

# The Shaping of Dublin Government in the Long Eighteenth Century

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THE GOVERNMENT OF EIGHTEENTH-CENTURY DUBLIN was shaped by a variety of forces, but principally by the fortunes of Dublin corporation, which throughout the period in question controlled the bulk of the Irish capital's built-up area. In the hope of imposing some order on what is a complex subject, this chapter will consider three of the main influences on the corporation which affected its governing capacity: the legacy of the Williamite revolution; civic finances; and the confessional state.

## I

The departure of James II from Ireland following the battle of the Boyne in July 1690 brought to an end the attempts of Restoration governments to put their own stamp on urban corporations. Just as in England, the manipulation of town charters by Charles II and James II had the effect—after the Revolution—of discrediting such intervention by the Crown. Dublin's Jacobite charter of 1687 had introduced some sweeping reforms, most strikingly a 50 per cent cut in the membership of the corporation's lower house, or city commons; but the new charter was declared illegal by one of the first acts of William and Mary's English parliament, and the experiment lapsed following the exodus of the Jacobite court from Dublin.<sup>1</sup> The upshot was that apart from some limited initiatives (to be considered below) no thorough-going reform of the corporation would take place for a hundred and fifty years after the Revolution. There was one significant carryover from the Restoration era: the 'New Rules' regulating Irish municipal corporations, introduced by the earl of Essex as viceroy in 1672, remained in force. The New Rules had endorsed oligarchical tendencies in the corporation, and had stipulated

<sup>1</sup> *CARD*, vol. 1, pp. 73–6; 1 Will. & Mary, sess. 2, c. 9 (Eng.); see also Jacqueline Hill, *From patriots to unionists: Dublin civic politics and Irish Protestant patriotism, 1660–1840* (Oxford, 1997), pp. 60–2, 65–6.

that elections of the principal office-holders must obtain the approval of the viceroy and privy council.<sup>2</sup>

What kind of body was the Dublin corporation that now resumed its meetings under the aldermen who had been set aside by the Jacobite charter? The most obvious change was that the Catholic members who had formed a majority under James II's charter had gone. It was now an exclusively Protestant body, at least as far as the corporation's two-chamber structure (similar to that of London) was concerned: that is, the twenty-five members of the aldermanic board, and the much larger city commons, comprising ninety-six representatives of the guilds, plus up to forty-eight sheriffs' peers.<sup>3</sup> With the exception of a few Presbyterians and other dissenters (there was no sacramental test in force in Ireland until 1704) the members belonged to the established Church of Ireland. Only among the freemen were there still some remaining Catholics, and even they were under pressure from 1692 onwards to take the oaths of supremacy and allegiance, or be disfranchised.<sup>4</sup>

In other respects, however, the effect of the Williamite revolution was to leave largely intact the corporation's rich and complex inheritance of privileges, liberties and franchises that had grown over many centuries since the city's first incorporation under Henry II. From 1548 the corporation had enjoyed the status of a county in its own right, with its own grand jury system: the so-called 'term grand jury' was responsible for making assessments for public works, while the quarter-sessions grand jury was more concerned with the administration of justice. Within the city liberties the corporation enjoyed extensive criminal and civil jurisdiction, including a court of conscience (for small debts), and it was also responsible for prisons. Supervision of markets fell within its remit, as did the checking of weights and measures, building regulations, cleaning, lighting and paving (though taxes for the latter were raised by the churchwardens), and the superintendence of Dublin port and the River Liffey. The lord mayor, who was a justice of the peace for the city, had the power to regulate the price of foodstuffs. Policing had originally been in the hands of the parishes, but in 1715 the corporation took control of the night-watch, and continued to share control of policing with the parishes down to the 1780s.<sup>5</sup>

Compared with the 'square mile' controlled by the corporation of London, these powers were exercised over a large irregular area of several square miles, reaching out towards Kilmainham in the west, to the Drumcondra Road in the north, and taking in Clontarf to the east, villages as far as Blackrock to the south-east, and Dolphin's Barn

<sup>2</sup> *CARD*, vol. 1, pp. 56–67.

<sup>3</sup> The guilds reached their final total (25) with the incorporation of the apothecaries in 1747 (*ibid.*, vol. ix, p. 354).

<sup>4</sup> Hill, *From patriots to unionists*, p. 68.

<sup>5</sup> For an informative survey of the corporation's structure and administrative functions, see Sean Murphy, 'The Lucas affair: a study of municipal and electoral politics in Dublin, 1742–9' (MA thesis, University College, Dublin, 1981), pp. 29–45. For policing, see Stanley H. Palmer, *Police and protest in England and Ireland, 1780–1850* (Cambridge, 1988), pp. 80–1.

to the south-west.<sup>6</sup> These boundaries were of great antiquity and were formally perambulated every three years by the lord mayor and other members of the corporation, together with guild representatives, to reaffirm the corporation's rights and liberties. This 'riding of the franchises' became one of the great spectacles of eighteenth-century Dublin.<sup>7</sup> It was taken very seriously by the corporation, because of the proximity of competing jurisdictions; all parties were aware that even chartered rights were liable to be lost unless they were regularly defended.

Many of these clashes concerned titles to land, arising from the inexactness of ancient territorial boundaries—an inexactness compounded by the complexities of the Cromwellian and Williamite land settlements.<sup>8</sup> The corporation's jurisdiction over the harbour and adjoining strands was another source of dispute, despite the establishment of the Ballast Office in 1707, with officers appointed by and drawn from the corporation, which strengthened the city's jurisdiction over the river, port and harbour.<sup>9</sup> For instance, there were clashes with the Vernons, lords of the manor of Clontarf, in 1712 over their right to dig for stones, and in 1728 over rights to shipwrecks. The corporation eventually went to law with the Vernons in a dispute over lands near Clontarf: the Irish lord chancellor ruled in the corporation's favour, but this was overturned on appeal to the British House of Lords in 1734.<sup>10</sup> Relations with the Fitzwilliams of Merrion on the southern side of the harbour were better, but here too there were disagreements over their right to dig for sand.<sup>11</sup>

Five principal neighbouring jurisdictions (or 'liberties') existed both within and adjoining the corporation's sphere of influence. These were the liberty of St Sepulchre (or 'the archbishop's liberty') which included the city parishes of St Patrick's, St Nicholas Without, and St Kevin's, besides several manors in south and west County Dublin; Thomas Court and the associated manor of Donore on the south-western side of the city, where the bulk of the textile industries were located; the liberty of the deanery of St Patrick, a small area around St Patrick's cathedral in the south; the liberty of Christ Church, another small area around the cathedral, and its associated manor of Grangegorman (or Glasnevin), which lay to the north of the city; and the manor of Kilmainham, on the western side, which was entirely outside the city boundaries.<sup>12</sup>

<sup>6</sup> For descriptions of the city boundaries, see *CARD*, vol. I, pp. 190–8 (1603); vol. XI, pp. 489–91 (1767). See also Lennox Barrow, 'Riding the franchises'; 'The franchises of Dublin', *Dublin Historical Record*, 33 (1979–80), 135–8; 36 (1982–3), 68–80.

<sup>7</sup> John Swift, *History of the Dublin bakers and others* (Dublin, [1948]), pp. 134–42.

<sup>8</sup> The desire to bring order into land titles was one of the reasons for the establishment of the Registry of Deeds in 1707 (6 Anne, c. 2).

<sup>9</sup> Enacted by 6 Anne, c. 20.

<sup>10</sup> *CARD*, vol. VI, pp. 474–5; VII, p. 435; VIII, pp. 153–4.

<sup>11</sup> *Ibid.*, vol. VII, pp. 213–14, 218.

<sup>12</sup> See PP 1836, XXIV, Municipal Corporations (Ireland), Appendix, Report on the City of Dublin, Part II, pp. 289–90.

The significance of these liberties was that they had their own system of courts, with seneschals and other officials appointed by their respective lords (the archbishop of Dublin for St Sepulchre's; the earls of Meath for Thomas Court and Donore; the dean and chapter of St Patrick's cathedral for the deanery; the dean and chapter of Christ Church for Grangegorman). As in the case of the corporation, the chartered rights and franchises of these bodies were often vaguely expressed, and jurisdictional clashes were common. According to the commissioners appointed in the 1830s to enquire into Irish municipal corporations, the seneschal of Grangegorman asserted that his manor court properly had jurisdiction over the entire city of Dublin, although apparently these claims were not pressed.<sup>13</sup>

Clashes over the regulation of markets had arisen frequently in the Restoration era. A case concerning Grangegorman illustrates the kind of problems that arose. In 1670 one Walter Chamberlain, clerk of the market for Grangegorman, apologised to the corporation for entering some houses—which turned out to be within the city liberty—and putting his market seal on some vessels there. For his offence he had been prosecuted at the city quarter sessions, fined £100 and imprisoned until the debt was paid. Unable to pay, he begged the corporation's pardon, and the fine was reduced to one mark.<sup>14</sup> By the nineteenth century, the separate market rights of Grangegorman appear to have fallen into disuse, though this was not the case with St Sepulchre's or Thomas Court and Donore, which continued to have their own clerks of the market.

Challenges to the corporation's market jurisdiction appear to have died down during the eighteenth century, but became very frequent again in the 1820s and 1830s, perhaps as part of a wider resistance to the city's authority manifested in the post-war campaign against paying tolls and customs (see below). Alderman Jacob West (lord mayor 1829–30) successfully defended a legal action against the corporation's right to regulate the wholesale cattle market at Smithfield; and the municipal commissioners noted in 1836 that each of the last three lord mayors of Dublin had claimed market jurisdiction over Thomas Court (as distinct from Donore) on the grounds that it lay within the corporation's boundaries. The city also claimed a superintending role over the St Sepulchre's market in Kevin Street.<sup>15</sup>

Such jurisdictional clashes were endemic. In general, throughout the eighteenth century the corporation was keen to maintain and defend rights that appeared to be authorised by charter or ancient custom. However, lack of funds meant that as the century progressed the prosecution of such rights increasingly devolved (with the corporation's blessing) on individuals who were prepared to bear the time, trouble and cost involved. In 1752 the brewer James Taylor, one of the serving sheriffs, offered at his own expense to recover the city's right to anchorage dues, and the fines and profits of the office of

<sup>13</sup> *Ibid.*, p. 302.

<sup>14</sup> *CARD*, vol. iv, pp. 512–14.

<sup>15</sup> *Ibid.*, vol. xix, p. 9; PP 1836, xxiv, Municipal Corporations, appx, part II, pp. 301–2; Samuel Lewis, *A history and topography of Dublin city and county* [1837] (Dublin, 1980), pp. 83–4.

admiralty; his offer was accepted and an agreement drawn up whereby Taylor would enjoy any profits from such recovery in return for a peppercorn rent for seven years, followed by £100 per annum for thirty-one years. It was further agreed by the corporation that rewards would be given to any persons who discovered such lapsed rights. The fact that by the 1820s the corporation was listing income from ‘slippage and anchorage’ of £600 per year suggests that Taylor’s initiative was at least partly successful.<sup>16</sup>

There was a different outcome to a somewhat similar case concerning the ‘three-penny customs’, which in the early 1720s were bringing in approximately £150 per year. This duty, of threepence on every twenty-shillings’ worth of goods imported or exported, payable at the custom house by non-resident unfree merchants, was supposed to go towards the cost of maintaining the quays. The duty was already a source of contention in the 1670s and 1680s; it was a constant complaint that Dublin freemen were apt to pass off such goods as their own, and at some time before the 1730s the collectors began to accept a yearly sum in lieu of such charges. In 1732 a corporation committee reported that ‘Popish merchants’ had recently been refusing to pay anything at all. It was eventually decided that the issue should be defended at law, but in 1747 the city’s lawyers (while accepting the city’s right to the customs) disagreed as to whether it was a matter of equity or common law. The champion of the city’s trading rights, Charles Lucas, offered to lease the threepenny customs from the corporation for twenty-one years at £200 per year, with a view to defending the city’s right. However, he was effectively in exile during the 1750s. In 1764 the corporation agreed to discharge him from all arrears of rent on his surrendering the lease, and the threepenny customs subsequently lapsed.<sup>17</sup>

In certain circumstances the corporation was positively glad to be able to point to its lack of authority. In 1759 there was serious rioting in the city following a rumour (unfounded) that a legislative union with Great Britain was in prospect. The House of Lords was invaded by a mob, and several ministers were threatened and even assaulted. Fearful of being blamed for failing to prevent the disturbances, the corporation called an emergency meeting to assure the lord lieutenant that the ‘schemes of riot and disorder [had been] projected in the remote parts of this city, out of the reach of its jurisdiction, and afterwards executed within it, with that suddenness and surprize, as made it almost impossible for us to have prevented’.<sup>18</sup> The implication was that the trouble had originated in the earl of Meath’s liberty, outside the authority of the city magistrates; there is some evidence to support this, though at least some of the suspect rioters lived in Plunkett Street, which was within the corporation’s jurisdiction.

<sup>16</sup> *CARD*, vol. x, pp. 33–4; vol. xviii, p. 27. The corporation’s admiralty jurisdiction was of long standing, but had been partly resumed by the Crown under James I (Colm Lennon, *The lords of Dublin in the age of Reformation* (Dublin, 1989), pp. 102–4, 113, 192, 195).

<sup>17</sup> *CARD*, vol. vi, pp. 131–2; vol. vii, pp. 501–2; vol. viii, pp. 64–5; vol. ix, pp. 71, 241–2, 246, 257–9; vol. xi, p. 182.

<sup>18</sup> *Ibid.*, vol. x, p. 396.

However, it was not until the Police Act of 1808 that police authority in Dublin was extended uniformly as far as the circular road.<sup>19</sup>

## II

In the 1830s, the commissioners investigating the state of the Irish municipal corporations noted that Dublin corporation's indebtedness was of long standing and that its origins were not known.<sup>20</sup> The commissioners could hardly have been expected to scrutinise decades'-worth or even centuries'-worth of the cumbersome parchment assembly rolls that represented the official record of the corporation's meetings, but the subsequent publication in nineteen volumes by J.T. and R.M. Gilbert of the *Calendar of Ancient Records of Dublin* at the end of the nineteenth century makes it possible to obtain some insight into the evolution and nature of the city's debt.

It will be worth considering the debt in some detail because it had an important bearing on the corporation's capacity to take initiatives that cost money. It is clear that funds were already low when James II arrived in Dublin in 1689, and that emergency measures were taken (levies on the aldermen and members of the city commons) to meet this challenge. In the aftermath of the Williamite reconquest, the corporation complained that the city's revenues had been depleted as far back as the wars of the 1640s, and that contributing to militia costs more recently had also taken its toll. A committee was established in 1703 to try to ensure that the treasurer's accounts were checked methodically, and it was agreed that there should be a standing committee for that purpose.<sup>21</sup>

The bulk of the corporation's income at this period came from three main sources: rents from property, tolls and customs, and pipe water rents. Since the corporation was the largest landlord in the city it was natural that its property should yield a considerable income, and the 1690s witnessed repeated efforts on the city's part to recover rents unpaid since the recent political upheavals and to re-establish title to lands where that had become doubtful. However, in common with other Irish landlords during the unsettled years of European war that lasted well into the new century the corporation did not seek maximum returns on its properties, many of which were let on leases for lives, which were renewable, sometimes for ever. There were also perennial problems with tenants in arrears. Nevertheless, records for the 1720s indicate that at that time rents represented about half of the corporation's income.<sup>22</sup>

Tolls and customs made up over one-third of income in the 1720s. The most valuable were the customs of the gates, payable on goods coming into and out of the city,

<sup>19</sup> Palmer, *Police and protest*, pp. 152–3. For the riot, see Sean Murphy, 'The Dublin anti-Union riot of 3 December 1759', in Gerard O'Brien, ed., *Parliament, politics and people* (Dublin, 1989), pp. 49–68.

<sup>20</sup> PP 1836, xxiv, Municipal Corporations, appx, Part II, p. 246.

<sup>21</sup> *CARD*, vol. vi, pp. 283–6, 563–5.

<sup>22</sup> See, e.g., *ibid.*, vol. vii, p. 381.

most recently confirmed to the corporation by the Crown in 1676.<sup>23</sup> According to the entrepreneur Sir Humphrey Jervis,<sup>24</sup> the city's title to these customs had expired by the 1670s, but he had set about obtaining the royal charter that restored them. At that time they yielded about £400 per year, a sum that had risen to about £1,000 by the 1720s. (Since these figures represented the amounts that the city received, rather than what collectors took in, the real yield was probably considerably more.) Economic growth at mid-century meant greater internal trade and a larger amount of goods liable to toll: when in 1762 the customs were let by public auction, gate by gate, the total due to the city came to over £4,000.<sup>25</sup> As the name indicated, these customs had originally been taken at the seven city gates, but as the city grew and the walls and gates fell into disrepair the toll houses were moved strategically outwards to ensure that payments were not evaded. Freemen of the city were exempt from the charges, although non-resident freemen were liable to half the usual rate. The other valuable component of the tolls and customs was the toll of corn. Unlike the customs of the gates, which were money charges, this was a toll in kind on corn brought into and bought or sold in the city; it was levied on freemen as well as the unfree. In the late 1720s it yielded some £1,400 per year. Pipe water rents brought in a similar amount.<sup>26</sup>

Although the system of double-entry book-keeping was introduced in the mid-1720s, the city accounts at this period are inclined to be vague about the nature of expenditure (there are too many headings such as 'annual expenses' or 'casual expenses')<sup>27</sup> so that it is difficult to make out precisely why the city was beginning to experience chronic financial difficulties during that decade. One sizeable annual expense was the recompense of the lord mayor, who by the 1720s could expect to receive £500 during his mayoral year and £400 in the following year for expenses incurred in office. (These allowances represented about ten per cent of total corporation expenditure in the mid-1720s.)<sup>28</sup> Such comparatively large sums reflected the greater duties and expenses of office consequent upon Dublin's growth. There were also capital costs, such as purchasing the Mansion House in 1715 for 'treateing the government and nobility', two decades before London acquired such a facility. This step had been prompted by the more regular meetings of the Irish parliament and the city's sense of itself as 'the second city of the empire'; and although the purchase was a non-recurring item, the cost of upkeep and furniture seem over time to have been surprisingly high.<sup>29</sup> Other

<sup>23</sup> *Ibid.*, vol. v, p. xxii; vol. i, pp. 67–9.

<sup>24</sup> Sir Humphrey Jervis (Presbyterian), d. 1708; free of merchants' guild, 1654; sheriff, 1674–5; alderman 1675; lord mayor 1681–3.

<sup>25</sup> *CARD*, vol. vi, pp. 590–1, 602–3; vol. vii, pp. 381, 450; vol. xi, p. 79.

<sup>26</sup> See, e.g., *ibid.*, vol. vii, p. 381.

<sup>27</sup> *Ibid.*, vol. vii, pp. 263–4, 451.

<sup>28</sup> See, e.g., *ibid.*, vol. vii, p. 310. Down to 1740, lord mayors and sheriffs could sell city offices (vol. viii, pp. 360–2). The lord mayor's income and expenses for 1747 are itemised in vol. ix, pp. 459–60, and came to just under £1,000. By 1760 this figure had doubled (vol. x, pp. 433–5).

<sup>29</sup> *Ibid.*, vol. v, p. 422; vol. xvi, pp. 392–3; Hill, *From patriots to unionists*, p. 70.

costs at this time included the construction of the city basin (reservoir) in 1722, the Cornmarket House in Thomas Street in 1726, and a new Bridewell at the end of the decade.<sup>30</sup>

At all events, in 1729 a loan of £4,000 from the lord mayor was necessary to balance the accounts. Loans from wealthy individuals connected with the corporation were commonly arranged to meet extraordinary needs, but they were becoming larger and more frequent. Indeed, only a year earlier, the corporation had made out a bond for £2,000 at 5 per cent to a wealthy London Huguenot merchant, Robert Myré, who had links with Dublin through his father-in-law, Thomas Wilkinson (lord mayor of Dublin 1719–20). And in 1725 the Dublin guild of merchants had lent the city £1,000.<sup>31</sup>

Clearly the city's debts were beginning to outrun the ability of a few individuals, no matter how wealthy, to bale out the corporation. In any case, mercantile wealth in Dublin was much less than that of London. Ireland's participation in Britain's colonial trade was curbed by the navigation acts, and although the restrictions were relaxed somewhat in 1731, following a successful appeal from Dublin corporation, the scope for Irish merchants was still limited.<sup>32</sup> There was no Irish East India Company. The limitations were made very evident in the mid-1750s, when, after some mercantile banking failures, the Irish parliament passed an act prohibiting merchants engaged in overseas trade from conducting banking business.<sup>33</sup> Already during the 1730s the corporation's thoughts were turning to the possibility of tapping a wider constituency for loans, with the setting up of a committee to consider 'methods to take up money on annuities, in the same manner as the Mercers' Company in London have done'. It was suggested that such a scheme might be an attractive way of providing for widows. The sum to be raised was £25,000, later increased to £30,000, and the advertisement was placed in 1739.<sup>34</sup>

The need for money continued to grow, and in the 1770s a tontine scheme was started: by 1777 the city treasurer had received £58,000 worth of tontine subscriptions.<sup>35</sup> Between 1758 and 1792 the city's debt rose from £33,000 to £88,000, and the proportion of income taken up by servicing the debt doubled from just under 10 per cent to 20 per cent.<sup>36</sup> However, it was during the period of the French revolutionary wars that matters began to get seriously out of hand. The corporation had always prided itself on its contribution to military costs in times of war, and such expenses,

<sup>30</sup> *Ibid.*, vol. vii, pp. vii, 303, 323, 440–1, 496–7.

<sup>31</sup> *Ibid.*, vol. vii, pp. 450–1; vol. ix, p. 248; vol. vii, p. 303.

<sup>32</sup> *Ibid.*, vol. vii, pp. 447–8, 610–14; vol. viii, p. 1; 4 Geo. II, c. 15 [G.B.].

<sup>33</sup> L.M. Cullen, *Princes and pirates: the Dublin Chamber of Commerce, 1783–1983* (Dublin, 1983), pp. 20–1.

<sup>34</sup> *CARD*, vol. viii, p. 227; vol. ix, p. 43. For the scheme, see vol. viii, pp. 228–32, 335–6.

<sup>35</sup> *Ibid.*, vol. xii, pp. 493–4; vol. xiii, pp. 479–81. Tontine was a form of life annuity, increasing as subscribers died. By contrast with earlier schemes, this one seems to have been taken up mainly in England, especially London (vol. xviii, pp. 434–52).

<sup>36</sup> *Ibid.*, vol. x, p. 318; vol. xiv, p. 272.



which included raising the Royal Dublin Regiment in 1794, were met by further borrowing.

In 1813 the city's debt stood at £240,000 (including tontine), and servicing the debt was accounting for almost two-thirds of income. (To make matters worse, in 1814 the treasurer, Alderman John Carleton, defaulted on £44,000 owing to the corporation.)<sup>37</sup> By now the city bond-holders were beginning to panic, and in 1819 the corporation was forced to enter into a deed of trust to protect the bond-holders' interest. The city estates were vested in trustees, and the corporation agreed not to dispose of any property that would lower the rental. There were more difficulties with a subsequent treasurer, Alderman W.H. Archer (lord mayor 1811–12), who resigned in 1828 having apparently mismanaged the tontine. A further deed of trust was drawn up in 1832 to cover new borrowings, and restrictions were placed on the corporation's ability to borrow until income should exceed expenditure by £1,000 annually.<sup>38</sup>

What of the corporation's own very considerable resources, in the form of rents from property, tolls and customs, and piped water? It has been pointed out that rents in the country at large doubled between the 1740s and 1770, and doubled again between the 1770s and 1813.<sup>39</sup> What was needed on the city's part was a more commercial attitude towards rents, and there were some signs of this by the 1730s, when the aldermen decided that no new leases for lives renewable for ever, or any fee farm leases, should be granted in future. It is not clear whether this was acted on, as similar resolutions were agreed by the corporation at large in 1757. By the 1760s some properties were being let by public auction, and there was a small rise in rental income, which represented sixty per cent of the city's income by 1792.

By 1813 the corporation had come to realise that it was receiving only a fraction of what its properties were worth, and was confidently expecting a large accretion of rental income as leases that had been set in the 1760s and 1770s began to expire. Unfortunately, 1813 marked the end of an economic boom in the country, and these expectations were never fully realised, although rental income did rise by almost fifty per cent between 1813 and 1822, by which time it represented some 86 per cent of total income. As late as the 1830s city treasurers continued to be optimistic about potential increases in the rental income.<sup>40</sup>

At least the rental income was rising, which was more than could be said of the revenue from tolls and customs. This had peaked in the 1760s at about £4,000 per year, when collection began to be auctioned to the highest bidder. However, an act of the

<sup>37</sup> John Carleton, merchant; sheriff, 1782–3; alderman, 1787; lord mayor, 1792–3; city treasurer, 1798–1814; resigned as alderman, 1815. See *Freeman's Journal*, 29 March 1819; *CARD*, vol. xiv, pp. 386–9; vol. xv, pp. 50–1; vol. xvi, p. 397.

<sup>38</sup> *CARD*, vol. xvii, pp. 199–200, 213, 235–6; vol. xviii, pp. 304–13, 331–5, 533; PP 1836, xxiv, Municipal Corporations, appx, part II, p. 246.

<sup>39</sup> L.M. Cullen, *The emergence of modern Ireland, 1600–1900* (London, 1981), pp. 43–4.

<sup>40</sup> *CARD*, vol. viii, p. 500; vol. x, pp. 262–4; vol. xi, pp. 95–6; vol. xv, pp. 400–1; vol. xvi, pp. 398–409; vol. xviii, pp. 24–9; PP 1836, xxiv, Municipal Corporations, appx, part II, p. 244.

Irish parliament of 1772 abolished tolls for corn entering by the Grand Canal, and by this time the corporation was facing a succession of law suits, mostly challenging its right to levy tolls on corn and flour. An agreement was eventually reached with several millers in 1780 on a fixed toll of 1¾d. per 2-cwt (102 kg) bag. Income from tolls and customs remained at or about £4,000 per year into the post-Union era, when the corporation began to press the imperial parliament either to give statutory backing to its claims, or to buy out its interest (claiming that the latter move would be 'exceedingly popular'). Nothing came of this, and payments continued until towards the end of the Napoleonic wars, when popular hostility to paying the charges, boosted by some remarks by the attorney general which cast doubt on the city's right in the matter, resulted by 1818 in a complete and lasting collapse.<sup>41</sup>

It was, however, over its management of pipe water and water revenues that the corporation incurred the greatest odium, and where the commissioners inquiring into municipal corporations were particularly scathing. Still, these criticisms emerged late in the period under review, and for most of the eighteenth century the corporation appears to have handled the pipe water supply as competently as local conditions would allow. For instance, it was not until the coming of the Grand Canal in the 1770s (in the promotion of which the corporation took an active part) that it became a realistic prospect to require every house to have a piped water supply. From time to time parliamentary grants had been made towards the cost of the pipe water works, and in 1776, following an inquiry by a parliamentary committee, the Irish parliament gave the corporation a vote of confidence by empowering it to tax the inhabitants in order to pay for constructing mains pipes: householders were to supply their own branch pipes to connect with the mains.<sup>42</sup> In 1779 the engineer in charge of the works was sufficiently confident about the scheme to suggest that the city should undertake to supply water beyond the city boundaries, and an act of 1788 permitted the corporation to extend its pipe water works as far as the circular road, except for Thomas Court, Donore, and St Sepulchre's, with provision for the latter to be included if sufficient residents requested it.<sup>43</sup>

However, during this period the seeds of later trouble were sown, for the act of 1776 permitted the corporation to raise money on the security of the pipe water revenue. As early as 1777 a decision was taken to borrow £2,000 at five per cent to facilitate the works. At first the amounts borrowed were small and throughout the 1780s and 1790s the pipe water accounts were usually in balance. But as the general city accounts went increasingly into the red, surplus water revenues were (improperly) applied to the general account, and, allegedly, used to compensate the corporation for earlier sums spent

<sup>41</sup> See *CARD*, vol. xi, pp. 217–18, 198; 11 & 12 Geo. III, c. 31; *CARD*, vol. xvi, p. 340; vol. xvii, p. 525; PP 1836, xxiv, *Municipal Corporations*, appx, part II, pp. 216–17.

<sup>42</sup> PP 1836, xxiv, *Municipal Corporations*, appx, part II, p. 248; *CARD*, vol. xi, p. 171; vol. xii, pp. 394–6; 15 & 16 Geo. III, c. 24.

<sup>43</sup> *CARD*, vol. xiii, pp. 67–8; 28 Geo. III, c. 50.

on the water works. According to the municipal commissioners in 1836, the corporation had misappropriated approximately £1,500 per annum of the pipe water revenues between 1777 and 1809.<sup>44</sup> But there was as yet no requirement for the accounts to be laid before government, so these irregularities were not in the public domain.

In 1809 parliament actually empowered the corporation to raise additional rates (on top of the pipe water tax) from all houses in the city to complete the ‘metal main’ project, and extended its borrowing powers. This measure was passed during the long and disastrous treasurership of Alderman John Carleton, and it simply gave greater scope for misappropriation. In 1809 a decision was taken to raise £19,100 by debentures on the pipe water fund, and a further £6,000 in 1811. In 1814 the city’s internal auditors expressed doubts about the water accounts (the requirement in the 1809 act for accounts to be laid before parliament had not been complied with), but by this time the treasurer was on the point of resigning, unable to pay the interest on the pipe water and other city debentures. When the corporation finally produced pipe water accounts in 1819 the commissioners of imprest accounts commented that more of the accumulated debt should have been paid off and a greater mileage of pipes laid. In 1823 a House of Commons committee on local taxation in Dublin found continued misapplication of public money. It was perhaps fortunate for the corporation that most of the city’s local taxes (except for the pipe water and metal main taxes) were paid to statutory bodies and not to the corporation.<sup>45</sup>

The history of the city finances is important because it had implications for the corporation’s ability to initiate and pay for new projects. Even at the beginning of the century the corporation was glad to have parliamentary assistance towards some of its bigger projects, as the case of the workhouse demonstrates. During the 1680s, complaints had been voiced at corporation meetings that the existing house of correction was too small to cater for its inmates, and the corporation’s revenue committee was requested to explore the possibility of building a new workhouse. After the Williamite reconquest the corporation was prepared to provide land—purchased (at a discount) from the commissioners for forfeited estates—for that purpose within the city liberties at the west end of James Street, and endow it with £100 per year. An act of 1703 established a body consisting of all interested parties (including the seneschals of neighbouring liberties and over forty senior members of Dublin corporation), whose members would annually elect five officials who, together with the lord mayor (*ex officio*), would run the workhouse. Parliament further allowed for the raising of a tax on houses in the city and liberties to fund the workhouse, together with the proceeds of hackney-coach licences. Thus, while Dublin corporation took a leading role in initiat-

<sup>44</sup> *CARD*, vol. XII, pp. 475–6; PP 1836, xxiv, Municipal Corporations, appx, part II, pp. 248–9.

<sup>45</sup> 49 Geo. III, c. 80 (Local); *CARD*, vol. XVI, pp. 131, 266, 478–9; vol. XVII, pp. 503–4; PP 1836, xxiv, Municipal Corporations, appx, part II, pp. 249–52.

ing the project, endowing it and running it, there was a significant parliamentary input into the venture.<sup>46</sup>

For several decades after the workhouse act, parliament's intervention in the corporation's sphere of influence was largely limited to enabling acts that did not detract from the corporation's customary role in the government of the city. For instance, in 1717 an act was passed that enabled the lord mayor to order the levelling and mending of pavements in the city and suburbs (seneschals of neighbouring liberties were given similar powers), and two years later a further paving act extended such powers to every alderman.<sup>47</sup> The first parliamentary measure that could be said to invade the corporation's sphere in a significant way was the establishment in 1758 of the so-called 'wide street commissioners', to create 'a wide and convenient . . . street . . . from Essex Bridge to the Castle of Dublin'.

By this time the corporation was in a weaker position than at the beginning of the century. For nearly two decades a drive had been under way among members of the city commons who wished to see greater accountability and a reduction in the powers of the (self-selecting) aldermen. In the 1740s this campaign had made national (and international) headlines with the controversial candidacy of the apothecary Charles Lucas for one of the city seats in parliament. Lucas's criticisms of the timidity of the Irish parliament had incurred the censure of that body, and he subsequently fled into exile. The supporters of reform, however, remained critical of the oligarchical corporation, and these criticisms, compounded by the mercantile banking failures in the mid-1750s, undermined the corporation's prestige. In addition, after a period in the early 1750s when the accounts were in balance, they had gone once more into the red in 1756; by 1759 the imbalance in the accounts was back to 1740s levels.<sup>48</sup>

While the corporation's financial position was worsening, that of the Irish parliament had been improving. By the 1750s the Irish treasury was beginning to show a surplus, and owing to differences of opinion between the executive and legislature over the prior right of the Crown to determine the disposal of such surpluses, parliament was anxious to reduce the amounts in question by spending available moneys on suitable schemes of 'improvement'.<sup>49</sup> Already, in 1756 the corporation had been in receipt of two substantial parliamentary grants of £10,000 each, one to complete the construction of the South (or Ballast Office) Wall and the other to complete the rebuilding of Essex Bridge; and it appears that from the outset the corporation was anxious for parliament to pay for the much-needed opening of the passage from the Castle to Essex

<sup>46</sup> *CARD*, vol. v, pp. 283–4; vol. vi, pp. 218–19, 531–2 (Statement of Thomas Bell); 2 Anne, c. 19.

<sup>47</sup> Acts of 4 Geo. I, c. 11; 6 Geo. I, c. 15.

<sup>48</sup> The wide streets commissioners were set up by 31 Geo. III, c. 19; see also Hill, *From patriots to unionists*, chs. 3–4; *CARD*, vol. x, pp. 275–7, 423–5.

<sup>49</sup> Declan O'Donovan, 'The Money Bill dispute of 1753', in Thomas Bartlett and D.W. Hayton, eds, *Penal era and golden age* (Belfast, 1979), pp. 55–87, at pp. 79–80.

Bridge.<sup>50</sup> While the corporation did donate some land around Essex Street for the making of the new street (Parliament Street) this may have been land to which its title was defective. At all events, when the twenty-one commissioners were appointed in 1758 and the lord mayor was the only corporation member to be included *ex officio*, there was apparently no sense of outrage in the corporation (one of the city MPs, Alderman Charles Burton, was also included). It should also be borne in mind that the commissioners were originally an *ad hoc* body; their functions were subsequently extended by a series of statutes, which enabled them to survive until 1840.<sup>51</sup>

The creation of the Wide Streets Commissioners was followed within two years by an act for the internal reform of Dublin corporation. After a campaign lasting more than twenty years, this increased the powers of the city commons, and enabled the guilds to elect their own representatives to that body, but made no attempt to broaden the basis for city government by breaking the link with the guilds, or overturning the confessional principle.<sup>52</sup> Nor was there any immediate attempt to follow up this measure by establishing yet more *ad hoc* bodies to take over aspects of the corporation's functions. The next such step was taken in 1774, and concerned paving. The corporation's statutory powers over paving had not yielded the desired results, and in 1774 parliament created another set of commissioners, who became known collectively as the Paving Board, with their own taxing powers. Even so, corporation members made up about one-third of the new body, and were given an active role in ensuring that paving was carried out properly in the five city divisions, a role they were to share with elected representatives of the city's Protestant parishioners. The corporation had appeared to recognise the need for some sort of reform, urging parliament in 1768 to look at similar measures recently introduced for Bristol and London.<sup>53</sup>

Dublin corporation therefore had lost relatively few of its powers by the end of the 1770s. However, the following decade witnessed encroachments on a wide variety of fronts. In 1782, alleging mismanagement, parliament abolished the parochial and corporation element in the Paving Board, and set up new (unelected) commissioners; and in 1786 the functions of cleaning and lighting were added to the board's remit. Lighting had originally been confirmed by parliament as falling within the corporation's sphere in 1697, and apart from an experimental period in the 1720s and 1730s when two merchants took it over, it had remained under corporation control. Poor standards of cleaning had been the subject of complaints going back well into the seventeenth century; in principle, the toll on corn was supposed to pay for the cleaning of the streets, so when cleaning was taken over by the Paving Board the corporation was required to pay the board a yearly sum of £2,000 in lieu of these duties. Since parliament had previously exempted goods entering the city by the Grand Canal from

<sup>50</sup> *CARD*, vol. x, pp. 113, 197; Maurice Craig, *Dublin, 1660–1860* (Dublin, 1969), pp. 170–3.

<sup>51</sup> *CARD*, vol. x, pp. 291–2, 443; Craig, *Dublin, 1660–1860*, pp. 172–3.

<sup>52</sup> Hill, *From patriots to unionists*, ch. 4.

<sup>53</sup> The Paving Board was established by 13 & 14 Geo. III, c. 22; *CARD*, vol. xi, pp. 413–14.

toll, the corporation was able to argue, with some justice, that its income had been reduced, and that such a sum was too large.<sup>54</sup>

Although citizens and members of the city commons were concerned about the dropping of the elective principle in the Paving Board, the corporation showed little sign of regretting the loss of its control in these spheres—and in any case aldermen continued to feature frequently among the executive commissioners of the Paving, Cleaning and Lighting Board. Loss of control over the harbour was a different matter; when the Ballast Office was superseded in 1786 by the Corporation for Preserving and Improving the Port of Dublin—a body of some twenty members nominated by parliament including only three *ex officio* corporation members—there were pointed remarks in the corporation to the effect that this constituted the end of an era.<sup>55</sup>

Even more controversial was the state takeover of policing. Traditionally ‘the watch’ had been a function of the parishes, but early in the century the corporation had gained regulatory powers to a greater extent than in London. The corporation’s last initiative in this field came in 1778, when—in response to growing labour unrest, Volunteer demonstrations, and disputes between civilians and soldiers—the watch was centralised by grouping the parishes into wards, each under the control of an alderman. However, the watchmen remained locally-chosen, unarmed, poorly-paid amateurs, who had little effect on lawlessness. Meanwhile, in London the Gordon riots (1780) shocked the government and prompted discussion of the need for a more professional body of police, but resistance in the City of London to any such proposal was so strong that plans for reform were dropped. Instead, it was Dublin for which an act of 1786 introduced a centralised, salaried, uniformed and armed force, to be under the control not of the corporation but of Dublin Castle; though as a sop to the corporation the police commissioners were to be chosen from the city magistrates.<sup>56</sup>

Perceived as a danger to civil liberties, the new system incurred serious hostility from the city commons and opposition MPs, and an act of 1795 restored the selection of magistrates to the corporation, subject to viceregal approval, and extended police jurisdiction as far as the circular road. (An act of 1796 further extended police jurisdiction to parts of St Peter’s parish between the circular road and the Grand Canal.)<sup>57</sup> But several of these concessions were taken back under the 1808 (post-Union) Police Act, which vested the appointment of two-thirds of the divisional justices in Dublin Castle, leaving the corporation to appoint the rest, the whole system being placed under the control of a chief magistrate of police, who was required to be an alderman. The numbers of the watch were increased by half, rendering Dublin more heavily policed

<sup>54</sup> The board’s powers were varied by 21 & 22 Geo. III, c. 60; and 26 Geo. III, c. 61; see also PP 1835, xxvii, Municipal Corporations (Ireland), appendix to First Report of Commissioners: Report on the City of Dublin, part I, pp. 74–5; *CARD*, vol. vi, pp. 562–4; vol. xii, pp. 78–80; vol. xvi, pp. 372–6.

<sup>55</sup> *CARD*, vol. xv, pp. 465–6; 26 Geo. III, c. 19; *CARD*, vol. xiii, pp. 483–4.

<sup>56</sup> Palmer, *Police and protest*, pp. 80–1, 89–103; 26 Geo. III, c. 24.

<sup>57</sup> Hill, *From patriots to unionists*, ch. 6; 35 Geo. III, c. 36; 36 Geo. III, c. 30.

than London. A further measure of reform in 1836 returned control to the Castle, and extended police jurisdiction still further, to the rivers Tolka in the north and the Dodder in the south, and to Knockmaroon Hill in the west.<sup>58</sup>

Why did the 1780s witness such an onslaught on the corporation's functions? In the case of policing, the immediate problems have already been noted. In the case of the harbour, the Ballast Office had failed to account to the viceroy and privy council for moneys spent, and had not responded when reminded by parliament of its duty to do so in 1782; when accounts were eventually supplied they were queried in 1786 by the commissioners of imprest accounts.<sup>59</sup> From a political point of view it is significant that the early 1780s saw the elevation to the mayoralty of several aldermen who had taken a markedly radical stand with the Patriot opposition of the day. Alderman Thomas Greene, brewer (lord mayor 1783–4), had been a close associate of Charles Lucas, and his handling of the riot that impinged on parliament in 1784 had earned him the censure of a parliamentary committee. Alderman James Horan, indigo merchant (lord mayor 1784–5), had taken a leading part in the non-importation movement in 1779, and in the campaign for a radical reform of parliament in 1784. These men had little influence with the powerful and vigorous 'Castle party' that had come into existence in parliament by the early 1780s. Scant concern for the corporation's traditional role was shown in other parliamentary measures, such as the regulation of the stage and of pawnbroking, both in 1786, and in the siting of the new Custom House well to the east of the commercial heart of the city in 1781, all of which were much resented by the corporation.<sup>60</sup>

### III

If the City of London's privileges were enhanced by London corporation's wealth, the privileges of Dublin were enhanced by Dublin corporation's position as a bastion of the Irish confessional state. Of course, confessionalism was an aspect of the state throughout the Crown's dominions; but in Ireland the minority status of the established Church of Ireland and of Protestants in general gave heightened significance to the confessional issue. The subject cannot be explored in any depth here, but a couple of points are worth making.

In Dublin, as noted above, although there were undoubtedly some Catholics among the freemen at the beginning of the century, they were relics of the pre-Williamite era when the Protestant monopoly had (occasionally) been breached. No evidence has come to light of Catholics being admitted free of the corporation (or, indeed, of the

<sup>58</sup> Hill, *From patriots to unionists*, pp. 293, 318; Lewis, *History and topography of Dublin*, p. 101.

<sup>59</sup> *CARD*, vol. XIII, pp. 483–4; PP 1836, xxiv, Municipal Corporations, appx, part II, pp. 140–1.

<sup>60</sup> Hill, *From patriots to unionists*, pp. 147, 160, 173, 176; 26 Geo. III, c. 57; 26 Geo. III, c. 43; *CARD*, vol. XIII, pp. 435–6; vol. XIV, pp. 192–3.

guilds) between 1691 and 1793. As for Protestant dissenters (who represented a minority of Dublin Protestants), the absence of any Irish parallel to the English Corporation Act of 1661 had worked to their advantage during the Restoration era, but this changed in 1704 with the introduction of a sacramental test for public office. However, toleration acts began to be passed by the Irish parliament from 1719 on, exempting dissenters from the penalties of certain statutes, and although tensions between Anglicans and dissenters remained, in Dublin from the 1720s onwards dissenters began to resume a civic role, participating (very occasionally) on the aldermanic board and in the mayoralty.<sup>61</sup>

No such leniency was extended to Catholics, who at the beginning of the century represented a minority of the city's population, but who in the course of the century became a majority of perhaps two-thirds. Protestants continued to predominate in the business community, but the growth of a Catholic middle class meant that the corporation was deprived of whatever accretion of prestige and wealth the inclusion of Catholics would have brought. In effect, the only civic recognition that Catholics could expect was (on payment of quarterly fees) to become a quarter-brother of one of the guilds, a lowly status that brought few of the benefits of full freedom, though it did permit such Catholics to pursue their trades.

The rationale behind the quarterage system was to enable the guilds to retain control over all tradesmen, notably those who refused to take the oaths of supremacy and allegiance. And in Dublin the evidence suggests that the system was still working with some success (not without tensions, difficulties and exceptions) in the 1740s. Thereafter Catholics began a more concerted challenge to the system: the Catholic Committee of the 1760s and 1770s was largely preoccupied with the issue. The guilds and corporate towns countered by launching their own campaign to obtain a statutory backing for quarterage, just as London witnessed a new determination by the corporation to license non-freemen, beginning in 1750.<sup>62</sup>

The response of the Irish parliament—to back the guilds in their campaign, through a series of quarterage bills in the 1760s and 1770s—was not informed wholly, or perhaps even chiefly, by a belief in the benefits of guild regulation of trade. From time to time in the past, MPs had voiced their impatience with guild monopolies, and by the 1760s the ideas of economic liberalism associated with the Scottish Enlightenment were beginning to spread. The point was that in backing the guilds, parliament was endorsing Protestant regulation of trade. And this support continued: as late as 1778 heads of a quarterage bill were sent to England (in conformity with Poyning's

<sup>61</sup> Jacqueline Hill, 'Dublin corporation, Protestant dissent, and politics, 1660–1800', in Kevin Herlihy, ed., *The politics of Irish dissent* (Dublin, 1997), pp. 28–39.

<sup>62</sup> Hill, *From patriots to unionists*, pp. 31–2; Maureen Wall, 'The Catholics of the towns and the quarterage dispute in eighteenth-century Ireland', in *Catholic Ireland in the eighteenth century: collected essays of Maureen Wall*, ed. Gerard O'Brien (Dublin, 1989), pp. 61–72; J.R. Kellett, 'The breakdown of guild and corporation control over the handicraft and retail trade in London', *Ec.HR*, 2nd ser., 10 (1958), 389–91.



Law), where the bill was suppressed by the privy council. It was thus only after this setback that the prospect of some degree of guild control over all tradesmen finally receded. Links between the Dublin guilds and trade continued to be close; in the 1780s some 80 per cent of guild representatives on the city commons still followed their guilds' trades, though this had dropped to only about 50 per cent by the 1830s.<sup>63</sup>

In such ways the Irish parliament was prepared to back the guilds and corporations over matters where a confessional principle was involved. Another such case concerned the building of the Royal Exchange in the 1770s. The initiative for such a building had come from several quarters, including the Committee of Merchants, a body formed in 1761 and which represented wealthy merchants (including several connected with the corporation) from various denominations; over one-quarter of its committee were dissenters or Catholics. The act of parliament that permitted the building of the exchange pointedly vested ownership in the guild of merchants.<sup>64</sup> Even in the 1780s, when the Committee of Merchants had been superseded by the Dublin Chamber of Commerce, parliament displayed suspicion of this new non-denominational body, which seemed to be encroaching on the province of the (exclusively Protestant) guild of merchants.<sup>65</sup>

When Catholics were explicitly permitted to become members of guilds and corporations in 1793, the initiative for change did not come from the Irish parliament, but from the British government. In the last resort parliament was not going to block a measure that the British government had taken up so strongly, and which (since it stopped short of admitting Catholics to parliament) retained a safeguard for the confessional principle at the legislative level. It was the urban corporate bodies that were faced with the challenge of a new legal equality between the denominations. The response of such bodies in Dublin, as in many other Irish corporations, was a guarded one. It was, after all, wartime, and there was a good deal of unrest in the country. Although there were some admissions to freedom of guilds in the mid-1790s, no Catholic was admitted to full freedom of Dublin corporation, carrying with it the important right to vote.

Catholic merchants continued to aspire to civic freedom, but, in the post-war period, hopes of a change of heart on the corporation's part began to fade. In the 1830s, Dublin Catholic merchants backed Daniel O'Connell's campaign for municipal reform, aligning themselves firmly against the corporation and its Conservative allies. By this time the Irish parliament had ceased to exist, and the corporation's support for ultra-Protestant causes had alienated many MPs at Westminster. The upshot was that even the Conservatives eventually recognised the need for reform, and Dublin corporation's plea that it should be exempted—as the City of London had been—from a general municipal reform measure in 1840 was overruled.<sup>66</sup>

<sup>63</sup> Hill, *From patriots to unionists*, pp. 38, 208 (table 7.4), 297 (table 11.1).

<sup>64</sup> Lewis, *History and topography of Dublin*, p. 85; Cullen, *Princes and pirates*, ch. 3; 7 Geo. III, c. 22.

<sup>65</sup> Hill, *From patriots to unionists*, pp. 171–2.

<sup>66</sup> *Ibid.*, pp. 231–4, 323–4, 364–76; 33 Geo. III, c. 21.



# List of Abbreviations

<i>APC</i>	<i>Acts of the Privy Council</i>
BL	British Library
<i>CARD</i>	<i>Calendar of the Ancient Records of Dublin</i> , ed. J.T. and R.M. Gilbert, 19 vols (Dublin, 1889–1944)
CLRO	Corporation of London Record Office
<i>CJ</i>	<i>House of Common Journals, England</i>
<i>CSP</i>	<i>Calendar of State Papers</i>
<i>Ec.HR</i>	<i>Economic History Review</i>
<i>HCJI</i>	<i>Journals of the House of Commons of the Kingdom of Ireland</i>
GL	Guildhall Library
<i>HMC</i>	<i>Historical Manuscripts Commission</i>
Lambeth PL	Lambeth Palace Library
LMA	London Metropolitan Archives
NAI	National Archives of Ireland
NLI	National Library of Ireland
PP	Parliamentary Papers
PRO	Public Record Office, Kew
PRONI	Public Record Office, Northern Ireland
RCB	Representative Church Body Library, Dublin
RIA	Royal Irish Academy
WAC	Westminster Archives Centre