

Edward III. They also set forth a record of a similar claim allowed on a writ of right brought for lands within the precincts of the city, before the justices of the bench, in the thirteenth year of Edward II., and which appears to have been founded on prescriptive usage confirmed by the charters of the kings of England.

Richard II., by writ to his Lieutenant of Ireland, ordered the claim to be allowed.

15. The charters of John and Edward III. were confirmed by Henry IV. in the second year of his reign (1400), who also in the fourth of his reign granted that the mayor and his successors might have a sword borne before them as the mayor of London had. Henry IV.

16. Henry V., by a charter of the seventh year of his reign (1419), granted that the mayor and bailiffs for the time being should be justices of the peace and justices of labourers, with non-intromittant clauses against any other justices; that the mayor should be escheator and clerk of the market, and that the mayor and commonalty should, in support of the fee-farm of the city, have all lands, tenements, &c. forfeited as escheats within the city. This charter also contains grants of waifs, wrecks, felons' goods, fines for escapes of felons, and other forfeitures. Henry V.

17. The charters of John, Edward III., and Henry V., were confirmed by Henry VI., in the fifth, and again in the twentieth, years of his reign, and in the first Henry VI. the charter of confirmation of 2 Henry IV. was approved and confirmed by the king, by the advice and assent of the Parliament of England. Henry VI.

18. In the first year of Edward IV. (1461) the charters of John, Edward III., and Henry V., were approved and confirmed by that monarch and the Parliament of Ireland, held at Naas, in that year. Edward IV.

19. Richard III., in the second year of his reign (1484), created the mayor and recorder justices of Oyer and Terminer, and gaol delivery, within the city, its suburbs and franchises, as well by land as by sea, and on the fresh water, with liberty to have and keep the city gaol. Richard III.

20. This charter of Richard III., with those of Edward III., Edward II., and John, were confirmed by Henry VIII. In the thirtieth year of his reign (1538) Henry VIII., in consideration of their services in defending the city against the rebellion of Thomas Fitzgerald, granted to the mayor, bailiffs, citizens, and commons, the site and estates of the dissolved priory of All Saints, in the counties of Dublin, Meath, Kildare, Louth, Tipperary, and Kilkenny, and elsewhere in Ireland, at the yearly rent of 4*l.* 4*s.* 0*½d.*, and released them for ever, for the amendment, fortifying, and supporting the city, from the sum of 69*l.* 6*s.* 8*d.* part of the 200 marks a-year reserved by the charter of the 13 Henry III. Henry VIII.

A considerable portion of the present estate of the corporation is held under this grant.

21. Edward VI., in the second year of his reign (1548), confirmed the charter of Henry VIII. and the grant of the priory of All Saints. Edward VI.

He also in the same year granted to the mayor, bailiffs, commons, and citizens a new charter of incorporation, creating the City and its suburbs and liberties a County of itself, by its present name of the County of the City of Dublin, and constituting the Sheriffs successors to the bailiffs in their corporate capacity. The sheriffs are empowered to hold their county courts on Tuesday, from month to month, and all former liberties, &c. are confirmed to the corporation. County of the City first created, and Sheriffs.

22. In the first and second Philip and Mary, the last-mentioned charter of Edward VI. was confirmed, and a confirmation and explanation made of the grants of escheats contained in the charter of the 7 Henry V., before noticed. Philip and Mary.

23. Elizabeth, in the eleventh year of her reign (1568), granted to the corporation, in fee-farm, several tenements, parts of the possessions of the dissolved monasteries of the Virgin Mary, and Saint Thomas the Martyr, or Thomas Court, at the yearly rent of 40*l.*, and a fine of 80*l.* every 21st year. Elizabeth.

And in the twenty-fourth (1581) confirmed the charter of Edward VI., and all former grants made by the kings of England, to the mayor, sheriffs, commons, and citizens, or their predecessors, and granted to them the office of Admiralty, wheresoever the sheriffs of the city might lawfully receive custom between Arklow and Nanny Water (limits comprising several miles of sea-coast), the jurisdiction and authority of Admiral to belong to the mayor for the time being. This grant also confers some commercial exemptions and privileges not now of importance.

24. By a charter in the seventeenth year of Charles I. (1641), reciting the charters of second Richard III. and second Edward VI., already noticed, and that the mayor, bailiffs, commons, and citizens had from time immemorial, by long and usual custom, elected twenty-four of the commons and citizens to be aldermen; this monarch granted that the mayor, recorder, and six senior aldermen who had served the office of mayor, should be justices of the peace within the city, and that they or any four of them, of whom the mayor or recorder should be one, should be justices of Oyer and Terminer and gaol delivery. This charter gives to the mayor and aldermen, or the major part of them, the government of the house of correction, and the appointment of the governor, and confers on the mayor the title of lord, and on his wife that of lady. Charles I.

The same monarch, in the fifteenth year of his reign, regranted to the corporation the estates of the dissolved monasteries of the Virgin Mary and St. Thomas, which had been given by Queen Elizabeth, as already mentioned, with some other denominations; considerable parts of the city estates are derived under these grants; the rent reserved by the grant of Charles is 32*l.* 10*s.*, and no mention is made of any fine.

CHARTERS.

Charles II.

X 25. Charles II., in the thirteenth year of his reign (1661), granted to the mayor of the city the honorary privileges of having a cap of maintenance worn before him, as the mayor of London had, and wearing a collar of S. S. He also, in the fourteenth year of his reign, granted to the mayor the office and command, establishment and pay, of a captain of a company of foot; and, in the seventeenth, granted to the mayor, sheriffs, commons, and citizens the ferry over the Liffey, with power to take a fee of a halfpenny of every passenger.

In this last year, Charles II. also granted to the mayor, sheriffs, commons, and citizens an annuity of 500*l.* per annum for ever, charged on the certain and casual revenues of Ireland; and, in the eighteenth, reduced the several fee-farm rents, payable by the city, and then stated to amount to 69*l.* 18*s.* 11½*d.* to 20*l.* a-year. Among these rents are mentioned a rent of 7*s.* 6*d.* for the custom called the Tollboll, and a chief rent of 2*s.* 6*d.* out of the Tholsel.

In the twenty-third year of his reign Charles II. granted the charter of the Blue Coat Hospital, afterwards stated in the part of this Report relating to that charity.

Grant of Customs.

By letters patent, dated 4th September, 28 Charles II. (1676), this monarch granted and confirmed to the lord mayor, sheriffs, commons, and citizens, the customs called the customs of the gates for things brought into the city or suburbs, there to be exposed to sale, and also for such things as should be carried out of the city. These letters, alluding to the murage and pavage grants already noticed, recite that several of the kings and queens of England had been pleased to grant to them charters for taking those customs of the gates for the portage, murage, and pavage of the city, and that doubts had then lately arisen of the validity of those charters. They contain a proviso, that the profits of the customs for seven years should be disposed of to such public uses for the benefit of the corporation as the Lord Lieutenant of Ireland thought fit.

The Earl of Essex, then lord lieutenant, and the Privy Council, accordingly appointed that for the period of seven years 100*l.* per annum should be disposed, out of the profits of the customs, to the repairs of the old stone bridge and the then new bridge, and such other necessary uses, or work in and about the city and suburbs, as the lord mayor, aldermen, and sheriffs might think fit; and that the remains of the profits for that period should be applied towards erecting a new bridge from the land, near the then custom-house, on the south side of the Liffey, to the land of St. Mary's Abbey, on the north (the site of the present Essex Bridge).

George II.

26. Except the charters of James II., presently noticed, the only remaining royal grants of importance we have found made to the city of Dublin are by George II., who, in the first year of his reign, on the petition of the lord mayor, sheriffs, commons and citizens, added to the justices of the peace all aldermen who had served the office of mayor, or been excused from serving it on payment of a fine; and, in the thirteenth, granted to the corporation authority to hold a free market for corn every Monday and Thursday weekly, and to take to their own use the tolls and customs of the market.

James II.

27. The charter of James II. bears date the 27th October, in the third year of his reign. It is not recognised by the corporation, though said to have been once pleaded by their town-clerk. In his attempts to remodel the corporations in England and Ireland, King James proceeded by writs of *quo warranto* against several of them, including that of Dublin, and, as might be expected in that distracted reign, no successful opposition appears to have been given at the time. Those writs were brought in the Court of Exchequer, and, although followed by judgment, seizing all the liberties and franchises of the corporations into the king's hands, it is plain from the decision of the House of Lords, in the case of Drogheda (*Rex v. Peppard, 2 Brown's Parliamentary Cases, 521*), that the judgments were void, and, that unless followed by actual and full acceptance by the corporations, the charters founded on those judgments have no operation. It is remarkable that the statute of the Parliament of England (1 William and Mary, sess. 2, c. 9), declaring void the proceedings against the Irish corporations, and the new charters granted in Ireland by James II., never received the sanction of the Irish legislature; but we do not consider this circumstance as materially affecting the consideration of the present question. And though, for a brief period during the reign of James II., acted on by the individuals named in it as corporate officers, and still preserved among the archives of the corporation, and some parts of the modern practice are conformable to its provisions, we think that this charter cannot be considered to have now any validity, or to have been in fact operative since the Revolution.

It seems therefore unnecessary to detail its provisions, which are very comprehensive and minute, containing some of the regulations of previous charters and ordinances, apparently derived from the then constitution of the body corporate, as to the number and mode of election of corporate officers, and members of the corporation, with others introducing new members, such as free burgesses, and regulations which are not known to the present constitution: we think it sufficient to observe, that every trace of popular principles was carefully excluded from the plan of municipal government proposed by this charter, the whole governing power being vested in a council, consisting of the mayor, twenty-four aldermen, and forty-eight free burgesses; the aldermen and free burgesses holding for life, and all vacancies in its members being supplied by self-election of the council; even the elective franchise in returning members to Parliament was confined to the select body. The power of making freemen of the corporation and its guilds was limited to them, and a discretionary power of removing the mayor, recorder, aldermen, free burgesses, and other officers, was vested in the Lord Lieutenant and Privy Council of Ireland. This charter is printed in the Appendix to the Report of the Committee of the House of Commons in 1823 on the local taxation of Dublin.

28. On a consideration of the several charters we have noticed, and the numerous arrange-