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Central Aspects of the Eighteenth-Century Constitutional Framework in Ireland: The Government Supply Bill and Biennial Parliamentary Sessions, 1715-82[1]

The 'Glorious Revolution' of 1688-9 created the circumstances, in theory, for the advent of regular parliaments in Ireland and a new form of constitutional relationship between the Irish executive and legislature, along the lines of developments in England. However, the reality was very different. In fact, the central aspects of the eighteenth-century Irish constitutional framework were born out of post-Revolution political conflict and compromise over the question of the provision of money for the government's financial needs. The 1689-91 war in Ireland precipitated the government's financial difficulties. In 1691-2 the new Williamite executive quickly discovered that the hereditary revenue could not cover the war-related increase in public expenditure, a fact which resulted in the rapid escalation of pay arrears on the Establishment. From 1697-8 onwards expenditure was increased further by the use of Ireland as a barracks for a significant part of England's standing army. It was these financial pressures that forced the government to look to the Irish parliament for relief.[2]

The political conflict commenced in the first post-Glorious Revolution parliament, in 1692, when the House of Commons claimed to have the sole right to prepare supply legislation and rejected one of the government's two supply bills

[1] Although in the eighteenth century the government bill was usually referred to as a 'money bill', for the sake of clarity and descriptive emphasis I have chosen throughout this article to use the terminological phrase 'supply bill'.

[2] C.I. McGrath, *The Making of the Eighteenth-Century Irish Constitution: Government, Parliament and the Revenue, 1692-1714* (Dublin, 2000).

because it did not originate in the Lower House, thereby attacking two interrelated and central elements of the existing constitutional relationship, Poynings' Law and the crown's prerogative in initiating supply legislation. As a result of this 'sole right' claim, the 1692 parliament was dissolved without any further sessions being convened.[3] The compromise commenced in the next parliament, in 1695. For their part, the Commons passed a government supply bill for imposing the main necessary supply provisions for one year, in recognition of the dictates of Poynings' Law and the crown's prerogative. The executive in turn recognised the right of the Commons to prepare all other legislation necessary for raising the remainder of the supply, and the Commons duly drafted and passed a number of acts of short duration which provided the government with a significant amount of extra income over the next four years. The success of the compromise ensured that further sessions of that same parliament were convened, in 1697 and 1698-9. In both sessions the Commons voted additional supplies for the government. Continuing long-term financial shortages ensured that following the accession of Queen Anne a new parliament was convened in 1703, when the 1695 compromise was adhered to again. Thereafter the government was provided with the necessary extra income by means of additional supplies of short duration voted by the Commons in the ensuing sessions of that parliament in 1705, 1707, 1709, 1710 and 1711. In the short-lived parliament of 1713-14 the compromise on the government supply bill was adhered to again, though no further supplies were voted because of an

[3] J.I. McGuire, 'The Irish Parliament of 1692', in Thomas Bartlett and D. W. Hayton (eds), *Penal Era and Golden Age, Essays in Irish History, 1690-1800* (Belfast, 1979), pp 1-27.

outbreak of party-political conflict.[4]

From a broader perspective, the 1695 compromise was to become a central tenet of the eighteenth-century constitutional framework, and, therein, was to be a crucial factor in the re-interpretation of Poynings' Law and the crown's prerogative in initiating supply legislation in a context particular to that century. Between 1695 and 1714 the executive and legislature created a working relationship based upon the 1695 compromise, with both sides accepting a number of principles which were central to the new constitutional framework. First, in adherence to the dictates of Poynings' Law and in recognition of the crown's prerogative, a government supply bill of short duration was to be passed in the first session of a new parliament, and thereafter was to be extended by means of legislation which originated with the Commons in both the first and all ensuing sessions of that parliament. Second, the preparation of such legislation was to be carried out by means of the 'heads of bills' procedure, whereby, as a method for allowing a legislative initiative to parliament (despite the restrictions imposed by Poynings' Law), bills could be prepared in a given House as 'heads' and then sent to the Irish privy council for drafting in the form of a standard bill. Third, parliamentary provision of money was to be based on a two-year duration of taxation, thereby dictating that parliamentary sessions would take place biennially. Fourth, the ways and means of raising taxation were to be the preserve of the Commons. Fifth, the government was to be accountable to parliament in relation to public income.[5]

[4] McGrath, *Irish Constitution*, chs. 3-7; Idem, 'Parliamentary Additional Supply: The Development and Use of Regular Short-Term Taxation in the Irish Parliament, 1692-1716', *Parl. Hist.*, xx (2001), pp 27-54.

[5] McGrath, *Irish Constitution*, passim; Idem, 'Additional Supply', pp 27-54.

The combination of these principles gave control of the public purse-strings to parliament and ensured that for the first time in its history the Irish parliament met on a regular basis and functioned as an essential part of the governmental system. By the time the first Hanoverian parliament convened in November 1715, the nature of the eighteenth-century constitutional framework had been established on the basis of the principles developed between 1695 and 1714. The question remains, however, how did that framework function in the period 1715-82? The aim of this article is to address that question through an examination of two of the aforementioned principles: the first, regarding the government supply bill, and the third, regarding biennial sessions.

I

Public income and expenditure continued to grow during 1715-82. The increase in public income was due primarily to the continuing developments in short-duration taxation, with increased rates on existing additional duties and the addition of new commodities to the schedule of goods liable for additional duties.[6] However, expenditure exceeded income for most of the period, especially in later years.[7] The increase in government expenditure stemmed from factors such as the maintenance of a standing army and its later expansion, particular security crises, the proliferation of

[6] For example, the additional duties in 1714 were valued at about £85,000 p.a., and in 1778 at about £240,000 p.a. (T.C.D., MS 2022, ff 110-12; *The Journals of the House of Commons of the Kingdom of Ireland* (3rd edition, Dublin, 1796-1800), x, appendix, pp xii-xiii, xix).

[7] *House of Commons' Parliamentary Papers, 1801-1900: Public Income and Expenditure, Session 1868-9,* xxxv, 366 pt. i, 434-9.

public works, and the enlarging of the civil Establishment.[8] The excess government expenditure was provided for by the creation and maintenance of a national debt. The first parliament-sanctioned loan to the government was made in 1716. Thereafter, apart from a brief respite in the 1750s, further borrowing was sanctioned at various times by parliament, and the repayment legislated for in supplementary, or secondary, supply acts.[9]

Given the constitutional framework that had evolved by 1714, parliamentary legislation was the primary option for dealing with the continuing financial pressures on government after 1714. In the period 1715-82 there were 85 main supply acts passed in the Irish parliament, 82 of which originated as heads of bills in the Commons. Apart

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[8] *The Statutes at Large Passed in the Parliaments Held in Ireland* (Dublin, 1763-1801), vols. iv-xii; *C.J.I.*, vols. iii-x; *Parliamentary Papers*, xxxv, 255-321; Thomas Bartlett, 'The augmentation of the army in Ireland 1767-1769', *EHR*, xcvi (1981), pp 540-59; Eoin Magennis, 'Coal, Corn and Canals: The Dispersal of Public Moneys, 1695-1772', *Parl. Hist.*, xx (2001), pp 71-86; Idem, *The Irish Political System 1740-1765: The Golden Age of the Undertakers* (Dublin, 2000), pp 40-61; A.J. Guy, 'The Irish Military Establishment, 1660-1776', in Thomas Bartlett and Keith Jeffery (eds.), *A Military History of Ireland* (Cambridge, 1996), pp 211-30.

[9] *Stat. Ire.*, iv, 325-7; 702-10; vii, 6-15, 104-11, 619-22, 801-7, 809-20; ix, 7-17, 272-85, 489-503; x, 6-22, 71-87, 342-56, 647-62; xi, 13-29, 311-33, 353-72, 407-22; xii, 19-50; *C.J.I.*, iii, 60, 74-6, 80, 86, 92-3, 98, 112; iv, 456, 458, 462-5; vii, 13, 95, 97-8, 108-10, 117-18, 147-9, 151-2; T.J. Kiernan, *History of the Financial Administration of Ireland to 1817* (London, 1930), pp 145-6, 149, 160; S.J. Connolly, 'The Defence of Protestant Ireland, 1660-1760', in Bartlett and Jeffery, *Military History*, pp 239-40; David Dickson, *New Foundations: Ireland 1660-1800* (Dublin, 1987), pp 85-7; R.V. Clarendon, *A Sketch of the Revenue and Finances of Ireland and of the Appropriated Funds, Loans and Debt of the Nation from their Commencement* (Dublin, 1791), appendix, p. xvi; Magennis, *Political System*, pp 133-43; F.G. James, *Ireland in the Empire, 1688-1770* (Cambridge, Mass., 1973), pp 259-61; Bartlett, 'Augmentation', pp 540-59.

from this clear statistical evidence of the government's almost complete reliance upon the Commons for the provision of the necessary extra public income in the period, the most immediate impression arising from this legislation was the consistency in the short-term duration of the acts, a fact which demonstrated the constant adherence in the Commons from 1715 onwards to the principle that parliamentary provision of money was to be based on a two-year duration of taxation, thereby dictating that parliamentary sessions would take place biennially. There were a total of 36 sessions between November 1715 and July 1782, a period of 66 years and eight months, which equates to two more sessions than were requisite for biennial meetings in the given timeframe. It is not surprising, therefore, to find that the main supply legislation was enacted in 34 of the 36 sessions. The two exceptions occurred in 1771 and 1776, at a time when there was no need to renew the existing supply legislation.[10]

Less obvious amid the 85 supply acts was the initial adherence to, and later the alteration to, the procedure on the government supply bill in the first session of a new parliament. The main reason why this procedure was less obvious was because of the fact that prior to the passage of the Octennial Act in 1768 the only time that it was necessary on constitutional grounds to dissolve a parliament was upon the death of a monarch. This constitutional practice was adhered to throughout the period 1715-68, so that only three new parliaments were convened during that time, in 1715, 1727 and 1761. Thus, the question of a government bill only occurred on those three occasions. Following the passage of the Octennial Act, new parliaments were convened in 1769 and 1776. On both occasions the question of the government bill arose again.

[10] *Stat. Ire.*, vols. iv-xii. For a list of sessions, see D.W. Hayton, 'Introduction: The Long Apprenticeship', *Parl. Hist.*, xx (2001), pp 23-5.

However, legislative independence in 1782 ensured the final removal of the question from Irish politics before another new parliament was convened.[11]

II

The death of Queen Anne and accession of George I in 1714 resulted in the dissolution of the 1713-14 parliament, while ongoing financial difficulties ensured that a new parliament was summoned in 1715. In keeping with existing government practice, the Irish executive in 1715 chose to adhere to the basic tenets of the 1695 compromise in relation to the government supply bill. However, by the time of George I's accession some of the details in relation to the government bill had changed since the original compromise. The government bill presented to the Commons in 1695 had been of one year's duration and had imposed additional duties on beer, ale and spirits.[12] In the next new parliament, in 1703-4, the executive presented the same bill in terms of duration and duties imposed. However, in the next new parliament, in 1713, the executive adopted a variation on a theme, by presenting a bill for re-imposing, for three months only, the expanded main schedule of additional duties (on beer, ale, spirits, tobacco, muslin and silk) imposed in the Commons' supply act of 1711, which was due to expire on 25 December 1713. The intention behind these alterations was to ensure that none of the existing schedule of additional duties expired before the Commons had time to draft, and parliament to pass, the necessary legislation for renewing the whole schedule for a further two years. The increased size of the schedule of duties covered in the government bill, which could have been perceived as an attempt by the executive to

[11] *Stat. Ire.*, iv, 315-17; v, 193-8; vii, 801-7; ix, 504.

[12] The 1695 bill was a copy of the only government supply bill to be passed in 1692.

regain lost ground in relation to control of public income, was off-set by the reduced duration of the bill. As such, the 1713 government bill was a bridging measure, which in fact was based upon the precedents set by the Commons in their own bridging acts during the sessions of 1709 and 1710.[13] In contemporary Irish political circles these types of bills were referred to as 'short' duration supply bills.[14]

Given these developments, it was not surprising that upon convening parliament in November 1715 the Irish executive presented a supply bill of short duration, which re-imposed for six months the schedule of additional duties imposed in the 1713 government bill.[15] However, while there had not been any discussion about the duration or schedule of duties in the bill within Irish or British government circles prior to summoning parliament, the bill's commencement date created a degree of debate, and ultimately accounted for the Irish executive's failure to adhere in full to the Commons' accepted understanding of the proper procedural timetable for the government bill in parliament.

Despite having originally inserted a commencement date of 1 November in the draft bill, in October the Irish executive had pressed the British privy council, which had already altered the date to 21 November, to change it once again, this time to 1 December. The reason for such a request rested on the fact that the convening of parliament had been postponed to 12 November, which left too little time thereafter for proper adherence to the Commons' procedural timetable. The Irish lords justices argued that at least twenty days were needed for passing the bill in both Houses. Any

[13] McGrath, *Irish Constitution*, pp 37-48, 101-2, 159-64, 267-8, 274-5, 281, 285; Idem, 'Additional Supply', pp 27-54.

[14] B.L., Add. MS 61634, ff 73, 85, 89-90; P.R.O., SP 63/369/158, 160.

[15] *Stat. Ire.*, iv, 315-17; James, *Ireland in Empire*, p. 87; McGrath, 'Additional Supply', p. 52.

shorter timeframe could cause difficulties, 'as the people … would take it ill to be obliged to pass a money bill in a hurry, or for want of due time to give the duty with a retrospect'.[16] Despite these arguments, the British council decided against altering the commencement date again, so that it became incumbent upon the Irish executive to present the bill in precipitate fashion.[17]

Prior to the convening of parliament the archbishop of Dublin, William King, had tried to explain to the British council that before any supply bill could be presented in the Commons, 'there must be a motion for a supply, [and then] that [motion] voted in a committee of the whole House and reported and agreed to'. Although King was in error, the procedural timetable having evolved beyond that point as early as 1703, the Irish executive chose to act in accordance with King's interpretation of the process.[18] Thus the bill was withheld from the House until after the Commons had gone through the process of the initial consideration of the opening speech, the preliminary motion for a supply, the convening of the committee of the whole House on supply, and the agreement of the House on 16 November with that committee's resolution that a supply be granted. The government bill was then presented, and had passed through all its various stages in the Commons by 19 November.[19]

However, although in 1695 the government bill had been presented several days before the Commons had even resolved to grant a supply, on the basis of the precedents

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[16] P.R.O., SP 63/373/189-90; PC 2/85/145-6 [pp 282-4]; Joseph Griffin, 'Parliamentary Politics in Ireland during the Reign of George I' (M.A. thesis, UCD, 1977), pp 20-1.

[17] P.R.O., SP 63/373/205.

[18] P.R.O., SP 63/373/148-9. For the procedural timetable, see McGrath, *Irish Constitution*, chs. 3-7.

[19] *C.J.I.*, iii, 10-16, 18-20. For the accounts committee, see McGrath, *Irish Constitution*, chs. 3-7; Hayton, 'Long Apprenticeship', pp 13-14.

established thereafter, in 1703 and 1713, it had become the norm for the all-important select committee of public accounts to be appointed before presentation of the government bill. In fact, in 1713 a number of MPs had objected to the fact that the appointment of the accounts committee had been immediately followed by the presentation of the government bill, and instead argued that the House's usual method of proceeding was that no supply bill, of any kind whatsoever, should be taken into consideration until after the report from the accounts committee and the voting of a quantum in the ensuing supply committee. The validity of such a claim was evident from the Commons' own proceedings on heads of supply bills in the sessions of 1705, 1707, 1709, 1710, and 1711.[20] Yet in 1715 the accounts committee was not even appointed until 18 November, and did not make its report until 10 December.[21]

While there had not been any attempt to attack the government bill because it had been presented in precipitate fashion, following the third reading and passing of the bill Henry Singleton, 'a Tory lawyer, moved a question that for the future the House should not receive any bills of the like kind that first did not take its rise in their House'. Singleton's attempt to revive the 'sole right' claim was negated by a motion to proceed with the order of the day, which was carried 117-57.[22] However, the more significant point, that the bill had been presented in precipitate fashion, was not overlooked by the Commons, for despite the alacrity with which the Lower House had proceeded on the bill, a standing order was passed in May 1716 'that no money bill be read in this House

[20] B.L., Add. MS 61637 B, f. 8; McGrath, *Irish Constitution*, pp 163-4, 274, passim.

[21] *C.J.I.*, iii, 19, 44.

[22] P.R.O., SP 63/373/256-7; R.E. Burns, *Irish Parliamentary Politics in the Eighteenth Century* (2 vols., Washington, D.C., 1989-90), i, 54-7.

until the report from the committee of accounts be first made'.[23]

The Commons, for their part, adhered to their side of the 1695 compromise in the 1715-16 session. The duties imposed in the government bill were extended by the Commons, by means of heads, for a further 18 months, bringing the whole time for imposition of the additional duties to two years. The act also included the first provision for a loan to the government, and for repayment of the ensuing debt.[24] The Commons also prepared, again by heads, a separate supply act of 22 months' duration for imposing new additional duties and taxes in order to provide further income for the government's revenue at large. The reduced duration was a matter of rationalisation, as it stemmed from the desire to have one terminal date for all of the duties and taxes.[25]

A further five sessions of the 1715-16 parliament were convened, in 1717, 1719, 1721-2, 1723-4 and 1725-6. All of the supply legislation passed in all five sessions originated as heads in the Commons, while the schedule of duties was expanded in 1717, 1719 and 1725-6. In four of the sessions the existing schedule of duties and taxes was extended for two-year periods. The only exception occurred in 1719, when the duration was increased to two years, one month and four days, in order to bring the terminal date for all duties and taxes to the end of the year. At the same time, the two supply acts, as passed in both 1715-16 and 1717, were combined into one act. However, despite these adjustments to the supply legislation, ultimately the Commons' continued adherence to a policy of supply acts of short duration ensured the continued meeting of parliament for supply purposes on a biennial basis.[26]

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[23] *C.J.I.*, iii, 91.

[24] *Stat. Ire.*, iv, 325-7; *C.J.I.*, iii, 92.

[25] *Stat. Ire.*, iv, 7-10, 318-20; *C.J.I.*, iii, 52-3, 73.

[26] *Stat. Ire.*, iv, 431-8, 504-8; v, 1-5, 75-81, 137-42; *C.J.I.*, iii, 208-10.

Table 1: *Origin and duration of supply acts, 1715-26*

Session	Act	Origin	Dates	Duration
1715-16	2 GI 1	Govt	21/11/1715–21/05/1716	6 months
	2 GI 3	Parlt	31/01/1716–21/11/1717	1 year, 10 mths
	2 GI 7	Parlt	21/05/1716–21/11/1717	1 yr, 6 mths
1717	4 GI 1	Parlt	21/11/1717–21/11/1719	2 yrs
	4 GI 2	Parlt	21/11/1717–21/11/1719	2 yrs
1719	6 GI 4	Parlt	21/11/1719–25/12/1721	2 yrs, 1 mth, 4 days
1721-2	8 GI 1	Parlt	25/12/1721–25/12/1723	2 yrs
1723-4	10 GI 1	Parlt	25/12/1723–25/12/1725	2 yrs
1725-6	12 GI 1	Parlt	25/12/1725–25/12/1727	2 yrs

Source: *Stat. Ire.*, vols. iv-v.

III

In the new parliament of 1727-8, following the accession of George II, the 1695 compromise was adhered to once again with the passage of a government supply bill of three months' duration. The 1727 bill, in keeping with the policy pursued in 1713 and 1715, re-imposed the main schedule of additional duties imposed by the existing legislation. The relevant act in this case was that which had been drafted as heads in the Commons in 1725, and was due to expire on 25 December 1727. However, the schedule of duties had been much expanded by the Commons since 1715-16, though as in 1713 and 1715, the broadening of the scope of duties in the 1727 government bill was ameliorated by the shortening of the duration, and was intended to ensure that the Commons had time to deliberate on the remainder of the supply before the existing

duties expired.[27] However, despite the standing order of May 1716, the government bill was once again presented in precipitate fashion, on 4 December, following on from the agreement of the Commons with the resolution of the supply committee that a supply be granted, and before the accounts committee report.[28]

In fact, the government bill passed on 9 December, long before the report from the accounts committee on 21 December. However, the large number of election petitions at the beginning of the session was a mitigating factor in breaking with precedent, as was the fact that parliament had not convened until 28 November, thereby leaving little time for passing the government bill, which was due to take effect from 25 December. Despite a certain amount of opposition to the bill when it was first presented in the Commons, in particular from Agmondisham Vesey, who reminded the House that no supply bill should be received until after the report from the accounts committee, a formal division was avoided and the bill proceeded unhindered. In truth, the exigency of present affairs represented a legitimate, and as it proved, successful argument for passing the bill at that point in time. In such circumstances the Commons had little option other than to restate the standing order of 1716 immediately after the government bill had passed.[29] While repeating an existing standing order might seem pedantic, there

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[27] *Stat. Ire.*, v, 193-8; McGrath, *Irish Constitution*, pp 267-8, 274-5, 281-2, 285-6.

[28] *C.J.I.*, iii, 471, 475, 479-82; James, *Ireland in Empire*, p. 142.

[29] *C.J.I.*, iii, 463, 482-3, 489; *The Representation of the L[ord]s J[ustice]s of Ireland, Touching the Transmission of a Privy Council Money Bill previous to the Calling of a New Parliament. In two Letters. Addressed to His Grace the Duke of Bedford* (Dublin, 1770), pp 5-6, 19; Patrick McNally, *Parties, Patriots and Undertakers: Parliamentary Politics in Early Hanoverian Ireland* (Dublin, 1997), p. 190; Burns, *Parliamentary Politics*, ii, 301; Dickson, *New Foundations*, p. 129; Thomas Bartlett, 'The Irish House of Commons' Rejection of the "Privy Council" Money Bill in 1769: A Re-Assessment', *Studia Hibernica*, xix (1979), p. 69.

was always the danger that the precipitate fashion in which the bill had been presented in 1715 and 1727 could in theory become a precedent. However, even though the 1715 and 1727 bills were presented at exactly the same point in the supply process, it does not appear that the executive was trying to establish a precedent, though of course it is possible that such an intention existed.

In keeping with their side of the 1695 compromise, the 1727-8 Commons extended the government act, by means of heads, for a further year and nine months, bringing the duration up to two years. At the same time, the Lower House re-introduced a tax which had been left out of the government bill and increased one of the existing duties. Thereafter, in the following sixteen sessions of George II's parliament, the constant two-year extension of the supply legislation by the Commons ensured the continuation of biennial sessions. In keeping with previous practice, the Commons from time to time expanded the scope of the schedule of additional duties as and when the government's financial needs increased.[30]

During this same period the Commons also introduced, again by heads, a new innovation in supply legislation. The failure during the 1720s to repay any of the national debt out of the revenue at large, which consisted of the hereditary revenue and the revenues derived from parliamentary additional duties and taxes, led to the introduction by the Commons in 1729 of a supplementary, or secondary, two-year supply act in which new additional duties were appropriated for the sole purpose of paying the interest and repaying the principal sum of the national debt. Thereafter this act was renewed by the Commons every two years, up to and including the session of

[30] *Stat. Ire.*, v, 201-6, 333-40, 483-92; vi, 1-9, 171-80, 389-98, 479-89, 601-12, 639-50, 698-710, 805-17; vii, 1-15, 99-111, 255-60, 271-6, 491-7, 613-22.

1751-2.[31] In 1753, with the national debt almost cleared and a revenue surplus in the treasury, the Commons allowed the secondary act to lapse and instead drafted heads of a bill for appropriating the government surplus for repayment of the remainder of the debt. Thus the 'money bill dispute' of 1753 was not over a supply bill, but a debt repayment bill which had originated as heads in the Commons, and in which there was no provision for raising revenue. While the debt repayment bill was rejected amid a constitutional conflict over control of expenditure, the main supply act, which, as usual, had been drafted as heads by the Commons and imposed the schedule of duties voted for the purposes of providing income towards the government's revenue at large, passed without hindrance. However, the return to government borrowing in 1759 resulted in the re-introduction by the Commons in that year of the secondary supply act.[32]

Table 2: *Origin and duration of supply acts, 1727-60*

Session	Acts	Origin	Dates	Duration
1727-8	1 GII 1	Govt	25/12/1727–25/03/1728	3 months
	1 GII 4	Parlt	25/03/1728–25/12/1729	1 year, 9 mths
1729-30	3 GII 1	Parlt	25/12/1729–25/12/1731	2 yrs
	3 GII 2	Parlt	25/12/1729–25/12/1731	2 yrs
1731-2	5 GII 1	Parlt	25/12/1731–25/12/1733	2 yrs
	5 GII 2	Parlt	25/12/1731–25/12/1733	2 yrs
1733-4	7 GII 1	Parlt	25/12/1733–25/12/1735	2 yrs

[31] *Stat. Ire.*, v, 337-40, 487-92; vi, 5-9, 175-80, 393-8, 483-9, 605-12, 643-50, 702-10, 810-17; vii, 6-15, 104-11.

[32] *C.J.I.*, v, 187-90, 202-5, 208, 211; *Stat. Ire.*, vii, 255-60, 271-6, 491-7, 613-22. For the 1753 dispute, see Declan O'Donovan, 'The Money Bill Dispute of 1753', in Bartlett and Hayton, *Penal Era*, pp 55-87; Burns, *Parliamentary Politics*, ii, 120-83; J.L. McCracken, 'The Conflict between the Irish Administration and Parliament, 1753-6', *IHS*, iii (1942-3), pp 159-79.

	7 GII 2	Parlt	25/12/1733–25/12/1735	2 yrs
1735-6	9 GII 1	Parlt	25/12/1735–25/12/1737	2 yrs
	9 GII 2	Parlt	25/12/1735–25/12/1737	2 yrs
1737-8	11 GII 1	Parlt	25/12/1737–25/12/1739	2 yrs
	11 GII 2	Parlt	25/12/1737–25/12/1739	2 yrs
1739-40	13 GII 1	Parlt	25/12/1739–25/12/1741	2 yrs
	13 GII 2	Parlt	25/12/1739–25/12/1741	2 yrs
1741-2	15 GII 1	Parlt	25/12/1741–25/12/1743	2 yrs
	15 GII 2	Parlt	25/12/1741–25/12/1743	2 yrs
1743-4	17 GII 1	Parlt	25/12/1743–25/12/1745	2 yrs
	17 GII 2	Parlt	25/12/1743–25/12/1745	2 yrs
1745-6	19 GII 2	Parlt	25/12/1745–25/12/1747	2 yrs
	19 GII 3	Parlt	25/12/1745–25/12/1747	2 yrs
1747-8	21 GII 1	Parlt	25/12/1747–25/12/1749	2 yrs
	21 GII 2	Parlt	25/12/1747–25/12/1749	2 yrs
1749-50	23 GII 1	Parlt	25/12/1749–25/12/1751	2 yrs
	23 GII 2	Parlt	25/12/1749–25/12/1751	2 yrs
1751-2	25 GII 1	Parlt	25/12/1751–25/12/1753	2 yrs
	25 GII 2	Parlt	25/12/1753–25/12/1753	2 yrs
1753-4	27 GII 1	Parlt	25/12/1753–25/12/1755	2 yrs
1755-6	29 GII 1	Parlt	25/12/1755–25/12/1757	2 yrs
1757-8	31 GII 1	Parlt	25/12/1757–25/12/1759	2 yrs
1759-60	33 GII 1	Parlt	25/12/1759–25/12/1761	2 yrs
	33 GII 2	Parlt	25/12/1759–25/12/1761	2 yrs

Source: *Stat. Ire.*, vols. v-vii.

IV

The lengthy reign of George II ensured that the question of a government supply bill did not arise for another 33 years after 1727, because the parliament elected at that time continued to sit biennially until 1759-60. George II's death in October 1760 caused the

dissolution of that parliament and the election of a new one in 1761. The great length of time, the continuing evolution in both parliamentary procedure and the undertaker system in the intervening years, and the changed people and personalities in both British and Irish politics by 1760 ensured that the questions of the government supply bill, the 'sole right', and, ultimately, the constitutional framework, were revisited.[33]

Initial opposition in late 1760 from the Irish lords justices (who were also the leading undertakers) and the majority of the Irish privy council to the British government's insistence upon the presentation of a government supply bill in the forthcoming new parliament led, eventually, to another compromise. Before such a compromise was reached, however, old arguments were revisited and new ones expounded. From the outset the British government insisted that it was a prerequisite that a supply bill be among the initial transmission of government bills certified by the Irish council into England as part of the 'proper causes' for summoning a parliament, in keeping with Poynings' Law and the crown's prerogative in initiating supply legislation. The counter-arguments from Ireland were more numerous, given that they were aimed at trying to alter a central aspect of the constitutional framework, by forcing another concession out of the British government in relation to Poynings' Law and the crown's prerogative.

It was argued in Ireland that the power of the Irish council to initiate legislation had fallen into disuse during George II's reign; that if parliament met in late 1760 there would be no practical reason for presenting a government supply bill because the additional duties would not expire for another year; that if there was no financial need

[33] Magennis, *Political System*, pp 144-57; James Kelly, 'Monitoring the Constitution: The Operation of Poynings' Law in the 1760s', *Parl. Hist.*, xx (2001), pp 95-9.

on the part of government when parliament met, then there was no constitutional necessity for a government supply bill; that such a bill would provoke unnecessary heats, would be rejected, and probably lead to a dissolution; and that the standing orders of 1716 and 1727, that no supply bill be received until after the report from the accounts committee, precluded a supply bill from being part of the 'proper causes', on the grounds that all government bills sent from England as 'proper causes' would have to be presented, in accordance with Poynings' Law, on the opening day of the session.[34] In the last case, the accepted procedural timetable on supply bills was being used as a disingenuous argument against the transmission of any government supply bill, on the grounds that such a bill would have to be presented on the opening day, and therefore would be rejected on the basis of the standing orders of 1716 and 1727.[35] However, it does not appear that the British government at any time argued that the supply bill had to be read on the opening day, only that it had to be in the all-important first transmission of government bills which served as 'proper causes'. The salient point was that the passing in the Irish Commons at some point during the session of a government supply bill transmitted out of England as part of the 'proper causes' was considered in Whitehall to be crucial for the upholding of Poynings' Law and the crown's prerogative.

A compromise was finally agreed in early 1761. Instead of presenting a government bill for continuing for three months the much expanded schedule of duties

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[34] P.R.O. SP 63/452/302-7, 326-9; Lord John Russell (ed.), *Correspondence of John, Fourth Duke of Bedford* (3 vols., London, 1842-6), ii, 421-3, 427-9; iii, 1-2; *Representation to Bedford*, pp 1-11, 16-26; H.M.C., *Various Collections*, vi, 75-8; *Calendar of Home Office Papers, 1760-5*, p. 6; Kelly, 'Monitoring the Constitution', pp 89, 95-8; Magennis, *Political System*, pp 146-8; Burns, *Parliamentary Politics*, pp 300-8; Bartlett, 'Money Bill', pp 69-70.

[35] H.M.C., *Various Collections*, vi, 75; Burns, *Parliamentary Politics*, p. 307.

comprised in the main supply act passed in 1759 and due to expire on 25 December 1761 (which would have been in keeping with previous practice), the British government agreed that the Irish executive could present a bill for continuing for three months the smaller schedule of duties appropriated for repayment of the national debt in the secondary supply act of 1759.[36]

The 1761 government bill, unlike those of 1715 and 1727, was not presented in precipitate fashion in the Commons. This was in part because of the fact that the 1761 session commenced on 22 October, two months before the secondary supply act of 1759 was due to expire, thereby allowing enough time for the Irish executive to adhere completely to the procedural timetable established by the Commons on government supply bills. At the same time, the executive's decision to adhere to the Commons' timetable was prompted in part by a desire not to give further ammunition to the opposition in light of the recent conflict between the Irish lords justices and privy council and the British government over the government supply bill, and the continuing fears that the ensuing compromise solution might come under attack in parliament.[37] The preliminary motion for a supply was made on 28 October, and the following day the first supply committee convened. On 30 October the House agreed to the supply committee's resolution that a supply be granted, and immediately thereafter the accounts committee was appointed. The report from the accounts committee was delivered on 11 November, and was considered by the supply committee the following

[36] *Stat. Ire.*, vii, 619-22; H.M.C., *Various Collections*, vi, 78-80; *Calendar of Home Office Papers, 1760-5*, pp 69-71; Magennis, *Political System*, pp 148-51; Kelly, 'Monitoring the Constitution', pp 98-9; Burns, *Parliamentary Politics*, pp 308-12; Kiernan, *Financial Administration*, pp 210-11; James, *Ireland in Empire*, pp 262-3; Bartlett, 'Money Bill', pp 69-70.

[37] *Calendar of Home Office Papers, 1760-5*, pp 69-71, 73, 76; H.M.C., *Various Collections*, vi, 78-9.

day. On 13 November the supply committee's resolutions, including that which set the quantum at over £1 million, were reported and agreed by the Commons. On the basis of the 1716 and 1727 standing orders, the point had now been reached when the government bill could be presented. Accordingly, the bill was presented on 14 November. However, as a sign of the changed times, and of the small but significant 'Patriot' opposition in the Commons, the motion for the first reading led to a formal division, which went in the government's favour 170-42. Thereafter the bill proceeded unhindered until the third reading on 19 November, when it was passed on a division, 147-37.[38]

The passing of the government bill represented the conclusion of a period of further re-adjustment, in parliament's favour, within the constitutional framework. Not only had the Irish executive adhered completely to the Commons' procedural timetable, but, more important, the British government had agreed to the introduction of a new precedent which undermined the constitutional significance of the government bill. The main difference between former precedents and that of 1761 was that the 1761 bill did not re-impose the much expanded schedule of duties voted biennially in the main supply act for the purposes of providing income towards the government's revenue at large. Instead, the bill re-imposed the more specialised and, in terms of amount and scope, restricted appropriated duties voted in the secondary supply act for accommodation of

[38] *C.J.I.*, vii, 11-14, 18-19, 22, 24, 28, 57, 60-2, 64, 67, 68, 69-71, 73; *Stat. Ire.*, vii, 801-7. In both divisions the tellers for the majority were the attorney-general and solicitor-general, while those for the minority in the first were William Brownlow and Edmund Sexton Pery, and in the second, Pery and Robert French. The tellers for the minority were considered to be 'Patriot' MPs (*C.H.O.P.*, 1760-5, pp 78-80; Magennis, *Political System*, pp 156, 159-61; David Lammey, 'The Growth of the "Patriot Opposition" in Ireland during the 1770s', *Parl. Hist.*, vii (1988), pp 261-2).

the national debt. As such, the 1761 compromise represented a further diminution in the importance of Poynings' Law and the crown's prerogative.[39]

The Commons, for their part, adhered to their side of the 1695 compromise in the 1761-2 session. The Lower House prepared and passed a supply act which extended the government act for a further 21 months, to comply with the usual two-year duration, and included provision for a new loan, for increases on the existing duties, and for extensive new appropriated additional duties and taxes.[40] The Commons also prepared and passed the main supply act which imposed for two years the all-important schedule of duties voted for the purposes of providing income towards the government's revenue at large. As usual, this schedule of duties re-imposed, and added to, the schedule in the main supply act which was due to expire on 25 December 1761.[41] In keeping with previous practice, in the following three sessions of the same parliament the duties and taxes in both the main supply act and the secondary act were extended on each occasion for a further two years by the Commons, thereby ensuring the continuation of biennial sessions. At the same time, further increased duties and new appropriated duties and taxes were included in the secondary act.[42]

Table 3: *Origin and duration of supply acts, 1761-8*

Session	Acts	Origin	Dates	Duration
1761-2	1 GIII 1	Parlt	25/12/1761–25/12/1763	2 years

[39] Magennis, *Political System*, pp 148-9; Kelly, 'Monitoring the Constitution', pp 98-9; Burns, *Parliamentary Politics*, p. 311.

[40] *C.J.I.*, vii, 85-8, 95, 97-8, 147-9, 151-2; *Stat. Ire.*, vii, 809-20.

[41] *C.J.I.*, vii, 65-9, 85, 88-92; *Stat. Ire.*, vii, 791-801.

[42] *Stat. Ire.*, ix, 1-17, 261-85, 479-503.

	1 GIII 2	Govt	25/12/1761–25/03/1762	3 months
	1 GIII 5	Parlt	25/03/1762–25/12/1763	1 yr, 9 mths
1763-4	3 GIII 1	Parlt	25/12/1763–25/12/1765	2 yrs
	3 GIII 2	Parlt	25/12/1763–25/12/1765	2 yrs
1765-6	5 GIII 1	Parlt	25/12/1765–25/12/1767	2 yrs
	5 GIII 2	Parlt	25/12/1765–25/12/1767	2 yrs
1767-8	7 GIII 1	Parlt	25/12/1767–25/12/1769	2 yrs
	7 GIII 2	Parlt	25/12/1767–25/12/1769	2 yrs

Source: *Stat. Ire.*, vols. vii-ix.

V

The recurring undercurrent of conflict over the government supply bill issue had in the past been ameliorated by the length of time between the convening of new parliaments.[43] However, the opposition to a government bill in late 1760 from the undertakers and privy council, the eventual compromise solution, and the ensuing opposition within the Commons to the compromise bill in 1761, represented a further polarisation between Whitehall and the Irish political nation on the issue. Ever since the 1695 compromise, Irish chief governors, and English ministries, had been able to rely, with some degree of confidence, upon their Irish parliamentary managers to secure a relatively smooth passage for the government bill in the first session of each new parliament.[44] In late 1760, however, those managers had created a new dimension to the issue by opposing from within the heart of the executive, and, to some extent, initiating a wider opposition to, the prospective government bill.[45] Although having been brought back within the government fold by the time parliament met in October

[43] Bartlett, 'Money Bill', p. 70; Kelly, 'Monitoring the Constitution', pp 95-6.

[44] McGrath, *Irish Constitution*, pp 93-102, 156-63, 264-75, 284-7.

[45] Magennis, *Political System*, pp 146-61.

1761, their earlier actions had caused an important alteration in the *modus operandi* on the issue.

The potential for this new dynamic in Anglo-Irish relations to prove problematic was strengthened by a number of factors which came to the fore during the 1760s. The increased activity of the 'Patriot' party revitalised opposition politics, while at the same time the undertakers grew further apart from the various chief governors and their British ministries, culminating in the critical split in 1767-8 over the proposals for an augmentation of the army in Ireland.[46] Possibly the single most important factor, however, was the passing in 1768 of the Octennial Act, which ensured that the long-time undercurrent of discontent over the government supply bill would no longer be ameliorated by the passage of time.[47]

The forceful expression of the political nation's discontent occurred following the summoning of the first new parliament, under the terms of the Octennial Act, in 1769. In keeping with the 1761 compromise, the executive prepared a bill for re-imposing for three months the expanded schedule of duties appropriated for repayment of the national debt, which duties had been imposed in the secondary supply act of 1767 and were due to expire in December 1769.[48] The new parliament convened on 17

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[46] Bartlett, 'Augmentation', pp 540-59; Idem, 'Opposition in late eighteenth-century Ireland: the case of the Townshend viceroyalty', *IHS*, xxii (1980-1), pp 313-16; James, *Ireland in Empire*, pp 264-70; James Kelly, *Prelude to Union: Anglo-Irish Politics in the 1780s* (Cork, 1992), pp 19-22; Lammey, 'Patriot Opposition', pp 261-2; M.J. Powell, 'The reform of the undertaker system: Anglo-Irish politics, 1750-67', *IHS*, xxxi (1998-9), pp 28-36.

[47] *Stat. Ire.*, ix, 504; Bartlett, 'Augmentation', pp 554-6.

[48] P.R.O., SP 63/430/162, 211-13; *Calendar of Home Office Papers, 1766-9*, pp 520-2; *Stat. Ire.*, ix, 489-503.

October.[49] As had occurred in 1761, the October commencement date in 1769 allowed more than enough time for the executive to adhere to the Commons' procedural timetable on the government bill. The executive's decision to adhere to that timetable, however, was probably in part because of the fact that on the second day of the session the Lower House had reaffirmed their earlier standing order of 1716 and 1727, 'that no money bill be read in this House until the committee of accounts shall have made their report'.[50] After a short recess, the preliminary motion for a supply was made on 2 November and was considered by the first supply committee the next day, while on 4 November the House agreed with the supply committee's resolution that a supply be granted, and the accounts committee was appointed. That committee's report was delivered on 20 November, at which point, according to the House's own standing order, the government bill could be presented. On 21 November the bill was presented and a motion was made, and passed, that the bill be read the first time. However, following the first reading the House divided 87-68 against a motion that the bill be read a second time the next day. A second motion, that the bill be rejected, went in the opposition's favour 94-71.[51] Proceedings on the bill concluded with the unopposed passage of a motion 'that the said bill is rejected, because it did not take its rise in this House'.[52]

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[49] *C.J.I.*, viii, 287-9; P.R.O., SP 63/430/70, 76-7.

[50] *C.J.I.*, viii, 293; P.R.O., SP 63/430/163; *Calendar of Home Office Papers, 1766-9*, pp 520-2.

[51] *C.J.I.*, viii, 295-7, 316, 322-3. The tellers were the same in both divisions, for the government, the solicitor-general and John Scott, and for the opposition, two leading 'Patriot' MPs, Walter Hussey and Pery. See also P.R.O., SP 63/430/162-3; *C.H.O.P.*, 1766-9, pp 520-2; James Kelly, *Henry Flood: Patriots and Politics in Eighteenth-Century Ireland* (Dublin, 1998), pp 135-6.

[52] *C.J.I.*, viii, 323; P.R.O., SP 63/430/163.

Traditionally considered to have been orchestrated by the undertakers, the rejection of the bill has more recently being interpreted in the context of the undertakers being forced 'to go along with the mood of the House', which had in turn been influenced by the 'Patriot' party. Certainly the executive's initial confidence that the bill would pass, the absence from the House of a number of government supporters on the grounds that no opposition to the bill was expected, and the closeness of the divisions, suggested that the votes against the bill surprised the undertakers as much as they did the lord lieutenant.[53] Of greatest significance, however, was the resolution that the bill was rejected because it did not take its rise in the Commons, which was a repetition of a core aspect of the 1692 'sole right' claim.[54] As such, the resolution was an attack upon Poynings' Law and the crown's prerogative in initiating supply legislation, and thereby laid open the way for a potentially costly and destructive constitutional battle involving the Irish parliament, Dublin Castle, and Whitehall.[55]

In 1692, within a week of the 'sole right' claim and the rejection of one of the government's two supply bills, the lord lieutenant, Henry, Viscount Sidney, had entered his public protest against the actions of the Commons and had prorogued parliament 'upon his own authority, and without waiting for orders' from England. However, the lord lieutenant in 1769, George, Viscount Townshend, chose 'to do nothing without the most mature deliberation and the most explicit directions' from Whitehall. He was not prepared 'in the present circumstances' to act upon his own authority, and instead 'thought it best to take no public notice of it, but to let the proceedings of parliament go

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[53] Bartlett, 'Money Bill', pp 70-6. See also P.R.O., SP 63/429/239-41, 282-7, 302-4; *Calendar of Home Office Papers, 1766-9*, pp 475-6, 478-80, 484-5, 520-2.

[54] *C.J.I.*, viii, 323; Kiernan, *Financial Administration*, p. 218; James, *Ireland in Empire*, p. 270.

[55] P.R.O., SP 63/430/251-4.

on in their usual course' while he awaited the king's further commands.[56] Having received advice from Irish officials whose opinions he trusted, Townshend recommended to the British ministry that any protest and prorogation should be postponed until after the heads of the usual supply bills had been drafted by the Commons and passed by parliament. To publicly disapprove of the Commons' actions on the government bill before passage of the Lower House's supply bills would result in the loss of the whole supply at a time when the government could not, under any circumstances, survive financially without money from parliament. Townshend's recommendations received royal approbation, and the Commons were allowed to proceed with their supply deliberations.[57]

The Commons, in keeping with previous practice, prepared two supply acts. The first, or main supply act, re-imposed for two years the all-important schedule of additional duties voted for the purposes of providing income towards the government's revenue at large. As usual, this schedule of duties was a re-imposition of the schedule comprised in the main supply act due to expire on 25 December 1769.[58] The second, or supplementary, supply act re-imposed for two years the schedule of appropriated duties and taxes which had been included in the rejected government bill, and at the same time made financial provision for the two-year augmentation of the army.[59]

The two supply acts received the royal assent in the House of Lords on 26

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[56] P.R.O., SP 63/430/163-4; *Calendar of Home Office Papers, 1766-9*, pp 520-2.

[57] P.R.O., SP 63/430/185-6, 205-6, 209, 211-16, 230, 232, 236-8, 240, 242, 244-6, 259, 261, 263-4, 273; *C.J.I.*, viii, 332-40, 345-6, 353-4.

[58] *Stat. Ire.*, x, 1-6; P.R.O., SP 63/430/211-12.

[59] *Stat. Ire.*, x, 7-22; P.R.O., SP 63/430/212-14; Bartlett, 'Augmentation', pp 558-9.

December.[60] Immediately afterwards Townshend entered his protest and prorogued parliament. In his prorogation speech the lord lieutenant stated that the 'vote and resolution' of the Commons on the government bill were 'contrary' to Poynings' Law and 'the usage and practice ever since', and entrenched 'upon the just rights' of the British crown 'to transmit such bills to be treated and considered of' in the Irish parliament.[61] He then directed the clerk of the House to read the official protest.[62] Both the prorogation speech and the protest echoed those made by Sidney in 1692.[63] In fact, in late November Townshend had transmitted to Whitehall a copy of Sidney's protest, on the basis of which the king had instructed him 'to enter your protest, as Lord Sidney did'.[64] However, thereafter any similarity between the two events ended. In truth, Townshend's actions in 1769 represented a significant stand-down when compared to Sidney's. Whereas Sidney's prorogation speech and protest had been a pre-emptive strike which had denied the Commons the time and opportunity to prepare any supply bills themselves, Townshend had bided his time until the normal supply, and the augmentation, had been provided for in the Commons' two supply bills.[65] As such, his actions were a recognition of the fact that despite Poynings' Law and the crown's prerogative, government was wholly dependent upon supply legislation that originated

[60] *C.J.I.*, viii, 354.

[61] P.R.O., SP 63/430/248-50; Edmund Curtis and R.B. McDowell (eds.), *Irish Historical Documents 1172-1922* (London, 1943), pp 220-1; Kiernan, *Financial Administration*, pp 218-19.

[62] P.R.O., SP 634/430/251-4.

[63] Curtis and McDowell, *Historical Documents*, pp 140-2; McGrath, *Irish Constitution*, p. 87.

[64] P.R.O., SP 634/430/163, 185-6; Bartlett, 'Money Bill', p. 65.

[65] *C.J.I.*, viii, 354; *Stat. Ire.*, x, 1-22; McGuire, 'Irish Parliament', pp 19-23; McGrath, *Irish Constitution*, pp 84-90; Kiernan, *Financial Administration*, pp 218-19.

as heads of bills in the Commons.

Not surprisingly, following a short second session in February-May 1771 (held for overtly political reasons and in which no supply proceedings arose),[66] parliament was reconvened in late 1771 in time for the Commons to continue, and add to, the existing schedule of duties and taxes for another two years. In keeping with previous practice, in the following sessions, in 1773-4 and 1775-6, the schedule of duties and taxes in both the main supply act and the secondary act were extended, and expanded, for a further two years by the Commons on each occasion, thereby ensuring the continuation of biennial sessions. At the same time, because of the increasing financial strain on government, the Commons prepared and passed several new supply acts.[67]

Table 4: *Origin and duration of supply acts, 1769-76*

Session	Acts	Origin	Dates	Duration
1769	9 GIII 1	Parlt	25/12/1769–25/12/1771	2 yrs
	9 GIII 2	Parlt	25/12/1769–25/12/1771	2 yrs
1771	no supply acts			
1771-2	11 & 12 GIII 1	Parlt	25/12/1771–25/12/1773	2 yrs
	11 & 12 GIII 2	Parlt	25/12/1771–25/12/1773	2 yrs
1773-4	13 & 14 GIII 1	Parlt	25/12/1773–25/12/1775	2 yrs
	13 & 14 GIII 2	Parlt	25/12/1773–25/12/1775	2 yrs
	13 & 14 GIII 3	Parlt	25/12/1773–25/12/1775	2 yrs
	13 & 14 GIII 5	Parlt	annuities	
	13 & 14 GIII 6	Parlt	25/03/1774–25/12/1775	1 yr, 9 mths
1775-6	15 & 16 GIII 1	Parlt	25/12/1775–25/12/1777	2 yrs
	15 & 16 GIII 2	Parlt	annuities	
	15 & 16 GIII 3	Parlt	25/12/1775–25/12/1777	2 yrs

[66] Thomas Bartlett, 'Viscount Townshend and the Irish Revenue Board, 1767-73', *Proc. R.I.A.*, lxxix (1979), p. 165.

[67] *Stat. Ire.*, x, 65-87, 333-79, 647-75, 681-704.

15 & 16 GIII 8	Parlt	25/12/1775–25/12/1777	2 yrs
15 & 16 GIII 9	Parlt	25/12/1775–25/12/1777	2 yrs

Source: *Stat. Ire.*, vol. x.

VI

By summoning further biennial sessions of the 1769 parliament, the executive had allowed the parliament-centric aspects of the 1695 and 1761 compromises to function without restriction, despite the fact that the Commons' stated reason for rejecting the government bill in 1769 had represented a rejection of the only remaining government-centric aspect of the compromises, and, as such, of the constitutional framework. Therein, the executive had given tacit acknowledgement to the veracity of the Commons' re-adjustment, in their own favour, of that framework. Thus the events of 1760-2 and 1769 had, for all intents and purposes, caused substantial change in the nature of the constitution. Official confirmation of that change in the 1770s was assisted by a number of factors. First, the Octennial Act meant that the question of a government supply bill would arise on a more regular basis.[68] Second, the successful opposition to the government bill in 1769, followed by the replacement of the undertaker system with direct management by a resident lord lieutenant in the early 1770s, 'reanimated the old "Court" and "Country" dichotomy that had been masked for several decades'.[69] The remaining central factor was the impact of events in the

[68] P.R.O. SP 63/452/299.

[69] Kelly, *Prelude to Union*, pp 20-1. See also Thomas Bartlett, 'The Townshend Viceroyalty', in Bartlett and Hayton, *Penal Era*, pp 88-112; Idem, 'Opposition', pp 313-30; Idem, 'Revenue Board', pp 153-75; Idem, 'Money Bill', pp 63-77; Idem, 'Augmentation', pp 540-59.

American colonies upon the Irish political nation.[70] For the Irish and British executives, these factors meant that the question of the government bill in a new parliament was certain to create a constitutional conflict over the 'sole right', Poynings' Law, and the crown's prerogative. Any such conflict would be a serious threat to parliamentary supply, which would be particularly problematic at a time when government expenditure was escalating dramatically.[71]

Discussion of the question in government circles commenced in earnest in early 1776, as the time for dissolution of the 1769 parliament and the summoning of a new one approached. The lord lieutenant, Simon, Earl Harcourt, broached the subject by suggesting that maybe the time had come to adopt the views expressed by the Irish lords justices in 1760, and for the British government to avoid a conflict by choosing not to transmit a supply bill as part of the 'proper causes'. The central point was that there would be no practical need for a supply bill if a new parliament was convened in 1776, given that the existing additional duties and taxes would not expire until December 1777. Thus, if there was no financial need when a new parliament met, then there was no constitutional necessity for that parliament to receive a government supply bill.[72]

The leading British ministers were quick to repeat the British government's counter-arguments from 1760, and made clear that the king was not prepared to forgo the right of presenting a supply bill. However, they also wished to avoid a conflict, and

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[70] J.C. Beckett, 'Anglo-Irish Constitutional Relations in the Later Eighteenth Century', in *Confrontations: Studies in Irish History* (London, 1972), pp 128-9; Gerard O'Brien, *Anglo-Irish Politics in the Age of Grattan and Pitt* (Dublin, 1987), pp 26-7; Kelly, *Prelude to Union*, pp 21-2.

[71] W.E. Harcourt (ed.), *Harcourt Papers* (privately printed, 1876-1903; 15 vols.), x, 95-6, 98-9; *Parliamentary Papers*, xxxv, 434-9.

[72] P.R.O., SP 63/452/299-300, 302-7; *Representation to Bedford*, pp 1-11.

so accepted Harcourt's alternative plan, the crux of which was the identification of the actual point in the parliamentary process at which Poynings' Law and the crown's prerogative were seen to be upheld.[73] Parliament had always had the right under Poynings' Law to reject any bill. Constitutional difficulties only arose if parliament, when giving reasons for rejecting a government bill, made explicit claims to certain rights which were perceived as being incompatible with Poynings' Law or the crown's prerogative. In 1693 the Irish executive had noted that if the Commons were to reject a government supply bill for any reason other than the 'sole right', or, in other words, if they did not explicitly challenge Poynings' law and the crown's prerogative when rejecting the bill, then both would be upheld just by the act of receiving and reading the bill, before rejecting it.[74] The same point had been made by the lords justices in 1760.[75] On both occasions Whitehall had refused to countenance the idea of playing out a charade in which the Commons' silence on the 'sole right' was bought by the presentation of a sacrificial government bill, the sole purpose of which was that it be read once, rejected, and recorded in the journals, simply for appearance's sake. Yet in 1776 that very course of action was proposed by Harcourt on the advice of leading Irish politicians, and was readily accepted by Whitehall.[76] In fact, the British government had already advanced to the point where it was not even concerned whether the bill was actually read, or 'what may become of it, provided it appears in the journals of the House that it has had an existence as the cause and consideration of calling the

[73] P.R.O., SP 63/452/324, 326-9, 332; SP 63/453/65, 93-4, 147, 149-53, 222-3; *Harcourt Papers*, pp 95-6, 98-9, 136-7.

[74] *C.S.P.D. 1693*, pp 319-20; McGrath, *Irish Constitution*, pp 93-4.

[75] *Representation to Bedford*, pp 5-6.

[76] P.R.O., SP 63/453/149-53, 222-3; *Harcourt Papers*, pp 136-7.

parliament'.[77]

The 1769 parliament was dissolved in April 1776, and a new one summoned to meet in June of that year, at a time when the existing additional duties and taxes were 18 months away from expiry.[78] Thus there was no practical financial reason for the new parliament to meet at that time. The 'ostensible reason' for convening the first session immediately after the general election in the summer of 1776 was in order to elect a Speaker, so that warrants could be issued during the ensuing recess for writs of election for vacancies arising prior to the re-convening of parliament, for supply purposes, in late 1777. This technicality had not been raised when the new parliaments were elected in 1760 and 1768 (both parliaments were prorogued several times by proclamation before the first sessions were convened in October 1761 and October 1769 respectively). As such, regardless of Harcourt's emphasis upon 'the late acts' which gave the Speaker the power to issue warrants during the recess, the 'ostensible reason' smacked of compromise.[79]

The first session commenced on 18 June 1776, with the shortest opening speech on record, and the election of Edmond Sexton Pery as Speaker, by 141-98.[80] Despite these 'convulsions', the next day the whole purpose of the charade was played out with the presentation in the Commons of a government bill for re-imposing the schedule of appropriated duties and taxes imposed in the existing secondary supply act, which was not due to expire until 25 December 1777.[81] The Commons received the bill, and a

[77] P.R.O., SP 63/453/222.

[78] *C.J.I.*, ix, 286, 289-90; *Stat. Ire.*, x, 681-704.

[79] P.R.O., SP 63/453/149-50, 222.

[80] *C.J.I.*, ix, 295-6.

[81] *Harcourt Papers*, p. 166; *C.J.I.*, ix, 295-6; P.R.O. SP 63/453/93-4; *Stat. Ire.*, x, 647-62.

motion for the first reading passed in the affirmative. The bill was read, and immediately followed by a motion that it be rejected, which also passed in the affirmative. Neither motion caused a division, which suggested that no one made any effort to defend the bill.[82] In fact, the government's only concern had been ('by dint of management') to get the bill read once before it was rejected.[83]

The Commons did not record their reasons for rejecting the bill, apart from an order that all standing orders from the previous parliament should be revived.[84] The relevant standing order was that which had first been made in 1716, and repeated in 1727 and 1769, that no supply bill of any kind be read in the House until after the report from the accounts committee. Thus the Commons were implying that the bill had been rejected because it had been presented in an unprecedented and precipitate fashion, before the House had received the report from the accounts committee. In fact, the Commons had not even attempted to begin the lengthy procedural timetable on supply, let alone to appoint the accounts committee or hear that committee's report. However, the rejection of the bill for the implied reason was not overly contentious. The importance attached by the Commons to the proper adherence to their procedural timetable for the provision of a supply, and the pivotal role given therein to the report from the accounts committee, had long been understood by the British and Irish executives.[85] Therefore both governments could readily accept that the Commons had been justified in rejecting the bill on the basis of the 1716, 1727 and 1769 standing orders. Likewise, no one could dispute the Commons' right under Poynings' Law to

[82] *C.J.I.*, ix, 296.

[83] *Harcourt Papers*, p. 166.

[84] *C.J.I.*, ix, 296.

[85] McGrath, *Irish Constitution*, pp 116-17, 133-4, 151-2, 180-1, 191-2, 210, 232, 245-6, 263-4, 282-3.

reject any bill that they did not like. Therein, the fact that it was recorded in the journals that the Commons had received and read the bill before rejecting it, without any reference to the 'sole right' claim, was considered by the Irish and British executives to be sufficient for upholding Poynings' Law and the crown's prerogative.[86] Harcourt went so far as to express his 'infinite pleasure' at the outcome of events.[87]

With the rejection of the bill the first session had served its purpose. On 20 June the parliament was prorogued without any of the usual formalities. Only one act had been passed (relating to qualification for public office pursuant to the 1704 penal law), and only then because Harcourt had 'judged it expedient to pass some bill, in order to put it out of all doubt that this was a session of parliament'. The session had lasted three days. The charade was over.[88] Dominating the whole proceedings, and probably central to the success of this latest compromise, had been the unavoidable fact that there had not been any financial necessity for passing a supply bill at that point in time. Whatever the outcome might have been, the government was never in danger of losing a necessary supply. As for the Commons, the insignificance of the charade probably made it appear not worth while to attack the government bill, not least because, in truth, the 1776 compromise already represented yet another concession by government in parliament's favour.

The success of the 1776 compromise was borne out when the second session convened in October 1777, at a time when the additional duties and taxes needed to be renewed. Given that it was a second session, the question of a government supply bill did not arise. In keeping with previous practice, the Commons prepared and passed the

[86] *Harcourt Papers*, pp 99, 166; P.R.O., SP 63/453/150-2, 222-3; Bartlett, 'Money Bill', p. 76.

[87] *Harcourt Papers*, p. 166.

[88] *Harcourt Papers*, pp 166-7; *C.J.I.*, ix, 299, 302.

legislation required for continuing for a further two years all of the existing schedules of duties and taxes which were due to expire on 25 December 1777, and at the same time introduced two new supply acts dealing with the taxation of goods traded directly between Ireland and the British colonies in America, the West Indies, and Africa.[89] In the following sessions, in 1779-80 and 1781-2, the schedules of duties and taxes in all of the existing supply acts were extended, and expanded, on each occasion by the Commons for a further two years, thereby ensuring the continuation of biennial sessions. At the same time, the Commons prepared and passed several new supply acts. A prime factor behind the increase in the number of supply acts in the 1770s was the escalating expenditure of the government. In 1779-80, however, the passage of 10 supply acts was explained more by the agitation for free trade than by the government's financial need. The Commons at that time, making use of a tactical threat to the government's supply, chose in the first instance to renew the existing duties and taxes for six months only, before finally adhering to the standard two-year duration.[90]

Table 5: *Origin and duration of supply acts, 1776-82*

Session	Acts	Origin	Dates	Duration
1776	no supply acts			
1777-8	17 & 18 GIII 1	Parlt	25/12/1777–25/12/1779	2 yrs
	17 & 18 GIII 2	Parlt	25/12/1777–25/12/1779	2 yrs
	17 & 18 GIII 3	Parlt	25/12/1777–25/12/1779	2 yrs

[89] *Stat. Ire.*, xi, 3-45, 47-52, 278-84.

[90] *Stat. Ire.*, xi, 303-72, 374-460, 646-52; xii, 1-118; W.E.H. Lecky, *A History of Ireland in the Eighteenth Century* (2nd edition, London, 1902; 5 vols.), ii, 239-42; R.B. McDowell, *Ireland in the Age of Imperialism and Revolution, 1760-1801* (Oxford, 1979), pp 267-70; M.R. O'Connell, *Irish Politics and Social Conflict in the Age of the American Revolution* (Philadelphia, 1965), pp 168-95.

	17 & 18 GIII 4	Parlt	25/12/1777–25/12/1779	2 yrs
	17 & 18 GIII 41	Parlt	24/08/1778–25/12/1779	1 yr, 4 mths
	17 & 18 GIII 42	Parlt	24/08/1778–25/12/1779	1 yr, 4 mths
1779-80	19 & 20 GIII 1	Parlt	25/12/1779–24/06/1780	6 mths
	19 & 20 GIII 2	Parlt	25/12/1779–24/06/1780	6 mths
	19 & 20 GIII 3	Parlt	25/12/1779–24/06/1780	6 mths
	19 & 20 GIII 4	Parlt	25/12/1779–24/06/1780	6 mths
	19 & 20 GIII 5	Parlt	lottery	
	19 & 20 GIII 7	Parlt	24/06/1780–25/12/1781	1 yr, 6 mths
	19 & 20 GIII 8	Parlt	24/06/1780–25/12/1781	1 yr, 6 mths
	19 & 20 GIII 10	Parlt	24/06/1780–25/12/1781	1 yr, 6 mths
	19 & 20 GIII 11	Parlt	24/06/1780–25/12/1781	1 yr, 6 mths
	19 & 20 GIII 35	Parlt	24/06/1780–25/12/1781	1 yr, 6 mths
1781-2	21 & 22 GIII 1	Parlt	25/12/1781–25/12/1783	2 yrs
	21 & 22 GIII 2	Parlt	25/12/1781–25/12/1783	2 yrs
	21 & 22 GIII 3	Parlt	25/12/1781–25/12/1783	2 yrs
	21 & 22 GIII 4	Parlt	25/12/1781–25/12/1783	2 yrs
	21 & 22 GIII 5	Parlt	25/12/1781–25/12/1783	2 yrs
	21 & 22 GIII 6	Parlt	25/12/1781–25/12/1783	2 yrs

Source: *Stat. Ire.*, vols. xi-xii.

VII

The 1776 compromise represented a highly significant re-adjustment within the eighteenth-century constitutional framework. In practice, the compromise was an acknowledgement by the British and Irish executives that the Commons were no longer prepared to pass any supply bills that did not originate in the Lower House. Since 1692 a core aspect of the constitutional conflict over the interpretation of Poynings' Law and the crown's prerogative had been about the right, or power, to initiate supply legislation in the Irish parliament. For the British and Irish executives to concede, in practical terms, that right completely to parliament, and as such, to give tacit acknowledgement to the validity of the 1692 'sole right' claim, was possibly the greatest single concession government could make to parliament in terms of control of finance, and in a wider context, of the legislative process. The 1776 compromise therefore has implications for

our understanding of legislative independence, because the compromise meant that the Irish and British executives had already resigned themselves to a new constitutional reality well in advance of the events of 1782. From 1776 onwards this new constitutional reality meant that the full extent of the exercise of Poynings' Law and the crown's prerogative in relation to the summoning of an Irish parliament was restricted to the certification and presentation of two rather innocuous, non-financial government bills as 'proper causes'. Although under Poynings' Law the British and Irish privy councils still retained and made use of the right to amend or respite bills that originated in parliament, for all intents and purposes the legislative initiative of the crown and the related aspects of Poynings' Law were defunct by 1776.[91]

Thus the 1776 compromise was in fact a very significant concession, in a lengthy, if intermittent, series of concessions by government in favour of the eighteenth-century parliament. Theoretically, because of the Octennial Act, the compromise would have to played out every eight years. In reality, legislative independence, and more specifically the formal modification of Poynings' Law in 1782, put an end to the need for any further compromise on the issue of the government supply bill, by putting an end to the need for any type of government bill whatsoever to be certified into Great Britain as a 'proper cause'.[92] Likewise, legislative independence put an end to the need for the heads of bills procedure, and was quickly followed by the British and Irish governments finally conceding the right to assemble on an annual basis to the Irish parliament.[93] As such, the central aspects of the constitutional framework as evolved since 1695, relating to the government supply bill and biennial parliamentary sessions,

[91] Kelly, 'Monitoring the Constitution', pp 87-106; Bartlett, 'Money Bill', pp 76-7.

[92] Curtis and McDowell, *Historical Documents*, p. 203.

[93] Kelly, *Prelude to Union*, pp 59-61, 66, 235-6.

had been superseded by a new constitutional arrangement after 1782. From 1783 until the Act of Union in 1800, the Irish parliament sat each and every year,[94] functioning within the context of a new and, with the benefit of hindsight, final phase in the evolution of the pre-Union constitutional framework in Ireland.[95]

[94] Hayton, 'long Apprenticeship', pp 24-5.

[95] I wish to thank Dr Eoin Magennis for reading a draft of this paper, and for his advice on the intricacies of eighteenth-century Irish politics in general. I also wish to acknowledge the assistance provided by the Irish Research Council for the Humanities and Social Sciences.