a reign of terror in the county which was unrivalled in any other part of the kingdom at any time before the outbreak of rebellion.⁸⁰ A correspondent to the *Press* claimed that over 480 houses had

⁷⁷ Cooke to Lord Auckland, 26/11/1796 (P.R.O.N.I. Sneyd papers T.3229/2/10)

⁷⁸ Pelham to Lord Gosford, 13/12/1796 (N.L.I. Gosford papers Ms.8018/5); Pelham to Downshire, 13/12/1796 (P.R.O.N.I. Downshire D.607/D/398); *D.E.P.* 06/12/1796

⁷⁹ Allan Blackstock, *An Ascendancy Army*, pp.114-5

⁸⁰ From the spring of 1797 their headquarters were at Mullingar, and detachments were posted at Clonard, Kinnegad, Edenderry and

been burned in Westmeath, and that 'instances without end could be recited of the most atrocious, cruel and unmerited deeds, perpetrated by the military on the persons and dwellings of the unprotected peasantry'.⁸¹ The *Press* was a radical newspaper and although it did exaggerate certain incidents involving the military during this period, its coverage of outrages is generally supported by other contemporary sources. The activity of the Wicklow regiment is illustrated by the fact that Westmeath is the only county outside Ulster which is recorded in a return of arms seized by or surrendered to the military up to mid-July 1797.⁸² The outrages committed by the Wicklow regiment upon the civilian population began in early May and continued throughout the summer.⁸³ After being posted to Multifarnham with seventy men on 11 June, Ensign George Bell immediately set about intimidating the inhabitants of the town. After a notice threatening dire consequences upon those who ventured out of doors between sunset and sunrise failed to produce the desired effect, Bell determined to enforce his authority. Over the next few days he burned three houses and a distillery, and shot dead two men who attempted to escape arrest. After clearly signalling his intent, he then posted another notice threatening to burn down the town if all arms were not immediately surrendered. This immediately produced the surrender of a vast quantity of weapons.⁸⁴ A lieutenant in the regiment, Edward L. Hempenstall, gained notoriety as 'the walking gallows', owing to reports that he could half-hang individuals over his shoulder, a practice he admitted to at the Athy summer assizes in 1797.⁸⁵ On 19 June Hempenstall entered a village near Moyvore in the west of the county, at the head of a detachment of the regiment. On the information of a highway robber who had turned informer, he ordered the murder of a

Multifarnham (N.L.I. Kilmainham papers Ms.1205/62-3; *F.L.J.* 17/06/1797; Reb.papers 620/31/122)

⁸¹ *The Press* 14/11/1797

⁸² N.L.I. Kilmainham papers Ms.1013/313-4

⁸³ *F.L.J.* 24/05, 21/06/1797; John Low to _____, 05/06/1797 (Reb.papers 620/31/151); *F.D.J.* 27/06/1797; *S.N.L.* 30/06/1797

⁸⁴ N.L.I. Kilmainham papers Ms.1013/298; George Bell to Major Radcliff, 19/06/1797 (Reb.papers 620/31/122)

⁸⁵ W.J.Fitzpatrick, *Ireland Before the Union, with Revelations from the Unpublished Diary of Lord Clonmell* (Dublin, 1867) p.225

local blacksmith and his two sons on suspicion that they had manufactured pikes for the United Irishmen. Their house and forge were also burned to the ground. Three others were arrested in the village, charged with being United Irishmen. They were taken to the nearby village of Ballymore where they were tortured before being shot dead. There were several other depredations in Ballymore that day, and sixteen people in all were wounded. Finally, on the orders of Captain Henry Ormsby and Lieutenant Hempenstall the village was burned to the ground with the exception of five or six houses.⁸⁶

Another militia unit ever anxious to manifest its loyalty to the constitution was the North Cork regiment. While stationed in Kildare from the summer of 1797 they were responsible for a number of outrages⁸⁷, including at least four separate incidents of house burnings.⁸⁸ Edward Hay, a suspect source on the conduct of the military during the pre-rebellion period, claimed that the arrival of detachments from the regiment in Wexford at the beginning of April 1798 coincided with the introduction of pitch-capping into the county, as well as more conventional tortures. Hay claimed that a sergeant in the regiment, nicknamed Tom the Devil, was most ingenious in devising new modes of torturing suspects.⁸⁹ William Sampson claimed that while confined in Dublin Castle in May 1798 a young North Cork militiaman had informed him that the free quarters in Kildare allowed his regiment to have their way with the women of the house they occupied.⁹⁰ The Monaghan militia were another regiment who gained notoriety for their enthusiasm in crushing disaffection. From the summer of 1797 they committed a series of

⁸⁶ F.Sheridan to Carhampton, 21/06/1797, Capt. Ormsby to Carhampton, 21/06/1797 (Reb.papers 620/31/144); *Memoirs of William Sampson*, (New York, 1807), pp.423-6; *The Press* 09/01, 11/01/1798

⁸⁷ *The Press* 30/01, 27/02/1798

⁸⁸ *S.N.L.* 15/06/1797; Duke of Leinster to Camden, 19/06/1797 (K.A.O. Pratt papers U840 0182/31); N.L.I. Kilmainham papers Ms. 1014/33-4; *The Press* 13/01/1798

⁸⁹ Edward Hay, *A History of the Rebellion in the county of Wexford, A.D. 1798*, (Dublin, 1803), pp.54-6. For a detailed discussion of the caution needed in investigating reports of military outrages during this period see chapter seven.

⁹⁰ *Memoirs of William Sampson*, p.3

illegal activities in and around the town of Belfast. They were responsible for attacking the office of the *Northern Star* on 21 May and destroying its types and presses.⁹¹ On the same day they almost drowned an inhabitant of the town after he had attempted to seduce one of their number from his allegiance. For the rest of the day they dealt their blows around 'very freely' in the opinion of General Lake.⁹² This was followed a couple of days later by a series of attacks on the houses of known radicals.⁹³ On 5 June they attacked the house of Cunningham Gregg, out of a belief that he was a United Irish sympathiser.⁹⁴ A blacksmith's forge was similarly targeted and levelled to the ground.⁹⁵ These outrages continued intermittently through the autumn and winter of 1797.⁹⁶ A detachment of the Cavan militia were involved in several outrages while searching for arms in the Loughbrickland area of county Down in the spring of 1797. They were reported to have stolen provisions and taken prisoners in order to ransom them for money. While escorting one such prisoner they were fired upon, and two balls lodged in the thigh of one of their party. They returned to Loughbrickland enraged, and were brought out again that evening by their commanding officer, Lieutenant George Paterson. Returning to Ballynanny, about a mile from where the shot had been fired, they broke every window in a house they had earlier visited, and destroyed most of its furniture. They carried off various provisions, and beat and abused a prisoner who they brought to Loughbrickland. It was only the interference of the 22nd. dragoons which restrained them from killing some of the local inhabitants. They committed several other acts of violence on their return to Loughbrickland.⁹⁷ Even one of Downshire's

⁹¹ Mrs. McTier to Drennan, 19/05/1797 (*The Drennan Letters 1776-1819*, ed. D.A. Chart, Belfast, 1931, p.256)

⁹² Lieutenant-General Lake to Knox, 21/05/1797 (N.L.I. Lake papers Ms.56, 79)

⁹³ Thomas Lane to Downshire, 25/05/1797 (P.R.O.N.I. Downshire papers D.607/E/266)

⁹⁴ Lieutenant-General Lake to Pelham, 06/06/1797 (P.R.O.N.I. Pelham T.755/5/183)

⁹⁵ *The Press* 16/10/1797

⁹⁶ *S.N.L.* 31/05/1797; *The Press* 14/11/1797

⁹⁷ *N.S.* 03/04/1797

correspondents felt the need to censure the violence of the militiamen.⁹⁸ Joseph Pollock had been informed of 'numberless outrages' committed by the regiment while out searching for arms. The situation in the country was serious enough, he felt, 'but these things may justify insurrection'.⁹⁹

Of the fencibles, the Ancient British regiment of light dragoons was by far the most violent. John Bird called the Britons 'blood hounds imported for the laudable purpose of hunting down and exterminating', while even Camden and Pelham admitted that they may have acted with 'too much attachment to the sword exercise' on their first arrival in Ireland.¹⁰⁰ After landing in the kingdom in early April 1797, they were posted to Newry and its neighbourhood, and soon inflicted a series of outrages upon the surrounding population of south Down, south Armagh and even parts of county Monaghan.¹⁰¹ The most significant of their encounters with the local populace was an action at Crossmaglen on 14 May which left some fourteen civilians dead, thirty wounded and ten 'most desperately hacked' prisoners who were brought to Dundalk. Official sources claimed that they had acted in self-defence after being attacked by hundreds of United Irishmen.¹⁰² But John Giffard, captain of the Dublin city militia stationed at Dundalk, learnt that the enemy in this 'great battle' had been wretches armed with one or two firelocks. The Britons burned a number of houses, and took great pleasure in inflicting violence on 'wretches, who certainly may have seditious minds, but

⁹⁸ John Fivey to Downshire, 15/03/1797 (P.R.O.N.I. Downshire D.607/E/193)

⁹⁹ Joseph Pollock to Downshire, 30/03/1797 (P.R.O.N.I. Downshire D.607/E/237)

¹⁰⁰ Bird to Major Wardle, 07/02/1798 (Reb.papers 620/35/119a); Pelham to Grenville, 02/11, Camden to Grenville, 03/11/1797 (*The Manuscripts of J.B.Fortescue Esq.*, preserved at Dropmore, H.M.C. 13th Report. Appendix part iii, London, 1892-4, pp.385-90)

¹⁰¹ Wm. Sampson [?], *A view of the present state of Ireland, with an account of the origin and progress of the disturbances in that country; and a narrative of facts, addressed to the people of England, by an observer*, (London, 1797), p.27; Pelham to

Major-General G.Nugent, 27/07/1797 (N.A. S.O.C. papers 1016/23); *The Press* 26/10/1797

¹⁰² Thomas Gataker to _____, 14/05/1797 (Reb.papers 620/30/68); E.Moyne to John Lees, 14/05/1797 (Ibid.620/30/74); John Lees to Lord Auckland, 15/05/1797 (P.R.O.N.I. Sneyd papers T.3229/2/24)

who are at present quiet and incapable of resistance'. Giffard actually witnessed the outrages committed by the Britons in another incident about four miles from Newry on 31 May. In this encounter they set fire to eight houses and murdered between ten and twenty 'boys and old men'. Giffard asserted that there had been no opposition, there being nothing to fire at, 'old men and women excepted'. In a drunken stupor two of the Britons had attacked three of Giffard's militiamen, leaving one dead, another mortally wounded, and the third beaten unconscious.¹⁰³ Having earned a reputation for brutality, the regiment worked hard to ensure that it continued to be well deserved. In one incident in October 1797 they were alleged to have set alight to thirty houses in Ballinahinch, Dromore and Hillsborough.¹⁰⁴ In the same month they appear to have been responsible for the burning of twelve houses in the neighbourhood of Creggan and Silver Bridge in county Armagh.¹⁰⁵ In early November they scoured the area from Keady to Armagh town in a search for concealed arms, burning at least six houses and half-hanging four people in the process.¹⁰⁶ The arrival of the regiment in Wicklow in April 1798 witnessed the introduction of half-hanging and picketing into the county.¹⁰⁷

There were no other fencible regiments to equal the ferocity of the Ancient Britons, although a number of others were known for occasional bursts of violence. Captain Simon Frazer of the Fraser fencibles, 'a man noted for his cruelties', was reported to have committed several 'very violent outrages' in county Kildare in the summer of 1797, according to the Duke of Leinster. This included the murder of Christopher Dixon, of which he was tried and acquitted at the Athy summer assizes, as

¹⁰³ John Giffard to Cooke, 05/06/1797 (Reb.papers 620/31/36). See *F.L.J.* 03/06/1797 and *A View of the Present State of Ireland*, p.31

for different interpretations of this incident.

¹⁰⁴ _____ to Wilkinson, 14/07/1797 (N.A. S.O.C. papers 3097)

¹⁰⁵ *The Press* 10/10/1797

¹⁰⁶ *The Press* 18/11/1797

¹⁰⁷ *S.N.L.* 20/04/1798; N.L.I. Kilmainham papers Ms.1014/165

well as several other 'cruelties and torture'.¹⁰⁸ He was also accused of tying 'poor ignorant, credulous peasants' to a mock gallows in the camp at Clonard and threatening them with strangulation if they did not discover a number of United Irishmen in the area. Others were allegedly tortured by being bled until they were ready to faint.¹⁰⁹ He was also accused of involvement in house burning.¹¹⁰ The New Romney fencibles were also involved in house burning in Kildare in June 1797 and in Limerick in April 1798.¹¹¹ In May 1797 the Mid-Lothian fencible cavalry under Lord Ancram burned an unspecified number of houses wherein pikes had been discovered.¹¹² In October they publicly challenged the country, threatening mutilation and massacre to all who dared oppose them.¹¹³ The York fencibles were involved in flogging a man at Newtownards in the spring of 1797, after he had attempted to seduce one of their number. Colonel Stapleton, commanding officer of a detachment of the regiment at Newtownards, burned a house in the same area around the same time when the owner refused to surrender his arms.¹¹⁴ The Dumbarton, Fifeshire, Manx, Essex and Loyal Durham fencibles were others who were involved in very sporadic outrages.¹¹⁵

Apart from these regiments, however, there are few if any others which persistently committed irregularities. Even some of the units identified above were only

¹⁰⁸ Duke of Leinster to Camden, 12/07/1797 (K.A.O. Pratt papers U840/0182/33); Captain Simon Frazer to Carhampton, 14/07/1797 (Reb.papers 620/31/238); *F.D.J.* 23/09/1797; *The Press* 16/11/1797; N.L.I. Kilmainham papers Ms. 1013/286, 306-7

¹⁰⁹ B_____ to Fitzwilliam, [pre July] 1797 (N.L.I. Fitzwilliam papers Microfilm p.5641)

¹¹⁰ N.L.I. Kilmainham papers Ms.1013/298

¹¹¹ *S.N.L.* 15/06, 30/04/1798

¹¹² *S.N.L.* 07/06/1797

¹¹³ *The Press* 19/10/1797

¹¹⁴ George Dallas to _____, 20/09/1797 (N.L.I. Melville Ms.54a, 111)

¹¹⁵ *N.S.* 13/03/1797; Pelham to Major-General Nugent, 27/07/1797 (N.A. S.O.C. papers 1016/23); *The Press* 10/10/1797; Pelham to Carter, 30/10/1797 (P.R.O. H.O.100/72/326-7); Camden to Grenville, 03/11/1797 (*H.M.C.* Fortescue, iii, pp.386-90); *A View of the Present State of Ireland*, 27, 29-30; James Hamilton to Abercorn, 08/04/1798 (P.R.O.N.I. Abercorn T.2541/1A2/6/14)

occasional transgressors of the law. This is perhaps even more noticeable in relation to the yeomanry. Although this force was undoubtedly responsible for committing a number of outrages, it is extremely difficult to identify any corps as recurring offenders. It must also be stated that although certain militia regiments had a high profile loyalist image, others were more benign in their behaviour. The Limerick militia stationed in Strabane and neighbouring parts of Derry in the autumn of 1796 were looked upon by the catholic community of this district as their protectors from the attacks of the Orangemen.¹¹⁶ The growing relationship between a detachment of the King's county regiment and the villagers of Ballitore in county Kildare actually led to the removal of the former from the area in the spring of 1798. The detachment was commanded by an old inhabitant of Ballitore and they were well liked by the villagers.¹¹⁷ The ability of some militia regiments to sympathise with those in whose midst they were stationed frequently led to concern among government supporters about their reliability. The militia were in fact perhaps better known among contemporaries in the pre-rebellion period as a suspect force rather than one which displayed unnecessary brutality. It was these suspicions which led to the desire among the commanding officers in Ulster in the spring of 1797 to have the militia removed from the province and replaced by fencibles who they regarded as more dependable because they were recruited outside Ireland.¹¹⁸ The brutality of those regiments like the Ancient Britons and the Wicklow militia cannot be allowed to blind us to the fact that there is little evidence to support many of the generalisations made about the conduct of the army on the Irish establishment in the period before the outbreak of open hostilities. The violent activity of some of these regiments must be judged in perspective. By January 1798 there were 70,000 fencibles, militia and yeomanry in the

¹¹⁶ Bridget Brennan to Patrick Kerr, 14/08/1796 (Reb.papers 620/24/131a)

¹¹⁷ Mary Leadbeater, *The Leadbeater papers*, 2 vols., (London, 1862), vol. i, pp.212-5

¹¹⁸ See chapter five pp.223-224

kingdom, the vast majority of whom were not remarkably unruly and did not commit inordinate numbers of excesses.¹¹⁹

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In attempting to account for the reason why certain regiments proved themselves particularly violent in the period under discussion, it is important not to lose sight of the fact that military life in the eighteenth century was turbulent, and often without the imposition of regular discipline. As Professor Thomas Bartlett has commented: 'unruly behaviour by troops was not a novelty in Ireland in the 1790s: Irish newspapers throughout the eighteenth century contain numerous reports of military wrongdoing usually involving casual violence, rioting or the breaking open of gaols'.¹²⁰ Those troops stationed on the Irish establishment during this period were never entirely well behaved, especially during the movement of troops from one area to another. In July 1796 Thomas Lane had remarked to Downshire on 'the sanguinary dispositions of the military wherever they go'.¹²¹ This was exemplified during the Bantry scare in December 1796, when the march of many regiments to the south of the kingdom was accompanied by a series of minor outrages.

In addition to this, the manner in which the troops were deployed and the service upon which they were employed in the later 1790s were guaranteed to erode military discipline and facilitate transgressions of the law. In the absence of policing and through local political pressures, the army in Ireland had always acted the role of a domestic police force. William Augustus Pitt, commander-in-chief in 1786-7, described the duties

¹¹⁹ *Return of the Effective men in the British army stationed in Ireland, Jan.1793-Jan.1806* (P.R.O. H.O.100/176/429); *Numerical Strength of the Yeomanry, 1797-99* (Reb.papers 620/48/56)

¹²⁰ T. Bartlett, 'Indiscipline and disaffection in the armed forces in Ireland in the 1790s', in P.J. Corish (ed.), *Radicals, Rebels and Establishments*, (Belfast, 1985), p.116

¹²¹ Thomas Lane to Downshire, 16/07/1796 (P.R.O.N.I. Downshire papers D.607/D/102)

of the military on the Irish establishment: 'The king's troops have been fully employed in assisting to collect the revenue, and to carry into execution the common and statute law; in supporting the king's writs and suppressing tumultuous risings...But for the military there would be no government at all in this country and that in proportion as they are withdrawn, anarchy and confusion will supply their place.¹²² After the outbreak of war in February 1793, however, the forces on the Irish establishment were asked to perform two conflicting duties: to prepare to repel a possible French invasion, while continuing their peacetime activity of policing the interior of the country. The first necessitated the concentration of the army in order to discipline it and forge it into an effective fighting force capable of rapid mobilisation to confront an invading force of experienced French troops. But the growing security crisis in the kingdom, and the consequent increase in the number of requests from frightened magistrates and country gentlemen for troops to be stationed in their neighbourhoods, ensured that a policy of counter insurgency prevailed over that of preparation against invasion. The Irish cabinet who heartily supported such a policy placed their faith in the British navy's command of the seas and in its ability to intercept any possible invasion threat. As a result, the military force of the kingdom became increasingly dispersed in small detachments through the countryside.¹²³ By mid 1796, of the 40,000 professional troops in Ireland, only 7,000 were actually in camps, and this fact helped account for the delay experienced in mobilising a satisfactory response to the appearance of the Brest fleet at Bantry Bay in December 1796.¹²⁴

The motivation behind the formation of the yeomanry in the autumn of 1796 had been the need to create a force which could perform the local police duties of the

¹²² W.A.Pitt to Lord Sydney, 15/10/1787 (Quoted in J.P.Starr, 'The maintenance of Law and Order in Ireland during the eighteenth century', Ph.D. thesis, University of Dublin, 1968, p.19)

¹²³ Camden to Portland, 06/08/1796 (P.R.O. H.O.100/62/153-63); Camden to Pelham, 30/07, 06/08/1796 (P.R.O.N.I. Pelham T.755/3/81, 95); Camden to Pitt, [pre 24/08/1796] (K.A.O. Pratt papers U840/0156A/2)

¹²⁴ Kevin Whelan, 'United and Disunited Irishmen', in *The Tree of Liberty*, p.115

professional troops, allowing them to be concentrated in large camps.¹²⁵ General Nugent declared his support for the measure at the beginning of September, 'as it will enable government to assemble the troops, by taking them in a great measure out of their present dispersed quarters'.¹²⁶ It was perhaps Cooke who best described the purpose for which the yeomanry was originally intended. The under-secretary hoped that it would become 'a safe police' allowing the army to be no longer fettered by the dread of leaving insurrection behind it.¹²⁷ Despite the formation of the yeomanry, however, the deteriorating internal situation of the kingdom, with the spread of United Irish influence and organisation into the southern provinces, resulted in increased demands on the full-time troops, and ensured that 'the army became more rather than less involved in peace-keeping from 1796'.¹²⁸

There was a crucial link between the dispersal of the troops and a decline in military discipline. Before his retirement from the post of commander-in-chief in 1794, General Robert Cuninghame had drawn the attention of the Irish administration to the immediate bad consequences 'of having so large a body of troops as is at present dispersed through this country'. He prophesied that it would undermine the king's service by 'having so great a number of men thereby deprived of the means of being disciplined'.¹²⁹ Isolated soldiers, often dispatched to gentlemen's houses singly or in pairs, were removed from the influence of their commanding officers. This lack of supervision by an officer class could only result in a decline in discipline. Lord Downshire's agent

¹²⁵ Lord Glantworth to Camden, 18/08, Fitzgibbon to Camden, 28/08/1796 (K.A.O. Pratt papers U840/0194/04, U840/0183/6); Camden to Pelham, 28/08/1796 (P.R.O.N.I. Pelham T.755/3/115); Simon Purdon to govt., 24/09/1796 (Reb.papers 620/25/133)

¹²⁶ Major-General Nugent to Cooke, 06/09/1796 (Reb.papers 620/25/27)

¹²⁷ Cooke to Lord Auckland, 22/08, 03/09/1796 (B.L. Auckland papers Add. Ms.34,454,51-2, 57-8)

¹²⁸ Allan Blackstock, *An Ascendancy Army*, p.235

¹²⁹ General Cuninghame to Irish government, 17/02/1794 (N.L.I. Kilmainham papers Ms.1012/213-4)

had astutely observed in October 1795: 'The army dispersed is a bad thing: the men are kept in camp to make them soldiers'.¹³⁰

The threat to discipline was exacerbated by the duties which the troops in Ireland were requested to perform. Despite the fact that the formation of the yeomanry was designed to facilitate the concentration of the army, the appearance of the Brest fleet at Bantry in December 1796 ensured that government supporters would never allow this to happen. The Bantry scare was a watershed in the Irish loyalist psyche: 'That confidence in the inviolability of their shores which the people of the British Isles had, under the guardianship of their navy, been so long accustomed to indulge, was now startled from its security by the incontestable fact that, with two British fleets in the Channel and an admiral stationed at Cork, the coasts of Ireland had been a whole fortnight at the mercy of the enemy'.¹³¹ The alarm occasioned by this event and the discontent evident in parts of Ulster gave government supporters the leverage they needed to force Camden to consent to liberating the military from their dependence to the civil authority. This freedom of action was initially confined to those troops participating in the disarmament of the northern province in the spring of 1797, but was extended to the rest of the kingdom by Carhampton's orders of 18 May, and confirmed by a proclamation of 30 March 1798. With the army dispersed through the country in small parties and authorised to act on their own initiative against the ill-disposed, it was inevitable that discipline would rapidly diminish and that outrages would result.¹³²

These outrages were more likely to occur in areas where military heavy-handedness was approved by local magistrates or by the general commanding the area. It is not coincidental that the Wicklow militia's most notorious activity occurred in Westmeath, a county with a number of magistrates who advocated a vigorous security

¹³⁰ Thomas Lane to Downshire, 21/10/1795 (P.R.O.N.I. Downshire papers D.607/C/146)

¹³¹ Martin McDermott (ed.) *Memoirs of Thomas Moore*, pp.221-2

¹³² For the background to the proclamations of March and May 1797 see chapter seven pp.294-303 and for the proclamation of March 1798 see chapter eight pp.352-355.

policy. After reporting, on 11 June, the brutal murder of a local informer, a Mullingar magistrate, Robert Rochfort, advised the government that there could not be harsh enough measures adopted against the disaffected. He declared his determination to burn the whole quarter where those who were suspected of involvement in this murder were supposed to live. He believed it impossible that an innocent person could suffer, as 'they are all implicated in active or passive guilt'.¹³³ Rochfort burned thirteen houses on 12 June which he claimed belonged to 'principals in wickedness'. This caused general alarm and led to the identification of the five murderers, two of whom had already fled. The other three were shot dead by the Wicklow militia and their houses were all burned to the ground.¹³⁴ Another Westmeath magistrate, Mr. Nugent, adopted similar measures, and was accused of having burned eight or ten houses, and of having half-hanged a man.¹³⁵ The Wicklow militia's practice of house burning was heartily endorsed by the chief constable of Gayville, near Mullingar.¹³⁶ The firm stance of some of the county's gentry was illustrated by the fact that the grand jury at the summer assizes in 1797 presented the regiment with twenty-two guineas and a mess plate worth fifty guineas as a token of their gratitude for returning a riotous county to good order.¹³⁷ The *Press* reported on 12 December 1797 that the magistrates of Westmeath and of the barony of Farbill in particular, expressed regret at the departure of the Wicklow militia from Mullingar.¹³⁸

The disposition of the general officer commanding particular districts was also important in determining the conduct of individual regiments. Brigadier-General Ormsby,

¹³³ Robert Rochfort to government, 11/06/1797 (Reb.papers 620/31/73)

¹³⁴ Robert Rochfort to government, 18/06/1797 (Ibid. 620/31/115)

¹³⁵ J.W. to _____, 21/06/1797 (Ibid. 620/10/121/68)

¹³⁶ John Low to _____, 05/06/1797 (Ibid. 620/31/151)

¹³⁷ F.D.J. 21/09/1797

¹³⁸ *The Press* 12/12/1797

commanding officer of county Westmeath¹³⁹, approved of the vigorous measures adopted by the Wicklow regiment. On his arrival at Multifarnham, or what was left of it after it had been set it alight, he expressed his satisfaction that that 'sink and nest of villains' had been struck with such consternation and terror from the rigour recently practised upon them, that they were ready to surrender their arms provided they were promised protection.¹⁴⁰ In a similar fashion, the series of outrages committed by the Monaghan militia in Belfast in the summer of 1797 were almost certainly instigated by General Lake. Having been stationed in Belfast since June 1796¹⁴¹, the Monaghan regiment was successfully infiltrated by local radicals. The systematic nature of this infiltration was revealed in the spring of 1797 when a government investigation into the principles of the regiment resulted in the confession by more than seventy men that they had taken the United Irish oath. In consequence of the discovery, Lake assembled the entire Belfast garrison on 6 May and explained the atrocity of their crime in allowing themselves to be corrupted in this manner. In response, they swore they would spare no man who attempted to seduce them in future.¹⁴² Four of the Monaghan men were court-martialled and sentenced to death for their part in the seduction of their comrades, and they were executed at Blaris Moor on 16 May. The entire regiment, which itself, given the religious profile of the county, must have contained a large protestant element, was reported to have been 'much affected' by this spectacle and entered into a subscription to detect anyone who attempted in future to seduce a soldier from his allegiance.¹⁴³ Lake evidently sought to exploit the anxiety of the Monaghan men to prove their reliability. Their attack on the premises of the *Northern Star* was ostensibly motivated by that paper's refusal to

¹³⁹ F.D.J. 30/05/1797

¹⁴⁰ Brigadier-General Ormsby to _____, 19/06/1797 (Reb. papers 620/31/122)

¹⁴¹ Sir Henry McAnally, *The Irish Militia, 1793-1815*, p.114

¹⁴² Lieutenant-General Lake to Pelham, 06/05/1797 (P.R.O.N.I. Pelham T.755/26)

¹⁴³ Lieutenant-General Lake to Brigadier-General John Knox, 17/03/1797 (N.L.I. Lake papers Ms.56, 75)

publish resolutions expressive of their loyalty.¹⁴⁴ In actual fact, however, Lake had been anxious to make an example of the town for a long time, and of the *Northern Star* in particular, and the rejection of the resolutions afforded a reasonable pretext.¹⁴⁵ The *Star*'s willingness to publish details of military outrages may also have added to Lake's desire to have it suppressed, and in this light it is difficult to avoid the conclusion that his influence lay behind the attack.¹⁴⁶ Lake himself acknowledged, quite disingenuously, that this conduct arose 'in consequence of a speech of mine which some of them overheard'. Nonetheless, he considered this military heavy-handedness as fortunate, and 'heartily' wished for its continuance.¹⁴⁷ Similarly, he did not censure those involved in the attack on Cunningham Gregg's house on 5 June as he felt that it would prove beneficial and convince the people of Belfast that the soldiers were not to be diverted from their allegiance.¹⁴⁸ He also defended the conduct of other regiments which proved themselves over zealous in their conduct. In particular, he praised the exertions of the Ancient Britons and expressed the wish that the rest of the army would act like them.¹⁴⁹

There are additional circumstances which are important in accounting for the propensity of certain yeomanry corps to occasionally overstep the boundaries of the law. It is beyond doubt that many yeomen felt a burning desire to revenge themselves on the radical community for injuries which had been inflicted upon them during the embodiment of the force in the autumn of 1796. Those who had enrolled in the yeomanry at this time had often been subjected to attack. Several recruits at Fort Edward, near Dungannon in September 1796 were 'called dupes, turned into ridicule and even

¹⁴⁴ Mrs. McTier to Drennan, 19/05/1797 (*The Drennan Letters*, p.256); Thomas Lane to Downshire, 21/05/1797 (P.R.O.N.I. Downshire D.607/E/262)

¹⁴⁵ Lake to Knox, 25/03/1797 (N.L.I. Lake papers Ms. 56 , 38); Lake to Pelham, 16/04/1797 (P.R.O.N.I. Pelham T.755/4/2/361)

¹⁴⁶ *A View of the Present State of Ireland*, p.28

¹⁴⁷ Lieutenant-General Lake to Brigadier-General Knox, 21/05/1797 (N.L.I. Lake papers Ms. 56, 79)

¹⁴⁸ Lieutenant-General Lake to Pelham, 06/06/1797 (P.R.O.N.I. Pelham T.755/5/183)

¹⁴⁹ Lieutenant-General Lake to Brigadier-General Knox, 14/05/1797 (N.L.I. Lake papers Ms.56, 73)

threatened by liberty men for being so very forward'.¹⁵⁰ A number of loyalists in Portaferry were afraid to enter corps in the following month, 'as they would be marked out by the United Irishmen and have themselves, their family and property destroyed'.¹⁵¹ There was an attack on Stewartstown in November by a large mob of United Irishmen, who were intent on taking revenge on those who had entered corps, many of whom were 'desperately wounded'.¹⁵² On 1 November Camden informed Portland, with some exaggeration, that those who had enrolled in the yeomanry in Ulster had been systematically assassinated.¹⁵³ The attacks on yeomen were one of the motivating factors behind the proclamation issued by the lord lieutenant and privy council on 6 November.¹⁵⁴ The United Irishmen also began a series of raids on the homes of yeomen in an effort to plunder the arms and ammunition with which they had been issued.¹⁵⁵ On some occasions those who refused to surrender their arms were murdered.¹⁵⁶ The most celebrated instance of this occurred on 6 March 1797 when one of Lord Londonderry's Newtownards and Comber cavalry, John Cummins, was murdered at Castlebeg, county Down, after he attempted to resist an arms raid on his home. Other members of the corps were simultaneously attacked and disarmed in the same area, and vengeance was denounced against the corps if they dared to parade again, prompting the resignation of one third of its number.¹⁵⁷ In April 1797 Lord Caledon's cavalry, consisting of twenty of

¹⁵⁰ W.C. Lindsay to _____, 07/09/1796 (Reb.papers 620/25/29)

¹⁵¹ Patrick Savage to Downshire, 19/10/1796 (P.R.O.N.I. Downshire D.607/D/241)

¹⁵² Thomas Knox to government, 02/11/1796 (Reb.papers 620/26/09)

¹⁵³ Camden to Portland, 01/11/1796 (P.R.O. H.O.100/62/312-6)

¹⁵⁴ Camden to Portland, 07/11/1796 (P.R.O. H.O.100/65/105-8); For the background to this proclamation see chapter two pp.84-85.

¹⁵⁵ *F.L.J.*, 28/01/1797; Alexander Chesney to Downshire, 04/02, Samuel Murphy to Downshire, 09/02, Gustavus Matthews to Downshire, 10/02/1797 (P.R.O.N.I. Downshire D.607/E/79, 88, 91)

¹⁵⁶ W.C. Lindsay to _____, 22/04/1797 (N.A. S.O.C. papers 1016/45)

¹⁵⁷ Lord Londonderry to Cooke, 02/03/1797 (Reb.Papers 620/29/03); Camden to Portland, 09/03/1797 (P.R.O. H.O. 100/69/132-9);

Dublin Gazette 18/03/1797; George Dallas to _____, 20/09/1797 (N.L.I. Melville Ms.54a, 111)

his tenants, were warned never to appear under arms again on pain of having their families and houses destroyed.¹⁵⁸ So numerous were the attacks on yeomen in Ulster for their arms that Brigadier-General Knox directed the officers commanding the different corps in April 1797 to deposit the arms in a secure place and under guard, 'when they are apprehensive of attacks being made upon them'.¹⁵⁹ In spite of such precautions, the arms depository of the Lurg infantry in county Fermanagh was attacked in May, the guard was overpowered and their arms were seized.¹⁶⁰

These attacks on their homes and persons must have left many yeomen desirous of obtaining revenge on the radical community. The composition of much of the force in Ulster accentuated such a desire. The previous chapter has served to show that the United Irishmen boycotted the force on its formation, leading to the overwhelming loyalist/anglican character of the force in the northern province.¹⁶¹ The involvement of the yeomanry in the disarmament of Ulster in the spring and summer of 1797¹⁶² facilitated those who wished to revenge their injuries upon their radical neighbours. In addition, when the disarming process commenced at the beginning of March, individual yeomanry corps had only been embodied for five months at the very most, during which time they only received instruction for two days in every week. As late as May 1797 Thomas Lane informed Downshire that the men under his command were 'so turbulent and addicted to whiskey' that it took great pains to keep them in any sort of order. On another occasion, Lane reported that his yeomen were 'insolent to a degree'.¹⁶³ By the time that the disarmament of Ulster began, therefore, they were still an undisciplined and untrained force employed on a service 'that even hardened regulars found extremely problematic'.

¹⁵⁸ Lord Caledon to Pelham, 14/04/1797 (Reb.papers 620/29/257)

¹⁵⁹ Brigadier-General John Knox to Pelham, 04/04/1797 (Reb.papers 620/29/177)

¹⁶⁰ Gerard Irvine to Pelham, 27/05/1797 (Reb.papers 620/30/209)

¹⁶¹ See chapter five pp.218-223.

¹⁶² Captain Andrew MacNevin to Downshire, 12/03, Clanbrassil to Downshire, 17/03/1797 (P.R.O.N.I. Downshire D.607/E/182, 200)

¹⁶³ Thomas Lane to Downshire, 05/05, 01/09/1797 (P.R.O.N.I. Downshire D.607/E/256, 303)

Furthermore, they were not placed on permanent duty, and therefore not subject to military law.¹⁶⁴ To make matters worse, the need to spread the troops over as wide an area as possible during the arms searches meant that officers were thinly spread. Lake explained that it was impossible to have the yeomanry accompanied by an officer at all times during these searches because 'in this wild country where the houses are so scattered it would be impossible for an officer to attend to every house or cabin as while he was looking into one, the owners of fifty others would be hiding their arms and make the search more ineffectual than it has hitherto been'.¹⁶⁵ The lack of officer supervision, coupled with the unruly nature of many of the troops, and their desire to exact vengeance upon the disaffected, meant that complaints began to arise over the conduct of the yeomanry during the disarmament process.

In June 1797 Robert Lowry of Dungannon complained that the yeomanry were allowed to scour the country, without any officer at their head, and 'destroy houses, furniture, etc. and *stab* and cut in a most cruel manner, numbers that from either private resentment or any other cause, they may take a dislike to'.¹⁶⁶ From their local knowledge of the country, the yeomen were particularly suited to searching for arms, as they knew the areas which were suspected of disaffection and likely to contain hidden arms.¹⁶⁷ This local knowledge, however, also enabled them to pay off old scores. Charles Teeling claimed that the yeomanry, being acquainted with the political sentiments of their neighbours, had frequent opportunities of singling out such as they either feared or disliked.¹⁶⁸ Even General Lake admitted that in some instances the yeomanry had exploited the opportunity to gratify 'their party spirit and private quarrels' and may have

¹⁶⁴ Allan Blackstock, *An Ascendancy Army*, pp.143, 240

¹⁶⁵ Lieutenant-General Lake to Pelham, 17/03, 19/03/1797 (P.R.O.N.I. Pelham T.755/4/2/240, 254)

¹⁶⁶ Corresp. of Robert Lowry and Pelham, 29/06, 02/07/1797 (Reb.papers 620/31/171)

¹⁶⁷ Thomas Lane to Downshire, 01/09/1797 (P.R.O.N.I. Downshire D.607/E/303); Lecky, vol.iv, p.37

¹⁶⁸ Teeling, *Personal Narrative*, p.112

shown a dislike to their neighbours and been 'rather too sharp', but he did not think they had been guilty of any great acts of violence.¹⁶⁹

There appears to have been an important link between the officer class of individual regiments, the composition of their rank and file, and their attitude to law and order issues. Much of the responsibility for the violent nature of certain militia regiments, for instance, lies with the lieutenant-colonels who were appointed to their command. When the force was being raised in 1793 the government rewarded many of its supporters by appointing them to the command of regiments. Those appointed in this manner had the authority to commission those who would serve under them, ensuring that only those of a like mind would be selected. This was crucial in determining the disposition of individual regiments, as the political allegiance of the lieutenant colonel ensured the political complexion of his regiment and its attitude to law enforcement. It is not coincidental that those units which revealed a taste for outrage were commanded by hardline supporters of the status quo. Lord Kingsborough, lieutenant-colonel of the North Cork militia, was noted for being 'firmly attached to the constitution and protestant establishment', and during the debates on the catholic relief bill in May 1795 he delivered a powerful speech against further concessions, pledging his life and property in support of the protestant ascendancy.¹⁷⁰ Raising his regiment in a predominantly catholic county, Kingsborough took pains to ensure a high proportion of protestant recruits. At the time of its embodiment he offered the first 244 recruits a small farm in Munster at a reasonable rent for life provided they agreed to reside there after the militia service was past. The only condition was that the applicants had to belong to the

¹⁶⁹ Lieutenant-General Lake to Pelham, 17/03, 19/03, 25/03/1797 (P.R.O.N.I. Pelham T.755/4/2/240, 254, 289); Lieutenant-General Lake to Camden, 25/03/1797 (K.A.O. Pratt papers U840/0165/5)

¹⁷⁰ Rev. Charles Brodrick to Midleton, 03/08/1797 (Quoted in E. Hewett, ed. *Lord Shannon's letters to his son: A Calendar of Letters written by the Second Earl of Shannon to his son Viscount Boyle, 1790-1802*, Belfast, 1982, introduction, p.lxvii); *The Debates at large on the catholic bill...1795*, (Dublin, 1795), p.11

established church.¹⁷¹ In a similar manner the violent disposition of the Wicklow regiment may owe something to the fact that its leading officers were firm government supporters and advocates of a stringent security policy: Viscount Wicklow was the lieutenant-colonel on its formation, and the major and brevet lieutenant colonel was the honourable John Stratford.¹⁷² In similar fashion, the influence of the lieutenant-colonel of the Cavan militia, Viscount Maxwell, appears to have been crucial in determining the political disposition of the men under his command. In view of the fact that Maxwell was an opponent of catholic relief and reported to be 'a rampant Orangeman'¹⁷³, it is hardly surprising that his regiment was one of the first to contain an Orange lodge within its ranks.¹⁷⁴ The influence of the commanding officers on the conduct of their troops was also noticeable during the disarmament of Queen's county in the spring of 1798, when the only regiment which showed a wish to destroy the country 'indiscriminately' was one commanded by another pillar of the ascendancy, John Beresford's nephew, Lord Waterford.¹⁷⁵ Individuals like Lords Kingsborough, Wicklow, Maxwell and Waterford naturally ensured that those who served under them were of similar principles. This explains the violent disposition of many of the officers in these regiments. Lieutenant Hempenstall and Captain Swayne of the Wicklow and North Cork regiments are only the two most noticeable examples, but there were others. The colonel of the Wicklow regiment, the honourable Hugh Howard, was heard boast in November 1797 that the regiment had shot dead forty-two people during their stay in county Westmeath.¹⁷⁶ In the spring of 1798 a captain in the same regiment, William Richardson, the commanding

¹⁷¹ *New Cork Evening Post* 15/12/1793 (Quoted in Sir Henry McAnally, *The Irish Militia, 1793-1815*, p.48)

¹⁷² *List of the officers of the several regiments and corps of militia..raised since the first of January, 1793* (London, 1794)

¹⁷³ R.R. Madden, *The United Irishmen, their lives and times*, 2nd. edition (4 vols., London, 1857-60), vol. i, pp.74-6

¹⁷⁴ Hereward Senior, *Orangeism in Ireland and Britain 1795-1836*, (London, 1966), pp.71-3, 91

¹⁷⁵ T. Pakenham, *The Year of Liberty*, 3rd. edition (London, 1972) (Quoted by L.M. Cullen, 'The 1798 Rebellion in Wexford : United Irish Organisation, Membership, Leadership' in K.Wheelan, ed. *Wexford, History and Society*, Dublin, 1987, p.264)

¹⁷⁶ Lord Wycombe to Lady Holland, 28/11/1797 (B.L. Ilchester Ms.51,682,115-9)

officer at Monasterevan at the time, boasted to Lord Wycombe about the exploits of his comrades. He claimed that in one encounter with 300 or 400 insurgents in county Westmeath they had handled the disaffected so roughly that there were at least three carloads of dead carried off the field.¹⁷⁷ A lieutenant in the Cavan militia, George Paterson, proved himself to be of a similarly sanguinary disposition. While acting as the commanding officer at Loughbrickland, county Down, in the spring of 1797 he had personally instigated the detachment under his authority to commit a number of illegal proceedings.¹⁷⁸ It was the leadership provided by officers like these, under the overall command of individuals of a fiery temperament, that determined the conduct of particular militia regiments.

The same was equally true of the other forces on the Irish establishment at the time. The commanding officer of the Ancient Britons, Sir William Watkins Wynn, appears to have been of a violent temperament. He had specifically volunteered his regiment for duty in Ireland as early as August 1795, out of zeal for the king's service.¹⁷⁹ What is remarkable about the fencibles is the degree of officer involvement in the perpetration of outrages. Almost all of the transgressions of the law by fencible troops were committed in the presence of, or were actually ordered by an officer. The commanding officer of the Midlothian fencibles, Lord Ancram, supervised the practice of house burning by his troops in May 1797 while they were out on an arms search.¹⁸⁰ Lord Henry Murray supervised the burning of some houses by his Manx regiment at Donakiddy in the summer of 1797.¹⁸¹ John Bird accused Major Wardle, commanding officer of the Ancient Britons quartered at Newry, of 'swimming in streams of human

¹⁷⁷ Lord Wycombe to Lord Holland, 28/04/1798 (B.L. Holland Ms.51,684,56-7)

¹⁷⁸ *N.S.* 03/04/1797

¹⁷⁹ Portland to Camden, August 1795 (P.R.O. H.O.100/55/112-3)

¹⁸⁰ *S.N.L.* 07/06/1797

¹⁸¹ James Hamilton to Abercorn, 08/04/1798 (Abercorn papers P.R.O.N.I. T.2541/1A2/6/14)

gore¹⁸² Colonel Stapleton, the commanding officer of the York fencibles at Newtownards, ordered a house to be burned down in the neighbourhood of the town in the spring of 1797 when the owner refused to surrender his arms.¹⁸³ Captain Simon Fraser, commanding officer of the Frazer fencibles stationed at Clonard, was personally accused for several outrages committed by his troops in the neighbourhood in the summer of 1797.¹⁸⁴ An ensign and a lieutenant in the Dumbarton fencibles were personally responsible for the rape of the female relations of arrested men in October 1797 in county Kildare.¹⁸⁵

The disposition of individual yeomanry commanders was similarly crucial in determining the complexion of their corps and in influencing their conduct. It is of little surprise, therefore, that the First Carlow cavalry, commanded by such a firm exponent of law and order as Robert Cornwall, would be involved in a number of outrages in January 1798.¹⁸⁶ In particular they were accused of half-hanging and house burning.¹⁸⁷ Archibald Hamilton Jacob's Enniscorthy cavalry, Hawtry White's Ballaghkeen cavalry, and the cavalry corps raised by Hunter Gowan in the spring of 1798 and known by the appellation of 'the black mob', who were all condemned by contemporary polemicists for excesses on the immediate eve of the rebellion, included a significant number of Orangemen within their ranks¹⁸⁸, and this also appears to have been a factor in

¹⁸² John Bird to Major Wardle, 07/02/1798 (Reb.papers 620/35/119a)

¹⁸³ George Dallas to _____, 20/09/1797 (N.L.I. Melville Ms.54a, 111)

¹⁸⁴ Captain Simon Frazer to Carhampton, 14/07/1797 (Reb.papers 620/31/238); *F.D.J.* 23/09/1797; *The Press* 16/11/1797; Leinster to Camden, 12/07/1797 (K.A.O. Pratt papers U840 0182/33); N.L.I. Kilmainham papers Mss.1013/286, 306-7

¹⁸⁵ *The Press* 10/10/1797; Pelham to Carter, 30/10/1797 (P.R.O. H.O.100/72/326-7); Camden to Grenville, 03/11/1797 (*H.M.C. Fortescue*, vol. iii, pp.386-90)

¹⁸⁶ Robert Cornwall to Pelham, 17/01/1798 (Reb.papers 620/35/41)

¹⁸⁷ *The Press* 13/02/1798; McNally to _____, 04/03/1798 (Reb.papers 620/10/121/93)

¹⁸⁸ Charles Dickson, *The Wexford Rising in 1798, its causes and course*, (Tralee, 1955), pp.12, 35; Edward Hay, *History of the Irish Insurrection of 1798*, 66-7; *Memoirs of Miles Byrne, edited by his widow*, (2vols, 1863), vol. i, pp.33-4

determining individual corps' propensity to commit outrages. Andrew Torrens of Stewartstown, county Tyrone, claimed in May 1797 that some Orangemen among the Armagh yeomanry had initiated 'a dreadful riot' at the Stewartstown fair by attempting to forcibly remove every green handkerchief and ribbon from those attending the fair.¹⁸⁹ Captain O'Beirne of the Longford militia wrote from Keady in Armagh on 3 June that Orangemen, led by 'officers in full yeomanry uniforms', were committing robberies and murders.¹⁹⁰ Captain John Giffard of the Dublin city militia reported from Dundalk in June that the 'Orange yeomen' were competing with the Ancient British fencibles in their quest to inflict themselves on the local population.¹⁹¹ James Verner was accused of having allowed his yeomanry corps to assist a number of Orangemen in levelling a catholic chapel at Tartaraghan, county Armagh, on 18 June. Upon enquiry by the Castle authorities, Verner admitted that members of his corps stood by and watched the chapel being pulled down. They did not participate themselves, although Verner conceded that 'one or two yeomen were throwing stones'.¹⁹² Lord Blayney reported from Monaghan on 20 November that several 'self created magistrates' had sprung up near Keady who marched about with parties of Orange yeomen levying contributions. If the people refused to pay, they were informed that their houses would be burned down on suspicion of harbouring concealed arms.¹⁹³ The yeomen in question appear to have been the Keady cavalry whose Captain, Thomas Simpson, admitted in court that half of his men were Orangemen.¹⁹⁴ A previous chapter has illustrated the manner in which there were certain characteristics surrounding the yeomanry, as opposed to the militia or regular forces, which facilitated the recruitment of large numbers of Orangemen by gentry figures

¹⁸⁹ Andrew Newtown to _____, 03/05/1797 (Reb.papers 620/30/11)

¹⁹⁰ O'Beirne to Marshall, 03/06/1797 (Ibid. 620/31/27)

¹⁹¹ John Giffard to Cooke, 05/06/1797 (Ibid. 620/31/36)

¹⁹² James Verner to government, 03/07/1797 (Ibid. 620/31/196); H. Senior, *Orangeism in Ireland*, p.74

¹⁹³ Lord Blayney to government, 20/11/1797 (Reb.papers 620/33/71)

¹⁹⁴ *The Press* 18/11/1797

associated with the Orange Order.¹⁹⁵ We have also seen that the boycotting of the yeomanry by the United Irishmen in Ulster in the winter of 1796 ensured that the force in the north of the kingdom was predominantly anglican and loyalist in nature. The important point here is that the degree of Orange involvement in individual corps also related to the political disposition of its commanding officer.

The religious composition of individual militia regiments must also have played a similar role in determining their attitude to law and order issues. Many of the militia regiments who have been recognised as heavy-handed were embodied in counties with a mixed religious composition or with a noticeable element of protestant settlement within their borders. Presumably this resulted in the inclusion of a significant number of protestants in their rank and file. This must have been particularly true of the Cavan and Monaghan units, since they were two of the first regiments to form Orange lodges within their ranks.¹⁹⁶ Until further detailed study is undertaken on the militia as an institution in the late eighteenth century, however, it is extremely difficult to form generalisations about the force as a whole. The example of the Monaghan militia illustrates this point by highlighting the complexity of the subject. The series of outrages for which they were responsible in the Belfast area from the summer of 1797 suggests that they had a loyalist officer class. Their lieutenant-colonel, John Ker, may have been related to the Alexander Ker whose Newbliss yeomanry cavalry charged a crowd of potato diggers in May 1797, leaving several dead.¹⁹⁷ The Monaghan regiment was raised in a mixed county in terms of religious composition and there must have been a significant element of protestant involvement among the ranks below the officer class. The dramatic events leading to the execution of four of the regiment at Blaris Moor in May 1797 reveals on the one hand the extent to which they proved susceptible to infiltration by the United Irishmen; on the other hand, however, their subsequent reaction to the execution of their comrades

¹⁹⁵ See chapter five pp.218-223.

¹⁹⁶ *B.N.L.* 14/07/1797; *The Leadbeater papers*, vol. i, pp.212-5; H. Senior, *Orangeism in Ireland*, pp.71-3, 91

¹⁹⁷ Alexander Ker to _____, 22/05/1797 (N.A. S.O.C. papers 1016/40)

illustrates a willingness on their part to attack the radical community. The example of the Mayo militia, divided into north and south regiments, is also significant. Despite the fact that these regiments were raised in a predominantly catholic county, the loyalist disposition of their commanding officers influenced the regiment's outlook on law and order issues. The north Mayo unit was one of the first to offer its services to the government anywhere in or out of the kingdom, in early September 1796.¹⁹⁸ In May 1797 the same regiment replied to a seditious handbill which had been posted into their barracks at Fethard, by expressing their detestation of such principles.¹⁹⁹ In February 1798, the south Mayo militia were reported to be raping women at will in county Waterford.²⁰⁰ The reaction of the Queen's county regiment to the outrages being committed upon the catholic population by the Orangemen in parts of Ulster is also revealing. Its lieutenant-colonel was the Earl of Portarlington, a firm government supporter, and it was raised in a county with a mixed religious composition. The regiment had been stationed in Armagh since October 1795, and Portarlington reported in September of the following year that the sectarian strife in the county had 'divided them very much into partisans either of the Orange or catholic party, and the severities exercised by the former upon the latter during the course of last winter, have probably disposed some of the most warm catholic soldiers to be worked upon by the agents of the United Irishmen in [Blaris] camp'.²⁰¹ If one examines the disposition of the Kerry militia one is struck by the problem of dividing the force as a whole into neat categories or of weighing the respective roles of catholic sympathies, sheer indiscipline, and officer disposition. In July 1797 the Kerry militia were involved in a serious sectarian conflict against the twenty-fourth dragoons, the Tay fencibles and the yeomen of Stewartstown, county Tyrone. Although it is impossible to establish with absolute certainty who were

¹⁹⁸ John Beresford to Lord Auckland, 10/09/1796 (*The Corresp. of the Rt. Hon. John Beresford*, p.131)

¹⁹⁹ Sir Henry McAnally, *The Irish Militia, 1793-1815*, p.113

²⁰⁰ *The Press* 06/02/1798

²⁰¹ Earl of Portarlington to Cooke, 25/09/1796 (Reb.papers 620/25/114)

the aggressors in this incident, which was sparked by the local celebrations of the protestant victory at the Boyne, it left a number of casualties on both sides.²⁰² On the other hand, in November 1796 the regiment had been involved in a riot in Kilrea, county Derry, which resulted in the destruction of six houses, and in June 1797 it had been responsible for at least one flogging in Portglenone, county Antrim.²⁰³

It is similarly difficult to generalise about the yeomanry. The same combination of factors that influenced the conduct of the militia and fencibles determined the attitude of individual yeomanry corps towards law and order. There were contrasts between the conduct of those corps raised in Ulster and in the south of the kingdom. The overwhelming majority of complaints against individual corps for transgressing the law involve northern units. This is to be attributed, predominantly, to the anglican and loyalist nature of the force in Ulster. It is only on the very eve of the rebellion and during the insurrection itself that complaints begin to arise about corps outside of the northern province. Even at that stage they are limited to a number of areas where tensions were running high, particularly in the strategically crucial counties surrounding the capital. Despite this however, it is still difficult to generalise about the force as a whole, since there were even marked contrasts between corps in individual districts in relation to security policy. The excesses reported to have been committed by John Hunter Gowan on the borders of Wexford and Wicklow²⁰⁴, for example, were in complete contrast with the behaviour of John Edwards of Oldcourt, commanding officer of the Bray infantry. As

²⁰² On the day after this incident Lord Blayney exacted vengeance upon the Kerry militia by ordering troops under his command to open fire upon a party of four Kerry men, leaving three dead. For the Stewartstown conflict and its aftermath see Padraig deBrun, 'A Song Relative to a Fight between the Kerry Militia and some yeomen of at Stewartstown Co. of Tyrone', July 1797', in *Kerry Archaeological Journal*, (1973).

²⁰³ Rev. Edward Hudson to Charlemont, 05/06, 25/06, 30/06/1797 (*The manuscripts and Correspondence of James, first earl of Charlemont*, 2 vols, H.M.C. London, 1891-4, vol. ii, p.303, iii and p.305 i and ii)

²⁰⁴ Charles Dickson, *The Wexford Rising in 1798*, pp.12, 35; Edward Hay, *History of the Irish Insurrection of 1798*, pp.66-7;

Memoirs of Miles Byrne, vol.i, pp.33-4

a whig, Edwards agreed that the situation in the country demanded a response by the authorities, but he was concerned to confine that response within the boundaries of the constitution.²⁰⁵

(4)

Having identified those regiments which were particularly prone to an excess of zeal in the course of their duty, it now remains to be seen if the government capitalised in any way on their undoubted loyalty. From the late summer of 1796 rumours were circulating through the kingdom about the degree of disloyalty in the ranks of the armed forces, particularly those militia regiments which were stationed in Ulster and which had been open to infiltration by the radical community. It is against this background that the government began to appreciate the value of those troops who had proved their dependability, either through their propensity to commit outrages or by the formation of Orange lodges within their ranks. By the end of 1797 lodges had been formed in the Monaghan, Cavan, Armagh, Tyrone and Fermanagh regiments.²⁰⁶ General Lake, suspicious of many of the southern militia units stationed in the northern district, was among the first to grasp the importance of having a core of reliable troops under his command. In March 1797 he defended the conduct of the Cavan militiamen who had committed a series of excesses on the civilian population in the neighbourhood of Loughbrickland, county Down. Realising the benefits of having troops willing to impose their authority on a suspected area, he successfully countered the attempts of the local inhabitants to have the militiamen removed.²⁰⁷ He intervened in a similar manner in May 1797 when the inhabitants of Belfast attempted to have the Monaghan militia recalled

²⁰⁵ John Edwards to government, 14/01/1798 (Reb.papers 620/35/47)

²⁰⁶ *B.N.L.*, 14/07/1797; *The Leadbeater papers*, vol.i, pp.212-5; H. Senior, *Orangeism in Ireland*, pp.71-3, 91

²⁰⁷ G.M. Paterson to Lieutenant-Colonel Sir R. Hodson, 15/03/1797 (P.R.O.N.I. Downshire D.607/E/201); Lieutenant-General Lake to Pelham, 19/03/1797 (P.R.O.N.I. Pelham T.755/4/2/254)

from their town after it had been responsible for a number of illegal activities. In campaigning for their continuation in the radical stronghold, Lake reminded Pelham that 'keeping these animals [the townspeople] in constant alarm' was not without its advantages.²⁰⁸

From the spring of 1797 the government began a conscious policy of stationing dependable regiments in disaffected areas. After the assassination of Rev. George Knipe at Castlerickard, near Trim in county Meath, in April 1797, detachments from the Tyrone, Downshire, Wicklow and North Cork regiments were sent to the neighbourhood of nearby Clonard, across the Kildare border.²⁰⁹ Similarly, the Antrim militia were dispatched to county Wicklow after several serious disturbances had occurred in the county. Although this regiment was not known for committing outrages or for entertaining Orange principles, it had unmistakably displayed its loyalty by publicly parading in May 1797 in protest against a seditious handbill which had been posted into its barracks in the capital.²¹⁰ The high degree of presbyterian involvement in the volunteer movement and hence in the opposition to the embodiment of the militia in 1793, ensured that recruits to the militia, which was formed to counter the volunteers, would come from a mainly anglican, and therefore more politically reliable, background. This policy became more widespread and noticeable as the security situation deteriorated through the winter of 1797 and into early 1798 in the strategically crucial counties surrounding Dublin. Wicklow, Kildare, Wexford and to a lesser extent Carlow and Queen's county witnessed the arrival of ultra-loyalist troops at various dates from the summer of 1797 into the spring of 1798. Before the outbreak of rebellion the North Cork, Tyrone and Wicklow militias, and the Ancient Britons and Romney fencibles were stationed in this arc around the capital, with detachments from the North Cork as well as the Cavan militia posted in the capital. What is perhaps most significant, however, is the

²⁰⁸ Lieutenant-General Lake to Pelham, 01/06/1797 (P.R.O.N.I. Pelham T.755/5/157)

²⁰⁹ *S.N.L.* 22/05/1797

²¹⁰ Sir Henry McAnally, *The Irish Militia, 1793-1815*, p.113

concentration of detachments from these hardline regiments in counties Kildare and Wicklow. By the time that open hostilities began in Kildare, it was host to detachments from the Ancient Britons, the Wicklow, North Cork and Tyrone militias.²¹¹ The 24th. light dragoons were also sent to this county.²¹² They had participated in the disarmament of Ulster in 1797, while stationed in counties Derry and Armagh.²¹³ In October 1797 the commanding officer of a detachment of the regiment in Aughnacloy, Major White, while under the influence of alcohol, had smashed several windows in the town and beaten several inhabitants.²¹⁴ Detachments from the Ancient Britons, Romney fencibles and North Cork militia joined the Antrim militia in county Wicklow at various dates from September 1797.²¹⁵ Apart from the strategic importance of these counties, situated on the southern and western approaches to the capital, they both possessed gentry establishments which were largely suspect in the eyes of Dublin Castle. Kildare was dominated by the Duke of Leinster, while Fitzwilliam was the dominant interest in county Wicklow politics. It is apparent, therefore, that the government dispatched its most hardened troops into these counties in order to circumvent the leading whig gentry interests who could not be relied upon to implement the law and order policy it desired. The fact that some of the North Cork militia appear to have been permanently stationed in county Kildare from June 1797 suggests that the dispatch of Major Hardy to Wicklow with the Antrim militia in September 1797²¹⁶ was not an isolated occurrence but in fact

²¹¹ *S.N.L.* 15/06/1797; *The Press* 13/01/1798; *The Leadbeater papers*, vol. i, pp.212-5; Lord Wycombe to Lord Holland, 28/04/1798 (Holland Ms.51,684,56-7); Sir Richard Musgrave, *Memoirs of the Irish Rebellion of 1798*, (Reprint, Fort Wayne, 1995), p.687; *Memoirs of William Sampson*, 23; P.O'Kelly, *General History of the Rebellion of 1798*, (Dublin, 1842), p.60

²¹² *F.D.J.* 03/03/1798

²¹³ Kenneth P.Ferguson, 'The Army in Ireland from the Restoration to the Act of Union', p.164

²¹⁴ Camden to Grenville, 03/11/1797 (*H.M.C.* Fortescue, iii, pp.386-90)

²¹⁵ R. O'Donnell, *The Rebellion in Wicklow, 1798*, (Dublin, 1998), pp.137, 142; *S.N.L.* 20/04/1798; Benjamin O'Neale Stratford to Pelham, 24/09, _____ to Pelham, 26/09/1797 (N.A. S.O.C. papers 3119/1, 3120); *F.D.J.* 19/04/1798

²¹⁶ *Journal of the Principal occurrences in Ireland and principally in county Wicklow between September 1797 and September*

may have formed part of a wider government strategy to have its security policy adopted in whig dominated areas. As early as August 1797 Joseph Pollock had pointed towards such a practice. After attending the summer assizes in county Kildare he had been alarmed by the degree of support given to those accused of seditious offences by radical gentry figures like Lord Edward Fitzgerald. He recommended that a regiment like the Ancient Britons should be immediately sent into the county to redress the situation.²¹⁷ We have already seen that a detachment of the King's county militia were removed from Ballitore in county Kildare in the spring of 1798 because of their growing affinity with the local populace. Mary Leadbeater recorded in her diary that they were replaced with the more reliable Ancient Britons and the Tyrone militia who were 'mostly composed of confessed Orangemen, wearing the ribbon of their party'.²¹⁸

The arrival of a substantial number of loyalist troops in the arc of counties surrounding the capital in the spring of 1798 coincided, unsurprisingly, with an increase in the number of outrages committed upon the local population. From the chart accompanying chapter seven it is possible to identify a significant increase in the number of such incidents reported from counties Wicklow, Wexford and Kildare in particular, in the months of April and May.²¹⁹ The nature of the outrages reported also becomes more brutal, as flogging, half-hanging, pitch-capping and house burning become more prevalent.²²⁰ Matters had become so serious in Wicklow by 7 May that even General Lake was obliged to direct the commanding officer in the county, Major Hardy, to

1798 (N.L.I. Fitzwilliam papers Microfilm p5641)

²¹⁷ Joseph Pollock to Cooke, 30/08/1797 (Reb.papers 620/32/89)

²¹⁸ *The Leadbeater papers*, vol.i, pp.212-5

²¹⁹ See appendix i to chapter seven.

²²⁰ Edward Hay, *History...of 1798*, pp.54-6, 58-61; *The Leadbeater papers*, i, pp.216-7; N.L.I. Kilmainham papers Ms.1014/165 ;

Memoirs of William Sampson, p.23; Madden, *The United Irishmen*, vol. i, pp.318-323; S.N.L. 20/04/1798; *Memoirs of Lord Edward*

Fitzgerald, (ed.) Thomas Moore, 2nd. edition, (London, 1897) vol. ii, p.100; Lord Wycombe to Lady Holland, 20/05/1798 (B.L.

Ilchester Ms.51,682,153-4)

prevent any 'acts of wanton cruelty' by the troops under his command.²²¹ In neighbouring Kildare it was reported that many of the soldiers stationed in the county were growing uncomfortable with some of the outrages being committed by their colleagues.²²²

(5)

This chapter has served to question traditional assumptions about the conduct of the military in Ireland before the outbreak of rebellion. In particular it has shown that there were only a handful of regiments who consistently committed outrages on the civilian population. The very notoriety of their actions, which were on occasion extremely brutal, has served in the past as sufficient justification for a blanket condemnation of the army on the Irish establishment, the vast majority of whom were not especially remarkable for their licentiousness. This is not to deny that these troops appear to have been, in many cases, unruly in their behaviour, but it is an attempt to form a more balanced judgement than has been previously achieved. The following chapter will continue this endeavour by highlighting the manner in which the number of outrages committed by the military during this period has been purposely exaggerated by interested parties. It has also been an aim of this chapter to illustrate the complexities involved in attempting to account for the misconduct of individual regiments. This is a subject which requires far more in-depth investigation before any satisfactory conclusions can be formed. What has been attempted on this occasion is to identify at least some of the factors which were important in determining which regiments acted beyond the law. One of the most important of these factors was undoubtedly the composition of their officer class. The politics of the commanding officer inevitably influenced the conduct of the troops under his command. This may also have played an important role in determining the susceptibility of individual regiments to United Irish propaganda. Those

²²¹ N.L.I. Kilmainham papers Ms.1133/19

²²² J.W. to _____, 27/04/1798 (Reb.papers 620/10/121/99)

with liberal commanding officers may have proved more amenable to corruption by the radical community. The composition of the rank and file, something related to the religious mix of the county in which it was raised, also appears to have played an important role in this respect. All three factors tended to go together, although there were exceptions such as the Mayo militia which was officered by loyalists and had a loyalist outlook on law and order issues, and which as it was raised in an overwhelmingly catholic county might be regarded as likely to have a relatively small protestant rank and file. The principal goal of this chapter, however, has been to show that in the immediate pre-rebellion period Dublin Castle increasingly exploited the services of those regiments which had proved their reliability by their propensity to overstep the boundaries of the law. As the security situation rapidly deteriorated in the spring of 1798, the government sent the ultra-loyalist troops in its employ to the strategically crucial counties surrounding the capital. This was particularly noticeable in Wicklow and Kildare, two counties whose political establishments could not be trusted to implement the law and order policy desired by the Castle. In the crisis months of early 1798, therefore, the government sought to circumvent liberal elements in the magistracy in suspect counties by dispatching troops who could be relied upon to deal with the disaffected in a vigorous manner.

Chapter seven: The role of the military, 1797-1798

Developing from some of the conclusions reached in the previous chapter, which sought to evaluate the conduct of the armed forces in the late 1790s, this chapter aims to focus on a particular question: the extent and frequency of outrages¹ committed by the military in the pre-rebellion period. This is a contentious subject and one which has been manipulated by interested parties for their own ends. The end result has been a deliberate blurring of the truth and a consequent exaggeration of many of the facts.

In the immediate aftermath of the events of May and June 1798 polemicists anxious to mitigate the degree of blame which could be apportioned to the rebels, particularly in Wexford, for certain sectarian atrocities which they had committed, began the process of interpreting the rebellion as a defensive reaction against a tyrannical Dublin Castle regime. In his examination before the secret committee of the house of lords in August 1798 Thomas Addis Emmet attributed the insurrection to 'the free quarters, the house burnings, the tortures and the military executions in the counties of Kildare, Carlow and Wicklow'.² Before the same committee Arthur O'Connor identified the government's activity in 'burning houses, hanging, lashing, and torturing' as one of the main reasons for the outbreak of rebellion.³ One of the participants in the rebellion itself, Thomas Cloney, explained its eruption as 'a necessary consequence of the lawless

¹ I have employed the term 'outrage' to describe any instance of irregular conduct by the military.

² J.T. Gilbert, *Documents Relating to Ireland 1795-1804*, (Dublin, 1893), p.180; *Reports of the Committee of Secrecy of the House of Commons and the House of Lords of Ireland* (Dublin 1798), appendix xxxi, p.320

³ R.R. Madden, *The United Irishmen, their lives and times*, 2nd. edition, (4 vols., London, 1857-60), vol. i, p.161

excesses which had been committed on the people'. Luke Cullen claimed that '...such cruelties were practising not only in Wicklow and the adjacent counties but through the length and breadth of Ireland'.⁴ Following in the same vein, W.J. Fitzpatrick claimed in the mid-nineteenth century that the outrages committed by the military 'would fill an encyclopaedia'.⁵ As late as the 1950s the nationalist historian Charles Dickson wrote that Wexford rose on 26 May after being 'tormented at last into active resistance by the persistent savagery to which they had been subjected'. Dickson claimed that the government forced the rebellion by 'an organised campaign of flogging, half-hanging, pitch-capping, free-quartering and plain murder'.⁶ These polemicists argued that the Irish government, acting under instructions from the ruthless Pitt in London, had implemented a system of military repression in order to provoke rebellion before United Irish preparations were complete and before the French could effect a landing on the Irish coast. In addition, it was claimed that Pitt had planned to exploit the outbreak of the rebellion he had provoked in order to justify the necessity of a legislative union with Great Britain.⁷ This was perhaps most clearly expressed by W. J. Fitzpatrick:

⁴ Thomas Cloney, *A Personal Narrative of those Transactions in the county of Wexford in which the author was engaged at the awful period of 1798*, (Dublin, 1832), p.192; N.L.I. Luke Cullen papers Ms.9762/22

⁵ W.J. Fitzpatrick, *The Life, Times, and Contemporaries of Lord Cloncurry*, (London, 1855), p.89

⁶ C. Dickson, *Revolt in the North: Antrim and Down in 1798*, (Dublin, 1960), pp.111-2, 120-3; Ibid, *The life of Michael Dwyer* (Dublin, 1944), pp.16-18; Ibid, *The Wexford Rising in 1798: its causes and course*, (Tralee, 1955), p.4

⁷ W.J. Fitzpatrick, *Secret Service Under Pitt*, (Dublin, 1892), p.139; Ibid., *The Life..of Lord Cloncurry*, pp.80-1; Ibid., *Ireland before the Union, with Revelations from the Unpublished Diary of Lord Clonmell*, (Dublin, 1867), pp.44, 49; *Life of Thomas Reynolds*, ed. by his son, (2 vols., London, 1859), vol. i, p.273; Charles H. Teeling, *Personal Narrative of the Irish Rebellion of 1798*, (1972 Irish University Press edition) pp.76-7, 196-8; R.R.Madden, *Antrim and Down in '98*, (Dublin, n/d), p. 42; Edward Hay, *A History of the Rebellion in the county of Wexford, A.D. 1798*, (Dublin, 1803), pp.54-61; Lord Holland, *Memoirs of the whig party*, ed. by his son, (London, 1852-4), vol. i, p.113; *The Memoirs of Miles Byrne, Chef De Bataillon in the service of France*, edited by his widow, (2 vols., Paris, 1863), vol. i, p.327; Roger McHugh (ed.), *Carlow in '98: The Autobiography of William Farrell*, (Dublin, 1949), pp.73-5

In secret conference it was arranged to filch from poor Ireland, the very moment she would be found prostrate and exhausted from a series of ineffectual struggles for freedom - when too much stricken down to entertain one atom of hope for future regeneration - when so miserably debilitated from loss of blood as to be unable to offer any resistance to the outrage - it was then, we say, proposed to filch, with characteristic treachery, from the breast of Ireland, her brightest and most valuable gem - the possession of her domestic parliament'.⁸

In justification of these claims reference is usually made to the pre-rebellion accusations of the British and Irish whigs, in particular Lord Moira, against the conduct of the military in Ireland.⁹ The readiness of many historians in the past to accept the validity of these accusations without question has led to the propagation of many generalisations and inaccuracies about the nature and extent of military outrages in Ireland before the outbreak of rebellion on 23 May 1798. Before one can attempt to analyse the characteristics of such outrages with any sort of objectivity, therefore, it is absolutely necessary to first investigate the manner in which the military policy being pursued in Ireland at the time had become a highly politicised issue.

Reference has earlier been made to the fact that in the spring of 1797 the British and Irish whigs joined forces under Lord Moira, a political ally of the Prince of Wales, in an effort to undermine the Pitt administration. One of their most effective strategies in this respect was an attack on the policy being pursued against the disaffected in Ireland. This amounted to an endeavour to exploit reports of outrages committed by the military in order to discredit the government. Moira argued in the British house of lords in November 1797 and in the Irish lords in February 1798 that the military excesses committed in Ireland were not isolated abuses but formed part of official policy. The British government had made the army in Ireland, he claimed, 'the instrument of a cruel and arbitrary system of vengeance and oppression'. He declared that the proclamation

⁸ W.J. Fitzpatrick, *The Life..of Lord Cloncurry*, pp.85-6

⁹ R.R. Madden, *The United Irishmen*, vol. ii, p.28; W.J. Fitzpatrick, *The Life..of Lord Cloncurry*, p.104

issued by General Lake on 13 March 1797, ordering the disarmament of Ulster, had led to house burning, picketing and half hanging by the troops. He claimed that on occasion as many as thirty houses were sometimes set alight during an arms search.¹⁰ Similar accusations were made by the whigs in the Irish commons in January and March 1798, when they pointed to the 'tortures, conflagrations, and murders' which had been committed by the military.¹¹

The extremely vague and general nature of these allegations has often been ignored. It was something that the whigs themselves were acutely aware of and endeavoured to explain by claiming that they did not want to further enflame the lower classes against the government at a time when a French invasion was likely.¹² In his speech in the British lords in November 1797 Moira stated that he came 'prepared with proofs' of military transgressions, both from personal knowledge and from unquestionable authority, but he preferred, however, 'to veil some of the most atrocious parts'. In the British commons on 14 December Sir Francis Burdett declared that 'individual instances of barbarity were 'scarcely worth notice in this stupendous system of cruelty and oppression'.¹³ This refusal by the whig leaders to make specific charges continued into 1798, despite the fact that efforts were made to arm them with details of alleged misconduct by the troops. In December 1797, after Moira had signalled his intention of taking his criticism into the Irish parliament, and while the government was preparing a list of United Irish outrages, an association 'for collecting proofs of the enormities lately committed against the rights of the people' was established.¹⁴ This was

¹⁰ *The Parliamentary History of England from the earliest period to the year 1803*, (36 vols., London, 1806-20), vol.xxxiii, pp.1058-66; Lord Moira to Lake, 26/01/1797 (N.L.I. Lake Ms.56, 134); *F.L.J.* 22/02/1797; W.J.Fitzpatrick, *The Life..of Lord Cloncurry*, p.104

¹¹ *D.E.P.* 16/01, 06/03/1798

¹² Lord Moira to Earl of Charlemont, 31/01/1798 (*The Manuscripts and Correspondence of James, First Earl of Charlemont*, 2 vols, H.M.C. London, 1891-4, vol. ii, p.323)

¹³ Charles H.Teeling, *Personal Narrative*, pp.171-2, 177; *Parliamentary History of England*, xxxiii, pp.1058-66

¹⁴ J.W. to _____, 29/12/1797 (Reb.papers 620/10/121/87); *D.E.P.* 01/02/1798

partly the result of contacts between whig and radical leaders during the year, and owed a great deal to the efforts made by William Sampson, 'a compounder of parties', to unite the different strands of opposition to the Irish administration. The association embraced whigs like Grattan, the Ponsonbys, Curran and Fletcher, certain influential catholics, as well as radicals like Robert Orr and Andrew Caldwell. By the end of December they had collected details of over 140 atrocities, and by March 1798 affidavits were being received daily.¹⁵ The catalogue of allegations against the government grew with the defection to the radical cause of two of the Castle's main informers, John Bird and Edward John Newell. Bird presented Moira with a thirty-two page account of the activities of 'the battalion of testimony', and he was confident that these details would 'raise thro[ugh] the three kingdoms such a tornado of execration as shall penetrate the inmost recesses of the cabinet of St. James and the Castle of Dublin'.¹⁶ Moira even held consultations with Grattan, Sampson, and Robert Orr, and was presented with the affidavits they had collected, before making his motion in the Irish lords in February 1798. He claimed in the preamble to that motion that since his arrival in Ireland he had received additional proofs of the authenticity of the allegations he had made in the British parliament, 'besides a great many other instances of outrages committed by the military on the peasantry'. In spite of this he scrupulously avoided mentioning any particular examples of impropriety. His charges resolved around 'a single well attested instance', that of a blacksmith who had been picketed in Downpatrick.¹⁷ Fitzgibbon even requested to know of Moira the reason why he did not bring forward that list of cruelties and murders which he had

¹⁵ J.W. to government, 28/04, 27/05, 28/07, 26/12, 29/12, 28/02/1798 (Reb.papers 620/10/121/54, 61, 71, 85, 87, 92); *Memoirs of William Sampson*, (New York, 1807), pp.72-5; William Drennan to Mrs Mc Tier, 08/02/1798 (*The Drennan letters 1776-1819*, ed. , D.A. Chart, Belfast, 1931, p.266)

¹⁶ *Memoirs of William Sampson*, 77-8; John Bird to Camden, 03/02/1798, John Bird to Giffard, n/d (K.A.O. Pratt papers U840/0197/2, Reb. papers 620/34/28); J.W. to government, 17/02/1798 (Reb.papers 620/10/121/91)

¹⁷ Lord Moira to Charlemont, 31/01/1798 (*H.M.C. Charlemont*, ii, 323); Wm. Drennan to Mrs McTier, 22/02/1798 (*Drennan Letters* , 268); *F.L.J.* 22/03/1797; A.Aspinall, *The Corresp. of George, Prince of Wales 1770-1812*, (London, 1965), vol. iii, p.400, note i

mentioned as having in his possession during his motion in the British lords in the previous November. Moira replied that he believed 'it would have been for the benefit, for the honour of the country, if all that had passed had been forgotten'.¹⁸ This was the line followed by several other whigs when they drew attention to the repressive measures being pursued in the kingdom. Despite claiming that he could produce a *thousand* instances of military outrages, Dr. Arthur Browne was reluctant to enter into particulars in the Irish commons in January 1798, for fear of enflaming the country. Sir Lawrence Parsons' motion on the state of the country in March 1798 also resulted in very general accusations against the government, despite the fact that he had claimed to have in his possession 'a volume of evidence', and had held prior consultations with Sampson and Thomas Addis Emmet, who had allowed him to take extracts from the evidence they had collected on military excesses.¹⁹ In a similar fashion, in their petition to the king on 5 April 1798, requesting him to dismiss his ministers, the whig club of Ireland referred to picketing, torture, half-hangings and arbitrary transportations, but did not give one specific detail.²⁰

The fact that the whigs were astute politicians attempting to undermine the Pitt administration has often been overlooked. Monitoring parliamentary proceedings from France, Wolfe Tone dismissed Moira's motion in the Irish lords as a 'milk and water harangue'. Tone noted the speech in his journal with undisguised disdain:

'I was exceedingly disappointed at his [Moira's] speech, which was feeble indeed, containing little else than declamation, and scarcely a single fact...A man in his situation, who can tell the truth with safety, or even with danger, and does not, is a feeble character, and his support is not worth receiving. He must speak out *all*, boldly, or be silent'.

¹⁸ D.E.P. 20/02/1798

¹⁹ D.E.P. 16/01, 06/03/1798

²⁰ Charles Dickson, *Revolt in the North*, pp.120-1

Although normally an astute observer of the Irish political scene, Tone failed to discern the agenda behind Moira's 'timid and unmanly suppression of facts'²¹. Despite their claims to the contrary, the earl and his political allies *were* extremely anxious to create a fermentation in the public mind. They realised that one of the best means to this end was to make accusations about the existence of a general system of outrage rather than presenting actual proof of one or two specific incidents. Their success in this endeavour is illustrated by the degree of credence generally accorded to their allegations. Even today whig declarations surface in the claims of modern historians that Ulster was 'dragooned' in 1797.²² It is unquestionable that the military in Ireland during the pre-rebellion period committed a great many irregularities, and in the month before the outbreak of hostilities the viciousness of many of these outrages became more pronounced with the employment of pitch-capping and flogging on a greater scale. On the other hand, for much of the period the newspapers, and not just the 'Castle prints', carry no details of atrocities. Moira was so conscious of this fact that he claimed in February 1798 that editors were afraid to publish such reports, for fear of incurring the same fate which befell the *Northern Star*, which had been suppressed by the military in May 1797.²³ Grattan had similarly deflected criticism on this point in his 'address to his fellow citizens' in 1797, by declaring that many of the house burnings and murders committed by the army were concealed 'by the suppression of a free press by military force'.²⁴ Another whig commentator, Lord Wycombe, claimed in a letter to his father that

²¹ Thomas Bartlett, (ed.) *Memoirs and Journals of T.W.Tone* (Dublin, 1998) p.827

²² Thomas Bartlett, 'The Invasion that never was'; Kevin Whelan, 'Bantry Bay the wider context', both in *The French are in the Bay* (ed.) John A. Murphy, (Cork, 1997), pp.61, 112, 114-5; Nancy J.Curtin, *The United Irishmen: Popular politics in Ulster and Dublin, 1791-8*, (Oxford, 1994), pp.111, 115, 268; Allan Blackstock, *An Ascendancy Army: The Irish Yeomanry, 1796-1834*, (Dublin, 1998), p.239; Ruan O'Donnell, *The Rebellion in Wicklow, 1798*, (Dublin, 1998), pp.101, 151

²³ Lord Moira to Lieutenant-General Lake, 26/01/1797 (N.L.I. Lake papers Ms.56, 134); See also Lord Moira to Prince of Wales, 12/08/1797 (A. Aspinall, *Corresp. of George, Prince of Wales*, vol. iii, p.365)

²⁴ R.R. Madden, *The United Irishmen*, vol. i, p.298

the Irish newspapers 'do not dare' to insert details of military atrocities.²⁵ In *A letter to the Irish Nation*, which was published in the *Press* on 2 January 1798, Arthur O'Connor claimed that from the time that the *Northern Star* was forcibly suppressed, no newspaper in the kingdom would publish an account of military transgressions.²⁶ This was a convenient means of suggesting that the outrages that were reported were only the tip of the iceberg. In actual fact, however, the newspapers never stopped reporting military irregularities. All of the serious incidents which occurred during this time, and which we know of from other sources, appeared within the columns of the press. The radicals even established their own newspaper, entitled the *Press*, in September 1797 with the specific aim of highlighting such episodes.²⁷ It will be shown in the course of this chapter that the absence of such reports for considerable periods of time was due more to the sporadic nature of the outrages, rather than to any deliberate suppression of the truth.

(2)

The accompanying charts record the geographical and temporal spread of outrages committed by the military in Ireland from the beginning of the disarmament of Ulster in March 1797 until the outbreak of rebellion on 23 May 1798. Each entry refers to a single transgression of the law by the military, irrespective of the seriousness of that transgression. In other words, the stealing of provisions by troops in Carrickfergus in March 1797 and the burning of the village of Moyvore in county Westmeath in June 1797 are each represented by one entry, despite the contrast in magnitude. At first sight the chart might appear to substantiate whig allegations about the conduct of the army in Ireland. When the nature of the outrages is examined, however, it is possible to reach a different conclusion. There are a number of factors which must be taken into

²⁵ Lord Wycombe to Lord Holland, 11/05/1798 (B.L. Holland Ms.51,684,64-6)

²⁶ R.R. Madden, *The United Irishmen*, vol. i, p.79

²⁷ *The Press* 23/09/1797

consideration in any discussion of outrages in the pre-rebellion period. The previous chapter highlighted the fact that military life in eighteenth century Ireland was turbulent, and often without the imposition of regular discipline.²⁸ In addition, many of the outrages committed by the army, and recorded in the accompanying charts, were relatively minor affairs involving simple heavy-handedness²⁹, a lack of discipline by the officer class³⁰ or the influence of alcohol, particularly in large urban areas like Dublin which had a rowdy mob element and a plentiful supply of ale-houses.³¹

For the purposes of clarity and analysis I have divided the period under discussion into three phases. The first deals with the disarmament of Ulster from March to May 1797; the second begins with the proclamation issued by the lord lieutenant and council on 17 May, and Carhampton's orders thereon, dated 18 May, which authorised the military to act independently of the civil magistrate throughout the entire kingdom; and the third begins after the proclamation of 30 March 1798 which was an emphatic reassertion by the ruling Castle clique of their favoured policy of employing the military without the civil authority, in contrast to the more measured policy pursued by Sir Ralph Abercromby during his short period as commander-in-chief. This final period also witnessed the appointment of General Gerard Lake to the Irish command in place of Abercromby.

(3)

²⁸ For a more enlarged discussion of this point see chapter six pp.261-262

²⁹ Lieutenant-General Lake to Pelham, 06/06/1797 (P.R.O.N.I. Pelham papers T.755/5/183)

³⁰ Captain Arthur Kay to Lord _____, 30/08/1797 (Reb.papers 620/32/90); Arthur Wolfe to Cooke, 31/08/1797 (Ibid. 620/32/91)

³¹ Pelham to Carter, 30/10/1797 (P.R.O. H.O.100/72/326-7); Camden to Grenville, 03/11/1797 (*The Manuscripts of J.B. Fortescue, Esq.*, preserved at Dropmore, H.M.C. 13th. Report, appendix part iii, London, 1892-94, pp.386-90); James Falls to James Stewart, 24/11/1797 (Reb.papers 620/33/85); N.L.I. Kilmainham papers Ms.1014/105

Reference has earlier been made to the importance of the Bantry scare in December 1796 in the growth of support for a tough law and order policy by Dublin Castle.³² Government supporters exclaimed against the ease with which the French had reached Bantry, the length of time they lay off the coast, and the fact that they had been allowed to retreat to France in a distressed condition without serious molestation by the royal navy.³³ John Beresford voiced the fears of the entire loyalist constituency:

We see that we must in a like situation depend upon ourselves...we expect them [the French] again; and here I think they will come...we are unprepared, and we have no money to put ourselves into a state of preparation; all this is known and has put the best friends of both countries, into ill humour!.³⁴

The realisation that Britain could no longer be relied upon for immediate assistance in case of a crisis, the dangers of what might have been had the French actually effected a landing, and the boost given to United Irish numbers by the appearance of the French, forced Camden to accept loyalist demands for a tougher security policy. The 'sullen response' of Ulster in general and Belfast in particular during the invasion scare indicated where the area of greatest threat lay, and following the near miss at Bantry the pressure from northern loyalists led to the proclamation of several parts of the province under the insurrection act. By March 1797 districts in counties Armagh, Antrim, Derry, Donegal, Tyrone and the whole of county Down had been proclaimed out of the king's peace.³⁵

³² See chapter six p.264

³³ Fitzgibbon to Lord Auckland, 02/01/1797 (R.B.MacDowell, 'Some Fitzgibbon letters from the Sneyd Muniments in the John Rylands Library', *Bulletin of the John Rylands Library*, vol.34, no.2, 1951-2, p.304); Cooke to Lord Auckland, 07/01/1797 (P.R.O.N.I. Sneyd papers T.3229/2/17)

³⁴ John Beresford to Lord Auckland, 28/01/1797 (B.L. Auckland Add. Ms.34,454,99-100)

³⁵ T. Bartlett, 'The Invasion that never was', pp.60, 63; N.A. Official Papers, ii, 990

The failure of the insurrection act to satisfy hard-line government supporters has already been illustrated, and it was this failure which led to a growth of opinion among the loyalist community that the act itself was insufficient to cope with the extent of the security problem in Ulster. In essence, loyalists soon discovered that no matter how far the powers of the civil authority were enlarged, there was no guarantee that liberal magistrates would enforce the vigorous security policy which they desired. It was this realisation that led to demands by government supporters for the direct employment of the military independent of the civil magistrates.³⁶

Camden was unable to withstand such concerted lobbying, particularly after the murder of Rev. Hamilton at the beginning of March, and on 3 March he directed General Lake to disarm all non-military personnel in Ulster. Lake was authorised to disperse by force any tumultuous assemblies without waiting for the sanction and assistance of the civil authority, and he was to regard the disturbed parts of the country as being placed under military rule. Communication between those suspected of evil designs was to be interrupted, patrols established on the high roads and other passes, and all persons stopped after a certain hour. The limit of Lake's authority was left to his own discretion. Pelham informed him that if there was any backwardness on the part of the magistrates and gentlemen of the country to exert themselves, and if the urgency of the case demanded a conduct beyond that which could be sanctioned by the law, he was to act on his own authority and 'not to suffer the cause of justice to be frustrated by the delicacy which might have actuated the magistracy'. Even Camden expressed his hope that the military would have an opportunity to display their strength against the disaffected, and he ordered Lake to disperse any illegal assemblies 'somewhat roughly' in order to make them less numerous and less frequent.³⁷ Before the troops began to search the countryside for concealed arms around 10 March, Lake prepared them to act with 'the

³⁶ See chapter two, pp.81-105 for a discussion of loyalist dissatisfaction with the insurrection act.

³⁷ Pelham to Lieutenant-General Lake, 03/03, Pelham to Camden, 03/03/1797 (N.L.I. Lake papers Ms.56, 31-2); *FLJ*. 22/03/1797;

Camden to Lieutenant-General Lake, 23/03/1797 (K.A.O. Pratt papers U840/0165/4)

utmost vigour` and instructed the officers commanding detachments to act without the civil magistrates wherever they found it necessary.³⁸ Although he issued a proclamation on 13 March demanding the surrender of all arms and ammunition by non-military personnel in Ulster, this was merely a rubber stamp for a process of disarmament which had already begun a few days earlier.³⁹

Although the military had committed irregularities before March 1797, the active employment of troops in searching the countryside for arms allowed greater opportunity for unrestrained military license. The scattered nature of rural habitations, and the need to make the searches as widespread and simultaneous as possible, meant that many of the troops conducted their operations without close officer supervision. With the troops out in small parties searching the countryside for concealed arms, often with little or no supervision, and authorised to act independently of the civil authority, the reports of military excesses inevitably began to increase. It is hardly surprising, therefore, that as soon as the arms searches began in Ulster around 10 March, more frequent complaints about the conduct of the troops began to arise from that province. The yeomen in particular were indicted for revenging their `private picques and animosities`. The outrages committed, however, were relatively minor affairs, with the troops exploiting the opportunity to insult and abuse the people, and to plunder provisions.⁴⁰ Lake was correct in his calculation at the close of March that `considering the service we have been employed upon` there had been `very few irregularities` committed, and no great acts of violence.⁴¹ Even a hostile observer like Mrs. McTier at Belfast admitted on 29 March that `at present Lake (a good man) is responsible...The officers, I believe, in general behave

³⁸ Lieutenant-General Lake to Pelham, 06/03, 25/03/1797 (P.R.O.N.I. Pelham T.755/4/1/188, 4/2/289); Lieutenant-General Lake to Camden, 25/03/1797 (K.A.O. Pratt papers U840/0165/5)

³⁹ Pelham to Lieutenant-General Lake, 03/03/1797 (N.L.I. Lake papers Ms.56, 31); *FLJ*, 22/03/1797

⁴⁰ *N.S.* 13/03, 17/03, 03/04/1797

⁴¹ Lake to Camden, 25/03, Lake to Pelham, 25/03/1797 (K.A.O. Pratt papers U840/0165/5, P.R.O.N.I. Pelham T.755/4/2/289)

well and hate their present degrading service'.⁴² Throughout March and April accounts of military outrages were sporadic and infrequent, being mainly confined to counties Antrim, Armagh and Down, and generally of a relatively insignificant nature. Moira's accusation in the British lords in November 1797 that 'the greatest cruelties' had been committed under the proclamation of the previous March, and that all houses suspected of containing concealed arms were burned down, was wholly inaccurate.⁴³

(4)

The result of the disarmament of Ulster was a disappointment to government supporters, particularly as the number of arms surrendered or seized by the military was relatively small⁴⁴, and they began to press for the adoption of additional measures. As early as 25 March Camden was informed by Generals Lake, Knox and Cavan, the commanding officers in the northern district, that Ulster could only be successfully disarmed under martial law, with a large body of troops stationed in the province, and with one or two towns threatened with destruction unless all arms were surrendered. Knox wanted to have the military empowered to lay waste entire districts and allow individual officers authorised to 'take such measures of coercion as he may think proper without being amenable to any tribunal for his conduct'. He recommended that unless the arms and ammunition of counties Down and Antrim were surrendered by a certain date, the towns of Belfast and Newry should be destroyed. The sight of either county submitting would, he hoped, spark the submission of the whole province.⁴⁵ In justification

⁴² Mrs. McTier to William Drennan, 29/03/1797 (*The Drennan Letters*, p.253)

⁴³ R.R.Madden, *United Irishmen*, vol. i, p.301

⁴⁴ George Anderson to Downshire, 14/03, James Arbuckle to Downshire, 15/03, Camden to Downshire, 17/03/1797 (P.R.O.N.I.

Downshire D.607/E/144, 190, 192); *Reports of the Committee of Secrecy of the House of Commons and the House of Lords of Ireland* (1798), p.8

⁴⁵ Lake to Pelham, 13/03, 19/03, 21/03, 16/04/1797 (P.R.O.N.I. Pelham T.755/4/2/2, 254, 267, 5/75); Lake to Knox, 15/03 ,

for their demands, the Ulster generals could point to a deterioration in the rule of law in the north of Ireland. On 12 April three of the Armagh militia were killed and six others wounded when they were attacked by a large mob in county Monaghan.⁴⁶ The spring assizes across the province witnessed almost general acquittal of those tried for seditious offences.⁴⁷ The result of the Ulster assizes had served to encourage the activity of the disaffected⁴⁸, while simultaneously shaking loyalist confidence in the government's ability to cope with the situation in the north of the kingdom.⁴⁹ In addition, there were unmistakable signs that the spirit of sedition had also begun to spread into previously undisturbed areas of the south and west of the kingdom.⁵⁰ Even more disconcerting was the 'systematic procedure' evident in the murder of Rev. George Knipe in county Meath on 29 April, which appeared to illustrate to Irish loyalists the intention of the disaffected to assassinate all the well disposed.⁵¹ This situation led to an increase in the number of calls for a more active security policy and the proclamation of martial law.⁵² One government supporter from Edenderry in King's county recommended on 16 April that if individuals found out of their homes at night could not satisfactorily account for their absence, they should have their houses burned.⁵³ Major Roger Park recommended from Roscommon on 22 May that the only way of saving the country was by 'opening an early

25/03/1797 (N.L.I. Lake papers Ms.56, 33, 37); Knox to Pelham, 02, 04, 16/04/1797 (K.A.O. Pratt papers U840/0164/1; Reb. papers 620/29/177; P.R.O.N.I. Pelham T.755/4/2/381-2); *Plan of General Knox*, n/d (K.A.O. Pratt papers U840/0157/8)

⁴⁶ John Ker to _____, 09/04/1797 (Reb.papers 620/29/201)

⁴⁷ On this point see chapter three pp.116-120

⁴⁸ Thomas Lane to Downshire, 01/05/1797 (P.R.O.N.I. Downshire papers D.607/E/255)

⁴⁹ Dean Charles Warburton to _____, 12/04/1797, n/d (Reb.papers 620/29/223, 242)

⁵⁰ Camden to Portland, 10/04, 15/04/1797 (P.R.O. H.O.100/69/195-213, 71/241-2); *FLJ*. 01, 15, 19, 29/04/1797

⁵¹ George Lambart to _____, 03/05/1797 (Reb. papers 620/30/12)

⁵² Fitzgibbon to Lord Mornington, 20/04/1797 (B.L. Wellesley papers Ms.37,308,36-9); Alexander Ker to Pelham, 08/05/1797 (Reb.papers 620/30/36)

⁵³ William Lambart to _____, 16/04/1797 (Reb.papers 620/29/268)

campaign, traverse the whole kingdom, as troops do in a neutral country, take all arms and ammunition from all descriptions of people, and make severe examples of those who may be found with arms in their hands or concealed arms. Any country or town found obstinate, lay it waste'.⁵⁴ As early as 3 April Camden himself had already begun to question whether the measures he had adopted for the disarmament of Ulster had been vigorous enough. He informed Grenville on 18 April that he was endeavouring to find 'some opportunity of letting them [the disaffected] feel the weight of military arguments'.⁵⁵

Reference has been made in a previous chapter to the series of county meetings which the whigs had organised throughout Great Britain and Ireland in preparation for the general election of July 1797.⁵⁶ This was one of the strategies adopted by the coalition of British and Irish whigs which had been formed in the spring of that year under the leadership of Lord Moira. Their aim was to unhinge the Pitt administration by attacking the coercive security measures which were then in the process of being implemented in the north of Ireland. Moira and Fox introduced separate motions in the British parliament in March 1797 which requested that conciliatory measures be instantly adopted in Ireland and which deprecated the existing law and order policies.⁵⁷ The links between the British and Irish whigs is illustrated by the fact that Fox's speech in the British commons was principally grounded 'upon the facts and arguments' with which he had been furnished by Grattan. In addition, the series of county meetings which were designed to petition the king for the dismissal of his ministers originated in a suggestion made by Fox to Grattan.⁵⁸ From April 1797 county meetings were held at Dublin⁵⁹,

⁵⁴ Major Roger Park to Colonel Cooper, 22/05/1797 (Reb. papers 620/30/144)

⁵⁵ Camden to Portland, 03/04, Camden to Grenville, 18/04/1797 (P.R.O. H.O.100/69/176-182; *H.M.C. Fortescue*, vol. iii, pp.314-5)

⁵⁶ See chapter five p.231

⁵⁷ Portland to Camden, 15/03/1797 (P.R.O. H.O.100/69/152-3); *The Parliamentary History of England from the Earliest Period to the year 1803*, (36 vols., London, 1806-20), vol. xxxvi, pp.127-170

⁵⁸ *Memoirs of the Life and Times of the Rt. Hon. Henry Grattan*, ed. his son, (5 vols., London 1839-42), vol. iv, pp.314-6

Kildare⁶⁰, Antrim⁶¹ and Armagh⁶². Even more alarming to the Irish administration was the evidence of growing links between the parliamentary opposition and the United Irishmen. Grattan was involved in negotiations with United Irish leaders in March 1797 on the subject of parliamentary reform⁶³, and before the introduction of Ponsonby's reform bill in May of that year there were moves to concert a joint strategy between the opposition and the radical leaders.⁶⁴ One of the key figures in this attempted rapprochement was William Sampson, foreshadowing his later involvement in Moira's attempt to highlight the excesses committed by the military in Ireland. Sampson also claimed to have been prominently involved in composing many of the county petitions calling for the dismissal of the administration.⁶⁵

The strength of this threat to the established political order in London and Dublin has been gravely underestimated. Camden for one was seriously concerned by this development and informed Portland that the disaffected appeared to have made an impression upon the minds of 'the better descriptions of persons, and particularly of some gentlemen of independent principles and conduct'.⁶⁶ Part of his alarm may have arisen from the fact that the Earl of Charlemont and James Stewart, M.P. for county

⁵⁹ Camden to Portland, 18/04/1797 (P.R.O. H.O.100/71/255-60)

⁶⁰ Camden to Portland, 28/04/1797 (P.R.O. H.O.100/69/235-44); Vesian Pick to Pelham, 20/05/1797 (Reb.papers 620/30/125)

⁶¹ E.A. McNaghton to Pelham, 08/05/1797 (Reb.papers 620/30/37); Chichester Skeffington to _____, 09/05/1797 (Ibid. 620/30/45)

⁶² William Richardson to _____, 08/04/1797 (Reb.papers 620/29/200); John Beresford to Cooke, 11/04/1797 (Ibid. 620/29/216); J.

James Dawson to _____, 11/04, 13/04, 20/04/1797 (Ibid. 620/29/219, 245, 291); Pelham to James Dawson, 17/04/1797 (Ibid.

620/29/274); Knox to Pelham, 19/04/1797 (P.R.O.N.I. Pelham T.755/4/2/379-81); C.Warburton to _____, 20/04/1797 (Reb.papers

620/29/290); Gosford to _____, 21/04/1797 (Ibid. 620/29/292); Camden to Portland, 29/04/1797 (P.R.O. H.O.100/71/281-4)

⁶³ J.W. to government, 28/04/1797 (Reb.papers 620/10/121/54)

⁶⁴ *Memoirs of the Life and Times of the Rt. Hon. Henry Grattan*, ed. his son, iv, pp.285-6; Stephen Gwynn, *Henry Grattan and his Times*, (London, 1939), p.319

⁶⁵ *Memoirs of William Sampson*, p.75

⁶⁶ Camden to Portland, 21/03, 15/04, 22/04, 28/04/1797 (P.R.O. H.O.100/69/160-1, 195-213, 221-2, 245-8)

Tyrone, had called upon him at the beginning of April in order to press upon him the absolute necessity for a measure of parliamentary reform.⁶⁷ Camden suspected that the gentlemen of the northern counties were beginning to encourage the 'pretended' principles of the United Irishmen in regard to parliamentary reform and catholic emancipation. They had also joined in the calls for a change of government, and Camden felt that they were endeavouring to place themselves at the head of the United Irish movement in order to distress the administration. He feared that once the gentlemen had associated themselves with the United Irishmen, they would be unable to counteract the more dangerous intentions of the radical organisation.⁶⁸ It was not only Camden who was concerned at developments in Ireland. His supporters, the men who effectually controlled the formation of security policy, were also uneasy. A rumour in circulation at the beginning of June that Fox had held consultations with the king and that Pitt was to be ousted from office, was a source of serious concern to several leading Irish loyalists including Foster, Fitzgibbon and Shannon.⁶⁹

In consequence of the spread of disaffection and the threat posed by the whigs in the politically sensitive pre-election period, Camden bowed to pressure from his advisers and agreed to implement the policy they desired. The first step towards the adoption of additional security measures was the establishment of a parliamentary secret committee in May 1797, in order to examine the papers seized in the capture of two United Irish societies at Belfast. This would serve the two-fold purpose of justifying those measures which had already been adopted against the disaffected, while also authorising the grant of additional powers to the army.⁷⁰ After the committee had announced its conclusion that separation from Great Britain was the real object of the United Irishmen, Camden

⁶⁷ Memorandum book of Camden, 03/04/1797 (K.A.O. Pratt papers U840/0129)

⁶⁸ Camden to Portland, 21/03, 15/04, 22/04, 28/04/1797 (P.R.O. H.O.100/69/160-1, 195-213, 221-2, 245-8)

⁶⁹ Lord Shannon to Lord Boyle, 06/06/1797 (Quoted by Esther Hewitt, ed. *Lord Shannon's letters to his son: A Calendar of Letters written by the Second Earl of Shannon to his son Viscount Boyle, 1790-1802*, Belfast, 1982, pp.56-7)

⁷⁰ Camden to Portland, 28/04, 18/05/1797 (P.R.O. H.O.100/69/245-8, 307-314)

was called upon by parliament to immediately exert all the powers entrusted to his care, both civil and military, to suppress those who entertained rebellious designs against the crown and constitution. In response he issued a proclamation on 17 May which announced the government's intention of extending to the rest of the kingdom the freedom given to the military in Ulster in March. This proclamation declared that the situation in the country, and the fact that the civil power had been proved 'ineffectual' for the suppression of disturbances, made it incumbent upon the administration 'to use the utmost powers with which government is by law entrusted'. This amounted to the direct employment of the military power, and orders had been issued to all commanding officers 'by the exertions of their utmost force' to suppress all disturbances 'and to oppose with their full power all such as shall resist them in the execution of their duty'. Although the ostensible motivation behind the proclamation was the activity of the United Irishmen, it is clear that the Castle's anxiety over the whig county meetings was the dominant element in its issue at that particular time. The population at large were warned against meeting in 'tumultuous or unlawful assemblies, or from meeting in any unusual numbers' and under any 'plausible or colourable pretence whatsoever'.⁷¹

Carhampton's orders in consequence of this proclamation illustrated the manner in which the military were now to be employed. On 18 May Carhampton, as commander-in-chief, authorised the troops to act throughout the kingdom independently of the civil power.⁷²

As a concession to those northern loyalists who were disappointed that the proclamation had not signalled the implementation of martial law⁷³, the government took particular pains to encourage the zeal of the military in Ulster. Pelham informed General

⁷¹ *Reports of the Committee of Secrecy of the House of Commons and the House of Lords of Ireland* (1798), appendix x, pp.122-5

⁷² *Ibid.*, appendix xii, p.128

⁷³ Henry Alexander to Pelham, 22/05/1797 (Reb.papers 620/30/149); Lieutenant-General Lake to Pelham, 18/05, Brigadier-General Knox to Pelham, 28/05/1797 (P.R.O.N.I. Pelham T.755/5/75, 139); Correspondence of Camden and Knox, 30/05, 03/06/1797 (K.A.O. Pratt papers U840/0164/2-3); Pelham to Lord Sheffield, 20/05, 22/05/1797 (Quoted by A.P.W. Malcomson, ed. *An Anglo Irish Dialogue: a calendar of the correspondence between John Foster and Lord Sheffield, 1774-1821*, Belfast, 1976)

Lake on 20 May that while the prevention of outrage was left at the discretion of commanding officers, 'a striking example in a strong case would have a good effect & I should have no scruples in levelling to the ground any forge where pikes had been manufactured'.⁷⁴ This encouragement filtered down the chain of command. In mid-Ulster, Brigadier-General Knox gave orders to the military to punish 'without recourse to a civil tribunal' all persons holding treasonable language to the soldiery or attempting to seduce them from their allegiance.⁷⁵ John Giffard, captain of the city of Dublin militia stationed at Carlingford, was ordered by General Nugent to conduct an arms search of the area in early June 'with some vigour and ruthlessness'. Truculence on the part of the part of the people was to be answered by an attack on property and 'a house or two burned'.⁷⁶ In consequence of such instructions, many of the military interpreted the proclamation of May 1797 as equivalent to granting them unlimited authority. General Hewett, the adjutant-general, reported on 25 May that the soldiers had understood it as a declaration of martial law, and had evinced 'a pretty strong inclination to act against all who may be pointed as inimical'.⁷⁷

The freedom given to the military by the May proclamation, and Carhampton's order thereon, and the added encouragement given to the commanding officers in Ulster, led to far more complaints of outrages in the province than had arisen in the March-April period. In addition, the outrages complained of became more violent, as flogging, half-hanging and house burning began to be employed in certain cases for the first time in order to obtain confessions about hidden arms.⁷⁸ Lord Cavan, who commanded the Derry

⁷⁴ Pelham to Lieutenant-General Lake, 20/05/1797 (P.R.O.N.I. Pelham T.755/5/85)

⁷⁵ Brigadier-General Knox to Pelham, 22/05/1797 (P.R.O.N.I. Pelham T.755/5/101)

⁷⁶ Colonel Sankey to Captain John Giffard, 12/06/1797 (Quoted in P.C. Stoddart, 'Counter-insurgency and defence in Ireland, 1790-1803', Oxford Univ. D.Phil. thesis 1972, 175)

⁷⁷ Adjutant-General Hewett to Brigadier-General John Knox, 25/05/1797 (N.L.I. Lake papers Ms.56, 81)

⁷⁸ Rev.Hudson to Charlemont, 25/06, 31/06, 15/07/1797 (*H.M.C. Charlemont*, vol. ii, p.305, i and ii, p.308); Henry Alexander to Pelham, 03/07/1797 (Reb.papers 620/31/298); Captain Evans to General Wilford, 15/08/1797 (*Ibid.* 620/32/50); Mary McNeill, *The*

garrison, was reported to have made a policy of house burning, and Sir George Hill calculated that some twenty houses had been burned in Cavan's district by October 1797.⁷⁹ Although there was a significant increase in the number of outrages reported in the province after the May proclamation, one cannot refer to a dragooning of Ulster. Temporally the outrages are concentrated in the period immediately following the proclamation until July of that year. After July the irregularities reported in Ulster decrease in number, with serious incidents occurring only very occasionally. The pattern is briefly interrupted in October when the military in certain towns smashed the windows of those houses which were not illuminated to celebrate Admiral Duncan's victory over the Dutch fleet at the Texel.⁸⁰ Geographically, the outrages committed in the province are concentrated in two main areas. The first stretches from south Down through south Armagh and into county Monaghan. This incorporated the actions of the temperamentally unstable Lord Blayney at Castleblayney, and those of the Ancient British fencible cavalry who were stationed at Newry, and who showed a propensity for house burning and half-hanging.⁸¹ The *Union Star* reserved a special place in its hall of fame for Blayney: 'This nicknamed monster, is employed in hunting and exterminating the unfortunate Irish. He has already put above nineteen to death with his own hand'.⁸² After having revealed his belief that 'retaliation in point of destroying property, burning houses and setting the inhabitants to the mercy of the elements' was the only way to save the country from revolution, he was appointed by Carhampton to the command of a flying column and instructed to make 'some examples' upon the 'persons and properties'

Life and Times of Mary Ann McCracken, 1770-1866: A Belfast Panorama, (new edition, Belfast 1988), pp.23-4

⁷⁹ James Hamilton to Abercorn, 17/06, 18/07/1797 (P.R.O.N.I. Abercorn T.2541/1A2/6/30, 31); H. Alexander to Pelham, Received 03/07/1797 (Reb.papers 620/31/298); Memorandum of Sir George Hill (P.R.O.N.I. Hill of Brookhall papers D642/A/16/16)

⁸⁰ Major-General G.Nugent to Pelham, 11/10/1797 (Reb.papers 620/32/161); *The Press* 16/10, 21/10, 26/10, 28/10, 18/11/1797

⁸¹ Captain John Giffard to Cooke, 05/06/1797 (Reb.papers 620/31/36); *The Press* 10/10, 18/11/1797; See chapter six pp.257-258 for an illustration of the activity of the Ancient Britons.

⁸² Edition of *The Union Star* contained in Camden to Portland, 03/11/1797 (P.R.O. H.O.100/70/191-277)

of the disaffected. Carhampton informed him not to hesitate to 'destroy the habitations from whence any of the inmates sally forth to annoy the king's subjects'. After burning twenty-two houses in south Armagh in mid-June, and declaring that even more severe measures were necessary, Blayney was called to Dublin by the lord lieutenant in order to have the boundaries of his authority revised.⁸³ Even before this incident Pelham had hoped that it would be possible to 'temper his [Blayney's] zeal without checking it'.⁸⁴ By the beginning of August 1797 the chief secretary confessed his doubts about Blayney to one Castle correspondent: 'His activity has been useful, but I am always under apprehensions from his great indiscretion'.⁸⁵ The government was so conscious of the severity of the actions of Blayney and the Ancient Britons that it used the secret committee report of 1798 to suggest that troops had been reacting to a revolt by the United Irishmen. In the summer of 1797, the report declared, the army had to suppress 'a partial rising' in the mountains of county Down.⁸⁶ The second area of concentrated outrage stretched from Belfast, where the overwhelming majority of incidents reported in county Antrim were committed, into north Down, where the zeal of the military was encouraged by the local magnate Lord Downshire.⁸⁷ The outrages committed in Belfast were mainly perpetrated by the Monaghan militia who were anxious to prove their zeal and loyalty after the dramatic execution at Blaris Moor of four of their number for disaffection.⁸⁸ The concentration of outrage in these two areas can be attributed to loyalist fears about the Defender stronghold of south Ulster, and the United Irish

⁸³ Lord Blayney to _____, 22/05/1797 (Reb.papers 620/30/148); Captain John Giffard to Cooke, 05/06/1797 (Ibid. 620/31/36); *The Press* 10/10, 18/11/1797; N.L.I. Kilmainham papers Ms.1081/118-9

⁸⁴ Pelham to Henry Alexander, 26/05/1797 (Reb.papers 620/30/149 - enclosure)

⁸⁵ Pelham to Bishop of Clogher, 01/08/1797 (Reb.papers 620/31/290)

⁸⁶ *Reports of the Committee of secrecy of the House of Commons and the House of Lords of Ireland, with appendices* (Dublin, 1798), p.9

⁸⁷ Correspondence of Camden and Portland, 01/07, 06/07, 10/07/1797 (P.R.O. H.O.100/69/448-450, 70/17-8, 41-6)

⁸⁸ Thomas Lane to Downshire, May, 15/06/1797 (P.R.O.N.I. Downshire D.607/E/27, 277); *The Press* 16/10, 14/11/1797

heartland in and around Belfast and north Down.⁸⁹ Outside these two areas military outrages were sporadic and infrequent. In addition, many of the incidents reported were still relatively minor affairs involving drunken soldiers or even disputes between different regiments. Once one actually endeavours to chart the outrages committed 'the generalisations begin to dissolve into a handful of actions or to events in limited and rather well defined districts'.⁹⁰ Under these circumstances, it is absolutely essential to revise the prevalent view that Ulster in 1797 suffered from a policy of 'house burnings, transportation to the fleet without trial, mass floggings and summary executions'.⁹¹

The fact that the May proclamation was not limited in its application to the province of Ulster resulted in a wider geographical spread of reports of military outrages outside of the north of Ireland. There are four key areas which can be identified. The first centred on County Westmeath, where the Wicklow militia embarked on a campaign of repression in the summer of 1797.⁹² The reasons for the violent behaviour of this regiment have already been discussed in the previous chapter.⁹³ At this point it is necessary to add, however, that they were encouraged to display their zeal for the service by Carhampton. On 18 May he upbraided their commanding officer at Mullingar for failing to prevent a body of Defenders from entering the town, where 150 of the regiment were stationed.⁹⁴ Stung by this criticism the regiment set out to demonstrate

⁸⁹ L.M. Cullen, 'Political Structures of the Defenders', in *Ireland and the French Revolution*, (eds.) Dickson and Gough, (Dublin, 1990), p.129

⁹⁰ L.M. Cullen, 'The United Irishmen', in *Ulster Local Studies*, vol. 18, no. 2, p.8

⁹¹ R. O'Donnell, *Rebellion in Wicklow*, p.102

⁹² J. Low to _____, 05/06/1797 (Reb.papers 620/31/151); *F.L.J.* 17/06/1797; George Bell to Major Radcliff, 19/06/1797 (Reb.papers 620/31/122); Francis Sheridan, Captain Ormsby to Carhampton, 21/06/1797 (Ibid. 620/31/144); J.W. to government, 21/06/1797 (Ibid. 620/10/121/68); N.L.I. Kilmainham papers Mss.1081/288, 1013/275; *Memoirs of William Sampson*, pp.423-6; *The Press* 14/11, 09/01, 11/01/1798

⁹³ See chapter six pp.253-255

⁹⁴ N.L.I. Kilmainham papers Mss.1081/116, 128; Lord Blayney to Lord Glantworth, [June] 1797 (Reb.papers 620/34/45)

their activity. They were assisted by the proclamation of most of the county on 25 May, and the violent disposition of a local magistrate and member for the county, Robert Rochfort, who supervised the burning of thirteen houses and the shooting of two men on 13 June, in revenge for the murder of a local informer.⁹⁵ The fact that Westmeath was the only county outside of Ulster by 20 July that completed a return of arms seized by the military is testimony to the activity of the regiment.⁹⁶ The border area of counties Kildare and Meath was another area with a relatively high number of outrages in the period from May to July, and they appear to have been a reaction to Rev. Knipe's murder near the Kildare border at the end of April. His death prompted the proclamation of the baronies of Upper and Lower Moyfenrath in county Meath and that of the neighbouring barony of Carbury in Kildare.⁹⁷ The encouragement given by the general orders of 18 May, combined with the desire for revenge at a local level, led to the perpetration of excesses by the military in this area in the period from May to July. These were mainly committed on the initiative of Captain Simon Fraser, commanding officer of the Frazer fencibles who was stationed at Clonard at the time.⁹⁸

The third area which reported serious military outrages was along the Carlow/Wicklow border and their hinterlands. In November 1797 there were isolated reports, in the pages of the radical *Press*, of house burning at Leighlinbridge, county Carlow in mid-November, and of half-hanging at Dunlavin, county Wicklow.⁹⁹ There was increased activity in January 1798 when widespread arrests in county Carlow were accompanied by some reports of house burnings and half-hangings. At the same time in county Wicklow there were reports of half-hanging and flogging.¹⁰⁰ The close timing of

⁹⁵ Robert Rochfort to Cooke, 11/06, 18/06/1797 (Reb.papers 620/31/73 , 115); N.A. Official Papers 990/29

⁹⁶ Kilmainham papers Mss.1013/298, 313-4

⁹⁷ N.A. Official Papers 990/24-25

⁹⁸ N.L.I. Kilmainham papers Ms.1013/298; *The Press* 16/11/1797

⁹⁹ *The Press* 09/11, 19/11, 21/11/1797

¹⁰⁰ *The Press* 13/01, 20/01/1798; Journal of Major Hardy, January 1798 (N.L.I. Fitzwilliam papers Microfilm p.5641)

these outrages in neighbouring areas is significant and indicates a degree of co-operation between certain gentry figures in both counties, particularly Robert Cornwall who lived at Myshall lodge near the Wicklow border and who was implicated in the January outrages in Carlow, and Benjamin O'Neale Stratford of Baltinglass who held a commission of the peace for each county.¹⁰¹ Cornwall and O'Neale Stratford had been instrumental in persuading Carhampton to send Major Hardy and four companies of the Antrim militia to Wicklow in September 1797 in order to bolster the forces of law and order in a county with an influential liberal establishment.¹⁰² Troops were stationed in consequence between Baltinglass and Dunlavin, county Wicklow, and Hacketstown, county Carlow.¹⁰³ Stratford was also pressing for the proclamation of the baronies of Talbotstown in county Wicklow and adjoining parts of counties Carlow and Kildare at the end of September, and was instrumental in having the whole of county Carlow proclaimed on 8 November 1797.¹⁰⁴ A strong stance by the Carlow magistracy on law and order meant that it was easier to force the pace against the disaffected in that county. This tough line is indicated in the request of the county magistracy at the beginning of December that examples be made of several prisoners, and others transported in order to restore tranquillity to the area.¹⁰⁵ With Carlow proclaimed, the magistrates united on a course of action, and with Major Hardy active in enforcing a strict regime in county Wicklow, it is hardly surprising that reports of outrage began to emerge. In the winter of 1797-8 outrages also began to arise in the border area between counties Cork and Waterford, which was the centre of a hard-line loyalist interest. In the period from the

¹⁰¹ *The Press* 11/01, 13/02, 29/02/1798; McNally to Cooke, 28/02, 04/03/1798 (Reb.papers 620/10/121, 93); L.M. Cullen, 'Politics and Rebellion in Wicklow in the 1790s' in Ken Hannigan and Wm. Nolan (eds.), *Wicklow: History and Society. Interdisciplinary Essays on the History of an Irish County*, (Dublin, 1994), pp.412, 425, 474-5

¹⁰² N.L.I. Kilmainham papers Mss.1014/10, 1014/18, 1205/77-8

¹⁰³ N.L.I. Kilmainham papers Ms.1014/22

¹⁰⁴ N.L.I. Kilmainham papers Ms.1014/32; N.A. Official Papers 990/31, 34

¹⁰⁵ Resolutions of Carlow magistracy, 07/12/1797 (Reb.papers 620/33/130)

end of December 1797 until February 1798 Sir Richard Musgrave burned at least thirteen houses near Cappoquin.¹⁰⁶ There were several supporters of coercive measures in neighbouring Cork, where house burning first emerged at Cloyne in mid-January 1798.¹⁰⁷ In the following month Colonel Mansergh St. George was assassinated near Fermoy after burning a house where he believed United Irish meetings were held, and then publicly declaring that he would burn 'every house in the Glyns, and that he would first begin with his own tenantry'.¹⁰⁸ In retaliation for this murder, it was the local commanding officer's intention to burn several houses in the area, and he was only prevented from effecting his purpose by strict orders from the enlightened Abercromby.¹⁰⁹ The two main grandee interests in Cork, Lords Shannon and Longueville favoured such measures of severity.¹¹⁰ Shannon, Longueville and Musgrave exerted themselves from November 1797 to have the entire east Cork/west Waterford region proclaimed, which they had effected by January 1798.¹¹¹

Apart from these identifiable areas in county Westmeath, along the Kildare/Meath border, along the Carlow/Wicklow border, and in neighbouring parts of Cork and Waterford, however, there were very few serious outrages committed in the period following the proclamation of May 1797 until the spring of 1798. In actual fact, the freedom given to the military by the May proclamation to act independently of the civil

¹⁰⁶ *The Press* 06/02, 20/02/1798

¹⁰⁷ *The Press* 08/02/1798

¹⁰⁸ Camden to Portland, 15/02/1798 (P.R.O. H.O.100/75/92-5); *S.N.L.* 23/02/1798

¹⁰⁹ J.F. Maurice (ed.), *The Diary of Sir John Moore*, (2 vols, London 1904), vol. i, p.287; Lord Dunfermline, *Lieutenant General Sir Ralph Abercromby, K.B., 1793-1801: a memoir by his son*, (Edinburgh, 1861), pp.91-2

¹¹⁰ Opinions of Lord Shannon (K.A.O. Pratt papers U840/0166/10); For Longueville's opinions, see chapter eight, p.343

¹¹¹ N.A. O. P. 990/36, 38, 39, 48; Longueville to _____, 13/10, Shannon to _____, 13/11/1797 (N.A. S.O.C. papers 1016/13-14);

Major S.Keane to Pelham, 05/10, Major-General Loftus to Pelham, 04/11/1797 (Reb.papers 620/32/153, 33/14); Rd. Musgrave to

Pelham, 06/10/1797 (Ibid.620/32/155); Rd. Musgrave to Camden, 02/11, 09/11/1797 (K.A.O. Pratt papers U840/0187/1, 3)

magistrate was not widely acted upon, prompting Carhampton's successor as commander-in-chief to the conclusion that it had been abandoned through disuse.¹¹²

That reports of military outrages were not more widespread during this period can be attributed to the policy implemented by Abercromby, commander-in-chief in Ireland from October 1797 until April 1798. He was a strict disciplinarian, and was appalled at the condition of the troops which he inspected during a tour of the south of the kingdom in the winter of 1797. He attributed their poor condition to the manner in which they were deployed and the duties upon which they were employed. This is something that will be discussed in greater detail in a later chapter¹¹³, but at this stage it is sufficient to note that in an effort to address the decline in military standards, Abercromby sought to reverse the security policy favoured by the Irish cabinet. By seeking to concentrate the army in large bodies, Abercromby hoped to restore discipline and mould the army into an effective force with which to face the threat of French invasion. The new commander-in-chief was determined that the maintenance of local law and order was to be left to the care of the resident gentry and magistrates, assisted by the yeomanry. In addition, in his general orders of 26 February 1798 Abercromby restricted the military to acting only under the authority of a civil magistrate, except in case of attack. This was in direct contradiction of the spirit of the proclamation of May 1797 in general and of Carhampton's orders of 18 May in particular.¹¹⁴

Abercromby's policy aroused the wrath of government supporters, as it frustrated their attempt to grant the military a free hand in suppressing disturbances. With their influence in the formation of security policy under threat, they reacted as they had in 1795 when menaced by the Fitzwilliam regime. They undermined Abercromby's authority by seizing upon his contradiction of the May 1797 proclamation, by canvassing support among their political allies in England and by launching a smear campaign

¹¹² Abercromby to Camden, 15/03/1798 (P.R.O. H.O.100/75/229-30)

¹¹³ See chapter eight.

¹¹⁴ *Diary of Sir John Moore*, vol.i, pp.270, 283; Dunfermline, *Abercromby*, p.18

accusing Abercromby of political designs. In addition, they criticised the Camden administration for its timidity and associated together in parliament in order to force the lord lieutenant into a tougher stance against the disaffected.¹¹⁵ Confronted with such a degree of hostility to his command, Abercromby tendered his resignation on 15 March.¹¹⁶ This was particularly galling for Camden. He had campaigned since his arrival in Ireland in 1795 for the appointment of a capable commander-in-chief, and he was unwilling to lose Abercromby's services at that time. Abercromby's resignation was potentially even more unwelcome to the viceroy from a political perspective, as it would serve to support the accusations against the conduct of the military which Lord Moira had made in the Irish house of lords in mid-February. With this in mind Camden embarked upon the impossible endeavour of conciliating his supporters while retaining Abercromby in the command. In an attempt to pacify loyalist opinion he ordered the disarmament of Kildare, King's and Queen's counties on 14 March, authorising the military employed on this task to act without the civil power, in direct contradiction of Abercromby's general orders of 26 February.¹¹⁷ This freedom was extended to the troops in the rest of the kingdom by a proclamation of 30 March.¹¹⁸ It will be seen later that these measures failed to assuage the ire of Camden's supporters because of Abercromby's persistent refusal to implement military policy in the manner they desired.¹¹⁹

It was perhaps only natural that Abercromby's departure from the command on 25 April should result in the more widespread employment by the military of vigorous

¹¹⁵ John Beresford to Lord Auckland, 01/02, 15/03, 24/03/1798 (P.R.O.N.I. Sneyd papers T.3229/2/17, 30, 289, 291-2); John Beresford to Earl of Westmorland, 08/02/1798 (William Beresford, ed. *Correspondence of the Rt.Hon. John Beresford*, 2 vols., London, 1854, ii, 151-2); Cooke to Lord Auckland, 19/03, John Lees to Lord Auckland, 02/04/1798 (B.L. Auckland Add. Ms.34,454, 181-2, 197-8); Camden to Portland, 06/03, 10/03/1798 (P.R.O. H.O.100/74/162-9, 187-8, 75/71-4)

¹¹⁶ Abercromby to Camden, 15/03/1798 (P.R.O. H.O.100/75/229-30)

¹¹⁷ William Elliott to Abercromby, 14/03/1798 (P.R.O. H.O.100/75/239-250)

¹¹⁸ P.R.O. H.O.100/75/359-65

¹¹⁹ See chapter eight pp.354-360

counter-insurgency methods like pitch-capping, flogging and half-hanging. The appointment of General Lake as commander-in-chief represented a victory of political over military considerations, and Camden realised that his elevation to the command would satisfy those pressing him to allow the military a free hand in crushing disaffection.¹²⁰ With a hard-liner installed as commander-in-chief, and with the army explicitly instructed under the proclamation of 30 March to act without the civil power and treat the disturbances in the kingdom as actual rebellion, Irish loyalists succeeded in re-establishing their control over the formation of military policy. Acting under instruction from his advisers, Camden instructed Lake to abandon the unpopular measure of free quarters, which Abercromby had adopted in place of house burning and other illegal practices¹²¹, and to 'adopt...other vigorous and effectual measures for enforcing the speedy surrender of arms'.¹²² It is at this point, towards the end of April 1798, that outrages committed by the military become more widespread and more violent in nature. Even still, however, they remained confined to a handful of counties in south Leinster and Munster: Kildare, Wicklow, Carlow, Dublin, Cork, Limerick and Tipperary.¹²³

(4)

What this chapter has endeavoured to illustrate is that existing conclusions about the nature and extent of outrages committed by the military in pre-rebellion Ireland are misleading in many respects. A close examination of the pattern of such outrages reveals that certain generalisations, like the belief that Ulster was dragooned in 1797, are not borne out by the evidence provided in the primary sources. While it is without doubt that

¹²⁰ Camden to Downshire, [Late April/early May 1798] (P.R.O.N.I. Downshire D.607/F/153)

¹²¹ See chapter eight pp.354-360

¹²² Castlereagh to Lieutenant-General Lake, 25/04/1798 (*Memoirs and Correspondence of Viscount Castlereagh*, ed. C.Vane, Marquess of Londonderry, 4 vols., London, 1848-53, vol.i, p.189)

¹²³ See appendix i to this chapter.

there were an extremely high number of illegal military actions from the beginning of the disarmament of Ulster in March 1797 until the outbreak of rebellion in May 1798, an analysis of their temporal and geographical spread illustrates that these were largely confined to certain areas in a small number of counties. Accounts of serious excesses such as house burning, picketing, pitch-capping and flogging were very much in a minority of the incidents that were reported. A.T.Q. Stewart's accurate observation that violent outrages were 'not characteristic of the disarming of Ulster as a whole' and that 'for most part it was successfully conducted within the law'¹²⁴, can be extended with justification to include the rest of the kingdom. I have suggested that many of the conclusions drawn about the conduct of the military in this period are based on allegations made by whig politicians in general, and by Lord Moira in particular. It must be remembered that the whigs were pursuing their own political agenda, seeking to extract political capital from vague and general accusations of misconduct by the troops. Some of the United Irishmen at least were aware of the self-interestedness behind the whig strategy. After discussing whether Moira was an individual who could be depended upon as a possible political ally, a United Irish county meeting in Down concluded in February 1798 that he was 'as great a tyrant as the lord lieutenant, and a deeper designing one'.¹²⁵ The author of the radical tract *A view of the present state of Ireland*, who may have been William Sampson, claimed that there were 10,000 outrages committed between 1 April and 24 July 1797. Although unacquainted with the country after that date, he had it from 'unquestionable authority' that numbers of people 'without any species of trial' had been tied to trees and shot, whole villages had been consumed by fire, and their inhabitants put to the sword.¹²⁶ This is blatant propaganda, designed to enflame public opinion against the Pitt administration. The allegations made

¹²⁴ A.T.Q. Stewart, *The Summer Soldiers: the 1798 Rebellion in Antrim and Down*, (Belfast, 1995), p.37

¹²⁵ *Reports of the Committee of Secrecy of the House of Commons and the House of Lords of Ireland* (1798), appendix xiv, 151

¹²⁶ [Wm. Sampson?], *A view of the present state of Ireland*, (London, 1797), pp.32-3

by whig politicians were more subtle, and for that reason all the more dangerous to the modern historian.

Appendices to Chapter Seven

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1797-1798	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May
Armagh	1	1	2	1				2	4						
Antrim	4		5	2	2			3	3		1			1	
Derry				3	1						1				
Donegal				2	3						1				
Down	2	1	2	4	1	2		4		1					
Fermanagh		1		1											
Monaghan				2	4				4						
Tyrone			1	3	5	1	1		1		1	2			
Meath	1		3		2						1				
Kildare			2	2	2			2		1	3		1	3	10
Dublin	1			1					1	1	4	2	1	3	5
Queen's												2			
Westmeath				15	1						1			1	
Carlow									1		3	4	1		1
Cork			3	1						1	1	3	2	1	1
Kilkenny	1	2								1					1
Limerick											1			2	
Louth						1								2	
Tipperary															
Waterford										1	3	2	1		3
Wicklow					1			1			4	1		4	3
Wexford									1					1	7

1797-1798	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May
Ulster	7	3	10	18	16	3	1	9	12	1	4	2	0	1	0
Leinster	2	0	5	18	6	1	0	3	3	2	16	0	3	14	26
Munster	1	2	3	1	0	0	0	0	0	3	5	6	3	3	5
Total	10	5	18	37	22	4	1	12	15	6	25	8	6	18	31

¹ Each entry denotes one report of one outrage .

Antrim :

March 1797 - *NS* 13/03 , 03/04/1797 ; Lake to Pelham , 17/03 , 19/03/1797 (P.R.O.N.I. T755/4/2/240, 254)

May - T.Lane to Downshire , 15/06/1797 (Downshire papers P.R.O.N.I. D.607/E/277) ; *SNL* 31/05/1797 ; Pelham , Camden to Grenville , 02/11 , 03/11/1797 (*HMC Fortescue* iii , 385-6 , 386-90) ; *DEP* 23/05/1797

June - Rev. Ed. Hudson to Charlemont , 25/06 , 31/06/1797 (*HMC Charlemont* , 305 , i and ii)

July - Rev. Ed. Hudson to Charlemont , 15/07/1797 (*HMC Charlemont* , 308)

October - *The Press* , 16/10 , 21/10 , 28/10/1797

November - *The Press* 14/11 , 05/12/1797

January 1798 - *The Press* 20/01/1798

April - Mrs McTier To Drennan , 08/04/1798 (*The Drennan Letters* , 271)

Armagh

March 1797 - Sir W. Synott to H. Hamilton , 16/03 , March 1797 (Reb. papers 620/29/162 , 30/270)

April - *NS* 07/04/1797

May - J. Giffard to Cooke , 05/06/1797 (Reb. papers 620/31/36)

June - *A view of the present state of Ireland* , 27

October - *The Press* , 10/10 , 12/10/1797

November - Robert Livingston to Charlemont , 08/11/1797 (*HMC Charlemont* , 317) ; *The Press* 18/11/1797

Derry

June 1797 - *FDJ* 08/06/1797 ; G.Hill , R.G.Hill to Beresford , 12/06/1797 (Reb. papers 620/31/77 , 78)

July - H.Alexander to Pelham , recvd. 03/07/1797 (Reb. papers 620/31/298)

January 1798 - *The Press* , 27/01/1798

Donegal

June 1797 - P.R.O.N.I. Hill of Brookhall papers D642/A/16/16 ; *FLJ* 08/07/1797

July - P.R.O.N.I. Hill of Brookhall papers D642/A/16/16

January 1798 - *The Press* , 27/01/1798

Down

March 1797 - *NS* 17/03 , 03/04/1797

April - NS 07/04/1797

May - *The Press* 29/02/1798 ; J.Giffard to Cooke , 05/06/1797 (Reb. papers 620/31/36)

June - T. Lane to Downshire , 15/06/1797 (P.R.O.N.I. Downshire D.607/E/277) ; *A view of the present state of Ireland* , 29

July - Pelham to Maj. Gen. Nugent , 27/07/1797 (N.A. S.O.C. papers 1016/23)

August - Moira to Camden , Deposition of James Armstrong , 05/08 , 06/09/1797 (K.A.O. Pratt papers U840 0192/3/1 , 3/2) ;

Camden to Grenville , 03/11/1797 (*HMC Fortescue* , iii , 386-90) ; *The Press* , 01/02/1798

October - Nugent to Pelham , 11/10/1797 (Reb. papers 620/32/161) ; *The Press* , 26/10 , 18/11/1797 ; Jos. Pollock to Pelham ,

17/12/1797 (Reb. papers 620/33/156)

November - *The Press* , 09/11 , 18/11/1797

December - *The Apostacy of Newell* , 68

Fermanagh

April 1797 - *A view of the present state of Ireland* , 27 , 29-30

June - Captain of Loyal Erme cavalry to ____ , 14/06/1797 (Reb. papers 620/31/90)

Monaghan

June 1797 - Shannon to Boyle , 08/06 , 10/06/1797 (Quoted by E.Hewett , ed. *Lord Shannon's letters to his son* , pp. 58-61;

Blayney to Glantworth [June 1797] (Reb. papers 620/34/45)

November - *The Press* , 18/11/1797 ; J. Seaver to Pelham , 13/11/1797 (K.A.O. Pratt papers U840 0177/9/4)

February 1798 - Blayney to Pelham , Feb. 1798 (Reb. papers 620/35/92) ; *The Press* , 06/03/1798

Tyrone

May 1797 - NS 05/05/1797

June - Robt. Lowry to Pelham , 29/06/1797 (Reb. papers 620/31/171) ; Eccles to ____ , 30/06/1797 (Ibid. 620/31/178) ; *The Press* ,

11/01/1798 ; J. Hamilton to Abercorn , 17/06/1797 (P.R.O.N.I. Abercorn T.2541/1A2/6/30)

July - Camden to Portland , 17/07/1797 (P.R.O. H.O. 100/72/109-112) ; Wm. Hamilton to ____ , 14/07/1797 (Reb. papers

620/31/230) ; *FLJ* 15/07 , 19/07/1797 ; Pelham , Camden to Grenville , 02/11 , 03/11/1797 (*HMC Fortescue* , iii , 385-6 , 386-90);

Memo. of Mr. H[amilton]? , 05/07/1797 (Reb. papers 620/31/206 - endorsement) ; J. Hamilton to Abercorn , 18/07/1797

(P.R.O.N.I. Abercorn T.2541/A2/6/31) ; Mary McNeill , *Mary Ann McCracken* , 123-4

August - Captain Evans to General Wilford , 15/08/1797 (Reb. papers 620/32/50)

September - *SNL* 21/04/1798

November - James Falls to James Stewart , 24/11/1797 (Reb. papers 620/33/85)

January 1798 - Captain Bond to _____, 22/01/1798 (Reb. papers 620/35/56)

Meath

March 1797 - B _____ to Fitzwilliam, pre July 1797 (N.L.I. Fitzwilliam papers Microfilm p.5641)

May - *FLJ* 24/05, 31/05/1797; G. Holdercroft to Lees, 21/05/1797 (Reb. papers 620/30/139); T. F. Knipe to Pelham,

29/05/1797 (N.A. S.O.C. papers 1016/35)

July - Leinster to Camden, 12/07/1797 (K.A.O. Pratt papers U840 0182/33); Frazer to Carhampton, 14/07/1797 (Reb. papers 620/31/238)

Carlow

November 1797 - *The Press*, 19/11/1797

January 1798 - *DEP* 03/02/1798; *SNL* 27/01/1798; R.Cornwall to Pelham, 17/01/1798 (Reb. papers 620/35/41)

February - J.W. to _____, 28/02/1798 (Reb. papers 620/10/121/92); *SNL* 08/02/1798; *DEP* 07/02/1798; *The Press* 29/02/1798];

March - Roger Mc Hugh (ed.) *The Autobiography of William Farrell*, 67-8

May - B. O'Neale Stratford to govt., 12/05/1798 (Reb. papers 620/37/63)

Kildare

May 1797 - *FLJ* 24/05/1797

June - *SNL* 15/06/1797; Leinster to Camden, 19/06/1797 (K.A.O. Pratt papers U840/0182/31)

July - *The Press* 16/11/1797; Leinster to Camden, 19/06/1797 (K.A.O. Pratt papers U840 0182/31)

October - Kilmainham papers Ms. 1014/33-4; *BNL* 06/04/1798; Pelham to Carter, 30/10/1797 (P.R.O. H.O. 100/72/326-7);

Camden to Grenville, 03/11/1797 (*HMC Fortescue* iii, 386-90)

November - *The Press* 16/11/1797

December - Lord Dunfermline, *Memoirs of sir Ralph Abercromby*, 90-1

January 1798 - *The Press* 13/01/1798

March - *SNL* 24/03/1798

April - *Life of Thomas Reynolds*, i, 231; J.W. to govt., 27/04/1798 (Reb. papers 620/10/121/99); *SNL* 21/04/1798;

Brig. Gen. Wilford, Colin Campbell to Maj. Gen Hewett, 20/03, 22/04/1798 (N.A.M. Nugent Ms 6807/174/361-2, 425-7)

May - *The Leadbeater papers*, i, 211-7; *The Autobiography of William Farrell*, 74-5; Madden, *United Irishmen*, ii, 97-8, 326

; Louisa Conolly to Wm. Ogilvie, 21/05/1798 (*Memoirs of Lord Edward Fitzgerald*, 2nd. ed., London, 1897, ii, 100-1); Col.

Colin Campbell to govt., 14/05/1798 (Reb. papers 620/37/167); Wycombe to Lady Holland, 20/05/1798 (Ilchester Ms

51,682,153-4)

Dublin

March 1797 - *SNL* 28/03/1797

June - *SNL* 26/06/1797

November 1797 - *The Press* 28/11/1797

December - *DEP* 02/01/1798

January 1798 - *SNL* 18/01/1798 ; *The Press* 16/01 , 30/01/1798 ; Kilmainham papers Ms. 1014/105

February - *The Press* 06/02 , 15/02/1798

March - *SNL* 02/04/1798

April - *SNL* 02/04 , 13/04/1798 ; J.Lees to Auckland , 11/04/1798 (B.L. Auckland papers Add. Ms. 34,454,216)

May - Beresford to Auckland , 23/05/1798 (B.L. Auckland Add. Ms 34, 454 , 272) ; *SNL* 21/05 , 22/05 , 23/05/1798 ; Wycombe to

Lady Holland , 08/05/1798 (B.L. Ilchester Ms 51,682,146-8)

Queen's county

February 1798 - *The Press* 15/02 , 27/02/1798

Westmeath

June 1797 - J.W. to ____ , 21/06/1797 (Reb. papers 620/10/121/68) ; R. Rochfort to ____ , 18/06/1797 (Ibid. 620/31/115) ; G. Bell

to Major Redcliff , 19/06/1797 (Ibid. 620/31/122) ; Capt. Ormsby , Sheridan to Carhampton , 21/06/1797 (Ibid. 620/31/144) ;

John Low to ____ , 05/06/1797 (Ibid. 620/31/151) ; *FLJ* 17/06/1797 ; P. Wallace , *Multifarnham Parish History* , 68-9 ; L. Cox ,

Westmeath in the 1798 period , 6-7 ; *Memoirs of William Sampson* , 423-6 ; *The Press* 11/01/1798 ;

July - Frazer to Carhampton , 14/07/1797 (Reb. papers 620/31/238) ; B ____ to Fitzwilliam , [Pre July 1797] (N.L.I. Fitzwilliam

papers Microfilm p.5641)

January 1798 - *FDJ* 15/07/1797

April - *SNL* 01/05/1798

Wicklow

July 1797 - *FDJ* 15/07/1797

October - *Memoirs of the Life and Times of the Rt. Hon. Henry Grattan* , ed. his son , iv , 322-3

November - *The Press* 09/11/1797

January 1798 - John Edwards to ____ , [Jan. 1798] (Reb. papers 620/35/47) ; Journal of Major Hardy , Jan , 15/01/1798 N.L.I.

Fitzwilliam papers Microfilm p.5641) ; *The Press* 20/01/1798

April - John Edwards to ____ , 16/04/1798 (Reb. papers 620/36/176) ; *SNL* 20/04/1798 ; N.L.I. Luke Cullen papers Ms. 9760/1-3]

May - Journal of Major Hardy , 10/05/1798 (N.L.I. Fitzwilliam papers Microfilm p.5641) ; Major Hardy to _____ , 21/05 ,
22/05/1798 (Reb. papers 620/37/127 , 128) ; C. Dickson , *Life of Michael Dwyer*, 57 ; Wm. Morton to John Lees , 22/05/1798
(Ibid. 620/37/125) ; N.L.I. Kilmainham papers Mss. 1014/165 , 1133/19

Cork

May 1797 - J.W. to govt. , 23/05 , 31/05/1797 (Reb. papers 620/10/121/63 , 140) ; Coote to Dalrymple , 24/05 (P.R.O.N.I. Pelham
T.755/5/119)

June - Shannon to Boyle , 10/06/1797 (Quoted in E.Hewett , ed. *Lord Shannon's letters to his son* , pp.60-1)

December - SNL 23/02/1798

January 1798 - *The Press* 08/02/1798

February - *DEP* 24/02/1798 ; *The Press* 15/02/1798 ; SNL 23/02/1798 ; N.A. Frazer Ms. box i , 42

March - *The Press* 08/03/1798 ; Thomas Barton to _____ , 28/03/1798 (N.A.M. Nugent Ms 6807/174/385)

April - SNL 17/04/1798

May - *Memoirs of Lord Edward Fitzgerald* , i , 289 ; Shannon to Boyle , 23/05/1798 (Quoted by Esther Hewitt , ed. *Lord
Shannon's letters to his son* , pp.101-2) ; Major Hardy to _____ , 21/05 , 22/05/1798 (Reb. papers 620/37/127 , 128)

Kilkenny

March 1797 - *FLJ* 12/04/1797

April - *FLJ* 19/04/1797

December - SNL 09/12/1797

April 1798 - SNL 07/04/1797

May - Shannon to Boyle , 12/05/1798 (Quoted in E.Hewett , ed. *Lord Shannon's letters to his son* , pp.62-3)

Limerick

January 1798 - *The Press* 27/01/1798

April - John Massey to Kemmis , 26/04/1798 (N.A. Frazer Ms. box ii , 69) ; SNL 30/04/1798

Louth

August 1797 - Wolfe to Cooke , 31/08/1797 (Reb. papers 620/32/91)

April 1798 - SNL 30/04 , 01/05/1798

Tipperary

February 1798 - *The Press* 06/02/1798

May - P.Holmes to _____ , 21/05/1798 (N.A. S.O.C. papers 1017/68) ; SNL 22/05/1798 ; Sir Rd. Musgrave , *Memoirs of the Irish*

Rebellion of 1798 (Reprint , Fort Wayne , 1995) app. xi , 667 , xxii , 848-850 ; Maj-Genl. Duff to Maj. Gen. Hewett , 06/04 , 17/04 , 18/04/1798 (N.A.M. Nugent Ms 6807/174/365-7 , 369-70 , 413-5)

Waterford

December 1797 - *The Press* 06/02/1798

January 1798 - *The Press* 06/02/1798

February - *The Press* 06/02/1798

March - H. Mackenzie to Cooke , 28/03/1798 (Reb. papers 620/36/91)

Wexford

April 1798 - Ed.Hay , *History...of 1798* , 54-61 ; C.Dickson , *The Wexford Rising in 1798* , 12 , 35

May - Madden , *The United Irishmen* , i , 318-23 ; Miles Byrne , *Memoirs* , 32-5 ; Hay , *History...of 1798* , 58-67

Chapter eight: The Abercromby crisis - the political struggle over military policy in Ireland, 1797-1798

Sir Ralph Abercromby arrived in Ireland as commander-in-chief on 2 December 1797 at the age of sixty-three. Although he had entered the military service in 1756, his reputation had only been quite recently acquired. He had served through five eventful campaigns in the Seven Years war with the third dragoon guards, being raised to the rank of captain in 1762. After the conclusion of peace in 1763 he accompanied his regiment to Ireland, where he spent the next twenty years, becoming a colonel in the process, and retiring on half pay in 1783. Upon principle he declined serving in America during the war with the colonies, viewing it disapprovingly as a civil war against British subjects. This stance did not unduly damage his career prospects, however, as he was raised to the rank of Major General in 1787. Upon the outbreak of war with revolutionary France in February 1793 he immediately solicited a return to active service, and was sent to the continent in the capacity of a lieutenant-general. After a successful campaign in 1794 the British contingent under the Duke of York was forced to retreat from mainland Europe in 1795. It was his success in orchestrating the British retreat from Flanders which first laid the basis of a solid reputation for Abercromby as a commander. On his return to England he was made a knight of the Bath, and almost to his own surprise found himself considered one of the country's greatest generals. His growing stature was revealed by his appointment to lead an expedition of 15,000 men against the French and Dutch possessions in the West Indies in the winter of 1795-6. A successful campaign resulted in Abercromby returning to the West Indies on a second expedition in the following year in order to attack the Spanish possessions in the region.

Another successful campaign, resulting in the capture of Trinidad, meant that upon his return to Britain in February 1797 Abercromby's reputation was more assured than ever. It was on the basis of this reputation that he was solicited to undertake the Irish command in November 1797.¹

Abercromby reluctantly accepted the Irish post, despite the fact that it had become more of an enticing prospect for a career soldier since the appearance of the Brest fleet in Bantry in December 1796. The possibility that the French might return and render Ireland another theatre of warfare enhanced the appeal of serving there. He had spent twenty years in Ireland from 1763 to 1783, during which time he developed an intense dislike to the manner in which the country was governed and the mode in which the military establishment was entirely dominated by the civil authorities. His reluctance to return arose from his apprehension that the policies he favoured would meet with strong hostility given the nature of patronage in the army and its effect on security policy. He also realised that the divide in the army command between the viceroy and commander-in-chief presented ample room for political intrigue. With this in mind, he endeavoured to obtain assurances from the British cabinet before leaving London for Ireland in October 1797 that his decision on military affairs would be final. He even went so far as to assure Pitt that opposition to his command would result in his resignation. In response, he was assured by the London government that he should labour under no difficulty or restraint and that in time of war the control of the army, with the exception of matters of patronage, would lie entirely under his command.² Despite these assurances, however, it was not long after his arrival in Ireland that Abercromby began to voice complaints about the obstacles placed in his path by the civil authorities which prevented him from moulding the army in the fashion he desired. On 25 December, only three

¹ James, Lord Dunfermline, *Memoir of Sir Ralph Abercromby, K.B., 1793-1801: a memoir by his son*, (Edinburgh, 1861), pp.16-60;

D.N.B.; Sir John Fortescue, *Six British Soldiers*, (London, 1928), pp.8-15; J.Fowler, *Life of Visct. Nelson, Abercromby and Cornwallis*, (Ormskirk, 1806), pp.1-7

² Dunfermline, *Abercromby*, p.74; Abercromby to Camden, 15/03/1798 (P.R.O. H.O.100/75/229-30)

weeks after his arrival in the kingdom, he demanded from William Elliott, the military under-secretary at Dublin Castle, an explicit declaration about who actually controlled military policy, as he felt that divided authority was not conducive to an efficient command. He was angry at the continual delays which were being thrown in his way by institutions such as the ordnance and barrack boards, and he wanted Camden to empower him in writing with the authority to over-ride them. Without this authority he claimed that he could not answer for the safety of the country or be at all useful in his post. It was vitally necessary, he declared, either that the lord lieutenant should take sole command with the senior officer acting as his lieutenant-general, or that the command should be delegated to the commander-in-chief. If this line was not drawn delays would forever arise from a divided command, from a diffidence proceeding from an undefined situation, from the interference of office, and from the appeals of boards from the commander-in-chief to the lord lieutenant.³ Camden, anxious above all else for an uncomplicated administration, began to fear that Abercromby would not be as compliant to work with as he had imagined. What appears to have concerned him in particular was Abercromby's rejection of the manner in which military affairs had been conducted in Ireland in the past. He informed Pelham in December 1797 of his fears that the new commander-in-chief was desirous of 'having unlimited powers in his department' and he resented the fact that Abercromby did not brook any delay in the execution of his orders.⁴ Irritated by this presumption on the part of the commander-in-chief, Camden informed him through Elliott that 'from the constitution of his office and of the boards which have been here formed for the public service', he could not delegate to Abercromby in writing that 'absolute command' which he wished him to 'enjoy in substance'.⁵ Dissatisfied with this reply, which he considered as too general, Abercromby

³ Abercromby to William Elliott, 25/12/1797, Abercromby to Camden, 15/03/1798 (P.R.O. H.O.100/75229-30, 315-6); Dunfermline, *Abercromby*, p.74; Camden to Pelham, 26/12/1797 (B.L. Pelham Add. Ms.33,105,299-301)

⁴ Camden to Pelham, 25/12/1797 (B.L. Pelham Add. Ms. 33,105,297-8 :

⁵ William Elliott to Abercromby, December 1797 (P.R.O. H.O.100/75/317-8)

complained to the Duke of York on 28 December that it required all the authority Camden could give him to enable him 'to carry on the king's service'. While he had no reason to say that the viceroy had refused him support, the difficulties and delays he experienced rendered his situation irksome and his labour unavailing. He expressed his determination, however, to exercise that command over the army which the situation of the country and the public welfare required.⁶

Brigadier-General Moore observed that in peace-time the commander-in-chief had been little attended to in Ireland, and the army had been considered as scarcely more than an instrument of corruption in the hands of the viceroy and his chief advisors. He believed that this had been so much the custom that even at that critical period, with the country facing internal and external threats, Abercromby required all of his temper and moderation to maintain his authority.⁷ Towards the end of his command in March 1798 Abercromby himself confided to his son that since his arrival in Ireland he had been under the necessity of supporting his position by great exertions and strong representations in order to avoid becoming 'a mere cypher', or even worse 'a tool in the hands of a party who govern this country'. On his departure from the kingdom in the following month, he identified 'the true reason' of his resignation as a struggle, in the first place, to decide whether he would have the command of the army, really or nominally, 'and then whether the character and discipline of it were to be degraded and ruined in the mode of using it, either from the facility of one man [Camden], or from the violence and oppression of a set of men, who have for more than twelve months employed it in measures which they durst not avow or sanction'. Abercromby felt that Camden, in weakly yielding these points, had thrown the army into the hands of a faction and had made it a tool under their direction.⁸ The commander-in-chief was harsh in his evaluation of Camden as a politician. While he regarded the viceroy as 'one of the best men in the world', Abercromby felt

⁶ Abercromby to Duke of York, 28/12/1797 (Dunfermline, *Abercromby*, pp.84-5)

⁷ J.F. Maurice (ed.), *The Diary of Sir John Moore*, (2vols, London 1904), vol.i, p.270

⁸ Abercromby to his son, 23/03, 23/04/1798 (Dunfermline, *Abercromby*, pp.108-110, 112-4)

that he was 'completely guided by a set of violent, hot headed men'.⁹ While the Irish cabinet undoubtedly exerted a considerable degree of influence over the lord lieutenant, it is one of the conclusions of this thesis that there were several important occasions during his viceroyalty when Camden successfully resisted the counsel of those around him.¹⁰

What is undeniable, however, is that before Abercromby's arrival in Ireland the ruling clique at the Castle had become accustomed to dictating policy to the military command with little or no opposition from the commander-in-chief. Their endeavours in this respect were more easily crowned with success by the presence of active sympathisers among the army command, in particular General Lake and Brigadier-General Knox in Ulster. Together these individuals had succeeded in leaving Camden little option but to place the needs of counter-insurgency over those of preparation against possible French invasion. The whig peer Lord Wycombe succinctly described in April 1798 the law and order policy which these individuals favoured and which they had forced the lord lieutenant to adopt: 'the lord chancellor [Fitzgibbon] at the head of the undertakers required that the army should be let loose upon the people'.¹¹ It was the reaction of this ruling clique, and their supporters in the loyalist community at large, to the new commander-in-chief's attempts to implement a contrary policy that occasioned the 'Abercromby crisis' in the spring of 1798.

(2)

As illustrated in a previous chapter, the troops on the Irish establishment were at all times regarded by Dublin Castle and the supporters of its regime as a police force to be dispersed through the interior of the kingdom in small detachments in response to the

⁹ *Diary of Sir John Moore*, vol. i, p.286

¹⁰ See for example Camden's reluctance to resort to the insurrection act, chapter two pp.81-102.

¹¹ Lord Wycombe to Lord Holland, 07/04/1798 (B.L. Holland Ms.51,684,47-8)

alarms of frightened country gentlemen, rather than as a standing army. It has also been shown that despite the definite threat of French invasion from 1793, the army in Ireland became even more dispersed in consequence of the spread of the spirit of disaffection beyond Ulster and into the south of the kingdom. The deterioration in the rule of law ensured that a policy of counter-insurgency, employing the troops on police duties, would prevail over the need to prepare against invasion, which necessitated the concentration of the military in large bodies.¹²

The Irish cabinet's consistent subjection of military and strategic to purely political concerns did not meet with unanimous approval, and from an early date there were occasional signs of dissatisfaction with the manner in which the troops were being deployed. As early as February 1794 the commander-in-chief at the time, General Robert Cuninghame, had warned Castle officials that the possibility of a French invasion demanded 'the most serious consideration of his majesty's government'.¹³ Carhampton made the same point in March 1795 in a memorandum he composed on the defence of the kingdom. Carhampton wryly conceded that the number of troops on the Irish establishment might provide sufficient protection for the entire loyalist population if they were dispersed through the whole island, but then warned that if this was done they would be 'totally inadequate' to repel a French invasion. 'If several battalions were suddenly brought together', he wrote, 'they would be little better than an armed mob, undisciplined for the purpose of military manoeuvres, total strangers to each other, though speaking the same language, and incapable of being ranged for defensive or offensive purposes in the face of a disciplined enemy, consisting of half their numbers'.¹⁴ Major George Matthews of the Downshire militia reported to his commanding officer from Birr in King's county on 14 February 1797 about the scandalous manner in which his men had been dispersed across a vast district. Numbers of them, he complained, had

¹² See chapter six pp.261-264 for the background to this situation.

¹³ N.L.I. Kilmainham papers Ms.1012/213-4

¹⁴ J.T. Gilbert, *Documents relating to Ireland 1795-1804*, (Dublin, 1893), p.96

been quartered through the neighbourhood in farmers' houses, leaving them over four miles to walk in order to attend parades.¹⁵ By April 1797 even the chief secretary had recognised the danger of continuing such a policy uninterrupted. In order to reconcile the conflicting policies of counter-insurgency and external defence, Pelham proposed the establishment of flying camps composed of small numbers of men whose extremely mobile nature would allow them to rapidly traverse disturbed areas, thereby keeping the country people constantly guessing as to the whereabouts of their next appearance. This would discourage seditious activity, thereby obviating the need for dispersing small permanent detachments in individual houses and allowing for the concentration of the vast majority of the troops.¹⁶ Although himself an ally of the oligarchy who effectively ruled the kingdom, Brigadier-General Knox formulated similar plans for the concentration of the armed forces in September 1797. While General Lake applauded his initiative, he recognised that it would never be implemented 'as applications [for troops] will always be attended to by government'.¹⁷

Seen against this background it is easier to understand Abercromby's insistence that preparation for defence against possible French invasion had to take priority over counter-insurgency measures. It is also clear that the commander-in-chief was not alone in his concerns about the manner in which the troops on the Irish establishment were being deployed. Unlike others who regretted the military policy being pursued at the Castle, however, Abercromby actually endeavoured to employ his authority as commander-in-chief in order to reverse the situation. He was not long in the country before he made his sentiments known on this subject. On 13 December 1797 he instructed General Lake to concentrate the forces under his command in the northern district. He informed Lake that the 'very dispersed state' of the troops in the north had attracted his attention. He appreciated how difficult it was for the government to resist

¹⁵ George Matthews to Downshire, 14/02/1797 (P.R.O.N.I. Downshire papers D.607/E/99)

¹⁶ Pelham to _____, 10/04/1797 (Reb.papers 620/29/213)

¹⁷ Lake to Knox, 29/09/1797 (N.L.I. Lake papers Ms.56, 97. See Pelham's approval of the plan, Ms.56, 98)

the applications of individuals for protection, and felt that in some cases, perhaps, they ought not to be resisted. He was convinced, however, of the absolute necessity of contracting 'to a *certain degree*' the quarters of the troops under Lake's command. In their present state they were exposed to be corrupted, disarmed, and made prisoner. They could not be easily assembled, and if called away suddenly to face an enemy in the field, a general dismay would occur in the country.¹⁸

The unpreparedness of the Irish troops to confront an invading enemy was not the only factor behind Abercromby's desire to concentrate the forces under his command. We have already seen in chapter six that there was a crucial link between the dispersal of the troops and a decline in military discipline which made it all the more imperative to withdraw the isolated detachments from the interior of the kingdom, where they were removed from the supervision of their commanding officers.¹⁹ This lack of supervision could only result in a decline in discipline. One of the motivating factors behind the establishment of the yeomanry in the autumn of 1796 had been the fact that it would facilitate the troops to be disengaged from their policing duties. Even a hard-liner like Lord Dillon recognised that this was essential in order to allow the army 'to practice military manoeuvres in camps, receive instruction, and acquire discipline, of all which they truly stand in need'.²⁰ At the same time Lord Glentworth, who had raised an Irish fencible regiment, asserted that the withdrawal of the small detachments was essential in order to address the relaxation of discipline associated with the deployment of the troops in this manner.²¹ Pelham witnessed the signs of such a deterioration during his tour to the south of the kingdom in the autumn of 1797. He had found 'such a determined opposition from all quarters to the introduction of any kind of discipline or system that I had determined never to interfere about the army excepting as far as the expense or civil

¹⁸ Abercromby to Lieutenant-General Lake, 13/12/1797 (Dunfermline, *Abercromby*, 79-80)

¹⁹ See chapter six pp.263-264

²⁰ Lord Dillon to Camden, 22/08/1796 (K.A.O. Pratt papers U840/0181/5)

²¹ Lord Glantworth to Camden, 18/08/1796 (K.A.O. Pratt papers U840/0194/4)

part of it'.²² The duties which the troops in Ireland were requested to perform exacerbated the threat to discipline as they helped create an atmosphere conducive to transgressions of the law by the military.²³

The concentration of the troops, therefore, would not only facilitate their training and rapid mobilisation in the event of a French invasion, it would also allow for the imposition of regular military discipline.²⁴ Discipline in the troops under his command was one of the trademarks of Abercromby's military career.²⁵ It was reported of his time as a lieutenant-colonel that 'the discipline and exemplary good conduct' of the men under his authority was often admired.²⁶ His biographer in the *Dictionary of National Biography* wrote of him that from the beginning of his career his attention as an officer was 'especially directed to the means of combining exact discipline with a judicious and considerate attention to the wants and health of the soldiers'.²⁷ This might have stemmed from the favourable impression made upon him by the strictly regulated Prussian troops during the Seven Years war, or it might have resulted from his observation of the decline in British military discipline as a result of the manner in which the American war was fought.²⁸ Abercromby's tour of inspection to the south of Ireland in January 1798 convinced him of the necessity of withdrawing the troops from their dispersed detachments, where their discipline suffered 'exceedingly'. The country appeared to him to be tranquil, and he could see no reason for them to be so scattered. He believed that the dispersed state of the troops was ruinous to the service, and he informed the

²² Pelham to Camden, 19/08/1797 (K.A.O. Pratt papers U840/0190/16)

²³ See chapters six and seven for a discussion of the conduct of the military in the pre-rebellion period.

²⁴ *Diary of Sir John Moore*, vol. i, pp.270

²⁵ Duke of York to George III, 11/04/1794 (A.Aspinall, *The Later Correspondence of George III*, 5vols., Cambridge, 1962-70, vol. iii, p.194)

²⁶ *Life of Visct. Nelson, Abercromby and Cornwallis*, p.7

²⁷ *D.N.B.*

²⁸ *Dunfermline, Abercromby*, p.18

government that 'the best regiments in Europe could not long stand such usage'. He dismissed the cavalry as, in general, 'unfit for service'. More than half of the infantry were dispersed throughout the country, 'in general under officers very little able to command them', and in Fermoy more than three quarters of the light infantry were 'on command'. It was his considered opinion that many of the regiments would be unable at that moment to take the field from their various wants, and these could not be known or supplied until they were brought together.²⁹

Abercromby admitted that dissatisfaction and disaffection existed in the south of Ireland, and acknowledged that it would take a watchful eye to preserve internal tranquillity, but he tended to dismiss these disturbances as traditional agrarian grievances endemic in that part of the country. He was inclined to disbelieve the necessity for sending troops to protect loyalists in the country, and refused to comply with several requests for troops from country gentlemen and noblemen. He informed the Rev. George Lambart on 14 December 1797 that his application for additional troops had been refused as 'in my opinion there does not appear any urgent necessity for complying with this request'. At around the same time he refused an application for military aid from Rev. Percy Jocelyn of the Creggan in Armagh, believing that Jocelyn did not state 'any disturbance of sufficient consequence' to necessitate the dispatch of troops.³⁰ He saw the maintenance of law and order in the interior of the kingdom as the proper domain of the local gentry and magistrates, assisted by the yeomanry. The concentration of the troops and their withdrawal from their counter-insurgency duties would, he hoped, encourage the gentlemen to exert themselves for the preservation of domestic peace, and oblige them to rely on the yeomanry, on whom they would have to ultimately depend if the army were called away to face a foreign enemy.³¹ Those yeomen he had reviewed during

²⁹ Abercromby to Camden, 18/01/1798 (K.A.O. Pratt papers U840/0166/9); Abercromby to Camden, Abercromby to Pelham, 23/01/1798 (Dunfermline, *Abercromby*, pp.85-6)

³⁰ Dunfermline, *Abercromby*, pp.84-5, 92-3; N.L.I. Kilmainham papers Mss.1014/73, 78

³¹ Abercromby to Camden, 18/01, Abercromby to Pelham, 21/02/1798 (K.A.O. Pratt papers U840/0166/9, B.L. Pelham papers Add.

his southern tour had met with his approval. He praised their appearance and their zeal for the service. He was absolutely convinced that it must not be attempted to concentrate them. They were to be left at home and appointed for the defence of the interior of the kingdom in the absence of the full time troops. He was willing to designate a number of regiments in each province to aid the yeomanry in preserving the peace, provided that the remainder would be concentrated together and ready to take the field in the event of an invasion.³² Abercromby outlined his position in a letter to Pelham on 21 February 1798:

The yeomanry is a numerous body of men, and certainly well armed, and sufficiently exercised for the necessary duties of a soldier. Arms have been sent to the different depots to be put into the hands of the well affected, in case of emergency. Every assistance will be afforded by the troops, which is consistent with the general welfare. But on the yeomanry, and the exertions of the gentlemen, and of the well disposed inhabitants of the country, its internal security must principally depend....³³

His previous experience in Ireland had served to prejudice him against the country's ruling oligarchy, and this sentiment only increased during his second sojourn in the kingdom. He considered the magistrates and country gentlemen to be imperfectly educated, devoted to political intrigue, and negligent of the duties imposed on them as landlords. He criticised them for not taking responsibility upon themselves for the enforcement of law in their localities. Most importantly, however, he held them responsible for undermining the discipline of the troops by calling upon them on every occasion to execute the law and to afford them personal protection.³⁴ He complained

Ms.33,105,345-8); Dunfermline, *Abercromby*, pp.85-6

³² Abercromby to Camden, 18/01/1798 (K.A.O. Pratt papers U840/0166/9); Abercromby to Pelham, 23/01, 21/02/1798 (Dunfermline, *Abercromby*, pp.85-6; B.L. Pelham papers Add.Ms.33,105,345-8)

³³ Abercromby to Pelham, 21/02/1798 (B.L. Pelham papers Add.Ms.33,105,345-8)

³⁴ Dunfermline, *Abercromby*, pp.74, 84-5, 92-3; Abercromby to Camden, 15/03/1798 (P.R.O. H.O.100/75/229-30)

from Bandon on 26 January of the readiness of the gentry to proclaim districts 'without just causes', and to commence hostilities which they left to the troops to continue, 'to the great prejudice of the service, for it is not fit that they should be led to burn houses, or other licentious acts'. Such practices were ruinous to the service, and he informed Camden that their continuation would serve to demoralise the best regiments in Europe.³⁵ It is significant in this respect that one Cork magistrate, Mansergh St. George, was murdered in the following month after publicly threatening to burn down the cabins of his tenantry.³⁶ Brigadier-General Moore was also critical of the mode in which disturbances were being addressed. Turbulent districts were proclaimed, the military let loose into them, and encouraged to acts of great violence against all who were supposed to be disaffected. Moore believed that this conduct only served to increase whatever disaffection actually existed. In spite of this, however, the gentlemen were still calling aloud for the adoption of even more violent measures.³⁷ During his tour to the south Abercromby had endeavoured to resist the interference of the troops in all matters which should have concerned the civil magistrate alone. Without this discrimination on his part he believed that the discipline of the troops would have been completely ruined, and they would have been led into 'a thousand irregularities contrary to the law'. While he hoped that the result of his actions would be to force the gentlemen to exert themselves and to rely on the yeomanry, on no really urgent occasion had he objected to the troops being employed on police duties, 'guarding them at the same time against any excess in the execution of their duty'.³⁸

Abercromby's general orders of 24 December 1797 summarised the policy he was endeavouring to implement in Ireland, focusing on the need to concentrate the troops, restore discipline to their ranks, and regulate their conduct. He instructed all

³⁵ Abercromby to Camden, 26/01/1798 (K.A.O. Pratt papers U840/0166/11)

³⁶ Camden to Portland, 15/02/1798 (P.R.O. H.O.100/75/92-5)

³⁷ *Diary of Sir John Moore*, vol.i, p.270

³⁸ Abercromby to York, 17/02/1798 (Dunfermline, *Abercromby*, pp.92-3)

commanding officers to familiarise themselves with the terrain around them and to establish a liaison with the local yeomanry commanders. Officers were forbidden to employ servants in a way which prevented them mounting guard or attending drills, and cavalry officers were cautioned against the practice of charging for the forage of horses which had in fact been turned out to grass. There were to be frequent parades because they promoted 'order, cleanliness, uniformity and sobriety' as well as promoting communication between the officers and privates. Requests for leave of absence were to be refused 'because the good of the service requires at this time the presence and particular attention of all ranks'. The dominant theme of the orders was that 'the discipline of the troops is of the first importance', and there was especial emphasis on the need to restore order to the ranks. To this end, he insisted that the hierarchical structure of the army command should be honoured.³⁹ On his departure from the command in April 1798 he commented to his son that such a degree of insubordination had been allowed in Ireland that the general officers wrote directly to Dublin Castle, circumventing the proper military channels for such communication. He believed that almost all of the officers who were in the kingdom before his arrival were involved in plots or conspiracies. Instead of attending to their duty and to the regulation of their troops, they acted as politicians or as magistrates, a situation which most of them had solicited.⁴⁰ The general orders of December 1797 drew the attention of those on the Irish establishment to the fact that at any time and without prior notice they might be called upon to face an invasion force, for which they must be prepared for instant mobilisation. Special emphasis was devoted to the need to keep the military within the boundaries of the law:

In this country it too frequently happens that the troops are called upon in aid of the civil magistrates, to support the peace of the country. Although on all occasions they ought to behave with firmness, yet they must not forget that they are only called upon to support the laws of the

³⁹ N.A.M. Nugent papers Ms.6807/174/325-331; N.L.I. Kilmainham papers Mss.1081/266, 277-8

⁴⁰ Abercromby to his son, 23/04/1798 (Dunfermline, *Abercromby*, pp.108-110)

land, and not to step beyond the bounds of them. Any outrage or excess, therefore, on their part is highly culpable, and they are strictly enjoined to observe the greatest moderation and the strictest discipline when they are called upon to execute this part of their duty. Even in time of actual war, amongst all civilised nations, it is considered as disgraceful and subversive of all discipline, if soldiers are allowed to be licentious.⁴¹

These orders have been overshadowed by the more famous general orders of 26 February 1798, but already at this point Abercromby had declared his military policy. The heavier emphasis in the February orders on the need to discipline the troops, was occasioned by a combination of factors: the observations he had made during his tour to the south, his growing dissatisfaction with the results of his earlier initiatives and, more immediately, by the rape of a servant girl by two military officers. Catherine Finn had been a servant to Jasper Uniacke, who had been murdered along with Mansergh St. George in county Cork in early February. Taken into protective custody in the hope that she would be able to identify those involved, she was raped by two lieutenants. This outraged Abercromby, who regarded it as a clear manifestation of the want of discipline in the army which he had been attempting to eradicate.⁴² This helps to account for the unequivocal forcefulness of the February orders which declared that the frequency of courts martial and the many complaints of irregularities of the troops in Ireland had 'unfortunately proved the army to be in a state of licentiousness which must render it formidable to everyone but the enemy'. In consequence, he ordered all commanding officers to exert themselves and compel from those officers under their command the strictest and unremitting attention to the discipline, good order, and conduct of their men. He directed observation to be paid to the standing orders of the kingdom which forbade the troops to act, except in case of attack, without the authority of the civil

⁴¹ General Orders, 24/12/1797 (N.A.M. Nugent papers Ms.6807/174/325-331)

⁴² N.L.I. Kilmainham papers Ms.1014/120

magistrate. And in those cases where they were called into action by a magistrate the most clear and precise orders were to be given to the officer commanding the party.⁴³

By thus restricting the military to the standing orders of the kingdom, Abercromby hoped to improve their discipline and to force the country gentlemen to trust to their own exertions with the assistance of the yeomanry for the maintenance of law and order in their neighbourhoods.⁴⁴ This was a direct contradiction, however, of Carhampton's orders of 18 May 1797 which had authorised the military to act 'without waiting for directions from the civil magistrate in dispersing any tumultuous assemblies of persons threatening the peace of the realm and the safety of the lives and property of his majesty's loyal subjects, wheresoever collected'.⁴⁵ This extension to the rest of the country of the freedom granted to General Lake in Ulster in March 1797 had not been widely acted upon, prompting Abercromby to believe that Carhampton's orders had been abandoned through disuse. He himself realised that his February orders were strong, but he considered that they were merited by the circumstances of the times. On his departure from Ireland in April he commented that despite the strength of their censure they had not served to abate the commission of enormities. On the contrary, he maintained that even after their issue the military continued to indulge in illegal activities, and he predicted that when the time came for calling out the army, half of it would dissolve within a month.⁴⁶

The sentiments behind the general orders were supported by several officers on the Irish establishment. Brigadier-General Moore believed that from the very beginning, Abercromby's orders had been designed to expose the abuses which existed in the armed forces and prohibit their recurrence, and that this was particularly the case in those of 26 February. Moore believed that the outrage occasioned by the orders lay in

⁴³ *Diary of Sir John Moore*, vol.i, p.283

⁴⁴ Dunfermline, *Abercromby*, pp.112-4

⁴⁵ *Diary of Sir John Moore*, vol.i, p.285

⁴⁶ Abercromby to his son, 23/04/1798 (Dunfermline, *Abercromby*, pp.108-110)

their accurate identification of the reality of the situation in Ireland. The principal officers, used to being complimented, 'could not bear the language of truth'. Not daring to publicly deny the abuses they were accused of, they concentrated their indignation on that part of the order which forbade acting without the civil authority. He recorded in his diary that Abercromby had received and observed numerous reports of the irregularities and abuses which existed, especially in the ranks of the militia. They had grown to such proportions as to be 'completely subversive of all discipline and order'. Moore's own criticism of the militiamen under his command in county Cork has already been illustrated.⁴⁷ Colonel Robert Crawford, who arrived in Ireland in March 1798 after his appointment as Deputy Quarter-Master General also emphasised the necessity for Abercromby's general orders. While he admitted that they were unguarded and unfortunately worded, Crawford considered them to have been 'well merited'. He agreed with the commander-in-chief that the dispersal of the troops and the manner in which they were employed in the country were the great obstacles towards moulding the army in Ireland into an efficient contra-invasion force.⁴⁸ Lieutenant-Colonel Henry Calvert of the Horse Guards also felt that 'nothing can so immediately tend to the subversion of discipline as keeping an army in dispersed quarters and making it subservient to purposes of police'.⁴⁹ Colonel Alexander Hope informed Henry Dundas on 3 April that although blame might have attached to Abercromby for an order that could be politically censured, the real source of the disagreement between the commander-in-chief and the advisers of the lord lieutenant lay in 'opposite systems of policy'. Abercromby's policy of concentrating the troops under tight discipline, thereby forcing the gentlemen and yeomanry to act in their own defence, frustrated loyalist attempts to grant the military a free hand in suppressing disturbances, in the words of Colonel Hope, 'purchasing

⁴⁷ See chapter six pp.237-238

⁴⁸ Crawford to Wickham, 19/03/1798 (P.R.O. H.O.100/66/76-81)

⁴⁹ H. Calvert to Wm. Bentinck, 15/05/1798 (Printed in A.P.W. Malcomson, *Eighteenth Century Irish Official papers in Great Britain*, Belfast P.R.O.N.I. 1990)

momentary quiet by the ruin of the army'.⁵⁰ In endeavouring to implement his policies Abercromby aroused the wrath of the kingdom's ruling oligarchy who were unfamiliar with a commander-in-chief actually determined to assert his control over the army under his command. Reacting as they had when the whig Fitzwilliam had challenged their authority three years earlier, they endeavoured to defeat Abercromby's design by discrediting him and his policies on both sides of the Irish sea.

(3)

It was Abercromby's absence from Dublin for crucial periods of time that allowed the opposition to his command the opportunity to muster their political clout. After the issue of his general orders of December 1797 he set off upon a tour of inspection to the south of the kingdom, and following the February orders he departed on a similar tour of the north. In his absence the exponents of a firm security policy began to consult together and intrigue against him. Their endeavours were assisted by the opening of the new parliamentary session in January 1798, which drew M.Ps. back to the capital from their country seats. It is not surprising that from early in February criticism of his policies began to emerge.⁵¹ Although Foster and Sir John Parnell were the most prominent in this campaign against the commander-in-chief, it involved nearly all of those who had successfully engineered Fitzwilliam's recall in 1795. After they had succeeded in forcing Abercromby's resignation, one government supporter informed his brother, Lord Mornington: 'You know how the chancellor, speaker etc. work when they have a point to carry and from all I can learn, I don't believe they ever laboured more about anything, than they did in this affair of Sir Ralph Abercromby'.⁵² The opposition to the commander-in-chief's policies was particularly vocal in counties Cork and Waterford,

⁵⁰ Colonel Alexander Hope to Dundas, 03/04/1798 (N.L.I. Dundas papers, Ms.54a, 132)

⁵¹ Andrew Newton to _____, 09/02/1797 (Reb.papers 620/35/130)

⁵² W.W.Pole to Mornington, [May] 1797 (B.L. Wellesley papers Ms.37,308, 114-9)

traditionally the centre of a hard-line grandee loyalist interest. Lord Shannon informed the lord lieutenant of his conviction that Abercromby was misinformed about the real condition of the country, and expressed his hostility towards the policy of withdrawing the small detachments of full time troops from the interior of the kingdom. Lord Longueville, governor of county Cork, wrote to the Castle criticising Abercromby's 'foolish opinions', and describing the extremely disturbed condition of the area around him in Castlemary. He concurred with Shannon that Abercromby had not enquired into the dispositions of the people, and if told them he had 'affected not to credit them or threw the blame on rapacious landlords and avaricious landholders'. Both Shannon and Longueville disparaged the idea of placing any reliance on the yeomanry. They suspected many of the infantry of disaffection, and considered the cavalry as living too far apart to be summoned together quickly in case of emergency. Shannon predicted dire consequences if the French landed while the troops were concentrated, and suggested that the defence of the interior would have to be abandoned.⁵³

The hostility among loyalists in the south-west of the kingdom towards Abercromby's command was accentuated by the fact that two of the commanding officers in the region were Brigadier-Generals Moore and John Hope, two Scots who shared Abercromby's principles and who had both accompanied him to Ireland from the West Indies.⁵⁴ General Hope had made himself objectionable to local loyalists, Lord Longueville in particular, by publicly declaring that the government did not want any more houses burned. Longueville defiantly asserted in response that such loyalist activity would only cease when the outrages of the disaffected were at an end. When the country was restored to tranquillity, 'all acts of unkindness or injury will terminate with us'. Until that time, however, the laws of the land were, in his opinion, no match for the 'robberies, murders, burnings and arms' perpetrated by the ill-disposed. Longueville felt that the tranquillity of the country was being exaggerated in order to palliate the withdrawing of

⁵³ Opinions of Shannon (K.A.O. Pratt papers U840/0166/10); Longueville to C.Kippax, 14/02/1798 (N.A. S.O.C. papers 1017/5)

⁵⁴ Robert Brownrigg to Pelham, 01/11/1797 (B.L. Pelham papers Add.Ms.33,105,198-9)

the troops, and that if the detachments were withdrawn, 'murder and robbery will be the order of the day'. Another commanding officer in the region, Major-General Sir James Stewart, was also censured for his adherence to the 'lenient measures' of the new commander-in-chief.⁵⁵ Stewart had issued orders, condemned by Edward Cooke as a 'ridiculous imitation of Sir Ralph', which were designed to guard against military excesses and to forbid military officers from acting as magistrates. This defeated the design of those government supporters who had supervised the appointment of certain military officers as magistrates, in order to enable them to act in this double capacity without the need to rely on the civil authority. Stewart had declared that he would not suffer a man under his command at Cork to act, and that there was no need for them to do so. The yeomanry corps were instructed to have nightly patrols under the command of a magistrate and constable, 'to protect innocence, not offend it, to use severity in cases only where it is unavoidable, and to take the utmost care to discriminate and discover the guilty'. John Beresford, M.P. for county Waterford, complained that Stewart's orders were of the 'most extraordinary nature'.⁵⁶ The sheriff of Cork wrote to Cooke on 22 March that the seditious, in consequence of such orders, 'know so well that the military will not act without a magistrate (out of the army) and they have so completely intimidated the civil magistrate that he will not act at all, that they have the whole country almost at their disposal'.⁵⁷ Sir Richard Musgrave complained to the Marquis of Waterford that Abercromby's 'most ill timed order' had completely tied up the hands of the military 'and prevented those exertions which have saved the country from rebellion and preserved the lives of many faithful subjects'. It was he maintained, a lamentable plan to restrain the military from 'the very salutary exertions' they had been making, at a time when the condition of the country was deteriorating so rapidly that

⁵⁵ Lord Longueville to C. Kippax, 14/02, 03/03/1798 (N.A. S.O.C. papers 1017/5, 7)

⁵⁶ John Beresford to Westmorland, 20/03/1798 (*Correspondence of the Rt. Hon. John Beresford*, (ed) William Beresford, 2vols., London, 1854, ii, 153-5); Beresford to Auckland, Cooke to Auckland, 24/03/1798 (P.R.O.N.I. Pelham papers T.3229/2/31-32)

⁵⁷ Robert Harding to Cooke, 22/03/1798 (Reb.papers 620/36/46)

`very little short of complete martial law will restore it to order'. Musgrave actually endeavoured to keep the general orders a profound secret in his neighbourhood.⁵⁸

Abercromby left Dublin immediately after issuing his orders on 26 February for a tour of inspection in the north of Ireland. This allowed the opposition to his command room to intensify, and they seized upon his contradiction of Carhampton's orders of May 1797 in order to undermine his authority.⁵⁹ During his absence from the capital Foster convened a meeting of prominent loyalists which censured the February general orders, and sent a deputation to Pelham conveying this opinion and their determination to bring it before parliament.⁶⁰ The militia officers were informed that the orders of 26 February were an insult to the character and discipline of their corps, and this resulted in the resignation of Lord Abercorn from the command of the Tyrone regiment on 12 March. Abercorn demanded that the government expressly disavow the general orders, and force Abercromby to make to the Irish regiments and their commanding officers a reparation as public as the insult he had offered them.⁶¹ The commander-in-chief's policy of refusing troop reinforcements to individual noblemen and gentlemen added to the hostility against his command.⁶² Robert Ross and General Lake lobbied Lord Downshire. Ross felt that Abercromby was 'a miserable politician', and expressed the wish that he had stayed 'with the negroes in Martinico. I hear he's a very obstinate positive man - a mere mule. This country will be distracted, if not lost, if he stays'.⁶³ Lake, whose personal dislike of Abercromby stemmed from their mutual experience of one another on the continent⁶⁴

⁵⁸ Richard Musgrave to Waterford, March 1798 (Reb.papers 620/36/21)

⁵⁹ Dunfermline, *Abercromby*, p.117

⁶⁰ *Diary of Sir John Moore*, vol.i, pp.286-8

⁶¹ Abercorn to Camden, 12/03/1798 (K.A.O. Pratt papers U840/0186/6); Dunfermline, *Abercromby*, pp.97-8

⁶² N.L.I. Kilmainham papers Mss.1014/74, 78, 80, 81, 83, 108, 114

⁶³ Robert Ross to Downshire, 27/03/1798 (P.R.O.N.I. Downshire papers D.607/F/108)

⁶⁴ Lieutenant-General Lake to Brigadier-General Knox, 13/10/1797 (N.L.I. Lake papers Ms.56, 102)

also criticised his orders.⁶⁵ He informed Downshire on 2 April that the 'natives' in his district had begun to believe that 'all power was taking [sic] from the military'. Their plans had been counteracted by the troops under his command, who he trusted 'will ever be formidable to the enemy'.⁶⁶ In consequence of these representations, Downshire added his considerable influence to the campaign against the commander-in-chief. He informed Camden in April that he had been 'exceedingly hurt' at Abercromby's orders, and he felt that they were not condemned strongly enough by Lake. Downshire was extremely forthright in recommending to Camden what course of action should be taken: Abercromby should have been dismissed immediately after issuing his general orders. The times called for decisive measures, he declared, 'not for indulgence and forbearance'. Unaware of the difficulties encountered by the lord lieutenant in enticing a capable general officer to accept the Irish command in the first place, Downshire declared that there were ten thousand generals who could replace Abercromby and he hoped that Camden 'will not long submit to his remaining in his situation'.⁶⁷ At the beginning of April another hard-line government supporter, Sir John Blaquiere, was endeavouring 'to embark *the great men* of the country in an opposition, all for the public good'. He wanted prominent loyalists like Shannon to march to the Castle 'and tell his excellency his duty'.⁶⁸

In addition, influential members of the ruling clique, including Beresford, Cooke, Fitzgibbon and John Lees, communicated their complaints to the Duke of Portland and Lords Auckland and Westmorland in England. Cooke informed Auckland on 12 March that the general orders were 'a fatal blow to the government', and he criticised Camden's

⁶⁵ Lieutenant-General Lake to government, 28/03/1798 (Reb.papers 620/36/94)

⁶⁶ Lieutenant-General Lake to Downshire, 02/04/1798 (P.R.O.N.I. Downshire D.607/F/127)

⁶⁷ Downshire to Camden, 4-25/04/1798 (P.R.O.N.I. Camden papers T.2627/4/98b)

⁶⁸ Lord Shannon to Lord Boyle, 06/04, 07/04/1798 (Quoted in Esther Hewett, ed. *Lord Shannon's Letters to his son: A calendar of*

Letters written by the Second earl of Shannon to his son Viscount Boyle, 1790-1802, Belfast, 1982, pp.77-9)

endeavours to try and ignore the affair.⁶⁹ Beresford echoed these sentiments in a letter to Westmorland on 20 March. He claimed that it was only the dreadful condition of the country, and the difficulty of finding a successor to Abercromby that restrained individuals from resigning their commissions or from taking up the business very strongly in parliament.⁷⁰ Fitzgibbon considered it provoking that the critical situation of the country made it impossible to resist 'the peevish intemperance' of Abercromby's orders as they deserved. John Lees complained to Auckland on 2 April that Abercromby had 'either wilfully or ignorantly mistook his situation' ever since his arrival in the kingdom. He criticised his conduct and orders as being productive of incalculable mischief, and represented the spirit of resentment in both houses of parliament as very high.⁷¹ A smear campaign was also initiated, accusing the commander-in-chief of political designs, and in particular attempting to implicate him in complicity with the charges which Lord Moira had made against the conduct of the military in Ireland only a week before the issue of the February general orders. Fitzgibbon declared that 'this Scotch beast' was in danger of fuelling Moira's accusations.⁷² Beresford went so far as to claim that he had come to Ireland fully prepossessed of Moira's sentiments.⁷³ Robert Ross even accused him of keeping company not only with Moira but also with the rebel chief Lord Edward Fitzgerald.⁷⁴ These charges were sufficiently widespread for Abercromby to feel obliged to assure Camden, Henry Dundas and the Duke of York that he was no politician, had no political connection with Moira, and that his orders were solely directed towards the

⁶⁹ Cooke to Lord Auckland, 12/03, 24/03/1798 P.R.O.N.I. Sneyd papers T.3229/2/28, 32)

⁷⁰ John Beresford to Lord Auckland, 13/03, John Beresford to Westmorland, 20/03/1798 (P.R.O.N.I. Sneyd papers, T.3229/2/29; *Correspondence of the Rt. Hon. John Beresford*, vol. ii, pp.153-5)

⁷¹ John Lees to Auckland, 02/04/1798 (B.L. Auckland papers Add.Ms.34,454,197-8)

⁷² Fitzgibbon to Lord Auckland, 23/03/1798 (B.L. Auckland papers Add.Ms.34,454,185-6)

⁷³ John Beresford to Westmorland, 20/03/1798 (*Correspondence of the Rt. Hon. John Beresford*, vol. ii, pp.153-155)

⁷⁴ Robert Ross to Downshire, 27/03, 05/04/1798 (P.R.O.N.I. Downshire D.607/F/108, 131a)

`abuses and insubordination` in the army.⁷⁵ The extent and intensity of the plot against Abercromby was revealed by John Lees who dined with eighteen of the first men in the kingdom on 2 April, whose disposition inclined them to have the commander impeached for his conduct.⁷⁶

It was the successful manipulation by the Irish cabinet of their allies in Britain that first provoked the Duke of Portland to raise the subject of the general orders with Camden on 11 March. Portland reported that Abercromby's orders had produced a `very general and extraordinary sensation` among the loyalist lobby in London. They complained that there must have been some division in the Irish government, that Camden must have been deluded or intimidated, that protection was to be withdrawn from them, and that they would be sacrificed or forced to join the insurgents. In short, said Portland, they were forecasting nothing but `murder, devastation and ruin`, and conceived themselves to have no choice but to collect all the property they could and leave the country.⁷⁷ The furore in London had also prompted Pitt to address the Irish viceroy on the subject of the general orders. He informed Camden on 13 March 1798 that in consequence of the accounts he had received from Ireland, which detailed the assassination of numerous magistrates, he very much doubted whether anything but the vigorous exertion of military force independent of the civil authority could redress the growing security crisis.⁷⁸ The reaction from London had foiled the strategy adopted by Camden upon first hearing of the general orders. He had endeavoured to avoid any mention of them in his reports to London, and when the furore in Ireland made mention of them unavoidable he endeavoured to give them a purely military interpretation.⁷⁹ This

⁷⁵ Abercromby to Camden, 15/03/1798 (P.R.O. H.O.100/75/229-30); Abercromby to Dundas, Abercromby to Duke of York, 24/03, 27/03/1798 (Dunfermline, *Abercromby*, pp.106-7, 111-2)

⁷⁶ John Lees to Lord Auckland, 02/04/1798 (B.L. Auckland papers Add.Ms.34,454,197-8)

⁷⁷ Portland to Camden, 11/03/1798 (P.R.O. H.O.100/75/193-4)

⁷⁸ Pitt to Camden, 13/03/1798 (N.L.I. Lord Lieutenant's correspondence Ms.886, 249-51)

⁷⁹ Camden to Portland, 14/03, Camden to Pitt, 17/03/1798 (P.R.O. H.O.100/75/225-8; K.A.O. Pratt papers U840/0156/28)

was the line which Pelham adopted when Dr. Browne seized upon the general order in parliament as verification of the charges he had earlier made of widespread excesses committed by the military.⁸⁰ Camden personally regarded the order as 'most injudicious and almost criminal', but was reluctant to publicly reveal his disapprobation for fear of provoking Abercromby's resignation. He valued his military talents, and more importantly his resignation in such circumstances would substantiate the charges which Moira had made against the licentious conduct of the military only a week before the issue of Abercromby's general orders.⁸¹

Camden's fears that the opposition to the commander-in-chief might force his resignation were realised on 15 March. In an interview on that day Abercromby denied that he had ever entertained any political agenda, and declared that his general orders had been issued expressly for the purpose of correcting abuses, supporting stricter discipline, and stimulating the exertions of the country gentlemen. He did acknowledge that he had believed the proclamation of the previous May to have been abandoned through disuse, but he was of opinion that the interpretation and execution of that proclamation could not have been left to officers of all ranks without great danger to the discipline of the armed forces. Being perfectly convinced that if he did not possess the confidence of Camden's advisers he must impede the operation of his government, he tendered his resignation. Until the appointment of his successor, however, he agreed to temporarily retain the command.⁸² Alarmed by this move, Camden denied that Abercromby had been accused of political manoeuvre or that he did not possess the confidence of his advisers. As a military man, Camden insisted, Abercromby possessed their entire confidence, and if it had been shaken, it had been so by 'some degree of indiscretion on his part in the words of the order and the mode of issuing it'. There was not one man concerned with

⁸⁰ *D.E.P.* 16/01, 10/03/1798; Camden to Portland, 06/03/1798 (P.R.O. H.O.100/75/154-161)

⁸¹ Camden to Portland, 20/02/1798 (P.R.O. H.O.100/75/100); Camden to Pitt, 17/03/1798 (K.A.O. Pratt papers U840/0156/28)

⁸² Abercromby to Camden, 15/03/1798 (P.R.O. H.O.100/75/229-30); Dunfermline, *Abercromby*, pp.106-110, 112-4, 125-7; *Diary of*

Sir John Moore, vol. i, pp.282-5

the welfare of the country, he declared, who did not wish Abercromby to remain in it, on account of his military talents, and also as his retirement at that time would have 'the worst possible political tendency' by reinforcing the accusations made by whig politicians against the army in Ireland. Camden also urged the Duke of Portland to use every means to persuade Abercromby to retain the command, even hinting that he would not stay as lord lieutenant without the military assistance of someone of Abercromby's stature.⁸³

Faced with this dilemma and failing to comprehend that the debate over the general orders was a manifestation of a deeply laid conflict between two rival military policies, Camden endeavoured to achieve the contradictory goals of placating his supporters while retaining Abercromby's services. Armed with the information supplied by Samuel Turner⁸⁴, which confirmed beyond doubt the existence of a correspondence between the disaffected in Ireland and the French directory, Camden's advisers had begun to lobby for the adoption of a tougher law and order policy, criticising the hesitancy of the administration and associating together in parliament in order to force the lord lieutenant into more vigorous measures.⁸⁵ He complained to Portland that not only those individuals he generally consulted, but 'almost all those' who supported his administration were discontented 'at what they construe to be the *timid conduct* of government'. He claimed that they were associating, in order by strong language in parliament, 'to hurry us on to stronger measures', and it was difficult to keep their 'eager loyalty' within bounds.⁸⁶ Camden endeavoured to placate his supporters by two measures: he ordered the arrest of the United Irish leaders in Leinster, despite having received 'somewhat like a remonstrance' from Portland against the proposal, and secondly, he directed Abercromby on 14 March to implement the disarmament of the disaffected in Kildare, King's and Queen's counties. As a further concession to loyalist

⁸³ Camden to Portland, 14/03/1798 (P.R.O. H.O.100/75/225-8)

⁸⁴ For Turner see chapter four p.190

⁸⁵ Camden to Portland, 08/02, 06/03/1798 (P.R.O. H.O.100/75/71-4, 162-9)

⁸⁶ Camden to Portland, 06/03/1798 (P.R.O. H.O.100/75/162-9)

pressure, the military involved in this campaign were authorised to act, in direct contradiction of the orders of 26 February, independently of the civil authority. Camden justified these measures to Whitehall by stating that 'it must be shown that government are not afraid to act'. He pointed to the absolute necessity of restoring confidence amongst the well disposed before the spring assizes or neither grand nor petit juries would be found. Some strong step could not be delayed, he explained, 'for the zeal and anxiety of the best friends of government is so strong and decided that I apprehend no little probability of motions in parliament to drive government into vigorous measures'.⁸⁷ Camden was confident that by these means, in addition to interpreting the February orders in a purely military light, he would satisfy demands for coercive measures and defuse the intensity of the campaign against the commander-in-chief.⁸⁸ In the meantime he endeavoured to persuade Abercromby to retain the command. The viceroy had been pleased with his acknowledgement that he had not considered the proclamation of May 1797 as being still in force, and he mistakenly interpreted this as an admission by the commander-in-chief that his censure on the Irish armed forces had been ill-deserved. Fuelled by this self-deception, Camden endeavoured on 22 March to convince Abercromby of the necessity of his remaining in Ireland. He expressed sympathy with Abercromby's goals, claiming to lament the relaxed discipline of the troops, and to understand that the order of 26 February had been issued solely for the purpose of impressing in the strongest manner possible the necessity for stricter regulation in the army. Although he regretted that the strength of Abercromby's feelings on the subject had induced him to use expressions which might be given a political construction by the opposition, he acknowledged that Abercromby was above 'manoeuvre and intrigue'. He absolutely insisted, however, that the proclamation of the previous May had to be acted upon, and defended it as almost an act of parliament, when in reality it had been an

⁸⁷ Camden to Portland, 10/03, 11/03/1798, Elliott to Abercromby, 14/03/1798 (P.R.O. H.O.100/75/187-8, 195-210, 239-250)

⁸⁸ Camden to Portland, 14/03, Camden to Pitt, 14/03, Camden to Abercom, 17/03/1798 (P.R.O. H.O.100/75/225-8, K.A.O. Pratt papers U840/0156/28, 0186/12)

exercise of executive authority. What Camden wanted was something he could use to placate those calling for Abercromby's resignation. This amounted to an explicit disavowal by the commander-in-chief of the orders of 26 February. Although Camden had already issued orders on 14 March which authorised the military to act without the presence of a magistrate, this had been confined to the three counties which were in the process of being disarmed, and he wanted Abercromby himself to extend this freedom to the troops throughout the entire kingdom.⁸⁹

Camden's attempt to conciliate his supporters with vigorous measures, while endeavouring to keep Abercromby in the command failed for two reasons. The first was Abercromby's persistent refusal to implement military policy in the manner desired by government supporters, and the second was the realisation of Irish loyalists that there would be no change in the implementation of such policy as long as the command rested where it did. While implementing the disarmament of Kildare, Queen's and King's county, in consequence of the orders of 14 March, Abercromby ensured that the military were kept on a tight rein. He gave 'the most precise and positive instructions' to the officers under his command that the most perfect order was to be observed at all times by the troops and that no party was to be detached without an officer. He insisted that they maintain every possible degree of regularity, and 'no unnecessary act of violence' was to be committed.⁹⁰ This had the effect of considerably weakening the intended severity of the measure, and intensified the opposition to his command.⁹¹ In response, Camden's cabinet sabotaged his endeavour to reach a compromise solution through negotiations with the commander-in-chief. One of the principal leaders of the cabal, John Foster, speaker of the house of commons, used the occasion of his speech at the bar of the house of lords on 24 March, while presenting the money bills, to enflame the situation. Foster's speech was a direct and public riposte to the charges made by

⁸⁹ Camden to Portland, 14/03, Camden to Abercromby, 22/03/1798 (P.R.O. H.O.100/75/225-8, 303-6)

⁹⁰ Adjutant-General Hewett to Dundas, 16/03/1798 (P.R.O. H.O.100/75/247-50)

⁹¹ John Lees to Lord Auckland, 02/04/1798 (B.L. Auckland papers Add.Ms.34,454,197-8)

Abercromby against the military. He expressed admiration for 'the order and alacrity' which the army had shown on every occasion, and praised 'the courage, the vigour and the discipline of these forces', which 'must render them formidable to the enemy and ensure his defeat, should he be desperate enough to attempt invasion'. Camden hoped that this speech fully illustrated to Portland the embarrassments to which he was liable from those most in his confidence. He also considered that Abercromby had been strengthened in his reasons for retiring by the tenor of the speech, made at a time when he was endeavouring to reconcile the different parties and to remove the impression which Abercromby's orders had made.⁹² Even Cooke believed that it was imprudent and improper to make the allusion to the orders of 26 February when Camden had determined to blur the issue, but he admitted that the speaker's sentiments had accurately reflected the general feeling of parliament.⁹³ Foster's speech revealed to Camden the depth of the hostility to the commander-in-chief, while simultaneously fixing Abercromby in his determination to resign. He could not be indifferent to his character, he said, and would not trust it in the hands of those who had endeavoured to deprive him of it. Were he to remain in the command, he would feel a diffidence and distrust of Camden's advisors which would render him unfit for the position at such a critical time.⁹⁴ Camden addressed him again on 25 March, stating that even if his advisers spoke warmly, he himself was not to be influenced by such expressions, and was not to be shaken in his conduct towards him, 'either by the clamour of the Irish nation, or the more deliberate opinion of the English government'.⁹⁵ While Abercromby expressed gratitude for the lord lieutenant's personal goodness towards him, he felt it impossible to remain in a situation where his conduct could only be supported by the lord lieutenant's personal authority,

⁹² Camden to Portland, 26/03/1798 (P.R.O. H.O.100/75/319-4)

⁹³ Cooke to Auckland, 24/03/1798 (P.R.O.N.I. Pelham papers T.3229/2/32)

⁹⁴ Abercromby to Camden, 24/03/1798 (P.R.O. H.O.100/75/307-8)

⁹⁵ Camden to Abercromby, 25/03/1798 (P.R.O. H.O.100/75/309-10)

and not on the opinion of those around him, or of the English government.⁹⁶ In consequence of Abercromby's resolute insistence on resigning and the implacable hostility to his command, Camden was forced to agree to the appointment of a new commander-in-chief on 26 March.⁹⁷

Once Abercromby's resignation had been finally accepted, his opponents pressed for an explicit disavowal of his policy. They claimed that the disturbances in the country, including an attack by a considerable body of 'insurgents' on the town of Cahir in Tipperary, had increased because of Abercromby's policies. They represented the measures which had already been taken in Kildare, King's and Queen's counties as insufficient, and advised Camden that 'the military power should be forthwith ordered to act without waiting for the authority of the civil magistrate and that these disturbances should be treated as actual rebellion'. Unless this liberty was granted to the troops throughout the entire kingdom, much disorder was likely to arise in those areas where the proclamation of 14 March did not apply.⁹⁸ Their persistence was rewarded by the proclamation of 30 March which declared that a traitorous conspiracy aiming at the subversion of the constitution had spread itself through the country and had broken out into open acts of rebellion. The commanding officers of the army were given 'the most direct and positive orders' to employ the military 'with the utmost vigour and decision' for the immediate suppression of these disturbances and the disarmament of the rebels 'by the most summary and effectual measures'.⁹⁹ This extended the authority granted to the military in Kildare, Queen's and King's county, under the proclamation of 14 March, to the rest of the kingdom. In effect it was a return to the proclamation issued in May 1797, and a direct contradiction of the general orders of 26 February.

⁹⁶ Abercromby to Camden, 25/03/1798 (P.R.O. H.O.100/75/311-2)

⁹⁷ Camden to Portland, 26/03/1798 (P.R.O. H.O.100/75/319-24)

⁹⁸ Camden to Portland, 30/03/1798 (P.R.O. H.O.100/75/343-50)

⁹⁹ Proclamation of 30/03/1798 (P.R.O. H.O.100/75/349-50)

Brigadier-General Moore believed that the powers granted by the proclamation of 30 March equalled martial law, although the civil courts were still sitting and the assizes were in progress. He believed that the government had no plan but that of 'terrifying the common people'. In consequence of his recognition that the measures likely to be adopted would be 'most odious', and that 'whoever attempts to execute them with lenity or moderation risks giving displeasure and being ruined', he contemplated requesting to be withdrawn from Ireland. It was Abercromby who dissuaded Moore from seeking a transfer, fearing that it would prove detrimental to the brigadier-general's future career.¹⁰⁰

Despite the pressure from his supporters, Camden had only agreed to the issue of the new proclamation after a personal appeal on his part had secured Abercromby's consent to enforce it.¹⁰¹ Although Abercromby's resignation had been accepted in England, Camden still entertained a faint hope that loyalist opinion could be reconciled to him if he was proved successful in enforcing the proclamation, and he sought the authority from London to request Abercromby to remain in Ireland if the hostility towards him subsided. Besides being unenthusiastic about the prospect of Lake becoming commander-in-chief, Camden was anxious for political motives to have Abercromby implement the proclamation, 'as his undertaking this command must convince the world that he had no political objection to the severe measures we had been constrained to adopt'.¹⁰² Even when he had become convinced, by 7 April, that the opposition to the commander-in-chief would not be overcome, Camden endeavoured to retain Abercromby in Ireland at least until the proclamation had been fully enforced, so desperate was he to have him associated with the vigorous measures being implemented in the kingdom.¹⁰³ Abercromby was informed that his resignation had been accepted, but that a successor had yet to be named. Camden hoped that this would render it

¹⁰⁰ *Diary of Sir John Moore*, vol. i, p.288

¹⁰¹ Camden to Portland, 30/03, 31/03/1798 (P.R.O. H.O.100/75/343-50, 349-352); Dunfermline, *Abercromby*, pp.116-118

¹⁰² Camden to Portland, 05/04/1798 (P.R.O. H.O.100/75/23-4, 76/25-30)

¹⁰³ Camden to Portland, 07/04/1798 (P.R.O. H.O.100/76/37-40)

unnecessary for him to hasten his return to Dublin from the south of the kingdom, where he had travelled to enforce the proclamation.¹⁰⁴ This was palpably untrue; Camden had been informed of the official appointment of General Lake to the army command on 31 March, and it illustrates his desire to have Abercromby responsible for the new measures which it was intended to adopt.¹⁰⁵

Although Abercromby had consented to enforce the proclamation, after being earnestly solicited by Camden on the issue, he was far too shrewd an individual to become a political pawn. In order to dissociate himself from the policy he was about to implement, he publicly announced his resignation before leaving for the south of the kingdom on 2 April, thereby signifying that he would not remain in the command on any account.¹⁰⁶ His opponents recognised that by acting in this manner he was publicly expressing his disapproval of the military policy he had agreed to implement.¹⁰⁷ John Lees felt that by this move Abercromby was taking no responsibility upon himself for the measures about to be adopted, but threw everything upon the lord lieutenant and privy council.¹⁰⁸ Robert Ross similarly believed that the commander-in-chief had distanced himself from the sentiments expressed by the proclamation, 'in short, totally disapproving of the opinions of his excellency, the lord lieutenant, the privy council and both houses of parliament's conduct on the present occasion'.¹⁰⁹ In addition, Abercromby endeavoured to soften the force of the proclamation. His response to pressure from Camden to adopt the strongest possible measures if the disaffected did not surrender their arms, was to issue a notice from his headquarters in Kildare on 3 April which was to be distributed

¹⁰⁴ Camden to Abercromby, 07/04/1798 (K.A.O. Pratt papers U840/0166/20)

¹⁰⁵ Portland to Camden, 31/03/1798 (P.R.O. H.O.100/75/357-8); Camden to Pitt, 07/04/1798 (K.A.O. Pratt papers U840/0156A/30)

¹⁰⁶ Camden to Portland, 02/04/1798 (P.R.O. H.O.100/76/7-10); Dunfermline, *Abercromby*, pp.116-118, 125-7

¹⁰⁷ John Patrickson to Downshire, 01/04/1798 (P.R.O.N.I. Downshire D.607/F/121)

¹⁰⁸ John Lees to Lord Auckland, 02/04/1798 (B.L. Auckland papers Add.Ms.34,454,197-8)

¹⁰⁹ Robert Ross to Downshire, 02/04/1798 (P.R.O.N.I. Downshire D.607/F/126)

throughout Kildare, King's and Queen's counties.¹¹⁰ It stated that in consequence of the proclamation of 30 March and Camden's 'particular orders thereon', the people were given ten days to surrender the arms they had stolen from the well affected. If they complied with the notice they would receive the protection of the military, but if they failed to do so, the troops would be sent to live at free quarters among them. If the disturbances still continued after the adoption of this measure, the military would then resort to 'other very severe means'.¹¹¹

Free quarters was a calculated perversion of the royal prerogative of quartering, a right which had not been exercised in Ireland since the building of the barracks and which had been technically extinguished by statute in 1708.¹¹² Abercromby's recourse to this measure did not indicate a change of policy on his part. On the contrary by placing emphasis on free quarters conducted under tight officer supervision, he was in effect rejecting both house burning and other illegal measures conducted at the discretion of local officers. The measure was anathema to Irish loyalists, who claimed that it did not allow for sufficient discrimination between the innocent and guilty.¹¹³ While they desired to have the army dispersed through the country actively repressing the disaffected, they wanted their own property and that of their tenantry strictly exempted from the consequences of such conduct. Complaints were made to Major-General Charles Asgill, commanding officer at Kilkenny, shortly before the expiration of the notice of 3 April, that the disturbances were being committed by the lower orders who had little to lose and no property for the soldiers to lay hold of. It was claimed that by resorting to free quarters, only the property of the farming community would suffer, and it would be impossible for the commanding officers to discriminate between the innocent and guilty, unless the absent gentlemen of the county were to return and identify the areas inhabited

¹¹⁰ Correspondence of Camden and Abercromby, 01/04, 03/04/1798 (K.A.O. Pratt papers U840/0166/17-18)

¹¹¹ D.E.P. 07/04/1798

¹¹² K.P.Ferguson, *The Army in Ireland from the Restoration to the Act of Union*, (Unpublished Ph.D. thesis, T.C.D., 1980), 167

¹¹³ Camden to Portland, 23/04/1798 (P.R.O. H.O.100/76/122-9)

by the banditti.¹¹⁴ Towards the expiration of the notice in Kildare, the loyalists of the county, 'alarmed at the threats *they* themselves had called for', requested that military action should be deferred.¹¹⁵ Influenced by his advisors, Camden himself expressed doubts over the propriety of the measure, and on Abercromby's departure from the kingdom it was quickly abandoned and replaced by the more brutal methods which were identified in the previous chapter.¹¹⁶ Irish loyalists also disliked the ten days grace which Abercromby's notice allowed for the surrender of arms. This was criticised for delaying the imposition of repressive measures of any kind.¹¹⁷ Charles Agar informed Auckland that 'some persons' thought Abercromby's orders were not quite as strong as the proclamation, and that he was too liberal in allowing ten days for the restoration of stolen arms.¹¹⁸ Robert Ross succinctly voiced loyalist grievances in a letter to Downshire on 6 April:

You see, he carefully avoids the words of our proclamations, calls rebellion insubordination, and gives Lord Moira's *innocents* ten days to commit fresh outrage, and instead of summary meas[ures] to quell rebellion, he threatens to send troops to live at free quarters among them, *where they'll find nothing to eat*. From such a commander, good lord deliver us.¹¹⁹

¹¹⁴ C.Asgill to Abercromby, 17/04/1798 (*Memoirs and Correspondence of Viscount Castlereagh*, ed. 3rd. marquess of Londonderry, 12 vols., London 1848-54, vol.i, pp.184-5)

¹¹⁵ Camden to Portland, 23/04/1798 (P.R.O. H.O.100/76/122-9)

¹¹⁶ Castlereagh to Lieutenant-General Lake, 25/04/1798 (*Memoirs and Correspondence of Viscount Castlereagh*), vol.i, p.189

¹¹⁷ Charles Agar to Lord Auckland, 05/04/1798 (B.L. Auckland papers Add.Ms.34,454,204); Asgill to Abercromby, 17/04/1798 (*Memoirs and Correspondence of Visct. Castlereagh*), vol.i, pp.184-5

¹¹⁸ Charles Agar to Lord Auckland, 05/04/1798 (B.L. Auckland papers Add.Ms.34,454,204)

¹¹⁹ Robert Ross to Downshire, 06/04/1798 (P.R.O.N.I. Downshire D.607/F/131B)

Lord Shannon echoed these sentiments: 'It's thought that half of ten days would have done better, and it's observed that he calls by the mild appellation of *insubordination* what the proclamation of the lord lieutenant and council have called insurrection and *rebellion*'. Shannon believed that Abercromby had allowed the ten days notice so that he would be recalled before he would be called upon to exert himself.¹²⁰

Abercromby contributed further to his unpopularity among Irish loyalists by publicising the vast powers with which he had been empowered by Camden and the privy council. While government supporters wanted him to use trenchant measures against the disaffected, they did not want those measures openly publicised. Brigadier-General Moore recognised that Fitzgibbon and 'those of his party' wished the commander-in-chief and the army to take upon themselves 'to act with a violence which they do not choose to define, and for which they would give no public authority'. Their approbation would depend upon the success of the actions taken.¹²¹ Before going to the south of Ireland on 2 April, Abercromby had requested clarification of the extent of his authority. He vowed to keep the description of these powers to himself, and only if the condition of the country rendered it absolutely necessary would he reveal them most confidentially to some of his general officers. Camden did not expect these powers to be published 'as a *notice* to terrify'. He was extremely surprised, therefore, by an order issued by Major-General Sir James Duff at Limerick on 11 April, 'as in the shape in which it appears, it is liable to much animadversion'. Duff's order, which demanded the surrender of all stolen arms, revealed the extent of the prerogative granted to Abercromby by the lord lieutenant and privy council under the proclamation of 30 March. He was empowered to quarter troops, press horses and carriages, demand forage and provisions, issue proclamations, and hold courts martial for civil and military offences of all descriptions, with a power of confirming and executing the sentences of all such courts martial. Camden lamented the 'very little discretion' involved in this publication, and condemned

¹²⁰ Shannon to Boyle, 05/04/1798 (Quoted in E.Hewett, ed. *Lord Shannon's Letters to his son*, p.75)

¹²¹ *Diary of Sir John Moore*, vol. i, pp.286-8

Abercromby for not observing the strictest secrecy in communicating those powers with which he had been invested.¹²²

It has already been shown that Abercromby only resorted to free quarters as the most disciplined means of responding to loyalist demands to give the military free reign in the country, and throughout the implementation of the measure he was anxious to maintain discipline and regulation. He informed Lieutenant-General Dundas on 12 April that the measure was to be conducted 'with all possible regularity'. General Wilford was ordered to begin operations in the barony of Kilkea, county Kildare, with 'prudence and discretion'.¹²³ When Brigadier-General Moore began the system of free quarters in part of Cork on 2 May, he also took pains to regulate the conduct of his men. He ordered them to treat the people with as much harshness as possible, 'as far as words and manner went':

My wish was to excite terror, and by that means obtain our end speedily. I thought this better than to act more mildly, and be obliged to continue for any time the real oppression; and, as I was present everywhere myself, I had no doubt of being able to prevent any great abuses by the troops.¹²⁴

Free quarters, therefore, far from being an aberration from Abercromby's military policy was in fact an extension of it. Throughout his command in Ireland, he maintained a consistent policy, continually refusing to implement the harsh military rule desired by his opponents. This was clearly revealed in his instructions to Major-General Sir James Duff on 13 April to enforce the surrender of stolen arms by explaining to certain prisoners 'the folly as well as the wickedness of their conduct':

¹²² Camden to Portland, 17/04, 20/04/1798 (P.R.O. H.O.100/76/75-88, 107-9)

¹²³ Abercromby to Dundas, 12/04, 16/04/1798 (K.A.O. Pratt papers U840/0166/26, 28)

¹²⁴ *Diary of Sir John Moore*, vol.i, p.289

By this means I hope we shall effect our purpose without exceeding [sic] to extremities. Should that be the case the impression made may be more lasting as it will not irritate but soothe - and relieve their minds from a sense of guilt which leads generally to the commission of fresh crimes. In short, you will see that my prescriptions are of the lenient kind, and that I am willing to hope many have taken the [United Irish] oath from fear or folly.¹²⁵

Even his final reports to Camden on the state of the country in April 1798 were 'intermixed with observations upon the impolicy of suffering the military to act without waiting for the civil magistrate, and his opinion of the advantages of resorting to the civil power'. He continued to discredit the extent of the disaffection in the country, the quantity of arms which had been stolen, the number of outrages committed by the ill-disposed, and remained inclined to attribute the disturbances in the south to traditional agrarian grievances or private quarrels. He criticised the government for overestimating the danger facing the state. Until his departure from Ireland in late April he remained convinced that Camden had been ill-advised to proclaim the kingdom in rebellion, and to establish 'something more than martial law'. While it might have been proper to take measures in those districts where the greatest outrages had been committed, and where the magistrates had fled their duty, he was adamant that a writ could be executed at that time in any part of the country.¹²⁶ It was his persistent refusal to acquiesce in loyalist demands to allow the army free reign in the country which earned him their enduring resentment and which led to the appointment of General Lake as his successor. Camden, who had been hoping for the appointment of Sir William Howe, Sir Charles Grey or Lieutenant-General David Dundas in Abercromby's place, was disappointed at being informed that Lake was the only available option. He did not believe that Lake was equal

¹²⁵ Abercromby to Major-General Duff, 13/04/1798 (K.A.O. Pratt papers U840/0166/27)

¹²⁶ Abercromby to Castlereagh, 11/04/1798 (K.A.O. Pratt papers U840/0166/24); Abercromby to his son, 20/04/1798 (Dunfermline, *Abercromby*, 127-8); Camden to Portland, 20/04, 23/04/1798 (P.R.O. H.O.100/76/97-106, 122-9); Camden to Pelham, [April 1798] (B.L. Pelham papers Add.Ms.33,105,353-6)

to the post at such a critical time, but he recognised that his appointment would satisfy those calling for a vigorous military policy.¹²⁷ While he praised Lake's zeal, he doubted if he had the authority to resist 'the innumerable applications which will be made to him in the moment of danger, and look only to the imperious duties he undertakes, without suffering himself to be swayed by clamour or importunity'.¹²⁸ Ironically, it was for possessing these very qualities that Abercromby had been forced to resign from the Irish command.

(4)

The Abercromby crisis marks the culmination of a struggle over the mode in which the military were to be deployed and employed which had been building since the outbreak of war with France in 1793. Abercromby's departure from Ireland in April 1798 marks the triumph of the Irish cabinet in re-asserting their control over the formation of military policy in the kingdom. His successor as commander-in-chief was very much allied to the group that had successfully campaigned against Abercromby's command. With Camden's advisers unopposed in their dominance of the civil administration in late April and May, and with a commander-in-chief proving himself extremely receptive to their demands for vigorous counter-insurgency measures, the conflict between the civil and military establishments temporarily receded. In consequence, until the arrival of Lord Cornwallis in the dual capacity of commander-in-chief and viceroy in July, the military were to enjoy a much greater freedom in repressing disaffection and rebellion in the Irish countryside than they had under Abercromby. The appointment of Cornwallis in this dual capacity had been advocated by Abercromby even before his arrival in Ireland in November 1797. He had pointed to the absolute necessity

¹²⁷ Camden to Pitt, 29/03/1798 (K.A.O. Pratt papers U840/0I56A/28); Portland to Camden, 31/03/1798 (P.R.O.

H.O.100/75/357-8); Camden to Downshire, [Late April/early May 1798] (P.R.O.N.I. Downshire D.607/F/153)

¹²⁸ Camden to Portland, 05/04/1798 (P.R.O. H.O.100/76/25-30)

of appointing a viceroy with direct control of the army. This was essential, he had argued, in order to guard against subjecting military policy to political considerations. The divisions between the Irish cabinet and the military command reappeared however, after it had become apparent to Irish loyalists that Cornwallis's policies were ill-suited to their agenda. But with Cornwallis acting in the dual capacity as head of both the military and civil departments, he had the independence and authority to withstand the influence of the powerful cabinet which had dominated his political and military predecessors.

This chapter has examined the law and order policy adopted by the Irish government in the period from 1794 to 1798. The formation of that policy was shaped by several complex factors and the consequences of its implementation were a disaster which stretched far into the following century. It is the contention of this study that the law and order policy pursued by the Irish government was ill-suited to the circumstances. On the one hand the British cabinet and officials put the responsibility to secure the constitutional union between Great Britain and Ireland with the Irish government as early as 1791, that of a legislative union.

For most of the period under discussion here, law and order policy was effectively dictated to the Irish government by a cabinet of Irish politicians and magistrates. The Duke of Portland could not understand the strength and influence of the unofficial Irish cabinet, the very existence of which he regarded as "unconstitutional and preposterous". Portland's reaction to the Abercromby who wrote to him in 1794 is to appreciate the reality of the political situation in Ireland. He could not comprehend Abercromby's concern about the country he had assumed to be a simple and unproblematic. Portland felt that such opposition was unwarranted in light of the fact that Abercromby had only to answer to the Lord Lieutenant and had been assured that he enjoyed the full

Conclusion

This thesis has examined the law order policy adopted by the Irish government in the period from 1794 to 1798. The formation of that policy was shaped by several complex factors and the consequences of its implementation cast a shadow which stretched far into the following century. It is the contention of this study that the security policy pursued by the Irish government effectually served to discredit it in the eyes of the British cabinet and afforded Pitt the opportunity to secure the constitutional arrangement between Great Britain and Ireland which he had desired as early as 1792, that of a legislative union.

(1)

For most of the period under discussion here, law and order policy was effectively dictated to the lord lieutenant by a coterie of Irish politicians and magnates. The Duke of Portland could not understand the strength and influence of this unofficial Irish cabinet, the very existence of which he regarded as 'unconstitutional and preposterous'. Portland's reaction to the Abercromby crisis reveals his inability to appreciate the reality of the political situation in Ireland. He could not comprehend Abercromby's concern about the hostility he had aroused among Camden's advisers. Portland felt that such opposition was irrelevant in light of the fact that Abercromby had only to answer to the lord lieutenant and had been assured that he enjoyed the full

support of both the British and Irish governments.¹ Others, closer to events in Ireland, were more astute observers of the situation and recognised the political constraints within which the viceory had to manoeuvre. Brigadier-General Moore recognised the strength of the Irish cabinet and the influence which it wielded over the lord lieutenant.² The individuals who formed this cabinet continually pressed for the adoption of the measures they, and their supporters in the wider loyalist community, deemed essential for the preservation of their ascendancy. As Dr. Arthur Browne declared in the commons during the debate on Parsons' motion on the state of the country on 5 March 1798, the violent measures adopted by the government had been 'forced on them...by the gentlemen of the country'.³ At times the influence of Camden's advisers upon his decision-making process is unmistakably clear. When requesting the acquiescence of his political masters in London for additional security measures, the lord lieutenant invariably stated in support of his request that it was based on the opinion of 'all those who best understand the country'⁴, a clear reference to those closest to him even if his evaluation of their political judgement is highly dubious. The series of measures adopted in the autumn of 1796 to combat the deterioration in the security situation bore testimony to the weight of their influence. Camden informed Pelham on 30 July that he had been called upon 'by almost all those whom we usually consult' for the adoption of these measures, which included the suspension of the *habeas corpus* act, the embodiment of a yeomanry force and the arrest of prominent United Irish leaders in Ulster.⁵ Camden had been induced by these advisers to send a detailed representation to Portland on the state of the country 'and to state the measures which *they* think it may be necessary to

¹ Portland to Camden, 19/03, Portland to Dundas, 29/03/1798 (P.R.O. H.O. 100/75/253-6; N.L.I. Melville papers Ms.54a, 129)

² J.F. Maurice (ed.), *The Diary of Sir John Moore*, (2 vols., London, 1904), vol. i, pp.286-8

³ *Dublin Evening Post* 10/03/1798

⁴ Camden to Portland, 22/06/1797 (P.R.O. H.O. 100/69/427-430)

⁵ Camden to Pelham, 30/07/1796 (P.R.O.N.I. Pelham T.755/3/81) (Italics mine)

take'.⁶ Similarly, in justifying the powers granted to General Lake in March 1797, Camden informed Portland: 'I should have ill performed my duty to the king...if I delayed to take such steps *as occurred to those persons, with whose advice I am assisted*'.⁷ While endeavouring to convince Portland of the need to arrest the United Irish leaders in Leinster in March 1798, Camden informed him that it was deemed necessary by 'not only the persons generally consulted by me, but [by] almost all those who support my administration'. Camden actually took the decision to proceed with the arrests, despite London's opposition to the proposal, as it was 'the universal opinion of his majesty's servants'. No measures 'in the opinions of the wisest men' appeared so conducive to produce a beneficial effect.⁸

On other occasions the influence of this loyalist clique over the lord lieutenant is more implicit. In consequence, it is essential for the historian of this period to approach Camden's letters and representations on the condition of the kingdom with a healthy objectivity, for it is easy to become blind to their often partisan and one-sided nature. Camden's frequent exaggeration of the condition of the country in his correspondence to London reflects the reports that he himself received from those around him and from a wider, but limited, circle of loyalist correspondents throughout the kingdom. In November 1797, for example, he informed Portland that it was only on account of his mind having become inured to outrage that his letters were not filled with the information he daily received 'of the murders of magistrates, the assassination of informers, and yeomen', a clear misrepresentation of the reality of the situation.⁹ In March 1798, when attempting to elicit Whitehall's approval for the arrest of those known to be at the head of the United Irishmen in Leinster, the lord lieutenant stated: 'The murder of magistrates in the counties of Kildare, Queen's county, Tipperary and

⁶ Camden to Pelham, 06/08/1796 (P.R.O.N.I. Pelham T.755/3/95) (Italics mine)

⁷ Camden to Portland, 09/03/1797 (P.R.O. H.O.100/69/138-9) (Italics mine)

⁸ Camden to Portland, 06/03, 11/03/1798 (P.R.O. H.O.100/75/162-9, 195-210)

⁹ Camden to Portland, 15/11/1797 (P.R.O. H.O.100/66/59-64)

Cork has proceeded to such lengths as to call for the most immediate and vigorous measures'.¹⁰ This is a deliberate exaggeration of the truth, as we have seen that throughout the period from 1794 to the eve of the rebellion only four magistrates were actually assassinated, and it is highly significant in accounting for their death that all four were notoriously hard-line. The purpose behind such misrepresentations was to justify to the British government the security measures adopted by Dublin Castle. We have earlier seen Pitt's mistaken belief in the spring of 1798 that 'so many magistrates' had been murdered in the course of their duty.¹¹ Removed from the actual situation in Ireland and relying on information sent from the lord lieutenant, the British cabinet was easy prey to those in Ireland who were anxious to shape security policy to suit their own interests.

Although Camden's advisers nominally represented the English interest in Ireland, their ultimate loyalty was to themselves and to the preservation of their privileged position. They had considerable means at their disposal to ensure the continuance of their influence in the formation of government policy, and if the course of political events in Dublin was not to their liking they did not scruple to campaign elsewhere for its alteration. An important weapon in their armoury was their ability to count upon considerable support among influential political allies in London, particularly Lord Auckland who provided a convenient means of access to Pitt himself.¹² The manipulation of this support was most clearly revealed in the campaign initiated against Fitzwilliam and his pro-catholic policies in 1795. On the rare occasions when the usually docile Camden objected to their plans, his advisors did not hesitate to undermine his authority by canvassing for support in Britain. In the summer of 1797, at a time when the lord lieutenant was contemplating a relaxation of the coercive measures he had been forced to adopt, the Marquis of Downshire forwarded a collection of letters to Portland

¹⁰ Camden to Portland, 10/03/1798 (P.R.O. H.O.100/75/187-8)

¹¹ On these points see chapter two p.107-108.

¹² Lord Auckland to John Beresford, 28/08/1796 (*The Correspondence of the Rt. Hon. John Beresford*, ed. William Beresford, 2vols, London, 1854, vol.ii, pp.126-7)

in order to impress upon him the deplorable condition of Ulster. These letters claimed that there were links between disaffected soldiers in Blaris and Bandon military camps and the naval mutineers at the Nore and Spithead, and that the northern province was in an alarming condition. Naturally, such information caused Portland 'a very considerable degree of anxiety'. The conclusion of one of the letters sent by Downshire reveals the political agenda behind these representations. Downshire's correspondent claimed that he would not despair as long as Camden persevered in his system of activity and did not allow himself to be 'swayed by the natural forbearance and lenity' of his disposition.¹³ Camden himself was actually unusually alert on this occasion to the underhand activity of these two prominent government supporters. On 1 July he had taken pains to personally inform Portland that the symptoms of disaffection which had emerged among the troops stationed at Bandon was not serious, and he claimed to have only mentioned it at all to guard the duke 'against the exaggerated reports...which may possibly reach you in London, which if they are in any way equal to those of Dublin may create great alarm'.¹⁴ This attempt to misrepresent to British politicians the reality of the situation in Ireland, with a view to persuade them to a particular course of action, was also clearly illustrated during the Abercromby crisis in 1798, which was in itself a repeat of the campaign initiated against Fitzwilliam three years earlier. It was the furore caused among the political allies of the Castle clique in London which first prompted Portland to bring Abercromby's general orders to Camden's attention on 11 March 1798.¹⁵ Abercromby himself was aware that the ruling 'junto' had addressed 'the most furious representations' to Portland and others of high rank in London.¹⁶ On 1 April he informed his son that the hue and cry which had been raised against him in England had originated

¹³ Portland to Camden, 06/07/1797 (P.R.O. H.O.100/70/17-18); Camden to Portland, 10/07/1797 (Ibid. H.O.100/70/41-6)

¹⁴ Camden to Portland, 01/07/1797 (P.R.O. H.O.100/69/448-450)

¹⁵ Portland to Camden, 11/03/1798 (P.R.O. H.O.100/75/193-4)

¹⁶ James, Lord Dundermline, *Lieutenant General Sir Ralph Abercromby, K.B., 1793-1801: a memoir by his son*, (Edinburgh, 1861), pp.106-7, 112-4; *The Diary of Sir John Moore*, vol.i, pp.282-88

in letters sent from Ireland, and he recognised the key role played by 'that immaculate character Lord Auckland' as the focus for much of this correspondence.¹⁷

Camden's advisers favoured a heavy-handed law and order policy. Brigadier-General Moore summarised their policy as one of 'terrifying the common people'.¹⁸ Similarly, Abercromby's son recognised that the Irish cabinet ardently desired the adoption of 'the most severe measures, unrestrained by law and the authority of the civil power'.¹⁹ Although this policy involved an enlargement of the powers of the civil authority, most clearly exemplified by the provisions of the insurrection act, the Bantry scare in December 1796 had intensified calls for the direct employment of the military in a hands on manner against the disaffected. There were important political considerations behind this desire to employ the military rather than the civil authority in suppressing disturbances. The degree to which the powers of the magistrates were enlarged was wholly irrelevant if those magistrates were not prepared to act. This was a serious problem for Irish loyalists as they could not rely upon liberal magistrates, opposed to any infringement upon the constitution, to implement the security policy dictated from the Castle. This was particularly important in counties with a dominant liberal establishment like Wicklow and Kildare. Their proximity to the capital and the strength of the radical movement within their boundaries made government supporters particularly anxious to establish a strict regime in both of these counties. The solution to this loyalist dilemma lay in employing the military independently of the civil authority. This would allow them to become pro-active, irrespective of the political principles of the magistrates around them.²⁰ Other measures were also adopted in order to strengthen the loyalist stance on law and order within these counties. In particular, this involved ordering into politically

¹⁷ Dundermline, *Abercromby*, pp.125-7

¹⁸ *The Diary of Sir John Moore*, vol.i, pp.286-8

¹⁹ Dunfermline, *Abercromby*, pp.80-1

²⁰ On this point see chapter two pp.95-107.

suspect counties those regiments who had shown themselves to be of an ultra-loyalist disposition, as well as infusing Orange principles among the local gentry.²¹

The first steps towards liberating the troops from acting only under the civil authority were taken as early as August 1795, when Fitzgibbon composed a proclamation designed to this end. It was only Camden's unwillingness to countenance such a measure at that time that prevented its promulgation.²² The arrival of the French fleet at Bantry has shown to be a watermark in the history of the 1790s, and it was particularly relevant to subsequent security policy. The confirmation of French designs on the kingdom led to a campaign among government supporters for the adoption of measures designed to crush all radical opposition before the enemy should arrive a second time. This was the motivation behind the authority granted to Lake in Ulster in March 1797 to act independently of the civil authority, and extended to the rest of the kingdom in the following May. It was Abercromby's attempt to reverse this policy, as well as his desire to concentrate the full time troops in camps where they could be disciplined, that led to the struggle for the control of military policy in the early spring of 1798. The vicious campaign initiated by him resulted in his resignation and the proclamation of 30 March which re-asserted the primacy of political over strategic considerations in the formation of law and order policy.

With his advisers pressing for a tough security policy and endeavouring to fashion the army into a tool of coercion, and with the British cabinet invariably disapproving of any measure that was likely to cause political agitation, Camden was placed in an extremely difficult position. His room for manoeuvre was further restricted by the activity of a powerful whig lobby in both London and Dublin who concentrated much of their attack upon government policy in the British Isles on the specific issue of law and order in Ireland. This formed the basis of both of Moira's well publicised parliamentary motions in the British commons and the Irish lords, in November 1797 and

²¹ On this point see chapter six pp.281-283.

²² See chapter two pp.57-58.

February 1798 respectively. In addition, there were also international repercussions to the security policy being pursued by the Irish government. Camden was all too aware that the adoption of tough coercive measures on his part served to support the representations made about the disturbed condition of the kingdom by United Irish emissaries attempting to persuade the French Directory into launching another naval expedition to Ireland. Confronted with these concerns, Camden was forced to walk a political tightrope. This is reflected in his anxiety, when sending the insurrection act to London for the royal assent in March 1796, to justify the measure to the British cabinet. It was difficult to explain to others, he explained, 'the necessity of certain measures which a residence in the country forces one to feel'.²³

Camden has been treated unsympathetically by historians in the past, who have overlooked the extremely difficult political circumstances in which he had to operate and who have also underestimated the strength of his character. Although it is undeniable that the ruling clique at the Castle enjoyed considerable influence over the office of lord lieutenant in the 1790s, this thesis has served to illustrate that Camden was a far more determined and independent minded individual than either Westmorland or Fitzwilliam. On several occasions during his administration Camden resisted the influence of those around him and sought to pursue a policy directly at odds with that advocated by his immediate advisers. This was most clearly evident in his reluctance to resort to the more severe provisions of the insurrection act. It was only when Downshire succeeded in publicly outmanoeuvring him that the lord lieutenant was forced to grudgingly consent to the proclamation of parts of county Down. The same reluctance to proclaim parts of the country out of the king's peace was present throughout Camden's viceroyalty, earning him the resentment of many hardline loyalists.²⁴ Camden's ability to resist the counsel of the ruling Castle clique was also evident in his endeavour to retain Abercromby's services as commander-in-chief in the face of a concerted campaign to have the liberal

²³ Camden to Portland, 21/03/1796 (P.R.O. H.O.100/62/71-4)

²⁴ See chapter two, pp.82-92.

minded general recalled from the kingdom.²⁵ It is one of the conclusions of this thesis, therefore, that traditional conclusions that Camden was 'a well-meaning but limited young aristocrat dominated intellectually and emotionally'²⁶ by Fitzgibbon and the other members of the Irish cabinet are well wide of the truth.

(2)

We have seen that from March 1797, with the authority granted to the troops in Ulster to act independently of the civil authority, the military became the main pillar in the Irish government's law and order policy. The particular manner in which the Castle relied upon the armed forces in Ireland had a detrimental effect on military discipline, and certain regiments did prove themselves more than willing to exceed the boundaries of the law in the execution of their duty. The composition of individual regiments, particularly their officer class, and the attitude of the local magnates, magistrates and commanding officers in the areas in which they were stationed, were also important in accounting for the violent behaviour of particular regiments. It is important, however, not to exaggerate the licentiousness of the army or the number of outrages which they are alleged to have committed upon the civilian population. Analysis of the primary sources reveals that the overwhelming majority of the troops in Ireland during this period were not inordinately unruly in their behaviour. On the contrary, the number of regiments who proved themselves persistent offenders in this respect was relatively small, and the notoriety of their conduct has served in the past as the basis for inaccurate representations of the military establishment as a whole. Apart from a few well defined geographical areas the number of outrages committed in the period before the outbreak of hostilities was sporadic and infrequent. It is only on the very eve of the rebellion, when passions were

²⁵ See chapter eight, pp.346-354.

²⁶ Anne C. Kavanaugh, *John Fitzgibbon, Earl of Clare*, (Irish Academic Press, 1997), p.316

enflamed on all sides, that excesses began to multiply and become more vicious in nature, and even at that point they were still confined to a handful of counties.

(3)

The strength of the liberal constituency in Irish politics in the 1790s in general, and in the pre-rebellion period in particular, has been underestimated in the past. The withdrawal of the opposition from parliament in May 1797 and their failure to contest the general election in the summer of that year, with a small number of notable exceptions like Wicklow, has tended to disguise the reality of the whig position and has led to the conclusion that they were a spent political force in the crucial year preceding the rebellion. On the contrary, however, the government was so insecure in May 1797, as a result of a series of whig county meetings designed to undermine its authority, that it was forced to the dangerous expedient of authorising military intervention against any further popular assemblies of this kind. Although there has been no comprehensive study of whig political activity in late eighteenth century Ireland, the degree to which liberal protestants partook of the loyalist frenzy which preceded the rebellion has also been overstated. The fact that many remained untainted by this phenomenon is strikingly illustrated in the refusal of many liberal yeomanry captains, in the face of serious pressure from their more conservative counterparts, to dismiss the catholics in their ranks on suspicion of their being United Irishmen. Even the course of the rebellion itself and the many deliberate misrepresentations by interested parties of its origins and causes, failed to alter the opinion of many liberals that while the United Irishmen had plotted to undermine the established constitution, it was the government that was responsible for creating much of the problem. In fact, part of the motivation behind the readiness of many members of the Castle's ruling clique to compromise with the state prisoners in 1798, in return for a full disclosure of United Irish plans, was their desire to convince this

uncommitted liberal protestant constituency that the situation in the kingdom had been critical in 1798 and had required the measures adopted by the administration.²⁷

The deterioration in the security situation from 1795, both internally and externally, placed the whigs in a difficult position when it came to formulating their response to law and order issues. They were not oblivious to the growing security crisis in the kingdom, and recognised the need for the adoption of a more coherent policy. What separated them from the ruling loyalist clique, however, was their desire to keep these new measures within the spirit of the constitution. It is in this context that the debates surrounding the insurrection act in February 1796 are so significant, as they highlight the dilemma of the parliamentary opposition. In view of their acceptance that the situation in the country required tougher legislation, they welcomed the general provisions of the bill. As self-appointed guardians of the constitution, however, they strongly objected to its proclaiming clauses which considerably enlarged the powers of magistrates in districts that were placed out of the king's peace and effectually suspended the system of trial by jury. It was this aspect of the bill which bore the brunt of their opposition.²⁸ The whig line on law and order throughout the period under study here was perhaps most clearly expounded in a series of letters sent to the government in early 1798 by John Edwards, an ex-volunteer whig from Oldcourt in county Wicklow. Edwards' consciousness of the growth of disaffection in his neighbourhood through the winter of 1797 and into 1798 is revealed in his request for re-appointment as a magistrate, a position he had occupied in the past. Although concerned for the maintenance of law and order, however, Edwards was concerned that the measures taken for this end should not infringe upon the constitution. In January 1798 he was convinced that 'the example of reverence for the laws must be shown by those armed with power in order to impress their due dignity upon the mass of the people. Otherwise it generates a

²⁷ For this point see L.M.Cullen, 'The Politics of Crisis and Rebellion, 1792-8', p.12-13

²⁸ For the debates on the insurrection act see chapter two pp.59-82.

spirit of revenge'.²⁹ By April of that year he was expressing grave concern about the conduct of the military who had lately been sent to Newtownmountkennedy. In a reference to the activity of the troops he informed the Castle that he deprecated their 'dragooning' of the people:

It is a bad system except in open rebellion - Those already enemies to government it exasperates - Of those who are wavering and timid it makes decided enemies and it tends to disaffect the loyal...I could wish his excellency would be inclined to make an experiment of another line of conduct, and entrust to me the preservation of the peace of the district of Bray..If I should err, it will be at least at the side of mercy, and my faults will have no tendency to embroil government with the people.

In a classic exposition of the whig stance on law and order Edwards declared: 'The laws I should strictly but temperately enforce. They are sufficiently strong and should not be exceeded'.³⁰ It was this concern to uphold the law without infringing upon the principles of the constitution which characterised the whig response to security issues in the late 1790s, and which has often been misunderstood.

(4)

It has been one of the aims of this thesis to question traditional assumptions about the strength of the Irish government's position in the pre-rebellion period. In the four and a half years from 1794 to 1798, Dublin Castle encountered several crises, some of which posed a serious threat to its stability. This was particularly the case with the whig offensive in the summer of 1797 and Moira's efforts to link the whigs and radicals in an attack on security policy in Ireland. The greatest threat to the authority of the

²⁹ John Edwards to government, 14/01/1798 (Reb.papers 620/35/47)

³⁰ John Edwards to government, 16/04/1798 (Reb.papers 620/36/176)

Camden regime throughout this period, however, came from within, in the shape of the Abercromby crisis. The timing of this episode was particularly unfortunate for the administration as it coincided with Moira's attack in the Irish lords in February 1798 and with the collapse of the state prosecutions of several prominent United Irishmen, some of whom had been confined on charges of high treason since September 1796. The release of numbers of these men, a process which began as early as November 1797, was symptomatic of the government's wider problems in the judicial field. It was only on a handful of occasions that it actually managed to obtain what it most desperately desired: clear-cut capital convictions which could be used as propaganda to justify its coercive policies. In not one instance before the rebellion did the administration convict any of the United Irish leaders. It was only when Thomas Reynolds was forced to testify in court, after compromising himself with his former colleagues in disaffection, that the Castle could entertain any hope of initiating successful prosecutions, even if they would only comprise a handful of individuals. The government suffered similar misfortune in the intelligence field. It often went for considerable periods of time without adequate information on several key areas, the most significant of which was its unawareness of the plans of the Leinster rebels until a few hours before the outbreak of insurrection.

Even in terms of coercive legislation the weakness of the Camden regime is apparent. The insurrection act, admired by loyalist polemicists for its severity, was actually not as effective as was once imagined. Its major failing was its reliance on the civil authority for the enforcement of its extensive provisions, with the result that it could only be successfully implemented in areas with a magistracy both united and committed to law and order. The Castle simply found itself unable at times to contain the deteriorating security situation in the kingdom from 1795 within the existing parameters of the constitution. The extra-legal measures adopted in Connaught in the summer of 1795 was the first indication of this, but others followed in quick succession. Camden was forced to admit in March 1797 that the authority he had granted to Lake in Ulster

was 'not strictly within the laws'.³¹ Both the chief secretary and the attorney general publicly concurred in this opinion, but claimed that the necessity of the times justified exceeding 'the strict letter of the law'.³² The government had to adopt other measures in order to maintain its position in the face of the challenge mounted by whig politicians and radical subversives. Camden was even driven to the extremity of allying with the overtly sectarian Orange Order. Allegations made in the past that the emergence of this ultra-protestant institution formed part of a wider government agenda cannot be substantiated.³³ The formation of an alliance between the administration and the Orange Order was very much a gradual process which took place in distinct stages and in direct relation to the security situation in the kingdom. The most important stimulus in this respect were the growing suspicions about the extent of the corruption in the ranks of the militia units stationed in Ulster. Under these circumstances the Castle began to look more favourably towards the Orangemen as the means of stiffening the resolve of many of the militia and yeomanry corps and of providing a dependable force in turbulent areas. In addition, government officials like Edward Cooke were almost certainly behind the introduction of Orange principles into the counties surrounding the capital in an effort to reinforce the gentry stand on law and order.

The various measures adopted by Dublin Castle to cope with the security crisis in the kingdom in the late 1790s failed to prevent the outbreak of rebellion in May 1798. The rebellion itself forced the British government into a realisation of the reality of the political situation in Ireland, illustrating as it did the intensity and strength of discontent with the existing social and political order.³⁴ More importantly, however, the outbreak of open hostilities forced the authorities in London to fully appreciate the weakness of the Castle regime. In addition, it also created a political atmosphere conducive to Pitt's long

³¹ Camden to Portland, 18/03/1797 (P.R.O. H.O.100/71/185-6)

³² Camden to Portland, 21/03/1797 (P.R.O. H.O.100/69/162-4)

³³ P.O'Kelly, *General History of the Rebellion of 1798*, (Dublin, 1842), p.3; For other allegations see chapter five p.197.

³⁴ R.B.McDowell, *Ireland in the Age of Imperialism and Revolution 1760-1801*, (Oxford, 1979), p. 652

cherished desire of forming a legislative union between Great Britain and Ireland. Although Pitt is by no means the Machiavellian figure of contemporary polemicists and subsequent nationalist historians, anxious to force a rebellion in order to secure the union, he was above all else a political pragmatist. He recognised that the rebellion provided the ideal opportunity for a dynamic approach to the situation which would 'provide for the internal peace of the country [Ireland] and secure its connection with Great Britain'.³⁵ From the early 1790s Pitt had occasionally ruminated on the possibility of a union, but he realised that 'it was not practical politics as long as politically minded Irishmen were quick to resent anything derogatory to the status of the Irish parliament'.³⁶ The course of events in the period from 1794 to 1798, however, had served to discredit the Irish government in the eyes of the British cabinet and large sections of both Irish and British political opinion. Even before the outbreak of insurrection the Camden administration had clearly revealed itself to be a partisan regime intent on refusing political concessions to the catholic population and allied to the Orange Order. It had been Camden's awareness of the political dangers of being too closely associated with the Orangemen which prompted him to stop far short of the direct encouragement desired by some of his closest supporters. William Wickham at the home office was alive to the dangers of publicly countenancing the Orangemen. He wrote in a memorandum on the subject in March 1798: 'Is it not to be apprehended that it may excite great jealousy and apprehension among the catholics; who after all are the body of people, that must decide the fate of Ireland: and who may be exposed to be worked upon with most effect by the ill disposed, if they shall see so powerful a combination of those who have too often been their enemies, without anything to balance it on their part?'³⁷ The Marquis of Buckingham, identified the activity of the Orange Order as a major factor in the outbreak

³⁵ Pitt to Camden, 28/05, 11/06/1798 (P.R.O.N.I. Camden T.2627/4/221-2)

³⁶ R.B. McDowell in T.W. Moody and W.E. Vaughan (eds.), *A New History of Ireland*, vol. iv, *Eighteenth century Ireland 1691-1800*, (Oxford, 1986), p.363

³⁷ Memorandum of William Wickham, March 1798 (P.R.O. H.O.100/75/288-9)

of rebellion. He informed Lord Grenville on 23 July 1798 of his belief, albeit mistaken, that wherever the Orangemen had been prohibited from establishing societies, the United Irishmen had not stirred.³⁸

The law and order policy adopted in Ireland had been revealed to be in the domain of a small group of influential politicians, allied to the wider loyalist community throughout the kingdom, who were determined to maintain their influence over the formation of government policy at all costs. This had been clearly illustrated in the resignation of Sir Ralph Abercromby in March 1798. The circumstances surrounding Abercromby's departure from Ireland must have played an important role in determining Pitt on a radical new departure. Abercromby was one of the most distinguished and respected generals on the British staff at the time. He had only recently, and with great credit, successfully orchestrated the allied retreat from mainland Europe, as well as leading two expeditions to the West Indies, and it was not long after his departure from Ireland that he was entrusted with the task of halting Napoleonic designs in Egypt. The similarities between Abercromby's resignation and Fitzwilliam's recall illustrated to the authorities in Whitehall that those controlling policy formation in Dublin, who had campaigned against both men, were pursuing their own agenda and were prepared to go to all lengths to protect their ascendancy. The vigorous security policy implemented by this lobby was unwelcome to a Pitt administration concerned by the strength of the whig challenge to its very existence, particularly as the main plank of the whig attack lay in exploiting the highly dubious legality of many of the law and order measures adopted by the Irish government. Lord Auckland, who had access to Pitt's ear, warned John Beresford in April 1798 that 'some people imagine that we are too eager to drive the people to a crisis, and that we wish to govern and to punish by martial law'.³⁹

Furthermore, despite the firm line adopted against disaffection in Dublin Castle, the Irish

³⁸ Marquis of Buckingham to Grenville, 23/07/1798 (*The Manuscripts of J.B.Fortescue, Esq.*, preserved at Dropmore, H.M.C. 14th.

Report. Appendix part iv, 10 vols, London, 1892-94), vol. iv, pp.264-6

³⁹ John Beresford to Auckland, 10/04/1798 (B.L. Auckland papers Add.Ms.34,454, 212-5)

government had revealed its weakness on several occasions in suppressing the rebellious spirit within the kingdom. The British government could no longer support the existing system of governing Ireland, for political as well as strategic reasons. By the outbreak of rebellion there were nearly 80,000 troops, including yeomanry, on the Irish establishment.⁴⁰ During the course of the rebellion and its immediate aftermath, the kingdom was absorbing about 40% of the forces available for the defence of the whole British Isles.⁴¹ At a time when the British cabinet was engaged in an international struggle which was being fought in several different theatres of war, it simply could not afford to have such a large number of troops tied up in Ireland. In addition, the danger of French invasion remained. In the period after the Bantry scare in December 1796 the French Directory had sent four expeditions, albeit some of them mini-expeditions, to foment the spirit of rebellion in Ireland. The extent of alienation from the existing order in the kingdom, the political bankruptcy of the Castle regime, the drain on British military resources, and the continued threat of invasion, all combined to give Pitt the justification he needed to implement a legislative union.

The dispatch of Cornwallis to Ireland in June 1798 with instructions to accomplish the union of Great Britain and Ireland⁴², was the clearest possible indication of the British cabinet's determination to force an alteration in the manner in which the kingdom was being governed. In addition, Cornwallis was an individual known for his catholic sympathies. A year earlier he had turned down the viceroyalty because the government was so determined in its hostility to further catholic relief.⁴³ As recently as March 1798 Pitt had ruled him out as a replacement for Abercromby, doubting 'whether

⁴⁰ Return of the Effective men in the British army stationed in Ireland', Jan. 1793-Jan. 1806 (P.R.O. H.O.100/176/429); 'Numerical Strength of the Yeomanry, 1797-99' (N.A. R.P. 620/48/56; Quoted in T.Bartlett, 'Counter insurgency and rebellion: Ireland 1793-1803', in T. Bartlett and K.Jeffreys, eds. *A Military History of Ireland*, Cambridge, 1996, p.249)

⁴¹ Forces in Ireland, May 1799 (Quoted by R.B.McDowell, *Ireland in the Age of Imperialism and Revolution*, 653)

⁴² T.Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question, 1689-1830*, (Dublin, 1992), p.246

⁴³ Portland to Camden, 10/06/1797 (P.R.O. H.O.100/69/379-83)

his temper of mind and prejudices on Irish subjects make him qualified for the task'.⁴⁴ His appointment in June 1798, therefore, illustrates the manner in which London's view of the political situation in Ireland had been changed by the events preceding the rebellion, as well as by the course of the rebellion itself. Furthermore, Cornwallis' appointment in the joint capacity of lord lieutenant and commander-in-chief illustrated the British cabinet's recognition that in order to maintain his independence of the Castle clique Cornwallis would need to be in direct control of both the civil and military departments. This was something which Abercromby had recommended some months earlier, and his experience in Ireland had prompted Camden to the conclusion that 'the lord lieutenant ought to be a military man'.⁴⁵ Empowered to act in this dual capacity, Cornwallis was able to resist the influence of the Irish cabinet, something Abercromby had been unable to do because of the manner in which Camden's advisers had dominated the military establishment. The new lord lieutenant's independence angered those who become accustomed to exert a considerable degree of influence over both Westmorland and Camden. Cornwallis recognised soon after his arrival: 'I apprehend that I am suspected of not being disposed to set my neck stoutly to the collar'.⁴⁶ The reports sent by Cornwallis to London after his arrival in Ireland on 20 June must have strengthened Pitt in his determination to alter the constitutional arrangement between the two kingdoms. Only eight days after his arrival Cornwallis informed Portland of the partisan nature of those around him, who made a point 'of substituting the word *Catholicism* instead of Jacobinism, as the foundation of the present rebellion'. Even at his dinner table if it was reported that a priest had been put to death 'the greatest joy is expressed by the whole company'.⁴⁷ The new lord lieutenant also pointed to the combination with this anti-

⁴⁴ Pitt to Camden, 31/03/1798 (P.R.O.N.I. Camden T.2627/4/217)

⁴⁵ Camden to Pelham, 06/06/1798 (J.T. Gilbert, *Documents relating to Ireland 1795-1804*, Dublin, 1893, p.129)

⁴⁶ Cornwallis to Major-Gen. Ross, 13/07/1798 (*The Correspondence of Charles, first Marquess Cornwallis*, ed. Sir Charles Ross, 3 vols., London 1859, vol. ii, p.363-4)

⁴⁷ Cornwallis to Portland, 28/06, Cornwallis to Major-Gen. Ross, 24/07/1798 (*The Correspondence of Charles, first Marquess*

catholicism of a burning desire to implement a vigorous law and order policy 'that could only terminate in the extirpation of the greater number of the inhabitants, and in the utter destruction of the country'. He informed Portland on 8 July that 'by their unaccountable policy' his would-be advisers 'would drive four fifths of the community into irreconcilable rebellion'.⁴⁸ Despite his best efforts to prevent it, the conversation at his table 'always turns on hanging, shooting, burning etc.etc.'. ⁴⁹

The outbreak of rebellion in 1798 was a pivotal event in allowing Pitt the opportunity to argue in favour of an alteration in the constitutional settlement between Great Britain and Ireland. Anxious about the threat posed to the stability of his own administration by the whig attack on law and order in Ireland, and concerned about the drain on British military resources in a time of international turmoil, Pitt recognised that the rebellion afforded the means by which he could implement his long cherished desire of a legislative union. The rebellion itself had served to discredit the Camden regime and the existing mode in which the kingdom was governed, thereby weakening opposition to the union proposal. What this thesis has served to show, however, is that an examination of the law and order policy implemented by Dublin Castle in the period from 1794 onwards illustrates the manner in which the ruling clique had already masterminded their own downfall, and that of the Irish parliament, long before the open outbreak of hostilities. By May 1798 the Camden administration had been clearly shown to be sectarian, through its alliance with the Orange Order, and heavy-handed, through its implementation of security policy. In addition, the very failure of the vigorous measures adopted in Ireland to prevent the outbreak of rebellion also revealed Dublin Castle's weakness in coping with the spirit of sedition in the kingdom. The insurrection itself was only the final justification that Pitt needed in order to successfully implement the policy which had lain at the back of his mind since the early 1790s.

Cornwallis, vol.ii, pp.356-7, 370-1)

⁴⁸ Cornwallis to Portland, 08/07/1798 (*The Correspondence of Charles, first Marquess Cornwallis*, ii, pp.357-60)

⁴⁹ Cornwallis to Major-Gen. Ross, 24/07/1798 (*The Correspondence of Charles, first Marquess Cornwallis*, ii, pp.370-1)

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