

INTIMIDATION AT PARLIAMENTARY ELECTIONS: CARLOW 1835

Brendan Hall

Fraudulent practices in the election of Members of Parliament were almost endemic throughout these islands in the period in question. In the previous article on corruption in the Kerry election, details were given of the testimony of **H.J. Brownrigg**, a magistrate in that county and a Conservative supporter. The witness on this occasion was **Rev. James Maher**, administrator of the Roman Catholic Parish of Carlow and a member of the local county Liberal Club. He was formerly a Parish Priest in Co. Kilkenny.

This meeting of the Parliamentary Select Committee, set up in March 1837 and charged with making recommendations on what means could be taken to prevent bribery, corruption and intimidation in the election of MPs in Great Britain and Ireland, took place on Friday, 31st July 1835 under the chairmanship of William Henry Ord, Esq.

In the General Election of that year each county constituency in Ireland returned two MPs. All others (the Boroughs) returned one, with the exception of Belfast, Cork city, Dublin city, Galway city, Limerick city, Waterford city and Dublin University who returned two each.

There were 307 electors in the Borough Constituency of Carlow on the day of the election 16 January 1835, the candidates being:

Francis Bruen¹ – Conservative

Nicholas Aylward Vigors – Liberal (Repealer)

Francis Bruen won the seat by 150 votes to 134.

There were 1269 electors in the Carlow county constituency on the day the election was held, 13 January 1835, the candidates being:

Colonel Henry Bruen² – Conservative

Thomas Kavanagh³ – Conservative

Maurice O'Connell – Liberal (Repealer)

Michael Cahill – Liberal (Repealer)

Bruen and Kavanagh won the seats with 588 and 587 votes respectively, to the 554 and 553 votes of O'Connell and Cahill. However, on petition, Bruen and Kavanagh were unseated and a new writ issued. A by-election took place on 15 June 1835, the candidates being:

Nicholas Aylward Vigors⁴ – Liberal (Repealer)

Alexander Raphael – Liberal

Thomas Kavanagh – Conservative

Col. Henry Bruen – Conservative

In this case, on petition, and although they won, Vigors and Raphael were unseated and Kavanagh and Bruen declared elected on the 19 August 1835. The poll was amended and 105 votes for Vigors and Raphael were struck out.

¹ Coolbawn, Co. Wexford, born in 1800, brother of Henry.

² Oak Park, Co. Carlow, Colonel in the Militia

³ Borris House, Co. Carlow; born 1767, father-in-law of Henry Bruen.

⁴ Old Leighlin, Co. Carlow, was born 1785. He was a captain in the Foot Guards and was severely wounded at the battle of Barossa (Peninsula War); he was runner-up in the Borough election of January 1835.

There were about thirty Roman Catholic clergy in County Carlow at this time. Rev. Maher was first asked if he was aware of any intimidation of voters in the county. He said that he was well aware of the persecution of voters - particularly those who had voted Liberal - citing the cases of some well-to-do farmers, who were now forced to work as day-labourers or even reduced to beggary. He said that he was aware of intimidation also against those who had voted Conservative, some not being allowed to enter their places of worship, but that such instances were infrequent if not trivial. In general the gentry of the County had allied themselves with the Conservatives and it was Rev. Maher's opinion that they had conspired to intimidate their tenants and to persecute those who had voted against their landlords' wishes. In fact, he had seen some of the landlords in Carlow courthouse on polling day and had actually observed some of them in the polling booths.

One in particular, a Mr. Alexander⁵, was seen threatening his father's tenants. He stood in the polling booth, where his father's tenants voted before the deputy sheriff, and swore on a bible to those who voted against his wishes, that they would be put off their farms - "So help me God, I will extirpate themselves and their families; if it were in twenty years to come, I will have revenge of them". Indeed, Mr. Alexander's wrath was swift. Twenty (of twenty-four) of the tenants voted Liberal. As soon as the due-date arrived for payment of their half-yearly rents and the tenants were technically in arrears, they were served with writs from the Court of the Kings Bench, even though some of the amounts involved ran to only £5 (The rents ran from £5 to £17 with two exceptions, £53 and £63). The consequence of these writs was that the tenants had to pay £2 15s. each in legal fees. Most of the tenants had to raise loans among their friends and neighbours in order to pay these additional expenses. (In normal cases of non-payment of rent, landlords would recover the amounts due through issuing a Civil Bill, at a cost of 10/- at most to the tenant). The four other tenants who had the franchise and who voted Conservative were not served with writs and had no trouble from their landlord. However, one of them, **Patrick Neele**, was hooted at in church, when he went to attend Mass⁶. At the hustings in the June by-election, when Rev. Maher was asked to speak, he made reference to the plight of the twenty tenants. Alexander, who was present, denied that the tenants had been intimidated and said that they had paid their rents on time. This was patently untrue, as Rev. Maher had the receipts paid by the tenants and offered to show them to the Select Committee. Another tenant, a **Mr. Kehoe**, who had paid his rent early, was obliged to withdraw the payment and was subsequently served with a writ. This case was noted in an account by Rev. Maher in *The Leinster Independent* dated 25 April 1835 and in other newspapers. In his commentary to the newspaper he wrote, "These attempts at legally crushing men who have had the virtue in these bad times to exercise the elective franchise honestly and conscientiously, may be taken, I suppose, as a fair example of the justice our unhappy country has to expect from Tories in power..... Their [the tenants] only offence is their honest and conscientious vote at the last election; their unshaken adherence to principle at all risks". Alexander was also heard to have sworn on a number of occasions, that he would get rid of all his Catholic tenantry and replace them with Protestants, who would vote as he wished them to vote. In fact he dismissed the sons of some of his tenants from his employment, on account of them supporting their voter fathers. He issued them with satisfactory certificates of character, but he would no longer employ them. One of the

⁵ John Alexander, junior, a miller and maltster, b.1802 of the prominent Carlow family, MP for Carlow 1853-59. Though the estates were the property of his father, he appears to have had responsibility for their management and it is said his actions were condoned by his father.

⁶ In a fit of pique he later broke into the church and smashed one of the pews.

men, **Martin Brennan**, of Tomard⁷, gave the following statement to a JP, Edward **M. Fitzgerald**, who duly had it sworn before **Thomas Houghton**, Justice of the Peace in County Carlow, on 22 July 1835:

Martin Brennan, of Tomard, ... came before me, one of His Majesty's Justices of peace for the said County of Carlow and being duly sworn ... saith, that on Friday the 13th June, three days previous to the election in the County of Carlow, Mr. John Alexander, junior, of Milford, addressed him, saying, that he would not give him, deponent, employment, to enable him to support his father, who was going to vote against his wish. Deponent replied that he could not help it, but hoped his father would never give his vote to Mr. Breun, who turned thousands to the road; that deponent had been dismissed the employment after having lived in his service upwards of eight years; and deponent further swears, on asking from Mr. Alexander a certificate of character which he obtained, he asked Mr. Alexander on what ground he dismissed him, to which he replied that the whole county knew it was for his, deponent's, father's vote in the last election.

The character reference stated: “*Martin Brennan has worked for many years in my employment, principally in my malt houses, and has conducted himself well and satisfactorily; I can recommend him as a good working and attentive man – Milford, 21st July 1835. J. Alexander, junior.*”

On the Sunday before the June by-election, both of John Alexander's brothers, **Lorenzo**⁸ and **George**⁹ stalked the streets of Leighlin Bridge saying that they would bring ruin on the neighbourhood if the people did not vote as the various landlords wished.

Towards the end of that day's testimony, Rev. Maher admitted reluctantly that he had given £50 of his personal money to some of the tenants of Mr. Alexander or else they would have been left destitute.

Alexander, of course, was not the only landlord to harass his tenants. **William Murray** of Ballinkillin was a tenant of eight years standing, as well as being in the employ of **Colonel Henry Bruen**, as a rent-warner. Twice a week he had to walk the seven miles to the offices of his employer. He was charged there with looking after the trees in part of the Colonel's estate and supervising the game and any shoots that the Colonel may have organised for himself or his friends. Prior to the General Election of 1832, **Murray** was canvassed by Bruen, who was standing as a Conservative candidate, for his vote. Murray replied that, as he was a tenant of Bruen, he would vote for him. Bruen then pushed the point and told Murray that he wanted his second vote for his father-in-law, Thomas Kavanagh. Murray told the Colonel that his second vote would be his own decision. Bruen then treated Murray “contemptuously” and insulted him, to the extent that Murray decided not to vote at all. He was then sacked by Bruen and told to report to his offices to settle any outstanding rent. Here, the unfortunate Murray was handed a bill for £36. Murray denied that he was in debt having paid much of his rent in service as rent-warner (a job valued at £10 a year) to the Colonel and having already paid any outstanding amounts in cash. Murray refused to make a settlement and went home. A few days later he was served with an Ejectment notice and a new bill of £80, which had to be paid by February 1833. Murray eventually settled with

⁷ In Griffith's Valuation of 1852, John Alexander is shown as the Immediate Lessor to both John and Michael Brennan of Tomard Lower, who had adjoining plots of land totalling some 15 acres.

⁸ Born 1810; married Harriet, the daughter of Col. Henry Bruen in 1857.

⁹ Then aged 21, he later became a Justice of the Peace and Barrister-at-Law.

Bruen saying that there was no point in his having litigation with his wealthy landlord, “a gentleman who, through his interest with the sub-sheriff and magistrates of the county, could have a jury as he pleased to find against him”. In Rev. Maher’s view, Murray had been “plundered” and so disgusted was he at the treatment given to Murray, that he published an account of the events. Neither Bruen nor his agent ever contradicted this account.

Another of Bruen’s tenants, **Mr. John Kehoe**¹⁰, had declared himself a Reformer in 1831. In consequence of that, Bruen deprived Kehoe of thirty acres of bog that had been in the possession of the latter’s family for thirty years. As in the case of Murray above, Kehoe, although he had a good case, would not take legal proceedings against Bruen, fearing that his landlord was too powerful and justice would not be done. Bruen had no problems in making it plain that Kehoe was losing the lands because he would not vote for his landlord. Because of their politics, several of the Colonel’s tenants were forced to pay three half-yearly rents within a period of eight months, a considerable hardship to most of them. Another, with an annual rent of £400, was forced to pay £1,200 in a six-month period. These were only examples. Rev. Maher was in no doubt that a general system of persecution had been adapted by Bruen against those who voted contrary to his wishes. Many other tenants were forced to pay abatements of rents (allowed when the fall in agricultural produce required it); those who could not pay were ejected from their tenements. At the 1835 hustings, Rev. Maher brought up these matters. Bruen, who was present, denied them all.

The **widow Nolan**¹¹ had a farm of about forty acres, Colonel Bruen being her landlord. Because of a depression in the price of agricultural produce she was allowed an abatement and paid rent according to that abatement. In the election of 1832 her brother-in-law voted against the Colonel and shortly afterwards she was served with an Ejectment. She threw herself at the mercy of Bruen and he made several promises to her, none of which he kept. The unfortunate widow, with her helpless family, was thrown onto the road. In another case, **Walter Carty**, formerly a tanner, held seventeen acres in the townland of Orchard. The reserved rent for the property was £2 5s 6d. per acre, but, through abatements, and with the agreement of Bruen’s agent, he never paid more than 25s. per acre, the full value of the land. In 1832 he refused to vote for Bruen and was soon afterwards ejected for not paying the reserved value per acre on the property. On the day the land was taken from him, Carty complained to the agent about the bad treatment that had been meted out to him. The agent replied that Carty had given “bad example” by not voting for the Colonel and this was why he was being thrown on to the road. The land was given to a Bruen supporter, **Andrew Kavanagh**¹². In an act of compassion, Carty’s mother was re-instated in what was the family dwelling house where she acted as caretaker.

Alexander and Bruen were not the only culpable landlords. On the 13th June 1835 **James W. Harvey Esq.**, of Wexford, a landlord in Ballinkillin, Co. Carlow, went to the house of **Lawrence Nolan**, a farmer and £50 freeholder. Harvey spoke to Nolan of the forthcoming election and of how he wanted Nolan to vote for the Conservative candidates. Nolan said that he would not, to which Harvey replied, “Recollect what I now tell you, that we (the landlords) are sworn not to give any land to Roman Catholics and in case we cannot get Protestants enough, we will not give it to Roman Catholics, in such a way that they can get a vote out of it”. Harvey further added, that if Nolan did not vote as he (Harvey) wished, then

¹⁰ In the Parish of Nurney

¹¹ Probably also of the Parish of Nurney

¹² This name appears in Griffith’s Valuation, townland of Orchard, Immediate Lessor: Henry Bruen, area 55 acres.

he would insist that Nolan pay his half-yearly rent the day after it was due. He also said that he had made a present of a half-year's rent to one of his tenants **Patrick Holden** (of Ballinkillin) who had promised to vote Conservative and as an inducement to Nolan, offered him a present of three half-yearly rents to do the same. Nolan refused. Harvey later returned to Nolan's house and wrote a letter in the presence of Nolan's wife, apologising for putting so much pressure on him, but justifying it, by stating that it was to counteract the pressure being put on his tenants to vote for the Reform candidates by the priests. He also repeated his threat to demand the half-yearly rent on time and said that he would not renew Nolan's lease. He finished the letter by saying, "... Make me your friend or your enemy, I need hardly tell you that your own good sense will point out to you which of the two you ought to be. I am obliged, James W. Harvey".

Obviously of the opinion that stronger intimidation tactics were required, on 14 June 1835, the day before voting opened in the by-election, **Harvey**, accompanied by **Mr. Walter Newton**¹³ and **Henry Newton**, brother of Walter, as well as some military and police, went to the house of a freeholder and tenant of Harvey, **Christopher Byrne**¹⁴. It was around eleven o'clock at night. So afraid was Byrne when he saw them approaching that he hid in one of the rooms of his house. Harvey entered the house and asked Byrne's wife where her husband was. She replied that he was not at home. Harvey then went in search of him, and seeing one of the doors locked, kicked it violently three or four times, entered the room and found Byrne inside. He dragged Byrne out and then, in the presence of the others, asked him to vote for Col. Bruen and Mr. Kavanagh. Despite a lot of verbal pressure from the three men, Byrne refused to comply with his landlord's wishes, to which Harvey said, "By the arm that grows out of my body, I will eject you the Monday morning after the election, and send you and your family on the road". Byrne's simple reply was, "The world is wide". Byrne was then taken from the house and lead towards Bagnalstown, where he was detained for the night. The intention was to coerce him into voting for the Conservatives the next day. However, he made his escape next morning and went into the county town where he voted for the liberal candidates.

Lord Beresford was a considerable landholder in Co. Carlow. In January 1835, **John Whaley**, one of his tenants was called on by **Charles Doyne**, the landlord's agent. Doyne was there to collect the Michaelmas rent. Whaley offered the rent, but this was refused by Doyne who demanded a further £3 10s. for tithes. This was the first time the landlord had demanded tithe payments. Whaley was told that unless he paid the tithes he would be served with a writ from the Court of the King's Bench (as detailed above, at considerable expense for the recovery of a relatively small amount of money). True to his word, the writ arrived a few days later and Whaley was put to the extra expense. Similar writs were issued to three of his neighbours, all of whom suffered financially for the recovery of what was, in some cases, only a few shillings. Whaley's "crime" was that he voted Liberal. At a meeting of Lord Beresford's tenantry of the townland of Cloghan, on 19 March 1835, Doyne told the gathering that their landlord would not give an acre of land to any person on that part of the estate, and that Lord Beresford was determined to provide a class of tenants for his estate over whom the priests would have no influence. Doyne named two of the tenants present who had voted Liberal in the previous election and expressed his hatred of them. One of these, **James Neale**, of Rahee, who voted in 1832 for the Reform candidates, owed about a half-year's rent, held his land under two leases, and without receiving any regular notice to

¹³ Dunleckney, Bagnalstown, a County Magistrate

¹⁴ of Ballinkillin

pay his rent, was served with two writs and put to £6 expenses, although he was prepared to pay his rent, and only waited to have it called for by the agent. **Mathew Murphy** of Knockmore was treated in a similar manner.

Rev. Maher implicated other landlords in intimidation: Those of **Lord Downs's** tenants who voted Liberal were required to pay £10 under an abatement clause¹⁵. **Lord Courtown's** agent, **Captain Owen**, had a meeting with the tenantry and, in their presence, swore that if they did not vote as their landlord wished they would never till another acre of land on his estate.

Some of Thomas Kavanagh's (the Conservative candidate) tenants were deprived of the right of turbary¹⁶ for voting against him. Two of his tenants who proceeded to cut turf as they always did, had the turf destroyed by Kavanagh's driver and bog-ranger and were further summoned for trespassing.

Finishing his day's testimony, the Committee questioned Rev. Maher about his own personal wealth. He told them that as a parish priest he had about £250 a year, but in his new position as parish administrator, he was living on about £70 a year. He had taken on this new job, in a poorer parish, at the request of his bishop and got great satisfaction from this position. He then went on to give an account of corruption in the legal process and collusion between the gentry and the legal profession, where a man caught with contraband was offered a pardon if he voted Conservative. He refused to do so and paid a heavy penalty.

Colonel Henry Bruen Replies:

Colonel Bruen went before the Committee on 04 August 1835. The questioning of the Committee was rigorous. He was asked firstly if he was aware of the allegations being made against him by Father Maher (now addressed as Father Maher and not "Reverend"). He said he was very well aware of them and denied them all. He was first asked about the situation regarding the **widow Nolan**. He replied that the widow was in a lease with her brother-in-law, that she owed him a great many years' rent and paid very badly and very little. That he had made her the following offer upon requesting her presence at his office: "You owe me a great many years' rent; you are not able to pay or to cultivate the ground properly; I will forgive you all the rent you owe; I will make you a present of all your stock, cattle, farming instruments, furniture and everything else belonging to you; I will ... make you a present of £20 to assist you to procure another farm". Bruen said that he waited a long time and received no reply from the widow and proceeded to issue an Ejectment order. **Widow Nolan** put up a lot of opposition, throwing stones at the people who came to look at the land and laid siege to the property, for which she was summoned a number of times to the local petty sessions. That is the sole case concerning the widow, "she was ejected, and the land given to another". Bruen was asked if the fact that her brother-in-law had voted against him had anything to do with the widow being ejected. He circumvented the question a number of times, talked about the situation, but didn't actually answer. The widow Nolan had become "an ineligible tenant" and was therefore evicted.

¹⁵ Among them, **Michael Carty, Thomas Kavanagh, Patrick Healy, Thomas Brennan and James Carty.**

¹⁶ The right to cut turf on common land or on another's land.

In the case of **William Murray**, the rent-warner, Bruen maintained that he had never employed him, but thought that his agent may have and if this was the case, then it was up to his agent to pay him – “If **Mr. Carey**, my agent, employed him in any way, he will pay him, if he pleases, but he can make no charge against me for it”. He said that he already had two drivers (**John Miley** and - **Griffiths**) and did not require another to supervise shoots, which, in any case, were rare on this estate; and he did not need anyone to look after the trees. Bruen said that Murray had “behaved treacherously”. He continued, “I found he was using his influence with them [the tenants] to vote against me, and thought that there was so great an instance of treachery in a man that had been so kindly treated, that I really thought I should not discharge my duty to myself if I did not get rid of him”. Question: “You say you conceive the tenants on the townland [Ballinkillin] behaved bad; what do you mean by that?”; Answer: “I mean, by not supporting me, ungratefully”.

Bruen then spoke against the priests in the county who were organising people against the tithes and collecting money - “the amount would be almost incredible” – for use in the campaign against the tithes and to assist tenants in legal challenges against their landlords. He himself had seen a large demonstration in Carlow town and the town itself being taken over by a “set of great savages” headed by the priests.

In fact, the gathering in question coincided with a cattle fair and the demonstration was against a tithe sale – the sale of some cattle that had been distrained¹⁷.

On the question of Bruen’s treatment of **John Kehoe**, the Colonel said that Kehoe had approached him and said that he was very willing to support him, but that he was being threatened very severely by the Reformers and considered himself to be in such danger that it would be impossible for him to vote for the Colonel. Bruen asked him again to support him. Kehoe replied “he would rather lay at my mercy than at that of the other side”. The bog was seventeen acres (not thirty as claimed) and “I took it from him”.

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¹⁷ Distraint: A legal term relating to the seizure of chattels to make a person pay rent etc.