

PROCEEDINGS OF THE  
IRISH HOUSE OF LORDS  
1771–1800

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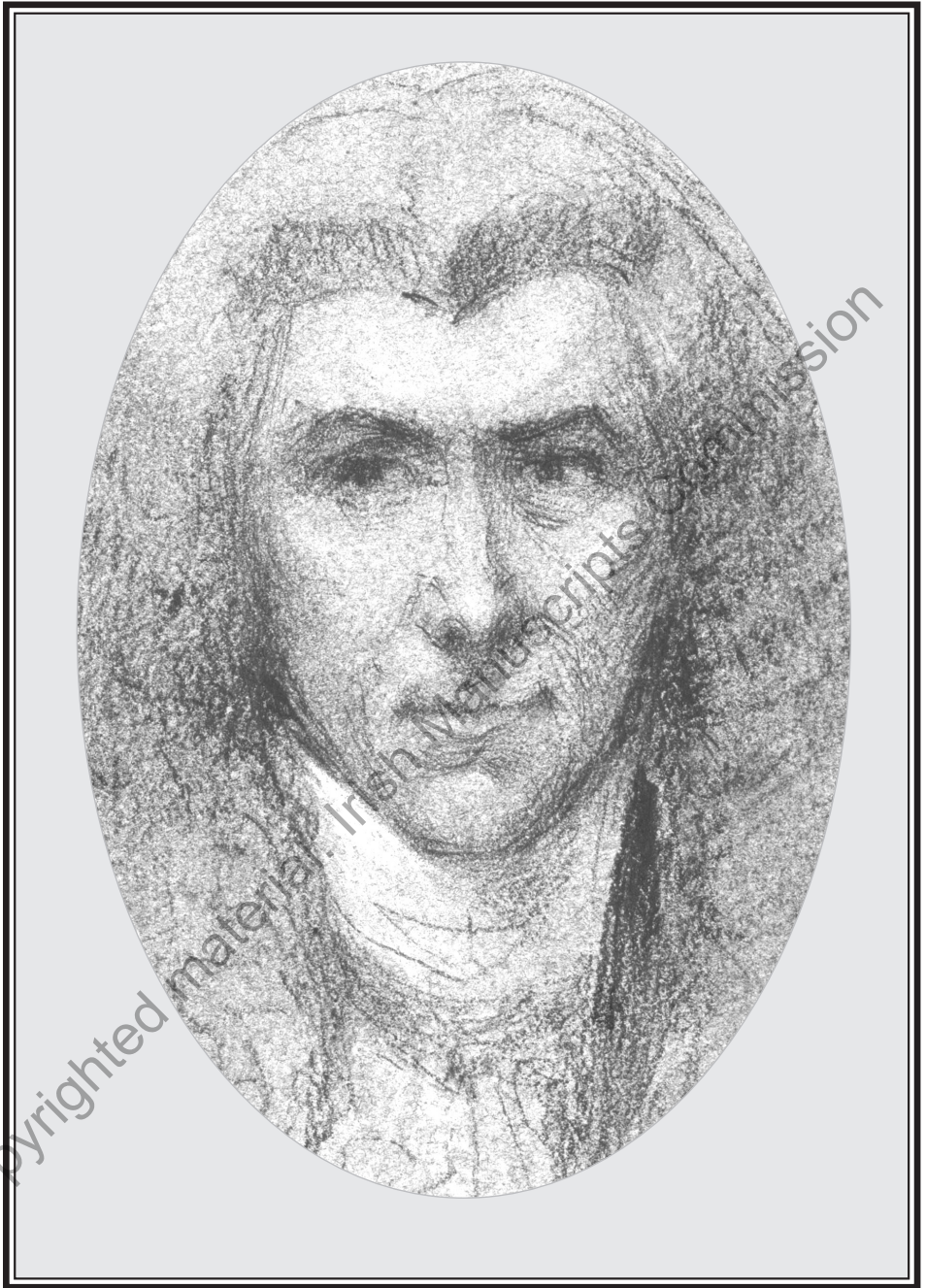
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James Hewitt, first Lord Lifford (1709–89), Lord Chancellor of Ireland, 1767–89 (black and white chalk drawing by Samuel Lover). Raised to the peerage as Baron Lifford of Lifford in 1768, and made Viscount Lifford in 1781, Hewitt proved an uninspiring Lord Chancellor and undistinguished chairman of the House of Lords (National Portrait Gallery).

## PROCEEDINGS OF THE IRISH HOUSE OF LORDS, 1777–1800

### I: INTRODUCTION

As the upper house of the Irish legislature, the House of Lords sat in parallel session to the House of Commons during the eighteenth century. In practice, this meant that peers assembled for a period of approximately six months, usually between October and March or April every second year, following the initiation of a regular pattern of parliamentary sessions during the reign of Queen Anne (1702–14), though it was sometimes the case that sessions were prorogued, prolonged, or differently scheduled for political reasons. In any event, this pattern of meeting endured until 1784 when the parliament determined it should assemble annually and, beginning in January 1785, both houses gathered in session every January (1789 and 1796–7 excepted) until the parliament was abolished by the Anglo-Irish union in 1800.

During the eighteenth century, the House of Lords played a central part in the governance of the kingdom of Ireland, for though it was responsible for only 10.4 per cent of the heads of bills initiated during the reign of Anne, and a still more modest 9.2 per cent of those initiated between 1783 and 1800, every item of legislation that reached the statute book was subject to the approval of peers before it received the royal assent.<sup>1</sup> It is justifiable, on these grounds alone, attempting to reconstruct the proceedings of the House of Lords, for though a number of recent studies have signalled a welcome surge of interest in its activities, it is notable that they have concentrated on the House of Lords' role as a judicial body, on its membership, and on its factional and ideological dimensions, and that we remain inadequately informed as to how it functioned as a house of parliament.<sup>2</sup> To be sure, the availability of the *Journal of the House of Lords of the Kingdom of Ireland*, which was published between 1782 and 1800, is of enormous assistance in reconstructing its activities.<sup>3</sup> However, because the journal recorded decisions and not discussions and, following a well-established formula, was conceived as a formal record, it is of only modest help to the student of parliament who wishes to establish how peers dealt individually and collectively with bills, how members performed in the Lords' chamber and perceived their constitutional significance, who were the dominant personalities, how the House was managed, the standing and influence of the Lord Chancellor and his relations with peers, the influence and deportment of its episcopal members, relations with the House of Commons, the standard, content and style of political debate, and so on.

1 James Kelly, *Poyning's Law and the making of law in Ireland, 1660–1800* (Dublin, 2007).

2 F.G. James, *Lords of the ascendancy: the Irish House of Lords and its members, 1600–1800* (Dublin, 1995); Andrew Lyall, 'The Irish House of Lords as a judicial body, 1783–1800', *Irish Jurist*, 28–30 (1993–5), pp 314–60; Charlotte Murphy, 'The Irish House of Lords, 1780–1800' (unpublished Ph.D. thesis, UCC, 2003).

3 *Journals of the House of Lords of the Kingdom of Ireland* (8 vols, Dublin, 1783–1800).

At first glance, the evidential status of the House of Lords may seem little different to that of the House of Commons, of which the printed journals constitute the single largest and most impressive record of its multifarious activities. However, because the Commons was the main battleground in the power struggle between parliament and executive, which was an ongoing feature of political life in the seventeenth and eighteenth centuries, it is possible to supplement the often meagre record of the Commons' journals<sup>4</sup> with a rich and diverse stream of accounts and recollections by observers and participants, as well as official reports to and by members of the Irish executive. These are seldom available in comparable plenitude with respect to the Lords.<sup>5</sup> More pertinently, in keeping with its higher profile with the increasingly politicised public of the eighteenth century, the proceedings of the House of Commons possessed a stronger attraction for the newspaper proprietors and printers who employed 'note-takers' to record the proceedings of parliament for publication from the early 1770s. Their most notable achievement was the *Irish Parliamentary Register, or History of the Proceedings and Debates of the House of Commons of Ireland*, which was published in seventeen volumes between 1782 and 1801.<sup>6</sup> Though a report rather than a record,<sup>7</sup> the *Parliamentary Register* provides a uniquely detailed account of proceedings in the House of Commons between 1781 and 1797. Moreover, this is supplemented by the existence of a parliamentary diary of proceedings between 1776 and 1789 compiled by Sir Frederick Cavendish, the MP for Lismore, the early volumes of which have been edited, and two sessions published by A.R. Black.<sup>8</sup> This extends the available record of proceedings in the House of Commons back to 1776.

The inclusion of a report of proceedings in the House of Lords during the 1783–4 session in volume three of the *Parliamentary Register*, and the existence of published accounts of the debates in the upper house on the Catholic question in 1792 and 1793 in a number of publications produced in the style of, but

4 *Journals of the House of Commons of the Kingdom of Ireland* (4th ed., 21 vols, Dublin, 1796–1801).

5 The fullest series of such reports are to be found in the communications between the Irish executive at Dublin Castle and the secretary of state's office at Whitehall in TNA, SP63, but there are a number of less well known sequences such as that from Lodge Morres to the Duke of Rutland, dating from the 1780s, in the Rutland Papers, Belvoir Castle, Leicestershire.

6 *The Parliamentary Register: or History of the Proceedings and debates of the House of Commons of Ireland* (17 vols, Dublin, 1782–1801).

7 James Kelly, 'Recording the Irish parliament: *The Parliamentary Register of Ireland*', *Eighteenth-Century Ireland*, 15 (2000), p. 158. Significantly, one could purchase in Dublin in 1792 Debrett's *Debates and proceedings of both Houses of Parliament from the year 1743 to the year 1774* published in seven volumes as well as more up to date accounts of proceedings of the British parliament (*Dublin Evening Post*, 24 Mar. 1792).

8 A.P.W. Malcomson and D.J. Jackson, 'Sir Henry Cavendish and the proceedings of the Irish House of Commons, 1776–1800' in D.W. Hayton (ed.), *The Irish parliament in the eighteenth century: the long apprenticeship* (Edinburgh, 2001), pp 128–50; A.R. Black, 'An edition of the Cavendish Irish parliamentary diary, 1776–8' (Ph.D, University of Notre Dame, 1969); R.V. Callen, 'Cavendish's diary of the Irish parliament October 12, 1779 to September 2, 1780: edition of the partial text' (Ph.D, University of Notre Dame, 1973). The former was published in three volumes by Hallberg Publishing Corporation of Delavan, Wisconsin in 1984.

separate from, the *Parliamentary Register*,<sup>9</sup> indicate that public interest in the proceedings of the Commons did not pass the Lords by entirely. However, the intermittent nature of these accounts<sup>10</sup> underlines the desirability of filling this gap in the record with respect to the upper house. What is presented here is less comprehensive than the published proceedings of the House of Commons referred to above, but by bringing together the extant reports, it has proved possible to generate a substantial contemporary record of the proceeding and debates of the Irish House of Lords between 1771 and 1800.

## II: REPORTING THE IRISH PARLIAMENT

The publication of reports on the proceedings of the Irish parliament commenced with the House of Commons, and it was inaugurated by James Caldwell, a political writer, whose *Debates relative to the affairs of Ireland in the years 1763 and 1764* reported a series of exchanges that took place during the 1763–4 session.<sup>11</sup> Published in two volumes in Dublin and London in 1766, Caldwell was lauded by John Almon, the influential London publisher who played a crucial part in overcoming the resistance of peers and MPs in Great Britain to the reporting of their deliberations, as ‘the first person who wrote a regular series of parliamentary debates’.<sup>12</sup> It was a deserved compliment, though its impact is vitiated by the fact that the *Debates* did not sell well.<sup>13</sup> This is surprising given the burgeoning interest in political discourse that encouraged their production in the first place, and the emerging disinclination of enterprising publishers and crusading newspaper editors to observe the time-honoured prohibition on reporting the proceedings of parliament.

Affirmed in 1707 when Edward Lloyd, a printer with Tory sympathies, was taken into custody for publishing a pamphlet reflecting on the proceedings of the House of Commons, and again in 1711 when a number of Dublin printers were sanctioned by the Privy Council for printing resolutions of the British House of Lords appertaining to the treaty of peace proposed with France, it proved an effective strategy, which curbed the tendency of the press both to report and to

<sup>9</sup> *A report of the debates in both houses of parliament of Ireland on the Roman Catholic bill passed in the session of 1792* (Dublin, 1792); *Proceedings of the parliament of Ireland, 1793* (3 vols, Dublin, 1793). Despite its title, the account offered in *A full and accurate report of the debates in the parliament of Ireland in the session 1793 on the bill for the relief of his majesty's Catholic subjects* (Dublin, 1793) is less complete than the *Proceedings of the parliament of Ireland, 1793*.

<sup>10</sup> Most strikingly, *The debates and proceedings of the House of Commons of Ireland in the second session of the fourth parliament in the reign of ... George III ... to which are prefixed memoirs of the right hon. Edm. Sex. Pery* (2 vols, Dublin, 1786) does not, as the title indicates, engage with the Lords.

<sup>11</sup> [James Caldwell], *Debates relative to the affairs of Ireland, 1763 and 1764* (2 vols, Dublin and London, 1766).

<sup>12</sup> [John Almon], *Biographical, literary and political anecdotes of several of the most important persons of the present age* (3 vols, London, 1797), i, 120.

<sup>13</sup> As described in Caldwell's letters in the Bagshawe of Ford Muniments (John Rylands Library, University of Manchester). I am grateful for this information to Dr Neal Garnham.

**Proceedings of the second  
parliament of Ireland  
in the reign of George III**

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## 1771/2 SESSION

Monday, 11 November 1771<sup>1</sup>

The *Earl of Bellamont* brought into the House of Lords heads of a bill for limiting the privileges of parliament. After they had received the first reading, his lordship observed that it was a subject on which the public seemed to lay very great stress, and that he had found it requisite to vary in some points from the British privilege bill<sup>2</sup> in order to accommodate it to this country; he therefore moved that the second reading should be postponed to that day se'nnight, and likewise that the said heads of a bill should be printed in order that the public might be fully acquainted therewith before any debate or determination on the matter, which was agreed to without opposition.<sup>3</sup>

The Lord Chancellor acquainted the House of Lords that conformable to a motion that had been made by the *Earl of Bellamont*, and agreed to by the House the second day of this sessions, namely that an address should be presented to the Lord Lieutenant<sup>4</sup> praying that copies of the publick accompts should be laid before that House, he had accordingly delivered said address, but that his respect for the noble earl, who had made the motion, had induced him to postpone acquainting the House thereof until his lordship, who had been indisposed, was able to attend. He then desired their lordships' further instructions on the subject, whether he should wait upon his excellency to know when he would be attended to receive his excellency's answer; and also, what reply he should make to his excellency if questioned as to the meaning of these words: 'copies of publick accompts'.

*Lord Bellamont* replied that there was no need of further instructions; that an address from that House implied the necessity of an answer, and in respect to the words of which his lordship had desired an explanation, they sufficiently explained themselves, as he conceived them to be an official term, which could admit of no other construction than that of general abstracts of the several establishments, &c, which his lordship recited; that if, upon further enquiry, it should be found expedient to demand a more minute information, their lordships might then with propriety call for any particular paper to be laid before the House by the proper officer.

*Lord Jocelyn* then moved that the further consideration of that matter should be adjourned to that day month.<sup>5</sup> Whereupon a very long and warm debate ensued, which was followed by a division on the question, and carried by the government lords.

1 This account of proceedings on Monday, 11 Nov. is a composite of reports in *Freeman's Journal*, 14, 16 Nov. 1771.

2 Parliamentary privileges bill: 10 George II, chap 50 (England).

3 This paragraph is taken from the report in *Freeman's Journal*, 14 Nov. 1771; what follows is taken from the report of 16 Nov. 1771.

4 George, Lord Townshend (1724–1807) was Lord Lieutenant from 1767 to 1772.

5 That is, the 11 December.

*Lord Bellamont* then rose up and said that what they had denied him in the aggregate thro' the regular mode of address could not be withheld from him in detail, as it was the undoubted right of every member in that House to demand any particular paper to be laid before that House for his information; and having the printed abstracts in his hand, he moved that the first paper of said parcel, namely an abstract of receipts and payments in the Treasury Office from Lady Day<sup>6</sup> 1769 to Lady Day 1771, should be laid before that House by the proper officer, which was agreed to without opposition. He then proceeded to desire that the next paper, namely payments made in the Treasury Office, pursuant to act of parliament, from Lady Day 1769 to Lady Day 1771, should be laid before the House.

The question was put, and after a sharp debate carried in the negative, which was followed by an immediate adjournment of the House till Wednesday morning.

*Freeman's Journal*, 14, 16 November 1771

Wednesday, 13 November 1771

As soon as the House had assembled, the *Archbishop of Dublin* expressed his concern at not seeing the noble earl (meaning Lord Bellamont) present, who had made a motion, which he thought it incumbent on him to move their lordships to EXPUNGE. Among many other arguments, he said it was unprecedented to demand any papers otherwise than by address to the lord lieutenant.

To which *Lord Mountmorres* replied by desiring an order on the journals to be read respecting the list of pensions, which having been moved by him in a former session, and agreed to by the House, he apprehended was a precedent to the case in point; which order being accordingly read,

*Lord Annaly* rose up and spoke a considerable time, expressing his alarms least such an enquiry should cause a misunderstanding between the two houses.

He was answered by *Lord Longford* who, after having complained of the time and circumstance in which the motion then before them was introduced, among many other judicious arguments, shewed them that their apprehensions could not be well founded, as the present enquiry did not in any sort interfere with the department [*sic*] of the Commons; nor tend to discover, even the smallest degree of diffidence in THEM.

The *Lord Chancellor* then strongly urged that the House of Lords could have no right to demand any government papers without an order from the chief governor; that it might be attended with dangerous consequences for any officer to disclose the secrets of his department unauthorised by the chief governor.

Whilst he was speaking, *Lord Bellamont*, for whom his friends had

<sup>6</sup> Lady Day, 25 Mar., the feast of the Annunciation, represented the beginning of the financial year.

dispatched several emissaries, came into the House in very great haste, and during the latter part of the Lord Chancellor's speech, being informed by his friends of what had passed, as soon as the Lord Chancellor had concluded, he rose up and accused them of having departed from the constant practice of parliament, in proposing a question to EXPUNGE A MOTION without having previously notified their intentions of so doing. He taxed them warmly with want of candor in availing themselves of his absence to attempt a surprise on a day on which it was understood that business of course only was to be transacted. He replied to the Chancellor that the information he desired might indeed be attended with danger to some, but not to the community; that treasury papers were not admitted to be *arcana imperii*;<sup>7</sup> and, therefore, that the consent of the chief governor was not requisite on that subject, though he had originally moved their lordships to pay him the usual compliment on that occasion. He stated to the House their entire proceedings on the subject since the second day of this session, insisting that if there was (which however he did not admit) any informality in the motion, which they were moved to expunge, it proceeded from themselves only, who had blocked up the avenues to truth by deferring for a month to come to the consideration of a resolution, which had been agreed to a month before. That before the arrival of that distant day, he would be called upon to give his affirmative or negative to the money bill; that he desired previous information, whereupon to found his judgment as to the matter. He bid them beware of the consequences of frustrating his just demand: that an army, which already murmurs, were deeply interested in the enquiry, which he was about to set on foot. That the people, at length disgusted with repeated oppression, would be perhaps but too ready to seize a pretext to resist; that, if a majority should preclude that House from a just investigation of the truth, they necessarily exposed it to form an incompetent decision, and *pro tanto*<sup>8</sup> annulled its jurisdiction. That, as no act can have validity, which is not authenticated by each of the three estates, any money bill passed under such circumstances would not have legal efficacy; and that he did not scruple to declare his opinion that if that House should be debarred of information, the people would not only have a pretext, but a right to resist the operation of any tax so unconstitutionally imposed.<sup>9</sup>

*Freeman's Journal*, 16 November 1771

7 Trans: secrets of empire.

8 Trans: so far, to that extent.

9 This report of the day's proceedings in *Freeman's Journal*, 16 Nov. 1771 concludes with the following observation: 'How lamentable must the state of this oppressed country be, in which, whilst the one House employs every subtlety to evade enquiry, the other House openly denies all access to matter of fact'.

*Saturday, 28 March 1772*

His excellency, the Lord Lieutenant, went in state to the house of peers, and gave the royal assent to an act for the more effectual punishing wicked and disorderly persons who have committed, or shall commit violences and do injuries to the persons or properties of any of his majesty's subjects in the counties of Antrim, Down, Armagh, City and County of Londonderry, and County of Tyrone, or any of them, or who shall deliver or publish threatening letters, or who resist or oppose the levying public taxes in the said counties, or any of them, and for the more effectual bringing to justice certain offenders therein mentioned.<sup>10</sup>

*Freeman's Journal*, 2 April 1772

<sup>10</sup> This act, and other acts given the royal assent, are not individually identified. The text of the act can be found in *The Statutes at large passed in the parliaments held in Ireland, 1310–1800* (Dublin, 20 vols, 1789–1800), henceforth *Irish Statutes*.

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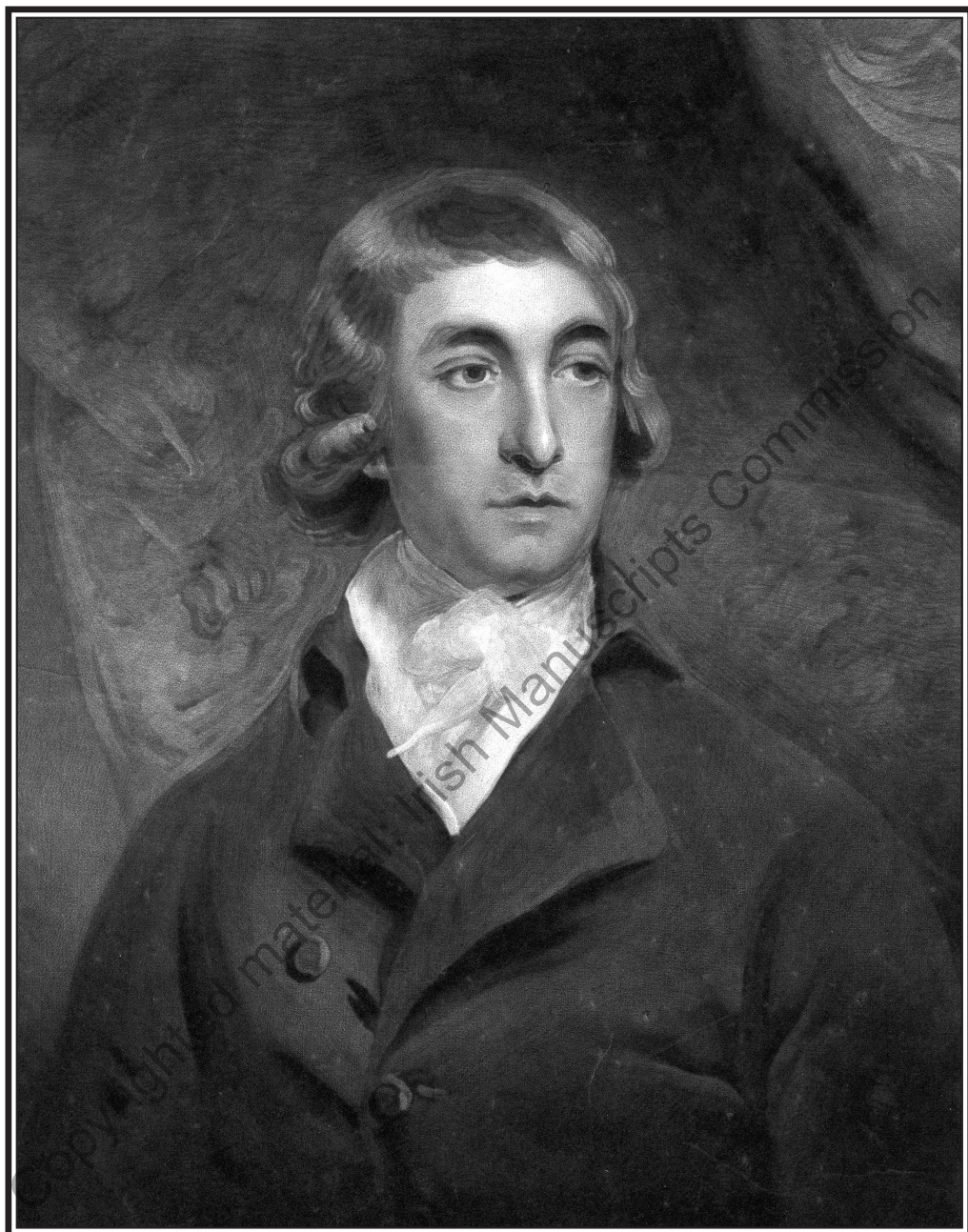
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John FitzGibbon (1749–1802), first Baron FitzGibbon of Lower Connello (1789), first Viscount FitzGibbon (1795) and first Earl of Clare (1799) succeeded Lord Lifford as Lord Chancellor of Ireland in 1789 (mezzotint by Charles Turner, after John Hoppner). Having previously proved an effective advocate of government policy in the House of Commons, FitzGibbon proved still more dominant in the Lords during the 1790s (National Portrait Gallery).

# Contents

## VOLUME II

Abbreviations	xi
<i>Dramatis personae</i> : active temporal and spiritual peers, 1771-1800	xiii

### III: Proceedings of the fourth parliament of Ireland in the reign of George III (continued)

1789 session	1
1790 session	99

### IV: Proceedings of the fifth parliament of Ireland in the reign of George III

1790 summer session	179
1791 session	195
1792 session	257
1793 session	297
1794 session	497
1795 session	531

## 1789 SESSION

*Thursday, 5 February 1789<sup>1</sup>*

The Lords assembled early, insomuch that at three o'clock, when prayers were read by the new Bishop of Leighlin<sup>2</sup> and Ferns, the House was tolerably full.

Lord Viscount Conyngham took the oaths and his seat, as did also Lord Viscount Doneraile and the Rev Richard Marlay, Lord Bishop of Leighlin and Ferns. The right hon. Richard Hely-Hutchinson, Baron Donoughmore of Knocklofty, was introduced in due form, delivered his patent, and having taken the oaths took his seat.

At four o'clock, his excellency, the Marquess of Buckingham, Lord Lieutenant general and general governor of Ireland, came in the usual state to the House, and with the accustomed ceremonies seated himself upon the throne, the cup of maintenance being borne by his grace, the Duke of Leinster, and the sword of state by the Earl of Granard; ordered the attendance of the Commons, who shortly after appearing at the bar, he delivered the following speech:

*My Lords and Gentlemen,*

With the deepest concern I find himself obliged, on opening the present session of parliament, to communicate to you the painful information that his majesty has been for some time afflicted by a severe malady, in consequence of which he has not honoured me with his commands upon the measures to be recommended to his parliament.<sup>3</sup>

I have directed such documents as I have received respecting his majesty's health to be laid before you; and I shall also communicate to you so soon as I shall be enabled, for further information as may assist the your deliberations on that melancholy subject.

*Gentlemen of the House of Commons*

Deeming it at all times my indispensable duty to call your attention to the security of the public credit, and to the maintenance of the civil and military establishments, I have ordered the public accounts to be laid before you.

*My Lords and Gentlemen,*

It is unnecessary for me to express to you my earnest wishes for the welfare and prosperity of Ireland, which, in every situation, I shall always be

1 This report is taken, except where otherwise indicated, from *Freeman's Journal*, 7 Feb. 1789.

2 This is rendered erroneously as 'Lincoln' in *Freeman's Journal*, 7 Feb. 1789.

3 George III was struck down in the winter of 1788–9 by an attack of porphyria, a rare genetically transmitted metabolic disorder, which was perceived by contemporaries as a form of insanity. As it rendered George III incapable of performing his official duties, the question of appointing George, Prince of Wales as regent was pressed by the Whigs and resisted by the government of William Pitt: see R. Hunter and I. McAlpine, *George III and the mad business* (London, 1969).

anxious to promote. Nor need I declare my confidence in that affectionate attachment to his majesty, and in that zealous concern for the united interests of both kingdoms, which have manifested themselves in all your proceedings.

After which, having withdrawn, the speech was read by the Lord Chancellor from the woosack, and afterwards by the clerk at the table. The speech was then ordered to be printed.

*Lord Longford* rose.<sup>4</sup> He commented on part of the speech, which their lordships had just heard. He was grieved at the very painful intelligence it conveyed, with respect to the sovereign's indisposition; an indisposition at once the most awful and humiliating in the train of maladies incident to the nature of man.<sup>5</sup> It had ever been the custom of that House to thank his majesty for the speech delivered from the throne in his royal name; it had been ever scrupulously complied with, but, at the present melancholy crisis of the sovereign's derangement, such an address would be totally unnecessary, as his majesty was incapacitated from attending to it. His lordship then entered fully into a laboured panegyric on the present administration in this kingdom. He conceived the Marquess's wisdom, vigilance, and good government to be worthy of the attention of that House, and that it could not be more opportunely demonstrated than on the present occasion. He would, therefore, move that an address of thanks be presented to the most noble George Nugent-Grenville-Temple, Marquess of Buckingham, chief governor of Ireland.

After this his lordship repeated the heads of the speech, which he concluded with expressing an hope that the House should proceed with temper in its determination not unmindful at the same time of our union and connection with the other parts of the empire. He then moved: That an humble address be presented to his excellency the Marquess of Buckingham, thanking him for his most gracious speech.

The question being put, it passed *nemine contradicente*.

A committee was then appointed to draw up the address, and report the same tomorrow.

The [*Lord*] *Chancellor* informed the House, that the documents mentioned in the speech were not yet come to the House.

*Lord Longford* wished the House then would defer the further consideration of the speech to Monday se'nnight, but made no motion thereon.

Lord Ranelagh moved that the usual standing committees be appointed, which were appointed accordingly.

<sup>4</sup> Lord Longford's speech is reported in *Hibernian Journal*, 6 Feb. 1789.

<sup>5</sup> This comment reflects the belief that George III's incapacity was due to 'madness' rather than the neuropathetic condition of porphyria (see note 3).

House adjourned to to-morrow.

*Freeman's Journal*, 7 February; *Hibernian Journal*, 6 February; *Dublin Evening Post*, 7 February 1789<sup>6</sup>

*Friday, 6 February 1789*

*Lord Longford*, from the committee appointed for the purpose, reported the address agreed upon to the Lord Lieutenant, pursuant to the vote of yesterday.

The address was then read by his lordship, and afterwards paragraph by paragraph, and agreed to; after which the House adjourned for a space of time, until the Lord Chancellor should know at what hour tomorrow the Lord Lieutenant would be waited upon with the address.

The House resumed, when the *Lord Chancellor* declared, that his excellency had mentioned to morrow at half past three in the afternoon.

The *Lord Chancellor* then presented one of the documents mentioned in the speech, which was the report of the committee of the House of Commons of England appointed to examine the physicians respecting the state of his majesty's health.

The *Lord Chancellor* observed to the House that there was another document to lay before their lordships, which was the last examination of the physicians, but he had it not then, as it was detained in another place (supposed the House of Commons) and that he expected it in a few minutes.

The House waited for half an hour, but the paper not coming, the House proceeded to other business. An order was made that no petition for any private bill be received after the 20th of March next.

*Lord Longford* moved, that the document respecting the state of his majesty's health, as well as that one which was to come in, be printed. Ordered accordingly.

*Lord Longford* then moved, that the House do not proceed to any business tomorrow after presenting the address, which motion being agreed to, the House adjourned to next day.

*Freeman's Journal*, 7 February; *Hibernian Journal*, 9 February 1789<sup>7</sup>

<sup>6</sup> There is a further, abbreviated, report in *Dublin Chronicle*, 5, 7 Feb. 1789.

<sup>7</sup> There are shorter reports in *Dublin Evening Post*, 7 Feb.; *Dublin Chronicle*, 7 Feb. 1789.



Monday, 9 February 1789<sup>8</sup>

The House was uncommonly full of members at 4 o'clock, when prayers were read by the Bishop of Ossory.

The *Lord Chancellor* shortly after taking the woosack, called to the clerk to know if the documents communicated by the Lord Lieutenant had been printed? Was informed they had not for want of time.

*Lord Longford* then moved that the House do postpone entering on the state of the nation until Friday next, to which the House shall at its rising adjourn; which motion being agreed to *nem[ine] dissentiente*, his lordship moved, that all the lords in town be particularly summoned to attend on that day, being ordered accordingly.

The *Lord Chancellor* reported that the House had waited upon his excellency the Lord Lieutenant on Saturday last, with the following address:

The humble address of the Lords spiritual and temporal, in  
parliament assembled

*May it please your excellency,*

We, his majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your excellency our sincere thanks for your excellent speech from the throne.

We learn from your excellency, with the most deep and unfeigned sorrow, that our beloved sovereign has been for some time afflicted by a severe malady, which has prevented your receiving his royal commands upon the affairs of this kingdom. Under this sore calamity, we cannot but remember with the warmest gratitude, that his majesty's paternal care has ever been directed to the happiness and prosperity of all his subjects. And our hearts, thus deeply impressed, offer up the most fervent prayers to the Divine Providence, that our gracious monarch may soon be restored to the anxious wishes of his people.

We return your excellency our sincere acknowledgments for having ordered to be laid before us such documents as you have received respecting his majesty's health, as well as for your intention of communicating to us, so soon as you shall be enabled, such further information as may assist our proceedings in this painful exigency.

We entreat your excellency to accept our warmest thanks for your unwearied endeavours for the welfare of this kingdom; and we hope to confirm your excellency's favourable sentiments of us by the strongest proofs of affectionate attachment to our gracious sovereign, and by a continuance of our zealous concern for the united interest of Great Britain and Ireland.

<sup>8</sup> This account of the day's proceedings combines reports in *Freeman's Journal*, 10, 12 Feb. and *Hibernian Journal*, 11 Feb. 1789.

To which his excellency returned the following answer:

*My Lords,*

I request you to accept my sincere thanks for this obliging address. It is a matter of great satisfaction to me to receive these warm expressions of loyalty to the King, and this kind mark of your regard to me. I shall never cease to entertain the most earnest zeal for the welfare and prosperity of Ireland.

Ordered, that the address with his excellency's answer to be entered on the journals, and that the same be printed.

Adjourned to Friday.

*Freeman's Journal*, 10, 12 February; *Hibernian Journal*, 11 February 1789<sup>9</sup>

*Friday, 13 February 1789*<sup>10</sup>

Lord Clifden took the oaths and his seat in the usual form.

The right hon. Mr Conolly,<sup>11</sup> at the head of a deputation from the Commons, rapped at the door, and being introduced in the usual form, the Lord Chancellor came to the bar, when Mr Conolly presented the resolution of the Commons, which declares the incapacity of the King, accompanied with their address to his royal highness the Prince of Wales,<sup>12</sup> requesting him to take upon him the government of this realm, desiring the concurrence of their lordships, the title ran thus: The humble address of [     ] *blank space left for the insertion of the words: 'Lord spiritual and temporal'*, and Commons of Ireland in parliament assembled to his royal highness the Prince of Wales.

*Lord Chancellor:* It is necessary you should wait for an answer.

Mr Conolly bowed assent.

The *Lord Chancellor* informed the House that a deputation from the Commons waited for an answer to the address and resolution, which he gave to the clerk to read aloud. He then informed their lordships that it was most advisable to inform the Commons that they would send an answer by a

<sup>9</sup> There is a short report of the day's debate in *Dublin Evening Post*, 10 Feb. 1789.

<sup>10</sup> This is a difficult debate to reconstruct, as unusually there are four different reports of proceedings. The fullest, and that upon which this account is built, was in *Dublin Evening Post*, 14 Feb. This is supplemented by the report from *Freeman's Journal*, 16 Feb., which is fuller than that offered in *Freeman's Journal*, 14 Feb., and from *Dublin Chronicle*, 14 Feb. (Lord Earlsfort's speech).

<sup>11</sup> Thomas Conolly (1738–1803), MP for Co. Londonderry (*HIP*).

<sup>12</sup> George Augustus Frederick, 21st Prince of Wales (1762–1830), later King George IV (*ODNB*).

messenger of their own. On this he put the question, which passed *nem. diss.*

The resolution and address were then read by the clerks.

His grace, the *Duke of Leinster* said, he was clearly of opinion, that the blank in the address should be filled with the words ‘spiritual and temporal’ and that the message of the Commons be referred to the committee of the whole House, appointed to take into consideration the state of the nation.

Ordered accordingly.

The order of the day for entering into the committee was then read.<sup>13</sup>

*Lord Longford* remarked upon the great deliberation, which the importance of the subject before them required, and moved: that the order of the House sitting this day on the state of the nation be discharged, and that in stead thereof the House adjourn sitting on the said committee until Tuesday next.<sup>14</sup>

The *Lord Chancellor* rose upon the same principle; it was, he said, one of the most momentous and affecting matters which could in the nature of things come before the House; every thing valuable was at stake, their connexion with the sister kingdom; and therefore they should not act hastily; the speech from the throne informs us that a malady incapacitates our sovereign, documents are promised and are laid before us, and before we have time to consider them an address comes from the other House pledging them to invest the Prince of Wales with the executive government. He premised that this should not be a question of party and that it required every degree of consideration; he would ask what degree of consideration it had received? Or if it had received any consideration at all? What precedents were laid before the House? Not one! A committee ought to have been appointed to search for precedents when a king had been incapacitated by infirmity or otherwise, and to lay them before the House; this had been done in England, and the precedents wanted were to be found in the rolls of parliament, and in private history. He held a number of them in his hand, which applied to the case; they should examine as well what occurred in their country as in England. He spoke of the address obliquely as coming from a faction in another country,<sup>15</sup> whose measures we were always inclined to adopt. He mentioned what misery and mischief arose from an inclination to this faction; when unconnected with it we became a great and commercial nation. The question ought not to be, who will be minister? But what way shall we best provide for the public good. In England, whose proceedings he applauded, decency and deliberation obtained; they proceeded step by step. The proper mode to appoint the Prince Regent was by bill not address. It should be by an act of the legislature, and not by an act of the two houses; here he went upon new ground. He said he disapproved of the plan offered; the idea should be to request the Prince of Wales to assist his father in the government, and not to take

13 This version of the Duke of Leinster’s contribution combines those in *Dublin Evening Post*, 14 Feb. and *Freeman’s Journal*, 16 Feb. 1789.

14 This version of Lord Longford’s contribution combines those in *Dublin Evening Post*, 14 Feb. and *Freeman’s Journal*, 16 Feb. 1789.

15 A reference to the Whigs, led in the House of Commons by Charles James Fox and R. B. Sheridan, who conceived of George III’s incapacity as an opportunity to gain power (J.W. Derry, *The Regency crisis and the Whigs, 1788–9* (Cambridge, 1963)).



it upon him; there can be no incapacity in the King; he should therefore act only in the name and for the King; he sat down after recapitulating his arguments.

*Lord Portarlington* differed in opinion from the last two noble lords. He saw no necessity [to adjourn], what arguments had been offered in its favour he conceived to have no weight; they were desired to wait until they had perused the documents on the table; there was not a noble lord in the House ignorant of a syllable of their contents, why then offer that as a reason? Again they were told to look for precedents; he disclaimed the idea of looking for precedents in the earlier paths of the English history. The journals of the British parliament had been ransacked for precedents already, and yet not a single one could be found that applied to the case. The only instance that have a colour of similarity was that of Henry VI, and there it is expressly said that the regency shall continue during the minority of the Prince of Wales; now did not this imply strongly that if the Prince was of age he was the presumptive regent? His lordship concluded by saying that the pressing necessity of the case, and its obvious importance required every dispatch.

The *Duke of Leinster* rose, and with some degree of heat, resented the expression which had fallen from the Chancellor relative to faction and struggling for places. It was indecent and unparliamentary to assert that the Irish House of Commons acted from factious purposes. I don't care, says he, who is minister or who is not.

The *Lord Chancellor* explained that he alluded to factions in England only.

The *Duke of Leinster* continued. Did not the noble lord assert that we were in a habit of adopting the measures of an English faction? I deny it. Was the conduct of the Irish parliament on the reprobated Commercial Propositions a proof of it? No, they then acted with that independency which now characterises their conduct. For my part, I am not connected with any English party. I speak as an Irishman on this great question, as an honest independent Irishman, who loves the Prince, and respects the constitution. Too much time has transpired already to admit of further delay. The address calls upon the Prince and no more, to know whether he will take upon him the executive government? If you appoint him regent, as I trust in God you will, he will be prepared to accept the office; he will have a sufficient notice of our intention by the address. The idea is not that his royal highness shall by the fact itself immediately exercise the functions of regent, it may be followed up by a bill. He again disclaimed the notion of faction and party; he was sure no noble lord acted under such vile principles or impressions. He appealed to the memory of the House for his own conduct; he had voted with, and he had voted against administrations; he never had but one idea upon the subject, which was to support them when right, and to oppose them when wrong. He was for the earliest minute to determine the important business before them; as to precedents, he must say that they would be useless as they were dissimilar to the point before them. Besides the peculiar situation of the country called for dispatch; after the 25th of March, we shall have an army ungoverned by law, no provision would be made for payment of the public creditors. In England, a day or two would be sufficient to complete an act of legislation; here it depended on circumstances, on the winds and tides,

and therefore we would act wisely to guard against dangers arising from these casualties.

*Lord Bellamont* ordered the address to be read, and said he would meet it fairly and fully; he would oppose it because there were objections to it which rendered it inadmissible. It was founded upon an assumption of authority which the House did not of right possess; it was a violation of the original compact, subversive of the constitution, and he would prove it so by the rules of civil society, by common statute law; it would begin in folly and end in distraction; it would cause a commercial chaos which would be the ruin of the country. His lordship's opinions and arguments were – that the king of Great Britain was *ipso facto* king of Ireland; he quoted the act of annexation<sup>16</sup> and second of Queen Anne,<sup>17</sup> to prove his position, and contended that the act of '82 (Mr Yelverton's bill) did not do it away, for that did not alter, it only restored the constitution.<sup>18</sup>

*Earl of Glandore* said the question was of such great importance, involved in its considerations of such magnitude, and tended to consequences so likely to affect the nature of that connection which subsisted between this kingdom and Great Britain, and upon which, every establishment in this country did depend, that before they proceeded to vote the address, which was sent up from the Commons, it was incumbent on them to examine, with temper and with caution, how far they were warranted to adopt such a measure, conformably to the principles of the constitution, to the several statutes explanatory of it, and to the practice of their government; that in all their proceedings, they should ever keep in view those great and leading principles, was that which [*sic*] must greatly interest every man who thought the connection with Great Britain a benefit to this country, but chiefly, and above all, the illustrious personage who was the object of that address.

He was particularly concerned in maintaining the unity of that crown he [George III] was destined to wear, and the indissoluble connection of those kingdoms he was born to govern. If he understood any thing of the nature of that relation which this country bore to Great Britain, it was this: the kingdom of Ireland, though possessing a distinct and independent legislature, yet in respect of its sovereignty, [i]s held of the crown of England, and not of the person of the king; [it] was inseparably annexed to that crown, by the statute the 33d of Henry VIII,<sup>19</sup> and further declared to be so, by the act the 1st of William and Mary,<sup>20</sup>

16 There are many acts of this name. Bellamont perhaps refers to the Law in Wales acts, 1535–42, by which Wales was annexed to England, and the norms of English administration introduced in order to create a single legal jurisdiction or, more probably, to the Crown of Ireland Act (33 Henry VIII, chap 1) declaring Henry VIII and his successors kings of Ireland.

17 This vague reference may be to An act to make it high treason in this kingdom to impeach the succession of the crown (2 Anne, chap 5).

18 According to the *Dublin Chronicle*, 14 Feb. 1789, Bellamont 'delivered a speech that lasted near two hours'. However, because of 'the crowded condition of the House, and the noise below the Bar', it was only accorded a limited report. The reporters for the *Dublin Chronicle* noted that because of the conditions 'we cannot collect sufficient to do it justice', while the *Dublin Evening Post*, 14 Feb. 1789, reported the speech as reported here.

19 An act that the King and his successors to be kings of Ireland (33 Henry VIII, chap 1).

20 This may be an error; the title was recognised in 1692 by An act of recognition of their majesties undoubted right to the crown of Ireland (4 William and Mary, chap 1).

which recognized their majesties title; and in the contemplation of the law, and of the constitution, it had always been considered, without derogating from the independence of its parliament. He believed it was warranted in making use of the expression, as being a part or parcel of the dominions of the imperial crown of England. He meant that the crown of England did include the crown of Ireland; in this respect differing essentially from the relation in which Scotland stood to England before the union. The kingdom of Scotland was a separate imperial crown; there the connection was merely accidental, the crown of England having devolved upon the head of the king of Scotland, their only connection consisted in their having one common sovereign, in like manner as England and Hanover have at this day. But so feeble and precarious was such a bond of connection, that it was now fairly [a] matter of speculation, whether, if the union had not taken place, the crowns of England and of Scotland would not, at this day, be placed upon different heads; for the Scottish parliament had repeatedly refused to limit the succession of their crown to the Princess Sophia, the next Protestant heir of the royal line;<sup>21</sup> nay, they had expressly provided, in their famous act of security, that the crowns of England, and of Scotland, should not be worn by the same person, upon the eventual demise of the Queen.<sup>22</sup> Foreseeing this, and alarmed at the consequences of having a separate independent kingdom, governed by its own sovereign, revived within the island, those great statesmen, Lord Godolphin<sup>23</sup> and Lord Cowper,<sup>24</sup> co-operating with the Duke of Queensbury<sup>25</sup> and other distinguished characters in Scotland, who entered into the same views, brought about that great work of an union,<sup>26</sup> a measure unnecessary, at least with respect to the succession to the crown, had Scotland stood to England in the same relation which Ireland now does.

Their business was not now to reform the constitution; their duty in the present exigency, was to act upon it, such as it was acknowledged and defined, and so long as the act of the 10th Henry VII remained upon the statute book, and was part of the law of this land,<sup>27</sup> it was impossible they could adopt the measure which had been proposed, without departing essentially from the principles of the constitution. That act was thought to be of such high

21 Princess Sophia, Electress of Hanover (1630–1714), granddaughter of King James VI of Scotland, was identified by the English and Irish parliaments (An act to make it high treason in this kingdom to impeach the succession of the crown (2 Anne, chap 5) as the heir to the throne following the death in 1700 of Queen Anne's last surviving child, William Duke of Gloucester.

22 The Act for the security of the kingdom of Scotland (1704) was enacted in response to the English parliament's failure, prior to the enactment of the Act of Settlement of 1701, to consult the Scottish parliament on the monarchical succession. By the terms of the act, the Scots proposed that on Anne's death, her successor should be chosen from among the descendants of the Scottish kings unless certain conditions were met.

23 Sidney Godolphin (1645–1712), 1st Earl Godolphin, politician and lord treasurer (*ODNB*).

24 William Cowper (1665–1723), 1st Lord Cowper, Lord Chancellor of Great Britain, 1706–07 (*ODNB*).

25 James Douglas, 2nd Duke of Queensbury (1662–1711). After the Union, he was a representative Scottish peer at Westminster, 1707–08 (*ODNB*).

26 The Anglo-Scottish union was concluded in 1707.

27 An act that no parliament be holden in this land, until the acts be certified into England (10 Henry VII, chap 4). This act is better known as Poyning's Law.

importance that not long since, in the year 1782, the aera of the liberties of Ireland, when in certain respects, wherein it was considered and justly considered, as intrrenching upon the privileges of the two houses of parliament, it was so far set forth, modified and explained, but the main object of that law, which declared it to be indispensable, that before a bill could receive the royal assent here, it should be sent back, certified under the Great Seal of England; that part of it was untouched, was confirmed, and recreated.<sup>28</sup> What then were they now called on to do? To vote an address to his royal highness the Prince of Wales to assume the regency of this kingdom before they had any authority to know that his royal highness was invested with that power, which could enable him to administer the government; for until he had the authority to direct the use of the Great Seal of England, he could neither grant a commission for giving the royal assent to a bill here, nor appoint a lord lieutenant of Ireland. That his royal highness, the Prince of Wales was the only proper person to fill the high office of regent of Great Britain and Ireland during the incapacity of the King, was a truth to which no man in this nation could be more ready to assert than he was; and with respect to what had engaged the attention of other great assemblies who had been discussing questions of right and abstract propositions, had they proceeded to the exercise of that right which they asserted to be lost to them, and chosen any other person than his royal highness, the Prince of Wales, the heir apparent of this hereditary monarchy, to be regent of Great Britain, it might have been attended with such consequences with respect to this kingdom as would have amounted to a separation from Great Britain, and a revolution in the state. But though there was but one opinion amongst them, that his royal highness the Prince of Wales was the only proper person to fill this high station, yet let them be governed in their proceedings by the laws of the land and the principles of the constitution; above all things keeping in view, that great and capital feature of it, *that the kingdom of Ireland [is] held of the crown of England, and not of the person of the king*. Abandon this principle, and what became of the settlement at the Revolution. The parliament which King James this second held in this kingdom, when he sat in that throne, was then a legal parliament, and all the attainders, which passed in it, were law.<sup>29</sup> From the clearest and the fullest conviction that any proceeding on the part of this country, which should in any degree militate against those known and established principles, must be attended with consequences the most ruinous and pernicious to the state, he must give his vote for postponing the consideration of that address, with respect to the illustrious Prince, who was the object of it. He was bold to assert that there was not a man in either kingdom, who entertained higher sentiments of duty and attachment to him than he did, inferior only to those sentiments of loyalty and allegiance which he owed to the King his father; and whilst he offered his most ardent wishes that his royal highness's government might be successful and glorious, he would not forego the flattering hope that the happy day might at length arrive, when it should please God to restore the

28 For an assessment of this in practice see James Kelly, *Poyning's Law and the making of law in Ireland, 1660–1800* (Dublin, 2007), chap 6.

29 For the so-called Jacobite parliament: see J.G. Simms, *The Jacobite parliament of 1689* (Dundalk, 1966).

most virtuous and paternal monarch to the wishes and prayers of his subjects.

He could have no motive of private consideration to influence his conduct upon this occasion; the part which he now took was, if report[s] were true, not that which was likely to recommend him to those, who it was expected were soon to be appointed to situations of power; nor had he on the other hand, the motives of gratitude to sway him for the present administration. He owed no obligation, but if it were true that one self approving hour could fully compensate for all the rewards which power or popularity could bestow, he could rest satisfied in the consciousness of having discharged his duty as a member of that House, and a subject of this country in supporting those principles, from which, if they had departed, he had the fullest conviction, they should thereby give a shock to the constitution, and materially alter the nature and frame of their government.<sup>30</sup>

The *Earl of Farnham* said, that the lords who had opposed the address had shewn themselves so well prepared on the subject that he wondered at their desire to put off the discussion until another day; and if it requires time to investigate, why then not begin to do so as soon as possible? He declared himself therefore against the motion for adjournment.<sup>31</sup>

*Lord Earlsfort* said, that he trusted what he had to say would not be imputed to a vanity of attachment to his King; he meant merely to discharge his duty as a member of the House, and he was happy to find that the subject promised to be discussed by arguments, and not numbers. He said that the Prince of Wales was the most proper, if not the only proper person to be appointed to the regency, and he further thought that he should be appointed without restrictions or limitations, for his opinion was, that the crown and government should go together; and that when the Prince stretched his hand to prop the diadem, all the sinews of the state should be exerted to give it strength; this was his unqualified and decided opinion, though it was a subject upon which he spoke with reluctance.

He did not wish for limitations and restrictions, because he knew that the prerogative[s] of the crown were granted for the benefit of the people, and if they were taken away, so much popular advantage would be taken off; he did not wish either that the fountain of honour, which was the great spring of merit to be choked up. There existed no cause for such a measure in this country. If we altered the plan which plain sense prescribed for us, he hoped we would not alter it in an ungracious manner, particularly in the illustrious person of the Prince of Wales, of whose virtues, talents and accomplishments, he professed to have an high opinion; he had no idea of presenting him a crown in one hand, and bold restrictions in the other. Here his lordship looked to the character of Mr Pitt, and if no other reason was offered, he said he would rely upon it for the justice of the proceedings in another country. He continued to speak of Mr Pitt in strains of the warmest eulogium; said he had rescued the empire from difficulty, if not

<sup>30</sup> Lord Glandore's speech, which is reported only briefly elsewhere, is reported most fully in the *Freeman's Journal*, 16 Feb. 1789.

<sup>31</sup> Lord Farnham's speech is reported in *Freeman's Journal*, 16 Feb. 1789.

ruin, while other nations were obscured in the shadow of the shade he had thrown over them; he instanced Germany and Russia, distracted by anarchy, and considered Mr Pitt, that dignified character, as a comet which blazed as it retired, as a fixed star which shone more splendid at the greatest distance from the sun; he predicted that his evening would be brighter than his morning. His restrictions were restrictions of wisdom and necessity, but they did not apply to this country where there was no possible argument for any limitations than those which its laws and the constitution had already imposed upon the executive government. Here, says his lordship, I stop. And as to the address before you, I will say it now that I think it premature, unwarranted and illegal, and that, consistent with my allegiance as a subject, and my oath as a privy councillor, I cannot assent to it. I say it is premature, because without any species of evidence duly considered you are about to proceed in. Much has been said about the act of annexation; it was undoubtedly just that the crown should be united, and as no danger of injury could arise, it would be wise and prudent to wait first the decision of England. The apprehension of evil from the danger of the meeting, and many bills that passes in time is unfounded [*sic*]; a week would be as adequate for the purpose as three months. If there was to be an union of the executive powers, how could we tell where the English executive powers lay? Whether in the King or in the Prince? We must wait for the event, or advance prematurely: as the unsuccessful magistrate was applauded for not having despaired of the commonwealth at the worst of times, he hoped he would not be condemned for hoping with so good a prospect before him, that the King would again recover. For this reason, a little time was necessary to deliberate whether they could reconcile with common sense the resolutions of the Commons. He proceeded to prove it unwarrantable by saying there were cases of perfect analogy, and quoted the 5th of his present majesty, and the 24th of his late majesty;<sup>32</sup> the only difference he said was, that the Prince of Wales was then a minor, and now the King is incapable; the King is now in the situation in which the Prince was then.

Did the House proceed by address? No; but by bill, and they prescribed an oath which is not now done, but which is necessary for the security of both clergy and laity; an oath so far from being derogatory, must be honourable to the Prince; his royal father has taken it before him! What! Will you not allow that it is unwarrantable to take the government out of the King's hands in three days, when three months have been employed in England for the purpose, and it is not yet completed? He proceeded to prove the measure illegal, on the ground of Lord Bellamont, and because there was no necessity for it. And, because no one knew of what duration the King's illness might be, he concluded by saying that his motive was to discharge his duty; and if ever he should obtain access to the Prince of Wales, whom he esteemed, he would tell him that he had discharged the duty of a lord chief justice to his master;<sup>33</sup> he would reason with him and tell him to make the case his own; he would tell him, I suppose you a father, and suppose you have a son; I supported your rights against claims that had been made for your heir, and I would ask him as a king, whether I had discharged my

32 The British acts referred to are The minority of heir to the Crown act, 1765 (5 George III, chap 27) and Minority of succession to Crown act, 1751 (24 George II, chap 24).

33 Earlsfort was appointed Chief Justice of the Court of King's Bench in 1784 (*HIP*).



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1771–1800

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# Contents

## VOLUME III

Abbreviations	xi
<i>Dramatis personae</i> : active temporal and spiritual peers, 1771–1800	xiii
IV: Proceedings of the fifth parliament of Ireland in the reign of George III (continued from Volume II)	
1796 session	1
1796–7 session	59
V: Proceedings of the sixth parliament of Ireland in the reign of George III	
1798 session	189
1799 session	337
1800 session	401
Index	577

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**Volume III  
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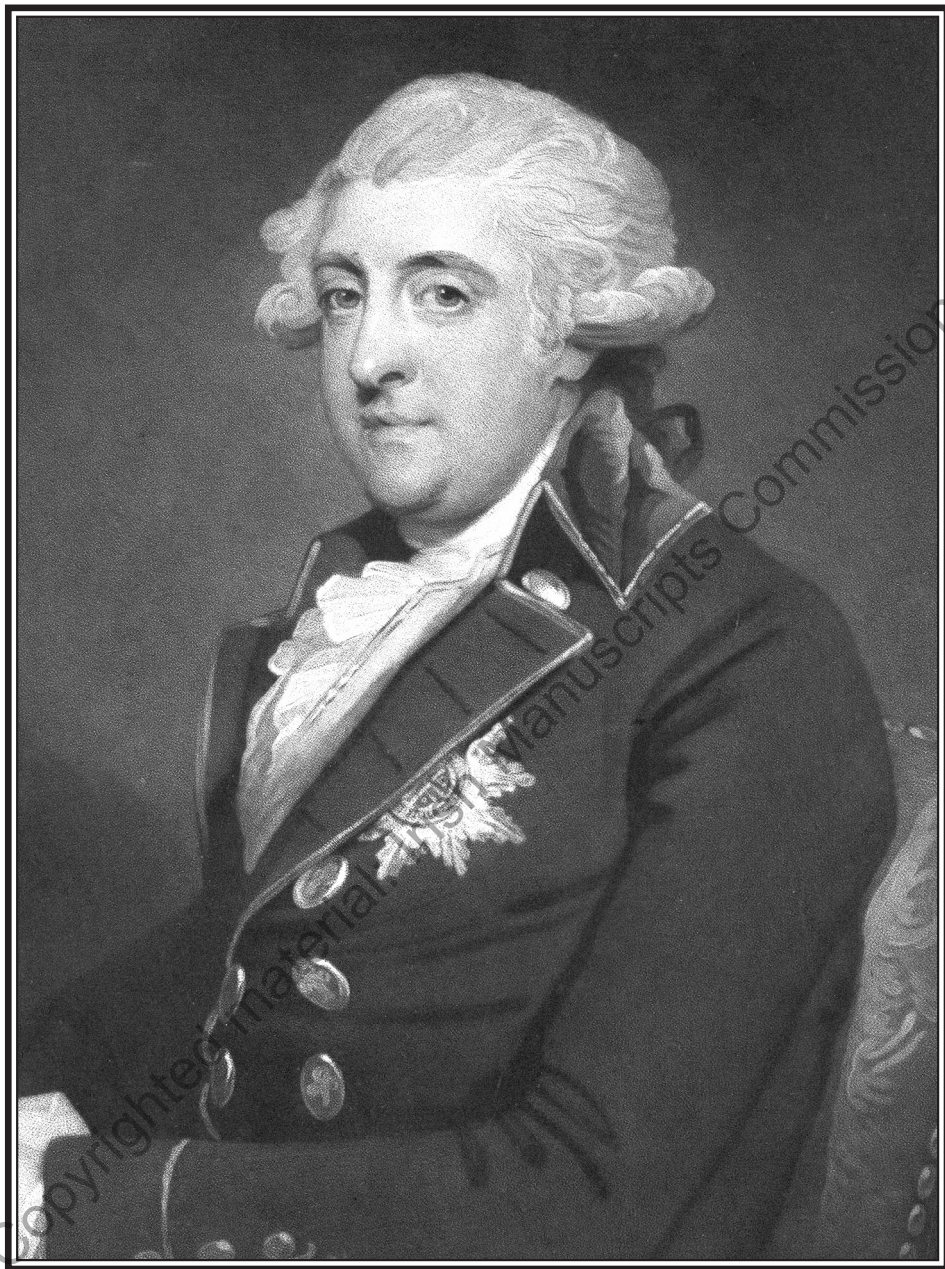
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William Robert Fitzgerald (1749–1804), second Duke of Leinster (mezzotint by Charles Howard Hodges, after John Hoppner). Fitzgerald succeeded his father as Duke of Leinster in 1773, but did not possess the ability or judgement equal to his status as Ireland's only duke and senior peer. A patriot, with strong Whig sympathies, he generally opposed the Irish administration in the House of Lords (National Portrait Gallery).

## 1796 SESSION

*Thursday, 21 January 1796*

This day, his excellency, John Jeffreys, Earl Camden,<sup>1</sup> came in the usual state, and opened the session of parliament, with the following speech from the throne:

*My Lords and Gentlemen,*

I have received his majesty's commands to meet you in parliament. It gives me the most sincere satisfaction to inform you that notwithstanding the advantages, which the enemy possessed at the commencement of the last year, and the successes, which attended their operations in the former parts of the campaign, the general situation of affairs is on the whole most essentially improved.

The continued and brilliant successes of the Austrian armies upon the Rhine,<sup>2</sup> the important captures of the Cape of Good Hope<sup>3</sup> and Trincomalee by his majesty's forces,<sup>4</sup> and the decided and confirmed superiority of his fleets, are circumstances of the utmost importance to the common cause; and their effect is strengthened by the internal distresses, the ruined commerce, and increasing financial embarrassments of the enemy.<sup>5</sup>

The crisis lately depending in France has led to an order of things in that country such as will induce his majesty to meet any disposition to negotiation on the part of the enemy with an earnest desire to give it the fullest and speediest effect, and to conclude a treaty of general peace, when it may be effected on just and suitable terms for himself and his allies.

1 John Jeffries Pratt, second earl Camden, Lord Lieutenant, 1795–98; *HBC*; and footnote 97, vol ii, p. 569 above.

2 This is something of an exaggeration. The year began badly when the Prussians concluded the first treaty of Basle on 5 Apr. 1795 and ceded the left bank of the Rhine to France. However, the Austrians continued fighting against the invigorated forces of France, though they remained on the back-foot in the face of a multi-pronged French assault into 1796, when the Austrian commander, Archduke Charles, regained the initiative.

3 In June 1795, an English fleet, commanded by Admiral Elphinstone and General Craig, arrived at the Cape and were able within a month to defeat the weak Cape militia and to take control of the region from the Dutch East India Company (Verenigde Oost-Indische Compagnie or VOC), which had controlled it since 1652. The formal capitulation was signed on 16 Sept. 1795.

4 Trincomalee was one of the most secure harbours on the island of Sri Lanka. Contested by the British, French and Dutch East Indies during the eighteenth century, the British took advantage of the collapse of the Dutch Republic in 1795 to take secure control of the region in Aug.-Sept. 1795. The British forces were commanded by Colonel Stewart.

5 1795 was a most difficult year for France as the combination of high inflation, civil unrest, counter-revolutionary activity and mixed results abroad (see note 2) encouraged the preparation of a new constitution that was approved in Sept. This led to the establishment of the Directory, which had to deal with a series of loyalist revolts, climaxing with that in Paris in Oct., which was put down by Napoleon Bonaparte.

The treaty of commerce between his majesty and the United States of America having been mutually ratified, I have ordered copies of it by his majesty's command, to be laid before you.<sup>6</sup>

I have the pleasure to announce to you that her royal highness the Princess of Wales has happily been delivered of a princess;<sup>7</sup> an event which by giving additional stability to his majesty's august house cannot fail to afford you the highest satisfaction.

*Gentlemen of the House of Commons*

I observe with the sincerest pleasure that notwithstanding the continued pressure of the war, the commerce and revenues of this kingdom have not in any degree fallen from that flourishing state of advancement, which in the last session of parliament was a subject of such just congratulation. This circumstance affords a decisive proof that your prosperity is founded on a solid basis, and leads me to indulge the flattering hope, that whatever additional burthens you may find it necessary to impose will not be materially felt by the people.

I have ordered the public accounts and estimates for the ensuing year to be laid before you, and have no doubt of your readiness to provide such supplies as a due sense of the exigencies of the kingdom shall suggest, and the wise policy of strengthening his majesty's exertions for procuring a solid and permanent peace shall appear to render necessary.

*My Lords and Gentlemen,*

It is with regret that I feel myself obliged to advert to those secret and treasonable associations,<sup>8</sup> the dangerous extent and malignity of which have in some degree been disclosed on [*sic*] several trials, and to the disturbances which have taken place in some parts of the kingdom. It has at the same time been a source of great satisfaction to me to observe the successful and meritorious exertions of the magistrates in several parts of the kingdom, and the alacrity which his majesty's regular and militia forces have universally manifested in aid of the civil power, whenever they have been called upon for the preservation of the peace and support of the laws.<sup>9</sup> It remains for your prudence and wisdom to devise such measures as together with a

<sup>6</sup> The Jay Treaty, signed on 19 Nov. 1794, was ratified by the US Senate on 24 June 1795.

<sup>7</sup> Princess Charlotte Augusta, the only child of George, the prince regent and Princess Caroline of Brunswick, was born on 7 Jan. 1796. She married Prince Leopold of Saxe-Coburg-Saalfield. She died in 1817, aged 21.

<sup>8</sup> Camden is presumably referring at this point to the United Irishmen, who had embarked on a revolutionary strategy in association with the Defenders, and which contributed to the rise in disorder in 1795–96. Camden was certainly acutely conscious of the threat to civil order posed by the Defenders, as he had commissioned and received a detailed report in 1795: see T. Bartlett, 'Defenders and defenderism in 1795', *IHS*, 24 (1984–5), pp 373–94.

<sup>9</sup> For the best modern consideration, see N.J. Curtin, 'The magistracy and counter-revolution in Ulster, 1795–1798' in Jim Smyth (ed.), *Revolution, counter-revolution and union: Ireland in the 1790s* (Cambridge, 2000), pp 39–54.

continuance of those exertions, and the additional powers, which by the advice of the Privy Council I have thought it necessary to establish in different counties, will prevent the return of similar excesses and restore a proper reverence for the laws of the country.

The superior and increasing importance of the agriculture and manufactures, and particularly of the linen manufacture of the kingdom, will command your accustomed support. Under the present situation of Europe you cannot fail to attend with peculiar vigilance to the general state of provisions; and if circumstances shall at any time render your interposition advisable, I have no doubt of your adopting such measures as shall best apply to the existing necessity of the times.

I am also desirous of pointing your attention to the Protestant Charter Schools, and other institutions of public charity and improvement.

Your unanimity and zeal can never be of more importance than at the present crisis, in order to impress the enemy with a thorough conviction of the resources of his majesty's kingdom, and to procure a favourable termination to your honourable efforts. His majesty has the fullest reliance on your firmness and attachment, and on the fortitude, spirit and perseverance of his people.

It will be my ambition, as it is my duty, to represent your zeal in his majesty's service; and it will be my personal and most anxious wish to cooperate with your efforts in the common cause in which we are all explicitly engaged and interested, and my utmost endeavour shall be used to secure the happiness and prosperity of this kingdom, and to protect and maintain its most excellent constitution.

An address to his majesty was moved by *Lord Conyngham*; and one to his excellency, the Lord Lieutenant, was moved by *Lord O'Neill*, both which were carried.

The House adjourned to next day.

*Hibernian Journal*, 22 January; *Freeman's Journal*, 23 January; *Dublin Evening Post*, 23 January 1796

*Saturday, 23 January 1796*

Their lordships met at the usual hour, and after prayers being said, proceeded to business.

The public infirmary bill was then read a second time, and committed for Thursday, to which day the House adjourned.



Their lordships afterwards, preceded by the Earl of Clare,<sup>10</sup> Lord High Chancellor, went in procession to the Castle, and presented to his excellency, the Lord Lieutenant, the addresses agreed to by their House to his majesty, and to his excellency, the Earl of Camden.

*Freeman's Journal*, 26 January 1796

*Saturday, 23 January 1796*

Their lordships met at four o'clock, and proceeded to business.

Lord Longford was introduced to the House by the *Earls Charlemont and Bective*, sworn, and took his seat. The right rev. Dr Porter, Bishop of Killala, was introduced also, by the *Bishops of Cloyne and Cork*, sworn, and took his seat.

The *Earl of Clare* rose from the woolsack, and read the answer of his excellency, the Earl of Camden, to the address voted and presented to him by their lordships, in which his excellency stated he would immediately transmit to his majesty, the address voted by their lordships to his royal person.

The answer was afterwards read by the proper officer of the House, and ordered to be inserted in the journals.

The order of the day being for their lordships to enter into committee upon the public infirmary bill,

The *Earl of Clare* observed that with respect to this bill he thought it might be necessary to say a few words as to the intention of it, lest noble lords, not very conversant in the law of the land, should not perfectly understand its principle. His lordship here, in his usual clear and perspicacious manner, explained the difficulties that had been experienced in obliging trustees, who held money for the charitable purpose of supporting hospitals in this country, to appropriate it according to the intentions of the donors, as the law now stood, by a tedious process in his lordship's court (the Court of Chancery) and that at great expence to the injury of such funds. The bill, his lordship stated, went to obviate these inconveniencies, by giving power to other courts, to enforce such trustees to perform their duty, and in a way that would not take up more than one or two months, instead of as heretofore, two or three years, and that at the small expence of a few pounds. This short process would easily compel trustees to devote money they had received, whether by gift or donation, to the support of

<sup>10</sup> The Lord Chancellor, John FitzGibbon, who was raised to the peerage as Baron Fitzgibbon in 1789, and made Viscount FitzGibbon in December 1793, became the Earl of Clare on 12 June 1795 (GEC).

the charitable institutions in was intended for, and which were of great advantage and relief to the poor.

His lordship perceived that there were several alterations necessary to be made in this bill, and when their lordships went into committee upon it, he would point them out. The title of the bill it would be necessary to amend, that it might clearly express its intentions, and therefore his lordship did intend to propose an alteration to pass it in that way, that the principle should be understood from the title. It would require some time to make those alterations, and, as other business engaged his lordship's attention<sup>11</sup> (we suppose in his high legal station), he moved that the order of the day, for going into committee upon this bill, should be deferred to Monday next, which being agreed to, their lordships adjourned to that day.

*Freeman's Journal*, 30 January 1796

Monday, 1 February 1796

The House met pursuant to adjournment. The Earl of Ormond and the Bishop of Clonfert took the usual oaths and their seats.

The House resolved itself into a committee on the public hospital bill.

The *Lord Chancellor* said that a Mr Hutchinson had bequeathed £15,000 to purchase an estate, from the issues of which his relations of every[sic], the remotest degree, were to have annuities, the lowest five and the highest ten pounds.<sup>12</sup> The testator died in England, and the Court of Chancery in England transferred the appropriation of the bequest to the Court of Chancery in Ireland. A master in chancery was authorized to call upon the claimants by a public advertisement to produce their claims, which he did; and a northern attorney published, at the same time, an advertisement in a Belfast newspaper offering a shilling each to establish the right of inheritance. The consequence was that there were 16,000 claimants of £5 and £10 a year upon an estate of £600 annual produce; and the master in chancery applied to him (the Lord Chancellor)

<sup>11</sup> It is not clear what demanded Clare's attention; his published correspondence is uninformative (Fleming and Malcomson (eds), *A volley of execrations*), while his fullest biography likewise offers no clues (A.C. Kavanaugh, *John FitzGibbon, Earl of Clare* (Dublin, 1997)).

<sup>12</sup> The testator was Archibald Hutchinson (c.1659–1740) of Stranocum, Scotland, attorney general of the Leeward Islands, 1688–1702, a man of business for the Duke of Ormonde and MP for Hastings, 1713–27. He also investigated the South Seas financial scandal of 1720 (R. Sedgwick, *The history of parliament: the House of Commons, 1715–54* (2 vols, London, 1970), ii, 163–4). In his will, Hutchinson left £17,000 for his 'poor an necessitous relatives on Ireland', but the broadness of the bequest meant it was long delayed in its application, and the matter was not finally resolved until the 1790s by act of parliament, following which law agents were appointed in Dublin and Ulster; the latter was Francis Dobbs, who advertised widely across the province (see *Belfast Newsletter*, 27 May 1796). The charity subsequently sold the lands on 4 Dec. 1797 (*Belfast Newsletter*, 30 Oct., 20 Nov. 1798).



to make such a partition, which not being possible, he had recommended an application to the legislature. The present petition in his mind, however, ought to be so formed as to obtain an opinion from the judges in the first instance if it were possible for the trustees to fulfil their trust, and if the bill, which his lordship presumed the noble viscount means to offer to the House, was in the next place sufficient for its purpose. The principal object of the bill was to limit the right of inheritance to the sixth degree of affinity, which was the limitation of the canon law. His lordship concluded by moving such references as he had pointed out to Mr Justice Crookshank<sup>13</sup> and Baron Smith,<sup>14</sup> and the monies being agreed to, Lord O'Neill presented the bill which was referred to the judges above mentioned, and the House adjourned to Thursday.

*Hibernian Journal*, 3 February 1796<sup>15</sup>

*Thursday, 4 February 1796*

Several further amendments were made in committee in the infirmity bill by the Earl of Clare, which met with their lordships' approbation. It was afterwards ordered to be engrossed.

The *Marquess of Waterford* presented a petition of appeal from Richard and Henry Power; but a doubt arising in the mind of the Earl of Clare whether it was consistent with the standing orders of the House to receive it, after the cause had been decided a certain number of years in the courts below, his lordship moved that the consideration of it should be deferred till Monday next, and that all the peers and judges in town should be summoned to attend on that day; which was ordered accordingly.

The *Earl of Altamont* moved that the proper officer be ordered to lay before the House an account of the sums of money expended in raising seamen in this kingdom, and other naval disbursements since the 25th of March 1795 to the 1st of January 1796, under the regulation of Admiral Cosby.<sup>16</sup> Ordered accordingly.

13 Alexander Crookshank, justice of the Court of Common Pleas (see Ball, *Judges*).

14 Michael Smith (1740–1808), MP for Randalstown, 1783–93, baron of the Court of Exchequer, 1793–1801 (*HIP*).

15 There is a further brief account of the day's proceedings in *Freeman's Journal*, 2 Feb. 1796.

16 Admiral Phillips Cosby (1739/30–1808) was an experienced naval officer, commander in the Mediterranean, 1785–9, where he again saw service in the early 1790s. Between 1794 and 1801, he was head of impressment in Ireland (*ODNB*).

17 Thomas Pelham, the chief secretary (*HBC*).

18 Sir John Parnell (*HIP*).

The right hon. Secretary Pelham,<sup>17</sup> the Chancellor of the Exchequer,<sup>18</sup> &c presented to their lordships, the bill from the Commons, empowering his excellency, the chief governor to lay an embargo on provisions, whenever his excellency thought it expedient for the advantage of the people. It was read a first time, and ordered to be read a second time on Monday.

Lord Cahir, relative to the Earl of Clare, qualified, and took his seat.

Their lordships adjourned to Monday next.

*Hibernian Journal*, 5 February;  
*Freeman's Journal*, 6 February 1796

Monday, 8 February 1796

There being appeals to be heard before their lordships, the Earl of Clare took the wool sack at three o'clock.

The first order of the day was the hearing of the appeal from the High Court of Chancery, wherein John W[illia]m Boyton, Stephen Dickson, and Edmund Cullen, esqs, King's Professors, and William Gorman, esq.; executor of Edward Brereton esq., deceased, are appellants,<sup>19</sup> respecting the will of the late Sir Patrick Dunn,<sup>20</sup> and the President and Fellows of the King and Queen's College of Physicians, in Ireland, respondents.

Counsel were called to the bar, when Beresford Burston<sup>21</sup> and William Saurin,<sup>22</sup> esqs. appeared for the appellants, and Richard Franklin,<sup>23</sup> and William C. Plunket,<sup>24</sup> esqrs, for the respondents.

The counsel for the appellants were heard until six o'clock, when the further

19 John William Boynton was King's professor of Institutes of medicine; Stephen Dickson was King's professor of *material medica* and pharmacy; Edward Brereton was King's professor of the practice of medicine (1786–92) when he was succeeded by Stephen Dickson: C.A. Cameron, *History of the Royal College of Surgeons in Ireland* (Dublin, 1886), p.686.

20 Sir Patrick Dun (1642–1713), MP for Mullingar, 1695–9, 1703–13, five times president of the Royal College of Physicians, was of a Scottish family. His estate, worth an estimated £4,000 in the early nineteenth century, was used to fund the construction of a teaching hospital, which was a source of friction between Trinity College and the College of Physicians, to which the petition referred to relates. His legacy was finally acknowledged by the opening in 1802 of Sir Patrick Dun's Hospital.

21 Beresford Burston, King's Council (*Dublin Directory*, 1796, p.64).

22 William Saurin, King's Council (*ibid*).

23 Richard Franklin was a King's Council based on Merrion Street (*Dublin Directory*, 1796, p.64) He was made a Bencher of the honourable Society of King's Inns in 1797 (*ibid.*, 1800, p.85).

24 William Conyngham Plunket (1764–1854) was called to the bar in 1787 and made King's Council in 1797. He was later lord chancellor (ODNB).

hearing of the cause was adjourned to next day.

The petition of appeal, [Richard and William] Power against [William] Pers[s]e, and the petition of Richard and William Power, esqrs, the consideration of which was appointed for this day, was adjourned till tomorrow.

The infirmary bill, which originated with their lordships was received from the Commons, intimating that they had passed the same without any amendment.

The bill respecting the late Mr Hutchinson's will, and the one for empowering the chief governor, for the time being, to lay an embargo whenever it might be deemed expedient, were read a first time, and ordered to be read a second next day, to which time the House adjourned.

*Freeman's Journal*, 9 February 1796<sup>25</sup>

Tuesday, 9 February 1796<sup>26</sup>

The consideration of the position of appeal of [Richard and William] Power against [William] Pers[s]e, and the petition of Richard and William Power, was deferred to Tuesday the 23d instant.

It was postponed upon the motion of the *Earl of Clare*, to give time to ascertain whether the last decree had in this case was to be considered as terminated, on being signed by the Lord High Chancellor, or when signed afterwards by a registrar in order to decide whether it came within the time allowed by the standing orders of the House of Lords, to receive appeals, after such terminations, as is the regulation of the house of peers of Great Britain.

The indemnity bill, the grain bill, infirmary bill, and Hutchinson's charity bill were read a second time, and committed for Thursday.<sup>27</sup>

The infirmary bill<sup>28</sup> being read a second time, the *Lord Chancellor* said that the bill on the table was intended to anticipate a similar bill, which had originated in that House, the principal object of which was to make the treasurers of county infirmaries responsible to the summary jurisdiction of courts of equity. There

<sup>25</sup> There is a short report on the day's proceedings in *Hibernian Journal*, 5 Feb. 1796.

<sup>26</sup> This account of the day's proceedings brings together the reports in *Freeman's Journal*, 11 Feb. and *Hibernian Journal*, 12 Feb. where the report is erroneously misattributed to Wednesday, 10 Feb. when it is apparent from the *Lords Journal*, vii, 404–05 that the reported exchange took place on Tuesday, 9 Feb.

<sup>27</sup> The report on the debate to this point is from *Freeman's Journal*, 11 Feb. 1796.

<sup>28</sup> What follows on the infirmary bill is reported in *Hibernian Journal*, 12 Feb. 1796.

might possibly exist a doubt on the competence of the House to originate such a bill, which doubt he wished to be removed by a proper definition of money bills; but, however, anxious he was to ascertain that point of privilege, he would not carry it into effect at the expence of so laudable an institution as that of the county infirmaries which, if neither house chose to yield, would go to ruin in the contest. The present bill was sent up in a shape very effectual; it contained one most useful clause, which was that no surgeons should be elected to a county hospital who had not letters of testimonial from the College of Surgeons,<sup>29</sup> and though it was not, perhaps, so generally efficient as that which their lordships had approved, he would move for its committal on Thursday.

*Lord Dillon* said he was extremely anxious to bring this question to an issue. He was confident it would not produce any quarrel between the two houses of parliament, to [dis]tinguish what were in fact money bills, from such as, by misconstruction, were called so; their constitutional knowledge and good sense would prevent any such consequence from a deliberation on a subject so important as that of guarding the privileges of one house from the encroachment of the other. The practice of the English parliament was totally different from that which prevailed in the parliament of this country, and he trusted that it would not be found impracticable to produce the same good effect of a mutual regard to each other's privileges in Ireland that was evinced so fully and happily in England. His lordship repeated his opinion that no disagreement would arise out of the question, and his wishes that it should be finally settled.

The bill was committed for Thursday, to which day the House adjourned.

*Freeman's Journal*, 11 February; *Hibernian Journal*, 12 February 1796

*Thursday, 11 February 1796*

The *Bishop of Cloyne* having said prayers at four o'clock, their lordships proceeded to business.

The *Earl of Clare* stated to the House that his majesty's answer to their lordships' address was received: and here the noble earl read it to the House. It is as follows:

George R[ex].

His majesty returns his thanks to the House of Lords of Ireland, for their loyal and dutiful address, and for their cordial professions of attachment to

<sup>29</sup> The Royal College of Surgeons was founded in 1784. See J.D.H. Widdess, *The Royal College of Surgeons in Ireland and its medical school, 1784–1966* (2nd, Edinburgh, 1967).