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THE MUNICIPAL CORPORATION
OF DUBLIN 1603-40

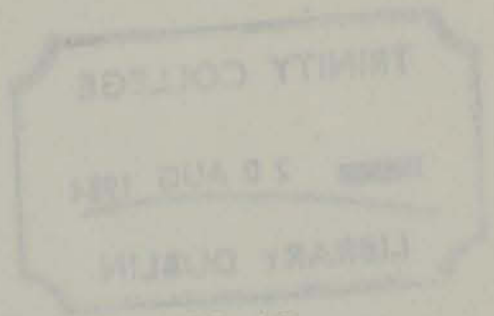
Volume I

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Abstract

This thesis attempts to clarify the administrative structure within which the municipality of Dublin was governed in the first four decades of the seventeenth century. The role of the corporation's personnel is examined together with the functions of the merchant and craft guilds in an effort to illustrate the complex interactions which were the product of Dublin's unique historical traditions. The ways in which the city's finances were administered are then described, followed by the political problems posed by the customs farm and the attempts made by the corporation to surmount these. The manner in which the internal trade of the city was regulated is then examined and this is followed by three chapters which look at the specific functions of the corporation in relation to public works. The final chapter is a treatment of the political conflict between the city and the state which continued throughout the first half of the century. Apart from footnotes and a bibliography, the second volume of the thesis is comprised of a discussion of a problem of nomenclature in the freemen rolls followed by a list of aldermen, a breakdown of the franchise admissions by occupation, a list of all leases granted by the corporation and, finally, the freemen rolls themselves.



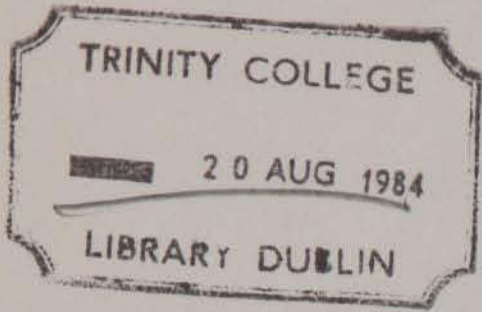
THE MUNICIPAL CORPORATION OF DUBLIN 1603-40

I hereby declare that this thesis is entirely my own work and that no part has ever been submitted for any degree to any university whatsoever.

Brendan Fitzpatrick

Thesis submitted to the University of Dublin
for the Degree of Doctor in Philosophy

by Brendan Fitzpatrick



THESE

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These are submitted to the University of Dublin
for the degree of Doctor in Philosophy

by Joseph Flannery

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Brendan Fitzpatrick

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PREFACE

The aim of the following study was straightforward in its inception. It was intended to clarify the municipal structure of Dublin in the early seventeenth century and to describe the ways in which components within that structure functioned. The principal drawback in such an endeavour is inherent in the subject itself: mechanical interactions belie the spontaneity and the complexity of human behaviour. In the final analysis it is of course the latter and not any artificial framework which determines the course of events. Yet what is remarkable about the municipality of Dublin is that the framework itself was used both to enhance and to destroy privileges and traditions according to the relative needs of many diverse groups. The use of the charter affords a clear example of this but there are many others. Just as a charter could be re-interpreted abruptly, so could the oath of supremacy be used at any time to create instability. Viewed in this way, therefore, it might be said that it is through the examination of apparently static structures that change can be highlighted more effectively. The reason for this is not abstruse but because it is particularly pertinent to early seventeenth-century Dublin it warrants some comment.

Prior to the rebellion of 1641 the municipal corporation of Dublin was many things simultaneously. It was first

and foremost the embodiment of an Anglo-Norman identity which was essentially racial. The identity itself, however, was a concept and not a reality. For this reason it was adhered to only by officialdom and only when it was profitable to do so. The corporation also provided the administrative structure within which the entire city was governed and as such it had a self-imposed duty to regulate the lives of the inhabitants, both free and unfree. In addition to this the corporation held title to the city and in doing so it provided a physical definition of itself which was more than just a geographical boundary. Permeating all of these facets of corporate existence was a financial system which depended upon a shifting consensus in order to operate. The expenditure of the city council was firmly tied to its income because this was the most effective way to maintain that consensus: what the inhabitants did not pay for they did not receive.

Within this framework a great deal could, and did, take place but much of it is not immediately apparent from the evidence itself. This is largely due to the manner in which the business of the general assembly was recorded. Emphasis was placed upon petitions and decisions rather than the conditions or conflicts which produced them. Nor were petitioners identified or decisions explained in other than official terms which themselves were traditional and formalised. Likewise, there were many aspects of city life which were ignored because they could not be referred to within these terms. Religious and political conflicts

provide many examples of issues which were either omitted from the record or presented in such a bland way as to give no hint of the ructions which prompted them.

The principal reason for this peculiar state of affairs must not be forgotten. By 1603 the inhabitants of Dublin had undergone several evolutionary developments together with some changes imposed by political exigencies. In the face of some peculiar dilemmas they had no choice but to hold contradictory views as the only means of retaining their independence. Prior to the military subjugation of the entire island by the crown such niceties were unimportant. The end of the Nine Years War, however, signalled the beginning of a struggle between the government and the towns in which Dublin was made to play a pivotal role despite the reluctance of the corporation to do so. In many significant cases the city was seen as a bulwark of resistance and therefore an exemplary target for the initiation of a new form of discord.

The manifestation of the new attitude which marked the government's approach to the city was felt immediately because of the incisive way in which the latter was left defenceless. Because municipal loyalty was no longer necessary to the crown it was no longer sufficient. Yet such loyalty, qualified as it was, was the only cohesive element which bound the inhabitants to the rule of what was, by 1603, a foreign monarch. Economic, political and

religious freedom was by agreement, the essence of which was that no peculiarities would be examined too closely. Nor were there many obvious anomalies for the crown to light upon. On the contrary, what characterises the struggle for the control of the municipality is the consistent success of the government in the face of what was often a coherent and legal defence on the part of the inhabitants. This was only to be expected when the city could refer to privileges granted willingly by the crown throughout the previous four hundred years. In order to unravel the intricacies of this situation it is necessary to examine the structure of the municipality and the ways in which it contained the life of the city so that this conflict may be thrown into greater relief.

What follows is an attempt to do this but one in which some comment on the nature of the sources is necessary, if only to draw attention to their limitations and the effect of these. Perhaps the most important observation which might be made concerns the records of the city's general assembly which comprise the main body of the evidence. The language used is uniform, the treatment of issues formalised, practically all debate is omitted and certain problems are not acknowledged. The disadvantages inherent in such material are obvious but they are not, in themselves, insurmountable. The repetition of issues which are apparently trivial and the omission

of all but cursory reference to some vital questions can signify a great deal when the background is understood. This presents problems of a chronological or sequential nature, however, when that background is not immediately discernible. A balance is therefore necessary between descriptive detail which is derived from concrete evidence on the one hand and impressionistic material that must be incorporated but which may raise as many questions as it answers.

One example of this is the contrast between the financial accounts of the city's treasury which are extant for the first decade and the complete absence of comparative material for the mayoralty. The sources of the mayor's income are known but no substantial detail has survived. This has had a direct bearing on the treasury figures because the latter cannot be evaluated through comparison. The only solution to this and similar problems has been to present all material in its most useful context. Thus the evidence for the way in which the city's finances were administered has often more bearing on the regulation of trade or the maintenance of public works. Nevertheless where direct questions can be asked even of unyielding evidence it is hoped that this has been done in the most appropriate way. That is not to say, however, that all extant material has been incorporated into the text. For example, the franchise admission rolls, given in Appendix V, provide much information that simply stands apart, unsupported by the assembly records or other sources. The

brief disappearance of tailors from the roll and their replacement by clothiers is a problem that has been tackled in Appendix I; if nothing else, the attempt itself may give some indication of the deficiencies of the supporting evidence. It may seem ironic that some of these deficiencies are due to the conscious omission from the records of certain issues. In many cases, however, the absence of comment is so glaring as to be almost a considered statement in itself. Full use has been made of significant gaps but only when it is clear that the omission was intentional.

A great deal of help and advice was forthcoming from many people during the preparation of this work. Thanks are due to the library staff members with whom I have had contact and particularly to the diligent assistance of Miss Mary Clarke. Dr. David Dickson, Mr. Colm Lennon, Dr. T.P.O'Neill, Professor K.G.Davies and many others provided various forms of support which can only be acknowledged generally but which are nonetheless appreciated because of that. I believe that no one could have given me more help than that which I received from Dr. Ciaran Brady in whose debt I shall always remain. To acknowledge a similar debt to my supervisor, Professor Aidan Clarke, should not be necessary. The better part of what follows was an attempt to emulate the standard of his own work; this was a struggle, however, for which I alone can be held responsible.

STRUCTURE

The structure of the municipal administration of Dublin was common to all Anglo-Norman towns, both in England and Ireland. It would appear, however, that variations and permutations arose out of the needs and capacities of each town. The political, economic and social factors which altered the municipal structure gave rise to a singular condition that was, perhaps, acute in the case of Dublin. There can be little doubt that in all towns of this type there was a degree of tension between the form of local government and the requirements of those who were governed. Nor did local government exist as the top layer of a power structure. There was, perhaps, just as much tension between local and state government as there was between the municipality and those ruled by it. It could be said that one of the reasons why each of these tensions did not alter the essential effectiveness of the municipal unit was the ease with which the process of government could be switched to that of administration. In other words the municipality could adapt to pressure from below or above without any real compromise of its formal structure. Thus what had been a unit of almost autonomous government in the fifteenth century had become one of administration by the nineteenth with little apparent structural change. Dublin was no different from any other town in this respect. It did, however, contain a political and religious dimension which was certainly peculiar to

Ireland and, it will be argued later, unique in an Irish context also. The point cannot be made, however, without a description of the structure of Dublin's local government and the functions of some of its offices.

The bedrock of Dublin's municipal government was the royal charter. Essentially, a charter was a grant of recognition by the crown of specific rights or privileges. In practise, however, it was a good deal more than this. The charter actually maintained the crown's position through the acknowledgment and allegiance of its subjects. The charter was, therefore, a mutual agreement to sustain a particular relationship. Without it there could be no legal framework within which the crown and its subjects could operate. In short, the city would have no legally defined existence. Before the arrival of the Anglo-Normans Dublin had been both a Gaelic and a Viking settlement.(1) The identity which it was to assume, however, derived from the invasion of Henry II and the charter drawn up by him and granted to those of his subjects who had taken possession of the town. The charter was drawn up in 1171, the year of the invasion, and the date is significant: the municipality was legally defined when Ireland became a Norman lordship.(2) The permanence of this definition may be seen in the fact that the charter of 1171 was produced as evidence of the municipal corporation's rights as late as the year 1887.(3) In other words long after the Normans had disappeared as a distinct ethnic group the legal framework within which they had defined the city survived. This was as true for Dublin in the early seventeenth century as it was at any other time.

While Henry's charter was of great significance as the inception of Dublin's municipal government it was followed, after a second charter in 1174, by one of equal importance. The charter granted by John, lord of Ireland, in 1192

described the official boundaries of the city and instituted the practice by which they were to be ceremonially perambulated (later known as the riding of the franchise). The charter also laid down explicit grants in relation to the exemptions and rights of the citizenry. One of the most important of these was the provision of a guild structure, along the lines of Bristol, which was to lay the foundations for later development.(4) The fee-farm of the city was granted by John in 1215;(5) which is to say that the municipal authorities could collect their own revenue and pay the crown a set amount and thereby limit the power of the county sheriff within the city. This was followed by charters of confirmation which also set rates to be levied on certain commodities. The right to elect a mayor was granted to the citizens by Henry III in 1229(6) and no major grant followed until 1334 when the citizens were exempted from jury service which did not pertain to city causes; likewise, the mayor and inhabitants could henceforth only be tried by the citizenry.(7) This was an effective diminution of the county sheriff's power which was further limited in 1363 when the city was granted the right to receive and return the king's writ independently.(8) In general, therefore, the process of municipal development was at the initial expense of the county sheriff. Matters are not as clear where the origin of the common council is concerned.

It can certainly be said, however, that since the fourteenth century the city had been governed by two bodies: the board, or table, of aldermen and the general assembly. The differences between these two bodies were remarkable, both in structure and in composition. There were twenty-four aldermen and they met weekly under the chairmanship of the mayor. This council is known to have been in existence since 1229, or earlier, whereas the common council can only safely be ascribed to the fourteenth century.(9)

The general assembly, which met every quarter, was composed of ninety-six guildsmen, a further forty-eight known as 'sheriffs' peers' (known collectively as the common council), the board of aldermen, both sheriffs and the mayor. In other words the general assembly was supposedly representative of the whole enfranchised population of the city. The primary distinction between these two bodies was that municipal law and all appointments could be made only in the assembly. The aldermen adhered to this law in their weekly meetings although they could also rule upon many issues without any reference to the assembly. It might be assumed, therefore, that the board of aldermen was the effective government of the city. This was not the case. In addition to the general assembly the guilds played a vital role in the administration of municipal law to the extent that many essential areas of government were their particular domain (the regulation of their own trade and certain aspects of social control were the most important of these). Power was thus distributed throughout this structure in such a way that notions of oligarchy or democracy would require a great deal of qualification. The fact, for example, that the system at bottom was based upon citizenship, rather than inhabitation, would necessitate a more stringent use of democratic terminology.

The first requirement of citizenship was the possession of the city franchise. There were five categories of admission: in the order in which they appear on the rolls they were 'by special grace' (i.e. at the invitation of the municipal authorities), on completion of apprenticeship, as a son or daughter of a citizen, on the payment of a fine and, finally, through marriage to a citizen. To be enfranchised meant that the individual was part of the corporate body. The essential attributes of the corporation in this respect were twofold: it had the right to own property and to plead at law as one

individual. The citizen was, therefore, a part-owner of the city and was also represented in charters and agreements made on his, or her, behalf. If the new citizen belonged to a guild he was granted full membership status. Although most citizens were also guild members there was a small number of individuals who were not. For example, those described on admission as 'gentlemen' were unlikely to have been merchants. The distinction is a useful one to make because it emphasises the independent legitimacy of citizenship. A 'gentleman' who was not a guild member would not be automatically represented by the common council. He could, however, be chosen as an alderman, claim the city's rights as his own and participate in parliamentary elections. What he could not do was participate directly in the economic life of the city.

Because the guild itself was a small corporation a member possessed similar privileges to those he was entitled to as a citizen. That is to say that he was part-owner of the guild's property and he was automatically represented by the guild in its dealings with the city, the state, or the crown. The only truly corporate guild was that which possessed a royal charter. This entailed royal recognition of the members' right to act as one body. Beneath this level there were some guilds which possessed a city charter. This entailed a similar arrangement but one which depended solely upon the city government's goodwill and recognition. Finally there were guilds that existed without any charter whatsoever but which were, nevertheless, organised along traditional lines. The difference between these guilds and those that possessed city charters was slight in practise.

Since 1574, one-third of the commons of the general assembly was composed of craft guild members.(10) The remainder were members of the merchant

guild whose representation was, therefore, considerably greater in proportional terms. There were eight principal craft guilds and to these were affiliated the other guilds which were known as 'wings'. The eight guilds possessed royal charters but some of the 'wings' did so too. Membership of the eight depended more upon the economic status of the guild (i.e. its ability to pay a greater amount of the cess) than upon a royal charter. The commons were divided into two groups: the forty-eight and the ninety-six. The guilds nominated representatives for both of these groups and the nominations were approved or rejected by the mayor and aldermen. Technically, the distinction between the two groups of commons was one of status and tradition rather than service. Prior to 1574 the forty-eight had been appointed by a committee of four aldermen who had served as mayor.(11)

In this respect the simplest way to view the forty-eight is as a group of councillors of higher status than the ninety-six. For example, aldermen were usually chosen from the forty-eight and it would be reasonable to assume that this was because that group contained more individuals worth over five hundred pounds, which was the qualifying amount for election to the board.(12) Because of their status, the forty-eight (together with the aldermen) were not obliged to contribute to the maintenance of troops in the city and this is notable in that it was resented by the remainder of the commons.(13) Membership of the forty-eight undoubtedly depended upon a property or wealth qualification although this is not stated in the records. The commons was composed of both groups, however, and there is no evidence to suggest that, as councillors, their powers were not equal. The matter is by no means clear but in view of the important duties of the sheriff (discussed below) and the fact that most aldermen came from the forty-eight this group

probably represented the upper echelons of the guild social structure.

To combat the apparent predominance of the merchants the masters of the eight principal guilds acted together as much as possible (i.e. when their individual interests were not in conflict). Nevertheless, the merchant guild had more than enough to command a majority at any time. This certainly amounted to a monopoly in effect but the records would suggest that it was rarely seen as such. One reason for this is that the merchant guild represented every free trader in the city, from shop-keeper to overseas merchant and its interests were therefore the protection and enhancement of the city's economic life. Thus the craft guilds had a great deal in common with the interests of the merchants. The range of occupations that belonged within the merchant guild was unusual in its breadth, however; other comparable towns, for example, had separate guilds for drapers and other retailers.(14)

The commons met prior to each general assembly to prepare petitions. In this capacity they were generally referred to as 'the upper house' although this is, technically, a misnomer. They were called 'the upper house' because they met in an upper room of the tholsel; there was no corresponding 'lower house' (although if the phrase was ever used it referred to the board of aldermen).(15) These meetings were chaired by the sheriffs who were responsible for the preparation of bills for the general assembly. Issues came to the attention of the commons through the guilds, which they represented, and through the petitions of the citizens themselves. The function of these meetings was undoubtedly to facilitate the business of the general assembly and thereby shorten the time needed to debate a bill. These meetings took place at regulated intervals prior to the four quarter assemblies but it is not

known if they were limited to a set time on one day, as was the general assembly. It is worth noting that the guilds held assembly meetings before the municipal quarterly assembly also. A merchant councillor would therefore be obliged to attend three assembly meetings within the space of approximately ten days each quarter (as well as other guild meetings). As far as the administration of the city was concerned this system must have proved to be very effective. By the time a petition came to be presented to the general assembly a considerable amount of agreement would already have been achieved.

All guild matters were undoubtedly discussed within the guilds themselves, either in their own assemblies or by the guild authorities (although the evidence is scant on this point).⁽¹⁶⁾ It would then be agreed that the matter should be put to 'the upper house' by a particular representative. The commons would then discuss the issue and agree upon the form of petition which should be presented to the general assembly. The issue would be duly presented to the house and spoken on, both for and against, after which a vote would be taken and the bill passed or rejected. This process would suggest that there was room for both oligarchy and democracy within the system. Any craftsman could raise an issue at a guild meeting and sway the majority. A councillor would then be chosen to represent the guild. The petition might then become a bill which might subsequently be passed into municipal law.

Conversely, a guild might be controlled by a wealthy and influential elite who chose representatives and then had them approved by the board of aldermen. This small group could then decide how they wished their councillors to vote. That municipal government has often been seen as

oligarchic is not surprising. The vast majority of councillors were merchants, as were the aldermen and mayors. Thus there was nothing whatsoever to prevent the leaders of the merchant guild from controlling the city administration. Against this hypothesis, however, is the fact that, in the early seventeenth century, the craft guilds appear to have been content with the proportion of their representation. The point is a speculative one, however, because the rebellion of 1641 brought an end to what might otherwise have been seen as a complex developmental process.

The aldermen had originally been chosen from among the forty-eight but since the middle of the fifteenth century the pool was extended to the ninety-six.(17) By the act of X Henry VII c. 7 only those who had been apprentices or continually resident in a town could be chosen as alderman.(18) Between sixty and seventy per cent of Dublin's aldermen were leading members of the merchant guild and served at some time as its master or warden (or both). This must be balanced, however, by similar percentages for the entire city government so that any question of oligarchy must be viewed in relation to the activities of the guild itself.(19) The board of aldermen was self-appointing although all appointments had to be ratified by the general assembly. Because it was necessary for an alderman to be worth at least five hundred pounds the pool from which they were chosen cannot have been very large.

The aldermen were each in charge of an area of the city known as a ward although these were actually administered by deputy-aldermen and constables. The number of deputy-aldermen could vary from at least two to six and there were between five and nine constables attached to each ward.(20) The board met on a weekly basis under the supervision of the

mayor and dealt with those issues which did not need the attention or sanction of the general assembly. As mentioned earlier, the essential difference between the rulings of the aldermen and those of the general assembly was that only the latter could pass laws. The two bodies might therefore be seen in executive and legislative capacities respectively although these distinctions imply a separation of powers which was not as clear in practise. For example, the board of aldermen had the power to grant leases as had the general assembly but it was only the latter who could legally ratify them. In many respects, therefore, both bodies served in executive capacities.

The records of the board of aldermen do not go beyond the year 1611 but there is sufficient material to comment upon the differences and similarities between matters dealt with by the board and those of the general assembly. There are more similarities than differences; the reason for this was that many of the issues were decided upon by the aldermen and simply referred to the assembly for confirmation. The tone implicit in these referrals undoubtedly signified the certainty of the aldermen that the measures in question would be approved. It is also reasonably clear that what determined the involvement of the aldermen in particular cases was not the subject matter but rather the necessity to deal with the issue quickly. On the other hand, however, there was certainly a tendency for some issues to be dealt with by the assembly rather than the board.

The board of aldermen elected the mayor, who was the official head of the city government and its only salaried member. He was chosen by the aldermen for the length of his service on the board. This was not an election as such in view of the fact that it would be possible to predict whose turn it was far in

advance of the appointment itself. In practise, however, the aldermen were often required to choose an individual out-of- turn or one who had already served and who, theoretically, should not have been asked to serve again. The mayor played a pivotal part in the administration and government of the city. He chaired the weekly meetings of the aldermen as well as all the important committees and he also presided over the general assembly. There were several official functions which the mayor was obliged to carry out as part of his office. The most important of these were the clerkship of the market, the admiralty of the port and the justiceship of the peace. The first entailed the final responsibility for the regulation of internal trade and the prices of all commodities. As admiral of the port it was the mayor's duty to oversee the city's shipping trade, to maintain the customs duties derived from this and to ensure that the port and coastline under his jurisdiction were kept free. All legal matters related to the port were, likewise, his domain.

The mayor shared the justiceship of the peace with the recorder. The latter was the city's legal advisor and representative; the office was usually held for long periods by one individual and the recorder's only functional capacity, apart from his role as advisor and representative, was as a justice. While the mayor heard cases every week it must be noted that the guilds played a major role in the adjudication of disputes. Because of this it was undoubtedly the case that the mayor confined his attention to disputes which went beyond the power or authority of the guild masters as well as those disputes that only concerned the municipality itself. It was when a matter necessitated a state ruling that the four courts of the crown were resorted to. Unfortunately, the records of the mayor's court have not survived so it has not been possible to quantify or define its business. The essential

distinction, however, between matters dealt with by the mayor and those that came before the aldermen or general assembly was that, as justice of the peace, the mayor represented the crown whereas the aldermen and assembly could only rule on the basis of Dublin's municipal law.

Insofar as his administrative duties could not be carried out by one individual, many of the mayor's responsibilities were farmed in return for a fee. For example, two waterbailiffs were appointed to carry out much of the mayor's duty as admiral of the port. Fees were levied by the waterbailiffs on those who used the port itself and these were paid into the city coffers. The fact that the mayor did not officially receive any benefit from the appointment of such officers indicates that many of his duties were supposed to be those of a presiding, rather than an active, officer. As clerk of the market, for example, it was his official duty to maintain open passage through the area itself. This job was actually done by the scavenger who, like the waterbailiffs, was appointed in return for a set fee. The scavenger imposed his, or her, own charges on the inhabitants and in this way the task was self-financing. There were other non-lucrative appointments, however, which it was the mayor's duty to supervise. The masters of the city works, who were the sheriffs of the preceding year, for example, were obliged to maintain all thoroughfares but they did not levy charges; finance for such tasks was normally raised through a general cess on the inhabitants and was usually imposed by the general assembly. Perhaps the most important office to which the mayor could appoint an individual was that of the shrievalty; he had the arbitrary control of one of the two offices.

Unlike the mayoralty, which had existed since 1229, the shrievalty was not granted until 1548 when the city bailiffs were made sheriffs and the city was

made a county in its own right.(21) Two sheriffs were chosen each year and the choice was usually made from among the forty- eight (who were known as 'sheriffs' peers') although the office itself could be filled from among the ninety-six. From 1576 onwards the sheriffs were chosen simultaneously with the mayor at the general assembly held after Easter.(22) Insofar as the majority of sheriffs were members of the forty-eight, their experience of office would certainly have placed them in a practically different category from the remainder of the commons. In addition to their responsibility for conducting the meetings of the commons which preceded the quarter assemblies, the sheriffs were also obliged to witness with their signature all bills passed into law by the assembly. Their powers were limited, however, because they were not aldermen and did not participate in the weekly government of the city. After their year of office, however, they were automatically appointed as masters of the city works, the duties of which office are treated below. The monthly court over which the sheriffs presided dealt largely with the collection of fines and amercements although, like the mayor's court, no useful evidence has survived of its transactions. In legal terms the sheriffs are not comparable with their counterparts in counties or shires because the judicial functions of the mayoralty had already pre-empted their possible role.

There was, however, one role filled by the sheriffs which clearly set them apart from the rest of the municipal government in that it was their duty to conduct all parliamentary elections. Although such occasions were not frequent they were of vital importance to the relations which the city maintained with the state as well as with the crown. The municipality city was entitled to elect two members to parliament; controversy over such elections was no small matter and indicated the onerous responsibility

which lay with the sheriffs. While responsibility for such elections was the duty of all sheriffs it is still, perhaps, noteworthy that, in municipal terms, the sheriffs did not exercise the same power as the aldermen did, albeit collectively. Sheriffs were appointed to committees set up by the general assembly but their presence was not as essential as that of the mayor or two of the aldermen. Their role in the collection of finance, both fines and taxes, was of greater significance due to their tendency to hold on to the money for as long as possible. In this respect the sheriffs were responsible to the city's treasurer whose task it was to pursue financial rectitude.

The treasurer was appointed by the aldermen on a yearly basis.⁽²³⁾ He was assisted by a board of auditors similarly appointed to prepare the city's financial accounts. The board of auditors usually numbered about eight individuals; of these the mayor, treasurer and two others were aldermen and the remainder were members of the forty-eight and ninety-six. Unlike the office of sheriff, it was essential that the treasurer be an alderman so that the weekly government of the city could be carried out in accordance with its financial position. The treasurer merely facilitated transactions which involved the city coffers, however, and he did not influence municipal policy. In the first half of the seventeenth century, for example, the city lost many of its vital powers to collect customs duties with the result that its finances were considerably depleted. Throughout the struggle over this matter the treasurer played no part whatsoever. Likewise, the large arrears due to the city from the rental of its property had a debilitating effect on its finances; the treasurer, however, had no capacity to deal with the problem. In this respect the office was simply an administrative one; a fact which may help to explain the financial plight the city usually found itself in.

Apart from the mayor, sheriffs, treasurer and auditors, the only other appointments made by the aldermen and approved by the general assembly were those of the masters of the city works. The masters were usually the sheriffs of the preceding year. Money for the works was largely provided through the treasury as opposed to a direct levy upon the inhabitants. In this respect the masters of the works were simply responsible for their completion, unlike the waterbailiffs or scavengers who, themselves, levied charges. Petitions for repair could be presented, by groups or individuals, to either the board of aldermen or the general assembly. The latter was usually involved when major repairs or building was required. The inhabitants were often obliged, by law, to contribute labour, tools and materials to the public works and it was the duty of the works' masters to supervise this. No great powers were attached to the office itself. This is borne out by the records of work left unfinished or badly completed.(24) While the reluctance of the inhabitants to participate in public works is understandable it is also notable that the masters had little or no coercive influence. Another factor which debilitated the effectiveness of the office itself was the fact that long-term projects could only be supervised on a yearly basis by individuals who had no real incentive to pursue initiatives.

It has been necessary to give a general outline of the basic structure of the administration before some detailed comment and examples can be added. The reason for this is simple. The administration and government of the city was a totality in itself. Almost without exception, no part can be considered without a contextual reference to the whole. For example, the merchant guild provided a large majority of the city's officials. In one respect, therefore, the guild could be considered as a quasi-government in itself.

Where membership can be correlated, the stratified status of the guild was equal to that of the municipal government. That is to say that the mayor was usually a leading guildsman who served as master; the sheriffs were often wardens, and so on down the hierarchy. Although it is true that at the lowest level of councillor or guild member there is no comparative evidence, it may be safely assumed that a close relationship existed nevertheless. To a lesser extent this relationship was also true of the craft guilds. In this respect, therefore, it may be useful to substantiate the general description above with examples which take this totality into account but which also elaborate upon some of the more specific issues related to the question of structure.

The possession of the franchise was the basis of all citizenship and admission 'by special grace' was the prerogative of the municipal authorities. In this respect admission was conferred rather than granted and the category itself could be used in three different ways. First, members of the nobility and gentry were always admitted by special grace. It is not clear whether these individuals applied for the franchise for economic reasons or whether they maintained other links with the city which made it necessary for them to be freemen. The city's recorder, who was always admitted by special grace, certainly needed the franchise to carry out his official duties without reference to his own occupation or status. The category was not widely used in this respect, however, because most of the city's wealthy or influential citizens would have been members of the merchant guild and would have obtained admission to the franchise by apprenticeship or as children of citizens.

The second way in which the special grace category was used was the incorporation of particular individuals whose skills were deemed to be of

sufficient use to the city for it to overlook what might otherwise have been clear obstacles to their admission. In 1605, for example, a fustian weaver was granted special concessions in view of the fact that none of the city weavers possessed his particular skills and he was given permission to practise his craft.(25) Likewise, the lord deputy could also recommend the enrolment of those of his servants that he had brought from England (his cook, for example). The third use of the special grace category was really an extension of this. The essential difference was that a fine was collected on admission. The use of special grace in this way increased considerably during the 1630s when the city's population was growing beyond the city council's control and when the city itself needed more revenue.(26) Thus the category of special grace was an elastic one compared with those of admission through apprenticeship or parentage.

Admission through marriage to a citizen differed from the other categories in that the city council found it the least reliable way to maintain the city's identity. At the end of the sixteenth century, for example, an order was made to the effect that those who married widows who were free of the city could no longer claim their freedom on that basis. The reason given for this ruling was that 'sundry mischiefs and inconveniences hath risen' through the frequency of undesirables who gained the franchise in this way.(27) These undesirables can only have been the unwanted Irish or foreign traders who posed a threat of competition to the citizens. Either way the possession of the franchise would mean for these individuals that they could avail of the rights and facilities which they could not otherwise have claimed. Free widows were a nuisance in this respect compared with those single women who would have been subject to parental, and hence civic, control. It is notable that the city council's concern with this problem declined as the

population grew and exclusive distinctions were set aside in favour of attempts to profit from the franchise and extend the tax net.

Apart from marriages that involved widows, it can be said that admission by marriage itself was worth the pursuit. In 1608 one of the aldermen petitioned to have his category of entrance altered from payment-of-fine to that of admission-by-marriage on the basis that the money paid by him was a fine imposed for keeping shop prior to his admittance and not an entrance fee in itself.(28) The distinction between entry by fine and otherwise is reinforced by the case of one of the sheriffs who, in the same year, petitioned to have the roll altered. He claimed that he should have been admitted on his service as an apprentice and that the fine he paid was also for keeping open shop.(29) Likewise, there are examples of individuals who were admitted on the payment of a fine but who petitioned for their offspring to be admitted, not by fine but as children (or, in other cases, servants) of freemen.(30) The reason for this was quite simple: the offspring of freemen who had been admitted by fine paid a larger amount than the offspring of those admitted through service, etc. This privilege was still pursued during the late 1640s and for the same reasons.(31) It is unlikely, however, if such distinctions were maintained when a cess was being collected.

Nor was this the only complication which arose through the switching of admission categories. An order made in 1641 indicates that the category of special-grace and payment-of-fine had been used to permit the inclusion of a considerable number of individuals onto the rolls. Others had then petitioned on completion of their apprenticeship to these individuals and the city council had come to accept such claims without proof that the full term of service had been completed.(32) The order itself was not sufficient to

remedy the situation and, two years later, it was ruled that a certificate would be required as proof of eligibility and that those who kept apprentices would be fined if their indentures were not registered correctly.(33) This is another example of the increased laxity with which the franchise was treated prior to the rebellion.

By contrast, in the last decade of the sixteenth century it had been laid down that only those who belonged to a specific guild would, henceforth, be admitted to the freedom of the city. This measure had been prompted by the fact that certain individuals were guild members in name only.(34) It would be misleading, however, to interpret such rules as indicators of rigidity. On the contrary, lenience was, in fact, quite common when it was in the interests of the city at large.(35) In other words, the admission requirements may have been formally adhered to but they might just as easily be ignored in practise. Likewise, fines of admittance often went uncollected and prompted an order in 1605 to the effect that they be paid in advance.(36) The necessity for a reiteration of this order, however, indicates that it was less effective than it might have been.(37) It is remarkable that by the late 1630s the situation had been reversed and there were more officials who exacted fees than was legal.(38) This would suggest that such fees were actually being paid. (It may also reflect upon the high admissions for that period.)

When the poorer apprentices appealed against the harshness of the fine which they were obliged to pay in order to become free of their guild (immediately after their admittance to the franchise of the city) the fine itself was reduced from four to two pounds, sterling.(39) This order was made in the first decade of the seventeenth century and contrasts with a rule passed in 1646. By that time the guilds had admitted individuals who

were not free of the city and some of these had even been appointed as clerks within several of these guilds.(40) While it is certainly true to say that the political environment had changed drastically after the rebellion there is nevertheless a contrast in attitudes between the stringent observance of the earlier period with the apparent indifference which necessitated a reiteration of the legal requirements in 1646.

It would be misleading, however, to assume that other rules were not just as easily broken in the first decade of the century. In 1606 an order was made to the effect that only freemen of the city could become deputy-aldermen or constables, or indeed hold any office whatsoever in the municipal administration.(41) The necessity for this order indicates two important points. The first is that even when the city council maintained the theoretical exclusiveness of the franchise (i.e. at the turn of the seventeenth century) the reality of city life was quite different. The second point is, perhaps, more significant as far as the composition of the municipal government itself was concerned. Quite clearly, there were members who were not freemen and who were known not to be freemen. Two possibilities suggest themselves. Within established city families there may have been no real need to apply formally for citizenship. (The case of Sir James Carroll, discussed in chapter ten below, is one such example.) Alternatively the order may refer to native Irish inhabitants who the city council were not above using to administer the wards. Indeed there is evidence with regard to Irish dress that would reinforce the point and suggest an even greater native influence.

In 1573 it was agreed that a fine of three shillings and four pence would be imposed upon those who did not wear 'a seemly gown' during meetings.(42)

The reason for this can only have been the enhancement of both the prestige and the identity of the municipal government itself. It follows from this that some attempt should have been made to influence the dress of members outside meeting times and this was, in fact, the case. An order passed at the end of the sixteenth century is significant for several reasons. It states explicitly that 'dislike is had of such as hath borne offyces in this cittie and others ellected and chosen thereunto, in that they and their wifes doth not were such atyre as besemeth their places and caulinges...'. To remedy this situation it was agreed

'that every man cauled or elected to offyce shall from thenceforth were every daie a comly and desent gowne, or other desent apparreyll, such as shall becom the gravitie of their caulinges, uppon payne of five pounds,... and ponyshment by forty daies, and that no gentlewoman whose husband hath borne offyce shall not were eny light and shorn mantle in this cittie, uppon payne of forfeiture'.(43)

The order was repeated again in 1607 when it was stated that the laws laid down in relation to dress would be enforced if members failed to conform.(44) In the following year a further order was made in response to a situation which, obviously, had remained unchanged and clear guidelines were laid down. Younger aldermen were to wear violet gowns while their older colleagues were to wear the same in scarlet (on pain of a forty shilling fine); sheriffs were to be attired in 'partelett' gowns while the commons were to attend in gowns of 'turky' (presumably a brilliant red).(45) This ruling, made in 1608, was, in fact, the last of its kind prior to the outbreak of the rebellion of 1641. It is possible, therefore, that the emphasis upon dress

was related to other issues of the first decade of the century. When it is borne in mind that this period saw unprecedented religious conflict between the city and the state as well as concrete measures on the part of the English government to remove the city's financial independence it is hardly surprising that the city council would look to every means to assert its loyalist identity. This is consistent with a simultaneous effort on the city council's part to gather its charters and have them defended and confirmed.(46) Thus any Irish influence would not only be an embarrassment to the Dublin colonists, it would allow the New English a greater opportunity to undermine the reliability of those in control.

While this point is certainly a general one, it nevertheless connects certain aspects of the municipal administration which would otherwise remain incoherent. Related to this question of official identity was, for example, the regular continuation of the city council itself. If a quorum could not always be assured the notion of municipal consensus could also be undermined. This, however, was a more practical problem than the question of race. An attempt was made in 1575 to regulate the attendance of council members by the imposition of fines.(47) It is reasonable to assume that this measure was largely successful because the next time the assembly dealt with attendance, in 1591, the emphasis was a different one. The commons then complained that they were not in a position to give sufficient attention to assembly matters due to their obligation to serve on state juries. The solution to this problem was straight forward; meeting days were changed to dates outside the legal terms.(48) It is significant that no other reason was given for non-attendance and, likewise, that the problem was not treated again for some time. It would be reasonable to assume, therefore, that attendance was adequate once the original fines had been imposed.

The norm for attendance undoubtedly altered over time. A legal quorum was never referred to in the early seventeenth century in relation to the assembly. In view of the fact that the total number of individuals who might be present amounted to almost one hundred and seventy and that a considerable amount of business dealt with was actually routine, it is understandable that assembly meetings could continue with a good deal less than a majority. Unfortunately it is not possible to quantify attendances throughout the period. Although obvious factors such as plague, or civic matters which concerned the majority, would alter attendances one way or another, there is bound to have been a more subtle correlation between issues ruled upon and the numbers in attendance. In this respect the meetings of the commons, held prior to the general assemblies, may have provided the general consensus which would facilitate the absence of certain councillors if issues had been agreed upon in advance. Until the 1630s it can be assumed that certain allowances were made for low attendances once the continuation and formality of meetings was assured.

In January 1638, however, it was complained that there were members of the common council who had not attended meetings for some years past. A committee was set up to examine the rolls in order to establish the identity and numbers of those concerned.⁽⁴⁹⁾ The committee had failed to act by October of the following year, however, when the matter was again ruled upon. Some conclusions may be drawn from the regulations which were then laid down when it was agreed that

'henceforth none be sworn of the numbers of the Trinity guild above four score and sixteen, being the two parts of the said numbers; and that, hereafter, when the rest of the numbers which

are of the corporations shall be void, that none of the eight corporations and their wings shall have above six to be of the numbers, being the third part of the said numbers, amounting to forty and eight; and that from henceforth none of the eight companies or the Trinity guild be sworn of the said numbers but in the presence of the mayor, one of the sheriffs and four of the aldermen'.(50)

The necessity to formulate the order in such a way implies that it was designed to combat a situation in which more than two thirds of the commons was composed of merchants and, likewise, that some of the guilds were over-represented. It is also apparent that these individuals were usually sworn into office without the approval of the mayor, sheriffs and aldermen. It is significant that the problem was one of non-attendance, however, and not over-representation. The way in which the question was dealt with would suggest, therefore, that some of the guilds had taken advantage of low attendances to increase their own representation beyond the legal limit.

The problem itself underlines a significant development that had taken place since the last quarter of the sixteenth century. In 1574 it had been decided

'that whensoever henceforwarde any place of the numbers of xlviiii and xcvi that shall becum voyde, that the election shalbe made of suche of the corporacions as shalbe thought meate to supplye the same, if none of the Trynitie Yelde shalbe better lycked of by the assemblie to be nominated to that place...'.(51)

(This decision was not related to the city council's simultaneous problems of

attendance caused by the plague.) 52) It is clear that this reform was effected by the first half of the seventeenth century insofar as the craft guilds had consolidated their right to membership of one-third of the common council. It might be said that both orders can be seen as the start and finish of a trend which saw greater representation within the municipal government and which was, subsequently, brought to an end by the political situation that followed the 1641 rebellion. The desire on the part of various guilds to establish themselves in their own right (53) in relation to their status on station days would indicate that there was more than mere prestige involved in independent membership of the common council.

While such concern would appear to contradict the indifferent attitude towards attendance expressed in both orders of the late 1630s this is not necessarily the case. It is probable that what mattered most to the guilds was not the general level of attendance but rather the number of votes which could be mustered on certain issues of importance. This is not to suggest, of course, that prestige did not play a large part in the attitude of the commons. In 1627, for example, the masters of the eight guilds complained that members of 'the wings' (i.e. the affiliated guilds) had become violent in their insistence on their right to sit in seats above their station.(54) It is significant that such conflicts went unresolved throughout the 1630s when complaints were made with regard to low attendances.(55) The prestige, social rivalry and 'ancient precedent' with which the medieval guilds had been associated had not disappeared by 1640. It might even be said that a decline in effectual power may have resulted in a greater emphasis being placed upon matters of status.

Nor was it the case that the commons did not fully participate in discussions

upon matters raised. The extent to which they did so and spoke as individuals can be seen from an order passed prior to the end of the Nine Years War in which it was stated that the security of the city itself was threatened by certain members who made public the views of their colleagues whenever a petition was discussed ('wherein each of the numbers then present do deliver their opinions').(56) Moreover it might be said that the members of the general assembly took their work seriously enough for it to be necessary to pass an order in 1615 to the effect that no petitions could be ruled upon after five o'clock in the afternoon and a bell was to be sounded to signify the conclusion of business

'and if anything be done contrary to the true meaning hereof, to be merely void and of no force. And it is further agreed...that from henceforth any bill or petition preferred to the assembly, being once read and after denied or rejected, shall not after be renewed or made that assembly day'.(57)

The necessity for this order can only imply that, at least in relation to some issues, members of the general assembly were zealous in their work to the point of disregard for formal procedures. If such zeal would appear to contradict the evidence in relation to poor attendances it does not necessarily follow that this was the case. It is possible, for example, that certain individuals were taking advantage of a depletion in the numbers at the end of the day in order to pass legislation that might otherwise have been contested. It must be borne in mind that the assembly often dealt with important issues which could also have been left to the board of aldermen. In other words through the manipulation of official procedures and customary practise, certain individuals might have had leases granted, for example,

which would otherwise have been dealt with by the aldermen at their next meeting.

As to the question of whether there was a qualitative difference between the issues which came before the aldermen and those which arose in the common council the matter is reasonably straightforward. There was no appreciable difference that might point to the greater legal powers of the aldermen.(58) If more administrative power had devolved upon this group it was more than likely the result of the frequency of its meetings. The distinction is, however, a theoretical one insofar as common sense would suggest that the aldermen, by virtue of both their office and social status were considerably more influential than the guildsmen who attended the general assembly.

The board of aldermen met every week as compared with the common council which met every quarter. Where it has been possible to calculate attendances at these meetings the average (between the years 1603 and 1611) was ten and the range was from six to sixteen.(59) It would appear, prima facie, that effective power lay with the aldermen. There were areas of jurisdiction, however, that would at least qualify such a view, if not actually contradict it. For example, a fine might be imposed by the board of aldermen upon an individual who might then appeal to the general assembly to have the penalty overruled.(60) Likewise, members of the assembly might be fined by the mayor or sheriffs when it might have been assumed that the assembly itself could deal with the matter.(61) Furthermore, the process by which matters came to be ruled upon in the first place would indicate that individual members of the general assembly were at least in a position to marshal direct opposition to the aldermen if they were personally capable. In

1573 it had been agreed that only members of the city council (rather than ordinary citizens) could raise matters in the house.(62) This was undoubtedly a rule designed to streamline the process by which an ordinary guild member pursued his case but it also enhanced the power of the councillor within the community.

The greater involvement of the crafts in the municipal government which had taken place in 1574 was matched by a symbolic representation of the more even distribution of power. Prior to 1573 the keys of the seal were kept by the mayor, sheriffs and aldermen. In that year, however, an order was made to the effect that, henceforth, the keys would also be kept by the mayor of the staple, the treasurer and the ninety-six.(63) In other words, by the end of the sixteenth century a degree of administrative interaction had developed to the extent that it was necessary to symbolise the relationship through the possession of the keys to the seal. There can be no doubt, however, that the principal offices within the administration remained as powerful as they had been prior to this change. As the official head of the city's government the mayor's position did not alter. In fact it could be said that with the inclusion of the crafts in the common council the government was more representative and, therefore, more effective in its potential. As the chairman of both the board of aldermen and the general assembly the power of the mayor would, in theory, have been enhanced.

Greater representation, in this case, did not mean any real diminution, or even redistribution, of municipal power. The merchant guild retained a two-thirds majority in the house while the executive and administrative powers of the mayor and aldermen were unchanged. The mayor was still chosen from among the twenty-four aldermen. The number who served on this board

remained fixed and additions were usually (although not invariably) made, by the board itself on the death of a member. The commons played an official part, however, in that all appointments were made and confirmed in the general assembly. The election of an individual to the mayoralty was based upon a reasonably flexible system of succession whereby the alderman who was next in line was 'chosen' at the Easter assembly and elected at the meeting in October. The criterion for election was 'the antiquity of the aldermen and their ancienty in their calling thereunto' and was, therefore, a combination of age and service.(64)

An example of this process at work was the case of Alderman Walter Galtrim who died when it was his turn to be elected mayor for the year 1604. The nomination of the next alderman in line was thwarted by his death also and the office fell, consequently, to the new senior alderman, William Gough.(65) Gough, himself, had to be threatened with a heavy fine if he did not undertake the office;(66) an occurrence which was not uncommon for religious reasons or because of the financial cost attached to the position. The electoral procedure was clarified after this situation had been dealt with and in the following year it was stated that if the mayor-elect should die in the meantime, '[that then] the next in succession of the aldermen, one after another, shall supply the place...'.(67) While such an order may appear to be superfluous it was obviously felt necessary when there was some dispute or unwillingness on the part of those who were unexpectedly called upon to do their duty. The order proved to be pertinent, in fact, although not effective. When John Shelton refused the office in 1604 (for which he was fined three hundred pounds, sterling) it was necessary to appoint an alderman out of turn in view of a general reluctance on the part of those next in line to serve during the plague.(68)

Apart from problems created by the plague, or by the oath of supremacy,(69) there were other, more material, reasons why an individual should seek to avoid election to the mayoralty. Excuses could always be found if there was sufficient reason to avoid the office. In 1609, for example, certain individuals complained that the procedure whereby the names of those elected were usually published in advance had not been followed and, consequently, they were 'so suddenly called to the said offices as they sustain intolerable losses thereby in providing of all necessaries at the worst hand...'.(70) It was difficult to plead material necessity in view of the fact that an alderman had to be worth at least five hundred pounds to be eligible for office. To refuse on this basis was tantamount to a forfeiture of the position of alderman itself. The response of the city council to this situation was to observe the official procedure and remove the individual from the board of aldermen, although it did not necessarily follow that he would have no further dealings with the administration. (71) This was not the case, however, if refusal was made upon religious grounds. When Alderman Edmond Purcell, a known recusant,(72) declined to undertake the mayoralty in 1607 he was not only removed from the board of aldermen but also disfranchised, barred from any fraternities within the city and fined two hundred pounds, sterling.(73) Refusals of office, whether for financial or religious reasons were undoubtedly judged upon the merits of each case. It is reasonable to assume that fixed rules were only applied when it was in the interest of the city council to do so.

The situation with regard to the shrievalty was, of course, similar to that of the mayoralty.(74) There are more instances on record of the avoidance by members of the city council of the office of sheriff than that of mayor.(75) There were several reasons for this. If, for example, the oath of supremacy

was the obstacle then it was twice as likely that a future sheriff would wish to be passed over than one of the aldermen. Religion was one of the principal obstacles for members of the forty-eight and it is not surprising that all the incidences of avoidance or refusal took place in the first two decades of the century. The conditions under which these individuals were freed of their responsibility of office are often unspecified but a considerable number undoubtedly retained their status among the 'sheriffs' peers' (i.e. those who had already served in the office). This is significant because it meant that a refusal did not necessarily lessen their chances of appointment to the board of aldermen and, as such, it represented a way around the problem of recusancy. The duty of the sheriff to empanel juries caused additional religious conflict in that there was an unspoken obligation upon him to produce individuals who would find for the crown. It is argued in chapter ten below that the real effect of the religious question was a considerable split between the commons, as represented by the sheriffs, and the board of aldermen.

In view of the complexity of this situation it is not surprising that problems arose among the sheriffs which were peculiar to the office itself. Disputes which involved finance were resolved by petitions to the general assembly,(76) but ultimately the sheriffs were responsible to the mayor (or the auditors) for the fines and amercements which passed through their hands.(77) Where there were two individuals who served in one office it was only to be expected that a fusion of separate responsibilities would occur in practise. An order made in 1631 speaks for itself on this point and warrants some comment. When the commons complained that the sheriffs had endorsed bills which they had not passed, contrary to their oaths, their dismissal was called for. An investigation was undertaken whereupon it was found

'that for the offence complained of in the petition, the same hath been fully examined in the presence of all parties and it did appear that the sheriffs of the last year did not willingly commit any offence, but if any error did happen the same was through ignorance or the error of custom. But, for preventing the like hereafter, it is ordered that the sheriffs shall have either of them power only to put one stroke severally, and not two, as they have sometimes used; and that if any sheriff shall hereafter subscribe 'allocatur' to any petition which is not granted by the greater number of voices they shall incur the fine of two hundred pounds... and that all 'allocaturs' be written in the open view of the house, and if any exception or difference arise concerning the plurality of voices that the bill be put about before 'allocatur' be written to the bill'.(78)

Two points need to be made with regard to this order. The first is that it clearly indicates that the ordinary members of the general assembly could be diligent in the interest they paid to particular bills. The degree of independence exhibited by the commons in the above order cannot, however, be measured over time but the tone is sufficient to suggest that there was nothing revolutionary about the reprimand to the sheriffs. The second point is that there was, undoubtedly, a traditional practise whereby one of the sheriffs acted on behalf of his colleague in the endorsement of bills. This situation may be compared with one which arose with regard to the religious question in the first decade of the century and which concerned the shrievalty. In January 1608 Peter Dermot, a merchant,(79) was called before the mayor and aldermen to answer the charge that he had publicly said 'that it was an ordinary practise by the mayor and aldermen that they did bring in

two sorts of sheriffs, the one to be a shadow to cover the other's faults...'. Dermot was reported to have said that the sheriff who did not attend religious service was the official with the power while the other was merely a public figure.⁽⁸⁰⁾ Apart from the significance of this claim with regard to the religious question, it suggests the possibility that the relationship between the commons and the sheriffs had altered between the first decade of the century and the 1630s. If it could be shown that the reprimand of 1631 was motivated by religious difference, little would have changed (whether the opposition was catholic or protestant). If, on the other hand, it was administrative factors which had prompted the commons to complain, the issue might be seen as a significant demonstration of separate interests.

The issue effected the mayoralty itself in view of the fact that the mayor was personally entitled to nominate one of the sheriffs on his election. This had resulted in the payment of money to the mayor by members of the forty-eight in order to avoid service in the office, a practise which had been condemned by the city council in 1598.⁽⁸¹⁾ Opposition from the commons would, therefore, have an indirect effect upon the mayoralty and, consequently, the board of aldermen. Because the latter held a collective office, however, they were less affected by administrative disputes of this kind. The point is nevertheless a valid one: the commons could display significant initiative when it suited them to do so. This is important because it implies a greater degree of consensus within the administrative structure than might otherwise be the case if notions of oligarchy were to be taken for granted.

The point might be illustrated by an example which deals with the appointment of aldermen and the practice by which such elections were

confirmed by the general assembly. In October 1614 the commons complained that the election of three individuals to the board of aldermen had taken place in the privacy of the mayor's house. The mayor in question was the protestant Sir James Carroll and the issue had religious connotations.(82) It was decided by the general assembly ('for the preservation of the law of succession for the mayoralty and for the avoiding of any question of doubt thereof to be made hereafter') that the appointments would have to be re-made and ratified by the house itself.(83) What was in question, in other words, was not the support of the commons but their participation in official procedures. The implication is that innovation or deviation would undermine the general consensus upon which the municipal government was based. It is shown in chapter ten below that this is what actually happened subsequently.

Incidents such as this which display certain divisions between the aldermen and commons were, in fact, unusual. The aldermen were rarely, if ever, represented in the common council as a group with separate interests. This is peculiar in view of the fact that they were the small body who ran the city from week to week. Conflict between the aldermen and the common councillors is not apparent for a simple reason, however: it was not reported. The records of both the aldermen and the common council usually only recorded decisions agreed upon. The vital discussions which preceded such decisions were seldom an integral part of the final report. The aldermen were rarely criticised and when they were it was for mundane issues such as failure to sign the assembly rolls.(84) If a certain degree of dignitas may be inferred here it is not surprising. An order made by the mayor and aldermen in the first decade of the century indicates how they themselves saw their office. Mention was made of 'the laudable and ancient government of the

private council of this city, being in number twenty-four, who are not unknown to be and always have been the principal members for the city government...'.(85)

A distinction must be made here, however, between power and jurisdiction. Jurisdiction was defined by practice and not by theory insofar as the general assembly could overturn decisions made by the aldermen, as discussed above. Likewise the duties and powers of the aldermen within the wards lacked definition to the extent that such was called for by the commons in 1611. An order was consequently passed in which it was agreed that the alderman was 'a conserver of the peace' with power to arrest and punish offenders. (Refusal on the part of the constables to carry out this process was to result in their own imprisonment or fine.) If an alderman was abused in another's ward it was the latter's responsibility to see the offender punished. The aldermen had the power to search for 'felons, traitors, idle persons', etc., but not to commit them to gaol; this was the prerogative of the justices of the peace, namely the mayor and recorder. The order itself was in response to a situation in which the aldermen had been abused in the performance of their duties and to combat this it was clearly stated that the deputy-aldermen were to have the same powers as the aldermen in their absence.(86) This was significant as far as the municipal administration was concerned because it would obviously be only a matter of time before the deputy-alderman had superseded the responsibilities and function of the alderman within the ward itself.

The growth of the city throughout the period prior to the rebellion strained the capacity of the administrative structure at this level. Greater emphasis upon the role of the deputy-aldermen was certainly consistent with this.

Likewise, by the end of the 1630s a move was already under way to extend the city's judicial powers to the aldermen themselves. It was agreed that, 'by reason of the populousness of [the] city the burden of the matters of peace are so great that the mayor and recorder are not well and conveniently able to undergo the burden thereof...'. The solution to what might eventually prove to be a civic threat was straight forward: it was agreed that a charter would be sought whereby the aldermen could be made justices of the peace and thereby effectively administer a system of wards which were proving to be less manageable than they had been in the past.(87) This charter was granted in 1641 when six of the aldermen were made justices of the peace.(88)

Changes such as this one were essential if the administration of the city was to continue within its traditional structure. The transference of the aldermens' ward-duties to the deputy- aldermen was consistent with this. There was little official change although practical alterations could be considerable. Another, less noticable, example of this type of response to change was that which effected the office of treasurer. Appointment to the office was made by the board of aldermen and confirmed by the general assembly. The fact that the position was held by a different alderman each year had the effect of debilitating the power of the office itself. This may not have been such a disadvantage in the first two decades of the period because administrative problems may have been alleviated by the fact that some individuals did serve for two or three years consecutively. One such treasurer was Alderman Richard Barry who had been appointed to the board of auditors in 1609; he served as treasurer from 1616 to 1618. What is significant, however, is the fact that Barry was re-appointed as treasurer in 1635 and retained the office each year until 1648.(89) There can be little

doubt that the administrative reason for this change of practice was the loss to the city of both experience and time involved when a new appointment was made each year. Yet what is equally significant is that no new rules were formulated to change the power, duties or status of the office itself. The administration of the city's finances was, at best, inept; at worst it was chaotic. While accounts have not survived to compare Barry's tenure with those of his colleagues there can be no doubt that some improvement was effected or he would not have been continually re-appointed.

There were offices within the administration, however, that functioned as haphazardly as that of the treasurer but which could not be changed without additional alterations in official procedures. A notable example of this was the joint office of master of the city works. Because this position was filled by the sheriffs of the preceding year it would have been necessary to change the rules before the functions of the office itself could be improved. This was not done, with the result that the city remained in a perpetual state of disrepair.⁽⁹⁰⁾ Moreover the collective nature of all municipal positions meant that inadequacy in one area was bound to affect another. Thus the inability of the treasurer to raise sufficient funds to finance the city works was a considerable disadvantage to the masters when they were given projects to execute. It must also be borne in mind that much of the city was either owned by or leased to both individuals and corporations and, consequently, its upkeep was not the immediate concern of the municipal administration.^{(91).}

This general point might be extended, in fact, to the membership of the city council itself. Not only should the totality of the city's administration be taken into account but also the fact that guild and private interest played a

major role in determining how and when decisions were carried out. This private interest is discernible from a brief examination of the family names which comprised the group of aldermen for the period (these are given in Appendix II below). For example, Arthur, Ball, Forster and Gough are names which are not only synonymous with aldermanic office but their occurrence often coincides with the demise of an alderman of the same name. The practice of hereditary office-holding is never acknowledged; similarly, the close association between the Trinity, or merchant, guild and the municipal government is usually only referred to in a general and laudatory way. Yet the administrative structures and personnel of both bodies were inextricably intertwined.

THE MERCHANT GUILD

The Trinity guild was officially incorporated by the royal charter of Henry VI, issued in 1451.(1) In the same year the guild was granted an upper room in the tholsel, which indicates the links that already existed between the merchants and the city government.(2) Apart from the possible early origins of both the merchant guild and the town council in the body called the Gild Merchant,(3) there were practical benefits to be gained by co-operation between both guild and city council. The early connection between the merchants and the municipal council cannot be presumed upon, however. For example, there is some evidence to suggest that the charter of Henry VI was granted to English merchants who operated out of Dublin and who quickly took advantage of their new monopoly to threaten the Dublin merchants. Thus the origin of the guild itself may not have been simply the product of internal development.(4) This division between the two groups was not immediately resolved and the city council was obliged to defend its own merchants against the threat of imprisonment when they traded in towns such as Chester.(5)

Amalgamation of these two merchant groups was, perhaps, inevitable. Exactly when it took place is not clear but the guild may certainly be

treated as a single unit from the early sixteenth century onwards (the guild byelaws begin in 1438).(6) The problems encountered by the Dublin merchants at Chester were not finally resolved until they received their charter of 1582, which granted them exemption from customs duties there(7) (the pursuit of which cause cost the guild five hundred pounds)(8). Indeed, immediately after the grant of this charter, it was complained that the merchants of Dublin had achieved a solidarity which now amounted to a total monopoly of trade at the expense of the inhabitants who were, consequently, obliged to suffer increased prices.(9) This would suggest that it was the already established strength of the guild which allowed it to demand considerable privileges in its new charter. This strength derived, ultimately, from both the size of the guild and, more importantly, from the number of occupations which it included.

The table below is taken from the city's freemen rolls(10) and contains the ten occupations with the highest number of admissions.(11) It is intended to give some idea of the numerical proportion of merchant guild members in Dublin city in the first forty years of the seventeenth century.

OCCUPATION	TOTAL	% OF ALL ADMISSIONS
Merchant	585	21.4
Baker	197	7.2
Tailor	245	9.0
Shoemaker	119	4.4
Tanner	110	4.0

OCCUPATION	TOTAL	% OF ALL ADMISSIONS
Butcher	96	3.5
Carpenter	70	2.5
Glover	66	2.4
Smith	53	1.9
Cooper	52	1.9

This table is only reliable as far as guild members are concerned. All guild members were obliged to apply for the municipal franchise in order to operate within the city limits. There is a good deal of evidence to suggest that a large proportion of the city's commerce was carried on without this franchise and therefore outside guild control (both within the liberties and within the city itself). Moreover, it was not uncommon for the Trinity guild to be compensated by the city council for the number of non-freemen who traded in the city.(12)

In view of the fact that the term 'merchant' included almost all traders who did not manufacture, it is not surprising that a certain number of individuals who were not members of the guild traded in the city as shop-keepers. Lack of evidence has made it impossible to quantify the number of traders who operated outside guild control and the problem is compounded by the difficulty of establishing a figure for the total population of the city during this period.(13) Moreover it was in the nature of part of the non-free population to move into and out of the city at intervals. The city's law terms would provide one example of the fluctuations in the number of country traders who were only partial residents. It was certainly the case, however, that the trade

structure of the city throughout the period did not conform to official figures. The reasons why the native Irish or foreign traders might enter the city were as much dependent upon outside influences as they were upon the law terms. Commodity prices, scarcities, political unrest and the plague are just some examples of such possible factors. It would be surprising if alterations in the non-free population actually correlated with similar alterations in the numbers admitted to the franchise. The above figures can only be relied upon, therefore, to indicate the size of the merchant guild in relation to the other guilds which existed in the city at this time.

It is unlikely that the guild allowed unfree competition against its own interests. It is far more probable that there were unofficial methods by which non-freemen were tapped as a source of cheap labour or of income. While this may not have been true of those who lived in the liberties it must certainly have been the case with the inner-city dwellers. The records would suggest that there was a sizable population within the city itself who were not citizens and this group increased throughout the period. The unfree also benefited from much of the city's administration without the obligation to contribute to its maintenance; a situation which the city council was at pains to rectify.(14) The guilds could not have tolerated such a situation and hope to preserve their status. Although they complained frequently about the unfree traders the frequency itself would suggest that a practical modus operandi had long since been established.

It might be inferred from the predominance of merchants in the above table that they were similarly represented in the administration of

the city. That this was, in fact, the case can be seen from an examination of the three categories of office in the municipal government. Over sixty per cent of all mayors and sheriffs who served the city between 1602 and 1640 had also served as either master or warden of the Trinity guild.(15) Moreover, there is no reason to doubt that the other forty per cent contained a considerable number of merchants who simply did not serve as master or warden. Likewise, a sample list of forty-five aldermen who held office between 1602 and 1617 indicates that almost seventy per cent had served as master or warden of the guild. This figure compares with a list of aldermen for the year 1600(16) in which sixty-nine per cent of these aldermen had served in the Trinity guild as master or warden. (By comparison, seventy per cent of York's aldermen were merchants in the sixteenth century.)(17) If we add to this the fact that two thirds of the commons were composed of members of the merchant guild and the remainder were from the other craft guilds,(18) we can estimate that, in general, at least sixty to seventy per cent of the municipal government were members of the Trinity guild. When it is borne in mind that this influence was derived from a franchise admissions figure of just over twenty-one per cent, some indication of the power of the guild can be obtained. Moreover it could be said

that, as in the case of Tudor York, the city council was, itself, an institution which existed for the merchant's benefit.(19) Yet if this was the case in Dublin the term 'merchant' was certainly broad enough to make such an observation less meaningful.

One consequence of the guild's wide membership was the central role it played in supporting some of the functions of the municipal

government and to illustrate this is to illustrate how the guild itself operated. Most of the laws and regulations of the guild had been passed by the end of the sixteenth century and the majority of these were either passed or re-enacted in the latter half so that it is possible to present a reasonably accurate picture of those procedures which survived into the early seventeenth century. Unlike the craft guilds, the merchant guild had two masters. These were appointed at the October assembly along with the other principal officers, i.e., two wardens, two auditors, one mayor of the staple and two constables of the staple.(20) Traditionally, the masters had been chosen from those members who had served as the city's mayor, and the wardens were likewise picked from the group of aldermen.(21) The system whereby the late mayor became master of the guild was revised in 1590, however, because 'great hindrance hath grown...as well through the negligence of the master...as by other defects happening in that way'. Henceforth it was decided that the masters would be appointed by a straight election.(22) It is improbable that this decision represented a move towards independence on the part of the guild, however. It is equally likely that the city council would have resented any diminution of its influence. A compromise was decided upon shortly afterwards when it was agreed in 1601 that one master would be an ex-mayor and the other an alderman chosen with the consent of the brethren.(23) Although it was not unreasonable that the membership should wish to have a greater ^{influence on} input into the election of its leadership, the two bodies rarely clashed. The issue was probably an internal one and did not indicate the existence of an unwelcome influence on the part of the city council. Apart from this, the status of alderman was sufficient to qualify any member of the city council to be master of the guild.

The necessity for this social and economic status is borne out by the administrative tasks involved in running the guild. One of the duties incumbent upon both the masters and wardens was the adjudication of disputes between guild members. It had been the practice that this take place every Thursday but, by 1586, the number of cases to be heard necessitated daily convention.(24) The masters and wardens did not adjudicate alone, however. The usual procedure, as in a case of debt, for example, was that the issue was entrusted to two guild members (who do not appear to have had any specific title) and these two determined whether the individual concerned should be arrested by the marshall or not.(25) If the accused was arrested he was then tried before the masters and wardens together with a jury of twelve men.(26) This must have been a vital support to the judicial system presided over by the mayor and recorder. If these two officers, as the only justices of the peace, had been obliged to hear cases without such support the system would have quickly ceased to function.

There are two ways of viewing this close relationship between the guild and the city council. The first is to suggest that the power and influence of the merchant guild was so great that it dominated the city government. The second is to suggest the opposite. This would be to say that the presence of the mayor, aldermen and sheriffs at the top of the guild structure indicated an oligarchic control based upon established wealth. That the question itself never impinges upon the city's affairs is, perhaps, sufficient reason why it should be put aside. It will certainly be maintained throughout this study that notions of oligarchy must be balanced against a historical consensus by which enough people were satisfied in their needs (as they perceived

them) to live within the existent system. That is to say that if certain individuals were dissatisfied they rarely, if ever, called for structural alterations. A compromise, as in the case of the election of the masters, usually entailed a limited redistribution of power. The system was, therefore, more fluid than any concept of oligarchy would suggest. Without doubt there were differences of status within the guild but these did not impinge upon its workings to the extent that a revolt was ever likely.

One example of social differentiation was the incarceration of members who infringed the guild's laws. Those who had served the city as mayors or sheriffs were confined to the tholsel whereas the lesser brethren were obliged to remain in the common hall for the duration of their sentence.(27) This is less elitist than it appears when it is borne in mind that the aldermen (worth more than five hundred pounds a year) did not share the quarters of the mayor and sheriffs. While the absence of judicial records for both the guild and the city has made it impossible to quantify such distinctions the point is nonetheless valid. It is unlikely, however, if individuals of the status of alderman were incarcerated with any frequency. Likewise, it is probable that a considerable amount of petty crime and infringement of the rules was dealt with by the guild and not by the city.

An example of the type of offence which incurred such confinement was the assault of one brother by another. The punishment for this was fourteen days and a fine (if blood was spilt, the offender was expelled from the guild).(28) In this respect the identity of the guild was distinctly maintained as separate from that of the city council. A

guild member was forbidden to complain about a brother to anybody but the masters and wardens.(29) It is equally significant that a brother could not bring a suit before the mayor without permission,(30) although if an individual failed to answer the summons of the clerk of the guild the case was referred to the mayor's court.(31) The mayor, however, could intervene as mediator between the guild and certain petitioners if it was deemed necessary.(32) Likewise, if the guild expelled one of its members it could rely on the municipal assembly to extend the punishment to disfranchisement if the guild so wished.(33) In other words the links between the two bodies were only manifest when the guild's authority was questioned or limited. Furthermore, in view of the fact that the guild always commanded a two-thirds majority of the city government, it might even be said that decisions which required greater authority were automatically passed on to the guild members on the council. This point is borne out by the links between the assemblies of each body.

The quarter assemblies of the guild were held on the Monday before the fourth Friday after Michaelmas, Christmas, Easter and Midsummer. The assemblies were held, therefore, four days before the city council meetings and facilitated the joint action that was often necessary. Failure on the part of the masters to call a quarter assembly was subject to a fine of five pounds(34) and it can only be deduced from this regulation that such failure was possible. This was highly unlikely, however, in view of the fact that a preliminary reading of the rules was obligatory one week before the meeting-day.(35) If co-ordinated pursuit of an issue was called for, a member of both bodies could be appointed as an agent. This practice remained unchanged throughout the

period under examination. The method by which an agent was appointed, first by the guild and then by the city council, was the same in 1605, when both bodies pursued the confirmation of their respective charters.(36) Agreement on such issues was in fact completely normal. Other assemblies, apart from the customary four, could be called at the discretion of the masters but only to 'enquire of...misdemeanours and enormities' and not for the passage of legislation.(37) This is an example, nevertheless, of the considerable independence which must have been enjoyed by the guild. The power to convene an assembly which represented two-thirds of the city's common council and seventy per cent of its executive (if the aldermen can be described as such) undoubtedly placed the craft guilds in a comparatively weak position. Consistent with this was the necessity to group members in accordance with their service in the city government.

A roll-call of all guild members was made at each assembly.(38) This list was divided into three categories, namely the aldermen, the sheriffs and the 'young men'.(39) While this was the official division of the guild insofar as these groups were cessed at different rates, there was a more basic division of the guild into two. A list drawn up at the beginning of the seventeenth century contained forty-two masters and sheriffs (twenty-nine and thirteen respectively) and ninety-eight members described as 'young men'.(40) A distinction is made later between 'the better sort' and 'the inferior sort'(41) and it is possible that the latter group conformed to the category of 'young men'. Apart from inherited status and the transitory status of the journeyman, there are three possible criteria by which such distinctions within the guild might have been made, namely occupation,

wealth and age. As to the first, no distinction is made in the records between the merchant as shop-keeper and the merchant as overseas trader. The term would appear to include all who bought and sold but did not manufacture.(42) (Indeed one of the wardens of the guild was a practising apothecary.)(43) Thus Barnaby Rich could observe that 'he that hath but a barrel of salt and a bar or two of iron in his shop is called a merchant'.(44) Likewise, in the category of wealth, there is little doubt that the guild contained a broad spectrum. The occupation of shop-keeper just described was also pursued by individuals of considerable status. Some shop-keepers were, for example,

'very wealthy and men of good ability, that have their shops well replenished with all sorts of wares, as well mercery, as grocery and drapery, both linen and woolen, and there is neither silkman nor millner in London that can show better wares, for the quantity, than some of those can do that be called merchants of Dublin'.(45)

Some indication is given of the wealth of many of these merchants by the fact that between March 1599 and December 1600 the city provided the crown with a loan of sixty-two thousand pounds, sterling.(46) A somewhat similar position prevailed in York where even the wealthiest merchants kept shops (although the merchant guilds of Bristol and Chester excluded retailers).(47) In York, however, the drapers and tailors belonged to one guild,(48) whereas in Dublin the merchant guild was swelled by the inclusion of drapers among its members.(49) Conversely, there were craftsmen in Dublin who retailed commodities which they did not manufacture (a tanner who sold paving stones, for

example) but they were by no means numerous.(50) As the occupation of shop-keeper is bound to have included both old and young individuals, it is clear that within this one branch of the merchant guild alone may be found the basic divisions of 'inferior', 'superior'. If we add to this the element of inherited status, together with a degree of social mobility (particularly common to the merchant trade) the question of status becomes quite abstruse.

When a cess was imposed this question was dealt with practically, however. In 1573 it had been agreed that members would only be cessed in accordance with their income and four 'indifferent' men were appointed to the task.(51) Likewise, in 1597 an order dealt with the failure of a number of the brethren to present themselves for jury service. It is significant that the fines for this one offence ranged from six pence to five shillings.(52) A relative cess might also be laid on the assembly if a poor brother petitioned for aid.(53) In order to implement this system it would have been necessary for individual members to declare their income and have this declaration tested by the 'indifferent' officials. It is also likely that the guild would settle for small payments rather than no payments at all. Thus members who failed to make their contribution tended to be those who were not resident in the city at the necessary times. Those who absented themselves from the city for more than one year and a day, and who had not contributed the required amount to the coffers, were expelled from the guild and obliged to petition for re-entry to the city on their return,(54) (permission for which was usually granted).(55) Objection could be made by a member to the application of anyone who sought admission and only when the issue was resolved could that applicant be

admitted.(56) There is no record of the payment of re-entry fines but it is more than probable that they were levied.

Whether this veto was used to any great extent is unclear. There were certainly many instances in which competition might cause such objections to be made but the records do not suggest that the rule was abused. No one from another guild could be sworn a member, however, until he had forfeited his position and benefits within that guild.(57) Unlike several English towns, there was no overlap of occupations under the general jurisdiction of the merchant guild.(58) That is to say that all members were equally and only described as merchants. The use of the guild for monopolistic purposes cannot really be pursued at this level. It can only be assumed that the authorities would not countenance disputes that ran counter to the interests of the guild. The complexity of the occupational structure did, however, cause particular problems of control and one of these was the use of native Irish apprentices.

The admission and regulation of apprentices was carried out at the quarter assemblies of the merchant guild. Moreover the dichotomy between the de jure and the de facto observable in city matters was equally prevalent in the guild's attempts to control its apprentices. This can be seen from a ruling (circa 1580) which laid down that all apprentices must be presented to the masters and wardens of the guild before their admittance because of the tolerance of illegal practices whereby the Irish and others ('of simple birth') were allowed to take apprentices.(59) Consequently, it was laid down that all apprentices should be registered(60) and the requirements for admission as a

member were changed from an apprenticeship of seven years(61) to include an additional three years service as a journeyman and a further two years to be spent by the applicant in self-employment.(62) A limited number of apprentices were allowed to each member and a law was therefore necessary to prevent one merchant from utilising another's quota.(63) It is never made clear that any of these regulations made the slightest difference to the presence and importance of the native Irish. Not only is it probable that the Irish were an integral part of the merchant community (defined in the most loose sense) it is also more than likely that the status of apprentice was, in some cases, merely a category of wage-labour.

The behaviour of the apprentices themselves was regulated, by the use of the stocks(64) or by orders to the effect that the offender was to be stripped naked and whipped ('by two or four men disguised') in the presence of twelve or more of his fellows. Offences for which such punishments were prescribed were the wastage of a master's goods by pilfering, selling, or gambling above the sum of 12d., the 'haunting' of taverns or the begetting of a woman with child.(65) There is every reason to believe that the craft guilds played a similar role in the control of 'lawlessness' although adequate records have not survived. If this is correct it would further support the notion that the Irish within the city boundaries were an accepted part of municipal life. It is hardly likely that these non-free would have been beyond the laws of their trade or allowed to work without contributing to the financial support of the guild structure. The point is a speculative one but it is nonetheless valid if the city is viewed as an economic and social unit dependent upon the interaction of all its parts. The presence of

foreigners, as opposed to non-freemen, posed a different problem.

Laws were enacted which prohibited unauthorised commercial deals with foreigners. If the cargo of a ship was involved it was the duty of the masters and buyers to purchase the cargo which would then be distributed by the wardens;(66) nor were these officers permitted to refuse a purchase option. The matter was voted on in the guild assembly and the decision made accordingly.(67) Assemblies could, therefore, be convened on an ad hoc basis if the presence of a ship did not coincide with the usual meetings and the evidence would suggest that the laws of the guild were strictly adhered to in this respect. In 1609, for example, the following order was passed:

'Whereas Sir John Tirrell, knight, contrary to a law in that case provided, hath agreed and bargained with one Crafford of the town of Aire in Scotland for his barque in loading of French wines, without license of masters and wardens, at thirteen pounds eleven shillings each ton, beside all charges which are to be all full at the quay, which bargain was called in question before the masters and wardens the day aforesaid in an assembly of brethren, who in one voice doth wish the masters and wardens to put the same in execution against the said Sir John and also that the masters and wardens shall distribute the wines amongst the brethren at the rate they were bought by Sir John Tirrell'.(68)

It may be significant that of the twenty-five individuals who served as mayor between 1603 and 1640 only five of these did not also serve as

master of the Trinity guild and Sir John Tirrell was among the five (Tirrell had been mayor in 1603).(69) The above order may therefore be a display of authority on the part of the guild but it indicates, nevertheless, that protection of monopoly was fully exercised at the beginning of the seventeenth century and, moreover, that it was done so against the interests of individual and wealthy members of the guild itself.

The purchase and casking of wine on behalf of others (eg. members of the state government) was also forbidden because it was used as a pretext for exceeding the limits allowed to each merchant.(70) If the mayor and sheriffs were guild members they were entitled to double quantities of all commodities purchased by the guild (and if they were not the matter was at the discretion of the masters and wardens).(71) It was possible, however, for the reverse to be the case and a cargo could be bought by the mayor and distributed, not just among the guild members but among the other citizens. This practice was more unusual than common, however,(72) and might be prompted by shortages or high prices, the alleviation of which was the city council's responsibility. Theoretically, it was the duty of the mayor to first purchase the cargo and while this was unnecessary in the seventeenth century (due to the very close links between the two bodies) it sometimes happened that certain merchants abused their position and purchased cargos on their own account. In such cases the city council was not slow to assert its prerogative and punish the offenders.(73) It was the regular practice of the mayor to issue a license to purchase, rather than make the purchase himself, a mode of operation which was undoubtedly more efficient.(74) While the rules covering the purchase of a cargo may at

first appear to be quite rigid, there was certainly a good deal of allowance made for individual circumstances. It is very unlikely that the guild ever suffered a loss of profit due to its adherence to such rules.

At the beginning of the seventeenth century, merchants who traded on their own account used French vessels.(75) This was in contrast to a later report by Wentworth that 'all the trade within this channel, save that of coals, is wholly carried in Dutch bottoms'.(76) The heavier ships were obliged to unload at the harbour entrance but the lighter vessels could pass the bar in the bay and unload their cargos at the quayside.(77) It was the duty of the clerks of the guild to see that all goods were recorded and sold in accordance with the procedures laid down.(78) In return they received the option on double quantities (as did the masters and wardens);(79) this was yet another function carried out by the guild which would otherwise have been the responsibility of the city. Twelve master porters and twenty assistants were employed by the guild to measure commodities such as coal, salt, grain, etc. which were to be sold. The fees of the 'measuring porters' were paid by the seller and those of the 'bearing porters' by the buyer.(80) Rates for the bearing porters, set by the mayor in 1613 (in English money)(81) were as follows:

From the quay to St Thomas Street per ton, at the most.....	12d.
" " " " St Patrick Street.....	12d.
" " " " Castle Street.....	9d.
" " " " High Street.....	8d.
" " " " Cook Street and Bridge Street.....	6d.

From the water to the houses on the quay.....4d.

" " quay to all other places of the city & suburbs.....9d.

Customs duty was paid in accordance with rates set in the city's charters and on pain of expulsion; (82) as with all the laws of the guild however, a compromise could be agreed upon if petition was made. (83) This was undoubtedly an area of potential conflict. That disagreement between guild and city over customs duties rarely occurred is another indication of the harmonious operation of both bodies. Opposition or conflict usually came from outside. It is not ironic that the state intervened in the collection of customs duties while simultaneously eliminating trading problems such as piracy.

Piracy was a constant problem for the merchants throughout the early decades of the seventeenth century. Chichester had complained of it in 1610 (84) and an act for the punishment of pirates was passed in the Irish parliament in November 1614 (one of the two members for Dublin, Alderman Richard Barry, sat on committee for the bill). (85) It was not until Wentworth focused his attention on the problem, however, that it was effectively dealt with. Prior to Wentworth's arrival it had been reported (in May 1630) that all trade with both Europe and England had been stopped by pirates, to the great detriment of the merchants. (86) A certain amount of exaggeration may be allowed for here (it was said of the merchants that they 'cry out before they are hurt'). (87) Nevertheless, the Irish government was obliged to take action when ships were actually chased into Dublin harbour. A Dutch ship was hired temporarily to clear the port (88) but the government complained that it was hindered by a prohibition on the employment of natives. In 1632

the problem had grown to such an extent that pirates were anchored on the river itself, to the indignation of the Privy Council.(89) Two months later a group of Dublin merchants lost a cargo to a pirate named Nutt who seized it half a league from Howth and cost the merchants three thousand pounds.(90) The two ships in question were taken by Nutt in the full view of onlookers who watched from the shore.(91) Ships continued to be seized in Dublin harbour(92) and, on his arrival, Wentworth was not slow to see the detrimental effect which piracy had on the customs yield.(93)

Wentworth (himself a victim in 1633)(94) would have been familiar with the effect of piracy upon trade because the problem was almost endemic in the north of England.(95) By September 1635 he could report that the pirates had been banished and trade revived although continued vigilance would be needed.(96) Less than a year later, as he reviewed the state of the country, he could add that, with one minor exception, there had been no trouble whatsoever and no losses sustained by the merchants.(97) The lord deputy was determined that, despite a renewed threat from Turkish pirates, no expense would be spared to maintain the security of trade.(98) The manner in which piracy was dealt with through the state machinery illustrates the total interdependency of state, municipal government and merchant guild when trade was threatened. This was in spite of the fact that many other problems resulted more in divergence and conflict between these layers of administrative government. The explanation is, perhaps, simple enough. Many of the municipal and guild office-holders were traders. They had, therefore, two roles. The first was to defend the city's right to rule itself and preserve the fabric of its institutions. The second

was, naturally, to trade as successfully as they could. To some extent these roles were mutually exclusive. Wentworth (as just one example) improved the city's wealth at the expense of its independence. If these aldermen and councillors did indeed have a municipal identity it was compromised, paradoxically, by their own divided interests.

Wentworth's well-known policy of 'thorough' is clearly discernible in various aspects of his government.⁽⁹⁹⁾ The improvement in the country's trade for which he was responsible was part of that policy. It would be incorrect, however, to view the previous pattern of trade in Dublin, the fight for control of the customs and the attack upon the guilds as the effect of anything other than a coherent approach on the part of the English government to the possibilities of economic exploitation in Ireland. The distinction, in this respect, between Wentworth's government and those of the earlier years of the century depends upon a functional definition of the term 'policy'. While the governments of both Chichester and Falkland were notably different from that of Wentworth, the interests of the New English were common to all. Wentworth may have treated this group differently in matters of politics and religion but as far as the merchant guild of Dublin was concerned, loss of privilege was continuous from the first decade and consistently favoured the New English.

A further distinction can therefore be drawn between the political and economic interests of the members of the merchant guild. Distinction might be made between the landed Old English gentry and the Old English who earned their livelihood in the towns and particularly in Dublin. When religion was used by the English government as part of a concerted

attack upon municipal privilege in the first decade of the century, the landed gentry of the Pale were not slow to see the threat.(100) While this threat was overtly political and religious it was not immediately economic. This was not the case as far as Dublin city was concerned, however. The municipality held certain privileges the transference of which would result in a considerable loss of both income and independence. Whether these customs were farmed by the city or by English aristocrats made little immediate difference to the Old English of the Pale counties. For this reason there is a marked dichotomy between the demands of the landed gentry and those of their fellow catholics in the city. The former were concerned about any increases in duties or customs which they might have to pay. For their own political purpose and as part of their manifest loyalty to the crown, however, it would have been incongruous to protest over the transference of privileges to New English loyalists. In numbers 5, 6, and 7 of the 'Graces', for example, the phrasing speaks for itself: 'a great burthen to the country without any profit to us'; 'that the grant thereof shall be presently resumed into our hands'; 'as shall be most advantageous to the merchants in their traffick without prejudice to us in our customs'. No emphasis whatsoever was placed upon the debilitating effects which these particular 'graces' would have had upon municipal institutions and independence.(101)

Insofar as this observation warrants qualification it is necessary to comment further upon the divided loyalties of the Dublin merchant himself. The loss of corporate privilege was not necessarily detrimental to merchants as individual traders. An increase in trade might be brought about at the expense of the corporate power of the

Trinity guild but it is equally true that the members themselves adapted in order to benefit from this change. This was also the case as far as the struggle over municipal privilege was concerned. On the assumption that an increase in trade could be capitalised upon by the merchant alderman as much as by the Dutch foreigner, the crown's resumption of corporate power might thus have been less of a personal loss than the city council was prepared to admit. The view which the New English took to the merchant community was, of course, vital to this scenario. Two examples may illustrate the point.

In 1607 Sir Thomas Ridgeway, Ireland's vice-treasurer, explained the 'decay of trade', the 'bare intercourse of traffic' and 'the small income of customs' partly as a consequence of

'the overruling privileges of most, or all, the port towns, where, upon the arrival of any ship whatsoever, they enforce the merchant to stay fourteen days at least without selling any part of his wares to any other, and afterwards at his leisure and their own poor and dilatory manner of payment, the townsmen engross it to themselves, which all merchants naturally abhor...'.(102)

The phrase 'all merchants' indicates the distinction which Ridgeway drew between the inhabitants and foreign traders. In other words a Dublin trader was less of a merchant because he had political and economical affiliations which stood in opposition to an increase in trade and revenue. The guild itself was an obvious obstacle to such an increase. If the point is to be extended it could be said that the guild

was actually used as a pretext to disinherit the inhabitants themselves. There might, therefore, be two levels of attack: guild monopoly could be dismantled along with all city charters but the New English protestants could also be the beneficiaries of such change. What makes the question more complex is the general seventeenth century conflict between new and old modes of economic life.

Ridgeway's view could, for example, be used to support the notion that the struggle between corporate power (either municipal or guild) and 'free trade' was, essentially, a struggle between the medieval and the modern, the static and the dynamic.(103) Much has been written on this subject which is now out of date (insofar as it has been ascribed to the context in which such studies were carried out).(104) The question is still relevant, however, because urban government which was based upon corporate power did in fact portray itself as essentially static. Appeals to charters, formalities, traditions and precedents were intended to support or reinforce a structure whose existence was, of necessity, self-perpetuated. Yet such appeals cannot be taken at face value without contradiction. Divided loyalties meant, for example, that while the merchant monopoly was attacked from outside the guild,(105) it was not uncommon for the merchants themselves to support the government with financial loans.(106) All of which is to say that the guild's response was similar to that of its parent corporation in its tendency to be flexible rather than to respond with rigid opposition.(107) The reason for this may have been because both the city council and the guild were rarely in a position to take the initiative. This lay with the New English whose planned exploitation actually necessitated a consistent goal, namely an increase in the

king's revenue. Thus Ridgeway's view may be projected into the 1630s.

In 1634 Sir George Radcliffe, one of the new customs farmers and a close associate of Wentworth, wrote from Dublin to Sir Arthur Ingram:

'I cannot yet give you an account of the last half year's customs, but hope it will be as good as formerly, because we have had no hurt by pirates...But there is a business in hand about the tallow which will be of great consequence. The new companies of soapers in London have got a restraint of vending tallow here, themselves to have it all, which if it go forward, will destroy many of our Dutch merchants, whereby we shall lose at least four thousand pounds per annum. The parliament has been sensible of this and both houses have petitioned about it. Besides, we have the king's covenant that this and all other commodities shall be free...'.(108)

That Radcliffe could refer to the Dutch as 'our' merchants is significant. (It also contradicts the impression given by many commentators that national divisions had a crucial effect upon the economic policy of the English government.)(109) Insofar as allegiance was determined by economic interest, rather than nationality,(110) there is no reason to suggest that the members of the Trinity guild could not avail of opportunities presented by a growth in trade. In general it might be said that, in their effects, the changes wrought by government economic policy in the first half of the seventeenth century can be viewed in two ways; they were as specific as they were general, as local as they were international.

With regard to the administration of Dublin city these changes coalesce into one common theme with an equally common aim, namely the removal of restrictions with a view to an increase in revenue. The municipal structures which passed for institutions, however, amounted to more than the administration of a policy and were based, at least superficially, upon reciprocal modes of interaction which were, in turn, based upon an evolved consensus.(111) In the case of Dublin city the evolution of this consensus was both pragmatic and artificial. Pragmatic insofar as the corporate structure common to sixteenth-century towns was, in the final analysis, a functional one; not surprisingly, when the following century saw widespread changes in trading patterns which naturally altered the efficacy of this structure they were consequently followed by a progressive and continual change in the supporting consensus.(112) Dublin's corporate structure was also buoyed up by an artificial consensus, however, not unusual for a settlement with colony status whose allegiance was professed in the midst of an 'alien' population. In effect, this colonial identity necessitated the conservation of corporate structures as an intrinsic part of the preservation of the municipality itself.

The role of the guilds was vital to the fabric of such an identity for two reasons. The first was that by the early seventeenth century the guilds had come to play an essential role in the representative government of the city; the second was that, in the final analysis, guild power would be one of the first bastions of conservatism which would have to fall if trade was to expand and the crown's revenue was to increase as a consequence. The rebellion of 1641 altered this

situation so completely that any attempt to illustrate the validity of this view through continuity is futile. The burden of proof, therefore, rests upon the evidence for the period itself, evidence which was considerably depleted by another conflagration, i.e. the destruction of most of the guild records in 1922. The importance of the guilds to the life of the city in the early seventeenth century is not diminished, however, by the events which followed or by the dearth of records.

THE CRAFT GUILDS

It has been well said that many early studies of the history of English guilds have been affected by more widespread interests in the history of capitalism. Alterations in the view of the latter has entailed consequent revisions of the role of the guilds in the emergence of an industrial society.⁽¹⁾ The methodology employed in such studies did not help to correct this situation and evidence ranging over three centuries, for example, could be cited in support of a specific point. While the potential value of such studies was diminished accordingly there is a certain significance in the methodology itself. There can be no doubt that, as a subject for study, the guilds allow an element of a priori analysis. Indeed it might be said that the subject invites it with lengthy chronological periods, unified structures, continual traditions and apparently unchanging functions. Like the history of municipal government itself, the guilds can be studied coherently without reference to the often tumultuous political climate in which they sometimes existed. Yet if this is true of English guilds it is not the case with their Dublin counterparts.

Apart from the lack of extant sources it would be inappropriate to study Dublin's guilds only in relation to the development of capitalism, trade unions, industrialisation or labour. This is because the history of Dublin has,

in many vital respects, been the history of a colony. Moreover it will be argued throughout this study that the term 'old English', as it is applied to those colonial members of the landed gentry, cannot be used accurately to describe the inhabitants of Dublin - even those who were predominantly of Anglo-Norman stock. The dynamics of growth which mark a city remove it categorically from any comparison with the social structures of its rural environs. The primary distinction is self-evident: wealth-in-trade and wealth-in-land not only require different dispositions, they often demand them for survival. Dublin must first be treated as a separate unit, therefore, before comparisons or the complexities of interaction can be treated. The point is borne out anyway by the observable fact that, until the early seventeenth century, Dublin as a town and city was usually dealt with separately by the crown. Chartered rights and agreements were the basis of such dealings and in order to clarify the position of the guilds in this scenario it will be necessary to comment upon some of these first.

In theory, it was necessary to belong to a guild in order to trade as a freeman within the city (and vice versa)(2) and while this position changed with time, there can be no doubt that the incorporated guilds were responsible for a good deal of regulatory control which would otherwise have been the province of the municipal government itself. The craft guilds are generally referred to in the city records as corporations. Legally, the term applies to approximately ten groups who possessed royal charters by the beginning of the seventeenth century. Each of these guilds was entitled to plead at law as one body and similarly to own property. This is a large number when compared with York, for example, where the weavers were the only craft guild with a royal charter(3) and it suggests a relatively high degree of organisation. There were at least two other guilds which had been granted municipal

charters (i.e. local recognition) by this time.(4) Apart from these incorporated groups there were nine others which were granted royal charters between 1666 and 1696 and which must, therefore, have been reasonably well organised in the first half of the century.(5) Both of the guilds which possessed the municipal charters (namely the butchers and tallow chandlers) were also granted royal recognition during this time. The freemen rolls, on the other hand, give a total of approximately ninety occupations for the first four decades of the century, which indicates that a good deal of the city's internal economic affairs was carried on within a relatively small official structure.(6)

There were no royal charters granted to Dublin's guilds in the first half of the seventeenth century. As has been mentioned above, the latter half, by contrast, saw the royal incorporation of no less than eleven guilds. The explanation for this dichotomous treatment by the crown is relatively straightforward. The first four decades witnessed an aggressive assertion on the part of the English government of its right to a share in the expropriation of the city's revenue. The bulwark of municipal independence lay in its charters, which, in turn, depended upon a sub-structure of guild control. By the time of the Restoration, the municipality had lost its claim to the most valuable of its financial resources and had been rendered harmless as a consequence.(7) Together with this, the changes wrought in the ethnic composition of the city had, ironically, reversed the threat posed by the guilds and turned them, by the 1660s, into a narrow social base for the rule of an even smaller elite. The grant of royal charters from this period onwards, therefore, takes on an entirely different political aspect.(8)

Despite alterations of context or significance, however, the charters

themselves were basically the same. The goldsmiths had been in the possession of a royal charter which had been accidentally destroyed in the mid-sixteenth century(9) and the process by which it was replaced illustrates the nature of these agreements. The city council agreed to recognise a copy of the original charter under the usual conditions, which were as follows. No one was permitted to practise the craft outside the guild's control; the guild itself was to be run by a master and two wardens ('as in other fraternities'); an assembly was to be convened in which all members would establish the laws and orders within which the guild would operate; only those approved of by the masters and wardens could become members; correction and punishment was, likewise, at the discretion of the masters and wardens who were also given the power to appoint such 'officers and ministers' as was felt necessary. There were two further conditions under which their charter was to be recognised. The first was common to all agreements between town authorities and their guilds, namely, 'that the mayor...for the time being shall have the oversight and correction of their orders and doings so oft as he shall think expedient'. The second condition, however, was peculiar to an Irish context and to Dublin in particular. It was a proviso 'that none shall be admitted to the said fraternity without he be of Englishe name and blood, of honest conversation, and also free citizen of this city'.(10)

There is nothing about the reaffirmation of the goldsmiths' charter which might suggest that it differed in any way from the standard approach taken to the guilds by the city council in the sixteenth century. Several observations might be made, therefore, with regard to the conditions under which the guilds were recognised. The exclusion of those who were not of English blood is certainly the most distinctive. The relatively small number

of goldsmiths (four at this time) and the nature of their trade would make it unlikely that they would constitute a sizeable Irish group at any time.(11) This was hardly the case as far as other guilds were concerned, the bakers or cooks for example. In view of the fact that the other proviso in the conditions of recognition stipulated the right of the city council to intervene in guild affairs, the question is raised as to whether or not there was a de facto recognition of Irish inhabitants who traded within the city limits (as opposed to the liberties).

The answer to this question can only be that, by the middle of the sixteenth century, there was no recognition given to the Irish within the official guild structure. It was shortly after this charter was confirmed that the guilds gained the right of representation in the city assembly. As there is no evidence to suggest the existence of the compromise solution of a later period, (namely the use of quarter-brother status for catholics) it can only be concluded that the authorities could not recognise the Irish without also recognising their right of representation. Yet the dichotomy between theory and practice in this respect is hardly surprising. In the last quarter of the sixteenth century the Trinity guild found it necessary to pass a law (referred to above) which forbade the admission of apprentices who had not been formerly presented to both masters and wardens 'for that soe many Irish natives and others of simple birth are allowed apprentices contrary to the statutes of this realme'.(12) Not only would it be misleading to assume that such rules were effective, it could be argued that the necessity for their formulation actually indicate the opposite. In other words the rules were only rehearsed when a check on admissions was necessary but it is more than likely that the guilds were faced with a practically insoluble problem. It cannot be said with any certainty that Irish natives and 'others of simple

birth' were admitted at one level but openly prevented from gravitating to a higher level. In order to elaborate upon this problem it will be necessary, therefore, to make some reference to the control of apprenticeship itself.

Throughout the sixteenth century the level of this control was high. No apprentice could be taken under the age of sixteen;(13) no member of the Trinity guild or any of the craft guilds could take an apprentice without registration and the payment of a fee;(14) a certificate was to be issued on the acceptance of every apprentice,(15) etc. Yet it is clear from another ruling made by the city council in 1577 that the control of apprenticeship was far from what it might have been. The clerk of the tholsel pointed out that the ancient laws for the enrollment of apprentices had not been adhered to. He undertook, for a fee, to 'make dillygent serche of such as are aprentises and to take a trewe note of ther yeares'.(16) Moreover, it is suggested that there was a considerable dichotomy with regard to the rules and their application; nor was such inconsistency confined to the enrollment of apprentices.

In 1591, for example, it was declared that some individuals who were not qualified in any occupation had been admitted to the franchise, after which they had become guild members.(17) While such laxity on the part of the city may be understandable in administrative terms, it is unlikely that the craft guilds could inadvertently admit members who were not of their trade. By the end of the sixteenth century, therefore, the theoretical exclusiveness of the guild structure could, at least in one way, be overlooked. The situation is certainly explicable in financial terms; more members meant less tax on each individual. The difficulty for the municipal authorities was twofold; in the short term such individuals were less amenable to control and in the long

term a sufficient number could pose a cohesive threat to the power of the city government itself (as the Dutch were to do). It was necessary for the guild, therefore, to act as both filter and control at the administrative level below that of the city council if such problems were not to arise. It was apparent that the system of apprenticeship might produce an equally undesirable situation for the city. If a particular craft prospered, its members would be inclined to take on more than the permitted number of apprentices. These, too, would be less amenable to control because of their illegal status and the likelihood that they would not be discernible in certain administrative areas. The example quoted above, in which the clerk of the tholsel attempted a retrospective registration of apprentices, suggests that there was considerable opportunity for the guilds, or the individual masters, to take on more than the permitted limit and integrate these if, and when, registration was sought by the city. There would have been, consequently, ample opportunity to exploit 'the poorer sort' of apprentice.

The social divisions among apprentices had direct bearing upon their acceptance into a guild. In 1605, for example, a complaint was made by 'certain poor young men', described as 'artisans' who had served their full apprenticeship, that they could neither pay four pounds, sterling, or give 'a great dinner' in order to be admitted into the appropriate guild.(18) The provision of a dinner is significant in this context because it illustrates that the high entry fine was not simply intended to increase the revenue of the guild. Whether the members of a guild would have their influence depleted by a less restrictive policy of admission(19) or whether the intention was to create a cheaper skilled labour force by the exclusion of certain qualified apprentices is unclear. The craft guilds had a fixed representation in the city assembly so that an increase in their numbers did not necessarily entail

an increase in political power. The complainants in the case above would already have gained the city franchise, however, and were, consequently, entitled to the adjudication of the council in matters of dispute. The interests of a corporate guild and a corporate city government were in this instance, therefore, divergent. A complaint made in 1612 indicated that apprentices and servants were 'harboured' in the liberties and produced goods there.(20) These individuals would normally be referred to as 'strangers'(21) and the fact that they are here described as apprentices indicates that they belonged within the official guild system. The existence of a skilled labour force, with or without the franchise, utilised by masters and unofficially recognised by the guilds, illustrates the complex nature of apprenticeship at this time.

Control over the behaviour of an apprentice was the responsibility of his master, the guild authorities and, ultimately, the city council. The Trinity guild provided stocks for this purpose(22) and laid down strict rules for the punishment of its apprentices. Pilferers, those who wasted their master's goods to the value of twelve pence and those who 'haunted taverns or begot any woman with child' were to be 'stripped naked and whipped with green birchen rods by two or four men disguised and in the presence of twelve or more other prentices...'.(23) Coincidental with this ruling was one made in the city assembly to the effect that any apprentice who had relations with a prostitute was to be pilloried, imprisoned for twenty-one days and to forfeit one year of his apprenticeship.(24) Anyone found guilty of encouraging the illicit behaviour of apprentices was liable to forty days imprisonment in 1584.(25) The impression is gained from these rulings, however, that much of the concern with regard to the moral integrity of the apprentice was, in effect, a concern for the property of the master, which was often depleted

as a consequence of 'haunting taverns'. An issue of more subtlety was not the sexual proclivities of some apprentices but rather the image presented by all apprentices to their fellow inhabitants; an image which, it was felt, should be determined by tradition.

The desire on the part of the municipal government to influence the general behaviour and dictate the appearance of the city's apprentices was supported by the guilds. In 1574 the Trinity guild laid down that apprentices could wear only old clothes which belonged to their masters.(26) Likewise, in 1606 a complaint was made to the city council 'that there is sprung up among the prentices of this city [in general many vices] and especially the wearing of long hair fashioned like ruffins, [sic] an unmeet thing to be permitted in any civil city...'.(27) In response to this it was ruled that the masters of all guilds were to be called before the municipal authorities and ordered to reform 'as well the vice of long hair as other fashions which many of their prentices, contrary to the vocation of an apprentice, do use in their apparel and otherwise...'.(28) Failure on the part of the guild master or the master of an offending apprentice was punishable by a heavy fine; the apprentice himself was to be whipped by two porters in disguise.

There can be little doubt that such a ruling was followed by a certain degree of reform. A matter as specific as that of long hair would, presumably, appear on the rolls again if disobedience was to be construed as an affront to the city council. That it was not pursued further would suggest that the complainants were satisfied with the action taken by the guilds. The issue is useful insofar as it illustrates a point for which there is little specific evidence. The guilds had been willing to tolerate long hair; in view of the considerable proportion of the city's population which was directly

amenable to their influence, it would seem reasonable to suggest that they reflected a certain consensus in relation to the matter. The response of the city council, on the other hand, was an unusually abstract one insofar as it was based upon a formal view which it was at pains to enforce.

It might be said by way of explanation, that, in the final analysis, the charters upon which the city's government was based depended for their validity upon a traditional agreement or interpretation. The maintenance of tradition was, in this respect, the reinforcement of that agreement. The preservation of procedures, the conservation of structures and the protection of an ethnic identity constituted, ultimately, the only bulwark against encroachment of any sort. The point was made dramatically, for example, when the city lost part of its customs rights because the crown departed from the traditional definition of one word in a charter.(29) Whether the men who held civic office consciously perceived the issue in these terms or not is a moot point. They nevertheless adhered to a notion that the behaviour and dress of the apprentices, if uncontrolled, posed a threat to the municipality. At the end of the period under examination the issue was dealt with by the council with an equally heavy hand when apprentices were accused of being 'far out of order in their carriage, behaviour and going in apparel'. A committee composed of no less than the mayor, the treasurer, four aldermen and both of the sheriffs was set up to deal with the matter.(30) It is somewhat tempting to think that this committee, made up as it was of the top ranks of the city's government, illustrates a specifically non-guild orientated response to the problems posed by apprenticeship.

This particular concern for appearances may suggest that the effective role

of the guilds in municipal government was limited to a type of confined participation rather than any powerful involvement, with more emphasis on presence than performance. While guild representation was fixed throughout the period, the active involvement of the guilds in municipal affairs declined considerably from the late sixteenth century until the outbreak of the rebellion. Guild membership of the general assembly began in 1574 when it was laid down

'that whensoever henceforwarde any place of the numbers of xlviij and xcvi that shall becom voyde, that the election shalbe made of suche of the corporacions as shalbe thought meate to supplye the same, if none of the Trynitie yelde shalbe better lycked of by the assemblie to be nominated to that place'.(31)

This initiative was taken in the context of a revision of all existent municipal laws and may be seen as part of an attempt by the city government to become more efficacious. (It was not related to the simultaneous administrative problems caused by the plague.)(32) It would seem reasonable to assume that this guild representation was the result of demands made by the craft guilds for greater involvement; several factors would tend to suggest, however, that this was not the case. The first relates to the wording of the above ruling; the decision as to which of the craft guilds were to supply this new representation was to be made, not by the guilds themselves but by the city council and only after the Trinity guild had been canvassed. If a strong demand for representation had been made by certain guilds it is more than likely that the wording of the above ruling would have been more specific. The second factor relates to the possible motivation for the change itself. It is followed in the next assembly by regulations to

enforce the attendance of the commons on pain of fine.(33) While this can be explained by the presence of plague within the city,(34) it is unlikely that the guilds had been insisting, simultaneously, on that very right of attendance. The real motivation, as far as the municipal council was concerned, had more to do with finance than democracy. City finance was such that there were no funds to pursue the defence of the boundaries against incursions from the liberties, nor was there any money to deal with the plague. The cess which could now be laid upon the craft guilds according to the proportion of their new representation on the council was one solution to this problem.(35) Yet the guilds did not actually contribute their share and money was still outstanding by the following year.(36) This, once again, would suggest that they were drawn into the government rather than that they sought greater representation themselves.

While the lack of evidence prohibits a final conclusion as to the cause of this new involvement, it would be somewhat presumptuous to view it as a further indication of 'the defeat of the monopoly of government in Dublin'.(37) It must be said, however, that there are some grounds for viewing the greater representation of the guilds as an increase in their power. In 1573, one year before the change, it had been decided that, 'for further indifference and quietness' and despite the ancient laws, two extra keys of the common seal would be given to the commons to be kept by two guild masters who would, henceforth, add them to the seal of approved business after each common assembly. The affairs of the commons were further considered in the same assembly when it was laid down that all those who attended were henceforth obliged to wear gowns; in addition to this, petitions could now only be made by the commons themselves and not by the citizenry.(38)

It is at least feasible, therefore, to see such change not only as an overhaul of official procedure but also as a development of guild power. By the late 1630s, however, the participation of both the craft guilds and the merchant guild in the government of the city had declined to such an extent that several attempts were made to revive it.(39) As this problem of non-involvement had developed in the decades prior to the 1630s it would seem tendentious to attribute the changes of the 1570s to the progressive defeat of oligarchy. Nevertheless, while this is an issue that cannot be pursued into the decade which followed, it serves as a context in which to examine the role of the craft guilds in the city government and to consider whether, in fact, this role was a changing one or merely one of numerical representation.

The nature of guild control was, first and foremost, affected both by the liberties surrounding the city and the unfree population within and without the boundaries of the municipality.(40) The lack of extant records prevents an examination of craft guild control at the lowest level but it might be surmised that the absence of such issues from the municipal records indicates that they were contained within the normal influence of the guild authorities.(41) The relationship, therefore, between the guilds and the city government was reciprocal insofar as the latter would only take upon itself the role of mediator, leaving internal guild matters to the respective authorities. This reciprocity can be seen more clearly in the city records where much of the vital business of government was raised in the commons, one third of which was composed of members of the craft guilds. The picture presented by the evidence is, therefore, drawn from one side of this relationship but its significance is not diminished by that fact. Throughout the sixteenth century it was common practice for the city council to regulate various aspects of guild life.(42) It would appear that, in these

areas, self-regulation was either undesirable or impracticable and, consequently, these are the areas that warrant examination.

The admission of guild members, for example, had come under the scrutiny of the city council by the middle of the sixteenth century. One effective method by which control was maintained over such admissions was to make it a statutory obligation that an individual be free of the city prior to his acceptance by a guild.(43) While this was a two-way agreement in practise, it gave the city council an important veto with regard to its approval, or non-approval, of particular guild members. By the last decade of the century, however, the predictable consequences of such a policy had materialised. It was now conceded that

'divers persons are admitted to the franchise of this city having no special occupation or trade belonging or proper to any incorporation in this city, nevertheless after their admission to the franchise they shroud themselves to other incorporations, thereby intending some one thing and some another thing, whereby the city is divers ways hindred...'.(44)

A development of this kind can only have occurred through administrative laxity, both on the part of the guild leaders and the city council; the extent to which such laxity was willful raises another question.

It has often been said that the essence of municipal regulation in the sixteenth century was monopolistic and restrictive. While this may have been the case the complex environment which gave validity to such a view has, likewise, often been ignored. It has been possible, however, to place

restriction in a general context without losing sight of the localised nature of the problem. Hecksher's view is worth quoting as an example:

'English craft guilds as purely urban organisations experienced the same difficulty as was found...to have existed in France...It consisted in the fact that handicraft passed beyond the jurisdiction of the city and so did not remain susceptible to the control of the city guilds. This was partly due to the filling of the suburbs with handicraftsmen and partly to the spread of industry in the country proper. There then remained only two alternatives, if the guilds were to be used for the regulation of industry. Either urban industry carried on beyond the bounds of the cities would have to be suppressed, or the guilds would have to spread into the country. The former would have involved an attempt to maintain the economic supremacy of the towns in spite of the spontaneous tendency of economic life to overcome it. The latter would have implied the formation of a national gild system. Although both were attempted, neither yielded appreciable results...'(45)

This view is a useful one insofar as it identifies unregulated trade as an immediate threat to be faced by the guilds. It considers the problem from one side only, however, namely 'the spontaneous tendency of economic life' to confound regulation. Conversely it could be said that the example quoted above from the Dublin assembly rolls indicates that a third alternative was possible. That alternative was far more flexible than the suppression of manufacture outside the city limits and was certainly more realistic than any notion of territorial expansion on the part of the guilds. While change is the basis of each of these responses the alternative adopted by the Dublin

authorities, however unconsciously, was simply the reverse. A reliance on the administrative structure itself, together with a short-term willingness to absorb a problem, meant, in effect, a compromise between what was desirable and what was inevitable. What excludes Dublin, therefore, from Hecksher's analysis is that it did not have any power to suppress the economic life of the surrounding country, nor did it have the facility of a supportive government to consider any national plan whatsoever. It could be argued, therefore, that conservation (and not regulation) was the ultimate basis for any consensus between the guilds and the city council in Dublin. The remainder of the council ruling quoted above is an example of this sixteenth century compromise:

'it is agreed and ordered...that none heretofore admitted, or hereafter to be admitted to the franchise of this city, bearing not a name or title belonging to some special incorporation, shall not shroud themselves under any incorporation, or take upon them the name of brother, without the special licence first had of the Mayor, Sheriffs, commons and citizens in their assembly, upon pain of forfeiture and loss of his and their freedom that hath done or shall do the contrary'.(46)

This 'special licence' is indicative of a compromise which allowed the authorities to retain control without altering the nature of the problem. It is important to bear in mind that the city council of the sixteenth century was considerably stronger in its administrative power and independence than it was to be in the Stuart period. The subsequent expansion of trade, the loss of customs rights, the conflict over religion, etc. had not yet affected the city government so that, theoretically, they ruled from a position of strength. It

is clear that the guilds were in agreement with this position of compromise and they readily co-operated with the city council when ad hoc regulation was called for. The guilds associated with the building trade provide an illustration of this form of regulation although they are not the only examples, as will be shown.

The guild of carpenters, for example, contained heliers, masons, joiners and millers but the evidence would suggest that they were content to be treated uniformly by the city council. The various crafts appear to have organised themselves around the building trade by the middle of the sixteenth century by which time the joiners were listed as members, although they had not been included in the original charter grant.(47) In York, during the sixteenth century, there was a struggle for power maintained by the carpenters against the other wood-work crafts, a struggle which developed with the increased use of bricks as building material.(48) The scant records for Dublin, however, do not indicate that such a conflict existed there, in spite of the fact that permission was granted for a brick-making factory (with an order from the city for 60,000 bricks) in 1599.(49) On the contrary, the overall impression is of a reasonable degree of harmony between the guilds involved in the construction trade and the city authorities. In view of the fact that Dublin was an expanding city, particularly in the 1630s, this can only suggest that mutual interests were readily served by the peculiar organisation of the trade. By 1616, for example, it was still incumbent upon the citizenry to supply the tools as well as the materials whenever they employed carpenters, masons, bricklayers, heliers, plasterers and others. The authorities rectified this anomaly when they ruled that the citizen was only obliged to supply materials.(50) Nevertheless, the higher level of investment required of the citizen, by comparison with all the other trades

which operated in the city (with the possible exception of the goldsmiths), necessitated a greater degree of organisation, supervision and regulation. Such facilities were forthcoming without hesitation from the city authorities.

Soon after a group of glaziers were admitted to the franchise in 1578, for example, it was complained of them that they charged too much. The mayor ('whose charge is that no artificer shall take excessive [rates] for his labour or work') intervened and threatened the glaziers with dismissal.(51) The group, or their trade, do not feature again throughout the period under examination, which, while it does not necessarily imply acquiescence, does suggest that a compromise was effected. Likewise, in 1569, the masons permitted non-freemen to practise the craft on condition that they pay the guild half of their earnings. The city council intervened and granted the franchise immediately to any of the non-freemen who could prove their skill; in addition to this it promised protection from the guild's power of arrest.(52) The authorities were not always in a position to impose an arbitrary solution, however. In 1602, for example, complaint was made that the carpenters, slaters and masons were leaving the city for the country during the summer, to the obvious detriment of the projects they had already undertaken. In response, the authorities could only threaten to bring the necessary unfree labour into the city to complete the work.(53) It is not known exactly how far afield these expeditions ranged but in 1600 when Sir Henry Docwra complained of a lack of tradesmen he mentioned that six carpenters and five masons had arrived in Derry from Dublin.(54) Indeed, Dublin itself suffered from a lack of specific skills: in the same year the city council found it necessary to send to London for a plumber(55) (as late as 1638 there was still only one plumber in the entire country).(56)

See ii, 30

The regulation of wages was an area in which the carpenters' guild was subject to a more general control by the city council.(57) While this was the normal practice for the period,(58) it was particularly necessary when the city's need for craftsmen was affected. Such regulation was not an arbitrary imposition, however, and the guild authorities themselves could be relied upon by the council to control the payments to their own members.(59) In some cases the money in question amounted to quite a large sum, as, for example, when a mason repaired the city watercourse for sixty pounds (he was still owed part of this sum in 1595, for which a cess had been agreed upon but the money was not forthcoming from the citizens and the council was obliged to meet it out of the treasury).(60) By the end of the sixteenth century it had become necessary for the guild to enter into an arrangement with the city authorities which entailed a compromise on both sides. In 1597 the guild undertook a formal agreement to 'repair, maintain, uphold and keep up' the city and suburbs, for which task they were to be permitted the use non-free labour and to have expelled from the city those who would not work for the guild. In return they agreed 'that every man that so doth worcke under us, being a brother or journeyman, shall have vi.d. with meate and drincke, and, without meate and drincke, xvi.d. a daie, which is allowable and expressed in our recordes...'.(61)

This agreement is unusual for two reasons; it is one of the few in which the city council lays claim to the maintenance of the suburbs but it is also rare for its official acquiescence in the use of 'foreigners'. It is possible to explain both anomalies in one context. Maintenance of areas outside the boundaries of the city would be essential if roads were to be kept open, roofs safely fixed, the water supply protected, walls repaired, etc. Much of the unskilled (and therefore unfree) labour would be in situ (and of Irish

extraction) so that it would be difficult to avoid its use if costs were to be minimised. It can only be assumed that this was a considerable compromise upon the city council's part but in some respects this must have been a normal response if effective municipal government was to be maintained. The wage amounts themselves changed little throughout the early years of the seventeenth century as the following rates (in 'current money of England') set by the mayor in 1613 illustrate.(62)

'A common labourer shall have with meat and drink by the day from Michaelmas last till the 17th of March next..... 12d.
 and from thence till Michaelmas..... 3d.
 without meat and drink from Michaelmas last till the 17th of march next..... 7d.
 and from thence till Michaelmas by the day.... 8d.

The master [carpenter, joiner, cooper, mason tiler or plasterer] shall have by the day with meat and drink..... 8d.
 without meat and drink..... 16d.
 a journeyman with meat and drink a day..... 6d.
 without meat and drink a day..... 12d.
 a prentice with meat and drink..... 4d.
 without meat and drink a day..... 9d.'

The rates set for the wide variety of crafts involved in the building trade are artificial in the sense that the supply of skills cannot have been evenly distributed and, consequently, the demand for each cannot

have been equal. Nevertheless there is no extant evidence to suggest that the city council could not maintain this form of regulation. While it was necessary to have these rates published by proclamation this had more to do with the continual influx of immigrants into the city and the effects which this had on several of the guilds.

The manner in which finance was raised through the imposition of a cess upon the guilds was another area where compromise was required. The particular grouping of the guilds was recognised as a matter of course but this was equally affected by the increasing number of immigrants who took advantage of their non-alignment to the guilds as a way of avoiding various levies. The proportion of a cess borne by a guild frequently depended upon the other guilds with which it was grouped and dissent was, not unnaturally, a common response.(63) The long-standing arrangement had been that the merchant guild contributed two-thirds and the craft guilds made up the remainder of the sum required. This formal agreement could be called into question, however, when either group felt that they were bearing unnecessary charges, to which protests the city council had always been at least responsive.(64) Likewise if, among the craft guilds themselves, there was dissent as to their individual portions of the cess it was the city council who decided the issue. This is fortunate because much information has survived as a consequence of the general assembly's involvement in these disputes.

In 1579, for example, the goldsmiths complained that they were charged disproportionately because they were grouped with the blacksmiths.(65) That this was not simply a case of administrative pairing can be seen from the fact that, in 1593, 'the masters, wardens and corporation [sic] of smiths and goldsmiths' were granted a lease on Gormond's Gate, presumably for use as a

meeting place.(66) Such a relationship can hardly have been maintained merely because both crafts were grouped together for the cess. Although the word 'corporation' in the ruling is singular (and, therefore implies an amalgamation), the word 'masters' suggests that the two guilds were quite separate (the Trinity guild was the only body to have two masters).(67) The smiths' guild itself contained several crafts that did not possess a charter but these did not necessarily have any occupational connection with the guild.(68) The goldsmiths pose a different problem insofar as they were an established body themselves. It is possible that the link was simply the working of metal; thus in 1617, for example, it was ordered that one Nicholas Miller, gunsmith, 'shall use his trade until the next assembly, and in the meantime that he do agree with the corporation of smiths'.(69)

There is little doubt that the question of the cess had a good deal to do with the manner in which the guilds were organised. Throughout the first half of the seventeenth century the guilds were generally referred to by the city council as 'the eight corporations and their wings' in spite of the fact that there were more than eight royal charters granted by this time. One example, which occurred in 1627, illustrates the type of problem involved and is worth quoting at length.

'Whereas the commons complained that the barbersurgeons, glovers and fishmongers, together with several other tradesmen, far beyond many of the corporations in ability, do join themselves to one or two of the eight corporations that have little need of them, and by what authority or colour it is not known, whereby the weaker sort of the corporations are much hurt when any cess or loan money cometh, by reason that those wealthy tradesmen do bear little or

nothing, and so the burden coming upon the petitioners groweth very heavy, and therefore they humbly prayed that those wings and tradesmen shall either be united to the corporations that are poor and have most need of them, or otherwise to be appointed to attend their own charter, and so every one to bear his part of the charge as becometh: it is therefore ordered by the authority aforesaid, that the mayor, recorder and sheriffs, or any two of them, whereof the mayor always to be one, shall call before them the several corporations of barbersurgeons, glovers and fishmongers and saddlers, and examine them unto what companies they do belong, and by what authority, and if they find them not to be legally joined to any company, then to certify the table of aldermen thereof, and they to dispose and annex them to such companies as they shall think to stand in most need of their assistance.'(70)

The first observation which might be made here pertains to the independence of the guilds who had already grouped themselves for the payment of the cess but without any apparent authority to do so. While such arrangements may have been outwardly frowned upon by the city council it is apparent that it only involved itself insofar as the collection of its own revenue was concerned. The co-operation of the guild representatives in the assembly was essential, particularly in the collection of finance for immediate projects.(71) It would appear to be the case, therefore, that the position was only changed when the poorer guilds complained and, presumably, pleaded an inability to pay.

Records of the tailors' guild also indicate that the leading crafts could withhold the cess; the master was often imprisoned for this recalcitrance (for

which time in custody he charged his brethren). The records also suggest a degree of co-ordination among the eight principal guilds in relation to payment although they could also negotiate separately with the mayor. They could be imprisoned by the mayor as one body, however (although the evidence upon which this point is based does not specifically relate to the collection of the cess).(72) Such obstinance was not uncommon and it was often the case that the cess book showed a discrepancy which the city council was then obliged to remedy.(73) It would not be surprising if intervention by the city council in the amount paid by each guild related directly to a drop in its own income.

The second observation with regard to the above ruling is that the council threatened to levy the cess on each guild separately. This would suggest that the view taken by the city government was based on the receipt of the required amount and that, therefore, the grouping of the guilds was in accordance with their own methods by which the total amount was raised. The consequences of such a situation would be a predictable division among the craft guilds based on their wealth, or, perhaps, their size. The 'eight corporations' would, therefore represent the core of guild power in the city. The above ruling excludes the barbersurgeons, glovers, fishmongers and saddlers from the eight; it has already been established that the goldsmiths were cessed with the smiths. By a process of elimination the 'eight corporations' were, therefore, the tailors, smiths, bakers, carpenters, shoemakers, cooks, tanners and weavers.(74) The three remaining guilds who possessed royal charters but who existed, for the purpose of the cess, as 'wings' were the barbersurgeons, the glovers and the goldsmiths. As these guilds were relatively large by the 1630s it is understandable that the city council should hear complaints with regard to their inadequate

contributions.

The above ruling also suggests the existence of 'legally joined' guilds, although there is no extant evidence to elaborate upon the conditions or types of such conjunctions. The possibility that some of the guilds had undergone amalgamation would allow some comparison with their English counterparts but the question would ultimately revolve around the definition of a 'wing'. In the same assembly in which this ruling was passed a complaint was made by the masters of the eight corporations that the wings,

'through over much toleration, do strive to have precedency in sitting in the tholsel on the assembly days, and offereth violence to some of the said eight masters to put them from their places, where in reason and decency the said eight masters should sit together...and the wings to sit after the last master of the said eight masters...'.(75)

By the late 1620s, therefore, the manner in which the guilds were grouped for the payment of the cess did not relate either to their wealth or their power. Intimidation of the kind described above was the type of problem which the guilds themselves could not solve if the wings decided to assert themselves. A more important question with regard to their behaviour is whether it was motivated by 'precedency' or profit; whether, by the 1620s, guild representation in the city commons had become a formality valued for its own sake, or whether there were concrete economic advantages to be gained. Some light is thrown on this problem by a long-standing dispute between the bakers and the barber-surgeons which was dealt with by the city council in 1634.

The question related to precedence on station days and the bakers had petitioned the assembly on the basis that the barber-surgeons were merely a wing. The matter was not as simple as this and had been debated on several occasions previously because the barber-surgeons' were in possession of the older charter. The matter was decided in favour of the bakers on the grounds that they were not a wing(76) (and, therefore, belonged to the eight principal guilds). The issue was raised again ten years later, however, and on this occasion by the barber-surgeons when a committee composed of the mayor, recorder and sheriffs reversed the earlier decision and found in their favour. If this appeared to be contradictory it was not so by the time of the next assembly, when the barber- surgeons petitioned to be recognised as a distinct guild, rather than a wing, 'whereby their said places might be fully settled'. The only condition upon which the city council agreed to this request was that, henceforth, 'the said corporation of barber-surgeons have no relation unto, nor dependence upon, any other corporation, but that they shall bear all common charges and cesses in this city as a distinct corporation'.(77) It would appear, therefore, that the issue did, in fact, revolve around precedence and not profit and that the last decision went in favour of the barber-surgeons on condition that they bear a separate portion of the cess. A 'wing' might be defined, then, simply as a guild affiliated to another for the payment of cess but one which was, consequently, of lower status in the common assembly, regardless of the antiquity of its charter.(78)

If there was a profit motive involved in such manoeuvres for greater presence in the assemblies it would be borne out by a high attendance but this was not the case. In 1638 a complaint was made that

'several of the numbers of the council of this city..do neglect to

come unto the assemblies or other meetings of this city, and that many of them did not come thither for many years past, contrary to their oaths and duties'.(79)

It was decided that a committee composed of the various groups represented in the commons (merchants, sheriffs and crafts) would review the position and recommend the elimination of offenders from the list of names. By October of the following year nothing had been done and the proposal was reiterated. It is notable that on this occasion, however, the committee was to be composed of the mayor, sheriffs, treasurer, two aldermen and the masters of the Trinity guild.(80) The exclusion of craft representation may, itself, suggest the reason for the reformation of the committee; the master of the smiths guild, for example, who was dropped from the committee was appointed to another in the same year but one which had nothing to do with the guilds.(81) In view of the fact that the problem had existed 'for many years past', it would further suggest that the struggle between the wings and the eight corporations had more to do with precedence than profit. It is understandable that matters of status would concern the guilds more immediately than payment of the cess. It is, likewise, understandable that the city council would see this situation in the reverse. Although the cess itself was related to status it was far more vital to the continuation of municipal government than were matters of formality. In this respect the extent to which 'profit' was of more concern than precedence is best explored through an examination of the financial administration of the city.

The low attendances at assembly meetings which characterised the role of the guilds in the late 1630s was indicative of an endemic decline in the

administration of the city which became visible in the second decade of the century and was manifest in almost every aspect by 1640. Complex factors, all of them linked, determined the outcome of trends which could hardly have been perceived in their totality by contemporaries. Yet the problems encountered in the administration of the city reflect, in a segmentary way, the complete picture. The following description of this picture as it related to finance relies upon two very different sources; the first a set of accounts and the second the assembly rolls themselves. It is ironic that the accounts end in 1613, the year in which the city's customs were finally farmed to English entrepreneurs and the year in which the Old English faced their first packed parliament. It was also the year during which the aldermen found a political means of stemming, if not diverting, a trend which ultimately caused the enervation of the municipal corporation so aptly expressed by the non-attendance of guild representatives.

FINANCE

Although there was a clearly defined framework within which the city's finances were managed there was also a causal relationship between declining independence and financial mismanagement. The dispute over the entitlement to customs revenues and the subsequent loss by the city of many privileges was part of a progressive decline in that independent status which had, hitherto, been enjoyed by the inhabitants. That this decline is not overtly acknowledged in the assembly rolls is not surprising. It was to its own administrative precedents that the city council looked for the continuation of its rule. The reasons for this were not only pragmatic but were also ideological. Loyalty to the English monarch was expressed according to chartered agreements of mutual interest. As far as the city council was concerned, changes in the interpretation of such agreements were never intended to call into question the governmental framework explicit in the charters themselves. From one point of view, therefore, adherence to traditional modes of financial administration in the face of incursions was not, of itself, paradoxical. Moreover, if there was a possibility of regaining lost privileges it would only have been through demonstrable loyalty to such tradition. It is, therefore, the ways in which the financial administration of the city changed in spite

of this that indicate the real nature of the problem.

In the quarter assembly held every October a panel of auditors was appointed from the city council. The number of individuals on this panel ranged from seven to fourteen. (During the 1640s when proceedings were affected by the war, six was a quorum.)(1) The panel always comprised of the mayor, the treasurer, representatives of the aldermen, the forty-eight and the ninety-six; the automatic inclusion of the sheriffs did not take place until 1613.(2) The auditors were responsible to the treasurer for the preparation of the accounts and he, in turn, was directly responsible to the mayor and the board of aldermen. The treasurer was required to balance the accounts out of his own income if this proved to be necessary and if he was not in a position to do so he was obliged to petition for acquittance.(3) The reason for this is apparent from the figures given below, namely, that the city council strove to balance its expenditure with its income and the onus was on the treasurer to see that this was actually done. The sheriffs also furnished accounts for their term of office and these were similarly prepared in consultation with the auditors. There is some fragmentary evidence of additional accounts submitted by the aldermen who undertook the collection of arrears and there is one extant account prepared by the masters of the city works for their period in office.

These accounts of the city's finances end in 1613 and are to be found in the 'treasurer's book'.(4) It is not known when this volume was bound or how inclusive are the accounts it contains. Nevertheless those which have survived are complete and afford an opportunity to present a profile of one aspect of the city's financial administration in the

first decade of the period. The most notable evidential omissions are the financial accounts of the mayoralty. As justice of the peace, admiral of the port and clerk of the market, in addition to his chairmanship of most committees, the mayor accounted for considerable amounts of money apart from his allowance of one (and later two) hundred pounds per year. (The salary was doubled for the first time in 1618.)(5) Nor was this allowance intended to reflect the expense of the office itself. Stanihurst's comment on the subject, written in 1577, gives some indication of this:

'They that spend least in their mayoralty (as those of credit, yea, and such as bare the office have informed me), make an ordinarie account of five hundred pounds for their viand and diet that yeare; which is no small summe to be bestowed in housekeeping, namelie, where vittels are so good cheape, and the presents of friends diverse and sundrie...'.(6)

Municipal officers other than the mayor and aldermen who were undoubtedly obliged to keep accounts were the recorder and the clerk of the tholsel. It was the latter's duty to seal leases and to record admissions and as both of these tasks involved the payment of fees it is more than likely that receipts were required. As the only other justice of the peace, the recorder was likewise accountable for the fines and casualties which passed through his hands although no records of these have survived.

Between the years 1604 and 1610 the monies, in sterling, accounted for by the treasurers and sheriffs were as follows:

		TREASURER			SHERIFFS		
		l	s	d			
					l	s	d
1604	income	1407	19	9	income	158	0 0
	expenditure	1467	19	7	expenditure	102	13 0
	deficit	59	19	10(7)	surplus	55	7 0(8)
1605	income	1601	[]	[]	income	158	0 0
	expenditure	1589	[]	[]	expenditure	134	1 11
	surplus	12	[]	[(9)]	surplus	23	18 1(10)
1606	income	818	11	4	income	158	0 0
	expenditure	746	18	7	expenditure	150	14 2
	surplus	71	12	9(11)	surplus	7	5 10(12)
1607	income	718	1	8	income	158	0 0
	expenditure	673	18	0	expenditure	120	7 6
	surplus	44	3	8(13)	surplus	37	12 6(14)
1608	income	858	7	4	income	158	0 0
	expenditure	843	5	8	expenditure	74	16 8
	surplus	15	1	8(15)	surplus	83	3 4(16)
1609	income	672	1	2	income	158	0 0
	expenditure	519	11	4	expenditure	163	10 4
	surplus	152	9	10(17)	deficit	5	10 4(18)
1610	income	592	18	8	income	158	0 0
	expenditure	557	2	0	expenditure	143	4 4
	surplus	35	16	8(19)	surplus	14	15 8(20)

The total surplus for these years far exceeds the deficit (by over four hundred and eighty-seven pounds, sterling). When all outgoings are taken into account this surplus suggests a definite policy of rectitude on the part of both treasurers and sheriffs. While this cannot be taken as the total balance on the city's accounts, the surplus is sufficiently consistent to suggest two possibilities. The first is that the treasurers were persistent in spending less than their total income. One practical reason for this was that the surplus on the accounts was not demanded immediately and so could be used by the treasurer himself. For example, Sir John Tirrell was elected as treasurer in October 1605;(21) three years later he still owed the city six pounds on an account in surplus which he had submitted and which had been signed by the board within a year of his office.(22) The second possible explanation for the regular surplus is that the municipality was simply a going concern in the first decade of the century. While both possibilities are not mutually exclusive, their resolution depends upon a comparison with the period of decline after 1613 which can only be gleaned from less quantitative evidence.

The comparison is possible, nevertheless, and it points towards a marked deterioration in the municipal corporation's financial position. The most important source of income which could not be contested quickly by the crown was the property leased by the city to its inhabitants.(23) Reliance upon this source was, therefore, necessary when customs rights were withdrawn. Yet it will be shown that the loss of these rights was coincidental with a gradual debilitation of the city's property management. This is significant because a conservative estimate of all property leased indicates that over

fifty-five per cent was leased to merchants and aldermen. Which is to say that the municipal council depended upon its own members to pay rents; as the power of the council declined its members defaulted on their mutual commitments. This is consistent with the thesis that, in order to protect their own personal positions, the aldermen compromised their allegiance to the municipal institutions and is equally consistent with the consequences of this: once the state had successfully resumed the customs farm attempts were made (through the commission for defective titles) to undermine the legality of as many leases as possible. The extant accounts of the treasurers and sheriffs provide a backdrop for these manoeuvres insofar as they illustrate the importance of the city's property in relation to its other sources of income.

Monies accounted for by the sheriffs were small by comparison with those of the treasury. The total yearly income for which they were responsible was fixed at one hundred and fifty-eight pounds, sterling, and comprised of the following:(24)

	l	s	d
rents & profits of shrieval fee farm.....	133	6	8
rent of the crane.....	2	3	4
rent of Little Buttery & custom of fleshambles	10	0	0
moiety of the tithes of Taghadowe ('being 125 pecks [of corn] at 2 shillings the peck').....	12	10	0

Seventy-four pounds and twelve shillings of this amount was accounted for as fixed expenditure:

	l	s	d
fee farm of the city (paid into the exchequer)	43	1	6
to the dean and chapter of Christchurch.....	20	0	0
'taken from the langable and added to the revenues'	5	0	0
sheriffs' moiety of langable of St Mary's Abbey lands.....	1	1	6
exchequer fees.....	4	0	0
rent of Little Buttery.....	0	11	0
rent of Power's & Collette's inns ('as other sheriffs had').....	0	18	0

The remainder of the sheriffs' expenditures are similar to those of the treasurer and were comprised of legal costs, repairs, maintenance, salaries and victuals; in other words the ordinary expenses incurred by the municipal government (as exemplified in other areas of this study). Salaries were not fixed items insofar as they were payable by either the treasurer or the sheriffs, they were often payed in arrears, quarterly, half-yearly or yearly. This would suggest that the auditors managed the accounts to achieve the optimum balances. The yearly sums involved were negligible, for example:

	l	s	d
trumpeter & livery.....	5	10	0
drummer.....	4	0	0
yeoman of the ordinance.....	2	0	0
beadle of the poor.....	2	0	0
clock-keeper.....	2	0	0
macebearer.....	1	15	0
clerk.....	1	10	0
bellman.....	1	0	0(25)

There can be little doubt that most of the minor officials appointed by the city council worked on a part-time basis. Yet there are notable omissions in both accounts. It cannot be said with certainty that the constables and deputy-aldermen were not paid on the mayor's accounts; if they were not it would suggest that they were employed on a commission basis and were therefore paid by the aldermen out of the general cess for each ward. Moreover, it cannot be assumed that all monies were actually accounted for. It would appear from the accounts, for example, that prior to 1613 the sheriffs were not obliged to account for the tax collected by them and known as the 'green wax'.

The city had defended its claim to this tax in 1598 and in doing so it supported the sheriffs right to collect it yearly from the citizenry.(26) Moves on the part of the state government to resume the tax in the first decade of the seventeenth century(27) prompted a further response from the city council. Whether by agreement with the state or as a defensive action it was ordered in 1613 that, henceforth, the profits from the tax would be expended upon the city works and that the sheriffs would be obliged to account for the monies in the same way as they did for the fee farm of the shrievalty itself. Furthermore, the sheriffs were now made accountable to the treasurer for the tax and he was instructed 'once every year [to] get out of the exchequer a copy of the estreats concerning this county, whereby a perfect charge may be always made against the sheriffs when they are to account'.(28) The most immediate result of this change in policy was that, from 1613 onwards the sheriffs were automatically appointed to the board of auditors.(29)

Unlike the sheriffs, however, the treasurer did not account for receipts of fixed income; even an unspecified item referred to as 'ancient revenues' altered each year as can be seen from the following sample years.(30)

1604	l	s	d	
property.....	736	5	9	(52.3%)
finer of balls(31) & admissions.....	247	11	0	(17.6%)
arrears (unspecified).....	229	3	6	(16.3%)
'ancient revenues' (unspecified)....	54	4	1	(3.8%)
tithes farmed.....	45	6	8	(3.2%)
finer & recognizances.....	39	14	1	(2.8%)
port corn of Taghadowe.....	25	0	0	(1.8%)
ditto (arrears).....	25	0	0	(1.8%)
tithe arrears.....	5	3	8	(0.3%)
city works (arrears).....	0	11	0	(0.04%)
	(total)	1407	19	9

1606	l	s	d	
property.....	339	14	11	(41.5%)
finer & recognizances.....	141	6	8	(17.3%)
arrears (unspecified).....	139	18	0	(17%)
finer of balls & admissions.....	98	1	2	(12%)
'ancient revenues' (unspecified)....	73	8	7	(9%)
'the king's fee'.....	22	2	0	(2.7%)
watercourse (arrears).....	4	0	0	(0.5%)
	(total)	818	11	4

1610		1	s	d	
property.....	303	3	10	(51%)	
arrears (unspecified).....	128	3	5	(21.6%)	
'ancient revenues' (unspecified)....	82	18	11	(14%)	
finer of balls & admissions.....	76	12	8	(13%)	
finer & recognizances.....	1	19	9	(0.3%)	
	(total)	592	18	7[sic]	(32)

Discrepancies in the amounts derived from each of the above categories of income are related to the amounts of arrears paid in each year. For example, fees for the sealing of leases totaled over four hundred and sixty pounds in 1603 compared with fees of less than sixty pounds, sterling, in 1604, no recorded amount in 1606 and less than thirty pounds, sterling, in 1610. Payment for the seal of leases in 1603 would, therefore, overlap onto the account for 1604.

Arrears other than those caused by short term delay in payment posed a greater problem for the city council. In 1605 it was stated in the general assembly

'that by the remissness of the treasurers of this city in collecting and receiving this city revenues... great arrearages are grown so desperate as there is little or no hope left for getting in the same...'

A committee was set up to consider these and two of the aldermen were made responsible for their collection ('by distresses of complaint') and for this they were to be paid two shillings in the pound.(33) It was

then agreed in the following assembly that a book of all debts would be made to expedite the work.(34) On the examination of the arrears the city council concluded that 'for the most part' the debts were irredeemable and it was decided to write these off and concentrate on the remainder.(35) (It was in this context, therefore, that the city council was always willing to assign money for the payment of its own debts 'out of the rents and arrears'.)(36) It is significant that this project entailed the continuation of Francis Tailor, earlier appointed to collect arrears, in the office of treasurer for two consecutive years. This was a productive response not repeated systematically until the 1630s by which time a process of trial-and-error had illustrated its effectiveness. Tailor, according to himself, 'used great diligence' in bringing in some of the arrears and his account is the only one extant of monies collected in this way.(37) The arrears are consistent with the treasurers' figures above insofar as they would suggest that between forty and fifty per cent of the city's income which passed through the treasury was derived from property rental:

1607	l	s	d	
property.....	61	1	8	(51.7%)
sheriffs' arrears.....	37	8	10	(31%)
port corn of Taghadowe.....	9	7	6	(8%)
arrears (unspecified).....	7	12	6	(6.4%)
finer of balls & admissions.....	3	17	6	(3%)
	(total)	119	8	0

It is also notable that the expenditure accounted for by Tailor was

almost equal to the arrears brought in (as it usually was in the general treasury accounts also):(38)

	l	s	d	
city debts.....	91	6	8	(84%)
expenses & fees.....	17	11	4	(16%)
(total)	108	18	0	

Tailor was a proven debt-collector and was reappointed to the treasury for this purpose in October 1612. What followed was an attempt, presumably on Tailor's part, to redefine the role of treasurer. Yet the necessity to do so, together with the mere repetition of the standard duties of the office, would indicate that the performance of other treasurers had left a lot to be desired:

'there shall be henceforth established in this city one officer which shall be treasurer, to continue during his good behaviour, and that he shall by virtue of his said office have authority to collect all the revenues and all other casual profits of this city; and that he shall once every year account upon his oath, and shall also as often as he shall be thereunto required by the mayor, truly show to the mayor what he hath received and disbursed and what remaineth in [h]is hand, and that he shall, at the entry into his office take his corporal oath, to use his best endeavours to collect and recover as well the growing rents and arrearages, as also all other casual profits ...and to disburse the same to the stipendaries upon Mr Mayor's warrants...'.(39)

One reason for the 'growing rents and arrears' was the comparative lack of incentive between the supervision of the city accounts and the treasurer's private occupation. The traditional percentage paid to the treasurer on money received through his efforts (and the efforts of the clerk of the tholsel) was two shillings in the pound. This was insufficient, however, to ensure the regular flow of income into the city coffers. It was agreed, therefore, that out of all receipts of the 'standing revenue' the treasurer was to have six pence in the pound; out of fines for the refusal of office and fines of admission to the franchise 'and all other casual profits' he could claim twelve pence in the pound; of all sums in arrears at Michaelmas of the previous year he was to have two shillings in the pound.(40) Once again, it is suggested from the rates set in the order that it was progressively more difficult for the treasurer to collect the 'standing revenue', the fines and the older debts. It is not surprising, therefore, that Tailor was also made the city's agent and attorney-general, 'to prosecute and defend all causes concerning the mayor, sheriffs, commons and citizens', although this was additional to his office as treasurer.(41) This was a logical step for the council to take if the treasurer was to be something other than an accountant. It is notable, however, that it was not the perimeters of the treasurer's duties which were expanded but rather the personal power of Alderman Taylor himself.

The intentions of the council might have been more effective, however, had they officially incorporated Tailor's other powers into the role of treasurer. The revenue collected by the treasurer subsequently declined so that by 1631 the council was again obliged to attempt a remedy. The agreement whereby the treasurer took a percentage, it was

pointed out, was

'many years neglected and the ancient names of the lands held being altogether, as it were, unknown and in oblivion until this, our later age, as also the daily increase of rents newly added thereunto hath, by such neglect, occasioned such disorder in the accounts of the city that the treasurer's accountants for the time being leaveth in supers...'.(42)

The solution to this problem, as far as the council was concerned, was to make an order to the effect that the treasurer would work in future with the clerk of the tholsel to prepare his accounts which would, henceforth, be submitted three months after the expiration of the treasurer's period in office. In other words there were no suggestions as to the possible causes for the neglect itself but simply a re-emphasis of the duties of the post. One reason for this was the city council's reluctance to contemplate an increase in the treasurer's incentive to collect the revenues.

That this was the case can be seen from an order made six years later in which it was recognised that the neglect with regard to the city's finances was due largely to the 'want of sufficient allowance given to the treasurer and his deputy'. It is notable, however, that when the amounts were agreed upon they were less than those set at the beginning of the century. Whereas a sum of twelve pence in the pound could be taken for all rents, fines, casualties and arrears of less than two years standing, all debts of more than two years standing were to yield the treasurer (or his deputy) eighteen pence in the pound, ie. six pence

less than the earlier rate.(43) The problem was not, in itself, an administrative one, however, nor was it one of insufficient monetary incentive, but rather the fact that, in the main, those who served as treasurer were not markedly committed to the office so that the problem was actually one of personnel. Instead of an increase in the incentive to collect the revenue, therefore, the council was obliged to break with established tradition and re-appoint Alderman Richard Barry who was willing to serve over an extended period; thus from the mid 1630s the same alderman served as treasurer for over twelve years.(44)

Barry's contribution to the financial administration of the city was considerable. He became an alderman in 1606,(45) was appointed to the committee of auditors in October 1609 and was re-appointed continuously until his death in 1648; he served as treasurer from 1616 to 1618 and from 1635 to 1648. Barry was exceptional only in his latter period of service as treasurer, however, as it was quite common for the auditors to be re-appointed each year. This, in fact, was what distinguished the committee of auditors from all other appointments within the municipal administration. At the beginning of the seventeenth century their role was essentially a passive one in that their function was to provide a regulatory presence on the council. The changes wrought throughout the period are visible, however, in the use made of the auditors as adjudicators of disputes, particularly in the 1630s by which time the administrative structure of the municipality was under considerable strain.(46) The outbreak of the rebellion has made the projection of these trends a matter of speculation but it is more than likely that the re-appointment of Barry and the widening of the auditors' administrative jurisdiction would have had a beneficial

effect upon the city's finances. The haphazard way in which money was cessed was one obvious area for such potential improvement. To a large extent this was because the personel who administered the cess were not, themselves, financial officers.

When a cess was levied on the inhabitants of the city it was done so under the supervision of the aldermen and carried out by their deputies and the constables of each ward. The unit of collection was, therefore, the basis upon which taxes were levied. This in itself indicates the weakness of the treasurer and auditors in that the problem was seen from the bottom up. Thus unequal contributions from the wards could be rectified by fragmentary means as, for example, when the house of Sir Geoffrey Fenton was 'united' with the ward of Wood Quay and Winetavern Street 'for bearing of watch, ward and other charges'.(47) Failure on the citizen's part to pay the cess was punished by fine or by incarceration but this was ineffective when there was an immediate need for money. It was often necessary to reduce a fine considerably in order to have it paid and there are many examples on the assembly rolls of such pragmatic leniency.(48) Similarly it was necessary for the city council to alter its methods of collection in order to elicit a more positive response. The procedure had developed by the late sixteenth century whereby the promoter of a bill of cess was held responsible for any deficit in the collection. The solution to any shortage was therefore seen in terms of the amount involved rather than a deficiency in the method of collection itself. This could only work, however, when the promoter of the bill had sufficient interest in it, as might be the case when a project required investment both by the individual and the city.

Yet there were many instances in which this situation did not arise and by 1596 it had been necessary to introduce procedures whereby the defaulter could be better persuaded to make his contribution. The solution proposed was that the 'foreman of the bill' would go to the house of the defaulter and take possession of his goods to the value of the sum involved; if this was not paid within forty-eight hours the goods were to be sold as forfeit.(49) There are two reasons why this procedure did not work. First, when the promoter of a bill was made responsible for a deficit it meant, in effect, that its collection depended on the ability and temperament of that particular individual rather than the aldermen or constables of the ward whose familiarity with local conditions was, undoubtedly, greater. Secondly, it is likely that the difficulties inherent in the confiscation and sale of goods would have cost more in time and effort than was feasible. There remained a problem, therefore, whenever money was required at short notice.

The gradual loss of privileges throughout the period and the consequent loss of revenue should have resulted in a greater and more efficacious use of the cess. That this was not the case is ample illustration of its disfunction. Consequently, in the mid 1630s, when the city's revenue was greatly in need of remedial attention, the council looked to what were supposedly new ways in which to raise money. One of these was to create a new office of 'steward or master of the watercourse' in an attempt to levy a rate upon those inhabitants who availed of the municipal water supply. There was nothing innovatory about this, however, as the measure merely amounted to the resumption of the usual lease of the watercourse to a private individual.(50)

Another development was an increased reliance upon the parish, rather than the ward, as a unit although the change itself did not eradicate many of the administrative problems. For example, in 1634 when the implementation of an act of state with regard to the erection of a 'house of correction' was required,(51) the necessary money was collected by the churchwardens with whom part of it remained while some of it was also held by the aldermen. There is little doubt that this money was put to private use until it was required despite the fact that the city council demanded its delivery into the municipal coffers.(52) The use of the churchwardens did, however, support the work of the aldermen and their deputies. One immediate effect of substituting the parish for the ward in this respect was that there was less opportunity for the non-citizens to take advantage of their conglomerate inhabitation of the liberties and other areas where the municipal influence was weakest. (Which was why the parish was particularly useful to the state when it sought the implementation of its own projects such as the establishment of poor houses.) Like many of the other changes in the administration, however, this adaptation was not conducive to the reinforcement of the city's governmental institutions.

It is in the context of these changes that the income which the city derived from its property must be viewed.(53) The problems were more complex than those of the cess because there were more ways in which an individual could extricate himself from his financial responsibilities. Tennants could plead poverty at the assembly and have their arrears remitted although this was usually done on the offer of some security for future payments.(54) Likewise a petitioner could request a remittal of the fee which was normally paid on the agreement of a lease and this was often granted with some conditions.(55) It was also the case that the city council could resume a

lease and cancel a particular debt by agreement.(56) There was sometimes a third party involved who undertook the lease and the payment of the arrears with it, to which arrangement the city council was understandably agreeable.(57) Arrears could likewise be cancelled if the building or land in question had been put to a use which was advantageous to the city. For example, an area of Wood Quay was shown to have been used for a considerable time as a storage area for materials used in the city works and for this reason the arrears were cancelled.(58) It might equally be the case, however, that the non-use of land could be put forward as the basis for a request of remittal. In other words if a rent was agreed upon in relation to a certain return from the property in question and if this return was afterwards not forthcoming, a petition for remittal could be successfully made.(59) A loss might also be incurred if leases that had been granted by the city were not then sealed or the rental subsequently paid. The response of the council in such cases was usually to allow a short time for the lease to be sealed and the first rent to be paid; failure on the leaseholder's part to comply would result in cancellation.(60)

The income from the city's property was also affected by those who built upon city land without legal sanction. In 1620 a committee which had been set up to prosecute causes on the city's behalf was given full powers to deal with those who held 'concealed land'.(61) It is impossible to estimate the extent of the areas involved but there can be little doubt that the problem could not easily be solved. Moreover it would appear that to build upon city land without permission was not the action of a 'mere foreigner'. On the contrary, it can be seen from the case of Alderman Nicholas Weston that members of the city council themselves indulged in the practice. It was stated in 1624 that Weston had 'encraoched' upon a considerable part of

Oxmontown Green which had, since his death, been 'inclosed and builded upon'. A lease of the area in question was granted to Alderman Robert Ball pending the trial of the title; on proof of title for the city, Ball was to continue to hold the lease.(62) It is notable that, in this case, the solution proposed was to grant an interest to another individual prior to the settlement of the title, rather than a more direct procedure against the Weston estate.

Illegal building was not confined to open areas in the suburbs but was also a problem within the inhabited area of the city itself. The expansion of Dublin and a growth in the size of its population was the general context in which such buildings were illegally erected. In 1628 the commons complained

'that there are many intruders on the pavements and commons of this city, and buildings erected on the same and...there are sundry lands concealed and kept from this city under pretence of having grants, fee farm or leases from this city...'

The aldermen, their deputies and the constables of each ward were instructed to report upon all illegal buildings in their respective wards by the next assembly.(63) The problem, however, could never be clearly defined, nor the loss of revenue exactly known when the council itself did not have proper records of the full extent of the city's property. This was, in fact, the case and in 1633 it was agreed that a committee would be established to examine 'the counterpawns of all the leases' in order to discover the number which had expired. (There was no greater incentive at this time than the stirrings of the commission for defective titles under Wentworth's guidance.)(64) The need for this committee itself indicates

that there was no substantial income derived from existent leases (not unnaturally when individuals would not settle their debts if they were not obliged to).

The point is reinforced by two orders passed in 1637. The first suggested that a lack of incentive on the part of many of the treasurers had resulted in a situation whereby the city rents had remained uncollected.⁽⁶⁵⁾ The second pointed out that the committee established in 1633 to examine all leases had, in effect, done nothing and some of its members had since died.⁽⁶⁶⁾ Both of these orders indicate that the city council did not expect any real change or improvement in the position. Whether the new committee established to remedy the problem had made much progress by the end of the period is not clear. With regard to the encroachment upon the city's lands, however, there is evidence to suggest that the position had remained unchanged by the early 1640s.⁽⁶⁷⁾ It may be said, therefore, that the large number of leases granted by the city to the inhabitants had more to do with the maintenance of the municipality's legal system than the possibility of a lucrative return from the property itself. This, of course, meant that the municipal council had very few obligations to the upkeep of large parts of the city. While this may not have been officially admitted by the members, it was certainly borne out by the lack of initiative taken in relation to public works and maintenance.⁽⁶⁸⁾

It is difficult to avoid the conclusion, therefore, that there was a consistent degree of acquiescence on the part of the board of aldermen in the financial administration of the city. The re-appointment of Alderman Barry in the 1630s may have been innovatory but it was carried out in an atmosphere of continual and debilitating change. The admissions to the franchise rose steadily throughout the last decade and it can only be assumed that the fines

levied were used to offset losses elsewhere. Yet the very rise in these admissions was coincidental with the inability of the administration to cope. It is argued in chapter 10 below that this inability had more to do with covert indifference on the aldermens' part as they strove for economic security at a cost of their political independence. The point would be verified more succinctly if some evidence of the city's finances had survived for the period after 1613. Nevertheless, what circumstantial evidence there is points towards the validation of this view. Moreover, if this is the case then the loss of the city's customs rights should have involved some dubious posturing on the part of those who professed to be acting in their defence. This, again, is a point unadorned with indisputable evidence but it is consistent with the sequence of events and the logical consequences which followed from these.

THE CUSTOMS FARM

In the early years of the seventeenth century the English government moved against the municipal towns in a concerted drive. It did so legally in as much as the government itself chose, arbitrarily, its own terms of reference[?]. The point is made succinctly and the context given in the following comment upon the question as it was decided in England (and before it was applied to Ireland) when Chief Baron Flemming gave his decision in the Bates' case of 1606:

'Fleming grounded the king's right to levy impositions upon two principals: the king's authority was extra-national, and in international concerns was not limited by the national law; and it was supra-legal, so that he might, for reason of state, legally act contrary to the common law. The first ground decision alone was sufficient for Bates' Case and upon that Sir John Davies grounded his book The question concerning impositions. The king was outside Britain, and the common law was confined to England; consequently he could impose duties upon goods entering England without infringing the common law. This power of levying duties was communicated to the king by the law of nations, which described the rights of kings in virtue of sovereignty.'⁽¹⁾

The resumption of the English customs farm after the accession of James was wholly consistent with the claims of the crown for extra-national and supra-legal status. Nor was James' theory of kingship incongruous with courtiers and financiers eager to capitalise new ventures. In this respect the pacification of Ireland provided a twofold opportunity to implement schemes of exploitation. First, military success had made it a safe territory in which to manoeuvre (and there was no more dramatic demonstration of this than the exodus of O'Neill and his followers). Secondly, it was incumbent upon the crown to demonstrate, in order to justify, its theory of prerogative and there was no better, or more profitable, way to do this than to subject the country to a uniform tax farm. The implications of such a farm were vast in their range. Not the least of these was the contravention of chartered agreements with towns whose loyalty had always been necessary but was no longer so. The king's argument for extra-national prerogative could be demonstrated in Ireland to the benefit not just of the crown but of those who wished to invest or to settle in Ireland. Moreover, the ethos of the early seventeenth century was on the side of the crown:

'In nothing...does the modern state differ from the medieval more than in possessing a central executive body with sufficient authority to exercise a continuous control and supervision over the organs of local government...'.(2)

At the beginning of the seventeenth century the observation was easily made that the queen's revenue suffered due to the lack of an efficient customs administration.(3) As early as September 1603 negotiations were commenced by the lord deputy with a view to investigating the possibility of an increase in the yield.(4) The well-established reluctance of the citizens of Dublin

to pay the imposed levies on their trade(5) necessitated, at the very least, a change of personnel.(6) From the very beginning, however, the plan to reform the customs was an ambitious one with the anticipation of a high yield.(7) By January of the following year the municipal government had agreed upon a policy of resistance; bills of 'inditement of extortion' were to be drawn up against 'the king's majesty's customers, controllers and searchers'.(8) The government's intention was not officially acknowledged by the city council until six months later when it received a letter from one of its agents in London to the effect that a custom of poundage was to be imposed despite the city's charter of immunity. It was agreed that this charter should be brought to London and defended there (the merchant guild passed similar rulings with regard to the defence of its own charter).(9)

There was some cause for optimism on the part of the municipal council when an agreement was arrived at between the crown and the city agents in England whereby the charter would be upheld. That such optimism should be qualified was suggested by the fact that the agreement was sufficiently loose to prompt a petition by the commons in the city assembly which sought the consolidation and confirmation of the new arrangement. The merchants, however, did not need a reminder from the commons about such vital matters, the Trinity guild had already discussed the problem and had appointed a commission to pursue the same.(10) Optimism should also have been qualified in view of the fact that, by November, matters had been settled in London with regard to the farm of the English customs; Arthur Ingram and John Wolstenholme, collectors for the port of London, had already agreed upon a new book of rates with the English merchants.(10)

Throughout the following year the city's business was handled by its

appointed agent, Michael Hamlin, about whose efforts it was agreed that 'what favours could be procured the same was obtained'. Favours, however, did not constitute the confirmation of a charter under the royal seal and it was noted without exaggeration that 'the neglecting thereof may put this city in general to great charges and loss'.(12) In April 1606 two Englishmen, Thomas Hibbotts and William Long, were granted exclusive rights to the export of specified quantities of wheat, wool, sheepskins, hides, tallow and flocks.(13) Although this agreement was part of the government's overall plan and was not necessarily intended to be final,(14) the licencees were also granted rights of search and confiscation which should have alarmed the city council.(15) The provisional acceptance by the English privy council of a scheme proposed by the earl of Nottingham for a farm of the Irish customs(16) was a clear indication that the role of the municipal corporations in raising the revenue yield was going to be negligible, if not actually negative.

Another possible cause for alarm on the part of the city council was the fact that, apart from the obvious economic factors involved (as well as the vested interest of the English speculators), there was a view of the port towns and their inhabitants which, when held by an English administrator, automatically excluded them from participation in the new schemes. The view of Sir Thomas Ridgeway, vice-treasurer of Ireland, may illustrate the point. Besides the reputed idleness of the people of Ireland and besides the scarcity of money throughout the realm, Ridgeway put forward two other possible reasons for 'the decay of trade and bare intercourse of traffic' which are significant in that they illustrate how an Englishman working in the Irish administration could view the port towns and their inhabitants. One reason for the low return on the customs was

the overruling privileges of most or all the port towns, where, upon the arrival of any ship whatsoever, they enforce the merchant to stay fourteen days at least without selling any part of his wares to any other, and afterwards at his leisure and their own poor and dilatory manner of payment, the townsmen engross it to themselves, which all merchants naturally abhor.'(17)

The categorical distinction made here between 'all merchants' and 'the townsmen' is indicative of a bias which saw any potential prosperity as originating outside the old privileged areas and which would, by definition, alienate the apparently non-existent merchants among 'the townsmen'.(18) If this view was myopic it was also paradoxical insofar as the other reason for the decay of trade which Ridgeway put forward took cognisance of the same merchants he excluded in the distinction made above. He noted

'a wilful peevishness and perverseness in the popish and hollow-hearted merchants themselves (grown as they say upon urging of the oath of supremacy and coming to church), rather to desist from trafficking than by their adventures to bring in anything that may prove any way beneficial to the English'.(19)

There is, of course, no evidence whatsoever to support Ridgeway's view that the merchants of Ireland had acted in concert to frustrate the crown by the sacrifice of their own income. Such obtuse analysis, put forward by a vice-treasurer, can only exemplify the feigned abhorrence of the new colonist bent on inflating schemes of exploitation to a point where a suitable ideology could be superimposed (hence the reference to religion).(20) There was neither subtlety nor naivety, however, in Ridgeway's view of the Trinity

guild and its place in the scheme of things and he was adamant as to what should be done:

'there must be an act of parliament that all strangers and others may freely come and trade in all parts of this kingdom, not withstanding any former charters, privileges, prescriptions, or usages to the contrary, and that the charter for the Trinity guild in Dublin may be repealed, which is the break-neck of all the trades of English or strangers to that city'.(21)

To this effect Chichester was ordered to carry out an enquiry into all existent charters and privileges and to examine those who claimed to hold them.(22) This was promptly done(23) and proceedings were commenced against Dublin and Limerick.(24) It was the opinion of Sir John Davies that it would be a matter of months before all opposition would be overcome, despite the fact that the corporations had demurred.(25) The nature of these 'demurrers' was twofold and depended upon, first, 'what manner of duties customs and subsidies are, and their original difference' and, secondly,

'whether the said charters are sufficient warrants to the corporation...to receive the said customs and subsidies to their own use, and to make [ie.appoint] a customer, comptroller, searcher, etc...'.(26)

Whether the corporations were aware of the fact or not, the outcome of such proceedings had already been decided upon in London. It was pointed out to Chichester that the essence of the scheme was to change the Irish customs operation along the lines of the new English model and not the confirmation

or renewal of existent privileges.(27) Although Ridgeway had earlier acknowledged that the citizens of Dublin, Waterford and Drogheda were free of poundage under the act of 15 Henry VII,(28) the English privy council instructed the lord deputy to express views to the contrary and offer exemption from the payment ('of great sums') of arrears as an enticement to acceptance.(29) On the presumption of a considerable degree of gullibility on the part of the municipal governments, the English privy council instructed its Dublin counterpart to promise that the citizens of the towns would not be 'left in the power of any subject' and would be treated 'as becomes merchants in their honest trade'. It was not to be made known, however, that this treatment of honest merchants would not include recognition of their traditional status and, in fact, it was recommended that the Dublin government should 'diligently investigate the claim of a certain privilege called the Trinity guild, which those towns pretend to their own prejudice'.(30) In response to this situation the agents for the towns ('making show of good conformity') agreed to put the king's case to their respective authorities in view of the promised remittance of arrears and a stay on the quo warranto proceedings,(31) although it is very unlikely that the real intentions of the English government had escaped their notice.(32)

Whatever the response of the towns, it was necessary, for the English government's purposes, to maintain the initiative and to this end a new book of rates for the Irish customs was compiled in February 1608, without any recognised consultation from those who were to be affected. It was received by Chichester in March and published immediately.(33) Following this, Salisbury wrote to the customers of Chester to inform them that Dublin merchants were no longer permitted the custom-free trade which they had been granted hitherto.(34) Duty was to be paid on all commodities with the

exception of small wares intended only for trade within the limits of Dublin city.(35) Such a concession was equivalent to one made in the same month when the king instructed Chichester to grant 'new charters, with such enlargement of franchises as shall appear convenient', retaining for the Crown, simultaneously, the great and petty custom together with tunnage and poundage(36) (thereby withholding, of course, everything the towns actually wanted). The Dublin city council, however, attempted to interpret this concession as a confirmation of the its existent charters (ignoring the undesirable aspects) and feigned protest at the 'negligence of the magistrates' in their failure to immediately effect the king's wishes.(37) It also began to reassert its authority in the appointment of its own candidates to positions in the customs administration which had already been filled under the new regime.(38)

Opposition from the towns generally had in fact mounted to such a height by this time that it was deemed necessary to remove the judicial hearings to London.(39) In view of Recorder Richard Bolton's strong defence of the Dublin privileges there,(40) it is not unlikely that the government had found a favourable decision impossible in any but the London courts. The political significance of this opposition had hardly been considered by the privy council in London. Chichester felt obliged, therefore, to remind Salisbury that if the towns were not justly compensated for any losses they might incur, their loyalty ('without which all may be in danger at one time or another') could hardly be depended upon.(41)

The case against Dublin was based upon three issues of contention.(42) The first concerned a proviso in the act of 15 Henry VII and the question was whether the city had been exempted from the payment of poundage or

whether this could be claimed by the crown on the basis of common law. Bolton had anticipated the argument and produced evidence to show that the grant of poundage was based, in fact, upon common law and merely confirmed by statute; the judges were obliged accordingly to find for Dublin. The second issue to be decided upon involved the petty custom to which, Bolton admitted, the city had no recognisable claim. He avoided making the claim at all, however, and with some skill he showed instead that the city 'owned' the river and maintained the port and that for this they had always charged foreigners three pence in the pound. In other words, by showing that it was not necessarily the petty custom (although that was also three pence in the pound charged on foreigners for the use of the port) the issue could not be decided on the basis of that custom at all. The way was open for compromise and the court was willing to recognise Bolton's claim if he, in turn, conceded the petty custom; foreigners were, therefore, double-charged.

The final issue concerned the great custom and revolved around an interpretation of the words theoloneum and consuetudo which were central to a grant made by Henry II to the citizens of Dublin. Bolton was driven to use the gospel of St Mathew to validate his use of theoloneum as an early equivalent of the word 'custom'. The court, however, was not impressed and it was pointed out that

'to find the signification of the word... there is no necessity of resorting to the interpreters of the gospel, but to the interpreters of our law; and that in our law the proper technical term...is custuma and not theoloneum...'.(43)

Likewise the judges held that the word consuetudo meant 'the usage in a

place' and not custom. The case was adjourned but Bolton was optimistic:

'I hope to change their opinions in that point, for I have since searched the records of the exchequer here in England, where I find the word consuetudo was used for the revenue custom in the time of Henry II, Richard I and Henry III, and the word customes (which the judges hold to be the proper word for revenue custom) was never invented till the time of Edward II'.(44)

It would appear from Davies' account of the proceedings, however, that the recorder conceded the very point he had succeeded in establishing. Bolton put forward the results of his research 'yet he agreed, that at this day such special duties or prerogative, as customs are, cannot pass by such general word consuetudines'.(45) To agree to this was, in effect, to concede the issue and so the judges decided that consuetudo was nomen aequivocum and, being a general word, could not be taken to signify a particular customs duty. The final result for Dublin, therefore, was that it retained the right to impose poundage (as did Drogheda, Waterford and Galway), it agreed to duplicate the petty custom and conceded the great custom to the crown.

Chichester continued to pursue a conciliatory policy with regard to the towns and endorsed their efforts to have various concessions confirmed in London (to the undisguised displeasure of the privy council).(46) Although the towns were losing the most vital of their privileges they were still intent upon the pursuit of whatever compensation they might get. The English government, not prone to prevarication, put aside the 'unreasonable' demands and submitted the more innocuous remainder to the king for his perusal. Concessions were not to be mistaken for rights and as he had already

defeated the towns at law (poundage excepted in the four main ports) the king could well afford to labour the point censoriously. Taking advantage of this situation, he

'made them sensible, first that the matter is not of right, but dependent on his own royal grace; secondly, that temporary measures of his predecessors are not to be drawn into precedents of right, nor what was but permissive toleration to be converted into perpetual privilege...'.(47)

The concessions involved amounted to nothing more than the renewal of charters of incorporation and the confirmation of traditional liberties, the recognition of which the English government had been disposed towards granting anyway.(48) The game could be played two ways, however, and once these concessions were confirmed the towns set about obstructing the collection of the customs in the ports, taking advantage of a difference of opinion between Davies and Chichester (Davies had accused the lord deputy of being too conciliatory).(49) Resistance also entailed the non-payment of custom and forced the Dublin government to take proceedings against individuals.(50) Davies was optimistic, however, that the matter was closed and the customs ready for collection.(51)

The four principal ports continued to withhold poundage, however, an action which not only defied the government but threatened to draw trade away from the remaining ports who had earlier agreed to pay. For both of these reasons it was felt necessary to impose an additional custom of twelve pence in the pound (i.e. identical to poundage) on the ports in question, thereby evening the burden.(52) The king had threatened as much in March 1611 and

Chichester acted in accordance with this in October when it was established that the port towns were not amenable to persuasion.(53) Although the municipal government of Dublin continued to appoint its own customs officials,(54) it was aware, by July of the following year, that the issue was lost insofar as the customs were about to be farmed; in response to this it made an attempt (more of a gesture) to bid for the farm itself.(55) This only amounted, however, to a concession of the ground lost over the recent past, although it did not prevent the city council from continuing the struggle on another level, namely in the imminent parliament (for which expense a sum of one thousand pounds was agreed upon).(56)

Yet it would not be enough for the state to launch a customs farm if the administrative structures which had hindered that launch were allowed to remain as they had been. The merchant guilds were the obvious target in that they were an immediate obstacle to English speculation in the proposed revival of trade.(57) Chichester was ordered to have a proclamation published to the effect that, with the exception of linen yarn, traders were not obliged to pay anything other than the royal customs; furthermore, he was instructed to commence quo warranto proceedings against the Trinity guild of Dublin.(58) The response of the Dublin city council was to commence its own proceedings against those traders who now refused to pay the municipal custom.(59)

Less than three months later Chichester was instructed emphatically by the king to withdraw the proclamation(60) (as a consequence of the Cockayne project) despite the investment by merchants in the new opportunity.(61) Those merchants who exported wool were particularly displeased that they should be penalised for events which were beyond their control(62) and it

was to Chichester that they complained. Far from opposing them, he put their case himself and it was his opinion that if the new prohibitions remained in force 'they may have some store of trash, but no coin or commerce'.(63) Little real solace could be gained by the municipal government from this situation, despite the discomfiture of their opponents, because the course of events was dictated without any reference to municipal interests and any advantage was, therefore, bound to be nebulous in view of the general trend. That this was the case could be seen not only from the city council's failure to achieve redress in parliament,(64) but also from the inevitable cancellation of the prohibition in February 1615, five months after it had been proclaimed.(65) The issues which lay behind this ban had far more to do with Anglo-Dutch rivalry than the customs of the ports and the aim was really to prevent cheap Irish wool from reaching the Netherlands (thus the ban on wool exports was not lifted).(66)

The only response left to the city was to continue its defence at law, although by 1615 this course of action had almost become a necessary formality along with the pursuit of more mundane issues; it had lost any semblance of a struggle that might ultimately be won.(67) By January 1618, for example, the city commons made 'humble petition' to the mayor and recorder that a letter might be obtained from the lord deputy to free them from the payment of custom at Trim or at the bridge of Athlone.(68) One year later a somewhat futile appeal was made again to the lord deputy that the city might obtain the municipal customs. It is significant that this order is followed in the assembly rolls by one which relates to the 'decay of [the] city caused by the multitude of foreigners'.(69) The sympathetic response of the king to complaints put forward in May 1620 by Christopher Plunckett and William Dongan, Bolton's successor as recorder, is, perhaps, less

significant than the fact that the loss of the city's trading privileges did not feature among those complaints.(70) The reason for this was, first, the king's full support for the new customs administration and, secondly, far from the consideration of concessions, the crown was anxious to implement further initiatives to increase the yield.(71) The erection of a royal custom house in Dame Street was one such initiative and the proclamation which announced this, published in July 1621, bound the municipal corporation, along with all traders, to observe the intention to make the new landing site the only official one in Dublin.(72) (The citizens were not always averse to such regulation, however; for example, when a commission was appointed in 1622 by the lord deputy to examine the state of trade(73) they were not slow to demand the implementation of its recommendations against the city's own waterbailiffs.)(74)

With the death of the king and the prospect of concessions from his son, the city council was in a position to revive issues which might still be contested (eg. the admiralty of the port) and these were converted into a more general plan to have its charters enhanced if possible.(75) The imposition of duty on traders from Drogheda was another aspect of the English government's customs farm which the city now decided to contest, in order to indicate that resistance was not yet quelled even if it was to be applied to less vital issues.(76) The context of this revival was, of course, the new government's need for stability in Ireland, together with financial support, while it pursued a war with Spain.(77) Insofar as the 'Matters of Grace and Bounty' did not promise to undo any of the restrictions now imposed there was, nevertheless, a possibility that they might be extended(78) and it was in this context that a financial contribution of one thousand pounds was organised by the city (two-thirds to be levied upon the merchant guild).(79) Another

not insignificant achievement for the city council was the finding in its favour by a commission that supported the its right to be free of gauge money levied by the royal customers in violation of the municipality's right to collect the same.(80) This particular issue involved the efforts of Sir Samuel Smith to wrest control of the market from the city with the threat of considerable loss to the latter.(81)

By April 1628 the city council was sufficiently optimistic to press its claim for the old custom-free trade with Chester which it had lost some twenty years earlier.(82) The position had changed since then in three ways: the crown was more open to suggestion (eg. there was a proposal to abolish monopolies in return for a specified amount), lack of co-operation among the customers themselves had proved inhibitory and, thirdly, the difficulties created by piracy had begun to effect trade itself.(83) An important qualification to this more positive climate must be made, however. When 'certain humble requests on behalf of the subjects of Ireland' were submitted for consideration in London, many issues were raised which were of concern to the municipal government (not least of which was the admission of the illegality of particular monopolies and grants) but when it came to the vital one of customs the proposal was literally crossed out. It had been to the effect 'that the king consider the case of the cities and corporations which have immunity for customs and impositions.' Prior to this deletion, the answer of the committee had been brief: 'Debated and settled long ago'.(84)

In view of the pressure on the crown at this time and the agreement arrived at over the 'Graces', it can only be concluded that the views of the towns had not been put vociferously by the spokesmen for the Old English; the considerable benefits granted (on paper) to the latter in the 'Graces'

suggest as much in their lack of direct relevance to the grievances of the municipal corporations.(85) In the case of Dublin there were two reasons for this: the first was that the members of the municipal government did not necessarily conform, in matters of politics, religion or economics, to the general criteria which described the Old English;(86) the second reason was that the Old English themselves stood to gain from an increase of trade,(87) even though this would take place at the expense of the city's power (and by 1629 such an increase was forecast).(88) Thus, while it might be said that the city council continued its efforts at negotiation in London,(89) it simultaneously embarked upon the hitherto untried initiative of leasing its own petty custom to the comptroller of the Dublin customs, Thomas Cave (together with Philip Perceval).(90)

The immediate result of this initiative was the refusal of the Dutch merchants who traded in Dublin to pay the threepenny custom. It was the farming of this custom to Cave and Perceval which prompted the resistance; where they had previously compounded for what they called cranage, quayage, etc., the Dutch would now be obliged to pay in full and without avoidance. The Dublin court of Exchequer upheld the custom against the Dutch who then appealed the case in London and the final decision was left for Wentworth to make on his arrival in Ireland (in the meantime they were to continue payment).(91) It did not escape notice that the customers, in their alliance with the city council, had taken the 'wrong' side and they were accused of having 'seared up their consciences...to outface justice' in the collection of a custom that did no good for the crown.(92) Until the issue was finally decided, the Irish committee of the English privy council took a middle course and allowed the Dutch to be free of the custom on condition that they gave security in the event of the decision going against them

(Wentworth was himself a member of this committee).(93)

In the meantime Robert Cogan, on his appointment as one of the new farmers(94) in June 1632, could make the observation that '[there are] no greater enemies to our business than the king's officers, who are continually buzzing into the merchants' ears of the extreme rates of the customs...'.(95) Cogan did not consider the rates to be extreme; on the contrary, he believed that the yield could be raised by four or five thousand pounds per year.(96) The fact that he was chased by pirates into Dublin, however, was a reminder of other obstacles to increased returns.(97) Pirates had been prevalent along the coast for some years;(98) shortly before Wentworth's arrival Dublin merchants had lost a considerable cargo less than half a league from Howth and on the lord deputy's arrival the admiralty were immediately informed of his desire to keep the Channel open.(99) (By September 1635 the problem had been brought under control.)(100)

Cogan's view of the customs as underexploited was not a unique one. It was shared by Sir George Radcliffe, another of the new farmers bent on reform.(101) Radcliffe's tendency was to put figures before allegiance and, consequently, he favoured the Dutch when it suited the customs. The impression is thus conveyed that, by 1634, municipal privilege was a spent force as far as trade was concerned. For example, writing to Sir Arthur Ingram from Dublin, Radcliffe illustrates his concerns and his loyalties: 'the new companies of soapers in London have got a restraint of vending tallow here, themselves to have it all, which if it go forward, will destroy many of our Dutch merchants...'.(102)

In 1636 the lord deputy's power to grant wharfs and cranes(103) went

unchallenged despite the contravention of the municipality's admiralty which it implied (consequently the English government, as opposed to the city council, built a new custom house at Dublin)(104). To take the initiative was inappropriate when the city itself was to be challenged again on the basis of its charters and liberties.(105) It is significant that the cost of the defence was to be divided: the city would defend its own rights but all other issues were to be 'at the charge of the corporation of the Trinity guild and the other corporations particularly, and not of the city' and that permission to go to London to fight the case had now to be applied for to the lord deputy.(106) The city council had, in effect, withdrawn from a struggle which it had already lost and when the Irish House of Commons complained, in 1641, that the customers of the port of Dublin were corrupt, it was not suggested that the municipal authorities had any role to play in the proposed reform.(107) Political instability could not benefit the municipality when the Old English adhered to their demand for free trade, as they had done earlier in 1628.(108) If a particular demand coincided with the interests of the city council, as in the case of the wine and aqua vitae licenses,(109) it was the exception and not the rule. There was little protest when Dublin finally lost its right to levy poundage, the last of its trading privileges which it had managed to defend since the beginning of the century.(110)

The relentless pursuit by the New English of rights which had actually defined the municipality did not occur in isolation. Vital changes took place in the city as a result but other changes occurred independently and simultaneously. The loss of customs rights was inevitable once the crown had acted in the matter. In doing so, however, it exposed more than the harsh realities of its own political situation. It also revealed the plastic nature of English law in the early seventeenth century. This plasticity was not tested

by agreement or consensus, however, but simply relied upon to outface any opposition. The difficulties of the Irish and Old English landed gentry were largely the result of this determined view. Dublin city, however, was in no position to promote opposition which was essentially unilateral. The city was growing rapidly so that the municipal administration would have been under an increasing strain anyway to retain its control in a new economic climate. The incursions of unfree traders demonstrate as much insofar as they had time on their side while the city council could only refer backwards to the precedents of the sixteenth century. Yet in its treatment of these traders the municipality exhibited the same pragmatic indifference to chartered laws that it criticised in the government's behaviour. The consequences of such double standards were less dramatic than the loss of customs rights but they were just as disabling.

THE REGULATION OF TRADE

In the early seventeenth century there were three distinct types of non-freeman with which the city had to contend and three geographical perimeters described these types. The contiguous area, which contained the first group, was that of the liberties.(1) The threat from these was continual because of the inhabitants' capacity to move out of range of the municipal authorities at very short notice and to return as quickly. Nor was the crown anxious to intervene on the city's behalf; this was understandable when, for example, in 1611 the liberty of St Thomas Court was worth over five hundred pounds a year to the government.(2) The crown was obliged to support the city initially against the liberties; it did so reluctantly, however, as Sir Robert Jacob, solicitor general for Ireland, pointed out to Davies in 1609:

'The inhabitants of Patrick Street have struggled with the mayor and the Trinity Guild at the council table for taking away of their goods out of their shops in a riotous fashion. The council have awarded them their goods again but they are enjoined not to sell them in St Patrick's nor in any other place wherein the city or guild do claim any liberty. Methinks the word "claim" reacheth very far.'(3)

The area which lay one mile outside these liberties and which contained the

second category of non-freeman had been officially recognised as that of the 'country-trader', who was permitted to deal in the city at designated times.(4) The third type was the trader who originated beyond these boundaries and this included residents of Ireland together with those who came from abroad. If the city authorities had recognised these definitions as matters of formality and precedent it is obvious from the tone of Jacob's comment that the government did not share their view.

These categories could quite easily overlap, however, as, for example, when Henry Walsh ('a merchant stranger and factor for certain Italians of great wealth') was accused of the purchase of 'great masses' of commodities which thereby raised prices and caused scarcity. Nor was the accused discriminatory in his dealings with the inhabitants; he bought from the free and unfree of the city and the unfree of the country without distinction.(5) Brokerage was a constant problem for the city council because it threatened more than one aspect of its control: the duty imposed upon foreigners would not be collected; it would be extremely difficult to regulate a trade which would include non-freemen of all types; illicit trade or manufacture would result in a denigration of municipal authority; trade in restricted commodities could effect a scarcity, etc. Regulations to deal with this problem indicate that brokerage was an established 'trade' within the city.(6) Apart, however, from the authorisation of the clerks of the Trinity guild, together with the waterbailiffs, to seize any goods in question, there was little the city council could do apart from the imposition of fines or the threatened loss of the franchise.(7) The problem was not peculiar to Dublin, of course,(8) and the authorities were well aware of the general loss of revenue as a result. Acknowledgement of this situation, however, made no difference when the penalty imposed had already been demonstrably

ineffective.(9)

Prior to Wentworth's arrival the issue of brokerage arose regularly in the quarter assemblies. That it did not do so again is, perhaps, indicative of the change wrought by the lord deputy's policies. This observation can only be an impressionistic one, however, as there is no specific evidence to suggest that brokerage, per se, declined in favour of more open trading practices. The fact that it did not arise in the assembly rolls during the Wentworth administration can be explained in several ways. The exclusive nature of the franchise(10) had been altered by the 1630s partly as a result of a large increase in numbers and, to some extent, this caused the redundancy of brokerage. Added to this was a government policy specifically designed to encourage trade (and which would therefore view brokerage in a different light to that of the municipal government). The city council's failure to deal with the problem may also have resulted in official indifference for the duration of Wentworth's administration, hence the absence of futile and reiterative orders in the assembly.(11)

Regulation of the market-place, on the other hand, served more than the interests of the city council and was, therefore, more amenable to implementation insofar as complaints could be made by the citizens themselves. One common complaint highlighted the undue exaction of customs by the deputy clerk of the market.(12) Threatened forfeiture of the position was the usual response on the part of the authorities who also had an opportunity on the vacation of a post to appoint a more obedient candidate to the office.(13) Supervision of the market area was not carried out merely in the interests of the commons, however, and just as the issue of extortion could be dealt with on their behalf(14) the opposite could also be the case.

In this respect the authorities sometimes acted in the interest of an individual who held the custom of the market but who had failed to extract his due from the traders.(15) If the city council had responsibilities to those who leased the market's rights they were equally obliged to observe, in theory, the conditions upon which these had been granted by the crown. Thus the clerkship of the market itself could be defined by government proclamation:

'It is the duty of the clerk of the market to survey abuses of weights and measures, and in all trades using them, and the quality of food, cattle and manufactures. [The clerk] must punish forestallers, engrossers and regraters; he and his deputies must pass through every county once a year to mark weights, etc.'(16)

With regard to the physical condition of the market area, however, it was the responsibility of the respective aldermen to ensure that thoroughfares remained open. Complaints were made in 1630 that certain areas were

'most disordered daily by strangers and and others, to the great hurt of the neighbours and strangers, which cannot pass by but with great trouble and quarrelling, by means of buttermen, hearingmen, breadmen, saltmen, wooden ware, earthen ware, oatmeal sacks, and other such like...'.(17)

When the solution to this problem was beyond the capacity of the aldermen, regulations were laid down in 1633 which consigned specific areas of the market to each trading group and also imposed certain restrictions on vendors (eg. 'all those that bring peas and such lick shall not shell their peas

in the streets, and leave heaps of dung in the streets where the state useth to pass as now they do').(18) Control of the market on a daily basis was entrusted to various individuals who had the right to exact charges in return for certain duties performed. Hucksters were the concern of the beadle(19) while the waterbailiffs were permitted to charge duty on the sale of all horses and cows, for which privilege they undertook to keep the area (Thomas Street) clean and paved.(20) It is not surprising, however, that the commons complained that they were overcharged and illegally charged, despite the reluctance of the city council to intervene directly.(21)

The practice of illicit shop-keeping was something that the guilds, rather than the citizenry, complained of.(22) The early seventeenth century saw a large increase in the number of unlicensed shops within the city limits. In 1613 the problem was that

'divers and sundry persons....do in privy and secret places usually and ordinarily show, sell and put to sale their wares and merchandizes within the said city and liberties...such prejudice and damadges... is now of late more then was at any time heretofore suffered...'.(23)

In an unusually long ruling, the city council decided to prosecute all offenders and a fine of five pounds, sterling, was agreed upon. That this agreement was inadequate can be seen from the complaint, three years later, that, despite the legislative efforts of the authorities, the situation was unchanged. It was decided that the mayor would endeavour to procure a royal proclamation on the matter.(24) A further three years later, in 1619, the solution proposed was that the mayor should close down all offensive premises to ensure that they remain closed.(25) That the matter was raised

again in the same year indicates both the ineffectual nature of the council's response and the concern of those threatened by the competition. If trading was to continue ('in contempt of divers charters, grants, and priviledges... made by the king's most noble progenitors') the danger was all too obvious. Toleration would clearly cause legal regulations to be ignored in favour of an uncontrolled market ('if they be permitted but a while they will claim the same by custom and thereby utterly overthrow many of the petitioners').(26) Such perspicacity did not of itself remedy the situation and, apart from an emphasis upon the contribution that might be made by the aldermen, no new solution was found. A third ruling in the same year, initiated by the exasperation of the petitioners, this time suggested the appointment of three worthy individuals to pursue the necessary prosecutions in return for a moiety of the fines imposed, plus twelve pence in the pound on other similar cases decided in the city's favour.(27) Whether this financial incentive altered the immediate circumstances sufficiently is unclear. While it may explain the fact that the issue was not raised again it is more notable that the city council arrived at a solution, if indeed it was a solution, by trial-and-error. Another ruling made on the same issue in 1623 provides an explanation. It was agreed

'that the former laws made against such foreigners as repair on market days to this city market to retail commodities shall be searched and put in execution, so far as the laws of the kingdom will permit...and that there shall be none suffered to sell any wares or other necessaries brought to the market in private houses'.(28)

The acknowledgement that the 'laws of the kingdom' might inhibit the full execution of municipal law is more significant than the innocuous phrase

would suggest. By the early 1630s the city council was obliged to pass an order of regulation which made no distinction whatever between the free and the unfree. Needless to say, no comment was made by the council upon the significance of this toleration when it was ruled that the mayor, sheriffs and several of the aldermen

'shall view the several granaries and malt houses, as well of others, free and unfree, as Dutch, and according to their several proportions of malt or corn that he finds, to appoint them what quantities they shall bring to the market...'.(29)

The lack of distinction made here between the free and the unfree is indicative of two things. First, it was never really possible for the city authorities to exclude outside influences and, secondly, they would be pitted against new crown policy if they ever decided to try. It is appropriate that the above ruling was made in relation to the brewing trade because this was the one major area which was not included in the official recognition granted by the franchise. Its importance is attested by Fynes Moryson:

'I am now to speak of a certain kind of commodity that outstretcheth all that I have hitherto spoken of, and that is the selling of ale in Dublin; a quotidian commodity that hath vent in every house in the town every day in the week, and every hour in the day, and every minute in the hour. There is no merchandise so vendable, and is the very marrow of the commonwealth in Dublin'.(30)

When it is borne in mind that, between 1600 and 1640, two 'beer-brewers' were given the franchise out of a total of almost three thousand people, at

least one paradox in relation to this occupation becomes apparent.(31) The lack of official recognition is understandable, however, if the manufacture and sale of ale involved both the moral fibre of the citizen and the social fabric of the city. In 1574 it was acknowledged that Dublin was 'exceedingly infected with the horrible vice of whoredom'. The penalty for any woman who would 'defile her body with filthy fornication' and who had been convicted ('by testimony of her neighbours or otherwise') was twenty-one days imprisonment in irons or stocks, after which she was to be brought to the market place and pilloried on two market days and then banished from the city forever ('unles after she be maryed to sum honest man').(32) Seven years later, in 1582, it was complained that 'an excessive number of evil disposed women' kept taverns in the city, partly as a result of the mayor's slackness in the enforcement of the council's earlier order. Included in the punishment on this occasion was the individual who 'shall or do keep a single woman keeping his tavern'. Failure to collect the fine on conviction was to be remedied by the mayor, who would be compelled to pay the same when he relinquished office.(33) It would appear from a further ruling two years later that the problem was not amenable to the enforcement of such directives.(34) Little would seem to have changed by 1616, not least the tone of probity:

'Whereas the commons greivously complained unto this assembly of the most wicked and ungodly usages of many the citizens both within this city and in the suburbs, who harbour multitudes of wicked harlots under colour of tapping of ale and beer, whose ungodliness of life can do no less than procure the indignation of God against this honourable city, if there be not special care had in punishing such wicked livers and such as entertain them in their

services...'.(35)

Throughout the whole period there is in fact a marked absence of convictions on the assembly rolls; in 1638 one Alson Boyton was fined forty shillings for keeping a 'disordered house', but this was reduced later to five shillings.(36) Unfortunately, in the final analysis, the lack of documentation on the enforcement of the municipal law (and in particular the mayor's court) prevents any concrete estimate of the extent of the problem. Several comments can be made, however, with regard to the evidence already mentioned. It is consistent with Moryson's observations that there were a large number of taverns (which may not even have been converted houses) in the city, liberties and suburbs. Women were involved not just in the upkeep of these taverns but also in the production of the beer itself.(37) In York the labour force involved in the brewing trade was part-time(38); it may be inferred from a ruling in answer to a complaint 'that divers citizens... setteth forth dozens of ale out of ther houses to singlewomen to utter and sell' that much of the brewing in Dublin was, likewise, on a part-time basis.(39) This was one reason why the occupation did not receive the official recognition of the franchise insofar as it was not a guild-regulated trade.

Also excluded from the franchise would have been the considerable number of native Irish engaged in brewing(40) who would not have been admitted on racial grounds. One method by which these brewers might be dealt with, therefore, was simply to ban those who were not free of the city. Yet even when this was done it was necessary to threaten the constables with fines if they did not implement the law.(41) Given that it is improbable that the city council would create an unpopular shortage, it is likely that there were

sufficient brewers who were citizens to ensure adequate production. In view of the fact that brewing was not an officially recognised occupation the question arises at this point, therefore, as to what proportion of women who were given the franchise were, in fact, brewers.

Eleven and a half per cent of the total admissions for the period were comprised of women who received the franchise as daughters of freemen. This compares with a total female figure of one per cent for York in the sixteenth century (where women seem to have maintained a very low profile in general).(42) Of women in sixteenth-century Coventry it could be said that marriage was the only means through which they could gain access to the official community.(43) A similar situation existed in Norwich in the latter half of the seventeenth century where women were ineligible for the franchise and where there was a thriving, unofficial, brewing industry (and where the taverns were described, in the main, as 'bawdy houses').(44) Comparisons of this sort can, of course, only be tenuous but they do, nevertheless, throw into relief the high number of female admissions for Dublin. If the city council was inclined to ban unfree brewers and sellers of ale and if the citizens themselves engaged in the business, it is possible that a proportion of the female admissions was comprised of brewers and alehouse-keepers who were employed full-time in the trade. One advantage to such an arrangement, as far as the city council was concerned, would have been a greater degree of control over the occupation, both through the guilds and through its own rulings and, as a result, a greater toleration of the citizenry engaged in brewing would have been feasible.

This is not to suggest, however, that the city council drew very clear distinctions by which it indulged its own citizenry. When it sought to

regulate the 'iron bound carts' of the brewers, for example, it made no categorical distinctions between free and unfree for the probable reason that no such distinction was made within the trade itself.(45) Likewise, the perennial problem of single women who sold ale was dealt with by blanket prohibitions by which the aldermen were to report, monthly, upon the numbers of such women in their wards who would then be prosecuted; this was, likewise, done without reference to their status.(46) Precisely to what extent the city council tacitly accepted the industry is difficult to say but it is apparent that, by the 1620s, its concerns were more pragmatic than moral. In 1628, for example, two complaints were made with regard to brewing. The first related to the 'extraordinary waste' of water caused by those brewers who now had access to the city water pipes;(47) the second stated that children's lives had been endangered by the speed at which the brewers' carmen travelled through the streets.(48) By the early 1630s, the municipal government's acceptance of the industry had extended to the first official attempt to regulate both its free and unfree members.(49)

The picture presented by such evidence suggests that a good deal of money was likely to be involved in the brewing industry and increasingly so as the city expanded. It is not surprising, therefore, that the question of a license to practise the trade should arise, as it did in 1633.(50) When several individuals were subpoenaed to appear in the court of exchequer for the illicit sale of ale and beer they appealed to the city council to consider the matter as a threat to its position. It was agreed that twenty pounds would be cessed upon the guilds for the defence of this and other cases pending.(51) Wentworth, however, had already realised the potential revenue from a tax on brewing.(52) By the time he issued a proclamation on the sale of wines, aquavita^e and hot water, in 1638, the matter had been referred back to the

Trinity guild by the city council.(53) While this form of withdrawal could not be described as a typical response, it was also the response of the council at this time in its struggle over the customs farm.(54) It more than likely indicated that those who were directly involved would have to bear the burden as it became a lost cause. Thus the ability of the city council to implement successful regulation was adversely affected from below by the commercial life of the city and from above by 'the laws of the kingdom' over which it had no control. The evidence would suggest that the only response was a compensatory one and so the municipal authorities concentrated their attention upon their formal role and the maintenance on record of an official facade.

A variation of this role, which further illustrates the nature of the problem, is to be found in the city council's attempt to regulate the fish trade. The need to maintain a supply of cheap food entailed an approach which was paradoxical if not actually contradictory. The sale of fish was an attractive occupation for the unfree insofar as it was mobile and had low overheads. Throughout the sixteenth century fish was sold in the city fishambles on license from the municipal government.(55) The traditional area of the fishambles had fallen into disrepair by 1582, however, when an agreement was made between the city and the fishmongers for the renovation of the area.(56) A respectable degree of organisation is obviously implied if the fishmongers were expected to raise their own finance for the project, a point which is borne out by their numbers on the franchise rolls. The municipal authorities were intent upon the reorganisation of the trade and in the following year the area was leased with a proviso that it be converted into a fishambles. An investment of this nature was bound to produce an initiative with regard to the problem of the non-free traders and, some

months later, they were duly banned.(57)

The inhabitants of Fishstreet did not take kindly, however, to the use of their doorways for the sale of fish, by reason of which passage through the street was blocked ('and the air thereof...likewise to be avoided').(58) Nothing was done about this dissatisfaction until 1588 when a compromise was attempted by the city council. Another market was to be set up on Cork Hill for the sale of fish but those fishmongers who lived in Fishstreet were allowed to remain there for as long as it was not detrimental to the new market. Provision was made for the unfree fishmongers once the best stall sites had been allocated.(59) Official accomodation of the unfree in this way suggests that they were native Irish; if they were not, there was no reason why they should not have been incorporated officially into the fishmongers' guild. What is not clear from the ruling is whether these individuals lived within the city boundaries, the liberties or the areas beyond.

By 1616 it was necessary to renovate the fish market again under the same conditions as previously.(60) An order made four years later indicates that the fishmongers had not kept their part of the agreement to maintain the area.(61) Yet the existence of a recognised market for the sale of fish was an important asset which the city council sought to preserve. Thus when conflict arose between the free and unfree fishmongers the council ruled in favour of the latter on condition that they confined themselves to the market area and sold only on market days. There was another conflict in 1623 over 'foreign' fishmongers who brought fish to the city 'on horseback or otherwise'.(62) That this conflict had not appeared earlier may be explained if the 'foreigners' were outsiders, as opposed to the native Irish inhabitants

of the city who would have had a different status (albeit an unfree one). Its recurrence in 1637 suggests that a compromise had been agreed upon in the interim period but that the free fishmongers felt that they still had an obvious grievance. The statement of the problem and the manner in which it was resolved nevertheless evoked a clarification by the city council of the relativity of its policies on the regulation of trade:

'Whereas certain the commons petitioned...the said assembly, showing that whereas the foreign fishmongers are much interrupted from coming into this city with their fish on market days and other days to sell the same, by the free fishmongers of the said city, which buy of the said foreigners all their fish before the same come into the market at such reasonable prices as it may be bought, and do sell the same at very high rates in the said market, to the great impoverishment of his majesty's subjects: it is therefore ordered, enacted and established ...that the market is, and always ought to be alike free, both to free fishmongers and foreigners to sell their fish; and if any shall oppose the foreign fishmongers on the market days, or engross their fish and sell it again, if due information be made thereof to Mr Mayor, it shall be remedied and the freedom of the market shall always be maintained.'(63)

It is highly significant that notions of freedom should be employed by an administration that might otherwise be assumed to have been totally restrictive. The form of municipal government itself would not have survived if rigidity had characterised its approach to regulation. The exclusive nature of the so-called guild monopolies must always be balanced against a traditional pragmatism which could effectively contradict many of the formal assumptions upon which the municipality itself was based. The issue

at stake was a vital one which affected all of the inhabitants: a regular supply of cheap¹ was of the utmost importance. Although the fishmongers were considered by the late 1620s to be 'far beyond many of the corporations in ability',⁽⁶⁴⁾ it was the policy of a free market which was consistently implemented against them. The butchers had a higher status than the fishmongers in that they possessed a city charter. The bakers were of a higher status yet again insofar as they had possessed a royal charter since 1478. Because both trades were essential to the food-supply, however, they were included within the policy of maintaining this particular free market. The butchers provide the first comparison because the regulation of their trade and the geographical location of their market area suggest obvious links with the fishmongers.

There were two types of regulation which the municipal council endeavoured to implement in its dealings with the city butchers. The first was the control it sought over the various by-products of the trade; the second was the periodic use of the country butchers as a means to coerce the city guild into unwelcome, albeit temporary, obedience. Throughout the sixteenth century the city council had diligently attended to the regulation of the various by-products of the butchering trade. Of these by-products the most lucrative were the sale of hides and tallow.⁽⁶⁵⁾ Provided that the glovers and tanners paid 'well and truly' for the hides, the butchers were obliged to sell only to them.⁽⁶⁶⁾ Protection for both glovers and tanners proved necessary in the face of a threat from the merchants who sent their apprentices and servants to buy hides directly from the butchers.⁽⁶⁷⁾ Control of this situation proved difficult (as is always indicated by the recurrence of an issue in the city assembly) and the strict regulation of the butchering trade, both city and country, was attempted as a solution.⁽⁶⁸⁾ Protection against the butchers

themselves was granted to the tanners when the former were ordered to desist from the practise of cutting 'trills' off each hide before its sale to the latter.(69)

The primary reason for the inadequacy of such municipal orders was the obligation which the butchers were under to the merchants of the city. Whereas in a city such as York the butchers could be financially independent,(70) their Dublin counterparts enjoyed no such status. Carew could observe in 1611, for example, that

'in this city, which is the principal of the kingdom, few butchers are of ability to buy beeves without loan of money from the merchants, who will not part with it to him but upon condition to have the hides at a price, and so they never come to the markets...'.(71)

Apart from the dependence of the butchers upon the merchants which is indicated here, Carew's comment is doubly useful because it suggests also that the members of the guild did not graze their own cattle. In view of the fact that the vast majority of the city council were members of the merchant guild,(72) the inability of the city butchers to overcome their financial weakness is all the more informative. Nor was there much official toleration of the butchers' plight from the mayor, part of whose proclamation of 1613 forbid the purchase by butchers of cattle not recorded in the toll book; an order prompted by the fact that 'a great store of cattle are stolen and sold within this city closely and underhand'.(73)

The sale of tallow was the other lucrative sideline to the butchering trade. The official arrangement for the sale of such tallow was that the alderman

and constables of every ward were obliged to ascertain the amount of tallow needed by the householders in their respective wards and this was to be the limit sold by the butchers to the citizens. The remainder was to be sold to the tallow-chandlers of the city. Any trade in tallow that the butchers might have had with foreigners could only be carried on with the special licence of the mayor.(74) When the tallow-chandlers complained in 1592 that they found the price of tallow excessive, the council ruled that the price should be fixed at two shillings, sterling, per stone and that the mayor would indicate the amount of tallow that should be sold to both citizen and chandler alike.(75) It was also agreed that with regard to the tallow of the country butchers the citizens and company of tallow-chandlers should have first option (to the exclusion of the merchants).(76) In 1599 there was a scarcity of beef ('far beyond that which hath been accustomed')(77) and the butchers were allowed to raise the price of their tallow to two shillings and two pence, sterling, per stone so long as they observed the conditons laid down previously.(78) As this scarcity continued, however, complaints were made against both the butchers and tallow-chandlers for an increase in prices beyond the stipulated levels. The butchers were also accused of the sale of tallow for export in great quantities (a practice to which the tallow-chandlers themselves were not averse) and, as an incentive, they were again allowed to raise the price per stone by two pence.(79)

None of these solutions provided a remedy, however, so that it was necessary for the mayor in 1613 to set out clearly what prices could be charged within the trade.

'The butcher shall sell the slaughter cow hide
 at the most for..... 0 6 8
 the three-quarter hide for..... 0 5 0
 and the half hide for..... 0 3 4
 and shall sell tallow to the tallow chandlers
 the stone for..... 0 2 4

The tanners shall take for the slaughter cow
 hide well tanned at the most but..... 0 10 0
 the three-quarters hide for..... 0 7 6
 the half hide for..... 0 5 0
 and all small leather ratably.'(80)

That the setting of these rates did not solve the problem can be seen from the fact that the butchers were accused of selling hides, tallow 'and other commodities' to the Dutch and other non-freemen in 1619.(81) It is unlikely that the city council believed it could effect much change through the attempted imposition of such rates. If this was true of the regulation of trade prices, however, it was not the case where control of the meat market was concerned. What distinguished the butchers, in theory, from groups such as the fishmongers was their possession of a city charter. Yet this afforded the butchers no advantage whatsoever when the city council was determined to implement its regulations.

The guild was not granted a royal charter until 1684 although there had been a demand in the latter half of the sixteenth century for corporate recognition within the city itself.(82) A city charter was granted in

1570 when it was agreed that

'there shalbe a chartor made to the companye of bowchers, upon such reasonable condicions as well for ther conformite to the orders of the maior of this cittie, for the tyme beinge, as also for the reasonable license to be gyven to bowchers of the countrey to resorte with ther victuals into the cittie in the open market dayes, and outhere reasonable condicions touchinge that facultie.'⁽⁸³⁾

The principal distinction between a city charter and its royal equivalent was that the latter conveyed a constitutional legality not contained in the more informal agreement between a city council and an organised trading group.⁽⁸⁴⁾ Whether the difference would prove to be vital or not depended upon the competition faced by that group, coupled with its importance to the general welfare of the city (the butchers constituted the sixth largest trading group in the first half of the seventeenth century).⁽⁸⁵⁾ As can be seen from the above ruling, however, the basis of agreement between the butchers and the municipal authorities could militate against the former to such an extent that their 'charter' almost incorporated their competitors simultaneously. What this amounted to, in effect, was the official recognition of a de facto situation over which the city's butchers had no control. To see this 'charter' as anything other than an attempt at regulation, rather than the codification of a monopoly, would be to misconstrue its purpose.⁽⁸⁶⁾ It might also be said, however, that the city butchers never concerned themselves with a possible monopoly; throughout the period under examination their primary aim was to disable their competitors and in this their behaviour was patently consistent.

The butchers were faced with the constant threat to their livelihood posed by the admission into the city of rural competitors.(87) The purposely ill-defined policy of the municipal corporation towards this competition meant, in practice, that the city's food supply would always take precedence over the interests of the city butchers.(88) It was necessary, therefore, for the city council to attempt to act as the fulcrum in a regulated balance between the free and unfree butchers; that the application of such a policy more closely resembled the swing of a pendulum indicated the difficulties involved. Indeed not only were the country butchers invited into the city but their city counterparts themselves were often held in contempt by the municipal authorities. Moreover this was a conflict which can be clearly traced back into the sixteenth century. If the city butchers agreed to sell at 'certain reasonable prices' they were accused of doing so only 'to have the butchers of the country banished'; if they fixed their own alternative price they 'hindered the commons'.(89) This is significant because it illustrates the peculiar position the butchers were in, insofar as they were not only unprotected by royal charter but they were obliged to compete with what proved to be highly successful opposition and which usually had the support of their fellow citizens. The mid sixteenth century ruling then established an authorised area for the country butchers and this also proved to be significant in the early seventeenth century. Attempts by the city council to separate the two groups led to the creation of two separate markets. Whenever the unfree butchers were allowed into the city (usually two days per week although the period could be extended) the free butchers simply moved down into the area to confront the opposition directly.

Throughout the sixteenth century the butchering trade within the city had been subject to the same regulation as other trades.(90) What is notable,

however, is that the butchers appear to have been organised along the traditional guild lines with masters and wardens who supervised the trade.(91) That such organisation existed without the usual monopoly of trade indicates that there were other benefits which accrued to the brethren (for example, bulk-buying and the regulation of apprenticeship). It must not be assumed, however, that the existence of masters and wardens is conclusive evidence that the butchers lacked only a charter. For example, the normal procedure for the city council to ensure the regulation of a trade was to enjoin the guild authorities to observe the laws laid down; yet in the sixteenth century the council had employed a measure whereby a butcher was appointed to oversee the market. He was to be

'a controller upon all bouchers to kepe a reysonable assis as the price of catell gothe, and he to remayn in the shamblis all the day to cause them syll according Master Mer is assis, and to cut ther fleche according as it may be sold with reysonable gaynes...'.(92)

That this task was not assigned to the master and wardens was undoubtedly a result of the guild's weakness; that the new regulation was only to last for one year illustrates the ad hoc approach taken by the council to the butchers.(93) Nevertheless the brethren were referred to as 'the fellowship of butchers within [the] city and franchises' when it was necessary to reprimand them for the non-observance of 'ancient laudable usages' in 1563.(94)

By the time a new market had been officially established for the country butchers in Fishamble Street under the control of the city council,(95) it was apparent that the butchers faced not only the indifference of the

municipal authorities but a specific threat to their own market. The council was soon obliged to restrain them from their intention to abandon their own area and set up in the market assigned to the country butchers.(96) The fact of the matter was that the market price of the commodity was deemed by the municipal council to override any considerations of protection (moreover this could apply even in the case of established guilds with royal charters).(97) It would appear that the recognition of the butchers municipal charter of 1570 was prompted by mutual interest which balanced monopoly against civic regulation. The status of the butchers within the city may have been enhanced by this arrangement but it made little or no beneficial difference to their economic security.(98)

The regulation of a balanced trade between country and city butchers remained an unsolved administrative problem throughout the early seventeenth century. One solution adopted by the city council in 1590 had been to take advantage of the presence of the guild members in the country market and to charge them at the higher rate for the privilege.(99) It is noteworthy that this decision was rescinded two years later and the city butchers were ordered to establish their market elsewhere (on pain of imprisonment); which suggests that circumstances could favour the guild when competition in the same market was permitted.(100) Several factors could have contributed to the success of the city butchers in the country market: physical intimidation (by force of numbers, if nothing else), competitive prices (and the sale of meat below cost on country market days), a degree of local support together with the security of residence and franchise.(101) Regardless of any prohibitive conditions imposed upon their competitors, however, the city butchers were certainly not content with their own area. In pursuit of compromise the city authorities passed the

following resolution in 1606:

'Forasmuch as the free butchers of this city made humble request in this assembly that they might be permitted to cut and carve their meat in the country shambles as they were accustomed, and that a certain hour might be laid down for the country butchers to depart the market: it is agreed by the authoritie aforesaid, that the city butchers shall keep their standing as now they do in the town shambles, and that the country butchers continue in the common shambles until two of the clock in the afternoon and no longer; and if they do contrary, the former laws in that case provided to be put in execution.'(102)

As a follow up to this arrangement the master of the guild agreed to be held responsible for the collecton of rent payable to the city council for the use of the market.(103)

That the whole question had become perpetual, however, can be seen from the fact that it surfaced, once again, in 1617 as if unaffected by all previous rulings on the subject. The city butchers had again set up in the country market while the country butchers had not adhered to the time limit stipulated for their departure from the area. It was agreed that the mayor and aldermen should investigate the matter and establish a new locaton for the town shambles which would entice the guild to operate within the regulations laid down.(104) Further initiative for this measure came from the complaints of the citizens who protested that on market day the city butchers 'pester the corn market and Fishamble Street'(105). It was agreed that vacant ground near the Ormond Gate (also known as Gormond's Gate)(106 would be set aside for the new market.(107) If this solution was

successful it was also short-lived; seven and eight years later the now standard complaints were again dealt with in the usual manner.(108 When this proved, once again, to be ineffective the city council introduced a new permutation in the sequence of regulations when they threatened to invite the country butchers into the city market.(109 It would appear from this that the problem had come full circle, although it does not seem to have occurred to the city council that the threatened punishment would actually save the city butchers the inconvenience of a move from their own area. By 1633 the city butchers appeared to be quite indifferent to the council's desire for segregation. They were accused of going to the country shambles at the time after which the unfree butchers were forbidden to sell (i.e. two pm.). It was charged against them that they then bought all unsold meat from the country butchers and immediately sold it at a higher price; the penalty proposed by the council on this occasion, however, was merely confiscation.(110

In the final analysis it proved impossible for the municipal corporation to prevent the city butchers meeting the country competition on its own ground. It would appear that the guild butchers remained impervious to both the inducements and punishments initiated by the city council to remedy the problem. The logical consequence of this was the removal of the city market from Gormond's Gate and its de facto establishment in Fishamble Street.(111) This had already occurred by 1637 when the council passed a ruling for the protection of young city butchers in what had hitherto been the country market.(112) No reference was made to the fact that these city butchers had broken all the rules previously laid down(113), (including one which actually set up a new market area specifically for the young city butchers themselves)(114). All of which suggests that the guild had

ultimately won by the illegal and persistent acts of its members coupled with the default of the city council. By 1648 the area of the city market had fallen into such disuse that it was assigned to those who came in from the country to sell corn.(115)

In contrast to the butchers, the bakers' guild had been granted a royal charter in 1478 (17 & 18 Edward IV).(116) The authority conferred by this charter was first used by the guild to regulate its own members. The perennial problem was the protection of a monopoly which was threatened, initially, by new members of the guild itself. In an effort to control the number of its own apprentices the guild laid down that

'no baker hensforward shall be made freeman of the citte...till that he do service iii yer after hes [prenteshyp] exspiryd with som of the same creft for wages, and that is in consideracion that ther are soe many of the same.....that thei puttith grett derth apou corn, and diverse of them make ill bred...'.(117)

This remedy was not peculiar to Dublin(118) but it nevertheless touched upon a problem which proved, ultimately, to be beyond the ability of the guild authorities to solve. For as long as the guild had the support of the city council its official control was assured. The crux of the matter, however, was that this support was immediately dependent upon the city's bread-supply. The municipal authorities proved themselves to be remarkably indifferent to the guild's legal monopoly, although it can be said that such indifference worked to the benefit, as well as to the detriment, of the guild itself.

One of the sixteenth century methods by which the guild was regulated was the use by the city council of the 'city bakehouse' (situated in Winetavern Street). This property was leased by the council to various bakers on condition that they maintained a steady output at agreed prices.(119) It was also stipulated that, on receipt of one month's notice, the lessee would be obliged to bake for the city on the instruction of the mayor. On his failure to comply with this requirement the lessee would be forced to 'leave the same bakehouse to Mr Maior, to be used as for the time of suche extreme mischief shalbe necessarie...'.(120) As far as the city council was concerned this 'mischief' usually entailed a bread shortage or prices which were too high in its estimation. The manner in which these problems were treated affords a useful means of comparison with similar treatment of the butchers' and fishmongers' guilds. Although the guilds were not dealt with simultaneously, the connections between them and the essential food supply of the city were basic; the same situation existed in York where distinctions were made between the victualling and other trades.(121)

It was common in the sixteenth century for the city bakers to be singled out by the authorities for special regulation because 'thei puttith grett derth apou corn, and diverse of them make ill bread...'.(122) The basis of such regulation had been laid in the previous century(123) in a series of ordinances laid down in the Chain Book of the municipal corporation. All bread baked by the guild was to be stamped, the corn for which was to be bought within the city limits and the stipulated weights adhered to.(124) As was the case with the regulation of the other victualling trades, the municipal council had long established the practice whereby the country bakers were invited into the city in certain circumstances. It is significant that this custom pre-dated the grant of a royal charter(125) and was

continued throughout the period under examination. (It was similarly employed by other municipal authorities who wished to control the supply of bread.)(126)

In the case of the bakers, however, there was a further option open to the city council which it did not have in its dealings with the butchers, namely to grant permission '[to every citizen to] bake sale bread and to sell the same every market day...'.(127. The use made by the council of the citizen in the control of the guild suggests that there were not enough country bakers to seriously threaten the market, as was the case with the butchers and fishmongers. This was not a free-for-all, however, as was indicated by the stipulation that the bread baked by the citizens should be 'sale bread'. Any circumvention of this requirement would not remove its restriction insofar as inferior bread would have had to be, of necessity, exceedingly cheap to compete. It is nevertheless noteworthy that the citizens themselves were willing to comply with such regulation. The point might be extended, of course, to suggest that the city council merely reflected the wishes of the citizens and that the latter had little interest in guild solidarity and were quite willing to see it shaken. That it was necessary for the authorities to ensure the protection of these citizens indicates that the guild bakers did not take the threat lightly.

When other measures failed, the ultimate control which the city council could wield, and which was not available to them in their dealings with the other victualling trades, entailed a ruling

'that yf the said bakers do not observe the said assyse according as the same is or shall be gyven, that then ther lyberties to be forfeited and

seyed, and then yt to be lawfull for every one to bake'.(128

Complaints made by the commons in 1593 further illustrate the divergence of interests of both guild and inhabitants. It was customary for the latter to buy their own grain and have it ground, after which they would take the flour to the bakers and have it made into bread. It was said against some of the bakers that they not only controlled the city mills to the detriment of these citizens but that they also, 'to make their own gayne, do forbere baking brede for the cittezens the space of eight or ten daies, in which tyme their corn being grounde do perish in meale, with other lick iniuryes...'.(129) This conflict was the result of a desire on the part of the bakers' guild to corner the market by making it as difficult and as expensive as possible for non-members to bake their own bread. There is no other occupation listed in the rolls (with the possible exception of the cooks)(130) where such a conflict could arise. The bakers had to compete not only with their country counterparts but with the consumer himself (or herself) who could always bake bread if necessary.

In answer to the above complaint and a similar complaint made in the following year, the bakers stated that the assize of bread was simply inadequate for them to make a living. The response of the city council to this defence was unsympathetic; the country bakers were invited into the market.(131) In doing this the council made the observation that there had hitherto been 'no such good course holden' in the city for such a procedure. As already shown, this was not the case and the practice whereby the country bakers were invited into the city was an old one.(132) If, however, the city council could state categorically that this was the first time such a measure had been introduced it seems reasonable to infer that the earlier

ruling had long since fallen into abeyance. Nevertheless, a progressive lack of sympathy on the part of the municipal authorities for the guild had become apparent. No concession whatsoever was made during the general scarcity of 1598-9,(133) when the bakers were threatened with twenty days imprisonment on their refusal to cut their prices by a third.(134) That this threat was not an idle one can be seen from its implementation in 1600, when the master of the guild was imprisoned because he 'willfully forbade his company to bake bread'(135).

By the end of the first decade of the seventeenth century the position of the guild had changed considerably to the extent that they were now 'humble petitioners....requiring that some settled course might be agreed upon...whereby hereafter their assize might be at a certainty, to be given them from time to time for avoiding of many inconveniences...'. The apparent indifference of the council to this request was manifest when it agreed 'to make a trial' to that effect.(136) In other words, once the introduction of unfree bakers had been established, the regulation of the guild itself was no longer necessary. The inability of the guild to compete was, thus, not a matter for the city council insofar as its primary objective (the maintenance of low prices) had been achieved.

While cheap bread was the criterion in the city council's dealings with the bakers guild, 'foreign' competition could usually be relied upon to regulate the market. By 1622, however, lack of interference on the council's part had resulted in the opposite situation. No attempt had been made in the interim to control the sale of bread and when there was a scarcity it was now the unfree bakers, as the dominant group, who drew the attention of the authorities. In their rehearsal of the ruling made twenty-eight years earlier

the council was obliged to distinguish between an 'unfree baker' and a 'country baker'. An unfree baker was henceforth someone who lived in the suburbs, the liberties, or within a mile of the city boundary; a country baker was, ipso facto, one who lived beyond this area.(137) The necessity for such definition was prompted by complaints that the inhabitants' corn supply had been forestalled and then regrated as inferior and over-priced bread. The culprits were the inhabitants of the liberties who took 'upon them the name of country bakers (being indeed no bakers)'. Permission was granted for the 'genuine' country bakers to continue their trade on condition that the corn used by them was bought 'in the country' and had not been destined for the city. Thus the principal concerns of the municipal authorities were, therefore, the corn supply (and, ergo, the price of bread) and, to some extent, the quality of the finished product itself. With regard to the latter, the bakers' guild was afforded the dubious privilege of assisting the clerk of the market in the maintenance of standards among the outsiders.(138)

Two years later the position of the guild bakers had further disimproved. They complained that

'the foreign bakers have gotten to such a head and multitude as they are not content to have the benefit of the market on market days, but on every day of the week sent their servants to private houses within this city furnished with bread, where they daily retail the same as if they had been free members of this honourable city, and have their customers resorting to them to buy the same, and albeit their bread is unsound and under weight, yet they are not presented for the same...'.(139).

Now, when it was too late to even pretend protection of the bakers' chartered monopoly, the response of the city council was to leave the matter entirely in the hands of the guild. The situation described in the complaint indicates that the 'foreign' bakers had successfully established themselves and gained the custom of a considerable number of the inhabitants. If their bread was in fact 'unsound and under weight' it was obviously adequate and priced accordingly. To authorise the bakers, as one of the oldest chartered guilds in the city, to 'seize upon all such bread' was, undoubtedly, an empty gesture the irony of which cannot have been lost upon all concerned. The reiteration of this ruling within the year (140) indicates that the complaint was repeated and the problem unchanged. Consistent with this loss of chartered prestige and independence was the relegation of the bakers' guild in 1645 to a lower position on station days than that of the hitherto lesser guild of the barber-surgeons.(141)

There was no intended denigration in this act. Rather it was the reflection of a gradual change for which no particular group of individuals could be held responsible. What unified the city council's treatment of the brewers, fishmongers, butchers and bakers was the very convergence of diverse laws upon a common end. The maintenance of a food supply at accessible prices transcended all contracts and in doing so illustrated clearly the areas of municipal consensus which could not be catered for by proclamations of rigid colonial identity. This modus vivendi was not really inconsistent or hypocritical because it was the product of an evolutionary process of survival which simply took account of the most direct means to the most basic end. What changed after 1603, however, was first the political and then the economic climate.

When the crown chose to point out the many anomalies inherent in Dublin's evolved consensus it did not discover these for the first time. It was simply withdrawing its participation in the consensus itself. The withdrawal did not affect the food supply but it did highlight the theoretical contradictions inherent in municipal charters and there were many newcomers ready to exploit the opportunity. Perhaps the weakest flank in the city's defences was its own past behaviour from which it could not distance itself in time to meet the attack. The essential problem was the adherence to abstract legal concepts in some administrative areas and the total indifference to these in others. What follows, therefore, is an examination of one area which was not bound by such dichotomous exigencies but which was rather concerned with the less complex business of utilising the water supply and improving sanitation. The problems encountered by the city council and the manner in which they were tackled provide an important illustration of facets of the administration which did not bear directly upon political and economic incursions. Yet continual change necessitated a change of approach in response. The inadequacy of this response was, ultimately, determined by lack of finance and the ad hoc measures employed to circumvent this. Thus the loss of financial independence as a result of the crown's new policies can be shown to have permeated more levels of the city's life than might at first appear.

WATER, FIRE & SANITATION

The bakers' guild did not interfere as a body with the city's water supply but there is evidence to suggest that individual bakers controlled many of the flour mills surrounding the city. Complaint was made in 1593, for example,

'that the company of bakers, or some of them, taking the chardge of mylls aboute the cittie, worketh...therb y the hyndrance of the cittezens in letting them from their steven or course for grynding their corn as hath bene accustomed...'.(1)

The millers themselves were accused of making breaches in the pipe and of diverting the water to their mills.(2) In spite of the fact that these mills, when built directly on the watercourse, caused a good deal of pollution they were sometimes tolerated because of an agreement between the owner and the mayor or an individual alderman.(3) Indeed, there was scope for collusion in such arrangements, particularly if a miller undertook the upkeep of the watercourse itself. The compliance of the city council was, perhaps, understandable in view of the costs involved but the consequences could be nonetheless disastrous if the miller in question was to take advantage of his position. The case of Robert Nicholson not only illustrates the point, it is also an example of the administrative difficulties inherent in the

maintenance of the water supply.

The 'head' of the watercourse was situated in Balrothery, in Tallaght, and comprised of a dam-like structure designed to withstand floods.(4) Its repair and maintenance was vital to the whole system and was usually the responsibility of the masters of the works. In 1629 its condition was described as 'altogether broken and unrepaired'. An examination was agreed upon with suggestions to be made as to its renovation.(5) It would appear that this description was not an exaggerated one and that, in fact, the whole system was dilapidated and in need of replacement. By the time of the following assembly, three months later, the work had been surveyed and, presumably, judged to be a major undertaking which would require a good deal of money. This was offered by one Robert Nicholson, owner of several mills in the city, who put forward a proposition which entailed a complete overhaul of the city's water supply.

Nicholson pointed out that the head of the watercourse was frequently in need of repair, as it was at that time, and that the city was obliged to cover the cost of this work. He offered to repair the head and the watercourse itself as far as the great cistern (which was the city reservoir beyond St James's Gate) and to maintain the system for a period of one hundred years. The new cistern recently built by the city, he pointed out, had a capacity of one hundred and sixty barrels of water; he offered to undertake the construction of a 'pound' adjacent to the cistern which would have a capacity of eight thousand barrels which he would also maintain. The great pipe that supplied the city was defective and the flow of water had often been inhibited. Nicholson proposed to overhaul this pipe and to ensure a full and regular supply of water. In return for these projected endeavours he

asked for forty pounds, sterling, and ten tons of timber while he, himself, would bear all additional costs. On completion of the work he would ask for six pence per year from every house that would benefit from the work, together with two shillings and six pence per year from every house that had its own piped supply. In response to this offer, the city council decided that, instead of the forty pounds, Nicholson should have two shillings and six pence from every house with a livery and the same amount per year in the future, on condition that he give security to the value of five hundred pounds that the work would be completed. He was also allowed five tons of timber for the work and a choice of sites owned by the city.(6)

It is difficult to estimate the number of houses involved in this project but the sums of money may give some indication, although two different estimates are possible. Instead of the forty pounds which he had asked for, Nicholson was offered an amount which would be raised immediately at the rate of two shillings and six pence on each house with a livery. If this was the equivalent of forty pounds it would indicate that there were approximately three hundred and twenty houses with a private water supply. If, on the other hand, the council's response to Nicholson's request for timber was to simply halve the amount requested, it may also have been the case that a sum of two shillings and six pence would raise twenty pounds, which would suggest approximately one hundred and sixty houses with water on tap. As far as Nicholson's project was concerned, however, the actual number was less important than his failure to implement the scheme itself.

Just over one year later (during which time Nicholson received the allotted five tons of timber)(7) a complaint was made to the assembly that he had not carried out his part of the agreement. Furthermore, it was alleged that he

had diverted the watercourse to facilitate his own mills ('as...was suspected'). He had also failed to provide the required security which the commons had demanded. It was then agreed that Nicholson would give satisfaction to the mayor within two weeks or lose the contract.(8) The matter was raised again in the next assembly where it was pointed out that Nicholson had raised the watercourse between Dolphin's Barn and the cistern, 'whereby the water wasteth daily for serving of the mills'. Charges were also made against him that he removed the cistern stones and leads, which had been recently installed, together with several other misdeeds that had affected the supply adversely. The necessity for a committee to view these defects and to see to their remedy was agreed upon.(9) It was not asked of the accused that he give satisfaction on this occasion. By this time Nicholson had become quite unpopular among the commons, and, perhaps, with good reason.

Six charges were laid against him in the assembly of October 1632 (i.e. two years later). The commons demanded to know by what authority Nicholson had got two acres of land in order to make a pond for his mills. Likewise they demanded the return of the land and wished to know in whose mayoralty it had been granted. Secondly, they wished to know who it was that had given Nicholson permission to pull down the new cistern at St James's Gate, which had cost the city thirty pounds and which Nicholson had now put to his own use. They also wished to know who had allowed him to cut the main pipe in two gardens in St James's Street at a cost to the city of at least five hundred pounds. Fourthly, they desired to know by what permission Nicholson had cut the lead into the high pipe and joined his own pipes to it, an action which had broken the cistern wall in several places at a repair cost of ten pounds. He had also cut the pipes which fed Cook Street and Pipe Street, to the distress

of the inhabitants who were mostly brewers and bakers. When he had done this he had then removed the pipes altogether, at a cost to the city of at least one thousand pounds. They requested that he be compelled to relay the pipes in their former positions. Finally, his interference with St Michael's pipe would cost the city, in the opinion of the complainants, more than one thousand pounds. The total damage caused by Nicholson was, therefore, in excess of two and a half thousand pounds. In response to this it was agreed that the accused would be examined and, depending upon the outcome, appropriate action would be taken. With this petition further related 'grievances, articles and propositions' were included which the council initially ruled not to be within the city's power to redress although it agreed to put them to a committee for assessment.(10)

The report of the committee was made in the assembly which followed. As to the question of who had given Nicholson permission to use two acres of city land, it was found that he had a warrant on the authority of the assembly but he had not fulfilled certain conditions of the agreement. Nicholson claimed that he had broken the cistern as an improvement to the water supply and that he had done so on the authority of Sir Charles Forster; he could show no warrant to this effect and it was denied by Forster. He told the committee that he had opened and repaired the main pipe in fifteen or sixteen places on the direction of Alderman Evans, who had been mayor at the time; Evans corroborated this statement but no official authorisation had been given for the task. He likewise claimed that Forster and Evans had authorised him to cut the main pipe and attach his own to it, which claim they denied. With regard to the pipes in Cook Street (and, presumably, Pipe Street) he said that he had been 'earnestly pressed' by Forster to replace the lead with wood. The cost of this operation was seven pounds; he was to

have the lead (worth forty or fifty shillings) and the inhabitants in the area were to make up the deficit, although he had not received this. Forster denied the claim and, as Nicholson could furnish no proof, the committee ruled that he should replace what he had taken up. It also decided that no part of the main water pipe should be 'cut off or diminished' but rather that it should be repaired and maintained to fulfil its design. All those who had liveries were to have them again with compensation where it was appropriate. With regard to the wooden pipes already laid by Nicholson to supply the city, the committee left the matter open but observed that Nicholson had acted without warrant or act of assembly in the use of wooden pipes. The report of the committee was then endorsed by the assembly and Nicholson was given three months to make amends.(11).

The Nicholson project requires some comment insofar as it illustrates the ad hoc procedures adopted by the city council for the maintenance and improvement of the water supply. There would appear to have been two parties in the affair, namely, Forster and Evans at aldermanic level and a section of the commons in the assembly. (Forster became an alderman in 1635.)(12) This latter group had suspected the plan from the beginning on the grounds that Nicholson was a mill owner. They were obliged to give it their approval, however, in view of the extent of the intended renovations. This is a deceptively significant situation. Throughout the entire period under examination, many instances can be found in which the intentions of an individual, or group, were presented to the assembly in such a way that it would have been very difficult, short of a personal attack on the character of an individual, to oppose a given plan. What is implied here is the lack of an organised opposition which might have provided a protective balance through the direct representation of the citizenry.

Opposition did exist, of course, but only after a problem had arisen and the effects of this can be seen in the number of petitions presented in the commons that sought to rectify situations that might otherwise have been foreseen. Likewise, the petitioners' desire to know upon whose authority Nicholson had acted was another common response to a problem of this type. It implied at least some degree of control on the part of the commons insofar as the aldermen were accountable to them. There can be no doubt that the exercise of this control was possible; in the day-to-day work of the city government, however, it did not exist. One practical reason for this was that the commons met every quarter, whereas the aldermen met at least once a week. The lack of organised response must be seen in this light. The commons were composed of one hundred and forty four members whereas there were twenty-four aldermen; a high degree of cohesion among the latter could be taken as a matter of course for much of the time (even with an allowance for individual differences or separate interests).

Clearly the Nicholson project was a failure because the city council had not retained sufficient control over its progress. The reason for this lay in the basis upon which these projects themselves were farmed and this is evident from the authorities' earlier attempts to maintain the water supply through the appointment of a city-plumber. By the beginning of the seventeenth century the city had made a substantial effort to repair the conduits with the intention that, in addition to the main supply, pipes could be drawn into the houses of certain inhabitants. The citizen himself paid for the instalment of the connection. For this 'livery of water' he paid three shillings and four pence (in 1601) as a yearly rent to the city. Failure to pay this rent resulted in the disconnection of the livery (at the citizen's expense). Cocks were to be used to prevent waste and no house was permitted to have a cistern.(13)

This renovation, together with other building projects, cost the city at least three hundred pounds which it did not have in hand(14) and, in view of this, a policy of fiscal rectitude was inevitable. Like many projects of this kind, however, the council had engaged a plumber to carry out the work on the agreement that he would have a share in the rental of individual liveries. In the case of William Saunderton his share on existent and future liveries was to be held during his life and the life of his son, which was not an inconsiderable return if the city ever expanded.(15) The individual who held such a contract was prone to take the best advantage of it, however, and, in 1612, it was necessary to pass an order which forbade the practice whereby houses were supplied with water without special license from the mayor.(16)

Saunderton was still the city plumber in 1614, when he complained to the council that the citizens wasted their water when they allowed their taps to run day and night while the millers diverted water away from the main supply and into their mills.(17) Saunderton was undoubtedly concerned for his own interests because a depletion of the water supply inhibited the private business he derived from it. In 1618, for example, the commons complained of his abuse of the system whereby he drew a 'great number' of liveries without permission from the council and consequently deprived the city conduits of much of its water. He was threatened with dismissal from his position and expulsion from the city together with the loss of his yearly stipend of five pounds and the income he derived from the rental of liveries. A survey was also to be made of the number of liveries per house, the need for which can only imply that those who could afford it had as much tap water as they desired (although proximity to the main watercourse would, obviously, lessen the expense involved).(18)

Saunderton's son John inherited his father's position in 1621 on a trial basis for one year. This warrants comment in that he was not admitted to the franchise until July 1624.(19) The time lapse was consistent with the admission of his father to the franchise; the father had already carried out extensive work on the conduits and had been granted an income from the liveries by July 1602(20) and yet he did not receive the franchise until January 1604.(21) There are points of similarity, therefore, in that both men only became freemen after two years of official recognition as the city's plumber. Whether or not this was unintentional or systematic it does raise a question with regard to the importance of the franchise. One of the distinctions between the free and unfree inhabitant made throughout the period by the city council itself was that the freeman was cessed in return for the privileges to which he was entitled. There can be little doubt that an individual who enjoyed a monopoly of the water supply revenue was not a poor man and yet he cannot have been legally obliged to make his expected financial contribution to the city. It is equally unlikely, however, that an individual who depended upon the continued good will of the council would refuse such a contribution.

It is possible, therefore, that the legal status of the Saundertons made no practical difference to their status in the community. Added to this peculiarity was the fact that a plumber had already received the franchise in January 1617.(22) If, on the other hand, the delay was systematic it would provide a useful indication of the time lag involved between official grant of the franchise and its sealed confirmation. For example, it was agreed in January 1621 'that John Saunderton, plumber, shall be appointed and admitted plumber of this city for one whole year next ensuing, putting in security to perform such conditions as Mr Mayor [et al] shall lay down'.(23)

If the franchise was strictly controlled, as it appears to have been, Saunderton would have made application at the end of his trial year. The most probable reason for the delay would, therefore, have been a back log of applications. Whether or not this was actually the case, it is evident that there was a symbiotic relationship between the city and the Saundertons.

Improvements and extensions continued to be made to the water supply by Saunderton in return for the usual interest,(24) although it was also the case that the masters of the city works carried out repairs which might otherwise have been given to the plumber. In 1624, for example, they were given power to 'erect and repair' St Michael's pipes and conduits together with other waterworks.(25) In the meantime other aspects of the city water supply had to be dealt with. The inhabitants of Bridge Street petitioned to have a grate installed under the Ormond gate to channel the 'falling waters' of Thomas Street and New Row into the town ditch (an example of one of the disadvantages of living on a lower ground level).(26) A order made in 1633 in connection with the repair of pipes in High Street indicates, however, that the Saundertons' arrangement with the city had been qualified, if not actually ended. Saunderton is mentioned as one who might be given the task but the masters of the works could also choose 'some such other able workman'.(27) It would be tempting to connect this decline in the Saundertons' influence with the work which had been undertaken by Robert Nicholson. It is probable that there was some connection and that this in turn was related to the patronage of various aldermen. There is no direct evidence which might suggest the link, however.

The basis of the city's problem in its dealings with both the Saundertons and Nicholson was its dependence upon such individuals to carry out vital work

which was outside the direct control of the municipal authorities. The necessity for this method of maintenance was financial. The city council was not willing or able to collect sufficient money in advance and it was, therefore, obliged to sell future profits from the water supply in return for some guarantee that the supply itself would be maintained. The Nicholson project illustrates the havoc which could result when the individual involved pursued his own interests too quickly. Yet the city's dealings with the Saundertons would suggest that the arrangement could also be satisfactory. For example, William Saunderton had been granted certain profits during his lifetime and the lifetime of his son. There was nothing to prevent the city council from disregarding such a contract, however, if it chose to undermine Saunderton's position. In the meantime it was likely that a considerable amount of work would actually have been carried out. If the system had been perceived in this way it would suggest that Nicholson's failure was exceptional and that the city was willing to bear the abnormal costs involved in return for the benefits which would normally accrue when contractors like the Saundertons were involved. Another advantage of this system was that blame could be apportioned quickly and easily to the contractors whenever the water supply was diminished or inhibited by their work. Likewise, the city's attempts to establish a system of fire-prevention illustrated the advantages of farming out such responsibilities just as they highlighted the financial disabilities of its administration.

It was unlikely that anyone would propose to protect the city from fire damage in return for a permit to levy rates. Quite apart from the logistics which this would have entailed, the inhabitants would not have paid willingly. Where services and maintenance were involved they displayed a tendency to pay reluctantly and then only for tangible and essential work. In

addition to this there was little that could be done to minimise the risk of fire in any effective way. One of the more immediate administrative problems was the division of the city area into units which could be held responsible for the problem at a more local level. There were two possibilities open to the authorities, namely the ward and the parish. The primary distinction between the two which caused the latter to be employed was that rates could be readily levied on the unfree of the parishes (which would include the suburbs and liberties) while advantage could be taken to impose the burden of collection upon the shoulders of the churchwardens. In addition to this church property could be used to house the necessary preventative equipment and facilitate its ready use.

In 1614 two of the auditors were instructed to reimburse one of their colleagues who had returned from London with a quantity of buckets. It is significant that the treasury was ordered to pay for the equipment(28) which, in accordance with an earlier order, was to be kept in the tholsel.(29) By 1620, however, the position had changed in two respects. It was then ruled

'that from henceforth there shall be forthwith made and provided in every parish throughout this city and suburbs, upon the charge of the inhabitants of the said parish, one dozen of buckets, two fair large ladders and one hook, ...for which...the churchwarden for the time being of every parish church aforesaid shall be yearly accountable unto the treasurer of this city...'.(30)

The expressed concern of the municipal authorities for the safety of the city 'wherein the whole state are resident' may indicate that there was some

pressure upon them from Dublin Castle to implement a programme of fire-prevention. This may be a further explanation of the extension of the catchment area. Because the assignment of responsibility to the churchwardens for the actual collection was not explicit, however, the latter made no attempt to carry out the city council's orders. Thus three years later the new equipment had not been procured and it was necessary to emphasise that the churchwardens were to instruct 'those of the parish that are appointed to collect the ministers pension' to assess the inhabitants in their area and raise the money accordingly. Furthermore, the churchwardens themselves were then threatened with a fine of forty shillings if they failed to observe the order.(31)

Following this, an attempt was made to rectify some of the Saundertons' work which had drawn pipes away from 'the chief places of [the] city near his majesty's castle' and which exposed the area to the danger of fire.(32) It may be ironic that these administrative measures were followed by 'several great fires'. On the other hand it may have been the very failure of the administration to switch successfully from the ward to the parish unit that allowed those fires to cause greater damage than they might otherwise have done.(33) The point is borne out by the response of the city council. No further reliance was placed either upon the churchwardens or the collective response of the inhabitants. In 1638 the general assembly ordered a cess to be levied to raise the sum of thirty-five pounds, sterling, 'for sending over into England for an instrument called a water spout'.(34)

While no description is given of the operations of this particular machine its advantage was that it could undoubtedly be filled with water in advance and produced at the scene of any conflagration. As well as freeing the city

council from a reliance upon reluctant churchwardens or a dangerous dependency upon continual collective responsibility, the new machine would also provide against the inadequacy of the water supply itself. The connection between this inadequacy and the threat of fire is amply illustrated by the case of Thomas Springan, pavier. In the latter half of the 1620s the city council had made some attempts to delegate responsibility for the water supply to individuals other than the Saundertons. In the October assembly of 1625 Springan was awarded a contract worth two pounds, sterling, per year for the maintenance of the head of the water.(35) His disinclination to perform this task opened the way for Nicholson to offer his own services.(36) Meanwhile in the following assembly Springan was granted possession, during his lifetime, of a room over the public toilet on Merchant Quay ('he making clean the quay and laying the dirt in heaps').(37) The Nicholson project undoubtedly wrecked the water system and contributed largely to the fires which broke out in the 1630s. One of the consequences of these fires was that the toilet over which Springan lived was destroyed.(38)

It may never be known if Springan himself connected the dilapidation of the water supply system with his own laxity or concluded that the destruction of his residence was a consequence of this. The toilet over which he lived had been built as 'a convenient place of easement for scholars and others' by the city council in 1608 (39) and was intended as an addition to the facilities offered by an earlier construction erected on Wood Quay in 1560.(40) The necessity to replace the gutted Springan building was found by the authorities to be urgent because the site itself (i.e. Skipper's Lane) was now being used by the inhabitants for the same purpose.(41) Whether this toilet was rebuilt and closed at the outbreak of the rebellion is difficult to say. Whatever the reason, by 1642 the council felt it necessary to rebuild the

toilet on Wood Quay and re-open the two on Merchants' Quay (at Skipper's Lane and Rosemary Lane).(42) As utilities built by the city, there can be little doubt that the public toilets were effective. The lack of a sewage system meant, however, that it was necessary to locate them near the riverside. The evidence does not indicate whether or not they were frequented more by people who lived in the area but in view of the continual problem of waste disposal elsewhere in the city, this is likely. In general, proximity to water tended to dictate the type of problem associated with such disposal.

Colman's Brook, for example, which ran past Gormond's Gate and across Bridge Street on its way to the Liffey, was used for the disposal of waste. This was done largely by the inhabitants who lived along its banks. The consequences were immediate as the brook was continually clogged with refuse. The city council's attempt to solve the problem, however, indicates the extent to which it had no real ability to do so. An order was made in 1609 by which the inhabitants themselves were obliged to erect fences high enough to prevent them disposing of their own refuse. Likewise they were ordered to clean the brook themselves.(43) It is further indicative of both the problem itself and of the incapacity of the city council to deal with it that, almost thirty years later, Colman's Brook and the local inhabitants presented the same difficulty. It was clearly stated, in 1638, that the brook had not been cleaned in accordance with the order, nor had the fences been erected as planned.(44)

In 1609 the fine for failure to erect a fence along the bank of the brook was twenty shillings and half of this sum was to be paid to the informer. Posts, to which boats might be tied, (the brook was often referred to as a river) were

to be removed if they inhibited the cleaning operation and the fine was to be five pounds, half of which was also to be paid to the informer. It is clear from this that a good deal of money might have been made by an informer once the order had been put into effect. The question might be raised, therefore, as to why nothing had been done at all. The answer is relatively straight forward: the committee which was set up to raise funds for the project had failed to do so. If money had not been collected to erect the fences or clean the brook there ~~could~~ be no question of the imposition of any fine. The committee's lack of initiative is, likewise, explicable. The problem was a local one that can only have affected a limited number of inhabitants. If the majority in the area were content to live with the problem as it was, however, there was no immediate reason why the committee should extend itself unnecessarily. This was often the response of the city administration in matters of sanitation and this is borne out by its dealings with the scavenger - an individual appointed by the general assembly who undertook certain cleaning duties in return for permission to levy a toll.

Two of the principal tasks for which the scavenger was responsible were the removal of waste from the market areas and the collection of 'great heaps of dung' which the inhabitants had a proclivity for throwing into the streets. The revenue from the office was not insubstantial. In 1620, for example, the scavenger was Walter Sedgrave, who was either an alderman and ex-master of the Trinity Guild(45) or a relative of that individual. Sedgrave was accused of laxity of duty which had caused a deterioration in the sanitary conditions of the thoroughfares. An offer had been made by a competitor to undertake the job in return for the custom of the corn market. Sedgrave was required to enter a security of three hundred pounds to fulfil his duties or lose the position by default.(46)

Payment for the office of scavenger was thus a grant of certain customs revenues. In a situation where the responsibility for a task, together with the emoluments granted for its expedition, were delegated completely, the result was predictable. Greater emphasis was placed upon financial gain than upon the obligations attached to such gain. Consequently the scavenger was unpopular among the inhabitants. The administrative problem posed by sanitation had always been different in essence from that of fire-prevention despite the connection of both with the city's water supply. In the latter, attention was paid to the problem after the event; an approach likely to be less effective in matters of waste-disposal. In 1603 the inhabitants of Cook Street complained that a nearby lane was 'abused by night by the inhabitants thereabouts, by casting filth and excrements there and [they] requested to have a grate of timber made at either end to prevent the same...'.(47)

In 1611 the commons complained that the scavenger had not fulfilled his duties with regard to the market area in Fish Street (i.e. Fishamble Street). It was also pointed out, however, that

'the neighbours in the same street that upon all falling weathers sweep the filthred of their streets and houses into the channel, which is carried down, by force of the water, into the lower end of Fish Street...by means whereof the issues for conveying all such falling rains are continually choked up...to the great anoyance and hurt not only of the inhabitants but of others...'.(48)

It might be said, therefore, that, as far as the inhabitants themselves were concerned the problem was relative to which end of the street they lived on. In other words, the role of the scavenger must be seen as superficial in a

community where the inhabitant was content to deposit his refuse a short distance from his own house. Nevertheless, the scavenger was held responsible for the duties which he himself had undertaken.

The scavenger was unpopular, however, even when these duties were fulfilled. Part of the problem was that the river Liffey was the only means by which large amounts of refuse could be effectively carried away from the city. Improper disposal by the inhabitants themselves resulted in a build-up of waste that was not automatically taken by the tide so that the quays were 'so choked up with filthred' that the boats could not reach the slips.(49) Several carters worked under the supervision of the scavenger but whether with the latter's consent or as a matter of convenience the carters usually dumped their waste without consideration of local conditions. Ultimately, therefore, it was the task of the alderman, deputy-alderman or constable within each ward to see that the council's intentions were carried out.(50)

It would not be unreasonable to suggest, however, that this system worked up to a point. Complaints were made about inefficiency or negligence but not with a view to a change in the system itself. This came about by the middle 1630s, however, for a different reason. The expansion of the city had seen a large increase in the unfree population. It was pointed out in 1635 that these individuals gained the benefits of certain customs to which, by reason of their status, they were not obliged to contribute. The toll of the market was paid by the freemen to the city scavenger for the clearance of the city streets. The unfree inhabitants benefited from this while, at the same time, the city council could not oblige them to pay without an alteration in the laws of the market. The answer was relatively simple. If the position of scavenger was abolished, responsibility for sanitation could be handed over

to the aldermen of each ward whose duty it would be to raise only the amount of money necessary to maintain the required standard within that ward. It is difficult to say whether this would have amounted to anything more than a resumption of the office of scavenger or whether it entailed a complete revision of the system. Either way it required the submission of a petition to the lord deputy against the scavenger,(51) who then fought the case through the court of chancery.

In 1634 the city scavenger shared certain duties on fish and other provisions with two individuals, one of whom had been a sheriff some years earlier. A complaint was made against them that they oppressed the poor by the exaction of customs to which they had no legal right. The usual procedure in such a case was the formation of a committee of investigation, the names of which were then entered on the rolls. In this case, however, the mayor consulted with members of both aldermen and commons before the appointment of the committee - an indication of the extent to which it was necessary that the composition of the committee be representative.(52) The apparent reason for this was the city council's inability to deal with the scavenger, Katherine Strong; in the following year the mayor complained to the lord deputy:

'The foulness of the streets has been and still is so offensive to the state, and to all manner of people, and to the citizens also, as the city hath used all their power and means either to reform her or avoid her grant, but could never yet prevail against her, for they have caused many indictments to be found against her in the king's bench, where they yet remain, and a great number more in the tholsel, which were removed into the king's bench by certiorari,

and there lie dormant. And in that and all other courses that they have taken against her, they have been so crossed by her working as they could work no good against her; so as the more that she was followed the worse she grew, and kept the streets the fouler.(53)

By 1640 the matter remained undecided although the office itself had been already sequestered.(54) The struggle clearly illustrated the weakness of the city council against an individual who had a firm hold on the lease of her office and was yet another example of its lack of administrative mettle.

The problem of sanitation was as much due to the attitude of the inhabitants themselves, however, as it was to the administrative structure within which the scavenger operated. Prohibitions might abound but little could ever be done, for example, to prevent nocturnal disposals. Nor were the perpetrators affected by the municipal council's fears that the city's defences were being weakened considerably when the ditch which surrounded the city wall was filled with refuse.(55) Indeed it might be said that expressions of concern for defence were patently insincere and can have done little to motivate the citizenry towards more careful behaviour. Moreover if sanitary facilities were grossly inadequate the inhabitants had no real choice as to where they disposed of their refuse. The official concerns of the municipal authorities were sometimes as conceptual as they were unrealistic. The treatment of the city wall, both by the inhabitants and the city council itself, is a good example of this. The walls were treated with indifference by those who lived in their vicinity. Yet they were an expression of an aspect of the city's collective identity which the authorities professed a desire to reinforce. Consequently there was a genuine dichotomy between the official perception of the wall and the various uses to which it was put by the inhabitants.

WORKS & MAINTENANCE

In the late sixteenth century the formal boundary of the city bore no relation to the area occupied by its citizens. (1) The concern of the municipal authorities for the state of the city wall must be viewed in this light. It must also be borne in mind that, while the city council made various rulings with regard to the defence of the area inside the wall, little was done, in fact, to alter the existent conditions. If the city had been obliged to withstand a serious assault or a lengthy seige there would, undoubtedly, have been chaos. The discrepancy, therefore, lay in the council's tendency to consider (at least on paper) the condition of the wall while, at the same time, it failed to make any provision whatsoever for the predictable influx of citizens who could not have been legally excluded from the city (as could the unfree inhabitants). It is unlikely, moreover, that such a response derived from an analysis of the strategic position of the city during this time of war. One month before the arrival of Mountjoy and four months before 'the greatest combined [military] operation of the century in Ireland', (2) the inhabitants of St Thomas Street, St James's Street and St Francis's Street (all of which were outside the city wall) made 'grevious complaint' about the laxity of their respective aldermen, deputy-aldermen and constables in the control of local disputes 'to the great danger of the quiet neighbours that hazardeth themselves in appeasing frays and such [like] tumults'. (3)

Yet in contrast to these mundane squabbles there was a simultaneous awareness of the necessity to ensure that the city within the walls was secure. The many postern doors rented by the inhabitants from the city were brought under the control of the municipal council. In 1591 these were surveyed and found to be 'not so fensible as may well stand with our duty unto her majesty'. It was ordered that all such doors were to be reinforced by 'grates or doors of iron' and on failure to comply, the citizen was to forfeit the passage which would then be blocked permanently.(4) Similarly, the entire length of the wall which ran parallel with the river had been eroded over a period of time such that the quays, together with the bank and shallows of the Liffey itself, were clogged with a 'great number of hewn and other great stones'. The principal reason for this was the necessity for a large number of breaches in the wall that might facilitate those who landed or loaded goods. Every householder in the city was obliged to contribute labour to the clearance of these obstacles which were then to be used for the city's building works. It was also ordered that boats and barques which unloaded goods on the quays would be obliged to carry away the gravel that might be taken from the river.(5)

Nevertheless, the conflict between the inhabitants and the council with regard to the condition of the city wall was essentially, however, a conflict between theory and practice. In theory, the wall was the basis of the city's fortification; in practise it was often part of a compound for sheep and cattle. In 1597, for example, the inhabitants of the area outside the wall between Newgate and St Nicholas's Gate were charged with the ruination of the ditch caused by their livestock.(6) A map of the area will show that the wall was in fact the boundary of the back gardens of the inhabitants of St Francis's Street.(7) In other words it was only when the city qua city looked

to its defence that the everyday-life of the inhabitants became problematic.

Efforts were made to ensure that the principal gates in the wall were repaired at this time,(8) although the record would suggest that such repairs were rarely completed. The problem in this respect was as usual financial. In 1598 the city was obliged to dispense with the services of its appointed schoolmaster in order to put his stipend towards work on the gates and similar projects. The council likewise made attempts to collect some of its rent to be used for the same purpose.(9) That such repairs were still called for in 1600 suggests that the authorities were less than successful in their efforts.(10) It is probable that they were equally unsuccessful in their treatment of those inhabitants who dumped their waste over the wall and, consequently, filled the ditch. In fact this practice was sufficiently established for part of the wall between Gormond's Gate and Newgate to have been removed to facilitate the disposal of such waste.(11)

Individuals were still given permission to breach the wall, however, on certain conditions. While such grants were made 'during the city's pleasure' the authorities were somewhat less than stringent with regard to the stipulation of security measures. The lack of a consistent defence policy in this respect made for a somewhat changeable response on the part of the city council. In April 1601, for example, the conditions upon which permission was granted for a postern door to be opened were the payment of two shillings per annum, the upkeep of the contiguous area and the carrying out of certain limited renovations.(12) Three months later a ruling was passed whereby all doors in the city wall were to be 'shut up in strong and fensible manner with lime and stone upon the city's charges'.(13) The dichotomy between the city's de jure responsibility to maintain the walls for the crown

and the necessity to regulate the de facto conditions prevalent in the vicinity of those walls was less apparent after 1603. The concerns of the city council were more directed towards civic matters. The nominal obligation to defence remained, however, although these interests were more financial in practise. By January 1607 'divers postern doors' had been made without license from the city council. An order was made for these to be closed and a fine of one hundred pounds, sterling, was agreed upon for those who opened such doors without the permission of the authorities.(14) It is significant that while the issue of defence was again raised, the emphasis in the order was upon the necessity for the inhabitants to apply for licenses before they breached the wall.

Simultaneous efforts were made to improve the environment of the wall itself. In the same year (i.e. 1607) it was agreed that the ditch between Newgate and Gormond's Gate would be cleaned and a brick wall built in its vicinity 'as well for beautifying the same as also to prevent the casting of any filthred there hereafter'.(15) That this wall was actually built three years later is not surprising in view of the fact that the ground in question had been leased to an alderman.(16) Whether the work was effective or not is unclear but the inhabitants' treatment of the wall as a line of demarcation over which they could throw their refuse did not diminish.(17) In addition to the city's inadequate system of sanitation another reason for this practice was the fact that the wall, combined with the ditch beneath it, created vertical distance between some of the inhabitants and their waste. (Some of those who lived under the wall outside were obviously on the receiving end of this problem; thus contentious issues of residence may have been perceived as matters of demographic and social distinction and it is unlikely that the city's elite were plaintiffs in such matters.)

Complaints were often made by individuals in relation to parts of the wall adjacent to their property. While the immediate response to such complaints was positive,(18) the problem remained one of finance. An initiative in this respect was taken in 1613 when it was agreed that all the 'amercements, fines, issues and profits of the green wax' (which was administered by the sheriffs) would, henceforth, be used for the maintenance of the city walls 'and other needful works'.(19) Individual complaints continued, however,(20) and it is difficult to assess the short-term effectiveness of the initiative. That it did not have any considerable long-term effect may be seen from the fact that the city walls were described, in 1624, as decayed and ruinous when an order was made for their renovation.(21) The lack of records for the proceedings of the mayor's court prevents an accurate description of the city council's attempts to enforce its own laws in this respect. It can be said with certainty, however, that if repairs were made they were not lasting. The order referred to above, which set a fine of one hundred pounds on those who breached the walls, could not have been implemented in practise.

The context in which such orders were made and such repairs prescribed must, therefore, have been somewhat at variance with the reality that confronted the city council. One explanation for this situation would be the view that the municipal authorities considered the city walls to be an official part of the city which they administered for the crown in conjunction with the English government in Dublin. The future defence of this territory might, therefore, depend upon the condition of the walls. Three factors would suggest that this was not the case, however. The imposition of fines which could not normally be paid, the recurrence of complaints in relation to the delapidated condition of the walls and the

absence of any reference to the interest of the English government in the matter would all suggest that the city council had no genuine concerns (in this respect) whatsoever. A brief comment upon these factors may help to clarify the position prior to the suggestion of an alternative explanation.

The lack of evidence with regard to the state government's interest in the matter may, on the surface, seem an inconsiderable basis upon which to form a hypothesis. This is not the case, however, when it is borne in mind that there was no hesitation on the part of the town clerk to ascribe petitions, complaints, entreaties, etc., to their source. While it is true that there are few instances in which the lord deputy was involved regarding public works in the city there is no reason to believe that his influence would not be discernible. Likewise, if the city council perceived the walls in the context of its civic obligations as laid down in various charters, the walls themselves would not have been so frequently described in terms of decay. The prescription of large fines for offences in relation to breaches in the wall is, perhaps, the most significant aspect of the problem.

Throughout the entire period the imposition of fines was the principal method of law enforcement.⁽²²⁾ It is not conceivable that the authorities actually believed that a fine of one hundred pounds, sterling, could be collected from those who built postern doors in the wall. Nor is it likely, on the other hand, that they wished to see their own orders ignored by the inhabitants. The resolution to this apparent paradox lies in the issue of licenses by the city for such doors. The aim was not to prohibit postern doors but simply to coerce those who built them into the payment of rent and the abnormally high fines provided a context in which such rental agreements were undertaken willingly. This was a consistent response which was

undoubtedly acknowledged off the record. Yet such consistency did not coalesce with any coherent policy of public works or maintenance and this point can be substantiated by an examination of various other aspects of the city's public works and the involvement of the craft guilds in these.

For example, various accounts of the damage caused to the city by an explosion of gunpowder in 1597 estimate that between twenty and fifty houses were destroyed.(23) In the first assembly after the event a pledge was made to the mayor by the carpenters, heliers, masons and joiners to 'repair, maintain, uphold and keep up' the city and its suburbs. In return for this, a considerable degree of control was allowed to the guild. Wages were fixed, 'foreigners' could be hired and, what was of more significance, those who would 'not be contented to work for the said day wages [were] to be expelled out of the city and liberties thereof'.(24) As far as the repair and maintenance of the city was concerned, therefore, a certain degree of responsibility lay with the guild itself. The importance of this arrangement, as far as the administration was concerned, was that there was a separation of powers; the council initiated repairs and the guild carried them out. Moreover, it was only when the need for such repairs came before the council that they were considered. The consequences of this are manifest in the assembly rolls. Work was only undertaken on the authority of the council and on the initiation of the masters of the city works; procedures for prevention, renovation, preservation, etc., were not taken unless an immediate need was expressed, usually, in the form of petitions or complaints.

Two factors contributed to this situation. The first and most important was the traditional arrangement for the creation of revenue for repairs and maintenance, namely, a cess upon the inhabitants of each ward. In this

context, most of the city's revenue was raised for particular purposes or projects. When it is borne in mind that it was common for amounts to remain uncollected, it can be seen that the municipal government would have had considerable difficulty in the collection of money for maintenance work which would not be visible to the citizen. One solution to this problem was, therefore, to raise money only when the need for repair was obvious. The second reason for the lack of any concrete maintenance policy derived from the existent corporate structure of the city itself. The guilds were, to a large degree in the early seventeenth century, still autonomous in labour matters. In this context the city government was a corporation itself which, by definition, operated within clearly stated boundaries. The mutual benefits which accrued to both the city corporation and the guilds were, ultimately, in the interests of the majority (and this was defined as the majority of freemen). If the city corporation was to contravene this arrangement by the introduction of a 'department of public works', as it were, it would have been obliged to redefine the hitherto agreed interpretations of guild and city charters. In the early seventeenth century the city wished to consolidate, not question, these charters. Repair, rather than preservation, was thus the order of the day and the guilds were, likewise, relied upon to expedite the work. Authority for the liaison of city and guild had devolved upon the masters of the city works, whose responsibility it was to carry out the orders of the municipal government. This arrangement was not a policy, on the contrary, it was indicative of the lack of policy.

In 1603 the repairs which warranted the attention of the masters of the city works were listed; the town wall on the south side of the city, the bridge across the Liffey, the quay walls, the school house, Newgate and the lead of

the main conduits were all described as 'ruinated and decayed'. After the appropriate survey, all the repairs were to be paid for by the city, ('as far as the treasurer...do extend unto'), with the exception of the quay walls. These were to be repaired at the expense of Robert Ball (a future mayor and master of the Trinity guild) who had a lease for the same from the city.(25) Yet if this order was straightforward the city's attitude to at least one area of these repairs, namely that of the bridge, proved to be somewhat ambivalent, if not actually infractious. The importance of the bridge to the inhabitants needs little comment. Apart from the ferry across the river it was the only means by which contact was maintained with Oxmontown and its environs. When the piles of the bridge were damaged by frost in 1608 the commons made 'humble petition' for its repair, which was then approved.(26) While it cannot be said with certainty that this order was not carried out it was not until the 1630s that the condition of the bridge became a matter of real contention. (The reason for this may have been the severe damage caused to the bridge by a storm in September 1631.)(27)

In 1634 the commons preferred a petition 'showing that...the mayor and other principal officers of [the] city were lately presented by a grand jury for the defects and want of reparation of the bridge...'. They wished to avoid 'further vexation, trouble and charge' and requested that an order for the necessary repairs should be made. The mayor, aldermen, sheriffs 'and divers of the commons' disagreed, however, and upon an inspection of the bridge itself concluded that there was no 'great danger or present ruin', although they did allow that there were some defects and agreed to have these rectified at the city's expense.(28) The last part of this agreement was really the point of contention, viz., whether it was the city's duty to repair the bridge or not. Three years later nothing had been done and the condition

of the bridge itself was described as 'fallen to great decay and the walls thereof very dangerous for such persons as lean thereon'. A significant order was made as a consequence when it was agreed

'that the grand jury and the masters of the city works shall view the said bridge and the defects thereof, both in the stone works and piles, calling to their aid...such...workmen as they shall think fit and to certify what will repair and pile the bridge aforesaid and who ought and have used to repair the same'.(29)

It is clear from this order that the mayor and aldermen had abnegated their obligations in the matter. The case, which had been heard in the court of King's Bench, went against the city and fines were imposed upon the inhabitants. The mayor and some of the aldermen were obliged to enter a recognizance for the immediate repair of the bridge and it was agreed in the assembly that such bonds would be underwritten by the city.(30) These fines were still contested in 1640 together with 'several other fines of like quality...for the neglect of several works belonging to [the] city as yet not finished'.(31) In view of the fact that the condition of the bridge does not arise throughout the next ten years when the city looked carefully at its defences,(32) it is probable that the city council resumed responsibility for its upkeep.

The context in which this maintenance was disputed, therefore, was one in which the expansion of the city was not matched by an increase in municipal revenue while its authority was simultaneously called into question. Two small, but significant examples may serve to illustrate the point. In 1635 the commons complained that the citizens of the city were then in a minority but

were nonetheless obliged to contribute to benefits which accrued to the unfree population. It was proposed that a petition should be sent to the lord deputy and council to redefine the method by which revenue was raised from the toll of the market.(33) In the same year the king gave permission to a private individual to repair the lights and marks at the bar of Dublin's port; the lord deputy pointed out, however, that the work had already been done by the city itself.(34) In both cases the city was obliged to take what was essentially a defensive position in the face of gradual encroachment. Many of its most important privileges had already been successfully challenged(35) and by the late 1630s its autonomy had been weakened to a degree that would not have been contemplated in the late sixteenth century. It was in this context, therefore, that the city council would have viewed the repair of the bridge across the Liffey; it not only served the expansive population of non-freemen but it was also necessary for the movement of soldiers. The English administration in Dublin benefited on both counts while the city was obliged to pay.

There were other areas of the city works which were less contentious and which provide examples of the more ordinary aspects of this area of the administration. The maintenance of streets and pavements is one such example. As early as 1323 the city had been granted rights of taxation for the pavement of streets.(36) The materials used were not durable in the long term, however, and the pavement was continually broken (i.e. the cobblestones displaced) by the normal activities of the inhabitants.(37) The area around Thomas Street required a good deal of attention throughout the period, not only because it was one of the principal thoroughfares which led into the city but also because it was the site of the horse market. What was generally referred to as 'the great pavement' ran through the street and into

the centre of the town. In 1573 the council passed an order to the effect that the inhabitants of Thomas Street were obliged to have the area in front of their respective dwellings paved

'untyll the same doo cum unto the channell wheare the water ronne or untyll the same do cum unto the greate pavement lyinge betwixt bothe the channels; and as for that greate pavement, thinhabitautes next adioyneinge unto the same, fyndinge onelye sande and gravel to searve the paveinge the cittie, shall stande to and be at the residue of the chardges of the said greate pavement'.(38)

It is clear from this that not only the portion before each house was to be paved but also the thoroughfare itself which, taken together, amounted to the footpath and the roadway; the channel in question was the watercourse which ran through High Street and into Castle Street. It was one thing to require the inhabitants to finance the repairs but the enforcement of the order was quite another matter, however. When the pavement in St Thomas Street was described as 'by disordered means broken and greatly decayed' in 1594, the city agreed to cover part of the cost, although it raised this from a fine imposed upon one Owen Connell for an 'outragious assault and battery' which he had inflicted upon the alderman of that ward; generally, however, this was not the city council's practice.(39)

It was, nevertheless, necessary for city revenue to be expended regularly upon paving works if such work was to be continued. In 1607, for example the pavement in the area of Thomas Street and James's Street was again described as 'much defaced and broken'. The cost of the necessary repairs

was divided, however, between the stablers and the municipal government who each took a portion of the roadway. The damage caused by the stablers was that which came about as they watered their horses (in the channel parallel to the street), a practice henceforth forbidden.(40) The general impression is gained from these orders that the pavement of the streets was a relatively disorganised aspect of the city's maintenance. The fact that each householder was made responsible for the roadway in front of his dwelling would undoubtedly have resulted in disconnected pavements. The records suggest that the collection of finance was difficult, and sometimes impossible, for the aldermen in each ward. If there was a shortage of such finance for a single project (the repair of the cistern, for example) the work itself could be completed and an arrangement entered into between the council and the tradesman involved. The pavement of the main thoroughfare was a different matter, however.

The point is borne out by an order made in 1612 which set out the conditions upon which the work was to be undertaken. The paviour was to be paid three half pence, sterling, per yard to see the work done 'in uniform order' under the direction of the mayor. Each householder was obliged to pay for the pavement between his house or ground and the watercourse. Moreover, he was obliged to provide stones, sand and labourers for the work. Every carman in the city was, likewise, obliged to give one days labour per month towards the completion of the work.(41) These conditions warrant some comment. If each householder was responsible for the ground that 'extendeth from his house to the channel' it would suggest that the Thomas Street - High Street - Castle Street thoroughfare represented the principal area of concern as far as defects in the pavement were concerned (for the reason that all other householders were excluded by the directions). That it was felt

necessary to insert the phrase 'in uniform order' with regard to the work would suggest that there was a possibility that such would not be the case. This is consistent with later orders which indicate that the carmen in particular were somewhat reluctant to commit themselves to the work.(42)

Unfortunately there are no accounts of the manner in which the task was undertaken. That each householder was obliged to provide materials and labourers can only indicate, however, that the work was not finished smoothly. It is likely that this arrangement gave rise to certain organisational problems. Such a view is supported by the admission on the council's part, in 1619, that the city was in need of 'a master paviour to be answerable at all times' for the condition of the pavements. A 'chief paviour' was thereby appointed on condition that he supply a sufficient number of pavours himself and that they would take no more than the standard rate per yard (i.e. three half pence).(43)

The need for such an individual arose from the unsystematic approach of the municipal authorities to the problem. Whether the chief paviour made better progress with the city carmen or not is unclear. The latter were held responsible for a large amount of the damage done to the streets of the city. The area they themselves inhabited (namely Stephen Street, Golden Lane, Sheep Street, St Bride's Street and St Kevin's Street) was, understandably, affected by their trade. Consequently, they were obliged to contribute their services when sections of the streets in question needed re-pavement.(44) They could equally be ordered to work in the Thomas Street area, however, and while the impression is given that they were reluctant to do so, it would be difficult to calculate the amount of income they forfeited by their obligation to follow the orders of the city council in this way. Problems

posed by the pavement of the city, and the Thomas Street area in particular, were perennial prior to the outbreak of the rebellion.

The maintenance of buoys was another area in which the inhabitants were obliged to contribute labour despite the fact that the rights to erect these markers were leased by the city. In 1609, for example, the water-bailiffs, to whom the erection of buoys was leased, petitioned for relief on the basis that 'a pearch' which they had set up had been destroyed by storms.(45) It was thereby agreed that each house would provide one labourer or pay the sum of four pence, sterling, towards the work (which, incidentally, gives some indication of the possible physical dimensions of the marker itself).(46) A complaint made three years later by the merchants in the assembly on their own behalf and the behalf of all 'strangers' who used the port would suggest that the marker just referred to had not been re-erected. The water-bailiffs were ordered to see a marker established at the bar of the harbour together with 'so many perches as are needed'. They were given approximately one month and failure on their part to comply with this ruling would result in the sequestration of their emoluments, which would then be used by the city council itself to have the work carried out.(47)

This apparent willingness on the part of the municipal authorities to take on the work raises the question of why it had not already done this. The answer lies in the structure of the city government and its traditional mode of operation. Although the mayor was admiral of the port there were no separate facilities for its administration. This was, in the final analysis, a matter of finance. The maintenance of buoys and markers would have necessitated the expenditure of city revenue while there were individuals who were more than willing to offer the same to the authorities. The council

could not have continued such maintenance without the additional financial burden which this involved. In the final analysis the question was one of motivation. Where incentive was required the usual administrative response was to farm the office in question.

The repair and upkeep of the quays was thus farmed out although the city council could contribute money towards maintenance under certain circumstances. In 1613 the commons petitioned for the expansion of Wood Quay ('for many good considerations') and the council agreed to raise one hundred pounds, sterling, for the work, largely because certain contributions had already been promised from some 'honourable friends' of the city and these would be forfeit if the work was not speedily undertaken.(48) The rationale was, therefore, that the sums involved were beyond the capacity of the farmer and in view of the fact that an expanded quay would redound to the city's benefit the council saw the advantage in making a contribution. Where small repairs and adjustments were concerned, however, this was not the case. Examples of this type of work were the repair of part of the quay, the removal of stones from the river, the insertion of rings into the quay wall 'and other necessaries'.

Such tasks were the duty of the masters of the quays or the farmer who had undertaken the same. The farm was often sub-let, however, with the result that responsibility for the work was sometimes a matter of dispute. This was the case when repairs which were ordered by the city council in 1618(49) had not been carried out by 1625 due to a disagreement between the alderman who held the farm and one of the water-bailiffs to whom it had been sub-let.(50) The differences were not resolved by agreement and, consequently, the quays remained unimproved. Eventually the city council

was obliged to resume the farm, which was subsequently granted to two other aldermen who undertook the necessary work in return.(51)

The maintenance of the harbour and quays of the city had a direct bearing upon the ease with which trade was carried through the port. One of the more basic problems which the city council had to contend with was the blockage of the river with waste.(52) Almost the entire length of the quayside was blocked in 1605 to such an extent that it was necessary for the authorities to call upon the labour of one man from each house in the city to work on its clearance. The waste that had been dumped into the river at that time was enough to prevent the effective handling of cargo.(53) This is significant insofar as it indicates the length to which the municipal council would allow a problem to develop in such a vital area of the city's trade.

If there was a reason for this at the beginning of the seventeenth century (prior to later expansion) it is likely to have been that, from an administrative point of view, it was more efficient to call upon the labour of the inhabitants infrequently, than to expend revenue on a problem created by the inhabitants themselves against the orders of the city council. Likewise, the clearance of Colman's Brook was made the responsibility of those inhabitants who lived on its banks and caused impediments 'to the passage of every boat that might come into the backsides of [those] houses..'(54) One obvious distinction here between the quayside and Colman's Brook was that the latter could only have afforded a landing site for small wares or private transactions(55) and was, consequently, of less importance. This is illustrated by the fact that the order passed for its clearance had not been carried out five years later.(56) Because such issues were ultimately decided upon in accordance with their relative priority,

some areas of the city works were never successfully administered at all. The best example of this was the case of Newgate, the city's gaol.

Newgate was listed as in need of repair in 1603 and it was agreed that the work should be surveyed and money set aside for its execution.(57) By the following year Newgate had not been surveyed and the gaoler petitioned the council accordingly. In response to this it was decided that the necessary money would be provided out of the city fines and that, henceforth, the upkeep of the gaol would be the responsibility of the gaoler himself.(58) What this meant, in effect, was a shift in the council's position as far as finance was concerned. The gaoler collected many of these fines which undoubtedly supplemented his income. For the authorities to agree to the repairs but to stipulate that they should be paid for out of the fines was almost tantamount to an obligation on the gaoler's part to repair the city's property. The fact that the gaoler withheld these fines was undoubtedly a factor in the council's decision to allocate future amercements to the maintenance of the prison.

Nor did the annual changes in the administrative personnel of the city alleviate this situation. When it was agreed that Newgate would be surveyed and repaired by the city, the masters of the city works were Robert Kennedy and William Turnor.(59) Approximately six months later the offices were held by Nicholas Stephens and Peter Dermond;(60) in the following year they were held by James Tirrell and Thomas Carroll.(61) Kennedy, Turnor, Stephens and Dermond were all leading members of the merchant guild,(62) Carroll was, likewise, an ex-master of the tailors' guild.(63) It follows that the commitment of such individuals to a project under consideration would have been affected by their own business interests. This may partly explain

why one order was agreed with regard to Newgate and followed, a year later, by another with an entirely different emphasis. Apart from the business interests these individuals had, a one year term of office was, likewise, not conducive to the administration of long-term projects.

Two years after the last order had been made the gaoler petitioned once again for the work to be done. It was agreed on this occasion that the mayor, recorder and Sir John Tirrell would, themselves, make a survey to be followed by instructions to the masters of the works.(64) The fact that the survey was to be undertaken by these three and not by the masters of the city works suggests that the problem lay with the latter. An order made in the same year and upon yet another petition by the gaoler indicates that this last committee did in fact survey the work but that the money was not forthcoming from the treasurer; a sum of twenty pounds was duly set aside.(65) By January of the following year, however, no work had been done.(66) The pattern would appear to have been established by this stage, however, that initiatives, no matter how small, were only taken when the gaoler petitioned the council.

Three months after the January petition the gaoler repeated the procedure; the leads were now ready to be laid on Newgate and he requested an order for the next step to be taken.(67) It is notable that this is the only reference to work in progress and even in this case the materials had only been delivered to the site. Six months later the gaoler petitioned the council in order to point out that the portcullises of the gate itself were 'now ready to fall if some speedy care be not had of them'. The response of the council was, by now, almost automatic and an order for the usual measures to be taken was made.(68) It might be assumed that, because the next petition was made after

a gap of four years, some work had been carried out. 'Several defects' which the gaoler described as 'very noisome and dangerous' required attention.(69) An order made in 1615 made it clear, however, that no progress had been made whatsoever:

'It is ordered and agreed by the said authority, that the defects and danger of the falling of Newgate shall be viewed by Mr Mayor, Mr Treasurer and sheriffs and the master [sic] of the works, and they to take order for remedy and prevention of danger'.(70)

In the following year the order was repeated in response to the same petition,(71) as it was again in 1619.(72) By January 1621 the gaoler pointed out that, with regard to the building itself 'a good part thereof is already fallen and more like to fall.(73) In 1622 it was agreed that the defects would be surveyed and the necessary measures taken for their remedy.(74) This order was repeated, yet again, in the next assembly(75) and again over a year later(76); the defects of Newgate also featured in a request for repairs to be undertaken in January 1624.(77) That nothing whatsoever had been done can be seen from the observation made in 1631 that Newgate was about to fall down.(78)

Not surprisingly, therefore, it was said of the gaoler, in 1636, that he was 'insolent and unmannerly towards the sheriffs and the rest of the better sort of the citizens' when a dispute had arisen over his failure to give security against the escape of prisoners.(79) The council found it necessary to deal with the matter again in 1638 when it was ordered that the gaoler would lose his office if he did not account for all fines and arrears due to the city.(80) While the question of fines only appeared in the 1630s there is no evidence

to suggest that the collection of these fines had not always been the duty of the gaoler. A further reason for the city council's uninterested response can be seen, therefore, in this context if the council had held the view that city revenue had been misappropriated. If the individual involved also presented petitions regularly for money to be allocated to repairs the problem becomes a little more clear.

It was not until 1645 that a petition was heard again in relation to Newgate, which was then described as 'of late greatly ruined and decayed'.⁽⁸¹⁾ The phrase 'of late' can hardly refer to the previous forty years and would suggest that some repairs had been undertaken in the 1630s. This would be consistent with the view that the collection of fines was part of the problem. If the system of collection and appropriation was reformed, the most obvious need for the money would have been the upkeep of the prison itself. There is insufficient unequivocal evidence, however, to suggest that the appropriation of fines by the gaoler was a continual practice. What is remarkable, either way, is the consistent pattern of petition and response that cannot but have become formalised over a period of almost forty years. While formal procedures in the city assembly were nothing if not consistent, the case of Newgate must be explained in a somewhat wider context.

The assembly rolls are composed, in the main, of orders made in response to complaints or petitions presented by the commons; the remainder derive, mostly, from the aldermen themselves. The case of Newgate is a patent exception to this rule. Throughout the period, the petitions for repair were presented by the gaoler himself. The commons never complained about the condition of the city's gaol and never made any attempt to raise money for its upkeep. While the city council held the view, not unnaturally, that the gaol

should have been self-sufficient, there was a further reason for their attitude. Most of the city's laws were not designed to contain what might be described as 'the criminal class'. On the contrary the impression is gained that the intention of much of this law was regulatory rather than punitive. Such regulation certainly encompassed those individuals who made up the commons; their lack of enthusiasm expressed itself in the complete absence of petitions in relation to Newgate. Whereas it was easy for the commons to represent their own interests with regard to the encroachment of foreigners, sanitary conditions, etc., this self-interest did not extend to the upkeep of the gaol, hence their continued silence on the matter.

PEACE & POVERTY

The treatment of Newgate was not merely indicative of the citizens' reluctance to finance work which they felt to be unnecessary. It also derived from a judicial administration which was both diffuse and only loosely defined by practice. One reason for this was that the maintenance of public order was not the responsibility of the city government alone. It was shared with both the state government and the guilds. Moreover, these tiers of justice were employed to administer distinct, if not separate, areas of jurisdiction. Even within the municipal administration legal matters were dealt with by the courts of the mayor and recorder (as justices of the peace), the sheriffs, the board of aldermen and the general assembly itself. Unfortunately, it is only the last of these bodies that can be fully treated throughout the period so that there is a considerable lack of evidence pertaining to the municipal courts. Nevertheless, a valuable, albeit general, impression can be gained from the assembly rolls of the types of problem current at the time. This, in itself, is significant. In theory, an order passed in the assembly was enforceable by the aldermen, deputy-aldermen and constables of each ward. In practise, however, the recurrence of issues throughout the period indicates that the assembly itself was used as part of that enforcement and as something more than a legislative body. Likewise, the non-existence of an organised group whose duty it might have been to

keep the peace meant, in effect, that the guardians of the law were the citizens themselves. Thus the assembly rolls underline the problems of the commons as both the upholders and breakers of municipal legislation.

For example, at the turn of the seventeenth century one of the most immediate problems for that assembly was the enforcement of its own law upon its own members. In January 1600 the commons complained to the assembly

'showing that bad example and great inconvenience like to grow by the abuses done as well by the aldermen, sheriffs, as others the free citizens of this city, each to other, revenging their controversies by violence and blows, very unkindly and not tolerable in any commonwealth well governed...'

To remedy this situation an order was made to the effect that a fine of one hundred pounds would be imposed on anyone who assaulted a sheriff or alderman; no one could henceforth strike an alderman's deputy or constable ('in the execution of his office') without incurring a fine of forty pounds and if any of these officers themselves were to assault a member of the commons they were to be fined five pounds.(1) It is indicative of the often ineffectual nature of such orders that a complaint was made shortly afterwards that the aldermen, deputy-aldermen and constables of certain streets had caused the 'quiet neighbours' a good deal of inconvenience with their 'frays and tumults'. The mayor was obliged to intervene and ensure that the individuals concerned would submit themselves to his judgement. It was also ordered 'that Mr Mayor shall not in his discretion henceforth release any such so committed without the privity [of] such as do so commit the same

party'.(2)

This last reference is important because it indicates the wide distribution of the power of committal. In fact part of the problem was the abuse of this power and the city council found itself unable, throughout the following decade, to impose order on those concerned. The disputes would appear to have been local and perhaps personal. If they were related to a wider context (matters of religion, for example) this is not referred to in the assembly rolls. It was necessary, in 1611, to clarify precisely what powers were to be enjoyed by those in charge of the wards and in doing so the city council gave a rare description of the aldermens' jurisdiction. The alderman was a 'conserver of the peace' with the power to punish all offences and misdemeanours 'under felony and treason' and to commit the offenders to gaol. The constables were obliged to carry out such orders upon pain of fine and imprisonment but each alderman had jurisdiction over his ward alone;

'for the alderman in his ward by law is in nature of a high constable of a hundred and the other constables in their wards are petty constables under him as the constables of towns or villages in the country are...'.
.

Yet the power of committal was limited in theory and did not include the consignment of the accused to gaol but rather his deliverance before the mayor or recorder, when the aldermen were also obliged 'to bind the accuser to prosecute for the king'.(3) In practise, however, it would appear that individuals were regularly committed to gaol on the orders of the aldermen and their deputies. When it is borne in mind that short sentences would have been imposed for many of these offenders anyway, the effective power of the

aldermen and deputy-aldermen was considerable.

Violence of this type within the city government itself was not very common. It undoubtedly existed from time to time, however, and fines such as the above had earlier been established for similar offences.(4) Similarly, the mayor was also obliged to deal with those who 'uttered intemperate speeches' and opposed his authority openly; a fine of ten pounds and committal to the marshalsea might be imposed but this was often lifted on the submission of the offender.(5) The point of the procedure would appear to have been the enforcement of a regard for the municipal office involved. Just as those who submitted, when they had offended the mayor, were not punished, it was also the case that those who did not submit were punished for their intransigence (as opposed to their original offence).(6) The first decade of the century witnessed a challenge to the municipal government both on the question of religious toleration and that of the form of the city's customs. In this context, therefore, it is not surprising that the city council attended to its image or that issues of loyalty and obedience were involved.

In 1602, for example, it was said against certain members of the commons that they had violated their municipal oath by the disclosure of opinions expressed at the assembly and that they had thereby threatened the security of the city.(7) In 1606 an order was passed to the effect that non-freemen could not be employed as deputy-aldermen or constables.(8) One year previous to this it had been stated that many of the city's records and muniments had come ('by an unknown course') into the hands of those who had not been appointed for their keep. An investigation was called for and those who did not comply with the council's orders were to be prosecuted.(9) This did not take place; four years later the documents remained in the possession of 'certain citizens' who had gained them 'by some

sinister means'.(10) By 1611 nothing whatsoever had been achieved by the efforts of the city council in this respect.(11) That the same order was passed again three years later(12) was an acknowledgment by the council of its own inability to proceed further in the matter, notwithstanding the undesirable reflection cast upon its authority.

Yet the context in which such defensive measures took place was not just an economic or a political one. It was also one in which the growth in the city's non-indigenous population brought its own social problems. The newcomers were accused in 1614 of

'resorting hither without respect of government, setting up..common victualling houses, taverns of ale and beer, whereby this city is not only pestered with multitudes of vagabonds, bad livers and idle persons, to the great infamy and disgrace of the government, but also hath brought and procured a general decay of the poor there inhabiting...'.¹³

An order was passed, therefore, which forbade any non-freeman or woman to sell ale and only non-freemen who were innkeepers were permitted to retail 'in their houses only'.(13) Apart from the more pragmatic motive of the limitation of licenses to freemen of the city, it is also possible that the municipal authorities genuinely viewed such taverns as threats to the integrity of the citizenry. Complaints were made about the general moral degeneration caused by tavern-keepers who employed 'multitudes of wicked harlots' on their premises,(14) but there was equally a real concern for the loss of a master's goods by gambling, 'tavern-haunting' apprentices.(15)

Further complaints were made of 'divers new vain customs lately grown in [the] city and used by foreigners and strangers' such as 'bull-baiting, bear-baiting and other uncivil and unlawful games and exercises'. The mayor was instructed to 'restrain the common passage of bears and bulls through the city' and punish those who infringed the law in that behalf.(16) Yet while there is no doubt that the growth of the city's population was perceived as a threat, the municipality's innate conservatism should not be overlooked. In 1606, for example, it had been complained that there was 'sprung up amongst the apprentices of this city [in general many] vices and especially the wearing of long hair fashioned like ruffins, an unmeet thing to be permitted [in any civil city]...'.

The proposed solution to this problem is significant. Masters of the offensive apprentices were to be fined if they failed to reform those in their charge. The offenders were to be whipped if they persisted in their refusal to conform.(17) It is notable, however, that the onus was upon the masters themselves to rectify the situation. This is an example of the reliance placed upon the traditional self-regulatory procedures within the guild structure. Unfortunately there is no evidence to plot changes in this regulation during the first four decades of the century but it is likely that the craft guilds suffered from the general debilitation of corporate power. It is possible, therefore, that a complaint made about the apprentices in 1640 that they were 'far out of order in their carriage, behaviour and going in apparel' was indicative of this decline.(18)

The regulation of games on Sundays had a dual purpose in its demonstration of piety and its control of apprentices. They were forbidden to play 'stodball, coiting, tennis, cudgels, or any other unlawful games' on Sundays

or holy-days. An offence such as this was punishable by imprisonment for two days and any negligence in the enforcement of the law on the part of the ward authorities was also to be 'strictly punished'.(19) This law was passed in 1612 yet it was reported only one year later that such games were still played and the offenders untouched. The fact that the ward authorities were 'commanded' to enforce the order of the assembly would suggest that they were actually reluctant to do so.(20) It is likely that, in view of the religious nature of the problem, the residence of the Dublin government obliged the municipal authorities to adopt an official posture the effects of which would have been practically negligible.

The influx of immigrants, however, continued to present difficulties which the municipal authorities did not take lightly. In 1619 the commons complained

'that number[s] of people with their families do daily resort into this city out of England, Flanders and other places, and do inhabit therein, not knowing whether they be of honest conversation or good life, or from whence they come, and here do commit many disorders and wicked acts, some in taking of great houses at dear rents and remaining away with mens debts, some in leaving their children here begging and others in murdering their children to the great scandal and discredit of this city...!'

The deputy-aldermen and constables were ordered to keep a monthly record of all those who entered the city and belonged to the category above. The mayor was then to obtain security from these immigrants for their behaviour.(21) While there is no doubt that resentment played a part in the

motivation of the commons in this instance, it must be noted that the general tenor of complaints made in the assembly was not one of exaggeration. An obligation to give security for good behaviour would suggest that the conduct of the new inhabitants was in fact questionable (although hardly murderous). The propensity of these immigrants to practise 'that most cursed and cruel trade of extreme interest and usury by grinding the face of the poor in lending money at rates far exceeding judicial cruelty' did nothing to endear them to the natives either.(22) An order made in 1623 indicates that while the resentment towards foreigners did not abate, the procedure whereby they were registered in their respective wards was, to some extent, carried out.(23) If the aim of such procedures was to unsettle the immigrants, their response was to avoid the official net and take up residence in the liberties, thus causing the city council to threaten action over their jurisdiction.(24)

Apart from the fact that the mere existence of the liberties obliged the city council to indulge in additional posturing, they did pose fundamental problems in this respect. Although concessions had been granted in former charters it was continually necessary, by the 1630s, to raise money for litigation ('in respect there be so many suits depending and more like every day to arise').(25) Where there was no agreement to settle within the compass of the city's authority there was no alternative but to appeal to the state judiciary.(26) Thus a dispute between the millers of the city and Robert Talbot of Templeogue was dealt with when it was ruled that further interference by Talbot with the watercourse would be actionable, but with regard to the millers' obligation to pay duty the latter were 'to defend it themselves at their own charge'.(27) The distinction in this case was quite clear. The watercourse was municipal property and interference with it was

a matter upon which the city council would not hesitate to rule. Likewise, a dispute between the city and John Talbot of Malahide was referred to the lord chancellor and lord chief baron; their failure to decide the issue, it was agreed, would see it presented to the lord deputy as the final 'umpire'.(28)

Where distinctions were not so clear there was no doubt on the city council's part that matters of jurisdiction posed a grave threat to municipal independence. The order passed on this question in July 1607 is worth quoting at length insofar as it illustrates clearly the threat as it was perceived.

'For as much as the commons greivously complained ...that notwithstanding the ancient customs and laudable laws in this city forbidding the removing of any suit brought aganst the free citizens of the same into any other court by any writ, other than writs of error or privilege, contrary to which laws and customs, and in contempt of this city court and the authority thereof, which every free citizen is sworn to maintain, sundry of the citizens...hath procured the removing of [causes]..., which course, if remedy be not speedily had to restrain them from, will be the utter disgrace and overthrow of the jurisdiction of this city court: it is therefore ordered and agreed...that if any freeman of this city that from henceforth shall remove any cause which shall be commenced before the mayor and sheriffs by corpus cum causa, certiorari, or otherwise, unless it be by writ of privilege or writ of error, shall presently, after the same shall appear unto the mayor and sheriffs of this city for the time being, be disfranchised from all liberties and freedoms belonging to this city, ipso facto, and

shall ever after be reputed as foreign to this city and withall shall forfeit for every such offence ten pounds, [sterling,] the one half to the use of this city and the other half to the party that shall be delayed in his suit by any such removing of plea...'(29)

The changes wrought by government policy, an expansion in trade, charters which had been seriously debilitated and the continued expansion of the population throughout the early seventeenth century are expressed in the marked and significant contrast posed by a similar issue raised at the close of the period under examination. An alderman could now take the entire municipal corporation to the king's court and elude no other response from the assembly than an order that a committee be established to investigate the matter and that an attorney be appointed to prepare the city's case.(30)

If this indicates a lack of the righteous concern expressed earlier there were practical reasons for it. In 1639 it was stated blandly that

'by reason of the populousness of this city, the burden of the matters of the peace are so great that the mayor and recorder are not well and conveniently able to undergo the burden thereof and attend the other services of the city...!.

That the answer proposed was an administrative one did not conceal the altered attitude. A petition to the lord deputy was to be drawn up in which the council requested that the aldermen be made justices of the peace(31) (a request which was granted two years later).(32)

Problems posed by the presence of sturdy beggars in the city further

illustrate the municipal council's inability to cope with changes in the social composition. It is not clear what proportion of immigrants came to be concluded in this category but it is significant that the problem proper does not surface until the early 1620s by which time the immigrants had already been accused of displacing the city's poor. At the beginning of the seventeenth century the municipality's involvement in poor relief was desultory and depended largely on bequests. In 1604, for example, the widow of an alderman was granted a lease on a piece of ground outside St Nicholas's Gate on condition that she erect a poor house there, as had been the intention of her husband.(33) There was another poor house built at this time(34) and in the same vicinity (that of St Patrick's Close) by another alderman, Richard Rouncell (who died in 1593).(35) The principal poor house, however, was the hospital of St John the Baptist, situated outside Newgate.

The relief of the poor, other than through such establishments, was selective. The exemption of certain poor children from the payment of school fees was the prerogative of the mayor.(36) Likewise, individual cases were considered on merit. A 'decayed brother' of the merchant guild was granted two pounds a year out of the city revenues;(37) this was a common amount bestowed on petitioners who might also be granted accomodation in a poor house.(38) At the other end of the social scale provision might also be made for unprovided widows; the widow of Alderman Nicholas Burran, for example, received a sum of forty pounds, sterling, 'in consideration of her husbands faithful service'.(39) The city council was rarely asked to administer private bequests or grants to this effect. One example, however, was the widow of Lord Howth who instructed the council to dispose of two hundred pounds, sterling, at the rate of eighteen pounds per year for the relief of six

deserving females ('widows, such as goes to church') on condition that she herself be allowed to choose the worthy during her lifetime.(40)

In contrast with the treatment of these 'deserving poor' was the distinction drawn between them and the unwelcome immigrants. In 1618 the commons had petitioned the assembly on behalf of

'the poor natives of this city and decayed, being deprived of their preferments unto the hospital house of St.John's, which is only supported and maintained by the devotion of the citizens, yet now the same replenished with people of foreign places and not of that worthiness as your own poor are...'.(41)

In 1621 John Shea, the son of the late beadle of the poor, was appointed to his father's office on condition that, among other things, he 'banish the beggars and keep away the swine'.(42) Although no reference is made to any incapacity on the part of the new beadle, he was replaced two years later by an applicant for the place.(43) The reason for this had more to do with the perquisites of the office than the skills required for the job but the commons further petitioned for another alternative. In 1624 they asked for a 'pious course' to be taken with regard to the 'strange and sturdy beggars as lie lurking about' and also for some provision to be made for the more acceptable poor in the city. The establishment of a 'house of correction' was mooted together with the provision of work for the poor and a committee was set up to examine the possibilities.(44) Again, in the same year, the commons petitioned 'that a charitable and godly miseration might be had of the [poor] persons who lie up and down this city under stalls in [doleful] manner...'.(45)

It is notable that a clearer distinction was now being drawn between a solution to the problem of sturdy beggars and that posed by the city's own poor. In 1625, in response to a government proclamation,(46) two of the aldermen were instructed to survey what were described as the ruins of St.John's hospital outside Newgate and also to 'examine what orders and government the poor have among them and of what number they be and by whom preferred'.(47) There was little disinterested altruism in this move, however. Richard Bennett, one of the aldermen involved, was granted a lease on a row of houses 'in the south side of St.John's Hospital' on condition that he expended twenty pounds, sterling, on the repair of the walls and roof of the building.(48) There is, in fact, some slight evidence to suggest that both the hospital of St.John and that of St.Stephen were under the control of individuals who recognised the state's authority before that of the city and, consequently, did not contribute to the city's maintenance.(49) In addition to the lord deputy's proclamation of 1625 (which had not only ordered the establishment of houses of correction but also the whipping of beggars) a further proclamation was issued in 1628 ordering the licensing of the 'aged and impotent' poor to beg in designated areas throughout the country.(50)

Meanwhile by the beginning of 1629 it was reported that large numbers of beggars, both young and old, had come to the city 'out of all parts of the kingdom'. A committee was appointed to survey an appropriate site in Oxmowntown for the erection of the house of correction, the money for which was to be collected by the aldermen of each ward from 'the benevolence of such as will contribute towards it' while the recorder was to petition the lord deputy for assistance.(51) It would seem, however, that sufficient assistance was not forthcoming so that an order was passed, three months later, to the effect that the tower of St.John's hospital be converted to the

requirements of the proposed house of correction.(52) Nothing was done, however, to put this plan into effect and the owner of the property, a merchant named Andrew Caddell, petitioned the assembly eighteen months later for the rent he claimed was agreed upon but never paid. The council maintained that, because no lease had been signed, it was not liable and yet it agreed to pay him ten pounds, sterling, 'in full discharge of all his demands'. Caddell was granted a further eighteen pounds, sterling, in the next assembly despite that fact that the city council did not recognise the agreement he had made.(53) The intention of the state government to act in this area was undoubtedly responsible for the city's delay in the establishment of a house. In 1631 the earl of Cork described how he had 'set up two houses of correction in dissolved friaries in which the beggarly youth are taught trades'.(54) (These premises had been confiscated by Cork after the riot in the city two years earlier, the context of which incident is given in the chapter following.)(55)

Cork's actions were followed by similar measures in parliament for an act to establish houses of correction in 1634.(56) The involvement of the state government in the problem of vagrancy was a qualified bonus for the city, however. The latter's inability to deal effectively with the situation resulted in the indictment of several of the aldermen, deputy-aldermen and constables for negligence.(57) The response of the city council is yet another example of the increasing use made of the parish. It was decided that the aldermen and inhabitants of each parish would assemble in their respective churches to

'have a meeting and consider what proportion of poor each parish will maintain and, after an order taken in the said parish churches,

that the same may be certified and made known to Mr Mayor whereby it may be put in execution and that all other beggars of what condition soever might be banished...'.(58)

While the issue itself was not one of vital importance to the city the convention of these parish assemblies with provision for the communication of their decisions to the mayor is yet another example of the progressive disruption of administrative unity. Moreover, the solution had worked to the extent that, by July 1634, the problem was not the cess upon the inhabitants but rather the reluctance of the aldermen and churchwardens to hand it over.(59)

Yet the difficulties posed by sturdy beggars affected the entire populace and continued to demand attention. The beggars exemplified the twofold problem of the unwelcome presence of outsiders in the city: a combination of residence in the liberties with short sallies into the municipal area. Indeed the extent to which this had become a perpetual problem can be seen in a petition presented to the assembly in 1634 which stated that

'the abundance of beggars that resort daily to this city are now chiefly occasioned by reason many beggars and other vagabonds do most presumtuously build cottages upon the commons and highways of the suburbs of the city and do breed and muntiply [therein], that they are generally suspected to be the only harbourer of thieves and vagabonds and [receivers] of all stolen goods...!.

In response to this the aldermen were instructed to calculate the numbers of beggars in their respective wards, the lord deputy was to be advised of the

situation and permission was to be sought for the demolition of the dwellings.(60) The order was reiterated in the following year but it was decided that the matter should first be presented to a grand jury after which the mayor and recorder would act accordingly.(61) It is noteworthy that this was the same year, 1635, in which it was said for the first time that the city's unfree inhabitants now outnumbered the citizens.(62) It is not clear what the outcome of this new initiative was. Whether the cottages were demolished or not quickly became less important than the administrative problems posed by a new influx of poor after the outbreak of the rebellion. These, it was reported, 'resort out of the country into this city and in the time of this extremity and dearth do die through hunger...'.(63)

The immediate difference between these new poor and the now resident sturdy beggars was undoubtedly a religious one. The two were different in almost every respect and yet essentially they were both impoverished as a result of the religious war which had been fought in Ireland for many years prior to the rebellion. This war had been conducted on several fronts throughout the first four decades of the century and had involved political, economic and cultural battles apart from the military subjugation which had followed the Nine Years War. It may be described as a religious conflict because ultimately it was the adherence to one faith and not another which determined the nature and extent of expropriation. If the city council were not in a position to deal with the invasion of sturdy beggars in the latter half of the period there were complex reasons for this which pertained to that religious conflict.

THE STATE

There may well be a categorical distinction to be made between the conflict over municipal privileges and that of religion. The two must be treated separately insofar as they were professed to be so by the participants in each of those conflicts. Yet neither can be fully understood unless the other is used to enhance a context which was common to both. Nor should recusancy as a spiritual phenomenon be explained away in the process. In order to avoid this the concept of recusancy itself must be given at least two dimensions, one emotive and the other political. Because expropriation can be seen to have followed from both of these responses, a question may arise as to the validity of a third and separate economic dimension. The struggles in early seventeenth century Dublin were conducted on only two fronts, however. It was not possible for the municipality to resist economic incursions which had been initiated through a re-interpretation of old charters because the latter were, by definition, acknowledged as mutual agreements. Such contracts, however, did not preclude a defence of catholicism which might be, in itself, emotive; nor did they remove the potential for political action at a time when the state exposed its intentions clearly by the manner in which it sought to pack the parliament of 1613. The claim will be made in what follows, therefore, that spiritual recusancy and its political counterpart were distinguishable insofar as the latter was

pragmatic and plastic in the use to which it was put by the city's aldermen.

Indeed it is ironic that the speed of adaptation which was necessary on the aldermens' part was a form of survival opposite in its essence to the timeless traditions venerated in the municipal institutions themselves. Emphasis will be placed here upon the political form of recusancy because it most clearly illustrates the conflicts and the changes in those institutions. Furthermore it will be shown that this form of resistance was so fluid that it quickly came to depend upon the protestants in the city government to provide a front behind which the personal wealth of all concerned could be protected. If this policy of extreme pragmatism was successful its adoption was equally costly. The net result was that the aldermen retreated from municipal defence lines more rapidly than the institutional fabric could tolerate. The attack was inevitable, perhaps they saw its outcome similarly. Their response would suggest that they did and that the very intensity and extent of the attack itself forced them to look quickly to their own financial security.

In the absence of sufficient evidence, statistics related to the religion of the city's aldermen can be, at best, impressionistic. The conclusion to be drawn, however, is a simple one which, it may be supposed, would not be contradicted by further data. Between the years 1603 and 1640 seventy-seven individuals were elected to the board of aldermen. Thirty-six of these can be classified as catholics compared with twelve aldermen who are known to be protestant. The thirty-six catholics accounted for six mayoral years (with one individual serving three of these terms) while their twelve protestant fellows accounted for fifteen years.(1) Two of these protestants, Sir James Carroll and Sir Christopher Forster, between them held the office

of mayor for eight years. It might appear, therefore, that religious division on the board of aldermen presented an opportunity for the state to manoeuvre protestants into the mayoralty. This was not the case. When recusancy became a political issue for the city at the beginning of the seventeenth century the aldermen were faced with a problem to which there was only one solution. Unlike the Old English landed gentry the aldermen could be intimidated at any time by an insistence on the government's part that they take the oath of supremacy. Such interference was intolerable, as much for its unpredictability as its consequences. If the aldermen themselves were divided into religious parties there would have been considerable incentive for the protestants to prosper at the expense of their colleagues. That this was not the case is evident from the sources and the reason for it was both practical and cultural.

Dublin's aldermen, protestant and catholic alike, were a wealthy elite drawn from a small sector of the merchant community and the landed gentry of the Pale. They inherited an identity which had been cultivated in adversity and given significant expression in the institutions of the municipality. The defence of the realm dictated the policy of the English crown for the first four hundred years of Dublin's Anglo-Norman colony. The long-term military subjugation of the country, vital to that policy, was complete with the exasperated exit of the Earl of Tyrone and his followers. Yet the plantation which followed was more than a convenient opportunity for the crown to reinforce its defences. It coincided with a shift in the economic climate of the day and it took place in the context of a watershed victory. If the Old English in Ireland had believed that this victory was their victory also they would have been mistaken. Events were to prove, however, that they were under no such illusion. Their dilemma was straightforward, its resolution was

not. If religion, and not loyalty, was to be the divisive issue then their fate would be determined by the degree of relentlessness with which the New English pursued their spiritual advantage.

The logic of this position was clear. Conversion to the religion of the state or conformity to its outer worship was merely an embarrassment to the crown's zealous entrepreneurs. Moreover it was not expected or encouraged. By the beginning of the seventeenth century the Anglo-Normans had become the Anglo-Irish, equally tainted since 1534 with a religion alien to their monarch. There was now no need for the crown to tolerate such a national anomaly when legally it could create its own protestant majority where it mattered most, in the legislative institutions of the country. The alacrity with which this was done illustrated, more than anything else, how the religious persuasion of the established elite would be the most effective battleground for their disinheritance. In the meantime the context could be set by dismantling the privileges of the towns through doubts cast upon their charters and the uncomplicated demand of the oath of supremacy. These were easy levers the fulcrum of which was the hitherto unquestioned relationship of the town to the crown. Moreover it was not accidental that such revision should be undertaken when the English customs farm was in the process of resumption. The completion of this project was cotermin^o_hus with its implementation in Ireland where its success would ultimately enervate the independent status enjoyed by the towns.

As the seat of government and the wealthiest of these towns, Dublin provided the most complex and, therefore, the best target. That the majority of its aldermen were unquestionably loyal further enhanced the political significance of the attack (eg. in 1609 four aldermen, at least two of whom

were catholic, were owed five and a half thousand pounds, sterling, by the crown).(2) It was not surprising, therefore, that an increased reliance should be placed by the city council upon its protestant members. The time in which this struggle took place was short; the ructions were predictable and some of them, it will be shown, invited by the crown. It cannot be a foregone conclusion, however, that the city could not have adapted had the rebellion not occurred. There was a strained but sufficient supply of native protestant aldermen to ensure the temporary continuation of the old municipal government. Furthermore, the growth and prosperity enjoyed by the city during this period redounded to the benefit of the aldermen themselves, drawn as they were from its merchant elite. On the one hand, therefore, charters were questioned and privileges withdrawn, but the loss of these monopolies itself opened up the trade of the city. There was thus a real incentive to adapt and, if possible, to do so on the crown's terms. If this meant abandoning sacrosanct traditions of precedence and formality this might at least be done over a period of time and with some compensatory, albeit non-corporate, benefits. Whether this would indeed have been the eventual outcome of the struggle is a matter of pure speculation which entails too many possible permutations to be of any use. The struggle itself, however, is manifest in the events between the years 1603 and 1640 during which time a definite modus operandi was sought by the city's aldermen and, to some extent, achieved.

In 1603 the English government received two requests which were to set the pattern for the immediate future. The first, made in June, was from the bishops of Dublin and Meath to the effect that 'by some moderate co-actions' the populace might be forced to attend church (because they would not do so otherwise).(3) The second was made in the following month by the

government in Dublin. In view of the fact that the towns were about to seek a renewal of their charters it was requested that

'the corporations may be restrained to due limitations, such as may stop their former presumption and leave them no ground to interpret themselves to be so peremptory and absolute as they now do; for upon the well tempering and moderating of the charters of the corporate towns will depend a great moment for the better ordering of the other parts of the kingdom...'.(4)

The enforcement of the oath of supremacy was one possible method of discrimination which might at least clarify the nature of the opposition.(5)

As far as the mayoralty of Dublin was concerned, however, this was not necessary. In his absence, Alderman John Shelton was elected to the office in the quarter assembly of July 1604.(6) Circumstances subsequently provided Shelton, a catholic, with an opportunity to avoid the oath and so the issue was put to the test. In the opinion of Sir John Davies 'the manner of the refusal was worse than the refusal itself' and, as such, warrants description.(7) Shelton was to have taken the oath in the Exchequer at Dublin in the presence of the barons. The latter had departed the city to avoid the plague and had thus obliged the city council to improvise. Whether or not Shelton took advantage of this situation is unclear but he refused to take the oath. The lord chancellor and chief baron were commissioned by the lord deputy to investigate the matter. They had the oath read to Shelton who did not then refuse it, but rather requested time to reflect upon the issue.

Consultation with 'a learned divine and a zealous protestant' assured Shelton that his moral integrity would be unaffected by the oath and he gave

notice that he was now willing to comply. On his arrival at the exchequer, however, and contrary to general expectations, Shelton set about the defence of his position. He argued that the oath referred to the queen, who had since died, and, as such, was invalid. When it was pointed out to him that 'the politic royal body' did not die, he conceded the point but then produced an altered form of the oath which he said he was prepared to take. The lord deputy was informed that Shelton had again refused and the city council was instructed to elect another alderman to the mayoralty. Davies was of the opinion that Shelton had been manipulated by the catholic clergy but that he had repented his refusal afterwards, thus indicating to Davies that the root of the problem was the presence of the religious in the city.(8)

The fact that Shelton's refusal came at a time when the municipal council was about to embark upon a redefinition of the city charters(9) may indicate bad timing but it is more likely to indicate a considerable degree of independence within the city government itself. The equal reluctance on the part of several of Shelton's fellow aldermen to undertake the office necessitated a break with precedence and the out-of-turn election of Alderman Robert Ball, a likely protestant. Shelton was fined three hundred pounds, sterling, which money was then awarded to Ball in compensation for the inconvenience.(10) In May 1604 Alderman John Elliot submitted a request to the board of aldermen that he be passed over for the mayoralty on the grounds that he could not support the office.(11) Elliot was one of the principal recusants within the administration who were fined and imprisoned by the state shortly afterwards for their refusal to conform. This is significant because the records of both the board of aldermen and the city council are mute in relation to Elliot's refusal. They are equally unforthcoming on the removal from office of the recorder, Sir William

Talbot, for his refusal to take the oath of supremacy.(12) It was acknowledged in January 1606 that Richard Bolton had been chosen as recorder in the previous assembly in October but no record of this choice was made. Nor was comment passed when it was decided that henceforth some of the perquisites hitherto associated with the office would be no longer due to the new protestant recorder.(13)

Apart from the fact that the plague continued to mask any overt conflict which might otherwise have been more apparent within the city council, Davies could report in October 1605 that, even in the absence of the lord deputy and many of the privy council, he counted seven aldermen, apart from the mayor, and four hundred others at religious service, which was more than he himself had ever observed previously.(14) A royal mandate which made attendance at church obligatory for all citizens was issued in the following month(15) and gave the government an opportunity to take advantage of its favourable position. Five aldermen and three others (two of whom were merchants) were fined and imprisoned for their refusal to conform.(16) During the course of these proceedings Davies put forward his reasons why the case had been brought in view of the great interest which had been taken in it by the populace. He presented legal arguments in favour of the view that the royal prerogative in this matter was based upon the common law which pre-dated the reign of Henry VIII by four centuries.(17) Closer to the reality of the situation than Davies' abstract obfuscations was, however, the presence in the Irish government of the bishops of Meath and Dublin (Jones and Loftus), both of whom were rigorous opponents of catholicism.(18) Further proceedings in the court of Castle Chamber were brought, in the same month, against five individuals, four of whom were described as merchants although three were members of the municipal

council; all were subsequently fined and imprisoned.(19) These moves were part of an acknowledged initiative undertaken by the government to subdue the citizens and there can be little doubt that its treatment of the municipal council was viewed in that light by all concerned. This was not to say, however, that the need for 'great constancy and prudent discretion' was not also acknowledged,(20) but the extent of the popular opposition required certain concrete measures on the part of the government once it had committed itself to a policy of enforcement.

Sixteen of the principal citizens were chosen by the government for a demonstration of its earnest intentions; the city itself, as perceived by Chichester, 'was the lantern of [the] whole kingdom and in that matter the only place whereon the eyes of expectation of all the rest were earnestly fastened'. The point was not lost upon the Old English of the Pale who drew up a petition after the publication of the first proclamation which had made attendance at religious service obligatory.(21) As far as the municipal council was concerned, however, the consequences of the imprisonments were more immediate. Chichester condoned the pious hope that the removal of recusant aldermen would also remove a troublesome element from the city council itself and would, as a consequence, facilitate the government. Moreover the plan appeared to have an immediate impact insofar as certain aldermen who had hitherto avoided attendance had since conformed openly.(22) From the government's point of view, therefore, the maximum pressure which might be applied was that which would fall short of a provocation to revolt, although Chichester had also taken cognizance of this possibility.(23) The vociferous response of the landed Old English to this situation and the subsequent banishment of catholic clergy allowed the municipal council some time to assess its own position.(24) To some extent

this was a reversal of the situation insofar as it had been Chichester's intention to deal with the city first; it is unlikely, however, that he saw opposition from city and gentry as ultimately separate.(25)

The image used by Chichester to describe the significance of Dublin, namely that the eyes of the country were upon it, was repeated by Davies in a letter to Salisbury, a coincidence which may indicate a certain degree of unity within the state government.(26) Davies still found it necessary, however, to emphasise, yet again, the aim of the recent manoeuvres:

'The multitude was ever made conformable by edicts and proclamations; and though the corporations...and certain of the principal gentlemen stood out, and the multitude only by their example, yet if this one corporation of Dublin were reformed the rest would follow; and if those gentlemen that were now in the Castle were reduced, the whole Pale would be brought to conformity...'.(27)

There can be little doubt that an individual of Davies' acumen did not take his own words seriously. Whether he did or not, however, his prognostications illustrate the blanket simplicity that was necessary to maintain the official view. One immediate consequence of such a policy was the creation of greater solidarity between the Old English of the Pale and the recusant members of the Dublin municipal council. When Sir Patrick Barnewall pleaded his case to Salisbury, therefore, he made no distinction between the gentry of the Pale and the aldermen who had been imprisoned; he also warned of a future rebellion which might be fueled by the bitterness that had recently been created.(28) The response of the English privy

council to this situation was thus compensatory. Chichester was instructed to moderate his course such that the lesson would be learned without the loss to the crown of Old English support. It is significant, however, that part of this middle course of action still entailed the admonition of some of the principal citizens of the towns, and of Dublin in particular.(29) Immediately following these instructions, therefore, further proceedings were brought against two more recusant aldermen and one merchant.(30)

Barnewall had earlier warned Salisbury about Lord Chief Justice Sir James Ley who had made it his custom to deprive the accused of a copy of the ^{ct}inditement. In February 1606 a petition of complaint was drawn up to this effect by some of the recusants who had been tried by Ley.(31) Meanwhile the response of those aldermen already fined and imprisoned was to attempt a transfer of their property to other members of the city council who had not been accused (an act of symbolic significance, as events were to show). This was dealt with in Castle Chamber on the same day as the petition of complaint was signed; the deeds of transfer were ruled to be null and void and the participants in the scheme were committed to gaol.(32) Davies described the scheme as 'a most manifest collusion and mockery to all the world' and explained the widespread support for the offenders as the result of a generally held belief that the English government would intervene on their behalf.(33)

In Chichester's view, there was a distinct difference in the response made by the recusant aldermen and that of the ordinary citizens:

'The meaner sorts in the most part of this city, and in sundry other parts of the kingdom, did in reasonable manner conform themselves

and resort to the church. The better sort were so infected with the poison of the priests that they obstinately refused obedience other than such as they received from their doctrine...'.(34)

By this time, however, the concerns of the state in the matter had more to do with the security of its own position against the accusations of Sir Patrick Barnewall than with popular attendances because it was widely believed that Barnewall could win the English government over.(35) For his part, Chichester lacked any deep commitment to his government's cause and on the death of the Earl of Devonshire he sought permission from Salisbury to resign his office.(36) (Chichester did not conceal his view that religious conformity could only be expected, at best, from the next generation in Ireland.)(37) This did not alter the proceedings brought against the city, however, and in May 1606 three more recusant aldermen were fined and imprisoned by the court of Castle Chamber.(38) While the Irish government hoped that a public example would be made of Barnewall it had every intention to continue its course of action with regard to the city's principal men.(39) It appealed to Salisbury for consistency and support for its policy in view of the fact that the recusants were optimistic about Barnewall's treatment and, consequently, religious toleration.(40) For his own part, Barnewall was anxious to have the issue settled by an interview with Salisbury and gave out the impression that his explanation of the situation would suffice to resolve any political misunderstanding.(41)

While legal actions against recusant members of the city council continued,(42) it was by no means a foregone conclusion that the English privy council would censure Barnewall, whom they had committed to the tower of London. The case he presented was twofold: he complained of the

measures taken to enforce conformity through the use of the great seal (i.e. the royal prerogative) and he attacked the behaviour of Chief Justice Ley. In other words, by a combination of particular and general grievances, Barnewall had increased his chances of achieving at least partial success one way or another and the prevarication of the English government in response to his case must have confirmed him in this approach.(43) Chichester now professed the general hope that gains might be made with the populace at large and shifted the blame for the situation from the principal recusants to the presence of the catholic clergy.(44) The aldermen and other citizens were sentenced, he said, because of their 'outward disobedience' both in relation to the king's proclamation and in their refusal to attend Chichester himself at religious service on Sundays; all of which was to say that it was simply a matter of conformity and not of conscience. This undoubtedly let the government off its own hook and after some hesitation the recusants submitted, their fines were reduced and they were released from gaol.(45)

When this policy is viewed in the context of a move on the part of the English government to break the power of the municipal corporations in the vital areas of economics and politics, it is more explicable in practical terms than such oscillation would suggest. The loyalty of the Dublin city council to the English crown was not a matter of degree but rather one of definition. The basis upon which the city perceived this loyalty was its charters and the mutual fulfilment of agreements. These charters had been strengthened and reinforced over a period of several hundred years and no direct assault could be made upon them if the loyalty of the citizens could not also be impugned. This could as easily be done by dramatic measures as by covert erosion. The imprisonment of the aldermen, therefore, allowed the government to question

the city's loyalty as a matter of obedience and not religion and, as such, the real effect was not directly felt by the municipality itself.(46) Nor did the government hide this distinction between conformity and conversion. Thus:

'the very action itself is the abiding in the church during divine service, which containeth no spiritual action therein, for he is not commanded to hear or give attention, to pray or yield adoration; only he is commanded to behave himself soberly and modestly, which he ought to do at all times and in all places...'.(47)

In relation to the municipal government of Dublin the situation is similarly straightforward when examined over a period of time. The reason for this is because the religious question can be related to the attacks upon the merchant guild, the financial independence of the city council, the liberties of the city, trading privileges and the city charters themselves. These were not co-ordinated attacks in the sense that they were acknowledged as such. They did, however, occur simultaneously. If the question of conformity and conversion in matters of religion can be put to one side, therefore, policies of moderation and enforcement might be seen as more subtle and successful means of destabilisation where municipal independence was concerned. The fact that aldermen conformed insofar as they attended church, or the fact that they were fined if they did not, was less significant than the simple fact that the municipal corporations had been attacked directly and doubts cast upon their allegiance for the first time. Nor is it incongruous that Dublin's loyalty was unquestioned by the state throughout previous periods of instability and yet aspersions could now be cast at the time of greatest conquest.

The reaction of the English government to developments in Dublin is one example of how a policy of enforcement could quickly be altered to one of moderation. Chichester was now instructed to pursue such a policy with regard to religious toleration. He was reminded that the loyalty of the towns had been a vital bulwark in the past and to further question this loyalty might well provoke a violent response.(48) Chichester readily agreed with this and explained that his actions against the aldermen had been undertaken by reason of 'necessity and discretion together'; conformity had been achieved in the case of these recusants and a less stringent course could now be taken.(49) Yet as far as the corporate towns were concerned the real issue had not gone unnoticed, indeed quite the contrary. Brouncker's treatment of the municipal recusants in Munster had provoked a response from the merchant communities which had little to do with religion. Many merchants and others abandoned the towns under the president's jurisdiction and threatened to cease trading altogether rather than allow Brouncker to profit from the impost on wines at their expense and, furthermore, 'they would incur any infliction of the law in that case rather than he should gain any glory or commendation in the work which he intended...'.(50) Brouncker's death made it easier for Chichester to implement the new policy of moderation. The point, however, is that Brouncker's apparent religious zeal exposed the economic factors more quickly than might otherwise have been the case and, as such, reflects upon what were similar motives in the case of Dublin.

In the meantime the exodus of Tyrone and his followers from the country provided the government with more than enough to occupy itself. The religious question had been settled by this time although only insofar as an outward agreement had been arrived at. The general assembly of the city

passed an order in October 1607 to the effect that 'a competent number' of the commons would, henceforth, accompany the mayor to church every Sunday and nothing further was said on the matter.(51) Two years later, in May 1609, Davies reported from Dublin that, apart from some seditious rumours spread by priests, 'there was never a more universal inward peace than now'.(52) Measures such as the prohibition on the education of catholic children abroad were to be attempted in relation to the religious question,(53) but such issues did not directly involve the city council. That 'a man may as familiarly salute a popish priest...in the streets of Dublin as a preacher'(54) was not a matter which concerned the municipal government once it had been coerced into its official duty on Sundays. If the religion of the populace was to be seen as a threat to the state there was little the city council could be expected to do about it.(55)

Yet conformity of this nature could not have lasted, uninterrupted, for more than a short period. Nor could it have been the case that so many members of the city government were imprisoned without factious disagreement as a consequence. Either Davies was unaware or he simply chose not to comment upon the division within the municipal government which had, by then, become manifest. In January 1609 one of the aldermen was accused of 'irreverent speeches' to the mayor, nor was this the only incident.(56) Peter Dermond (or Dermot), an ex-sheriff, was accused of having said that there were two kinds of sheriff,

'the one to be a shadow to cover the others faults and he that doth not go to church should have whatever he should demand of Mr Mayor and his brethren and he that went to church should have nothing that he could demand, which was an argument that they did

favour papistry, notwithstanding some of them going to church...'.¹.

The accused admitted as much ('with many other unfit and intolerable speeches') and said that this had been the practice for the past five years. There was at least some exaggeration in these claims insofar as both sheriffs appointed in October 1606 are known to have been catholics. Dermond was committed to the Marshalsea until he would pay a fine of ten pounds, sterling. He was released, however, 'at the earnest request' of Chichester's wife.⁽⁵⁷⁾

This incident is not only indicative of tensions in the Dublin city council, by January 1610 the officials of most of the town councils throughout the country had refused to take the oath of supremacy.⁽⁵⁸⁾ In view of previous oscillations between toleration and enforcement it is not surprising that the government sought definite guidelines before dealing with the problem.⁽⁵⁹⁾ The answer from London was unequivocal: the oath of allegiance could be enforced as a straight test of loyalty, the oath of supremacy was an issue not to be contested.⁽⁶⁰⁾ In other words the tacit agreement with regard to conformity was to be maintained for the moment; that the town councils had again leaned towards dissent would, perhaps, indicate that they acted from a position of relative strength. Moreover, the onus was on the government to see that its policy in this respect was consistent with its actions in Ulster, where Chichester was ordered to ensure that 'instruction should precede constraint'.⁽⁶¹⁾ The use of the oath of supremacy as a means of discrimination in the next parliamentary elections was quite another matter, however.⁽⁶²⁾ For his part, Chichester disagreed with measures (particularly the creation of artificial boroughs) which would give the appearance that the House of Commons was 'purposely compacted',⁽⁶³⁾ although he did not address himself to the question of possible alternatives to this course of

action.

A policy of moderation was pursued, therefore, as a means by which the government maintained control, both over the newly planted areas and over the preparations for a parliament. Professions of zeal on Chichester's part must be seen in this light. In order to compensate for the official policy dictated by the English government, he was sometimes obliged to call for a more 'severe justice' in relation to religion.(64) The perceived threat to the state from the presence of catholic clergy demanded as much from the lord deputy. That is not to say, however, that the oath of supremacy could not be used to create divisions at any time. Government toleration could not be extended to cover overt recusancy and where this was the case the crown was not slow to threaten municipal liberties.(65) These divisions were not usually manifest within the city council insofar as it fulfilled its civic functions. There is no evidence whatsoever in the municipal rolls of religious faction in the assemblies. For example, innocuous references made in January 1613 to the feast of the Blessed Virgin Mary(66) and an order made in July of the same year for the prohibition of games on Sundays(67) contrast markedly with state reports of religious divisions over the election of two members to parliament.

The election of two catholic aldermen was disputed on technical grounds by the protestant mayor, Sir James Carroll, who then ensured the election of two others by a procedure which was in turn disputed.(68) Whether the quarter assembly could have provided a forum for the discussion (or even acknowledgement) of such divisions is another matter. (The election of the recorder which did not appear on the rolls indicates that at least some municipal business was not recorded at all.) When the mayor overruled the

authority of the sheriffs he did so from a minority position. This is hardly surprising in view of the predominance of catholicism in the city and the reliance of the state upon methods of conformity that did little to affect this situation. What is more significant than this, however, is the essential difference between the consistent manner in which the Old English of the Pale were represented in parliament and the ease with which the municipal government could be equally represented by staunch protestants. This position was in fact achieved through a remarkable technical manoeuvre on the part of the city council which was the result of a change in the nature of municipal resistance that was to affect the city government for the remainder of the period. The description of this change necessitates some brief details of the career of Sir James Carroll prior to the disputed election of 1613.

Carroll was the son of Alderman Thomas Carroll of Dublin, a catholic merchant tailor. He was employed in Ulster by the crown as a paymaster in the late 1590s where he was almost murdered in the performance of his duties.(69) In 1600 he was deputy-muster-master and assistant to Ralph Birkenshawe, the surveyor general or comptroller of the muster. It is noteworthy that in a controversy between Birkenshawe and Sir Ralph Lane (muster-master general in Ireland) Birkenshawe accused Carroll of stirring up trouble and of being unfit for office.(70) In the following year, however, Carroll was assistant treasurer at wars and deputy to Sir George Cary.(71) In 1605 he was in receipt of a crown pension of at least seventy-three pounds, sterling, per annum and held the position of 'chief chamberlain'.(72) Chichester recommended Carroll, whom he described as the sub-treasurer, to Salisbury as one 'who hath not only disbursed his own store, but upon all occasions hath engaged himself by bonds and other ways to serve the present

sufficiency'.(73)

In May 1607, when the English government sought details of the accounts of Sir George Carey, Carroll was dispatched to London with these because they had been his particular responsibility and he was similarly employed by Sir Thomas Ridgeway on the latter's arrival in Ireland.(74) Two years later, in March 1609, Chichester recommended Carroll to succeed Sir James Fulerton as muster-master general and clerk of the check(75) and in September of the same year he received a knighthood for his services to the crown.(76) In 1610 he was among a list of willing undertakers for the plantation in Ulster,(77) and in 1612 he was granted one thousand acres of plantation land in Wexford (in which grant he was referred to as the 'king's remembrancer in the exchequer';(78) the holding itself was destroyed by the Cavenagh's shortly afterwards.)(79)

In 1611 Davies had already singled out 'an alderman and the recorder' as the two protestant members who would be returned for the city of Dublin in the forthcoming parliamentary elections.(80) The problem, however, would be in persuading the mayor and sheriffs to comply with the scheme against the judgement of their fellow citizens. For this the crown needed a staunch mayor and at least one protestant sheriff. For the former position James Carroll was a likely choice for several reasons. His father was a catholic alderman and merchant who himself had been recently imprisoned for recusancy. Carroll was therefore a respectable insider. On the other hand he had served the crown in the most vulnerable area of its administration, namely finance; he was also a protestant who had not yet bothered to claim his right to be a citizen of the city. To a certain extent, therefore, he was an outsider. These were at least some of the reasons why Carroll was chosen to

be mayor during the crucial year of 1612-13. The most pointed reason why he was chosen, however, was because his father was due to serve in the office for that period.(81) A quick switch might be made, therefore, but to achieve this a degree of haste and ad hoc organisation, unparalleled in the municipal records, was required on the part of both the city and the state. Thus an extraordinary general assembly was convened on the 17th of September 1612 in which Carroll claimed his citizenship as the son of a freeman and was immediately elected as an alderman; approximately one month later he was mayor of Dublin when his father told the assembly 'that forasmuch as through his love he beareth unto [the] city, he persuaded his son to undergo the office of mayoralty'.(82)

In view of this unique arrangement it is paradoxical, therefore, that on the day when the election was called Sir James Carroll had taken himself to his house in Kilmainham in order to vote in the county election.(83) The writ was issued to the sheriffs on April 1st after which they furnished Carroll with the warrant to hold the election. On April 20th when Carroll was at Kilmainham the sherrifs commenced the proceedings. Two of the city's catholic aldermen, Francis Taylor and Thoma Allen were returned unopposed. One week elapsed before Carroll overruled the election and proclaimed the holding of another outside the city walls on Hoggen Green (now College Green). Taylor and Allen were again nominated while Carroll proposed the protestant recorder, Richard Bolton and the protestant alderman Richard Barry. A division was called for after which Carroll, without taking a count, declared Bolton and Barry returned.(84)

Because they belonged to a corporate body whose existence was defined by charter, the catholic members of the city council were obliged to adhere to

procedures and agreements that would, by definition, pertain to loyalty and, consequently, to religion. Obviously this was not a problem for those members, like Sir James Carroll, who had been converted in their service to the crown or who had been elected onto the city council because they were already protestant. The essential distinction between the landed Old English and the members of the city council was that the very existence of the latter was clearly defined by chartered institutions and not by ethnic or religious considerations.(85) Municipal structures did not change, nor did the manner in which business was done. The whole religious question posed a threat to this situation and, as such, was a matter of concern to the catholic and protestant members alike. Corporate and individual wealth was derived from trade and from the ownership of land; it was unlikely that the debilitation of corporate power would not affect all members individually or as groups (i.e. guild members). The only solution, therefore, was to omit the religious question altogether unless it was forced, by circumstances, into the open. The state had already done this in the first decade of the century.

Thus the dispute over the parliamentary elections of 1613 uncover^{-s} a degree of controversy which is simply not manifest in the 'routine' business of the general assembly. The pragmatic agreement, referred to above, to have 'two sorts of sheriff' was wholly consistent with this approach. Likewise, the existence of a specifically catholic party within the city administration does not disprove the point once it can be maintained that such a party was not in the majority. The election of Sir James Carroll supports this view and signifies an even more vital development. By a consensus of both catholics and protestants, the rules governing the franchise, the election of aldermen and that of the mayoralty itself could, henceforth, be manipulated to produce a municipal officer acceptable to both city and state. As far as the

administration of the city was concerned the move was a desperate one which, at a stroke, undermined the municipality's hitherto sacrosanct independence. As far as the personal position of the aldermen was concerned the opposite was the case. They had found the modus operandi which would allow them to continue in power.

A glance at the list of mayors after 1612 verifies the break with tradition and the predominance of protestants. One example of this was the protestant Alderman Christopher Forster, knighted like Carroll and, also like Carroll, the son of an alderman, who served as mayor in 1629, 1635, 1636 and 1638. Carroll himself served a further three terms in 1617, 1625 and 1634. Yet it was very important that those who served in this new capacity were not always of the state religion, as the case of Alderman Richard Browne illustrates. As soon as Sir James Carroll had established himself in the office of mayor he convened a special meeting of the board of aldermen at his own house. Three new aldermen were elected during the course of this meeting: Peter Dermond, the protestant ex-sheriff referred to above, Richard Forster, the brother of Charles, and Richard Browne, later knighted and the son of the catholic alderman Patrick, deceased. This meeting itself was a further example of the dramatic change which had already begun to divide the majority of aldermen from the commons. Just a few months later Richard Forster was elected to the mayoralty to be followed by Richard Brown^R in 1614. Ironically, the only item of the first general assembly held during Browne's period in office was a complaint made by members of the commons that the proceedings in Carroll's house were illegal because they had not been made in or ratified by the assembly.(86)

The complaint was an expression of frustration on the part of those

councillors who were not privy to the new arrangement. This group belonged to the city's catholics who took the responsibility of their faith to be unilateral resistance to the protestant crown once the latter had decided to make religion an issue of contention. They had inherited this tradition from individuals such as Nicholas Weston, an alderman who had housed the earl of Tyrone during the Nine Years War.(87) Moreover, they had given it unprecedented exposure through the conflict over the election of 1613 (when, for example, the sheriffs intruded upon the nomination of candidates at Trinity College against the wishes of the provost and fellows).(88) Yet in addition to their obstinate religious convictions there was a further, more materialistic, reason for their opposition. Writing from Paris in 1614, Thomas Shelton, a future sheriff, expressed the point:

'Dublin pays over two hundred and fifty pounds a month for those who will not go to church, or twelve pence a head for every Sunday. This is only paid by the rich, for the poor are constrained to go to church. The king has commanded thirty-two of the chief nobility to repair to England and you may imagine to what end. They go about to prove all gentlemen born these thirty or more years to be bastards, because they were christened by priests, and by that means put them out of their lands'.(89)

(Shelton was later appointed to the shrievalty in October 1627 following a session of the general assembly in which the divisions between the aldermen and commons were so great that nothing was agreed or ruled upon whatsoever.)(90)

Any ground which the aldermen would concede to the state in order to secure

their private interests would be at the immediate expense of the commons, a point borne out by later efforts to take the clerkship of the market out of the mayor's control. The commons were in this case, however, presented with a fait accompli and ratification of Carroll's new aldermen was a foregone conclusion. It was

'ordered, agreed upon and established by the said mayor, sheriffs, commons and citizens (for the preservation of the law of succession for the mayoralty, and for avoiding of any question of doubt thereof to be made hereafter) that the election of the said Mr Peter Dermond, Mr Richard Forster and Mr Richard Browne shall be, by the authority aforesaid, enrolled, established and confirmed...'(91)

Theoretically, therefore, Richard Forster had served as mayor of the city although he had not been a legally elected alderman (and had never served as sheriff and so may not even have been a member of the common council). Yet despite the official fears for the preservation of precedence expressed by the commons in the above order Richard Forster served as mayor again in 1619 while Richard Browne served in 1614, 1615 and 1620. Browne was not a protestant, however, and the fact is an important one because the impression might otherwise be given that the solution to the aldermen's dilemma was simply the election of protestants. It was precisely because religion was the superficial, and not the real, area of conflict that it was necessary to have at least some catholic aldermen who could head the municipal government. Simply to rely upon protestants would have created divisions along religious, and eventually party, lines within this group which would have defeated the entire purpose of the manoeuvre. Not only was Browne a catholic but he was dismissed from the city government in 1642 after he had joined the rebels,

indicating that he was no mere government supporter.(92) (There is even some unreliable evidence to suggest that Sir James Carroll himself was a catholic conspirator.)(93)

In his dispatches Chichester continued to emphasise the threat which the recusants posed to the state. It must be noted, however, that he simultaneously complained of inadequate finance and he was not slow to stress the consequences of this inadequacy if it ever became necessary for him to suppress a religious rebellion.(94) It was, therefore, in his interest to underline, if not to exaggerate, the dangers to the state posed by catholicism. It is significant, nevertheless, that the Irish government did not make any great distinction between seditious catholics and the members of the loyal corporations throughout Munster and Leinster who had managed to avoid the oath of supremacy.(95) That there was, indeed, a difference can be seen from the fact that, upon the application of state pressure, many of these town officials had conformed by the time St John took office.(96) By the early 1620s many of the municipal offices throughout the country had been taken out of catholic hands while the government's continuation of fines for recusancy insured a form of segregation that would prevent any unwelcome conversions.

If toleration was expected in the early 1620s, it was based upon the hope that the prince would marry a catholic and municipal offices which were won back on this basis were wholly dependent upon a favourable outcome; it was not surprising, therefore, that the Irish government suspended its activities accordingly.(97) The failure of the Spanish match pleased Falkland who expressed the view that it was 'now high time indeed' to roll back the gains recently made by the recusants; this would entail the enforcement of both

the oath of supremacy and of allegiance to all municipal officers.(98) It was necessary for the aldermen, therefore, to adapt quickly to the change; the agreed election of the catholic alderman William Turnor was cancelled, therefore, and his place taken by the ever-ready James Carroll.(99) Either of the oaths would have presented no difficulties for Carroll but Falkland made an example of him nevertheless. He was forbidden to take up the mayoralty on his election in October 1625 until he had sued for a pardon 'by reason of many indignant outlawries against him'. (Details of the charges have not survived but Carroll appears to have had no shortage of colour in his life; his wife, who died in the following year, was described as 'an infamous strumpet'.)(100) The dramatic reversal of English foreign policy which followed Charles's diplomatic failure, however, forced the Irish government onto the defensive and, ironically, obliged Falkland to suspend activities yet again. The net result was that the lord deputy did not have a policy which he could define as such.(101) As far as religion was concerned the only conformity he could hope for in this situation would be the compromise requirement that corporation officials should take the oath of allegiance.(102)

In the meantime, the state continued to negotiate with the Old English in order to alleviate the financial cost of Charles' diplomatic failure. A 'great assembly' was considered to which the cities would nominate their representatives as to a ^{parliamentary} parliament.(103) The election for the city of Dublin was held in October 1628 on Oxmontown Green. Approximately one thousand protestants chose Nathaniel Cattelyn, the recorder, and Alderman Richard Barry (the latter had been elected in 1613 and both were returned in 1634) while fourteen hundred catholics ('most very poor men as porters') chose the catholic aldermen Allen and Gough.(104) All further proceedings were

suspended indefinitely within a fortnight, however, as a result of Falkland's misinterpretation of Poyning's Act.(105) Although this plan did not get off the ground it was significant in that its conception and possible execution was largely the result of negotiations which did not overtly involve the aldermen of Dublin.(106)

The reason for this was that by the time Falkland left Ireland, in October 1629, the municipal government had clearly divided into two groups: the protestant and catholic aldermen who would manipulate their positions to protect their considerable wealth and the remainder of the aldermen and commons who leaned towards uncompromising resistance in the hope that a trial of strength with the state might be decided, once and for all, in their favour. Neither of these groups could identify completely with the landed Old English nobility. The economic realities of city life meant that there were privileges to be defended by both groups which ran contrary to the interests of the landed gentry. Those who favoured resistance had always held sway in the commons but did not control the board of aldermen and consequently could not be directly represented in negotiations with the state. They were forced, therefore, into a less sophisticated response by the lack of options. Thus refusals of office for the shrievalty far outweigh those for the mayoralty by approximately fifteen-to-one between the years 1606 and 1618.(107)

As far as the municipal institutions themselves were concerned, however, the price of division was a high one. The group of aldermen who favoured compromise were willing to condone incursions by the state which did not threaten their security. English adventurers were not slow to see the opportunities and those with the strongest political connections did best.

Thus during Carroll's term of office in 1625 the most lucrative position held by the mayor, namely the clerkship of the market, was actively sought, despite the protestations of the commons, by Sir Samuel Smith, a close associate of Falkland.(108) Smith's opportunity undoubtedly evaporated on Falkland's recall but the effect on the municipal administration was marked, as exemplified by an order passed in 1635:

'Whereas the commons... preferred petition ...showing that whereas, through the default of the legal keeping of the clerk of the market's court, for the space of these seven or eight years past within this city, not only many great and enormous offences committed within this city pass unpunished...but also the charters of the said city for the office of the clerk of the market are in danger to be forfeited, and for that the successive mayors of the said city are so overlaid with other business that they cannot well attend to keep the said court...'.(109)

The order itself further illustrates the split between the aldermen and commons: the latter were drawn from the lower economic strata of the city and therefore their markets were affected more adversely by the withdrawal of aldermanic concern in the face of such incursions. Not all of the effects of the division were as manifest as this, however. Many of the aldermen who supported the new arrangement were catholics who could not be seen to betray the catholic cause although it ran counter to their interests. A degree of subterfuge was necessary, therefore, in a city that was predominantly catholic and at odds with the government, the outstanding example of which was the riot of 1629.

On the surface, the occurrence which took place in December of that year was straightforward enough. The protestant mayor, Christopher Forster, the sheriffs (both conveniently protestant) and the protestant archbishop were instructed by the government to disrupt the celebration of a Mass on St Stephen's day. This they dutifully did and with military support arrested two friars and confiscated the chalice and vestments; they were then pursued through the streets by a large mob who forced them to release the priests.(110) Before his recall Falkland had begun to implement a more rigid religious policy which was undoubtedly continued by Cork and Loftus.(111) Yet Forster's signal and sectarian action would be inconsistent with the interests of his catholic and fellow aldermen if there was not an additional motive behind the provocation. An anonymous catholic member of the municipal government commented upon the disruption:

'You desire to know whether this act was by direction out of England. No, it was by direction of council table here and, as we conjecture, it was done of purpose to draw the soldiers on the city; for we stood out that we would not give the soldier lodging nor fire and candlelight, and now have we two companies both forced on us, whereof we are constrained to pay one hundred pounds, sterling, for this three months past. We were on sending of an agent for England and have provided two hundred pounds, sterling, for this and he was to go away the Monday before Christmas, and the justice, hearing thereof, had sent for the mayor and, after communication with the justice, our mayor would suffer no agent to go, so as after we had made out instruction and fitted all things with the consent of the mayor, recorder, all the aldermen and commons, we were dashed; so as you now may perceive, it was a plot to dash our agent and to draw the soldiers on us'.(112)

The writer was undoubtedly a member of the staunch catholics within the city council (and probably William Bellew, one of the forty-eight) who had an order passed in the Easter assembly to the effect that the city would no longer support the soldiery and what money it would make available was to be looked upon by the government as a loan.(113) This could only be construed as an insult likely to provoke an antagonistic reaction. The aldermen who favoured compromise cannot have approved this action but the catholics among them could equally not have supported the crown without exposing themselves severely to the citizenry. The meeting between the mayor and justices produced a solution. A conflagration would be necessary to invoke the power of the crown behind which the mayor and aldermen would then be obliged to stand. All that was needed, therefore, was a catalyst.

Charles, Lord Wilmot was appointed as general of the army in Ireland by the crown in August 1629.(114) On taking up the office he wrote to Forster informing him of the city's duty to house some fifty soldiers. The 'mayor and citizens' refused, prompting Wilmot to refer the matter to England with the comment that 'such conduct must not be tolerated; if it is, the action of Dublin will be made a precedent and all the other towns of Ireland will stand upon their charters. It is really the gravest question of the time'.(115) The aldermen would no doubt have agreed with this assessment but did not wish to support the government just yet. The real issue as far as the government, itself, was concerned was not the billeting of soldiers but the source of the warrant for such billets. Wilmot wrote to Dorchester in January:

'if [the catholic religious in the city] do not go we must send for a greater garrison to reside amongst them. None of the papist aldermen stirred out to assist the mayor in his danger; six of them

have been committed thereof and as many of the common people as the lords justices could lay hands on. They cannot proceed, however, without more soldiers, whom I have sent for'.(116)

Yet Wilmot could not be content with the capitulation of the city council because the aldermen, in doing so, had ensured that their action would redound, not to his benefit but to that of the justices. Thus, outmanoeuvred by an alliance between the government and the aldermen, he complained that

'at last, after three days dispute, they [i.e. the municipal government] said they would obey the warrant of the justices if it were sent to them. To allow such a system would be a great disservice to the king. If I were abroad or in the field, should every warrant for accomodation of my army have to be sent to Dublin for the signature of the justices? If such a concession is made in Dublin it will be insisted upon elsewhere...The stiff urger of this disobedience was one Catelyn, recorder of the town, a serjeant at law and the king's counsel'.(117)

Catelyn's role had been to draw Wilmot's anger away from Cork and Loftus so that no open breach would ensue. Although convicted for instigating the disturbance, the recorder protested that he had, in fact, defended the warrants of the lord justices which had never been, nor would be, ignored by the city.(118) To conclude the affair it was necessary to extend the logic of the government's position. Six of the catholic aldermen were arrested; their release a few days later was counterbalanced by an order that they be obliged to witness the seizure of the major religious houses in the city. The closures took place without incident so that Cork could report 'this is a

great triumph for the good cause'.(119) Although it was necessary to sacrifice Catelyn's position (he was temporarily suspended at Wilmot's behest) the justices were not constrained in their expression of thanks to the mayor, whom they knighted for his defence of the king's religion and in compensation for the odium which he had brought upon himself as a result. The Franciscan house in Cook St was similarly demolished to indicate to all concerned the government's serious attitude to religious conformity.(120)

What was significant about the successful execution of this scheme was the manner in which the aldermen had achieved their aims. The arrest of six of their catholic members together with 'as many of the common people as the lord justices could lay hands on' was an ingenuous, if not barefaced, amalgamation of two disparate groups: the common people to be charged with the active defence of their clergy, the aldermen to be charged with doing nothing. For the aldermen opprobrium was by act of conference and it freed them from any imputation of betrayal by the commons or citizenry. If the justices were particularly amenable to a set up such as this it was because of their peculiar circumstances, the political nature of which is underscored when compared with other Irish governments of the period. (The point is borne out by the viability of a new study of Richard Boyle which places him in an Anglo-Irish, and not English, context.)(121) Ironically, however, it was the very nature of this feigned grouping of aldermen with commons that Wentworth seized upon in his adamant desire to revolutionise the administration of Ireland for the crown. Unlike the lord justices his immediate strength was his unwillingness to compromise. That such strength was contingent upon the ultimate and successful completion of his dicatorial policies is less important here than the initial impression he wished to make in order to implement those policies.

In August 1632 the lord justices and council had announced that the oath of supremacy would be required of municipal officers in the coming year. The election to the shrievalty of two recusants in October was, in itself, indicative of their governments flexibility.(122) Wentworth's treatment of the shrievalty was in marked contrast to this, both in his disregard for the office and his indifference to the potential use of the oath. He demonstrated the former forcibly during the preparations for parliament when the staunch catholics on the city council again attempted to rectify their loss of 1613. Insofar as Sheriff Christopher Brice 'carried himself mutinously in the election' Wentworth had him fined seven hundred pounds and debarred from ever again holding office in the city.

'Which wrought so good an effect as giving order presently for choosing of a new sheriff and going on the next day with the election again, the voices were all orderly taken and, the conformable proving the greater number, Catelyn, the king's serjeant and recorder of this town and Alderman Barry, a protestant, were chosen, the former whereof I intend to make the speaker, being a very able man for that purpose, and one I assure myself will in all things apply himself to his majesty's service.'(123)

The lord deputy's treatment of this parliament is well known. There can have been little doubt among the city council that he would continue his policy of 'thorough' on its dissolution. The concerns of the group of protestant and catholic aldermen had, however, more to do with the manner in which this policy would be carried out. They had succeeded so far because no government before Wentworth had been inclined, willing or able to match

consistency with political action; as a result, the arrangement which had come into existence with the election of Sir James Carroll in 1612 had never been tested with any stringency. Nor is it unlikely that the aldermen mistook Wentworth's pernicious cajolery and its consequences for the Old English as anything other than a taste of things to come. Although the enactments of the parliament itself did not directly threaten the security of the municipal government the latter was included within Wentworth's general scope of attack. In his approval of this attack, Coke wrote to the lord deputy:

'[In parliament] the excessive multitude of corporations and burgesses will always increase faction, especially when the greatest part remain so ill-affected. The remedy then which you propound, by a legal proceeding against old corporations that have usurped upon the crown, is very well approved; and his majesty requireth you to pursue it with care and diligence, in such way as in your wisdom you find best'.(124)

It is significant that these words were written (in June 1635) after parliament had been dissolved. Wentworth's success had made another meeting highly unlikely, nor is there any evidence to suggest that the towns, per se, deserved to be specially punished. The new government's plans, and the royal approval of these, were, therefore, part of a larger policy of confrontation for no other reason than that confrontation was the quickest way to defeat opposition which might otherwise coagulate. The king's domestic struggles demanded as much. Thus without the appearance of incongruity Coke's comment is actually a synthesis of two theoretically opposite modes of action, one legalistic and the other individualistic. For a short while the lord deputy gave an outstanding performance of determined

agility in which both were juggled with authority. A less intelligent man than he at first appears, Wentworth came to believe that his brittle success could be reconciled with its cost. If, towards the end, he grew fond of Ireland(125) his displaced emotion was as much an indication of this shortsighted disposition as was his stern public exterior. The way in which Wentworth moved against the city council was not subtle, therefore; moreover it took no account of the special position of the aldermen as it was represented by James Carroll, who had once again stepped into the breach in place of the alderman (Patrick Mapas) elected for the year. The lord deputy's treatment of Carroll was summary.

As clerk of the market it was the mayor's duty to fix and regulate commodity prices. It was equally the custom that certain profits accrued to the mayor through the rates which were set (in addition to the collection of other tolls). When he lowered the price of coal below the king's rate Wentworth employed a double-edged tactic. He would immediately gain the support of the city's inhabitants as he challenged Carroll to maintain the standard rate. In addition to this it was an attack upon the clerkship of the market itself and one of the last of the municipality's major privileges. The immediate consequence of its loss would be a rapid shift of emphasis from the interests of the citizen to those of the trader, free or unfree. It would follow from this that guild representation in the quarter assembly would be less effective and, consequently, the role of the guilds themselves would be altered. This, in itself, was central to Wentworth's economic policy of increasing trade in order to exact greater levies. Nor was such a policy at odds with the demographic change which had taken place in Dublin by 1635, when the freemen were outnumbered by those who were not citizens of the city.(126) As pointed out already, the aldermen stood to gain privately from

such a change. It was in Carroll's mayoralty ten years earlier that concrete initiatives had been taken by Falkland's associate to gain the clerkship in the face of aldermanic indifference and against the wishes of the commons. By appearing to side with the underprivileged Wentworth was thus in a position to outmanoeuvre both sides. (There was a further dimension to the situation, impertinent here, which related to the impost on coals and the lord deputy's efforts to have it removed.)(127)

A proclamation was issued in January 1634 which announced the lowered rates with a pointed instruction to the mayor to acknowledge them.(128) Carroll continued to adhere to the customary procedures and was charged accordingly with disobedience. The case against Carroll was put for the state by Nathaniel Catelyn who had just resigned the recordership, presumably in confirmation of Wentworth's opinion of him as an ardent supporter of the government.(129)

'And the said mayor, being demanded what he could say in his defence, alledged nothing for himself in excuse or extenuation of his said offences, only pretended he knew not at all of the said proclamation, and that he took up coals by privilege and custom, as he had done in the former times of his mayoralty'.

'Conceiving that it was a thing incredible that the said mayor could be ignorant of the said proclamation', he was fined one thousand pounds, sterling, imprisoned during the lord deputy's pleasure and debarred, at last, from holding the office of mayor ever again.(130) (He died four years later in 1639.)(131) Carroll was replaced by the more infamous, if equally stalw²orth, Sir Christopher Forster (an almost conditioned response on the

aldermens' part by this time). The immediate result of the confrontation was effected doggedly in the next assembly chaired by Forster. In July it was decided by the city assembly that, for the better protection of the clerkship which was now under serious threat, the office itself should be shared between the mayor and the new recorder, John Byse, the latter to receive a third of the perquisites and profits. This was a somewhat unimaginative attempt to ensure the new recorder's loyalty in order to preserve the spirit of the office which had been defended admirably by Catelyn himself in the billeting affair of 1629 (when he pointed out that he could, in fact, serve two masters).(132) A matter of pure speculation, but one which at least warrants mention, is the possibility that when Wentworth chose Catelyn for the speakership he was purposely favouring the recorder with a view to his attack upon the city. Carroll would appear to have ignored Wentworth's proclamation on coal with studied indifference and it is not unthinkable that Catelyn put him up to this.

The lord deputy's actions, both at local and national level, were a marked warning to the city that he would mould it to his wishes at whatever cost. However thin his analysis it was consistent in its holistic credibility to the extent that he sought to change the physical appearance of the city itself to herald in the new order.(133) Wentworth's career in Ireland can be viewed in two ways: first, as a new mode of ruling the country and thus as the exemplification of a fundamental revision of crown policy. It can also be viewed, however, as the logical extension of the power politics which had been revitalised with the simultaneous defeat of O'Neill and the accession of James. The latter view is, for the moment, the more useful if only because it explains why Dublin's elite stepped up the coping procedures formulated as a result of the instability of the first decade of the reign. The pressure

which was upon them, however, decreased their scope for sophistication. The judicious injection of catholic aldermen into the mayoralty had to stop if only to allow them some time to redeploy what tactical advantages they had.

As a response to the defeat of James Carroll the aldermen chosen to be mayor for the years 1635 and 1636 stepped down in favour of Christopher Forster. Even by the new standards of the day this was an unprecedented, however necessary, monopoly of the office which meant that Forster served continuously from June 1635 until October 1637.(134) He was mayor again in 1638, followed by his brother Charles in 1639.(135) Apart from Charles Forster, the only alderman elected in the quarter assembly after 1634 who actually took up office was the protestant James Watson. Between 1634 and 1640 five catholic aldermen were elected as mayor and not one of them served in the office.(136) Apart from removing the religious option from Wentworth's choice of initiatives, however, the response of the aldermen was weak in two respects: first, the initiative itself would remain with the government and, secondly, it provided no protection from the lord deputy's invidious use of the commission for defective titles. Attempts were made where possible to cast doubt upon city property titles and those of the religious guilds, the predominant beneficiaries of which had always been the city's elite, namely the aldermen, both catholic and protestant.(137) Yet if Wentworth united old and new English against him he did the same for the divided municipal corporation of Dublin. When he attacked the privileges of the mayor he further alienated all the free inhabitants who, since the accession of James, had witnessed the gradual evaporation of the old chartered and traditional agreements that had defined the city and their relationship to it as citizens.

CONCLUSION

Throughout the first four decades of the seventeenth century the response shown by the inhabitants of Dublin to the changing position of the city was primarily one of adaptation. Opposition, acquiescence and acceptance also characterised this response but it was the municipality's ability to adapt, more than anything else, which provides the unifying theme for the many diverse areas of contention that were exposed by the English government in Dublin and by the changing climate of the period itself. The political, economic and administrative problems posed by the pacification of Ireland forced the municipal corporation to tread an often hazardous line between the preservation and the abandonment of ancient privileges. Yet the question of religion, central to these problems, went unacknowledged in the general assembly. It has been suggested above that policies of conformity and conversion were interchangeable when the real intention of the government was to achieve a degree of destabilisation which, in a matter of a few decades, would remove the city's independent status. That this enervation was the desired intention of the crown is beyond dispute.

The outbreak of rebellion in 1641 illustrated the limitations of adaptation when religion was used to alienate those who might otherwise have compromised. In this context the rebellion should not be seen as extraneous to developments in Dublin. Indeed many of those who had survived the vicissitudes of the period joined the rebels shortly after the outbreak. In this sense it might be said that some

compromises had been temporary and some adaptations contingent upon eventual reversals. It would seem from his behaviour that Wentworth was aware of the dubious foundations for change which had been laid by his predecessors. If the crown's policies were blunt under his leadership at least its intentions were clear.

Yet there were also other elements of change during this time which necessitated equally strong adaptive measures and which, while they might be encouraged by the crown, were ultimately beyond local control. The population of the city rose steadily throughout the period while the old trading patterns of the guilds proved to be increasingly outdated. The liberties provided a physical manifestation of the problem: they were excluded from the privileges of the franchise while attempts were made to include them in the tax net. The regulation of trade under these circumstances was bound to be contradictory, in effect it proved to be counter-productive. The city government took no cognizance of its native Irish inhabitants; moreover, it endeavoured to define the municipality without reference to them whatsoever. In this it was responding in a traditional way to a problem that had taken on new, and unforeseen, dimensions. The New English were more overtly aware of this and their support for the rights of the liberties was not disinterested. Likewise, the concerns of the Old English of the Pale often diverged from those of their city fellows when the removal of trade restrictions was mooted.

In these circumstances the wealthy elite of the city judged themselves to have no choice but to deviate

in private from their public persona as elected representatives. What was new about this situation was the circumstances themselves and not the dichotomy of interests between rich and poor. The unity of the municipality which had hitherto been maintained had been based upon a political and economic structure which worked successfully and in doing so it had remained largely independent of outside controls. Appeals for the maintenance of corporate identity were hollow, however, once it was recognised that the balance of the old municipal power was to be destroyed. As early as 1613 the city had lost some of its most vital rights, a large number of its aldermen had been imprisoned by the crown and the entire general assembly had been obliged to ignore its own rules in order to deal with the parliamentary election of that year. Adaptation in these circumstances was not a matter of choice but one of necessity.

The extent to which the city's response to this situation was a conscious one formulated by specific interest groups is an open question which is not answered by post-rebellion developments. Likewise the highly conservative nature of the citizenry has meant that little trace of such groups can be discerned directly in the assembly records. Such groups did exist, however, and future research aimed at their identification and clarification will tell a great deal about how socio-economic attitudes were influenced and manipulated by those with political power. Should this result in a durable model of the Irish municipality of the early seventeenth century it may then be used to explore questions raised by the crown's treatment of other towns during the period.

The Anglo-Norman town was a partly artificial creation which remained intact for a considerable length of time so that this ideal may be more attainable than wishful thinking would suggest.

