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Manly Magistrates and Citizenship in an Irish Town: Carlow, 1820-1840

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On the 27 September 1832, Mr Hamilton addressed the Carlow Petty Session Bench in a long speech about his “chartered rights” to demand customs at the Carlow Fair. His appearance before the court and the exchange with the magistrates was reported a few days later in the local newspaper, the *Carlow Morning Post*.¹ During his speech, he noted that his lease was “made out consistent with the law of the British constitution” and that “If chartered rights were to be questioned in that manner, nothing was safe – no man in the country was secure in the title deeds of his estate. As to his right it was founded on no less than the authority of royalty itself (a laugh [in the court])”. He went on to criticize the recent decision of the bench that had went against him, challenging the right of the court to try the case, before muttering that it “was not a court of justice”.

The right of the Lord of the Manor of Carlow, Mr Hamilton, to collect customs in the town of Carlow had been a topic of considerable debate for over a decade by 1832.² Attempts to collect tolls on market day or in court were always accompanied by complaints of unfair weighing, illegal demands, overly-officious collectors, assaults, and the occasional riot.³ As a result, the Petty Sessions on the Thursday following the fair was usually crowded with business, as different social groups contested the right and manner in which customary dues were collected and paid. While the desire to avoid paying taxes was certainly not new to this period, the tension that surrounded this topic during the first half of the nineteenth century reflected much bigger questions around who held authority in the modernizing town and who had a right to a say in its governance.

This chapter uses this dispute as a case study of how governance was enacted in Carlow town through elite men’s participation in the Petty Sessions as magistrates. It argues that these men came to symbolise wider political parties and structures in the imagination of the wider urban public and so their behaviour became the manifestation of “politics” in

Carlow. Moreover, during a period where the expansion of male suffrage was a topic of immediate concern, those magistrates who were viewed as sympathetic to the growth of representative democracy came to represent “the people” and so their actions in court became vested with much wider significance, complexly tying together everyday urban governance with questions of political citizenship. This chapter begins with an exploration of the context of urban governance in Carlow that allowed for this dynamic and introduces the main characters in this drama. In the second half, it goes back to the case study that opens this piece to demonstrate how elite men’s performances in court were able to shape debates over the nature of political citizenship.

Carlow town: the context

Carlow town is situated in Carlow County, in the province of Leinster in South-West Ireland. In the early nineteenth century, it was an incorporated borough, market, and post town, situated on the banks of the river Barrow and overshadowed by a medieval castle. Carlow had an extensive trade in corn and butter, which was sent to Waterford and Dublin for export, as well as large grinding mills for flour and oatmeal, two tanneries, two breweries and a distillery.⁴ It was home to the County infirmary and dispensary, a Magdalene Asylum, County gaol (significantly enlarged in 1832), a Cavalry barracks and, by 1839, two reading rooms. Typical of many towns of the era, Carlow was actively modernizing, adding a new court house around 1830, a county fever hospital in 1828, and the district lunatic asylum in 1831. In 1824, there were 15 Roman Catholic and 12 Protestant schools, and a Roman Catholic college and seminary for lay and ecclesiastical students, which underwent expansion in 1828.⁵ Market days were Monday and Thursday and there were four fairs annually.⁶ In 1831, the census placed the population of Carlow town at 9,114 and the county at 81,988.⁷ It was the county’s assize (periodic criminal courts) town, as well as hosting the local quarter and petty sessions. In terms of size, industry and its urban governmental

structures, it was a fairly typical Irish town. It was perhaps unusual in containing a rather even numerical balance of Protestants and Catholics, that at times heightened sectarian tensions, but it was not unique. Particularly in an urban context, it was typical for large numbers of Protestants and Catholics to co-exist in Ireland.

Urban governance in Ireland was in the process of modernizing during the early nineteenth century, but, as a result, was an odd mixture of old and new forms. Like many towns in Ireland and as had previously been the case in much of England, Carlow was part of a Manor estate held by a landed family, who received rents, customs and tolls and in return invested into the urban infrastructure. The Lord of the Manor also presided over the Manor Court, which had jurisdiction over rent, custom and boundary disputes and associated issues of local governance. Historically, it also had jurisdiction over criminal affairs. The Hamiltons purchased the Manor, and its rights, in 1721.⁸ Carlow was also incorporated from an early period. This gave the town the right of self-governance, including the entitlement to elect a council and officers, promote industry, appoint magistrates, set up court, pass laws and ordinances and return a parliamentary candidate.⁹

The county also had a local sheriff, who collected royal revenue, was president of the assize court and appointed the Grand Jury. The Grand Jury, made up of the leading men in the county, presented criminals for trial at the assizes and held an administrative function in raising funds for public services.¹⁰ In addition to a sheriff, Irish counties had County Governors, who were head of the Commission of the Peace and could nominate magistrates to be appointed by the Crown. They were replaced in 1831 by County Lord Lieutenants, who had the power to appoint deputy Lord Lieutenants.¹¹ In 1837, Carlow County had six deputies. Each county also had a number of magistrates. Carlow had 50, plus the deputy lord lieutenants, in 1837.¹² Magistrates were nominated by the Corporation, the County Governors or Lord Lieutenants and appointed by the "Crown" (in practice the government), or imposed from above as stipendiary Resident Magistrates by the Lord Lieutenant of Ireland. Local magistrates were unpaid and usually members of the local gentry. While they

were “appointed”, they were almost never stripped of their position, and their “independence” from state control was a matter of significant pride, but also political importance.¹³ In contrast, stipendiary magistrates could be removed from office, or transferred across the country, depending on performance or political climate.¹⁴

Traditionally, magistrates operated relatively independently from each other, so that someone proffering information to one magistrate and not receiving the desired response could then seek out a different magistrate in the hope of receiving a more sympathetic hearing. From the early 1820s, the magistrates sat formally at the weekly Petty Sessions, where a “bench” of magistrates (often simply whatever magistrates were available that day) met with a very similar jurisdiction to the Manor Court. Like in the past, crimes, disputes or petitions were brought by individuals (male or female and of any social class, religion or ethnicity) to the magistrates in person or to the bench on court days. Petty Sessions were relatively informal, focusing more on dispute resolution and arbitration than enforcing court procedures and enacting punishments, although summary justice for petty crimes was available. Carlow, as an assize town, had a courthouse where its Petty Sessions were held, but many smaller towns did not, holding their sessions in available public buildings or even private houses. Courtrooms were markedly less formal during this period, and Carlow’s did not have designated boxes for witnesses, juries or even audiences, but rather the court gallery mingled with court officials, sometimes cramming into the space for high-profile cases. The Petty Sessions sat in most major towns and, as the most regularly meeting body involved in town management, operated as the frontline of urban governance, dealing with everyday disputes between the population, ensuring law and order, determining the payment of customs and taxes, granting licenses for public houses and deciding boundary disputes.¹⁵

Carlow was also home to two long-running and partisan newspapers during this period. The broadly liberal *Carlow Morning Post* was published in the town between 1818 and 1835, while the Unionist and Tory *Carlow Sentinel* appeared in 1832 and survived until the twentieth century. A number of short-running papers were also printed at various

intervals. In the 1830s, the *Carlow Morning Post* cost 5d and the *Carlow Sentinel* 6d, around half a day's wages for an agricultural labourer or around a quarter for an artisan.¹⁶ They would have been available in the town's two reading rooms, and it was not unknown for the lower classes to purchase newspapers as a group or for employers to read aloud the news to those in their household.¹⁷ Both papers were highly political, containing considerable commentary on local governance issues and relevant national and international news, and through the nature of their reporting were direct participants in Carlow political life. As they were partisan, their coverage included puff pieces on their preferred political candidates, vicious attacks on the opposition, news reports that "supported" their particular perspective, as well as letters to the editors on political topics.¹⁸ Both papers reported on events in the Petty Sessions and, as shall be explored below, because the magistrates were also major political players, Petty Session reports were part of political discourse.

The reporting of events in the magistrate's courts is consistent in style across both papers, with a shared investment in a particular style of court reporting that relied heavily on descriptions of dialogue and acknowledged the presence of the court gallery, as well as the key cast of magistrates, lawyers, complainants, defendants and witnesses. In this, the reports were typical of those that appeared in local newspapers around the country. Their similarity in Carlow may also reflect that both papers were edited by the same man, Thomas Carroll, esq; he moved from the *Post* to the *Sentinel* in 1832, as "our views changed with the circumstances of the times ... we conceived while looking for liberty, we were endeavouring to support the party that was establishing a civil tyranny". Carroll acknowledged that he regularly transcribed the trials, determining what cases to record based "on the circumstances".¹⁹ These sources provide a central form of evidence for events in the Petty Sessions, recording not only formal decisions but demonstrating the performative nature of legal practice through their descriptions of legal arguments, behaviour, clothing, movement, and audience participation.²⁰

The newspapers offered a space for a wider dialogue around the events both in the court and the town itself. In doing so, readers were offered the opportunity to align themselves with particular political ideologies that were in turn vested upon the bodies of a group of elite men, who represented those ideologies and who were regularly featured and discussed in the press. At the same time, it politicized the actions of these men as they went about the everyday and even mundane business of urban governance. In this sense, the newspaper not only reported on events in the magistrates' court, providing the central source for this research, but also helped provide meaning for the events that went on within it. The audience that came to watch the court proceedings therefore understood the performance of the magistrates in this political context.

Carlow's Magistrates

In early nineteenth-century Ireland, magistrates were typically drawn from local landed families, a continuation of the traditional governance roles of the elite in society. Carlow town was unusual, however, in that so many of its magistrates were or had been elected Members of Parliament for the region and so were explicitly associated with the major political parties of the day. After the parliamentary and political Union of Great Britain and Ireland in 1801, the region was represented by three members of parliament: two for the county and one for the borough. Until 1832, the town was a "rotten" borough, voted for by the Sovereign and thirteen burgesses of the town's Corporation. The county, on the other hand, had an electorate of around 4,000 in 1815, but between 1800 and 1832, only three elections were contested and the candidates were all drawn from the county's leading landed families: Bagenel, Bruen, Butler, La Touche, Rochfort, and Kavanagh.²¹ Catholics were allowed to vote from 1793, but the 1829 Act that allowed them to sit in parliament, simultaneously reduced the voting population by replacing the 40s freehold vote with a £10 property qualification. This condensed the county electorate to around 1200 voters.²² The

1832 Irish Reform Act (designed to expand the electorate) made little difference to the county electorate, but opened up the borough to urban voters for the first time, increasing the number of voters to around 300.²³ From this point until the mid-century, contested elections were a regular feature in both the borough and county.

Since 1812, one of the county seats had been held by the magistrate Col. Henry Bruen, a local Protestant landlord, educated at Christ Church, University of Oxford alongside the Conservative politician, later British Prime Minister, Robert Peel. In 1816, Bruen joined the local militia, where he received his title "Colonel". He was broadly conservative in his politics, but also supported Catholic emancipation and was generally respected across the community. In 1826, he was joined by his father-in-law, Thomas Kavanagh, who held the second county seat, and was of a similar social background. The first significant challenge to this conservative status quo was offered by Walter Blackney of Ballyellen, a local landlord, deputy-lieutenant of Carlow, and Roman Catholic supporter of Repeal (the campaign to rescind the political Union of Britain and Ireland), and his running-mate, Roman Catholic, Sir John Milley Doyle (replaced the following year by a Liberal Protestant, Thomas Wallace), who took the County seats from Bruen and Kavanagh in 1831. The Liberals were a rebranding of an arm of the older Whig party and were associated with weighting parliament over monarchy in the constitutional balance, promoting limited freedom of the press and the expansion of suffrage, while the Conservatives, an arm of the Tory Party, tended to be more reactionary, opposing the Reform Acts and Catholic emancipation.²⁴ Blackney was independent, but as he ran on a Repeal platform was associated with Catholic emancipation and the expansion of the electorate. He tended to vote with the Whigs in parliament.

In 1832, the borough seat was also contested as William Francis Finn, a Roman Catholic, supporter of Repeal, and son of a rich Carlow tanner, competed against the Protestant Liberal Nicholas Alyward Vigors, a local landlord, and the Tory Francis Bruen, brother of Henry. Vigors won. He was an intelligent, charismatic man, educated at Trinity College, Oxford, after military service during the Peninsular War, practised as barrister and

was awarded a Doctor of Civil Law in 1832.²⁵ For the next decade, the same names were to compete in various combinations for the borough and county, with the seats bouncing back and forth between Whig/Liberal and Tory candidates until Vigor's death in 1840. It is worth emphasizing however that despite the heated contests between these men and their choice to situate themselves under different party banners, they shared broadly similar social backgrounds and a reformist outlook.

Like other members of the Irish elite, Carlow's magistrates had complex Irish-British identities, often educated on the British mainland and sitting in the London parliament, but spending much of the year on and deriving their power and income from their Irish estates. These men were less likely to be absentee landlords than the wealthier aristocracy and instead were active leaders in the urban and rural community. Bruen, Vigors, and Blackney, for example, all sat on Grand Juries (occasionally at the same time), stood as Members of Parliament for the borough or county, and were practising magistrates. Vigors and Blackney were also deputy Lord Lieutenants. Horace Rochfort, esq, a member of the local landed gentry, sat on multiple Grand Juries, practised as magistrate, held the position of High Sheriff of Carlow in 1839, was a deputy Lord Lieutenant, and unsuccessfully ran against Bruen-Kavanagh on a Whig ticket in the 1830 election.²⁶ The dominance of local government by a small number of men reflected the persistence of traditional power structures. The same families that had held social and political power within the community in past generations continued to do so well into the nineteenth century. Yet, as the electoral contests that followed the 1832 Reform Act, despite limited change to the electorate, suggest, the basis of their power came under negotiation.

Class and Citizenship in Carlow

A lack of voting rights had not stopped the politicization of Carlow's urban population. Leading up to the 1798 Irish Rebellion, the Society of United Irishmen had made significant

headway in the town, especially amongst the literate and ambitious shopkeepers, tradesmen and artisans at its core. This political activity, building on the more mainstream Volunteer movement that preceded it, drew in both men and women, Catholics and Protestants, from across the social spectrum, and fed the demand for a political provincial press, as well as leading to boycotts and engagement in political societies.²⁷ The Society, inspired by the French Revolutionaries, sought increased democratization, as well as emancipation for Catholics and independence from British rule. Although a non-sectarian organization, the United Irishman threatened the Protestant interest, leading to the rise of Orangeism in response throughout the country. Although the movement collapsed in Carlow after the arrest of its leaders in the lead up to the rebellion, the Society radicalized a large part of the town's population, which continued to be demonstrated in election riots, as well as the demand for the town's partisan press, over the next few decades.²⁸

This politically-aware urban population increasingly lined up behind and reinforced a political cleavage in the town between Whig/ Liberal politics, with its support for Catholic emancipation and later Repeal of the Union, and Toryism, associated with the Protestant, landed interest, planting the seeds of sectarianism along political lines and adding to the tension around electoral competitions.²⁹ As a result, much of the disenfranchised urban population gave their support to Liberal politicians after the Reform Act, supporting the party that they believed would offer them political citizenship. The support for Liberal candidates often played out in the Carlow Petty Sessions, as the court gallery, made up of the townsfolk, made their opinions known through their cheers, laughter and groans in response to the magistrate's actions.

The Manor Court was defunct by the early years of the nineteenth century; the Petty Session took over its jurisdiction. Hamilton attempted to revive it in 1833, in response to his increasing inability to successfully win customs and tolls cases in front of the magistrates, but few cases were tried there.³⁰ His lack of success reflected that, by 1833, the role of the Lord of the Manor was no longer a position recognized by much of the community. In its

absence, the Petty Session had taken its place and the magistrates had taken on his role. Yet, it was not until 1832, the year of the Reform Acts that expanded suffrage across the United Kingdom, that Hamilton felt that this shift threatened his interests. When he walked into the Petty Session on the 27 September 1832, in the incident that opened this chapter, to defend his customary dues again, as he had done on multiple occasions over the last decade, he was already aware that his position was in peril. However, Hamilton perhaps expected that his claim to rights, harking back to Royalty, the protection of private property, and most vitally the British constitution, would find a sympathetic hearing amongst his fellow landowners on the bench. What he had failed to foresee was that the British constitution no longer only protected the privileges of the few, but was now part of popular radical discourse.³¹

The politicized urban population of Carlow (and across the United Kingdom) had adopted the British constitution for “the people”, using it to shore up their claims to political rights. As a result, they clung to the language of the constitution – parliament, monarch – to defend their political activities, as well as supporting those politicians that represented their interpretation of the constitutional balance. As one female defendant that came before the bench due to her part in election rioting commented: “I did throw some pebbles at her when she called me a Popish *** I shouted for Mr Vigors and the Queen, and I’ll do so again, ‘Hurrah for Vigors and the Queen’”.³² The Liberal magistrates on the bench, Blackney and Vigors, were well-versed in popular constitutionalist discourse, a platform that they campaigned on and gave them legitimacy amongst the populace of the borough and county.

Blackney was preparing for the election in December when Mr Hamilton came into the court to ask whether he was “to be attacked by a mob who were spurred on and incited to such acts”. Blackney immediately responded with a defence of the people:

The people had been designated as a ruthless mob, bent upon upsetting the

constitution. He (Mr Blackney) for one would ask whether the people were to lie quietly down under oppression and injustice and never to make any resistance against their oppressors (loud cheers). He would never stand by and hear the people impeached in that way (cheers).

Mr Hamilton's challenge to "the mob" – a term that in an early-nineteenth-century context was used as shorthand for social groups without political legitimacy – presented Blackney with the opportunity to defend his constituency in the crowded and public forum of the court. His defence, not only of the complainants on trial but of "the people" (who were "impeached" – language associated with political actors), gave the watching audience both political authority and a voice (if one mediated through an elite man), which they endorsed with cheers, just as they had earlier derided Hamilton's words with laughter. Through his defence of the people and through their vocal responses to events in court, the urban populace were both offered and claimed citizenship. Yet, this form of citizenship, like representative democracy more broadly in many contexts, relied on elite men for its exercise.

Manly Magistrates

While the pattern of political power residing in a small group of elite men had a long history in Western Europe, from the late eighteenth century, gender was increasingly important to signifying their rights to political authority. As Karin Sennefelt notes, from the late eighteenth century in Europe, "political competence was designated as a masculine quality", which in turn "structured the ideals and norms of active citizenship".³³ While some elite men legitimized their authority to govern through claims to popular support, their power as public leaders was closely related to their authority as men, which complexly tied into other facets of their identity, notably rank and the rights derived from public office. Even for the Whigs, Mathew McCormack argues, political independence was understood in the context of a

hierarchical society, where “the legitimate influence of intellect, rank and leadership held sway”.³⁴ As a result, political authority became embedded within particular forms of elite male identity, and in turn elite men came to literally embody that authority. Through this process, the actions of elite men who held political authority, such as Carlow’s magistrate-MPs, became implicated in political life, and the disputes or disagreements they engaged in came to hold significance beyond the personal. This was particularly true for behaviour that occurred in public spaces, such as the court, where these men were carrying out duties related to their political and governance positions.

In September 1832, when Mr Hamilton challenged the authority of the bench through contesting his ability to receive justice from them, he simultaneously challenged them as men, as magistrates and as members of the social elite. As might be expected, Hamilton’s assertion (muttered under his breath in a cowardly way!) that this “was not a court of justice” angered the bench of magistrates, including Blackney, Bruen and Vigors, that had heard his case, leading to a dispute between these elite men that was later published in the *Carlow Morning Post*:

Mr Blackney, with much indignation, said Sir I will not stand here and suffer such an imputation to be cast upon the administration of justice. What! In the presence of a whole bench of magistrates to declare that this court was not a court of justice. It was so unwarrantable an insult upon the whole bench and for his (Mr Blackney’s) part, he could tell the gentleman who had the audacity to make such a declaration that very little prevented him from committing him.

Mr Burgess – Mr Blackney, you know the power with which you are invested if you choose to exercise it.

Mr Blackney – I am willing to think that the man must have lost his sense to have the effrontery to make use of such language.

Mr Hamilton – I stand here and defy the any magistrate here to commit me. I am not

Sir (to Mr Blackney) what you have attempted to represent me, recollect where you stand. You would not address me in that manner outside the court.

Mr Blackney – I tell you Sir that your conduct has been most unwarrantable. I make no individual defence of myself: I vindicate the bench from the insult you have cast upon them.

Col. Bruen here interfered & reprobated Mr Hamilton's conduct. Mr Hamilton then in an undertone but breathing defiance said that if there was a party here, thank God, there was a party in another country fortified with a strong fund to afford its protection. After some time, Mr Hamilton disavowed any intention of casting any stigma upon the bench and Mr Blackney expressed himself satisfied with Mr Hamilton having retracted his abstentions.³⁵

Partially a reflection of the style of transcription used by court reporters in recording events in court, the news article captured the manner in which elite men became the embodiment of wider political disputes over who had the right to govern. In recording mainly the dialogue and the manner in which it was spoken, the report narrowed the vision of the reading public from a wider courtroom space to the words of these men, as they faced each other in anger. In using their names, "Mr Blackney", "Mr Hamilton", rather than their titles, "the Magistrate", "the Lord of the Manor", it located this dispute onto them as individuals, rather than on to their wider social roles (that placed them into this situation). Moreover, because these words were in practice spoken by individuals (rather than abstract political entities) who had been taught to behave and speak in ways appropriate to their gender and social class, this dialogue reflected the wider social codes for appropriate behaviour between elite men, where a challenge to one's behaviour in political office was also a challenge to one's manhood. As a result, a political argument about the nature of governance in urban Carlow became a direct challenge to the manliness of one man by another.

Whilst this merging of the political with the personal was true in many contexts for these elite men, it was reinforced in this particular case due to the topic matter being disputed, which had the question of town governance at its heart. Blackney and Hamilton's claims to exercise power in the space of the court as individuals were simultaneously a dispute over the nature of political authority in society more broadly. Mr Hamilton's assertion that no magistrate dared to commit him reflected his belief in his own social privileges as Lord of the Manor. Similarly, that Mr Blackney, or another member of the bench, did not immediately commit him, even after an attorney, Mr Burgess', assurances of its legality, indicated the extent to which the members of the bench were still conscious of the importance of rank in social hierarchies of power, despite their political authority as magistrates. This was made explicit when Mr Hamilton pointed out the social disparity between him and Mr Blackney, by noting that Blackney would not have spoken to him thus outside of the court, and, in turn, Mr Blackney claimed the authority of the bench for his actions, rather than his own as a man, or even as a Member of Parliament. That Mr Hamilton withdrew, if with poor grace, after Col. Bruen's interference reflected that Bruen was of a very similar rank to Hamilton. This allowed Hamilton to back down without challenging the principle of his own claim to authority (that of social hierarchy), or his standing as a man, in an era where honour, and duelling in defence of honour, continued as a part of life.³⁶ Backing-down to an unworthy opponent was an act of cowardice that undermined manliness; accepting one's social place was an act of sense, duty and morality.³⁷

The importance of appropriate manly behaviour to interactions with the court constrained the actions of elite men within that space. As well as codes around honour that required men to respond assertively to personal insult, there was an expectation that even adversarial exchanges would use polite address and deferent language, much like politicians in Parliament.³⁸ As this language built on wider social codes that reflected class hierarchies (such as use of titles or privileging the voice of the elite), this reinforced the traditional social order even in contexts where actors were challenging lines of power. This was evident in

one of Vigors earliest appearances on the Carlow bench in 1831, where he challenged the bench's consensus that the men before them should not receive bail:

Mr Vigors – it appears to me to be aailable offence; one of the prisoners has been already admitted on entering into the necessary recognisances. I am of course only a young magistrate, perhaps the youngest in the world (laughter) – but I merely wish to ascertain the fact, whether under such circumstances we are fully competent to receive bail. ... This investigation must be productive of very great benefit to the public, inasmuch as they will perceive that their complaints are attended to, and that justice will be fairly administered.

Col. Bruen – Mr Vigors must be indeed a very young magistrate, otherwise he would not have observed that justice was not impartially administered here heretofore (a voice in the court cried out, he is better than the old ones).

Mr Vigors – I did not intend to convey more by my observations than to establish a confidence in the minds of the people of the wisdom and impartiality with which justice was administered, that was quite different from having the remotest intention of reflecting on the character of the magistrates that usually attended.³⁹

Vigors attempted to use his new position on the bench to contest the decision of his fellow magistrates and to simultaneously distance himself from past magistrates and situate himself politically as a Liberal and supporter of “the people”, but he overplayed his hand. Col. Bruen (who was four years younger than Vigors) used this opportunity to put Vigors back in his place. To do this, Bruen turned the joke that Vigors had made in respect of his “youth” as a magistrate – an attempt by Vigors to lighten the tone of his questioning of the other magistrate's decision not to bail a prisoner and so make his criticism more palatable – on its head by suggesting that he was not only young, but ignorant and acting foolishly. In doing

so, Bruen undermined Vigors manliness, which acted to punish him for his misspeaking, and forced Vigors to apologise, restoring the status quo.

The dynamic of this engagement in court in many respects mirrored a duel in its form of challenge, response, counter-response or counter-challenge, and resolution, reinforced in the newspaper account through the style of transcription that made the exchange appear very immediate and combative.⁴⁰ This type of communication repeatedly appeared in the court as men attempted to take mastery of the court space, hoping that a victory in verbal engagement demonstrated power, like the physical victory did in duelling.⁴¹ Moreover, such verbal strategy was viewed by the combatants as furthering their version of events or their interpretation of justice, rather than simply allowing personal ire to cloud public business. At all times, however, the conversation was polite and deferent, caging criticism in subtle and ambiguous language that worked for the benefit of the status quo. Behaving in “manly” ways underpinned men’s social authority as it was used to distance them from the “unmanly” and undeserving of political power, but it also constrained the operation of power through placing limits on what was said and the manner in which it was spoken.⁴²

This had implications for the political citizenship of the urban population. As elite men, such as Vigors and Blackney, came to embody the demands for political citizenship of the disenfranchised, their victories in court, even if only at the level of verbal sparring with opponents, came to symbolize victories for those that they represented. In contrast, when they were made to appear unmanly, the disenfranchised appeared equally unmanly and, because of the association between manliness and political authority, unable to govern. As a result, everyday disputes between magistrates in Carlow court became small battles in the larger war over the nature of the British constitution and rights of Carlow’s populace to political citizenship.

Conclusion

As Members of Parliament, Bruen, Blackney and Vigors were the political representatives of Carlow, as well as active leaders within the urban community through their role as magistrates. As politicians who were elected based on their association with particular political parties or positions as well as their personal qualities, they came to symbolize cleavages within the politics of the era, a phenomenon that was reinforced through a partisan regional press which treated them as celebrities and conflated them with their political values. As a result, their weekly activities in the public space of the Petty Session were not only understood in terms of their significance to everyday urban governance, but the court became a politicized space where negotiations between magistrates, and magistrates and the public, were also contests between different political worldviews.

In the context of the late 1820s, the main question for political discussion was the nature of the constitution and especially the role of “the people” (and which people) in authorising both monarchy and parliament to govern, with Whigs and Tories taking different positions on this question. The politically-engaged but disenfranchised urban population of Carlow therefore came out in support of those political candidates that stood for the expansion of suffrage, showing their support in the use of their names as a byword for political freedom and in their cheers, groans, and laughter in response to the activities of these men in the court. Despite not having suffrage, such people were able to claim citizenship through their support for the candidates that represented their demands. Moreover, Vigors and Blackney recognised the political import of this popular support actively courting it through their defences of “the people” in court.

Yet, like all forms of representative democracy, the political citizenship of the urban population was constrained through their choice of representative. As elite men engaging with other elite men in the everyday activities of urban governance, Vigors and Blackney, like Bruen and Hamilton, were constrained by expectations of appropriate behaviour not just in the institutional structure of the court, but in elite society. The importance of honour to elite manhood, as well as rules around polite conversation and respect for social hierarchies,

placed boundaries on how men interacted with each other. Moreover, as manliness was closely tied to political rights during the period, men who behaved in “unmanly” ways diminished their authority. As a result, elite men were limited in what they could say, how they said it, and the level of challenge they could provide to traditional social values during their disputes and debates in court, all ultimately limiting the opportunities to challenge the status quo. At the same time, the access the public had to these elite men through being able to use and appear in the public space of the court, and through the recording and publicity given to these men’s activities in the press, provided “the people” the opportunity to exert pressure on their political representatives. The other ways the public could use the court to give voice to their political demands, through witness testimony, legal challenges against other members of the community, and more, await further study.

¹ “Carlow Petty Session,” *Carlow Morning Post* (hereafter *CMP*), October 1, 1832.

² Tommy Clarke, “The Customs of the Manor of Carlow,” *Carloviana* 42 (1994-5): 26–7; Jacqueline Hill, “Dublin Corporation and the Levying of Tolls and Customs, c. 1720–1820,” in *The Law and Other Legalities of Ireland, 1689-1850*, ed. Michael Brown and Seán Donlan (Farnham: Ashgate, 2011), 187–208.

³ For example, see: “Corporation of Carlow,” *CMP*, February 19, 1818; “Tolls & Customs,” *CMP*, February 23, 1818; “On Monday Evening ...,” *CMP*, March 5, 1818; “Carlow Petit Sessions,” *CMP*, September 28, 1829; “Carlow Petty Sessions,” *CMP*, November 19, 1832. This is also happening across Ireland: Peter Jupp, “Urban Politics in Ireland 1801–1831,” in *The Town in Ireland*, ed. David Harkness and Mary O’Dowd (Belfast: Appletree Press, 1981), 103–24.

⁴ *Penny Cyclopaedia of the Society for the Diffusion of Useful Knowledge*, vol. 6 (London: Charles Knight, 1836), 300.

⁵ *Ibid.* For discussion see: Eva Ó Cathaoir, “The Poor Law in County Carlow, 1838-1923,” in *Carlow History and Society: Interdisciplinary Essays on the History of an Irish County*, ed. Thomas McGrath and William Nolan (Dublin: Geography Publications, 2008), 663–722.

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- ⁶ *The New Commercial Directory for the Town Carlow* (Carlow: Kinder & Son, 1839).
- ⁷ *Population, Ireland. Abstract of Answers and Returns under the Population Acts [...] 1831*, Parliamentary Papers, August 7, 1833, 2–4.
- ⁸ Thomas King, “Carlow Town and its Hinterland in the Eighteenth-Century,” in McGrath and Nolan, eds., *Carlow History*, 457–80.
- ⁹ Virginia Crossman, *Local Government in Nineteenth-Century Ireland* (Belfast: Institute of Irish Studies, 1994), 4–5.
- ¹⁰ Crossman, *Local Government*, 25–42; David Broderick, *Local Government in Nineteenth-Century County Dublin: the Grand Jury* (Dublin: Four Courts Press, 2007).
- ¹¹ Crossman, *Local Government*, 15–24.
- ¹² Samuel Lewis, *A Topographical Dictionary of Ireland*, vol. 1 (London: S. Lewis, 1840), 258.
- ¹³ Crossman, *Local Government*, 15–24; Desmond McCabe, “Open Court: Law and the Expansion of Magisterial Jurisdiction at Petty Sessions in Nineteenth-Century Ireland,” in *Reflections on Law and History: Irish Legal History Society Discourses and Other Papers, 2000–2005*, ed. N. M Dawson (Dublin: Four Courts Press, 2006), 126–62.
- ¹⁴ Elizabeth Malcolm, “‘The Reign of Terror in Carlow’: the Politics of Policing Ireland in the Late 1830s,” *Irish Historical Studies* 32 (2000): 59–74.
- ¹⁵ McCabe, “Open Court,” 127.
- ¹⁶ Arthur Lyon Bowley, *Wages in the United Kingdom in the Nineteenth Century* (Cambridge: Cambridge University Press Archive, 1972), 50–1.
- ¹⁷ Kelly J. Mays, “Domestic Spaces, Readerly Acts: Reading(,) Gender and Class in Working-Class Autobiography,” *Nineteenth-Century Contexts* 30 (2008): 342–68; David Vincent, *Bread, Knowledge and Freedom: a Study of Nineteenth-Century Working Class Autobiography* (London: Methuen, 1981), 24–5.
- ¹⁸ For example see: “George Latouche,” *Carlow Sentinel* (hereafter CS), March 1, 1834.

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- ¹⁹ *Report from Committees: Eight Volumes: VI. Carlow Borough Election*, House of Commons, 1839, 264–6.
- ²⁰ For more on the performative nature of the petty sessions, see: Katie Barclay, “Singing and Lower-Class Masculinity in the Dublin Magistrate’s Court, 1800–1845,” *Journal of Social History* 47 (2014).
- ²¹ Donal McCartney, “Parliamentary Representation and Electoral Politics in Carlow,” in McGrath and Nolan, eds., *Carlow History*, 494–7; P. J. Kavanagh, “Nicholas Aylward Vigors M.P. 1786–1840,” *Carloviana* 30 (1983): 15–19.
- ²² *New Commercial Directory* places the number of county voters at 1302; McCartney, “Parliamentary Representation,” 497, puts it at 1246 voters.
- ²³ *New Commercial Directory* placed the town electorate at 307; McCartney, “Parliamentary Representation,” 495, places it as 275 in 1833.
- ²⁴ Boyd Hilton, *A Mad, Bad and Dangerous People: England 1783–1846* (Oxford: Oxford University Press, 2006), 493–523.
- ²⁵ McCartney, “Parliamentary Representation”; Kavanagh, “Vigors”.
- ²⁶ Bernard Burke, *The General Armory of England, Scotland, Ireland, and Wales*, vol. 3 (London: Harrison, 1878), 864.
- ²⁷ Padhraig Higgins, *A Nation of Politicians: Gender, Patriotism and Political Culture in Late Eighteenth-Century Ireland* (Madison: University of Wisconsin Press, 2010).
- ²⁸ Malcolm, “Reign of Terror”.
- ²⁹ Maura Duggan, “United Irishmen, Orangemen and the 1798 Rebellion in County Carlow,” in McGrath and Nolan, eds., *Carlow History*, 535–86; Nancy Curtin, *The United Irishmen: Popular Politics in Ulster and Dublin, 1791–98* (Oxford: Clarendon Press, 1994).
- ³⁰ Lewis, *Topographical Dictionary*, vol. 1, 262.
- ³¹ James A. Epstein, “The Constitutional Idiom: Radical Reasoning, Rhetoric and Action in Early Nineteenth-Century England,” *Journal of Social History* 23 (1990), 553–74.

³² “Carlow Petty Sessions,” CS, August 19, 1837; for a discussion of these claims by similar social groups across Ireland, see: James S. Donnelly, *Captain Rock: The Irish Agrarian Rebellion of 1821–1824* (Madison: University of Wisconsin Press, 2009), 86.

³³ Karin Sennefelt, “Masculinity, Sociability and Citizenship in Stockholm in the Age of Liberty,” in *Scandinavia in the Age of Revolution: Nordic Political Cultures, 1740–1820*, ed. Pasi Ihalainen, Michael Bregnsbo, Karin Sennefelt and Patrick Winton (Aldershot: Ashgate, 2011), 318.

³⁴ Matthew McCormack, *The Independent Man: Citizenship and Gender Politics in Georgian England* (Manchester: Manchester University Press, 2005), 187–200.

³⁵ “Carlow Petty Session,” *CMP*, October 1, 1832.

³⁶ James Kelly, *That Damn'd Thing Called Honour: Duelling in Ireland, 1570-1860* (Cork: Cork University Press, 1995).

³⁷ Michael Brown, “‘Like a Devoted Army’: Medicine, Heroic Masculinity and the Military Paradigm in Victorian Britain,” *Journal of British Studies* 49 (2010): 592–622.

³⁸ Joseph S. Meisel, “Humour and Insult in the House of Commons: the Case of Palmerston and Disraeli,” *Parliamentary History* 28 (2009): 228–45.

³⁹ “Carlow Petty Sessions,” *CMP*, August 15, 1831.

⁴⁰ Steve Banks, “Dangerous Friends: the Second and the Later English Duel,” *Journal for Eighteenth-Century Studies* 32 (2009): 87–106.

⁴¹ Jane Kamensky, “Talk Like a Man: Speech, Power and Masculinity in Early New England,” *Gender and History* 8 (1996): 22–47.

⁴² For a discussion of working-class claims to respectability and its uses in making citizens see: Anna Clark, “The Rhetoric of Chartist Domesticity: Gender, Language and Class in the 1830s and 1840s,” *Journal of British Studies* 31 (1992): 62–88.