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Sexual Intemperance and Money on an Irish Estate in the Eighteen Forties

Desmond Norton, University College Dublin

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SEXUAL INTEMPERANCE AND MONEY ON AN IRISH ESTATE IN THE EIGHTEEN FORTIES[1]

Desmond Norton

In the late 1980s and early 1990s, the author acquired about 30,000 letters written mainly in the 1840s. These pertained to estates throughout Ireland managed by James Robert Stewart and Joseph Kincaid, hereafter denoted SK. Until the letters - called the SK correspondence in what follows - became the author's property, they had not been read since the 1840s. Addressed mainly to the firm's office in Dublin, they were written by landlords, tenants, the partners in SK, local agents, etc. After about 200 years in operation as a land agency, the firm in which members of the Stewart family were the principal partners - Messrs J. R. Stewart & Son(s) from the mid-1880s onwards - ceased business in the mid-1980s[2].

Since 1994 the author has been researching the SK correspondence of the 1840s. It gives many new insights into economic and social conditions in Ireland during the decade of the great famine, and into the operation of Ireland's most important land agency during those years. It is intended ultimately to publish details on several of the estates managed by SK in book form. The proposed title is *Landlords, Tenants, Famine: Business of an Irish Land Agency in the 1840s*, a draft of which has now been completed.

A majority of the letters in the larger study from which the present article is drawn are on themes some of which one might expect: rents; distraint (seizure of assets in lieu of rent); "voluntary" surrender of land in return for "compensation" upon quietly quitting; formal ejectment (a matter of last resort on estates managed by SK); landlord-assisted emigration (on a scale much more extensive than most historians of Ireland in the 1840s appear to believe); petitions from tenants; complaints by tenants, both about other tenants and about local agents; landlord and other relief of distress both before and during the great famine; major works of improvement (on almost all of the estates managed by SK); applications by SK, on behalf of landlords, for government loans to finance improvements; recommendations of agricultural advisers hired by SK, etc. Thus, most of the SK correspondence is about aspects of estate management. But the firm of SK was not only a manager of land.

Unlike many of SK's other clients in the 1840s, both the Sherlocks of Kildare and the Battys of Westmeath were commoners. The owners of the two estates shared another feature: their lifestyles got them into deep personal problems, and the firm of SK was called upon, not only to manage their estates, but to

manage more personal affairs also. His interest in alcohol was a cause of William Sherlock's problems. Those of two males in the Batty family were related to their interest in females.

It is not to be inferred that the owners of other estates managed by SK were immune from problems associated with alcohol or women. In fact, the handwriting styles of the Marquess of Westmeath and of Viscount Frankfort - both of them SK clients - suggest that they were in or on the verge of *delirium tremens*. Furthermore, while at Drumsna in the midlands in 1845, the SK employee Stewart Maxwell sighted the Marquess of Westmeath (then aged about 60) with a woman who he pretended was his wife. However, the firm of SK was not called upon to manage the very personal affairs of either the Marquess or Frankfort; hence, if their lifestyles led them into personal problems, the SK correspondence indicates little about such problems.

At Buckingham Palace the third Viscount Palmerston, an important client of SK, was known as "Cupid". It has been reported that while staying at a royal palace he made "a violent and brutal" attack on a Mrs Brand; the source states that "her piercing screams were heard by half the inmates at Windsor Castle and she was rescued in the nick of time just as her knickers were being torn off"[3]. It seems that in 1865 his excessive arousal - reportedly with a maid on a snooker table - brought about his death[4]. None of Palmerston's interests of intimacy became the business of SK. It was due to the fact that SK were asked to manage some of the consequences of very personal matters among the Battys and the Sherlocks (one of which family, the landlord William R. Sherlock, appears to have had a mistress[5]) that we know about them. What follows focuses on some members of the Batty family in the 1840s.

According to Walford, the Batty family of Westmeath "came from England, and settled at the mansion of Ballyhealy [near Delvin] about the year 1690"[6]. In the early 1840s the house and surrounding lands were owned by Fitzherbert Batty, a magistrate for Westmeath[7]. The estate was at least 2,400 statute acres in extent[8]. It consisted of lands which were together known as the Ballyhealy estate.

In the 1840s the Battys maintained a close relationship with Joseph Kincaid and his family[9]. It seems that there was a marital connection between Kincaid and Edward, one of Fitzherbert Batty's three brothers: Edward's second wife, Catherine (not to be confused with his sister of the same name), was a daughter of a person named John Kincaid, MD. It seems that this John Kincaid resided in Co Armagh, and that he was Joseph's father[10]. If that was the case, then Edward Batty's second wife was Joseph Kincaid's sister, and this connection would account for both the close personal relationships between the two families as well as the allocation of the Batty account to the firm of SK. In the late 1840s Kincaid dealt with consequences of the sexual adventures of both Fitzherbert Batty and his brother William.

Relationships between males of the Batty family, and women, were in many cases unhappy. Fitzherbert Batty's eldest brother, Espine, married at least twice -- in 1832 and 1835[11]. Walford states that a person named Espine Batty, who died in 1883, married three times[12]. Several months before his death in 1847, Fitzherbert Batty got into trouble with a woman named Brigid Gaffney. On 23 January 1846 Fitzherbert wrote to SK requesting assistance:

> A person named Brigid Gaffney has lately commenced an action against me for the alleged breach of an agreement said to be contained in some letters of mine in her possession .... She is a pauper. I have deemed it prudent to compromise the matter, which she has offered through her attorney to do, upon payment by me of the sum of Fifty pounds & the costs ..., in consideration of which she would drop all proceedings and grant me a general release of all claims .... I have agreed to these terms, upon condition that all my letters should be delivered up & be destroyed. The attorney in the action is Mr Richard Walsh .... The favour I have to ask you is to settle this business for me .... It will be necessary for you to see Mr Walsh as early as possible to prevent further proceedings & costs in the action & to pay him the £50 & the amount of the costs, upon his delivering to you on my a/c, a general release ..., a receipt in full of all demands, duly executed by the said Brigid Gaffney & attested and also my letters to be destroyed.

SK did act along the lines requested but the letters were not then destroyed. In April 1846 Fitzherbert wrote to SK: "Thank you for ... the attention you paid to my wishes in the affair of the Gaffneys. The letters are of no consequence .... As a full release has been given, I fancy no further use can be made of them". However, in a letter of October 1846 Fitzherbert again

sought the firm's assistance, due to the necessity of "defending of a second action ... which that woman Brigid Gaffney, notwithstanding her release, as she had kept my letters, has again renewed against me .... The release is still in your possession and Mr Fitzgerald [Batty's solicitor] will require it for the defence. [Please] see him & advise with him what it is best to be done".

The SK correspondence reveals nothing more about Ms Gaffney. The Griffith *Valuation* lists no Gaffney on the estate in 1854[13]. But the correspondence does indicate that Ms Gaffney was not the only woman with whom Fitzhertbert Batty had association around the mid-1840s. Shortly after his death, a woman named Mary McNally sent a memorial to SK, which "showeth": "Mem'st lived with ... the late F Batty ... by whom she has a child, a boy now nine months old and in consequence of the sudden death of deceased F Batty Esq're both Mem'st and child are plunged in the greatest distress. Mem'st acting on the kind advice of Will'm Batty Esq're brother to deceased has been induced to represent to you the melancholy condition in which she & her child are now placed trusting ... that ... you will ... not ... allow her and the child ... to be cast upon the world .... The name of Mem'st appears in the books of the deceased gentleman as having received various sums of money from him"[14]. The *Valuation* of 1854 provides no evidence of any person named McNally on the Ballyhealy estate.

On Fitzherbert's death the estate passed to his brother Espine, a barrister with an address at Stephen's Green in Dublin. His sister Catherine resided there. In the late 1840s he resided in London. He had, at that time, two surviving brothers, Edward and William. Edward was the Church of Ireland vicar at Duleek in Meath. William had been a tenant to Fitzherbert on the Ballyhealy estate. Following Espine's succession, William became a tenant to Espine.

One of Espine's first tasks as owner of the Ballyhealy estate was to face the question of how to deal with a woman named Monaghan, who had been another associate of Fitzherbert's. It seems that Fitzherbert had fathered several illegitimate children; this was a related problem which Espine also had to face. In February 1848 he wrote to SK: "With regard to ... that Female you mention (Monaghan) I believe it would be right to give her the means of going to America .... As to 2 children if they were the <u>only ones</u> to be dealt with, it would make a material difference .... I had heard surnames of more. If there were many I see no other resource for them but the poor house .... Have an inquiry made especially from W'm Batty whether there are prospects of more turning up as claimants. With regard to ... Monaghan ... the sooner she is enabled to go the better". Griffith's *Valuation* of 1854 does not list any person named Monaghan on the Ballyhealy estate.

Espine Batty still had the affairs – meaning business as well as possibly matters more personal – of Fitzherbert in mind when he wrote to SK in April 1848: "I believe you generally furnish annual accounts about this time & I shall be glad to receive from you the usual statement of affairs of the estate when ready. Also a statement ... as to my late brothers affairs .... Mrs Ruxton is to receive from you only £33-6-8 annually ..., the sum arranged with her by my late brother". The reasons for Fitzherbert Batty's arrangements with "Mrs Ruxton" – who was probably a widow in 1848 – are unknown[15].

At the time at which Espine sent to SK the instructions indicated above in regard to Ms Monaghan, he was probably not aware that his brother William was in trouble with a female named Caffrey who resided on the estate. She appears to have been a young widow[16]. On 21 July 1848 Espine wrote from London to Kincaid:

> My brother William has written to say he would propose to give up on the first of November the original Cloughmore farm (which he holds independently of the [Ballyhealy] demesne) so as to give up included therein the buildings in which the objectionable person [the woman Caffrey] resides .... I presume he means by this that as he could not personally use force in putting out that person, he would give up that farm & thereupon remove her .... She I presume might be treated as his servant remaining as an intruder, & not as a tenant. If William will give it up cleared of her, & if you see no difficulty in getting her removed from the house & estate & if on your consulting Edward [the clergyman brother of Espine and William], you & he see that that object can be attained without throwing on you any unpleasant difficulties, I should be ready to acquiese in William's proposal.

On 21 August 1848 William's sister Catherine wrote to Kincaid:

> William has been staying here with me & left me this morning .... He gave me leave to endeavour by every means in my power to put an end to a most unhappy & disgraceful connexion ... with a person of the name of Caffrey at Ballyhealy. He says he has done his best to get rid of her .... He is willing to give her £300 [probably the equivalent of about £30,000 in purchasing power at the beginning of the twenty first century] to get rid of her .... I think £50 or £60 would suffice to induce her to set out for America or Australia .... I depend on your friendship that you & Edward [Batty] will put your heads together & try to emancipate the unhappy young man who is convinced of the sin of such a connection, & yet has not strength

> or power to shake her off .... She has children, I do not know how many, from whom she says she will not be separated, so that I think the best thing that could be done, would be to send her & them to Australia .... I leave it to you & Edward to do your best & to strike the iron while it is hot, lest her wishes should get the better of him when he sees her again.

It is likely that Catherine Batty herself delivered this letter to Kincaid. A letter dated 22 August 1848, from William to Catherine, indicates that Kincaid immediately agreed to intervene. In this letter, William wrote as follows: "I feel greatly obliged to Mr Kincaid for his kindness in undertaking so disagreeable an office .... Mr K would be likely to have more influence [than anyone else] with her family .... You seem to doubt the sincerity of my willingness to put an end to this connexion. I know not how else to prove it than by ... putting into Mr Kincaid's hands £300, any part or the whole of which, he shall be at liberty to use if he can effect by gentle means her and her childrens emigration".

Ms Caffrey was still on the estate on 28 October 1848, when Catherine Batty wrote to Kincaid: "I depend on your using every effort to get the person to depart from Ballyhealy, as I dread his being exposed to her wiles every time he goes to his farm where she lives". It does, however, seem that she did leave: the *Valuation* of 1854 provides no evidence of any Caffrey on the Ballyhealy estate. The same volume of the *Valuation* indicates that in 1854 William Batty held almost 300 acres (which included the demesne) on Ballyhealy townland, and 70 acres (which may have comprised the farm known as Cloughmore, on which "the objectionable person", Ms Caffrey, had dwelt) on Ballinlough.

The *Valuation* of 1854 names Rev Edward Batty as lessor of the Ballyhealy estate. It indicates that the estate was then at least 2,400 acres in extent. An official publication of 1876 lists Rev Edward Batty as owner of 1,216 acres of land in Westmeath[17]. It also indicates that he was the only person named Batty who then owned land in the county. It can therefore be inferred that substantial tracts of the estate passed out of Batty ownership between the 1850s and the 1870s.

II

Earning a commission of 5 percent on what he collected in rent, between 1841 and 1848 Henry Morgan was SK's local agent at Ballyhealy. The earliest surviving letter from him to SK indicates that he was active in distraint. Dated 24 February 1843, it reported as follows:

> I have made the following Seasures, Patt Kearnan of Newtown, Luke Kearnan of Ballinlaugh and Widow Nugent of Commonstown. James Corcoran and Wm. Kelly has got time unto Patrickmass [Patrick's Day]. Peter Seerey is to pay tomorrow, if not I will distrain his property. James Seerey on Munday the fair of Kildalkey. James Glennan was Married on Wednesday and is to Receive £60 in 10 or 12 days and to pay .... Denis Nail has drew money this day from the loan fund and will pay 1/2 years Rent tomorrow .... John Geeland promis'd Shurely at the fair of Kildalky on Munday. John Divine is to settle with Patt Keefe tomorrow and to pay. I thretened him with Distraining what he had .... There was not sufficient stock of cattle with those I Distrained to make up the amount of Rent due and I seized their property on the ground. I have placed Read as keeper.

Morgan again distrained properties of several tenants in October 1844. One of them -- "James Glennan, Ballinlaugh" -- he distrained for the large sum of £109.

The SK correspondence refers to instances in which Fitzherbert Batty assisted tenants. Kincaid was a director of the Midland Great Western Railway of Ireland, a company formed for the construction of a railway, by Mullingar in Westmeath, to Athlone and Longford in the midlands. On 31 March 1846 Fitzherbert wrote to Kincaid in regard to a tenant: “This note will be handed to you by Pat. Gough [Goff], son of the late Mat. Gough [Goff], a mason who tells me you were good enough to promise, on his producing a letter from me, that you would get him employment on the Mullingar Railway. I believe you know something of his merits ... as he was employed under you last year in building the new link at Killucan” (in Westmeath).

Goff did gain the employment which he sought but, as work on the railway progressed westward, his employment may not have lasted for long. On 25 May 1846 Widow Goff wrote from Ballyhealy, apparently to Fitzherbert Batty, stating “thanks ... with respect to obtaining imployment for my son, at Corbitstown [Corbetstown, near Killucan]. I understand there is the most of the Masons to be broke on Saturday next .... The[y] are advising my son to go to Dublin but that would not answer me .... I further pray you to spake to Mr Farrell who will be in Corbitstown this day that

he may keep my son Patt'k in the work".

Following the partial failure of the potato in the Autumn of 1845, Fitzherbert reported from Ballyhealy to SK on 9 April 1846: "The tenants in general here have not been badly off, but some half dozen families I have been obliged to support & since January by orders for Meal and giving them work on the new road .... I fear a good many of the poorer sort will plant no potatoes this year, & that there will be a greater scarcity next year ... unless seed potatoes be supplied to the people".

Surprisingly, rent receipts from Ballyhealy were high in the Autumn of 1846. On 27 October, Fitzherbert wrote to SK: "Yesterday ... Griffith [an employee of SK] ... collected a larger sum than usual .... We are likely to have abundance of work in this neighbourhood immediately, not only from presentments at Extraordinary Sessions, of which I have obtained grants for £340, to be worked on this property & the immediate neighbourhood, but also by the draining & sinking of the Lisclogher River, on which £8000 is to be expended very shortly, so that we may expect the smaller tenants to make payments".

Subsequent letters suggest that the drainage and sinking of the river were not implemented during the Winter of 1846-7. The SK correspondence reveals little about economic conditions on the estate in 1847 -- the year in which Fitzherbert Batty died. However, the Battys obtained a large loan in that year. A letter dated 19 April 1848, from Espine Batty in London to SK, requested: "As the time has passed when the first half yearly Gale of Interest became due to Messrs Fuller & Yates [in London] under the deed signed by myself & my two brothers, I write to apprise you of it ... as due on the 13th of April on £6400 at 5 per cent". Espine went on to refer to interest on another loan outstanding from a Mr Hawkins. The purposes for which those liabilities were created are not revealed in the SK correspondence. It seems that SK simultaneously borrowed and lent money for members of the Batty family. In the same letter as that in which Espine Batty referred to interest due to Fuller & Yates, and to "Mr Hawkins", he added: "I should thank Mr Kincaid to tell me whether he succeeded in getting [the SK client] L'd De Vesci to take my sister's money at 5 per cent".

It seems that rent receipts in 1847 were very low: by February 1848, SK had a net claim against the estate. This reflected the fact that in the recent past, SK's expenditures on behalf of the Battys exceeded the firm's rent receipts, less its charges for management. In 1847, SK's expenditures on behalf of the Battys included payments under a jointure, possibly payments to women who were induced to leave, payment of interest on at least one outstanding loan and, it seems, outlays on purchase of meal for the tenants. On 10 February 1848 Espine Batty wrote to SK requesting an estimate of the assets of his late brother

Fitzherbert, excluding rent "arrears not likely to be recovered", and "also a rough estimate as to how much of the assets may be applicable to the reduction of your claim on the estate".

As an enclosure in the same letter, Espine sent SK "a leaf out of a report on the Lisclogher Drainage District sent by the Board of Works to me for my Assent to drainage works in that district from which it appears there are 64 acres of Ballyhealy likely to be benefited"[18]. Given that the cost of the proposed drainage would ultimately have to be paid by those landlords who benefited from it, Espine sought SK's advice on whether he should indicate his assent to the scheme. On 28 February 1848 he wrote to SK: "I was glad to find by Mr Stewarts letter that you had signed my assent to the Lisclogher Drainage".

Although, early in 1848, SK encouraged Espine Batty to incur further liabilities on works of improvement, neither Stewart nor Kincaid were happy in regard to the Batty finances. On 8 March 1848 Stewart wrote to Kincaid: ”I quite agree as to Espine Battys letter being far from satisfactory as to our Balance .... We must put our Balance on a better footing than at present”.

Given that SK had a net claim against the estate by early 1848, it seems that both Espine Batty and SK then adopted a firmer stance in dealings with tenants. There was a squatter to be removed. Thus, early in 1848 Espine Batty wrote to SK: “There is a Cotter who was allowed a year ago or more to build a hut on Clonleim [Clonleame] Bog. He is a stranger & a bad character & it is absolutely necessary to get him out .... He is not a tenant at a rent .... A small sum of money given to him would be better than Law. Will you consider this”. There also seems to have been a case of a tenant who was not being charged any rent for one of two lots which he held. On 18 March 1848 Espine Batty wrote from London to SK: “Having heard accidentally that Kelly ... had been distrained by your order for a very large amount of rent, I take this opportunity of mentioning that it has always been my conviction that he ought not to be allowed to retain that portion of the ground adjoining my brother William's farm .... He appears never to have paid more rent than would cover the demand for the lot at his dwelling house & ... he ... continued to keep the other lot without paying any rent for it .... I think this would be the time for considering whether he should not be required to give up that other lot in consideration of the remission of a large sum of irrecoverable arrear”.

In a letter to Espine Batty dated 22 March 1848, Kelly stated that "as matters stand at present the rent is set at £40 p year", and that he had been distrained for £122. Thus, he was three years in arrears. However, Kelly went on to state that the value of the land held by him had been reduced "by the cutting it received by roads by which all the land of any value ... was frittered away". The roads to which Kelly referred were probably

built as private or public works, designed to create employment, in 1846 or 1847. Batty's suggestion on how to respond to Kelly's "irrecoverable arrear" was probably implemented: in 1854 Kelly had only a single holding on the estate.

Despite the hard times, Espine Batty continued his family's support of a school, about which he was anxious to avoid any misunderstanding. On 18 March 1848 he instructed SK: "Enter on the Rental of the Estate the Schoolhouse Lot, ... part of it being occupied by the house & part a back yard, the rest being the Garden allowed by our family to be used by the Schoolmaster not as tenant but simply as our Schoolmaster while we keep him as such, by way of an annual subscription to the school. I wish you ... to have this understanding of the way in which Mr Gee [the schoolmaster] enjoys the Garden & rooms in the house & ... you should in any future transactions with him act on the principle that the house & the Garden are in my full possession & that he uses it only by permission & at will".

Stewart visited Ballyhealy on a rent-collection mission early in 1848. On 4 February he reported to Kincaid: "I returned last night from Ballyhealy .... My whole time was occupied with dirty little accounts for labour and allowances for meal and Corn .... There appears very little appearance of getting Cash Rents from the small folk ... & I fear there will be very considerable loss before these fellows are cleared away or made to pay. I also doubt whether Morgan [SK's local agent] is a good person to deal with these small tenants. A good Sharp Bailiff to whom we might give the 5 p Cent on the small rent might squeeze something out of them". This passage indicates that the tenants had been given meal in 1847, and that they paid for at least part of it by providing labour for work on the estate. It also reveals that because Morgan was not sufficiently aggressive in extracting rents, Stewart contemplated having him replaced. It seems that Kincaid came to the estate in April 1848 in order to collect rents. On 20 April, Stewart wrote to him stating: "I enclose some Blank Notices to quit in case you think well of serving 10 or 12 of the Ballyhealy fellows with notice ... as some high pressure must be brought to bear on them".

Although, in his letter of 20 April 1848, Stewart contemplated having Notices to Quit served on some of "the Ballyhealy fellows", assistance was provided around the same time. On 19 April, Espine Batty wrote to SK: "I sent a small sum of £10 to Ballyhealy for seed potatoes for a beginning to be sold at half price & the half price to be laid out in more potatoes in like manner, as a help to the smaller holders". Thus, although the smaller tenants at Ballyhealy were paying little or no cash in the Spring of 1848, Espine Batty nevertheless subsidised some of them in provision of potato seed.

The SK correspondence up to late 1848 does not provide any indication that any person was required to leave the Ballyhealy estate for reasons of arrears in rent. Morgan was replaced, as local agent, by George Witton, who arrived early in December 1848. Witton was probably tougher. The last letter to SK pertaining to the estate is from him. Dated 12 December 1848 it reported: "I gave over possession of the Land and House in Commonstown lately held by the Widow Nugent to Mr Tho's McEvoy .... I also got the Enclosed proposal signed by Andrew Devine and gave him possession of the Land given up by Widow Pakenham, and the House held by Hegarty, and I took down the other House as directed. The Corcorans I cannot get off without giving them 20 or 25 shillings so I must take the course of Law".

III

Although Fitzherbert's sexual activities were irresponsible, the SK correspondence indicates that in their dealings with the tenantry the Battys were sympathetic landlords. The correspondence has indicated that in 1846 Fitzherbert helped to obtain employment off the estate for the son of a widowed tenant; that in the same year he provided food and road work to some needy tenants; that Espine subsidised the provision of seed potatoes in 1848 and (possibly as one of a group of local landlords) that he seems to have borrowed from government in order to finance a drainage project in that year; that the Battys provided financial support for the school on the estate. It is of course true that some of the children at the school may have been illegitimate offspring of Fitzherbert and/or William Batty.

As also noted, the SK correspondence up to late in 1848 provides no evidence that any (legal) tenant on the estate was forced to leave because of arrears in rent. It also indicates that SK had a net claim against the estate by early 1848; that in the same year a small sum may have been paid to a squatter in order to induce him to leave; that SK's attitude toward defaulting tenants hardened toward the end of 1848; that around the same time, a few tenants appear to have surrendered their holdings, but that any compensation of such departing tenants seems to have been very small – recall Witton's observation on "the Corcorans".

It is likely that the Batty file is of more interest to social rather than economic historians. What is particularly interesting is the light it casts on the sexual behaviour of some members of a landed family vis-a-vis women below them in the economic and social hierarchy. Although tales and rumours abound, surprisingly little is known to historians about the sexual behaviour of landlords in Ireland vis-a-vis their tenants. Seamus MacPhilib has investigated the recorded folklore and other evidence on the subject[19].

As indicated by MacPhilib, "among those ... traditions which present Irish landlords in an unfavourable light is the tradition that they had the right to sleep with brides on the first night of marriage. This supposed right has commonly been called *ius primae noctis*"[20]. MacPhilib consulted 44 folklore accounts, involving Irish landlords and others in authority, on the supposed right of the first night. He found that many of the supposed male participants in such sexual acts were of Catholic and indigenous Irish origin, rather than landlords whose progenitors had come from Britain. MacPhilib went on to consider 96 records, obtained from folklore, concerning more general perception of landlord sexual activity (not merely on the "first night"). He noted that "the most common theme among recorded oral traditions of other types of sexual activity of landlords is that they were often the fathers of illegitimate children ....

There are several related ... traditions concerning the maintenance of mistresses by landlords"[21]. MacPhilib concluded that "the Irish folk tradition of *ius primae noctis* is not borne out by other types of sources to any significant extent"; however, "there is a much greater degree of concurrence between folk tradition and other types of sources with regard to other forms of sexual behaviour of the landed classes"[22]. Some of these "other types of sources" cited by MacPhilib express suspicions or mere allegations rather than well documented facts. For example, the most celebrated case of murder of a nineteenth century landlord in Ireland allegedly because of his sexual adventures with tenants is that of the third Earl of Leitrim in 1878, but MacPhilib reports that the Earl

> is depicted in a lustful light in ... some contemporary accounts[23] .... Leitrim's batchelorhood undoubtedly lent itself to imputation of lasciviousness on his part. Otherwise it appears that there was nothing in particular in his diaries to suggest this, nor indeed is he accused of it in the reports of police and of poor law inspectors who accuse him of a host of other malpractices. It may be that the imputation of lasciviousness to him is primarily a way of denigrating him, of underlining and illustrating his oppressive character in the minds of many and of lending some justification for his assassination .... There may be some significance in the fact that in his will Leitrim bequeathed £20 to each of his female servants but made no similar bequest to his male servants[24].

The SK correspondence on the Battys provides facts rather then allegations in regard to the sexual activities of an Irish landlord and his brother. It is interesting to observe that in the 1840s the cost of getting rid of former sexual associates of the Battys must have been greatly in excess of that involved in getting rid of any "ordinary" tenants. The costs to Fitzherbert of settlement with the "pauper" Brigid Gaffney were certainly more than £50. Her name is not listed among those on the estate in 1854. A similar observation applies to Mary McNally and the woman named Monaghan. Finally, there was William Batty's "disgraceful connexion" with the female named Caffrey. It will be recalled that he was willing to pay as much as £300 to have Ms Caffrey and her children emigrated.

The number of illegitimate children fathered by Fitzherbert and William Batty is unknown. It is probable that there were several. In regard to Fitzherbert, Espine Batty referred to two illegitimate children but he thought that they were not "the <u>only ones</u>", as he had "heard surnames of more" and he feared "prospects of more turning up as claimants". In revealing some details of the sexual activities of the Battys, the SK

correspondence yields insights into an aspect of Irish social history about which very little else is firmly known. It should be noted that the details on these matters in the SK correspondence probably represent the mere “tip of an iceberg”: the details were provided, not in admiration of the sexual prowess of the two Batty brothers, but in efforts to minimize the costs associated with consequences of their sexual activities.

Notes

1. The author is senior lecturer in economics at University College Dublin. He thanks the Business Research Programme, Michael Smurfit Graduate School of Business at UCD, for financial assistance in the larger project from which the present article is drawn.

2. In November 2000 Jim Donnelly informed me that he had "knocked on the doors" of Messrs J.R. Stewart & Son "in the late 1960s" seeking information on a particular estate but that he "was dismissed without even discovering what kind of records the firm actually had".

3. Gordon Winter, *Secrets of the Royals* (New York, 1989 and London, 1990), 24.

4. According to Winter, 24-25, "the cause of death was not disclosed to the public. But one basically honest historian couldn't resist stating ... that a half-finished letter, found in Lord P's study, 'showed he had died in harness'".

5. In May 1841 William Sherlock was confined to the Sheriff's Prison in Dublin, apparently for debt. He was then both physically and mentally ill. The SK correspondence provides no definite evidence that he ever married. A letter from Stewart to Kincaid in February 1842 refers to the possibility of having him "moved" from prison into care elsewhere, and it adds: "There would be no trouble in taking charge of him now if the wife can be kept away but she will become restive when she loses the £10 a week". In the SK correspondence, letters referring to the spouses of clients do so in a respectful manner. Stewart's reference to "the wife" of Sherlock seems to have been to a mistress.

6. Edward Walford, *The County Families of the United Kingdom* (London, 1860), 38.

7. Pettigrew and Oulton, *The Dublin Almanac ... 1846*, 270. A modern house is today on the site of the Batty residence.

8. *Counties of Meath and Westmeath, Valuation, Union of Castletowndelvin* (Dublin, 1854), 2-11.

9. SK paid a half yearly jointure to Mrs Louisa Batty (apparently Fitzherbert Batty's mother), who resided at Portarlington in Queens County. Kincaid's son William seems to have gone to boarding school there. In May 1846 Louisa informed Kincaid: "Your son often dines with me".

10. Walford, 1860, 38. No person named Kincaid or Kinkeade is listed in the Dublin directories of the first two decades of the

nineteenth century. Like his partner Stewart, it seems that Joseph Kincaid had links with the province of Ulster. No person named Kincaid was listed by Leet in 1814. However, a "John Kinkeade" was listed at Newtownhamilton, Co Armagh: See Ambrose Leet, *Directory to the ... Noted Places in Ireland*, second edition (Dublin, 1814), 383. No other "Kinkeade" was listed by Leet. It seems that John Kincaid, MD, was the same person as "John Kinkeade".

11. Walford, 1860, 38.

12. Edward Walford, *The County Families of the United Kingdom* (London, 1893), 62.

13. See note 8 above.

14. Mary McNally to SK, n. d., 1848.

15. Pettigrew and Oulton, *The Dublin Almanac ... 1848*, 574, lists a Mrs Ruxton at 1 Merrion Square in Dublin City.

16. A letter from Fitzherbert Batty to SK, 5 August 1844, lists rent receipts from various named tenants, including a "Widow Caffrey".

17. *Return of Owners of Land ... in Ireland* (Dublin, 1876), 82.

18. In 1846-7 the Board of Works, a government agency, organized major schemes of public works. In 1846-9 it considered applications for loans, to be repaid by proprietors, in order to finance improvements such as drainage on or affecting the estates of those proprietors.

19. Seamus MacPhilib, "Ius Primus Noctis and the Sexual Image of Irish Landlords in Folk Tradition and in Contemporary Accounts", *Bealoideas, The Journal of the Folklore of Ireland Society*, (vol. 56, 1988), 97-140. I thank my colleague Cormac O Grada for indicating this reference to me.

20. MacPhilib, 100.

21. MacPhilib, 116, 120.

22. MacPhilib, 135.

23. An account of the alleged sexual behaviour of the third Earl of Leitrim (William Clemence) has been provided by James Keegan, a Catholic priest from Co Leitrim who emigrated to the USA. *Redpath's Weekly* was published in New York, and Keegan wrote for it under the name "Pastheen Fionn". In the issue dated 8 December 1883 he wrote as follows: "One of the motives for the eviction of the Catholics [by Clemence] was in order for the

people of other religions, or of no religion, who had fair wives and daughters and were not chary of their virtue, to be in convenient distance of the [Clemence] castle. I have never been able to make out a single case of a Catholic girl being ruined by Lord Leitrim in the county of Leitrim. To their credit be it spoken, there were Protestants - notably one man - who gave up his house and farm sooner than sacrifice his daughter to the hoary reprobate .... It is not universally true ... that his Lordship's 'servant girls' were all sent off to England and America and elsewhere. No; his Lordship made exceptions; he married some of them to his Orange tenants, and when the happy men afterwards resented further familiarities and refused to live with such vile women, his Lordship evicted them". It therefore seems that in Keegan's opinion Clemence specialized in having sex with Protestant women and girls. We have no means of verifying Keegan's account. I thank my former colleague James Heslin, now retired, for giving me a copy of Keegan's article, cited above.

24. MacPhilib, 126-8.