The 'Union' Representation of 1703 in the Irish House of Commons: A case of mistaken identity?*

'[T]he Irish union of 1703 failed'.[1] One might legitimately ask why, if such an inquiry where not in fact another example in Irish history of *une question mal posée*.[2] The basis for such a statement, or question, is the fact that in October 1703 the Irish House of Commons agreed a lengthy representation to Queen Anne which, after rehearsing in detail the many grievances of the Irish Protestant community and the 'want of frequent parliaments', concluded that these concerns could only be resolved 'by restoring us to a full enjoyment of our constitution, or by promoting a more firm and strict union with your Majesty's subjects of *England*'.[3] The representation did not prompt a public reaction from the Irish and English governments. Eventually, in February 1704, the Commons were presented with an extraordinarily brief reply from

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[1] Allan Macinnes, 'Union failed, union accomplished: the Irish union of 1703 and the Scottish union of 1707' in Dáire Keogh and Kevin Whelan (eds), *Acts of Union: The causes, contexts, and consequences of the Act of Union* (Dublin, 2001), p. 67.

[2] For the original example, and the alternative case, see Nicholas Canny, 'Why the Reformation failed in Ireland: une question mal posée', *Journal of Ecclesiastical History*, XXX (1979), pp. 423-50; K. S. Bottigheimer, 'The failure of the Reformation in Ireland: une question bien posée', *Journal of Ecclesiastical History*, XXXVI (1985), pp. 196-207.

[3] See Appendix.

the queen which managed to avoid engagement with anything of substance, and nothing more was done on the subject.[4]

It is the aim of this essay to examine the evidence relating to the origin and purpose of the 1703 representation and the context within which it came into existence, and thereby to assess to what extent such a statement, or line of inquiry, can either be sustained or dismissed. In so doing, it will be possible to assess more readily to what extent events in Ireland in October 1703 were influenced by the early negotiations for the Anglo-Scottish Union, and to advocate the greater contextualisation of other evidence utilised to argue for the existence of either pro- or anti-union sentiment among individuals, political groupings, or the public in general in late seventeenth- and early eighteenth-century Ireland.

I

Since 1987, a significant body of work has looked to address the long-term origins of the Irish Act of Union of 1800. Although built in part upon the foundations laid by Caroline Robbins in 1959 regarding the apparent unionist sentiments of some of eighteenth-century Ireland's 'commonwealthmen',[5] the initial premise for much of the more recent work has been the perception that Irish nationalist historiography has failed to acknowledge the existence of pro-union sentiment in Ireland in the years prior to the 1790s. By demonstrating the existence of a longer tradition of unionism

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[4] *The Journals of the House of Commons of the Kingdom of Ireland*, 21 vols. (3rd edition, Dublin, 1796-1800) (henceforth *C.J.Ire.* (3rd)), II, 393-4.

[5] Caroline Robbins, *The eighteenth-century commonwealthman. Studies in the transmission, development, and circumstance of English liberal thought from the restoration of Charles II until the war with the thirteen colonies* (Cambridge, Mass., 1959), pp. 143-60.

in Ireland, the events of 1799-1800 are provided with greater balance, in particular through the amelioration of the claims that the union was only passed through bribery and corruption, and was imposed against the will of the Irish people.

In a groundbreaking article in 1987, James Kelly argued that 'Irish opinion' in the 1690s favoured a union with England, that 'many English settlers in Ireland … felt instinctively and intellectually compelled to embrace a union', and that '[w]ith public and, increasingly, parliamentary opinion disposed in its favour', 'addresses soliciting a union' were agreed in both houses of parliament. As a general backdrop to these events, Kelly suggested that the 'negotiations for a Scottish union, which dragged on from 1702 to 1707, served as an important stimulus to Irish unionists'.[6]

Kelly's work informed others in their endeavours. Jim Smyth has made several contributions on the subject. In 1993 he described Kelly's article as 'a useful antidote to the traditional approach' of the '"emerging nationalism" thesis' in which 'Irish support for a union … is usually portrayed as a consolation prize sought in lieu of parliamentary independence'. Smyth argued that, in fact, for many Irish Protestants 'union was an attractive, indeed the preferred, option'. In a nuanced assessment of the 1703 representation, he asserted that it came about because 'Anglo-Scottish constitutional jousting' in 1702 had 're-opened the unionist question in Ireland', and pointed out that it has since been used as the key piece of evidence for the 'union-as-second-choice' argument because emphasis was placed on the desire for 'frequent parliaments' and 'full enjoyment of our constitution' before reference was made to union. However, Smyth believed 'it is equally plausible to read [that] formula as a compromise, cobbled together by committed unionists in order to

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[6] James Kelly, 'The origins of the act of union: an examination of unionist opinion in Britain and Ireland, 1650-1800', *Irish Historical Studies*, XXV (1986-7), pp. 241-3.

maximise parliamentary support'. In concluding his considerations, he noted that whereas in 1703 Scotland had provoked a constitutional crisis with England over the Hanoverian succession which in turn led to union in 1707, the Irish Commons in their 1703 representation 'were at pains to endorse the 1701 [English] act of settlement'. Constitutional subordination and self-preservation meant that an 'analogous situation' could not arise in Ireland.[7]

This latter viewpoint was endorsed by Jacqueline Hill in 1995. Hill acknowledged that there was a 'growing assertiveness' in the 1690s and early 1700s 'on the part of the Irish parliament', but that 'there was also a good deal of interest among the Anglo-Irish in some sort of legislative union with England'. With specific reference to 1703, she argued that whereas the Scottish parliament demonstrated its outrage at not being consulted on the 1701 Act of Settlement, the Irish assembly 'displayed a markedly propitiatory spirit' and 'hastened to endorse' the succession in the House of Hanover. Thus, when the Commons addressed for 'a full enjoyment of our constitution, or … a more firm and strict union', they had already 'conceded' the 'crucial succession issue'.[8]

Smyth delved into the subject again in 1995. He argued that 'recent explorations'—primarily Kelly's 1987 article and Smyth's 1993 piece—suggested an alternative to the traditional view that 'Irish Protestant unionist sentiment before 1707' was 'near irrelevant'. The 1703 representation was summarised thus:

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[7] Jim Smyth, '"Like amphibious animals": Irish Protestants, ancient Britons, 1691-1707', *Historical Journal*, XXXVI (1993), pp. 787-8, 788 fn. 11, 795-6.

[8] Jacqueline Hill, 'Ireland without Union: Molyneux and his legacy' in John Robertson (ed.), *A Union for Empire: political thought and the British Union of 1707* (Cambridge, 1995), pp. 275, 288-9.

> In 1703 the Irish Commons advocated either annual parliaments or a union as appropriate remedies for Irish grievances. The contradiction is only apparent. The champions of [Irish] parliamentary sovereignty did not aim at national self-determination, but government by consent and economic prosperity, and to these ends '[legislative] independence' or union represented equally valid means.

Ultimately, Smyth concluded that the parliament of 1703 was 'pro-union'.[9]

The culmination of these considerations by Smyth were presented in 2001 in *The Making of the United Kingdom, 1660-1800*. With reference to the Anglo-Scottish Union, he contended that 'Irish public—that is Protestant—opinion generally favoured the union … and wished to see it extended to the "third" kingdom'. He also argued that the 'primary stimuli' for a revival of interest in union in Ireland in 1702-3 were local issues. On the 1703 representation itself, Smyth was more forthright than before: 'The either / or formulation of this resolution has misled historians into interpreting the union option as the Irish parliament's second choice. However, the desire for union appears to have been strong and genuine, and ranged across the political spectrum'.[10]

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[9] Jim Smyth, 'Anglo-Irish unionist discourse, c.1656-1707: from Harrington to Fletcher', *Bullán*, II (1995), pp. 17, 21, 30. Smyth also re-endorsed his view that unlike the Scottish parliament, the Irish assembly 'dared not challenge' the succession (p. 20). Another version of this article was published in 1998 (idem, '"No remedy more proper": Anglo-Irish unionism before 1707' in Brendan Bradshaw and Peter Roberts (eds), *British consciousness and identity: The making of Britain, 1533-1707* (Cambridge, 1998), pp. 302-3, 307-8, 320).

[10] Jim Smyth, *The making of the United Kingdom, 1660-1800* (Harlow, 2001), pp. 99-100.

Kelly also revised some of his earlier arguments in 2001. In a collection on the Irish Act of Union, he argued that advocates of union in the 1690s were mainly 'recent settlers' and that it was not until the late 1690s that 'a distinct and manifestly Irish unionist strand can be identified'. As to the 1703 representation, alongside England's denial of 'constitutional and commercial privileges' to Protestant Ireland, '[c]ontinuing economic difficulties and the negotiations for the Anglo-Scottish union which opened in 1702 reinforced unionist sentiment in Ireland' to the extent that it 'prompted both houses of the Irish parliament to approve addresses to the throne rehearsing their grievances and requesting "a full enjoyment of our constitution, or … a more firm and strict union".[11] Kelly simultaneously embarked on a more detailed assessment of the context of the representation in a collection on political discourse in Ireland. Utilising the official correspondence reporting the debates leading up to the representation, he highlighted the perception that many MPs favoured a union.[12]

The 2001 collection on the Act of Union also included a second contribution that referred to the representation. The title of Allan Macinnes' piece referred to the 'Irish union of 1703', while the essay itself commenced with the statement that 'union with Ireland was rejected in 1703' and preceded thereafter to refer to the representation and its context as 'the failed union of 1703'. As with Smyth and Hill, Macinnes concluded that the Irish parliament, unlike its Scottish counterpart, 'was not prepared to challenge the [1701 English] act of settlement', but '[d]espite … [the Irish

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[11] James Kelly, The Act of Union: its origins and background' in Keogh and Whelan (eds), *Acts of Union*, pp. 52-3.

[12] James Kelly, 'Public and political opinion in Ireland and the idea of an Anglo-Irish union, 1650-1800' in D. G. Boyce, Robert Eccleshall and Vincent Geoghegan (eds), *Political discourse in seventeenth- and eighteenth-century Ireland* (Houndmills, 2001), pp. 117-18.

parliament] declaring any endeavour to impeach the act as treasonable … the English still rejected its overture for union'.[13] A second collection on the Irish Act of Union, although not including a detailed assessment of unionist sentiment in Ireland, did make reference to the resolution to draw up the representation.[14]

II

As can be seen, the representation of 1703 has been used as a key piece of evidence in favour of the existence of a substantive, or even a majority, unionist sentiment within the Irish Protestant political community. In 2001, however, David Hayton expressed concern that

> What has been missing from much of the discussion of these texts since Robbins first drew some of them to scholarly notice has been an exposition of context. The actual weight attached to union by those who raised the issue; the degree to which such would-be opinion-formers were, or were not, representative of the Irish 'political nation'; above all, whether a handful of pamphlets, several parliamentary addresses, and the occasional flourish in private correspondence, can properly be said to constitute a discourse.

As to the 1703 representation (and those of 1707 and 1709), Hayton warned that '[e]xtracts taken from resolutions and addresses may well appear as explicit and unambiguous endorsements of union when read in isolation from their context, but take on a cloudier aspect when viewed in the perspective provided by the political

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[13] Macinnes, 'Union failed, union accomplished', pp. 67-8, 80-81, 82 fn. 44.

[14] Michael Brown, '*The Injured Lady* and Her British Problem' in Michael Brown, P. M. Geoghegan, and James Kelly (eds), *The Irish Act of Union, 1800: bicentennial essays* (Dublin, 2003), pp. 42-3.

circumstances in which they arose'.[15] So, what were the political circumstances within which the 1703 representation arose?

One of the most visible signs of change in Ireland after the Glorious Revolution was the advent of regular parliaments from 1692 onwards, and the placement of parliament at the centre of a constitutional framework that was particular to the eighteenth century. In the 1690s the Irish House of Commons won a series of constitutional concessions from government in relation to Poynings' Law and the crown prerogative in initiating legislation in the Irish parliament. The Commons' main weapon was their control of the amount and duration of the additional supplies required to meet the government's increased expenditure following the Irish war of 1689-91.[16]

The single most important reason for the long-term continuation of increased government expenditure in Ireland from the 1690s onwards was the English parliament's decision to maintain a standing army in Ireland, to be paid out of the Irish public revenue.[17] The annual shortfall in public income—a permanent reality

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[15] D. W. Hayton, 'Ideas of union in Anglo-Irish political discourse, 1692-1720: meaning and use' in Boyce, Eccleshall and Geoghegan (eds), *Political discourse*, pp. 144, 159-60.

[16] C. I. McGrath, *The making of the eighteenth-century Irish constitution: government, parliament and the revenue, 1692-1714* (Dublin, 2000), pp. 73-152; idem, 'English ministers, Irish politicians and the making of a parliamentary settlement in Ireland, 1692-5', *English Historical Review*, CXIX (2004), pp. 585-613; idem, 'Parliamentary additional supply: the development and use of regular short-term taxation in the Irish parliament, 1692-1716', *Parliamentary History*, XX (2001), pp. 27-54; James Kelly, *Poynings' Law and the making of law in Ireland 1660-1800* (Dublin, 2007), pp. 47-112.

[17] Alan J. Guy, 'The Irish military establishment, 1660-1776' in Thomas Bartlett and Keith Jeffrey (eds), *A military history of Ireland* (Cambridge, 1996), pp. 211-16; Henry Horwitz, *Parliament, policy and politics in the reign of William III* (Manchester, 1977), pp. 222-70.

from the 1690s onwards—was made up through short-term additional parliamentary duties, a fact that ensured that the Irish parliament became a much more significant body than has often been portrayed in histories of the eighteenth century.[18]

In fact, the four years and eight months that elapsed between the end of the 1698-9 session of the Irish parliament and the calling of a new assembly in September 1703 was the longest period between 1692 and 1800 without a parliamentary session. The gap was explained in financial terms by the fact that the 1695-9 parliament had voted overly generous additional taxes to the government, the last of which were not due to expire until June 1703. The money arising from those taxes had enabled the government to gain a degree of control over its finances in the short term. However, as soon as the last taxes expired the government's income ceased to be sufficient for its needs, and a new parliament was necessitated.[19]

Despite such necessity, the governments in Ireland and England embarked upon that course of action with trepidation because of the many grievances that the Irish Protestant political community were ready and willing to enumerate in public. At a constitutional level, the key concern related to the English parliament's assumption of a right to legislate for Ireland. Underlying discontent with longer-standing English legislative restrictions on Irish trade, such as the cattle and navigation acts, had been brought to the surface once more in 1699 and 1700 with the passage at Westminster

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[18] McGrath, 'Parliamentary additional supply', 27-54; idem, 'Central aspects of the eighteenth-century constitutional framework in Ireland: the government supply bill and biennial parliamentary sessions, 1715-82', *Eighteenth-Century Ireland*, 16 (2001), pp. 9-34; D. W. Hayton, 'Introduction: the long apprenticeship', *Parliamentary History*, XX (2001), pp. 1-23.

[19] C. I. McGrath, 'The Irish revenue system: government and administration, 1689-1702' (unpublished Ph.D. thesis, University of London, 1997), pp. 79-88, 315, 325-6, 329-30.

of acts prohibiting Irish woollen exports and resuming the Williamite forfeitures in Ireland. Indeed, the prospect of the woollen act had been in part responsible (along with the conflict over the appellate jurisdiction of the Irish House of Lords in relation to Bishop William King's contest over property rights in Derry with the London Society) for William Molyneux's 1698 pamphlet, *The case of Ireland's being bound by Acts of parliament in England, stated*, which had caused much offence in England.[20] The resumption act proved a particular bone of contention, as it was perceived to not only threaten those individuals who had benefited directly from the forfeitures, but also Protestant property rights in general. The ensuing activities in Ireland in 1701-3 of the English-appointed Trustees for the forfeitures helped to maintain the sense of grievance within the Irish Protestant community, while the onset of an economic recession helped to highlight other issues such as the maintenance by the Irish treasury of several regiments in the West Indies, the general poverty of the country, and the perceived threat from the Catholic populace.[21]

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[20] William Molyneux, *The case of Ireland's being bound by Acts of parliament in England, stated* (Dublin, 1698).

[21] B.L., Add. MSS 9715, ff. 39, 41-2; 28946, f. 356; N.L.I., Inchiquin MSS, Keightley papers, folders 2599-2602; Surrey History Centre (henceforth S.H.C.), Midleton papers, 1248/2, ff. 20, 22-32, 40, 43-4, 49-60, 67, 72, 74-5, 98-9; *Calendar of State Papers, Domestic, 1702-3* (henceforth *C.S.P. Dom.*), pp. 563-4; McGrath, *Irish constitution*, pp. 153-8; Robbins, *Commonwealthman*, pp. 134-5; J. G. Simms, *The Williamite confiscation in Ireland 1690-1703* (London, 1956), pp. 100-58; D. W. Hayton, 'The "Country" interest and the party system, 1689-c.1720' in Clyve Jones (ed.), *Party and management in parliament, 1660-1784* (Leicester, 1984), pp. 60-3; D. W. Hayton, 'A debate in the Irish House of Commons in 1703: a whiff of Tory grapeshot', *Parliamentary History,* X (1991), pp. 154-5; Daniel Szechi and D. W. Hayton, 'John Bull's other kingdoms: the government of Scotland and Ireland' in Clyve Jones (ed.), *Britain in the first age of party, 1680-1750* (London, 1987), pp. 266-7; David Dickson, *New*

The combination of developing parliamentary practice on supply, the accumulated grievances of 1698-1703, and a desire to avoid another lengthy gap between parliamentary sessions resulted in the emergence of a more coherent policy in relation to public finance and parliament on the part of the Irish Whigs centred around Alan Brodrick. The main principle of their new policy was that, as a means of ensuring annual sessions on a par with practice in England, parliament should only vote financial supplies of one-year duration. The adoption and practice of this new policy by the Broderician Whigs was facilitated by their emergence as the party of opposition. The shift from a Whig to a Tory bias in the Irish administration from 1699 onwards was not conducive to the continuation of Brodrick and his associates as the government party in parliament, a role they had fulfilled in the period 1695-9.[22]

The months preceding the convening of parliament on 21 September 1703 were taken up with the preparation of the Irish government's legislative programme, which eventually comprised only five bills.[23] Also, agreement was reached on the tricky question of the Speakership. The out-going Speaker, Robert Rochfort, was convinced by the government to step aside in favour of Brodrick, whom they felt

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foundations: Ireland 1660-1800 (Dublin, 1987), pp. 46-52, 77-8; T. G. Doyle, 'The politics of Protestant ascendancy: politics, religion and society in Protestant Ireland, 1700-1710' (unpublished Ph.D. thesis, National University of Ireland (University College Dublin), 1996), pp. 50-66, 80-82.

[22] McGrath, *Irish constitution*, pp. 153-246.

[23] N.L.I., Ormonde MSS 991, pp. 57, 59; *C.S.P. Dom.*, *1703-4*, pp. 8-9, 24-5, 28, 43, 45-9, 52, 55-7, 59, 69; P.R.O.N.I, De Ros MSS, D638/46/2; B.L., Add MS 37673, ff. 1-20; The National Archives [of the U.K.] (henceforth T.N.A.), PC 2/79, pp. 413-14, 430-31 (I am indebted to Dr John Bergin for the preceding reference); McGrath, *Irish constitution*, pp. 156-60; idem, 'Government, parliament and the constitution: the reinterpretation of Poynings' Law, 1692-1714', *I.H.S.*, XXXV (2006-7), 169; idem, 'Parliamentary additional supply', p. 41.

could command greater support in the Commons and whom they therefore wished to try to keep on side.[24]

As the opening of parliament approached there were signs of potential problems. On 3 September Edward Southwell, chief secretary to the lord lieutenant, James Butler, 2nd duke of Ormond, reported how they were about to leave Kilkenny for Dublin, in order to

> apply our selves to feel the pulse of our Members. There is a kind of spirit abroad of renewing the funds but for one year, in order to see what favour the parliament of England will show us. But as this looks like the proceedings of our neighbours in Scotland, I hope it will not be able to propagate.[25]

The 'favour' to be shown might be interpreted as signifying a desire for union given that the subject of an Anglo-Scottish union had already been raised in 1702 and therefore could have been the 'proceedings' alluded to. However, it was more likely that in fact Irish MPs wanted to wait and see if the English parliament would show Ireland favour by repealing some of the legal restrictions on Irish trade or offering assistance to those Irish Protestants who were out of pocket owing to the resumption of the forfeitures.

Evidence to support this latter view had been provided to the previous administration under the lord lieutenancy of Laurence Hyde, earl of Rochester. In late 1702 discussions had been held with a view to establishing attitudes towards the convening of parliament. As reported by Brodrick, the key areas of concern were the restrictions on trade, the resumption of the forfeitures, the shortage of money and the

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[24] *C.S.P. Dom.*, *1703-4*, pp. 27, 91-2; S.H.C., Midleton papers, 1248/2, ff. 98-9, 105, 107-8; Doyle, 'Protestant ascendancy', pp. 89-90.

[25] Edward Southwell, Kilkenny, to John Ellis, 3 Sept. 1703, B.L., Add. MS 28891, f. 9.

general poverty of the country, all of which would make the voting of new taxes a difficulty:

> our properties and constitution had been so shaken of late by the Trustee Act … and our trade so ruined by that of the woollen … and also to enter there from the plantations that unless some care were taken to put new life into us we could not possibly subsist, and instead of giving additional duties should be obliged to pay our army in beef, butter, corn and frieze. I found it mightily uneasy to talk of the woollen or plantation bill, and not less so when that of the Trustees was mentioned … My Lord Chief Baron[26] said boldly, that things would not be well till that act was laid aside.

When he was asked to consider what would happen if the army went unpaid and had to live at free quarter owing to taxes not being voted, Brodrick had answered that 'a parliament was the best place to think of an expedient in … and that it would ill become us to flatter them with an expectation of supplies from a people neither able, nor … for ought was known so well pleased with their late usage as to be willing to do all that was expected'. Ultimately, the solution was for the English government and parliament to do 'some acts of grace' and to '[put] us into a prospect of recovering from the languishing condition we are now in, and when we were made sensible they intended not to ruin us utterly, but on the contrary to support us, we should be very ready to do all in our power'.[27]

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[26] Robert Doyne.

[27] Alan Brodrick, Dublin, to St John Brodrick, Middle Temple, 29 [Dec.] 1702, S.H.C., Midleton papers, 1248/2, ff. 74-5. The month given on the manuscript is November, though all other correspondence relating to this meeting suggests it actually occurred in late December. See B.L., Add

It was evident that these grievances had also been highlighted for Ormond's administration. In July 1703 Southwell had informed the English secretary of state, Daniel Finch, earl of Nottingham, that

> the country is extremely uneasy at the great want of money, the very little vent for their commodities, their being debarred in many particulars in their trade, their woollen manufacture destroyed, besides their resentments upon account of the over-ruling the jurisdiction of both Houses here in their acts, and the point of judicature.[28]

As September 1703 progressed, it became more apparent that the issue of voting supplies for one year was a political move aimed at securing regular parliamentary sessions and addressing outstanding grievances rather than about anticipating a union. Initially, the government had planned upon requesting a three-year supply.[29] However, by mid-September, Ormond believed that the Commons would at most vote a two-year supply, which might in itself prove difficult to obtain.[30] On 25 September Southwell informed Nottingham that the 'chief question asked of each man as he came up [to Dublin] was whether he was for one or three', and that all were found to be 'mightily possessed against supporting the establishment for three years'. Their concerns were that

> great taxes must be raised to do it, that there would be no likelihood of their sitting again within that time, and that they had many grievances to be

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MS 9715, ff. 39, 41-2; S.H.C., Midleton papers, 1248/2, ff. 98-9; N.L.I., Keightley papers, folder 2602; *C.S.P. Dom., 1702-3*, pp. 563-4; McGrath, *Irish constitution*, pp. 157-8.

[28] *C.S.P. Dom., 1703-4*, pp. 47-9.

[29] Ibid., pp. 130-2.

[30] Ibid., p. 115.

> redressed, and that if they gave the revenue but for one year they might see, during that year, whether the parliament of England would show them some favour.

Southwell believed that these matters 'had been very industriously fomented by the Scottish interest in this kingdom [of Ireland]' in particular, 'some of whom seemed avowedly to declare that they thought this a proper time to obtain whatever they could desire, since England might be in greater apprehension by reason of what has lately passed in the parliament of Scotland.' Many had been convinced by such arguments, causing Ormond to have 'the utmost difficulty to persuade and set right a good many people who had been misled'. However, despite such efforts, the government could not convince 'any number' to give the supplies for three years.[31]

Once again, the desire to wait and see what favour might emanate from the English parliament was combined with a desire for the Irish parliament to sit on a more regular basis. Scotland figured strongly with regard to what had passed in that country's parliament between 6 May and 16 September 1703, rather than to the overtures for union in 1702. The Scottish parliament's refusal to vote a supply, the Act of Security, the Wine Act allowing continued trade with France during the war, and the Act anent Peace and War, were the most likely points of reference for the 'Scottish interest' in Ireland.[32]

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[31] Ibid., pp. 130-2. Southwell's reference to the Scottish interest appears to be a broad usage, encompassing MPs from Ulster and elsewhere in Ireland who were of Scottish descent as well as the wider community of people of Scottish origin, including recent arrivals.

[32] William Ferguson, *Scotland: 1689 to the present* (Edinburgh, 1968), pp. 37-41; P .W. J. Riley, *The Union of England and Scotland: a study in Anglo-Scottish politics of the eighteenth century* (Manchester, 1978), pp. 47-63; T. M. Devine, *The Scottish nation 1700-2000* (London, 1999), pp. 6-8;

The threat to the Hanoverian succession engendered in the Scottish parliament's 1703 legislation has been highlighted by a number of historians as unacceptable—if not complete anathema—to Irish Protestants, for whom succession in the Protestant line was perceived as a prerequisite for their survival. However, the ensuing general implication that thereby Irish Protestants (apparently going against some undefined alternative political instinct) knowingly denied themselves a key bargaining tool for union is slightly presumptuous, in that it is reliant upon an assumption that union was not only the primary desire of the majority of Irish Protestants in 1703 but also that their representatives in parliament were actively seeking such a resolution to the country's uncertain constitutional status.[33] In fact, it is more instructive to note that the desire for 'free communication of trade', 'the liberty of the plantations', and the securing of the 'freedom, frequency, and the power of parliament'[34] expressed in the Scottish Act of Security was much in keeping with

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Christopher A. Whatley, *Bought and sold for English gold? Explaining the Union of 1707* (2nd edition, East Lothian, 2001), p. 28; Macinnes, 'Union failed, union accomplished', p. 81.

[33] Smyth, 'Like amphibious animals', p. 796; idem, 'Anglo-Irish Unionist Discourse', p. 20; Hill, 'Ireland without Union', pp. 288-9; Macinnes, 'Union failed, union accomplished', pp. 80-81. It should not be assumed that Irish politicians were opposed to having some say, however nominal, in the succession, given the drafting by the Irish government during the summer of 1703 of a bill 'for recognising her Majesty's title to the crown of Ireland' (*C.S.P. Dom., 1703-4*, pp. 24-5). The English privy council soon put paid to such ideas on the grounds that '[n]othing of the kind [has been] done in England, and should not be done in Ireland, lest the not doing it in England be esteemed an omission' (*C.S.P. Dom., 1703-4*, p. 43).

[34] Quoted in Devine, *Scottish nation*, pp. 6-7.

the wishes of Irish Protestants, and was to be reflected in the October 1703 representation.[35]

By the time the Irish parliament convened on 21 September, the government had given up all hopes of securing a three-year supply. Instead, they were resolved to propose that the Commons agree to support the government for two years and pay the government arrears up to September 1703.[36] Brodrick's election as Speaker passed without incident, though thereafter the Commons quickly embarked upon proceedings that were disconcerting to the government. The main source of concern related to the attack on three MPs, John Asgill, Francis Annesley and Richard Nutley (all of whom were associated with the resumption of the forfeitures), and the resulting expulsion of Annesley. The executive feared that the proceedings would result in a more direct attack upon the Act of Resumption itself, which might on the one hand spark a new row with the English parliament and on the other result in the reduction or loss of the supply in the Irish parliament.[37] It also did not bode well for the session that the Speaker had involved himself actively in the expulsion of Annesley.[38]

The final days of September and most of October and November were taken up with the lengthy procedures developed during the 1690s for the supply process: the sittings of the committee of the whole house on supply; the presentations of accounts; the lengthy and detailed considerations of the select committee of public accounts; the

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[35] Appendix.

[36] *C.S.P. Dom., 1703-4*, pp. 130-2.

[37] B.L., Add MS 28891, ff. 68, 72; *C.S.P. Dom., 1703-4*, pp. 130-2; *The Journals of the House of Commons of the Kingdom of Ireland*, 11 vols. (1st edition, Dublin, 1753-63) (henceforth *C.J.Ire.* (1st)), III, 22-3, 31.

[38] *C.S.P. Dom., 1703-4*, pp. 140-2.

sittings of the committee of the whole house on ways and means; and, eventually, the selection of a drafting committee for the heads of the supply bill. The key areas of conflict during these various stages centred on what was perceived as excessive expenditure in areas such as pensions and salaries, the incomplete nature of the accounts, the apparent misrepresentation of the state of the public finances and, most particularly, the length of the duration of the supply.[39]

In early October Southwell reported into England that 'we find more rubs and disappointments from people than we did expect and the great argument that many would shelter themselves under from giving the revenue for the time expected is the fearing they should lose my lord lieutenant and that they should not sit again.'[40] The arguments for a one-year supply were led by the Speaker. On the evening of 8 October Southwell, accompanied by two fellow government supporters, met with Brodrick and two of his supporters, Brigadier-General Henry Cunningham and Robert Molesworth, with a view to sorting out the difficulties being encountered over supply. Brodrick informed Southwell that he was only prepared to support a one-year supply, 'declaring … that thereby there might be a session the next year, and that we might have annual parliaments'.[41]

At the same time, Ormond reported to Nottingham that there was 'a very violent party' who were 'positively resolved to grant the supply for the supporting of the government but for one year. They say that Ireland would be undone if they granted more, for that then there would be no need of an annual parliament'. While he still hoped to get a two-year supply, he believed 'the Scotch faction and the

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[39] McGrath, *Irish constitution*, pp. 161-76.

[40] Southwell, Dublin, to John Ellis, 2 Oct. 1703, B.L., Add. MS 28891, ff. 104-5.

[41] *C.S.P. Dom., 1703-4*, pp. 148-50.

Speaker's' would do their best to prevent it. Brodrick was supposedly telling 'all his friends that the kingdom is undone should they support the government for more than one year ... they are resolved to have annual parliaments if they can.'[42]

In mid-October the issue came to a climax. In a committee of the whole House on 13 October the Speaker proposed that they should grant a one-year supply only. The motion was seconded by his brother, Thomas Brodrick, and several other Whigs. Southwell then proposed that the supply should be for two years. A lengthy debate ensued, during which 'the greatest argument for one year was the necessity of a parliament's sitting the next year to see if England by that time would show us any favour'. The main argument for a two-year supply was that it would be pleasing to the queen, and thereby would be the best way of securing another session. It was a close-run contest, as eventually the committee divided 122-119 in favour of a two-year supply.[43] Throughout, both sides had gone to great lengths to emphasise that their policy was in fact the best means of securing another session. In so doing, both sides had understood, and acknowledged, that a central desire on the part of the vast majority of MPs was that the Irish parliament should be reconvened in the near future and continue to sit on a regular basis.

III

Concurrent with the proceedings in October on supply were the sittings of the committee of the whole House on the state of the nation. Such a committee was not unique, having been convened in both the 1692 and 1695-9 parliaments as well. In

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[42] Ibid., pp. 150-1. Ormond's reference to a 'Scotch faction' related to the Irish parliament only and in particular to those MPs, for the most part from Ulster, who were of Scottish descent.

[43] *C.S.P. Dom., 1703-4*, pp. 157-8; B.L., Add MS 28891, ff. 135-7, 139-40.

1692, its proceedings were overshadowed by other events and was most notable for the fact that the 'sole right' resolutions of 27 October 1692 followed a sitting of the committee. In 1695 it had more of an impact. With Robert Molesworth as chairman, on 18 September the committee resolved that the 'long intermission of parliaments' was a 'principal cause' of the many grievances 'this kingdom has hitherto lain under'. Another resolution, reported on 23 September, stated 'that the countenance and favour, which the Irish papists have had … during the late governments here' since 1690, 'have been another cause of the miseries of this kingdom'.[44] A precedent clearly existed for using the committee on the state of the nation for addressing grievances in a public manner.

In the final days of September 1703 the Commons had resolved to address the queen on 'her happy accession to the crown'. The ensuing address on 29 September was used as an opportunity not only to express the Commons' 'great satisfaction we receive from your Majesty's most happy accession', but also to express their 'deepest concern … that our enemies, by many groundless and malicious Calumnies, have misrepresented us … and especially, as if we thought ourselves, or desired to be, independent of the crown of England.' In order 'to vindicate' themselves 'from such foul and unworthy aspersions', the Commons therefore declared and acknowledged

> that the kingdom of Ireland is annexed and united to the imperial crown of England; and by the laws and statutes of this kingdom is declared to be justly and rightfully depending upon, and belonging, and for ever united to the same, and that it never entered into our thoughts to wish the contrary. … [W]e will, to the utmost of our power, support and maintain your Majesty's rightful and

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[44] *C.J.Ire.* (1st), II, 675-6, 682-3, 687-8.

lawful title to the crown of this realm, and the succession in the Protestant line, as the same is settled by acts of parliament in England.

Having thereby unequivocally and publicly pledged their support for the English parliament's legislative solution to the question of the Protestant succession, the Irish Commons demonstrated that they did not intend upon mimicking the Scottish parliament in that regard.[45]

Following the address attention turned to matters of a more immediate, pressing, local and tangible nature for Irish MPs. On 30 September the Commons resolved to sit as a committee of the whole on 4 October to take into consideration the state of the nation.[46] It was at this stage, before the first sitting, that Southwell reported to Nottingham that 'many even talk of an union' as being part of the intended considerations of the committee.[47] Following the sitting on 4 October, Southwell recorded that the debate, which had been carried on with a good disposition, had addressed the misfortunes of the country in relation to trade and other matters, and that 'all the speakers concluded that they did in the most earnest manner desire a union with England'.[48] However, the report to the House delivered the following day by Molesworth, who was once again chairman, made no reference to union, and instead comprised a series of resolutions all of which related to the implementation of the penal laws. The committee sat again on 8 October, though the report was postponed until 11 October.[49]

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[45] *C.J.Ire.* (3rd), II, 320, 322; *C.S.P. Dom., 1703-4*, pp. 140-1.

[46] *C.J.Ire.* (3rd), II, 324.

[47] *C.S.P. Dom., 1703-4*, pp. 140-1.

[48] Ibid., p. 144.

[49] *C.J.Ire.* (3rd), II, 327-8, 330, 332.

The delay was most probably occasioned by the mounting crisis over supply and annual parliaments. On 9 October Southwell, distracted by those matters, only found time in a lengthy missive to Nottingham about supply to note that on the previous day the Commons 'were on the state of the nation, when the Speaker had ready some heads for an address to her Majesty relating to grievances and concluding for an union.'[50] Yet there was information of great significance in those few words.

Brodrick's reasons for getting directly involved in the proceedings of the committee on the state of the nation were highly important. It was clear that Brodrick and his Whig associates, such as Molesworth, had been busy between 4 and 8 October. Their purpose was to manage, and control, the committee so that its attention was firmly focused upon the key enumerated grievances and the agitation for annual parliaments. By proposing an address and producing prepared points relating to grievances for inclusion therein, Brodrick and his associates ensured that the final product would best serve their intentions.

An anonymous report on Brodrick's actions in parliament helped to clarify matters. The central concerns raised in the eventual representation had been clearly catalogued in advance by Brodrick during the early weeks of the session. In the first committee of the whole House he was said to have detailed 'the poverty of the nation and the oppressions they lay under from the parliament of England, especially the act of the Trustees'. His approach was to 'work on the disposition of the people, whom he finds discontented' and to endeavour 'to create an aversion in the members to the parliament of England by crying out on all occasions against their cruelties and

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[50] *C.S.P. Dom., 1703-4*, pp. 149-50.

oppressions'. He also led all of the attempts to vote a one year supply only, so as to ensure annual sessions. It was further claimed that

> All his most near relatives and intimate friends in all their debates laboured by his example to discontent the House with the parliament of England, and when it was urged that it was fit to show more respect and moderation, [Laurence] Clayton[51] said his blood rose with the indignation he had for the ill usage of England to us; that he owed obedience to the crown of England, but none to the people of England.

With specific reference to the representation, it was claimed that Brodrick 'dictated the representation in the most violent terms.'[52]

With the benefit of hindsight, Southwell also realised how affairs had been managed by Brodrick between the committee sittings of 4 and 8 October. Writing to Nottingham on 23 October, Southwell recorded how

> The first or second day there passed nothing but some discourses of the subject matter contained in the said paper [the representation]; but at the next sitting [on 8 October] the Speaker brought in his hand the heads of this paper, and as he strenuously argued upon every one of them in a very popular manner he gave them in to the chairman to be writ down. The general feeling was to make a representation, but not to go into particulars, which might prevent the good effect intended thereby; but these matters being ready prepared and it being not possible to interpose so effectually therein as might have been

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[51] Clayton was a Whig who was also chairman of the committee of public accounts and a relative of the Brodricks (McGrath, *Irish constitution*, p. 163).

[52] Observations upon A[lan] B[rodrick]'s behaviour in [the Irish] Parliament, [1704], B.L., Add. MS 70037, ff. 201-3.

wished, because the supply was not near adjusted, and the country gentlemen being more taken with popular arguments than with reasonable ones, the thing passed.[53]

Molesworth's report on 11 October provided the details of the heads that Brodrick had presented. The committee had resolved that a 'humble' representation be made to the queen on the 'present distressed condition of the kingdom', setting forth 'the steady loyalty and firm adherence of the Protestants' of Ireland 'to the crown of England'; the 'services and sufferings of the Protestants upon that account'; the 'great supplies given … for the support of the government since the Revolution, … their great inclination to do so for the future, according to their abilities'; and the 'very great loss and decay of our trade, and the kingdom's being almost exhausted of its coin; whereby great numbers of Protestant families have been necessitated to remove … as well into Scotland, as into the dominions of foreign princes and states'.

The emphasis then shifted to grievances of a political nature. The queen was to be informed that 'the constitution of this kingdom hath been of late greatly shaken; the lives, liberties and estates of the subjects thereof being tried and called in question, in a manner wholly unknown to our ancestors'; that such 'mischiefs have in a great measure, been occasioned through false and malicious reports and misrepresentations made of the Protestants' of Ireland 'by designing and ill-meaning men, in order to create misunderstandings between England and Ireland, and to get beneficial employments to themselves'; that 'the charges which the subjects' of Ireland 'have been unnecessarily put unto by the late Trustees, in defending their just rights and titles … has exceeded the present current coin of this kingdom'; and that 'the want of

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[53] *C.S.P. Dom., 1703-4*, p. 170.

holding frequent parliaments have been one principal occasion of the miseries attending this kingdom'. Finally, the queen was to be 'most humbly moved' that 'her subjects' of Ireland 'may be relieved from the calamities they now lie under, by a full enjoyment of their constitution, or a more firm and strict union with England.'

Following Molesworth's report, a select committee was appointed to prepare the representation. The committee comprised seven Whigs—Molesworth, William Conolly, Thomas Brodrick, Brigadier-General Henry Cunningham, William Neave, Samuel Dopping, and Edward Wingfield—and seven Tories—Southwell, Robert Rochfort, Sir John Perceval, Arthur Annesley, Stephen Ludlow, Sir Richard Levinge, and Philip Savage. The committee was to meet in the Speaker's chamber that afternoon.[54]

Southwell's version of these proceedings was slightly misleading. On 15 October he informed Nottingham that 'the substance of' Molesworth's report 'was that the constitution had been mightily shaken by the late method of proceedings in the Trustee Act, and by exercising martial law upon the English Act. Some other things are there enumerated, and it concluded with desiring "to be restored to their ancient privileges or else to be united to England."'[55]

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[54] *C.J.Ire.* (3rd), II, 333. Savage was a political maverick in the 1690s, but leant towards the Tories by 1703. In 1709 Dopping split with the Whigs over the question of supply (McGrath, *Irish constitution*, pp. 105-6, 124, 132, 149, 218, 220-22, 225-7, 231).

[55] *C.S.P. Dom., 1703-4*, pp. 156-7. The reference to 'exercising marital law' related to the English mutiny act, which also applied to Ireland. In a letter of 23 October, Southwell clarified what he meant as follows: 'the act passed in England for martial discipline, wherein a clause is inserted for Ireland' (*C.S.P. Dom., 1703-4*, p. 170).

The committee eventually presented their draft representation on 20 October.[56] The final product was a lengthy piece of work.[57] The intention of the representation was evident from the outset. It was the queen herself who had given them the opportunity in parliament to represent to her 'the distressed condition' of Ireland, 'the many grievances', 'our deplorable condition', and 'by what means we may best be relieved'. Once again, the unswerving loyalty of Protestant Ireland was to be evidenced by their 'unanimous resolution' to uphold 'the succession of the Protestant line (as the same stands limited by two acts of parliament lately passed in *England*) even to the last drop of our blood' and through their continued voting of 'great supplies' for the support of the government.

The focus then moved to the specific grievances, with the actions of the English parliament to the forefront. Whereas the queen's 'royal predecessors' had 'always had the glory to be kings and queens of a free people, distinguished from the rest of *Europe*, by that eminent privilege of being governed by their own laws … yet so it is, that the constitution' of Ireland 'hath been of late greatly shaken' and 'the lives, liberties and estates' of the Protestant Irish 'called in question and tried in a manner wholly unknown to our ancestors' by the actions of the Trustees. The detrimental impact of the Trustees' activities upon the 'current cash' in Ireland was also detailed, as was the belief that 'false and malicious reports and misrepresentations' had been made 'of the Protestants of' Ireland 'by designing and ill-meaning Men, in order to create misunderstandings between *England* and *Ireland*, and to procure beneficial employments to themselves'. There followed a catalogue of economic decay and the damage to trade as a result of English legislation—all the

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[56] *C.J.Ire.* (3rd), II, 341-2.

[57] Appendix.

more onerous because Irish 'blood and treasure' had 'contributed to secure the plantation trade to the people of *England*'—and the related problems of Protestant poverty, the emigration of industrious Protestants, and the ongoing Catholic threat.

Attention then turned to the question of the Irish parliament. The 'want of holding frequent parliaments' had been 'a great encouragement to evil-minded men, who intend nothing but their own gain' to the detriment of all others. Corrupt government officials were said to have got 'vast estates' while others neglected their duties and turned their offices into 'mere *Sine-cures*'. Ultimately, 'nothing but frequent parliaments, with a permission for them to sit and do the business of the nation, can prevent or reform so great and notorious abuses'.

The absolute certainty expressed in the phrase 'nothing but frequent parliaments' was in keeping with the arguments made throughout the session by the Whigs. In the representation itself, the phrase was followed immediately by what seemed to be a concluding paragraph stating that '[t]his our most humble representation we … offer to your princely consideration'.

It was only thereafter that the representation turned to what has become the most referenced part of the piece: 'We cannot despair of your Majesty's goodness being extended toward us in such prudent and gracious methods, as may afford us relief, according to the exigency of our condition, and by restoring us to a full enjoyment of our constitution, or by promoting a more firm and strict union with your Majesty's subjects of *England*.' A final paragraph praising the queen wrapped things up.[58] The Commons agreed to the draft representation, and it was delivered by the

[58] Ibid.

Speaker and the whole House to Ormond at Dublin Castle on 22 October for transmission to England.[59]

The lord lieutenant was much discomfited by the representation.[60] David Hayton has argued that the representation was actually part of the Whig opposition campaign, which focused on grievances and included specific targeting of Ormond: 'That a formal request for union would embarrass the lord lieutenant went without saying'.[61] The emphasis in the representation on the Trustees, the constitution, frequent parliaments and government corruption, which were all part of Whig opposition policy, caused Ormond to fear that it would be interpreted as a 'Remonstrance' in England.[62] Choosing to tread carefully, Ormond did not make any reply on receipt of the representation 'lest any answer he should make might be misconstrued in England, and to have expressed any resentment would have perhaps given an handle to spoil the rest of the business [in parliament]'. However, 'great exception' was taken in the Commons at his silence, as MPs threatened to disrupt parliamentary business, in particular the supply.[63]

Such an outcome would have been a perfect result for the Whigs. Having failed to force through a one-year supply, they hoped to disrupt the progress of the two-year supply by means of the representation.[64] However, when the issue of a reply was due to come before the Commons on 25 October, Southwell pre-empted any

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[59] *C.J.Ire.* (3rd), II, 344.

[60] *C.S.P. Dom., 1703-4*, p. 175.

[61] Hayton, 'Ideas of union', p. 160.

[62] *C.S.P. Dom., 1703-4*, pp. 170, 174.

[63] Ibid.

[64] Ibid., pp. 174-5.

conflict by delivering a message from Ormond 'as might be the least obligatory or capable of misrepresentation in England',[65] in which he stated that the representation 'is a matter of the highest consequence' and that he would 'take such care of it as may most conduce to the service of the nation'.[66] Ormond had agreed to this answer following advice from 'a great many members of the House that are my friends and true servants to the queen'.[67]

Southwell had, on Ormond's instructions, sent the representation to Nottingham on 23 October, on the understanding that the queen could decide whether to 'acknowledge receipt of it, and, if so, whether it will be a general answer of doing what is proper or taking a little severer notice thereof'.[68] However, on the morning of 13 November the opposition made an attempt to get the representation printed prior to receipt of the queen's reply. A vote was passed to that end in a sparsely attended sitting (only 45 MPs were present). Once again, Brodrick was central to the unfolding crisis. A court MP, William Stuart, recorded how, on entering the Commons at 11 o'clock, he was beckoned by the Speaker, who whispered news of the vote 'and endeavoured to excuse himself not to have had any part in promoting that matter'. Stuart responded that such a vote should never have been taken in such an ill-attended sitting as it would never pass in a full House, and that he 'could not but dread the ill consequence it must have, that the representation should be printed by order of the …

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[65] Ibid., p. 174.

[66] *C.J.Ire.* (3rd), II, 344, 346.

[67] *C.S.P. Dom., 1703-4*, p. 175.

[68] Ibid., p. 171.

Commons, before we knew the queen's answer'. Supposedly, Brodrick replied that 'he could not apprehend any ill consequences it could have'.[69]

Stuart hurried away to Dublin Castle to notify Ormond and Southwell of what had occurred. Ormond called a number of the principle MPs to the Castle to inform them that he did not think the representation 'should appear in print till it was known what her Majesty thought of it'. It was decided that Southwell should mention this to Brodrick, and desire him to ask the House that afternoon to delay the printing. Brodrick tried to take refuge in procedures, stating that 'it being an order of the House he did not think it proper to intermeddle therein'. Southwell was thus forced to inform the Commons that the representation had been sent to England (thankfully for Ormond, Nottingham had already communicated that they could publicly acknowledge this fact), and that it was therefore 'not a decent respect to her Majesty to have it appear in print till some answer were returned to it, and that therefore the further consideration of that matter should be put off to another time'.[70]

The Court party having gathered their forces in the meantime, a lengthy debate ensued. Among the arguments put forward for delaying the printing was the fact that the representation had included a request that the queen should 'obtain from the parliament of England some favour' for Ireland, and that it would therefore 'look very strange (by having it printed here) to have it handed into the [English] House by any other way than what her Majesty thought fit'. Eventually, the court won out, and it was resolved to defer the printing till after the mid-session recess.[71] Surprisingly,

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[69] William Stuart, Dublin, to John Ellis, 13 Nov. 1703, B.L., Add. MS 28891, ff. 191-2.

[70] *C.S.P. Dom., 1703-4*, p. 198.

[71] *C.S.P. Dom., 1703-4*, p. 198; William Stuart, Dublin, to John Ellis, 13 Nov. 1703, B.L., Add. MS 28891, ff. 191-2.

Southwell informed Nottingham that he did not think that the Speaker had been responsible in the first place for 'bringing on the printing'.[72]

Ormond actually received the queen's reply on 23 November. He chose to withhold it from parliament until 'after the bills come back [from England], and if I can avoid the giving of it, then I will'.[73] Another significant address was presented during this time, for permission to export Irish linen goods directly to the plantations. The executive was keen to promote it in England in the hope that favourable news on the linen question might help to deflect attention away from the queen's answer to the representation.[74] Southwell informed Nottingham that 'if anything in favour of this country [is] offered between this and that [eventual presentation of the queen's reply], his Grace does submit it to her Majesty's consideration whether some mention might not be made thereof'.[75]

Parliament adjourned on 27 November and reconvened in early February 1704. In January, Nottingham had sent over to Ormond another, undated, copy of the queen's reply, so that he could put what ever date he thought proper on it, 'for as you apprehend it may look ill that an answer dated November 8 should be kept so long before it be given'.[76]

The other issue facing the executive was the unresolved question of printing the representation. The continuing desire on the part of the opposition to pursue that

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[72] *C.S.P. Dom., 1703-4*, p. 197.

[73] Ibid., p. 210.

[74] *C.J.Ire.* (1st), III, 111, 128, 149, 162; Edward Lloyd, Dublin, to John Ellis, 23 Nov. 1703, B.L., Add MS 28891, f. 212; *C.S.P. Dom., 1703-4*, pp. 216-17.

[75] *C.S.P. Dom., 1703-4*, p. 217.

[76] Ibid., p. 503.

course of action was evidenced in late January when Brodrick informed his brother Thomas that 'printing our representation sleeps till the bills come over at least'.[77] For the government's part, they hoped to put off the printing beyond that time, preferably until the end of the session.[78]

The queen's reply was finally presented to the Commons on 11 February. For all the fuss in the intervening months, the answer was brief, unclear and avoided engagement with anything of substance:

> Her Majesty having considered of the representation made by the House of Commons in Ireland, has commanded this answer to be returned. That the first part of it seems to relate to matters past in parliament; and the other part, consisting of things general, her Majesty can give no particular answer at present, but will take then into her consideration.[79]

Henry Maxwell put forward a motion that the representation and answer be printed immediately,[80] which 'occasioned very long and warm debates which lasted above

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[77] Alan Brodrick, Dublin, to Thomas Brodrick, Westminster, 27 Jan. 1704, S.H.C., Midleton papers, 1248/2, ff. 121-2.

[78] *C.S.P. Dom., 1703-4*, pp. 506, 509.

[79] *C.J.Ire.* (3rd), II, 393-4.

[80] Alan Brodrick, Dublin, to Thomas Brodrick, Westminster, 10-11 Feb. 1704, S.H.C., Midleton papers, 1248/2, ff. 123-4. Maxwell has been identified as the author of the contemporaneously published anonymous pamphlet, *An Essay upon an Union of Ireland with England: most humbly offered to the consideration of the queen's most excellent majesty, and both Houses of parliament* (London, 1703; Dublin, 1704). The motivation behind the pamphlet, his actions in parliament at this time, and his career in general have for a long time required further examination. An important start was made in this direction in 2001 in Hayton, 'Ideas of union', pp. 151-5. A much more comprehensive examination of Maxwell has since appeared in D. W. Hayton, 'Henry Maxwell, M.P.,

five hours'. [81] In an evident Whig-Tory divide, those who spoke in favour of the motion included four of the Whigs from the committee which had drafted the representation (Samuel Dopping, William Conolly, William Neave, and Brigadier-General Henry Cunningham), while those against included four of the Tory members of that committee (Stephen Ludlow, Robert Rochfort, Sir Richard Levinge, and Philip Savage).[82] The motion was eventually defeated by 43 votes, while a second motion to postpone the printing for a month was passed by eight votes. The results of the divisions were seen as victories for the Court party.[83]

As the session drew to a close, Brodrick made one final attempt to rock the boat. It was reported that on the closing day of the session on 4 March 'he presumed to revive' the representation 'in his speech to his Grace … without any authority from the House.'[84] The speech was indeed a final rendering by Brodrick on the public stage—for the time being—of his favourite grievances:

> The desire of the Commons [is] that your Grace will represent to her Majesty the state of the kingdom, and the difficulties it lies under … it is to be hoped [the Protestants of Ireland] may be allowed such a proportion of trade, that

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author of *An Essay upon an Union of Ireland with England* (1703)', *Eighteenth-Century Ireland*, 22 (2007), pp. 28-63. I wish to thank Professor Hayton for allowing me to read the latter article prior to publication.

[81] William Stuart, Dublin, to John Ellis, 12 Feb. 1704, B.L., Add. MS 28891, f. 428.

[82] Alan Brodrick, Dublin, to Thomas Brodrick, Westminster, 10-11 Feb. 1704, S.H.C., Midleton papers, 1248/2, ff. 123-4.

[83] William Stuart, Dublin, to John Ellis, 12 Feb. 1704, B.L., Add. MS 28891, f. 428. See also Edward Southwell, Dublin, to William Blathwayt, 13 Feb. 1704, B.L., Add. MS 34774, f. 38.

[84] Observations upon A[lan] B[rodrick]'s behaviour in [the Irish] Parliament, [1704], B.L., Add. MS 70037, ff. 201-3.

> they may recover from the great poverty they now lie under. … The dutiful and submissive way the Commons have taken in laying the distressed condition of the kingdom before her Majesty, and the soft and gentle terms by them used in the representation of it, show that their complaints proceed not from petulancy or querulousness, but from a necessity of seeking redress.

He then presumed that Ormond would lay before the queen other issues for the country's advantage as well, and concluded by stating that the representation, 'as to the matters contained in it', had been 'the unanimous voice and consent of a very full House'.[85]

As Brodrick's final remarks signify, the session had been very difficult for the executive. The problems had arisen out of a combination of factors, including the attempt to govern without parliament for over four years, the resentment engendered by the English parliament's woollen and resumption acts, the activities of the Trustees, the payment of regiments abroad out of the Irish treasury, and the onset of an economic recession. The same factors, along with an increased Tory bias in the Irish and English governments, had contributed to the formulation of a more coherent political agenda on the part of the Irish Whig party, and a more vigorous pursuit of that agenda as the party of the opposition. The Whigs were motivated in part by a desire to realise what they perceived as the legitimate constitution of Protestant Ireland, as had been envisaged from the outset of the Glorious Revolution and in their eyes should have been implemented from that time onwards, and in part by a distrust of Ormond and the English ministry's Toryism. Principal amongst the Whig party's aims was the securing of annual parliaments through the provision of supplies of one-

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[85] *C.J.Ire.* (3rd), II, 414.

year duration only. Although unable to command a majority on all occasions, the Whig party's strength had been sufficient to win those divisions where the middle-ground MPs were convinced of the usefulness or necessity of an argument. Future executives could not approach an Irish parliament without taking full account of what a significant percentage of the Irish Protestant political community considered to be their post-Revolution constitutional rights. While some of that community may have favoured a union with England, they were clearly a minority grouping who in truth did not appear able to exercise anything like the power and influence of the Brodricks, the Irish Whig party, and their associates.

As to the representation itself, the postponing of the printing for a month on 11 February 1704 seems to have put paid to that intended course of action. In the same manner that bills could be dropped by putting them off to a distant date, the session had concluded before a month had elapsed, thereby apparently preventing the printing taking place. The final entry in 'a sort of a lampoon', comprising a mock catalogue of books in circulation in April 1704, would seem to clarify the matter: 'Irish cry or representation. A fair manuscript never printed'.[86]

IV

The perception that the 1703 representation was prompted by the news of the initial Anglo-Scottish negotiations for union, that it was evidence of the desire of the Irish political community to be involved in such negotiations, and that they wished to be favoured by England with union, does not take full account of the context of the representation. While it was certainly the case that talk of an Anglo-Scottish union

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[86] Alan Brodrick, Epsom, to Thomas Brodrick, Newmarket, 15 April 1704, S.H.C., Midleton papers, 1248/2, ff. 131-2.

informed some of the thinking on the subject, union—Anglo-Scottish or otherwise—was not one of the key issues that served as the *raison d'être* for the origin and purpose of the representation. As such, the 'Irish union of 1703'[87] did not fail, because it was never attempted in the first place.

The concluding reference to union in the representation may in truth have been intended primarily as a reminder, or warning, of the difficulties that unresolved Irish grievances could cause when they were brought before the English parliament. As such, the representation hinted that if the Irish parliament was not allowed to manage its own affairs, then, by dint of union, the Irish Protestant political community would bring their problems to Westminster.

Finally, if the representation of 1703 did not actually signify the existence of a significant unionist sentiment in Protestant Ireland at the time, then it would seem reasonable that other evidence should also be subjected to similar scrutiny. For example, closer contextualisation of the addresses of 1707 and 1709, of Henry Maxwell's pamphlet *An Essay Upon an Union of Ireland with England: Most humbly offered to the Consideration of the Queen's most Excellent Majesty, and both Houses of Parliament* (London, 1703; Dublin, 1704), of Jonathan Swift's posthumously published pamphlet *The Story of the Injured Lady* (Dublin, 1746), and the reference to union in Molyneux's *Case of Ireland*, might reveal new insights into the subject.[88] Thereafter, it might be possible to assess more readily the true extent of unionist sentiment in Ireland at the time of the Anglo-Scottish Union.

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[87] Macinnes, 'Union failed, union accomplished', p. 67.

[88] A solid foundation for such further work has already been established in these areas. See Hayton, 'Ideas of union', pp. 148-9, 151-5, 160-2; idem, 'Henry Maxwell', passim; J. C. Beckett, 'Swift: the priest in politics' in idem, *Confrontations: studies in Irish history* (London, 1972), pp. 117-18.

APPENDIX

To the Queen's most Excellent Majesty.

The humble Representation of the Knights, Citizens, and Burgesses of *Ireland* in Parliament assembled.[89]

FOR ASMUCH as it hath pleased your most sacred Majesty to give us, your most loyal and obedient subjects of *Ireland,* an opportunity of representing to your Majesty in Parliament the distressed condition of this your Kingdom, and the many Grievances wherewith we have long struggled, and still labour under, we should think ourselves wanting to that great Trust reposed in us by our Country, and accountable to our Posterity for all the evil Consequences which hereafter happen, if we neglected to make Use of so proper an Occasion of laying before your Majesty, with all Submission, this our humble Representation, wherein is contained a true State of our deplorable Condition in several weighty Instances (which we have chosen out of many others, too long to be enumerated) together with our most humble Opinion, by what Means we may best be relieved, when it shall please your most sacred Majesty seriously to take our Case into your Royal Consideration, and to apply such Remedies as may be equal to our Sufferings; which, with all Duty and Earnestness, we beg leave to hope from our most gracious Sovereign.

Protesting and declaring, that no groundless Discontent is in any Measure the Inducement or Motive of this Application to your Majesty, but a deep Sense of the present evil State of this your Kingdom, and of the further Mischiefs which we have Reason to fear will fall upon it, if not timely prevented, together with a just

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[89] *C.J.Ire.* (3rd), II, 341-2.

Consideration, that your Majesty is the only one, under God, from whom we can, or ought to look for both Protection and Relief.

We further assure your Majesty, that it is the unanimous Resolution of your Majesty's Protestant Subjects of *Ireland*, to uphold and maintain all your Majesty's Rights, Titles and Prerogatives to the Imperial Crown of this your Realm, and the Succession of the Protestant Line (as the same stands limited by two Acts of Parliament lately passed in *England*) even to the last drop of our Blood.

And as we have hitherto been remarkable for our steady Loyalty, and firm Adherence to the Crown of *England* (as well upon the Account of our Services and Sufferings, as for the great Supplies which we have given from Time to Time since the late happy Revolution, toward the support of the Government in this Kingdom), so we resolve to continue to do the like for the future, to the utmost of our Ability, and thereby convince the World, that although we come short in Power, yet in Loyalty and due Affection to your Majesty's Interests we are not inferior to any of your Majesty's Subjects whatsoever.

Whereas your Majesty's Royal Predecessors, of blessed Memory, have always had the Glory to be Kings and Queens of a free People, distinguished from the Rest of *Europe*, by that eminent Privilege of being governed by their own Laws, and of enjoying Liberty under the Dominion of a Sovereign Prince, according to the most equal and just Model of Government that was ever framed; yet so it is, that the Constitution of this your Kingdom of *Ireland* hath been of late greatly shaken; the Lives, Liberties and Estates of the Subjects thereof being called in Question and tried in a Manner wholly unknown to our Ancestors.

And when we consider that the Charges which the Subjects of this Kingdom have been necessarily put to by the late Trustees, in defending such their just Rights

and Titles, as have, after many and expensive Delays, been allowed by the said Trustees, hath exceeded in Value the present current Cash of this Kingdom, we have but too great Reason to believe that this hath been principally occasioned through false and malicious Reports and Misrepresentations, made of the Protestants of this Kingdom by designing and ill-meaning Men, in order to create Misunderstandings between *England* and *Ireland*, and to procure beneficial Employments to themselves. For although your Majesty hath been graciously pleased to assure us, that nothing of that Kind hath made any Impressions on your Majesty to our Prejudice; yet we are very sensible that this Nation hath exceedingly suffered thereby in the Opinion of the People of *England*.

We cannot, without the greatest Grief of Heart, reflect upon the vast Decay and Loss of our Trade, and this your Majesty's Kingdom's being almost exhausted of its Coin; we are hindered from earning our Livelihoods, and from maintaining our own Manufacturers, and our Poor are thereby become very numerous, especially the industrious Protestants, who in a Country, wherein the Number and Power of the Papists is very formidable, ought (as we humbly conceive) to be encouraged. Very many Protestant Families have been constrained to remove out of this Kingdom, as well into *Scotland*, as into the Dominions of foreign Princes and States. Our foreign Trade and its Returns are under such Restrictions and Discouragements, as to be now become in a Manner unprofitable, although this Kingdom hath of late, by its Blood and Treasure, contributed to secure the Plantation Trade to the People of *England*.

The Want of holding frequent Parliaments in your Majesty's Kingdom of *Ireland* has been a great Encouragement to evil-minded Men, who intend nothing but their own Gain, though accompanied with the Ruin and Oppression of your Majesty's good Subjects. Many civil Officers are arrived at such a Pitch of Corruption, through

Hopes of Impunity, as is almost insupportable, thereby getting vast Estates in a short Time in a poor Country; and others in considerable civil Employments, do dwell and reside for the most Part out of the Kingdom, thereby neglecting the personal Attendance on their Duties; whilst in the mean Time their Offices (which in Effect are made mere *Sine-cures*) are but indifferently executed, to the great Detriment of your Majesty's good Subjects, and the great Failure of Justice.

So that we your Majesty's dutiful Subjects, are fully convinced, that nothing but frequent Parliaments, with a Permission for them to sit and do the Business of the Nation, can prevent or reform so great and notorious Abuses.

This our most humble Representation we, you Majesty's loyal and distressed Subjects of *Ireland*, your Commons assembled in Parliament, do, with Hearts full of a Sense of our miserable Condition, yet supported with the Hopes we have from the auspicious Reign of your most sacred Majesty, offer to your princely Consideration; not doubting your Majesty's Care and Protection of us, when the true State of this Kingdom is laid before your Majesty; for it is from your Majesty's gracious Interposition alone in our Favour, that we propose to ourselves Relief from these our manifold Grievances and Misfortunes.

We cannot despair of your Majesty's Goodness being extended toward us in such prudent and gracious Methods, as may afford us Relief, according to the Exigency of our Condition, and by restoring us to a full Enjoyment of our Constitution, or by promoting a more firm and strict Union with your Majesty's Subjects of *England*, which will be to the Advantage of that Kingdom; nothing being a more certain Truth, than that whatever Riches the People of *Ireland* can acquire, must at last necessarily centre in the Seat of the Government.

May the choicest Blessings of the great Creator and Preserver of all Things constantly attend your most sacred Majesty; may you long continue to be the chiefest Blessing of your People, and the Assertor of the Liberties of *Europe*; and may we, your poor Subjects of *Ireland*, be an eminent Instance of your glorious Title, that we may heartily join with the Rest of Mankind, in proclaiming your most excellent Majesty not only the greatest, but the best and justest Princess that ever reigned.