The Irish Conservative Party 1852-1868

By

Andrew Shields

A Thesis submitted in conformity with the requirements for the Degree of Doctor of Philosophy in the University of Toronto

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ABSTRACT

The thesis is a study of the Irish party between 1852 and 1868. Until recently, the history of the Irish Conservative party had been a neglected topic among Irish historians. The focus of Irish historiography has been on Nationalist political organisations and movements and this has meant that both the Irish Conservative party and the Irish Liberal party have received insufficient attention. Indeed K.T.Hoppen’s discussion of both parties in his *Elections, Society and Politics in the Nineteenth Century* was the first to be based on extensive primary research, and remains the most useful account yet published.

The thesis is primarily a study of the ‘high politics’ of the Irish Conservative party. While the first chapter describes the social composition of the party, the focus is, in general, on the elite of the Irish Conservative party and on their relationship with the party leadership at Westminster. The complex ways in which the Conservative party inter-acted with the principal forces opposed to it in Irish society, in particular, the Roman Catholic Church, are examined. The ambivalent relationship which existed between it and the Independent Irish party from 1852 onwards is also analysed. Through a series of detailed analyses of Conservative party attitudes and policies on the Land (Chapter Two), National Education (Chapters Three and Four) and Church questions (Chapters Five and Six), the thesis examines whether an ‘indigenous’ Irish Conservatism existed, different both in tone and content from its English counterpart.

The thesis argues that the Irish Conservative party's identification with the Irish landlord class meant that it was unable to survive the decline of its influence in the latter half of the Nineteenth century. This decline should not, however, blind us to the strength and resilience of the Irish Conservative party in the years covered by this thesis.
As the authentic mouthpiece of powerful section of Irish society, the Irish Conservative party played a central but neglected role in mid-Nineteenth Century Irish history. The aim of this thesis has been to restore that role, too long neglected, to its proper significance.
Acknowledgements

I would like, first, to thank my supervisor, Professor Trevor Lloyd, for his advice and encouragement. I would also like to thank the other members of my thesis Committee, Professor Sidney Aster and Professor Richard Helmstadter.

Professor Roy Foster offered helpful advice at an early stage of the research, while Daire Hogan gave me the benefit of his unrivalled knowledge of Nineteenth Century Irish legal history. Mr. David Holland and Mr. Jeffrey Lefroy generously gave me access to the papers in their possession. I am also indebted to Lady Isabel Napier who drew my attention to the unpublished family history written by her late husband, Sir Joseph Napier, the fourth baronet. I would also like to thank Prof. Mel Wiebe and Ms. Ellen Hawman of the Disraeli Project, Queen's University, Kingston for providing me with transcripts of many of Disraeli's letters relating to Ireland.

Fergus Campbell read drafts of several chapters in this thesis and I have benefited from his suggestions and constructive criticisms. I have also benefited from conversations on Nineteenth century Irish history with my fellow research student, Steven Ball.

My sisters, Catherine and Dorothy, and their partners, David Rogerson and Brian McLoughlin, have provided hospitality and encouragement beyond the call of duty. Brian also rescued at least one chapter of the thesis from disappearing into cyberspace. My nephew, Danny Shields, provided valuable technical assistance and computer wizardry. My brother, Dan, also helped out the project at various stages.

The Thesis is dedicated to my parents, Dan and Kitty Shields. Without their patience, forbearance and support it could not have been completed.

Andrew Shields
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Introduction

This thesis is a study of the Irish Conservative party between 1852 and 1868. Until recently, the history of the Irish Conservative party had been a neglected topic among Irish historians. The focus of Irish historiography has been on Nationalist political organisations and movements and this has meant that both the Irish Conservative party and the Irish Liberal party have received insufficient attention. Indeed K.T.Hoppen’s discussion of both parties in his Elections, Society and Politics in the Nineteenth Century¹ was the first to be based on extensive primary research, and remains the most useful account yet published. Hoppen’s focus, however, is primarily on electoral politics and on party organisation. His emphasis on the localist nature of Irish politics in this period means that he devotes little attention to the intellectual and ideological currents which shaped Irish Conservatism. In this respect, his work is admirably complemented by Joseph Spence’s pioneering Ph.D thesis on Irish Conservative thought from the passing of the Reform act in 1832 to the Famine.² This thesis is especially concerned with the mentalité of a small but influential circle of Irish Tories, centred around such figures as Isaac Butt³ and Sheridan Le Fanu, both of whom had close associations with the Dublin University Magazine.⁴

³ Isaac Butt (1813-79): born County Donegal; educated Trinity College, Dublin: one of the founders of the Dublin University Magazine: called to the Irish bar, 1838, Q.C 1844: MP for Youghal 1852-65 and for Limerick 1871-79: President of the Amnesty Association 1869: founded Home Government Association, 1870: leader of the Home Rule party in parliament 1871-79: seen by other Irish Conservatives as having defected to the Palmerstonian camp from as early as 1856 onwards.
⁴ For Sheridan Le Fanu’s career see also W.J. McCormack, Sheridan Le Fanu and Victorian Ireland (Dublin 1991 ed).
Spence argues that this circle was motivated by a Protestant nationalism, expressed both in criticisms of Irish Catholicism as being unduly influenced by Rome and a simultaneous willingness to criticise the English government for its neglect of Irish economic interests. Thus, Butt's *The Famine in the Land*, one of the key texts produced by this group, published originally in the *Dublin University Magazine*, was a comprehensive onslaught on the failures of the Whig government in the years 1847-48. A central bulwark of the intellectual position of these Conservative thinkers was that the Act of Union had been a compact between two sovereign nations. Ireland was, thus, an equal partner in the United Kingdom and its national interests should be protected by the British Parliament. The primary duty of Irish Conservatives was, therefore, to ensure that Irish interests received due attention there. Spence's thesis covers the period up to 1852, which is where this thesis commences. His focus throughout is on the intellectual underpinnings of Irish Conservatism. This thesis, however, is concerned with the ways in which Irish Conservatives translated, or attempted to translate, their ideas into practise in the world of practical politics.

At the heart of Spence's thesis is his treatment of the galvanising effect which the passing of Catholic Emancipation had on Irish Conservatives. The proliferation of the hard-line anti-Catholic Brunswick Clubs in the period 1828-29 helped bring a whole new layer of middle and working class activists into the ranks of Irish Conservatism. While these clubs were a transitory phenomenon, the foundation of the Dublin based Protestant Conservative Society in 1832 was of

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6 I. Butt, *A Voice for Ireland: The Famine in the Land: What has been done and What is to be done* (Dublin 1847).

more lasting significance. The Rev. Charles Boyton, the founder of the Society, laid special emphasis on the Society’s role in uniting Protestants across class lines. He viewed this as being especially necessary to counteract O’Connell’s success in mobilising Catholics behind the Repeal campaign. While the Society had several large landowners as patrons, its most active members were a group of Dublin lawyers, lesser gentry and clergymen, for many of whom membership of the Society was their first introduction to political life.8 A number of these individuals, including such notable figures as Lord Naas,9 George Alexander Hamilton10 and Joseph Napier11 were to be leading figures in the Conservative party in the ensuing decades. The rhetoric used by the leaders of the Society combined strident anti-Catholicism with Protestant populism. This combination was to be a consistent feature of a series of such organisations in Dublin from the time of the Society, through the Irish Metropolitan Conservative Society, to the heyday of the Dublin Protestant Association in the 1850s and 1860s. These groups played a key role in the revitalisation of Irish Conservatism in the period; the Conservative share of the Irish vote, for example, increased by some 15 per cent from 32 per cent to 47 per cent, between 1832

9 Richard Southwell Bourke (1822-1872): born in County Kildare: son of the fifth Lord Mayo: his mother, Anne Jocelyn, was a granddaughter of the first Earl Roden: known by courtesy title of Lord Naas until he succeeded his father as 6th Lord Mayo in 1868: educated at Trinity College, Dublin: MP for Kildare, 1847-52, for Coleraine 1852-57 and for Cockermouth 1857-68: Irish Chief Secretary 1852, 1858-59 and 1866-68: Viceroy of India 1868-72: assassinated on a visit to the Andaman Islands, February 1872.
and 1852, while the Protestant Conservative Society laid the groundwork for future innovations by the close attention which it paid to electoral matters.

Throughout the period 1852 to 1868, the Conservative party as a whole was in a minority in the House of Commons. Their three periods in government, in 1852, 1858-59, and 1866-68, were the result of divisions within the Liberal party and in all three cases the government’s survival was dependent on securing support across party lines. Thus, in all three cases, Conservative freedom of action was limited; as a minority within a minority, the Irish Conservative party was in a peripheral position, particularly at times when the party was in opposition. This marginalised position has led Alvin Jackson to describe the Irish branch of the Conservative party, at least up to 1886, as being merely a regional wing of the British Conservative party. Jackson contended that, lacking a ‘permanent Irish caucus,’ Irish Conservatives ‘were little more independent than any other group of Tories possessing a geographically distinct basis.’ While there is some truth in this verdict this thesis nonetheless argues that Irish Conservatism was an indigenous phenomenon. Although Irish Conservatives shared many of the prejudices and assumptions of their colleagues in England, Scotland and Wales, the very fact of their being Irish gave their Conservatism a different flavour than that found elsewhere. Questions of religion and nationality had to be confronted in Ireland, which did not arise as acutely elsewhere in Britain.

Throughout the period covered by this thesis, the total Irish representation amounted to 105 MPs

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in a House of Commons consisting of over 650 MPs. Irish MPs as a body were, thus, a perpetual minority within the British Parliament. In 1859, at the height of Conservative party electoral success in Ireland, Irish Conservatives made up just 18 per cent of the party's total representation at Westminster. On a number of occasions between 1829 and 1852, the introduction of Catholic Emancipation and the increase of the grant to Maynooth in 1845 being examples, the leaders of the Conservative party proved themselves capable of carrying important legislation in the face of widespread opposition from Irish Tories. It was obvious, therefore, that, even on issues which they saw as critical, Irish Conservatives could not hope to impose their priorities on the central party leadership. Reflecting this, Irish Conservatives made frequent, if sometimes unavailing, efforts to ensure concerted action and discipline among their ranks. At a meeting of Irish Conservative MPs held at the Carlton club in February 1852 it was decided to hold regular conferences in order to achieve 'a general unanimity on all matters connected with Ireland.' The number of MPs involved was estimated at 'between thirty and forty', but the conferences envisaged do not seem to have occurred on a regular basis. In June 1853, Joseph Napier, a prominent Irish Conservative, wrote to Lord Naas, stressing that he 'was more than ever impressed with the importance of having our Irish party kept together.' He urged Naas, as de facto leader of the party in Ireland, to keep in regular communication 'with each...[and] every [one] of them...[and to] endeavour to arrange a united action...[and] regular conference[s] on Irish matters.' 'Without political influence...[and] power', he continued, 'any class is treated as a cypher - & hence the Protestants of Ireland are regarded as living on sufferance.' As a result, Ireland was treated 'as a mere political convenience', a 'treatment'

which Napier would not submit to ‘without exposure...[and] remonstrance.’\textsuperscript{15}

Unfortunately for Irish Conservatives, their most potent threat - voting against the party leadership or abstaining on critical divisions - was one which they were generally unwilling to use. In the circumstances of the 1850s and 1860s such a course of action would only have benefited the Liberal party, an outcome they were unwilling to risk. Therefore, throughout the period covered by this thesis, Irish Conservative MPs were generally loyal to the party leadership at Westminster, although at times this appeared to be in default of anything better.

This thesis is primarily a study of the ‘high politics’ of the Irish Conservative party. While the first chapter describes the social composition of the parliamentary party, the focus is, in general, on the elite of the Irish Conservative party and on their relationship with the party leadership at Westminster. The complex ways in which the Conservative party inter-acted with the principal forces opposed to it in Irish society, in particular, the Roman Catholic Church, are examined.

The ambivalent relationship which existed between it and the Independent Irish party from 1852 onwards is also analysed. Through a series of detailed analyses of Conservative party attitudes and policies on the Land (Chapter Two), National Education (Chapters Three and Four) and Church questions (Chapters Five and Six), the thesis examines whether an ‘indigenous’ Irish Conservatism existed, different both in tone and content from its English counterpart. Chapter Two reveals the divisions which existed even \textit{within} the Irish Conservative party on the issue of the ‘rights’ of property. Chapters Three and Four indicate the difficulties which the Evangelical sympathies of many Irish Conservatives created for the more pragmatic members of the party leadership. Chapter Five examines the relationship between the Irish Conservative party and the

\textsuperscript{14} \textit{Daily Express}, 3 February 1852.

\textsuperscript{15} Napier to Naas, n.d [25? June 1853], Mayo papers 11,017 (6).
Roman Catholic Church during and in the aftermath of the controversy over the Ecclesiastical Titles bill. Chapter Six deals with Irish Conservative attitudes to the Established Church in the years leading up to disestablishment. The disestablishment crisis marked a turning point in the history of Irish Conservatism, which changed its character after 1868. More generally, the thesis is concerned with the obstacles faced by Irish Conservatives in attempting to have their priorities reflected in the policies pursued by the party leadership. The conflicting pressures on the leadership, whose concerns were not always necessarily those of Irish Conservatives, will also be considered. The period between the Famine and the disestablishment of the Church of Ireland has been generally neglected in Irish historiography. This thesis attempts to redress that imbalance while at the same time, restoring the role played by the Irish Conservative in those years to its proper significance.
Chapter One

The Social Composition of the Irish Conservative Party 1852-1868

The general view of the Irish Conservative party, as evidenced by writers on this period,¹ has been that it was pre-eminently the party of the Irish landed interest. In order to test this verdict, a detailed analysis was undertaken of the 118 Conservative MPs elected between 1852 and 1868. As can be seen from Table 1 below, 77 or 65 per cent of these MPs were landowners with estates valued over £1,000. If those MPs closely related to landowning families with estates over £1,000 valuation are included in this group, this figure rises to 90 MPs, or 76 per cent of the total. Some 35 MPs, or 30 per cent of the total, were landowners with estates valued at over £10,000. This group included landowners like Hugh Annesley, an MP for Cavan County and the owner of 51,060 acres valued at £29,539 and Edward O’Neill, an MP for Antrim County who owned 65,919 acres valued at £44,000. Viscount Hamilton, the Conservative MP for Donegal between 1860 and 1880, inherited lands valued at over £50,000 on the death of his father, Lord Abercorn, in 1880. Although included in the landowning group here, the Guinness family’s principal source of income was, of course, their brewery business. The value of Sir Benjamin Lee Guinness’s estate was estimated at over a million pounds on his death in 1868, a wealth far beyond that of many of the landed Irish Conservatives MPs.²

Table 1
Occupations of Irish Conservative MPs elected between 1852 and 1868

<table>
<thead>
<tr>
<th>Occupation</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landowners over £1,000 valuation</td>
<td>77</td>
</tr>
<tr>
<td>Closely related to above</td>
<td>13</td>
</tr>
<tr>
<td>Practising Legal men</td>
<td>15</td>
</tr>
<tr>
<td>Merchants/Industrialists</td>
<td>9</td>
</tr>
<tr>
<td>Civil Servants</td>
<td>2</td>
</tr>
<tr>
<td>Military</td>
<td>1</td>
</tr>
<tr>
<td>Uncertain profession</td>
<td>1</td>
</tr>
</tbody>
</table>

There were 73 MPs who owned land in the counties for which they were elected, while 93 or 79 per cent, had a residence either in or near the constituency they represented. Ulster was a particular stronghold of the party with 58 of the 118 Irish Conservative MPs elected between 1852 and 1868 holding seats in the province.

Table 2
Land holdings of Landed Irish Conservative MPs elected between 1852 and 1868

<table>
<thead>
<tr>
<th>Landowners</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under £2,000 valuation</td>
<td>4</td>
</tr>
<tr>
<td>£2,000 valuation</td>
<td>19</td>
</tr>
<tr>
<td>£5,000 valuation</td>
<td>16</td>
</tr>
<tr>
<td>£10,000 valuation</td>
<td>38</td>
</tr>
</tbody>
</table>

There were 57 MPs elected for constituencies outside Ulster, with 3 MPs - Lord Naas, who sat

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3 This table is based on data from a variety of sources including J. Bateman, The Great Landowners of Great Britain and Ireland (New York 1973 ed), U.H. De Burgh, The Land-owners of Ireland. An Alphabetical List of the owners of estates of 500 acres or £500 valuation and upwards in Ireland (Dublin 1878) and the Return of owners of land in Ireland, showing with respect to each county, the number of owners below an acre, and in classes up to 1000,000 acres and upwards, with the aggregate acreage and valuation of each class H.C. 1876, (422), lix. Thom's Almanac and Official Directory for 1880 was also consulted.
for Kildare and later Coleraine, James Whiteside who sat for Enniskillen and subsequently for Trinity College and John Vance who was elected for Armagh in 1867 after losing his Dublin City seat - being elected for constituencies both within Ulster and outside it. Next to Ulster, Irish Conservatives were most successful electorally in Leinster, with 31 MPs being returned for the province. They were less popular in Munster and Connaught, returning only 26 MPs between both provinces in the period covered by this thesis. On occasion, however, as with James Spaight in 1857 and Michael Morris in 1866, Conservative candidates could win unexpected victories in largely Roman Catholic constituencies such as Limerick City and Galway City respectively.

Table 3

| Educational background of Irish Conservative MPs elected between 1852 and 1868 |
|---------------------------------|---|---|
| English Public School           | 54 | 45.7 |
| Irish Public School             | 16 | 13.5 |
| Oxford/ Cambridge               | 38 | 32.2 |
| Trinity College Dublin          | 35 | 29.6 |
| Military academies [Sandhurst, Woolwich etc.] | 8 | 6.7 |

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4 See B.M. Walker (ed), *Parliamentary Election Results in Ireland 1801-1922* (Dublin 1978). Throughout the thesis, Ulster refers to the nine counties of the province of Ulster rather than the six counties of present day Northern Ireland.

5 See sources given for Table 1.

6 James Whiteside (1804-76): born in County Wicklow: educated Trinity College, Dublin: called to the Irish bar, 1830, Q.C 1841: came to prominence through his defence of Daniel O'Connell and William Smith O'Brien at their state trials in 1843 and 1848 respectively: regarded along with Isaac Butt as the leading orator at the Irish bar: MP for Enniskillen 1851-59 and for Dublin University 1859-66: Irish solicitor general 1852, attorney general 1858-59, Lord Chief Justice 1866-76.
While many Irish Conservative MPs had residences in England, most were resident in Ireland for at least part of the year. Indeed, Irish Conservatives frequently criticised their Liberal opponents for being absentees. Although the majority were Irish born, they were integrated into the British establishment by such mechanisms as attending British public schools - which no less than 54 MPs out of the 118 did [See Table 3 above]. Over half of these, 28 MPs in total, were pupils at Eton. There were 38 MPs who studied at either Oxford or Cambridge, a combined total greater than the 35 MPs who attended Trinity College, Dublin. Nevertheless, many of the Irish Conservatives appointed to government positions, particularly those holding legal offices, were educated at Trinity. All of the Irish attorney generals appointed by Conservative governments between 1852 and 1868, for example, were Trinity educated. The College's importance to the Irish Conservative party as a seedbed for young talent and a bastion of Conservative values within Ireland was indisputable.

The Irish aristocracy often had close family ties with English landowners; some like William Ormsby Gore, the MP for Leitrim, were English landlords themselves. Of the landowning group, 36 had served in the British army or navy. Nine Irish Conservative MPs served in the Crimean War: one, Edward Pakenham, a relative of the Longford family, was killed at Inkerman while Sir William Verner, the long time MP for Armagh, fought at Waterloo. The next largest occupational group after military men were the 16 MPs, or 15 per cent of the party, who came

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7 It did not prove possible to trace the educational background of all of the Irish Conservative MPs elected during this period. It is likely, however, that some of these were privately educated. The statistics for the educational background of the other Irish Conservative MPs are derived from a variety of sources including M. Stenton and S. Lees (eds), *Who's Who of British Members of Parliament*, 4 vols., (Hassocks 1976 to 1981), F.E. Ball, *The Judges in Ireland, Vol. II: 1221-1921* (London 1926), J. Foster, *Alumni Oxonienses: The Members of the University of Oxford 1715-1886: Their Parentage, Birthplace, and Years of Birth, with a Record of their Degrees*, 4 vols., (London 1888), J.A. Venn, *Alumni Cantabrigienses; A Biographical list of all known Students, Graduates and Holders of Office at the University of Cambridge, from the Earliest times to 1900*, Part.II, vols. I-VI (Cambridge 1927-54), and G.D. Burtchaell and T.V. Sadleir, *Alumni Dublinoenses; A Register of the Students, Graduates,*
from the legal profession. For many barristers and solicitors, politics provided opportunities for advancement in their profession which they could not have otherwise secured. Of these 15 MPs, 10 ended their careers as Judges in one or other of the Irish courts, while the most successful, Lord Cairns, served twice as Lord Chancellor of England, and was, for a brief period, leader of the Conservative party in the House of Lords. It should also be remembered that three of the most senior appointments within the Irish administration, Lord Chancellor, attorney general and solicitor general, were held by practising or former barristers. At a time when oratorical talent was in short supply on the Conservative benches, barristers like James Whiteside with a reputation for eloquence were a welcome addition to the party's ranks in the House of Commons. A third group, of merchants and industrialists, accounted for 9 of the Conservative MPs elected in this period. This group included such individuals as John Vance, a prominent Dublin merchant and MP for Dublin City, and Jonathan Richardson, a leading linen trader who was MP for Lisburn.

When selecting candidates to fight elections, local connections and the ability to sustain the expense of a contest were predominant concerns. It was generally expected that prospective candidates would have some 'interest' in the constituency they wished to represent. In 1852, for example, John Bates, the Conservative party agent in Belfast, identified 'local influence' as essential to the return of a Conservative candidate there. At election times, Conservative candidates frequently laid stress on their status as resident landlords. Nominating Robert

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*Professors and Provosts of Trinity College, in the University of Dublin* (London 1929).

Burrowes, the Conservative candidate for Cavan at the 1855 by-election, the local Church of Ireland minister, Rev. Francis Saunderson, praised him as ‘a member of a family of vast possessions in the county, and...of equally extensive reputation.’ In 1859, a Conservative agent in Cork warned Lord Donoughmore that a ‘stranger’ could not be elected for the County seat there, while ‘a popular and resident County man’ stood a good chance of success. The selection of candidates was frequently made at meetings of local landowners. Such meetings were often held to reaffirm support for sitting MPs. Occasionally, however, they adjudicated on disputes between rival candidates or selected new candidates to fight vacant seats. These were often stage managed affairs, the selection of candidates having previously been decided on between the more prominent local families and the national party leadership. Unless the candidate was supported by party funds or by an influential patron, it was essential that he had the resources to fund his election campaign, particularly if the seat was contested. Election expenses in such cases could be very high: in 1868, for example, Sir Arthur Guinness spent £15,000 to secure his return for Dublin City. Although, given Guinness’s wealth and the particular nature of the Dublin City constituency, this sum was exceptional, it does give some indication of the demands which electioneering could place on a candidate’s finances. In practice, candidates could expect to pay substantial sums to secure election and this, in part, explains the landed domination of the Irish Conservative representation during this period. As a high status and leisured class, landowners were convinced of their right to a predominance of the

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9 Davison to Tennent, 27 March 1852, Tennent papers, Public Records Office Northern Ireland, Belfast, D2922/B/9/7.
10 *Daily Express*, 9 April 1855.
11 Fitzsimons to Donoughmore, 13 April 1859, Donoughmore papers, Trinity College, Dublin, H/19/1/489.
Parliamentary representation.\textsuperscript{14}

As landowners, Irish Conservative MPs, like their English counterparts were prominent in local government. As can be seen from the table below, they were well represented as magistrates on the Grand Juries which tried local cases. These positions no doubt enhanced their influence and prestige in their locality. More senior appointments, like that of High Sheriff and Deputy and Lord Lieutenants of counties, had a higher status and were usually reserved for larger landowners. Lord Lieutenants, in particular, had considerable say in the distribution of local patronage. This role could be important in winning over influential figures in particular localities to support of the office holder's party. To secure appointment as Lord Lieutenant was a clear sign of government favour, a fact which may account for the relatively low number of Conservative MPs appointed to this position during the years covered by this thesis.

Throughout this period, Irish Conservatives retained a strong presence in Irish local government, the real decline in their influence coming only after the electoral reforms of 1884-85.

Table 4- Irish Conservative MPs in Local government positions 1852 to 1868\textsuperscript{15}

<table>
<thead>
<tr>
<th>Lord Lieutenants of Counties</th>
<th>12</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Lieutenants</td>
<td>54</td>
<td>46</td>
</tr>
<tr>
<td>Justice of the Peace/ Magistrates</td>
<td>77</td>
<td>65.2</td>
</tr>
<tr>
<td>High Sheriffs</td>
<td>34</td>
<td>29</td>
</tr>
</tbody>
</table>

\textsuperscript{12} See, for example, Alymer to Naas, n.d, Mayo papers, National Library of Ireland, Dublin, 11,018 (1), Davison to Naas, 31 August 1853, Mayo papers 11,017 (5), the diary of Henry Bruen for 11 April 1859, Bruen Diary, National Archives, Dublin, 1175/1, and Brownlow to Naas, 18 April 1859, Mayo papers 11,025 (15).
\textsuperscript{13} See K.T Hoppen, \textit{Elections, Politics and Society}, p. 84.
\textsuperscript{14} See D. Cannadine, \textit{The Decline and Fall of the British Aristocracy} (New Haven and London 1990), p. 15-25.
Gentlemen's clubs (see Table 5 below) were an important meeting place for Irish Conservatives, with the vast majority of MPs being members of at least one. These clubs provided an ideal opportunity for cementing social ties built on similar educational backgrounds and political ideas and gave ambitious young politicians the chance to develop contacts with party leaders. The most popular club among the party's Irish MPs was the Carlton, the leading Conservative club in London. The Carlton was essentially a political rather than a social club, designed 'to be a point of union and the centre of organization for the whole party.' To join it was a statement of political intent and a clear expression of identification with the Conservative cause.

Table 5

Club Membership among Irish Conservative MPs elected between 1852 and 1868

<table>
<thead>
<tr>
<th>Club</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlton/ Junior Carlton</td>
<td>90</td>
</tr>
<tr>
<td>Kildare Street Club</td>
<td>31</td>
</tr>
<tr>
<td>Sackville Street Club</td>
<td>28</td>
</tr>
<tr>
<td>National</td>
<td>16</td>
</tr>
<tr>
<td>United Services</td>
<td>15</td>
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<tr>
<td>White's</td>
<td>14</td>
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<tr>
<td>University [Dublin]</td>
<td>9</td>
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<tr>
<td>Army &amp; Navy</td>
<td>8</td>
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<tr>
<td>Travellers</td>
<td>8</td>
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<td>Guards</td>
<td>5</td>
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<td>Conservative [London]</td>
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<td>Boodles</td>
<td>3</td>
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<td>Arthur's</td>
<td>4</td>
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<td>Ulster</td>
<td>4</td>
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15 These figures are derived from a variety of sources including M. Stenton and S. Lees (eds), Who's Who of British Members of Parliament, (4 vols., Hassocks 1976 to 1981), U.H. De Burgh, The Landowners of Ireland (Dublin 1878) and Thom's Directory for the years between 1852 and 1868. Some Lord Lieutenants were not eligible to sit in the House of Commons, as they held seats in the House of Lords.


17 See the sources given for Tables 1 and 4.
Second in popularity to the Carlton was the Kildare Street Club, a cross party club in Dublin which included Liberal landowners among its members. Membership of the Kildare Street Club was a sign of belonging to the Irish political and social elite, rather than an indication of political allegiance. The premier Irish Conservative club was the Sackville Street Club, which counted many of the more prominent party men among its members. The Club served as the party’s headquarters for electioneering purposes, especially after 1853 when the newly formed Central Conservative Society of Ireland acquired offices on the same street. The fact that the Club was in Dublin, however, meant that its membership was biased towards those MPs representing southern constituencies. Northern MPs were more likely to join the Carlton Club, as they were liable to be in London for at least part of the Parliamentary session. The Ulster Club in Belfast had only a small Conservative party membership, although this was to change dramatically after 1885. Some 16 MPs were members of the ‘high Tory...[and] Evangelical’ National Club. Irish Conservative MPs also frequented non-political clubs like the Traveller’s Club and, reflecting the fact that so many MPs had military experience, the United Services and Army and Navy Clubs.

The importance of the Evangelical strain within the Irish Conservative party has generally been underestimated by writers on this period. Such prominent figures as Joseph Napier, Hugh Cairns and George Alexander Hamilton all came from this wing of the party. These MPs were heavily involved in the vast array of Evangelical societies which sprang up in Ireland from the 1830s onwards. These included proselytising societies like the Irish Church Missions and the Irish Society and charitable organisations like the Association for the Relief of Distressed

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19 See A. Jackson, *The Irish Party*, p. 73.
Protestants and the Orphan Refuge Society. 21 Irish Conservative MPs were also prominent in the Church Education Society, a largely Church of Ireland body founded in opposition to the National Board system of education. 22 It should also be noted here that the vast majority of Irish Tory MPs elected during these years were members of the Church of Ireland. Indeed, 14 of the 118 MPs elected between 1852 and 1868 were the sons of Church of Ireland clergymen. Only 3 Roman Catholics and one Presbyterian were elected as Conservative MPs in the whole of this period, the longest serving of whom was John Pope Hennessey, the Roman Catholic MP for King’s County between 1859 and 1865. 23 The Irish Conservative party as a whole represented an alliance of three of the central pillars of the Irish establishment in this period, the land, the law and the military. The other pillar, the Church of Ireland, had its own representation in Parliament through the presence of Irish bishops in the House of Lords.

A simple enumeration of the number of Irish Tory MPs who were landowners seriously underestimates the role which the landed class played within the party. A group of Irish Conservative peers, most of whom sat in the House of Lords, were more influential than most MPs. This group included Evangelical landowners like the Earl of Roden 24 in Down and Lord Farnham in Cavan. 25 It also included more moderate politicians like Lord Donoughmore, 26 and

22 See Chapter Three below.
23 John Pope Hennessey (1834-91): born Cork City: educated Queen’s College, Cork: MP for King’s County 1859-65, for North Kilkenny, 1890-91: called to the English bar, 1861: Governor of Labuan, 1867-71, Administrator of West African settlements, 1872-73, Governor of the Bahamas, 1873-76, Governor of the Windward Islands, 1877, Governor of Mauritius, 1883-87, kniited 1880.
smaller landowners like the fifth Lord Mayo and Lord Glengall, who became prominently involved in Conservative politics through their opposition to the repeal of the Corn laws in 1845. Landlord influence played a critical role in Conservative electoral successes in this period, particularly in the North of Ireland. There a small group of landowning families controlled several of the county seats. These were more rural than the borough seats and were generally more susceptible to landlord influence. An example of this landlord influence was Fermanagh County, which was represented by a member of the Archdall family from 1730 to 1885. A member of the Abercorn family held a Tyrone County seat for a period of close to forty years, from 1835 to 1874. Other Northern counties such as Cavan and Derry were similarly dominated by members of the Annesley and Bateson families, albeit not for so long a period. Outside of Ulster, three members of the Bernard family were successively MPs for Bandon between 1842 and 1863, while the Cooper family exercised a similar electoral dominance in Sligo.

Throughout this period, landlords usually instructed their tenants on how they wished them to vote at elections. Notices to quit were sometimes issued in order to ensure that tenants voted in the desired fashion, but the implied threat was rarely acted upon. Nevertheless, the issuing of such notices was a potent reminder of the power that the landlord held over the tenant.

Landlords were, however, likely to insist on the early payment of arrears by those who voted

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26 Richard John Hely Hutchinson (1823-66): succeeded his father as 4th Lord Donoughmore, 1851: educated Harrow: entered the House of Lords, 1851 and quickly became the Conservative party's chief spokesman on Irish affairs there: dominant figure in Conservative electoral politics in the South of Ireland: President of the Board of Trade 1858-59: Senior Grand Warden of the Freemason's of Ireland.

27 The fifth Lord Mayo, Lord Glengall and Lord Donoughmore were prominently involved in the great Protectionist meeting held at the Rotunda in Dublin in February 1850. See 'Free Trade and the Poor Law incompatible' in the *Dublin University Magazine*, no. CCVI, February 1850, p. 270-73.
against their instructions. Up until the introduction of the secret ballot in 1872 the landlord knew how each of his tenants had voted.\textsuperscript{29} It should also be remembered that throughout this period the number of voters was only a small proportion of the total population. K.T. Hoppen has estimated that after the Irish Franchise Act of 1850 the total Irish electorate amounted to 163,546, one voter for every forty inhabitants in the country. Despite local variations, the electorate in county constituencies particularly was biased towards larger farmers, who were more likely to vote Conservative than were smaller farmers.\textsuperscript{30} It was one of the central tenets of Irish Conservatism that the exertion of landlord influence at election times was one of the legitimate rights of property. On those occasions when the landowners candidate was defeated, blame was usually attached to the illegitimate influence exercised by the priests or by outside agitators who had disrupted what was, in the words of the Dublin Conservative newspaper, the \textit{Daily Express}, the 'naturally harmonious' relationship between landlord and tenant.\textsuperscript{31}

Although the bulk of the parliamentary party came from landowning families, these MPs were not necessarily the most influential members of the party. Many of them, in fact, fit H.J.Hanham’s description of English County members; '...The typical county member was a solid county gentleman or the son of one of the lesser peers...He was not a politician in the ordinary sense, rarely spoke in the House [of Commons] and spent a great deal of the


\textsuperscript{29} The Nineteenth Century Irish electoral system is examined in detail in K.T. Hoppen's, \textit{Elections, Politics and Society}, see in particular p.1-73. See also J.H. Whyte, 'Landlord Influence at Elections in Ireland, 1760-1885' in \textit{the English Historical Review}, vol. LXXX, October 1965,p. 740-60.


\textsuperscript{31} \textit{Daily Express}, 13 June 1853.
[Parliamentary] session in the country. The diary of Henry Bruen, a Conservative MP for Carlow for 23 years, closely fits this description. It is only at election times that his diaries become political, and then, usually merely describe his canvassing in Carlow. National politics are rarely touched on. The Irish Conservative press regularly criticised the party's MPs for their poor attendance at Westminster. One MP, Sir William Verner did not attend a single vote in the House of Commons in the session of 1853-54. When Thomas Connolly, the Conservative MP for Donegal County, voted in a division in February 1853, the Daily Express sarcastically observed that the 'rarity of this occurrence' meant that it deserved special notice.

This problem of slack attendance by Irish Conservative MPs was particularly acute at times when the party was in opposition and seemed to have little chance of office. While these county gentlemen were the backbone of the party in terms of its parliamentary strength, the intellectual leadership of the party lay elsewhere.

Throughout the years 1852 to 1866 this elite of the Irish Conservative party remained remarkably consistent. This leading group had a long experience of Irish Conservative politics, all having been involved from the 1830s onwards. They were also a small self-contained circle. Along with Lord Naas, three times Irish Chief Secretary between 1852 and 1868, other members of this group were Joseph Napier, Irish attorney general in 1852 and Lord Chancellor in 1858-59, and his brother in law, James Whiteside, the Irish attorney general in 1858-59, and later Lord Chief Justice. All three had been educated at Trinity College Dublin. They had also all grown up in Evangelical Protestant households, though Naas proved noticeably more moderate in his

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33 Diary of Henry Bruen, National Archives Dublin, 1175/1-5.
34 See the Daily Express, 16 September 1853.
religious opinions than the others. Although Naas was hardly notable as an original thinker, he combined the talents of a shrewd party manager with those of an efficient administrator. In the Conservative governments of 1852 and 1858-59 this group, along with Lord Eglinton, the Scottish born Lord Lieutenant, played a key role in formulating Irish policy. Naas was the only one of the three to come from a landed background, while both Napier and Whiteside were practising barristers. Together, with other prominent Irish Conservatives like George Alexander Hamilton and Thomas Edward Taylor, these three men were given a largely free hand in devising Irish electoral strategy by the leaders of the party in England.

At each of the general elections held between 1852 and 1859, the Irish Conservative party achieved significant electoral gains [See Table 6 below]. It was most successful electorally at the 1859 general election. In that year the party won 55 out of the 105 Irish seats, a clear majority and an improvement of 13 seats on their performance in 1852. The party was particularly successful in Ulster, winning all of the seats there. It also made a clean sweep of the six Dublin seats, two each for the Dublin City, County and University constituencies. This result was an improvement by eight seats on the party's performance at the 1857 election. In the 1857 election, the Conservatives had won 48 seats, although James Whiteside claimed that 'with

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35 Daily Express, 19 April 1853.
37 Thomas Edward Taylor (1811-83): his father was the fourth son of the Earl of Bective while his brother became the first Marquis of Headfort: educated Eton: captain in Dragoon Guards, retired 1846: MP for Dublin County from 1841 to 1883: Conservative chief whip 1859-68: Lord of the Treasury 1858-59, Secretary to the Treasury 1866-68, Chancellor of the Duchy of Lancaster 1868 and 1874-80: a party manager par excellence.
more time...[and] a wiser selection of candidates the Conservatives might have won 3 or 4 additional seats.

Table 6 Election Results 1852 to 1868

<table>
<thead>
<tr>
<th></th>
<th>Conservatives</th>
<th>Liberals</th>
<th>Independent Party</th>
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<tbody>
<tr>
<td>1852</td>
<td>42</td>
<td>15</td>
<td>48</td>
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<tr>
<td>1857</td>
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<td>1865</td>
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<td>58</td>
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<td>1868</td>
<td>39</td>
<td>66</td>
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There was some disagreement among both contemporaries and writers on this period regarding the exact number of Conservative MPs returned at the general elections of this period. These discrepancies primarily arose from the fluctuating allegiances shown by some MPs in these years. For example, 4 MPs previously elected as Conservatives supported the Liberal government's Conspiracy to Murder bill in February of 1858. Indeed, one of these, Henry Herbert, had been appointed Irish Chief Secretary by Palmerston in 1857. Herbert was one of the few Irish Peelites and the vagaries of his career reflected this. Other MPs whose allegiance to the Conservative party was equivocal at best included Sir Richard Levinge, the MP for Westmeath between 1857 and 1865, and Francis Dunne, who was successively MP for

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39 Whiteside to Jolliffe, 18 April 1857, Jolliffe papers, Somerset Records Office, Taunton, DD/HY/24/11.
40 This table is based, with some alterations, on the figures given in B.M. Walker, &lt;Parliamentary Election Results in Ireland.&gt;
41 See J.B. Conacher, &lt;The Peelites and the Party System 1846-52 (Newton Abbot 1972), p. 115. See also the same author's, &lt;The Aberdeen Coalition 1852-1855: A study in Mid-Nineteenth-Century Party Politics (Cambridge 1968), p. 556-558. In July 1852 the &lt;Daily Express&gt; admitted that it was 'not very easy in some cases to fix the political opinions of the newly elected MPs.' &lt;The Daily Express, 26 July 1852.&gt;
Portarlington and Queen’s County. These shifts in allegiances owed a great deal to the Conservative party splits of the 1840s and to Palmerston’s success in attracting Irish Conservative support. After Palmerston’s death in 1865, a movement in the opposite direction, from the Liberal party to the Conservatives, was briefly discernible. The most notable of these Liberal defectors were Michael Morris, appointed Irish attorney general by the Conservatives in 1866, John Thomas Ball, appointed to the same office for a brief period in 1868 and Abraham Brewster, Irish Lord Chancellor from 1867 to 1868.

The backbone of the Irish Conservative party’s electoral organisation was the Central Conservative Society of Ireland formed in February 1853. As with similar bodies previously, the Central Society had several aristocratic patrons. However, with the exception of individuals like Lord Naas and Lord Donoughmore, the bulk of the Society’s work was done by a group of Dublin legal men and their counterparts in other parts of the country. Although the Society’s annual meeting held in January each year after 1853 was a useful meeting point for the most prominent Irish Conservatives, its real focus was on the conduct of elections. It was especially concerned with the registration of voters. Given the small size of some Irish constituencies, for example there were only 71 voters in the Portarlington constituency in 1851, the addition of a few extra Conservative voters or indeed the removal of some of their opponent’s supporters from the Register, could make the difference between the Conservatives winning or losing a seat. The

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42 The difficulty of ascribing political labels to such MPs was exemplified by the case of Sir Robert Ferguson, described by J.B. Conacher as ‘a Whig’ on p.557 of the Aberdeen Coalition and as ‘largely apolitical’ by K.T. Hoppen on p. 269 of Elections, Politics and Society. Ferguson’s vote oscillated between the two main parties throughout the 1850s, although in May 1859 he gave Taylor a promise that he would give the Conservatives ‘a general’ support.’ See Taylor to Donoughmore, 15 May 1859, Donoughmore papers, H/19/1/1604.
43 See the report of the first meeting in the Daily Express, 1 March 1853.
44 The annual reports of the Society laid special stress on its role in this area. See, for example, the Daily Express, 28 January 1854, the Daily Express, 26 January 1856 and the Dublin Evening Mail, 30 January 1857. See also the Report of the Sub-Committee to the Central Conservative Society of Ireland (Dublin 1859), p.1-3.
Central Society in Dublin provided local Conservative registration societies with legal expertise and information on existing electoral law. It also sought to establish such societies in areas where they did not already exist. The Society frequently sent agents to the Revision sessions, where new voters were registered and objections to the names on the existing register were considered. These courts were of considerable importance as, if one party or another established a sufficient majority, a contest was unlikely to be held. One example from the Society's 1859 report shows the potential benefits which this type of attention to the electoral register could bring; in the Louth County constituency, the local Conservative agent reported that some 127 'Radical' voters had been struck off the electoral lists. While 29 Conservatives had been removed from the Register, this loss had been made up by the addition of another 39 new Conservative voters. In total, the Revision session saw a Conservative gain of 131 votes, an increase which guaranteed their retention of the seat. As a general election was imminent at the time the 1859 report was issued, the Revision courts had taken on an added significance. This was shown by the decision of William B. Kaye, the Secretary of the Society, to attend these courts in particularly close constituencies like Newry and Bandon. The Society generally operated through local agents, usually legal men, who maintained close contact with the central

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43 See Clarke to Donoughmore, 22 May 1851, Donoughmore papers, H/11/1/22.
44 See the Report of the Sub-Committee, p.3-6. The Report details the Society's activities throughout the country, and concludes that, with one exception, wherever a 'Conservative Registration Society exist[ed], or where the Registry...[was] attended to by competent agents, an improved registration has invariably been the result.' Report of the Sub-Committee, p.1 For a discussion of the activities of election agents and registration societies see B.M. Walker, 'Party Organisation in Ulster, 1865-92; Registration agents and their Activities' in P. Roebuck (ed), Plantation to Partition: Essays in Ulster History in honour of J.C.L. McCracken, (Belfast 1981), p. 191-209.
society in Dublin. Their funding came principally from local landowners, while the leaders of the party received funds for election purposes from the central party organisation in England.

The importance of the Society in the resurgence of the party after 1852 is indisputable, but there were other reasons for their revival which were as important. Chief among these was the decline of the Independent party, which at the general election of 1852 had appeared to pose a significant threat to landlord electoral dominance. At that election the Independent party won 48 seats, although many of the MPs elected under its banner were really Liberals who had taken the ‘Independent’ pledge in order to be elected. The party's original stance was that it would remain independent of both of the main British political parties. This position, always a difficult one to maintain, was compromised by the acceptance of office by William Keogh and John Sadleir, two of its leading members, in the Coalition government which succeeded the Conservatives in 1853. This was an obvious violation of the ‘Independent’ pledge. The defection of Sadleir and Keogh increased the fissiparous tendencies already shown by the party with many MPs who had taken the pledge reverting back to their traditional support of the Liberals. Of the MPs elected in 1852, only 26 remained loyal to the independent principle by 1853. The divisions between its Northern and Southern wings and among the leaders of the party only exacerbated this situation. At the 1857 general election, only 13 Independent party MPs were elected. Its threat to landlord

47 In April 1856, for example, Lord Donoughmore attempted to found a local registration society for County Tipperary. He estimated that a ‘fund of from £60 to £80’ would be sufficient to secure the services of ‘professional men’ to overlook the registration process. For this purpose, he, Lord Glengall, Lord Hawarden and other local proprietors had agreed to subscribe ‘£5 a year a piece.’ Donoughmore was also pressing landlords in Cork to set up a similar body in that county. See Donoughmore to Derby, 1 April 1856, Derby papers 158/6. See also Naas to Derby, 29 June 1855, Derby papers 155/9 and Hamilton to Derby, 26 June 1855, Derby papers 150/9, both of which claim, that with financial support from the party in England, the Central Conservative Society could ensure that ‘several seats’ would be gained by the party at the next general election.
influence, which in 1852 had appeared so formidable, by this time, had clearly evaporated.\footnote{See J.H. Whyte, \textit{The Independent Irish Party 1850-59} (Oxford 1958). See also S.R. Knowlton, \textit{Popular Politics and the Irish Catholic Church: The Rise and Fall of the Independent Irish Party, 1850-1859} (Stanford 1991).} The party's effective existence came to a close in 1859, when its remaining MPs split on the Conservative government's Reform bill. Although a number of Irish Catholic MPs continued to vote with the Conservative party between 1859 and 1865, this was generally as isolated individuals rather than as a coherent group.

The decline of the Independent party coincided with a revival of the fortunes of the Irish Liberal party, the most consistent, if not necessarily the most potent, threat to the Conservative party between 1852 and 1868. One of the difficulties in assessing Liberal party strength in this period is that the term 'Liberal', in contemporary usage, was often applied to all the non-Conservative MPs returned for Irish constituencies.\footnote{See K.T. Hoppen, \textit{Elections, Politics and Society}, p. 258.} Thus, an MP like John Francis Maguire,\footnote{John Francis Maguire (1815-1872): born Cork city: called to the Irish bar, 1843: founder and editor of the \textit{Cork Examiner}: MP for Dungarvan, 1852-65, for Cork city, 1868-72: Mayor of Cork, 1853, 1862, 1863 and 1864: awarded a Papal knighthood, 1856.} who in the late 1850s and early 1860s regularly voted with the Conservatives, was identified as a 'Liberal' by many contemporaries.\footnote{This practice is, indeed, still followed by some recent reference works which include all of the Independent party MPs elected between 1852 and 1859 in the Liberal party ranks. See, for example, C. Cook and J. Stevenson, \textit{The Longman Handbook of Modern British History 1714-1987} (Harlow 1983) and R. Blake, \textit{The Conservative Party from Peel to Thatcher} (London Revised ed, 1985).} However, it was not until Palmerstonian inactivity gave way to Gladstonian reform, that the idea of a tactical alliance between the remaining Independent party MPs and Conservative MPs finally lost its appeal for both sides. Under Palmerston, indeed, there was little difference between Conservative and Liberal policy on Ireland.\footnote{\textit{\textendash} see, for example, C. Cook and J. Stevenson, \textit{The Longman Handbook of Modern British History 1714-1987} (Harlow 1983) and R. Blake, \textit{The Conservative Party from Peel to Thatcher} (London Revised ed, 1985).} It should be remembered here that like the Irish Conservative party, the Irish Liberal party had a considerable landed element. Even in 1868, for example, 43.9 per cent of the Liberal MPs
elected came from a landed background. Indeed, some of the largest landowners in Ireland were members of Whig families. Unlike the Conservatives, however, the Liberals had a strong Catholic presence within the parliamentary party and regularly appointed Roman Catholics to government offices. Most of the Irish attorney general's appointed by Liberal governments, notably William Keogh, J.D. Fitzgerald and Thomas O'Hagan, were Roman Catholics, with all three ending their careers on the bench. O'Connell's tactical alliance with the party had also given it a residual support base among Irish Catholics. The history of the Irish Liberal party has been neglected; both contemporaries and more recent historians ascribing most of its strength during this period to the party's stranglehold over official patronage. With Liberal governments holding office for the bulk of the period from 1852 to 1868, this argument undoubtedly has some validity but there is a need for a detailed study of the party to supplement K.T. Hoppen's pioneering account.

Throughout the period covered by this thesis, the Irish landed class retained their predominant position in Irish society. As we have seen in this chapter, their influence was a key factor in Irish Conservative electoral successes in the mid-Nineteenth century. They dominated the party's parliamentary representation and remained hugely influential in local government. In Parliament, however, it was generally left to representatives of the professional classes in Ireland, particularly to legal men, to articulate the Irish Conservative case. Their interests, in general, coincided with those of their landed counterparts, but this was not automatically the case. Occasionally, their views as to the best policies which Irish Conservatives should pursue could

come into conflict. One notable example of this was the controversy which arose over the ambitious attempt at comprehensive Irish land settlement made by Joseph Napier, the Conservative attorney general, in 1852. It is to the response which this received from the representatives of the landed interest within the Irish Conservative party that we will now turn.

Chapter Two

The Irish Conservative Party and the Land Question

1852-1860

1. The Introduction of the Landlord and Tenant Bills 1852

As we have seen in the introduction, Irish landowners held a predominant position within the Irish Conservative party. They were the bulwark of its parliamentary strength, while their influence played a critical role in the party’s electoral successes in this period. In turn, they looked to the party at Westminster to protect their privileged position within Irish society. Their dominance of the Irish Parliamentary representation - 68 of the 105 Irish MPs returned at the 1852 election, for example, were from a landed background - was out of all proportion to their numbers. A government return published in the 1870s showed that some 6,461 landowners with estates valued at over £500 owned over 87 percent of all the land in Ireland. The larger landowners were an even smaller group, with some 303 proprietors of estates over 10,000 acres owning just over one third of all Irish land, both rural and urban. According to the 1851 census, there were 570,338 tenant farmers in Ireland, but this number undc.estimated those dependent on the land for their livelihood. Together with their families and those of the agricultural labourers who worked on their farms, this group constituted the bulk of the Irish population. Of these holdings, 50.9 per cent were over 15 acres in 1851, an increase of over 14 per cent from the comparable figure in 1844. This consolidation of Irish land holdings was one

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3 D.G. Boyce, Nineteenth Century Ireland, p. 122.
of the long-term effects of the Famine, which, through death and emigration, had disproportionately affected small holders and agricultural labourers. This process had, of course, been accelerated, by the widespread evictions that took place during the Famine years. 4 For some contemporary thinkers, these changes had opened up an opportunity for a more efficient and profitable use of Irish farm land. 5

Even after the Famine, Irish tenants generally held their land from year to year. As late as the 1870s, only 20 per cent of tenants held leases. Under yearly tenancies, landlords had the power to increase rents annually and to evict tenants with only six months notice. The landowner was also under no obligation to reimburse tenants for improvements made at their own expense. 6 Critics of this system believed that yearly tenancies and the insecurity they generated militated against tenants improving their land. Unlike their English counterparts, Irish landlords spent relatively little on improvements on their estates. W.E. Vaughan has estimated that the average amount spent on improvements on Irish estates was between 4 or 5 per cent of the landlord's total income. 7 There was, of course, a widespread variation in the sums spent on different estates but the total landlord expenditure on improvements was no more than £7 or £8 million in the years between 1850 and 1875. As a result of this, Irish tenants were generally responsible for the improvements carried out on their land. 8 To carry out such improvements required capital and

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5 See for example Napier's House of Commons speech of 13 July 1849 in which he described the Famine as a 'great and remedial visitation' which offered the prospect of raising Ireland 'to a state of real and permanent prosperity.' *Hansard*, 3rd S, CVII, cl. 330. See also J. Napier, *Address delivered at the Dublin Oratorical and Literary Institute on the 5th of July 1847 by Joseph Napier, Esq., Q.C, President of the Society* (Dublin 1847), p. 7-8. In this address, Napier referred to the 'remedial purposes, which in the course of trial and of judgement from above...[were] disclosed to the observing mind and heart.' See also R.D. Collison Black, *Economic Thought and the Irish Question, 1817-1870*, (Cambridge 1960), p. 28.
not all Irish tenants had the income to undertake such an expense.

It was within this context that the four Irish land bills devised by Joseph Napier, the Irish attorney general, and introduced by the Conservative government in 1852 were framed. Three of the bills were designed to encourage Irish landowners to emulate their British counterparts and invest in their estates, and at the same time, give Irish tenants access to the capital which they needed to improve their holdings. The bills, in essence, were intended to facilitate efficient and profitable estate management, and fell within that phase of Irish land reform between the 1840s and 1880s when Parliament attempted "to help landlords assert themselves more strongly as the providers of capital and the promoters of prosperity and order in the countryside." The most controversial of the bills, the Tenants Compensation bill, designed to secure tenants compensation for improvements made at their own expense, had a different objective and was aimed at countering the threat posed to Conservative strength in the North of Ireland by the Tenant League.

The national Tenant League was formed at a conference in Dublin in August 1850, but the organisation had its roots in the Tenant Associations founded across the country in the late 1840s. Tenant insecurity had been accentuated by the widespread evictions of the famine years. In particular, Northern tenants feared that landlords there were using the agricultural depression

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which succeeded the Famine to attack the operation of the ‘Ulster Custom’.¹⁰ These suspicions of landlord intentions were heightened when a bill, introduced by William Sharman Crawford, the Radical MP for Rochdale, and designed to legalise the 'Custom' and extend its application, was heavily defeated in the House of Commons in 1847.¹¹

The Tenant League programme, as defined in 1850, went further than a mere legalisation of the existing ‘Custom.’ It demanded that rents be based on a compulsory and independent valuation of land (‘fair rent’), that tenants should be left undisturbed in the possession of their holdings so long as they paid their rent (‘fixity of tenure’) and that tenants should have the right to sell their ‘interest’ in their holding to an incoming tenant (‘free sale’). This last demand was the closest to the ‘Ulster Custom’ as it then existed, as the payment made would be highest in the case of farms where the tenant had invested heavily on improvements.¹² Ulster was, as we have seen, a Conservative stronghold and many Irish Conservatives saw the Tenant League as a potential threat to their position there. In particular, the League’s appeal to Ulster Presbyterian tenant farmers threatened to draw away a sizeable block of support from the party. Napier’s Tenants Compensation bill, thus, had a dual object; to encourage tenants to invest in their land by providing credit facilities for those who lacked the resources to do so and to address at least some

¹⁰ The 'Ulster Custom', referred to the practise of incoming tenants paying outgoing tenants for their 'interest' in their holding. The sums paid varied widely but were generally linked to the level of rents. The lower the rent, the higher were the sums paid. The 'Custom' ensured that tenants on such holdings received some compensation for any improvements they might have made. On some estates, the 'Custom' also ensured that tenants were relatively secure in their occupancy so long as their rents were paid. The observance of the 'Custom' was, however, dependent on the Landlord's consent. Critics of the system argued that it drained the resources of incoming tenants and, thus, mitigated against their improving their holdings. The term 'Tenant Right' had various meanings, sometimes being used interchangeably with the term 'Ulster Custom' but also occasionally being conflated with the wider programme of the Tenant League (the 'Three Fs'- fair rent, free sale and fixity of tenure.) See W.E. Vaughan, Landlords and Tenants in Mid-Victorian Ireland, p.75-81. See also P. Bull, Land, Politics and Nationalism, p. 20-35 and P. Bew and F. Wright, The Agrarian Opposition in Ulster Politics, 1848-87' in S. Clark and J. Donnelly (eds), Irish Peasants; Violence and Political Unrest 1870-1914 (Manchester 1983), p. 193-95.


of the grievances which lay behind the Tenant League agitation. Napier’s bills were designed to form a complete code of Irish Landlord and Tenant law, and were the most ambitious Irish land bills introduced by any British government in the period between the Famine and 1870. Despite this, they have not received a great deal of attention from historians. The two most detailed accounts of Irish politics in this period are centred on the Irish Independent party and thus, necessarily look at Napier’s bills from its perspective.\textsuperscript{13} The present chapter examines the reasoning behind Napier’s introduction of these bills, and the political circumstances that retarded their progress in the House of Commons between 1852 and 1860.

Napier’s interest in the Irish land question long pre-dated his introduction of these bills. In April 1848, speaking on Sharman Crawford’s Outgoing Tenants bill, he had recommended the appointment of a committee to revise the whole body of Irish Landlord and Tenant law, ‘in order to simplify [it] and reduce it to a small and rational compass.’\textsuperscript{14} He also anticipated two of the main provisions of his later code; firstly, by recommending that tenants with limited interest in the land, tenants for life for example, should be enabled to borrow money to make improvements; and, secondly, by stating his support for the payment of compensation for improvements which enhanced the productivity and value of the tenants holding. He wished to see the tenant given ‘every fair benefit of his industry’ and encourage a ‘judicious expenditure’ on the improvement of the land.\textsuperscript{15} Despite these statements, however, Napier voted against Sharman Crawford’s bill. While he maintained that it was ‘unjust and unwise’ to evict a tenant who was ordinarily punctual in paying his rent, he claimed that fixity of tenure would principally

\textsuperscript{13} See J.H. Whyte, \textit{The Independent Irish Party}. This work has been supplemented but not superseded by S.R. Knowlton, \textit{Popular Politics and the Irish Catholic Church} (New York 1991).

\textsuperscript{14} \textit{Hansard}, 3rd S, XCVII, cl. 1322.

\textsuperscript{15} \textit{Hansard}, 3rd S, XCVII, cl. 1321.
benefit unimproving tenants. Sharman Crawford’s bill was designed to legalise the ‘Ulster Custom’ on estates where it existed and extend its application to those where it did not. On estates where the Custom had not previously existed, compensation would include the loss sustained by the tenant as a consequence of his dispossesssion as well as any increase in the value of the land resulting from the tenant’s improvements. Thus, the sums paid in compensation would be higher than if paid purely as compensation for the value of the tenant’s improvements.

Later in the same year Napier served on a select committee on the abortive Irish land bills introduced by the Chief Secretary, Sir William Somerville. Somerville’s bills had included a provision for compensation in cases where the landlord consented to the improvement being made. In August of the following year, Lord Monteagle, one of the Whigs leading expert’s on Irish affairs, moved for a Commission of the House of Lords to inquire into the state of Landlord and Tenant law in Great Britain and Ireland. This motion was defeated. In the Commons the next day, Napier criticised the government for its delay in reaching a settlement of the question. It should be remembered here that after the Devon Commission’s report in 1845, which had recommended compensation for improvements, numerous failed Irish land bills had been introduced into the House of Commons, by both Liberal and Conservative governments and by Sharman Crawford.

The Conservative government was a minority one and owed its position primarily to divisions

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16 *Hansard*, 3rd S, XCVII, cl. 1318.
17 *Hansard*, 3rd S, CXIII, cl. 612.
within the Whig leadership and to Independent party disillusionment with Lord John Russell’s
court over the Ecclesiastical Titles bill. It was generally believed that it would be short
lived. Napier’s first act as Irish attorney general was to move for the appointment of a select
committee to inquire into the state of districts in Counties Armagh, Monaghan and Louth, a
regional centre of agrarian disturbances in this period. In this speech, Napier also declared his
intention of bringing in an Irish Landlord and Tenant bill in the near future. He implied that
Tenant League agitation had contributed ‘largely though no doubt inadvertently and
unconsciously’ to agrarian crimes in these districts. This was a theme which both Napier and
Whiteside pursued consistently in their questioning of witnesses before the committee. They
attempted to fit these incidences of agrarian crime into a wider pattern of Ribbon conspiracy.
Whiteside referred at one point to a ‘system of intimidation and terror...[designed] to expel the
proprietors from their estates...[or] to compel them to submit to such terms as were demanded.’
The committee sat between March and May 1852, and examined a wide range of witnesses.
These included Resident Magistrates and local clergymen for the counties involved. The
questioning by Napier and Whiteside of one witness, Father Lennon, a parish priest in Co.

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18 Hansard, 3rd S, CXIII, cl. 706. After the failure of Monteagle’s motion, Napier commissioned two Dublin
solicitors, William Dwyer Ferguson and Andrew Vance, to undertake a study of the subject, the result of which was
published in book form in 1851. Napier supplied Ferguson and Vance with ‘many valuable notes and public
papers’ and his bills, with one exception, were to a large degree modelled on their recommendations. Thus, even
before he became Irish Attorney general in February 1852, Napier had acquired an in-depth knowledge of the Irish
land question. See W.D.Ferguson and A.Vance, The Tenure and Improvement of land in Ireland considered with
reference to the relation between Landlord and Tenant and Tenant-Right (Dublin 1851). See also W.D.Ferguson,
Literary Appropriations and the Irish Land Bills of the late Government (Dublin 1853).
19 For a discussion of the controversy over the introduction of the Ecclesiastical Titles Bill, see Chapter Five.
20 Hansard, 3rd series, CXIX, cl. 1184.
21 Report from the Select committee of Outrages (Ireland); Together with the Proceedings of the Committee, Minutes
22 The witnesses examined included Major Warburton, Captain George Fitzsimons and Edward Golding,
Stipendiary Magistrates for Armagh and Monaghan, Maxwell Hamilton, the Crown Solicitor for the North East
circuit, John Major, the Assistant Barrister for Monaghan, and Father Lennon, the Roman Catholic parish priest for
the upper Creggan in Co. Armagh.
Armagh and a sympathiser with the Tenant League, proved particularly controversial.

Whiteside attempted to link an agrarian murder there with a statement made by Lennon's curate about the 'propriety of exterminating tyrants.' This style of questioning led Frederick Lucas to write a letter of protest to Napier, suggesting that he and Whiteside had used their skills 'as experienced cross examiners' to 'entrap an unsuspecting country priest into an admission that he was an accomplice in a murder.' At a meeting in Dublin a few days earlier, several prominent members of the Tenant League had protested against the attempts by Napier and Whiteside to draw a link between the level of 'outrages' and areas where the Tenant League was particularly active.

The committee’s report recommended a series of coercive measures, such as giving the superior courts the power to change the venue of murder trials where there was a suspicion of Ribbon involvement. It suggested that those cases should be moved to counties better ‘adapted to secure a fair and impartial trial.’ This alteration in the law was obviously intended to make it easier for the government to secure convictions in such cases. Other resolutions dealt with raising the level of the poor law qualification for jurors and with withholding licenses from publicans who allowed secret societies to meet on their premises. The ninth resolution, however, adopted a different tone. It recommended that the government should introduce a measure to consolidate the laws relating to Landlord and Tenant in Ireland and should 'especially...consider the practicability of such legislation as might provide adequate security to tenants for permanent improvements, and otherwise place the relation on a more satisfactory

23 Report from the Select committee of Outrages, p.559.
24 Dublin Evening Mail, 31 May 1852.
25 Morning Herald, 27 May 1852.
footing. Whiteside later claimed that Henry Drummond, an English Conservative member of the committee, had drawn up a ‘much stronger resolution to the same effect which, with difficulty, we got him to water down.’ Drummond argued that once people in England ‘understood the facts, [they] would support the principle of giving the Irish tenants compensation for the doing of certain things which the Irish landlord ought to do but never did.’

Napier and Whiteside regarded this resolution as having pledged the government to introduce a measure giving compensation for improvements. The committee’s report was significant in representing an early attempt to combine coercive measures with measures of ameliorative reform.

Following their appointments, all three leading members of the Irish government, Naas, Napier and Whiteside, were obliged to stand for re-election. In their election campaigns, all three pledged themselves to the introduction of an Irish Land measure including a provision for tenants compensation. Speaking in Coleraine, Naas promised that if the government remained six months in office, it would bring in a measure ‘preventing landlords from taking advantage of money laid out upon land by tenants.’ He argued that the tenant should ‘be secured in the enjoyment of his holding, providing he improve[d]...it as he ought to do,’ a suggestion that went beyond anything yet suggested by Napier. In Enniskillen, Whiteside made a similar pledge on improvements, while again stressing his opposition to fixity of tenure. Speaking at his election for Dublin University, Napier announced that he had a number of land bills in preparation, one of which would give ‘the honest and industrious tenant...a just compensation for

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26 Report from the Select committee of Outrages, p.iii-iv.
27 Whiteside to Disraeli, 4 November 1852, Disraeli papers, Bodleian Library, Oxford, B/XXI/W/293.
28 Dublin Evening Mail, 24 March 1852.
29 Dublin Evening Mail, 8 March 1852.
the improvements which his labour, skill and capital had effected.” The Irish government had, therefore, declared its intention to introduce a comprehensive Landlord and Tenant code well before Napier introduced his bills in November.

In March 1852, in a debate on Sharman Crawford’s Tenant Right bill, both Napier and Whiteside made clear their opposition to the leading tenets of the Tenant League. Whiteside condemned the three central planks of their original programme, fixity of tenure, compulsory valuation, and free sale, as not being ‘in accordance with the rights of property.” Napier claimed that it was impossible to legalise Tenant Right as it existed in Ulster, as, even there it varied from estate to estate and was based on local custom. To legalise it would be to ‘perpetuate a vicious system of compensation.” In a later debate on the bill, Lord Naas described its principles as ‘as dangerous and as communistic as were ever broached in the wildest time of revolution.’ It would, he claimed, convert the landlord into ‘a mere rent-charger on his estate.’ The tone of these debates clearly revealed the limitations within which Napier’s bills would be drafted. It was now obvious that a government bill would deal principally with the question of compensation for improvements rather than with the wider programme espoused by the League.

During the 1852 election campaign, many Irish Conservatives, especially in Northern constituencies, made support for Napier’s proposed measures a central plank in their election addresses. A typical example was Henry Corry in Tyrone who declared his support for any measure, which ‘without infringing on the just rights of property” would secure compensation to

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30 *Dublin Evening Mail*, 10 March 1852.
31 *Hansard*, 3rd S, CXX, cl. 474.
32 *Hansard*, 3rd S, CXX, cl. 448. Also see fn. 10 above.
33 *Hansard*, 3rd S, CXXI, cl. 276.
tenants for unexhausted improvements. Corry also warned voters that Tenant League supporters in Parliament would ally themselves with English radicals pledged to the disestablishment of the Irish Church. The Conservative candidates for the county seats of Antrim, Monaghan, Londonderry, Armagh and Downpatrick gave similar pledges of support for the principle of compensation for improvements. In Belfast, Richard Davison argued that the principle was 'tangible in character, substantive in form, and honest and equitable in its object.' He regretted that Sharman Crawford had not limited his bill 'to this point.' In County Down, Lord Edwin Hill, a brother of the Marquis of Downshire who owned over 110,000 acres in five Irish counties, admitted that he had not yet seen Napier's measures but would support them because he believed that they would give 'satisfaction to every honest and improving tenant.' While stressing their support for compensation for improvements, these candidates were at pains to distance themselves from the other proposals of the Tenant League. In Downpatrick, C.S. Hardinge made clear his opposition to 'all measures of compulsory valuation and other such obnoxious measures.' These promises seem to have had some effect in Ulster as no 'Tenant Right' candidates were returned there. Sharman Crawford himself was defeated in County

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34 *Dublin Evening Mail*, 2 July 1852. 'Unexhausted' improvements were understood, in contemporary usage, as improvements which continued to increase either the productivity or monetary value of the tenants holding. The logic behind this was that certain types of improvement lost their value over time. See T.C. Mossom Meekins, *Report to the Attorney General for Ireland (The Right Hon. Joseph Napier) on Compensation to the Tenants for Improvements* (London 1852), p. 5. In their work on Landlord and Tenant relations, Ferguson and Vance differentiated between improvements such as the building of farm houses and roads, the drainage of lands, and the chalking or claying of the soil, which added long term value to the tenant's holding and more 'transient' improvements like the manuring or liming of land and the house feeding of cattle. The latter class of improvements were, of course, more speedily 'exhausted' than the first. See W.D. Ferguson and A. Vance, *The Tenure and Improvement of land in Ireland*, p. 399.

35 *Morning Herald*, 27 July 1852.

36 See the election addresses or reports of speeches of George Macartney for Antrim County, of Sir George Forster for Monaghan County, of Theobald Jones for Londonderry County, of Ross Moore for Armagh County, and of C.S. Hardinge for Downpatrick in the *Daily Express*, 5 July, 12 July, 19 July, and 27 July 1852.

37 *Daily Express*, 12 July 1852.

38 *Daily Express*, 14 July 1852.
Down. Conservative strength in the North was based on a number of factors. Landlord influence there was stronger than elsewhere in the country,\(^{40}\) and this was borne out by the dominance which a number of large landowning families exerted over certain county seats there. For example, two of the Conservative candidates, Henry Lowry Corry in Tyrone County, and Mervyn Archdall, the MP for Fermanagh, had held their seats since 1825 and 1834 respectively. Archdall’s uncle had previously held the seat from 1806 onwards. The practise of Tenant Right on some Ulster estates may also have made for better Landlord-Tenant relations than existed elsewhere in the country.

Writing to Spencer Walpole, the Home Secretary, after the elections, Napier claimed that it was 'a happy circumstance that I had predetermined so long ago to deal with this question, for otherwise we might have lost some of the Northern Counties.'\(^{41}\) The Tenant League had a good deal of support among Presbyterian tenant farmers in Ulster, and it is probable that without the promise of a government measure on the land question, the Conservatives might have lost support in this quarter. In the rest of the country, however, the Independent party had a far greater degree of success. This was partly due to the proclamation against Roman Catholic processions issued by the government in June 1852. Many Irish Catholics viewed this proclamation as being directly responsible for the subsequent sectarian riots in Stockport.\(^{42}\) This belief deepened the sectarian flavour of the 1852 election in the South of Ireland. As in

\(^{39}\)Daily Express, 12 July 1852.
\(^{40}\) See J. Bardon, *A History of Ulster*, p.316. Bardon comments that landowners in the North could 'threaten to disregard the Ulster Custom if their candidates were not elected.' See also B.M. Walker, *Ulster Politics: The Formative Years*, p.2-5 for a discussion of landlord influence.
\(^{41}\) Napier to Walpole, n.d, Walpole papers, In the possession of Mr. D.Holland, 928g.
\(^{42}\) For a fuller discussion of the Stockport riots see p. 143, 249 below.
the North, many Conservative candidates for Southern constituencies pledged themselves to support a measure for tenants compensation. These included such prominent members of the party as John George in Wexford and Colonel T.E. Taylor in Dublin County.43 Other candidates, like John Vance in Dublin City were less forthcoming. He argued that compensation for improvements should be a matter for agreement between the landlord and tenant rather than a subject for legislation.44

The combination of religious and agrarian issues raised by Independent party candidates meant that they attracted a good deal of support from the new electorate enfranchised under the 1850 Franchise act.45 In all 48 Independent party MPs were returned. In September 1852, at a conference in Dublin, forty of these MPs pledged themselves to keep ‘independent of, and in opposition’ to any governments which did not make it a part ‘of their policy and a cabinet question’ to introduce a bill embodying the principles of Sharman Crawford’s bill.46 The bill referred to was Sharman Crawford’s 1851 bill, which had allowed compensation for both improvements and dispossession. It was clear by this point that Napier’s bills would deal principally with the narrower question of compensation solely for improvements. As W.E. Vaughan has shown, the sums paid for the occupancy of a holding under the ’Ulster Custom’ were greater than if they had merely amounted to compensation for improvements.47 Thus, Napier’s bills offered a more restricted compensation than a simple legalisation of the ’Custom’ across the country would have given.

43 See the report of George’s nomination speech at Wexford in the Daily Express, July 22 1852. He was later to serve as Irish solicitor general from 1858-59. There is a report of Taylor’s nomination speech in the Dublin Evening Mail, 19 July 1852.
44 Dublin Evening Mail, 9 July 1852.
By the end of August, Napier had submitted an outline of his bills to Lord Eglinton, the Irish Lord Lieutenant. At this stage, however he had only prepared three measures, a Compensation for Improvements bill, a Leasing Powers bill, and a consolidation bill dealing with the law of Landlord and Tenant. Eglinton’s summary of the bills in a letter to Walpole on 30 August shows that these were essentially the same as the bills introduced by Napier in November. By late September, Walpole was stressing his anxiety to see the draft bills. He believed the success of the Irish government would ‘greatly depend or at least be advanced by a judicious settlement of that important question.’ Walpole hoped the bills would promote a settlement of the question, in order to prevent an ‘incessant agitation’ which would ‘enlist on its side all the idle and useless tenants who wish[ed] to "improve" the landlords only [out] of their estates.’

The tone of this letter clearly shows the difficulties Napier would have in drafting a bill which could be supported both by Conservatives, with similar views to Walpole’s on the ‘rights’ of property, and Independent party MPs pledged to Sharman Crawford’s bill.

Between drawing up the bills in July and forwarding them to Walpole in September, Napier sent the bills for approval to some of the leading political and legal figures in Ireland. These included John Wynne, the under secretary at Dublin Castle and George Alexander Hamilton, the financial secretary to the Treasury, both of whom had been members of the Devon Commission. Napier also submitted the bills to Francis Blackburne, the Irish Lord Chancellor, and Thomas Lefroy, the Irish Lord Chief Justice. He also consulted leading Irish Conservative landowners like Lord Clancarty, the owner of 25,510 acres in Galway, and Lord Donoughmore, the owner of

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48 Eglinton to Walpole, 30 August 1852, Walpole papers 894c. There is a copy of this letter in the Eglinton papers, GD3/5/51/4429a.
49 Walpole to Eglinton, 22 September 1852, Eglinton papers, GD3/5/52/4428.
11,950 acres in five Irish counties. These would all seem to have agreed to the main provisions of the bill, although Donoughmore and Clancarty later expressed reservations about aspects of them.\textsuperscript{50} Napier drafted the bills himself, with the assistance of William Dwyer Ferguson. Writing to Sir James Emerson Tennent, Napier acknowledged that he expected some opposition to his bills from within the cabinet. He hoped, however, that Lord Derby 'would not allow Lord St. Leonards, or any of the Monkbars\textsuperscript{51} school to mar a generous arrangement founded on sound policy...[and] justice.' He warned that 'old stale notions refusing a just arrangement will not do.' Tenants should be 'treated equitably' and this would, Napier believed, 'result in great advantages to the proprietors themselves.'\textsuperscript{52}

By 2 September Napier had sent two of the bills to Walpole and had forwarded the third for revision to G.A. Hamilton. This bill gave Napier some difficulty, with Eglinton informing Walpole that Naas had 'found it necessary to re-model it' and would forward it in a few days.\textsuperscript{53} Two days earlier, Walpole wrote to Eglinton expressing his reservations about Napier's Tenants Compensation bill. He maintained that unless the bill included a provision that the landlord be notified of any prospective improvement 'neither the government nor our friends would be likely to support it.'\textsuperscript{54} Writing a few days afterwards, Walpole again criticised the Compensation bill, arguing that the landlord’s consent should be necessary before any improvements 'except perhaps those which arise from the actual cultivation of the soil' were undertaken. Otherwise, he

\textsuperscript{50} See Napier to Donoughmore, n.d, Donoughmore papers, Trinity College, Dublin, H/13/1/266, Whiteside to Naas, 5 November 1852, Mayo papers, National Library of Ireland, Dublin, 11020 (39), and Napier to Naas, 3 August [1853?], Mayo papers 11017(14).

\textsuperscript{51} Jonathan Olbuck, the Laird of Monkbars, is the antiquarian hero of Sir Walter Scott's novel, \textit{The Antiquary}. St. Leonards was the Lord Chancellor of England and proved a vocal critic of Napier's bills in the House of Lords.

\textsuperscript{52} Napier to Tennent, n.d., Tennent papers, Public Record Office Northern Ireland, Belfast, D922/B/27/9.

\textsuperscript{53} Eglinton to Walpole, 8 October 1852, Holland papers, 894c. There is a copy of this letter in the Eglinton papers, GD3/5/51/4429a.
argued, it would be possible for the tenant 'to improve...the Landlord [out] of his property.'  

Eglinton replied that the bill Walpole had seen had been merely a draft, and that Napier did 'not contemplate that improvements should be made without the consent of the landlord.'

However, this assurance did not stifle criticism of the bills within the cabinet. These divisions led Naas to summon Napier to London for a cabinet discussion of his bills.

After receiving this summons Napier advised Naas that 'on principle of policy' it would be 'the most suicidal course' for the cabinet to reject the Tenants Compensation bill. The support given by Irish Conservative candidates to the principle of compensation for improvements had, in Napier's opinion, pledged the government to introduce a bill. Would it not 'be dishonourable & treacherous as well as impolitic' for him 'to say that there was now to be no bill' on the subject. 'Could I', he asked, 'as a man of honour allow myself to be dragged through such a mire by any cabinet?'

Writing to Naas on 5 November, Whiteside reiterated the same points. He warned that the abandonment of the bill at this stage would be 'destructive' to the Irish

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54 Walpole to Eglinton, 16 October 1852, Eglinton papers, GD3/5/52/4428. There is a copy of this letter in the Walpole papers, 894c.

55 Walpole to Eglinton, 19 October 1852, Eglinton papers, GD3/5/52/4428. There is a copy of this letter in the Walpole papers, 894c.

56 Eglinton to Walpole, 23 October 1852, Eglinton papers, GD3/5/52/4428.

57 This letter has not survived but see Napier to Naas, n.d, Mayo papers, 11020 (15).

58 Napier to Naas, n.d, Mayo papers, 11020 (15). An obvious question, which arises here, is whether Napier had made the introduction of his land bills a pre-condition of accepting office. There are some problems in determining whether this was the case. His papers have not survived, and although a biography was written, it gives away little on this point. However, it is clear from their correspondence that Derby knew of Napier's interest in the land question before his appointment as attorney general. See Napier to Derby, 22 February 1850, Quoted in G. Gardiner (ed), The Lectures, Essays and Letters of the Right Hon. Sir Joseph Napier, Bart (Dublin 1888), p.78. The obvious presumption is that, given Napier's involvement with the issue, it was understood that he would introduce a landlord and tenant bill, but that the details of such a measure were left up to him. Monypenny and Buckle give Disraeli credit for 'encouraging' Napier and Whiteside to introduce the bills but do not give any source for this. See W.F. Monypenny and G.E. Buckle, The Life of Benjamin Disraeli, Earl of Beaconsfield, vol. III (London 1916), p. 401. Disraeli himself made a similar claim in a speech on Gladstone's Land Act of 1870. See Hansard, 3rd S, CXCIX, cl. 1810-11. Thus there is evidence which suggests that the bills were introduced with at least the sanction of Derby and Disraeli, but no conclusive proof of this.
Conservative party. In a letter to Disraeli, Whiteside pointed out that the ninth resolution of the Crime and Outrage committee had pledged both him and Napier as 'parties to that recommendation' to introduce a Tenants Compensation bill. The resolution had, he argued, been 'proclaimed throughout Ulster where our [the Irish Conservative party] strength lies, and if not fully carried out, will set that province in a flame.' The measure would, he asserted, affect only improving tenants, and as there 'were none such in Connaught and Munster,' its effects would be felt almost exclusively by the Protestant tenantry in Ulster. If the government alienated their support, he warned, 'our party in Ireland is gone.'

In early November, Napier and Naas attended the cabinet, and, in Napier's words, 'with the aid of...[his] dull ear, and such response as readily occurred to threadbare objections', they secured its consent to the introduction of the bills in late November. Napier also reported that Lord Derby's support had been essential to the acceptance of the bills by the cabinet. Derby had a good knowledge of Irish conditions, having been Chief Secretary there from 1832 to 1834. He was also an Irish landlord, owning land in Tipperary and Limerick. In 1845 he had introduced an unsuccessful Tenants Compensation bill, based on the Devon Commission’s report. The chief opposition to the bills from within the cabinet came from St. Leonards, who described the Montgomery Act, a Scottish act on which Napier had modelled his Land Improvement bill, as 'one of the most mischievous [acts] ever passed.'

Napier's statement introducing the bills gave a comprehensive, if partisan, account of the history of the Irish land question. Any Landlord and Tenant code which hoped to pass the

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59 Whiteside to Naas, 5 November 1852, Mayo papers, 11,020 (39).
60 Whiteside to Disraeli, 4 November 1852, Disraeli papers, B/XXI/W/293.
61 Napier to Eglington, 9 November 1852, Eglington papers, GD3/5/51/4432.
62 Napier to Eglington, 9 November 1852, Eglington papers, GD3/5/51/4432.
House of Commons must, he argued, 'keep within the great landmarks of property.' It was imperative not to violate 'any right of property universally acknowledged.' As E.D.Steele has pointed out, this respect for property rights was commonplace across the Victorian political spectrum. Even Radical politicians like John Bright and Joseph Hume expressed themselves in similar terms about the sanctity of the rights of property. Napier ascribed the evils of the Irish land system to the system of yearly tenancies and the effect this had in preventing capital being expended on improvements. His bills were, therefore, designed to 'give facility for the employment of capital' and remove restrictions on its use, to facilitate the granting of leases and ensure their observance, and 'to deal with the cases of those parties who might not themselves have entered into express agreements.'

The first of Napier's bills was the Land Improvement bill. This was largely based on a similar measure introduced in 1847, but expanded its provisions to cover tenants with limited interest in the land, such as tenants for life. The bill enabled them to borrow money to make improvements and to charge the expense of this for a limited period on the estate. The bill also authorised the type of improvements - such as the drainage, enclosure or fencing of land - which could be made. According to Napier, every acre drained employed 'many labourers', and the money advanced would be employed for 'the material good and general benefit of the country.' The money could come from the tenant's own resources or from loans by private agencies, such as the Bank of Ireland. The improvements had first to be authorised by the Board of Works.

The second bill, the Leasing Powers bill, was designed to give limited owners, such as tenants...
for life or for a fixed term (forty years for example), the right to lease land for certain designated purposes. The bill also allowed for the rent on an agricultural lease to be tied to a valuation based on the general valuation survey in Ireland. This was not compulsory, however and Napier admitted that this provision was open to discussion. The bill also facilitated the making of agreements on the scale of compensation to be paid for specified types of improvements. These again included drainage, the cultivation of waste land, and the erection of fences. Napier proposed what he described as 'compensation periods'; if the tenant remained in possession for a specified length of time, he would have no claim to compensation for the improvements made. If, however, the tenant was evicted before the compensation period elapsed, he would be entitled to a sliding scale of compensation. There was to be no right to compensation in cases where the tenant was in arrears with his rent or where he had left his holding voluntarily. This second condition meant that Napier’s bill would operate in a more limited way than did Tenant Right as generally practised.

Napier’s third bill, the Landlord and Tenant bill formed the basis for Deasy’s Act of 1860. Its central provision has been described as ‘revolutionary’ in its implications, if not in its practical application, by a leading legal expert on Irish landlord and tenant law. This was that, henceforward, the relations between landlord and tenant should rest on contract rather than on the

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67 Thus, for agricultural purposes, 31 years leases would be granted, for the improvement of waste lands 61 years leases, for mining purposes 99 years leases, and for public buildings, leases of 999 years. See W.N. Hancock, Two Reports for the Irish Government on the History of the Landlord and Tenant Question in Ireland, with Suggestions for Legislation First Report made in 1859; - Second in 1866 (Dublin 1869), p. 11. Some landlords used leases to specify the types of improvements and general agricultural practices they wished to see carried out on their land. Napier obviously wished to encourage this practice. Leases were also used to disallow certain practices - for example, the leases on the Duke of Devonshire’s property in Cork prohibited subdivision, sub-letting and the removal of crops by the tenants. See J.S. Donnelly, The Land and the People of Nineteenth Century Cork (London 1975), p. 200-2.
69 J.C. Wylie, Irish Landlord and Tenant Law (Dublin 1990), paragraph 1.08.
feudal notion of tenure. However, this placing of the relations between landlord and tenant on a contractual basis, was 'given the prevailing views of contract', likely to prove more beneficial to the landlord than the tenant. To presume that the landlord and tenant entered such a relationship on an equal basis or by free choice was hardly consonant with the realities of Irish life in the mid-Nineteenth century. According to Napier, the bill was designed to consolidate and simplify the existing code of Irish landlord and tenant law, 'so as to enable those who had made contracts to secure their enforcement.' It contained provisions against sub-letting and preventing the 'wasting' or burning of land. It also simplified the law relating to evictions. Napier later described this bill as 'being favourable to the landlord' in 'simplifying and sharpening his remedies in several respects.'

Napier's first three bills have been described with justice as 'landlords' bills'; his fourth, and the most controversial was the Tenants Compensation bill. This was designed to deal with the cases of tenants who had made improvements without express contracts for compensation. In particular, it was meant to cover those tenants who held their land on a yearly basis. Napier made it clear that the bill 'would not interfere with' or 'prejudice' Tenant Right on those estates where it existed. Tenants were given the right to undertake certain specified improvements which, as in the Land Improvement bill, would entitle them to either a money compensation, or to a compensatory period of occupancy. Once this period had elapsed, the improvement was

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70 J.C. Brady, 'Legal Developments', p.463.
71 Hansard, 3rd S, CXXIII, cl. 330-34.
72 Napier to Disraeli, n.d., Disraeli papers, B/XXI/N/6.
74 See f.n 9 above.
75 Hansard, 3rd S, CXXIII, cl. 335.
taken to be 'exhausted' and the tenant was no longer entitled to compensation. If the landlord so wished he could undertake the proposed improvement himself and charge the tenant a higher rent when it was completed. The tenant's claim would arise only in cases of eviction for reasons other than non-payment of rent or other breaches of a lease.

The bill's most controversial aspect was its retrospective operation. Whiteside defended this provision in a letter to Disraeli on 4 November. He argued that the fact that Irish tenants undertook improvements, which in England would have been the responsibility of their landlords, justified its introduction. The bill therefore provided for compensation both for past and prospective improvements. It did not, however, interfere 'with the adjustment of rent between landlord and tenant', which Napier believed should be left to 'mutual contract.' Indeed, Napier's bills did not explicitly touch on any of the 'Three F's' that had been the basis of the Tenants League original programme, nor on the two F's, fair rent and free sale, which had been embodied in Sharman Crawford's bill of 1851.

Nevertheless, the response of the Independent party to Napier's bills was not wholly negative. In his memoirs, Gavan Duffy described the bills as 'being better' than the party had expected, 'the vital principle of compensation for past improvements being distinctly recognised.' In the Commons, William Shee, the MP for Kilkenny County, gave a cautious welcome to the first three of Napier's bills. He criticised them, however, for not giving any legal sanction to the 'Ulster Custom.' Without this, he suggested, landlords there could simply refuse to be bound by

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76 See f.n 32 above.
78 Whiteside to Disraeli, 4 November 1852, Disraeli papers B/XXI/W/293.
80 Sir C. Gavan Duffy, *The League of North and South; An Episode in Irish History* (London 1886), p.231.
The response to the bills, however seems to have been generally favourable; the *Dublin Evening Mail* reporting that they were received 'even by the Brigade, in a better spirit than expected.' It suggested, however, that the Tenants Compensation bill verged 'in its purview on the territory of Mr. Sharman Crawford and the Tenant League.'

On 7 December, Shee introduced his own Tenants Compensation bill, based largely on Sharman Crawford’s bill, in the House of Commons. He condemned Napier as a ‘tardy convert’ to the principle of compensation for improvements. Shee’s principal objection to Napier’s bills was for their failure to deal with the question of rents. In the years immediately after the Famine, some Ulster landlords used rent increases to subvert the practise of Tenant Right. As the sums paid for the occupancy of a holding generally varied with the level of the rent paid, by raising rents landlords could lower the value of the Tenant Right on their estates. By failing to deal with the issue of rents, Napier’s bills would allow this practise to continue. The widespread evictions during the Famine also meant that the competition for available holdings was intense. Shee also suggested that landlords would also use rent increases to counteract the compensatory periods intended by Napier’s bills. By raising rents to a punitively high level, landlords could ensure that they received the benefits of their tenants’ improvements or, in extreme cases, force them off their estates. Shee also feared that by making forcing tenants to go through a complicated and costly procedure before improvements could commence, Napier’s bill would actually dissuade tenants from undertaking them. Shee concluded by asking that his bill be referred along with Napier’s bills to a select committee for

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81 *Hansard*, 3rd S, CXXIII, cl. 343.
82 *Dublin Evening Mail*, 26 November 1852.
In reply, Ross Moore, the Conservative MP for Armagh city, said that as the bills 'contained conflicting principles' it would not be appropriate to send them together to a select committee. At the close of the debate, however, Walpole made the unexpected suggestion that, considering 'the great interest taken in the subject', both Napier's and Shee's bills, should, as Shee had suggested, be committed to a committee. This was objected to by Edward Grogan, the Conservative MP for Dublin City, on the grounds that Shee's bill had already been 'rejected by the House, because it involved a gross violation of the rights of property.' Whiteside regretted the referral of the bills as all but one of them had been agreed to be 'unexceptionable.' The Independent party who claimed to be the 'friends of Ireland' were, he claimed, responsible for preventing them from becoming law.

The committal of Shee's bill to a select committee proved immediately controversial with Irish Conservative MPs. Writing to Eglinton on 1 December, Naas described a meeting he and Napier had with Walpole on the morning of the debate. They had found 'him frightened by a vague rumour which rested only on [Lord] H[enry] Lennox's authority that the Whigs and Peelites were about to combine' to support the reference of both Napier and Shee's bills to a committee. Naas discovered afterwards that there were 'no grounds whatever for this report.' To counter this perceived threat, Walpole suggested that the government should agree to Napier's three bills alone being submitted to the committee. Naas and Napier were opposed to

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83 Hansard, 3rd S, CXXXIII, cl. 1090.
84 Hansard, 3rd S, CXXXIII, cl. 1126.
85 Hansard, 3rd S, CXXXIII, cl. 1139.
86 Hansard, 3rd S, CXXXIII, cl. 1139.
87 Hansard, 3rd S, CXXXIII, cl. 1145.
88 Lennox was MP for Chichester and a close confidante of Disraeli's.
even this concession but eventually agreed that 'if the House looked threatening and...the main body of the Whigs and Peelites seemed inclined to oppose us we should then concede so far as to consent to refer the Tenants Compensation bill and the Landlord and Tenant [bill]...to a select committee.' Naas stressed that he had emphasised his objection to any 'tampering with Shee’s bill or admitting...[its] principle in any way.' During the debate, he reported, 'neither Whigs nor Peelites appeared' and there had been no 'apprehension of any danger' of a government defeat. Consequently, Walpole's agreement to the committal of the bills had an 'electric' effect on the government’s supporters. It is clear from Naas's account that the committal of the bills had come as a shock to the members of the Irish government.

From what happened subsequently, however, it seems likely that Walpole and Disraeli had agreed this course of action before the debate. Disraeli later told John Delane, the editor of The Times, that, before the debate on the budget had commenced, a member of the Independent party had called on him and offered to support the government on it. The condition was that Shee’s bill would be submitted along with Napier’s bills. This makes Walpole’s actions on the night of the debate more understandable. The government was facing defeat in the house on

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89 Naas to Eglinton, 9 December 1852, Eglinton papers, GD3/5/52/4426.
90 This was most likely G.H.Moore, the MP for Mayo. For his friendship with Disraeli see M.G.Moore, An Irish Gentleman; George Henry Moore, His Travels, His Racing, His Politics (London n.d), p.195.
Disraeli’s budget, introduced on 3 December, and needed support from whatever quarter it could gain it. After the debate Walpole met Shee and asked him to specify the conditions on which the Independent party would support the government. Along with Frederick Lucas and Charles Gavan Duffy, Shee drew up a list of concessions which would lead the Independent party to do so. The chief of these was that a land bill providing retrospective compensation for improvements should be made 'a measure on which the government would stake its existence.' Other lesser conditions, reflecting the influence of the Catholic Defence Association, were the granting of a Charter to the Catholic University in Dublin and the appointment of Catholic chaplains in the army and navy and in prisons and workhouses. Duffy later maintained that although some of these conditions were rejected or postponed for future consideration, enough was conceded 'on the main point' to allow them advise other Independent party MPs to support the government on the budget.92

Meanwhile, however, the Irish Conservative backlash against the referral of the bills was growing stronger. After the debate on Shee’s bill, one Irish Conservative MP threatened to vote

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91 H.Reeve (ed), The Greville Memoirs: A Journal of the Reign of Queen Victoria, Third Part, vol. I, (London 1887), p.32-33. See also the Daily Express, 2 July 1856, which referred to Disraeli’s 'personal intimacy' with Moore. It should be noted here that Disraeli and Walpole had agreed solely to the committal of Shee’s bill to the select committee, and not, as R.Stewart has suggested, that 'the government would accept a recommendation from the select committee then sitting in favour of Sharman Crawford’s bill.' The select committee was not, in fact, appointed until after the Conservative government had lost office. In Stewart’s account Napier is misidentified as Lord Napier and described as Irish under secretary. See R.Stewart, The Foundation of the Conservative Party 1830-1967 (London 1978), p.260. See also W.D.Jones, Lord Derby and Victorian Conservatism (Oxford 1956), p.177 n. Lord Stanley later claimed that with both Shee’s and Napier’s bills 'being sent before the same committee, it was thought that the latter could not fail to pass, and Shee’s to be thrown out, thus guarding our concession from becoming dangerous.' Stanley’s diary, 7 December 1852, Quoted in J.Vincent (ed), Disraeli, Derby and the Conservative Party, p.87. See also R.P.Ghosh, ‘Disraelian Conservatism: A Financial Approach’ in the English Historical Review, vol. XCIX, no. CCCXCI, April 1984, p.277, for a judicious discussion of this episode.
against the budget, as he considered 'the Irish land question' to be safer...in Lord John's [Russell] hands' than in the government's.93 The Dublin Conservative paper, the *Daily Express*, suggested on 11 December that a number of Irish Conservative MPs intended to pursue this course.94 Naas felt 'betrayed'; he complained that a decision had been come to 'on a most important question' in direct opposition to the wishes of the Irish government. His first reaction had been to go to Lord Derby and insist that unless 'Irish affairs...[were] more entrusted to my and Napier's guidance' he could 'not go on.' Indeed, it seems that Naas's first instinct immediately after the debate was to offer his resignation, but he was dissuaded from this by G.A. Hamilton.95 Eglinton responded to Naas's letter by writing to Derby criticising the 'unfair' manner in which the Irish government had been treated. 96

On 9 December, a deputation of Irish Conservative MPs, largely from Northern constituencies, called on Derby to protest against the referral of Shee's bill. The deputation included Sir Arthur Brooke, the MP for Fermanagh County, Lord Claud Hamilton, the MP for Tyrone, and Thomas Connolly, the MP for Donegal. All three were representatives of the landed class in the North of Ireland.97 This discontent within the party led to a meeting of Irish MPs being called at Derby's house later that day. At this meeting, Richard Davison 'expressed

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92 Sir C.Gavan Duffy, *The League of North and South*, p.233-34. The accounts of the negotiations between the Independent party and the government given by Duffy and Greville do not tally in every respect. For example, Greville dates the beginning of the negotiations to before the committal of the bills to the select committee, while Duffy suggests they began afterwards. Perhaps he was not aware of Moore's initial approach to Disraeli. See f.n 90 above.
93 Naas to Eglinton, 9 December 1852, Eglinton papers, GD3/5/52/4426.
94 *Daily Express*, 11 December 1852.
95 Naas to Eglinton, 9 December 1852, Eglinton papers, GD3/5/52/4426.
96 Eglinton to Derby, 9 December 1852, Derby papers 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425. Eglinton advised Derby that the committal of Shee's bill to the select committee had 'disgusted some' of the Conservative party's 'best Irish supporters' to a 'degree' he feared 'to contemplate.' He was also concerned at the 'awkward position' in which the Irish government had been placed.
97 Dublin Evening Mail, 10 December 1852.
his regret' that the Irish government's advice with regard to Shee's bill had not been followed. He said that there had 'never been an Irish government...[which] conducted its business so satisfactorily to the members of the party and...all matters might safely be left in their hands.' Derby defended Walpole's actions, while regretting 'the mode' in which the committal of the bills had taken place. According to Naas, Walpole spoke in 'a rather Jesuitical strain' claiming that his only object had been to facilitate the progress of Napier's bills. Viscount Bernard, the MP for Bandon, concluded the meeting by stating that a 'mistake had been made and the best thing we could do was to remedy it as quickly as possible.' In Naas's view Walpole had committed the 'devil of a blunder', and he was worried that its effect would be to 'kindle up the [Tenant Right] agitation again.'

On the following day, Lord Roden, a leading Irish Conservative landowner, asked Derby in the House of Lords whether the government would be prepared to carry Shee's bill into law if it was approved by the committee. He claimed that the bills contained 'propositions of so communist a character' that it had twice before been rejected by the House of Commons. Derby insisted that the second reading of Shee's bill had been merely 'pro forma' in order to have it sent with Napier's bills to the select committee. The principle of the bill was, he believed, 'entirely subversive of the rights of property' and, as such, he maintained that 'no House of Commons committee would ever sanction...[its] adoption.' Even if the committee approved the bill, the government would not sanction it. This reply, of course, altered the complexion of the

98 Naas to Eglington, Eglington papers, 9 December 1852, the second of two letters written by Naas to Eglington that day, Eglington papers, GD3/5/52/4426. In his diary for 7 December 1852, Lord Stanley wrote that the committal of Shee's bill had been agreed because 'of the policy forced upon ministers of securing the Irish vote if possible', Quoted in J.Vincent (ed), Disraeli, Derby and the Conservative Party: The Political Journals of Lord Stanley 1849-69, (Hassocks 1978), p. 87.
99 Hansard, 3rd S, CXXIII, cl. 1206.
question; if the government had predetermined to oppose Shee’s bill even before the appointment of the select committee, then the Independent party could hardly, with any credibility, continue to support them.

The debate on 15 December centred on this question, and, in particular, on Napier’s role in the referral of the land bills to the select committee. He had been present in the House when Walpole had suggested this and had not publicly dissented from this arrangement. He was thus placed in an awkward position, which he attempted to get around by stating that, while he had ‘insuperable objections’ to Shee’s bill, he had agreed to its committal ‘in a spirit of conciliation.’ He stressed his opposition to the provisions for fixity of tenure and compulsory valuation in Shee’s bill. In response to Shee’s earlier criticisms, he suggested that he would have no objection to inserting a clause in his bill providing that ‘its enactment should not affect any existing custom in any part of Ireland.’ He reiterated his opposition to any legislative interference with the setting of rents, saying that he regarded rents ‘as a matter of contract - a commercial transaction between landlord and tenant.’

Frederick Lucas asked if the select committee could be a ‘fair and impartial’ one after the speech delivered by Derby in the Lords. Lord Naas responded that as Shee’s bill had previously been defeated in the House, it was extremely unlikely that the committee would adopt it. His objections to the principles and details of the bill ‘remained perfectly unchanged.’ The acrimonious tone of this debate can be explained by the fact that the Independent party MPs had already decided at a meeting the

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100 Hansard, 3rd S, CXXIII, cl. 1209.
102 Hansard, 3rd S, CXXIII, cl. 5.
103 Hansard, 3rd S, CXXIII, cl. 1560.
previous day to oppose the government on the budget.  

This meant there was no longer any necessity for Irish Conservative MPs to make conciliatory statements towards the Independent party.

In his study of the Independent party, J.H. Whyte argued that had Derby given an 'evasive' answer to Roden's question in the House of Lords, twenty or so Independent party MPs might have voted for Disraeli's budget. It is clear from his correspondence, however, that Derby's main concern was to prevent a split among his own supporters, especially among Irish Conservatives. Writing to Disraeli, Derby advised him to be cautious 'in dealing with the party of the S. Crauford [sic] school, however plausible and gentlemanlike may be the individuals whom they put forward as their agents.' If the Conservative party lost the support of the Irish landed gentry, 'especially of the north', he warned, 'we are gone'. Derby's reply to Roden's question had effectively ensured that the Independent party would not support the budget, and on 22 December the government was defeated in the House by 305 votes to 286.

In an account of the history of the Tenant League, written in 1886, Sir Charles Gavan Duffy accused the Derby government of having introduced Napier's bills merely in order to 'dangle...[them] before the eyes of Irish members, but not to press any of them to a division' until the government's future was secured. From this viewpoint, the bills were designed purely to win

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104 *Dublin Evening Mail*, 15 December 1852. At this meeting, Frederick Lucas had urged that the party should either vote with the Conservatives or abstain on the budget vote. He maintained that there was no reason to believe that a Liberal government would introduce a measure more favourable to tenants than Napier's had been. However, the majority at the meeting voted in favour of opposing Disraeli's budget and Lucas voted in accordance with this decision. See E. Lucas, *The Life of Frederick Lucas, MP*, vol. II, London 1886, p. 9. See also *The Tablet*, 27 November and 8 December 1852.


106 Derby to Disraeli, n.d., Disraeli papers, H B/XX/S/101. I am indebted for this reference to Ms. Ellen Hawman of the Disraeli project, Queens University, Kingston.
Independent party support and could be jettisoned once this objective was secured. However, this assertion does not hold up under detailed scrutiny. Napier's bills represented a carefully framed code for Irish landlord and tenant law, built on a coherent, if not necessarily complete, analysis of the problems affecting Irish agriculture. While the landowners 'rights' over their property were secured and, in some instances, extended, the bills encouraged them to invest in their estates and take a more active role in estate management. Landlords were expected to fulfil a more socially responsible role than they had done up to that point. The bills were also designed to facilitate the emergence of a substantial tenant farmer class in Ireland, similar to that in England. Such tenants would provide a bulwark against radical agrarianism and, perhaps, a force for conservatism generally in Irish society. Along with many of his contemporaries Napier believed that one of the main factors restricting Irish agricultural growth was its under-capitalisation and his bills were, therefore, intended to extend credit facilities for both landlords and tenants. Napier's Tenants Compensation bill had the further aim of counteracting the Tenant League's appeal to the Northern tenantry. The Conservative fear of this potential threat to their position was reflected in the willingness of party candidates to support Napier's proposed bills at the 1852 general election.

This is not to suggest, however, that the Conservative party leaders at Westminster felt the same commitment to Napier's bills as he and some of the other members of the Irish government did. Their willingness to support the introduction of Napier's bills was based on the particular political circumstances existing in 1852. If the bills secured the support necessary for the

107 Sir C. Gavan Duffy, The League of North and South p. 231. See also M.G. Moore, An Irish Gentleman, p. 221. Moore describes the bills as 'designed only to divert attention from other matters.'
government's survival, then they would have served their purpose. From the landlord's point of view, the originality of Napier's scheme lay in his acceptance, in the Tenants Compensation bill, that through the expenditure of their capital and labour, tenants acquired a degree of 'property' over their holdings. It was this aspect of the bill that explained their hostility to it and was responsible for the divisions which it caused within the Irish Conservative party itself. It is to the effect which these divisions had on the fate of Napier's bills in the years after 1852 that we will now turn.

2. The Landlord and Independent Party Response, 1853-1860

It was clear, by this point, that the Derby government had underestimated the opposition which Napier's bills, particularly the Tenants Compensation bill, would receive from its Irish landed supporters. This opposition was based on a more absolutist view of the rights of property than Napier and his supporters were prepared to accept. It was significant here that Napier came from a non-landed background. His views on property rights differed significantly from even those of moderate landlords like Donoughmore and Naas. From his critics' standpoint, the landowner had absolute ownership over his land and should have the final say over the disposition of it. Their objection to retrospective compensation sprang from the fact that it would compel Irish landlords to remunerate tenants for improvements which had been carried out without their consent. By contrast, this group believed that any prospective improvements should first be sanctioned by the landowner. Only those tenants who had express

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109 It was this aspect of the bills that Isaac Butt singled out for praise in his Land Tenure in Ireland: A Plea for the Celtic Race (Dublin 1866), p. 90-93. See also Sir J. Pope Hennessy, Lord Beaconsfield's Irish Policy: Two Essays on Ireland (London 1885), p. 30 and E. Lucas,
contracts with the landowner to carry out specified improvements should receive compensation. It should be remembered here that 'improving' landlords who consolidated their holdings and introduced innovations in agricultural practises on their estates were not necessarily popular among their tenantry.\textsuperscript{110} The opposition of leading Irish landlords, both Conservative and Whig, to central aspects of Napier's Landlord and Tenant code and, in particular, to the Tenants Compensation bill was a central factor in its tortuous passage through both Houses of Parliament after 1852.

The Derby government was succeeded by a coalition government made up of Liberals and Peelites under Lord Aberdeen. Two members of the independent Irish party, John Sadleir and William Keogh, accepted minor offices under in the government. Both men had pledged themselves to the 'Independent' policy at the Tenant League conference in September 1852. Their acceptance of office was an obvious violation of this pledge and served to weaken the Independent party's position in the House of Commons. It was unlikely, to say the least, that the Aberdeen government would introduce a measure acceptable to the Tenant League.

In the course of a re-election speech at Cavan, Sir John Young, the new Irish Chief Secretary, gave a qualified support to Napier's bills. He suggested that, as amended by the select committee, they might form the basis of a settlement of the question.\textsuperscript{111} Despite Independent party pressure, this committee had not yet been appointed when the Conservative government


\textsuperscript{111}\textit{Daily Express}, 11 January 1853.
The composition of the committee was finally agreed in February 1853, despite a last minute effort by Sir Arthur Brooke and other Northern MPs to have this altered in favour of the Northern landowners. Brooke complained that none of the Irish Conservative MPs on the committee had any practical knowledge of the workings of the Tenant Right system in Ulster. In fact, three of these six MPs were non landowners. These were Napier and Whiteside, both of whom were practising barristers, and Richard Davison, who had practised as a solicitor in Belfast. The other Irish Conservative members of the committee were Lord Naas, who came from a landed family with estates in Kildare and Mayo, Lord Claud Hamilton a brother of the Duke of Abercorn, who owned extensive estates in Fermanagh and Tyrone, and Edward Grogan, who owned some 6,000 acres in three Irish counties. The *Daily Express* claimed that the first four of these were committed to Napier’s Tenants Compensation bill which, it maintained, contained 'a principle that a majority of Irish landlords would not admit.' The committee as a whole consisted of 29 members with Young claiming that he had appointed seven members each on the recommendation of Shee and Napier. The English members of the committee ranged from Palmerston, an Irish landlord hostile to the Tenant League, to John Bright, the English MP most in sympathy with them. Shortly after its appointment, the Nation newspaper divided the committee's membership into 13 members whom it labelled ‘friends of the Tenant’ and 16 members whom it described as ‘friends of the Landlord.’ This was to prove an over-estimation of the pro-tenant forces on the committee.

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112 See Walpole to Disraeli, 15 December 1852, Disraeli papers B/XXI/W/129, enclosing a letter from Shee to Walpole recommending the appointment of Sadleir, Keogh, Lucas, Duffy, and Shee himself amongst others to the select committee. Shee to Walpole, 15 December 1852, Disraeli papers B/XXI/W/129a.
113 *Hansard*, 3rd S, CXXIV, cl. 626.
114 *Daily Express*, 26 February 1853.
115 *Hansard*, 3rd S, CXXIV, cl. 626.
The committee first considered Napier’s Leasing Powers bill and the Landlord and Tenant bill, both of which were adopted with minor amendments. It then voted down Shee’s Tenants Compensation bill by nineteen votes to nine. William Kirk, the only Northern MP sympathetic to the Tenant League elected at the general election, voted in the majority against the clause in Shee’s Bill which proposed the regulation and regularisation of the ‘Ulster Custom.’ The nine votes which Shee’s bill had received came almost exclusively from the Independent party MPs themselves. Given the scale of this defeat, they had little option but to withdraw their bill.

The committee was then left to consider Napier’s bill on the same subject. A number of important amendments were made to the bill. Firstly, the committee substituted monetary compensation for the compensatory periods recommended by Napier. This appears to have been in response to earlier Independent party criticism of this proposal. If a tenant was evicted, compensation would be based on the letting value of the land at the time of his eviction. As in the earlier bill, a tenant evicted for non-payment or arrears of rent would not be entitled to compensation. The difference between this and Napier’s original scheme was that a tenant remained entitled to compensation so long as his improvements increased the value of his holding rather than for a fixed number of years.

The committee also drew a distinction between improvements made in and on the soil. This was a subtle and technical distinction designed to limit the class of improvements for which compensation would be paid. To receive compensation, a tenant would have to prove that an

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116 Quoted in Sir C.Gavan Duffy, The League of North and South, p.251 f.n.
117 Sir C.Gavan Duffy, The League of North and South, p.258.
118 See The Tablet, 14 May 1853.
improvement was ‘permanent, visible and not incorporated with the soil.’¹¹⁹ Improvements which fell under this heading included farm buildings, roads, fences, and the reclamation of waste lands. Drainage, according to Gavan Duffy ‘the improvement most commonly made in Ireland’,¹²⁰ was not included in this class of improvements. By thus limiting the scope of Napier’s original bill, the committee had succeeded in drawing much of the sting from it. The committee further restricted the bill’s operation by specifying that all prospective improvements would have to be made with the landlord’s consent and under express contract.

Of Napier’s four bills the Land Improvement bill was the only one not to be submitted to the committee. It was read for the third time in the House of Commons on 14 March and sent to the Lords. There it was strongly opposed by Lord St. Leonards, the chief critic of Napier’s bills within the Derby cabinet. He argued that the bill would discourage landowners from making improvements by allowing limited owners to raise funds to do so themselves.¹²¹ In a later debate on the bill, Lord Monteagle warned that it might involve estates in debts over which the landlord had no control.¹²² The measure was also opposed by Lord Lucan, who claimed that, as ‘Tenant Right...which...[was] a most dangerous and communistic principle’ was involved in the bill, he could not support it.¹²³ Lord Clanricarde, one of the most formidable opponents of Napier’s bills, maintained that ‘property [in Ireland] would not be safe, if the Legislature went on teaching to the tenantry of Ireland that they had rights other than those [which] they legally

¹²¹ Hansard, 3rd S, CXXV, cl. 588.
¹²² Hansard, 3rd S, CXXVI, cl. 1296.
¹²³ Hansard, 3rd S, CXXVI, cl. 1298.
possessed by their contracts with their landlords.\textsuperscript{124} Derby supported the bill, arguing that it gave ‘due encouragement’ to improving tenants and provided them with the capital necessary to make improvements.\textsuperscript{125} This bill had been the least contentious of Napier’s bills in the House of Commons, but the opposition which it encountered in the House of Lords led to its deferral to the next session of Parliament.

In a debate on 24 June Sir John Young declared the government’s intention to pass the remaining Landlord and Tenant bills as speedily as possible. The cabinet was, he claimed, ‘perfectly united on this point.’\textsuperscript{126} The government’s position on these bills was, however, less clear cut than this statement made it appear. In the select committee, Palmerston had argued that there was no necessity for any legislation on the Irish land question,\textsuperscript{127} and there was to be a persistent ambiguity in the government’s handling of the bills. Were the bills to be treated as government bills, or as private bills introduced by Napier? Earlier in the session, Young had assigned the credit for the bills to Napier, while Napier acknowledged that they should be treated as being ‘substantially’ his.\textsuperscript{128}

During June and July, the three remaining bills went through their committee stage in the House of Commons. The amended Tenants Compensation bill went through this stage without any major modifications. An attempt by the Independent party to secure compensation for improvements for tenants in arrears of rent was defeated by a majority of eighteen. The most controversial part of the bill, the retrospective clause, was strongly criticised by both Liberals and Conservatives. Lord Monck considered it ‘opposed to all principles of legislation’ and warned

\textsuperscript{124} \textit{Hansard}, 3rd S, CXXVI, cl. 1305.
\textsuperscript{125} \textit{Hansard}, 3rd S, CXXVI, cl. 1306.
\textsuperscript{126} \textit{Hansard}, 3rd S, CXXVIII, cl. 241.
\textsuperscript{127} Sir C. Gavan Duffy, \textit{The League of North and South}, p.263.
that it would lead to widespread litigation between Irish landlords and tenants. A number of Irish Conservative MPs made unsuccessful attempts to modify its operation. Edward Grogan moved an amendment to introduce a ten year time limit on claims for compensation, while Lord Claud Hamilton suggested that compensation should be limited to no more than four years letting value of the improved land. Both of these proposed amendments were defeated and the retrospective clause was passed without limitation as to time. The bill had still, however, to pass the House of Lords' and given their response to Napier's earlier bills, it was clear that it would receive strong opposition there.

The bills were introduced in the House of Lords by the Duke of Newcastle. Napier had earlier warned Newcastle of the danger posed 'by the narrow and short-sighted views of some who are blind to their own interests and the welfare of Ireland.' This was a clear reference to those peers led by Clanricarde, Roden and Clancarty who opposed the bills. From this group, Napier went on, 'obstruction may be naturally expected. And yet if they were punished by a successful opposition, they would be found only to give zest to a perilous agitation, with a grievance touching the everyday feelings of the people and entangled in the great principles of property.' There were no concessions in his bills that were 'not reasonable, politic and safe.'

Newcastle later claimed that Napier had promised him that, despite the opposition of some Conservative peers, both Derby and Eglinton would give their 'utmost support and assistance' in

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128 Hansard, 3rd s, CXXVIII, cl. 241.
129 Hansard, 3rd S, CXXIX, cl. 637.
130 Hansard, 3rd s, CXXIX, cl. 637-38.
131 Derby being ill and Eglinton away in Scotland, Napier wrote to Newcastle asking him to take charge of the bills. Napier also enclosed a summary of the bills, which Newcastle drew on heavily for his speech in the Lords. See Napier to Newcastle, n.d, Quoted in A.C.Ewald, The Life and Letters of Sir Joseph Napier, p.77.
getting them passed in the Lords.\textsuperscript{132} Writing to Derby around the same time, Napier again stressed the dangers of postponing legislation on the land question. In Napier’s opinion ‘what...[had] been proposed and left undecided’ would be ‘made the basis of very increased demands’ while ‘at present a reduced plan...[would] be accepted favourably and the question set at rest, so far as the reasonable class are in any way connected with the assertion of claims.’ If 'any part of the question...[remained] avowedly unsettled', Napier saw 'no prospect of social peace or quiet progress.'\textsuperscript{133} Napier’s faith in his bills as a comprehensive settlement of the Irish land question comes through strongly here.

Napier’s prediction of Clanricarde’s opposition to the bills was borne out in the course of the Lords debate. Clanricarde condemned the Tenants Compensation bill for its ‘total violation and disregard of all contracts.’ Such a bill, he declared, had ‘never before...[been] submitted to Parliament.’\textsuperscript{134} This criticism was echoed by Roden, who described the bill as ‘disgraceful and unjust to the holders of property in Ireland.’\textsuperscript{135} Malmesbury, who had misgivings about Napier’s bills even before they were introduced,\textsuperscript{136} maintained that the Tenants Compensation bill as introduced differed substantially from Napier’s original bill. He quoted a letter from Napier, in which he had complained that the amended bill was not ‘in substance or form’ the bill he had introduced. Napier’s ‘private opinion’ was that the bill should still be passed, but he left

\textsuperscript{132} Hansard, 3rd S, CXXXV, cl. 142.
\textsuperscript{133} Napier to Derby, n.d. Quoted in A.C.Ewald, The Life and Letters of Sir Joseph Napier, p.77.
\textsuperscript{134} Hansard, 3rd S, CXXXIX, cl. 1518. Karl Marx quoted this passage from Clanricarde's speech in an article published in The New-York Daily Herald on 24 August 1853. Marx described the debate as 'a mere farce, performed for the benefit of the newspaper reporters', as the 'Whig and Tory lords' had already reached 'a secret understanding to throw the bills out.' See K. Marx and F. Engels, Ireland and the Irish Question (Moscow 1971), p. 68.
\textsuperscript{135} Hansard, 3rd S, CXXXIX, cl. 1524.
\textsuperscript{136} On 24 November 1852 Malmesbury had written in his diary that the 'Tenant Right bill appears to me to discourage any investment in Ireland.' Quoted in Earl of Malmesbury, Memoirs of an Ex-Minister: An Autobiography, vol. 1, (London 1884), p. 363.
it to Malmesbury's 'independent opinion' to decide his own course on it. In the event, Malmesbury recommended the rejection 'in toto' of the Tenants Compensation bill and the committal of the other bills to a select committee.\textsuperscript{137} Given the level of opposition to the bills, Aberdeen accepted Clanricarde's suggestion that they should be read a second time, and not proceeded with any further during that session. He also promised that the government would submit the bills to a Lords select committee in the ensuing session.\textsuperscript{138}

During the recess, an important correspondence, both public and private, took place between Napier and Donoughmore. Donoughmore wrote to Napier in late November, expressing his support for the Landlord and Tenant bill and the Leasing Powers bill. However, he made it clear that he could not support the retrospective clause in the Tenants Compensation bill. He asked Napier if he considered that bill 'really essential to the fair settlement of the general question.'\textsuperscript{139} Napier replied that the decision by the select committee to limit the types of improvements for which compensation could be paid meant that the only clause of his bill that could be proceeded with was the Fixtures clause. This clause gave tenants under notice to quit the right to remove improvements such as buildings and gates, if the landlord refused to purchase

\begin{itemize}
\item \textsuperscript{137} \textit{Hansard}, 3rd S, CXXIX, cl. 1523-28.
\item \textsuperscript{138} \textit{Hansard}, 3rd S, CXXIX, cl. 1533.
\end{itemize}
them. It had been transferred to the Landlord and Tenant bill and Napier had ‘nothing further to propose’ on the subject. The responsibility for the new Tenants Compensation bill lay with the government and Napier supported it only in his capacity as a ‘private member.’ Significantly, Napier argued that the new bill was ‘considered by many people to be very objectionable, as not sufficiently protective of property.’ It had not ‘received that sanction from the intelligent part of the community which is indispensable to a measure of this peculiar character.’ Napier’s intention here, it seems clear, was to distance himself from the retrospective clause of the Tenants Compensation bill and give other Conservatives the freedom to oppose it. Yet he had ‘never...[found] sufficient reason to anticipate the peril to property which others apprehend[ed] from this bill.’ Its subject matter was ‘very limited, and the cases in which it allows a claim to be enforced are very exceptional.’ Despite this, he suggested that if the bill excited ‘any general feeling of insecurity in the country, however unfounded’ he believed this to be, it would be better to pass the other two bills without the Tenants Compensation bill. ‘Indeed’, he continued, ‘the second part of the Leasing Powers Bill and the Fixture clause in the Landlord and Tenant bill in themselves constitute a valuable code of Tenants Compensation for bona fide improvements.’

While he would have preferred a separate compensation bill, he was willing to work with

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Donoughmore to Napier, 30 November 1853, Quoted in The Landlord and Tenant bills Reply of the Right Hon. Joseph Napier MP to the Letter of the Earl of Donoughmore on the Landlord and Tenant Bills of the Last Session, (Dublin 1853), p.v. Donoughmore’s letter and Napier’s reply to it were both included in this pamphlet. There is a draft of this letter in the Donoughmore papers H/13/1/266. That these letters were not entirely spontaneous is shown by a letter from T.H.Barton to Donoughmore on 6 November 1853. In this letter Barton advised Donoughmore that Napier was ‘anxious for an opportunity...to explain his relation [sic] with the bills during their transit last session from the committee to the Lords. I should not wonder if he published a letter to you.’ See Barton to Donoughmore, 6 November 1853, Donoughmore papers H/13/1/17. In a subsequent letter, Barton actually enclosed proof sheets of Napier’s case in explanation of his relations with ‘the government & their Irish land bills’, this presumably being a first draft of the letter quoted above. What Napier wanted from Donoughmore was ‘an enquiry...for explanation of any portion of his acts seeming to require explanation.’ In a significant passage, Barton claimed that Napier’s conduct over the bills ‘had been the subject of so much unfriendly criticism’ from the Irish Conservative press that he feared his seat was ‘imperilled.’ The letter to Donoughmore was intended as a defence of his conduct against such criticism. See Barton to Donoughmore, 23 November 1853,

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Donoughmore to pass the two other measures. During the preceding months Napier’s bills had been widely criticised in the Conservative press, and it seems from his willingness to compromise on key features of them that this criticism had had some effect.

Napier’s sensitivity to this criticism was clearly shown in a letter written to Donoughmore later in November. In relation to the Tenants Compensation bill, he claimed that he had never received an intimation from other Irish Conservative MPs that ‘any clause would be opposed as wrong in principle.’ He had been ‘not merely willing but anxious to have [had] the best suggestion’ for amending his bills. He correctly identified ‘the real controversy’ over his bills as concerning the Tenants Compensation bill. He was critical of the government for having fastened the authorship of the amended bill on him. To Naas, Napier wrote that although he disliked the bill as amended, he thought that it was ‘better to pass it - even in this form.’ If passed, it would, he believed, ‘stop the [land] agitation, at least in so far as agitation can do mischief.’ He stressed the limited nature of the bill, and argued that, if the Tenants Compensation bill were rejected, it would be more difficult to pass the Landlord and Tenant bill. That bill was ‘eminently favourable to proprietors’ and would benefit them far more than the Tenants Compensation bill did tenants.

The landlord’s case against retrospective compensation was stated clearly in a letter from Donoughmore to Napier in late November. He reiterated his distinct opposition to any form of retrospective legislation ‘except to give legal effect to previous contracts, which were void from

Donoughmore papers, H/13/1/19.
140 Napier to Donoughmore, n.d, Quoted in The Landlord and Tenant bills: Reply of the Right Hon. Joseph Napier, p.v-x.
141 The Dublin Evening Mail was particularly critical of Napier’s bills. A leading article in the paper on 10 December 1852 was headed ‘Mr. Napier’s compromise of Irish Property’, and the paper was consistently hostile towards Napier’s measures, especially the Tenants Compensation bill.
want of power on the part of the landlord.’ Although he admitted the difficulty caused by the existence of the ‘Ulster Custom’ he urged that all their ‘efforts should be directed to its limitation and gradual extinction.’ He viewed the Custom as an ‘unmixed evil.’ He suggested that the Conservative party should leave it to the government to introduce its own Tenants Compensation bill in the next session of Parliament. This would give them ‘much more freedom of action’ than they had during the previous session, given Napier’s authorship for the original bill.

Donoughmore also believed that ‘from the feeling’ against the bills expressed in the House of Lords on their second reading of in August 1853 ‘it would be almost impossible to get a Compensation bill [even] of the most limited character through that House.’ It would be better to ‘let the government be defeated on their [own] measure than to bring in ours, be beaten by our own men, and create a split in our own party.’ He would support Napier in an effort to have the other two bills passed, but could not ‘go with him’ on the retrospective clause.\textsuperscript{144}

Replying, Napier agreed with Donoughmore that the Lords would in all likelihood defeat the Tenants Compensation bill. Although he could not say that it was ‘perilous to property’, nevertheless it was ‘so dreaded by proprietors’ that he would not be ‘justified in now asking either House to sanction it as an integral part of the general settlement.’ He concurred with Donoughmore as to the evils of the ‘Ulster Custom’, but argued that the difficulty arose ‘from its favour with landlords, as a means of having arrears paid up.’ This encouraged a system which, he claimed, hindered agricultural improvements by draining the new tenant’s capital. However the ‘evil’ existed, and could only ‘be cautiously undermined by indirect agencies and gradual extinction.’ Despite this ‘a contract in good faith’ had been made by the Conservative party

\textsuperscript{142} Napier to Donoughmore, n.d [but November 1853], Donoughmore papers H/13/1/266.
\textsuperscript{143} Napier to Naas, n.d, Mayo papers 11,017 (14).
with the Ulster tenantry to give them some legal security for their improvements. The Fixtures clause would, Napier suggested, ‘go a great way - when it is clearly and generally understood’ to do this. The Conservatives should, as Donoughmore had suggested, ‘leave the Gov[ernmen]t to deal with the Compens[atio]n question on their own responsibility.’ They had taken the bill ‘out of...[his] hands’ in the select committee, ‘so let them keep it and conclude it.’ Meanwhile, it was important that they should show ‘that the other two bills were not merely landlord measures - but that in truth [they are] a code at once sufficient for both landlord...[and] tenant.’ The Conservative press in Ireland might ‘usefully work this side of the case.’

It was now clear that, given the level of opposition to the Tenants Compensation bill within the Irish Conservative party and from the Irish Conservative press, Napier was willing to drop it and proceed with a more limited code than he had originally intended.

Napier confirmed this decision in a letter to Sir Hugh Cairns. It was necessary, he believed, to ‘let the bill for compulsory compensation [the Tenants Compensation bill] go by the board.’ He had written to Newcastle, telling him that, given ‘the manner in which the friends of the Gov[ernmen]t...[had] sought to fasten...[on him] the entire odium of the Comp[ensatio]n Bill’, he would ‘have nothing further to do with it, by any interference direct or indirect.’ It was now ‘quite hopeless to try to do more than pass the two [other] bills; it would only peril what...[was] prudent [and] safe by insisting on what...[was] suspected disliked & never would be allowed by the peers.’ The Fixtures clause would be supported by Irish Conservative landowners, and it would then be up to the government to ‘adopt or repudiate the orphan [Tenant Compensation] bill.’ The clause would 'satisfy the Northern tenantry, and cover the larger cases’ while the

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144 Donoughmore to Naas, 30 November 1853, Donoughmore papers H/13/1/266.
145 Napier to Donoughmore, n.d, Donoughmore papers, H/13/1/267.
Leasing Powers bill would ‘provide for the smaller, better than a strict plan of compulsory compensation.’146 This argument was unconvincing, but it was obviously intended by Napier to justify his abandonment of the Tenants Compensation bill. Napier’s tone in this letter was strikingly different from that in his letter to Naas in November 1852 quoted above.147 Then, Napier had maintained that the Tenants Compensation bill was an essential element in his Landlord and Tenant code; to Cairns, he argued for its dispensability. This clearly reflected the change in the political circumstances since November 1852, and the unwillingness of Irish Conservatives, who might have supported the bill in order to keep a Conservative government in office to do so any longer.

The distrust of Napier felt by some Irish Conservatives had been made plain in the debate on the Compensation bill on 22 July 1853. An amendment moved by Keogh giving tenants against whom legal proceedings for eviction had been initiated a reasonable amount of time to secure compensation was passed by a large majority. According to Keogh, this amendment was based on a suggestion made by Napier, presumably in the select committee. Sir Arthur Brooke responded to this by stating that in his opinion Napier’s sanction was not necessarily a recommendation for the clause. On this issue, he believed that Napier was acting as ‘the tool of hon. Gentlemen opposite.’ The proposed amendment was ‘altogether disapproved’ of by the Conservative party.148 Brooke was not the only Irish Conservative to be strongly critical of Napier. Henry Herbert, the MP for Kerry County, spoke to Napier in private ‘in very painful

147 See above, p. 44.
148 See The Times, 2 August 1853 for a full report of this debate. Also The Banner of Ulster, 5 August 1853. Brooke’s comments were not reported in Hansard.
terms’, suggesting that he was ‘en rapport with the [Irish] Brigaders.’ These criticisms produced a rather thin-skinned response from Napier, who wrote a number of letters to Naas, complaining of the way he had been ‘worried and traduced.’ He warned that these criticisms would have the effect of ‘consigning me over as if an ally of the Leaguers - and displacing me from the position which I have never wilfully deserted - on the side of decency, order, & property.’

Napier’s implied willingness to abandon the retrospective clause was criticised in an open letter addressed to him by William Sharman Crawford. This letter addressed some of the main points raised in Napier’s published correspondence with Donoughmore from a Tenant League perspective. Crawford pointedly asked Napier if the objections to the retrospective clause had come from ‘any [one] who did not belong to the landed class or their advocates?’ Were ‘the views of this class alone to be respected in determining the rights of property?’ Crawford argued that the bill’s main weakness lay in the fact that it did not cover the cases of tenants evicted for non-payment of rent. It was possible for tenants to fall into arrears as a result of circumstances over which they had no control. A series of bad harvests or a fall in agricultural prices might lead to this. Thus, tenants in the poorest circumstances would be excluded from the operation of the bill. This argument went to the central weakness of Napier’s Tenants Compensation bill, and, indeed, his whole code of Landlord and Tenant law. A similar failure to deal with the cases of tenants evicted for non-payment of rent was to lead to the inoperability, to a large extent, of Gladstone’s 1870 Land Act. Improving tenants were likely to possess some capital and to pay their rents regularly, and were, therefore, unlikely to be evicted. Therefore,

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149 See Napier to Naas, n.d, Mayo papers 11,017 (14).
150 Napier to Naas, n.d, Mayo papers, 11,017 (14).
as Napier was well aware, the original Tenants Compensation bill itself was a limited measure, which would have benefited only a small number of tenants.

Crawford also criticised the exclusion of drainage from the improvements compensated by the bill. He maintained that, under Irish conditions, drainage laid the basis for all other improvements. He was also concerned that the exclusion of the retrospective clause would mean that tenants who had made improvements in the past would have their property confiscated. Napier’s reply, on 20 February 1854, confirmed his willingness to drop the Tenants Compensation bill. The objections urged against it by ‘intelligent and experienced men’ had led him to reconsider ‘the propriety and policy of insisting on this bill as an essential part of the general settlement.’ Rather than press it, he wished to secure what was ‘practicable’, and, with Donoughmore’s assistance, pass the other two bills. These bills, in themselves, would provide a reasonable settlement of the question, even though they were ‘within the margin’ of what had originally been proposed. Napier expressed his hope that this opportunity to settle the question would not be thrown away.151

In a letter to Lord Dunsany in early January, Donoughmore clarified his differences with Napier over the original bills. Dunsany had written to Donoughmore, stressing his acceptance of ‘the moral claims of the tenant [to compensation] for bona fide improvements.’ However, he was disturbed at the prospect of this moral right being converted into a legal right. If this happened, Dunsany was worried where Irish landlords could ‘logically draw the line between such an admission and the rights claimed for the tenant by the Tenant League?’ Dunsany’s answer to this was to insist that all ‘compensation for unauthorised works’ should be ‘matters of

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151 Sharman Crawford to Napier, 15 February 1854 and Napier to Sharman Crawford, February [20?]1854 quoted in the Daily Express, 24 February 1854.
bargain' and not of 'compulsory legislation.' He would support a measure which facilitated such contracts, but could not support retrospective legislation. Donoughmore replied by insisting that he had always been opposed to the retrospective clause. He described it as 'vicious in principle' and calculated to give rise to 'an infinite amount of litigation.' He also differed with Napier on the propriety of giving compensation for unauthorised improvements. He assured Dunsany that while Napier still maintained 'the safety' of the compensation bill, he was 'quite aware [of] how much it...[had] alarmed many Irish proprietors &...[was] therefore willing to abandon it.'

That Donoughmore did attempt to assuage some of the criticisms of Napier's original bills was shown in a letter to him from T.H. Barton. Barton was a protégé of Donoughmore's and had stood unsuccessfully for Clonmel in the 1852 general election. He described a meeting with Francis Dunne, the Conservative MP for Portarlington, at which Dunne had 'enquired to what extent you [Donoughmore] had adopted Napier's bills which he described as socialistic & c.' According to Barton, Dunne 'seemed under the impression that Napier was making use of you to launch anew his bad bills.' Barton reassured him that Donoughmore took his own view of the bills and that 'where...[he] differed from...[Napier] the latter had to yield.' Despite this, Dunne warned Barton that if he disapproved of the revised bills, he would vote against them.

The revised bills were introduced by Donoughmore in the House of Lords on 28 February 1854. In this speech, Donoughmore came out strongly against the retrospective clause. He argued that it was impossible to frame such a clause 'which would at the same time guard the rights of property.' The amended bills, by contrast, were based on the principle that all improvements

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152 Dunsany to Donoughmore, 11 January 1854, Donoughmore papers H/14/1/97.
153 Donoughmore to Dunsany, [2?] January 1854, Donoughmore papers H/14/2/1.
should be made ‘with the concurrence and consent’ of the landlord. This principle, could not, he claimed, be made compatible with the payment of compensation for past improvements.\(^\text{155}\)

Even the revised bills came under attack from some quarters. Lord Desart complained that ‘the land was the property of the landlord’, and the government should not intervene in its ownership and management ‘so long as either were not rendered injurious to the public interest.’ Desart baldly stated the essence of the landlord’s case: the landlord and tenant stood in the position of ‘contractors in a commercial transaction’ and their relations should not be determined by government.\(^\text{156}\) This position was backed up by Lord Campbell, a former Whig Lord Chancellor, who suggested that compensation, even for prospective improvements, would be a more ‘fit subject’ for contracts rather than legislation.\(^\text{157}\) At the close of the debate, the revised bills, along with the bills previously introduced by the government, were committed to a House of Lords select committee.

As had been the case with the earlier Commons committee, the composition of the Lords committee came under attack even before it commenced proceedings. On 3 March 1854, Clancarty moved that five additional Irish peers be added to the committee. He suggested five names for inclusion, two of them, Lord Desart and Lord Glengall, being prominent Irish Conservatives. Eglinton’s compromise proposal that two of Clancarty’s proposed names should be added was accepted by the government,\(^\text{158}\) and the committee was appointed with the Duke of Argyll as Chairman. This committee sat between March and May 1854, and collected

\(^{154}\) Barton to Donoughmore, 30 January 1854, Donoughmore papers H/14/1/28.

\(^{155}\) *Hansard*, 3rd S, CXXXI, cl. 6.

\(^{156}\) *Hansard*, 3rd S, CXXXI, cl. 35.

\(^{157}\) *Hansard*, 3rd S, CXXXI, cl. 30.
evidence from a wide range of witnesses, including Napier. His evidence there, although not made public, seems to have been largely on the lines of his published letters to Donoughmore and Sharman Crawford. He repeated the argument that along with the Leasing Powers bill, the Fixtures clause of the Landlord and Tenant bill would give as large a measure of compensation as was practicable.\(^{159}\)

Not surprisingly, the committee's report issued on 11 May recommended that the Tenants Compensation bill be dropped. The other two bills were returned to the Commons with minor amendments. The Fixtures clause was modified so that it only applied to the cases of tenants who had express agreements with their landlords to carry out improvements. The claims of tenants who had been given rent abatements in consideration of improvements, or who had remained in possession for twenty one years, were also disallowed. Despite these alterations, the revised bills received strong criticism when considered in the Lords on 18 May. Opposing the Leasing Powers bill, Clanricarde claimed that 'more mischief' had been caused in Ireland by the granting of long leases 'than good prevented' by the lack of them. His argument was that tenants on long leases lacked any incentive to improve their land.\(^{160}\) This argument was supported by Derby, who argued that a twenty one year lease 'afforded ample motive to improvement to an enterprising and intelligent tenant.'\(^{161}\)

Speaking in this debate, Donoughmore regretted that the compensation given to tenants had been so limited by the committee. This ensured that there would be 'cases of justice and of

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159 Clanricarte complained that only two of the twenty-eight peers appointed to it were Irish representative peers. He claimed that eight of its members had no connection with Ireland. Five members were absentee landlords, whose main residence was in England, while only six were resident Irish peers. See Hansard, 3rd S, CXXXI, cl. 268-71.
159 Sir W. Shee, Papers, Letters and Speeches, p.174.
160 Hansard, 3rd S, CXXXIII, cl. 518.
161 Hansard, 3rd S, CXXXIII, cl. 1001.
right’ that the bills would no longer meet. He argued that Tenant Right agitation in Ireland was ‘of two kinds and proceed[ed]...from two different sources.’ The first of these was promoted by the Northern tenantry and headed to a large extent by Presbyterian ministers. The second was ‘set in foot by the Roman Catholic priests, supported by a not very large or respectable body of the South and West.’ No legislation which the House of Lords ‘could ever sanction’ would satisfy this group. Their ultimate objective was to convert the landlord into ‘a rent charger on his estate.’ The first group were, however, of a ‘very different character’, seeking merely ‘a legal recognition of...[their] customary right[s].’ The consolidated bill was designed to protect their interests, and to preserve their position which had been weakened by the Famine.162

Despite the attacks on the two revised bills both were passed on the committee stage and sent forward for third reading the following week. It seems clear that Donoughmore’s intention in this debate was to drive a wedge between the Northern and Southern branches of the League. The tensions between the two wings of the movement had been apparent since the Tenant League’s inception and played a major part in the eventual break up of the party. On its third reading, Clancarty attempted to have the Fixtures clause removed from the Landlord and Tenant bill.163 The motion to drop the Fixtures clause was, however, defeated by 41 votes to 10. A protest against the third reading of the bill, was, however, signed by a number of Irish peers. The signatories included prominent Irish Conservative peers like Clancarty and Mayo. Their protest objected to special legislation for Ireland, urging that it was ‘of the highest importance

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162 *Hansard*, 3rd S, CXXXIII, cl. 530.
that the law in England and Ireland should rest on the same fundamental principles.’ Any deviation should occur only where ‘a difference of circumstances between the two countries’ was clearly established. With regard to the Fixtures clause, this, they argued, had not been done. Their principal criticisms of the clause were the familiar ones that it interfered with existing contracts, and that its retrospective effect led to the ‘gratuitous transfer to one class of that which now belongs to another.’

The bills were not debated again in the House of Commons until July. On this occasion, Shee asked that the government defer further consideration of the bills until the next session of Parliament. He did not understand how Napier could support the passing of the two approved bills, without a Tenants Compensation bill. The earlier bill had been passed by the House of Commons, and he complained that ‘it was not endurable...[for] a few Irish landlords in another House...[to] set aside the deliberate opinion of that House and of the leading statesmen of the country.’ Sir John Young admitted that, without the Tenants Compensation bill, the other two bills ‘by themselves would be unsatisfactory to the people of Ireland.’ Given the opposition of Irish Liberal and Independent party MPs to the amended bills, the Aberdeen government decided to withdraw them for the session.

In a long speech on the question on 13 July Napier complained that he had had no intimation

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163 Clancarty implied that only Donoughmore, Lord Wicklow and Lord Dufferin, the latter two being Whig peers, had wholeheartedly supported the clause in the Lords committee. Other Whig peers, such as Clanricarde and Lord Beaumont, had either opposed the clause or distanced themselves from it. His estimate was that nine out of the eleven peers on the committee had opposed the clause, yet it had been retained in the amended bill. This, Clancarty claimed, bore out his earlier criticisms of the committee’s lack of Irish representation. See Hansard, 3rd S, CXXXI, cl. 518.

164 Hansard, 3rd Series, CXXXI, cl. 999-1,000. The signatories of the protest were Monteagle, Somerhill, Bath, Clancarty, Clanbrasil, Cloncurry, Castlemaine and the fifth Lord Mayo.

165 Hansard, 3rd S, CXXXV, cl. 34-35.

166 A deputation from the government’s Irish supporters had already asked Young to defer the bills. See Hansard, 3rd S, CXXXV, cl. 39-40.
from the government that they had decided to withdraw the two approved bills. Those bills had been 'adopted as a fair settlement of the question' and were introduced as government bills. By withdrawing the bills, Young was 'hand[ing] himself over to...[a] particular section of the Irish members.' Whiteside repeated this criticism, suggesting that Young had 'sacrificed' the bills in order 'to gain a certain support in the House.' Whiteside claimed that, as an MP for a Northern constituency, he represented improving tenants for whom 'Tenant Right was a matter of the last importance.' Both Whiteside and Napier warned that the result of the withdrawal of the bills would be a revival of the Tenant League campaign over the Winter months. John Francis Maguire, the Independent party MP for Dungarvan criticised the government for its lack of courage in not making the bills 'a cabinet question.' Until this was done, 'they would never carry a measure that would settle the question.'

It had been clear from the outset that the government had little enthusiasm for the proposed land bills. A number of senior ministers, notably Lord Palmerston, had made little secret of their distaste for them. Their ambivalent attitudes to the bills were also conditioned by the fact that they were originally introduced by a Conservative government. The tensions within the Irish Independent party resulting from Sadleir and Keogh's acceptance of office, but deepened by internal conflicts, meant that their ability to influence the government was less than it might otherwise have been. The withdrawal of the Tenants Compensation bill also made the bills far

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167 *Hansard*, 3rd S, CXXXV, cl. 150 and 158.
168 *Hansard*, 3rd S, CXXXV, cl. 167-79.
169 *Hansard*, 3rd S, CXXXV, cl. 199.
170 On 6 August 1853, Lord Aberdeen had written to the Queen, stating that there had been 'much doubt...[and] difference of opinion' within the cabinet as to their approach towards the Landlord and Tenant bills. The Irish landlords had, he went on, 'resisted so strongly against them, that it would not surprise him if they were thrown out.' However, the cabinet had finally decided to proceed with the bills, on the basis that 'as they were prepared by Mr. Napier...[they] ought to receive the support of his friends.' Aberdeen to the Queen, 6 August 1853, Royal Archives, Windsor Castle, RA 94/88.
less attractive from a Tenant League perspective. From Napier’s perspective, the dropping of this bill lessened his isolation within the Conservative party. There is some evidence that Napier might have been willing to see the Landlord and Tenant bill pass even without the Fixture clause. He justified this flexibility with regard to the bills as being the only way of ensuring that they passed the House of Lords.\footnote{Barton to Donoughmore, n.d, Donoughmore papers, H/14/1/4.}

The following session saw Shee introduced his own Tenants Compensation bill, based largely on Napier’s Leasing Powers bill and the revised Tenants Compensation bill introduced by Young. This bill was introduced without the sanction of the Tenant League. Shee accused the Lords committee of having passed a ‘miserable apology’ for a Tenants Compensation bill in the shape of the Fixtures clause.\footnote{Hansard 3rd S, CXXXV, cl. 1642.} In April 1855 Napier described the two withdrawn bills as having constituted ‘as large a measure on this subject as the most sanguine could hope to pass through Parliament.’ Shee’s bill had, he claimed, no realistic chance of being accepted by the Lords.\footnote{Hansard, 3rd S, CXXXV, cl. 1546.}

The government promise to aid Shee in passing the bill, was criticised by Whiteside, who contrasted this with Derby’s refusal to countenance the passing of Sharman Crawford’s bill. He also accused Palmerston of hypocrisy, given that he had moved the rejection of Shee’s original bill in the Commons select committee. Ironically, Whiteside criticised the bill’s retrospective operation, claiming that this would allow tenants to ‘demand compensation for what had been done in the time of their grandfathers.’ He compounded this by echoing the earlier criticisms of Napier’s bill that it would affect property bought in the Encumbered Estates Court.\footnote{Hansard, 3rd S, CXXXV, cl. 1547-49.}
In response, Shee attacked Napier for having supported Tenants Compensation while in government, but opposing it when out of office.\(^{175}\) Both Napier and Whiteside repeated the charge that the government only supported Shee’s bill to gain Irish support, while having no real desire to see it passed. The sharpest criticisms of Shee’s proposed bills came from those Conservatives who had already been critical of Napier’s bills; these included John George, Francis Dunne, and Edward Grogan. Their criticisms were again chiefly directed at the retrospective clause of the bill. George, in particular, made it clear that he had disapproved of the clause, even as introduced by Napier. It would, he rather melodramatically warned, ‘tend to drive the landlords of Ireland from their estates by the hardships and inconvenience which...[it] must eventually entail.’ While he supported compensation for prospective improvements, he considered that Shee’s bill was designed ‘to prejudice the great Conservative party in Ireland by representing them as unwilling to serve the tenant.’\(^{176}\) Dunne thought that in introducing a Tenants Compensation bill, the Derby administration had acted ‘with insincerity to those who had supported it.’\(^{177}\)

During the committee stage of Shee’s bill an amendment moved by George, and supported by Napier, preventing tenants who were in breach of their lease or had surrendered their leases voluntarily from receiving compensation, was passed by 123 votes to 117. Speaking on this amendment, Napier repeated his view that a tenant should not create ‘a title to compensation by his own default.’\(^{178}\) Another amendment limiting compensation to tenants evicted for reasons other than non-payment of rent was carried by 112 votes to 49. The divisions within the

\(^{175}\) *Hansard*, 3rd S, CXXXV, cl. 1551.

\(^{176}\) *Hansard*, 3rd S, CXXXVIII, cl. 2238.

\(^{177}\) *Hansard*, 3rd S, CXXXIX, cl. 283.

\(^{178}\) *Hansard*, 3rd S, CXXXIX, cl. 285.
Independent party were made clear in this debate, when Maguire complained that the
government was intent on ‘emasculating’ Shee’s bill. He called on Keogh and Sadleir to
redeem the pledge they had made in September 1852 and maintain the principles of Sharman
Crawford’s bill. Keogh argued that his approach towards the bill was determined by the
necessity of having it passed by the House of Lords. After this debate, Shee stated his
conviction that ‘it would be better not to pass any measure at all than to pass the bill in this
mangled and mutilated state.’

On 5 July, an amendment to the bill moved by Edward Horsman, the recently appointed Irish
Chief Secretary, restricting compensation for improvements to tenants evicted within the
previous twenty years, was passed by 141 votes to 37. In response, Shee condemned the
government’s handling of the bills and accused the Irish law officers of having ‘betrayed the
people of Ireland.’ The amendment would ‘destroy all the good which the bill was originally
calculated to work.’ He called on Napier to restate his support for retrospective compensation
without limitation as to time which Napier did. In the case of improvements made on the
soil, Napier believed that there should be no such limitation. The compensation paid for such
improvements should, he believed, be assessed on the basis of their value at the time the tenant
was dispossessed. The retrospective clause itself was then voted down in the House by 138
votes to 102. Three cabinet ministers were absent from this division, which clearly showed the
government’s lack of enthusiasm for the bill.

Donoughmore’s opinions on Shee’s bill were outlined in a letter to Derby on 13 May. The

179 Hansard, 3rd S, CXXXIX, cl. 285.
180 Hansard, 3rd S, CXXXIX, cl. 286.
181 Hansard, 3rd S, CXXXIX, cl. 467.
182 Hansard, 3rd S, CXXXIX, cl. 466-67.
bill was, he complained, treated in the House of Commons as ‘essentially a party question’ and it was only in the Lords that it could receive ‘that calm consideration which...[its] importance demands.’ Donoughmore favoured the passing of the first part of Shee’s bill, which was largely derived from Napier’s Leasing Powers bill. The second part, however, was the thin end of the wedge that would lead to ‘unlimited compensation for improvements past, present and future.’ He defended Napier’s original bills, arguing that their ‘fundamental principles, if not incontrovertible were certainly not communistic.’ His Tenants Compensation bill had been designed as part of a ‘general scheme’ and was guarded by ‘other provisions which rendered it far less dangerous than the isolated proposal of Mr. Shee.’

Donoughmore then defined what he considered were the three fundamental principles of Napier’s original code. The first was to make it easier for landowners to grant leases, the second to consolidate and simplify the law of landlord and tenant in Ireland, and the third was to facilitate the making of necessary improvements, given the backward state of Irish agriculture. The first and second of these, he suggested, had been covered in Napier’s Leasing Powers and Landlord and Tenant bills. The third, he confessed, he had ‘never entirely’ supported. He doubted ‘the prudence of forcing owners to improve.’ It was not necessarily judicious to oblige a landlord to do so, ‘whether it suited him or not.’ The question of improvements should be ‘dealt with by the parties interested, who would inevitably expend their capital in suitable and valuable improvements, if facilities were afforded to them for the making of contracts and agreements, and for the enforcement of these conditions wherever it became necessary.’ He was prepared to accept a limited retrospective clause, confined to cases where the landlord had consented to the improvement being made. Donoughmore’s belief was that, in all cases, the
landlord should have the final determination over whether an improvement should or should not be made.

In Donoughmore's opinion, there were two strategies which the Conservatives could adopt towards Shee’s bill. The first of these was to oppose the second reading on the grounds that the measure was ‘incomplete’, and was ‘not accompanied by the checks which Mr. Napier thought wise to surround it nor by the Landlord & Tenant - & Land Improvements bills which were measures most valuable to the landlord class.’ This caveat with regard to Shee’s bill was revealing of Donoughmore’s attitudes towards Landlord and Tenant relations. This course would, he claimed, allow the Conservatives to escape charges ‘of inconsistency - your having approved the Napier scheme as a whole...[could] never oblige you [Derby] to concur in an isolated part of it unbalanced by the more important and solid reforms which it contained.’ The second course he outlined was to agree to the second reading of the bill, but to oppose the compensation clause in committee. This was the course which Donoughmore preferred as he believed the Leasing Powers clauses were ‘most valuable, and a measure of that description...[had] long been looked for anxiously in Ireland.’ Donoughmore’s approach was to prune the bill of the clauses objectionable to Irish landlords, and was, in effect, in accordance with the Lords select committee’s recommendations on the earlier bills of 1854.

Events in the Commons had already rendered much of Donoughmore’s analysis academic. On 12 July a deputation of Irish Independent party MPs had succeeded in obtaining Palmerston's

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183 Donoughmore to Derby, 13 May 1855, Derby papers 158/6. There is a draft of this letter in the Donoughmore papers H/13/2/1.
support for the reinsertion of the amended retrospective clause in Shee’s bill. In a subsequent
debate, Whiteside accused Palmerston of having acceded to this request in return for a promise of
Irish Independent party support in a critical division later that week. However, Palmerston’s
pledge to aid in the reinsertion of the retrospective clause was not kept. On 24 July, he
announced that, given the lateness of the session, and the extent of the opposition to the bills, the
government had come to the conclusion that they should be dropped. He made it clear that he
had always opposed the principle of the bills, but had ‘yield[ed]’ his opinion ‘to...the general
feeling of the people of Ireland.’ As a result of the protracted debates which had taken place on
the various clauses of the bill, he maintained that it was obvious that it could not be passed that
session.

Napier had always believed that the bills ‘would turn out an abortion’ and hoped that
‘in future [the government would deal] with the subject in a more satisfactory manner.’
The fate of Shee’s bill reflected, in a large part, the ambivalent, if not hostile, attitudes towards
it of both the government and the Conservative party. The bill’s failure was also a result of the
weakness of the position of the Independent party at Westminster. Their ‘unhappy
dissensions’ ensured that their influence with government was limited. Napier’s
unwillingness to return to the isolated position he had held in the Conservative party also ensured
that his support for Shee’s bill was muted at best.

Between 1855 and 1858, the Irish land question was, in Parliamentary terms, largely in

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184 See *Hansard*, 3rd S, CXXXIX, cl. 832. See also Disraeli to Derby, 11 July 1855, in which Disraeli reported to
Derby that eighteen Irish members went up to Palmerston this morning and announced that unless he proposed the
restoration of the Retrospective clause to the Irish Tenant bill, and agreed to support it with all the influence of [the]
government, they should vote for Bulwer [Lytton’s motion]. Palmerston agreed to their demands immediately.'
185 *Hansard*, 3rd S, CXXXIX, cl. 1347.
186 *Hansard*, 3rd S, CXXXIX, cl. 1339-40.
187 *Hansard*, 3rd S, CXXXIX, cl. 7.
abeyance. In early 1856, in response to a question from Vincent Scully, the Independent party MP for Tipperary, Palmerston disclaimed any intention on the part of the government of introducing a Tenants Compensation bill, or of supporting one brought in independently.\footnote{Hansard, 3rd S, CXI, cl. 90.}

Other priorities, not least the Crimean war, took up the government’s time. In addition to this, the government’s experience of earlier bills would hardly have inspired much confidence in its ability to pass such a measure. There also was a general lack of political will among both Liberals and Conservatives to broach the question. While abortive Tenant Right bills were introduced by G.H. Moore in 1856 and 1857, the debates on them took up little parliamentary time, and they did not receive any support from government. In July 1855 the \textit{Daily Express} expressed the wish that the Tenant Right bill, having been laid aside should 'be laid at rest for ever.'\footnote{Daily Express, 26 July 1855.} While this was too sanguine, the proceedings in Parliament over the following two years would hardly have disillusioned the writer.

In April 1857, the Palmerston government was unexpectedly defeated in the House of Commons. Palmerston's response to this was to call a general election, at which his government was returned with an increased majority. The election served to create a revival of interest in the Irish land question among some Conservative candidates. Several declared their support for Tenants Compensation, without in John George's words, 'retrospective and impossible conditions.'\footnote{Daily Express, 16 March 1857.} Pierce Creagh, a pro-Conservative Catholic candidate for Clare, used his election address to attack Palmerston as 'the enemy of the tenants and of Tenant Right.'\footnote{Daily Express, 18 March 1857.} Though defeated in Clare, he was representative of a wider strain of opinion, which preferred the
prospect of a Derby administration to that of an administration involving Palmerston and Russell. This view was partly based on Irish Catholic dislike of Russell and of Liberal policy towards Italy, but was also influenced by the perception that Derby was less hostile to a measure of Tenants Compensation than was Palmerston.

At Napier’s election for Dublin University, however, his introduction of the original land bills was used against him by his Liberal opponent. It was argued that Napier’s involvement with the bills had given ‘great dissatisfaction’ to his constituents. Napier insisted, however, that he had ‘abandoned the Land bill’ which he had found ‘not to merit, at least a particular portion of it, the judgement of many of those...[he] respect[ed].’ When a heckler called out ‘What about Tenant Right?,’ Napier answered that it was ‘dead and gone.’ He had ‘washed his hands of it.’ He qualified this by specifying that he would oppose any measure ‘having provision for retrospective compensation.’ This left it open for him to support a measure without such a provision. His private conviction was that it would be ‘quite delusive’ to reintroduce his bills and he was not prepared to do so. As the bills had not satisfied either the landlords or the tenants it was clear that they were not ‘practicable’ and therefore he would not ‘attempt anything more about it.’

In the North of Ireland, the Tenant Right question did not achieve the same prominence as it had done in the 1852 general election. Several candidates, such as Lord Edwin Hill in Down County, did not even raise the subject in their addresses. Other candidates, like James Clark in Londonderry County, declared their support for a measure which would secure to the tenant ‘the fruit of his toil and outlay.’ A similar pledge was made by William Brownlow Forde, one

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193Daily Express, 31 March 1857.
194Daily Express, 1 April 1857.
of the candidates for Down County, although he qualified this by referring to 'unexhausted improvements.' Sir William Verner, the combative candidate for Armagh, called on supporters of Tenant Right to define what they meant by it. He had never known 'two persons who advocated Tenant Right that could agree in their views of what it really meant.' If it meant putting the tenant 'in the place of the landlord...[he] most assuredly' would not vote for it, but he would support a measure giving 'that justice to the tenant[s] to which they were fully entitled.'

This was an ambivalent statement by any standards, especially given that Verner had been one of the most vehement critics of Napier’s original bills. In Antrim, George Macartney, the Conservative candidate warned that no legislation could 'put the landlord and tenant in a better position than they are at present.'

As in 1852, Tenant Right candidates did poorly in Northern constituencies. In Armagh County, for example, James Caulfield, the Liberal candidate, received only six votes in a constituency with some 5,596 voters. As we have seen earlier, landlord influence there was particularly strong at election times. After the elections, the Northern Whig accused a number of Ulster landlords of having coerced their tenants into voting for Conservative candidates.

There was another aspect to the 1857 election which was to be a significant pointer to later developments. This was the co-operation which took place between Conservatives and some Independent party candidates in contests where the other had an opportunity to defeat the Whig/Liberal candidate. In Tipperary, for example many Conservatives supported The O'Donoghue, the Independent party candidate, while in Mayo G.H.Moore assisted in the return

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195 See The Northern Whig, 4 April 1857.
196 The Northern Whig, 26 March 1857
197 The Northern Whig, 9 April 1857.
198 The Northern Whig, 18 April 1857.
of Roger Palmer, the Conservative candidate.

While this co-operation was sanctioned by party chiefs in Dublin, like Whiteside and Taylor, it was not necessarily popular with local Conservatives. Writing to Moore, in March 1857, Donoughmore promised him his support in his contest against Laurence Waldron, the Liberal candidate. He admitted, however, that he had been unable to secure 'the united and vigorous action' of the Conservative party in Tipperary in favour of The O'Donoghue. Many of the gentry there believed that if they voted for him, they would 'be looked upon as approving his [The O'Donoghue's] opinions upon Tenant Right and the revenues of the Established Church.'

Against this, Lord Glengall justified his vote for The O'Donoghue by claiming that Moore had promised him that, in return, he would 'turn out Palmerston for us if he can.'

This 'ad hoc understanding' succeeded in most of its immediate aims in the 1857 election, and also laid the groundwork for the co-operation between the Conservatives and a section of the Independent party between 1858 and the early 1860s. The results of the election were, however disappointing for the Conservatives, and the Palmerston administration remained in office.

The government eventually fell in February 1858, after unexpectedly losing a vote in the House of Commons. It was succeeded by the second Derby led administration, in which Napier was appointed Irish Lord Chancellor and Whiteside attorney general. Lord Eglinton and Lord Naas were reappointed as Lord Lieutenant and Chief Secretary respectively. As in 1852, the government was a minority one and, indeed, in parliamentary terms it was weaker than the earlier government had been. Derby's attempts to induce former Peelites, like Gladstone, to join the

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200 Donoughmore to Moore, 4 March 1857, Donoughmore papers, H/17/1/514.
201 Glengall to Donoughmore, 9 March 1857, Donoughmore papers, H/17/1/319.
government failed and he was left to form a government on a purely Conservative basis. The government was, therefore placed in the position of trying to gain support from Liberals, disillusioned by Palmerston's performance in government. Along with those English Radical MPs dissatisfied by Palmerston's procrastination on the Reform question, the government also attempted to win support from Irish Independent party MPs aware of his opposition to legislation on the land question. This meant that a number of Independent party MPs led by John Francis Maguire were prepared to give the government a 'fair trial' and to support them in the House of Commons on occasion. The absence at this point of any major differences on Irish policy between the Whigs and the Tories made this rapprochement between the Conservatives and this section of the Independent party easier to achieve. In this state of 'near equilibrium' it was clear that even minor concessions by the Conservatives might tip the balance in their favour.203

The new conciliatory policy was, however, to operate within strictly defined limits. In the debates on a Tenants Compensation bill introduced by Maguire in April 1858, both Naas and Whiteside outlined the parameters within which a government measure on the land question would be framed. On 14 April, for example, Naas laid down 'three great objects...[which] ought to be kept steadily in mind' when discussing legislation on the topic. The first was that any proposed bill should be 'entirely prospective' in its operation. This, in effect, ruled out any prospect of the government reintroducing the retrospective clause. Secondly, he proposed that such a measure should be based on the 'compensatory periods' recommended in Napier's original bills. Thirdly, all improvements should 'generally speaking' be made with the landlord's consent. The landlord should also be given the opportunity of making the proposed

improvement himself, if he so wished. Naas insisted that the relations between landlord and tenant should be made 'as much as possible a matter of contract.' This speech showed that any measure introduced by the government would mark a considerable dilution of Napier's original scheme, and would, in most respects, be identical to the bills as amended by the Lords committee in 1853.

In a speech on the second reading of the bill on 9 June, Whiteside reiterated his support for the introduction of a Leasing Powers bill. He also favoured the introduction of a consolidation bill to reduce 'the great complexity' of Irish Landlord and Tenant law. As with Naas, his principal criticisms were reserved for the retrospective clause, although he was willing to consider 'a bill carefully framed', shorn of this principle. Two Northern Conservative MPs, William Carey Dobbs, the MP for Carrickfergus, and Sterne Ball Miller, the MP for Armagh, were even less conciliatory to the Independent party than Whiteside had been. Dobbs claimed that any attempt to spread the 'Ulster Custom' outside the North of Ireland would fail, as it was based on the 'good terms' that existed between landlords and tenants there. The 'Custom' was based on the landlord's consent and Miller believed that 'consent and contract' should be the basis of any system of compensation. The only measure he would support was one that dealt solely with prospective improvements. In response, Maguire argued that he was not responsible for the wording of the bill; it had originally been introduced by Moore, who had lost his seat at the general election. He expressed his hope that the government would introduce its own bill 'for

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205 Hansard, 3rd S, CXLIX, cl. 1095.
207 Hansard, 3rd S, CLI, cl. 1809.
the protection of the Irish tenant. His abdication of responsibility for Moore’s bill suggested that Maguire would be prepared to accept a compromise measure, if the government were prepared to introduce one.

Following this debate a deputation of Irish Independent party MPs led by Maguire met with Disraeli. At this meeting Maguire claimed that the support which his group had given the government ‘entitled them to its consideration.’ After the large majorities in the House against his bill, Maguire admitted that he did not expect the inclusion of a retrospective clause in a government sponsored bill. However, he did ask for ‘a large and liberal measure of Tenant Right.’ The deputation was prepared to settle for a bill giving ‘fair compensation for prospective improvements.’ According to Shee, Disraeli’s reply ‘abounded in courteous generalities’ and he promised, in timeworn fashion, to submit the question to his colleagues. He could not ‘hold out any expectation of an extreme measure’, but had ‘no doubt’ that the government would introduce a land bill. The meeting did, however, lead to controversy within the Independent party. Shortly after it was held, Patrick O’Brien, the MP for King’s County, asked Disraeli in the House of Commons whether the government intended to introduce a measure based on Napier’s original bills.

Maguire wrote to Disraeli on 22 June, claiming that the holding of the meeting had enraged the ‘thick and thin enemies’ of the Conservative party within the Independent party. In Maguire’s opinion O’Brien’s question was designed to embarrass both the government and his section of the Independent party. He advised Disraeli to announce the government’s intention to

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208 Sir W.Shee, Papers, Letters and Speeches, p.211. See also the reports of the deputation’s meeting with Disraeli in the Dublin Evening Mail, 23 June 1858 and in The Tablet, 26 June 1858. The members of the deputation included Maguire, The O'Donoghue, J.A.Blake, and Sir George Bowyer.
bring in a bill early in the next session or, failing this, to give O’Brien the same answer he had given the deputation. In the event, Disraeli told O’Brien that the government intended to give the question their ‘earnest consideration’ during the recess. Whiteside had already ‘directed his attention to it’ and Disraeli hoped that the government would be able to introduce a measure ‘at the reassembling of Parliament’. After Disraeli’s reply, Maguire defended his policy of giving the government ‘fair play.’ The Conservative government had ‘done more for progress than any of their Whig predecessors who had been in office for the last ten years.’ It was not his section of the party ‘who [had] sold the Irish party to the government of the day, and sacrificed the cause of the tenant to their own selfish purposes.’ This was an obvious attack on O’Brien, who was essentially a Liberal, and had adopted the Independent pledge in order to be elected. The acrimonious nature of these exchanges illustrated the depths of the divisions within the Independent party. On the landlord and tenant question, Maguire defended his willingness to abandon the retrospective clause by pointing out that it had been rejected by both of the principal parties in the House. To continue to press it would be ‘dishonest’ and a ‘sham’, as a land bill containing the clause could not be passed.

As in 1852, however, the Irish landlords were quick to seize on any possibility of an Irish land measure being introduced. On 5 July in the House of Lords, Clanricarde asked Derby if the government planned to introduce a measure rendering Tenant Right as it existed in the North compulsory by law. Derby naturally denied this, and stated that a government measure would be designed solely to remedy ‘acknowledged anomalies and inconveniences’ which existed in

209 *Hansard*, 3rd S, CLI, cl. 421.
210 Maguire to Disraeli, 22 June 1858, Disraeli papers, B/XXI/M/66.
211 *Hansard*, 3rd S, CLI, cl. 442.
212 *Hansard*, 3rd S, CLI, cl. 443-46.
Irish Landlord and Tenant law. This reply was clearly intended to dampen down any expectations that the government intended to reintroduce the 1852 bills, or, more specifically, the retrospective clause. Derby had earlier told an Independent party deputation that he had ‘burned his fingers’ on the question in 1852, and it was quite plain that he had no intention of allowing it to again become a divisive issue within the Conservative party.

Throughout this session, Whiteside was preoccupied with steering his Sale and Transfer of Land bill through the Commons. This bill created a new Landed Estates Court in Dublin, which was to take on the powers of the Encumbered Estates Court. The new Court was also given the power to grant legal titles to the owners of unencumbered estates. Despite Whiteside’s involvement with this bill, Maguire told a Tenant League conference in Dublin in August, that he had promised to ‘put’ the subject of landlord and tenant law ‘in hand’, on his return to Dublin for the recess. For his part, Maguire would support ‘any measure introduced by the present government, which went, no matter how partially...to recognise and establish the rights of the tenant class.’ Unless the government failed to keep faith with Whiteside’s promise, he would continue to accord it ‘the same conditional support’ he had given them up to that point. This policy did not, of course, command unconditional support within the party.

On 20 August, Maguire told Naas, that, while he had had a ‘hard card to play’ at the conference, he had ‘played it boldly & never quailed for a moment.’ John Blake, the MP for Waterford, had, he reported, ‘stuck to...[him] like a ‘brick.’ He assured Naas that a Tenants Compensation bill, even without the retrospective clause would ‘satisfy the country at large &...be a tower of

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214 Sir W. Shee, Papers, Letters and Speeches, p.211.
215 See the reports of the Tenant League meeting in The Tablet, 31 August 1858 and in the Daily Express, 19 August 1858.
strength to your government.’ He was ‘dependent’ on the ‘honour’ of Naas and his colleagues to introduce such a bill and vindicate his ‘consistent policy’ towards the government.²¹⁶

Maguire’s letters to Naas took on a more strident and, indeed, almost desperate tone as time advanced and the new session of Parliament came closer. On 25 August, Maguire assured Naas that, ‘notwithstanding what George [Henry] Moore’ said, he believed that the government would ‘not disappoint the anxious hopes of the country and that...[it would] give a good bill.’²¹⁷ By September, he was becoming ‘nervous’, warning of the ‘odium and disgrace’ which would be heaped on him ‘if those whom I have assisted by my vote or by my advocacy’ did not introduce a Tenants Compensation bill. He advised Naas to introduce a bill giving evicted tenants compensation for all such improvements as were ‘useful and permanent’ and which added to the value of their holdings. By granting such a bill the government would gain the support ‘of every man whose mind was not warped by party prejudice.’²¹⁸ Maguire’s position on this question was close to Shee’s in that he was more willing to accept a compromise measure than were some other members of the Independent party. This, however, left him particularly vulnerable if the government failed to fulfil their promise to introduce a bill.

The Irish government’s hesitancy with regard to the land question was clearly shown in a memorandum on proposed legislation prepared for Walpole by Napier in October. In it, he warned that the government should ‘do nothing which does not provide for the consent of the landlord.’ Furthermore, any proposed measure should be submitted ‘to the [Irish] County members’ for their approval before it was introduced. Echoing Derby’s earlier remarks, he

²¹⁶ Maguire to Naas, 20 August 1858, Mayo papers, 11,024 (10).
²¹⁷ Maguire to Naas, 25 August 1858, Mayo papers, 11,024 (10).
²¹⁸ Maguire to Naas, 25 September 1858, Mayo papers, 11,024 (12).
advised that 'the burned child dreads the fire.' Later in October Walpole travelled to Dublin where he discussed the government’s programme for the coming session with Eglinton, Naas, Cairns and Whiteside.

Following this conference, Derby agreed to the introduction of two bills on the Irish land question. These were a consolidation bill on the lines of Napier’s original Landlord and Tenant bill and a Leasing Powers bill. Derby also approved the Irish government’s decision not to include a retrospective clause in the proposed bills. However, he suggested that ‘under proper restrictions’, tenants should be allowed to request their landlords to drain land. If the landlord refused to do this, an allowance should be given to the tenant to carry out the work himself. Tenants should also be given an ‘increased power’ to remove fixtures, with the landlord having the right to pre-empt this by paying a money compensation instead. Derby believed that this power should be restricted to cases where there were no express contracts, as the great ‘object of these provisions...[was] to induce the parties to make arrangements for themselves.’

This fear of alienating their Irish supporters was further shown in February 1859, when Naas, Cairns and Whiteside prevailed upon Walpole to omit any reference to the Landlord and Tenant question from the Queen’s speech. Walpole informed Derby that they were ‘so strongly impressed with the impolicy of alluding in any way whatsoever’ to the question that he had agreed to delete the paragraph referring to it. The government should, he advised, ‘avoid raising either undue expectations or fears in Ireland.’ On 3 February Naas and Whiteside met with Derby who agreed to the striking out of this section of the speech. Its inclusion would,
Naas told Eglinton, have ‘raised false hopes among the Tenant Right people.’ In the event, the Queen’s speech did not contain any direct reference to Ireland.

The issue of landlord and tenant relations was, however, raised in the House of Commons on 10 February, by S.M. Greer, the MP for Londonderry County. Greer questioned the Home Secretary about the case of O’Fay versus Burke, which had recently been decided by Napier as Lord Chancellor. The case related to the question of compensation for improvements and was described by one observer as having placed ‘the defective state of the law’ relating to landlord and tenant in Ireland ‘in a very clear point of view.’ It was taken by Father O’Fay, the parish priest of Craughwell, a small village in County Galway, who was served with a notice to quit by Major John Hardiman Burke, a local landowner. O’Fay argued that he had been promised a lease by Burke’s father, a claim which the landlord disputed. While living on the holding, the priest had expended a considerable sum on improvements. These improvements included the renovation of his cottage, and the building of a cow house, a barn, and a storehouse. Much of this work had been done while Burke was resident close by on the estate. O’Fay had been living on the land for some nine years before being served with the notice to quit, and had held it at the same rent throughout this period.

The case had first been heard before the Assistant Barrister for County Galway, who had dismissed it. It was subsequently appealed to the Rolls Court where Cusack Smith, the Master of the Rolls, described it as a case of ‘oppression and injustice’ against the tenant. Despite this, under the existing law, he had no choice but to decide in Burke’s favour. Nevertheless, Smith

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222 Naas believed that the clause would have ‘frightened our friends out of their skin.’ Naas to Eglinton, 3 February 1859, Eglinton papers, GD3/S55/44.
223 Hansard, 3rd S, CLII, cl. 230.
argued that it was repugnant to the principles of natural justice that a landlord should look on at a 'great expenditure carried on by a tenant from year to year without warning of his [the landlord's] intention to turn him out of possession.' He described Burke's offer to allow O'Fay to remove his improvements as a 'mockery.'

After a second appeal, the case came before Napier for judgement in December 1858. Ironically, the case exhibited in a stark manner many of the issues raised in Napier's original bills of 1852, particularly the question of compensation for improvements and the ability of landowners to make leases binding on their successors. Unsurprisingly, Napier's judgement was far more muted in its criticisms of Burke's behaviour then Cusack Smith's had been. As Cusack Smith had done, Napier decided in Burke's favour. He concluded, however, by giving Burke a gentle rebuke. Burke would, he said, 'best maintain the character and honour of a British officer, satisfy the exigencies of justice, and uphold the rights of property', by making such an arrangement with O'Fay which would leave him with 'the full benefit of an expenditure made in good faith, and with the reasonable expectation of it being sufficiently secured by full possession.'

Following this judgement, J.F. Maguire raised the case privately with Whiteside. He asked him if his proposed bill would cover the case of tenants like O'Fay. While declining to go into the specifics of the measure, Whiteside maintained that it probably would.

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225 As Burke's behaviour had been 'exceptional', Cusack Smith did not feel that the case afforded 'an argument in favour' of a Tenants Compensation bill. He accepted Burke's contention that he was not bound by the lease promised by his father, as he had no knowledge of the offer before taking the case. Therefore, he held that, according to Burke's instructions to his agent, O'Fay only held his land on a yearly basis. See The Irish Chancery Reports, 1857-59, p.250-51.
226 The Irish Chancery Reports, 1857-59, p.522.
227 See Whiteside's speech, Hansard, 3rd S, CLIV, cl. 290.
On 25 February 1859, in response to a question from William Kirk, Whiteside announced that he intended to introduce a measure on the landlord and tenant question once the bills he had introduced relating to judgements in Ireland had passed. This statement was elaborated on by Disraeli early in March, when he promised that the government would declare its policy on this 'long discussed' question before Easter. As in 1852, however, the broaching of the land question coincided with a period of crisis for the government. The cabinet was seriously divided over the government's proposed Reform bill, divisions which finally led to the resignation of three ministers, including Walpole, the Home Secretary, in late February. The bill had also served to unite the opposition parties in the House against the government. Given these circumstances, it was highly unlikely that the government would have been able to pass a landlord and tenant bill. On 7 April, Naas bowed to the inevitable, and told the House of Commons that it would not introduce a bill 'during the present session.' He promised that the government would introduce a measure on the subject early in the next session of Parliament. A week earlier, the government had been defeated in a vote on the Reform bill by 330 votes to 291. Instead of resigning, the government had decided on the dissolution of Parliament, and the elections were to due to commence at the end of April.

One of the features of the vote on the Reform bill had been that Maguire and his supporters again voted with the government. Throughout March, Maguire had been pressing the government to grant a Charter to the Catholic University in St. Stephen's Green, Dublin. He also tried to impress on both Naas and Disraeli the necessity of giving government patronage to Roman Catholics in Ireland as a way of defusing 'active hostility' towards them there. It was

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228 Hansard, 3rd S, CLII, cl. 856.
229 Hansard, 3rd S, CLII, cl. 1620.
the apprehensions of the nature of its appointments that raised the 'strongest clamour' against the
government in Ireland.\footnote{Hansard, 3rd S, CLIII, cl. 1509.} The government did make a number of minor concessions to secure
Catholic support. Thus, salaries were given to Roman Catholic prison chaplains and the
remuneration given to military chaplains was increased. Some minor appointments were given
to pro-government Catholics in Ireland. Nevertheless, the government's failure to make any
major concessions to its Catholic supporters was shown by the increasingly desperate tone of
Maguire's entreaties to both Naas and Disraeli for such measures.

Despite this, the Conservatives were in a better position to gain Irish Catholic support in 1859
than they had ever been previously. Irish Catholic dislike of Palmerston's Italian policy, and
his previous government's meagre record with regard to Irish measures meant that many Irish
voters were prepared to vote for the Conservatives in return for even slim concessions. In
addition the Conservatives had the support of Cardinal Wiseman in England, who attempted to
influence the Irish elections through his protégé Lord Campden.\footnote{Maguire to Naas, 29[?] May 1859, Mayo papers, 11.027 (10).}

At the election pro-Conservative Independent party MPs like John Blake in Waterford, Sir
George Bowyer in Dundalk and John Frances Maguire at Dungarvan either spared contests or
given Conservative support to gain reelection. In King's County, John Pope Hennessey, the
first Roman Catholic to stand avowedly as a Conservative, was elected. His support for the
government was partly based on their promise to introduce a Landlord and Tenant bill.\footnote{K.T.Hoppen, 'Tories, Catholics and the General Election of 1859', p.56.}
Pierce Creagh, another pro-Conservative Catholic who withdrew from the King's County
election in Hennessey's favour, also based his support for the Conservatives on this pledge.

\footnote{Daily Express, 13 May 1859.}
Creagh condemned the Whigs for 'a factious vote [on the Reform bill] given for the purpose of bringing into power the author of the Durham letter [Lord John Russell] and Lord Palmerston, both pledged against Tenant Right.'

In the Northern constituencies, a number of Conservative candidates gave similar pledges of support for a moderate land bill as they had at earlier elections. In Londonderry County, Robert Peel Dawson made the vague claim that he was in favour of 'complete security' to tenants for their improvements, 'fair leasing powers', and an 'equitable adjustment of the interest in the ownership and cultivation of the soil.' Sir Frederick Heygate, his fellow candidate for the County, was equally vague in suggesting that he would support 'any practical measure that would settle on a just basis the conflicting question of Tenant Right.' At the hustings itself, Heygate made the unconvincing claim that he was 'a most decided Tenant Righter', before going on to qualify this by declining to pledge himself 'to the details' of any bill. These promises have been well described by K.T.Hoppen as 'nebulous nothings.' Nonetheless, the 1859 elections were to prove the most successful for the Irish Conservatives after the Reform Act of 1832. They made 8 gains there from the 1857 election, and felt assured of the support, at critical divisions, of another 7 Irish Independent party MPs, some of whom owed their election to Conservative support.

The party had not fared as well in England, however, and remained in a minority in the House of Commons.

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234 Creagh's address 'To the Electors of King's County', copy in the Mayo papers, 11,025 (27). In a letter to The Nation on 21 June 1859, J.A.Blake defended his support for the government in the vote on the address on the grounds that Derby's government was the only one 'in my parliamentary experience that has undertaken to bring forward any measure of Tenant Right whatever.' Lord Palmerston was 'pledged point blank to the contrary.' Quoted in the Dublin Evening Mail, 29 June 1859. See also The Tablet, 25 June 1859.
235 The Banner of Ulster, 12 May 1859.
236 The Northern Whig, 13 April 1859.
237 The Northern Whig, 11 May 1859.
In these circumstances, those Independent party MPs, who supported the government were in a strong position to exert pressure on it. On 24 May, Maguire wrote to Naas, urging the government ‘to give us [Maguire and his supporters] measures or we cannot be with you.’ He reiterated his request for the granting of a Charter to the Catholic University, but his main demand was for an ‘honest and comprehensive...tenant bill.’ A reference to such a bill in the upcoming Queen’s Speech would, he argued, ‘cut the legs from under your opponents’ in Ireland. It would also strengthen the position of those, like Maguire, who ‘support[ed] or even occasionally vote[d] for your party, at the risk of their popularity, their influence...[and] the loss of honest friendships.’

Maguire’s attempts to influence government policy were rendered largely academic by the Willis’s Rooms meeting of 6 June 1859. This meeting signalled a reconciliation between Palmerston and Russell and rendered the government’s long term future extremely doubtful. Up to this point, it had depended on the divisions among its opponents for its survival. In this context, Whiteside’s promise on 9 June that he would introduce a Land bill on the night after Disraeli introduced the budget was a rather hollow one. In the event the government was defeated in a vote on an Opposition amendment to the address on 10 June. Neither Whiteside’s bill or Disraeli’s budget was ever introduced. In the following session Rickard Deasy, the new Irish attorney general, introduced two bills relating to Landlord and Tenant law in Ireland, largely based on Napier’s bills as amended by the House of Lords committee in 1853. The bills contained no provision for retrospective compensation. The Irish landlord campaign against what they saw as the objectionable aspects of Napier’s bills had, thus, proved successful. It is,

239 See Eglinton to Derby, 17 May 1859, Derby papers, 148/3.

240 Maguire to Naas, 24 May 1859, Mayo papers, 11,027 (11).
however, clear that this success was, in fact, a pyrrhic one. By so strenuously resisting a measure of land reform stemming from friendly hands, Irish landlords insured that a future measure would, most likely, come from a more hostile source. In this respect, Napier proved more far sighted than did his opponents. While his Tenants Compensation bill was limited in its scope, and only part of a wider scheme favourable to the landowners, it might have conciliated those larger tenants who were most likely to undertake improvements. In the event, it was not until Gladstone’s Land Act of 1870 that a provision for retrospective compensation, though restricted to the case of tenants evicted for reasons other than non-payment of rent was passed by the House of Commons.

241 Hansard, 3rd S, CLIV, cl. 192.
CHAPTER THREE

THE IRISH CONSERVATIVE PARTY AND THE
NATIONAL EDUCATION QUESTION

(1) 1852-1853

Of all the questions facing the Irish government in 1852, that of education was to prove the most problematic. The National Board system of primary education established in 1833 was deeply unpopular with many Irish Conservatives. Their opposition to the system rested principally on the restrictions placed on religious instruction, in particular on the use of the Bible, in National Board schools. The Board schools had, however, proved more successful in attracting Irish Roman Catholic children than had the earlier Kildare Place Society. These schools had proved unattractive to Catholics. The Society was dominated by Protestants and there was a widespread suspicion that its schools were used for proselytising purposes. The National system in contrast was designed to be a mixed one, providing combined non-denominational with separate religious education for Catholic and Protestant children. Ironically, the system had been introduced by Lord Derby, the Conservative Prime Minister, during his period as Irish Chief Secretary in the Lord Grey Whig government of 1830 to 1834. From the outset, the system was opposed by the vast bulk of the Church of Ireland bishops and clergy, who refused to connect their schools with it.¹ This opposition to the system led to the foundation of the Church

Education Society in 1839. The rules of the Society admitted the use of the Bible and instruction in the Church of Ireland catechism on a regular basis in their schools. These schools were designed to provide an alternative to the National schools and relied on voluntary subscriptions. However, many Irish Conservatives believed that the British government should support the schools run by the Society. The main difference of opinion among them was over whether this should be done by a modification of the rules of the National Board which would appease Church of Ireland opinion, or by a complete abandonment of the system. They expected that a Conservative government would look more favourably on the Church Education Society’s requests for state assistance than the Whig governments had done.

Both sides in the education controversy were well aware of the long term significance of control over the schooling of the young. This shared belief was, indeed, one of the central reasons for the bitterness of the dispute. Both saw the question in the context of a wider battle for supremacy between them. The utility of education in inculcating loyalty to the Crown and respect for the laws was frequently referred to by advocates of the Church Education Society. Conversely, incidences of agrarian crime were used by its critics as evidence of the National

identifies ‘three main points of view’ among the Irish Roman Catholic bishops on the Education question. The first of these, best represented by Archbishop John McHale, favoured the institution of an explicitly denominational system, funded by the State, and was not prepared to work within the National system. The second, represented by David Moriarty, the Bishop of Kerry, favoured ‘the restoration of the neutral system that had originally been set up in 1831 but had been subverted in the interim by Protestant, and particularly Presbyterian pressure.’ The majority view among the Irish Roman Catholic bishops, and that maintained by Cullen himself, was that, while the National system was ‘indispensable from a Catholic point of view’, they should work within it until they could persuade the State to grant a ‘separate system.’ They justified this course on the grounds that the Roman Catholic Church was simply not capable of maintaining a separate system from its own resources. See also P. Corish, The Irish Catholic Experience: A Historical Survey (Dublin 1985 ed), p. 205-8, L. Bane, The Bishop in Politics: Life and Career of John MacEvilly (Westport 1993), p. 83-86 and G. Macartney, ‘The Educational Views of [Archbishop] John McHale’ in Cathair Na Maírth; Journal of the Westport Historical Society, no. 14, 1994, p. 39-64. For the views of an influential Church of Ireland critic of the system, see Earl of Clancarty, Ireland: Her Present Condition and What It Might Be, (Dublin 1864), p. 1-32.

system's failure to produce such results. The belief was that education should, in Napier's words, 'be suited to their [the pupils] condition of life' - thus poorer children should be taught the importance of thrift, of deference to their social 'superiors' and, of course support for the Union with Britain.  

Under the National system the Board had varying degrees of responsibility for different types of schools. The first type of schools, the model schools, came directly under the responsibility of the National Board. These schools were fully funded by the Board, which had sole control over the appointment of teachers, the books used, and the curriculum followed. Eglinton, who visited the model school in Marlborough street in Dublin shortly after his arrival in Ireland, described it 'as one of the most magnificent institutions I ever saw.' It appeared to him to be 'a perfect specimen of the united system.' Critics of the system were, however, quick to warn against the dangers of judging the system as a whole on the basis of the model schools. The second level of schools, the vested schools, had more independence from the system. Here, the role of the state was limited to providing a maximum of two-thirds of the expense of the initial foundation of the school. From these schools the Board demanded an adherence to their rules regarding religious education. They also retained the right to send inspectors to gauge the quality of the education given in such schools. The local patrons were, however, responsible, for the appointment of the teachers and the determination of the curriculum to be followed. In both of these types of schools, separate religious instruction could only be given on one day per

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3 See the report of Napier's speech at a meeting of the Glendalough Church Education Society in the Daily Express, 18 August 1853.
4 Eglinton to Walpole, 24 April 1852, Eglinton papers, GD3/5/51/4429a.
5 Speaking in the House of Commons in April 1853, G.A.Hamilton described the model schools as being deliberately designed to 'mislead Parliament' as to the true nature of the National system. Hansard, 3rd S, CXXVI, cl. 571.
week or outside regular school hours. On that one day, clergymen from the different
denominations had the right to attend the schools to give religious instruction to the children of
their respective faiths.

The third, and the most controversial, type of schools were the non-vested schools. They had
not formed part of Derby's original scheme and had, in fact, been won from government as a
result of intense pressure from the Presbyterian synod in the course of the 1830s. The state's
responsibility for these schools was restricted to the payment of the teachers' salaries and the
provision of school books. The Board also had a power of veto over the books used in the
schools and the appointment of teachers. Teachers were debarred from using any compulsion in
relation to religious instruction, but the regulation restricting religious instruction did not apply
to these schools. There was no obligation on the patrons to allow clergymen of other faiths to
attend their schools, although children from those denominations could attend religious
instruction elsewhere, if their parents so wished. Critics of the non-vested schools claimed
with some justice that these schools were run, more or less openly, as denominational schools,
pointing particularly to the fact that some were convent schools. While Catholics and
Presbyterians put these schools to use for their own advantage, the Church Education Society
remained opposed to even the non-vested schools as they did not allow unrestricted access to the
Bible during normal school hours. They also disapproved of the parents' right to remove their

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7 For a fuller discussion of the nature of the different types of schools see D.H.Akenson, *The Irish Education
Experiment*, p.147-48, p. 158-60, p.186-87. A useful contemporary account, published in pamphlet form, is 'The
8 Akenson points out that, in 1850, some 2,310 out of a total of 3,076 non-vested schools were under clerical
management. Of these 1,746 were under Roman Catholic management. Akenson derived these figures from the
Appendix to the Seventeenth Report of the Commissioners of National Education in Ireland, for the year
1830,p.479. D.H.Akenson, *The Irish Education Experiment*, p.221. Akenson discusses the problems involved in
gauging the accuracy of these figures on p. 220 of the same book.
children from the school on religious grounds, arguing that the Bible was an essential part of a child's education. Parents who disapproved of 'Scriptural' education could, they argued, send their children to schools which reflected their opinions. Another argument frequently advanced by partisans of the Church Education Society was that it was the Roman Catholic priests, and not the parents themselves, who were the real opponents of 'Scriptural' education. 9

In contrast to the National Board, the Church Education Society was dependent on voluntary contributions. In the early 1850s, these were running at a surprisingly high level, with the Society spending some £50,000 to £60,000 annually on its primary schools. The Society operated some 1,868 schools catering for 112,000 pupils in 1849. It was organised across the country with 'the real power base of the system' lying in the local societies organised on a diocesan basis.10 A number of prominent Conservative landowners like Lord Clancarty in Galway, Lord Donoughmore in Tipperary, and the Earl of Roden in Down were closely associated with the Society. It was also supported by the bulk of the Church of Ireland hierarchy and clergy.11 Despite this, it was clear that this level of expenditure would be difficult to maintain. The attempts to win government support for these schools was, thus, motivated by financial considerations as well as by considerations of principle. For some supporters of the Church Education Society, the crux of the question was that, as the Established Church in Ireland, or more accurately as a branch of the United Church of Great Britain and Ireland, the Church of Ireland had an inherent right to control any system of education funded by the state.


10 D.H.Akenson, The Church of Ireland: Ecclesiastical Reform and Revolution, p.204.

11 In a speech at the Church Education Society's annual meeting in April 1852, John Thomas O'Brien, the Bishop of Ossory, claimed that, at most, one quarter of the Church of Ireland clergy supported the National system. See D.H.Akenson, The Irish Education Experiment, p.191.
Such commentators were also concerned at the consequences which the ongoing controversy over the National system would have for relations between the Church of Ireland and the state.\textsuperscript{12} This, of course, was related to the even more fraught question of whether the Church of Ireland was to be a 'missionary church' intent on gaining converts from the Roman Catholic church or, alternately, whether its concern should be to consolidate its position and achieve some sort of rapprochement with that church.\textsuperscript{13}

The question was further complicated for the government by the fact that several leading Irish Conservatives were members of the Church Education Society. These included George Alexander Hamilton, the newly appointed financial secretary to the Treasury, and Joseph Napier, the Irish attorney general. Hamilton and Napier had been active in Irish Conservative politics for almost three decades. In the early 1830s both men had been prominent members of the Dublin based Protestant Conservative Society. The Society had been notable for its attacks on the Whig government's policies towards Ireland in the aftermath of the Emancipation Act. It had been particularly critical of the government's policies on education; Napier complaining, at a meeting of the Society in late 1832, that 'the directors of the Popish faith...[were] presiding over the education of our youth.'\textsuperscript{14} Both men were close to the Evangelical wing of the Irish clergy. Napier's father, William, had been a member of a Presbyterian congregation in Belfast, and it is possible that it was from this background that Napier, though a staunch Church of Ireland man in later life, acquired that 'Evangelical Protestantism', which his biographer argued, 'was the great

\textsuperscript{12} The Quarterly Review complained in June 1852 that the National system had caused a 'a disastrous separation between [the] Government and the Established Church.' See 'The New Reformation in Ireland' in the Quarterly Review, vol. XCI, no. CLXXXI, June 1852, p.60.


\textsuperscript{14} The Warder, 29 September 1832.
animating spirit of his life."\textsuperscript{15} In his early years at Trinity College, Napier’s tutor had been Joseph Singer, the acknowledged leader of the Evangelical party in the Irish Church.\textsuperscript{16} Indeed, Napier’s closeness to this wing of the Church had earned him the nickname of ‘Holy Joe’ by the 1830s. Unlike Napier, Hamilton came from a long established Church of Ireland family. Among his forbears was Hugh Hamilton, the Bishop of Ossory from 1799 to 1805. His father and three of his brothers also served as Anglican clergymen in both England and Ireland. Although educated at Oxford, Hamilton’s involvement in Irish politics dated back to as early as 1826, when he had been the unsuccessful Conservative candidate for Dublin City. In 1843, Hamilton stood successfully for the Dublin University seat. In his election campaign, Hamilton stressed his support for the Church Education Society.\textsuperscript{17} The university electorate naturally included a great many clergymen, and their influence proved decisive in Hamilton’s favour at this election.

The demand for state assistance for the Society’s schools was given a new impetus in 1845, with the Conservative government’s increase in the grant to Maynooth College. Maynooth College was a Catholic seminary, established in the 1790s. Its foundation was a result of the closure of the great continental seminaries, where most Irish Catholic priests had previously been trained, in the wake of the French revolution. The disturbed state of the European continent between 1795 and 1815 also made it impossible for Irish clerical students to make the journey to the continental centres, like St. Omer and Louvain, which they had previously undertaken. In 1795, the Pitt

\textsuperscript{15} A.C.Ewald, \textit{The Life and Letters of the right Hon[ourable Sir Joseph Napier Bar[one]t} (2nd ed. London 1892), p. 47.
\textsuperscript{16} For an account of Singer’s career see D.Bowen, \textit{The Protestant Crusade in Ireland}, p. 67-68. Singer’s son, Paulus, was later to marry Napier’s daughter, Cherry.
\textsuperscript{17} See the \textit{Dublin Evening Mail}, 10 February 1843. See also D.G.Boyce, \textit{Nineteenth Century Ireland: The Search for Stability} (Dublin 1990), p.87.
government had allocated an annual grant of £8,000 to the College. The grant was designed to ensure the Catholic Church’s loyalty to the British connection, at a time of heightened tensions both across Europe, and, indeed, within the United Kingdom itself. What Peel proposed was to increase this grant fivefold to £40,000 a year and to make it permanent. This proposal was to create major divisions within the Conservative party, and proved especially unpopular with Irish members of the party.¹⁸

In the debates on the Maynooth question, Irish Conservatives referred constantly to the contrast between the government’s increase in the grant to Maynooth and its failure to give any assistance to the Church Education Society. William Verner, the staunchly Protestant MP for Armagh, protested at the government’s unwillingness to aid ‘Scriptural’ schools, while at the same time heaping ‘a fivefold bounty...[on] a system, not merely suspected but accused, on evidence which has never been contradicted, of circulating principles and fostering a spirit which it ought to be the object of every good government...to discountenance and extinguish.’¹⁹ This stress on the supposedly ‘disloyal’ nature of the teaching carried on at Maynooth was commonplace among the opponents of the grant. Indeed, G.A. Hamilton maintained that the majority of the Irish Catholic clergy had ‘already declared themselves the enemy of [the] British connexion.’ But this was not his essential objection to the Maynooth grant, which rested on his conviction that ‘it was the duty of every state to...[acknowledge] some intelligible system or principle of religious truth.’ In Britain, this system was the Protestant religion, and it was, thus, ‘most inconsistent, and a great dereliction of the homage that was due to [the] truth in religion, for the state to countenance and support any two systems of religion diametrically opposed to

¹⁸ The political controversy over Maynooth is dealt with in detail in D.S. Kerr’s, *Peel, Priests and Politics; Sir Robert Peel’s Administration and the Catholic Church in Ireland* (Oxford 1982).
one another; and still more so, to pay for the promulgation of doctrines held by the state to be erroneous.’ Hamilton believed that as the Protestant religion was ‘conformable to God’s revealed will, and the Roman Catholic religion opposed to it’, he would be ‘guilty of a great sin’ if he were to vote for a measure, the result of which would be to encourage the spread of doctrines he believed to be untrue. This argument, followed to its logical conclusion, would, of course, have led to the state funding of Church Education schools and, in all probability, to the withdrawal of the Maynooth grant. Although Peel succeeded in passing the Maynooth bill, this was only done at the cost of leaving deep seated divisions within the party. On the second reading of the bill, for example, 161 Conservatives voted for the increased grant, while 148 voted against.

One result of these divisions was the foundation of the National Club in June 1846. The Club’s membership was largely made up of Protestant clergymen and those Ultra-Protestant Conservatives disillusioned by Peel’s handling of the Maynooth question In its principles and membership, the Club reflected that combination of Evangelical beliefs and defence of the Established Church in both Britain and Ireland with which Napier and Hamilton were associated. Among the Club’s objectives, as stated in its First Annual Report, were ‘the maintenance of the Protestant principle of the Constitution in the administration of public affairs’, the ‘upholding of a system of National education, based on Scripture’, and the preservation of ‘the United Church

19 *Hansard*, 3rd S, LXXIX, cl. 702.
of England and Ireland in its true Protestant faith as the established religion of the country. In its First General statement issued in November 1845, the Club made clear its opposition to the Maynooth grant, by arguing that 'no connection [should exist] between the state of England and the Church of Rome.' Such a connection was, it claimed, 'opposed to our civil polity, and to our religious principles.'

From the beginning, the Club had a large and influential Irish membership. These included Evangelical landowners like Roden and Lord Lorton, Irish Conservative MPs like George Alexander Hamilton and James Hans Hamilton, the MP for Dublin City, and prominent Irish Evangelical clergymen like Mortimer O'Sullivan and R.J. McGhee. John George Beresford, the Primate of the Church of Ireland, was also an early member. By 1848, the Club had 451 members including 253 clergymen, 13 Peers, and 29 MPs. The MPs included such leaders of English Ultra-Protestant opinion as Richard Spooner and Charles Newdegate. After his election for Dublin University in February 1848, Napier was also to play a prominent role in the affairs of the Club.

In the general election of August 1847, Napier stood unsuccessfully for election as MP for Dublin University. His campaign was particularly directed against Frederick Shaw, Hamilton’s colleague as sitting MP, who had alienated Irish Tory opinion by voting for the Municipal

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23 See the ‘First General Statement’ of the National Club, National Club papers, Dep.d.755.
24 These figures for the membership of the National Club are taken from J. Wolfe, The Protestant Crusade in Great Britain, p. 211.
25 Napier was elected to the General Committee of the National Club on 23 March 1848. See ‘National Club General Committee Minute Book No.2’ for that date in the National Club papers, Dep.b.235. In 1850 steps were taken to establish an auxiliary branch of the Club in Dublin. Although this went as far as the appointment of a Dublin based committee, the Irish branch of the Club does not seem to have lasted very long. The committee’s membership included familiar names like Roden, G.A. Hamilton, Napier, Singer and Mortimer O’Sullivan. As it turned out, all of these continued to take an active part in the English branch of the Club, and the Irish version seems to have died a natural death. See ‘National Club General Committee Minute Book No.2’ in the National Club papers, Dep.b.235.
Reform Act of 1840, and by voting against Lord George Bentinck's proposals for loans for the extension of Irish railways in 1846. In his election speech, Napier outlined a view of Church-state relations which bore a good deal of similarity to that outlined by Gladstone in his *The State in its Relations with the Church* published in 1838. As with a household, Napier argued, 'a nation...must have a religion' which ought to be 'encouraged and acted on'. While 'tenderness for the consciences of those who differ[ed] from it' should be 'cherished and encouraged', 'no encouragement by active support...[should be given] to anything at variance with it.' Following logically from this, Napier would 'firmly testify' against the principle behind the Maynooth grant and the restrictions on religious education in the National Board schools. In Parliament, he would 'act on the requirement of truth - truth as stereotyped in the word of God, and engraven on the British constitution.' He would 'testify against any public assistance to any system essentially opposed' to what he considered to be the 'household faith of the Empire.' In reply to a question from the vehemently anti-Catholic Hugh McNeill, later Dean of Ripon, Napier pledged himself to 'agitate the House' for the repeal of the Maynooth grant. Speaking on the same platform, Hamilton reaffirmed his opposition to the National Board system, stressing his belief 'that any system of education...[which did] not recognise the Scriptural education of every pupil as essential to a sound Christian education was defective in principle...[and] unsuited to the real wants of Ireland.'

After a fiercely contested and often bitter campaign, Napier was defeated but by the slimmest of margins. As a sitting member, Shaw had had a considerable advantage over Napier, and the closeness of the result meant that his was something of a pyrrhic victory. In any event, Shaw's

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26 See *The Warder*, 3 July 1847.
27 *The Warder*, 7 August 1847.
retirement of the seat in February 1848 led to a by-election in which Napier was elected without a contest. The closeness of his ties to the Evangelical wing of the Irish Church were illustrated by the fact that Singer and Mortimer O'Sullivan acted as his proposer and seconder at the nomination of candidates. Singer singled out Napier's 'uncompromising [advocacy]... of the great principle of Scriptural education' for praise. Napier himself emphasised his opposition to the Whig government's exclusion of supporters of the Church Education Society from ecclesiastical patronage. He described this as a 'corrupting policy which seeks to sap your [the Church of Ireland clergy's] fidelity.'

From 1845 onwards, Napier had frequently attended the Society's annual April meeting. G.A.Hamilton also regularly attended these meetings, as did other Irish Conservative MPs such as Edward Grogan, the MP for Dublin City, and Anthony Lefroy, the MP for Longford. At the Society's annual meeting in April 1848, Napier reaffirmed his support for its principles. He even went so far as to argue that 'where spiritual education existed [in Ireland] there was prosperity, and where ignorance [of the Scriptures] was prevalent, famine and destitution abounded.' The 'word of God' was, he claimed, the root of the prosperity of the North of Ireland. He further argued that education for both Roman Catholic and Protestant children should be based on the Bible,

Shortly after his election for Dublin University, Napier was elected to the committee of the National Club. From that time on, Napier was a regular attendee at committee meetings, and in July he was commissioned by the Club to write an address on the subject of Irish National

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28 *Dublin Evening Mail*, 21 February 1848.
29 *The Warden*, 20 April 1848.
Education. This address was eventually published as a pamphlet by the Club in November 1848. Napier began by claiming that there ‘[was] no fact unhappily more capable of proof with regard to Ireland than that, generally speaking, the Irish Protestants are loyal subjects, and that the Roman Catholicks [sic] are comparatively disloyal.’ Consequently, Napier claimed that the government’s policy, in treating ‘its loyal and attached subjects with contempt, setting at naught their conscientious scruples, whilst respecting that of every other religious body in the United Kingdom’, was ‘as unnatural and ungrateful’ as it was ‘unintelligible and unwise.’ As unrestricted access to the Bible was ‘the essence of Protestantism’, Napier maintained that the restrictions on its use meant that the National system was founded on a ‘Romanist’ basis. The system had been founded by Peel in a misguided attempt to purchase the loyalty of Irish Catholics, while Irish Protestants, whose ‘fidelity was undoubted’, had their objections to the whole basis of the system overruled. In conclusion, Napier called on the government ‘to cease to encourage the Popish creed, which...[was] as politically dangerous as it was religiously false.’

The government should ‘honestly support and foster the Protestant faith; not, however, because it happens to be the faith of the majority in these islands [italics in the original] - But, because, based on the Bible, the whole Bible, and nothing but the Bible, its foundation rested on uncontaminated truth.’ Although this pamphlet was published anonymously, Napier had by this stage identified himself as a resolute champion of the Established Church in Ireland and, in particular, of its views on religious education.

This identification was further strengthened in August 1848, when Napier supported

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31 Pamphlet dated 14 November 1848, On the injustice done to the Irish Branch of the United Church of England and Ireland by the refusal of all aid from the State for the Protestant Schools in A selection from the Second Series of the Addresses of the National Club (London 1849), National Club papers, Dep.d.755. Napier had been commissioned to write such an address on 11 July 1848. See ‘National Club General Committee Minute Book.
G.A. Hamilton’s motion calling for government assistance to be given to the Church Education Society’s schools. Echoing Napier’s earlier argument, Hamilton made the claim that the National system was based on an essentially ‘Anti-Protestant principle.’ The restrictions on the use of the Bible ‘negatived the great principle of all Protestant churches...[that] of the free use of the Holy Scriptures.’ As Protestants could not, in conscience, attend schools where the Scripture was not freely used, Hamilton argued that the National system ‘was essentially a separate one, and could never be otherwise.’ In a sparsely attended House, however, Hamilton’s motion was easily defeated by 118 votes to 15. The scale of the defeat may be partly attributed to the timing of the motion, the vote being taken on the eve of the recess. Many Irish Conservatives had already returned to Ireland by this time, and this accounted for the small number of them who voted in the division. Napier later claimed that the ‘late hour’ at which the debate took place discouraged a number of ‘influential’ English MPs from speaking in it. One of these, probably Spencer Walpole, had hoped to second the motion, but ‘did not catch the Speaker’s eye.’ It was extremely unlikely, in any case, that Hamilton’s motion would have been passed in the House of Commons as it was then constituted.

This defeat did not prevent Hamilton from raising the question again in June of the following year. Although the motion was again defeated, the vote on this occasion gave a truer reflection of Irish Conservative opposition to the National Board system. The motion was supported by 102 MPs, an increase of 87 from the previous session. This increase was largely made up of Irish Conservative MPs who were present in greater force than on the previous occasion. The motion

No.2’, National Club papers, Dep.b.235.
33 Hansard, 3rd S, CLI, cl. 332.
34 See Napier’s letter to his constituents, 25 September 1849, published in The Warder, 6 October 1849.
was also supported by leaders of English Protestant opinion like Spooner and Newdegate, and, more surprisingly, by Disraeli. The National Club issued a whip on the motion to those MPs who were members,\textsuperscript{35} a practise which it adopted regularly in divisions on Church questions. A year later, in June 1851, Hamilton reintroduced the same motion. On this occasion, it was seconded by Walpole, who claimed that state assistance was due to the Church Education Society, as an 'act of justice...to a loyal, faithful and devoted set of men.'\textsuperscript{36} Walpole's Evangelical views had brought him into close contact with Irish Conservatives like Napier and Hamilton, and he developed a close friendship with Napier, and later with James Whiteside. These contacts were to prove significant during Walpole's terms as Home Secretary in 1852 and 1858-59.

Significantly, however, the National system was defended by Edward Stanley, Lord Derby's son and MP for King's Lynn since 1849. Stanley challenged the opponents of the National system to suggest a realistic alternative to it, given the religious divisions in Ireland. He warned prophetically that the effect of creating separate schools would be to leave Protestants in isolated, mainly Roman Catholic, areas with either inferior schools, or no schools at all. In such areas, the parents would simply be unable to raise the funds for a viable 'Scriptural' school.\textsuperscript{37} Stanley's comments were important, as they indicated that there were influential members of the Conservative party opposed to any tampering with the National system.

By the time of their appointments to the Derby government in February 1852, both Napier and Hamilton had closely identified themselves with the aims and objectives of the Church Education Society. This was less true of the other leading members of the Irish government. Although

\textsuperscript{35} See 'National Club General Committee Book No.2' for 28 May 1850, National Club papers, Dep.b.235.

\textsuperscript{36} Hansard, 3rd S, CXII, cl. 163.
his father was a prominent Evangelical, and he was related to the Earl of Roden, Naas had the reputation of being a moderate Conservative and was a supporter of the Maynooth grant. As he sat for the largely Catholic constituency of Kildare, these views were no doubt tempered by susceptibilities of the voters there.\(^{38}\) He had, however, supported Hamilton’s motion on National Education in June 1850. Disraeli later maintained that he had insisted on Naas’s appointment as Chief Secretary, ‘against the strong remonstrances of many of the cabinet, who were altogether averse to conciliatory measures [towards Ireland] which they held to be useless.’ Their preferred candidate for the position was ‘an Orangeman of high standing, who had been twenty years in Parliament and would have given the greatest satisfaction to all the Tories.’ Although the author of this account suggests that this was a reference to Sir William Verner, it seems more likely that it was an allusion to G.A.Hamilton.\(^{39}\) Naas’s appointment was, thus, intended to diminish Catholic suspicions of the new government. Like Hamilton, James Whiteside, the new solicitor general, also came from a clerical background, though his connections were less exalted than Hamilton’s. His father, William Whiteside, was the Church of Ireland curate of Delgany in County Wicklow at the time of his birth. On his father’s death, Whiteside and his brother John William, were taken under the guardianship of the Rev. James

\(^{37}\) HANSARD, 3rd S.CXII, cl. 179.

\(^{38}\) For Naas’s family background and early political career see W.W. Hunter, A Life of the Earl of Mayo: Fourth Viceroy of India (London 1875). See also G. Pottinger, Mayo: Disraeli’s Viceroy (Salisbury 1990), p. 1-15. This work is principally concerned with Mayo’s time in India and adds little to Hunter’s account of his Irish background. A short account of Mayo’s career is given in M. Bence Jones, The Viceroys of India (London 1982), p. 59-75.

\(^{39}\) A.Kenealy, Memoirs of Edward Vaughan Kenealy LLD (London 1903), p.157. See also Disraeli to Sir Henry Bulwer, n.d but October 1852, draft in Disraeli papers, Bodleian Library, Oxford H B/11/026b. I am indebted for this reference to Ms. Ellen Hawman of the Disraeli Project, Queen’s University, Kingston. The Dublin Evening Mail, of 3 February 1852, actually lists Hamilton as Irish Chief Secretary. In early February Napier wrote to Sir James Emerson Tennent, expressing his disappointment ‘at the arrangement which is announced as to Hamilton. No man on the score of services, sacrifices, & personal merit has so strong a claim [to the Chief Secretaryship] as he has - & the passing him over & appointing Lord Naas over his head will be felt by his numerous and influential friends as an unmerited and ungenerous superseding of as good & as honest a man as ever came from Ireland.’ Napier to Tennent, n.d, Tennent papers, Public Records Office Northern Ireland, Belfast, D2922/B/27/7.
Whitelaw, author of a well known census of St. Catherine's parish, Dublin. John William Whiteside was to follow his father and guardian into a career as a clergyman, serving as Vicar of Scarborough between 1848 and 1864. Despite this background, Whiteside had not identified himself as closely with the interests of the Irish Church as had Napier, in the period up to his election as MP for Enniskillen in 1851. Indeed, before then, Whiteside had been best known as one of the leading orators of the Irish bar.\footnote{For Whiteside's background and early career see the 'Our Portrait Gallery' sketch of Whiteside in the {\it Dublin University Magazine}, vol. XXXIII, no. CXCV, March 1849, p.327-39. See also J.R.O'Flanagan, 'The Late Right Hon. James Whiteside, Lord Chief Justice of the Queen's Bench, Ireland' in {\it The Law Magazine and Review}, vol. II, no. CCXXIV, May 1877, p. 334-62.}

It is important to remember here that the new government was a minority one and its scope for manoeuvre on the Irish education question was correspondingly limited. There was, however, a feeling among Irish Protestants that the Derby-led government would be more sympathetic to the claims of the Church Education Society than the Whigs had been. Derby's position on both these questions was, however, ambivalent. He had played a major role as Irish Chief Secretary in the foundation of the Irish National system and, as a member of Peel's cabinet, in the increase in the grant to Maynooth in 1845. Shortly after his appointment, Napier met with Derby, who reassured him that his acceptance of office did not interfere with his freedom of action on the Irish education question. Hamilton also received a similar assurance,\footnote{See Hamilton's speech at the annual meeting of the Church Education Society in April 1857 quoted in the {\it Daily Express}, 17 April 1857.} while Derby expressed his willingness to support an 'honest' inquiry into the system. The inquiry would be designed to see what deviations had taken place from the original rules of the Board, and to gauge the extent to which the its schools were united across religious lines.\footnote{See Hamilton's speech at the annual meeting of the Church Education Society in April 1857 quoted in the {\it Daily Express}, 17 April 1857.} A common criticism of the National Board schools was that most of its schools were essentially run on sectarian lines, the
exceptions being the model schools run at various centres across the country. Derby’s proposal for an inquiry served a double purpose. It would operate as a useful safety valve against Irish Conservative criticism of government inaction on the education question, while the result of such an inquiry might win over opposition MPs to some minor adjustments in the rules of the Board. It would also help conceal the divisions within the Conservative party on the question, as even MPs who supported the system could vote for an inquiry. Derby was careful not to pledge the government to anything beyond an inquiry.

At an election meeting at Dublin University on 12 March, Napier reaffirmed that he had always taken the ‘deepest interest’ in the education question. It had ‘emphatically...[been] the question’ upon which he had stood in his first campaign in 1847. He stressed the fact that his opinions on the subject had not changed with his acceptance of office. To strengthen this claim, Napier told his audience that he had won an assurance from Derby that the Conservative government would not pursue the policy informally adopted by the Whigs of barring supporters of the Church Education Society from ecclesiastical preferment. At his meeting with Derby, Napier had warned him that the system was neither ‘comprehensive...[nor] united’ and that it was essential that that ‘sphere of education...[be] enlarged.’ He suggested that this should be done by bringing ‘the piety and intelligence of the clergy of the Established Church throughout the country’ into ‘harmonious action’ with the National Board.43 Implicitly, this was a call for state funding for the Church Education Society’s schools. Indeed, Napier’s speech was so worded that it could have been interpreted as implying that the whole object of the proposed inquiry was to facilitate this end.

43 See report of Napier’s speech at the Dublin University election in The Warder, 10 March 1852. See also Napier to Clunricarde, n.d [but April 1852], Quoted in the Dublin Evening Mail, 24 April 1852.
This interpretation was, in fact, taken by Lord Clanricarde in a question to Lord Derby in the House of Lords. Clanricarde paid tribute to Derby for his part in founding the system, a tactic obviously designed to embarrass the government and Derby himself in particular. He criticised Napier for having given the impression that he wished to 'induce the government to change the [National] system.' The system was designed to be a united one and it was 'clearly impossible that a separate system', such as the Church Education Society provided, could co-exist with it. On account of this, Clanricarde 'took exception to the whole tone of...[Napier’s] speech for going forth to the people of Ireland upon such authority, and addressed as it was to the highest educational institution in Ireland it could not fail to give the impression that...[the] government was disposed to extend its support to other systems of education' besides that conducted by the National Board.'

As a political manoeuvre, Clanricarde’s question was well judged. It was obviously designed to force Derby into a repudiation of Napier’s speech, and, by implication, into a defence of the National system. Derby’s reply was, however, skilfully avoided the traps Clanricarde had laid for him. He was gratified by the ‘progressive increase’ which had taken place in the numbers attending National Board schools since its formation. The system had become so well established that ‘no step’ could be taken which would ‘have any effect in weakening the influence and hold which...[it had over] the minds of the people of Ireland.’ He qualified these remarks by arguing that, since its foundation, various alterations had been made in the ‘minor arrangements of the Board, and even in some matters which may be considered of primary importance.’ As an instance of the latter, Derby referred to the fact that the book of Scriptural

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43 The Warder, 13 March 1852.
44 Hansard, 3rd S, CXIX, cl. 1131-33.
extracts originally sanctioned as a compulsory text by the National Board was not in use in many National schools. This situation had arisen, in Derby’s view, from the fact that the issue had increasingly been left to the discretion of the various school managers.

Following on from this, Derby argued that it was essential that the question whether ‘the system, as it at present exists, is practically a system of combined education...[should] be cleared up.’ It had originally been designed as a system of ‘combined and united education’ and the proposed inquiry would investigate to what extent it had lived up to this objective. The inquiry would also consider whether ‘any possible modification of the existing rules’ could remove the objections raised against the National system. Once the inquiry had reported, it might, indeed, be possible for the government, to grant ‘some, perhaps, a minor degree of assistance to schools, be they Protestant or Roman Catholic’ which did not ‘come under the strict rules of the Board.’ If exclusively Protestant schools were to receive assistance, Derby did not dissent from the logical corollary of this, which was that exclusively Roman Catholics schools should also receive state assistance. He shared Napier’s desire to bring the Irish Protestant clergy into connection with the National system. However, he explicitly declined to pledge the government to anything beyond the appointment of a committee, ‘fairly chosen’, to inquire into these questions.45 Speaking later in the debate, Roden stated that his objection to the system remained what it had been in 1832. He had opposed the system then ‘on the ground...that no measure ought to be introduced under a Protestant government, and under a Protestant constitution, for the instruction of the people, that had not for its foundation the teaching of the Scriptures...[to] the children admitted to its schools.’ The tone of this speech resembled that of

many of the speeches made at the Church Education Society's inaugural meeting in 1839. The implication of the speech was that the Established Church should have sole control over any education system funded by the state. Roden asserted that the people of England expected the conservative government' to 'uphold the Protestant Church.' He 'trusted that they would not have their feelings disappointed.' This was, obviously, a veiled threat to the government of the likely consequences in terms of electoral support if they did not pursue the 'Protestant' line advocated by Roden.

Shortly before this debate, Derby instructed Lord Eglinton to obtain an official return of the religious denominations of the children attending the National schools. One of the motives behind this was to establish whether it would be possible to establish alternative schools for Protestants in areas where the attendance at the Board schools was almost exclusively Roman Catholic. On 19 March, Eglinton complained to Derby of the difficulties he was having in procuring such a return. He warned that granting state aid to exclusively Protestant schools would have a damaging effect on the National system. On the other hand, even the possibility of funding being given to exclusively Catholic schools would lead to 'a far worse outcry from the Church Education [Society] people than...[would their] adherence with perhaps some modifications to the present system.' Eglinton appears here as a defender of the National system, a stance he was to maintain throughout his Lord Lieutenancy. His support for the system was largely based on pragmatic grounds. In October 1852 Eglinton conceded to Derby that he was 'far from saying that the system...[was] perfect, because I can apply that term to no

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46 Hansard, 3rd S, CXIX, cl. 1142-44.
47 See Eglinton to Derby, 11 March 1852, Derby papers, 148/2. There is a copy of this letter in the Eglinton papers, GD3/5/53/4425.
48 Eglinton to Derby, 19 March 1852, Derby papers, 148/2. There is a copy of this letter in the Eglinton papers,
system of Education, in which Religion is not the first object, and the reading of the Bible is not enforced.' Nevertheless, he considered the system to be 'the best which under the peculiar circumstances of the country could have been adopted, and having been adopted...its overthrow would be a grievous national calamity.'

These views had been shaped soon after his arrival in Ireland; as early as 26 March Eglinton advised Naas that the 'best chance [the government had] of obtaining a fair trial' for the National system lay in removing the exclusion of Church Education Society supporters from Church patronage. Although Eglinton was sympathetic towards its objectives, he was realistic enough to determine that if the modifications to the system demanded by the Church Education Society were made, it would have the effect of driving 'away from it the Archbishop of Dublin [Whately], and those [Protestants supporters of the system] who follow him.' The Roman Catholics would, he believed, seize on this pretext 'for breaking it [the National system] up altogether.' He was also critical of the Protestant clergy's initial decision not to join the system, as it had led to the 'patronage of the schools...[being] thrown so much into the hands of the R[oman] Catholics.' To win the adherents of the Church Education Society over to the National system, it was essential to remove their feeling that they were being coerced into it by their exclusion from ecclesiastical preferment.

Eglinton was a Scottish landowner, owning some 29,000 acres in Ayrshire and Lanarkshire.

He first came to prominence as a leading Protectionist and was closely associated with the

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GD3/5/53/4425.

49 Eglinton to Derby, 21 October 1852, Derby papers, 148/2. There is a copy of this letter in the Eglinton papers, GD3/5/53/4425.


51 Eglinton to Walpole, 8 October 1852, Holland papers, 894c. There is a copy of this letter in the Eglinton papers, GD3/5/51/4429a.
'Protestant' party in Parliament. In 1848, for example, he had moved a successful amendment to the Whig government's Diplomatic Relations with Rome bill, barring Roman Catholic clerics from being appointed as the Papal ambassador to London. This was necessary, Eglinton claimed at the time, in order to prevent the proposed embassy becoming 'a nucleus for the Jesuits.' At the time of his appointment, Lord Stanley worried that Eglinton had too 'strong...[a] leaning towards the Orange faction, which...[was] too much identified with Conservatism in Ireland' for affairs there to be safe in his hands. Stanley was later to revise this judgement of Eglinton's position, praising him as 'a fair, liberal and popular administrator.'

Although this assessment was obviously partisan, Eglinton's period in office did not bear out Stanley's earlier fears. In general, Eglinton seems to have taken a pragmatic line on Irish issues, and, with some exceptions, he managed to avoid religious controversy during his time in office.

At the annual meeting of the Church Education Society, held in the Rotundo on 16 April, Napier gave an extensive apologia for his handling of the education question from the time he had accepted office. In the course of his speech, Napier described himself as having been made 'their representative in Parliament' by 'his brethren of the Church of Ireland.' This was, of course, a reference to his position as member for Dublin University, Trinity College having both a large clerical element among its voters and being one of the central institutions of 'Protestant' Ireland. Given this position, Napier felt it incumbent on him not 'to compromise those great principles which they had confided to his charge.' With this in mind, the education question

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had 'pressed upon him most of all others' at the time he was offered office. He had considered it the only question upon which 'a difference of opinion' might arise between him and his cabinet colleagues. However, Derby had assured him, at their meeting at the time of the formation of the government, that he retained perfect freedom of action on that issue. Once the facts of the case had been determined by an 'honest and fair' inquiry, it was the government's intention to rectify any defects 'in the so-called National system of education.' Napier then introduced a significant caveat to this, warning his audience that the government would not necessarily deal with the question 'in the manner in which it would be [dealt with], if he [Napier] had the control and management of the matter.' However, he was confident that 'he would not be called upon to do anything of which he did not approve.' His comments here had a defensive air about them, as if he were seeking to dampen down his audience's expectations of what the government could achieve on the question, given its minority position in the House of Commons.

Although the government had by this point pledged itself to an inquiry into the National system of education, it had not yet clarified its position on the Maynooth grant. The question was, of course, a controversial one, and was a divisive issue even within the cabinet. Given its minority position, it was necessary for the government to tailor its policy on Maynooth to the views held by the other parties in the House of Commons. Several leading Conservatives had previously argued for the repeal of the Maynooth grant and this made the issue an obvious one for the opposition to use to embarrass the government.

In early February Derby reported to Disraeli that he had heard from Charles Newdegate, that the

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55 *Dublin Evening Mail*, 16 April 1852.
Ultra-Protestant party in Parliament intended to raise the question of Maynooth in the upcoming session. This made it necessary that the leadership 'be prepared with our line' and that a decision be made whether or not Derby should move in the House of Lords for a committee 'on the whole R[oman] Catholic question, which may, I think, be a useful safety valve.'

The idea of a committee to investigate 'the legal position of ... Roman Catholics with reference to the pretensions of Rome, their civil rights, the affairs of their Church and the condition of their Schools, Charities & religious establishments' had already been mooted by Derby at the height of the controversy over the Ecclesiastical Titles bill in the previous year. At that time, Derby saw the appointment of a such a committee as a useful means by which to defuse 'the popular ferment' in Britain over the supposed 'Papal aggression' of that year. By 1852, however, the proposed committee was principally designed to pre-empt criticism of the government's policies from the Ultra-Protestant section of the party. It was in this sense, surely, that Derby regarded the committee as a 'useful safety valve.'

The issue was discussed at a meeting of senior Conservatives, attended by Napier, G.A. Hamilton, and Whiteside, in February 1852. The government's short term in office and its minority position in the House of Commons ensured, however, that no such committee had been appointed by the time it fell in December 1852.

On 25 March, in response to a question from William Keogh on the government's intentions as to the Maynooth grant, Disraeli stated that no attempt would be made at repeal in that session.

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56 Derby to Disraeli, 5 February 1852, Disraeli papers, B/XX/S/44. See also G.I.T. Machin, Politics and the Churches in Great Britain 1832 to 1868, p.230.
57 Derby to Disraeli, 26 September 1851, Disraeli papers, B/XX/S/39.
59 Derby also suggested that Walpole, Sir Frederick Thesiger, the English Attorney general, Lord Lyndhurst, a former Conservative Lord Chancellor, Lord Redesdale, Deputy Speaker of the House of Lords, J.C. Herries, the President of the Board of Trade, and Lord Granby attend the meeting. See Derby to Disraeli, 5 February 1852, Disraeli papers, B/XX/S/44.
He would not make any pledge as to the government’s future policy until after the general election. In early April, Lord Abermarle asked a similar question in the House of Lords.

Abermarle referred to a recent speech by William Forbes Mackenzie, the Conservative candidate at Liverpool, in which he had alluded to his past votes against the Maynooth grant and ‘his determination for the future to give his unqualified opposition to any grant to the Roman [Catholic] Church, whenever, howsoever, and by whomsoever made.’ Following on from this speech, Abermarle wished to ascertain if the government ‘contemplated any change of policy to the maintenance of the College of Maynooth.’ Derby responded by asserting that the government ‘had no present intention’ of making any changes to the 1845 Act. Nevertheless, his opinion was that ‘the course...pursued... by a large body of the Roman Catholic clergy of Ireland, and the aggressive attitudes which that Church...[had] of late years assumed’ had added to the difficulty of defending the grant. Its original purpose had been to maintain ‘peace and good will’ between the Roman Catholic clergy and the British state, and Derby’s clear implication was that it had not done so.

On 9 April, the National Club issued an address to ‘the Protestant Electors of the Empire’ advising them to seek a pledge from prospective candidates that they would ‘oppose the act which gave British money to Romish colleges.’ Later that week, Fitzroy Kelly, the English solicitor general wrote, in a letter to his constituents, that his ‘inclination and opinion...[had] always been opposed to the [Maynooth] grant.’ His only doubt had been as to ‘whether the good faith of Parliament was not pledged to its continuance as long as it appeared to answer the purposes...[for] which it was originally assented to and made.’ Those ends had not been attained

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60 Hansard, 3rd S, CXX, cl. 582-83.
61 Dublin Evening Mail, 9 April 1852.
and he was thus in favour of an inquiry into the whole question. If this inquiry decided that the Maynooth grant did not serve those objectives for which it was originally designed, he would vote for its repeal.62

These remarks were raised by Clanricarde in a question to Derby in the House of Lords on 20 April. He asked if Kelly had ‘any reason to think that he...[had] the concurrence of the government [in] his opinion’ that the Maynooth grant should be withdrawn. Clanricarde also drew attention to the fact that several members of the government, including Disraeli, the Chancellor of the Exchequer,63 G.A.Hamilton, his financial secretary, William Beresford, the Secretary at War, and Joseph Warner Henley, the President of the Board of Trade, had voted against the increase in the grant in 1845.64 As with Clanricarde’s earlier query on the National Education system, this question was designed to show up the divisions which existed within the Conservative party. In reply, Derby again criticised the Irish Roman Catholic clergy, stating that he was ‘greatly disappointed’ in their conduct since the grant was increased. He defended Kelly’s speech by arguing that it was possible for those who had supported Peel’s policy in 1845 believing ‘that it would produce far other fruits than it...[had] produced’ to have second thoughts on the subject. That policy had been designed to produce ‘an enlightened and well-educated [Roman Catholic] priesthood - one well affected to the Crown of the country - disposed to inculcate principles of charity, forbearance and peace among all classes - and loyal to the [British] Sovereign, and obedient to the laws of the land.’ Derby obviously believed that this

62 *Dublin Evening Mail*, 14 April 1852.
63 Disraeli’s opposition to the increase in the Maynooth grant had as much to do with his ongoing campaign against Peel’s leadership as it had with any deep personal convictions of his own. Indeed, given the tone of his previous speeches on Irish issues it might have been supposed that Disraeli would have supported it. See J.Ridley, *The Young Disraeli 1804-1846* (London 1995), p.307-8. See also R.Blake, *Disraeli* (London 1966), p.188-89.
64 *Hansard*, 3rd S, CXX, cl. 875-78.
policy had failed. However, he denied that Kelly's remarks had been an expression of
government policy on Maynooth or that the cabinet intended to move for an inquiry on that
topic. A motion calling for such an inquiry into the system of education carried on in
Maynooth had already been sponsored by Richard Spooner, the Conservative MP for North
Warwickshire, and Derby announced that the government would be bound by the decision of the
House of Commons on this motion.

The Maynooth question had of course a special significance for Irish Conservatives both for
those opposed and those in favour of it. In late January 1852, for example, a public meeting
calling for the repeal of the grant had been held in Dublin. It was chaired by Edward Grogan,
the Conservative MP for Dublin City. The meeting was held under the auspices of the Dublin
Protestant Association, a militantly anti-Catholic organisation dominated by the Rev. Tresham
Dames Gregg, a formidable but erratic leader of extreme Protestant opinion in Dublin. Gregg
had been active in the foundation of the Protestant Operatives Society in the 1840s and had a
populist appeal unmatched by any other leader of Irish Conservative opinion in this period.
Shortly before the meeting, George Alexander Hamilton wrote to Derby, asking for his advice as
to whether he should attend. While Hamilton believed that 'the arrogant conduct of the [Irish]
Roman Catholic hierarchy...[had] provoked the movement against Maynooth' he was not
convinced of 'the prudence of an agitation on this subject among the Protestants of Ireland.' If
he had found out about the meeting sooner, Hamilton would have attempted to dissuade the

65 Hansard, 3rd S, CXX, cl. 880-82.
66 See the Dublin Evening Mail, 28 January 1852.
67 For Gregg's career see J.Spence, 'The Philosophy of Irish Toryism' pp.134-36. See also J.Hill, 'The Protestant
author's, 'Artisans, Sectarianism and Politics in Dublin 1829-48' in Saothar: Journal of the Irish Labour History
organisers from holding it. The reference to the ‘arrogance’ of the Roman Catholic hierarchy seems to have been an allusion to the Synod of Thurles, at which the bishops had condemned the ‘godless’ universities established by Peel. It may also have been influenced by the rumoured appointment of Paul Cullen as Archbishop of Dublin, an appointment felt by many Irish Protestants to presage greater control by Rome over the Irish Roman Catholic Church. Hamilton was worried that a general agitation among Irish Protestants against Maynooth would, of necessity, take on a sectarian strain. He would have preferred if the meeting were restricted solely ‘to the Protestant citizens of Dublin.’ In the event Hamilton did not attend the meeting, nor was it attended by either Napier or Whiteside. All three, however, sent letters explaining their absence to the meeting.

As we have seen earlier, Napier had pledged himself to agitate for the repeal of the Maynooth grant during his first election contest for Dublin University in 1847. Hamilton had also made clear his opposition to the increase of the grant in 1845. Indeed, at that time he had described the endowment of Maynooth as ‘virtually an abnegation of the Protestantism of the Empire.’ As members of the National Club, both men were closely associated with leaders of the anti-Maynooth movement in England like Spooner and Newdegate. Aside from this, the issue was one of great sensitivity as any decision to withdraw the grant was likely to raise a storm of protest among Irish Roman Catholics. The leaders of the party were anxious to downplay the issue. Their reluctance even to go as far as the granting of a committee was evidence of this. This approach was put under strain, when Spooner’s motion was introduced in the House of

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68 Hamilton to Derby, 15 January 1852, Derby papers, 150/9.
69 *Dublin Evening Mail*, 28 January 1852.
70 See above, p. 116.
Commons on 11 May. Spooner described the grant to Maynooth as a ‘a national sin’ and stated his belief that the system of education there was ‘antagonistic to the Word of God.’ The motion was seconded by Lord Blandford, the future Duke of Marlborough, and Conservative MP for Woodstock, who bluntly stated his belief that the grant should be ‘absolute[ly] and unconditionally[ly]’ withdrawn. There can be little doubt that this was the ultimate objective of most of the Ultra Protestant party in the House, but they were usually more diplomatic in their language than Blandford had been.

Walpole denied that the motion had the support of the government. However, the tone of his speech left little doubt that he personally supported it. In his opinion, the Maynooth grant had failed to fulfil the purpose for which it had been originally granted. Instead of it having produced ‘a well-educated, loyal and domestic priesthood’, Walpole felt that the Irish hierarchy had ‘assumed an aggressive character’, constituting ‘a confederacy’ against ‘the British Crown and the British connexion.’ Walpole referred directly to the Synod of Thurles and the appointment of Archbishop Cullen in this context. In his belief the ‘conditions upon which the grant was made...[had] not been adequately or completely fulfilled’ and, therefore, it was open to Parliament to insist that public funds should not be applied ‘to any other purpose’ than those for which they had been intended. He also cited the foundation of the Catholic University in Dublin as a proof that Irish Roman Catholics had the material resources to fund Maynooth themselves. The implication of Walpole’s speech was that the grant should be repealed, a stance which, given his position as Home Secretary, was bound to raise controversy. In reply, Ralph Bernal

71 *Hansard*, 3rd S, LXXIX cl. 765.
72 *Hansard*, 3rd S, CXXI, cl. 502.
73 *Hansard*, 3rd S, CXXI, cl. 524.
74 *Hansard*, 3rd S, CXXI, cl. 537-38.
Osborne, the Liberal MP for Dover, accused the Conservative party of using Maynooth as a tool with which ‘to raise a ‘No-Popery’ cry’ for the forthcoming election.⁷⁵ John Reynolds, the Independent party MP for Dublin city, added that he was waiting ‘with breathless anxiety’ to hear some member of the Irish government give their opinion on Walpole’s speech.⁷⁶ Despite this anxiety, however, the debate was adjourned until 19 May. As the leading English Evangelical in the cabinet, and a prominent member of the National Club, Walpole’s position on Maynooth was hardly surprising. It did, however, point to the difficulties which the cabinet was having in presenting a united front on the question.

The government’s policy of leaving the Maynooth grant intact was restated by Disraeli, in reply to a question from Lord John Russell on 19 May. Still, Disraeli was prepared to support an inquiry into the system of education there, provided it was restricted to ‘ascertaining whether the [original] objects of that institution [Maynooth] had been fulfilled.’ This, he claimed, was also Walpole’s opinion,⁷⁷ although the clear implication of Walpole’s speech had been that the inquiry should be a preliminary to the repeal of the grant. Despite this, Walpole complained on 20 May that his original speech had been ‘misrepresented’ and that Disraeli’s interpretation of it was the correct one.⁷⁸ Two days later, in the House of Lords, Derby reiterated this line taken by Disraeli. He emphasised the fact that he regarded ‘the question of the endowment of Maynooth...[as] one purely of policy’ and disagreed with those who saw the grant as being a ‘national sin.’ The government’s policy on the question would not be determined by ‘any specific principle of right or wrong’ but merely ‘with regard to the public welfare, the

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⁷⁵ Hansard, 3rd S, CXXI, cl. 542.
⁷⁶ Hansard, 3rd S, CXXI, cl. 583.
⁷⁷ Hansard, 3rd S, CXXI, cl. 797-98.
⁷⁸ Hansard, 3rd S, CXXI, cl. 848.
maintenance of the public peace and the general well being of the country.' He insisted that the cabinet 'must be left to act with perfect liberty' on the subject and had no immediate intentions of repealing the grant. This was Derby's clearest statement of government policy on Maynooth and was in all likelihood designed to counteract the equivocal character of Walpole's speech.

Despite this speech, the Maynooth question was to rumble on in Parliament right up to its dissolution in the middle of June. These debates were repeatedly adjourned, with Disraeli claiming that this was due to the government's need to deal with more pressing business rather than from any desire on their part to 'evade discussion' upon the subject. Napier was the most senior member of the Irish government to speak on the question during that session of Parliament. In common with other Conservatives, he was critical of the behaviour of the Irish Roman Catholic clergy since 1845. He cited their criticisms of the Ecclesiastical Titles bill as evidence of their pursuing an 'Ultramontane policy.' He also claimed that Cullen's appointment and the condemnation of government policies on University education which had followed it had been the result of dictation from Rome. These developments had, Napier suggested, 'placed the Maynooth grant in a totally different light.' The initial policy of creating a 'well educated loyal and peaceable priesthood' had apparently failed and 'the policy [they] now pursued' only succeeded in 'putting funds derived from the public treasury into the hands of foreign agents for their own purposes.' Despite this indictment, Napier denied that he was advocating the immediate repeal of the grant. What he proposed was an inquiry on the lines originally suggested by Disraeli. While on principle, Napier might believe that the grant was

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79 Hansard, 3rd S, CXXI, cl. 876.
80 Hansard, 3rd S, CXXI, cl. 798.
one that ‘ought ultimately to be repealed’, he nonetheless conceded that this could only be done ‘after a dispassionate and careful consideration of all the circumstances connected with the case.’

This speech signalled a retreat from Napier’s position in 1847, when he had pledged himself to agitate in Parliament for the repeal of the grant. The speech was ambivalent enough, however, to sustain Napier’s position as a leader of Irish Protestant opinion. His contention that Irish Catholics were dominated by foreign influences was a mainstay of Irish Conservative opinion in the mid nineteenth Century. With Roman Catholics having surrendered their political independence to dictation from the Papacy, Irish Protestants could portray themselves as the only truly ‘National’ party in Ireland. As such, this allowed some Protestants to continue the idea of Ireland as a ‘Protestant nation’ which had been developed in the later half of the eighteenth century.

These ‘unsatisfactory discussions about Maynooth’ finally terminated for the session on 15 June, when Spooner interpreted a division in favour of an adjournment of the debate as having ‘evinced clearly’ the feeling of the House on the subject.

The government’s vacillating policy on Maynooth had been determined by two factors. The first was their unwillingness to pledge themselves to any definite policy on the issue. In a letter to Eglinton on 26 May, Naas expressed his hope, ‘between ourselves’, that the discussion of Maynooth was over for that session. He believed ‘there...[was] very great danger in meddling with it at all’ and had ‘very

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81 Hansard, 3rd S, CXXI, cl. 1146-49.
82 For a discussion of this subject see J.Spence, ‘The Philosophy of Irish Toryism’, in particular p.10. Speaking at an election meeting at Dublin University in July 1852, Napier complained that Irish Conservatives were faced ‘with opposition...[from] men who have no attachment, no nation; their hearts are centred in Rome...They have no domestic attachments, no family ties; all their wasted affection flows over in the supremacy of a foreign power.’ Although this speech obviously refers primarily to the Catholic clergy, it also sheds light on Napier’s opinions on Irish Roman Catholics generally. The speech is quoted in the Dublin Evening Mail, 14 July 1852.
83 Disraeli to Sir Henry Bulwer, n.d [but early October 1852], Disraeli papers, H B/11/026b.
84 Hansard, 3rd S, CXII, cl. 763.
much dreaded speaking on it.' As we have seen earlier Naas supported the grant, a stance not universally popular among Irish Conservatives. Naas was also concerned that the controversy over Maynooth might draw attention towards the financial position of the Church of Ireland, an Established Church whose members were very much a minority of the Irish population. The second factor determining the government's policy was the closeness of the general election. As even supporters of Spooner's motion conceded, it was unlikely that a committee appointed so close to the dissolution of Parliament would be able to achieve anything very substantial. The debates did, however, give Conservative MPs from constituencies where there was a strong anti-Catholic vote an opportunity to reaffirm their 'Protestant' credentials. As Derby wrote to Disraeli, many of those who supported the motion for an inquiry did so with the 'impending elections' in mind. As a result, the government should 'not be hard upon men, even in office, who may vote for Spooner[‘s motion].

From an electoral point of view, therefore, these debates were not wholly unwelcome to the government. The problem for the Irish government was that any benefits which the Conservative party in England and Scotland might gain by the expression of anti-Maynooth sentiments were likely to be offset by the negative impact this would have in Ireland. This perceived ambivalence in the government’s approach to the Maynooth question was criticised in an editorial in The Globe, an English Liberal newspaper, on 14 June. According to The Globe, Derby was willing 'to let [the] English constituencies believe that he...[meant] to aim a death blow at Maynooth', the proposed inquiry being merely a means to that end. In Ireland,

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85 Naas to Eglinton, 26 May 1852, Eglinton papers, GD3/5/52/4426.
however, the paper claimed, the inquiry was presented as merely 'a sop to appease Protestant
antipathy [towards Maynooth] - a side door by which members may slip into the next
Parliament'\textsuperscript{87} without having declared themselves against the principle of the grant. Although
this article oversimplified the true position, nonetheless, it contained a grain of truth. It was the
case that many English Conservatives advocated the repeal of the grant in the course of their
election campaigns.\textsuperscript{88} Several of those who did so supported an inquiry as the first step in this
process. While other candidates were less forthcoming, they, nevertheless, expressed their
support for an investigation into the system of teaching carried on at Maynooth.\textsuperscript{89} Even Lord
John Manners, the First Commissioner of Works and one of the few cabinet ministers who had
supported the increase in the Maynooth grant in 1845, claimed, rather ingenuously, that the
government had given a 'unanimous and ready consent' to Spooner's motion for an inquiry. He
argued that it had not been the government's fault that the motion had not been passed by the
House.\textsuperscript{90} Although Manners expressed his support for the holding of an inquiry, it seems
unlikely that he would have supported the repeal of the grant.\textsuperscript{91}

Disraeli's own address, issued on 2 June, managed to retain a degree of ambivalence on the
question. Although he reiterated the government's support for an investigation 'into the

\textsuperscript{87} Quoted in the \textit{Dublin Evening Mail}, 5 June 1852.

\textsuperscript{88} See, for example, the reports of the addresses or speeches of the following Conservative candidates; Sir Fitzroy
Kelly for East Suffolk in \textit{The Times}, 3 May 1852, Campbell Swinton for Haddington Borough in \textit{The Times}, 26
May 1852, Henry Drummond for Surrey West in \textit{The Times}, 10 June 1852, J. Talbot Clifton for Peterborough in
\textit{The Times}, 12 June 1852, R.A. Christopher, the Chancellor of the Duchy of Lancaster, for Lincolnshire North in \textit{The
Times}, 26 June 1852, Lord Burghley also for Lincolnshire North in \textit{The Times}, 26 May 1852, Lord Blandford for

\textsuperscript{89} See, for example, the reports of the speeches or addresses of the following Conservative candidates; Seymour
Fitzgerald for Horsham in \textit{The Times}, 7 July 1852, John Wilson Patten for Lancashire North in \textit{The Times}, 14 July
1852, R.H. Clive and Viscount Newport, the two Conservative candidates for Shropshire (South), all of whom
supported the proposed inquiry into Maynooth. See \textit{The Times}, 13 July 1852.

\textsuperscript{90} \textit{The Times}, 21 June 1852.

\textsuperscript{91} For a discussion of Lord John Manners' religious opinions see J. Ridley, \textit{The Young Disraeli 1804-1846} (London
management of the Roman Catholic College of Maynooth', he stressed that they had agreed to this without 'prejudging the question.' The government was, he asserted, 'anxious to subdue the heat of religious controversy.' Although the cabinet desired to act impartially as between Roman Catholics and Protestants, Disraeli was, he claimed, anxious to correct 'an opinion now in vogue that since the [Catholic Emancipation] act of 1829, the country has ceased to be Protestant.' The British form of government remained 'that of a Protestant monarchy.' The exact significance of these observations for the Maynooth debate were not elaborated on, but their primary purpose seems to have been to reassure British Protestant opinion, after the conciliatory tone of Disraeli's opening remarks.

One of the exceptions to the predominant tone of English Conservative statements on Maynooth at the 1852 general election came from Seymour Fitzgerald, the candidate for Horsham in Sussex. Fitzgerald's family owned land in Tipperary and he admitted that his Irish connections had influenced his views on Maynooth. While he was prepared to vote for Spooner's motion if elected, he would not support the immediate withdrawal of the grant. He believed that such a move would cause 'serious hostility' towards the government in Ireland and would not be popular with British opinion. At the opposite extreme to Fitzgerald's conciliatory comments were the abrasive statements of William Beresford, the Secretary at War, and the Conservative chief whip. Like Fitzgerald, Beresford had Irish connections, his father being a cousin of the Marquis of Waterford. The Beresfords were also prominent in the Church of Ireland, two members of the family serving successively as Archbishops of Armagh in the

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92 Dublin Evening Mail, 9 June 1852.
93 The Times, 7 July 1852. In the event Fitzgerald was elected, and for a brief period was seen as a rising light within the Conservative party. His subsequent career did not live up to his early promise, although he was to hold office as under-secretary for Foreign Affairs in the short lived Conservative government of 1858-59.
latter half of the nineteenth century. Beresford himself had a reputation for irritability and a general lack of tact, being described by Disraeli as 'a tall, coarse man, who could blend with his natural want of refinement, if necessary, extreme servility; very persevering, capable of labour, prejudiced, & bigoted. Protection and Protestantism were his specifics for all the evils of the state, & the only foundation for strong & lasting circumstances.' Beresford's comments at Essex North bear out Disraeli's description of him, as he called on the voters there not to 'turn...[their] backs upon the man who has bearded Popery to the face, and who will do it again, whether it be in Ireland, or the House of Commons or anywhere else.' This speech inspired a letter from Henry Herbert, the Conservative MP for Kerry, to Lord Naas, in which he complained that 'your friends in England seem determined to make it impossible for a Protestant to be elected in the south of Ireland.' Beresford's comments had, he complained, put him, as the representative of a Roman Catholic constituency who was 'anxious to support the government...in a very awkward position.' In Herbert's opinion, the language used by Beresford was 'disgraceful...even if the government intended to bring forward stringent measures against Roman Catholics (which I do not believe)...It is very well for you and I to laugh who know that his chief qualification for the place which he [Beresford] occupies is a temper which renders him unfit to occupy a subordinate one, but that will not go down either in this country or even in England.' Herbert's letter shows clearly the difficulties which Conservative expressions of anti-Catholic sentiments caused for Irish Conservatives, who required Roman Catholic support in order to be elected.

The position of these candidates was further complicated by the government's issuing of a

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95 The Times, 14 July 1852.
proclamation against Roman Catholic processions on 15 June. This proclamation pointed out the illegality of such processions under the Emancipation Act of 1829. From that time on the law had not been enforced, but the government argued that, given the increased tensions caused by the controversy over the Ecclesiastical Titles Bill in the previous year, Catholic processions might lead to disturbances. This, at least, was their public position, but many Irish Catholics saw the proclamation as an attempt by the Conservatives to use the ‘No Popery’ card for election purposes.\(^\text{97}\) Stanley, who saw the move as a ‘serious blunder’, believed that Napier and Walpole had been ‘mainly responsible’ for it. Indeed, Disraeli had told him that he had supported the issuing of the proclamation ‘only to please the Irish Protestants’.\(^\text{98}\)

Earlier in the year, the Irish administration had issued a letter to the Roman Catholic Bishop of Galway, pointing out the illegality of a Catholic procession that had taken place in Ballinasloe. In that case, however, they had taken an accommodating view of the question, expressing the wish that the breach of the law had been an inadvertent one. The letter warned, however, that any future breaches of the law would be prosecuted.\(^\text{99}\) This ‘remonstrance’ had, in Eglinton’s view, pledged the Irish government to the position adopted in the proclamation. Writing to Derby on 19 June, he acknowledged that the issuing of the proclamation had raised a storm of controversy in the nationalist press.\(^\text{100}\) This controversy was heightened later in the month when

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\(^\text{96}\) Herbert to Naas, 18 July 1852, Mayo papers 11,019 (17).
\(^\text{98}\) See Stanley’s diary entry for June 1852, Quoted in J. Vincent (ed), Disraeli, Derby and the Conservative Party, p.73.
\(^\text{99}\) See Walpole to Eglinton, 5 May 1852, Eglinton papers, GD3/5/52/4428.
\(^\text{100}\) Eglinton to Derby, 19 June 1852, Draft in the Eglinton papers, GD3/5/53/4425. On 28 June Eglinton informed Derby that he had ‘little doubt that some of the priests mean to defy the late Royal proclamation and, in that case we [the Irish government] must prosecute them at once - in fact we are already pledged to that course here by the notice we took of the Ballinasloe processions.’ Eglinton to Derby, 28 June 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425.
riotig broke out in the town of Stockport after a Catholic procession there. Over the course of two days, several chapels were destroyed and many Catholics were driven from their homes. In Ireland, Roman Catholic opinion blamed the disturbances on the government’s mishandling of the processions question. The allegation that government policy had been directly responsible for the riots, was a mainstay of Independent party campaigns against the Conservatives in the closing days of the 1852 election campaign. Indeed, a number of Conservative candidates and agents complained to Naas of the damage which these events had done to their hopes of being elected.

The election campaign also revealed a disparity in attitudes between those Conservatives who had sizeable numbers of Roman Catholic voters in their constituencies and those chiefly dependent on Protestant support. In Dublin City, for example, one of the few constituencies outside the north of Ireland to have a considerable working class Protestant element, Conservative politics had a populist and sectarian flavour, unlike that found elsewhere in the South of Ireland. Both of the Conservative candidates there, Edward Grogan and John Vance, made no secret of their opposition to the Maynooth grant and the National Education system. An indication of the tone of their election meetings was the fact that, at one of these, Tresham Gregg, the noted anti-Catholic polemicist, was one of the principal speakers. At an earlier meeting, Grogan suggested that as Irish Roman Catholics had sufficient funds with which to maintain the Catholic University in Dublin, they should now be able to maintain Maynooth from

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102 See, for example, Clayton Browne to Naas, n.d., Mayo papers 11,018 (11), Daly to Naas, 31 July 1852, Mayo papers, 11,018 (42), and Herbert to Naas, 18 July 1852, Mayo papers, 11,019 (17).

103 See the addresses of both Grogan and Vance in the *Dublin Evening Mail*, 23 June 1852.
their own resources. Speaking on the same platform, Vance expressed his support for separate grants for the Church Education Society schools.\textsuperscript{105} The most likely outcome of such a policy would have been to create a system of denominational grants, a policy supported by some Roman Catholic critics of the system. It would also, have put an end to any real possibility of the National system operating as a genuinely united one. Following a lively and often polemical campaign, both candidates for Dublin City were returned, the Conservatives regaining the seat, which had been lost to John Reynolds, the Independent party candidate, in 1847.

In the course of the Dublin University campaign, both Napier and Hamilton were at pains to defend their conduct on the education question. Hamilton emphasised his long service to the ‘Protestant cause’ in Dublin, and his belief that the proposed inquiry into Maynooth would ‘lead to an arrangement...[which would] be considered satisfactory by the Protestants of Ireland.’ The nature of such an arrangement, he did not, however, expound on. He also touched on the necessity of educating English opinion, particularly in Parliament, on the ‘true nature’ of the Irish education system. As English MPs had little knowledge of the real workings of the system, the attempts by Napier and himself to advance the arguments of the Church Education Society would be a long term process. On the question of Maynooth, Hamilton attempted to draw the argument away from the specifics of an inquiry, and on to the more abstract question of the nature of a Protestant state. Could the state remain neutral in what he described as a ‘contest between truth and error?’ Hamilton, of course, answered this question in the negative; the implicit logic of this position being that the grant should ultimately be withdrawn. Napier made it plain that while he supported the suggested inquiry into Maynooth, he had not pledged himself

\textsuperscript{104} Dublin Evening Mail, 6 July 1852.
\textsuperscript{105} Dublin Evening Mail, 9 July 1852.
to a withdrawal of the grant. He believed that an immediate withdrawal of the grant would be ‘ungenerous, unjust, mean and narrow-minded.’ As Fitzgerald had done at Horsham, he justified the inquiry on the grounds that the Maynooth grant was ‘a public trust...[intended] to give a liberal education to the Catholic priesthood.’ This being the case, the public had a right to know ‘whether that trust had been faithfully and honestly carried out.’

Napier’s speech skirted the education question, merely touching on his desire that ‘Scriptural education...should be made accessible to all.’ This moderation of tone may have been a conscious decision by Napier, in order to prevent any repetition of the controversy which had been caused by his election speech earlier in the year.

An interesting example of the divergent ways in which Conservative candidates in different parts of the country campaigned in the 1852 general election is provided by a comparison between the pre-election speeches of Mervyn Archdall, the MP for Fermanagh since 1834, and those of Francis Bernard, the unsuccessful candidate for King's County. Ironically, both of these candidates quoted passages from Derby’s speeches in Parliament that session to support widely different positions on the Maynooth grant. In his election address, Archdall, a prominent member of the Orange order, described himself as ‘a firm supporter of Protestant Ascendancy.’ At the nomination of the candidates, he quoted Derby’s speech earlier that year, in which he had suggested that the conduct of the Roman Catholic clergy since 1845 had rendered it more difficult for the government to support the grant. Archdall hoped that the speech had increased the likelihood that the proposed inquiry would recommend the repeal of the Maynooth grant. He described Maynooth as a ‘pernicious nest of idolatry and sedition’ a description hardly likely

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106 *Dublin Evening Mail*, 14 July 1852.
107 *Dublin Evening Mail*, 12 July 1852.
to appeal to the Catholics in his constituency. The system of education carried on there was, in Archdall’s opinion ‘highly prejudicial to the religious, social and moral interests of the country.’ Archdall was also opposed to the National system of education, urging the necessity of a modification of ‘its present unscriptural state.’ He claimed that the main advantage of the system was that threatening letters and ‘Ribbon notices...were better written, spelt and expressed than formerly.’ As an MP of long standing, whose family had controlled the Fermanagh seat for many years before his election, Archdall probably had more freedom to speak his true opinions than did candidates elsewhere in the country. Nevertheless, his comments provide a clear contrast to those made by Francis Bernard, in the course of his election speeches. Unlike Archdall, Bernard countered his opponents claims that he supported the withdrawal of the Maynooth grant by pointing to Derby’s pledge that the government had no intention of interfering with it. This use of Derby’s statements to justify two completely opposed positions on Maynooth was revealing in itself, the government’s reluctance to declare itself unambiguously on the subject being one of the constants of the session. One of the chief factors determining this reticence had been its unwillingness to alienate potential supporters on both sides of the sectarian divide in the run up to the election.

This perceived duplicity on the part of the government was raised by William Keogh in the House of Commons on 15 June. He accused the government of having funded the campaigns of a number of Independent party candidates. Thus, Keogh claimed, the Conservative party was behaving in a hypocritical manner, its candidates attacking the Maynooth grant in England, while it subsidised pro-Maynooth candidates in Ireland. He singled out the case of John Francis

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108 Dublin Evening Mail, 23 July 1852.
109 Dublin Evening Mail, 23 July 1852.
Maguire, the Independent party candidate for Dungarvan, who had openly expressed his support for Derby’s government in his election address. Naas denied Keogh’s charges, particularly the accusation that he had supplied candidates with money or with letters of introduction. He also argued, however, that there was no contradiction between Maguire’s support for the government and his advocacy of the continuation of the Maynooth grant. Although Naas had supported the motion for an inquiry, he would not support the repeal of the grant. He also supported the right of other candidates, such as Richard Hely-Hutchinson, Lord Donoughmore’s brother and the unsuccessful Conservative candidate for Waterford, to make similar admissions.\(^\text{110}\) In his election address, Hely-Hutchinson had declared that he believed the ‘national faith’ was pledged ‘to the maintenance of the Royal College of Maynooth.’ He was ready ‘to oppose any change in the settlement of 1845.’ Hely-Hutchinson referred back to his family’s support for Catholic Emancipation, as proof of their concern to ‘preserve full and perfect equality for all religious persuasions.’\(^\text{111}\) Few other Conservative candidates were as explicit in their support of the Maynooth grant as Hely-Hutchinson had been, but there were cases, as in Dungarvan, where some local Conservatives supported candidates committed to the maintenance of the Maynooth grant against Whig/Liberal candidates. There is, however, no proof that such candidates were supplied with money, as claimed by Keogh. Unlike the co-operation between the parties in 1857 and 1859, any arrangements made between the parties in 1852 were on a purely local and ad-hoc basis.\(^\text{112}\)

\(^{110}\text{Hansard, 3rd S, CXXII, cl. 767-69.}\)


\(^{112}\text{In August 1852, for example, Lord Glengall informed Robert Bourke, Lord Naas’s brother, that Maguire had told}\)
Despite the attempts by some Conservative candidates to conciliate Irish Catholic opinion, the election results in Ireland were particularly notable for the strong showing of Independent party candidates in constituencies outside the North of Ireland. Of the 105 MPs returned from Ireland, some 48, with varying degrees of sincerity, had pledged themselves to the policy of remaining independent from all British parties. A number of commentators, not least Lord Stanley, attributed the Independent party's successes at the elections to the government's mistaken policy in issuing the proclamation against Roman Catholic processions. Stanley had also found the 'No Popery' tone of some of the Conservative candidates in England distasteful. On 19 July Stanley had written to Disraeli, describing such speeches as 'a case of playing to the pit.' However, echoing his father's earlier comments, he claimed that 'reasonable people...[were] tolerant of such measures at election time, and all the unreasonable people are mostly with us.' In a letter to Stanley in mid-July, Disraeli blamed the Conservative losses at the elections on their taking up of the 'Protestant cry.' This claim exasperated Stanley, who complained that Disraeli had been largely responsible for that 'cry...[being] raised.' The issuing of the proclamation was a clear case of the government failing to maintain its complex balancing act between Irish Protestants and Irish Catholics. It was also the case that senior members of the Irish government, including Naas, had seriously underestimated the effect which the proclamation would have on Irish Catholic opinion.

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113 See Stanley's diary entries for 19 and 21 July 1852, Quoted in J. Vincent (ed), Disraeli, Derby and the Conservative Party, p.76.
114 Stanley to Disraeli, 19 July 1852, Quoted in G.I.T.Machin, Politics and the Churches in Great Britain 1832 to 1868, p.243.
115 J. Vincent (ed), Disraeli, Derby and the Conservative Party, p.76.
116 On 16 June 1852 Naas had written to Eglinton, expressing his belief that the proclamation would not 'do...[the government] any harm in Ireland and I have no doubt will greatly strengthen us here [in England].’ Naas to
There were 42 Irish Conservative MPs returned in the 1852 general election, a disappointing return for the party who had hoped for more substantial gains. After the elections were concluded, two separate conferences were held in Dublin, one organised by the Tenant League and the other by the newly formed Friends of Religious Freedom and Equality. At the first, some 41 Independent party MPs pledged themselves to remain 'independent of, and in opposition to' any government which did not satisfy the programme of the Tenant League. At the second, attended by some 26 Independent party MPs, resolutions were passed calling for the repeal of the Ecclesiastical Titles Act and the disestablishment of the Church of Ireland. The MPs at the conference also pledged themselves to remain independent of any government that did not concede these demands. These conferences brought the party 'to full strength' and, given the Conservative government's minority position in the House, seemed to have given them a position of some influence in the House of Commons.\(^{117}\) The question that remained to be answered was what influence, if any, the emergence of this new bloc would have on the government's Irish policy.

Earlier in the session, Walpole had advised Eglinton that, even though the government had 'postponed' dealing with the education question until after the elections, he should reflect on it 'with great care.'\(^{118}\) In the event the government's attention was forcibly drawn to the subject as the terminal illness of the Church of Ireland Bishop of Meath and the death of Archbishop Murray, the Roman Catholic Archbishop of Dublin, left them with the politically delicate task of filling two vacancies in the National Board. The appointment of a replacement for Murray

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presented the government with particular difficulties. An obvious candidate for the position was Paul Cullen, the Archbishop of Armagh, who was widely tipped to be Murray’s successor. Cullen’s Ultramontanism was, however, anathema to many of the government’s supporters. The condemnation of the ‘godless Colleges’ at the Synod of Thurles in 1851 had also revealed Cullen’s opposition to the principle of mixed education. Indeed, at a meeting with Eglinton in April 1852, Richard Whately, the Archbishop of Dublin and the most prominent Church of Ireland supporter of the system, informed Eglinton that Cullen’s appointment would ‘probably force him to retire’ from the Board. In these circumstances, the government decided on appointing a Catholic cleric other than Cullen to the post. This proved more difficult to achieve than it had expected, with the position being refused by a number of senior Catholic clerics, including Dr. Walsh, the Bishop of Ossory, and Dr. Denvir, the Bishop of Meath, and by a number of prominent Catholic laymen like Richard Corballis. In October Whately informed Eglinton that it had proved difficult to find any Roman Catholic bishop who would accept the office, ‘except such as would be dangerous Commissioners.’ A few weeks later, Eglinton complained to Derby that the ‘Roman Catholic members of the National Board were attempting to force Cullen on us, which is quite out of the question.’ The protracted nature of the government’s search for a replacement for Archbishop Murray meant that an appointment had still not been made by the time it fell in December 1852. It was plain that leading Irish Catholics were more concerned to avoid Cullen’s displeasure than to accept the poisoned chalice

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118 Walpole to Eglinton, 29 March 1852, Eglinton papers, GD3/5/52/4428.
119 See Eglinton to Derby, 11 April 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425.
120 See Whately to Eglinton, 22 October 1852, Eglinton papers, GD3/5/50/4434. Also Eglinton to Derby, 4 December 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425.
121 Whately to Eglinton, 22 October 1852, Eglinton papers, GD3/5/50/4434.
of membership of the National Board. The second vacancy, caused by the illness of the Bishop
of Meath had been filled much earlier by Francis Blackburne, the Irish Lord Chancellor and a
staunch Protestant. This appointment had been made at the insistence of Archbishop
Whately.\(^{123}\) As we shall see, however, Blackburne’s tenure on the National Board was not to be
of very long duration.

The illness and subsequent death of the Bishop of Meath also left the government with the
difficulty of filling his position on the ecclesiastical bench. There were two principal
candidates for the situation; Edward Pakenham, the Dean of St. Patrick’s, and Joseph Singer, the
Archdeacon of Raphoe. Even though both men were Conservative supporters, the choice
between them did have implications for government policy, as Pakenham was in favour of the
National Board system. As mentioned earlier Singer was one of the leaders of Evangelical
opinion in Ireland and a prominent advocate of ‘Scriptural’ education. He had also been one of
Napier’s intellectual mentors at Trinity College and a major contributor to both his and
Hamilton’s electoral success there. Not surprisingly, Napier and Hamilton pressed Singer’s
claim for the Bishopric with some zeal.\(^{124}\) His candidacy was also supported by Naas, who
believed that Singer’s appointment would ‘be taken by the Church as the first decided step in

\(^{122}\) Eglinton to Derby, 4 December 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425.

\(^{123}\) See Whately to Eglinton, 3 June 1852, Eglinton papers, GD3/5/50/4434. Blackburne’s principal
recommendation for the position seems to have been his legal expertise, he having been Irish Attorney general
during Derby’s term as Chief Secretary. In a letter to Derby on 22 June, Eglinton worried that Blackburne’s
appointment might be ‘taken as a slur on the Roman Catholics, he being gazetted in the place of Archbishop Murray.
This being so gazetted was I think a mistake &...[was] contrary to my instructions, but it may have been necessary,
in consequence of that being the only vacancy which exists at the present moment.’ Eglinton to Derby, 22 June 1852, Derby papers, 148/2. There is a draft
of this letter in the Eglinton papers, GD3/5/53/4425.

\(^{124}\) See Napier to Eglinton, 29 September 1852, Eglinton papers, GD3/5/51/4432 Also Hamilton to Naas, 12
October 1852, Mayo papers, 11,019 (20).
showing that the present government abhor the rule that debarred opponents of the National system from preferment.’ As such, it would ‘smooth the way for a settlement of the National Education question’, as Singer’s appointment would ‘disarm [any] suspicions’ which the supporters of the Church Education Society had of government policy on the question. Naas conceded that it was ‘true...[that] we [the government] appoint a no-Popery man in Singer and why should we not? After the open declaration of war upon our [Church] Establishment by the Political and Clerical Magnates of the Romish Party are we bound to conciliate [?]’ The ‘Ultra’ party to which Singer belonged, Naas claimed, numbered ‘among it every man of honesty and ability who heartily supports us.’ The appointment would, he concluded, ‘be taken as proof of Protestantism and it is by Protestantism we exist.’ The tone of these remarks belies Naas’s reputation as a moderate Conservative, but it should be remembered that his upbringing had been strongly coloured by Evangelical Protestantism. He was also highly aware of the political advantage which would accrue from Singer being chosen for Meath.

In early June, Eglinton sought Derby’s advice on the appointment. He questioned him as to ‘which party in the Church [of Ireland]’ should be placated when selecting the new bishop. The Church Education Society’s supporters had, he believed, already ‘been very much gratified...[and] their views [towards the National system] modified’ by the government’s promise to grant them an equal share of ecclesiastical patronage. Up to that point, however, this had not gone beyond ‘a verbal understanding.’ Eglinton counselled that it would greatly strengthen the government’s position to give the Church Education Society a tangible proof of their good will towards them. The only danger Eglinton saw arising from this policy was that it

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125 Naas to Eglinton, n.d [but March 1852], Draft in Mayo papers, 11,020 (1).
might lead to speculation that the government was intent on ‘abandon[ing] the National Board system altogether.’ This could be avoided, he suggested, by selecting ‘as eminent and moderate a man as we can find.’

This description was presumably intended to refer to Singer, although, given Naas’s description of him, his moderation might have been in some doubt.

Eglinton returned to the same theme on the death of the Bishop of Meath in late September 1852. He again stressed the necessity of conciliating ‘the Church Education party’ which, he asserted, ‘formed by far the most numerous and the most distinguished portion of the clergy.’

On 2 October, Derby advised Eglinton to consult Whately and John George Beresford, the Archbishop of Armagh and Primate of the Church of Ireland, on the subject. The Irish government should ensure that whatever choice it made would be such ‘as might least embarrass’ Whately.

Not surprisingly, Whately proposed that Pakenham should be the preferred candidate, although he did not ‘entirely approve’ even of him. Another alternative candidate, proposed by G.A. Hamilton, was J.T. O’Brien, the combative Bishop of Ossory. Like Singer, O’Brien was a partisan of the Church Education Society, but he was a younger man than Singer and his talents as a polemicist would have made him a more controversial choice. The suggestion here was that Singer would be transferred to Ossory, with O’Brien going to Meath. Derby favoured a similar outcome, but in his scheme it was Pakenham who would go to Meath with Singer taking Pakenham’s place at St. Patrick’s. Derby preferred this option as it had been

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126 Eglinton to Derby, 7 June 1852, Derby papers, 148/2.
127 Eglinton to Derby, 28 September 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425.
128 Derby to Eglinton, 2 October 1852, Eglinton papers, GD3/5/53/4424.
129 See Eglinton to Derby, 6 October 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425.
130 See Hamilton to Naas, 1 October 1852, Mayo papers, 11,019 (20).
customary up to then for the Bishop of Meath to be a member of the National Board.\textsuperscript{131} Singer’s opinions on the National system of education obviously debarred him from membership of the Board.

In the event, however, the Irish government determined on going ahead with Singer’s appointment. Its announcement in mid-October 1852 led to an attack by The Chronicle, an English Liberal newspaper, which condemned Singer as a ‘second rate popular preacher.’ The appointment signalled, it claimed, a ‘distinct adoption’ by the government ‘of Puritanism in its most aggressive form’ being a ‘powerful stimulant to that religious party bigotry which...[had] for ages been the bane and curse of Ireland.’\textsuperscript{132} The government’s decision to nominate Singer for the Meath bishopric was, obviously, based as much on political as it was on religious considerations. In Eglinton’s view, at least, the decision would make it easier for the government to maintain the National Education system by conciliating its critics within the Church Education Society.\textsuperscript{133} In any case, Singer’s term as Bishop of Meath was distinguished less by Evangelical zeal than by ‘a tendency towards nepotism.’ Already an old man at the time of his appointment, Singer lived the life of a ‘scholarly...recluse’ and fulfilled neither the fears of his critics nor the hopes of his supporters.\textsuperscript{134}

Both Eglinton and Hamilton had related the question of Singer’s appointment to the need for the government to decide its policy on the whole question of National Education. In early September Hamilton had impressed on Naas the necessity for government action on the subject. The settlement of the question would, he argued, ‘be considered as the test by the Protestants in

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{131}] See Derby to Eglinton, 2 October 1852, Eglinton papers, GD3/5/53/4424.
\item[\textsuperscript{132}] Quoted in the Daily Express, 16 October 1852.
\item[\textsuperscript{133}] See Eglinton to Walpole, 8 October 1852, Holland papers, 894c. There is a draft of this letter in the Eglinton papers, GD3/5/51/4429.
\end{itemize}
\end{footnotesize}
Ireland of the principles of Lord Derby's government.' Referring back to the elections, Hamilton contended that as 'open war...[had] been proclaimed and...[would] be carried to the knife by the R[oman] C[atholic] Clergy it would seem an act of fatuity not to have the cordial support of the Protestants.' Their support could, he believed, be won by even minor concessions. On principle, he was opposed to the granting of a committee of inquiry, as he thought that it would be difficult to manage and would lead to delay in the resolution of the question. Given the Conservatives minority position in the House, it would also be difficult to ensure that the proposed committee would reach conclusions acceptable to Irish Protestant opinion. Hamilton's preferred option was that the National Board would adopt a new set of supplementary rules,\textsuperscript{135} allowing the Church Education Society's schools to adhere to the National system as non-vested schools. Unlike in the other non vested schools, however, there would be no restrictions placed on the use of the Bible in these schools. The new rules would, however, prevent the use of Church of Ireland catechisms or formularies during regular school hours. They would only apply to schools which chose to obey them, while those schools which wished to retain the original rules of the Board would be free to do so.\textsuperscript{136} In essence, this was a proposal for the creation of an implicitly denominational system. It was doubtful, to say the least, that the Roman Catholic clergy would have agreed to such a radical alteration in the rules of the National Board. If such a scheme were adopted it would most likely have led, as Eglinton had earlier suggested, to demands by Roman Catholic patrons for increased control over the religious education in their schools.

\textsuperscript{134} D.Bowen, \textit{The Protestant Crusade in Ireland}, p.68.  
\textsuperscript{135} Hamilton to Naas, 1 September 1852, Mayo papers, 11,019 (19).  
\textsuperscript{136} Hamilton expanded on the specifics of this scheme in a speech in the House of Commons in June 1856. See \textit{Hansard}, 3rd S., CXLI, cl. 1624.
Writing to Derby in late September, Eglinton emphasised the importance of the government determining its educational policies before the next session began. He suggested there were three options open to the government; the first being to leave the National system intact as it stood, the second to appoint a committee of inquiry into the whole subject of National Education in Ireland, and the third to themselves 'make such changes [in the system], as might remove the opposition of our [the Church of Ireland] clergy, without breaking up the system.' Eglinton's primary concern was to prevent such an eventuality. Thus, while he 'earnestly wish[ed] that such modifications could be devised [to the National system], as would satisfy the scruples of the Evangelical clergy', he was unwilling to introduce them if their effect would be to drive away the Roman Catholics and lead to 'the destruction of the best system of secular education any country ever possessed.' If an enquiry were held, Eglinton recommended that the government should go before it unpledged to any definite scheme for amending the system, as it would 'then [not] be answerable for the failure, which would probably ensue.' Nonetheless, Eglinton believed that a committee should be appointed, as 'the Evangelical party...[would be] grievously offended' if the government were to refuse all enquiry into the system. As this party represented an important element of Conservative support in Ireland, that was an outcome which the government could not afford. Eglinton also pointed to the fact that many Conservative MPs, both in Britain and Ireland, had already pledged themselves to the holding of such an inquiry. He was sceptical about the prospect of the inquiry leading to any practical result. An advantage of the government's pursuing this line, however, was that 'some suggestion' might be made in the

137 Eglinton to Derby, 28 September 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425.
138 Eglinton to Derby, 6 October 1852, Derby papers 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425.
course of the inquiry that it might 'think it right to adopt.' Up to that point, he had not heard any
scheme for the reform of the National system which he could advise the government to accept.¹³⁹

In the course of October, Eglinton was in regular contact with John George Beresford and
Whately, both of whom sought to influence government policy on education. Between them,
these two men represented the poles of Irish Protestant opinion on the issue. Beresford
defended the Church Education Society's schools as being based on the same principle
maintained by the National Society in England,¹⁴⁰ this being that 'instruction in the Holy
Scriptures...[was] an indispensable part of the education of a Christian child.' Therefore, it was
the duty of the Church of Ireland clergy to give such instruction in their schools and they could
not, in conscience, agree to the restrictions on Bible reading enforced by the National Board.
Their objection to the system was, therefore, one of principle, not 'a political, nor an intolerant
one.' Beresford suggested that the increasing opposition to the system expressed by the Roman
Catholic hierarchy, particularly by Cullen, meant that there was 'less prospect than ever of united
education becoming general.' In these circumstances, he felt that Eglinton should give his
'powerful assistance...[to] bringing about a satisfactory settlement of this vexed question.'¹⁴¹
Beresford's preferred solution was that the rules of the National system should be so modified as
to allow the Society to join it.

Such a solution to the controversy was, however, anathema to Whately. Indeed, Whately
blamed the Protestant's gentry and clergy's refusal of 'all connection with the [National] Board'
for the low level of Bible-reading in its schools. As a result, the majority of the schools were

¹³⁹ Eglinton to Walpole, 8 October 1852, Holland papers 894c. There is a draft of this letter in the Eglinton papers,
GD3/5/51/4429a.
¹⁴⁰ For a discussion of the English system see O. Chadwick, The Victorian Church: Part I (3rd Ed. London 1971),
p. 336-46.
under Roman Catholic patrons, while the Board's opponents blamed the government 'for the consequences of their own procedure.' If the Church of Ireland clergy had connected themselves with the system, then, as patrons, they would have had the right to have the Bible read in their schools, 'only excluding from the school those whose parents object[ed] to it.' It was the case that individual patrons generally had more freedom in the conduct of religious instruction in their schools than a strict reading of the Board's rules would have suggested.

Whately was concerned at the practical consequence of any change in the rules of the National Board. Those supporters of the Church Education Society who recommended that patrons of vested and non-vested schools should be left free 'to introduce whatever religious instruction' they thought fit had not, he believed, considered the effect this would have on schools under Roman Catholic patrons. These patrons would now be left free to 'introduce & to render compulsory the R.C catechisms, & prayers in a majority of the [National Board] schools.' He also warned that if government assistance was given to exclusively Protestant schools, in which the children were compelled to receive religious instruction decided on by a Protestant patron, the government would be accused 'not without some shred of reason...[of] employing the public money in compulsory proselytism.' Such a perception would, Whately warned, be disastrous for the government's standing in Ireland.142

At a meeting with Eglinton in early October, Whately again made plain his absolute opposition to any state aid being given to the Church Education Society's schools. If such aid were given, even with 'the National schools...[being] left untouched', Whately would

141 Beresford to Eglinton, 12 October 1852, Eglinton papers, GD3/5/50/4434.
142 Whately to Eglinton, 18 October 1852, Eglinton papers, GD3/5/50/4434.
immediately retire from the Board.\textsuperscript{143} This outright opposition to any concession to the Society from the leading Church of Ireland defender of the National system indicates the difficulties which Eglinton faced in shaping education policy. Essentially, the government had to attempt to square the circle by framing a policy which would both maintain the system and satisfy the advocates of 'Scriptural education.'

The system's success in attracting Roman Catholic children also meant that that the government could not lightly tamper with it. According to figures supplied to Eglinton in July 1852, there were some 424,717 Roman Catholic children out of a total of 493,018 children on the rolls of the national schools. This contrasted with some 40,618 Presbyterian and 24,684 Church of Ireland children.\textsuperscript{144} This figure did not, of course, indicate actual attendance at the schools, which was considerably lower.\textsuperscript{145} The existence of alternative 'Scriptural' schools, had the effect of lowering the number of Church of Ireland children attending National schools and accentuating the predominance of Roman Catholic children in the system. In terms of patronage, Roman Catholic patrons controlled some 3,376 schools, compared to 708 schools under Presbyterian control and 751 under Church of Ireland patrons.\textsuperscript{146} By way of comparison, in 1849 the Church Education Society claimed to have 1,868 schools, educating 111,877

\textsuperscript{143} See Eglinton to Derby, 6 October 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425.

\textsuperscript{144} See Eglinton to Derby, 9 July 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425. These figures can be compared with the official returns for 1851, which record that there were some 490,027 children on the rolls of the National schools. This number included 390,840 Roman Catholics, 23,629 Church of Ireland children, 39,751 Presbyterians and 2,083 other Protestant dissenters. Another 33,724 children did not have their religious denomination recorded. See the Report from the Select Committee of the House of Lords into the System of National Education in Ireland, p.22-23.

\textsuperscript{145} D.H. Akenson gives a figure of 282,575 for the average daily attendance at the National schools in 1852. See D.H. Akenson, The Irish Education Experiment, p.276.

\textsuperscript{146} These figures are taken from Eglinton's letter to Derby of 21 October 1852. Derby papers, 148/3. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425. It should be noted here that the figures given in fn. 9 above referred only to non-vested schools.
children. Of these, 37,857 were Roman Catholics and 15,562 Non-Anglican Protestants.\textsuperscript{147}

These figures can be contrasted with the figures for the religious composition of the country as a whole, given in Table One below.

As D.H.Akenson has pointed out, the Society's success in siphoning off Protestant children played a large part in determining the denominational nature of the National system.\textsuperscript{148} The government's dilemma lay in determining whether the gains it would make by conciliating the Church Education Society would offset the losses incurred by interfering with a system which had grown steadily since its inception in 1831. It must also be remembered here that any attempt by the government to effect the latter option would have been likely to unite the opposition parties against it in the House of Commons.

\textbf{Table One- Religious Census 1861}\textsuperscript{149}

<table>
<thead>
<tr>
<th>Province</th>
<th>Total No. Of Inhabitants</th>
<th>Church of Ireland</th>
<th>% of Total</th>
<th>R. C % of Total</th>
<th>Presby. % of Total</th>
<th>Other % of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leinster</td>
<td>1,457,635</td>
<td>180,587</td>
<td>12.4</td>
<td>1,252,553</td>
<td>85.9</td>
<td>12,355</td>
</tr>
<tr>
<td>Munster</td>
<td>1,513,558</td>
<td>80,860</td>
<td>5.3</td>
<td>1,420,976</td>
<td>93.8</td>
<td>4,013</td>
</tr>
<tr>
<td>Ulster</td>
<td>1,914,23</td>
<td>391,315</td>
<td>20.4</td>
<td>966,613</td>
<td>50.5</td>
<td>503,835</td>
</tr>
<tr>
<td>Connaught</td>
<td>913,135</td>
<td>40,595</td>
<td>4.5</td>
<td>866,023</td>
<td>94.8</td>
<td>3,088</td>
</tr>
<tr>
<td>Ireland Total</td>
<td>5,798,967</td>
<td>693,357</td>
<td>11.3</td>
<td>4,505,265</td>
<td>77.7</td>
<td>523,291</td>
</tr>
</tbody>
</table>

Despite this ongoing debate, the government had, in fact, already approved a substantial increase in the grant to the National schools. This increase was in line with those given in

\textsuperscript{147} D.H.Akenson, \textit{The Irish Education Experiment}, p.198.
\textsuperscript{148} D.H.Akenson, \textit{The Irish Education Experiment}, p. 199.
previous years and would, in all probability, have been given by a Liberal administration.

When this was announced in the House of Commons on 3 June, W.J.Fox, the Radical MP for Oldham, asked Walpole if the grant was to be allocated in the same manner as in previous years. The insinuation behind the question was, of course, that the government was intent on granting state aid to the schools run by the Church Education Society. Replying, Walpole reiterated his belief that it was unjust that its schools did not receive any public assistance. He disclaimed any intention by the government of interfering with the National system, but argued that it 'was but reasonable...when public grants of money were made for the purpose of education...that every portion of the community should receive a share of the grant.' Under pressure from Sir James Graham, Walpole admitted that the government had no plans for any alteration of the system. He believed, nonetheless, that the provision of public money to 'Scriptural' schools was 'a matter deserving of consideration.' Speaking later in the debate, G.A.Hamilton insisted that the increase in the grant was contingent on the holding on an inquiry into whether the system was a genuinely united one. This increased subsidy for the National schools passed the House of Commons without opposition. Even opponents of the system saw the inquiry as being an essential first step to the withdrawal of the grant.

The central weakness of the case made by the critics of the National system was their inability to propose a viable alternative to it, especially one likely to pass through Parliament. Although many Conservatives were unhappy with aspects of the system as it stood, they were unwilling to sacrifice the concrete benefits it provided for the prospect of a renewed sectarian wrangle over

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149 Table taken from D.H. Akenson, The Irish Education Experiment, p. 216-17. Akenson's figures are derived from the Census of Ireland for the year 1861, Report on Religion and Education, p. 10-12.  
150 Hansard, 3rd S, CXXI, cl. 1418-22.  
151 Hansard, 3rd S, CXXI, cl. 1423.
the future of Irish primary education. Thus, while Derby could complain to Eglinton that the system, as it operated in practice, was 'a sham [one] - [theoretically] united but really a separate Education, and except in particular localities destitute of all religious teaching' the government was eventually to come to the conclusion that it should be left intact, without any modifications in favour of the Church Education society. As late as October, Derby still hoped that the government could devise a scheme to achieve that end which would be accepted by the proposed inquiry. He even suggested to Eglinton that the institution of an avowedly denominational system such as existed in England would be preferable to 'the present working of the [National] scheme.'152 The Lord Lieutenant's reports of his dealings with Whately and with Beresford and his consistent support of the National system seem, however, to have dissuaded Derby from this course. In November, Naas gave the first indication of the government's new line, in response to a question from Bernal Osborne. Naas denied that the government intended to make 'any...alteration[s]' in the system, particularly if these would 'interfere with its efficiency.' Naas coupled this defence of the National system, with a promise to carefully consider any scheme suggested to remove the Church of Ireland objections to it.153

The calculated ambiguity of this statement led Lord Clarendon to seek a clarification of the government's policy on Irish education. Derby explained that, although he and Eglinton were anxious 'to remove...the prejudices' of those opposed to the National system, they had not been 'able to see their way to the introduction of any change which would have that effect without disturbing or materially altering [it].' Derby argued that it would be 'a great evil' to introduce any modifications to the system, detrimental to it. The government had, therefore, no intention

152 Derby to Eglinton, 2 October 1852, Eglinton papers, GD3/5/53/4424.
153 Hansard, 3rd S, CXXIII, cl. 247.
of bringing forward a measure to extend state assistance to the Church Education Society's schools, particularly as this could not be done 'without incurring evils which they would greatly deplore.' This statement was the bluntest yet made by a government minister on the education question and removed, or so it seemed, any trace of ambiguity about their position on the issue. While it is clear that Derby was telling the truth here about the government's failure to arrive at a solution of the education problem that would please all parties, his speech may also have had a political motivation. Disraeli was to introduce his budget just three days later, a measure which was critical for the government's survival. Under these circumstances, it was necessary for the government to gain support from any quarter it could. Derby's promise not to introduce legislation on Irish education had at least the negative virtue of not alienating Independent party MPs from the government. It is important to note here that Derby had still not ruled out the holding of an inquiry into the system. He would consent to this, he told Lord Clancarty, if 'any considerable number of their Lordships, or Members of the other House' supported it. Clancarty was a leading member of the Church Education Society and it was significant that Derby reiterated to him that the government had no intention of itself 'bring[ing] forward any measure for the alteration of the existing system.' Thus, it would be incumbent on the critics of the system to make their own suggestions as to how they wished to see it altered and to attempt to have these accepted by a Parliamentary committee.

The government's failure to act on the education question meant, however, that it ran the risk of alienating the Evangelical wing of the party. Napier commented on this danger in a letter to

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154 *Hansard*, 3rd S, CXXIII, cl. 771.
Eglinton on 4 December. After discussing the frayed conditions of his nerves and his hopes for a judicial appointment, Napier disclosed that he was 'somewhat the more anxious to retire [from political life], in consequence of the resolution...[reached] by Lord Derby as to the education question.' A large majority of his constituents believed the issue to be one 'of vital importance.' When they saw 'the Estimates come on, [with] the National system & Maynooth provided for & nothing given to the faithful friends of Scriptural Education,' Napier feared that his position as a member of the government would become untenable. He would, he warned, 'be expected to take a course, which as a man of honour, I might find difficult to avoid.' This was an obvious signal by Napier of his willingness to make the education question a resigning issue. He sugared this, however, by stressing his unwillingness to embarrass 'those who differing from me on this, have so consistently acted towards me in a spirit which must ever be remembered with sincerest gratitude.' In the event, Napier did not have an opportunity to carry this threat into force, as the government fell within two weeks of his writing this letter.

Ironically, it was at this point, when the government seemed to have arrived at firm determination of its policy on Irish education, that a controversy which had been rumbling on in the Board since July finally erupted into a full scale crisis. The outcome of this dispute was to have a major effect on both the future of the National Board and on Irish Conservative attitudes towards it, and will be dealt with in detail in the next chapter. This controversy, however, came too late in the government's life to have a decisive impact on their policy on Irish education. Its full seriousness had not become apparent by the time the Conservative government fell, after

155 Napier to Eglinton, 4 December 1852, Eglinton papers, GD3/5/51/4432.
being defeated on a vote on Disraeli's budget, on 17 December.

The government's handling of both the education and Maynooth questions had obviously been circumscribed by its minority position. On neither issue was it free to initiate policies, without first weighing the possibility of their attracting support from the other parties in the House. This difficulty was compounded by the divisions within the Conservative party's ranks on both questions. In these circumstances, occasional playing to the gallery was, perhaps, inevitable. Thus, both the issuing of the Royal proclamation in July 1852 and the stridently anti-Maynooth tone adopted by many Conservative candidates at the 1852 general election were designed as much to draw attention away from the government's inaction in other areas as for any other reason. Even the more Evangelical members of the party, like Napier, were prepared to accept that Derby's freedom of action was limited. If Irish Conservatives insisted on his pursuing a 'sectional policy', Napier warned that it was unlikely that the government would survive very long.\textsuperscript{156} Thus, he advised that they practise 'forbearance and acquiescence', giving Derby an opportunity to strengthen the government's position. By the time of the fall of the government, however, even Napier was critical of its equivocation over both questions.\textsuperscript{157} Nevertheless, given its position in the House of Commons, it is difficult to see how the government could have successfully pursued a more definite policy on either issue. The government had also to consider the effect which a withdrawal of the Maynooth grant or alteration of the National system would have on Irish public opinion and, more specifically, on Conservative support in largely Catholic constituencies. The Education question was, however, one which the Conservatives could use to embarrass the incoming Aberdeen government. In opposition, the

\textsuperscript{156} Napier to Walpole, n.d., Holland papers, 928g.
\textsuperscript{157} See Napier to Eglinton, 9 December 1852, Eglinton papers, GD3/5/51/4432.
party could also hope to avoid having to deal with the thorny question of proposing a viable alternative to the existing system.
Chapter Four

The Conservative Party And The National Education Question

(2) 1853-60

The seeds of the controversy which eventually led to the resignations of the leading Church of Ireland members of the National Board lay in July 1852. On a routine visit to the model school at Clonmel, Archbishop Whately discovered that the three books specifically sanctioned by the Board for religious instruction were not in use. His immediate reaction was to despatch a memorandum to his fellow commissioners condemning their exclusion of the books. He also raised the issue with Eglinton, who forwarded his letter on the subject to Derby. There was 'no doubt', Eglinton advised Derby, that 'the use of the Scriptural extracts...[was] sadly neglected in nearly all the National Schools under Roman Catholic patrons.' This comment misrepresented the Archbishop's position somewhat; Whately's real concern was that the books should be used in the model schools, these being under the direct supervision of the Board. He was quite prepared to give patrons the freedom to prohibit their use, and parents the right to withdraw their children from the schools while the books were being used. From the evidence adduced by

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1 There is a detailed account of this controversy and the issues involved in D.H.Akenson, *The Irish Education Experiment*, p.240-74. The following account is heavily indebted to that work.

2 The three works, the Sacred Poetry, the *Lessons in the Truth of Christianity*, and the *Scripture Lessons* had been approved by the Board as non-denominational texts to be used during the hours of joint instruction. Patrons had discretion over whether or not the books were used, while parents also had the right to object to their use. Some confusion had arisen on this point, as it was unclear if the parents' right of veto applied only to the case of their own child or to the use of the books in a particular school. In 1849, Alexander Macdonnell, the resident education commissioner, had ruled against the admission of two of the books to the Newry model school. Two factors influenced his decision: the opposition of the local Catholic clergy and his belief that there was no binding regulation in the Board's rules which compelled the reading of the books. Although this decision was brought to the National Board's attention, Whately had not been present at the meeting when this was done. Thus, the Newry school had created a precedent, which was followed by the Clonmel school which also opened in 1849. Whately was unaware of this decision, until his visit there in 1852. See D.H.Akenson, *The Irish Education Experiment*, p.258-62.

3 Eglinton to Derby, 3 July 1852, Derby papers, 148/2.
D.H. Akenson, it appears that, in the early years of the system at least, the *Scripture Extracts* were in widespread use in the National schools under Roman Catholic patrons.\(^4\) Eglinton's view was, thus, clearly impressionistic, but was nonetheless revealing of his prejudices on the Education question.

Whately's enthusiasm for the books was not, however, disinterested. He viewed the *Scripture Extracts* as a 'great instrument' for converting Roman Catholic children to Protestantism. They contained, in his view, 'so much that...[was] inconsistent with the whole spirit of Romanism, that it...[was] difficult to suppose that a person well acquainted with them can be a thorough-going Roman Catholic.' Their diffusion was preparing 'the minds of a large portion of the Roman Catholic [population]...for the reception of Protestant doctrines.' Thus, the education supplied by the National Board was 'gradually undermining the vast fabric of the Roman Catholic Church.'\(^5\) That this opinion was unrealistic need hardly be pointed out here, but Whately's actions over the following months cannot be understood without taking this belief into consideration. The view that a good education was all that was required to open up Roman Catholic's eyes to the 'the errors of Popery' was hardly unique to Whately, this claim having been made by Eglinton himself in a letter to Derby on 21 October.\(^6\) Whately did not, of course, take this position publicly. Instead, he argued that it was imperative that the books be used in all the schools under the direct control of the Board. Otherwise, the Board would appear hypocritical.

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\(^4\) See D.H. Akenson, *The Irish Education Experiment*, p.246-47. See also the evidence given by Maurice Crosse, the Senior Secretary to the Board of Education, to the House of Lords Select Committee on National education on 28 February 1854 in the Report from the Select Committee of the House of Lords into the system of National Education in Ireland, p.8.


\(^6\) Eglinton to Derby, 21 October 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425.
in recommending their use in other National schools. He also maintained that the decision whether or not the books were used in the model schools was purely a matter for the National Board. In a clear reference to the Roman Catholic clergy, Whately cautioned that the Board 'could not allow this or that person to usurp our power and dictate to us.'

Following on from Whately's memorandum, a series of meetings were held by the Board at which the question was discussed but no definite conclusions were arrived at. The meetings did, however, reveal a serious difference of interpretation of the Board's rules among the Commissioners. As we have seen earlier, these revolved around the vexed question of the parents' right of veto over the use of the books. Whately felt that it would be inequitable if the books were removed from a school, on account of the objection of a single parent. It was the child, and not the books, which should be excluded from the school. Other commissioners, particularly the Roman Catholic commissioners like J.J.Murphy, took the opposite view, insisting that even if only one parent in a particular school objected, the books should not be used. For Whately, the issue was an important one, as the abandonment, however gradual, of these supposedly non-denominational texts would be the final blow to any pretence at united religious instruction. As the 'last [remaining] strong proponent of the mixed system' on the Board, Whately had by this time made it clear that he would consider the exclusion of the three books from the curriculum of the model schools a sufficient reason to resign.

The issue came to a head at a meeting of the Board in early December. At this meeting, a resolution stating that the commissioners did not insist on the reading of the books in any National school, including the model schools, was passed in Whately's absence. The motion

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had been proposed by Thomas Redington, a Roman Catholic and Irish under-secretary from 1846 to 1852. It passed unopposed, as Whately’s two supporters, Francis Blackburne, the Lord Chancellor, and Richard Greene, the Chief Baron, withdrew from the meeting when it became clear that there was no hope that their position on the use of the books would be adopted by the other members of the Board. Whately’s absence from this meeting was deliberate, as since July, he had refused to attend meetings at which this issue was discussed. The adoption of Redington’s resolution clearly weakened Whately’s position on the Board. He responded to it by drawing up a protest against the decision, which he forwarded to Eglinton on 10 December. The protest reiterated Whately’s objection to the exclusion of the books from the model schools. The decision as to whether or not the books should be used, he maintained, lay solely in the hands of the Board. He believed that the parents’ right to object referred only to their own children.

When sending the protest to Eglinton, Whately made it clear that he did not ‘wish it to be made public at present.’ If, however, ‘in any other model school a like system of exclusion...[was] adopted’, he would feel it his duty to resign. Eglinton expressed the Irish government’s support of Whately’s position in a letter to Derby on 13 December. In Eglinton’s view, to concede the Board’s right to exclude the books from the model schools would be to undermine ‘the whole fabric of united education.’ If all attempts at a united religious education were to be abandoned, then the government might have ‘to fall back on the Bishop of Ossory’s proposal that the state should only take cognizance [sic] of secular education and leave the

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9 See Eglinton to Derby, 9 December 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425. See also D.H.Akenson, The Irish Education Experiment, p.264.

10 Whately to Eglinton, 10 December 1852, Eglinton papers, GD3/5/50/4334.
religious teaching to the option of the patrons." O'Brien had made this suggestion both at a private meeting with Eglinton earlier in the year and publicly at the Church Education Society's conference in April. As Eglinton foresaw, Whately's resignation from the Board would be a major blow to the National system and would make it increasingly difficult for the government to present it as a genuinely non-denominational system. Another effect of Whately's resignation would be to strengthen the Roman Catholic influence on the Board.

For the moment, however, Whately remained a member of the Board. Indeed, at a meeting on 13 January 1853, Blackburne proposed and carried a motion giving the Board the power to decide the issue of the use of the books in newly opened model schools by a formal resolution. It seems likely that the tabling of this resolution had, been pre-arranged between Whately and Blackburne. By giving the Board the final power to decide on this question, the resolution gave effect to at least one of the recommendations contained in Whately's 'protest' of December.

The crisis in the Board finally reached a denouement in July 1853. Under pressure from Cardinal Cullen, the Board revised their rules so as to outlaw the reading of the books in any school where a parent or guardian objected to them. While the books could be used either before or after the hours of ordinary instruction, no child, whose parents objected, would be required to attend. The Board made it plain that they did not insist on the reading of the books in any National school. They also withdrew the Lessons on the truth of Christianity, an edited version of a book by Whately himself, from the list of books recommended by the Board. After the promulgation of the new rules, Whately, along with Blackburne and Greene, resigned from

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12 See Eglinton to Derby, 11 April 1852, Derby papers, 148/2. There is a draft of this letter in the Eglinton papers, GD3/5/53/4425.
Their resignations were not immediately made public, although both Derby and Eglinton were kept up to date with the developments within the Board by Francis Blackburne. In early August Blackburne told Derby that he, Whately and Greene had delayed their resignations until it had become apparent that the government was not willing to challenge the Board's decision on the books. With no prospect of government backing for their position, the three commissioners felt they had no choice but to resign.

The withdrawal of the three most prominent Protestant members of the Board persuaded Derby that the Conservatives should move for a committee of enquiry into the system in the ensuing session. This view was shared by Eglinton, who believed that a debate on the subject would prove 'the propriety [not only] of the resignation of the three members of the Board, but of the course pursued by us with reference to the dispute.' He suggested that they should contrast their support for Whately's position with the Liberal government's failure to intervene on his behalf. Blackburne's particular complaint was that a power which was originally intended to be restricted to the parent was now being exercised by the Catholic clergy. Essentially, this was the familiar argument that Catholic objections to the system stemmed from the priests rather than from laymen.

In a debate on the education question in July, Donoughmore argued that the exclusion of the religious books from the National schools would mean an end to any attempt at united education. In essence, it would be an admission that the 'whole foundation of the system was [to be] altered.'

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15 Blackburne to Derby, 1 August 1853, Derby papers, 122/7.
16 Eglinton to Derby, 15 August 1853, Derby papers, 148/2. Blackburne's claim that a concerted campaign was being organised by the Catholic priests to have the *Scripture Extracts* excluded from the Marlborough Street model school in Dublin was also used by Eglinton as evidence of the necessity for such a committee of inquiry. See Eglinton to Derby, 4 August 1853, Derby papers, 148/2.
If this were to happen, Donoughmore's preference was for a wholly denominational system, with 'all [of the] restrictions' on religious education removed. Echoing Blackburne's opinion, Donoughmore complained that the difficulties in the National Board were caused by 'Ultramontane opinions' having 'broken in upon the Board.' Speaking later in the debate, Derby claimed that it had been intended from the foundation of the system that 'religious instruction should to a certain extent be imparted during the hours of combined education.' Following on from this, Derby saw the Board's resolution of 8 July as representing 'a very important deviation, in a very essential particular, from the original rule[s].' If the system were 'to be so altered as altogether to exclude all religious instruction with regard to Roman Catholic children frequenting the National schools', Derby believed that 'one of the great and paramount objects contemplated by the original system would be defeated.' As both Blackburne and Donoughmore had done, Derby suggested that the real driving force behind the complaints against the books was the Roman Catholic priesthood. Up to that point, the system had been dependent 'upon the mutual and harmonious working of members of different religious persuasions' and on the belief that the Commissioners held the 'balance...impartially' between Protestants and Roman Catholics. The resignations of senior members of the Board on a point of religious principle would adversely affect this reputation.

In a speech to a Wicklow branch of the Church Education Society in late August, Napier revealed publicly that he had been 'considerably disappointed' at the 'failure' of Eglinton and Derby to arrive at 'any plan that would give satisfaction' to the supporters of the Church.

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18 *Hansard*, 3rd S, CXXIX, cl. 362-63.
19 *Hansard*, 3rd S, CXXIX, cl. 368-72.
Education Society. After Derby's declaration to this effect on 30 November, Napier had informed him that if the government 'remained in office for...[another] year, [he would] demand... freedom of speech, and take such a course as...[he and] the clergy might deem advisable in dealing with the question of education.' The fall of the government had, of course, made this threat academic. This speech could be seen as an attempt by Napier to re-establish his credentials with the Church Education Society after the Conservative government's failure to deal with the issue. The resignations from the National Board had, Napier went on, made an inquiry inevitable. At another Church Education Society meeting held the following month in Liverpool, Napier insisted that 'English Protestants, having removed civil disabilities from Roman Catholics, and taken away restrictions on the action of their church' had a 'duty' to support Irish Protestants in 'the great conflict' between the two churches. 'Reason, Scripture, and prayer' were, he asserted 'the great weapons of Protestantism; but they must be freely and energetically wielded, or victory cannot be expected.' Napier laid particular stress on the position of the Church of Ireland as a constituent part of the 'United Church of England and Ireland', and the responsibility which lay with English churchmen to support their Irish counterparts.

Eglinton's motion for an inquiry into the 'working' of the Irish Education system was eventually introduced in the House of Lords on 17 February 1854. He contended that the resignations from the Board had rendered an inquiry 'absolutely indispensable.' Unlike some Irish Conservative peers, he did not castigate the National Board. Indeed he insisted that he was

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30 Daily Express, 18 August 1853.
31 Daily Express, 1 September 1853.
not 'hostile' to the system, and that his 'qualified support' for it had 'disappointed many of those with whom he was politically allied, and whose high character, piety and patriotism...render[ed] him most anxious to please them if possible.' The substance of Eglinton's case was that the resolution adopted by the Board in July 1852 had so materially altered the system that an inquiry was essential. Other speakers in the debate, particularly Clancarty and Donoughmore, were more outspoken in their criticisms of the system. Indeed, Donoughmore argued that if the inquiry was restricted solely to establishing the reasons behind the withdrawal of Whately and the other commissioners from the Board, it would be 'perfectly useless.' His opinion was that the system required an 'an immediate and thorough amendment', and that the inquiry should be directed towards that end. Clancarty complained that such was 'the miserable state of spiritual bondage of the Roman Catholic population' that their opposition to the books was dictated solely by their clergy. At the close of the debate, Eglinton's motion was approved by the government, who probably counted on it serving as a safety-valve for opponents of the system.

The committee, as appointed, included eight Conservative and six Liberal peers, and two Church of Ireland bishops, both of whom were supporters of the Church Education Society. One of the bishops appointed was John Thomas O'Brien, the Bishop of Ossory, who, as we have seen, was the leading proponent of a denominational system of education for Ireland. The Irish Conservative peers included Clancarty and Donoughmore, leading members of the Church Education Society. As the prime movers behind the inquiry, Derby and Eglinton were also appointed to the committee. Neither of these men were likely to agree to any radical changes in

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22 *Hansard*, 3rd S, CXXIX, cl. 784-85.
24 In the same speech Clancarty made reference to the fact that there were 666 vested schools, 'exactly the number of the beast.' *Hansard*, 3rd S, CXXIX, cl. 800.
the National system. The other Conservative members of the committee were Lord Salisbury, Lord Harrowby, Lord Desart and Lord Carnarvon. If all of the Conservative peers voted in a bloc, it was clear that they could command a majority on the committee. However, this presumed the members of the party achieving a degree of unity on the education question, which they had failed to do while in office.

The committee sat between March and July 1853 and interviewed a cross section of witnesses, including Blackburne and Whately, on the workings of the National system. This evidence, when published, covered some 1,346 pages. What was more significant, however, was the fact that, after compiling this evidence, the committee members were unable to agree on any concrete propositions for the reform of the system. The decision to take this course of action was reached at a meeting on 18 July. At this meeting, Lord Granville, the leading Whig member of the committee, proposed a resolution approving the system as it then existed. Derby then proposed an amendment, previously agreed on by Eglinton and himself to this resolution, to the effect that the National Board should give 'aid...in the shape of books & salaries to non-vested schools.' This aid would be given on condition that the schools submitted to the rules of the Board, in so far as secular education is concerned. The religious instruction in such schools would be left solely to the discretion of the individual patrons. Under these proposals, the Church Education Society's schools would join the system, as a new type of non-vested schools. This scheme differed from the proposal put forward earlier by the Bishop of Ossory in that it would apply only to a limited number of schools, leaving the rest of the National system still under the existing rules. While Granville was prepared to accept the granting of books and

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25 See the Dublin Evening Mail, 19 July 1854. Also Eglinton to Derby, n.d, Derby papers, 148/2 and Select Committee on National Education (Ireland): Suggestions drawn from the Evidence before that Committee for that
salaries to such schools, he balked at the suggestion that the teachers in them should receive salaries from the state. Under his scheme, those teachers would instead receive allowances weighted by the proficiency of their pupils in the books recommended by the Board. The virtue of proficiency allowances, in Granville's view, was that they would involve considerably less state expenditure than would the awarding of salaries. Indeed, unless the school reached a standard prescribed by the Board, it would not receive any aid at all. A clear distinction would, thus, be maintained between such schools and those which remained within the National system. He was, however, prepared to accept Derby's others proposals, provided the Church Education Society accepted them as a final settlement of the question.

It is not clear how much detail Derby went into in outlining his proposals; the scheme devised by Eglinton and himself included a number of other features designed to increase the government's control over the Board. These included the suggestion that it should be reduced to just three paid Commissioners, all of them laymen. Their duties were to be 'purely administrative' and they were to be directly responsible to the Lord Lieutenant. They also recommended that the rules of the Board should be revised, in order to clarify them, and that they should be strictly enforced in the vested schools. The introduction of any new book into the system would first have to be sanctioned by the Lord Lieutenant, as would the withdrawal of any of the books then in use. These last proposals were clearly designed to prevent the recurrence of the circumstances that had led to the resignations from the Board in the previous year. The substantive element of Derby's proposals, however, lay in the suggestions as to the non-vested schools. According to the Daily Express, it was 'generally supposed' that these would be

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*part of the Report which is to treat of a Settlement of the Education Question* (London 1854), p.5. This was circulated confidentially and published separately from the official report of the committee.
accepted. However, a counter proposal put forward by Lord Monteagle, that the committee should simply publish the evidence it had collected without any further comment, was carried by nine votes to seven. Two of the Conservative members of the committee, Harrowby and Carnarvon, voted in the majority. Derby's proposal was supported by the remaining Conservatives on the committee, including Donoughmore, Clancarty and the Bishop of Ossory.27

In a memorandum written around this time, Carnarvon explained his decision to vote for a simple publication of the evidence collected by the committee rather than for Derby's proposal. He believed that any scheme carried by 'a bare majority' in the committee would 'carry no real weight in the country', and would not be approved by the House of Commons. The extent of the differences of opinion existing on the question convinced him that it could only be resolved by a 'circulation & even an agitation of the evidence' which they had collected. Carnarvon disliked many aspects of the National system and was convinced that no solution to the education controversy could 'be really valuable that...[did] not meet the claims of the Established Church to a certain extent.' Nonetheless, the success of the system meant that any plan that was 'devised to meet the present difficulty' had to be made 'with reference' to it. The publication of the committee's proceedings would, he concluded, serve as a stimulus to a solution of the Education controversy.28 This view was not shared by Irish Protestant opinion; the Daily Express describing the decision by the committee not to recommend any plan for the amendment of the National system as 'lame and impotent.'29

On 20 July, Eglinton made a statement in the House of Lords distancing himself from the

26 See Eglinton to Derby, n.d, Derby papers, 148/2.
27 Dublin Evening Mail, 19 July 1854.
28 'Memorandum on Irish Education', 7 March 1854. The memorandum is followed by a postscript that appears to have been written at a later date. Carnarvon papers, British Library, Add. Ms. 60280
conclusion reached by the committee. He complained of the 'absurdity, if not... total dereliction of duty' involved in the members of the committee, 'most of them men of considerable Parliamentary experience, and even official knowledge, having sat for forty-one days upon this subject, having examined some of the most intelligent witnesses who could be produced in Ireland, and having obtained evidence which he believed would fill larger blue books than had ever yet been laid upon their Lordship's table' not having reached 'any decision on a subject so important.' 30 Clancarty also expressed his dis-satisfaction with the outcome of the committee. 31 Yet the results of the committee, desultory as they might appear, were not necessarily completely negative for the supporters of the Church Education Society. A number of issues had been clarified. It was, for instance, now evident that neither Derby nor Eglinton would support a purely denominational educational system for Ireland. Although Granville voted against Derby's proposal, his suggestions were eventually to be adopted by many Conservatives as an alternative to the existing system. 32

Nevertheless, as the government had no doubt wished, one of the results of the committee was to remove the education question from the parliamentary arena for a brief period. An attempt by Walpole to raise the question in the following session failed through lack of parliamentary time. The resolution which Walpole had intended to introduce was the same as that previously introduced by G.A. Hamilton. It called for a modification of the rules applied to the non-vested schools in order to allow the Church Education Society to subscribe to them. 33 Walpole

29 Daily Express, 18 July 1854.
30 Hansard, 3rd S, CXXXV, cl. 439.
31 Hansard, 3rd S, CXXXV, cl. 442-43.
32 See Walpole's speech in the House of Commons on 23 June 1856 Hansard, 3rd S, CXLI, cl. 1837-38. Also Eglinton to Derby, 31 October 1858, Eglinton papers, GD3/5/56.
33 See the Daily Express for the 5 and 7 June 1855.
reinforced his position as the leading English advocate of state assistance for the Church Education Society by reintroducing the same motion in June 1856. The day before the debate, Napier wrote to Gladstone, appealing to him to give 'a fair and impartial consideration' to Walpole's proposal. He suggested that supporting the motion would improve Gladstone's standing with Irish Protestants, disillusioned by his stance on the Ecclesiastical Titles bill and by his supposed Anglo-Catholic leanings. Such a step would also make a rapprochement between Gladstone and the Conservative party easier, a move then still seen as a possible one. Gladstone's reply was, however, non-committal and he did not vote in the division on Walpole's motion.

Introducing the motion, Walpole insisted that the safeguards surrounding it ensured that it would not result in a break-up of the system. In the first place, no 'child would be 'required to learn any formulary or creed' to which his parents objected. Secondly, as a condition of receiving state aid, patrons would be required to place their schools under the supervision of the Board and submit to its inspectors. In return for this concession, control over the religious instruction in the schools would be the sole responsibility of the patron. The motion was supported by Lord Derby, on the understanding that aid would only be given to schools which reached a certain standard of education. It is important to note here that Walpole's resolution referred only to non-vested schools, or more accurately, to the new type of non-vested school created by his proposals. G.A.Hamilton laid a slightly different construction on the resolution. He envisaged that if the motion were passed, a voluntary system, supplemented by state aid, would eventually supersede the system as it then existed. As in England, this would be an

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35 Gladstone to Napier, 17 June 1856, Copy in Gladstone papers, Add. Ms. 44,355, fs. 66.
explicitly denominational system, with both Catholic and Protestant schools being the recipients of state subsidies. This would, in Hamilton's view, be more 'suited to the habits and feelings of the [Irish] people' than the National system. This aspiration conflicted with his assertion that the intention of Walpole's motion was to 'enlarge the limits' of the system rather than to overturn it.\textsuperscript{37}

In the event, through what was essentially a piece of parliamentary sharp practise, Walpole's motion was passed by 113 votes to 110. The vote was taken late at night, at a time when many Liberal MPs had left the house to attend a Royal ball at Buckingham palace. One Irish Liberal MP, Chichester Fortescue, had gone to the ball, believing that the debate on Walpole's motion was about to be adjourned. He also believed that he had been paired for the debate with Charles Newdegate and was 'disgusted to find' that Newdegate had voted in the division. Newdegate defended his actions, by claiming that he believed he had only been 'paired' until twelve o'clock on the night of the debate.\textsuperscript{38} Irish Conservative MPs were well represented in the division, as were a number of Conservative MPs with Irish antecedents who sat for English constituencies such as Evelyn Shirley, the MP for South Warwickshire and Augustus Stafford, the MP for Northamptonshire North. Although the vote represented a severe embarrassment for the government, it was obvious, given the narrowness of the Conservative victory, that Walpole's motion would have had little chance of success in a fuller house. Thus, while the result of the division may have temporarily boosted the morale of the Church Education Society and its supporters on the Conservative benches, it had not effected any real improvement in the Society's

\textsuperscript{36} Hansard, 3rd S, CXLII, cl. 1592-96.
\textsuperscript{37} Hansard, 3rd S, CXLII, cl. 1630.
\textsuperscript{38} O.W. Hewett (ed), '...and Mr. Fortescue; A Selection from the Diaries from 1851 to 1862 of Chichester Fortescue, Lord Carlingford, K.P (London 1958) p.93-94.
position.

The government attempted to limit the damage caused by the unexpected success of Walpole's motion by introducing a resolution, moved by Chichester Fortescue, designed to reverse its effects. This resolution had two central provisions; first, that compulsory religious instruction should not be given in any school under the National Board, and, secondly, that no attempt should be made, within the system, to influence or disturb 'the peculiar religious tenets of any sect or denomination.' The first part of the resolution was designed to prevent the Church Education Society's schools receiving state aid, unless, of course, they were willing to alter their fundamental rules. Nevertheless, the resolution was sufficiently vague for Walpole to claim that it contained no principle at variance with his original motion. Consequently, he would support it. If the government had 'at heart the interests of all classes and denominations of Christians' in Ireland, they should be able 'to frame rules and regulations which...[would] enable' the Church Education Society's schools to join the National system 'in such a manner as to respect parental authority and...violate no dictate of religious liberty.' As a reasonable solution to the controversy, Walpole recommended Granville's scheme for the granting of books and requisites to schools outside the system, in which the students had reached a specified level of proficiency.

A slightly different proposal was made by Hugh Cairns, the MP for Belfast, who suggested that the state might aid Church Education Society schools in areas where Protestants were in a majority, provided that children of other religions 'were not compelled from want of other schools to resort to them, but had the free choice of religious as well as secular education.'

39 Hansard, 3rd S, CXLIII, cl. 1853.
40 Hansard, 3rd S, CXLIII, cl. 1837.
Belfast had, of course, a substantial Presbyterian population. As that Church had adhered to the National system, it was understandable that Cairns should have emphasised that he was not opposed to the National system and had no 'desire to see it subverted.' A more uncompromising line was taken by Napier who condemned the idea of united education as being 'founded on a fallacy.' It was not possible to have a mixed education when there were 'fundamental' differences of principle between the Churches. He argued that religious education could only be based either 'on the principle...of religious truth or religious liberty.' The National system was, however, 'afraid of religious liberty and ashamed of religious truth.' Being based 'upon neither principle, it violated both.' The free use of the Bible in their schools was a point of 'sacred principle' for the Church of Ireland clergy. Despite the unyielding nature of this speech, however, Napier did not dissent from Walpole's declared intention to support the resolution proposed by Fortescue.  

At this stage of the debate, it appeared likely to be heading towards, in Fortescue's words, a 'lame' conclusion. The main Conservative speakers in the debate had declared their intention of voting for the resolution. Indeed, Disraeli had expressed his desire 'to support in its fundamental principles the system of National Education as it at present exists in Ireland.' Although he had qualified this by insisting that it would remain 'perfectly open' to him in future 'to support any modification in the system consistent with these principles', this was followed by a declaration of his support for the terms of Fortescue's motion. At this point, however, an amendment to the resolution was moved by Edward Grogan, the uncompromisingly Protestant MP for Dublin City and seconded by Isaac Butt, the MP for Youghal. This amendment was to

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42 *Hansard*, 3rd S, CXLIII, cl. 1870-72.
the effect that no school should be disqualified from receiving state aid because 'it require[d] a portion of [the] Scripture to be read every day by every child as a part of the general instruction of the school.'\textsuperscript{44} Despite Butt's assertion that the granting of state aid to such schools would not effect the basic principles of the National system, the amendment was heavily defeated.\textsuperscript{45} Of the leading English Conservative MPs, Disraeli, Lord Stanley and Sir John Pakington voted in the majority against it. A number of Irish Conservative MPs also opposed it; these included Sir Robert Gore Booth, the MP for Sligo County, Hugh Lyons Montgomery, the MP for Leitrim, and Lord Claud Hamilton, the MP for Tyrone. On the other hand, almost all the senior Irish Conservative MPs present, including Naas, Napier and G.A.Hamilton supported the amendment.

Nevertheless, it was clear that even those who supported the amendment had misgivings about the wisdom of moving it. Given the composition of the House of Commons, the motion was always likely to be defeated. Its terms raised the spectre of compulsory religious instruction, a spectre which threatened the withdrawal of the Catholic members of the National Board and the break-up of the system. The irritation felt by senior Irish Conservatives at the action taken by Grogan was shown in a remark made by Naas to Fortescue, a few days after the debate, that the Conservatives had had 'the game in their hands, till Grogan spoiled it.'\textsuperscript{46} The Irish Conservative press was also severely critical of the moving of the amendment which they saw as having being mis-timed and as having damaged the Conservatives' case against the government.\textsuperscript{47}

The amendment, as moved, did not have the sanction of the Conservative leaders in the House.

\textsuperscript{43} *Hansard*, 3rd S, CXLIII, cl. 1885.
\textsuperscript{44} *Hansard*, 3rd S, CXLIII, cl. 1880-81.
\textsuperscript{45} *Hansard*, 3rd S, CXLIII, cl. 1886.
\textsuperscript{46} O.W.Hewett (ed), *"...and Mr. Fortescue* (London 1958), p.96.
of Commons. The issue had been discussed at a meeting of Conservative MPs the day before the debate. At this meeting Grogan, Butt and John George, the MP for Wexford, were insistent that an amendment should be moved to Fortescue's resolution. This, however, was opposed by a number of other speakers, including Walpole, who warned that 'what the government wanted was to force or entrap the Conservatives into a division, without daring on their part to propose, in explicit words, a resolution of reversal.' Eventually, the meeting agreed that Walpole should simply state his opinion on the government's resolution. The meeting also agreed on an amendment to be moved if the circumstances of the debate required it. Walpole, who opposed this suggestion, refused to take charge of it and it was committed to Napier. He was left free to exercise his discretion as to whether the amendment should be moved or not. After hearing Walpole's speech, Napier believed that it had been 'so clear, so persuasive, and [had] so evidently placed the government in the wrong' that there was no necessity for such a step. He did, however, consult with Disraeli and Walpole, and with two prominent members of the Church Education Society who were present in the House of Commons, all of whom agreed with his decision not to move the amendment. The key factor in this decision seems to have been their desire to avoid an adverse vote. Surprisingly, Grogan and Butt's amendment was introduced without consultation with either Napier or Walpole. Their amendment was not the same as that entrusted to Napier, but was described by the Daily Express as being 'similar' to it. 48 It seems likely that an amendment drafted by Napier would have been more diplomatically drafted. Indeed, Fortescue claimed that the moving of Grogan's amendment had come as a 'great relief' to him. If the Conservatives had followed the course determined on by Walpole and Napier, he

47 See the Daily Express, 25 June and 3 July 1856.
48 The Daily Express, 3 July 1856. It is likely that this account was inspired by Napier.
feared that the debate would have ended inconclusively. The defeat of Grogan's amendment by a considerable majority had, he believed rescued the government from a position of some embarrassment. 49

As time passed, it was, becoming clear that the Church Education Society was steadily drifting towards financial crisis. After a period of sustained growth, there was a decline in both the number of the Society's schools and in the number of its pupils between 1851 and 1855. The root of the problem lay in the fact that a voluntary society could not compete with the kind of resources which the state was able to provide for the National system. Thus, the Society's increasing willingness to make compromises in order to receive state aid was based on a realistic appraisal of its prospects. While the Church Education Society was in decline, the National school system continued to expand. By 1859 there were some 5,496 National schools, with 803,610 children on their rolls. With the growth of the system, the parliamentary grant was also regularly increased, rising from £164,577 in 1852 to £223,530 in 1857. 50

It may be worthwhile here to look at the way in which the parameters of the education question had changed since the formation of the Church Education Society in 1839. At that time the central plank of the Society's opposition to the National system had been that it was not under the control of the Church of Ireland. The leaders of the Society believed that the Established Church was entitled to exercise control over any system of education funded by the state. The essence of this case was that all children educated in the National system should be instructed in the scriptures. Although a few Evangelical spokesmen, like the Earl of Roden, still adopted this

49 O.W.Hewett (ed), '...and Mr. Fortescue' (London 1958), p.96.
50 These figures are taken from D.H.Akenson, The Irish Education Experiment, p.276.
position, by the early 1850s the bulk even of Evangelical opinion no longer saw this as a realistic possibility. The growth of the National system over the previous two decades had ensured that there was little likelihood that any government would disturb it by insisting on these terms. In these circumstances, it became necessary for the supporters of the Church Education Society to devise an alternative scheme whereby their schools could receive state funding. One solution proposed, notably in Hamilton's resolutions in the House of Commons, was an alteration in the National Board's regulations to allow these schools come under its umbrella. The alternative to this scheme, favoured by the Evangelical clergy, was that proposed by O'Brien in which the state concerned itself solely with secular education, leaving religious education solely to the discretion of the patrons. Its attractiveness to Evangelical opinion lay in the fact that it would remove all restrictions on religious instruction. It was this second option which Derby had denounced in a debate on the National Education system early in 1853. Given the Roman Catholic majority in Ireland, Derby believed that the institution of an openly denominational education system would principally benefit that Church. The effect of such a scheme, he feared, would be to throw 'the education of the large bulk of the Roman Catholic population...into the hands of the most violent and bigoted of the Roman Catholic clergy.' Ultimately, this would result in 'a most complete spiritual despotism.' Thus, he went on, 'in endeavouring to avoid a partial evil', there would be 'inflicted on Ireland a great calamity, by the sacrifice of...[the National] system which...was working for the good of the people.'

Derby also argued that the original decision by the Church of Ireland clergy to remain aloof from the National system had been a 'lamentable error.' By doing so, they had ensured that the

51 Hansard, 3rd S, CXXIV, cl. 1215-17.
system would fall under Roman Catholic control.

The perceived success of the system had, however, rendered it difficult for a British government to interfere with it. There was little temptation for a British cabinet to risk the break up of a rapidly expanding system in order to placate a voluntary society, which was having increasing difficulty in maintaining its schools. There maintained, however, a considerable body of opinion within the Society which was hostile to any compromise with the National system. They would not accept any settlement that would fall short of the Society’s central tenet of the free use of the Scriptures during regular instruction.

Despite this, there was a feeling among some senior members of the Conservative party, including Eglinton and Walpole, that Derby’s proposals to the House of Lords select committee had bound the party to attempt to reach a settlement of the question. The Ultra-Protestant wing of the party, whose mouthpiece was the Morning Herald, continued to be critical of the leadership’s tergiversation on the question throughout this period. Immediately after the debate on Fortescue’s motion, the paper condemned the leaders of the party for having failed to settle ‘the [education] question when in office.’ As they did not, the issue ‘remained a thorn in their side, and a source of weakness and disunion’ within the party. It was severely critical of Walpole’s support for Fortescue’s resolution which it described as ‘dishonest.’ The effect of supporting the resolution was, it asserted, to pledge the party to an ‘unconditional support of the National system as at present administered.’ According to the Herald, the proper course to have pursued was, to have moved an amendment to the government’s resolution plainly stating the Conservative party’s support for the principles of the Church Education Society.  52

52 Morning Herald leader, Quoted in the Daily Express, 25 June 1856.
Irish Conservatives were naturally sensitive to the claim that having avoided the issue while in government, the party was now employing the education question simply to score Parliamentary points. Napier and Hamilton were, of course, particularly vulnerable to this kind of attack, both having significantly advanced their careers through their closeness to the Evangelical clergy. These accusations were given added point through the admission by Derby and Eglinton that, while in government, they had not been 'able to see their way to any satisfactory alteration' to the National system. Irish Conservatives countered such attacks by claiming that in reversing the effect of Walpole's resolution, the government had passed up 'a graceful opportunity' to settle the question.

At the general election of April 1857, Napier, Whiteside and G.A. Hamilton, the three most prominent Irish Conservative supporters of the Church Education Society, reiterated their support for its aims. In his election address, Napier declared that he would continue to 'uphold the great principle of a free and unrestricted use of the Bible.' On this occasion, however, Napier's seat was contested. His Liberal opponent, James Fleetwood Wilson, used Napier's conduct on the education question as a weapon with which to attack him. According to Charles Blackwood, Wilson's seconder at the nomination of candidates, Napier's behaviour on that question and on the issue of Maynooth had caused 'great dissatisfaction' to many of the Trinity College electors. Despite his earlier pledges, Wilson argued, Napier had not used his influence, when in government, to forward a settlement of the education controversy. More worrying for Napier was the fact that his opponent was supported by the Rev. Daniel Foley, a prominent Evangelical

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53 See Derby to Wilson 3 February 1853, Quoted in the Daily Express, 1 April 1857.
54 See Whiteside's speech at the nomination of the candidates for Trinity College in March 1857, Quoted in the Daily Express, 31 March 1857.
55 Daily Express, 24 March 1857.
clergyman and a zealous supporter of the Church Education Society. Foley conceded, however, that it was Derby, not Napier, 'who [had] sold the revered cause of truth and education.' Foley praised Palmerston's English ecclesiastical appointments, which under the influence of his son-in-law, Lord Shaftesbury, were generally of an Evangelical character. He considered Derby's religious views suspect, a claim then current among a section of Irish Protestant opinion. The Irish Protestant clergy had, he asserted, 'struggled hard to get Lord Derby into power, and when he did get in he turned round and betrayed them.'

Napier responded to these criticisms by arguing that, as a result of Walpole's motion, the Conservative party had pledged itself to giving some financial assistance to the Church Education Society. His critics, outside the House of Commons, did not, know the difficulties which he and Hamilton had encountered in advancing the Society's case. The pledges he had made in 1848, especially in relation to Maynooth, had been made at time when he was 'earnest and enthusiastic, but without experience of Parliamentary life.' Napier's admission of the difficulties which Irish Conservatives faced in having their priorities reflected in the policies adopted by the party leadership at Westminster injected a dose of realism not overly common in these campaigns. As it transpired, however, Napier and Hamilton were returned comfortably, although the campaign itself was frequently acrimonious. At the annual meeting of the Church Education Society held shortly after his election, G.A.Hamilton launched a spirited vindication of the Conservatives' stance on the education question from 1852 onwards. The 'Protestants of Ireland' should, he believed, 'remember that...[Walpole had] voluntarily' undertaken to bring the question before Parliament and had 'the full assent and concurrence of Lord Derby himself' in

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56Daily Express, 31 March 1857.
doing so. As a result, the party had now committed itself to achieving a settlement of the question.

The return of Derby to office in February 1858, was, as in 1852, a result of divisions within the Whig leadership rather than of Conservative strength. Indeed, in parliamentary terms, the new government was in a weaker position than the previous Conservative government had been. If the opposition were to unite against it, it was certain to be defeated. The only major change in the Irish appointments from 1852 was that Napier was promoted to Lord Chancellor, with Whiteside being appointed as attorney general. G.A. Hamilton resumed the position of financial secretary to the Treasury, although he was to leave that office and accept a non-political appointment at the Treasury in January 1859. Walpole, who had by this time closely identified with the interests of the Church Education Society, returned to the Home Office. On the other hand, there were some members of the cabinet, particularly Lord Stanley, the Colonial Secretary and Sir John Pakington, the First Lord of the Admiralty, who were hostile to any interference with the National system. The presence of acknowledged partisans of the Church Education Society in senior positions within the Irish government was, nevertheless, a substantial boost for the organisation. Shortly after his appointment, Clancarty wrote to Napier, urging that there should be no delay in removing 'the obstacles that at present exist to a sound education for the poor of Ireland.' An inquiry into the system had already been held and the 'opinion of the statesmen now in power...[had] been pronounced that a change...[was] necessary.' If no modification were made to the system, Clancarty warned that Irish Protestants would lose faith in the new government. He urged Napier to use his influence 'to procure the earliest attention to
this very important subject. At the annual meeting of the Church Education Society held a few weeks afterwards, Clancarty again expressed his optimism that the new government would settle the education controversy in an acceptable fashion.

This optimism was further increased by statements made in Parliament in mid-March 1858 by Disraeli and Derby. Disraeli's comments were, not uncharacteristically, more equivocal than those made by Derby. Speaking in response to a question from Ralph Bernal Osborne, Disraeli remarked that the government intended to 'maintain...[the National system] inviolate.' However, if a means could be found whereby the Church Education Society's schools could receive state aid, 'without in the least impugning the principles' of the system, the government would 'not preclude' themselves from introducing it. Derby went further than this, by arguing that the state might consider furnishing 'encouragement' to such schools, 'even though to a certain extent that support...[might] be in violation' of the principles under which the National system was run. 'Encouragement' was a key word here, as it implied that such schools would not receive the same amount of state aid as did bona-fide National schools. Although the government had not yet come to any determination on the subject, it would not do anything to 'imperil' the existing system. Any modifications in the distribution of the state grant for education would first have to be discussed and approved by Parliament.

Soon after his appointment as Lord Lieutenant, Eglinton began the delicate task of gauging opinion within the different camps of the Church of Ireland on the possibility of a compromise with the National system. By this time he had firmly committed himself against the idea of

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58 The Warder, 10 April 1858.
59 Hansard, 3rd S, CXLIX, cl. 200.
separate grants for education. These would, he told Naas on 20 March, 'upset' the National system and 'bring...[the government] into difficulties with the R[oman] Catholics.' He was intent on making a final effort 'to reconcile the Church Education people to the system.' This was to prove a more difficult task than Eglinton had anticipated. A meeting with the Bishop of Ossory on 24 March proved a reminder of the obstacles involved in reaching a settlement. Eglinton told him that the government considered itself 'bound in good faith' to attempt to introduce a settlement based on the resolutions Derby had proposed to the House of Lords committee. It was essential, however, that such an arrangement should have some prospect of success in Parliament. The circumstances of the government's accession to office meant that this was an impossibility 'during the present session.' It would only result 'in a decided defeat.' Given these circumstances, he urged the Church Education Society to exercise 'forbearance towards us [the government] in the mean time.' Eglinton stressed the problems which he felt the government would have in 'inducing Parliament' to agree even to Derby's proposals. He asked O'Brien, in the light of this, whether it was possible that 'such modifications might be made which would make it possible for him to join the National system.' O'Brien's reply was a categorical negative. He could not foresee 'any circumstances' in which it would be possible for him and his supporters to do so. Eglinton concluded after this meeting that the only way forward for the government was to introduce a measure, in the next session of Parliament, giving effect to Derby's recommendations to the select committee. This meeting seems to have left Eglinton with a lingering dislike for the Bishop of Ossory, whom he described as an 'overbearing

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60 *Hansard*, 3rd S, CXLIX, cl. 403-4.
61 Eglinton to Naas, 20 March 1859, Mayo papers, 11,031 (18).
62 Eglinton to Derby, 24 March 1858, Derby papers, 148/3. There is a draft of this letter in the Eglinton papers, GD3/5/56.
bigot. Meanwhile a series of meetings with the Archbishop of Dublin, who was anxious that the rules of the Board should be returned to their pre-1853 state, convinced Eglinton of his impracticability. Nothing would satisfy Whately, Eglinton complained to Derby, but 'cramming his Scripture Extracts down the throats of everybody, whether they will have them or not."

In 1858, by contrast with 1852, there was a widespread consensus, even among supporters of the Church Education Society, that a large number of its schools were inferior, in terms of secular education, to the schools in the National system. Indeed William Dwyer Ferguson, a supporter of the Society and close associate of Napier's, described their schools in the North of Ireland as being 'in general in a state of collapse.' A similar view was taken by Eglinton who complained that, as a result of their failure to join the National system, 'Protestant schools...[were] starved of funds.' This, in turn, added a sense of urgency to the attempts being made by the more moderate members of the Society to achieve an accommodation with the government.

On 5 July, it was decided at a meeting between Eglinton, Napier, Blackburne and Greene that the 'only course' for the government to pursue was that earlier determined on by the Lord Lieutenant. They had considered three courses which the government might follow; the first being to leave the system intact; the second to restore the system to its pre-1853 state, and the third being Derby's proposal that a limited form of state aid should be given to the Church Education Society's schools, while the remainder of the system would continue under the

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63 Eglinton to Derby, 14 April 1858, Derby papers, 148/3.
64 Eglinton to Derby, 26 June 1858, Derby papers, 148/3.
65 Ferguson to Donoughmore, 10 February 1858, Donoughmore papers, H/18/1/572. See also Earl of Clancarty, Ireland: Her Present Condition and What it Might Be, p. 19.
66 Eglinton to Derby, 19 June 1858, Derby papers, 148/3. There is a draft of this letter in the Eglinton papers, GD3/5/56.
existing rules. If the first option were taken, Eglinton believed, it would 'leave the great body of the Protestants of Ireland without funds for decent education.' Meanwhile, convent schools which were even 'more exclusive and denominational' than the 'Scriptural' schools would remain within the National system. The second course would 'inevitably drive away every Roman Catholic out of the Board', while not achieving 'the slightest good ...[for] the Church Education people', who would not give up on 'the compulsory reading of the Scriptures.' The third course offered an opportunity to 'satisfy the Protestant clergy' and improve the standard of education for Protestant children in Ireland. Eglinton accepted that by taking this option, the government might find it necessary to grant aid to 'exclusively Catholic schools.' However, he maintained that the restricted nature of this assistance would mean that few such schools would 'abandon the National system for the privilege of receiving...humbler assistance under the new system.' The government's scheme was, therefore, primarily designed to benefit the Church Education Society's schools. Nevertheless, it would be open to Catholic patrons to avail themselves of this scheme, if they were prepared to suffer a drop in income in return for freedom from National Board regulation.

The negotiations for a solution of the education dispute took on an added impetus in the latter half of 1858. In September, Eglinton proposed that the government should, early in the next session, 'carry by a simple resolution of the House' the proposition that training for teachers and school requisites should be given to schools then outside the system willing to submit to inspection by the National Board. They should also announce their intentions of including proficiency allowances for those schools as an item in the financial estimates to be introduced

67 Eglinton to Derby, 6 July 1858, Derby papers, 148/3. There is a draft of this letter in the Eglinton papers, GD3/5/56.
later in the year. A defeat on the estimates, would, Eglinton suggested, expose the government to 'less risk' than if it was 'a regular government measure' which was defeated.68

Walpole's visit to Ireland in early October gave him an opportunity to discuss the education and other Irish questions with leading members of the local government. While in Ireland, Walpole also met with several prominent clergymen, spending a number of days in Armagh with John George Beresford.69 Walpole was readily converted to the scheme proposed by Eglinton and given a strong recommendation in a memorandum prepared for him by Napier, who was out of Ireland for the duration of his visit.70 His attempts to negotiate an acceptance of these terms by the National Board were compromised by a misunderstanding that arose between him and Alexander Macdonnell, its Resident Commissioner and a member of the Church of Ireland. During a conversation with Macdonnell, Walpole believed he had won his approval for all the elements of the government's plan, including the granting of proficiency allowances. In this view he was mistaken, Macdonnell having expressed his willingness to accept such allowances only for schools within the National system. He was ready to accept the other planks of the government's plan, on the basis that the Church Education Society would accept this as a final settlement.71 This misinterpretation of Macdonnell's position led Walpole to give an exaggeratedly optimistic report on the position of the question to Derby on his return to England. Derby's natural caution, however, led him to take a more sceptical view of the situation.

Writing to Eglinton on 31 October, Derby warned that he 'rather doubted' the prospect of

68 Eglinton to Derby, 27 September 1858, Derby papers, 148/3.
69 See G.A. Hamilton to Naas, 9 October 1858, Mayo papers, 11,028 (6).
70 Memorandum for proposed measures given me [Cairns?] by the Chancellor [Napier], 15 October 1858, Mayo papers, 11,021 (14).
71 See Eglinton to Walpole, 14 November 1858, Holland papers, 894c. Also Eglinton to Derby, 14 November 1858, Derby papers, 148/3. There is a draft of this letter in the Eglinton papers, GD3/5/56/4437.
Parliament agreeing to the Society's teachers receiving training in the model schools of the National Board. Proficiency allowances would perhaps, be more acceptable as they could be set at such a level as to prevent the schools who received them from becoming 'rival[s]' to the National schools. He was 'surprised' to hear from Walpole that Macdonnell had agreed to the governments' proposals but, even so, was at pains to stress the necessity of proceeding cautiously with them. Nonetheless, he believed that it would be a major coup for the Irish government if they were able to win a declaration from the members of the National Board that their proposals 'would not injuriously interfere with the present system.'

This letter was, of course, written before it became clear, at a meeting between Eglinton and the Bishop of Derry, that Walpole had misread Macdonnell's opinions on the question of proficiency allowances. At this meeting, the Bishop had 'started' at the mention of the subject and told Eglinton that 'neither he nor any of the other Commissioners had any idea of consenting to this point.' Following this meeting, Eglinton saw Macdonnell, who confirmed that he and the members of the National Board were 'strongly opposed' to the granting of such allowances.

Eglinton concluded after these meetings that there no longer was any possibility of the government securing the assistance of the Board in carrying through all of their proposals. He had no doubt that an 'extraordinary mistake' had occurred, but disclaimed all responsibility for it. The 'mess' that had been made was Walpole's responsibility. In an attempt to extricate the government from this quandary, Eglinton suggested to Macdonnell that the Board should assist the government as far as the granting of school requisites, training for its teachers, and inspection

72 Derby to Eglinton, 31 October 1858, Eglinton papers, GD3/5/56.
73 See Eglinton to Derby, 14 November 1858, Derby papers, 148/3. There is a draft of this letter in the Eglinton papers, GD3/5/56/4437.
74 Eglinton to Naas, 16 November 1858, Mayo papers, 11,031 (14).
of its schools to the Church Education Society was concerned. The awarding of proficiency allowances would be left to a new body independent of the National Board. Not surprisingly, Macdonnell rejected this proposition, restating his position that he would only concede the other points if they were accepted by the Church Education Society as a final settlement of the question. There would, therefore, have to be an express understanding that once these had been granted, the 'contention' between the Board and the Society would be at an end.75

In any case, the amount which the Church Education Society would have obtained from the government's plan, particularly without proficiency allowances, was quite small. The total sum involved was estimated by Naas at no more than £6,000, 'or a little more than £3 a school.' Given these circumstances, he was convinced that it would be impossible for the Society to accept the government's recommendations as anything other than 'an instalment.'76 The reconciliation of these divergent aspirations was the central problem faced by the government. One way around this problem, advocated by Eglinton, was to proceed with their original scheme, while accepting that the most likely outcome was that the bestowing of 'proficiency' allowances would be defeated in the House of Commons.77 Aside from these problems, Walpole advised Eglinton that there was a group within the cabinet who would be unwilling to accept any settlement of the question, which did not have the sanction of the National Board.78 This group included Stanley and Pakington, both of whom were advocates of what was termed a 'secular system' of education in Britain. This system was designed to be essentially a non-

75 See Eglinton to Derby, 17 November 1858, Derby papers, 148/3. Also Eglinton to Walpole, 17 November 1858, Holland papers, 894c.
76 Naas to Walpole, 22 November 1858, Holland papers, 128g. See also Eglinton to Derby, 17 November 1858, Derby papers, 148/3.
77 Eglinton to Derby, 22 November 1858, Derby papers, 148/3.
78 Walpole to Eglinton, 20 November 1858, Eglinton papers, GD3/5/56/4438.
denominational one, intended particularly for working class children.79 Holding these views, neither man was willing to see the National system undermined in Ireland. Disraeli was also wary of any meddling with the question, particularly given the government's precarious position in the House of Commons. Nonetheless, Walpole was so convinced that the proposals were 'clearly right' that he concluded that they should be brought before the cabinet, leaving it the responsibility for accepting or rejecting them.80

At this point, Derby introduced a cautionary note into the Irish government's proceedings. He disputed Eglinton's view that the government was under 'any obligation' to deal with this question. This would only have been the case, if they were in a position to 'deal with it satisfactorily.' As matters stood, Derby did not believe that they would even be able to obtain the cabinet's consent to Eglinton's proposals. If the government went forward with the scheme under the existing circumstances, Derby warned that its effect would be to disappoint the expectations of the Church Education Society.81 At the same time, the government ran the risk of incurring the 'active hostility' of the National Board. Despite this admonition, Eglinton continued his negotiations with senior members of the Society through November and December 1858. These negotiations involved Beresford, O'Brien, Singer, and Robert Daly, the influential Evangelical Bishop of Cashel. Hamilton Verschoyle acted as the channel between Eglinton and the bishops. Eglinton's intention in commencing these discussions was to establish what concessions the Society was willing to make in return for the limited amount of state aid on offer.

In the event, these discussions were to prove more productive than Eglinton had originally

80 Walpole to Eglinton, 20 November 1858, Eglinton papers, GD3/5/56/4438.
anticipated. At meetings with Verschoyle and Beresford, Eglinton made it clear that he could not expect cabinet support for the granting of 'proficiency allowances.' He recommended that they should settle for those concessions which it was possible to obtain.\footnote{See Beresford to Eglinton, 20 January 1859 [enclosure with Eglinton to Naas, 8 February 1859], Mayo papers, 11,031 (15). There is a copy of this letter in the Donoughmore papers, H/19/3/7} Although both he and Derby were favourable to the provision of proficiency allowances, they were concerned that to propose these would 'endanger the success of the more limited measure[s].'\footnote{Derby to Eglinton, 3 December 1858, Eglinton papers, GD3/5/56.} As he reported to Derby on 10 January 1859, this warning had the desired effect, and he had won the support of all the leading members of the Society for the government's other recommendations. This acceptance was conditional on a number of concessions by the government, which Eglinton believed, they 'ought to close with', and which, he hoped, would 'not deter the other party [presumably the National Board] from coming to an arrangement.' The first of these was that, as that the proposed grants was not sufficient to maintain its schools, the Society should remain in existence, if only 'for the collection of funds.' Other conditions were that the Inspectors' reports on its schools should be sent to the Central Council of the Society, that the books and school requisites should be distributed by the Society itself, and that their student teachers should be permitted to receive religious instruction from Church of Ireland clergymen at the National model schools.\footnote{Eglinton to Derby, 10 January 1859, Derby papers, 148/3. There is a copy of this letter in the Holland papers, 894c, enclosed with Eglinton to Walpole, 10 January 1859.} Their final demand was that while they accepted government assistance, they did 'not in the least depart from...[their] fundamental principle' with regard to the use of the Scriptures. The Society would continue to publicly oppose the restrictions on religious
education in the National schools. It also reserved the right to complain 'of the inadequacy of the assistance' which it received from the state. This was the only demand which Eglinton felt was 'of any importance.' The difficulty was that this clashed with the National Board's insistence that the Society should accept the government's proposals as a final settlement. Eglinton was reassured, however, by Verschoyle's pledge that the Society would consider the government as having 'fulfilled...[its] duty' to it by proceeding with the 'the three [agreed] points.' Verschoyle also acknowledged that the Society would not immediately press for 'any further grants.' This was, no doubt, a highly welcome prospect for the government, freeing it from a political pressure applied on it for the previous twenty-five years. The difficulty that remained was to secure the assent of the National Board to the proposed arrangement.

Derby outlined some of the problems he foresaw in achieving this end in a letter to Eglinton on 12 January. Several of the Commissioners were adverse to 'any assistance being given to the Church Education schools' and would 'catch at any plea to escape concurrence.' Turning to the demands made by the Society, Derby considered that it would be difficult for the Board to allow religious instruction to be given in the model schools. This would have to be provided by the Society itself, without the Board's involvement.

The religious composition of the Board was such that it was difficult for the government to secure a majority on it for their scheme. The Board had 15 members, six members each coming from the Roman Catholic Church and the Church of Ireland respectively. Two members of the Board were members of the Presbyterian Church, while the remaining member was a Unitarian.

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85 See Beresford to Eglinton, 20 January 1859 [enclosure with Eglinton to Naas, 8 February 1859], Mayo papers, 11,031 (15). There is a copy of this letter in the Donoughmore papers, E/19/3/7.
86 Eglinton to Derby, 10 January 1859, Derby papers, 148/3. There is a copy of this letter in the Holland papers, 894 c, enclosed with Eglinton to Walpole, 10 January 1859.
Of these fifteen members, Eglinton estimated that there were only six who could be counted on as 'favourable' to the government's scheme. This group was made up of four Church of Ireland representatives - Alexander Macdonnell, Lord Kildare, Mountfort Longfield and Dr. Higgins, the Bishop of Derry. The two other supporters of the government scheme were Dr. Andrews, a Presbyterian, and Dr. Henry, the Unitarian member of the Board. Of the remaining Church of Ireland members of the Board, Eglinton considered one, Francis Hatches, as being 'doubtful', while the other, Maziere Brady, the Irish Lord Chancellor under Palmerston, was 'at present unfavo[u]rable.' James Gibson, the second Presbyterian representative on the Board, was also 'decidedly opposed' to the government's plan. The Protestant members of the Board thus divided into six who were favourable to the government's position, two who were opposed and one who was 'doubtful.' The six Roman Catholic members were, Eglinton admitted, 'all...unfavourable' to the suggested changes. There was little real enthusiasm for this even among the 'favourable' members' of the Board. Macdonnell told Eglinton that several members of the Board would 'as soon see matters left where they are.' Despite the fact that there was an adverse majority against his proposals, Eglinton nonetheless felt that this constituted 'a far more hopeful result than could have been anticipated.' There were two reasons for Eglinton's hopefulness; the first being that he had secured the support of more members of the Board than he had originally anticipated. His second grounds for optimism was the assurance he had been given by Macdonnell that, even if the Catholic members of the Board were to resign, the vast majority of Roman Catholic patrons would choose to keep their schools within the system.88

Feeling convinced that these proposals offered hopes for a viable settlement of the education

88 Derby to Eglinton, 12 January 1859, Eglinton papers, GD3/5/56.
question, Eglinton consistently pressed both Derby and Walpole to submit them to the cabinet throughout January and February 1859. He was anxious that the grants to the Church Education Society should be included in the estimates to be introduced in the Autumn, although he conceded that it was possible that the Conservatives might not then 'be in a position...to bring forward anything.' This would forestall any questions which might be asked in Parliament before the estimates came on later in the session.\(^9\) However, as Derby informed Eglinton on 28 January, there were other issues which preoccupied the attention of the cabinet at this time. Chief amongst these was the government's proposed Reform bill, itself the source of divisions within the party. The government also faced the threat of a war breaking out between France and Austria, over the latter's Italian possessions. Faced with these concerns, Derby claimed he had little time to devote to Irish education. He also pointed to the opposition felt by senior members of the cabinet to any tampering with the question. Without 'their cordial support', Derby believed it would be difficult for the government to '[do] anything in the House of Commons.' To bring the education question before the cabinet under such circumstances would, in Derby's view, only add to the difficulties it was experiencing.\(^90\)

It was at this point that Eglinton's hopes of securing cabinet approval for his plan received another, perhaps fatal, blow. Walpole, who had been a consistent critic of the government's proposed Reform bill, resigned from the government when it was introduced on 28 February. This altered the balance of forces within the cabinet and rendered it increasingly unlikely that Eglinton's scheme would receive its sanction. As the foremost champion of the Church

\(^8\) Eglinton to Derby, 23 January 1859, Derby papers, 148/3. There is a copy of this letter in the 'Confidential Memorandum' on Education in the Donoughmore papers, H/19/3/7.
\(^9\) Eglinton to Walpole, 24 January 1859, Holland papers, 894c.
\(^90\) Derby to Eglinton, 28 January 1859, Eglinton papers, GD3/5/56/4436
Education Society among English Conservatives, Walpole had been an invaluable ally particularly given his position at the very centre of the government. His retirement as Home Secretary could only, as Derby informed Eglinton, 'operate unfavourably' on the prospects of the Education proposals 'of which he was the warm advocate.' Walpole was replaced by Thomas Sotheron Estcourt, a politician without any of his commitment to the Irish education question.

The second vacancy in the cabinet, left by Joseph Warner Henley, the President of the Board of Trade, who had resigned at the same time as Walpole, was filled by Donoughmore. Although Donoughmore was as strong an advocate of the Church Education Society as Walpole had been, he did not have Walpole's influence within the party. To convince the cabinet to accept the Irish government's scheme would have been an uphill task in any case; without Walpole's backing, the difficulty was increased immensely.

Despite this setback, Eglinton continued to press Derby to at least bring the subject before the cabinet for discussion. He underlined his personal commitment to the proposed settlement by threatening to resign if the education scheme was not adopted as government policy. Derby succeeded in dissuading him from this course by a piece of well-timed flattery. He could not accept his resignation 'from a post for which...[Eglinton] was so peculiarly qualified.' It had become clear, by this point, that Eglinton was far more committed to the proposals than was Derby. Through his dealings with the Church Education Society, Eglinton felt personally pledged to the plan agreed between them. Derby, on the other hand, believed that the government was only pledged to introduce a measure, if it had a reasonable chance of success.

He was, also, unwilling to risk the government's already uncertain position by bringing them

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91 Derby to Eglinton, 16 February 1859, Eglinton papers, GD3/5/56/4436.
92 See Eglinton to Naas, 17 February 1859, Mayo papers, 11,031 (16).
forward. His prevarication in submitting the topic to the cabinet was, thus, based both on pressures of business and on political considerations.

On 14 March, Anthony Lefroy, Napier’s successor as MP for Dublin University, raised the question of the government’s intentions with regard to Irish primary education in the House of Commons. In reply, Estcourt claimed that the short time he had been in office meant that he had not yet come to any clear determination on the subject.\(^4\) This reply was condemned as ‘an evasion’ by the *Daily Express*, which went on to argue that it had ‘sadly disappointed’ those Irish Conservatives who had expected the government to introduce a measure favourable to the Church Education Society. If he was unfamiliar with the issues involved, the *Express* suggested, Estcourt could have discussed these with either Derby or Walpole both of whom were experts on the question.\(^5\) Writing to Donoughmore, the Bishop of Ossory denied that Lefroy’s question had the sanction of the Church Education Society. If he had been consulted, O’Brien would have advised Lefroy to delay his question to a more opportune time. Nevertheless, the unsatisfactory nature of Estcourt’s reply had convinced O’Brien that an ‘urgent necessity’ existed for ‘a public declaration’ of Derby’s intention to attempt a settlement of the question. While he understood that Derby might have compelling reasons to keep the cabinet ‘in ignorance upon this point’, the effect of Estcourt’s comments made a public pronouncement essential. If affairs were left as they stood, it would appear that Derby ‘having at the outset pledged his government to a consideration’ of the subject, had spent over a year in office ‘without doing anything in the

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\(^3\) Derby to Eglinton, 21 February 1859, Eglinton papers, GD3/5/56/4436.

\(^4\) *Hansard*, 3rd S, CLIII, cl. 93.
It would also be presumed that he had not even raised the question in cabinet. While O'Brien could not have been aware of the manner in which Derby had dealt with the issue, this was a shrewd appraisal of his conduct. The difficulties under which Derby laboured were compounded on 31 March when the government's Reform bill was defeated in the House of Commons. Derby's response to this defeat was to dissolve Parliament, the decision being announced in both Houses on 4 April.

The dissolution of Parliament gave Eglinton an opportunity to bring his scheme before the cabinet. He travelled to London in early April, although Derby warned him that he was unlikely to find government ministers 'in a very fit state of mind' to discuss the subject. While Eglinton was in London, the Church Education Society's annual meeting was held in Dublin. At this meeting, Hamilton Verschoyle made a general reference to the agreement reached between the Irish government and the Society. He emphasised the fact that the plan would not give the Society 'the full measure of relief' which they believed it was entitled to. Nevertheless, it would give them 'substantial relief' and had 'obtained universal acquiescence' from its leading members. Although the plan had not yet been accepted by the cabinet, Verschoyle hoped that, given Eglinton's 'powerful influence', it soon would be. Even as matters stood, Verschoyle felt that the Society was 'under...peculiar obligations to the present Irish government', as it was the first 'for twenty-five years which...[had] stretched out a helping hand in the smallest degree without at the same time expecting us to surrender our principle.' This statement was, of course, a double-edged one; while it served as a useful boost for the Conservatives as they faced into a general election, it was also intended to keep the Irish government up to the mark on the

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95Daily Express, 15 March 1859.
96 O'Brien to Donoughmore, 16 March 1859, Donoughmore papers, H/19/1/1231.
issue. The Dublin Ultra-Protestant paper, The Warder believed that Verschoyle's statement had pledged the 'government 'to a decided course of action on the most momentous of Irish questions.' It had made a 'distinct promise' to the Church Education Society, which ought to be fulfilled. The article went on however to criticise the members of the Irish government and other Irish Conservative MPs for failing to attend the meeting and 'make the statement that fell from Mr. Verschoyle.'

A number of Irish Conservative candidates in the 1859 election, including Whiteside and Lefroy, expressed their hope that the education question might be settled in the near future, without going into specifics on what a settlement would entail. The election was also notable for the return of John Pope Hennessey, a Roman Catholic, as Conservative MP for King's County. Hennessey was an outspoken critic of 'mixed' education which, he argued was essentially a Whig policy. He strongly advocated a denominational system of primary education for Ireland. Thus, he made common cause in Parliament with the opponents of the National system. Hennessey played an important role in the years that followed, being close to leading members of the Independent party and the Irish Roman Catholic hierarchy. His return as a Conservative MP bore out Derby's prediction to Eglinton that the party had 'every reason' to expect a large measure of Roman Catholic support at the election. Derby felt that this fact further complicated the government's position vis-à-vis Irish education. It was important, he believed, that the Conservatives should do nothing to alienate that support, prior to

97 Derby to Eglinton, 6 April 1859, Eglinton papers, GD3/5/56/4436.
98 The Warder, 9 April 1859.
99 Daily Express, 2 May 1859.
the election.\textsuperscript{101}

For reasons outlined elsewhere in this thesis,\textsuperscript{102} the 1859 general election were to prove the most successful for the Irish Conservatives since the Reform Act of 1832. They made eight gains there from the 1857 election, going from 47 seats to 55 and felt assured of the support, at critical divisions, of another seven Irish Independent party MPs, some of whom owed their election to Conservative support. The party was less successful in Britain, however, and remained in a minority position in the House of Commons. The constraints which had restricted the government’s approach to the question remained very much in place.

Although Eglinton had been present for the cabinet’s discussion of the subject in early April, the exigencies of the election campaign meant that it was late May before Sotheron Estcourt, the new Home Secretary, took any initiative in the matter. He then circulated a memorandum on the question to the other members of the cabinet. This circular prompted a lengthy response from Donoughmore, giving his views on Eglinton’s plan. In it, he warned Estcourt against thinking that the Church Education Society was ‘satisfied’ with the proposed arrangements. Although willing to accept them in order to free themselves from the dilemma of being ‘a state church...[in] a position of hostility to the government of the country’, it was not possible for them to ‘rest satisfied with such a settlement.’ Donoughmore restated his personal preference for an explicitly denominational system, which he believed, was ‘desired’ by all the churches in Ireland. The increased hostility to the National system expressed by the Roman Catholic hierarchy,

\textsuperscript{102} Derby to Eglinton 6 April 1859 Eglinton papers, GD3/5/56/4436.
meant, he believed, that in the long term its supercession was inevitable. An openly denominational system would, in any case, only permit 'the Roman Catholics & Presbyterians...to do...avowedly and openly what they now do in fact.' Donoughmore was disappointed at the government's failure to grant salaries to teachers in the Society's schools, especially as it was willing to give them to 'chapel clerks in the rural parishes of Munster and Connaught who teach their children little else besides the Roman Catholic catechism and the Library of the Virgin.' The strength of Donoughmore's language showed that there were some members of the Church Education Society who had not been won over by Eglington's proposals. While he was willing to support the government's plan, he viewed it as the first step towards a system based on separate schools for the children of the various creeds in Ireland.103

It was at this point that outside events again conspired to render the government's efforts on the Irish education question ineffectual. A meeting at Willis's Rooms in London on 6 June signalled a reconciliation between Lord Palmerston and Lord John Russell, the divisions between the two men having been one of the chief reasons for the Conservatives' accession to office. From that point on, there was a strong possibility that the government would not survive for long once Parliament reconvened. In the event it was narrowly defeated on a motion of no-confidence on 10 June. It was succeeded by a Liberal government under Lord Palmerston.

Despite the fact that the Irish government's education scheme ultimately proved abortive, it nonetheless represented the best opportunity that arose, during its existence, for a settlement favourable to the Church Education Society being reached. Circumstances would never again

102 See below p. 298-302.
103 Estcourt's memorandum incorporated Eglington's letter to Derby of 23 January, which gave a detailed outline of the Irish government's proposals, and Beresford's letter to Eglington of 20 January, which gave the Church Education Society's response. See Donoughmore to Estcourt, 27 May 1859, Donoughmore papers, H/19/1/436.
arise as favourable to the interests of the Society. The two most senior members of the Irish government, Lord Eglinton, the Lord Lieutenant, and Joseph Napier, the Lord Chancellor, were strongly committed to the scheme, as was James Whiteside, the attorney general. Throughout most of the lifetime of the government, the Church Education Society also had the powerful backing within the cabinet of Spencer Walpole, the Home Secretary. Despite this advantageous combination of circumstances, there remained severe obstacles to the achievement of such a resolution of the question as Eglinton had envisaged. The Conservative party's minority position ensured that it was difficult for it to guarantee that any measure it introduced on the subject would pass through the House of Commons. The government was also intensely wary of doing anything which might lead to a break up of the National system. These contradictory pressures combined with the unwillingness of some members of the cabinet to tamper with the question, meant that Lord Derby, the Prime Minister, indulged in a good deal of prevarication before eventually submitting it to the cabinet. Whether Eglinton's plan would have been adopted by the cabinet remained doubtful, even before its fall; by the time it came before ministers, the government was already in crisis and its priorities lay in other areas than Irish education. Despite this, the defeat of the government also represented a defeat for the Church Education Society, as it was extremely unlikely that a Liberal government would be as amenable to seeking an accommodation with it as the Conservative government had been.

During the years 1858 and 1859, the Maynooth question never attained the same level of prominence as it had during the tenure of Derby's first government. This was partly attributable to the decline in the virulence of anti-Catholic sentiment in England in the years after 1851.
The government's minority position in the House of Commons also meant that it was difficult for it to take the initiative on the question. Maynooth remained, of course, a divisive subject, both within the Conservative party and in Ireland. In the years between the fall of Derby's first government and 1858, Richard Spooner regularly re-introduced his motion for a committee of inquiry into the system of education there. Indeed, he brought forward this motion in February 1853, only two months after the fall of the Conservative government.

This debate saw an important speech from Lord Stanley, who referred to the 'general desire' in the House of Commons that the discussion of the subject should be wrapped up speedily, and 'being concluded, [that] it should not again be resumed.' Stanley believed that the issue had been debated so often that that all that was 'original and valuable, whether in the way of opinion, or argument, or of fact...[had] long since been elicited, leaving behind little except matter for theological disputes and mutual recrimination.' He feared that the continued agitation of the subject served only to 'embitter the animosity' with which the question was 'unhappily regarded' in Ireland, and to 'keep open that sore which it was the object of the settlement of 1845 to heal and to close up for ever.' Stanley believed that the increase in the grant in 1845 had been regarded by Peel and by the House of Commons of the day, as permanent and unconditional.

While he was not opposed to an inquiry into the system of teaching at Maynooth, his conviction was that there would be 'no security for the Established Protestant Church of Ireland', unless it dealt 'in a fair and liberal spirit with the claims of the Irish Roman Catholic population.'

Writing in his diary soon afterwards, Stanley admitted to having 'long abandoned' the idea that the Irish Roman Catholic Church should be endowed by the state. While he had once favoured

this notion, he had become convinced that it would not be accepted by English public opinion. Holding this view, he had been persuaded that it would be ultimately necessary to withdraw the Maynooth grant. Prophetically, however, Stanley felt that the determination 'on the part of England not to sanction or recognise the religion held by the Irish must react on the general principle of [religious] establishments.' This would, he concluded, lead 'directly to a voluntary system in Ireland.' It was hardly surprising, therefore, that Stanley should have opposed Spooner's attempts to undermine the Maynooth grant.

Like Stanley, Donoughmore was also unconvinced of the wisdom of polemical attacks on Maynooth. Writing on 14 April 1853, he told Derby that he felt 'constrained to withhold' his vote on an anti-Maynooth motion introduced by Lord Winchilsea in the House of Lords. He warned that 'the consequences of the agitation of the Maynooth question' had not been 'sufficiently considered.' The conduct of the priests at the 1852 election had, in Donoughmore's opinion, 'alienated from them a very large portion of the respectable Roman Catholics.' It was in the long term interests of the Conservative party to win over the support of this section of Irish opinion. This could be achieved, Donoughmore maintained, with 'a little management.' If, however, the Conservatives were seen as supporting an attack on the Maynooth grant, 'these men ...[would be driven] back again into the arms of the priests.' While he remained 'utterly opposed to Popery', he believed that 'the Catholic clergy were 'still too strong for anything but mischief to result from the present agitation of the Maynooth question.' Donoughmore assured Derby that the massive and sustained emigration of the famine and post famine years was 'drawing away the

106 Winchelsea had been one of the founding members of the National Club. See W.D. Jones, Lord Derby and Victorian Conservatism, p. 31.
priests' life blood.' Within a 'few years,' they would 'no longer be formidable.' As a consequence, it would then be possible to withdraw the Maynooth grant with impunity.\textsuperscript{107} This claim that emigration would strengthen the position of the Protestant population in Ireland, the bulk of the emigrants being Roman Catholics, was regularly used by Irish Conservatives. Indeed, occasionally the wilder claim that this would eventually result in a Protestant majority in Ireland was made.\textsuperscript{108} In fact, the Church of Ireland population did increase by over 1 per cent between 1834 and 1861, from 10.7 per cent to 11.9 per cent.\textsuperscript{109} The decline in the overall population must, of course, be taken into account here; it has been estimated that between 1845 and 1870 no less than three million people left Ireland.\textsuperscript{110} Even given these figures, Protestants remained very much a minority of the Irish population, particularly outside the Northern half of the country. An element of wishful thinking was, thus, clearly present in Donoughmore's comments.

Speaking in a debate on Maynooth on 18 April, Derby denied that the proposed inquiry would be concerned with the teaching of Roman Catholic doctrine in Maynooth. Rather, it would centre on whether the system of teaching there inculcated 'those high absolute doctrines which proclaim the assumption of temporal power by the Roman Catholic clergy, and which...[were] so well designated under the title Ultramontane.' If this was not the case and the education there promoted 'more moderate views...reconcilable with the constitution of this free country', then no alterations should take place in the constitution of the College. Thus, the essence of the question was the effects which 'the moral, social and political character of the education of

\textsuperscript{107} Donoughmore to Derby, 14 April 1853, Derby papers, 158/6.
\textsuperscript{108} See for example the article on 'Conversion and Persecution in Ireland' in the \textit{Dublin University Magazine}, vol. XL, no. CCCXXXVI, August 1852, p.244-48.
\textsuperscript{109} D.H. Akenson, \textit{The Irish Education Experiment}, p.285.
Maynooth...[had] on the rising generation of Irishmen.' The inquiry should therefore, in Derby's opinion, be restricted to the influence which Maynooth had on events since 1845. It was necessary to ascertain whether the College had produced 'a less loyal, a less educated...a more bigoted' clergy than their predecessors who had been educated on the continent. Despite this rhetoric, Derby did not suggest at any point in his speech, that the grant should be withdrawn.\textsuperscript{111} Later in the debate, Lord Roden attempted to link the National Education and Maynooth questions by maintaining that it was the clergy educated there who, as patrons, prevented the use of the Bible in their schools.\textsuperscript{112} At the close of the debate, Aberdeen attempted to take some of the heat out of the question by agreeing to Winchilsea's motion for a commission of inquiry.

The commission did not issue its report for over two years, and, although this was critical of aspects of the teaching at Maynooth, it did not have any significant effect on the running of the College. Throughout the decade of the 1850s neither Liberal nor Conservative governments were willing to run the political risks which a unilateral withdrawal of the Maynooth grant would have involved. This was admitted by Derby in a letter to Henry Lambert, an Irish friend of his, in January 1856, when he observed that any attempt to pursue that course would have the effect of 'displeasing all parties and overthrowing the government which should attempt it.'\textsuperscript{113}

The Conservative party was itself divided on the question. Prominent English Conservatives, like Stanley and Sir John Pakington, were opposed to any precipitate withdrawal of the grant. In a debate on Spooner's motion in June 1856, Pakington accused him of attempting to 'reverse

\textsuperscript{111} Hansard, 3rd S, CXXV, cl. 1334-36.
\textsuperscript{112} Hansard, 3rd S, CXXV, cl. 1311-12.
the policy towards Ireland' pursued by British government's for the previous fifty years. He asked if the supporters of Spooner's motion wished to see the Roman Catholic population of Ireland 'left without a priesthood.' It was preferable, in his view, that the Catholic priesthood should be educated 'under our own eyes' rather than on the continent. Pakington argued that not 'even the most zealous Protestant' could wish for a situation to arise where there would be a shortage of properly trained priests in Ireland.\textsuperscript{114}

Differences of opinion on the question was not, of course, solely confined to English Conservatives. Such were these divisions on the issue within the Irish Conservative party that, as early as 1854, Napier argued that it was one on which Irish MPs should be left 'freedom of opinion and action.' Electoral pressures meant that some candidates for Irish seats would find it necessary to approach the question 'on different grounds from those which others must take.' It was, however, open even to supporters of the grant to criticise the type of education given at the College. Rather than furnishing 'a domestic, educated & sufficient Clergy' for Ireland, Napier contended that Maynooth produced, 'vulgar, bigoted Ultramontane Priests - the most truculent foes of Civil & religious liberty, save so far as it gives them better opportunity of grinding their victims, and spreading disloyalty & infusing a hatred of British Institutions.'\textsuperscript{115} The fact of Conservative divisions on the issue persuaded Thomas Barton that Maynooth should be left a 'completely open question' during the 1857 election campaign.\textsuperscript{116} A similar view was taken by Whiteside in March 1857. Rather disingenuously, he asserted that the Maynooth grant had

\textsuperscript{114} Hansard, 3rd S, CXLII, cl. 1952-54.
\textsuperscript{115} Napier to G.A. Hamilton, 28 November 1854, Disraeli papers, H B/XX/H/31.
\textsuperscript{116} Barton also described Maynooth as 'the great rock ahead which threatens disunion.' Barton to Donoughmore, 16 January 1857, Donoughmore papers, H/17/1/40.
'never be[en] made a party question' by Irish Conservatives. As for himself, he claimed he had 'never [been] pledged about it' and saw no difficulty in a candidate stating he would 'not vote against it.' This course was, in fact, taken by a number of Irish Conservatives at the election. Among those who acted in this fashion were John Wynne, the defeated candidate for Sligo County, John Alexander, successfully returned as Conservative MP for Carlow, and Sterne Ball Miller, elected as Conservative MP for Armagh City. All of these candidates had a sizeable number of Roman Catholic voters in their constituencies. There were of course other successful candidates, such as Edward Grogan and John Vance for Dublin City, and, G.A. Hamilton for Dublin University, who expressed themselves in favour of the repeal of the Maynooth grant. While Napier played down the Maynooth issue in his own campaign, he did make the admission that, as he was in favour of 'the endowment of truth', he could not support 'the endowment of error.'

Given the divisive nature of the Maynooth question, it was hardly surprising that Derby adopted a tentative approach toward it in the years 1858 and 1859. One avenue he explored was the payment of a lump sum to the authorities in Maynooth in return for a discontinuance of the grant. Derby first suggested this as a possibility to a deputation on the subject which visited him in April 1858. This deputation included long term anti-Maynooth campaigners like Spooner and Newdegate, and a number of clergymen from the Anglican, Wesleyan and Presbyterian churches. Derby's reply to their request that the grant be terminated was that this would encourage those who objected to 'all state endowments.' It would not be possible to 'capriciously remove' a

117 Whiteside to Donoughmore 22 March 1857 Donoughmore papers, H/17/1/706.
118 See Whiteside to Donoughmore, 22 March 1857, Donoughmore papers, H/17/1/706. See also the Daily Express, 4 April 1857.
119 See the Daily Express, 26 March and 31 March 1857.
grant which had been given for such a length of time. He could only agree to an 'equitable and fair compromise' acceptable to all parties as a resolution of the question. Derby's language was carefully judged and designed not to alienate either Ultra-Protestant or Irish Roman Catholic opinion.120

In a House of Commons debate at the end of April, Walpole strongly opposed a motion moved by Spooner calling for the revocation of the grant. This speech was in strong contrast to that he had given on a similar motion in 1852.121 Walpole warned of the dangers that might result from a sudden withdrawal of the grant, arguing that it would be considered by Irish Roman Catholics as 'tantamount to a declaration of war.' Any advantages which might result from such a step would, Walpole believed, be more than counterbalanced by 'the great evils which...[would] necessarily arise from a renewed agitation of the subject.' The withdrawal of the Maynooth grant, especially on the basis of Ultra-Protestant principle put forward by Spooner, would also raise the spectre of renewed agitation of other issues long considered settled by Parliament. These would include, in Walpole's view, the granting of Catholic Emancipation and the grants given to National schools under Roman Catholic patrons. He could see 'no distinction in point of principle' between the grants to such schools and the grant to Maynooth.122

As was to become clear, however, Walpole's opposition to Spooner's motion was, however, directed against the means adopted rather than the ends sought. Shortly after receiving the deputation, Derby met with Sir Culling Eardley, one of the prime movers in the original Anti-Maynooth agitation of 1845, to discuss the subject. Derby told Eardley that he was willing to

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120 See the Dublin Evening Mail, 30 April 1858. See also G.L.T.Machin, Politics and the Churches in Great Britain 1832 to 1868, p.290.
121 See above, p. 135
see the question settled by a money payment, provided all the parties involved accepted this. The compensation paid should, Derby maintained, take into account the 'the expectation which had been held out to the Roman Catholic body at large of the continuance of the grant.' While Spooner's suggestion was that compensation should only be paid to students then enrolled at Maynooth, Eardley was prepared to accept that the authorities there should be recompensed by a sum based on eight years purchase of the annual grant. The first plan involved a payment of £100,000 while the second involved a sum of close to £240,000. In early May, Walpole suggested to Derby that a sum based on 10 years purchase of the grant, or approximately £300,000, might be more acceptable to the governing body of Maynooth. Any decision to proceed on these lines should, Walpole argued, first be agreed by the cabinet. He also advised that the sum should be paid in instalments, rather than as a lump sum, so as to forestall Ultra-Protestant opposition to the move.

At this point, Derby felt a degree of optimism about the proposal's chances of success. He informed Eglinton that he considered the point at issue reduced to one 'of money.' In a reversal of their roles on the education question, Eglinton proved more sceptical about the scheme than was Derby. He was concerned that the anti-Maynooth wing of the Conservative party would react unfavourably to such a large payment being given to the College. This might, he warned, excite more controversy than the continued payment of the annual grant. Despite this, he agreed to Derby's request to sound out Irish opinion on the proposal. By November, Eglinton reported that he doubted if the buying out of the grant would have much impact in

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123 See the letters from Eardley to Derby, 29 October 1858, Derby to Eardley, 31 October 1858 and Eardley to Derby, 3 November 1858, reprinted in the Daily Express, 16 November 1858.
124 Walpole to Derby, 12 May 1858, Derby papers, 153/2.
125 Derby to Eglinton, 25 May 1858, Eglinton papers, GD3/5/56.
Ireland. In his opinion, it was more a 'question of parliamentary tactics than of national policy.' The scheme eventually floundered as a result of the government's failure to reconcile the conflicting aspirations of the two sides in the dispute. On the Roman Catholic side, the ruling body of Maynooth was unwilling to accept a payment of less than half a million pounds. Derby could not, however, get Eardley and his supporters to raise their initial offer of £300,000. Unwilling to impose a settlement which would alienate either side, Derby eventually decided that it was preferable to leave the grant unchanged. The government's decision to leave things as they stood was also influenced by the fact that a group of Irish Roman Catholic MPs, led by John Francis Maguire, the Independent party MP for Dungarvan, had given them a general support in the House of Commons since their accession to office. Without the assurance of support from a majority in Parliament, the government was unwilling to risk its continued existence on so volatile an issue as the Maynooth grant.

A major turning point in the history of the Church Education Society took place in February 1860, when John George Beresford issued a circular to the patrons of the Society's schools in the diocese of Clogher. This circular advised patrons in areas where there were insufficient funds to maintain a viable Church Education Society school to place their schools under the National Board. While Beresford still supported the principle on which the Society was based, he believed that it was better that Protestant children should receive an adequate education at a National school rather than an inadequate one at a Church Education Society one. It would also

126 Eglinton to Derby, 11 June 1858, Derby papers, 148/3.
127 Eglinton to Derby, 2 November 1858, Derby papers, 148/3.
128 See Derby to Eglinton 6 June 1858, Eglinton papers, GD3/5/56 and Derby to Eglinton, 31 October 1858, Eglinton papers, GD3/5/56.
be preferable, he believed, that Protestant parents would not be forced to send their children to National schools under Roman Catholic patrons for want of any satisfactory alternative.

Beresford's shift in opinion was prompted by the refusal by Edward Cardwell, the newly appointed Chief Secretary, to sanction the granting of state aid to the Society's schools. Cardwell gave this negative response during a meeting with Hamilton Verschoyle, an honorary secretary of the Society, in January 1860. Cardwell had earlier refused a similar appeal from the Roman Catholic hierarchy, who had asked that they be given control over the funds allocated for the education of Catholic children.

The Liberal government's obvious unwillingness to abandon the National system in favour of a system of 'separate' grants convinced Beresford that it was no longer viable for the Church Education Society to maintain as extensive a system of schools as it had previously done. The failure of Eglinton's earlier initiative on the question may also have influenced Beresford in this direction. The Primate's position was supported by Napier in a pamphlet published in April 1860. This apparent volte-face by Napier was severely criticised by those Irish Conservatives who remained unyielding in their opposition to the National system. Other supporters of Beresford's change in opinion also suffered similar attacks. Beresford himself was likened to

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Judas Iscariot by the *Dublin Evening Post.*

The virulence of this campaign, however, could not alter the significance of Beresford's circular. Once a public split had occurred within the Society, particularly one inspired by a figure of Beresford's prominence, there was no longer a realistic possibility that its schools would receive state assistance. It was, of course, arguable that, by 1860, there was little likelihood that this would happen in any case, and that Beresford had simply made a belated bow to reality, but the years after 1860 saw the Society fall into a steady decline both in numbers and funding. Thus, for example, the numbers in the Society's schools fell by some 17,000 between 1863 and 1870 to 52,166. Some senior Irish Conservatives, particularly James Whiteside, continued to press the Society's claims in Parliament, but they no longer had the ear of government in the same way as they had in the earlier period. The Society's political influence, which had been by no means insubstantial during the periods of Conservative government in 1852 and from 1858 to 1859, dwindled significantly in the years that followed.

The controversies over the National Education system and the grant to Maynooth College are illustrative of some of the wider problems facing the Irish Conservative party in the decade of the

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130 On 12 January 1861 *The Warder* reported that a resolution had been moved at a meeting of the Dublin Protestant Association removing Napier from the position of Vice-President in consequence of 'his recent conduct in the matter of education.' See *The Warder,* 12 June 1861. See also *To the Right Hon. Joseph Napier late Lord Chancellor of Ireland, The Address of the Committee of the Dublin Protestant Association,* dated 20 September 1860 and published as an appendix to *The Report of the Dublin Protestant Association* (Dublin 1861), copy in the Cullen papers. The address condemns Napier for having 'betrayed...[his] trust' and abandoned his 'friends'. Napier had 'quit the camp of the Lord and the standard of our God.' *The Warder* published a series of leading articles attacking Napier's change of opinion on the education question - perhaps the most virulent of these was printed on 4 May 1861. Equally critical articles appeared in the *Dublin Evening Mail,* see in particular the leading article of that paper for 9 February 1865, which sharply attacks Napier's entire political career. See also the pamphlet published in reply to Napier's by John Thomas O'Brien, the Bishop of Ossory, *Some Remarks on A Pamphlet entitled 'The Education Question; Thoughts on the Present Crisis'* (Dublin, 2nd Edition, 1860).


1850s. A central difficulty facing the party was the fact that their priorities did not necessarily reflect those of the party leadership at Westminster. The importance of these issues to Irish Conservatives did not mean that all shades of English Conservative opinion felt as strongly on them. It should be remembered here that both Conservative governments in this period were minority governments, with limited freedom of action. Both issues had been the subject of major controversy in England and were ones of considerable political sensitivity in Ireland. The Maynooth question was further complicated by the fact that it was one that divided Irish Conservatives among themselves. Moreover, the advances which the National system had made in Irish primary education rendered it exceedingly difficult for any British government to tamper with it. Ironically, these issues were ones which most exercised Irish Evangelicals, a group well represented among the elite of the Irish Conservative party. There were, thus, a series of contradictory pressures on the Conservative governments of this period. As we have seen earlier, some Ultra-Protestant critics of the Maynooth grant attacked the endowment as a 'national sin.' This position was publicly repudiated by Derby in May 1852 and could not, of course, be adopted by those Irish Conservative MPs reliant on Irish Roman Catholic support at elections. The need to conciliate Irish Catholic opinion, particularly in the years after 1857 when this seemed to be yielding concrete results, also affected the way in which the Conservatives approached both issues. Thus, even the Conservatives' most concerted attempt to reach a settlement of the National Education question favourable to the Church Education Society in 1858-59 was preceded by a serious attempt to win the backing of the National Board for the government's proposals. Furthermore, even if the government's scheme had been introduced, Church Education Society schools would still have received considerably less state
aid than schools within the National system under Roman Catholic patrons would have done. It was unlikely, in any case, that Eglinton's scheme would have won unanimous backing from the Conservative cabinet.

Apart from the intrinsic merits of the issues involved, the controversies over Maynooth and the National Education system also raised questions about the nature of the relationship between the state and the Roman Catholic Church. This further increased the difficulties which Irish Conservatives had in dealing with these questions. The developments within the Irish National Education system in this period show a gradual move away by the Church of Ireland from the conception of itself as the 'National Church' of Ireland. It should be remembered here that the initial demand made by the Church Education Society was that the Church of Ireland should have complete control over the system. This claim was founded on the argument that, as the state church, the Anglican church had responsibility for all the people of Ireland. The retreat from this position in the decades between the 1830s and 1850s reflected both the British government's unwillingness to accede to such demands and a more realistic appraisal by the Church of Ireland of its position vis-à-vis the Roman Catholic Church than had originally been taken. By accepting the Catholic Church's right to control over the education of Roman Catholic children, the Church of Ireland could be perceived as abdicating a responsibility which it had previously claimed. This also had obvious implications for its position as the Established church in Ireland. In the chapter which follows, we shall look in more detail at Irish Conservative conceptions of the nature of the British state and how this effected their view of the relationship which that state should have with the Irish Roman Catholic Church.

133 For a discussion of this subject see D.H.Akenson, *The Irish Education Experiment*, p.285-94.
Chapter Five

The Irish Conservative Party and the Church Question

(1) The Ecclesiastical Titles Bill and its Aftermath, 1851-54

As we have seen earlier in the thesis, the defence of the special position of the Established Church was a central tenet of Nineteenth century Irish Conservatism. A number of inter-related arguments were used by Irish Conservatives to defend the connection between the Church of Ireland and the British state. For many Irish Conservatives, the Anglican Church, as the 'true' Church, was the only Church which the state could legitimately support. If, as they believed, the Church's role was to serve as the conscience of the state, this purpose could not be served by a Church which the state considered to be in error. They maintained that the state had a duty to foster and encourage truth in religion, and that this could best be done through the medium of the Established Church. In the context of this argument, the fact that the members of the Church of Ireland were a minority of the Irish population (according to the religious census of 1861, the members of the Church of Ireland amounted to just over 11 per cent of the total Irish population) was irrelevant. By contrast Roman Catholics amounted for over 77 per cent of the population. It was on the voluntary subscriptions of this community that the Catholic Church in Ireland depended for its upkeep. By contrast, the Church of Ireland was substantially endowed by the
state, its annual income amounting to over £584,000 in 1867.¹ The census also revealed that just under one third of the 1,518 Church of Ireland benefices existing at that time contained 100 or fewer Anglicans. There were 1,406 benefices which contained less than 500 members of the Church of Ireland.² For Irish Conservatives however, the Establishment's position was dependent not on numbers, but rather on the fact that the state considered it to be 'the depository and instrument of religious truth.'³ From this point of view, it was incumbent on the state to endow one Church and that Church alone.

On the other hand, the fact of the Roman Catholic Church's submission to Papal authority meant that its primary allegiance was to a foreign authority. The Pope's claim to 'ecclesiastical supremacy' was, Joseph Napier maintained, in conflict 'with the common law of the country, of which the supremacy of our Monarch...[was] a part.' Papal authority should, he argued, extend only to religious matters: the British state could not countenance any insinuation that the Pope had any 'temporal power direct or indirect' within its territory.⁴ Implicit in this argument was the suggestion that those Catholics who accepted Papal authority in secular matters were politically suspect. The consequences of allowing such divided allegiances were to be feared; its tendency

¹ According to the Royal Commission of 1869, this income was divided as follows - land rental amounting to £204,932, tithe rent charges of £364,224 and £15,530 raised from other sources. See D.H. Akenson, *The Church of Ireland: Ecclesiastical Reform and Revolution 1800-1885* (New Haven and London 1971), p. 224. See also P.M.H. Bell, *Disestablishment in Ireland and Wales* (London 1969), p. 29. There was some controversy over whether this figure accurately represented the annual income of the Church of Ireland; Bell estimates that the actual figure may have been closer to £680,000 per annum. See P.M.H. Bell, *Disestablishment in Ireland and Wales* (London 1969), p. 30. In 1868, the *Freeman's Journal* estimated the annual expenditure of the Roman Catholic Church at over £762,000. In 1861 there were 1,036 Roman Catholic parish priests in Ireland, supported by 1,491 curates. There were four Catholic Archbishops and 33 bishops. See K.T. Hoppen, *Elections, Politics and Society*, p. 171. Hoppen estimates that there were 1,873 Roman Catholics for each parochial clergyman. See also E.R. Norman, *The Catholic Church and Ireland in the Age of Rebellion 1859-1873* (London 1965), p. 14-15. By comparison, the hierarchy of the Church of Ireland consisted of two archbishops and 10 bishops. See R.B. McDowell, *The Church of Ireland 1869-1969* (London 1975), p. 7.
² See P.M.H. Bell, *Disestablishment in Ireland and Wales*, p. 33. See also R.B. McDowell, *The Church of Ireland 1869-1969*, p. 17.
³ From a speech by G.A. Hamilton, 10 July 1849, *Hansard*, 3rd S, CXII, cl. 149.
being, Irish Conservatives believed, to subvert the British constitution.

The 'Glorious Revolution' of 1688 had, in their eyes, defeated Papal pretensions in Ireland and established the British constitution firmly on a Protestant basis. Loyal Catholics, therefore, were duty bound to resist any Papal encroachments into secular affairs. Many Irish Conservatives believed that it had only been possible to grant Catholic Emancipation with safety within the context of the Union. Protestants then had the security of being a majority within the United Kingdom, and 'civil privileges' were given to Catholics 'which could not...[have] been safely granted [previously] to a sectarian majority in the separate country.' The oath taken by Catholics entering Parliament after 1829 explicitly disavowed any 'intention to subvert the present Church Establishment as settled by law...or weaken the Protestant religion or Protestant government in the United Kingdom.' By agreeing to these terms, the argument went, Catholics had accepted the Protestant character of the British constitution: thus while Catholics had been extended 'civil and religious privileges' the 'rights of the Established Church' had also been secured. These arguments were, of course, made mainly after the passing of Catholic Emancipation, as up to that time, Irish Conservatives were, with few exceptions, opposed to it.

Nonetheless, by the early 1850s it had become clear that the idea of the 'Protestant Constitution' itself had been substantially undermined. Despite the safeguards surrounding it, Catholic

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4 From a speech by Napier on 29 August 1849, Hansard, 3rd S, CI, cl. 616.
Emancipation had altered the foundations on which it rested. Furthermore, a number of influential Liberal politicians in Britain had begun to consider the position of the Church of Ireland as untenable. They believed that it had done little to justify its existence and was a continual source of discord within Ireland. Rather than strengthening the Union, it served merely to undermine it. There was also a widespread view, shared by some leading Conservatives, that it was only through concessions to Roman Catholics that British rule in Ireland could be maintained. The Irish Church Temporalities Act, introduced by the Whigs in 1834, had already displayed the British government's willingness to directly intervene in the affairs of the Church of Ireland. The Act had suppressed ten Church of Ireland bishoprics and reduced the income of the remaining bishops. It also reallocated incomes within the Church of Ireland, shifting resources away from parishes with particularly small Protestant populations. These measures were not, of course, designed to interfere with the Church of Ireland's position as the Established Church in Ireland, but, for some Irish Protestants, a dangerous precedent had been set.

The controversy surrounding the introduction of the Ecclesiastical Titles Act in 1851 gave leading Irish Conservatives an opportunity to air publicly many of the ideas discussed above. In late 1850 a Papal brief was issued, appointing Nicholas Wiseman as Archbishop of Westminster.

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9 In Macaulay's view, the Church of Ireland had produced 'twice as many riots as conversions.' R.Shannon, Gladstone: Volume One 1809-1865 (London 1982), p.83. Jonathan Parry has also noted that many Liberals saw the Church of Ireland as 'the greatest obstacle to popular acceptance [in Ireland] of the benefits flowing from the British connection.' See J.P.Parry, The Rise and Fall of Liberal Government in Victorian Britain (New Haven and London 1993), p. 266.
and dividing England into twelve bishoprics. The brief was issued without prior notification to the British government. Despite this, the ensuing furore was largely a result of Lord John Russell's celebrated open letter to the Bishop of Durham. Russell's reasons for writing the 'Durham letter' have been much disputed, but, in terms of Irish politics alone, it was to have disastrous consequences for the Liberal party. The tone of the letter was offensive to Catholic opinion, while the Liberal government's subsequent introduction of the Ecclesiastical Titles bill seriously undermined its position in Ireland.

Shortly after the publication of the letter, Naas met with Cory Connellan, the private secretary to Lord Clarendon, the Whig Lord Lieutenant of Ireland. Connellan told him that, in writing the 'Durham letter,' Russell must 'have for a moment forgotten the existence of Ireland.' It was 'a stultification of the Whig policy towards the country [Ireland] for the last 100 years.' Connellan believed that the Durham Letter would 'lead to such a complication as has never even in Ireland been witnessed.' Naas informed Disraeli that 'the whole Papist population...[were] bursting...with fury' over the letter. If they acted up to 'one quarter' of what they said they would 'never let an Irish member vote for any thing a Whig propose[d]' in future. At the same time Disraeli reported to Derby that Connellan's superior, Lord Clarendon, was less than happy with the Prime Minister's initiative.

For the Conservatives, the situation presented considerable advantages. As Disraeli pointed out to Stanley on 16 November, Russell was placed in a position from which it would be difficult to extricate himself without estranging at least a section of his supporters. Disraeli believed that 'if...in deference' to its Roman Catholics supporters the government was to do nothing in
response to the Papal action, then 'the Protestant cry, now legitimately raised...[would] gather to us [the Conservative party].' On the other hand, a punitive measure against the 'Papal aggression' might lead Irish Roman Catholic MPs to vote against the government. In either case, the Conservatives stood to gain from any such divisions within the Liberal party. Disraeli also suggested that the Liberal government's previous policy towards the Roman Catholic Church in Ireland could provide a possible line of attack for the Conservatives. Despite its doubtful legality, the Irish Catholic hierarchy had assumed territorial titles without any interference from government both before and after 1829. Among other incidents, Disraeli singled out Clarendon's submission of the statutes of the Queen's Colleges to Archbishop Murray of Dublin, requesting him to forward these for the Pope's attention. The substance of Disraeli's case was that while the government criticised the establishment of a Catholic hierarchy in England, it had allowed a similar hierarchy to function unhindered for many years in Ireland. Indeed, Disraeli argued, the government had actively colluded with the hierarchy, in the hopes of securing their support for its measures.11 This line of argument fitted in closely with Irish Conservative criticisms of Liberal party policy towards Ireland in the years after 1829.

The initial response of Irish Conservatives to the 'Papal aggression' was to claim that their dire predictions of the dangers of 'coquetting' with the Papacy had been borne out. In January 1851, the Dublin Evening Mail declared, rather hyperbolically, that Britain had arrived at 'a crisis in...[its] history, the importance of which...[could] not be exaggerated.' The 'days of the revolution of 1688' had returned. It was incumbent on Irish Conservatives to defend their civil

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and religious liberties or they would be forced to submit to 'the most despicable - the most relentless of tyrants.' The Pope's action, in giving territorial titles to the English hierarchy, was tantamount to an 'invasion', the paper claimed.\textsuperscript{12}

At a meeting in Belfast called to denounce the conduct of the Papacy, the Earl of Roden maintained that as Irish Protestants were in 'the van of the combat' against Rome, it was vital that they should defend their 'brethren in England [who were] thus assailed.' Irish Protestants had 'seen in the [British] government...a desire to communicate and act with the Pope of Rome' which, if persisted in, 'must lead to the ruin and destruction of the Protestant Church in Ireland.'

It was no longer possible, Roden maintained, for English public opinion to ignore Irish Conservative warnings about the overweening pretensions of the Papacy.\textsuperscript{13} At a similar meeting held in Dublin in late January, Edward Grogan declared that his only loyalty was to 'our gracious Sovereign and to the laws of these realms.' Irish Protestants would brook 'no foreign interference, whatever, whether of Pope or Cardinals.' It was essential, Lord Clancarty insisted, that the 'pretensions of the Church of Rome...be brought into subordination to the authority of civil rule.' Given their position as a minority in a predominantly Roman Catholic country, Clancarty contended that Irish Protestants had a keener insight into the operation and ambitions of that Church than had people elsewhere in Britain.\textsuperscript{14} In Donoughmore's words, the 'remonstrances of Irish Protestants...[who were] suffering in the grip of the tyrant' against concessions to the Papacy had been looked upon in England 'as the ravings of a faction enraged by the loss of its ancient ascendancy.' A 'complete unmasking of Rome' had been necessary 'to

\textsuperscript{12} \textit{Dublin Evening Mail}, 1 January 1851.
\textsuperscript{13} \textit{Dublin Evening Mail}, 3 January 1851.
open England's eyes' and awake it to the realisation of the 'baneful influence' of the Roman Catholic Church. Irish Protestants had, however, never been 'deceived - the beast [the Roman Catholic Church] had stood before us, face to face, in all its hideous deformity.' As a result of the 'aggression' however, Donoughmore concluded, 'Popery must henceforth...stand forth in her natural colours...[as] the enslaver of the human race.' Although the language used by Donoughmore here was undoubtedly exaggerated for effect,\(^{15}\) it was plain, nonetheless, that some Irish Conservatives saw the 'aggression' as providing a welcome platform for anti-Catholic, and, in particular, anti-Papal rhetoric.

The Ultramontane views of Paul Cullen, the new Archbishop of Dublin, provided another focus for attack. At the Synod of Thurles in 1850 Cullen had succeeded in having a resolution adopted denouncing the 'godless' Queen's Colleges established by the Peel government in 1848. There had been considerable opposition from other Irish bishops to this step\(^{16}\) and Irish Conservatives pointed to the Synod as an example of dictation from Rome over-riding the wishes of the domestic Irish Church. The 'Papal aggression' was thus merely a symptom of a wider disease.\(^{17}\) The Protestant meetings of late 1850 and early 1851 were not, of course, confined to Ireland. Similar meetings were held throughout England, Scotland and Wales. This agitation increased the pressure on the Liberal government to introduce anti-Papal legislation, a course of

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\(^{14}\) *The Warden*, 1 February 1851.

\(^{15}\) Suirdale [Donoughmore] to Wolseley, 27 August 1851, Donoughmore papers, H/11/1/121. Wolseley was the Secretary of the Portarlington Club, which had been formed 'to secure among other matters a fit and proper Representative for Parliament', one who would 'promote the best interests of the Borough [Portarlington], and especially endeavour by his vote and influence to uphold the paramount authority of the word of God in the government of this great Empire.' Donoughmore was writing to him as a prospective candidate for Portarlington and, this letter was probably written deliberately to secure the Club's support - in other words, it seems likely that Donoughmore was writing what he thought Wolseley wanted to hear. J.Wolseley to Donoughmore, 23 August 1851, Donoughmore papers, H/19/1/121

\(^{16}\) The resolution was passed by only one vote. See J.H. Whyte, 'Political Problems 1850-60' in P. Corish (ed), *A History of Irish Catholicism*, vol. V, p. 7-9.
action which could only damage its relations with its Roman Catholic supporters in Ireland.

Indeed, there was some evidence that the 'Durham Letter' was designed by Russell to prevent the Conservatives out-maneuvering him on a 'No-Popery' line.\(^\text{18}\)

In the wake of the 'Durham Letter' the government had little choice but to introduce some legislation. Many Irish Conservatives believed, however, that the government would attempt to exclude Ireland from the operation of any bill introduced. Indeed, this course was recommended by senior Irish Liberals, like Lord Monteagle, and by some of the party's MPs, anxious to limit the political damage the government would suffer as a result of any measure hostile to the Catholic Church.\(^\text{19}\) Understandably, Irish Conservatives were equally insistent that no distinction should be made between England and Ireland in any proposed measure. At a meeting in early February, Conservative leaders agreed to support a government measure, so long as it lived up to 'the pledges...[already] given.' If not, they would 'pin them down' to their earlier promises. It was not the Conservatives duty to outline any measure of their own: having raised the issue, it was Russell's responsibility to deal with it. Nevertheless, Derby admitted that, given the reality of Papal influence it might be necessary to sanction it 'to a certain extent by law - to legalise [it], with a view to limiting it.' The creation of an English hierarchy had, he suggested, altered the existing position. If it was to take on a synodical action, this might, as the case of the Queen's Colleges had shown, bring the bishops into conflict with the government. In reply to a question from Sir Robert Inglis, a leading Ultra-Protestant, Derby denied that he had any aspiration towards 'a concordat' with the Vatican. Derby also made it clear that he believed

\(^{17}\) See J. Napier, *England or Rome?*, p.5-6.

\(^{18}\) See D. Kerr, 'A Nation of Beggars': *Priests, People and Politics in Famine Ireland, 1846-52* (Oxford 1994), p. 248
the bill should apply equally to the whole United Kingdom. For the Conservatives, this was an
easy position to maintain. It fitted in with both the political and religious prejudices of many
party members, while the unpopularity accruing from any such step would fall on the Liberal
party rather than on themselves.

Shortly before the re-assembling of Parliament, Napier wrote to William Beresford, the
Conservative chief whip, expressing his gratification that Derby had decided to 'rally us [the
Conservative party] on the great issue between Protestantism and the Papacy.' He was
concerned that the government intended merely introducing 'some petty bill for England, thereby
admitting that the authority of the Queen...[and] the independence of the Constitution...[were] not
maintainable in Ireland.' There was, he warned, 'a sorry prospect for an Empire placed in so
humiliating a position having...[and] hitting Popery a slap in England - [while] fearing...[and]
giving Popery power...pre-eminence...[and] patronage in Ireland.' The 'arrogant usurpation's of
the Papacy' made it essential that the government should include Ireland in the operation of its
bill. Not all Irish Conservatives were as anxious for a comprehensive measure; in early
January, Naas confided to Disraeli, that he did not 'fancy losing...[his] seat for the mere fun of
letting off[f] a random shot at Emancipation and the new system.' While some members of the
party believed that 'territorial titles' were of 'little value here [in Ireland] and not worth creating a
new Emancipation agitation [over]', others would 'go to the world's end to spit on a Papist if they
could do no worse.' Nonetheless, Naas was aware that the political exigencies of the time meant
that some measure was inevitable and he was concerned at the political dangers in allowing the

See also O.W.Hewett (ed), '...and Mr. Fortescue, p.10.
20 Stanley diary for 1 February 1851, Quoted in J.Vincent (ed), Disraeli, Derby and the Conservative Party, p. 37.
21 Napier to Beresford, n.d [January 1851], Trinity College, Dublin, Ms. 6235/3.
Roman 'Catholic priests [to] get up a religious liberty cry.' 22 Naas's concerns about these dangers were, of course, conditioned by the fact that he represented Kildare, a largely Roman Catholic constituency. Sir Lucius O'Brien, another Conservative MP in a similar predicament, reflected around the same time on the difficulties of being a 'zealous Protestant' sitting for a Constituency 'almost exclusively Roman Catholic.' As 'their representative' he felt he had 'no right...[to] utter sentiments at variance with their wishes especially in the Senate' unless he was 'likely to be able to carry them with...[him] hereafter.' 23 O'Brien's caution was also based on more pragmatic considerations - both he and Naas were dependent on Catholic support to retain their seats.

The government's bill, introduced in February 1851, has been aptly described by Lord Blake as 'absurd and unenforceable.' 24 The bill reiterated the provision of the Catholic Emancipation Act, rendering the assumption of territorial titles by the Catholic hierarchy illegal. It also introduced fines against the use of such titles in any 'public act.' The bill, though more moderate than might have been expected from the tone of the 'Durham letter' raised a storm of protest in Ireland. It gave added impetus to the arguments of those who argued that Irish Roman Catholic MPs should pursue a policy independent of the two principal British parties. For the remainder of the session, a group of Irish MPs, whose leaders included George Henry Moore and William Keogh, voted against the Liberal government on every possible occasion in protest at its introduction of the Ecclesiastical Titles bill. This obviously involved voting with the Conservatives, a situation which opened up new possibilities for the party. Even though the Conservatives supported the

22 Naas to Disraeli, 11 January 1851, Disraeli papers, B/XX/BO/2.
23 Sir Lucius O'Brien's notes on 'Papal Aggression', 2 February 1851, Inchiquin papers, National Library of Ireland, Ms. 21,203 (IV).
24 R.Blake, Disraeli, p.301.
bill in Parliament, Irish Catholic opinion laid the principal blame for its introduction on Lord John Russell.25

In Parliament, leading Conservatives argued that the Titles bill was an inadequate response to the crisis provoked by the 'Papal aggression.' Prior to its introduction, Derby had come out strongly against the exclusion of Ireland from its provisions. Any violation of the authority of the Crown in England was, Derby asserted, 'an equal violation' of that authority in Ireland. Moreover, the union of the Churches of England and Ireland was such that an 'aggression' upon one was also one upon the other. It was necessary, therefore that the government's measure should give 'a clear and substantial vindication of the supremacy of the Crown.' He called on the government to deal 'manfully and boldly with the question, or deal with it not at all.'26 In a subsequent debate, Disraeli argued that the bill was a 'piece of petty persecution' rather than a considered response to a 'solemn political exigency.' The existence of a 'Roman Catholic hierarchy in a Protestant country, not recognised by law' was, in his view, 'a great political evil.' In order to prevent the occurrence of 'another Papal aggression', it was necessary that the relationship between this hierarchy and the Vatican be regulated by the state. Unless this was done, he believed the Whigs would seek to 'govern England again by a continual Popish plot, which...[was] never to be brought to a head.'27 Disraeli did not, in fact, suggest any alternative to the government's scheme, a course which was clearly in line with the Conservatives' desire to gain as much political capital as possible from the embarrassing position in which the

25 See J.H. Whyte, The Tenant League and Irish Politics in the Eighteen-Fifties (Dundalk 1966), p.11. In October 1861 Whiteside informed Sir Edward Bulwer Lytton that he would be 'amazed at the rooted dislike felt by the R.C's of Ireland to Earl Russell - they have never forgiven & never will his Durham letter.' He recounted a conversation he had had with Laurence Waldron, MP for Tipperary between 1858 and 1863, in which Waldron told him that if 'Russell became premier...he would instantly cross to our [the Conservative] side of the house.' Whiteside to Lytton, 9 October 1861, Lytton papers, County Records Office, Hertford, D/EX/C7/6.
government found itself. By suggesting a fixed line of policy, the Conservatives might have alienated those Irish MPs willing to vote against the government.

Unsurprisingly, Irish Conservatives took a stronger position on the bill. Speaking in a debate in early February, Napier claimed that a concerted attempt was being made to 'to introduce a foreign authority into this land, and to raise it above the constitution and the law.' The Papacy was seeking, he believed, to establish a 'tyranny' over the consciences of Roman Catholic citizens of the United Kingdom. He cited the Synod of Thurles as an example of the way in which Papal authority was used to over-ride even the wishes of the Irish Roman Catholic hierarchy. If these bishops could thus only 'register...the decrees of the Bishop of Rome,' which the laity 'were [then] bound to obey, how could they talk of their [Irish Roman Catholics] being a free people; was it not a solemn mockery?' It was necessary to bring in legislation to counter this situation as Irish Roman Catholics had the same duty to uphold the law as had Irish Protestants. They should, therefore, be 'protected by the constitution from all assumptions of authority above the laws, be it ecclesiastical, popular, or Papal.' In Ireland, indeed, Roman Catholic pretensions posed a greater threat and stood out more boldly than they normally did in England. Thus, it was probable, Napier had previously told the National Club, that the 'decisive battles of Protestant truth and Protestant principles would be fought out in the case of Ireland.'

Despite their misgivings about the government bill, however, Irish Conservatives generally supported it as being a necessary, if inadequate, response to the 'Papal aggression.' On its first reading, the bill was passed by 332 votes, with a large number of Irish Conservative MPs voting

26 Hansard, 3rd S, CXIV, cl. 28-30.
27 Hansard, 3rd S, CXIV, cl. 261.
28 Hansard, 3rd S, CXIV, cl. 460-61.
in the majority. These included staunchly Protestant MPs such as William Verner, the MP for Armagh County, Edward Grogan, the MP for Dublin City and Mervyn Archdall, the MP for Armagh County. Naas was notable by his absence from this division. Only a few days later, a section of the Irish Catholic MPs responded to this by voting against the government. This resulted in its being defeated in the House of Commons. The vote was on a motion introduced by the Radical MP, Locke King, for an equalisation of the county and borough franchise. The Conservatives abstained on this occasion, leaving exposed the increasing divisions within the Liberal party.

The government immediately resigned and Derby was sent for by the Queen. Derby, however, was unwilling to form a government and advised her that a coalition government between the Liberal party and the Peelites stood a better chance of survival in the House of Commons. Derby also expressed his conviction that the appointment of a Parliamentary committee 'to enquire into the position of the Roman Catholic Church'\(^\text{30}\) in Britain would have the effect of 'allowing the popular ferment [on the subject] to cool.'\(^\text{31}\) This committee would investigate a range of topics; these would include the manner in which Roman Catholic archbishops and bishops were appointed. It would also investigate the questions whether 'people were detained against their will' in convents, and if undue influence was being exercised by Roman Catholic clerics over the disposal of property by Catholic laymen and those in religious orders. The committee would also study the operation of Papal bulls and the extent to which they impinged

\(^{30}\) Memorandum by Prince Albert, 27 February 1851, Quoted in A.C.Benson and Viscount Esher (eds), The Letters of Queen Victoria; A selection from Her Majesty's Correspondence between the years 1837 and 1861 Vol. II 1844-1853 (London 1907), p.365.

\(^{31}\) Stanley diary 16 May 1851, Quoted J.Vincent Disraeli, Derby and the Conservative Party p. 65
on the supremacy of the Crown and Parliament. Derby favoured communication between the Vatican and the English Catholic hierarchy being permitted 'for purely religious purposes', but argued that 'mischievous and dangerous...intervention[s] on the part of the Pope' should not be sanctioned. Like Disraeli, Derby complained that the government had reacted in an ad-hoc way to a particular crisis rather than dealing with the question of the relationship between the Catholic Church and the state in a considered fashion. After an abortive attempt to form a government with Peelite support, Derby eventually gave up the task as hopeless. Derby blamed this failure on the absence of talent in his front bench, while the outcome of the political crisis was that Russell returned to office, with his government seriously weakened.

Although they had supported the first reading of the Ecclesiastical Titles bill, leading Conservatives were aware that the longer the issue was debated, the longer the difficulties faced by the government would continue. Disraeli himself believed that a prolongation of the controversy would serve to detach both the 'Irish and Peelite MPs from the government. His suggestion that the Conservatives should also lead 'a combined attack, with the aid of the Irish party' against the bill 'as nugatory and objectionable' received less support from leading Conservatives. On Russell's return to office, he moderated the Titles bill by removing those clauses which had rendered void the 'deeds and writings' of Catholic clerics holding the disputed titles. This softening of the bill gave the Conservatives the opportunity to re-affirm their 'Protestant' credentials. On 4 March a meeting of the National Club decided, in response to 'the

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32 See the 'Resolutions on Papal Aggression' of which Derby was probably the author in the Disraeli papers, B/XX/S/24. See also the Memorandum by Prince Albert, 28 February 1851, Quoted in A.C.Benson & Viscount Esher (eds), The Letters of Queen Victoria, vol. II, p. 367.
33 Hansard, 3rd S, CXIV, cl. 1027.
34 R.Blake, Disraeli, p.305-6.
35 Stanley diary, 15 April 1851, Quoted in J.Vincent (ed), Disraeli, Derby and the Conservative Party, p. 61-62.
earnest recommendation of Mr. Napier and Mr. Hamilton', to launch a public campaign for the introduction of a 'really efficient' Titles bill. Their public campaign does not, however, appear to have been particularly extensive, being restricted to placing advertisements in *The Times* calling for a more stringent bill. It was also decided to leave the question of the Club's tactics on the bill to a meeting of its Parliamentary members to be held before the second reading. This, in effect, left the responsibility for the decision to senior National Club MPs like Walpole, Napier and G.A. Hamilton.

Hamilton's private views on the bill were outlined in a letter to Lord Derby on 13 March. He contended that Irish Catholics generally held 'a strong opinion against the Papal aggression.' They were aware that the 'real question, as it affect[ed]...themselves' was not whether restrictions were 'to be imposed upon the necessary...[and] legitimate exercise of their religion', but was 'whether the Pope and the Hierarchy...[were] to be permitted to exercise a jurisdiction in matters ecclesiastical and civil, which would soon be converted into an odious tyranny.' He attributed the agitation on the issue in Ireland to the 'petulant and offensive tone' of the 'Durham letter.' This had, Hamilton suggested, given 'the Ultramontane party' and the 'professional agitators' the opportunity to create a controversy on the issue. He condemned the government's 'miserable vacillation' on the question and recommended that, under the circumstances, the bill should be opposed. Given the Conservatives position in the House of Commons, he doubted if they could successfully amend the bill, while the attempt to do so might involve 'the party in some of the

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36 Stanley diary, 9 March 1851, Quoted in J.Vincent (ed), *Disraeli, Derby and the Conservative Party* p.54.
38 National Club General Committee Minute Book No. 2, 4 March 1851, National Club papers, Dep. b 235.
39 National Club General Committee Minute Book No.2, 11 March 1851, National Club papers, Dep. b 235. The meeting was chaired by Richard Spooner, and attended by several prominent Ultra- Protestant MPs including Charles Newdegate, J.C. Colquhoun, and J.P. Plumptre.
odium in this country [Ireland], which at present attaches...to Lord John Russell.' The establishment of a committee such as Derby had earlier proposed, would, Hamilton believed, provide an opportunity to introduce a more considered measure.\textsuperscript{40} Hamilton's line here was, rather surprisingly, close to that suggested by Disraeli. Both men were keenly aware of the political advantage to the Conservative party of keeping open the divisions within the Liberal party and of the necessity to avoid alienating those Irish Roman Catholic MPs who had broken with the government. This was, of course, a delicate balancing act to perform, to satisfy both those Catholic MPs virulently opposed to the bill and those Conservatives in favour of a more stringent measure. The animus felt by Irish Catholic MPs towards Lord John Russell and the Liberal government, however, made this balance easier to achieve than it at first appeared.\textsuperscript{41}

Hamilton's views on the bill, were not, however, shared by all of his colleagues on the Evangelical wing of the party. Walpole, for example, believed that the scope of the bill should be widened to encompass all Papal bulls or rescripts introduced into England. He maintained that the government's bill should have enunciated clearly 'the constitutional principle upon which we proceeded.' It should have declared the Papal bull re-establishing the Catholic hierarchy 'unlawful and void to all intents and purposes', prohibiting those granted titles under the bull from using them. The purpose of this would be to ensure that 'the allegiance of the people...[was kept] unshaken.' The preamble would also have served as 'a solemn protest...against the notion that any power could come into this realm, and bring into question, or

\textsuperscript{40} Hamilton to Derby, 13 March 1851, Derby papers, 150/9.
derogue in any way from the only authority which England can recognise. If the newly established hierarchy were to act in the same manner as the Irish bishops had at the Synod of Thurles, then the threat would be raised of the creation of 'an Ultramontane executive' within England itself. To counter this, it was necessary that Papal bulls should first be sanctioned by the British government before being introduced into the country. Those merely regulating the internal discipline and affairs of the Catholic Church would be accepted, while those which might be used 'for improper and illegal purposes' would be excluded. As to the wider question of the relationship between the British state and the Roman Catholic Church, Walpole believed this would best be left to a future committee of inquiry. It is likely that Walpole had discussed his views on the bill with Napier prior to his giving this speech, and it may safely be assumed that his opinions on the bill were similar to those expressed by Walpole.

Another argument used by Conservatives against the bill was that it would prove impossible to enforce. The legislation combined, in Hamilton's words, being 'vexatious and affronting in its spirit' with being 'ineffective in its operation.' It would be 'a mockery,' Disraeli maintained, to prosecute Catholic ecclesiastics for assuming titles which, in the Irish case, had been used towards them by members of the government. A common thread in Conservative criticisms of

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41 According to Stanley, it made 'no difference' to this group of Irish MPs that the Conservatives voted 'for the bill to which they object.' They expected 'no other course' from the Conservatives, while their 'indignation' against Russell was so great that they would seize any pretext on which to turn out the government. It should be noted here that this group comprised only a minority of the Irish Roman Catholic members - their parliamentary strength being variously estimated at between 18 and 24 MPs. Stanley diary, 8 February 1851, Quoted in J. Vincent (ed), Disraeli, Derby and the Conservative Party, p.39.
42 Hansard, 3rd S, CXV, cl. 390-97.
43 This claim was made by Napier. See J. Napier, England or Rome?, p.18.
44 See Hansard, 3rd S, CXV, cl. 390-97. See also Walpole to Derby, 29 December 1851, Derby papers, 153/1.
46 Hansard, 3rd S, CXIV, cl. 660.
47 Hansard, 3rd. S, CXIV, cl. 601.
the cabinet's handling of the crisis was their contention that it had been its previous policy in Ireland which had provoked the 'Papal aggression.' Indeed, both Derby and Disraeli had a hand in drawing up a motion, introduced by David Urquhart, a Radical MP, which explicitly accused the cabinet of having 'encouraged... the recent act of the Pope' by their 'conduct and declaration[s].'48 By conniving at 'the gradual encroachments of the Roman Catholic Church'49 the Liberals had, in fact, rendered a crisis inevitable. The fact that the government had sent Lord Minto, Russell's father-in-law, on a mission to the Vatican was also deemed to be evidence of their collusion with the Papacy.50 The accusation made by Conservatives was, in essence, that the Liberals had introduced the Ecclesiastical Titles bill in a cynical attempt to win over 'No Popery' opinion rather than from any deep seated convictions.

Despite these criticisms, the second reading of the bill was carried by an overwhelming majority - 438 votes to 95 votes - with a substantial number of Irish Conservatives supporting the bill. Naas was again absent from the division. It was on the third reading of the bill that the Ultra-Protestant Conservatives made their most concerted attempt to alter its substance. An amendment moved by Sir Frederick Thesiger, later Lord Chelmsford, extending the provisions of the bill to all Papal instruments was carried against the government in early June.51 On this occasion, those Irish Catholic MPs opposed to the government abstained. Later in June, an amendment excluding Ireland from the operation of the bill was defeated in the House of Commons by 255 votes to 60. According to Napier, it was essential to have 'uniformity of

48 Hansard, 3rd S, CXIV, cl. 830.
49 Hansard, 3rd S, CXIV, cl. 1027.
50 See Disraeli's speech of 7 February 1851 Hansard, 3rd S, CXIV, cl. 259 also Napier's speech of 12 February 1851 Hansard, 3rd S, CXIV, cl. 463-64. The Pope had, in fact, given Minto a hint of his intention to restore the English hierarchy, a hint which Minto had not pursued. See R. Blake, Disraeli, p. 299. See also D.A.Kerr, 'A Nation of Beggars': Priests, People and Politics in Famine Ireland 1846-1852 (Dublin 1994), p.251.
practice' between England and Ireland when dealing with 'great constitutional principle[s].''

The essence of the Union was that an Irish Protestant had 'an equal right to have his branch of the Church protected in its foundations, as his brother of the same united Church enjoy[ed]...in England.' While Irish Roman Catholics had the right to religious liberty, this right was circumscribed by the limits of the British constitution.53

The difficulty in the relations between Britain and the Vatican in Napier's view lay in the dual nature of the Papacy, its position as both a temporal and a spiritual authority. Its attempts to assert temporal influence outside its own borders could not but conflict with the British constitution 'which solemnly repudiate[d]...all foreign jurisdiction, pre-eminence or authority.'54

Echoing Hamilton's earlier remarks, Napier claimed that there were a large number of Irish Roman Catholics 'in their hearts anxious to be sheltered' by Parliament from the threat of Papal dictation.55 Sir William Verner, the Ultra-Protestant MP for Armagh, went further, calling for the repeal of 'the [Emancipation] Act of 1829.' Criticising the obstructive tactics of Irish Roman Catholic MPs, he asked if the 'whole business of the country [was] to be stopped by a minority [of MPs] who voted and acted at the dictation of Irish Roman Catholic archbishops, bishops and priests.' Those who opposed Parliament in this manner were 'rebels', Verner claimed.56

The bill eventually passed its third reading by a large majority. The long term significance of the bill did not lie in its practical implications; it proved, as its critics had claimed it would, essentially a 'dead letter', but rather in its effects on the positions of the various British political

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51 See G.I.T.Machin, Politics and the Churches in Great Britain 1832 to 1868, p. 224.
52 Hansard, 3rd S, CXVII. cl. 337.
parties. It strengthened the position of the advocates for an Independent Irish party, while severely damaging Liberal prospects there. It also encouraged the Irish Catholic bishops to become politically active in order to secure the repeal of the bill. For the Conservatives, it offered the prospect of at least a temporary Parliamentary alliance with disillusioned Irish Roman Catholic MPs. Given the political situation at the time, this alliance, potentially, had the numbers to overthrow the government. The possibility of such an alliance particularly appealed to Disraeli, whose friendship with G.H. Moore was consolidated at this time. Many years later, in a letter to Disraeli, Moore was to claim the credit for having 'broke[n] up the Whig alliance with the Irish popular party.' Whatever the truth of this, the Parliamentary situation did provide the Conservatives with openings which had not appeared possible prior to the 'Durham letter.'

In the event, it was internal dissensions that brought down the Liberal government in February 1852. The Conservative government which replaced it was a minority one, dependent for its survival on support from the other parties in the House. On being appointed Chief Secretary, Lord Naas was obliged to stand for re-election for the largely Catholic seat of Kildare. This election provided an early test of the new government's popularity in Ireland. As we have seen earlier, Naas was keenly aware of the potential difficulties which the Conservative party's support for the Ecclesiastical Titles bill would cause him in his constituency. These fears were

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56 *Hansard*, 3rd S, CXVII cl. 390.
58 Moore to Disraeli, 20 July 1868, Disraeli papers, B/XIII/M/201.
borne out when the Parliamentary Committee of the Catholic Defence Association in Dublin issued a circular calling on Catholic electors in Kildare to vote against Naas at the election. Naas's membership of 'Lord Derby's Protestant Ascendancy government' was cited as a reason for opposing him. He was also condemned as a 'supporter of the infamous Ecclesiastical Titles bill. In fact, Naas had been absent from most of the divisions on the bill, but it was an indisputable fact that the majority of Irish Conservative MPs had supported the bill. Naas's position was made more vulnerable by the fact that his return was opposed by the Earl of Leinster, a leading landowner in the county and a Whig in politics. Leinster had supported Naas on previous occasions, but turned against him as a result of Naas's moving of a vote of censure against Lord Clarendon, the Whig Lord Lieutenant, earlier in the session. This 'coalition of parties of the most opposite politics' meant that Naas had no prospect of being returned for Kildare. He eventually retired from the contest there, and was returned for the safe Conservative seat of Coleraine. Disraeli later claimed that this reverse had undermined his attempts to pursue a conciliatory policy towards Irish Catholics. He contended that he had won over the cabinet to Naas's appointment, in the belief that this would be more acceptable to Irish Catholic opinion than if G.A.Hamilton had been given the post. In particular, Disraeli believed the appointment would prove 'very agreeable to the R[oman] C[atholic] leaders' of the Independent party, especially G.H.Moore and William Keogh. The opposition of the Roman Catholic clergy to Naas's re-election, however, had struck Disraeli's hopes of pursuing a policy favourable to Irish Catholics 'a blow' from which it proved 'difficult to recover.' Indeed, his

59 *Dublin Evening Mail*, 13 March 1852.
60 See Leinster to Naas, 27 February 1852, Mayo papers, 11,019 (29).
61 Letter from Naas to his 'leading supporters in Kildare', March 1852, Quoted in the *Dublin Evening Mail*, 13 March 1852.
arguments for 'a mild...[and] friendly system' had been answered 'in [such] a manner...[as] seemed to prove their utter fallaciousness.' Disraeli did not specify here what exactly a 'mild and friendly system' entailed and clearly underestimated the difficulties which pursuing such a policy would cause within the Conservative party.

The delicate character of the Irish government's relations with the Roman Catholic Church in the wake of the Ecclesiastical Titles Act was shown soon after its accession to office. In late March, Eglinton applied to Derby asking what was the correct order of precedence to follow when meeting Roman Catholic archbishops and bishops at social functions. He also inquired about the correct mode of addressing Roman Catholic clerics, referring to Clarendon's use of 'Lord' when addressing bishops. This question, largely symbolic though it was, was brought before the cabinet by Derby shortly afterwards. It decided that the Catholic hierarchy should be given the precedence decided on by the Whig government in 1849. This gave the Catholic archbishops precedence over Protestant bishops, while giving the latter precedence over their Catholic counterparts. The cabinet also decided that the use of the term 'Lord' should be discontinued. Derby argued that the Catholic hierarchy 'clearly had no right to it, and [that] every acquiescence in these illegal encroachments only act[ed]...as an encouragement to fresh demands.' Rather surprisingly, the advent of the new government was welcomed by Paul Cullen, the newly appointed Archbishop of Dublin. Cullen wrote to an a friend that while 'the present ministry profess[ed]...itself hostile to the Catholics', it would do 'nothing against them.' He described Eglinton as 'a good man' who would devote himself to 'hunting and horse-racing'

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62 Disraeli to Bulwer, n.d but October 1852, draft in Disraeli papers, H B/11/026b. I am indebted for this reference to Ms. Ellen Hawman of the Disraeli Project, Queen's University, Kingston.
63 Eglinton to Derby, 31 March 1852, Copy in the Eglinton papers, GD3/5/53/4425.
64 Derby to Eglinton, Eglinton papers, GD3/5/53.
and not 'implicate himself in religious matters.' However, 'to please his party' Eglinton would have 'to profess [himself] to be our enemy.' Cullen preferred this simulated enmity to the policy 'of Clarendon and Palmerston' who professed themselves 'favourable to us [the Roman Catholic clergy] and then...[did] everything in secret to promote infidelity and indifferentism.' He considered Clarendon particularly suspect as a promoter of proselytism by Protestant missionary societies in Connaught. Cullen's favourable attitude to the Conservatives was not to be long lasting and surely owed much to the Liberal government's introduction of the Ecclesiastical Titles bill. It is also doubtful if Irish Conservatives, who regularly demonised Cullen, would have taken much gratification from the terms of his praise for Eglinton.

The government's relationship with the Roman Catholic Church was placed under serious strain by their issuing on 15 June of a Royal proclamation reiterating the illegality of Roman Catholic processions within the United Kingdom. These processions had in fact been illegal since 1829, but, the law had not been applied in practise. Following a procession through the town of Ballinasloe in County Galway the previous month, John Wynne, the Irish under secretary, sent a public letter to Bishop Derry of Galway, expressing the hope that the violation of the law had occurred 'inadvertently' and warning that any future processions would lead to prosecutions. This letter had been prompted by Walpole and sanctioned by Eglinton. Derby justified the issuing of the letter by claiming that the violations of the law on processions had reached 'such a point' that intervention was necessary. It is not clear how far this letter influenced the

65 Cullen to Dr. Bernard Smith, 8 March 1852, Quoted in P. MacSuibhne, Paul Cullen and His Contemporaries with their letters from 1820–1902, vol. V, (Naas 1962), p.113. For a very different characterisation of Eglinton see Stanley's diary for June 1852, Quoted in J.Vincent (ed), Disraeli, Derby and the Conservative Party, p.62.
66 Wynne to Derry, 7 May 1852, Quoted in the Dublin Evening Mail, 21 June 1852.
67 See Walpole to Eglinton, 5 May 1852, Eglinton papers, GD3/5/52/4428.
68 Derby to Eglinton, 28 June 1852, Eglinton papers, GD3/5/53.
subsequent issuing of the Royal proclamation. The government defended both, however, by arguing that they were designed to prevent disturbances at the forthcoming elections in Ireland and England. In the atmosphere of heightened sectarian tension caused by the introduction of the Ecclesiastical Titles bill, the holding of Catholic processions would, the argument ran, be viewed as provocative by Protestant opinion. While this was the 'ostensible object' of the proclamation, the real motivation seems to have been to appeal to 'No Popery' opinion in Britain and Ireland. Stanley, who believed the proclamation to be a 'serious blunder', blamed Napier and Walpole for its introduction. Although Disraeli supported the issuing of the proclamation, he insisted to Stanley that he had only done so in order 'to please the Irish Protestants.' While the proclamation may have gained the Conservatives some support from anti-Catholic opinion in Britain, its main effect in Ireland was to offset a great deal of the advantage which they had obtained from the introduction of the Ecclesiastical Titles Act.

Soon after the issuing of the proclamation, a religious riot took place in Stockport in Cheshire. In Ireland, many Catholics blamed the disturbances on the government's mishandling of the processions issue. Criticisms of the government's policy, and allegations that they were directly responsible for the riots, became a mainstay of the Independent party campaign against the Conservatives in the last days of the 1852 election campaign. Indeed, a number of Conservative candidates and agents complained to Naas of the damage which these events had

69 See Stanley's diary for June 1852, Quoted in J.Vincent (ed), Disraeli, Derby and the Conservative Party, p. 73. Disraeli was later to claim that the proclamation had been introduced 'for the protection of Roman Catholics.' See Courtenay to Naas, 9 July 1852, Mayo papers, 11,018 (30).
70 See Stanley's diary for June 1852, Quoted in J.Vincent (ed), Disraeli, Derby and the Conservative Party, p. 73.
71 See J.H. Whyte, The Tenant League and Irish Politics in the Eighteen Fifties, p.13. See also G.I.T.Machin, Politics and the Churches in Great Britain 1832 to 1868, p.239.
done to their hopes of being elected. The fact that both major British political parties had succeeded in alienating Irish Roman Catholic opinion in the space of less than two years, also served to boost the prospects of those MPs willing to take the 'Independent' line. It seems clear that the Irish government underestimated the extent of the Irish Catholic reaction to the proclamation. Indeed, soon after it was issued, Naas argued that it would not do the government 'any harm' in Ireland, while it would strengthen it 'greatly' in England. Given that processions had been held for so long without any interference from government, Eglinton feared that to prosecute priests for holding them would be seen as 'an act of extreme persecution even by moderate Catholics.' Nonetheless, he was prepared to run this risk.

Unfortunately for Irish Conservatives, however, the proclamation and the Stockport riots ensured that the general election of July 1852 was fought out in an atmosphere of religious controversy, hardly conducive to their prospects. Roman Catholic priests played a prominent part in the campaign with considerable vitriol being directed at the government. A typical example of this invective was an election placard which appeared in County Tipperary, accusing the Derby government of having drawn 'the sword against the Altars of Christianity.' It went on to claim that the government wished to destroy every Catholic chapel standing in England. While this language was, no doubt, hyperbolic, the virulence of Conservative criticisms of the priests' conduct at the election suggests they felt threatened by this exercise of clerical influence. Eglinton's letters to Derby during the election campaign contain a series of indictments against

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72 See, for example, Clayton Browne to Naas n.d Mayo papers, 11,018 (11), Daly to Naas 31 July 1852 Mayo papers, 11,018 (42), and Herbert to Naas, 18 July 1852, Mayo papers, 11,019 (17).
73 Naas to Eglinton, 16 June 1852, Eglinton papers, GD3/5/53/4426.
74 Eglinton to Derby, 28 June 1852, Derby papers, 148/2. There is a copy of this letter in the Eglinton papers, GD3/5/53/4425.
75 Dublin Evening Mail, 14 July 1852.
what he considered the 'blackguardism' of the priests. Warning of the 'lawless state of this country [Ireland]', Eglinton accused the Catholic clergy of 'preaching sedition' and raising 'murder bands' to ensure Catholic voters acted at their dictation.\footnote{Eglinton to Derby, 16 July 1852, Derby papers, 148/2. There is a copy of this letter in the Eglinton papers, GD3/5/53/4425.} Writing to Naas, Lord Charleville described the election in King's County as having become 'a kind of war between Protestantism and Roman Catholicity.'\footnote{Charleville to Naas, 16 July 1852, Mayo papers, 11,018 (29).} There were many letters in a similar vein sent from across the country to both Eglinton and Naas. The Conservatives most vulnerable to this type of pressure were, of course, those MPs sitting for constituencies with a substantial Roman Catholic presence. Along with the religious issue, the government also faced the threat of the Tenant League, which sponsored a number of candidates at the election. Indeed, the Independent party's success at the election was due to a shrewd combination of religious and agrarian issues. While this created long-term difficulties for the party, in the short term the combination proved a winning one. The results of the election, outside the North of Ireland, were encouraging for the Independent party. Almost all of the MPs who had opposed the Liberal government in the previous Parliament were returned, while some 48 MPs, with varying degrees of sincerity, had pledged themselves to the policy of remaining independent from all British parties. The continued strength of landlord influence was, however, shown by the return of 42 Conservative MPs at the election.

Shortly after the election, a new body calling itself the Friends of Religious Freedom and Equality was formed at a meeting in Dublin. The meeting was attended by 26 MPs, who pledged themselves to oppose any government which did not include the repeal of the
Ecclesiastical Titles Act and the disestablishment of the Church of Ireland in their programme. In theory at least, the Independent party now seemed to be on the brink of becoming a genuine force in Irish politics. The very raising of religious issues in this way, however, threatened, in the long term, to disrupt the unity which existed between the Northern and Southern wings of the movement.

Ironically, considering the criticisms which they had made of Minto's mission to Rome, the Conservative government itself sent a similar informal envoy there in the autumn of 1852. The envoy chosen was Sir Henry Bulwer, a brother of Sir Edward Bulwer Lytton, the novelist and Conservative politician. The government had appointed Bulwer as British Minister in Florence, from which post he undertook his mission to the Vatican. The decision to send Bulwer to Rome was taken by Lord Malmesbury, the Foreign Secretary. Derby was anxious that Bulwer should obtain a Papal denunciation of the Catholic clergy's involvement in electioneering in Ireland. This issue had preoccupied the Irish government in the months following the general election. A number of suggestions to reduce the priests' influence had been canvassed, including a proposal that the electoral franchise be raised. Defending such a step, Lord Claud Hamilton complained that 'the franchise bestowed upon the Roman Catholic voters' did not belong to them, but to their 'spiritual pastors.' To counteract this, Hamilton believed that the franchise should be restricted to 'to such [voters] as would be above the threats

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of the priests. Another proposal, considered by Eglinton, was that it should be made illegal for any clergyman to appear 'within the precincts of a polling booth' at election times. The members of the Irish government were agreed that it would be necessary to hold a Parliamentary inquiry into the priests' conduct during the election before any such measure could be introduced. The practical difficulties attached to the implantation of these measures meant that they had not been introduced by the time the government fell. Nevertheless, the fact that they were seriously mooted reflects the unease felt by Conservatives at the extent of the priests' influence.

The Irish government's decision to prosecute two priests who they accused of having incited an election riot at Six-Mile-Bridge in County Clare had also focused attention on the issue. This decision was an extremely controversial one, the troops having been convicted at an inquest held locally of having fired on an unarmed crowd, killing seven people. The government succeeded in having this verdict overturned by a superior court in Dublin and then brought forward their own prosecutions against the Catholic clergymen. In Eglinton's view, a successful prosecution, 'if carried out only on the clearest evidence and in the most impartial manner would do more

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80 See Stanley diary for 2 August 1852, Quoted in J. Vincent (ed), Disraeli, Derby and the Conservative Party, p. 79.
81 Dublin Evening Mail, 2 August 1852.
82 See Eglinton to Walpole, 23 October 1852, Holland papers, 894c. There is a copy of this letter in the Eglinton papers, GD3/5/51/4433.
83 See Eglinton to Walpole, 23 October 1852, Holland papers, 894c. There is a copy of this letter in the Eglinton papers, GD3/5/51/4433. See also Derby to Eglinton, 2 October 1852, Eglinton papers, GD3/5/53/4424 and Whiteside to Eglinton, 27 October 1852, Eglinton papers, GD3/5/51/4433.
84 See Derby to Eglinton, 1 August 1852, Eglinton papers, GD3/5/53/4424. At Derby's instructions, the Irish administration compiled a dossier of the more inflammatory speeches made by the Irish priests during the election to be given to Bulwer to use in Rome. This dossier was also made available to Sir Francis Head, the former Lieutenant Governor of Canada, for use in his travel book A Fortnight in Ireland. The government eventually decided against allowing Head to make direct reference to these reports, although he did make indirect use of the reports by quoting newspaper reports of some of the speeches contained in them. See Head to Naas, n.d, Head papers, National Library of Ireland, Dublin, 18,513.
good in this country than anything else that could be done.' The priests had, he maintained, been allowed 'to violate the law with impunity' for too long.\footnote{Derby to Eglinton, 2 October 1852, Eglinton papers, GD3/5/53/4424.} Writing to Derby soon afterwards, Eglinton complained 'that the whole misery of Ireland...[was] owing to the thraldom of the priests.'\footnote{Eglinton to Walpole 30 August 1852 Eglinton papers, GD3/5/52/4428.} Derby replied in a like vein, commenting that there was 'an incurable taint in the [Irish] population and in the [Roman Catholic] religion, which acting reciprocally upon each other...[would] never allow it to be prosperous while it...[was] Roman Catholic.'\footnote{Eglinton to Derby 10 September 1852 Derby papers, 1482. There is a copy of this letter in the Eglinton papers, GD3/5/53/4425.} The prosecutions were particularly welcomed by more hard line Irish Conservatives. Lord Glengall wrote to Donoughmore that there was to be 'no shilly-shally nonsense'\footnote{Glengall to Donoughmore, 26 August 1852, Donoughmore papers, H/12/1/32.} in dealing with the priests. As events transpired, however, the Conservative government fell before the prosecutions took place and both priests were set free by the Aberdeen government.

In late September, Bulwer met with Cardinal Antonelli, the leading diplomat at the Vatican, in Rome. Antonelli agreed with Bulwer's condemnation of the conduct of the Irish Roman Catholic priests at the general election. Indeed, Antonelli offered to write to the Irish Catholic bishops, expressing 'his strong disapproval' of such behaviour. The Cardinal went on to criticise the Tenant Right bill introduced by William Sharman Crawford as 'destructive of the rights of property...[and thus] leading directly to robbery which was breaking a commandment.' Bulwer concluded from the meeting that the Vatican authorities might not be altogether hostile to some form of state provision for the Roman Catholic clergy, 'possibly [with] some conditions annexed.'\footnote{Bulwer to Malmesbury, 21 September 1852, Eglinton papers, GD3/5/51/4434.} This idea of acquiring some political control over the Catholic Church in Ireland...
through state endowment had been raised at the time of the Act of Union, though it had not then been acted upon. In the political climate of the 1850s, with the controversy over the Ecclesiastical Titles bill still fresh in people's minds, Bulwer was keenly aware of the political difficulties involved in making such a proposal. Accordingly, he advised Malmesbury that any such an 'arrangement would require great preparation' and could not, in his opinion, be attempted at that time.

Shortly after this meeting, Bulwer wrote to Lord Stanley, asking for the name of a moderate Roman Catholic bishop in Ireland to whom Antonelli could write his proposed letter. Stanley forwarded this request to Naas, asking him to recommend someone who had 'conducted...[himself] properly', by not 'abetting violence...[or] meddling in politics.' However, Eglinton was unconvinced of the value of such a letter. If written in general terms, for example calling on the Catholic Church 'on all occasions' to be 'moderate in their language, obedient to the laws, [and] respectful to the constituted authorities', it would differ little from the pastoral issued by Archbishop Cullen prior to the election. Despite this pastoral, however, the 'priestly agitation' during the election campaign had, Eglinton believed, been 'commenced under his [Cullen's] instruction.' While the letter proposed by Antonelli would reassure moderate Catholic opinion, 'disgust[ed] at the outrageous conduct of the priests', it would have little practical effect. It would not prevent the priests from exercising electoral influence or denouncing voters who acted contrary to their instructions. He maintained that 'no good' had ever come from 'coaxing the Roman Catholic priesthood or [from] any negotiations that...[had] ever been entered into with them.' Nevertheless, Eglinton did suggest three names - Bishop

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91 Stanley to Naas, 25 September 1852, Mayo papers, 11,020 (26).
Delaney of Cork, Bishop Ryan of Limerick, and Bishop Denn of Down - who he characterised as the 'least violent' of the Irish Roman Catholic bishops. He advised that any negotiations with the Catholic bishops should be carried on 'on your side of the water [in England]' and the first approaches made by an Irish Roman Catholic such as John Howley, a prominent barrister, friendly to the government.92

Eglinton's pessimism about the results of Bulwer's mission was shared by other senior members of the cabinet, and, most significantly, by Derby. This pessimism was borne out when Antonelli withdrew his offer to write to the Irish bishops at a second meeting with Bulwer. He justified this on the grounds that to do so would be 'an interference with the affairs of another country', a declaration, Derby observed, 'which it must have been difficult even for an Italian cardinal to make with a grave face.'93 This convinced the government that Bulwer was unlikely to achieve anything concrete in Rome and he was, consequently, advised to return to his mission at Florence. The outcome of these negotiations convinced Malmesbury that the British government should 'establish a recognized diplomatic agent' in Rome, as a means of exercising some influence over Papal policy towards Ireland.94 The thrust of Bulwer's mission, although it had proved abortive, had been in this direction. The political exigencies of the times, however, made this an extremely difficult policy to pursue. Although Derby himself viewed the question of state endowment of the Roman Catholic Church as one of 'policy' rather than 'principle', any attempt to move in this direction would have incurred serious opposition from within the

92  Eglinton to Malmesbury, 22 October 1852, Eglinton papers, GD3/5/51/4433.
94  Malmesbury suggested to Eglinton that 'France & other powers' were opposed to the British government sending a 'diplomatic agent' to Rome as they feared this would 'tranquilize Ireland' and thus strengthen Britain's position internationally. Malmesbury to Eglinton, 27 October 1852, Eglinton papers, GD3/5/51/4433.
Conservative party. Derby also questioned whether such a move would achieve its 'real object, that of diminishing the community of feeling between the R[oman] C[atholic] Priest and his flock, and bribing him to allegiance and to exertion in favour of the constituted authorities.\textsuperscript{95}

While pragmatic considerations drove Conservative leaders towards some form of rapprochement with the Vatican, it was always necessary for them to consider the state of feeling on the subject within the Conservative party. It was only seven years previously that the Maynooth grant had created serious divisions within the party and Derby was naturally unwilling to risk a similar schism in the party.

In the Autumn of 1852, Napier dismissed out of hand a proposal made by Sir Robert Ffrench, a landowner from Co. Galway, for a state endowment of the Irish Roman Catholic Church amounting to some £400,000. Ffrench had warned Eglinton that, if his policies were antagonistic to Irish Catholics, they would 'not fail to bring disaster and ultimate ruin on the Empire.' Unless the government pursued conciliatory policies, he warned that Irish Catholic MPs would unite with English Radicals in a campaign against the Established Church in Ireland. A state endowment of the Catholic Church would also relieve Protestant landowners from the expense of maintaining their local Catholic clergy. He suggested that a measure of this kind, combined with 'a fair[.] reasonable...[and] just Landlord and Tenant Bill' would give the Conservative government 'a popularity, such as an English government [n]ever yet enjoyed in Ireland.'\textsuperscript{96} Napier was not, however, impressed with this proposal, pouring scorn on the idea that English public opinion was 'ripe for endowing the Scarlet lady [the Roman Catholic Church],

\textsuperscript{95} Derby to Disraeli, 21 December 1848, Disraeli papers, B/XX/S/2.

\textsuperscript{96} Ffrench to Blackburne, 9 August 1852, Mayo papers, 11,020 (15).
with such a provision for separate maintenance.\textsuperscript{67} It was only later, when the Irish Church Establishment was under serious threat, that some Irish Conservatives began to re-consider their opposition to 'concurrent' endowment, as it became known.

The government finally fell on 17 December in a vote on Disraeli's budget. Derby was succeeded as Prime Minister by Lord Aberdeen, who presided over a coalition of Liberals and Peelites. Two Irish Independent MPs, William Keogh and John Sadleir, accepted office under Aberdeen, in defiance of the 'Independent' pledge which both had taken. Irish Conservatives complained that Keogh and Sadleir had been rewarded for their attacks on the Established Church with government offices. The \textit{Daily Express}, a Dublin based Conservative newspaper, asked if Sadleir and Keogh had insisted on the government's pledging to 'destroy the Irish Church' as a condition of accepting office. If not, the paper continued, they had 'disregard[ed]...all truth and honesty' in disavowing their former principles, merely to gain advancement. The accession of Gladstone and Sidney Herbert, two of the most outspoken critics of the Ecclesiastical Titles bill, to the cabinet was also perceived by Irish Conservatives as proof that the new government was overly sympathetic to Roman Catholicism.\textsuperscript{98} These claims, exaggerated as they were, hit the mark in one respect. Sadleir and Keogh had accepted office without being offered any substantial concessions, a proceeding which obviously cast doubts on their sincerity in adopting the 'Independent' pledge.\textsuperscript{99} There was also a good deal of irony in two leading members of the Independent party accepting office in a government in which Lord John Russell served as Foreign Secretary.

\textsuperscript{67} Napier to Naas, n.d [August/September 1852], Mayo papers, 11,020 (15).
\textsuperscript{98} \textit{Daily Express}, 4 January 1853.
\textsuperscript{99}
One of the first acts undertaken by the new government was to release the two priests, Father Burke and Father Clune, charged by the Conservative administration with having incited the election riot at Six-Mile-Bridge. Napier considered their release 'unjustifiable' and pressed Derby to bring the case before Parliament.\(^{100}\) Suggesting to Disraeli that they should take up the issue, Derby argued that the government had been guilty of 'truckling to popular clamour, and of sacrificing...justice to motives of expediency.'\(^{101}\) However, Disraeli, who still had hopes of winning over some Independent party MPs to voting regularly with the Conservatives, was less enthusiastic about pursuing this course.\(^{102}\) Despite Disraeli's misgivings, the case was raised by Napier in the House of Commons in March 1853, but with little tangible effect. Napier argued that it was essential for the Irish government to uphold the law and ignore the public outcry against bringing the priests to court.\(^{103}\) Whiteside tactfully declared that while a charge should 'not...be lightly made...against a Roman Catholic clergyman' he would personally 'join in prosecuting the Primate or the Pope if they broke the law.'\(^{104}\) On the other hand the Liberal spokesmen, J.D. Fitzgerald and Sir John Young, argued that the case against the priests was largely circumstantial and was not strong enough to secure convictions.\(^{105}\) Though the issue was debated in the House of Lords later that session, the ultimate effect of these debates was negligible. Disraeli's disinclination to support Napier and Whiteside on this issue also meant that their attack on the government carried less weight than it might have done.

\[^{100}\text{Napier to Derby, n.d, Quoted in A.C. Ewald, The Life of Sir Joseph Napier (London 1892 edition), p.95.}\]
\[^{101}\text{Derby to Disraeli, 26 February 1853, Disraeli papers, B/XX/S/113.}\]
\[^{102}\text{For Disraeli's attempts to win Irish Independent party support see Stanley's diary for 14 January 1853, Quoted in J. Vincent (ed), Disraeli, Derby and the Conservative Party, p.95. For his unwillingness to raise the Six-mile-bridge issue see Stanley's diary for 7 March 1853, Quoted in J. Vincent (ed), Disraeli, Derby and the Conservative Party, p.101.}\]
\[^{103}\text{Hansard, 3rd S, CCXV, cl. 334.}\]
\[^{104}\text{Hansard, 3rd S, CCXV, cl. 382.}\]
From early 1853 onwards to the outbreak of the Crimean war in March 1854, a series of debates took place in the House of Commons on religious issues. While these covered diverse topics, from attempts to amend the form of oath taken by Catholic MPs to a bill designed to protect the rights of nuns to freely dispose of their own property, a common thread ran through them. Their common concern was the problem of reconciling Papal authority over the Roman Catholic Church with the supremacy of British laws and the British constitution. These debates were used by Conservatives to deal with what they saw as the unfinished business left between the British state and the Catholic Church in the wake of the Ecclesiastical Titles bill. On the political level, the raising of these issues was shrewdly designed to bring out the divisions between Dissenting and Roman Catholic supporters of the government. Both parties were aware of the strength of 'No Popery' opinion outside the House and there was no doubt that some MPs used these debates to play to that gallery.

The Conservatives were given an opportunity to raise these issues when Thomas Chambers, the Liberal MP for Hertford, introduced a motion in late February 1854 calling for the appointment of a committee to inquire into the number and rate of increase of convents and monasteries throughout the British Isles. This motion was seconded by Napier, who argued that 'even Roman Catholic states had very jealous codes of law' with respect to such institutions. These laws were aimed at ensuring that their Roman Catholic citizens remained, at all times, bound by their laws. The vows of obedience taken by the inmates of convents and monasteries, however, bound them to obey 'an authority [the Papacy]' over which the laws of England had no control.

105 *Hansard*, 3rd S, CCXV, cl. 353-54 and cl. 375-76.
Napier insisted that it was not legal under the British Constitution for a 'foreign authority' without responsibility to 'the law of the land' to direct the behaviour of British citizens. As monasteries and convents were conducted under rules devised by a 'foreign power' it was important to ensure that their regulations did not conflict with British law.\textsuperscript{106}

The Property Disposal bill, dealing directly with this point, was introduced soon afterwards by Whiteside. He maintained that the bill was designed, 'to secure perfect freedom in the alienation of their property' for people in religious orders. The vows of poverty and obedience taken by monks and nuns, he argued, prevented them from exercising 'free will' in this area. To counteract this, Whiteside's bill laid the onus of proving that such a will had not been made under 'undue' influence on the superiors of monasteries and convents. This provision applied only to cases where substantial legacies had been left to the institution of which the monk or nun was a member.\textsuperscript{107} The bill encountered severe opposition from Irish Roman Catholic MPs and its introduction was condemned by Sir George Bowyer, the MP for Dundalk, who regularly voted with the Conservatives.\textsuperscript{108} The introduction of the bill led to the holding of a series of protest meetings in Ireland. These meetings were notable for the regular attacks made against Napier and Whiteside. They were frequently accused of bigotry, with Whiteside being described as a 'great Inniskilling [sic] Dragoon' by a speaker at a meeting in Dublin.\textsuperscript{109} Senior members of the English Roman Catholic gentry, such as Lord Edward Howard, also condemned any state interference with convents.\textsuperscript{110} The wisdom of alienating Roman Catholic opinion in this manner was also doubted by some senior Conservatives. Lord Stanley complained that Whiteside's

\textsuperscript{106} Hansard, 3rd S, CXXXI, cl. 78-79.
\textsuperscript{107} Hansard, 3rd S, CXXXXI, cl. 796-807. See also the Daily Express, 17 March 1854.
\textsuperscript{108} Hansard, 3rd S, CXXXXI, cl. 809.
\textsuperscript{109} See the Dublin Evening Mail, 28 March 1854. See also the Daily Express, 16 May 1854.
speeches in Parliament were never complete without 'some attack on the Pope or the R[oman]. C[atholic] priesthood.'" However, these tactics did succeed in embarrassing the government, when Chamber's motion for an inquiry into convents was passed by fifty seven votes in a thinly attended House of Commons on 24 March. This victory was, however, to be short lived; Chambers eventually agreeing to the postponing the appointment of the proposed committee to the ensuing session. He did so under government pressure to avoid the raising of controversial issues given the outbreak of the Crimean war."

Whiteside had also previously agreed to the sending of the Property Disposal bill to this committee. However, when it became clear that it was not going to be appointed that session, he attempted to have the bill read a second time. In supporting the bill, John George, the Conservative MP for Wexford, distanced both himself and Whiteside from Chambers's motion. Whiteside's bill would not, he stressed, involve Protestant inspectors visiting Catholic convents. His own opinion was that the law of Habeas Corpus should be extended to cases where it was suspected that an individual was being held in a convent without her consent. Chambers's motion involved 'interference in a private residence' while the Property Disposal bill was only designed to protect property."

Sir John Young, the Irish Chief Secretary, questioned Whiteside's attempts to portray himself as friendly to Irish Catholics. Rather, he alleged, they were likely to view any measure he introduced with 'suspicion and distrust', remembering his repeated attacks on the Papacy and the Roman Catholic Church. He advised Whiteside to

\[\text{footnotes}\]

110 See Hansard, 3rd S, CXXIII, cl. 842.
111 Stanley diary, 5 May 1851, Quoted in J.Vincent (ed), Disraeli, Derby and the Conservative Party, p. 64.
113 Hansard, 3rd S, CXXXIII, cl. 852-54.
follow Chambers's 'wise example' and withdraw his bill.  

Facing government hostility to the measure and the prospect of obstructive tactics from the Irish Independent party, Whiteside eventually followed this course and withdrew his bill for the session.

While the controversy over convents continued, an attempt was made by the government to introduce a single oath for all members of Parliament. The principal object of this motion was to make it easier for Jewish MPs to enter the House of Commons, but the measure also involved the abolition of the special oath taken by Roman Catholic MPs. Irish Conservatives were adamantly opposed to any change in the terms of the oath. Indeed, Napier insisted that any alteration of its terms would 're-open the [whole] question of 1829.' As Catholic Emancipation had been granted on certain conditions, to alter any aspect of this settlement would have the effect of undermining it.  

The primary purpose of the oath was, in Whiteside's view, 'to repel Papal Usurpation, and preserve to the Sovereign of England complete and undisputed sway in her dominions.' So long as the Papacy aspired to 'interfere...[in] the internal concerns' of Britain and Ireland, so long would it be necessary to maintain the Roman Catholic oath as it stood. As a 'state assuming dominion over independent kingdoms throughout the world', the Papacy was a continual threat to the supremacy of the Crown and Parliament.

Napier questioned the motivation of those who wished to have the oath repealed or amended. Any concession on this issue would, he claimed, only inspire a full scale attack on the Church Establishment in Ireland and England. He described the Roman Catholic Church as a 'confederacy [to] enslave opinion, to coerce conscience, and thus, by the exercise of an assumed

114 Hansard, 3rd S, CXXIII, cl. 842.
115 Hansard, 3rd S, CXXXIII, cl. 915.
116 Hansard, 3rd S, CXXXIII, cl. 940.
spiritual jurisdiction, to acquire dominion in temporal things. In the event, the motion to amend the oath was narrowly defeated in the House of Commons, with a large number of Irish MPs voting in the division. While Ultra-Protestants like Mervyn Archdall, Edward Grogan and John Vance were present, more moderate Conservative MPs like Lord Naas, T.E.Taylor, and John George also voted against the motion. The high level of attendance by Irish Conservative MPs reflected their sensitivity to any perceived threat to the position of the Church of Ireland.

The close of the session of 1854 was particularly notable for a surprise intervention by Disraeli on the subject of the 'Protestant constitution.' In a debate on Maynooth, Disraeli argued that, rather than dealing with religious issues in a piecemeal fashion as had happened that session, the government should propose a comprehensive measure dealing with the broad question of the relationship between the Roman Catholic Church and the British state. The government should, Disraeli argued, bring forward legislation defining the 'attributes... the influence...[and] the bearing of the Protestant Constitution.' While the rights of the individual should be clearly defined in any proposed legislation, the limitations on these freedoms should also be clearly demarcated. Rather than leaving these questions in 'perpetual controversy', Disraeli maintained that the government had the duty to resolve them in as broad a fashion as possible. If not, the eventual result of constant sectarian quarrelling would be, Disraeli warned, 'internal dissensions, perhaps violence, and disorder.' While a similar proposal had been made by Walpole earlier

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117 *Hansard*, 3rd S CXXXIII, cl. 903-7.
in the session, the delivery of this speech had the unlikely effect of making Disraeli, a 'Protestant hero', at least for a brief period. Stanley was concerned by this turn of events, cautioning Disraeli against repeating the mistake made at the time of the issuing of the Royal proclamation against processions in June 1852. Disraeli himself had told Stanley that the Conservatives had 'ruined' their chances at the 1852 election 'by...taking up high Protestant politics.' Stanley queried whether the Conservatives would 'gain in 1854' by repeating the blunders of 1852. On the face of it, Disraeli's adoption of a 'Protestant' line also contradicted his earlier attempts to reach an accommodation with the Independent party. His decision to take this course was, however, influenced by the 'relative success' which the Ultra-Protestant party had achieved in the 1854 session. The speech could, thus, be seen as an attempt to placate Protestant opinion in the House. It also provided Disraeli with an opportunity to embarrass the government, by playing on the divisions within its ranks. A splendidly tongue in cheek letter from Disraeli to the Rev. Christopher Robinson, the Chairman of the Blackburn Protestant Association, bears out this interpretation of his motives. Disraeli had received a resolution of thanks for his House of Commons speech from this Association and from many others like it throughout Britain and Ireland. Replying to this resolution, Disraeli claimed he had not raised 'this all important question [as] a means of obtaining power.' Rather, he stressed the 'various and eminent qualifications' which Lord John Russell possessed to 'undertake' a settlement of the problems of the relationship between the Roman Catholic Church and the British state. If Russell were to introduce a comprehensive measure, Disraeli would support him as he had done 'at the time of

119 Hansard, 3rd S, CXXXI, cl. 117.
the Papal aggression, when he attempted to grapple with a great evil, though, he was defeated in his purpose by the intrigues of the Jesuit party, whose policy was on that occasion upheld in Parliament, with eminent ability...[and] unhappy success, by Lord Aberdeen, Sir James Graham & Mr. Gladstone.' Disraeli still hoped that Russell would 'seize the opportunity which: he unfortunately lost in 1851' and deal with the question 'with firmness...[and] without equivocation.' The composition of the government was such, Disraeli well knew, that any moves by Russell in this direction would be politically disastrous. Russell had already seriously embarrassed the government by his forthright criticisms of the Roman Catholic Church and the Papacy and was in no position to launch such a crusade as Disraeli had suggested.

Gladstone and Graham, both of whom Disraeli had associated with the 'Jesuit party', were cabinet colleagues of Russell's at this time.

The close of the 1854 session saw a period of intense activity by the Ultra-Protestant members of the Conservative party. Disraeli's speech seems to have initiated this process, giving these MPs renewed hopes of support from the party leadership. While Disraeli was concerned with short term political advantage, the Ultra-Protestant MPs were anxious to use the political momentum stemming from his speech to forward their own ideas. They were also concerned to prevent the leadership on 'Protestant' issues falling into the hands of Liberals like Chambers.

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122 Disraeli to Christopher Robinson, 16 September 1854, Disraeli papers, H B/11/40A. I am indebted for a full transcript of this letter to Ms. Ellen Hawman of the Disraeli Project, Queen's University, Kingston. See also W.F.Montgomery and G.E.Buckle, *The Life of Benjamin Disraeli: Earl of Beaconsfield*, vol. III, p.545.
123 In the debate on Moore's motion on the Church of Ireland in May 1853, Russell accused the Roman Catholic Church of aiming at 'political power'. He questioned whether Catholic clerics could have 'a due attachment to the Crown of this country.' As a result of this speech, the three Irish Catholic members of the government - William Monsell, John Sadleir and William Keogh - resigned their offices and only withdrew these resignations when Aberdeen issued a public letter declaring that Russell's views were not shared by the other members of the cabinet. See *Hansard*, 3rd S, CXXXVII, cl. 945. See also G.I.T. Machin, *Politics and the Churches in Great Britain 1832 to 1868*, p. 260.
The Crimean war, however, acted as a powerful barrier against raising religious controversies in Parliament. Walpole cautioned Disraeli against doing so, arguing that it would leave the Conservatives open to charges of 'making differences or disunion among the people, when there ought to be nothing but concord and harmony.'

Nevertheless, in late 1854 Disraeli was obviously playing with the idea of preparing a comprehensive measure on the lines he had earlier suggested. In October, Whiteside advised him that if the Conservative party did not 'take up the general Protestant Question', it would be 'seized on by some man like Chambers...[and] we will be dragged at his heels.' Chambers had, in fact, already given notice of a motion couched in language very close to that used in Disraeli's speech. This motion called the attention of Parliament 'to the relations at present subsisting between Her Majesty's Roman Catholic subjects and the laws and constitution of this realm, with a view to ascertain in what manner the full political and religious freedom now enjoyed by them may best be brought into harmony with the principles and provisions of our common and statute law, and be made compatible with the safety and integrity of our institutions.' Whiteside believed that it was essential for the Conservatives to have their own measures prepared before Chambers's motion came on for discussion. Disraeli's speech had, he suggested, 'prepared the public mind for something of this kind.' All that remained was to 'have the work prepared by practical men in good time before Parliament so that you may have the boat ready to launch when you wish.' Disraeli's reply to this letter has not survived, but as Whiteside's response was to consult with Napier on the proposed measure, it seems likely that he encouraged him to

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125 Daily Express, 29 November 1854.
126 Whiteside to Disraeli, 20 October 1854, Disraeli papers, B/XXI/W/320.
Whiteside outlined the nature of the proposed bill in a letter to Disraeli soon afterwards. The first object of the bill was to regulate the introduction of Papal bulls into England. They would be submitted, in the first instance, to the Home Secretary, who could, if he wished, submit them to the legal officers of the Crown to test their legality. Secondly, the bill would place restrictions on the appointment of Roman Catholic bishops, in order to check Ultramontane influences. Napier favoured giving 'the native clergy of...[each] diocese' control over the election of local bishops. In a clear reference to the manner of Cullen's appointment, Napier condemned the nomination of a bishop by the Papacy, against the wishes of the 'domestic...Church.' Similar suggestions had been made at the height of the debate on Catholic Emancipation in the late 1820's. Irish Protestants had argued at that time that 'domestic nomination' of bishops would result in a Catholic Church less open to Papal influence and less threatening to their interests. The bill would also cover similar ground to the Property Disposal bill, rendering 'all gifts made or to be made' to monasteries and convents 'null...[and] void to all intents and purposes.' Finally, Napier and Whiteside proposed that all 'Jesuit Establishments...[and] Monastic Institutions' within the British Isles be required to make a return of their inmates by a given date. Those institutions which provided returns would be given indemnity for breaches of the Catholic Relief Act, which had required such institutions to be licensed by the state. Napier explained the necessity for these regulations on the grounds that 'the agency of these orders had always been a most important element in the policy of Rome.' Given the controversy which had surrounded the convents issue, it is difficult to see, however,

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127 Whiteside assured Disraeli that George Alexander Hamilton would be their 'only confidante' until 'the thing...[took] shape. Whiteside to Disraeli, 25 October 1854, Disraeli papers, B/XXI/W/295.
how such measure could have been introduced without causing a similar furor.

Nevertheless, Napier was concerned that the Conservatives should attempt 'to bring the
[Catholic] laity with...[them] as far as possible...[and] divide the Papal from the domestic section
of the Church.' The 'crude...[and] ill-considered assaults on the convents' by some MPs had
made this task more difficult. Napier believed that 'domestic associations of religious females,
not under Orders from Rome' should be left untouched by the provisions of his bill. If, however,
their regulations derived from 'Papal orders', they should be classified with monastic institutions
treated in a like manner. The essential thrust of the bill was, Napier claimed, to 'shut out
external...[and] foreign influence[from Britain], with a firm...[and] independent hand.'

Disraeli appears to have concluded at this stage that these measures went a good deal further than
he had originally intended them to do. He told Whiteside that he feared taking the initiative on
the question at a time of war. The need for caution was also stressed by Hamilton. He warned
that to bring forward a measure at a time when 'the fall of Sebastopol...[and] news from the
Crimea' engrossed people's minds would be unwise. Any movement in this direction
'originating from you [Disraeli], or any of the opposition leaders... without any cogent cause'
would be 'ill-timed.' Hamilton suggested that that it might, therefore, be best to wait and see
how Chambers's motion was received in Parliament before taking any further steps.

Nonetheless he praised the 'great constitutional knowledge and large views' of both Napier and
Whiteside, and expressed his belief that 'Napier's prudence...[would] restrain Whiteside's
impetuosity' when preparing their bill.129

128 The details of the bill are outlined in Whiteside to Disraeli, 30 October 1854, B/XXI/W/296 and in Napier to
Hamilton, 28 November 1854, Disraeli papers, B/XXI/H/31. Hamilton was staying with Disraeli when he received
this letter and it was intended as much for Disraeli's eyes as his.
129 Hamilton to Disraeli, 4 November 1854, Disraeli papers, B/XXI/H/27.
At this point, however, Disraeli's initiative was overtaken by a wider political crisis. On 29 January 1855, the Aberdeen government was defeated on a motion censuring their conduct of the war introduced by John Arthur Roebuck, the Radical MP for Sheffield. The cabinet immediately resigned, and, as the leader of the largest party in the House of Commons, Derby was sent for by the Queen. Palmerston's broad support across the country meant that Derby was anxious to secure his adhesion to a Conservative cabinet. As an Irish landowner himself, Palmerston was popular with Irish Conservatives. As early as August 1853, Napier had looked to an arrangement between Palmerston and Derby as being essential for the formation of 'a really good...[and] efficient [Conservative] party.'\textsuperscript{130} Palmerston did, in fact, provisionally agree to join a Conservative cabinet, on the condition that Lord Clarendon remained as Foreign Secretary. However, Clarendon refusal to serve under Derby led to Palmerston to withdraw his acceptance of office.\textsuperscript{131} While Derby's approach to Palmerston was uncontroversial among Conservatives, there was more opposition to his attempts to induce Gladstone and Sidney Herbert to join his cabinet. T.E. Taylor, the Conservative chief whip and MP for Dublin County, admonished Derby that 'the admission of Gladstone to...[the] cabinet' would cause 'the 'Protestant party...to leave us to a man.' He warned that if Napier and Whiteside took office with Gladstone, they 'would lose their seats.' The coalition with the former Peelites would be 'a source of...weakness' not of strength to the Conservative party.\textsuperscript{132} Gladstone's unpopularity with Irish Conservative opinion stemmed from suspicions of his Anglo-Catholic leanings and from his opposition to the Ecclesiastical Titles bill. As events transpired, however, Gladstone and Herbert refused to accept office in a Derby cabinet and their refusal prompted Derby to abandon

\textsuperscript{130} Napier to Naas, n.d [August 1853?], Mayo papers, 11,017 (14).
his attempts to form a government. Palmerston eventually returned as Prime Minister, with the Conservatives remaining in opposition.

Writing to Derby soon afterwards, Napier referred to the 'strong remonstrance and stronger repugnances [sic]' he had found at the National Club against 'the rumoured proposal about Mr. Gladstone and Mr. Herbert.' This had been succeeded by 'thankfulness that...[Derby had] escaped] the junction.' Opinion at the Club had also been gratified by the fact that the terms of Gladstone's refusal of office made it unlikely that he would accept, or indeed be offered, office by the Conservatives in the future. Napier recommended that Derby reassure Protestant opinion by 'making clear...the absence [on his part] of all sympathy with the school in which Gladstone has been trained.' While some of the Ultra-Protestant MPs were not 'very reasonable' they were 'still manageable and open to the admonition of friends.' Their very unreasonableness made it imperative that the Conservatives should have clearly worked out policies on religious issues. If not, those 'great questions' could fall into the hands of 'overheated men.' The party ought to have 'intelligent, well considered' policies on such issues, and ensure that its MPs were united in support of them. Napier's concern here was the need for greater party discipline on religious issues.

As Disraeli had done earlier, Napier was attempting to grapple with the difficulties caused by the long drawn out and generally inconclusive nature of Parliamentary debates on religious issues in the early 1850s. Napier was also suspicious of the radical tendencies within Dissent. Writing to a friend around this time, he conceded that 'the formation of a party purely and properly Protestant, however desirable...[was] not practicable.' He could not see 'where...the

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132 Stanley diary, 30 January 1855, Quoted in J. Vincent (ed), Disraeli, Derby and the Conservative Party, p.132.
men [were] to guide and lead' such a party. As a strong supporter of the Established Church, Napier feared the voluntaryist strain within English Nonconformism. He was worried that 'the Protestantism of England which would prevail in Parliament...[was] largely Nonconformist, and might rapidly become Cromwellian.' These divisions between Anglican Evangelicals and their Dissenting counterparts was one of the key reasons for the decline of 'Protestant' activity in Parliament in the late 1850s.

Palmerston's appointment as Prime Minister presented the Conservatives with considerable problems. His conservatism in matters of domestic policy was well known, while on religious issues, he was keenly influenced by his son in law, Lord Shaftesbury. As Shaftesbury was a leading Evangelical, these appointments generally went to clerics on that wing of the Church. Palmerston was also a strong supporter of the Church of Ireland and was as suspicious of the intentions of the Roman Catholic Church as any Irish Conservative. His popularity as a war minister also made it difficult for the Conservatives to find a convincing line of attack against him. These circumstances meant that the years 1855 to 1857 were to prove exceptionally difficult for the Conservative opposition.

This chapter has concentrated on Irish Conservative responses to the controversy over the

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136 In September 1864, Palmerston told Chichester Fortescue that while Irish Catholics professed 'a desire for religious equality', in reality they 'aimed at nothing less than political domination.' Palmerston to Fortescue, 11 September 1864, Quoted in E.D. Steele, Palmerston and Liberalism, 1855-1865 (Cambridge 1991), p. 329. See also J.Ridley Lord Palmerston p.270-72.
137 The divisions between Derby and Disraeli on what the party's policy should be in opposition further exacerbated the party's problems. See R.Blake, Disraeli, p.364-65.
introduction of the Ecclesiastical Titles bill. In particular, it has looked at the way in which this response was conditioned by their wider beliefs as to the correct relationship which should exist between Roman Catholic citizens and the British state. For Irish Conservatives, the 'Papal Aggression' came as a welcome confirmation of their long held conviction in the hostile designs of the Vatican. In political terms, the crisis gave the Conservative party leadership an ideal opportunity to embarrass the Liberal government. Russell's miscalculation in writing the 'Durham letter' helped lay the foundation for the Irish Independent party successes at the 1852 general election and opened up the possibility of Independent party-Conservative party co-operation, which reached its height at the 1859 general election. However, the Ecclesiastical Titles bill itself had little tangible effect and the ultimate effects of the agitation around the subject were, in Irish Conservative eyes, disappointingly small.

This led to further attempts by the Conservative party, notably in the bill drafted by Napier and Whiteside in 1854, to regulate the exercise of Papal influence over British citizens. This bill was, however, never introduced into the House of Commons. By the mid 1850s, the 'No Popery' ferment which had been inspired by the 'Papal aggression' had greatly subsided. There was also a good deal of mutual suspicion among Nonconformist Evangelicals and their Anglican counterparts. The hostility to the Established Church among a section of the Nonconformist community rendered them uncomfortable allies for staunch defenders of the privileges of the Church of Ireland like Napier and Whiteside. As the issue of the relationship between the British state and the Roman Catholic Church became less politically pressing, other issues rose to prominence. Among them was the question of the position of the Church of Ireland, an Established Church serving only a minority of Ireland's population. It is to the debates over its
future that we will now turn.
Chapter Six

The Irish Conservative Party and the Church Question

(2) The Position of the Church of Ireland 1854-68

As part of their defence of the Church of Ireland, Irish Conservatives were at pains to stress its historical antiquity, tracing its origins back to the time of St. Patrick. Unlike the Roman Catholic Church, it carried on the traditions of the 'primitive Church' in Ireland, while its bishops could trace back an unbroken line of succession to the early Church.¹ Whatever the merits of the historical arguments used to back up these assertions, their main purpose was to bestow legitimacy on the claims of the Church of Ireland to be the 'National' Church in Ireland. Thus, the independence from Papal authority of the early Christian Church in Ireland was emphasised.

On a more pragmatic level, Irish Conservatives argued that the future of the Established Church had been secured by the Act of Union. In particular, they pointed to the fifth article of that treaty which deemed 'the continuance and preservation of...the United Church, as the Established Church of England and Ireland...an essential and fundamental part of the Union.'² According to Napier, the Union was an 'international treaty in its very nature permanent, because on each side there was the giving up of the separate and independent existence of a state, a Legislature and a national Church.' Irish Protestants had, he claimed, only accepted the Union on this basis, and any attempt to undermine that settlement would call the Union itself into question.² Indeed, James Whiteside claimed, in March 1865, that 'on the day upon which the Church of the

¹ See Napier's lecture on 'The Irish Difficulty' delivered in Dublin on 7 February 1865, Quoted in A.C.Ewald, The Life of Sir Joseph Napier (1892 ed), p.226. The classic work in this vein was J.H.Todd's, Saint Patrick, Apostle of Ireland; with an introductory dissertation on some early usages of the Church in Ireland, and its historical position from the establishment of the English Colony to the present day, (Dublin 1864).
² Dublin Evening Mail, 15 June 1864.
Protestants of Ireland...[was] struck down [by a British Parliament]...the Union is at an end.  

Another central plank of the Irish Conservative defence of the Established Church was the argument that any interference with its property would weaken the 'rights' of property in Ireland generally. They doubted the wisdom of questioning the legitimacy of titles to property in Ireland. If some Church property owed its origins to the land confiscation of the late seventeenth century, then so too did the estates of many large landowners in Ireland. This point was made explicitly by Napier in a debate in February 1849, when he stressed that the Church's title to its property was 'as good as the title by which any landlord held his land.'  

The Church's connection with the settlement of land in Ireland was, of course, reinforced by the fact that the bulk of the large estates there were owned by members of that Church. Furthermore, the local clergy were often dependent on local landlords for their own livelihood and for the upkeep of their parishes. The strengthened connection between the Irish and English branches of the Established Church, established by the Act of Union, led Irish Conservatives to claim that any weakening of their Church would also undermine the Church of England. In Napier's words, the 'strength of the beam...[lay] in the weakest part.'  

Despite these arguments, Irish Conservatives still felt it necessary to defend the seemingly anomalous position of an Established Church, which served only a minority of the population. Even Napier admitted that the Reformation had been 'partial and limited' in its operation in Ireland. This he attributed to the 'historical antecedents' of Ireland and the way in which

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3 Hansard, 3rd S, CLXXVIII, cl. 448.  
4 Hansard, 3rd S, CII, cl. 1429.  
5 National Club: A Report of Speeches delivered at the Annual Meeting of the Members and Friends of the National Club held in the Club House, Whitehall, May 9, 1855 (London 1855), p.11.
'national feeling' there had come to be associated with Roman Catholicism. He also blamed the English government for its failure to actively support the Church of Ireland as a missionary Church. No 'adequate provision' had been made by government 'for giving the [Irish] people the benefits and blessings of the Reformation.' Rather than supporting a policy of wide-scale conversion, earlier governments had, he claimed, relied on the policy of 'penal laws and legislative prohibition[s]' against the practise of the Roman Catholic religion. The Church of Ireland had been used as a political instrument, a buttress for the power of the ruling elite in the country, rather than as a vehicle for disseminating religious truth. Nevertheless, Napier argued that this latter was the true role for the Church and one which deserved state support.

The social utility of having Church of Ireland clergymen spread across the country was also stressed. As 'resident Gentlemen' they were, according to Whiteside, 'ministers of peace...and of loyalty' to the British connection. The Church of Ireland clergyman was incapable of being a 'disloyal man.' He preached and taught 'loyalty' in his district and the English government would fail in 'their first duty' if they failed 'in recognising the value of...[his] services.' Implicit in this argument was the suggestion that the 'loyalty' of the Roman Catholic priests was suspect. The clergymen of the Established Church played a critical role, therefore, as a counterweight to the influence of the priests.

Underlying many of these arguments was the 'providential' sense of history shared by many of the intellectual elite of Irish Conservatism. They believed that history exhibited plainly 'the

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6 Napier's lecture on 'The Irish Difficulty' delivered in Dublin on 7 February 1865, Quoted in A.C.Ewald, The Life of Sir Joseph Napier, p. 231.
7Daily Express, 1 September 1853.
8Daily Express, 12 February 1859.
Thus, in English history, Napier believed that it had been providential that the Reformation had preceded the Revolution of 1688. The Reformation had 'settled the faith of the Church upon the abiding truth of the sure Word of God' while the 'Glorious Revolution' had 'settled the freedom of the state upon the basis of the Protestant Religion.' His belief was that, so long as England continued to support and encourage the Established Church, it did not need to fear 'from any knowledge derived from the causes of decline [of earlier states] under paganism, and [under] the temporary Jewish dispensation.' The Established Church was, therefore, seen by them as both a guarantor of national religion and an essential element in Britain's success as a nation.

As G.I.T. Machin has noted, the campaign for the disestablishment of the Established Church was only 'in incubation' in the 1850s. Still, Irish Conservatives felt threatened by the possibility of a unified campaign by Irish Catholics and English Voluntaryists against the position of the Church of Ireland. English Dissenters would, they argued, only use this agitation as the thin end of the wedge with which they hoped to overturn the Church of England. An early attempt to raise the issue came in May 1853, when G.H.Moore introduced a motion calling for an inquiry into the revenues of the Church of Ireland to see if these were disproportionate to its actual requirements. On this occasion, Whiteside made a strong defence of that Church as

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9 From a speech by Napier on 4 May 1848, Hansard, 3rd S, XCVIII, cl. 640.
11 Daily Express, 24 January 1854.
12 G.I.T Machin, Politics and the Churches in Great Britain 1832 to 1868, p.255.
13 See Napier to Naas, n.d [August 1852?], Mayo papers, 11,020 (15).
'pure in doctrine...[and] tainted by no pestilent heresies.' In a clear reference to the Oxford movement, Whiteside argued that the Irish Church had 'adopted no spurious form of Romanism...[and] had adhered unswervingly to the doctrine and principles of the Reformation.' This argument that 'Irish Protestantism...was a healthier, stronger plant than the English variant' had been regularly used by Irish Conservatives from the 1820s onwards. Whiteside further asserted that by raising the issue of the Church Establishment, Catholic MPs were breaking the terms of their oath. He contended that Moore's pledge to oppose any government that did not support the disestablishment of the Church of Ireland implied that his ultimate object was not merely to 'spoliate' but to 'annihilate' it.

In the same debate, Ross Moore, the MP for Armagh County, denied that Parliament had any right to interfere with the property of the Irish Church. By 'prescription, by law, and by original appropriation' its property was its own. To take any of it away from the Church would be 'nothing short of robbery.' Moore's motion, largely a kite-flying exercise in any case, was heavily defeated in the House of Commons. It did, however, prompt Lord Stanley to confide in his diary that he believed 'the permanent maintenance of the Irish [Church] Establishment...[could not] be defended.' An adjustment of the question should, however, wait, until 'the cessation of emigration [from Ireland] had settled the 'relative numerical strength of the two creeds and races [sic].' Although he consigned a settlement of the question to a future date, Stanley's expression of this opinion was important as it revealed that the Conservative party was not completely united in defending the Irish church.

14 J.Spence, 'The Philosophy of Irish Toryism', p.46.
15 Hansard, 3rd S, CXXXIII, cl. 921-25.
16 Hansard, 3rd S, CXXXVII, cl. 913.
During their brief period in office in 1852, the Conservative government had considered a number of proposals for reforming the way in which Ministers' Money was collected. This was a tax, dating from the times of Charles II, levied on eight Irish towns for the upkeep of the local Church of Ireland minister. The tax was an unpopular one, the towns being almost all in the South of Ireland and payment being obligatory on Protestants and Roman Catholics alike. In actual terms, the money raised by the tax was small, amounting only to some £11,000 a year.

The difficulty for the Irish government, however, lay in discovering some means of removing the grievance felt by Catholics liable under the tax, without raising the wider question of the legitimacy of Church property. A number of possible solutions were suggested. Napier put forward the proposal that all houses under £10 poor law valuation be exempted from the tax, with property owners being given the option of redeeming the tax by a cash payment to the Ecclesiastical Commissioners. Walpole suggested that the tax be abolished for all but Church of Ireland property owners, although he admitted that its continuance in that way would create a new grievance. On the other hand, abolition would have the merit of removing a 'potent point from which it [the Church of Ireland] could be attacked.' The government eventually decided to leave the matter rest, as it had not been able to agree to a 'satisfactory solution' to the problem which would not be 'held as a precedent for interference [with] Church property.' Given the government's short period in office, and its precarious hold on power, it was difficult for them to

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18 See Eglinton to Walpole, 6 August 1852, Holland papers, 894c. There is a draft of this letter in the Eglinton papers, GD3/5/51/4429a. See also Eglinton to Walpole, 23 October 1852, Holland papers, 894c. There is a draft of this letter in the Eglinton papers, GD3/5/51/4428.

19 Walpole to Eglinton, 11 August 1852, Eglinton papers, GD3/5/52/4428.

20 Eglinton to Walpole, 6 August 1852, Holland papers, 894c. There is a draft of this letter in the Eglinton papers, GD3/5/51/4429a.
reach any other conclusion.

In 1854 the Liberal government introduced a measure dealing with Minister's Money, the terms of which were largely similar to the earlier proposals put forward by Napier. All newly built houses and all existing houses under £10 valuation were exempted from the tax, while facilities were given to proprietors to redeem the tax by a lump sum payment to the Ecclesiastical Commissioners.\(^{21}\) This settlement of the issue was supported by Napier, although he complained that the Ecclesiastical Commissioners did not have adequate funds to meet their responsibilities. He claimed that their funds were largely expended on the repair of existing churches, leaving little scope for the building of new ones.\(^{22}\) Such claims of relative poverty by advocates of the Church of Ireland, a Church substantially endowed by the state, were unlikely to receive much sympathy from Irish Catholic MPs.

The potential for an alliance between English and Irish opponents of the Established Church was shown in May 1856, when Edward Miall, the Radical MP for Rochdale, brought forward a motion for the redistribution for secular purposes of the surplus revenues of the Established Church in Ireland. Miall was a leading member of the Liberation Society, a largely Nonconformist organisation pledged to the overthrow of the Church Establishment. There was, of course, a certain irony in even an ad hoc Parliamentary alliance between radical dissenters and Irish Roman Catholics. The Roman Catholic Church across Europe had no opposition per se to the concept of state endowment of religion. It was the peculiarity of the Irish situation, the fact of being a majority Church without state support, which forced it into the position of looking for

\(^{21}\) *Hansard*, 3rd S, CXXXI, cl. 1567.
\(^{22}\) *Hansard*, 3rd S, CXXXI, cl. 1576-79.
a severance of the ties between the Established Church and the state.\textsuperscript{23} Dissenting opponents of the Church of Ireland, however, were opposed in principle to state endowment of religion. There was, thus, a wide difference in outlook between these two groups. Furthermore, the Irish Catholic bishops had frequently declared that they did not want any support from the British state. The bishops' primary concern was to undermine the privileged position of the Established Church, which they viewed as unjustifiable and a barrier to the advance of Roman Catholicism in Ireland.\textsuperscript{24} It should be remembered here that, after the high point of 1852, the fortunes of the Independent Irish party had been in steady decline. The defections of Keogh and Sadleir had considerably damaged the party while the death of Frederick Lucas in late 1855 and the departure of Gavan Duffy to Australia soon afterwards had further weakened its position. By 1856, its Parliamentary strength had sunk to only thirteen MPs.

Speaking in the debate on Miall's motion, Napier contended that the 'property of...[the] Church [of Ireland] was the most sacred of all properties...[and] the most ancient of any in the country.' As part of the 'settlement of property' referred to in the oath taken by Roman Catholic MPs, this should 'not be interfered with.' This legal title had been copperfastened by the fifth article of the Union, which had secured the Church's property 'for all time - for after ages, as well as the present.' Any attempt to interfere with this property would, Napier warned, 'light the flame of religious discord from one end of [Ireland] to the other.' Irish Protestants would, he maintained, strenuously resist any attempt to undermine the privileges secured to them by the Union. He appealed to government ministers to use the debate to reaffirm their support for the Church of


\textsuperscript{24} See R.F. Foster, Modern Ireland, p.386-87.
The only government minister to answer this appeal was Palmerston, who expressed his conviction that a Church Establishment was 'a proper part of the organisation of a civilised country.' The significance of Palmerston's speech was increased by the conspicuous absence of Conservative leaders, like Disraeli and Stanley, from the debate and subsequent division. While Miall's motion was defeated by 70 votes, only 256 out of the 654 MPs in the House of Commons took part in the division. A high number of Irish Conservatives voted on this occasion, as did MPs like Augustus Stafford and Evelyn Shirley, who had close connections with Ireland although they sat for English constituencies. Unsurprisingly, leading English Ultra-Protestants, like Richard Spooner and Charles Newdegate, also voted against the motion.

The failure of Disraeli, Stanley and Sir John Pakington to attend this debate was taken by some Irish Conservatives as evidence of the lukewarmness of their support for the Irish Church. Noting Disraeli's regular attendance in the House of Commons, the Parliamentary correspondent of the Dublin Evening Mail implied that he had made a conscious decision not to be present. At the very least, he continued, 'the subject [of the Church of Ireland] was one which it was discreditable to any one claiming the position of the leader of a party to evade.' An obviously irate Napier wrote to Sir William Jolliffe, the Conservative chief whip, complaining that he had never felt 'more humiliated...[and] discouraged than last night.' For the 'greater part' of the debate, he complained, there 'was not one of our leading men beside us [on the front bench]...[and] scarcely one of our party behind us.' The 'most indecent...[and] insulting proposal[s] of confiscation' had been made without any reply from the leaders of the Conservative party. This would 'not do,' Napier insisted. If the Conservatives were to retain

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25 *Hansard*, 3rd S, CXLII, cl. 762-64.
26 *Hansard*, 3rd S, CXLII, cl. 768.
any credibility, the motion should, in his view, have been met with 'a bold decided and united opposition.' He accused the Conservative leadership of having 'evaded' the Maynooth question and of having 'avoided the support of the Irish Church.' If they did not take up the Irish National Education question in the next session of Parliament, he could not see 'any purpose to be served in their [the Conservative party] continuing to be in name what...[it] would not be in reality.' 28

Whiteside wrote to Jolliffe in a similar vein, complaining that 'not one English [Conservative] statesman [had] uttered a word' in support of the Church of Ireland. What was 'worse still', Whiteside believed, was that of the leading Conservatives, only J.W. Henley had voted in the division. He contended that 'no greater blunder could have been committed than that of abandoning the Irish Church on such an occasion.' To Irish Conservatives, it displayed 'an utter absence of feeling, of sincerity...[and] of consistency...[and although] this was only in appearance yet appearance in politics can not be disregarded.' Any repetition of this disregard for their concerns would 'assuredly [be] resented.' 29 The conviction that their interests were insufficiently considered by party leaders at Westminster was frequently expressed by Irish Conservatives. 30

These criticisms of Conservative leaders obviously had some effect, with the excuses of senior party members, like Disraeli, Lord John Manners, and Walpole for their non-attendance being given in the Dublin Daily Express on 6 June. 31 Regardless of the truth of these statements, they did not completely appease Irish Conservative opinion. Significantly, in the light of future events, the Dublin Evening Mail singled out Palmerston for praise for his part in the debate,

27 Dublin Evening Mail, 2 June 1856.
29 Whiteside to Jolliffe, 28 May 1856, Jolliffe papers, DD/HY/18/5.
30 See above, p. 5-6.
31 Disraeli claimed a prior engagement at the Turkish ambassador's, while Walpole had been 'really ill' and was advised to 'pair' by G.A. Hamilton. See the Daily Express, 6 June 1856.
contrasting his speech with the silence of Edward Horsman, the Irish Chief Secretary. The paper called for a 're-construction' of parties 'on a sound basis' with Palmerston and other conservative minded Liberals joining with the Conservative party, leaving the Radical element within the Liberal party to go its own way.32

Disraeli again alienated Irish Conservative opinion later that session when he voted in favour of the abolition of the oath of abjuration, a move designed principally to allow Jewish MPs to enter Parliament. Napier warned that any tampering with the oath would render 'the propriety of the Protestant succession [to the Throne] as by law established, and the truth of the Christian faith, open questions.' It was not, in his view, 'consistent with the principles of the [British Constitution] to admit any one into Parliament who denied the truth of the Christian religion.'33

Irish Conservative opinion had long been hostile to Jewish Emancipation, Whiteside and Napier being prominent in the opposition to the Jewish Relief bill of 1854. They defended this position on the basis of their belief in the 'Protestant Constitution.' Whiteside claimed that, as Christianity was the basis on which the 'whole system of...[British] laws, monarchy, and constitution' rested, to deny it was to strike at the foundations of the British state.34 The providential theory of history was invoked by Napier as an additional reason for the exclusion of Jews from Parliament. If, he warned, Britain was to 'renounce Christianity as the basis of...[its] law' it would leave itself open in consequence 'to Divine...displeasure.'35

It was on this issue that Disraeli was, perhaps, most out of step with opinion within the Conservative party. His support for the removal of Jewish disabilities made him unpopular with

32 Dublin Evening Mail, 7 June 1856.
33 Hansard, 3rd S, CXLI, cl. 736.
34 Hansard, 3rd S, CXLV, cl. 1844.
35 Hansard, 3rd S, XCVIII, cl. 641.
Ultra-Protestants and added to their suspicions of him politically. Indeed, the *Dublin Evening Mail* suggested that his differences with the bulk of the party were such that he should be 'deprived of...[the] leadership by a formal vote.' From this time on up to the election victory of 1874, Disraeli was to be the subject of regular attacks, both personal and political, from the Irish Conservative press. These attacks reflected Conservative disillusionment at the party's failure to win office in these years. They also reflected a broader feeling of unease at Disraeli's leadership which was widespread within the Conservative party. He was frequently accused of lack of political principle and the sincerity of his attachment to the 'Protestant' cause was frequently questioned. It was also contended that Palmerston was, in some respects, a steadier Conservative than Disraeli himself. These difficulties in Disraeli's personal position were particularly marked in the late 1850s and early 1860s and had a considerable effect on Conservative politics in this period.

The political outlook, which had appeared bleak for the party, was temporarily brightened with the unexpected defeat of the Palmerston government in the House of Commons in April 1857.

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36 *Dublin Evening Mail* 11 June 1856.
37 See, for example, *The Warder*, 2 May 1862, which depicted Disraeli as not being 'in earnest...He makes points but seems to have no principle of action.' Whiteside made a similar assessment of Disraeli many years later, doubting if he 'ever had any deep & settled convictions on political questions.' See Whiteside to Lytton, 23 June 1870, Lytton papers, D/EK/C18/123.
38 See R. Blake, *Disraeli*, p. 368-69.
Their defeat followed a debate on the bombardment of Canton by the British navy. Palmerston immediately called a general election and the government was returned with an increased majority. At the Dublin University election the Liberals attempted to capitalise on Palmerston's popularity with Irish Protestants by standing two candidates, Wilfrid Lawson and George Fleetwood Wilson there, the first time the election there was contested since 1848. Both Liberal candidates emphasised the Evangelical nature of Palmerston's ecclesiastical appointments and criticised Napier for not having lived up to the pledges he had made on religious issues when first elected in 1848. Napier responded by criticising Palmerston's political record, claiming that he had never known him 'to state any religious conviction, or put any proposition on a religious basis.' He also defended his conduct on Maynooth and the National Education question and denounced Liberal attempts to portray Derby as being sympathetic to the Oxford movement. Whiteside criticised Palmerston's support for Jewish Emancipation and his participation in government with Keogh and Sadleir, both of whom were pledged to the disestablishment of the Church of Ireland. Although Napier and Hamilton retained their seats comfortably, it was apparent that the Liberal party had deliberately set out to portray Palmerston as being sounder on religious issues than Derby. Irish Conservatives were wary of this strategy, fearing that

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39 After this debate, Napier wrote to Gladstone, praising him for his 'great effort on the China question.' He claimed he had never given a vote any issue 'with a clearer conviction of its foundation in justice, humanity...[and] Christian obligation.' He concluded the letter by regretting 'the course of events which had changed the apparent relation in which we stood.' From the time of his entry into Parliament, Napier had felt that his views 'of sound policy both foreign...[and] home, substantially agree[d] with those held by Gladstone. He assured Gladstone that he knew of 'no man, for whose personal character and parliamentary ability...[he] had more unaffected regard.' Napier to Gladstone, 13 March 1857, Gladstone papers, Add. Ms 44,187 ff.155. It is interesting to contrast the tone of this letter with that of Napier's letter to Derby quoted above p. 147. It was, of course, no coincidence that this letter was written at a time when Gladstone was co-operating closely with the Conservatives against Palmerston's government. See R. Shamon, Gladstone, p.329-30.

40 See the Daily Express, 31 March 1857.
Palmerston's long term intention was to divide the party.\textsuperscript{41}

The elections were also notable for the first tentative attempts by Conservatives and Independent party candidates to co-operate in contests where the other had an opportunity to defeat the Whig/Liberal candidate. This 'ad hoc understanding'\textsuperscript{42} succeeded in most of its immediate aims in the 1857 election, and laid the groundwork for the co-operation between the Conservatives and a section of the Independent party between 1858 and the early 1860s. Despite these successes, the elections saw the strength of the Liberal government increased, with the Conservatives remaining in a minority in the House.

At the election for Dublin University, G.A.Hamilton had strongly criticised the Liberal government for its introduction of a bill to abolish Ministers' Money.\textsuperscript{43} Despite opposition from the Conservatives, however, the bill had successfully passed through Parliament during the 1857 session. While conceding that the sum involved was small, Napier argued that the repeal of the tax shook 'the principle on which the property of the Established Church rested...to its very foundation.' He argued that no change should have been made in the tax without first securing an alternative source of funding for the clergy concerned.\textsuperscript{44} In the House of Lords, Derby warned that if the government had abolished the tax simply because of the difficulties involved its collection, they were setting a dangerous precedent. This course would, he claimed, simply encourage breaches of the law. The abolition of the tax would also encourage those who wished

\textsuperscript{41} See Napier to Derby, 25 March 1857 and 4 April 1857, Quoted in A.C.Ewald, \textit{The Life of Sir Joseph Napier} (1887 ed), p.156-57.
\textsuperscript{43}\textit{Daily Express}, 31 March 1857.
\textsuperscript{44}\textit{Hansard}, 3rd S, CXLV, cl. 557.
to see the overthrow of the entire Church Establishment in Ireland. Despite the severity of these criticisms, there was, as we have seen, little positive enthusiasm for the continuation of the tax on the Conservative benches. Napier claimed several years later that its abolition had in fact been beneficial to the Church of Ireland. He argued that in removing the grievance felt by Roman Catholics paying the tax 'the loss has been a gain.' That 'class' of issue was, he believed, 'the very worst to fight a real battle upon."

At the close of 1857, Maiziere Brady, the Irish Lord Chancellor, sent a public letter to Lord Londonderry, advising him that in future any person appointed to the office of Magistrate would have to make a declaration that they were not and would not become a member of the Orange Order. This order raised a storm of political controversy, particularly in the North of Ireland. A petition protesting 'in the strongest terms against the exaction of any such pledge' was signed by a large number of Irish Conservative MPs and landowners. The petition argued that the exclusion of members of the Orange Order from the Magistracy would be an interference with 'freedom of opinion, and [with] the rights of the gentry and people of Ireland.' The signatories included Napier, Whiteside, Cairns and G. A. Hamilton. Among the landowners who signed the petition were senior Irish Conservatives like Lord Downshire, Lord Clancarty, Lord Enniskillen and the Earl of Roden. However, not all Irish Conservatives were convinced of the wisdom of this step. Responding to an appeal from Whiteside to sign the petition, Donoughmore expressed

45 Hansard, 3rd S, CXLVI, cl. 1789
47 See the account of Brady's career in the Dublin University Magazine, vol. LXXX, no. CCCLXXVIII, May 1864, p.265-66. In all the memorial was signed by 2,700 people. This number included 32 peers, 38 MPs, and 641 Justices of the Peace.
48 See the Dublin Evening Mail, 23 November 1857.
his belief that 'the existence of the Orange society [w]as injurious to the general well being of Ireland...and more particularly to the interests of the Conservative party.' He considered that the 'effect[s] which Orangeism...[had] upon the opinions and feelings of educated Catholics' were 'fatal to the progress of sound Conservative opinions' in Ireland. Unless the Order was disbanded, there would be no hope of an alliance between 'moderate men of both churches...for the purpose of putting down the tyranny of the priesthood.' Donoughmore was convinced that there was no point 'in the Conservative political creed which an intelligent Catholic...[might] not hold without impairing his attachment...[and] respect to his own religion.' It was difficult, however, for him to convince his Catholic neighbours of this, in the face of the virulent abuse directed against their religion by leading Orangemen. He felt ashamed that 'these men...[were] my co-religionists...[and] working in support of the political party' to which he belonged.49 Donoughmore's sentiments were unusual for an Irish Conservative of his day and were, no doubt, influenced by the fact that his family had converted from Roman Catholicism.

Whiteside replied with a revealing letter, outlining his views on Irish history and on the Orange Order. He claimed that Brady's letter had been counterproductive, as it had reinvigorated branches of the Order which had not met 'for 2 or 3 years.' While condemning 'those violent speeches' to which Donoughmore referred, Whiteside claimed he was 'not surprised at the existence of any association in Ireland the members of which were knit together in defence of King...[and] property.' He asserted that from 1641 onwards, there had been 'one great conspiracy fomented by the Papacy in Ireland...to expel Protestantism...[and] overthrow the English rule in Ireland.' He traced this conspiracy down from the 1798 rising through

49 Donoughmore to Whiteside, 14 November 1857, Copy in the Donoughmore papers, H/17/1/71o.
O'Connell's campaign for the repeal of the Union to the abortive insurrection of 1848. From the Order's foundation in 1793, its members had, Whiteside claimed, remained 'attached to the Union...[and] Monarchy men.' When 'bad men' combined, he argued, it was the duty of 'good men...[to] unite.' Furthermore, he argued, the Order was an essential part of Conservative strength both in Dublin and in the North of Ireland. Although Whiteside had some doubts about the 'utility of keeping up this association now' he had been assured by Conservatives in the North that it had kept men 'with the gentry...who would otherwise [have] become Tenant Right men.' He did not believe its existence effected Conservative strength in the rest of Ireland, as 'the Protestants there...[were] few'. Roman Catholics were, of course, unlikely to become Orangeman and in any case, would never, Whiteside feared, 'be seduced into voting for a Conservative.'

This correspondence illuminates the differences in outlook which existed within the Irish Conservative party: Donoughmore being obviously anxious to win over Catholic voters to the party, while Whiteside denied that there was any realistic possibility of doing so. Donoughmore was aware that some broadening of the party's appeal was imperative if the Conservatives were to maintain their strength in Ireland. The problem lay, however, in formulating policies which would win Catholic support without alienating their Protestant base.

Irish Conservative opinion was not, however, wholeheartedly behind the Orange Order. While defending the right of Orangemen to sit as Magistrates, the Daily Express called for a voluntary disbandment of the Order. It stressed that the existence of 'a permanent political organization [sic]...antagonistic in principle to a large portion of the people...[and] uncontrolled by the Executive...[was] an anomaly' which it was 'impossible' to defend. It is clear that some

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50 Whiteside to Donoughmore, 16 November 1857, Donoughmore papers, H/17/1/711.
51Daily Express, 12 October 1857.
Conservatives considered the Order to be something of an embarrassment and a 'stumbling block' in the way of 'Conservative progress.' They were, however, anxious not to alienate its members, who generally supported the Conservatives to too great an extent. It should also be noted that a number of Conservative MPs, particularly in the North of Ireland, were members of the Order. These included Sir William Verner, the MP for Armagh County and Mervyn Archdall, the MP for Fermanagh County.52

In early February 1858, a deputation including several Conservative MPs met with Palmerston to protest against Brady's letter. Napier, Whiteside, Cairns and G. A. Hamilton were members of the deputation, which was led by the Earl of Enniskillen, the Grand Master of the Orange Order. Cairns contended that the exclusion of Orangemen from the Magistracy was 'unconstitutional', given that the Order was not an illegal body. Whiteside made a typically fiery declaration that although he was not an Orangeman, he would 'cut off his right hand before he would subscribe' to the terms of Brady's letter. Palmerston, however, argued that the oath taken by Orangemen, and 'other circumstances' connected with the Order made their legality 'doubtful.' Orange marches had been made illegal by the Party Processions Act of 1832, although this had not been strictly enforced. The Order itself had been declared illegal in 1825, but that legislation had lapsed and its legal status remained doubtful. Enniskillen defended the Society as being organised solely in 'self defence.' Palmerston replied by asking 'self defence against what' and complained that it was 'offensive as regard[ed] the government and institutions of the country, to say that the general government of the nation...[was] not adequate to protect individuals from

52 For the links between the Orange Order and the Irish Conservative party, see K.T. Hoppen, Elections, Politics and Society, p. 316-29.
This robust defence of Brady's position does not seem to have been what Irish Conservatives had expected from Palmerston, but effectively ended their meeting with him.

Shortly after this meeting, the Palmerston government suffered a second unexpected defeat in the House of Commons, when the Conservatives and disaffected Liberals combined against the introduction of the Conspiracy to Murder bill. Palmerston resigned soon afterwards and Derby was called on to form a government. As in 1855, Derby approached Gladstone to join his government, but the offer was again refused. The new government owed its position primarily to divisions within the Liberal leadership rather than to any increase in Conservative strength. It was, thus, placed in the position of seeking support from whatever quarter of the House it could get it. Derby's Irish appointments were much the same as they had been in 1852, with Napier being promoted to the Lord Chancellorship and Whiteside being appointed attorney general.

Soon after its appointment, the government made it clear that it would not act on the terms of Brady's letter when appointing magistrates. Eglinton combined this public pronouncement, however, with private appeals to both Enniskillen and Roden for a voluntary disbanding of the Order. According to Eglinton, both men 'expressed themselves as most anxious' to comply with his request and 'seemed fully to enter into the propriety of putting a stop to a society which...[was] no longer required.' However, they saw 'great difficulties' in undertaking such a step. Although they were 'able to guide...[and] even moderate the Orangemen, so long as they remained [members]' they feared that 'an order to disband' would be ignored by the 'large majority of the lower class.' In those circumstances, they warned, the Order would be likely to 'become more troublesome and dangerous, for it would be under the guidance of more violent

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53 See the Dublin Evening Mail, 17 February 1858.
54 See the Daily Express, 17 March 1858.
men. Enniskillen believed that Brady's letter had increased this danger, as the 'irritation it had caused' had led to 'a large addition of numbers...[and] an increase in zeal' among Orangemen. Eglinton accepted this reasoning, though he extracted a pledge from Enniskillen that he would use his influence to prevent the holding of Orange 'processions or public demonstrations' while the Conservative government was in office.  

The Irish administration's relations with the Roman Catholic Church were put under strain in August 1858 when they discovered that Cardinal Wiseman had been invited to a dinner at the Lord Mayor of Dublin's residence. Eglinton had also agreed to attend it before hearing that Wiseman was to be present. On hearing that Wiseman was also invited, Eglinton applied to Derby, asking what he should do. After taking the Queen's advice on the subject, Derby recommended that Eglinton should not go to the dinner. If pressed, Eglinton should refer to the fact that Wiseman had not yet been presented to the Queen as a reason for his non-attendance at the banquet. Eglinton informed Naas that given his position, Wiseman would have to be 'the most prominent man' at the dinner after himself. In these circumstances, it would have been impossible for Eglinton to ignore the presence of a 'a very large fat man in scarlet sitting next to me.' Derby feared that, by not going, Eglinton would attract criticism from Irish Roman Catholics, but pointed out that if he were to attend, he would give 'at least equal offence to the...

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55 Eglinton to Donoughmore, 18 August 1858, Donoughmore papers, H/18/1/547.  
56 See Eglinton to Derby, 3 May 1858, Derby papers, 148/3. There is a copy of this letter in the Eglinton papers, GD3/5/56.  
57 See Eglinton to Naas, 24 August 1858, Mayo papers, 11,031 (14). See also Derby to Eglinton, 5 August 1858, Eglinton papers, GD3/5/56/4436.
Irish Protestants.\textsuperscript{58} 

Recommending that no member of the Irish administration should attend, Napier stressed that it would be a breach of the Ecclesiastical Titles Act if Wiseman were to be introduced as a Cardinal. Wiseman could only be presented as 'a Bishop or Archbishop of the Church of Rome' and Napier would 'not take...[a] seat at the table' if he were presented in any other capacity. The Lord Mayor was, he claimed, attempting 'to entrap the Lord Lieutenant into an implied recognition of an Usurper.'\textsuperscript{59} Naas was, however, unconvinced of the wisdom of Eglinton's remaining away from the banquet. It might appear to Irish opinion, he warned, that Eglinton was going out of his way 'to insult a prince of the Romish Church.' Unless the Irish government could prove that Eglinton was acting 'in pursuance of some recognised and well defined rule' they would have 'the worst of the argument.'\textsuperscript{60} While Eglinton was aware that his non-attendance would result in an 'outcry against' him and damage the position of the Irish government, he was prepared to accept this rather than 'transgress the command of the Queen.'\textsuperscript{61} The ultimate effects of this decision are hard to gauge, although Eglinton was to find, on a visit to the West of Ireland soon afterwards, that there was a 'strong feeling' against him on account of his failure to meet Wiseman.\textsuperscript{62} The controversy did, however, show the difficulties which the government faced in dealing with the religious sensitivities of the Irish people.

\textsuperscript{58} Eglinton to Derby, 20 August 1858, Eglinton papers, GD3/5/56/4436.
\textsuperscript{59} Napier to Naas, 1 September 1858, Mayo papers, 11,021 (38). See also Napier to Naas, 20 February 1859, Mayo papers, 11,027 (12). The Queen shared similar suspicions, telling Derby that she believed Wiseman intended to establish a 'claim to a recognition of his foreign rank' through attendance at the dinner. See Derby to Eglinton, 5 August 1858, Eglinton papers, GD3/5/56/4436.
\textsuperscript{60} Naas to Eglinton, 24 August 1858, Eglinton papers, GD3/5/55/44555.
\textsuperscript{61} Eglinton to Naas, 25 August 1858, Eglinton papers, GD3/5/54/4445.
For several years prior to 1859, Irish Catholic MPs had been seeking a Royal Charter for the Catholic University in Dublin, founded by John Henry Newman in 1851. As they had failed in obtaining any firm pledge on this question from Palmerston, they viewed the accession of the Conservative government to office as giving them a fresh opportunity to secure this goal.

Indeed, a small group of Irish Independent party MPs led by John Francis Maguire were already giving the government a general support in the House of Commons. This group argued that the granting of a Charter would both ensure their continued support for the government and conciliate Roman Catholic opinion in Ireland. The case for the granting of a Charter was also supported by the Irish Roman Catholic hierarchy. In May 1858 Cullen approached William Monsell, a leading Irish Liberal MP, asking him to raise the issue with the government. Monsell approached Disraeli on the subject and his reply was sufficiently ambiguous for Monsell to believe that the cabinet would take the initiative on the subject. Matters rested on this understanding until October when Ralph Earle, Disraeli's secretary, pressed George Alexander Hamilton to obtain a final decision on the subject from the Irish government. From the tone of this approach, it seems evident that Disraeli had not informed Eglinton or Naas of the vague promise he had made to Monsell. While claiming that he was not 'at all bigoted on such matters', Hamilton advised caution. For 'all his experience', he contended, Disraeli was not 'sufficiently alive to the machinations...and real objects of the parties he is dealing with.'

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62 Eglinton to Derby, 10 October 1858, Derby papers, 148/3. The Freeman's Journal referred to Eglinton's failure to attend the dinner as an 'instance of palpable bigotry...perfectly in keeping with the tenor of his [Eglinton's] political career.' Quoted in the Dublin Evening Mail, 3 September 1858.

63 Cullen to Newman, 20 July 1858, Quoted in P. Mac Suibhne, Paul Cullen and His Contemporaries with their letters from 1820-1902, vol. II, p. 259.

64 See Earle to Hamilton, 4 October 1858, and Hamilton to Naas, 4 October 1858, Mayo papers, 11,023 (6).
At the beginning of the new year, Maguire put increased pressure to grant a Charter on both Disraeli and Naas. At the same time he recommended that the Irish government should appoint Roman Catholics to offices in its gift. To refuse the Charter would, Maguire asserted, 'put the government 'in the wrong with the Catholics of the Empire' in general and, more particularly, with Irish Roman Catholics. If, on the other hand, it was to act on the question, it would secure the support of those Irish MPs who up to then had voted with the Liberals. Maguire also warned that government inaction 'would cut the legs from under your Catholic friends who had stood by you last year. As the session progressed, Maguire's appeals became increasingly desperate in tone. The government was bound to 'have days of storm before' it, and ought to 'make friends against the evil day.' By refusing to grant the Charter, the government would, Maguire warned, eventually force the group led by him to vote against it. Maguire informed Disraeli that the government's 'refusal to do a simple act of justice...[would] inflict a very serious blow upon and do great damage to those [MPs] who have stood by you in moments of danger...[and] braved calumny...[and] hatred in consequence.' He stressed the fact that they were not seeking any endowment for the Catholic University, only a Royal Charter giving it the power to grant degrees. By issuing it, the government would impose 'a deep obligation on the 'Catholic nation' of Ireland which would be profoundly felt.

Maguire reinforced these appeal by leading a large deputation which met with Disraeli to press the claim for a Charter in March 1859. The deputation included a number of MPs, such as J.A.Blake and Sir George Bowyer, who along with Maguire, had given the government a general

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65 Maguire to Disraeli, 14 January 1859, Disraeli papers, B/XXI/M/66.
66 Maguire to Naas, 5 March 1859, Mayo papers, 11,027 (6).
67 Maguire to Disraeli, 8 March 1859, Disraeli papers, B/XXI/M/68. See also Maguire to Disraeli, n.d [March 1859], B/XXI/M/72.
support in the previous session. It also included senior Irish Liberals like Rickard Deasy and William Monsell, and, more surprisingly, James Spaight, the unsuccessful Conservative candidate for Limerick at the 1857 general election. Disraeli reply to the deputation was couched in studiously ambiguous language. He described the existence of the Catholic University as a 'memorable example of the zeal and liberality of the Roman Catholics of Ireland.' He carried on this conciliatory tone in promising to bring the issue before the cabinet. However, he did not give any pledge as to what the cabinet's decision on the subject would be. He did however promise, in an equivocal phrase, that the issue would be considered with 'a full sense of the importance due to it.' The ambiguity of this reply caused some alarm among Irish Conservatives, with the Dublin Evening Mail asking what 'Whig clothes...had he [Disraeli] stolen?' The paper's animus against Disraeli was displayed in its contention that it would 'prefer to have open foes' rather than 'traitors in[side] the fortress' to contend with.\(^68\) The alarm expressed in this article was, however, misplaced; the calculated nature of Disraeli's language was carefully designed to avoid alienating Irish Catholic opinion while leaving the government unpledged on the question of the Charter. Even before the deputation met Disraeli, Eglinton had advised Naas that it would be 'impossible' for the Irish government to consent to the granting of a Charter as this would 'disgust...[their] friends' and would, most likely, be opposed by the Whigs.\(^69\) With a general election pending, however, the Irish government saw no need for an immediate declaration of its policy on the subject.

The general election was called in April 1859, after the government was defeated on a resolution on reform brought forward by Lord John Russell. This election marked the high point

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\(^{68}\) *Dublin Evening Mail*, 23 March 1859.

\(^{69}\) Eglinton to Naas, 8 March 1859, Mayo papers, 11,031 (18).
of the co-operation between the Independent Irish party and the Conservative party on electoral matters. A number of factors were responsible for this; these included Palmerston's lack of a positive Irish programme in government, which meant that the Conservatives could hope to win Independent party support with comparatively minor concessions. The Conservative party's prospects in Ireland had also been enhanced by events in Italy, where moves towards unification threatened Papal control over its dominions. Palmerston's anti-Papal views and support for the unification of Italy were well known. Derby, on the other hand, was perceived by Irish Catholic opinion, as being, at worst pro-Austrian; the Austrian presence in Italy being one of the bulwarks of the Papacy's position. These considerations impelled some Roman Catholics, notably Cardinal Wiseman, to support the Conservatives at the election. The government's decision to remunerate Catholic chaplains in prisons and to recognise the position of Catholic chaplains in the military had also been designed to win Catholic support. Disraeli's equivocal pledge on the Charter question was also taken by some Independent party MPs as proof that the government intended to grant it. The government's award of a transatlantic packet station to Galway had also proved popular with Irish MPs, regardless of party.70

Irish Conservative leaders consolidated their alliance with Maguire's group of MPs by preventing local Tories from undertaking contests against Maguire himself in Dungarvan and against Sir George Bowyer in Dundalk. Pressing his claims for support, Maguire told Naas that his election address had gone 'the whole length for Lord Derby's foreign policy etc, and against Russell and Palmerston.'71 He argued that, if he were opposed by a Conservative, 'a blow' would be struck 'at independent action on the part of Irish Catholics for the future.' After having

71 Maguire to Naas, 16 April 1859, Mayo papers, 11,036 (4).
supported the Conservatives 'both by votes and addresses' in the previous session, Maguire believed he deserved their assistance at the election 'as a right.' A local Conservative backed up Maguire's claims, adding that he had 'very materially damaged his position and prospects, with what is termed the Liberal party, by some of his late votes, as well as by the known fact that he has influenced those of Mr. [J.A] Blake and other members [of Parliament] - six or seven I believe.' These appeals led Donoughmore to exercise his influence and persuade Sir Nugent Humble, the prospective Conservative candidate, to withdraw.

Conservative support also played a role in the return of other Independent party MPs like J.A Blake in Waterford and Patrick McMahon for Wexford. However, an appeal by G.H.Moore to Donoughmore for support in his contest for Kilkenny was denied. While Maguire, Bowyer, Blake and McMahon supported the Conservatives in the division which had precipitated the general election, G.H.Moore had not. However, Moore insisted, it would 'surely...[be] better' for the Conservative party to have an Independent party member like himself in Parliament, who would 'support [it]...on many important occasions', then to have 'two Whigs - who [would]...oppose...[it] on all party questions.' Donoughmore replied by claiming that his influence in Kilkenny was 'very small' but that Moore's action in voting against the government meant he would not have supported him in any case. The division had been a critical one and Russell's motive in introducing the resolution had been to gain 'political power.' If the government had to fall, Donoughmore concluded, he would prefer that it would be 'succeeded by [a government under] Lord Palmerston...[and] his friends than by [a government including] Lord

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[72] Maguire to Donoughmore, 16 April 1859, Donoughmore papers, H/19/1/6.
[73] Moore to Donoughmore, 4 May 1859, Donoughmore papers, H/19/1/1801.
John Russell, Mr. Bright...[and] Sir James Graham. Donoughmore believed, no doubt, that a government led by Russell would be more radical in its domestic policy than would a government under Palmerston. He was also making it clear that Conservative support was dependent on a sense of reciprocal advantage, a condition which Moore's withdrawal of support in a crucial division had clearly breached.

The 1859 election was also unusual in the fact that a number of Conservative candidates received public support from Catholic clerics. A manifesto issued by over seventy priests in County Meath praised the Conservative government's policy of non-interference with regard to Italy. The manifesto also endorsed the government's concessions to Roman Catholic chaplains in the military. They contrasted the government's position with that of Palmerston and Russell, from whom 'no prospect of good whatsoever to the Irish tenant' could be hoped, and who threatened 'the most certain prospect of evil on the largest scale to the interests of the church at home and abroad.' It was, perhaps, no coincidence that both Meath MPs, Matthew Corbally and Edward MacEvoy, had supported the Conservatives in the previous session of Parliament.

In King's County, John Pope Hennessey, the Conservative candidate and himself a Catholic, attracted considerable support from the local Catholic clergy. In his election address, Hennessey described the 'present disorganisation of Irish parties' as traceable 'to the unnatural efforts' which had been made 'to infuse Liberalism into Ireland.' 'The old traditions, the natural habits, the generous impulses, and above all, the religious faith of the Irish people' would, he insisted, 'never

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74 Donoughmore to Moore, 9 May 1859, Donoughmore papers, H/19/1/1802.
75 Referring to the Durham letter and the Ecclesiastical Titles bill, the manifesto condemned the Whig leadership for having heaped 'injuries and insults' on the Roman Catholic Church throughout Europe. From the Conservative side, however, it concluded, there had never been any danger 'to the independence of the Irish party.' See the copy of this manifesto in the G.H.Moore papers, National Library of Ireland, Dublin, Ms. 894.
allow them to sympathise with English Whigs or continental Republicans.\textsuperscript{76} Hennessey laid considerable stress on his support for the Papacy and his dislike for the Whigs. The Liberal party's two principal objects were, he claimed, "the degradation of Ireland, and the degradation of the religion to belong to which was his [Hennessey's] proudest boast."\textsuperscript{77} This anti-Whig rhetoric proved effective with Hennessey being returned at the top of the poll. Hennessey was the first Irish Catholic to be returned as a Conservative MP and his role as a link between the Conservative leadership and Irish Independent party MPs was to be of considerable importance in the years that followed.

Cardinal Wiseman also played an active part in the elections in support of the Conservatives. He did this, indirectly, through his protégé, Lord Campden,\textsuperscript{78} and, openly, in a letter written to Thomas Strange, the former mayor of Waterford. In this letter, Wiseman defended J.A. Blake for his support of the Conservative government in the division on Russell's motion. He expressed his 'decided approval' of Blake's conduct on that occasion. In Wiseman's view, the real motivation behind that vote had been Blake's desire to maintain the Conservative government, a course which, given the situation on the continent, the Cardinal believed to be a wise one.\textsuperscript{79} Wiseman also sought to enlist the support of Bishop Furlong of Wexford for John George, the embattled Conservative candidate for Wexford. This intervention may possibly have aided George in winning the seat.\textsuperscript{80} As solicitor general, George had been involved in the trial of suspected members of the Phoenix Society, a precursor organisation to the Fenians, at

\textsuperscript{76} \textit{The Irish Times}, 10 May 1859.
\textsuperscript{77} \textit{Daily Express}, 13 May 1859.
\textsuperscript{78} Lord Campden informed Naas that Cardinal Wiseman was 'quite on your side' and supported the government in the belief that they would 'do justice to Roman Catholics.' Campden to Naas, 10 May 1859, Mayo papers, 11,036 (3).
\textsuperscript{79} \textit{Dublin Evening Mail}, 29 April 1859.
Tralee in County Kerry. This trial had led to accusations of 'jury-packing' against the Conservative government, with no Catholics being included in the jury which convicted the prisoners. George denied the allegations, but privately the Irish government laid the blame for the exclusion of Catholic jurors on Sir Matthew Barrington, a local magistrate. Napier insisted to Naas that Barrington's orders had not been 'to set aside any man on account of his religion or politics' but rather to exclude those jurors who he 'had just reason to suppose would not be likely to do justice between the Crown...[and] the accused.' After an earlier prosecution of the prisoners had proved abortive, Napier considered that Barrington had reacted by interpreting these rules over strictly. 'Prima facie', he concluded, Barrington's proceedings seemed 'indefensible.' He would prefer to have 'throw[n] the odium on [the] Roman Catholics, of violating their [juror's] oath' then have incurred 'the censure of violating the Constitutional right of civil equality'.

At a protest meeting in Tralee against the exclusion of the Catholic jurors, the local Bishop, David Moriarty, complained that the government had inflicted 'a grievous insult' on Irish Catholics. Significantly, although he claimed to be ringing the 'death knoll' of the Conservative government, Moriarty's speech was notably friendly towards Derby. Throughout Derby's 'political life', Moriarty maintained, he had 'acted towards the Catholic church...with fairness and courtesy.' He also declared his foreign policy to be 'of the utmost importance for the preservation of the peace and stability of the Papal dominions, and for the free action of the head of our Church.' Moriarty tempered this praise, however, by criticising Derby for having committed 'the fatal blunder of seeking to govern Ireland by and for a Tory and Orange


*Napier to Naas, n.d [April/May 1859], Mayo papers, 11,027 (14).
Faction. This was strong criticism coming from Moriarty, who was well known for his moderation and friendliness towards the British government. Writing to Disraeli, Maguire described the 'striking off' of the Catholic jurors as 'disastrous' for Independent party supporters of the government. Only concessions to Irish Roman Catholics could, he asserted, re-establish the government's position in Ireland. While the jury packing allegations may have damaged the party's prospects in Munster, the 1859 elections were to see considerable Conservative success elsewhere in the country. For the first time since the 1832 Reform act, the Conservatives, with 55 seats out of 105, held the majority of the Irish representation. The party gained some eight seats, which with the addition of their Independent party allies, estimated by Eglinton at seven, added fifteen votes to the Conservative strength in the House of Commons. Despite these gains, however, the Conservatives remained in a minority in the House of Commons, and were still threatened with defeat if the opposition could find an issue on which to combine.

The exigencies of the Parliamentary situation had the effect of increasing the leverage which Maguire and his supporters held over the government. Soon after the election, Sir George Bowyer had a meeting with Disraeli, where he informed him that 'while he...[and] his friends 15 in number...[were] most anxious to support the government', the nature of its appointments in Ireland made it difficult for them to do so. Bowyer was apparently including a number of Liberal MPs in the calculation of his 'friends' here. Late in the previous year, Eglinton had reminded Derby that the Irish government had 'not yet given a single appointment to a Roman

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82 See the *Daily Express*, 22 April 1859. See also *The Irish Times*, 23 April 1859.
83 Maguire to Disraeli, 6 April 1859, Disraeli papers, B/XXI/M/70.
84 These seven MPs would, Eglinton told Derby, 'not vote against us if they...[could] possibly help it.' Eglinton to Derby, 17 May 1859, Derby papers, 148/3.
Catholic. However, he made it clear that the Irish administration had already decided to appoint Richard Coppinger to the Chairmanship 'of a first class county' at the first possible opportunity. Coppinger was, Eglinton told Derby, '...[that] rare...[and] praiseworthy curiosity...a Conservative Roman Catholic.' This isolated appointment did not satisfy Irish Catholics, however, and in the following month Maguire again impressed on Naas the importance of appointing Roman Catholic magistrates.

At his meeting with Disraeli, Bowyer argued that this failure to give any patronage to Catholics had made his and his supporters position in Ireland 'scarcely tenable.' They had, he claimed, 'been accused of supporting an Orange Gov[ernmen]t.' Unless some Catholics were given office immediately, Bowyer warned that they would be forced 'against their will to take a position hostile to...the government.' Bowyer insisted that this group wanted nothing 'for themselves or for their immediate friends' but merely wished for Roman Catholics to be given government patronage, regardless of their politics. After this meeting Disraeli wrote a strong letter to Naas, claiming that the 'Orange system of Napier...[and] Whiteside...[had] done the government incalculable injury.' The priority for the government was survival and unless they were supported by the Irish Independent party MPs, they would 'be beat[en] on the address.' He recommended a number of individuals who he believed were suitable for promotion and cautioned Naas 'not [to] wait for Roman Catholics who...[were] members of the Carlton Club.' They would 'become so in time', he maintained. Writing to Naas, Donoughmore agreed that the government's difficulties were such that it would be necessary to take immediate steps to

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85 See Donoughmore to Naas, 12 May 1859, Mayo papers, 11,036 (5).
86 Eglinton to Derby, 22 December 1858, Derby papers, 148/3.
87 Maguire to Naas, 14 January 1859, Mayo papers, 11,027 (2).
88 Donoughmore to Naas, 12 May 1859, Mayo papers, 11,036 (5).
satisfy Bowyer and the other Independent party MPs. He recognised that these would create difficulties for the Irish government—firstly, 'from the anger of...[their] own ultra [Protestant] friends' and secondly, 'from the unwillingness of Napier and Whiteside to agree to such a policy.' The reality was, however, that the government had no choice but to follow this course if it 'wished to stay' in office.

Naas responded to Disraeli's letter by claiming that the Irish administration had 'made no Orange appointments.' That was 'only the hustings cant of the Whigs infuriated' by Conservative success at the elections. The government's policy had been, he contended, 'to appoint competent men' to the offices in their gift. He claimed that 'ten years of Whig rule had crammed every department [of state] with Catholic incapables - appointed solely on account of their religion.' While he was willing to appoint qualified Catholics to government office, he was determined to 'appoint the best man to all the offices in...[his] gift.' Naas also pointed to Irish Conservative's success at the elections as proof of the correctness of the policies pursued by him and Eglinton. Eglinton cautioned Disraeli not to accept Bowyer's calculation of Independent party support, arguing that the number could not be more 'than ten at the outside.' He also warned him of the dangers of alienating Irish Conservatives by giving government patronage to Roman Catholics who had previously been 'decidedly opposed' to the party. The party's long period in opposition meant that its supporters were naturally anxious for office and Eglinton believed that it would not be wise to disappoint them to too great an extent. While willing to give advancement to 'moderate...[and] respectable' Roman Catholics, he warned that 'to go farther than that' would risk

89 Disraeli to Naas, 12 May 1859, Mayo papers, 11,036 (4).
90 Donoughmore to Naas, 12 May 1859, Mayo papers, 11,036 (5).
91 Naas to Disraeli, 17 May 1859, Disraeli papers, B/XX/BO/10.
losing 'many more votes' than that policy would gain.\footnote{Eglinton to Disraeli, 11 May 1859, Disraeli papers, B/XXI/E/110.} A similar line was taken by Whiteside who told Disraeli 'not to imagine (for it would be a delusion) that the party which...[could] alone sustain us in Ireland was any other than the Conservative party.' He insisted he had 'no prejudices', but did have 'convictions.' These would not prevent him from supporting the granting of office to qualified 'Roman Catholic gentlemen...who had not actually assailed the government.' He had supported the decision to promote Coppinger and reminded Disraeli that it was on his advice that the Irish government had decided against giving a Judgeship in the Landed Estates Court to Rickard Deasy, a prominent Irish Liberal. In that instance, Whiteside conceded, Disraeli's advice had been correct, 'as there was not 'a more active partizan [sic] in the House or out of it against us than the same Deasy.' The 'draw[ing] in of Roman Catholics' had to be done 'with judgement' or it might have disastrous effects on the position of the Conservative party in Ireland. Like Naas, he referred to the 'incredible exertions' undertaken by Irish Conservatives at the elections and suggested the fact that they had won an overall majority there was a vindication of the conduct of the Irish government.\footnote{Whiteside to Disraeli, 16 May 1859, Disraeli papers, B/XXI/W/30.}

The government responded to Disraeli's entreaties by promoting Coppinger to a more senior appointment and giving Sir Colman O'Loghlen, a member of a prominent Roman Catholic family, the Chairmanship of County Mayo. Eglinton also offered a vacant judgeship in the Bankruptcy Court to John Howley, who refused the offer. Even these minor appointments, however, caused an outcry in the Irish Conservative press. O'Loghlen's promotion was, the \textit{Daily Express} commented, 'one of those deep seated mysteries which plain honest men cannot pretend to explain.' Describing O'Loghlen as a 'Radical', the \textit{Express} went on to accuse the
government of having abandoned 'principle, consistency, character and conscience' in the search for Parliamentary support. This characterisation of O'Loghlen as a 'Radical' was hardly accurate, as Eglinton was to described him as 'a fit & respectable man though politically opposed to us' and Napier believed his appointment was 'by far the most popular promotion we could make in the Dizzy [Disraeli] direction. The Irish Conservative press also linked these appointments with the possibility of further concessions to Irish Roman Catholic opinion by the government. During the elections, Bowyer had claimed that the government was intent on dealing with this question of the Charter and this assertion had been taken up by the Conservative press in Ireland. In particular, these journals were concerned that the government would trade the granting of a Charter for the Catholic University for short term support. On 3 June, the Dublin Evening Mail warned of 'how deeply injurious to the stability of a professedly Conservative Ministry' such a course would be. The Ultra-Protestant Warber went further in arguing that if the 'Newman seminary' was given a Charter, 'the Protestant public would indignantly hurl the cabinet from their place, even though they had little hope of getting better men in the room of the expelled.

The opposition parties in both Houses of Parliament were quick to seize on the evidence of cooperation between Independent party and Conservative candidates at the general election as an indication of a wider arrangement between the parties. This coalition between 'those who held extreme Protestant and Roman Catholic opinions' was portrayed by the Earl of Carlisle as an

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94 The Express pointed out that O'Loghlen had voted for Francis Calcutt, the Liberal candidate for Clare, at the general election in preference to Crofton Vandeleur, the Conservative candidate. See the Daily Express, 30 May 1859.
95 Eglinton to Derby, 30 May 1859, Disraeli papers, B/XX/S/227.
96 Napier to Eglinton, 28 May 1859, Eglinton papers, GD3/5/57/44442.
97 Dublin Evening Mail, 3 June 1859.
unnatural one, only to be explained by a 'compact' of some kind. He argued that the elections had shown that Conservative leaders were willing to betray their principles in an effort to win Parliamentary support. Eglinton denied that there had been 'the slightest compact, arrangement, or understanding, expressed or implied, of any sort whatsoever' between the government and the Roman Catholic hierarchy in England or Ireland 'either before, during, or after the general election.' He also denied having had any contact with the Independent party.

While this was, no doubt, literally true, it did not tell the full story. Throughout the elections, Lord Campden had served as an intermediary between senior Conservatives and the leaders of the Independent party, while Maguire had been in direct contact with both Naas and Disraeli. Without having reached any formal compact with Maguire and his followers, Conservative leaders had relied on 'vague promises' on a variety of issues to win their support, while the awarding of the packet station to Galway had been made with this end very much in mind.

Speaking in the same debate, Derby repeated Eglinton's denial of any understanding between the Conservatives and the Independent party, insisting that the government would only give Roman Catholics 'that to which we thought they were fully entitled', nothing more. The party would, he insisted, do nothing to 'prejudice or impair the interests of the [Established] Church.' Without giving 'any professions or pledges', Derby went on, the government had won support through treating Roman Catholic representatives 'with more courtesy, more fairness, and more straightforward dealing in matters affecting their religious feeling' than had been done 'by any former government.' Derby also pointed to the fact that a number of Conservative candidates in

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99 The Warder, 11 June 1859.
99 Hansard, 3rd S, CLIV, cl. 63.
100 Hansard, 3rd S, CLIV, cl. 65.
Ireland had been fiercely opposed by the local Roman Catholic clergy as evidence that no compact had existed.\textsuperscript{102}

These claims that the government had, at best, misled Irish Independent MPs about their true intentions with regard to the Charter were repeated in the House of Commons a few days later. According to Rickard Deasy, the Conservatives had made promises of concessions 'on this and related questions' through intermediaries 'supposed to be well acquainted with their intentions', only to disavow them once the election had taken place.\textsuperscript{103} Whiteside denied this accusation, stressing that the government had not, 'directly or indirectly', given any promises on the subject of the Charter.\textsuperscript{104} On the same day, in response to a question from Lord Shaftesbury, Derby elaborated on this by categorically denying that the government had any intention of granting a Charter to the Catholic University.\textsuperscript{105} Prior to making this statement, Derby had received a letter from Walpole, outlining his involvement with the issue. He told Derby that, during his visit to Ireland in October 1858, it had been decided by himself, Naas and Eglinton that 'it was out of the question' for the government to 'grant such a Charter.' All three believed that such a step 'would be totally contrary to the policy pursued in Ireland for 20 years - namely the policy of joint [united] education and that our party was...the last party which ought to consider it.' Walpole believed this to be the end of the matter and had been disturbed 'to hear from so many quarters' that some intimation to the contrary had been given by a member of the government.\textsuperscript{106} The implication here was that these intimations had been made by another member of the cabinet, presumably Disraeli. By the time Derby made his statement in the Lords, the government's hold

\textsuperscript{102} Hansard, 3rd S, CXIV, cl. 83.
\textsuperscript{103} Hansard, 3rd S, CLIV, cl. 97.
\textsuperscript{104} Hansard, 3rd S, CLIV, cl. 289.
\textsuperscript{105} Hansard, 3rd S, CLIV, cl. 1861.
on political power was very precarious and he may well have believed that, under these circumstances, there was no advantage to be gained in alienating Irish Conservative opinion.

In any case, the Conservative party scarcely had the Parliamentary strength to carry a measure on the subject in the House of Commons. Three days previously, a meeting at Willis’s Rooms in London had signalled a reconciliation between Lord Palmerston and Lord John Russell. This meeting further diminished the government's prospects of survival and, on 11 June, they were defeated in a division on the Reform bill. Despite Derby's statement, a number of Independent party MPs supported the government on this occasion, but given the Liberal party's superior numbers, this was not enough to save it. Derby was succeeded as Prime Minister by Palmerston, who was, unexpectedly, to hold office for the next six years.

The defeat of the government was not regretted by all Conservatives, Napier writing to Walpole that he was 'better pleased that ...'[the Conservative party] should have been displaced than...reduced to a mendicant dependence on men who had no sympathy with the Conservative cause.' This appears to have been a reference to Independent party MPs, particularly as Napier went on to argue that the Conservatives 'might by imprudent concessions made to secure support...[have] eaten in upon...'[their] moral capital - and damaged the best interests of the great cause...[they had in charge].' While he would 'not name names', Napier conceded 'that there were in the late cabinet men, whom...'[he] would not follow in the field as leaders' of the party. The party's strength, Napier maintained, was 'moral' or it was 'nothing' and he could not be a party to any 'barter[ing] away of any of the great principles, which...'[were] the elements of Conservative life.' Napier's distrust of what he saw as opportunism on Disraeli's part comes through clearly

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106 Walpole to Derby, 8 June 1859, Derby papers, 153/2.
here. Napier concluded by hoping that the Conservatives would regard 'the responsible duties of being in opposition 'as something higher than the manoeuvres of faction.'\textsuperscript{107} Again, the suggestion here was that, unless persuaded by party opinion to change course, Disraeli would continue to seek alliances in quarters distrusted by 'Protestant' opinion. Napier would not, perhaps, have been re-assured by a letter which Disraeli wrote to Sir George Bowyer shortly after the fall of the government. In this letter, Disraeli thanked Bowyer for 'the valuable and truly independent support' he had given the Conservative government during its period in office. He also requested Bowyer to 'convey to Wiseman...[his] sense of the generous and courageous manner in which...[he] accorded us his assistance.'\textsuperscript{108} This letter showed that Disraeli still hoped to win support against the Palmerston government from both Irish and English Roman Catholic MPs in the House of Commons.

The years between 1860 and 1865 were to prove frustrating ones for the Conservative party. Palmerston's position as a Liberal Prime Minister who, in terms of domestic policy, was closer to the Conservatives than to many of his own party members was a central reason for these difficulties. Indeed, on a number of occasions in these years, it was to be the Conservative party which kept Palmerston in office, when his position was threatened by the Radical wing of his supporters. The situation in Italy in these years did, however, allow Disraeli to cement his tentative alliance with Irish Independent party and English Roman Catholics MPs. This alliance rested on slight foundations, however; it was Palmerston's peculiar combination of inertia on the domestic front combined with an active foreign policy which allowed it to develop in the manner

\textsuperscript{107} Napier to Walpole, n.d [June 1859], Holland papers, 894c.
it did. So long as Palmerston remained in office, it was clear that the Church of Ireland would remain free from serious attack and Reform of Parliament would remain a low priority. Both of these issues had the potential to break up the elements within this 'alliance', but while they remained in abeyance this informal alliance could co-operate on issues of common concern in Parliament. Disraeli's lack of sympathy with Italian nationalism, and his support for the Pope's retention of at least part of his temporal dominions, had also served to increase his popularity with sections of Irish and English Roman Catholic opinion. Ironically, however, these very stances further increased Irish Conservative suspicions of him.

These suspicions were increased in late February 1860 when, at John Pope Hennessey's prompting, Lord Campden contested the Cork County by-election against Rickard Deasy, the newly appointed Irish attorney general. Campden's election address bore clear signs of Hennessey's influence, describing the Whigs as 'the avowed enemies of the Holy See', who 'wished to despoil the Holy Father of his temporal possessions.' Campden, however, wished to see these 'preserved for him [the Pope] in all their integrity.' His address condemned the Liberal government for its support of the National Education system in Ireland, arguing that this ran contrary to the wishes of the Roman Catholic hierarchy. The general tone of the contest was exemplified by Hennessey's criticism of Deasy for having failed 'to go to any meetings held for expressing sympathy' with the Pope.\footnote{Disraeli to Bowyer, 25 June 1859, quoted in W.Ward, \textit{The Life and Times of Cardinal Wiseman}, vol. II, (London 1897), p. 447.} Campden's position as a convert to Roman Catholicism, however, made him a suspect figure to Irish Conservative opinion. The \textit{Irish Times} advised Conservative voters in Cork to remain neutral in the contest, although it expressed the opinion that
that Campden was even 'less acceptable' than Deasy.\textsuperscript{110} The \textit{Dublin Evening Mail} went further, describing Campden as coming forward 'professedly, as the champion of [the] Pope against [the] Queen.' Conservatives should, the \textit{Mail} concluded, support Deasy against Campden, who was 'the devoted servant of Roman agents in Ireland.'\textsuperscript{111} This ill-conceived venture ended in Deasy's being returned by a majority of more than 2,000 votes. Campden did not succeed in winning over enough Catholic or Conservative support to carry the contest, and, in the event, probably alienated both groups.

The result of the election revealed the difficulties involved in holding together a coalition of such disparate elements as this Conservative-Independent party 'alliance' represented.\textsuperscript{112} Later in the year, Cardinal Cullen described Hennessey's behaviour at the election as 'strange.' He could not regard him as being a sincere 'representative' of Irish Catholicism but rather saw him as 'a representative of Irish Orangeism.' Cullen did not understand how Hennessey could contemplate a reconciliation between Catholics and 'that wicked faction so hostile to all our interests.'\textsuperscript{112} Cullen's distrust of Hennessey was shared by Disraeli, who later described him as a 'slippery customer.'\textsuperscript{113} He also criticised his conduct of the Cork election, claiming that this resulted in 'the greatest fiasco on record: not only losing a seat that might have been won', but almost ruining Campden 'by the wildest, most reckless...[and] most foolish expenditure, in which: a candidate was ever involved.'\textsuperscript{114} Nevertheless, Disraeli continued to use Hennessey as a channel of communication between himself and the Roman Catholic hierarchy and the Independent party up until his loss of his seat in the General Election of 1865.

\textsuperscript{110} \textit{The Irish Times}, 29 February 1860.
\textsuperscript{111} \textit{Dublin Evening Mail}, 5 March 1860.
\textsuperscript{112} Cullen to Monsell, 24 December 1860, Quoted in P. MacSuibhne, \textit{Paul Cullen and his Contemporaries}, p.313.
\textsuperscript{113} Disraeli to Corry, 16 October 1866, Disraeli papers, B/XX/D/22.
Disraeli was, however, still sufficiently convinced of the political advantages to be gained from the 'Ultramontane alliance' to make informal approaches to Wiseman through his secretary Ralph Earle. Earle visited Wiseman in Rome in April 1861 and reported back to Disraeli that the Cardinal had promised 'to do all in his power' to aid the Conservatives. Wiseman told Earle that there was 'a very good feeling' towards the party in Ireland as a result of its policy towards Italy. This had convinced some Irish Liberal MPs, who had rejected Wiseman's 'invitation' to support the Conservatives in 1859, to hold out hopes that they might eventually do so. He advised Earle that, both for his importance within the Irish Liberal party and for 'his great influence with the Irish Bishops and clergy', William Monsell was a key figure for the Conservatives to win over. Along with Hennessey and Bowyer, both of whom already voted with the Conservatives, Monsell could play a vital role in winning over MPs hesitant to break with the Liberal party. In any case, Wiseman assured Earle that Disraeli was 'quite right in looking to the R[oman] C[atholic]s for...[his] majority', as they were in a position to provide it. If, Wiseman insisted, a Conservative government could be formed 'that would carry out a respectable foreign policy', it would be supported by the Roman Catholic MPs in the House of Commons.\textsuperscript{115} Although Monsell showed his dissatisfaction with the government's foreign policy by on occasion abstaining in divisions on it, he never came close to giving the Conservatives the consistent support of an MP like Bowyer, and his primary loyalties remained with the Liberal party. Nevertheless, on some Parliamentary votes during the period between 1859 and 1865 the Conservatives succeeded in drawing a number of Irish Liberal MPs away from the government's rank. Their most notable success in this direction was in a division on the Schleswig-Holstein

\textsuperscript{115} Disraeli to Corry, 19 October 1866, Disraeli papers, B/XX/D/24.
question in July 1864 when the bulk of the Irish Catholic MPs voted with the party and Palmerston’s government survived by only 18 votes.\footnote{Earle to Disraeli 26 April 1861 Disraeli papers, B/XX/E/219. See also W.F. Monypenny and G.E. Buckle, The Life of Benjamin Disraeli, vol. IV, p. 325.}

The hostility felt by Irish Protestant opinion to the Papacy meant that they felt considerable enthusiasm for the prospect of Italian unification. This enthusiasm led Irish Conservatives to feel considerable disquiet at the foreign policy being pursued by Derby and Disraeli. One concerned supporter of the party wrote to Donoughmore, complaining that its leaders were cutting ‘their own throats...by running counter to the all but unanimous feeling of England [sic] respecting the noble struggle, now being made for freedom in that lovely country, Italy.’\footnote{See E.D. Steele, Palmerston and Liberalism, p. 327.} In early 1862 Whiteside warned Disraeli of the danger to the Conservative party of being associated with an ‘illiberal foreign policy’ or of being seen as wishing to uphold ‘the Papal power.’ Most Irish Conservatives were sympathetic at heart to Palmerston’s foreign policy and if they became convinced that ‘Lord Derby was opposed’ to this, the divisions within the party might become serious. If Palmerston used the opportunity to try and win over elements within the Irish Conservative party disillusioned by Derby’s stance on Italy, Whiteside feared that he might, given time, ‘split the party.’\footnote{Saurin to Donoughmore, 9 February 1861, Donoughmore papers, H/21/1/768.} Indeed some Conservatives, including Lord Stanley, believed that Palmerston had already decided on this course. The appointment of Sir Robert Peel, son of the former prime minister, as Irish Chief Secretary earlier in the year had helped foster this suspicion. Peel had engaged Cullen in public controversies, a course which Stanley attributed to Palmerston’s wish ‘to break with the Catholic party ostentatiously and openly, in such a manner as to secure a considerable amount of Protestant opinion.’ Stanley’s opinion was that this
'device' would cost the government 'nothing' as it had already lost Catholic support through its Italian policy. Disraeli's 'coquetting with the Pope's party' had, Stanley concluded, given Palmerston this opportunity to assert the government's 'Protestant' credentials.\(^{119}\)

In November 1861 Stanley himself alienated Irish Conservative opinion by describing the Church of Ireland as the church of a 'very inconsiderable minority' of the Irish population. He admitted that he 'look[ed] forward with uneasiness and apprehension to the discussion which some day or other...[would] arise on ecclesiastical affairs' there.\(^{120}\) This was the first occasion on which Stanley had publicly expressed his doubts about the 'permanent maintenance' of the Irish Church Establishment and the speech raised considerable controversy in Ireland. Whiteside told Disraeli that Irish Protestants would 'infinitely prefer Palmerston' to continue in office than to see him replaced by 'any Ministry in which Stanley had influence.' He had also heard that 'Spoon...[and] his set...[had] expressed the same resolution at the National Club.'\(^{121}\) The \textit{Warder} argued that Stanley's speech together with Conservative co-operation with Independent party MPs in Parliament would only serve to increase the 'grave suspicions' of the party leadership felt by Irish Conservatives.\(^{122}\)

Throughout the Parliamentary session of 1862, Irish Conservative newspapers regularly denounced what they described as the 'Ultramontane alliance.' These attacks were coupled with praise for Palmerston's foreign policy, with \textit{The Warder} going so far to describe the government

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\(^{118}\) Whiteside to Disraeli, 13 January 1862, Disraeli papers, B/XXI/W/303.

\(^{119}\) Stanley diary, 17 November 1861, Quoted in J. Vincent (ed) \textit{Disraeli, Derby and the Conservative Party}, p. 177-78.

\(^{120}\) \textit{Daily Express}, 25 November 1861.

\(^{121}\) Whiteside to Disraeli, 13 January 1862, Disraeli papers, B/XXI/W/303.

\(^{122}\) \textit{The Warder}, 12 November 1861.
as 'as safe a one as the Protestant public could have at present.'[^123] In a similar vein the *Daily Express* contended that the Conservatives would have to 'shake off the Ultramontane alliance, before they...[could] again be intrusted [sic] with the reins of government.' It went on to praise Palmerston as a complete 'man of the people - so popular and yet so aristocratic -, so liberal and yet so Conservative, - thoroughly tolerant while earnestly Protestant.' So long as the Conservative leaders embraced 'the temporal sovereignty of the Pope' and opposed 'the freedom of Italy' the *Daily Express* would favour Palmerston's continuance in office.^[124]

These criticisms reached a more sustained pitch in April 1863 when Disraeli, Derby and a number of other senior Conservatives, including Lord John Manners and Sir John Wilson-Patten, voted for a measure introduced by the government granting salaries to Chaplains attending Roman Catholic prisoners. Replying to a request from Lord Campden to support the bill, Disraeli told him he would do so as the bill was conceived 'in the spirit of the policy of the late [Conservative] government.' However, he went on, his attempts to pursue a conciliatory policy towards Roman Catholics had been rendered more difficult by 'the systematic hostility always shown by the Catholic members of the House of Commons to the Church of England.' He cited their support for the abolition of Church rates as evidence of this. He suggested that if Catholic members abstained on divisions on such issues, there would no longer be any 'difficulties' involved in introducing measures like the Prison Ministers bill. If the Catholic and Protestant members were to 'draw together' on religious issues, Disraeli believed that the 'following' of No-Popery advocates like Newdegate 'would sink into insignificance.'[^125] In the event, only nine

[^123]: *The Warder*, 24 May 1862.
[^124]: *Daily Express*, 4 June 1862.
[^125]: Disraeli to Campden, 10 April 1863, Quoted in W.F. Monypenny and G.E.Buckle, *The Life of Benjamin Disraeli*, vol. IV, p.367.
Irish Conservatives voted against the bill, a fact seized on by the Conservative press as evidence of the corrupting nature of the 'Ultramontane alliance.' *The Warder* laid stress on the failure of senior Irish Conservatives like Naas, Whiteside and Taylor to vote in the division, informing its readers that their failure to do so had displayed 'the utter untrustworthiness, the hollow-heartedness and wretched pitiability, of that clique of...politicians who...[had] entered with...Disraeli into the immoral compact with Rome.'

Soon after this vote, Lewis Llewelyn Dillwyn, the Quaker MP for Swansea, introduced a motion, calling for the appointment of a select committee 'to inquire [into] how far the present endowments for religious purposes throughout Ireland...[might] be so amended as most to conduce to the welfare of all classes of Her Majesty's Irish subjects.' Prior to the debate on this motion, Napier wrote to Disraeli, suggesting that if the Conservatives presented a strong front against it, this would undermine the 'suspicion [Napier found] rife everywhere' that Conservative leaders were 'prepared to compromise the interests of...Protestants for [the sake of] an Ultramontane alliance.' From this point of view, it was important, Napier believed, that Disraeli should take 'a leading part' in the debates on the motion. If he was to put up 'a good resistance to this [motion], as an attack on the United Church, to be met with a flat negative', this 'would be of much service to you [Disraeli] with many influential and intelligent men in Ireland.' It would have the effect of neutralising the criticisms made of his leadership by the Irish Conservative press. While Napier was not opposed to reform of the Church of Ireland designed to make it more efficient and 'remedy a few local anomalies', he considered Dillwyn's ultimate objective to be disestablishment and disendowment, and, hence, believed that his motion should

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126 *The Warder*, 25 April 1863.
be vigorously opposed.\textsuperscript{128}

The language of Dillwyn's motion was notably ambiguous and was designed to attract support from a wide range of opinion within the House, from supporters of disestablishment to those who merely wished to see a re-allocated resources within the Church of Ireland. Dillwyn himself believed that 'the time had come when a great change should be made in...the temporalities of the Irish Church' and he criticised the Liberal government for its failure to address the issue up to that point. He maintained that as a missionary Church, the Irish Church had been a 'signal failure' and quoted Disraeli's celebrated description of it as an 'alien Church' in support of this argument.\textsuperscript{129} Despite Napier's entreaties, Disraeli did not take part in the debate.

The main speaker on the Conservative side was Whiteside, who argued that any interference with the parochial system of the established Church would give the Roman Catholic Church, with 'its organization, its missionaries, its priests, its friars and its Jesuits,'\textsuperscript{130} free rein in large parts of Ireland. While categorically opposing Dillwyn's motion, Whiteside also disapproved of an amendment to it tabled by Digby Seymour, another Liberal MP. Seymour proposed the setting up of a Royal Commission to inquire into the revenues of the Established Church in Ireland, and to suggest ways in which clerical incomes could be more equitably distributed. Seymour's scheme involved the dissolution of parishes where Church membership fell below a certain level and the amalgamation of parishes which, while above this level, were too small to employ the services of a full time clergyman. Whiteside believed that the ends sought by Seymour could best be achieved in other ways than through 'a Royal Commission invested with

\textsuperscript{129} \textit{Hansard}, 3rd S, CLXX, cl. 1889.
\textsuperscript{130} \textit{Hansard}, 3rd S, CLXX, cl. 2015.
prodigious powers - it might be for good, it might be for mischief.' It would be difficult, Whiteside argued, to ensure that the members of the Commission would be 'friends' of the Church of Ireland or had not formed 'a preconceived idea of the existence of a surplus.' If they had done so, then it was likely that the Commission's findings 'might endanger or destroy the parochial system' of the Church and pave the way for further attacks on its endowments. Whiteside considered the presence of Protestant clergymen in parishes throughout Ireland as vital to the Church of Ireland's claims to be a 'National' Church. He was worried that an abandonment of this principle would prove fatal, in the long term, to the existence of the Church Establishment in Ireland. The defence of that Church should, he asserted, be based on 'high principle...principles interwoven with the monarchy, with the Constitution, with the maintenance of religious truth, and with the settlement of property in these Kingdoms' rather than on considerations of expediency.\textsuperscript{131}

After this debate was adjourned, Dillwyn withdrew his motion in favour of one, in a similar vein, brought forward by Ralph Bernal Osborne for the appointment of a select committee 'into the ecclesiastical settlement in Ireland.' As Whiteside had predicted, Osborne recommended the substitution of a 'congregational' for the parochial system of organisation of the Church of Ireland.\textsuperscript{132} Under this system, the distribution of parishes would be based on the number of Anglicans living in an area, leaving open the possibility of certain districts being left without a resident clergyman other than the local Catholic priest. Thus, the status of the Church would be directly related to the numbers of its members, a suggestion strongly opposed by senior Irish Conservatives. While willing to see a 're-adjustment' of ecclesiastical incomes in the Church of

\textsuperscript{131} See Whiteside to Stopford, 20 May 1863, Quoted in The Warde, 4 June 1863.
\textsuperscript{132} See Hansard, 3rd S, CLXXI, cl. 1560.
Ireland, Sir Hugh Cairns, like Whiteside, stressed his complete opposition to the use of Church funds for any other purpose. Cairns argued that where clerical incomes were disproportionate to the work undertaken, the incomes should be reduced and the remainder distributed among other parishes. For many supporters of Osborne's motion, however, the ultimate goal was the reduction of the endowments given to the Church of Ireland and the use of any surplus funds left over from this for objectives decided on by the government itself.

Although it did not succeed in its objects, Dillwyn's motion did provide a pointer towards future events. It encouraged the development of an alliance between Irish Roman Catholics and English Dissenters against the Established Church in Ireland which was to bear fruit in the formation of the National Association later in the year. Having realised that the disestablishment of the Church of England was unlikely to be attained in the foreseeable future, Nonconformist organisations like the Liberation Society began to see the Established Church in Ireland as far more vulnerable to attack. Under the centralised leadership of Cullen, the Roman Catholic Church was also in a strong position to launch a concerted assault on the position of its main rival in Ireland.

In these circumstances, some senior members of the Church began to believe that it would be wise to pre-empt future attacks on their position by putting forward their own schemes for reform. Thus, in late 1863 the Irish bishops drew up a scheme to be submitted to Palmerston, providing for, as suggested by Cairns, the transfer of income from affluent to poorer parishes. The proposals also included provisions for the suppression of a number of deaneries and a reduction in the number of Cathedrals, which were 'Cathedrals in name only' held by the Church.

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133 See Hansard, 3rd S, CLXXI, cl. 1699-1703. See also Cairns's speech at the Diocesan Church Conference in Belfast, Quoted in the Daily Express, 25 October 1863.
of Ireland. Given the divisions within his cabinet and in the Liberal party generally on the question, Palmerston refused to bring the bishop's measure before Parliament. The bishops had also sought Derby's approval for their suggestions, but he advised extreme caution in raising the issue of Church endowments. He was particularly concerned at the bishops' recommendation that a number of parishes, particularly in the North of Ireland, should be unified. The principal motivation behind this was to raise the income of clerics there, whose income was below that of their Southern counterparts. Like Whiteside, Derby believed that to take such a step would undermine one of 'the essential characteristics' of a 'National' Church, that was the existence of a parochial structure covering the entire country. Derby believed that to retreat from this principle would undermine the very foundation of the Established Church in Ireland. The dilemma posed for the Irish hierarchy, however, was to reconcile the 'high' view of the role of the Church taken by Derby and Whiteside with the reality of their minority position within Ireland. Their very willingness to suggest measures for the reform of the Establishment indicated that they were aware that it had become necessary for them to defend the scale of their endowments and the manner in which they were distributed. As long as Palmerston remained Prime Minister, their position was not under immediate threat. It was the question of what would happen after he left office that disturbed the supporters of the Irish Establishment.

In late 1864 the National Association was founded at a public meeting in Dublin attended by Cardinal Cullen. The meeting was attended by a number of leading Irish Catholic MPs,

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134 See, for example, Monsell's speech in the same debate, Hansard, 3rd S, CLXXI, cl. 1716.
including John Francis Maguire and William Monsell, and received a message of support from John Bright, a Quaker and the leading Radical politician in Britain. The Association's aims were declared to be the disestablishment of the Church of Ireland, the promotion of denominational education in Ireland and the introduction of a comprehensive measure of Tenant Right. Cullen saw the Association as providing a forum for moderate Catholic opinion and a means of strengthening the links between the Roman Catholic Church and English Liberals. The Association was to prove, at best, only moderately successful, but its very existence was perceived as a threat by Irish Conservatives. Writing to Derby, Whiteside insisted that 'the movement of the Papal Legate [Cullen]...[and] his followers against the very existence of the Established Church in this country...[rendered] it incumbent on us [the Conservative party] to liberate ourselves unequivocally from all connection with the party who advocate these Papal doctrines.' He contended that Conservative party supporters in England and Ireland would brook no 'hesitation' upon the subject. If the Established Church were disendowed, he warned that England's hold over Ireland, which was dependent on Irish Protestants, 'would be lost for ever.' Whiteside was arguing here for a clear line to be drawn between the Conservative party and those Catholic MPs like Bowyer and Maguire who continued to support it. Here, Hennessey was in an even more equivocal position, being in close contact with many of those

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137 For details of this scheme and the government's reaction to it see Beresford to Mayo, 2 June 1867, Mayo papers, 11,216 (1). See also Beresford to Donoughmore, 5 December 1863, Donoughmore papers, H/23/1/58. Whiteside informed Derby that in rejecting the proposals of the Irish bishops, Sir George Grey, the Home Secretary, told Marcus Beresford, the recently appointed Primate, that to 'a very large party in the House of Commons...it would be no recommendation of any Bill that it...[tended] either to purify or strengthen the Irish Church.' See Whiteside to Derby, 8 January 1865, Derby papers, 154/6A.

138 Derby to Donoughmore, 18 November 1863.

MPs involved in the Association.

Under these circumstances, the tabling in March 1865 by Dillwyn of a motion, describing the state of the Church of Ireland as 'unsatisfactory' and calling on the government to devote its 'early attention' to the question, took on a more threatening aspect in Irish Conservative eyes. On 10 March, Derby reported to Disraeli on a meeting he had had with Cairns and Whiteside. They had stressed their anxiety that 'the debate on our [the Conservative party] side should not be confined to the Irish members; but that some of our leading English members should take a part' in it. This request was, no doubt, based on their experience of earlier debates on the topic. Derby's own opinion was that the motion should be 'resisted to the uttermost.' This conclusion was based on his belief that 'the abolition of the Established Church would be fatal' to English rule in Ireland and 'an injury to Ireland itself.' He also believed that the attack on the Irish Church was a prelude to an attack on the Church of England. Any 'slackness' on the Conservatives part with regard to this question would, Derby contended, lose the party 'a large amount of Protestant support in Ireland without gaining us any from the R[oman] Catholics.' Derby pointedly suggested that the debate on Dillwyn's motion would provide a 'not unfitting occasion' for Disraeli to end his 'profound silence' of the Parliamentary session up to that point. There was also an ironical air in Derby's reference to the 'great stress' that Disraeli 'had always laid upon Church questions.' The tone of this letter implied that Derby was not completely convinced of the soundness of Disraeli's views on the subject.

A second approach to Disraeli to take part in the debate was made by Napier. This appeal

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138 Whiteside to Derby, 8 January 1865, Derby papers, 154/6A.
139 Hansard, 3rd S, CLXXVIII, cl. 385.
140 Derby to Disraeli, 10 March 1865, Disraeli papers, B/XX/S/332. See also W.D. Jones, Lord Derby and Victorian Conservatism, p. 337.
reflected the anxiety felt by Irish Conservatives that senior English Conservatives should speak in the debate. Indeed, Napier stressed the importance of not dealing with the issue 'as a mere Irish squabble about the Irish Church but on its own merits as a movement of Dissent and democracy against a religious Establishment and a landed gentry.' The campaign against the Church of Ireland had, Napier maintained, 'originated in England' and was the first step in a campaign by the advanced Liberals to undermine the established institutions of that country. Dillwyn's motion was cleverly devised to separate the Church of Ireland 'from the United Church' and leave it open to a 'local assault' with the ultimate objective of disestablishment. This was, in Napier's opinion, 'a fraud upon the treaty of Union' which had guaranteed equal treatment to the Established Churches in both England and Ireland. Napier stressed his conviction that 'English government' could not be maintained in Ireland 'without the Established Church' and 'that any betrayal of it would alienate...Protestant feeling' in both England and Ireland. He conceded that there was a necessity to soften 'the antagonism of the Churches [in Ireland] by encouraging toleration and co-operation.' For his part, he believed that the Church of Ireland had exhibited too much of 'polemical bitterness...[and] Puritan exclusiveness' in the past, while he accused the Catholic Church of being overly 'Papal and Ultramontane.' The tenor of these remarks may have been attributable to Napier's clash with more extreme Irish Protestants on the issue of National Education. He concluded by stressing his support for any concessions to the Catholic Church which were 'just and liberal', and would leave the status of the Established Church unaffected.141

Prior to the debate on Dillwyn's motion a rumour circulated Westminster that the government

was going to support it. The credibility of this rumour was enhanced by the suspicion that leading members of the government, including Gladstone, the Chancellor of the Exchequer, and Sir George Grey, the Home Secretary, were unhappy with the condition of the Church of Ireland. These reports led Stanley to approach Sir Charles Wood, the Secretary for India, to ascertain what the government's intentions were with regard to the motion. Wood denied there was any truth in these suggestions and confessed that the cabinet had not 'even...seriously discussed' it. Wood's personal conviction was that the 'Irish Establishment [was] an abomination' but at the same time he believed that the political risks involved meant that it 'would be madness...[to] meddle with it.' However, he told Stanley that he could not say 'what Gladstone might or might not do' on the question. Wood was not the only member of the cabinet who was concerned with what Gladstone's stance on the issue would be. Palmerston himself wrote to Gladstone, warning him of the dangers of expressing his individual opinions on such a question while still a member of the government.

Despite the appeals made by Derby and Napier, Disraeli did not take part in the debate. The most notable speech made by a senior English Conservative was that of Gathorne Hardy, who had been an under-secretary in the 1858-59 Conservative government. Since that time Hardy had developed a considerable reputation as a Parliamentary speaker and as a strong defender of the Established Church. Hardy gave a robust defence of the position of the Church of Ireland, repeating many of the arguments put forward on previous occasions by Irish Conservatives. Like them, Hardy defended the Established Church as upholding the 'tenets' and carrying out the 'views of the primitive Church' in Ireland. The essence of the parochial system was that Irish

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142 Stanley diary, 16 March 1865, Quoted in J.Vincent (ed), Disraeli, Derby and the Conservative Party, p. 229.
143 See R.Shannon, Gladstone, p. 535.
Protestants should be able 'to find in every parish or place a pastor and a church, and the means of grace in connection with the Established Church.' Hardy contended that this right was common to Church members in both England and Ireland, 'for it was upon that basis' of the equality between the Churches that Irish Protestants had assented to the Union. To alter that arrangement after Ireland had lost its 'national Parliament' would be 'unreasonable and unfair.' Hardy went further than this by using the argument, occasionally utilised by Napier, that the Church of England and the Church of Ireland were essentially one Church, both having the same 'doctrine and discipline.' This unity had been 'consecrated' by the Act of Union and, thus, could not be disturbed. Through this speech, Hardy identified himself as the leading English Conservative defender of the Irish Church Establishment, a position he maintained in the years that followed.

An equally significant pointer to the future came in Gladstone's speech on the motion. Although Gladstone declared that the government did not 'concur' with Dillwyn's motion, he did not contest the accuracy of his assertion that the state of the Church of Ireland was 'unsatisfactory.' Indeed, Gladstone repeated Dillwyn's criticisms of the Irish Church for its failings as a missionary Church. The anomalous position of being an Established Church which served only a minority of the Irish population had, in Gladstone's opinion, hindered rather than helped it in this role. Earlier in the year, Gladstone had told Robert Phillimore that he no longer was loyal to the 'Irish Church...as an Establishment' and this was the essential thrust of his speech in this debate. However, he was anxious to stress that he viewed the question of the

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144 Hansard, 3rd S, CLXXVIII, cl. 404-16.
145 See R.Shannon, Gladstone, p. 536.
future of the Established Church as one which could only be settled after careful consideration. It was, for the time being at least, outside the scope of practical politics. This assertion was picked up on by Whiteside, who coupled it with a recent statements made by Gladstone on the Reform question, as evidence that he was laying 'the foundation[s] of another scheme, a policy of another and not very distant day, when he [Gladstone] might be able to say the time had come and a change of feeling had been provoked out of doors that would enable him to do then what he now fears to do.' Whiteside found it significant that he had not defended the Church of Ireland on grounds of 'principle' or 'conviction.' Essentially, he maintained, Gladstone's tone had been 'hostile' to the Irish 'branch' of the Established Church, leaving open only the question of when the right time would come to attack it. It had laid down 'the seeds of...[the] future policy' which would be pursued once Palmerston had left the political arena. Whiteside was especially aggrieved that Gladstone, as 'the author of a book in defence of [the connection between] the Church and state', should have spoken in such a fashion.\(^{147}\)

Reporting on the debate, the Dublin Evening Mail commented that Gladstone's speech had shown him to be a 'most dangerous enemy' of the Church of Ireland. The speech had, the paper claimed, been motivated by Gladstone's desire to win Radical support in order to boost his campaign to succeed Palmerston as Prime Minister.\(^{148}\) A similar claim was made by Whiteside soon after the debate. He argued that by his criticisms of the Irish Church, Gladstone had placed himself at the head of a 'numerous and active party' whose ultimate ambition was to level the Establishment in both Ireland and England 'in the dust.' Given Gladstone's 'great abilities, high position and surpassing eloquence', Whiteside considered him an extremely dangerous adversary.

\(^{147}\) Hansard, 3rd S, CLXXVIII, cl. 443-44. Gladstone was to quote part of this exchange in his A Chapter of Autobiography (London 1868), p. 41.
To counter this new threat, he called for the 'uniting [of] all classes [of] Irish Protestants...to maintain [and]... safeguard...their liberties.\textsuperscript{148} Behind these exchanges lay a growing sense among members of both parties that Palmerston's death, when it came, would open up a whole range of possibilities which had been suppressed so long as he remained in office. This allowed Irish Conservatives to revive the 'Church in danger' cry, which had fallen into disuse during the heyday of Palmerston's administration.

Irish Protestants sense of being under attack was re-inforced in March 1865, when William Monsell brought forward a motion calling for the revision of the oath taken by Roman Catholic MPs. Monsell wanted to remove those parts of the oath unacceptable to Roman Catholic opinion. These objectionable provisions included those, noted above, which pledged Catholic MPs not to take any steps to weaken the position of the Established Church or overturn the settlement of land in Ireland. Although Monsell did not suggest an alternative form of oath, both Whiteside and Anthony Lefroy, his colleague as MP for Dublin University, accused him of seeking to modify it in order to clear 'the way for an attack on the Established Church.\textsuperscript{150} They linked Monsell's and Dillwyn's motion together as being part of a concerted plan to undermine the 'Protestant' character of the British Constitution. Whiteside warned that he would give 'the most unqualified resistance' both 'in...and out' of Parliament to any attempts to re-open 'the Catholic question, which was settled in 1829.\textsuperscript{151} Speaking in the same debate, however, Walpole argued that although he would prefer the retention of the status quo, he would be

\textsuperscript{148} \textit{Dublin Evening Mail}, 25 March 1865.
\textsuperscript{149} Whiteside's lectures on 'The Church in Ireland' given at the Dublin YMCA on 28 April 1865 and 4 May 1865, Quoted in J.Whiteside, \textit{Essays and Lectures: Historical and Literary} (Dublin 1868), p.378 See also the \textit{Daily Express}, 28 April and 4 May 1865.
\textsuperscript{150} \textit{Hansard}, 3rd S, CLXXIX, cl. 1435.
\textsuperscript{151} \textit{Hansard}, 3rd S, CLXXIX, cl. 466.
prepared to accept the introduction of a single oath to be taken by all MPs, provided this included securities for the position of the Established Church. He pressed the government to take responsibility for the question and devise an oath along these lines.\textsuperscript{152} The government did not immediately pick up on this suggestion, although it was to do so later.

On 19 May, Monsell succeeded in having his bill read a second time in the House of Commons. The effect of this vote, with the deletion of those clauses Monsell had wished to see discarded, was to transform the oath into a simple pledge of allegiance to the Monarch and to the Protestant succession. The Conservative response to this defeat was to seek to amend Monsell's bill by restoring that section of the oath relating to the Established Church and to the settlement of property. Cairns argued that in taking away the 'impediment' posed by their oath, Roman Catholic MPs had been left 'perfectly free...to subvert the Church Establishment if they please[d]' to do so. It was also necessary to realise, he contended, that those sections of the oath not only guaranteed the preservation of the Church Establishment in Ireland but also referred to the Church of England. To undermine one would, of necessity, be to undermine the other.\textsuperscript{153}

Taking a very different line, Disraeli argued that, given the circumstances of their Church on the continent, Catholic MPs should hesitate to attack any other branch of the 'Christian Church.' He blamed the Liberal party, and liberalism in the wider sense, for the attacks being made on 'the temporal authority' of the Papacy. Under these circumstances, Disraeli believed it was the duty of the Churches to come together to stem this revolutionary tide. Catholic MPs should, he maintained, have been aware of the inexpediency of attacking the principle of Church

\textsuperscript{152} Hansard, 3rd S, CLXXIX, cl. 456.  
\textsuperscript{153} Hansard, 3rd S, CLXXX, cl. 48.
Establishments at such a time. This cleverly targeted appeal did not, however, succeed in its objective. The Conservative amendment was defeated by 19 votes in a thinly attended House of Commons. Indeed a number of Conservatives, including John Pope Hennessey, Samuel Dickson, the MP for Limerick, and Crofton Vandeleur, the MP for Clare, opposed it. Dickson and Crofton sat for predominantly Catholic constituencies, and this may have influenced their votes on this occasion.

However, although Monsell's bill passed successfully through the House of Commons, Derby was able to secure its defeat in the House of Lords. While he was prepared to accept an alteration of the oath which would leave intact 'the security provided for the Established Church in Ireland', Derby was not prepared to accept the proposed changes. The removal of those securities would, he believed, 'open the door to serious attacks' upon the Church. It was already clear to Derby, from the statements of the National Association and of MPs associated with it, that a concerted campaign along these lines was already being planned. Given these circumstances and with a general election pending, it was not the time 'to leave the walls of the fortress absolutely undefended'. Derby's prestige in the Lords was such that the bill was defeated by 21 votes, with a considerable number of Irish Conservative peers voting in the division.

The general election of July 1865 left the parties in the much the same position as they had been before it was called. The Conservatives lost ground in Ireland as from the high point of 1859,

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154 *Hansard*, 3rd S, CLXXX, cl. 54-62.
155 *Hansard*, 3rd S, CLXXX, cl. 787-91.
156 Among those who voted against the bill were the fifth Lord Mayo, Lord Bandon, Lord Bantry, Lord Da Vesci, and, naturally enough, the Archbishop of Dublin.
but they still succeeded in returning 47 MPs there. As in 1859, the Dublin University seat was
contested by a Liberal, but on this occasion their candidate, John Thomas Ball, was a confidante
of Marcus Beresford, the Primate of the Church of Ireland. Ball's campaign was particularly
directed against Anthony Lefroy, a sitting Conservative MP, who rarely spoke in debates or
attended the House. While Whiteside was confident that Lefroy would retain the seat, he told
Derby that many Church of Ireland clergymen had come to see support for Palmerston as a route
to clerical preferment. He was concerned that this did not bode well for Conservative prospects,
particularly as Palmerston also controlled patronage of a more secular kind. Unless the
Conservatives could show reasonable prospects of a return to office, it would be difficult for the
country gentry, 'unrequited...[and] unacknowledged', to continue to support them. 157 Although
some commentators have seen Palmerston's attempts to win over Irish Protestant support as
misguided, 158 the tone of Whiteside's comments on this occasion show clearly that he feared this
strategy was working and, that given time, it would pose a serious threat to the Irish
Conservative party's position.

Indeed, Ball based his campaign for the Dublin University seat on the argument that the future
of the Church of Ireland was safer in Palmerston's hands than it would in Derby's. He contrasted
Palmerston's support for the Church of Ireland with the failure of both Disraeli and Stanley to
speak in its defence in any of the debates on it over the previous two years. Referring to his vote
against Church rates, Ball asked Whiteside if he could vouch for Stanley's 'friendship for any

157 Whiteside to Derby, 8 January 1865, Derby papers, 154/6A.
158 See, for example, J. Vincent, The Formation of the British Liberal Party 1857-1868 (2nd ed. Hassocks 1976),
p.50-51.
ecclesiastical establishment.'\textsuperscript{159} Whiteside responded to such attacks by praising Palmerston's 'for the political dexterity' with which he had 'disappointed the expectations of those who brought him into power and baffled the designs of his colleagues' with regard to Reform and the Church of Ireland. This 'system of management' could not, however, last much longer and 'a contest of principles must ensue.' The opposing parties would, Whiteside contended, be 'the great Conservative party...the sure defence of the Church, the Constitution and the Throne' and a section of the Liberal party, led by Gladstone, which threatened to undermine all three. Whiteside feared that, under pressure from this group within the party, the disestablishment of the Irish Church would eventually become Liberal government policy. A vote for Ball would, thus, Whiteside argued, only serve to weaken the position of the Irish Church Establishment.\textsuperscript{160}

After a sharply fought contest, Whiteside and Lefroy were re-elected, this election campaign providing the last example of Palmerston's attempt to draw away Protestant voters from the Irish Conservative party.

Palmerston's death, three months after the election, dramatically altered the political landscape. He was succeeded as Prime Minister by Lord John Russell, whose attempts to introduce a Reform bill split the Liberal party. These divisions resulted in the government's measure being defeated in the House of Commons and the subsequent formation of a Conservative government under Derby in June 1866. Like the previous governments of 1852 and 1858-59, it was a minority one, dependent for its survival on support from other quarters of the House.

The 1866-68 Conservative government made a more concerted attempt to appeal to Irish

\textsuperscript{159} Daily Express, 14 July 1865. A satirical account of this campaign was published under the name John Figwood by the novelist, Joseph Sheridan Le Faucon. See The Prelude, Being a Contribution towards a History of the Election for the University, by John Figwood Esq., Barrister at Law (Dublin 1865).

\textsuperscript{160} See Whiteside's election address in the Daily Express, 8 July 1865.
Catholic opinion than any earlier Conservative administrations had done. An early indication of this was given when, at Disraeli's instigation, Whiteside was passed over for the position of Irish Lord Chancellor. To soften this blow, Whiteside was offered the purely legal position of Lord Chief Justice, which, after some initial reluctance, he accepted. Disraeli hoped to give the Lord Chancellorship to the more moderate Abraham Brewster, a one-time Peelite who had been Irish attorney general under Lord Aberdeen. The rumour of Brewster's appointment, however, created an outcry among Irish Conservatives and the appointment was given on an interim basis to Francis Blackburne, who had held the office in the 1852 government. Brewster eventually replaced Blackburne in the post in March 1867. Napier, who had not sat in Parliament since 1859, was also given a judicial post, but resigned soon afterwards when his partial deafness caused controversy. Thus, of the senior Irish Conservative politicians of the 1852 to 1866 period, only Naas, always a moderate in Irish Conservative terms, held office in the government. The change in the nature of the government's Irish appointments was clearly shown in July 1866 when Michael Morris, a Roman Catholic and former Liberal, was appointed as Irish solicitor general. The government also attempted to win over Irish Catholic opinion by such concessions as the granting of a Charter to the Catholic University, the introduction of a diluted version of Napier's land bills and a vague, if subsequently withdrawn, hint that they were willing

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162 The motivations behind these appointments are discussed in D. Hogan, "Vacancies for their Friends": judicial appointments in Ireland 1866-67" in D. Hogan and W.N. Osborough (eds), Brehons, Serjeants and Attorneys (Dublin 1990), p.211-29.
to consider some form of endowment for the Catholic Church.\footnote{163}

The government sought to forestall Liberal party attacks on the Church of Ireland by appointing a Royal Commission to inquire into the manner in which its property was distributed. It was imperative, argued John Thomas Ball, the newly appointed Irish attorney general, that reform of the Church of Ireland should be 'be undertaken by its friends...[and] not [by] its enemies.'\footnote{164} In fact, the Commission's report, published in June 1869, resembled, in broad outline, the proposals drawn up by the Church of Ireland bishops in 1864. It recommended that the number of archbishoprics in the Established Church be reduced from two to one, that parishes across the country should be amalgamated, and that clerical incomes be reduced in localities where there were few Protestants. The report, however, proved to be too moderate for those who favoured disestablishment and too radical for the Church of Ireland clergy to accept.\footnote{165} Its publication had, in any case, been rendered largely academic in the wake of Gladstone's introduction in March 1868 of his celebrated resolutions on the position of the Church of Ireland. By raising the spectre of disestablishment, Gladstone effectively drove the Conservatives into a defensive posture in the election which followed and ended Disraeli's attempts to achieve a

\footnotesize{\textsuperscript{163} For the government's negotiations with the Roman Catholic hierarchy on the question of a charter for the Catholic university see Copy of [the] Correspondence relative to the Proposed Charter to a Roman Catholic University in Ireland, H.C. 1867-68, (779, 791), iiil. See also Naas to Derby, 26 December 1867, Derby papers, 155/4 and Derby to Naas, 1 January 1868, Mayo papers, 11,164. For their plans for a land bill see Napier to Naas, n.d, Mayo papers, 11,211 (1) and Naas to Roberts 2 March 1867, Mayo papers, 11,211 (22). The hint that the government might consider some form of concurrent endowment was contained in a speech by Naas to the House of Commons on 10 March 1868. See Hansard, 3rd S, CXC, cl. 1390-91.\textsuperscript{164} Ball to Mayo. n.d, 12 (?) October 1867, Mayo papers, 11,216 (1). The government had considerable difficulty in inducing Liberal politicians to sit on the Commission, Naas informing Derby on 10 October 1867 that the 'Whig Peers steadily turned their face from the Church Commission.' He believed that they were waiting to see 'whether some party capital...[might] not be made out of the Irish Church.' See Naas to Derby, 10 October 1867, Derby papers 155/3. The leading Irish Conservative politicians appointed to the Commission were Napier and John Thomas Ball. Evelyn Shirley, a landowner in County Monaghan, who sat for South Warwickshire, was also appointed to the Commission. The other members were Lord Stanhope, Lord Meath, Lord De Vesci, Shafto Adair, George Clives and Edward Howes.\textsuperscript{165} See D.H.Akenson, The Church of Ireland; Ecclesiastical Reform and Revolution, 1800-1885, p.232.}

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rapprochement with Irish Roman Catholics. It also rendered the Conservative's belated attempts to attempts to achieve reform of the Church of Ireland from within redundant.

The terms of the disestablishment settlement were surprisingly generous to the Church of Ireland. Indeed, while 'technically expropriated,' the Irish Church was, in fact, substantially re-endowed. However, the real significance of disestablishment was symbolic. A belief in the 'National' character of the Church of Ireland had been one of the central tenets of Irish Conservatism. Disestablishment had, however, decisively altered this status - the Church of Ireland was, now, merely one of a cluster of competing Churches in Ireland. Its main rival for dominance in Ireland, the Roman Catholic Church had steadily grown in discipline and coherence through the course of the Nineteenth century. Under Cullen's centralised leadership, it was now a force to be dealt with and one which British government’s were increasingly willing to conciliate. In this context, Irish Conservative leaders, after 1868, became notably more moderate in their religious views than their predecessors, such as Napier and Whiteside had been. By 1868, the central group which had dominated Irish Conservative politics for the previous two decades had, with the exception of T.E. Taylor, effectively left the political stage. Gladstone followed disestablishment with his Land Act of 1870. This measure, though largely ineffective, paved the way for the more radical land bills of 1885 and 1903. The ultimate effects of these measures was to effect a revolution in Irish landownership, which ultimately led to the breakdown of landlord influence in the South of Ireland. This influence had been the backbone of the Irish Conservative party's electoral strength there. Landlord influence was to prove more resilient in Ulster where the Conservative party retained a strong presence up to the 1880s.

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After 1885, the party there was subsumed into the Ulster Unionist party, which brought together a wide spectrum of pro-Union forces in the North of Ireland. Ulster Unionism, as it developed was to have a visceral and populist character, quite unlike that of Irish Conservatism. This may have been related to the fact that it had the support of a strong urban working class constituency in the North of Ireland. In the long run, Unionism there was able to garner support across class lines in a way never achieved by Irish Conservatism.
CONCLUSION

In retrospect, the years between 1852 and 1865 can be seen as the Indian summer of Irish Conservatism. This period saw the party achieve its greatest electoral success, and, even, in 1859, account for the majority of the Irish representation. It had also achieved a degree of success in attracting Irish Catholic support, although the base of its support undoubtedly lay in the Irish Protestant, particularly the Church of Ireland, community. The party was led by a group of able and shrewd politicians, with a long experience of Irish politics. However, it must be borne in mind that this success was achieved on the basis of a restricted franchise, with an electorate vulnerable, especially in the county constituencies, to landlord influence. The exceptional nature of Irish politics in the 1850s and early 1860s also contributed to the success of the Irish Conservative party in those years. Russell's introduction of the Ecclesiastical Titles bill, whatever its effects in England, seriously undermined Irish Liberal prospects in the early 1850s. The rise of the Independent party, although it never achieved the cohesion which the Home Rule party was to have under Parnell, occurred at the expense of the Liberals rather than the Conservatives. The Independent party's threat to landlord influence, which reached its pinnacle at the 1852 election, evaporated quickly thereafter. The party's lack of internal coherence and discipline quickly became apparent; Sadleir and Keogh's acceptance of office in the Aberdeen coalition being a symptom of this weakness rather than it's cause. As the principal party of the Irish landowners, the Irish Conservatives had an internal unity unmatched by either the Liberals or the Independent party. Throughout the period covered by this thesis Irish landlords retained their predominant position within Irish society. They controlled Irish local government and dominated the Irish Parliamentary representation. As a body, they
strongly supported the Conservatives. Their influence had indeed, in some respects, been strengthened during the Famine years, with the decline and demise of O'Connell's nationally organised and widely supported Repeal Association.

None of his successors in the mid-Nineteenth century had O'Connell's ability in terms of mobilising mass support. This left the field open for the revival of landlord electoral influence, which reached its high point at the 1859 general election. This resurgence was aided, however, by the unpopularity accruing to the Liberal party from the introduction of the Ecclesiastical Titles bill and from Palmerston's failure to develop a constructive policy towards Ireland during his periods in office. As we have seen, Palmerston was, in fact, more opposed to Irish land reform than was Derby. The general Liberal sympathy with Italian unification in the years after 1859 also persuaded some influential Catholics that support for the Conservatives was the lesser of two evils. It was within this context that Conservative leaders could hope to win Catholic support through concessions, which, in other circumstances, would have appeared trivial. The peculiarities of Irish politics in the years between 1853 and 1865 means, however, that it is difficult to see this period as one when, in K.T. Hoppen's words, 'underlying forces bubbled energetically to the surface and otherwise whispered verities were shouted lustily for all to hear.'

Palmerston's death in 1865 altered the context in which Irish Conservatives operated. His death enabled trends that had been suppressed while he was alive to come to the surface of British politics. It also rendered easier the establishment of clear demarcation lines between the two main British political parties. In particular, Gladstone's adoption of the disestablishment of the Church of Ireland as Liberal policy put an end to Conservative attempts to woo Irish Roman

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Catholic support. In essence, the party could not hope to outbid Gladstone on the issue.

Disestablishment also struck at one of the central props of 'Protestant' Ireland. The position of the Church of Ireland as the 'National' church had been of crucial symbolic importance to Irish Conservatives. It enabled them to portray themselves as the truly 'National' party in Ireland, while criticising Irish Catholics for being dominated by a priesthood, whose primary loyalty was to Rome. On occasion, Conservative rhetoric reverted to the ideas of the Protestant nation developed by 18th century writers like Swift and Berkeley. As late as 1866, James Whiteside objected that the definition of Ireland as a Catholic nation 'excluded five-sixths of the landed gentry, the greater portion of the aristocracy, forty nine out of every fifty of the manufacturers...and all the skilled artizans.' He denied that Ireland 'as a nation, was a Roman Catholic country.' While this position was a comforting one, the leaders of the Irish party could not so blithely dismiss the Roman Catholic population on a regular basis.

As we have seen, all three Conservative governments of this period made at least token attempts to win over a section of the Catholic middle classes to support of the Conservative party during this period. The more far sighted leaders of the party recognised that this was imperative if the Conservatives were to maintain their strength in Ireland. Their problem lay in conceiving policies which would win Catholic support without alienating their Protestant base. Even at the height of the Conservative success at achieving this, the balance proved to be a difficult one to manage. For example, even a limited measure of land reform, such as Napier attempted in 1852, provoked fierce opposition among Irish Conservative backbenchers. Some of its most vocal critics in the House of Lords were Conservative peers, who, in opposition, effectively neutered a

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3 *Hansard*, 3rd S.CIX XXII, cl. 1045.
bill brought in by the party when in government. The Protestant middle class was not large enough to provide a viable base for the party, particularly if there was a large scale extension of the electoral franchise. For this reason, Irish Conservatives, notably James Whiteside, regularly opposed electoral reform. In April 1866, Whiteside complained that revision of the Irish franchise would cause 'the meaner sort' to prevail. As they were 'generally ignorant', this would result in their being led 'by faction or affection rather than by right understanding' in casting their votes.\(^4\) The franchise should, he believed, be restricted to those who had 'sufficient property' and could, thus, exercise 'a free and independent will'.\(^5\) Behind this rhetoric lay the Irish Conservative fear that the extension of the right to vote and the introduction of the secret ballot would undermine the landlord influence, on which their strength lay.

Throughout the party's existence, leading Irish Conservatives operated under constraints not shared by their British counterparts. Irish MPs were a minority within the party as a whole and needed the co-operation of the party leadership in Britain on order to pursue their policy objectives. As we have seen, on certain issues, for example on National Education and on the Maynooth grant, party leaders were generally out of sympathy with Irish Conservative aspirations. Even when they shared Irish Conservative concerns, pragmatic political considerations could lead them to act in ways which Irish Conservatives found objectionable.

From 1852 onwards, the Conservative party was in a minority position within the House of Commons. This, in itself, limited the party's ability to act independently of the other parties in the House of Commons. Thus, Disraeli's attempts to secure Independent Irish party support stemmed as much from party political considerations as from his own personal predilections.

\(^4\) *Hansard*, 3rd S, CLXXXII, cl. 1912.
\(^5\) *Hansard*, 3rd S, CLXXV, cl. 335.
Indeed, it was this type of manoeuvring which led to much of the Irish Conservative distrust of Disraeli.

One constant factor in the beliefs of Irish Conservatives was their ambivalent attitude towards the Union, which they saw as both securing their position and, at the same time, limiting their freedom of action. They were frequently critical of English misgovernment of Ireland, the failures of Liberal policy during the Famine being a favourite point of attack. They were also unsure of the extent to which even the leaders of the Conservative party were committed to the upholding of their interests, a scepticism which owed much to what they saw as Peel's double-dealing over both Catholic Emancipation and the Maynooth grant. However, the exigencies of the British political system left Irish Conservatives little option but to remain loyal to the leadership of the party at Westminster. Irish Conservatives also suffered from a dilemma which has recurred frequently in the history of Irish Unionism. While calling for closer integration with Britain, they were also concerned that 'the marked peculiarities' of Ireland be taken into account when framing Irish legislation. On the one hand, for example, Joseph Napier argued in 1850 that the 'great object' of the British government ought to be 'to identify Ireland as much as possible with England.' This could best be done, he argued, by establishing a 'uniform [legal] system' for both countries. In contrast, when faced with cabinet opposition to his Land bill of October 1852, Napier complained bitterly of the 'bigotry of the Saxon clique.' Indeed, Napier's Tenants Compensation bill was a clear example of an Irish measure which differed markedly from anything that might have been proposed for the rest of Britain. Napier justified this by explicitly citing Irish exceptionalism as a reason for the introduction of the bill, specifically the

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6 *Daily Express*, 14 May 1852.
7 *Hansard*, 3rd S, CX, cl. 1347.
undercapitalised nature of Irish agriculture. It was significant also that Irish landlords based their protest against the bill on its third reading in the House of Lords in May 1854 on the fact that it deviated from English legislation on the same subject. Ironically, one of the principal Irish Conservative criticisms of the National Education system in Ireland was that it differed from the educational policies followed in England.⁹

The ambivalence, which lay behind such attitudes, was coloured by the myths Irish Conservatives had built around the Union. Irish Conservatives regularly argued that the Union had been an international agreement, agreed on terms of equality, between two separate kingdoms. In 1853, the Daily Express complained that it had been forgotten that 'Ireland was an ancient Kingdom,' which had maintained 'a separate existence with her own army, her own treasury, her own fiscal arrangements, and peculiar system of taxation' up to the time of the Union.¹⁰ Ireland was, thus, an equal partner in the Union, with the right to have its economic position and national interests safeguarded. Irish Conservatives argued that Ireland was entitled to 'Imperial equality', to an equal right to share with England in the benefits of the British Empire.¹¹ Unfortunately, however, for Irish Protestants, they simply did not have the weight within the British political system to sustain this position in practise. As events proved, British cabinets were more preoccupied with preserving their control over Ireland than in maintaining the position of Irish Protestants. If the consolidation of the Union implied some form of

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⁸ Napier to Naas, n.d, Mayo papers 11,020 (15).
⁹ See above, p.158
¹⁰ Daily Express, 7 May 1853.
rapprochement with the Irish Roman Catholic Church and the emerging Catholic middle class, then British governments were willing to pursue this course.

Throughout the period covered by this thesis, there were three central planks on which the Irish Conservative party rested. The first of these was the defence of the union with Britain, the second the defence of the Church of Ireland, the Established Church, and the third, the defence of the interests of the Irish landed classes. The three were interlinked; one of the features of the debate on the disestablishment of Irish Church was the priority which Irish Conservatives placed on the effect this would have on existing property rights. Again, a frequent argument used against disestablishment was that the position of the Church of Ireland had been guaranteed by the Union. Thus, any changes in the status of its property would undermine the status of the Union itself. This argument related back to the Irish Conservative sense that the Union had been an agreement between sovereign Nations, rather than one forced on Ireland by the superior strength of England. However, the flaw inherent in this argument was that, Irish Conservatives ultimately relied on England to uphold their position in Ireland. At moments of extreme disillusionment with the British government, as in the 1830s after the passing of Catholic Emancipation and in the early 1870s after the disestablishment of the Irish Church, a minority of Irish Conservatives flirted with the idea of a limited form of Home Rule. In both cases, however, this mood did not last long, as the reality of their position was that their political future was bound up with the continuance of British rule. Without the Union, they faced the prospect

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11 From a speech by Napier at a banquet for the Dublin Conservative MPs, Quoted in the *Daily Express*, 16 April 1857. In the same speech, Napier declared that Irish Conservatives 'wanted to realize [sic] the benefits of the Union.' They wanted every Irishman 'to feel that he is a citizen of the United Kingdom.' Irish people wanted the same laws' and 'the same dispensation of patronage' as applied in England. They also wanted 'equality in all respects' with their 'fellow-subjects in England.' In May 1859, Naas complained to Disraeli that Irish Conservatives had not been fairly treated in terms of Indian and colonial appointments. See Naas to Disraeli, 17
of being merely a minority party within Ireland.  

While the Union gave Irish Conservatives at least the illusion of being equal partners in the United Kingdom, the long term problem for the party was that, outside the North of Ireland, its base was not broad enough to guarantee it a viable long-term future. A party so dependent on landlord influence could not fail to be effected by the decline in that influence in the second half of the 19th Century. The introduction of the secret ballot in 1872 and the radical extension of the franchise in 1884 were serious blows to the Conservative party. The falling off of their support outside the North is shown by the fact that they won only seven seats outside Ulster in the 1884 election. In the North of Ireland, the party survived longer and was given fresh impetus by Gladstone's adoption of Home Rule in 1886. After 1886, Ulster Conservatism blended with other pro-Union elements there to create the Unionist party. For the party in the south, however, the long term changes in landownership, initiated by the land purchase clauses in the 1885 Ashbourne Act and dramatically increased by the Wyndham Act of 1903, signalled the death knell. The party's identification with the Irish landlord class meant that it could not survive the decline of its influence in the latter half of the Nineteenth century. This decline should not, however, blind us to the strength and resilience of the Irish Conservative party in the years covered by this thesis. As the authentic mouthpiece of powerful section of Irish society, the Irish Conservative party played a central but neglected role in mid-Nineteenth Century Irish history. The aim of this thesis has been to restore that role, too long neglected, to its proper significance.

May 1859, Disraeli papers, B/XX/BO/10.
12 See J. Spence, The Philosophy of Irish Toryism, p. 60.
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**Dissertations**