

***JOHN HELY-
HUTCHINSON***



***THE COMMERCIAL
RESTRAINTS
OF IRELAND***

John Hely-Hutchinson

The Commercial Restraints of Ireland

EAN 8596547340409

DigiCat, 2022

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THE RIGHT HON. JOHN HELY HUTCHINSON, author of the “Commercial Restraints,” was certainly one of the most remarkable men that this country ever produced; and he took, amidst an unequalled combination of brilliant rivals, a very prominent part in the most interesting and splendid period of Ireland’s internal history. He was, according to Dr. Duigenan, a man of humble parents. He entered Trinity College as a Pensioner, in the year 1740, under the name John Hely,^[1] and after his marriage he adopted the name Hutchinson, on succeeding to the estate of his wife’s uncle.

In 1744 he obtained his B.A., and Duigenan admits that in his Undergraduate Course he won some premiums at the quarterly examinations. In 1765 he was presented with the degree of LL.D. *Honoris Causâ*. The *College Calendar*, in the list of Provosts, has, “1774. The Rt. Hon. John Hely Hutchinson, LL.D., educated in Trin. Coll., Dublin, but not a Fellow; admitted Provost by Letters Patent of George III., July 15; Member of Parliament for the City of Cork, and Secretary of State. Died Provost, Sep. 4, 1794, at Buxton.”^[2]

This is all the mention which the published records of the College make of, perhaps, its most celebrated Provost. The Calendar is inaccurate as to the year of his matriculation, and it does not even tell that he was the author of the “Commercial Restraints”—its memorial notices being extremely scanty and brief; but in other contemporary writings we find several notices of him, unfavourable and favourable. He was called to the Bar in 1748; King’s Counsel, 1758; Member for Lanesborough as John Hely

Hutchinson of Knocklofty, 1759;^[3] in 1760 he received, in a silver case, the freedom of Dublin for his patriotic services in parliament.^[4] He was Member for Cork City as John Hely Hutchinson of Palmerston, and afterwards as Right Hon., 1761; Prime Serjeant, sometimes going Judge of Assize, and Privy Councillor, 1761; Alnager,^[5] 1763; Major in a Cavalry Regiment, which, when threatened with a court-martial for non-attendance to duty, he sold forthwith for £3,000; Provost and Searcher of Strangford,^[6] 1774; Principal Secretary of State, 1777;^[7] M.P. for Taghmon, 1790; died 1794 (according to the *College Calendar* at Buxton, and according to the *Gentleman's Magazine* in Dublin). He was also Treasurer of Erasmus Smith's Board, and one of the Commissioners for inquiring into Education Endowments, and he strove perseveringly but fruitlessly to obtain besides the Chancellorship of the Exchequer.

The most important and most historic of all these appointments was the Provostship, and it is in connection with the Provostship that we know most about him. He won the high office, for which, in regard of any sort of learning, he was totally disqualified, by a dexterous intrigue with the Chief Secretary of the day, Sir John Blacquiere; and those who cared most for Hutchinson considered that the manœuvre was an unwise one for him. It forfeited his assured prospects at the Bar, and it fastened on him the odious imputation of an insatiable avarice. The appointment, moreover, was regarded as an affront and an injury by the body over which he was placed. Fellows and Scholars in various ways resented the indignity, and Hutchinson had to face a very surly temper inside the walls. He faced it with a light heart, and triumphed over it; but it often turned on him, and stung him. He considered that it was well worth the cost; for in the first place it was an appointment for life; and then he had not to give up his lucrative practice in the law courts, which Froude says was

worth nearly £5,000 a year; and in fact he never ceased to angle for the Mastership of the Rolls. In the next place, he got in addition a splendid town residence, on which eleven thousand pounds had just been expended; he got an income of two thousand one hundred a year; he got a very wide patronage, and he calculated on getting the control of the parliamentary representation of the University, which at that time was in the hands of the Fellows and Scholars. This last object would have been an immense acquisition for him; but he failed to win the game, the playing of which led him, according to Duigenan and others, into some of his most reprehensible courses.

As has been said above, in the rivalries of public life Hutchinson was pitted against a phalanx of as able men as ever appeared together in any country; and most of these men he supplanted and surpassed. They avenged themselves by lampooning him, and they were masters in the art. The Provost was assailed in prose and in verse, in couplet and in cartoon, in newspapers and pamphlets, in the "Lachrymæ Academicæ," "Baratariana," and "Pranceriana;" and these two last *pasquinades* are unique in English literature. Their satire is as broad and as wounding as that of Junius, while it is often far more finished and playful; and there is no other instance of so many men of the same ability and station being combined in such a mosaic of detraction.[8]

"BARATARIANA," so called from Sancho Panza's island-kingdom, was written in verse and in prose, and it appeared originally as letters in the *Freeman's Journal*, which at that time, previous to its removal to "Macænas' Head" in Bride-street, was published over St. Audeon's Arch.[9] The principal writers of these letters were Sir Hercules Langrishe,[10] Flood, Grattan, Yelverton, Gervase Bushe, and Philip Tisdall. The volume is "a collection of pieces published during the

administration of Lord Townshend," and in it the Lord Lieutenant figures as "Sancho," Anthony Malone as "Don Antonio," Provost Andrews as "Don Francesco Andrea del Bumperoso," and Hely Hutchinson under the various titles of "Don John Alnagero, Autochthon, Terræ Filius, Monopolist, Single Session, and Serjeant Rufinus." It was in one of these papers that Grattan, with an audacious drollery, drew his celebrated character of Lord Chatham, as a privileged extract from a manuscript copy of Robertson's forthcoming "History of America." The description given by Langrishe of Hutchinson, who was not Provost at that time, is: "He talks plausibly and with full confidence, and whatever Pro-consul is deputed here Rufin immediately kidnaps him into a guardianship, and like another Trinculo erects himself into a viceroy over him. His whole elocution is alike futile and superficial. It has verdure without soil, like the fields imagined in a Calenture. He has great fluency, but little or no argument. He has some fancy, too, but it serves just to wrap him into the clouds and leave him there, while he holds himself suspended, planing and warbling like a lark, without one thought to interrupt the song. If he has any forte it is in vituperation or abuse. In 1766 he defeated the first Militia Bill.^[11] His first stride in apostasy was supporting the Privy Council Money Bill in 1767 [for opposing which Anthony Malone^[12] had previously lost the Prime Serjeancy in 1754, and the Chancellorship of the Exchequer^[13] in 1761;] his next was in defending the motion for the additional regiments, whereby we were treated like a ravaged country, where contributions are levied to maintain the very force that oppresses it." For these ministerial services Hutchinson got the Prime Serjeancy, with an extra salary of £500 a year. In the next session he was useful to the Crown in regard of the Pensions Enquiry Bill and the Embargo Corn Bill, and was rewarded with the sinecure Alnager's place, worth £1,000 a year. He was made a Privy Councillor, got the reversionary grant of the Principal

Secretaryship of State, and the commission of a half-pay majority, and was what Primate Stone termed “a ready-money voter.” “He got more,” says Flood, “for ruining one kingdom than Admiral Hawke got for saving three.”^[14] The “List of the Pack,” one of the rhymes in the volume, has:

“Yet Tisdal unfeeling and void of remorse,
Is still not the worst—Hely Hutchinson’s worse;
Who feels every crime, yet his feeling denies,
And each day stabs his country, with tears in his
eyes.”

Philip Tisdall, in “Baratariana,” gives the following humorous description of Hutchinson: “He is jealous of me, and as peevish as an old maid. I love to tease him. I endeavour to put him on as odious ground as I can in parliament, and then I am the first to complain to him that Government should expose their servants to so much obloquy without occasion. I magnify to him the favours and confidence I receive from Government, and my correspondence with Rigby, which nettles him to the heart. He is too finical for Lord Townshend, who makes very good sport of him. One day he dined at the Castle, and when the company broke up, Lord Townshend, who pretended to be more in liquor than he was, threw his arms about his neck and cried out, ‘My dear Tisdall, my sheet anchor, my whole dependence! don’t let little Hutchinson come near me; keep him off, my dear friend; keep him off—he’s damned tiresome.’ At other times His Excellency makes formal appointments to dine at Palmerston^[15] at a distant day. The Prime Serjeant invites all the officers of State; Mrs. Hutchinson is in a flurry; they send to me for my cook; and after a fortnight’s bustle, when dinner is half spoiled, His Excellency sends an excuse, and dines with any common acquaintance that he happens to meet in strolling about the streets that morning. This g’emman has a pretty method enough of expressing

himself, indeed, but in points of law there are better opinions. My friend, the late Primate, who knew men, said, that the Prime Serjeant was the only person he had ever met with who got ready money, in effect, for every vote he gave in parliament. He has got among the rest the reversion of my Secretary's office; but I think I shall outlive him."[\[16\]](#)

Another note in "Baratariana" records that Tisdall, whose Government salaries exceeded £5,000 a year, had also a reversion of the Alnager's place, with its £1,000 a year, on the death of Hutchinson; and this mutuality of Reversions, no doubt, accounts for the warm affection that subsisted between Hutchinson and Tisdall. Blacquiere got the Alnagership as the price of the Provostship, as before mentioned. Besides the Alnagership Hutchinson was obliged also to resign the Prime Serjeancy, which was given to Dennis; but even in regard of emolument the Provostship was well worth these two sacrifices, the united income of which was only £1,300. He retained his sinecure of £1,800 a year, and the State Secretaryship, and he was further compensated by the sinecure office of Searcher of the Port of Strangford, with a patented salary of £1,000 a year for his own life and the lives of his two elder sons. He had thus altogether, besides his lucrative practice at the Bar and his own estate, about £6,000 a year, together with the Provost's House, while his eldest son was Commissioner of Accounts, with £500 a year, and with the reversion of the Second Remembrancership of the Exchequer, worth £800 a year, and his second son had a troop of dragoons.[\[17\]](#)

"PRANCERIANA" derives its title from "Prancer," or "Jack Prance," the nickname which was given to the Provost,

"Restorer of the art of dancing,
And mighty prototype of prancing,"

from his effort to establish in the College a riding and dancing-school, in imitation of the Oxford schools.

“Each college duty shall be done in dance,
And hopeful students shall not walk, but prance.”

The articles were originally published in the *Hibernian Journal* and *Freeman's Journal*,^[18] and the two volumes, which appeared in 1776, were announced as “A collection of fugitive pieces published since the appointment of the present Provost.” The collection was dedicated to “J-n H-y H-n, Doctor of Laws, P.T.C., late Major in the Fourth Regiment of Horse, Representative in the late and present Parliament of the city of Cork, one of his Majesty's Counsel at Law, Reversionary Remembrancer of the Exchequer, Secretary of State, one of His Majesty's Most Honourable Privy Council, and Searcher, Packer, and Gauger of the Port of Strangford.”^[19]

It attacks the Provost all round with every asperity; it mocks his want of learning by calling him “the Potosi of Erudition;” it makes fun of his riding and dancing-schools; and it ridicules his boasted college reforms.

Alluding to his efforts to banish card-playing there is the rhyme—

“You bag and baggage made them pack
Old Whist, and Slam that Saucy jack,
Ombre, Quadrille, Pope Joan, Piquet,
And Brag and Cribbage—cursed set.”

It is obliged to admit, however ungraciously, that the Provost effected some improvements. He obtained from the Erasmus Smith board, of which he was treasurer, the £200 a year for the oratory and composition premiums,^[20] as well as the £2,500 for building the theatre, which Duigenan declares the College did not want. He established also the

Modern Languages Professorships, the latter-day English Parliament treatment of which is such a curious passage in the history of the University. "Pranceriana" admits, too, that by the Provost the park was walled in,^[21] and that common rooms inside the walls, supplied with coffee and papers, were provided for the students; that "tardies" [i.e. returns of students as passing into College between 9 and 12 P.M.] were lessened, that "chapels" required to be attended by them were increased, and that the calling of examination rolls was finished by eight o'clock in the morning, the hours of the Quarterly Examination being at that time from 8 to 12, A.M., and 2 to 4, P.M. Hutchinson was unquestionably very arbitrary and offensive in some of his regulations, but whether he was right or wrong he met the same cynical measure in "Pranceriana."^[22]

The "LACHRYMÆ," published in 1777, was the work of Dr. Duigenan alone (see [note B](#)), and in it he gives full fling to his hatred of the Provost. It is an able and envenomed indictment, and the author hits his victim with the utmost roughness. He accuses the Provost of violating every clause of the Provost's oath, and of being guilty of every possible abuse of his high office; he, moreover, defames Dr. Leland (see [note C](#)), and the other Fellows who were or became civil and courteous to the Provost. Duigenan acknowledges that he set himself to be insolent to the Provost; he tells what brave plans of defiance and revenge he formed, and how, after all, the Provost punished him and put him down.

The "Lachrymæ" records all this in piquant and entertaining fashion; and, besides being damaging to the Provost's character, it is interesting still as a sort of College Calendar of the period, giving antiquarian information of much value concerning the administration, economies, and discipline of the College a hundred years ago. It begins with reciting the naked and unprincipled manoeuvre with Sir John Blacquiere,

the Chief Secretary^[23] to Lord Lieutenant Harcourt, by which Hutchinson, a layman, was appointed Provost, by virtue of the Crown's dispensing with the Statute which required the office to be filled by a Doctor or Bachelor in Divinity. Blacquiere's origin, Duigenan says, was like the source of the Nile, only to be guessed at, and Blacquiere himself was insolent, illiterate, and avaricious. On the death of Provost Andrews, in 1774, he recommended as his successor John Hely Hutchinson, who resigned in his patron's favour the office of Alnager, which Blacquiere ere long farmed out at £1,200 per annum.

Duigenan says that whilst the bargain was in agitation Blacquiere represented the Provostship as much more valuable than it was. He adds that Hutchinson "complained loudly that he had been bitten," and that to make the best of a bad bargain he took in hands the College Estate.

Henry Flood was an eager candidate for the Provostship, and was put off with a vice-treasurership, and a salary of £3,500 a year. Blacquiere would have given him the Provostship if he could have paid a higher price than Hutchinson; and "he would have sold it to a chimney-sweeper if he had been the highest bidder." Duigenan says that all he knew of Flood was that he had been bought by Blacquiere, but he had no doubt that he would have made a better Provost than Hutchinson.^[24] His disgust against Hutchinson is so intense that it overrides his sour nationality and his jealousy for the rights of the body to which he belonged; and he declares that he would have preferred the appointment of an Oxford or Cambridge clergyman.

In the *Gazette* announcement of Hutchinson's appointment his "LL.D." was puffed, but Duigenan strips the degree of all merit by explaining that it was only an "honorary" one—that it had no Academic significance—that every member of the Irish Parliament had a customary right to it—that it had just

been conferred on an ignorant carpenter, one John Magill^[25]—and that, as the climax of the prostitution, he himself, Duigenan, in his capacity of Regius Professor of Civil Law, had officially presented Blacquiere for the honour!^[26]

Non-fellow, unlearned, and layman as he was, Hutchinson got the Provostship, and he was not long in finding out that the constitution of the college afforded a sphere for energy which precisely suited him. By the “New Statutes,” i.e., the Charter and Statutes drawn up by Archbishop Laud, the Provost possessed, or was supposed traditionally to possess,^[27] almost absolutely, the management of the college estates, the disposal of its revenues, the nomination of fellows and scholars, and the power of rewarding and punishing fellows and scholars. The choice of parliamentary representatives for the University rested—not as since the Reform Act, with the registered Masters of Arts and Ex Scholars at large—with the corporate body of the fellows and scholars for the time being, all of whom were in a great degree subject to the statutable powers and underhand influence of the Provost. The body consisted of twenty-two fellows and seventy scholars. The College was the only asylum in the kingdom for friendless merit, and Duigenan knew five contemporary bishops who had been fellows.^[28] All its usefulness and all its glories were swept away by the appointment of “Mr.”—for he would not call him Dr.—Hutchinson.

Duigenan explains that it took five years’ hard study to get a fellowship; that the juniors were subject to incessant toil and irksome bondage as tutors, and that their single compensating prospect was co-option. The income of the juniors was only £40 a year, but the seniors at that time handed over to them the pupils to help their scanty maintenances.^[29] The “Natives’ Places” were held by Scholars who were Irish born, and who succeeded to the

Places by seniority and diligent attendance on college duties.

Sizarships were given by nomination, the Provost claiming eight nominations to one of each of the senior fellows, the previous system of election by examination having been superseded by Hutchinson. There was not one of these departments in which, according to Duigenan, Provost Hely Hutchinson did not traffic—and Duigenan's statements are borne out by the evidence before the parliamentary committee.^[30] It was the same with "non-coing," i.e., allowing money in lieu of commons in the hall; the same in the matter of chambers, the same in regard of leaves of absence, the same in regard of fines, and the same in everything. In all these matters benefits were given to those who would vote for the Provost's sons, and rights were refused to those who would not so vote. The Fellows in those days used to have to purchase their rooms from the college—they could be compelled by the Provost to attend the lectures of the professors, and Duigenan says that the Provost once ordered him to leave the law courts to attend one of these lectures. Fellows had the right of visiting the students' rooms—they used to chum together—they used to be allowed to borrow money from the College, and under this arrangement Duigenan owed £300, while Leland and others owed more.

[Pg xxviii]From the time of the "Glorious Revolution" none but Fellows had ever been made Provosts, although during that period five Provosts had been appointed. Dr. Andrew's Fellowship was a sort of excuse for appointing him, although he was a layman; and Duigenan, in calculating the pecuniary losses which he sustained through Hutchinson, intimates that a similar dispensation might have been exercised towards himself if in due course he had succeeded to his Senior Fellowship. These losses he sets down at

£3,000 actual, and £6,000 on the calculation of contingencies. The Provostship was worth £2,100 a year, besides a splendid residence. A Senior-Fellowship, we are told, was worth £700 a year; a Junior-Fellowship, including pupils, £200; Scholars had free commons, and there were thirty Native Places, with £20 a year each additional; the Beadle of the University had £20 a year; the Porters £5 a year, with clothes and food in the hall. On an average two Fellowships became vacant every three years. All these particulars Duigenan gives, and they all are made to serve as counts in his indictment of the Provost.

Hutchinson had the College estates surveyed, and Duigenan makes a grievous complaint of this proceeding. He says the survey cost the College two thousand pounds, and that it was an iniquitous device for raising the College rents upon improvements that had been effected by the tenants.^[31] He declares that from the rent-raising there resulted beggary, discontent, and emigration. The renewal fines were divided into nine parts, of which two went to the Provost, and one to each of the seven seniors. In the year 1850, the fines were transferred to the College account, and the Senior Fellows were compensated out of the “Cista communis.”^[32]

The “LACHRYMÆ” tells how the Provost got the large old college plate melted down, and turned into a modern service, destroying the engraved coats-of-arms and names of the donors, at an expense to the college of £400.^[33] He soon after had it moved out to Palmerston House, and Duigenan does not seem to feel at all sure about its honest return. Most of the Fellows were in the Provost’s power by being married, and Duigenan says that he used the power tyrannically.^[34] A Fellow going out on a living was allowed only five months’ benefit of salary.^[35]

Duigenan seems to hold the Provost responsible for the “mean and decayed” condition of the chapel, and he more

than once rails at him for being of mean parentage.[36] He finds that since the time of Charles I. no Provost, except Hutchinson and his predecessor, had ever sat in the House of Commons. He is obliged to admit that Dr. Andrews' conduct in private life was somewhat too loose and unguarded for a Provost; but still he was better than Hutchinson, though he was told that the latter was a good husband and father. Mr. Hutchinson might be a good husband and father, "but no one would think the better of a wolf because the beast was kind to its mate and cubs." Hutchinson had destroyed the seclusion and retirement of the college by infesting its walks and gardens with his wife, adult daughters, infant children with nurses and go-carts, and military officers on prancing horses. He had endeavoured to institute a riding-school and a professorship of horsemanship after the example of Oxford, and he had desecrated the Convocation or Senate Hall by making it a fencing-school. Duelling had become the fashion among the students under the influence of the Provost's evil example, and the college park was made the ground for pistol practice.[37]

We are told further by Duigenan that the number of students then on the college books was 598, of whom 228 were intern.[38] We see by the *Liber Munerum Hiberniæ* that by 1792 the number of students had so much increased, consequently on the liberal education spirit of Grattan's parliament, that a King's Letter was obtained raising the quarterly examination days from two to four. In the following year was the King's Letter directing the admission of Catholics to degrees on taking the oath of Abjuration and Allegiance, in accordance with the Act of the Irish Parliament, and in 1794 appears the first "R. C." entry (Thomas Fitzgerald, of Limerick) on the College Matriculation Books. From that date onward the religious denomination of pupils has always been recorded.

“PRANCERIANA,” i.e., probably Duigenan, asserts that the Provost, on the eve of the second election in which his son was returned, offered to supply to a voter amongst the [Pg xxxiii] candidates for Fellowship a copy of the questions which he was to give in Moral Science for the ensuing examinations; [39] and Duigenan openly says that the Provost was determined that no one should be elected a Scholar who would not previously promise to vote as he should direct him.

He kept an electioneering agent inside the walls, a spy and a corrupter—“in short, the Blacquiere of Mr. Hutchison.” Duigenan gives a long list of the Provost’s insolences to himself and to other members of the body. He resisted marriage dispensations to the Fellows who were his opponents, while he procured them for his creatures—Leland and Dabzac.

On the death of Shewbridge the Fellow, which was attributed to Hutchison’s refusing him leave to go to the country for change of air, the students defied the Provost’s order for a private interment at 6 o’clock in the morning. They had the bell rung, had a night burial and a torchlight procession, attended the funeral in mourning, and afterwards broke into the Provost’s house.

In the first year of his office the Provost dispersed a meeting of the Scholars and some of the Fellows that was held by advertisement at Ryan’s in Fownes-street, “the principal tavern in the city,” for the purpose of nominating candidates for the representation of the University against the Provost’s nominees.

Duigenan goes on to relate how Hutchinson discharged the various duties of the high office which he had acquired by the traffic above stated. He made an exhibition of his ignorance at a Fellowship Examination by suggesting that

Alexander the Great died in the time of the Peloponnesian War; but ridiculous a figure as he made in the Scholarship and Fellowship Examinations, he would not withdraw from them, because unless he examined he could not vote or nominate at the election of the Scholars and Fellows. This nomination power was with him a darling object in the execution of his electioneering projects of making the College a family borough, and he abstained from no methods to effectuate his scheme.

We are told at length how the Provost, with the consent of a majority of the Board, deprived Berwick of his Scholarship for absence, because Berwick would not vote for his son, and how the Visitors, on appeal, restored him.^[40] How he deprived Mr. Gamble of the buttry clerkship, and replaced him, on the threat of an appeal, suggested and drawn up by Duigenan. How the Provost refused Mr. FitzGerald, a Fellow, leave to accompany his sick wife to the country, and tried to provoke FitzGerald's hot temper. The Provost's cruelties and injuries to Duigenan himself knew no limits. He says, that for the purpose of keeping him from being co-opted, the Provost had the Board Registry falsified, that he set the porters to watch him, that he persecuted him, and mulcted him in the buttry books, for sleeping out of college without leave. He relates that he was attacked by the Provost's gang, and was obliged in consequence to wear arms; and that, finally, Hutchinson compelled him to go out on the Laws' Professorship on a salary which was raised to £460 a year.^[41]

The "Lachrymæ Academicæ" shows how Duigenan spent the leisure hours of his enforced retirement.

It was dedicated to King George III. Duigenan had "dragged this Cacus (the Provost) from his den," and he appealed to the Duke of Gloucester as Chancellor, and to the archbishops of Armagh and Dublin as Visitors, to rescue the

college out of the hands of this worse than Vandalic destroyer, this molten calf, and pasteboard Goliath. As this remedy might fail, from the uncertainty of all events in this world, Duigenan pointed out two other remedies, the application of which lay with the King. One was to have the Provost's patent voided by a *scire facias*, and the other was to deprive him of all power, authority, or revenue in the college, during his life. His authority was to be transferred to the Board, and his revenue to be appropriated to pay for the new building. These suggestions were not adopted, but the *Lachrymæ* did not by any means fall still-born from the press. It produced a powerful sensation within the walls and in outer circles.

On the 19th of July it was censured by the Board in the following resolution:—

“Whereas, a pamphlet hath lately been published in the city of Dublin, with the title of “*Lachrymæ Academicæ*,” to which the name of Patrick Duigenan, LL.D., is prefixed as author, traducing the character of the Right Honourable the Provost and some respectable Fellows of this society, and misrepresenting and vilifying the conduct of the said Provost and Fellows, and the government of the said college, without regard to truth or decency.

“Resolved by the Provost and Senior Fellows that the author and publishers of the said pamphlet shall be prosecuted in the course of law, and that orders to that purpose be given to the law agent of the college.

“Ordered that the said resolution be published in the English and Irish newspapers.”—[*Extract from College Register, July 19, 1777.*]

The censure was officially published in the *Dublin Journal*, and in *Saunders' News Letter*; whereupon Duigenan

inserted in the *Freeman* the following advertisement:—

“Whereas, a false and malicious advertisement has been inserted in the *Dublin Journal*, and in *Saunders’ News Letter*, containing a resolution of the Board of Trinity College, Dublin, relative to a book written and published by me, entitled, ‘*Lachrymæ Academicæ; or, the present deplorable state of the College of the Holy and undivided Trinity, of Queen Elizabeth, near Dublin.*’ It is necessary to inform the public that the said resolution was carried at the Board by the votes of Drs. Leland, Dabzac, Wilson, and Forsayeth (the very same persons who voted for the unstatutable deprivation of Mr. Berwick), against the opinions of Mr. Clement, the Vice-Provost, of Dr. Murray, and Dr. Kearney. It is also necessary to observe that[^{Pg xxxvii}] three of these gentlemen who voted for the above resolution are persons whom I have declared my intention, in my book, of accusing, before the Visitors, of having committed unstatutable crimes; which intention I shall most certainly execute.^[42] And I do hereby pledge myself to the public that I will effectually prosecute at law every one of the junto for the said scurrilous advertisement, and the resolution therein contained.

“PAT. DUIGENAN,

“Chancery Lane, July 21st, 1777.”

“N.B.—Dr. Murray signed the said advertisement officially as Registrar of the College, who is obliged to sign resolutions of the majority of the Board. He strenuously opposed the resolution therein contained, and the insertion of it in the Public Prints.”

Besides these Board proceedings, the “*Lachrymæ*” led to a plentiful crop of litigation in the Courts. In Michaelmas Term, 1777, in the King’s Bench, Serjeant Wood moved for an

information against Duigenan at the suit of the Provost on account of the defamation in the “Lachrymæ,” and the application was granted. The same time Barry Yelverton, on the part of Dr. Arthur Browne, Fellow, and Member for the University, moved[Pg xxxviii] for an information against the *Hibernian Journal*, and Fitzgibbon moved for informations against two persons for challenging Duigenan. Applications granted.

In 1778 Counsellors Smith, Burgh, &c., showed cause on behalf of Dr. Duigenan against making absolute the Rule for information against the “Lachrymæ,” when Judge Robinson dismissed the case, saying that it had already taken up fifteen days of the public time, and that he “left the School to its own correctors.”[43]

In 1776, Duigenan insulted the Provost in the Four Courts, and the Provost, disdaining Duigenan, called upon Tisdall to make him responsible for his follower’s conduct. He told Tisdall to consider that he had insulted him with a view to provoke a challenge. This was the occasion on which Duigenan threatened to bulge the Provost’s eye. Tisdall at once applied for an information against him in the King’s Bench. Seventeen counsel were engaged in the cause.

Hutchinson argued his own case before the Court with consummate ability. He delivered a most masterly speech, and offered an apology for calling Tisdall an old scoundrel and an old rascal. He did not recollect having used these expressions, but if he did use them, it was out of Court. He referred pathetically to all the annoyance and ridicule that he was undergoing by pamphlets and in the public press; and he excused his appearing in his own defence by the circumstance that his lawyers were harassed in attendance on the six different suits promoted against him on very unaccountable motives.

The Court of King's Bench made the rule against him absolute, but the proceedings collapsed in consequence of Tisdall's death.[44]

Duigenan says that Hutchinson was once publicly chastised by a gentleman whom he had affronted, but we have no other account of the circumstance. Duigenan makes out that he was a coward as well as a tyrant and impostor, and he compares him to "Cacofogo," the usurer in Beaumont and Fletcher's play.

In 1789, the Provost supported Grattan in the Regency Bill, and in the motions connected with it. For this he was liable to be dismissed from the lucrative offices which he held under the Crown, and to save himself from this penalty he signed the "Round Robin" of the twenty peers and thirty-seven commoners who were in a similar predicament. This famous instrument which was drawn up in the Provost's house, pledged the co-signers to stand or fall together, and bound them as a body "to make Government impossible" if the Viceroy, Lord Buckingham, were to venture to punish any of them. Fitzgibbon, then Attorney-General, mercilessly crushed and humbled the "Parliamentary Whiteboys;" he made the synagogue of Satan come and worship before his feet,[45] and the most abject of the recreants was the Provost.[46]

To secure the control of the parliamentary representation of the University was, as has been said, one of Hutchinson's dearest plans. The pursuit of it led him, according to all accounts, into some of his most dishonourable and vindictive actions, and after all he won but temporary and chequered success in the ambitious experiment. In the prosecution of these election aims, the Provost stuck at nothing. He had agents and emissaries everywhere; and through them as well as by his own direct efforts he instituted an all-pervading system of corruption. He knew

how to make subtle but palpable advances to the voters that were under his eye, and to tamper at the same time with their friends and parents at a distance. He ransacked every department of Academic life so as to be expert at turning the whole system of collegiate rewards and punishments into an organised instrumentality for bribery. All the emoluments, rewards, and conveniences of the college were reserved for those who promised their vote to the Provost, and all the obsolete and vexatious disciplines were enforced against those who were disposed to assert their independence in exercising the franchise. By an unscrupulous use of both his patronage, and his powers as Returning Officer, he was enabled to get two of his sons returned for the University, but he saw powerful and damaging petitions against both of them. In 1776, he returned his eldest son Richard against Tisdall, the Attorney-General. Tisdall lodged a petition in June, which the House ordered to be considered in July, but before that day the Parliament was prorogued, and did not meet again till October in the following year. Meanwhile, Tisdall died; the petition was moved by Madden and King, and ultimately, in March, 1778, the Select Committee unseated Hutchinson. John Fitzgibbon conducted the petition, and thereby established his position as a lawyer. He was elected for the University in Hutchinson's room, and the foundation of his coming greatness was laid.[47]

Richard Hutchinson, it maybe observed, fell back on Sligo, to which he had been elected at the same time that he was elected for the University, and where he seems to have escaped another petition by choosing the University constituency. In the debate as to whether a new writ should be issued for Sligo, in 1778, the Provost took a forward part, and bewailed that he "was forced to go there out of his sick bed to defend his son." The Gravamina of the College petition of 1778 were almost identical with those of the

petition of 1790, and while Parliament was unseating the Provost's son, the Court of Common Pleas was dealing with the Provost himself. The Rev. Edward Berwick, whose case is related in the "Lachrymæ," took an action against the Returning Officer for refusing his vote. The Court, overruling the Provost's objection, made an order that the Plaintiff should have liberty to inspect all the College books that could be of use to him in his suit. The verdict was against the defendant, without costs.[48]

After the disastrous parliamentary petition of 1778, the Provost took no family part in the College elections until the year 1790, when his second son Francis was returned. His return led to a parliamentary inquiry; and the case, which is fully reported, is a very interesting passage in the history of the College and of Hutchinson.[49]

The committee, consisting of fourteen members, besides the chairman, W. Burston, Esq., was chosen on the 14th day of Feb., 1791, and on it sat, amongst the others, the Hon. Arthur Wesley (Duke of Wellington), Right Hon. Lord Edward Fitzgerald, and Right Hon. Denis Daly.

There were two petitions, one by Laurence Parsons, Esq., the defeated candidate, and the other by some scholars and other electors of the borough. The sitting member was the Hon. Francis Hely Hutchinson, and the returning officer was his father the Provost. There was a powerful bar. Beresford Burston, Michael Smith (afterwards Master of the Rolls), Peter Burrowes, and William Conyngham Plunket, were for the petitioners; Tankerville Chamberlain (afterwards Judge of the Queen's Bench), and Luke Fox (afterwards judge), were for the sitting member; and Robert Boyd (afterwards Judge of King's Bench), and Denis George, Recorder of Dublin (and afterwards Baron of the Exchequer), were for the Provost. The total constituency was 92, and out of these "84 and no more" tendered their votes. Arthur Browne was returned at

the head of the poll by 62 votes, Parsons had 43, and Hutchinson 39. The Provost, on the scrutiny, reduced Browne's votes to 51, Parsons' to 34, and his son's to 36, thus returning his son by a majority of two over Parsons. Against this return the petitioners set forth that the Provost received for his son the votes of several persons who had no right to vote; that he refused for Parsons the votes of several who were legally entitled to vote; that on the scrutiny, he received illegal evidence; that he acted as agent for his son, and by undue means procured votes for him; that he exerted his prerogative antecedently to the election for the purpose of illegally influencing the electors; and that by illegal and partial scrutiny he reduced the number of the votes for Parsons below the number of the votes for his son. Burston stated the case, and referred to the election of 1776, when the Provost's eldest son was unseated for undue influence. He gave numerous instances of the Provost's abuse of his powers in the matters of "non-coing" and leaves of absence. He complained of his rejecting votes on the ground of minority on the evidence chiefly of the Matriculation-book. Amongst the witnesses examined were the Very Rev. Wensley Bond, Sch., 1761, Dean of Ross; G. Miller, Fellow (and afterwards Master of Armagh Royal School); William Magee, Fellow and Junior Dean (and afterwards Archbishop of Dublin); Toomy, a scholar (and afterwards Professor of Medicine); Dr. Marsh, Fellow, and Registrar of the college; Whitly Stokes, Fellow (and afterwards Professor of Physic), &c. &c.

The examination of the witnesses brought out a great many curious and interesting facts relative to college men and college administration a hundred years ago. For instance, Mr. Fox, in arguing against the right of Scholars, being minors, to vote, referred to the election of 1739, when Alexander MacAulay, Dean Swift's nominee,[\[50\]](#) was elected against Philip Tisdall; and when the election was set aside

by the House of Commons on account of the vote of Mr. Sullivan^[51] (afterwards Professor of Laws), who, being elected a Fellow at nineteen years of age in 1738, was a minor when he voted.

Plunket and Smith argued on the other side that Scholars, being minors, were entitled to their votes, and that these votes were allowed in the contested election of 1761, when Lord Clonmel ran French against the Attorney General, Tisdall, on account of the latter's hesitancy about the Octennial Bill. It was argued further that the Matriculation-book was not legal evidence as to age, inasmuch as "boys without any sanction gave in their ages older than they really were, from a desire to be thought men." Finally, the committee resolved unanimously that Fellows and Scholars, though minors, have a right to vote for members to represent the University.

Mr. Miller^[52] deposed that he was applied to by the Provost for his vote, and that he was offered a copy of the Provost's fellowship examination questions in Morality,^[53] "an advantage," said Burrowes, "which would have made a docile parrot appear superior to Sir Isaac Newton." Three of the senior fellows voted for Hutchinson at the election. Toomey, a Scholar, was a Catholic, and refused to vote because the Junior Fellows could prove that he was a Catholic, and would take his pupils from him. He would not conform, although the Provost's eldest son pressed him, and told him that his own ancestors were Catholics and had conformed, and that he himself would be a Catholic if he lived in a Catholic country. Toomey knew that Casey, a Scholar, was a Catholic, and that he was chapel roll-keeper, attended college chapel twenty times a week, and partook of the Sacrament. Toomey "did not vote at the election because his vote would be of no use as he was a Roman Catholic."^[54] James Hely, a Scholar, was a Catholic in