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F. D. Elch

See page 143.



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IRISH 1798 COLLECTION

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IRELAND BEFORE THE UNION;

WITH

EXTRACTS FROM THE UNPUBLISHED DIARY

OF

JOHN SCOTT, LL.D.,

EARL OF CLONMELL,

CHIEF JUSTICE OF THE KING'S BENCH, 1774-1798.

A SEQUEL TO THE SHAM SQUIRE

AND

THE INFORMERS OF 1798.

BY

WM. J. FITZPATRICK, J.P.,

BIOGRAPHER OF BISHOP DOYLE; LORD CLOXCURRY;

LADY MORGAN; ETC.

Third Edition, Revised and Enlarged.

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1867x

Shortly will be Published,

BY THE SAME AUTHOR,

HISTORIC DISCLOSURES

OF THE

DAYS OF TONE AND EMMET.

. The parties who received £1,000 for the betrayal of Emmet will be found, for the first time, traced and identified.

PREFACE TO THE FIRST EDITION.

It will be observed that in part of the present work I have once more raised the troubled spirit of the "Sham Squire." In dealing with the hitherto undivulged incidents of his life, I yield to the suggestion of some of my critics who expressed a wish that I should give them the result of further explorations in the same dark region. I have renewed acquaintance with the Squire, not, it is obvious from any dearth of materials, for the Cullen MSS. alone fill fifteen hundred folio volumes. The latter papers, descriptive of curious episodes in the Rebellion, gathered from oral sources by the late Luke Cullen, a Carmelite Monk, have been unconditionally placed at my disposal by the respected Prior of Mount St. Joseph, Clondalkin; but, for reasons elsewhere stated, I have scantily consulted them.

The volume includes a portfolio of broadsides, papers, official records, traditionary memoranda, and even dying depositions, for the fuller and more authentic illustration of a previous narrative, which has enjoyed an extraordinary amount of public favour.

The "Historic Disclosures of the Days of Tone

and Emmet," was intended to precede the present work; but although written with strict historic impartiality, and likely to possess peculiar interest of the hour, I have thought it better, owing to the revival of Fenianism, to defer its publication. It has never been my practice to write for the market, and the subject might have an exciting effect on minds already heated.

It may be objected that the component parts of this book are not artistically interwoven, but I found that I could not mutilate the documents without injustice to them; and it is hoped that some of my previous biographical works show that I am not incapable of weaving into a running text, far more voluminous and perplexed materials.

My acknowledgments are due to Michael Dwyer, Esq., Editor and Proprietor of *The Dublin Evening Post*, for having given me full facilities of access to its files, illustrative of Ireland before the Union; and similar thanks are tendered to private friends and public officers, whose names it is perhaps needless to enumerate in detail.

It will be remembered that when, in 1816, the Richmond Government "brought up" the once indomitable patriot, Watty Cox, he was obliged to deliver at Dublin Castle the entire stock of his Magazine, as well as the copper-plates which had so caustically exposed Mr. Beresford, and other leading members of the Irish back-stairs Cabinet. I have

been promised some impressions from one of the original plates referred to, and if they reach me in time they will be prefixed as frontispieces to this Book.

KILMACUD MANOR,
STILLORGAN, *May 1st*, 1867.

PREFACE TO THE SECOND EDITION.

I HAVE endeavoured to make the present Edition of this little book more worthy of the favour so promptly extended to the first, by embodying additional matter in its pages, including further striking entries from Lord Clonmell's Diary.

It would be unfair to the memory of the Chief Justice to select only such passages as tell against it. I have copied numerous entries creditable to him. His maxims are animated by conflicting sparkles. Many of them are worth their weight in gold—others are of base metal; some shine as the *ignis fatui*, which, if followed, lead to destruction—more glitter like the scales of the serpents banished by St. Patrick.

He who adversely criticises, for the first time, the character of a dead man, performs, perhaps, an ungracious task. I am happy to say that my strictures are mild compared with those expressed by Chief Baron Burgh, John Philpot Curran, Sir Jonah Barrington, and Charles Phillips.

This volume does not aspire to display any fine writing, or artistic arrangement. It is in some respects an "Old Curiosity Shop," and the public are not invited to walk on tessellated pavement, or admire any highly-wrought mosaic. The interest of antiques is often spoiled by burnishing and other liberties; hence I allow my authorities to speak for themselves.

It has been noticed as "incorrect" that I have added an "l" to Lord Clonmell's name; but, although his Lordship at first signed it without the extra "l," his later signatures appear as I have printed them—verifying a contemporary joke, "give Scott an inch and he will take an *l*."

August 1st, 1867.

PREFACE TO THE THIRD EDITION.

I HAVE not found it necessary to make any further alterations, unless a few additional details in Chapter VII., and some slight verbal corrections throughout.

While these sheets were going through the Press I received an interesting communication from Rickard O'Connell, Esq., Barrister-at-Law, Tralee, a member of the family of the late lamented Liberator. As the traditional anecdote he furnishes may be considered somewhat introductory to the opening Chapter, I could not insert it in, perhaps, a more fitting place than the present Preface.

“Henry Flood was the leader of the opposition in the Irish House of Commons when Scott was the Ministerial Leader. These two rivals met near the entrance of the Parliament House, in College Green, on the first night of a Session. After one of those good-humoured salutations, which Scott loved to distribute equally among friends and foes, he said, ‘Well, Flood, I suppose you will be abusing me to-night, as usual?’ ‘When I first began to abuse you,’ was the reply, ‘you were but a briefless Barrister; by abuse I made you Counsel to the

revenue; by abuse I got you a silk gown; by abuse I made you Solicitor-General; by abuse I made you Attorney-General; by abuse I *may* make you Chief Justice. No, Scott, I'll *praise you.*' This retort, adds Mr. O'Connell, has all the genuine impress of Flood's crushing invective. I never saw the anecdote in print, but heard it now near forty years ago, from a gentleman in Dublin, well versed in the history and anecdotes of that period, and who had opportunities of hearing both from the survivors of the men of '82.

The chief value which my later writings possess is their preservation of well-authenticated traditions, which should otherwise have been lost; and the *London Review*, in a too-flattering notice of "Ireland Before the Union," remarked, that "such traditions constituted the life-blood of history.

New Year's Day, 1868.

IRELAND BEFORE THE UNION;
WITH
EXTRACTS FROM THE PRIVATE DIARY
OF
LORD CHIEF JUSTICE CLONMELL.

CHAPTER I.

The Law of Fiats—A Good Patriot Spoiled—The Chief Justices Duellists—A Roland for an Oliver—Stratagem and Impudence—Early Struggles—Riots in Dublin—Burgh—A Reputation Riddled by Rhymes—A False Trustee—Destruction of Lord Clonmell's Papers—Horrors of being Unprepared in Court—"An Empty Stomach the Pleasantest Companion"—Discipline of an Attorney-General—Secure the Aid of Women in every Scheme—Be always an Actor—The Best Expression of the Face to Seduce and Dupe—Avoid Ambitious Men in Politics—How to Scrutinize the Physiognomy for your Purpose—Lord Clonmell stands "a Great Public Man alone!"—Old Judge Henn and his Registrar—Anecdotes.

LOVERS of coincidence may be interested in tracing the histories of two John Scotts, who, from an humble origin, worked their way contemporaneously to the attorney-generalship, and from thence to the judgment seat and peerage—the one in Ireland, the other in England. We allude to Lords Eldon and Clonmell; but the parallel must stop here, for the latter was much inferior to the former in legal acumen and reading. It must be confessed, however, that bluff John Scott, from Tipperary, surpassed his more pious contemporary of Newcastle-on-Tyne in general sagacity and knowledge of mankind. Lord Chief Justice Clonmell is, we believe, chiefly remembered

in Ireland for the obliging alacrity with which he extended the ægis of his judicial protection over the "Sham Squire" and his colleagues, when the popular journalist, Magee, laboured to reduce the overcharged importance of that person as an organ of the corrupt Irish Government and puller of many complicated wires. Lord Clonmell signed a fiat or warrant to the officer of his court to issue a writ, marked in such sum as the fiat directed, on which writ the defendant, Magee, was arrested; and it ordered that he should either find bail to the amount of such sum, or remain in prison. The surety required by Lord Clonmell on the affidavits in question amounted to £7,800; and as few printers could produce such bail, the fiats became almost equivalent to perpetual imprisonment; until Parliament at last grappled with their oppressiveness, and rescued Ireland from the stigma of "lettres de cachet"—for such, indeed, it may be said they virtually were. The Chief Justice, in issuing his fiats, invariably allowed the plaintiff three terms before requiring him to try his action; and Magee was thus kept in a dungeon for nineteen months, in default of bail, although, whenever the trial should come off, there might be a verdict in his favour; or at most 8d. damages. Day after day he addressed letters to Lord Clonmell, conjuring him by the "principles of the glorious Revolution for which his ancestors bled," to give him a fair trial by jury; but the Chief was inexorable; and kept up his social intercourse with Higgins* more openly than ever. The papers of the day record the sumptuousness of Shamado's† entertainments in Stephen's-green, and the invariable presence, on such occasions, of the Chief, who, forgetting his office, loved, by undignified buffoonery, to set the table in a roar.

* Francis Higgins, nicknamed the Sham Squire.

† The name by which Higgins was often indicated by those who feared an action for libel.

One of the Sham Squire's colleagues, who succeeded in getting Magee imprisoned on a fiat, was Richard Daly, to whom frequent references will be found in the epigrams of a succeeding chapter. George Ponsonby, afterwards Lord Chancellor of Ireland, showed the utter frivolousness of the grounds on which Daly sought and obtained a fiat for £4,000. Daly's affidavit recited a verse by Magee, describing young Roscius in great despondency, and he swore that he was the person indicated—How lines so innocuous could draw forth the heavy stroke of legal vengeance to which we have referred, seems strange.

“This shall end my woes and me, he cried,
And drew the glittering weapon from his side ;
But as too hard the yielding blade he pressed,
The tragic tin bent harmless on his breast.”

George Ponsonby was ably supported by Arthur Browne, who showed that the practice of granting fiats had been scarcely, if at all, heard of till the reign of Charles II., and was then introduced by the judges, as appears from the Law Reports of the time, with much timidity and hesitation. We find it confined to a few instances only, in which very gross bodily injuries had been inflicted; and even then the bail demanded was exceedingly small. Mr. Browne cited one case in which the Court absolutely refused a fiat, although it was an instance of a great breach of the peace—putting a man's arm out of joint. “In England fiats have never been granted except where the parties swore to particular instances of damage; the principle of swearing *generally*, as in the present case, has always been reprobated there. Some time since this power has been applied in Ireland to actions where there was no certainty of damage. Till of very late years the evil was moderate; but since a certain learned judge came upon the bench it has grown to an enormous height. Sir, under the auspices of that judge these doctrines have been advanced, that any man may,

at his pleasure, with perfect impunity, deprive any other of his liberty by an affidavit, swearing that he believes he has suffered damage, without showing when or how—that his fancy, or his perjury, is to be the guide of the judge's discretion, and the bail is to be accommodated to the ideal wrongs, to the fancied injuries, to the angry passions, or the wanton prevarication of a wicked or enraged prosecutor."

An exceptional case, in which a fiat had been previously granted, was that of Duke Schomberg, a peer high in favour of his king and country. "He was accused, says Prime Sergeant Browne, by a miscreant named Murray, of having cheated the Sovereign and the army. Can any words be conceived more shocking when applied to such a man? Chief Justice Holt, as great a friend to the Revolution and to the liberties of the country as ever sat on a judicial bench, felt the same indignation, but he could not prejudge the cause. He was ready to punish the man, if convicted, but he did not consider him convicted beforehand. He ordered Murray to find bail—hear it, and be astonished; two sureties in £25 each, and the man in £100. In the last generation £50 for a Duke—in the present, £7,800 for an adventurer and a player.

"Compare these cases with that of John Magee.* Ask against whom he has offended; ask what damage they have received; inquire what positive loss they

* "I will allow no nicknames in this court," exclaimed Lord Clonmell, when Magee referred, in a part of his defence, to the "Sham Squire." "Very well, John Scott," was the reply; whereupon a letter, purporting to emanate from a Quaker, appeared in the defendant's paper—

"Friend Magee—

"I belie... I may address thee as a friend, or as a man who will shortly become one of our friends, as appears by the plain-scriptural, grammatical language which thou hast lately used to John Scott, the Chief Justice, &c. Pleased with such apparent marks of thy conversion, I attended at thy trial;" and he then proceeds to comment upon it. There were several fiats issued against Magee at the suit of the Sham Squire's friends whom he had assailed. The above incident sprung from one only.—*Post*, No. 1784.

have sustained; investigate the abuse they complain of, too ludicrous to bear serious attention; compare it with the atrocious words uttered against Schomberg; contrast the rank of the persons sinned against; compare the extravagant difference between the bail demanded, and look with astonishment on the disparity of the countries and ages where these things have happened.*

The history of Lord Clonmell, as mainly related by himself, presents a curious study to those who, now-a-days, would, at first sight, be sceptical in believing that the office of Lord Chief Justice could be attained by a man most superficially read in law, and whose antecedents, as false trustee and otherwise, had been wholly at variance with truth and justice.

Of Lord Clonmell, who was associated with Lord Chief Justice Carleton † in early life, and of whom it may be said that they worked and won together; and when they became peers quarrelled like children, and called each other "wretch," and "monster;" much that is curious remains to be told.

Sprung from the ranks of the people, Scott's bias in politics had been strongly democratic. Dr. Lucas, of Dublin, was his leader, and Fox the acknowledged chief of his party. At one of the College elections his stentorian voice and indomitable energy strengthened and sustained the popular candidate. After the accession of George III., a change came over the spirit of his policy. Lord Lifford, the English Lord Chancellor of Ireland, advised Lord Townshend, the Viceroy, to secure Scott at any price. His ingenuous remark, as he yielded to the tempter—"My Lord, you have spoiled a good patriot"—is characteristic of the man.

Fox disbelieved in the sincerity of Scott's conver-

* Browne's arguments in the King's Bench on the subject of admitting John Magee to Common Bail. Dublin, Gilbert, 1790.

† See our Notice of Lord Carleton, *infra*.

sion. Writing to Lord Northington, who succeeded Lord Townshend in the viceregal office, he observes, on November 1st, 1783:—

“I hear many of our friends disapprove of the idea of advancing Scott and Fitzgibbon.* You know I am no enemy to coalitions; but take care when you are giving great things to oblige those to whom you are giving them, that you do not strengthen an enemy instead of gaining a friend.”†

Previous to entering on that marvellous record which chronicles Scott's uprising to the chief seat of the King's Bench, and rapid gradation from baron to viscount, and viscount to earl, some letters from him, which we find in the unpublished correspondence of the Right Hon. J. C. Beresford, claim insertion. The following, historically descriptive of the times, is written after John Scott, the demagogue, had been bought up by Lord Townshend:—

“April 13, '79.

“This kingdom is in such a state as puzzles all comprehension as to what it may do; a multitude of idlers, miserably poor; a debt, small as it is, without a shilling to pay interest; the skeleton of a force, not in his Majesty's service, which it may be difficult to deal or madness to meddle with; taxes to be imposed, and no material for imposition; a great deal of ignorance; a great deal of prejudice; a most — overgrown hierarchy, and a most oppressed peasantry; property, by some late determinations of the Lords upon covenants for perpetual renewals of leases, very much set at sea, and no means to a multitude of families to supply its place; rents fallen, and a general disposition to riot and mischief. I think in next session Administration will be often beaten, though I really think Lord Bucks an honest faithful servant

* Afterwards Lord Clare.

† *Grattan's Life*, by his Son, Vol. iii., p. 112.

of the Crown, and his secretary a faithful servant to his master. Come what will, you shall hear of me at the right side; and though I should never look you again in the face, I will not run away."

"The right side," according to Mr. Scott's recently acquired Governmental views, was on the side of these public abuses which he privately denounced.

Mr. Scott was not remarkable for veracity; but he told the truth when he assured Mr. Beresford that come what might, he would not run away. In courage and *aplomb* few could surpass him. Well rounded periods in the House, or hair-trigger pistols in the field, were equally easy to him; and he fought more political duels than Lord Chief Justice Norbury, of whom it was said that he *shot up into preferment*. From the year 1770 Scott had encountered, almost single-handed, a powerful opposition led by Flood.

His mode of addressing the house was dramatic rather than parliamentary. "He struck his breast," writes Grattan, "slapped his hat, appealed to his honour, and laid his hand upon his sword."

"His powers," observes Phillips, "were rather versatile than argumentative; but when he failed to convince, he generally succeeded in diverting; and if he did not, by the gravity of his reasoning, dignify the majority to which he sedulously attached himself, he at all events covered their retreat with an exhaustless quiver of alternate sarcasm and ridicule. Added to this, he had a perseverance not to be fatigued, and a personal intrepidity altogether invincible. When he could not overcome, he swaggered; and when he could not bully, he fought." "All the light artillery," says Hardy, "and total war of jests, bon-mots, pointed sarcasms, popular stories, and popular allusions, were entirely his own."

And it may be added that, like Bobadil, Scott was eventually beaten down by his own weapons.

As a specimen of the logic with which Mr. Scott

tried to silence the Opposition, and stem the rush of Flood's oratory, the following extract from the *Irish Parliamentary Register*, Vol. i., p. 123, may be given. It was one of his most successful sallies, and Mr. Grattan informs us that it told well. Bushe had originally brought forward the Mutiny Bill, which his kinsman Grattan seconded; but Flood took the question out of their hands—a frequent practice with him. An angry debate arose. “There is not,” said Scott, “any reason for the honourable gentleman's (Mr. Flood's) frequent mention of corruption; if a rebellion could be raised, no man possesses more ability to promote it—if stopped, no man possesses greater abilities to allay it. Thus, powerful as he is, I hope he will consider the people, and that his wrath may not be like that of Achilles, only to be appeased by the blood of his country. I perceive, Mr. Speaker, that we are all growing warm, and if the House will permit me, I'll tell you a story, which may help to bring us into better temper. [A great cry of hear him, hear him]. When I was at the temple, there was a parish clerk that used to raise the psalm, and who went by the name of *Harry Plantagenet*; I had taken it in my head that the family of the *Plantagenets* was quite extinct, and was induced by curiosity to ask this man how he came to be called by that name; accordingly I went to him one day, and mentioned my wish to know his story:—I was once a King, sir, said he, and reigned with uncontrolled dominion over hounds and greyhounds, beagles and terriers, by which I have acquired this name; but if you please I will relate my story at large:—*Go on, Harry, said I.*—I lived in the neighbourhood of Windsor Forest, when a boy, and used frequently divert myself with hunting the King's deer; for I always loved to hunt the *King's* deer.—*Go on, Harry, said I.*—I halloed and I shouted so loud and so often, that there was not a dog of the pack but what obeyed my voice;

not a lad in the forest but attended my call :—*Go on, Harry, said I.*—At last, sir, the chief huntsman perceiving what command I had over the dogs, and the sportsmen, resolved to take me into his pay :—*Go on, said I.*—I accepted of his offer, but I now found myself so much at my ease, that I grew indolent, and insisted upon riding out to hunt in *furniture*, for I always loved to hunt in *furniture* :—*Go on, Harry, said I.*—I was indulged with furniture, but I soon perceived that the younger fellows who could now outride me, became greater favourites with the chief huntsman :—*Go on, Harry, said I.*—This stung me to the quick, and I determined to pick a quarrel about some of the fringe of my furniture which was torn, and which I would have repaired at the chief huntsman's expense :—*Go on, Harry.*—*I immediately began to hunt in opposition*; but not a dog obeyed me, not a sportsman attended my call :—*Go on, Harry.*—I halloed, and I roared, and I shouted until I was weary, but still without any effect. I had the mortification to find that I had totally lost my influence in the forest ; and I retired to this parish to devote the rest of my days to the making of my soul, and I now raise the psalm and join in the thanksgiving.—This, sir, is the story of *Harry Plantagenet*, and his story I would apply to every man who cannot be quiet without expense, or angry without rebellion.”

“ While the *Attorney-General* told this story, which he did with infinite humour,” adds the report, “ the House seemed convulsed with laughter ”

Owing to this circumstance Mr. Flood rose under some disadvantage :—“ I cannot,” he said, “ perceive the smallest similitude between this story and my situation, except that my name is *Harry*, I have, indeed, been a huntsman, but then I was never a whipper-in. But the Right Hon. Gentleman has the happy talent of turning everything to his advantage. When he became an object of popular resentment, he

traversed the streets with a guard—he looked melancholy at the bar—sighed in the house—cried in the council—and blubbered in the antichamber. The people were astonished, the women went into mourning, government thought all her functions was suspended, and nothing could allay the general concern, but a plentiful reversion for the Right Hon. Gentleman. When the fleets of England, at a great expense, made a number of little descents on the French coast last war, it was wittily said that we were breaking panes of glass with guineas; and though his house is filled with the richest and most elegant furniture, yet I will venture to say that no part of it cost as much as the CROWN GLASS with which his windows were repaired.”

Flood's concluding remark alludes to a breaking which Mr. Scott's windows had undergone at the hands of the infuriated populace. The Irish Volunteers, composed of Williamites and Jacobites, fraternally bound, paraded, to the number of 42,000, round the statue of William, in College-green, under the orders of Robert Duke of Leinster. Volleys of musketry were re-echoed by the stentorian cheers of a people who endorsed the sentiment of their leaders, that by Free Trade alone Ireland was to be saved from impending ruin; while pieces of ordnance were menacingly placed before the house, inscribed by the words, “Free Trade or This!” Terrorism reigned supreme. The people, armed with different weapons, placed under arrest the members on their way to the House, and extorted promises from some to vote against new taxes. The Speaker's carriage was stopped, and an oath tendered to the distinguished occupant calculated, if taken, to shackle his freedom of action. The Law Courts were searched in vain for Mr. Attorney-General Scott, with the object of offering him personal violence; and, to compensate for the disappointment, they gratified their vengeance

by breaking the windows of his house in Harcourt-street.

The military were called out, and a sanguinary collision seemed inevitable, when the Lawyers' Corps of Volunteers, a very popular body, mingled among the people, and by quietly remonstrating, induced them to return peaceably to their homes.

Glass in these days was very expensive; it held a rank second only to Irish diamonds; and to break a man's windows was almost to break his heart! Mr. Scott, smarting under the consciousness of his shattered glass, went down to the House, and demanded restitution for his property, and strong measures to repress tumultuous assemblages. In reply to Mr. Scott's denunciation of the Volunteers, Mr. Yelverton vindicated them, and ridiculed the alarm of the Attorney-General. It was on this occasion that Mr. Scott called Mr. Yelverton* "a seneschal of sedition," for his support of the Volunteers, while Yelverton retorted "that Scott's pliancy of politics rendered him the uniform drudge of every administration."

An address was agreed to, calling upon the Viceroy to offer a reward of £500 for the arrest of the democratic ringleaders; and proclamations to that effect were distributed through Dublin.

Scott's next letter is addressed to Judge Robinson, who, in sentencing Higgins for the fraud whereby he gained the hand of an heiress, first called him "The Sham Squire." "Show me your friends," saith the adage, "and I can tell who you are." "Judge Robinson," says Charles Phillips, "had risen to his rank by the publication of some political pamphlets, only remarkable for their senseless, slavish,

* Afterwards Lord Avonmore, Chief Baron of the Exchequer. It is worthy of note that the ennobled heads of the three Law Courts in Ireland at the close of the last century had been warmly associated in 1761 as Templars—Lord Clonmell, Lord Avonmore, and Lord Carleton.

and envenomed scurrility." Mr. W. H. Curran tells what Phillips does not, that they appeared anonymously, and this afforded Philpot Curran an opportunity of retorting on Robinson, when the judge made a brutal effort to crush the young and faltering advocate. "I have searched all my law books," said Curran, "and I can find no precedent for the point." "Your law library," said the judge, sneering at his poverty, "is rather contracted." "My books may be few," added Curran, "but the title pages give me the writers' names; my shelf is not disgraced by any of such rank absurdity that their very authors are ashamed to own them." After some further hard hits, Robinson exclaimed:—"If you say another word, sir, I'll commit you." "Then, my Lord," replied Curran, "it will be the best thing you'll have committed this term." Robinson endeavoured to deprive the advocate of his gown, but failed.

The year 1782 nearly proved fatal to John Scott's ambition and promotion; and the Earl's coronet was rapidly fading from his vision. His speech on the Bill of Rights completely took the treasury benches by surprise. His early political bias on that exciting question seems to have burst the bonds of policy which, it was hoped, had bound him to the government; and the act had well-nigh proved fatal to his ambition—but he cultivated so sedulously the art of acting, and so deeply studied language as a means of disguising rather than expressing thoughts, as his diary shows, that it is not easy to determine how far sincerity moved him. Moreover, as we are informed by Mr. Grattan, Scott was sometimes intriguing with the Opposition while publicly seeming to pit all his energies against them. "He thought it better that the object of the British laws should be doomed to destruction, than that his country should be held in even a supposed state of absolute slavery. He therefore did, as a lawyer, a faithful servant of the crown,

a well-wisher to both countries, and an honest Irishman, and in the most unqualified, unlimited, and explicit manner, declare his opinion that Great Britain has no right whatever to bind this country by any law. If the tenure of his office was to be the supporting opinions and doctrines injurious to the undoubted interests of Ireland, he held it to be *an infamous tenure*; and if the parliament of Great Britain were determined to be the lords of Ireland, he *was determined not to be their VILLAIN* in contributing to it. I owe," he added, "the avowal of these sentiments to Great Britain, to my country, and to myself."*

The result of this intrepid speech is apparent in the following remonstrance, addressed to Judge Robinson. The letter is dated:—

"DUBLIN, April 26, 1782.

"You are not unacquainted with my situation and services, having been for twelve years either counsel to the Revenue Board, or Solicitor or Attorney-General. His Majesty and his Ministers have done me the honour to approve of my conduct in these different stations under the Crown. I have given no offence, except to the rabble, in supporting what, as a man of honour and truth, I believed to be the laws of the country. I hear now, with astonishment, and with some degree of indignation, that I am to be removed, and when I asked Mr. Fitz-Patrick whether I might hope for the same favour which I had experienced from former Administrations, and whether my future conduct was to be the test of my pretensions under the Duke of Portland's Administra-

* The events of the year 1782 served Scott's subsequent career. The independence of the Irish judges was, for the first time, secured in that year. They had previously held their office only during pleasure; and as sundry acts, which cannot be considered otherwise than an outrage on justice, transpired to the prejudice of the Chief Justice, it is probable that, had the law not been altered in 1782, he would have received a hint to tender his resignation.

tion, he answered me dryly, that he did not know the sense of Government on that subject.

“Now, only imagine the folly of such treatment to a man who is to be dismissed merely for doing his duty faithfully. I have, at the peril of my life, in a time of violence, asserted the law of the land; accepted too as such. His Grace of Portland, an English Chief Governor, strips me of the station and honour which I have acquired through five successive English Administrations fairly, gradually, and honestly.”

From the annexed extract of another unpublished letter addressed by Mr. Beresford to Judge Robinson, in which the gratification of Scott's ambition is announced, it would appear that in the estimation of the men who knew him best and rowed in the same boat, Lord Clonmell, on the judgment seat, was liable to be influenced by personal pique, as his subsequent conduct to Magee proved.

In 1784 Scott, by stratagem and energy, had surmounted many difficulties, and was on the high road to wealth, rank, and power. On the 19th June, 1784, John Claudius Beresford writes to Judge Robinson:—“Scott—I beg pardon, his Lordship—is at this moment the happiest of men, just in the situation he could wish for. He wants nothing but the satisfaction of sitting in judgment on his Grace of Portland, who would have a poor chance of escaping the Chief Justice.”

By some arrangement, probably with old Lord Annaly, Chief Justice of the King's Bench, Scott seems to have induced him to resign the ermine; and in April, 1784, we find the latter ascending the bench with the euphonious title of Baron Earlsfort of Lisson-Earl.

The early intimacy between Lord Earlsfort and the Sham Squire, which his Lordship constantly went out of his way, even on the judgment seat and to the perversion of justice, to recognize, is noticed in

the following extract from the *Post* of August 15, 1789. The events, pregnant with importance, to which that venal alliance gave birth, are elsewhere told. Magee indicates the Chief Justice cautiously; but the law of libel was then fatally oppressive in Ireland, and Magee's fingers had been repeatedly burnt in tracing the Chief's characteristics:—

“ In the profession of the law there *have been* in this country infamous pettyfoggers—sprung from the vagrant dregs of the mob, who, cut off by their atrocities from all honest or honourable connexions, have cunningly sown favours in the early obscurity and indigence of imaginary genius, in order to reap the crop of its protection in the subsequent lucky harvest of power and preferment. Infamous pettyfoggers, who have assiduously plied to the *briefless law stripping* many a welcome fee—savoury beefsteak, and eleemosynary bottle in the probationary days of *empty bag, rusty gown, thread-bare coat, and joul linen*, under the expectance of retributory patronage and protection in the *Haleyon era of preferment, power, affluence, and rank*. And there *have been* judges in the land, sir, who, not unmindful of favours in *humbler* days, even from the lowest vermin of the law, have carried with them in ascent to the judgment seat an official remembrance of quondam briefs, beefsteaks, and eleemosynary bottles; and who, in obsequious complaisance to their quondam benefactors, have arbitrarily warped the balance of equity, and debased the sword of justice in lowly salutation, or vindictive cruelty, to serve the occasional purposes of their former colleagues.

“ It can *not* be presumed that these allusions bear any reference to judges of the present day. No, thank Heaven! The judgment bench of the King of Ireland groans *not now* beneath the swollen and corrupt burthen of a modern tyrannical Jefferies; nor forms a couch for any grim tiger of the law, who,

regardless of the landmarks of equity, of the boundaries of the Constitution, would bounce over every barrier to his rapacious career, and glut his vengeful stomach on every victim attractive of his caprices, whether guilty or innocent, right or wrong.

“We have *not now*, thank Heaven, law dictators, who necessitated to preserve in their courts at least the semblant *forms* of Constitutional Law by the decision of juries, yet bully or puzzle those juries into such verdicts as can sanction the corrupt measures of a corrupted bench; and then assuming more than regal dignity, threaten all the thunder of legal vengeance on those who shall presume to murmur or comment upon their proceedings.”

Magee then proceeds to descant on “legal gratitude.” Hardy, the biographer of Charlemont, confirms his account of Lord Clonmell’s grateful remembrance of early friendship; but Hardy adds it to the Chief’s credit:—“He never forgot an obligation; and as his sagacity and knowledge of mankind must have been pre-eminent, so his gratitude to persons who had assisted him in the mediocrity of his fortune was unquestionable, and marked by real generosity.”

Barrington writes to the same effect—“In his prosperity he acknowledged favours he had received when he was obscure, and *occasionally* requited them. Half-liked, half-reprobated, he was too high to be despised, and too low to be respected. His language was coarse, and his principles arbitrary; but his passions were his slaves, and his cunning was his instrument. In public and in private he was the same character; and, though a most fortunate man and a successful courtier, he had scarcely a sincere friend or a *disinterested* adherent.”

Mr. P——, late police magistrate of Dublin, to whom we are indebted for some curious facts, informs us that he remembers to have seen in his father’s house, more than sixty years ago, a contemporary picture

exhibiting the Sham Squire, his friend Lord Chief Justice Clonmell, and the intrepid denouncer of both, John Magee. Mr. P—— says that some lines written under Lord Clonmell, and addressed to him, were of a remarkable character, beginning—

“Hail! Fortune’s foundling, blasted bravo, hail!”

while those addressed to Magee were in the highest degree complimentary.

We have recently had an opportunity of confirming the accuracy of Mr. P——’s impression. On examining the journals of the day we have found the lines, which perhaps deserve preservation, alike in justice to the subject and to their author, Walter Hussey Burgh, Chief Baron of the Exchequer, of whom a fine picture may be found in the dining-hall of Trinity College, Dublin. The Ode appears in the *Evening Post* of November 5, 1789; and it is introduced by the statement that Lord Clonmell was “the chum, companion, patron, and protector of Francis Higgins, *alias* the Sham Squire.” To find a Chief Baron of the Exchequer assailing the Chief Justice of the King’s Bench in such terms is quite a sensational novelty. But in now viewing these lines historically, it is perhaps right to say that the strength of their expressions may, to some extent, have been influenced by the angry politics of the time. Burgh had been a member of the Opposition; and Scott was bought up and stationed in the House for the express purpose of bullying the Opposition. Bully Egan was to the latter what Scott was to the Government.

“QUI CAPIT ILLE FACIT.

“Hail! —— while noise and impudence avail,
 Hail! Fortune’s foundling, blasted bravo, hail!
 Hail! full-blown face and wonder-rolling eye,
 That swells astonishment, and looks a lie,
 And fierce and monster breeding seem to roll
 Over a dark and subterraneous soul;
 Which heaving, red’ning, blust’ring, starting, staring,
 Or mild and sunshine, as before us hearing.

Now looks portentous, stubborn, vicious, mulish,
 And now the b—dy, pleasant, arch, and foolish.*
 Hail! vulgar, venal tongue, whose power of noises
 Shocks with impetuous starts of hideous voices;
 Now deep, mysterious, sad, engulfed and slow,
 It melts all devils in the shades below:
 Now squinting at the gods with quick rebound,
 Lashes Olympus with a fiend-like sound,
 As if some hollow, treacherous cavern broke,
 And burst in noise, confusion, filth, and smoke.
 Hail! form to various shapes convuls'd and twin'd,
 The shifting picture of an insidious mind;
 That now the shape of blank attention taking,
 Sits ravished while the Secretary's speaking.
 Now, with uplifted arm, for prostitution,
 Stands bully bold 'gainst Law and Constitution;
 Whether in grave debate, obscure, or gay,
 He takes the merry mould of blasphemy.
 Regales the senate with a b—dy song,
 While Hadlock's church inspires his recant tongue.
 Whether as foe to freedom and to laws,
 The hireling vindicates the tyrant's cause;
 Swears British Parliament can Ireland bind,
 And ignorant as base enslaves mankind;
 Or if amongst his betters forc'd to be,
 Under the hard restraint of decency,
 With face all meek, and manners all demure,
 Sober and modest as a mincing w—,
 Until the oppress'd blackguard is glad to flee,
 And ease his soul, accomplished Frank,† with thee.
 Amazing man! who too abandon'd are
 For Parliament—too clam'rous for the Bar;
 Of thy friend's cheated w— thou *false* trustee—
 Of every dupe thou common legatee."

Burgh alludes to Lord Clonmell's abuse of the office of trustee. A contemporary letter addressed

* This is corroborated by the statement of Sir Jonah Barrington—"Mr. Scott's skill was unrivalled, and his success proverbial. He was full of anecdotes, though *not the most refined*: these in private society he not only told, but *acted*; and when he perceived that he had made a very good exhibition, he immediately withdrew, that he might leave the most lively impression of his pleasantry behind him." "Man know thyself," saith the proverb. "The sayers of good things are usually the doers of very little good"—writes Lord Clonmell, in his private diary—" *Bon mots* and good actions do not go together." "Courageous, vulgar, humorous, artificial"—writes one who knew him well—"he knew the world well, and he profited by that knowledge."

† Francis Higgins, the Sham Squire.

to the Chief Justice, signed "Lucius," makes this dark allusion clear.

"Councillor Scott, probably a contemporary of your Lordship's, whose talent for buffoonery obtained him introduction to the table of the facetious Mr. Mathew, of Thomastown,* while resident at Chelsea, and so far into the good graces of his mistress, poor Celia Robinson, as to obtain for him her implicit confidence as trustee to a considerable legacy from her dying master of certain lands on his Tipperary estate, but which trust the said councillor denied at a convenient opportunity after the death of the testator, in an answer on oath to a bill in Equity; and by a prudent advantage of the Popery Laws secured the possession to himself, and thus acquired his first acres of landed property, which in this country has since swelled to such magnitude by means equally *meritorious*.

"On this subject, my Lord, the present Lord Llandaff† can satisfy your curiosity, and the disinherited Councillor Jesse, as well as the nearest relations of the late doting Barlow Scott, of the county Monaghan, so neatly choused out of their expectations on the fortune of their kinsman, can add further anecdotes for your Lordship's amusement."

There is now before us an MS. rental of the "Estate of Thomas Mathew, father of Francis, first Earl of Llandaff." At page 9 the property of Bouliduffe, containing 174 Irish acres, is described as a lease

* Mr. Mathew was brother of Lord Llandaff, of whom many amusing particulars may be found in the *Reminiscences of an Emigrant Milesian*. Lord Clonmell fought a duel with Lord Llandaff, owing to a family difference, of which his sister was the cause, and afterwards with Lord Tyrawley for some mistake about Lady Tyrawley, which will be found fully detailed in Barrington's *Personal Sketches*, Vol. i., p. 311.

† Lord Clonmell married first in 1766—or, according to De Brett, 1768—Catherine, daughter of Thomas Mathew, Esq., sister of Lord Llandaff, and widow of P. Roe, Esq., by whom he had no surviving issue.

taken in trust by Lord Clonmell for Celia Robinson, but turned to his own "advantage." This, it is added, was probably his first holding of land.*

But to resume the blows of Burgh's bludgeon.

"The close besieger of every dotard's bed,
That haunts the living but to rob the dead;
So mighty winning, and so mighty civil,
Soft as a slave, and merry as a devil;
Who never frolick'd, but with knavish view,
Nor played the fool, but played the rascal too.
Of all thy dirty deeds, no crime we find,
Born of an ardent and impatient mind;
Of thy few lavish acts sage council tell
One that was born of real principle:
For self is still predominant in thee,
Thy kindness is—forecasting knavery.
The cunning culprit understands the times,
Stakes private bounty against public crimes.
And, conscious of the means he took to rise,
He buys a credit with the spoils of vice."

A contemporary work, *Sketches of Irish Political Characters*, remarks that the estates of Lord Clonmell yield £20,000 per annum. It was easy to amass money in those days, by playing the double rôle of false trustee and Lord Chief Justice.

Of Burgh, who so mercilessly probed the Chief Justice in the foregoing lines, we may remark that his forte was oratory rather than poetry; but, as in accordance with the too-frequently proved barbarous taste of that day, it was esteemed a breach of privilege to report Parliamentary speeches, his eloquence, like that of Flood, is embalmed in tradition only. A few tiny fragments have been preserved, sufficient, as a sample, to give us an idea of what is lost. Referring to the coercive laws under which Ireland groaned, until the people successfully resisted and saw the establishment of the volunteers, he thus classically perorated:—"Talk not to me of peace—Ireland is not in a state of peace; it is *smothered*

* Records of the Llandaff Estate Agency Office. This property now belongs to Viscount de Chabot, to whom it was bequeathed by the last of the Mathews, a spinster lady.

war—England has sown her laws like dragon's teeth, and they have sprung up armed men."

Burgh was at once the idol of the people and the favourite of the Government. Not less fearless, witty, and piercingly satiric than his contemporary Scott, he was, unlike him, honest, pure, splendid, and respected.

We now approach a most important historic document, the private diary of Lord Clonmell. That this singular record should have been spared from the flames seems strange, when we know the fate of the bulk of his papers. Mr. Henry Grattan, in the Life of his father, describes, on the authority of Lord Clonmell's nephew, Dean Scott, a curious scene in the old Chief's bedchamber, on the first alarm of death's warning knock at his door.

Lord Clonmell had, as the excerpts we are about to give from his Diary prove, a contempt for ecclesiastics, and especially for bishops, whom he tells us were all hypocrites; his first desire, therefore, on the approach of death, was not spiritual aid, but the destruction of all inconvenient papers.* These, no doubt, included the correspondence which marked the successive gradations of his uprising, and which, if published, would have compromised many persons, himself, no doubt, not excepted. How the diary should have been spared is not the least curious feature of the transaction. It is no credit to his memory, on the whole; but in the following passages we have selected those most indicative of his shrewdness, industry, and of those good resolutions with which, as Guevara tells us, a certain region is paved. †

Some of the headings of these citations are our own.

* The closing scene in Lord Clare's life was attended by a similar incident.

† It is not generally known that Antony de Guevara, a Spanish writer of the 16th century, was the person who first used the familiar apothegm alluded to above. See *Moreli, Antonio Bibl. Hist. Gorton's Biog. Dic.*, Vol. ii., art. Guevara.

*“ Good Resolutions.—*Thursday, June 2, 1774.—I am, I believe, thirty-five years old this month, just nine years at the bar, near five years in Parliament, about four years King’s Counsel. To-morrow, being Friday, Trinity Term sits. I therefore resolve to enter upon my profession, as upon a five years’ campaign, at war with every difficulty, and determined to conquer them. I have given up wine. I will strive to contract my sleep to four, or, at most, six hours in twenty-four; give up every pursuit but Parliamentary and legal ones. If I continue a bachelor until I am forty years old, and can realize two thousand pounds per annum, I will give up business as a lawyer, or confine it merely to the duty of any office which I may fill. I will exert my industry to the utmost in law and constitutional learning for these five years, so far as temperance, diligence, perseverance, and watchfulness can operate, and then hey for a holyday.

*“ Disciplined Distribution of Time.—*The most diligent distribution of time is, two-thirds for business, one-third to sleep, exercise, eating and drinking, and idleness. The next is, one-half to business, the other to idleness and refreshment. The third is, one-third to business, one-third to society, and one-third to exercise and sleep.

*“ Horrors of being Unprepared in Court.—*The pains of the damned are not equal to the horrors of going to court unprepared, and the fact of losing your reputation and going down in it. Whilst, therefore, you have an atom of business undone, give up every object, pursuit, pleasure, avocation, diversion; banish everything from your mind but business, the business of your profession. Quarter of an hour to breakfast—one hour only to dinner, when alone—two to exercise—four to bed—quarter to rest in a chair after fatigue—wine.

*“ Prudence.—*Have an eternal guard upon what goes

into your mouth and what comes out of it, and always wait a little before you answer; and answer all unpleasant questions by asking another question, and never before you can begin with a smile.

“*Persuasion*.—Never attempt to bully your superiors into conviction; woo them, and sometimes hurry them.

“*Cunning*.—General Johnston, from the observations of many campaigns, that fighting made the least part of the art of war. If that be true, how much more strongly does it hold in civil contests. Cunning, therefore, at every instant, design, craft, subtlety, contrivance, invention, finesse, feints, strokes, generalship, are necessary; whilst mere courage, viz., quarrelling, is scarcely ever proper, except upon some very great and critical occasion. Lord Bacon says a proper mixture of the lion and the fox is essential to a man of the world. I think the proper mixture is a fox’s head, with a lion’s heart, to carry the scheme into execution.

“*Temperance*.—Drinking a pint of water in small glasses after dinner prepares me for business, whilst a pint of wine prepares me for sleep, and a bottle undoes me for the whole evening. Shun wine as a pest to business; or if you may drink wine be sure to drink water with it.

“*Spirits* are the source of all exertion and perhaps of all happiness; it seems a mistake to raise them by wine, for they tumble instantly. Eating consumes and exhausts them, * * * but fasting, a little sleep, the smallest quantity of food, and perhaps water, with a little wine or ice, is their best support.*

“*Habit*.—The Highlanders of Scotland refuse

* Convivial indulgence was the besetting sin of the last century, and it seems to have been sedulously inculcated and cultivated as a desirable fashion. “Make your head while you are young,” was the advice with which youths were plied by children of a larger growth. In theory, at least, John Scott was quite in advance of the toppers’ teaching.

constantly to list in the army if they are not suffered to go without breeches.

“*Regimen.*—Man bred to any purpose or profession should be as attentive to feeding and exercise as a cock or a race-horse.

“*Maxims.*—Save every moment for employment. Use every body for your own purpose. All men will injure or deceive you; watch the whole world, as at this moment your friends, the very next your enemies; offend none; serve others sparingly; conceal your dislike universally. *Flatter all through.* Every moment affords an opportunity of serving yourself, and act up to it. Put your life upon every difficulty which obstructs this discipline. Seek death to accomplish this regimen, if necessary, in every particular. I am considerable enough to affect singularity, if requisite, for my reputation. I am strong enough to make any experiment that can establish my fame. I am young enough to begin a campaign of business from to-morrow.

“No consideration upon earth should tempt you to go to bed for sleep before twelve at night. Nothing, no complaint that does not threaten life, should seduce you into a second nap in bed. Use your actual situation, and never speculate or muse. Look intently at what is before you. Look on, listen for ever when you are not speaking, and when you are strive every instant to excel.

“All times are equally seasonable for some exertions of mind or body; every instant is of value. Turn all occupation to amusement; find pleasure in every employment of life.

“Let your discipline be inflexible in pursuit of your own advantage, entertainment, and praise, and for ever do your business in comedy; keep an unalterable coolness, smile, and presence of mind, and by such winning men’s favour.

“At your profession inviolably from nine to twelve

at night, and all before eight in the morning, and four hours at least before dinner.

“Never, never suffer any man or anything to put you off your guard, out of humour, or out of spirits.

“A quarter, or at most half an hour, upright in your chair will, by sleep, refresh you after any fatigue.

“A cold bath will brace and restore you after the greatest relaxation, toil or excess.

“A large glass of cold water will lighten and relieve your stomach more than a quart of wine.

“Make yourself pleasing by flattering all. Make every man your dupe by flattery.*

“*Manners and Customs.*—Live constantly at home; as much as possible take your exercise at home; never be seen in the streets; and when in public always dressed in full, and pay the utmost attention to your appearance. Carry your station constantly about with you with the decency and port that belong to it. It makes the meanest character passable and dignifies the greatest. When you dine alone let it always be a fast day in eating and drinking, for it is most beastly to stuff and guzzle alone.

“*An Empty Stomach the pleasantest Companion* a man of business can travel with, for if the spirits are employed in digestion there will be little to spare for external pursuits. The history of spirits is, abstain, abstain, abstain! eyes open and mouth shut. For ten years you must abstain from wine, tea, coffee, excess in eating, drinking, and sleep, viz., keep to one dish, one pint, and one nap.

* Charles Phillips, in *Curran and his Contemporaries*, traces, with the laceration of a dissector's scalpel, the memory of Lord Clonmell; but he adds (p. 36), as redeeming virtues, that “his companionable qualities were well seconded by the fidelity of his friendships; and it is true of him that he never made an *insincere* profession.” The private diary of the Chief Justice now proves that Mr. Phillips, in the above estimate, wrongs him. These traditional panegyrics prove, at least, the finished excellence of Scott's acting.

“*Knowledge of the World.*—The art of managing fools seems a science almost as distinct as that of governing madmen. I have observed that knaves in general manage fools; but, in short, the persons who dupe them most please them best. If, then, you see a man treat the world as if they were fools, I should suspect him to be a knave.

“*Fashion.*—There is ever some imposition, as well as mode, in fashion by which mankind are duped. The liberty of the press has encouraged public lying of all sorts, and that has introduced impudent, audacious assertion. The man, therefore, who asserts most boldly is, *cæteris paribus*, sure to be foremost. *Audacter te erudita* seems the motto of the time; therefore, to be the superlative in what is the fashion, or foible, vice, qualification, sport, pursuit, or amusement of the time, is the surest way to get forward.

“*Intercourse with the World.*—Always contrive to have as many things to ask from others as they have from you, and try to have somewhat to do with all those who have anything to do with you. Be a fencer throughout, and hit as often as you can.

“*Cunning.*—A cunning politician should have constantly a small affected favourite, or hobby horse, upon which to exhaust his apparent eagerness and anxiety, in order to divert his own conversation and the attention of others from his great and serious services.

“*Conversation.*—The two first topics in every woman’s mind is how she looks and what she wears; and how others look and what they wear, no matter how ugly or old; and, therefore, you never can want female conversation until the topic of looks and dress are exhausted. As to men’s conversation, you may set the generality of men a-talking by only looking softly into their faces. Courting their countenances, and observing what’s uppermost at their tongue’s end, for what presses most will be uppermost.

“ *Characters.*— There are some so malignant by nature, as it should seem, that doing mischief is their chief delight, like monkeys; and there is a malignant vanity amongst some and most women, an envy that for ever prompts them to make others unhappy. Such are incendiaries, tattlers, and slanderers; they generally are moved by vanity, jealousy, and envy, which last is well coupled with hatred and malice; and insincere people, rather than not gratify their vanity, which consists in their talent for deception, will do you a wanton, capricious, unprovoked unkindness. Of that kind is duplicity. Just like the powers of mimicry and caricature, it gratifies the leading passions, because they think they show their superiority and cleverness, either by duping or disappointing, or vexing or mortifying, sometimes their friends.

“ *Mechanical Habits.*—As often as you put your fingers across and join your thumbs at the points, which you must do a thousand times a day, call the right thumb courage and the four fingers of the right hand sagacity and spirit, activity and address, the left thumb prudence, the four left fingers assiduity, flattery, temper, and manner; thus you will always have all these qualities in your mind and before your eyes to stimulate you.*

“ For one year at this period of life twelve hours a-day must be given to law, two to strong exercise, five to dressing, shaving, and sleep, and five to meals, letters, and the world.

“ It is absolutely impossible to go on in my profession without perpetual horrors, injury, and disgrace, but by adhering inviolably to the following rules.

* Scott, like Sir Pertinax Mac Sycophant, employed digital calculation, bowing, and flattery, as a means of attainment to eminence; and we cannot help thinking that the play in which that rare character figures—published by the Irish dramatist, Macklin, at the very time that Scott reached the highest pinnacle of his advancement—was levelled at the lucky flatterer and stratagist, whose idiosyncrasy Macklin had good opportunities for studying. We are aware, however, that other names have been mentioned as the original of Sir Pertinax.

Have no fire to go to before breakfast, which should be no meal. Guard yourself at dinner from eating more than half what you wish, and drink at dinner as little as possible, and after it water with your wine. Go to bed at *twelve* and *rise at four*; and whilst you have existence in business employ from four to eight, from twelve to four, and from eight to twelve at business, which gives you eight hours for exercise, idle pursuits, and the world.

“*The Power of Perseverance.*—Sir Henry Cavendish the younger, with a slight frame and very moderate powers, by mere assiduity made himself the first sailor, skater, billiard-player, fiddler, short-hand writer, and master of several other accomplishments, of any man in Britain, by taking each in succession. He rode from Derbyshire to London, one hundred and forty-five miles, from three in the morning, of a snowy day, to six in the evening; very moderate in eating and drinking, and always far from the fire.

“*Knowledge of the World.*—Avoid intimacies. Never be intimate with any man or woman but for the purpose of answering your purposes upon them; and never suffer either, upon the same rank with you, to take liberties or be intimate with you. I never suffer an injury from anybody but an intimate; and every painful moment of my life, every mischief done to me, has arisen from intimacy—treachery, envy, ingratitude, resentment, arising from intimacy. Suffer no man to come so near you that you cannot call him ‘Mr.’ with propriety.

“*How to Make a Seven Months’ Child Robust.*—Mr. Conolly, the hardiest man of his time, though a seven-months’ child, made it a constant practice to walk at night in the open air; and he told me he found himself a proof against all weather and colds.*

“*Discipline of an Attorney-General.*—He should

* George the Third, who reigned sixty years, was also a seven-months’ child.

rise at four in the morning. He should read without fire, standing, if possible, until eight; he should exercise, bathe, and dress at nine; he should see all persons until eleven; he should apply every minute to three in court business; to four he should set down the report of the day. He should not drink wine at dinner, and eat but of a few things, and not much. He should not drink wine after seven, and from eight to twelve he should apply to business.

“*Secure the Aid of Women in every Scheme.*—Fabrum Fortunæ—Carol O’Daly—a famous Irish hero, never went into a house that he did not secure the confidence and affection of some female in it, who constantly supported and befriended him in all his pursuits. Satan had found no footing in Paradise if he had not gained over Eve to his party. For ever secure some she-thing to your interest, young or old, high or low, mistress or maid; but your first anchor of flattery should be these.*

“*Political Lying.*—The use of political lying is, and in general has been, to agitate the multitude, and to raise mobs. In Paris the most furious mob ever known was raised by a report that some of the royal family was, for the purpose of curing some complaint, to be bathed in the blood of infants. In Dublin outrageous mobs assembled upon a report that the Parliament was to be removed to England. In Cork I remember a dreadful mob raised, upon a report that the town was to be starved. In London the great mob of 1780 was raised, and set in flames upon a report that Popery was to be favoured. In Clonmel, 1781, a mob rose to prevent the trade from going to

* But from a closing entry in the diary, it would appear that even the women played him false. “I have made,” he writes, “many enemies by the treachery of men and *women* who have taken advantage of my levity and unguardedness in mimicry and saying sharp things of and to others.”

For an account of Lord Clonmell’s fraud on the unfortunate Celia Robinson, see p. 19, *ante*.

Two-mile Bridge, by throwing a bridge across the river there; and, I believe, in all cases, it is only necessary to represent some impending evil, sufficient to shock at the instant, with a plausible short circumstance or two to ground suspicion upon, and if followed up instantly, especially if seconded by liquor, it will, no matter how absurd, raise a mob.

“Politics and Public Life.—The man who is in station must never give up his party or his faction for popularity, it being absurd for any supporter of Government to be popular; therefore he will lose his friends, and get nothing substantial. The man who would be popular must depend on and dupe the people; but he cannot have power (popularity); *i.e.*, he cannot be tribune and servant of the Crown. The three great laws which I promoted in Parliament, most popular in their nature, were most mischievous to me: *viz.*, the Tenantry Bill, the Roman Catholic Bill, and the Bill giving force to English Laws by an Act of the Irish Legislature. I lost my office by them.

“Be always an Actor.—A man who would establish a great character with the world must be a constant actor; and the best rule to adopt for that purpose is, to consider every dress you put on, every time you change cloaks, every change of company or situation, as a new scene in which you have a part to act for praise. Siddons is as great a model as ever I saw on the stage. Mr. Burgh, Ch. Baron, Mr. Pery, and L. Lifford, the best off the stage. Lord Chatham, Cromwell, and Provost Hutchinson were great actors.

“The Best Expression of the Face to Seduce and Dupe.—A smooth, innocent simplicity, is the very best expression, or rather disposition, of the countenance, to receive impression. Recollect the bewitching effects of an infant's face smiling at you—and recollect Malone's,* Lord Tracton's,† and Bishop Butler's faces,

* Rt. Hon. Antony Malone, *obit.* 1775.

† Chief Baron of the Exchequer, *obit.* 25th June, 1781.

all softness and mild serene benevolence; *et contra*, recollect the horrid expression of Hutchinson's, the forbidding gloom of Pery's, and the insolent disdain of Lord Tyrone's countenance; the powerful effects of D. Daly's* open aspect, the conciliating, awkward innocence of Beresford's face, and the interesting sweetness of unaffected boys and girls, and follow them. Imitate the amicable risibility of a *levée* face, or the open innocence of gay good nature, and *never, never*, speak to any person without first looking them in the face; it is a valuable habit, and not to be deserted.

“*Never give Offence to any Man, he will have Power to Resent.*—Almost the only thing by way of observation I ever heard Lord L——† say worth recollecting, though one of the wisest practitioners with the world I ever knew, was upon the subject of moderation, which is a branch of temper, *i.e.*, dissimulation, of which he was a great master. ‘For such a Government as ours,’ said he, ‘there is scarcely any individual so obscure but may be one time or other sufficiently connected with power to do any man mischief; no man should, therefore, give offence: no man is fit for great affairs who has not a total mastery of his temper.’ N.B.—Fear was the prudence of his life; caution his shield, and temper his fort.

“*Dissuasives from Anger.*—When you are disposed to be angry, only elevate your mind above the object of your resentment, so as to look at it with a bird's eye downwards, and at a great distance, and that will cool you; or if this object of your resentment be a person connected with you, imagine this person, in some attitude of distress before you, imploring your compassion and forgiveness, and this will instantly soften you.

“*Avoid Ambitious Men in Politics.*—Never, if you

* Denis Bowes Daly, M.P.

† Lord Chancellor Lifford, probably.

can, connect yourself with a very ambitious man; his friendship, or rather connexion, is as ruinous as his hatred; he has no real friendship, and his pride makes him hate those to whom he is obliged; and his intimacy leads to dupe every creature—his Creator, if he could,—*viz.*, The Life of Frederick the Great of Prussia; Provost Hutchinson; the Marquis of Buckingham; John Foster, Speaker; Agar, Archbishop of Cashel, &c., &c.

“*Never avoid, in deference to Fashion or the feelings of others, what agrees with you.*—People, as they advance in years, should retire from places of exhibition and entertainment; the ceremonious exertions of long-standing, sitting, eating, drinking, and accidental necessary compliances to persons younger or greater than themselves, are always injurious, and often fatal to them; I have known several old men lose their lives by being put out of their way, or out of their usual habits. Tisdall,* Lord Nugent, Vesey, Paterson, and several others of my acquaintance, have died of compliances and submitting to the manners of younger men. A string much and long played on will snap by the smallest strain; gently and gradually lowering the tone will keep it going a long time.† Follow your own will, *therefore*.

“*The Irish Oppressed like Hottentot Slaves—their Weakness for Liquor makes them an easy prey for the Designing Stranger.*—English governors, and, in general, Englishmen, treat the Irish, great and small, like slaves, and nearly as the Dutch do the Hottentots; and the Irish submit to almost the same indignities as the Hottentots do. Irish stuffing and

* Right Hon. Philip Tisdall, P.C., Attorney-General. He represented the University of Dublin in Parliament from 1739 until shortly before his death in 1777. For Tisdall's character, see Hardy's *Life of Charlemont*, (i., 152-6). On Tisdall's death Scott became Attorney-General.—*Grattan's Life* (ii., 144).

† “Musicians are generally fools,” said Lord Clonmell. From the above he would seem to have known something of the art himself.

guzzling lower and injure the Irish exceedingly. Drunkenness gives such advantages to sober observers and watchful English and Scotch swindlers and adventurers, that the Irish are actually imposed upon and duped, and the poor are undone by a constant excess in drinking spirits, as bad as the Hottentots. A man in station, in Ireland, is really like a traveller in Africa, in a forest amongst Hottentots and wild beasts; but a cautious man may subdue them and defend himself; but he must be eternally on the watch and on his guard against his next neighbours, men and beasts, at every step he takes, at everything he does, at every word he utters.

“IRISH GOVERNMENT resembles extremely the state of the Hottentots in Africa. The common Irish, divided, oppressed, pillaged, and abused as they are, are the Hottentots; the English Administration are the Dutch planters; the followers of Lord Lieutenants are the bushmen or spies, and swindlers; and their wild beasts—viz., lions, tigers, &c.—are the Irish satraps. The man who would live in this country, especially in public station, should, like Mons. Vaillant, the traveller, guard himself hourly against serpents, tigers, hyenas, elephants, jackals, monkeys in human form, and against the planters and bushmen besides.

“*How to scrutinize the physiognomy for your purpose; differently formed Features indicative of Different Gifts.*—A side view of the face, as you stand a little behind the person you look at, is the best view, next to looking into the pupil of the eye, to discover persons; talents appear as often in the shape or point of the nose as in any other feature; a long nose, very sharp at the end, marks superiority, whether it turns up or down; viz., Edmund Burke, Gerald Hamilton, William Pitt, all turn up; the aquilines are generally more sagacious. The sensible or foolish feature in every face, like the active muscle, is very various

sometimes; the seat or throne of reason, or memory, or passion, is in the forehead, sometimes in the brow, now more frequently in the eye, again in the nose; the mouth has it often; it is sometimes in the jaw and chin; the large broad Indian chin, as Grattan's, and Stewart's, the painter, is always indicative of genius.

“*Bishops generally Humbugs and Hypocrites.*—*Bishop*, as such, is an artificial character, composed of very bad materials indeed—hypocrisy, insolence, avarice, and cruelty; an ecclesiastical despot is the most absolute of all tyrants. You should never risk any familiarity with a bishop, especially in company; they are all proud, and jealous of their superiority and power, and of their *sacred* functions, and look for as much respect as a kept mistress; take no liberties with them, nor indeed with any person, except *tête-à-tête*, where you will find all persons, and of both sexes, nearly the same in point of affability and easy approach; but your public deportment should ever be respectful and guarded, dignified and grave.

“Musicians are *generally* fools in mind and conduct.

“*Ecclesiastics.*—I have known very few who were not imposters, &c.

“Oliver Cromwell is the character best worth your imitation.”

The following shows that the great seal was an object of ambition with Lord Clonmell; and this throws some light on the hatred which subsisted between him and Fitzgibbon, afterwards Lord Chancellor Clare.

“A race for the seals can be won but by superlative enthusiasm, watchfulness, temperance, diligence, and acting.

X “June 23rd, 1784.—Five years married this day—forty-five years old. Five years reading, at twelve hours a day, would establish my reputation on the Bench, and make the rest of my life easy. Cromwell would have done it, and did a thousand times more.

“20th Jan., 1785, the first day of annual sessions in Ireland. To imitate Cromwell, you should see what is useful and hurtful in every body and in everything, lay hold of one, avoid the other, and never complain, censure, or find fault but to answer a purpose; men and things are what God made them, and finding fault only shows ignorance and weakness.

“In political life take every possible advantage of persons in actual power.

“A perpetual state of rivalry with all the judges, especially with those of my own court, must be my constant object.

“Downes* is crowing over me; he is cunning and vain, and bears me ill. *Diligence is necessary.* Hewitt is dying. † Boyd is drunken, idle, and mad. ‡ Diligence will give me health, fame, and consequence.

* William Downes, a native of Donnybrook, near Dublin, was called to the bar in 1766, and became a puisne judge of Lord Clonmell's in 1792. After the murder of Lord Kilwarden, he was elevated to the Chief Justiceship of the King's Bench; and, like his predecessor, John Scott, also attained the honours of the peerage. He was, for the times, learned and exemplary. Lord Clonmell feared and detested him. Our Chief little dreamt that an inheritor of his peerage should marry the eldest daughter of Ulysses, Lord Downes. Chief Justice Downes was hardly ever known to laugh, and avoided female society. In these characteristics, as in others, he formed a thorough contrast to his predecessor.

† The Hon. Sergeant Hewitt, M.P., son of Lord Chancellor Lifford. A review of the principal characters of the Irish House of Commons, written, in 1789, by Falkland (*i.e.*, G. R. Scott), devotes a sketch to Mr. Hewitt:—“Report says that notwithstanding his youth, he is shortly to be advanced to the judicial Bench.” His scheme for attaining judicial advancement seems to have been partly framed on Lord Clonmell's. Falkland describes “his unbounded practice of adulation; and adulation, if not very cautiously applied, ever excites disgust, and sometimes is not free from the suspicion of ridicule. By this his promotion may be advanced, but assuredly his character is sunk.” Falkland's prediction was realized. Mr. Hewitt became one of the Judges of the King's Bench, but, as Lord Clonmell correctly calculated, he did not long enjoy this dignity, and died the 1st of April, 1794.

‡ Judge Boyd is described by Barrington, in his *Personal Sketches*, as possessing a face like “a scarlet pincushion well studded.” A newspaper, in praising his humanity, said, that when passing sentence of death, “he never failed to have a drop in his eye.”

“ Divide each day into scenes, and *act* each to the pinnacle of your abilities.

“ Wednesday, 25th April, 1787, the first sitting day of Easter Term, St. Mark's Day. Three years this term Chief Justice; twenty-two years this term called to the bar. Lord Chief Justice Patterson, my sincere friend, dead; his intended successor, Carleton, a worthless wretch, though I was his maker;* Lord Chancellor Lifford,† a declining, insincere trickster;‡ Lord Pery and the Provost,§ old, watchful, adverse jobbers; no confidence to be placed in Lords Hillsborough, Shannon, or Tyrone, nor indeed in any other public character; Bennet|| likely to ascend the King's Bench; adverse to me; Henn, his kinsman, and at best a fool; Bradstreet,¶ able, double, and dying. Thus I stand a public character *alone*, but at the head of the law courts, Assistant Speaker of the Lords, and in receipt of £15,000 per annum!”

Lord Clonmell had no need to fear the rivalry of at least Henn. Barrington, in his *Personal Sketches*, describes him as an excellent private character, but dreadfully puzzled on circuit about 1789, by two pertinacious young barristers (arguing a civil bill) repeatedly haranguing the court, and each most positively laying down the “law of the case” in *direct* opposition to his adversary's statement. Thereupon

* The direct reverse is the fact. See our notice of Lord Carleton, Chapter X.

† For a notice of Lord Chancellor Lifford, see Chapter VI.

‡ Lord Chief Justice Clonmell would never have been heard of had it not been for Lord Lifford, to whom he owed his uprising! See Hardy's *Life of Charlemont*, V. i., p. 263.

§ The Right Hon. J. Hely Hutchinson, founder of the Donoughmore peerage, Provost of Trinity College, Dublin, of whose ambitious disposition Lord Townshend remarked, “that if he were given the whole kingdoms of England and Ireland, he would beg the Isle of Man for a cabbage garden.”

|| In the following year John Bennett became fourth Justice of the Queen's Bench. He had been called to the bar in 1758.

¶ Sir Samuel Bradstreet, his Puisne Judge. He died in 1791.

the Judge listened with great attention, until both were tired of stating the law and contradicting each other, when they unanimously requested his Lordship to *decide* the point.

“How, gentlemen,” said Judge Henn, “*can* I settle it between you? You, sir, positively say the law is *one way*, and *you* (turning to the opposite party) as unequivocally affirm that it is the other way. I wish to heaven, Billy Harrison (to his registrar, who sat underneath), I knew what the law *really* was!”

“My Lord,” replied Billy Harrison,* most sententially (rising at the same moment, and casting a despairing glance towards the bench), “if I knew what the law was, I protest I would tell your Lordship with a great deal of pleasure!”

“Then we’ll *save the point*, Harrison!” exclaimed the Judge. “What point, my Lord?” said Billy.

Boyd, another Judge of the King’s Bench named by Lord Clonmell, was not likely either to become a very formidable competitor in that Race for the Seals, which was an avowed object of ambition with the Chief. The late Daniel O’Connell remembered Boyd, and in a conversation with Mr. O’Neill Daunt, described him as so fond of brandy that he always kept a supply of it in court, upon the desk before him, in an ink-stand of peculiar make. His Lordship used to lean his arm upon the desk, bob down his head, and steal a hurried sip from time to time through a quill that lay among the pens, which manœuvre, he flattered himself, escaped observation.

“One day it was sought by counsel to convict a witness of having been intoxicated at the period to which his evidence referred. Mr. Harry Deane Grady laboured hard upon the other hand to show that the

* The accuracy of Barrington’s memory is somewhat confirmed by the following entry from Wilson’s *Dublin Directory* for 1789:—
“Harrison (William), clerk to Justice Henn, S. Anne-street.”

man had been sober. ‘Come now, my good man,’ said Judge Boyd—‘it is a very important consideration; tell the court truly, were you drunk or sober upon that occasion?’

“‘Oh, quite sober, my lord,’ broke in Grady, with a significant look at the ink-stand—‘as sober as a judge.’”

Boyd, however, was a better lawyer than old Henn, and in “A Review of the Irish House of Commons,” printed in 1789, we learn, at page 48, that in debating he “displays, with subtilty and acuteness, no small portion of legal sophistry, and some powers of legal reasoning; but,” it is added, “the arrangement of his arguments is very censurable; it is embarrassed and perplexed, devoid of method, and destitute of regularity, from whence an apparent confusion arises.” ‘As the determined friend of the Attorney-General,’ adds the criticism, with accurate perception and foresight, “and through his interest aspiring to a Judge’s seat, he uniformly votes with the minister of the day.”

It should not be inferred that the Judges who evinced a passion for alcohol were all Irishmen. Baron Moncton, of the English bar, who was promoted to Ireland, indulged deeply, and as Barrington records, usually described the segment of a circle in making his way to the Bench. Lord Campbell describes a Chief Justice opposing the Pretender, but when drunk, as he nightly was, drinking to his prosperity. Lord Chief Justice Jeffreys was addicted to gross intemperance, as was also Chief Justice Scroggs; and the crimes of both outweigh all the accumulated peccadillos of the Irish Bench.

This chapter began with some points of similitude between John Scott, Lord Clonmell, and John Scott, Lord Eldon. Let it end with another. Lord Clonmell, as we have seen, could drink his share; the biographers of Lord Eldon record that he usually drank two bottles of port, three when his brother dined with him, and often four.

CHAPTER II.

Anecdotes of Chief Justice Patterson and Baron Dawson—Rivals cross Lord Clonmell's path and rudely jostle him—Feels himself tottering—His Diary continued—The Rebellion of 1798.

OF Chief Justice Patterson,* alluded to by Lord Clonmell as his "dear friend," there are few facts preserved, unless in tradition. Our friend and connexion, Edward Lewis, Esq., J.P., County Westmeath, has furnished us with some anecdotes of this judge, derived from his late father, who was an eminent attorney, in the last century, and later. Patterson, like Lord Clonmell, disliked judicial labour, and with the object of abridging it, resorted to tricks, which, now-a-days, would be regarded as almost incredible. Baron Dawson, noted for his bacchanalian powers, and for his fine song of "Bumper Squire Jones," in going circuit with his Chief, during one specially hot season, employed the following expedient in order to reduce the business, and to gain their liberty. Patterson asked to see the list of cases to be tried, and found to his dismay that it was a very voluminous one. "Mr. Registrar," observed the Chief, "call out those cases beginning at the end." "Eh?" my Lord, replied that functionary, with a look of astonishment. "Begin at the end, sir," repeated the Chief, with a voice of thunder. "O'Regan against Riardon," shouted the Registrar; "O'Regan against Riardon," echoed the Crier, and so on until they had called over four cases on the list. "No appearance," said the Chief; "Cross

* The *Dublin Directory* of the day records, "Right Hon. Marcus Patterson, Chief Justice, Common Pleas, called to the Bar, H. 1742; residence, Dawson-street;" died, 1787.

out those cases, Mr. Registrar;" that officer bowed, and proceeded to call seven or eight others, which, according to the calculation of the parties interested, could not possibly have come on for hearing before a fortnight. "No appearance yet," said the Chief; and another batch were obliterated from the Record.

At last the Registrar reached the first case on the list, when a response was made by the attorney in the cause. The matter having been heard, Chief Justice Patterson graciously thanked the jury for their attendance, and turning to his ermined colleague, as he pointed to the long list of cases which had been so summarily disposed of, said, "Well Brother Dawson, I think we have got through a *vast* deal of business."*

Baron Dawson was one of the judges who presided in Dublin at the memorable Annesley trial, which is believed to have furnished the ground work of *Guy Mannering*. He is remembered rather for his wit than for his law.

The House of Lords having committed to prison a man named Boissiere, who incautiously printed, without permission, a list of the Irish peerage, including that of the ennobled John Scott, Arthur Dawson, Baron of the Exchequer, thus epigrammatically noticed the circumstance:—

"The Lords have to prison sent La Bois-si-ere
For printing the rank and the name of each Peer;
And there he must stay till he's not worth a souse,
For to tell *who the Peers* are, 'reflects on the House.'"

But Dawson's poetical masterpiece is his great song of "Bumper Squire Jones."† The following

* Chief Justice Patterson fought several duels, and was almost as fatal in his sword-passes as Chateau Reynard in the *Corsican Brothers*.

† It occupies eight stanzas, and may be found in Barry's *Songs and Ballads of Ireland*. Pp. 55-60.

verse would seem to show that the lawyers of his time preferred brandy to Blackstone:—

“Ye lawyers so just,
 Be the cause what it will, who so learnedly plead,
 How worthy of trust ;
 You know black from white,
 Yet prefer wrong to right,
 As you chance to be fee'd ;
 Leave musty reports,
 And forsake the King's Courts,
 Where dulness and discord have set up their thrones
 Burn Salkeld and Ventris,
 With all your damn'd entries,
 And away with the claret—a bumper Squire Jones.”

The previous chapter concluded with Lord Clonmell's self-gratulations on his power, accompanied by the complacent reflection that he trod, without a rival, the road of ambition and success. But *sic transit gloria mundi!* He now finds his path crossed, and his own steps stumbling ; and, like *Falstaff*, whom he resembled in person, once he came down on his knees he could not get up again.

“*Good Resolutions—Reform!*—Monday, June 22 [1787]. I was fifty years old yesterday. My health, fame, and fortune turn upon my eating, drinking, and sleeping a great deal less,* upon my rising from four to seven in the morning ; my exercising from two to four hours a day, and never tasting anything after tea but water, or wine and water at night.

“Sunday, September 20, 1789. The first Chancery term at Monkstown † to take a view, as Lord Bacon advises, frequently of one's actual and comparative situation, mine is as follows, shortly:—

“FitzGibbon made chancellor, and Carleton a peer ;

* An old member of the Irish Bar, and ex-judicial personage, informs us that the Chief Justice was helplessly drunk every night, and that a couple of able-bodied lackeys regularly came at twelve o'clock to carry his Lordship to bed. These were the Earl's “supporters” often by day also.

† Temple Hill, Monkstown, was Lord Clonmell's country seat.

these, with the Archbishop of Cashel,* are likely to unite to lessen me in the King's Bench and House of Lords. *Quere*—How to prevent them? Magee, the printer's case, will be brought into Parliament by an opposition to worry the Marquess of Buckingham through my sides.† *Quere*—How best to turn this incident to advantage, in and out of Parliament? From what I have seen of circuit, I wish never to go again. Nothing can keep me up but temperance, exercise, and diligence to law.

“Oct. 19, 1789. I concluded sitting to Stewart.

“In last month I became a viscount; and from want of circumspection in trying a cause against a printer, I have been grossly abused for several months. I have endeavoured to make that abuse useful towards my earldom.”‡

Mr. Charles Phillips, after alluding to the fiat on which Magee had been arrested, says that Lord Clonmell died of chagrin at his mistake; but if so, it was a slow death, for he survived this humiliation eight years. “The bench and the press were directly committed; and in such a case, had a judge tenfold the power he has, he would be comparatively harmless. The subject made a noise—was brought before

* Charles Agar, appointed Archbishop of Cashel, 1779; translated to Dublin, 1801; created Earl of Normanton, 1806; died, 1809.

† In the journals of the day we find this epigram. How Magee became his neighbour at “Fiat Hill,” will be found elsewhere.

“Magee, Earlfort's neighbour! who so fit one?
Magee is the rock *his* Lordship split on.”

And again:

“Rise Magee, superior rise;
And DAILY malice pray despise;
Their fiats all arn't worth a damn,
They prove a villain's wicked SHAM—
Worth like yours must respected be,
Tho' rogues like them escaped SCOTT free.”

‡ The supporters chosen by the noble Earl were two female figures representing Justice, holding in the right hand a sword, and with the left a balance; while the motto was “Fear to transgress.”

Parliament—and was at last, politically at least, set at rest by the defeat of the Chief Justice, and the restriction of the judges in future, in such cases, to an inferior and a definite sum. Discomfited and mortified, Lord Clonmell retreated from the contest; but he retreated like a harpooned leviathan—the barb was in his back, and Magee held the cordage:” and then follows a description of the Olympic Pig Hunts at Dunleary.*

At an early stage of the contest Lord Clonmell’s courage broke down with his health and his carriage springs.† From the first year of his public life he had a morbid dread of the power of enmity. The Roman Catholic Archbishop of Cashel, Dr. Butler, suffered much obloquy and persecution for a conscientious discharge of his duties. In 1780, Mr. Scott, when Attorney-General, was urged to prosecute him; but Scott, as a brother Tipperary man, had a kindly feeling for the old priest, whom he had known in early struggles. and he writes to warn him—“ I have said this much only to put you upon your guard, for you know very well that perseverance in enmity, if not attended to, sooner or later will succeed.”‡

But, to reopen the Diary. In 1789, Lord Clonmell says that unless he adopts the discipline of Pery, “ I am actually disgraced, despised, and undone as a

* See *Curran and his Contemporaries*, p. 37. The number of pamphlets which appeared in protest against Lord Clonmell’s arbitrary conduct in reference to the fiats issued against Magee, at the suit of the Sham Squire and others, would fill no small part of a law library. They led to the enactment of a law, framed for the express purpose of reining in the Chief’s judicial irregularities. On May 5, 1791, he writes, that “ that day is remarkable as the conclusion of Lord Westmoreland’s detested Administration, and the passing of twenty-five laws, one of which, I should never forget, as made directly against me.”

† “ My size is so much increased,” he writes in his diary, “ that I have broken two carriage springs.” Banting did not come before he was needed. In another part the Chief writes:—“ Fat is certainly a disease which blunts and dulls the mental faculties, as much as it loads and retards the body.”

‡ *O’Renehan’s Irish Church History*, p. 338, Vol. i.

public man. Let me begin to be diligent to-day. No other learning but law and parliamentary reading can be useful to me; let these be my study.

“Let me, therefore, from this moment adopt a war discipline, and resolve *seriously* to set about learning my profession, and *acting* my part *superlatively* throughout.”

And among his good resolutions were:—“To establish a complete reform from snuff, sleep, swearing, sloth, gross eating, malt liquor, and indolence.”

“Lord Pery seems to me the best model of worldly wisdom now extant. He is never off his guard,” &c.

The loss of a front tooth adds another argument to the many with which Lord Clonmell often vainly plied his irresolute mind, in the hope of suppressing that indomitably broad grin from ear to ear, which was a specialty with him.

“14th Sept., 1790.—I have had a picture painted by Stewart, and lost a fourth front tooth—it is time I should learn to keep my mouth shut, and learn gravity and discretion of speech, which I hitherto never yet practised; temperance and eyes ever watchful, would be of use.”

The phrase “laughed out of Court” was too often literally illustrated during the judicial presidency of Lord Clonmell. He disliked trouble, and the indulgence in question seems to have proved a convenient mode of occasionally getting rid of it.

We probably find in the alcoholic influences to which, as his diary shows, he was constantly subjected, one of the secret springs of that bullying spirit and sparkling humour which had alternately marked Mr. Scott’s conduct in Parliament. Everybody knows that wine nerves a man to unwonted courage, and that

“Wit’s electric flame
Ne’er so swiftly passes,
As when thro’ the frame
It shoots from brimming glasses.”

But while the elixir of Bacchus helped to raise him

in his parliamentary struggles, it prostrated him as Chief Justice, by unduly stimulating him beyond the gravity of his sphere.

Lord Clonmell's absence of gravity often extended to the auditory, and sometimes intrepidly, at the expense of the Lord Chief Justice. It was not always sunshine in the King's Bench. Black clouds often passed acrossed the Chief's brow, attended by lightening flashes of his wicked eye, and thundering threats from that terrible throat. Black as Rhadamanthus he would survey the many men who thronged the Court at his feet, and sometimes even threaten to deprive King's counsel of their gowns; while the unwashed denizens of the galleries trembled, lest in some ungovernable paroxysm of judicial caprice, the Chief should sentence them by wholesale to transportation beyond the seas!

Mr. O'Regan, in his memoir of Curran, tells us that on one of the noble Lord's morose days, he "was so pressed both by the argument, the eloquence, and the wit of Mr. Curran, that he lost temper, and called on the sheriffs to be ready to take any one into arrest who would be found so contemptuously presuming to fly in the face of the Court. Mr. Curran, perceiving the twittering of a swallow actively in pursuit of flies (for, like as in Nero's court, so, in the presence of this emperor, scarcely a fly was to be found), in his turn called on the sheriffs to take that swallow into arrest, for it was guilty of contempt, as it had contemptuously presumed *to fly in the face of the Court.*"* The ridicule of this, and the peals of laughter which ensued, closed the scene."

Lord Clonmell's friend, Judge Robinson, had already tried to crush Curran, but without effect. The Chief Justice, who was a still greater master of

* "Flying in the face of God" is a common phrase in the sphere from whence Lord Clonmell originally winged his way. He felt on the bench, when excited, that a "divinity hedged him."—W. J. E.

browbeating, now took the difficulty in hand, and armed with the political asperities which had paved his way to the Bench, tried to put down the progressive young liberal.

Mr. O'Regan writes :—" He, however, withstood all the violence of those attempts; and in a conflict somewhat resembling that of Rhoderic Dhu and Fitz-James, the encounter was upheld with all that passion could supply, or courage hope to extinguish. Mr. Curran looked, and lighted up all the fire of his mighty eye, surveyed his adversary with the most intense and indignant scowl, such as would have pierced through all impediments; while the red and inflamed countenance of the judge, with the menace and attitude of an overwhelming passion, kindled into a burning blaze. With a firm, calm, and measured tone, Mr. Curran addressed him, and whilst he did so, he seemed armed with the bolt of heaven, ready to hurl destruction on his victim. After some prelude he concluded his address in these words: ' Does your Lordship think I am that silly dog, to bay *that moon* which I am not able to extinguish?' " *

It was, doubtless, under the influence of such rebuffs as these, that Lord Clonmell, in his private diary, endeavours to fortify his resolutions of equanimity, by urging himself to imagine that his assailant lies at his feet in the attitude of supplicating mercy.

Lord Clare.—" Thursday, 4th Nov., 1790.—King William's birth-day. Saturday is the first sitting of term. This day Lord Fitzgibbon exhibited the most superb carriage that ever appeared in Ireland; † he seems to have got the summit of his vanity, chancellor, minister, and mummer."

" Better to Live in Hope than Die in Despair.—

* *Memoirs of the Legal and Political Life of the Right Hon. J. P. Curran*, by Wm. O'Regan, p. 58. London, 1817.

† See Sleator's *Dublin Chronicle* of the day for an elaborate description of it. It is now preserved in the Museum at Kensington.

By neglect of yourself you are now an helpless, ignorant, unpopular, accused individual; forsaken by Government; persecuted by Parliament; hated by the Bar; unaided by the Bench; betrayed and deserted by your oldest friends; reform, and all will be well. Guard against treachery in others, and passions in yourself.

“ 14th.—After sacrament.

“ *Civility Best Mode of Getting Through Life*—
16th July, 1793.—Died Lord Mountgarrett, as wicked a malignant selfish monster as I ever knew;* a victim to his brutal appetites and thirst for blood; a lesson to vice, and a caution to be civil to all, obliging to many, to serve few, and offend none, as the safest, wisest, pleasantest mode of going through life.”

Lord Clonmell's efforts to make as few enemies as possible are noticed in “ *Both Sides of the Gutter*,” a collection of contemporary squibs. His face, we may remark, presented the appearance of having been electrotyped with copper. The following refers to his parliamentary career:—

“ Jack Copper, so bashful, so modest, and coy,
Now expresses his grief, now expresses his joy;
Tho' he votes with us still, and is zealous and hearty,
By compliments strives to keep fair with each party;
Like a bowl on he wabbles, pushed on by the bias,
Of further preferment for brother Mathias.”†

“ *King's Bench*, after great deliberation, seems to me

* Lord Mountgarrett, born July 27, 1745, was the son of Charlotte, niece of Sir J. Bradstreet, Justice of the Court of King's Bench. Lord Clonmell, in his Diary, speaks of his “ two puisne judges having combined against him.” We may perhaps trace to this circumstance some share of the hatred with which he pursues the memory of Edmund, eleventh Lord Mountgarrett. See letter of Sir John Bradstreet to the author, in our Portfolio.

† A ludicrous story about Mathias Scott, appears in the *Personal Sketches* of Sir Jonah Barrington, Vol. i., p. 404. He did not long survive his brother, whose executor he was. “ Died, in his house in Harcourt-street, Mathias Scott, Esq., brother to the late Earl of Clonmell.”—*Dub. Mag.*, Jan., 1799, p. 64.

to be the best and only anchor to hold everything valuable in public and private life by. It keeps me in connexion with the Government and power of both countries; it connects me with the first society in this; it preserves my person from insult, my property from attack; it secures civility from the highest and respect from the lowest; it makes many friends or keeps down enemies; it tends to preserve discipline, regimen, and health, and leads to fame, and perhaps to many domestic comforts; for, to be respected, one must be looked up to even by wife and children. Chief Justice may be made everything; earl is actually nothing in society. Then make its duties the first object of every day—of every hour. Let all things give way to it, and be ancillary to it. The court duties and attendance, without circuit, are but three months in the year. Undertake it with spirit, vigour, and resolution; grapple to it; prove fond of it; be vain of it, determining to live and die Chief Justice.—*Deo favente!*

“If I live for ten years, and continue in the King’s Bench, I may become very considerable in property and public esteem by an uniform rigid discipline and prudent exertion. I must become a man of superlative diligence, of abstemious temperance,* a more dignified and guarded actor, of avaricious economy in my *time*, of perpetual application to the law, to the business of the King’s Bench, and to Parliament.

“Sunday, Dec. 20, 1789.—I am now in the fifty-first year of my age, and twenty-fifth at the bar, and in the sixth year of my Chief Justiceship.

“Under the deepest impression of many conferences held with myself, during this vacation, of many painful incidents in the last term in my own court, of several acts of treachery by the puisne judges

* But poor Lord Clonmell lacked the iron resolution of Chief Justice Pemberton, who, as his biographer, Lord Campbell, tells us, at last succeeded in reforming his intemperate habits.

thereof, of many a hostile stroke from Fitzgibbon, Chancellor, and the Speaker, Lords Justices of every apprehension from the adverse administration under Lord Westmoreland, Hobart,* Secretary, the Chancellor, Minister, and Cooke, † confidential subaltern and my enemy——

“Under an absolute conviction that nothing can save my life, preserve my health, or secure any reputation or respect worth seeking, but an uniform inflexible system of temperance, diligence, and exertion in my office of Chief Justice and Assistant Speaker; habits will make my pursuits and my objects easy, pleasant, and indispensable.

“The Chancellor ‡ goes this night to England, perhaps fated never to return. His course has been so rapid, his conduct so unjust, his manners so insolent, his domestic economy so abandoned, he has given offence to so many, his visit to London so exposed to attacks.

“To be a great public or private character I must for ever act the part at every instant of my life; be Chief Justice at every moment in thought, word, deed, and manner. Hold all persons at proper distance; be intimate with none, abuse or censure none.”

Lord Clonmell, while confessing his ignorance, also admits that he was obliged to “act the part of Chief Justice.” He performed his part better than he himself supposed. His nerves were shattered by the reaction of convivial indulgence; and the dyspepsia under which he suffered conjured up the dreadful mental torments of self-distrust. His charges to juries read remarkably well, especially the voluminous one in Rowan’s case, which, as we well know, he had no opportunity of revising. His charges and rulings, with one or two exceptions, seem quite up to the average, and prove the finished ability of his “acting.”

* Major Hobart, Chief Secretary, afterwards Lord Buckinghamshire.

† The Under Secretary.

‡ Lord Fitzgibbon, afterwards Earl of Clare.

His one or two mistakes are easily indicated. They were, firstly, the fiats; secondly, the opinion that one witness was sufficient in cases of high treason. But the general excellence of his *acting* is confirmed by the traditions which still pervade the Irish Bar. Mr. O'Flanagan, a barrister, writes in the *Dublin Saturday Magazine*:—

“He had great tact. If he had only a slight acquaintance with text books and statutes, he had great skill in mastering the details of a case, grasping the bearings of conflicting evidence, sifting the wheat from the chaff, what was valuable from what was hurtful or useless, and presenting to court or jury the material points. Few could compete with him in fertility of resources to carry a case by a bold stroke, or overthrow an adversary on unexpected grounds. He was always on the alert to cover his weak sides, and was wonderfully prompt to meet the unexpected difficulties constantly presenting themselves at *nisi prius* trials. If he wanted familiarity with the principles of law, he was quite at home in practice, and evinced great adroitness in leading his cases to a triumphant conclusion. He possessed a great deal of oratorical power, great boldness joined to quickness in reply, and affluence in illustration.”

“April 30, 1795.—Recollect the death of that Jackson, at the moment that judgment was about to be pronounced upon him. This should make a new judicial era in your life. As to regimen, diligence, and exercise, to ride and walk as much, to eat and sleep as little as possible; to read law as much, to idle as little as you can, and never to fret at all; to laugh and smile as much, to frown and sulk as little as may be. Never be drunk. Put yourself into no person's power. Live as long and as happy as you can. Turn each moment to the best account, and make the most of each good occasion and the best of every bad one. Look to God and yourself only.”

Lord Clonmell's touching allusions to the death of Jackson, just as he was about to pronounce sentence on him, will be best explained by the graphic description of that incident from the pen of Mr. Curran. The Rev. William Jackson, a clergyman of the Church of England, had visited Ireland, we may premise, on a treasonable mission, but was betrayed by an English attorney named Cockayne, whom Mr. Pitt deputed to accompany Jackson as a pretended accomplice in his design.

During the trial "he beckoned to his counsel to approach him, and making an effort to squeeze him with his damp and nerveless hand, uttered in a whisper, and with a smile of mournful triumph, the dying words of Pierre,—'We have deceived the senate.

"The prisoner's counsel having detected what they conceived to be a legal informality, intended to make a motion in arrest of his judgment; but it would have been irregular to do so until the counsel for the Crown, who had not yet appeared, should first pray the judgment of the court upon him. During the interval, the violence of the prisoner's indisposition momentarily increased, and the Chief Justice, Lord Clonmell, was speaking of remanding him, when the Attorney-General came in, and called upon the court to pronounce judgment upon him. Accordingly, the Reverend William Jackson was set forward, and presented a spectacle equally shocking and affecting. His body was in a state of profuse perspiration. when his hat was removed, a dense steam was seen to ascend from his head and temples; minute and irregular movements of convulsions were passing to and fro upon his countenance; his eyes were nearly closed, and when at intervals they opened, discovered by the glare of death upon them, that the hour of dissolution was at hand. When called on to stand up before the court, he collected the remnant of his force to

hold himself erect; but the attempt was tottering and imperfect: he stood rocking from side to side, with his arms in the attitude of firmness, crossed over his breast, and his countenance strained by a last proud effort into an expression of elaborate composure. In this condition he faced all the anger of the offended law, and the more confounding gazes of the assembled crowd. The Clerk of the Crown now ordered him to hold up his right hand; the dying man disentangled it from the other, and held it up, but it instantly dropped again. Such was his state, when in the solemn simplicity of the language of the law, he was asked, 'What he had now to say why judgment of death and execution thereon, should not be awarded against him, according to law?' Upon this Mr. Curran rose, and addressed some arguments to the court in arrest of judgment. A legal discussion of considerable length ensued. The condition of Mr. Jackson was all this while becoming worse. Mr. Curran proposed that he should be remanded, as he was in a state of body that rendered any communication between him and his counsel impracticable. Lord Clonmell thought it lenity to the prisoner to dispose of the question as speedily as possible. The windows of the court were thrown open to relieve him, and the discussion was renewed; but the fatal group of death-tokens were now collecting fast around him; he was evidently in the final agony. At length, while Mr. Ponsonby, who followed Mr. Curran, was urging further reasons for arresting the judgment, their client *sunk in the dock.*"

The conclusion of the scene is given as follows in the reported trial.

Lord Clonmell—"If the prisoner is in a state of insensibility, it is impossible that I can pronounce the judgment of the court upon him."

Mr. Thomas Kinsley, an apothecary, who was in the jury box, said he would go down to the sufferer.

By order of the court Mr. Kinsley was sworn.

Lord Clonmell—"Can you speak with certainty of the state of the prisoner?"

"I can; I think him verging to eternity."

Lord Clonmell—"Do you think him capable of hearing his judgment?"

Mr. Kinsley—"I do not think he can."

Lord Clonmell—"Then he must be taken away; take care that in sending him away no mischief be done. Let him be remanded until further orders; and I believe it as much for his advantage as for all of yours to adjourn."

The sheriff informed the court that the prisoner was *dead*.

Lord Clonmell—"Let an inquisition, and a respectable one, be held on the body. You should carefully inquire by what means he died."*

The body lay all night in the dock, and the jury next day found that Jackson had taken poison.†

To Lord Clonmell had been early divulged the dark design of the Government to foster the rebellion, in order, when the country was prostrate and exhausted from loss of blood, to carry the Union. The details are given by his nephew, Dean Scott, in the second volume of Grattan's *Memoirs*, p 146. The following entry, dated 1796, shows that the accomplishment of the Legislative Union formed, thus early, part of the Ministerial scheme.

"Saturday, 23rd April, 1796, St. George's day.—Lord Camden, with a vast concourse of people, nobility, gentry, and rabble, attended at Ring's-end, with music and cannon, and a public breakfast, given by the governors of the Grand Canal at the opening of the new docks, and sailing into them of a vast number

* *Life of J. P. Curran*, by his Son, Vol. i., pp. 327-331.

† Mr. Gilbert remarks that when Lord Clonmell was about to withdraw from the court to his chamber, the sheriff inquired how Jackson's body was to be disposed of, and his Lordship is said to have replied, "Act, sir, as is usual in such cases!"

of ships and small boats. The Judges and Bar left the courts to attend so new and splendid a sight.* But what will come of all this expected commerce in Dublin if a Union is to take place?

R. C. Bishops at the Castle.—Wednesday 10th April, Lord Camden laid the foundation stone of the Popish seminary at Maynooth; I attended him with the Chancellor and the two other chief judges, and we dined at the Castle with several Popish bishops, and other trustees. N.B.—A very new scene in this kingdom, and important in its consequences.”

As introductory to the next entry, we may remark that Lord Moira had, on November 22nd; 1797, delivered a memorable protest in the British House of Lords, against the system of maddening torture which was goading the country into rebellion. Thirty houses were often burnt down in one night, men were made to stand barefooted on a pointed stake; they were half hanged, and often threatened with a repetition of the cruelty; every man was at the mercy of a soldier's caprice.

“Feb. 13, 1798.—The arrival of Lord Moira in this country to throw it into confusion, as apprehended, by encouraging the malecontent Papists and Presbyterians. N.B.—*I think my best game is to play the invalid, and be silent*; the Government hate me, and are driving things to extremities; the country is disaffected and savage; the Parliament corrupt and despised. Be discreet and silent.

✓ *Government.*—Every servant of Government, civil or military, who wishes to be safe, should guard himself against doing too much. Zeal is often as dangerous as backwardness, and Government will give you up. Every man in public has as much to fear from the jealousy and treachery of Administration as from the enemy's sword; that is the reason that wars continue

* A fine oil painting of this incident is now in the possession of our friend T. M. Ray, Esq., Assistant Registrar of Deeds, Dublin.

so long; generals and admirals are afraid of their employers—and very justly—and they are content if they just obey orders, and are afraid of doing too much. But where the commander is a despot, and strikes terror into the hearts of his officers, a superior degree of fear acts like zeal and operates like enthusiasm.

“I think my support of Government should be more in profession than in act; my duty in the King’s Bench to do strict justice, but make no enemy and as many friends as I can; to guard myself against every possible attack from open hostility and secret treachery on all sides and from all quarters, foreign and domestic, professional and private; to risk nothing and keep what I have.

“*The Arrests at Bond’s—A Studied Slight.*—Monday, March 12, 1798. This day near twenty of the United Irishmen have been arrested, and their papers seized and brought to the Castle.

“The Chancellor was hissed going to court, and pulled out his pocket pistols in the street; it should seem as if he would have it thought that his life was in danger, and perhaps it is so; and that his love for power, and his vanity, and unpopular manner was making it so. I see to a demonstration that I am not in the confidence of Administration; the papers seized were examined by the Chancellor, Speaker, Archbishop of Cashell, John Beresford, Sir John Parnell, the Attorney and *Solicitor-General*, and the Lord Lieutenant; *i.e.*, English privy councillors and the Irish Cabinet. Perhaps it is intended as a slight to me, though the other chief judges were also omitted; but I suppose Cooke’s resentment, my not subscribing to the voluntary contribution, and my connexion with Lord Cloncurry,* who is in Opposition,

* Lord Clonmell had married the daughter of Pat. Lawless, of Dublin, and niece of Sir Nicholas Lawless, afterwards first Lord Cloncurry. In *Walker’s Hibernian Magazine* for July, 1779 (p. 43),

may be the cause; upon the best consideration, *my best course* is to affect *indifference and contempt*, with a guarded cheerfulness and dumb silence upon political subjects, a perfect consent that Government, when they deny me their confidence, have not my assistance. Preserve my temper, assume the most popular, open manner, fear nothing but the common danger. Why should I? Actual power is against me. What then? Be civil to all."

The fixed determination to be "civil" to all, recorded by Lord Clonmell in his diary, was not elicited before he had been taught a lesson. "He had," writes a brother Judge, in the Court of King's Bench, "about 1789, used rough language towards Mr. Hackett, a gentleman of the bar, the members of which profession at that time considered themselves as all assailed in the person of a brother barrister." A general meeting was therefore called by the father of the bar; a severe condemnation of his Lordship's conduct voted, with only one dissentient voice; and an unprecedented resolution entered into, that 'until his Lordship publicly apologized, no barrister would either take a brief, appear in the King's Bench, or sign any pleadings for that court'

"This experiment was actually tried; the Judges sat, but no counsel appeared, no cause was prepared, the attorneys all vanished, and their Lordships had the court to themselves. There was no alternative, and next day Lord Clonmell published a very ample apology, by advertisement in the newspapers, and with excellent address made it appear as if written on the evening of the offence, and therefore voluntary"

This chastisement taught the Chief Justice a

we read:—"Died at his house, in Leeson-street, Pat. Lawless, Esq., an eminent banker, and father-in-law to the Right Hon. J. Scott, His Majesty's Attorney-General." And in the same serial for March, 1779, the death of the father of the first Lord Cloncurry is recorded thus.—"In Chancery-lane, at an advanced age, Robert Lawless, Esq., father of Sir Nicholas Lawless, Bart.

salutary lesson; and he seems ever after to have systematically gone out of his way to lavish inexpensive civility around. One of those, who had obviously been flattered by his condescension, was the biographer of Charlemont, Hardy, who in reviewing the Chief Justice's character, praises his "cordial civility of manners" (V. i., p. 271). A study of the lives of eminent men since Lord Clonmell's time, and before it, confirms the wisdom of his remarks on the importance of "civility" as a means of success in life. It is admitted that the late Lord Palmerston, by the cordiality of his manners, held his party so long together; the moment that master spirit died the bond was loosened. The great opponent of Pitt, Charles James Fox, politically the most unpopular man of his day, was everywhere beloved for his gracious manners. It was said of the celebrated Marlborough, that his agreeable manners often converted an enemy into a friend, and it seems to have been generally confessed, that it was more pleasing to be denied a favour by his grace than to receive one from most men. Women make their fortunes by their faces, men by their civility; and popular manners are to men what beauty is to women.

Lord Clonmell evidently felt this, and thus winds up his diary

"This book is now concluded, avail yourself daily and hourly of its manners, observation, and advice; and endeavour to make the residue of life exemplary to others and honourable to yourself; securing respect and esteem in old age, if you cannot have the love and affection of youth."

A good aphorism or two of Lord Clonmell's, not included in that repertory of odd maxims, his Diary, appears in the Personal Sketches of Sir Jonah Barrington

"I recollect one of Lord Clonmell's maxims was, 'whatever must be done in the course of the week.

always do it on *Monday morning* ; and in truth, whoever practises that rule, will find it in no slight degree convenient. I never did.

“ Immediately after I was married, I resided next door to Lord Clonmell, in Harcourt-street. He called on me most kindly, and took me to walk over his fine gardens and lawn ; and was so humorous and entertaining, that his condescension (as I then felt it) quite delighted me ; but I afterwards found out that he made a point of discovering every young man likely to succeed in public life, and took the earliest moment possible of being *so civil* as to ensure a friend, if not a *partisan* ; and no man wanted the latter more than his Lordship.

“ Barrington,” said he to me, “ you are married ? ”

“ No doubt,” said I, laughingly, “ as tight as any person on the face of the earth, my Lord.”

“ All women in the world,” rejoined his Lordship, “ are fond of having their own way.”

“ I am firmly of your opinion, my Lord,” said I.

“ Now,” pursued he, “ the manner in which all wives are spoiled, is by giving them their own way at first ; for whatever you accustom them to at the beginning, they will expect *ever after* ; so, mind me ! I’ll tell you the secret of ruling a wife, if known in time :—never do *any* thing *for peacesake* : if you do, you’ll never have one hour’s tranquillity but by *concession*—mind that ! ”

“ I firmly believe it,” exclaimed I.

“ Well,” said he, “ *practise* it, Barrington ! ”

“ Some time after, I met his Lordship at Lamberton, Queen’s County, the seat of Sir John Tydd.* He related the above story with much humour, and asked me if I had taken his advice.—‘ No,’ said I.”

“ No ! why not ? ” inquired his Lordship.

* Sir J. Tydd was appointed Lord Clonmell’s executor, but refused to act.—See Portfolio, p. 191, *infra*.

“Because,” replied I, “a *philosopher* has an easier life of it than a *soldier*.”

“I had the laugh against him, and the more particularly as his Lordship had married a second wife, Miss Lawless; and I believe no husband in Ireland adhered less to his own maxim than did Lord Clonmell after that union.”

Lord Clonmell survived but a few weeks after the last entry in his Diary. He died as he lived—unreformed. It was lucky that he did not live to witness the Rebellion, as his death occurred on the eve of its outburst—namely, May the 23rd, 1798.

The account of Jackson's trial, given in a previous page, shows that Lord Clonmell, from mental misgivings was ill at ease in trials for high treason. “The tortures of the damned are nothing to being ill prepared in court,” writes the Chief Justice at an early stage of his diary. Our belief is that he literally sank before the onerous business of the troubled term of 1798. The *Press* newspaper of December 21st, 1798, contains the following announcement of approaching labour, and we can well conceive Lord Clonmell's mental misery on being reminded of it:—

“Lord Clonmell continues to invigorate in the cool sea breezes. The approaching labours of the term call for renovation. The trials of eleven persons for high treason will require strength of body and extension of lungs.”

It probably helps to cover a multitude of Lord Clonmell's sins to record that, unlike Lord Clare, he never abused his own country, and was no co-operator in the policy of the bad statesmen who, in the Irish reign of terror, daily goaded the people to madness. Some passages in Grattan's Life throw light on remarks in Lord Clonmell's private diary. His nephew, Dean Scott, told Mr. Grattan “that Lord Clonmell had gone to the Lord Lieutenant and told him, that as they knew of the proceedings of the disaffected, it was

wrong to permit them to go on—that the Government, having it in their power, should crush them at once and prevent the insurrection. He was coldly received, and found that his advice was not relished. That of Lord Clare Mr. Foster, and Bishop Agar had predominated, and, in consequence, he was not summoned to attend the Privy Council on business of State—(his health not being good, was advanced as the excuse). On ordinary affairs, however, he still received a summons.”

Lord Clonmell had given to some of those implicated a timely hint, which, it is not too much to say, saved them their heads.

“As an instance,” continues Mr. Grattan of the knowledge the Government had of the persons engaged in the rebellion, Lord Clonmell mentioned this extraordinary circumstance, that, previous to it, he had been visited by a person in the middle ranks of life, with whom he had been well acquainted. This man told him how much he valued him, and that his life was in danger; that some persons well known to him (the speaker) meant to make him their victim; that, as his health was not good, a colourable pretence afforded itself for his going off to England with his family, and that if he did not he would be assassinated. Lord Clonmell thanked him, told him he valued his own life very much, but that he valued *his* also, and therefore would wish *him* to go off to England instantly; for that he was suspected, and known to Government. The man would not believe it possible. Lord Clonmell *then told him where he had been, with whom, and what he had been doing on such and such particular nights*; that Government knew everything connected with the movements of the conspirators, and that in a short time he would be seized and probably executed. The man was terrified, and went off to England the next day. The night after the Government sent to his house to

apprehend him, but he was gone! To Lord Clonmell he owed his life.

“Any comment on these extraordinary facts would be superfluous. Posterity will pronounce its sentence, and another more awful tribunal—that which awaits man hereafter!”*

Lord Clonmell would also seem, at a superficial glance, to have been, on the Catholic question, in advance of the political teaching of the narrow-minded statesmen among whom his lot was cast. In 1795 he wrote a letter, declaring that the country never would be at peace until the Roman Catholics were emancipated and the restrictive statutes entirely repealed. For this letter he is warmly praised in the *Life of Grattan*. The act, however, is likely to have been a cunning ruse to retrieve his popularity; for we cannot reconcile the Chief Justice's anxiety on the subject with his letter to Mr. Byrne, printed in our “Portfolio,” *infra*, in which he threatens his wife with penalties as a relapsed Papist, under an obsolete statute of Queen Anne. This threat was made to avoid giving Mrs. Byrne the fortune to which she was entitled from her step-father, Lord Clonmell, and we thus see that his elastic conscience suited the requirements of every purpose of the hour.

A large share of Lord Clonmell's knowledge of mankind must have been derived from books, of which he seems to have had an immense stock. In the *Freeman's Journal* of Feb. 3, 1808, the miscellaneous part of his library is announced as selling by auction at the sale room of Mr. Vallance, 6, Eustace-street. “They consist,” says the advertisement, “of upwards of 6,000 volumes in the various branches of literature—among them are many very curious and scarce, particularly of English, Irish, and Scotch history.”

The furniture and appointments of Lord Clonmell's

* *Life of Grattan*, by his Son, p 146, V. ii.

house were in keeping with the general luxuriousness of his life. Our friend Mr. Whittaker and others who attended the auction describe every room as hung in gobelin tapestry.

Lord Clonmell, in one of his "good resolutions," recorded on the 2nd June, 1774, was decidedly wrong. He speaks of contracting his sleep to four hours in the twenty-four. We have seen it stated by modern physiologists that "the brain expends its energies and itself during the hours of wakefulness, and that those are recuperated during sleep; if the recuperation does not equal the expenditure the brain withers into insanity."

We have not quoted one fourth of Lord Clonmell's early resolutions to contract his sleep to four hours in the twenty-four. While Garrick was delighting the world with Shakspeare's ode—

"O balmy sleep, nature's soft nurse, how have I frighted thee,
That thou no more wilt weigh my eyelids down, and steep my
senses in forgetfulness,"

Scott was only studying the best means of baffling it. "A draught of cold water banishes sleep"—he writes among his "maxims."

It would, perhaps, have been better if Lord Clonmell had not, in early life, stinted himself in sleep. Some later entries in his diary, and evidence derived from other sources, show that his once active mental powers eventually sank.

The Autobiography of Hamilton Rowan supplies a dialogue with Lord Clonmell, taken down on the spot, which exhibits him in this light, and furnishes a specimen of the swearing* which the Chief Justice

* Cursing as well as drinking seems to have been the order of the day. George Robert Fitzgerald, in his appeal to the public against what he deemed an iniquitable verdict, writes:—

"Mr. Justice Carleton, before he could well alight from his chaise, on his return to Castlebar, swore an unseemly oath, that he would fine me a thousand pounds, and imprison me at least three years; and that before the trial came on at all."

vainly tries, by moralizing in his diary, to check. His Lordship presided on the trial of Rowan, but no allusion to it appears in the diary. Having seen a report of the trial advertised by Mr. Byrne, the publisher, he accosted that person with oaths, bows, and bluster.

“Your servant, Mr. Byrne.—I perceive you have advertised Mr. Rowan’s trial.”

Byrne.—“The advertisement, my Lord, is Mr. Rowan’s; he has selected me as his publisher, which I think an honour, and I hope it will be profitable.”

Lord C.—“Take care, sir, what you do. I give you this caution; for if there are any reflections on the judges of the land, by the Eternal G—!! I will lay you by the heels.”

Byrne.—“I have many thanks to return to your Lordship for the caution. I have many opportunities of going to Newgate, but I have never been ambitious of that honour, and I hope in this case to stand in the same way. Your Lordship knows I have but one principle in trade, which is, to make money of it; and that, if there were two publications giving different features to the trial, I would publish both. There is a trial published by Mr. M’Kenzie.”

Lord C.—“I did not know that; but say what you may on the subject, if you print or publish what may inflame the mob, it behoves the judges of the land to notice it; and I tell you, by the Eternal, if you publish and misstate my expressions, I will lay you *by the heels*. One of Mr. Rowan’s advocates set out with an inflammatory speech, misstating what I said, and stating what I did not say. I immediately denied it, and appealed to the court and *the gentlemen in it*, and they all contradicted him, as well as myself. Those speeches were made for the mob, to mislead and inflame them, which I feel it my duty to curb. If the publication is intended to abuse me, I don’t value it. I have been so long in the habit of receiving

abuse, that it will avail little. But *I caution you how you publish it; for if I find anything reflecting on, or misstating me, I will take care of you.*"

Byrne—"I should hope Mr. Rowan has too much honour to have anything misstated or inserted in his trial that would involve his publisher."

Lord C—"What! is Mr. Rowan preparing his own trial?"

Byrne—"He is, my Lord."

Lord C—"Oho, oho! that is a different thing. That gentleman would not have been better used by me, standing in the situation that he did, had he been one of the princes of the blood."

Byrne—"My Lord, Mr. Rowan being his own printer, I stand only as his publisher: you know he will publish his own trial."

Lord C.—"Even as his publisher, *I will take care of you*, and I have no objection to this being known."

Byrne—"I return your Lordship many thanks."

These threats told. At page 83 of Byrne's report of Rowan's trial we find, affixed to part of Lord Clonmell's charge, the following note:—"The editor is here under a necessity of introducing a hiatus, the printer having refused to print this part according to the notes furnished to him by the editor."

To explain Lord Clonmell's morbid dread of the publication of Rowan's trial, we may remark, on the authority of Mr. O'Regan, that "It was in the defence of Hamilton Rowan, the tremendous fire of Curran's artillery was brought to play upon Chief Justice Clonmell. The powers of invective found in that speech have been seldom surpassed, seldom rivalled. At its delivery, *even the bravest held his breath.*"*

Curran's memorable peroration on "the irresistible genius of universal emancipation" occurred in this speech.

* *Memoirs of the Legal and Political Life of J. P. Curran*, by Wm. O'Regan, p. 57. London, 1817.

Sir Jonah Barrington condemns the bullying in which the Chief Justice sometimes indulged; but this criticism only affords a new illustration of the fable which describes the Kettle calling the Pot Black. Barrington was also a judge, and feeling himself stung by an allusion in *Cox's Irish Magazine*, called at his shop, and denounced him in such terms that a crowd collected round his door. Cox addressed a public letter to the judge, in which he said:—"You boasted you had two rascally printers in gaol; would have another whipped at a cart's tail, and have me dragged by the neck. Your farewell address on leaving my house was, 'if Cox lets me alone, I will let him alone.'"* Strange days those when judges descended so low.

The existing anecdotes of Lord Clonmell's demeanour upon the bench are few.

Half a century ago large fees were not unfrequently charged for taking affidavits in Ireland. A letter protesting against the grievance, signed "An Old Tipstaff," and published in *Carrick's Morning Post*, in October, 1819, records the following amusing anecdote of Lord Clonmell, which, perhaps, claims preservation:

"Lord Clonmell, who never thought of requiring more for an affidavit, used to be well satisfied with a shilling, provided it was a good one. In his time Warwickshire shillings were current, and he used the following precautions to avoid being imposed upon by taking a bad one:—

"You shall true answer make to such questions as shall be demanded of you touching this affidavit, so help you God!!

"Is this a good shilling? are the contents of this affidavit true? Is this your name and handwriting?"

We only hope that the Chief Justice's own declarations and conduct contained as much truth. Indeed no one could be less scrupulous, of which

* See *Irish Magazine* for 1810, pp. 257, *et seq.*

the case *Byrne v. Lord Clonmell*, and other suits, furnish abundant proof.*

Irishmen will be glad to find that Lord Chief Justice Clonmell was only by the accident of birth one of themselves. The first of his family who came to Ireland was his grandfather, Thomas Scott, an English soldier and follower of the fortunes of William III. It therefore did not follow, as his connexion, Montague Mathew, would say, that if a "man is born in a stable he should be called a horse."

Lord Clonmell, as we have seen, died rather prematurely. He belonged to a family noted for longevity. Their moss-grown tomb, which may be found in the church-yard of Lismolin, near Mullinahone, records that Thomas Scott, late of Mohubber, the father of a numerous progeny, died May 12, 1761, aged ninety nine years.

* *Vile Portfolio*, appended to this volume.

CHAPTER III.

Curious Extracts from Contemporary Prints—Gambling Houses—Gossip of a Nonogenarian—Dying Disclosures—More about the Sham Squire—Reminiscences of him by his former Apprentice—Lord Edward—The Editor of the *Press* in '98 a Recipient of Secret Service Money—"Hell"—Astley's Circus in Peterstreet—Disaffection in the Army—A Narrow Escape—Major Sirr—Arthur and Roger O'Connor—The second of our "Two Old Men's Tales"—Statement of an Octogenarian Sexton—Recollections of Buck Whalley and his Times—Daly's Club—Women Burnt Alive in Stephen's-green—Another Boiled.

A CURIOUS old publication, entitled *Sketches of Irish Political Characters*, appeared anonymously in 1799.

An inquiry from the present writer, in *Notes and Queries*, elicited the fact that the author was Henry MacDougall, a graduate of Trinity College, Dublin. In order to make subsequent allusions more intelligible, we shall here transcribe Mr. MacDougall's outline of the Sham Squire's career, which possesses the additional value of having appeared in the lifetime of Higgins, and was never contradicted by that master of effrontery.

Explanatory Notes of our own are appended.

"The Sham's *debut* in life little promised his ever attaining his present affluence.

"Born of yet more obscure parents, through the successive stations of errand-boy, shoe-black, and waiter in a porter-house, in the progress of a few years he grew into an attorney's clerk.

"In this situation his talents were not confined to the desk. His master's pleasures found an attentive minister in Sham, and Sham found additional profits in his master's pleasures; but our hero was never yet

justly accused of neglecting his own, through zeal for the interests of his friends. When his double employment in the attorney's service had enabled him to throw off the shabbiness of his dress, with his new appearance he took up new views. As became a provident man, he began to look out for himself.

“Money and connexion he saw necessary; but how to acquire them, except with a wife, he could not so readily see; and the plainness, not to say deformity of his person, could only be equalled by the coarseness of his manners: these were disadvantages not easily surmounted; but what will not great application, aided by great dexterity, be able to effect? What other men would have sunk under, only increased his triumph, by the glory of rising superior to such discouraging circumstances.

“Having fixed on the accomplished and lovely daughter of a very respectable citizen of Dublin, he next conceived the idea of making his approaches, through a priest of the most exemplary character; and, what was yet better for the Sham's present scheme, he possessed an unbounded influence over the lady's father: on this occasion he proved the ability of low cunning to dupe the more elevated qualities of capacious understanding, and extensive learning. Enlarged understanding and learning—employed about great objects—generally overlook small matters, which low cunning converts to its own purposes.

“To the priest the Sham Squire repaired. To him in confession he declared himself the only son of Mr. —, * a gentleman possessed of £3,000 a-year, and the nephew of Counsellor —, a member of the Irish Parliament; † whose presumptive heir, as having

* Possibly John Scott, afterwards Lord Clonmell. An insinuation to this effect appears in the *Post* of the day; but it wants confirmation.

† Counsellor Harward, of Stephen's-green. See Hardy's *Life of Charlemont*, and *Memoirs of Malone*.

no children, he also was. The extremity of his sorrow was truly great for being educated in the Protestant religion, and on his knees he requested to be admitted to the holy church of Rome, without whose pale, he said, there was no salvation. The priest received the returning lamb, and poured the healing balm of comfort into the troubled wounds of his tender conscience; the penitent, however, requested the holy father to keep his conversion secret, as the consequence of its transpiring might occasion his being disinherited.

“When this holy intercourse had continued a few weeks, the Sham Squire told his spiritual guide, that such were the ease and satisfaction of his soul, as induced him humbly to hope the Almighty had accepted the sincerity of his repentance. If anything was now wanting to his complete happiness, it was an amiable wife of the true religion. His expectations were, he said, so ample, that could he meet a lady to his liking, the quantum of her fortune would be to him an object of little or no consideration. The daughter of his friend instantly occurred to the priest; for the present, however, he only approved the laudable intention of his penitent, and promised him his aid.*

“In a few days after the priest led his lamb to

* It is stated in the file of the *Dublin Evening Post* for 1789 (No. 1765), that the Rev. John Austin was the priest in question; but there is a tradition in the family of J. Cornelius O'Callaghan, Esq., that Father Shortall—another Jesuit—was the victim of Higgins's imposture. Probably the matchless cunning of the Sham Squire succeeded in outwitting *two* Jesuits. The journal of the day is not likely to have been in error.

Father John Austin, having received ordination as a Jesuit at Champaign, returned to his native City of Dublin in 1750, where he opened a school, in which John O'Keeffe, the dramatist, as we learn from his “Recollections,” and the majority of the Catholic youth of Dublin, received their education. Bunden, who published a tour through Ireland in 1791, tells us that “Austin was a very remarkable character about fourteen years ago, of extraordinary learning and piety: he dedicated all his acquisitions, which were considerable, to the poor—visiting them in cellars and garrets—never a day happy that he did not give food to numbers. The principal Roman

Mr. [Archer],* and, notwithstanding his daughter's evident aversion to him, his pretended prospects and connexions made him the delight of her parents. The lady was over-ruled, and, notwithstanding her every effort, soon compelled to become the wife of the man whom of all others she most loathed.

“The best-laid plans sometimes meet detection. A few days stripped the veil from our hero's deep-formed plot, and Miss [Archer's] friends, much to that lady's satisfaction, found means to effect her separation, and to shut up the Sham in gaol.

“In prison his genius did not forsake him: though far from being a *Macheath* in personal attractions, he yet contrived to find his *Lucy Locket* in the person of the keeper's daughter, whose friends, considering the utility of his kind of talents to their sphere of life, consented to her union with the Sham.†

“Often, through the prosecution of Miss [Archer's] family, was our hero exhibited, drawing a galling length of chain in that court, where he has since strutted in all the proud importance of sheriff—as often was he maintained in his defence against the old by his new father-in-law.

“Mr. Locket's patronage did not stop here His interest procured the Sham admission to be a solicitor.

Catholics, knowing well his disposition, were liberal to him; he kept his door open to all who were in want, and was constantly on foot administering relief to innumerable poor wretches. Besides this he was a great preacher, and injured his health by his exertions in the pulpit. Austin died, in great want, in 1784. For further particulars respecting the life of this eminent priest, see Gilbert's *Dublin*, V. i., p. 313, and Battersby's *Jesuits in Dublin*.”—Pp. 94-102.

* Mr. Archer, an eminent Roman Catholic merchant, residing in Meetinghouse-yard, whose place of business was in Thomas-street. The house in which Higgins paid court to Miss Archer is that antiquated-looking residence now known as No. 15.

† His treatment of “Lucy” was in every way consistent with the brutality of his life. The *Post* of the day describes her as sitting up all night engrossing deeds for him, yet savagely beaten whenever he entered the room.

His practice is too notorious to require particular statement.

“His next step to wealth was in the establishment of a hazard table, which soon attracted a number of sharps, scamps, and flashmen, and they as soon attracted the attention of the Sham—ever on the watch to promote his own interest.

“The sharp was useful to cheat the unwary of their money, and keep it in circulation at his table. The scamp’s plunder on the road visited the corner house, and if taken up by the officers of justice, he seldom failed, for acquaintance-sake, to employ the owner in his capacity of solicitor. The flashman introduced him to the convenient matron, whom he seldom failed to lay under contribution—the price of protecting her in her profession; but as the magistrate might perhaps be troublesome, he perceived a newspaper to be a necessary appendage; nothing frightening an alderman* more than a paragraph, or a pointed anecdote.”

And here Mr. MacDougall describes the trick—elsewhere noticed—by which Higgins acquired the possession of the *Freeman’s Journal*.

The Pandemonium, cautiously indicated as “the Corner House,” extended from the corner of Crane-lane to that of Parliament-street and Essex-street, and occupied the site of the large premises now known as Heywood and Higginbottom’s. This hell, in extent and brilliancy of decoration, equalled some of the best club-houses of that day. For years it had flourished between the sunshine of Shamado’s smile and the umbrageous connivance of the constituted authorities. The vicious seed which it scattered on every side, was productive of the most unwholesome and fatal fruit.

A petition, signed by one hundred inhabitants of Essex-street and its vicinity, described it as “a

* Aldermen James, Rose, and Warren, were the then Commissioners of Police, and all aldermen were *ex-officio* magistrates.

common gambling-house—a notorious rendezvous of midnight plunderers, and a nocturnal receptacle and school of ruin and depravity for the youth of this infested metropolis—and of destruction to honest creditors, through the vices of their unprincipled and abandoned debtors—a terror to its vicinity—an infamous sink of heterogeneous villainy, as destructive to the morals as it is disgraceful to the polity of a city, and the conduct of a magistracy, which boast the chieftainship of Alderman Warren.”

In prose and verse Magee laboured to awaken the authorities from their more than criminal apathy, and put to the blush their infamous connivance. After describing the vestibule and the various saloons of the diabolical college, the Bard powerfully sketches a midnight visit of the dark proprietor, and the chuckling connivance of the specially gay authorities of the unreformed Corporation.

“ Within this house, henceforth, Shamado cry’d,
 In both her arts shall Venus still preside ;
 Whether the ball with wary force to move,
 Or taste the yielding charms of willing love,
 From this time forward to eternity,
 She shall be queen of number fifty-three.
 He said, and onward rush’d th’ impatient crowd,
 And great Shamado thrice they hail’d aloud ;
 When lo ! a wonder ’midst the noisy crew,
 Came bailiffs, aldermen, and sheriffs too :
 But when they came within my powerful reign
 Down dropt the mace, the ermine, and the chain.
 They came in magistrates, and went out men.
 Such was the influence of the magic wand
 That great Shamado wielded in his hand.”*

Ample details, in prose and verse, of the vigorous efforts by which Magee gradually sapped the foundations of this Pandemonium, will be found in a succeeding chapter.

Come we now to other phases in the history of the Sham Squire, which we feel the more pleasure in

* *Dublin Evening Post*, No. 1741

giving, as some of our critics were good enough to express a wish that we should furnish the result of further excavations in the tomb of the Sham Squire, and in the buried city of Old Dublin, where he played his part, and laid his plots.

It will be seen that the "treasure trove" attending this disentanglement appertains not exclusively to the Squire, but includes many other curious things.

Shortly after the publication of the last edition of *The Sham Squire*, we received an intimation from a venerable nonogenarian—the late Mr. Thomas O'Flanagan—that before he died he should be glad to communicate to us many particulars regarding the Sham Squire, of which he had personal knowledge. We obeyed the summons with alacrity. In one of the wards of St. Vincent's Hospital, Stephen's-green, we found an old gentleman—at least one of Nature's gentlemen—upwards of ninety years of age, but with an intellect clear as rock water. Amid the moans of suffering patients, and the pious ejaculations of more, we took down from his lips the following reminiscences, together with others, which, if now given fully, would only be a repetition of facts already stated in *The Sham Squire*. Those now appended are, however, wholly new. We omit details which, although accurate and interesting, might possibly give annoyance to the descendants of some other parties indicated by Mr. O'Flanagan. A few slight digressions—allowable to the garrulity of old age, and specially venial in a gossiping book like ours—are, it will be seen, made.

MR. O'FLANAGAN'S STATEMENT.

"I served my time in the house of, the now celebrated, Mr. Francis Higgins, commonly called the Sham Squire, and entered his employ May the first,

1790. The *Freeman's Journal* had been printed in Audoen's-arch until 1782, when it was removed to Crane-lane; but in 1790 new and commodious premises were erected for it in 16, Trinity-street, and I was the first to sleep in the house. I knew Mr. Higgins well for several years; and, while in his office, learned much of his early history. He began life by sweeping the flags in front of old Newgate, in Corn Market, adjoining the Debtor's Prison known as "The Black Dog;" and here he became acquainted with a sheriff's officer named Tracy, who was kind to him, and it is to the credit of Mr. Higgins that he never forgot his early friend. Some of the attorneys, passing in and out of Newgate, took notice of Higgins as a smart boy, and used frequently send him on errands: one of them took him home to his office, and made him a clerk. When Higgins got lattitats to distribute it was his custom to give them to his friend to serve.

"When Higgins personated a man of rank, and infamously deceived Miss Archer by making her his wife, all Dublin rang with indignation at the outrage. As soon as she herself became aware of the imposture, nothing could equal her loathing of Higgins. She had one child by him; and previously to her death, of a broken heart, she secretly entrusted it to the care of some friend, with a solemn injunction that Higgins should never, if possible, discover it. In after life, when he became a wealthy man, he would have given, as I have heard, £10,000 to find it; but the secret was so well kept, that notwithstanding all his cunning, he never could succeed in tracing the lost child, and all his property passed into the hands of persons not related to him.

"Speaking in a worldly sense, he was the luckiest man I ever knew, and beyond doubt the cleverest. The *Courier* was then the leading newspaper, and although the *Times* was in being, it held a much

inferior rank. He was in the habit daily of searching its columns for advertisements of next of kin to unclaimed property; and I well remember that on one occasion he waited on an eminent solicitor, and made out so plausible a case as claimant for a property of £10,000 which was going a-begging, that the attorney was quite astonished. 'To clenched the matter,' said Higgins, 'allow me to propose that, if within the next seven years any person comes forward and makes out a better title, I pledge my word and hand that every farthing of the money shall be refunded by me.' The solicitor thought this proposal fair, and promised to consider it more fully; when Higgins pushed the point home by introducing to him the Right Hon. John Beresford, Chief Commissioner of Customs, and owner of the bank in Beresford-place, who assured the attorney that in the event of his placing the money in his hands in trust for Higgins, it should be given back if, within seven years, a better title was produced by any other claimant. The attorney yielded to a request so influentially urged; the money was lodged in Beresford's Bank, and no other claimant having appeared within the stipulated period, it fell into Mr. Higgins, who had as much real right to it as to the title deeds with which he had imposed on the Archer family.

"This allusion to the Archers reminds me of a trick he played upon them when paying his addresses to the daughter. He was intimate with the servants of a certain baronet who lived next door to Counsellor Harward's house in Stephen's-green, and in the absence of "the master" and his family in the country, he got up, with the co-operation of the servants, a mock reception, to which he invited Mr. and Mrs. Archer and their daughter. The cue of the servants, for which they were, no doubt, well paid, was to bow to the ground whenever they approached the Sham Squire; the simple guests were

quite overwhelmed with his importance and condescension.*

“Higgins had set his heart upon eventually obtaining legal possession of this house. In 1787 he gave £1,000 fine for it, lived there for several years, entertained the judges and great ‘bucks’ at its board, and at last died, after two years of great suffering, in its state bedroom. He was attended by Dr. Christopher Teeling, whom he had appointed his executor, but Teeling renounced. This chamber of Higgins, from the immense quantity of physic bottles and plasters it contained, was likened, by his visitors, to an apothecary’s shop. He died a lingering and painful death; and at last his palsied hand could not lift a spoon to his own parched mouth.

“When old Tracy, who had been kind to Higgins when he was a homeless, barefooted boy (he was the son of a murdered father) was dying, he sent for the Squire, and conjured him not to lose sight of his daughter Fanny. Higgins gave him his hand, and promised to be her true and steady friend.† She was

* This abominable imposture excited a strong sensation. The *Dublin Evening Post*, Nov., 1789, described Higgins as “a black-guard, dirty bare-legged boy, formerly carrying quarts about Fishamble-street, but who, from the practice of low sharpening and shifting, daringly trafficked upon the sacred rights of matrimony, sported with revealed religion, deceived the Lord’s anointed, and made hypocrisy his ladder to snatch the bud of the virgin rose, and by tasting its sweets placed a canker worm in it to gnaw its vitals, to sap its juice, and destroy its bloom, to the heartrending grief of the parent stock.”

† Mr. O’Flanagan, in common with most of Higgins’s friends, may have been mistaken in part of this impression. The lady was not the daughter of old Tracy, but of a much more distinguished person—who, owing to peculiar circumstances, could not well avow the facts at the time. It was probably part of the Sham Squire’s arrangement with Tracy that he should personate the character of parent. There are no children of the lady living, but some of her descendants may be, and we do not feel at liberty, without knowing their views on the subject, to enter more deeply into the romantic story. To guard against the possibility of the inference, we may remark that the lady was not the daughter of the Sham Squire.

a daily visitor at Mr. Higgins's house; and the public, who had no objection to a bit of scandal, did not hesitate to allege that the Sham Squire was her protector in a dishonourable sense.

“The public were nothing loath to believe this story, for Higgins was a notorious character behind the scenes of Crow-street Theatre, where, owing to the facilities given him by his chum Daly, the lessee, he formed many intrigues with the pirouette dancers and ladies of the ballet.* The imputation, however, as regards Fanny Tracy was a slander. She was a virtuous young woman.†

“Owing to his intimacies in the Green Room with others, Mr. Higgins's paternal protection of Miss Tracy was misunderstood.

“The Squire drew up his will in 1791, and in it he says that, to make atonement to the lady for the calumnies which she suffered on his account, he

* A curious caricature etching of the day, of which the only copy now known to exist is in the possession of Jaspar Joly, Esq., LL.D., represents the figure of the Sham Squire, a little ballet dancer, and Richard Daly, the lessee of the theatre. No name indicates the girl, but no doubt she is the same party ambiguously referred to in the theatrical gossip of the *Evening Post* of May 28th, 1789:—

“Little Andre, the figure-dancer, was affected by the horrid contortions of the Sham—the last glimmer of an expiring snuff, feebly twinkled, the ghastly white balls rolled, as if presumptuously daring to implore mercy, while conscience smote the breast.”

The theatres were then lit with candles, which, as Sir Jonah Barrington reminds us, “were every now and then snuffed by some performer.”

Among the items of fashionable intelligence published in the same journal on August 15th following, we learn:—“That last night the celebrated Francis Higgins, Esq., sailed for England, accompanied by the beauteous Miss Andre and suite, for the purpose of benefiting by the Buxton waters, and avoiding certain unpleasant interrogatories from high authorities next week — to the great regret of the citizens of Dublin, and the great joy of the sister country, which will again be felicitated by his august presence.”

† We insert this passage with great pleasure. It is only a few months since a paragraph was published by another source, calculated at once to revive the above impression and to pain the feelings of the lady's relatives.

appointed her residuary legatee, after some charitable bequests should have been paid. She obtained, in consequence, some very valuable property, including the newspaper.

“Mr. Kelly, or O’Kelly, afterwards a colonel, famous on the turf as owner of the celebrated race-horse ‘Eclipse,’* was bound to Mr. Higgins by the ties of old and warm friendship; and Mr. Higgins said in his will, that if he did not know O’Kelly was as rich as Cræsus he would leave him the entire of his property. I never could well ascertain the precise origin of their friendship, or its influencing motive, but no doubt it sprung up in gambling transactions. O’Kelly was distinguished for his ‘pluck.’ In early life he happened, by accident, to jostle against a military officer on Usher’s-quay. The officer made an effort to kick him, and used some insulting epithets. O’K., who was strong and muscular, seized him by the neck and flung him over the quay wall, where some of the ferry-boats, with which the Liffey was then full, picked him up. Acting, I believe, under the advice of Higgins, he left the country and settled in London; where, after confinement in the Fleet Prison, fortune began to attend him at every step of his new career. Colonel O’Kelly fell into the coterie in which the Prince of Wales, then ‘a fast young man,’ moved.† The prince liked his social and sporting qualities, gave him a commission in the West Middlesex Militia, and ere long he became full colonel, like MacMahon, another Irishman of the same clique—a promotion which the influential recommendation of Mr. Higgins

*The profits realized by this renowned racer were large for the time. The *Post* of March 12, 1789, records that, according to O’Kelly’s calculation, the horse had won £124,000. It died prematurely.

† Hereby hangs a hitherto hidden tale, which will be found in our portfolio under the head of “George, Prince of Wales, and the deed of annuity to Clifney.”

likely helped to hasten. O'Kelly made a fortune of his horse, and his wife was made a countess.* There was a particular intimacy between Mr. Higgins and Mr. H., who died in the year 1826. I remember that while I was attached to the *Freeman's Journal*, there were two government pensions in his name, of which the 'Squire' reaped the benefit. He had great expectations from Mr. Higgins; and when the will was opened, appointing Miss Tracy residuary legatee, Mr. H. threatened to upset it in the Probate Court. Some of the ablest counsel were consulted in chamber on both sides, and after much protracted negotiations, it was at length amicably agreed by the lawyers that the best course for the rival litigants to pursue would be to join their hands at the nuptial altar. This advice was taken, the marriage ceremony was solemnized in September, 1802, and the union proved in every respect happy. One child, baptized by the Rev. Mr. Curran, the nephew of Higgins, was the result; and I am bound to say that no child could be brought up better than was this child by her mother.

"It was old John Magee, of the *Evening Post*, who chiefly got up the caricature likenesses of Mr.

* This refers to Denis O'Kelly, who was the original owner of "Eclipse," which outlived him by two years. His nephew, Colonel Andrew Denis O'Kelly, succeeded to his property, including "Eclipse," and was also a prominent character on the turf; he never married. Mr. Whyte, in his *History of the British Turf* (Vol. ii., p. 19), thus notices Denis O'Kelly:—

"At the period of which we write the higher classes were greatly addicted to gaming, and for sums which would now appear incredible; the amounts also for which they matched their horses, and betted, were proportionally large. O'Kelly plunged at once into the very vortex of this infatuation, and both at the play-tables and on the turf, met with a success which made him at once the envy and wonder of his contemporaries." Those who care to know more of O'Kelly will find several anecdotes of him in Mr. Whyte's work. "Nimrod," C. J. Apperly (in the *Chase and the Turf*, p. 174), writes: "In point of judgment in racing, Mr. O'Kelly was undoubtedly the first man of his day."

Higgins.* Mr. Wright, who engraved one, was heavily punished for it, as well as poor Magee himself; but there were intrepid wits in my young days, and the chastisement with which Mr. Wright was visited for making game of the Squire did not deter other artists from taking queer liberties with his face. Among other strokes of vengeance, the Sham's portrait was depicted on the bottom of some articles of earthenware; and, to annoy Lord Edward Fitzgerald, Buck Whalley got a pottery man to serve him a similar trick.

“The vanity of Mr. Higgins was overweening as he sat at the editorial desk. Without any pretensions to style, though with much to low cunning, he altered every manuscript which came to the office for insertion. If an article reached him from Edmund Burke the Sham would not be satisfied unless he made some changes in it.†

* The Dublin newspapers of November 12, 1789, contain the following advertisement:—

New Print—Belphegor, or the Devil turned Esquire. This day is published, and may be had at all the print shops, a kitcat portrait, being an admirable and striking likeness of a notorious character, entitled, Belphegor, or the Devil turned Esquire; dedicated, by permission, and with profound respect, to the provost, vice-provost, senior, and junior fellows, bachelors and students of Crane-lane College, price 1s. 1d.

† We asked Mr. O'Flanagan if Burke really contributed to the Sham's journal: he replied that he had only mentioned his name hypothetically. Nevertheless, it did not want for able and influential writers. Mr. Secretary Cooke wrote for it, as we are informed by the *Sketches of Irish Political Characters*, p. 179; and another scribe is thus noticed in a journal of the day:—

“S—e B—d, the Usher, once held his black rod,
And could usher their worship with most graceful nod;
In the Lords and the Commons, with duty held range,
But the magic of party has wrought a sad change.
His black rod thrown by, a white goose-quill he handles,
And ushers us nothing but all sorts of scandals!
And, quitting his walk, his range is diurnal,
To libel all worth in the Castle's bribed journal.”

“I remember,” said Mr. Grattan, in his letter to the citizens of

"Brennan, to whom you allude as having been originally on the literary staff of the *Evening Post*, with old John Magee, but who deserted that journal for an opposition paper, was a remarkably able writer, and he was engaged as the first editor of the *Press* by Arthur O'Connor, who did not doubt his rectitude; but Brennan soon showed the cloven foot. Having been arrested for debt, he wrote to the proprietors of the *Press* to say that if they did not discharge those personal liabilities of his, which had placed him in gaol, he would surrender to the Government the manuscripts in his possession. O'Connor, who was an equally resolute man, set him at defiance, and said, that if he wished to degrade himself it was his own affair, and that he would not yield to intimidation, unpleasant as the consequences might be to him. Brennan must have made some terms with the Government, for he immediately regained his liberty, but I believe that, like Newell, he finally quarrelled with them;* and the last I heard of Brennan was that he had had the temerity to challenge Major Sirr."

We here interrupt Mr. O'Flanagan's narrative to remark that it is strange how Arthur O'Connor, who, to the last day of his life, surveyed with supercilious distrust O'Connell, and nearly every Irish patriot who approached him, should have placed such confidence in Brennan as to engage him as chief editor of a paper professing to be the organ of the United Irishmen. His character ought to have been well known in 1797. In the *Dublin Evening Post* of July 30th, 1789, several instances are given of "betrayed confidence" on the part of Brennan. He stole Magee's MSS. when in his employ, and on the trial, *Higgins v.*

Dublin, "when there scarcely appeared a publication in a newspaper of any degree of merit which was not traced to some person of note, on the part of Government or the Opposition."

* We find Brennan's name amongst the recipients of secret service money in 1798.

Magee, proved to his handwriting in the witness-box. Brennan is further described as well known in "Hell." This was a narrow passage, surmounted by a figure of Satan, formerly adjacent to Christ Church and the old Four Courts, and alluded to by Burns, when he says:—

“ 'Tis true as that the deil's in hell or Dublin city.”

Brennan, at all events, impartially exercised treachery, now in the cause of truth and at other times in the cause of Satan. The *Post* of September 22nd, 1789, records that Brennan “formerly set the Crane-lane College, and sold the pass to the officer of police, who seized the tables and the markers last August.” The Crane-lane College, it will be remembered, was Higgins's gambling-house, where Daly killed a marker with a dash of a billiard ball. Hence he is called “the Dasher” in the squibs of the time.

But with our own gossip we are forgetting that a voice, which will soon be hushed, is addressing us. Mr. O'Flanagan proceeds:—

“The major was regularly belauded by the Squire. Major Sirr and Mr. Higgins were well acquainted, and they often conferred together on minor affairs of State. By the way, I was the means of saving the major's life under curious circumstances. I left the employ of Mr. Higgins, and hired as a compositor on the *Press* newspaper, then recently started as an organ of the United Irishmen, by Arthur O'Connor, Lord Edward Fitzgerald, and the other chief leaders. Major Sirr and the Orangemen of Dublin were very hostile to this print, and by some of his officious myrmidons the messengers from the office of the *Press* were waylaid and robbed of their stock of the paper; it became necessary to form a body-guard for their protection; and a printer named Hardy and I, tolerably well armed, went on this mission. Hardy

was a much more determined man than I, and having seen Major Sirr loitering in William-street one night at a very late hour, he had absolutely cocked his pistol, and shaken the priming, preparatory to ridding the country of a despot so deeply abhorred, when I expostulated with him in the most ardent way, and, thank God, he relinquished his sanguinary intention. The same Hardy was a most extraordinary man, and as he, in common with every other patriot at that time, was much annoyed by the party tune of 'Croppies Lie Down,' we decided on putting a stop to it at Astley's equestrian circus, in Peter-street, where it was nightly played, to the great irritation of the popular party and the exultation of the low Orangemen who congregated there to hear it. The moment the band struck up 'Croppies Lie Down' Hardy shouted out, 'Now, boys, do your duty;' and, attended by some followers, jumped into the orchestra and smashed all the instruments. A general panic and flight ensued, accompanied by a few feeble hisses from the Orangemen, who withdrew like geese; and although the Kilkenny militia were on duty in the house, they sympathized so fully with us that they did not interfere.

"The army were much more disaffected in '98 than seems to have been supposed. I was a member of one of the baronial committees, or local directories, that managed the affairs of the Union. One of our number was a serjeant-major of the line, who told us where his regiment would be on duty on a particular night, and co-operate with us. We had not been sitting more than half an hour when a soldier of the same regiment, having given the password, rushed up stairs to us, saying, 'Fly, a sergeant's guard is coming down the street to arrest you all.' We, of course, immediately decamped, and we had not got many perches from the house when the soldiers really did arrive, but found no

better prize than empty chairs. Our heads had a narrow escape on that occasion.

“When the *Press* newspaper was seized, and Arthur O'Connor lodged in Newgate, he sent for me one night, fearing that he should be attainted, to witness the transfer of large landed property to his brother Roger. It was only meant that Roger should hold the property in trust, but I am sorry and ashamed to say he proved a false trustee, and kept it.*

“The Sham Squire and Chief Justice Clonmell were chums in early life, and the judge constantly went out of his way on the Bench to decide unconstitutionally in favour of Higgins and to the prejudice of Magee, of the *Evening Post*, who, with a courage unapproached, denounced the dark doings and the pernicious influence of the Sham, to whom it really seemed the country was bowing down as to Baal. Higgins put Magee in dungeons on successive fiats of Lord Clonmell; but when he regained his liberty, on enormous bail, he resolved in turn to be revenged on the Chief Justice, who lived at Temple Hill, Monkstown, now the seat of Robert Gray, Esq. It was magnificently planted and laid out in costly pleasure grounds. Magee hired the fields adjoining, where he advertised foot-races, ball-kicking, running in sacks, and pursuing pigs with soaped tails, which were to become the property of the winner. A fine fat boar was christened Shamado;†

* For startling stories of Roger O'Connor, see p. 208, *infra*.

† In a paper of the day we read the following, *apropos* of this incident. The Justice was then alive, which makes the allusions to Hell less impious. The lines are poor enough, but they give a picture of the times:—

“A justice, a pig, may seem strange at first view,
The old saying's made good—give the Devil his due;
For Satan went into swine—doth Scripture say,
So his Worship the form of a pig took this day;
Down, down he is gone, grunting thro' filth and thro' mire,
And a warm reception he'll get by the fire;
For long has this Justice been due to the Devil,
He's got him at last, for his deeds that were evil.”

and other pigs, wearing wigs of different forms and hue, were known to personate Lord Clonmell, Daly, and others of that clique. Eight thousand people assembled, the great bulk of whom were supplied with porter by Magee. The pigs having been let loose burst through the fences into Lord Clonmell's pleasure grounds, followed by the mob, who utterly destroyed its beauty, on which the Chief Justice expended several thousand pounds, and many an hour of his precious time in superintending.*

At this stage of the narrative our venerable informant paused, slightly exhausted.

These recollections of the stirring events of his early days excited him, and the cheeks of the old man glowed during the recital. He was willing to go on, but we thought it more considerate to suggest the postponement of the interview and our "clinical notes" to another day.

Mr. O'Flanagan gives a painful picture of the slow and withering process by which the Sham Squire's life dissolved.

Documents preserved in Dublin Castle show that Higgins received, in the year 1800, a pension of £300 a year for the information which led to the discovery of Lord Edward Fitzgerald. He also received £1,000 in hand for the same unworthy service. That he, conjointly with Counsellor Magan, bargained with Mr. Secretary Cooke for his blood has only recently transpired. Higgins withered and sank immediately subsequent to this perfidy; and probably there are many ardent fatalists who will trace a special judgment in the event.

Never was stronger anxiety felt to trace an informer, or fiercer maledictions hurled at his head.

* For the original advertisement of the *fete* on "Fiat Hill," with other squibs curiously illustrative of the time, see Portfolio.

One stirring ballad, descriptive of the arrest and death of Lord Edward, says:—

“May Heaven scorch and parch the tongue by which his life was sold,
And shrivel up the hand that clutched the proffered meed of gold ;
May treachery for ever be the traitor’s lot on the earth,
From the kith and kin around him, in his bed and at his hearth.”

The above ballad was “set up” by the fingers of Mr. O’Flanagan, who, however, never knew until we told him that his old master’s was “the hand which had clutched the gold.”

Meanwhile, Mr. O’Flanagan had made a considerable rally in health, and was able to leave the hospital and to resume his duties in the office of the *Nation*, to which he had long been attached in every sense. He seemed so hale that, old as he was, the following editorial announcement from A. M. Sullivan, Esq., took his friends by surprise:—

“Died, at his residence, Sackville-place, in this city, early on the morning of Friday, the 24th August, in his 90th year, Thomas O’Flanagan. In him the *Nation* has lost its oldest hand, and the printers of Dublin, we might say of Ireland, the patriarchal father of the craft. Nearly seventy years ago he was a compositor on the *Press* newspaper, the organ of the United Irishmen, and frequently worked from manuscript handed in by Lord Edward Fitzgerald and other of the United Irish leaders. The old veteran, then young and vigorous, was himself a sworn and enrolled ‘United Man;’ and was so implicitly trusted by the chiefs as to be one of Lord Edward’s armed body-guard while the proscribed Geraldine was secreted in the metropolis. In this capacity Mr. O’Flanagan bore a part in the fray which ensued one night between Major Sirr’s sbirri and Lord Edward’s guard, near Thomas-street.* The old man was brimful of information, anecdote, and reminiscence of those eventful

* This impression is slightly inaccurate.—W. J. F.

times, and of the men who figured in them. He was, as may be supposed, a favourite in the *Nation* office; and to his latest day he prided himself on having put into type the writings of Davis, Duffy, Mitchel, O'Brien, Dillon, and Martin, as well as of Lord Edward, Napper Tandy, Arthur O'Connor, and Addis Emmett. Mr. O'Flanagan worked at his case in this office up to nine o'clock on Thursday evening, when he went home apparently quite well. In three or four hours subsequently he quietly breathed his last. On Sunday last he was interred in Golden Bridge cemetery; followed to the grave by his long-time friends and fellow-labourers on the *Nation*—the proprietor, the editorial corps, and the entire staff of the printing department. A large and respectable body of the trade also attended, and paid the last homage of respect and sorrow to the remains of a venerable friend, an upright man, a faithful *employé*, a worthy citizen, and a true patriot."

It surprised Mr. Sullivan to hear from us that Mr. O'Flanagan had served his time as a printer in the office of the Sham Squire. The fact is, Mr. O'Flanagan was not proud of the connexion, and generally observed a reticence on the subject; but the approach of death was not a time for want of candour.

In the following number of the *Nation* an interesting obituary sketch of Mr. O'Flanagan appeared, from the pen of a distinguished literary labourer, Dr. Madden:—

"A man," he writes, "singularly deserving of respect and honour—of high intelligence, sterling worth, strict integrity, and sound judgment—of self-reliant, independent principles, yet of mild and gentle demeanour—naturally civilized and disposed, in all emergencies, to think justly and to act rightly—has terminated a long career of honesty and industry."

After our interview with Thomas O'Flanagan in St. Vincent's Hospital, we made notes of several

queries, to ask him on our next visit; amongst others, a description of the Sham Squire's person, but we never saw him after. Luckily, however, there is another nonogenarian still living, with an equally vigorous memory, who has supplied much that we had supposed Mr. O'Flanagan could alone furnish. We allude to the present sexton of St. Werburgh's, whose information on different points will be found embodied throughout this volume. The sexton now speaks:—

“The appearance of the Sham Squire was a familiar object to me in my early days. He was daily to be seen with Buck Whalley upon the Beaux Walk, in Stephen's-green. This mall ran along the north side of the Green, between an ugly wall, five feet high, and an impregnable haha, or dyke, on the other side. The appearance of the Sham Squire constituted in itself a very remarkable object; and now, after the lapse of nearly seventy years, it is strongly impressed on my memory. He wore a three-cocked hat,* fringed with swan's-down, a canary-coloured vest, with breeches to match, a bright green body-coat, with very sharp tails, spangled with highly burnished buttons, and he was the only buck in Dublin who carried gold tassels on his Hessian boots; violet gloves concealed his chubby fingers, richly decorated with rings. A stiff stock, fastened by a diamond brooch, elevated still more his already pompous chin.† All the canes used

* All hats were regularly taxed by the Chancellor of the Exchequer sixty years ago. *Saunders's* of June 11, 1803, records:—“Several hatters were convicted before Alderman Alexander, on Wednesday, for selling hats without stamps. We hear many similar prosecutions are carrying on by order of the Commissioners for managing Stamp Duties.”

† The *Dublin Evening Post* of the day, No. 1767, thus sarcastically notices the Sham's “choker.”

“It was remarked by Sir Frederick Flood that his friend, of late, had worn his neckcloth uncommonly high; but that was explained by his saying something or other had lately made its appearance under his left ear. It was not, he said, a nut, or a wax kernel, or a white swelling, but rather resembled somewhat the impression of a knot—that which a running noose will sometimes occasion. For

in those days were nearly as tall as a footman's, and reached as high as the shoulder. in order to display the richly embossed gold head. People, as they passed, would nudge each other, and view him with a mingled feeling of awe and interest. Even few of those who were acquainted with the Sham Squire would venture to salute him as he daily displayed his person, dressed in the pink of fashion, along the Beaux Walk in Stephen's-green.

"The Sham Squire died in 1802. It made an impression on me, as it was in that year Ormond Bridge, at the foot of Winctavern-street, fell, and the same night a well-known tavern tumbled down in the same street; verifying the old saying, that 'misfortunes never come single.'"

So far the reminiscences of the nonogenarian sexton.

One of them is unconsciously corroborated by Mr. Curran, the grand-nephew of the Sham Squire, who says that Higgins, Buck Whalley, and Lord Clonmell formed a triumvirate of close intimates. The escapades of Buck Whalley are proverbial in Dublin. He resided within a door or two of the Sham Squire, in the large house now known as the Catholic University. One day, for a bet, he threw himself out of his drawing-room window into a barouche, as it rattled past, and kissed its fair occupant. He also was called "Jerusalem Whalley," from another bet he made to *walk* to Jerusalem within a short period, and play ball against its walls.*

We are enabled to approximate the date of this

some days past his friend had, he said, been foolishly alarmed with these silly, idle fears; but he declared that they were all ideal, and would vanish totally at the fall of the leaf."

* An obituary notice of Whalley appears in the *Gentleman's Magazine* of the day, wherein it is stated that he had left behind him memoirs in MS. which were of a highly curious character. In the present days of indiscriminate publication, his family ought, perhaps, to unlock the chest in which they have so long reposed.

incident by the *Dublin Evening Post* of July 23rd, 1789, which says of Mr. Whalley:—

“ This active pilgrim has not only evinced, by the celerity of his performances on his Jerusalem trip, that he did not travel, as a Hibernian devotee, on the Lough Derg principle, with peas in his shoes, but has astonished several of the incredulous votaries of the fickle goddess by the expedition of a journey in which, although he did not take time to ornament his rosary with cockle shells, yet, in consequence of which, he, too, will cram his scrip with the reluctant guineas of the knowing infidels at Daly’s.* His arrival at his house at Stephen’s-green was joyfully greeted in bonfires by the populace.”

The “ Beaux Walk” in Stephen’s-green, described by the octogenarian sexton, and the permanent presence of the great Buck as a resident, helped to make its environs quite a Rotten-row. A scarce publication, *An Heroic Epistle to Richard Twiss, Esq.*, makes some reference to it, accompanied by the following note:—“ Stephen’s-green is a place of public resort, especially on Sundays, when the nobility and gentry take the air there, and parade in their carriages.”

On the site of this gaiety, scenes presenting a

* Whalley was a noted gambler at Daly’s Club and elsewhere. Another genial contemporary of his was Mr. Bruce, who one night having grasped the pool by a species of play which seemed unfair, found his hand suddenly impaled to the table by a vigorous thrust from a carving fork, and the spot which had previously been a pool of gold suddenly became a pool of blood!

We are indebted for this curious tradition to Mrs. W——p.

Daly’s Club—once the resort of members of both Houses of Parliament—occupied the chief part of that block of building, faced with stone, which still extends from the corner of Anglesea-street to Foster-place. The Imprest office, which formerly existed in Foster-place, but which afterwards became the Royal Bank, had been “ the coffee room.” In Anglesea-street, was another part of the Club. Mr. Todhunter, the Secretary to the National Assurance Company, which occupies part of the site of “ Daly’s,” is old enough and courteous enough to give to inquirers an accurate description of it.

contrast of the most horrible character were, almost at the same period, enacted. Women were butchered, and in some instances burnt alive on Stephen's-green.*

But let us take the pleasanter view of it:—

A corporate privilege of that day was the use of Stephen's-green as a paddock for the Lord Mayor's horses and cows. A wag called early one morning at the Mansion-house to announce that "the foot was off one of the horses in the Green." The Lord Mayor, who was shaving, rushed out, with his face in a lather and his mouth in a foam, to inquire after the disabled horse, swearing that he would put the perpetrator in chains, and forgetting, in his hurry, to put

* An old book is now before us, of which we have never seen a second copy, entitled, *A Chronology of Some Memorable Accidents*. Dublin: James Carson, in Coghill's-court, Dame-street, opposite to the Castle Market, 1743. Amongst its annals we find:—

1722, July 16.—Mary Allen was burned at Stephen's-green for drowning one of St. James's parish children.

1723.—John Commer was executed at Stephen's-green for the murder of Counsellor Hoar.

1723, June 5th.—Mr. Audouin was executed at Stephen's-green for cutting his maid's throat.

1730, May 27.—Mr. Daniel Kimberly executed at Stephen's-green.

— Dec. 12.—Mr. Porter and Mr. Johnson executed at Stephen's-green for the murder of one Murphy, a salter.

1732, Feb. 14.—Captain Mooney and Maguirk were executed at Stephen's-green for enlisting men for foreign service.

1740.—The Rev. Mr. Edward Shewell executed at Stephen's-green, &c., &c.

In 1765 Darkey Kelly, who kept a house of ill-fame in Dublin, the sister of Mrs. Lewellyn, already noticed, was burnt alive in Stephen's-green.—Speech of George Ponsonby, on Fiats; affidavit *in re Sham Squire*, p. 44. Dub., 1790.

Hayden's Dictionary of Dates, Eighth Edition, p. 650, states that a Mrs. Herring was burnt alive in St. Stephen's-green, Dublin, on October 24, 1773. By referring to the Annual Register of that year, it will be found that Mrs. Herring was burned, not in Dublin, but in London. The late Sir D. Inglis informed a friend of ours that he witnessed the harrowing spectacle.

The cook of a bishop, who poisoned a number of persons, was sentenced to be boiled alive—the only execution of the kind on record, but the incident was not contemporaneous with the above burnings.

on his own; but when his Lordship had trotted the entire stud up and down, it appeared that the allusion was not to the prancing palfreys of the gold coach, but to the metal horse of George the Second, which had long been in a state of disgraceful neglect.*

“When,” says the Epistle to Richard Twiss, already quoted—

“When city belles in Sunday’s pomp are seen,
 And gilded chariots troll round Stephen’s-green, †
 Ye gods above!—ye blaguard boys below!
 O splash his stockings, and avenge my woe.
 Perhaps some siren wafts thee all alone,
 In magic vehicle, to cates unknown;
 High-low machine, that bears plebeian wight
 To distant tea-house or funereal rite:
 Still as it moves the proud pavilion nods,
 A chaise by mortals, nobby termed by gods.” ‡

The author of *Ireland Sixty Years Ago* § describes “the nobby,” as so called, “from its oscillating motion backwards and forwards. It was a low vehicle, capable of holding two persons, and drawn by one horse. It was covered with a calash, open before; but the aperture was usually filled by the ‘nobby-boy,’ who was a large-sized man, and occupied a seat that protruded back, so that he sat in the lap of his company. The use

* Oral Tradition.

† In 1789, grand pyrotechnic displays were discharged in Stephen’s-green, by order of the Viceroy, Lord Buckingham, to celebrate his successful parliamentary struggle on the question of the Regency. The newspapers also record regimental reviews there, with discharges of ordnance, in honour of the birthday of the Prince of Wales. During periods of more repose snipe-shooting is said to have been previously carried on there.

‡ Dublin: Wilson, 6, Dame-street, 1771, s. 26.

§ It will take some persons by surprise to hear that *Ireland Sixty Years Ago*, published nearly twenty years since, and long out of print, was written by the present Master of the Rolls in Ireland. He largely derived his information from his father, the Rev. Robert Walsh, Vicar of Finglas, one of the authors of the *History of Dublin*. In a recent historic work, the author of *Ireland Sixty Years Ago*, is described as dead.

of the nobby by certain classes grew into a proverb—
‘Elegance and ease, like a shoeblick in a nobby.’”

It will be remembered that the Sham Squire, when paying court to Miss Archer, on whom he so infamously imposed, took her and her father, “in a nobby,” for a drive. The familiar expression in Old Dublin, “Elegance and ease, like a shoeblick in a nobby,” was probably levelled at Higgins. The *Sketches of Irish Political Characters*, a contemporary book, describes, at p. 182, “Higgins as owning a fine house in a fashionable quarter, whence he looks down with contempt on those whose shoes he formerly cleaned.”

This “fashionable quarter” was Stephen’s-green. Horse races on Sundays are announced by the *Post* of September 22, 1789, as coming off in Stephen’s-green; and it is asked how so vigilant a magistrate as the Sham Squire could suffer this infraction of the Sabbath before his own door, and “the smashing of the Fourth Commandment across his very nose.” Higgins had previously denounced, in terms of withering invective, Magee’s Olympic Pig Races at Dunleary, described in the previous pages.

The former residence of the Sham Squire in Stephen’s-green is the antiquated-looking house, now known as No. 84. Mysterious recesses in the drawing room wall, each capable of holding about three persons, are shown by the present occupant. Different opinions exist as to the precise object of these closets; some assert that they were used for the purposes of eavesdropping; others say that they served for sudden concealment in the event of inopportune arrivals.

CHAPTER IV.

Mysterious Disappearance of the Sham Squire's Last Will—His Conversation with Mr. Beresford—Mr. Magan—A Death-bed Summons—The Down Election—Litigants Quake before a Quaker—Researches in the Registry of Deeds Office—The Sham Squire's Will of 1791—The Legatees—Gossip about Father Arthur O'Leary—A Catholic Bishop Marries to Perpetuate a Peerage—The Rev. Walter Blake Kirwan lashes the Squire from the Pulpit.

THE officers of the Probate Court have been so good as to furnish a copy of the Sham Squire's will, to which frequent allusion has been made and much interest attaches. It now appears in print for the first time.

It is a very strange fact, but one perfectly in keeping with every incident belonging to the mysterious life and death of the Sham Squire, that the following will, which has been upwards of sixty years in force, is not "the *last* will and testament of Francis Higgins." This document, dated twelve years before his death, is, we are sure, genuine. But the Sham Squire is known to have made more than one will subsequent to that date; and on legal inquiry, instituted in 1802, it was sworn by the Right Hon. John Claudius Beresford, the intimate friend of the Sham Squire, that a few years previous, when walking with the latter in Dame-street, one very foggy November, while sickness and death were unusually rife, he said:—"By ——, Beresford, these times warn us that we ought to make our wills." "Soon after," said Mr. Beresford, "Mr. Higgins deposited his will in my bank; but, on searching for it after his death, it was nowhere to be found." In the absence of the

last will, the Court of Prerogative fell back on the will of 1791.

"The Squire," says Mr. Curran, "was so long dying his lingering death, that when, at last, a message came to my grandfather, at Downpatrick, that he would probably never see him again alive, he procrastinated his departure." The circumstances, as more fully explained by Mr. Curran, were these. The Down election,* which terminated, after a hard struggle, in the election of Mr. Rowley, was going on in January, 1802, at the very hour of the Squire's last agony. Mr. Curran, who had married Miss Mary Higgins, a niece of the Squire's, was taking a leading part in the election, when the news came down that if he did not forthwith proceed to Dublin he would probably never again see the Squire alive. Mr. Curran, regarding the summons as an electioneering trick to get him away from Downpatrick, threw the letter aside, and thought no more of it until the news of Mr. Higgins's death arrived. He then started for Dublin; and this is not the place to describe the curious scene which took place over the unburied body of the Squire. Mr. Curran threatened to invalidate the will, and started direct for America in order to bring back with him Francis Higgins of Philadelphia, the nephew, namesake, and heir-at-law of the Sham Squire. On their arrival in Ireland the entire case was laid before John Philpot Curran, who gave it as his opinion that with the influences against which the next of kin should contend—for among the disputed property was a newspaper, the organ of

* Several ephemeral pasquinades, and even pamphlets, appeared in reference to the Down election.

"Electors of Down, you'll believe what I say,
 Tho' my speech be not decked with the posies of May;
 Such figures I leave for my Lord Castlereagh,
 Oh! he is the fellow for glazing a Lay.
 Derry Down,
 Down, we are down."

the Irish Government—they would have no chance with a Dublin jury, constituted as it was in those days. Mr. O'Connell, in his Parliamentary evidence in 1823, observed, " Catholics would rather submit to great wrongs than attempt a trial in Dublin." *

Mr. Curran continues:—

" A freehold property, † apparently the Squire's, but secretly held by Counsellor Magan, was legally adjudged to Francis Higgins, of Philadelphia. This decision was appealed from to the Court of Chancery, and Higgins left for America, after placing his affairs in the hands of a Mr. Norman, his attorney. On the appeal, Mr. Norman submitted to a letter of Lord Carhampton's, which stated that ' the Squire ' was only trustee for Magan."

Francis Higgins, of Philadelphia, as we are informed by his kinsman, Mr. Curran, took more than one leaf out of the book of cunning which his great cousin, Shamado, so profitably studied. The Sham Squire was of different religions alternately, according as it suited his purpose. His cousin emigrated to Philadelphia, and finding it a great Quaker settlement, immediately donned a hat of vast amplitude of brim, addressed everybody as " thee " and " thou," combed down his long hair in meek resignation, and made an enormous fortune. But though gentle when stroked, the convert Quaker proved that he could be fierce when provoked; and as soon as he heard of the death of the great head of his house, he repaired across the Atlantic with as much alacrity as the slow transit of the times

* Parliamentary inquiry into the conduct of Mr. Sheriff Thorpe. It transpired that the Sheriffs, of which Higgins had been one, pledged themselves, before the election, to take a decided part in politics against every Catholic.

† There is a lease preserved in the Registry of Deeds Office from Lord Carhampton to the Sham Squire, of the lands of Hartstown and Barnageath. The lease is dated Dec. 10, 1797, and of course no mention of that property could appear in the will of 1791.

allowed, and wrathfully threatened to annihilate the worldly gains of the strangers who had claimed to be the legatees of the Squire. Some of them were alarmed, and proposed a compromise. Curious legal documents were interchanged, and among them we find an assignment preserved in the Registry of Deeds Office from "Francis Higgins," formerly of Downpatrick, and now of Philadelphia, "first cousin and heir-at-law of Francis Higgins, late of Stephen's-green, Esq.," in favour of Thomas Tracy, of Ross-lane, one of the parties to whom the property was bequeathed under the will of 1791.

The cousins of this Higgins, of Philadelphia, tell us that he died unmarried, and they were never able to trace the fate of his property.

Francis Higgins lived for eleven years subsequent to the date of the following will. His property was considerably more in 1802. Administration was granted to a spinster lady, the residuary legatee therein named, 8th July, 1802:—

"IN THE NAME OF GOD, AMEN.—I, Francis Higgins, of Stephen's-green, in the city of Dublin, intending a journey to England, and considering the uncertainties of this life, and the many unforeseen accidents man is liable to, make this, my last will and testament, hereby revoking all former will or wills by me made; and in the contrite and most humble language of submissive supplication to the will of my divine Creator, I trust that in the unbounded mercies of my Redeemer I shall stand pardoned of my manifold transgressions; and in regard to what worldly substance and effects Providence has been benevolently pleased to endow me with, I leave and bequeath in the following manner:—

"Whereas I stand possessed of ready money, in Finlay and Co.'s Bank, and by securities for money, leasehold interests, and other indemnities and property, in or about the sum of seven thousand pounds

sterling,* which, upon the sale of all my effects and property, I imagine will amount to a larger sum, as it is my will that every part of my effects, except as hereinafter excepted, shall be publicly and fairly sold in a reasonable time after my death, and the money arising thereout to be disposed of in the manner following:—

“ I leave and bequeath to the following public charity schools the sum of ten pounds each, viz.:— To the parish school of St. John's, the school of St. Bride's, St. Nicholas Within, St. Michan's, St. Catherine's, St. Luke's, St. Andrew's, St. Ann's, St. Mary's, St. Peter's, St. Paul's, St. James's. To the Bluecoat Hospital, twenty pounds; provided, and in case and not otherwise, that the several boys belonging to and supported in the several parish schools shall attend my funeral procession to the extent of the Circular-road, singing hymns and repeating well-appointed prayers. As it is my will that if it shall please God to call me away, and that I die in England, my remains shall be conveyed to Dublin, and there publicly interred in the churchyard of Kilbarrack, near Dublin, adjoining, as near as possible, my father and mother, Patrick and Mary Higgins, and their children, directing my executors, hereinafter named, to cause a tombstone to be erected

* The amount in 1802, as stated to us by Mr. Curran, grand-nephew of the Sham Squire, was about £30,000.

This impression is curiously corroborated by the *Dublin Evening Post* of the day, No. 1798. After describing his sumptuous entertainments in Stephen's-green to the judges and to “almost every man of fashion or rank in the kingdom,” we read:—

“ Mr. Higgins, after all his established etiquette of hospitality, has accumulated and realized upwards of £30,000, the greater part of which he has most prudently invested in Government securities. As he very justly observed to his friend Jack Ferns, that accidents arising from short memories make it necessary that a man who regards himself or posterity should have his property at hand.”

Sir John Ferns, alluded to above, is chiefly remembered for some lines addressed to him by Philpot Curran, and printed in his life by his son.

over my grave, the expense to be thirty pounds; but made solid and durable, with brick and stone, or all stone work.* I leave and bequeath the sum of ten pounds sterling, under the same proviso of attending my funeral in like manner, to the several Roman Catholic charity schools, hereinafter named. The charity school and children of Rosemary-lane, Adam and Eve, Bridge-street, Church-street, Francis-street, Stephen-street, and Lazor's-hill† chapels, each respectively to be paid within three months after my decease, without any deduction whatever. Whereas I lent the sum of £1,500, on bond and security of Thos. Tracy, of Ross-lane, pawnbroker, whom I have for a long series of years known to be an honest, industrious man. I do hereby bequeath, and my will is that six months' notice shall be served on him before any execution shall be issued on his bond for the money; and it is my will that £1,000 be paid to his sister Miss Frances Tracy, and paid her out of the original sum lent on the bond of said Thomas: and it shall be optional and at the discretion of Miss Frances Tracy to take his and other security she may think proper for the payment of said £1,000; and I also leave to Anne, Catherine, and Mary Tracy, the daughters of said Thomas, the sum of £100 each; and in case of their death, or the death of two of them, then their share is to revert to Miss Frances Tracy; and I request my executors, hereinafter named, will give every friendly aid to this bequest of £1,000, it being a sum inadequate indeed to unjust scandals and calumnies on my account thrown out against her.‡ I leave to my friend Peter

* It has been since deliberately smashed to pieces.—See page 153.

† The name by which Townsend-street was then known.

‡ This bequest was, indeed, due to the lady; and we have only to repeat our impression that the imputations upon her moral character were baseless. Miss Tracy's affidavit is now before us, on which Lord Clonmell marked that a fiat for £1,000 should issue against Magee.

Kelly, of Longford-street, apothecary, £200; and I leave to his son, Peter Kelly, jun., £200, to be put out at interest on landed security, and the interest left to accumulate until he shall be placed in whatever line of profession his father shall think proper; and then, and not before, to be paid to said Peter, junior. I leave, as a further bequest, £10 to my friend Peter Kelly, one of my executors, for a suit of mourning. I leave to his niece, Mary Reilly, £50; same to be paid when her uncle, Peter Kelly, shall approve of her marriage. I leave to my friend George Joseph Browne, of Chancery-lane, barrister, his small securities for money in my possession, together with £20 for mourning, and the like to his wife for mourning; and also to his son Joseph, £150, and to be paid when he attains the age of 21. To Mrs. Margaret

From this voluminous document, evidently drawn up by Higgins himself, we append an extract:—

“Maketh oath, that this deponent’s parents died some time ago, leaving deponent a property, and to which deponent added very considerably by deponent’s labour and industry, with a fair and honest character in business. Saith that this deponent, being much impaired in her health, went with deponent’s aunt, Mrs. Christian Hamill, in the month of August last, to reside at the house of Mr. John Brennan, at Kilmacud.” The affidavit goes on to say that Magee “published several paragraphs highly reflecting on the character and reputation of Francis Higgins, of Stephen’s-green, Esq. ;” and then recites some of the libellous matter, including a letter from “Darkey Kelly to her sister and successor, Madame Lewellyn.”

“It was generally thought,” said Magee, “it dropped from the pocket of Miss Tracy, of Kilmacud, who was observed in town the evening before, on a visit to his Worship the Justice, in whose hands are the issues of life and death.” * * * * *

“And this deponent further saith, that by deponent’s being so falsely and unjustly charged by name with being a —, as in and by said false and scandalous publications, is untruly asserted, deponent is greatly injured and most materially aggrieved in deponent’s credit and reputation; and as this deponent is single and unmarried, deponent hath good reason to believe that her character and reputation are totally ruined by means of said false and scandalous publications of John Magee, who, “being a lottery office broker, the owner of said two newspapers, is reputed to be a person in affluent circumstances.” We may remark that Darkey Kelly, Maria Lewellyn, and Peg Plunket, constituted the frail graces of old Dublin.

Molloy,* £400. To John Kennedy, £100. To John Doyle, of Charles-street, a poor distressed man. £20. To Mr. Pat. Cusack, writing clerk, £10. To my long and faithful friend, the Rev. Arthur O'Leary, £100. To Andrew D. O'Kelly, of Piccadilly, London, £300, declaring that if I did not know that he, my friend, was in great affluence, I would have freely bequeathed him any property I might be possessed of. I leave to my servant, Mrs. Margaret Box, £100. To Mr. George Falkiner, £50. I bequeath to my executors, hereinafter named, the sum of £1,000 sterling, to be put out on landed security, at interest, and at the highest rate going, well secured; and such interest of the said sum of £1,000 to be annually expended, faithfully and fairly, in every month of December in each and every year, and at no other period of time, but 10 or 12 days before each Christmas Day, or holy days in each year, to the relief and enlargement of poor confined debtors, in actual custody and imprisonment for one month at least before the first day of December in each year, and confined for debts under the sum of £5 sterling, in the city or other marshalsea, such annual interest to be so expended in compounding the respective debts of each distressed imprisoned debtor, with the creditor or creditors at whose suit they shall be arrested and so imprisoned, provided that the creditor claiming such demand, or who shall agree to enlarge the debtor at his or her suit on composition, shall, in the presence of one or more of

*The following allusions must refer to this party. They are transcribed from the *Evening Post* of September 22, 1789. The "Seminary" means the gambling-house of ill-fame, of which Higgins was the "Provost":—

"It was Brennan went on an embassy from Mother Molloy and a great man at Stephen's-green, to promise favours to the police officer if he would forbear his visits to the seminary.

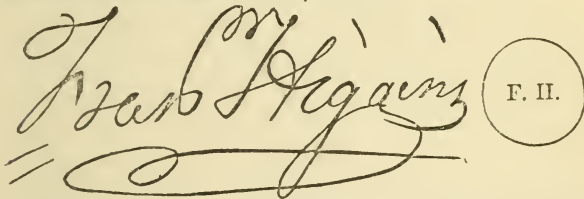
"It was Brennan that received from Mrs. Molloy a five-guinea bank note as a peace offering to the said police officer, with a view of trapping him into a compromise, and having a prosecution; but by some means forgot to convey it as desired."

my executors herein named, or their successors, make oath that the debt so claimed by them is justly and fairly due and owing at the time, and that they had not accepted of any security for the remaining part of their demand; and in case debtors for small sums shall not amount in number sufficient for the expenditure of said annual interest, then and in such case it is my will that the undisposed part and remainder shall be laid out in coals, bread, and meat, and distributed amongst confined debtors on every Christmas Eve in each year; and in case any of my executors shall die, or renounce the trust I now vest in them, the Lord Mayor and junior High Sheriff of the city of Dublin for the time being shall be, and is hereby nominated and appointed to act in his or their room in the discharge of such public trust, according as they will be called to a future account for their vigilance and attention to the calls of the poor and the needy, especially confined debtors. I leave and bequeath to Simpson's Hospital* fifty pounds sterling, to be paid to the trustees of that laudable institution. I bequeath to the governors of the Lying-in Hospital the sum of one hundred pounds

* Simpson's Hospital, an asylum for ruined traders and others, whom Higgins is understood to have largely multiplied, was founded by "George Simpson, merchant, Jervis-street," whose name and occupation, as above given, we find in the *Dublin Directory* for 1769. "When Simpson," writes a correspondent, "the founder of that admirable hospital bearing his name in Great Britain-street, projected it, he sent for his niece, who was a Roman Catholic, and informed her that if she would become a Protestant he would bequeath to her his large fortune. The lady refused, and her uncle cut her off with an angry shilling, and the institution was accordingly founded. Five years subsequent to this event, the lady in question married an English Protestant gentleman, and conformed to the faith of her husband! George Simpson is buried at Mary's Church, and no monument but an humble, unpretending stone marks his grave. He did not intend that any Papist should receive benefit from his munificent charity. But the rector of Mary's, with whom he consulted, informed him that charity knows no distinction of creed, and the institution was accordingly left open to all. It is rather strange that there is neither picture, statue, nor bust of this truly benevolent man in the hospital. The majority of the inmates are Catholics."

sterling, or so much as my executors shall find to be sufficient to erect a bed in my name in one of the wards of said hospital. I leave to Stephen Malone, £20. To Wm. James* (alderman), £200. To my worthy friend, Christopher Teeling, £200; and I do hereby nominate and constitute Alderman William James, Christopher Teeling,† and Peter Kelly my executors to this, my last will and testament; and the aforesaid Miss Frances Tracy is to be my residuary legatee, to have whatever sum or sums of money that shall remain over and above said several bequests, all my just debts to be paid; and confiding in my executors' justice, friendship, and impartiality.

“Given under my hand and seal this 19th day of September, in the year of our Lord One Thousand Seven Hundred and Ninety-One.



“Signed, sealed, and witnessed by George Falkiner, and Richard Deegan.”

The above is a *fac-simile* of Higgins's signature carefully copied from the original document.

Old physicians describe Dr. Teeling as a man who, although he never attained a high rank in his profession, was much respected for his worth and honourable feeling. It was, no doubt, in this conviction that the Sham Squire appointed him his executor; and, perhaps, we find in the character of Teeling thus given the reason why he declined to act. Dr. Teeling lived

* Alderman James was one of the three Commissioners of Police (*Dub. Direc.* for 1789, p. 89).

† Christopher Teeling, M.D., was Shamado's physician.

in Exchequer-street: he is described as a gouty old gentleman, with a strong determination of blood to the nose, indicative of indulgence in convivial pleasure.

This tradition is confirmed by a verse from one of Dr. Brennan's poetic reviews of the Dublin Doctors, printed in the rare *Milesian Magazine* for July, 1812, which fell under our notice while correcting the proofs of the present page.

“T. was T——g now careless how this world goes,
Whose fancy had fire that is now in his nose,
Who floats on the great sea of physic a log
Deep sunk by its storage of port and of grog,
When a boy well employed at the mortar and pestal,
When a man hired to doctor the Sham and his vestal,
Pretending to honour, and duty, and high sense,
Yet plumed in the feather swore against license.”

Peter Kelly, the apothecary, who is also mentioned in the Sham Squire's will, with a request that he will wear a suit of mourning for his loss, lived in Longford-street, and died before letters of administration had been granted. He is the witness to the lease of the Sham Squire's house in Stephen's-green, now deposited with an attorney in Dominick-street. Kelly's three nieces, the Misses Crosbie, had each pensions under a warrant of *concordatum*. The pensions became finally centred in the survivor, Miss Margaret Crosbie, an eccentric spinster, who was extremely intimate with the present author's grand parents and their children. In his family innumerable anecdotes of Miss Crosbie are preserved, which it would be out of place to introduce here. She died in the year 1832.

George Joseph Browne, another recipient of testamentary favours, was a member of the Irish Bar, who had been one of the Sham Squire's staff on the *Freeman's Journal*, but originally “a shoeless, shirtless, strolling player in the wilds of Connemara,” as Magee records. From 1787 to 1800, he is announced “as the Sham's chief quill-driver.”

A parody on “The night before Larry was Stretched” pointedly alludes to Browne:—

“Oh! de night before Edgworth* was tried,
 De council dey met in despair;
 George Jos—he was there, and beside,
 Was a doctor, a lord, and a player.” †

The eulogies of Lord Chief Justice Clonmell's unconstitutional conduct, which appeared in the Sham's journal, are understood to have been written by Browne. Browne, who became a Crown Counsel, in dedicating to Lord Clonmell his report of the trial of Mr. Keon for the murder of George Nugent Reynolds, dilates on “the patience, perspicuity, legal learning, and sound ability that at present adorn that Court.”

The Rev. Arthur O'Leary, another legatee named by the Sham Squire, died before the will was proved. Of this remarkable person we should not be warranted in omitting some explanatory gossip.

For many years before his death he had been in receipt of £100 a-year pension from the Crown for his very able writings condemnatory of the White Boys and inculcative of peace. Lest this statement should, in some eyes, excite a prejudice against him, it is due to the memory of Arthur O'Leary to relate the following traits, furnished by the late Henry Grattan in his father's Life. O'Kelly, it will be remembered, was another legatee under the Sham Squire's will:—

“This talented person was an Irishman, not only in name but in sentiment and spirit; he lived to an advanced age, in London, with his intimate friend, Colonel O'Kelly, well known in the sporting world for his celebrated horse Eclipse, as the other was in the literary world for his writings, and for his reply to the Protestant divine, to whom, on the subject of their controversy, that of *purgatory*, he wittily observed, ‘*he might go further and fare worse.*’ Colonel O'Kelly

* Edgeworth, a vile character, was supposed to have been extricated from the gallows through the cunning of the Sham Squire and his influence with Lord Carhampton.

† *Dublin Evening Post*, No. 1757.

related that at the period of the Union Mr. Pitt offered a considerable pension to O'Leary, provided he would exert himself among his Roman Catholic countrymen, and *write in support of the Union*; but every application was in vain; O'Leary steadfastly resisted Mr. Pitt's solicitations, and, though poor, he rejected the offers of the minister, and could not be seduced from his allegiance to his country."

It seems to us that O'Kelly's attention to O'Leary was rather an act of political design than an impulse of private hospitality. O'Kelly was the Prince's confidant; and Croly, in his *Life of George the Fourth*, tells us that intimate relations were maintained with O'Leary because "he was no unskilful medium of intercourse between his church and the Whigs, and contributed in no slight degree to the popularity of the Prince in Ireland."

The struggle between the rival Parliaments of Ireland and England—one trying to appoint the Prince, Regent, and the other labouring to defeat that object, will not soon be forgotten, or the vast constitutional questions to which the contest gave birth.

Croly gives several specimens of O'Leary's wit at the Prince's table, including his reply to Sheridan, who said he never could speak well in the House unless he had a couple of bottles in his head:—"You are like a porter, who never can go steady without a *load* on your head."

The *Life of O'Leary*, by the Rev. Dr. England, published previous to the memoirs of George IV., is deficient in allusion to the most important period of the friar's career—his connexion with the Prince.

When we see that O'Leary could wield wit, it is not surprising that he should have been enrolled with Curran, Judge Johnson, Yelverton (Lord Avonmore), and other kindred spirits, who formed that memorable convivial fraternity known as the Monks of the Screw. Mr. Grattan says that O'Leary was

an Irishman not only in name but in sentiment and spirit. He possessed another strong national characteristic. His mellifluous brogue, on which O'Connell also plumed himself, was genuinely racy of the soil. Of this the *Personal Recollections of John O'Keeffe* (Vol. i., pp. 244-5) supply proof.

“Father O'Leary had a fine, smooth brogue; his learning was extensive and his wit brilliant. He was tall and thin, with a long, pale, and pleasant visage, smiling and expressive. His dress was an entire suit of brown, of the old shape; a narrow stock, tight about his neck; his wig amply powdered, with a high poking foretop. In the year 1791, my son, Tottenham, and I met him in St. James's Park, at the narrow entrance near Spring Gardens. A few minutes after we were joined accidentally by Jeremy Wilder, well known in Dublin, once the famous *Macheath* at Smock-alley. Our loud laughing at O'Leary's jokes and his Irish brogue, and our stopping up the narrow Spring Gardens passage, brought a crowd about us. O'Leary was very fond of the drama, and delighted in the company of the ‘glorious boys,’ as he called the actors.”

In this respect, as in others, O'Leary presented a curious contrast to the Irish priesthood of the present day; but, “*Tempora mutantur nos et mutamur in illis.*” In inculcating obedience to the laws, and discountenancing secret societies, the Irish priesthood of the last and the present centuries are found generally in unison of sentiment.

“Dr. O'Leary had brought out a publication that would do honour to the most celebrated names,” said the Grattan of 1782, in the Irish Parliament. “The whole kingdom must bear witness of its effect by the reception they gave it. Poor in everything but genius and philosophy, he had no property at stake, no family to fear for; but, descending from the contemplation of wisdom, and abandoning the ornaments of fancy,

he humanely undertook the task of conveying instruction to the lowest class of the people. If I did not know him to be a Christian clergyman, I should suppose him, by his works, to be a philosopher of the Augustan age."

If O'Leary, in his hours of relaxation, was fond of convivial company and the society of accomplished actors, he was wholly free from the frailties to which such persons are prone. As a moral man he stood eminently high. On a false report having been bruited that he had conformed, with a view to marriage, he contradicted the assertion in a letter to an evening paper, which thus concluded:—"Having from my early days accustomed myself to get the mastery over ambition and love, the two passions which in every age have enslaved the greatest heroes, your correspondent may rest assured that I am not of the trio mentioned in his letter."*

"The trio" named by the newspapers as having conformed were Dr. Butler, Catholic Bishop of Cork; Rev. Walter Blake Kirwan, afterwards Protestant Dean of Killala; and Father Arthur O'Leary.† "Your correspondent," he writes, "ranks me with Lord Dunboyne, formerly titular Bishop of Cork, and Mr. Kirwan. If they have changed their religion from a thorough conviction of its falsehood they have done well. It is the duty of every sincere inquirer after truth to comply with the immediate dictates of his conscience in embracing that religion which he believed to be the most acceptable to the Almighty. A thorough conviction, then, that I am in the right road to eternal life (if my moral conduct corresponds with my speculative belief) keeps me within the pale of my Church, in direct opposition to my temporal interests. And no Protestant nobleman or gentleman of my acquaintance disesteems me the

* Letter, dated 5th June, 1790.

† For further curious facts about O'Leary, see the Portfolio.

more for adhering to my creed, knowing that a Catholic, and an honest man, are not contradictory terms.

“I do not consider Lord Dunboyne a model to copy. With his silver locks, and at an age when persons, who had devoted themselves to the service of the altar in their early days, should, like the Emperor Charles the Fifth, rather think of their coffin than their nuptial bed, this prelate married a young woman. Whether then the glowing love of truth or Hymen's torch, induced him to change the Roman pontifical for the book of common prayer, and the psalms he and I often sung together, for a bridal hymn, his own conscience is the best to determine. Certain, however, it is, that if the charms of the fair sex can captivate an old bishop to such a degree, as to induce him to renounce his breviary, similar motives, and the prospect of aggrandizement, may induce a young ecclesiastic to change his cassock.”*

O'Leary died almost simultaneously with the Sham Squire—namely, January, 1802.

The letter, therefore, dated May 25, 1805, signed, “Your faithful Confessor, Father O'Leary,” and published in *Grattan's Life*, by his Son (p. 263), cannot have come from the witty Friar, as Mr. Grattan imagines.

Saunders's News-Letter, of January 20, 1802, thus

* We may add that the peerage of Dunboyne fell in unexpectedly to Dr. Butler, Roman Catholic Bishop of Cork, on the death of his nephew. He memorialized Angelo Braschi, Pope Pius VI., for a dispensation to marry, and thus perpetuate his title. The request was refused. In petulance he conformed and married, but the alliance proved unfruitful; and on his death-bed, in 1800, he was received back to the Catholic Church by the Rev. Mr. Gahan. Lord Dunboyne's will, whereby he leaves the bulk of his property to Maynooth College, is now before us; and on some future occasion we may use it, with other very curious matters on the subject. It is worthy of addition that the widow of Bishop Butler, Lord Dunboyne, survived until August, 1860, when she died at the age of ninety-six. She was the daughter of Theobald Butler, Esq., of Wilford, in the county of Tipperary, and a distant relative of the present Lord Dunboyne. She married, secondly, the late J. Hubert Moore, Esq., of Shannongrove, near Banagher, in the King's County, by whom the lady has had a large family.

describes the obsequies of O'Leary:—"On Wednesday evening the remains of this amiable and much-regretted clergyman were removed from his lodgings in Portland-street to St. Patrick's Chapel, a place founded by his zeal and consecrated by his talents and his virtues. High Mass was celebrated by the chaplains with becoming solemnity, and the Grand Dirge was performed in the most sublime style of sacred music. However impressive the funeral service was, and though every heart strongly vibrated to the plaintive notes, yet the triumph of eloquence came last, and forced from every eye the gushing testimony of real sorrow. The Rev. Mr. D'Arcy, from Dublin, ascended the pulpit, and delivered a strain of truly pathetic oratory. He enlarged on the memorable events of a life devoted to the cause of religion and humanity, to national services and private beneficence. The strong emotions of the speaker were felt by the whole audience. He alternately melted them into tears for the dead and elevated their souls to heaven.

"A congregation of nearly two thousand real mourners (amongst whom were a great number of the Roman Catholic clergy, and gentry of all persuasions) concurred in this tribute of regret for the loss of so great and so good a man. The funeral was attended to the place of interment, at St. Pancras, by four mourning coaches and a vast concourse of people."

A parallel might be drawn between the histories of O'Leary and another distinguished pulpit orator and contemporary, to whom he alludes—Walter Blake Kirwan. Both class-fellows in College—and at one time warmly united—their paths eventually separated widely. Kirwan, after having officiated for many years as a Catholic priest, at last conformed, and obtained the Protestant Deanery of Killala. We need hardly say that Kirwan's name obtains no place, like O'Leary's, in the Sham Squire's will.

The following extract from a sermon said to have been preached by the Rev. Walter Blake Kirwan, appears in the *Dublin Evening Post* of June 20, 1789. The sermon was delivered on the previous Sunday, in St. Andrew's Church, on behalf of the Asylum for Female Penitents, and crucifies the Sham Squire like the impenitent Thief. It affords alike a curious view of pulpit oratory in that day, and a sample of the style whereby he enchained* his hearers.

The sermon exists in no accessible form.

“His text,” says the Reporter, “was taken from the 8th chapter of Luke. In his discourse he was spirited, and pathetic, as usual; his colouring was strong and forcible.” He said:—“View, then, the group; the master and his creature—the latter's work to seek out the beauteous daughters of affliction and poverty; the agent enters the hovel of distress. Heaven had directed his accidental step to relieve an almost lost family—but he conveys poison to the minds of those unsuspecting creatures with the relief he gives. This master wants but to discover their habitations of wretchedness to betray it. He is represented as a god! dispensing comfort to the afflicted; the beauteous daughter's spotless mind is contaminated by flattery, whilst presents aid the fell design; the plot is shortly completed; and no sooner the hurried ends of prostitution are gratified, than she is rejected, left to seek bread in a strange place, unaided by friends and ruined in character.”

Dr. Kirwan then added that he feared there were men of such description engaged in making laws, who secretly evaded those laws by disseminating corruption over the land. Human depravity seemed to have raised its head to a pitch hitherto unknown.

* A fine oil painting, by Hamilton, of Kirwan pleading for the orphan charity of Dublin, may be found at the foot of the grand staircase in the Royal Dublin Society. The congregation, even to the children, are all portraits. The picture belongs to Kirwan's family.

The law, founded for general *good*—was seized on as a shield to guard *iniquity*. It was grasped at by some miscreants, who held it out to terrify public indignation into silence. The *bloated* master of corruption drew his wealth from disseminating profligacy through the land. He had brought human depravity, with all its multifarious evils, to a point; and whilst he notoriously pressed the laws to his bosom as his dearest consolation, it was either to guard him—or others like him—from what in the hands of virtue must produce punishments equal to their enormities, and protect the whole body, the perfect form of vice never until now brought to a complete *system*. Was this to be wondered at? Was not *bloated* vice suffered to bestride virtue, to draw wealth from contamination, wielding the emblems of *prostitution* in one hand and a *gambling-table* in the other?"

Of Walter Blake Kirwan it is traditionally told, by the late Daniel Owen Maddyn, that "those who listened to him were moved as by a Garrick in *King Lear*, or a Siddons in *Isabella*."

"Whenever he preached," observes an authentic record, "such multitudes assembled, that it was necessary to defend the entrance of the church by guards and palisades. Even in times of public calamity and distress, his irresistible powers of persuasion repeatedly produced contributions exceeding twelve hundred pounds at a sermon; and his hearers, not content with emptying their purses into the plate, sometimes threw in jewels or watches, as earnest of further benefactions."*

Further facts about Kirwan will be found in our Portfolio.

* *Sermons by Dean Kirwan, with a Sketch of his Life*, 1814, p. ix. The sermon just quoted, however, obtains no place. The posthumous publication was compiled from rough notes found among his papers, and acted as a sort of disenchantment to his countless admirers.

CHAPTER V.

Facts about the Sham Squire, contributed chiefly by his Grand Nephew—Correspondence with him—The Escape of Hamilton Rowan from Newgate mainly accomplished by Higgins—Drills his Housemaid as a Prima Donna—She is received with Enthusiasm.

A LETTER appeared some time ago in a leading newspaper, expressing the opinion that we have laboured under a misapprehension in supposing that Francis Higgins, who received considerable sums for the discovery of Lord Edward Fitzgerald, was the same person as Higgins, "the Sham Squire," who, by false pretences, married an heiress. The writer, Mr. Curran, adds his belief that "Higgins, the Sham Squire, was the father of Higgins of 1798, who not only did not marry an heiress, but who was never married at all. The latter is the person buried at Kilbarrack."

That the parties were identical there can be no difficulty in proving; and, in answering our critic, we said:—

"Francis Higgins, in that wonderful will of his, preserved among the records of the Prerogative Court, speaks of his father, Patrick Higgins, as interred in Kilbarrack church-yard, and expresses a wish to be buried in the same grave.

"Patrick Higgins was an humble man, of whom the world never heard, and his son, Francis Higgins, originally a street sweeper, was the fellow who planned that successful fraud which terminated in his marriage with Miss Archer, an accomplished heiress. In sentencing Francis Higgins for the 'misdemeanour,' Judge Robinson spoke of him as 'the Sham Squire,' the *sobriquet* by which he was ever after known."

[Here we recited the true bill found by the Grand Jury against Francis Higgins, the Sham Squire, for his wicked fraud on Miss Archer in 1766.]

“This is not the place to follow Francis Higgins through the various vicissitudes and struggles of his life, from which he at length emerged, and became one of the most influential persons in Ireland. John Magee, the spirited proprietor of the *Dublin Evening Post*, endeavoured to reduce his overcharged importance, by reminding him of his infamous imposition on Miss Archer, then almost forgotten. The file of the *Post* for the year 1789 may be consulted *passim* for stings of this sort in prose and verse. One says:—

“You know my art can many a form assume—
Sometimes I seem a hosier at a loom ;
Then, at the changing of my magic wand,
Before your face a wealthy Squire I stand,
With a *Sham* title to seduce the fair,
And murder wretched fathers by despair.”

“And in Magee’s *Evening Packet*, No. 62, the Sham Squire is again reminded of the awkward fact ‘that he has been at a public trial convicted of crimes which the cordial squeeze of his friend, Jack Ketch, alone can expiate.’* ”

* It may be added, that Magee is again found, in his paper of November 5, 1789, tendering “his humble and grateful respects to that sage, sapient magistrate, Francis Higgins, Esq., Justice of Peace for the County of Dublin, Proprietor of the *Freeman’s Journal*, and one of the Gentlemen Attorneys, who was tried and found guilty, some years since, for a criminal offence, by an independent Jury, that had the audacity to think for themselves, and too much respect for the constitution and law of the land, to submit to be bullied and sent from the box three times by any presiding judge. — Higgins, Esq., on the clearest and fullest evidence, was found guilty of attempting the life of the late Mr. Peck. — Higgins, the aforesaid, stood in the dock in iron fetters, and in those fetters was publicly led by the common hangman, through the streets of Dublin, from Newgate to the King’s Bench. — Higgins there was sentenced to twelve months’ imprisonment in Newgate; and, while in that seminary, had no other subsistence than bread and water, save what he extorted by his piteous tale and piteous countenance, exhibited

“Daly, the lessee of Crow-street Theatre, had some litigation with Magee, and a fine report of the trial is preserved in the Queen’s Inns Library. At page 30, a witness is asked:—

“Were you ever witness to any riots in the theatre? Very often. The people used to cry out from the gallery, ‘A clap for Magee, the man of Ireland—a groan for the Sham! a groan for the Dasher [Daly]! out with the lights! out with the lights!’ I have frequently, at the risk of my life, attempted to stop those riots.”

Further on, it appears that the Sham was Francis Higgins, Esq.

A well-known publication, printed in 1799, and entitled *Sketches of Irish Political Characters*, gives, at page 182, a memoir of the Sham Squire, who was then alive; but the fact had not then transpired that, in league with Magan, he had given the information which led to the arrest and death of Lord Edward Fitzgerald. The memoir thus concludes:—

“From his law practice, his gambling-table contributions, and newspaper, the Sham now enjoys an income that supports a fine house in a fashionable quarter of a great city,” namely—No. 72, Stephen’s-green, South, as appears from the Directories of the time.

Mr. Curran concludes his letter with an interesting tradition; but we fear it would not be easy to prove it. He writes:—

“Nothing was ever known of the ‘Sham Squire’s’

through the grated bars of a Newgate air-hole, and by daily astonishing the passing crowd with the weather-beaten crown of a Glib Market hat.—*Date obolum Belisario.*

“Magee further presents his acknowledgements to his chief scribe, Brennan, the blackleg and bravo, late of the Bluecoat Hospital, and now also Secretary of State to Francis Higgins, Esq., of Stephen’s-green, *the Sham Squire.*”

The Glib Market, noticed above, once stood in the vicinity of Thomas-street.

death. He arrived late in Dublin from the country on a winter's night, and was known to have in his possession some valuable papers relating to the great Annesley case; and it was supposed that he was waylaid, murdered,* and disposed of by some parties interested in getting possession of those papers, as nothing was ever heard of him or them."

"The Sham Squire" died on January 19th, 1802. The files of *Saunders*, *Faulkner's Dublin Journal*, and the *Post*, for 1802, are found briefly recording his death thus:—"At his house in Stephen's-green, Francis Higgins, Esq., attorney-at-law."

In reply to a statement of the foregoing facts, Mr. Curran said:—

"In the first place I was wrong in supposing that the 'Sham Squire' and Higgins of '98 were not identical. It was not, then, of him, but of his father I stated that he, on his arrival in Dublin on a winter's night, was made away with and nothing more heard of him. The 'Sham Squire' died in 1802, as Mr. Fitzpatrick states, and was buried at Kilbarrack. I have been assured by people that were intimately acquainted with Higgins that his father was engaged in an attorney's office where Higgins served his time, and that his fate was, as I have said, never cleared up. The statement in Higgins's will that his father was buried at Kilbarrack should be received with caution, as that will was always regarded with great suspicion by his relatives, and it was only after much trouble and many disputes that it was declared valid. It was drawn

* Murders, of which the perpetrators in most instances escaped, seem to have been of frequent occurrence in the streets of Dublin. In recently examining the burial registries of St. Catherine's, Thomas-street, we were struck by the frequency of such entries as "a man found murdered in the streets." A narrow thoroughfare in that locality, styled "Murthering-lane," has possibly derived its title from some long-forgotten outrages.

† The will was genuine; but as a belief prevailed that Higgins wrote a later will, it did not immediately take effect.

and executed, however, with so much care as to baffle all attempts to defeat it; but as to the matter published in the *Evening Post*, it formed the subject of an action for libel brought by Higgins against Magee, when the latter was mulcted in almost ruinous damages, and sentenced, I believe, to a term of imprisonment beside. Higgins was the founder of the *Freeman's Journal*;* and people who consider how ready men were to take offence in those days, will not fail to see in this fact a satisfactory, or, at least, an intelligible reason for the hostility between him and Magee. The fact of the marriage with Miss Archer is placed by Mr. Fitzpatrick beyond question."

In acknowledgement of the letter, of which the above is an extract, we remarked:—

"Mr. Curran, with a candour very creditable to him, admits in his letter, that as regards the salient points on which we were at variance, he was wrong and I was right. I am the better pleased at this admission from the fact that Mr. Curran obviously possesses more peculiar sources of information touching the Sham Squire's history and friends; but while I am willing to compare notes with Mr. Curran on the startling incidents with which the life of the Squire abounds, I must decline to enter into any discussion concerning a certain deceased gentleman, or his connexions, whose names have been introduced, as well as an alleged death by poisoning; for, however curious the questions raised by Mr. Curran, they could not well be handled without giving pain to the surviving relations of the parties indicated."

In a personal interview with Mr. Curran he avowed himself, after communicating some very

* Mr. Curran is under a misapprehension in supposing that Francis Higgins was the founder of the *Freeman's Journal*. It was established in 1763, by Henry Brooke and Dr. Lucas, three years before the Sham Squire's infamous fraud on Miss Archer.

curious facts, as the great grand-nephew of the Sham Squire.

An examination of Shamado's life shows that, like many other shrewd attorneys, he was alternately with every side that paid best for the hour. Nevertheless, we feel great surprise at hearing from his descendant the family tradition that Francis Higgins was the chief party who managed the escape of Hamilton Rowan in 1794.* The families of Rowan and Higgins, although the latter—to use the words of his grand-nephew—had been “only small cottiers,” were both neighbours in Down.

“There are chords,” said Mr. Curran, “even in the most hardened worldly hearts that vibrate in response to the claims of early clanship.”

The memoirs of Rowan make no mention of the name of Higgins; but it is stated that the under-gaoler and his son were privy to the escape. A connexion existed between the gaoler and Higgins; and it is certain that the latter had ready access to all the dungeons in Newgate. †

* Personal Statement of Mr. James Curran, Nov. 10th, 1866.

† The Sham Squire's intimate acquaintance with Newgate is satirically noticed in the *Dublin Evening Post* of August 4, 1789.

“As to prisons, none on earth can rival Mr Higgins; no, not even Howard, the philanthropist. The latter was never known, more than occasionally, to visit them, to alleviate, if possible, the various ills mankind are daily exposed to. Now, the former—that the influence of his example might have due and proper effect in reforming the morals of a corrupt and profligate age—has even taken up his abode, for eighteen months together, in the Newgate of Dublin, when that prison was situated in Cutpurse-row; nay, that he might have daily access to every dungeon and cell, condescendingly married the lovely daughter of the gaoler, who heightened his every joy and solaced his every care, when so cruelly deprived of the tender attentions of his first, or second, or third bride, Miss Archer.

“Mr. Justice Higgins's connexion in the family of the Roe's still secured him the luxury of visiting Newgate, even when raised to the Little Green. His Worship's visits to the chaste Lewellyn and Father Fay were humane and disinterested, and deserve the thanks of the community.

“Mr. Justice Higgins spent Sunday evening last in Newgate, with his friend Mr. Brennan. The hours were festive and joyous, and

We are tolerably certain, however, from an analysis of the Sham Squire's idiosyncrasy, that if he aided Rowan's escape it was mainly on speculation of being able to win a rich reward for his re-arrest. If such was the Sham's design, Rowan baffled it by adopting a mode of escape different from that originally fixed.

On a charge of libel Rowan was found guilty, and sentenced to a fine of £500 and two years' imprisonment.

In challenging the jury, he urged strong objections against two, on the grounds that they had been heard declare, that "Ireland would never be quiet until Napper Tandy and Hamilton Rowan were hanged."* In support of this allegation he offered proof, but Lord Clonmell overruled the objection.

Rowan had not been long in Newgate when the startling fact reached him that the Government had discovered he had been implicated in high treason, and would proceed against him on that indictment.†

The unpublished correspondence of the Right Hon. John Claudius Beresford contains a letter, dated "Merrion-square, April 28th, 1794," in which the following strange admission occurs:—"Government are determined to hang Rowan if possible; but they have not yet shown any suspicion of any person here being

much heightened by the pleasantry of Mr. Dick Daly, while the *verger*, in the most good-humoured manner, gave, and that in his very best style, 'The Night before Larry was Stretched.' The hollow vaults resounded, the felons all stood aghast—even the murderers ceased their blasphemy; while the housebreakers unanimously blasted their limbs and eyes, and bellowed out, *encore, encore.*"

Ample particulars of Father Fay, noticed above, will be found in the *Reminiscences of an Emigrant Milesian*.

* *Memoirs of A. Hamilton Rowan*, edited by W. H. Drummond, D.D. Dublin: 1840. Page 189.

† Giffard, well known as "the dog in office," was the sheriff during the political trials of Rowan and Drennan. Mr. Potts, owner of *Saunders's News-Letter*, published a pasquinade at his expense. Giffard, stung by its wit, assaulted Potts in the public street. The incident amused John Magee, who immediately published a cartoon headed, "The Dog Licking Potts."—*Family Tradition*.

concerned in the plot, in order to lull them into security. No person knows as much as I now tell you except Lord Westmoreland, the Attorney-General, and Sackville Hamilton."

Beresford and Higgins were peculiarly intimate; and it is evident that the secret was not confined to the three parties named, or Rowan would not have received information of their design.* Higgins's paper was, in fact, the organ of the Irish Government; and there was no one more likely than he to have been made *au courant* with the programme of their policy.

MacDowel, the under gaoler, and his son, ignorant of the coming prosecution for high treason, yielded to some suggestions, influentially urged, and agreed to accompany their prisoner from Newgate to his adjacent residence in Dominick-street, for the nominal purpose of enabling him to sign some legal documents. Rowan was a gentleman of large fortune, and could afford to pay his way with munificence. The under gaoler stood at the door, gloating over a purse of gold which had just been put into his hand, while Rowan entered the back drawing-room on the plea we have said; but, gliding by a rope into the garden beneath, he entered his stable, where he found a horse ready saddled, of which he took prompt advantage. His plans, however, were imperfect, and, owing to some breach of appointment, he was for an hour and a half, as he tells us, pacing up and down Granby-row. At last the thought fortunately struck him to go to Mr. Sweetman, of Baldoyle, where he arrived at one o'clock in the morning; and it was not without very considerable difficulty that Mr. Sweetman, who had no expectation of his visitor, was induced to appear. A fishing boat, with assistants, was, in the course of a day or two, procured, and, after a tedious voyage, during which the boat passed

* For proof of the intimacy which existed between Beresford and Higgins, see p. 75—also *infra*.

through the British fleet in the Bay of Biscay, Rowan reached the shores of France.* On the coast of Wexford an incident of the most romantic character occurred. The proclamation, dated 2nd May, 1794, offering a reward of one thousand pounds for the discovery of Rowan, was flung into the boat by a revenue cutter. The men, Sheridan and Murray, resting on their oars, commenced to scrutinize Rowan. "You are right, boys," said he; "I am Hamilton Rowan; but you are Irishmen." "Never fear," was the reply; "by —, we will land you safe." And so they did.

The Sham Squire is not unlikely to have helped in getting Rowan out of Newgate, but getting out of the kingdom was a different thing; and we are sure that Shamado's mouth fell low enough when that startling fact became known. Whether his complicity in the escape transpired among the high law authorities we know not; but late in the same year we find his name struck off the rolls as an attorney, in which capacity he had enjoyed an enormous and lucrative practice.

In the foregoing pages several stories are told of the Squire's fell powers for making money in novel ways. We could supplement the details with many others.

He had a housemaid in his employment singularly full of natural grace and beauty. Her attitudes were as statuesque as one of Canova's dancing girls. Aided by Fontaine, the great terpsichorean professor of his day, Higgins taught the girl to dance and to coquette piquantly with an histrionic audience. She was introduced to the public as La Belle Espagnole. In the hands which had formerly grasped the scrubbing-brush she gracefully wielded castanets; and an

* Their departure took place almost under the sea-girt walls of Kilbarrack church-yard, where tombs to the memory both of Mr. Sweetman and the Sham Squire may be found. See Chapter VIII. for more of Kilbarrack.

enthusiasm nearly equal to that evoked by Cerito or Taglioni greeted her performance on "the light fantastic toe." The trick was at last detected. A contemporary satire on Shamado makes some references to it.

"More, too, my art can make my cookmaid prance,
And show her powers in the ballet-dance,
And sit upon a rope, with hat and pole—
She's full equipped, La Belle Espagnole ;
And if the yearly benefit o'erflows,
The lucky chance her master's pocket knows."

Dublin Evening Post, No. 1742.

Shamado's tastes and talents were highly dramatic. He could personate any character or portray any feeling to the life. He was fond of the society of players, as the frequent allusions to himself and Daly in contemporary squibs prove; and, although he was often seen lounging in a stage-box, he was to be found far more frequently in the green-room—the only thing of that colour which pleased his denationalized mind.

CHAPTER VI.

Records of the Hanaper Office Opened—Lords Chancellor Lifford and Clare—Atrocities of Lord Carhampton—Startling History of Lady Elizabeth Luttrell—Squibs and Crackers—Lord Buckingham and Mrs. Lewellyn—Anecdotes of Luke White and the Purchase of Luttrellstown.

It has been stated that we must have been mistaken in alleging that the Sham Squire was appointed to the commission of the peace, and that John Magee, of the *Evening Post*, on whose authority we made the allegation, may have been indulging in a flight of his eccentric imagination. The Government, it is added, would never, even in those dark days, have deputed a once fettered malefactor to dispense the justice he had notoriously outraged: and that corroboration of this idea is afforded by Wilson's *Dublin Directory* for 1800, wherein, among the list given of magistrates for the county of Dublin, the name of Francis Higgins does *not* appear.

After a tedious search at the Hanaper Office, personally prosecuted, on the 21st October, 1866, and ably assisted by one of the officers of that department, we discovered the original letter of Lord Chancellor Lifford, commanding that a commission of the peace for the county of Dublin should be prepared for the Sham Squire. Here it is:—

“By the Lord High Chancellor of Ireland, Clerk of the Crown and Hanaper.

“Let the Commission of the Peace for the County of Dublin be forthwith prepared in the usual form, wherein you are to insert Francis Higgins, of Abbey Land, in the said County, Esq., to be of the Peace,

with the usual Powers, and present the same to me to pass the Great Seal; and for so doing this shall be your Warrant.—Dated at Dublin, this 10th day of July, 1788.

“LIFFORD.”

John Magee, of the *Dublin Evening Post*, with a degree of courageousness almost unexampled in those days of prostration and perpetual prosecution for libel, exposed the job in question; and in No. 1767 of that journal we find the following passage:—

“Will not a day of retribution come for all this accumulation of villainy and enormity, at which the blood runs cold? Oh that we had a Fitzgibbon judge! Then would no longer the Newgate felon, the murderer of wretched parents, the betrayer of virgin innocence, *Sham* his fate, and defy the laws of God and man.”

On the retirement of Lord Lifford from the Irish Chancellorship, in 1789, John Fitzgibbon, afterwards Earl of Clare, succeeded:

The Sham Squire was at this period one of the most influential men in all Ireland. He powerfully wielded the engine of the press, which, in his case, had been subsidized by the Irish Government. The characters of the most virtuous of the Opposition were daily murdered in his columns. Grattan instituted an action for libel; Lord Yelverton complained, in May 3, 1789, that “he spat his venom against everything that is praiseworthy, honourable, or dignified in human nature.” But nearly all the other judges were subservient to the Sham Squire, and, accompanied by the police magistrates, frequently revelled at his festive board.* No. 1798 of the *Dublin Evening Post* observes:—“To the honour of Lord Fitzgibbon be it recorded that he never dined with Higgins on his

* *Dublin Evening Post*, No. 1756.

public days, or suffered his worship to appear at any table which his presence dignified."*

Why the name of Francis Higgins, as a magistrate for the county of Dublin, does not appear in the *Directory* of the year 1800 becomes now obvious. During our search at the Hanaper Office we discovered a letter of Lord Fitzgibbon, directing that the name of Francis Higgins should be obliterated from the magistracy. The Chancellor, in this letter, visits with a *supersedeas* no less than twenty-one magistrates in a single county. It is amusing to contemplate the noise which would now be evoked if any Lord Chancellor performed a similarly sweeping act of expurgation; but Lord Clare was a man of rare determination.

In visiting the Sham Squire with a *supersedeas* it may well be supposed, from the character of Lord Clare, that he did not yield to popular clamour. Magee's exposure of Higgins was published in the year 1789; he was cruelly punished and almost ruined for his temerity. Throughout the years 1790 and 1791 his paper is silent on the Squire. On the 21st November, 1791, Lord Clare quietly cancelled his name.

"Two of a trade never agree." Lords Clare and Carhampton were both political tradesmen and jobbers; and we think that the Chancellor, in superseding, with one dash of his pen, twenty-one

* Higgins was in the habit of entertaining Lord Chief Justice Clonmell and other peers at his table. Part of a song of the day tells—

"See even nobles at my table wait—

'Tis true, they only come for what they eat;

Yet, to the public, each one seems my friend,

And that (though false) opinion serves my end."

We are assured, however, by one who knew Shamado, that it was as much to enjoy the flow of his exhaustless wit as more substantial fare, that men, who ought to have shrank from his companionship, basked in the broad glare of his funny eyes. Even John Magee described him "as a second Yorick setting the table in a roar."

magistrates of the county Dublin was largely influenced by a desire to give the Lieutenant who had recommended them a slap in the face. But the public weal profited by Lord Clare's stroke—exemplifying another adage, “when rogues fall out honest people gain.”

“By the Lord High Chancellor of Ireland, Clerk of the Crown and Hanaper.

“Let a Writ of *Supersedeas* forthwith issue, in the usual form, for superseding the undernamed Persons from further acting as Justices of the Peace for the County of Dublin, viz. :—

1 Hector Paine.	12 George Nixon.
2 Thomas Allan.	13 Thomas Ledwich.
3 Ralph Smyth.	14 James Adams.
4 Isaac Espinace.	15 Walter Bermingham.
5 Robert Wilcocks.	16 James Rawson.
6 Robert Sibthorp, Esq.	17 Thomas Harrisson.
7 Rev. Thos. Smyth, Clk.	18 Ralph Meredith.
8 Robert Birch.	19 John Dempsey.
9 Henry Archdall.	20 Rev. William Bryan,
10 John Shephard, Esq.	Clk.
11 Rev. John Flood, Clk.	21 <i>Francis Higgins, Esq.</i>

“And present the same to me to pass the Great Seal; and for so doing this shall be your Warrant—Dated at Dublin, the 21st day of November, 1791.

“FITZGIBBON, C.”

There is not much recorded of Lord Lifford, whose appointment of Francis Higgins to the magistracy Lord Clare cancelled. A letter or two appear from him in the *Court and Cabinets of George the Third*, and the noble editor says that they are written in a great, round, clerkly hand. This is not surprising; for Lord Lifford, originally from the mercantile ranks,

acted for many years as an attorney's clerk,* like the Sham Squire.

If Lord Chancellor Lifford spoke in the prosy and platitudinal style in which his letters exhibit him, he must have intensely bored the bar. A long letter from him to Lord Buckingham in the *Court and Cabinets of George III.* (Vol. i., p. 420) begins:—"My very good Lord—My journey thither, which I thought would have relieved me, hath served only to confirm me in the apprehensions I had conceived that the hour of infirmity, which is an enemy to all exertion, and first weakens and slackens the course of business, and soon after disables, was not far off."

Nor was it. Lord Lifford died within the next few months.

He was the longest in office of any Chancellor since Edward the First's time, and of any since the Conquest, save two—Stephen Ridel, in the reign of Richard the First, and Formund le Brun, in that of Henry the Third. The first officiated thirty-three years, and the second twenty-four; whereas Lord Lifford bored the bar of Ireland for only twenty-two.

The newspaper, in recording his death, said:—"Slow he was, in the highest degree, increasing tenfold the usual dilatoriness of the Court of Chancery."

It adds:—

"The late Lord Chancellor has died very rich—worth not less, it is said, than £220,000. Of this by far the greatest part, full £180,000, was realized in this country, and every sixpence of it exported."†

Hardy, in his *Life of Charlemont*, says, that Lord Lifford's patience and good temper on the bench was exemplary; and his monument in Christ Church, Dublin, records that the motto of his life was—"Be Just and Fear Not."‡ But Chief Justice Clonmell, in

* *Sketches of Irish Political Characters*, page 53.

† *Dublin Evening Post*, No. 1755.

‡ It is to the credit of the present Lord Lifford that he is not an absentee.

his Private Diary, calls him "an insincere trickster;" although it was to Lord Lifford he was indebted for that introduction to Lord Townshend which led to his rapid promotion. The character of good temper awarded to Lifford by Hardy contrasted with the demeanour of his successor, Lord Clare, who was very petulant and supercilious.

Lord Chancellor Lifford, in directing that the Sham Squire should be placed upon the magisterial bench, merely complied with the desire of the Lieutenant of the county Dublin. Whether Lord Carhampton's overcharged hauteur and swagger underwent any diminution after the rebuff administered by the Lord Chancellor to his twenty-one nominees, we have no evidence to show. He deserved all the slights which it was possible to give him, as the following pages testify.

The late Mr. O'Reilly, an octogenarian of considerable literary fluency, who acted as correspondent of *The Times* at Paris, published, anonymously, in the year 1853, a work, entitled, *Reminiscences of an Emigrant Milesian*. Mr. O'Reilly, in this work, speaks of Lord Carhampton as "hated, despised, hateful, and despicable," and devotes a whole chapter to villifying his memory. After alluding to the obloquy under which Junius buried his name when Colonel Luttrell, the *Emigrant Milesian* goes on to say (Vol. iii., p. 82):—

"Twenty years would seem to have produced no improvement in his alleged conduct; for, about the year 1790, there appeared in Dublin a pamphlet, written by Dr. Boyton, an eminent physician, in which, although not especially named, Lord C—— finds himself charged, by inuendo, with the grossest possible crime—a capitally criminal outrage upon an orphan, or very poor and very young girl, named Mary Lawless,* procured for him by a wretched woman, named Mary Lewellyn."

* Mr. O'Reilly's memory is slightly at fault. The name of the girl

This pamphlet bore for epigraph the following extract from *Lear* :—

“Tremble, thou wretch,
That hast within thee undivulged crimes
Unwhipped of justice.”

Mrs. Lewellyn was tried, found guilty, and sentenced to death; but it would appear that her friend and legal adviser, Mr. Francis Higgins, exerted his influence on her behalf so strongly with the Viceroy, Lord Buckingham, that a pardon was graciously extended to the culprit.

A poetic address to the Sham Squire, professing to emanate from Mrs. Lewellyn, appears in Magee's journal of the day. After declaring that her heart overflows with gratitude to Higgins for having influenced “my Lord,” and saved her life, Mrs. Lewellyn sings:—

“Let bards their heroes celebrate,
Who fleets and armies did defeat,
And fellow-creatures slew.
Sure more deserving of applause
Is she that can defeat the laws,
Or practise them like you.

“Ye gods! how happy we shall be,
My Lord [Carhampton], you and me,
How joyous pass our lives!

was Neal, not Lawless. The *Autobiography of Archibald Hamilton Rowan* fully states the particulars.

Extinction has overtaken Lord Carhampton's peerage and race; and we, therefore, feel the less hesitation in publishing these details. One of the last of the family was Lady Elizabeth Luttrell, whom Sir Robert Heron thus strongly refers to in his *Notes*:—Lady Elizabeth Luttrell “resided with her sister, the Duchess of Cumberland, played high, and cheated much. She was commonly called the Princess Elizabeth. On the death of her sister she was thrown into gaol. There she gave a hairdresser £50 to marry her. Her debts then becoming his, she was discharged. She went abroad, where she descended lower and lower, till, being convicted of picking pockets at Augsburg, she was condemned to clean the streets chained to a wheelbarrow. In that miserable situation she terminated her existence by poison.”

From law's avenging hand secure,
 We'll force the daughters of the poor,
 And murder all their wives.*

“ Let jurymen go on and swear,
 They'll verdict give from what they hear
 By evidence in court.
 Their verdicts boldly I defy,
 Convinced by law I cannot die
 While I have your support.

“ Brentford-alley, Strand-street,
 Friday Evening.”†

That formidable character, Lord Carhampton, who, by the way, became Commander-in-Chief, is also indicated in the last two lines of the following extract:—

“ Tell me, my muse, who lined the obsequious hall,
 Waiting, obedient, for Shamado's call.
 Gaolers and bailiffs here in order stand,
 The plagues and curses of a wretched land.
 These, all obedient, half their profits bring,
 To share the last night's plunder with their king :
 Here, too, the gamblers bring th' accustomed share,
 And last night's winnings pay the long arrear.
 Here writers stood, to beg their weekly pay,
 Duly put off, to wait from day to day ;
 Clients, from too much coin to get relief,
 And half-starved lawyers waiting for a brief.
 There waited, too, a noble—fie for shame !
 Disgraceful bearer of a traitorous name.” ‡

We may remark that Lord Carhampton's ancestor, Colonel Luttrell, was the reputed betrayer of King James.

Lord Carhampton lived on the proverbially picturesque Lower Road, near Lucan ; and traditions of the awe and hatred in which he was held are hourly

* Hamilton Rowan, in his *Memoirs* (p. 95), tells us that Mrs. Lewellyn and her accomplices had sufficient influence with the gaoler to get the Neals arrested on a false charge. They were locked up in separate dungeons ; and one morning, on opening Mrs. Neal's cell, she and an infant, of whom she had been prematurely delivered, were found dead.

† *Dublin Evening Post*, No. 1762.

‡ *Dublin Evening Post*, No. 1742.

in the mouths of the inhabitants of the locality Arthur O'Connor's newspaper, *The Press*, called him "Satanides;" and the people seem to have been firmly persuaded that the dapper little Lord was possessed by a great evil spirit. "The Devil's Mills," on the road in question, are pointed out, with other feats, as Lord Carhampton's handiwork. These mills are popularly supposed to have been, through diabolical agency, erected in one night.

Mrs. Lewellyn is said to have ended her career under the still closer protecting wing of Satanides. We read:—

"That fair pattern of female excellence lives, not less an example of piety and purity than sanctity and sobriety, in a snug cot, sheltered by the umbrageous foliage of the woods of Luttrellstown."

But it is as a political profligate and terrorist, rather than as a private sinner, that we prefer to notice Lord Carhampton. Junius said that there was a strain of prostitution in his conduct which he could not but admire: he had discovered a new line in the human character, and degraded even the name of Luttrell. These remarks were made about the year 1760; in 1798 Lord Carhampton's name was still more detested. Mr. Grattan gives a statement from the Rev Dr. Berwick which, while exposing Lord Carhampton as a political terrorist, gives a curious picture of the time:—

"He was the clergyman of a parish not far from Luttrellstown, where Lord Carhampton resided," writes Mr. Grattan; "and in 1797 two soldiers came to his house, and took prisoner a man in his service to bring to the General. Mr. Berwick accompanied them. Lord Carhampton knew him both by name and profession; but he was so insolent and haughty, his manner and voice so arrogant, that Mr. Berwick thought he would be well off if he got safe out of his house. 'Well, sir, who are you? Why do you

protect this man? Don't you know that he is a rebel?' Mr. Berwick replied, he did not; that he had only just come from Longford, and before he went had known the man to have been a very well-conducted person. 'Sir, you must have known it! Where do you live?' 'At Esker,' Mr. Berwick replied. 'Oh! no honest man would live there! Why do you harbour rogues and rebels in your place?' Mr. Berwick said, his profession and station, as chaplain to Lord Moira, should have sufficed, as he thought, to protect him from such an imputation. 'Well, sir,' replied Carhampton, 'you may go!' Berwick now became a marked man; and, to annoy and vex him, a piece of cannon was planted in the church-yard, opposite the house, in order to batter down an old building that was covered with ivy, and that formed a pretty object from the windows; and Mr. Berwick was obliged to get an order from Dublin Castle to prevent it. In the little village of Esker several men had been half-hanged and flogged, and pitch-caps put on their heads. A smith who lived there had been half-hanged three times in one week. They applied to the clergyman for relief and medicine, and this humane individual supplied them as well as he could: one escaped into his haggard; two had been wounded at his gate; and by food and medicine he saved one of them. These acts of a Christian and a pastor displeased those in authority. The triangles were fixed up close to his gate; and on Sunday, at his return from prayers, he saw a crowd in the church-yard; he got in, and beheld two men tied to a car, and some English soldiers flogging them. Berwick expostulated with the officer, who replied, 'Sir, hold your tongue. We don't want to be taught our duty by you. Flog on!' One of them, an old man, asked Berwick to get him a glass of water. Berwick told the officer that he was a clergyman—that the parish was his—that this act was horrid, within view even

of his own windows; and he begged to be allowed to get some water for the old man. The officer exclaimed, 'No water!—go on!' and Berwick was obliged to retire. On another occasion he found a man shot, and lying on the road near his house. Berwick went with the apothecary and a yeoman to assist him; when a Scotch officer came up, and desired them to let the man alone—that he should die where he lay. Berwick replied, that the doctor stated the man could not live; that he was shot through the lungs, and he wished to bring him home. 'No, sir; if you do, I shall make you answerable, unless I find the man here again. Mind, you shall be accountable for him.' This worthy, charitable man, however, took him home, but the poor creature died.

"Lord Carhampton, when informed of this good man's conduct, sent for him, and told him he heard that he was interfering *with what was going on*; that it was shameful of him! and that, if he persevered in it, *he would send him in four days on board the tender!* Mr. Berwick now showed a proper spirit; told him his mind, and bid him defiance. This produced some effect on Carhampton, and Berwick was no longer molested! Such was the Reverend Mr. Berwick's statement."

The connexion which existed between Lord Carhampton and the Sham Squire has been elsewhere noticed.

The umbrageous woods of Luttrellstown, which had sheltered Mrs. Lewellyn and the dark deeds of "Satanides," eventually passed into the hands of Luke White, ancestor of Lord Annaly, whose name will be again mentioned in the present narrative. In reference to this purchase an anecdote, characteristic of both parties, remains to be told. Luke White agreed to pay Lord Carhampton £180,000 for Luttrellstown, and deposited £40,000, as earnest of the purchase-money. Lord Carhampton, repenting

of the bargain, wrote to Luke White, saying, "that on consultation with his family, he must decline to part with Luttrellstown, and that he would not only refund the £40,000 advanced, but would make White a present of £40,000 in addition, as compensation for his disappointment." The reply was brief; "Luke White never yet consulted his family or made a bargain which he regretted." A day was named to pay the balance of the purchase-money in London; but Luke White, not being up to time, Lord Carhampton, hoping by terrorism to bring him to his terms, had him arrested on a writ; but White was made of sterner stuff. Some years after, White was most anxious to purchase a small place called Farmley, from Lord Carhampton, which opened a communication between the Phoenix Park and "White's Road," leading to Luttrellstown. Lord Carhampton in pique refused all proposals; and it was not until many years after that peer's death that White was able to obtain it at the exorbitant price of £37,000. One of Mr. White's first acts on attaining possession of Luttrellstown was to change its hated name to that of Woodlands.*

* Tradition of the Annaly family.

CHAPTER VII.

The National Weakness for Gambling—Government Lotteries—Luke White—Pandemoniums in Dublin—Connivance of the Authorities—Inefficiency of the Police—A Vigorous Stroke Tardily Inflicted—The Lampoons, which, like Harpoons, Disabled the Monster, Shamado—Notes about the Magee Family.

WHEN Shamado planted his Pandemonium in that once dissipated region lying between the theatres of Crow-street and Smock-alley he well knew the fertile character of the soil in which he entwined its searching roots. A disposition to gamble had been, from time immemorial, a weakness in the Irish character; and, as the present Master of the Rolls reminds us, *Campion*, writing three hundred years ago, notices a class called *Carrows*, whose only occupation all the year long was playing at cards. *Campion* describes them as “gambling away their mantles and all their clothes, and then lying down, in their bare skins, in straw by the roadside, to invite passers by to play with them for their glibbes, their nails, their toes, and even more important parts of their bodies, which they lost or redeemed at the courtesy of the winner.”

The passion of the Irish peasantry for gambling is intense; and among the secluded roads near which the present lines are penned, groups of fifteen and twenty may be frequently found engaged, as far as their scanty resources permit, in this unhappy indulgence.

The Government of the last century are open to considerable censure for having, with sordid impulse, taken advantage of the national infirmity by the introduction of State Lotteries into Ireland, and, although their successors tardily endeavoured to redeem the criminal error by suppression of the system, it was not before they had reaped the questionable benefit arising from a crop of multiplied calamities.

“The lottery-hall, observes the interesting source to which we have just referred, was in Capel-street, which was every day choked up by crowds of adventurers eager to hear their fate. The multitude of these unhappy beings, and the anxiety and distraction they displayed, was sometimes appalling. All industry was suspended; a number was to be insured at any risk, though the means were secured by pawning, selling, or robbery; every faculty seemed absorbed in watching the chance of the number when procured, all the excesses that have been attributed to gambling in a few of the upper classes were here displayed by the whole population: the scenes that shock an observer in the privacy of a gambling-house were of common occurrence in the public streets—the cheer of success and the groan of ruin, the wildness of exultation and the frenzy of despair, were daily to be witnessed. The man who was honest before became a thief, that he might have the means of insuring. The very beggars allocated their alms to this fascinating pursuit. A poor blind creature used to beg in Sackville-street, and attracted the notice of passengers by her silent and unobtrusive manners and cleanly appearance. She had a little basket with articles for sale, covered with a net, and received more alms than an ordinary beggar. She dreamed of a number that was to make her fortune, and next day was led to a lottery-office and insured it. It was not drawn, and she lost; but, convinced that it was to make her fortune, she still persevered in insuring it. Her little store was soon exhausted; she sold her clothes and pledged her basket, but her number still stuck in the wheel; and when she had nothing left she was obliged to desist. She still, however, inquired after the number, and found it had been drawn the very day she ceased to insure it. She groped her way to the Royal Canal and threw herself into it.”

There were great fortunes won as well as lost by the

Dublin lotteries. Thomas White, Esq., of the Irish bar, has told us the following story of Luke White, ancestor of Lord Annaly. He speculated in lottery tickets, and after a certain lot had remained sometime in his hands, he lost all confidence in their value, and sent them, at a greatly reduced price, by coach to Belfast. What was his dismay when a letter arrived that evening announcing the tickets to be prizes! White was about retiring to rest, on a somewhat tempestuous night, when the news reached him; but with that decision of character and promptitude of action which always distinguished him, he went out, hired a horse, and gave chase to the coach, which had the start of him by nearly a day. Stage-coach travelling was slow seventy years ago, and White had, at last, the gratification of overtaking the vehicle twenty miles this side of Belfast, and of recovering the valuable lottery tickets. He returned to Dublin with them, claimed, and obtained the prize. This was the first great uprising of Luke White, but not his first success, which, if told with full detail, would prove, from its interest, quite a little novel.

The chief gambling-house of the Sham Squire, which stood in the vicinity of the Castle, was much more extensive than the Conversation-Haus at Aix-la-Chapelle, and its vices were those of the worst Continental Kursalls, viewed through glasses of great magnifying power.

A respectful but forcible appeal to the chief magistrate of the police department appears in the papers of the day:—

“Alderman Warren, as principal of the board of police, as an alderman and magistrate of the City of Dublin, as representative of the second city in the British empire, is called on by his constituents, by that duty he owes the public, by his feelings as a father, his honour as a man, and his character as an incorrupt and independent magistrate, to immediately

take some effectual steps for the instant and entire suppression of that infamous and infernal gambling-house at the corner of Crane-lane, Essex-street. The protected proprietor of this house has had the audacity to circulate reports, which it is now become peculiarly incumbent on the alderman and his friends, the police magistrates, to convince the Marquis of Buckingham and the world, are as despicably false as designedly injurious to that system of spirited exertion and impartial justice which ever shall be their pride uniformly to exert for the protection of their fellow-citizens, the safety of their persons, and the preservation of their properties."*

The Sham Squire had considerable influence with the Commissioners of Police, to whom he constantly supplied private information respecting the delinquencies of others. As no detective department then existed, they were only too glad to avail themselves of Shamado's aid. The *Dublin Directory* of the day records that Alderman James was one of the three Commissioners of Police; and the fact that Higgins left this person £200, and appointed him an executor under his will of 1791, shows sufficiently clearly the terms on which he stood with them. The early *Directories* describe James as a grocer, residing in No. 90, Bride-street, and Higgins as an attorney, living in Ross-lane adjacent.

James was the first Dublin alderman who introduced the fashion of wearing large gold chains. He, in common with his brother-commissioners of police, Rose and Warren,† were distinguished in society by

* Ten years later found the police equally inefficient. In a letter dated Dublin Castle, November 3rd, 1798, Lord Castlereagh writes:— "From the want of any efficient system of police in this city, Major Sirr has been constantly employed confidentially by government."

All the arrests and searches made in '98 and 1803 were not by police, but by soldiers in coloured clothes, under the direction of Majors Sirr and Swan.

† Alderman Warren lived in Mill-street, in the Liberty; and "Warrenmount" derives its name from him.

the official badge of one button-hole worked in gold lace. The father of one of the commissioners had been an itinerant tinker. Another of the parties we have alluded to filled the office of city treasurer, and was eventually found a defaulter to the extent of £14,000!

Another extraordinary but well-provoked protest against Shamado's Pandemonium, addressed by one hundred inhabitants of Essex-street and its vicinity to the police magistrate of the metropolis, appeared in the *Dublin Evening Post* of August 15th, 1789. Calm and respectful remonstrances had been long tried in vain—the lash of sarcasm was now wielded. The address thus concluded:—

“We, therefore, present this address, sir, with a view to prevent your inattention to this infamous nuisance from rising in judgment against you on a future day as a bar to the suffrages of your fellow-citizens in this neighbourhood, and their friendship everywhere. May the gilt paper* of Basnerville, and the perfumed wax of Lamprey, continue to grace your epistolary correspondence, private and political—may the burnished brilliancy of Venetian mirrors continue to reflect the comely similitudes of yourself, your fellow-commissioners, and your gallant corps—and may the downy carpets of Turkey and Wilton ever give soft reception to the pressure of your graceful footsteps—are the sincere wishes of, twice worshipful and thrice honourable sir, your devoted friends and admirers.”

These views were endorsed by the Duke of Leinster, Mr. Conolly, and their brother-members of the Whig Club, then a powerful body. One of their resolutions set forth:—

* The allusion to the gilt-edged paper and perfumed wax of the powerless police was well-grounded. *Grattan's Memoirs* (Vol. iii., p. 456) remind us that among their items of expense were—“For two inkstands for the police, £5 5s. 3d.; three penknives, £2 2s. 3d.; gilt-edged paper, £100; *Chambers's Dictionary*, £11 7s. 6d.”

“The present extravagant, ineffectual, and unconstitutional police of the City of Dublin has been adopted, continued, and patronized, by the influence of the present ministers of Ireland. All proceedings in Parliament to remove the grievance, or censure the abuse, have been resisted and defeated by the same influence. The expediency of combating by corruption a constitutional majority in Parliament has been publicly avowed, and the principle so avowed has been carried into execution.”

Magisterial lethargy was at last goaded into action; and the Crane-lane gambling-house was suppressed.

A soliloquy on its ruins chronicled its former sins and triumphs.

—————“where articulated

To Hell's black service, far-fam'd pigeoning *
 Sprung into thought, and thought arose to action.
 A long farewell!—soft, fleec'd, apprentic'd dupes
 Now to your beds—why rob each hour the tills,
 When plunder, villainy, and dice no more
 Allure your hearts! Adonis-featur'd Frank,
 In whose bright eyeballs oft I've conn'd my fortune
 Art thou not sharer in the general wreck?
 Art thou not fallen from those quotidean joys
 Of spirit-damning gold, whose rapturous sound
 As lyre of Orpheus, big with harmony,
 Each morn approached thine ear? Ay, fall'n, fall'n,
 Damned and detested, thou art sunk, indeed.
 Nor can Molloy† one consolation yield!
 Thy jocund, festive moments hence be changed
 To musing, dead, inactive, powerless villainy;
 Thy meshy nets of deep designing fraud,
 Are burst at once and trampled by Magee.
 In woful moment enter'dst thou the combat,
 To me—to thee—to all the sons of rapine—
 Woful, indeed! Now, parents sleep secure—
 Guardians to rest, and public peace shoot forth
 Thy scion olive! Never shall Crane-lane
 Vie in the science of envelop'd shuffling
 With Breshaw's art, nor Pandemonium's crew
 Grin, horrible applause, at plundered folly!

* Carrier pigeons were employed by the “lears” and gamblers of the day.

† See p. 101, *ante*.

Justice once more displays her well pois'd scale;
 Spurr'd magisterial lethargy's unkennell'd,
 And ass-eared obstinacy's levelled low!"*

"Level Low" was a nickname bestowed on Alderman Carleton, a prominent Justice of the Peace, because he was always threatening to level low the Pandemoniums which cried to justice for vengeance, yet rarely grappled with them after all.† Mr. P——, ex-Police Magistrate of Dublin, mentioned to us that his late father personally expostulated with the matron of one of the most notorious houses of the day, and even threatened her with penalties. "I set you at defiance," was her reply; "I buy my wine from Alderman Carleton." The alderman, in addition to his official duties, conducted an extensive wine trade. Prices were in those days high, and Barrington reminds us that "claret, if on credit, the law—before payment—generally mounted it to £200 per hogshead, besides bribing the sub-sheriff to make his return, and swear that Squire —— had 'neither body nor goods.'"‡

Alderman Carleton was a well-known public character, and his figure has been pointed out to us in Wheatly's celebrated picture, descriptive of the review in College-green of the Irish Volunteers.

* None of these squibs appeared in our book called "The Sham Squire."

† Since the first edition of this book appeared we have received a letter from J. C. O'Callaghan, Esq., communicating the impression of an octogenarian relative, that "Level Low" was applied to an "Alderman Vance," not "Carleton." "Vance, a grocer, resided in Capel-street, and he used to be called 'Level Low,' from his being said to have given that word of command to suppress some riot in the Liberty." We have only to say that the journals of the day apply the epithet to Alderman Carleton; and the list of Aldermen of Dublin, printed at page 89 of the *Dublin Directory* for 1789, makes no mention whatever of Mr. Vance, who did not don his red gown for several years after. The impression of another correspondent, Mr. Porter, is that the original "Level Low" was Alderman James. The perpetuation of nicknames is not unfrequent.

‡ *Personal Sketches of his Own Times.* Vol. i., p. 66.

The arrest of Mr. Higgins's indecent promotion by the Government of his day, and the *supersedeas* which at last issued against him as a magistrate, were mainly owing to the spirited philippics of Magee.

The following "advertisement" first arrests attention:—

"To be disposed of, on reasonable terms:—A worshipful Commission of the Peace—A respectable Journal.*—A noted gambling-house.—Several established b——s.—Some stockingframes.†—A theatre.—Some gross of loaded dice.—Several curious manuscripts: essays on ways and means.—And a curious volume in black letter, containing many valuable secrets in the arts of sharpening at divers games Pimping, bullying, and affidavit swearing; with several dozens genuine and some *sham* dramatic bludgeons, the property of a celebrated Junto who are about to dissolve partnership, and retire to Botany Bay. Inquire of Dashing Dick,‡ at the Old Booth, in Rook-street;§ or of the Provost of Crane College,|| or any of the Ivory Society at that university"¶

To explain one of the above allusions, we may remark that Higgins was sometimes attended by a body-guard of "Liberty Boys," who, with bludgeons, in the Theatre, did great havoc when a "groan for Sham" or a "cheer for Magee" was raised.** There

* The Sham Squire's Journal was the subsidized organ of Lord Buckingham, and every Viceroy from the Duke of Rutland, in 1784, to Lord Hardwicke, in 1802.

† Justice Higgins had been a hosier.

‡ Richard Daly, Lessee of the Theatre Royal.

§ Crow-street.

|| Higgins's gambling-house.

¶ Several manufactories of dice sprung up in Essex-street, in the immediate vicinity of the great gambling-house. They continue on the same spot to this day.

** See *Dublin Evening Post*, No. 1788; also Trial of John Magee for Libel on R. Daly. Dublin, 1790, pp. 30, 31.

were no regular police on duty, but, as Barrington informs us, two soldiers with fixed bayonets, always stood, like statues, on each side of the stage. Hitchcock says that, to escape having their heads smashed, the orchestra played behind the scenes.

But the stinging stanzas of Magee's poet proved even more effective than the loaded paragraphs of crushing prose.

A number of poetic satires appeared, aiming to check his impudent pretensions, and the vices which fell broadcast from his polluted hands. After asking where is the muse who formerly lashed crime, and remarking—

“Alas, all gone, let every virtue weep,
Shamado lives, and satire lies asleep.”

The bard proceeds:—

“Hark, too, the sons of Newgate join their aid
To praise the man, the patron of their trade.
Here, too, the green-room with loud plaudits ring,
To hail the man, the master of its king ;*
Its king, indeed, debased below my strains,
Now turns informer for his master's gains.
But, hark ! methinks already do I hear
Noise and confusion dire assault mine ear ;
Crane-lane resounds with many a horrid yell,
And spawning devils groan from inmost hell.”

Magee not only lashed Shamado with the riding whip of his hobby horse, but beat his brazen head with the heavy butt end of it.

“If, then, the soul of Horace yet remain,
If, then, I do not court my Muse in vain,
Rouse satire, raise up thy terrific head,
Aim sure th' avenging shaft, and strike the miscreant dead.” †

A deeper design than the instincts of philanthropy and morality impelled Magee to lash the Squire. His paper was, as we have said, the organ of the corrupt Administrations of Lord Buckingham and his predecessors; and the Squire, we are told, was

* Richard Daly, Lessee of the Crow-street Theatre.

† *Dublin Evening Post*, No. 1743.

repeatedly admitted to the confidences and courtesies of the Viceroy's closet.

Magee felt that there was not a moment to be lost in riddling the reputation of Justice Higgins, by steadily directed broadsides. On March 31st, 1789, it was announced that on an early day Mr Higgins had "consented to accept a stroke of the sword," in conjunction with Sir Jerome Fitzpatrick,* and would return in his own carriage as *Sir Francis Higgins*. †

In one of the satirical poems which startled Dublin seventy years ago, the bard, after describing Higgins surrounded by clamorous claimants for place through his influence, proceeds to describe his appearance, costume, and features, every one of which, we are told, seemed formed to hide a lie. We print the concluding lines, not without hesitation. They are not more coarse than many favourite passages of Shakspeare, or of Butler, and they are curiously illustrative of the mode in which public men were denounced in the last century. It is hardly necessary to observe that these squibs are now reproduced for the first time:—

"Here dispossessing Nature of her right,
 Envy usurps the sickly pallid white,
 And anger conquer'd by contending foes,
 Holds but a transient empire in his nose ;
 While treachery in his heart concealed reigns,
 And pours his sable current through his veins ;
 And artful, cunning, simpering the while,
 Conceals them all in one unmeaning smile.
 Such was the man, but to describe his smell,
 Not all the poet's of Castalia's well—
 Not all the poets Grub-street ever knew,
 Writing for novel, magazine, review,
 Odes, satire, sonnet, elegy, or distich,
 Could e'er find terms adequate to this st—k ;

* Sir Jerome Fitzpatrick, M.D., is noticed in Gilbert's *History of Dublin*, Vol. i., p. 275 ; where this medical knight describes "The Black Dog Prison as abounding in every exhalation necessary to promote putrefaction." The wretched inmates were a mass of disease and no yard or closet existed for their use. Hygiene was then in its infancy.

† *Dublin Evening Post*, No. 1742.

Not butcher's offal spread on barren land,
Or boiling blood and bones upon the strand ;
In short, no odour that was e'er invented,
Contrived to raise a plague, or to prevent it—
Not all the scents of which gold finders tell,
Could ever equal sweet Shamado's smell.*

Another song, to the tune of "Look, Dear Ma'am," is, from its preposterousness, comical in its way.

After speaking of the Squire in Stephen's-green, who in a dungeon once was seen, and reminding him of his fraud on Miss Archer, the poet goes on to describe the editorial attorney:—

"And though he's plump and never lank,
Of perjury he smells so rank,
That none would wish to be near Frank,
Slippery, sloppery beaux.
He's an hack that can print and puff,
Laterum, slash, terrible trash.
And in Crane-lane he looks so bluff,
Fricasee stewity hash.
Th' infernal agents all attend,
And tho' he robs, he'll in the end
Persuade you he can be your friend,
Cuts you up, cuts a dash.

"He and the Dasher † now are merry,
Geggledum D. Higgledam ne.
They've made two bites of one poor cherry.
Waspedy, stingedy C.
To rob a patriot of his money,
And liberty, too, is very funny.
Thus maggots crawl out when days are sunny,
Onedy, two, and three.

"Transported he at length will be,
Botany Bay, killippy, ho.
There serve sev'n years, though he goes free,
Kangaroo, musquito.
And if, of rogues, this mighty chief,
Should chance thence to return safe,
He'll fairly die per fall of leaf,
Krattledum, New Gaol, O."

The allusion in the foregoing to robbing a patriot

* *Dublin Evening Post*, No. 1746.

† Richard Daly, lessee of Crow-street Theatre.

of his money and liberty is explained by the following passage in *Sketches of Irish Political Characters*, (Lond 1799), page 183.—

“He insinuated himself into the acquaintance and confidence of the proprietor of a print, in some degree of estimation.* This gentleman was in very embarrassed circumstances. The *Sham* lent him £50, and watching his opportunity, when he thought his distress at the height, suddenly arrested him for the money. To procure his liberty he was glad to transfer to his creditors the property of the paper for one-fourth its value.”

We rather wonder that we should have been so successful in obtaining official records of the Squire's perfidy, considering the efforts he made to obliterate them. True bills were at last found against the occupiers of his gambling-house; but they vanished from the grand jury bag, no one could tell how.†

Again, it was stated by Prime Sergeant Browne, in Parliament, that in the suit, “Higgins against Magee,” two erasures and certain alterations had been made in the record, a dark and wicked transaction, which, on its discovery, greatly alarmed the bar, who convened a meeting with the object of probing it to the bottom. The suit, we are told, was to secure the conviction of Magee, and deprive him of the benefit of a fair plea against judgment. It also appeared that Higgins had taken off the rolls the record of his conviction in the case of Miss Archer,‡ but the true bills found by the Grand Jury on that occasion, which we have already printed, luckily escaped his vigilance.

In his documental tamperings Higgins seems to have been equal to his friend Sir Boyle Roche's bird—

* *The Freeman's Journal*.

† *Dublin Evening Post*, No. 1843.

‡ *Dublin Evening Post*, No. 1836.

everywhere at once. Magee, it appears, had teased him with such reminders as—

“To Mass I’ve been often, but now go to Church,
Have forgotten new friends—left the old in the lurch,”

and Higgins, thereupon became anxious to obliterate the official records of his conversion.

On August 18th, 1789, we read:—“Esquire Higgins has been rather unsuccessful in his canvass amongst obscure sextons and parish clerks, relative to the entry and certificate of his recantation. Affidavits might have been had by the quire of parish ministers being dead, and registry books being by accident lost, or torn and defaced by evil spirits; of enrolments or certificates, touching the said recantation, being negligently omitted by deceased clerks, in certain offices of Rolls.”

Magee not only balked Higgins in his expectant knighthood, and caused him to be deprived of the commission of the peace, but also succeeded in getting his name struck off the roll of the attorneys. Such paragraphs as these successfully did their work:—

“There is not a practitioner at the Tholsell or Kilmainham court that is not ready to acknowledge Squire Higgins, the justice, as the neatest hand at penning an affidavit, or fitting a round plumper to a tender conscience, that ever humbugged a court, or saved the neck of a knave.”

In 1795 Higgins was expelled from the profession of “gentleman attorney.” The days were gone when Magee made him sing—

“Or if you still deny my sovereign awe,
I’ll spread the pettifogging nets of law;
Plaints, writs, demurrers, at my back attend,
And try which shall its injured lord defend.
You know you are my debtors; if I’m vext, o
Affronted, at a word you go to Dextor.
If farther you deny my influence—Lo!
A bailiff waits to take you off to Roe.*

* John Doe and Richard Roe. These once terrible bugbears are gone for ever, like Shamado, who employed their aid so freely.

James Magee, Esq., late police magistrate of Dublin, who died in September, 1866, was the son of this remarkable character, and the brother of John Magee, junior, whose libel on the Duke of Richmond's Administration elicited O'Connell's ablest bar effort. A great deal has been written and spoken about the fine of £1,000 which was levied on Magee for his article. It will surprise many people to hear that James Magee conducted the *Post* in a spirit so calculated to conciliate the Whitworth, or rather the Saurin Government, that they refunded to him the fine of £1,000 which John had actually paid.

James Magee, Esq., had served his time as a merchant to the father of the late Alderman Roe, before he became a journalist.* But his death is too recent to write his memoir.

* Magee lost so much money in wreaking his vengeance on Lord Clonmell and the Sham Squire that his children rather shrunk from any allusion to it. We had an interview with the late James Magee, on the subject, who at first did not seem to enjoy it; but having shown him a newspaper containing the following paragraph, he relaxed his reserve, and became communicative:—"We cannot conclude without a suggestion. In rescuing the villain from oblivion Mr. Fitzpatrick has brought to light the labours of a great Irishman, who contended almost single-handed against Higgins and the corrupt government who supported him. We allude to John Magee. If Mr. Fitzpatrick was to originate a movement for the erection of a Magee testimonial, the appeal would meet with a national response. Poor Magee was scarcely ever out of prison; and his summary vengeance upon Lord Clonmell, the Chief Justice, and friend of the Sham Squire, who condemned him, is one of the most laughable incidents of Irish history. No Irishman of his time is more deserving of a monument than Magee; and no one could with more grace inaugurate such a movement than Mr. Fitzpatrick."

CHAPTER VIII.

The Abbey of Mone, *alias* Kilbarrack Church-yard—Pilgrims visit the Sham's Shrine, and record their sentiments thereon—Desecration of his Tomb—"Jig Polthogue"—Correspondence.

REGRET has been expressed that the work, to which this is a sequel, did not include a complete copy of Higgins's epitaph in Kilbarrack church-yard. Before the publication of our researches a letter appeared from Mr. Burrowes, which fully supplies the desideratum. Except to a few it was not then known whose bones lay mouldering beneath this shattered tomb and defaced inscription. Under these circumstances a peculiar interest attaches to Mr. Burrowes' letter; and the fact is, in itself, sufficient to make our narrative a necessity. The stone has been so much ill-treated since, that the inscription is now almost illegible.

"Relative to the donor of the fund applicable to the relief of the poor debtors confined in the City Marshalsea, I am prompted by a sense of duty to send you some information which may not be unacceptable. In the old church-yard of Kilbarrack, about a mile and a half beyond Raheny, there may still be seen the remains of a tombstone, containing an inscription which, alas! for human fame, is, through accident or otherwise, now wanting in the name of the benevolent individual whose remains lie mouldering underneath. I visited the locality yesterday for the purpose of copying the inscription, which I give with accuracy:—

" " — S, Esq., of Dublin, — this life on the 19th January, 1802, aged 56 years. By Philip Whitfield Harvey,* Esq., and Frances Harvey, his

* So long as the daughter of Philip W. Harvey lived, we should

wife, legal representatives of the deceased, and they deem it but just to his memory here to inscribe that he has left bequests behind him as a memento of philanthropy, liberty, and benevolence to the poor and distressed, more durable than can sculptured marble perpetuate, as it will last for ever, and be exemplary to all those to whom heaven has entrusted wealth and affluence—viz., one thousand pounds he bequeathed to be laid out on landed security, the annual interest of which to be applied to the relief and discharge of poor confined debtors in the City Marshalsea, on Christmas Eve each year; also several other sums of money to truly charitable purposes. One hundred pounds to the Lying-in Hospital, fifty pounds to Simpson's Hospital, twenty pounds to the Bluecoat Hospital, and ten pounds to each of the Protestant and Roman Catholic charity schools in the city of Dublin. Reader, you will judge of the head and heart which dictated such distinguished charity to his fellow-creatures, liberal as it is impartial, and acknowledge that he possessed the true benevolence which heaven ordains and never fails everlastingly to reward.'

"Whether," adds Mr. Burrowes, "the benevolent donor was Mr. Wm. Webb, or some other philanthropist, I leave to others to investigate; but what a pity it is that many of our old grave-yards should be in

not have mentioned his name in conjunction with that of Higgins; and the pages of *The Sham Squire* may be vainly searched for it.

While these sheets were passing through the press, the lady, who was Mr. Harvey's only child, died. She had read *The Sham Squire* with some curiosity, and one of her last acts was to draw up, for our use, an interesting statement, to show that her mother, who inherited the chief part of Mr. Higgins's wealth, was not related to him. We may remark further, on the authority of Mr. Curran, grand-nephew of the "Sham Squire," that the statement in Gilbert's *History of Dublin* (Vol. i., p. 295), is incorrect, which pronounces Philip W. Harvey to have been the nephew of the "Sham Squire." Mr. Curran adds that this gentleman was not related to Higgins; and these declarations will, we trust, prove satisfactory to the late Mr. Harvey's connexions.

so neglected a condition as to be without even a fence to keep out the grazing cattle of the neighbouring farmers. I may instance the above burial ground, as also those of Killester and Artane, as shameful instances of neglect and want of respect for the abodes of the departed."

It has been stated by an American writer, that there are some vicious diseases which cannot be cured even by death, for we often see them break out on a man's tombstone more violent than ever. The Sham Squire's testament and tomb are, perhaps, good illustrations of the remark. Both are, from beginning to end, shameless shams—the last acts in a drama of hypocrisy and humbug. This view has evidently been taken by the pilgrims who, of late, have numerously thronged to visit his shrine. The following letter, from the Rev. Dr. Doyle, supplies an interesting item on this subject:—

"The sensation caused by your deservedly popular researches anent the Sham Squire led myself and some other clergymen to pay a visit to his tomb in the church-yard of Kilbarrack. We had arranged a week previously to meet at the Presbytery, Clontarf, and walk from that to the cemetery. You may naturally infer that the conversation, during our walk, chiefly turned on yourself and the 'Sham Squire.'

"On our arrival we found other visitors, actuated, I presume, by the same curiosity as ourselves. We were astonished, however, to find something else on the tombstone besides the epitaph—that is, some lines written with chalk; we thought it a pity not to copy them, at least for curiosity sake; they certainly would have been obliterated by the next rain. But, when we prepared to put our design into execution, we found there was not a pencil amongst us! We then came to the conclusion of transferring them from the *stone* to the *brain*, which I did immediately, and copied them when I arrived at Howth.

“As anything connected with this subject may be interesting, I take the liberty of sending you a copy of these lines.

“Lines written with chalk on the tombstone of the Sham Squire, and committed to memory on Monday, 4th of June, 1866:—

“Here underneath this mound of earth,
Lies one, disgraced in story;
A man, the meanest from his birth
That ever sought for glory.
His life was a life of deeds
Destructive to our nation,
May he, who for him intercedes,
For ever find privation.
He's in a hell* too well deserved,
For a long time he sought it;
The selling of Lord Edward's life
Was the price with which he bought it.”

Divines as well as democrats seem to have recorded their impressions on the tomb. “A clerical hand,” quoting from Psalm xxv., 6, scratches:—
“Destroy not my soul with the impious; nor my life with men of blood. In whose hands are iniquities; their right hand is filled with bribes.”

A second communication from Dr. Doyle, recording

* This may seem too strong for the taste of some readers, and our first impression, on reading it, was a wish that the Bard had substituted the word “pain” for “hell;” but we find that the best English poets have reprobated English informers in precisely the same spirit. Charles Lamb, in reference to Castles and other political stags, describes their last resting place as:—

“Close by those ever burning brimstone beds,
Where Bedloe, Oates, and Judas hide their heads.
Worms of all monstrous size
Crawl'd round; one uncoiled which never dies.
A doleful bell, inculcating despair,
Was always ringing in the heavy air;
And all about the detestable pit
Strange headless ghosts and quartered forms did flit.
Rivers of blood, from dripping traitors spilt,
By treach'ry stung from poverty to guilt.”

Scully, the betrayer of O'Sullivan Bere, was anathematized as strongly in Irish by the outlaw's mother. Callanan translates the Ban:—

“One glimpse of Heaven's light may you see never,
May the hearthstone of hell be your best bed for ever.”

another visit to Kilbarrack, announces the unsatisfactory news that within the short period which intervened between his two pilgrimages, considerable quantities of the tomb had disappeared, and that ere long this curious relic is likely to become greatly scattered.

The Rev. J. Gaffney, M.R.I.A., author of *The Ancient Church of Ireland*, writes on Nov. 9th, 1866.

“On Wednesday last I called, *en passant*, to inspect the tomb of the ‘Sham Squire.’ I found it in a very different state from what it was some six months since. The large tombstone, setting forth the virtues and benevolence of ‘that heart, head, and hand,’ was thrown down; one large piece was broken off the upper part, and sundry attempts to do more injury had left their traces on the edges of the stone. The upright stones which had supported the horizontal slab were also thrown about.”

We are informed by the publisher of this work that some persons have called upon him, including American tourists, who triumphantly exhibited in his shop fragments of the stone. The local constabulary ought to check this outrage.*

Between the barbarous vengeance wreaked by popular indignation on the tomb, and the anxiety of tourists to obtain pieces of the slab for preservation as a curiosity, the monument may soon melt away like the corpulent squire, who, sixty years ago, was placed beneath it. This desire on the part of tourists to preserve souvenirs of the Abbey of Mone is opposed to that preservation which should always be a cherished object with archæologists.

* Since the first edition of this book appeared we have been informed by one of the local magistrates that the desecration of the Sham Squire’s tomb was duly brought before the Bench at Raheny, and a reward offered for the discovery of the perpetrators, but without effect. The amusing fact was deposed to by the Head-constable that in such disgust was Shamado’s memory held that many years ago a hale old gentleman, of eccentric disposition, who lived at Howth, was in the habit, on his way to Dublin, of halting at Kilbarrack, and dancing Jig Polthogue on the flat tombstone.

CHAPTER IX.

J. C. Beresford—The Flogging of Horish—The Riding House—Pipes Lit and Guns Wadded with Beresford's Bank Notes—One Bright Trait in his Dark Heart—Dr. Adrien implicated in the Rebellion—Murder of Lord Kilwarden.

THE Right Hon. J. C. Beresford, whose name frequently appears in the foregoing pages, although he took a leading part in the Back-stairs Cabinet, which, ignoring the existence of viceroys, ruled Ireland for many years, is, perhaps, chiefly remembered for the tortures wherewith he pursued suspected rebels, on whose backs his policy has been written in well-incised characters to a comparatively recent period.

A gossiping correspondent, Mrs. O'Byrne, in a MS. before us, dated October 22nd, 1866, writes:—

“I first became acquainted with the name of Horish long, long years ago, through the medium of a picture in Walter Cox's *Irish Magazine* for the year 1810, where, at p. 147, he is represented as tied up to a triangle, undergoing revolting punishment from the hands of the Right Hon. John Claudius Beresford, in the year 1798, in what Walter styles, ‘The Whipping Court-house, Marlborough-green,’ now the site of the National Education Offices in Marlborough-street. The sketch which accompanies the picture headed ‘Claudius *versus* Horish,’ is of a satirical nature, and gives no information respecting his position in life or antecedents, as Cox's sketch conveys the idea that he, during his great suffering, resolutely refused to give in the names of innocent persons as a means of release from

his torment. I have thought his name, coupled with what little I was able to glean respecting him by inquiries, made many years ago, without any view to publication, would not be out of place here.

“As far, then, as I could learn of Mr. Horish (I do not think I ever heard his Christian name) he was a well-to-do man of substance, who—in the sorrowful days when chimneys were swept by little sooty black slaves, called *climbing boys*, not unfrequently children stolen in tender years from careless mothers and nurses—pursued the avocation of a master-sweep in the large house, now No. 7, Redmond’s-hill, which I remember to have heard was either built by himself or a bequest from his father. In the basement story of this house, to which a descent from the street exists now as it did in his time, his climbing boys took their meals; and it was said that his known kindness to them, and care for their welfare, procured him the largest trade in his line in Dublin. Unfortunately for himself, he had the sweeping by contract of the chimneys of all the public offices in Dublin, including those of the Castle. Some evil-minded wight gave out that he was ‘a United man,’ and had been selected by some of the chief organizers of ‘the rising’ to convey some ‘infernal machine’ into the Castle for incendiary purposes. The narrow dingy courtway between Nos. 56 and 57, South Great George’s-street was pointed out to me as the pass through which the mythical ‘infernal machine’ of Horish was to bring conflagration and terror into the Castle of Dublin. My informant, who lived in ‘the days of ’98,’ firmly believed that the story was trumped up by an Orange clique to give an excuse for the arrest of an envied and naturally formidable man. The narrow courtway, I was told, had a different appearance at the period in question—it then merely formed the entrance to an extensive stonemason’s yard, owned by a Mr. Wildrige, a loyalist of

the period, who had a fine airy house at the upper end adjoining the Castle premises."

Sir Jonah Barrington, describing an election in Dublin, at which Mr. Beresford was a candidate, introduces a strange colloquy between Horish and his former flagellator.

The marvellously buoyant elasticity of the Irish character, under even the contemplation of intense suffering, is strikingly shown in the case of Horish. The recollection of torture under which, as was proved by Lord Moira, strong men fainted, ought rather, one would think, to send a cold thrill of horror through the blood; but Horish was indomitable. We give his dialogue with Mr. Beresford, not for its wit, but for its curiosity:—

"During the rebellion of 1798," writes Barrington, "Mr. John Beresford had built a riding-house for his yeomanry troop in Marlborough Green, which had been also much used as a place for whipping *suspected* persons in, to make them *discover* what, in all probability, they *never knew*—a practice equally just and humane, and liberally resorted to (perhaps for sport) by military officers, pending that troublous era when martial law authorized every species of cruelty

"In Mr. Beresford's riding-house this infernal system was carried on to a greater extent than in any other place of execution then tolerated in the metropolis—to such an extent, indeed, that some Irish wags (who never fail, even upon the most melancholy occasions, to exercise their native humour) had one night the words—'Mangling done here by J. Beresford and Co.'—painted upon a sign-board, and fixed over the entrance.

"It happened that this same Horish had been among those who had paid to their king and country a full share of skin for the crime of being anonymously suspected. He had not forgotten the couple

of hundred lashes on his bare carcase which he had received in Mr. Beresford's riding-house; but the circumstance (being of such an ordinary nature) was, of course, totally forgotten by the candidate, notwithstanding the tenacious sensation of the elector's loins, where many a good thick welt remained to remind him of the pastime.

"Horish, a coarse, rough-looking, strong-built, independent, and, at the moment, well-dressed brute of a fellow, remained quite coquettish as to his votes. 'Let me see!' said he, feeling his importance and unwilling to part with it (which would be the case the moment he had polled), and looking earnestly at all the candidates—'Let me see! who shall I vote for?—I'm very hard to please, gentlemen, I assure you!' He hesitated; we all pressed. 'Fair and easy, gentlemen,' said Horish, looking at each of us again, 'don't hurry a man.'

"'Barrington,' cried impatient Beresford, 'I know that honest fellow Horish will vote for me.' Horish stared, but said nothing.

"'Indeed he will not,' replied I—'eh, Horish?' Horish looked, but remained silent.

"'I'll lay you a *r——p and dozen*,' exclaimed Beresford, 'on the matter.'

"Horish now started into a sort of animation, but coolly replied:—'You'll lose that same *r——p and dozen*, Mr. Beresford! 'twas many a *dozen* you gave mine already in your riding-house, and to the devil I bob that kind of entertainment! but if ever I have the honour of meeting you up a chimney, I'll treat you with all the *civility* imaginable.'

The triangle and the scourge caused the name of Beresford to be held in great detestation. He was a banker in Beresford-place; and when the insurrection burst forth, the rebels, hoping to injure him, destroyed his paper money wherever they could find it. This illogical proceeding had only the effect of enriching

their foe. Mr. Whittaker, now in his eighty-second year, and an official in the Bank of Ireland, during its former existence in Mary's-abbey—a gentleman to whom we are indebted for some curious details of Old Dublin—knew pipes to be lit with Beresford's notes; and the late Mrs. Plunkett, who lived through the excitement of the rebellion in Wexford, informed us that she had seen a gun wadded with similar material!

Beresford, like other terrorists, was quite capable of sometimes showing a kindness even to men whose political sympathies were not in unison with his own. Dr. M'Keever, of Dublin, who served his apprenticeship to Dr. Adrien, informs us that his old master was a United Irishman, and had some intention of leaving the country from prudential motives, when Mr. Beresford said to him, "Stay with your patients, we have no evidence against you." Readers of Moore's *Life of Lord Edward Fitzgerald* will remember that Dr. Adrien was the first who bound his wounds. He was a very eminent physician, and of late years occupied the large house in Dawson-street, afterwards known as the Reform Club, and now as the Royal Irish Academy. There is a tradition that, when the house belonged to Lord Northland, Lord Kilwarden breathed his last here; although carried in the first instance to a guard-room in Vicker-street.

CHAPTER X.

Correspondence of the Family of Lord Carleton with the Author—
 His Ancestry—Associated with Lord Clonmell in early Struggles
 —Curious Dialogue—Lord Castlereagh—Anecdotes—John and
 Henry Sheares—The Union—Reynolds, the Informer.

A WORK which professes to notice Lord Clonmell and his contemporaries would be incomplete without some account of Lord Chief Justice Carleton, to whom he so frequently alludes in his diary. For this task his family have been good enough to supply us with some material. The correspondence began on June 15th, 1866, with a letter from a member of the family of the late Lord Carleton, in which exception is taken to a statement in our notice of that peer at page 203 of the *Sham Squire*. Having had reason to believe that Lord Carleton was originally from Cork, we asked, as we conceived, the highest authority on such a point, the late John Windle, of Cork, for some account of the family; but Mr. Windle was wholly unable to furnish the information. Subsequent inquiry satisfied us that Lord Carleton, like Lords Thurlow, Sidmouth, and Cloncurry, had sprung from the mercantile ranks. We stated that "Lord Carleton was the son of a trader in Cork;" and we regret to find that this remark has given annoyance. We did not use it as a reproach, but as an interesting biographic fact. No one thinks the worse of the late Sir Robert Peel because his father invented the spinning jenny;* or of King

* An unpublished anecdote describes George IV. saying, in reference to the marriages of the Right Hon. William Peel with Jane, daughter of Lord Mountcashell, and Laurence Peel with Jane, daughter of the Duke of Richmond—"The Peels were always fond of

Murat, because of his plebeian origin. It is now admitted that Lord Carleton's father was a merchant, though not a trader; but as our correspondent informs us that he holds a silver snuff-box presented in testimony of his labours to promote "the *trade of Cork*," our statement that he had been "a trader" does not seem so very wide of the truth. However, as the phrase is liable to be misunderstood, we can have no hesitation in saying that the founder of the house was a respectable merchant. It is quite true, as conveyed by our correspondent, that Lord Carleton's father was called "King of Cork," in testimony to his wealth and importance; but, like some other kings of higher mark, Mr. Carleton was eventually obliged to abdicate. During a monetary crisis, his great house collapsed; and its generous head ended his days in poverty and gloom.* An instance of his generosity may be given. John Scott, afterwards Lord Clonmell, and Hugh Carleton, also a peer in later life, were class-fellows in College. Scott was so straitened in means that had not young Carleton's friendship procured for "copper-faced Jack," as he was called, pecuniary aid from the "King of Cork," which enabled him to prosecute his studies, Mr. Scott, it is said, would never have been called to the bar—a loss which, it is not too much to say, the Bar would have had no cause to regret. Considering the relation in which they stood to each other, the following remark in Lord Clonmell's diary seems curious:—"My three pusine judges are actually combined against me; and that

the Jennies." It is not surprising that this joke gave offence to the late Sir Robert Peel; but in an utterly different sense was *our* allusion to Lord Carleton's mercantile ancestry. The Peels are proud of dignified allusions to the honourable industry of their race. On their escutcheon is emblazoned "the Bee," with some emblems of the spinning trade; and their motto is "Industria."

* *Sketches of Irish Political Characters.* By Henry MacDougall, M.A., T.C.D. p. 14. London, 1799.

ungrateful monster, Lord Carleton, has made a foolish quarrel with me." And, further on, Lord Clonmell declares that Lord Carleton owes everything to his patronage!

To throw light on Lord Clonmell's feeling, and Lord Carleton's history, it is well, however, to add, in the words of Mr. O'Flanagan, of the Irish Bar:— "Whatever the amount of the obligation Lord Clonmell was under to Mr. Carleton, he amply repaid it. In after years, when the once rich merchant experienced those reverses of fortune so common in the commercial world, the then prosperous barrister contributed largely towards his relief, and by his attention to the son's interests, proved to the father he had a grateful heart. The difficulties which beset his student days were similar to those of Kenyon, the eminent Chief Justice of the King's Bench, in England, who, when dining at the eating-house near Temple-bar, was often known to reward the waitress with a halfpenny, and often with a promise."

The following is the protest of Lord Carleton's family:—

"You stated in the edition already before the public, that Lord Carleton was the son of a trader in Cork. You are quite right, as far as I am aware, if by trader you mean merchant; but from the way in which you have inserted your remarks, *en passant*, as to his 'pedigree,' it sounds acrimonious and severe, and is calculated on the principle of *suppressio veri*—unintentional, I have no doubt, on your part—to **mislead** the reader as to his antecedents, &c. Why use the *equivocal* and worse sounding word in lieu of its *univocal* and better sounding, viz., *merchant*, which, by conventionality of opinion, has been raised to represent a better *association* of idea than that of trader?"

"The person you speak of as Lord Carleton's father was an opulent merchant in Cork, known by the

soubriquet of the King, or King Carleton, from his wealth and influence in that city; and I hold, while I write, a very handsome snuff-box in my hand, which verifies what I have said, bearing upon it the inscription from the Corporation of Cork to Mr. Carleton, for his constant care of and attachment to the welfare and trade of that city. May I ask you to insert that Lord Carleton's father was an opulent *merchant* in the city of Cork, known by the soubriquet of the King, or King Carleton, from his wealth and influence in that city and county."

In our reply to the foregoing letter we employed some of the observations with which it is now introduced. This led to a second communication, furnishing at least some useful genealogical details. We suppress the signature by desire of the writer.

"I thank you very much for your courteous reply to my letter, and send you a fragment (all that you may have room for in a work not professedly genealogical) of Lord Carleton's pedigree; and would also state, for your information and publication, if you think fit, that Viscount Carleton was one of King George the Fourth's most intimate friends—repeatedly on visits for days together to the King, both in London and at the Pavilion in Brighton, where he was with him in his last illness.

"The family of Carleton, or De Carletons, as they were called in Edward the First's time, originally bore the ancient Saxon name of Cearlton, and were settled in Cornwall about five centuries before the Norman Conquest. A branch settled in Cumberland, and emigrated in the reign of Charles the First to Rossfall, in Ireland; and another branch settled in Shropshire, and also in the reign of the First Charles migrated to Darlinggrale, or Darling Hill, county Tipperary, Ireland; one of them became Bishop of Bristol, and several of the family distinguished themselves in the wars of that epoch.

“ From these Irish Carletons is descended Francis Carleton, the father of Carleton of Cork, a wealthy merchant, who, from his great wealth and position in that city and county, went by the soubriquet of the King, or King Carleton. He had eleven children, the second being Hugh Viscount Carleton, Chief Justice of the Common Pleas in Ireland. He was descended from an ancient and honourable family.

“ The Lord Dudley Carleton, who died Secretary of State to Charles the First.

“ The Sir W. Carleton, who was Envoy at the Court of Madrid in those days.

“ Sir Dudley Carleton, afterwards Lord Imbercourt, a title now extinct, Ambassador to the States of Holland; and Bishop George Carleton, of Chichester, in whose Cathedral he lies, behind the altar-screen, where his monument is to be seen.

“ Men in those days, respected both for their abilities and loyalty, are amongst the ancestors of the Irish Carletons, and the late ennobled Chief Justice of the Common Pleas.”

Lord Carleton tried and sentenced to death the unfortunate John and Henry Sheares. He had lived on habits of close intimacy with their father; but the common statement is untrue that he had been appointed by Mr. Sheares their testamentary guardian.

He is said to have been much affected when passing sentence of death on the brothers; and a kinsman of his stated, that on going home he went to bed, and could eat no dinner. We are not surprised that Lord Carleton should have been moved by the following words, which we find in the report of the trial:—“ My Lord, to spare your feelings and my own, I do not pray that I should not die, but that the husband, the father, the brother, and the son, all comprised in one person, holding these relations dearer to him than life, may be respited for such time

as the court in its humanity may think proper. Take him not off at once from an aged and revered mother, a dear sister, and the most affectionate wife that ever lived."

Lord Carleton was greatly affected. But, in truth, it did not need much to move him. He was a very languishing personage, and formed a thorough contrast to Lord Clonmell, whose chief difficulty on the bench was to keep his face grave. "He never ceased complaining of his bad state of health," writes Barrington, "and frequently introduced Lady Carleton into his *Book of Lamentations*: thence it was remarked by Curran to be very extraordinary, that the Chief Justice should appear as plaintiff (*plaintive*) in every cause that happened to come before him!"

"One *Nisi Prius* day, Lord Carleton came into court, looking unusually gloomy. He apologized to the bar for being necessitated to adjourn the court and dismiss the jury for that day; 'though,' proceeded his Lordship, 'I am aware that an important issue stands for trial; but, the fact is, I have met with a domestic misfortune, which has altogether deranged my nerves! Poor Lady Carleton (in a low tone to the bar) has most unfortunately had a *fausse couche*, and——'

"'Oh, then, my Lord!' exclaimed Curran, 'there was no necessity for your Lordship to make any apology; it now appears that your Lordship has no issue to try.'

"The Chief Justice faintly smiled, and thanked the bar for their consideration."*

He was sometimes firm enough, and perhaps a little despotic.

While Curran was defending the Sheareses he warmed into indignant eloquence, when Lord Carleton called him to account, saying:—"Mr. Curran, it

* *Barrington's Personal Sketches*, Vol. i, p. 379.

were well for you to be on your better guard in what you say, for if not you may forfeit your gown." "They may take the gown, my Lord, but they must leave the *stuff* behind," was the rejoinder.

Carleton's bark was worse than his bite.

From a letter of Curran's, printed in his *Life*, it would appear that Carleton had been kind to him during the earlier struggles of both brother Corkonians. A sympathetic bond united the templars.

Lord Carleton, when applied to by Lord Castlereagh* to support the Union, replied that "he saw many difficulties in the way;" † and in the *Cornwallis Correspondence*, we find the Viceroy, writing to the Duke of Portland on Dec. 7, 1798:—"Lord Carleton was with me on Sunday, and gave his sentiments very decidedly against the measure of Union."

His policy on the question ended by a considerable display of special pleading in eulogy of it. In con-

* The author of *Legendary Fictions of the Irish Celts*, in a letter he addresses to us, dated May 29th, 1866, furnishes a characteristic anecdote of Lord Castlereagh, which may come in here as a note. After some too flattering remarks, he goes on to say:—

"I had scarcely an idea of the total want of common good feeling, common honesty, much less political honesty, enjoyed by the statesmen of the unhappy period when the Squire sinned and throve, and finally suffered. The teeth of some great personages are now set on edge by the sour apples so recklessly swallowed by the Castle-reaghs and the other unprincipled rascals of high degree, who bought and sold such independence as we seemed to possess.

"Castlereagh visited Mr. Carew, the present Lord Carew's grandfather, during the Union debate, and while that gentleman was member for Wexford, being confined to his bed by illness at the time. Lord C. offered him a bribe to induce him to vote for the Union. The sturdy Wexford man waited till the tempter had displayed all his baits, and then quietly, or angrily, told him that, ill as he was, he would rise, go down to the house, and from his place disclose his proceedings to the Commons. 'Do,' said the other, 'and I will deny, point-blank, every word you utter.' 'Then nothing will be left for us to do but take a walk to the Fifteen Acres.' I am not aware of anything more connected with the matter except that the exposure was not made. This anecdote is from an old school-fellow of mine, to whom the member told it."

† *Castlereagh Correspondence*, Vol. ii., p. 26.

junction with Lord Clare he supported the competency of Parliament to annihilate its own existence.

The Duke of Portland, in discussing the claims of some supporters of the Union, who were candidates for the representative peerage in the Imperial Parliament, writes to Lord Cornwallis, June 13, 1800:—

“The next person who has occurred to me as fit to make an opening, is one whom it is impossible to respect more, and to feel a greater regard for, than I do, and that is Lord Carleton; but the situation of a representative peer and of a chief judge seem to us so inconsistent and incompatible with each other, that I should be sincerely concerned that an attempt should be made to place him in a predicament which would subject him and his electors to the observations which would attach upon the choice of a person so circumstanced. Did not the reasons exist which have made it necessary for me to offer these suggestions to your Excellency, I should have thought the propriety of proposing a person in Lord Carleton's official situation, as a representative of the peerage, so very questionable as to have represented such a measure as one which should not pass without very mature consideration.”*

On June 17, 1800, the Viceroy writes in reply:—“I gave my consent to the nomination of Lord Carleton for a representative peer on the supposition only that of his retiring from the bench, which he seems to think his ill state of health will render necessary; but the propriety of his superannuation is a matter at present by no means desired.”† Lord Cornwallis found himself in an embarrassing situation. On July 7, 1800, he complains of the difficulties in which he has been involved by the objections made “on the other side” to many promises of promotion which he had been induced to make, and encloses a

* *Cornwallis Papers*, Vol. iii., p. 260.

† *Ibid*, Vol. iii., p. 265.

letter which he had received from Lord Carleton, stating his claims to retire from his judicial situation, under the provision of the Act of Parliament. "This," adds Lord Cornwallis, "deprives me of the only argument which I could have hoped to use with success, in order to induce him to relinquish the representative peerage, which object has been generally sought after with an earnestness not to be described, and has involved me in the greatest difficulties."*

Lord Carleton was allowed to retire, with a large pension, to London, on the completion of the Act of Union; and for twenty subsequent seasons he continued to enjoy its gaities with hearty gusto. † When great warmth of language was elicited in Parliament by the lucrative appointments which were flung to satisfy the insatiable cupidity of the informer, Reynolds, Lord Carleton was appealed to by the latter for a testimonial, and we find from his Lordship's letter, dated "George's-street, Hanover-square, London, 22nd June, 1817," that Reynolds "had behaved with *consistency, integrity, honour, ability, and disinterestedness!*" ‡

Our note book reminds us that a memoir of Lord Carleton is given in *Walker's Hibernian Magazine*, 1795, p. 556, but we have refrained from looking at it, preferring that our remarks in reference to his career should be confined, as much as possible, to hitherto unconsulted sources. Those desirous of learning more of Lord Carleton's public life would, perhaps, do well to see it.

* *Cornwallis Papers*, Vol. iii., pp. 274, 359.

† *Grattan's Memoirs*, Vol. iv., p. 369.—MS. Letters.

‡ *Italics in Original Life of Reynolds*, Vol. ii., p. 407.

THE PORTFOLIO.

AN APPENDIX TO THE FOREGOING PAGES.



EXTRAORDINARY LEGAL QUESTION.

BYRNE *v.* LORD CHIEF JUSTICE CLONMELL.

HIS ADVENTUROUS CAREER MINUTELY TRACED.

(*See p. 66.*)

RESEARCHES among the records of the Rolls Office show that on 16th November, 1797, a bill was filed by Edward Byrne, merchant, of Dublin, and Maryanne, his wife, against John Scott, Earl of Clonmell, his Countess, Lord Earlsfort, his son, and sundry parties interested, as trustees, executors, or otherwise, amongst whom were the Earl of Llandaff, the Right Hon. John Beresford, Chief Justice Carleton, and Lords Cloncurry and Kilwarden, charging that Theobald Mathew, formerly of Annfield, in the county Tipperary, and great grandfather of suppliant (Maryanne), had, in the year 1736, on the marriage of his eldest son, Thomas Mathew with Mary Mathew, daughter of Richard Mathew, settled £20,000 on him and his issue, if any, to be paid at his own death; out of which the said Thomas was empowered to make reasonable provision for younger sons or daughters, not exceeding £6,000; but that said sum of £20,000 was not to be paid in case Thomas Mathew should succeed to the whole real estate of his father; that Theobald Mathew gave as collateral security bonds to the amount of £40,000 to trustees of the marriage settlement, upon which judgments were obtained the same year in the Court of Common Pleas; that Thomas Mathew had issue, viz., one son, Francis Mathew, Earl of Llandaff, and one daughter, Catherine Maryanne, the mother of suppliant (Maryanne); that Theobald Mathew died in 1745, leaving, besides his

eldest son Thomas, three other sons, John, Charles, and George, and one daughter, Mary, all since dead; that on the death of Theobald his son Thomas at once succeeded to the Annfield estates, and held them till 1775, when he conveyed them to his son, Francis Mathew, Earl of Llandaff, upon certain trusts; that in 1746 Mary Mathew, the wife of Thomas Mathew, having died, a deed was executed by the trustees to the marriage settlement, by which the bonds and judgments of 1736 were assigned to trustees (Lord Fitzwilliam and Robert White, Esq.) for the purpose of raising the £20,000, to be disposed of as follows:—£4,000 to be given to Thomas Mathew, and the remaining £16,000 to be placed at interest for the maintenance of the two children. That George Mathew, of Thomastown, a near relative of said Thomas Mathew, by his will, made in 1759, bequeathed his estates (then valued at £8,000 a-year) to said Thomas Mathew for his life, and the remainder to his son, Francis, Earl of Llandaff, giving power to charge a jointure, not exceeding £600 a-year, for the wife, and a sum not exceeding £6,000, as a provision for daughters or younger sons. That in 1760 or 1761 Catherine Maryanne Mathew, only daughter of Thomas Mathew, married Philip Roe, Esq., against her father's wish, in consequence of which no settlement was then made on her, but after her husband's death, in 1767 (leaving issue two daughters), her father became reconciled to her, took her home to live in his house, and settled on her £300 a-year, and a like sum on her two daughters; also he agreed to bequeath £6,000 at his death to the mother, and a like sum to the two daughters.*

“And your suppls. further shew that in the said year, 1767, your suplt., Maryanne's mother, the said Catherine Maryanne Roe, being then a young widow of very ancient and honourable family and connexions, and being well entitled to said annuity of £300, and to such contingent interest, as aforesaid, in said sum of £6,000 expectant upon the death of her father, the said Thomas Mathew, she became an object of attention to John

* The above paragraph is a careful epitome of seven closely-written skins. No part of the bill has previously been printed.

Scott, Esq. (afterwards the Rt. Honble. John, Earl of Clonmell, and Lord Chief Justice of his Majesty's Court of King's Bench); but John Scott being then a very young man, just admitted a barrister, and his principal dependence resting entirely on his hopes or expectations of professional advancement, and his addresses to Catherine Maryanne Roe not being at that time likely to receive much encouragement from Thomas Mathew, who was then much irritated against John Scott, did not make any formal proposal for a marriage with his daughter; but having privately paid his addresses to herself, without the knowledge of her father, he prevailed upon her to consent to a clandestine marriage between them, which was accordingly solemnized in the year 1767, without the knowledge of Thomas Mathew, of Thomastown,* who was so much provoked and exasperated at hearing thereof that he declined any further intercourse with Mr.

* The *Anthologia Hibernica* for May, 1793, contains a minute description of Thomastown Castle in the last century, with several anecdotes of the Mathew family. More condensed and vigorous is that of D. Owen Maddyn, in *Ireland and its Rulers*, Vol. ii., pp. 280-297. On the authority of Sheridan's *Life of Swift*, he tells us that it was the whim of Thomas Mathew to have his mansion fitted up as a hotel, and the guests might do as they pleased, so he seldom headed his own table, but behaved as one of the company. There were forty bed-rooms—a large coffee-room, with a bar and waiters—a detached tavern for the votaries of Bacchus. There was a daily ordinary, at which the guests might assemble, if they did not dine in private. There were news rooms, billiard tables, guns, fishing tackle, rods, buckhounds, foxhounds and harriers, and twenty choice hunters in the stable. There was also a bowling-green on the demesne. Swift was so delighted with the place that instead of a fortnight he remained there four months.

The opening chapter of Mr. Maguire's excellent *Life of Father Mathew* furnishes a glimpse of the unbrageous park, ornamental water, and picturesque lands of Thomastown.

The late Father Theobald Mathew, the apostle of temperance, was a member of this family. Another was General Montague Mathew, M.P. for Tipperary, brother of Lord Llandaff. When confounded in "the House" with Mr. Mathew Montague (afterwards Lord Rokely), he retorted, that as much difference existed between Mathew Montague and Montague Mathew as between a horse chesnut and a chesnut horse. Those who wish to know more of the Mathew family should see O'Reilly's *Reminiscences of an Emigrant Milesian*, *Moore's Memoirs*, Vol. viii., p. 214, and *Walter Cox's Magazine* for June, 1810. The house is now occupied by the Count de Jarnac.

or Mrs. Scott, and never afterwards admitted her into his presence, except to see her publicly married, which he thought necessary for the honour of his family, several months after the solemnization of the clandestine marriage, but no settlement of any kind was ever executed between John Scott and your suplt., Maryanne's mother, on either of said ceremonies of marriage. In or about the year 1770 Catherine Marianne Roe, otherwise Scott, departed this life without any issue by John Scott, by which event your supls. expressly insist, that any interest Catherine Maryanne might have had in said charge of £6,000, created by said recited articles and deed of April, 1767, became merged in the inheritance of said estates, inasmuch as the same was a contingent interest, depending upon the event of her surviving her father, which event having never happened, consequently her title to the £6,000 did not vest in her so as to be transmissible to her representative; nevertheless John Scott immediately took administration to his wife with a view of thereby entitling himself to said sum of £6,000, but also to another sum of £6,000, which he then, for the first time, asserted that his wife was entitled to as a charge on Annfield estate, by virtue of the judgments and articles of 1736 and the settlement of 1746, altho' he never had, in his wife's lifetime, made any such claim, well knowing it could not be well founded, for the reasons hereinafter mentioned, among many others; for Theobd. Mathew, the conusor of sd. judgments, being at the time of executing said bonds, and of the rendition of said judgments a Roman Catholic, or person professing the Popish religion; therefore the sd. judgments did not at all induce any subsisting charge upon the Annfield estate, being absolutely void under the laws then in force in this kingdom; and even had they been valid in their original creation, yet that, under the express terms of the articles of 1736, the sum of £20,000, intended to be secured by said judgments, was discharged upon the death of Theobald Mathew, inasmuch as his whole real estate did, upon his death, descend solely to, and was for upwards of 29 years afterwards enjoyed by, Thomas. And supls. further submit that the entire sum of £20,000 therein mentioned is, by the

articles of 1736, agreed to be paid to Thomas Mathew himself on the death of his father; and no provision of any sort is thereby made for the issue of Thomas's marriage, except on the contingency of his death in the lifetime of Theobald, his father.

“And your suppliants further shew that John Scott having set up such unfounded claims as aforesaid, which were always resisted by Thomas Mathew, and Scott well knowing that the same would not bear discussion in a court of justice, instead of endeavouring to establish his rights (if any he had) by due course of law, had recourse to various expedients; and amongst others used every effort in his power to get himself appointed receiver of the rents of Thomas Mathew's estates in causes depending in the Court of Chancery, instituted by different incumbrs. on said estates, and tho' of all others the most improper to be appointed recr., yet Scott had the address to prevail upon Frans. Vesey, Esqre. (then one of the Masters of the said court), to make choice of him in preference to all others, on which occasions Thomas Mathew opposed that appointment, and on the 6th of Augst., 1771, made an affidt., in which he (among other matters) swore that he verily believed John Scott's principal motive was to get him into his power, and to compel him to do some act to establish the demands which he then set up against Thos. Mathew and his estates, or starve him into compliance, and in the mean time to appropriate to his own use every penny he possibly could towards these demands, which he then claimed, and which Thomas Mathew by his affidt. states he disputes the validity of, to the prejudice of the creditors of George Mathew and Thomas Mathew, as by affidt. filed in the Court of Chancery on the 8th of Augst., 1771, may more fully appear. Your suplt. further shew that John Scott being thus repeatedly foiled in his attempts to get into possession of his estates did, on the 14th of May, 1772, so far persevere as to file his bill of complaint for the purpose of enforcing payment of his demands, but it was not filed with any serious intention of ever prosecuting it to a hearing, but for the purpose of intimidation. John Scott being then considered as a man of very superior

talents, and rising rapidly to great professional eminence and distinction; and as evidence that such was the intention of John Scott in filing such bill, your supts. charge for tho' Thomas Mathew immediately entered his appearance thereto, yet John Scott never proceeded further, even to enforce an answer, nor did he make your supt. or Mehetable Roe parties to said bill, though entitled, under the very same deeds, with himself, to the annuity of £300 and sum of £6,000 thereby respectively provided for them, and Scott must have had too much professional skill not to know that no effectual decree could be made in his cause without such parties; and John Scott, tho' he thought it advisable to discontinue the prosecution of his cause, yet he did not in the least relax his importunities for payment of his claims, but continued, with the most unwearied perseverance, to harass Thomas Mathew, by threats and menaces, for the purpose of extorting his compliance therewith, until at length Thomas Mathew, being then far advanced in years, and his daughter Catherine Maryanne being dead, and Thomas Mathew wearied with such ill-founded applications, came to a determination to give up to his only son Frans. Mathew the possession of his several estates, and to content himself with becoming an annuitant thereon. The Annfield estate having thus become vested in Francis Mathew as a trustee for payment of debts and incumbrances, John Scott continued to urge his claims, and to enforce them by threats and promises, and with the more hope of success, as Francis Mathew himself claimed under the articles of 1746, no less a sum than £10,000, in prejudice to the real creditors of said Annfield estate, and which claim depended on the same title with part of the claim set up by John Scott, and in an intercourse which arose and a variety of communications which took place between John Scott and Francis Mathew, Scott having exaggerated his demands beyond all bounds of moderation, by commencing his charge for interest upon part of his demand at least 30 years sooner than he could possibly have been entitled to the same—by which, and other expedients equally ingenious, he contrived to swell his demand to the enormous sum of £25,514 10s. 7 $\frac{3}{4}$ d., which he thought would the

more readily induce Francis Mathew to yield to such terms of composition as would be highly advantageous to Scott, though far inferior to his nominal demand; and as an additional temptation to Francis Mathew, he held it out to him that a large part of his demand affected the settled estates of Thomastown and Thurles, inasmuch as the deeds of 1767 were to be considered as an execution of the hereinbefore mentioned power given by the will of George Mathew, but that he was willing to agree not to resort to said settled estates, but to throw the entire weight of his claims upon said Annfield estate, if Francis Mathew would agree to pay him out of that fund, instead of those settled estates which he Francis Mathew must naturally be supposed to wish should be as little impaired as possible by any sale. During the negotiation between John Scott and Francis Mathew, your suplt. Maryanne and her sister Mehetable were minors of about the age of 10 or 12 years, and had at that time no other person to whom they could so properly look up for protection or support as John Scott, their step-father, and Frans. Mathew, their uncle. It was their duty in any agreement relative to the Annfield estate, upon which the provision for your suplt. and her sister Mehetable was charged to attend to, instead of abandoning their interest; and so conscious was John Scott that such was his duty, that during the progress of such negociation he made a show of great feeling and regard for your supls.; and in different proposals made by him to Francis Mathew, he professed a wish that your supls. should be provided for out of such part of his own enormous and exaggerated claim as he was willing to relinquish, and in one of the proposals he not only seeks payment of £9,000, part of his demand, out of the settled estate, and offers to take a conveyance in fee of the lands of Graige and Cabragh, part of said settled estate, of the yearly value of £346, in full discharge thereof; but also was so conscious that he was not at all entitled to any claim against said Annfield estate, that he offered to relinquish all his claims against Thomas Mathew, and all his estates, upon getting a conveyance in fee of Boulduffe, part of the Annfield and unsettled estate, being 140 acres at £70 a year, for three

lives and 41 years, provided a sum of £3,000, which Scott meant to give up, should be settled as portion upon the children of his late wife, by Mr. Roe, retaining only £70 a-year out of a debt (as it is therein called) of £14,000 and upwards, rather as a memorandum of his not having considered that demand as relinquished than any sort of consideration for it—and wishes to have it understood that the provision for his wife's children is given by him out of his own rights, as a mark of respect for the memory of his wife, and that the residue remitted is given up to purchase, at a considerable price, the friendship of the Mathew family, from whom he must, at all events, derive considerable advantage—and gave the strongest proof of his wishes to make any possible concession that could demonstrate his regards for them. And your supls. further shew, that, after a tedious negotiation between John Scott and Francis Mathew, it terminated in an agreement, by which the rights of your suppliant Maryanne and her sister Mehetable were entirely abandoned by their uncle and step-father, and certain indented deeds of lease and release, bearing date respectively the 14th and 15th days of March, 1776, were made and executed between Francis Mathew and Scott, by the name of John Scott, his Majesty's Solr.-General, of the 2nd part; and Sir Skellington Smith, in the county of Wicklow, Bart., of the 3rd part. Reciting, among other matters, that John Scott intermarried with Catherine Maryanne Roe, who was since dead, and that he had obtained letters of administratn. to her, and that in right of his wife he became entitled to the sum of £6,000, the further provision of £6,000, under said articles and deed of 1767; and that he, Scott, in the year 1772, filed his bill agst. Thomas Mathew and others; and that Scott, for the purpose of amicably putting an end to all suits and controversies between him and Thomas and Frans. Mathew, and releasing said estate from all claims, had agreed to accept a conveyance of the premises; and by said deed of release of the 15th March, 1776, Francis Mathew, in pursuance of the deed of 1774, and in consideration of Scott releasing and discharging the said Annfield

estate, and which he did thereby do, from the sum of £6,000 charged thereon, under the articles of 1736, and deeds of 1746, and all arrears of said annuity of £300, and also from said other sum of £6,000, and interest charged thereon by the articles and deeds of April, 1767, and for the other considerations therein mentioned, conveyed the lands of Grove Kilerone, Boulduffe, Tinnebry, Pallas, otherwise Pallashill, Cooldromine, the Rag, and the lands of Doone, yearly value of £450 4s. Od., unto John Scott. Your supts. further shew that so conscious was Francis Mathew, that by executing said deed of conveyance to John Scott in discharge of such his claims he was acting contrary to his duty as a trustee; that he insisted upon John Scott's executing a bond to him in the penalty of no less a sum than "£20,000," conditioned to indemnify the said Francis Mathew against the consequence of such conveyance, or to that effect, as by the bond, in the hands of some of the confederates, had your supts. the same to produce, would more fully appear. And altho' in the course of such treaty between John Scott and Francis Mathew, John Scott frequently made a specious show of attending to the rights of your supt. and her sister, and even went so far, upon more occasions than one, as to stipulate that a provision to the amount of £3,000 should be reserved for them out of any grant to be made to him, as a generous sacrifice of part of his alleged rights; yet no notice whatsoever is taken of Maryanne or her sister Mehetable Roe, nor is any sort of provision made for them by said deed, in which they are entirely overlooked, which was manifestly an unfair and unconscionable appropriation of a large portion of the fund, to the prejudice and total exclusion of yr. supt. and her sister, and such unequitable distribution of part of said trust fund, is manifestly fraudulent and illegal. That said conveyance cannot stand as against your supts., inasmuch as with respect to last mentioned sum of £6,000, charged under said articles of 1767 (even had it not merged), yet John Scott was not entitled to be paid in priority to your supt. Maryanne and her sister. But in case of a deficiency in said trust fund ought only to have been paid in average, or *pari pasu* with your suppliants

Whereas by sd. unconscionable conveyance John Scott's ill-founded claim is wholly satisfied, and said fund is thereby so far exhausted, that nothing was thereby left for your suplts.; that the estate so conveyed to Scott was then set upon old and determinable leases, and tho' then but of the nominal value of £450, yet as the same contained about 2,000 acres of profitable land, it has risen to the value and now yields to John Scott an annual profit of £1,000, occasioned by the effluxion of time and the fall of old leases; and would even then have sold for upwards of £15,000, and is now well worth £20,000. Your suplts. further shew that immediately after the execution of said conveyance John Scott entered into the possession of said lands and estates thereby conveyed, and continued in possession until his decease, and in receipt of the rents, and actually received thereout £15,000 and considerably upwards, and converted the same to his own use, wholly regardless of the rights of your suppliants. And, further, that on the 30th of October, 1777, Thomas Mathew departed this life, leaving Francis Mathew, his eldest son, heir-at-law and prinl. devisee, having, by his will, appointed his brother George his executor. Further, that about the 23rd of April, 1782, Elizabeth Fagan, widow and admor. de bonis non of Bryan Fagan, mercht., deceased, exhibited their origl. bill of complaint in this hon. court, which was frequently afterwards amended by Philip Sullivan and Catherine Fagan, executors of Elizabeth Fagan, against Francis Mathew, Earl of Llandaff, the Earl of Clonmell, and several others, for the purpose of recovering the amt. of several judgments, which had been obtained against Thomas Mathew by Bryan Fagan, and praying (amongst other things) that the same might be raised and paid by a sale of the Annfield estate; and tho' John Scott, being made a party deft. thereto, as in right of Catherine Mathew, claiming some charge affecting said lands, yet he continued for 4 years to evade answering said bill, and, in fact, did not file his answer until after issue was joined between the plts. and the other defts. Further, that John Scott, who about that time was created Baron Earlsfort, wisely foreseeing that the rights of Maryanne

and her sister might, if asserted in said cause, clash with his own claims, and lead to a discussion of his title to the lands so conveyed to him did, previous to filing his answer, communicate to them an intention to grant them some provision, the propriety of which had never occurred to him before, tho' he had been then for upwards of 9 years in the undisputed enjoyment of great part of the very lands charged with their only provision, during which period Maryanne and her sister had been utterly destitute of any kind of support, and might have been reduced to the want of many of the necessaries of life, but for the kindness of other relations. Your suplts. shew that being in such distressed situation your suplt. and her sister thankfully accepted the offer of Lord Earlsfort, and by a deed, dated the 25th of July, 1785, Lord Earlsfort granted to your suplt. Maryanne an annuity of £75 a-year for her life, chargeable on the lands of Dovehill, in Tipperary, and a similar annuity of £75 to Mehetable Roe during her life, chargeable on the said lands, but without any benefit of survivorship between them, or any personal covenant on Lord Earlsfort to pay the same, in which said deed of annuity is contd. a proviso that if your suplt. or the said Mehetable, or either of them respectively, should at any time receive the said sum of £6,000 granted to or provided for them by Thomas Mathew, Esqre., deceased, or their respective shares thereof, or should obtain the interest of the money, or provided they might receive it, or that, by the wilful default of either of them, they should be prevented from receiving the £6,000, provided that they had assigned or discharged their right to the £6,000, that from thenceforth the annuities should cease. And yr. suplts. shew that at the same time a similar grant of two several life annuities of £75 was also made by the Earl Llandaff to your suplt., Maryanne, and her sister, the payment of both have since been discontinued. And your suplts. shew that, on the 3rd of December, 1785, being about 4 months after the grant of the annuities, Lord Earlsfort filed his answer to said bill, stating very shortly that he had become entitled, in right of his wife, to a very considerable fortune, and that in part satisfaction thereof, said deed of conveyance was executed

to him, and thereby insisted that no part of the demand of plts. in said cause could affect said purchase lands, which answer was, by the consent of the plts. then attorney, received without the oath or honour of Lord Earlsfort. Your suplts. further shew, that the plts. in said cause, claiming a very early incumbrance as affecting said lands, and there being a very ample fund for the discharge thereof, independent of the lands comprised in said conveyance so made to Lord Earlsfort, as has since evidently appeared by the plts. having been afterwards fully paid off, the same was not at all necessary for the plts., or anyway their interest to embark in any controversy or litigation with Lord Earlsfort, or at all to question or impeach the validity of his title to the lands so conveyed to him, wherefore the plts. not only seem to have declined any such contest, but to this hour have not even so far disputed his title as to file a replication to his answer, so that even at this day issue is not joined between the plts. therein and Lord Earlsfort. Further, that after several proceedings, the same came on to be heard in this honble. court about the 18th of July, 1789, upon pleadings and proofs to be made as to Lord Llandaff and other defendants, and upon bill and answer as to Lord Earlsfort. Whereupon it was ordered that it should be referred to the chief remembrancer of said court, to take an account of the personal and real estate of Thomas Mathew, the nature and value thereof, into whose hands the same came and how applied; and also to take an account of all other debts of Thomas Mathew, and of all other charges affecting estate of Thomas Mathew. Your supplts. further shew that during the entire progress, and until after hearing of said cause, Lord Clonmell, tho' a party therein, never informed your suplts. thereof, or gave them any advice or assistance to establish their claims against the Annfield estate; and your suplts. having accidentally heard of said cause and of the decree pronounced therein, and being advised to proceed, under said decree, to assert their rights and to apply to Lord Earlsfort for the deeds on which the same were founded, your suplt., Maryanne, on the 20th of April, 1790, wrote to Lord Earlsfort, who had been theretofore created Earl of Clonmell, for infor-

mation on the subject of said settlement. The Earl of Cloumell wrote the following answer:—

‘ Dr. Maryanne—20th April, 1790, Harcourt-street.—
‘ I this moment was favoured with your note, not dated, but
‘ I suppose written to-day, desiring to know whether I have
‘ not the settlement executed by the late Mr. Mathew, of
‘ Thomastown, your grandfather, by which a provision of
‘ six thousand pounds is charged for you and your sister
‘ upon his estates, and wishing that I would let you have
‘ it for the purpose of proving it in some suit now depending
‘ for the sale of part of the Annfield estate, instituted by
‘ some creditors of the late Mr. Mathew or Lord Llandaff.
‘ To which I most willingly answer, that I have one part
‘ of the deed you inquire after—it is dated the 18th of
‘ April, 1767, and refers to articles of the 7th of April,
‘ 1767, of which also I have a part in my possession,
‘ by which Mr. Mathew charges his estates with six
‘ thousand pounds for your mother and six thousand
‘ pounds for you both, viz., £3,000 for each of you. I
‘ have also a bond executed by the same Mr. Mathew,
‘ on the same day, binding him, his heirs, executors,
‘ and admors., in a sum of twenty thousand pounds for
‘ the payment of £300 a-year to your mother and £300
‘ a-year to you both, viz., £150 a-year to each of you, until
‘ the prinl. sum should be raised. The deed and articles,
‘ soon after execution, were registered in our registry
‘ office in Ireland, and you shall have them whenever you
‘ send your attey. or man of business for them, for any
‘ purpose for which they may be deemed necessary to you.
‘ I have often heard that your uncle, Andrew Roe, had
‘ another part of them, and I believe he still has, and I con-
‘ clude Lord Llandaff has another part of them. You
‘ mention that you have a copy in your possession. I
‘ have also taken notice of them in a deed executed by
‘ Lord Llandaff and me in 1776, by which, in settling
‘ with him for my own demands, an express saving
‘ is made for any claims of yours, and I have like-
‘ wise stated your rights and your sister’s in the deed
‘ of annuity which I executed with Lord Llandaff to you
‘ both, I believe, in the year 1784, in which my gift of
‘ £150 a-year is distinguished from yr. rights & claims

‘upon Lord Llandaff’s estates, so that I have, upon every
‘occasion in my power, from motives of duty, respect, and
‘affection for your mother and yourselves, endeavoured to
‘make known and impress on the minds of the Mathew
‘family, with whom you have the honour to be so nearly
‘connected, the existence, nature, and extent of your
‘rights. It did not occur to me before you mentd. it in
‘your letter to-day, that it might be necessary to prove
‘this deed on your behalf, but you are now both of age
‘and, I believe, have been properly advised in desiring to
‘prove them in the cause now depending. Send me,
‘therefore, as soon as you please, the person who has
‘advised you, and he shall have them for every necessary
‘and useful purpose. I have been the more particular in
‘this letter that you may keep in your possession evidence,
‘under my hand, of such deeds as are in my possession in
‘which you are interested; and I think you should keep
‘this letter safely, and Hetty should take a copy, as it
‘furnishes you with information which I ought not and do
‘not wish to conceal from you, being very sincerely and
‘affectionately yours—CLONMELL.

‘Lady Clonmell, thank you, is much better.’

And your suplts. charge, that altho’ the Earl of Clonmell alleges that in the deed executed by Lord Llandaff to him in 1776, an express saving is made for any claim of Maryanne and her sister, yet there is no such saving contained therein, or anything to that or the like effect, but the Earl of Clonmell purposely misled Maryanne, in order that she or her sister should be less disposed to scrutinize his title or to question the validity of his conveyance. Your suplts. further shew, that having thus obtained said deeds, your suplt. and the said Mehetable filed their charge in said cause under said decree upon the foot of the annuity of £300 and the sum of £6,000, provided for them by said deeds of 1767, and several other creditors and incumbrancers having likewise come in under said decree and filed charges on foot of their respective demands, the proper officer, on the 12th of Novemr., 1792, signed a draft of his report, whereby a sum of £15,557 10s. 0d. sterling, was reported due to your suplt. and her sister; and a

large sum being also reported due to the plts. in said cause, and to Denis O'Brien, of Thurles, Esqre., a creditor who has proved his demand under said decree, Lord Llandaff thereupon entered into an agreement with the plts. and Denis O'Brien to discharge the amount of their respective demands by a conveyance in fee of certain parts of the Annfield estate, which agreement was carried into effect by a deed bearing date the 7th of Decr., 1792. And the plts., not being interested to proceed further in the prosecution of said cause, would have deserted the same; but on an application made to this honble. court by some of the creditors who had come in and proved their debts, liberty was obtained to prosecute the same in the name of said plts., and accordingly the credrs. and yr. suplt. and her sister kept the cause in close prosecution until the time of signing the report hereinafter mentioned. And your supts. shew that Mehetable Roe departed this life on the 25th of November, 1794, intestate and unmarried, whereupon your suplt., as her only sister and next of kin, obtained letters of administration to her, and by virtue thereof, and in right of survivorship, and under the terms of the deed of 1767, became entitled to the entire sum due to Mehetable, and accordingly Maryanne from thenceforth prosecuted said claim in her own right and as the administratrix of Mehetable. And your supts. further shew that at length, after various obstacles, on the 9th of July, 1795, sd. chief rememr. or his deputy signed a new draft of his report, whereby he reported a sum of £18,696 due to your suplt. Maryanne in her own right and as admx. of sd. Mehetable Roe for the arrear of annuity of £300, together with interest thereon, and also on foot of principal sum of £6,000. The report also stated other debts and encumbrances affecting said estates prior to your supts. demand to the amount for principal, interest, and cost of £57,515 18s. 4d., which sum, together with the amount of your suppliant's charge, and other debts and encumbrances subsequent thereto, were also reported due, to the amount, in the whole, of £80,136 16s. 9d., over and above the sum of £20,003 17s. 10d. claimed by Lord Llandaff. Your suplicants further shew that on or about the 19th day of

June, 1797, your suppliants intermarried with each other, and previous to such intermarriage an indented deed of settlement, bearing date the 18th day of June, 1797, was entered into and duly executed, whereby the foresaid fortune of your suppliant Maryanne is vested in John Ball and Randall McDonnell as trustees for the purposes therein mentioned. Your suppliants further shew that it manifestly appears from said report that there is now no other fund for payment of the demands of your suppliants and of the other fair creditors of Thomas Mathew, and encumbrances upon his property save what remains of the Annfield estate after the conveyances so made to said Earl of Clonmell and to said Denis O'Brien, and the rents received out of said Annfield estate by Lord Llandaff and such remaining part of said Annfield estate, yielding, after chief rent, only an annual income of £1,000 sterling or thereabouts; as appears also by said report, the same is utterly insufficient to the discharge of your suppliants' demands after paymt. of such prior debts and encumbrances as are so reported against the same; and therefore your suppliants' just and undisputed claim, now amounting, in consequence of interest accruing thereon since the date of said report, to above £20,000, must remain altogether unpaid if said conveyance of March, 1776, from Lord Llandaff to said Earl of Clonmell, shall be allowed to stand, which for the reasons hereinbefore mentioned, your suppliants humbly submit that it ought not. And your suppliants further shew that shortly previous to filing their said bill they applied to the Earl of Clonmell, stating the several objections hereinbefore mentioned to his conveyance, and humbly intreating the Earl of Clonmell to consent that the same should be set aside; and to account for all the rents received by him under the said conveyance, in order thereby to increase the fund for your suppliants and the other fair creditors of the said Thomas Mathew and the encumbrances on said trust estate. And your suppliants well hoped and expected that the Earl of Clonmell would have readily complied with such your suppliants' reasonable request; and that if it should be demonstrated to him that he had procured a conveyance of said lands without being fairly entitled

thereto, or from his only imagining himself so entitled, that he would not persevere in wrongfully withholding the same. But your suppliants shew that the Earl of Clonmell peremptorily refused to relinquish his conveyance; but by a letter, dated the 28th of October, 1797, the Earl say'd he would stand upon his legal rights, and therein alleged various frivolous and ill-founded pretences for insisting thereon; and among other imaginary reasons insisted on by said letter, the Earl alleged that said conveyance was conducted on behalf of Lord Llandaff by the late Sir Samuel Bradstreet and the late Mr. Radcliff, who, as said letter alleges, saw nothing contingent or objectionable in his Lordship or his late wife's claims. Whereas your supltls. expressly charge that, with respect to Thomas Mathew, the deed of conveyance was neither executed, nor ever alleged to have been executed by him; and with respect to the alleged opinion of Sir Samuel Bradstreet and Mr. Radcliff, your suppliants insist that the same is misstated in the said letter, inasmuch as neither Mr. Radcliff nor any other lawyer of eminence ever did give any opinion in favour of the justice or validity of the Earl of Clonmell's claims; and Sir Samuel Bradstreet, so far from giving any such opinion as is asserted in the Earl of Clonmell's letter, did, on the contrary, give his opinion in the following words:—'I apprehend the £6,000 charged by Thomas, under the will of George Mathew, being made payable after the death of Thomas, and Catherine being dead before the day of payment, is merged for the benefit of the inheritance, and consequently that Mr. Scott is not now entitled to that £6,000.—29th August, 1775—SAMUEL BRADSTREET.' And your suppliants further charge that the Earl of Clonmell saw and read the said opinion shortly after the date thereof, and that the sum of £6,000 alluded to by Sir Samuel Bradstreet in said opinion was the identical £6,000 charged by the before mentioned deeds of April, 1767, in favour of Catherine Maryanne Roe, which at that time, and even by his previous bill of complaint, the Earl of Clonmell insisted to be a charge not only on said Annfield estate, but also on said Thomastown and Thurles estates, in aid of said Annfield estate, under the power contained in the

will of George Mathew. And the Earl, by his letter, insisted that speedily after the execution of said conveyance he levied a fine of the lands thereby conveyed, which in his letter he alleged is in itself a flat bar to any claims of your suppliant Maryanne, she having been of age above 15 or 16 years since that fine was levied. Whereas your suppliants charge that if, in fact, any such fine was levied, the same can be no sort of bar against the equitable claim of your suppliant, Maryanne, the Earl of Clonmell having accepted of such conveyance from Lord Llandaff, and levied such fine with full notice that Lord Llandaff was himself but a mere trustee for the paymt. of debts and encumbrances, and that therefore the lands passed to the Earl of Clonmell subject to such trusts, and that the interest of the *cestui qui* trust ought not and cannot be affected in a court of equity by such fine. And your suppliants submit that the Earl of Clonmell, by the very act of levying such unnecessary fines, evidently betrayed an inward consciousness of the weakness of his title under such conveyance. And the Earl, by his letter, further alleged that the lands were settled upon the issue of his marriage with his then wife by marriage settlement of the year 1779, which issue he therein asserts are purchasers under that registered settlement for full and valuable consideration. Whereas your suppliants expressly charge that if, in fact, any such settlement was entered into, the same cannot and should not operate against your suppliants' just rights, inasmuch as the said articles, deed, and even the said bond of April, 1767 (under all of which your suppliants claim and derive their title), were registered in a very few days after the execution thereof, which your suppliants insist was full legal notice of such your suppliants' rights, as well to the said Countess of Clonmell, her family, friends, and trustees, as to all other persons whatsoever; and that therefore your suppliants' rights cannot be affected by a settlement executed twelve years after they originated, of which so eminent a lawyer as the Earl of Clonmell could not possibly have been ignorant; and that therefore your suppliants expressly charge that the Earl of Clonmell included in his marriage

settlement the lands so conveyed to him out of said Annfield estate for the purpose of embarrassing your suppliants' title and rendering it more difficult for her to assert her just rights. And the Earl of Clonmell further alleged by said letter that under the deed of 1767 your suppliant Maryanne is a mere volunteer, and as such stands in a situation much less favourable than the judgment and other creditors who filed their bill against Lord Llandaff. Whereas your suppliants charge that Catherine Maryanne Roe, in whose right the Earl of Clonmell advanced his claims against said estate, was, to all intents and purposes whatsoever, as much a volunteer as your suppliant and her sister, and therefore if any such objection would or could hold against their claims, the same, or a much stronger objection, must also prevail against Lord Clonmell's own claims in right of his wife, with the additional circumstances against him and in favour of your suppliants, that she and her sister, having survived their grandfather, Thomas Mathew, their right to their portion did not, like Lord Clonmell's, remain a contingent interest, but actually became and is now a vested interest in your suppliants; and that they submit such charge came with a very ill grace from the Earl of Clonmell, inasmuch as some years before he became so connected by marriage with the Mathew family, he obtained from the bounty of Thomas Mathew, without any valuable consideration, a very beneficial reversionary lease of the lands of Boulduffe, part of the Annfield estate. Your suppliants further shew, that the Earl of Clonmell feeling how frivolous and insufficient was his legal reasoning in his letter in support of his conveyance, had recourse also in his letter to other motives which he hoped would operate upon your suppliants' minds and influence them, thro' motives of terror, to abandon their just rights thro' fear of incurring the pains and penalties of certain penal statutes alluded to by him in his letter. Wherein he expressed himself in the following terms:—

‘ There is another part of this case which, as it regards Mr. and Mrs. Byrne's situation more intimately and delicately, Lord Clonmell reluctantly mentions from motives of goodwill to Mrs. Byrne. It will be for Mr. Byrne's considera-

‘tion, and that of those concerned for him, whether he is not ‘married to a Protestant perverted to the Popish religion, ‘and as such whether she is not liable to the penalties ‘of the Act of 2nd of Queen Anne; and also whether she ‘is not under the incapacities and disabilities of Papists ‘under the statutes of the 2nd and 8th of Queen Anne;’ plainly intimating by said letter that if your suppliants should dare to resort to law for the establishment of their just rights that he would enforce the most rigorous penalties against your suppliants, hoping that your suppliants would be terrified from prosecuting their claims from the fear of incurring his Lordship’s heavy displeasure and the several penalties which it was in his power to inflict. And the further to terrify and intimidate your suppliants from prosecuting their just claims by due course of law, he cunningly insinuated by his letter that if your suppliants should venture to bring his conduct or his rights into discussion in a court of justice, or plunge into litigation, it may shew that your suppliant Edward is not entitled, in right of his wife’s claims, to one guinea. And in order that his threats and insinuations should have the greater effect upon the minds of your suppliants, the Earl of Clonmell in his letter stated that Lord Llandaff had received out of the estate more than sufficient to satisfy all her demands, and that though he (Lord Llandaff) had received nothing, the estates were themselves more than amply sufficient to pay all demands, without questioning the conveyance of 1776, or that small pittance accepted by said Earl of Clonmell in discharge of all his demands. And your suppliants shew that if they were to depend on the representations so made by the Earl of Clonmell (for the purpose of shifting the weight of your suppliants’ demands from himself upon Lord Llandaff) they would run the risque of losing the whole, or the greater part of their demand, inasmuch as what remains unsold of the Annfield estate would not be sufficient to discharge the tenth part of your suppliants’ demand; and if, on the final hearing of said cause, the Earl Llandaff shall be ordered to refund all or any part of the many thousands of pounds he has received out of said trust funds; yet, as Lord Llandaff is but bare tenant for life

of all his other estates, any personal decree against him for the payment of so large a sum of money must be considered as a very scanty, hazardous, and precarious security. Your suppls. further shew that your suppliants thereupon filed their bill, praying, as is hereinafter prayed, among other things, that on or about the 16th of November, 1797, your suppliants caused a letter missive to be issued to the said John, Earl of Clonmell, and Margaret, Countess of Clonmell, his wife, desiring them to retain an attorney for the entering their appearance, and to the putting in an answer to the said bill, which was accompanied with his Majesty's most gracious writ of subpoena to appear and answer; and neither of them having caused any appearance to be entered thereto, your suppliants, on or about the 24th day of November in said year 1797, obtained a rule or order of this honourable court that the said defendants should appear to and answer your suppliants' bill by the time that process of contempt to a sequestration might issue against persons not in privilege. That the Earl and Countess of Clonmell thereupon caused an appearance to be entered by an attorney to your suppliants' bill, and on the 25th of November the defendants obtained a rule for a fortnight's time to answer, or that process of contempt might be entered against them; that neither defendants having answered said bill on the 12th of December, 1797, your suppliants obtained a rule of this honourable court that the defendants, Lord and Lady Clonmell, should answer your suppliants' bill by the time that process of contempt to a sequestration might issue against persons not in privilege, or a sequestration to be awarded against them. That your suppliants would have become entitled to such sequestration on the 24th day of May ensuing, and hoped that an answer would have been put in by the Earl of Clonmell to their bill before said 24th of May, as Lord Clonmell continued in such good health as to attend to the regular discharge of his judicial duties as Chief Justice, &c., to sit as a member of the Court of Exchequer Chamber on several occasions; and as a vacation of some length after the said issuable term intervned in which the Earl did not go any

one of the circuits in his judicial capacity, yet he was so unwilling to answer the bill that he caused his attorney to obtain a rule by surprise, without notice, and contrary to the practice of the court, after said order for a sequestration had been obtained against him, on the 12th day of May last, that the said Earl and Lady Clonmell should have time, until the first day of the ensuing Trinity Term, to answer the plaintiff's bill on the terms therein mentioned. Your suppliants further shew that the said John, Earl of Clonmell, having procured himself to be appointed guardian to his son, Thomas Scott, Lord Earlsfort, gave the like delay to endeavours to obtain the answer to the bill, altho' diligence was used for enforcing the same. Your suppliants further shew that about the 23rd day of May, 1798, before any further proceedings were had in said cause, John, Earl of Clonmell, departed this life, whereby the said suit as to him became abated. And your suppliants further shew that John, Earl of Clonmell, died, leaving Thomas, Lord Earlsfort, now Earl of Clonmell, his only son and heir-at-law; Lady Charlotte Scott, his only daughter, both minors, under the age of 21 years; and Margaret, Countess of Clonmell, his widow and relict; and that John, Earl of Clonmell, did duly make his last will and testament, bearing date the 24th day of April, 1795, wherein he mentions that, being enabled to dispose of a very considerable real and personal estate, not less, he supposed, than £200,000, which he had himself acquired; and after reciting that his wife Margaret, Countess of Clonmell, is, by his marriage settlement, entitled to a jointure of £1,000 per annum, in bar of all dower, and by the will of her late father to a certain other annual sum, the total amount of which he considered to be an ample provision for her, he bequeathed to her all her jewels and paraphernalia to dispose of as she should think proper, but trusting to her honour and justice that she would not sell or give them away from their children, but that she would give them to both or either of them as she should think best. He also bequeathed to his wife all his carriages and horses, beds and bedding, table and other linen, wines and other liquors, in both his houses in

Harcourt-street and Temple-hill, togr. with a pecuniary legacy of £1,000. And he bequeathed all his real estate not already settled and limited by his marriage settlement, and all real estates acquired since his settlement not thereby otherwise disposed of to his son, Thomas Scott, Lord Earlsfort, and to his heirs, with remainder, for want of such heirs, to his daughter, Lady Charlotte Scott, and her heirs, with remainder over to his brother, Mathias Scott, for life, with several other remainders over; and as to his chattel interests and personal estate in securities and money not otherwise thereby disposed of, he devised the same to his executors thereafter named, for the benefit of, and in trust for, his son Thomas; and if he should die under the age of 21 years, then for the benefit of, and in trust for, his daughter Charlotte."

[A further abstract of the will is given.]

"And the said testator made a specific devise of a certain freehold and leasehold interest and some pecuniary bequests to several persons, and appointed his brother, Mathias Scott, and his friend, Sir John Tydd, Baronet, of Lamberton, in the Queen's County, his executors and joint guardians, with his wife during her viduity, of the persons and estates of his said son and daughter. Your suppliants further shew that the will was proved in his Majesty's Court of Prerogative in Ireland, and probate thereof granted to Mathias Scott, who, as acting executor of the will, and as one of the testamentary guardians of the person and fortune of Thomas, now Earl of Clonmell, jointly with Sir John Tydd and Margaret, Countess of Clonmell, possessed themselves of all the testator's real and personal estate—much more than sufficient to pay all his just debts, and with a very large surplus. Your suppliants further shew that Mathias Scott, the acting executor of John, late Earl of Clonmell, afterwards died, having previously made his will, whereof he appointed the Rev. John Scott, Dean of Lismore, and Abraham Prim, of Kilkenny, Esquires, to be executors. And your suppliants further shew that letters of administration of the effects of the said John, late Earl of Clonmell, unadministered by Mathias Scott, with Earl John's will annexed, have been since obtained by Margaret,

Countess of Clonmell, from the Court of Prerogative in Ireland, Sir John Tydd, Baronet, the surviving executor, having declined to take probate of said will, altho' cited for that purpose. And your suppliants are unable to ascertain whether John Scott and Abraham Prim, the executors of Mathias Scott, have handed over to, or accounted with, Margaret, Countess of Clonmell, as administratrix for the whole, or such parts of the personal estate of John, late Earl of Clonmell, not administered, as came to the hands of Mathias Scott in his lifetime, or to those of his executors (if any) since his decease, whereby the said suit ought to be revived as against the said Margaret, Countess of Clonmell, the administratrix of the said late Earl of Clonmell, and as against John Scott and Abraham Prim, the executors of Mathias, who was the acting executor of John, Earl of Clonmell, deceased, and as against Sir John Tydd, the surviving trustee in the last will of Lord Clonmell, and as against Thomas, present Earl, by his surviving guardians. And your suppliants, as they are advised, are entitled to have the same relief against Thomas, the present Earl, by his surviving guardians, with respect to the testator's real estate, and against Margaret, Countess of Clonmell, the administratrix of late Earl and John Scott, and Abraham Prim, executors of Mathias Scott, with respect to his personal estate, as they would have been entitled to against him, the testator, had he been living."

The bill finally prays the suit may stand revived, and that interrogatories, founded on all the facts above recited, be administered to the several parties, and that they be required to answer them; and further, that the deed of conveyance of 1776, made by Thomas Mathew (Lord Llandaff) to Lord Clonmell, should be declared null and void, and that the representatives of the late Lord Clonmell should either pay to suppliants the full amount due to them, or account to the court for all that had been obtained by the late Earl under that deed.

It will be seen that Lord Clonmell was bound under penalties to answer by the 24th May, 1798, but he evaded that irksome task by dying on the previous day; and the judge went to be judged! Mr. Phillips, in *Curran*

and his Contemporaries, gives the following anecdote; but he is quite ignorant that the circumstances described by us were those under which Curran's witticism was uttered:—

“When he was really very ill, a friend said to Curran: ‘Well, they say Clonmell is going to die at last. Do you believe it?’ ‘I believe,’ said Curran, ‘he is scoundrel enough to live or die just as it suits his own convenience.’”

The interrogatory orders in this case possibly possess some points of interest: but on search being made for them in the Chancery Registrar's Office it appears that until the year 1816 it was not customary to bind these documents, and that they form such a heterogeneous mass of papers in “the wooden building,” under the control of no officer but a messenger, that a fortnight might be consumed ere they could be discovered.

An answer from Margaret, Countess of Clonmell, and Thomas, Earl of Clonmell, a minor, is also preserved in the Rolls Office. Although drawn up with the aid, it may be presumed, of the ablest lawyers, the document is of the lamest possible character, and half a dozen times in each folio confesses ignorance on many material points. It seems to us that the only authentic facts which it recites are those already embodied in Byrne's bill. Lady Clonmell's answer observes:—

“These defts. say they humbly rely that the said conveyance of 1776, made by the said Thomas Mathew and Francis Mathew, cannot now be set aside or impeached, inasmuch as the same was made for good and valuable consideration, and humbly submit, being so advised, that if the said deed should now be set aside, it would be impossible to proceed on said judgments, or to revive the same in any court of law, or to prove the same under any decree of a court of equity, the said judgments being now barred by statute as these defts. are advised, besides that the said deed of 1776 was a deed of peace, executed for the purpose of settling disputes. And these defts. humbly hope this honble. court will protect their respective rights, derived under the said marriage settlement of the said Earl of Clonmell, under which settlement these defts. are purchasers for valuable con-

sideration without notice, and particularly as Thomas, Earl of Clonmell, is a minor, under the age of 21 years."

From the concluding passages of the answer to Byrne's bill, it would appear that some forebodings of defeat shook the pen which had prepared its eight-and-twenty folios.

"This defendant Margaret, Countess of Clonmell, admits that she hath now in her power, and under her control, assets of the said John, Earl of Clonmell, more than sufficient to answer any demands which the complainants may be able to establish in this cause against the estate, real or personal, of which the said Earl died possessed."

There was astuteness displayed in laying the action in the Exchequer. Lord Avonmore, its Chief Baron, and Lord Clonmell had been intimate in early life, when they kept their terms as templars; but angry politics subsequently estranged them, and the meagre parliamentary reports of the time sufficiently show that passages of arms were no novelty between them.

The representatives of Lord Clonmell must have entered into a compromise with Edward Byrne, for, on examining the decrees of the Court of Exchequer from the years 1799 to 1820—a period of protraction quite possible in those days of tedious litigation—no trace of any decree in the matter appears on record.

That substantial restitution must have been made is the more evident from the fact that the Annfield estate, as well as that of Boolick and Corville, County Tipperary, are now in the possession of the Byrne family. Of this we are apprized by T. L. Kelly, Esq., Dublin, agent for the property. The present representative of the family of Byrne, of Mullinahac, is Monsieur le Comte O'Byrne, residing at Chateau St. Gery, Près Rabestens, France. He recently acquired his title on his marriage with the daughter of the Austrian Ambassador, at Rome.

LORD CLONMELL'S WILL.

Lord Clonmell's will, referred to in the bill filed by

Edward Byrne, contains some passages highly characteristic of the writer.

It also exemplifies the truth of the proverb, set a thief to watch a thief, inasmuch as having been himself an unscrupulous adventurer and fortune-hunter, he gives as a reason why he should not leave his wife anything in addition to her furniture and private fortune, that by doing so he might expose her to the solicitations of such as he himself once was. It was not unusual in those days for a man's will to vanish from strong boxes, even in banks, as in the case of the Sham Squire. Lord Clonmell was determined to foil any theft of the sort, by drawing *three* original wills, and depositing them with three friends.

“IN THE NAME OF GOD, AMEN.—I John, Earl of Clonmell, do make this, my last will and testament, in three parts, that is to say, in three originals, all in my own handwriting, one of which I shall deposit in the hand of each of three of my friends. Being, by God's blessing, enabled to dispose of very considerable real and personal estate, not less, I should suppose, than £200,000, which I have myself entirely acquired, I mean hereby to bestow the same in manner following, according to my free will and pleasure:—Whereas my dearly beloved wife Margaret, Countess of Clonmell, is by my marriage settlement entitled to a fortune of £1,000 per annum in bar of all dower, and by the will of her late father is also entitled to the interest of £40,000 during her life, which, at the rate of £6 per cent. per annum, amounts to two thousand four hundred pounds, making together £3,400 per annum, which I consider an ample provision for any lady of rank and fashion for her with the prudence that she possesses. I deem it really more affectionate and better calculated for her happiness not to add to her annual income, rather than by giving her an enormous annuity expose her to the designs of necessitous and unprincipled fortune-hunters. * * * *

I do not mean to express the least want of confidence, respect, or affection in my said dearly beloved wife, but she is too sensible, and is and has been too good a wife and mother not to know and be convinced that when married again she will and must be under the control

and influence of her husband, and will, therefore, I hope, before she marries again, convey her very valuable jewels to a trustee for our dear children, or one of them, and that I shall have her entire approbation in endeavouring, by the above regulations, to prevent the neglect or destruction of our dear children, or the plunder of their property, or the disturbing her peace of mind upon these grounds by importunity and solicitation."

Among other directions Lord Clonmell desires that the large field in front of his house in Harcourt-street shall be let for building, or sold for full value. This is now the Winter Garden of the Exhibition Palace, entered by Clonmell-street on the west and approached by Earlsfort-terrace on the east.

We do not wonder that Magee's Olympic pig hunts, and other ingenious persecutions, under the very windows of Temple-hill, should have given Lady Clonmell a distaste to it as a residence. The Chief, in his will, writes:—"I would most willingly leave the use of said house and place to my dear wife, but that I know she has long been averse to residing there."

The will, dated April 22nd, 1795, is witnessed by Lord Clonmell's three puisne judges, William Downes, Robert Boyd, and Tankerville Chamberlain.

LETTER FROM LORD CHIEF JUSTICE CLONMELL TO BYRNE.

In the following remarkable letter, addressed by the Chief Justice to Mr. Byrne, he, although professing to be a strong advocate for Catholic emancipation, threatens Mrs. Byrne with penalties as a relapsed Papist, under the statute of the second and eighth of Queen Anne. We have looked through the Irish statutes of Anne, but cannot find anything exactly meeting the case in cap. 6, which is the only one touching property of Roman Catholics. The letter was found among Lord Clonmell's papers, endorsed, "Copy of a letter delivered to Edward Byrne at my instance, relative to his wife's claims, in which my title to the land conveyed to me by Lord Llandaff, in 1776, is set out in five pages."

“ 28th October, 1797.

“ Lord Clonmell having received a letter from Mr. Fitzgerald, the atty. for Mr. Edward Byrne, dated on the 25th instant, professing to be a civil intimation to him of Mr. Byrne’s intention to file a bill against Lord Clonmell, for the purpose of setting aside a conveyance executed to Lord Clonmell in the year 1776 by Lord Llandaff, in discharge of his claims upon the different estates of the Mathew family in right of his deceased wife, which letter, he presumes, was written with Mr. Byrne’s consent and knowledge, wishes not to be deemed wanting in point of civility to Mr. Byrne, or those concerned for him, and therefore thinks it right to state the following particulars relative to his own case, and to Mr. and Mrs. Byrne’s situation before any bill or other proceeding shall be instituted by Mr. Byrne; as soon as Mr. Byrne shall be informed of these facts and of the law resulting from them, he will be perfectly at liberty to act towards Lord Clonmell in this respect as he shall think proper.

“ By Mr. Fitzgerald’s letter to Lord Clonmell it should seem as if Mr. Byrne and those concerned for him thought the conveyance of 1776 not only impeachable upon the ground of Lord Clonmell’s claims being mere contingent interests under the deed of 1767, and also under the judgments of 1736 and the articles of 1746, and therefore not vested in him, but also upon general grounds not stated as impeachable and otherwise objectionable. Lord Clonmell not having seen the case laid before Mr. Byrne’s counsel, or their opinions thereon, can form no judgment upon what grounds, reasons, or authorities those opinions were founded. But he thinks it necessary to apprise Mr. Byrne of what the nature of that conveyance was, and how it is circumstanced; that was a conveyance by Lord Llandaff and his father to him, conducted on behalf of Lord Llandaff and his father by the late Sir Samuel Bradstreet and the late Mr. Radcliff, who saw nothing contingent or objectionable in his late wife’s claims; both her demands, as well as those under her father’s marriage articles of 1736 and 1746, as under the deed of 1767, they were each of them intended as a maintenance

for his late wife, and, as such, bore an interest from the time of their respective dates. The deed of 1776 was intended to settle all differences as between the Mathew family and Lord Clonmell; and if that conveyance had not been executed his demands wd. have amounted against the Mathew estates to above three times more than he received. As between the Mathew family and him, therefore, the conveyance stands unimpeachable, and was manifestly a great advantage, not only to Mr. Mathew, to Lord Llandaff, but also to the creditors of those estates highly advantageous. Mr. Byrne seems not aware that Lord Clonmell, speedily after the execution of that conveyance, levied a fine of the lands conveyed to him, which, as he conceives, is of itself a flat bar to any claim of Mrs. Byrne's, she having been of full age above fifteen or sixteen years since that fine was levied; that these lands also were levied upon the issue of his marriage by his present wife by a marriage settlement of the year 1779, which issue are purchasers under that registered settlement for full and valuable consideration. Mr. Byrne will also have it in recollection that under the deed of 1767 his wife is a mere volunteer, and as such stands in a situation much less favourable than the judgment and other creditors who filed the bill against Lord Llandaff, and whose object does not appear to have been to question the validity of the conveyance of 1776, they, in fact, having by that conveyance enlarged their fund to the amount of above two-thirds more than he received; that Lord Llandaff has received sums out of those estates which Mr. Byrne supposes subject to his wives demands much more than sufficient to satisfy all her demands, and that tho' he had received nothing the estates are themselves more than amply sufficient to satisfy all demands without questioning the conveyance of 1776, or that small pittance accepted by him in discharge of all his demands. Mr. Byrne does not seem to be aware of a clause in the 17th and 18th of the present King Cha. 49, the first great act relaxing the severity of the Popery laws, by which this conveyance, and many others similar to it, appear to have been in the contemplation of the Legislature, whereby it is provided that all persons in possession of lands which shall not have been

litigated before the 1st of November, 1778, whether derived by descent, devise, limitation, or purchase, and all persons deriving under settlements upon marriages or other valuable consideration by Papists in possession shall enjoy the same as if the Acts of the 2nd and 8th of Queen Anne had never been made. There is another part of this case web., as it regards Mr. and Mrs. Byrne's situation more intimately and delicately, Lord Clonmell reluctantly mentions from motives of good-will to Mrs. Byrne. It will be for Mr. Byrne's consideration, and that of those concerned for him, whether he is not married to a Protestant perverted to the Popish religion, and, as such, whether she is not entitled to the penalties of the Act of the 2nd of Queen Anne, and also whether she is not under the incapacities and disabilities of Papists under the statutes of the 2nd and 8th of Queen Anne, it being provided by the above-mentioned Act of the 17th and 18th of the present King, whereby it is enacted that no person shall take benefit by this Act who, having been a Protestant, shall at any time become a Papist. Lord Clonmell confesses he did not expect this attack from Mrs. Byrne, nor does he personally attribute it to her, considering that she and her sister were maintained and educated during their mother's life solely at his expense; and that for the last 12 or 14 years they have been supported by a voluntary annuity, paid generously out of his pocket as a gift to them, especially when he has by them a receipt for £610 paid to his wives aunts for the diet and lodging of his late wife, their orphan niece, when she was Miss Mathew, and under their protection, Lord Clonmell having, with all possible civility to Mr. & Mrs. Byrne, and respect to the memory of his late wife, stated these circumstances for the information of Mr. Byrne prior to his entering into a litigation which, being once plunged into, may possibly show that he is not entitled, in right of his wives claims, to one guinea. He totally leaves it to Mr. Byrne's discretion to act as he shall think proper, neither expecting or wishing to have any compliment or indulgence bestowed upon him; he will stand upon his legal rights, and is not at all apprehensive that he shall not be able, if attacked, to maintain them.

“N.B.—It is further to be observed that no advantage can be derived from a pretended ignorance on behalf of Mrs. Byrne, of her rights under the deed of 1767, that deed having been in her possession for many years, and at the time that she was a Protestant handed over to her by the hands of her lawyer, for which Lord Clonmell has her receipt.”

Edward Byrne, whose name occupies so prominent a position in the foregoing documents, resided, from the year 1770, in Mullinahac, off Wormwood-gate, in the house formerly occupied by Lord Allen.* As a very eminent merchant, he chiefly derived his income by distilling and sugar baking.

“Edward Byrne, as we are reminded by Mr. Gilbert in his *History of Dublin*, had been apprenticed to an eminent Roman Catholic trader named Toole, who, becoming a convert to the Protestant religion, endeavoured to induce his children and apprentice to follow his example. Byrne, however, declined to renounce the Roman Catholic faith, and exhorted Toole’s daughter not to conform to the Established Church. Miss Toole, as before noticed, sought refuge with Lawrence Saul, and her father obtained possession of her correspondence with Byrne, against whom he instituted legal proceedings; which, after a tedious protraction, terminated in favour of his apprentice, who, after trading for some years, acquired the reputation of being the wealthiest Roman Catholic merchant in Ireland, and was consequently induced to enter into co-operation with the advocates of the repeal of the penal laws. On the rejection of the petition of 1791, the claims of the Roman Catholics were regarded as hopeless, owing to the discountenance which they experienced from the nobility and gentry of their own religion; the committee was consequently about to dissolve, when John Keogh, at a meeting of the ‘Select Committee,’ held in Byrne’s house in 1791, proposed that a member of that body should be delegated to lay their case before the English Minister. ‘Every man,’ says Keogh, ‘refused to go upon so hopeless an

* Lord Allen’s country seat was at Stillorgan—the house since occupied by Mr. Le Fevre, Lottery-office keeper, and later by Mr. Verschoyle and Mr. A. L. Guinness.

errand, and the meeting was actually breaking up, and about to disperse for ever, when I, and I alone, offered to go to London, and at my own expense to solicit an audience from ministers. All I required was the authority of their permission, which I obtained; and I accordingly set out for the British capital, where I remained for three months, and whence I returned to this kingdom in January, 1792, accompanied, by my own desire, by the son of that illustrious Irishman, Edmond Burke.*

“The duties paid annually by Byrne to the revenue at this period were calculated to amount to one hundred thousand pounds, and in recognition of his wealth and mercantile importance, he was elected chairman of the Roman Catholic Committee, to the various publications of which his name was officially appended. Byrne appears, however, not to have taken any prominent part in politics after the partial relaxation of the penal laws in 1793, and at the period of his death in the early part of the present century, his property was estimated at four hundred thousand pounds.”

We are informed by Mathias O’Kelly, Esq., who in early life had been an intimate and a neighbour of the family, that Edward Byrne of Mullinabac, was entitled to a patrimonial estate, but a younger brother taking advantage of the penal laws “discovered,” and turned him out of it.

WHO WAS LORD CLONMELL’S MOTHER?

Lawyers rarely embroil themselves in lawsuits involving personal interests; but it was the fate of Chief Justice Clonmell to find himself perpetually tossed from one legal anxiety into another. Mr. John G. A. Prim, a distinguished local archæologist and journalist, in a letter dated Kilkenny, May 7, 1867, while supplying a fact of interest and importance to the genealogical historian,

* For full details of this interesting period see “Mr. Keogh’s Account of the Delegation of 1793, pp. 3 to 17 *App. x. to History of the Catholic Association of Ireland*, by the late Right Hon. Sir Thomas Wyse. Mr. George Wyse, late Police Magistrate, Dublin, mentioned to us, that the appendix to his brother’s work—not the least useful part of it—was compiled by him.—W. J. F.

refers to another great family lawsuit in which Lord Clonmell was interested.

As regards the point of pedigree, we may premise that all the peerage books make Miss Purcell, daughter of a titular Baron of Loughmoe, the mother of Lord Chief Justice Clonmell.

“I have seen it stated in the *Athenæum* that you are engaged in editing a diary of the first Lord Clonmell. I hope I may not be deemed impertinent if I ask who you intend making his mother? Not that I mean to insinuate anything against the fair fame of the lady, for I have, I believe, some interest in the maintaining of her character as a respectable matron, but because, if my family papers be correct, the peerages are all wrong on the subject. If, as I said, these papers are not most erroneous—and if they be, there are certainly some legal records which tend to support them most wonderfully in the mistake—the lady’s name was Rachel Prim, daughter of Mark Prim of Annanulf, my grandfather’s grandfather, and there is a spice of romance in connexion with the marriage into the Scott family not uninteresting in itself. I will be very happy to transcribe for you this story, as written by ‘Red Jack Prim,’ the brother of Abraham (executor to Mathew Scott), during the lifetime of the first Lord Clonmell. There was a lawsuit going on in his time, brought by Abraham, the son of Mark Prim, to endeavour to recover back some lands given as Rachel Prim’s fortune, and which lands the present Lord Clonmell still holds.”

Mr. Prim’s letter is further useful, as showing that Lord Clonmell did not occupy the very humble rank in society stated by Charles Phillips, who, *apropos* of the Chief Justice, speaks of personages sporting the ermine on a back that had been coatless, and the garter glittering on a leg that, in its native bog, had been unencumbered by a stocking.

Before entering on Mr. Prim’s second communication, it may be premised that he is editor of a Conservative Journal, and his political views are not at all times in unison with ours. The prefatory matter in the following is printed at his own desire:—

“When I addressed to you the letters of which you

have given extracts in the first edition of your *Ireland Before the Union*, my object was merely to obtain information, if such you could afford, which might enable me to verify statements made in writing, 'for the benefit of posterity,' by a member of my family, towards the end of the last century. I thought it probable that the Diary might contain some entry calculated to throw light on an intermarriage which certainly took place between members of the Scott and Prim families, although altogether unrecorded in Lord Clonmell's pedigree, as given in the peerage books. However, although my sympathies do not run very much in unison with your views of public men or events 'before the Union,' the extract which I promised from my family papers, respecting Lord Clonmell's mother, is quite at your service. But I must, at the outset, observe that I do not thoroughly pledge myself for the perfect accuracy of all the statements made, as I have not completed my inquiry into their authenticity. I give them on the authority of Mr. John Prim, of Ennisnagg, known as 'Red Jack,' to distinguish him from his first cousin, my grand-uncle, John (or 'Black Jack') Prim, of Kilree, except where corroborated by certain legal records to which I shall have to refer.

"'Red Jack'—who was brother to Abraham Prim, executor to the will of Matthew Scott, Lord Clonmell's brother—wrote, about the year 1790, an account of the origin of the family of Prim, of Kilkenny, which I have now, with other papers of his, in my possession.

"It would be uninteresting to transcribe in full the narrative written by Red Jack Prim, except so far as relates to the connexion with the family of Scott. Suffice it then to say here that he makes his great grandfather (whose Christian name is not supplied) be the first of the name who came to Ireland, an English officer (he calls him a colonel), some time about the reign of Charles I. He says this officer and all his family were killed in 'the troubles,' except an infant son, Mark Prim, who was saved from a similar fate, and brought home by a joiner, or carpenter, residing in Callan, who adopted him as his son, and brought him up to his own trade. But a physician, residing also in Callan, discovering who the lad was,

obtained the joiner's permission to instruct him in Latin and Greek, and afterwards to initiate him into a knowledge of physic. Red Jack then proceeds as follows—his style is neither very graceful nor perspicuous, but what he means to convey is easily discernible:—

“This physician had Prim taught such of the learned languages as were necessary, and instructed him in physic and surgery, by which and his trade, as he was obliged to serve an apprenticeship to the joiner, or carpenter, he acquired such a knowledge of mechanics and architecture, as enabled him to become an engineer and physician in the army, when he joined King William, for being taken notice of by the king by his superior knowledge in both at the battle of the Boyne, the king kept him to attend his own person in that capacity, until their heavy artillery broke down in the town of Goulden, in the county of Tipperary, where the king left Prim as engineer, and a Major Scott, a young officer of the house of that name in Scotland, since Buccleuch, as guard. The king, hurrying on the army to the siege of Limerick, left but a small guard with Prim and Scott to attend and repair the artillery, as the rebels surrendered so readily everywhere; but the army had not long quitted Goulden when the rebels seized the guard by treachery, cut them all to pieces, except Prim and Scott, who were then at dinner with Baron Purcell,* and were near sharing the same fate; but by the address of Lord Purcell's sister, the widow of an English officer, who lived with her brother, she prevailed on him to put off the execution till all his officers would be gratified at being present next day, and in the meantime supplying the rebel guards with plenty of liquor, she made way for Prim and Scott to escape and join the king's army, sending her own daughter, Mary Walter, or Fitz-Walter, and the Honble. Miss Purcell with them, to petition King William for pardon, who first put them into confinement, until Prim and Scott were tried by court-martial; but in the meantime sending back a party to recover the artillery and punish the rebels.

* In another paper, “Baron Purcell” is stated to have been King James's governor of the town of Goulden.

The town of Goulden was burned, and the lordship was disposed of to the commanding officer.* But on Prim and Scott being acquitted by court-martial, the king promised to reinstate Prim in his father's estates, and to give Scott those of Baron Purcell in right of his wife;† but hurrying off to England soon after, and not returning next year, as expected, he omitted providing for Prim and Scott in the conditions of Limerick; and after the peace, and several memorials by them in vain, they laid down their commissions in disgust, and would not join the army, nor suffer their sons afterwards to join; but there being an order to cut down the woods from sheltering the rebels, and Prim, finding a great demand for timber, he and Scott joined and purchased several woods, and Prim, being well versed in the management of them, advertised for all the artificers he could get, and made a property for self and Scott's two sons; as their father and mother dying soon after the second was born, they both married two of the daughters of Prim. The youngest has no issue alive; but the eldest, Thos. Scott, left Michael, father of the present dean, John Scott, eldest son, and Mark, his second (father of the present Thomas Scott), and his third son, John, afterwards Lord Clonmell, and Mathew, the fourth and youngest, who left no issue alive after him. The said Mark Prim's wife, Mary Walter, or Fitz-Walter, being very delicate for years before she died, and her daughter Sarah (afterwards Walpole), attending her constantly, and Mark Prim, my father, being the youngest son, and being constantly with his mother and sister, Sarah, I learned the most part of the foregoing from them; and being some time after at Ballyspellan spa for a month, and meeting a Mr. Grace, of the Queen's County, and a Mr. Gould, of Cork, there, they both informed me that they were relatives of mine, through the Fitz-Patricks, Colonel FitzPatrick, of Tentore, the father of Jillon, or Gillion FitzPatrick, who was married to Baron Purcell, was the mother of said Mrs. Fitz-Walter, and of the said Baron Purcell, father to Mrs. Scott.'

* Stated in another document to have been a Colonel Allen.

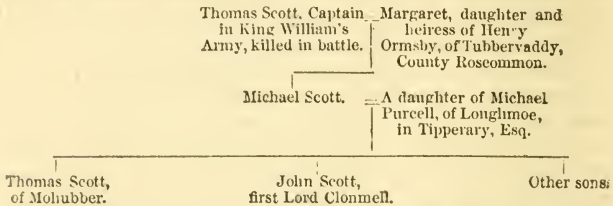
† Red Jack omits to state, although he allows it to be understood, that Scott married Miss Purcell and Prim Miss Walter, or Fitz-Walter, the companions of their flight.

“Whether the foregoing elaborate statement is a mixture of facts with fables, or in every respect a veritable, true, unvarnished tale, I cannot say. I at one time considered the former to be its character, or rather that it was altogether a romance, as when first I perused these family papers, I at once consulted a peerage, and there, in the pedigree of Lord Clonmell, found no mention of any intermarriage between the Scott and Prim families. My faith in the peerage pedigrees was, however, stronger than I found reason afterwards that it should be; and at least a portion of ‘Red Jack’s’ assertions have been since verified by some legal documents which I have alighted upon. Respecting the romantic portion of the narrative, proofs are not complete; I can find nothing in Story’s *History of the War* of any breaking down of William’s artillery at Goulden, or the seizure or massacre of the guard, &c. Baron Purcell, of Loughmoe, was at Limerick at the termination of the siege, and by the articles of surrender, was secured his property if he had thought proper to remain in Ireland; but he preferred to accompany King James in his exile, and went to France, whereupon his property was confiscated. But it is a somewhat significant fact that the peerages make the first Lord Clonmell’s mother to be a daughter of Baron Purcell, whilst Red Jack Prim’s statement is that she was Lord Clonmell’s grandmother, his mother’s being Rachel Prim, aunt to Red Jack himself, as being his father’s sister.

“The first peerage compiler who gives the Scott pedigree was Archdall, in his edition of Lodge, 1789; that was before there was an Earl of Clonmell, but in 1784 John Scott had been created Lord Earlsfort. All the more recent compilers appear to have copied, without inquiry, from Archdall. In the earlier editions of Burke’s *Peerage and Baronetage* is given Archdall’s statement of Captain Thomas Scott, of King William’s army, having been ‘killed in the field, charging the enemy, at the head of his troop,’ but in many of the later editions that allegation has been omitted, which I presume may be taken as evidence that Sir Bernard Burke found it to be incorrect. If so, the evidence contradictory of ‘Red Jack’s’ narrative is so far removed; and if that allegation was a fabrication,

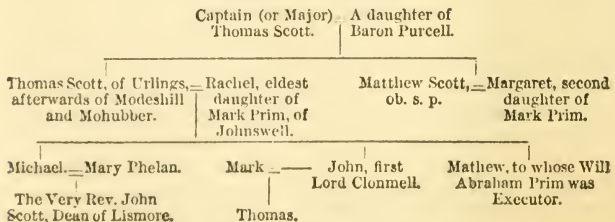
what are we to look to in proof of the rest of the pedigree as supplied by Archdall, which is as follows:—

LORD CLONMELL'S PEDIGREE IN THE PEERAGES.



“Now, Archdall was a contemporary of Lord Clonmell, and it may seem strange that he could fall into a mistake as to the name of his Lordship's mother. But, on the other hand, Red Jack Prim was also a contemporary, and Rachel Prim, whom he declares to have been Lord Clonmell's mother, was his own aunt, and even that lady seems to have been alive at the time, if I am not much mistaken in supposing her to be ‘the relict of Thomas Scott, Esq.,’ whose decease, ‘on Wednesday night, at Scotsborough,’ is chronicled in *Finn's Leinster Journal*, of Saturday, 31st January, 1784; whilst the family relationship seems to have been further acknowledged at the period by Red Jack's brother, Abraham Prim, having been named as executor to the will of Lord Clonmell's brother, Mathew Scott. Now here is his statement of Lord Clonmell's pedigree:—

PEDIGREE OF LORD CLONMELL, ACCORDING TO THE PRIM FAMILY PAPERS.



“The marriage of Rachel Prim with Thomas Scott is,

at all events, placed beyond doubt by the records of a suit commenced in the Court of Exchequer, in January, 1764, Abraham Prim, of Columbkil, in the County of Kilkenny, being the plaintiff, and Mark Scott, Michael Scott, Thomas Scott, Abraham Scott, Elizabeth Scott, John Scott and others, defendants.

“The Bill charged that—‘James Poe, being seized of the manor of Crookswood, by lease and release of 1st and 2nd October, 1729, demised to Mark Prim, of Johnswell, in the County of Kilkenny, the grandfather of the plaintiff, Urlings and Ballynamona, part of the manor of Crookswood, to hold to him and his heirs for three lives renewable for ever, at a rent of £53 10s., with 6d. for renewals, receiver, and fees, paying as a fine for a renewal a proportion with the other tenants of the lands, or at a fine of £34 12s. 11d. Mark Prim entered and was possessed. But Thomas Scott, late of Mohubber, County Tipperary, having, in 1729, intermarried with one of the daughters of Mark Prim, and being then without any certain place of residence, and there being a good dwelling-house on Urlings, Thomas Scott agreed to take the lands of Urlings from Mark Prim at a small advance over the rent payable. That T. Scott thus got into possession as tenant-at-will, and so continued to the death of Mark Prim, and no lease or deed was ever executed.

“That Mark Prim, at the time of taking the lease, had several children, sons and daughters, and that Abraham Prim, the father of the plaintiff, was his eldest son.

“The said Abraham Prim died in the month of September, 1729, intestate, leaving the plaintiff a minor, one year old, his heir-at-law. That the plaintiff’s grandfather survived the plaintiff’s father, and died 22nd July, 1745, intestate, leaving the plaintiff, then also a minor, his heir-at-law.

“That the plaintiff having no guardian, his rights were neglected, and Thomas Scott having got possession of the lease, took out a renewal in his own name.

“That upon occasion of a treaty of marriage between Michael Scott, eldest son of Thomas Scott, and Mary Phelan, daughter of Barnaby Phelan, of Cashel, a settlement was made, dated the 10th April, 1755, by which the

lands of Urlings were settled upon the children of that marriage.

“That Thomas Scott died intestate in the month of May last (1763), leaving Mark Scott, his second son, who became administrator of his goods and chattels, and Michael Scott, his heir-at-law, who has issue by said Mary Phelan, his present wife, Thomas, Abraham, Elizabeth, and John, &c.’

“The answer of Michael Scott to this Bill is also on the file of the Court of Exchequer. The case made out in defence is, that ‘Thomas Scott, his father, in November, 1729, intermarried with the daughter of Mark Prim, and in March following came to an agreement with him for a lease of lives renewable for ever of the house and 80 acres of the best part of the land of Urlings and Ballynamona, at the rent of 10s. an acre. That he entered and paid the rent to Mark Prim until 1734, in which year Thomas Scott purchased the entire interest of Mark Prim in the lands. On the 19th March, 1748, James Poe, the younger, of Ross-ne Harley (now Harley Park), County Tipperary, granted a renewal of the lease of Urlings and Ballynamona to Thomas Scott, therein described as Thomas Scott, of Mohubber, in the said County, gentleman. And that on the 9th or 10th April, 1755, Thomas Scott, in consideration of £1,000, the fortune of Mary Phelan (then about to intermarry with his son, Michael Scott), settled Urlings and Ballynamona on his son for life, with remainder to his sons by Mary Phelan, in tail. And so Michael Scott and Mary his wife, rest their title on the said settlement,’ &c.

“The suit was gained by the Scotts, and these lands of Urlings and Ballynamona are held to this day by *the present Lord Clonmell*, under the old leases, from Mr. Poe, of Harley Park. The latest lease commences by setting out the terms of the original letting to Mark Prim and the disposing of his interest in the lands to Thomas Scott, after the marriage of the latter to Mark Prim’s daughter.

“These legal records, at all events, support sufficiently the statement of Red Jack Prim as to the marriage; but I fear that if you publish this communication of mine, the only justification which can be offered for its prolixity must lie in the illustration which it affords of the dangers

of relying implicitly on the peerage pedigrees, for beyond a doubt, whoever may be blamable therefor, a portion of the Clonmell pedigree, as drawn up by (or more probably for) Archdall, and copied into all the peerages since published, would seem to have been 'manufactured,' whatever may have been the motive leading thereto."

ABDUCTION CLUBS.

To Lord Clonmell we owe the cessation of those daring enterprises frequently attempted, and sometimes too triumphantly achieved, by the abduction clubs which, eighty years ago, plagued Ireland. The Chief Justice himself was no bad adept at carrying off an heiress; but he employed *finesse* only; while the men whom he hanged for abducting girls with large fortunes brought, like Lord Lochinvar, force as well as *finesse* to their design. A Kilkenny correspondent, in a letter addressed to us, dated July 4th, 1867, writes:—"In October, 1780, a remarkable abduction case came on for trial in this city, when Messrs. Byrne and Strange, persons of good family, were convicted and executed for carrying off the Misses Kennedy. The Right Hon. John Scott, Attorney-General, acted as Judge here in Kilkenny, that Assizes, and arrived to open his court on Tuesday, October 10th. Again, at the following Kilkenny Spring Assizes, April 18th, 1781, the Grand Jury presented John Scott, Attorney-General, with an address expressive of their approval of the part which he had taken in the case of Byrne and Strange. It is said they never would have been hanged but for his determination in pushing the matter forward." The able author of *Ireland Sixty Years Ago*, devotes a chapter to this remarkable trial; and Mr. Prim, of Kilkenny, is now engaged in prosecuting researches with a view to the publication of a full history of the stirring and romantic incident.

It frequently happened, and we believe the case of Byrne and Strange was an illustration of the fact, that the members of abduction clubs, to whose lot it fell to carry off indicated heiresses, had never spoken to them, but opportunities were soon made to effect an introduction,

and, as generally happened, to create a not unfavourable impression; the chief triumph of the achievement, however, lay in the *abduction*, and the men would not, on any account, relinquish so sensational a part of the undertaking. The abduction of Catherine and Anne Kennedy was accomplished on the occasion of their attendance at a theatrical representation at Graigue. They were both under the age of sixteen, and possessed good fortunes. The friends of the young ladies, who had received intimation of the design, withdrew with them into a house, which they barricaded, as they thought successfully, but great numbers of the peasantry, dressed in white shirts for disguise, enthusiastically accompanied Byrne and Strange on the enterprise, and Kate and Anne Kennedy were at last captured; one was placed before Byrne on his horse, and the other was similarly borne away by Strange. For days and nights they were galloped about the country, hoping by this means to fatigue them into compliance. Away they went, over boureen and ford, vale and mountain, smiling fields and scowling fastnesses; and it will hardly be believed that this stirring mode of life lasted for weeks!

A couple-beggar, or disgraced clergyman, was at last produced, who endeavoured to persuade the girls that if they submitted to be married through his ministry, they should be at once restored to their family; otherwise the Lotharios would not cease to harass them until fatigue and suffering obliged them to acquiesce. A ceremonial was then gone through, and the girls claimed a fulfilment of the promise, which, however, it is needless to say, was not respected. Owing to an unworthy stratagem, which cannot be described here, the marriage was consummated. For weeks they were carried about the country on fleet horses, setting pursuit at defiance. At Rush, a small fishing town, a few miles of Dublin, the party finally embarked on board a vessel which put in to Wicklow; but while Byrne and Strange were on shore in quest of provisions, it was boarded by some revenue officers, who rescued the ladies on hearing their story. Byrne and Strange escaped, but were eventually arrested at Milford; and it was generally supposed, from their

position in society, and the frequency of such attempts, that no prosecution would ensue. The interposition of influential friends was also exerted in their behalf, including that of the Austrian minister at Vienna; but the law—of which Mr. Scott then held the administrative reins—should take its course. The ladies prosecuted the men to conviction, although letters were produced from them on the trial in which they spoke of Byrne and Strange as their “dear husbands;” but it was proved that these letters were dictated and written under dreadful intimidation. The young women received pensions from the Crown for having prosecuted felons to conviction and death; and to the last hour of their lives the peasantry hooted them whenever they appeared in Kilkenny. It will be remembered that, so recently as the year 1854, a Tipperary gentleman, of good family, since deceased, projected a similar enterprise for the abduction of Miss Arbuthnot. Miss F——, a very beautiful girl, familiarly known in Dublin as the “Maid of Athens,” was abducted a few years ago from a ball room, in the South of Ireland; but her screams ere long led to her rescue by a naval officer to whom she is since married. ✓

A ROYAL REVELATION!—GEORGE, PRINCE OF WALES, AND THE DEED OF ANNUITY TO CHIFNEY.

The Prince of Wales, afterwards George the Fourth, won the Derby in 1788, and, crowned by other triumphs on the turf, he soon obtained the reputation of being lucky. According to a statement recently made to us by a gentleman officially entitled to know the facts, it seems to have suited the Prince’s “book,” on some subsequent occasions, to bet against his own horse, although bestrode by the greatest jockey of the day, Chifney. Enormous bettings were made on the Prince’s horse, and his Royal Highness, on the other hand, backed opposition horses with still higher sums. With that deplorable unscrupulosity in betting transactions which characterized the time,*

* This absence of honourable dealing is noticed in *Whyte’s History of the Turf*:—“His (O’Kelly’s) natural shrewdness and penetration, his indefatigable industry, and constant attention, went so far

the Prince deputed his friend O'Kelly to negotiate with Chifney for the purpose of inducing him to lose the race designedly. The great jockey, we believe, at first recoiled with indignation from the proposal; but "saint-seducing gold" at last did its work, and Chifney consented to lose the race in consideration of £300 a year for life being settled on him, with reversion to his son, then aged six years, as compensation for any loss of professional character and income he might sustain. Col. O'Kelly having acquainted the Prince with Chifney's terms, he replied, "it is impossible that my name can appear, but do *you* execute a deed to Chifney for the annuity, and I of course shall fully reimburse you."

The deed was perfected accordingly, and the astute attorney who drew it up was, we believe, the Sham Squire. The race was run under the eyes of all England, and the Prince's horse, as designed, lost. How little was it dreamt by the thousands who, with palpitating hearts and straining eyes, intently watched the progress and issue of that seemingly fair and noble emulative struggle, that so dark a fraud lay crouched within its shadow! Some experienced turfmen seem to have suspected the cheat; but the great body of betters who thronged round the course remained in ignorance. Year after year O'Kelly paid the annuity; but the Prince, when reminded of his obligation, invariably turned the conversation with a pleasant laugh. O'Kelly died, and his representatives found the property encumbered with the charge of £300 a year to Chifney. Year after year, as before, the late Mr. G. of Dublin* repaired to Carlton House, begging of his Royal Highness to acknow-

towards gaining him success on the turf, by enabling him to counteract the various and almost incredible deceptions then in constant practice in the sporting world."

* Our authority for this revelation is Mr. Bolton, of Dublin, who acted as solicitor to the representatives of Colonel O'Kelly. In reply to an application from us, as to whether we are at liberty to use his name, Mr. Bolton has given full permission, with the remark that he never made a statement in private which he would not also authenticate in public. The story may be received with incredulity in some quarters, but it must be remembered that it comes from a profession specially cautious in making statements which it is not prepared to substantiate.

ledge the debt of honour, but in vain. Nothing could exceed the urbanity with which "the first gentleman in Europe" received the applicant, but the conversation would be brilliantly turned as before, and occasionally accompanied by an invitation to dinner so cordial and pleasant, that Mr. G. more than once half persuaded himself that, after all, he got value for the money. The same scene regularly continued, with hardly any increase of majestic reserve, during the ten years that the Royal personage occupied the throne. Indeed, no one could be more winningly gracious, and we are not surprised to read in *The Post and the Paddock* most condescending interviews between the King and the junior Chifneys, in one of which his Majesty begged them "to look in on him at the Castle on Friday;" and "shook them by the hand."

"This," adds Mr. Dixon, "was the last private interview the brothers ever had with the King, and it formed an appropriate pleasant close to their then five-and-thirty years' recollections of him, which dated from the day they sat at Newmarket, one on each knee, and then ran to show their mother the guineas he had given them." Again we are told (p. 104)—

"With Chifney he was peculiarly gracious, and he would often walk for hours with him on the Steyne, at Brighton, or beckon to him to come and sit by his side in his carriage."

The King would lovingly address the Chifneys by their christian names, and one of his remarks to the jockeys was—"I wish I was among you all again, William; but I am very happy here; I've everything to make me so—I've my hunters, and my hounds (motioning with his whip to the Royal Kennels), and my racers again, and Virginia Water and the Lodge."

The following record which we find in that valuable repertory of sporting statistics, *Whyte's History of the Turf* (V. ii., p. 270), must be the identical race with which was interwoven the dark transactions revealed by our informant, Mr. Bolton.

"On the 20th October, 1791, the Prince of Wales' best horse, 'Escape,' ridden by the late Samuel Chifney, was beat by 'Coriander' (by two lengths), and 'Skylark,' for

the plate, for which he was the favourite in the betting—Ditch-in. On the following day the betting being 4 and 5 to 1 against 'Escape,' this horse, ridden again by Chifney, beat 'Skylark' and other horses easily—Beacon Course."

Some of the more astute turfmen seem to have suspected foul play, and old Chifney, to satisfy their misgivings, drew up an affidavit declaring that he did his best in both races; but we are told by Whyte that notwithstanding Chifney's affidavit and explanation, Sir Charles Bunbury still remained incredulous. In 1804 Chifney brought out a (now very scarce) book called *Genius Genuine*, published by subscription of five guineas each copy, in which he accounts for Escape losing on the first day from his being short of work, and states that the gallop of that day was the means of getting him into sufficient trim to win on the following.

This explanation seems to have tolerably quieted the dark doubts of the losers, and recent works on the turf, including *The Post and the Paddock*, when noticing Chifney, taking their tone from his own book, regard the suspicion in question as a calumny elicited by envy at his fame.

The first record we find of Chifney's name is in 1782, when he won the Oaks with Lord Grosvenor's "Ceres," and in the following year he won the same race with "The Maid of the Oaks." He also won the Oaks in the years 1789 and 1790—the first with Lord Egremont's "Tag," and the second with the Duke of Bedford's "Hippolita." Chifney further won the Derby in 1789 with "Sky-scraper," also the property of his Grace. Chifney's name does not appear in the records of the "St. Leger." Samuel Chifney died in January, 1807, in the Fleet Prison. A eulogistic memoir of him may be seen in *Whyte's History of the Turf*, p. 75, V. ii., which thus concludes:—"It may be observed, with justice, that his mantle has descended to his son and namesake, the present Chifney, of Newmarket."

In Nimrod's *Turf*, a laudatory sketch of him may be found at p. 148, and the same remark applies to *The Post and the Paddock*, pp. 88-100. Chifney was living until within the last few years. Colonel O'Kelly died about forty years ago, leaving no children. The annuity

to Chifney was, it is alleged, being paid until recently. Among some documents referring to Colonel O'Kelly, preserved in the Registry of Deeds Office, Dublin, is one dated 12th February, 1819, wherein the Marquis of Donegal secures to O'Kelly the sum of £27,934 12s. 4d.; and O'Kelly is described as Andrew Denis O'Kelly, Esq., Halfmoon-street, in the city of London, only son and heir apparent of Philip O'Kelly, Esq., deceased.

The late Mr. Philip W. Harvey is a party to the deed.

An old friend of Colonel O'Kelly informs us that the above was a gambling debt, of which a large portion was due to the original owner of "Eclipse," Denis O'Kelly, who died in the year 1787. The same informant adds that the manners of O'Kelly, with whom he dined in London, were most courtly and imposing. This cannot be said of his uncle Denis, of whose vulgarity *Whyte's History of the Turf* furnishes amusing anecdotes. The company, on the festive occasion above referred to, included, besides persons of rank, the accomplished actress, Miss Stephens, afterwards Countess of Essex.

REVELATIONS OF ROGER O'CONNOR.

(See p. 84.)

Roger O'Connor, nephew of Richard Viscount Longueville, was quite capable of the turpitude described by Mr. O'Flanagan. We had some time ago, a very truthful coachman in our service named Dunne, a native of Dangan, where O'Connor lived from the year 1803, and we were informed by this man that O'Connor was absolutely chieftain of a gang of banditti, dependents of his own, who robbed the mail coach and committed other daring thefts. O'Connor divided the booty with his men; secret vaults under Dangan Castle served to conceal both. The peasantry were all greatly attached to O'Connor, and those who had knowledge of his doings scorned to inform the authorities; but among one another less reticence was observed, and Dunne told us that members of O'Connor's gang often alluded to their exploits in after days. One of them said that O'Connor was a despotic leader, and one night at Lara-Brien, when he was going at their head to

rob the Athlone mail, observing an indisposition on their part to follow, he pulled out pistols, and vowed with an oath he would blow out the brains of the first man who lagged behind!

These revelations throw a new light on the trial of Roger O'Connor at the Meath Assizes in 1817, on a charge of highway robbery, when he was triumphantly acquitted. The case excited immense interest and sympathy. Sir Francis Burdett came specially to Ireland to sustain him with the weight of his friendship and influence; and sat by him during the trial. Another of his witnesses was Counsellor Leonard MacNally, whose testimony would not have carried much weight had the dark doings of his life been then unveiled. The report of the *Correspondents* of the leading Conservative newspaper of the day is now before us, from which the following extracts are taken:—

“Mr. Justice Daly addressed the jury. He said, if they wished it, he would recapitulate the evidence; the reply was general from them, that there was no doubt whatever upon their minds of Mr. O'Connor's acquittal. The issue was handed up immediately, and before the foreman had time to sign it, the court resounded with the most enthusiastic shouts of approbation, waving of hats, &c.; and the shouts from without re-echoed to those within. A considerable time elapsed before the tumultuous joy subsided within the court, and it was by signs alone that it could be intimated that Mr. O'Connor wished to address the court, and when understood, the anxiety to hear him was such that the most respectful silence followed.

“Mr. O'Connor stood up and asked his Lordship would he permit him to say a few words.

“Mr Justice Daly immediately replied—‘Certainly, Mr. O'Connor.’

“Mr. O'Connor then said—‘My Lord, I have suffered much, very much, indeed; but what would I not suffer for such a day as this?’

“He then bowed, when shouts of applause again burst forth with redoubled acclamation.

“[About four o'clock, Mr. O'Connor was so overcome by the excessive heat of the court, that he fell back in a swoon on Sir Francis Burdett. Nothing could exceed the

distress and anxiety evinced by the worthy Baronet, whose anguish of mind was fully demonstrated by his looks; he supported Mr. O'Connor in his arms. There was not an individual present who did not admire and participate in his feelings. A glass of water having been procured, Sir Francis poured it into Mr. O'Connor's mouth, his head reclining on the Baronet's breast.

“Mr. Justice Daly, with a humanity and feeling highly honourable to him, desired the high sheriff to take Mr. O'Connor out of court, that he might get the air, which was accordingly done; and in about a quarter of an hour he returned, leaning on Sir Francis Burdett's arm, and having bowed to the court, the trial proceeded].

“On coming out of court into the hall, Mr. O'Connor was again greeted with loud and continued acclamation; a chair was brought into the hall, in order to chair him and Sir Francis Burdett through the town, and it was only by the utmost entreaties that the populace, whose numbers were immense, and amongst whom several gentlemen of respectability mingled, that they could be prevailed upon to give up their intention. The shouting and huzzaing continued in the town for nearly an hour after Mr. O'Connor got into the street; and the cheering of Sir Francis Burdett, by name, was loud and general. At night there were bonfires in the town.”

We could cite numerous instances of trickery on the part of Roger O'Connor, but the testimony of our informant is probably sufficient.

Roger O'Connor was a trickster in literature as well as in more important affairs. He brought out a book in two volumes, called the *Chronicles of Eri; being the History of the Gaal Scot Iber, or Irish People*, professing to be “a Translation from the Original Manuscripts in the Phœnician Dialect of the Scythian Language,” with his portrait, maps, &c., but which, as his kinsman, Mr. Daunt, informs us, were mainly if not entirely the fruit of his own fancy.

Particulars of Roger in 1798, conveyed in a letter from Mr. Daunt to the author, will be found further on.

PRIESTS RECEIVING SECRET SERVICE MONEY—THE REBEL-
LION IN CORK—PERSONAL REMINISCENCES OF '98—
FAMILY HISTORY OF THE O'CONNORS.

The curious history of Father Barry, P.P. of Mallow, who received £100 a-year pension from the Crown for having refused to absolve a penitent unless he disclosed the plans of the Meath militia, to raise the flag of revolt at Mallow, has been noticed in *The Sham Squire*. The following letter, addressed to us, dated "Naas, 8th June, 1866," reveals the circumstances which determined Serjeant-Major Beatty, of that regiment, to strike the first blow of his long-meditated *emeute*, but which Mr. Barry was the means of paralyzing:—

"Often have I heard my father, who with his three brothers were sergeants in the Royal Meath, and sons of a once wealthy trader in Kells, whose entire property was burned by the Leitrim militia, when they lay at 'free quarters' in that town, tell the story of unfortunate Beatty, who was a Kells man also, and a nephew of whom is still living there."

The following additional details regarding Beatty may not, perhaps, be uninteresting:—

"The Marquis of Headfort, Colonel of the Meath, having been informed, through the channel you mention, of the complicity of Beatty, was yet very reluctant to have him arrested, both because Beatty was a handsome and favourite serjeant, and also he very naturally shrunk from having his regiment disgraced. It was afterwards well known that he had made up his mind to remonstrate privately with Beatty, get him to give up connexion with the society, and then hush the matter up. Unfortunately, however, for poor Beatty, one of the soldiers of the regiment, who acted as mess-waiter, overheard the Marquis and the major conversing in an undertone on the subject, and being, it was thought, partly implicated himself, he sent for Beatty and informed him that all was discovered, and that if they did not fly that very night they would get but short shrift next morning."

One of Beatty's colleagues in the conspiracy, previous to sharing in the anticipated action, went to confession to

the Rev. Thomas Barry, of Mallow, who refused to absolve him unless he informed the authorities. Between the two sources of information the plan, which was really formidable, came to the ground, and Beatty, with his men, retreated towards Dublin.

The Very Rev. Dr. Russell, R. C. Dean of Cloyne, addressing us, writes :—

“I recollect, when a boy, and I am now nearly seventy-two, to hear a highly respectable and intelligent clergyman describe the singularly gallant retreat of the sergeant and his men. A few worn out by fatigue were unable to persevere. They of course were captured by the cowardly yeomanry, who satisfied their loyalty by looking at the sergeant, but dare not approach near him.”

Beatty and his men exhibited no desire to escape observation in their retreat. They passed through Mallow in the dawn of morning, and detecting a yeoman officer, noted for his vigilance, scrutinizing them from his bedroom window, they fired a volley at the panes through which he eyed them. Beatty was at last captured in Dublin, and hanged.*

The name of another priest, the Rev. Mr. Doran, P.P. of Monasterevan, appears in Dr. Madden's extracts from the secret-service money book of which the late Charles Halliday, Esq., latterly held the custody, and is now preserved in the Royal Irish Academy.

The following are the entries :—

“1801, June 1, Lord Tyrawley, for Rev. Charles Doran, Roman Catholic priest, at Monasterevan, instead of a warrant of concordatum for the last year, £20.

“Feb. 13, 1802, Mr. Cassidy, for the Rev. Mr. Doran, of Monasterevan, recommended by Lord Tyrawley, £50.”

As Dr. Madden, as in the case of Father Barry, furnishes no particulars of Father Doran, or his friend, Lord Tyrawley, the little *we* know of them may perhaps be acceptable.

The Right Hon. James Cuffe, Lord Tyrawley, who, it will be remembered, fought Lord Clonmell for some mistake about his wife, was connected with Kildare by

* Reminiscences of Edward Sullivan, Esq., formerly of Mallow.

his marriage, in 1770, with Miss Levinge, of Calverstown.

At the beginning of the present century we find Lord Tyrawley residing at Moore Abbey, Monasterevan.—*Grattan's Memoirs*, Vol. v., p. 264. Lord Tyrawley was a representative Peer of Ireland, a Privy Councillor, Barrackmaster General, and Commissioner of Public Works.—*Biol. Index to the House of Lords*, 1808, p. 595.

Mr. Martin Whelan, of Fontstown, in the parish of Monasterevan, aged 87, in a letter dated October 22nd, 1866, writes:—

“In respect to Father Doran, now nearly sixty years in his grave, I knew something of him in my early youth, for to him I made my first confession.

“I always considered him an ornament to the Catholic religion, quiet, silent, orderly, and pious, and if anything particular of innocence, and not a politician on either side.

“His name certainly appears on the secret service list in 1801 for £20, and in 1802 for £50. How then can this be accounted for? I think in the following way:—In these sad times Lord Tyrawley lived in Moore Abbey House. He was a man so high in the then Government that his word was a law.

“I think, from Father Doran's disposition, that he was a man that preached quietness and good order to his flock. This order on the secret service list might be as a reward for his so-doing.

“Lord Tyrawley was a man in such power at the time that his order on the secret service for 20 or 50 pounds would be as strictly attended to as if it were on his own banker.

“From what I know of Father Doran he was not a man to be mixed up in the spy or secret service system.

“The matter is so obsolete from length of time that I don't think there is a man now living in the parish of Monasterevan can throw light on the subject. I have never seen an account given by any of the historians of 1798 of the fate of the Rev. Father Prendergast, curate to Father Doran, who was hung out of a tree at Monasterevan by the Orangemen. No narrative of that terrible period would be complete without his history.

"In the summer, 1797, I rode behind my father to the Curragh to see a review of yeomanry; there I saw personally poor Lord E. Fitzgerald, and I also saw there the betrayer, Reynolds.

"There are now but few alive to remember or recount their knowledge of that time.

"I was in Dublin the 12th March, '98, seeing my friends, and happened to be passing the end of Bridge-street at the moment of the arrest at Bond's. The street was surrounded by a cordon of soldiers preventing all passengers at the point of the bayonet. Further I can't say or describe.

"A few days before this my relative happened to be present at the seizure of the *Press* newspaper office, and the types scattered on the streets. He got a handful of them, which he gave me. I have preserved them for many years. My employment during the outbreak was bringing wheat to the mill, to have it baked, and sent to the camp at Knockauling Hill.

"Free quarters raging around us—my father, to escape our oats being taken, took me with two loads of it to Kilcullen market to sell it. There one of our horses was pressed by the Berwick Dragoons, *en route* to Vinegar Hill, but by a fortuitous circumstance we recovered him, for if he went to the co. Wexford, adieu to him.

"I saw, passing our place, the 9th Dragoons, under Capt. Erskine—passing to his doom at Old Kilcullen, unpitied by our class at least, for he was more than a persecuting tyrant in those days.

"I saw the notorious Major Sirr; I saw Leonard M'Nally, and also Watty Cox, little dreaming of their antecedents till you unveiled them.

"Living only 5 miles from the Curragh, I heard distinctly the thunder of the fire arms employed in the massacre at the Gibbet Rath described by you. But forgive the loquacity of an old man, who ought to have confined his letter to the chief object of your inquiry, the late Rev. Father Doran."

Father Barry's services in 1798 were of a much more important character than those performed by the Rev. Mr. Doran.

“Whatever may be the motive of Mr. Barry for becoming an informer,” writes the dean of his diocese in a letter to the author, “the pension he received from the Crown attaches infamy to his name.”

The Government seem to have been sensible of the fact that, had not Father Barry enabled them by his information to stamp out the flame of insurrection at Mallow, the whole of the great county of Cork would—from the predisposition to rebellion of many of its leading gentry—doubtless, soon have become involved in one general conflagration. “Country gentlemen,” said William Wilberforce, “are the nerves and ligatures of the political body.” Among others of this class who lived in Cork during the troubled times, and quietly organised that great county were the O’Connors, nephews of Lord Longueville—the same peer, by the way, through whose hands secret service money payments passed to Father Barry.

“Roger,” writes Mr. Daunt, “employed his military skill in fortifying Connorville to sustain an attack from the King’s troops. He planned a trap for them, also, of which I had a detailed description from a gentleman who was personally cognizant of the device.

“There were two fronts to Connorville house. From the front that faced the public road the hall-door steps were removed; and the windows of the basement story on that side of the house were strongly built up. No hostile entry could have been effected upon that front.

“The other front opened on a large courtyard, nearly surrounded with high buildings. From the eastern side of this courtyard ran a broad, straight avenue about six hundred yards in length, between two very lofty walls overgrown with ivy of extraordinary luxuriance. At the extremity of this avenue farthest from the house was a high and massive iron gate. The whole length of the avenue was commanded by cannon, which were placed in a shed in the courtyard, and managed by French artillerymen.

“The massive gate at the eastern end of the avenue was left constantly open, to invite the entrance of his Majesty’s troops in the event of a hostile descent upon Connorville. There were men always stationed *perdu* in the huge ivy

bushes at the top of the piers, to lock the gates the instant the military force should have passed through. The soldiers would thus be caught in a complete trap; hemmed in by the lofty walls that flanked the avenue; their retreat cut off by the iron gate behind them, and their position fully raked by the cannon in the courtyard."

Knowing the interest that attaches to whatever incidents are connected with the actors of 1798, we addressed some inquiries to Mr. Daunt, from whose obliging answers the following is taken:—

"The two rebel brothers, Roger and Arthur O'Connor," writes that gentleman, "were cousins of my father's. There were five brothers of that generation—viz., Daniel, Robert, William, Roger, and Arthur. The first three retained the name of Conner; the last two called themselves O'Connor, on being told by their father that such was the original designation of their family. The three who remained Conners were Orange in their politics. The two others were uncompromising revolutionists. Their grandfather, William Conner, of Connerville, was my father's granduncle maternally—i.e., brother of old Mrs. Daunt's mother, Elizabeth Conner, who had married Richard Gumbleton, of Castlerichard, in 1743. William Conner was M.P. for Bandon from 1761 till his death in 1766, his colleague being Mr. Adderley, of Innoshannon. My father, when a growing up lad, spent much of his time at Connerville. One day, in 1797, Roger asked him to let him see his gun—a single-barrelled fowling piece. On handing it, he said, 'This would do for service—have you got a good horse?' 'I mean to buy one at Kildorrery fair,' was the answer. Roger then gave minute instructions as to the precise sort of horse he wished his young friend to purchase; his object being, I suppose, to get up a corps of rebel cavalry in which all the horses should be matched. He talked of the great things he was to achieve, and the great power he was to acquire—all which sounded very plausibly in the ears of a youth of 18—my father's age at that time (he was born 24th April, 1779). He also talked of the trap he had prepared, or meant to prepare, for the King's troops, which you will find described in *Ireland and Her Agitators*. At that time, while laying plans to over-

throw the Government, he used to give money to the troops passing on to Bantry to drink the health of George III.; and this, although his blacksmiths were actually manufacturing pikes on the premises. The upper yard at Connerville (thrown down about the year 1842) was a square, consisting of three dwelling-houses on each side for the residence of the tradesmen kept in constant employment by the Connors. I remember it well. Notwithstanding the activity of the family blacksmiths in making pikes, and the tremendous valour exhibited by Roger, so far as talk went, the rebel hero failed in the quality of generalship when peril approached. The upper yard stood on a rock that overlooked the house and the courtyard. Between its walls and the verge of the rock was a thicket of hollies, in which Roger, with a chosen few, concealed himself with a loaded blunderbuss in his hand, watching the redcoats, when at last they *did* come, poking and peeping into every cranny in the court below, and leaving no hole unexplored in which Roger could be supposed to have hidden himself. I presume they must have previously searched the mansion house, out of which Roger, on the first alarm of their approach, had jumped through a window. All this time he was bareheaded, foaming at the mouth with rage, and with some difficulty restrained by his body-guard from discharging the blunderbuss (which my informant, an old gardener of ours, pronounced *polundherpush*) at the soldiers, one or two of whom he might have killed; but if he had fired, it would have been at the instant risk of discovering himself to his pursuers. He contrived, I am told, to escape to Kilcascan unperceived, and thence, either the same evening, or before dawn next morning, to the hills of Corran and Ballinard; and I have a rather indistinct recollection of hearing that when upon the heights he was espied by some of the soldiers who were scouring the country, and who gave chase—ineffectually, however, upon that occasion. Roger O'Connor's prudential evanishment when the soldiers came to Connerville to seize him may have been caused by his not having then completed his intended preparations. The description in *Ireland and Her Agitators* I had from my father.

“Roger’s manners were most captivating. He had an inexhaustible fund of entertaining anecdote, and never told the same story twice the same way. He used, in 1796 and 1797, to go sometimes to the Catholic chapels and address the congregations; I only heard of his assuring them (condescendingly, doubtless) that ‘*there was good in their religion;*’ but of course his homily embraced a wider range of topics than that brief assurance, and probably was contrived to act as a stimulant to their normal disaffection. My father soon found out that neither warlike laurels nor a civic crown could be attained in connexion with Roger, and he got a commission in the Louth regiment of militia. I have heard him repeat that passage in Arthur O’Connor’s celebrated letter to Lord Castlereagh, commencing with the words, ‘Young lord, I sought you not,’ &c. Robert Longfield Conner, founder of Fortrobert, did all he could to get his brother Roger hanged. Fortrobert is mixed up with some of the pleasantest recollections of my boyhood; and it became, at a later period, the residence of that most bizarre and comical of all funny adventurers, Feargus O’Connor, who used to promenade the rooms making speeches in preparation for his public displays.”

A second letter from Mr. Daunt, dated Kilcascan, 26th September, 1866, supplies some further details, which are, at least, valuable for their local descriptions:—

“Not long since I accompanied a friend to see the deserted mansion and domain of Fortrobert, which I had not visited for a long period, and as the place is more or less connected with persons and events that have evoked your curiosity, a brief account of it may not be wholly uninteresting to you. The house was built in 1788, by Robert Longfield Conner—alias O’Connor—second son of Roger Conner, of Connerville. His uncle, Mr. Richard Longfield (afterwards Viscount Longueville), owed him a considerable sum of money, and prior to building the house, Robert C. proposed to toss up whether his uncle should pay him in cash, or, in lieu of payment, supply all the timber necessary for the mansion. The latter alternative resulted from the toss, and accordingly ‘Bob Connor’ (as he was always popularly called) laid in an enormous amount of the very finest Baltic timber, which

was used in the building. The house is large—eight windows in the range, and a flight of ample steps to the hall door. It stands on a commanding elevation, and the avenue winds upwards for nearly a mile from the entrance gate. It is grass-grown, and in many places worn into ruts, rather by the rains of winter than by the passage of the few vehicles and animals that occasionally traverse it. Though much of the timber has been cut down, including many of the best trees, yet enough of wood remains to render the wild, lonely, and neglected place still beautiful in its decay. The house is now a melancholy ruin. The floors have in many places fallen in; as you stand in the drawing-room you can look up at the sky—ceiling and roof all gone on that side of the house. My companion, to whom the scene was quite novel, said, as he looked around, ‘A magnificent place.’ In the days of Bob Conner it was a nucleus of Orangeism. That gentleman died in or about 1820. In the following year the house was occupied by his three daughters, and by Roger O’Connor’s three sons; two of the ladies married two of the gentlemen; the eldest, Anne, did not marry the outstanding bachelor, Feargus; but she did what he probably liked better—viz., she bequeathed to him for life her third of the paternal estate. It was a glorious place for little boys to enjoy themselves; a pack of foxhounds; capital horses; and the inmates of the mansion excessively hospitable, and overflowing with bizarre fun. Arthur O’Connor, brother of Feargus, was of patriotic politics, and his favourite study was ‘The Beauties of the Press.’ Feargus at that time did not seem to have any fixed political opinions. Arthur was a tremendous foxhunter; he died of consumption in 1828, and the catastrophe was accelerated by his loud tallyho’s. Particular circumstances suspended our intercourse with the family from 1826 till 1830, at which period Feargus was master of Fortrobert, having taken it by lease from his sister-in-law. He furnished the house, and received a few friends, chiefly relatives. He and I used to amuse ourselves spouting harangues here and at Fortrobert; his great powers as a mimic enabled him to imitate the speeches of some of the county celebrities, and this he did with very ludicrous

effect. Politics took him to England, where he greatly overspent his income, but, for a time, he made a good deal of money by a newspaper, *The Northern Star*, which he started at Leeds, and thence transferred to London. The family residence was deserted—and poor Fortrobert, fraught with many fond memories of days now long enough ago, is at present a melancholy instance of the instability of human possessions. The other day I asked a woman whom I met near the place how two of Feargus's followers were going on. 'Dead,' was the answer in each case; though the persons inquired after were by no means old. The desertion and ruin of a place, associated with a thousand recollections of friends who are now either in their graves, or dispersed in various distant quarters seeking a livelihood, possess a melancholy interest for me, which I hope you will accept as an excuse for my prolixity.

“Daniel Conner, the son of Cornelius, was ancestor of a very large number of persons now living. His son William, of Connerville, was ancestor of Daniel Conner, now of Manche; of the Fortrobert Conners; of William, Colonel of the City of Cork Militia, and through him of the present Conners, of DOWNDANIEL, co. Cork; of Roger O'Connor's branch, and also of that of Arthur or the exiled patriot. The same old Daniel was, through his son George, ancestor of the present Lord Lisle, and of a numerous tribe of Ballybricken Conners. Through his daughter, Maryanne, wife of Bartholomew Thomas, he was ancestor of General Thomas, sometime M.P. for Kinsale, and of the Cramers of Rathmore, near that town. Through his daughter, Elizabeth, wife of Richard Gumbleton, of Castlerichard, co. Waterford, he was ancestor of the present Colonel Bushe, of Castlerichard, now called 'Glencairn Abbey' (who, by-the-bye, is grandnephew of *the* Henry Grattan); of Sir Cornwallis Ricketts, who married, in 1852, the Lady Caroline Clinton, daughter of the Duke of Newcastle; of a whole tribe of Gumbletons; and of your humble servant, and the last generation of Kilcascar Daunts.”

THE PENSION TO FATHER O'LEARY.

(See p. 101.)

Mr. Plowden, who shared his friendship and confidence, has placed on record a curious account of the secret service money bestowed on O'Leary, which seems to have escaped the vigilance of Lord Russell, Moore, Croly, Barrington, O'Keeffe, Kelly, and others, who have written of that eminent person :—"O'Leary's writings on toleration had removed from the minds of many Catholics the difficulties which up to that time prevented them from swearing allegiance to the House of Hanover, and abjuring the House of Stuart. That Rev. Divine so happily blended a vein of liberality and original humour with orthodox instruction, that his writings became popular even with Protestants, and induced so much toleration and cordiality between them and the Catholics, that created a serious alarm in those who studied to perpetuate their division and consequent weakness. With much art they endeavoured to stop the progress of this terrifying liberality and harmony among Irishmen of different religious professions. The Rev. Arthur O'Leary was thanked by the British minister for the services he had rendered to the state, by frightening away the bugbear of Jacobitism, and securing the allegiance of the whole Catholic body to the House of Hanover. A pension of £200 was granted to him for his life in the name of a trustee, but upon the secret condition that he should for the future withhold his pen, and reside no more in Ireland. Two or three payments of this hush money were made. Afterwards an arbitrary refusal for many years threw the Rev. Pensioner upon the voluntary support of his friends for subsistence. After a lapse of many years, by importunity and solicitation, and repeated proofs of his having complied with the secret conditions, he received a large arrear; and in order to make himself independent for the rest of his days, he purchased with it an annuity for his life from a public office, and died before the first quarter became due."

THE FETE ON FIAT HILL.

(See p. 84.)

The following is a copy of the original placard in which Magee announces to the citizens of Dublin, washed and unwashed, the forthcoming fetes at Fiat Hill. The intimation that this festivity was in honour of the birth of George Prince of Wales was an ingenious pretext, framed by legal advice, with the object of averting renewed strokes of vengeance from "the Premier of the King's Bench." Magee's real object, it is hardly necessary to repeat, was to worry Lord Earlsfort—for his Lordship had not for a month later obtained the Earldom of Clonmell—a sop thrown, as he himself confesses, to allay the ruffled feelings which Magee's persecution caused.

Here is the placard, but in the original every line was, as is technically termed, "displayed:"—

"Magee, of the Arms of Ireland, Steward of the Irish Festivity; or Lau Braugh Pleasura in honour of the Birth of George Prince of Wales on old Lammas Day, Wednesday, August 12th—Presents his grateful acknowledgements to the men of Ireland, and most respectful compliments to those who are the fairest objects of this creation—the lovely daughters of Hibernia—that every preparation is made, and will be positively ready for their reception, to grace with their presence and honour by their appearance, the Irish Festivity; or Lau Braugh Pleasura, which will commence with a Boat Race—the Boats all ranged and to start from the Pier of Dunleary to a minute at 11 o'clock. At one o'clock the Ball will be kicked on Fiat Hill, the grounds adjoining John Scott, Baron Earlsfort, Premier of the Court of King's Bench, his magnificent seat at Marino, late Lord Tracton's. Dinner on the tented field at three o'clock. The Table D'Hote for ladies and gentlemen. Cudgel playing at five on a proper stage, with cool umpires to prevent ill temper and preserve good humour. At seven o'clock his worship, the Sham, will be coursed over the grounds. To close with harpers and pipers for the boys and girls. Printed

directions will be ready for delivery on Monday for the disposition of the carriages. Ground will be allotted for the tavern keepers and publicans who choose to erect tents, which must be well and handsomely covered and ranged, so as to produce effect and accommodate the assembly. No person will be suffered to erect a tent on Fiat Hill but those who have characters; these must be real, not Sham. The cold collation, it is expected, will be such as ought to be placed before Hibernians, and served in that clean, regular manner, which must be creditable to the host. Fiat Hill will be open to every publican who engages to the steward to bring on the tented field wines good in their kind—native punch—nectar-ambrosial—nectar and provision—the best Dublin markets' supply. As some honest people at present have the grass of the grounds, and will to the 25th March, from the late proprietor, it is submitted whether some small compensation should not be made for trespass; therefore, suppose each tent pays 2s. 8½d.—carriage, 6½d.—Berlin, 3d.—and horse, 2d. Proper persons to be appointed to take care of the cattle and carriages. Fiat Hill is the ground lately held by Lady Osborne, and stretches from Lord Earlsfort's demesne wall along the Blackrock road, leading to Dunleary. Lady Osborne has leased the lands in perpetuity to Magee, of the Arms of Ireland, late Fiat Dungeon Cell No. 4 in the new Bastile opposite the Courts of Irish Justice, Steward of the Irish Festival, or Lau Braugh Pleasura, at Dunleary, in honour of George Prince of Wales, on Lammas Day."

At p. 84 our nonogenarian informant is found describing the intrusions by ball-kicking which worried Lord Clonmell. The *Post* of August 13, 1789, is more explicit:—

"The foot ball agitated the whole field into exertion; not a pedestrian who did not throw in his might and gave a hearty and unlimited kick to the fiat ball, which was lined with a bladder of fetid gas; this, with the unanimous approbation of a million, was footed up to Marino, and kicked into the premises of the Premier of the Court of King's Bench."

The triumph was complete.

"When the free spirits of Irishmen," records a journal

of the day, "shall have nobly burst the shackles forged for heir dearest privileges; when Bastile law shall exist only amongst us in an indignant recollection; and when Irish fiats shall be burnt in the same oblivious gulph with French lettres de cachet, it will be remembered that the standard of resistance was erected on Fiat Hill, under the very ramparts of the enemy, by a citizen of Dublin."

From these extracts it will be seen that Lord Clonmell, and not Lord Chief Justice Norbury, as erroneously alleged, was the judge whose practice of issuing fiats was at last summarily checked by Parliament. A rather impious parody on the Nicene Creed, beginning:—"I believe in Judge Bladderchops, the Father of 'Fiats,'" appears in *Cox's Magazine* for February, 1810. "Bladderchops" was a nickname applied to Lord Norbury, in allusion to his Erolus-like cheeks.

SIR SAMUEL BRADSTREET AND JOHN MAGEE.

The following letter, from Sir John Bradstreet, Bart., although in the first instance marked "private," is now published with the consent of the respected writer:—

"CASTELLA, CLONTARF,
25th May, '66.

"MY DEAR MR. FITZPATRICK,

"In your most interesting and most seasonable contribution to our new national literature there occurs a paragraph at p. 89, in which I apprehend you have made a mistake—I allude to where, in 1789, the Sham Squire's satirist, Magee, is stated to have been brought up before the Recorder of Dublin, Sir Samuel Bradstreet, who, having required personal bail to an exorbitant amount, which Magee could not give, the satirist was committed to prison.

"Now, unless the date of this occurrence was prior to 1784, my grandfather could not have been *the* Recorder for (as per patent in my possession) he was appointed one of the Judges of the King's Bench on 13th January,

1784. Moreover, from family tradition, he was scarcely the man to do an act of the kind—in fact, he was shelved on the Bench in order to silence his opposition as member for the city. But however the case may have been, I am sure you will excuse his grandson for drawing your attention to it.—Believe me, &c.,

“JOHN BRADSTREET.”

Our only error, we apprehend, consisted in styling Sir Samuel Bradstreet “Recorder;” for, although he was Recorder until 1784, he acted as puisne judge of the Court of King’s Bench under Lord Clonmell, when, in 1789, Magee was subjected to such merciless persecution at his hands for ridiculing “the Sham Squire,” and organizing Olympic pig hunts at Dunleary. A sense of etiquette probably induced Sir Samuel to co-operate with his “Chief.”

The following is the warrant for the committal of Magee to Newgate:—

“County of the City of Dublin.—By the Hon. Sir Samuel Bradstreet, Bart., third justice of his Majesty’s Court of King’s Bench in Ireland.

“WHEREAS I have received information upon oath that the newspaper entitled *The Dublin Evening Post* is printed and posted by John Magee, of the city of Dublin, and that there appeared in the said newspaper, printed and published on the 27th day of August last, a libellous and seditious publication, contemptuously alluding to the Right Honourable John, Lord Viscount Clonmell, Chief Justice of his Majesty’s Court of King’s Bench, and asserting that thirty thousand people are to be assembled,* and tending to disturb the peace of his Majesty’s subjects.

“These are, therefore, in his Majesty’s name, strictly to charge and command you the body of the said John Magee in your custody to detain and keep until he shall find you good and sufficient security to be of good behaviour to all his Majesty’s subjects, and particularly to the said John, Lord Viscount Clonmell, for the space of five years; and for so doing this shall be your warrant.

* The Fete and Olympic Pig Hunt at Fiat Hill, *alias* Seapoint.

“Given under my hand and my seal this 2nd day of September, 1789, nine.

“S. BRADSTREET.

“To the Sheriffs of the County
of the City of Dublin.

[A true copy.]

“Wm. Shee, D. Keeper of Newgate.”

Another document before us states the judge to have required personal bail and two sureties in £2,500 each for five years.

KILBARRACK CHURCH-YARD.

(See p. 149.)

The leading articles of newspapers rarely display picturesque beauty or romantic interest. *The Irish Times* of Jan. 3rd, 1865, contains a leader, literally written, we believe, on the tabular tomb of Higgins, which may be considered an exception to the general rule. When the following article was penned the startling antecedents of Higgins were not known to the editor, and the Sham Squire seems to have been regarded, through the hazy traditions which enshrouded him, chiefly as a philanthropist and benefactor. After describing the ruined priory, with sandlarks sweeping through its broken arches, and the waves dashing their spray like salt tears over the lonely graves, the writer goes on to say:—

“In that sadly-neglected and desecrated church-yard lie many young and beautiful whom the sea gave up for burial; there sleeps many a rough sea-captain and the crews of many a tall ship which broke asunder on the treacherous shallows yonder, where even to-day a large hull lies like a stranded whale. But many a good citizen of Dublin in the olden time rests there too. There must have existed once a considerable population on the low and lonely shore, for the old priory of Kilbarrack was large and roomy, and there are still traces of buildings once filled with life. The wealthy citizens of Dublin, sixty years ago, were carried by their friends to their last

home among the graves of their people, and now and then the bleak and chilly shore and desolate ruins were visited by an unusual crowd, which, when the grave-digger had done his work, melted away as suddenly as it came, and left the dead beside the waters moaning over the sands. And in this lone church-yard has been revealed from the sand and wild flowers and neglect of man the memory of a benefactor to poor prisoners.

“If the money bequeathed by Francis Higgins has been vested in land as he directed, the income derived from it should be something considerable now. There ought to be £150 yearly available not only for the relief but for the discharge of poor prisoners on Christmas Eve. £150 would liberate many who are immured for want of small sums. Yet, on last Christmas Day, we are told there was at least one prisoner who would have no dinner if another as poor as himself had not shared his morsel with him. £8 would have liberated another prisoner, £5 a third. The tangible benefit reaped by the poor prisoners of the Marshalsea, from the bequests of Webb and Higgins, amounted to 180 lbs. of beef, 54 loaves, and £2 5s. distributed in sums of 2s. 6d. each!

“It is the fate of benefactions to be diverted from the intention of the donor. Many a charity is wasted on salaries and fees to officials who are not needed. Many an endowment has been forgotten under the dust of time, as the tombs are hidden under the drifted sand at Kilbarrack. We do not suppose that there has been any fraudulent misappropriation of the funds intended for the relief of insolvent debtors, but it would be satisfactory to know the gross amount annually received from the endowments made by Webb and Higgins. How much of that amount is expended on collection, management, and fees to officials, and how much is left to be annually distributed to the pauper prisoners in the Common Hall?

“We want in this country a Royal Commission to take evidence on oath in open court touching all charitable donations and bequests.”

The Sham Squire's *last* will, as has been stated by his descendants, disappeared from Beresford's Bank, and was never recovered. The will now in force was a previous

one. In *Notes and Queries*, 2nd S., No. 5, we furnished another very curious instance of the disappearance of a will, with proclamations offering a reward of £11,000 for it, including £1,000 from Mr. Webb; but nevertheless the will, although known to have existed, was never discovered. The testator, Mr. Walker, of Dame-street, Dublin, had died worth upwards of £250,000.

MEMOIR OF THE REV. WALTER BLAKE KIRWAN.

(See p. 110.)

A manuscript record of the career of Mr. Kirwan, which has been placed in our hands by Mr. P. S. Burke, describes him as “grand-nephew to Anthony Blake, successively Roman Catholic Warden of Galway, Bishop of Ardagh, and subsequently translated to the primatial See of Armagh. At the suggestion of this prelate, Kirwan proceeded to the University of Louvain, where having been ordained priest, his talents earned for him the chair of natural and moral philosophy. His uncle, Primate Blake, was the cause of some scandal in the archdiocese of Armagh, which he entered as the successor of St. Patrick. He resided in his native county, Galway, where he mixed much in society, and gave* hospitable entertainment to the nobility and squires of his day. He visited the diocese of Armagh only twice a year, and travelled in an elegant equipage, with liveried lackeys. At last the clergy of the archdiocese were determined to bring him to right. The clergy of Louth commenced the attack, and brought very serious charges against this prelate. The first was non-residence; the second the large sums of money he exacted from them; and, by way of parentheses, I must remark that the clergy in those northern dioceses were pitiably poor at this time. Another of the charges against Primate Blake was that of treating his clergy with great *hauteur*. Two clergymen from Louth

* The Primate was the son of Mr. Blake, of Dunmacreene, in the county Mayo—a gentleman of English descent, who, in that deserted region, was suffered to hold his property at a period of general confiscation.—W. J. F.

were despatched to Rome for the purpose of establishing these charges against their primate. The result of their mission was his suspension,* and Richard O'Reilly, parish priest of Kilcock, and Coadjutor of Kildare, a highly respected ecclesiastic, who had spent many years in the Eternal City, being appointed as Bishop *in partibus* (1782), Dr. Anthony Blake retired altogether to Galway, where he died in 1786, much regretted at the many convivial boards where he was the life of society. He was, it is alleged, a repository of interesting anecdotes respecting the merry eccentric folks of other days. I must, however, remark that nothing has ever been asserted against his moral character. His powers as a preacher were more theatrical than ecclesiastical. Primate Blake was one day told by Mrs. Skerritt, of Loughrea, that the news had just arrived of his nephew's changing his religion, when the primate remarked, 'Tut, woman, the coxcomb had no religion to change; I wish he had never been made a priest.' † Dr. Kirwan married the

* A gentleman deeply versed in the history of the Irish hierarchy—Mr. John W. Hanna—corroborates the above curious fact in a letter addressed to us:—

"It is quite true that Anthony Blake, the primate, was suspended for a while in consequence of his neglecting his diocese, and residing in Connaught among his relatives. I have heard stories about him. He was restored by the late Archbishop Troy, of Dublin, at a meeting of the clergy in Drogheda, when Dr. Troy, having removed the suspension, began to say it became his duty to admonish him, whereupon Blake, interrupting him, asked was he restored; and being answered in the affirmative, he immediately ordered Dr. Troy out of his diocese, and so ended the matter. As well as I recollect, he was uncle of the late Anthony Richard Blake, Chief Remembrancer of the Exchequer, and also of the *quondam* priest, Walter Kirwan."

The notice of Dr. Blake in the text was put into our hands as far back as the year 1858; and Mr. Hanna's letter bears that date. Since then the "Collections on Irish Church History," by the late L. F. Renchan, D.D., of Maynooth College, has appeared; and a full account of the primatial scandal appears at p. 107, *et seq.* Stewart's *Armagh* describes Dr. Blake's appearance as most imposing, and confirms the account of his ostentatious mode of travelling.—W. J. F.

† There must be some mistake here. Dr. Blake died in 1786—Kirwan conformed in 1787. But Walter B. Kirwan did not regularly officiate as a Roman Catholic priest for two years previously, and rumours of his change of feeling may have been circulated.—W. J. F.

sister of the celebrated Surgeon Richards, one of the thirty-six tumbler men of his day. Richards was an enormous man, and a great gourmand. He introduced Dr. Kirwan to Thomas Addis Emmett and Arthur O'Connor. Kirwan was of the same political principles as the former gentleman, but circumstances did not permit him to indulge them. Shortly after Kirwan's change his mother asked him would he advise her to become a Protestant. To which he replied:—"Mother, remain as you are, and never again speak to me upon matters relating to religion."

"Miss Bloomfield, of Eyrecourt, a lady of the Church of England, was present at this conversation, and subsequently related it to my grandmother. She described Kirwan as very handsome, and a most accomplished gentleman.

"The celebrated Doctor Betagh, V.G., never liked Kirwan, even as a priest. On being asked how he liked him in the pulpit, he replied:—"Very theatrical and exciting; but he is out of place in my old chapel in Rosemary-lane."

"The Orange Corporation of Dublin presented a congratulatory address to Dr. Kirwan for having renounced the errors of Popery. The address was accompanied by his freedom in a gold box. Kirwan replied:—"I am not aware that the Church of Rome has greater blemishes than other churches."

"The present Dean of Limerick, who is the son of Dr. Kirwan, has the box alluded to in his possession. He is now an old man, and has the reputation of being very amiable, charitable, and good."

We have often heard it stated by the opponents of Kirwan that he conformed in order to marry; but he must have been influenced by other motives, inasmuch as he read his recantation in 1787, and did not marry Miss Wilhelmina Richards until Sept. 22nd, 1798.

It is stated in the introduction to the volume of Kirwan's sermons, edited by his widow, and published in 1814, that some of the discourses delivered by him when a Roman Catholic priest in the Neapolitan Chapel, London, "attained celebrity, and should have formed part of this collection if any copies of them could have been recovered." We have been more successful than Kirwan's executors,

and there is now before us a sermon on religious innovations, preached by the great orator a few months before he had conformed to the Church of England. His text was:—"If he shall neglect to hear them, tell it unto the Church; but if he neglect to hear the Church, let him be to them as a Heathen and a Publican."—*Matthæw*, xviii., 17.

Some striking arguments employed by Kirwan in vindication of the use of the Latin tongue in celebrating mass, may, for their curiosity, be here appended.

"There is a point of general discipline in our Church, which is the subject of much comment; I mean that of performing the public service in Latin. Lest you should be misled by insinuations that at first view might appear plausible, I shall hazard one or two observations. I wish, however, to avoid every discussion that savours of controversy, as I advance nothing in opposition to those who avowedly dissent from us. My object is only to lay open the perfidy, and combat the depravity of false brethren and licentious teachers; to guard you against the poison of those serpents that lurk in the shadow of our own altars; to warn you, from the example of unnatural children, who attempt the peace of a venerable parent; children nursed in her bosom, fed with her milk, sheltered under her wings!—Great God! One would think that an age of seventeen hundred years was entitled to some reverence and respect, and should make even the *infirmities* of *decrepitude* sacred. But to our Liturgy.

"That of the Western Church has always been in Latin. The Church was planted in the West, whilst subject to the laws and arms of the Roman Empire. The language of that Empire survived its fall, and is to this day the most universally understood through all Europe. There is no individual of decent education, ignorant of it, and in many parts of the Continent, it is familiar even to the peasantry, such as Hungary, Bohemia, Poland, &c. Yet, as the case is not general, to obviate that inconvenience, the Liturgy is literally translated into every modern language, and those who cannot read, are carefully instructed, by their ministers, as to the purport and import of divine service. I conceive the present practice to be *conformable to the sense of antiquity*: nor can I induce myself to believe the

alteration so wisely recommended would be a *salutary amendment*. 1st, Because national languages are subject to decay and corruption, and in the space of a century many have undergone a total change as to the meaning and acceptation of words and phrases: The consequence must be, that error and obscurity might insensibly steal into the Liturgy. 2dly, Because in the same kingdom, for instance in this island, which is but a speck upon the expanse of Europe, public service would be read in three different tongues, English, Welsh, and Erse: hence what confusion would arise, even in the Liturgy of this nation, insomuch, that were one of you to be present at the Mass in Wales, in some parts of Scotland, not to speak of Ireland, you might as well hear it in the language of Indostan. What inconveniences would not clergymen labour under! They would, on many occasions, through unacquaintance with the language of this or that particular country, be debarred from the privilege of offering the holy sacrifice, and possibly in circumstances where there existed a necessity of administering the sacrament.

“In whatever point of view I consider this matter, I am persuaded that to alter the present practice would be an unwise and dangerous reform. That such a *measure might have been demanded in too insolent a manner* may perhaps be true, but that it has not been acceded to, *because we are irritated by petulant reflections, or not disposed to pray in the language of a Luther, a Calvin, or an Elizabeth*, is not the case; but because the Church judges it expedient to preserve uniformity in her service, and secure it from change, corruption, and confusion.”

Kirwan, in conclusion, said:—

“May you continue to be penetrated with a due submission and humble acquiescence to the doctrines and practices of our holy Church; may the Divine Spirit, which has promised to be with her until the consummation of time, give you grace to revere her decisions, obey her precepts, and imbibe her councils. Let them sink deep into your hearts; they will conduct you to immortality. In the name of the Father, of the Son, and of the Holy Ghost.”

Kirwan, in a letter now before us, addressed to a friend

in Galway, and dated June 19th, 1787, gives an account of his change of religion :—

“ Ere yesterday,” he writes, “ formed an era in my life; it gave me to the Established Church. I went through the usual ceremonies in the hands of the Rev. Doctor Hastings, Archdeacon of Dublin, a gentleman of distinguished worth and integrity, and to whom I am peculiarly indebted for every mark of politeness. On Sunday next I am to preach at St. Peter’s, and for the first time in a Protestant place of worship. But though I have changed the sphere of my exertions, they shall still be invariably directed to the same object, to improve the human heart, to enlarge and enlighten the understanding of men, banish religious prejudice, and diffuse through society the great blessings of peace, order, and mutual affection. Such I conceive to be the principal duty of every Christian teacher.”

Kirwan’s first sermon attracted an overflowing congregation, who, not unnaturally, expected to hear him denounce the doctrine and practices of the Church from which he had seceded; but he studiously avoided controversy, and shrank from applying the sinews of his mind to “ pulling down the altar at which he had sacrificed.”

The adhesion of Kirwan to the Protestant Church was not at first hailed with universal satisfaction by its ministers. One, in a pretentious pamphlet, went so far as to assert that Mr. Kirwan had the Pope’s dispensation in his pocket to preach in Protestant churches the doctrines of Rome; that his object was to undermine the religion established by law, and to introduce Popery and its gloomy horrors; and such of his readers, in whose mind there was a single loop to hang a doubt on, of the authenticity of his propositions, he referred to the tomb of one Austin, a Jesuit,* who is interred in Kevin’s church-yard, and he asserted that the bare reading of his epitaph would render the matter perfectly clear.†

* See p. 69, *ante*, for a notice of Fr. Austin.

† *Bowden’s Tour Through Ireland*, p. 32, *et seq.*

The epitaph in question, which is very beautiful, could not, to the most fanatical mind, furnish even indirect confirmation of the above startling theory.

Kirwan's pulpit efforts in St. Peter's were highly theatrical, and displayed a degree of claptrap which would not now be tolerated. Having, when in the zenith of his fame, undertaken to preach for the Female Orphan Charity in Dublin, an immense assemblage thronged St. Peter's Church, and blocked the doors. A pin might be heard to drop as Kirwan mounted the pulpit, his features glowing with impassioned feeling, but his lips firmly closed. This he preserved for a considerable time, whilst the stare of the expectant crowd became every moment more strongly concentrated upon him. Trembling with emotion, he at last rose, but buried his face in a handkerchief just as he seemed on the threshold of his sermon. Instead of an outburst of impassioned eloquence, however, he burst into silent tears. And at length turning towards the orphans, who had congregated in the gallery, exclaimed, "My children, I cannot plead for you!"* Agitated with emotion, and deluged in tears, he retired to the vestry, giving one lingering, imploring look behind. The rapid jingle of coin attested the success of the experiment, the novelty of which powerfully excited the audience.

The manuscript we quoted concludes with a painful anecdote of Dean Kirwan's last moments, on which we are not disposed to place much reliance. It represents Kirwan on his death-bed, crying out for Dr. Gahan, who had previously officiated at the re-conversion of Bishop Lord Dunboync. Dr. Gahan is described as repulsed down the staircase, but not until he had caught a glimpse of the agonized and imploring countenance of the dying man, who exclaimed:—"Oh! Father Gahan, do not leave me." Whether any similar incident occurred in the case of some other priest we have no means of knowing, but the anecdote cannot be true as regards Dr. Gahan, inasmuch as Dean Kirwan died on October 27, 1805, at Mount Pleasant, Dublin, while Dr. Gahan, who is represented as making a vain effort to reach his bedside, died December the 6th, 1804.

The anecdote possibly belongs to the same class which

* The above anecdote we introduced in our notice of Irish Pulpit Oratory in the *Anecdotal Memoir of Archbishop Whately*. R

Lord Sheffield refers to in the closing scenes of Gibbon's life. Distinguished ecclesiastics are often unjustly claimed, after death, possibly in pique, by the churches to which their lives were an opposition; of which the case of Bishop Doyle—a profoundly convinced Catholic—affords a striking example.

Again:—Ibn Chalecan, a Mahometan writer, in his life of Primate Abulpharagius, an eminent Christian bishop, writes:—"He is reported to have renounced his faith when he was near death."

Dean Kirwan's widow survived until the first visitation of cholera in 1832, when she died at Kingstown. She had been in receipt of a pension of £300 a year, with reversion to her daughters.

With the exception, perhaps, of Pitt in statesmanship, we rarely see the sons of distinguished orators imitating the talents and sustaining the reputation of their sires. The sons of Burke, Plunket, Bushe, Grattan, O'Connell, and Curran, will never find niches in the gallery of Irish orators; and the same remark might be made of nearly every great man in St. Stephen's.

In the case of Kirwan we find an exception to the general rule. His son, the present Anglican Dean of Limerick, has been for the last forty years highly distinguished as a pulpit orator. His natural taste for elocution was powerfully stimulated by an elaborate course of instruction from Kemble; but it had the effect of exaggerating the chief characteristic of Walter Blake Kirwan's rhetoric, and his son's *debut* is admitted to have been too theatrical. One of the congregation has described it to us as resembling in some respects the fistic energy of Sydney Smith, who, when he struck the cushion, raised such a cloud as to lose sight of his congregation for some minutes; but, on the whole, the effect of Mr. Kirwan's sermon was startling. At the conclusion, the gentleman from whom we have got the anecdote was invited, with some distinguished guests, to a *dejeuner*, at the palace of the then Bishop of Limerick, Dr. Jebb. During an interval which elapsed before the entry of the preacher, his sermon was eulogized by some and criticised by others. "His action is much too theatrical," said Bishop

Jebb; "he wants repose, and we must give him a hint about it." Presently the preacher entered, and the Bishop said:—"Mr. Kirwan, the sextoness will not have much need to dust the pulpit after the sweeping energy of your action; and Lady P—, who sat in your vicinity, seemed in perfect agony lest her white satin bonnet should be sullied by the dust." The hint was taken. Dr. Kirwan tamed his action, and subsequently became one of the first preachers in the Castle chapel and elsewhere.

But the Dean, though a very distinguished, has never attained the rank of a very popular preacher, and he will never be like the favourite pastor who was presented with so many pairs of slippers by the fairer portion of his congregation, that he almost began to fancy himself a centiped. With "the Limerick lasses," indeed, Dr. Kirwan has latterly fallen into deep disfavour, owing to the uncompromising attitude of hostility which he has maintained against the gaities of the garrison balls and other festive enjoyments of that county. On a recent occasion he gave special offence to the ladies by the startling strength of language, in which he reprobated their mode of dressing in the ball-room, and the occasion of sin it might be to others. Many ladies left the church, and others less strong-minded, blushed as bright a red as the uniforms of the military gentlemen whom, in unmeasured terms, he denounced.

"THE WALKING GALLOWS."

In furnishing notes to some political references of the late General Sir George Cockburn, occurring in a MS. handed to us by his son, we remarked of Lieutenant Hepenstall that he had been known to adjust a noose round his prisoner's neck, and, drawing the rope over his own shoulders, hang the victim!

This notice has elicited from the nearest living relative of the lieutenant the following letter, addressed to the Editor of the *Irish Times*:—

"Having already seen in your paper communications on the subject of Mr. Fitzpatrick's work, I feel sure that you will not object to admit a few lines in correction

of the statements relative to the so-called 'Walking Gallows.'

"As long as the fables relating to this person only appeared to belong to an 'initial,' no one seemed entitled to contradict them, and therefore the story, as told by Sir Jonah Barrington and others, escaped comment; but as the author of this book has connected it with a name, I think it but justice to the memory of the gentleman so accused to state that the writer has been misinformed. The acts which he details were not committed by Lient. H., whose character was in the first instance traduced for party purposes, and blackened by the exaggerations and additions of the dupes to whom the story was told. He was as wholly incapable of such conduct as his appearance and manners seemed to indicate, and the instances given of his cruelty are as little founded in fact as the popular story (accounting for the time and place of his burial being not generally known) that he had been carried off by a familiar which had attended him during life in the shape of a 'black cow,' or as the assertion respecting the state of his person at his death. During his illness I was a visitor at his bedside, and am competent to contradict the account given in *The Sham Square* upon this subject.

"It is to be regretted that the men of his family—his true intimates—had all passed from this world before the name had been published, otherwise it might have been possible to satisfy the author that he, in common with the public, had been thoroughly misled by gossiping inventions.

"There are few now living who knew him, even in his family; and as one of those few who had personal knowledge of him, I have thought it my duty to give my testimony so soon as opportunity offered. It is but now I have seen the passage in question in the appendix to the book."

To this we replied, prefixing, by way of motto, the Rev. Dr. Barrett's lines:—

"Here lie the bones of Hepestall,
Judge, jury, gallows, rope, and all."

"The letter from a near relation of the late Lieutenant Hepestall is calculated to convey the impression that my

work was the first to give the lieutenant an historic niche *by name*, and that his initials alone had been divulged by previous writers: and it further disclaims his right to the title of 'Walking Gallows,' an epithet which has clung to him for over half a century, and whose exploits in that capacity had never been, by your correspondent's own admission, contradicted during that long period.

"It is quite true that Sir Jonah Barrington, in describing Mr. Hepenstall's achievements as a 'walking gallows,' merely gives the initials of his name; but other historic writers have often repeatedly disclosed his cognomen to the full, accompanied by a severity of censure to which my adverse criticism has only approached. Dr. Madden refers to him as 'a monster,' and devotes page 308 *et seq.* of the first volume of his *United Irishmen* to a detailed sketch of Lieutenant Hepenstall, whose name he unreservedly mentions.

"It may be retorted that Dr. Madden is a partisan. The authority of *Ireland Sixty Years Ago*, known to be written by an eminent living judge, of Conservative views, is at least above suspicion. *There* Hepenstall's name and atrocities are given without suppression.

"But forty years before these authors wrote, Hepenstall's name and sobriquet had been printed without fastidiousness or compunction.

"Prefixed to the *Irish Magazine* for January, 1810, is an engraving of 'Hepenstall, the Walking Gallows,' in the act of hanging a peasant across his colossal shoulder, accompanied by a startling memoir of his career; and one passage states:—'Hepenstall ordered the cord of a drum to be taken off, and with his own hands hung each of the young men successively across his athletic shoulder.'

"Sir Jonah Barrington, in his *Historic Anecdotes*, and afterwards in his *Personal Sketches*, Vol. iii., pp. 267–271, describes similar instances of equally revolting acts on the part of the lieutenant, and the same remark applies to the *Press* newspaper of January 11th, 1798.

"But Mr. Hepenstall's relatives, after a silence of sixty years, now deny the charge stoutly. 'The acts

which he (Mr. Fitzpatrick) details were not committed by Lieutenant Hepenstall,' writes your correspondent. 'He was as wholly incapable of such conduct as his appearance and manners seemed to indicate;' and those who believed that Hepenstall committed the hangings ascribed to him are ridiculed by your correspondent as 'dupes.'

"I shall now proceed to cite no less a witness in my support than Lieut. Hepenstall himself. Dr. Madden reminds us that on the trial of Hyland, in September, 1797, at the Athy assizes, under the Whiteboy Act, Hepenstall, being examined touching the mode of procuring evidence from the witness against the prisoner, said, on examination, 'he had used some threats and pricked him with a bayonet;' and when cross-examined by Mr. M'Nally, said 'this prisoner had been also pricked with a bayonet to induce him to confess; a rope had been put about his neck, which was thrown over his (Hepenstall's) shoulder; he then pulled the rope, and drew the prisoner up, and he was hung in this way for a short time, but continued sulky and confessed nothing.' 'Then,' exclaimed Mr. M'Nally, 'you acted the executioner and played the gallows?' 'YES, PLEASE YOUR HONOUR,' was Hepenstall's reply.

"The vindicator of Lieutenant Hepenstall's memory contradicts the statement that he died of the disease known as *morbus pedicularis*. My authority for the allegation is the *Irish Magazine* for January, 1810, page 2. It is quite possible that this disease may have accompanied the dropsical affection which, in the family announcement of his death, admittedly proved fatal to him. Such repulsive symptoms would naturally be kept secret from the visitors to his sick room, of which your correspondent states he was one. Symptoms of *morbus pedicularis* are more often met with than is generally supposed. The last agony of a late accomplished poet was attended by the distressing symptoms to which I allude."

We may add, in reply to the argument that Hepenstall was incapable of atrocity because of his pleasing appearance, that the face is not always an index to the mind. What can be more seraphic than the expression of Lord Jeffreys in that beautiful picture by Sir Geoffrey Kneller,

now in the possession of Lord Tankerville, and exhibited last year at Kensington? And yet Jeffreys is universally admitted to have been a monster in human form. Macaulay, in describing the tortures which were administered under his direction, tells us that the writhings of his victims "titillated him voluptuously."

Before the sweeping *denial* can be accepted that Hepenstall's exploits gave him, by general consent, the nickname of "walking gallows," it is necessary, not only to erase historic record, but to attempt to silence the irrepressible voice of song. A ballad of the day, professing to come from some ultra loyalist, concludes:—

" Now what evil can befall us,
Since we have got our walking gallows."

It has been stated that Lieutenant Hepenstall—whose family, by the way, are of Dutch origin—is buried in St. Andrew's church-yard, Dublin; but we are disposed to think that his bones repose in Rathfarnham cemetery, where tombs to his family from the year 1710 may be found. Here, also, lies interred, beneath an uninscribed stone, the once ambitious Archbishop Magee, and Barry Yelverton, Lord Avonmore.

Some of Mr. Hepenstall's more ardent partisans, went even farther than his eulogist, "E. D.," and sought to vindicate him from the charge of cruelty, by advancing the almost incredible fact that some persons were known to enjoy temporary suspension by the neck! Startling as this idea may sound, we, nevertheless, find in Sleator's *Dublin Chronicle* for September 10, 1791—preserved in most public libraries—some wonderful illustrations of the alleged anomaly, which, although not referring to Hepenstall, are, for their curiosity, worth consultation by those who take an interest in the subject.

In the third edition of our book it was stated, on the authority of the Sham Squire's journal, which in its praise of its friends, often sacrificed truth to bombast, that Lieutenant Hepenstall, after serving in the Wicklow militia, was awarded a commission in the 60th regiment of the line. From the following letter it will be seen that the

militia alone was disgraced by the presence and atrocities of Lieutenant Hepenstall:—

“WAR OFFICE, PALL MALL,
“28th July, 1866.

“SIR.—In acknowledging the receipt of your letter of 19th instant, I am directed by the Secretary of State for War to acquaint you in reply, that no trace of an officer named Edward Hepenstall can be found as having served in the regular army about the period named; but that there appears to have been a Lieutenant E. L. Hepenstall* in the Wicklow Militia, in the year 1799, and possibly on your making application to the Adjutant of that regiment you may obtain further information on the subject.

“I have the honour to be, Sir,

“W Fitzpatrick, Esq.”

“L. SHADWELL, Col.

LORD TOWNSHEND AND DOLLY MONROE.

A key to the characters in *Baratariana*—a publication which exposed, under disguised names, the political intrigues of the Viceroyalty of Lord Townshend, appeared in a volume to which the present may be considered a sequel. Donna Dorothea del Monro figures among the characters; but our information of this lady was less full than of the other actors on the stage of *Baratariana*.

“I remember, in my juvenile days,” writes Mr. Caleb Powell, ex-M.P., to the author, “to have seen a full-length portrait, at Rathfarham Castle, of the beautiful Dolly Monroe, and a relative of hers told me that Lord Townshend pretended to her aunt, Lady Ely, that his object was to captivate Miss Monroe, and prevail upon her to become Lady Townshend, a delusion he kept up until Lady Ely had induced her lord to give his parliamentary support (about the strongest in the House of Commons) to Lord Townshend’s Administration; but, to Lady Ely’s great

* This is the party. The name “Hepeustall” has been for the last two hundred years, one almost peculiar to Wicklow. It may be seen over a grocer’s shop in Rathdrum, and elsewhere throughout that county.

mortification, the Viceroy married Miss Montgomery, whose portrait, by Sir Joshua Reynolds, was certainly not as handsome as that of Miss Monroe."

As some romance is entwined around Dolly Monroe, and particulars of her have been desired by "Aphba," the erudite and researchful correspondent of *Notes and Queries*, the following verses, which are the genuine production of Lord Townshend, may be welcome. "They were written," observes a correspondent, "on the occasion of a report of an ancestor of mine, the Right Hon. Francis Andrews, Provost of Trinity College, Dublin, being about to lead to the Hymenial altar, the beautiful Miss Monroe." Andrews, to whom the Viceroy's lines are addressed, also figures in *Baratariana*, under the name of Don Francisco Andrea del Bumperoso.

The reader will, no doubt, make due allowance for the period of amatory warmth which gave birth to this production; and will probably hold us excused for having slightly exercised the pruning knife on the Viceregal verses. They remind one of the sudden transplantation of a tender exotic from a warm conservatory into a colder and more severe atmosphere.

"Blush not, dear Andrews, nor disdain
A passion for that matchless dame,
Who kindles in all hearts a flame
By beauty's magic force.
What, tho' o'er Dolly's lovely head *
Summers twice ten are scarcely shed,
Is it on that account decreed
She must refuse, of course?"

"Miltown † coeval with thy sire,
Durst to a blooming maid aspire,
And felt, or feigned, a lover's fire
At seventy-nine, or more.
Bligh, ‡ who in Churchill's § battles bled,
A fascinating virgin wed.
No jealous dreams disturbed his head
Though sinking at four score.

* Miss Monroe.

† Brice, Earl of Miltown.

‡ General Bligh, ancestor to Lord Darnley.

§ The great Duke of Marlborough.

It is told in the *Reminiscences of an Emigrant Milesian*, that Lord Chesterfield, in returning from his Government, and presenting himself at court in London, George II. asked him, among other questions:—"Are not the Irish Papists most dangerous persons?"

"I never met but one deserving that character, sire."

"No! And who was that?"

"Miss Ambrose."

"Lord Townshend's Viceroyalty," writes the impartial biographer of Lord Charlemont, "forms a peculiar epoch in the history of this country; a gallant soldier, the military associate of Wolfe, frank, convivial, abounding in wit and humour—sometimes it is said more than was strictly consonant to the Viceregal dignity; capricious, uncertain, he not unfrequently offended the higher orders."

This statement is not surprising. The object of Lord Townshend's mission to Ireland was the political destruction of its oligarchy. Mr. Plowden, writing in 1809, tells us that:—

"To break up the mischievous system of the Irish oligarchy, Lord Townshend not only employed the means furnished by Government, but had the singular merit of having sacrificed his own patrimony to the service of the state. The allowance of £16,000 per ann., sufficed not to maintain that establishment which his zeal for the public service, and the liberality of his own disposition, pointed out as necessary. This nobleman, during his Viceroyalty, contracted a heavy debt; which his son the present Marquis, is now selling a part of the family estate to discharge."

To be really powerful Lord Townshend felt that he should be first popular; he spared no pains or cost to earn the character of "a right good fellow;" and if some disliked his politics all liked him for his hospitality.

Under the earlier Administration of Lord Townshend, the Irish people had no representation. A nominal House of Commons certainly existed, but its duration was unlimited, and its members had become a band of perpetual peculating dictators. At last a Bill was passed, limiting the duration of Parliament to eight years, and the hoary headed veterans found their occupation gone, but their

successors, who fell more directly under the control of the English Ministry, were also far from virtuous, and it was admitted by the chief law officer of the Crown that one address of thanks to Lord Townshend had cost the nation half a million of money.

Lord Townshend loved adventure, and sometimes, like Charles the Second, would mingle, in disguise, among the people whom he ruled.

An old barrister has told us the following story, which he derived in early life from Thomas Dickson, Esq., Father of the Bar. Mr. Dickson and our informant, after a chat in the hall of the Four Courts, sauntered into the Rolls Court, where a declaration happened at that moment to be reading before the then Master, Sir W——— M———.

Reminded of some anecdotes of which in early life he had personal knowledge, the Father of the Irish Bar then proceeded to tell his friend the following reminiscence:—The judge's parent, he said, had been house-steward to Colonel Clements, Chief Secretary for Ireland, under Lord Townshend's Administration. One morning a diffident-looking stranger appeared at the gate of the Secretary's Lodge, in the Phoenix Park, with whom old M——— at once fell into familiar conversation. "I hear that her ladyship wants a gardener," observed the stranger. "Have you lived in many places?" inquired the house-steward. "A great many," replied the stranger, and I am well acquainted with my business in all its branches." "She was at a ball last night," said the steward, "and you may have a long delay before you will see her; but if you come into my room you can wait at the fire and partake of a little refreshment." The stranger promptly acquiesced, and after an hour had elapsed, and that he had had some interesting conversation with the steward, he was told that Lady Clements would be willing to receive him. The stranger, much to the surprise of his conductor, entered the presence chamber with a swagger and a loud laugh, while Lady Clements made a most profound obeisance. In a moment it transpired that her visitor, instead of being a disciple of Mawe, was no other than the Viceroy, Lord Townshend, whose love of intrigue and adventure was

proverbial. But the *dénouement* has yet to be told. Lord Townshend, turning to the house steward, said, "When I appeared at the gate you thought I was a poor and forlorn stranger; but, unlike most of those who are 'dressed in a little brief authority,' you received me with the outstretched hand of hospitality and friendship. Such rare conduct demands recognition. I appoint that son of yours ordnance keeper in Cork." On this incident the subsequent very remarkable prosperity of the family hinged.

WAS TEELING A SPY?

Mr. Ternan, a stranger to us, writes in a letter dated—

"99, FULTON-STREET,
"NEW YORK, 15th October, 1866.

"I have read with much pleasure *The Sham Squire*. Deeply interested as I feel, in common with all educated Irishmen, in the history, and particularly the period you treat, of our beautiful and unfortunate country, I think you should in every way be aided in your important researches by those who can give you any reliable information. At page 154 is a note inquiring about the £1 6s., recorded in the Secret Service Money Account, for the chaise from the Naul, for Teeling.

"Charles Hamilton Teeling, the author of a work on *the Rebellion of '98*, lived at the Naul, which is a small village, about three miles from Balbriggan, where I was born; my father was an extensive cotton spinner and manufacturer; my mother's father, whose name was Walsh, died about 1793, and left his widow very well off: he was a miller, and lived in the house 15 years ago, and I believe still occupied by Mr. Ennis. Back from this house, about half a mile, I think, was, and I presume is, the house Teeling, I believe, built. My grandmother gave the Teelings a lease of about sixty acres of the best of her land. Charles Teeling lived for years there, organizing the county rather than cultivating the ground. I remember old Charles at my father's house. * * * The Teelings you name as executors of the Sham Squire's will were not,

I think, the same family.* I never remember hearing the names William, James, and Christopher. Charles H. Teeling's brother Bartle was hanged in Dublin, on Constitution-hill, in 1798. I heard my mother say he went out to execution reading Shakspeare. That the one pound six shillings were for Charles H. Teeling, I don't think there can be any doubt. Can it be possible *he too* was bought up?"

We can have no hesitation in answering our correspondent's query with an emphatic negative. Charles Hamilton Teeling has always appeared to us an amiable and devoted member of his party. His *Personal Narrative of the Rebellion*, published by Colburn in 1828, terminates with the year 1798; and, of course, throws no light on the small item which belongs to 1803. But we think there can be no doubt that it defrayed the expenses of a chaise with constables probably sent to the Naul for his arrest. He had previously been apprehended in 1796, and remained for several subsequent years, a State prisoner, at Kilmainham, during which he was frequently visited in his cell at midnight, by Lord Carhampton, and treated to the terrorism which that remarkable character loved to wield. During the disturbances of 1803 the Government are very likely to have renewed the precaution of re-arresting him.

Bartholemew Teeling, of Dundalk, linen merchant, is mentioned in a very full information of John Hughes,† printed in the report of the Secret Committee of the House of Commons, p. 162; and the *Dublin Magazine* for September, 1798, pp. 193-7, may be consulted for a fine report of his trial and personal defence. Bartholemew Teeling served under the French General, Humbert, in his expedition to Ireland.

Our American correspondent describes Teeling reading Shakspeare on his way to execution. It would be curious to know the passages which interested him at that awful

* See page 103 of the present volume.

† Hughes was the spy sent to Tenehinch, the private residence of Grattan, in the hope of entrapping him.

hour. Probably the following from Henry the VIII., Act II., sc. II., were among them :—

“ All good people,
You that thus far have come to pity me
Hear what I say, and then go home and lose me ;
I have this day received a traitor's judgment,
And by that name must die ;

To the law I bear no malice for my death,
It has done upon the premises, but justice.
But those that sought it, I could wish more Christians
Be what they will, I heartily forgive 'em.

Ye few, that lov'd me,
And dare behold to weep for Buckingham,
His noble friends and fellows whom to leave
Is only bitter to him, only dying,
Go with me like good angels, to my end ;
And as the long divorce of steel falls on me
Make of your prayers one sweet sacrifice,
And lift my soul to heav'n—Lead on o'God's name !

All good people,
Pray for me ! I must leave ye ; the last hour
Of my long weary life is come upon me,
Farewell ! and when you would say something sad,
Speak, how I fell !”

THE INFORMERS—NEWELL AND MAGINN.

Another correspondent, Mr. J. H. Smith, notices the fact that we have passed over altogether some of the informers of the period, and he instances Newell.

It was not the purpose of the book to describe indiscriminately the entire band of informers, but such only as were started by pointed allusions in the narrative. Newell was, without doubt, a very remarkable member of the body, and the only one who seems to have repented of his perjuries. He wrote a book, now extremely scarce, called *Life and Confessions of John Edward Newell*. London: printed for the author, 1798.

An extract will furnish a sufficient specimen of the whole :—

“ At two o'clock I was admitted to the room where the Secret Committee was sitting. After the usual formularies I was placed in a high chair, for the benefit of being better

heard. I went through the subject of the examinations, improving largely on the hints and instructions Cooke had given me; propagating circumstances which never had, or I suppose will happen; increased the number of the United Irishmen, their quantity of arms and ammunition; fabricated stories which helped to terrify them, and raised me high in their estimation. I told them of laws framed to govern the Republic when they had overthrown the present Government, many of which they approved of highly, though they had no foundation but the effusion of my own brain. I embellished largely," &c., &c.

Maginn, of Saintfield, another unprincipled informer, who was seduced through the influence of Lord Castlereagh, eventually quarrelled with that peer, charged him with a violation of an agreement said to have been made, and in the newspapers of 1814 published some letters of delicate exposure which are believed to have given Lord Castlereagh no small annoyance.

SURGEON DEASE A UNITED IRISHMAN—BURKE'S BIRTH-PLACE—THE FAMILIES OF BURKE AND GRATTAN PENSIONED.

Dr. McKeever, an eminent physician of Dublin, has addressed the following letter to us:—

“CAVENDISH-ROW, *Feb. 22nd.*

“DEAR SIR,—I feel assured you will pardon the liberty I am about to take in directing your attention to one passage in your interesting work, p. 209, containing, as I conceive, an erroneous statement regarding the cause of the lamented and melancholy end of the justly eminent Surgeon Dease. You mention that Mr. Dease was implicated in the abortive political movement of the day; but lacking the moral energy of his friend and associate, Lawless, who succeeded in escaping, he retired to his study on hearing that a warrant was out for his arrest, and like Cato, died by his own hand. Now for a plain unvarnished statement of facts. Mr. Dease was one of the medical attendants on the Westmoreland Lock Hospital, and while paying his usual round of morning visits, his attention was directed

by the resident apothecary to a man (at that period both sexes were admitted) with a considerable swelling in the groin. Mr. Dease having, unfortunately for himself, as well as society at large, taken a hurried superficial view of the case, conceiving it to be one of ordinary abscess, dipped a lancet into it. A torrent of bright arterial blood gushed forth, and in a few moments life was extinct. Instead of an ordinary abscess it proved to be an aneurism of the great femoral trunk that supplies the lower extremity. Poor Dease, humbled and confused at the egregious error he had so inadvertently committed, retired with an agonized lacerated heart to his study, and, as you correctly state, committed suicide.*

“The life of the most illustrious of characters has yet to be written. As an orator and statesman, as an author, and one possessed of the highest order of intellect, Edmund Burke was far and away before all his contemporaries; and yet I am not aware that we have a complete and satisfactory biography of this most remarkable man. Some years since I read a life of him by an author, if I recollect right, named Bisset, but it appeared to me a feeble, unsatisfactory, production. Should your health permit you to undertake the task (now that at the eleventh hour his ‘Ingrate Patrie’ is about to erect a monument to him), I think you would render an important service to literature, and present an acceptable and pleasing offering on the altar of your country.”

It seems to us that Macknight’s *Life of Burke*, and the recently published *Public and Domestic Life of Edmund Burke*, by Sergeant Peter Burke, leave little to be desired on the subject.

* The third edition of the *Sham Squire*, p. 189, contains the following note:—

“A story is told to the effect that Dr. Dease, having made a fatal mistake in professional treatment of a patient, committed suicide; but the true circumstances of his death we believe to be as above given, and this account we find corroborated by Dr. Madden.”

We may add that the evidence of Dr. J—b, a very aged and distinguished physician of Dublin, supports our version of the tragic occurrence. Surgeon Dease, he believes, was attending a meeting of the Directory of United Irishmen in French-street, when news reached him of impending arrest.

We are not aware, however, that Mr. Burke has settled the vexed question as to which house on Arran-quay, Dublin, was the birth-place of Edmund Burke. The head landlord of that locality is Lord Clifden, and we are informed by his agent, Mr. Cahill, that the house known as No. 12, now occupied by a tailor, and also possessing an office for the transaction of business connected with the agency, is that wherein Burke was born. The first *Dublin Directory* appeared in 1760, and of course can throw no light on the residence of Burke's father in 1730.

There is one important point in the life of Burke, highly worthy of ventilation, which has never been unreservedly handled by his biographers. Without endorsing the extraordinary statement of Lord Holland in *Moore's Diary* (Vol. iv, p. 218), that "Burke was always a jobber," there is yet sufficient evidence before us to show that Burke was not that ascetic in patriotism and politics which his memorable speeches on "Economic Reform" would lead one to believe. But in truth the English statesmen of the eighteenth century held no very high standard of moral consistency,* and Burke was an angel of light in comparison with many of them.

Burke, although of considerable democratic bias, wrote strongly against the French Revolution, and thus retarded the growth of the United Irishmen, one of whose toasts was—"Our Gallic brethren were born July 14, 1789, alas! we are still in embryo." Probably for these and other services he received a pension of £1,200 a-year, and a like sum was settled on his widow. But the really strange part of the transaction is that £2,500 a-year, additional, was awarded to Burke's executors—the only grant of the sort on record. This continued to be paid to a comparatively recent period, amounting in the aggregate to more than one hundred and thirty thousand pounds; but it cannot be ranked under the head of "secret service."

* Walpole and Pelham unblushingly practised political profligacy and seduction; and the same remark applies to Lords Camden and Cornwallis at the time of the Union. Nor can it be denied that even the virtuous Fox sold for money the Irish clerkship of the Pelis, to help to meet the gambling debts which relentlessly pursued him

The following are the words in which this extraordinary grant appears:—

“Grant to the executors of the late Edmund Burke, annual amount, £2,500. By authority of two patents, dated 24th October, 1795—that is to say, £1,160 during the life of Lord Royston, and the Hon. and Rev. Archibald Grey; and £1,340 during the life of the Princess Amelia, Lord Althorpe, and William Cavendish, Esq.”

Some members of the Grattan family were not overlooked, though Grattan himself no doubt remained uncorrupted. We find that Lucy, Cary, Caroline, and Frances Grattan, received, in March, 1803, a pension of £120 a-year. In the marriage settlement of the late Henry Grattan, jun., preserved in the Registry of Deeds Office, Dublin, it is stated that his wife is entitled to a pension of £300 a-year, charged on the Irish Establishment. The lady is dead, or we should hesitate to mention the matter.

The late Henry Grattan, Esq., in a speech delivered by him in 1850, made the remarkable statement that a corrupt effort was made to debauch him politically in Parliament—“but,” he adds, “I refused the base bribe in the British House of Commons!” This declaration was worthy of the son of the greater Grattan, who, in the Irish Parliament, said:—“If I were to vote that pensions were not a grievance, I should vote an impudent, an ignorant, and a public lie!”

THE MASSACRES AT DUNLAVIN AND THE CURRAGH— DWYER THE GUERRILLA CHIEFTAIN OF WICKLOW.

Some of our previous readers will remember that Captain Saunders, of Saunders' Grove, having in May, 1796, reviewed his corps of yeomanry, announced that he had private information of those in it who were United Irishmen. All who were such were then ordered to step from the ranks. Many, in belief that he had true information of their bias, came forward. The 26th of May, 1798, being the market-day of Dunlavin, these unfortunates were marched from the market-house to the fair green, on the rising ground above the little town. In a hollow on the north side, near the gate of the Roman Catholic

chapel, the victims were ranged, while a platoon of the Ancient Britons stood on the higher ground on the south side of the green. They fired with fatal effect on the thirty-six men. All fell—dead and dying—amid the shrieks and groans of the bystanders, among whom were their widows and relatives.

Mrs. O'Byrne, the aged and gifted lady to whom we are already indebted for many interesting traditions, has been kind enough to gather for us, from the mouths of the peasantry, some verses commemorative of this butchery. The ballad is curious, but we are very much of opinion that, unless poetry possesses intrinsic merit, it ought not to be printed. Here are a few lines, however:—

Mrs. Duffy the mother there distracted she was seen—
For the loss of her brave sons who fell upon Dunlavin Green.

My curse upon you Saunders! bad luck may you never shun,
May the tears of those widows melt you, like snow before the sun—
From their bereaved orphans the fate they cannot screen
Of their fathers who were shot upon Dunlavin Green.

Of more value is the prose. A man named Prendergast escaped the fate of his companions.

“Having lately learned,” writes Mrs. Byrne, on Oct. 15, 1866, “that a daughter of the Prendergast who survived the ‘fusilade at Dunlavin’ was residing in a little court off Bride-street, I called there, and learned from her the particulars of his escape, as she had heard them related by himself. He fell amid the slain men around him, the ball by which he was pierced made a thorough wound, and left two orifices, from which he began to bleed profusely. he had sufficient nerve to raise his hands, untie his cravat, roll or wisp it up, and press it hard against one orifice, to stay the gush of his life blood, making a clenched hand do duty as a styptic to the other.

“It is highly probable that the motion of his hands and fluttering of his neck tie first attracted to the spot the young girl who was viewing the scene of horror; she hastened to swathe his wounds with her shawl, and whilst thus engaged, was startled by the approach of a cart. By a wonderful dispensation of Providence this cart had been brought to the scene of slaughter by a brother of Prender-

gast, in the fond hope of procuring for his corpse the blessing of a Christian burial.

“Great was his gratitude and joy on finding the supposed victim still a denizen of this world. With the aid of the brave girl already noted, he stretched the poor sufferer on the cart, in corpse-like attitude, placed a hat over his eyes, saturated some hay in the blood which was flowing so profusely ‘in the hollow square’ to avert any suspicion of life, and scattered it over the prostrate form, which was soon reposing on a couch in the homestead of a widowed mother. She had six children to struggle for, of whom the wounded man, then about 19 or 20 years of age, was, I think, the eldest. Her situation seemed then sufficiently sorrowful, but ere the night shadows darkened her home, it was made more so. She was a tenant of Captain Saunders, of Saunders’s Grove, who appears to have been the first instigator of the fusilade, by the arrest of the 36 victims.

“Whilst she was rejoicing in the hope of regaining a son to life and usefulness, the rumour of his escape got wind, or, as my informant quaintly and simply expressed it, ‘word went out that the croppies were getting alive again,’ and ruthless ‘Ancient Britons’ were despatched to hack and gash any of the bodies that might yet remain on the field of slaughter.

“This tidings brought consternation to the home of the widow; and it was deepened when a horseman in full gallop halted at the door, shouting, ‘Are you there, widow?’ He dismounted, and entered without waiting for reply. The visitor was Captain Saunders, her landlord; his salutation was, ‘Well, widow, I hear that croppy scoundrel of a son of yours that was shot is living still. ‘Oh, yes, your honour,’ replied the poor widow. ‘The Lord has been pleased to grant the poor boy a longer day.’ To these meek words, the ruthless reply was, ‘Come, come, I must put him out of pain, he cannot possibly recover; even, if he did, his cure would be tedious, and I cannot have your time taken up nursetending him!!’ Here, as my informant stated, Captain Saunders ‘cocked his pistol,’ and endeavoured to suit the action to the word: but he was deterred by the almost frenzied mother, who in her wild despair, at his attempted frustration of God’s

mercy to her child, clung to him and impeded his movements whilst the other inmates formed a strong body-guard round the couch of his intended and unconscious victim.

“Saunders, from, it is thought, prudential motives, as night was closing fast, and he was unsurrounded by his usual followers, left the house of sorrow, but without affording a hope that he would forego his murderous intentions, and the grief of uncertainty was still in the ascendant there, when a well known tap was heard at the door, and the disguised form of Michael Dwyer, the famous guerilla chieftain of the Wicklow mountains, appeared upon the scene.* He seemed sadder than usual, for his Uncle John Dwyer, of Donard, was left a festering corpse upon ‘Dunlavin Green’ by the affair of that day; yet he had made time to bring hope and comfort, and assurance of protection, to the roof-tree of the mournful widowed mother; for, long ere the grey dawning of the morn, her wounded son was on his way to the rebel camp at Vinegar-hill, under the convoy of a band of mountaineers, guided by the indomitable Dwyer.

“My informant told me,” continues our correspondent, “that the wounded sufferer, owing to the judicious precautions of Dwyer, reached the camp at Vinegar-hill in safety; but, owing to the nature of his wounds, was for nearly nine months unable to partake of solid sustenance, and was chiefly kept alive by the use of new milk and poteen; two milch cows having been cheerfully allotted for his support at the camp when he arrived there.

“When peace dawned upon the land, her father, David Prendergast, married the heroic girl who had under God been his first aid in his sore extremity, but she did not live long, and the person from whom I have derived this information is his daughter by a third wife, a native of co. Kildare. Prendergast was a stone mason by trade, and died A.D., 1830.”

* The costume usually worn by the guerilla chieftain Dwyer was in keeping with the striking phases of his character. Brother Luke Cullen’s MS. note book describes him, on the authority of one of his band, as wearing a helmet with the emblem of the crucifixion on it, and a green sash round his waist.—W. J. F.

As impartial chroniclers, we are bound to give some instances of the sanguinary retaliation which such acts as that at Dunlavin provoked. The late Mr. Luke Cullen, a Carmelite friar, narrating the statement of an eye-witness, tells us in his MS. note-book, p. 31, that Dwyer met two soldiers coming out of the town of Baltinglass, where their regiment was quartered.

After some conversation which Cullen gives, Dwyer, in reply to a defiant oath from the soldier, said, "I will give you some Dunlavin lenity." "One man was shot dead," adds Cullen, "the other was met by the people as they returned from the fair with his hands across the abdomen striving to keep his entrails from protruding; he died that night."

We take this opportunity of thanking the respected prior of the monastery, Mount St. Joseph, Clondalkin, who has kindly placed at our disposal the entire of Mr. Cullen's papers in reference to the rebellion, containing not less than fifteen hundred folio pages.

Owing to the revival of Fenianism in Ireland, we have deemed it more prudent not to use, in the present volume, the exciting details collected by Mr. Cullen.

In the little graveyard attached to the monastery of Mount St. Joseph his remains repose within a few yards of a handsome white marble monument, erected by the representative of the most illustrious of Irish patriots, to the memory of Mr. Tracy, who is named in the Shan Squire's will, and who in early life was connected with his newspaper. For many years before his death Mr. Tracy, in a state of idiocy, was an inmate of this monastery.

Mrs. O'Byrne's next communication requires some preface. The commander of a small and insulated rebel force which had encamped on the Curragh of Kildare, in 1798, foreseeing defeat, sent a message to General Dundas to say that his men would deliver up their arms, provided they might return home unmolested, and that burning and free quarters should cease. "The general," says Plowden, "sent for advice to Dublin Castle, and received permission to assent to their terms." Thirteen cart loads of pikes were accordingly delivered up. Another rebel body made similar overtures. General Duff under-

took to receive their surrender on the Curragh. He commanded the rebels to throw their arms in a heap, and then knelt down and beg the King's pardon. Both mandates were complied with. "Charge," said General Duff, "and spare no rebel." Havoc and consternation spread on all sides. To cut down an unarmed multitude was no difficult task. The troops consisted almost entirely of cavalry—Lord Roden's "foxhunters," General Dunn's black horse, and Captain Bagot's yeomanry. "The number of victims who fell," writes O'Kelly, a personal actor in '98, "were 325. In one street alone of Kildare, there were reckoned eighty-five widows the following morning!"

This sanguinary butchery contrasts not disagreeably with the forbearance recently extended to the Fenian camp at Tallaght, when on the morning of the proclamation of the Irish Republic it was hemmed in by the military under the command of Lord Strathnairn.

"Whilst recently discussing with a gentleman who holds a situation in a public office," writes Mrs. O'Byrne, "the mournful episode of family history in connexion with the slaughter on the Gibbet Rath, noticed in *The Sham Squire*, he told me he was able to supply from the memory of his father, who was well acquainted with the intended victim, the following incident. He was one of the doomed men, but determined to have a flight for his life. He made a good run, and out-distanced many pursuers; but two were gaining fast upon him; he became weary, and seeing not far off a large clump of furze bushes, the only place of shelter in the vicinity, he made towards it in hope to escape the vigilance of the soldiery. The ways of Providence are truly wonderful.

"Another of the doomed victims had long previously sought the same place of shelter, and lay there in a state of exhaustion, waiting for the fall of night to enable him to emerge from the friendly thicket unnoticed, and refreshed by needful rest. But, alas! for human hopes, the rush made by the new comer into his retreat, so startled him, that he lost all presence of mind, deemed the soldiers had found his place of shelter, and were about to despatch him; he wildly rushed forth to seek another chance for life, and found immediate death.

“The soldiers knew nought of his escape from slaughter, but they had traced their fugitive to his lair, and when they were within about 60 feet or so, and sure, as they thought, of their prey, they perceived a figure rushing madly from it, believed him the person of whom they had been in pursuit, and took a telling aim which bore instant death to its object.

“Fully satisfied that they had accomplished the purpose of their long chase, and being, it is thought, somewhat in need of rest and refreshment after the horrid work of the day, they retraced their steps without examining corpse or furze bush. The man in whose place a victim had been so singularly substituted, escaped during the night, little dreaming that his strange adventure would be recorded in your historic pages.”

The person described by our correspondent was not the only man whose activity out-distanced his pursuers at the Curragh. We often spoke on the subject to the late Mr. Healy, of Kilcock, an opulent trader, who ran from the Gibbet Rath to that town—a distance of ten miles, amidst the whizzing of bullets, and the ring of cavalry sabres.

LORD DE BLAQUIERE'S PAPERS.

An impression that we were misinformed has been expressed in reference to a statement made by us, that the papers of Lord De Blaquiere, who, next to Lord Castle-reagh, proved the most efficient agent in seducing votes for the Union, were bought up by the Government from his descendants. Having submitted the passage in question to the representative of the late Lord De Blaquiere, he assures us that our assertion as regards the purchase is correct. “The papers filled three volumes bound with silver clasps. He required only £100 for each volume; and the papers having been examined at the Home Office, his terms were accepted. Previous, however, to receiving a cheque for the amount, he was required to sign a document pledging himself not to publish any copies of the letters thus bought.” Lord De Blaquiere's family still hold a quantity of other papers of political interest, which they have courteously consented to let us use, if, on inquiry, the document which was signed does not present any legal

obstacle We are informed that the most interesting of the three volumes was one containing diplomatic inquiries and correspondence of Sir John De Blaquiere, when Secretary to the British Embassy to France in 1771, and had immediate reference to the movements of the Pretender, Prince Charles Edward. The historic works which have been written on the Union record the great exertions of Sir John De Blaquiere to promote it. From the following pleasant anecdote, which Sir Jonah Barrington tells in his *Personal Sketches*, it may be inferred that the suppression of the De Blaquiere papers is a severe privation to those who love political scandals. "Sir John Blaquiere was a little deaf of one ear, for which circumstance he gave a very singular reason; his seat, when secretary, was the outside one on the Treasury Bench, next to the gangway, and he said that so many members used to come perpetually to whisper him, and the buzz of importunity was so heavy and continuous, that before one claimant's words had got out of his ear, the demand of another forced its way in, till the ear-drum being overcharged, absolutely burst; which, he said, turned out conveniently enough, as he was then obliged to stuff the organ tight, and tell every gentleman that his physician had directed him not to use *that* ear at all, and *the other* as little as possible."

This remarkable man, who, as Lord Cornwallis records, governed Ireland for years, died August the 27th, 1812.

"BUCK WHALLEY."

A few years ago some anxious inquiries appeared in *Notes and Queries* for any information respecting "Buck Whalley." In a chapter of the present work we introduced this eccentric figure, and, referring to an obituary notice of him three quarters of a century ago, which appeared in the *Gentleman's Magazine*, stating that he had left behind him curious memoirs in MS., we expressed a hope that, if still existing, his family would now give them to the world. This passage has elicited from the solicitor to the family the following letter, dated 77, Basinghall-street, London, 24th June, 1867, and may be worth the attention of publishers or others who take an interest in the subject:—

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"SIR,—Mr Whalley Whalley has entrusted to me an autograph manuscript journal of the Life of Buck Whalley for disposal by sale. It is in two quarto volumes, and, having been prepared by Buck Whalley himself for publication, there will be no impropriety in submitting it to the press. I am instructed to ask £50 for the MS., but I shall make my client acquainted with any proposal.

"JOHN WOLLASTON."

The eccentricities of Buck Whalley were daily chronicled in the ballads and broadsides of old Dublin. We generally find him standing the central figure in a group of genial spirits who are pelted from all sides by political and social hits. One ballad records Whalley's progress to Jerusalem to win the bet he had made to play ball against its walls. His friends, with the object of seeing him off, throng George's-quay—the then fashionable point of embarkation for the Holyhead boat.—

"One morning walking George's-quay,
A monstrous crowd stopp'd up the way,
Who came to see a sight so rare,
A sight that made all Dublin stare ;
 Balloons, a Vol. review,*
 Ne'er gather'd such a crew,
 As there did take their stand
 This sight for to command.

"BUCK WHALLEY lacking much some cash,
And being used to cut a dash,
He wager'd full Ten Thousand Pound,
He'd visit soon the Holy Ground.

"Says LAWLOR, 'Whalley! my dear friend,
My sage advice to you I'll lend ;
As you this bet will win no doubt,
I'll shew you how to lay it out ;
 And MOORE,† that dirty whelp,
 I'm sure will lend a help,
 With *Box* and *Dice* my buck,
 We'll all have charming luck.'

"In phaeton and six high rear'd,
DUDLEY LOFTUS next appear'd,
A *Monkey* perch'd was by his side,
Which look'd for all the world his bride ;

* A Volunteer Review.

† Earl of Drogheda.

POOR SINGLETON in black,
 Upon a dirty Hack,
 With heavy heart mov'd on
 To see his friend begone.

“JOHN WHALLEY the next heir,
 With streaming eyes was there,
 For fear his brother TOM
 Should ne'er return home

“BLACK MARK loung'd in this crew
 (He'd nothing else to do) ;
 PEG PLUNKET on her horse,
 Was surely there of course.

“His creditors, poor men, were there,
 And in their looks you'd see despair,
 For bailiffs he car'd not a ———
 Because you know ‘*he's in the House.*’
 CUFF* fr m the Barrack board,
 Swore by *Great Temples† Lord*,
 This action to requite—
 TOM should be dubb'd a Knight.”

On his return, Whalley is found singing :—

“I travers'd Judah's barren land,
 At Beauty's altar to adore,
 But there the Turk had spoil'd the land,
 And Sion's daughters were no more

“In Greece the bold imperious mien,
 The wanton look, the leering eye,
 Bade Love's devotion not be seen.
 Where constancy is never nigh.”

From thence Whalley wended his way to Sunny Italy, but there is no place like home, and drawbacks induced him to regain Ireland, “where beauty fills the Western shore,” and “connubial transport” and “purest virtue” reign.

* Lord Tyrawley. See pp. 19, 220.

† The Viceroy, Lord Buckingham.

