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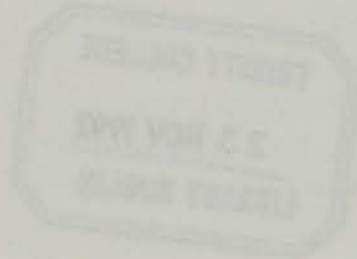
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John FitzGibbon, Earl of Clare: A Study in Politics and Personality

Ann C. Kavanaugh

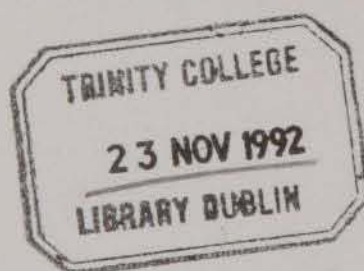
(submitted August 1992 to fulfill the requirements of the Ph.D.)



John FitzGibbon, Earl of Clare: A
Study in Politics and Personality

Ann C. Kavanagh

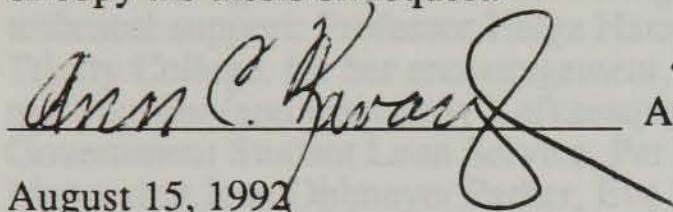
(Submitted August 1992 in fulfilment of the requirements of the M.A.)



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ACKNOWLEDGEMENTS

I attest that this thesis has not been submitted for a degree at any other University, although I did an entirely different thesis on the same subject to fulfill the requirements of a Master's Degree at the University of Minnesota. This work incorporates nothing from the MA thesis submitted at the University of Minnesota. It has been entirely re-written, based on new research. It is entirely my own work, and the Library may lend or copy the thesis on request.



Ann C. Kavanaugh

August 15, 1992

ACKNOWLEDGEMENTS

I would like to extend my grateful acknowledgement first and foremost to my advisor Professor L.M. Cullen. If this thesis has any merit at all, it is due to his remarkable patience in noting and correcting my many factual blunders and prose excesses. I want to thank him not only for his invaluable assistance but for the kind hospitality which he and his family offered me during my visits to Ireland. I again acknowledge Dr. Anthony Malcomson's more than generous assistance. My thanks as well to Professor W.N. Osborough, for his helpful and insightful comments on my chapter concerning Lord Clare's chancery practice, to Maurice O'Connell and to Kevin Whelan, for the interesting letters which they brought to my attention, and to David Dixon. I would like to acknowledge and thank the following individuals for their moral, financial and technical support: Professor Helga Hammerstein-Robinson, Dean of Graduate Studies, Trinity College, for her encouragement, kindness and above all for her untiring help in my frequent (and frequently Kafkaesque) encounters with the United States Government Student Loan Service, Pat Brannon, Joe Harnett, Karlin Lillington, Kate Mannering, Jane Ohlmeyer Parker, Eve Patton, Chris Boyle, Jim White, Deb Wallwork, Rebecca Gardner, Janice Wilson, Linda Pitelka, Laura Davis, my friends and colleagues at GPS for their help with word processors, special paper orders, faxes, laserwriters, file conversions and express mailings, and above all to my family, especially my parents, to whom this work is dedicated with love and gratitude.

Summary of Research Methods and Conclusions

The thesis traces the political career of John FitzGibbon from 1776 until his death in 1802. In it I attempt to account for the rapid rise to power of a man from a comparatively obscure and modest background. I conclude that the efforts of the English government to dissolve the party of "Undertakers" and create a party of its own offered great opportunities to an ambitious social outsider like FitzGibbon. He readily took advantage of them, aided by his cleverness, his powers of expression, which while not very elegant or polished, were succinct and pointed, his legal knowledge, and above all by his extraordinary ability to influence the succession of youthful mediocrities who served in the position of lord-lieutenant during the 1780's and 1790's. Nevertheless, while I find that FitzGibbon was, first and foremost, a consummate opportunist, he did have strong loyalties to the English government and a deep conviction that only strong English government could bring prosperity and stability to Ireland. I also give much attention to FitzGibbon's bitter hostility toward the Irish Catholics and their political aspirations. I attribute his loathing and fear first to his shame about his own obscure Catholic antecedents, and secondly to his ingrained belief that political rights for Irish Catholics were incompatible with the security and stability of English government in Ireland. I argue that his fears of Irish Catholics and his fierce attachment to the English interest lay behind all of his major political actions, including his stand during the Regency Crisis, his hostility to any Catholic relief bills after 1782, his policy of repression in the 1790's and above all his support of the Act of Union in 1800. I end with a discussion of FitzGibbon's deteriorating relations with the English government following the Act of Union. I attribute this mutual alienation to his sense of betrayal over the negotiations with the Catholics on one hand, and on the other to the opinion of most influential members of English government, including the King, that FitzGibbon, while loyal and diligent, was also domineering, temperamental and embarrassing in his anti-Catholic excesses. While I focus for the most part on FitzGibbon's political career, I have included sections on FitzGibbon's judicial career, both as Attorney General and as Lord Chancellor. I argue that in his legal capacity, particularly as Lord Chancellor, FitzGibbon as a rule showed great fairness, precision and integrity, though his habits of vindictiveness and haste could sometimes affect his actions in his Court as well.

My research is based on manuscript sources, mainly from the National Library of Ireland in Dublin and the Public Records Office of Northern Ireland in Belfast. I have made particular use of newspapers of the time, particularly the major Dublin newspapers, and of the State Papers and Home Office Papers, which are available on microfilm in the National Library of Ireland. While FitzGibbon (or rather FitzGibbon's wife, acting on his request) ordered the destruction of his personal

papers, an excellent collection of his letters to Lord Auckland exists in the archives of the University of Keele. Mrs. Christine Fyfe, the archivist at University of Keele very kindly provided me with copies of this correspondence in 1985, and I have made frequent use of them in this and in other works on FitzGibbon. Finally, Dr. Anthony Malcomson Director of PRONI, generously brought my attention to other items of FitzGibbon correspondence which he had unearthed in his own extensive and meticulous research. To him and to all the very patient and helpful archivists and librarians, who have assisted me, I owe a great debt of gratitude. I would like in particular to acknowledge the staffs of Trinity College Library, the National Library of Ireland and of the Public Record Office of Northern Ireland.

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Few men in the 18th century political world rose more rapidly or spectacularly than John FitzGibbon. He entered Parliament in 1778 as a young lawyer of thirty. Within five years, he was appointed Attorney General and in 1789, he attained the highest legal office in Ireland, that of Lord Chancellor. He then rose with celerity in the ranks of the peerage. The appointment as Lord Chancellor brought him the title Baron FitzGibbon of Lower Connello in Limerick, his native county. In 1794, he advanced to the rank of Viscount FitzGibbon of Limerick, and finally, in 1795, he attained the title by which he became most noted, or perhaps, most notorious, the Earldom of Clare. In his various official capacities, he gained an extraordinary influence over successive viceregal administrations in Ireland and became the dominant political figure of the 1790's. The hatred he aroused in his rise to power equalled if it did not surpass, the honors he earned. The circumstances of the late 18th century and his particular reaction to them accounted for this antagonism.

During the period of FitzGibbon's career, the Irish political world collapsed into a state of entropy. The small body of Anglicans who maintained a precarious monopoly on political power, were bitterly divided on the question of what, if any, political and civil rights Catholics and, to a lesser extent, Presbyterians should receive. The equally vexed questions of the constitutional relationship between England and Ireland and of parliamentary reform created further fragmentation. Such noted figures as Charlemont, Flood, and Sir Edward Newenham favored a high degree of Irish autonomy and reform, with varying emphasis on concessions to Catholics. Yet another faction, led by Grattan and the Ponsonby and FitzGerald families, favored what later became known as Catholic Emancipation as well as autonomy and reform. Still other Anglicans, mainly disillusioned members of the middle class, became convinced that the twin evils of parliamentary corruption and English domination would never end with piecemeal reforms from College Green and half-hearted concessions from Whitehall. Only a secular republic, based on French and American models, could save Ireland. The United Irishmen were devoted to this end virtually from their inception in 1791.

The United Irishmen also included numerous Presbyterians. Contrary to the fixed belief of the governing classes in Ireland, Ulster Presbyterians did not have a uniform predilection for republicanism. But sympathies for the American cause had run high enough in Ulster to give the Castle serious cause for concern in the 1770's. Moreover, Belfast, the chief city of the province, had become an established center of political radicalism by the end of the American conflict. Many of its citizens warmly welcomed the French Revolution, and the fourteenth of July was celebrated with éclat in Belfast. Not surprisingly, a group which included Wolfe Tone chose to inaugurate the United Irishmen in this like-minded city.

The highly politicized atmosphere of the late 18th century inevitably affected the Catholics. Far from enjoying a unity imposed by the Pope, their priests and French agents, a frequent claim of Castle informants, they were as divided as their Protestant rulers. They ranged from timid reactionaries like Lord Kenmare to violent radicals like Luke Teeling. The great mass of Catholic farmers and laborers, scorned by the upper classes of both religions as "barbarians" showed a considerable aptitude for political resistance. The Whiteboys and the Defenders were effective and formidable organizations which terrified their "betters."

FitzGibbon had the distinction of antagonizing all of these diverse and contending factions. In an era when nationalistic feelings were at a height, FitzGibbon bluntly insisted on the necessity of strengthening constitutional and economic ties with England. Toward the end of his career, this conviction prompted him to support the Act of Union, the measure which did the most to secure his infamous reputation. Earlier he had taken a similarly unpopular stand on the question of parliamentary reform by opposing even the most moderate proposals. At a time when Catholics were growing increasingly restive and aggressive and when many Protestants were encouraging their political aspirations, FitzGibbon resisted concessions with all his considerable ruthlessness and cunning. Nor did he soften his opposition with the tone of patronizing benevolence which late 18th century Irish Protestants commonly adopted toward Catholics. On the contrary, he freely expressed his contempt for the Irish Catholics and for their Church. Although the danger of Catholics to the Protestant establishment in Church and State remained his dominant obsession, he had the conventional suspicions of the Presbyterians and their turbulent republican tendencies.

His violently reactionary stands on the major issues of the time inevitably aroused equally violent antagonism. The most vitriolic attacks on FitzGibbon appeared in the public press of Dublin, the chief stage of his career and with Belfast one of the two centers of radical and nationalistic opinion. Almost from the start of his career, he drew hostile comment for arrogance, effeminacy, drunkenness and debauchery, as well as for his objectionable political opinions. The newspapers also accused him of exerting a Mephistophelian influence over viceroys. The depictions of FitzGibbon as an evil seducer, at once epicene and ruthless, reached a culmination in a paragraph which appeared in 1784. It portrayed FitzGibbon as no more and no less than Lucifer incarnate:

No sir, the Devil in hell is not quite as bad as the Devil in human form of whom I mean to speak [FitzGibbon];---and yet there is, I must confess, in some particulars, a marvelous similarity between the two.

Pride and envy, we are told, were Lucifer's crimes and for those he justly forfeited eternal happiness---the ambition of our Devil is boundless---his envy

sickens at the welfare of his neighbor; and to gratify these tormenting passions he would willingly forgo every earthly enjoyment.

The Devil is a liar; so is our devil; the Devil is a sophister; our Devil is a lawyer, and a lawyer, it is said, can outwit the Devil himself. The Devil is a tempter; he first deceives unthinking mortals into the commission of wickedness, next abandons them to destruction and mocks at their sufferings. Our Devil seduces the credulous innocent female, robs her of her honor, abandons her to infamy and ruin and then answers her reproaches with derision: --- of this numberless living examples can be produced.¹

Other squibs attributed his influence to carnal reasons; they accused FitzGibbon of ingratiating himself with his English masters by pimping for them.² Above all, his hostile critics in the press harped on the central paradox of his life: the most arrogant and obdurate champion of the Protestant oligarchy came from a comparatively obscure Irish Catholic background.

The hatred he aroused in life pursued him to his grave. His funeral in Dublin was a macabre saturnalia, and his standing in the popular imagination did not improve as the years passed. The soubriquet by which he is best known, "Black Jack", dates from the 19th century. In the words of an ordinary Dubliner interviewed by Madden in the 1840's, FitzGibbon was "so called for the nature and amount of his political crimes."³

Most 19th century memoirists and historians perpetrated the Black Jack myth. His opponents on the issue of the Union and their descendents displayed particular bitterness. Sir Jonah Barrington continued the tradition of FitzGibbon as Lucifer in this sketch of his character:

Authoritative and peremptory in his address, commanding, able and arrogant in his language, a daring contempt for public opinion was the fatal principle which misguided his conduct and Ireland became divided between the friends of his patronage---the slaves of his power---and the enemies of his tyranny.⁴

The son of Henry Grattan, FitzGibbon's greatest political opponent, piously continued his father's political feud. In his memoirs of his father, published between 1843 and 1849, the younger Grattan portrayed FitzGibbon as an overweening vulgarian of "Popish" extraction who destroyed the free constitution of Ireland.⁵

¹ *Volunteer's Journal/Evening Herald*, November 1, 1784

² PRONI, Normanton Papers, T3710/C29/45, p. 2; see also *Hibernian Journal*, January 2, 1795

³ Trinity College Dublin, Madden Papers, f518

⁴ Sir Jonah Barrington, *The Rise and Fall of the Irish Nation*, (New York, 1845), p. 34

⁵ See for example, *The Memoirs of the Life and Times of the Right Honorable Henry Grattan III*, (London, 1849), pp. 397 and 430

Even historians who had sincere intentions of judging FitzGibbon fairly could not avoid an antagonistic or critical tone. Lecky, the paradigm of the scrupulous and fair-minded historian, attempted to do credit to FitzGibbon's more amiable private qualities and to his abilities as a judge. But his adulation for Henry Grattan ultimately defeated him. In slightly more measured language, he confirmed the judgement of the younger Grattan: FitzGibbon was a sordid, cynical intrigante whose reactionary intransigence sparked the rebellion of 1798 and led ultimately to the disaster of the Union.⁶ A similar triumph of disgust over detachment afflicted the legal historian, J.F. O'Flanagan, whose study of the Irish lord chancellors appeared some years before Lecky's great history. Like Lecky, he expressed admiration for FitzGibbon's judicial policies, revulsion for his political actions, and a gentlemanly Victorian distaste for the coarser aspects of FitzGibbon's character and temper.⁷ C. Litton Falkiner took a more benign view of FitzGibbon in his *Studies in Irish History*, published in 1902. He went much further than Lecky in paying tribute to FitzGibbon's "legal intellect...which constantly led him to take the most generous, most humane and most tolerant view open to him."⁸ He also included an invaluable collection of letters in his essay on FitzGibbon with the intention of showing his "lighter and kindlier features" Yet even Falkiner was forced to admit that "in his public aspect [FitzGibbon] was a man of imperious, not to say despotic temperament, little tolerant of opposition and disposed at times to wield authority with Cromwellian sternness."⁹

FitzGibbon did have his defenders, and the strength of opinion against him made them especially ardent. An adulatory article published in the *Dublin University Magazine* in 1848 no doubt represented a reaction to the spate of anti-Union and republican memoirs which were appearing during that nationalistic decade.¹⁰ J.A. Froude took a still more fulsome tone in his *History of the English in Ireland in the Eighteenth Century*, which also was written in reaction to undesirable contemporary events. In Froude's case, his opposition to the disestablishment of the Irish Church prompted him to look to the past for polemical material. Froude transformed FitzGibbon into a hero worthy of one of his own over-blown romances and made this prediction (as yet unfulfilled):

If undaunted courage, if the power to recognize and the will to act upon unpalatable truth, if a resolution to oppose at all hazards those wild illusions which have lain at all times at the root of Ireland's unhappiness, be the constituents of greatness in an Irish

⁶ William Edward Hartpole Lecky, *A History of Ireland in the Eighteenth Century II*, (London, 1892), p.419

⁷ J.F. O'Flanagan, *Lives of the Lord Chancellors of Ireland II*, (London, 1870), pp. 156 et. seq.

⁸ C.L. Falkiner, *Studies in Irish History*, (London, 1902), p. 122

⁹ Falkiner, pp. 138-9

¹⁰ *The Dublin University Magazine*, vol xxx, pp. 670 et seq.

statesman, Grattan and FitzGibbon were likely hereafter to change places in the final judgment of history.¹¹

Unfortunately, Froude unwittingly did his hero a disservice. The "Black Jack" legend bestowed a certain evil glamor on FitzGibbon which Froude's tiresome eminent Victorian manifestly lacks. So intent was Froude on transforming FitzGibbon into an honest and upright pro-counsel of Empire that he ignored very strong evidence of a robust and pleasure-loving temperament in his hero:

I believe FitzGibbon's private life to have been a simple one. Had it been stained by any vice, we should all have heard of it, for no other public man ever had more bitter or unscrupulous antagonists.¹²

In light of innumerable newspaper articles, even in government-controlled publications, and in light of the recollections even of favorable contemporaries, all of which attested to FitzGibbon's "gallantry", drinking and taste for luxury, Froude's claim is astonishing, to say the least.

A more creditable defense of FitzGibbon came from an unexpected source: James Roche, a devoutly Catholic member of a great merchant family with branches in Cork and Limerick. In a collection of periodical articles published in 1851 under the title *Critical and Miscellaneous Essays by an Octegenarian*, Roche too acknowledged FitzGibbon's "overbearing temper and despotic authority." He also noted FitzGibbon's coarse language and demeanor (more evidence which seems to have escaped Froude's attention). Yet Roche paid what is perhaps the most deeply felt and affectionate tribute to FitzGibbon:

In private life...I can affirm that he was a generous and indulgent landlord, a kind master and an attached friend.¹³

He also refuted nationalist and popular myths of FitzGibbon's despotic cruelty. Roche not only acknowledged that FitzGibbon had "substantial grounds for several of his public measures," he added:

I could state many redeeming instances of persons whose legal guilt could not be gainsaid, saved by him from the lash and the halter.¹⁴

¹¹ J.A. Froude, *The English in Ireland in the Eighteenth Century III*, New York, 1881, p.51

¹² Quoted in Falkiner, pp. 106-107, footnote

¹³ James Roche, *Critical and Miscellaneous Essays by an Octegenarian II*, (Cork, 1851), pp.113-114

¹⁴ Roche, *op. cit.*

Of all the 19th century writers who addressed the enigma of John FitzGibbon, Roche probably deserves the most credence. He came from a class which FitzGibbon mistrusted, and he wrote at a time when FitzGibbon had few defenders. Under such circumstances, the tribute of a man who had every reason, religious and political, to dislike FitzGibbon, has infinitely more worth than Froude's hagiography.

The 20th century has seen the appearance of many excellent historians of 18th century Ireland and much needed reassessment of both nationalist and loyalist myths. Yet FitzGibbon, the 18th century figure most enshrouded in myth, has attracted comparatively little attention from historians. What full-length biographical material does exist is of dubious merit. Eliot Fitzgibbon's odd little book *Earl of Clare: Mainspring of the Union*¹⁵ epitomizes the first category. He devotes half his book to proving FitzGibbon's impeccable descent from the Normans and the ancient Trojans and the other half to arguing that if proper heed had been paid to FitzGibbon, the British Empire would never have fallen and the world would not have fallen under the dominion of Papists, blacks, Americans, Communists, and others deemed undesirable by the author

A direct descendent, Constantine FitzGibbon, merits mention for what is probably the most amazing claim in nearly 200 years of writing on the subject. In *Miss Finnegans Fault*, a personal memoir of his family, and in other works, Constantine FitzGibbon argued that his ancestor was, all appearances to the contrary, a Catholic, who went to mass in his carriage every Sunday.¹⁶ The notable lavishness, even gaudiness of John FitzGibbon's equipages alone would refute such a claim. If he did indeed regularly risk his reputation and his political career by attending mass, he surely would have had more discretion than to descend on a country chapel in one of his gold embossed carriages. In his touching display of family loyalty, FitzGibbon, a gifted novelist, lapsed into fiction.¹⁷

Of course, dismissing all one's predecessors as fools, and thus implying that one's own work is the only true and definitive interpretation would demonstrate the grossest arrogance, bad manners and stupidity. Many of the historians discussed, especially Froude and Lecky deserve high respect. Froude's work has much valuable material on the early

¹⁵ London, Research Publishing Co., 1960

¹⁶ *Miss Finnegans Fault*, (London, 1953), p. 102

¹⁷ Constantine FitzGibbon made this amazing extrapolation from an anecdote in J.F. O'Flanagan's *Lives of the Irish Lord Chancellors*. O'Flanagan simply reported that FitzGibbon, out of a desire to avoid ostentatious displays of piety, avoided his parish church and took communion at a more remote church. I have not been able to locate any allusion whatsoever to FitzGibbon in my edition of Hawthorne's collected works. O'Flanagan may have confused him ^{with} some other American author. Perhaps the collected works of Ralph Waldo Emerson bear investigation. It would be interesting to know what Emerson, the premier American optimist, would have made of a character like FitzGibbon.

18th century and is, moreover, one of the most delightfully readable books in the annals of historical literature. Lecky set a standard of generous mindedness that few historians have equalled. Their difficulties in interpreting FitzGibbon had far more to do with the nature of the man than with any shortcomings on their part.

Probably no man was more marked and marred by the brutal sectarian and nationalistic antagonisms of his time. An 18th century polish softens the edges of such contemporaries as Charlemont, Grattan and the Bishop of Derry, while the glamor of youthful idealism and youthful death hover over his United Irish antagonists Tone, Teeling and McCracken. Because the same conflicts persist today, FitzGibbon, as both a victim and a perpetrator of them, remains a disturbing figure. Consequently, no historian can pretend to an unprejudiced view. Depending on one's sympathies, FitzGibbon will either inspire instinctive admiration or instinctive antagonism. Yet given the role of history and historical myth in perpetrating sectarian and communal violence, historians have a special responsibility to moderate whatever atavistic feelings FitzGibbon may inspire. An honest effort to display compassion and fairness toward FitzGibbon and the tragic past he embodies, might possibly contribute in a small way toward encouraging the same much needed qualities in the tragic present.

In spite of his notoriety, only the most fragmentary and doubtful information about FitzGibbon's antecedents exists. His numerous political enemies gleefully took advantage of the general obscurity to taunt him for his supposed lowly origins. FitzGibbon's family, or lack of it, provided fair game for every one from anti-Union memoirists to opposition pamphleteers. Barrington made the sneering observation that "his ascertained pedigree was short."¹ Charlemont was more frankly abusive: FitzGibbon sprang from the "dregs" of the people.² In her satiric political verse, Henrietta Battier, alias Peter Pindar, portrayed FitzGibbon's grandfather as a humble purveyor of buttermilk, and his grandmother as a rapacious shrew who supplemented her gains from sharp dealing in livestock by hiring out as a wetnurse.³

Even those with no particular animus against FitzGibbon, could find nothing notable or illustrious about his ancestry. The 19th century *Ulster King of Arms*, Sir William Betham, frankly admitted that he could only trace FitzGibbon's pedigree to his father John. (Betham mistakenly identified him as FitzGibbon's grandfather.)⁴ His warm admirer, Richard Musgrave delicately alluded to FitzGibbon's *arriviste* origins by noting that he (FitzGibbon) owed his rise to royal favor. FitzGibbon's success, Musgrave observed, illustrated the benevolence of legitimate royal authority, which drew valuable servants from all ranks (and by implication from the most obscure).⁵

FitzGibbon himself never responded to the aspersions cast on his antecedents. It fell to his cousin, also named John FitzGibbon, to assert the family's claims to gentility. In 1810, he provided Sir William Betham with a romantic account of his family's descent from the Earls of Desmond and their loss of an estate allegedly worth "upwards of twenty thousand a year":

My great-grandfather, Thomas FitzGibbon, lived at Ballylanders. The Earl of Kingston, who had the lower Manor of Mitchelstown, resided in the Castle in that town. A strong intimacy subsisted between them. The Earl wanted FitzGibbon to go with him to revise his patent, which at that time was necessary because of the new restrictive laws against Popery. FitzGibbon, a steady Roman Catholic, pleaded the

¹ *The Rise and Fall of the Irish Nation*, p 33

² *HMC Charlemont I*, pp.108-109

³ Henrietta Battier (Peter Pindar), *The Gibbonade or Political Reviewer*, (Dublin, 1794) 1st number, p. 7; 3rd number p. 12

⁴ Sir William Betham, *Genealogical Collections*, III, p. 66 (BM Add MS 23,686); "...Of the genealogical deduction of the Earl of Clare's family, I have no knowledge further back than to his grandfather (sic) John FitzGibbon, Esq., Representative in Parliament for Newcastle, born in 1708..."

⁵ Sir Richard Musgrave, *Memoirs of the Different Rebellions in Ireland*, (Dublin, 1802) pp. 117-118; "The exalted sphere to which he has been raised, and the honors conferred on him by our gracious sovereign prove the superior excellence of a mixed government, where the monarch selects men like him distinguished for wisdom, abilities and virtue to fill the principle departments of state."

gout as an excuse for not going. He would sooner forfeit his property than swerve from his religion. He begged the earl to cover his estates under his patent and gave him L100, the expense of so doing. The Earl promised faithfully to declare his trust on his return. Some say Sir William Fenton was the person who covered the estates under his patent. He was connected with the family. Still, I cannot conceive how he could be the person entrusted from what follows.

Before the Earl's return, FitzGibbon died and left an only son, John. The Earl took him to his castle and had him educated, then sent him to Paris to study Physic, at that time reckoned a very genteel profession. The Earl died without declaring the trust or leaving any document of it. Thus was my family most fraudulently thrown out of their property.⁶

This story, redolent of Lady Morgan, has a somewhat dubious chronology: the three generations enumerated by Cousin John FitzGibbon do not necessarily carry the family pedigree far enough back to the reign of James I. Nonetheless, his account neatly explains the family's glaring absence from the Civil Survey, and its theme has some pretensions to plausibility. King James and the Earl of Strafford did institute a policy requiring Irish Catholic landowners to register their patents. Like most civil actions, the procedure for registration required them to take oaths acknowledging the royal supremacy. Unfortunately, no proof for John FitzGibbon's claims exists. Assuredly, the supposed wrongs of his Catholic ancestors had no discernible effect on his cousin and namesake. Moreover, the story has one element of anachronism. The practice of holding land in trust occurred more commonly in the 18th century. When confronted with such a fascinating, but unsubstantiated tale, a historian has no choice but to disregard it, however reluctantly.

The reality appears to have been neither wronged gentility nor melodramatic penury, but middling respectability. The Registry of Deeds offers the most reliable documentation of his family. In the will of one John Weekes of Knockstevanagh, Co. Limerick, dated July 18, 1708, John FitzGibbon, Doctor of Physic, appears as a witness.⁷ This man undoubtedly was FitzGibbon's earliest known ancestor. While claims of a lost estate worth L20,000 can only be met with skepticism, there is no particular reason to doubt the assertions of FitzGibbon's cousin that their mutual great-grandfather practiced medicine.

According to Betham's correspondent, Dr. FitzGibbon had one son, Thomas. Even less is known of him. The Betham letter offers no worthwhile information. John FitzGibbon the cousin reported only that his grandfather "lived at Ballyseeda in the Liberties of Limerick in a most respectable light ..." ⁸ Serious, well meaning biographers,

⁶ Reprinted in Constantine FitzGibbon, *Miss Finnegan's Fault*, pp. 80-83. Although this letter is supposedly in the Chief Herald's office, I have not been able to find any trace of it.

⁷ P. Beryl Eustace, ed., *Registry of Deeds, Dublin I*, (Dublin, 1956), p. 20, No. 46

⁸ FitzGibbon, op. cit.

such as the legal historian J.F. O'Flanagan, as well as Henrietta Battier and other detractors, made the assumption that Thomas sank into the ranks of the peasantry.⁹ No proof exists to confirm the hopes and suspicions of FitzGibbon's enemies. Thomas's eldest son, John, later claimed the status of "gentleman" for his father.¹⁰ Thomas could well have maintained some pretensions to gentility as a very minor freeholder. It seems unlikely that Dr. FitzGibbon, the provincial physician, endowed Thomas with land or with much money. Nor is there any evidence that Thomas engaged in any lucrative pursuit, whether selling buttermilk or following in his father's medical footsteps. He seems to have made his gentlemanly fortune, such as it was, through a good marriage to one Honor Hayes. Whatever the truth of Henrietta Battier's claims of unscrupulousness and rapacity, Honor indisputably came from a comfortable, rising family. Her brother, Jeremiah Hayes, apparently either purchased land from John Weekes, Dr FitzGibbon's patient, or he married into the family. His will, dated 1732, lists him as the owner of a number of estates that had belonged to Weekes.¹¹ Honor provided Thomas FitzGibbon not only with a fortune, but with a large family as well. There were four sons, John, born in 1708, Patrick the father of Betham's correspondent, Thomas and Gibbon.

Whatever his religion^{at} birth, Jeremiah Hayes was unquestionably a Protestant at the time of his death. He could not have come into such extensive property otherwise. Both of his daughters married into strongly Protestant families, the Blennerhassets and the Gradys. Yet his sisters all appear to have married Catholics.¹² Although Honor herself was probably a Catholic, her brother provided an early and constant example to her sons of the economic and social advantages of Protestantism.

Whatever the later social and religious influence of the Hayes family, the elder John FitzGibbon and his brothers began life as Catholics. At the age of sixteen, he went to the Irish College in Paris to study medicine, a circumstance that effectively refutes claims made of his family's penury. Nonetheless, the fact that he, the eldest son, had to take up a profession at all suggests that the family's resources were not quite sufficient to assure its claims to gentility, even with the help of Honor's *dot*. At the same time, the fact that two of Thomas's sons eventually enrolled in the Middle Temple suggests a degree of economic competence, not to mention lofty social pretensions, as the law was the most genteel of professions.

⁹ O'Flanagan II, p. 157

¹⁰ H.A.C. Sturgess, *Register of Admissions to the Honorable Society of the Middle Temple II*, (London, 1949), p. 467; in his record of entry in 1726, John FitzGibbon stated that his father was a "gentleman".

¹¹ *Registry of Deeds/Abstracts of Wills I*, pp. 209-10, No. 487

¹² Ibid.

Roche's memoirs provide what information exists about the elder FitzGibbon's earliest years: a solitary anecdote of a boyish escapade. O'Flanagan repeated the story almost word for word:

As usual for newcomers, he [the elder FitzGibbon] was allowed the first day to take a view of the city. John FitzGibbon on this occasion was accompanied by a student as companion and caretaker... The youths, having transversed the metropolis in every direction, stopped at the cathedral of Notre Dame in the vicinity of the College; when exhausted with fatigue, they sought repose on the benches of the choir and fell so soundly asleep that they noticed not the closing of the church doors, while they were equally unobserved. It was past midnight when they awoke, and finding themselves thus immured, they groped about in the dark until they happened to reach the bell chains, which they vigorously pulled to the surprise and affright, not only of the sexton, but of the city at large, having made the great chimes---even the fearful TOCSIN---resound and spread alarm over the city. They were finally liberated, though not without a strong reprimand, followed by the severer and more impressive reproof of the President of the College. ¹³

Unfortunately, while Roche's memoirs and O'Flanagan's paraphrase give an endearing portrait of Old FitzGibbon as an innocent abroad, they offer no explanation for his momentous decision to desert the study of medicine for that of the law and in the process to "abandon his native creed", as Roche discreetly put it. John FitzGibbon entered the Middle Temple in 1726 and was called to the bar in Hilary term of 1731. He was enrolled as a convert on November 23, 1731.¹⁴

Of course, the explanation for old FitzGibbon's change of plans may have seemed so obvious Roche simply felt no need to mention it. The bar was, without question, the surest and most rapid way to wealth and social advancement. The fact that FitzGibbon's conversion closely followed his admission to the bar suggests that he was not in any zealous hurry to change his religion and he did so only when his professional life absolutely demanded it.

His brothers all converted as well. Again, professional or economic reasons offer the likeliest explanations for this circumstance, unusual in a convert family. Patrick, the second son, converted shortly after John, on June 24, 1732. His reasons for doing so are not apparent. Possibly some favorable property settlement offered an inducement. At any rate, whatever his reasons or his degree of sincerity, his descendants quickly reverted to Catholicism. Thomas, the third son, was enrolled in 1736. That same year, he followed his elder brother's example and entered the Middle Temple. Gibbon, the youngest, held

¹³ Roche II, p. 39; O'Flanagan II, pp. 157

¹⁴ E. Keane, P.B. Phair, T.U. Sadleir, eds, *King's Inn Admission Papers*, (Dublin, 1982), p.168
Eileen O'Byrne, ed., *The Convert Rolls*, (Dublin, 1981), p. 103

out until 1763. He married soon afterward, which suggests the likeliest explanation for his change after so many years.¹⁵ According to O'Flanagan, FitzGibbon's law career experienced a shaky start, owing to a series of law reports which he published while enrolled in the Middle Temple. A debt to his landlord had evidently prompted this venture into print. In the process of meeting his obligation, FitzGibbon offended some of the judges, who found his reports unflatteringly accurate. One judge complained the FitzGibbon's reports made them "talk nonsense by wholesale."¹⁶ The uproar died down with no lasting effects. The elder FitzGibbon returned to Ireland, where he quickly established himself as an active and skilled lawyer. A cousin, Daniel Hayes, himself a barrister, paid tribute to his ability to elucidate legal complexities: "Who like FitzGibbon clears Law's mystic spell?"¹⁷ His mastery of the law's mystic spell brought him many clients and many fees. O'Flanagan reported that at the time of his death, Old FitzGibbon left a fortune of over L100,000.¹⁸

FitzGibbon managed his own affairs as shrewdly as he managed those of his clients. He invested some of his earnings in Mount Shannon, an estate encompassing land in both north Limerick and north Tipperary. He also owned property in the city of Limerick.¹⁹ In 1738, he married Elinor Grove, the daughter of a Cork landowner. Miss Grove had an impeccable Protestant pedigree. One of her ancestors had been attainted by the Jacobite Parliament of 1689.²⁰ Apart from a conventional eulogy enumerating her many virtues, published after her death in 1786, no account either favorable or unfavorable exists of her.²¹ Presumably, she was a conventional dutiful wife, living quietly under her husband's domination and attending to her domestic responsibilities.

FitzGibbon had seven children by his wife, three daughters and four sons. The daughters all married advantageously. Arabella, the eldest girl, married St. John Jefferyes, a wealthy Cork landowner whose estate included Blarney Castle. Elizabeth married the Reverend William Beresford, a younger son of the Earl of Tyrone. This connection was to have particular significance in the younger FitzGibbon's career. Elinor, the youngest sister, became the second wife of Dominic Trant; like his father-in-law, he was an aspiring

¹⁵ *Convert Rolls*, op. cit.; Dublin: National Library of Ireland MS D6597-6612

¹⁶ *O'Flanagan II*, pp. 158-9, footnote 2

¹⁷ Quoted in John Ferrar's *History of Limerick* (Limerick, 1787), p. 383

¹⁸ *O'Flanagan II*, p. 158

¹⁹ See Dublin: Irish Public Records Office MS M6192 for the full extent of his holdings

²⁰ *Burke's Irish Family Records*, (London, 1976), entry under Grove-Annesley family, p. 27

²¹ *Freeman's Journal*, March 2, 1786. It is doubtful that FitzGibbon had any part in this production. It is probably the work of his good-hearted and literary-minded brother-in-law Dominic Trant with whom Mrs. FitzGibbon passed her final years. FitzGibbon himself never seems to have acknowledged her existence, at least in any public pronouncement. He seems to have been very much his father's child.

convert lawyer.²² While his daughters creditably advanced the family fortunes, the elder FitzGibbon experienced tragedy of Greek proportions with his sons. His two eldest sons died in quick succession in childhood; a third, Ion fared somewhat better in the mortality stakes, reaching young adulthood. Like his mother, Ion left little impression on the world at large. Roche wrote kindly of his "mild and easy temper", but a letter of Edmund Malone's offers an acid portrait of a shallow, absurdly fastidious coxcomb:

"I met FitzGibbon at Bath on his way to Hotwells. His unparalleled effeminacy, I am now convinced, is unconquerable. Change of kingdoms has, I think, rather increased the unnatural delicacy of his manners. His *deshabille* was not by any means remarkable after a long journey from Oxford, but it gave him great concern that I should meet him in such undress."²³

Malone may have been unduly harsh, mistaking the self-consciousness of adolescence for inveterate dandyism. At any rate Ion never had a chance to demonstrate greater maturity and development of character. He appears to have died in his early twenties. Only the youngest son and namesake, born in 1748, survived to maturity.²⁴

Later commentators made much of the contrast between the virtuous patriotic father and the corrupt, power mad son. Ferrar's *History of Limerick*, published in 1787, portrayed him as an honest Roman, honorable, benevolent and disinterested:

He [the elder FitzGibbon] died...deservedly regretted as an able lawyer, a humane landlord, an honest man, who preferred the shade of retirement to the sunshine of a court.²⁵

The son, who was at that time enjoying the sunshine of the lively Rutland viceregal court, did not merit so much as a passing mention. Ferrar evidently did not think him worthy of comparison with his father. In his memoirs of his own father, Henry Grattan Junior played on the same noble Roman theme:

Mr. John FitzGibbons (sic)...was father to the earl of Clare, but a very different character, plain, straightforward and unostentatious. He lived retired and much

²² *Burke's Family History*, op. cit., p. 431. There are some errors in this pedigree; most notably FitzGibbon's mother's name is given as Minchin. One of Elinor Grove's sisters married a man by the name of Minchin.

²³ Quoted in Falkiner, p. 105

²⁴ The sons, Thomas and John, are mentioned in a legal document of 1742 [NLI MS D6597-6612]. Ion is listed in the *Alumni Dublinensis*, but he does not appear in the catalogue of Oxford alumni. This circumstance leads me to infer that he died shortly after his twenty-first birthday.

²⁵ John Ferrar, *History of Limerick*, (Limerick, 1787), p. 364

respected [mistrusting] parade and grandeur, except for the true grandeur of simplicity.²⁶

Years later, Edmund Burke proudly claimed him as a relation and praised him as a "good Irishman." He also portrayed old FitzGibbon as a man tragically torn between sympathy for his "blood" ie, the Irish Catholics, and his ambition for his family.²⁷

Nonetheless, other sources reveal a somewhat less edifying side to Old FitzGibbon. Henrietta Battier portrayed him as a true son of his rapacious mother.²⁸ Even some of the praise for old FitzGibbon inadvertently suggests rather miserly habits. In actuality, the "true grandeur of simplicity" may have been the true meanness of avarice.

An unabashed, single-minded, utterly a-moral opportunism seems to have been his master characteristic. In Lord Kenmare's manuscripts, he appears as a figure of infinite cunning, well versed in the complexities of the penal laws, and ably using his knowledge to enrich himself.²⁹ In effect the penal laws made old FitzGibbon; fees from such cases constituted the bulk of his massive legal earnings. It is true that William Gerard Hamilton accused him of crypto-Catholic sentiments. Hamilton had apparently won favour with FitzGibbon, "who is a Papist", by abusing King William.³⁰ In addition, Burke admired and respected old FitzGibbon, not only for his admirable character as an Irish patriot, but for his able defense of Burke's kinsman James Nagle, an accused Whiteboy.³¹ It would have been perfectly logical for old FitzGibbon, a former Limerick Catholic, to have no great love for King William. And lingering family feeling, as well as skill and the prospect of a fee, undoubtedly made him an able advocate for James Nagle. He had, moreover, the capable support of impeccably Protestant colleagues, such as Scott and Yelverton. But the occasional displays of atavistic Jacobitism and of family loyalty do not by any means detract from the man's fundamental religious opportunism. According to James Roche, old FitzGibbon "refused all religious assistance on his deathbed."³² In short, he appears to

²⁶ *Grattan I*, p. 192

²⁷ Holden Furber, (ed.), *The Correspondence of Edmund Burke VII* (Cambridge, Chicago, 1970), p. 192

²⁸ Henrietta Battier, *The Gibbonade*, 1st number, (Dublin, 1794), p. 2; Mrs. Battier displays a firm belief in the myth of Old FitzGibbon's Jesuit education as well as the reflexive anti-Semitism of her time:
Quick from St. Omer's at preferment's name
The eleemosynary student came
Forsook his beads and in the Temple grew
At once a lawyer, Protestant and Jew.

²⁹ M. McLysaught (ed.), *The Kenmare Manuscripts*, (Dublin, 1942), pp. 73-75, 288-315

³⁰ William Gerard Hamilton to John Hely Hutchinson, 29 January, 1763, Trinity College Dublin, Hutchinson Papers, C/1/16

³¹ *Burke Correspondence I*, pp. 275-6

³² *Roche II*, pp. 116-117

have lapsed into religious indifference or outright atheism. Unburdened by any inconvenient belief, he could exploit the penal laws to the great advantage of himself and of his new-made Protestant family. It would be difficult to blame him. An Irish Catholic of FitzGibbon's generation could easily have concluded that God was either non-existent or too indifferent to merit attention, much less devotion according to the forms of the Roman Catholic Church. Making the best of the world made by King William offered the only hope for a tolerable existence.

His Irish patriotism too was an uncertain quantity. He entered the new parliament of 1761 as a member for Newcastle in County Dublin, and he seems at first to have inclined toward government. William Gerard Hamilton, then acting as ^{chief} secretary of Lord Halifax, expressed some satisfaction at an obscure service performed by FitzGibbon.³³ FitzGibbon does not seem to have received a suitably satisfactory return for his services, either in the form of money or in the form of power. By 1763, he had defected to the opposition benches, where he made thunderous speeches against the "Servile and Corrupt" and where he conveniently forgot his own connivance in friend Hamilton's quest for Irish office and Irish lucre.³⁴ Although there were fitful proposals to elevate FitzGibbon to the bench, nothing ever came of them, and by the 1770's he was still crying in the wilderness of the opposition. During Lord Harcourt's administration, he refused to vote in favour of a resolution supporting the "unjust" war against the Americans.³⁵ But old FitzGibbon was always ready to turn again, given encouragement. His most fundamental loyalties lay with himself, his family and their interests. His application for a bishopric for his son-in-law, William Beresford evoked this dry comment from Lord Harcourt's chief secretary: "...generally in opposition, yet will ask great Favors at the most critical time."³⁶

This driven, amoral man's schemes for advancement centered around his youngest son and namesake. In him, old FitzGibbon instilled his vast store of legal knowledge and skill. Wolfe Tone, described FitzGibbon as a compendium of "Coke upon Lyttleton", as taught by "his papa."³⁷ To judge by his own public pronouncements, FitzGibbon adored his father, and willingly embraced the profession decreed for him. He referred to his "esteemed and honored father" several times in his will, and he spoke with particular

³³ Hamilton to Hutchinson, 4 December, 1762, Hutchinson Papers, C/1/13

³⁴ *Debates Relative to the Affairs of Ireland*, (Dublin, 1763), pp. 208-221

³⁵ *Hibernian Chronicle*, November 30-December 4, 1775, Debate of November 30, 1775

³⁶ William Hunt (ed.), *The Irish Parliament: 1775*, (London and Dublin, 1907), p. 20

³⁷ William Theobald Wolfe Tone, ed., *Life of Theobald Wolfe Tone I*, (Washington, DC, 1826), p. 138

affection of "the attachment" which "my most worthy and respected father manifested in every stage of his life to his children." ³⁸

The solitary anecdote of FitzGibbon's childhood, again provided by that indefatigable gossip Roche, portrays an indulgent father, helplessly charmed and amused by his precocious, if appallingly bratty, son:

Having incurred his father's displeasure for some schoolboy fault, FitzGibbon senior sent his elder son to command young John's attendance. The message was authoritative: "Your father orders you to go to him, you must come instantly."

"**Orders---must,**" repeated the boy of thirteen. "Such language suits me not, nor will I stir an inch. *DECRETUM EST*", and proudly stamping his foot on the ground remained stationary.

The messenger reported the reply. The old gentleman laughed heartily at this presumptuous bit of haughtiness and in a formal note, jocosely requested the honor of an interview with Mr. John FitzGibbon, junior, when, after a few paternal words of admonition, no further notice was taken of the matter...³⁹

If there is any truth to this slight tale, FitzGibbon did not carry these habits of rebellion into later life. On the contrary, the few certain facts about FitzGibbon's youth and early manhood give the impression of a dutiful son doing credit to a beloved father. After attending a school kept by one Dr. Ball, FitzGibbon entered Trinity College Dublin in 1762. There he distinguished himself by winning a prize for a translation of the *Georgics*. After receiving his BA in 1766, he proceeded to Christ Church Oxford, where he took an MA in 1769. He duly entered the Middle Temple in 1769, and he was called to the bar in 1772.⁴⁰ In spite of Barrington's claims that the younger FitzGibbon "at first attended but little to the duties of his profession," a fee book unearthed at an auction sale in the 19th century suggests instead a diligent young lawyer with a growing and lucrative practice.⁴¹ When he returned to Ireland, he settled in his father's house on Stephen's Green. After the elder FitzGibbon's death in 1780, he continued to live with his widowed mother for another three years.⁴² Not until he was in his middle thirties did FitzGibbon attain full independence from parental proximity. Never once does he appear to have displayed any restiveness at this situation, which must have been trying as his father grew older and declined in health.

³⁸ Public Record Office of Northern Ireland (PRONI), Belfast, T3244/11/1

³⁹ *Roche II*, p. 36; *O'Flanagan II*, p. 160

⁴⁰ *Grattan II*, p. 42; *Alumni Dublinensis*, p. 287; *Alumni Oxoniensis II*, p. 467; *King's Inn Admission Papers*, p. 168

⁴¹ Barrington, p. 33; *Dublin University Magazine xxx*, p. 675; *O'Flanagan II*, p. 161-3

⁴² According to *Watson's Almanac*, FitzGibbon did not move to his own house at 6 Ely Place until early in 1784.

This unrelenting dutifulness has a suspicious, forced quality. Perhaps old FitzGibbon did love his son as much as he was capable of loving anyone. Yet given the father's consuming ambition, it is difficult to believe that he was not also demanding and domineering. The sudden deaths of the elder brothers, and possibly, Ion's vacuous unpromising character, all could have increased the pressures on FitzGibbon to realize his father's aspirations. In the end, it is impossible to know whether FitzGibbon was indeed the darling and the pride of his father or the hapless pawn of his embittered schemes. In the terms that mattered to old FitzGibbon their relationship was a clear and resounding success. The son not only adopted his father's profession, he imbibed all of his father's craving for status and power. If anything, the younger FitzGibbon was the more determined and the more single minded.

FitzGibbon also possessed his father's sharp intelligence. This trait, allied to his extensive experience on the Munster circuit, gave him an exceptionally keen insight into the realities of Irish society and as keen an insight into the best means of maneuvering through its treacherous and contradictory currents. He also seems to have learned from his father's mistakes. Old FitzGibbon had veered from government to opposition, with the result that no one trusted him and worse, no one gave him office. The younger FitzGibbon on the contrary, mapped out a clear, consistent strategy for advancement, which he followed unwaveringly to the end of his life.

An absolute rejection of his Catholic antecedents and a fierce identification with the Protestant interest lay at the heart of his strategy for advancement. FitzGibbon later made the claim that reason and sincere theological conviction lay at the heart of his abhorrence of Roman Catholicism. This claim is dubious. Given his worldly, sensual nature, FitzGibbon's religious vision was probably quite limited: God was a celestial lord-lieutenant and Jesus was his chief secretary. FitzGibbon rejected instead the powerlessness and the degradation attached to Catholicism in 18th century Ireland. The Whiteboy *grande peur* which gripped Protestant Munster during his young manhood undoubtedly strengthened his impulse to move as far from his Catholic origins as he could. His encounters with Catholics in his legal practice also may have confirmed his sectarian snobbery. Contrary to the claims of nationalist mythology, Catholics did not inevitably display long-suffering incorruptibility in the face of the penal laws. On the contrary, it would have been surprising if they had not succumbed to the moral corruption such laws encouraged. In the case of Redington vs. Redington, heard in Chancery in 1794, FitzGibbon encountered at least one instance of the chicanery to which Catholics could resort in evading the law. It involved a Catholic patriarch who encouraged his sons to

convert so he could acquire property in their name.⁴³ In his long legal career, FitzGibbon undoubtedly handled countless similar, though now undocumented cases, all of which could have confirmed his notions of Popish untrustworthiness, cunning and obduracy. His antagonism may have been exacerbated by a certain moral uneasiness. He was too perceptive not to recognize that the Papists, despicable as he may have considered them, did have legitimate grievances; the massive dispossessions of the 17th century in particular haunted his legal and his moral conscience, as his later public speeches frequently reveal.⁴⁴ The fact that he himself came from a Catholic background gave his political and social attitudes an inescapable taint of treachery.⁴⁵ Perhaps to evade this unpalatable bit of self-knowledge, he occasionally adopted the role of a disinterested friend of the Catholics, anxious to protect "the respectable" and the "rational" (meaning a-political) among them.⁴⁵ In his capacity as Lord Chancellor, he usually behaved with exquisite fairness and propriety to Catholic claimants. And he inevitably prefaced any attacks on Catholics with elaborate disclaimers of esteem, respect and admiration.⁴⁶ At the same time he probably hated the Catholics all the more because their very presence cast so many troubling doubts on his painstakingly created identity.

No doubt in an attempt to justify himself, FitzGibbon later claimed his "esteemed and worthy father's" sanction for this act of renunciation. He informed Sir Lawrence Parsons that his father had frequently warned him of the innate evil of Irish Roman Catholics:

My father was a popish recusant. He became a Protestant and was called to the bar, but he continued to live on terms of familiarity with his Roman Catholic relations and early friends and he knew the Catholics well. He has repeatedly told me that if ever they have the opportunity, they would overturn the established church and resume the Protestant estates.⁴⁷

Of course his father may have said something of the sort, but the spirit of such remarks was probably different from that of similar ones made by the son. The younger constantly

⁴³ William Ridgeway, *Reports of Cases upon Appeals of Writs of Error in the High Court of Parliament in Ireland since the Restoration of the Appellate Jurisdiction III*. (Dublin, 1795) pp. 106-203

⁴⁴ See for example, *PR* (1789), p. 129-30

⁴⁵ William Beresford, ed., *Correspondence of the Right Honorable John Beresford II* (London, 1854) pp. 104-5

⁴⁶ See for example, the amazing comments in his vitriolic speech of 1793 against the Catholic bill; *The Speech of the Late Rt. Hon. John, Earl of Clare, Lord High Chancellor of Ireland, Delivered in the Irish House of Peers on the Second Reading of the Bill for the Relief of His Majesty's Roman Catholic Subjects in Ireland, March 13, 1793*, (Dublin, 1798; London, 1813), p. 3

⁴⁷ Lord de Rosse to Lord Redesdale, 9 May, 1822, PRONI, Rosse Papers, d/20. My thanks to Kevin Whelan, who very kindly sent me a copy of this particular letter.

raised the specter of the "old inhabitants" brooding with "sullen indignation" over their wrongs to justify the Protestant oligarchy and to rally its frequently lax members.⁴⁸ The father probably was making a mere observation, with same chill-minded realism that allowed him to exploit the penal laws to such advantage.

In spite of his best efforts, the younger FitzGibbon remained an outsider to the Protestant ruling class which he dedicated himself to upholding. The obscurity of his family, their legendary lowliness and his father's education in France, the heart of international Popery, haunted and embarrassed him throughout his career. The Catholic origins of the FitzGibbons inspired numerous colorful myths. It was frequently claimed that old FitzGibbon had been "tonsured at St. Omers", and perhaps in consequence, the younger FitzGibbon was sometimes mocked as "FitzJesuit" or "FitzFriar".⁴⁹ In response, FitzGibbon often expressed contempt for those he served. He reserved his severest comment for the Protestant patriotic party of Flood, Grattan and Charlemont. He took every opportunity of reminding them that in spite of their lofty pretensions to nationhood, they were the descendents of freebooters, dependent on English power to protect their ill-gotten gains.⁵⁰

More than injured feelings accounted for these appeals to the might of England. He also came to recognize that the true fulcrum of power lay with the English government and not with the arrogant, quarrelsome Irish Protestant elite. This insight came at a particularly opportune time. The onset of FitzGibbon's political career came at a time when the English government was creating for the first time an effective control of Irish parliamentary life after the overthrow of the "undertakers". They were on the lookout for bright, hungry young men to fill the ranks of the new government party. In the earliest stages of his career, FitzGibbon of necessity identified himself as an Irish patriot. In the late 1770's, when FitzGibbon entered parliament, that party was in the truculent ascendant thanks to the advantages conferred by the war and the American Revolution. But once the opportunity (and the promise of office) offered itself, FitzGibbon coolly shed his patriotic proclivities, and embraced the English government's interests. To his credit, he served the English interest steadfastly and with fervor. As Lord Westmorland recognized, defending and promoting the English interest was his true religion: "...he has no god but English

⁴⁸ This very striking turn of phrase appears in his speech in support of the Act of Union; *The Speech of the Right Honorable John, Earl of Clare, Lord High Chancellor of Ireland on a motion made by him on Monday, February 10, 1800*, (Dublin, London, 1800) p. 22

⁴⁹ Public Record Office, London, Chatham Papers, 30/8/329, Sir Edward Newenham to Sir John Gay Alleyne, 29 September, 1784; *Dublin Evening Post*, 4 December, 1783; 2 January, 1795

⁵⁰ Act of Union Speech, p. 22

government."⁵¹ Indeed, in a sense not catalogued by William James, FitzGibbon found deep emotional satisfaction in his religion of imperialism. It offered the grace of power and office, and it offered the exquisite pleasure of domination, not only over the despised Irish Catholics, but over the Irish Protestants who despised him.

It would be immensely satisfying to dismiss FitzGibbon as a particularly unattractive careerist. But, however squalid his master motives, he did have many admirable, indeed likeable, qualities. While FitzGibbon was not a particularly cultivated man, his letters, speeches, and legal opinions show no mean literary talent. His prose is terse, clear and often striking: in particular, his chancery opinion in the case of *Redington v. Redington* is a *tour de force* of social and psychological insight, and a letter recounting the dowager Duchess of Leinster's marital history is a racy, if cruel, comedy of manners.⁵² In his private life, he seems to have demonstrated infinite kindness to his scatter-brained, sometimes adulterous, wife and to his often lazy and feckless FitzGibbon relations.⁵³ His correspondence is full of acts of generosity and thoughtfulness: ordering Limerick gloves for English friends, praising an estate agent for a job well done, pleading for a stay of execution for the son of his shepherd. FitzGibbon had no illusions about the son: "I have strong grounds to believe that he is very criminal", but he pitied the father, "a very honest man."⁵⁴ If he fought hard and unscrupulously for power and place, he did try, however fitfully, to act with responsibility once he obtained them. Even his worst enemies had to acknowledge his integrity and ability as a judge.⁵⁵ Finally, he took his role as an improving landlord very seriously. To appeal once again to the evidence of his letters, they reveal generosity and fairness to his tenants and a good grasp of agriculture.⁵⁶

To be sure, FitzGibbon's social grudges sometimes tainted his good qualities as a judge and as a landlord. In his court, he over-acted the role of avenging champion of the

⁵¹ NLI, MS 886, Lord Westmorland to William Pitt, 11 January, 1793

⁵² J. Ridgeway, op. cit.; University of Keele, Sneyd Muniments (uncataloged), FitzGibbon to William Eden, 22 August, 1785,

⁵³ For his relations with his wife, see A. Aspinall (ed.), *The Later Correspondence of George III, IV*, p. 8, no. 2584, fnote. He was a very kind and attentive guardian to his young cousin Thomas FitzGibbon, later a persistent and tiresome suitor for an excise office. For the circumstances of FitzGibbon's guardianship see NLI MS 7866; for Thomas FitzGibbon's pursuit of office, see Dublin, Irish State Paper Office, Westmorland Papers, Carton 1/f141, 142, 144

⁵⁴ FitzGibbon to Eden, 10 January, 1786 in Falkiner, p. 145; FitzGibbon to Roger Cashin, 21 November, 1801. This letter is in a private collection. I must acknowledge the kindness and generosity of Dr. Malcomson in bringing this letter to my attention; FitzGibbon to General Morrison, 29 June, 1798, NLI, MS 7333

⁵⁵ See for example Lord Fitzwilliam's very grudging acknowledgement, as repeated by Edmund Burke; Burke to Captain Emperor John Alexander Woodford, 31 May, 1797, R.B. McDowell and John A. Woods, (eds.), *The Correspondence of Edmund Burke IX*, (Cambridge, Chicago, 1970), p. 363

⁵⁶ FitzGibbon to Roger Cashin, 15 May, 1794, NLI, MS8343/9

poor and oppressed, and in Parliament, he indulged in many and tedious lectures on the irresponsibility and neglect of his fellow landlords. His reaction to a bill for the preservation of woodlands offers a particularly vivid illustration of FitzGibbon the Outraged Paternalist.

Introduced in February of 1791, this bill aimed at protecting plantations of trees from the depredations of tenants and others in search of scarce firewood. According to the provisions of the bill, magistrates had the power to examine individuals found with firewood to determine how they had come by it. The bill was indeed harsh, but it dictated no specific penalties for thieves, and given the general indolence of the Irish magistracy, it probably would have lapsed into dead letterhood. But FitzGibbon denounced the bill upon its introduction with the claim that it "militated against the constitution." In a later speech, he expanded on this claim: the bill put suspected wood stealers in the position of proving their innocence before a magistrate who may be "ignorant or capricious or both."⁵⁷ FitzGibbon objected to far more than the bill's legal impropriety. He denounced as strongly the general conduct of his fellow landlords. If the landlords suffered depredations against their plantations, if their tenants acted dishonestly or criminally, they had only their own harshness and neglect to blame, and no amount of repression could alter that fact:

Are we...to be told that the people of Ireland are such savages as not to be bound by the laws in such cases as well as the English? The fault does not lie in them---let the people of this country be treated kindly by those who *should* protect them, and they will make a grateful return; but if they are never to see the face of their landlord---if they are to be put under rack rents and ground down by oppression, the perfection of human nature is not to be expected; and yet you are asked to pass a law which can only make them worse... If the common law of England were to be more regarded here, we should have less need of multiplied statutes. In that country, the common law is not a name, it is every day to be found in the Courts of Westminster, and in Ireland it ought to be made to operate with similar benefits.⁵⁸

Obviously FitzGibbon felt deeply on the subject. No doubt he presented his vision of paternalism with particular force because the seductive ideas of the French Revolution were already gaining such wide currency. At the same time, he may have intended not only to display his compassion for the poor, but his contempt for the bill's author, Lord Mountmorres, who had both a record of opposition and a distinguished lineage. In short, this display of paternalistic virtue was a form of showing off, on a par with his gaudy carriage and his epicurean dinner parties. They were meant to demonstrate that John FitzGibbon, the son of a former scholar at the Irish College, had a finer sense of

⁵⁷ *Hibernian Journal*, February 24, 1791

⁵⁸ *Ibid.*

aristocratic responsibility than those with more established pedigrees. But in light of the historiographical drubbing FitzGibbon has suffered for more than two hundred years, it would be mean-spirited and unfair to over-emphasize his moral vanity or to deny his genuine impulses of compassion and honor.

Above all, FitzGibbon had an essentially sound grasp of Irish society and politics, in spite of his insecurities and prejudices. His constant harping on menace of the Catholic masses, "brooding in sullen indignation" on their historical wrongs, was far more than the ranting of a social and sectarian renegade. The Protestant elite did indeed depend for their political survival on a strong English presence and on a sectarian monopoly. Equally sound was his claim that wholesale enfranchisement of Catholics, reform, or grandiose claims of nationhood carried grave risks, given the paucity of Protestant numbers and the raw memories of conquest and dispossession. The bloodshed of the 1790's certainly proved FitzGibbon's point about the depths of sectarian hatred still lingering in Ireland, while the decline of Protestant political influence following the final grant of Catholic emancipation bore out another frequently made prediction. No doubt on an abstract moral level, his political views were cynical and repugnant. He uncritically accepted a structure of power that many Irish, Catholic and Protestant, abhorred. But his experience as an outsider of Catholic descent unquestionably gave him a mordant clarity of mind possessed by few of his contemporaries.

Yet even when every allowance is made for his intelligence, and his many virtues and abilities, FitzGibbon's character remains disturbing, violent and repulsive. Throughout his life, he alternated between gracious kindness and sadistic bullying, between forthright warmth and terrifying rage, between courageous honesty and pathological dishonesty. Above all, he seems to have been consumed by a bitter dissatisfaction with others and still more with himself. Self-contempt drove him to a perpetual quest to remake himself in a more satisfactory image and likeness. His letters, even to intimates like Auckland, have the forced quality of a man continually acting a role. His loathing for the imperfections of the world drove him to impose perfect order and perfect submission to right as he saw it. Of course, he could never attain either. Perfect order is elusive in the nature of things, and many people disputed his notions of perfect right. Consequently, he existed in a perpetual state of seething rage and frustration. In a rare moment of self revelation, he summed up his usual state of mind to Auckland: "If it were not that at times I get relief from a volley of execrations, I do believe I should blow up." 59

59 *Falkiner*, p. 148

It would be tempting to attribute his darker qualities to the tyranny of expectation which his father exercised over him. But such an explanation would be both simplistic and inadequate. Plenty of sons of ambitious fathers manage to survive their upbringing while retaining a measure of sanity and stability. Even the brutal sectarian and social snobberies of 18th century Ireland cannot fully account for this side of FitzGibbon. Most people with convert backgrounds probably suffered affronts of some kind; but not all converts (or sons of converts) reacted with such destructive and self-destructive fury. The cruel and arbitrary misfortune of a bad genetic inheritance may have molded, or perhaps more accurately twisted, FitzGibbon's character. To put the matter briefly and bluntly, there does seem to have been a streak of eccentricity bordering on madness in the Hayes family. Daniel Hayes, whose verse was quoted earlier, died a drunken *poet maudit*.⁶⁰ His last poem, a translation of a tribute to the blessings of Trappist monasticism, is grisly and morbid even by the standards of the contemporary Graveyard School.⁶¹ Another relation, Margaret Blennerhasset, was the lone female member of the Hell Fire Club, a dubious contribution to the cause of women's equality.⁶² Even old FitzGibbon may have been affected. Although in public he gave the impression of a handsome, suave, self-possessed man of the world, a prescription dating from 1753 reveals that he suffered from "nervous colic".⁶³ This condition may have been a temporary reaction to by now unknowable stresses. On the other hand, "nervous colic" could have been a chronic ailment for a man, driven not only by his struggles to get ahead, but by an innate emotional instability. His cool charm may have given way, at least on occasion, to sudden nervous rages. His youngest child may have picked up violent extremes of temperament, as well as legal learning, from his father. Acute alcoholism, another hereditary predisposition in the Hayes family, may also have played a part in the younger FitzGibbon's startling personality transformations. He was a notorious drinker and the symptoms of his final illness suggest death from cirrhosis. Of course, attributing FitzGibbon's inner demons exclusively to the malign genetic influence of his Hayes ancestors would be a dangerous over-simplification. Other unknowable circumstances and experiences, beyond the control of either father or son, undoubtedly played their part. Whatever the reasons for his

⁶⁰ Ferrar, p. 360-2

⁶¹ *Epistle from the Abbe de Rance to a Friend, written at the Abbey of La Trappe, Paraphrased from Mons. Berthe by Daniel Hayes, Esq.*, (Dublin, 1792 reprint)

⁶² *Burke's Irish Family Records*, p. 136

⁶³ NLI, MS 8343/5; Lord Buckinghamshire stated that "Mr. FitzGibbon's character and ability are held in the highest estimation, and his appearance and manner greatly prejudice in his favour.." quite an accolade, since FitzGibbon was approaching seventy at the time. *Beresford Correspondence I*, p. 37; The letter was occasioned by the death of Chief Justice Tennison. Old FitzGibbon was suggested as a possible candidate.

conduct, FitzGibbon's harsh and disagreeable manner unquestionably crippled his public life. Repeatedly he created antagonism where there need not have been any, or he made a bad situation worse by violent, precipitous words and deeds. His unfortunate manner obscured his good sense and frequently defeated measures for which he laboured diligently and faithfully. It would not be too much of an exaggeration to attribute much of the English government's growing lack of influence and disrepute to FitzGibbon's largely self-inflicted unpopularity.

(i)

As a matter of course, FitzGibbon not only took up his omnipresent father's profession, he followed him into the realm of politics. His own ravening ambition, as well as old FitzGibbon's expectations made public life inevitable. The latter's setbacks and frustrations could only have impressed young FitzGibbon and instilled in him an ardent desire to do better and go farther than his father. Yet he started his career by adopting precisely the stance that had consigned his father to political oblivion: that of popular patriot. His lifelong docility and deference to his father, of course would have prevented him from adopting a radically different course, had he been so inclined. Moreover, when John FitzGibbon made his first incursions into politics in the mid-1770's, a young man intent on making a name for himself would have had little choice but to adopt such a stance. Although other historians, notably Maurice O'Connell and Edith Johnston, have already done detailed and invaluable studies of Irish politics during the era of the American conflict, some reiteration of parties and issues is necessary to account for FitzGibbon's strategy at the beginning of his career.¹

Both the conflict with the American colonies and the unrest in Ireland had a common origin: attempts by the metropolitan government to establish a stronger, more consistent control over its colonies. In the case of Ireland, this movement toward centralization took the form of wresting power from the small clique of families, notably the Ponsonbys, the FitzGeralds and the Boyles, who had "undertaken" the management of Ireland in return for a share of patronage. Under the controversial administration of Lord Townshend, which endured from 1767 to 1773, this process gathered pace, if only because he managed to retain office longer than his immediate predecessors. Although Townshend may not have refashioned the English administration in Ireland, he did unquestionably establish a pattern of aggressively reclaiming and using the government's powers of patronage to create a Castle interest. He did so by cultivating that elusive element of British politics, the independent country gentleman. Townshend himself later was compelled to abandon this policy and to make an attempt to placate members of the old undertaker clique. But other families, most notably the Beresfords, rose to prominence

¹ My analysis of Irish political events in the 1760's and 1770's draws largely on the following sources:
Maurice O'Connell, *Irish Politics and Social Conflict in the Age of the American Revolution*, (Philadelphia, 1965)
Edith Johnston, *Great Britain and Ireland, 1760-1800: A Study in Political Administration*, (Edinburgh, 1965)
Thomas Bartlett, "The Townshend Viceroyalty, 1767-1772" in *Penal Era and Golden Age: Essays in Irish History, 1690-1800*, (Belfast, 1979), pp. 88-113

because of the English government's desire for a counterweight to the great Irish aristocrats.

A similar process was taking place in England at approximately the same time. The attempts of George III to exert a stronger influence in politics and to create an interest among the country gentlemen led in great measure to the dissolution of the Whig hegemony established earlier in the century. The Whig families affected by this shift of power had strong connections with Ireland. The Ponsonbys had intermarried with the Dukes of Devonshire, while the FitzGeralds were distantly related to Charles James Fox. These family connections inevitably created habits of correspondence and intrigue which could stir up convenient trouble and unrest in both countries.

The Whigs and their undertaker relations adopted similar strategies of opposition to the new structure of politics. Despite the fact that they had developed patronage into a fine art, they denounced the government's use of it as "corruption." In England, the Whigs in the wilderness complained of the "secret influence" of "placemen" who turned the King against his rightful and disinterested advisors, the Whigs themselves. In Ireland, the interests displaced by Townshend engaged in a brilliant and vicious propaganda campaign, which lambasted him as the befuddled, larcenous ruler of Baratarians, the mythical kingdom of Sancho Panza.

Along with ridicule, the opponents of and sufferers from a stronger Castle influence made use of that time-honored subject of quibble, government expenditure, and in particular, expenditures on pensions and sinecures. The Irish establishment was particularly vulnerable to attacks of this kind because it supported many foreign recipients of royal pensions. The presence of blatantly Teutonic names on the Irish pension lists could always arouse heated parliamentary rhetoric. The subject of Ireland's contribution to the military establishment also served as a fruitful subject of contention. Townshend himself weathered a fierce battle over an increase in the number of troops which Ireland was to contribute to the imperial military establishment.

Attacks on the alleged corruption and extravagance of government in Ireland certainly did not begin with Townshend's administration. The elder FitzGibbon's denunciation of the "Servile and Corrupt" had taken place during the administration of the Duke of Northumberland. Townshend's aggressiveness and the unprecedented scale of his efforts to create a government interest inevitably attracted a proportionately greater level of hostile comment.

The Irish opposition had another potent means of embarrassing the government unavailable to their English counterparts: the inflammatory question of the rights of the Irish nation. Two statutes from the Tudor era, Poyning's law, which dated from the reign

of Henry VII and the so-called "explanation" of Philip and Mary severely limited the powers of the Irish Parliament to draw up legislation. Strictly speaking, it did not draw up and debate bills, but proposals for or "heads" of bills. The heads of bills went first to the Irish Privy Council, which could alter them at will, and then to the English counterpart, which had the same power. The parliament in College Green could make no changes of its own on an objectionably altered bill. At the most, it could reject such bills and draw up new heads. Two other provisions of 18th century origin further limited the power and autonomy of the Irish Parliament. In 1708, the Irish House of Lords lost its power of final appeal on cases tried in Ireland; the English bench assumed that jurisdiction. The so-called Declaratory Act, or the 6th of George I gave the English Parliament the power to legislate for Ireland. In spite of its cumbersome features, this process of legislation served its purpose well enough in the ordinary course of things. Nonetheless, when disagreements arose between the administration and Parliament, the matter of rights and restrictions could always provide plenty of fuel for rhetorical fires.

Although the great undertaker families often took the lead in seizing on such issues to make trouble for the government, the Irish political world did not by any means fall into a neat division of government and new men versus embittered magnates. For example, Richard Boyle, Lord Shannon, usually remained favorable to the government and amenable to its advances. The government was always anxious to win over the FitzGerald Dukes of Leinster. For their part, while they played the part of great Hibernian patriots with stately condescension, they looked upon attentions from the Castle as no more than their due and never refused an office, however modest or ceremonial. As for the independent country gentlemen, they followed whatever course suited their interest or their *amour propre*. George Ogle and the mercurial Sir Edward Newenham probably received more gratification from their stances as independent, patriotic Irish gentlemen than any Castle favor could bestow. Thomas Conolly, perhaps the wealthiest landowner in Ireland and husband of the Duchess of Leinster's sister, Lady Louisa Lennox, pursued an erratic course between government and opposition. To the best of his rather limited intelligence he sought to take an independent line. Usually he paralleled that taken by his FitzGerald relations.

Ultimately, the English government could have maintained the political *status quo* in Ireland, in a stable world. The government had greater resources than the most princely Whig aristocrat, and thanks to Lord Townshend, it controlled the greater share of patronage. As old FitzGibbon discovered, lofty patriotism imposed the pains of insignificance as well as the pleasures of popularity. The well-known fact is that conditions in the 1770's did not remain stable. The revenues of government, in spite of

complaints about high taxes and extravagance, shrank. The erratic economy of the 1770's, which fluctuated between boom and depression and the general administrative inadequacy accounted for lower revenue. Above all, the conflict in America ignited the long-smoldering issues of contention between the English government and the colonial oligarchy in Ireland. The government's need for troops aroused the usual rhetoric about excessive burdens on Ireland, and all the usual fears that Protestants would pay for new levies only to see them removed from the country, leaving them at the mercy of Papists, domestic and international.

At least in the early stages of the war, some members of the political class in Ireland also expressed sympathy for the Americans, regarding them as brother Englishmen struggling against the same evils of excessive taxation and ministerial high-handedness. In 1775, during debates on a government-sponsored resolutions against the American colonists, Old FitzGibbon expressed a hope that "if Ireland refused her aid, the king would pause and proceed with greater caution, and thus Ireland would be the means of inducing him to put an end to so unjust a war."² In a gesture typical of the man, Sir Edward Newenham build a monument to George Washington on the grounds of his estate near Dublin.³

An embargo on trade to the rebellious colonies, combined with a business depression in Great Britain, had a severe impact on the Irish economy, circumstances which inevitably exacerbated political contention. These difficulties not only inspired menacing demonstrations from unemployed weavers and other workmen, they increased pressure on the English government to remove interdictions on trade with the British West Indies as compensation for lost markets. Associations to eschew English imports and to wear and to use products exclusively of Irish manufacture formed all over the country.⁴

These home consumption organizations, with their resemblance to similar associations formed in America, were unnerving enough, but the government faced a far more serious difficulty in the rise and growth of the so-called Volunteers. The ostensible purpose of the Volunteers was inoffensive enough. Because the demands of the war in North America had diminished the number of troops stationed in Ireland, a number of landed proprietors had taken it upon themselves to raise private forces at their own

² *Grattan II*, p. 269; *Hibernian Journal*, November 30-December 4, 1775

³ O'Connell, illustrations between pp. 128-129

⁴ See for example London, Public Record Office, State Papers (SP) 63/464/111, petition of the Citizens of Dublin, transmitted 25 February, 1779; 63/464/315, Buckinghamshire to Weymouth, 29 April, 1779, and 63/464/318, resolutions printed in the *Hibernian Journal*, 28 April, 1779

expense. Such organizations had existed in a rudimentary form during the Whiteboy disturbances of the early part of the decade.⁵

While parliament had passed a militia bill, the government had acquiesced unwillingly and solely because of the popularity of the measure. In 1778, when discussing the merits of the proposed militia bill, the viceroy, Lord Buckinghamshire, argued that such a force was not only expensive, the sectarian peculiarities of Ireland seriously reduced the number of potential recruits to such a force. The companies raised would either fall short because of a lack of qualified Protestants or they would consist of Protestants of the wrong sort, i.e., Presbyterians. Buckinghamshire gave this convoluted explanation for his fears of the Presbyterians and specifically of Northern Presbyterians:

...the use intended by a Militia in the North being the Preservation of the Peace and good order among the People lest during the absence of his Majesty's forces that opposition to the payment of Rents, Tithes and Assessments which prevailed so strongly in some parts of the Northern Counties some years ago might be revived... the Militia would be comprised of that body of the People which may be suspected of being inclined to enter into such riots, there could be no dependence upon their Acting in Suppression of them.⁶

He left unsaid a still greater fear: many of the rebels in America were the descendents of Ulster Presbyterians or recent emigrants from Ulster. He dreaded the possibility that their cousins yet remaining in Ireland, already restive and discontented, would follow their example, after the government had armed and arrayed them.⁷ Buckinghamshire repeated the opinion of several "Lords in Council" that independent volunteer companies were "much better to be relied on than a militia" --- presumably because landlords or influential gentlemen would control them and be accountable for their behavior.⁸ But even the country gentlemen were not entirely trustworthy to a government haunted by the spectre of American-style independence. Those same Volunteer units would, had commissions been issued, ^{have} made up a very independent-minded militia.

⁵ SP 63/461/328-31, Buckinghamshire to Weymouth, 12 December, 1778

⁶ SP/63/464/318, op. cit.

⁷ See for example SP 64/465/9; Buckinghamshire alludes with relief to the anger and betrayal which the American alliance with France aroused in the Presbyterians, a disillusion which made them less of a threat to the internal security of Ireland: "...I am well assured they [the Presbyterians] have lost entirely, or at least in great measure their penchant for the American cause; they are disgusted with the Americans for their alliance with France and rejecting the late offers of government: I believe the American flag would cause as great an alarm as the French." Buckinghamshire to Weymouth, 24 May, 1779; Buckinghamshire's obvious relief suggests his deep fears of pro-American sympathies in Ulster.

⁸ SP 63/461/328-31, Buckinghamshire to Weymouth, 12 December, 1778

Nevertheless, having rejected a militia as potentially subversive, the government left itself with no legal means of bringing the independent companies under its regulation. Left largely to their own devices, the Volunteers quickly expanded their role beyond the confines of a mere citizens' defense force. Succumbing to the Irish addiction to controversial politicking, they spent as much, if not more, time framing resolutions calling for free trade and for a revision of Poyning's Law as they did drilling in their extravagant uniforms.⁹ The government had no feasible way of reversing its policy. Buckinghamshire shrank from the obvious and forceful measure of seizing the arms of Volunteers and preventing them from assembling. Such an action on the part of the government only increased the risk of an American-style armed rebellion. Faced with his own powerlessness, Buckinghamshire made a legal virtue of necessity. As he pointed out to the Secretary of State, Lord Weymouth, a law of William and Mary allowed the subjects of Ireland to bear arms "suitable to their condition as allowed by law." Buckinghamshire added "...it would be a question of nice decision to determine whether they might not be justified at a time of declared Publick danger in learning the use of them."¹⁰

The fact that many of the premier aristocrats of Ireland commanded Volunteer units and encouraged their increasing political role exacerbated Buckinghamshire's dilemma. Lord Charlemont, a chilly and pedantic magnate from Ulster and the Duke of Leinster were especially active in fostering the Volunteers in both a political and a military capacity. The popular adoration for the Volunteers and for their leaders approached hysteria. The Dublin populace made an idol of the Duke of Leinster in particular. His appearances at the theater provoked joyous demonstrations that confirmed the family's status as uncrowned Irish royalty.¹¹ Charlemont's personality and the lesser prominence of his family did not allow for this degree of popular adulation, but he did enhance a respectable reputation and following as the premier patriot in the House of Lords. Buckinghamshire could not disarm the likes of Leinster and Charlemont. He could only attempt, with increasing frustration, to appeal to the traditional FitzGerald fondness for patronage and to hold firm against Charlemont, who had no such predilections.¹²

⁹ See SP 63/464/361-2 Buckinghamshire alludes to the politicization of the Volunteers in a letter to Weymouth dated 23 May, 1779: "...this arises from the insinuations that are daily circulated in the Publick Prints, that the Idea of their numbers may conduce to the attainment of political advantages to their country." See also SP 63/467/28-29 Buckinghamshire to Weymouth 14th October, 1779 on his own unsuccessful attempts to prevent the Volunteers from appearing in force in Dublin and standing in parade formation while the Lords and Commons brought their opening addresses to the Castle.

¹⁰ SP 63/464/361-2, Buckinghamshire to Weymouth, 23 May, 1779

¹¹ *Beresford I*, 112-118; O'Connell, p. 290

¹² SP 63/467/44-46, Buckinghamshire to Weymouth, 18th October, 1779 "The Duke of Leinster was with me this morning. He stated some complaints of his friends being neglected, the difficulties of

The same tone of frozen desperation pervaded most of the communications of Buckinghamshire, a nervous, conscientious man overwhelmed by the misfortune of presiding over the waning of government power and influence. Crises rocked his government at the very times when he felt least capable of dealing with them. Moreover, the treasury was temporarily in such bad straits that he was not able to meet the running costs of government in full, though that situation at least rendered a service by providing the spurious excuse for not giving effect to the intent of the militia bill. He spent the greater part of his time and energy pleading with London for more money and more troops, for an easing of the trade embargo and for trade concessions.¹³ Unfortunately, the government in London, negligent about Irish affairs in the best of times, was too preoccupied with the war to give its usual perfunctory attention. Buckinghamshire could rely only on a small body of government servants, notably Beresford and Foster, and even they blamed him for not acting more forcefully.¹⁴

(ii)

In such an atmosphere, an ambitious young man entering politics in the 1770's could quickly make a name for himself by acting as the champion of the Irish nation against ministerial corruption and tyranny. FitzGibbon's classmate Henry Grattan had already discovered as much, and had begun a promising career as a parliamentary patriot under the patronage of Lord Charlemont.¹⁵ A controversy at Trinity college gave FitzGibbon his opportunity to establish his own reputation as the scourge of ministerial tyranny and corruption and to win a visible and prestigious seat in parliament.

the times. We parted however, upon civil terms with an Assurance that he would send me his general Resolution with Respect to his future condition in two Days. I rather think he is coming round, if he does, his Brother the Seaman being promoted is a point insisted upon."

¹³ See for example, SP 63/459/217-220 and 63/459/276-281, which elucidate Buckinghamshire's scramble to get money for the most minimal defense establishment; See also SP/460/37-39, Buckinghamshire to Weymouth, 30 April, 1778, which opens on this foreboding note: "It is with great Concern that I am reduced to the Necessity of laying before your Lordship the miserable state of his Majesty's Treasury here."; SP 63/465/267; Buckinghamshire to Weymouth, 12 July, 1779 "I have repeatedly mentioned how very necessary it was to give some satisfaction to the Kingdom upon Commercial Points..."

¹⁴ See SP 63/467/101-2 Buckinghamshire to Weymouth, 8 November, 1779 "...it is too much in addition to be fretted hourly with inadmissible soliciting to labour ineffectually to conciliate the jealousies of impracticable politicians and to be obliged frequently to [suffer] suspicions of a duplicity of conduct to which my heart has ever been a stranger." See also John Beresford to John Robinson, 22 November, 1779 "You seem to fear that confusion may be the consequence of removing the present government. I cannot answer that it may not; but I will positively say that if they (Buckinghamshire and Chief Secretary Heron) stay much longer, it will not be possible for their successors to recover the ground... You want an able Chief Governor and Secretary, in whom gentlemen will have confidence." *Beresford I*, p. 88

¹⁵ See SP 63/459/59-62 for an example of Grattan's early political activity. His resolutions of 2 June 1778 are a compendium of patriot grievances.

The turmoil wracking Trinity had nothing to do with great issues of trade or the rights of the Irish nation. Rather, it was of the particularly bitter kind originating in personality disputes. The personalities in question consisted of the provost, John Hely Hutchinson, on one side and the majority of the fellows and senior tutors on the other. Like John FitzGibbon the elder, Hely Hutchinson had formed an association early in his career with William Gerard Hamilton. Even when all due allowances are made for the proprietary and personal view of public office taken in the 18th century, the correspondence between Hutchinson and Hamilton is unedifying. Both had a consuming preoccupation with obtaining as many remunerative offices as possible.¹⁶ Unlike the elder FitzGibbon, Hutchinson was remarkably successful in obtaining his various official demands. He served as prime serjeant from 1761 to 1774, and in 1778, he obtained the ceremonial, but lucrative office of Secretary of State. In 1774, the administration of Lord Harcourt, which had dismissed Old FitzGibbon's requests as exorbitant, bestowed on the far more exorbitant Hutchinson the post of provost of Trinity College.

Even before he took up residence in his predecessor's handsome house, Hutchinson's appointment aroused outrage. As he had not hitherto demonstrated a scholarly or intellectual bent, the lord-lieutenant's appointment of Hutchinson seemed an extraordinarily crass and blatant example of jobbing. The fact that Hutchinson was also a married man with a large family also grated. The statutes of the college as framed by the resolutely celibate Queen Elizabeth forbade fellows to marry. Of course, many of them did, but they were put in the absurd position of passing their wives off as housekeepers. Finally, and most important, Hutchinson did not treat his new office as a sinecure. From the start, he introduced major changes in the curriculum of Trinity. Many of his changes were astute and far-sighted. For example, he promoted the study of modern languages. But as is the case with many reformers, he offended those with an interest in the *status quo*, and he met with the usual retaliation, ridicule. His encouragement of such refinements as fencing and dancing lessons earned him the nickname "Jack Prancer."¹⁷ Unfortunately, Hely Hutchinson soon had far more to worry about. In 1777, he became embroiled in a quarrel which endangered him both legally and politically. John FitzGibbon the younger was one of the subordinate antagonists.

Hutchinson's premier antagonist was Patrick Duigenan, a scholar who later became professor of feudal law at Trinity. Duigenan's career paralleled, or perhaps more

¹⁶ See for example, Hutchinson Papers C/1/11, C/1/13, C/1/19, C/1/20

¹⁷ The bulk of my biographical information about the provost comes from that as yet invaluable source, *The Dictionary of National Biography* IX, p. 377; see also, Hutchinson's own defense of his career, political and academic; Hutchinson Papers C/1/116

accurately, parodied, FitzGibbon's. Baptized a Roman Catholic, he was taken in hand by a Protestant clergyman and educated in the Established Church. Like FitzGibbon, he emphatically rejected his Catholic past and, if possible, vented his anti-Popish sentiments more scurrilously. Like FitzGibbon, he rose rapidly in the legal profession. In addition to his position at Trinity, he later added the offices of advocate of the admiralty court and vicar general of the consistory court.¹⁸ In 1777, Duigenan had no presentiment of his future success. On the contrary, he was convinced that Hely Hutchinson's deliberate slights had ruined his prospects for advancement. Duigenan retaliated with a series of anonymous attacks on the provost, culminating in a philippic entitled *Lachrymae Academicæ*. Like most of Duigenan's literary exercises, it was a coarse and clumsy production, and Hutchinson, a hot-tempered man, soon responded in kind with a pamphlet attacking everything from Duigenan's intellectual abilities to those vulnerable points for every convert, his Popish origins and education.¹⁹ The conflict soon raged out of control, fueled by the atmosphere of gossip and malice peculiar to academic and clerical communities.

It did not long remain confined within the stately walls of Trinity. The feud between Hutchinson and Duigenan soon involved no less a personage than Philip Tisdall, the attorney general. Although Hutchinson had reckoned Tisdall a friend and ally prior to the imbroglio with Duigenan, he suddenly seized on the notion that the attorney general was encouraging the attacks of his opponent. None of the various accounts, including Hutchinson's own voluminous and aggrieved correspondence gives a very clear idea of why he developed such a notion. It seems most likely that in his state of irritability, he assumed that everyone not for him was against him. Since Tisdall remained on friendly terms with Duigenan as well, Hutchinson came to the conclusion that he was, therefore, the attorney general's "creature" Acting on this belief, Hutchinson approached Tisdall with a request:

I am insulted by a person beneath my notice [to wit, Duigenan]---he is a retainer of yours, you must answer for him and I must expect satisfaction from you.²⁰

Allegedly, Hutchinson had also referred to Tisdall as an "old rascal" and an "old scoundrel," though he later made the rather disingenuous claim that he had not made use of

¹⁸ Again, I have relied on the *DNB VI*, pp. 143-144 for my information about Duigenan.

¹⁹ Hutchinson Papers, C/1/116

²⁰ *Hibernian Chronicle*, 15-19 May, 1777

both expressions and he had certainly not used either in the hearing of the attorney general.²¹

Whether or not it was accompanied by the epithets in question, Hutchinson's request was both rash and insulting. As might be expected, Tisdall retaliated by filing a complaint, which charged Hutchinson first with *lese majeste* for insulting one of the king's servants, secondly with insulting the Court of the King's Bench, and finally with setting a bad example for the impressionable youth of Trinity College. To press his suit, Tisdall retained no less than 17 counsel, among them young John FitzGibbon.²²

Unlike his father, FitzGibbon had no association with Hutchinson, however casual, and Tisdall's case offered the perfect opportunity for a young lawyer to make an impression. He could appeal to the ascendent patriotic party by taking a stand against a notorious jobber, yet he could at the same time establish useful ties with the senior law officer of the country. Although not very adept at the game, his father had established a useful precedent for playing both ends against the middle. Nothing came of this promising opening, as Tisdall died before the suit could proceed beyond preliminaries.²³

FitzGibbon also served as Duigenan's counsel when Hutchinson filed suit against him for *Lachrymae Academiae*. In spite of his legal difficulties the provost was still spoiling for a fight. FitzGibbon not only defended Duigenan against Hutchinson, he filed a suit on Duigenan's behalf against two individuals by the name of Myers, for challenging him to a duel.²⁴ Duigenan of course could easily have offended a good many people besides Hutchinson, but the timing of the challenge suggests that they may have been acting on behalf of Hutchinson, who, thanks to his experiences with Tisdall, was leery of acting on his own.

FitzGibbon's efforts on behalf of Duigenan marked the beginning of an association that would continue sporadically throughout his life. Nonetheless, their common opposition to Hutchinson and their later political agreement drew them together far more than any particular liking, at least on FitzGibbon's part. On the contrary, he appears to have had little respect for Duigenan's judgment.²⁵ FitzGibbon may also have recoiled from a man who caricatured his darkest self. In short, Duigenan was little more than a useful pawn in FitzGibbon's strategy of advancement.

21 Ibid., 12-15 May, 1777

22 Ibid., May 12-15, 1777; *Grattan I*: pp. 279-80; Hutchinson MSS C/1/119

23 *Grattan I*, op. cit

24 *Hibernian Chronicle*, 13-17 November, 1777; proceedings of the King's Bench, 7 November, 1777

25 ISPO 620/18/8; FitzGibbon to Pelham [nd] 1797; This letter alludes to Duigenan's unreasonableness over a much favoured case in the Admiralty Courts. Among other unfavorable comments on Duigenan's temper, FitzGibbon added, "I very much fear the Bear will not be tamed."

Hely Hutchinson's efforts to bestow one of Trinity's parliamentary seats on his son provided FitzGibbon with a far more important opportunity than any offered by Patrick Duigenan's troubles. According to Grattan the younger, FitzGibbon, thanks to his legal exertions against Hutchinson, became the favoured candidate of those members of the University opposed to the provost's nepotism.²⁶ Unlike much of the filial memoir of the younger Grattan, this statement has a measure of likelihood, given FitzGibbon's ambition and the prospects which the troubles at Trinity presented. He could present himself as the opponent of jobbery on the hustings as well as in the courts. Parliament received the petition against the younger Hutchinson's election in 1776, and in 1777, an unhappy year for the family, he was removed from his seat. In March of 1778, FitzGibbon carried the election by a margin of 45 to 22.²⁷

Not surprisingly, FitzGibbon's persistent attacks on the Hutchinson family engendered the first of his many political enmities. Buckinghamshire later commented to Lord North that "the provost is disinclined to Mr. FitzGibbon, who was elected for the college in opposition to the provost's son."²⁸ Yet the feud with Hutchinson does not appear to have taken on the operatic fury of his later antagonisms. At least he did not provoke in FitzGibbon the frenzied public rage and loathing which Curran later inspired.

(iii)

He started his career with typical eclat as the ardent young patriot. From March of 1778 until November of 1779, he supported the popular side uniformly on every issue. FitzGibbon first spoke in Parliament to champion the inhabitants of the city of Dublin against a turnpike bill, which, in his opinion, imposed exorbitant tolls.²⁹ He then turned his attention to the sheriff of Kilkenny, who had allegedly failed to submit election returns in a timely fashion, and thus had violated against the rights of the electors and the majesty of Parliament. In his speech against the sheriff, FitzGibbon displayed many of the characteristics that were to distinguish his later parliamentary demeanor. Already he saw himself as the scourge of incompetence, stupidity and wickedness. His naturally overheated emotions, as well as the desire of a young member to make an impression led

²⁶ *Grattan I*, p. 280

²⁷ *Hibernian Chronicle*, 20-23 May, 1776; 2-6 April, 1778; *Grattan*, op. cit.

²⁸ PRONI, Macartney Papers, D572/7/32

²⁹ *Cavendish Parliamentary Diaries VI*, Part 9, p. 267 In the 1770's and early 1780's, before the publication of the *Parliamentary Register*, Sir Henry Cavendish took extensive notes on the debates in the Irish Parliament. The original manuscript of these notes, which are catalogued with maddening haphazardness, are in the Library of Congress, in the United States, and are on microfilm in the National Library of Ireland.

him to elevate a minor and commonplace instance of official sloth into an act of *lese majeste* worthy of the most urgent attention and the most vigorous action:

I hope he [the offending sheriff of Kilkenny] will be ordered to attend at the bar, if they do not give a satisfactory account of the Return to their House, they will be made an example of.³⁰

FitzGibbon took the popular side as emphatically on the question of the Catholic relief bill of 1778. At that time, popular meant Protestant. The belief that Popery inevitably went hand in hand with despotic government formed the foundation of British political mythology. The free British Constitution and, more important, the privileges and power of its Irish Protestant defenders depended on the penal code. In theory at least, the code interdicted Catholic worship, Catholic education, Catholic land ownership and above all, Catholic participation in public life. Any suggestion of significantly altering this code inevitably aroused horrified resistance.

In spite of the overall hostility of the Protestant ruling elite for Catholics the question of changing the penal laws was very much in the air in the 1760's and 1770's. In 1774, parliament approved an oath of loyalty, which conferred on Catholics a measure of legal standing in return for their disavowal of such notorious doctrines as the supposed papal power to depose heretical kings. The oath was largely the creation of the earl bishop of Derry, who later acquired a reputation as a man too fond of Catholics for his own good or for the good of the Protestant Establishment. A notion that concession rather than coercion might win more converts prompted many Protestants to support relaxation of the penal code. Others acted out of the perception that some Catholics, for lack of an alternative, had grown rich from trade; consequently, they could enrich the economy if given greater opportunity for investment of their accumulated capital.³¹

The bill of 1778 promised change on a large scale. It proposed extending to Catholics full rights to buy and to sell property. It also proposed the repeal of the so-called "gavel" law, which compelled any Catholic still in possession of a landed estate to divide it equally among his heirs. The gavel law contained a humiliating provision allowing any

³⁰ *Cavendish*, op. cit.

³¹ Probably the best and clearest examples of motives for Protestant relaxation of the penal laws can be found in Luke Gardiner's speech introducing the relief bill of 1778, *Cavendish VI*, Part 10, pp. 17-24; Gardiner shrewdly made no appeals to abstract justice, but concentrated instead on the advantages of getting Roman Catholics to invest their supposedly large supplies of ready money in the depressed agricultural economy. He also suggested that the recent liberalization of laws in England might induce Catholics to transfer their much needed capital to that country. See also the preamble to the bill of 1778, which in its earliest draft alludes to the "Aversion from and Dislike to the Established Church" created by the penal laws, which "in great measure prevented a great Majority of the People from embracing the Protestant Religion." (SP 63/459/111-116)

child who converted to come into full possession of the estate at the expense of recusant siblings. The proposed relief bill removed yet another hated feature of the penal code which permitted a Catholic heir upon conversion to make his father a tenant for life. The English Parliament was in the process of extending similar privileges and immunities to Catholics in Great Britain.³²

The liberalization of laws in England strengthened one of the chief arguments of the bill's opponents: that it was a sinister measure on the part of the ministry in London to weaken liberty-loving Irish Protestants by encouraging the Papists, with their predilection for despotism and unquestioning submission to authority. Henry Grattan, *already a vocal young Patriot*, based his opposition on this premise.³³ Grattan was mistaken. When the Catholics presented a petition for relief in December of 1777, the English government, while sympathetic, was at first disinclined to the prospect of recruiting blindly obedient Catholic masses to its standard. When the petition arrived in England, Weymouth requested Buckinghamshire's advice on the prospects for liberalization of the penal laws and received this reply:

...the present time is unfavorable for such attempts, as it would probably occasion a flame in this country which it has been much my wishes to keep quiet ³⁴

Yet this initial reluctance quickly gave way to the exigencies of military defense. In a move both startling and shrewd, the Americans, the much adored champions of the rights of Protestant Englishmen, allied themselves with his Catholic Majesty of France. In addition to their anxieties about the American sympathies of the Protestants, Buckinghamshire and the English government now had to contend with the additional threat of French or Spanish ships landing in Ireland and receiving an eager welcome from their Irish co-religionists. Further affronting Irish Protestant opinion was no doubt a grave risk, but making no gesture to win the loyalty, or at least the quiescence of the Irish Catholics was a greater one, at least in terms of military defense.³⁵ Accordingly the government, *with Gardiner acting for it*, introduced a relief bill.

³² SP 63/459/111-116, rough copy of Popery bill, 1778

³³ *Dublin Evening Post*, 6 August, 1778

³⁴ SP63/458/227, Buckinghamshire to Weymouth, 10 December, 1777 and 63/459/109-10, Buckinghamshire to Weymouth, 4 March, 1778

³⁵ The military considerations behind the bill are suggested in SP 63/459/111-116, which hints at the unheard of possibility of allowing Catholics, in the event of an invasion to have license to take up arms. The bill by implication would render them sufficiently loyal and trustworthy to allow for such an extremity! The ever present anxieties about Popish disaffection and Popish aid and sympathy for France can be seen in SP 63/460/82-84, J. Irwine's plan of defense for Munster, 3 April, 1778, SP

The bill was as detested by the majority of Irish Protestants as the government had expected. According to the *Dublin Evening Post*, Gardiner could not go out in the streets of Dublin without armed escorts because of the threats made against his life.³⁶ Within the more exalted sphere of Parliament, the debate on the bill was a profoundly unedifying spectacle of hysteria and hypocrisy. Members possessed of vast estates and vast rent rolls expressed dissatisfaction because the bill did nothing for poor Catholics. Most notably, George Ogle made the dubious claim that Catholic tenants preferred "benevolent" Protestant landlords to their allegedly harsher co-religionists.³⁷ Of course, opponents did not neglect to raise the usual claim that to allow *any* privileges to Roman Catholics would only encourage their tendency toward blood lust and rebellion.³⁸ The proposed bill suffered every possible kind of parliamentary delay, compromise and outright sabotage. Most notably, Ogle introduced an amendment which, instead of allowing Catholics the right to hold land in fee, substituted mere leasehold privileges for a maximum period of 999 years.³⁹

The addition of a clause to repeal the Test Act further complicated matters and increased bad feeling. While some anti-Papists, notably Shannon and Ely, actively encouraged the clause to delay or embarrass the bill, far more than mere caprice or trouble making moved the proponents of this particular addition to the bill. During the general election of 1776, the Presbyterians had mobilized with great effectiveness to obtain the repeal of the hated Vestry Act, passed two years before, which had deprived them of the power to vote in parish vestries. Many members felt it was politically dangerous to make wholesale concessions to the Catholics while ignoring a major Presbyterian grievance. Presbyterians, after all, had the power of the vote, and they had only recently demonstrated their willingness to use it to punish their opponents. Prudence, as much, if not more than, anti-Popery, dictated the inclusion of a measure to repeal the Test Act.⁴⁰

63/460/326, Lord Amherst to Lord Weymouth, 8 July, 1778 and 63/460/328, anonymous source to Buckinghamshire, 17 June, 1778

36 *Dublin Evening Post*, 6 August, 1778

37 *Cavendish VI*, Part 13, pp. 159-167

38 See again the remarks of the ineffable Ogle, *Cavendish VI*, Part 11, p. 78

39 *Cavendish VI*, Part 11, pp. 175, 237

40 Sir Edward Newenham actually introduced the clause, and he emphatically denied that he was trying to harm or jeopardize the Catholic bill. *Cavendish VI*, Part 11, p. 22; there is no particular reason to disbelieve him. Unlike Ogle, he does not seem to have been actively antagonistic to the bill, and as a prominent popular politician, he would naturally have been an enthusiast for the Presbyterians. For an excellent collection of documents on Presbyterian political mobilization in the 1770's see *Aspects of Irish Social History 1750-1800*, (Belfast, 1969) a publication of the Public Records Office of Northern Ireland, pp. 34-46 and 155-167; Buckinghamshire later made the claim that many members were actually relieved when the Test Act rider was removed from the Catholic bill; they had voted more out of fear of the Presbyterians, rather than love for their liberties. For the

A good deal of rhetorical outrage did indeed greet the bill when it returned from London without the repeal clause. Nonetheless, government managed to muster the necessary majority, in spite of its own diminished prestige and the bill's unpopularity. Fears of an invasion by French despotic hordes, aided and abetted by disappointed Irish Catholics, were already starting to outweigh fears of the despotic schemes of the English and Irish governments and fears of Presbyterian opinion.

In his memoir of his father, Henry Grattan the younger observed that the relief act of 1778 was "opposed by Mr. FitzGibbon, who even at this early period discovered the sentiments which afterwards proved so fatal to his country."⁴¹ Considering that the elder Grattan, purely for reasons of political opportunism, had also discovered such fatal sentiments, this remark demonstrates remarkable disingenuousness. It also does great injustice to FitzGibbon's reasons for opposing the bill. Unquestionably, he also voted against the bill out of opportunism, but he did have solid legal and moral objections to the bill.

He displayed opportunism in his graceless and vulgar appeals to popular Protestant prejudice. The example of Luke Gardiner and his armed guard was evidently not lost on him. Moreover, his ever present impulses of self-hatred and self-reinvention compelled him to go to particular lengths to affirm his Protestantism. This remark in his final speech on the bill is a case in point:

...if a Papist can submit to the monstrous absurdities to which his religious teachers will oblige him to subscribe, it is his business not mine.⁴²

Nonetheless, FitzGibbon did make it his business to insist on retaining the law allowing a conformist heir to make his father a tenant for life. In the same vein, he opposed repeal of the gavel clause because, he argued, it encouraged conformity by compelling either a father or any of his heirs to convert to keep the estate intact.⁴³ Having conformed with a vengeance, literally and figuratively, FitzGibbon had a strong interest in maintaining the laws that imposed his own moral choice.

In the same guise of Protestant, as well as popular, champion, he expressed alarm at the rejection of the clause repealing the Test Act. Echoing Grattan, he claimed that this

motives of Shannon and Ely, see SP 63/460/263-4, Buckinghamshire to Weymouth, 18 June, 1778; for the general fear of Presbyterians on the part of many government members, see SP 63/460/259-60, Heron to Sir Stanier Porten, 17 June, 1778

41 *Grattan I*, p. 289

42 *Cavendish VI*, Part 13, pp. 247-60

43 *Cavendish VI*, op. cit., see also Part 11, pp. 301-302

action revealed the government's sinister intentions to encourage Popish "implicit obedience" over Presbyterian "constitutional resistance."⁴⁴ His admiration for the latter (or more likely his need as a rising young popular politician for their good opinion) was fleeting. Later in his career, he would express a visceral contempt for "Puritans."⁴⁵

George Ogle's frivolous legal fiction further aroused his concern for the popular interest. Exceedingly long leases in Catholic hands would "have so much of the landed property unrepresented," presumably because such lands would be out of the reach of voting Protestant tenants virtually forever. In consequence, FitzGibbon argued:

You will narrow the democracy of this country which is too much confined for the good of the country already.⁴⁶

Yet FitzGibbon never could escape the awareness that his own family had until very recently suffered under the penal laws, a circumstance that aroused both shame and uneasy empathy. Such scruples compelled him to act as the sincere friend of the Catholic interest as well as the defender of free Protestants. In arguing for retention of the gavel clause, he noted that most Catholics wealthy enough to purchase land were in trade. As their assets consisted largely of cash and capital, a provision limiting the size of their estates would not harm their economic interests or detract from the advantages of acquiring land as an investment.⁴⁷ He was willing to go so far as to allow Catholics to make settlements of their own choosing on their children as part of their marriage contracts. Such pre-nuptial agreements would mitigate the effects of gaveling and at the same time protect the rights of any children who might choose to conform in adulthood.

Above all, he opposed the fiction of 999-year leases in lieu of freehold because he was convinced that it was bad law. He predicted that it would produce so many complications that "before the next session every Papist in the kingdom would cry out for a repeal of it."⁴⁸ Much of his opposition originated in his fixed idea that the gavel law was essential for the encouragement of Protestantism. Such a law could not apply to leases of the kind proposed by George Ogle. But he also argued against it on the grounds that it did not offer Catholics the security of freehold estates. Because the law regarded such leases

⁴⁴ Ibid., VI, Part 13, p. 260

⁴⁵ See for example his remarks to Eden in a letter dated 28 August, 1784, when he was safely established as attorney general. University of Keele, Sneyd Muniments, uncataloged.

⁴⁶ *Cavendish VI*, Part 11, pp. 301-8

⁴⁷ Ibid., VI, Part 11, pp. 301-8, VI, Part 12, p. 267

⁴⁸ *Dublin Evening Post*, 6 August, 1778

as personal property, FitzGibbon argued, they were subject to forfeiture upon the smallest misdemeanor and the most minor debts. He also noted that the law had failed to repeal "several cruel and illiberal clauses of the old code."⁴⁹ A Catholic who fell under their provisions could suffer the same consequence. In particular FitzGibbon alluded to the laws which forbade Catholics to educate their children abroad yet denied them access to schools in their own country:

...those clauses in the old code inflict a forfeiture of this nature for suffering his sons to receive a liberal education.. the doors of our own University were shut against them..what do you do? You confine them to the purchase of land which may be forfeited, you can't educate him at home, your laws prohibit that, if you send him abroad he is liable to forfeit the very interest you allow him to purchase.⁵⁰

Like most of FitzGibbon's pronouncements on the subject of Catholics and Catholicism, his remarks were fraught with ambiguity. He was hardly in a position to complain about a failure to repeal "cruel and illiberal clauses" when throughout the debate he had insisted on retaining the two provisions of the penal code most abhorred by Catholics. Moreover, his anxiety about the difficulties of Catholics in obtaining a liberal education did not originate in any desire to allow them to educate their children how and where they saw fit. Rather, he wanted them to remain in Protestant-ruled Ireland and to study in Protestant schools, which would presumably provide an added inducement to conformity. His preoccupation with education as indoctrination would find expression in later debates on Catholic relief. His ambiguous motives notwithstanding, FitzGibbon did make convincing arguments about the bill's legal defects. His proposed version of the bill appears to have offered solid, if severely limited, benefits to the Catholics: In spite of his psychological limitations and his ambition, his actions were certainly superior to Grattan's partisan shallowness.

FitzGibbon pursued the same highly promising popular course when Dennis Daly drew up a petition to the king which complained of the economic distresses of Ireland and which requested redress in the form of an easing of the embargo and an extension of trading rights.⁵¹ The government opposed the petition more in the interests of management than out of any particular disagreement with the points raised. Buckinghamshire's own letters to the government in London were filled with similar pleas. The government objected to the petition first because it would raise jealousies in England,

⁴⁹ *Cavendish VI*, Pt 13, pp. 247-60

⁵⁰ *Ibid.*

⁵¹ *Ibid.*, VI, Part 13, pp. 45-7

secondly because Daly had made his motion toward the end of a session, and finally, because Parliament proposed to forward the petition directly to the king, rather than submit it through the lord lieutenant, as was the usual practice.⁵² In an ironic contrast with his later views of Anglo-Irish cooperation, FitzGibbon rejected any suggestion that the Irish parliament should consider the sensibilities of a "few boroughmongers in England." With regard to the question of the timing of the petition, he had this scornful and proudly Irish comment:

...we are told this address is unusual...it seems the manufacturers of England are acquainted with the practices of Parliament, they know when it is unusual to present an address.⁵³

FitzGibbon had even less sympathy for the prerogatives of the lord-lieutenant. He would not, he declared, sacrifice the interests of the people to a "point of ceremony and etiquette."⁵⁴ The government did manage to defeat the petition, though the economy was growing worse and its parliamentary luck was fast running out.

FitzGibbon reached the apogee of his popularity as a patriot in November of 1779, when he took a prominent part in the inquiry into debts owed to the Treasury by Sir Henry Cavendish, the deceased Teller of the Exchequer. He had allegedly borrowed £20,000 from the Treasury, and FitzGibbon accused his son, Sir Henry Cavendish, of failing to pay the debt quickly enough. He also accused the government of condoning Sir Henry's defalcation and of preventing any serious inquiry into the matter.⁵⁵ The matter of Cavendish was the perfect vehicle for FitzGibbon to act the role of young patriot. Sir Henry was a prominent government member, and the Treasury's embarrassments in 1778 continued to provide useful rhetorical ammunition. FitzGibbon ably seized the opportunity to reiterate patriot convictions that ministerial corruption was sapping a distressed and weakened economy:

...it is an hardship that an individual should keep for three years in his pocket money which he is determined not to pay as long as he can avoid it.⁵⁶

52 See Foster's remarks, *Cavendish VI*, Part 13, pp. 47-50 and Scott's comments, *VI*, Part 13, pp. 91, 93-94

53 Ibid., pp. 115-118

54 Ibid.

55 The entirety of this particular drama appears in *Cavendish VII*, Part 15, pp. 97-101

56 Ibid.

Cavendish, of course, indignantly denied the charges, and claimed that on the contrary, he was making every effort to repay his father's debts, at great expense and hardship to himself.⁵⁷ Even Sir Frederick Flood, kinsman of yet another patriotic idol, Henry, ventured to defend Cavendish's honor against FitzGibbon's rhetorical onslaught:

I rejoice in the opportunity of vindicating the honor of the Rt. Hon. baronet and to oppose a motion to...establish a summary and oppressive mode of proceeding in times truly calamitous.⁵⁸

In the popular press, Cavendish received no such defense and FitzGibbon no such rebuke. A long paragraph in the *Hibernian Journal*, one of the many opposition papers in Dublin, paid tribute to FitzGibbon's patriotic zeal by making ironic pleas with him to restrain it:

Pray consider also that by forcing him to pay or expelling him the House you will deprive the public of his taking an active part for them. You see his Gratitude has prompted him to take great pains about their accounts; and his keen Eye has discovered that it is to national bounty alone that you owe your national debt. Now, Sir, do you think he could ever have divulged that information if he did not find himself greatly interested in setting the people right about their money matters? I cannot conclude without telling you that you hazard the resentment of the People, by doing anything to distress a Gentleman so popular, so much beloved, so greatly admired for his Abilities, his Integrity and his Munificence. In short, he is a pretty lad; and is recommended to your tenderness.⁵⁹

(iv)

Yet even as he was winning accolades for protecting the people of Ireland from ministerial peculation FitzGibbon was receiving approaches from the government. His very ardor in pursuing Henry Cavendish may have originated in a guilty patriotic conscience. He found the government's offers very attractive indeed, and he possibly hoped to soften the certain outrage at his defection with this final display of zeal.

The chronic misfortunes of the Buckinghamshire administration accounted for this sudden conciliatory attitude toward one of its more truculent opponents. Having survived the economic crisis of 1778, it experienced the onset of a major political standoff in 1779. The opposition, then in full tide, planned to thwart the usual two-year grant of supplies to the government. They proposed instead to grant supplies for only six months as a means

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ *Hibernian Journal*, 22-24 November, 1779

of putting pressure on government to grant "free trade," that is access to what remained of England's colonial markets.⁶⁰ Buckinghamshire's administration reacted with even more panic than usual. He and his few remaining supporters renewed their pleas to London to grant trade concessions while it still had the appearance of a freely given favor.⁶¹ At the same time ^{they} set about attempting to defeat the six-month money bill. The government needed able men to fill its depleted ranks and especially to speak on its behalf in the forthcoming debates. Support from erstwhile patriots would also steady the waverers, who grew in number as fervor mounted. It still had the ability to grant office, which remained a powerful inducement in spite of its tarnished prestige.

John Beresford took it upon himself to approach his young kinsman with an offer from Buckinghamshire. The lord-lieutenant was willing to appoint FitzGibbon to the first vacancy in the offices of prime serjeant, attorney or solicitor general, in return for support of the government during the impending debates on the short money bill. Beresford, an astute man of business, shrewdly played on FitzGibbon's fears as well as appealing to his ambition. He emphasized "how necessary it was for men of property to exert themselves to prevent mischief, which seemed to be the view of some people."⁶² To a man newly risen from the despised Popish masses, Beresford's suggestions of impending social upheaval were very effective indeed. The prospect of obtaining high legal office less than two years after entering Parliament must have been irresistible to a man who had observed his father's 15-year career of frustration and failure. He agreed to Beresford's proposal.

Nearly 20 years later, Beresford, by then elevated into the archetype of ministerial corruption, was routinely accused of incorporating FitzGibbon into his empire of patronage.⁶³ His correspondence shows this claim to have been partisan nonsense. Though he clearly respected FitzGibbon and considered him a young man of promise, he had no particular proprietary interest in him. He made similar proposals to others. Moreover, John Scott, Tisdall's successor as attorney general, was just as active in recruiting FitzGibbon.⁶⁴

⁶⁰ A full and of course, self-glorifying account of this particular campaign appears in *Grattan II*, pp. 3-9

⁶¹ SP 63/467/101-2, Buckinghamshire to Weymouth, 8 November, 1779

⁶² *Beresford I*, p. 68

⁶³ The supposed unholy alliance of FitzGibbon and Beresford received particular emphasis during the Fitzwilliam administration. See for example the *Hibernian Journal*, 14 January, 1795, which suggests FitzGibbon's alliance with "that sink of pollution the Customs House". O'Beirne, Fitzwilliam's political confidante, also played up the alliance of corruption. See Sheffield, Public Library, Fitzwilliam Papers, (uncataloged) O'Beirne to Fitzwilliam, 6 September, 1794

⁶⁴ *Ibid. I* p. 63

Although FitzGibbon was agreeable to his kinsman's proposals, he expressed doubts about the good faith of Lord Buckinghamshire.⁶⁵ His doubts were fully justified. When the money bill came up for final vote on November 30, 1779, the government abruptly changed course and conceded the six month version out of a belief that lacking the numbers to resist effectively, it could not in fairness expose its few supporters to popular attack.⁶⁶ Shortly after the government's retreat, the cabinet in London yielded to the inevitable and allowed Ireland to trade directly with the West Indies, on condition that the Irish parliament imposed the same duties and regulations as its English counterpart.⁶⁷

FitzGibbon, understandably, did not care to sacrifice himself unnecessarily, and voted with the majority. He did not entirely abandon government even as he voted against it. During the debate, he denounced the measure as pernicious, although he did so on the solidly patriotic ground that a six-month money bill would entail raising higher taxes to meet the inevitable shortfall. He also criticized the conduct of the crowds who had gathered outside Parliament to urge a short money bill and free trade.⁶⁸ In effect, he indicated to the ministry that while he was not about to run fool's errands by supporting positions it was unwilling to defend, he was available to protect property and order on future occasions.

In spite of his professed concern for the reputations and careers of government supporters, Buckinghamshire decided to hold FitzGibbon to a sterner standard. In retaliation for his perceived bad faith, Buckinghamshire bestowed the post of prime serjeant elsewhere, when it became vacant upon the resignation of Hussey Burgh.⁶⁹ For their parts, FitzGibbon and his patron Beresford indignantly pointed out the unfairness of expecting him (FitzGibbon) to stand firm while the government succumbed to public pressure.⁷⁰ Beresford had this final comment on the business when Buckinghamshire, in anticipation of later opposition charges, accused him of promoting FitzGibbon's career to aggrandize his own and his family's interests:

I had no reason for mention^{ing} him except that I knew him to be the most proper man in the country for His Majesty's service. They may

⁶⁵ Ibid., I, p. 68

⁶⁶ SP 63/467/139-142, Buckinghamshire to Weymouth, 26 November, 1779

⁶⁷ SP 63/467/198-9, Buckinghamshire to Hillsborough, 2 December, 1779

⁶⁸ *Cavendish VII*, Part 15, pp. 138-141 (note: the pagination in this section of the document is particularly confusing. It appears at this point that an archivist at the Library of Congress decided to add page numbers as well. For reasons unclear to me, this portion of FitzGibbon's speech numbered 371-3) 15

⁶⁹ *Beresford I*, p.105-8

⁷⁰ Ibid, p. 103, 105-8

now hunt for him themselves.⁷¹

These negotiations, however abortive, left their mark on FitzGibbon. The glimpse of office tantalized him. Although his prospects with the Buckinghamshire administration were now dim, he could build a reputation as a government man that might possibly influence future administrations.

Nonetheless, it was his opposition to the Tenantry Act of 1780 that deprived him of his patriotic bloom. This act aimed at confirming the rights of tenants whose leases for lives had fallen into abeyance. Although its proponents claimed that the bill was intended to aid the struggling yeomanry of Ireland, it primarily affected the more affluent, larger tenants. These individuals often held free-hold estates of their own in addition to leasing tracts of land, usually for a lifetime renewable forever. The life in question could be the landlord's, or it could be the lifetime of an agreed-upon, unrelated third-party, such as a member of the royal family. Since these leases covered such long periods of time, they frequently lapsed without either the landlord or the tenant recognizing the fact and formally making a renewal. A decision of the English Chancery Court jarred the easy-going habits of Irish land tenure. The case involved a rare instance when an Irish landlord did sue for ejection of a long-term tenant whose lease had expired. The Court decided in favor of the landlord, and thus prompted the bill.⁷² In addition to heartrending rhetorical visions of suffering yeomen driven from their holdings by unscrupulous landlords, the bill's supporters appealed to sectarian interest, which could always arouse emotion and compel votes. They argued that since such leases were held exclusively by Protestants, their rights particularly required protection, in light of the extensive leasehold privileges recently granted to Catholics.⁷³

The bill not only commanded wide support, its sponsors included a key member of the Buckinghamshire administration, no less than John Scott, the Attorney General.⁷⁴ With unusual astuteness, the administration remained officially neutral, while allowing its chief law officer to act a popular part. It had a difficult enough time enforcing policy from

⁷¹ Ibid.

⁷² O'Connell, pp. 272, 276

⁷³ See, for example, the *Hibernian Journal*, 2 June, 1780; this long philippic against FitzGibbon, the first of many speaks of the bill as "the Redemption of the Bulk of the Nation from the worst of Slavery and the extreme of wretchedness" and "the mercenary views of a few Landlords who would hold their tenantry in perpetual vasselage and make a Russian transfer of the Life of the Subject along with the property."; O'Connell, op. cit.

⁷⁴ Scott actually introduced the heads of the bill on 15 May, 1780; *Cavendish VIII*, Pt. 17, p. 46

Whitehall. It was not about to add to its difficulties by condoning or defending provocative decisions from the English Chancery Court as well.

FitzGibbon took the lonely and dangerous course of opposition in the first place because the bill offended his finely developed sense of legal propriety. It violated both the property rights of landlords, that pillar of 18th century jurisprudence, and the integrity of contracts. In his view, any tenant unjustly deprived of a lease already had ample means of seeking redress through the usual channels, without the addition of extraordinary and dubious legislation.⁷⁵

In addition, he condemned the bill because it offered no benefits whatsoever to the small yeomanry. Rather, it confirmed the position of large land jobbers or middlemen, who had no proprietary interest in the soil, apart from making as high a profit as possible. Men such as these would inevitably "grind the faces of the poor."⁷⁶

As usual with FitzGibbon, his habitual indulgence in righteous indignation tinged much of his attitude toward the bill. Middlemen were not inevitably the rapacious harpies he made them out to be. Most Irish estates were inordinately large and without the presence of such intermediate lessees, they would have been difficult to manage effectively. Middlemen frequently invested capital and brought a degree of innovation beyond the power of most landlords, who were indifferent, absent, pressed by debt, or again, unable to manage their oversized holdings.⁷⁷ His quasi-mystical vision of resident landlords living in paternalistic harmony on their broad acres originated more in his snobbish insecurity than in any clear notion of the realities of Irish land tenure. His own family had very recently emerged from the ranks of the rural middle class, and they may possibly have held a subtenure of the kind he denounced. Consequently, he had a special need to defend the rights of landed gentlemen from grasping, arriviste jobbers.

Yet however wrongheaded his opposition may have been, however tainted with social pretentiousness, FitzGibbon displayed both integrity and, as always, cogent legal reasoning. He stood to gain nothing in the way of recognition from the government. Only a genuine desire to protect the smaller farmers and laborers, as well as a strong conviction that the bill violated fundamental principles of equity could account for his opposition.

Despite the laudable principles behind it, his stand immediately provoked a storm, particularly in the press. The *Hibernian Journal*, once his strongest advocate, turned

⁷⁵ *Cavendish VIII*, Part 17, pp. 47-50; Part 19, p. 123, p. 152

⁷⁶ *Cavendish VIII*, Part 19, p. 225

⁷⁷ See David Dickson, "Middlemen", in *Penal Era and Golden Age: Essays in Irish History, 1690-1800* (Belfast, 1979), pp. 162-185

against him all the more vehemently. In its edition of June 20, 1780, it accused FitzGibbon of callously disregarding the sufferings of the tenantry of Ireland:

Regardless of the censure of every surrounding nation, which have long held up the Irish peasantry as starving objects of compassion, as the unhappy victims of Irish pride and Irish licentiousness, you, sir, in a scurvy minority, have been the Advocate for entailing a continuance of misery in the most injured body of Men that the Sun rolls his course over

FitzGibbon also opposed the major patriotic initiative of 1780: Henry Grattan's resolution that the "King's most excellent majesty and the Lords and Commons of Ireland are the only power competent to make laws to bind Ireland." The aim of this resolution was, of course, the modification of Poyning's law and the removal of other forms of British jurisdiction from the Parliament of Ireland. Barry Yelverton introduced the actual heads of bills for this purpose one week later.⁷⁸ FitzGibbon, angling for the favor of future administrations, if not for a return to good graces of the Buckinghamshire administration, dismissed the resolution as the "production of a giddy faction."⁷⁹ According to Grattan the younger, FitzGibbon also appealed to Protestant insecurities. Specifically, he opposed the elder Grattan because "the result of his [Grattan's] plan would be to let loose an Irish army upon the country and they would seek to resume all forfeited lands."⁸⁰ In fairness to FitzGibbon, the newspaper accounts of his speeches do not contain any such blatant appeals to sectarian fears. In the published debates, he merely stated that such a resolution would "embroil both countries in a state of discord." Only an allusion to the fact that a similar resolution had appeared in the fatal year 1641 could be construed as an oblique reference to the Papist menace.⁸¹ A fear that Catholics might take advantage of Protestant divisions could certainly have motivated him, in conjunction with a desire to establish his good standing with the government.

At the same time, FitzGibbon did not entirely break with his prior patriot stance. Although he had now come to respect the government's infinite powers of patronage, he could not afford entirely to alienate the patriots among his constituents. Without a seat in parliament, he had no hopes of office. Such considerations, as well as personal aggrievement, undoubtedly moved him to denounce the "imbecility and incapacity of

78 SP 63/469/95-96, Buckinghamshire to Hillsborough, 20 April, 1780; *Dublin Evening Post* 20 April, 1780; Yelverton's motions on the subject were defeated 27 April, 1780; SP63/469/124, Buckinghamshire to Hillsborough, 27 April, 1780; the majority against was a hair-raising 25

79 *Dublin Evening Post*, 20 April, 1780

80 *Grattan II*, pp. 37-38

81 *Dublin Evening Post*, op. cit.

government" in the same speech.⁸² Such considerations also may have accounted for the more moderate stance he took toward the end of the debate. He supported a compromise proposed by Hussey Burgh, which called for an adjournment, as a resolution similar to Grattan's was already on the records of the House. In the words of the parliamentary reporter of the *Dublin Evening Post*, the leading patriotic newspaper of the capital:

...this gentleman [FitzGibbon] made amends for the warm and decided part he had taken in support of government by endeavoring to reconcile all parties in the House to concur in promoting the interest of this country.⁸³

FitzGibbon reverted to the popular side on the issue of the Irish Mutiny Bill. Prior to 1780, the English Mutiny Act had applied to Ireland. Their resolution against Poyning's Law defeated, the popular party chose to assert the dignity and rights of the Irish Parliament by proposing its own mutiny bill. Lord Buckinghamshire's government was, once again, caught in an impossible situation. The ministry was determined to throw out any bill that specifically denied the authority of the English act. Yet Buckinghamshire did not want to exacerbate patriotic feeling still further, especially in the wake of the defeat over Poyning's Law.⁸⁴ Moreover, as was usual with issues of Irish rights and prerogatives, no law positively forbade the Irish Parliament to pass a mutiny bill. As Buckinghamshire noted to the new Secretary of State, Hillsborough, the Irish Parliament had considered a mutiny bill in 1692, though for obscure reasons, this bill had been thrown out.⁸⁵ Finally, Buckinghamshire had good reason to fear that if the Irish mutiny bill failed to pass, many magistrates might refuse to enforce the English statute. He sent Lord Hillsborough a copy of a paragraph from the *Freeman's Journal* urging such a course.⁸⁶ Given these circumstances, Buckinghamshire pleaded with the English government not to compel him to take any extraordinary measures to suppress the bill:

...it cannot be advisable for a Lord Lieutenant scarcely, if ever, exerted to stifle a bill of universal Desire against the sense of the Commons, the Majority of Council and the gen'l sentiment of the

82 Ibid.

83 Ibid.

84 SP 63/469/101-3, Buckinghamshire to Hillsborough, 19th April, 1780; 63/469/195-98, Buckinghamshire to Hillsborough, 8 May, 1780; 63/469/264-5, Same to Same, 24 May, 1780; 63/469/284-6, Buckinghamshire to Heron, 28 May, 1780

85 SP 63/469/147-8, Buckinghamshire to Hillsborough, 29 April, 1780

86 SP 63/469/130, Same to Same, 26 April, 1780

Nation.⁸⁷

The heads of the Mutiny Bill did pass in the Irish parliament, and the council duly forwarded them to London. The English cabinet returned the bill in August of 1780, with the inclusion of one provocative alteration: to prevent future displays of self-assertion, the English privy council had included a provision making the Irish Mutiny bill perpetual.⁸⁸

As usual, the administration, after much dithering and hysteria, did manage to scrape together the majority necessary to pass the bill.⁸⁹ But not surprisingly, its passage inspired yet another outburst of indignation both within and without Parliament. FitzGibbon had supported the original heads of the bill, when they were introduced in May of 1780, and in Buckinghamshire's account of the debates over the revised bill, his name appeared prominently with Grattan's as an opponent of the revised version.⁹⁰ He took this stand on the grounds that bill, in effect, placed Ireland under a military government:

...it is^[as] ^[an] alarming/attack upon the Constitution and the liberty of the British Empire^[as] has ever been made. I think it tends directly to make this country a place of arms against this Empire.⁹¹

FitzGibbon continued to support the popular position on trade, when the issue of sugar duties came up for debate. Irish sugar bakers or refiners had always operated at a disadvantage because, prior to the liberalization of trade laws, they had been compelled to import raw sugars via Great Britain and thus had been subject to two sets of duties, the English and the Irish. The opening of British West Indian trade to Ireland should have improved matters, but Irish refiners came to believe, in spite of reassurances to the contrary, that direct imports to Ireland would suffer delays, presumably because of the disturbed state of Atlantic trade. When the subject of new duties on sugar came up in Parliament, the Irish sugar manufacturers pressed for a prohibitory duty on British refined sugar, to protect themselves against further competition, and to put themselves in a better position to take advantage of direct imports on raw sugar, once they did begin.⁹² With this aim in mind, Hussey Burgh proposed a positive prohibition on British refined sugars,

⁸⁷ SP 63/469/195-8 op. cit.

⁸⁸ SP 63/470/236, Heron to Sir Stanier Porten, 9 August, 1780

⁸⁹ 63/470/267-68, Buckinghamshire to Hillsborough, 17th August, 1780

⁹⁰ Ibid.

⁹¹ *Cavendish VIII*, Part 19, pp. 249-250

⁹² SP 63/469/253-5, Heron to John Robinson, 20 May, 1780; SP 63/469/256-7, Same to Same, 18th May, 1780

and David La Touche proposed the specific duty of 16s 17p. The government, in the person of John Scott, pressed for the far lower duty of 5s 10p. After much detailed and dull debate, Parliament settled on a duty of 12s, which was slightly lower than La Touche's proposal and far higher than Scott's.⁹³ For his part, FitzGibbon declared, "I don't see the injustice of monopolizing the Trade for our own Market," and gave his support to the duty of 12s.⁹⁴ Buckinghamshire's administration made no gesture to resist this bill. Once again, popular pressures, especially from individuals not ordinarily inclined to such activity, accounted for his caution. As Heron, the chief secretary, reported to John Robinson in England:

The Truth is that a real and general Alarm took place on this occasion, a Non-Importation Agreement was proposed by many Merchants who are usually very moderate.⁹⁵

The English cabinet had slightly more hardihood. It reduced the duty further to 9s 2d 10/12 before returning the bill to Ireland. This revised duty did pass by a more comfortable majority of 119 to 38.⁹⁶ The fact that the debate came toward the end of a parliamentary session in summer undoubtedly helped Buckinghamshire. FitzGibbon, nonetheless, opposed the revised bill and continued to press for the original duty of 12s. He also complained of the haste with which the government was pressing the bill:

I profess very truly I do not wish to prolong this session. It would have been happy for this country if a period had been put to it long since, but I do not agree that a measure of this sort...will exasperate and sour the minds of the people.⁹⁷

The relatively quiet resolution of the dispute over sugar duties was deceptive. It inevitably aroused acrimonious debate every time it appeared on the agenda of Parliament. FitzGibbon, nonetheless, did not inevitably support the claims of the Irish sugar refiners in later debates.

His occasional votes for popular measures failed to restore his standing in public opinion, or at least that part of public opinion reflected in the press, by 1780 virtually

⁹³ SP 63/469/253, op. cit.; *Cavendish VIII*, Part 17, pp. 71-106

⁹⁴ *Cavendish VIII*, Part 17, pp. 295-7

⁹⁵ SP63/469/253-5

⁹⁶ SP63/470/258, Buckinghamshire to Hillsborough, 16th August, 1780

⁹⁷ *Cavendish VIII*, Part 20, p. 94

monopolized by radicals. His opposition to Grattan's resolution exacerbated the ill-will aroused by his stand on the Tenantry Bill.⁹⁸ In the same editorial which denounced FitzGibbon for his supposed indifference to the suffering tenantry of Ireland, the *Hibernian Journal* made this comment on the subject:

On that memorable day, you rolled down the Tide with the
Government as a Crab-Apple, you had little to boast of over
the ball of Horse dung in the fable.⁹⁸

The *Dublin Evening Post* contented itself with listing FitzGibbon as a member of the Court party. On a scale of 0 to 25, his elocution and his powers of argument rated a mediocre 15, and his parliamentary influence was rated at 0.⁹⁹

FitzGibbon was by no means the only public figure of the time to suffer bad press. The reputations of politicians rose and fell according to the fevered, often irrational fluctuation of public expectation and demand. In the overheated atmosphere of late eighteenth century Irish politics, public discourse reached unprecedented heights, or perhaps more accurately, depths of scurrility. But FitzGibbon arguably inspired a degree of malice unequalled by any other public figure of the time. His abrasive personality exacerbated the ill will aroused by his political views. A brief squib appearing in the *Dublin Evening Post*¹⁰⁰ in March of 1780 indicates that even before the introduction of the Tenantry act, his demeanor was beginning to grate on some sensibilities. "Youth, Figure and Fortune do not make a man respectable," the *Dublin Evening Post* had admonished. By the end of 1780, comments on his arrogant, overbearing manner appeared regularly in all the Dublin newspapers. They inevitably referred to him by the soubriquet "Jack Petulant" or "Fitzpetulant" or by such variations as "Fitzarrogant" and "Fitzprig".¹⁰¹ Occasionally, FitzGibbon did receive praise for his intelligence, for his legal knowledge and for the youthful good looks which Cosway later portrayed with such charm and delicacy. But the newspapers praised him only to lament that although "Nature" had given FitzGibbon "Person, Wealth and Talents...[the] fair work was spoiled by Pride,

⁹⁸ *Hibernian Journal*, 20 June, 1780, op. cit.

⁹⁹ *Dublin Evening Post*, 25 April, 1780

¹⁰⁰ *Dublin Evening Post*, 30 March, 1780

¹⁰¹ See, for example the *Freeman's Journal*, August 11, 1780 which in an account of the Tenant's Bill debate stated that "Petulant Jack was silenced"; *Dublin Evening Post*, October 11, 1780; The *Volunteers' Journal* seems to have favoured the variation "Jack Fitzpetulant"; see November 21, December 5, and December 24, 1783; it also made much use of the variation "Fitzprig"---see October 18, 1784; the *Dublin Evening Post* also made use of this mutation of FitzGibbon, eg October 4 and 26, 1784

Vanity and Petulance." ¹⁰² His erratic voting habits only increased the exasperation and the sense of promise betrayed which characterized press comment on him at this time. A paragraph which appeared in the *Dublin Evening Post* in May of 1781 brings into focus most clearly the popular image of FitzGibbon as a young man who was too pretty by half, too clever by half and wholly besotted by himself. Using one of the labored classical conceits common to the time, the author of the paragraph envisioned a visit to Ireland by Rhadamanthus, one of the judges of the underworld. Among the worthies summoned for judgment was a "handsome youth in a lawyer's gown." The author went on to give this account of his encounter with Rhadamanthus:

A handsome youth in a lawyer's gown came confidently forward, who with a number of law phrases well put together and delivered with volubility made a long speech, the tendency of which it was impossible to divine; it was like a two edged sword, it cut every way. By one part of it, his hearers might imagine he was the advocate of the people, by his acrimonious invectives against the ministry, but by the other, one would think him the champion of Government; the instructions given by constituents to their representatives in Parliament, he stiled the clamours of a seditious mob; he was against the Irish Declaration of Right; he was for a Mutiny Bill and back and forward, sometimes on one side, sometimes on the other, even on the same question with a most ridiculous inconsistency...After exhibiting in a strong manner a strange compound of pride, talents and ill-nature, he ended his strange harangue and cast his eyes around (and beautiful eyes they were) with a supercilious look, while his cheek dimpled with a smile of self-complacence. The Judge then touched his forehead with a dreadful wand; the culprit's size shrunk at the powerful touch to the diminutive form of a WASP!¹⁰³

He was soon to give the press no cause to complain of his inconsistency. By the autumn of 1781, he demonstrated emphatic and unvarying support for the government. The change in ministries accounted for this hardening of attitude.

(v)

The long crisis that was the Buckinghamshire administration came to a merciful end in December of 1780. The Earl of Carlisle succeeded to the office of lord-lieutenant, and William Eden, later Lord Auckland, accompanied him in the capacity of chief secretary. The two had participated in abortive negotiations with the Americans in 1778. Presumably, their experience in dealing with recalcitrant colonials, however unsuccessfully, prompted

¹⁰² *Dublin Evening Post*, 27 January, 1781

¹⁰³ *Ibid.*, 10 May, 1781

North's government to send them to Ireland. Although Carlisle had offered generous terms to reconcile the Americans, his administration in Ireland adopted the same policy as that of his ill-fated predecessor: to resist as much as possible any major innovations in the political, economic or military relationship between England and Ireland. In a report to Hillsborough, dated September 15, 1781, shortly before the opening of Parliament, Carlisle listed the issues he expected to come up in debate and the stance his government would adopt on each. He intended to resist any renewed attempts to alter the Mutiny Bill or to revive prohibitory duties on English refined sugar. On constitutional issues, Carlisle took an equally firm line:

With respect to the whole class of what are called constitutional questions...I conceive that I ought as much as possible to divert a line of disquisition which cannot at present be brought forward with any advantage to the true interest of this kingdom.¹⁰⁴

Nonetheless, in discussing the possibility of "some Parliamentary applause" for the Volunteers, Carlisle took a far friendlier view than his predecessor who had, on the contrary pressed for Parliamentary condemnation. Carlisle acknowledged the dubious constitutional standing of "an armed Force not raised under the King's authority," yet he also acknowledged their good discipline, their loyalty and their valuable service enforcing "due Reverence to the Laws in a country where that Reverence is much less general than in any part of Europe."¹⁰⁵ Carlisle concluded that rather than resist a Parliamentary vote of thanks, the Administration itself should initiate such a measure:

I think it my Duty to say that a decided and cordial acknowledgement from my administration of the loyal and becoming conduct which the Volunteer Corps have now manifested towards their King and Country would be the wisest measure with regard to them that can be acknowledged.¹⁰⁶

In this same memorandum Carlisle expressed confidence that this combination of resistance couched in judicious flattery would effectively wear down any attempts to alter the structure of government in Ireland. He not only had what he believed to be an effective strategy, he had, unlike his predecessor, a reliable cadre of government members:

¹⁰⁴ SP63/476/134-8, Carlisle to Hillsborough, 15 September, 1781

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

Nor am I without hope that the support which I have formed and in some degree consolidated for the measures of my administration will be fully equal to their task.¹⁰⁷ [Ibid]

Carlisle and Eden had built this support first by wooing and conciliating the great magnates and secondly by following more successfully Buckinghamshire's strategy of recruiting likely young men. FitzGibbon was prominent among those whom the new administration wanted to win over. In a letter to Lord Gower, Carlisle expressed hope that FitzGibbon, a man of "very considerable weight both in respect to property and ability" would not be "averse" to his administration.¹⁰⁸ FitzGibbon fully realized Carlisle's hopes. He supported the government not only because a new administration presented new opportunities to obtain office, but because of the attachment, bordering on infatuation, that he felt for William Eden.

The friendship undoubtedly originated in Eden's efforts to cultivate support for Carlisle through personal attentions to potential supporters. According to Charlemont, Eden's activities earned him the distasteful soubriquet "Manmonger."¹⁰⁹ Nonetheless, FitzGibbon does not appear to have been at all troubled by any ulterior motives Eden might have had in seeking him out. He was literally smitten by Eden and remained devotedly attached to him throughout his life. He inevitably visited Eden whenever he was in England and corresponded voluminously with him.¹¹⁰ The Latin ardor of FitzGibbon's temperament no doubt accounted in part for the strength of his attachment. His tendency never to hate or to love by halves was at once his most appealing and his most appalling trait. FitzGibbon may also have elevated this cunning, hardened political schemer into the *patron* of everything he most admired: the suave, civilized English country gentleman. In his voluminous correspondence with Eden, FitzGibbon, with the mimesis of idolatry, assumed the persona of a man blessed with all the English virtues of common sense and plain speaking yet unhappily cursed with Irish birth and ancestry. The friendship with Eden holds interest not only because of the insight it gives into FitzGibbon's character, but

¹⁰⁷ Ibid.

¹⁰⁸ *HMC Carlisle*, p. 510

¹⁰⁹ *HMC Charlemont I*, p. 148

¹¹⁰ The largest collection of his surviving letters are now in the library of the University of Keele; a good friend of the second earl of Clare, Ralph Sneyd, came into possession of FitzGibbon's letters to Eden after the second earl's death. Sneyd's family, in turn, eventually donated them to John Rylands Library. R.B. McDowell did an interesting and perceptive overview of these letters in the *John Rylands Library Bulletin*, vol. 34, No. 2, pp. 296-312, "Some FitzGibbon Letters from the Sneyd Muniments in the John Rylands Library". The letters were moved to Keele after this article appeared. C.L. Falkiner also published a collection of FitzGibbon's letters to Eden in an appendix to his biographical study. Falkiner pp. 141-154

because of its implications for his future political career. In spite of his later public emphasis on unquestioning cooperation with England and his denunciations of Irish and English Whigs for using each other to further their own interests, he and Eden habitually intrigued together to resist policies or ministries they opposed.

In 1781, FitzGibbon did not yet have this sort of influence or hardihood. He was a valued but very much a subordinate player in the making of English policy in Ireland. He revealed his sympathies most trenchantly and most clearly during the controversy which arose over the Portuguese government's confiscation of Irish woolen goods in August of 1781. This controversy, like the dispute over sugar duties, originated in the trade concessions made by the English government in 1779. The Irish had obtained access not only to the English West Indian markets, but as they assumed, to the Portuguese market.

The so-called Methuen treaty of 1703 had established a very profitable trade between England and Portugal. The English imported Portuguese wines and exported fine grades of woolen cloth. Irish woolen manufacturers, no doubt attracted by the proximity of Portuguese markets, quickly seized on their newly extended opportunities to participate in the benefits of the treaty. The Portuguese, unfortunately, took a less generous view of this abrupt appearance of Irish textiles. Taking refuge in the legalistic argument that the Methuen treaty extended only to England, they seized the shipment from Ireland as contraband. But the true target of this action was not the Irish merchant community, but the British government. The Portuguese, unhappy with what they perceived as the unequal benefits of the Methuen treaty, hoped to force the English to renegotiate by creating difficulties over Irish imports.¹¹¹

The Carlisle administration quickly recognized the potential political embarrassment of the Portuguese actions. Even before Parliament had opened Carlisle had received a petition from Comerford and O'Brien, the merchant firm involved in the shipment, and in response he had pressed the government to assert Irish trading rights as vigorously as possible.¹¹² The secretary of state, Lord Hillsborough, set forth the position that the British government was to maintain throughout the crisis. The Irish government could do nothing. Only the appropriate English ministers had the proper authority to negotiate with the Portuguese, and they, of course, would do everything in their power to promote and

¹¹¹ For a much fuller account of the trade dispute with Portugal than this study can offer, see James Kelly, "The Irish Trade Dispute with Portugal", *Studia Hibernica* xxv (1989-90), pp. 7-48

¹¹² SP63/474/72-73, Carlisle to Hillsborough, 30 January, 1781; SP63/477/9-10, Carlisle to Hillsborough, 29 October, 1781

protect Irish trade and Irish merchandise. Hillsborough closed his communication by urging calm and moderation.¹¹³

Calm and moderation did not prevail during the parliamentary debates on the Portuguese actions in October and November of 1781. The Portuguese action wounded both sensitive Irish national feeling and struggling Irish economic interests. Much ferocious rhetoric denouncing Portuguese perfidy and numerous uncomplimentary allusions to the mad, priest-ridden queen of Portugal circulated in Parliament. Hurt pride and outrage reached a culmination in a motion by Sir Lucius O'Brien for a committee to enquire into the provisions of the treaty of 1703, with the aim of drawing up resolutions protesting the actions of the Portuguese.¹¹⁴ In keeping with his earlier instructions from Hillsborough and in keeping with his own determination to prevent any attempts to expand the constitutional powers of the Irish Parliament, Carlisle immediately set out to block any such inquiry:

With regard to the Impropriety of this inquiry, it is thought that the House of Commons in taking upon themselves the Interpretation of Treaties entered into by the Crown with foreign states would create a new and dangerous precedent.¹¹⁵

Initially, Carlisle hoped to avoid any debate on Portuguese trade. When such a debate inevitably did take place, Eden, in the role of chief spokesman for the government, reiterated first that the Irish parliament had no authority to intervene in the matter, and secondly that the proper authority, the English ministers, were doing everything in their power to persuade the Portuguese to accept Irish goods.¹¹⁶ FitzGibbon spoke in support of Eden with all his considerable powers of rhetorical excess. He repeated all the usual constitutional arguments against intervention by the Irish Parliament:

...that our goods had been detained in Lisbon we know, that they ought to be received we know, and that the King's ministers were doing their utmost to promote their reception we know, but the doubt remained whether their exertions would not be assisted by Parliamentary interference. For his part he thought not. All negotiations he thought by our constitutions should be ministerial though sometimes Parliament had

¹¹³ SP 63/476/40-43, Hillsborough to Carlisle, 10 September, 1781

¹¹⁴ *Cavendish IX*, Part 21, pp. 24-5; for comments on "Disrespectful expressions made in Irish Parl." see SP 63/476/275-9, Hillsborough to Carlisle, 21 October, 1781

¹¹⁵ SP 63/476/275-9, op. cit.

¹¹⁶ *Parliamentary Register* (1781-2), debate of October 29, 1781, p. 16

interfered to ratify or reject.¹¹⁷

He added this effusive praise of Eden:

He [FitzGibbon] thought that some confidence ought to be placed, some latitude of discretion given to a Minister (Mr. Eden) who in so manly and liberal a way had come forward and assured the House of his determination to support this nation's rights with his utmost power; that for his part he would place a becoming confidence in him till he should do some act to forfeit it.¹¹⁸

The government did succeed in defeating Sir Lucius O'Brien's motion. Unfortunately, the English ministers exercised their proper constitutional powers to no avail. The Portuguese obdurately clung to their interpretation of the treaty of 1703. When Eden reported the outcome of the negotiations on February 5, 1782, he wisely made no further appeals to trust, moderation or patience and ostensibly, at least, he left the Irish Parliament with the power to act as it saw fit.¹¹⁹ But Carlisle and Eden were not as indifferent as they claimed, as soon became apparent when FitzGibbon rose to speak.

He emphatically opposed any commercial retaliation against Portugal and suggested instead a petition to the king setting forth Irish complaints against the Court of Lisbon and pleading for his intervention:

If by any bill of resentment we prohibit the import of Portuguese goods or load them with heavy duties, we provoke the Court of Lisbon to retaliate...the trade with Portugal is of the highest importance to this kingdom, as it leaves a balance in our favor of L120,000 per annum and of the goods we get from thence, there are some with which we cannot be so well supplied from any other place. The only way I can think of to obtain relief is by addressing His Majesty and humbly requesting that he will be graciously pleased to assert the rights of his kingdom of Ireland, which in this instance have been grossly violated.¹²⁰

Nonetheless, in the process of presenting these perfectly lucid and sensible arguments he made an extraordinary tactical blunder. Evidently forgetting the fact that not all of his colleagues shared his adoration for the chief secretary, he admitted freely that he had consulted with Eden on the matter:

After having considered every circumstance of the negotiation

¹¹⁷ Ibid., p. 26

¹¹⁸ Ibid.

¹¹⁹ *PR* (1781-2), pp. 210-11

¹²⁰ Ibid., p.212

I must observe that I communicated my intention of moving this address to the Right Honorable Secretary and he agrees in my opinion that it is the most proper method that can be taken.¹²¹

This revelation on FitzGibbon's part accounts for the prominent part he immediately assumed in the debate. In the guise of a moderate-minded, independent gentleman, he was proposing the course that the government, in spite of its official stance of neutrality, actually favored. This circumstance unavoidably raises the possibility that Eden approached FitzGibbon rather than the other way around. He and FitzGibbon may well have come to an agreement that the more moderate course of a petition would face a better reception from a member with some lingering claims to independence.

The suggestion of government influence, as well as anger and frustration inevitably led to sharp criticism of FitzGibbon's proposed petition. Lucius O'Brien, the aspiring scourge of the Portuguese, complained that the address lacked "sufficient spirit and nor will the Court of Portugal believe the Irish Parliament serious if we proceed in the languid manner proposed by the Hon. Gentleman (Mr. FitzGibbon)"¹²² Grattan was harsher and more explicit in his attacks

As to the address itself, it is languid, spiritless and undignified;... and besides there is a ministerial poison through the whole of it which taints the purity of a national act.¹²³

FitzGibbon responded by ridiculing the tendency of his former opposition colleagues to take issue with any bill or proposal remotely sanctioned by the government: "...the minister has been consulted and therefore, it must be opposed." He also angrily asserted his independence, and he probably did so the more vehemently because he had been operating in collusion with Eden. In the process he made an unmistakable allusion to Grattan's close ties to the great opposition magnate Lord Charlemont:

For my part Sir, as I am not brought into this House the *puppet of any man*, but stand here as a free agent, I shall do my duty, not regarding the judgements of men who are uniform in opposition or of those who uniformly support government; neither do I much regard the abusive terms that have been applied to the address --- *vile, languid, undignified* -because they are words that may apply on any occasion.¹²⁴

¹²¹ Ibid.

¹²² Ibid., p. 215

¹²³ Ibid., p. 222

¹²⁴ Ibid., p. 226

When the rhetorical dust had settled, FitzGibbon's petition passed unanimously and, apart from a few minor alterations proposed by Flood, with essentially the same wording. Indeed, however distorted by his partisan infatuation and his contempt for all things Irish, his judgements of the situation were unassailable : any hopes of military retaliation were indeed "idle" and Ireland depended far too much on the share of trade which Portugal did permit to engage in economic retaliation. However tainted by Eden's approbation, FitzGibbon's proposal represented the only reasonable course of action under the circumstances. Nor did the public expect much more, according to Lord Carlisle's report of the debate:

The Gallery as on all days of Public Expectation was much crowded, but as soon as the Motion proposed by Mr. FitzGibbon had been read by the Chairman, the greater Number of the Audience left the House without waiting as anxiety would have prompted them for the Conclusion.¹²⁵

The issue of Irish trade to Portugal continued to create tripartite contention between Great Britain, Ireland and Portugal well into the 1780's. With the encouragement of the English government, which had shifted tactics, the Irish parliament did impose retaliatory duties on Portuguese wines and produce in 1785. But the duties, while indeed very damaging to Portuguese trade with Ireland, ultimately had little to do with the resolution of the dispute. Portuguese anxieties over the Anglo-French treaty, and the English desire not to undermine their traditional alliance with Portugal finally ended the standoff. The Portuguese agreed in 1787 to lift their embargo on Irish textiles in return for an English concession to admit Portuguese wines at a lower tariff than French wines. In short, the resolution of the dispute with Portugal confirmed FitzGibbon's unpalatable point, that the free and equal "sister kingdom" was still firmly subordinate to larger English concerns and policies, particularly in matters of trade.¹²⁶

FitzGibbon played a smaller role in the renewed debate over sugar duties, though of course, he could always be counted on to give a startling performance whatever the size of his part. He abruptly reversed his stand of the previous year and both spoke and voted against any further protective duties on English refined sugars. In response to higher bounties granted by the British Parliament to British sugar manufacturers, the opposition, notably Grattan and Flood, again pressed for higher duties on both raw and refined sugars

¹²⁵ SP 63/480/162-6

¹²⁶ Kelly, *op. cit.*

imported from England. While the administration was willing to allow Parliament to raise duties to compensate for English bounties, Carlisle observed that "...this will not give satisfaction to those Gentlemen in the House of Commons of this Kingdom who contended in the last Session that a higher duty ought to have been imposed upon the importation of British refined sugar."¹²⁷ The gentlemen in question, in short, would have been satisfied with nothing less than a duty amounting to a prohibition on English sugars. The passage of a year and the arrival of a new administration had given FitzGibbon an entirely different view of the merits of monopolies. In 1780, he had seen nothing objectionable in them. In 1781, he contended that allowing Irish sugar bakers a monopoly of the market acted only to "raise the price of sugar beyond all reasonable bounds."¹²⁸ He also argued that British refined sugars commanded such a small share of the Irish market that prohibitory duties were unnecessary. Eliminating even this minor competition would deprive Irish sugar bakers of all inducement to reduce their costs by developing a direct trade with the West Indies. As matters currently stood, they deliberately continued to import via England, thus keeping their costs and prices high.¹²⁹ Finally FitzGibbon made this answer to the claim that Ireland's prospects of obtaining such a direct trade were slight:

It has been said, though disproved by the fact that we should never be able to import our own sugars directly. But is it not idle to suppose, even if this were the case, that the British merchant would not import them here immediately from the islands and save the charges of double freight.¹³⁰

In short, Irish interests and British interests need not always conflict. It was, he argued as much to the benefit of English merchants to develop a direct trade between Ireland and the West Indies as it was to the benefit of the Irish economy.

FitzGibbon's pronouncements on the intricacies of the sugar trade are not as important as the underlying meaning of his shift on the issue. Although he always spoke intelligently and clearly enough on such matters, the fact remained that he was not a particularly profound or original thinker on economic matters. His views on trade invariably reflect his political sympathies or intentions at a particular time. Prior to 1781, he had either shared or had attempted to conciliate nationalist sentiments, and in consequence, he took a defensive view of Irish economic rights. After 1781, when

¹²⁷ *PR* (1781-82), p. 95

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

ambition and personal inclination made him a government man, he invariably took the stand that whatever benefited England of necessity benefited Ireland. Close economic ties inevitably strengthened political ties. Close political ties in turn were essential to the security of the Protestant colony on which his interest and his self-esteem depended.

In at least one instance, his public attitude toward the Volunteers, FitzGibbon took a more conservative stance than the government. In the opening session of Parliament in October of 1781, he opposed a vote of thanks to that body, though he prudently based his opposition on claims of parliamentary etiquette and not on the dubious constitutional and legal standing of the Volunteers. He observed that in the prior session the House had condemned resolutions passed by the more radical Volunteer corps in Dublin and in Ulster. A resolution of thanks in the subsequent session would create an impression of inconsistency detrimental to the dignity of the House.¹³¹ His remarks provoked considerable indignation from his fellow members, many of whom were Volunteers and who consequently had imbibed the self-congratulatory attitude of that body. FitzGibbon quickly retreated before the hostility he had provoked. He assured his colleagues that "no man had a higher respect" for the Volunteers than he, and he joined in the final unanimous vote in favor of the resolution.¹³² He had little choice. Quite apart from his own sympathies for the Volunteers, Carlisle had no intention of creating yet another grievance for the Opposition:

As it is unanimity has prevailed, the opposition have not had this opportunity of uniting and the first step (which is ever of great importance) has been as favorable to government as could be wished¹³³

Why FitzGibbon felt obliged to brave certain public outrage by opposing the popular patriotic idols is yet another mystery. He himself had served in the elite Dublin corps, and he appears in full splendid regalia in Francis Wheatley's painting of a Volunteer fete. He did, of course, develop a genuine disillusionment with the Volunteers and a genuine fear of the effects of popular agitation on the fragile equilibrium of the Irish social order. His tendency toward emotional excess may also have contributed to his isolated antagonism. Once he had committed himself to support the Carlisle administration, he undoubtedly was eager to show his devotion as early and as emphatically as possible, even on a matter where the government wished to avoid partisan conflict. Finally, an

¹³¹ *PR* (1781-2), p. 9

¹³² *Ibid.*

¹³³ *SP* 63/476/227-9, Carlisle to Hillsborough, 10 October, 1781

understandable weariness with patriotic exaltations and pretensions may have influenced him. He ridiculed a suggestion made in the same session to raise a Volunteer fleet to protect the coasts:

Mr FitzGibbon thought this an improper time to enter on such a subject, and declared that if at present it was intended to be introduced, he would vote against it, and asked if the gentleman intended to pledge the House for the maintenance of an Irish navy.¹³⁴

His denigration of Irish naval capabilities provoked this indignant riposte from Barry Yelverton: "And pray, why not of an Irish navy?"¹³⁵ On this matter FitzGibbon more closely matched the sentiments of Carlisle's administration. It was willing to take a tolerant view of a Volunteer army, but it did not want the same impulse to extend to naval defenses.

FitzGibbon did persevere in his opposition to the perpetual mutiny bill when it again came up for debate in the session. Carlisle took a tolerant view of his stand. He observed to Lord Hillsborough that FitzGibbon had made a political commitment which his honor and his "Habits of intimacy" with members of the opposition (presumably Grattan and Yelverton) compelled him to maintain:

Mr. FitzGibbon, tho' in principle disposed toward Government, was already committed on some of the popular points.¹³⁶

Carlisle could afford such generosity. He later reported to Hillsborough that "...my Government was supported by very great and respectable Majorities of both Houses in resisting Bills proposed with the Design of limiting the duration of that Act."¹³⁷

On the matter of the rights and independence of the Irish parliament, the Carlisle administration adhered to its intention of opposing all efforts to abrogate the status quo. Initially the government was successful. Beginning in December of 1781 and continuously throughout the months of February and March of the following year, Grattan and Flood alternately introduced resolutions declaring the sole and inviolable right of the Irish parliament to make laws for Ireland. In the same vein, they crowded the agenda with

¹³⁴ *PR* (1781-2), p. 7

¹³⁵ *Ibid.*

¹³⁶ *SP* 63/477/76-77, Carlisle to Hillsborough, 10 November, 1781

¹³⁷ *SP* 63/480/10-13, Carlisle to Hillsborough, 29 December, 1781

proposals to abrogate the powers of the Irish Privy Council to alter or throw out bills.¹³⁸ In every instance, Carlisle and Eden commanded the majorities to defeat Grattan and Flood in Parliament, and they could always rely on FitzGibbon to vote with them, and to speak for his vote in his usual fashion. For example, in the debate on Flood's first proposal for a committee to review and amend Poyning's Law, FitzGibbon bluntly upheld the powers of the Irish Privy Council:

I think that by law the Privy Council can either stop or alter bills in their passage to the throne. No words can be more express than those which give . . . that power.¹³⁹

Yet even he was not entirely adamant. He was willing to concede that although the English Privy Council could stop bills, it could not alter them.¹⁴⁰

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Nonetheless, Carlisle and his supporters, including FitzGibbon, found it increasingly difficult to resist the agitation on constitutional questions. However adroitly Carlisle and Eden outmaneuvered Grattan and Flood, and however staunchly FitzGibbon supported them, they could not ignore or mollify the public agitation over Ireland's constitutional status. In December of 1781, Carlisle observed to Hillsborough that "the Independence of the Irish Legislation is become the Creed of the Kingdom."¹⁴¹ In the early months of 1782, his accounts of the public mood started to echo the grim and fretful tone of his predecessor. Reversing his initial benign attitude, he blamed the "restless and reasoning Disposition of the Volunteers... and the Practice of frequent meetings and correspondence with each other" for the public mood.¹⁴² Certainly both Grattan and Flood encouraged and received encouragement from Volunteer demonstrations.¹⁴³

This restless and reasoning disposition most notably manifested itself in an assembly of Northern Volunteers held at Dungannon in February of 1782 for the purpose of drawing up instructions to members of parliament on constitutional issues. In his

¹³⁸ SP 63/480/290-95, Carlisle to Hillsborough, 3 March, 1782; SP 63/480/296-300, Same to Same, 3 March, 1782

¹³⁹ *PR* (1781-81), p. 179

¹⁴⁰ *Ibid.*

¹⁴¹ SP 63/480/12-15

¹⁴² SP63/480/296-300

¹⁴³ *Ibid.* "I have been since informed and have good Reason to believe that Mr. Flood and Mr. Grattan, not only by their conversation, but by letters to the country are exerting themselves with many others to obtain addresses from the Volunteer Corps and from the Grand Juries at the ensuing Assizes..." Carlisle to Hillsborough, 3rd March, 1782

dispatches on the subject, Carlisle dismissed the gathering as small and comprised mainly of troublemakers. He attributed the whole business to rumors of an impending election.¹⁴⁴ Yet however insignificant, the meeting at Dungannon set a dangerous precedent for large national gatherings claiming equal weight with Parliament as the representative of the people's will and attempting to control Parliamentary votes and proceedings. His successors were not as fortunate in their encounters with this new phenomenon.

Carlisle could not take a similarly dismissive view of the elections that had supposedly promoted the meeting. The Volunteers' advocates in Parliament might be outvoted, their meetings might be insignificant, but Carlisle was well aware that Volunteer agitation could have a powerful and for the government, adverse effect at the polls. Members who supported the government faced a significant risk of defeat, which in turn raised the possibility of a total breakdown of all English authority:

...I should be very short-sighted if I did not foresee that the due support and possibly the Existence of a permanent good government in this Kingdom depends much on maintaining the many respectable Friends of my administration in the fair opinion of their countrymen.¹⁴⁵

By March of 1782, Carlisle encountered particularly disturbing evidence of the government's weakening influence. Grand jurors in Waterford, the bailiwick of the Beresford family, had rebelled against their influence. At an initial meeting John Beresford, as foreman, had managed to pass a series of moderate resolutions but even he had to include a declaration of legislative right to make these resolutions palatable. A significant number of grand jurors remained un placated. They met again at Dungarvan and passed more forceful resolutions in support of the standard patriot agenda, including an abridgement of Poyning's Law and an end to the perpetual mutiny bill. This setback to one of the government's most trustworthy supporters did not bode well for its weight in future elections.¹⁴⁶

Carlisle seized on a bill proposed by Barry Yelverton as a promising means of mollifying public opinion without fundamentally altering the status quo. His contact with Yelverton represented a volte face from his earlier estimations of the man. Carlisle had

¹⁴⁴ SP63/480/224

¹⁴⁵ SP 63/480/296-300; London, Public Records Office, Home Office Papers (HO) 100/1/119-20

¹⁴⁶ HO 100/1/3-6, Carlisle to Hillsborough, 26 March, 1782

initially dismissed Yelverton as a "clever, pleasant man" who nonetheless "would not risk his popularity by any connection with us."¹⁴⁷

Yelverton's proposed bill simply confirmed, by independent fiat of the Irish Parliament, all English statutes binding Ireland in the areas of trade and land title. As he himself frankly admitted, his bill strengthened the position of the popular party by removing one of the most potent objections to a declaration of Irish legislative independence: that it would invalidate land titles held by virtue of English acts of confiscation and forfeiture. Indeed, Flood later proposed a bill similar to Yelverton's for that very reason. Carlisle chose to overlook any popular benefits the bill may have and to see in it a creditable compromise for the government. On one hand, it allowed the Irish parliament to assert its rights and its dignity by confirming English statutes. On the other, it made no fundamental changes in the constitutional relationship between England and Ireland.¹⁴⁸

In arguing for approval of this statute, Carlisle noted that it had the support of a "gentleman of so independent a character and so cordially disposed toward government as Mr. FitzGibbon."¹⁴⁹ . No doubt FitzGibbon, like Carlisle, was looking for a creditable way to mollify popular opinion, with a view to upcoming elections. He had other, if possible more pressing, reasons. In seconding Yelverton's proposed bill when it came up for debate in Parliament, FitzGibbon declared that "Property in this Kingdom is not safe without some such bill." Irish juries were in many instances setting aside or ignoring English laws when deciding cases concerning property.¹⁵⁰ Nothing could have been more calculated to unnerve FitzGibbon. The dread of chaos that had made him so suspicious of the Volunteers at the same time compelled him to take a popular course of action. The change of ministries in England in March of 1782 ended Carlisle's administration before Yelverton's bill had completed the passage through Parliament. But given the general mood of the country, halfway measures from the government, from FitzGibbon and from Yelverton probably would have had little effect. Nothing less than an explicit acknowledgement of Irish parliamentary autonomy would have satisfied popular aspirations.

The Carlisle administration did experience something of a respite from the turmoil over constitutional issues. The once inflammatory issue of Catholic relief provided this respite. New legislation, again introduced by Luke Gardiner, completed the unfinished

¹⁴⁷ *HMC Carlisle*, p. 510

¹⁴⁸ SP 63/480/290-5

¹⁴⁹ SP63/480/296-300

¹⁵⁰ *Ibid.*

business of 1778 by extending to Catholics full rights to purchase land. It also made *de jure* the existing *de facto* tolerance of Catholic worship and it permitted Catholics to teach, though they could only do so in the capacity of private tutors. Gardiner's bill met FitzGibbon's criticisms of the 1778 bill by removing all of the "insulting" and largely unenforced personal restrictions binding Catholics. These included the law forbidding a Catholic to own a horse worth more than five pounds, which gained notoriety with Art O'Leary's loss of his racehorse and his life.¹⁵¹

The governments in both Dublin and in London, forming judgments from recent experience, again had doubts, not about the advisability of further Catholic relief, but about the reaction of Irish Protestants. Hillsborough responded to news by expressing doubt that the Catholics would find such a bill satisfactory and his certainty that the radical Protestants, particularly the "Independents" of Ulster, would follow the example of the Gordon agitators and use the bill as a pretext for a rebellion against a government which they already despised:

In the present delicate state of Publick Affairs, it would be perhaps advisable not to stir any questions relative to Religion: Your Excellency will recollect the Disturbances occasioned not long ago in this country by the Act in favor of Roman Catholics; It certainly produced the dreadful conflagration and its consequences, which threatened the total Ruin and Destruction of this city...I fear, if anything of that kind is attempted in the Parliament of Ireland, it will give an opportunity to the Independents and Disaffected in the North to raise Disturbances upon the Pretence of Religion, which may go further when once begun than it is easy to foresee.¹⁵²

Carlisle took the hint. In the initial stages of the debate, the government adopted an attitude of cautious friendliness; it allowed Gardiner to proceed, and it provided reliable majorities, but it stood prepared to abridge or discourage his bill at the first sign of trouble.¹⁵³

Hillsborough's chimera of a Gordon conflagration in Ireland never materialized. Gardiner's bill did of course meet with some opposition. Ogle remained verbosely hostile. Although he made mawkish protestations of his fraternal love for the Catholics, Flood stood on the traditional argument of Protestant patriotism, that they posed a menace to a free constitution. Consequently he felt it incumbent upon himself, in spite of his affections, to oppose any privileges which tended to increase their political influence,

¹⁵¹ *Statutes at Large Passed in the Parliaments Held in Ireland XII*, pp. 237-242, 388-90

¹⁵² SP63/480/84-90

¹⁵³ SP 63/480/251-3 Carlisle to Hillsborough, 23 February, 1782

particularly the privilege of landownership.¹⁵⁴ They represented the exceptions. In marked contrast to 1778, the debates on the bill of 1782 were, according to Carlisle "carried on with good Humour".¹⁵⁵ The heads of the bill passed with few modifications and respectable margins, and received ready--and no doubt relieved---acquiescence from the English cabinet.

The conduct of the Catholics during the invasion scares of 1779 and 1780 accounted in the main for the startling shift in Protestant opinion. Contrary to traditional fears and suspicions, the Catholics had shown no inclination to welcome an invasion from their compatriots in despotism and superstition, the French. Instead they had contributed generously toward the expenses of coastal defenses and of various Volunteer units.¹⁵⁶ Political interest as well as fellow feeling and gratitude accounted for this sudden change of heart. At the brief meeting at Dungannon, the majority of delegates supported a least a limited extension of Catholic rights. Indeed a Presbyterian had moved the resolution to that effect, *pace* Lord Hillsborough's assumptions about the obdurate antagonism of the "Independents" toward the Catholics.¹⁵⁷ In the midst of all the heady rhetoric about tolerance, love and peace between brother Christians and Irishmen, it could not have escaped the awareness of many delegates that Catholics, if welcomed as members of the proud and emerging Irish nation, could provide the weight of numbers to other popular causes. Within two years at least some Volunteer corps had moved beyond condescending expressions of good will and both openly recruited Catholics and appealed to them as allies against the government.

FitzGibbon showed his sympathies, if not as a friend of the Catholics as a friend of government:

...something he was certain ought to be done for the relief of so great a part of our fellow subjects whose dutiful and loyal behavior had rendered them deserving objects of attention.¹⁵⁸

¹⁵⁴ Ibid.

¹⁵⁵ SP 63/480/288, Carlisle to Hillsborough, 23 February, 1782

¹⁵⁶ See for example SP 63/465/179, Buckinghamshire to Weymouth, 28 June, 1779; 63/465/283-293, Report of the Commissioners of Revenue on the State of Ireland, which notes the loyalty of Catholics, and indeed the whole country during "a late alarm in the South", 63/466/9-10, Weymouth to Buckinghamshire; Weymouth repeats a scare rumor of priests coming from continent to stir up discontent, but adds "the zeal which the Roman Catholics of Ireland have own leaves no reason to doubt of their Loyalty"; 63/467/3, Buckinghamshire to Weymouth, 3 October, 1779

¹⁵⁷ *Grattan II*, p. 205

¹⁵⁸ *PR* (1781-2), p. 205

His overall conduct during the debates on the bill continued in the same vein. He opposed a proposed version of the bill that would have required the recitation of all laws which the bill proposed to repeal. He pressed instead for the more expeditious method of declaring only those laws and restrictions that were to remain in force.¹⁵⁹ In conjunction with Yelverton and Gardiner, he drafted and refined the clause which restore to Catholics the right to purchase any kind of land in fee, with the exception of land bearing a right of advowson and lands within those boroughs possessing the right to return members of Parliament. He also took the liberal view that Protestant tenants holding under Catholic landlords should have the right to vote.¹⁶⁰ His general stance on the bill is by no means as surprising as it may appear. FitzGibbon had always favored extending freehold rights to Catholics. The "good humor" of 1782 simply allowed him to act more freely on his opinion.

Of course, given his particular psychological makeup, FitzGibbon could not get through the debate without displaying at least some instances of hostility. During the initial readings of the clause giving Catholics the right to purchase land, FitzGibbon threw the whole House into a panic with this declaration:

...till this morning, he had never considered the bill as dangerous; but on reading it over carefully the first clause had struck him as a repeal of the act of settlement, the act of forfeiture, and the act of reassumption; that if so, it must destroy the new titles under the Popery Laws and entangle the whole kingdom in a maze of confusion.¹⁶¹

FitzGibbon reiterated his support for the basic premise of the clause, but he recommended that the House take time to reconsider its wording:

...three or four days would not injure their [the Catholics] prospects of relief;...by allowing time to make the bill more perfect, it might save the nation from much distress.¹⁶²

Some members failed to see any such danger. One Mr. Walsh in particular expressed his doubts with some acerbity:

...it was asserted pretty peremptorily and pretty self-

159 Ibid.

160 *Cavendish IX*, Part 24, pp. 141-6

161 *PR* (1781-2), p.238

162 Ibid.

sufficiently that property held under the new titles would be endangered, if this bill would pass into law. I have since looked over the penal statutes, but I do here stake any little reputation that I have as a lawyer that there is not the smallest danger whatever.¹⁶³

FitzGibbon's criticism of the initial draft of the clause was not entirely chimerical. The original wording granted Catholics the right to acquire and to hold land, *and to be "exonerated and exempted from from all Pains, Penalties, Forfeitures, Disabilities, Incapacities and Restraints, by any of the said former laws inflicted or imposed or intended to be inflicted or imposed on Papists or Persons professing the Popish religion.."*¹⁶⁴ Conceivably, a Catholic bent on reclaiming an ancestral estate could make a case that the clause in question effectively set aside all attainders and forfeitures dating from the Civil Wars and Restoration and opened all land to acquisition, either through purchase, or on the basis of a prior title or claim. FitzGibbon's maneuver reveals both his remarkable legal perspicuity and his perception of the Irish Catholic as a creature of preternatural cunning and malice, always ready to grasp at any opportunity to seize Protestant possessions.

FitzGibbon also pressed for a restriction preventing a Catholic from inheriting an estate from a Protestant unless he conformed. After some debate he eventually gave up the idea, perhaps out of a general sense of dutifulness to a government bent on passing the act with a minimum amount of trouble.¹⁶⁵

Nonetheless, his habits of antagonism died hard. It manifested itself in a second outburst during the debates on those provisions of the relief bill concerning education. He emphatically opposed any measures to give a legal standing to the common practice of Catholics going abroad to receive an education. Indeed, he threatened to oppose the entire relief bill if it incorporated such a provision. His speech on the matter was a *melange* of traditional patriot/Whig mythology and his own morbid perceptions of Papist obstinacy and ill-will:

I declare that I will use every means in my power to prevent Roman Catholics from receiving a foreign education; and if there were not laws in force, I would propose new ones to that purpose. After what has been done for Roman Catholics, after we have gone more than halfway to meet them, will it be said that they should not come one step to meet us? Will they continue to send

¹⁶³ *PR* (1781-2), pp. 241-242

¹⁶⁴ *SP* 63/480/22-23, heads of Gardiner's bill

¹⁶⁵ *Cavendish*, op. cit.

their children to France, to Spain, to Portugal to imbibe principles of freedom or attach them to the constitution of this country? Or will you suffer the Roman Catholics who make a considerable body of the people to resort to regions of bigotry and superstition, to imbibe principles of positive obedience and every idea hostile to liberty?¹⁶⁶

He argued further that Catholics could not plead lack of opportunity as an excuse for sending their children abroad. He knew "to the honor of the present heads of the University" that Catholics attended Trinity "by connivance." Furthermore, he had "every reason to believe that His Majesty, if applied to [sic] would be graciously pleased to give his royal assent to a statue for granting them free admission." Based on these premises, FitzGibbon came to this conclusion about the Irish Catholic mentality:

I think that if they persist in sending their children abroad, they are unworthy the great favors they have received. The University of Dublin is open to them, and if they decline the advantage it is not on account of religion for no religious conformity will be required but for fear their children should in early life imbibe the principles of a free constitution.¹⁶⁷

At the very least, FitzGibbon's remarks revealed a willful obtuseness. It is highly unlikely that many Catholics would have been aware of Hely Hutchinson's liberality. Certainly the provost would not have been inclined to advertise his admissions policy too widely. Consequently, simple ignorance and not an obdurate predilection for positive obedience may have accounted for their failure to send their children to Trinity to "imbibe the principles of a free constitution." Moreover, many Catholics would have had understandable suspicions about sending their children to this pillar of the Protestant establishment. The notorious Charter schools, and indeed, every other public and licensed place of learning enforced conformity. FitzGibbon's disclaimers scarcely provided much reassurance. The principles of the "free constitution" which he was so anxious to instill of necessity meant indoctrination in Protestant biases and Protestant self-justifying myth. He more than anyone else would have known what effect exposure to the privileges and enlarged opportunities of Protestant classmates would have on young, ambitious Catholics.

Yet in typical fashion, he undermined and contradicted these fiercely expressed convictions about the insidious evils of a foreign education. FitzGibbon did not make any

¹⁶⁶ *PR* (1781-2), p. 305

¹⁶⁷ *Ibid.*

known effort to press for a revision of Trinity's charter to place Hely Hutchinson's *de facto* policy on a *de jure* basis. As a member for the College, he was the logical person to take up the matter. Nonetheless, having raised the possibility, he allowed it to slip into abeyance. Only in 1793, under the provisions of a relief bill which FitzGibbon detested, did Catholics officially obtain the privilege of attending Trinity and receiving degrees. At the same time that he declared his unwavering opposition to permitting Catholics to study abroad, he deplored the very penal laws that he wanted to keep in place:

He said there was a law in being to punish Roman Catholic parents for sending their children to be educated in foreign countries; but it was such a law as no gentleman in that House would wish to see put in force; it was a disgrace to our statutes and would be a dishonour to the most uncivilized country in the world; it was a law wrote [sic] in blood and no court in this country would enforce it. This he knew from experience, as an attempt was made a few years ago to punish a gentleman of that persuasion for educating his children in France; but the charge was reprobated on account of the severity of the statute. ¹⁶⁸

Possibly a recollection that his own father might have been a sufferer under such laws made him retreat somewhat. Denunciations of foreign education from the son of a former scholar at the Irish College in Paris at best demonstrated a ludicrous lack of self-awareness and at worst had the taint of treachery to past ties and loyalties.

His conduct represented yet another skirmish in the great central conflict of his life between FitzGibbon the rising Protestant and FitzGibbon the guilt-ridden paternalist. In this case the paternalist narrowly prevailed, if only because the bill of 1782 restored the rights of property to the "old inhabitants" from whom he had sprung. Even at his most antagonistic and opportunistic, he never lost his conviction that their dispossession represented a fundamental injustice and a fundamental source of instability to the Protestant state.

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Although FitzGibbon's stand on the Catholic issue was fairly consistent with his past position and his psychological peculiarities, he showed a startling transformation when the matter of Ireland's constitutional status again came up for a vote in April of 1782. His

¹⁶⁸ *Dublin Evening Post*, 2 March, 1782. These more conciliatory remarks do not appear in the *Parliamentary Reports*.

change of heart had nothing to do with any reasoned reassessment of the issue. Rather, it originated in partisan resentment that outweighed any of his prior fears about the dangers of renovation. To understand this resentment on FitzGibbon's part, some account of the circumstances behind the demise of Lord Carlisle's administration is necessary.

The fall of North's ministry in March of 1782 restored the Whigs to power after a hiatus of over twenty years. As might be expected, they were anxious to re-distribute office to as many of their friends and adherents as they could, and, in the case of Lord Carlisle, they displayed a remarkable lack of tact or consideration. He was abruptly stripped of his rank as lord-lieutenant of the county of Yorkshire. His recall from Ireland would certainly have followed, had Lord Carlisle not evaded that insult by resigning.¹⁶⁹ With this action, the new Whig ministry effectively destroyed any hope the Duke of Portland may have had to gain control over the situation in Ireland. Contrary to the hopes of the opposition in Ireland, the new Whig lord-lieutenant had little more enthusiasm for Irish constitutional rights than his predecessors. The English opposition had willingly made use of the troubles in Ireland to embarrass North, but restoration to power had, inevitably, restored their sympathies for the claims of authority. Portland came to Ireland with the intention of adjourning Parliament, thus gaining time "to allay those heats and sooth those passions which I am sorry to tell you appear to me to have taken much stronger, fuller possession of the people here."¹⁷⁰ While heats were being allayed and passions soothed, Portland intended to consult with his colleagues in England to determine more fully what concessions they deemed safe and necessary. Portland quickly discovered that Grattan and his party had no intention of delaying their latest set of resolutions calling for a repeal of the declaratory act, an abridgment of Poyning's Law and a repeal of the perpetual mutiny act.¹⁷¹ Worse, many government regulars resented the new administration both on Lord Carlisle's behalf and on their own. As Portland reported to the new Home Secretary, Lord *Shelburne*:

...I also had to apprehend the effects of disappointment, which operated upon the minds of those who supported Lord Carlisle upon condition of being recompensed at the end of the session.¹⁷²

While not mentioned by name, FitzGibbon certainly belonged to this category. Had any legal office fallen vacant during Carlisle's administration, FitzGibbon would have

¹⁶⁹ *HMC Carlisle*, pp. 615-616, 617

¹⁷⁰ HO 100/1/74-82, Portland to Shelburne, 16 April, 1782

¹⁷¹ HO 100/1/74-82, *Grattan II*, pp. 272-3, pp. 293-4

¹⁷² HO 100/1/74-82

received the appointment. The fact that after his return to England, Eden attempted to have FitzGibbon appointed prime serjeant certainly suggests a previous disposition in his favor.¹⁷³ Of course, having lost office himself, Eden had no power to obtain office for another. True to Portland's "apprehension", FitzGibbon acted in conjunction with Eden to undermine and embarrass the new administration. Outrage at the treatment meted out to his dear friend undoubtedly prompted him at least as much as disappointed ambition.

Eden made the first move. He still retained a seat in the English Parliament, and on April 8, immediately after his return from Ireland, he rose to demand a repeal of the 6th of George I. He then returned to Ireland, where he circulated copies of a conciliatory speech made by Charles James Fox on the Irish question. His intention, of course, was to create further expectation and demand. According to Portland, he also raised doubts "respecting the effect of an appointment of new Lord-lieutenant, pending the session", a flimsy, not to say absurd pretext, as lords-lieutenant resigned, were recalled or were appointed without any reference to the meetings of the Irish Parliament.¹⁷⁴

In justice to Eden, he acted out of more than mere pique. He was convinced that the new government, bent on pandering to public passions in Ireland, brought Carlisle's administration into disrepute and worse, disrupted a steady, cautious course of policy at a particularly dangerous time. As Eden himself stated the situation to Carlisle:

After all, it is damned provoking. The language they [the new administration] hold is that by your immense majorities and steady management, you excited the jealousies of the people and gave birth to demands which must now be gratified and therefore, that it is wise to throw the odium of past refusal on you and the popularity of present gratification on your successor. There is an absolute fixed insensibility as to the personal inconveniences to which they expose us and as to the unjust principle of the whole transaction.¹⁷⁵

However just his grievances, Eden's own behavior was scarcely more conducive to a moderate policy in Ireland. At the same time that he was blaming the Portland administration for succumbing to popular passions, he was doing his utmost to ensure that it had no chance to do otherwise.

Meanwhile, FitzGibbon was following Eden's irresponsible suit in the Irish parliament. He began with an exercise in petty humiliation. Portland had barely arrived in Ireland when FitzGibbon proposed a vote of thanks to Carlisle, and he apparently

¹⁷³ *HMC Carlisle*, p. 632

¹⁷⁴ HO 1/100/153-6, Portland to Shelburne, 27 April, 1782

¹⁷⁵ *HMC Carlisle*, p. 620

attempted to do the same for Eden.¹⁷⁶ While Portland was willing enough to allow such a courtesy to Carlisle, he adamantly opposed any recognition of a man whom he considered, with some justification, as a troublesome *intrigant*. Portland did succeed in confining the vote of thanks to Carlisle. He owed this success in part to Eden himself, who decided to request his friends not to press the matter.¹⁷⁷ He may have feared that as many, if not more, aspersions would be cast on him as on the Duke of Portland. With his usual intensity of purpose, FitzGibbon remained undeterred by Eden's professed wishes and he continued to make trouble over his friend's alleged due. Nearly two month's after Portland's arrival, he sounded out Carlisle about the possibility of persuading the administration in England "to obtain a mandate to the Duke of Portland" not to oppose a vote of thanks to Eden¹⁷⁸

In the same partisan spirit, he threw his support behind Grattan's resolutions, though they were substantially the same as those he had opposed in 1780. His speech served more as an apologia for Carlisle's administration than as a vindication of Ireland's rights:

I do confess that when the Declaration of Rights was moved, I voted with the administration on a decided conviction that it was then improper and inadequate to the end proposed...I knew it was then improper for I had the most decided proofs that Lord Carlisle was at that time and had been from the very beginning of his government laboring with his utmost interest and influence to procure a repeal of the 6th of George I and to obtain whatever the friends of Ireland could wish. This is but justice to him. Knowing then that Lord Carlisle was laboring for the advantage of Ireland, I knew that it was then improper and inadequate to the end proposed. I did not chuse to commit the nation upon a question till it became necessary. It is now necessary...no man has said that the Duke of Portland has power to grant us redress for which the nation is now committed; but as the nation is committed, no man, I hope will recede, but go through HEART AND HAND for as I was cautious in committing the nation, so I will be firm in asserting the

¹⁷⁶ HO 100/1//74-82 "I must not, however pressed in time, omit to acquaint your Lordship that I found there was a design of moving the thanks of both Houses to Lord Carlisle and Mr. Eden, and that the latter was to be recommended to the King for some distinguished mark of His Majesty's royal favour. I observed that unusual as I believed it to be, I should not wish the friends of my administration here to oppose the motion of thanks to Lord Carlisle provided it contained nothing that could be construed into a suspicion of doubt of the good intentions of his majesty's present servants; but that considering Mr. Eden's late behavior, I hoped they would resist any attempt to reward or even to thank him." Portland to Shelburne, 16 April, 1782. The attempt could only have originated with FitzGibbon. He was Eden's greatest Irish intimate and he was certainly disappointed and resentful of Portland.

¹⁷⁷ Ibid., *HMC Carlisle*, p. 629

¹⁷⁸ *HMC Carlisle*, op. cit.

rights.¹⁷⁹

In other words, he had not wished to make trouble for Lord Carlisle, but he was more than willing to raise delicate issues when faced with an administration he disliked. His claims that Carlisle was considering the repeal of the Declaratory Act from the very inception of his administration are exaggerated. Carlisle's own official correspondence reveals that at the most, he urged the English cabinet to avoid the exercise of the provisions of the 6th of George I, and he hinted, very gingerly, at the possibility of a repeal.¹⁸⁰ What is beyond doubt is that FitzGibbon, in making such claims, was attempting to maneuver Portland into making humiliating concessions and at the same time, to lessen any credit his administration might have taken in them. It was the very tactic which Eden had accused Portland of employing against Carlisle.

The demands of his constituents at Trinity, as well as personal disappointment and aggrievement at the wrongs of his friend contributed to his transformation into an Irish patriot. When requested to give his opinion of Grattan's proposed declaration of rights, his answer was uncharacteristically embarrassed and hedging. He made this thunderous denunciation of the 6th of George I:

I have always been of opinion that the claims of the British Parliament to make laws for this country is a daring usurpation of the rights of a free people and have uniformly asserted the opinion in public and in private.¹⁸¹

He was less emphatic on the matter of Poyning's Law. On one hand, he expressed some reluctance to tamper with the law as it stood, and he observed that the "University did, on a very recent occasion, experience that this law in its present form may operate beneficially." He added that "a total repeal of it will, I hope, on consideration appear to you to be by no means a desirable object." Yet he left his Trinity interlocutors with the impression that if pressed, he would give way to their views on the matter:

You may rest assured that the best attention I can give the subject shall be exerted, and I trust, and doubt not, that upon a

¹⁷⁹ *PR* (1781-2), pp. 339-40

¹⁸⁰ *SP*63/480/395; Carlisle did make oblique hints, however, that he would not be sorry to see the Declaratory Act repealed. In a letter pleading for the prompt return of Yelverton's bill re-enacting English statutes, he ended with this remark "It is not for me to determine whether (?) the total extirpation of it [the Declaratory Act] would not be an act of as sound policy as it would be of unexpected generosity." Carlisle to Hillsborough, 12 March, 1782, *SP* 63/480/350

¹⁸¹ *O'Flanagan II*, p. 167

communication with you upon this topic, I shall be able to give you full satisfaction.¹⁸²

When the vote did come up on Grattan's resolutions, he gave his best attention to his prospects in a future election and voted accordingly.

A letter to Lord Carlisle dating from May of 1782 confirms that opportunism and pique moved him to support Grattan. In the letter he declared "...I cannot accuse myself of a very high veneration for the Commons of Ireland."¹⁸³ Any assessment of any given statement of FitzGibbon's must take into account his exquisite sense of his audience. He well knew that Lord Carlisle would hold such sentiments. Nonetheless, the contempt he expressed for the Irish parliament probably ranked, along with his abhorrence of Irish Catholicism, among his more sincere sentiments. His intellectual acuteness and his intellectual arrogance inclined him toward impatience with his colleague's rhetorical excesses, while his ambition inclined him to look upon it as a narrow and squalid base from which to pursue loftier things.

Events following Grattan's resolution served to give some basis to FitzGibbon's jaundiced view of the Irish parliament. The resolutions passed and a flood of English concessions followed. The British Parliament repealed the obnoxious 6th of George I and the Irish did likewise in the case of the equally obnoxious perpetual mutiny act. The Irish House of Lords regained its former status as the final court of appeal on all cases pertaining to Ireland. Finally, both the English and the Irish cabinets acceded to a revision of Poyning's Law. The Irish Privy council was stripped of all power to alter or to abrogate bills. Although the English privy council retained the power to set aside bills, few ministers in London cared to risk certain trouble by exercising it.¹⁸⁴ Upon receiving these concessions, the Irish parliament made a generous, if utterly unrealistic offer to raise 20,000 men for the naval service and voted L100,000 toward that end.¹⁸⁵ There was one notable skeleton at the love feast, namely Henry Flood, who professed doubts about the good faith of the English government. In his letter to Carlisle, FitzGibbon gave this dismissive account of Flood's response to the patriots' triumphs:

Flood is outrageous...He contrived to find out grounds of opposition to an Address [of thanks] moved by Grattan this day.

¹⁸² Ibid.

¹⁸³ *HMC Carlisle*, p. 629

¹⁸⁴ HO 100/1/133-9, Portland to Shelburne, 24 April, 1782; 100/1/142-46, Shelburne to Portland, 29 April, 1782; 100/1/149, Shelburne (?) to Portland, 3 May, 1782; HO 100/1/166-7, Portland to Shelburne, 5 May, 1782

¹⁸⁵ *Grattan II*, p. 303; HO 1/100/290, Portland to Shelburne, 29 May, 1782

He said that although the Act of the 6th of George I was repealed upon the principle for which we contended, he did reserve himself for the occasions which would necessarily occur hereafter for asserting the rights of Ireland with effect.¹⁸⁶

Flood found such an occasion less than two weeks after the supposed restoration of eternal harmony and content. In the debates of June 14, 1782, he made the claim that the repeal of the Declaratory Act had not sufficiently secured Irish legislative autonomy. The English Parliament could, after all, easily re-assert its unlawful powers unless bound by an unequivocal renunciation of all right and power to legislate for Ireland.¹⁸⁷ With this remark, he launched what is probably the most absurd contretemps in the cruel absurdity of 18th century Irish history. His proposed renunciation offered no protection from the theoretical perfidy of the English. It was, after all, possible for the English Parliament to renounce its renunciation. In raising the matter in the first place, Flood displayed a passion to draw attention to himself that was nothing less than childish. Grattan had eclipsed him as a popular hero, having received a grant of £50,000 and a resolution of thanks for his successful promotion of the declaration of right.¹⁸⁸ By raising metaphysical doubts about the repeal of the Declaratory Act, Flood clearly wanted above all to reassert his position as the premier champion of Irish rights. FitzGibbon attributed Flood's discontent to a very familiar reason: disappointment over office: "He [Flood] has been passed by altogether."¹⁸⁹

In spite of his dubious reasoning and more dubious motives, Flood succeeded in arousing once again the volatile political passions of his compatriots and in the process he regained his prominence. In contrast, Grattan, by venturing to argue that mere repeal was adequate, was abruptly transformed from the idol of the nation to demon and traitor in chief.¹⁹⁰

FitzGibbon supported Flood in the debates over renunciation. He observed that in the body of the act of repeal, the English House of Lords retained the right to decide any Irish cases pending on the current docket. Therefore, FitzGibbon argued "Could they retain these without retaining at the same time, the principle unimpeached? What could

¹⁸⁶ *HMC Carlisle*, pp. 629-30

¹⁸⁷ *Grattan II*, pp 350-1

¹⁸⁸ *Grattan II*, op. cit.

¹⁸⁹ *HMC Carlisle*, op. cit.

¹⁹⁰ For an example of how low Grattan's reputation had sunk, see the *Dublin Evening Post* for December 31, 1782. Grattan was, according to this editorial, less enthusiastic and active in promoting the rights of Catholics than *FitzGibbon*. No mention, of course, was made of Flood's even greater lack of enthusiasm for the bill.

such a retention lead to, but for the purpose of a future reviving power?"¹⁹¹ He also observed that the Irish bill confirming all English bills concerning land titles, the piece of constitutional legislation that established the necessary security for the other concessions, had not as yet received certification from England. This sinister delay prompted FitzGibbon to conclude

It looked as if they would not return anything which wore the face of disclaiming their assumed rights over the kingdom. It were better to insist upon renunciation now, than when they would not be allowed a possibility of future discussion.¹⁹²

In light of his prior comments to Carlisle, it would appear that FitzGibbon's behavior was at least as erratic as Flood's. Yet he was acting with perfect consistency in supporting renunciation. In so doing, he could both create more trouble for the Portland administration and he could convince his constituents of his continuing devotion to the patriot cause.

Unfortunately, events in England conspired to keep the silly issue in the arena of public controversy. A resolution of an English peer, Lord Abington, seemed to confirm Flood's claims that the English parliament meant to reclaim its legislative authority. In this resolution, Abington set forth the premise that the trade concessions made in 1779 had diminished the English Parliament's rightful powers to legislate on external, imperial matters. The House of Lords quickly dismissed Abington's resolution, but not before he had created anxiety on the two most sensitive Irish issues, trade and autonomy.¹⁹³ The fall of the Whig ministry after Lord Rockingham's death, and with it the resignation of Portland, created further pretexts for mischief. Charles James Fox proceeded to create embarrassment for the new prime minister, Lord Shelburne and for the new viceroy, Lord Temple, by taking up the issue. Lord Beauchamp, one of Fox's allies and the scion of a family with extensive interests in Ireland, pursued the same line of conduct by publishing a pamphlet arguing in favor of renunciation.¹⁹⁴ In keeping with the established precedents of Irish intrigue, Flood kept in close contact with the English opposition and encouraged their efforts. Matters came to a head in November of 1782, with the decision of Lord Mansfield to try an Irish case that had been entered into his court prior to the passage of the act granting all rights to hear appeal cases to the Irish House of Lords. Faced with the

¹⁹¹ *PR* (1781-2), p. 430

¹⁹² *Ibid.*

¹⁹³ *Cobbett's Parliamentary History XXIII*, pp. 147-152

¹⁹⁴ HO 100/3/235-40, Townshend to Temple, 26 October, 1782; HO 100/3/247-8, Same to Same, 4 November, 1782

repercussions of this action, Temple acknowledged that Mansfield had been within his rights, but in exercising them, he had inadvertently undermined any efforts to persuade the public that the bill of repeal amounted to a renunciation:

...after having struggled with infinite difficulty in resisting ideal grievances, I have not had the smallest reason to imagine that I could be successful in endeavoring to explain away this Business¹⁹⁵

The ministry in London, at first inclined to dismiss the matter, gave way to Temple's urging. Shelburne and Temple jointly drew up a bill which explicitly renounced all right on the part of the English parliament to legislate for Ireland. The bill duly passed and once again the vain hope stirred that all Irish issues and grievances were at last settled.¹⁹⁶

FitzGibbon's actions during the session of 1782 were not entirely negative and adversarial. He supported the independence of the Irish judiciary, and he helped Grattan draft the bills establishing that independence. Professional interest and considerable professional ability rendered inevitable his participation in all matters affecting the judiciary.¹⁹⁷

Nor did FitzGibbon inevitably vote against the government interest at this time. Most notably, he opposed a bill excluding all revenue officers from Parliament, an Irish imitation of similar measures introduced in England. He skillfully couched his opposition in rhetoric calculated to appeal to popular sentiments. The measure, so he maintained, was calculated to serve "only borough interests", though FitzGibbon gave no detailed explanations as to why it would have such effects.¹⁹⁸ Presumably, the wholesale statutory disenfranchisement of members by nature inclined toward government would leave the Irish parliament firmly in control of large aristocratic families with borough interests. FitzGibbon may have been alluding in particular to English Whig families and their allies in Ireland, who had such interests, and to Portland, who belonged to this particular familial and political coterie. Later in the debate, he made more explicit and hostile allusions to the Portland administration, though the lord-lieutenant had no particular favor for the bill either. FitzGibbon observed that the administration had agreed to the creation of two new offices, that of Solicitor and Attorney General to the Queen.¹⁹⁹ This

¹⁹⁵ HO 100/2/300-5, Temple to Townshend, 15 April, 1782

¹⁹⁶ 100/8/89-93, Temple to Townshend, 15 January, 1783; 100/8/96-98, Townshend to Temple, 19th January, 1783; HO 100/8/175-6, Townshend to Temple, 19 January, 1783

¹⁹⁷ *PR* (1781-2), p. 348

¹⁹⁸ *Ibid.*, p. 439

¹⁹⁹ *Ibid.*

Portland had done in acquiescence to the wishes of Lord Lifford, the chancellor, one of the few members of the old governing establishment on whom he had been able to rely.²⁰⁰ These two offices, FitzGibbon argued, were far more dangerous than the presence of government officers, as they were directly calculated to increase the influence of the Crown, and by implication the present, usurping lord-lieutenant.²⁰¹

FitzGibbon had more interested and more reactionary reasons for opposing the bill. He must surely have recognized that his helpful kinsman, John Beresford, would surely suffer by this bill. He may also have sensed that an autonomous parliament, without a strong government interest to act as a check, would exist in a continual state of contention at best, and at worst, would completely destroy all British and Protestant control over Ireland. FitzGibbon may not have had much love for the English government as vested in the Duke of Portland, but he retained enough of his fear and his habitual caution to shrink at destroying the framework of his present security and his future power and favor.

FitzGibbon's commitment to close economic ties between Ireland and England also remained intact. He asserted this opinion during debates on the bill confirming all English statutes concerning trade. In return for constitutional concessions, the English government had insisted in particular on the passage of this facet of Yelverton's long-pending bill. What had once been a gesture of Irish independence became a necessary limitation of it and many of the more extreme patriots, led as usual by Flood, resisted. Flood had displayed no great Irish scruples about English bills confirming Protestant land titles, but he expended considerable rhetorical resentment on what he view as a confirmation of English economic dominance.²⁰² FitzGibbon, with greater clarity of mind recognized that English protection for Irish Protestants did of necessity entail economic dependency, and he reiterated what was to be his standard argument for the rest of his life:

All the bill said, was merely that it would conduce to the benefit of the commerce of Ireland to adopt such acts, and nothing he conceived, but the adoption of such acts could strengthen the affection and harmony of both nations in the line of trade.²⁰³

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200 HO100/2/63, Portland to Shelburne, 8 June, 1782

201 *PR* (1781-2), p. 439

202 HO 100/2/246; HO 100/2/268-9, Portland to Shelburne, 23 July, 1782

203 *PR* (1781-2), p. 444

Portland prorogued Parliament on July 27, 1782.²⁰⁴ Ministerial instability in England brought about his recall at the same time.²⁰⁵ FitzGibbon later assured Portland's successor Temple that he would have "taken a warm and decided part in support of your government".²⁰⁶ Undoubtedly the removal of the hated Portland administration would have restored FitzGibbon to his former course of supporting government. He did not have the opportunity to take any part on behalf of Temple. In June of 1783, Temple resigned in the wake of yet another change of ministers in England.²⁰⁷ Fox and his erstwhile rival North, thanks to their notorious coalition, brought down Shelburne's government. The new viceroy, Lord Northington, took advantage of the comparative quiet following the passage of the act of renunciation to dissolve Parliament, and to^{call} the octennial elections now due.²⁰⁸

FitzGibbon did not fare particularly well in the elections which took place in the summer of 1783. His first disappointment occurred when he lost his seat for Trinity. As early as May 18, 1782, the *Dublin Evening Post* was anticipating FitzGibbon's defeat in that contest:

Among the electors of the college it is pretty generally said that their present representative MR. FITZ [sic] will not again be returned---his amiable *cullibility* not having perfectly coincided with their ideas of Irish liberty and Irish rights.

Presumably his equivocal conduct in Parliament and lingering resentments on the part of Hutchinson's partisans accounted for his failure to retain his seat for the College. No clear and explicit explanation appears either in FitzGibbon's correspondence or in the provost's.

FitzGibbon next turned his attention to the county of Limerick. His chances there appeared promising. He was one of its wealthiest landowners. He could draw on the capital of his father's excellent reputation, and he could undoubtedly count on his Hayes and his FitzGibbon relations and their numerous collaterals. In addition to his family, he had the support of a former county member, Silver Oliver, with whom old FitzGibbon had had extensive legal and business dealings.²⁰⁹ FitzGibbon's brother-in-law, Dominic Trant also attempted to provide him with a Catholic interest in the person of Maurice O'Connell,

²⁰⁴ HO 100/2/290, Portland to Townshend, 27 July, 1782

²⁰⁵ HO 100/2/244 Townshend to Portland, 24 July, 1782

²⁰⁶ FitzGibbon to Temple, 31 October, 1783, BM Add MS 40179, f96

²⁰⁷ HO 100/9/157, Temple to North, 3 June, 1783; HO 100/9/163, Windham to Nepean, 5 June, 1783

²⁰⁸ HO 100/9/279, Northington to North, 25 July, 1783

²⁰⁹ Dublin, Irish Public Records Office, M6192; the document in question includes a Chancery brief filed 19 May, 1864, which alluded to old FitzGibbon's contacts with Silver Oliver on p. 2

the uncle of Daniel. Trant, a warm friend of O'Connell, had earlier obtained the latter's release when he was imprisoned on a charge of smuggling. In the process, Trant had solicited FitzGibbon's assistance and advice. FitzGibbon had evidently complied, and Trant then called on O'Connell to return the favor by encouraging his tenants in Limerick to "vote for my brother-in-law, Mr. FitzGibbon".²¹⁰ In this instance, FitzGibbon received recompense not only for his private but for his public generosity. He had, after all, championed the voting rights of Protestant tenants of Catholic proprietors in 1782. It is also very possible that he received financial help from his friends, the Roches. In 1783, relatively conservative Catholics like O'Connell and the Roches would have had no reason to have found FitzGibbon objectionable, apart from his occasional rhetorical exercises in Protestant zeal. For his part, he always took pride in maintaining friendly relations with duly submissive Catholics.

The election had a promising start for FitzGibbon. By August 27, 1783, he led the poll with 207 votes.²¹¹ Sir Henry Hartstonge had 200 votes and Hugh Massey, one of the two incumbents, trailed with 197 votes. Notwithstanding, Massey eventually overtook FitzGibbon and was returned along with Hartstonge.²¹² Given his narrow initial lead FitzGibbon depended on every possible vote and he worked with all of his accustomed energy to cultivate eligible individuals. In the disappointing aftermath of the election, he attributed his defeat exclusively to the treachery and unreliability of voters who could have made the difference between victory and defeat. His bitterness at those voters who had betrayed him led to a challenge to one such individual, an unprecedented action for FitzGibbon, who claimed to have a lofty scorn for men who were "too forward to fight."²¹³ He, of course, gave a full account of his disappointment to Eden with characteristic trenchancy:

My dear Eden---It is now high time I should...inform you of my defeat at the Election which was occasioned by the rashness of one man...and by the treachery of another who broke faith with me. Fortunately for me, however, he was not so bigoted to the customs of the country as I was, for he refused to meet me when I sent to him. ²¹⁴

²¹⁰ Mrs. Morgan John O'Connell, *The Last Colonel of the Irish Brigade*, (London, 1892), pp. 304-12

²¹¹ *Dublin Evening Post*, 2 September, 1783

²¹² *Ibid.*, 9 September, 1783

²¹³ Falkiner, pp. 141, 143

²¹⁴ *Ibid.*, p. 141

He adopted a more decorous tone in a letter to Charles Agar, the Archbishop of Cashel. Along with rather sententious remarks about the unspeakable abuse of his trust and good nature, FitzGibbon provided more specific information concerning at least one voter who disappointed him, though the man in question does not appear to have been the unnamed poltroon mentioned in the letter to Eden.²¹⁵

FitzGibbon attributed his loss solely to individual vagaries. His actions in Parliament do not seem to have affected the outcome of the county election, at least in his own mind. Nonetheless, the return of Massey, who consistently supported the popular side on constitutional issues, suggests that at least some voters made judgments based on the events of the past four years.

Silver Oliver came to FitzGibbon's rescue after his defeat. He ensured his friend's return to Parliament by offering him the seat for Killmallock, a borough at his disposal.²¹⁶ Even then FitzGibbon could not rest easy. One of the more independent minded (or trouble making) voters for the borough questioned the legality of FitzGibbon's election. The exact identity of this voter remains uncertain. It is also unclear whether the dispute originated in resentment toward Oliver or toward FitzGibbon. FitzGibbon himself provided little illumination on the subject. When the petition was presented in November of 1783, FitzGibbon contemptuously dismissed it as the plot of a faction comprised of "the parish curate, another was the parish clerk, another was the sexton, another the grave digger and two other old beggermen who received alms from the church" a striking, but not very informative declaration.²¹⁷ Fortunately, his fellow members threw out the petition, and Killmallock remained his base for the remainder of his career in the House of Commons. It is doubtful that even FitzGibbon's ferocious energy and ambition could have withstood yet another defeat and another contest.

FitzGibbon did obtain office, if not a seat in County Limerick. During that year, he served as sheriff. According to his own account he worked to reform the county prison. In particular, he attempted to eradicate abuses deriving from the collection of fees due to jailers and to clerks of the crown. Jailers of necessity charged prisoners for expenses incurred during their stay, as the state, in keeping with the ramshackle practice of 18th century British penology, provided nothing for their upkeep. Under this system, better-off prisoners enjoyed a relative degree of comfort, while the poor suffered worse privation.

²¹⁵ PRONI, Normanton Papers, T3719/C17/28 "It [FitzGibbon's experience during the election] has effectively corrected a very dangerous vice in my nature--- I shall now at least keep mankind at arm's length till I know them." FitzGibbon to Agar, September 10, 1783

²¹⁶ *Dublin Evening Post*, September 9, 1783

²¹⁷ *Volunteer's Journal*, November 14, 1783

Once they had served their sentences, prisoners also had the obligation to pay fees to the clerks of the crown who, at least in theory, managed all the administrative duties of the prison. Frequently, prisoners who could not pay fees were forced to remain in prison after acquittal or after the term of their sentence had expired. FitzGibbon expressed his sentiments most eloquently in debates on a bill, introduced during the session of 1784, which spoke passionately in its support and cited his own efforts, when sheriff of Limerick, to put an end to what he considered abuses of authority by prison officials. In answer to arguments that the bill would deprive jailers and clerks of the crown of their rightful due, he replied:

I am astonished that any gentleman who has the least respect to the suffering of his fellow creatures can oppose the present bill. If the unhappy situation of those confined for debt has been sufficient to call for the humane interposition of this House, surely those deserve the interposition more who ought not to have been confined at all. I shall Sir, make no scruple of delivering my decided opinion as a lawyer, that detaining a man acquitted by his country, in execution for non-payment of fees, is not only inhuman, but contrary to the laws of the land, and whoever was guilty of such abuse made himself liable to an heavy action. If fees of this kind were due right to the clerks of the crown and others, they ought to proceed in the usual mode of recovering common debts and should by no means arrogate to themselves not only the judicial powers but also the execution of sentence. I have not long since, served the office of sheriff in a very great and respectable county, and was so convinced, not only of the cruelty, but also of the illegality of detaining those who had been acquitted by the laws of their country, that I constantly ordered them to be immediately discharged from prison. When the jailer and others began to murmur, I informed them they had their option to take their actions either against the discharged or me if they thought proper to make the experiment.²¹⁸

There is no reason to doubt this account of his services as sheriff of Limerick. His compassion and his integrity, as well as his habitual indulgence in self-righteousness and self-dramatization, naturally inclined him to act as the champion of the downtrodden and the scourge of corruption. Certainly later penal reformers in Ireland looked upon him with respect. One Jeremiah Fitzpatrick later dedicated a work on reform of prison conditions to FitzGibbon.²¹⁹

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In October FitzGibbon obtained a far greater legal office, that of attorney general. That he owed his appointment to a viceroy serving under the great arch-Whig, Charles James Fox, is yet another of the ironies marking his career. In the autumn of 1783, Northington faced an array of vacancies in high legal office. Hussey Burgh, who had

²¹⁸ *PR* (1783-4), p. 216

²¹⁹ Oliver MacDonough, *The Inspector General: Sir Jeremiah Fitzpatrick and Social Reform 1783-1802* (London, 1981), pp. 132-9

returned to the government fold and who had been serving as chief baron of the Exchequer, died suddenly. As part of his effort to woo and co-opt members of the popular party, Portland had appointed Barry Yelverton attorney general. Although Yelverton had held the office for little more than a year, Northington continued his Whig predecessor's policy and appointed him to the vacancy in Exchequer Court. FitzGibbon quickly emerged as the most likely candidate.²²⁰ On October 4, the *Dublin Evening Post* predicted his elevation, and one week later, FitzGibbon himself was announcing his new appointment to Eden.²²¹ Yet his position at this time was by no means as assured as he thought. He does not appear to have had any awareness that Northington was experiencing great difficulty in obtaining approval for the nomination from the English government.

Fox especially displayed reluctance, and understandably so. FitzGibbon after all had acted with notable hostility toward one of the premier members of his party, the Duke of Portland. But he seems above all to have been concerned that his political friends and allies in Ireland would resent the appointment. He also expressed doubts about their sudden new ally's ultimate loyalty to them:

I hear many of our friends disapprove of the idea of advancing...FitzGibbon: you know I am a friend of coalitions, but take care when you are giving them that you do not strengthen an enemy instead of gaining a friend.²²²

Northington's assurances that everyone whom he had consulted in Ireland approved of FitzGibbon and his praises of the latter's abilities dispelled whatever misgivings or ill-feelings Fox might have had.²²³ Northington's letters to North had a similarly persuasive effect. On November 30, 1783, North informed the lord-lieutenant that FitzGibbon's appointment had at last received official approval from the cabinet in England.²²⁴

Henry Grattan later claimed that he had persuaded Northington to appoint FitzGibbon attorney general. The son quoted the father's characteristically florid summary of the transaction:

...I pressed for the appointment of FitzGibbon and I have that

²²⁰ HO 100/1/282-5, Portland to Shelburne, 23 May, 1782; *Grattan III*, p. 200

²²¹ Falkiner, p. 141

²²² *Grattan III*, p. 112

²²³ *Ibid*, p. 134

²²⁴ PRO 100/10/304

sin to answer for. I made him attorney general.²²⁵

In his memoirs, Charlemont, Grattan's patron also credited, or perhaps more accurately, blamed Grattan for FitzGibbon's appointment. He claimed that pique over the issue of renunciation prompted him to support and promote a man known to be unfriendly toward the popular cause:

He [Grattan] was not, perhaps, displeased that power should be lodged in the most unpopular hand and office bestowed on those whom the people most hated, pledged as he deemed himself, to require nothing more from England and inwardly vexed at what had lately been done to satisfy the cravings of the multitude in opposition to his judgment, he might possibly have been not unwilling to place power in the hands of those who would undoubtedly resist any further demands.²²⁶

Charlemont's falling out with Grattan, the result of disagreement over renunciation and still more the result of their equally nervous and temperamental characters, led him to this bitter and unfair conclusion. He exaggerated Grattan's malice, and both he and Grattan exaggerated the latter's responsibility for FitzGibbon's appointment. Northington undoubtedly did consult Grattan about FitzGibbon. Grattan after all had been appointed to the Privy Council, and he had a long-standing acquaintance with FitzGibbon. Moreover, he would have had no reason to denigrate FitzGibbon at that time. Although Grattan and FitzGibbon had opposed each other on such matters as Portuguese trade and on the initial resolutions for constitutional autonomy, they had as often acted in concert. Most notably, they had taken the same position on the perpetual mutiny bill; for reasons of his own, FitzGibbon had supported Grattan's resolution of 1782, and they had worked together on the bills establishing the independence of the Irish judiciary. Notwithstanding Northington's value for Grattan's opinion, he appears to have been influenced as much, if not more, by Yelverton's favorable view of FitzGibbon. FitzGibbon himself gave generous, if perhaps excessive, credit to Eden, who had evidently continued efforts on his behalf in England:

The office [of attorney general] was offered to me by Lord Northington in very handsome and honorable terms indeed, for which I believe I am in great measure indebted to you, as he told me very fairly that he had first taken up his opinion

²²⁵ Grattan III, p. 202

²²⁶ HMC Charlemont I, p. 108, ftnote.

of me from your representation.²²⁷

In the end, the recommendations of his various friends and colleagues accounted only in part for FitzGibbon's elevation. The fact remained that FitzGibbon, thanks to his abilities and his parliamentary skills, was beyond question the best candidate for the position. As Northington himself put it, FitzGibbon was "a gentleman of considerable Talents in the House of Commons, as well as of eminence and knowledge in his profession.

Northington also gave Fox and North this assurance: "His appointment, I am persuaded, will give considerable satisfaction to the public."²²⁸

(x)

Clearly Northington remained unaware of that part of the public whose radical views found expression in the popular press of Dublin. There the bad impression created by his opposition to the Tenantry Act and to the initial efforts toward constitutional autonomy had intensified. His arrogant and irritable manner continued to draw unfavorable comment, as this excerpt from the *Volunteer Journal* indicates:

The ridiculous and insolent HAUTEUR which Jack Fitzpetulant assumes in the House of Commons merits a severe reprimand.²²⁹

In January of 1784, soon after his elevation to office, a new charge against FitzGibbon, sexual incontinence, began to appear in the newspapers. Specifically, his alleged affair with one Mrs. D. provoked much salacious interest and much moral indignation. Again, the *Volunteer Journal* took the lead in drawing attention to the affair and denouncing it. On January 16, 1784, there appeared this breathless account of the corrupt and corrupting behavior of FitzGibbon and his paramour:

The very pretty flirtation that passes between the delicate Mrs. D. and Jack Fitzpetulant almost every evening at the theatre must have a very strong tendency to do away all relics of ungenteel mauvais honte which disgraced our countrywomen heretofore. If a few more persons of consequence were to free themselves from the shackles of timidity and set a pattern equally laudable, we should soon become rival for the palm of confidence, with our Gallic

²²⁷ Falkiner, p. 141

²²⁸ PRO 100/10/302-3

²²⁹ *Volunteer's Journal*, 21 November, 1783

neighbors. It is undoubtedly distressing to persons of fashion and figure, like these billing doves to be constrained by ties of matrimony, which were made only to confine vulgar folk who have not spirit enough to deviate from the paths chalked out for them by their misty grandees.

The newspapers continued to follow the affair avidly throughout the early months of 1784. Probably the elusive Mrs. D., whose identity remains forever obscured in discreet blanks, suffered more than her lover. The newspapers may have concealed her name, but they did not spare her character. She was portrayed as a fickle and promiscuous woman who quickly cast aside FitzGibbon for a Scotsman in the lord-lieutenant's entourage.²³⁰ Considering the latitude allowed to unattached young men in the 18th century, FitzGibbon almost certainly had some share of similar escapades to his credit, or discredit. The keen eye of partisan hatred had simply seized on this commonplace, squalid liaison to discredit him further. He may also have contributed to the unprecedented degree of hostile attention directed toward his sexual habits. Undoubtedly he was exhilarated by his success, and he may, as a result have been unusually keen to enjoy himself and less discreet in doing so.

With a bland indifference to any inherent contradictions, the newspapers that accused him of bestial sexual excess also taunted him for priggish and effeminate over-refinement. The *Volunteer's Journal* sneered at him for displaying "the airs of a dancing master and the language of a coxcomb."²³¹ Yet another paragraph from the *Dublin Evening Post* completed the picture of epicene narcissism. It gave an account of a supposed exhibition of pictures in the General Assembly room. They included:

J---n F---zg---n in the character of Malvolio in the play of the Twelfth Night. The self-sufficiency of this coxcombical character is admirable well-expressed in the saucy and insignificant smirks which the artist has thrown into the countenance of this picture.²³²

Several paragraphs in the newspapers of this period showed an awareness that under his apparently frivolous manner, FitzGibbon was a fiercely ambitious young man. They also noted, with predictable contempt, the direction that ambition was taking. The *Dublin Evening Post* mockingly praised him for being "politically wise, for instead of attaching thyself to a party, which according to the changeability of state affairs might be turned out,

²³⁰ *Dublin Evening Post*, 10 April, 1784; May 29, 1784, September 14, 1784

²³¹ *Volunteer's Journal*, 21 November, 1783

²³² *Dublin Evening Post*, 20 November, 1783

you are at all times ready to be the pliant tool of any minister." ²³³ The *Volunteer's Journal* echoed this line: "It is evident that what Jack Fitzpetulant wants in ability, he is resolved to make up in zeal. No man can take [greater pains] to court the applause of administration." ²³⁴

In reporting on the progress of his career, the press avidly noted setbacks, either real or imagined and made frequent predictions of his imminent political demise. The first issue of the *Dublin Evening Post* for the year 1784 predicted that "Jack Fitzpetulant would be very happy to ensure being Attorney General this day three months." ²³⁵ The *Volunteers' Journal* took a more lofty moralizing tone, expressing a hope that his elevation would bring, if not immediate dismissal, at least the disappointment and unhappiness which ill-gotten office ought to bring:

Quere---will the virtues of an att-rn-y g----l's gown be
sufficient to give the balm of peace to a corroded mind? ²³⁶

Along with attacks on his overweening and, it was hoped, his doomed ambition, the newspapers, shamelessly contradicting their vaunted popular principles, cast obloquy on his low birth. The *Dublin Evening Post* most clearly revealed this inconsistency in a series of articles concerning an alleged bill FitzGibbon was framing to disarm the Volunteers. This report, like others of a similar nature, was highly exaggerated. His remarks in Parliament had merely displayed suspicion of the Volunteers' political role and a reluctance to bestow on them the effusive praise they and their parliamentary advocates regarded as their due. Notwithstanding, the *Dublin Evening Post* made this mournful prediction about the results of the disarming bill, which it "confidently" predicted:

If the intended bill for disarming the Volunteers of Ireland should pass into a law (of which there can be little doubt) adieu to the liberties of this unhappy land. We shall become the slaves of an infamous aristocracy of a few men [including John FitzGibbon] not of Patrician birth but descended from the very dregs of the people. ²³⁷

²³³ Ibid., 27 January, 1784

²³⁴ *Volunteer's Journal*, 5 December, 1783

²³⁵ *Dublin Evening Post*, 1 January, 1784

²³⁶ *Volunteer's Journal*, op. cit.

²³⁷ *Dublin Evening Post*, 2 December, 1783

In other words, by daring to oppose the self-appointed guardians of the people, FitzGibbon met with contempt for allegedly being of the people. The *Volunteer's Journal* went even further. Displaying a curious sort of snobbish determinism for a newspaper championing the popular cause, it blamed his low origins for his private vices as well as for his public ones.²³⁸

By appearing to threaten the Volunteers, FitzGibbon exposed himself to excoriation not only because of his plebeian origins but because of his Popish origins. The brutal sectarian snobbery of Irish society affected even those who made a point of their enlightened and tolerant opinions. The *Dublin Evening Post* was the first to make a stigma of FitzGibbon's convert background, in spite of the fact that by 1782, it had embraced the Catholic cause. On December 4, 1783, it reported that J---n FitzJesuit, Esq." was skulking from the chastisement of several of the VOLUNTEERS" whose majesty he had offended. This soubriquet could have been a general attack on FitzGibbon's alleged arbitrary tendencies. The Jesuits, in the popular Protestant imagination, supposedly acted as the theorists, as well as the agents of despotism. Nonetheless, the mere fact that FitzGibbon was unfortunate enough to have a Catholic grandfather and a convert father made him, and not Yelverton or Grattan for example, vulnerable to slurs of this kind. Evidently, arbitrary Popish tendencies constituted a genetic doom that even the ardently Protestant FitzGibbon could not escape.

The persona established in the years from 1780 to 1784----FitzGibbon the effeminate debauchee, FitzGibbon the upstart of Popish extraction, FitzGibbon the overweening and arrogant--- grew more lurid and pronounced. Once established in an official position, FitzGibbon was to take the course most calculated to offend public opinion, or at least the radical opinion which found voice in the newspapers. With the lofty contempt that drew comparisons with Lucifer, he almost seemed to welcome every opportunity to demonstrate that whatever his opinions when he began his political career, and whatever past accommodations he had made to popular opinion, he was now a government man, wholly dedicated to upholding what remained of the English interest and resisting further demands for change in the ruling structures of the country.

²³⁸ *Volunteer's Journal*, 15 October, 1784

(i)

At the time FitzGibbon took up his duties, the government faced a country which, in spite of extensive concessions, economic and political, still posed profound challenges to its authority and stability. Agitation on the part of the Volunteers continued to provoke anxiety on the part of the government and, indeed, on the part of many who hoped to see Ireland return to some measure of quiet and equilibrium. Having achieved the independence of the Irish Parliament, the Volunteers found a new *raison d'être* in reforming it. Grievances over trade, like Volunteer politicking, seemed to take on new strength with every gesture of conciliation. A resurgence of sectarian tensions also characterized the Irish political scene in the tense, sour aftermath of 1782. Many Protestants, in government circles and elsewhere, were disturbed by an apparent rise in Catholic political assertiveness and by the encouragement this assertiveness received from radicals, particularly in Presbyterian Ulster. Finally, Ireland's tendency toward civil disorder, both rural and urban, remained an endemic menace, needing only the slightest pretext to rise to the surface. In short, the Irish had managed to assert a degree of independence. The British government in Ireland was left with the problem of defining and asserting what remained of its powers and prerogatives.

In the case of the Volunteers, asserting authority proved a particularly dangerous business. By the end of Lord Carlisle's administration, suspicion had hardened into a fixed intention to get rid of the Volunteers. This attitude was common to all viceregal administrations, regardless of their partisan origin. The Duke of Portland first made a concerted effort to curtail their power and influence. Having granted the great constitutional privileges of 1782, Portland undoubtedly believed himself in a strong enough position to take long-desired measures against the Volunteers. Rather than resort to outright suppression, he chose to undermine them by establishing a rival system of Fencibles, under government control. This approach seemed eminently promising at first. Portland managed to attract the participation of rising, ambitious gentlemen like Richard Talbot of Malahide, a convert who had served with the Austrian army.¹ Portland's hopes of unobtrusively introducing a rival force to the Volunteers quickly and brutally collapsed. The Volunteers and their numerous public supporters perceived the intentions behind the new force and resisted it. The press, as usual, played a prominent and scurrilous role. Talbot, for example, met the fate of some converts, ridicule for his Catholic past. The

¹ HO 100/2/236-40, Portland to Townshend, 18 July, 1782; Same to Same, 29 August 29, 1782, 100/3/65-6

adjective "jesuit bred" was, perhaps the mildest comment he endured.² But partisans of the Volunteers soon went alarmingly beyond nasty squibs in the newspapers. During the administration of Portland's successor, Lord Temple, a pitched battle broke out between partisans of the Volunteers and two fencible corps in Kilkenny.³ Given the fragile state of public order, the government could not afford to press the matter. The fencible corps quietly slipped into abeyance and the Volunteers remained as a disruptive force in the Irish political world.

Having resisted attempts to curtail their influence, the Volunteers returned to political agitation as usual, this time in pursuit of their new schemes of reform. In November of 1783, the Volunteers convened at Dungannon, a favored meeting place of the past, to formulate and pass resolutions in favor of Parliamentary reform.⁴

The English middle class intelligentsia first articulated and publicized this particular issue. Its advocates included Horne Tooke and Richard Jebb, both clergymen, and Major Cartwright, a retired army officer and amateur antiquarian. As was (and still is) often the case, at least one eccentric peer graced this fringe movement, the Duke of Richmond. Their motives were mixed. Some, like Jebb, were old-fashioned Tories who hoped to increase the county franchise and with it the influence of country gentlemen. Their steady, benign influence would abridge and eventually eliminate the power of narrow, corrupt aristocratic factions, or so it was believed. Others, notably Cartwright, were the political equivalent of Horace Walpole or Clara Reeve. They hoped to restore the English constitution to its original Anglo-Saxon purity by eliminating the corruptions introduced by the Normans and their borough-mongering descendents. Still others measured Parliamentary representation by theoretical models of rational, balanced government and found the British system decidedly wanting.⁵

FitzGibbon later attributed the sudden appearance of reform agitation in Ireland to emissaries from England who introduced the notion into the North.⁶ This explanation seems plausible. The advocates of parliamentary reform certainly had the enthusiasm to raise their sights beyond Great Britain. The North of Ireland, particularly Belfast, had exactly the sort of assertive audience that would have found such ideas congenial. The North also had the closest contacts with America, which was experimenting with rational,

² *Dublin Evening Post*, 11 January, 1783

³ HO 100/8/271-2, Temple to Sydney, 4 April, 1783

⁴ See FitzGibbon's own colorful and inimitable account of the origins of this convention, *PR* (1783), p. 238

⁵ For a comprehensive study of the English reform movement, see Carl Cone, *The English Jacobins*, (New York, 1968)

⁶ *PR*, op. cit.

systematic constitution-making. Finally, and perhaps most important, many areas in the North, notably Belfast, chafed under the political control of Lord Donegall. The North of Ireland was also, along with Dublin, a major area of Volunteer activity. Consequently, the Irish advocates of reform had a formidable and experienced organ of agitation unavailable to their genteel English preceptors. The conjunction of Northern Volunteerism and reform agitation became apparent as early as May of 1782. A petition presented at that time by the Ulster Volunteers linked demands for the repeal of the Declaratory Act with parliamentary reform.⁷

Even in the more stable and civil realm of English politics, the notion of parliamentary reform met with hostility. In volatile Ireland, the government reacted with a determination that it had not as a rule shown in the past ten years. The fact that the agitation for parliamentary reform came to the political forefront during the administration of Lord Northington, a Fox-North appointee, did not create a more favorable atmosphere to the idea. As the precedent of the Duke of Portland showed, the English opposition, once in office, was as hostile toward radical Irish political aspirations as their opponents.

An eminently lucid memorandum by Charles Francis Sheridan, the private secretary of Lord Northington, best summed up the government's reasons for opposition. In common with many other opponents of parliamentary reform, Sheridan played on the common suspicion of any challenge to the established and congenial social order. Reform, he declared, was a "wild and extravagant notion" promoted by the low and the ignorant, who aimed at establishing a democratic tyranny:

...they [supporters of reform] expect to reform the Legislature without understanding the Constitution [and] to enslave the Parliament.⁸

The peculiar situation of Ireland made any notions of reform especially unacceptable. Sheridan made note of the "licentious spirit which prevail[s] very generally among the People of this country at the present period." Like Carlisle before him, Sheridan blamed the Volunteers for introducing chaotic democratic notions among the people at large:

...the intimate communication it produced between the lower and higher classes of the People, excited the insolence of the former and sunk the consequence of the latter. The frequent meetings it produced, where Politicks were the constant and only topick, where

⁷ HO 100/2/157-9, Portland to Shelburne, 25 June, 1782; for the petition itself see HO100/2/160-1; see also NLI, Bolton Papers, 15,958/2 for some brief but cogent insights into political grievances in Belfast and in County Antrim

⁸ Bolton Papers, 16350/3

men of the first Rank were obliged to associate with their lowest Tenants or Tradesmen...weaken[ed] all habits of obedience.⁹

The reforming speculations of these political farmers, shopkeepers and tradesmen, were, in Sheridan's opinion, leading in a particularly dangerous direction: no less than the extension of voting rights to Catholics. Sheridan noted that prior to the American War, the Protestants of Ireland had been "unreasonably suspicious of their Roman Catholic brethren." and had willingly endured any and all British regulation to avoid being at their mercy. But the rage for abstract rights and for reform had even transformed the old reliable hatreds on which the government had depended for its stability:

...the change in the national temper and spirit has been as sudden as it is compleat...no inconsiderable number of the Protestants of this country have now lost all attachment to England, all sense of their own weakness, if deprived of her support, all apprehension of embracing any illiberal or hostile measures toward her, and many of them all jealousy of Roman Catholics, with whom they are ready to share every political right and privilege, blind to the necessary consequence, the subversion of the Protestant government.¹⁰

Sheridan made the reassuring observation that not all advocates of parliamentary reform favored the extension of voting rights to Catholics, and that, for the time being, that issue divided and undermined the strength of the reform movement. Indeed, the Catholic question had aroused considerable contention at Dungannon. One party, influenced by the latest American and French notion of abstract universal rights, favored an end to any religious distinctions whatsoever. Their antagonists retained the traditional Protestant suspicions of Roman Catholics. In the end, the proposed plan of reform excluded all mention of extending voting privileges to the Catholics, thanks largely to the influence of Lord Charlemont, who acted out of the doctrinaire Whig's distrust of Roman Catholics as agents of tyranny.¹¹

In spite of the rebuff at Dungannon, the notion of extending political as well as economic and civil rights to Catholics, did not fade away. Many Catholics, equally influenced by French and American thought, readily responded to favorable overtures from some Protestants. Indeed at least a few appear to have been so vociferous, that even their strongest journalistic advocate, the *Dublin Evening Post*, admonished them to act more discreetly; any undue demands could only endanger the cause of reform and thus any hopes

9 Ibid.

10 Ibid.

11 *HMC Charlemont I*, 123-6

of winning redress from an enlightened, uncorrupt Parliament.¹² Others, like this correspondent of Lord Kenmare, found their rapid transformation from political pariahs to sought after allies a source of bewilderment and uneasiness:

Our situation strikes me as very difficult to manage between both parties to avoid offending the Presbyterians [presumably by rebuffing their offers of political friendship] and pleasing the others [by holding aloof from political activity, thus placating more suspicious Protestants, both Anglican and Presbyterian].¹³

The fact that Catholics were also serving in some Volunteer units increased the fears of those intent on preserving what remained of the ruling order. A letter from one Mr. Vernon of Clontarf best expressed the sentiments which this phenomenon inspired. He assured the government that most Catholics in Volunteer units had joined at the behest of landlords who lacked Protestants to make up their units. Once the landlords withdrew their support, these Catholic peasant levies would return to "ye spade and ye cottage." Vernon expressed somewhat more apprehension about Catholics in the Dublin Volunteer corps. For the most part the urban units consisted of "Popish tradesmen and their new corps of Blackshoes and Porters." They were, Vernon claimed, the "Lifeguards of ye Faction", by which presumably, he meant the radical reform faction. Even so, Vernon mustered up the confidence to predict that "these being within the Garrison and not yet dangerously numerous, may be easily crush'd by Governm't [sic] and Councill [sic] Enforcing of Laws agt Papists going arm'd." ¹⁴

But even the more suave and liberal Sheridan found the presence of Catholics in Volunteer units ominous. He warned that the schemes of some Volunteer's to reform Parliament and to invite Catholic political participation would ultimately subvert the Protestant government and sever the connection between England and Ireland. A more popular Protestant parliament would, of necessity be more amenable or more vulnerable to Catholic pressure and Catholic dominance.¹⁵

These fears of Volunteer radicalism and Catholic aspiration accounted for the distinctly chilly response which greeted a reform bill introduced in November of 1783. Flood, having scored a triumph with the issue of renunciation, had taken up the cause of reform and sponsored a bill modeled on the resolutions of Dungannon. In keeping with

¹² *Dublin Evening Post*, November 22, 1783

¹³ *Kenmare*, p. 80

¹⁴ Bolton, 16, 350/9

¹⁵ Bolton, 16,350/3, op. cit.

Flood's, as well as Charlemont's preferences, the bill carefully excluded the Catholics from any political participation. The remaining provisions of the bill made modest extensions of the county franchise and imposed residency requirements on both voters and members.¹⁶ Although the bill itself was relatively conservative, it nonetheless affronted those of his colleagues who regarded reform as a subversion of the constitution in Church and State and the Volunteers as agents of that subversion. FitzGibbon, by then secure in the knowledge that he was to succeed as attorney general, took the lead in opposing the bill. In so doing, he displayed all his habitual vociferousness:

...will gentlemen tell me the constitution is not invaded when any man shall dare to make a proposition by fifty thousand armed men, with fifty thousand more ready to join them? Gentlemen say it is dangerous to commit the parliament and the Volunteers; I know it is dangerous, I know the man that does it should answer the crime with his head; but I know the force of the laws is sufficient to crush them to atoms and for one I say that I do not think life worth holding at the will of an armed demagogue. If ever there was an occasion calling upon every man possessing one sentiment of liberty to exert in defense of the constitution, it is this, it is the present occasion which demands to spurn this bill away.¹⁷

His vows to crush the Volunteers and their reform movement to "atoms" proved superfluous. Flood's reform bill met with overwhelming defeat from members who feared the Volunteers, reform or both. FitzGibbon's sentiments were shared not only by suspicious Protestants or boroughmongers but by no less a person than Barry Yelverton, the architect of the so-called constitution of 1782. He proposed a resolution for maintaining parliament's "Just Rights and Privileges against all Encroachment whatsoever."¹⁸ In his account of the vote, Lord Northington made the relieved observation that Dublin was in a state of "perfect quiet".¹⁹ In spite of this initial defeat, the issue of reform again confronted Northington's successor, the Duke of Rutland, and the new attorney general.

New economic demands, this time for protective tariffs on English textile imports, were also challenging the government's efforts to assert its authority. This particular manifestation of chronic Irish discontent over trade first stirred during the administration of

¹⁶ Probably the most complete elucidation of the bill came not from Flood, but from Brownlow: *PR* (1783), p. 17; See also Boyle Roche, who claimed the bill would actually harm Catholics, because they would be evicted from tenures to make way for Protestant voters; *PR* (1782), p. 54; See also *Grattan III*, p. 124, 143-6

¹⁷ *PR* (1783), p. 238

¹⁸ *HO* 100/10/314-17

¹⁹ *Ibid.*

the Duke of Portland. In a dispatch dated May 18, 1782, at the height of the constitutional crisis, Portland reported to Shelburne on the disaffection of the silk and woolen weavers in Dublin. Portland acknowledged that their trade had fallen off, but he attributed the causes to a general decline in the quality of goods and to the "effects of the present time" by which he presumably meant the dislocations caused by war. The Dublin weavers, unfortunately, lacked his grace's breadth of vision and acumen in economics:

Your Lordship [Shelburne] must know that the weavers in this place [Dublin] ... are a jealous, restless and impatient set of men, who feel the effects of the present time without recurring to the unavoidable causes of them and who are but too ready to attribute all their distress to the power and superiority of the English.²⁰

According to Portland, the weavers had planned a meeting to organize yet another non-importation campaign, but Grattan, anxious not to jeopardize the constitutional negotiations with a trade war, intervened to propose a more moderate course. He suggested instead to "place by an open subscription, by which such as are willing to encourage the manufacturers are to engage to take goods made in this country to the amount [they] chuse to put down opposite their respective names." While grateful to Grattan for his intervention, Portland remained sceptical about the success of such an approach.²¹ His doubts were justified. A harvest failure in 1782 followed by a harsh winter inevitably increased the price of provisions, and with it economic pressures on workers.²² Yet another severe winter in 1783-4 increased the distress and political agitation of the working poor.²³ In response, Luke Gardiner introduced a bill to impose protective tariffs.²⁴ Some weavers, less willing to trust in the slow, doubtful outcome of such legislation, resorted to more forceful means of regulating trade: tarring and feathering merchants who sold English goods and destroying their shops.²⁵

(ii)

Such was the inflammatory situation that greeted the new viceroy, Charles Manners, the Duke of Rutland, when he arrived in Ireland in January of 1784. The defeat

²⁰ HO 100/1/266-71, Portland to Shelburne, 18 May, 1782

²¹ Ibid.

²² HO 100/3/253-4, Temple to Townshend, 8 November, 1782

²³ HO 100/12/125-30, Rutland to Sydney, 27 February, 1784

²⁴ The debates on the bill appear in *PR* (1784), pp. 122-130

²⁵ HO 100/13/159-60, Rutland to Sydney, 21 June, 1784; Same to Same, 30 June, 1784
100/13/167-9

of the Fox-North coalition over the East India bill had elevated William Pitt the Younger to power. In keeping with the established practice, the change of ministries required a change of viceroys. Given Pitt's own reputation for priggishness and high seriousness, his choice of a viceroy was curious. Rutland was a handsome, youthful aristocrat notable above all for his habits of drunken bonhomie and for his beautiful, fashionable wife. While he demonstrated a fitful conscientiousness and a constant charm, he was in essence an amiable mediocrity.

The virtues of his chief secretary, Thomas Orde, did not unfortunately compensate for Rutland's deficiencies. Unquestionably, Orde displayed great diligence and method in his work. His voluminous memoranda on various subjects are remarkably detailed and well organized. No fact was too minor, no item of minutiae too inconsequential to escape his attention. His dutifulness and his desire to do well by his trust were also beyond question. Unfortunately, Orde lacked the generosity of mind and imagination to translate the masses of data he collected into decisive and astute political action. Rigidly orderly himself, he clearly was irritated and baffled by the complex country which he was sent to govern. Anxiety and querulousness prevail throughout his papers. He was clearly out of his depth: a petty clerk attempting to do a job that would have daunted the greatest statesman.

Rutland's appointment was an ominous portent of Pitt's general approach to Ireland. Although Pitt was unquestionably a great English prime minister, he exhibited all the usual shortcomings with regard to Ireland. Even more than his predecessors, he habitually regarded Ireland, the Irish and Irish affairs with irritability, incomprehension and indifference. Not until the crisis ridden final years of the century did he appoint a viceroy of any merit in Lord Cornwallis. His other choices were, as a rule, in the Rutland mold.

In fairness, the rioting workmen and reforming Volunteers that greeted Rutland and Orde in the winter and spring of 1783/4 would have shaken the steadiest nerves and minds. Moreover, less than a year previously, the British government had agreed to the independence of the rebellious North American colonies. That trauma undoubtedly influenced the perceptions which Rutland and Orde brought to bear on Irish affairs. Rhetoric about religious and political equality, the calls for non-importation of English goods and the sudden upsurge of the practice of tarring and feathering all had American precedents. FitzGibbon in fact referred to working class violence as "American patriotic discipline."²⁶ The possibility that Irish disorder would have a similar outcome if left

unchecked understandably made the two men especially tense and fearful as they undertook their duties.

The difficulty of managing the governing clique in Ireland added to the anxieties of the new administration. All too many Irish gentlemen and nobles had developed habits of contentiousness as a means of winning popularity. The new administration was to find that the governing class could close ranks quickly once they perceived their interests and privileges were threatened. But they could not be relied on to support consistently any sustained or coherent policy. If Rutland and Orde failed to build a consensus for their policies, the materials they had to work with were as much to blame as their own shortcomings.

Faced with a generally unstable political class, the government tended in response to rely on a party of old Ireland hands, who had scores of their own to settle. They had never forgiven the Portland administration for Lord Carlisle's recall and for the supposed pusillanimity which led to the constitution of 1782. Edward Cooke, a witty and capable man who served in a variety of government positions, best expressed the political prejudices of his Castle colleagues:

[Our] late ferments are the natural results of the improper consequence and power to which the people were wrought in the Duke of Portland's government. All the gentlemen of rank, consequence and property left them and the present efforts are headed by a factious party in the city or electioneering candidates in the county.²⁷

FitzGibbon himself retained all the prejudices of a Carlisle man. As this excerpt from a letter to Eden reveals, ambitious Volunteers and mad schemes of reform were all largely the fault of Portland and his party:

The Fact is we now begin to feel the Effects of the Duke of Portland's government. You know the very wise part which he acted. He told the Volunteers of Ireland very explicitly that the government of the country was in their hands and that he depended for Support upon them. The Consequence was that they chuse a Parliament of their own which was to publish Edicts for the Assent of King, Lords and Commons.²⁸

Undoubtedly, FitzGibbon, Cooke and their like-minded colleagues imbued the new viceroy and chief secretary with the notion that the greater part of the Irish political class was unworthy of respect or attention, because of past associations with Portland and the Whigs.

27 HO 100/14/209-10; Cooke to Nepean, 30 October, 1784

28 Sneyd Muniments, FitzGibbon to Eden, 29 August, 1784

At least initially Rutland fared better than his luckless predecessors in Parliament. The government did not need to make any extraordinary effort to defeat the protectionist bill. Undoubtedly the fact that protectionist demands drew the strongest support not from gentlemen but from the laborers and "mechanics" in the Liberties influenced many members to vote against it. "The people" deferentially applauding their patriot leaders as they entered Parliament was one pleasing thing. "The people" tarring and feathering recalcitrant merchants, calling for American-style separation from England, and forming their own Volunteer units independent of gentry control was quite another.

In one of his earliest appearances as the government spokesman, FitzGibbon was surprisingly moderate in his remarks. He expressed pity for the distresses of workers pressed by high prices and a fall off of trade, and he assured his auditors that he would have supported the bill if he thought it would do any good. He opposed the bill above all, because he wanted to avoid English retaliation against Ireland's most promising and prosperous industry, the manufacture of linen cloth.²⁹

Although the new administration could, for the time being at least, count on a cowed majority in Parliament, Dublin remained in a state of rebellion. In their dispatches, both Rutland and Orde reported continuing violence sparked not only by demands for protective tariffs, but by proposed plans to widen the streets. This latter project aroused resentment because of the expense and the inconvenience, particularly to poorer citizens.³⁰ Their dispatches offered the yet more alarming information of a plot to assassinate members of Parliament who had voted against the protectionist bill.³¹ FitzGibbon, not surprisingly was among the prospective victims, although the chief target appears to have been John Foster. As Chancellor of the Exchequer, he bore the greatest responsibility for unpopular economic policy, in the perception of his would-be assassins.³² An investigation by FitzGibbon and his colleagues in the Privy Council, revealed the plot to be nothing more than a fantasy born of desperation.³³ But this incident, combined with other manifestations of violence from the lower orders exacerbated the panic of the government men. They took the usual measure of increasing troop patrols in the Liberties and they legislated further measures of repression, especially against the press, which the frightened reactionaries in the Castle identified as one of the chief fomenters of disaffection.³⁴

29 *PR* (1784), pp. 141-2; HO 100/12/272-3

30 HO 100/12/268-70, Orde to Nepean, 7th April, 1784; HO 100/12/393-7, copy of petition against Wide Streets Act, with Rutland's comments

31 HO 100/12/300-8, Rutland to Sydney, 12 April, 1784

32 HO 100/12/291-2, Same to Same, 12 April, 1784

33 HO 100/12/300-8, *op. cit.*

34 HO 100/12/291-2, 100/12/293-5, 100/12/300-8

Although himself one of the primary targets of the press, FitzGibbon played only a subordinate part in the act "to secure Liberty of the Press by preventing the Abuses arising from the publication of traitorous, seditious and scandalous libels." John Foster seems to have originated and drafted the bill.³⁵ He did so in reaction to a paragraph in the *Volunteer's Journal*, which purported to record the scaffold speech of "Jacky Finance", condemned to death for his alleged crimes against the people.³⁶ The bill faced some resistance, and not exclusively from those members of Parliament who believed that the bill menaced rather than secured liberty of the press. Lord Sydney, the Home Secretary, complained about the clumsy drafting and the unenforceable harshness of the bill.³⁷ Rutland in response defended the general principle of the bill, and assured Sydney that his ministers had made every effort to modify the more draconian provisions of the original draft. He cited both Foster and "Mr. Attorney [General]" among those who had "shewed to [sic] much the wishes and yielded to the scruples of Gentlemen who would not venture to oppose the Principle or the general Provisions of the Bill, but endeavored to make out specious objections to some Parts of it." He also acknowledged the support of Grattan, who was clearly soured by his experiences with the public press.³⁸

Even in its modified form the bill was formidable. It required publishers of newspapers to register with the government, thus creating a ready dossier of objects for prosecution. Stamp duties on newspapers were increased, as were penalties for allegedly libelous or seditious publications. Newspaper editors who published writings deemed offensive now faced prison sentences and crippling fines. Those newspapers which escaped statutory prosecution faced the more formidable, because undefined, menace of Parliamentary privilege. Members offended by a squib or a paragraph had the unlimited right to prosecute on the grounds that the writings in question impugned not only individuals but the authority and dignity of the whole legislative body.³⁹

The government made some efforts to persuade as well as to coerce, by purchasing newspapers to reflect its point of view. In 1784, it gained control of the respected opposition newspaper, *The Freeman's Journal*, along with the short-lived *Volunteer Evening Post*. In 1788, it assumed editorial control of the eminently worthy and eminently moribund, *Falkland's Dublin Journal*. These forays into journalism were, on the whole, unsuccessful. Once they recognized the government influence of these newspapers, Dublin

35 Brian Inglis, *Freedom of the Press in Ireland*, (London, 1979), p. 42, 45

36 *Volunteer's Journal*, April 5, 1784

37 NLI, Sydney Papers, C/8

38 HO 100/12/300-8

39 Inglis, p. 38-40, 43

readers quickly abandoned them. The prestige of government newspapers was not aided by the choice of editors. The new editor of the *Freeman's Journal*, Francis Higgins, supplemented his income by printing government proclamations and by acting as a part-time spymaster. The government-sponsored editor of *Faulkner's*, John Gifford, expressed his virulent anti-Catholicism not only in the semi-literate editorials of his paper but in doggerel verse of an unsurpassed dreadfulness.⁴⁰

The government quickly showed its determination to silence its boldest critics by arresting Matthew Carey, the proprietor of the *Volunteers' Journal*. In one of his many letters to Eden, FitzGibbon claimed a prominent role in Carey's prosecution. He also gleefully anticipated a guilty verdict on a charge of high treason and Carey's execution.⁴¹ Contrary to FitzGibbon's hopes, the indictment for treason failed to materialize and Carey was released. Nonetheless, the experience of imprisonment, and the certainty of further harassment eventually compelled him to emigrate to Philadelphia.⁴²

In spite of, or perhaps because of, the government's attempts at repression, the *Volunteers' Journal* defiantly continued to publish attacks on government, albeit under new management. The same held true for the other major Dublin newspapers. Rutland's debauchery, and Orde's sickly, unprepossessing appearance were favored subjects.⁴³ FitzGibbon, of course, retained his pre-eminence as an object of hatred. His adventures with Mrs. D, his participation in disreputable revels at the Castle and his alleged cowardice and effeminacy continued to inspire bad lampoons and satires throughout 1784. Most notably the *Dublin Evening Post* reported on the progress of a fictional Castle Volunteer unit. According to this account, "Fitzpetulant was to have a command, but declined, for he abhors the report and detests the smell of gunpowder."⁴⁴

In addition to placing curbs on the press, the Rutland administration also sponsored legislation for the easier apprehension of those suspected of houghing or cutting the Achilles tendons of soldiers, a common tactic of rioters.⁴⁵ In spite of these measures, and in spite of assurances that the disturbances would soon die down when confronted with the lofty firmness of government, episodes of violence continued unabated throughout the

⁴⁰ Ibid. p. 22; *Volunteer Evening Post*, pp. 34-7, 39, 44, 50; *Freeman's Journal*, pp. 35-8, 46; *Faulkner's*, pp. 57-60

⁴¹ Sneyd Muniments, FitzGibbon to Eden, 29 August, 1784

⁴² Inglis, pp. 25-7

⁴³ *Dublin Evening Post*, 5 October, 1784; in this issue Orde is referred to as "Aguecheek"; in the issue of 28 October, 1784, the anonymous writer thoughtfully suggests that one of Rutland's cast-off mistresses might serve as a good wife for FitzGibbon "if there be no objection to a young, amorous, saucy companion."

⁴⁴ *Dublin Evening Post*, 25 May, 1784

⁴⁵ HO 100/13/67

spring and summer of 1784. In August, a member of Rutland's own entourage was embroiled in an altercation with some members of a Dublin Volunteer corps. The flirtations of a Castle aide de camp with a tavernkeeper's wife set off this squalid incident, which further diminished the reputations of Rutland and his intimates.⁴⁶ That same month, the public whipping of a man involved in a tarring and feathering led to a riot in which one person was killed by garrison soldiers.⁴⁷ In these highly inauspicious circumstances, a new campaign for Parliamentary reform began.

In the spring of 1784, after the defeat of yet another of their bills, proponents of reform seized on the notion of mobilizing support through a national congress; freeholders summoned by the sheriffs of each county and bailiwick were to elect this congress. The congress was to meet at Athlone, selected for its central location. There, delegates were to draw up yet another plan of reform to be presented to Parliament.⁴⁸ The intent was, of course, to introduce a bill which had the full weight of public opinion behind it, and which, consequently, would not be dismissed as the product of an armed mob.

Rutland's government reacted predictably to this latest maneuver by supporters of Parliamentary reform. Two men in particular inspired terror, loathing and Castle dispatches: James Napper Tandy and George Hervey, the Earl of Bristol and the Bishop of Derry. Tandy, a Dublin ironmonger, had been active in popular politics since the early 1770's. Bristol, an Englishman enjoying the revenues of the bishopric of Derry, was notable more for his epicureanism and for his exquisite taste in art than for his churchmanship. As was frequently the case with Englishmen who took up residence in Ireland, he became a radical advocate of Irish rights. With some reason, Rutland's government perceived the Earl Bishop not as the lordly champion of the people but as a dangerous opportunist. Orde received numerous reports of Bristol's movements. While Rutland's government ardently hoped for a pretext to arrest him, and while many of the reports, particularly of his raising and arming a private bodyguard were alarming enough, Bristol managed to evade any serious consequences for his activities.⁴⁹ He also aroused the hostility of more established advocates of reform, notably Lord Charlemont. In his

46 HO 100/14/37-9, Orde to Nepean, 4th August, 1784; 100/14/48-9, Sydney to Rutland, 11 August, 1784

47 HO 100/14/85-6, Rutland to Sydney, 25 August, 1784

48 *Grattan III*, pp 207-9

49 HO 100/12/228, Rutland to Sydney, 28 March, 1784; 100/14/11-14 This particular dispatch, from Lord Sydney to the Duke of Rutland, and dated 28 July, 1784 refers to Lord Bristol as "a mischievous madman"

memoirs, Charlemont portrayed Bristol as a crypto-Catholic debauchee with the deceitful manners and luxurious habits of a French or Italian prelate.⁵⁰

Almost immediately the new government perceived one underlying cause for the upheavals confronting it: seditious newspapers, rioting workmen, and the intrigues of Tandy and Bristol all originated in Catholic disaffection.⁵¹ This attitude of all-encompassing hostility toward the Catholics represented a startling departure from precedent. At least since the administration of Bedford, the English government in Ireland had assumed a conciliatory and protective attitude toward the Catholics, if only to counter Protestant defiance. Admittedly the government did have legitimate cause for concern; it was, after all, an article of faith that British authority in Dublin necessarily depended on Protestant (meaning Anglican) hegemony. As has been noted, Charles Francis Sheridan, that sensible and level-headed man, had already warned of the dangers of any Catholic political aspirations to the government as it stood. The fact that they had sympathizers among the radical Americanized Presbyterians and even among some Anglicans understandably increased the anxieties of government. Also troubling was the reported conduct of Catholics like Luke Teeling, a wealthy linen merchant from Lisburn. Displaying the fierce radicalism that was later to earn him a long term in government prisons, Teeling had disrupted the sermon of a priest who was urging politicized Catholics to return to traditional habits of political quiescence.⁵² Nonetheless, rather than pay judicious and flattering attention to reliable Catholics, Rutland's government looked upon them all as Luke Teelings. Rather than exercise a prudent and unobtrusive vigilance tempered with skepticism, they gave way to a hysterical gullibility.

Most notably, both Rutland and Orde attributed the more inflammatory articles in the press to Catholics, both lay and clerical. Since neither the viceroy nor his very diligent secretary provided anything in the way of names or numbers, this claim necessarily must be regarded with caution. Most existing evidence suggests that the press was overwhelmingly in Protestant hands, albeit highly sympathetic Protestant hands.⁵³

⁵⁰ *HMC Charlemont I*, pp. 121-3

⁵¹ A typical remark appears in 100/13/8-9, 30 April, 1784, Orde to Nepean "We are now very certain that most of the abominable letters and paragraphs are written by Popish priests. We shall, I really believe, be very soon enabled to get sufficient evidence, which we may make use of, to apprehend and convict them." In a pattern typical of the new administration, bloodcurdling threats and promises were combined with absolute inaction. No Roman Catholic clergyman ever seems to have suffered prosecution.

⁵² Bolton Papers, 16,350/21

⁵³ Very possibly the fact that the most prominent seditious journalist, Matthew Carey, was a Roman Catholic may have led the government to see legions of seditious Papist hacks. The proprietors of the other major opposition prints, the *Dublin Evening Post* and the *Hibernian Journal*, were Protestant.

Having concluded that all Catholics were potential rebels, the two proceeded to the time-honored corollary: Popish disaffection originated in French intrigue.⁵⁴ The chief agents of French-sponsored treason were, it followed, Irish officers serving in Catholic armies abroad.⁵⁵ To counter the threat posed by rebellious Papists and their French spymasters, Orde and Rutland took measures to strengthen the Castle intelligence system. In September, Orde reported that he had succeeded in recruiting Father O'Leary, a popular preacher, as an agent. His remarks to Sydney illustrate his attitude toward all Catholics, even those in government employ. According to Orde, the government could not place too much reliance on O'Leary

for he is a priest, and if not too much addicted to the general vice of his Brothers here [presumably political intrigue] he is at least too well acquainted with the art of raising alarms for the purpose of claiming [credit for] doing them away.⁵⁶

In the same letter, Orde reiterated the claim that Catholics were "certainly the chief promoters of our present disquiet." His credulity stood in stark contrast to the level-headedness of his predecessors. Lord Harcourt, for example, had dismissed reports of a planned uprising of the Catholics in Cork as a ploy on the part of a poor man to get money.⁵⁷ Orde showed himself fully ready both to listen to and to pay well for reports on Popish plots.

Some Catholics did indeed share Luke Teeling's sympathies, but hardly on a scale to justify the morbid fears of the Rutland administration. The government made much of the fact that a dozen Catholics in Dublin had signed a petition in support of the proposed reform congress. The intelligence service duly reported the names of those Catholics, along with their occupations. As most of them pursued relatively humble trades such as tailoring or small-scale shopkeeping, the report served to strengthen the government's perception that Parliamentary reform could only lead to the triumph of a Popish mobocracy. Some glimmers of unintentional humor occasionally illuminated the gloomy paranoia of the

⁵⁴ See for example HO 100/14/209-10, 30 October, 1784, Cooke to Nepean "There are some bad principles among particular classes of Roman Catholics, fomented by Priests and I believe French Emissaries." Nonetheless, Cooke, who was as a rule a level-headed man, had to state "...I could never discover French gold." And of course FitzGibbon, the Munster Protestant, happily circulated the old chestnut from the Whiteboy scares of the 1760's, of French gold circulating among the lower orders; Sneyd Muniments, FitzGibbon to Eden, 29 August, 1784

⁵⁵ For an example of the obsession with Irish officers in the French service see 100/16/392 Orde to Nepean, 28 May, 1785; Orde assures Nepean that he will keep a close watch on one Colonel Kendall, recently retired from the French service, a man of "an intriguing and insinuating turn."

⁵⁶ HO 100/14/100-1, 8 September, 1784, Orde to Nepean

⁵⁷ SP 63/455/57-8

government's reports. One signatory of the petition, Ignatius Weldon, was identified simply as a "Papist". Evidently subverting the Protestant constitution in Church and State was a full-time occupation.⁵⁸

The government's suspicion embraced not only Catholics laborers and tradesmen, but the small body of gentry and aristocracy, hitherto remarkable for their conservatism and obsequiousness. Some indiscreet remarks expressing hope for an eventual extension of voting rights to Catholics elevated Sir Patrick Bellew to the rank of Popish incendiary in chief.⁵⁹ Only the Bishop of Derry exceeded him in the peculiar demonology of the Castle. The friendship between Charles Vallancy, the Master of the Ordnance, and Charles O'Connor of Ballanagar served as the occasion for yet another exercise in the black comedy of official anti-Catholic paranoia. Having discovered that O'Connor was planning to write a history of the Rebellion of 1641, Vallancy wrote to Orde and suggested a government pension for his partner in Celtic antiquarianism.⁶⁰ Vallancy apparently believed that as a government pensioner, O'Connor would be less inclined to dispute accounts of Catholic atrocities, which had always served as a major justification for their political and civil disabilities. Meanwhile, O'Connor, who had long since abandoned politics to immerse himself in the study of Irish antiquities, was enthusiastically praising Vallancy's silly theories about the supposed Egyptian origins of the ancient Irish.⁶¹

Rutland and Orde did not take up Vallancy's suggestion. Instead, they considered more extensive ways of bringing the Catholics to heel. In his correspondence with Sydney, Rutland raised the possibility of suppressing Catholic political aspirations by threatening to revoke the rights and privileges granted in 1782.⁶² Nothing came of this suggestion. The Government next considered the notion of persuading (or bullying) Catholics into presenting loyal addresses asserting their perfect contentment with the benevolent order under which they lived and disavowing all claims to political equality.⁶³ Not surprisingly, the Catholics did not respond with any great enthusiasm. Lord Kenmare

58 Bolton 16,350/65

59 Sir Patrick made these offending remarks in December of 1783; see *Volunteer's Journal* December 12, 1783. For an example of the deep suspicion surrounding him see Sydney Papers, C/20, Rutland to Sydney, 7 October, 1784. "As to Sir Patrick Bellew, I believe he carries his ideas of mischief as far as any Catholick in Ireland." But Rutland had to admit that he had no solid proof of anything apart from indiscretion. He could only promise Sydney that his spies would keep a close watch on Bellew.

60 Bolton, 16,350/19

61 Ibid., 16,350/20

62 Sydney Papers, C/20, op. cit.

63 See for example George, Baron Hamilton's accounts of his high-handed, but failed attempts to obtain a Catholic address: Bolton 16,350/27,47, 49; see also Bolton 16,350 for Lord Dunsany's more tactful efforts to persuade his kinsman, Lord Fingall.

and James Butler, the titular archbishop of Cashel, did attempt to comply with government demands, but a deep aggrievement tempered their habitual submissiveness.⁶⁴ In a letter to Sir Boyle Roche, Lord Kenmare expressed his mortification that he and other Catholics of his rank should be held accountable for the "Impudence" of "some insignificant individuals among us."⁶⁵ Lord Gormanston's correspondence from this period reveals a resentful awareness of government spies observing even the most eminent Catholics for indiscreet remarks or actions.⁶⁶ This same perception of the government's hostility led once reliable Catholics, notably Lord Fingal and the two partners in the great textile firm of Comerford and O'Brien, to refuse outright to promote such a petition.⁶⁷

Rutland and Orde adopted their attitude toward Catholics largely in response to alarmed reports from Church of Ireland clergy and from conservative country gentlemen, like the articulate Mr. Vernon of Clontarf. These men had witnessed massive changes in the structures that had long defended their security and privileges: the abolition of large parts of the penal code and the curtailment of British power in Ireland. Consequently they were all the more anxious to preserve what remained of Protestant hegemony and English authority. In their minds, the extremism of Luke Teeling or the indiscretion of Patrick Bellew reflected the secret desires of all Catholics from Lord Kenmare down to the humblest "Popish blackshoe". Any and all Protestants who desired further reform were by definition traitors to their class, to their religion and to the British connection. No doubt, Orde and Rutland were relieved to discover Irish gentlemen willing to uphold the authority of government. No doubt they were equally relieved to find in the Catholic menace a single, easily identifiable culprit for the difficulties they faced. But the readiness of Rutland and Orde to fall in with extreme Protestant opinion reflected a fundamental lack of both nerve and common sense. However necessary it may have been to discourage further Catholic political aspiration, it was supremely unnecessary to give the impression of outright hostility. Such an attitude only discredited those Catholics anxious to maintain traditional good relations with the government and confirmed the alienation of the radicals.

No positive proof exists of FitzGibbon's part in the anti-Catholic tone of the Rutland administration. Nonetheless, given his habits of mind, he undoubtedly played a

⁶⁴ For an account of Kenmare's efforts and their failure see *Volunteer Evening Post*, 8-11 May, 1784; the government expected more out of poor Kenmare than he could reasonably deliver. Long before the famous break in 1792, he appears to have been despised by more assertive and spirited Catholics. See the *Volunteer's Journal*, 21 November, 1783, which gave an account of the burning of an effigy of Kenmare. The effigy bore a placard which read "Bear your sufferings a hundred years more and your Protestant neighbors will pity you."

⁶⁵ Bolton, 16, 350/16

⁶⁶ Bolton 16,350/57

⁶⁷ Bolton 16,350/42

large role in encouraging the antagonisms of his superiors. His intelligence, his decisiveness and his gift for clear, trenchant expression would have enhanced the influence of his office. A comparison of a letter from Orde to Pitt and one from FitzGibbon to Eden, both written at the end of August 1784, display a similarity that could only result from mutual consultation leading to a mutual conviction of a Popish-radical Protestant conspiracy to overthrow the government. What had been merely a disturbing possibility to Sheridan had become a certainty to the arriviste of Catholic origin and to his credulous, frightened colleague. Orde gave this account of the Irish situation at the end of the summer of 1784

It is really provoking to think, that the Falsehood and misrepresentation of such a set of men should have the influence to put in hazard the very peace of the country and expose the Government to insult and revolution. There can hardly be a doubt that the direct intentions of the Faction are to sacrifice everything to the success of their schemes, which have in view not a mere non-importation agreement or a Parliamentary reform or even a dissolution of the present Parliament, but an entire dissolution of the subsisting connection with Great Britain, any change whatever must be of service to them who have nothing to lose, and if they would not scruple to use any Instruments by wch their success might be more easy and complete. It is on this account that I have never ceased to declare my opinion that they will seek to carry their purposes into execution by means of the Catholics and if it could be possible for so contemptible a crew to obtain the credit of any foreign encouragement, they would not hesitate to sue for it.⁶⁸

FitzGibbon said the same, though characteristically, he was the more forceful and precise. He was also slightly more even-handed in his animosities. His early professions of admiration for their "constitutional resistance" long forgotten, FitzGibbon expressed as much contempt for troublemaking Ulster Presbyterians as he did for Catholics with political notions:

As to a Parliamentary reform, as it is called in this country, if any alteration is made in the Constitution of the House of Commons in Ireland, there is an end of any connection with England, unless it can be sustained by the sword. I have very little doubt that French gold is in circulation amongst the lower class of people in this country. The Puritans of the North are become Advocates for Religious Tolerance and the Catholics profess a strong predilection for Republican government. The Puritans tell them if you will assist us in reforming the constitution we will assist you in shaking off every restraint with the laws of Ireland now impose upon you. If these worthy personages succeed in their projects, it does not require any great degree of sagacity to discover that we shall not very long have a Protestant government in this country.⁶⁹

68 Bolton 16,355/10-12

69 Sneyd Muniments, FitzGibbon to Eden, August 28, 1784

A passing remark by one of Orde's more active anti-Catholic correspondents, George Hamilton, a baron of the Exchequer Court, also suggests FitzGibbon's active participation in instilling hostility and fear in the new administration. Hamilton informed Orde that he would soon be receiving a visit from the attorney-general. The two may well have exchanged gossip about the perfidious intentions of the Papists, and it is also likely that FitzGibbon served as a conduit for news that Hamilton could not or would not commit to paper.⁷⁰ Finally, he probably suggested the ploy of threatening the Catholics with the revocation of the privileges granted in 1782. That sort of intimidation seems far more characteristic of FitzGibbon than of the good-natured Rutland.⁷¹

In the end, the Rutland administration's suspicions and the resultant alienation of otherwise well-disposed Catholics were unnecessary. Along with FitzGibbon, they gravely under-estimated the strength of anti-Catholic feeling yet remaining among many Protestants who otherwise favored Parliamentary reform. For example, Sir Edward Newenham, one of the leading advocates of reform and the object of numerous hostile Castle memoranda, was notoriously anti-Catholic. He had earned the soubriquet "Knight of St. Doulough" because he had allegedly defecated in a well dedicated to that saint.⁷² Even Tandy, who had been foremost in encouraging Catholic political activity, backed off when he perceived that the issue of their participation was jeopardizing the unity and the appeal of the parliamentary reform movement.⁷³

The promising divisions between Catholics and reformers by no means reassured the government. Throughout the spring and summer of 1784, Rutland and Orde anxiously observed the actions with the reformers took to promote the congress; at the same time, they groped for the most effective means of putting an end to it. The government hoped that all or most sheriffs would reject the requisition from Dublin, thus sparing them the necessity of taking any action at all. During the summer and autumn of 1784, freeholders

⁷⁰ Bolton 16,350/64; "The Attorney General has promised me a visit." Hamilton to Orde, 18 October, 1784

⁷¹ In his letter to Sydney, Rutland assures him that if it were found necessary to revoke the legislation of 1782, there were "persons of respect and independence in both houses who would willingly undertake such an office." (Sydney MS, C/20, op. cit.) FitzGibbon undoubtedly was foremost in volunteering his services in such a contingency.

⁷² The *Freeman's Journal*, which was both pro-government and pro-Catholic, particularly enjoyed mocking Sir Edward. See for example the edition of 23-26 July, 1791. The article in question, dated 25 July, 1791 accused Sir Edward of taking part in a Bastille Day riot. "An action, it is said, is intended to be brought against him by several persons who had their windows broken, which may prove of more serious consequence to him, than the *exploit* of St. Doulough's well."

⁷³ Bolton 16,350/21 Tandy to ? 2 October, 1784 "I have a scheme in Hands which I think will effectually secure the support of the whole Nation, no less than an Expectation of getting the Roman Catholics to renounce their Pretensions to a Right of Suffrage, many of them see they are the only obstacle to our Union and I think I shall succeed."

met to determine whether their respective counties would elect delegates to the national congress. While most made a gratifyingly negative response to the requisition, several of the major counties expressed support for the idea of parliamentary reform and agreed to elect delegates. The *town* of Belfast and the County of Antrim, of course, readily supported both reform and the requisition, as did the city and county of Dublin. By far the most liberal response came from Galway, which had a large and prosperous Catholic gentry and which was controlled politically by their sympathetic convert relations. Delegates were quickly selected and as quickly they resolved that "the prosperity of the nation depends on restoring the Democracy in Parliament [and] that the Roman Catholics should have the right of suffrage". None of the other counties which agreed to send delegates were prepared to go as far as Galway. The delegates from King's county, more typically, called for a strictly Protestant suffrage. The whims and quarrels of the local gentry, rather than the merits or demerits of Parliamentary reform, usually determined whether a county chose to respond to the requisition. Those counties where politics were successfully managed by a pro-Carlisle interest usually made loyal resolutions. In counties where disputed elections had taken place or where the gentry families were at odds over patronage and prestige, the Dublin requisition offered an opportunity to court popularity.⁷⁴

The response of the county of Limerick to the requisition is of particular interest in determining FitzGibbon's local standing. It would appear that he did not exercise the same influence in Limerick that he did in government councils in Dublin. In response to the requisition a meeting convened in Limerick City. Speaker Per y, Lord Mass y, Sir Henry Hartstonge as well as FitzGibbon attended. The Limerick meeting did indeed condemn the Dublin requisition. At the same time, it passed resolutions in favor of protective duties and in favor of "constitutional" reform, that is reform initiated by Parliament itself. The anonymous correspondent who reported on the county meetings for Orde's benefit commented that "All Parties united on this occasion, and concessions were made on both sides for the sake of unanimity." In agreeing to a resolution favoring his two professed aversions, protective duties and reform, FitzGibbon appears to have done most of the conceding. The popular interest, represented by Hartstonge and Massey, evidently retained enough strength to impose on FitzGibbon a rare degree of restraint and flexibility. If he had acted with his Dublin high-handedness, he well have suffered the humiliation of seeing the native county of the crown's chief law officer send delegates to the "congress".⁷⁵

⁷⁴ Bolton, 15,958/2

⁷⁵ Ibid.

In spite of the disappointing response to the requisition, the government remained uneasy. The meeting in Dublin had, after all, resolved to send delegates to the Congress. Two government stalwarts, Luke Gardiner and General Luttrell attended with the hope of confining the meeting to property holders, who would be the more likely to reject a requisition. They were, nonetheless, easily outvoted by those in favor of opening the meeting to all inhabitants, without distinction. The weight of numbers (and possibly the unsavory reputation of Luttrell, who had earlier distinguished himself as John Wilkes' opponent) went against any efforts to convene a more select meeting. Predictably, the popular meeting chose the popular course and voted to send five delegates to the reform congress. The sheriff of Dublin, Stephen Reilly, duly issued a summons to the freemen and freeholders of Dublin to assemble for the purpose of selecting the five delegates.⁷⁶

This outcome had intolerable implications for the government. Dublin, as Orde noted, "takes the lead of the Rest of the Country." Such considerations prompted the Government, in the person of FitzGibbon to intervene. Reilly, along with his colleague in the Dublin shrievalty, received a letter which demonstrated beyond a doubt that his recent elevation had not tempered FitzGibbon's peculiar rhetorical habits :

Gentlemen:
I have read with great surprise a formal summons signed by you as high sheriffs of the City of Dublin calling upon the freeholders and freemen of your bailiwick to meet for such a purpose, you have been guilty of a most outrageous breach of your duty; that if you proceed to hold such an election you are responsible for it to the laws of your country.⁷⁷

to hold elections for delegates for the reform Congress. In summoning electors

The sheriffs, uncowed by the threats from Ely place, summoned the meeting anyway. FitzGibbon responded by appearing with the prime serjeant, Arthur Wolfe, and the egregious General Luttrell in tow. He declared the assembly illegal and ordered the participants to disperse. In spite of the predictable jeers and protests, FitzGibbon carried his point and the crowd dispersed.⁷⁸

Nothing in the official correspondence or in Orde's private collection of letters gives any warning of this action. Its melodrama, its contempt for public opinion and its brutal effectiveness, suggest strongly a brainchild of FitzGibbon's. Very possibly he

76 Grattan III, p. 208; probably the most detailed and least highly colored account of the meetings in Dublin can be found in Ridgeway, Lapp and Schoales, *Irish Term Reports*, (Dublin, 1796) pp. 204-211
77 Grattan III, op. cit.
78 Ibid.; HO 100/14/102, Rutland to Sydney, 20 September, 1784

proposed this plan of attack to Orde and undertook to carry it out. If so, he not only put an effective, if temporary end, to reform activity, he enhanced the British government's good opinion of him; such a motive surely prompted his public performance as much as, if not more than, a desire to suppress the menace posed by rebellious sheriffs and disorderly public assemblies. The British government duly responded. Lord Sydney wrote:

The conduct of the attorney general...does him the greatest credit, and your Grace will please to assure him that it has not escaped his majesty's notice.⁷⁹

His conduct did not escape the notice of his old enemies in the press, though predictably, they took a less favorable view. Although the hired government newspapers dutifully praised FitzGibbon's forceful and manly actions, the more widely read radical press outdid itself in calumniating FitzGibbon. It would be impossible to do justice to the varied and highly inventive abuse which filled the newspapers, following FitzGibbon's appearance at the aggregate meeting. This ingenious exercise in scatology, which purported to account for the fate of another warning missive sent by FitzGibbon to a sheriff, best represents the whole:

The star chamber edict that our sheriffs received has amazed every man acquainted with the constitution---and it has amazed the city no less that they did not treat it with deserved contempt. Others of a similar nature were sent to such sheriffs in the country, as could not be flattered or bribed to destroy the public cause. One sheriff in particular treated it in a manner not certainly the most respectable to his majesty's attorney general. Having read Jacky Pert's letter, he hung it up in the grand jury room. When the grand jury were assembled, he handed it to them, and they unanimously expressed their indignation at such a daring attack on the inherent rights of the subject. The sheriff then with the consent of all present, quartered it, and immediately going to pay his devoirs in the Temple of Cloacina, he offered up the fragments on her altar as a peace offering to insulted liberty, after which he convened the county, to consider the most effectual means to promote a parliamentary reform.⁸⁰

The high drama of September gave way to a lull in October, as Orde and Rutland considered what further measures, if any, they would take against the congress and the offending sheriffs. Orde in particular sought out the opinions of Pitt and of Hugh Carleton, the solicitor general for Ireland, who was sojourning at Bath. If Orde had hoped for detailed instructions, to be executed with his habitual clerical meticulousness, he met with disappointment. Pitt looked upon the Congress as a contemptible affair and advocated

⁷⁹ HO 100/14/111 Sydney to Rutland, 25 September, 1784

⁸⁰ *Volunteer's Journal*, 27 September, 1784

lofty neglect.⁸¹ Carleton, while conceding that Reilly might have acted illegally, was similarly cautious in his judgment. Like Pitt, he noted that the congress could very well fade away of its own insignificant accord, thus depriving the government of any need to take definitive action. Carleton also observed that the restless circumstances of the times had created new forms of political organization and expression that did not fit traditional legal definitions of sedition and unlawful assembly:

The Fashion of the Times, the use which has been made of Publick Meetings by members of Every Party in this Country: the acknowledged right of Petitioning, the modern practice of English opposition in availing themselves of the State of Irish Politicks to Embarrass the English Administration: the Novelty and Doubt attending the Legal Question and various other circumstances render it necessary to be peculiarly circumspect in every active measure which you may adopt⁸²

Orde's obligation to consult with England before taking any definitive step, as well as habitual fussiness, no doubt accounted for his correspondence with Pitt and with Carleton. Nonetheless, a short squib in the *Dublin Evening Post*, dated October 5, 1784, suggests yet another possible reason for the spate of correspondence. The paragraph in question reported on an alleged dispute between "Fitzprig" and "Aguecheek", on the course of action to be taken---or not taken---against Reilly and the Congress. FitzGibbon apparently strongly recommended prosecution, but "Aguecheek, however, thought proper for this time to differ with *Prig*, until he had better advice on the matter, lest the boy's rancour should lead him into error." Unlike most of the items reported about FitzGibbon at the time, this paragraph has some claims to plausibility. FitzGibbon, quick-witted and forceful, may well have found the plodding Orde irritating at times, while Orde, in return, may have found his devoted attorney general a bit too "decisive and manly", to borrow a common plaudit of the government newspapers.

If any disagreement did indeed arise, it abated quickly. FitzGibbon could show a remarkable discretion and compliance in the service of his ambition. Apparently, Orde wrote his nervous letters of inquiry without any noticeable signs of impatience or disapproval on FitzGibbon's part. He he betrayed any such sentiments, Orde, given his oversensitivity, would have noted FitzGibbon's unsatisfactory behavior. The noncommittal answers of Pitt and Carleton and FitzGibbon's proximity eventually led to the triumph of his point of view.

8 1 Bolton 16,350/45

8 2 Bolton, 16,350/44

In November of 1784, FitzGibbon proceeded against Reilly through the legal device of "attachment". This procedure allowed the attorney general to lodge an "information" or complaint with the judges of the King's Bench. Specifically, FitzGibbon accused Reilly of abusing his office by summoning an illegal and seditious assembly. The judges then determined the merits of the case.⁸³ Unquestionably, FitzGibbon resorted to this mode of prosecution because it allowed him to avoid an almost certain dismissal of charges from a jury drawn from the populace of radical Dublin. He of course, claimed a loftier motive: preventing the delay of a jury trial and with it the spread of agitation.⁸⁴

Once again, his actions aroused controversy. The radical newspapers, as a matter of course, heaped abuse on FitzGibbon's insolence, tyranny and ignorance of the law. He was, according to one paragraph, more conversant with lewd French novels than with Coke upon Lyttleton.⁸⁵ A dismal debate on the legality of attachments raged in both the press and in innumerable pamphlets. Those writers favoring reform and opposing the government denounced attachments as a violation of Reilly's right to a trial by a jury of his peers.⁸⁶ Those writers in government pay portrayed FitzGibbon's actions as a heroic attempt to curb the abuse of power by a public official.⁸⁷

The paper war in the press held far less importance to the Rutland administration than the outcome in the courts. It faced a serious blow to its prestige if the judges decided that Reilly was merely presiding over a peaceable assembly of the King's subjects. The apprehensions of the government even embraced the judges, hitherto considered unquestionably loyal and compliant. In particular, the Recorder of Dublin, Sir Samuel Bradstreet, stirred official anxiety by publicly questioning the propriety of attachments.⁸⁸ In the end, when the verdict was finally pronounced on Reilly, the habitual docility of the Bench held true, even in the case of Bradstreet. To quote FitzGibbon's own inimitable turn of phrase, "Slippery Sam read his recantation handsomely", joining with his colleagues in finding the attorney general's complain valid and Reilly guilty.⁸⁹ FitzGibbon requested a

⁸³ HO100/14/238-9; *Grattan III*, op.cit.

⁸⁴ *PR* (1785), pp 406-7

⁸⁵ *Volunteer's Journal*, 8 November 1784

⁸⁶ See for example, the same publication for 1 November, 1784, which ingeniously compared FitzGibbon to Lucifer. This entry also described the Dublin aggregate meeting summoned by Reilly as "the people assembled in a legal and constitutional manner to deliberate on the most advisable mode for a reform of that corrupt representation, which supported the various measures of a tyrannical government and the unjustifiable views of an overbearing aristocracy."

⁸⁷ The ineffable *Volunteer Evening Post* offers a contrary example in the edition of 5-7 October, 1784, which praises FitzGibbon's "legal knowledge and undaunted conduct."

⁸⁸ Bolton, 16358/1 Orde to Pitt, 4 October, 1784; on Bradstreet's scruples see Bolton 16,350/62, Carleton to Orde, no date

⁸⁹ Bolton 16,350/64; FitzGibbon to Orde, 11th December, 1784

relatively mild penalty: a fine of one mark.⁹⁰ Having asserted the power of government and his own influence over that government, FitzGibbon undoubtedly felt free to act magnanimously. He also may have recognized that punishing Reilly with undue severity would give the reform party a new grievance, a new cause and a new initiative.

The preparations for the congress continued even as the legal proceedings against Reilly were grinding away. The advocates of reform defiantly met in the Linenhall on October 7 and duly returned five delegates to the congress, Sir Edward Newenham chief among them. The meeting also passed resolutions praising Reilly's patriotism and condemning the "petulant peevishness of a placeman."⁹¹ A straggling preliminary meeting of the delegates took place three weeks later, on October 25. It ended with resolutions asserting the necessity of parliamentary reform and appealing to those counties with had chosen not to send delegates to reconsider. The congress then adjourned until January 1785. The second meeting was as bedraggled and sparsely attended as the first. After drawing up a plan of reform calling for an extended (and exclusively Protestant) franchise, the curtailment of borough influence and the required residence of all members in their respective counties or burgages, the congress again adjourned.⁹² The spectre of reform and with it the establishment of a Catholic dominated American style mobocracy, so terrifying in the summer of 1784, faded into anti-climax.

His triumphs in Dublin gave FitzGibbon the impetus to initiate yet another case, intended to drive home the lesson that the government would not tolerate reform activity of any kind on the part of anyone, no matter how exalted. He chose George Nugent Reynolds, a magistrate of County Leitrim, as the object of political edification. Although the sheriffs of Leitrim had rejected the requisition to elect delegates, Reynolds, on his own initiative, had organized a meeting for this purpose, which met in October of 1784.⁹³ Once he had settled accounts with Reilly, FitzGibbon attached Reynolds, because he, as a magistrate, had defied the lawful authority of the sheriff. Reynolds and his like-minded colleagues on the bench appear to have anticipated such retaliation. They requested the noted Scottish Whig lawyer, Henry Erskine, to give an opinion of the legality of attachments. Not surprisingly, Erskine decided they were, on the whole, illegal. Erskine's

90 *Freeman's Journal*, 4-7 December, 1784; *Grattan III*, p. 213; there is a slight discrepancy in the accounts of Reilly's punishment. Grattan states that Reilly was also sentenced to one week in prison. I give more credit to the account in *Freeman's*, which states that Reilly was merely fined a mark and then released. It is the more contemporary source.

91 HO 100/4/154-5

92 *Falkiner's Dublin Journal*, 5-8 February, 1785

93 *Volunteer Evening Post*, 2-4 December, 1784

opinion was above all a gesture of partisan support, and had no weight in the case.⁹⁴ Certainly FitzGibbon would have held it in little regard. Nonetheless, in this instance, he did not enjoy the same persecutory success. Lord Earlsfort and the Chancellor, Lord Lifford, eventually dismissed the motion for attachment.⁹⁵ None of the accounts of the case give any coherent reasons for his failure in this instance. Presumably, by early 1786, when the case was eventually brought to judgment, the reform movement had to all appearances lapsed into moribundity. Consequently, making an example of Reynolds was not a particularly pressing matter. FitzGibbon, engulfed as he was in legal and parliamentary business, may not have had the time to prepare the case with the same thoroughness. Finally, professional jealousy may have worked against FitzGibbon. Earlsfort, formerly John Scott, Buckinghamshire's attorney general, had turned against his former protege, rightly seeing in him a superior rival. This sentiment may well have influenced his decision, if not that of the amiable, somnolent Lifford.⁹⁶

FitzGibbon faced a far more immediate negative reaction in the aftermath of Reilly's trial. The writers in the radical press found their usual denunciations of mere mortal vices inadequate in the face of this most recent of his enormities. It was at this time that paragraphs comparing him to Lucifer appeared. His reaction suggests that the steady barrage of invective had wounded him, in spite of his professed contempt for anonymous hacks. In November of 1784, he at last ended the amazing forbearance of four years and retaliated against the *Dublin Evening Post*, the most widely read of the radical newspapers. Curiously enough, he chose to prosecute, not for any its more recent offerings, but for a paragraph which had appeared almost six months before: the small item accusing him of preferring the smell of hair powder to that of gun powder. The reasons for his delay and for his choice of this comparatively mild gibe remain an unsolvable mystery. Possibly he had intended to ignore it, as he had ignored similar and worse squibs. As the tide of

⁹⁴ Grattan III, pp. 221-23

⁹⁵ *Volunteer's Journal*, 13 March, 1786

⁹⁶ Reynolds died in a duel with a neighbor shortly after his legal victory, and FitzGibbon then had the responsibility of prosecuting his murderer. FitzGibbon's legal, if not personal enmity carried into the next generation. In 1795, in his capacity as Lord Chancellor, he removed Reynolds' son and namesake from the rolls of the magistracy, because of his alleged leniency toward accused Defenders. Undoubtedly moved by his late father's as well as his own grudge against FitzGibbon, Reynolds composed a savage letter which touched on FitzGibbon's every vulnerability, from low birth to the sensitive subject of his Catholic/Jesuit ancestry. FitzGibbon's enemies avidly copied and circulated copies of the letter, no doubt because Reynolds spoke for many gentlemen of his class who felt wronged, slighted or passed over by the arrogant son of an ex-Jesuit. For an account of FitzGibbon's prosecution of Keon, the antagonist in Reynold's fatal duel, see Falkiner's *Dublin Journal*, 28 June, 1787; Reynold's letter was widely circulated and copied, even by individuals who worked closely with FitzGibbon in government. Charles Agar, the bishop of Cashel kept a copy (PRONI T3719/C29/45/ p. 1); Lord Aldborough, the victim of a legal battle with FitzGibbon also retained a copy (PRONI T3300/13/18/1)

feeling against him rose and as the press, in spite of the recent law, grew more audacious, this paragraph simply served as a random flash point for his long accumulated and understandable anger. The *Dublin Evening Post* predictably ridiculed the suit:

The most laughable matter yesterday before the King's Bench was an old paragraph in this paper, that a person called Petulant disliked the smell of any powder save powder prepared by the friseur. This was by innuendo made to allude to a gentleman of the law, but why any man should apply it to himself or what offense it could give, when applied is a matter of general astonishment and ridicule.

Whether the wanton boy prizes gun-powder, hair powder or love powder most, we certainly must allow him to possess a fund of legal knowledge, as no hero that ever wriggled under a three tailed wig, or strutted under a silk gown diffused more new information among the people; but see what is to give encouragement to genius? If the benefit of the business were not so great, perhaps this gentleman's great abilities would never be known and J_____ the boy only fidget through life distinguished barely as the amorous barrister."⁹⁷

But the outcome was not quite as humorous. FitzGibbon again employed the procedure of attachment against the publisher, John Magee, and in February of 1785, he received a sentence imposing on him a L5 fine, a prison sentence of one month and sureties for good behavior for three years.⁹⁸ His actions do not appear to have silenced his opponents in the press. They continued their attacks both personal and political. In particular, they seized on FitzGibbon's frequent use of attachments. For the rest of his life, allusions to his tyrannical contempt for the rights of trial by jury pursued him *ad nauseum*. FitzGibbon soon faced similar criticism, not merely from obscure journalists, but from his colleagues when Parliament opened in January of 1785. There he and the government he served faced an opposition risen from moribundity.

(iii)

The Rutland administration's neglect of the notable figures of the Opposition probably represents its single greatest failure, among many. Arguably, the government had a good opportunity early in 1784, when many former enthusiasts for "the people" were shying away from the fearful actuality. The great opposition families, the Ponsonbys and the FitzGeralds, held aloof from the reform activities of the summer. In Kildare, the FitzGerald sphere of influence, no county meeting to consider the requisitions took place.

⁹⁷ *Dublin Evening Post*, 9 November, 1784 FitzGibbon's alleged preference for hair powder over gun powder surfaced again in the radical press; see *Morning Post/Dublin Courant*, 2 December, 1794

⁹⁸ *Volunteer's Journal*, 3 February, 10 February, 1785

Indeed, as early as February 1784, the Duke of Leinster had communicated to the government his opposition both to reform and to protectionist duties.⁹⁹ Grattan, it is true, had refused to sign a petition organized by government sympathizers to denounce the congress, but he did so on grounds of habitual contrariness rather than out of any love for the principle of popular reform. Signing such a petition, he informed Orde, would compromise his dignity and his independence as a member of Parliament.¹⁰⁰ Grattan may well have avoided committing himself because he did not want to risk further public opprobrium or because he hoped to make use of the issue for his own purposes. Whatever his reasons, nothing in his reply precluded further sympathetic overtures, had the government cared to make them. But Orde, FitzGibbon and their colleagues in the councils of government made no effort to persuade Grattan to use his lofty position in the 'Senate' to cooperate with the government, as he had done in the case of the Press Act. The Government was similarly negligent in the case of the great families.

Granted, Rutland's government did not have much time to conciliate the various opposing factions of the Irish ruling elite, faced as it was with immediate crises. The Rutland administration may also have assumed that in the face of menaces from Catholics, Dublin workers and other undesirables, every self-respecting and self-interested Protestant gentleman would, as a matter of course, side with the forces of Government. The comparative cooperation they received in the winter of 1784 undoubtedly lulled them into thinking as much. The partisan prejudices left over from Carlisle's recall may also have led the administration to neglect the opposition.

Inevitably, the government's sloth revived habits of partisan contention. Most members of the opposition continued to shy away from reform, either because it threatened their own interests or because they had no love for the current leaders of the movement. Such was certainly the case with Grattan. In debates on the address to the king in 1785, he took the lead in condemning the Congress. Such *ad hoc* bodies, he claimed, prejudiced the "reform of parliament at the same time that they insult its authority."¹⁰¹ Under these uncomfortable circumstances, the use of attachments served as a convenient and unassailably popular rallying point. Lord Charles FitzGerald, in conjunction with Brownlow, later introduced a resolution which took a more emphatic tone:

⁹⁹ HO 100/12/125-30; Rutland to Sydney, 27 February, 1784; Bolton, 15, 958/2 "Sheriff ready to convene county, but so far no request from freeholders. Leinster leading interest. Lord Mayo...and gentlemen of property not friends to innovation."

¹⁰⁰ Bolton, 16,350/11, no date

¹⁰¹ *PR* (1785) I, p. 62

That the proceedings of the Court of the King's Bench in attacking the Sheriff and punishing him in summary way as for a contempt, was contrary to the principles of the constitution as depriving him of his trial by jury and is a precedent of a dangerous tendency.¹⁰²

The responsibility for defending the government's policies inevitably fell on FitzGibbon, as the chief spokesman for the government and as the architect of this policy. He conducted himself with his usual forcefulness and with his usual excess and acerbity. In keeping with the spirit of the Rutland administration and with the inclinations of his own nature, he characterized the meeting of Dublin freeholders as an "illegal assembly of Papists and men of all descriptions" bent on nothing less than the subversion of the constitution of church and state. Reilly, in summoning such a motley assemblage of undesirables was, therefore, guilty of misprision. FitzGibbon also lectured his fellow members on points of law:

...and that gentlemen may hereafter know what an unlawful assembly is, I will inform them.

Serjeant Hawkins says "An unlawful assembly is the meeting of a number of people with arms to demand the redress of any common grievance or the restoration of any common right, because no man can foresee what the event of such meetings may be."¹⁰³

There were some small inconsistencies in this black and lurid account. If Reilly was indeed guilty of inciting Papists and men of all descriptions to overthrow the constitution in church and state, he ought to have suffered a graver penalty than a mark's fine. Also, there is no evidence that the assembly was armed, apart possibly from the incidental small arms considered necessary to the well-dressed 18th century gentleman. Nevertheless, the majority of his fellow members overlooked these minor, doubtful points and accepted his central premise, that the government had acted with scrupulous legality to avert an act of subversion by a public official. The motion of FitzGerald and Brownlow met with defeat by a margin of 143-73. A second attempt by Flood to reintroduce a measure condemning attachments was no more successful. Parliament rejected the measure by a still more resounding margin of 120-48.¹⁰⁴

Unfortunately, FitzGibbon's demeanor, barely within the bounds of acceptability when he was a struggling young back bencher, badly compromised the government's

¹⁰² Ibid., pp. 370. Actually, Brownlow alone introduced the measure. Lord Charles was indisposed on the day it was to have been introduced.

¹⁰³ Ibid., p. 406-7

¹⁰⁴ Ibid. p.410

dignity and created needless antagonism when he spoke in the capacity of a high officer of state. Most notably, he engaged in a verbal brawl with John Philpot Curran, who was just beginning his career as a leading member of the radical wing of the opposition. FitzGibbon met Curran's criticism of the judges with the singularly pointless and graceless observation that he (Curran) was a "puny babbler."¹⁰⁵ Curran displayed slightly more skill in repartee, scoring points not only at the expense of FitzGibbon's character, but at the expense of the attorney general's recent electioneering troubles:

He was not a man whose respect in person and character depended upon the importance of his office; he was not a young man who thrust himself into the foreground of a picture, which ought to be occupied by a better figure; he was not a man who replied with invective when sinking under the weight of an argument; he was not a man who denied the necessity of a Parliamentary reform at the time he proved the expediency of it by reviling his own constituents, the parish clerk, the sexton and the gravedigger ¹⁰⁶

In fairness, some of the Rutland administration's difficulties were not of its making. Even when a relative degree of unanimity and cooperation seemed attainable, the English government stepped in to re-assert the general tone of indecision and inconsistency. Such was the case with the militia bill, introduced in February of 1785. Rutland's fondest governing wish, or so he claimed, was to replace ^{what he claimed to be the} dangerously Catholicized Volunteers with a safe, purely Protestant militia.¹⁰⁷ In this desire, he had almost a broad base of support in Parliament. The Volunteers, of course, still had vociferous supporters. Flood made the melodramatic claim that "A militia is to be raised, not that the people may learn the use of arms, but that they may be obliged to lay down their arms."¹⁰⁸

FitzGibbon, of course, took the opportunity to express his cherished sentiments; the Volunteers were a source of subversion and specifically of Papist subversion aided and abetted by Protestant infatuation. After making the characteristic disclaimer "I am not a bigot", he added "...I say the Irish Protestant who would admit Catholics to the use of arms, if he does not do it out of folly, is a most dangerous enemy to his country." He added, "Upon the whole, Sir, I do not think there can be a good government, while a body of men, independent of the

¹⁰⁵ Ibid. p. 405 "Let no puny babbler presume to blast with vile unhanded calumny the reputation of the judges of the land."

¹⁰⁶ *Grattan III*, p. 220

¹⁰⁷ Sydney, C/20 Rutland to Sydney, 20 November, 1784, "I am more and more sanguine as to the success of my favorite project, the *Establishment of a National Protestant Militia*"

¹⁰⁸ *PR (1785) II*, p. 284

state remains in arms. I would therefore wish to see them retire to cultivate the blessings of peace, for I think any man who does not array under lawful authority ought not to be trusted." ¹⁰⁹ The result of the long debate was the passage of the motion in favour of the militia and the emasculation of Brownlow's resolution of thanks to the Volunteers. The government, opposed to a militia in 1778, found one desirable in 1785 as the lesser evil, and opposition itself was torn between support of the Volunteer ideal and the attainment of an Irish militia.¹¹⁰ For London, however, an Irish militia was anathema, which explains why, despite the protests of Rutland and Orde, Pitt and his ministers deliberately allowed the matter to slip into abeyance.¹¹¹

The Irish government's ineffectiveness in managing Parliament, the English government's habits of maladroit interference and FitzGibbon's flaws as a spokesman became most apparent during the second round of debates on the so-called Commercial Propositions of 1785. This measure represented Pitt's master plan to conciliate, once and for all, Irish grievances over trade. Sheridan had recommended as much early in 1784, convinced that such a course of action would eliminate Irish unrest and Irish addiction to such nonsensical notions as parliamentary reform, Catholic rights and protective tariffs aimed at English imports.¹¹²

The propositions took the form of a treaty between two ostensibly autonomous countries, which their respective parliaments were to debate and approve. They lifted all restrictions on trade and commerce between the two countries. The two countries were to impose uniform duties on colonial produce. Goods imported from Ireland were to be subject to the same regulations as goods passing from one British port to another, and neither country was to impose an additional or new duty or bounty on the products of the other. Furthermore, both countries were to discourage imports from the Continent and from America if either could supply similar or equivalent products to the other. This last provision, in effect, preserved the Irish monopoly on the British linen market from German and Russian competition. Some restrictions remained in force. The omnipotent East India Company retained its monopoly on trade to the East, though under the commercial propositions, its ships could stop at Irish ports for supplies. Thanks to the overwhelming interest of landlords in both countries, the propositions allowed for the occasional imposition of bounties and duties on cereal products. Above all, the Irish parliament was

¹⁰⁹ Ibid., pp. 288-89

¹¹⁰ Ibid., p. 297

¹¹¹ Gerard O'Brien, *Anglo-Irish Politics in the Age of Grattan and Pitt*, (Dublin, 1987), p. 152

¹¹² Bolton, 16,350/3

to duplicate all trade legislation passed by the English parliament. In addition, Ireland was to contribute all hereditary revenue over and above L600,000 to the maintenance of the Royal Navy.¹¹³

A great deal of lengthy and painstaking work, in both England and in Ireland, went into drafting these articles of trade. Given his lesser expertise in these matters, FitzGibbon appears to have played only a subordinate role in drafting the propositions. His kinsman, John Beresford, and John Foster bore the chief responsibility for negotiating on behalf of Ireland. Not surprisingly Orde was closely and busily involved as well. The minutiae of regulating the commerce in spotted linens, arrarack and meal well suited his particular mentality. On the English side William Pitt played a premier role in legislation that displayed his aims and abilities to best advantage, and FitzGibbon's *cher ami* Eden ably assisted.¹¹⁴

When the end result of this labor was submitted for consideration in Westminster and in London, it set off debates distinguished by length and by a partisan fury extraordinary even for that time. Charles James Fox and his followers fanned the general hostility and mistrust surrounding the treaty with the aim of embarrassing Pitt. The English Whigs played a skillful, if brazen double game, with a view to stirring bad feelings in both countries. They claimed at one and the same time that the propositions undermined the imperial authority of England *and* assaulted the independence, integrity and prosperity of Ireland. Rooted economic suspicions on both sides played an equal part in the hostile reception accorded to the commercial propositions. Irish manufacturers were convinced that they could not compete against their more advanced and sophisticated British counterparts. British manufacturers, notably Josiah Wedgwood, objected to the propositions because they feared that cheaper Irish labor would give goods from that country an unfair economic advantage in English markets.¹¹⁵

In spite of these suspicions, the Irish Parliament did agree to an initial draft of the trade propositions. Having won this reluctant consent, Pitt then attempted to frame and to win acceptance for a final bill in England. He managed to overcome mercantile opposition and Foxite rhetoric, but the price was ultimately fatal: he had to make substantial alterations in the original draft of the propositions. In their final manifestation, the original ten propositions increased in number and in verbosity to accommodate every possible objection and suspicion on the English side. Most notably, the provision calling for the Irish

113 A complete list of the propositions in their final fatal form appears in *Grattan III*, p.

114 See for example *Beresford I*, pp.268-298 for some examples of the feverish, detailed work that all of the principles put into the propositions.

115 John Ehrman, *The Younger Pitt*, (London, 1969), pp. 205-9

parliament to duplicate English trade legislation was couched in more forceful language to answer any objections, real or partisanly spurious, that the propositions undermined English imperial authority.¹¹⁶ Nothing could have been more calculated to inspire the Irish opposition, revitalized by the fight over attachments, encouraged by their English Whig counterparts, and spoiling for another attention-getting battle. Skillfully playing on ever-present fears and sensitivities, they denounced it as an attempt to undermine the autonomy granted in 1782. Of course, the Irish parliament had agreed in 1779 to a similar measure in return for the right to trade in the English West Indies. But a concession fairly requested and willingly made in 1779 became, by the peculiar partisan logic of 1785, an insidious plot against the freedom of the Irish nation.¹¹⁷ The propositions did indeed pass, but by such a small minority and in such an atmosphere of rancour that the Rutland administration chose to abandon them. In an attempt to salvage lost dignity, government left all responsibility for initiating new Anglo-Irish trade arrangements to the Irish parliament.¹¹⁸ Given enflamed nationalist sentiments, such an initiative was profoundly unlikely. The opportunism of the opposition's conduct is indisputable. Nonetheless, the Rutland administration's failure to cultivate the opposition in 1784 contributed as much to the defeat of a crucial piece of legislation. FitzGibbon's inability, willful or constitutional, to move beyond the truculence of his backbench days to the calm, conciliation and astuteness required of statesmen, also bore a large share of responsibility for the bill's demise.

During the debates on the propositions, he had exercised his responsibilities as chief government spokesman with an unsurpassed energy and clarity. He tried to counter nationalist suspicion with this terse and sensible reminder of the treaty's actual intent:

...if England relaxes her navigation laws in our favour, she has a right to expect that we shall protect and cherish the ships and mariners of the empire as she has protected them. She has a right to expect that we will follow her in a code of laws, which have been the source of her commercial opulence, the prime origin of her maritime strength...and it is as fact that our trade with England is a greater value than our trade with the rest of the world. If we were to lose it, in six months you would not have gold in circulation for the common occasions of life.¹¹⁹

¹¹⁶ Ibid., p. 210

¹¹⁷ There are many and dismal examples of this sort of rhetoric. See for example *PR* (1785) II, p. 48 "perish the empire! Live the Constitution!" and p. 326

¹¹⁸ *PR* (1785) II, pp. 445-6

¹¹⁹ *PR* (1785) II, p. 379

Unfortunately, the situation in parliament required far more than mere appeals to reason. Only extraordinary patience, extraordinary tact and extraordinary grace under pressure could have carried the propositions over objections raised by honest doubt, partisan absurdity and misunderstanding. All these qualities FitzGibbon manifestly lacked. Acutely intelligent himself, he could not master his natural impatience with slower wits and dimmer perceptions. Consequently, he treated his colleagues as fools to be humiliated into common sense, rather than as equals to be persuaded. For example, when Flood ventured to express his fears for the autonomy of the Irish Parliament, FitzGibbon cruelly parodied his opponent's own rhetoric on free trade during the debates of 1779:

That I may not incur the hazard of contradiction when I state what was in 1779 considered perfect freedom of trade, I will recur to a gentleman now in my eye [Mr. Flood] delivered in this assembly on the 20th of December, 1779. 'What is a free trade? I was one of the first and most decided in using the term. It is a trade to the whole world subject to the restraints of our own legislature and that of the country with which you trade; consequently in Britain and the British colonies, subject to the restrictions of the British legislature, is a principle as clear as the sun which shines upon our reviving empire, and wide as the universe, if the Heavens were as wide as they are.' This, Sir, is the Honourable Gentleman's definition of free trade, and upon his own principles, clear as the sun and wide as the universe, I meet him upon the present question.¹²⁰

The virtual defeat of the propositions brought to the forefront FitzGibbon's most unattractive qualities: verbal bullying and an adolescent lack of emotional control. Flood once again offered the pretext for a squalid display of both. Intoxicated by the triumph of the opposition, Flood had proposed this resolution:

That Parliament ought not to enter into any engagement to give up the sole and exclusive right to legislate for Ireland as well externally as commercially and internally.¹²¹

FitzGibbon's retort was at once supremely honest and supremely irresponsible:

Let me tell gentlemen that it is not very prudent, upon every occasion, to come forward in terms of indignation against the sister kingdom. Let me tell them, that it will not be perfectly prudent to rouse Great Britain. She is not easily roused, but if roused, she is not very easily appeased. And in this, perhaps, lies the difference between the two nations. Ireland is easily roused but then she is easily appeased...If you rouse the British lion, you may not easily lull him to rest¹²²

¹²⁰ Ibid., pp. 377-78

¹²¹ Ibid., pp. 447-8, *Grattan III*, p. 266

¹²² *PR* (1785), II, p. 468

Of course, his remarks were exquisitely calculated to wound Irish nationalist sensibilities at their most tender point, perceived inferiority to England.

In the process, he effectively dispelled what faint hope remained that the Irish Parliament would attempt to find an alternative arrangement for Anglo-Irish trade, once passions had calmed somewhat. His *de haut en bas* tone undermined the central premise (or fiction) of the propositions---that they represented a treaty between equals. He reminded them instead that England essentially held Ireland by force. While undoubtedly true, such bluntness scarcely encouraged a transition to a relationship based on cooperation and mutual interest. Finally, he shattered any lingering chance that the English government in Ireland would serve as a unifying force, rather than the first among factions. It was now unquestionably a party; worse, it was FitzGibbon's party, which brought it a still greater degree of disrepute and enmity.

Nonetheless, self-criticism did not constitute one of FitzGibbon's virtues. Nor did calm, detached acceptance of the inevitable defeats of political life. In letters to his inseparable confidante, Eden, he raged against the stupidity and perversity of the Irish, a favorite theme:

Your Friends in England have duped us completely. Whatever Idea you may hitherto have entertained of the Madness and Folly of my Countrymen, be assured it falls far short of their merits. Their very honorable and just indignation at the insidious offer of wealth and real independence of Great Britain, which was made to them by Mr. Pitt, must ensure to them the Admiration and applause of every nation in Europe.¹²³

In the same letter, he vented his anger not only against the mass, but against individuals, and in particular the Duke of Leinster. Why he chose to signal out Leinster and his kin is yet another obscurity. The Duke was no more forward in opposing the propositions than any other member of his party. Possibly his close ties to Fox and the other English Whigs made him the epitome of Anglo-Irish opposition trouble-making. FitzGibbon attributed Leinster's conduct toward the government over the propositions and over other matters to the insidious influence of his Scottish stepfather, George Ogilvie. In a passage displaying the knowing prurience of an experienced debauche and the snobbish cruelty of an arriviste, FitzGibbon portrayed Ogilvie as a lowborn adventurer who corrupted both the morals and judgment of the FitzGerald family:

123 Sneyd Muniments, FitzGibbon to Eden, 22 August, 1785

At present [FitzGibbon wrote] Mr. Ogilvie is his great friend and advisor. This Gentleman, you know, was originally a Drummer in a Scotch regiment. From the Drum he was preferred to a writing school in a village in the county of Kerry---from whence he was translated to a writing school in Dublin From when he was preferred to the Duke of Leinster's Nursery in the capacity of private tutor to his children---whilst in this station, he did his Grace the Honor to get three or four Bastards on the Person of his Dutchess To which said Bastards the present Duke has the honour to pay ten thousand pounds each---and now Mr. Ogilvie having made an honest woman of his mother, that worthy sagacious Nobleman his stepson repays the many obligations which he has conferred upon him by submitting himself wholly to his management.¹²⁴

The fact that the Duchess was the sister of his beloved friend Lady Louisa Conolly shows how utterly consumed FitzGibbon was by his black rage.

In one instance, he went beyond mere words. His striking, if tactless phrase "besotted nation" led to yet another verbal imbroglio with Curran, which led in turn to a duel.¹²⁵ FitzGibbon acted curiously when the two met. He aimed with a care that suggested every intention of wounding or killing his antagonist. Yet the shot went wide, provoking Curran to remark, "It was not *your* fault, Mr. Attorney, if you missed me, for you were *deliberate enough*."¹²⁶ FitzGibbon reportedly left without responding. Once again FitzGibbon defies explanation. Froude, his Victorian devotee,^e later argued that FitzGibbon had, in his infinite good nature, avoided harming Curran, preferring instead to impress on him that he was not a man to be trifled with.¹²⁷ From a less enchanted perspective, his deliberateness suggests petty sadism and his shot surprisingly bad marksmanship for such an avid sportsman. Rage may have spoiled his aim, or possibly the recollection that an indictment for murder or manslaughter scarcely befitted the chief law officer of the crown.

His reaction to the failure of the commercial propositions seems above all wildly disproportionate, even for a man given to extremes of emotion. He clearly regarded them as far more than a series of provisions regulating the commerce in meal, linen and liquor. They represented an opportunity to strengthen ties with England, dangerously loosened by the weakness of past administrations, particularly Portland's, and by the reckless self-assertion of the Irish ruling oligarchy. In one of his speeches, he reminded his fellow

¹²⁴ Ibid.

¹²⁵ Their exchange must have been very colorful indeed because the *Parliamentary Register* did not record it in full, but discreetly stated: "A warm altercation took place between the Attorney General and Mr. Curran, but as it was personal and did not apply to the subject in the debate, we think it improper to give it in this work."
PR (1785), II, p. 472

¹²⁶ *Grattan III*, p. 270

¹²⁷ *Froude II*, p. 485, *DNB VII*, p. 156

members that their very survival depended on maintaining that relationship. They were, after all, a small body of Protestants surrounded by an overwhelming and hostile Catholic population, and by all the power of Catholic Europe.¹²⁸

(iv)

In the following year, 1786, the Rutland Administration, with FitzGibbon in the lead, reverted to a legislative program of straightforward repression. In particular, the government turned its attention to the city of Dublin, long a source of trouble, and long unpacified, thanks to the legislative distractions of reform and propositions. As early as December of 1784, Orde was collecting information on the peacekeeping forces in Dublin. The information the government received confirmed that the provisions for preserving public order were so inadequate as to be nugatory.

According to the returns made by various parish officers, each parish contributed men to a watch which amounted to 368. But Richard G. Cadwell, the magistrate submitting the report, warned that some parishes had failed to submit returns. In addition "...the number of men employed in some parishes [is] imagined or overrated."¹²⁹ The watchmen were not only small in number, they performed their tasks with a palpable lack of zeal. Nor could their appearance have inspired much awe or respect. Cadwell reported that "Coats are generally given only every second year", which suggests that the parish watches were a woefully shabby as well as lackadaisical lot. They hardly posed a threat to vigorous young apprentices bent on tarring and feathering merchants who sold English goods; nor were they capable of protecting their fellow citizens from thieves, footpads, highway robbers, pickpockets and other assorted ordinary perils of 18th century British urban life. According to Cadwell:

On account of the Insecure state of the Parish by the inability or negligence of the Watchmen, the inhabitants of several parishes have been obliged to raise subscriptions to a very considerable amount for the support of Patrols¹³⁰

Presumably he meant private patrols composed of more trustworthy professional watchmen. In short, even without the formidable complications of rioting apprentices, the government would probably have been obliged to take measures to strengthen the machinery of public order. Nonetheless, the political and sectarian tensions of Dublin

¹²⁸ *PR* (1785) II, p. 382

¹²⁹ Bolton, 15,926/333

¹³⁰ Bolton, *op. cit.*

moved Rutland's government to draw up a bill far more comprehensive and severe than any that would have been considered for London, in spite of its equal degree of crime and violence.

According to the provisions of the bill, Dublin and its environs, were divided into six districts. The new law retained the custom of drawing watchmen from the various parishes; the vestries were to elect 167 men to serve in the patrols. Evidently, the lower requirement would be easier to meet and more difficult to inflate in an overly optimistic reply to a government inquiry. But the patrols were not to act under the direction of the aldermen, as was formerly the case. Five commissioners of police, appointed by the Lord lieutenant, and answerable to him, were to have jurisdiction over parish patrols. The new Police Act gave them the authority to levy an ease of 1s 6p in the pound on the annual value of each house in every parish. The commissioners were to hold the monies collected and to use them as they saw fit. They also obtained by this act extraordinary powers to act as magistrates "any law, usage, custom or statutes to the contrary notwithstanding." In other words, the new officers would not be as subject to neighborhood prejudices and ties as ordinary magistrates.¹³¹

The law also included secondary provisions aimed at curbing the excessive drinking of the lower orders, the perceived root of most riot and disorder. "Ale and Porter Houses" were to close by a certain hour every night; recalcitrant tavern keepers were penalized with a fine for a first offense and the revocation of their license for a second.¹³² An earlier draft also required captains of all ships arriving in Dublin to register the names of crews and passengers with the collector of customs. The reason given suggests that the terror of Irish Brigade officers still loomed large in the consciousness of the Rutland administration:

Many Adventurers bearing Commissions in the Armies of Foreign States having in the year 1784 come to this Kingdom with wicked and evil designs.¹³³

Finally, and perhaps most provocatively, the law included a provision to search houses and seize arms from those not authorized by law to carry them. This sweeping turn of phrase covered a multitude of political sinners, most notably workers of all religions and Catholic Volunteers.

Orde's correspondence contains no communication with FitzGibbon on the subject of the police bill, though in his usual methodical fashion, he collected opinions from

131 "An Act for the better execution of the Law within Dublin and certain parts thereto"; *Irish Statutes III*, pp. 734-62

132 *Irish Statutes*, op. cit.

133 Bolton 15,926/333

"Slippery Sam" Bradstreet, among others.¹³⁴ Of course, their daily proximity made written memoranda unnecessary. Given the requirements of his office, FitzGibbon undoubtedly provided advice and suggestions and he played a central role in drafting the bill. The harsh provisions against illegal arms in particular bear his stamp. Once again he had responsibility for defending the fruit of his labor in Parliament.

The opposition, triumphant after the virtual defeat of the commercial propositions, lost no time in acting against this latest assertion of authority by the government. Grattan and Curran, as usual, provided the impassioned lead; the Ponsonbys and the FitzGeralds duly followed the party line, while Burrows and Forbes offered more thoughtful and reasoned objections.¹³⁵ The bill offered pretexts aplenty for opposition. The provision for five commissioners appointed by the lord-lieutenant aroused objection because such additional offices increased the opportunities for corruption and extravagance on the part of Government, the old standards of Opposition demonology. The imposition of five new city officials with extraordinary judicial powers, also violated the autonomy and charter rights of the city of Dublin, or so it was claimed.¹³⁶ The FitzGibbonesque clause giving both the commissioners and the ordinary magistrates the power to enter suspicious dwellings and seize arms aroused inevitable accusations of a evil designs against the Volunteers¹³⁷

The act offended yet another cherished article of belief in the canon of 18th century British political mythology, to wit, that methodical law enforcement was a premier feature of continental despotism. The notion of an organized professional police force inevitably conjured up fears of a French-style despotism maintained by spies. Free-born Britons preferred chaos punctuated by the grisly spectacle of mass public hangings.

FitzGibbon made no apologies for the stringency of the bill. He reminded his colleagues of the scenes in 1784. He also answered objections to the disarming clause with blunt appeals to the class and sectarian prejudices of his auditors. In doing so, he alluded not only to the dangers of armed laborers inflamed by resentment and drink, but to the growing agrarian unrest among the Catholic peasantry in the South.¹³⁸

As for the Volunteers, whose rights were allegedly at stake, FitzGibbon dismissed them as insignificant, except as a vehicle for opposition troublemaking.¹³⁹ The bill by its

134 Bolton, 15,928/4

135 See for example, Grattan's remarks, *PR* (1786), p. 330, 340-1 where he alludes to "armed patrols"

136 Sir Edward Newenham made the sweeping and rather irrelevant claim that freedom of elections in the city and county of Dublin were destroyed forever by the act. *PR* (1786), p. 327

137 *Ibid.*, p. 337

138 *Ibid.*, pp. 341-2

139 *Ibid.*

very nature belied FitzGibbon's claims of the government's lofty indifference. Certainly the clause, if enforced to the letter, would have the effect of dispersing those remaining units comprised of Catholics or workmen or both. But even FitzGibbon, for once, had discretion enough not to admit to this intent.

The bill did pass, in spite of the rhetorical specters of tyranny, oppression and corruption raised by Grattan, Curran and their allies. FitzGibbon and the other speakers on the government side appealed to more palpable fears when they alluded to "drunken weavers" in the Liberties and armed Catholic peasants in Kerry. The reactionary fears and class interests that had prevailed in the votes on reform, protective tariffs and the press act, once again stood the Rutland administration in good stead. In most matters concerning public order, and especially public order in the sense of repressing undue political assertiveness on the part of the lower orders, most members followed the government lead quite docilely. The opposition thrived only when they could seize on an issue that could again revive the heady atmosphere of the early 1780's, national aggrivement and inflated national *amour propre*.

Notwithstanding, the opposition made the Police Act a perennial nuisance issue. In 1788 and again in 1789, the act again came up for debate. The debate of 1789 was particularly heated, owing to the peculiar political circumstances of that year. Much political capital was made of the fact that the offices of the police commissioners had been elaborately fitted up with, among other things, pier glasses.¹⁴⁰ FitzGibbon once again reminded his auditors of the public scenes that had necessitated the act, especially the "patriotic American discipline" of the "Tarring and Feathering Committees".¹⁴¹ Once again class fear and class interest defeated opposition attempts to repeal the bill. Grattan and his colleagues finally did succeed in repealing the act during their brief ascendancy during the Fitzwilliam administration in 1795.

The opposition also seized on the venerable issue of corruption to harass the government and to aggrandize itself. In 1786, Forbes introduced another bill to disqualify placemen from sitting in parliament. The arguments fell into the usual pattern: The opposition maintained that the presence of government officers and pension holders in Parliament compromised its independence and created a despotism of greed. Those who stood to lose their seats, in response, indignantly defended their integrity and made counter-accusations of partisan vindictiveness and envy. In addition, the bill arbitrarily

¹⁴⁰ PR (1789), p. 394

¹⁴¹ The Puritanism of the Americans or the bad example they had set for Ireland in rebelling successfully against British rule seem the only likely explanations for his curious antipathy to a people with whom he seems to have had no contact whatsoever. PR (1789), p. 398

deprived them of their rights as subjects and as qualified men of property without due course of law.¹⁴²

FitzGibbon remained true to form. With his usual deftness and an unusual wit, he suggested that the proponents of the bill would not display quite the same scorn of official lucre, were they in a position to receive it.¹⁴³

The outcome followed Irish political tradition on these matters as well: Forbes' bill met with defeat. The government's superior powers of the purse always permitted it to maintain a majority of its beneficiaries in Parliament. Habits of inertia and reaction did the rest. Nonetheless, the introduction of bill to unseat placemen and to limit pensions became an annual exercise for the opposition. They accomplished little but to contribute to the atmosphere of contention and alienation that surrounded the business of government.¹⁴⁴

(v)

Although the perils of the capital city, rebellious workmen and restless opposition politicians occupied the Rutland administration in its early stages, by 1786, official attention and anxiety shifted to the countryside. It had long been a given of Irish political discourse that the lower orders were ignorant, superstitious, contemptuous of the law and mired in poverty, while the gentry and aristocracy were either absent, negligent or willing connivers in the crimes of the lower orders. Although many consciences had been troubled, and many improving pens had stirred to suggest solutions to the problem of Irish poverty and lawlessness, the government in Dublin had never undertaken any systematic effort to address the situation. By 1786, the Rutland administration could no longer afford the luxury of negligence, faced as it was with two instances, one private and one alarmingly public and widespread, which reflected this phenomenon of rural disorder perpetrated or connived at by the gentry. The first was the murder of Randall McDonnell by his neighbor George FitzGerald. The second concerned an upsurge of Whiteboy activity, organized resistance by the peasantry to the payment of tithes to the Church of Ireland clergy. In both, FitzGibbon played a major role.

George FitzGerald's brutality and recklessness went far beyond even the license allowed to 18th century Irish gentlemen.¹⁴⁵ He first demonstrated his peculiarities within

142 *PR* (1786) 275-314

143 *Ibid.* pp. 291-2

144 *Ibid.*, p. 314

145 The most complete and interesting account of FitzGerald's life and career appears in HO 100/18/85-6, in a letter to the Duke of Rutland dated 27 February, 1786. The author is unknown.

his family circle by holding his own father prisoner in the aftermath of a quarrel. He later went on to establish his reputation as the premier hair trigger Irish duellist of his time. Although he fitfully and unsuccessfully solicited the government for a baronetcy, his anarchic temper inclined him more strongly toward a vague radicalism.¹⁴⁶ Family connections, as well as mutual inclination accounted for his political sympathies. His mother was the sister of the notorious Earl Bishop. To use Rutland's own words, FitzGerald was in consequence "ye zealot of his [the uncle's] Rebellious principles."¹⁴⁷ FitzGerald, nonetheless, had not inherited his uncle's alleged infatuation with things Catholic. Shortly before his final and most spectacular act of public notoriety, he ran all Catholics off his estate. He then established a colony of weavers from Monaghan, an effort, at once slapdash and grandiose, at playing the improving landlord. But after 1780, his consuming interest, above and beyond dabblings in radical politics and the linen manufacture was plotting the murder of his neighbor and former boon companion Randall McDonnell.¹⁴⁸

According to the peculiar mores of the 18th century Irish gentry, McDonnell had indeed committed a grievous offense against FitzGerald. He had shot FitzGerald's horse while the two were engaged in a bout of drunken roughhouse. Evidently, even the conventional and condoned form of murder, the duel, could not satisfy FitzGerald's outrage. Nothing less than McDonnell's certain death would suffice.¹⁴⁹

Over the course of six odd years, FitzGerald made several attempts to do away with McDonnell, all unsuccessful and all using various hired underlings. From the start of his project, FitzGerald preferred to let menials do the hangable work. McDonnell apparently made no attempt to call on the authorities for protection, until one of FitzGerald's bravos wounded him in the leg. He then made a complaint to a magistrate, John Browne, brother of the Earl of Altamont and a rising political force in the county. Browne duly issued a warrant for FitzGerald's arrest. FitzGerald then requested another magistrate, a certain Bolingbroke, to supersede the warrant. Bolingbroke at first agreed, out of fear or friendship, but then, overcome by scruples or a sense of responsibility he disallowed his supersedas. Undeterred, FitzGerald found another more compliant magistrate by the name of O'Malley to reissue the supersedas. While this exercise in legal absurdity was taking place, yet another magistrate, Ellison, had the commonsense and hardihood to throw FitzGerald into jail. O'Malley's irresponsibility reversed this decision. Once freed,

¹⁴⁶ SP 63/459/119, Buckinghamshire to Weymouth, 7 March, 1778

¹⁴⁷ HO 100/18/79-82 Rutland to Sydney, 27 February, 1786

¹⁴⁸ HO 100/18/85-6, op. cit.

¹⁴⁹ Ibid. The account that follows of McDonnell's murder is taken largely from this document.

FitzGerald again slipped beyond the powers and forces of the law. His estate was an armed camp, defended by 40 armed men as well as his newly established colony of weavers, who were totally dependent on his grace and favor.

With FitzGerald again at large, McDonnell sensibly took refuge in Castlebar. But reports that FitzGerald's retainers had stolen arms from his house drew him out of hiding. Once he received word that his enemy was returning to his estate, FitzGerald summoned a body of armed men to wait in ambush. En route, McDonnell had second thoughts about his expedition and stopped at Ballyvary, the home of a friend by the name of Martin. FitzGerald pursued McDonnell to Ballyvary, and stormed the house, where he found his quarry hidden under some malt. In a fit of triumphant violence, he also seized two retainers of McDonnell, Hipson and Gallagher. He held them prisoner overnight and the next day he had them bound together with the intention of escorting them to his estate. Presumably he intended to subject McDonnell and his servants to the same sort of brutal confinement he had inflicted on his father before murdering them.

FitzGerald was not to enjoy his anticipated pleasure in a prolonged revenge. He had instructed his retainers to fire on the prisoners at the first sign of any rescue attempt. Some members of the party heard a stray shot, which they mistook for an approaching rescue party. They proceeded to execute their master's orders with brutal zeal. Hipson died instantly; Gallagher was wounded slightly, but feigned death. McDonnell made one last attempt to escape; he was ridden down and shot by a retainer named Andrew McGregor, later widely known in newspaper accounts as "Scotch Andrew". FitzGerald's magisterial nemesis, Ellison, once again demonstrated bravery and a degree of competence by immediately forming a party to arrest the murderers. The man who had terrorized Mayo proved remarkably easy to capture. Indeed, the circumstances of his apprehension resembled those of McDonnell's abduction. Ellison's party found him hiding under some blankets in a store room. FitzGerald, McGregor and their associates were escorted to the jail in Castlebar.

There, he and his retainers became victims of the very sort of violence they had so casually inflicted on others. A mob attacked FitzGerald's house and demolished it. Soon afterward, another mob chose not^{to} wait the law's delay and attacked the jail in Castlebar. FitzGerald received horrible injuries. According to a report provided to the Duke of Rutland, FitzGerald was clubbed with a candlestick, stabbed with small swords and the blade of a walking stick was broken in his arm. The report went on to add that the jailer's wife had also suffered injuries, as did another associate of FitzGerald's described by Rutland's correspondent, with casual anti-Semitism, as "an English Jew solicitor of the name of Brecknock." FitzGerald's assailants went undiscovered and unpunished, though

there were suspicions, undoubtedly justifiable, that Martin and Gallagher had participated in the attack on the prison. But given the character of the victim and the number of his enemies, the officers of the law in county Mayo had neither the time nor the inclination to pursue the matter.¹⁵⁰

FitzGerald's trial took place in June of 1786 during the summer assizes. Rutland's correspondence reveals an avid interest in the case and an equally avid intention of obtaining a conviction. The fact that he was the nephew of the Bishop of Derry and obviously extremely unpopular in Mayo made matters all the easier. Nonetheless, the government wanted to avoid even the remotest chance that FitzGerald would again escape justice. It also wanted to demonstrate the great importance which it attached to the case. Consequently, FitzGibbon travelled to Mayo to lead the prosecution.

The case was in some respects not quite as simple as FitzGerald's blatant degree of responsibility would have suggested. His habit of leaving the actual acts of violence to his subordinates allowed him to plead that he was, at the most, merely an accessory to the act committed by Scotch Andrew. A conviction of Scotch Andrew would invalidate any testimony he could give against FitzGerald. Since he was the chief witness against FitzGerald, FitzGibbon faced the prospect of a *nolle prosequi*. FitzGibbon evaded this legal quandary by trying FitzGerald first, which then made it possible to use Scotch Andrew's testimony.¹⁵¹ Largely on the basis of that testimony, FitzGibbon obtained a conviction. FitzGerald was duly hanged, along with his associates Brecknock and McGregor. In a letter to Rutland, Orde gave this exultant (and rather meanspirited) account of his demeanor at the end:

I cannot help sending you my congratulations upon the event of FitzGerald's trial. I as yet know few of the circumstances but it would appear from what I have heard, that this arch-malefactor lost his constancy and hauteur at the last, and was thrust out of this world with ignominious impatience by the officers of justice.¹⁵²

Many years later, yet another victim of FitzGibbon's legal skill and relentlessness, Lord Aldborough, portrayed his prosecution of FitzGerald as a monstrous exercise in tyranny and injustice. According to Aldborough:

150 Ibid.

151 *Dublin Evening Post*, 17 June, 1786; 22 June, 1786; FitzGibbon, however, was reluctant to use Scotch Andrew's testimony and felt he had a strong enough case to do without it; *HMC Rutland IV*, p. 290

152 *HMC Rutland IV*, p.313

[he] had a man convicted and executed as being the plotter of a murder on the bare testimony of a wretch who confessed himself the perpetrator of it.¹⁵³

In this judgment, Aldborough stood alone in retrospective malice. At the time, the opinion prevailed unanimously that FitzGerald had met a richly deserved end. This opinion prevailed even among the members of his family. Orde observed that "His relations here had discontinued all intercession for mitigation of his punishment." The relatives in question included both the Bishop of Derry and FitzGerald's own mother, long since estranged from her son and established in England.¹⁵⁴ FitzGibbon's old enemies in the opposition press likewise freely admitted FitzGerald's guilt and echoed the hopes of the government that his fate would strike a salutary fear in the multitudes of casual lawbreakers in Ireland. The *Dublin Evening Post* declared:

It is sincerely to be hoped that the fate of this unfortunate gentleman will be of the greatest utility in suppressing the turbulent disposition and contempt of the laws which have too long disgraced many parts of this country.¹⁵⁵

FitzGibbon himself also came in for a degree of unaccustomed praise from this same quarter. His unsuccessful effort to revive an inquiry into the assault on FitzGerald drew this comment:

It would be ungenerous to pass over in silence the indefatigable industry of the Attorney General to bring them [the leaders of the mob] to condign punishment.¹⁵⁶

The surviving accounts of the trial suggest why FitzGibbon drew such a high degree of admiration even from ordinarily hostile observers. His opening speech in the trial offers of particularly good example of FitzGibbon's rhetorical virtues: he was authoritative, precise and relentlessly logical.¹⁵⁷ While he was ruthless in marshalling evidence against FitzGerald, he did everything possible to assure a reasonably impartial jury. He took it upon himself to disallow any jurors named McDonnell and he made a powerful plea to those empaneled to set aside everything they may have heard against

¹⁵³ PRONI, Aldborough Papers, T3300/13/16/1

¹⁵⁴ *HMC Rutland IV*, p. 313

¹⁵⁵ *Dublin Evening Post*, 13 June, 1786

¹⁵⁶ *Ibid.*

¹⁵⁷ See *Volunteer's Journal*, 19 June, 1786. His speech was also distinguished by a brief literary allusion, probably the first and only in any of his recorded speeches, though the work in question was not particularly distinguished. He compared FitzGerald to Renault, the villain of Thomas Otway's turgid drama *Venice Preserved*

FitzGerald and to consider the evidence as though he were a total stranger.¹⁵⁸ He was undoubtedly asking the impossible from a Mayo jury, but his request did indeed bear out yet another observation by the *Dublin Evening Post*: "those who acted on behalf of the Crown [did so] with a firm impartiality and a regard to justice." ¹⁵⁹

Inevitably, a reaction set in. The radical press had too long taken a negative view of FitzGibbon and the government he served for the love feast to continue. Even so, the more disenchanted comments did not denigrate FitzGibbon and his conduct as a prosecutor. Blandly contradicting their earlier pronouncements about the salutary effects of the trial and the execution on public order, they instead suggested that Rutland's administration had exaggerated the importance of the FitzGerald case, to detract from its own neglect of the more serious Whiteboy disturbances in Munster. The same paragraph that praised FitzGibbon's impartial conduct of FitzGerald's trial added this qualification:

But it [the trial] is by no means a matter of that national importance which it is so pompously represented to be, nor can it ever be supposed to dispel the tumults which disturb this country and which proceed from causes far different from that which gave rise to the melancholy event at Castlebar. ¹⁶⁰

Yet another paragraph stated the case more acerbically:

One would imagine to read the fulsome puffs and heard the fulsome panegyrics uttered by the Castle laborers [ie government owned journalists] that in FitzGerald a great Goliath was slain and now the champion was dead, all the Philistines would fly and peace be instantly restored---but alas! if they really think so they will find themselves fatally mistaken---there are other things to be done---grievances and burthens of a WRETCHED PEASANTRY lightened.¹⁶¹

(vi)

The burthens of the wretched peasantry referred of course to tithes paid by farmers to the Church of Ireland clergy. After reaching a peak in the late 1760's and early 1770's agitation over tithes abated. The revival of the 1780's occurred mainly in the South. In a dispatch dated December 28, 1784, Rutland reported an attack on a tithe proctor or collector in Kilkenny.¹⁶² He briefly noted that an unusually active magistrate had captured those responsible and that the lord chancellor would be sending a special commission to try them.

¹⁵⁸ *Dublin Evening Post*, 20 June, 1786; *Freeman's Journal*, Jun 17, 1786

¹⁵⁹ *Dublin Evening Post*, 27 June, 1786

¹⁶⁰ Ibid.

¹⁶¹ *Dublin Evening Post*, 29 June, 1786

¹⁶² HO 100/16/3-4 Rutland to Sydney, 28 December, 1784

This offhand tone did not continue in future dispatches. By 1786, Whiteboy disturbances had spread all over Munster.

Contemporary observers commented above all on the extraordinary discipline and organization of the Whiteboys and on their brutality. The same pattern of control prevailed in all parishes under their control. Emissaries from parishes already dominated by Whiteboys travelled to uninitiated areas and tendered an oath to the farmers and laborers. This oath required them to pay tithes only according to rates agreed upon by the Whiteboys. Those who refused to comply suffered punishments, frequently of a highly inventive cruelty. One unfortunate man was stripped naked and thrown into a pit of thorns. Other resisters lost their ears or suffered that favored form of punishment in rural Ireland, horsewhipping. This combination of the genuinely committed and the terrorized effectively defied what authority held sway in the countryside. Nor did military force, either professional or gentry/amateur, prove as effective as it had in the past. The Whiteboys (or Rightboys, as they chose to call themselves) of the 1780's showed a considerable awareness of military discipline and tactics. In areas---and there were many---where they had established total and undisputed authority, they often staged parades and drills of considerable scale and finesse.¹⁶³

In a country with such venerable traditions of sectarian hatred as Ireland, accusations of a Popish plot inevitably arose in reaction to this latest upsurge of Whiteboy violence. The clergy of the Church of Ireland, were, not surprisingly, particularly prone to make accusations of this kind. Their privileges, after all, were at stake, which understandably aroused fear and anger. Moreover they did suffer loss of property and physical harm from the Whiteboys, though they were hardly reduced to utter penury and annihilation, as many of the pamphlets suggested.¹⁶⁴ The painful truth was that the wretched peasantry inflicted the greater part of their violence on tithe proctors and on the still more wretched small farmers and laborers who earned extra money gathering the tithed share of the crop.

¹⁶³ For a highly colored account of Whiteboy activities and their effect on the clergy, see a petition to the Duke of Rutland from the beneficed clergy of the Diocese of Cork and Ross; Bolton 15,809; see also J.B. Bennett's superb account of the rise of the Whiteboys in Cork, written in 1803; NLI, MS 4161 (no pagination)

¹⁶⁴ See for example the otherwise level-headed Dominic Trant, *Considerations on the Present Disturbances in Munster*, (Dublin, 1787), p. 54, where he suggests that any alteration in the tithes of the established clergy can only lead to "The almost immediate annihilation of that religion of which they are the professors and teachers." See also the ineffable Duigenan in the guise of Theophilus, who suggested among other things that "agitating Fryars and Romish missionaries" were at the root of the mischief, presumably because they stood to benefit financially from money that might otherwise have gone to the established clergy. *An Address to the Nobility and Gentry of the Church of Ireland as by Law Established*, (Dublin, 1786), pp. 2-4

The sectarian suspicions aroused by the activities of the Whiteboys inevitably led to that commonplace of 18th century political discourse, the pamphlet war. The champions of the Establish Church in Danger included the Bishop of Cloyne, Richard Woodward, assorted senior fellows and tutors of Trinity College, now known only by their initials, and two close connections of FitzGibbon's: his brother-in-law Dominic Trant and his former client and political associate, Patrick Duigenan, who adopted the pen name Theophilus.¹⁶⁵ The tone and quality of their pamphlets varied widely. Woodward, an intelligent and humane man, was lucid and measured. Trant, while sometimes florid and discursive, displayed considerable insight into the larger social disorders which had encouraged Whiteboyism. Duigenan combined crude abuse with stultifying pedantry; his anonymous colleagues at Trinity were by turns turgid and trite. In spite of their varying degrees of style and quality, the defenders of the Church of Ireland and its rights and prerogatives all made essentially the same argument: reducing tithes would inevitably destroy the Protestant cause and with it all civil order. An impoverished and weakened Church of Ireland would only lead to the triumph of the Church of Rome and its inevitable corollaries, persecution and despotism. Attempting to placate the lower orders by violating the property rights of the clergy would only encourage further rebellion and the ultimate subversion of all rank and property. The pamphlets also uniformly portrayed the Church of Ireland clergy as paragons of benevolence and civility who never claimed more than their just due and who often graciously settled for less. Further undermining this already inadequate income would only reduce their numbers. Fewer Protestant clergy would in turn reduce the chances that their apostolic purity and meekness would convert the benighted Popish masses.

The spate of high Church pamphlets provoked both Presbyterian pamphlets and an unprecedented display of Catholic indignation. Rather than endure the usual claims of despotic and disloyal inclinations in meek silence, Catholics, aided by sympathetic Protestants, indignantly asserted their love of and loyalty to the Constitution. A decade of rhetoric about (and tantalizing promises of) equality had increased Catholic assertiveness and decreased their tolerance for the old political myths.

James Butler, the Roman Catholic^{arch}/bishop of Cashel, took the lead. Butler had particular reason to take issue with the claims of Woodward and the other defenders of the

¹⁶⁵ The title of Woodward's pamphlet was *The Present State of the Church of Ireland* (Dublin, 1787); for an edifying example of anonymous hackwork see *Remarks on the Justification of the Tenets of the Papists, lately published by Dr. James Butler* (Dublin, 1787) which had an ingenious argument in favour of FitzGibbon's chapel-wrecking clause. The author, or authors argued, in all seriousness, that it was only fair that Papists should lose their chapels, since the Popes had closed so many in past ages through interdicts. The author or authors went by a long string of initials: A.Y.U.J.D.R. S. and S.A.S.

Established Church. In spite of the hostility and suspicion of his superiors in the Vatican, he had taken the lead in framing the loyalty oath of 1774. In spite of the same attitude on the part of Rutland's administration, he had made every effort to maintain close ties with the government. Moreover, in the 1770's, he had taken the lead in excommunicating Whiteboys, while his brother, Mr. Butler of Ballyraggat, resorted to the secular measure of force.¹⁶⁶ The fact that the Whiteboys of the 1780's were also demanding an abridgement of the dues paid to priests for performing the sacraments exacerbated the mortification that Butler and others of his party felt at accusations of collusion. Some Whiteboys even took to marching in formation to Protestant Churches, a grotesquely paradoxical gesture of defiance against the alleged excesses of priests' dues.¹⁶⁷

Butler succeeded in placating his restless faithful on the issue of dues. In spite of the fact that his veneration for his own Butler lineage sometimes exceeded his devotion to the Roman Catholic Church, he performed his duties intelligently and conscientiously. His conduct in response to the controversy over priests' fees was no exception. After making a thorough visitation of his diocese, he drew up a schedule of fees, and in doing so he did make reductions which proved satisfactory.¹⁶⁸ He had far less success in convincing his Protestant interlocutors that the Irish Catholics, especially their bishops, were loyal, peaceable, and respectably independent of the Pope. On the contrary, his pamphlet only provoked yet other pamphlets reiterating the Established Churchmen's conviction of the unalterable bigotry of the Roman Church.¹⁶⁹

In the midst of this mean-spirited dispute over such matters as the precise meaning of *Salvo Meo Ordine* and the exact degree of authority exercised by papal nuncios, more secular and more mundane causes for the Whiteboy disturbances occasionally received attention. Some commentators noted a connection between the resistance to tithes and the harsh winters of the early 1780's. After successive seasons of dearth, the peasantry in Munster were just beginning to experience a modest prosperity, or at least a return to ordinary levels of subsistence. Tithes, in spite of the Christian self-denial of the Church of Ireland clergy, seemed a particularly irksome barrier to recouping the losses of the first part

¹⁶⁶ See Butler's own aggrieved account of his loyalties and service, 16,350/50

¹⁶⁷ Ibid.; Bennett, op. cit.

¹⁶⁸ Ibid.

¹⁶⁹ The title of Butler's particular production was entitled "A Letter from the Most Reverend Doctor Butler, Titular Archbishop of Cashel to the Right Honorable Lord Viscount Kenmare" (Kilkenny, 1787)

of the decade.¹⁷⁰ Others reiterated the time-honored connection between Irish drinking and Irish disorder.¹⁷¹

Above all, the negligence, selfishness and bad judgment of the Irish gentry once again were identified as the chief cause of disorder. Even those inclined to cast suspicion on the Roman Catholic church, such as Woodward, acknowledged the role played by renegade Protestant gentry in encouraging the disturbances.¹⁷² Dominic Trant emphasized the faults of the gentry as emphatically. Along with other defenders of the Established Church, he placed the largest share of blame on Sir John Colthurst, a landowner in Cork, the center of Whiteboy resistance. Trant and his fellow polemicists attributed Colthurst's encouragement of the Whiteboys to a longstanding electoral feud with Lord Shannon, a stalwart patron of the Church.¹⁷³ They also made the claim that Colthurst and others like him fully intended to take advantage of any abatement in tithes to increase the rents of the downtrodden peasants they were currently championing.¹⁷⁴

The Whiteboys certainly benefited from the apathy, the collusion or the absence of landed proprietors. Given the spending habits of many gentry, there is undoubtedly some truth to claims that upper class abettors of the Whiteboys hoped to increase their own income at the expense of the clergy. Political opportunism also accounted for the atmosphere of indulgence, particularly in Cork. Colthurst and the other gentry opposed to the Shannon interest found in the Whiteboys a convenient tool for influence and

170 Orde himself made this point in his characteristically detailed memorandum on the subject. Bolton, 15,959. To be precise, it is point number 3 out of 44

171 Trant made this observation, though with a touching 18th century ignorance about the dynamics of alcohol abuse he seemed to think that substituting nutritious beer for pernicious spirits might reduce violence and lawlessness.

172 Woodward, pp. 93-94

173 Trant, pp. 44, 47-8; Bennett, *op. cit.* Bennett, in particular, emphasized the electoral feud.

174 Colthurst chose to respond to his chief critic, Dominic Trant, not with a pamphlet, but with the more traditional Irish gentleman's reply, the duelling pistol. The duel, which took place in the environs of Ballsbridge, was a grim comedy. The two would-be antagonists were pursued by magistrates bent on preventing their meeting. At one point in his flight, Trant lost his glasses. In spite of the handicap of inadvertent nearsightedness, Trant critically wounded Colthurst. Although Trant himself was deeply shaken by the incident, he evidently earned an unaccustomed measure of respect from his brother-in-law FitzGibbon, who commented that he "did not think there was so much in him [Trant]." Hitherto, FitzGibbon had apparently snubbed his brother-in-law. Why FitzGibbon held Trant in such contempt is, like so many things about this strange man, absolutely incomprehensible. Trant's correspondence reveals a generous, kindly, good-humored and sensible man. Possibly his very good nature aroused FitzGibbon's antagonism or the fact that he reminded his snobbish brother-in-law too much of his own origins. Trant too came from a convert family. His brother had remained a Catholic and Trant himself kept up close and friendly ties with Roman Catholics, as his earlier intervention on behalf of O'Connell reveals. See the very tart account of the duel which appears in a letter to Vere Hunt, a Limerick landowner. Limerick Public Library, Vere Hunt Correspondence (uncataloged) The letter is undated, and I was not even able to make out who wrote this particular account.

intimidation. But the Whiteboys enjoyed the benefits of their betters' example, as well as the benefit of their self-interest. They had observed how their betters had made use of political and military tactics to win autonomy for their parliament. The Whiteboys undoubtedly hoped that a similar combination of political agitation backed by armed intimidation would win them their demands.

Initially, FitzGibbon was presented in a favorable and hopeful light, as a possible redresser of grievances. An appeal, which appeared in July of 1786, offered the most startling example of this unaccustomed image of the attorney general:

Your humanity, abilities and rank in life give us hope that you will assist in shielding us from calumny and persecution. We have many very respectable protectors, and trust when you consider our motives and conduct, your feelings will raise us up another able advocate in the cause of distress and poverty.¹⁷⁵

This item appeared in *The Freeman's Journal*, a government-sponsored newspaper, and it was probably inserted with the intention of casting the attorney general, rather than the politically ambitious County Cork gentry in the role of defender of the oppressed.

FitzGibbon's sister Arabella Jefferyes, who had open sympathies with the Whiteboys, assumed this role with an embarrassing visibility. She took it upon herself to set both tithes for the incumbent of the Church of Ireland living at Blarney Castle and fees for the local Roman Catholic priest. She also enthusiastically encouraged church parades, and she allegedly condoned the gathering of Whiteboys on her estate. A scheme to drain a large lake near Blarney Castle was the most notable of such incidents. Ostensibly, Mrs. Jefferyes had ordered the lake drained to reclaim a treasure supposedly concealed there by a previous occupant of Blarney. In actual ^{ity}, whether such was her intention or not, this project offered the pretext for extensive organization and oath-taking.¹⁷⁶

Her impassioned paternalism (or perhaps more appropriately maternalism) earned her the adoration of her tenants, who bestowed on her the honorary title of "Lady" Jefferyes. She experienced a less flattering reception from her male peers. Her efforts to impose her own scale of fees on the local priest brought only the contemptuous response that "he knew of no person named Arabella Jefferyes." Father O'Leary, who made a tour of Munster to preach against the Whiteboys, privately ridiculed her *grande dame* mannerisms, which admittedly were as absurd as they were pathetic.¹⁷⁷

175 *Freeman's Journal*, 1-4 July, 1786

176 Bennett; Bolton, 16,350/81

177 Bennett

Mrs. Jefferyes and her Whiteboy proteges were soon to discover that John FitzGibbon sided with his brother-in-law Trant on the subject of tithes. According to one commentator, she received a very severe letter from her brother. Precisely what he said to this tragic woman, who so resembled him, remains unknown.¹⁷⁸

Given the nature of both Rutland's government and of FitzGibbon, the Whiteboys' hopes were inevitably doomed to disappointment. In the initial stages of the protest over tithes, the government and its attorney general displayed a considerable hesitation over the proper course of action. Embarrassment over the sheer complexity and extent of the Whiteboy disturbances undoubtedly accounted for this hesitation. The government may also have had trouble deciding whether repression or conciliation offered the best means of dissolving the formidable alliance of Whiteboys and opposition gentry in Cork.

Orde went through the usual motions. He accumulated a vast collection of memoranda, suggesting various ways to reform the system of assessing and collecting tithes and of civilizing the Irish countryside. He then dithered over his data. At one point, he toyed briefly with the notion of making some minor, placating reforms.¹⁷⁹ The progress of General Luttrell through Munster best exemplifies the initial ambivalence on the part of the government. Luttrell toured Munster, both to intimidate the Whiteboys with a show of force and to negotiate a mutually agreeable schedule of tithes. These efforts came to little; Luttrell and the peasantry, as might have been expected, could not agree on what constituted a fair and just system of tithes.¹⁸⁰

FitzGibbon too showed a curious reluctance to act against the Whiteboys that was distinctly at odds with the sadistic gusto with which he pursued libelous publishers, rebellious Dublin sheriffs and "drunken weavers" in the Liberties. Like Orde, the complexity of the disorders and the demands of County Cork politicking undoubtedly constrained him. His habitual compassion for the rural poor also may have accounted for his reluctance, as this moving speech of February 1787 indicated

..I know that it is impossible for human wretchedness to exceed that of the miserable peasantry in that province [Munster] I know the unhappy tenantry are ground to powder by relentless landlords. I know that far from being able to give the clergy their just dues, they have not food or raiment for themselves, the landlord grasps the whole ¹⁸¹

178 Ibid.

179 Orde certainly toyed with the idea, though he emphasized that the government could make no concessions that would give the impression that they had succumbed to pressure from the Whiteboys. Bolton, 15,959

180 For an account of Luttrell's progress, see HO 100/18/387-9; Rutland to Orde, 27 October, 1786

181 *PR*(1787), p. 59

In the end, the habitual answer of the Rutland administration to all Irish social problems, legislated brute force, prevailed. To be fair, Orde showed some abatement in his terrors of the Roman Catholic Church, thanks it must be hoped to Bishop Butler's many letters and gifts of pamphlets. He could acknowledge that no discernable evidence existed of a systematic, large-scale plot embracing every Catholic in Ireland.¹⁸² Nonetheless, in the end he remained in fundamental agreement with Woodward and other high church pamphleteers: responding to the menaces of Popish peasants by curtailing the rights and privileges of the Protestant clergy would only encourage further rebellion and the ultimate subversion of the establishment in Church and State.¹⁸³ As for FitzGibbon, his sectarian sensitivities would have made him see the dangers of conciliation at least as readily as Woodward or Orde.

In February of 1787, shortly after the opening of Parliament, FitzGibbon presented the bill he had drawn up to suppress the Whiteboy disturbances. The bill reflected none of the compassion he had expressed in the House. It offered two elegant solutions to the grievances of the peasantry, transportation or the gallows. Those who administered oaths or who interfered with the collection of tithes faced transportation. The death penalty was attached to such actions as seizing arms or using force to compel individuals to join combinations. In short, all the tactics which had made the Whiteboys formidable now carried terrifying penalties.¹⁸⁴ Notwithstanding its bloodthirstiness, the bill passed fairly quickly through Parliament. FitzGibbon's fears affected most members, however sympathetic to the Whiteboys. In the end, they recognized that attacks on the tithes of the established clergy inevitably undermined the security of gentlemen's rents. Indeed, the Whiteboys had already begun to press for a reduction in rents as well as a commutation of tithes.¹⁸⁵

FitzGibbon's fellow members balked at one provision of the act, which aimed at preventing the Whiteboys from using Catholic chapels to organize their activities and to tender oaths to new initiates. FitzGibbon authorized magistrates to demolish any chapels

¹⁸² Bolton, 15, 959, op. cit.; 16,355/94-95 Orde to Pitt, 17 February, 1787

¹⁸³ Bolton 16,355/94-95; see also Sydney's response on the subject HO 100/18/278 6 September, 1786; Sydney pointed out to Rutland that an attack on the clergy constituted an attack on the entire Protestant establishment, though he did point out that the clergy could prudently consider ways to modify their exactions of tithes.

¹⁸⁴ *Irish Statutes XIV*, pp. 165-170 "An Act to Prevent Tumultuous Risings and Assemblies and for the more Effectual Punishment of Persons Guilty of Outrage, Riot, and Illegal Combination and of Administering and Taking Unlawful Oaths"

¹⁸⁵ Bolton 16,355/94-95; HO 100/20/113-14 Orde to Nepean, 14 February, 1787, "...no objections of weight were made to any parts of the Bill but such as we had agreed in the morning to omit or alter."

used by the Whiteboys for such purposes. This measure disgusted even Sir Edward Newenham, a man not otherwise known for his respect for Catholic holy places. He spoke for all of his parliamentary colleagues when he denounced it as a "most insulting and oppressive clause."¹⁸⁶

Initially, FitzGibbon made a shamefaced retreat before the outrage of his fellow members. He insisted that he had intended no insult to the Catholics. On the contrary, no one had "more respect for the worthy part of them." Furthermore, he claimed Catholic precedents for this exercise in architectural humiliation: "I have known this very punishment inflicted in catholic countries, and have actually seen churches shut up by order of the King of France for offenses of a political nature."¹⁸⁷ He also claimed no less than the authority of Jesus Christ Himself to justify his pet clause. "As we are told from the highest authority that when the temple had become a den of thieves the doors were therefore shut."¹⁸⁸ FitzGibbon insisted that he had inserted the offending clause mainly to intimidate his old enemies the middlemen. They were inciting the Whiteboys to deprive the Protestant clergy of their tithes, with the intention of increasing their own rapacious exactions. FitzGibbon expressed the hope that once the middlemen recognized they could lose their chapels, they would stop stirring up trouble.

FitzGibbon's excuses, apologies and exercises in Biblical exegesis did not alter the fact that the clause directed against chapels was a brutal and repulsive act of sectarian terror. It reflected, not only FitzGibbon's perpetual and furious renunciation of his Irish Catholic ancestry, but his exquisite, well-honed knowledge of the Irish Catholic mentality. Nothing could have been better calculated to terrify and humiliate that people, many of whom still had raw memories of the old penal code. FitzGibbon himself revealed his true motives later in debate. Irritated by the continued criticisms of the chapel clause, he allowed the Bible-quoting, Catholic-respecting mask to slip:

The Attorney-General here explained that he by no means relinquished the principle of the clause particularly objected to--He thought it extremely just if popish meeting houses were made places of combination to rob the protestant clergy, they ought to be prostrated. However, he would not press the clause, himself being desirous of unanimity; but he never would forgo the opinion he entertained of the justness of his principle.¹⁸⁹

¹⁸⁶ PR (1787), p. 232

¹⁸⁷ Ibid., p. 185

¹⁸⁸ FitzGibbon was somewhat maladroit in his choice of Biblical quotes. The divine champion of the Established Church merely drove the money changers out of the Temple. He did not order its subsequent demolition. Jesus made a far more *a propos* remark in Matthew 24:1-3, "I tell you this: not a single stone here will be left in its place; every one of them will be thrown down."

¹⁸⁹ Ibid., p. 191

Have effectively reinforced the machinery of state terror to suppress the rebellion of the Whiteboys, it now remained for FitzGibbon to keep his self-imposed promise to consider their grievances. He escaped any serious threat of honoring this promise during the session of 1787, but his old friend Henry Grattan called his bluff by introducing a comprehensive plan for reforming tithes in the ensuing session. Ingrained habits of opposition, still more ingrained habits of seeking the limelight and deeply felt, if intellectually vague notions of leading his free Ireland into an enlightened new era all prompted Grattan's undertaking. His ambitious, and probably unrealizable program, included the elimination of much hated tithe proctors, a septennial valuation of corn to arrive at rates more accurately reflecting current market values, the establishment of local committees to determine such rates, an exemption of hay, potatoes and other widely used commodities and the partial commutation of some tithes to cash payments. Grattan also included a provision exempting reclaimed barren lands from tithes for a period of seven years. Using all of his considerable rhetorical virtuosity, he drew on a formidable mass of information ranging from the tithing practices of the ancient Jews to the prices of provisions in Munster to bolster his central argument: the reform of tithes could only benefit the Protestant establishment by removing an endemic source of disaffection and by securing for its clergy a steady, reasonable income.¹⁹⁰

FitzGibbon reacted with many cavils and warnings. Any meddling with tithes, he claimed, could only undermine the authority and prestige of the established church and worse, encourage a revival of Whiteboy disorders. Rejection of ^{Grattan's proposals} would stir outrage and rebellion, while any reforms would fail to satisfy. Nothing less than the abolition of tithes altogether would settle the benighted peasantry. FitzGibbon tacked a highly unconvincing disclaimer to this speech of opposition: "However if they [Grattan's proposals] were reduced to a bill, he would examine them. If they were such as he approved, he should support, if not he should reject them."¹⁹¹

This brief note to Orde, written in the autumn of 1787 anticipated the stance FitzGibbon was to take:

By the way, I am told that Grattan is busily engaged in investigating the subject of Tythes, etc. if I know him the deeper he goes there the faster he will stick.¹⁹²

¹⁹⁰ See *PR* (1788) pp. 193-232 for the full text of Grattan's amazing *tour de force*.

¹⁹¹ *PR* (1788), pp. 234-235

¹⁹² Bolton, 15,883/9 FitzGibbon to Orde, 15 September, 1787

In effect, FitzGibbon's claims of an open mind on the subject of tithe reform were a sham from the start. As the letter to Orde indicates, he hardly believed in the pose himself.

Grattan's efforts to promote a more comprehensive reform of tithes in the winter of 1788 did indeed stick fast. A comfortable majority, bored with the subject or antagonistic to it, rejected Grattan's motion. The vote was 49-121.¹⁹³ By that time, Rutland had died of alcoholic excess and Orde had retired to England with his nerves and his various ailments. But the new government of the Duke of Buckingham took the same line. This letter from Evan Nepean to Alleyne Fitzherbert, Buckingham's first^{chief} secretary, demonstrates the official view that had carried over from one administration to another:

The motion made by Mr. Grattan upon the subject of Tythes...would, had it been agreed to by the House, certainly have brought forward the discussion of questions, which apart from their nature would again be likely to interrupt the publick tranquillity ¹⁹⁴

Grattan soon found other outlets for his enthusiasm, his ambition and his rhetorical virtuosity. As for the peasantry of Munster, the subject of so much pity and outrage, discouragement, as well as the threat of hanging and whipping effectively broke any further attempts at sustained, large scale resistance of tithes.

Although routed soundly on the issue of tithes, FitzGibbon's opponents did manage to score some points at the expense of his much vaunted reputation as the friend of the poor. Forbes, Grattan's friend, dismissed FitzGibbon's concern as a mere rhetorical device:

"he [FitzGibbon] has stated that the peasantry of the South of Ireland were the most wretched and oppressed people of any in the world... But what relief has the right honorable member proposed for the distresses of the South? Nothing but penal laws."¹⁹⁵

In addition to the Whiteboy act, which addressed the immediate uprisings in Munster, the Rutland administration introduced ambitious system of law enforcement to prevent a recurrence of similar disorders. Once again Orde collected memoranda on the disorderly state of the Irish countryside.¹⁹⁶ Once again this flood of fact and impression was condensed into a bill, which in turn became the subject of further memoranda and

¹⁹³ *PR* (1788), p. 237

¹⁹⁴ HO 100/23/139-40; this letter is dated 21 March, 1788

¹⁹⁵ *PR* (1787), p. 209

¹⁹⁶ See for example, Bolton 15,938 1-2; 15,935/1

analysis. The end result, introduced in the winter of 1787, amounted in effect to an extension of the Dublin Police Act to encompass the whole countryside.¹⁹⁷

In essence, the proposed rural police act addressed one of the greatest causes of complaint, absentee, negligent or partial magistrates, sheriffs and peace officers. In its initial draft stages, the bill provided for a wholesale purge of the magistracy, and an issuing of new commissions. The bill next provided for the division of each county into baronial districts, bearing the name of one of the baronies, presumably the largest. Each of these districts was to have one peace officer and a constable along with "sixteen proper persons...to act as subconstables." The proper persons were, of course, Protestants. They were to form armed bodies to patrol the countryside. The grand juries of the counties were to levy cesses to pay the salaries of the constables and peace officers. In addition, the bill required the convening of a general sessions of the peace in every county eight times a year rather than four, as was the custom. Finally and perhaps most controversially, the bill provided for the appointment of barristers to assist justices at these sessions of the peace. The provisions in question required the assistant barristers to have at least six years of experience, and it denied the post to any barrister who was also serving in Parliament. Presumably members of Parliament would have faced a conflict between enforcing impartial justice and maintaining their popularity with voters in their particular district. Yet another provision required judges to select a certain number of justices to attend at all sessions of the peace "having a due Regard to the Distance of the Residence of every such Justice from the Town, at which every session is to be holden." Nonetheless, justices not on the roster could attend if so inclined.

The bill also attempted to introduce some measure of system to two common areas of abuse: licensing and the taking of sureties. One provision gave chief constables and justices the power to check for and to verify the licenses of all vendors of "Beer, Ale or Spirituous Liquors" The magistrates were to take reasonable recognizances for offenses against the peace and they were to accept no surety until they had ascertained the parties in question were householders who could make good the promised sum.¹⁹⁸

Such a systematic and comprehensive act was of course doomed to failure. It offended every instinct of *amour propre*, sloth and public, as opposed to private, parsimony, that characterized too many Irish country gentlemen. They saw and no doubt rightly, ^{that} the barristers who purportedly were to advise them also infringed on their autonomy. The presence of a disinterested legal authority, with no local ties and no interest

¹⁹⁷ *Irish Statutes XIV*, pp. 338-345 "An Act for the Better Execution of the Law and the Preservation of the Peace within the Counties at Large"; for a draft of the bill see Bolton 15,941/1

¹⁹⁸ Bolton 15,941/1 op. cit.

to maintain in a particular locality effectively prevented any favoritism or slackness in the interpretation or the enforcement of the law. The provisions imposing additional sessions and requiring attendance also offended those who looked upon the office of magistrate chiefly as an honorary and prestigious title. Above all, the act was costly. The proposed salary for the chief constable was L50; the subconstables were to receive from 10-12 per annum and the assistant barristers were entitled to a compensation not exceeding L300. According to the proposed magistracy act, fines levied by the magistrates were to defray these expenses, in addition to grand jury levies. While these salaries were, to be sure, comparatively modest, the status quo, that is inaction occasionally interrupted by military action, was cheaper. Finally, regional sensitivities contributed in large measure to the opposition to the bill. Members from Ulster in particular, the former hotbed of tithe agitation, resented the fact that their law abiding province should suffer tyranny and expense because of the misbehavior of Munster.¹⁹⁹

The Rutland administration, once again, proved incapable either of persuading or disciplining Parliament. When faced with so much resistance to expense, exertion and responsibility, the government adopted the same course it had taken toward the commercial propositions: it retreated, and left the implementation of the act to the discretion of the individual counties. Only four eventually chose implementation: Kerry, Cork, Kilkenny and Tipperary.²⁰⁰

Limerick, the attorney general's home county was conspicuously absent. He had provided information on the barony divisions of Limerick with an undoubted view to the bill's adoption there, and he had, in addition acted his usual part of advocate in Parliament. Nonetheless, he actively repudiated it at the county meetings on the subject.²⁰¹

Possibly the newest direction of his ambition prompted his startling accommodation to the hostile country gentlemen of Limerick. His standing with the Rutland administration by this time had reached such heights that he felt confident enough to raise the possibility of replacing Lord Chancellor Lifford, who was languidly anticipating his retirement.²⁰² Rutland and, to a lesser degree, Orde favored the idea, out of a conviction of FitzGibbon's abilities and out of a warm personal attachment. Orde, in noting down FitzGibbon's request, characterized him as an "honorable, steady friend."²⁰³ The more emotional

¹⁹⁹ See PR (1787) pp. 460-1 (Mr. Conolly on the role of lawyers) p. 438, 439 (Mr. Alexander on the peaceableness of Ulster); see also pp. 433, 435-6

²⁰⁰ HO 100/21/226-7, 10 August, 1787, Rutland to Sydney

²⁰¹ Ibid.; for FitzGibbon's equivocal role see *Lord Shannon's Letters to his son Viscount Boyle, 1790-1802*, (Belfast (PRONI), 1982) p. lxvi

²⁰² Bolton, 15,923

²⁰³ Ibid.

Rutland simply declared "I love the man".²⁰⁴ Nonetheless, a long-standing tradition of appointing an Englishman or Scots, as well as FitzGibbon's comparative youth, precluded any firm promises on the matter. He may have repudiated the Magistracy Act either to create popular sympathy for his bid for the Seals, or to establish a foundation for another try at one of the county seats in case his appointment failed to materialize.

Whatever the motives for his action, FitzGibbon suffered no repercussions for this sacrifice of public responsibility for private politicking. Lord Shannon, who had established a reputation as a zealous Churchman and whose county had suffered considerable upheaval from the Whiteboys was, not surprisingly, angry with the attorney general and with the Rutland administration in general.²⁰⁵ However distressing Shannon's disapproval may have been, he did not influence the appointment of Lord Chancellor. Those who did, Rutland and Orde, do not appear to have expressed any disapprobation of FitzGibbon's actions. His past service, as well as the abatement of Whiteboy activity undoubtedly made them take a more tolerant view of FitzGibbon's efforts to woo the country gentlemen of Limerick at the expense of larger government policy. Within three years, FitzGibbon had established himself so firmly in the confidence of government that he could virtually do no wrong.

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Although he was engaged in activities at least as controversial as those in 1784, press attacks on FitzGibbon abated notably in the years from 1785 to 1787. To be sure, well into 1785, FitzGibbon-baiting in the usual style continued unabated, though government-controlled newspapers countered with dutiful praise of FitzGibbon's "Roman Firmness" and his "integrity, humanity and comprehensive knowledge of the laws of his country."²⁰⁶ The opposition press remained profoundly unconvinced that FitzGibbon possessed any of the above qualities. Paragraphs lambasting him for attaching Reilly continued to appear with monotonous regularity. His "besotted nation" speed added new fuel to the fire. The *Volunteer's Journal* responded to the suspension of the propositions by declaring exultantly: "This *besotted* nation has in the hour of its stupidity preserved its freedom of trade to all the world." The same journal labeled FitzGibbon an assassin, bent on fomenting civil war between Ireland and England with his irresponsible rhetoric.²⁰⁷

²⁰⁴ HMC Rutland IV, p. 307

²⁰⁵ Lord Shannon's Letters to his son, Viscount Boyle, op. cit.

²⁰⁶ FitzGibbon could thank the *Volunteer Evening Post*, 2-4 December, 1784 for the "Roman firmness" plaudit. The *Freeman's Journal* of 12-14 October, 1784 provided the puff on integrity, humanity, etc.

²⁰⁷ *Volunteer's Journal* (Cork), 19 August, 1785; 26 August, 1784

One year later, the *Dublin Evening Post* was still harping on FitzGibbon's striking, if tactless, turn of phrase:

Would any but a besotted Administration leave our market open for the reception of foreign fabrics to the ruin of our own? If the Administration were not besotted, would they suffer all our raw materials to leave the kingdom to its impoverishment and the aggrandizement of foreigners? Must not an Administration be besotted that would see trial by Jury dispensed with? If we may judge from the facts, it is evident, then, that the polite epithet is absolutely the property of the Administration and is totally inapplicable to the people.²⁰⁸

In addition, the opposition newspapers continued their usual sniping at his arrogance, his lasciviousness, his effeminacy and his low Catholic background.²⁰⁹ Nonetheless, by the end of 1786, the tone of the opposition press seems to have become considerably more subdued. As the above example suggests, FitzGibbon continued to garner dishonorable mention for the attachments of 1784, as well as for the unfortunate rhetoric of 1785. His vocal support for the police bill, a major opposition *bête noir* during the session of 1786, also attracted unfavorable comment.²¹⁰ But the criticisms grew less personal and more general, aimed less at Jack Fitzpetulant and more at the Administration. Indeed, the soubriquet Jack Fitzpetulant all but disappeared and the more respectful "Mr. FitzGibbon" or the "Right Honorable Attorney General" took its place. The fascinating references to his sexual habits, his drinking, his low Catholic origins, etc. also disappeared. As has already been noted, FitzGibbon even came in for a large measure of favorable comment for his handling of the FitzGerald case.

The more restrained treatment of FitzGibbon suggests that after a long struggle, the opposition press finally retreated before the chilling effects of the Press Bill, and the numerous legal prosecutions that the government had undertaken. Most notably, the *Volunteer's Journal*, one of FitzGibbon's most ardent critics, did not long survive Matthew Carey's forced emigration, and in 1787, it ceased publication. The *Dublin Evening Post* and the *Hibernian Journal* managed to survive, but only by abandoning their exuberant salaciousness and malice.²¹¹ FitzGibbon himself commented with satisfaction on the decorum of the newspapers in 1786.²¹²

²⁰⁸ *Dublin Evening Post*, 10 August, 1785

²⁰⁹ The *Volunteer's Journal* certainly continued on its irrepressible way in 1785. See 25 February, 1785 for taunts against Catholic ancestry. For FitzGibbon's amorous inclinations see 13 May, 1785

²¹⁰ *Dublin Evening Post*, February 16, 1786

²¹¹ Inglis, p. 50

²¹² *PR* (1786), p. 157

The same reticence marked the opposition press's reaction to FitzGibbon's measures against the Whiteboys, and most notably the brutal chapel wrecking clause. The measure itself was widely condemned. Even the government-sponsored *Freeman's Journal* expressed outrage. A paragraph in the *Freeman's* declared that only the most stringent rules of evidence could justify this "obnoxious clause" and "protect the religious and civil liberties of at least one half the subjects" from an "interested or prejudiced informer".²¹³ The *Freeman's* editorial enemy, the *Hibernian Journal* reprinted this same paragraph, and also praised the "irresistible and just opposition" given by Grattan in particular to the "odious and detested clause...which would have empowered every ignorant and malicious Justice of the Peace to raise [sic] to the ground any Roman Catholic chapel on the bare affidavit of every prejudiced person."²¹⁴ The *Dublin Evening Post* denounced the clause's "deformity to the eye of justice and its impiety to the view of religion" and like the *Hibernian Journal*, praised the opposition for forcing its removal.²¹⁵

Nonetheless, FitzGibbon's sponsorship of the chapel-wrecking clause provoked none of the rage, the scurrility or the personal abuse aroused by his use of attachments in 1784. Certainly FitzGibbon's apostate background and the activities of Mrs. Jefferyes offered opportunities for an enterprising satirist. Yet even the doomed *Volunteer's Journal*, in one final salvo at FitzGibbon failed to take the advantage. The editorial cited the act to suppress the Whiteboys as only one facet of the "King's Devil's...favorite plan..of encroaching in a most flagrant manner on the constitutional liberties of the subject."²¹⁶ Notwithstanding, the *Volunteer's Journal* correspondent made no specific reference to the chapel clause or to the peculiar malice of its Catholic apostate framer. As for the other major opposition papers, they ventured no criticisms of the clause's sponsor.

FitzGibbon, meanwhile, continued, diligently and relentlessly, to pursue the interests of the English Government in Ireland, and with it, his own interests. He undertook an astounding variety of business and discharged it all with meticulousness and efficiency. Above all, he had a gift for grasping the English perspective on Irish matters.

The passage of the Irish Navigation Act most clearly demonstrated FitzGibbon's qualities as the servant of English policy in Ireland. Early in 1787, Lord Hawkesbury, one of the Commissioners of the English Board of Trade, contacted the Irish government regarding a revision of the Navigation Acts. These acts, originally passed during the reign of Charles II, conferred on British-built ships a virtual monopoly on foreign and colonial

²¹³ *Freeman's Journal*, 2 March, 1787

²¹⁴ *Hibernian Journal*, 7 March, 1787

²¹⁵ *Dublin Evening Post*, 27 February, 1787

²¹⁶ *Volunteer's Journal*, 19 April, 1787

trade. Initial versions of the Navigation Act had extended the same rights to Irish ships, and the Dublin Parliament, in the so-called "Act of Customs" had duly acknowledged its authority. Later English legislation considerably curtailed Irish trading privileges, particularly with the colonies. The patriot initiatives of the 1770's did succeed in removing most of these later restrictions from colonial trade, but prohibitions against shipping plantation produce from Ireland to England still remained in force.²¹⁷

Hawkesbury's revisions aimed at strengthening the Navigation Act, by tightening the regulation of ship registration. Evidently many foreign ships fraudulently registered as British or as Irish ships to evade the restrictions of the Navigation Acts. The Americans were particular offenders. To thwart them, Hawkesbury introduced in 1786 an elaborate system of ship registration covering every possible kind of commercial vessel. The act imposed heavy fines for failure to comply, and it explicitly excluded American ships from trade with the remaining British colonies. Hawkesbury's new modeled Navigation Act aimed above all at undercutting American trade, just as the original had attempted to curtail Dutch competition. Ireland represented only a secondary concern. If anything, the act conferred a benefit, since it confirmed Ireland's share in the monopoly.²¹⁸

Nonetheless, Hawkesbury needed parallel legislation from Ireland to complete his system, however beneficial. According to FitzGibbon, English judges had raised doubts about the Navigation Act's authority in Ireland. Consequently, it was all the more important to obtain legislative confirmation of the Navigation Acts from the Irish Parliament, thus preventing Ireland from serving as a safe haven for American, Irish and English shippers bent on flouting the act's restrictions. Although the question of suppressing the Whiteboys pre-occupied him at the time, FitzGibbon acted as Hawkesbury's main liaison. In March of 1787, he made a full and lucid response to Hawkesbury's inquiry. FitzGibbon began by apologizing for his delay in replying: "...the novelty of the question in this country, and the general diffidence entertained upon it at the first opening, by gentlemen whom it was necessary to consult, have necessarily induced delay."²¹⁹ The diffident gentlemen in question were probably Foster, Beresford and Parnell, the main authorities on trade legislation in the Irish government. After the drubbing which the Commercial Propositions had received in Parliament, they understandably shied away from any revival of the touchy question of Anglo-Irish trade.

²¹⁷ See Bolton, 15,839/1 for a discussion of the status of the Navigation Acts in Ireland prior to Hawkesbury's legislation

²¹⁸ Ehrman, pp. 339-41

²¹⁹ BM Add. MS. 38221, f267-8, FitzGibbon to Hawkesbury, 10 March, 1787 (My thanks to Dr. Anthony Malcomson for bringing this and other documents on the Navigation Acts to my attention.)

In spite of this reluctance, FitzGibbon, with their help, had managed to draw up and introduce a Navigation Bill.

Although this legislation by and large reproduced the English bill, FitzGibbon reported to Hawkesbury some minor changes made to accommodate peculiarities in Irish legislative procedures and in the Irish political scene. Most of the changes concerned minor points of law or redundancies. FitzGibbon noted that the draft of the English statute made a general reference to duties passed by previous acts of Parliament. He had omitted this reference, first because the "general reference to duties imposed by acts not named...[is]...not usual in our acts of parliament." and secondly because the duties in question were already levied through the Act of Navigation and the Act of Customs. Therefore, any mention of them was unnecessary. FitzGibbon also omitted the provision in the English statute restricting the stamp duty on bonds to one shilling. As he pointed out to Hawkesbury "...the stamp duty upon bonds of any description in this country does not exceed one shilling." The Irish Navigation act also omitted a clause which made it a capital offense to forge "Mediterranean passes", that is, permits granted by the bey of Algiers to navigate the territorial waters of the Barbary States. FitzGibbon believed that an entirely separate bill could more appropriately deal with this offense, as well as a "practice which I am afraid prevails too generally in both countries, of selling Mediterranean passes, particularly to the owners of American ships." He quickly grasped the essential anti-Americanism of Hawkesbury's revamped mercantile system.²²⁰

Hawkesbury's suggestions for the preamble of the bill gave FitzGibbon and his colleagues the greatest cause for concern. He acknowledged to Hawkesbury that some sort of declaration upholding the authority of the English Navigation Act in Ireland was necessary. Nonetheless, an outright declaration declaring that such acts would apply to Ireland was likely to create "cavil and misrepresentation." While FitzGibbon attributed such fears to his unnamed colleagues, he too unquestionably shared them. In spite of his contempt for the opposition, he had enough astuteness to recognize the dangers of yet another brawl over trade. He therefore made oblique allusions to the authority of the Navigation Acts in Ireland. His preamble simply noted that according to a provision in the Irish Act of Customs, the English Navigation Acts applied to Ireland.²²¹

Hawkesbury gave complete approval to FitzGibbon's alterations:

220 Ibid.

221 Ibid.

...the alterations you have made in it appear to me to be judicious and to remove objections on your side of the water, and cannot, I am sure, be in the least degree disapproved of here.²²²

One month later, FitzGibbon reported to Hawkesbury that the Navigation Act had passed through both Houses of the Irish Parliament "without any alteration whatever." He acknowledged some difficulty from Grattan, who had "committed himself upon the subject before he had perfectly comprehended it." But ultimately even the most confirmed member of the opposition acknowledged the fundamental premise of the act, that Great Britain and Ireland should "always be united in maritime policy."²²³

In actuality, the debate over the Navigation Act was somewhat brisker than FitzGibbon let on. Unplacated by FitzGibbon's tactful phrasing of the preamble, Grattan and his allies revived the uneasy ghost of the 1785 propositions. The Navigation Act, they claimed, was in fact a proposition, but unlike the unmourned predecessors of 1785, it did not even offer the pretext of equal trade. Hawkesbury's Act did nothing to remove the unjust later constructions of the Navigation Act, especially the restriction on imports of plantation produce from Ireland to England. Such restrictions, or so Grattan and his various supporters argued, had made any access to the English colonies of virtually no value to Ireland. Unless the English government put an "equal construction" on the Navigation Act and removed this restriction, the Irish parliament should refuse to pass any parallel legislation confirming it. Grattan also questioned whether the Act of Customs did in actuality uphold the authority of the Navigation Act, and he claimed that this new and sweeping trade legislation might overturn other regulations confirmed by Yelverton's Act. He then introduced two resolutions calling for a complete equality of rights and privileges under the Navigation Act, which meant the freedom for Irish merchants to ship colonial and plantation products to England.²²⁴

FitzGibbon displayed a reasonable measure of calm in answering these points. He expressed an equal dislike for the English policy of excluding plantation produce shipped via Ireland. But the Irish Parliament had no power to force the English to change their policies on their own colonies. He emphasized that the Navigation Act in and of itself conferred on Ireland as well as England a monopoly on colonial shipping. The restrictions so obnoxious to the opposition had nothing to do with the current act or with the Navigation Act as it had originally been framed. FitzGibbon briefly trod on dangerous

222 BM Add MS 38309, f144, Hawkesbury to FitzGibbon, 19 March, 1787

223 BM Add MS 38221, f317, FitzGibbon to Hawkesbury, 2 April, 1787

224 *PR* (1787) pp. 380-81

grounds when countering Grattan's trouble-mongering allusions to the infamous fourth proposition, the one requiring duplicate trade legislation. That proposition, he rather simplistically claimed, had originated with the English opposition. Once they had obtained this object, they promptly and cynically used it to stir up Irish fears and prejudices. FitzGibbon appealed to his fellow members to show that they were no longer the easy dupes of the Foxite opposition. They could recognize their true interest and adopt a piece of legislation confirming their own privileges and strengthening an all important tie with England, maritime policy.²²⁵

No great outrage in the form of rhetoric inside Parliament or duels elsewhere resulted from this broadside. Grattan contented himself with reminding FitzGibbon that he owed his office to that same opposition.²²⁶ But as FitzGibbon had observed, the opposition lacked the fuel to stoke partisan conflagrations like those that had consumed the Commercial Propositions. Hawkesbury's Navigation Act, as interpreted by FitzGibbon and his colleagues on the Treasury Bench, did not represent a startling new departure from British policy. Even Grattan conceded that the Navigation Acts had a *de facto*, if not a *de jure* authority in Ireland and even Grattan claimed that he was for "British shipping."²²⁷ Recognition of privileges the bill did confer ultimately outweighed any opposition cavilling over privileges it did not.

FitzGibbon's skill and effort in negotiating this piece of legislation earned him yet another warm English admirer in Hawkesbury. He wrote: "...I cannot deny myself the pleasure of returning you my best thanks for the very liberal and manly part you have taken..."²²⁸ On his end, FitzGibbon lost no opportunity to cultivate their relations further. One year later, he wrote to Hawkesbury, and expressed his warm desire to "pay his respects" on a forthcoming visit to London. Very possibly he had purposes beyond a pleasant afternoon's social call.²²⁹ The Chancellorship remained, in the words of the *Dublin Evening Post* his "darling object." While Hawkesbury certainly had no direct influence on law appointments, he might, if properly cultivated, put in a few friendly and favorable words.

One of FitzGibbon's journalistic nemeses, the *Dublin Evening Post*, quickly saw a connection between his friendly cooperation with the English cabinet on the Navigation Act and his ambition:

225 Ibid. 382-4

226 Ibid., p. 384

227 *PR* (1787), pp. 380-1 "My sentiments are, Irish equality and British shipping."

228 Add. MS. 38309, f146; Hawkesbury to FitzGibbon, 27 March, 1787

229 Add. MS. 38471, f287, FitzGibbon to Hawkesbury, 7 August, 1788

Had the Rutland Administration lived to see the retirement of the Chancellor, little doubt exists as to the gentleman who would be named his successor. It was long the darling object of Mr. F's honest ambition, and so unconditional service to that Administration demands that it was morally impossible he should experience a refusal of anything, even the Chancellorship. Some go so far as to assert that he made it a condition for passing the partial construction of the Navigation Act through the House of Commons, a measure which may be of much injury to this country, tho' assented to for the mere purpose of pleasing British merchants and confirming British monopoly.²³⁰

Yet another paragraph in the *Dublin Evening Post* in October of 1788 made the same connection between FitzGibbon's judicial aspirations and the Navigation Act:

...it was his engaging to pass the partial construction of the Navigation Act that induced the late Duke of Rutland to enter into a solemn promise to bestow the place on him.²³¹

The claim was revived in the contentious year 1795, again by the *Dublin Evening Post*. The enormities attributed to FitzGibbon included "...the curious construction of the NAVIGATION ACT, by which Ireland conceded a point of the last importance to Great Britain, for the mighty equivalent of appointing a native to high official situation."²³²

This tale of a *quid pro quo* is pure legend, and like most legends, it combined elements of truth with elements of flagrant absurdity. In the first place, the Navigation Act was not exclusively the malign brainchild of FitzGibbon. Hawkesbury acknowledged the equal assistance of Sir John Parnell and John Beresford in his letter of thanks. Secondly, as noted earlier, the passage of an Irish Navigation Act simply confirmed an existing colonial maritime system. FitzGibbon had no power to eliminate restrictions on colonial trade and particularly not in the context of Hawkesbury's Act, which was mainly concerned with ship registrations. Finally, while FitzGibbon's steady service to the English interest had won him many friends, he was scarcely in a position to bargain for the Seals of Ireland. He was, at this point, still a subordinate, albeit a trusted and respected subordinate. Certainly Rutland and Orde favored his promotion. But their influence, however powerful, could not guarantee FitzGibbon's promotion. FitzGibbon himself knew as much, as evinced by his shrewd cultivation of Hawkesbury and by his trip to England in the spring of 1788. His new bride's health and recreation served as the pretext,

230 10 June, 1788

231 16 October, 1788

232 3 January, 1795

but in between jaunts to Tunbridge and Brighton, he called on both Thurlow and Pitt to press his claims. Both were non-committal, particularly Pitt, who never seems to have warmed to FitzGibbon.²³³ (The reasons for Pitt's coldness, even at this early stage in their relationship, are unclear. Pitt may have recognized and mistrusted FitzGibbon's evident ambition, or he may have recoiled from the effusive and sometimes fawning manner which his devoted servant in Ireland displayed toward his English superiors.) FitzGibbon, in short, was utterly dependent on the good pleasure of the English government, and *pace* the *Dublin Evening Post*, that good pleasure was by no means unanimous or certain.

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In the meantime, FitzGibbon had plenty of business in his current legal office. His cases touched on all facets of the law and involved all classes of people, from the wretched accomplices of George FitzGerald to Roman Catholic peers. His decisions did not necessarily reflect his religious and political sympathies; he was of course obliged to observe and uphold legal precedent. Nonetheless, it is possible to discern some of FitzGibbon's qualities in these cases, notably his sheer relentlessness, particularly in prosecuting disturbers of the civil order.

Some cases concerned routine government business. One opinion of interest concerned an abortive exercise in educational social engineering on the part of Thomas Orde. Orde's plan involved a thoroughgoing reform of the local parish schools, the creation of collegiate schools to improve the caliber of candidates admitted to the university, and the establishment of four vocational/technical colleges to teach practical subjects such as accounting, surveying and agriculture. The scheme, and in particular the revamped parish schools and the technical schools, purported to transform the lower classes from Irish-speaking Whiteboys and general disturbers of the peace into dutiful, submissive English speakers with a smattering of useful skills and literacy. Yet Orde introduced provisions that contradicted this intention. While Catholic children could attend the parish schools at no cost to their purses or, at least in theory, to their consciences, they were obliged to take instruction from Protestant school masters under the direction of the Protestant minister. As for the higher levels of state-sponsored education, Orde limited the

²³³ For FitzGibbon's own account of his reception from these worthies, see PRONI, Pretymann/Chatham Papers, T326/1/6958/550, FitzGibbon to Buckingham, 6 October, 1788; while Thurlow's reception was "flattering", FitzGibbon had this to say about Pitt: "What Mr. Pitt's sentiments upon the subject may be, I have not a conjecture, as he never in any degree opened himself to me further than in general terms of his personal good opinion of me."

beneficiaries to Protestants of the Established Church or to Catholics willing to bring their children up in the state religion. The collegiate and the vocational schools were, in effect, the old Charter schools in a slightly more expensive and elaborate guise.²³⁴ Orde believed that by providing Protestants, cradle or converted, with a superior, state-funded education the government could ensure their "Ascendancy". His baffling and mean-spirited myopia guaranteed that few if any Catholics would experience the alleged civilizing benefits of his school system. Certainly no self-respecting Whiteboy would have sent his children to schools run by tithe-exacting Protestant ministers.

The question of funding involved FitzGibbon in the education scheme. Among many other sources of income, Orde considered drawing on profits from the sales of lands forfeited to the Crown in 1641 and in 1690. Evidently enough of these remained unsold to guarantee a fair source of cash. To judge from FitzGibbon's correspondence on the subject, Orde wanted to earmark the money for "publick schools", which could only have meant the great collegiate schools. Nonetheless, Orde had doubts about the Irish government's right to draw on the money coming from sales of forfeited lands. FitzGibbon gave him a favorable opinion on the question. The Irish government could freely draw on profits from land forfeited in 1641. Lands forfeited after 1690 fell under the provisions of an act passed by the English parliament; but FitzGibbon was optimistic that the English government would revise the act to transfer jurisdiction over such lands to its Irish equivalent.²³⁵

To repeat, FitzGibbon was deciding merely on a point of law. No record of his general opinion of the scheme survives, as he took no part in the first and last debate on the completed Education Bill. Nor is it possible to form much judgment based on his past pronouncements on the subject. In 1782, he had expressed his abhorrence for the Catholic practice of foreign education in "regions of bigotry and superstition." The sectarian exclusivity of Orde's scheme offered nothing in the way of an alternative, as FitzGibbon must surely have recognized. On the other hand, he may have favored Orde's scheme on the grounds that a superior Protestant school system offered an inducement to conformity, his own favored solution to the Catholic question. At any rate, FitzGibbon never had a chance to elucidate his opinions in subsequent debates. After an initial friendly reception, even from opposition stalwarts who mistakenly looked upon it as a promising step toward non-sectarian education, the scheme fell into abeyance. Orde's retirement deprived it of

²³⁴ A complete view of Orde's educational schemes appears in Bolton, 15,888/1; for his narrowly sectarian aims, see 16,355/94-95 Orde to Pitt, 17 February, 1787 "I take for granted that you will approve of all measures which may tend to establish with more firmness and security the Ascendancy of Protestants."

²³⁵ Bolton 15,883/9 FitzGibbon to Orde, 15 September, 1787

sponsorship, and no one else, least of all FitzGibbon, stepped forward to continue his work.

Other government business required FitzGibbon to defend the commercial and industrial monopolies of the British Empire. He undertook several prosecutions of merchants for making false declarations to customs. FitzGibbon took judicial measures to limit American competition in yet another case involving of a group of men who had lured apprentices and journeymen to the United States. The *Freeman's Journal* gave this explanation for the government's and FitzGibbon's actions:

In consequence of the praiseworthy and spirited attention of the Right Honorable Attorney General in commencing several late prosecutions against those who were seducing our artificers to emigrate, it is supposed very few emigrations will, in future, take place to America, which will tend to form the true and proper strength of a nation---its population. That population constitutes the riches of a country is evident not only from the consumption of things taxable, but for the supply of hands to arts, manufacture, war and commerce.²³⁶

The *Freeman's* correspondent displayed both pre-Malthusian innocence and considerable disingenuousness. It is doubtful that FitzGibbon would have been called upon to prosecute anyone for luring *spalpini* to the United States. The fact that the young men in question had the skills to create an industrial base in a rival country concerned the Irish government and the attorney general. FitzGibbon's contempt for Americans as habitual rioters and smugglers undoubtedly enhanced his zeal in pursuing the case.

The social chaos of Ireland, and especially of its capital city offered FitzGibbon considerable practice in criminal law. His greatest prosecutorial triumph, the FitzGerald case had left some loose ends, in the form of lesser accomplices. One Foy in particular had been acquitted of complicity in the McDonnell murders, but FitzGibbon, convinced of his guilt, framed a new indictment naming him as an accessory before the fact. Foy's counsel took the position that FitzGibbon was attempting to try Foy for the same crime under a different title, and thus was violating the principle of *autrefois acquit*. In response, FitzGibbon claimed that this new bill of indictment represented an entirely different charge. In this instance, FitzGibbon failed to carry his point. Foy's claim of *autrefois acquit* was accepted.²³⁷ Whatever the merits of his case, his actions against Foy reveal above all FitzGibbon's ruthless streak toward those whom he perceived as evil doers. To redress what he perceived as an unpunished wrong, he stretched the bounds of legal propriety, not to mention simple moderation.

²³⁶ 7 June, 1788

²³⁷ *Dublin Evening Post*, 3 May, 31 May, 1788

The same morality and relentlessness characterized his prosecution of Richard Griffith, Sir John Freke, and Henry Hatton. This particular case concerned an incident in Merriion Square in the spring of 1788. Evidently that great Georgian showpiece was not always a scene of calm, fashionable elegance. On the contrary, servants from the surrounding houses habitually appropriated the square on Sunday evenings for wrestling matches and other boisterous pastimes. Although the inhabitants seem to have tolerated the Merriion Square holiday parties, one Sunday stroller took a less kindly (or less resigned) view: Alderman Exshaw, who was also serving as one of the Police commissioners under terms of the act of 1786. He perceived the servants' recreation as little better than a riot, or at the very least, as a profanation of the Sabbath, and he ordered the Sunday revellers to disperse. Hatton, Freke and Griffith happened to observe Exshaw's actions while taking the air together. They took exception to what they regarded as Exshaw's arbitrary manner. Exshaw in response turned his prosecutorial attention from the servants to the gentlemen. He arrested them on the grounds that Griffith and his companions had gone beyond a reasonable questioning of a public official. On the contrary, they had created an equal danger to public order by actively and maliciously interfering with his reasonable efforts to disperse the crowds. On Exshaw's behalf, FitzGibbon filed an information against Griffith and his companions for obstructing justice, and he undertook the prosecution. He succeeded in obtaining the conviction of Griffith.²³⁸

Initially, the verdict and the attorney general enjoyed a brief measure of favor, if that popular bellwether, the *Dublin Evening Post* is any indication:

By the late decision in the case of Alderman Exshaw against Sir John Freke, Mr. Hatton and Mr. Griffith, it is presumed that the respectable inhabitants of Merriion Square will be freed from the intolerable nuisance with which their ears and eyes were formerly offended, Sunday after Sunday. It evinces that the sanction of no rank, however high, nor the protection of any character, however respectable, will be sufficient to screen disturbers of the peace from justice.²³⁹

FitzGibbon's triumph was short-lived. Griffith succeeded in obtaining an arrest of judgment on the grounds that the original information had not defined clearly enough how he had obstructed Alderman Exshaw and justice.²⁴⁰ FitzGibbon, again displaying his relentlessness toward perceived wrongdoers, as well as his constitutional inability to accept a situation that did not go as he wished, filed yet another, more clearly defined information

238 *Dublin Evening Post*, 8 May and 10 May, 1788

239 *Dublin Evening Post*, 10 May, 1788

240 *Ibid.*, 10 June, 1788

one week later. As with the FitzGerald case, the *Dublin Evening Post* reversed its initial positive judgment:

The prosecution, or rather the persecution of Mr. Griffith is not yet abandoned, for a great Law-Officer has filed another information against that gentleman, wherein it is said, he means to avoid those official blunders that caused an arrest of judgment on a recent occasion. Yet, so sure of their prey were the prosecutors, when they had once got a jury to convict Mr. Griffith, that the extent of his punishment was, it is said, determined on, which as we hear was to have been a fine of £500 and a year's imprisonment.²⁴¹

In spite of the *Dublin Evening Post's* rather fulsome initial claims, it is difficult to believe that the prosecution of Griffith was purely a matter of a gentlemanly rioter receiving his just and impartially administered deserts. Griffith, a member of Parliament for Askeaton, had kept up a continual and active opposition to the Police Act from its very inception. Earlier in the year, he had presented a petition from the citizens of Dublin requesting a repeal of the act and the return of the old parish watches.²⁴² FitzGibbon, with the full support of the Castle and of the Police Commissioners, may have seen the prosecution as a golden opportunity to humiliate and silence a troublesome opponent of the police. Exshaw's over-reaction and the harshness of the proposed sentence suggest that Griffith was not punished in spite of the fact that he was a gentleman, but because he was a gentleman in vocal opposition to sensitive government policy.

Yet it would be unfair to dismiss FitzGibbon as a hypocrite or as a posturing opportunist. He did have a genuine conviction that the law should protect the poor and punish the well-born lawbreaker with particular severity. No doubt his vision of justice had a certain naivete. No doubt it had characteristic elements of self-dramatization, featuring FitzGibbon himself a little too prominently as the protector of the good and humble and the scourge of the wicked and disaffected. Above all, an obtuse self-righteousness flawed his vision of justice. FitzGibbon had an alarming tendency to confuse his political positions with absolute morality and absolute right. He believed that all gentlemen had an obligation to support measures of public order decreed by legitimate authority. Those who opposed measures like the Police Act necessarily were troublemakers furthering their own cynical political ends. That Griffith may have had perfectly legitimate objections to the Police Act, that he may not have been a well-born incendiary of the order of Lord George Gordon probably never occurred to FitzGibbon.

241 Ibid., 17 June, 1788

242 See PR (1788), p. 393, for an example of Griffith's interest, not only in the Police Act, but in prison reform

A healthy dose of skepticism, indeed cynicism, would have done wonders for FitzGibbon's judgment and for his peace of mind.

A separate case involving the wealthy and the well born offers a slightly less tainted example of FitzGibbon's commitment to equal justice. It involved Lord Hillsborough, who unlike Griffith, shared FitzGibbon's political perspective. A protege of Hillsborough's, one Knox, had embezzled £10,000 while serving as an officer of the revenue. Knox had offered to make good the loss if FitzGibbon would refrain from prosecution. FitzGibbon refused. He acknowledged that from a pecuniary standpoint, Knox's offer had advantages. But leniency would "in point of example.. be pernicious" to the government's reputation for probity and justice. At best, FitzGibbon agreed to warn Knox, through Hillsborough, of any pending prosecution. Knox could then discreetly leave the country. Perhaps in strictest justice, Knox should have paid the full penalty of the law. But exile in disgrace scarcely represented an act of grace and favor.²⁴³

The endemic crime in Dublin made a bizarre intrusion into FitzGibbon's own life. A casual charwoman was arrested for stealing some valuables from his house. The police took her to a holding cell in a jail near the Liffey. While in confinement, she pried open the window of her cell, which overlooked the river, and jumped. Unfortunately her skills in swimming did not equal her skills in prisonbreaking, and she drowned.²⁴⁴ Since the woman so dramatically escaped prosecution, what role FitzGibbon would have played must remain unknown. Probably he would have taken a very active part: visiting the woman's cell and bombarding her with questions and with moral indignation. He dealt in the same way with the man accused of assaulting him in 1795 and with the household servants accused of murdering his steward in 1799.²⁴⁵

The sensitive subject of Catholics occupied FitzGibbon in the courts as well as in Parliament. In the 1780's several Roman Catholic peers, or in the case of Lord Trimelston, recently converted Roman Catholic peers, attempted to reverse decrees of attainder or outlawry dating from the troubled end of the Jacobite wars. Lord Trimelston hoped to regain his right to sit in the House of Lords, while a more general wish to erase a social and legal stigma prompted those peers who remained Roman Catholic. As one of his more unenviable duties, FitzGibbon was obliged to sift through a mindboggling assortment of genealogies, self-serving histories of the civil wars of the 17th century and parliamentary decrees. Lord Trimelston, the Protestant convert, enjoyed the quickest resolution. His

243 PRONI, Downshire Papers, D607/B/195 FitzGibbon to Hillsborough, 17 August, 1786

244 *Dublin Evening Post*, 3 April, 1788

245 See *Hibernian Journal*, 10 July, 1795; Sneyd Muniment, FitzGibbon to Auckland, 11 January, 1800

legal encumbrances were lifted in 1788.²⁴⁶ The Catholic peers endured a longer wait to clear their escutcheons. Lord Fingall was still struggling with the question of his legal status in 1794, while the Lords Gormanston, father and son, suffered greater vicissitudes.²⁴⁷ In 1786, FitzGibbon denied the 11th Lord Gormanston's request for a reversal of outlawries on the grounds that he had not provided enough evidence of an alleged royal pardon.²⁴⁸ Only in 1800 did his young son (or perhaps more accurately his young son's lawyers) provide documentation enough to satisfy the legal establishment and the soon to be defunct Irish House of Lords.

It is tempting to discern a pattern of sectarian prejudice in FitzGibbon's judgments. Certainly he had not demonstrated any great love for the Catholic upper classes. During the debates on the relief bill of 1778, his many arguments against the repeal of the gavel clause included a claim that such a repeal would only benefit Catholic peers bent on consolidating their estates.²⁴⁹ In the decade following his attitude seems to have warmed to glacial indifference. Only in the 1790's did he adopt the role of friend and patron. Indeed, only in the 1790's did he have any social contact with Roman Catholic gentlemen and nobility. Hitherto he seems to have been exposed mainly to middle or lower class Catholics: remote relations, the Roches, tenants, and objects of charity. Yet neither the 11th Lord Gormanston, nor any member of his arch-Catholic family ever suggested that FitzGibbon had acted out of sectarian animosity.²⁵⁰

In another case involving the Gormanston family, FitzGibbon unmistakably displayed great sectarian animosity. The sudden death of Anthony Preston, the 11th Viscount Gormanston, in December of 1786, raised the awkward question of who would or could act as guardians for his twelve-year old son Jenico. In his will, the late lord had named as guardians a collection of peers and gentlemen both English and Irish. They included his brother, Mr. John Preston, Lord Killeen, Lord Kenmare, Sir Patrick Bellew,

²⁴⁶ HO 100/27/181-2

²⁴⁷ HO 100/52/56-58 Westmorland to Dundas, 16 May, 1794

²⁴⁸ HO 100/18/235-6 The opinion denying a writ of error to reverse Gormanston's attainder was dated 19 April, 1786

See HO100/18/234-5 for Gormanston's petition.

²⁴⁹ See speech in *Cavendish VI*, Pt. 11, pp. 301-8 "They are the great Popish families of Ireland who have set their faces against this clause (the gavel act) to prevent the accumulation of property in the hands of a man descended from the lineal descendent of a great Popish family, but the man who would take benefit under this law are not in a situation to wish to aggrandize any one of the family."

²⁵⁰ The arch-Catholic brother of Lord Gormanston, Jenico Preston the elder, who was to have legal quarrels of his own with FitzGibbon, blamed the dilatoriness of Irish lawyers for the family's difficulties. Jenico Preston to Jenico, Lord Gormanston, 18th October, 1798 (This letter was in the National Library of Ireland, under the catalogue designation 13,756/3, but the Gormanston papers were removed from the National Library by the present Lord Gormanston.)

and the Duke of Portland. According to the terms of Lord Gormanston's will, John Preston was to raise the child at Gormanston Castle, the child was to be raised a Catholic and above all, his English Protestant mother was to have absolutely no contact with him. Shortly after Jenico's birth Lord Gormanston had separated from his wife. The reasons for the separation were obscure, but the husband's lingering death-bed antagonism was obvious.²⁵¹

The law and the sectarian politics of Ireland and England brought these arrangements into immediate dispute. Lady Gormanston, the estranged wife, quickly emerged from fashionable exile to assert her rights as a mother, and the law as it stood, seemed to give her claims precedence. A statute from the reign of Charles II deprived not only Catholics but Dissenters of the right to appoint guardians for their children. Since the wholesale repeal of penal legislation in 1782 had never addressed the rights of guardianship, the law of Charles II conceivably remained in effect in Ireland as well as in England.²⁵²

The late Lord Gormanston's shrewd inclusion of the Protestant Duke of Portland in the collection of noble guardians added another element of ambiguity. No law barred Portland from acting as guardian, and, still more to his advantage, he had promised the late Lord Gormanston that he would acquiesce in the child's Catholic upbringing. Evidently greater familiarity with the laws regarding the guardianship of Catholic children forced Portland, or gave him a pretext, to retreat from this deathbed promise. He planned, if given custody of the child, to cajole Jenico into conformity with the help of various avuncular Anglican ministers.²⁵³

As for the Catholic guardians, they tried as much as possible to keep their distance. Lord Kenmare, characteristically, was the most forward in shying away from the whole business. He affected great surprise at his appointment and claimed that he had barely known his fellow Roman Catholic peer. Lord Killeen and Sir Patrick Bellew made polite promises to treat little Jenico like their own son should they obtain custody. But they did not press the matter. By this time they knew the government of Thomas Orde and the Duke of Rutland all too well.²⁵⁴

251 NLI, Fingall Papers 8022/10

252 HO 100/21/173 (Lord Lifford's brief, dated 14 June, 1787); for legal doubts about Catholic guardians, see Fingall Papers 8022/10 Lord Killeen to unknown correspondent (Sir Patrick Bellew?), January 1787

253 NLI, Gormanston Papers, Jenico Preston to Jenico, Lord Gormanston, March 1791 "They [FitzGibbon and Portland] both openly declared their determination to breed you a Protestant."

254 Fingall Papers 8022/10 Killeen to Sir Patrick Bellew, January 1787

Yet another faction in the matter of little Jenico, his Preston relations resident in Liege, chose not to wait passively through the deliberations of Protestant courts. This faction comprised the child's paternal grandmother and another uncle, also named Jenico, who was attached to the cathedral at Liege. Acting under their energetic direction, Mr. Dickson, a chaplain attached to the Gormanston household, secretly travelled with little Jenico from Gormanston to England. From there, the child sailed to the Continent and to the custody of his grandmother and his uncle.²⁵⁵

Predictably, a great legal and Parliamentary uproar ensued. The Prestons of Liege had deprived the Protestant Establishment in Church and State of a potential convert in the form of a small, impressionable child. All Catholics who had the remotest connection, real or suspected, with Jenico's flight to the Continent suffered some form of legal intimidation. The mother filed writs of *habeas corpus* demanding the return of little Jenico against half a dozen individuals. They included John Preston and one of his sisters, neither of whom had any advance knowledge of the scheme.²⁵⁶ Sir Edward Newenham took up the cause of wronged Protestant motherhood in Parliament, and proposed a bill making it a crime to spirit a minor overseas. He claimed that would have done the same for a Roman Catholic child kidnapped to a Protestant seminary in Switzerland or Germany, a rather dubious claim, but one which showed signs of improvement in the the Knight of St. Doulough.²⁵⁷ The most vociferous, not to say the most hysterical, of the Protestant/Lady Gormanston partisans was, not surprisingly, the attorney general. The Liege branch of the Preston family confirmed his darkest suspicions about Catholics: they were ruthless bigots who lurked in realms of despotism and superstition. FitzGibbon even went so far as to suggest that little Jenico's Popish relations entertained malignant designs against the child's life.²⁵⁸

Not content with rhetorical melodrama, he undertook his own campaign of legal intimidation. He restrained himself enough to disallow Sir Edward Newenham's suggestion of a new penal law, but he advocated instead the no less harsh measure of a bill of outlawry against Jenico Preston the elder.²⁵⁹ FitzGibbon also filed an information against Mr. Di^{cks}on, who nonetheless managed to evade the rather bungling attempts of the

255 Ibid., 1 January, 1787 John Preston to Killeen; 2 January, 1787 same to same

256 Ibid.

257 PR (1787) pp. 366-7

258 Ibid. p. 368; FitzGibbon constantly harped on the fact that if little Jenico were to die, his uncle and namesake stood next in line to inherit his property. There was one logical flaw in his efforts to transmogrify the elder Jenico into Shakespeare's Richard III: the allegedly homicidal uncle could never have returned to Ireland to claim or enjoy his illicitly attained estate. See also *Hibernian Journal*, 16 March, 1787

259 Ibid.

police to entrap and arrest him.²⁶⁰ A Catholic gentleman by the name of Dease was subjected to FitzGibbon's interrogation because little Jenico had spent the night at his house while en route from Gormanston Castle.²⁶¹ Nothing serious came of this encounter. Dease was a friend and relation of Lord Westmeath, who in his turn had just embarked on his disastrous marriage with FitzGibbon's niece. Family feeling, and more important, the fundamental fairness which never quite deserted him even at his worst inclined FitzGibbon to take a lenient view. He acknowledged that he could find no evidence that Dease had been aware of the plot when he offered his hospitality to little Jenico and Dickson.²⁶² No individual was too peripheral to escape the attorney general's wrathful attention. William Cruise, an eminent conveyancer resident in London, received a letter from FitzGibbon, which was at once extraordinarily rude and extraordinarily pointless. FitzGibbon regaled Cruise with more hints of the murderous intentions of little Jenico's Popish relations. They had, he claimed, viciously and willfully risked the child's life by exposing him to the dangers of a sea voyage during the height of winter. (Had he succeeded in capturing and interrogating Mr. Dickson, he might have learned that the voyage was, in fact, calm and uneventful.) FitzGibbon then peremptorily ordered Cruise to intervene and to bring the child back to Ireland.²⁶³ Cruise's family connection with one of the men who had accompanied little Jenico on his life-threatening journey to the Continent seems to have prompted this communication.²⁶⁴ Cruise's response, if indeed he made any, seems to have disappeared in the conflagration of FitzGibbon's personal correspondence. Presumably he told FitzGibbon the simple truth: he had had no concern in the matter in the first place, and he could do nothing about it now.

If Cruise took offense at FitzGibbon's manner, he was certainly in company with most other Catholic nobility and gentlemen of note. In a letter to Sir Patrick Bellew, Lord Killeen articulated what was probably a general dislike and fear of FitzGibbon. In discussing a possible meeting of Jenico's nominal Catholic guardians, Killeen suggested avoiding Dublin and the attorney general:

²⁶⁰ Fingall Papers, 8022/10 C.J. Dixon to Lord Killeen, 26 December, 1786

²⁶¹ Ibid., Lord Killeen to Sir Patrick Bellew, January, 1787

²⁶² FitzGibbon to William Cruise, 3 January, 1787 (This letter was in the NLI, Gormanston MS 13,764/3)

²⁶³ Ibid.

²⁶⁴ Fingall Papers, 8022/10, John Preston to Lord Killeen, 1 January, 1787 Preston mentions that one William Cruise was among those served with one of Lady Gormanston's writs of habeas corpus

I am afraid Dublin would be an improper place, we are so watched there, that our consultation might be deemed a Popish plot and some of us summoned before the Attorney General in half an hour afterwards.²⁶⁵

One Catholic gentleman, in the person of the the elder Jenico Preston, remained perfectly unmoved by FitzGibbon's threats and indeed by the threats and appeals of the English and Irish governments. He contemptuously ignored all demands, official and unofficial for the child's return. In one instance, he allegedly referred to the seal on a Chancery document as a mere bit of wax.²⁶⁶ Preston had a staunch ally in the Prince Bishop of Liege. When a seedy confidential agent by the name of Miles made abortive efforts to re-abduct little Jenico, the Prince Bishop dispatched a guard to the Prestons' house. He too denied all official appeals to return the child to Ireland, though presumably he used more tact than the elder Jenico Preston.²⁶⁷ FitzGibbon for once met his match in a man as ruthless and as fanatically committed to his conceptions of religious duty.

Four years of stalemate followed. Little Jenico remained quietly in Liege, though to judge from surviving correspondence, his life was not easy. The elder Jenico may have rescued his nephew from Protestant coercion in the guises of his mother, the Irish attorney general and the Duke of Portland. But he himself was something of a sacerdotal bully, at once querulous and sententious. He never missed an opportunity to remind little Jenico that his uncle had saved his immortal soul from certain destruction.²⁶⁸

The intervention of the Earl of Carhampton^(formerly Colonel Luttrell) ended the impasse. Whatever his later brutalities against United Irishmen and Defenders, Carhampton behaved in this one instance with admirable calm and moderation, qualities singularly lacking in the other adults involved, Catholic or Protestant. In 1789, he sued for the guardianship of young Jenico on the grounds that he was the child's closest Protestant relation on the father's side of the family. He seems to have acted with reasonable disinterestedness. As he himself noted in his chancery brief, he had no financial concern whatsoever in the Gormanston estate. He wanted only to stop depredation and waste in the management of the child's property.²⁶⁹

265 Ibid., Killeen to Sir Patrick Bellew, op. cit.

266 This is FitzGibbon's indignant quote. See *Freeman's Journal*, 11-13 February, 1790, Parliamentary Report/House of Lords, 11 February, 1790

267 Sir Edward alluded to little Jenico's guard in his parliamentary speech on the subject.

268 There was for example his letter of admonition of March (no day given) 1791 (former NLI catalogue number 13,756/1; Mr. Preston was always afraid that Lady Gormanston and the Duke of Portland might use his own tactics: he warns young Jenico not to be so imprudent as to venture into England "While you are in Ireland and in your Catholick guardians hands, there is a Law to protect you against her and her Dr. Duke of Portland, but once you get to *England*, then you have no protection whatsoever against them."

269 Fingall Papers 8022/10

On the Protestant side, he alone seems to have had any sympathy or understanding for the elder Jenico Preston's motives and feelings.²⁷⁰ He finally accomplished what years of threats had failed to do, and brought little Jenico back to Ireland.²⁷¹ The increasingly agitated state of Europe as well as the passage of a law in 1790 permitting Catholics to act as guardians possibly made Preston more amenable.

The details of the agreement are not entirely clear, but it appears that Carhampton agreed to place little Jenico in the care of John Preston, as the 11th viscount had intended. Nonetheless, the child's mother was to have access to him. Lady Gormanston promptly wrote to Jenico with promises of an amusing evening at the Castle with the viceroy.²⁷² (Given Westmorland's gelid personality, this prospect seems rather dismal.) Her letter had all the pathetic desperation of a woman trying, without much hope, to overcome years of alienation and separation. Nothing came of her attempt, if such it was, to dazzle Jenico with the great Protestant world of power and fashion. Indeed, Jenico seems to have had no further contact with her whatsoever.²⁷³ The long separation may have accounted for their continued alienation, or his uncle's constant warnings about Lady Gormanston's Protestant wiles. Possibly the son may have developed a dislike for his mother for the same reasons that had so alienated and embittered his father. In spite of the ordeal of his childhood and in spite of FitzGibbon's dire predictions of his murder, Jenico survived to a ripe old age, dying in 1860 at the age of 85.²⁷⁴

FitzGibbon's precise role in the peaceful resolution of the Gormanston case can only be conjectured. But it would appear that he succumbed to moderation. In his capacity as the guardian of widows and orphans, he at least acquiesced in Carhampton's sensible proposal. There were other, often startling, manifestations of benevolence and calm. During the debates on the guardianship bill, FitzGibbon implied that he had always been more concerned with little Jenico's political principles, not his religion.²⁷⁵ Considering his past bloodcurdling, not to say defamatory, suggestions about the elder Jenico Preston, FitzGibbon's remarks constituted an astounding feat of amnesia. But it

270 See Carhampton's defense of Jenico the elder: *Freeman's Journal*, February 11-13, 1790, Lord's Debate, February 11, 1790

271 *Hibernian Journal*, 9 April, 1790

272 Her letter was in the Gormanston collection, catalogue number 13,756/1

273 They finally met in the latter part of March, 1791, but by 10 April, Lady Gormanston had returned to England, and there were, apparently, no further communications between mother and long-estranged son.

274 *Burke's Peerage and Baronetage* (1967)/Gormanston family and collaterals

275 See the version of the speech in the *Hibernian Journal*, 19 February, 1790 "As to the minor in question, he said it was not so much his being bred a Catholic, but his being educated at such a place as Liege, where he must imbibe principles respecting government and constitution very different from what is held by the liberal in this question."

was a lapse of truth in the right direction. At least he had retreated from his insistence that a British and constitutional education necessarily entailed Protestant indoctrination.

Moreover, great cordiality marked his later contacts with young Jenico and with his Irish guardian, John Preston. During a chance meeting with John Preston at Bath in 1800, FitzGibbon, apparently no longer troubled by the legal doubts of 1786, gave an encouraging report of the progress of the outlawry case.²⁷⁶ In that same year, when Jenico appeared in the House of Lords to hear the decree reversing his outlawry, FitzGibbon treated him with great kindness and attention.²⁷⁷

Jenico Preston the elder offered the simplest and most plausible explanation for FitzGibbon's change of heart: he wanted to make amends for his past behavior.²⁷⁸ Of course, FitzGibbon only rarely admitted a fault, and he certainly did not do so in this case. But he may have at least entertained the possibility, however briefly, that his intransigence had delayed a sensible resolution of the case. The French Revolution, with all its alluring promises of equality, and the re-awakening of the Catholic political demands both in England and in Ireland may also have influenced FitzGibbon. He was an extraordinarily prescient man, and he may well have sensed that he would soon be facing more troublesome Catholic issues than the guardianship of little Jenico Preston.

Nonetheless, FitzGibbon's conciliatoriness did not extend to one member of the Preston family, namely, Jenico Preston the elder. He was on the contrary furiously vindictive; while conceding the principle of the guardianship bill, he insisted on including a special provision penalizing those relations who spirited children abroad, the very provision Sir Edward Newenham had proposed and FitzGibbon had rejected three years before.²⁷⁹ The aim of this particular provision was blatant, as those two otherwise disparate characters Carhampton and Curran pointed out.²⁸⁰ Ironically, the elder Jenico, having carried his point, developed a certain respect for FitzGibbon's character. Indeed they had a great deal in common, notably sectarian ruthlessness and reactionary politics. Preston's comments on the new Catholic leadership of the 1790's echo FitzGibbon's.²⁸¹

²⁷⁶ John Preston to Jenico, Lord Gormanston, 17th August, 1800 (was NLI catalogue number 13,757/8)

²⁷⁷ Ibid.

²⁷⁸ Jenico Preston to Jenico, Lord Gormanston, 20 August, 1800; "As to the chancellor, I should imagine that he was glad of an opportunity to make you some amends for his past behavior and I am glad that he behaved to you as he did on this occasion." (NLI catalogue 13,756/3)

²⁷⁹ *Freeman's Journal*, February 11-13, 1790, Parliamentary Report/House of Lords, 11 February, 1790

²⁸⁰ Ibid.; for Curran's objections see *Freeman's Journal*, 20-23 February, 1790

²⁸¹ He remarked at length on the dangers of "democratick" sympathies among the Catholics in the letter to his nephew in his letter of 18 October, 1798 (NLI catalogue 13,756/3) In fact, he urged Jenico to reverse the outlawry to prove that he harbored no such evil principles.

But he did not trust to mutual feelings on FitzGibbon's part. When the invading French armies forced him to leave Liege, he prudently settled in Wales.²⁸²

282 The elder Jenico's later letters were all addressed from a small cottage in that principality.

FitzGibbon's headlong pursuit of the Seals did not take place exclusively in the public realm of the Castle, the Parliament and the Courts. It even touched on his private life. Political considerations seem to have played a prominent role in his marriage to Anne Whalley in 1786. That same year FitzGibbon had first broached the subject of succeeding Lifford. In spite of his general favor, Orde expressed some concern about FitzGibbon's private life:

I am very glad to hear of FitzGibbon's disposition to marry and to withdraw himself by degrees from the society of young men, which has indeed been hardly consistent with his public situation, and certainly created prejudices against him which the vigor and zeal of his conduct toward government could scarce efface.¹

Orde, of course, did not mean to suggest any homoerotic tendencies. The fate of William Beckford and worse would certainly have befallen FitzGibbon had there been even the slightest hint of such proclivities. He was a far more public and far more hated figure than the unfortunate Beckford. Orde presumably meant that FitzGibbon associated with young men because he indulged in the favored pastimes of young men: drinking, womanizing and rough sporting events. His conduct must have been appalling indeed if the chief secretary of the Duke of Rutland took exception to it. Orde had a point. The behavior of a young buck about town hardly became a thirty-eight year old man who served as attorney general and who aspired to the lofty post of Lord Chancellor. FitzGibbon took the hint and duly married to save his reputation.

In choosing Miss Whalley, FitzGibbon again displayed his finely honed instincts for social and political advancement. She came from a staunchly Protestant family. Her father, who died when she was a very small child, had earned himself the soubriquet "Burn Chapel Whalley" for his virulent anti-Catholicism.² She was also very beautiful, no doubt a highly important consideration to a man of gallantry embarking on a life of married chastity. Above all, she had exquisite taste in clothes and she knew how to cut an elegant figure at social gatherings, an equally important consideration to an ambitious man who made great use of entertaining to promote himself.³ FitzGibbon would have had no use for less fashionable, but intellectually superior women like Maria Edgeworth.

Miss Edgeworth had a chilly contempt for her feminine opposite. She encountered

¹ *HMC Rutland III*, p. 309

² Henrietta Battier, *The Gibbonade*, 1st number, (Dublin, 1794), p. 23

³ See, for example, the *Dublin Evening Post*, 11 September, 1788. Supposedly, her "elegant and brilliant dress" at a drawing room at St. James had the effect of convincing "the English ladies that taste and fashion are perfectly intimate with their sister country."

Anne FitzGibbon in 1822, and in a letter, she offered a savage pen portrait of an aging belle: garrulous, silly and narcissistic:

Lady Clare is a painted---made up---vulgar thoroughgoing woman of the world...Her ladyship pressed me to visit her in Ireland, but I never desire to see her again.⁴

Anne FitzGibbon's conduct sometimes did display a lack of judgment and a self-absorption bordering on moral idiocy. She had a reputation as an adulteress. George Nugent Reynolds' famous philippic against FitzGibbon alluded to his wife's unchastity.⁵ Henrietta Battier hinted at marital discord that may have originated in Anne Whalley FitzGibbon's sexual misadventures.⁶ Imputations of unfaithfulness were not confined to political enemies like George Nugent Reynolds, or like Henrietta Battier, who may possibly have had a personal as well as a political grudge against FitzGibbon.⁷ Lord Glenbervie and Lord Shannon, who both esteemed FitzGibbon, took the same uncomplimentary view of his wife. According to Lord Glenbervie, FitzGibbon had forgiven his wife for one indiscretion, only to see her entangled in other extramarital affairs.⁸ Lord Shannon identified the young Earl of Ormonde as at least one of the lady's lovers. After FitzGibbon's death, Shannon made the grimly jocular comment that

⁴ Christina Colvin, ed., *Maria Edgeworth, Letters from England 1813-1844*, (Oxford, 1971), p. 393

⁵ *O'Flanagan II*, p. 251 "It has been asserted by your Lordship that I took bail for several persons under the denomination of 'defenders'...It has been represented that one of the parties houghed a cow and hung a threatening notice on one of her horns; had he houghed your Lordship and hung a threatening notice on *one of your horns*, I would have acted in the same manner."

⁶ *The Gibbonade*, 3rd number, (Dublin, 1794), p. 12
 "Nay Jacky Gingerbread who holds in shade
 Immortal Pope---yet reads the Gibbonade
 Yes, Jacky reads me with that special grace
 With which he sometimes meets ---- his lady's face."

⁷ An unfavorable legal decision from FitzGibbon, as well as radical conviction, may have prompted Mrs. Battier's masterful political satire. Her earlier works are worthy, but unremarkable, comprising for the most part odes to various friends and intimates, as well as stringently orthodox Anglican religious poetry. They also offer the few bits of biographical information that exist about her. She evidently had a long, protracted suit in both the King's Bench and in Chancery. In a poem entitled "Lines Addressed to Mr. Samuel Whyte of Grafton Street" she alludes to "Our injur'd cause, so overwhelmed with blame/It lay like Chancery when FitzGibbon came". Mrs. Battier may have been indulging in a poetic fancy, using Lifford's Chancery court as a metaphor for the law's delay. Or she may actually have had a case pending, and she had hopes of a quick and fair decision from FitzGibbon. Obviously, these hopes were disappointed. The ode to Mr Whyte appeared in a collection entitled *The Fugitive Pieces: A Collection of Miscellaneous Poems, the genuine productions of a Lady never before published* (Dublin, 1791), p. 199; Ironically, FitzGibbon subscribed to this collection, generosity he must have regretted bitterly

⁸ *The Later Correspondence of George III, IV*, p. 8, letter 2584 (ftnote)

Ormonde could now safely attend meetings of the Privy Council.⁹ Evidently, Ormonde had discreetly avoided FitzGibbon by avoiding his state duties.

Not surprisingly, considering her taste for fashionable clothes and amusements, Anne FitzGibbon had a ravening appetite for money and no sense of shame about begging. FitzGibbon kept her in style during his lifetime, and his will provided generously for her. But the prospect of £1,100 per annum struck Anne FitzGibbon as a terrifying descent into penury and degradation. While her husband slipped into coma and death, she dashed off letters of appeal to FitzGibbon's friend, the former viceroy Lord Westmorland. These missives played on the same basic themes: she was on the verge of destitution; a provision in old John FitzGibbon's will limited her widow's portion to a pittance; to maintain herself as became Lord Clare's widow, she deserved at least as large a pension as Lady Lifford.¹⁰ She had no qualms about dunning prime ministers as well as viceroys for her alleged due. In 1816, she subjected Lord Liverpool to complaints about her poverty: "He [her son] is looked upon to be a rich man, when, alas, it is quite otherwise."¹¹ Her claims must have seemed somewhat unconvincing. Her son, the second earl of Clare had the financial wherewithal to make frequent trips to Italy and to undertake a substantial expansion of the house at Mount Shannon. Nonetheless, her persistence, if not her persuasiveness paid off, and she did receive her pension. Still unsatisfied, she promptly undertook another letter writing campaign to obtain a second one. Unfortunately, she failed in this particular endeavor.¹²

In her quest for a place on the Irish Civil List, Anne FitzGibbon at least deserves credit for family feeling. She also pressed the claims of FitzGibbon's cousin Thomas for a revenue office. Allegedly, the dear departed had expressed a wish to provide for Thomas FitzGibbon.¹³ Out of respect for the late chancellor's dying wish, or perhaps out of a desire to avoid yet another spate of correspondence from the grieving widow, the Irish government duly appointed Thomas FitzGibbon to the post of collector of customs for the

⁹ *Lord Shannon's Letters to his Son*, pp. 218, 219; with undoubted sarcasm, Shannon also referred to Anne FitzGibbon as the "disconsolate widow", p. 216

¹⁰ ISPO, Westmorland Papers, Carton 1/f140, Lady Clare to Lord Westmorland, 26 January, 1802; f142, Same to Same, 27 February, 1802, f143 Same to Same, 8 February, 1802, f144, Same to Same, 1 March, 1802

¹¹ Peel Papers, BM Add. MS 38263, f81-2, Lady Clare to Lord Liverpool, 14 July, 1816

¹² She alludes to her first pension, which was £700 per annum in the previously cited letter to Lord Liverpool. For the refusal of a second, see BM Add. MS 38263, f90-1, Lady Clare to Lord Liverpool, 21 July, 1816, which is a letter of protest at his decision to decline her request

¹³ Westmorland, Carton 1, f143, f144; the negotiations for a provision for Cousin Thomas were still in process as late as 1805. See Add MS. 38241, f274-5 Lady Clare to Lord Hawkesbury, 29 November, 1805.

port of Limerick.¹⁴ Anne FitzGibbon also requested a concordatum for Thomas's sister Mary Anne.¹⁵ The reasons for this particular demand are unclear. Certainly Lord Clare's widow was not fulfilling any deathbed promises. Mary Anne FitzGibbon was a convert to Roman Catholicism.¹⁶

Anne FitzGibbon also seems to have had a tendency to get into embarrassing, even ridiculous, social situations. Her friendship with the Prince of Wales was particularly marked by *faux pas*. She first attracted the attention of the Prince of Wales in 1788; FitzGibbon's enemies in the press hinted at impropriety by protesting too much:

The lady of a great law officer now in England is, we understand, a principal favorite at the court of the Prince of Wales, frequently participating in his private parties and of a seat in his phaeton. She has indeed, beauty sufficient to attract all attention, but "chaste as the icicle hanging from Dian's temple" her virtue can suffer no imputation, not even from the influence of that warm region.¹⁷

Their relations probably did remain within the bounds of flirtatious propriety. Anne FitzGibbon was also on good terms with Mrs. Fitzherbert, never one to brook a serious rival.¹⁸ However proper and chaste her relationship with the Prince, she often took undue advantage of it. In 1798, she obtained a private tour of Carlton House, though apparently the Prince had never given her formal permission.¹⁹ Her tactics and her timing were, to say the least, maladroit. Her husband's allusions to the Prince in his famous reply to Lord Moira had caused considerable awkwardness earlier in the year. In 1806, the Prince was drawn into a feud between Anne FitzGibbon and Lord Westmorland's second wife. The new Lady Westmorland had taken offense at rumors that Anne FitzGibbon had impugned her character. Fearful of alienating one of her champions in the great pension dispute, Anne FitzGibbon made a panicked request to the Prince, as one of the supposed auditors of her remarks, to deny the story. He gamely did so, out of friendship, or out of sheer dread of her cajolery.²⁰

¹⁴ A legal document dated 17 January, 1819 names Thomas as a Collector of Excise. See *Registry of Deeds/Abstracts of Wills II*, p. 328, document 513

¹⁵ Peel Papers, BM Add MS 42,050, f236-7, Lady Clare to Peel, 24 December, 1815

¹⁶ Maurice O'Connell, ed., *The Correspondence of Daniel O'Connell II*, p. 504, letter 1045

¹⁷ *Dublin Evening Post*, 27 September, 1788

¹⁸ At least, Mrs. Fitzherbert remained on intimate enough terms with Lady Clare and her children to receive news of the second Earl of Clare's marriage. See Anita Leslie, *Mrs. Fitzherbert*, (New York, 1960), p. 194

¹⁹ A. Aspinall, ed., *The Correspondence of George, Prince of Wales III*, (Cambridge, 1965), p. 423, letter 1343

²⁰ *Ibid.* V, p. 336, letter 2136

Anne FitzGibbon's brother "Buck" Whalley provided yet another element of social embarrassment. FitzGibbon probably never had much love for his brother-in-law, who singlehandedly perpetrated every undesirable stereotype of the insanely irresponsible, recklessly self-indulgent Anglo-Irish gentleman. Reportedly, FitzGibbon tried to dissuade Whalley from undertaking his most notorious feat, the successful bet to travel from Dublin to Jerusalem and back within one year. Whalley quickly went through the winnings from his pilgrimage to the Holy Land and in 1793, FitzGibbon was obliged to rescue him from a spunging house in London. Buck Whalley probably made many other unrecorded demands on his brother-in-law's time, patience and purse.²¹

In spite of her various indiscretions, personal and familial, FitzGibbon unquestionably loved his wife. He spoke of her with great tenderness in his will, and he entrusted the guardianship of their children to her.²² He would not have done so had she demonstrated extraordinary depravity. FitzGibbon seems to have taken a far more charitable view of his wife's lapses than either his friends or his enemies. In commenting on a pending divorce bill to Lord Auckland, he shared what was undoubtedly the rueful fruit of his own experience:

My opinion is...that you are to look for the root of the evil which must alarm every sober man to the dissolute habits of the higher ranks of men, who consider marriage as a mere traffick for private or political purposes, and that they are therefore at liberty to treat their wives with the most contemptuous neglect at best. I am quite satisfied it is the nature of womenkind to behave well to every husband who treats his wife as becomes him.²³

FitzGibbon was incapable of perceiving that much of what he said applied to his own situation. But the insights offered in this letter may explain the forbearance that Shannon and Glenbervie found so extraordinary. If Anne FitzGibbon was indeed unfaithful, her husband generously attributed her affairs to loneliness and neglect rather than sexual incontinence. He also may have recognized that he had his own share of infidelities. Lord Glenbervie after all had emphasized that he was a "man of gallantry" as well as a cuckold.²⁴

²¹ See Constantine FitzGibbon, pp. 95-6; The ineffable Buck also wrote his memoirs, which were edited by Sir Edward Sullivan and published in London in 1906

²² PRONI, T3244/11/1; FitzGibbon almost always refers to her as his "dear" wife, never merely as his wife or as Lady Clare

²³ Sneyd Muniments, FitzGibbon to Auckland, 17 June, 1800

²⁴ *Later Correspondence of George III, IV*, p. 8, letter 2584 (fnote) "He was a buck, a sportsman, a hard rider and drinker, a man of gallantry though a decided cuckold and a man of spirit, though a submissive cuckold."

Whatever her weaknesses for men and money, she had a sweet and generous nature. In her distaste for Lady Clare's conversation and cosmetics, Miss Edgeworth overlooked the graciousness of her invitation. Anne FitzGibbon's comments on Lady Pamela FitzGerald to the Duchess of Leinster breathe a similar spirit of kindly generosity:

I have known few people that I have upon so short an acquaintance taken such a fancy to as her. [Lady Pamela] Her head and her heart are both what they should be.²⁵

And in her turn, Anne FitzGibbon had ardent defenders, most notably Lady Sarah Napier, the Duchess of Leinster's ^{sister}. Lady Sarah indignantly refuted some of the more lurid stories about Anne FitzGibbon's infidelities, most notably the reports that she had taken no less than Lord Westmorland for a lover.²⁶

For the most part, Anne FitzGibbon remained aloof from politics, which doubtless suited her husband. He probably preferred pretty passivity to active politicking in his women. Pragmatism and family interest determined Anne FitzGibbon's few recorded political actions. While her husband lived, she dutifully echoed his sentiments. In one instance, she suffered a taste of the bitter contempt he had inspired. At a soiree in London after the Act of Union, she repeated her husband's by then very low opinion of Lord Cornwallis. An English Whig lady present responded with a crushing allusion to FitzGibbon's public justification of the torture known as "half-hanging".²⁷ Yet the same sense of family loyalty led Anne FitzGibbon to intervene on behalf of the United Irishman, Lord Cloncurry. Toward the end of his worthless life, her brother had married Cloncurry's sister, which accounted for Anne FitzGibbon's interest in the case.²⁸ In the same spirit, the widow of the Earl of Clare and the daughter of Burn Chapel Whalley threw her support behind the pro-Emancipation candidate Richard Wyndham Quin, who was standing for County Limerick in 1807.²⁹ She had two promising young sons, and she seems to have come to the realization that the 40 shilling freeholders offered the surest source of popularity and influence. Her husband probably would not have shown the same flexibility.

One constant prevailed throughout the vicissitudes of their marriage, their mutual

²⁵ National Library of Ireland, Leinster Papers, MS 631, Lady Clare to the Duchess of Leinster, 4 February, 1794

²⁶ Brian FitzGerald, ed., *Correspondence of Emily, Duchess of Leinster II*, (Dublin, 1953), pp. 334-5

²⁷ Earl of Ilchester, ed., *Lady Holland's Journal I*, (London, 1909) p. 131

²⁸ Valentine, Lord Cloncurry, *Personal Recollections of the Life and Times*, (Dublin, 1849), p. 125

²⁹ Peter Jupp, *British and Irish Elections, 1784-1831*, (London, New York, 1973), p. 167

devotion to their children. There were five, three girls and two boys. The two eldest girls, Isabella Mary Anne, born in 1787, and Louisa, born in 1790, died of smallpox in 1791.³⁰ Isabella Mary Anne's death particularly devastated FitzGibbon. FitzGibbon touchingly described his own grief in a letter to a Limerick associate who had suffered a similar loss. His thoughtfulness and sympathy reveal a side of FitzGibbon's character too easily overlooked:

I do not like to hear you talk in so desponding a style of your health. I can see plainly that your spirits are much affected, and so long as the mind is agitated, your bodily health will necessarily be impaired...I feel from experience how cruel a blow the loss of a favorite child is, but, still, a little reflection has taught me the necessity of bearing the misfortune with fortitude. Surely you have every reason to induce you to summon up resolution to enable you to encounter your present melancholy. If you will do so, a little time will calm the uneasiness of a mind which now occasions your want of health.³¹

As much as his busy schedule allowed, FitzGibbon was affectionate and attentive toward his surviving children. The collection of books which he purchased from Denis Daly's estate in 1792 included a number of titles clearly intended for children, including La Rochfoucauld's *Fables*.³² In 1798, he took time from the momentous activity of that year to accompany his two little boys when they went off to school in England.³³

What kind of relationship he would have had with his children as adults remains an eternal unanswered question. Their mother was their sole parental influence for most of their lives. Her affection and devotion are beyond dispute, but she was also very demanding and possessive, especially toward her daughter. This girl, named for her late sister Isabella Mary Anne, seems to have been cast early on in the role of companion to her dazzling and fashionable mother. The hypercritical Miss Edgeworth acknowledged that she was a handsome girl, and she had a decent marriage portion of £10,000, but she never managed to establish a life independent of her mother.³⁴ Extraordinary devotion, or perhaps an exhausted will held her fast. By the time her mother died in 1844, Lady Isabella Mary Anne FitzGibbon was approaching fifty, an age when she had little hope of

30 Lady Sarah alludes to the recent deaths of these children in her letter to the Duchess of Leinster; *The Correspondence of Emily, Duchess of Leinster II*, op. cit.

31 NLI, Miscellaneous Papers, MS 10756/T3244/3, FitzGibbon to Stephen Dixon, 15 October, 1791

32 PRONI, T 2910, Catalogue of works from the library of Denis Daly, purchased by FitzGibbon in May 1792

33 Sneyd Muniments, FitzGibbon to Eden (Auckland), 21 September, 1798; "I have been settled here quietly since the prorogation of our Parliament with the intermission only of four days which I gave up to escort my little boys to Dublin on their return to Sanbury (??)"

34 Edgeworth, p. 393; PRONI, T3244/11/1 (op. cit.)

marrying and no hope of children. Legal wrangles troubled the final years of her sad and otherwise dull life. She filed suit in Chancery against her niece, Lady Louisa FitzGibbon, and Lady Louisa's husband, because of their failure to pay legacies from her father and her elder brother the second earl of Clare. She died in 1873, before any resolution of the suit.³⁵

While the lives of FitzGibbon's two sons were not as thwarted, they never displayed their father's brilliance or force of character. The second Earl of Clare, also named John FitzGibbon, gained a modest literary fame as one of the objects of Byron's romantic friendship. The two attended Harrow together, and Clare inspired one of Byron's juvenile efforts, addressed to "The Friend of my Youth". Byron remained infatuated with his boyhood friend. He later declared to Thomas Moore that he loved Lord Clare more than "any (male) thing in the whole world."³⁶ (Such sentiments must have been distasteful to Moore, who had endured an interview during the first Lord Clare's Trinity visitation. In his memoirs, he portrayed the late Lord Chancellor as a monster of blustering arrogance.)³⁷ Clare does not seem to have reciprocated this feeling with the same ardor. Some years after their schoolboy idyll, he postponed a visit to his old Harrow admirer to go shopping with his mother. Byron accused his friend of neglect and cruelty, but he failed to take into account the all powerful will of Lady Clare.³⁸

In politics, he took the mother's line, rather than the father's on Catholic Emancipation. A surviving letter suggests that like many liberal-minded landlords, he came to the resigned conclusion that Catholic Emancipation was certainly preferable to O'Connellite upheaval:

It is clear the people neither mind the magistrates nor their priests when they act in opposition to their wishes.³⁹

³⁵ Dublin, Irish Public Records Office, M 5192

³⁶ Leslie A. Marchand, *Byron: A Biography III*, (New York, 1957), p. 1001

³⁷ Thomas Moore, *Memoirs, Journal and Correspondence I*, (London, 1853), p.64 "There sat the formidable FitzGibbon, whose name I had never heard connected but with domineering insolence and cruelty." Yet Moore did include some kindlier memories of FitzGibbon. Some time later, he attended a dinner where he and FitzGibbon were the only guests, aside from members of the host's immediate family. Moore wrote: "Of course, the presence of such a man as Lord Clare was not very likely to untie my tongue, but in the course of dinner, he, with very marked kindness, asked me to drink a glass of wine with him. I met him once afterwards in the streets when he took off his hat to me and these two circumstances, slight as they were in themselves, yet following so closely upon my trying scene before him in the Visitation Hall, were somewhat creditable, I think, to both parties." *Moore I*, p. 71

³⁸ *Marchand I*, pp. 179-80

³⁹ James A. Reynolds, *The Catholic Emancipation Crisis in Ireland, 1823-29*, (New Haven, 1954), p. 53

In this same spirit, he voted for Catholic Emancipation in 1829. Yet in the disenchanted aftermath, when relations between Catholics and Protestants deteriorated, he maintained a liberal attitude. Unlike many landlords, he managed to maintain the political loyalties of his tenants, an indication of judicious management, no doubt, but also of his liberality on sectarian questions.⁴⁰

Apart from the practicalities of politics, he does not seem to have had any of his father's violent abhorrence for Roman Catholics and Roman Catholicism. Travel, something his father rarely did, may have had its purported broadening effects in his case. The second earl of Clare seems to have loved Rome, which he visited frequently. He also married a Catholic, a daughter of Lord Gwydyr, whom he met in Rome.⁴¹ The marriage was disastrously and mysteriously short-lived, and his wife retired to a convent.⁴²

On the matter of England's relationship with Ireland, the second Earl was very much his father's son. He articulated his ideas on the subject most completely in a letter to Lord Farnham, written in 1847. Farnham had requested Clare's opinion on proposals to organize an Irish party to press for more relief during the great famine. Clare refused to participate because he felt such a party would create unnecessary dissention. While not denying the horrifying magnitude of the crisis, he insisted that cooperation with England, not the formation of an Irish special interest group, offered the surest means of addressing it:

"...at this awful crisis, we should not I think do anything which can be construed into a distrust of our rulers or of their ability to serve us. The question to be submitted to Par[liamen]t is not purely an Irish question. The interests of England are fully as much concerned in it, as we are inseparably united to the greater and richer country. I am convinced it is the inclination as well as the duty of England to assist us in extricating us from our present difficulties. The evil must be probed to the bottom and by the blessing of providence, the united councils of both countries will save us from the horrors of famine now, and will prevent their recurring in future."⁴³

As for his career in public service, he attained neither his father's eminence nor his notoriety. His service as governor-general of the Bombay presidency from 1830 to 1834 marked its pinnacle.⁴⁴ The second earl spent the greater part of his time coping with

⁴⁰ K. Theodore Hoppen, *Landlords, Politics and Rural Society*, (Oxford, 1984), p. 160

⁴¹ *Burke's Peerage* (1847), p. 211; the second Lady Clare does not appear to have come from a Catholic family, though her brother married a daughter of Lord Perth. She may have been a convert. *Burke*, op. cit. pp. 1049-52

⁴² FitzGibbon, pp. 67, 72

⁴³ PRONI, Leinster Papers, D3078/3/34/4

⁴⁴ *DNB VII*, p. 159

lawsuits and financial disarray in his estate. His efforts were largely ineffectual. To judge from his lawyer's voluminous correspondence, he lost track of large sums of money, including a £5,000 loan and scrip worth £2,000.⁴⁵ The final stage of his life resembled one of the more melancholy scenes in Joseph Sheridan Le Fanu's fiction. He died in London in 1851. According to his sister's brief in Chancery, his personal assets could not cover his outstanding debts:

The personal estate of...John, Earl of Clare not specifically bequeathed *only* in England consisted of a small cash balance at Messrs. Coutts and Co, the Bankers of the said testator, and of a small sum of money in his writing desk and purse.⁴⁶

No doubt the famine contributed to the already heavy encumbrances and losses affecting the estate. The second earl's assets consisted mainly of arrears in rent from estates in Limerick and Tipperary.⁴⁷

Richard Hobart, the second son and third Earl, was as sad and as futile a figure. His mother's cultivation of the popular Catholic interest reaped for him the dividend of a seat for County Limerick. As member for Limerick, he followed the new family line and supported Catholic Emancipation. A pronounced streak of shallowness and fecklessness characterized much of his public and private conduct. One colleague complained of his habit of avoiding crucial votes out of personal pique.⁴⁸ He certainly did not marry with his father's astuteness. He eloped with a married woman, a certain Diana Crosbie Moore, *nee* Woodcock. In keeping with the ruthless double standards of the time, Mrs. FitzGibbon was roundly snubbed by county society. In one of his few acts of political exertion, Richard FitzGibbon enlisted his brother's help to petition for a living for one of his wife's few champions, the local clergyman. Their efforts profoundly irritated William Lamb, then serving as chief secretary:

Lord Clare and Mr. FitzGibbon want a living for Mr. Westhorp, whose principal merit is that his is the only family in the county of Limerick that will receive Mrs. FitzGibbon. Tho' I have the greatest toleration and even partiality for ladies of that description, yet I cannot go so far as to say that associating with them in compliance with the wishes of a patron is the best possible recommendation for a clergyman...that damned little man milliner Clare---he knows I promised him nothing: but like all Irishmen, if you put one single civil word in your communication with them, they immediately construe it as a promise, and charge

⁴⁵ NLI, FitzGibbon Papers, 8343/14

⁴⁶ PRO (Ireland), M167, op. cit.

⁴⁷ Ibid.

⁴⁸ History of Parliament Trust, *The History of Parliament, The House of Commons, 1790-1820 III* (London, 1986), pp. 758-9

you with a breach of faith if they don't get what they have asked.⁴⁹

Lazy and reckless though he was, Richard FitzGibbon did have the redeeming merit of kindness. During the famine, he generously assisted emigrants, and in the process, he further diminished the already encumbered and cash poor FitzGibbon family fortune. Like his brother, he remained liberal on sectarian matters. While serving as lord-lieutenant of County Limerick, Richard FitzGibbon drew criticism for filling the post of deputy-lieutenant exclusively with Catholics.⁵⁰

Richard FitzGibbon succeeded his brother as Earl of Clare, but the honor soon became an empty one. The male line came to a starkly dramatic end when his only son died in the fabled charge of the Light Brigade. When the third earl died shortly afterwards in 1862, Mount Shannon came into the possession of his eldest daughter, Louisa, and her husband, who had assumed the name FitzGibbon. Lady Louisa's extravagance hastened the ruin which her uncle's incapacity and her father's generosity had set into motion. Her sons finally sold the estate in 1888. The last of the resident FitzGibbon line polluted at least one shade at Mount Shannon by turning Roman Catholic. The fully fitted oratory described in the auction catalogue was Lady Louisa's final improvement. Like her aunt, the mysterious second Lady Clare, she retired to a convent.⁵¹

As sole surviving male heir and as a wealthy and powerful landowner and politician, FitzGibbon naturally dominated a family circle that comprised his sisters, their spouses and children, and remote relations in Limerick. His political aspirations and prejudices inevitably affected his dealings with them as well.

There was, nonetheless, a notable exception. A deep and troubled emotional attachment, rather than his accustomed calculation, dictated his actions toward his eldest sister, Mrs. Jefferyes. They had in common acute intelligence and acute emotional instability. Unfortunately for Arabella Jefferyes, she had no outlet for her intellectual energy. She took refuge from the chronic boredom of her life in bullying benevolence. When she was not offering what might be construed as favor and encouragement to Whiteboys, she acted as a patroness of the arts, both fine and theatrical. An English actress, Mrs. Frances Abdington, was one beneficiary of her patronage. At Mrs.

49 David Cecil, *Melbourne*, (London, 1965), p. 235

50 NLI, FitzGibbon Papers, 8343/14 ? Dickson to Richard FitzGibbon, n.d. "My dear colonel, It has been much observed upon that your *only* Deputies in this city were two Roman Catholics and no Protestant, one of whom should have resigned before he took the part *he did*, in politics. I should therefore feel very much obliged if you would have the kindness to nominate me to one if it does not interfere with your own arrangements."

51 FitzGibbon, pp. 67, 72

Jefferyes' suggestion, she wrote to FitzGibbon to request his protection from "the insult and imposition which she has been too often made to experience from managers of the English as well as the Irish theaters." What kind of protection FitzGibbon afforded remains an intriguing question and one possibly without very edifying answers.⁵² The journals of the Cork Historical Society offer an amusing account of Arabella's patronage of an itinerant aspiring artist by the name of J.D. Herbert. Mrs. Jefferyes overwhelmed him with domineering hospitality and commissions. She refused nonetheless to sit herself. Although Herbert considered her a striking woman, she displayed a strange and touching shyness about her appearance:

...she found by experience she was not a good subject for a picture, and she said I [Herbert] had quite enough in what I had done.⁵³

When the young man expressed a desire to abandon painting for the stage, Mrs. Jefferyes promptly obtained a place for him in a London company, no less. Herbert never took advantage of this munificence. He himself gave the slight and unsatisfactory reasons that his mother did not approve. In truth, he may have come to feel like a prisoner of patronage in Blarney Castle.⁵⁴

Initially, Arabella's similarities to her brother appear to have created a very close bond between them. She did at least some of the offices of a wife for him during his bachelor days. During a time when she was resident in London, FitzGibbon commissioned her to deliver some Limerick gloves which he had ordered for the Edens.⁵⁵ Even after her misadventures with the Whiteboys, FitzGibbon continued to provide patronage and assistance, often at considerable embarrassment to himself.

For a woman who so confidently ordered the lives of others, she displayed a remarkable incompetence in managing her own affairs. The scheme to drain the lake by Blarney Castle was above all a desperate financial gamble. Demands from her Whiteboy proteges for lower rents, rather than stern letters from her brother probably accounted for her abrupt withdrawal of favor. Her ghastly financial position did not permit that kind of self-sacrifice. She preferred the second hand benevolence of limiting clerical income. Apparently as a measure of economy, she had rented a house, but even in retrenchment,

52 Francis Edward's Catalogue, March 1982, item 137d 1041

53 "Mrs Jeffreys of Blarney Castle", *Cork Historical and Archaeological Society*, 1895, Second Series, Vol. I, p.83; the spellings of that simple, homely name are many and varied in the surviving documents. I have chosen to go with the baroque, rather pretentious "Jefferyes" because that is how FitzGibbon rendered the name in his will.

54 Ibid., p. 84

55 Falkiner, p. 143

she ran into disaster. By 1790, her landlord threatened to evict her for non-payment of rent. FitzGibbon promptly paid up the arrears.⁵⁶

He also attempted to obtain the post of adjutant general for Colonel Fremantle, who was married to Arabella's daughter Albinia. Abruptly, and considering FitzGibbon's extraordinary services in 1789, unaccountably, George III refused his consent. Possibly he felt that the Seals were honor enough for an Irishman, even an Irishman as loyal and self-abnegating as FitzGibbon. In keeping with his usual bearing, FitzGibbon swallowed his mortification and dropped the matter:

...he [FitzGibbon] was sorry His Majesty did not see his nephew in the same light, that if his Majesty continued disinclined to ye appointment, he should certainly not press ye point.⁵⁷

In undertaking these singularly unrewarding actions for Arabella and her family, FitzGibbon was unquestionably acting out of a general sense of what was due to his office. The Lord Chancellor of Ireland could not be subjected to the embarrassment of seeing his sister publicly and unceremoniously evicted from her home. Conversely, the military promotion of his nephew would have enhanced his own position and influence. At the same time, the dark logic of FitzGibbon's character as easily could have dictated a break with Arabella as a result of her escapades in 1786 and 1787. As Grattan, Curran and Tone all learned, FitzGibbon's political quarrels could take on a terrifying personal malevolence. Lingering, grudging affection must have played at least a part in these two instances of patronage.

Undaunted, Arabella continued to engage in compromising and risky activities. She had a particular taste for dabbling in the law. According to her protege Herbert, she pursued and won a case that her brother had given up as hopeless.⁵⁸ The matter of the Cahir estate and title constituted her greatest legal triumph. Dorothea Herbert gives the most complete and certainly the most romantic account of the story. The 10th Baron Cahir died in 1788 without immediate heirs. The closest claimant was the young son of a woman who earned a living grinding flour and occasionally begging. Other relations of the late lord tried to prevent the child from coming into possession of the title and estate by spiriting him and his siblings off to France. Who they were, when they removed the children, and how they persuaded the mother to part with them are all questions Dorothea Herbert's

⁵⁶ PRONI, Midleton Papers MS 1248/15 f 7 Reverend Charles Broderick to FitzGibbon, 21 April, 1790 (This letter is referred to in the Midleton Correspondence; it is not actually present)

⁵⁷ HO 100/31/252 Westmorland to Dundas, 5 August, 1791

⁵⁸ "Mrs. Jeffreys of Blarney Castle", p. 82

narrative leaves unanswered. Her story has the fairy tale's blissful lack of motivation and chronology, and she quickly skips to the happy ending. Mrs. Jefferyes found the children in a garret in Paris, and brought them back to Ireland. She then successfully established the boy's claim to the barony and estate of Cahir. Her benevolence was not entirely self-interested. In 1793, the newly discovered Lord Cahir married her youngest daughter Emily, a great coup for the financially straightened mother.⁵⁹

At the probable insistence of his mother-in-law, who notwithstanding her predilection for Whiteboys, was a militant Protestant, young Lord Cahir dutifully renounced Catholicism and conformed to the established church.⁶⁰ He probably needed little persuasion. Catholicism equalled conniving relatives, a penurious mother and Paris garrets. Protestantism equalled rescue by a great lady, a fortune, a title and a pretty wife. The same uxoriousness and gratitude may have accounted for his later opposition to emancipation.⁶¹ His elevation to Protestant wealth and nobility was not entirely blissful. Pretty Emily, in the best FitzGibbon tradition, was a dominatrix and a shrew.⁶² According to local legend, her compliant husband rebelled against her sexually, if not religiously and politically. The charming little Swiss cottage in the grounds of Cahir Castle was supposedly built by him for a mistress.⁶³

According to Dorothea Herbert, Arabella's disposal of Lord Cahir's hand in marriage infuriated FitzGibbon; although Miss Herbert's elliptical prose is sometimes difficult to interpret, FitzGibbon may have objected because Lord Cahir was still a minor and in the custody of his court. At one point, or so Miss Herbert claimed, he even threatened to imprison Arabella and Emily for their dubious manipulation of a ward of Chancery. He may also have resented his sister's rather naked financial interest in the

59 L.M. Cullen, ed., *The Retrospections of Dorothea Herbert, 1770-1806*, (Dublin, 1988), pp 308-9

60 For Arabella's feelings on Catholics who would presume to political equality, see NLI MS 13,992, where she refers to Keogh and the other members of the Catholic committee as "upstart, purseproud Brawlers." Arabella, like most ambitious social upstarts, naturally hated her own kind.

61 NLI, Scully Papers, 27/537/f4049; Dennis Scully's notes on an anti-Catholic petition of 1813 "Lord Cahir is an union peer, has always given his proxy to any Government and against the Catholics. He was the unit by whom the Marquess of Wellesley's motion in favor of Emancipation was defeated in 1812." Lord Cahir did make one brief show of independence from his formidable in laws. He briefly considered opposing the Union, but he may have been engaging in a ploy to get something from government. (PRONI, Castlereagh Papers, 3030/545, Cahir to Castlereagh, 19 January, 1799)

62 Dorothea Herbert's invaluable *Retrospections* certainly gives the impression of an insufferable and tiresome woman, imperious and foul-mouthed: "She was a beautiful little Creature, wild with Spirits and very Affable, but she cursed and swore tremendously." p. 315 One cannot help but pity poor Lord Cahir and wonder if he wouldn't have been better off as a free, happy member of the Parisian *canaille*. Not coincidentally, perhaps, he died quite young, in 1819, no doubt worn out by his life of marital happiness.

63 Mark Bence Jones, *A Guide to Irish Country Houses*, (London, 1988), p. 53

marriage.⁶⁴ Indeed, the trips to Paris and her other legal investigations must have cost Arabella Jefferyes some badly needed money, though whatever investment she made paid off very handsomely.

In her desperate craving for money, Arabella may have dabbled in activities that were frankly illegal. In his memoirs, Lord Cloncurry described the attempts of certain "Mrs. J_____" to obtain money from him under false pretences. In company with one Mrs. P_____, the lady approached him during his imprisonment, and tried to prevail on him to give her L500. According to the proposal which she made to Lord Cloncurry, the two ladies were to turn the money over to a third, an unnamed "*chere amie*" [Cloncurry's words] of the Duke of Portland. This small consideration would presumably incline the said *chere amie* to prevail on her lover to intervene in Cloncurry's case. Cloncurry readily perceived this offer as a transparent ploy to rob him, and he refused.⁶⁵ The two women were desperate enough to go to one of Cloncurry's sisters with the same offer, and presented a forged note of permission from Cloncurry himself. The girl demonstrated the same astuteness as her brother and refused.⁶⁶ Cloncurry's discretion or coyness renders it impossible to establish for certain whether the nefarious Mrs. J_____ was indeed Arabella Jefferyes. Nonetheless, Cloncurry gives a very damning hint: she was "nearly related to a learned and still more notorious lord."⁶⁷ It would be a remarkable coincidence if another woman had those initials and those family connections. Moreover, the boldness of the scheme and the financial desperation behind it are characteristic of Arabella Jefferyes. Whether FitzGibbon ever learned of this attempt to cheat Cloncurry remains uncertain. Probably Cloncurry remained discreetly silent. An accused United Irishman had little chance of proving charges against the sister of the Lord Chancellor. If so, Arabella was fortunate. FitzGibbon's rage would have known no bounds had he discovered these attempts to defraud a relation by marriage, however disreputable and steeped in treason. Given her powerful sense of family, Anne FitzGibbon would no doubt have encouraged her husband's mighty indignation.

One legal case too many, and not Arabella's attempts to cheat Lord Cloncurry, appear to have exhausted both FitzGibbon's patience and his affection for his sister. The details of the transaction are maddeningly few, and those few come from that maddeningly untrustworthy source, Grattan's *Memoirs*. Acting in some sort of a fiduciary capacity, possibly as a guardian or trustee, FitzGibbon had purchased land from the Jefferyes'

64 Dorteia Herbert, *Retrospections*, p. 309

65 Cloncurry, pp. 123-4

66 Ibid.

67 Ibid.

estate. He probably acted with Arabella Jefferyes' consent in yet another attempt to relieve her chronic money troubles. Arabella's only son apparently learned of the sale upon attaining his majority and objected. Young Jefferyes either felt that his uncle had not paid a fair price for the property or he simply wanted the property itself. If the latter reconstruction of events is correct, young Jefferyes doubtless lacked the financial wherewithal to refund the entire price of purchase to his uncle. He may have offered only a fraction of the price and complained about depreciation or he may have offered nothing on the grounds that the sale was wrong to begin with. Arabella took her son's part. In the general obscurity and confusion of the case, her reasons present the greatest conundrum. The long bankruptcy that was her life again offers the most likely explanation. She may have concluded that she had sacrificed a steady source of income in the form of an estate for a lump sum of money that had disappeared all too quickly. Like her brother, she had a flexible sense of reality that always put her in the right. She no doubt rearranged the past to support the belief that her brother had taken advantage of a struggling widow and her son. Albinia Fremantle also sided with her brother and mother. She may have felt that they had a legitimate grievance, or she may simply have had a grudge against her uncle for his failure to get her husband promoted.⁶⁸ Mrs. Jefferyes' two other daughters, the appalling Lady Cahir and Lady Westmeath, do not seem to have become involved in the matter. Their private concerns probably spared them. Lady Cahir was just entering into a life of married bliss. Lady Westmeath was in the process of ending her very unblissful marriage, and venturing into a second. Apart from the distractions of love and marriage, they probably would have taken their uncle's part. Lady Cahir and her captive husband were on visiting terms with their formidable uncle, and Lady Westmeath may have been estranged from her mother altogether.⁶⁹

⁶⁸ I am extrapolating much from this very sketchy account given by young Grattan in a footnote, no less: "His nephew Jefferyes had instituted a suit in the Court of Chancery respecting his estate, of which Lord Clare was trustee and which he had bought. Lord Chancellor Manners (in 1817) set aside the sale and decreed the estate to Jefferyes. It was, however, admitted that it had been sold for its full value" *Grattan III*, pp. 402-3

⁶⁹ NLI, De Vesci Papers, (microfilm p. 6799) FitzGibbon to Lord De Vesci, 29 December, 1796 "Last night I had a note from Lord Cahir which he sent by express after me, to say that the whole of the French Fleet, one ship excepted had been taken by Lord Bridport." It can only be assumed that FitzGibbon had stopped at Cahir Castle or had stayed overnight before proceeding on to Limerick. As for Arabella's relations with her other daughter, it certainly seems odd that eleven years after their divorce, she could not remember that Lord Westmeath was no longer her son-in-law. Only a prolonged separation between mother and daughter could have allowed Arabella to maintain this willful delusion. Possibly, Arabella was unhappy that her daughter had divorced "one of the oldest peers in Ireland", to use her own rather maladroit phrase. See also the tantalizing letter in the Abercorn Papers (PRONI, 623/A/81/3) 11 November, 1800. Abercorn declined to give an opinion on a family quarrel over which the former Lady Westmeath and current Mrs. Bradshaw had consulted him, though he commented on "...the circumstances and feelings which distress you." The quarrel could have involved Mrs. Bradshaw's volatile mother.

The precise chronology of these events poses another unsolvable riddle. It is only certain that the issue of the alienated estate did not emerge before 1791. FitzGibbon would not have rescued Arabella from eviction or tried to obtain a promotion for Albinia's husband had they accused him of bad faith.

Whatever the origins of the quarrel, it seems to have remained *en famille* during FitzGibbon's lifetime. At any rate there was no public mention of it in the newspapers, which even in the repressive 1790's would have made some allusion to so spectacular a family quarrel. Arabella and her children may not even have realized how much they had alienated their formidable relation. If so, FitzGibbon's will quickly enlightened them, in no uncertain terms. He disinherited Arabella, Albinia Fremantle and young Jefferyes in terms that he usually reserved for rebellious Catholics, United Irishmen and the opposition in general.

And I do hereby request of the guardians of my dear children never to suffer them during their minority to have any intercourse with the said Arabella Jefferyes or George her son, or Albinia her daughter. I have by sad and long experience found them all to be utterly destitute of every principle of truth, justice or gratitude.⁷⁰

In spite of the Protestant pieties of the preamble and in spite of his affectionate references to his wife, his children and other relations still in his good graces, the will had one overriding and bitter purpose: to prevent the perfidious Jefferyes from ever entering into possession of any part of his estate. FitzGibbon clearly anticipated the possibility that he would die soon and that his children would die young. He was a sickly man and a hated one, which rendered him vulnerable to disease or assassination. Three brothers and two daughters had died young, so he well knew the frailties of minor children. He listed a formidable array of claimants who were to take precedence over the objectionable Jefferyes should his children die before attaining their majority. They included the two sisters still in favor, Elizabeth Beresford and Elinor Trant, and their sons, the two good Jefferyes nieces, Lady Cahir and Lady Westmeath, and their sons, his two cousins Thomas FitzGibbon and Thomas Gibbon FitzGibbon and their sons. Barring an extraordinary demographic catastrophe, Arabella and her two errant children had no hope of ever coming into possession of any part of the estate. (FitzGibbon did not however, chose to visit the sins of fathers, mothers and grandmothers on successive generations. His will permitted the children of Albinia Fremantle and George Jefferyes to inherit in the absence of all other claimants.)⁷¹

70 PRONI, T3244/11/1

71 Ibid.

FitzGibbon underestimated his sister's habits of litigation. She promptly filed a suit to break the will.⁷² In addition, Arabella and her son filed a suit in the court of chancery to reclaim the disputed estate. According to the younger Grattan, Lord Chancellor Manners declared the sale void in 1817, though he acknowledged that his predecessor had paid a fair price for the estate.⁷³ In keeping with the *leitmotif* of the memoirs, the younger Grattan attributed a fierce anti-Union speech to the younger Jefferyes when he received the verdict:

When Jeffreys [sic] came out of court, he openly addressed some of the lawyers in the hall and said that his uncle had never done a single act that procured him the esteem or thanks of his countrymen. "I," exclaimed he, "opposed him on the Union. I have a piece of plate voted to me for the part I then took, and I afterwards saw Lord Clare die, repenting of his conduct on that very question." ⁷⁴

The implication was, of course, that young Jefferyes' dedication to the Irish nation, and not his disputes over real estate, had earned him the enmity of his uncle. The claim is dubious, as is Jefferyes' purported speech. FitzGibbon may well have resented Jefferyes' opposition to the Union, but he probably resented far more his perceived greed, ingratitude and treachery. Indeed, given FitzGibbon's feelings, young Jefferyes probably never went near his uncle's busy and dramatic deathbed.

The dispute dragged on until 1826. The existing evidence suggests that the second earl agreed to pay monetary damages. Jefferyes and Clare then carried on another desultory legal argument over the precise sum. Lord Clare finally settled with his cousin for £1,700.⁷⁵

Arabella had no apparent part in these final transactions, which suggests that her turbulent life had come to an end. In her final years she verged on insanity, if she did not actually slip into it altogether. In 1807, she wrote an extraordinary letter either to the chief secretary or to the personal secretary of the Duke of Richmond, then lord-lieutenant. Following the suit of her sister-in-law, she claimed a pension for herself because she had served the Protestant government by saving Lord Clare's life in 1795. She described in great detail how a rampaging mob of "Papists" had pursued her brother from College Green to his house in Ely Place. There, the Popish mob started preparations to break down the door, drag Lord Clare from his house, and hang him from the nearest lamppost. He

⁷² *Lord Shannon's Letters to his Son*, p. 217

⁷³ Grattan, op. cit.

⁷⁴ Ibid.

⁷⁵ NLI, FitzGibbon Papers, MS 8343/3

might have died and the government might have lost a valued servant, but for the resourcefulness of Arabella herself. She claimed that she appeared on the scene disguised as a kitchen maid. She diverted the crowd from the house by spreading a rumor to the effect that "a rigiment of Hos is galloping down here to hus---oh yea, yea where will we go?" The mob, in her version of events, believed her and went scurrying off to the Customs House. To impress on her interlocutor her remarkable heroism, she concluded, "thus I saved Lord Clare's life at the risk of being torn limb from limb if I had been recognized by any of them." Arabella based her claims on her family's services to government, as well as her own. From 1762, she declared, her husband "constantly supported government. Her two sons-in-law, to whom she referred with absurd infelicity as "two of the oldest peers in Ireland", were both firm supporters of "the protestant interest and his majesty's government." Finally, Arabella offered her expertise on the Catholic issue. The claims of French emissaries were a ghostly echo of her alienated and dead brother, while the oblique allusions to tithes were the faded last gap of "Lady" Jefferyes, the Whiteboys' friend.

I could, I think, give you some very useful information relative to the state of the south of Ireland---where I am well persuaded that French emissaries are placed to pervert the minds and morals of poor oppressed wretches whose grievances are intolerable and who now only look to the Roman Catholic Committee for a redress of them...if Government redress'd their grievances and left them in the peaceable possession of their potatoe gardens, and the milch of their cows, these two millions of poor creatures would consider themselves affluent and happy.⁷⁶

Her tale was, of course, a pathetic tissue of lies and delusions. None of the newspaper accounts of the riots of 1795 give any mention of a dramatic rescue by a lady disguised as a kitchen-maid. Even if she had made this dramatic quick change, her absurd stage Irish accent would have exposed her immediately. Poor stage-struck Arabella was writing a good part for herself in a play which was never performed. Whatever may have been the case with her pliant creation Lord Cahir, she could not claim Lord Westmeath either as a son-in-law or as a political supporter. He had divorced her daughter with great publicity over ten years before, and he ardently supported Catholic Emancipation.⁷⁷ As for her assessments of the Irish peasantry, she seems not to have learned any lessons from her experiences with the Whiteboys. She never could realize that her beloved cottiers had

⁷⁶ NLI MS 13,992, op. cit.

⁷⁷ See his brief but highly favorable comments when the controversial bill of 1793 was introduced into the House of Lords, *Freeman's Journal*, March 14-16, 1793, House of Lords debate of March 13, 1793; for their divorce see *Burke's Peerage* (1847), p. 1037; see also Wolfe Tone's contemptuous reference to Westmeath as "that contemptible cuckold", *Tone II*, p. 223

political and economic aspirations quite independent of her direction, Mr. Keogh's or the agents of the French. The letter does not appear to have reached the Duke of Richmond's secretary. Some companion or relative had the pity and the kindness to intercept it.⁷⁸

FitzGibbon's relations with his two other sisters, Elizabeth and Elinor, were far more placid. Elizabeth provided her brother with his all-important connection to the Beresford family, but she was an obscure figure in a family of vivid public personalities. Presumably she was like her mother, dutifully domestic, quiet and retired. For the most part Elinor followed suit. Her account book reveals a tidy, careful and busy household manager. She chronicled toys for her children, salaries for the nurse, black silk breeches for Mr. Trant, and losses at cards by Mr. Trant.⁷⁹

Elinor also seems to have looked after old Mrs. FitzGibbon in her later life.⁸⁰ Why this responsibility devolved on her is unclear. At least in the case of her brother and her eldest sister, their political and public concerns may have occupied them too much to look after a failing old woman. On the other hand, old Mrs. FitzGibbon may have preferred *not* to live in her son's lively bachelor establishment or in Blarney Castle, with its itinerant artists and Whiteboys.

Yet Elinor had her share of the FitzGibbon-Hayes *esprit*. She was a talented amateur actress who seems to have specialized in tragic roles. Even newspapers that regularly castigated her brother praised her splendid voice and fine, full figure.⁸¹ That merciless satirist Henrietta Battier, among others, made suggestions of shrewishness and of immorality.⁸² Mrs. Battier may have made such insinuations not merely because Elinor was the sister of the despicable "Lord Jacky", but because she acted, an activity which, in spite of the ultra-respectable Mrs. Siddons and Mrs. Inchbald, still had overtones of sexual laxity.

In his will, FitzGibbon treated "dear" Elizabeth and "dear" Elinor equally. He placed them and their children in the defensive line of succession, and he left them both £50 for mourning. Their families also stood to inherit some of FitzGibbon's superb dishes.⁸³

78 The letter is copied in a very fine hand, but it does not seem ever to have been sent.

79 NLI MS 2564; the Hayes Catalogue states that this little book of household accounts was kept by Dominic Trant; while he made some entries, the book seems to have been largely in her keeping.

80 The book of household expenses cited above lists some legacies made by Mrs FitzGibbon to one of the Trants' footmen, which can only mean that he had been of particular service to the old woman while she was in residence.

81 See the *Dublin Evening Post*, 21 May, 1789 for an account of one of her performances

82 She refers uncharitably to *all* of FitzGibbon's sisters as "amiable she-bears/Who with legitimacy, all inherit/Their father's piety---and their brother's spirit." The interpretation is plain: the FitzGibbon sisters were amoral and immoral termagants. *The Gibbonade*, 1st number, (Dublin, 1794), p. 2

83 PRONI T3244/11/1

Nonetheless, in his lifetime, he does not appear to have displayed the same evenhandedness. When he became lord chancellor, FitzGibbon bestowed one of the more lucrative sinecures at his disposal on the patronage-glutted Beresfords. His nephew John Beresford became his ^{purse-bearer} at a salary of £700 per annum.⁸⁴ FitzGibbon, it is true, was on close and affectionate terms with William Beresford, Elizabeth's husband. At least in the final weeks of FitzGibbon's life, Beresford acted as a spiritual advisor, and he was the chief mourner at the funeral.⁸⁵ But his snobbish distaste for Elinor's husband, Dominic Trant, probably played as great a role in these grace and favor decisions.

After assisting Trant with the Maurice O'Connell's case, FitzGibbon seems to have had very little, if any contact with his brother-in-law. According an anonymous but sharp-tongued correspondent of Vere Hunt, FitzGibbon despised and neglected Trant until the fatal duel with Sir John Colthurst. According to Hunt's informant, this murder by *code duello* gave FitzGibbon an unaccustomed respect for this brother-in-law. Allegedly, FitzGibbon declared that he "never knew that there had been so much in him [Trant]". The destruction of a fellow human being, Hunt's correspondent observed tartly, was evidently the surest road to favor with the honorable attorney general. Trant took considerably less pride in his accomplishment; he was "very much shocked".⁸⁶

For his pamphlet, if not for his marksmanship, Trant received the office of assistant barrister for County Tipperary.⁸⁷ His brother-in-law's role in this promotion is doubtful. FitzGibbon may have put in a casual good word, but having sacrificed the Magistracy Act to his own ambition, he may have had little further interest in the business. Trant probably owed far more to the Archbishop of Cashel, Charles Agar.⁸⁸ Trant had worked closely with Agar on church and political business since the 1780's.⁸⁹ Indeed, he may have written his pamphlet with Agar's encouragement.

Trant died suddenly of a fever in 1790⁹⁰; consequently, it is impossible to know whether his relations with FitzGibbon would have improved further. Probably FitzGibbon would have returned to his habits of contemptuous neglect. Trant by his very nature antagonized FitzGibbon. His surviving letters reveal a man of great kindness, charm and literary skill.⁹¹ His sunny good nature must have grated on the saturnine

84 *Lord Shannon's Letters to his Son*, p. 216

85 See *Falkiner's Dublin Journal*, 2 February, 1802; *Dublin Evening Post*, 2 February, 1802

86 Limerick City Library, Vere Hunt Correspondence, the particular fragment also is not dated.

87 Normanton T3719/C21/31, Trant to Agar, 16 August, 1787

88 Ibid. T3719/C21/29, Agar to Orde, 1 August, 1787; Same to Same 11 August, 1787

89 Ibid., T3719/C14/16, Trant to Agar, 21 March, 1780

90 *Hibernian Journal*, 22 June, 1790

91 See, for example the charming letter quoted in Mrs. Morgan John O'Connell, *The Last Colonel of*

FitzGibbon's nerves. Nor would this polished and cultivated man have cut much of a figure in FitzGibbon's social circle of expensive and debauched young men. FitzGibbon probably hated Trant most for what they had in common. Like FitzGibbon, Trant was the son of a convert, who pursued law as a means to social advancement. Unlike FitzGibbon, his lineage was somewhat more illustrious, as he could claim Jacobite relations of some property and distinction.⁹² Trant never posed the slightest political or professional threat to his brother-in-law, and he made his own way quietly and diligently. He simply reminded FitzGibbon too much of the past he was trying to escape. FitzGibbon preferred the power and glamour of William Beresford's family, as much if not more than his spiritual counsels.

Trant made matters worse by maintaining ties not only with Catholic laymen, like the O'Connells, but with Catholic priests. While a devout and sincere adherent of the Established Church, Trant was never infected with FitzGibbon's malevolent sectarianism. Shortly before his death, he was busily recruiting Catholic priests for secret service duty in Spain. His assessments of the candidates were models of astuteness.⁹³

To his credit, FitzGibbon obtained a position in the East India Company for one of Trant's sons. He was acting at "dear" Elinor's behest, but possibly he was also trying to expiate past unkindness and neglect.⁹⁴ A curious passage in a letter to Richard Wellesley, the vigorous governor-general of the Bengal Presidency, raises this possibility:

This letter will be delivered to you by a young man who goes out a Cadet in the company service in consequence of my recommendation of him to Lord Cornwallis...If he resembles the older branches of his family, I am quite certain he will not disgrace my introduction of him to your notice.⁹⁵

FitzGibbon's language is obscure, but he was probably referring to young Trant. He does not appear to have had any other proteges in the East India service. If so, FitzGibbon may

the Irish Brigade I, pp. 311-2; it is addressed to Maurice O'Connell and dated 28 May, 1783: "I hear with great pleasure from Mr. Francis Spottswood that you had completely triumphed over the very ungenerous attempt made to distress you, your Brother and your Kinsman and that the gentleman who had been imposed upon by the artifices of a very paltry and contemptible and lying informer, became in time sensible of his error and made the proper acknowledgement of his mistake...May I request that you will be so good as to present my most sincere compliments to the good ladies of your family and to assure them that I do not forget their very kind attentions to me during those two very agreeable days I had the pleasure of spending last October at Derrinane? If I were permitted by the troublesome business of the world, I would scale mountains much more rugged than those of Dunkeran to repeat so pleasing a visit."

92 Ibid., pp. 316-335

93 Normanton, T3719/C2415, Trant to Agar, 29 May, 1790

94 NLI, Townshend Papers, MS 394

95 Wellesley Papers, BM Add. MS 37,308, f 283-5; FitzGibbon to Lord Wellesley, 9 March, 1800

have been paying a posthumous tribute, however obliquely, to his late, despised brother-in-law in addition to recommending the nephew. The uncharacteristic and muddy metaphor "elder branches" could have applied to Trant and perhaps to his wife. FitzGibbon was perfectly capable of remorse, albeit of a furtive and veiled kind.

Of his relations in Limerick, he was probably closest to Thomas FitzGibbon, the son of FitzGibbon's uncle of the same name. FitzGibbon took over from his father in the capacity of guardian, and he discharged his responsibilities with his usual efficiency. Young Thomas received good medical care for his various childhood ailments, a watch for his birthday, and a smart new suit and a horse when he attained his majority.⁹⁶ Nonetheless, FitzGibbon made one entry in the list of accounts which suggests he was a distant as well as a kindly guardian:

It is possible that payments may have been made to me for him, which in the Hurry of business I may have omitted to enter---This may easily be ascertained by him when he settles accounts with his tenants.⁹⁷

Later, in spite of the wife's claims of a deathbed wish, FitzGibbon does not appear to have shown an urgent interest in Thomas's claims for revenue office. On the contrary, FitzGibbon's superannuated butler received more attention.⁹⁸ There is at least a possibility that Thomas made an initial, unsuccessful appeal to his cousin, and Anne FitzGibbon revived the matter as a ploy for introducing her own claims. While such oversight or delay might appear to suggest remoteness, they do not necessarily imply a lack of interest in his Limerick cousins. When his great cousin's interest demanded it, young Thomas provided dutiful support in County Limerick politics. Most notably, he signed a Limerick county petition in favor of the Union which was initiated by FitzGibbon in the autumn of 1799.⁹⁹ The fact that Cousin Thomas played a part in his grand relation's political initiatives in County Limerick suggests that FitzGibbon supported the advancement of his respectability and presentability in the county.

FitzGibbon unquestionably showed kindness and generosity to his one surviving uncle, Gibbon FitzGibbon. He seems to have been a luckless and pathetic man. FitzGibbon himself referred to him as "poor Gibbon FitzGibbon."¹⁰⁰ In 1787, Gibbon FitzGibbon appears to have lost a suit, and costs of £5,000 were decreed against him.

96 NLI, MS 7866

97 Ibid.

98 PRO, Colchester MS, 30/9/1/3 f.39 FitzGibbon to Charles Abbott, 10 September, 1801

99 *Limerick Chronicle*, 14 September, 1799

100 NLI, Heffernan/Considine Papers, (uncataloged), FitzGibbon to William Heffernan, 20 September, 1797

FitzGibbon "entered into the judgment", that is, he paid off the debt on Gibbon's behalf.¹⁰¹ FitzGibbon does not appear to have pressed for re-payment during Gibbon's own lifetime, and Gibbon's son, Thomas Gibbon, willfully ignored the obligation. So successful was he in evading repayment, that the second earl of Clare's lawyers were still trying to obtain at least minimal payments on the debt as late as 1842.¹⁰²

FitzGibbon's relations with Thomas Gibbon FitzGibbon appear to have been more tenuous. He took no part in this cousin's upbringing. Gibbon's widow and an attorney by the name of Heffernan acted as guardians and trustees for his estate, such as it was.¹⁰³ He too took his required supporting part in county Limerick politics. In company with his cousin and namesake, he signed the petition favoring the Union.¹⁰⁴ Unlike cousin Thomas, he showed a degree of energy and initiative, possibly because his financial circumstances were narrower. He matriculated at TCD, and he enrolled in the King's Inn in 1799, though it is unclear whether he practised law to any significant extent.¹⁰⁵ He did, nonetheless, act as sheriff of County Limerick in 1803.¹⁰⁶ He also married decently: his wife was the daughter of Sir Thomas Osborne.¹⁰⁷ Thomas Gibbon was on good enough terms with his powerful cousin the Chancellor to be named in his will. In short, he seems to have been a rising and respectable young man, and his contacts with FitzGibbon were probably perfectly cordial, if infrequent.

FitzGibbon's relations with the descendants of his uncle Patrick are still more obscure. Patrick's son John, Betham's informant, had only one recorded contact with his more famous cousin and namesake. FitzGibbon's father had left John the nephew a legacy of £200; according to an entry in a surviving account book, the son doled this sum out in increments of £100.¹⁰⁸ If he had any contact with Patrick's side of the family, FitzGibbon probably showed them reasonable kindness and civility. Had he behaved otherwise, his cousin and namesake probably would not have tried so valiantly to defend the FitzGibbon escutcheon. Injured personal feeling would almost certainly have outweighed general claims of family honor. Nonetheless, any contact was probably even more brief and cursory than his contacts with Dominic Trant or with Thomas and Thomas

101 NLI, FitzGibbon Papers, MS 8343/14

102 Ibid.

103 Heffernan/Considine Papers, op. cit.

104 *Limerick Chronicle*, 14 September, 1799

105 *Alumni Dublinesis*, p. 287; he was enrolled 3 October, 1796; *King's Inn Admission Papers*, p. 168; he was admitted Hilary term 1799

106 *Irish Marriages I*, (London, 1897), p. 157

107 Ibid.

108 NLI MS 8343/6

Gibbon FitzGibbon. Patrick's descendents labored under a worse social stigma than poor Dominic Trant: they had reverted to Catholicism.

The evidence is fragmentary, but tantalizing. In 1792, a John FitzGibbon began practice in Dublin as a solicitor.¹⁰⁹ This John may have been Betham's correspondent, but if so, he would have been well advanced in middle age when he entered his profession. It is more likely that he had a son named John who practiced law. Although this John FitzGibbon started practice in the year Catholics were granted access to the legal profession, he probably was, at this time, a Protestant. He enrolled in the King's Inn in 1790, two years before the relief bill, and that institution strictly excluded Catholics.¹¹⁰ John FitzGibbon the attorney subsequently had two sons, yet another John and Gibbon. John entered his father's profession, while Gibbon attended Trinity. Gibbon is identified as a Roman Catholic in the *Alumni Dublinesis*.¹¹¹ This circumstance suggests that John FitzGibbon the attorney either converted to Roman Catholicism at some point after 1790, or he married a Catholic and agreed to raise his children in their mother's religion.

John FitzGibbon the attorney and his two Catholic sons may have had no relation whatsoever to John FitzGibbon the Chancellor. Yet the names Gibbon and John were monotonously prevalent in the lord chancellor's family. More significantly, FitzGibbon completely excluded Patrick's descendents from his line of defense against Arabella Jefferyes.¹¹² FitzGibbon possibly had some obscure quarrel with Patrick's family as well, but if so, he surely would have made some dishonorable mention of their perfidious behavior. FitzGibbon was not one to suffer in dignified silence, either in his life or in his will. It seems more likely that the religion of Patrick's descendents rather than their individual demerits accounted for their absence. FitzGibbon was the son of a man well versed in the penal laws. He would have known that Protestants who reverted to Catholicism forfeited all civil, political, property and inheritance rights. This legal provision was for the most part a dead letter. If John the attorney did indeed revert to Catholicism, he suffered no apparent consequences in his professional life. Nonetheless, the presence of an apostate in the defensive line of legatees would have given Arabella a powerful pretext for breaking the will. If such was his motive for bypassing Patrick FitzGibbon's descendents, FitzGibbon showed great astuteness indeed. Lord Dunboyne's sister later seized on this lingering penal law to make devastating trouble.

The prolific Hayes family provided FitzGibbon with an extensive network of

109 *Watson's Almanac* (1792), p. 122

110 *Kings Inn Admission Papers*, p. 168

111 *Kings Inn Admission Papers*, op. cit., *Alumni Dublinesis*, p. 287

112 PRONI, T3244/11/1

cousins in County Limerick. He maintained the closest contacts with the Furnells, descendents of Honor FitzGibbon's sister.¹¹³ The Furnells, like the FitzGibbon, conformed in the 1730's, and they seem to have maintained a decent standard of gentility.¹¹⁴ In 1784, FitzGibbon requested Vere Hunt to empanel one of his Furnell cousins, Michael, as a grand juror. He described Furnell as one of "my near relations and very particular friends." Michael Furnell was clearly placed on the Grand Jury to express his own (and his cousin's) opposition to the Dublin requisition.¹¹⁵ The Furnells also turned out in force to sign the Limerick petition in favor of the Act of Union.

Some branches of the Hayes family either remained Catholic or reverted to that religion. Mary, another sister of Honor FitzGibbon, had married a yeoman farmer bearing the unmistakably Catholic name of Ignatius Terry.¹¹⁶ No Terry appears on the convert rolls; if any descendents of the family survived, they presumably continued to practice their ancestral religion and to farm in a modest way. It would be unfair, in the absence of evidence, to assume FitzGibbon disowned any distant Catholic relatives altogether. As with the Furnells, he may have done minor friendly services. .

Lecky made the magisterial statement that FitzGibbon himself was not corrupt, though he was a "most cynical corrupter of others."¹¹⁷ FitzGibbon himself declared with injured pride that he hated jobbery.¹¹⁸ He was indeed uncorrupt in the sense that he did not pack the Irish government and civil list with his relations. What backing his relatives received from him was confined to County Limerick and in terms of political office, was limited to the small, though not inconsiderable, post of collector of Limerick. Moreover, Thomas Gibbon FitzGibbon's good marriage almost certainly must have sprung from a wider world made more accessible by their powerful relative. FitzGibbon was certainly not loath to advance his relatives to much coveted service on the grand juries empaneled twice a year. This position was very useful because of the political services that it made possible in the county, but it was not lightly to be pushed, as the 23 places were ardently sought by the mighty and the socially aspiring alike. Indeed, his relations' good but relatively modest position may explain why FitzGibbon did not choose to push their claims too often in that regard. It is a matter for speculation whether FitzGibbon's reticence in advancing his

113 *Registry of Deeds I*, p. 209; Jeremiah Hayes refers to his nephew Patrick Furnell, which can only mean that he is the son of one of his sisters.

114 *Convert Rolls*, p. 129

115 Limerick Archives, De Vere Hunt Papers, Letter book 2, No. 24, FitzGibbon to Hunt, 14 March, 1784

116 *Registry of Deeds I*, pp. 209-10

117 *Lecky II*, p.419

118 PRONI, De Ros Papers, D638/132, 28 March, 1797

relatives was due to principle on his part, or to their want of ambition or drive, or to a fear that the elevation of his country cousins outside his power base in Limerick might have provided capital for his political enemies, always ready to comment on and indeed, to exaggerate his obscure, much despised origins. Finally there is the simple possibility that FitzGibbon acted out of a singleminded but calculating readiness to advance them in the one area, County Limerick, where they could be of use to him.

His overriding ambition shaped not only his relations with his family, but his personal tastes and interests. The college prize for his translation of the *Georgics* marked the pinnacle of his achievement as a scholar. As an adult, he appears to have had no significant intellectual, literary or artistic interests. His utter lack of cultivation set him apart. Most of FitzGibbon's contemporaries had at least some interest in the fine arts or sciences. Foster promoted a national gallery of art, and served on numerous civic and charitable boards. Gardiner and Beresford left a splendid, if now neglected architectural legacy. Charlemont not only built the exquisite Casino, his architectural studies of the Parthenon still command the respect of scholars.

The existing evidence of cultural exertion is highly dubious. Prior's *Life of Malone* records activity as a member of the Royal Irish Academy. One letter reprinted in this memoir portrays FitzGibbon in a characteristic pose: attempting to dampen the ardent Irish cultural, as well as political, patriotism of Charlemont:

Our amiable friend the president (Lord Charlemont) is more wild and boisterous on the subject of Ireland than you can conceive. Many a warm dispute we have. I told him not long ago that my motto was "Nil Admirari" and that I was determined to combat all their cloud capped notions about their country and shake every idea that tends to set one race above another or promote national distinctions.¹¹⁹

Unfortunately, the original of this letter has never been located in any of the collections of Malone's papers.¹²⁰ Moreover, it has a spurious quality. FitzGibbon gave precious little evidence, either in words or deeds, that he believed in the universal brotherhood of all races. On the contrary, his attitude toward his own people and culture originated in a contempt born of self-hatred, certainly not in broadminded distaste for nationalist excesses. More important, FitzGibbon's name does not appear on any of the membership lists of the Royal Irish Academy, a curious omission. Surely the patronage of so illustrious a figure would have received notice. He is also absent from the subscription lists of the Royal Dublin Society. Nor does he appear to have participated in any of the other major

¹¹⁹ Sir James Prior, *Life of Malone*, London, 1860, pp. 138-9

¹²⁰ Dr. Malcomson, not the author, undertook this painstaking, if unsuccessful search.

charitable or cultural societies of the time.¹²¹ He may have preferred the role of an anonymous benefactor, but this explanation seems unlikely. He had no reason to show such absurd coyness about his participation in public and institutional acts of patronage.

To be sure, as chancellor, he did serve on the boards of a number of institutions which included him by statute. Knowing his conscientious attention to all duties attached to his office, he probably was reasonably conversant with the affairs of the Royal Hibernian Marine Academy or St. Patrick's Hospital, to name just two of the institutions in question. But it must be emphasized that he did nothing on his own initiative. His single-minded interest in promoting his own career, and possibly, a fundamentally pessimistic and contemptuous view of all types of Irish self-improvement may account for his absence from civic and philanthropic endeavors.

FitzGibbon's purchases from Denis Daly's library in 1792 confirm the impression of narrow and restricted tastes. A large proportion of the books he purchased, 15 titles out of 42, concerned English legal and constitutional history. He had a particular interest in the civil wars of the 17th century. There were fillips of interest in non-English countries and peoples: a history of the Gypsies, of Naples, and of Spain attracted his attention. He also purchased a number of titles in Latin, which suggests that his classical learning had not entirely deserted him. Some of his choices ran to the bizarre. They included Albertus Magnus's *Secrets of Women*, which probably had little to do with that great divine's usual theological aridities, two books on celibacy or virginity, and one on the right and wrong uses of flagellation among Christians.¹²² Of course, this single list of purchases is an incomplete, and perhaps unfair, criterion for judging FitzGibbon's tastes in reading. He was after all, supplementing his library. He may have displayed other, wider interests on unrecorded and uncataloged visits to shops and sales. But an overwhelming impression remains of a man who purchased books mainly to meet immediate practical concerns. The Catholic issue loomed large in 1792, and in FitzGibbon's mind, Popish discontent and assertiveness, if unchecked, could only lead to a revival of the civil contention and bloodshed of 1641. The 17th century histories may well have provided him with ammunition for the terrifying rhetorical broadsides of 1793, and he may have intended to cull suitable illustrations of the horrors of Popish despotism from the histories of Naples and Spain. Even the odd books on celibacy and flagellation may have provided useful examples of Popish superstition, as well as pleasurable titillation. The quaint customs of the Gypsies meanwhile diverted his few idle hours.

121 It is difficult to document a negativity, but I have checked copies of Watson's Almanac from 1780-1802, and did not find FitzGibbon's name on any of the subscription lists.

122 PRONI, T2910

Apart from Latin, FitzGibbon had a smattering of French. His level of skill in this language remains open to question. In his letters to Eden, he made blatant errors in spelling: "Hotch" for Hoche and "Sev" for Sèvres.¹²³ He may have been genuinely maladroit. In yet another letter, to Lord Camden, FitzGibbon described his difficulties in communicating with an itinerant French priest whom he suspected of spying:

I met an old Frenchman about a Mile on this side of Nenagh in the garb of a miserable beggar. I asked him a few questions in his own language, which the Keeper of a Turnpike Gate overhearing informed me that the Man could speak both the English and Irish languages. This circumstance induced me to interrogate the gentleman somewhat particularly. He said that he was a native of St. Maloer [sic] and had come over in a smuggling vessel from thence to Belfast three years since. He would not say where he had lived during that time, nor how or by what route he had come from Belfast to Nenagh. I asked him whether he was a Republican, to which he said he did not know what a Republican meant.¹²⁴

The man may have been too frightened to respond to FitzGibbon coherently, or he may have had difficulties with *l'accent de Limerick*

As for Irish, FitzGibbon probably looked upon it solely as the language of the lower orders. He spoke enough to communicate with his dependents and other objects of dominance or of charity, but it is unlikely that he took any interest in Irish as a literary language.¹²⁵

As a patron of the arts, he inclined more toward the decorative than the fine. Curiously, his adoration for England and for English civilization did not extend to his taste in china and in interior decor. In this one respect, he was enthusiastically French. The prevailing style at Mount Shannon was Louis Quatorze.¹²⁶ He immediately took advantage of the treaty of trade with France to order a large set of "Sev^{er}". Whatever his deficiencies as a French linguist, he seems to have had considerable practice in purchasing and in importing French luxuries. Certainly he gave authoritative directions to Eden on methods of payment and methods of shipment.¹²⁷ He had, in addition to the "Sev", a splendid silver service. The food and wine at his dinners fully matched the superb settings.

¹²³ Sneyd Muniments; for the "Hotch" *dictée* error see his letter of 2 January, 1797; for the "Sev" blunder, see 25 August, 1787

¹²⁴ TCD, Camden MS, C/183 (microfilm), FitzGibbon to Camden, September 3, 1796

¹²⁵ See his exchange with Dr. McNevin during the meetings of the Secret Committee; Richard R. Madden, *The United Irishmen: Their Lives and Times*, (London, Dublin, 1860), p. 223

¹²⁶ He was, however, attacked for importing his French-style furniture from an English dealer. See *Morning Post/Dublin Courant*, 14 November, 1794; the Mount Shannon auction catalogue of 1888, which is now in possession of the Georgian Society, stated that the "Drawing and Morning Rooms Furniture is mostly Louis Quatorze carved, gilt and covered..."

¹²⁷ Falkiner, p. 146-7, FitzGibbon to Eden, 26 August, 1786; 27 October, 1787

According to Lord Shannon, Lord Clare's cellar was worth £2,100 when he died, proof of both the high quality of his vintages and of the great quantity he and his guests drank.¹²⁸

FitzGibbon showed considerably less interest in painting and in sculpture. His tastes, if indeed he had any, probably ran to the coy eroticism of Boucher and Van Loo, but he does not seem to have collected even on this level. The paintings at Mount Shannon consisted mainly of family portraits and of copies from the Dresden gallery.¹²⁹ The pressing demands of interior decor, rather than painstaking connoisseurship, possibly accounted for this last acquisition. FitzGibbon may have purchased the copies *en masse* to cover the walls. His only other interest in painting seems to have been in portraits of himself. He listed these in critical detail for Eden's benefit:

I sat to Mr. Hoppner for a picture of which Hobart's is a copy, and Boydell desires my leave to make an engraving of it. This I gave him, of course, and desired that when the prints were engraved, he would give you a proof impression from me...in the meantime, I will send you a print taken from a miniature by Cosway, for which I sat in the days of my youth. There is a vile bad one extant from a full length drawn by Stewart, which I shd be ashamed to sent you.¹³⁰

It is not surprising that his sole recorded commissions in painting were portraits. His personal appearance pre-occupied him as much as his physical surroundings. His enemies in the press savagely teased the "pretty prig" for being a "man of dress".¹³¹ In the 1790's some newspaper paragraphs taunted FitzGibbon for looking more like a groom than a gentleman, but they may have confused a daring sense of style with slovenliness.¹³² FitzGibbon may have anticipated Brummel's emphasis on simplicity of dress. The sole surviving spontaneous picture of FitzGibbon, a sketch by James Gillray, shows a dapper, if badly debauched, man in neat, well-cut riding attire. Brummel probably would have approved of the coat, though he would have balked at FitzGibbon's hair, which was elaborately curled in the fashion of his youth.

As for his physical, as opposed to his sartorial, attributes, he was a slight man,

¹²⁸ Lord Shannon's Letters to his Son, p. 219

¹²⁹ The auction catalogue states that "There are also some replicas from the Dresden gallery...most of these have been nearly a century in the FitzGibbon Family at Mount Shannon." I am perhaps taking a risk in attributing this acquisition to the elder FitzGibbon. But the second earl seems to have been a collector and art lover of some discrimination who, moreover, spent a considerable amount of time in Rome. He would not have needed to go to Dresden to acquire mere copies. During the wars of the 1790's, however, most of the great art centers were inaccessible to British and Irish collectors and FitzGibbon probably had to make do with copies from a backwater like Dresden.

¹³⁰ Sneyd Muniments, no date (autumn, 1798?)

¹³¹ Dublin Evening Post, 9 November, 1784

¹³² Morning Chronicle/Dublin Courant, 2 December, 1794

fine-boned and not very tall. He had a pale complexion, black or very dark brown hair and large, penetrating gray eyes. His earliest portrait, a Cosway miniature done in 1781, bears out the contemporary description in the *Dublin Evening Post*: FitzGibbon was indeed a "handsome youth" with "beautiful eyes", although his demeanor is singularly unpleasant, marked by baleful arrogance and supreme self-satisfaction.¹³³ If Cosway was at all accurate in this depiction of beauty and malevolence, the comparisons of FitzGibbon to Lucifer were apt indeed. His delicate, almost feminine good looks did not long withstand his habits of hard drinking and high living. Neither Hoppner nor Hamilton could conceal the obvious deterioration of FitzGibbon's middle age, however valiantly they surrounded him with the pompous trappings of official 18th century British portraiture. Perhaps the artist of *Los Caprichos* was more suited to portray that coarse and brutal face.

His preoccupation with dress and with the more superficial decorative arts may have reflected a certain shallowness and narcissism in his private character, but they unquestionably served FitzGibbon well in his public career. He instinctively knew how to create a splendid and intimidating appearance. In spite of the physical ravages of age and debauchery, he must have cut a magnificent figure at Mount Shannon and Ely Place, as he presided over his ornate French rooms, his elegant table, his beautiful, fashionable wife and his company, which inevitably consisted of high-ranking government officials. He was, not surprisingly, particularly hospitable to viceroys and chief secretaries.¹³⁴ His glittering entertainments strengthened the bonds created by his loyal and able service.

As chancellor, if not before, he seems to have socialized quite frequently with the great opposition families, notably the Ponsonbys, the FitzGeralds and their Conolly relations. Whatever his private opinion of her, he remained on visiting terms with the dowager Duchess and her family, if Anne FitzGibbon's chatty correspondence is any indication.¹³⁵ FitzGibbon may have been engaging in some prudent political fence

¹³³ *Dublin Evening Post*, 10 May, 1781, op. cit.

¹³⁴ The newspapers of the time are littered with accounts of FitzGibbon's entertainments. The *Freeman's Journal* was particularly gushing. There is, for example, this choice example, dated 9 January, 1790. "The Lord Chancellor's house and living takes now the lead in the first line of fashion. If it will be granted that his revenue is great, his expenditure is princely..." For a list of guests at a specific party see the same invaluable journal, 7 April, 1795. The guest list included the usual government types: Camden, Shannon and Waterford, as well as Foster, who probably did not make too many appearances at Ely Place as a rule, and none after 1799 or so. In fairness, the *Dublin Evening Post* could swoon just as much. See that paper for 12 June, 1790 for a *petit souper* (sic) for Lord and Lady Westmorland and "a select set of about twenty."

¹³⁵ NLI, Leinster Papers, MS 631, Lady Clare to the Duchess of Leinster, 4 February, 1794, op. cit. Westmorland commented with some disapproval on FitzGibbon's association with Ponsonby; he described it as an "appearance of friendship...which created great jealousy to many people." Westmorland Papers, Carton 1/f58 Westmorland to Dundas (?), 10 March, 1792. FitzGibbon had evidently gone out of his way in the aftermath of the Regency Crisis to negotiate with George Ponsonby and bring him back to the government fold. Ponsonby's indiscreet revelation of these

mending with these contacts, but he clearly valued the glamour which the Ponsonbys, the Conollys and the FitzGeralds added to his elegant interiors and opulent festive boards. Nor were his motives entirely political and snobbish. He genuinely loved Lady Louisa Conolly, quite apart from her lineage and connections.

At least when Anne FitzGibbon, Lady Louisa and other fashionable ladies were present, these affairs were far more decorous than his bachelor entertainments for his coterie of young boon companions. Nonetheless, some evidence suggests when he chose, he could revert to the habits that had so shocked Thomas Orde. One particularly gamey charge surfaced during and after Lord Westmorland's administration: FitzGibbon had consoled Westmorland for the sudden death of his wife by providing him with pliant and attractive bedmates. In a poem that seems to have circulated widely even among FitzGibbon's political allies, this charge is bluntly put:

And Westmorland was a good boy
In making my Jacky an Earl
And when he comes back here again
My Jacky will get him a girl.¹³⁶

An editorial celebrating the arrival of Fitzwilliam informed FitzGibbon that these particular services would no longer be required:

The unfashionable virtues of Lord Fitzwilliam will not extract from you, my lord, those very gentle and very honorable submissions and hospitable attentions which your noble spirit was flattered in stooping to pay to the tender frailties of his gallant predecessor.¹³⁷

FitzGibbon has suffered so much outright slander that this claim must necessarily be treated with a good deal of caution. But it does have at least some claims to plausibility. FitzGibbon was a sexual predator. In the 1780's, the *Volunteer's Journal* regularly portrayed him as a satanic seducer and betrayer.¹³⁸ Even the super-obsequious *Volunteer Evening Post* conceded that the honorable attorney general did not number chastity among his many virtues:

...he is known to be of a very libidinous constitution, a circumstance, although not

contacts caused something of a breach.

136 PRONI, Normanton Papers, T3719/C29/45, p. 2

137 *Hibernian Journal*, 14 January, 1795

138 Most notably in the *Volunteer's Journal*, 1 November, 1784, also cited in Chapter 1

absolutely criminal, is evidently dangerous to the chastity of his Majesty's liege subjects and manifestly unbecoming to the dignity of his situation.¹³⁹

The comments of the very sympathetic Lord Glenbervie have already received notice. FitzGibbon himself confirms the impression that he was a hardened and adept seducer. In discussing the merits of a divorce bill with Auckland in 1801, he offered this very useful and fascinating insight into the mechanics of adultery, no doubt the hard won wisdom of his past adventures with Mrs. D.:

...I am decidedly of opinion that nothing would stagger the wiles of cuckold makers so much as the probable prospect of the intrigue ending in the marriage of the parties...If I were to embark on such a pursuit, I do very truly assure you that I should consider such a penalty much more seriously than I could consider any other that could be inflicted on me. The prevention of marriage surely will never in any instance be considered by the gentlemen as a misfortune.¹⁴⁰

In short, FitzGibbon probably had a fair number of cast-off women to his credit. He turned every other aspect of his life to the service of his ambition.

139 *Volunteer Evening Post*, 12-14 April, 1785

140 Sneyd Muniments, FitzGibbon to Auckland, 17 June, 1800

(i)

Rutland's successor, the Marquis of Buckingham, probably did the most to obtain for FitzGibbon his "darling wish". Ironically, in the initial stages of their relationship, Buckingham looked upon FitzGibbon and his claims to the Seals with considerable hostility. The fault did not lie with FitzGibbon, who remained as dutiful, compliant and diligent as ever, but with Buckingham. His singularly difficult personality combined peevishness, suspiciousness and oversensitivity. In his characteristically prolix and querulous fashion, Buckingham blamed both Rutland and Orde for giving FitzGibbon notions about the Irish Seals. He complained that FitzGibbon initially would have been satisfied with a more modest legal promotion, but the outrageous flattery of his predecessor and his predecessor's chief secretary created expectations which were now awkward if not dangerous to slight:

...notwithstanding his [FitzGibbon's] strength in this kingdom, I think that he might have been resisted originally, and might have been flattered and perhaps gratified elsewhere, but you remember the manner in which Orde stated his claim and the very strong encouragement which had been given to him by the Duke of Rutland...and even in the course of the first conversation with him, I was convinced that Orde had stated this encouragement short of the fact. By subsequent conversations with him I am certain of the fact, and it was even originally proposed to him as his object by Orde...you will find FitzHerbert [Buckingham's chief secretary] equally impressed with me with the idea of the strength with which he will be able to urge his claim whenever the vacancy occurs. His intrepidity, his influence and weight have, in fact, placed him at the head of the country. We all fear him.¹

In short, FitzGibbon while at present an able and faithful servant of government could, if disappointed become a formidable antagonist. Buckingham could only hope that the aging and ailing Lord Lifford would somehow endure in office and when he did retire or die, a suitable English candidate would be available to take his place. He maintained the same stand when FitzGibbon went to England in 1788 to sound out Pitt and Thurlow. Buckingham said and did nothing to discourage FitzGibbon and he advised Pitt to do the same.² Meanwhile, he anxiously watched Lifford for any signs of flagging health.

Buckingham's tendencies toward oversensitivity and suspicion led him into a grave misjudgment of FitzGibbon and incidentally of Thomas Orde. Rutland alone had made extravagant promises to FitzGibbon. In May of 1786, Earlsfort, the chief justice of the Common Pleas, had fallen ill, and FitzGibbon had discreetly raised the possibility of succeeding him. Rutland acknowledged the justice of the claim, but he

¹ *HMC Fortescue I*, pp. 331-2, Buckingham to William Wyndham Grenville, 24 May, 1788

² *Ibid.*, p. 346, Buckingham to Grenville, 17 July, 1788

had more exciting plans for his adored favorite, nothing less than the Seals of Ireland.³ Rutland not only hoped to reward a good and faithful servant, he regarded FitzGibbon as the linchpin of a personal political interest which he planned to create in Ireland:

For the interest of my Government, his succession is essential, and in truth, I am anxious to establish a powerful and permanent interest in this country which may serve me even when I quit the Government; and this can only be done by attaching with essential favors and by bringing into the most important offices the best abilities and the most powerful connexions in the country.⁴

Contrary to Buckingham's view of Orde as an equal enthusiast for FitzGibbon, the former chief secretary had in fact taken a more cautious view of Rutland's scheme. Taking note of the standard prejudice in favor of an Englishman, he suggested playing for time to create a more favorable atmosphere for FitzGibbon's claims. He proposed Lifford's retirement and the succession of Eyre, the Chief Baron of the English Exchequer Court for a term of six or seven years.⁵ By then the English government's objections to FitzGibbon's unfortunate nationality would presumably have abated. (Also FitzGibbon would have completed his much desired moral reformation.) Rutland responded to any suggestion of an English locum tenens with true ducal peremptoriness:

I do not think it would be fair or equitable to consent to an arrangement in the first law department merely to accommodate English convenience...Indeed I could not with satisfaction see FitzGibbon's pretensions even postponed. I love the man. He has stood by me and I must stand by him. This opinion is final.⁶

Rutland's dreams of an Irish chancellor and an Irish interest in the person of FitzGibbon came to nothing. Lifford remained obstinately healthy and in place, while Rutland sickened and died the following year.

As for the object of all this anxious speculation, FitzGibbon probably needed no prompting from either Rutland or Orde to aspire to the Seals of Ireland. Given his consuming ambition, he may have considered the possibility from the moment he assumed his place as attorney general. Earlsfort's office was to serve mainly as a stage in his progression. He may even have raised the subject to discover what alternative plans, if any, Rutland and Orde had for his advancement. If the latter assessment of his motives is correct, Rutland certainly exceeded his most daring and cherished

³ *HMC Rutland III*, p. 303, Rutland to Orde, 23 May, 1786

⁴ *Ibid.*, p. 320, Rutland to Orde, July 1786

⁵ *Ibid.*, p. 304, Orde to Rutland, 31 May, 1786

⁶ *Ibid.*, p. 307, Rutland to Orde, 8 June, 1786

expectations. Nonetheless, FitzGibbon, the shrewder and more intelligent man, recognized far more clearly the strong prejudice against the appointment of an Irishman. Buckingham had to admit that FitzGibbon did not display any undue presumption:

All the engagement to which he pressed me was and is, that if it was judged advisable to give the seals to an Irishman, he might be the man. To this I had no difficulty of acceding and there stands my engagement.⁷

FitzGibbon knew better than to trust to a late lord-lieutenant's enthusiastic schemes and to the incumbent's highly qualified "engagement": hence the travels to England with his smart new wife in tow.

At the same time that he was expressing his fear of FitzGibbon, Buckingham was forced to acknowledge his loyalty and steadiness:

To this I must add my conviction that he is firmly attached to Great Britain and to the the King's prerogative as opposed to the frenzy of Irish republicanism.⁸

FitzGibbon's performance during the parliamentary session of 1788 convinced even him of the attorney-general's fundamental soundness. That session consisted mainly of desultory re-enactments of past battles between government and opposition. Some sparks flew at the opening, when Lawrence Parsons, an aspiring Parliamentary firebrand, took exception to that part of the speech from the throne expressing grief at Rutland's untimely death. Parsons expressed himself as ready as anyone to pay tribute to Rutland's amiable personal qualities, but the corruption of his administration required acknowledgement and suitable retrenchment.⁹ According to Buckingham, some talk circulated of a *a duel a la Curran* between FitzGibbon and Parsons.¹⁰ Nothing came of these rumors, as FitzGibbon remained satisfied with parliamentary expressions of contempt.¹¹ The session then settled into a steady succession of opposition proposals for reforming the bad old government, and bad old government's defeats of those same proposals.

As has been discussed more fully elsewhere, FitzGibbon handily deflated Grattan's extensive plans for tithe reform. In addition, FitzGibbon lent his support to yet another extensive bill for indemnifying the clergy, though he acknowledged that any lingering disturbances were confined to Cork.¹² All the while he expressed his love

⁷ *HMC Fortescue I*, p. 332, 24 May, 1788

⁸ *Ibid.*

⁹ PR (1788), pp. 5-10

¹⁰ *HMC Fortescue I*, p. 298

¹¹ PR (1788), p. 9

¹² PR (1788), p. 67

and tenderness for the peasantry of southern Ireland.¹³

The police *act* prompted yet another flurry of opposition activity. A protest against police corruption presented by the citizens of Dublin provoked one of FitzGibbon's rare (and characteristically sadistic) flashes of wit. The chairman of this particular petition initiative happened to be a ropemaker. FitzGibbon remarked that he "could not be perfectly disinterested", meaning that a repeal of the police act could only increase capital crimes and in consequence the ropemaker's business.¹⁴ Notwithstanding, FitzGibbon had to admit to flaws in his statutory creation. Since the government was prepared to amend the *act*, the petition was superfluous:

It was admitted by all that the Police Act wanted amendment. A bill was now brought in to explain and amend the act. Did the petitioners mean to petition against the bill for amending the act of which they so much complained? ¹⁵

The reform measure finally proposed by Marcus Beresford amounted to a minor administrative adjustment. Beresford proposed increasing the number of constables on foot by 100 and reducing the number of mounted constables from 40 to 20. The savings from the reduction of the mounted force was to pay for increase in the foot patrols.¹⁶

Beresford's inoffensive amendment passed, but it inevitably failed to satisfy those members of the opposition and the public who wanted the new police force abolished, not merely adjusted. A second attempt to obtain a hearing for the signatories of the petition prevailed. A succession of Dublin worthies then aired their complaints about the stupidity, rudeness and brutality of the police and called for the restoration of old parish patrols. In spite of these entertaining anecdotes, the government majorities held firm and rejected the petition. FitzGibbon appears to have been absent from this particular session. At least, he made no recorded comments or witticisms.¹⁷

Forbes' annual motion for a limitation on pensions and for the disenfranchisement of pension holders met with its annual lopsided defeat. Undeterred he proposed an address on the subject with the same dismal result.¹⁸ FitzGibbon was similarly silent on this subject, but he probably would have offered his usual arguments in opposition: such measures were the product of self-interest and disappointment, and they arbitrarily deprived otherwise qualified gentlemen of the right to serve in Parliament.

¹³ PR (1788) pp. 268-69 "I am very closely and have been very early attached to them."

¹⁴ PR (1788), p. 249

¹⁵ Ibid.

¹⁶ PR (1788), p. 250

¹⁷ PR (1788), pp. 334-35

¹⁸ PR (1788), pp. 353-373

FitzGibbon had an inevitable hand in some minor legal reforms. He introduced a bill allowing the lord chancellor or his representatives to issue writs of appeal in the Archbishop's court.¹⁹ This abstruse measure inspired no debates and probably little interest in the average county member. His attention and criticism also descended to the more mundane area of penology. Some of the clauses in Richard Griffith's bill to reform the New Prison, FitzGibbon believed, had the effect of punishing the jailers of the prison through an *ex post facto* parliamentary statute. He made no excuses for the abuses and corruptions of the jailers, but even they should not suffer such a manifest injustice. In marked contrast to their later encounters, Griffith civilly acknowledged FitzGibbon's point and withdrew the bill for amendment.²⁰

A tobacco bill gave FitzGibbon a pretext to vent once again his abiding contempt for Presbyterians and Americans. Some Northern members had hoped to preserve Derry's privileges to import tobacco. The city's services to the Protestant cause a century earlier constituted its main claim to consideration. In return for closing its gates against King James in 1689, Derry deserved to retain the right of admitting tobacco to its wharves. This sentimental appeal to the glorious past failed to move FitzGibbon. Whatever their past Protestant merits, the people of Derry were currently shameless cheats working in profitable cahoots with American smugglers:

I am astonished to see the people of Derry have the presumption to desire to be included in the bill. Sir, it is notorious to everyone that not above nine hogsheds of tobacco have paid duty in the port of Derry last year; and it is notorious that twelve hundred have been smuggled. Perhaps gentlemen do not know the manner this is carried on. I will tell them. An American ship appears on the coast. Immediately boats go off to her laden with money by way of ballast---they bring in their cargoes of tobacco, which are paid for in hard guineas, every one of which are carried to America. Nay, so much do they hold the house in derision, that they have named the creek where this is chiefly carried on Beresford Creek.²¹

Mr. Stewart assured the house that the inhabitants of Donegal and not Derry were guilty of this particular practice.²² Notwithstanding his special pleading the other members, convinced or offended by FitzGibbon's version of events, voted to excluded Derry, in spite of its past stand against "tyranny and despotism."

The otherwise dull session of 1788 did feature the novelty of FitzGibbon opposing a government measure: Sir John Parnell's proposal to pay off the entire funded debt and float a new loan at a lower interest rate. Parnell argued that current higher rates encouraged those with money to place the greater part of their assets in

¹⁹ PR (1788), p. 382

²⁰ Ibid., pp. 393-94

²¹ Ibid., p. 272

²² Ibid. These were John O'Neil's words.

government securities, thus depriving the commercial markets of much need funds. Lowering interest rates would discourage this practice and encourage investors, large and small, to put more of their assets in trading and other commercial ventures. In addition, the £98,000 that the government would pay out to liquidate the current debt would increase the supply of money for investment in the economy at large.²³ The majority of the House favorably received the bill, but FitzGibbon questioned Parnell's premise that expanding commercial markets necessarily went hand in hand with lower interest rates. He argued that as trade and commerce expanded, the demand for money increased, and the market naturally drove up interest rates, in spite of the government's efforts to^{the} contrary:

...the more open and extended our trade is, the more money will it require to carry it on and consequently the more will the price...of that money be raised; for otherwise it would differ from every commodity we know.²⁴

Moreover, the lower rates of interest resulted not from the natural forces of the economy, but from artificial adjustments in the government's accounts. According to Parnell's plan, the government was to contract with lenders to discount the interest. The lenders in turn would make up the difference from the proceeds of two lotteries.²⁵ FitzGibbon objected to the plan above all because it undermined the central tenet of his political creed, Ireland's absolute dependence, financial and political, on England. Parnell's proposal, however well intentioned, threatened essential English investment in Ireland. Ireland had such a bad reputation for political and legal chaos that only the inducement of high interest rates could overcome English reluctance:

There are many circumstances against this country which in the minds of English lenders are scarcely balanced by the one percent by which our interest exceeds theirs. An opinion has gone abroad, I hope ill-founded, that in disputes of property, justice is not always done, that men presume to expound the law, who are utterly unacquainted with the practice of courts of justice, and who do not even understand the first principles of law or equity; that suits are not decided according to the merit of the question, but according to the merit of the parties; therefore, until this opinion is done away, we must pay the additional one percent, or Englishmen would not lend at all at the risk of law, the risk of exchange and the certain expense of agency. England gives one percent to Holland beyond the rate of interest in that country, and you, if you wish to see your trade increase, must give one to England.²⁶

This argument irritated Foster, who joined with the majority in seeing great promise in

23 Ibid., pp. 275-79

24 Ibid., p. 313

25 Ibid.

26 Ibid.

Parnell's measure:

It has been said th^{at} England keeps up her interest to five percent in order to get money for her merchants and manufacturers from Holland. This is the first time that ever I heard that England, in a state of prosperity, borrows for her traders. The English trade upon English capitals, and the country receives the full advantage. Is it wise then of us to forgo a general national benefit for the speculation of trading on British money? Surely no. That country is in a wretched state, whose trade depends on foreign capital which in a moment of convulsion or superior demand at home may all be drawn away...Should we not rather endeavor to give this practice a quiet check, and promote a capital of our own amongst our merchants?²⁷

This exchange foreshadowed the later division between Foster and FitzGibbon on the subject of the Union. FitzGibbon was prepared to accept even economic subordination to maintain the all-important political ties with England. Foster, the more knowledgeable in economic matters, saw more clearly the dangers of such subordination.

The government took no official stand, though Buckingham himself favored the measure. Consequently, FitzGibbon suffered no repercussions for his unaccustomed opposition. With supreme ingenuousness or ingenuity, he left Buckingham no reasonable pretext for criticism. He could scarcely take issue with FitzGibbon for showing more concern for the English monied interests than the English government in Ireland. Buckingham did express discontent at the policy of neutrality in general and in FitzHerbert's slack parliamentary management in particular:

Neutrality on any question produces relaxation of discipline and Mr. FitzHerbert is a little too much inclined to slacken the reins.²⁸

Nonetheless, Buckingham may have had the attorney general's rather embarrassing independence in mind when he expressed his intention to tighten discipline in the government ranks:

...all the rest of us are so much for a tight hand that I trust we shall open and go through the next campaign very well in that respect.²⁹

FitzGibbon still knew how to submit to a clear directive from the government when required, as the case of Baron Hamilton showed. Orde's busy and imaginative anti-Catholic spy faced the prospect of a parliamentary inquiry and impeachment. While on circuit in Limerick, Hamilton had summarily dismissed the suit of a farmer by the name

²⁷ Ibid., pp. 320-1

²⁸ *HMC Fortescue I*, p. 307, Buckingham to Grenville, 29 February, 1788

²⁹ Ibid.

of David FitzGerald, who was resisting an ejectment. According to FitzGerald, he had been presenting evidence to support his case when Hamilton abruptly interrupted him and, citing a press of business, discharged the jurors. The fact that Baron Hamilton found the time to attend a civic banquet in Limerick later that evening aggravated FitzGerald's resentment.³⁰ According to Buckingham, FitzGibbon was "(from provincial politics) violent upon the subject."³¹ Provincial politics would have made FitzGibbon very violent indeed. In his petition, FitzGerald emphasized that he was a Protestant, which meant that he had a vote to cast in the forthcoming election. FitzGibbon was in no position to ignore that fact. The Seals were uncertain, and he may have hoped, as a poor second best, to avenge his humiliating defeat in the Limerick county elections. But "provincial politics" cannot entirely account for FitzGibbon's being "violent on the subject." Among his many roles, he particularly favored that of champion and protector of the honest farmer. Hamilton's carelessness unquestionably offended FitzGibbon's passion for judicial efficiency as well.

Buckingham made no apologies for Hamilton: "His conduct has been grossly indefensible."³² Nonetheless, he pressed for a deferral of Hamilton's case until the end of the Parliamentary session. However blameworthy Hamilton's conduct, "the remedy is worse than the disease," meaning the frenzy of a parliamentary impeachment, with members up for election outdoing each other to show their indignation against unjust judges and their devotion to voting Protestant farmers. FitzGibbon dutifully pursued the course Buckingham so obviously desired: a brief airing of FitzGerald's complaint followed by a dismissal. He maintained that Baron Hamilton had indeed erred, but he had done so with good intention. According to Hamilton, FitzGerald's evidence was both extensive and involved. At the time, he had not believed that he could do justice to the case and to accomplish a general gaol delivery, which was also pending.³³ FitzGibbon pressed parliament to accept Hamilton's plea and his apologies for his error. Although he had acted illegally in discharging the jury without the consent of the parties, "...it was an error in judgment, an error arising from a good motive, a wish to discharge the gaol; and it is not attempted to be justified, and as upon reflection, the learned judge had altered his opinion, I wish to have the matter buried in oblivion."³⁴ FitzGibbon's fellow members duly dismissed the inquiry against the Baron, and thus averted what Buckingham had most dreaded: "a great inclination to ape England in the article of impeachment."³⁵

³⁰ PR (1788), pp. 431-2

³¹ *HMC Fortescue I*, p. 309, Buckingham to Grenville, 16 March, 1788

³² Ibid.

³³ PR (1788), p. 434

³⁴ Ibid., p. 437

³⁵ *HMC Fortescue I*, p. 309

Buckingham drew extensively on FitzGibbon's legal expertise outside of Parliament, especially during deliberations on an Irish office for his brother, William Wyndham Grenville. Buckingham initially hoped to provide Grenville with the office of Master of the Rolls. This office was a particularly lucrative plum. In addition to receiving a handsome salary, the holder of this office could dispose of six subordinate positions worth up to £20,000.³⁶ FitzGibbon, as well as Earlsfort and the embattled Baron Hamilton, were called upon to sort out the legal complications surrounding the proposed grant to Grenville. Buckingham brooded endlessly over whether Grenville would enjoy more security of tenure if he held his office for life or during pleasure. Grenville himself had scruples about selling the offices attached to the mastership of the rolls and about holding the position as a non-resident. The Duke of Leinster's interest in the Rolls further muddled the situation. Buckingham gave him a suitably evasive answer and continued his desultory and excruciatingly tedious correspondence with Grenville on the subject.³⁷ His letters revealed all his more unappealing qualities of indecisiveness, oversensitivity and suspiciousness. Finally, after expending much time and much paper, he came to the conclusion that the business entailed too much political and legal trouble. According to statute and tradition, the mastership could only be held during pleasure. Consequently, he could not legally offer Grenville the security of a lifetime tenure. Grenville's persistent refusal to sell off the subordinate offices, in spite of reassurances of the perfect legality of this practice, substantially reduced its value. Above all, Buckingham recoiled from the unpopularity which the proposed grant had quickly inspired.³⁸ With many petulant expressions of disappointment, Buckingham resigned himself to offering his brother a mere reversion to Lord Clanbrassill's office as Chief Remembrancer.³⁹ The less fastidious Leinster received the office after all. Buckingham reported that he was "delighted with his Rolls."⁴⁰

FitzGibbon's involvement in this matter earned him another of those sporadic and startling accolades from his nemesis, the *Dublin Evening Post*. That journal claimed that FitzGibbon had transcended his habits of pliant corruption and had opposed Grenville's appointment:

A report was current through town...that a law officer of eminence had absolutely refused to sign his name to the fiat granting the place of Master of the Rolls for life to the Right Honorable Mr. Wyndham Grenville. No persuasion or entreaty was powerful enough to induce him to assist in a matter which he conceived of as unjust and improper...and we think that Mr. F. is

³⁶ *HMC Fortescue I*, p. 311, Buckingham to Grenville, p. 311; p. 316, Buckingham to Grenville, 26 March, 1788; p. 319-20, Buckingham to Grenville, 11 April, 1788

³⁷ *Ibid.*, p. 323, Buckingham to Leinster, 18 April, 1788

³⁸ *Ibid.*, p. 327, Buckingham to Grenville, 13 May, 1788; p. 331, Same to Same, 24 May, 1788

³⁹ *Ibid.*, pp. 325-27, Buckingham to Grenville, 13 May, 1788

⁴⁰ *Ibid.*, p. 336

certainly entitled to the approbation of his countrymen for this act of integrity and independence.⁴¹

This accolade, like much of the *Dublin Evening Post's* criticism, was quite undeserved. Far from raising objections to Grenville's appointment, FitzGibbon went to work with a will on the wording of the patent. Nor did he make any recorded dissent from the opinion of Earlsfort and Hamilton that Grenville could sell subordinate offices. FitzGibbon did make the stipulation that Grenville could only hold the office at pleasure, but he spoke as a lawyer and not as an opponent of corruption. The politically pliant Lifford had expressed the same opinion. Nonetheless, in an especially peevish letter to Grenville, Buckingham implied that political interest as much as statutory precedent had dictated the opinion of "these legal authorities", meaning FitzGibbon and the Chancellor:

...you will see the difficulty of thinking of a grant for life in the teeth of the opinions of FitzGibbon and the Chancellor. I do not know how far the indecision which has produced this delay...has not brought forward this reluctance from these legal authorities; but you have seen too much not to know that the defense of such a grant must lose ground every hour it is attacked and that no one defends it for fear of committing unnecessarily his name and character.⁴²

In making these accusations Buckingham willfully seems to have forgotten FitzGibbon's opposition to any efforts to curb the government's powers to grant pensions and offices, including the recent imbroglio with Parsons. Moreover, FitzGibbon had repeatedly sacrificed personal popularity to serve the political interests of government. The case of Baron Hamilton could have reassured Buckingham on this point, had he cared to recall it. As for his complaints of delay, the greatest share of blame lay with Buckingham's own crabbed wool-gathering on the subject. But Buckingham was too disappointed and too peevish in his disappointment to do FitzGibbon justice. Possibly this tacit and unfair perception that FitzGibbon had let him down contributed to Buckingham's reluctance to consider him for the Seals.

In other matters of government business the two worked together in reasonable harmony. Buckingham concurred in FitzGibbon's proposal to give the attorney generals of England and of Ireland the power to sue in either kingdom for the recovery of royal debts. Commonly, dishonest or defalcating office holders from Ireland took refuge in England without impunity, while English miscreants used Ireland as a safe haven. With underlined indignation, Buckingham complained that Pepper Arden had "never answered" a proposal for mutual jurisdiction which FitzGibbon had sent to him

⁴¹ 13 May 1788

⁴² *Fortescue I*, p. 327, Buckingham to Grenville, 13 May, 1788

in December of 1787.⁴³

The demands of government business did not prevent FitzGibbon from sharing the general interest in Warren Hastings' impeachment. He seems to have looked upon the whole business as Whig troublemaking at the former governor's expense. According to Buckingham, he flirted with the idea of offering his services as counsel to Warren Hastings.⁴⁴ A legal and political duel between FitzGibbon and his kinsman Burke would unquestionably have added yet another element of melodrama to the flamboyant theatrics at Westminster. FitzGibbon soon abandoned the idea, no doubt out of the conviction that he could not do justice both to his duties and to Hastings' defense. The inevitable conflict between these two troubled and irascible political actors had to wait for the agitation in 1792 over Catholic Emancipation.

Notwithstanding the affronts and disappointments which he had experienced, Buckingham took an optimistic view of his position at the close of his first parliamentary session. He had unavoidably hurt some jobbers' feelings, and he could always expect the opposition to take advantage of this and of every other opening to make trouble. Yet he felt his government could easily withstand any attacks prompted by disappointment and by habitual opposition:

In this country I meet with much discontent at the refusal of jobs, which will inevitably brew upon the opposition, but I still think it will not be very serious. I am, however, obliged to be much upon my guard.⁴⁵

Buckingham's personal secretary, S. Bernard took the same view of the government's strength:

We are very quiet, but are told by all the little men that the great men hate us, and are threatened with much opposition next winter; which we shall have but it cannot be to a degree which will be material or which has not been foreseen from the first.⁴⁶

(ii)

In November the unforeseen descended on Buckingham's government in the guise of the King's illness. His incapacity instantly shattered the political calm which Buckingham and Bernard had so confidently reported. The question of the rights and powers of the King's singularly unfilial son, the Prince of Wales, ignited conflict first in England, then in Ireland.

⁴³ Ibid., p. 359, 18 October, 1788, Buckingham to Grenville

⁴⁴ Ibid., p. 309, Buckingham to Grenville, 2 March, 1788

⁴⁵ Ibid., p. 324, Buckingham to Grenville, 25 April, 1788

⁴⁶ Ibid., pp. 329-30, S. Bernard to W.W. Grenville, 19 May, 1788

In keeping with the unfortunate Hanoverian tradition, the Prince had made the opposition party his own. Fox in particular was a boon companion. Common habits of profligacy far more than common political principles united the two. The Prince was interested in politics only to the extent that he could get money for his exponentially increasing expenses. The fact that his father detested Fox and refused to admit him to any government provided a still more compelling reason for the Prince's allegiance.

The King's sudden incapacity, physical and mental, offered Fox and the Whigs an irresistible opportunity. Their friend and patron was the logical choice as regent. The serious, indeed desperate, condition of the King boded either a very long regency or the Prince's accession to the throne. Either way the Whigs stood to gain the office and the power that had so humiliatingly eluded them since 1784.

Pitt's consummate nerve and parliamentary skill, aided in great measure by the limitless Whig capacity for self-destruction, quickly dashed these bright hopes. Pitt naturally pressed for limitations on the Prince's powers, especially the powers of patronage. The Whigs, under the rhetorical lead of Fox and Burke responded with the claim that the Prince, by virtue of his position as heir to the throne had an "inherent" right to exercise full regal powers while acting as regent. In making this claim, the Whigs were venturing on very uncertain constitutional and political ground. As J.W. Derry has pointed out in his excellent study of the Regency crisis, a long tradition existed of parliament placing restrictions on regents.⁴⁷ Moreover, the English political world witnessed the curious spectacle of the "Man of the People", Fox, championing the prerogatives of the monarchy (or at least its princely branch) and William Pitt, the ministerialist, defending the rights of the people's representatives in Parliament. The incongruity, not to mention the transparent self-interest of the Whig arguments, badly damaged the party. Pitt succeeded in obtaining restrictions on the powers of the regent, and the King's recovery soon afterwards rendered even these limited powers unnecessary.

Meanwhile, Buckingham was attempting, in his usual fretful and obsessive fashion, to address the Irish implications of the crisis. Upon receiving word of the King's incapacity, he immediately assumed that Pitt's government would fall and that the Prince's new Whig government would request his resignation. Curiously, FitzGibbon, not a man prone to fits of optimism, initially believed that the Prince would retain both Pitt and Fox in coalition. While his wife had been going on excursions in the royal landau, FitzGibbon had cultivated a contact in the Prince's household, one Anthony St. Leger. At that time, St. Leger had assured FitzGibbon that Pitt had risen in the Prince's estimation. The Prince's supposed gratitude to Pitt for paying off one batch of his debts and Mrs. FitzHerbert's displeasure with Fox's parliamentary

47 J.W. Derry, *The Regency Crisis and the Whigs*, (Cambridge, 1963), pp. 13-20

denials of her marriage formed the basis for this claim.⁴⁸ FitzGibbon in turn repeated this backstairs *on dit* to Buckingham. He was not reassured: "I own I do not think a coalition can take place."⁴⁹ Doubts that Fox would agree to such an arrangement inclined him toward pessimism.

Having resigned himself to the certainty of his own recall, Buckingham struggled with the legal riddle of what powers he could legitimately exercise in the interim. FitzGibbon, along with the other government legal authorities, Lifford, Earlsfort and the rehabilitated Hamilton, were subjected to another barrage of inquiries. Could he legitimately summon Parliament, and if need be prorogue or dissolve it? Buckingham received assurances that he could indeed do so:

I am advised by Lord Earlsfort and the Attorney General that the incapacity of the King does not attach on my commission so as to vitiate any of the powers entrusted to me.⁵⁰

Buckingham was as fretfully preoccupied with the question of royal assent to legislation. In addition to addressing the question of the regency, the Irish parliament urgently needed to renew the mutiny and money bills, which were due to expire on March 25. How could this legislation receive the required royal assent during the King's indisposition? Buckingham found the solution to this particular dilemma in Yelverton's act of 1782, which had established the legislative groundwork for the new constitutional arrangements between England and Ireland. According to Yelverton's bill, the application of the Great Seal of England signified the royal assent to bills. Therefore, Buckingham could, in the normal course of legislation, transmit bill to whoever had custody of the Great Seal of England during the King's illness. Again, "our lawyers", including FitzGibbon, assured Buckingham that Yelverton's Bill did indeed offer a solution to the question of the enacting power:

...they did not hesitate one moment in declaring that there was a complete and perfect enacting power in Great Britain, from the moment that the Great Seal could be put, in his majesty's name and behalf, to a commission authorizing me to give the Royal Assent to the Bill, to which such commission was to be attached.⁵¹

Buckingham's solution was not airtight. It left open the possibility that the Prince's new government would refuse assent to a bill limiting his power. This particular dilemma seems to have escaped Buckingham's attention, in spite of his habit of creating a

⁴⁸ *HMC Fortescue I*, p. 362, 11 November, 1788, Buckingham to Grenville

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*, p. 370, Buckingham to Grenville, 15 November, 1788

⁵¹ *Ibid.*, p. 396, Buckingham to Grenville, 3 January, 1789

complication, then brooding over it. The simple knowledge that the basic forms of government could continue to function for once reassured him.

In addition, Buckingham endlessly rehearsed with FitzGibbon and his colleagues the circumstances under which he would surrender his commission as lord-lieutenant. He was determined to retain his powers until the money, the mutiny and the Irish regency bills had passed safely through Parliament. This intention of presenting his successor with a legislative *fait accompli* raised the vexed question of how, if at all, the new government could compel him to surrender power. FitzGibbon suggested that a commission, "*not reciting the Regency*, but authenticated by the King's greeting, teste and seal in the usual form might revoke my commission and might be universally admitted."⁵² Nonetheless, FitzGibbon admitted to uncertainty on this pointed and proposed further consultation.

The resignation question never did get resolved to Buckingham's satisfaction. Indeed, he expressed profound discontent with the quality of advice that he received from FitzGibbon and from his other Irish advisors. In one of his earliest letters in response to the crisis, Buckingham complained "...you would be astonished at the difficulties which I have found in the want of information in either of the three, Lord Earlsfort, FitzGibbon, and Foster whom I have consulted." ⁵³ When FitzGibbon proved unable to satisfy him on the question of his resignation, he requested Grenville to send him "a little of Lord Thurlow's and Lord Kenyon's law if you could get it for me."⁵⁴ Given the extraordinary nature of the crisis, Buckingham's expectation of immediate and clear answers was characteristically graceless and unreasonable. His habit of raising the same questions over and over again further complicated the work of FitzGibbon and his colleagues. FitzGibbon himself displayed the extraordinary self-mastery dictated by his ambition, by his deference to any and all English authority, and perhaps by his sense of the gravity of the occasion. He met Buckingham's fits of nerve and temper with unfailing patience. Buckingham himself acknowledged FitzGibbon's steadiness, but he assigned it to the most narrow and partisan self-interest. FitzGibbon could expect nothing from the Prince's new government, as "his position was desperate with Mr. Fox."⁵⁵ He even suggested that FitzGibbon would throw in his lot with the new government if they offered him the Seals.⁵⁶

In the midst of his irritable tergiversations, Buckingham remained firm on the absolute necessity of passing a regency bill in Ireland. Toward this end, he constantly badgered his brother for details on the proposed English bill, which the Irish

⁵² Ibid., p. 390, Buckingham to Grenville, 22 December, 1788

⁵³ Ibid., p. 365, Buckingham to Grenville, 12 November, 1788

⁵⁴ Ibid., pp. 390-1, Buckingham to Grenville, 22 December, 1788

⁵⁵ Ibid., p. 385, Buckingham to Grenville, 13 December, 1788

⁵⁶ Ibid., p. 389, 18 December, 1788

government needed for a model. The delay of this information maddened him. He dreaded equally the thought of opening Parliament without a suitable English bill in hand and the thought of continually proroguing it, thus threatening the timely enactment of the money and mutiny bills. In his characteristic melodramatic italics, he described his situation as "*hell*".⁵⁷

Buckingham initially seemed to think that an Irish regency bill would be a popular measure. He emphasized to Grenville that the opposition would accept limitations on the Prince's powers only if their own Parliament imposed such limitations:

I need only refer you to the restrictions now proposed, or to any of them, and I will ask how it is possible to enforce them here but by Irish laws? And how it would be possible to convince Mr. Grattan that this is not a direct resumption of internal legislation if the restrictions under British law could be valid? ⁵⁸

Because he hoped to placate Irish national feelings with an Irish bill, Buckingham vehemently protested an evanescent proposal to settle the regency for both kingdoms by means of an English convention. Even FitzGibbon "would not for a moment support the legality of any Act, vote or measure of such a Convention as attaching on Ireland; nor the legality or propriety of naming Ireland in such a declaration." ⁵⁹ Despite his fundamental contempt for the Irish Parliament, FitzGibbon of necessity respected an autonomy ratified by the laws of both countries. An English convention decreeing a regent for Ireland would grossly violate the constitutional arrangement of 1782, as well as provoke the agitation he so dreaded and detested. His colleagues Wolfe and Earlsfort took the same view. ⁶⁰ This particular proposal for English interference came to nothing. English interference in the form of Anglo-Irish Whig intrigues proved more persistent and pernicious.

The English Whigs lost no time in proselytizing their opposition counterparts in Ireland. By November 18, less than a week after Buckingham received official word of the King's incapacity, the premier Whig doctrine was circulating in Dublin. Buckingham reported:

After all this detail, you will be surprised at an idea which is discussed here...that no Bill and no provisions are necessary, for the Prince of Wales is *ipso facto* Regent with kingly power.⁶¹

⁵⁷ Ibid., p. 398, Buckingham to Grenville, 15 January, 1789

⁵⁸ Ibid., p. 372, 18 November, 1788

⁵⁹ Ibid., p. 375, Buckingham to Grenville, 23 November, 1788

⁶⁰ Ibid.

⁶¹ Ibid., p. 372, Buckingham to Grenville, 18 November, 1788

It was, of course, readily embraced by "those who are most interested in seeing such an arrangement."⁶² Buckingham also reported on the the industrious circulation of rumor, and the consequent credulity and panic:

I have traced to these quarters [the English opposition and their Irish allies] several assertions that the King has been insane several month that Mr. Pitt concealed it, and would have kept it secret for the purpose of governing without control, and that all stories of lucid intervals are false, and only calculated to prevent the interference of Parliament; and that the limited Regency is part of the same system.⁶³

Regular contacts between the English and the Irish opposition nurtured both faith in the Prince's inherent right and rumors of Mr. Pitt's demonic villainy. The leading members of the Irish opposition made regular pilgrimages to England for inspiration and direction. Buckingham named Forbes in particular as one of the chief missionaries of English Whig doctrine.⁶⁴ Nonetheless, the other leading members of the Irish opposition were as well travelled and as well indoctrinated. On December 8, Buckingham wrote, "Grattan is to remain till the questions are over in England and Yelverton sails by the first mail. The former has (I hear) expressed himself in favor of a sole regent; the opinions of the latter are too well known to be whatever is suggested to him by the Duke of Portland."⁶⁵ Yelverton, it appeared, still clung to the old loyalties of his year of glory, 1782. These activities persisted until the opening of the Irish Parliament in February. On February 5, Buckingham reported to Grenville that he did not as yet know the opposition plan of attack:

...they wait for the *Saint Esprit* which under the care of Messieurs Ogilvy, Forbes and *Pelham* was to be transmitted from Burlington House.⁶⁶

The Irish opposition used the mails as adeptly. Within a week of the King's breakdown, W.B Ponsonby/^{effectively exploiting his position as Joint Postmaster General} had established a system of intelligence as good, if not better, than that of the Castle.⁶⁷ In short, the opposition in England was skillfully playing a "back game." If the proposed limitations passed in England, the Irish Whigs would make up for the defeat by obtaining for the Prince and his friends an unlimited regency in Ireland.

Although he quickly dismissed Ponsonby as a confirmed troublemaker and opportunist, Buckingham initially hoped that other great magnates would remain firm

62 Ibid.

63 Ibid., p. 377, Buckingham to Grenville, 1 December, 1788

64 Ibid., p. 381, 8 December, 1788

65 Ibid., same letter, p. 383

66 Ibid., p. 406, Buckingham to Grenville, 5 February, 1789 *Burlington House belonged to the arch. Whig Duke of Devonshire!*

67 Ibid, p. 368, Buckingham to Grenville, 15 November, 1788

for the government. In the case of the Duke of Leinster, Buckingham counted on his jealousy of Ponsonby.⁶⁸ Lord Loftus had recently received the lavish patronage of the Post Office, which plum Buckingham hoped would secure his loyalties.⁶⁹ Lord Shannon was a more dubious prospect. Buckingham professed a "dread" of "his wife's influence."⁷⁰ Lady Shannon was a member of the treacherous Ponsonby clan. Moreover, Shannon himself had ties to the arch-Whig Duke of Devonshire. Apart from these pernicious family influences, he was a habitual trimmer, always ready to throw in his lot with the ascendant power:

Lord Shannon is, *entre nous*, very much hampered by his persuasion that the King is irrecoverable, and told my informant (whom I can trust) that he owed his peerage to the Duke of Rutland and not to Mr. Pitt and that his leaning was to the Duke of Devonshire and his friends.⁷¹

Buckingham made the best use he could of bribes and threats to keep the aristocracy in line:

I have held out every possible intimidation which could be grounded upon the King's recovery and upon the reappointment of Mr. Pitt and have even dropped the idea of my returning to Ireland with the determination of marking those who abandoned us.⁷²

These threats and promises could not prevail against the uncertain prospects of the government during the King's illness, the lavish promises of the English Whigs, and above all, "the general system of treachery and venality which has pervaded this Government and has taught them an absolute disavowal of principle or political opinion."⁷³ Unfortunately, most members of the Irish parliament, even pensioners and placeholders, chose their loyalties according to the precepts of Lord Shannon: they followed whoever was in power and whoever could reward them. Since the majority of the Irish governing class expected a change in ministry, they forgot past obligations and abandoned Buckingham in favor of the apparent rising power, the Prince and the English Whigs.

The Irish disease of self-interest and treachery affected even hitherto reliable government stalwarts, notably Lord Earlsfort. He made threats of abandoning Buckingham unless his price was met: "an office of £800 in exchange for one of

⁶⁸ Ibid., p. 383, Buckingham to Grenville, 8 December, 1788

⁶⁹ Ibid., p. 400, Buckingham to Grenville, 15 January, 1789

⁷⁰ Ibid., p. 383

⁷¹ Ibid., p. 385, Buckingham to Grenville, 13 December, 1788

⁷² Ibid., p. 401, Buckingham to Grenville, 25 January, 1788

⁷³ Ibid.

£500."⁷⁴ Fearful of the demoralizing example Earlsfort's desertion would set, Buckingham gave in.⁷⁵

Worse was to follow. On January 25, 1789, Buckingham reported the defections not only of the doubtful Shannon, but of the lavishly flattered and remunerated Leinster and Loftus. Their conduct was as unexpected as it was outrageous:

I will not give you the low names and histories of obscure individuals, but I will name you the Duke of Leinster, whose declarations to FitzHerbert (whom I sent to Carton a fortnight since on purpose) were direct and explicit to the support of the restrictions. These declarations were repeated on Saturday the 17th to a person I employed to sound him on the report of his wavering, and were repeated in terms of the strongest regard to me, he not knowing that the person was so employed by me; and on Tuesday morning, he declared that if the House had not met, he would move the address to the Prince of Wales. On Wednesday, I directed FitzHerbert to see him again; he shuffled an excuse of illness, so that it was not until Friday morning that he could summon resolution enough to see FitzHerbert, and to announce his intention of supporting his Royal Highness's wishes to the fullest extent. Lord Loftus, on receiving the Post Office, made to me the most explicit professions, and still continues to assure me of them, but I have *certain intelligence* that he has promised his support to Ponsonby, and I doubt much whether he will not carry on the force of treachery to the last moment.⁷⁶

In his understandable aggrievement, Buckingham attributed the actions of the great magnates, and indeed the whole opposition, to pure selfishness and cynicism. But in a sense that Buckingham could not understand, Ponsonby, Leinster, Shannon and the others were being true to an older tradition. The occasional office or title cast their way by a mistrustful government could not erase the memory that they had once had the management of Ireland. The crisis in royal government offered an opportunity to restore a perfectly agreeable and workable arrangement that had existed before the advent of Townshend. Moreover, many members of the Irish opposition, especially Grattan, had a genuine political vision, quite apart from the dictates of Mr. Fox or the coterie at Burlington House. Grattan and his followers interpreted the events of 1782 to mean that the Irish parliament had complete autonomy on questions, from trade to the disposition of the regency. They saw policies like the Commercial Propositions and a limited regency, not as measures for strengthening necessary ties with England, but as corrupt attempts to undermine the "Constitution of 1782." Irish loyalty could be trusted without such legislative encroachments.

From the start of his administration, Buckingham had looked upon the opposition as little better than republicans. If they and their mad ideas prevailed, all

⁷⁴ Ibid., p. 396, Buckingham to Grenville, 3 January, 1789

⁷⁵ Ibid., p. 397, Buckingham to Grenville, 10 January, 1789

⁷⁶ Ibid., p. 402, Buckingham to Grenville, 25 January, 1789

royal authority, and with it, the connection between England and Ireland would collapse. In the face of epidemic treachery in the government ranks and the contagion of "republican" ideas, he made what efforts he could to promote the government's position. At his direction, FitzGibbon and Wolfe drew up a paper putting forth the claim, that under Yelverton's Act, the government had the plenitude of power to summon parliament and to enact laws, including, by implication, a limited regency. This paper was to "fall into the enemies' hands"; the "enemies", presumably, were those members of the opposition claiming that the King's incapacity rendered all government null, until the Prince of Wales assumed an unlimited regency.⁷⁷ In a final effort to make the idea of a limited regency palatable, Buckingham recommended an idea for a constitutional change originally suggested by Beresford. According to this plan, the King's letters for money (or the letters of the King's representative as determined by a regency bill) would require the signature of "three out of seven officers to be named for that purpose." These officers included the Secretary of State, the Chief Secretary, and the chief officers of finance. According to Buckingham's reasoning, "The restriction could never operate against a good government, and it would reconcile the people here to the general idea of a limitation to the Regency, from the prospect it would hold out of enabling them to make this check perpetual." ⁷⁸

When neither the legal niceties of Yelverton's Act, nor the prospect of minor constitutional change deterred the opposition, Buckingham resorted to delaying tactics. With no English regency bill on the horizon, he reluctantly prorogued Parliament from January 25 to February 5.⁷⁹ In the continued absence of the English bill, Buckingham submitted at last to the dreaded inevitable. As he himself stated the situation: "*Jacta est alea* and Parliament is opened."⁸⁰ Although he expressed faint hopes that the Irish opposition would not be so "wild", they appeared determined to offer the Prince an unrestricted Regency and to make this offer by the most precipitant means possible, an address. In defense of the government and of a limited regency bill, Buckingham could count only on a handful of supporters in either house. In the Commons, he had FitzGibbon, Parnell, Foster, Daly, Beresford, Wolfe, and his increasingly frail and failing chief secretary, FitzHerbert. Buckingham described his situation with his accustomed self-pity, but for once his feelings seem understandable:

...I do not complain, but I feel that everything I prophesied three months ago in my most gloomy moments is come to pass; and that all the affection of those for whom I suffer can hardly repay me a thousandth part of my misery. ⁸¹

⁷⁷ Ibid., p. 394, Buckingham to Grenville, 3 January, 1789

⁷⁸ Ibid., p. 386, Buckingham to Grenville, 13 December, 1789

⁷⁹ Ibid., p. 400, Buckingham to Grenville, 15 January, 1789

⁸⁰ Ibid., p. 406, Buckingham to Grenville, 5 February, 1789

⁸¹ Ibid., p. 407, same letter

The session was indeed as grim as Buckingham expected. Every attempt by government to delay the address to the Prince by introducing the reports of the King's physicians or by calling for an immediate consideration of the money and the mutiny bills came to nothing. Grattan sounded the main opposition theme when the subject of the reports was introduced:

Ireland waits not for a lesson from Britain nor for a model whereby to frame her proceedings.⁸²

He showed some regard for parliamentary procedure in his willingness to consider the reports. But he was prepared to allow only the most cursory examination of this evidence:

They ought to call for the evidence...they ought to consider it, and if in a few days it should appear that his majesty was incapacitated, then it would be necessary for some resolutions to be proposed, to give life and animation to the executive government.⁸³

Since the reports of the King's physicians ran to almost 800 pages, the "few days" which Grattan proposed were ludicrously inadequate. When FitzHerbert, in keeping with the government's policy of delay, proposed February 16 as the date for considering the documents, Grattan, adhering in equal measure to the opposition policy of haste, proposed the 11th.⁸⁴ The earlier date was carried.⁸⁵ Barnard later placed the blame squarely on the majority provided by the Shannon, Ponsonby, Loftus and Leinster interests.⁸⁶ Parnell's proposal on the following day to consider the money bills met with a similar defeat. Grattan insisted that the issue of the King's health and the regency took precedence over any other business.⁸⁷ The majority, fortified again by the interests of the great magnates, agreed.

By February 11, the majority of the House had lost any inclination to go through the motions of hearing the doctors' reports. When the clerk attempted to read the reports, the House, in the discreet words of the *Parliamentary Reports*, "became very inattentive and disorderly."⁸⁸

Peremptory and efficient as always, FitzGibbon soon tired of the charade and ordered

82 PR (1789), p. 7

83 Ibid.

84 Ibid., p. 23

85 Ibid., p. 36

86 *HMC Fortescue I*, p. 409, Barnard to Grenville, 7 February, 1789

87 PR (1789), p. 28

88 Ibid., p. 35

it stopped: "...if gentlemen will not listen, I certainly will not insist upon the farce of reading." ⁸⁹ Grattan immediately proceeded to the long-mediated purpose of the Irish opposition, the address to the Prince offering an unrestricted regency. While acknowledging the eventual necessity of a bill, Grattan insisted on establishing the executive by address first. The details could be legislated later. The bill, moreover, would simply confirm, *pro forma*, the offer of unrestricted royal power:

His Royal Highness's acceptance of the Regency of this realm, at the influence and desire of the two Houses of the Irish Parliament, and further to declare and enact that he is and shall be Regent thereof during the continuation of His Majesty's present indisposition. The terms of the act are to describe the powers of the Regent and the Powers intended is [sic] the personal exercise of full regal authority and the reason why plenitude of regal power is intended by the address, and afterwards by the bill, is to be found in the nature of the prerogative; which was given, not for the sake of the King, but for the people, for whose use Kings and Regents and prerogatives were conceived. We know of no political reason why the prerogative in question should be destroyed or no personal reason why they should be suspended.⁹⁰

With FitzGibbon as almost the sole exception, speaker after speaker rose to support the idea of a free, generous and immediate offer of full power through an address. The same overwhelming numbers approved the appointment of a committee to proceed with the business.⁹¹

Not even the arrival on the following day, February 12, of the long awaited British resolutions on the Regency could stall the breakneck speed of the address's progress.⁹² Thomas Conolly had already prepared the form of an address to the Prince, which he proposed submitting to the House of Lords that day.⁹³ He of course received leave to do so. By February 18, the Lords finished their very perfunctory deliberations⁹⁴ and on the 19th the two Houses went in delegation to the Castle. There they presented Buckingham with their address:

We therefore beg leave humbly to request that your Royal Highness will be pleased to take upon you the government of this realm during the continuation of His Majesty's present indisposition and no longer; and under the style and title of Prince Regent of Ireland, in the name and on behalf of his Majesty to exercise and administer, according to the laws and constitution of this kingdom, all regal powers, jurisdictions and prerogatives.⁹⁵

⁸⁹ Ibid., p. 36

⁹⁰ Ibid., p. 37

⁹¹ Ibid., pp. 46-84

⁹² Ibid., p. 84, "Mr. FitzHerbert informed the House that by His excellency's command, he had to lay before them the resolutions agreed to by both Houses of the British Parliament."

⁹³ Ibid., p. 95

⁹⁴ Ibid., p. 116

⁹⁵ *HMC Fortescue I*, p. 416

Holding fast to his oft repeated intention, Buckingham refused to transmit the address. The first good news to come his way in over two months, the possibility of the King's recovery, had reached him the previous day and had fortified his own stubbornness and resentment.

The rumors of recovery and Buckingham's refusal only increased the bravado of the opposition. During the session on the following day, Grattan proposed entrusting the address to representatives of the Irish House of Commons.⁹⁶ Once he carried this proposal, he framed and offered for consideration a resolution asserting the right of the Irish Parliament to address the Prince:

That in addressing his royal highness, the Prince of Wales, to take upon himself the government of this country on the behalf and in the name of his majesty, during his majesty's present indisposition and no longer, the lords and commons of Ireland have exercised an undoubted right and discharged an indispensable duty to which, in the present emergency, they alone are competent.⁹⁷

Grattan's exercise in rhetorical indignation unmistakably implied that Buckingham had tyrannically interfered with the exercise of this "undoubted right". This resolution met with inevitable smooth sailing in the opposition dominated House. The same easy majorities settled on Conolly, W.B. Ponsonby, John O'Neil and James Stewart to carry the address to the Prince. In addition, the House of Lords sent a contingent in the persons of Leinster and Charlemont.⁹⁸

Their mission ended in a humiliating anti-climax. The delegates from the Irish parliament arrived to find the King in full recovery and their address redundant. Buckingham lost no opportunity in inflicting further embarrassment on the delegation. Taking a leaf from the opposition, he purposely hurried the business of announcing the King's recovery and of receiving in return the grateful happy address of Parliament:

The real object of this is to prevent the report of the embassy, with the Prince's answer (which is expected next tide) appearing in the Journals as a part of our Business. This I thought most essential in a constitutional view, and therefore...I went down [to the House] having prepared all things, and seeing a manifest advantage in securing to the Irish Embassy the same ridiculous circumstance upon their arrival in London, that they came one day after the fair.⁹⁹

The King's recovery and the humiliation of the opposition represented a triumph, not only for Buckingham, but for FitzGibbon. Buckingham's initial

⁹⁶ PR (1789), p. 120

⁹⁷ Ibid., p. 128

⁹⁸ Ibid., p. 145

⁹⁹ *HMC Fortescue I*, p. 433, Buckingham to Grenville, 14 March, 1789

suspensions of FitzGibbon as a rather menacing opportunist gave way to unbounded trust and adoration. In the opening stages of the regency debates, Buckingham made this observation:

...the conduct of our supporters, with the exception of FitzGibbon, has been paltry in the extreme. Upon his conduct in every point, whether public or private, I cannot say enough.¹⁰⁰

One week later he wrote on the same theme:

The violence in the House of Commons could not be conceived and nothing but FitzGibbon's steadiness prevented the instantaneous vote, without even the shadow of an argument. To his firmness, to his steady friendship, and to his very superior powers, I am more indebted than to any man in this kingdom, and Great Britain is not the less indebted to him as the only Irishman who would fight her battles in such a moment.¹⁰¹

Buckingham pleaded with Pitt to show suitable gratitude to his new favorite: "I wish that Pitt would write him [FitzGibbon] three lines of flattery" ¹⁰² After some additional pleading, FitzGibbon did indeed receive his "three lines of flattery", which, not surprisingly, "delighted" him.¹⁰³ But Buckingham wanted more for him than polite notes. In early March of 1789, Lifford once again fell ill, and Buckingham had no doubts about the proper successor:

..The Chancellor has been seriously ill and has claimed a pension at the end of the sessions. He has fairly earned it and FitzGibbon ought to have a specific promise of it. I have assured him of my best wishes.¹⁰⁴

The crisis had purged away any perception of FitzGibbon as the spoiled creature of Rutland and Orde and any belief in the necessity of an English candidate for the Irish seals.

Grattan later claimed that his great antagonist in the regency debate had struck a deal with Buckingham. FitzGibbon had agreed to defend the government's unconstitutional and untenable position in return for the Seals. ¹⁰⁵ Before the revolution in his perception of FitzGibbon, Buckingham had made similar suggestions of opportunism. FitzGibbon unquestionably had an opportunistic streak, and as his conduct in 1782 demonstrates, he knew how to trim when the political occasion

¹⁰⁰ Ibid., p. 410, Buckingham to Grenville, 8 February, 1789

¹⁰¹ Ibid., p. 412, Buckingham to Grenville, 14 February, 1789

¹⁰² Ibid. p. 413, same letter

¹⁰³ Ibid., p. 425, Buckingham to Grenville, 2 March, 1788

¹⁰⁴ Ibid. p. 426, Buckingham to Grenville, 4 March, 1789

¹⁰⁵ *Grattan III*, p. 363

required it. Nonetheless, during the regency crisis, FitzGibbon probably would have resisted Grattan and his party, even if he had stood to gain nothing. The address to the Prince of Wales struck him, not as the dignified and generous gesture of a free nation, but as an act of madness and illegality. Where Grattan and his party saw limitless room for autonomous action, FitzGibbon saw severe and absolute limitations: "one king, one law and one religion" united Ireland to England.¹⁰⁶ By deliberately ignoring English precedent and direction, Grattan and the Irish opposition threatened all three. In his various speeches during the crisis, FitzGibbon relentlessly pursued this grim logic.

In the case of the the King, the indecent haste of the opposition to turn the government over to the Prince, not to mention the willful neglect of crucial bills, threatened to destroy the very foundation of royal authority in Ireland:

He could not avoid...condemning in the severest manner, the hurry and precipitation with which gentlemen were desirous of proceeding on the most momentous occasion that could possibly offer itself to the consideration of Parliament; the House was called upon to adopt measures with the most indecent haste, they were called upon to dissolve the single tie that connected them with Great Britain, to dethrone the King to whom they had all sworn allegiance. ¹⁰⁷

In the same vein, he attacked the claim that the necessary business of government must wait until the Irish nation finished its independent deliberations on the regency:

The Attorney General said it was a new idea, that it would be respectful to his Majesty to dissolve the Government and not provide for the payment of the army...and if the right honorable Gentleman [Grattan] will take it upon himself to risk the consequences that might result from such a delay, and from civil and military establishments falling to the ground he should only say [alluding to Mr. Grattan] on his head be it.¹⁰⁸

As for the law, FitzGibbon argued that the actions of the opposition threatened the very constitutional framework that Grattan and his compeers had established in 1782. Recurring to what had become an unfailing source of rhetorical ammunition for the government's position, Yelverton's Act of 1782, he reminded his audience that all legislation originating in the Irish parliament required the authorization of the British Great Seal. In their determination to ignore proceedings on the other side of the Channel, the Irish opposition risked grave legal and constitutional difficulties should the British Parliament choose a regent other than the Prince of Wales:

¹⁰⁶ PR (1789), pp. 53-4

¹⁰⁷ Ibid., p. 10

¹⁰⁸ Ibid., p. 29

Let me now for a moment suppose that we, in the dignity of our independence, appoint a Regent for Ireland, being a different person from the Regent of England, a case not utterly impossible, if the gentlemen insist on our appointing the Prince of Wales before it shall be known whether he will accept the Regency of England; and suppose we should go further and desire him to give the royal assent to bills, he would say, "My good people of Ireland, you have by your own wish made the great seal of England absolutely and essentially necessary to be affixed to each bill before it passes in Ireland, that seal is in the hands of the Chancellor of England, who is a very sturdy fellow; that Chancellor is an officer under the Regent of England, I have no manner of authority over him, and so my very good people of Ireland, you had better apply to the Regent of England, and request that he will order the Chancellor of England to affix the great seal of England to your bills, otherwise, my very good people of Ireland, I cannot pass them."¹⁰⁹

When Grattan made the claim that FitzGibbon was "playing tricks with signs and seals, and confounding the stamp of authority with authority itself," he opened himself to a penetrating rejoinder. FitzGibbon reminded Grattan that he himself had helped to frame that very law. Grattan was now raising the same objections to his own brainchild that his archenemy Flood had made in 1782:

And now if the the right honorable gentleman is founded in his objections to the manner of passing bills under his own law, I hope it will be a lesson to him not to precipitate great and important measures.¹¹⁰

Grattan could only respond with arguments that made up in vehemence and sentiment what they lacked in substance:

The people have a pride in their King, and will not transfer their love; but on the contrary will kindle at the quibble that would set in his place the great seal as an object of their allegiance, and substitute as their monarch.¹¹¹

The question of religion troubled FitzGibbon above all. When he called for "one religion" as a point of unity between England and Ireland, he referred of course, to the Protestant Establishment in church and state. His position as an outsider of obscure Catholic descent gave him a special insight into the dynamics of power in Ireland. He alone could have reminded his colleagues that far from being a free and proud nation, they belonged to a small alien Protestant caste living uneasily among a hostile and dispossessed Catholic population. As Protestants, they enjoyed property and privilege, but only insofar as they preserved their remaining ties to England. In an eerie presage of his great speech on the Act of Union, FitzGibbon reminded Grattan and his followers of the tragic and squalid origins of their great nation:

¹⁰⁹ Ibid., p. 49

¹¹⁰ Ibid., p. 75

¹¹¹ Ibid., p. 78

And give me leave to tell the country gentlemen of Ireland that the only security by which they hold their property, the only security which they can have for the present establishment in Church and State, is the connection of the Irish crown with, and its dependence upon, the crown of England, a connection and dependence which has been sealed with the best blood of their country, and if they are now duped into idle and fantastical speculations, which are to shake that connection, under the specious pretence of asserting national dignity and independence, they will feel, to their sorrow, that they are duped into a surrender of the only security by which they can hope to retain their property or by which they can hope to retain the present establishment in Church and State. For give me leave to say sir that when we speak of the people of Ireland, it is a melancholy truth that we do not speak of the great body of the people. This is a subject on which it is extremely painful for me to be obliged to speak in this assembly, but when I see the right honorable member driving the gentlemen of Ireland to the verge of a precipice, it is necessary to speak out. Sir, the ancient nobility and gentry of this kingdom have been badly treated, that act by which most of us hold our estates, was an act of violence, an act palpably subverting the first principles of the common law of England and Ireland. I speak of the act of settlement, passed in this country immediately after the restoration, which vests the estate of every man who had been dispossessed during the rebellion of 1641, absolutely in the crown, and puts the old proprietors to the necessity of proving they had not been guilty of high treason in order to avoid the penalties of confiscation; which by the sacred and fundamental principles of common law, can be incurred only upon conviction and attainder. And that gentlemen may know the extent to which this summary confiscation is gone, I will tell them, that every acre of land in this country, which pays quit rent to the Crown, is held by title derived under the act of settlement, so that I trust the gentlemen whom I see upon the opposite benches will deem it a subject worthy of their consideration how it may be prudent to pursue the successive claims of dignified, unequivocal independence made for Ireland by the right honorable gentleman. ¹¹²

In their madness, the Irish opposition threatened a revival of the civil wars of the 17th century or of the medieval period. FitzGibbon reminded them that the "civil commotions" of the Houses of FitzGerald and Butler had their origins in "English faction" as well.¹¹³ This remark was well calculated to make the descendents of the FitzGeralds, at least, squirm in their seats. The conduct of the Irish opposition and of their English friends threatened yet another equally unpalatable outcome, that of a union, which he described in yet another weirdly prescient speech:

...certainly if it be the scheme to differ in all imperial questions, and if this be abetted by men of great authority, they mean to drive us to an union, and the method they take is certainly more effectual to sweep away opposition, than if all the sluices of corruption were opened together and deluged the country's representatives, for it is certain nothing less than the alternative of a separation could ever force an union. ¹¹⁴

¹¹² Ibid., pp. 129-30

¹¹³ Ibid., p. 129

¹¹⁴ Ibid., p. 50

In effect, FitzGibbon was making the same accusation against the English Whigs that Grattan would later make against him: they were deliberately undermining Irish independence by encouraging civil upheaval and with it, a union.¹¹⁵ FitzGibbon probably intended to make a grim joke at the expense of the English friends of Irish independence. He assuredly was not a crypto-Unionist who in the heat of the moment revealed his true colors. After all, he had been ready to resist the idea of an English convention imposing a regency on Ireland. Unquestionably he despised the Irish parliament for its many acts of folly, from the past rejection of the Commercial Propositions to the present address to the Prince. But FitzGibbon in 1789 still believed that the constitutional arrangement of 1782 could work, so long as the Irish Protestant ruling caste cultivated close harmonious ties with England, the indispensable source of their power and security:

So long as we remain satisfied with the constitution of Ireland as settled in 1782, and avail ourselves of every opportunity which may offer to cement the union of the crown of Great Britain and Ireland and to cultivate the affection and confidence of the British nation, we shall continue to cultivate peace and good order, and prosperity in this country.¹¹⁶

FitzGibbon not only maintained his faith in the Irish Parliament, he was no dogmatist on the issue of the regency bill. In the interests of turning the opposition from the dangerous course of an address, he was willing to allow for an Irish bill that gave more privileges to the prince than the English:

Sir I abominate the idea of restraining the Prince regent in the power of making Peers in this country, or in limiting him in the power of making grants on the narrow principles of suspicion and distrust.¹¹⁷

He could even allow for the possibility of granting the Prince of Wales the "plenitude of power." He stipulated only the most basic cooperation with England: "in God's name let it be done by a bill", a bill passed after the English parliament had confirmed the Prince as regent.¹¹⁸ He pleaded for this minimal cooperation not because of personal loyalty to Buckingham, as the lord-lieutenant had assumed with characteristic egocentricity, and not even because he wanted the Seals. He pleaded for a social structure that guaranteed his own hard fought identity as a Protestant and a gentleman

¹¹⁵ See for example *Grattan IV*, p.347 "The question men should have asked was not 'Why was Mr. Sheares upon the gallows?' but 'Why was not Lord Clare along with him?'"

¹¹⁶ PR (1789), p. 130

¹¹⁷ Ibid., pp. 53-4

¹¹⁸ Ibid.

of property.

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By the end of February, the King was firmly on the road to recovery, and the "rats", as Buckingham termed them, grew both frightened and defiant. On February 22, the leading members of the opposition, in both the Lords and the Commons, produced a "round robin" or circular. The signatories of the round robin dictated first, the no man was to be the "victim of his vote"; that is, no office holder was to suffer dismissal for his vote on the Regency. Secondly, the signatories pledged that they would oppose, as a body, any government that engaged in such dismissals. Finally, they would refuse to accept any office from such government.¹¹⁹ The round robin in the Lords included "those great rats", Leinster, Shannon and Loftus, as well as Lords Charlemont, Granard, Drogheda and Clifden.¹²⁰ In the Commons, it embraced ^{Personby}Grattan, Forbes and Curran. Considering the rapidly sinking fortunes of the opposition, it was an extraordinary act of effrontery.

Buckingham and his by now inseparable confidante FitzGibbon responded with predictable contempt. Buckingham declaimed against the "insolence of this aristocracy and the danger and indecency of such a combination. He also observed that the English Whigs encouraged their defiance, and if this second exercise in Anglo-Irish cooperation was allowed to persist, it would soon "convulse the kingdom."¹²¹ FitzGibbon taunted the members of the round robin. They were, he declared, little better than a combination of Whiteboys or "journeymen pinmakers". He made the additional observation, both menacing and mocking, that by laws of their own devising, "the miserable Whiteboy would be whipped at the cart's end."¹²² The framer of the sanguinary riot act and the would-be destroyer of chapels was in no position to blame the members of the round robin for cruelty to Whiteboys. Yet Buckingham thought these ripostes brilliant, and he cited them as further proof of FitzGibbon's sterling worth.¹²³ Buckingham and FitzGibbon did not confine themselves to mere denunciation. Undeterred by the threats in the round robin, they immediately set about to break the combination and to punish the most notorious "rats" not with whipping at the cart's tail, perhaps, but with the uniquely aristocratic humiliation of loss of office. FitzGibbon worked closely with Buckingham in determining the degree of punishment and pardon. Alleyne FitzHerbert and Robert Hobart, his eventual successor as chief

¹¹⁹ *Grattan III*, p. 383-4

¹²⁰ *HMC Fortescue I*, p. 419 Buckingham to Grenville, 21 February, 1788

¹²¹ *Ibid.*, p. 423, Buckingham to Grenville, 25 February, 1789; p. 434, Same to Same, 21 March, 1789

¹²² PR (1789), p. 192

¹²³ *HMC Fortescue I*, pp. 423-4, 25 February, 1789

secretary, assisted in these negotiations.

The opposition newspapers suggested that Buckingham and FitzGibbon acted with indiscriminate vindictiveness:

"No pardon for the transgressor" is to be the future motto of the [government] standard; this latter we understand by the advice of a certain Attorney who acts as Provost Marshal of the Forces.¹²⁴

The reality, as always, was murkier. Overall, Buckingham and FitzGibbon took a tolerant view of "stragglers", the minor office holders who had erred and repented.¹²⁵ They concentrated on particularly egregious traitors in government service and on great aristocrats holding great office. Charles Francis Sheridan, Northington's able memorandum writer, allowed his loyalties to his famous brother to get the better of his loyalties to the government. In spite of the protests of the round robin, he lost the office of Secretary of War to Edward Cooke. The Sheridan knack for marrying attractive women allowed him to salvage something from the wreck of his fortunes. Buckingham granted a pension of £600 per annum to his "handsome and amiable" wife.¹²⁶ Toward Leinster and Ponsonby, who continued to act in defiant combination with their "kind friends" in England, Buckingham displayed the same obduracy. On March 28, a month after the debut of the round robin, Buckingham notified them both of his intention to dismiss them from their offices.¹²⁷ One month later, Buckingham formally applied for their dismissal.¹²⁸

Ponsonby, in particular, took the news badly. With breathtaking arrogance, he had not believed he would suffer any consequences and was "outrageous" (outraged).¹²⁹ Buckingham himself expressed delighted at Ponsonby's decision to remain in opposition. The government had always gone to far too much trouble to retain his precarious loyalties.¹³⁰

Other aristocratic trimmers enjoyed a measure of mercy, thanks in large part to FitzGibbon's moderation. Buckingham was inclined to act with indiscreet vindictiveness. FitzGibbon, in contrast, saw that gratuitous humiliation would only encourage aristocratic discontent, and with it, partisan instability in the beleaguered Protestant elite. The case of Lord Ely most clearly demonstrated the difference in their approaches. Buckingham had wanted Lord Ely to resign the Post Office and to do a

¹²⁴ *Dublin Evening Post*, 9 April, 1789

¹²⁵ *HMC Fortescue I*, p. 426, Buckingham to Grenville, 4 March, 1789

¹²⁶ *Ibid.*, p. 440, Buckingham to Grenville, 28 March, 1789

¹²⁷ *Ibid.*; W.B. Ponsonby was Postmaster General. His brother George, who was Counsel to the Commissioners, was also dismissed. *Grattan III*., p. 389

¹²⁸ *HMC Fortescue I*, p. 458, 460

¹²⁹ *Ibid.*, p. 441, Buckingham to Grenville, 31 March, 1789

¹³⁰ *Ibid.*, p. 436, Buckingham to Grenville, 25 March, 1789

suitable period of penance in the political wilderness before re-assuming his place. FitzGibbon, enlisting FitzHerbert's aid, successfully pleaded with Buckingham to grant salvation upon mere repentance. FitzGibbon's shrewd clemency paid great dividends. Ely turned on his former associates with all the zeal of a reconverted apostate.¹³¹

Shannon initially was inclined to wear sackcloth and ashes, and both Buckingham and FitzGibbon stood ready to re-admit him to the government fold.¹³² Less than a week after his submission, he abruptly reverted to the opposition. A domestic comedy of manners with Lady Shannon, *nee* Ponsonby, in the lead, provoked this sudden change of heart. According to Buckingham, Lady Shannon "raved like a madwoman" at her husband for deserting her brother.¹³³ The portrayal of Lord Shannon as a uxorious coward and his lady as a Whig virago seems too maliciously partisan and too amusing to be true. Nonetheless, Shannon admitted to Buckingham that he was obliged to stand by his brother-in-law for his "domestic peace."¹³⁴ Buckingham told his brother Grenville, "Everyone is loud in laughing at him [Shannon]."¹³⁵ The lord-lieutenant and the attorney general were less amused. Indeed, it was FitzGibbon's turn to be "outrageous". In this frame of mind, he lent his legal expertise to Buckingham's proposed revenge: depriving Lord Shannon of his vice-treasurership and dividing his salary between the two remaining holders of this office.¹³⁶ Nonetheless, FitzGibbon's instinct to let partisan bygones be bygones soon reasserted itself. In spite of their past differences FitzGibbon could not help but recognize that Shannon was a very reluctant Whig firebrand. Left to himself he was fundamentally a sound conservative in matters of Church and State. Buckingham noted the change not only in FitzGibbon, but in his other advisors; they "all now deprecate" any idea of Shannon's dismissal.¹³⁷ Buckingham remained adamant: "I must have the King's leave to dismiss Lord Shannon immediately for the sake of justice and example."¹³⁸ Eventually he carried his point. Shannon lost his office, and, in the election of 1790, control of County Cork. Government support for his antagonists Longfield and Kingsborough played a large part in the defeat of his interests. In 1793,

¹³¹ Ibid., pp. 441; p. 443, Buckingham to Grenville, 3 April, 1789; Buckingham's maddening habit of changing his mind creates some confusion in his correspondence. In a latter dated from the *same* day, he declares that he will force Loftus to surrender the post office. Since he made no formal applications to dismiss Loftus, he must have reverted to the original course of FitzGibbon-induced moderation, p. 435

¹³² Ibid., p. 435, Buckingham to Grenville, 22 March, 1789

¹³³ Ibid., p. 441

¹³⁴ Ibid., p. 443

¹³⁵ Ibid., p. 441

¹³⁶ Ibid., p. 442; p. 464, Buckingham to Grenville, 6 May, 1789; p. 469, Same to Same, 13 May, 1789

¹³⁷ Ibid., p. 464

¹³⁸ Ibid., p. 465

Shannon enjoyed a slight measure of rehabilitation. Possibly through FitzGibbon's influence, he was appointed to the post of First Lord of the newly created Treasury Board. In that year of Catholic agitation, FitzGibbon was eager to encourage every like-minded Protestant, including the old apostate for whom he always had a soft spot.

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The opposition rebelled against the government's increasing ascendancy by introducing a series of what Buckingham termed "speculative measures". These speculative measures were of course, the standard lost causes: limiting pensions, disenfranchising revenue officers, and abolishing the police. In the euphoric beginnings of the session of 1789, Grattan seems to have believed that he could carry these oft-rejected measures under the auspices of a new Whig government. Buckingham sardonically observed, "Grattan evidently assumes the *role de ministre*; he pledged himself to the gallery to repeal the Police Bill and to intend to [sic] limit the Pension Bill to grants to addresses by Parliament."¹⁴⁰ As it became distressingly apparent that the bad old ways would remain in place, Grattan's various proposals took on the air of desperate and not very successful nuisance-making. Members of Grattan's own party balked at some of them, while his frequent tactical errors gave additional strength to his ministerial enemies. FitzGibbon, sardonic and assured, never failed to take advantage of the many opportunities provided by Grattan's blundering.

February 25 marked not only the debut of the round robin, but the first salvo of their party. Grattan resorted to a short money bill, a venerable tactic from that year of glory, 1779. In response to Monk Mason's resolution in favor of supplies for the usual term of one year, Grattan proposed a limitation of two months. Nonetheless, he made an exception for those monies necessary to maintain treaties and to meet immediate financial engagements.¹⁴¹ The fear that Buckingham would dissolve Parliament after the passage of the money bill accounted in part for this measure.¹⁴² Sheer partisan revanche played an even greater part. The opposition simply wanted to humiliate Buckingham for refusing to accept their address. FitzGibbon had to admit his own youthful support for the short money bill of 1779, but he denounced this latest manifestation as an exercise in factionalism, needless from a political standpoint and absurd from a legal one:

See then the situation in which you place yourselves. You must form so much of your tax as is necessary for carrying the treaty into effect for twelve months, but that part which is applicable to the establishment, you must form out for two months; the same thing with regard to your colony trade; this I think

139 *Lord Shannon's Letters to his Son*, pp. lxxxviii-lxxxix

140 *HMC Fortescue I*, p. 410, Buckingham to Grenville, 7 February, 1789

141 PR (1789), p. 179

142 *Ibid.*, p. 181; Brownlow articulated this particular line of reasoning

impossible.¹⁴³

Grattan's majorities held before this onslaught of ridicule and the short money bills passed. But it was an empty victory. Buckingham displayed an uncharacteristic, and disappointing, equanimity at this attempt to unnerve him. Six weeks later, the House extended the supplies for the usual period with no debate.¹⁴⁴

An attempt to embarrass the government through William Grenville's *pis aller* reversion brought greater embarrassment on Grattan himself. Grattan proposed a resolution against the practice of giving any Irish office, including reversions, to absentees. This condemnation necessarily embraced Grenville, as the absentee claimant to a reversion.¹⁴⁵ It seemed a perfectly safe opposition exercise in troublemaking, but a devastating counterattack came from an unexpected quarter, ~~Lawrence~~ Parson⁷, the erstwhile critic of Rutland's corrupt legacy. Vehemently shifting course, he defended the incumbent viceroy's act of patronage. Raising the troubled ghosts of 1783, Parson's noted that Grenville had played a major part in obtaining a bill of renunciation. For this singular service, he had obtained only the possibility of an office. Grattan, on the other hand, had manifestly blundered on the issue by adhering to a policy of simple repeal. Notwithstanding, he had received a lavish grant of £50,000 for incomplete services rendered.¹⁴⁶ FitzGibbon needed to do very little to complete Grattan's humiliation. He contented himself with the observation that deputies customarily fulfilled the duties of Chief Remembrancer. Since the office was relatively minor, no pressing reason existed to change this custom, and require Grenville to take up residence in Ireland. More discreetly, he reiterated Parson's point that the reversion had little value. Lord Clanbrassil, the present holder, continued hale and hearty. Consequently, Grenville probably would never succeed to the office, either as a resident or as an absentee.¹⁴⁷ A motion for adjournment allowed Grattan to drop the matter.¹⁴⁸

Even the opposition's evanescent victory over the matter of pensions brought embarrassment to them and tactical advantage to the government. Once again, Forbes took his accustomed place as framer and Grattan his as chief advocate. The bill limited pensions to £80,000, though Parliament by address, could approve additions over and above this amount. The bill also allowed the Crown to grant pensions from surpluses

¹⁴³ Ibid., p. 182

¹⁴⁴ Ibid., pp. 353-7

¹⁴⁵ Ibid., pp. 253-4

¹⁴⁶ Ibid., 256-7

¹⁴⁷ Ibid., 258-9

¹⁴⁸ Ibid., 268

in the hereditary revenue.¹⁴⁹ In his various responses to the bill, FitzGibbon ingeniously combined the roles of high royalist, scourge of aristocratic corruption, and champion of the prerogatives of Parliament. He initially claimed that the bill insulted the king at the moment of his recovery, by attacking his unquestioned right to grant pensions. This ungracious ploy served only to increase the power of an aristocracy, "under whose baneful influence every bud of national prosperity was blasted."¹⁵⁰ Many illustrious members of the round robin could not help but recognize the allusion to their undertaker ancestors. Above all, FitzGibbon seized on the fact that the proposed bill placed a huge sum of money absolutely at the disposal of the Crown. Hitherto, Parliament had the right to review all pensions. Under the provisions of Forbes' bill, the Crown could grant a good many pensions without any Parliamentary intervention whatsoever.¹⁵¹ Publicly, FitzGibbon gloated over the system of ministerial tyranny instituted by the men of the people. Privately, he urged Buckingham to assent to the bill. The government could increase its powers, enjoy the benefits of supporting a popular measure, and get rid of a perennial opposition nuisance issue.¹⁵² The bill did pass the House of Commons, but only after considerable amendment. According^{to} Buckingham, Ponsonby and Shannon in particular "took fright at the complexion of their own child."¹⁵³ He did not make clear whether Ponsonby and Shannon recoiled from the increase in the government's powers of patronage or from the decrease in their potential share of corrupt lucre. Their amendments proved unnecessary. The House of Lords, which was already resuming its accustomed role as a government bastion, ultimately threw out the bill. As Buckingham sardonically observed, "one half the Opposition would not vote as they do on these measures if they were not sure they would be thrown out in the House of Lords."¹⁵⁴

An attempt to disenfranchise revenue officers met with similar defeat. According to the Buckingham, this latter bill was "personally aimed at a borough interest belonging to Beresford," but Grattan, in his enthusiasm, once again gored some oxen in his own party.¹⁵⁵ Lord Shannon, a formidable boroughmonger and revenue officer in his own right, "disliked" the bill, though the "round robin" and his previous political commitments forced him to retain the galling, ill-fitting trappings of

¹⁴⁹ Ibid., pp. 297-8

¹⁵⁰ Ibid., p. 278

¹⁵¹ Ibid. pp. 299-300

¹⁵² *HMC Fortescue I*, p. 433, Buckingham to Grenville, 14 March, 1789

¹⁵³ Ibid., p. 429, Buckingham to Grenville, 12 March, 1789

¹⁵⁴ Ibid., p. 432, Buckingham to Grenville, 12 March, 1789

¹⁵⁵ Ibid., p. 434, Buckingham to Grenville, 21 March, 1789

radicalism.¹⁵⁶ Fortunately, government majorities spared him from the nuisance of such a bill. The same convenient majorities defeated proposals to abolish the police, proposals which Shannon also constitutionally disliked.¹⁵⁷ By May, Grattan's campaign of radical intimidation had lost its momentum. When he proposed another place bill on May 1, to "his utter amazement" he could find no seconders in the cowed or bored House of Commons.¹⁵⁸ His attempt to revive the issue of tithes met with equal indifference.¹⁵⁹ "In short," Buckingham wrote to Grenville, "we are triumphant and the King's government is completely re-established."¹⁶⁰

In a sense, Buckingham was badly mistaken, and the battle had just begun. The embittered, unreconciled remnants of the opposition, including Grattan, Forbes, Ponsonby, Leinster and Charlemont, formed the so-called Whig Club in the disastrous wake of the session of 1789. This club aimed at creating and building on popular support for the standard opposition agenda of retrenchment and the abolition of the police.¹⁶¹ FitzGibbon later contemptuously dismissed it as a convivial club for gentlemanly malcontents.¹⁶²

Grattan's son, in filial indignation, later contrasted FitzGibbon's vulgar "popish extraction" with the impeccable Protestant, patrician and patriotic backgrounds of the Whig Club's founders.¹⁶³ From a less pious perspective, both the regency crisis and the Whig Club have an air of brittle aristocratic self-indulgence. Nonetheless, as FitzGibbon so clearly perceived, the regency crisis and its aftermath shook the Anglo-Irish government to its foundations. Grattan's arguments during the regency debates, carried to their logical extreme, reduced royal and English authority in Ireland to mere sentiment: "The people have a pride in their King and will not transfer their love." The Whig Club, however aristocratic and Protestant, revived the extra-parliamentary activity which had fallen into abeyance after the demise of the reform congress. Buckingham indulged in his habitual exaggeration when he termed the Irish opposition republicans. Yet Grattan's extreme notions of autonomy, tempered by sentimental royalism, were a small and logical step away from Irish republicanism, which rejected any monarchical or English authority whatsoever. Similarly, the aristocratic agitation of the Whig Club

¹⁵⁶ Ibid.

¹⁵⁷ Ibid., p. 430 Buckingham to Grenville, 12 March, 1789

¹⁵⁸ Ibid., p. 462, Buckingham to Grenville, 1 May, 1789

¹⁵⁹ PR (1789), pp. 442-464

¹⁶⁰ *HMC Fortescue I*, p. 462

¹⁶¹ *Grattan III*, pp. 433-38

¹⁶² Ibid., III, pp. 440-1 "It was, however, said their proceedings were the result of faction concerted at meetings and clubs (*Lord Clare's speech in the House of Lords) and taverns, and a low species of language was resorted to and applied to them by the party who had excluded them from power and "whose joy, like their revenge on this occasion knew neither decency nor moderation."

¹⁶³ Ibid., p. 430

prepared the extra-Parliamentary way for the middle class militants of the Catholic Convention and for the United Irishmen. In short, the Irish opposition, driven by their own myopic partisan resentments, set an example of discontent.

(iv)

During the robin negotiations, Buckingham's demands that FitzGibbon be appointed to the Seals continued. They reached their peremptory peak when Lifford died at the end of April. Buckingham threatened to force the government's hand by appointing his favorite Lord Keeper of the Great Seal. FitzGibbon once again tactfully intervened to curb Buckingham's emotional excesses. He urged his master to adhere to the usual practice of appointing several commissioners until the King's pleasure was known. Far from taking offense, Buckingham saw FitzGibbon's discretion as "an additional proof of the confidence he merits."¹⁶⁴ Continued silence on the part of the English Government on the subject of Lifford's succession provoked yet another stream of high-strung threats. Buckingham once again raised the spectre of a disappointed FitzGibbon going into opposition, and suggested in addition, that he himself would resign in protest:

I conceive that you all know that if it is to be attempted to send an inferior man, or any of the King's Serjeants or counsel junior to FitzGibbon, he will fly out and the game will be irretrievable. Perhaps all this has been fully considered, but indeed, my mind is ill at ease till I know the result. You may, however, believe that I *cannot* join in any insult or outrage, *however recommended or supported*.¹⁶⁵

Buckingham eventually learned from two separate communications that Thurlow's reservations stood in the way of FitzGibbon's appointment. First, Thurlow raised the issue of FitzGibbon's unpopularity, to which Buckingham indignantly replied, "Good God! Where could he have conceived this nonsense?"¹⁶⁶ Thurlow's perception was hardly nonsense. A glance at past issues of the *Dublin Evening Post* easily would have confirmed such an impression. Secondly, Thurlow held fast to the traditional prejudice in favor of an Englishman.¹⁶⁷ Finally, another outraged comment from Buckingham suggests that Thurlow had doubts about FitzGibbon's professional qualifications: "It is easy for Lord Thurlow to sit still in his chair and to consider this arrangement solely with a view to the *law* as the only point for consideration."¹⁶⁸ In

¹⁶⁴ *HMC Fortescue I*, p. 461, Buckingham to Grenville, 28 April, 1789

¹⁶⁵ *Ibid.*, p. 462

¹⁶⁶ *Ibid.*, p. 463, Buckingham to Grenville, 6 May, 1789

¹⁶⁷ *Ibid.*, p. 467, Buckingham to Grenville, 13 May, 1789

¹⁶⁸ *Ibid.*

other words, Thurlow had considered FitzGibbon as a lawyer and had found him wanting.

His judgment seems curious. FitzGibbon, a lawyer of almost 20 years' standing, could lay claim to a remarkable array of legal experience, both in parliament and in the courts. Thurlow may have concluded that FitzGibbon was merely a petty Irish courtroom brawler, incapable of grasping the subtleties of Equity. If so, he badly underestimated FitzGibbon. The mere fact that he had been a pleader on the Munster circuit gave him a surpassing insight into the coils of Irish property tenure, a frequent subject of Chancery cases.

Furthermore, as Buckingham was quick to point out, the Irish Lord Chancellor had a crucial role in the House of Lords. Since Lifford's accession, the Irish House of Lords had changed from a somnolent and thinly attended to an active and influential branch of government. Lifford had never acquired the vigor necessary to the new state of affairs in the Lords:

I will not say how severely both kingdoms have paid for such a nomination, which has kept its ground for 22 years amidst so many changes of government, and with the strongest charges of constant misconduct and inefficiency as a political character; reprobated by almost every lord-lieutenant who has been in Ireland, who felt not only the want of assistance, but the actual mischief of his language and conduct in the official situation which the Irish lord chancellor must always hold.¹⁶⁹

In his zeal to press FitzGibbon's claims, Buckingham did a cruel disservice to Lifford, who whatever his faults of indolence and neglect, had served the government with *a measure of reliability*. But Buckingham did have a point. The office of Lord Chancellor of Ireland required a consummate political knowledge and skill that FitzGibbon unquestionably possessed.

Above all, there were simply no other suitable candidates. The two Englishmen and the Scotsman under consideration would only insult the Irish. Chief Baron Eyre, Orde's original nominee, was perhaps the "least exceptionable", but his manners were "unaccommodating" and he had no parliamentary experience. As for Buller, he was a notoriously corrupt and intemperate man, "not to be born [sic]" McDonald, the Scotsman, was junior to FitzGibbon at the Bar. Any one of them was guaranteed to arouse that dreaded and much to be avoided phenomenon, Irish political agitation:

Any one of these persons is to be dropped from the clouds into the midst of a House of Lords who divided in this sessions, 84 members, and is told that he is their minister, to guide and direct a Machine so complicated, so entirely out of every rule, and with every unfavorable impression that can be conceived either from resentment, malice or to the general indisposition to an Englishman in that

¹⁶⁹ Ibid., p. 468, same letter

House. 170

The last circumstance noted by Buckingham, the lack of a suitable alternative, probably accounted for the English government's final, grudging decision in FitzGibbon's favor. The news of his appointment reached Ireland on 13 June, 1789. By then Buckingham, exhausted by the political, emotional and physical ordeal of the regency crisis, was preparing to retire to Bath. FitzGibbon's appointment, as much as the prospect of a leave of absence, had a therapeutic effect:

I cannot say all that I feel for FitzGibbon's appointment; but I feel that this, and the leave of absence, has given me spirits beyond my present weak state of mind.¹⁷¹

The great drama of FitzGibbon's elevation to the Seals inevitably inspired reams of newsprint in the Dublin press. Lifford's death in April of 1789 set the presses into speculative motion. The government newspapers, not unexpectedly, went into ecstasies at the prospect of FitzGibbon's nomination. "What a character must that man possess who is admired, esteemed and loved by all parties?" *Faulkner's Dublin Journal* asked rhetorically and inaccurately. The paragraph continued: "If his wisdom and integrity are now so conspicuous, what an ornament will he be to that Court, where the desire of the nation would have him preside?---His motto should be "unshaken, unseduced, unterrified." 172

Such effusions were not surprising in a government newspaper. But the adulatory response of the opposition newspapers was perhaps the most startling outcome of FitzGibbon's possible elevation. It was as though Jack Petulant, the lewd, arrogant, effeminate coxcomb, the scourge of honest Whigs, and the Mephistopheles of viceroys, had never existed. The *Dublin Evening Post*, his most bitter journalistic enemy, took the lead in his rehabilitation. It did indeed touch on his "certain haughtiness of spirit," but it argued that his manner, far from making him objectionable, bespoke the honest pride, "which gives dignity to station and prevents a man from doing a mean---a base---an ignoble act." It further predicted, with sublime inaccuracy, that time and the dignity of office would soften "those asperities which shade the lustre of mental powers, however splendid." 173

The other major popular newspaper in Dublin, the *Hibernian Journal*, was as hot and eager on FitzGibbon's behalf. It indignantly reacted to rumors that "the seals

170 Ibid.

171 Ibid., p. 480, Buckingham to Grenville, 17 June, 1789

172 *Faulkner's Dublin Journal*, 5 May, 1789

173 *Dublin Evening Post*, 2 May, 1789

of this country have been refused to the A----y G----l on that most *illiberal principle of his being an Irishman!*"¹⁷⁴ Like the *Dublin Evening Post*, the *Hibernian* praised FitzGibbon's talents and ignored his faults on the liberal principle of his being an Irishman:

...it is acknowledged by every man in the nation, however, they differ in politics, that Mr. F-----n as a great and sound lawyer, is at least equal to any and superior to most gentlemen of his standing at the Bar in either kingdom---consequently, the chusing a foreigner at this time was totally unnecessary and must be considered an insult to our feelings and a dishonor to our country.¹⁷⁵

The change of heart in these formerly antagonistic quarters may have provoked Buckingham's thunderous response to Thurlow's hints of FitzGibbon's unpopularity. In the spring of 1789, no one was more suddenly or more completely adored.

The same nationalistic fervor that had made FitzGibbon an object of loathing since 1780 now worked to his advantage. His Irishness, in effect, gave added radiance to the qualities with the opposition press had hitherto slighted, and softened those qualities which had hitherto aroused such intense detestation.

This curious combination of fulsome praise and reluctant criticism reached a climax in June, when FitzGibbon finally received the appointment for which he, his friends and his erstwhile enemies so devoutly wished. The *Dublin Evening Post's* announcement of his appointment in its edition of 13 June, 1789 is worth quoting in full, if only to show the remarkable transformation of his image in the popular press:

In this young man's progress through life---there has certainly been a consistency---a uniformity---a chastity of conduct---that has never even once stooped to those mean arts by which others have forced their way to station---and when there placed rendering dignity despicable, power oppressive, justice a phantom.

There are some traits in the outline of his character that should be immediately softened---that warmth of disposition---that *hauteur* of manner, that peevish pettiness of temper so insulting to feeling, so disgraceful to sound argument, so disgusting to sense---that should and *ought* to be changed and that immediately.

By the end of the year even mild criticism had disappeared and a tone of uniform fawning adulation characterized accounts of FitzGibbon in the major Dublin newspapers. The *Hibernian* exulted over the improvements he was making in the Court of Chancery and rejoiced that "Irish talents and integrity" at last filled all the high judicial offices.¹⁷⁶ As for the government newspapers, this stray paragraph in the

¹⁷⁴ *Hibernian Journal*, 1 May, 1789

¹⁷⁵ Ibid.

¹⁷⁶ *Hibernian Journal*, 1 December, 1789

Freeman's Journal probably best sums up the absurd excesses into which they fell when writing of the new chancellor. In June of 1789, shortly after his elevation, FitzGibbon caught a summer cold, which prevented him from attending an official levee. The *Freeman's* elevated a minor case of the sniffles into a major crisis of state. FitzGibbon's condition

gave general concern and alarm to the town. From his Lordship's known integrity, firmness, and ability and being in the very prime and vigor of life, the nation look up to him for that dispatch of business in the Court which can be alone effected by those preeminent endowments and that vigorous application which a character like his lordship possesses. The warm and sincere wishes therefore of the public must be for his immediate recovery. ¹⁷⁷

