

CHARLES KENDAL BUSHE*

AMONG all the vivid characters which Ireland produced during Grattan's Parliament and the following decades, the memory of Charles Kendal Bushe retains a singular freshness and gracious charm. His chief fame was as an orator and a pleader in the law courts. Charles Lever has paid tribute, in his *Jack Hinton*, to 'the elegance of manner and classical perfection of wit that made Bushe the Cicero of his nation.' Outside of Ireland his fame is less widely known; and the printers may well be pardoned for having altered the name *Bushe* to *Burke* in the first edition of *Jack Hinton*. This memoir of him, compiled as a labour of love by his great-grand-daughter, assisted by the old box of his papers bequeathed to her by her cousin and collaborator the late Martin Ross, presents a delightful picture of a very lovable man. Handsomely produced and copiously illustrated with portraits and with many amusing little sketches which recall the inimitable humour of the 'Irish R.M.,' the memoir would surely have delighted that elegant and courteous gentleman who was so devoted to his family life all through a career of great public distinction and success.

Students of the history of Catholic Emancipation will be familiar with Bushe as one of the generous-minded Protestants who in a period of shameless corruption and indifference to public justice was always a champion of Catholic claims to equality before the law. Miss Somerville might have added many striking tributes to him from the Catholic side. There was, for instance, that fierce passage of invective in the most famous of all O'Connell's efforts as a pleader, his speech for the defence of John Magee, the editor

* *An Incorruptible Irishman*. By E. C. Somerville and Martin Ross. (Ivor Nicholson and Watson; 18s. net.)

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of the *Dublin Post*, when the Attorney General Saurin had prosecuted him for criminal libel and had announced his intention of suppressing the Catholic Board. Saurin was a political lawyer of great ability, who for years practically dictated the policy of Dublin Castle; but he was a vulgarian with a vindictive temper which aroused O'Connell's passionate hatred. At the outset of his speech for the defence O'Connell delivered a personal attack which suggests that the arena in which Bushe exercised his classic wit and his charming courtesy with such remarkable effect was a rough place for men of his kind. Bushe was Solicitor General at the time, and he was sitting beside Saurin when the onslaught was delivered. Repeating some of the phrases which Saurin had used, O'Connell exclaimed :

' I cannot repress my astonishment how Mr. Attorney General could have preserved this dialect in its native purity. He has been now for nearly thirty years in the class of polished society; he has for some years mixed among the highest orders of the State; he has had the honour to belong for thirty years to the first profession in the world—to the only profession, with the single exception perhaps of the military, to which a high-minded gentleman could condescend to belong—the Irish Bar : to that Bar at which he has seen and heard a Burgh and a Duquery; at which he must have listened to a Burton, a Ponsonby, and a Curran; to a Bar which still contains a Plunket, a Ball, and, despite politics, I will add a Bushe. With this galaxy of light around him, how can he alone have remained in darkness? How has it happened that the twilight murkiness of his soul has not been illumined with a single ray shot from their lustre? Devoid of taste and of genius, how can he have had memory enough to preserve this original vulgarity? He is indeed an object of compassion, and from my inmost soul I bestow upon him my forgiveness and my bounteous pity.'

There was so much truth in O'Connell's denunciation that Saurin's colleagues are said to have chuckled for long afterwards at the castigation which Saurin received. The trial began in July, 1813; and from that

time forward O'Connell had to face the concentrated fury which he had deliberately provoked. He believed that defiance was the only means of encouraging the Catholics to come forward in a militant agitation. The following year saw the collapse of all his hopes, when he himself preferred to let the agitation which he had created die down in ignominious failure, rather than consent to the Veto proposals which were demanded as the condition for granting Catholic Emancipation at once. His attitude even split the Catholic forces in Ireland, and it created a deep estrangement between the Catholic Committees in Ireland and in England. In those conditions O'Connell's enemies used every effort to crush him irreparably. D'Esterre's public insults forced him, against all his convictions, to fight a duel in February, 1815, because he believed that if the insults passed unchallenged, the opposition to Catholic Emancipation would triumph overwhelmingly. He killed D'Esterre and vowed that he would never fight again. But only a few months later he was forced to accept another challenge from Robert Peel as Irish Secretary. Once again he felt that he was obliged to fight, not as a personal matter of honour, but because the whole Catholic cause would be involved in his humiliation if he refused.

This second duel was the origin of a famous epigram in verse by Charles Kendal Bushe which Miss Somerville quotes, apparently in ignorance of what the duel was. She writes (p. 189):

'And when Dublin was being entertained by the apologetic explanations of two gentlemen who, having fallen out publicly, had then refused the ordeal of battle on the grounds of consideration for their female relatives, Charles murmured to a select few in No. 5 Ely Place:

*Two heroes of Erin, abhorrent of slaughter,
Improved on the Hebrew command;
One honoured his wife, and the other his daughter,
That their days might be long in the land.*

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It is surprising that Miss Somerville should be unaware of the subject of those famous verses. The two gentlemen were not at all what she imagines them to have been. One of them was Daniel O'Connell. The other was his second, Mr. George Lidwill, whom he deputed to answer a challenging visit from Sir Charles Saxton on behalf of Mr. Peel. The story had many peculiar features. It began with a provocative speech by O'Connell, who had taken offence at what he believed (quite wrongly) Peel had said concerning him. He declared that Peel would not dare use such language about him outside Parliament. Peel retorted by sending Colonel Saxton to demand an explanation, and O'Connell refused to give any, fearing that he was faced with a trap which would lead to his being prosecuted. Saxton then replied that Peel stood by everything he had said of O'Connell, which forced O'Connell—in consequence of his own provocative utterances—to send a second to wait upon Peel. He selected his friend George Lidwill for the purpose. There was no need for matters to reach a crisis; but Colonel Saxton unexpectedly rushed into print with an account of the proceedings, suggesting plainly that O'Connell had behaved as a humbug. This roused O'Connell to fresh insults; and Peel, who had then been Irish Secretary for two years, retorted by sending a challenge to a duel through his friend Colonel Brown, the Quarter-Master-General in Ireland. Lidwill and Saxton had by this time become involved (as often happened to seconds in such cases) on account of Saxton's publication of the proceedings; and O'Connell therefore appointed another second to wait upon Colonel Brown.

By this time everybody was aware of the position and O'Connell's wife became alarmed at the prospect of another duel. She had been deceived and kept in ignorance of the duel with D'Esterre until after it

happened, and she was determined not to be deceived again. She boldly sent word to the magistrates, and two policemen arrived at Merrion Square after he had gone to bed and placed him under arrest in his own house. In the meantime Lidwill's daughter had taken similar precautions. So the two men were brought before the Lord Chief Justice in his own house, and there O'Connell was bound over in his own bond for £10,000 to keep the peace within the King's realm. Lidwill was similarly bound over also. The sheriff had been unable to arrest either Peel or the Quarter-Master-General, because they had been warned of what might happen and had discreetly escaped from Dublin. O'Connell had to send word accordingly to Peel's second to explain his undignified arrest, but he added that as he could not now fight the duel in Ireland, he would be happy to meet Mr. Peel 'at the most convenient part of Europe.' One curious feature of the story is that O'Connell's uncle, old General Count O'Connell, the last Colonel of the Irish Brigade, had come back to Ireland after many years on a visit, and was staying at O'Connell's house at the time. The old General had been a life-long enemy of duelling and his nephew could scarcely hope for moral support from him. But the circumstances were so peculiar that even the old General decided that, in this case, O'Connell was obliged to carry out his intentions. It happened that the old man had never forgotten his early fluency in speaking Irish, which language O'Connell's wife could not understand. She refused to allow either of them out of her sight, and they outwitted her by discussing their plans in Irish in her presence. So the arrangements went ahead for a duel in Ostend; and O'Connell, after a month's enforced delay, set out by a circuitous route—to avoid arousing his wife's suspicions—for London. Meanwhile Peel's father had offered a reward for O'Connell's arrest,

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after all the newspapers had announced that Peel had gone to Ostend to meet O'Connell there. Just as he was entering the coach he had booked to take him to Dover in the small hours of the morning, O'Connell was arrested in London and brought to Bow Street. The duel was thus frustrated finally; and it was years before O'Connell heard the last of the ridicule it incurred.

Charles Kendal Bushe's epigram had been repeated all over Ireland by the time O'Connell returned. Who knows but it may have been one of the reasons that determined him to go on with the mad attempt, to escape the appearance of cowardice? Yet there was certainly no malice in Bushe's epigram. He was a born wit, and the subject was one which no wit could have resisted. As Solicitor-General for seventeen years, most of them spent under Saurin, he made no enemies, and when he became Lord Chief Justice in 1822, the Irish Bar could feel proud that so noble a gentleman was at its head.

Many years earlier as a young man he might have become Master of the Rolls, in spite of his youth, if he had been willing, like most members of Grattan's Parliament, to sell his vote in favour of the Union. Miss Somerville rightly calls him an incorruptible Irishman. He made one of the most powerful speeches against the Union at a time when he risked his career by opposing the Government of the day. Miss Somerville quotes largely from the speech and from many others; and they leave one gasping at the thought of the bombastic rhetoric an intelligent body of men could sit and listen to for hours and hours. That Bushe was incorruptible is certainly beyond question. But even Miss Somerville intimates quite frankly that she cannot imagine why any reasonable man should have felt as he and his friends felt about the Irish Parliament. Grattan was, of course, so superb a figure that he

dominated it; and its traditions will always be associated with his eloquence and his devotion to the cause he served. But she omits to mention that Grattan himself never once held office in the Irish Parliament, and that it opposed practically every useful measure for which he fought. And she is by no means alone in her views when she writes (p. 75) :

'The more that is known of the majority of the men who composed the Irish Houses of Parliament during its final sessions, in the last decade of the eighteenth century, of the tricks, the corruption, the bigotry, the shameless opportunism, that characterised their methods, the more difficult it is to understand why any men of honour fought to save the life of such an assembly. And yet it is undoubted that the best and most honourable of the Irish members, the most open-minded and least influenced by sectarianism, those whose votes neither titles nor place nor money could buy, were those who most strenuously opposed the Union. Like stars in the darkness of that time shine the names of the men who were true to themselves and their breeding and kept their hands clean.'

Why such men did fight to save the Irish Parliament in spite of all its corruption is a subject which might fill many books. Miss Somerville mentions the striking fact that the chief supporters of the Union outside Parliament were the Irish Catholic bishops. Their leaders in this matter, as is well known, were Bishop Moylan of Cork and Archbishop Troy in Dublin. They had in fact lost all faith in the influence of Grattan and his friends who favoured a mild measure of Catholic Emancipation, coupled with such restrictions as were later formulated in the proposals for a veto by the Government upon the appointment of Irish bishops. They trusted Lord Castlereagh and Pitt in the promise to introduce Catholic Emancipation as part of the settlement of which the Act of Union was to be the first stage. They knew that the King was opposed to such proposals but they believed that Pitt was indispensable while the Napoleonic wars continued. Actu-

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ally they overrated Pitt's influence, and they underrated the King's powers of resistance even during a European war.

The Irish Parliament was in fact the centre of a closely compact social caste, based upon the Protestant Ascendancy. Those who fought valiantly to preserve its existence were in reality fighting to preserve their own caste and their own social traditions, much more than to promote any programme of improvement in the country. And to the Irish lawyers especially the Union meant destruction to much of their social and political influence. They had a stronger reason than almost anybody else for opposing the abolition of the Irish Parliament, which must involve the collapse of the social and political life of Dublin as a metropolis. It was most significant in O'Connell's career that as a very young barrister he convened a meeting of Catholics in Dublin to oppose the Union, in opposition to the known wishes of the Irish bishops. Whether he was more influenced by his surroundings as a young barrister, or by the nationalist ideas he had acquired during the French Revolution, is a matter for argument. But at any rate the Irish lawyers were generally convinced that the Union must be strongly opposed. In opposing Lord Castlereagh and old Lord Chancellor Fitzgibbon they certainly risked temporary disfavour. But it was not only the noble and the high-minded like Charles Kendal Bushe who opposed the Union as prominent members of the Irish Bar. Among its most vocal opponents at that time was Mr. William Saurin, and neither he nor Bushe himself in fact suffered any serious loss of advancement through their high-spirited indiscretions at the time.

One letter which Miss Somerville quotes presents a curious problem. It is signed simply with the initials 'S.W.' and addressed to Bushe, apparently by someone who did not know him personally. It con-

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gratulates him on his powerful speech against the Union, and sets out various arguments against it, especially in connection with its probable effects in injuring Irish manufactures. It is written from Baggot Street, Dublin, and bears the postmark 10 May, 1800. The only clue which Miss Somerville can find to its authorship is its seal, which she describes as 'an oval shield, surmounted by a ducal coronet, with three coronets, or two and one, on a field azure, and for mantles, what appear to be a cardinal's tassels.' She has submitted the seal to one authority who suggests that it may have been written by 'a high ecclesiastic in the Roman Catholic Church who also had a foreign title.' There certainly cannot have been many such high ecclesiastics in Ireland at the time, who were the possessors of foreign titles. Internal evidence would scarcely bear out the suggestion offered, because the letter makes no mention of Catholic Emancipation, which was what the Catholic ecclesiastics were most concerned about. Moreover the leaders of the Irish hierarchy were working strenuously for the Union, and would have had little sympathy with Bushe's rhetorical appeals against it. But, as Miss Somerville's authority is presumably someone who knows the meaning of seals, it would be interesting to know if there was any such gilt-edged ecclesiastic in Ireland at the time who disagreed with the attitude of the bishops, and would have approved of Daniel O'Connell's first public oration in denunciation of the Union.

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