

## Diary of Mr Justice Robert Day of Kerry (1746-1841)

GERALD O'CARROLL

8 The Green, Huntsfield, Dooradoyle, Limerick

The diary entries of Judge Day for the period 1808-13 are reproduced with some limited changes. Punctuation has been modernised and for the most part abbreviations and spelling inconsistencies have been removed. Capital letters have been eliminated where appropriate but spellings of proper names have been retained and dates are given in their original format.

### Introduction

*Day had become ill in England in 1807 and on his return to Dublin absented himself from the Court of King's Bench during all of Michaelmas term but was fit enough to take his place in late January and to undertake the Leinster circuit for the Easter and Summer Assizes of 1808. By late August he was ready to leave Clonmel (which was included then in the Leinster circuit) and journey to Kerry to attend to his private political and estate interests there. The disjointed account in the early pages and throughout the diary of meeting with leading tenants requires explanation. The narrow success the Tory candidates in the county in the the general election of 1807 hastened a policy of creating and registering new freeholders. Tenants might be offered a rent abatement as an inducement. Changing electoral fortunes and the new electorate may also be the background to his numerous dining engagements with individuals possessing electoral influence. Where monetary sums are recorded it is worth bearing in mind that Day performed the services of an accountant in the days before banks were established in the county.*

### 1808

#### Infirmity, Bereavement, Estate Management

23<sup>rd</sup> January. I decline going to Court, being a day only of form.

25<sup>th</sup> I join my brethren who greet my return to Court with hearty congratulation.

On this day my poor dear brother the Archdeacon and Vicar Genl. of Ardfert died in Tralee after an illness of 3 days - a man of fine parts and great erudition, and of benevolence unbounded.<sup>1</sup> *multis flebilis, mihi ab imo corde carus.*<sup>2</sup>

Discharge my steward John Neill for drunkenness and total negligence of my business in my absence, if not worse, after a service of nine years.

<sup>1</sup> Rev. Edward Day (1738 D1808). Rector of the union of Kiltallagh, Killorglin and Knockane (Beaufort) 1771, Archdeacon of Ardfert 1802. Residence Beaufort.

<sup>2</sup> 'Very sorrowful, dear from (the/his/my) innermost heart'.

12 February. Attend Court through the whole term without any suffering, so that with reasoned prudence and caution I trust in God I shall hear no more of the hernia humoralis. Boldly undertake the Leinster circuit, and consent to the design of Saurin, Attorney-General, to begin at Clonmel on 7th March...

Monday 9<sup>th</sup> May.

The Duke of Richmond<sup>3</sup> gives me a pair of colours for John Day, son of the Revd. James, to my very great pleasure.<sup>4</sup>

Fr. 26<sup>th</sup> August. Send my chaise with a pair of horses and two servants forward to Dublin and home, while I take the route back in my curricule by Clonmell and Mallow to Killarney and Kerry.

Sleep at Clogheen at Magrath's who gives me a very interesting account of the rapid progress in the improvement of this county wrought principally by Lord Lismore and Mr Anderson.<sup>5</sup> The former, at the head of £26,000 a year, has already built offices that cost £5,000 and is proceeding with a mansion, the estimate of which is £55,000, in the midst of a park and demesne of 1500 acres.<sup>6</sup> Rigid economy, however, is his character; while that of Anderson is confounded generosity and benevolence.

I just learn that the Dennys pass'd yesterday thro' Mitchelstown and Cahir to Clonmell from whence they were to proceed this morning to Waterford on their way to Cheltenham; so that I was so unlucky as to miss them today at Clonmel only by a few hours.

Sat. 27<sup>th</sup> The bleak dreary Kilworth Mountain is disappearing, and a cheerful uninterrupted corn country is succeeding. But if there be a human creation upon earth it is the present Fermoy; a mud-wall filthy village metamorphosed by its present public-spirited owner into a splendid bustling city worthy of its charming site.<sup>7</sup>

Sund. 28<sup>th</sup> Aug. Drive to Milstreet, 17m., a very interesting ride and for the most part a very good road.

M. 29<sup>th</sup> Three miles from Milstreet such a storm of wind and rain arises as I don't remember to have ever before been exposed to. Continues without interruption for four hours till I reach Killarney drenched as if I had fallen into a lake. Plunge mother naked between the blankets at Moll Coffee's, take copiously of spirits inwardly and outwardly, and rub and chafe all my limbs as hard as possible. N.B. Dr. Moriarty approves of all this process as excellent for keeping up the circulation and natural heat, save the external application of spirits which he says evaporate and abstracts instead of promoting heat. But (said he) "the friction of the limbs counteracted any evil effect that might proceed from the application of spirit".<sup>8</sup>

<sup>3</sup> Charles Lennox (1764-1819) fourth Duke of Richmond, Lord Lieutenant of Ireland 1807-13, Governor of Canada 1818-19.

<sup>4</sup> Son of the writer's first-cousin, Rev. James Day, Rector of Tralee. Subsequent career: Ensign 13<sup>th</sup> Sept. 1808 in the 87<sup>th</sup> Irish Regiment of Foot (Prince of Wales' Royal Irish, later the Royal Irish Fusiliers), Lieutenant 11 April 1811, Captain 18<sup>th</sup> May 1823. (The Royal Irish Fusiliers Regimental Museum, Armagh). He died unmarried (Mary Agnes Hickson, *Kerry Evening Post*, 28 August, 1880). Judge Day was a friend of the regiment's founder, Sir John Doyle, and the regiment included many Catholics in the rank and file. The historian M. A. Hickson has written: "...my maternal uncle, Captain John Day, served in it (the 87<sup>th</sup>) throughout the whole of the Peninsular war from Talavera to the battle of Toulouse, when he went with part of it to India to encounter even greater dangers in the Burmese war, after which he returned home invalided to die..." (*K.E.P.*, 2 November, 1892). His promotion to lieutenant was reported in the contemporary press together with the suggestion that it was his reward for being one of 'the Barossa Heroes'. This was a battle near Cadiz on 5 March 1811 in which the 87<sup>th</sup> under Lord Gough was prominent: the battle was memorable for the securing of the French eagle by one of the regiment, Sergeant Masterman.

<sup>5</sup> John Anderson built Fermoy and promoted the mail coach roads.

<sup>6</sup> Cornelius O'Callaghan, created 1<sup>st</sup> Viscount Lismore of Shanbally 1806. John Nash built Shanbally Castle, Clogheen, Co. Tipperary. It was demolished in 1957.

<sup>7</sup> Elsewhere in the diary Day wrote 'John Anderson the purchaser of the Forward Est. & the Barrymore Est., the founder of Fermoy, last year the High Sheriff of the Co. of Cork, was son of the Jailer of Dumfries. His brother was a chaise driver from this town but died early.'

<sup>8</sup> Dr. Patrick Moriarty of Killarney. In 1804 Day had presided at a case involving Dr. Moriarty and Nicholas Connolly Hussey after the latter had 'posted' the doctor in Killarney and invited a duel over a medical bill which he had refused to pay. Connolly Hussey was fined and imprisoned. *The Freeman's Journal*, 6 December 1804.



Tu. 30<sup>th</sup> Rise in as good health (bless'd be God), and as fresh as if I had sufferd nothing yesterday. Ride to Muckruss and Cahirnane<sup>9</sup>, and dine with Tom Garvey.

W. 31<sup>st</sup> Dine with J. McDonagh<sup>10</sup> after settling accounts. Present him with twelve spoons, twelve teaspoons and fish (?).

Received from Richd. Murphy in full to L.D. last £25.0.0

from J.L. Fitzmaurice on acct. £15.0.0

from Oliver Stokes in part of mortgage assigned £150.0.0

from Flaherty ... has note for 29<sup>th</sup> Sept. £23.0.0

Th. 1<sup>st</sup> Sept. Ride (accompd. by J McD.) to Donman'een<sup>11</sup> .....dine and sleep at Kilburne.<sup>12</sup> Meet there Mrs. Day, my poor brother's widow, for the first time since our misfortune. Much affected.<sup>13</sup>

F.2d We visited Rockfield where Thompson is building a clever house and Almon has built one.<sup>14</sup> Dine and sleep by invitation at Jack Duggan's.

Sat.3<sup>rd</sup> After breakfast visit Clonmelane. Fix upon a situation for J. McDonagh's intended house. N.B. Necessary to charge him about taking short care of the plantations, repairing the walls etc. Return to dine and sleep at Poulouragh.<sup>15</sup>

Sund. 4 Drive to Tralee. Breakfast with Jas Day.<sup>16</sup> Go to prayers. The excellent condition of the Church does great honour to James, who, from a ruin, has, by stimulation and working at Vestry upon the parish, converted it into one of the nicest country churches I know. I dine with him.

M.5 dine with Robin Hickson.<sup>17</sup>

Tu.6<sup>th</sup> dine with Danl Connell.<sup>18</sup>

W. 7<sup>th</sup> dine with Steph H. Rice.<sup>19</sup>

<sup>9</sup> Muckruss was the seat of Henry Arthur Herbert MP, Cahirnane that of Richard Townshend Herbert, Day's cousin.

<sup>10</sup> Elsewhere Day writes of instructing 'John McDonogh' to compel his (Day's) freeholders to vote for the Knight of Kerry in the 1807 election or earn his personal enmity. Day was demised property in Clonmelane and Gortnagloch, as well as Knockglass West by his own father in a deed of 1773. Registry of Deeds, 296 459 197 718. According to *Griffith's Valuation* a Thomas McDonagh (a son?) held the largest farm, 64 acres, in Clonmelane townland, near Castlemaine, civil parish of Kilnanare. See also Barry, V. 'Gortnagloch House' in *The Kerry Magazine* 1995.

<sup>11</sup> Dunmaniheen, Killorglin parish. This townland is mentioned in Day's marriage settlement of 1774.

<sup>12</sup> Kilburn townland was part of the Kilcoleman (Godfrey) estate near Miltown. Rev. William Godfrey was curate there from 1807 before becoming rector of Kenmare. (Rev. J.B. Leslie, *Ardfert and Aghadoe Clergy and Parishes*, Dublin 1940). Kilburn became the marriage portion of Rev William and Lucy Day. (Valerie Bary, *Houses of Kerry*, Whitegate 1994). Lucy was daughter of the Archdeacon, which explains the presence there of his widow.

<sup>13</sup> Barbara Forward, widow of Archdeacon Day. She was to lose her son, Rev Edward, who succeeded his father as rector of Kiltallagh, before the end of the same year, 1808. The diary makes no mention of his death.

<sup>14</sup> The owner of Rockfield East is given in the 'Name Books' of O' Donovan as Judge Day. The Alman family continues to reside in Rockfield.

<sup>15</sup> Pouluraghah. Part of the Kilcoleman estate of the Godfreys. The Batemans appear to have been the tenant of the Godfreys there.

<sup>16</sup> Rev. James Day, Rector of Tralee 1805-1818, his first-cousin who died in 1818. Rev James's parentage brought him important connections with Rowans of Castlegregory, Leslies of Tarbert and Blennerhassetts of Ballyseedy, while his wife, Margaret McGillicuddy, linked him to the McGillicuddys of the Reeks. One of his daughters was the mother of historian M.A. Hickson.

<sup>17</sup> Robert Conway Hickson of Fermoy, sheriff in 1811. The first of this family in Ireland received a church appointment in the diocese of Killaloe at the turn of the seventeenth century. John Hickson of Tierbrin and later Fermoy m. Susan Fitzgerald, grand-daughter of John, Knight of Kerry. Both Day and Daniel O'Connell were writing in early 1810 of Robert C. Hickson's conversion to catholicism.

<sup>18</sup> Probably *The Liberator*: in November 1803 Daniel O'Connell wrote of dining in Dublin at Judge Day's. (Maurice O'Connell, (ed.), *O'Connell Correspondence*, vol. 1, 30.11.1803).

<sup>19</sup> Stephen Henry Rice, Assistant Barrister for Kerry 1799-1829, not to be confused with Stephen Edward Rice of Mount Trenchard in this diary (though they were relatives, according to the writer). The former was a sometime resident of Day Place, at Number 5.



Th. 8<sup>th</sup> dine with Will Rowan.<sup>20</sup>  
 Friday 9<sup>th</sup> dine with John Rowan.<sup>21</sup>  
 Sat. 10<sup>th</sup> dine with Jas Connor  
 S. 11<sup>th</sup> dine with Z Mac.<sup>22</sup>  
 M. 12<sup>th</sup> dine again with J. Day  
 Tu. 13<sup>th</sup> dine with Wilson<sup>23</sup>  
 W. 14<sup>th</sup> leave Tralee for Dublin

Never before experienced more affectionate or flattering attention in Kerry, yet never enjoyed myself less. In every ride I miss my constant and attached companion. Every company appears insipid and flat without his cheerful and enlightened conversation. His image haunts all my steps. Even in the stillness of night within the walls of this dreary Castle, whose gloom my poor dear Betsy is wanting to enliven, I often play the whimpering girl in recollecting how abruptly my beloved brother was snatched from me, and therefore I confess I quit a scene without regret where every object serves but to recall the memory of my irreparable loss.<sup>24</sup>

Breakfast at Oliver Stokes.<sup>25</sup> Walk to Grogeen and Ballynruddery.<sup>26</sup> Return to dinner. Find the Alderman in high preservation.<sup>27</sup>

Th 15<sup>th</sup> Assemble the magistrates in and about Listowel and give them a serious lecture about the disturbed state of the country owing to their supineness. Dine at Grogeen. Returning at night see the telegraphic communications by short and sudden lights from hill to hill among the insurgents.<sup>28</sup>

F. 15<sup>th</sup> (sic) Travel by Atea and Ardagh to Rathkeal, calling on my way at Studdert's Elmhill.<sup>29</sup> A very good carriage road, but eighteen long miles and some hills which the road might avoid. Sleep in Limerick at Gills, an indifferent house.

Sat. 17<sup>th</sup> Breakfast at Sir R. Harte's.<sup>30</sup> Sleep at Nenagh.

<sup>20</sup> Counsellor William Rowan, Provost of Tralee 1807-11. (List of Tralee's provosts in *K.E.P.* June 20, 1888). He married Letitia Denny, dau. of Sir Barry Denny 1<sup>st</sup> Bart. Their son was Venerable Archdeacon Arthur Blennerhassett Rowan, the historian.

<sup>21</sup> Sheriff of County Kerry in 1805. His daughter Harriet married Rev. Edward Day, son of Archdeacon Day. The Rowans of Kerry were close relatives of the Leslie of Tarbert.

<sup>22</sup> Probably Eusebius McGillicuddy, referred to as the Sub-Sheriff of the county (*Limerick General Advertiser*, 3 November 1809) and (hereafter) as 'Zeb Mac'. Born 1754. M. Ann Fitzgerald. He was brother of Richard, the current 'McGillicuddy', of Margaret, wife of Rev. James Day, Rector of Tralee, and Daniel who m. (1811) Sophia dau. of Sir Barry Denny 1<sup>st</sup> Bart. Children of Cornelius McGillicuddy ('The' McGillicuddy) and Catherine Chute of Tulligarron (Chute Hall). (W. Maziere Brady D.D., *The McGillicuddy Papers*, London 1867). The Reeks family was connected through the Knights of Kerry (Fitzgerald) with the Herberts of Cahirnane and the Days.

<sup>23</sup> William Wilson, a Tralee attorney, appears on Kerry property deeds of this time.

<sup>24</sup> Though his residence was Beaufort, the Archdeacon appears to have died in Tralee, possibly at Lohercannon where his second son, Robert, sheriff in 1808, was resident.

<sup>25</sup> Oliver Stokes, lieutenant in the Feale Yeomanry, husband of Elizabeth, daughter of John Day of Cork, Judge Day's brother.

<sup>26</sup> Ballinruddery was the seat of the Knight of Kerry, at this time Maurice Fitzgerald the 18<sup>th</sup> Knight (1774-1849). Day was the head tenant of Grogeen townland, parish of Finuge, part of the Knight's estate. Roseland Cottage appears on the first Ordnance Survey map at Grogeen, and this was probably where they walked. In a letter of 1806 Judge Day reported Maurice going 'to Ballinruddery next week where he is likely to stick, for he is getting into mortar and going to build a smart addition to his old house'. (PRONI, Fitzgerald papers, 9 October, 1806: Day to Lord Glandore). The Knight appears to have moved to his later residence, Glanleam, Valentia, by 1818.

<sup>27</sup> The 'Alderman' appears to be Day's brother John Day of Cork, mayor of the city in 1807 and referred to elsewhere as an alderman of that city. His wife was his own cousin Margaret Hewson of Ennismore. He died at the Barrack House Tralee in 1819. (See *K.E.P.* January 28 1913).

<sup>28</sup> The year 1808 saw widespread violence in the two northern baronies of Kerry. For the best account of this phase of Whiteboyism see Micheal Ó Ciosáin, 'Cnoc an Fhonnhair' (*An Sagart*, 1988) pp 104-116). See also the Civil Dispatches of the Duke of Wellington, then chief secretary of Ireland, for example January 14 1808 to Lord Hawkesbury (Home Secretary): 'I have again pressed Lord Harrington (the commander-in-chief) to send cavalry (into Kerry)'.

<sup>29</sup> Maurice Studdert of Elm Hill near Rathkeale m. Dorothea, daughter of William Minchin of Greenhills, Co. Tipperary. The Studderts were connected by marriage to Day's relatives, the Fitzmaurices of Duagh House.

<sup>30</sup> Sir Richard Harte, Mayor of Limerick in 1806.



Tuesday, April 11, 1809. See the Duke of Richmond and solicit one of the Kenmare livings vacated by the inhuman murder of poor Tisdall<sup>31</sup> for W. Godfrey,<sup>32</sup> in which I have happily succeeded.

### Munster Circuit, July 1809

The Chief Baron<sup>33</sup> & I, having chosen this circuit, we appoint it to begin at Ennis so early as Tuesday Morning 11<sup>th</sup> July.

N.B. the Judges some terms back resolved to adopt the immemorial practice of the English Judges, viz. to open invariably the circuit at the first town not earlier than the Monday fortnight, not later than the Monday 3 weeks, after the last day of term.

Fri. 6<sup>th</sup> July. I leave town this morning & breakfast at Johnstown whither (as usual) I dispatchd my equipage & servants last night. Take with me about £150 viaticum. The Chief Baron set out yesterday for Mt. Prospect<sup>34</sup> having agreed to meet me on Monday next p.m. at Ennis so as each of us to enter early on business the next day. Sup & sleep at Judge Johnson's nice thatched cottage Herbert Hill on the road's side between Monasterevin & Emo.<sup>35</sup>

Sat. 8<sup>th</sup> After breakfast Johnson J. conveys me to Emo where I sent my horses &c last night. Dine at Montrath & sleep at Smallman's comfortable house, Roscrea.

S.9<sup>th</sup> Sleep at the little Bird Hill House & am very civilly accommodated.<sup>36</sup>

Mon. 10<sup>th</sup> July. Take up Killen & proceed by Callaghan's Mills to Ennis, 10 miles shorter than by Limerick & thro' an interesting country.

Tu. 11<sup>th</sup> Dash into business. 28 records entered. Dispose of 7 & we dine with Daxon treasurer<sup>37</sup>

Sat. 15<sup>th</sup> Rise at 4 after a severe week. The Chief Baron tries 4 & I the rest of 28 records,<sup>38</sup> mostly important & difficult. Drive out to Kilcishin to the Sheriff's Mr. Studdart, married to my friend Ashworth's daughter, the fair Melusina,<sup>39</sup> where I don't arrive till 9.

Mon. 17<sup>th</sup> At Kilkishin. Spend 2 nights & a day very pleasantly. An excellent house, fine ?(unclear) scenery & great capability thro' Mr. Studdart's extensive grounds. Proceed this morning at 5 to

<sup>31</sup> Rev. Fitzgerald Tisdall (Cork clergyman and magistrate) was murdered at Priest's Leap on the road from Bantry to Kenmare on March 23 1809. Day makes no mention of the trial of Michael Murphy for this crime, or his execution on July 29 1809, the date Day left Tralee for Cork (see below).

<sup>32</sup> Rev William Godfrey was husband of Lucy, daughter of Archdeacon Day. With his appointment to Kenmare the union was divided, which the judge appears to have accepted.

<sup>33</sup> Standish O'Grady (1766-1840), 1st Viscount Cahir Guillamore and Baron Rockbarton. He was appointed Chief Baron of the Court of Exchequer in 1805. Presided with Baron Denis George of Dublin at a special commission in Limerick and Tralee in January 1809, and at the Spring assizes there as part of the Munster circuit.

<sup>34</sup> O'Grady's home, Mount Prospect, Co. Limerick.

<sup>35</sup> Robert Johnson was appointed a justice of the Common Pleas in 1801 but lost his position following his attacks on the Irish government published in 1803 under the pseudonym 'Juverna'. Day was one of only two judges who voted against Johnson's extradition to stand trial in London. Johnson had supported the Union.

<sup>36</sup> Bird Hill House, family of Twiss (Information from Tony Browne). Home of Robert Twiss and his wife, Elizabeth Atkins of Firville, Co. Cork. Twiss's father, George, of Cordal House (near Castleisland), m Honoria Meredith, dau. of Day's aunt, Marian Fitzgerald and her husband William Meredith of Dicksgrove, near Castleisland; Fitzgerald pedigrees, Sir Bernard Burke, *A Genealogical and Heraldic History of the Landed Gentry of Great Britain and Ireland*, 2 vols, London 1894, vol. 2, Twiss.

<sup>37</sup> Possibly Giles Daxon of Stamer Park, Co. Clare.

<sup>38</sup> A record is 'An authentic or official report of the proceedings in any cause coming before a Court of record, together with the judgement given thereon, entered upon the rolls of Court and affording indispensable evidence of the matter in question, *Oxford English Dictionary*.

<sup>39</sup> Thomas Studdert (c. 1780-1873) of Kilkishen House, High Sheriff, Co. Clare 1809, m. 1807 Milicina, daughter of Robert Ashworth.



Limerick where I arrive before 9. Swear in & charge the Grd. Jury. The criminal & civil business of the county too much for one Judge - 20 records besides a weighty Crown kalendar. Madden, convicted of horse stealing, the only capital conviction.

Dine with the Rev. Harty, the Bishop,<sup>40</sup> the Collector, & with my good old friend Hill.<sup>41</sup> God grant it has not been a farewell dinner. One of the most grateful events at Limerick was the receipt of a letter from my dear wife announcing her safe arrival at Holyhead on Friday a.m. to breakfast after a famous passage without a qualm. Another letter received on Friday 21 from her at Worcester.

Sund. 23<sup>rd</sup> Breakfast at Askeaton. Ride thro' the beautiful approach to Cappa, now Mt. Trenchard, with Stephen Rice,<sup>42</sup> just open'd, and snack and dine and sleep very comfortably at Capt. Leslie's Tarbert House.<sup>43</sup>

Mon. 24<sup>th</sup> Breakfast as usual at Oliver Stokes' in Listowel where I wait for the Chief Baron, from whence we proceed under protection of Townsend Gun, High Sheriff, to Tralee. Try ten records. Dine with Stephen Rice, with Connor, and three days with Zeb Mac. Receive the presentments and try sundry traversers<sup>44</sup> for the Chief Baron who leaves Tralee for Killarney on Thursday to see the lake.

Sat. 29<sup>th</sup> I follow and catch him at Killarney. Proceed together over the cursed road to Milstreet where we meet the High- and Sub- Sheriffs (both Justin McCarthy), who entertain us.

Sun. 30<sup>th</sup> Proceed by the new line to Macroom<sup>45</sup> where we breakfast at the Castle with Mr. Hedges.<sup>46</sup> Arrive in the evening at Cork.

Cork M. 31<sup>st</sup> Swear and charge the Grand Jury. Edwd. Eagar, grand-nephew of Rowly Hassett, capitally convicted of forgery.<sup>47</sup> Chief Baron sixteen records.

Wed. 2<sup>nd</sup> Aug. The Chief Baron yesterday opened the Commission in the county - but 42 numbers in his kalendar. Proceed this morning into the County Record Court where I am presented - mirabile dictu - with a bill of fare of 75 records! The city Limerick fishery case<sup>48</sup>...(unclear) Uniacke<sup>49</sup> employ each 2 days.

<sup>40</sup> Charles Morgan Warburton, Bishop of Limerick 1806-20. During the Rebellion of 1798 he acted bravely by remaining at his residence as Dean in Ardagh; his elevation to Limerick was a Union engagement. Writing elsewhere Day noted that his real name was Mungovan and confirms that he was a convert from catholicism. In 1820 he was translated to Cloyne where he died in 1826 and was buried in the cathedral, W. Maziere Brady, *Clerical and Parochial Records of Cork and Cloyne*. (3 vols. 1863-4), vol. 2, p. 129.

<sup>41</sup> Possibly Rev. Archdeacon Hill, described as 'Treasurer to the Fever and Lock Hospital' in the *Limerick General Advertiser*, 28 July, 1809.

<sup>42</sup> Stephen Edward Rice was Day's first-cousin, their mothers being Fitzgeralds sisters of the Knight of Kerry. The 18<sup>th</sup> Knight of Kerry, Maurice Fitzgerald, was a first-cousin of Rice and Day.

<sup>43</sup> Sir Edward Leslie, Captain of the Tarbert Cavalry of Yeomen, 1796, raised by him. His father, Rev James Leslie, Bishop of Limerick, purchased Huntington Castle, Co. Carlow in 1758 (information Angus Mitchell). Edward sat in the Irish parliament for Old Leighlin, m. Anne Cane of Kildare, died 1820 without male issue. Tarbert House was inherited by his cousin Captain Robert Leslie (Leslie Lodge) of the Tarbert Infantry (Yeo).

<sup>44</sup> Traverse is a legal term indicating denial of the charge. *Freeman's Journal*, 4 August 1809 reports the execution of Michael Murphy opposite Tralee jail, for the murder of Rev Tisdall, and of Michael Mulvihill for the murder of James Wall and John Scanlan.

<sup>45</sup> Macroon is spelt Macroomp in Charles Smith's *History of County Cork*.

<sup>46</sup> Hedges of Macroon were closely related to the family of Lord Kenmare. 'Mount Hedges, the beautiful seat of Capt. Robert Hedges, pleasantly situated on the river Sullane'. About a mile from Macroon. (*The Post-Chaise Companion or Traveller's Directory Through Ireland*, Dublin 1803).

<sup>47</sup> The contemporary press appears silent on this case. A sister of Sir Rowland Blennerhassett married John Eagar of Ardrinane: 'Biographical notices principally relating to counties Cork and Kerry collected from newspapers 1756-1827 with a few references 1749-55', compiler Rosemary Ffolliott.

<sup>48</sup> The Corporation of Limerick was the defendant in an action arising out of the denial of salmon fishing rights on the Shannon. The jury found against the Corporation.

<sup>49</sup> An action to establish the inheritance of James Uniacke of Mount Uniacke. The jury not agreeing, a new trial was necessary. (See below).

Sund. 6<sup>th</sup> The Chief Baron decamps after giving me a day & half. I dine with Tom Cuthbert<sup>50</sup> & sleep.

Frid. 11<sup>th</sup> Finish the unprecedented labours of these assizes at 5 this evening. Dine with Pope.<sup>51</sup>

Sat. 12<sup>th</sup> Ride to see my poor friend Falkland crossing at Passage, & dine & sleep at Cuthberts. Delighted to find Falkland so much better than he had been represented to me.

Sund. 13<sup>th</sup> Dine again at Woodview.<sup>52</sup>

Mon. 14<sup>th</sup> Decamp at 6 for Fermoy.

Tuesd. Arrive at home after an absence of 6 weeks.

## September- October 1809

### Empire, War and Insurrection:

*The visit to Kerry of the Duke of Richmond, Lord Lieutenant of Ireland 1807-13, as part of his tour to the southern counties is recorded in the following entries. Richmond was a generous patron of Judge Day who on this occasion presided at the reception in Tralee Castle. According to the press account, Richmond's speech referred to the successful curtailment of the rural campaign in the north of the county in recent months, while Day's referred to the proposed construction of the Barracks at Ballymullen. It is impossible to forget that many of those present, including Richmond, were present at Waterloo a few years later.*

Let the Shambles & Houses ... Write to Mr Newenham<sup>53</sup> about the site for barracks. Promote Infirmary. Promote Steeple.

Q. Would it be possible to get the inhabitants to flag, light & cleanse Tralee?

Q. Can any plan be adopted to redeem Ralph Marshall's affairs from destruction?<sup>54</sup>

N.B. Bidet, horse, wardrobe, long dressing-glass, 2 bason stands, basons and bottles, carpet round the bed and before the peer-table, hearth-rug, carpet along the gallery, firescreen.<sup>55</sup>

Settle with the Yieldings.

Cows for Talbot.

Speak to Hare about conveying the legal estate of Ballybrack<sup>56</sup> ....discovery in trust for Mat Hare.

For having eggs in winter: get a coop in your kitchen near the fire with a constant supply of clean hay. Put in the hens for a few nights successively. They will at last go in of themselves and range themselves like well-drill'd soldiers in the ranks. The warmth will bring them to lay as in cabins. It would be well also to grate some boil'd liver into their oats.

<sup>50</sup> Day's sister Catherine married lawyer Thomas Franks (deceased by this time) of Ballymagooly (near Mallow) and Dublin. Their daughter Lucy m Tom Cuthbert in 1791. Cuthbert, Hare and Cuthbert, Merchants, are listed at 26 South Mall. (*Pigot and Co. Directory*, 1824).

<sup>51</sup> The name survives in Pope's Quay.

<sup>52</sup> Tom Cuthbert's house. *Directory to the Market Towns, Villages, Gentleman's Seats and other Noted Places in Ireland*, Dublin 1814.

<sup>53</sup> Possibly Sir Edward Newenham (1732-1814), MP Co Dublin 1776-1797.

<sup>54</sup> Ralph Marshall, Day's nephew, Sheriff of the county in 1799, was son of his sister Lucy and John Marshall of Callinafercy. He disappeared about 1809 having, apparently, joined the Spanish army in the Peninsular War. There was a Court case over an insurance policy on Marshall's life in which Day appeared as a witness and conceded that his nephew was a vain man, and, though the owner of a great estate in Kerry, financially embarrassed. See the *Limerick General Advertiser* July 16, 1811.

<sup>55</sup> These appear to be preparations for the viceregal visit to Ardfert Abbey. The contemporary press confirms a two night stay by the Duke of Richmond there as part of his six week tour of the south.

<sup>56</sup> O'Donovan's *Name Books* give 'Judge Day' as the owner of Ballybrack in the parish of Aglish.



6<sup>th</sup> Sept. 1809 Leave Town for Tralee with £70 in notes. Sleep at Johnstown.

7<sup>th</sup> Sleep at Backlane.<sup>57</sup> Violent rain at night.

8<sup>th</sup> Fri. at Roscrea

Sat. and Sunday Peterfield.<sup>58</sup>

11<sup>th</sup> M. Limerick Harte's.

12<sup>th</sup> T. Tarbert.

13<sup>th</sup> W. Listowel Stokes

14<sup>th</sup> Th. Ardfert and Tralee. Dine at Frank Mac's.<sup>59</sup>

15<sup>th</sup> Fr. Dine at Robin Hickson's.

16<sup>th</sup> Sat. at Dr. Connell's.<sup>60</sup>

17<sup>th</sup> Sund. Dine and sleep at Ardfert Abbey.<sup>61</sup>

18<sup>th</sup> M. Dine at Jas. Day's.

19<sup>th</sup> Tu. at Zeb. Mac's.

20<sup>th</sup> W. at Jas. Day's.

21<sup>st</sup> Th. breakfast in Killarney and pay my respects to the Duke and Duchess of Richmond. Return in the evening and dine at the Tavern, the first time there ten years. Their graces promise to stop and refresh with me next Tuesday 26<sup>th</sup> at the Castle.

The best mode of using salt herrings is, to parboil potatoes, then skin them. Let them then and the herrings be boil'd together and serv'd up together. Some take out the bones and mash them together which makes an excellent meal.

22<sup>nd</sup> Spend the day at Ardfert.

26<sup>th</sup> Tuesday. At 2.00 their Graces arrive at Tralee Castle from Killarney. The Provost (Mr. Rowan) & Corporation wait upon His Grace, address him by Judge Day, their Recorder, & present him with his Freedom in a Gold Box. Sit down to a cold collation "consisting of all the delicacies of the Season".<sup>62</sup> The company the Duke & Duchess,<sup>63</sup> Lady Mary Lennox & Lord March,<sup>64</sup> Lady Edwd. Somerset,<sup>65</sup> Major Loftus, Captain Ready & Sir Chas. Vernon,<sup>66</sup> Lady Glandore,<sup>67</sup> Mrs Bateman,<sup>68</sup>

<sup>57</sup> An inn somewhere south of Monasterevin, whose owners he identifies elsewhere as Graves.

<sup>58</sup> Holmes residence near Lough Derg at Puckane. Peter Holmes was MP for Banagher and a leading advocate of prison reform (the Holmes act of 1782, Prisons Act of 1784).

<sup>59</sup> Possibly Francis McGillicuddy (1751-1827), 3<sup>rd</sup> son of Cornelius and Catherine (Chute) McGillicuddy.

<sup>60</sup> Dr. Rickard O'Connell, occupant of Number 3 Day Place, later physician and surgeon attached to the county jail, Tralee, predecessor to Dr. Francis Crumpe who replaced him there in 1830. (Information Dr. R. Fitzsimons. See *K.E.P.*, 14 August, 1830).

<sup>61</sup> Residence of John Crosbie, 2<sup>nd</sup> Earl of Glandore, for whose borough of Ardfert Day sat in the Irish parliament from 1790. They were cousins and Day was his legal estate agent.

<sup>62</sup> The quotation marks are a reference to the account of this event in the press.

<sup>63</sup> The Duchess of Richmond was Charlotte, eldest daughter of the fourth Duke of Gordon.

<sup>64</sup> Mary, Richmond's eldest daughter, m 1820 Sir Charles Augustus Fitzroy; Lord March was Charles Richmond's eldest son, 5th Duke (Waterloo).

<sup>65</sup> The wife of Lord Edward Somerset (Waterloo), son of the 5<sup>th</sup> Duke of Beaufort, was Louisa Augusta, sister of William, 3<sup>rd</sup> Viscount Courtenay (Irish estate near Newcastlewest, Limerick). See below.

<sup>66</sup> Described elsewhere as Chamberlain of the Castle (i.e. Dublin Castle).

<sup>67</sup> Diana Sackville, grand-daughter of the Duke of Dorset, married John Crosbie (later 2<sup>nd</sup> Earl of Glandore) of Ardfert Abbey in 1777. She died in 1814 'in her 58<sup>th</sup> year', he in 1815 in his 63<sup>rd</sup>.

<sup>68</sup> Arabella Denny, dau of Sir Barry, 1<sup>st</sup> Bart., wife of Rowland Bateman Jr. They were married in 1790. (Jeremiah King). Two members of the Bateman family of Oakpark, both Rowland, married Denny's of Tralee Castle, though the evidence is that the families were political rivals rather than allies.



Provost & Mrs. Rowan, Major & Mrs. Ponsonby,<sup>69</sup> Sir W. Godfrey,<sup>70</sup> Sir Rowland B'hassett, Col. & Mrs. Godfrey,<sup>71</sup> Major & Mrs. Langton,<sup>72</sup> Mr. Stoughton,<sup>73</sup> Mr. Talbot etc, etc.

26<sup>th</sup> 27<sup>th</sup> dine each day with Their Graces at Lord Glandore's, and come home each night.

Th. 28<sup>th</sup> dine at R. Hickson's.

Fr. 29<sup>th</sup> at Lord Glandore's, being Corporation day. In Tralee swear in Rowan, Provost.<sup>74</sup> Corporation resolve to move the Market from the Square to the new Shambles.

Sat. 30<sup>th</sup> Proceed by the short road to John Day's Kiltalla.<sup>75</sup>

Sund. 1 Oct. Go to church and receive sacrament.

Mon. 2<sup>nd</sup> Ride with John Day to Kilburn & thro' Donman'een.

Tues. 3<sup>rd</sup> Ride to Rockfield and Clonmelane.

4<sup>th</sup> Ride again to Clonmelane and dine with Duggan

Th. 5<sup>th</sup> Giles Ray<sup>76</sup> and I ride back the short road to Tralee. Vestry for repair of streets

Sat. 7<sup>th</sup> Take Jas. Day in the curricule to breakfast with Maurice Hewson<sup>77</sup>, & to dinner to Knockglass - a nice place !<sup>78</sup>

Sund. 8<sup>th</sup> Go to Church, return to Tralee & dine with Frank Mac.

M. 9<sup>th</sup> dine at Dn Connell's.

Tu. 10<sup>th</sup> Ride with Mr. Purcell over Baltygarron. Dine & sleep at Barrow.<sup>79</sup>

W. 11<sup>th</sup> Attend Vestry. Proceed with Purcell to dine at Churchill. Return at night

Th. 12<sup>th</sup> dine at Maurice Copinger's. 23 at table.<sup>80</sup>

Fr. 13<sup>th</sup> dine & sleep at Ardfert & return

Sat. 14<sup>th</sup> to breakfast, dine at Frank Mac's.

Sund. 15<sup>th</sup> dine at J. Rowan's Arbella.

16<sup>th</sup> Dine (for the first time of my life) at Rowley Bateman's

Tuesd. 17<sup>th</sup> at Sam Collis's<sup>81</sup>

<sup>69</sup> Major William Carrique Ponsonby of Crotto. He corresponded with Sir Arthur Wellesley (see *Civil Dispatches of the Duke of Wellington*). They were friends in youth.

<sup>70</sup> Sir William Godfrey 1738-1817, of Kilcoleman Abbey, Miltown, m. Agnes Blennerhassett, dau of William of Elmgrove. Their daughter married Rev John Day of Kiltallagh, son of Alderman Day. Godfreys' son, the Rev William Godfrey who became Rector of Kenmare, married Lucy Day, daughter of Archdeacon Day.

<sup>71</sup> Lieutenant Colonel John Godfrey, son of Rev. Luke, therefore nephew of Sir William, m. Letitia King.

<sup>72</sup> Major Langton was commander of the South Cork regiment of militia, then stationed in Tralee (*Limerick General Advertiser*, 3 November, 1809).

<sup>73</sup> Thomas Stoughton of Ballyhorgan near Ballyduff; the name survives in Stoughton's Row, Tralee.

<sup>74</sup> The Provost was elected 'on the Nativity of St. John' and installed on the feast day of St. Michael. (BPP, *Reports of Commissioners on Municipal Corporations in Ireland 1833*, Vol. 27).

<sup>75</sup> Rev. John succeeded to Kiltallagh in 1809 after the death of his first-cousin, Rev. Edward Day Jnr. son of the Archdeacon. The Chief Secretary, Arthur Wellesley (future Duke of Wellington) wrote to the lord lieutenant, the Duke of Richmond on December 14, 1808 suggesting the division of the union of Kiltallagh: that (Judge) 'Day's nephew' i.e. Rev. John Day, be given Kiltallagh, (which included Currans, Kilcoleman and Killgarrylander), and that 'the better half of the living (Killorglin and Knockane) be given to 'Mr. Hyde'. Judge Day, who told Sir Robert Peel (Chief Secretary 1812 to 1818) that 'I possess a considerable estate in the parish of Kiltalla', would appear to have secured the appointment of each nephew, Revs. Edward and John, following representations to lords lieutenant the Marquis of Cornwallis and the Duke of Richmond respectively. He survived both, John dying in 1817. (*Civil Dispatches of the Duke of Wellington*, quoted in the *K.E.P.* 20 March 1860; Peel Correspondence, British Library, Add Ms. 40266, Dublin, 31 May, 1817, Day to Peel; James B. Leslie, *Ardfert and Aghadoe Clergy and Parishes*. (Dublin 1940).

<sup>76</sup> A relative of the Days. *The Limerick Chronicle* 4 March 1810 reports Giles Ray of Anna, 1<sup>st</sup> Lieutenant of the Miltown Corps of Yeomanry, being presented with 'a sword of considerable value' by the Corps.

<sup>77</sup> Day's aunt Margaret Fitzgerald married John Hewson of Ennismore. They had a son and grandson named Maurice.

<sup>78</sup> Knockglass, a townland west of Tralee in the parish of Kilgobbin (Camp).

<sup>79</sup> Probably with the Collises.

<sup>80</sup> Maurice Coppinger was possibly son of the Maurice Coppinger, MP for Ardfert in the 1760s and 70s.

<sup>81</sup> Samuel Collises of Barrow or Fortwilliam appear in Rosemary Ffolliott's *Biographical Notices*. John Collis of Barrow, Day's cousin, appears to have been Sam's uncle.

Wed. 18<sup>th</sup> at Jas. Day's.

Th. 19<sup>th</sup> at Sir Rowld B'hassett's.<sup>82</sup>

Fr. 20<sup>th</sup> at R. Hickson's.

Sat. 21<sup>st</sup> dine & sleep at the Peer's.<sup>83</sup> Forwarded in his chaise & four to Listowel on Sund. 22d. Send off curricule to Cappa.

Donaghue for Freeholders £2.15.0.

Divine £2.1.11

Widow McMahon to marry her daughter £20.0.0

Crean's wife's funeral £2.10.0

### The Dejeune

spunge cakes	£8.1.4	cash to FitzGerald for the cattle	£7.8.3
express to Cork	10.3	fee to Rice	£5.13.9
lad messenger	11.4	do. to Day(?)	£3.8.3
peaches @ 2.6	19.6	Lea's acct.	£39.7.7
fruit from Cork	£2.0.0	F. Mac for horses	£13.6.11
wine from do.	£4.0.0	Wm. MacMahon	£5.0.0
Market	£2.10.5	F. Mac by check on Roche	£58.14.8
Cashell wine	£3.2.9		
Divine's <sup>84</sup> bill & cook	£2.19.8½		
half-penny			
messenger to Cork	£1.2.9		

Fr. 27<sup>th</sup> Oct. Visit the Lord Lieutenant's in the Park but he was out on horseback. Proceeded to Loughlinstown.<sup>85</sup>

Mon 30<sup>th</sup> Came to town.

Tuesd. 31<sup>st</sup> Had audience from the Duke who promises to serve Lord Glandore on the first occasion. Ask for Postmaster, previous to recommend. In the evening stepping (in a hurry home) into my curricule I missed my footing and fell backwards upon the flags - carried in by the chaiseman senseless and remained so about twenty minutes till awakened by Macklin's<sup>86</sup> lancet. No fracture but a concussion apprehended - copiously bled sweated psy... (unclear)... for a week.

Frid. 11<sup>th</sup> Nov. Return to Loughlinstown for the sake of solitude and silence, where I am directed to lie low and pass the month of November.

Mon. 21<sup>st</sup> Visit the Duke in the Park to return thanks for his inquiries and to know Lord Glandore's

<sup>82</sup> Sir Rowland Blennerhassett (1741-1821), 1<sup>st</sup> Bart., (created in 1809 after representations from James Crosbie of Ballyheigue), the builder of Blennerville. His wife, Millicent Yielding of Bellview, Limerick was killed by a blade of the windmill at Blennerville in 1801.

<sup>83</sup> 'The Peer' is John Crosbie of Ardfert Abbey, 2<sup>nd</sup> Earl of Glandore. He was chosen a representative peer at the Union.

<sup>84</sup> Crosbie Arms Hotel. Richard Colt Hoare, *Journal of a Tour in Ireland A.D. 1806*, London 1807: 'we found tolerable accommodation at the Crosbie Arms, Devine'. Holden's *London Directory 1811* gives innholders Samuel Benner and Patrick Devine. *The Pigot and Co. Directory, 1824* gives Pat Devine of the Crosbie Arms, Castle St., and Samuel Benner's Mail Coach and Military Hotel, Castle St. For an account of the king's jubilee celebrations in late October at Devine's hotel in Tralee see the *Limerick General Advertiser*, November 3 1809. By then Day had returned to Dublin.

<sup>85</sup> Loughinstown House, which he leased in February 1798 on his appointment to the King's Bench, Ireland, was Day's country residence, where he lived until his death. He retained his town residence at Merrion Square.

<sup>86</sup> Gerard Macklin Esq., State Surgeon, (*Gentleman's and Citizen's Almanac 1810*).



fate. Mortified to hear Lord Rosse is appointed Postmaster. Alas! What's to be done?<sup>87</sup>

Absent myself the whole of Michaelmas term from Court. N.B. Did the like Michaelmas Term 1807 for the hernia humoralis.

Memorandum, to speak to the Archbishop to obtain clause for legalizing Blennerville church & such like.

To vest £2000 in debentures for M. Denny to be lodgd in his name in Shaw's Bank.

At the Foxhunt in Dunloe Gap, where several falls happened, the Duke was said to have got a somers...among the rocks.

Surely no consideration of mail coaches, roads, bridges or jobs of any sort can justify a dire want of attention to the urgent necessity for a new jail, an object for which humanity so loudly pleads.

## March-April 1810

### Court reform, barrack and prison reconstruction: the Munster Circuit,

*Despite the effects of his accident Day made the arduous journey throughout Munster for the Spring circuit of 1810, but he had a particular reason for this. As he explained in a letter "I wish to promote a new jail and other matters for Kerry, of which a stranger judge would not know or feel the necessity".<sup>88</sup>*

(Sunday, 11 March, at Limerick)...I stop at Swinbourne's excellent though dear house. In the evening baron Sir Wm Cusack Smith my associate<sup>89</sup> arrives.

12<sup>th</sup> Breakfast at Newmarket & arrive about 3 at Ennis. Glorious weather. Open the Commission. The Baron arrives & we proceed to dinner together at the hospitable Giles Daxon's, the Treasurer.

Tuesd. 13<sup>th</sup> Swear the Grand Jury & charge them.

14<sup>th</sup> March. I drive with my old friend Archdeacon Kenny & family.

Th. 15<sup>th</sup> Dine with my very worthy & excellent old friend, the ex-Judge Finucane, who spends his latter life in hospitality benevolence & seeking for every occasion of doing good.<sup>90</sup>

Fr. 16<sup>th</sup> Jas. McCarthy capitally convicted. Spend 12 hours this day in Court.

Sat. 17<sup>th</sup> The whole day employed in presentments. The Grand Jury (Vandeleur foreman<sup>91</sup>) exercise a most laudable rigour & economy - the demand this year amounts (in round nos) to £57, 000; the grants last Spring were £21, 000; & the amount of this Assizes falls short of £10, 000! Co Clare may, by persevering in this course of frugality, redeem its blighted character.

Sund. 18<sup>th</sup> Ride to breakfast at Newmarket. Drive from thence to the Sheriff Scott in his nice landaulet to within 5 miles of Limerick where the City & Co. Limerick sheriffs meet us & I ride in

<sup>87</sup> The Earls O'Neill and Ross were appointed Post Masters General.

<sup>88</sup> Talbot-Crosbie Mss., National Library of Ireland. Day to Glandore, Loughlinstown House, February 27, 1810.

<sup>89</sup> Baron Sir William Cusack Smith, b. 1766, Lincoln's Inn 1784, called to the bar 1788, supported the Union strongly in parliament; Solicitor-General 1800; Baron of the Court of Exchequer 1801; died 1836.

<sup>90</sup> Matthias Finucane (1734-1814) of Lifford near Ennis. Like Day he attended the Middle Temple and was later one of the Monks of the Screw, a dining club of reform-minded legal figures which also included John Philpott Curran. Appointed to the Court of Common Pleas 1774; served on the special commission after the Emmet rebellion in 1803; resigned 1806. Day and Finucane had gone circuit together on a number of occasions. He m Miss O'Brien of Ennistimon (*Hibernian Chronicle*, 6-9 March, 1775).

<sup>91</sup> John Ormsby Vandeleur of Kilrush, son of Crofton Vandeleur. Commissioner of Customs in Ireland, Foreman of the Co. Clare grnd jury. Married Lady Frances Moore dau. of 1<sup>st</sup>. Marquess of Drogheda. Died 1828.

with them to Limerick. What an astonishing population is drawn out this fine Sabbath, well-dressed & well-looking, to stare at a human creature with 3 tails! Dine at Tervoe.<sup>92</sup>

M.19<sup>th</sup> March. Limerick. Open Commission in City & charge Grand Jury. Vereker foreman.<sup>93</sup> Visit the Ordnance stores, which, though on a small scale, are worth seeing. The horses kept in the best condition. Allowance for each per day: 16lbs hay in 2 divisions of 12 & 4, & 12 lbs oats in 3 equal feeds; a feed of moisten'd bran 2 or 3 times a week in lieu of the middle feed.

Dine with my old friend Sir R. Harte.

Tu.20<sup>th</sup> dine with Mayor Loyd.

21<sup>st</sup> dine no where but fag to late hour.

Th. 22 dine at home.

Fr.23<sup>rd</sup> dine with collector Bolton Waller<sup>94</sup> & the pleasantest party I have yet met - Col Vereker & his fair bride, a nice interesting girl,<sup>95</sup> very like Arthur of Glenomora,<sup>96</sup> Lady Massey &c.

Sat. dine with the Bishop.<sup>97</sup>

Sund.25<sup>th</sup> Breakfast with Tom Connor on the first goose egg this season & meet the Baron at dinner at Mt. Trenchard where we are entertain'd by Stephen Rice at bed & board with his usual hospitality.

M.26<sup>th</sup> Ride to Listowel, 16m, where I breakfast at Stokes'. My old friend Lord Glandore comes to meet me with John Talbot.<sup>98</sup> After breakfast he takes me in his chaise to Odorney where we part, & I proceed to Tralee where I open the Commission. Baron & I dine with Zeb Mac, Subsheriff.

Tu. 27<sup>th</sup> Mar. We dine again with Zeb. Mac.

W.28<sup>th</sup> I dine with Barrister Rice.<sup>99</sup>

Th.29<sup>th</sup> dine with Willam Fitzgerald, barrister.

Fr. 30<sup>th</sup> dine at Robin Hickson's.

Sat. 31<sup>st</sup> dine at Frank Mac's & after dinner receive the presentments before 12.00.

Sund.1<sup>st</sup> April. Ride to Killarney where John McDonagh meets me. We settle accounts when he pays me £215.18.3.

Ride from thence to Milstreet over the worst circuit road now in Ireland, & don't arrive for two hours after nightfall. The equipage arrives in an hour after, providentially without accident. Meet here the Co. Cork Sheriff, Adams & Sub-Sheriff Lawless over their battle with the little Baron, who, having slept last night at Killarney, arrived at Milstreet from thence early this day.<sup>100</sup> Never was I upon any former 1<sup>st</sup> April made as such a fool as this day upon this cursed road.

<sup>92</sup> Tervoe was the residence of Col William Thomas Monsell (1754-1836), MP Dunleer 1776-1783, Dingle 1798-1800. (Information from Matthew Potter).

<sup>93</sup> Charles Vereker, 2<sup>nd</sup> Viscount Gort (1768-1842). Distinguished himself in 1798 as Lieutenant Colonel of the Limerick Militia at the battle of Colooney against the French under Humbert. Opposed the Act of Union and supported Catholic emancipation. MP in the Irish parliament for the borough of Limerick from 1790, Westminster to 1817.

<sup>94</sup> Bolton Waller of Castletown Waller, aka Castletown Manor, near Ballysteen. (information from Tony Browne).

<sup>95</sup> Vereker married secondly, March 5 1810, Elizabeth dau. of John Palliser of Derryluskin Co. Tipperary. (DNB).

<sup>96</sup> The Arthur residence, between Limerick city and Broadford, Co Clare.

<sup>97</sup> Warburton.

<sup>98</sup> John Talbot of Mount Talbot succeeded his uncle Lord Glandore of Ardfert Abbey and assumed the name Talbot-Crosbie pursuant to his uncle's will. Ann Crosbie, Glandore's sister, married William Talbot of Mount Talbot county Roscommon in 1775. John Talbot-Crosbie became MP for Ardfert and took holy orders. He was the father of William Talbot-Crosbie, 'Billy the Leveller' of the Kerryhead clearances. The Mount Talbot family had been 'the non-resident head lessees of some 40,000 acres of Trinity College land in north Kerry' Robert McCarthy, *The Trinity College Estates 1800-1923*, Dundalk 1992, p. 92.

<sup>99</sup> This could be Stephen Henry Rice or Dominic Rice of Bushmount who was prominent in the Catholic campaign and who sponsored Daniel O'Connell's call to the bar in 1798.

<sup>100</sup> This would appear to be a reference to the Baron's physical stature. He succeeded his father Michael Smith, of Newtown, King's County, also a baron of the Exchequer and later Master of the Rolls.



M.2<sup>nd</sup> Breakfast with Hedges at Macrump in his respectable castle, 10m., & after drive to Cork, 18m, without bating.<sup>101</sup> The Commission for the City Cork opened by the Baron.

Tuesd. 3<sup>rd</sup> April. Enter upon & dine with the High Sheriff (Wagget Recorder against Johnson Mayor).<sup>102</sup>

W.4<sup>th</sup> Wagget against Johnson continued. Dine late at home.

Thurs. 5<sup>th</sup> This morning I charge the Jury who find for plaintiffs, with nominal damage. Yesterday I had opened & charged the Grand Jury of the Co of Cork, Dean Freeman foreman.<sup>103</sup> I bring home to dinner Burton,<sup>104</sup> Quin, Goold<sup>105</sup> & Franks.<sup>106</sup> Baron dines with Jones. N.B. I received from John Talbot for Lord Glandore at Tralee £6 to hand to Miss Margaret Crosbie, No.18 Usher's Quay.

Fr.6<sup>th</sup> Breakfast & dine with the Cuthberts, Patrick<sup>107</sup> - Lucy & her children, Jane, Catherine, Lucy, Margaret, John, Maryanne. A nice group. My sister in high health.<sup>108</sup>

Sat. 7<sup>th</sup> Breakfast with the Alderman.<sup>109</sup> Spend the whole day till 9 in the Crown Court & forced to send excuse to Genl. Floyd & Lady Denny.<sup>110</sup>

S.8<sup>th</sup> Baron & I go to the Cathedral & dine with the honest Bishop.<sup>111</sup> His daughter, Mrs. Leslie, a pretty woman. Mrs. Lawrence a well-bred, unaffected Lady.

M.9<sup>th</sup> Breakfast & dine with the Cuthberts.

Tu. 10<sup>th</sup> April. Breakfast & dine with the Alderman.

W.11<sup>th</sup> Dine nowhere. Baron begins Uniacke @ Uniacke. Plaintiff goes thro' his case about 11 o'clock p.m.

Th.12<sup>th</sup> Baron continues Uniacke @ Uniacke, & defendant closes his case about 3 in the morning.

Fr. 13<sup>th</sup> Baron charges the Jury for 2 hours with great brilliancy, who found for the defendant! Minor - concludes his business.

<sup>101</sup> Bate: to rest, to recreate.

<sup>102</sup> The Recorder was claiming the right to a seat on the council and to compensation of £5000 'for injury sustained by not being admitted to the full privileges of the recordership'. He won the case and received 'nominal damages'. His counsel were Wilmot and Goold, *Freeman's Journal*, 10 April 1810.

<sup>103</sup> Edward Deane Freeman, inheritor of the Freeman estate at Castle Cor, barony of Duhallow, about five miles north-east of Kanturk.

<sup>104</sup> Probably Charles Burton, 'the little Englishman'. Second in reputation only to J.P.Curran on the Munster circuit, and often his aid. (J.R. O'Flanagan, *The Munster Circuit, Tales, Trials and Traditions*. London 1880. pp 149-50). With O'Connell for the defendant Thomas Grady in the 'Nosegay' trial for libel in Limerick where the judgement went in favour of the plaintiff, the banker Bruce.

<sup>105</sup> The Goolds of Old Court were connected with the Brownes, lords Kenmare. This may be Sir Francis Goold, 1<sup>st</sup> Bart. (1801), d.unm. 1818, the pro-Catholic barrister at the time of the trials of the Catholic delegates, 1811-1812. More likely, it is Thomas Goold to whom Day dedicated a volume of his Charges. He, according to O'Flanagan, had witnessed the horrors of the French revolution but vehemently opposed the Union at the Lawyers' meeting in December 1798. Appointed Sergeant at Law 1823. Master of Chancery 1832. Appeared for the banker Bruce in the 'Nosegay' trial.

<sup>106</sup> Day's 'register', i.e. registrar, was his nephew Matthew Franks, or this could be his brother John (below).

<sup>107</sup> It is not clear if this Patrick is one of the children of Tom and Lucy Cuthbert who are mentioned so often.

<sup>108</sup> Day's sister Catherine Franks, Lucy's mother.

<sup>109</sup> Probably John Day, formerly mayor of Cork, the writer's brother.

<sup>110</sup> Anne Morgell (Lady Denny) was widowed at age sixteen by the death of her husband, Barry Denny, 2<sup>nd</sup> Bart., in a duel at Oakpark with John Gustavus Crosbie on October 20 1794. She was the daughter of Crosbie Morgell of Rathkeale, sheriff of Co. Limerick in 1789. She married (1805) General Sir John Floyd, Bart., one of the commanders of the British army in Ireland.

<sup>111</sup> Thomas St. Lawrence, Bishop of Cork from 1807, son of the Earl of Howth, died 1831.

Sat. 14<sup>th</sup> Baron sets out to sleep at Fermoy. I finish 17 very troublesome records in the City, pass sentence of death upon 2, close the Circuit about 8, & bring home to dinner Quin, Burton, Goold & Hitchcock.

August- October 1810

### **The Judiciary and Magistracy: public accountability - private gain.**

Wednesday 29<sup>th</sup> Reach Mount Trenchard to dinner.<sup>112</sup> Send next day for Massey, coachmaker, to Limerick, who for £50 contracts to metamorphose my old chaise into a new one, pursuant to the instructions of Stephen Rice.

Friday 31<sup>st</sup> Proceed in the chaise brought by Massey to Listowel where we find the Alderman and wife at Oliver Stokes'. Sunday after prayers we dine at Ballinruddery where the Knight, having no wife to help him, yet entertained us very comfortably.<sup>113</sup> We sleep there.

Monday 3<sup>rd</sup> September. After breakfast proceed to Tralee.

In Tralee I am detained till the middle of October by a tormenting Commission issued by the plaintiffs in Blennerhassett against Day.<sup>114</sup> During this long period we lodge in the Castle, and nothing can exceed the friendly hospitality and attention of all the inhabitants to Mrs. Day and me. Sometimes I visit Killarney, often my tenants, often Lord Glandore. I bestow also much time on the paving and flagging of the town which the inhabitants take up and prosecute with great alacrity and liberality. The Spa also I frequent, and quaff copiously, and having Baltygarron in my hands to let for forming a fund for Sir Edward's young children, I have it in contemplation to erect a neat building over the well, and dress an acre of ground behind it, and to let lots for building and improving in the neighbourhood; and thus by providing abundant accommodation and dressing the whole face of that quarter to bring the Tralee Spa into fashion and demand.

10<sup>th</sup> October. Mrs. Day with Robert Day<sup>115</sup> proceed for Dublin and in Limerick take up my chaise in respect of which Mr. Massey has fulfilled his promise and admirably executed his contract.

20<sup>th</sup> I follow in Robert Day's gig, and, touching at Listowel and Mount Trenchard as usual, arrive in Dublin on 26<sup>th</sup> and at Loughlinstown the 27<sup>th</sup> in perfect health after three months, and grateful to God for protecting me throughout against the slightest accident.

<sup>112</sup> Judge Day has driven directly from Galway having completed the Connaught circuit.

<sup>113</sup> Maurice Fitzgerald (1772-1849), 18<sup>th</sup> Knight of Kerry, Judge Day's first-cousin and ward. His wife was a member of the La Touch family of Marlay. Is referred to in the diary as 'The Knight' or 'Maurice Fitzgerald'. He considered the Judge more as a father. His own father, Robert, died in 1781. Served in the Irish parliament from 1795 and had a long career at Westminster, mostly as an O'Connellite MP.

<sup>114</sup> This was the long-running litigation between Judge Day, the defendant, and the sons of Rev. John Blennerhassett about land in Dunmaniheen, Killorglin parish.

<sup>115</sup> Robert Day, second son of Archdeacon Day, m. Christina Marshall of Dublin. Entered Trinity 1792 aged 14; called to the bar in 1802. (Alumni Dublinensis). Sheriff of Kerry in 1808, a busy year for outrages, particularly in the northern baronies. He lived at Lohercannon.



March-April 1811, Limerick

## Munster Circuit

Monday 18<sup>th</sup> March. Open the Commission this morning in the city, Col. Vereker foreman.

Saturday 23<sup>rd</sup> After a light week and getting fringed gloves<sup>116</sup>, John Franks<sup>117</sup> and I ride to Glin where we find excellent accommodation for man and horse.

Sunday 24<sup>th</sup> Breakfast at Oliver Stokes'. Dine with Maurice Fitzgerald and sleep at Stokes'.

Monday 25<sup>th</sup> John Franks and I resume our ride and proceed on horseback to Tralee, having rode from Limerick (54 miles). Not bad at 64, but what is this to Dr. Duignan who rides from Holyhead to London at 76 ?<sup>118</sup>

Tuesday 26<sup>th</sup> Charge the Grand Jury and give the magistracy and gentry round Listowel a severe jobation<sup>119</sup> for the lawless state of the country. (Lord Castlerosse foreman).<sup>120</sup>

Saturday 30<sup>th</sup> Pass sentence of death on five for acts of Whiteboyism, of whom can recommend only one.<sup>121</sup> A laborious week.

Sunday 31<sup>st</sup> Go to church and dine with Stephen Rice. The Baron proceeded to Killarney Friday.

Monday 1<sup>st</sup> April I breakfast at Frank Murphy's, taking Robert Day with me. Bate at Killarney and take an excellent luncheon at Galwey's.<sup>122</sup> Sit an hour with Lord Kenmare.<sup>123</sup> Sir T. and Lady Maryanne Gage<sup>124</sup> on a visit to his Lordship; so also the Knight. Ride to Milstreet.

Tuesday 2<sup>nd</sup> Breakfast as usual with my friend Eyre Hedges at Macrump. Bate at the Ovens, a very clean, comfortable house. N.B. The woman of the house English. The kitchen so furnished with bacon that it may well be called the Land of Ham.

<sup>116</sup> The Limerick sheriffs presented him with 'gold fringed gloves' in March 1816. (*Ennis Chronicle*, 27, March, 1816). White gloves were a judge's entitlement when an assizes proved 'maiden', i.e. had no capital sentences. In 'The Leadbeater Papers' Mary Leadbeater reports Day being wished 'a pair of white gloves' when he visited Ballitore (Quaker) school during the Leinster circuit. (*Leadbeater Papers, the Annals of Ballitore*. 2 vols. London 1867 vol. 1, p. 344). The tradition lasted to within living memory: white gloves were presented to the late Judge Deale (who presided in Monaghan and surrounding counties) in the 1950s. He got his white gloves not just for lack of capital punishment but because there was actually no crime of any sort to be tried on indictment in 1950s Monaghan. (Information from Kenneth Ferguson).

<sup>117</sup> Sir John Franks (1770-1852) Day's nephew, son of his sister Catherine and Thomas Franks of Ballymagooly, Co. Cork. B.A. Dublin University 1788, L.L.B. 1791, called to the bar 1791 and went the Munster circuit. 1825 appointed judge of the supreme Court of Calcutta.

<sup>118</sup> Patrick Duignan 1735-1816. Born in Co. Leitrim, a catholic who converted to Anglicanism and followed a brilliant career in Dublin University. MA 1761, LLB 1763, LLD 1765. Middle Temple. Irish bar 1767. King's Counsel 1784. MP Old Leighlin 1791, Armagh 1798. Supported the Union. Was vehemently anti-Catholic in parliaments before and after the Union.

<sup>119</sup> A rebuke or reprove; biblical derivation: Job, the object of lengthy reproofs by his friends.

<sup>120</sup> Valentine Browne (1788-1853), Viscount Castlerosse 1801-1812, later (1812) second Earl of Kenmare.

<sup>121</sup> Robert Fitzgerald, Denis Collins, John Gallivan, John White and William Casey were convicted for 'burglary with felony'. It appears that Fitzgerald was recommended for transportation because he had given information to 'Mr Stokes and Mr Church'. Some at least of the executions took place on Gallows Green in Tralee. One of the houses attacked was Roches of Kilmaniheen, Brosna. The context was a campaign against 'canting' of farms in the northern baronies. (National Archives, SOC 1384/7, Brig. Major Mahony to Charles Saxton, 5 April 1811; *Limerick General Advertiser*, 2 April 1811; Day Papers, 12w13, newspaper cutting dated 22 April).

<sup>122</sup> Possibly Christopher Gallwey, agent of Lord Kenmare. According to a report in the *K.E.P.* of March 24 1860, it was he that the killers of Rev. Tisdall had intended to kill, waiting for him as he returned with the rents from Kenmare's Cork estates. A later report by M.A. Hickson (*K.E.P.* 28 October 1896) says the victim was mistaken for the agent of the Lansdowne estate. *The Gentleman's and Citizen's Almanac* for 1815 gives a Christopher Gallwey as barrack master of Killarney.

<sup>123</sup> Valentine Browne (1754-1812) Viscount Castlerosse and Earl of Kenmare (cr 2 Jan, 1801).

<sup>124</sup> Sir Thomas Gage, husband of Marianne daughter of Lord Kenmare.

Dispose of ten records in the city. In the county try many capital cases. Four convicted, of whom one was hanged for a cruel murder at Mitchelstown Monday 8<sup>th</sup>.<sup>125</sup> Another, Captain Rowser, was left to be hanged, and the other two pardoned.<sup>126</sup> A most laborious and oppressive fortnight.

To comfort us arrive tidings of the glorious battle of Barrosa, 5<sup>th</sup> March and on same day the retreat of Massena. During the assizes of Cork Master Ponsonby prevails on five or six magistrates dupes or delinquents to placard me for my lecture to the indolent gentry and corrupt or cowardly magistrates in the neighbourhood of Listowel. However, the Grand Jury very spiritedly defend me by an address, and two of these delinquents turned accusers, viz William Richard Hilliard and John Sandes Esqs I shall get the Chancellor to break of the Commission for infamous practices, as well as William Twiss and Thomas Giles Esqs.<sup>127</sup>

While at Cork I received very distinguished attention from General Floyd and Lady Denny.

Saturday 20<sup>th</sup> Dine with my dear and longing wife at Loughlinstown where everything looks very well after six weeks absence. N.B. The Chancellor dismisses said four magistrates.

## September 1811

### The New Catholic Electorate:

*The continued good news from the war against the armies of Napoleon in the Peninsula coincided with the diminishing fortunes in Kerry of the old 'High Tory' party espoused by Day, Glandore and the Herberts. After the Emmet rebellion Day considered himself 'hors de combat' as his judicial duties weighed, but in a kind of last stand at the 1806 and 1807 general elections the old guard saw off the challenge of Colonel Crosbie (Ballyheigue). The 1812 general election would end in a triumph for Crosbie.*

Sunday 8<sup>th</sup> September. Drive from Limerick through Adare and Rathkeale (both much improved) to Elm Hill to dine with Mr. Maurice Studdert, who was denied at dinner hour though at home. He had frequently solicited me to stop and dine with him on my way to Kerry. Feed at Alpin's at Ardagh, and turn down in the evening two miles to Newcastle. The honest George Hilliard and his wife seize me and insist on my spending the night with them, where I experience a warmth of treatment that fully compensates for the repulse at Elm Hill. Mr. and Mrs. Chute very kindly contend for me with the Hilliards but in vain.

Monday 9<sup>th</sup> September. Visit before breakfast the Castle of the disgusting sodomite Lord Courtenay, a very respectable mansion.<sup>128</sup> Locke, his agent, is dismissed by Lord Courtenay (who is as respectable as his cousin is the contrary) and leaves Newcastle tomorrow, to make room for Mr.

<sup>125</sup> *The Limerick General Advertiser* of April 23 1811 gives: 'Patrick Moloney for the murder and robbery of William Riordan was hanged at Mitchelstown on Monday the 8<sup>th</sup> inst.'

<sup>126</sup> *Ibid.*, 'Michael Sullivan, otherwise Captain Rowser, otherwise Far Aullin (next word unclear) to be hanged on Saturday 27<sup>th</sup> inst.'

<sup>127</sup> *Ibid.*, April 23, 1811 carries a report of Day's dispute with the North Kerry magistrates. The Chancellor (1807-1827) was Thomas Manners Sutton, Lord Manners.

<sup>128</sup> Viscount Courtenay of Powderham Castle, Devon. William, 3rd viscount, b. 1768, established his right to the earldom of Devon before parliament in 1831. He died unmarried in 1835, when the earldom devolved on his cousin. (Sir Bernard Burke, *Peerage and Baronetage*, London 1887).



Carte his successor.<sup>129</sup> Drive Mrs. Hilliard to her brother's John Upton, Ashgrove to breakfast, and then Hilliard and I proceed by the Ardagh road to Listowel (8 miles), calling at Springmount<sup>130</sup> and Ballinruddery on the way. Dine and sleep as usual at Oliver Stokes'.

Maurice Fitzgerald of the party,

Tuesday 10<sup>th</sup> who calls for me, and, after riding about, spend the day together happily at Ballinruddery. How delightful to hear that the county is settled for the next election, Lord Ventry supporting Col. Crosbie, and Lord Kenmare the Knight of Kerry singly.<sup>131</sup> Thus my old friend Lord Glandore, who heretofore so influenced our elections, is made scapegoat of the alliance. I am sorry that Herbert, who is a very respectable member with all his eccentricities and failings, should be forced to give way to that illiterate, unprincipled moon's calf Col. Crosbie. And I think Lord Kenmare has much to answer for in deserting his old friend Lord Glandore and his relation, neighbour and friend Herbert;<sup>132</sup> Herbert too, who voted zealously for every Roman Catholic question in Parliament. But nothing will now go down with the Roman Catholics but ...soul and body. If you give a vote, a single vote, to Perceval, to the 'No Popery' administration, all your servitude to their cause merges and disappears, and you are rejected with scorn. So also Lord Ventry has treated Herbert like a tailor and a blackguard. He does not actually in terms promise, but he deludes by specious professions and equivocal half-promises, so that Herbert obtains for him a promise of step in the peerage - declining to solicit favours for any other friend - and now he suddenly throws him off and sets up Crosbie and will return him. Much, however, as all this is to be regretted, I expect how happy it is for this county of cousins and consanguinity that we shall have no contest.

Wednesday 11<sup>th</sup> September. Drive to Ardfert Abbey and ride about and spend an agreeable tete-a-tete with the Peer. Lady Glandore confined with the gout (though she denies it), and Mrs. Dean Crosbie only dining with us.<sup>133</sup>

Thursday 12<sup>th</sup> Drive to Tralee and breakfast and dine with Stephen Rice.

Friday 13<sup>th</sup> with Francis McGillicuddy.<sup>134</sup>

Saturday 14<sup>th</sup> with James O'Connor.

Sunday 15<sup>th</sup> with George Rowan.<sup>135</sup>

Monday 16<sup>th</sup> with ex-treasurer Blennerhassett.

Tuesday 17<sup>th</sup> with Robert Hickson.

Wednesday 18<sup>th</sup> with Admiral John Collis.<sup>136</sup>

Thursday 19<sup>th</sup> with Doc. Connell.<sup>137</sup>

Friday 20<sup>th</sup> with treasurer (?) Thompson.

Saturday 21<sup>st</sup> with James Day.

<sup>129</sup> The contemporary press refers to William Thomas Locke, Devon's agent, and to his seat at Newcastlewest; he headed the Newcastlewest yeomanry corps and hosted Richmond during his tour.

<sup>130</sup> Springmount or Duagh House, home of the Fitzmaurice family. Day's aunt, Anne Fitzgerald married John Stack of Ballyconry, whose daughter Margaret married John Fitzmaurice of Duagh House.

<sup>131</sup> Maurice Fitzgerald and Col. James Crosbie of Ballyheigue represented the county after the general elections of 1801 and 1802. Glandore blocked Crosbie in the 1806 general election, making possible the election of Henry Arthur Herbert of Muckross. Crosbie lost the 1807 general election to the same two but in the 1812 general election Maurice Fitzgerald and Col. Crosbie were returned unopposed.

<sup>132</sup> Henry Arthur Herbert of Muckcross, brother-in-law of Lord Glandore and Member for Kerry after the general elections of 1806 and 1807.

<sup>133</sup> Dean Maurice Crosbie, uncle of the second earl of Glandore, was Dean of Limerick for 37 years to 1809. His second wife was Pyne Cavendish. (Burke's *Irish Family Records*). Maurice Lenihan, *Limerick, its History and Antiquities*, Limerick 1866, states that Crosbie Row was named after Dean Crosbie in 1791.

<sup>134</sup> He became 'The' McGillicuddy of the Reeks in succession to his brother Richard on Richard's death without issue in 1826.

<sup>135</sup> George Rowan of Rathanny, Collector of Excise, Tralee area, c. 1805-17, cousin of William the provost.

<sup>136</sup> Elsewhere in the diary John Collis is described as 'from Bengal, second mate of the Carnatic'. Day and Collis met in London in July.

<sup>137</sup> Dr. Rickard O'Connell.



Thus overwhelmed with the hospitality and kindness of Tralee, and never dining two days at any one house. Tralee improves. The Barrack advances rapidly.<sup>138</sup> A temple is to be erected over the Spa by Graham. The northern mail-coach road in great forwardness - the southern indeed in great backwardness - but still the county is getting on. And I predict that our Spa in another year, and indeed our whole county, will become a place of great fashion and resort.

I never remember more intense heat in Ireland than for ten days or a fortnight of this month. Tuesday and Wednesday, the 3<sup>rd</sup> and 4<sup>th</sup>, I had a fire, but the weather then became suddenly so scorching that my lips blistered for the first time in my life. The crops in consequence have ripened everywhere southward of Dublin in great luxuriance, while eastward the potatoes and aftergrass suffer severely. The comet appears in awful splendour every starlight night,<sup>139</sup> sometimes presenting the appearance of a great lustre suspended in the firmament to lighten and astonish the benighted traveller, sometimes that of a volcano vomiting up a flaming exhalation. Through a telescope it appears like a small moon surrounded with a luminous atmosphere. The comet of 1807 presented, if I recollect right, a long horizontal tail like a fuze issuing from a bush.<sup>140</sup> But from the present rises somewhat obliquely an inflamed vapour diffused like hair, much wider than the dish of a planet. Comet comes, I suppose, from coma, the brilliant hair which issues from it.

Mulcahy, Henneberry, Clune and Craven were recommended by me last Spring assizes from Ennis for enlisting. The two former were admitted to enlist, but the two latter still remain in jail under transportation. Quere at the Castle why. See Thomas Arthur Esq's letter, 8 Sept. 1811. Robert Fitzgerald, Tralee jail, offers to enlist. Is strong and active, I hear. Quere of jail inspector.

Sunday 22<sup>nd</sup> September. Weather suddenly breaks down and the equinoctial gale breaks out with great force. Drive, however, to Listowel and dine with the Stokeses.

Monday 23<sup>rd</sup> Weather-bound. My kind host bestows me a fine bay mare, six years old.

Tuesday 24<sup>th</sup> Drive to Mount Trenchard taking Maurice Fitzgerald with me in the curricule. The worthy Stephen as usual in mortar and dirt. Visit his (unclear) which will hereafter, I predict, form a striking feature of the excursions from Dublin to Killarney.

Wednesday 25<sup>th</sup> A tremendous gale last night. Lie by for the day in excellent quarters. A more civilized or better-bred being exists not than the little hostess.<sup>141</sup>

Thursday 26<sup>th</sup> Set off in brighter weather for home, and forced to make short journeys

Thursday 1<sup>st</sup> October. Arrive in good health and spirits, blessed be God, at Loughlinstown, where I find my dear wife with Robert<sup>142</sup> very well and impatient to receive me.

<sup>138</sup> On the construction of Tralee Barracks, the *Limerick Chronicle*, March 4 1810 gives the following: 'Major-Gen. Freeman has appointed the commencement of the ensuing month for his attending in Tralee to complete the necessary previous arrangements for the building large (sic) barracks for horse and foot, together with adjoining stores and an hospital, to be erected at Ballymullin near Tralee, on the estate of S. Morris, Esq.' See also *The Freeman's Journal*, November 28 1811 for a reference to Tralee barracks then in the course of construction.

<sup>139</sup> First reported on 11 April, it was known as 'The Great Comet of 1811' due to its brightness and its unprecedented period of visibility to the naked eye, 260 days. (Information Philip Samways, University of Limerick).

<sup>140</sup> Visible for 90 days and about a quarter as bright as the comet of 1811. (Samways).

<sup>141</sup> The wife of Stephen Edward Rice (m. 1785) was Catherine Spring of Castlemaine. Their son was the eminent Thomas Spring-Rice, 1st Lord Monteagle. Their daughter Mary married Sir Aubrey de Vere.

<sup>142</sup> Either his nephew-namesake, Robert Day of Lohercannon, Sheriff in 1808, whose identity has sometimes been lost in that of his uncle, or the judge's grandson Robert Day Denny (b. 1800).



## March 1812

### Munster, Spring Circuit

Sunday 8<sup>th</sup> Limerick. Breakfast from Dromoland<sup>143</sup> with J. Mayne<sup>144</sup> in Limerick where we go with the Corporation in full robes to church. Hear an excellent occasional sermon from Mr. Hughes, nephew of poor Cumberland.<sup>145</sup> Dine this day with Lord Kiltartan where we meet an agreeable party of English officers and their wives.<sup>146</sup> I take the interchange of the militias of both islands to be the proudest as the stoutest measure of the Perceval's administration,<sup>147</sup> which by the bye is characterized for stoutness.

Monday 9<sup>th</sup> The Commissions were opened by Mayne J. last Saturday. This morning we swear in our respective grand juries, he the county, I the city.

W.11<sup>th</sup> The city business terminates so I proceed into the county and try nine records for brother Mayne. We decline the hospitable invitation of Dean Preston,<sup>148</sup> Mr. Dickson and Mr. George Studdert &c. A second maiden assizes.

Saturday 14<sup>th</sup> Robert Day and I proceed to Mount Trenchard accompanied by Tom Fosberry, just ordained.<sup>149</sup>

Sunday 15<sup>th</sup> Thomas gives us prayers and we then walk to Stephen Rice's new road. A great and noble work. Henceforth the most interesting feature of the journey from Dublin to Killarney will be this piece of road along the Shannon, beginning at the stupendous cliff cut down by Stephen Rice facing Foynes Island and ending at Tarbert. Henry Grady<sup>150</sup> and John Franks join us in the evening at dinner. I forgot to say that the worthy couple were unexpectedly summoned to Dublin and commanded us to repair nevertheless to the comforts and hospitality of my old stage, my *statio benefida*.

Monday 16<sup>th</sup> Breakfast as usual with the Stokeses, and spend the day and night with them. This day Mayne J leaves Limerick and dines and sleeps at Talbot House.

Monday 17<sup>th</sup> Patrick's Day, Tralee. Open the Commission. We dine with the sub-sheriff, Zeb McGillicuddy.

<sup>143</sup> Sir Edmund O'Brien, 4<sup>th</sup> Bart, of Dromoland m. 1799 Charlotte, daughter of William Smith, Limerick lawyer. Their son was the patriot William Smith-O'Brien of Cahirmoyle.

<sup>144</sup> Edward Mayne, son of Charles Mayne of Co. Cavan. B.A. Dublin University 1777, Irish bar 1781, Justice Court of Common Pleas 1806, of the King's Bench 1817. Died 1829.

<sup>145</sup> William Hughes, Vicar of Shanagolden 1803-5, Vicar Choral, St Mary's Cathedral, Limerick 1811-13. (Information Library of the Representative Church Body). Cumberland the dramatist?

<sup>146</sup> John Prendergast Smith (1741-1817), Baron Kiltartan 1810, Viscount Gort 1816. Controller in the conservative interest of Limerick city politics and parliamentary borough. His nephew was Charles Vereker.

<sup>147</sup> Spencer Perceval, Prime Minister of Britain from 1809 to his assassination in May 1812.

<sup>148</sup> Rev. Arthur Preston succeeded Rev. Maurice Crosbie as Dean of Limerick. He vacated the deanery of Kildare. (*Limerick General Advertiser*, 8 August, 1809).

<sup>149</sup> Rev. Thomas Rice Fosberry was 3rd son of George Fosbery of Kildimo and his wife Christina Mary, only dau. of Thomas Rice of Mount Trenchard. (Burke's *Landed Gentry of Ireland*, 1904).

<sup>150</sup> Henry (Harry) Deane Grady. Member for Limerick city in the Pery (independent) interest before the Union, but the grip of Prendergast Smith on the representation was restored when Grady was unseated by Charles Vereker in 1802. Had a 'low-sized and rubicund countenance, with a stentorian voice that almost blew a witness out of the chair'. (*Munster Bar*, p. 155).

Wednesday 18<sup>th</sup> I dine with James Day.  
 Thursday 19<sup>th</sup> I dine with James Connor.  
 Friday 20<sup>th</sup> We dine with Barrister Rice.  
 Saturday 21<sup>st</sup> I dine with Counsellor William Fitzgerald.  
 Sunday 22<sup>nd</sup> We dine with Stephen Rice.  
 Monday 23<sup>rd</sup> I dine with Robert Hickson.

Tuesday 24<sup>th</sup> The assizes having closed last night, when one man was sentenced to be hanged but recommended, I proceed this morning to Killarney where I was much struck with the tasty and respectable improvement of the church by Mr. Hyde.<sup>151</sup> Mayne J had left Tralee Saturday. Dine and sleep at Milstreet accompanied by Robert Day.

Wednesday 25<sup>th</sup> Breakfast as usual with Hedges at Macrump. Proceed to Cork. A beautiful road now from Killarney to Cork. Mayne J opens the Commission in the city.

Thursday 26<sup>th</sup> I open the Commission in the county, Dean Freeman foreman. Foreman receives a slight paralytic stroke.<sup>152</sup>

Saturday 4<sup>th</sup> April finish.  
 Sunday 5<sup>th</sup> Proceed to Dublin.

## September 1812

Thursday 3<sup>rd</sup> September. Start for Kerry, about £100 in crumena.<sup>153</sup> Proceed for the first time by the lower road to Lucan, Castletown, Celbridge, Straffan etc. to Naas. An interesting line, but five miles round.

Sunday 6<sup>th</sup> Breakfast with Colonel Bagwell at his fine seat, Marlfield.<sup>154</sup> Go to church with the family. Ride after prayers. Oh, what noble gardens, oh how foolish to visit them if you do not desire to despise home.

Monday 7<sup>th</sup> Sleep at Fermoy. Who in Ireland has done more noble good than Anderson? The father of our mail coaches and mail coach roads, the creator of this beautiful town!

Tuesday 8<sup>th</sup> Breakfast in Cork. Dine en famille with the Digbys.<sup>155</sup>

Wednesday 9<sup>th</sup> Spend the day with the Alderman.

Thursday 10<sup>th</sup> Dine and sleep with the excellent couple Tom and Lucy Cuthbert.

<sup>151</sup> Rev. Arthur Hyde, only son of Rev. Arthur Hyde, Rector and Vicar of St. Anne's Shandon. He became Vicar of Killarney 1809. Married 1787 Sarah French of French Park, Co. Roscommon. (Leslie). There is an urn monument to him in St. Mary's church, Killarney, a church of a later date, recording his 22 years as vicar of Killarney. He was ancestor of Douglas Hyde, first president of Ireland.

<sup>152</sup> After his stroke Freeman laid aside official duties, and lived until 28 March 1826. Source: Col. James Grove White, *Historical and Topographical Notes Etc. on Buttevant, Castletownroche, Doneraile, Mallow*, Cork 1911, pp 63-71.

<sup>153</sup> L. crumena. n. a bag, a purse. He has just completed the Home circuit with Lord Norbury.

<sup>154</sup> Marlfield, the seat of Bagwell MP, foremen of the county Tipperary grand jury, is near Clonmel. Bagwell, a Tory like Day, controlled Clonmel corporation. The judges stayed at Marlfield regularly.

<sup>155</sup> Rev Arthur Herbert of Brewsterfield, brother of Richard Townshend Herbert, Day's cousins through the Fitzgeralds m Maria Digby on 16 May 1795. (Ffolliott, *Biographical notices*). The father, John Digby is described (passim) as 'of this city' (Cork) and 'merchant'.



Friday 11<sup>th</sup> Proceed to Macrump and spend the day and night with my friend Hedges at his fine castle.

Saturday 12<sup>th</sup> Breakfast in Milstreet and dine and sleep at Cahirnane.<sup>156</sup>

Sunday 13<sup>th</sup> Go to church with the Herberts to Killarney. Return to Cahirnane where I dine and sleep.

Monday 14<sup>th</sup> September. J. McDonagh and I ride along the line of the mail coach road to the river Main where the bridge is just finished. Dine and sleep at Dicksgrove. Mrs. Meredith, a very interesting lady.<sup>157</sup>

Tues. and Wed. 15<sup>th</sup> and 16<sup>th</sup> pass at Kiltalla.

Thursday 17<sup>th</sup> John Collis<sup>158</sup> and I cross Slemish to Tralee. Dine with James Day.

Friday 18<sup>th</sup> Visit my old friend Lord Glandore, and dine and sleep there. Has lately had a hemi plagia,<sup>159</sup> which providentially he has thrown off, save a weakness and drag in his leg.

Saturday 19<sup>th</sup> Dine and sleep at Churchill. Deliver to Barry Denny Sir Edward's nomination to the living.<sup>160</sup>

Sunday 20<sup>th</sup> Breakfast with the Hartes. Dine with Robert Hickson. His father died about ten days ago, leaving his brother, Dick Herbert and myself trustees.

Monday 21<sup>st</sup> Preside at infirmary meeting where we resolve to pull down that disgraceful ruin forthwith. Dine with William Rowan.

Tuesday 22<sup>nd</sup> Dine with James Day.

Wednesday 23<sup>rd</sup> Leave Tralee for Dublin. Dine and sleep at Ardfert Abbey. The poor Peer occupied in preparing his tomb stone and vault in the Abbey. Drive him in my curricule round his park. Intellect and articulation perfect, but heavy and phlegmatic.

Paid Flin in Tralee old bill £8.16.8

Gift to Lieutenant Fitzmaurice £10.0.0

Draft favour Mrs. Day £43.3.4

Gift to Mrs. Fuller £1. 0. 0

Linen 106 yards at 1s £5.6. 0

Nutmegs 2.2 per oz(?), 10.10

Lady Glandore for poorhouse £2.5.6<sup>161</sup>

Viaticum £100

From James Day £35.10.2

<sup>156</sup> Cahirnane, the home of Richard Townshend Herbert, Day's cousin through the Fitzgeralds. A tablet to his memory can be seen on the wall in Killarney church.

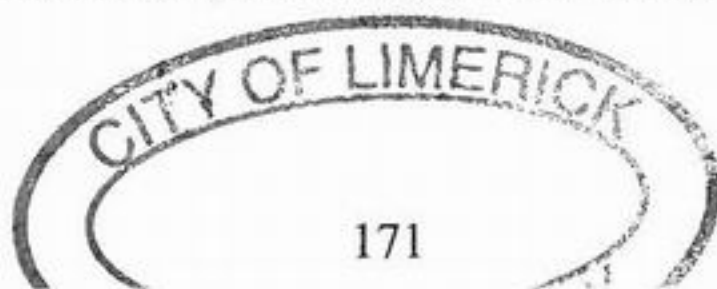
<sup>157</sup> The Merediths of Dicksgrove were Day's cousins through the Fitzgeralds. The new wife appears to be Alicia Orpen of Ardtully who m William Meredith, sheriff 1803. (Hickson, *Old Kerry Records*, vol.2 pp 239). Dicksgrove is Tiernacush in the old deeds, rendered Tiernagoose also.

<sup>158</sup> The same as 'Admiral John Collis' (above) ?

<sup>159</sup> Hemi plagia is a form of stroke. This is the only accurate account of the deteriorating health of John Crosbie, Lord Glandore. The press reported his death of 'an apopleptic fit' at Ardfert Abbey in 1815.

<sup>160</sup> Rev. Barry Denny succeeded his father Rev. Maynard Denny as Rector of Ballinahaglish (Churchill). It was a living in the gift of the Denny family. Maynard, Rector 1775-1812, was brother of Sir Barry Denny, first Bart; he died on June 27 1812.

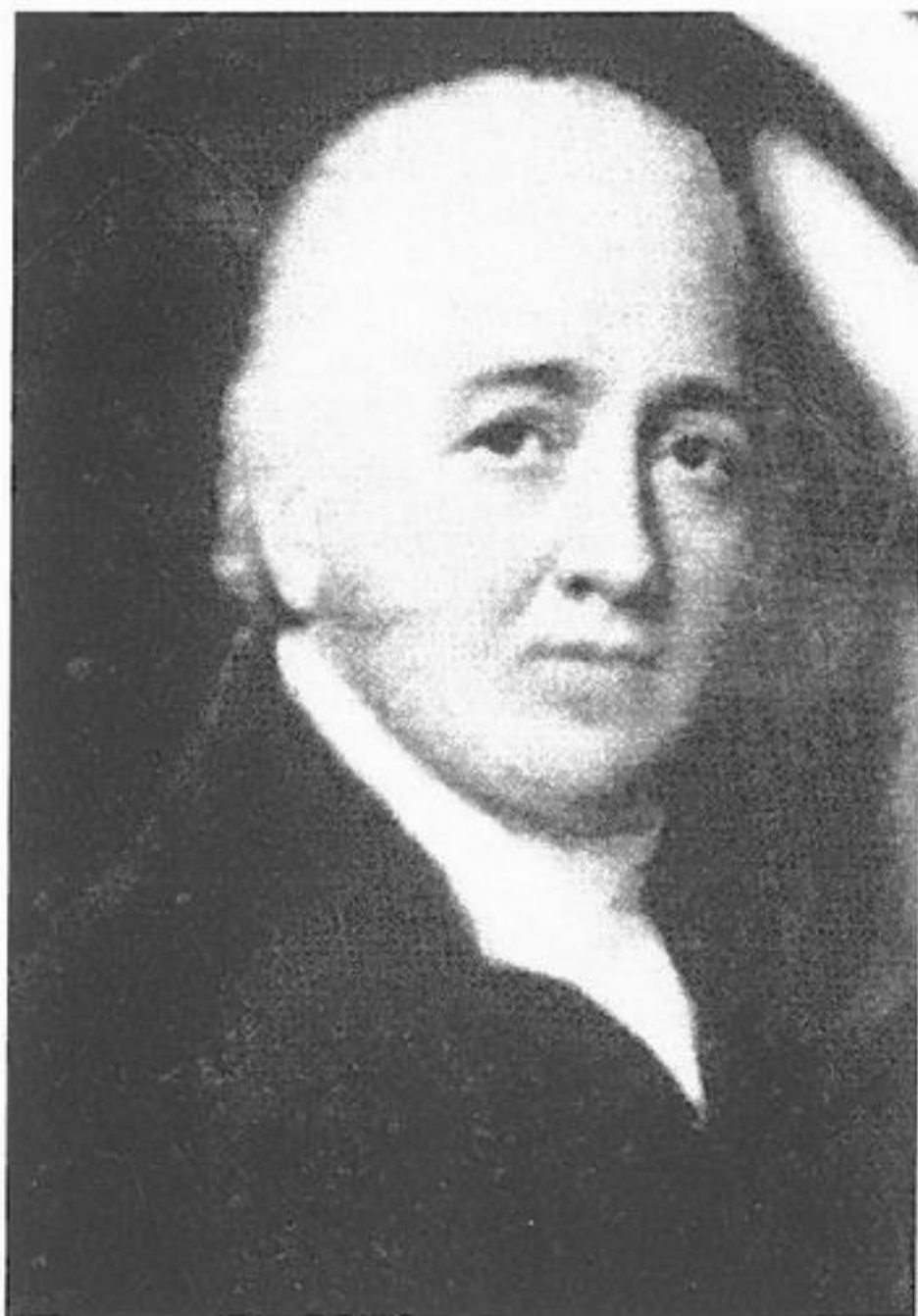
<sup>161</sup> 'In the village of Ardfert her ladyship has established an asylum for the aged, the sick, and the poor of both sexes', *Limerick Evening Post*, 14 November, 1812.



Thursday 24<sup>th</sup> September. Breakfast as usual with the Stokeses, who are preparing to marry their daughter Margaret with Maurice Fitzmaurice, and to remove to his house as Barrack Master in Tralee new barracks. The day proving bad I dine and sleep there.<sup>162</sup>

Friday 25<sup>th</sup> Drive to Mount Trenchard and pass Saturday 26<sup>th</sup> with my good friends.

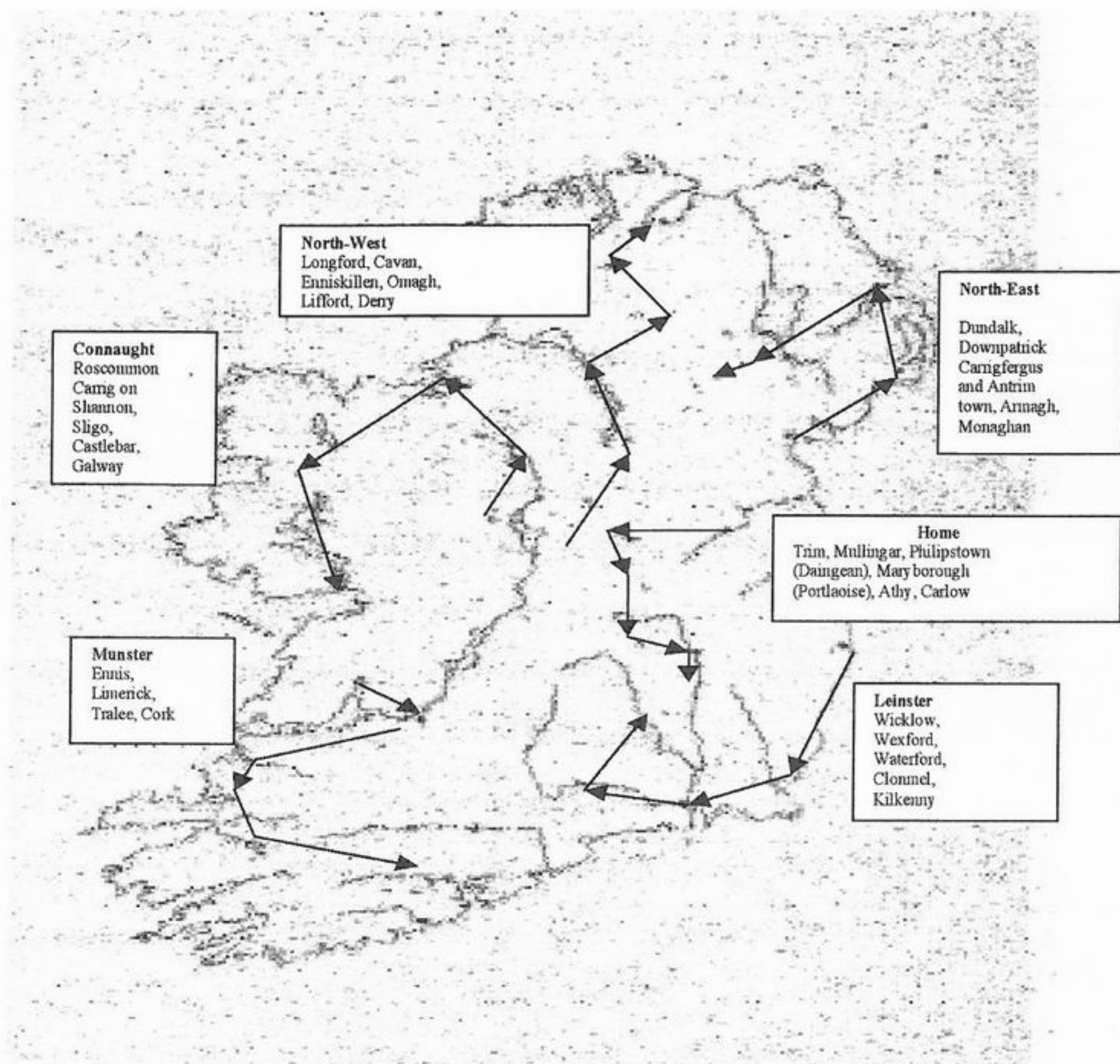
Monday 5<sup>th</sup> July 1813. The mail coach makes its first entrance into Tralee from Cork amidst the acclamations of the Kerry capital.



**Plate 1** Judge Day and his first wife, Polly Potts.

<sup>162</sup> Tralee barracks became the depot headquarters of the Royal Munster Fusiliers. In a letter written by Day to Lord Glandore in 1813 (copy undated) on the occasion of the departure of the viceroy the Duke of Richmond, Day listed the appointment of a nephew-in-law (Oliver Stokes) as barrack master of Tralee among the favours done him by the Duke.





**Plate 2** Map of the six circuits of the Irish county assizes in the post-Union period. The arrows indicate the direction usually followed though this could change depending on the court calendar.

## Acknowledgments

Advice and assistance, without which much would have remained unilluminated, was provided by, among others, Rev Canon A.E. Stokes (the Dennys), Russell McMorran, Knights of Kerry and Glin (Kerry families), Tony Browne, (Limerick), Robert Fitzsimons M.D., (Tralee doctors and infirmaries), Bertie O'Connor (the Gabha Beag and the land war), Angus Mitchel (the Leslies in Carlow), Matthew Potter (the Monsells), Philip Samways (astronomy records), John Gerard Knightly and Valerie Bary (Miltown and the Godfreys), Liam Ó Duibhir (Tipperary), Joseph M.O'Carroll and Diarmuid O Murchadha (Cork families), Cian O'Carroll (aspects of presentation) and Kenneth Ferguson (legal lore). My thanks also to the staff of the following libraries: Honourable Society of King's Inns, Limerick City and County, Mary Immaculate College and University of Limerick, Kerry County Library, Cork City Library, Royal Irish Academy, National Library of Ireland, British Library, Public Record Office of Northern Ireland, The Royal Irish Fusiliers Regimental Museum, Armagh.

## Bibliography

- Ball, Elrington,  
Barrington, T.J.,  
Bary, Valerie,  
Brady, W. Maziere D.D.,  
Bolton, G.C.,  
Burtchaell and Sadleir,  
Burke, Sir Bernard,
- Cloncurry (Valentine Lawless),
- Day, Ella B.,
- Fitzsimons, Robert, M.D., FRCPC,
- Grattan, Henry (Jr.),
- Grove White, Col. James,
- Hickson, Mary Agnes,  
Holly, Denis and Josephine,  
Keane, E., Phair, P.B., Sadleir, T.U.,
- Lansdowne, Marquis of,
- Leslie, James B.
- Madden, Owen,  
O Ciosain, Micheal,  
O'Connell, M, & Lyne, G (eds.),
- O'Connell, Mrs. Morgan John,
- O'Flanagan, Roderick,
- O'Flanagan, Roderick,  
O'Flanagan, Roderick,
- Pielou, Pierce Leslie,
- Wellington, Duke of,
- The Judges of Ireland*, 2 vols. (London 1926)  
*Discovering Kerry* (Dublin 1976)  
*Houses of Kerry* (Whitegate 1994)  
*The McGillicuddy Papers* (London 1867)  
*The Passing of the Irish Act of Union* (Oxford 1966)  
*Alumni Dublinensis* (Dublin 1935)  
*A Genealogical and Heraldic History of the Landed Gentry of Great Britain and Ireland*. 2 vols, (London 1894)  
*Lord Cloncurry, Personal Recollections on his Life and Times*. (Dublin 1850)  
*Mr Justice Day of Kerry, A Discursive Memoir* (Exeter 1938)  
'Medicine and Society in Nineteenth-Century Kerry, a Life of Francis Crump, M.D.,' in *Journal of the Kerry Archaeological and Historical Society*, no. 27, 1994. pp 5-88.  
*Memoirs of the Life and Times of the Rt. Hon. Henry Grattan*. 5 vols. (London 1839-1846).  
*Historical and Topographical Notes Etc. on Buttevant, Castletownroche, Doneraile, Mallow* (Cork 1911)  
*Old Kerry Records*. (1<sup>st</sup> series 1872, 2<sup>nd</sup> 1874)  
*Tarbert on the Shannon* (Donegal 1981)  
*King's Inns Admission Papers 1607-1867* (Dublin 1982)  
*Glenerought and the Petty-Fitzmaurice* (London 1937)  
*Ardfert and Aghadoe Clergy and Parishes* (Dublin 1940)  
*Select Speeches of Henry Grattan* (Dublin 1845)  
'Cnoc an Fhonnhair', *An Sagart* 1988.  
*The Correspondence of Daniel O'Connell*, 7 vols (Dublin 1972)  
*The Last Colonel of the Irish Brigade*, 2 vols. (London 1892)  
*The Lives of the Lord Chancellors and Keepers of the Great Seal of Ireland*, 2 vols. (London 1870)  
*The Irish Bar* (London 1879).  
*The Munster Circuit, Tales, Trials and Traditions* (London 1880).  
*The Leslies of Tarbert Co. Kerry and their Forebears* (Dublin 1935).  
*Civil Correspondence and Memoranda of Field Marshal Arthur Duke of Wellington*, edited by his son. *Ireland: from March 30 1807- April 12, 1809* (London MDCCCLX)