

**A TREATISE ON THE JURISDICTION  
AND MODERN PRACTICE IN  
APPEALS TO THE HOUSE OF  
LORDS, AND IN PROCEEDINGS ON  
CLAIMS TO DORMANT PEERAGES**

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A Treatise on the Jurisdiction and Modern Practice in Appeals to the House of Lords, and in Proceedings on Claims to Dormant Peerages by William Robert Sydney

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**WILLIAM ROBERT SYDNEY**

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By **WILLIAM ROBERT SYDNEY,**  
OF AUSTIN PRIARS, LONDON, GENT.

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*Nam sibi sed toto genitum se credere mundo.*  
*Lucan of Cato.*

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1824.

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TO THE  
RIGHT HONOURABLE AND MOST NOBLE,  
RICHARD COLLEY WELLESLEY,  
MARQUIS WELLESLEY, OF NORRAGH,  
EARL OF MORNINGTON,  
VISCOUNT WELLESLEY, OF DENGAN CASTLE,  
BARON MORNINGTON IN IRELAND,  
AND  
BARON WELLESLEY, OF WELLESLEY IN SOMERSETSHIRE,  
K.G. AND K.C. K.S.L. AND D.C.L.  
LORD LIEUTENANT, AND LIEUTENANT GENERAL OF THAT  
PART OF THE UNITED KINGDOM CALLED IRELAND,  
Ac. &c. &c.

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MY LORD MARQUIS,

THE freedom I have assumed is not justifiable by ordinary precedent; addresses of this nature being rarely paid to the great without some previous encouragement.

The generality of authors form to themselves indulgent hopes, either from the honor

of a slight acquaintance, or powerful recommendations ; I cannot lay claim to any such introductions.

That I have ventured to approach your Lordship without these supports, is owing to my admiration of your principles and patriotism, which I trust is sufficient to screen me from a charge of presumption.

The homage paid to your Lordship's distinguished family, might be allowed to yourself by prescription, but you claim it by a nobler title ; and though I am altogether a stranger to your Lordship, yet it is impossible not to be privy to the beneficial effects of your most excellent government.

I have in the following work endeavoured to elucidate the proceedings in appeals to the House of Lords principally from Courts of Equity, and I have attempted to trace the origin of the jurisdiction of the House, and the grounds on which those proceedings are established and supported.



I have also endeavoured to render the practice more easy, by making it better understood, and by those means to enable practitioners to avoid the errors and the consequent delays so usual in appeals, particularly from Ireland \*: the subject is worthy your Lordship's attention, and I flatter myself that your Lordship, who is always disposed to encourage every useful design, will pardon the defects for the sake of the intention. Should this little work have the good fortune to obtain your Lordship's approbation, my ambition will be gratified and my labours recompensed.

That your Lordship, amidst your numerous successful plans and arrangements for the benefit of the generous people, now peculiarly the objects of your care and protection, and the still wider range of your active and en-

\* In a recent case, the Lord Chancellor (Eldon) observed, that inaccuracies so often occurred in the *Irish appeal cases*, that the House of Lords was *always* in a *state of uncertainty* as to the matters which might form the grounds of their judgment.

*Hamilton v. Houghton*, 2 Bligh, 175.

lightened benevolence, may long continue to enjoy that honour and influence by which your signal talents and integrity have been so justly rewarded; and in the immediate circle of your friends, to receive, as well as to communicate, happiness, is the sincere wish of

My Lord Marquis,

Your Lordship's

most obedient and most humble servant,

*THE AUTHOR.*

## P R E F A C E.

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THE great increase in the number of Appeal Causes, and the imperfect manner in which many of them are brought before the Lords, (whereby a considerable portion of their Lordships valuable time is unnecessarily occupied) were the chief motives for the Editor's publishing the present Treatise; and if these considerations had not been sufficient incentives with him to undertake the compilation and arrangement of it, he had the superadded inducement of the advice and sanction of some of the most eminent men at the bar, who were of opinion that such a publication was desirable, and might prove of service to both Senators and Lawyers.