THE SESSIONAL PAPERS
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OF
THE HOUSE OF LORDS,
OR PRESENTED BY ROYAL COMMAND,
IN THE
Session 1842,
(5o & 6o VICTORLÆ,)
ARRANGED IN VOLUMES.

Vol. XVI.
Evidence before Lords Committees for Privileges, and before The House;
Reports from Select Committees of The House, and Evidence,
(One Volume,)
THE SUBJECTS ALPHABETICALLY ARRANGED.

Subjects of this Volume:
Fitzwalter, Marchmont, and Townshend Peerages;
Oaths; Salmon Fisheries; Ventilation of Houses of Parliament;
Coward's Divorce; Glegg's Divorce; Jackson's Divorce;
Mieville's Divorce; Vere's Divorce.

1842.
Die Veneris, 18° Februarioi 1842.

The Earl of SHAFTESBURY in the Chair.

The Order of Adjournment was read.

The Minutes of the last Committee were read.

The Counsel and Parties were ordered to be called in.

Mr. Pattison appeared as Counsel for the Petitioner.

The Lord Advocate of Scotland appeared on behalf the Crown.

Mr. Pattison stated, That he proposed to put in Evidence relating to the Third Class of Collaterals, and particularly to the Irish Branch of the Family of Polwarth, mentioned on Pages 8 and 9 of the printed Case; that the first Evidence related to Sir John Hume, the Father of Sir Gustavus Hume, mentioned in Page 8; that he should prove that Sir John died in 1697, and was succeeded by his only Son Gustavus; that the Object was to connect this Family with the Family of Polwarth, in whose Favour the Title was originally granted.

Then Sir WILLIAM BETHAM was called in; and having been sworn, was examined as follows:

(Mr. Pattison,) You are Ulster King of Arms?
I am.

You have been long in that Office?
I have been, as Principal and Deputy, for nearly Five-and-thirty Years.

Have you a Funeral Certificate, dated in 1685, by Sir John Hume?
I hold in my Hand a Funeral Certificate, signed "John Hume," and dated on the 29th Day of January 1685–6. I found it in the Office when first appointed, loose, with many other Documents of a similar Character, and I had them, to preserve them, bound up in this Book myself.

That is the original Document?
It is. There are Three Entries of it in the Books in which these Things are entered; in Three different Books exactly according with that. It is a Funeral Certificate of the Wife of Sir John Hume.

(By a Lord,) You found it in the Office?
I found it in the Pigeon Hole of Letter H. in my Office. They were loose in the Pigeon Hole where the Documents were deposited, and I selected them, and had them bound up in the Office.

(33.) 5 D Was
Was that when you were first appointed?
In the Year 1808. I was appointed in 1807.

They were in loose Sheets when you first found them?
Tied up in Bundles. There were a great many others of a similar Character in the Book.

(Mr. Pattison.) That is an original Document?
It is.

The Counsel was directed to state what he conceived this to be, and how he apprehended it was Evidence.

Mr. Pattison stated, That it was a Funeral Certificate delivered in to the Office of Ulster King of Arms, who had been directed by an Act of State or Order in Council to receive such Certificates.

(Mr. Pattison to the Witness.) Have you many of those Certificates in your Office?
We have Fourteen Volumes of them.

Do you know under what Authority they were taken into the Office? They were taken by the Authority of the Lord Lieutenant in Council.

(By a Lord.) To what Date do they go?
I have a Book here, having reference to the original taking of these Documents; it is recited here in an Entry by Thomas Preston, Ulster King of Arms, in the Year 1638, in his Handwriting.

From whence does that come?
From my Office. It is a Document I found loose; I had it bound up.

Is that one entire Document?
No; it is a Book containing a great many Entries, having reference to Matters connected with the Funeral Certificates.

[The Book was handed to their Lordships.]

There are many analogous Documents in our College of Arms here. That is in the Handwriting of Thomas Preston, King of Arms for the Day.

Have the goodness to read that.

"Whereas by virtue of an Act of State or Decree bearing Date the 4th of August Anno Domini 1627, made by the Right Honourable Viscount Falkland, then Lieutenant Deputy of this Kingdom, and signed by divers of His Majesty's Honourable Privy Council, for the better Preservation of the Memory of the Nobility and Gentry of this Realm, their Marriages, Posterity, and Arms, the King of Arms here is straitly charged to make a true and fair Entry of Certificates of the Matches, Issues, Times of Decease, and the Arms of all such of the Nobility and Gentry of this Realm as shall happen to die; which Certificates are by the said Act of State or Decree to be returned into the Office of the King of Arms for the Time being, by the Heirs or Executors of such of the Nobility or Gentry as shall so die; for which Entry there is appointed certain Fees to be paid to the said King of Arms, as in and by the said Act of State or Decree more at large appeareth: I, Thomas Preston, Esquire, Ulster King of Arms, do, for the speedy Execution of the Command of the said Act of State or Decree, authorize
authorize you, Darby Morrice, of Dublin, Yeoman, to repair unto the several Heirs and Executors or Administrators of those whose Names be underwritten, to intimiate unto them the Effect of the said Act of State or Decree, and to require them to send unto me, under their Hands, the Certificates above mentioned, on Return whereof, together with the Fees for the same, which I do authorize you to receive to my Use, I shall carefully enter the Record in my Office, according to the Charge to me by the said Act of State or Decree given: Further willing and requiring you to signify to me in Writing the Names of such as shall refuse to return the said Certificates and Fees, that thereupon such Course may be taken with them, for their Contempt, as by the said Act of State or Decree appeareth. In witness whereof, I, the said Thomas Preston, Ulster King of Arms, have hereunto put the Seal of my Office, the 12th Day of February 1683. There are several Entries of the same Sort.

What has become of the Act of State?
In the Year 1713 the Documents to which this refers were burnt by an accidental Fire in Dublin Castle.

Was that the proper Place of their Deposit?
Yes; in the Privy Council Office.

What do you mean by an Act of State?
An Order of Privy Council. That is the Term used at the Time. It was the Term authorized at that Period for an Order of the Privy Council of the Lord Lieutenant.

In whose Handwriting is that?
I know it very well. The Handwriting of Thomas Preston, Ulster King of Arms.

Not signed by him?
That is not; but there is a Document of a similar Character, reciting the same Act of State, signed by him, in the next Page.

Exactly the same?
Very nearly the same.

What does that say respecting Certificates of Burial?
"Whereas by virtue of an Act of State or Decree, bearing Date the 4th of August Anno Domini 1627, made, by His Majesty's Royal Command, by the Right Honourable Viscount Falkland, then Lieutenant Deputy of His Kingdom, and signed by divers of His Majesty's Honourable Privy Council, for the better Preservation of the Memory of the Nobility and Gentry of this Realm, their Marriages, Posterity, and Arms, the King of Arms here is straitly charged to make a true and fair Entry of the Certificates of Matches, and Issues, Times of Decease, and Arms of such of the Nobility of this Realm as shall happen to die."

That is signed by Preston himself.

That is the Original, not a Copy?
They are all in his Handwriting.

When you entered on the Discharge of the Duties of your Office, did you find all those Papers loose?
Some of them were bound, but the Covers were so dilapidated I found it necessary to bind them again. Those I have produced were in loose Sort of Papers.

(33.) 5 D 2 Did
Sir W. Betham.

Did you bind up together all of the same Sort, or by what Rule did you go?
I bound them up, as well as I could, in chronological Order.
Read the first Part of that again, which relates to the Certificate.
They are to be entered in Books?
Those are entered in Books; there are Three different Copies of that entered in Books.
Read the Passage which relates to that?
The King of Arms is "to make a true and fair Entry of the Certificates of the Matches, Issues, Times of Death, and the Arms."
Have you any such Book in your Office?
We have.
And corresponding with that?
Yes, exactly corresponding with that.
Have you that Book?
I did not think it necessary to bring the Book, when I had the original Certificate. There are Three Books in which this Certificate is entered, each of them an exact Copy of that which appears in the Certificate, "to make a true and fair Entry of Certificates of the Matches, Issues, Times of Decease, and the Arms of all such of the Nobility and Gentry of this Realm as shall happen to die; which Certificates are by the said Act of State or Decree to be returned into the Office of the King of Arms for the Time being, by the Heirs or Executors of such of the Nobility or Gentry as shall so die, for which Entry there is appointed certain Fees to be paid to the said King of Arms, as in and by the said Act of State or Decree more at large appeareth: I, Thomas Preston, Esquire, Ulster King of Arms, do, for the speedy Execution of the Command of the said Act of State or Decree, authorize you, Darby Morrice, of Dublin, Yeoman, to repair unto the several Heirs and Executors or Administrators of those whose Names be under written, to intimate unto them the Effect of the said Act of State or Decree."

The Lord Advocate was asked whether he wished to put any Question, or offer any Objection to the Reception of this Document in Evidence, and stated that he did not.

The Entry was read as follows:

"Dame Sidney, Daughter of James Hamilton of Manor Hamilton, in the County of Leitrim, Esquire, (Son of Sir Fredrick Hamilton, Kn', who was Son of Claud Hamilton 1st Pasely in Scotland, who was the Second Son of Hamilton Earle of Arran in Scotland, and Duke of Chatoldbroutil in France,) by Dame Katherine his Wife, Da' of Claud Hamilton Lord Baron of Strabane (Son of Hamilton Earle of Abercorne, who was Son of the aforesaid Lord Pasely). The aforesaid Dame Sidney was married to y' R' Worshipfull Sir John Humes, Bar', (Son of Sir George Humes of Northbarrick in Scotland, Bar'', who was the Son of Sir John Humes, Kn', who was the Son of Sir Patrick Humes of Pollard, Bar''), by whom she had Issue many Children, whereof now living Four Sons and Five Da' (viz', James Humes, Esq', eldest Son, John, Second Son, Gustavus, Third Son, Claud, 4th Son, Hester, eldest Da', Katherine, Second Da', Elizabeth, Third Da', Ann, Fourth Da', and Mary, Fifth Da', all unmarried). The 5th first-mentioned Dame Sidney departed this mortal Life,
Life, at Dublin, the Twentieth Day of January 1685, and was interred, the Twenty-fourth of the same, in ye Chancell of St Michael's Church. The Truth of the premises is testified by ye Subscriptor of ye aforesaid Sir John Humes, Baro, Husband of the Deunct, who hath returned this Certificate to be recorded in ye Office of Sir Rich Carney, Kn, Ulster King of Arms, this 29th Day of January 1685.

"JOHN HUMES."

(Mr. Pattison.) Is that in your Hand a true Copy of that Entry? It is.

The same was delivered in.

The Witness was directed to withdraw.

Then Lieutenant Colonel GORGES MARCUS D'ARCY IRVINE was called in; and having been sworn, was examined as follows:

(Mr. Pattison.) Your Name is Gorges Marcus D'Arcy Irvine, of Castle Irvine in the County of Fermanagh?

It is.

Has your Family been in that County for many Years?

Yes; some Hundred Years.

What is your Age?

I am in my Eighty-second Year. The 26th November 1760, I was born.

You lived a long Time in the County?

Yes, many Years.

Was there any Connexion in Marriage between your Family and the Family of Castlehume?

My Great Grandfather's Brother was married to Miss Phoebe Hume.

Do you know whose Sister or Daughter she was?

She was Sister; I do not recollect the Name at this Moment.

Was she related to Sir Gustavus Hume?

Certainly; I have always heard so.

(By a Lord.) Have you heard so in the Family?

I have heard so in the Family, and also in universal Conversation in the County.

(Mr. Pattison.) Have you heard it from your Father and Members of your own Family?

Repeatedly.

Your Memory goes back to the Year 1770 with regard to that County?

I cannot say exactly; but as long as I can recollect I have always heard it mentioned.

Do you recollect the Time of the Suit between the Ely Family and the Rochfort Family?

Yes.

Did you ever hear of a Baronet during your Lifetime of the Hume Family in existence?

No.

(Did...
Did you ever know a Baronet of the Hume Family?
No; I never heard of One during my Lifetime.

Did you ever hear from your Father that the Male Line of the Hume Family of Castlehume was extinct?

At Table, in Conversation, I have heard my Father mention that, and General Archdall also.

You spoke of your Father mentioning that Circumstance?
Yes.

[The Witness was directed to confine himself to Matters told him by Members of the Family.]

I have heard my Father repeatedly mention that there was no Male Line of the Hume Family; that they were extinct. I have always heard him say so.

The Witness was directed to withdraw.

The Counsel and Parties were directed to withdraw.

Proposed to adjourn this Committee sine Die;

Accordingly,

Adjourned sine Die.