

THE IRISH PEERAGE AND THE ACT OF UNION, 1800–1971

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READ 10 SEPTEMBER AT THE PUBLIC RECORD OFFICE OF NORTHERN IRELAND

THERE was always an important, though varying, distinction between the Irish peerage and the Irish House of Lords. The former dated from the late twelfth century, and the latter, or at least something discernible as its forerunner, from the late thirteenth. From then until the early seventeenth century, because men who were neither temporal nor spiritual peers attended the House of Lords (though in decreasingly significant numbers) by virtue of a writ of summons only, the House of Lords was a larger body than the Irish peerage.¹ Thereafter, due to the number of non-Irishmen and/or non-residents who were created Irish peers, the House of Lords became the smaller body, because such people seldom or never attended.

The Act of Union terminated the existence of the Irish House of Lords, but established arrangements for the representation of the Irish peerage in the new House of Lords of the United Kingdom. So the Irish peerage survived the Union, and exists today. Not so the Irish representative peerage: it was declared defunct by a controversial decision of the committee for privileges in 1966, and formally wiped off the statute book in 1971. Under the Peerage Act of 1963, the Scottish representative peerage had also been abolished, but on the (to Scottish peers) favourable basis that the remaining Scottish peers without hereditary seats were absorbed into the House of Lords.² Between 1963

¹Francis G. James, *Lords of the Ascendancy: the Irish House of Lords and its Members, 1600–1800* (Dublin, 1995), pp. 20–2; T.W. Moody, ‘The Irish Parliament under Elizabeth and James I: a General Survey’, in *Proceedings of the Royal Irish Academy* (hereafter, *Proc. RIA*) vol. XLV (1939), 55; R.P. Gadd, *The Peerage of Ireland, with Lists of all Irish Peerages, Past and Present* (Irish Peers Association, 1985), 7–10 and *passim*, together with Gadd, *Errata: Addenda* (1987).

²For information about the campaign mounted by the Irish peers without hereditary seats and their sympathisers, 1963–71, I am indebted to the then (1972) chairman of the Irish Peers’ Association, who kindly allowed me to examine and make extracts from printed matter contained in one of the association’s minute books (PRONI, D/3312/19, and see also PRONI, T/2956). The aim of the campaign was not to achieve the absorption of all the Irish peers without hereditary seats, but to prove that the representative peerage system had not been affected by the government of Ireland act of 1920 and partition in 1922. For an excellent recent survey of the constitutional and legal position, 1920–95, see Charles Lysaght, ‘The Irish Peers and the House of Lords: the Final Chapter’, *Burke’s Peerage and Baronetage* (106th ed., 2 vols., Chicago, 1999), I, xli–xliii.

and 1999, therefore, the Irish peerage was the only one of the five peerages in the British Isles which enjoyed neither an hereditary nor an elective right to sit in the House of Lords; and now the other four peerages are about to join it. These twentieth-century developments are crucial to an understanding of the Act of Union as it affected the Irish peerage.

There is no point in covering the same ground as Professor Bolton did in his admirable (and for 1966 precociously perceptive) book on the passing of the Act of Union. His conclusions about the comparative irrelevance of honours, bribes and Sir Jonah Barrington have almost become a new orthodoxy.³ So, too, have his conclusions about the regional concentration of the so-called 'Act of Union peerages' on people from the west, particularly Cork and Connaught, who felt distanced from Dublin and regarded London as not much further away. The actual figures for all 'Act of Union peerages', which need to be set slightly higher than Professor Bolton did, are as follows: of twenty-five creations made just after the passing of the measure, only some fifteen were rewards for votes for the Union, and the rest had nothing or virtually nothing to do with it. Likewise, of the sixteen promotions in the Irish peerage, at least two were irrelevant to the Union. A number of the others (for example, the marquessate of Thomond) were made solely or mainly for the purpose of preserving existing precedence – in this case, preventing newer earls from becoming marquesses ahead of Lord Thomond.⁴ This principle, though laudable, inflated the number of promotions in the Irish peerage at the time of the Union. Finally, there were five creations of British peerages, for the benefit of Lords Carysfort, Clare, Drogheda, Ely, and Ormonde, one of which was not really Union-related.

Professor Bolton's conclusion that the bill was not exorbitant is therefore valid. For example, the Irish general election of 1776 had been marked by eighteen peerage creations, ten of them in favour of Irishmen who had probably strengthened their claims by providing the government with seats in the house of commons, but eight of them in favour of non-Irishmen or Irishmen being rewarded for other things.

³G.C. Bolton, *The Passing of the Irish Act of Union: a Study in Parliamentary Politics* (Oxford, 1966), 153, 167–72, 197–9, 205–7 and 218–22. This new orthodoxy has been challenged by recently discovered evidence about the illegal use made of secret service money. For a discussion of this issue which puts it back into perspective, see Patrick M. Geoghegan, *The Irish Act of Union: a Study in High Politics, 1798–1801* (Dublin, 1999), 87 and *passim*.

⁴PRONI, Portland Papers, T/2905/7/2 and 7, earl of Inchiquin (later marquess of Thomond) to duke of Portland, the Home Secretary, 23 Sep. 1794, and Portland to Inchiquin, 6 Oct. 1795.

A 'pay-off' also quite frequently occurred at the close of a parliament or parliamentary session and has to be taken into account: for example, five peers were created and eleven promoted at the close of the exceptionally tempestuous session of 1779–80.⁵ These practices were not peculiar to Ireland. Pitt had created more than fifteen British peerages to facilitate the British general election of 1796. So the Act of Union creations and promotions begin to look like a bargain price for 'the fee simple of Irish corruption'.⁶ Obviously, a higher price would have been necessary if the government had not had the new patronage of the twenty-eight representative peerages to play with.

Yet even these figures do not tell the full story. It is important not to confuse the underlying cause of a man's elevation to or promotion in the peerage with the proximate. In 1816, the Hon John William Ward, son and heir of the British Viscount Dudley, described his father as '... according to the usual "tariff" a perfectly earlable man'.⁷ Some men were 'earlable', indeed 'peerable',⁸ and some were not. The almost invariable qualification in late eighteenth-century Ireland was sizeable landed income, combined almost invariably with at least respectable lineage. The proximate cause of a man's elevation to the peerage was more often than not political, and in Ireland, where peers controlled a very much higher proportion of the seats in the house of commons, and where electoral influence was a much more common cause of ennoblement, than in England, the proximate cause was usually something to do with electioneering. Moreover, it was a convention of some standing that major parliamentary events, such as a general election and of course an Act of Union, should be marked by the creation of peerages, because at this time there were coronation, but neither birthday nor new year's honours. The existence of this convention means that ennoblement, even when unconnected with trafficking in seats, usually looks as if it was.

However, in the many instances in which such trafficking did occur, it was almost always no more than a makeweight in the scale of the already peerable men. When making his recommendations for 'Act of Union peerages', the Lord Lieutenant, Lord Cornwallis, meticulously itemised the rent rolls of the various aspirants, and all were satisfactory

⁵T.J. Kiernan, *History of the Financial Administration of Ireland to 1817* (Dublin, 1930), 224.

⁶*Memoirs and Correspondence of Viscount Castlereagh*... (4 vols., 1848–9), III, 333, Castlereagh (chief secretary for Ireland) to Edward Cooke (under-secretary in Dublin Castle), 21 June 1800.

⁷*Letters to 'Ivy' from the 1st Earl of Dudley*, ed. S.H. Romilly (1950), 301, Ward to Mrs Helen Stewart, 7 Jan. [1816].

⁸For a contemporary use of this term, see an article on a proposed peerage bill in *The Cork Hibernian Chronicle* of 27 May 1776.

(between £5,000 and £12,000 a year or more).⁹ The only ennobled Irishmen of the last decade of the eighteenth century who did not possess a landed income of at least £5,000 a year were some of the judicial peers – notably Lords Avonmore, Carleton and Kilwarden, who were all comparatively poor men. But insufficiently rich judicial peers were a problem in Great Britain as well as Ireland; and the honest poverty of Avonmore, Carleton and Kilwarden was preferable to the suspicious riches of two other judicial peers, Lords Clonmell and Norbury. With all the attention focussed on those who were made peers – at the Union and at other times – too little has been focussed on those who were not: the poorer men who controlled single boroughs, such as the Blakeney of Castle Blakeney, Co. Roscommon, the Hores of Harperstown, Co. Wexford, the Lambarts of Beauparc, Co. Meath, the Lowthers of Kilrue, Co. Meath, and the Ruxtons of Ardee, Co. Louth – whose boroughs were their principal financial asset. For such men, the very fees on patents of peerage would have been ‘a serious consideration’.¹⁰

The only proposition advanced by Professor Bolton which should perhaps be questioned is his suggested correlation between indebtedness and anti-Unionism.¹¹ This relies too heavily on the extreme case of Speaker John Foster (who is relevant to this discussion because his wife was an Irish viscountess), to whom the opposition to the Union was, according to Lord Chancellor Clare, ‘principally, if not altogether,’ due.¹²

⁹ *Correspondence of Charles, 1st Marquess Cornwallis ...* (2nd ed., 3 vols, 1859), iii, 252–6, Cornwallis to Portland, 9 June 1800. For earlier investigations into the level of landed income possessed by aspirants to the Irish peerage, see, for example: Public Record Office of Northern Ireland (hereafter PRONI), Bedford Papers, T/2915/10/32, duke of Bedford, the lord lieutenant, to earl of Shelburne, 15 Sep. 1760; *H.M.C. Stopford-Sackville Mss.*, i, 243, William Tinson to Lord George Germain, 18 Feb. 1776; National Library of Ireland (hereafter NLI), Talbot-Crosbie Papers, earl of Glandore to Thomas Pelham, the chief secretary, 9 Oct. 1795; PRONI, Macartney Papers, D/572/7/72, Sir Edward Leslie of Tarbert, Co. Kerry, to Earl Macartney, 7 Aug. 1801; PRONI, FitzGerald (Knight of Kerry) Papers, MIC/639/17/16, fragmentary reminiscences of Maurice FitzGerald, Knight of Kerry, 3 Oct. 1848.

¹⁰ PRONI, Foster/Massereene Papers, D/562/3383, Lord Oriel to Viscount Ferrard, 2 Oct. 1825. In the third quarter of the eighteenth century, fees on Irish peerages were as follows: a barony, c.£250; a viscountcy, c.£320; and an earldom, c.£390 – BL, Add. Ms. 23711, fees on Irish patents, 1752–83. Fees on special remainders were particularly high: in 1790, the fees on a barony were c.£280, rising to £468 for one special remainder and to £663 for a second – PRONI, D/562/4952 and 7518. In the mid-nineteenth century the fees on investiture as a knight of St Patrick (the highest order of chivalry in Ireland) were over £530 – D/562/3484, receipt from Ulster king of arms to Viscount Massereene and Ferrard, 2 July 1851.

¹¹ Bolton, *Union*, 182–4.

¹² Malcomson, *John Foster: the Politics of the Anglo-Irish Ascendancy* (Oxford, 1978), 15–16 and 323–7; British Library (hereafter BL), Wellesley Papers, Add. Ms. 37308, ff. 283–5, Clare to Marquess Wellesley, 9 Mar. 1800.

Debt is relative. Assets are needed to run it up, and all aristocratic families incurred debt (rather than sell assets, especially land) in order to provide for their children and dowagers, build houses and (more questionably) fight elections. The Unionist Lord Abercorn probably had no debts to speak of, but he was still a poorer man than the heavily indebted but very rich anti-Unionist, Lord Downshire.¹³ If indebtedness was a factor at all, it surely would have operated in favour of Unionism (after the disastrous failure of 1799 and once the compensation arrangements for boroughs and – quite as important – *offices* were made known)? Recipients of compensation money were compulsorily assisted to clear or reduce debt, and did not incur the loss of face and status which inevitably accompanied sales of land.

Apart from these few, preliminary comments, this paper takes Professor Bolton's conclusions as axiomatic and seeks to explore different territory, starting with some general comments on the Irish peerage and on Irish peers. The Irish peerage is a purely legal concept, and Irish peers were not necessarily characterised by birth, residence or landownership in Ireland, or even by the common denominator that their patents of peerage had all passed the great seal of Ireland.¹⁴ They were a group in only a technical sense, can never have felt any sense of group identity, and certainly were never capable of group action. Certain sections of them, it is true, proved capable of concerted action – the Irish peers without British titles at the time of the princess royal's wedding in 1734 and of George III's wedding and coronation in 1761,¹⁵ the absentee Irish peers in

¹³Malcomson, 'A Lost Natural Leader: John James Hamilton, 1st Marquess of Abercorn (1756–1818)', *Proc. RIA*, vol. 88, sec. C, no. 4 (1988), 68–9; W.A. Maguire, *The Downshire Estates in Ireland, 1801–45* (Oxford, 1972), 1–8 and 85–92; and Malcomson, 'The Gentle Leviathan: Arthur Hill, 2nd Marquess of Downshire, 1753–1801, in *Plantation to Partition: Essays in Ulster History in Honour of J.L. McCracken* (Belfast, 1981), 103, 105 and 107.

¹⁴Sir John Saintry, the retired clerk of the parliaments and an authority on the history of the House of Lords, informs me that numerous cases of patents passing the great seals of England or Great Britain are listed in the *Forty-Seventh Report of the Deputy Keeper of Public Records* (1886), *Appendix VI*. Saintry has himself noted thirty such patents in the Crown Office Docket books during the period 1660–1707. Surprisingly, a Committee of the House of Lords reported in February 1803 that there were no such instances – *Journals*, vol. XLIV, 52a.

¹⁵F.G. James, 'The Active Irish Peers in the early Eighteenth Century', *The Journal of British Studies*, vol. xviii (Spring 1979), *passim*; *H.M.C. Egmont Mss.*, I, 403–40, II, 60 and 452–6, and III, 138, diary of the 1st earl of Egmont; [Egmont or, more probably, his son, later the 2nd earl], *The Question of the Precedency of the Peers of Ireland in England, Fairly Stated in a Letter to an English Lord by a Nobleman of the other Kingdom* (Dublin, 1739 [and reprinted at the time of George III's coronation in 1761]), *passim*.

1773¹⁶ and 1797–8,¹⁷ and the Irish peers who had seats, on one basis or another, in the House of Lords, at various points in the nineteenth century.¹⁸ Yet each of these sections counted for only a small proportion of the total number of Irish peers, and all but the first acted in concert with other interest groups who were not Irish peers. This lack of concert and of group identity among the Irish peers derived from the fact that the honours system was British Isles-wide.

In the pre-1801 period the most clear-cut example of an Irish peer is the man whose only title or titles was or were Irish; who was a member of no other legislative assembly than the Irish House of Lords; and who, from his ancestry, his place of residence and the location of all or most of his estates, can be called an Irishman. However, it is probable that only about half the Irish peers of the period fell into this clear-cut category. Some had no land in Ireland, never set foot in the Irish House of Lords and had no Irish ancestry – for example Lords Auckland, Delaval, Fife, Lisburne, Melbourne, Milford, Muncaster and Newborough. Some can be called Irishmen, on grounds of ancestry, property and, in the main, residence, but had subsidiary British titles which entitled them to sit in the British House of Lords – for example, the dukes of Leinster and Lords Donegall, Downshire and Waterford – or had no British title and sat in the British house of commons – for example, Lords Arden, Clanbrassill, Farnham and Palmerston. Some had land in Ireland and were in part Irish by ancestry, but were seldom in Ireland because they also had land and higher titles in Great Britain – for example, Lords Abercorn, Hertford, Lansdowne and Rockingham. Even these loose categories are not loose enough to accommodate all the Irish peers. Also, there were a number of English or British peers who had land in Ireland and were in part Irish by ancestry, but happened to have no Irish title – for example, the dukes of Devonshire, and Lords Courtenay, Dacre, de Clifford, Derby, Egremont (from 1774), Portsmouth, Sandwich, Stanhope (from 1765), Uxbridge and Weymouth/Bath. This last category cannot, on technical and legal grounds, be counted as Irish peers, although in reality they had much more to do with Ireland than the many Englishmen whose connection with the country was, as one of them put it, ‘merely nominal and

¹⁶ *The Correspondence of Edmund Burke*, ed. Lucy S. Sutherland, II (Cambridge, 1960), 464–510; Thomas F. Moriarty, ‘The Irish Absentee Tax Controversy of 1773 ...’, *Proceedings of the American Philosophical Society*, vol. cxvii, no. 4 (Sep. 1974), *passim*.

¹⁷ Public Record Office (hereafter PRO), Home Office Papers, HO 100/69, ff. 115–18, and /70, ff. 23–4, Earl Camden, the lord lieutenant, to duke of Portland, the home secretary, 1 Mar. 1797, and Portland to Camden, 7 July 1797; West Sussex Record Office, Petworth House Archives, PHA/1270/55, Earl Fitzwilliam to earl of Egremont, 28 Jan. and 4 Feb. 1798.

¹⁸ For examples, see PRONI, D/3078/3/27, 33–5 and 44, 1837–9, 1846–8 and 1860, correspondence of the 3rd duke of Leinster, the leader of the Irish whigs.

titular'.¹⁹ Reducing this extremely complex situation to something resembling statistics is no easy task. But the following is a crude attempt.

In 1809–11 there were as many as 219 Irish peers to 302 English and British peers (excluding royal dukes).²⁰ These figures are not realistic, as some thirty-eight of the Irish peers were English or British peers as well. To obtain a fair comparison, it is reasonable to deduct from the Irish peers the eleven or so who had no remaining connection, if indeed they had ever had any, with Ireland, and whose English or British peerages were higher than or equal to their Irish; also, the ten or so who were connected with Ireland through property and even occasional residence, but whose English or British peerages were likewise higher than or equal to their Irish. From the other side of the comparison, the English or British peers, it is then reasonable to deduct the seventeen or so who had property in both Great Britain and Ireland, but whose Irish peerages were higher than their British (or in one case, Lord Fitzwilliam, of equal degree). A problem, however, arises over five of these seventeen – Lords Carysfort, Fitzwilliam, Moira, Upper Ossory and Wellesley. The first four had very extensive English property, on which they resided; the last, having sold his family estate near Trim, Co. Meath, had little property anywhere and lived in England. Retaining these five in the scale of the English or British peers, the figures now stand at 197 Irish peers to 290 English or British – a slightly more defensible ratio. Yet, there still remain in the scale of the Irish peers some forty-five non-Irishmen, with no connection with Ireland whatever except for their peerages,²¹ but with Irish peerages which ranked higher than their British (if indeed they had a British peerage, which only five had). Since these people had all become Irish peers on purely British grounds, it is reasonable, for the sake of argument, to deduct them from the Irish peers and, indeed, to add them to the English or British (except of course for the five of them who are there already). The resulting figures are 152 Irish peers to 330 English or British – an

¹⁹PRONI, Leinster Papers, D/3078/3/27, Viscount Melbourne, the Prime Minister, to Duke of Leinster, 13 Jan. 1837.

²⁰These figures are taken from William Playfair, *British Family Antiquity* ... (9 vols., 1809–11), vols. I, II, IV and V, *passim*, and inevitably are approximate because of the two-year period over which *Playfair* was published, and also because it is not a wholly reliable source. In the case of the Irish peerages, it is unreliable to the extent that its table of contents omits four (the earldom of Antrim, and the viscounties of Downe, Lumley and Strabane). Its figures have been adjusted accordingly. However, it does possess the advantage – as a source – of making possible almost contemporaneous comparison between the two peerages and, as will be seen, the two baronetages.

²¹Excluded from the 45 is one Dutchman, the earl of Athlone; since his ancestor, General Ginckel, had been ennobled for his services on the Williamite side in the Williamite war, it is appropriate that he should remain in the scale of the Irish peers. See PRONI, Pery Papers, T/3087/2/18, Athlone to E.S. Pery, 14 Dec. 1777.

unexceptionable ratio in regard to the contemporary populations of Ireland and of England and Wales.

Moreover, regard should be had to the next, and lower, tier of hereditary honours – baronetcies. In the period up to the Union, when Ireland had its separate baronetcy,²² baronetcies seem to have been less esteemed in Ireland, and therefore less viable as substitutes for peerages, than was the case in England. After the Union, in 1811, there were only 103 Irish baronetcies in existence, compared to 438 English or British (i.e. excluding in both cases UK baronetcies created post-1800).²³ There were a number of Irishmen who were baronets of Great Britain or baronets of both kingdoms, and one Englishman who was a baronet of Ireland. Otherwise, these figures – in conjunction with the previous re-casting of the figures for peerages – suggest that hereditary honours had not been conferred with disproportionate profusion on Irishmen.

The non-Irishmen who were made Irish peers in the eighteenth century were highly respectable, apart from some half dozen temporarily unacceptable, but soon to be accepted, Jews and Jacobites (one of the former, Lord Huntingfield, being described encouragingly by Pitt in 1796 as ‘a very zealous convert’²⁴). If the nineteenth-century 3rd Viscount Palmerston, who in terms of landownership was predominantly Irish,²⁵ is anything to go by, they valued Irish peerages because such honours combined much of the social prestige of the upper house with continued eligibility for the lower.²⁶ In a sense, resident Irish politicians, for example Foster, played the same game. If they wished their families to be ennobled while a friendly government was still in power, but were

²² PRO, Home Office Papers, HO 100/105, f. 106, Edward Cooke, under-secretary in Dublin Castle to John King, 20 Feb. 1801.

²³ NLI, Vesey FitzGerald Papers, Ms. 7835, pp. 227–87, Ross Mahon of Castlegar, Co. Galway (who was soon to accept a UK baronetcy), to William Vesey FitzGerald, 24 Nov. 1814; Playfair, *British Family Antiquity*, vols. vi, vii and ix, *passim*.

²⁴ PRONI, Pratt Papers, T/2627/4/48, Pitt to Earl Camden, 9 June 1796. This letter also explains the circumstances of the creation of the Irish barony of Carrington in favour of an Englishman.

²⁵ *Portrait of a Whig Peer, Compiled from the Papers of the 2nd Viscount Palmerston (1739–1802)* by Brian Connell (1957), 352 and 402–4.

²⁶ I am indebted for this point to the late Professor J.C. Beckett. Palmerston came near to making it in a letter to Sir George Shee, Bt, of 9 Feb. 1841 (Shee Papers, BL, Add. Ms. 60341, ff. 205–6). (For help with this reference, I am indebted to Mr Robert A.H. Smith of the BL Department of Manuscripts.) It was specifically made in the lengthy correspondence about ‘Mr Pennington’s tedious business’, which ran from April 1782 to July 1783 (Bury St Edmunds Branch of the Suffolk Record Office, Grafton Papers, 141, 668–81 and 749–54). The 3rd duke of Grafton had promised John Pennington of Muncaster Castle, Ravenglass, Cumberland, that an honour or office, compatible with his seat in parliament would be found for him, and repeatedly threatened to resign from the Rockingham and Shelburne cabinets if this promise was not fulfilled. Pennington, a highly respectable county MP and the heir to an English baronetcy created in 1676, was made Lord Muncaster in the Irish peerage in October 1783.

not yet ready to leave the house of commons themselves, they obtained peerages for their wives with remainder to their male issue. On this basis, Mrs Foster was created Baroness Oriel in 1790 and Viscountess Ferrard in 1797. The main difference was that the Fosters' son had no option but to go to the lords, whereas the options of the descendants of Irish peers in the British house of commons remained open. In 1829, Lord Tyrconnel, an Englishman whose ancestor had been made an Irish peer in 1761, attributed this to the fact that '... in former times peerages were not so common as now, and my family was rewarded by an Irish peerage merely ...'²⁷ Events and conventions in one part of the British Isles thus had repercussions for others. For example, between the Scottish Union in 1707 and the 1780s, English prejudice against Scots was so strong that few Scots received British peerages. Those who did were debarred from taking their seats and, by an inconsistency of injustice, from voting in Scottish representative peerage elections.²⁸ In these circumstances, it is surprising that no more than four Scots were made Irish peers between 1707 and the 1780s. It was English prejudice, rather than the unsuitability of the Scots concerned, which accounts for these four creations.²⁹

William Duff, one of the already-mentioned four Scots, who is sometimes quoted as an example of the doubtful status of the Irish peerage and of the non-Irishmen promoted to it, will serve as a case study which demonstrates the contrary. It never seems to have been a reason for ennoblement that men had built great houses; but Duff had built a house of enormous grandeur, Duff House, Banff. Duff House is the Scottish Houghton, even though it was never completed because of a dispute between Duff and his architect, William Adam. The only possible objections to Duff were that, although his family was 'ancient', the current extent of his estate and wealth was recent;³⁰ also, that his choice of Irish titles – Viscount Macduff and Earl Fife – was Gilbertian, or rather Shakespearean. The wording of the egregious duke of Newcastle's recommendation of him to the lord lieutenant in 1735 was unduly defensive: '... he lives altogether in Scotland, hardly known anywhere else, even by name; and I should hope that such a man, at such a distance, who never can come to interfere with the peers of Ireland in any degree, ... would not give them any uneasiness ...'.³¹

²⁷ PRONI, Rossmore Papers, T/2929/5/11, Tyrconnel to Lord Rossmore, 4 Sep. 1829.

²⁸ A.S. Turberville, *The House of Lords in the Age of Reform, 1784–1837* (1958), Chapter Six, *passim*.

²⁹ Of the four (Lords Fife, Macdonald, Panmure and Seaforth), the last two were politically less respectable, as their ancestors had been Jacobites and the titles they chose in the peerage of Ireland were actually under attainder in the peerage of Scotland.

³⁰ Ian Gow and Timothy Clifford, *Duff House* (Edinburgh, 1995), 29 and *passim*.

³¹ *Correspondence of John, 4th Duke of Bedford, 1742–70*, ed. Lord John Russell (3 vols., 1842–6), II, 347, Newcastle to Bedford, 21 July 1758.

By 1787, the 2nd Earl Fife was credited by a neighbour with a rental of £18,000 a year;³² in the first quarter of the nineteenth century, the prime minister, the 2nd earl of Liverpool, thought it no disgrace to live for most of his political life in Fife House, Charing Cross (now demolished), rather than in Downing Street, and did not change its name; and in 1889, the then Lord Fife was regarded as good enough to marry the prince of Wales's daughter and in 1899 was created a UK duke.

Had the non-Irishmen selected for Irish peerages been any less respectable (except in a very few isolated incidents) than Duff, the result would not just have been offence to the resident peers of Ireland, but that the Irish peerage would have ceased to be a viable agency of British patronage. There is no evidence that this happened. Two of the non-Irishmen concerned, Lords Westcote and Radstock, who were made Irish peers in 1776 and 1800 respectively, were the younger brothers of English peers and scions of ancient and distinguished English families. (Westcote was perhaps a special case, because his wife was an Irish heiress.) Such men would never have accepted rank in a peerage which was of 'equivocal value'³³ in British currency.

Part of the mythology about unsuitable non-Irish entrants to the Irish peerage dated from early Stuart times. In 1603 there were only twenty-five Irish peers, but between then and 1641 the crown created (and generally sold) eighty new peerages.³⁴ The choice of Irish titles by non-Irishmen in this period was pretty much a case of 'Agatha has found it on the map'. Many of these non-Irishmen had certainly been dubious. But so had some of the Irishmen. In 1616, when Gerald

³² PRONI, Hart Papers, D/3077/D/1/10, General James Grant of Ballindalloch (near Banff) to Major G.V. Hart, 15 Oct. 1787.

³³ Bolton, *Union*, 198. Some contemporary comments, from various periods, which apparently confirm this view, will be found in: *The Orrery Papers*, ed. Countess of Cork and Orrery (2 vols., 1903), 1, 148, earl of Orrery to Viscountess Allen, 8 Feb. 1735/6; Robert Halsband, *The Life of Lady Mary Wortley Montagu* (Oxford, 1956), 282, quoting Lady Mary to her daughter, 22 June 1750; Earl Stanhope, *The Life of the Rt Hon. William Pitt* (4 vols., 1862), III, 233, Marquess Wellesley to Pitt, 28 Apr. 1800; Hartley Library, Southampton University, Palmerston Papers, Ms. 62, GC/BR/14/1, Henry Brand to Viscount Palmerston, 24 Aug. 1862 (I am indebted for this reference to Sir John Sainty); and *Hansard, Third Series*, vol. 219, 1585, speech of Lord Dunsany on representative peerage reform, 1874. This, however, is a somewhat anecdotal way of looking at the matter. In purely legal terms, the Irish peerage is the 'purest' of the five, in that it exists solely by patent and was never adulterated by the admission, on an hereditary basis, of men who (or whose ancestors) originally sat in a House of Lords by virtue of a writ of summons – Lord Dunboyne to Malcomson, 7 Feb. 1976, PRONI, Irish Peerage Papers, D/3312/17; J.H. Round, 'The Barony of Arklow', *Collectanea Genealogica* (1881), 44–6; and Bodleian Library, Oxford, Talbot Papers, b.6:c.10, case papers in an unsuccessful attempt to prove the existence of a twelfth-century Talbot de Malahide barony by writ, 1833–7.

³⁴ C.R. Mayes, 'The Early Stuarts and the Irish Peerage', in *English Historical Review*, LXXIII (1958), 247. This excludes creations made after the outbreak of the civil war.

Moore, ancestor of the marquesses of Drogheda, had been created Baron Moore of Mellifont, this creation had proved one too many for Archbishop Ussher, then dean of St Patrick's, who is alleged to have preached a sermon on the occasion which took for its text *Acts, XVIII, 2* – 'There were more noblemen than they which were at Thessalonica'.³⁵ Hard cash had certainly changed hands in early Stuart times and, ironically, had been paid by the ancestors of many of the Irishmen who counted as old nobility in the late eighteenth century – for example, Lords Antrim, Barrymore, Cork, Drogheda, Fingall and Westmeath. Most ironical of all, the 1st earl of Charlemont, who was as much priggish as whiggish, who loudly denounced the sale of peerages and who, on being made an earl in 1763, asked that his patent should state that the earldom was unsolicited, owed his oldest title to a down payment of £2,000 in 1620.³⁶

These Stuart peers were not very progenitive. In the earl to mid-eighteenth century so far from there being the 'mob of nobility' which Horace Walpole deplored in 1776, there was a distinct dearth of temporal peers in the Irish House of Lords, because many of the then Irish peers were Englishmen, absentees or bad attenders.³⁷ The number of resident peers in 1751 was twenty-eight, rising to sixty-seven in 1776.³⁸ Some of them however, although possessed of comparatively ancient peerages, no longer had the money to live up to their rank or even to attend parliament and were dependent on an 'aristocratic dole' (such as existed in contemporary Great Britain, and was certainly not exclusive to Ireland).³⁹ The desperate search for peerable natives in mid-eighteenth century Ireland is well illustrated by the case of the Dublin brewer, Joseph Leeson (another builder of a great house,

³⁵ PRONI, Rossmore Papers, T/2929/5/76, incomplete copy of a printed squib called *The Spectator's Anatomy of the Peerage*, c.31 Dec. 1831.

³⁶ Mayes, 'Early Stuarts and the Irish Peerage', 349–43; *H.M.C. Charlemont Mss.*, I, 136–7. Sir John Sainty points out that, by 1763, preambles to British patents of peerage had long since ceased to recite the merits and services of the patentee. Visually, Irish patents of peerage of the last third of the eighteenth century were also much more elaborate, and beautiful, than British.

³⁷ G.E. Cockayne, *The Complete Peerage*, ed. Vicary Gibbs and others (13 vols, 1910–40), III, 643; BL, Nicolson Papers, Ms. 6116, f. 127, Bishop Nicolson to Archbishop Wake, 14 Dec. 1723; BL, Newcastle Papers, Add. Ms. 32704, f. 394, earl of Chesterfield, the lord lieutenant, to Newcastle, 29 Nov. 1745.

³⁸ PRONI, Hotham Papers, T/3429/1/8, earl of Buckinghamshire, the lord lieutenant, to Sir Charles Hotham Thompson, Bt, 26 Dec. 1776.

³⁹ BL, Newcastle Papers, Add. Ms. 32690, f. 448, duke of Devonshire, the lord lieutenant, to Newcastle, 2 Dec. 1737; *The Letters of Philip Dormer Stanhope, Earl of Chesterfield*, ed. Lord Mahon (4 vols, 1847), III, 173, Chesterfield to Newcastle, 11 Mar. 1745/6; and BL, Lansdowne Papers, Add. Ms. 24138, ff. 60 and 73, duke of Portland, the lord lieutenant, to earl of Shelburne, 8 Aug. 1782, and memorial of Viscount Ranelagh, [1782?].

Russborough, Co. Kildare). Writing to urge Leeson's claims to a barony, George Stone, archbishop of Armagh, remarked apologetically: 'I am sorry to say, I cannot think our House of Lords would be dishonoured by ... [him]. A man with a great estate, who pays his debts and commits no act of violence and is well affected to the government, does very well in ... [this impure republic] ... His demerits are the common failings of a *bourgeois gentilhomme* ...'.⁴⁰ What is also significant is that Leeson had no parliamentary interest, apart from his own, purchased seat for Rathcormack borough, Co. Cork. He had to wait for his barony until 1756, but was earl of Milltown by 1763.

Various coinciding events in Ireland from the mid-eighteenth century onwards enabled Ireland, not only to operate an indigenous, as opposed to an indigent, House of Lords, but increasingly to participate in the system of honours and honourable employments which was common to the empire as a whole. The multiplication of Irish peerages, particularly in the period 1770–1801 – 'profuse creations', as *The Complete Peerage* disdainfully describes them⁴¹ – was dramatic (though no more dramatic than the contemporary multiplication of British peerages under Pitt between 1784 and 1801⁴²): there were some 115 Irish peers in 1750, some 150 in 1783 and some 240 in 1801 (including royal dukes with subsidiary Irish earldoms). Of the 240 Irish peerages in existence in 1801, 135 had been created since the accession of George III, and only fifty-nine of the Irish peers of 1801 had not been further ennobled in some way by that monarch.⁴³ These creations – apart from the thirty-six made in favour of non-Irishmen – were largely a recognition of a changing economic and political situation. It is clear that there was a dramatic rise (in real and non-inflationary terms) in the rental income of Ireland between the mid-eighteenth century and 1815.⁴⁴ Since landed income was the basis for all creations of Irish peerages in this period, except a very few for distinguished legal, military or naval services, it is not surprising that peerage creations too increased dramatically. By 1801, nearly all the great landowners of Ireland had become peers, and to that extent the peerage creations of the previous

⁴⁰ PRONI, Wilmot Papers, T/3019/1012 and 1063, Stone to Sir Robert Wilmot, 25 Apr. and 29 June 1748.

⁴¹ III, 643.

⁴² Turberville, *House of Lords, 1784–1837*, Appendix III. In this context creation means the bestowal of British or U.K. peerages, whether by a new creation or a special remainder, on commoners and Irish or Scottish peers.

⁴³ *The Gentleman's and Citizen's Almanack* (Dublin, 1751), 40–41; David Large, 'The Wealth of the Greater Irish Landowners, 1750–1815', *Irish Historical Studies* (hereafter IHS), xv (1966–7), 27; and G.E. Cockayne, 'The Peerage of Ireland', *The Genealogist. New Series*, v (1888), 1–16, 82–9, 145–52 and 180–205. All subsequent figures for Irish peers will be taken from this last source, unless otherwise attributed.

⁴⁴ Large, 'Greater Irish Landowners', 28–9.

half century were a simple recognition of economic reality. One or two great landowners held aloof, refusing to perform the political services which were the proximate cause of ennoblement – Thomas Conolly of Castletown, Co. Kildare, is the obvious example. But most went to the Irish House of Lords, including old nobility like the ‘titular’ 17th earl of Ormonde in 1791 (who, as Lord Chancellor Clare was the first to point out, was not ‘titular’ at all, because parliament had in error omitted to include the Irish honours of the 2nd duke of Ormonde in his attainder in 1715⁴⁵). Lord Ormonde cannot have objected to associating with the supposedly ‘mushroom’ or ‘pitch-fork’ nobility of late eighteenth-century Ireland.⁴⁶

Political change also favoured this process. From the early 1750s onwards, the Irish house of commons became increasingly difficult to manage. With the increased expense of electioneering consequent on the octennial act of 1768 and the increased intrusion of extra-parliamentary organs of opinion on the work of parliament, MPs who fought for the government necessarily demanded higher bounty. Also, the government’s deliberate policy from the late 1760s onwards of dealing direct with the political interests in the house of commons, down to the possessors of single votes, undoubtedly had an inflationary effect in the matter of patronage, peerages of course included. The winning of the so-called ‘Constitution of 1782’ enhanced the prestige of both houses of parliament, particularly that of the House of Lords, which recovered from its British counterpart the appellate jurisdiction in all Irish cases. Still, the constitution of 1782 provided no constitutional safety-valve for the defeat of the Irish government in the Irish parliament. Defeat had therefore to be averted by all possible means, including advancement *to* the Irish peerage and advancement *in* the Irish peerage. The ‘profuse creations’ which took place reflected a coincidence of economic change and political need.

But the expansion of the resident Irish peerage and the increasingly flourishing state of the Irish ruling class were also a reflection of Ireland’s expanding share in the good things of the British Isles and of the empire at large; also its expanding share in the good things of Ireland itself. The archbishoprics of Armagh and Dublin remained

⁴⁵BL, Dropmore Papers, Add. Ms. 59252, f. 36, paper by Clare (then FitzGibbon) on the Ormonde attainder, 6 May 1790.

⁴⁶Neither term of abuse seems to be contemporary, and both gained currency in late nineteenth-century polemics, notably J.G. Swift McNeill’s *Titled Corruption: the Sordid Origins of some Irish Peerages* (1894). The earliest reference to a mushroom peer which I have come across is NLI, Tottenham of Ballycurry, Co. Wicklow, Papers, positive microfilm 4937, John de [?Renzy] to Major Hugh Eccles, 22 Dec. 1834, referring to Lord Carew, newly raised to the Irish peerage by the whigs, as ‘that mushroom, half-created peer’. For period-piece strictures on ‘pitch-fork’ peerages, see M.A. Hickson, *Old Kerry Records: Second Series* (1874), 278.

sacred to Englishmen (and so continued for twenty years after the Union), but the lord chancellorship of Ireland went (temporarily) to an Irishman in 1789, as did most of the other offices hitherto regarded as within the English spoils system. Englishmen and even members of the royal family slowly faded from the Irish pension list, and Ireland was not called upon to make any compensatory contribution to the king's civil list.⁴⁷ English lords lieutenant and chief secretaries continued to fare well at Ireland's expense. But in the period 1764–1800, two of the former, Lords Hertford and Fitzwilliam, were Irish peers (among other things) and five of the latter, the 6th earl of Drogheda, Theophilus Jones, Sir George Macartney and Viscounts Milton and Castlereagh, were Irishmen. There were even two British prime ministers, Rockingham and Shelburne, who were Irish earls. Meanwhile, Irish peers entered the British house of commons in significant numbers: seventy-two sat there between 1754 and 1790, although half of these were non-Irishmen, some twenty-six were Irish absentees and only some ten were regular or periodical residents in Ireland.⁴⁸ (It is noteworthy that so few residents should have sat. This continued to be the case after the Union; there were about a dozen Irish peers per parliament between 1800 and 1820, mostly non-Irishmen.)

More important, Irish peers who were wholly or partially resident in Ireland began to be admitted in even greater numbers to the British peerage. These included: Lord Kildare (1747), who had to borrow his territorial designation of Taplow, near Beaconsfield, from his cousin, Lord Inchiquin, because he himself owned not a square inch of land in England; Lord Bessborough (1749); Lord Hillsborough (1756); Lord Shelburne (1760); Lord Milton (1762); Lord Ligonier (1763); Lord Moira (1783); Lord Abercorn (1786); Lord Shannon (1786); Lord Tyrone (1786); Lord Donegall (1790); Lord Macartney (1796); Lord Courtown (1796); Lord Mornington (1797); etc, etc. Some of these were made British peers for services to the empire at large. However, the Irishman who was perhaps the most distinguished for services to the empire during the last third of the eighteenth century, General Sir Guy Carleton, was a commoner; he was created a British peer as Baron Dorchester in 1786. Many other British peers came from the ranks of the major non-

⁴⁷ Malcomson, *John Foster*, 237–42; Surrey History Centre, Woking, Middleton Papers, Ms. 1248/17, ff. 9–10, Charles Brodrick, Bishop of Kilmore, to Viscount Middleton, 15 Mar. 1797. The bishop remarked (inaccurately as far as the army was concerned): '... excepting our own jobs, what expenses have we? England pays for the navy, for the whole diplomatic arrangements and for foreign garrisons.'

⁴⁸ These figures are compiled from L.B. Namier and John Brooke, *The History of Parliament: the Commons, 1754–90* (3 vols., 1964), II and III, *passim*. By contrast, only one English, Scottish or British peer sat in the Irish house of commons over the whole period 1692–1800.

resident magnates in the Irish peerage – the 2nd earls of Egmont and of Upper Ossory granted British baronies in 1762 and 1794 respectively, and the 2nd earl of Shelburne promoted to the British marquessate of Lansdowne in 1784. There was thus, long before the Union, an increasing convergence in the peerages of England/Britain and of Ireland.

From the point of view of the resident Irish peers, the objections to the introduction of non-Irishmen into the Irish peerage were not to the individuals concerned but to the principle of ‘*English recommendations*’ – as the harassed lord lieutenant wrote in 1783,⁴⁹ when the king was refusing to grant British peerages at the recommendation of the Fox-North coalition, and was only prepared to grant Irish ones. In 1797, another general election year in Ireland and therefore the occasion for a flurry of peerage-creations, the king was making no such difficulties. But there were so many instances of ‘... bestowing the honours and advantages of the country upon individuals who have no interest [in] or connection with it whatever ...’, that the Irish government protested strongly to the British, and the chief secretary contemplated resignation.⁵⁰ However, there was not much logic in this Irish prejudice against ‘*English recommendations*’. Many resident Irish peers, for example the 1st Lords Leitrim and Somerton and Lord Downshire, by-passed the lord lieutenant and sought ‘*English recommendations*’ by direct approach to the British home secretary, the prime minister or even the king himself. Many more resident Irish peers, and upper-class Irishmen generally, constantly solicited ‘*English recommendations*’ in favour of sons and other relatives for whom they wanted commissions or promotions in the *British* armed services, or in the higher parts of the Church of Ireland which the recommendations of the lord lieutenant could not reach.

Ireland, it is true, deserved its fair share of military patronage, because in peacetime it accommodated, and moreover paid for, most of the British army – between 12,000 and 15,000 men. But it contributed nothing to the British navy, in spite of the proposal that it should do so as part of the abortive commercial propositions of 1785. Ireland also had no East India Company (unlike Scotland it had never even attempted anything resembling a Darien Scheme). So it was thanks to the *British* East India Company that James Alexander of Derry acquired

⁴⁹BL, Northington letter-book, Ms. 38716, ff. 25–9, earl of Northington to duke of Portland, the prime minister, 23 June 1783; *The Rolliad* (Dublin ed., 1796), 76.

⁵⁰PRONI, Normanton Papers, T/3719/C/31/55, Lord Arden (an absentee Irish peer and proprietor, who nevertheless was moved to indignation on this subject) to Charles Agar, archbishop of Cashel (and Lord Somerton), 19 May 1797; BL, Pelham Papers, Add. Ms. 33113, ff. 97–9, Thomas Pelham, the chief secretary, to duke of Portland, the home secretary, 1 Aug. 1797.

possibly one of the four largest 'nabob' fortunes of the last third of the eighteenth century, bought the Caledon estate, Co. Tyrone for £96,400 in 1776, and died as earl of Caledon in 1802.⁵¹ Lord Castlereagh himself, the chief secretary who helped to botch the Union in 1799 and did much to carry it in 1800, owed the origin of his family's fortune to a collateral 'nabob' ancestor of the 1730s, whom '*English recommendations*' had made governor of Bombay.⁵² Under such circumstances, could the Irish peers reasonably object to the fact that Clive of India, a bird of gorgeous if slightly spotted Eastern plumage, made the Irish peerage his sole habitat, between 1762 and his suicide in 1774, as Baron Clive of an imaginary Plassey, Co. Clare?⁵³

Such was the confluence of the system of honours and recommendations in Great Britain and Ireland, and such, it must be admitted, was Irish provincial avidity for English honours, that in 1761 Lord Kildare chose to walk in George III's coronation procession as a British viscount instead of walking as the only Irish marquess; that in 1783, when his son, the 2nd duke of Leinster, was offered the foremost place in the new order of St Patrick, he made this the pretext for advancing his pretensions to the Garter; and that in the same year, the 6th earl of Antrim declined St Patrick so that he could hold on to his knighthood of the Bath.⁵⁴ In general, there was a tendency for Irish peers to choose titles which dissociated them from Ireland, associated them with England, Scotland or Wales, or simply sounded grand. Thus, there were earls of Aldborough (who was also Viscount Amiens), Altamont, Belvedere, Brandon (who was actually a countess in her own right), Carhampton, Clermont, Darnley, Egmont, Gosford, Grandison, Kingston, Landaff and Mount Cashell, a Viscount de Vesci, and Lords Arden, Clarina (who was nearly Niagara), de Montalt, Harberton,⁵⁵ Lisle,⁵⁶ Mount Charles, Mountflorencia (briefly), Somerton and Tem-

⁵¹ P.J. Marshall, *East India Fortunes: the British in Bengal in the Eighteenth Century* (Oxford, 1976), 238–9; PRONI, Caledon Papers, D/2433/A/1/91–2, sale particulars of the Caledon estate and deed of sale, 5 Sep. 1775 and 18 Jan. 1778.

⁵² H. Montgomery Hyde, *The Rise of Castlereagh* (1933), 10–11.

⁵³ A myth is gaining currency that Clive's peerage was called after Plassey, Co. Limerick, and that he owned that estate – cf. Mark Bence-Jones, *A Guide to Irish Country Houses* (revised ed., 1988), 232. But this is incorrect. The Plassey estate, Castletroy, outside Limerick City (and now the nucleus of the university of Limerick), was acquired by a lesser 'nabob' called Maunsell, who re-named it after Clive's great victory.

⁵⁴ *H.M.C. Charlemont Mss.*, 1, 137; PRONI, Leinster Papers, D/3078/3/4, duke of Leinster to Earl Temple, the lord lieutenant, 15 Jan. 1783; PRONI, Foster/Massereene Papers, D/562/2718, Hon. Chichester Skeffington to his wife, [11 Feb. 1783].

⁵⁵ PRONI, Abercorn Papers, T/2541/IA1/13/227, Arthur Pomeroy (soon to be created Lord Harberton, 'a place in Devonshire where my family formerly had some concern') to earl of Abercorn, 21 July 1783.

⁵⁶ Lisle was an island in Cork harbour belonging to the first peer of that name, John Lysaght, although grandiloquence undoubtedly had more to do with his choice than

pletown. In 1785, the Irish baron who was compelled to accept the title of ‘Sunderlin’ had wanted to be ‘Sunderland’, and the Irish earl who became ‘Portarlington’ had wanted to be ‘Arlington’.⁵⁷ The facetious English clergyman in Ireland who in 1779 recommended his brother to solicit an Irish peerage as Lord Clonbullock of Swineford⁵⁸ was actually being less insulting than de Latocnaye in 1797, who claimed to have heard of an Irishman who wanted to be created ‘Lord Peloponessus and earl of Greece’.⁵⁹ There was, however, one good example of uncompromising Irishness. When offered a British barony in 1786, the 2nd earl of Tyrone chose ‘Tyrone’ as his title. When he was told that his territorial designation had to be on the British mainland, he refused to opt for some obscure English hamlet associated with his family, the Beresfords, but grumpily chose ‘Baron Tyrone of Haverfordwest’, because the latter was the point on the east Pembrokeshire coast which was closest to his native Co. Waterford.

These examples suggest that, to many members of the Irish House of Lords, it seemed a provincial institution. The fact that ‘... The houses of parliament [were] much more grand than in England ...’ in 1782, and were made grander still in c.1784–9,⁶⁰ is attributable, not to self-confidence, but insecurity. Even Barrington could muster up only the following faint praise: ‘As a body the Irish lords were not particularly prominent in the affairs of their country; but they were dignified ...; their conduct, if not spirited, was firm and respectable.’⁶¹ Unionist commentators on the Irish House of Lords did not have Barrington’s motive for mincing their words. Judge Robert Day, writing in 1802, described it as ‘... an assembly ridden, and with very little ceremony, by the poor chancellor [the late Lord Clare], which served only to register the acts of the lower house or as the chancellor’s organ to affirm his own decrees. ... [Compared to] the imperial house of peers, ... the Irish was no better than a parish vestry.’⁶² Prior to the constitution

geography. He declared to the lord lieutenant: ‘... If it should be thought to savour anything of the French, which I utterly disclaim, yet I would waive it for that of Crumlin in the county of Dublin ...’ – a considerable come-down in the world! See PRONI, Bedford Papers, T/2915/5/24, Lysaght to duke of Bedford, 24 Aug. 1758. A number of these high-falutin titles, e.g. ‘Clarina’, had similar geographical justification.

⁵⁷*H.M.C. Rutland Ms.*, III, 205, Lord Sydney, the home secretary, to duke of Rutland, the lord lieutenant, 7 May 1785.

⁵⁸PRONI, Hotham Papers, T/3429/2/6, Rev. Dr John Hotham to Sir Charles Hotham Thompson 7 July [1779].

⁵⁹*A Frenchman’s Walk through Ireland, 1796–7. Translated from the French of [the Chevalier] de Latocnaye by John Stevenson, 1917, with an Introduction by John A. Gamble, 1984* (Belfast, 1984), 153.

⁶⁰Lord Fife and his Factor: *being the Correspondence of James, 2nd Lord Fife, 1729–1809*, ed. Alistair and Henrietta Tayler (1929), 141–4, especially Lord Fife to William Rose, 30 May 1782; Edward McParland, *James Gandon: Vitruvius Hibernicus* (1985), 76–84.

⁶¹Quoted in Constantia Maxwell, *Dublin under the Georges, 1714–1830* (1956), 127.

⁶²NLI, Talbot-Crosbie Papers, Judge Robert Day to Lord Glandore, 13 Mar. 1802.

of 1782, the Irish House of Lords actually played a lesser part in Irish legislation than both the Irish and the British privy councils.⁶³ After 1782, it made little use of its enhanced power over legislation. Its debates were, presumably, regarded as of so little public interest that, with the mysterious exception of the 1783–4 session, they were not included in the seventeen-volume *Irish Parliamentary Register*, which covered the period 1781–97. The House of Lords, though ready enough to tangle with the house of commons,⁶⁴ seldom went against the government.⁶⁵ However, they were criticised in 1786 for being ‘rather too much disposed to exercise their new power’, when they threw out a bill which the chairman of committees had failed to make clear was a government measure; in 1788, led by the redoubtable Charles Agar, archbishop of Cashel, they wrecked a tendentious measure of supposed title reform called the barren lands bill, which the government had countenanced from opportunistic motives; and in 1789 there was an anti-government majority in the lords under the exceptional circumstances of the regency crisis.⁶⁶ In spite of these infrequent gestures of defiance, the lords gave overwhelming support to the principle of a Union in 1799, even though no mention had yet been made of monetary compensation for disfranchised boroughs.

Because the House of Lords possessed little collective consequence and derived its importance from the individual importance of its members, and particularly their influence in the house of commons, those members had good reason for consenting to its extinction. Able and ambitious Irish peers, like the 2nd Lord Glentworth, who as 1st earl of Limerick (the first post-Union promotion or creation in the Irish peerage) was to prove a minor political success-story in the UK House of Lords, must have looked forward to graduating from the ‘parish vestry’ in College Green. If the cases of Lords Abercorn, Downshire, Ely, Shannon and Waterford, the ‘big five’ borough owners and political magnates, are studied, what clearly emerges is that genuine difference of opinion, influenced quite as much by age, principle and rebellion-induced panic as by self interest, determined their conduct at the time

⁶³ *H.M.C. Various Collections*, vi, 57, Baron Wainwright to George Dodington, 2 Jan. 1733/4.

⁶⁴ Trinity College, Dublin, Crofton Papers, W. Disney to Christopher Henry Earbery, 4 Aug. 1787; PRONI, Sheffield (Gage) Papers, T/2965/148, Thomas Pelham to Lord Sheffield, 10 June 1797.

⁶⁵ Middleton Papers, Ms. 1248/16, f. 44, Bishop Brodrick to Viscount Middleton, 20 Apr. 1795.

⁶⁶ PRO, Home Office Papers, HO 100/18, ff. 158–61, Thomas Orde, the chief secretary, to Evan Nepean, 31 Mar. 1786; PRONI, Pery Papers, T/3052/207, Orde to Viscount Pery, 31 Mar. [1786]; and PRONI, Normanton Papers, T/3719/C/22/8, 24 and 31, bishop of Killala to Archbishop Agar, 30 Mar. [1788], and Welbore Ellis to Agar, 12 June and 25 July 1788.

of the Union. ‘Self-interest’ in their case must be defined as meaning more than the immediate rewards obtained by the four Unionists among the ‘big five’ for their support of the measure. Compensation for the disfranchisement of their boroughs⁶⁷ was not an inducement to any of them, because they had never sold seats and had always made more money in the long term, and gained more prestige, than their seats were worth on the open market. But what *was* an inducement was the prospect of having their remaining constituency influence transferred to the more important forum at Westminster, where one seat was deemed the equivalent in importance (and a saleable seat in value) of two in the Irish parliament. Only Lord Shannon – though this did not deter him from supporting the Union – could not look forward with confidence to any post-Union constituency influence. He must have realised that the sleeping giant of Lismore Castle, the duke of Devonshire (successor to ‘the great earl of Cork’), would come to life once borough and county interest in Cork produced seats and votes in a London, as opposed to a Dublin, parliament – which is exactly what happened.⁶⁸

Lord Ely, though Wexford-based, had a relatively small estate in Co. Wexford, and of his borough interest only his alternate nomination for Wexford borough was due to survive the Union. But he owned the largest, though not the most valuable, estate in Co. Fermanagh, and this northern interest offered considerable political potential (which his descendants signally failed to realise). If he bargained hardest at the time of the Union (as Professor Bolton demonstrates that he did⁶⁹), it must be remembered in fairness that he started from a lower base than the other four. He had been born a commoner and had succeeded in 1783 to none of the titles of his childless uncle and predecessor. He was the only one of the big five who was not already a British peer and was not, or had not had the opportunity to become, an Irish marquess.⁷⁰ He was the child of an era when peerage and other honours mattered more to many people of his class than major political issues. As he was ambivalent on the issue of catholic emancipation, and dependent in Co. Wexford election politics on the support of emancipationist interests,⁷¹ he had no principled motive for refusing to support the Union on terms which brought his family back up to the level of the rest of the big five.

⁶⁷ Significantly, the top scorer in borough compensation money was the one *anti*-unionist among them, Lord Downshire – see Malcomson, ‘The Gentle Leviathan’, 115 and 267.

⁶⁸ Malcomson, ‘Lord Shannon’, in Esther Hewitt (ed.), *Lord Shannon’s Letters to his Son ... 1790–1802 ...* (PRONI, Belfast, 1982), xxvi and xxxii–xxxvi.

⁶⁹ Bolton, *Union*, 173–5.

⁷⁰ Malcomson, ‘Lord Abercorn’, 63–4, and ‘Lord Shannon’, xlvii–xlviii.

⁷¹ See Cullen, *supra*, pp. 221–42.

Interestingly, the Irish House of Lords resembled the thane of Cawdor in that nothing in its life became it like the leaving it. Nearly all the debating power in favour of the Union resided in the House of Lords, and the government – uneasy, like all eighteenth-century governments, when numbers alone were on its side – published these speeches in newspapers and pamphlets as a counterweight to the effusions of the slick young lawyers in the house of commons. Lord Clare’s magnificent orations were intellectually the most powerful. But Archbishop Agar was wooed and won on account of his debating skill and mastery of detail, in return for which he obtained important securities for the Church of Ireland (to which the Irish house of commons had been no friend), to say nothing of important advantages for himself. Great symbolic significance attached to Lord Avonmore, the former Barry Yelverton, whose claims to have obtained the constitution of 1782 were more solid than Grattan’s. Avonmore’s was therefore one of a number of speeches in the House of Lords published by the government in pamphlet form.⁷² The fact that Cornwallis, the lord lieutenant, regularly reported to Portland, the home secretary, the course of debates in the House of Lords and the prodigies performed by the leading government spokesmen there,⁷³ is proof in itself of the propaganda value attached to the deathbed utterances of that body.

In spite of the limited incentive of the resident Irish peers to fight for the survival of the Irish House of Lords, they fought hard and successfully to obtain favourable terms for themselves in the brave, new world of the United Kingdom; and as a result the resident Irish peers were treated most handsomely under articles iv and viii of the Act of Union in a number of (to them) very important respects.⁷⁴ The first was their influence over returns to the lower house. In 1707, the Scottish peers lost the very great influence which they had possessed in the unicameral Scottish parliament, and – in spite of the best endeavours of a few of them – did not obtain the concession that their eldest sons would be eligible to sit for Scottish constituencies.⁷⁵ The Irish peers lost a much less significant influence deriving from their house of the Irish

⁷² *The Speech of the Rt Hon. Barry, Lord Yelverton, Chief Baron of His Majesty’s Court of Exchequer, in the House of Lords of Ireland on Saturday, March 22, 1800 . . . Published by Authority* (Dublin, J. Milliken, 1800). Yelverton was promoted to the viscountcy of Avonmore later in 1800.

⁷³ See, for example, *Cornwallis Correspondence*, III, 184–6, Cornwallis to Portland, 11 Feb. 1800 (two letters, one ‘official’ and one ‘private’, of the same date).

⁷⁴ 40 George III, cap. 38 [in the *Irish Statutes*], Articles Four and Eight. See also 40 George III, cap. 29.

⁷⁵ Turberville, *House of Lords, 1784–1837*, Chapter Six. I am also grateful to Dr D.W. Hayton for steering me out of error on this issue.

parliament, and their eldest sons continued to be eligible to sit for Irish constituencies. As a result, in the house of commons of the United Kingdom, the Irish representation was markedly more aristocratic than the representation of England and Wales or of Scotland, at least until catholic emancipation in 1829 and parliamentary reform in 1832. The Irish peers themselves continued to be eligible to sit for constituencies outside Ireland – which the Scottish peers were *not* for constituencies outside Scotland. This latter concession was regarded by peerage-purists as lowering the status of the Irish peers, and the particular members of the order who pressed for the concession were the English, not the Irish, peers of Ireland.⁷⁶ Nevertheless, the latter – in small numbers (the 2nd Baron Dufferin, for example, until elected a representative peer in 1820) – availed themselves of it.

The peerage-purists had some other causes for cavil about article iv. Until 1857, all Irish peers who had not taken their seats in the former Irish House of Lords, had to establish their right to vote in Irish representative peerage elections (and thus their claim to their peerages) by a similar process as ‘claimants to *contested peerages*’ (as one of them indignantly observed in 1804⁷⁷). The most bizarre mode of establishing such a claim was that adopted accidentally by the 2nd Lord Cloncurry. He was anxious to vote in a representative peerage election which took place in the summer of 1811, but had never gone through the process of proving his father’s death and his own succession. However, he had just divorced his wife by private act of parliament for committing adultery in 1806 with a notorious libertine more-or-less in full view of a mural painter called Gaspere Gabrielli. As the 2nd earl of Charlemont

⁷⁶PRONI, Castlereagh Papers, D/3030/420, Lord Sheffield to Castlereagh, 18 Dec. 1798; BL, Egmont Papers, Add. Ms. 47141B, ff. 1–10, Lord Arden to [Lord Clare?, late? 1799?]; NLI, Talbot-Crosbie Papers, Lord Glandore to Charles Bragge, 23 Jan. 1803; Hampshire Record Office, Normanton Papers, 21 M 57, earl of Shaftesbury to earl of Normanton, 24 Sep. 1838, and Lord Dunsany to Normanton, 3 Apr. 1860.

⁷⁷PRONI, Caledon Papers, D/2433/C/5/57, Lord Clonbrock to earl of Caledon, 13 Aug. 1804. In fact, a claimant to a contested peerage petitioned the crown, which referred the matter to the attorney-general, whereas the successor to an Irish peerage presented his claim direct to the House of Lords. The former was a costly procedure, the latter virtually free, unless doubt about the succession emerged. In both types of claim, the committee for privileges decided the matter: after 1857, the lord chancellor was empowered to decide claims except in cases of doubt. I am grateful to Sir John Sainty for this exposition of the procedural position. For the House of Lords’ rulings on this matter, 1802 and 1810, see *Journals of the House of Lords*, XLIII, 493a, 514a and 607a, and XLVII, 533b. For the simple proofs of descent required of the 2nd Viscount Ferrard (whose claim was of above-average complexity and was badly mishandled), see PRONI, Foster/Massereene Papers, D/207/74/246 and T/2519/4/2085 and 2070, J.L. Foster to Ferrard, 17 May 1827 and 12 Apr. 1828, and Lord Dufferin to Ferrard, 20 May 1827. See also: *ibid.*, D/2681/66, J.P. Benvan [?] to Viscount Massereene and Ferrard, 8 Feb. 1843; and PRONI, Howard Bury Papers, T/3069/E/14, minutes of evidence heard by the committee for privileges on the Charleville peerage claim, 26 Apr. 1836.

wittily observed: ‘... the chancellor [of Ireland, Lord Manners] ... *himself* recollected that the *legislature*, in passing his bill of divorce under the name of Lord Baron Cloncurry, has in fact established the point – the first time a man’s *having a whore* as his wife was of service to him in the proof of his pedigree. ...’⁷⁸

However, these minor indignities apart, the provisions of article iv considerably upgraded the precedence of the Irish peers, in much the same way as the provisions of the Scottish Union had considerably upgraded the precedence of the Scottish peers. Since Charles I’s reign, Irish peers had taken precedence in England *after* all English, Scottish and British peers of the same rank.⁷⁹ Even this rearward place in the pecking order had often been disputed, and once denied – in the already-mentioned royal wedding of 1734. The Act of Union not only confirmed the less unflattering interpretation of existing precedence, but also placed the precedence of the Irish peers of 1800 on an unassailable footing for the future. From 1801 onwards, Irish peers then in existence were to take precedence over all subsequently created UK peers; and subsequently created or ‘promoted’ Irish peers were to take precedence along with UK peers of the same rank, in strict chronological order of creation or ‘promotion’. This provision seems to have dissuaded Lord Fitzwilliam from accepting the marquessate of Rockingham when offered it in 1806, because such a promotion would place him ‘at the tail of a marquess of Sligo, etc, etc’.⁸⁰

As far as numerical representation in the House of Lords was concerned, the Irish peers fared better than the Scottish. On the face of things, this would seem to be the reverse of the truth: in 1707 there were eighty or so Scottish peers, whose representation had been set at sixteen (or 19.2 per cent); in January 1800 (prior to any of the Union creations), there were 213 Irish peers, whose representation was set at twenty-eight (or 11.8 per cent); and in 1801 (following all the Union creations), there were 239 Irish peers (8.9 per cent).⁸¹ At the start of the 1800 session of parliament, in January, only 126 Irish peers had taken

⁷⁸ Clements Papers, Killadoon, Celbridge, Co. Kildare, Q/2/5, Charlemont to earl of Leitrim 11 July 1811; *Deirdre Phelan and others, Lyons Demesne: a Georgian Treasure Restored to the Nation* (privately printed, Dublin, 1999), 22–3 and 29–31; and NLI, Cloncurry Papers, Ms. 8492/8, Cloncurry to Thomas Ryan, 17 Mar. 1811.

⁷⁹ BL, Egmont Papers, Add. Ms. 47099, ff. 1–16, petition to the king from the peers of Ireland, [1732–3].

⁸⁰ E.A. Smith, *Whig Principles and Party Politics: Earl Fitzwilliam and the Whig Party, 1748–1833* (Manchester, 1975), 289 and 298 (quoting from Fitzwilliam to Howick, 27 Sep. 1806). The 3rd earl of Altamont had been created marquess of Sligo in 1800 for his services in promoting the Union in his native Connaught and elsewhere.

⁸¹ House of Lords Record Office (hereafter HLR0), Main Papers, 5 June 1806, list of the Irish peerage as it stood on 15 Jan. 1800, with particulars of who had and had not taken their seats.

their seats in the Irish House of Lords, and therefore were qualified to vote.⁸² This figure had presumably not changed much, or at all, by August when the first 28 representative peers were elected. Of the 126, seven were non-Irishmen (like the 2nd Earl Fife), who had taken their seats out of curiosity or because they were passing through (for example, on military service in Ireland).⁸³ They would not have had ‘any chance of success’ had they stood as candidates for the representative peerage; so Portland was right in estimating ‘that one out of very little more than four [of the mainly resident Irish peers] must be returned’.⁸⁴ Omitted from the 119 were half a dozen women (whose peerages were remaindered on men), half a dozen Roman Catholics (who would become eligible both to vote and sit in 1829⁸⁵) and the resident Irishmen (or Irishwomen) who were waiting to be created ‘Act of Union peers’. Nevertheless, in practical terms, the chances of being elected a representative peer remained higher for an Irish than for a Scottish peer.

This was because virtually all governments went out of their way to ensure that only Irishmen with a reasonable record of residence in Ireland ever succeeded in being elected.⁸⁶ Of the 159 Irish representative peers elected during the duration of the system (the years 1800–1920)⁸⁷ there is only one definite example of a non-Irishman or non-resident being elected; this was Lord Curzon in 1908, who wanted to go to the House of Lords and whom the liberals would not create a UK peer. Curzon is the exception who proves the rule. In spite of all the influence which the conservative party could bring to bear, and circular letters from leading Irish conservatives like the 2nd duke of Abercorn, the candidature of an outsider was so resented by the largely conservative Irish peerage that Curzon got in by a majority of only two after a fierce, three-cornered contest the like of which had not been seen since

⁸² Cockayne, ‘The Peerage of Ireland’, 5–6.

⁸³ NLI, Talbot-Crosbie Papers, earl of Clare to Glandore, 27 Sep. 1801; Hartley Library, Palmerston Papers, Ms. 62, BR 137/65, Thomas Bourchier, deputy clerk of the crown in Ireland, to Viscount Palmerston, 29 Sep. 1801. For help with this latter reference I am grateful to Dr C.M. Woolgar.

⁸⁴ *Cornwallis Correspondence*, III, 213–14, Portland to Cornwallis, 15 Mar. 1800.

⁸⁵ Nothing came of the sensible suggestion that they should be allowed to vote as soon as the Union became law – PRO, HO 100/87, ff. 258–9, Cornwallis to Portland, 22 Nov. 1799. This would have put them on the same footing as Roman Catholics with votes in elections to the house of commons.

⁸⁶ BL, Hardwicke Papers, Add. Ms. 35712, f. 33, Charles Abbot, the chief secretary, to earl of Hardwicke, the lord lieutenant, [Sep./Oct. 1801]; PRONI, Donoughmore Papers, T/3459/D/11/5, Lord Howden to earl of Donoughmore, 5 Feb. 1824; and PRONI, Howard Bury Papers, T/3069/E/17–18, duke of Wellington and Sir Robert Peel to earl of Charleville, 28 Nov. and 2 Dec. 1839.

⁸⁷ For the names of those offered in the 159 elections, see Sainty, *A List of Representative Peers for Scotland, 1707 to 1963, and for Ireland, 1800 to 1961* (HLRO, memorandum no. 39, 1968).

1825.⁸⁸ Surprisingly – since there were proportionally far fewer non-Scotsmen in the Scottish peerage than non-Irishmen in the Irish – elections of non-Scotsmen to the Scottish representative peerage were more frequent (various viscounts of Falkland and Lords Fairfax, and the 9th Viscount Irvine, are cases in point).⁸⁹

Again, the non-Irishmen in the Irish peerage were not only virtually disqualified as candidates; they also participated much less prominently than the Irishmen in representative peerage elections.⁹⁰ This was partly because some of them thought it a matter of principle that the decision should be left to the Irishmen, partly because article iv precluded Irish peers who were members of the house of commons from participating in representative peerage elections, and partly because article viii implied, though it did not actually stipulate, that an Irish peer had to go to Ireland in order to take the oaths which would qualify him to vote.⁹¹ The imprecision of article viii in this last respect gave rise to the questionable practice of Irish JPs administering the necessary oaths in England and, in one extreme case in 1825, in St Petersburg, where the British ambassador, the 6th Viscount Strangford, was an Irish peer.⁹² However, this questionable and probably short-lived practice did not affect the general position that the resident Irishmen in the Irish peerage monopolised the returns and dominated the electorate.

In fact, because of the already-mentioned emphasis on residence and good works as criteria for election to the representative peerage, as also for creation and promotion as Irish or UK peers and for admission to

⁸⁸ HLRO, Main Papers, 21 Jan. 1908; R.B.P. Jennings, 'The Unionists and Ireland, 1886–1906: the House of Lords and the Irish Peers' (University of Liverpool Ph.D. thesis, in preparation in 1975, but subsequently abandoned). I am indebted to Mr Jennings for lending me in the early 1970s a draft of his chapter on the Irish representative peers (PRONI, D/3312/19), which included a detailed study of the Curzon election. See also earl of Middleton, *Records and Reactions, 1856–1939* (1939), 209–10.

⁸⁹ Sir James Ferguson, Bt, *The Sixteen Peers of Scotland* (Oxford, 1960), 30, 42, 82, 86 and 153.

⁹⁰ This can be seen from the returns for the representative peerage elections in HLRO, which will be analysed shortly.

⁹¹ PRONI, Caledon Papers, D/3433/C/13/6 and C/5/47, 44 and 58, Lord Radstock to 3rd earl of Caledon, 6 June 1840, and Lord de Blaquiere and Viscounts Chetwynd and Harberton to 2nd earl of Caledon, 9 (two letters) and 13 Aug. 1804. Immediately after the passing of the Act of Union, the government was not in any doubt of the necessity for taking the oaths in *Ireland* – PRO, HO 100/104, f. 45, Sir George Shee to Charles Abbot, 21 Aug. 1801.

⁹² Middleton Papers, Ms. 1248/18, ff. 40–41, Bishop Brodrick to Viscount Middleton, 14 Nov. 1801; NLI, Farnham Papers, Viscount Downe to Lord Farnham, 14 Sep. 1825, and Farnham to Viscount Strangford, 4 Nov. 1825; PRONI, Rossmore Papers, T/2929/5/50, Lord Radstock to Lord Rossmore, 18 Sep. 1829. One Irish peer living in Brighton and anxious to qualify himself to vote at an election in 1831, found that 'An Irish justice of the peace is a rara avis here', and in the end had to drag an aged invalid out of his bed (Farnham Papers, Lord Decies to Lord Farnham, 20 Feb. [1831]).

the order of St Patrick, these honours were in practice a means of aristocratic social control and of encouraging the Irish peers to live on their estates and do their duty.⁹³ The Union, thought it depopulated Dublin of Irish peers and depreciated the value of aristocratic town-houses,⁹⁴ had the opposite effect on the Irish countryside. Because it left all thirty-two Irish counties as two-member constituencies, it encouraged the Irish peers and the non-peerage families who were major county interests, to build or rebuild 'big houses' as focal points for their electoral influence.⁹⁵ In 1883 (not a congenial time for residence in the Irish countryside), it was calculated that, out of a total of 182 Irish peers, only forty-eight had neither house nor land in Ireland (even though many of the 134 had their principal places of residence elsewhere).⁹⁶

The Irish method of election to the representative peerage was also more dignified than the Scottish because, being primarily postal, it was not liable to the personal confrontations and wrangles which often disturbed the Scottish conclaves in Edinburgh.⁹⁷ The election of the original twenty-eight Irish representative peers was a travesty, partly because it was conducted *viva voce* (including proxies⁹⁸) in the Irish House of Lords according to an elaborate procedure laid down in article viii, and mainly because the election – or rather the government's selection – was part and parcel of the bargaining over the passing of the Act of Union. The government so botched the business that printed lists of its nominees, corresponding precisely to those who were elected on 2 August 1800, were circulated in advance of the election.⁹⁹ Thereafter, the procedure for electing an Irish representative peer, as specified by article viii, was that within fifty-two days from the test of the writ stating that the previous representative peer had died, each qualified Irish peer returned two duplicate writs of return to the crown office of

⁹³ Malcomson, review of the Rev. Peter Galloway's *The Most Illustrious Order of St Patrick, 1783–1983* (Chichester, 1983), in *IHS*, xxv, no. 99 (May 1987), 326–7. For a typical statement, in a canvassing letter for the representative peerage, see PRONI, Belmore Papers, D/3007/J/19, Lord Crofton to earl of Belmore, 18 June 1872.

⁹⁴ McParland, *James Gandon*, 71–2; NLI, Clifden estate papers, Ms. 8796/2, report on Viscount Clifden's Dublin City estate, [c.1870?]. This latter report concludes snobbishly: '... This city is declining rapidly. There is only one lord who keeps a house in it ...'

⁹⁵ Malcomson, 'Absenteeism in Eighteenth-Century Ireland', *Irish Economic and Social History*, 1 (1974), 26–7 and *passim*; Bence-Jones, *Irish Country Houses*, xvii–xix.

⁹⁶ Malcomson, 'Belleisle [Co. Fermanagh] and its Owners', *Clogher Record* (1998), 38.

⁹⁷ Ferguson, *The Sixteen Peers*, Chapters Four and Five, *passim*; PRONI, Castle Stewart Papers, D/1618/14/2, *Minutes of the Election of the Peers of Scotland, July 24, 1790, with an Appendix containing Copies of the Protests, etc; Printed by the Direction of All Concerned*.

⁹⁸ NLI, Talbot-Crosbie Papers, Glandore to earl of Darnley, 16 July 1800.

⁹⁹ A copy survives among the Netterville Papers which, until 1987, were in the possession of Mr David Synnot at Furness, Naas, Co. Kildare. Prior to 1987, it was photocopied by PRONI (T/3430/1).

chancery in Ireland, having filled in the blanks on both writs with the name of the peer of Ireland for whom he voted, and having signed both writs with his title of honour and affixed to them his seal of arms. There were considerable complications about these arrangements.¹⁰⁰ For example, following the almost simultaneous deaths of no less than three representative peers, the three ensuing writs were all returnable on the same day, 2 March 1816, and a number of peers, quite understandably, got their writs mixed up, and voted for somebody who was not a candidate to fill that particular vacancy.¹⁰¹ In September 1915, at the election of General the 10th earl of Cavan, Lord Cavan himself wrote: 'On active service. No seal available.'¹⁰²

However, the main problem is, not that electors were on active service, drunk at the time, had lost their seals or their marbles, had left their returns blank, had voted for somebody who was dead, already elected or not a candidate, etc, etc, but rather that the records of parliament relating to representative peerage elections are defective. The 'bipartite' writs of return were issued by and sent back to the lord chancellor of Ireland, who routinely sent one set to the House of Lords, retaining the other in the hanaper office in Dublin, where they were destroyed in the four courts fire in 1922. Of the sets sent to the House of Lords, six are missing altogether, and some are either slightly or seriously incomplete. As part of a general, futile flurry of representative peerage reform proposals in the period 1869–77,¹⁰³ a return was made of the results of Irish representative peerage elections, 1800–74, to a select committee of the House of Lords. Where comparison can be made between the original returns and the printed results furnished to that committee, the latter have been found to contain errors and omissions, and of course they do not list the names of the peers who voted for each candidate. They do, however, cover all five of the elections during that period for which the original returns are missing or incomplete.

The following conclusions are therefore based on the surviving, original, parchment writs of return.¹⁰⁴ Between 1800 and 1920 there

¹⁰⁰This is a paraphrase of the text of a writ issued for the election of a representative peer. It was alleged in 1819 that 'The clerk of the crown neglects to send the writs [to each qualified peer] unless they are asked for ...' – PRONI, Belmore Papers, D/3007/H/3/21, Lord Arden to earl of Belmore, 1 Mar. 1819. If this is true, and was not peculiar to the c.1820 period, it would help to explain some of the suspiciously low polls.

¹⁰¹HLRO, Writs, box 25.

¹⁰²HLRO, Main Papers, 24 Sep. 1915. This, incidentally, is a reminder that the system allowed peers to vote for themselves.

¹⁰³For examples of this, see PRONI, T/3430/10–13.

¹⁰⁴These will be found, in chronological order of return up to and including 1849, in HLRO, Writs, boxes 23–6 and 21–2; thereafter, they are filed in the Main Papers series,

were 159 elections of Irish representative peers. Of these, sixty-two were unanimous (assuming that the original twenty-eight were unanimous, although the entry in the Irish *Lords' Journals*¹⁰⁵ states that the twenty-eight were elected 'by a majority – a stock phrase which may or may not mean what it says). Forty-five elections were seriously contested (i.e. more than six votes, not necessarily for the one peer, were cast against the successful candidate). Ten were 'technical' contests (i.e. only a technicality prevented them from being unanimous). Forty-two were 'crank' contests (i.e. six votes or less were cast for the unsuccessful candidate/s). The election of 12 April 1914 is undocumented, because the original returns are missing in their entirety (though the voting figures may be given in contemporary newspapers). The forty-five contests (out of a recorded total of 158 elections) are therefore a conservative estimate, the more so as all or some of the initial, rigged twenty-eight elections may well have been contested. In particular, there were high polls and often narrow victories at the elections of 1825, 1831, 1833, 1835, July 1845, 1854, January 1855, 1865, September 1868, February and April 1873, January 1908 (Lord Curzon), November 1908, 1909, April and November 1911, 1912 and 1915.¹⁰⁶

Between 1800 and the 1820s, when British parties became clarified and classified as whig and tory, Irish representative peers 'were always mere nominees of the government' of the day, which usually signified its wishes unsubtly by a circular to the electors.¹⁰⁷ There then occurred, in December 1825, a furious contest between the 3rd earl of Mount Cashell and the 5th Baron Farnham. Lord Mount Cashell, an emancipationist, was the government candidate, or at any rate the candidate of the then lord lieutenant, the emancipationist 1st Marquess Wellesley:

under the date of return. I have compiled lists of the voting in every election for which at least some returns survive (PRONI D/3312/17), arranging the voters for each candidate in alphabetical order according to their highest peerage title. Originally, the returns were bundled according to precedence in the peerage of Ireland. But some of the bundles have become disassembled and disarranged, and it would be a laborious task to rearrange the voters according to then precedence. In any case, alphabetical order is much easier to follow than precedence, and a peer's highest title is usually the one by which he is best known. Baron 'Conway and Killultagh' has therefore been recorded as the marquess of 'Hertford', though 'Hertford' has been placed in brackets to denote the fact that that was not the title by virtue of which he voted and with which he signed the return.

¹⁰⁵*Journals of the House of Lords of the Kingdom of Ireland* (8 vols, Dublin, 1780–1800), viii, 543–4.

¹⁰⁶In the election of Nov. 1908, an equal number of postal votes (forty-one) was cast for two candidates; which meant that, uniquely, a new *viva voce* election had to be conducted by the clerk of the parliaments in the House of Lords on 4 Nov.

¹⁰⁷PRONI, Erne Papers, D/1939/21/5N/68, earl of Clancarty to earl of Erne, 19 May 1845; Killruddery, Bray, Co. Wicklow, Meath Papers, J/3/24/1, duke of Leinster to earl of Meath, 25 Sep. 1804; PRONI, Belmore Papers, D/3007/H/3/7, earl of Roden to earl of Belmore, 26 Feb. 1819.

Lord Farnham was also a government supporter, but an anti-eman-cipationist.¹⁰⁸ Lord Mount Cashell relied on the support of the lord lieutenant, while Lord Farnham exerted himself energetically and spent a great deal of money (which Lord Mount Cashell did not have). The result was that Lord Farnham obtained forty-nine votes, Lord Mount Cashell forty-three, and the Marquess of Westmeath (who was not a serious candidate in any case) four. Eleven peers did not vote. Since those qualified to vote at that date numbered only 107, this was a huge turnout.¹⁰⁹ It was also a great humiliation for the government, or rather for Lord Wellesley, who voted as an Irish peer for Lord Mount Cashell.¹¹⁰

Until the Curzon election of 1908, there was no other contest like that of 1825. The 1830s were characterised by vigorous combats between whig supporters of the government, tory opponents, and independents, complicated by permanent switches from whig to tory by peers such as the 3rd marquess of Downshire on the issue of Irish church reform in the mid-1830s.¹¹¹ Thereafter, representative peerage elections calmed down. But as they occurred fairly frequently, they often coincided with political crises of one sort or another; and, therefore, even when the voting was not close or the election unanimous, the accompanying correspondence about the election, when it survives, can be revealing, and is a neglected source. According to a well informed calculation in 1837, only thirty-three Irish peers at that time were whig; and from 1833 on tories were invariably elected, regardless of what government was in power.¹¹² However, every tory prime minister or leader of the opposition allowed the Irish peers freedom of choice, based on the aforementioned criteria of residence and good works, and merely acted as arbitrators in cases of dispute, so that an agreed waiting-list was drawn up and a split in the tory vote avoided.¹¹³ There were not too

¹⁰⁸BL, Peel Papers, Add. Ms. 40381, f. 367, Farnham to Peel, the home secretary, 24 Sep. 1825. I am indebted for this reference to Professor P.J. Jupp.

¹⁰⁹Farnham reckoned (correctly) that the usual turnout was 'thirty or forty' – PRONI, Foster/Massereene Papers, D/207/52/60, Farnham to Lord Oriel, 8 Sep. 1825.

¹¹⁰HLRO, Writs, box 26, election of Lord Farnham, 17 Dec. 1825; PRONI, Foster/Massereene Papers, D/562/3478, Farnham to Viscount Ferrard, 5 Jan. 1826. For an analysis of the causes of Farnham's victory, made later by a cousin who had probably been an activist in the Farnham campaign, see PRONI, Erne Papers, D/1939/21/5N/47, Charles Fox to earl of Erne, 2 Mar. 1845.

¹¹¹David Large, 'The House of Lords and Ireland in the Age of Peel, 1832–50', *IHS*, ix (1954–5), *passim*; PRONI, Downshire Papers, D/671/C/12/526, Downshire to earl of Roden, 18 Sep. 1834.

¹¹²PRONI, Arran Papers, T/3200/6/1, printed petition from the liberal Irish peers to the king, Apr.–May 1837; HLRO, Writs, box 26, election of Lord Downes, 30 Mar. 1833.

¹¹³For evidence of how these matters were arranged between the conservative Irish peers and the conservative leadership, see: PRONI, Downshire Papers, D/671/C/12/719

many examples of good works which made an impact outside Ireland, but the 'astronomical' 3rd earl of Rosse, who was elected in 1845, is a case in point.

While this may seem a convenient arrangement from the point of view of the Irish tory peers, it was actually the reverse. Because the whigs/liberals had to make their supporters UK peers in order to reward them and/or get them into the House of Lords,¹¹⁴ the key to permanent preferment was not to be a tory. This applied particularly to the 1830s, when most of the translations of whig Irish peers into whig UK peers took place. By the end of the decade, the whigs were precipitating Irish commoners and supporters straight into the UK peerage – for example, Lords de Freyne, Lurgan and Stuart de Decies. At a later period, Lord John Russell, Gladstone and Lord Granville usually liked to have a tame and token Irishman (such as the 3rd Lord Cremorne, the 5th Lord Dufferin, the 1st Lord Emly and the 2nd Lord Lurgan) somewhere about the government, if only as a lord-in-waiting.¹¹⁵ The whig John Wilson Fitzpatrick, illegitimate son and part-heir of the 2nd and last earl of Upper Ossory, was made a UK baron as Lord Castletown in 1869, although (in addition to being illegitimate) he had succeeded only to the *Irish* estates of his father. Finally – and this is a later example – under the post-1905 liberal administration, the 8th earl of Granard, who had no money but possessed the rare assets among

and 723, earl of Dunraven to marquess of Downshire, 12 Apr. 1839, and reply, 16 Apr. 1839; PRONI, Caledon Papers, D/2433/C/13, 2–3 and 8, Peel and Wellington to earl of Caledon, 11 Apr. 1840 (two letters of the same date), and earl of Lucan to Caledon, 7 June 1840; PRONI, T/3069/E/18, Peel to earl of Charleville, 2 Dec. 1839; PRONI, Erne Papers, D/1939/21/5N/5, 45, 67 and 79, Lord Farnham to earl of Erne, Erne to earl of Belmore, and earl of Wicklow to Erne (two letters), 20 Nov. 1842, [pre-2 Feb. 1845], and 19 May and [late May] 1845; Hampshire R.O., 21 M 57, Charleville to earl of Normanton, 11 Apr. 1839, and earl of Derby to Normanton, 19 June 1854; PRONI, Belmore Papers, D/3007/J/7 and 11, Derby to Belmore, 15 Oct. 1862 and 2 Jan. 1864; Birr Castle, Co. Offaly, Rosse Papers, M/3/1–10, correspondence of earl of Rosse about his election, 21 Nov. 1867–25 Aug. 1868; Belmore Papers, J/62–3, Viscount Bangor to Belmore, [pre-12 Jan. 1886], and earl of Kingston to Belmore, 12 Sep. 1887; *ibid.*, J/126–7 and 131, Lord Cloncurry to Belmore, 27 Jan. and 9 Feb. 1898, and duke of Abercorn to Belmore, 30 Jan. 1898.

¹¹⁴PRONI, Leinster Papers, D/3078/3/35, earl of Clarendon, the whig lord lieutenant to duke of Leinster, the leader of the Irish whigs, 24 Dec. 1848. This was also true of the Scottish peerage: of 18 Scottish peers who were made UK peers between 1830 and 1874, 17 were liberals (PRONI, T/3430/10).

¹¹⁵PRONI, Rossmore Papers, T/2929/11/14, Lady Rossmore to earl of Carlisle, the whig lord lieutenant, 25 Mar. 1857; A.T. Harrison, 'The 1st Marquess of Dufferin and Ava: Whig, Ulster Landlord and Imperial Statesman' (unpublished D.Phil. thesis, New University of Ulster, 2 vols, 1973), 1, 44–8; *The Political Correspondence of Mr Gladstone and Lord Granville, 1868–76*. Edited for the Royal Historical Society by Agatha Ramm, MA, Camden [Society] Third Series, LXXXI (1952), 9–10, and LXXXII, 389 and 395, Gladstone to Granville, 9 Jan. 1869, and Granville to Gladstone, 14 Jan. 1869 and 6 Aug. and 18 Aug. 1873.

Irish peers of being both a home ruler and a Roman catholic, was given various appointments in the Asquith government, as a result of which he made a financially and socially dazzling marriage to an American heiress in 1909. The operation of the Irish representative peerage system, often stated as being a sorry reflection on the integrity and independence of the Irish peers, therefore reflects some credit upon them. At considerable sacrifice, to themselves and to their descendants, the great majority of the Irish peers stuck to their tory guns.

The provision of article iv that an Irish representative peer should be elected for life was undoubtedly wise and a marked improvement on the Scottish system. But it should have been accompanied by a proviso that he should be replaced in the event of his receiving or inheriting an hereditary seat.¹¹⁶ In actual practice, the Scottish representative peers changed little from parliament to parliament - certainly in the period 1784-1837 (they changed not at all in the latter year); and a Scottish representative peer vacated his seat if he obtained an hereditary title (though only since 1787).¹¹⁷ As a result of the failure to insert a parallel provision in article iv, the absurd situation had been reached by 1831 that seven of the twenty-eight Irish representative peers were UK peers as well, to the great indignation of the two contemporary pamphleteers on the subject, the 2nd Lord Rossmore and the 2nd Lord Langford, who were neither.¹¹⁸ Lord Rossmore unwisely admitted that an Irish representative peer was never truly a representative because of his life-tenure. The logic of that argument was that his subsequent elevation to the UK peerage made no difference to his position, as it certainly did to that of a Scottish Representative peer elected only for one parliament. If the Scottish precedent was not relevant in this case, it was positively fatal in the similar case of Irish peers with hereditary seats in the House of Lords retaining the right to vote in Irish representative peerage elections. As Langford pointed out, this was a legal absurdity, as a man could not be represented by someone else in an assembly in which he sat in person. Unfortunately for the Irish peers without hereditary seats, the British House of Lords had ruled in 1793 that Scottish peers who had British peerages as well, had the right to vote in Scottish representative peerage elections. Article

¹¹⁶This was suggested in January 1800, but nothing was done about it -PRONI, Castlereagh Papers, D/3030/679, queries about the representative peerage.

¹¹⁷Turberville, *House of Lords, 1784-1837*, Chapter Six.

¹¹⁸*Ibid.*, PRONI, Anglesey Papers, D/619/28A, pp. 73 and 76, marquess of Anglesey, the lord lieutenant, to Earl Grey, the prime minister, 16 and 21 Feb. 1831; PRONI, Rossmore Papers, T/2929/5/70, printed draft petition from the Scottish and Irish peers without hereditary seats to the king, 3 April 1831, circularised by Rossmore round the entire Scottish and Irish peerage; PRONI, Arran Papers, T/3200/6/1, Lord Langford to earl of Arran annexing a printed petition to the king, 3 May 1837.

iv of the Union with Ireland was founded on this dubious decision.

The reality was that the complicated distinctions between the situations of the Irish and Scottish peers without hereditary seats, made any form of collective action on their part very difficult, the more so as their brethren who were fortunate enough to possess the advantage of hereditary seats never showed much enthusiasm for their cause. This was the disheartening experience of Lord Rossmore. In 1829, he addressed a circular letter to all the Irish and Scottish peers, to which one Scottish peer, the 9th Lord Napier, replied tartly that the Scottish peers had not been degraded like the Irish, because they had had '... the precaution to secure the dignity and integrity of their body as a peerage, by depriving the crown of the power of ever adding to their numbers in times to come'.¹¹⁹ This was indeed a very important distinction between the Scottish and the Irish peerages. The Scottish Act of Union had not mentioned the possibility of further Scottish peerages being created after its passing, so that it was assumed that the Scottish peerage had come to a halt with the extinction of the separate parliament of Scotland. The Irish Act of Union, by contrast, had expressly provided for further additions to be made to the Irish peerage after the extinction of the separate parliament of Ireland. Indeed, it was only after the Irish House of Lords had shown itself to be uncharacteristically unmanageable,¹²⁰ that the British government had consented to limit these additions by providing that no new Irish peerage could be created until three which had existed at the time of the Union had become extinct. This was the famous 'one-for-three' rule. It was to apply until such times as the total number of Irish peers without hereditary seats had dwindled to below 100, in which event the crown was empowered to create Irish peers up to, but not beyond, the 100 mark. Also, the crown retained a limitless right to 'promote' existing Irish peers to a higher rank in the peerage, in spite of the fact that it was a nonsense in peerage law to regard a so-called 'promotion' as anything other than the creation of a new peerage.¹²¹

The first exercise of the one-for-three rule was the worst. In 1806 Peter Isaac Thelusson, a banker of Swiss extraction with no conceivable connection with Ireland, was created an Irish peer as Lord Rendlesham, thus prompting the wags to call him 'a Rendle-*sham*'.¹²² This whig

¹¹⁹ Rossmore Papers, T/2929/5/1 and 37, Rossmore's duplicated circular, 24 Aug. 1829, and Lord Napier to Rossmore in reply, 11 Sep. 1829.

¹²⁰ PRONI, Sneyd Papers, T/3229/1128, Lord Clare to Lord Auckland, 6 Mar. (1800).

¹²¹ Cockayne, 'The Peerage of Ireland', 5–6. The rest of the information for this and the next four paragraphs is drawn from this source, unless otherwise attributed.

¹²² Chatsworth Papers, Derbyshire (transcript made by the late Professor A. Aspinall, and kindly placed at my disposal by Professor P.J. Jupp), Duchess of Devonshire to Dowager Countess Spencer, [17 Feb. 1806]; Shee Papers, C/22, Lord Pelham to Sir George Shee, 17 Nov. 1805.

creation was particularly unfortunate, because it cast doubt on the perfectly good intentions of the Pitt government at the time of the Union. At that stage, there had been a genuinely held apprehension that, in an age when titles were still regarded as forms of social control, uplifting example and general ornamentation in the localities, the sheer quantity of peers resident in Ireland would diminish to a worrying extent. Scottish peerages differed from English, Irish, British and UK peerages, because they passed through women: the other species of peerage did not, unless they were accompanied by a special remainder, were baronies by writ or, in the solitary Irish instance of the 1661 viscountcy of Massereene, were remaindered on 'heirs general'. So, in spite of occasional problems in determining the sex or legitimacy of a Scottish peer, there was no possibility of the Scottish peerage dying out.¹²³ The other important point is that, had the Act of Union arrested the development of the Irish peerage by enacting that no further Irish peerages were to be created, it would have brought about a situation in which bearers of ancient Irish titles would have been leap-frogged over by new men, who would have had to be created UK peers because there was no other peerage into which to put them. It is more than doubtful that Lord Napier was correct in his smug satisfaction that the Scottish was a dead peerage.

The real problem – apart from Lord Rendlesham – was the defective drafting of article iv.¹²⁴ It failed to take account of the fact that one man could hold more than one peerage and that each peerage he held might have different remainders. The commonsense interpretation of the act was that, at his death, an extinction for purposes of the one-for-three rule did not occur unless *all* his peerages died with him. '... The *reverse*, however, of this interpretation was sought to be established by the extinctions used for the creation of the barony of Fermoy ...' in 1855, when a major *furor* broke out over the creation of a new Irish peerage when only *two* old ones had become extinct. Perhaps because of doubts about the interpretation of this part of article iv, it was little acted upon thereafter – nor indeed had it been acted upon very sweepingly since c.1840. All told, only twenty-two Irish peerages were created under the one-for-three rule, the last being Curzon in 1898, for the politically expedient but still unprincipled reason that he had to be a peer in order to go to India as viceroy, but wanted back to the house of commons on his return. All the others, Rendlesham and Curzon apart, were wholly unexceptionable Irishmen. Even Lord

¹²³ PRONI, Castlereagh Papers, D/3030/619, memo. about the representative peerage, [1799?].

¹²⁴ PRONI, Resdesdale Papers, T/3030/7/34, Lord Resdesdale, lord chancellor of Ireland, to Spencer Perceval, 5 Jan. 1806.

Bloomfield (who was made an Irish peer for being a lickspittle of George IV's) had been born in Co. Meath and owned land, and retired to a country house, in Tipperary. In other words, the one-for-three rule notwithstanding, the Union marked the end of the 'profuse' creations of Irish peerages, and virtually the end of the practice of bestowing them on non-Irishmen. Nor were the post-Union 'promotions', which were not limited by the one-for-three rule, particularly numerous: there were only thirty-one promotions, the second-last in 1831, and the last in 1868; and all those promoted were resident, or largely resident, Irishmen, with the exception of the non-resident John Baker Holroyd, 1st Lord Sheffield in the peerage of Ireland, who was 'promoted' to the Irish earldom of Sheffield in 1816.

In fact, in the period 1801–c.1840, it was not the British government's selection of Irish peers, but the Irish peers' choice of titles, which tended to undermine the existence of a separate, genuinely Irish peerage of Ireland. The pre-Union tendency to grandiosity became more marked. Honest Irish towns, baronies and counties were largely ignored when it came to choosing new titles, and the emphasis fell heavily on the non-Irish and the grand. Thus, the Irish peers created or 'promoted' at or after the Union tended to choose *opéra buffe* names, many of them double-barrelled (as if two Irish titles were needed to equal in status one UK¹²⁵): Dufferin and Claneboye, Dunraven and Mountearl, Dunsandle and Clanconal, Fitzgerald and Vesey (formerly Mr William Vesey Fitzgerald), Frankfort de Montmorency,¹²⁶ Oranmore and Browne, Talbot of Malahide, and so on. The patronymics of Irish peerage families likewise underwent some adornment: Wesley became Wellesley (admittedly, just before the Union), Cradock became Caradoc, and Mullins became de Moleyns. Worst of all, when Irish peers were given UK titles, they usually chose a title which associated them with England or Scotland, in spite of the fact that, after the Union, Ireland was legally as much a part of the United Kingdom as the British mainland itself. Thus, Lords Boyne, Clanricarde, Conyngham, Enniskillen, Gosford, Longford and Meath resorted to mostly obscure English and Scottish towns and villages for their UK titles. Few Irish peers had the dignity and common sense of Lords Clanwilliam, Fingall, Gormanston, Kenmare, Lismore, Powerscourt and Rossmore, who chose UK titles which were the same as their Irish, or the enterprise

¹²⁵This sort of double barrel is to be distinguished from the other – two peerages with two distinct creations which, by the accidents of descent, have become vested in the one individual. The best-known example of the second sort of double barrel is Viscount Massereene and Ferrard.

¹²⁶C.M. Tenison, 'Cork MPs, 1559–1800', *Cork Historical and Archaeological Journal*, 11 (1896), 37.

of Speaker Foster¹²⁷ and Lord Headfort, who chose UK titles which were derived from the Gaelic. If all the Irish peers raised to the UK peerage had chosen UK titles which were the same as their Irish, they would have been known both socially and senatorially by the same title,¹²⁸ and they would have asserted the continuing existence of a distinct peerage of Ireland in which they took pride.

For their part, successive British governments, if they had a consistent approach or gave much thought to the matter, seemed to favour the absorption of the Irish peerage into that of the UK. The reason for this was, partly, the attitude of at least one British prime minister, Lord Liverpool, who held that office from 1812 to 1827 and considered that the Irish (and Scottish) peers without hereditary seats were in a special category when it came to creations of UK peerages (because they already possessed virtually all the other privileges of peerage, provided they did not sit in the house of commons)¹²⁹; partly, the already-mentioned creativeness of whig governments, particularly in the 1830s; and, partly, the jitteryness of all governments, especially post-1855, about how to interpret the opaque drafting of article iv in such a way as to create Irish peerages of indisputable legality. Between 1801 and 1887, seventy-eight Irish peers became UK peers, some by succession but most by creation; and in 1887 (allowing for twenty extinctions among the seventy-eight and for the thirty-one Irish peers whose hereditary seats in the House of Lords pre-dated 1801), there were eighty-nine Irish peers with hereditary seats there – just over half of the whole Irish peerage at that date. The number of Irish peers not possessing hereditary seats was quietly allowed to fall below the 100 mark (it stood at eighty-eight in 1887), and the number of Irish peers generally fell from 239 in 1801 to 177 in 1887. Against the creation of twenty-one peerages is to be set the extinction, between 1801 and 1887, of no less than seventy-six (the seventy-six all being cases where every peerage formerly in the family had ceased to be). This process of extinction was not kept up: in 1963, the number of Irish peers without hereditary seats in the house, of lords still stood at roughly seventy – double the number of the Scots and too many to be, like them, absorbed. However, the fact that there were too many to be absorbed is not to be attributed to post-Union creations – quite the contrary; nor is it to be attributed to any failure to absorb Irish peers on an hereditary footing into the nineteenth-century House of Lords.

After the Fermoy fiasco in 1855, it actually began to look as if the

¹²⁷ PRO, HO 100/72, f. 137, Foster to [a Dublin Castle clerk], 23 July [1797].

¹²⁸ It was a twentieth-century development that peers were designated in the order papers by their highest title, not by the title in right of which they sat in the lords.

¹²⁹ Large, 'House of Lords and Ireland', 368–9.

Irish peerage was as closed and dead an order as the Scottish. There was a flicker of life in 1868. In that year, the conservatives created John McClintock of Drumcar, Co. Louth, a veteran supporter and former MP, Lord Rathdonnell in the peerage of Ireland. In the same year, they 'promoted' the 2nd marquess of Abercorn to the Irish dukedom of the same name. It was an appropriately Irish dukedom because it was a recognition of services as lord lieutenant of Ireland; but Abercorn could presumably have asked for it to be a UK dukedom, and did not do so because he had the social assurance deriving from ancient lineage and the practical advantage of a British marquessate conferred by Pitt in 1790. In all subsequent instances, however, the public services of Irishmen were rewarded with UK peerages.¹³⁰ This had usually been, and continued to be, the case in respect of Irishmen who were members of the British cabinet or government – Lords Maryborough (1821), Congleton and Monteagle (both 1839) and Carlingford and Emly (both 1874), and in their case it may have had something to do with strengthening the government in the House of Lords. But this consideration was not a factor in most of the post-1855 cases of leap-frogging. For example, Sir John Young of Bailieborough, Co. Cavan, the first governor-general of the newly confederated Canada, was created Baron Lisgar of Bailieborough and Lisgar, Co. Cavan, in the peerage of the UK in 1870; and all the 5th Lord Dufferin's rewards for his distinguished proconsular and ambassadorial services, culminating in the marquessate of Dufferin and Ava in 1888, were in that peerage, not the Irish. The two great soldiers of the queen in the late nineteenth century, the warring Field-Marsals Wolesley and Roberts, were both Irishmen, but both went straight into the UK peerage, in 1885 and 1892 respectively. Only Roberts, whose territorial designation was 'of Kandahar and Waterford City', preserved – however incongruously – a link with Ireland in his choice of title.

Quite as important, new blood and, particularly, new or newish money, were not introduced into the Irish peerage. Henry White, the son of a millionaire who had started life as an itinerant bookseller in Belfast in the 1770s,¹³¹ went straight into the UK peerage as Lord Annaly in 1863. The Guinness brothers followed suit, as Lords Ardilaun and Iveagh, in 1880 and 1891 respectively. In 1892, the Belfast businessman, John Mulholland of Ballywalter Park, Co. Down, who had risen to landed prominence through the improvidence of the already mentioned Lord Dufferin, was created a UK baron as Lord

¹³⁰ PRONI, Abercorn Papers, T/2541/VR/330/3, Sir Michael Hicks-Beach, Bt, the chief secretary, to duke of Abercorn, the lord lieutenant, 28 Apr. 1874.

¹³¹ See Malcomson, 'Introduction to the Annaly/Clifden Papers', PRONI, Register of Irish Archives.

Dunleath. In 1906, the head of the Belfast shipbuilding firm of Harland & Wolff was created Baron Pirrie, also in the peerage of the UK. All of these men could have been translated to the UK peerage in due course, in recognition of their wealth and/or public services (for example, Lord Ardilaun's celebrated gift of St Stephen's Green to the city of Dublin). But Guinness would have been good for the Irish peerage, and should in the first instance have flowed into it. From 1885 to 1911, it has been estimated that twenty per cent or more of new entrants to the UK peerage had commercial or industrial connections and that at least sixteen per cent came from backgrounds other than nobility and gentry.¹³² There was not a vast amount of commercial or industrial wealth in Ireland; but there were in Belfast other possessors of it as peerable as Lords Dunleath and Pirrie, and more of it should have been embodied in the Irish peerage. Certainly, the few Irishmen of the type who were ennobled should not have contributed exclusively to the UK statistics.

An Irish peerage which had been kept up to the 100 mark and regularly topped up by a correctly interpreted one-for-three rule and by new blood and new money, would have been in a much stronger position to maintain its representative peerage rights at the time of the government of Ireland Act of 1920 and partition in 1922. These rights could not reasonably have remained on their existing footing: provision should have been made for both electors and candidates in Irish representative peerage elections to be resident in the new United Kingdom of Great Britain and Northern Ireland, and for the figure of twenty-eight to be reduced proportionately.¹³³ However, both the government of Ireland act of 1920 and subsequent amending legislation were entirely silent on the subject, and therefore left the representative peerage system in *statu quo*. They did, however, make provision for any residual, unspecified powers exercised by the former lord chancellor of Ireland to be transferred to the governor of Northern Ireland, who should thus have replaced the lord chancellor as the functionary who initiated the process of election.

What was to becloud the issue was the phrase 'to sit and vote on the part of Ireland', which had been introduced into the Act of Union by inept drafting, and seemed to lend colour to the notion that the representative peerage system was connected with the continuing existence of a kingdom of Ireland. This phrase should have been interpreted in the light of article viii, sec 5, and 40 Geo III, cap. 29,

¹³² Ralph E. Pumphrey, 'The Introduction of Industrialists into the British Peerage: a Study in Adaptation of a Social Institution', *The American Historical Review*, LXV, no. 1 (Oct. 1959), 8 and *passim*.

¹³³ See PRONI, Kilmorey Papers, D/2638/119/3, for an anonymous memorandum suggesting some such provision, [c.1922–5?].

sec 4, both of which state that the representative peers not only 'sit and vote on the part of Ireland', but also 'represent the peerage of Ireland': a construction borne out by three specific statements that the Irish representative peers were to represent the Irish peerage, made in correspondence between the home secretary and the lord lieutenant in 1800.¹³⁴ The same phrase – 'to sit and vote on the part of Ireland' – had also been applied by the Act of Union to the archbishop and three bishops who were to sit by rotation in the House of Lords. Yet, if there had been no disestablishment and the rights of the bishops had still existed in 1920, no one would have argued that they represented 'Ireland' as opposed to the Church of Ireland. Whatever may have happened to 'Ireland' as a result of the government of Ireland act, there can be no question that the Irish peerage still existed and still exists. In spite of this, the representative peerage system was declared defunct by the Committee for Privileges in 1966 and cleared off the record by a statute law (repeals) act of 1971.¹³⁵

A statute law (repeals) act ought to be confined to non-controversial matters. However, it so happened that the then lord chancellor, Lord Hailsham, was the son of the attorney-general, Sir Douglas McGarel Hogg, who, jointly with his fellow law officer, W.H. Inskip, had misadvised the government in June 1925 about the continuing existence, or otherwise, of the Irish representative peerage system. In that year, the 3rd Lord Oranmore and Browne, an Irish representative peer, acting on sounder legal advice,¹³⁶ had sought to initiate a representative peerage election. When this move was opposed by the government, he argued that, if the governor of Northern Ireland had no transferred power to act, and if the Irish representative peers were supposed to represent a defunct kingdom of Ireland rather than an extant peerage of Ireland, why were those elected pre-1920 still sitting in the House of Lords. This question is unanswerable, since the life-tenure of Irish representative peers must be construed as incidental to and contingent

¹³⁴ *Cornwallis Correspondence*, III, 260–61 and 265, Portland to Cornwallis, 13 June 1800, and Cornwallis to Portland, 17 June 1800. As Lord Dunboyne points out, this construction was in effect acknowledged to be the correct one by the committee for privileges on 20 Oct. 1999.

¹³⁵ Lysaght, 'Irish Peers and the House of Lords'.

¹³⁶ By F.H. Maugham (later lord chancellor) and W.A. Greene (later master of the rolls). Their opinion was published by Lord Dunboyne under the title 'Irish Representative Peers: Counsel's Opinion, 1924', *Public Law* (Winter 1967), 314–22. Lord Dunboyne wrote to *The Times* on 3 June 1971 warning in vain against the 'injustice' and 'perfidy' of the statute law (repeals) bill, which would set the precedent for depriving British citizens of their constitutional rights by means of a measure which parliament had not had the opportunity of considering. The Hogg-Inskip opinion, of 10 June 1925, will be found in the Public Record Office, Law Officers' Department Papers, Box 35, no. 57 G.25 (photocopy in PRONI, T/3430/18).

upon their representative character. Lord Oranmore's question was answered by an incorrect legal decision followed, by a strange coincidence, by the conferring on Lord Oranmore of a UK barony in 1926. So, the Irish representative peers elected pre-1922 continued to sit until, one after the other, they dropped off their perches, the last being the 4th earl of Kilmorey in 1961. Similar illogicality was observed towards the knights of St Patrick and indeed towards Ulster king of arms, who were left to linger in a legal limbo and to die from natural causes.¹³⁷

To conclude: the Irish House of Lords supported the Union for a variety of reasons, of which so-called 'Act of Union peerages', representative peerages and general exertions of patronage, were not the most important. The members of that House participated in the general, recent and alarming realisation of Ireland's financial and military dependence on Great Britain. Moreover, the terms offered to them, like the financial and commercial terms offered to Ireland as a whole, were generous in respect of all those matters of status, precedence and representation which weighed so heavily with eighteenth-century aristocrats, and were made more so following negotiation. After the Union, Irishmen regained almost exclusive possession of the Irish peerage, just as they had already regained, or rather, gained for the first time, possession of a high proportion of the patronage of Ireland. The Union, by throwing the emphasis of the Irish representation at Westminster on the county constituencies, and post-Union British governments by operating the Irish representative peerage system on the basis that resident Irish peers were left to elect fellow-residents of their own choosing, almost certainly had the effect that more Irish peers built or rebuilt country houses, and spent longer, on their Irish estates than had been the case in the eighteenth century.

What went wrong was that, from the 1850s onwards, the post-Union Irish peerage was allowed to dwindle numerically, new public services performed by Irishmen were not rewarded by admission to it, new Irish blood and money were not infused into it, and the constituency which elected the representative peers became too small and too redolent of an anachronistic *élite*. With the erosion of the Irish peers' influence in county elections, the erosion of their estates and wealth through the progressively more inequitable and expropriatory provisions of successive land acts, and their growing exclusion from a local administrative role following the local government act of 1898, they became an increasingly irrelevant group. In particular, the Irish peers were not a body which carried sufficient weight in 1922, at the time

¹³⁷ Galloway, *Order of St Patrick*, 53–78.

this was vitally needed, to ensure that the representative peerage system survived partition, as legally and constitutionally it ought to have done. The relevant part of article viii was not formally repealed. But the representative peerage system, one of the few post-1920 vestiges of the Act of Union, was left to fade away, thanks to muddled thinking, double standards and ultimately, breach of faith, on the part of post-1920 British governments.¹³⁸

¹³⁸ For permission to draw on manuscript material in their keeping, I should like to thank the various repositories listed in the footnotes, especially the Public Record Office of Northern Ireland, and also the following which are not listed: the Derbyshire Record Office (in respect of the Wilmot Papers photocopied by PRONI), the Gloucestershire Record Office (in respect of the Redesdale Papers), the Hampshire Record Office (in respect of the Normanton Papers), the Hull University Library (in respect of the Hotham Papers), and the Keele University Library (in respect of the Sneyd Papers), the Centre for Kentish Studies (in respect of the Pratt Papers) and the Nottingham University Library (in respect of the Portland Papers). I should also like to thank the following owners and depositors of manuscripts: the marquess of Anglesey, the late Mr Walter Armytage, the late Mr Rex Beaumont, the trustees of the Bedford estates, the earl of Belmore, the earl of Caledon, the Marquess Camden, the Earl Castle Stewart, Mr Charles Clements, the Lord Egremont, the earl of Erne, the Lord Farnham, Mr Adrian FitzGerald, the duke of Grafton, the Lord Hotham, the late and present Viscount Massereene and Ferrard, the late and present earl of Meath, the Viscount Middleton, the Earl of Normanton, the earl of Rosse and the Lord Rossmore. In addition to the various authorities, living or dead, whose contribution to this paper is acknowledged in the footnotes, I should like to record a more general debt of gratitude to Professor P.J. Buckland, His Honour the Lord Dunboyrne, Mr Robin-Eyre-Maunsell, Professor P.J. Jupp, Mr Charles Lysaght and Sir John Sainty. My greatest debt is to PRONI. In the early 1970s, when I had responsibility for PRONI's publications, PRONI financed my work on the representative peerage election returns (in the unfulfilled hope that it would be published jointly by PRONI and HLRO). In 1997, this paper was conceived as part of PRONI's contribution to the RHS conference in Belfast on 'The British-Irish Union of 1801'. In the event, I had retired as deputy keeper of the records of Northern Ireland by the time the conference took place. But PRONI continued to give me very practical support in producing the final text of the paper. For this I wish to record my gratitude to my successor, Dr G.J. Slater, and to his resourceful and long-suffering personal secretary, Mrs Lisa Nelson.