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# The Enforcing of Law and Order in Eighteenth Century Ireland.

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# The enforcing of law and order in eighteenth century Ireland.

## A study of Irish police and prisons from 1665 to 1800.

by J.P. Starr, M.A.

A thesis submitted for the degree of
doctor in philosophy
of the university of Dublin.

May 1968

# The enforcing of law and order in eighteenth century Ireland.

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## A study of Irish police and prisons from 1665 to 1800.

THESIS
53A

by J.P. Starr, M.A.

A thesis submitted for the degree of doctor in philosophy of the university of Dublin.

I declare that this thesis has never before been submitted as an exercise for a degree at Trinity College Dublin or at any other university and I also declare that it is entirely my own work save for such emendations as have been suggested to me by my supervisor Dr Robert Brendan McDowell to whom I am very much indebted.

Joseph P. Starr

Joseph P. Starr

# PREFACE

He who labours in the fields of administrative history may, perhaps, glean some comfort from the reflection:

> 'Vast designs, even though they lead to St Helena, impress posterity more than the day-to-day coping with immediate problems which is the surest way of keeping a foothold in the welter of imbecility and egotism that forms by far the greater part of political history.'[1]

This study is, in some ways, a 'vast design' in as much as it encompasses an entire kingdom and a complete century. On the other hand, it also has very definite boundaries which must be immediately exhibited. That is to say, it investigates only one aspect of Irish administrative history: the methods and machinery by which society was protected in the eighteenth century. Indeed, it is limited still further, to the police and prisons, since the military establishment, the other institution that did so much to preserve the state, is scarcely touched upon. The chief reason for these limitations stems from the complexities of the period under study which embraces not only a full century but one that witnessed some radical departures in both the theory and the methods used in the organization of police and prisons.

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1 Hugh Kingsmill, The poisoned crown, London, 1944, p.33.

Throughout the eighteenth century factors promoting public tranquility in Ireland varied in time and place and change is often evident. Ordinances laid down for urban areas had little validity in the countryside; Dublin was always a separate and complex problem. Statutes that worked passably in times of relative calm worked considerably less so in periods that experienced municipal riots, profound rural unrest, violent secret societies, and ultimately conditions of near revolution. Moreover, even in the best of times the decrees of parliament were not always fully understood or complied with, while difficulties in administration stemming from indifference, incompetence and self interest, weakened the force of legislation.

These problems and those engendered by the demographic upsurge gradually broke down the old system of keeping the peace forcing a largely conservative governing class to seek for such new methods of maintaining law and order as would keep royal government weak, private property safe, and the mob subdued. Of consequence that system of police and prisons which obtained in 1700 had greatly altered by 1800 and during the intervening decades magistrates must be seen fumbling towards solutions that now seem almost self evident.

My approach to the subject is as follows: an introduction attempts, very briefly, to indicate some of the more important social problems of the time and as well to outline the machinery possessed by the state for enforcing the peace. The first chapter is devoted to the police in general, excluding Dublin city. The second deals with the capital while the third and fourth chapters investigate the gaols and prisoners.

I must apologize for including so much detail but since the counties and towns reacted so differently to various parliamentary measures, I imagine that I might have over-simplified matters had I dealt more sparingly with the way in which the relevant statutes were enforced throughout the country.

As to the abbreviations and the system of foot-noting used, I have attempted to follow the suggestions and regulations set out in the article entitled 'Rules for the guidance of contributors' in Irish Historical Studies, Vol. IV. No. 13 (March 1944).

Finally, it must be pointed out that much in the police and prison systems of eighteenth century Ireland grew out of earlier ideas and customs and so at times cannot be completely understood without a little mention of what went on before. Therefore, for the

sake of clarity, I have endeavoured to sketch, at the beginning of each subject, its development before the eighteenth century commenced.

# ACKNOWLEDGEMENTS

I am indebted to many people who aided me in my research especially to the staffs of the libraries and record offices in which I have worked. I particularly wish to thank Dr William O'Sullivan of Trinity College Manuscripts Room; Miss Mary Pollard of Marsh's Library; Mr Henry Heany and Miss Noragh Bennett of Magee University College Library; Mr Alf MacLochlainn, Mr Michael Hewson, Mr James Scully, Mr Jerry Nash, Mr Philip MacCanna and Mr Seamas MacCanna, all of the National Library of Ireland; Dr Tony Christofides of University College Galway; Mr Robert Hunter of Magee University College, Dr Laurence Arnold of Trinity College Library and Mr Francis Carroll of Kalamazoo College, (Michigan). I am especially grateful to my supervisor, Dr Robert Brendan McDowell, for his gentle but sure guidance, his encouragement and his many kindnesses.

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# INTRODUCTION

> 'How may one properly re-enter a phase of history, or appreciate and understand the nuances of its culture, without entirely distorting or merely exploiting them? Men may carefully preserve their memories, but these are mere fragments of any whole or accurate picture. The reality of a past is almost invariably strange; one finds it hard to share vanished enthusiasms or to tolerate what now seem to be the most childish of prejudices.' [1]

During the eighteenth century government in Ireland faced numerous difficulties in its attempts to maintain law and order. Some of these difficulties stemmed from problems engendered by economic theories, wars, and natural disasters and thus were partly or wholly outside the competence of the several administrations, but others were fundamental to the nature of the state rising from the manner in which the body politic was constituted and consequently continuing without much remedy until the next century devised methods for bringing the majority of the population within the framework of the constitution. Hence, to understand those problems which, throughout the greater part of the eighteenth century, vexed successive administrations in their

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1 F.J. Hoffman, The twenties, (New York, 1955) p.3.

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attempts to enforce law and order, one must first briefly investigate the state of society and such methods of keeping the peace as the government then possessed, both being inherent parts of the political and religious history of the country.

By the end of the Jacobite wars English arms and statutes had given the emerging protestant ascendancy control of the government of Ireland and they, full of memories of 1641 and 1689 determined, 'partly for their own safety and partly in what they considered the cause of civilization, to uproot and destroy the rival and defeated culture.' [1] The magnitude of such an undertaking at once very much increased the already pressing problem of maintaining law and order in a kingdom distracted and divided, which as an entity existed only for lawyers and cartographers. Nevertheless, the ruling caste 'a newly arrived minority'[2] notwithstanding the immensity of their proposed task, their paucity of numbers, and the opposition of the great bulk of the people from whom they were separated by language, creed and traditions, augmented their own

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1 R.B. McDowell, Irish public opinion, 1750-1800, p.9.

2 E. Curtis, A history of Ireland, p.286.

difficulties by alienating as well the remaining Roman catholic landowners and merchants as the protestant dissenters[1] who, at least on questions of maintaining law and order, might have been their allies. The former were not only excluded 'from commissions in the army and navy, from the electorate and parliament'[2] but were even forbidden to carry arms; the latter had their own grievances, 'far fewer and lighter than those of their catholic neighbours but galling enough'[3] being compelled to pay tithes to the established church they were also (between 1704 and 1780) excluded from all offices in state and corporations by a statute which required office holders under the crown to qualify by taking the sacrament according to the anglican rite.

The position of the Roman catholic peasantry who formed the 'overwhelming' majority of the population[4] was, however, a more pressing consideration, for

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1 The protestant minority 'was fairly evenly divided, as regards numbers, between presbyterians and episcopalians.' The former chiefly consisted of 'farmers, and shopkeepers, with a few squires and an increasing number of wealthy merchants.' J.C. Beckett, Protestant dissent in Ireland, 1687-1780, pp.17, 144.

2 E. Curtis, A history of Ireland, p.286.

3 Ibid., p.287.

4 J.C. Beckett, Protestant dissent in Ireland, 1687-1780, p.17.

the mass of them had been reduced to mere tenants at will; tithes, the hearth tax[1] and forced labour on roads increased their economic difficulties, while heavy rents to landlords who 'despised' their language and 'abhorred' their religion made them, 'in many cases slaves even in the bosom of written liberty.'[2] Thus 'restricted by poverty and persecution' to a state of 'carefully planned and well preserved inferiority'[3] their lot was one of the worst in Europe, and, though even at the time some of the inequalities of the agrarian system were recognized, very little was done officially toward alleviation indeed, parliament, 'scarcely passed a single act in favour of the poor husbandman all through the eighteenth century.'[4] Of consequence, the

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1 The hearth tax was abolished in 1793 but the question of tithes remained until 1838.

2 A. Young, Tour in Ireland, ed. A.W. Hutton (London, 1892) ii. 54. The presbyterian peasantry also laboured under many of these same difficulties. Thus archbishops King and Boulter, as well as Dean Swift believed that excessive rents were an important cause of dissenter emigration to America, while the latter themselves complained that tithes, interference in the conducting of their schools and the sacramental tests were among the reasons for their exodus. J.C. Beckett, Protestant dissent in Ireland, 1687-1780, pp.88-9.

3 R.B. McDowell, Irish public opinion, 1750-1800, pp.6,10.

4 E. Curtis, A history of Ireland, p.287.

peasants largely became 'constant enemies to the state; the state not being their friend, nor the state's law.'[1]

If many peasants lived in great squalor, the 'conditions of the lower classes in the towns did not appear more cheering',[2] and it was in the latter, many of them growing rapidly and haphazardly, that further problems arose. Though some towns had a few broad thoroughfares, citizens in all could complain of parts where the streets were narrow and filthy, the public lighting indifferent[3] and where swine wandered freely, sometimes attacking children.[4] Hackney coachmen and car-men were constantly complained of, who by careless

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1 T. Campbell, A philosophical survey of the south of Ireland, p.313.

2 R.B. McDowell, Irish public opinion, 1750-1800, p.34.

3 In 1759 parliament complained that it had been found 'by experience' that 'many and frequent robberies, ... and other crimes of a heinous nature,' were committed at night in Dublin, the commission of which had 'in great measure' been owing to the 'insufficient manner' in which the city was lighted. 33 Geo. II, c.18 Clause 1. For a particular instance of this see C.M. MacSorley, The story of our parish (St. Peter's Dublin), p.23.

4 For examples of this see: T.K. Moylan, 'Vagabonds and sturdy beggars', in Dublin Hist. Rec., i. (No. 1) 15 (Mar. 1938), and Faulkner's Dublin Jn., 3 Jan. 1743.

driving through crowded streets often injured or killed passers-by.[1] Of Dublin which was 'abominably dirty'[2] Arthur Young could write:

> 'walking in the streets there, from the narrowness and populousness of the principal thoroughfares, as well as from the dirt and wretchedness of the canaille, is a most uneasy and disgusting exercise.'[3]

The social distress and poverty, widespread and intense, which existed throughout the century in both town and countryside were among the principal causes of frequent rioting in the former and the rise of violent secret societies in the latter.[4] The majority of the population 'lived on the edge of starvation'[5] and in Ireland

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1 Of Dublin it was said: 'From the general badness of the streets, hackney-coaches are more frequent in proportion than in London.' T. Campbell, A philosophical survey of the south of Ireland, p. 48.

2 Ibid., p. 28.

3 A Young, Tour in Ireland, ed. A.W. Hutton (London, 1892) i. 21. The streets of Cork city were described as being 'mostly composed' of narrow lanes. T. Campbell, A philosophical survey of the south of Ireland, p.175.

4 It has been observed that, 'One circumstance most commonly noted by writers of Irish history all through this century is the chronic condition of extreme pauperism which prevailed all through the country amongst the poorer classes.' W. O'Sullivan, The economic history of Cork city from the earliest times to the act of union, p. 215.

5 E. Johnston, Great Britain and Ireland, 1760-1800: A study in political administration, p. 68.

as in England

> 'The natural disasters of their personal lives - unemployment, sickness, death of a bread-winner - left families in utter destitution, for the state had little conception of social service; its only answer for unemployment and poverty was the workhouse.'[1]

Of consequence, desperation, occasioned by a decline in trade or a shortage of food and fortified by liquor, could raise to temporary prominence a mob, before which civil authority was almost helpless. Moreover, the several rural secret societies that punctuated the age, such as the Oak Boys, the White Boys and the Hearts of Steel, proved a further danger for at times their strength was such that they could overawe even large towns.[2]

However, not all rioting stemmed directly from an economic grievance, land or labour. Religious fanaticism, 'especially where rival ... denominations were

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1 J.H. Plumb, England in the eighteenth century, (Harmondsworth, Middlesex, 1951) p. 151.

2 For example, in December 1770 several hundred people known as Hearts of Steel and armed with guns marched into Belfast to liberate from gaol a farmer accused of maiming cattle. They threatened to burn the town if he were not released and the sovereign was forced by their threat to free him.
Dublin Chronicle, 11 Apr., 1771.

fairly equally balanced, as was the case along the borders of Ulster, ' contributed much to disorder; while 'the collection of customs and excise gave rise to perpetual broils with smugglers and illicit distillers.'[1] The capital itself was rent by continual disputes between local factions. Thus the

> 'weavers of the earl of Meath's liberty around S. Patrick's, calling themselves the Liberty boys, fought desperate battles along the bridges and quays with the Ormond boys, the butchers in Ormond market on the opposite side of the river.'[2]

When the mob was not in session, it was often replaced by small groups of restless unemployed poor, seeking not so much a remedy for an immediate grievance, as amusement, however crude and riotous, in an age

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1 D.A. Chart, Ireland from the union to catholic emancipation: a study of social, economic, and administrative conditions, 1800-1829. pp.199, 202. In 1725 parliament complained that revenue officers and their assistants were 'very frequently assaulted and beaten in the due and legal seizing ... of exciseable goods', and that the goods were often destroyed so that neither the crown, the officers, nor the informers 'should reap the profits arising from such seizures.' 12 Geo.I, c.2 clause 19.

2 D.A. Chart, The story of Dublin, p.101. For instances of this see Faulkner's Dublin Jn., 21 Sept. and 30 Nov. 1751.

that provided them with little bread and no circuses.[1]

There can be small doubt that drunkenness, a vice that had seized upon all sections of society, was also a serious problem.[2] Liquor and beer were usually inexpensive and easy to obtain[3] and there were constant complaints that such circumstances led to much general lawlessness.[4]

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1 For examples of this see: Dublin Chronicle, 16-18 Apr. 1771 and 27-30 July 1771. One observer described Limerick streets being crowded with people who, 'having no staple manufacture to employ them, they walk about, like the sluggard, with their hands in their bosom.' T. Campbell, A philosophical survey of the south of Ireland, p.218.

2 For example, at Trim some judges fined the members of a jury £ 50 each for getting drunk and incapable of discharging their duty. Wexford Herald, 6 June 1793. One lord lieutenant saw, near Kells, 'men, women, and even girls intoxicated by ... whisky'. H.M.C. rep.14 app. i. 419.

3 One critic complained that fifty thousand houses and cabins (the number of retailers of spirits then computed in Ireland) which amounted to nearly a twentieth part of the houses in the kingdom, were authorized and protected by the legislature, 'to vend a poison which is known by experience, to enervate the most robust, and destroy the weak; to check industry, and incite and influence the drinkers to commit the most enormous crimes.' Faulkner's Dublin Jn., 1 Oct. 1778.

4 For an example of this see: The Dublin Intelligence, 10 Sept. 1728, and a letter written by a chief constable to the government on the subject: T. O'Donnell to T. Pelham, 8 June 1797. P.R.O.I., Calendar to the Rebellion papers (hereinafter cited as Cal. R.P.) carton 620/31, document 57.

Finally it must also be taken into account that areas existed that were still sparsely inhabited[1] and wanted even the very rudiments of local administration, a condition which would necessarily increase the difficulties of peace-keeping. For example, Arthur Young described two baronies in Connaught that did not possess a 'post-house, market-town, or justice of the peace'[2] and it has also been observed that as roads were few and bad (at least until the turnpike system was introduced in the second half of the century) a large part of the population in the counties of the western and southern seaboard, were but little affected by the decrees of government.[3] Moreover, even in districts where good means of communication existed, ridiculous rumours could circulate largely unhindered by such resources the government possessed to suppress them. For example, in the difficult months

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1 In 1695 parliament declared that the 'late rebellion' had left large parts of the country 'waste and desolate'. 7 Will.III, c.21 cl. 1.

2 A. Young, Tour in Ireland, ed. A.W. Hutton, (London, 1892) i.247.

3 Maureen Wall, The penal laws, 1691-1760: church and state from the treaty of Limerick to the accesion of George III, p.28.

of 1797, a man in Newry could complain that the people in Belfast believed that the inhabitants of Newry were in a 'Perfect state of war or seige ... and that the best company men and women spend their evenings in the guard house. Such are the stories believed at thirty miles distance and in a town communicating twice a day with this town.'[1]

Having thus indicated some of the more deeply rooted social evils which added to the problems of the government in its attempts to maintain law and order in eighteenth century Ireland, it is now possible to sketch, briefly, such machinery as the community then possessed for keeping the peace.

To begin with there still existed, at least in theory, the hue and cry 'a primitive police system of early and natural development' in England which had been brought to Ireland by the

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1 J. Pollock to T. Pelham, 17 Dec. 1797, P.R.O.I., Cal. R.P. Carton 620/33, document 156. In 1763 Henry Grattan's uncle wrote: 'The part of the country where I live is so retired that no news of any kind reaches us; even the actions of the Oak Boys, who are only fifteen miles from us are not known here, till Faulkner celebrates them in his annals'. Henry Grattan, Memoirs of the life and times of Rt. Hon. Henry Grattan, i. 44.

Normans.[1] However, though occasional attempts were made to revive it, in practice the system had largely fallen into desuetude.[2] But although the formal

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1 S.H. Steinberg, ed. A new dictionary of British history, (London, 1963) p.163. In the middle ages 'neighbours were bound to join the hue, crying aloud, and pursue a suspected criminal resisting arrest.' Their duty 'extended as far as the bounds of their manor,etc., and they were punished both for non-attendance and for calling out the h. and c. without reason.' Ibid. For an example of this in Galway see H.M.C. Rep.10 app. v.391. The system exists even today for it is still the duty of all citizens to aid the garda siochana if called upon to do so. As well as the hue and cry there was also the posse comitatus which has been described as 'a force which the sheriff ... was empowered to summon to assist him in the preservation of public order in his county.' J.A. Brendon, ed. A dictionary of British history, (London, 1937) p.428. It is evident that the Irish government intended to make full use of this latter force, thus in a bill to prevent 'tumultuous risings' which was passed by parliament in the session of 1775-6, every 'peace officer' was authorised 'to command all ... subjects of age and ability' to assist him in putting the act into force. 15 & 16 Geo.III, c.21 cl.6. For another instance of this see the statute 26 Geo.III, c.24 cl.74.

2 For instance, in 1689 the Marquis d'Albaville, the principal secretary of state, required the commissioners of oyer and terminer in co. Clare to order 'all menn to fall upon publick robbers, who have noe regard of their duty to God, their king or country'. J.Ainsworth, ed. The Inchiquin manuscripts, p.22. Thirty years later it was pointed out that petty constables were not 'ty'd to keep or maintain any servants, or under-ministers, for that every one of the king's people are bound to assist them.' J. Carson, printer, The office and duty of high and petty constables ... in Ireland, (hereinafter cited as Carson, Constables), p. 10.

idea of hue and cry had decayed, there were instances of citizens, on specific occasions, using their own efforts to keep the peace. Thus one newspaper reported of a man who, having been robbed, told some people 'that he met on the road what had happened to him and they pursued the robbers and took them, who are now in jayl.'[1]

Of greater practical importance, however, was the forming of voluntary peace-keeping associations among citizens. These associations were of several types. Sometimes they were merely groups of parishoners combining to patrol their streets at night and to search public houses for suspected persons;[2] in Dublin this might be done by the inhabitants of a whole district or ward.[3] In the counties at large, something similar occurred when

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1 Faulkner's Dublin Jn., 22 Jan. 1750-1. See also Dublin Chronicle, 22 Sept. 1787. Newspapers often urged their readers to show initiative in maintaining the peace. For instances of this see Dublin Chronicle, 3-5 Sept. 1771 and Faulkner's Dublin Jn., 1 Jan. 1778.

2 For example see Freeman's Jn., 7-11 Apr. 1767.

3 For instance see Faulkner's Dublin Jn., 9 Mar. 1750-1 and 1 Jan. 1778.

groups of landowners formed who, like those of co. Kildare, resolved to traverse the 'most obscure recesses and haunts of the country by night' and to seize all who could not give them 'a clear and satisfactory account of their vocations'.[1] However, other associations were formal clubs, with rules for members, elected officers and regular subscriptions.[2] The chief objects of those who joined them were to assist one another as well as the local magistrates, and to offer rewards to constables for taking criminals as also for information leading to the arrest and conviction of malefactors.[3]

For the immediate and practical use of the

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1 Cork Volunteer Jn., 2 Jan. 1786. In 1778, forty-nine 'gentlemen' of co. Longford pledged themselves 'to give our personal attendance, properly armed, when called upon, to assist the magistrates, at all times, in the execution of their duty; and at the utmost risque of our lives, to check that ... growing evil of houghing cattle, and other attempts to disturb the peace and prosperity of this country.' Faulkner's Dublin Jn., 5 Nov. 1778.

2 Some of these associations seemed to have experienced difficulties in getting all their members to pay their subscriptions regularly. For instances of this see: Faulkner's Dublin Jn., 3 Oct. 1778 and Saunder's News Letter, 8 Feb. 1797.

3 For example see: Dublin Chronicle, 21 June 1787 and the Londonderry Jn., 22 Feb. 1791. See also the Blackrock Association Minute Book, 1782-97, in N.L.I., MS 84.

local and central government there existed a hierarchy of officers extending from the night watchmen up to the justices of the peace and the judges of the high courts, all of whom had been functioning since the later middle ages. The principal local agents of the peace were the constables and watchmen. It has been observed that the

> 'term "constable" was given to several kinds of officers, whose duties, though similar in kind, varied largely in importance. Thus high constables were appointed for hundreds and petty constables for townships, boroughs, and parishes. The duties assigned to them included, besides the general maintenance of the peace, the making of reports of default in the upkeep of highways, the levying of distress for forfeiture ... and the levying rates for the relief of plague. In addition ... high constables had to attend at quarter sessions, to issue notices to justices relating to special sessions and to issue precepts for the collection and transmission of local rates.'[1]

However, these officers, along with some others such as the beadle and the sergeant at mace whose duties sometimes supplemented those of the constables, will be discussed at length later in this essay.

Of great importance too were the justices of the peace, upon whom it has been said, the 'preservation

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1 The earl of Halsbury, The laws of England, xxii.463.

of the peace and the arrest of offenders really devolved.'[1] They were 'as a rule, country gentlemen of the ordinary type,'[2] a number of them being anglican clergymen, who performed without reward a large amount of work indispensable to the administration of the law including the initiation of all criminal proceedings.

Above the justices were the judges of the common law courts who, twice each year (and sometimes oftener by special commissions) visited every county, going for that purpose by commission from the court of oyer and terminer (or to hear and determine) all cases of treason, murder, felony and misdemeanour.[3]

The rights of the courts to inflict punishment (including imprisonment, which will be commented upon more fully afterwards), the deterrent effect of severe

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1 D.A. Chart, Ireland from the union to catholic emancipation, p. 203.

2 Ibid. It has been observed that in Ireland 'the system did not work as well as it did in England, and that the reason for this appears to have been the difficulty of getting suitable persons ... who would discharge the duties properly. The better type of landowner ... was more often than not an absentee and the worse type were ill fitted to exercise judicial functions.' F.H. Newark, Notes on Irish legal history, p. 24.

3 There were nine judges before 1783 and twelve after that date. There were of course local courts of sheriffs, mayors and aldermen, courts leet and courts baron.

punishment, the criminal code and the power of increasing its severity, were all considered fundamental to any scheme for enforcing law and order. Sentences, even for minor thefts, usually were heavy.[1] It is evident, however, that the rigour of the penal code at times defeated its own ends. People would not always give evidence which might condemn a man to death for taking a small sum; juries would not always convict even when the evidence was perfectly clear.[2]

It was appreciated, even in the eighteenth century, that attempting to maintain the peace by means of constables and watchmen working under the vague supervision of local magistrates, was a system, which

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1 For example, one man was ordered to be imprisoned for three months and whipped three times for taking a fowl, while another was hanged for stealing a pair of boots. Wexford Herald, 10 Sept. 1792. In 1799 a man was ordered to be transported for stealing 3½ pounds of sugar. P.R.O.I., Calendar of Prisoners' Petitions and Cases: 1778 to 1836, carton 2, doc.288.

2 For example, one man was found guilty of taking goods valued at £5 but the jury brought in a verdict to the value of six pence, of consequence, the prisoner was not sentenced to be hanged but to be whipped. Wexford Herald, 11 Sept. 1788. See also Dublin Chronicle, 22 May 1787 for a similar case. There is evidence that thoughtful men were beginning to have serious misgivings about this matter. For instance, see Oliver Goldsmith, The vicar of Wakefield, (Bedford Park, Chiswick, 1903) ii. chapter 8.

though generally useful, could at times be clumsy and inadequate. Hence sometimes it was supplemented by the use of the state's military and paramilitary forces; the army, the militia, the volunteers, and the yeomanry, as well as by giving rewards.

Throughout the century the army proved a valuable adjunct to the civil administration in maintaining order.[1] The use of the military entered into almost every sphere of government. Thus in 1787 William Augustus Pitt, commander-in-chief in Ireland (1784-7), described the duties of the army:

> 'The king's troops have been fully imploy'd in assisting to collect the revenue, and to carry into execution the common and statute law; in supporting the king's writs, and suppressing tumultuous risings; and I am inform'd ... that during these last three years, there have been passed more penal laws by the Irish parliament than for one hundred years ... few of which could be put into force, but with the assistance of the king's troops; nor do I hesitate to add that but for the military there would be no government at all in this country and that'

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1 Until 1768 the theoretical strength of the army was 12,000. In that year it was raised to 15,000 of which 12,000 'were to remain in Ireland (unless by permission of the Irish parliament they could be transferred), the remainder were to be at the disposal of the imperial government.' E. Curtis, A history of Ireland, p. 307.

> 'in proportion as they are withdrawn, anarchy and confusion will supply their place.'[1]

The towns in particular realized that without military aid enforcing law and order often would have been impossible and there were several instances of their corporations entreating the government not to remove troops stationed locally or to replace others that had been sent away.[2]

Nevertheless, despite frequent great dependence upon the military, local magistrates were sometimes apprehensive about summoning such assistance, for the army represented royal government, which they were

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1 W.A. Pitt to Lord Sydney, 15 Oct. 1787. N.L.I., MS.51.

2 For example, see R. Caulfield, ed. The council book of the Corporation of the city of Cork, from 1609 to 1643, and from 1690 to 1800, (hereinafter cited as Caulfield, Cork), pp.628,676,934. Also the petition of the high sheriff of co. Tipperary for troops to protect the town of Fethard in H.M.C. rep.14 app.1.262. Also the petition of the gentry of Berehaven quoted in A.J. Fetherstonhaugh, 'The true story of the two chiefs of Dunboy: an episode in Irish history', in R.S.A.I. Jn., series 5, iv.43(1894). Even in times of peace the charge of the military establishment consumed well over one third of the total revenue. See D.A. Chart, An economic history of Ireland, p. 163. It is not proposed, however, to go into this subject which is more properly the province of a military historian.

determined to keep as weak as possible.[1] Indeed there was often friction between civilians and military men which led to serious quarrelling when the latter sometimes misused their power.[2] Even in Dublin, situated as it was under the eye of the government, military indiscipline could be a serious problem.[3]

At several periods during the century, when conditions of great unrest and many disturbances prevailed, the army was assisted by the militia, the volunteers[4]

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1 For instance, one Dublin vestry resolved 'That we behold with the most poignant grief the fatal tho oftimes unavoidable necessity of calling on the military aid - in order as far as in us lies to remove this great evil, we are determined with our lives and fortunes to support the civil magistracy.' St John's vestry book, 14 Sept. 1773. See also the Dublin Chronicle, 22 May 1787.

2 For example, see the letter written by Sir Donat O'Brien to Lord [ ], 7 Nov. 1694 in J. Ainsworth, ed. The Inchiquin Manuscripts, p.40. Also the Cork Volunteer Jn., 13 Mar. 1786.

3 For example see Freeman's Jn., 6-10 Aug. 1765. In 1798 the commander-in-chief declared that the army was 'in such a state of licentiousness as must render it formidable to every one but the enemy.' E. Curtis, A history of Ireland, p. 341.

4 The volunteers, whom Grattan termed 'the armed property of the nation', were formed in the late 1770s when 'there was a considerable prospect of invasion, and it was realized that among the ... peasantry, a foreign invader might find considerable support.' It is estimated that there were 40,000 of them in 1779 'and eventually some 80,000 men were seen in arms and brilliant uniforms in every part of the country, raised by local subscriptions, and well provided with muskets.' Ibid., p. 311.

and the yeomanry.[1] All three proved very useful in helping to enforce the authority of the local magistrates. For instance, when a 'number of riotous people' assembled at Naul (co. Meath) to prevent a sub-sheriff giving some property to a landlord's agent, the sub-sheriff applied to a gentleman who lived in the neighbourhood and who, 'on very short notice' mustered forty of his corps of volunteers, the latter, 'well appointed in every particular.' The mob fled 'to a considerable distance' and the property was peacefully handed over

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1 The yeomanry began their rise in 1796 and were, like the volunteers, 'an outcome of the fear of invasion.' They were grouped into small units of about fifty men 'so as not to lose touch with local conditions. As a police force they were certainly effective. The task of the magistrate in coping with disorder was facilitated by the circumstance that in almost every village, certainly in every town, he could find a body of men who could be relied on to give ready ... assistance. For such duties as making arrests, searching, supplying escorts and patrols, they were invaluable.' D.A. Chart, Ireland from the union to catholic emancipation, pp. 240-3. By 1798 the government could count on the support of 15,000 regulars, 18,000 militia, and 50,000 yeoman. They were, however, 'badly disciplined and shockingly out of hand.' E. Curtis, A history of Ireland, p. 341.

to the agent.[1] Nevertheless, despite their general usefulness, all three groups (like the army) sometimes presented the government with problems of disaffection and indiscipline. Thus Drogheda corporation complained to the lord lieutenant that the Donegal militia stationed in that city had 'materially interrupted and disturbed' the peace and order of the community. By seizing provisions from the peasantry coming to market, they had frightened them away, hence food became scarce and the poor were 'highly distressed and becoming clamourous'. Furthermore, the militia men had declared 'vengenance against the persons & houses' of anyone who dared to urge their removal.[2]

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1 Wexford Herald, 18 Aug. 1788. The chief constable of Granard (co. Longford) wrote: 'We have guards up every night, from ten to twelve in number to preserve the town of Granard and patrols along the roads the duty comes very hard on our yeomanry. Many of them live in the country and it is very hard on them to leave their own houses and families at night to attend the guards.' Hugh Kerr to [illegible], 3 June 1797, P.R.O.I., Cal. R.P. carton 620/31, doc. 25. For an instance of the Kilkenny volunteers seizing thieves and coiners see the Hibernian Jn., 26-28 Jan. 1780.

2 Drogheda corporation minute book, 26 Jan. 1796. For other examples see the letter written by H. Waring to E. Cooke (the under-secretary), 23 July 1796, P.R.O.I., Cal. R.P. Carton 620/24, doc. 46, and the letter of A. Montgomery to T. Pelham, 9 May 1797, Ibid., carton 620/30, doc. 44.

Throughout the eighteenth century there was a firm belief that giving rewards was one of the more important methods of preventing crime and apprehending suspected persons. Of consequence the legislature made several enactments concerning rewards some of which it may be useful to inspect at this point.[1] Thus in 1709 parliament, alarmed by the increase in burglary 'of late years', enacted that £5 was to be paid to any person seizing and prosecuting to conviction anyone guilty of that offence.[2] In 1721 the legislature allowed a £20 reward for taking a robber or murderer in the streets of any city or on any county highway.[3] In the session

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1 For instance in 1739 parliament declared that 'the giving a reward for apprehending and convicting thieves and robbers will be a great means to prevent robberies for the future.' See the statute 13 Geo.II, c. 10 cl.1. One Dublin newspaper commented: 'It were to be wished the several parishes of this city, would, at their next vestries, imitate those of London, by offering an additional reward, above what is allowed by act of parliament as it would make watchmen and others more vigilant in their duty.' Faulkner's Dublin Jn., 6 Apr. 1751.

2 8 Anne c.8 clause 1. If a watchman, or indeed anyone, were to be killed in any attempt to apprehend a thief, his heirs were to receive £20. Ibid., cl.2. In 1739 the legislature allowed that any sum, not exceeding £5, might be given to a watchman (or a private citizen) who took and lodged in gaol a thief concerned in any robberty that carried the death penalty, 13 Geo.II, c.10 cl. 1.

3 8 Geo.I c.9 cl.3.

of 1775-6 it was ordained that a person wounded in the act of taking and prosecuting whiteboy rioters, might be given up to £50 reward, and if he were killed so doing, his heirs might receive up to £100.[1] In 1786, when Dublin was made into an entity termed the district of the metropolis, it was enacted that no reward was to be paid there save that granted by the police commissioners, they being forbidden to give sums that exceeded twenty pounds.[2] At the same time all county grand juries were empowered to present up to £20 for the presecutor of offenders against the whiteboy act of 1775-6.[3]

The counties towns and parishes too, from time

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1 15 & 16 Geo.III, c.21 cl.18. In 1785 parliament observing that, in co. Dublin at any rate, the paying of small rewards was not 'an encouragement sufficient to engage persons to apprehend at the risk of their lives desperate villains', allowed the grand jury there to pay £20 to those seizing thieves, or as a compensation to those wounded in that attempt, or to their heirs if they were to lose their lives. 25 Geo.III, c.54 cl.7.

2 26 Geo.III, c.24 cl.11. Between the years 1788 and 1795 the commissioners paid out over £2,507 in reward money. Commons' jn.Ire., xiii.app. cclxxxiv.; xiv.app. cxviii.; xv.app. lxxiii, cci, dxxxiv.; xvi. app. xcvii, cclvi. This regulation was retained when the legislature refounded the Dublin police in 1795. See: 35 Geo.III, c.36 cl.22.

3 26 Geo.III, c.24 cl.73.

to time, offered local rewards.[1] Thus between 1713 and 1721 co. Antrim paid out £468.14s.4d. for the taking of 73 criminals,[2] while during the 1750s the lords mayor of Dublin were allowed to draw up to £50 from the city treasury for rewarding those who had taken and prosecuted criminals.[3]

It is very difficult to estimate the consequences of giving rewards owing to the incomplete nature of the records extant.[4] It is even possible that the results sometimes were contrary to those intended, for some persons thus may have had an incentive to encourage

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1 There are also instances of private citizens offering rewards. For an example of this see the Dublin Intelligence, 16 Sept. 1729.

2 S. McSkimin, The history and antiquities ... of Carrickfergus, from the earliest records to the present time, (hereinafter cited as McSkimin, Carrickfergus), pp.368-70. For examples of rewards offered by a city and a parish see the council book of the city of Waterford, 23 Apr. 1772 and the minute book of the watch directors of the parish of St. Thomas (Dublin) 11 Oct. 1766.

3 Cal. anc. rec. Dublin, x.46,129,236,297,339,382.

4 Thus in 1719 parliament declared that rewards given for seizing 'tories, robbers, and rapparees', had been the occasion of many such offenders being brought to punishment. See the statute 6 Geo.I, c.12, cl.7. However, there were also complaints of the 'shameful perversion of rewards offered on conviction.' See: Dublin Chronicle, 8 Dec. 1787.

crime in hopes of obtaining reward money for taking criminals after the event.[1] It is certain, however, that the system brought into being the professional thief-taker a type of proto-private detective. For example, in 1720 Dublin corporation gave £10 to a man who had proved 'serviceable to the public in detecting several robberies and prosecuting offenders.'[2] But such persons were liable to fall victims to the hatred that their activities aroused.[3]

Thus in conclusion one may say briefly that while the mechanism for enforcing law and order in Ireland was fairly well developed by the beginning of our period, nevertheless the prevailing social conditions were bound to hinder its effectiveness.

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1 For instance, in 1729 a committee of the house of commons declared that there were 'numbers of idle, turbulent persons, who being in league with [Dublin] constables, do provoke disputes and broils, and though they themselves are the aggressors, have their complaints received and heard with too much credit and encouragement, to the great oppression of many innocent persons.' Commons' jn. Ire., iii. app. cccxci. 10 Dec. 1729.

2 Cal.anc.rec. Dublin, vii. 130. Thief-takers were not state officers and had no more powers than any other private citizen.

3 For a dreadful example of this see Armagh Public Library, J. Lodge, A chronological series of memorable events, 22 Aug. 1734.

# CHAPTER I.

## The Police Outside Dublin City.

### The Police: Organization.

The system of keeping the peace as used in late medieval England was officially instituted in Ireland when the crown, by an ordinance promulgated in 1308 at Westminster, ordered that the statute of Winchester be observed in this island.[1] By this enactment, the keeping of the peace in the towns fell under the purview of their bailiffs, and regulations were laid down for their direction. Thus in the 'great towns' which were 'enclosed' the gates were to be kept shut from sunset to sunrise. No man was to be permitted to lodge in the suburbs, or in any 'foreign' part of the town, save in the daytime, and not even then if his host would not answer for him. Every week, or at least every fifteenth day, the bailiffs were to make enquiry as to all persons living in the suburbs, and if they found anyone who received persons 'suspected of being against the peace', they were to 'do right therein'.[2] Moreover, watch was to be kept in every city, borough and town,

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1 Stat.Ire., John-Hen. V., p. 254.

2 Ibid., p. 255.

though no explicit details were laid down as to who should supervise it.[1] Finally, in every hundred and franchise, two high constables were to be elected 'to make the view of arms' and to report to the justices in eyre those defaults they found in suits of towns, and in highways, as well as those persons in 'country towns' who lodged strangers for whom they would not answer. The justices were to present such defaults at every parliament to the king, who promised to 'provide remedy therein.'[2]

The enactment was to be general, the king ordering his justiciar in Ireland to have the statute read publicly 'in cities, burghs, market towns, and other places, as well within liberties as without' and wherever that officer thought it 'expedient'. Moreover, he was to appoint in each county, two 'most approved, lawful and discreet' knights who, together with the county sheriff, were obliged to 'keep and guard' the statute and do all that appertained to it.[3]

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1 Ibid.

2 Ibid., p. 257. There is no mention of the manner in which high constables were to be elected.

3 Ibid., p. 245.

Armed with such powers the towns seemed to have made some efforts to establish local systems of watch and ward. Thus in 1352 the sovereign and burgesses of Kilkenny instituted a watch because 'as well in cities as in other towns a watch is commonly used'.[1] A crown charter granted to Galway in 1396 stated that the burgesses there had continually, day and night, maintained men at arms at their own charge for the safety of the town 'to the evident impoverishment of their estate.'[2] In 1461-2 the corporation of Waterford ordained:

> 'that the maire [h] is sieriant, the gaylere and the wakeman [watchman] ... shall have the mesuring of salte and corne that sholde long to the shifte [share] of the communes to help them in their office, upon this condition that every of them have a talle man to mesure and to kepe the wacche ...and this as long as it shal please the maire and commynes and not of dutie.'[3]

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1 Liber primus Kilkenniensis, translated by J. Otway-Ruthven, (hereinafter cited as Otway-Ruthven, Liber primus Kilk.) p. 36.

2 J. Hardiman, The history of the town ... of Galway, from the earliest period to the present time (1820), (hereinafter cited as Hardiman, Galway), p. 66.

3 H.M.C. rep.10.v.301. Furthermore, royal charters often supplemented the statute of Winchester by permitting the towns to make their own police arrangements. For example, that granted to Limerick in 1312 gave the citizens power to arrest malefactors and that given to Cork in 1318 did not permit any interference by royal officers in civic affairs save in the four cases of rape, arson, forstal and treasure trove. M. Weinbaum, ed. British borough charters, 1307-1660, pp. 217, 203.

The Irish parliament did not legislate on the subject until 1465 when, at the request of the commons, it enacted that in every 'English town of this land that pass three houses holden by tenants' a constable was to be chosen by his neighbours or by the lord of the town to be 'president or governour' in all that pertained to the common rule of the community 'as in ordinance of night watch'.[1]

This statute notwithstanding, control of their local watch continued under the purview of the governing bodies of the towns, for they alone had sufficient power necessary for instituting and maintaining it.

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1 5 Edw.IV. c.5. This is the first time the office of constable is mentioned by the Irish parliament. The towns seem to have made some attempts to provide themselves with this useful officer. Thus in 1477-8 Waterford corporation declared that the constables of its suburbs were to be elected 'in the dern-hundred day, in the gildehall, and that [they were] to be chosyn by the maire, bailliffs, consaile, and commynes.' H.M.C. Rep.10 app. v. 312. In 1513 the corporation of Galway resolved 'that the mayor ... shall chosse every yeare towe constables in every quarter of the town.' Ibid., p.395. In 1587 the corporation warned its mayors to select constables annually before 'Christemas' or face a fine of twenty shillings. Ibid., p. 434. In 1661 the council of Drogheda decided that the election of its constables should be left to the mayor. T. Gogarty, ed. Council book of the corporation of Drogheda, vol.1., from the year 1694 to 1734, (hereinafter cited as Gogarty, Drogheda), p. 90.

However, the constable had now assumed one of his foremost and long-lasting functions, that of overseeing the activities of the watch. Thirty years later the Irish parliament more fully and firmly established that officer as an integral part of local administration by obliging every parish to appoint 'constables of able bodies [who are] inhabitants of the parish.'[1]

As a result of the broad freedoms they possessed the towns were able (at least until the eighteenth century) to organize such methods of keeping the peace and watch and ward as satisfied their inclinations and convenience[2] and to this end their councils allowed local magistrates substantial powers. For example, in 1600 the corporation of Carrickfergus gave its aldermen, in the absence of the mayor and sheriff, full power in their wards to commit anyone for disorderly conduct

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1 10 Henry VII, c.9 cl.3.

2 Thus in Galway in 1611, 'the "young men" obtained a charter from the corporation, instituting them a body politic of themselves, and empowering them to make by-laws for the good government of their company. Their "captain" was privileged to sit next the sheriffs at all public meetings, and to be an esquire for the year. They were also exempted from paying taxes, in consideration of which they were bound to keep watch and ward.' Hardiman, Galway p.219.

and to liberate them at pleasure.[1]

As for the several watches, they were generally put under the direction of the mayors, though occasionally aldermen were given charge over them.[2] The town councils, however, often issued explicit instructions for the benefit of their chief magistrates. Thus in 1673 the council of Youghal 'desired' its mayor to take special care that a watch was appointed every night 'till further order' and that an 'able' man was selected captain. The council also decided that all the inhabitants of the town were to watch 'by turns, and in course', or find deputies, and if they failed in this respect the mayor was authorized to appoint 'sufficient' men in their place and to levy the sum necessary for

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1 McSkimin, Carrickfergus, p. 146.

2 For an instance of this see below p. 58. In the countryside, however, the organization was slightly different. Thus when an epidemic of cattle-maiming broke out in co. Galway, the government ordered the high sheriff, the justices of the peace and all high and petty constables in that county to take 'effectual care that watch and ward be set and kept nightly, in all proper and convenient places, by such numbers, in such manner as the nature of the case shall require and the laws of the land do appoint and permit.' P.R.O.I., Printed proclamations, bundle 1, 13 Dec. 1711.

paying them 'by way of distress on the delinquent's goods.'[1] In 1689 the council of Kinsale ordered its sovereign to nominate 'such [persons] as are qualified to watch nightly', and at the same time it exempted from the duty those protestant inhabitants who were too poor to hire a catholic to serve in their place. However, those whom the mayor thought able to do so were either to send a catholic deputy or to pay for one.[2]

There is evidence that at times some watches were allowed to lapse, and then were re-instituted to meet special occasions. For instance, in 1699 the council of Cork asked the mayor to call a special session to appoint a watch for the prevention of robberies and breaking open of shops 'so frequently of late committed.'[3] In 1701 that same council, 'in consideration of affairs at present', thought it 'convenient' that

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1 R. Caulfield, ed. The council book of the corporation of Youghal, from 1610 ... to 1800, (hereinafter cited as Caulfield, Youghal), p. 341.

2 R. Caulfield, ed. The council book of the corporation of Kinsale, from 1652 to 1800, (hereinafter cited as Caulfield, Kinsale), p. 187.

3 Caulfield, Cork, p. 287.

some 'extraordinary care' be immediately taken to settle a watch in the city.[1]

That such police duties were not only onerous and generally unpopular need not be doubted[2] but they must have proved particularly irksome in very small communities. Thus one corporation ordered:

> 'that the townes of Loghsallagh, Kenbraston, Oldbraston, Est Gunnocke, West Gunnocke, Maine Portane and Greenparke doe watch at the bridge of Clone in the barrony of Dunboyne ... the said Clone not being able to keepe sufficient watch of themselves they consisting of but two or three famelies and the sd Clone being the most convenent place for watch to be kept.'[3]

Having thus briefly outlined the manner in which the police were organized before the eighteenth century it is now possible to investigate the changes that occurred during the period 1716 to 1800.

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1 Ibid., p. 289. In 1673 Youghal council ordered that the town gates were to be kept locked on Sundays 'during divine service and sermon in the forenoon and afternoon', and that a special guard was to be appointed every Sunday to watch only by day while another was to watch on Sunday night. Caulfield, Youghal, p. 341.

2 See below p. 138.

3 N.L.I., Trim corporation minute bk, 22 Apr. 1674.

It was the religious question that precipitated parliament's enacting the first moderately comprehensive police scheme made for Ireland. It was observed that the preservation of public peace greatly depended on the 'diligence and fidelity' of the high and petty constables but these offices in most parts of the country, and particularly in such places for the 'greatest part inhabited by papists', were placed in catholic hands who, 'in favour to such as [were] of their own persuasion, and by the instigation and authority of the popish priests,' neglected to execute warrants sent to them. Of consequence 'the many good and wholesome laws against notorious criminals, and especially against papists,' had not the 'intended effect'. For remedy the legislature declared that from 24 June 1716 no catholic could serve as high or petty constable in any part of the kingdom.[1] To prevent such from happening in future an elaborate scheme was drawn up. Thus any person to be appointed to either office had first to be presented by the local grand jury or, if within a manor, by the court-leet. If there were no 'reason-

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1 2 Geo.I, c. 10 cl. 1. This act, slightly amended as to the watch, was repeated in 1719 by 6 Geo.I, c.10. And, insofar as it did not apply to Dublin city, it was made perpetual in 1723 by 10 Geo. I, c.3.

able exception' to him the justices of assize or of the peace (or the seneschal) were to confirm his appointment 'immediately' and to direct that a warrant be issued by the clerks of the crown or of the peace which warrant required the constable-elect to appear, within six days, before a magistrate to make a declaration against transubstantiation,[1] as well as to take three oaths: that of allegiance and supremacy; that renouncing the Stuart house; and that of the office of constable.[2]

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1 Ibid., cl.2. The declaration was set forth in an act made in 1703 (2 Anne c.6 cl.15). As late as 1792 parliament, in the act 32 Geo.III, c.16 cl.5, insisted that petty constables qualify themselves according to the statute of 1703. Furthermore, in an act made in 1796 (36 Geo.III, c.55 cl.28) the legislature, ignoring the catholic relief act of 1793 which, though very broad did not specifically mention constables, declared that sub-constables appointed by this act were subject 'to all the regulations ... and provisions' contained in the statute of 1792. Nevertheless it is certain that by the last few years of the eighteenth century catholics were serving as petty constables and may even have served as high constables. For an example of this see the letter written by G. Lambert to the chief secretary, T. Pelham on 9 May 1797.In this letter Lambert deplores the fact that the grand jury of co. Meath recommended the removal of a protestant high constable and his being replaced by a catholic. The latter, Lambert claimed, was of such doubtful loyalty that 'almost every good Roman catholic sub-constable of the district ... would surrender if he was appointed.' P.R.O.I., Cal. R.P. carton 620/30, doc.41.

2 2 Geo.I, c.10 cl.2. See appendix A. The magistrate was obliged to administer the oaths, return a certificate thereof to the clerk of the peace who was required to file it. Ibid.

Furthermore, at the Easter quarter-sessions of the peace, and within manors at the Easter court-leet, yearly, commencing in 1717, the high and petty constables were required to report, on oath, an 'exact' list of the protestant and catholic inhabitants within their baronies and parishes, whereupon the local juries were to present the number of petty constables 'necessary' to serve annually in that office.[1]

As for the watch: the justices of the peace, chief magistrates of towns, and seneschals of manors were obliged to 'limit and direct' the number of watchmen for their districts.[2] Catholics could serve save in times of 'tumult and danger' when only protestants

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1 Ibid., cl. 3. There is some evidence that this regulation was not always followed exactly. For instance, in 1730 the sovereign of Portarlington charged the local jury 'to appoint two constables for the ensuing year the jury to present three and the constable three other /~s~/'. N.L.I., The minutes of the sovereign's court of the corporation of Portarlington, 29 June 1730.

2 2 Geo.I, c.10 cl.5. If it were found necessary to keep watch on 'the confines and borders' of parishes, the justices of the peace living in or next to those parishes were empowered to appoint the number of inhabitants necessary to serve as watchmen on such borders. Ibid., cl.6.

could keep watch.[1] From 24 June 1716 every inhabitant of Ireland liable to hearth tax[2] was obliged, either by himself or a 'sufficient' deputy, to keep watch and ward in his or her own parish. Constables, annually, were to make a 'true' report of such persons who, were required to serve for one year in the order they were presented. Any man not appearing for duty or failing to remain at his post from sunset to sunrise, or not sending a deputy was to forfeit twelve pence, to be levied off his goods, or in fault thereof to be

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1 Ibid., cl.7. The lord lieutenant was empowered to require justices of the peace to issue warrants to high and petty constables commanding them to appoint only protestant watchmen. If, at that time, it were the turn of a catholic to serve the latter had to appoint a protestant deputy, and one approved of by the resident justice of the peace. Should the catholic fail to do so, the magistrate was allowed to select a protestant to serve for him, the catholic being obliged to pay such deputy twelve pence a night as long as the protestant continued to do the duty; the sum was to be raised by selling the catholic's goods, if necessary. If the protestant selected as deputy declined to act or find a replacement, he faced a penalty of eleven pence or the stocks. Ibid. However, an act (21 & 22 Geo.III, c.24 cl.14,16) made in the session of 1781-2, repealed that clause which subjected catholics to a penalty for not providing protestant deputies, on condition that they took, within six months, the oath of allegiance as set forth in a statute enacted in the session of 1773-4, (13 & 14 Geo.III, c.35).

2 By an act made in 1662, parliament ordered that an annual tax of two shillings was to be collected for 'every fire hearth and other place used for firing and stoves' within every house in Ireland. 14 & 15 Charles II, c.17 cl. 1.

committed to the stocks for not more than twelve hours.[1]

As the years passed certain changes had to be made in the system set up by the act of 1715. For example, the manner of appointing high constables fell into disrepute, and the legislature, in 1733, after complaining of the 'great inconveniencies' which arose from the 'insufficiency of the laws for regulating high constables', set out to modify the earlier statute. It was decided that after 1 May 1734 every such officer (save those chosen for the county and city of Dublin) was to be appointed by presentment of the county grand jury at the general assizes 'and not at any quarter sessions.' The high constable-elect, having been confirmed by the court of assize, was to continue in office for one year, unless sooner removed by presentment of the grand jury, and, at the expiration of his term,

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1 2 Geo.I, c.10 cl.7. As this statute was to be in force for only three years parliament, in 1719, enacted a similar watch ordinance which contained, however, a few emendations the chief being that a constable neglecting to make a list of those persons required to serve as watchmen could be fined £5, or, if he should 'wilfully omit' from his list the name of any inhabitant liable to watch duty he could be fined ten shillings for each omission. Another slight change was that protestants who were appointed to serve, during a period of crisis, in the place of catholics, were to be fined twelve pence should they refuse to act or send a deputy. 6 Geo.I, c.10 cl.5.

he was to be discharged provided he had 'duly accounted for the publick money which came to his hands.'[1]

In 1749 parliament turned to a problem which often arose when seneschals in their courts-leet and sheriffs in their torns failed to appoint petty constables. Because of this neglect there had 'frequently' been a want of such officers, of consequence, 'many persons' had taken the duty upon themselves 'without any lawful authority'. For remedy, the legislature ordered that from 1 July 1750 justices of the peace were to appoint constables 'within ... such torn or leet' if the sheriff or seneschal neglected this duty. If the justices also failed to do so, then 'the justices of and at the next assizes for such county' (and the judges of the court of king's bench in co. Dublin), upon presentment of the local grand jury, were to order that the person named in the presentment was to be

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1 It had 'frequently happened' parliament complained in 1749, that high constables who, although they had served their year, nevertheless had been 'in a short time again appointed and compelled to serve ... to their great detriment.' To check this abuse the legislature declared that such an officer could not be forced to serve again for seven years and that if he were chosen by grand jury presentment such presentment was not to be confirmed by the judges of assize. 23 Geo.III, c.14 cl.3.

sworn into the office by any justice of the peace.[1]

Nevertheless, it may be said that, despite these modifications, for more than half a century the police system of Ireland (apart from that of Dublin city) continued to be organized along the outline provided by parliament in 1715.[2] The scheme, however, worked imperfectly, at least insofar as it touched upon the watch, and so by the early 1770s the legislature, still keen that 'regular watches should be appointed to prevent disturbances in the night', had decided to alter, partially, the old regulations so that in some towns the selection and direction of the watchmen could be taken away from the magistrates and given over to the parish vestries.

Thus in the session of 1771-2 parliament ordered the ministers of parishes 'in every city and town corporate' (save Dublin) to hold vestries, yearly,

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1 23 Geo.II, c.14 cl.1. Furthermore, if a petty constable were to die in office, or remove, then any two justices of the peace in his county might appoint his successor, who was to serve until the next session of the torn or leet. However, if the sheriff, seneschal or justice of assize disapproved of this successor, they were empowered to select another. Ibid., cl.2.

2 For instance, even such a small corporation as Fethard, co. Tipperary, ordered that its watch be kept according to the acts of parliament, N.L.I., Council bk, 29 Sept. 1716.

beginning on 1 July 1772 (public notice having been given six days beforehand) in order to elect three parishoners of 'good substance' as directors of the parish watch for the ensuing year. The latter were to appoint the watchmen and their wages while the vestry was to draw up the bye-laws.[1]

Shortly afterwards, in the session of 1773-4, parliament made its first attempt to enlarge the area in which constables might function by ordering grand juries to appoint a certain number of protestant constables for every barony within their counties.[2]

In 1785 the system of putting the watch under the direction of the local vestries was extended to

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1 11 & 12 Geo.III, c.14 cl.1,3,6. A watchman breaking the regulations could be fined ten shillings, which was to be deducted out of his wages and given over to parish uses. During that same session parliament enacted a similar but specific watch act for Cork city. See: 11 & 12 Geo.III, c.18 cl.27. A decade later, in the session of 1783-4, the legislature turned its attention to the city of Waterford. Henceforth, annually, commencing on 1 July 1784, the city vestries were to assemble to appoint watch overseers, watchmen, their salaries and the regulations. If the parishes neglected to do so their powers were to be vested in the mayor and council and any minister refusing to call a vestry for that purpose faced a fine of £10. 23 & 24 Geo.III, c.52 cl.31,45,46. The act appears to have been very much desired locally, the corporation having declared that it would spend up to £500 to get the bill passed by parliament. Council bk of Waterford city, 19 Jan. 1784.

2 13 & 14 Geo.III, c.32 cl.24.

all cities (save Dublin), the vestries being charged to appoint overseers, watchmen, wages and regulations annually on the first day of July.[1]

Two years later, during a period of rural unrest which was disturbing the peace of many counties, a more ambitious scheme for appointing constables was begun. Thus parliament permitted the lord lieutenant, by and with the advice of the privy council, to divide into districts such of the counties at large as he saw fit. In addition he could, 'from time to time', appoint one principal peace officer (chief constable) for each district while the county grand jury was required to select a number of protestant sub-constables, the latter to take the place of all petty constables already serving in the baronies that composed the

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1 25 Geo.III, c. 54 cl. 5. The act was to be in force until June 1806. In 1796 parliament thought it 'expedient that like regulations and powers be extended to other towns, not being cities;' hence the legislature passed a bill which empowered and required the vestries of 'any town-corporate or market town' to appoint and regulate their parish watches. 36 Geo.III, c. 51 cl. 1.

newly-created districts according to the laws then in force.[1]

Nevertheless, even this new system did not provide a complete remedy against all flaws. Therefore in 1792 parliament, after declaring that it would 'tend to the better enforcement ... of the law, to put the office of constable under proper regulation', allowed the

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1 27 Geo.III, c.40 cl.3,4. Judges of assize could dismiss any sub-constable found guilty of acting improperly and the grand jury was obliged to appoint a replacement immediately. Ibid., cl.12. It appears that this statute was far from popular. There were fears that it would not only prove expensive but also give the government added opportunities for patronage. However, one newspaper commented that the 'lenity' with which the government exercised its powers in respect to dividing the counties 'commanded the admiration of the nation.' Dublin Chronicle, 11 Aug. and 16 Aug. 1787. Moreover, it was pointed out how very much more useful were constables in comparison to soldiers: 'Local constables, to whom the people of the neighbourhood are in general known, will strike far more terror into riotous and ill-disposed people, than ten times the number of the army who are strangers in those districts of counties, that are more immediately the scenes of lawless violence and insurrections. If disturbers of the public peace escape instant apprehension from the army they have afterwards little to fear, from being unknown to the military; but not so in respect to the constables, as slow but more certain modes of apprehension, at times when least expected, will take place, from the circumstances above mentioned, of the insurgents of a neighbourhood being known to its constables.' Ibid., 3 May 1787. It appears that the government divided up only the counties of Kilkenny, Cork, Tipperary and Kerry but these divisions lasted from 1787 to 1794. During that time the government expended over £9,700 in salaries to constables serving there. Commons' jn. Ire.,xiii. app.ccxxix.; xiv. app.xiii.; xv. app.xvii, ccxxi, ccccxvii.; xvi.app.xxiv, cccvi. In 1795 the viceroy availed himself of the act to partition co. Westmeath into seven districts. P.R.O.I., Printed proclamations, bundle 17, 13 July 1795.

grand juries of all save 13 counties at large to appoint constables in their baronies, the new appointees to take the place of all such officers then employed.[1] Moreover, no man was to be appointed constable until he had obtained a certificate from three resident magistrates of the county in which he was to serve

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1 32 Geo.III, c.16 cl.1. The 13 excepted counties were: Wexford, Fermanagh, Carlow, Tyrone, Donegal, Mayo, Down, Kildare, King's, Sligo, Armagh, Monaghan and Wicklow. The bill did not have an easy passage through parliament for there were fears not only of the expense it might entail but also of the increased patronage it might give to the government. For example, one newspaper commented that 'the numerous exceptions that have been made in favour of particular districts ... strongly evince the disgust with which it is regarded.' Dublin Evening Post, 22 Mar. 1792. One peer declared that the cost of putting it into operation 'could not be less than from £ 900 to £ 1,000 a year, - an expense greater than most counties could bear'. Ibid. Nevertheless, by granting many exceptions, the government managed to get the bill passed and it was hoped that despite its emasculated state the measure would prove useful in future if only 'for the sake of establishing a precedent'. Ibid. The new act, however, did not repeal that of 1787 and the grand juries of counties where that earlier statute was operating were not given any power to raise more constables than such as they possessed by virtue of the act of 1787. It appears that the government began to subsidize the baronial constabulary quite heavily. Thus it granted the establishment £ 4,340 for the year 1794-5 which sum had risen to £19,514. 4s. 7½d. for 1797-8; £ 14,761. 9s. 5¼d. for 1798-9; and £ 16,953.9s.1d. for 1799-1800. Commons jn. Ire., xvi. app. ccxlix.; xviii. app. xxv.; xix. app. xxv, dcclxxxix.

declaring him fully qualified.[1]

In 1796 parliament amended the act of 1787 because there was no provision in it for appointing (at least until the next assize) a replacement for a constable who, for one reason or another, had ceased in his office; of consequence 'great impediments' had arisen 'to the due execution of public justice.' The legislature therefore permitted justices of the peace, in their sessions, to select the necessary substitute who was to act only until the next assizes 'and no longer'.[2]

In 1800 parliament enacted a specific watch statute for Belfast, the sovereign and burgesses and 12 other 'esquires' being named commissioners for the

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1 32 Geo.III, c.16 cl.8. The constable-elect was then obliged to take an oath before a judge or justice who was to issue a certificate thereof which was to be kept by the county treasurer for inspection by the grand jury. Ibid., cl. 8. See appendix B.

2 36 Geo.III, c.24 cl.63. Some counties were obviously reluctant to engage as many constables as the legislature required. For remedy, the lord lieutenant was empowered, upon being informed that the grand jury of a county divided into districts had neglected to appoint the obligatory number of constables, to chose such officers himself while the judges of assizes were obliged to tax the county for their salaries if such were not presented by the grand jury. Ibid., cl.66, 67. In that same year parliament instructed grand juries to appoint high constables at every spring assize. 36 Geo.III, c.55 cl.28.

purpose of carrying the act into execution.[1] The former were always to be commissioners but the latter might be replaced, if they ceased to act, when all the inhabitants who stood assessed at 20 shillings in the parish rates might elect successors.[2] Those same inhabitants were also to choose, annually in February, not less than 9 nor more than 21 committee-men, the latter to assist the commissioners.[3] The sovereign and committee-men were empowered to select men, 'able bodied and orderly', who were 'ready and willing' to execute the office of watchmen, and also to appoint their salaries and make such regulations for their accommodation and maintenance as was thought necessary.[4] Commissioners and committee-men could lessen or increase the number of watchmen,

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1 40 Geo.III, c.37 cl.1. It cost the corporation £1,260 to obtain the act. J.A. Pilson, History of the rise and progress of Belfast, p. 151.

2 Cl. 5,2. Commissioners had to possess property 'of the clear yearly value of one hundred pounds', or have a personal estate worth £2,000, or be a member of parliament, or the 'heir apparent of a peer or a lord of parliament'. Ibid., cl.4.

3 Ibid., cl.3. Committee-men were to be possessed of estates worth £1,000. Ibid., cl.4. Members of both groups had to be residents and householders of Belfast and none of them were to be in any way 'interested or concerned' in any contract or work to be executed under this statute. Ibid., cl.3, 4, 6.

4 Ibid., cl. 46.

replace those found unsuitable, and make such bye-laws and penalties for the breach of them as they wished.[1]

In the same year a similar ordinance was enacted for the town of Sligo. A corporation consisting of the provost and burgesses, the representatives in parliament for the county, and certain others was instituted.[2] The corporation were empowered, 'at such a time in each year' as they should deem 'expedient', to chose a 'sufficient number' of town watchmen as well as to appoint annual overseers, salaries and so forth.[3]

The Police: Duties.

'Every high and petty constable', wrote Edward Bullingbrooke in 1766, 'are by the common law conservators of the peace.'[4] Although it cannot be gainsaid that such duty was always the chief justification for their existence, it must also be pointed out that

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1 Ibid., cl. 47.

2 40 Geo.III, c.99 cl.1. If a vacancy were to occur in the corporation the remaining members, or any seven of them, were empowered to 'appoint a fit and able person' to succeed. Ibid., cl.6.

3 Ibid., cl.11.

4 The duty and authority of justices of the peace and parish officers for Ireland, p. 178.

neither parliament nor the towns were disinclined to attach to the purview of these useful officers many other diverse obligations. Thus by an act made in 1465 constables were required to erect a pair of butts for shooting within their towns 'upon the costs and labour of the ... town'. Every man between 16 and 60 years of age was obliged to attend at the butts at an hour chosen by the constable, 'and shoot up and down three times every feast day' between March and July.[1]

It was in the seventeenth century, however, that constables' functions began, notably, to be enlarged. For example, in the session of 1634-5 parliament commanded justices of the peace to assemble together twice annually and, at least 4 or 5 days before their meeting, to issue warrants directing constables, with 'sufficient' assistance, to make a 'general privy search in one night' for rogues and vagabonds and to bring such before

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1 5 Edw.IV, c.5. Failure to attend could mean a half penny fine to be levied from 'moneth to moneth' by the constable and disbursed for strengthening of the town. The inhabitants also faced a fine of two shillings for each month in which they neglected either to choose a constable or to erect the butts. Ibid.

the magistrates.[1] When, in 1662, parliament made an excise act it warned constables to be constantly 'aiding and assisting' in its execution.[2] In 1665, constables were required as well to accompany the special inspecting officers permitted to enter houses in order to ascertain the number of hearths as to

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1 10 & 11 Charles I, c. 4 cl. 8. Constables were also required to report the number of those who had been arrested and sent to a house of correction. If a constable neglected the duty he could be fined 40 shillings. Ibid. At that same session the legislature ordered that when a fine was to be levied on a district, as compensation for a person robbed, the constable was to assess the inhabitants according to their ability to pay a proportion of the levy and to give the sums he had collected to a justice of the peace. 10 & 11 Charles I, c. 13 cl. 3, 4. About the same time constables were obliged as well to whip certain types of petty criminals as children under 12 years of age who had been convicted of swearing. See the acts: 10 & 11 Charles I, c. 1 cl. 1, and 10 Charles I, c. 23 cl. 2. Constables were frequently used to collect fines, to put defaulting persons in the stocks or to whip them. For examples see the statutes 7 Will.III, c. 9 cl. 2; 2 Anne, c. 6 cl. 27; 4 Anne, c. 9 cl. 12; 1 Geo.III, c. 24 cl. 1.

2 14 & 15 Charles II, c. 8 cl. 60.

assist them in levying the hearth tax.[1]

Throughout the eighteenth century parliament continued to augment the duties of these serviceable officers. Thus in 1715 the legislature declared that should a fire break out in any city or town corporate the local constables were to hurry to that place, wearing their badges of authority, as well to assist in extinguishing the flames by making people work the water engines as to prevent goods from being stolen. Moreover, they were required to give their 'utmost assistance' in helping to remove objects from the burning building.[2] In 1717 they were obliged, upon application

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1 Moreover, they were obliged, annually by November 3, to warn all house occupiers that a list of their hearths was to be delivered to them within one week. Constables making faulty returns could be fined 40 shillings for each offence. 17 & 18 Charles II, c.18 cl.2,4,5. In 1695 the legislature, in an attempt to prevent drinking during the time of divine service on Sundays, required constables 'in cities and towns corporate' to enter taverns 'frequently' in search of offenders. 7 Will.III, c.17 cl.8,9. Some towns, even before 1695, had issued regulations of a similar nature. For an example of this see the grand jury presentments of Kinsale, 3 Oct. 1692. In that same year (1695) parliament allowed any protestant who believed that a horse worth more than £5 was in the possession of a catholic to search for it with the assistance of a constable. 7 Will.III, c.5 cl.10.

2 2 Geo.I, c.5 cl.3. In 1707 constables, on receipt of a magistrate's warrant, were obliged to provide a 'sufficient' number of carriages for the use of soldiers marching through their districts. 6 Anne, c.14 cl.3.

made to them by an officer or owner of a stranded ship, to summon whatever number of men might be necessary to help preserve the vessel and as well to demand assistance from all other ships at anchor.[1] In 1721 the legislature, alarmed by the number of attacks upon persons distraining for 'legal dues', declared that in future should any distress be 'rescued' that is, repossessed by force, then a magistrate might order a local constable to aid the person on whose behalf the distress was taken and for that purpose to bring with him 'sufficient' men.[2] In 1727 parliament permitted highway

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1 4 Geo.I, c.4 cl. 1. They were also permitted, armed with warrants, to search premises for stolen goods of all kinds as well as fish and game illegally come by. For examples of this see the statutes 4 Anne, c.9 cl.13; 11 Anne, c.7 cl.3; 1 Geo.II, c.6 cl.4; 17 & 18 Geo.III, c.19 cl.9. In 1786, in an attempt to preserve salmon fry, parliament ordered constables, twice weekly, from March 1 to May 15 to inspect dams, weirs and sluices for illegal nets. If found guilty of neglecting this duty a constable could be fined up to one half of his annual salary. 26 Geo.III, c.50 cl.14.

2 8 Geo.I, c.2 cl.8. Moreover, if it appeared to a magistrate that any corn or hay distrained was in danger of being 'rescued' he could empower a constable to appoint watchmen to guard such crops provided the person requiring such protection deposited a 'reasonable' sum to pay for the expense of watching. Ibid., cl. 10.

overseers to direct the parish constables to require those persons obliged to do the six days annual road labour to attend the duty when summoned.[1]

In 1787 the legislature permitted the government to divide the counties at large into districts and commanded the local chief and sub-constables as well to assist in keeping the peace of their districts as to obey the directions of any magistrate of the county wherein the district lay. Constables appointed under this act were obliged to do duty 'at night as well as by day' and on foot or on horse as magistrates should direct. Justices were empowered to order constables to suppress riots and unlawful assemblies while the latter were given authority to demand retailers of liquor or beer to produce their licences when ordered.[2] That such

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1 Constables were required to make an oath before a magistrate that they would 'honestly, truly and indifferently' execute their duty in respect to this road act without favour or malice to anyone. 1 Geo.II, c.13 cl.6,13. Sometimes constables had vague sorts of social duties. Thus Kilkenny corporation obliged its constables, armed with staves, to attend the mayor to church on 'Sunday and state days.'. Corp.min.bk, Sept. 1731.

2 27 Geo.III, c.40 cl.3-5,7,8. This was not the first time an attempt was made to shatter the tradition that constables could only act within their own parishes or baronies. Thus in the session of 1783-4, parliament declared that if a constable, while assisting revenue officers, had, in the progress of such duty, been led into another district his authority was not to be considered diminished in any way. 23 & 24 Geo.III, c. 29 cl. 11.

duties could be at times not only arduous but even dangerous cannot be gainsaid. For example, one chief constable wrote:

> 'These last two nights I have been out on patroles with part of the Delvin yeomanry cavalry and part of the police sub-constables, and last night about one o'clock we were fired on from a ditch by a discharge of about fourteen or fifteen guns from the Defenders. Their shot only slightly wounded two of the cavalry, but threw them into some confusion on acc't of their horses not being trained ... but on their rallying ... we surrounded those deluded wretches who kept up a running fire on us for some considerable time.'[1]

In 1792 parliament ordered constables to assist in removing nuisances from roads and as well to enforce 'to the best of their power' all statutes enacted for the preservation of highways and bridges as the penalties prescribed by such acts.[2]

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1 E. Purdon to T. Pelham, 15 May 1797. P.R.O.I., Cal. R.P. Carton 620/30, doc.80. The Defenders were a secret agrarian association.

2 32 Geo.III, c.16 cl.10. In 1793 parliament reorganized the militia and thereby gave some additional tasks to constables. For instance, they were obliged to return a 'fair and true list' of all local men between the ages of 18 and 45 as well as descriptions of their occupations. Furthermore, on being notified of the number of men required for militia duty in their districts, they were to chose such by ballot and to give notice to those selected as to when and where they had to assemble. Finally, they were to provide accommodation for officers and men training in their districts as well as carriages for the transportation of their equipment. 33 Geo.III, c.22 cl. 21, 24, 72, 74, 76.

The towns, too, found the constable a most serviceable officer. Thus in 1628 Galway corporation having determined to rid the community of illegal 'alehouses' where 'idlers and malefactors' disturbed the peace by their 'cheating, cozening villanies', ordered its constables to report, at every session, the names of those selling ale so that 'a certain number of select men may be licensed to do the same.'[1] In 1653 the council of Youghal declared that:

> 'All the highways within ... the town to be amended ... and that the constables in each quarter warn one out of every dwelling-house to work and bring what tools they have fit for that work, and be overseer himself for that day, and that the constables ... have power to levy by distress one shilling for every default, and hire others in their room.'[2]

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1 Hardiman, Galway, p.220. Kinsale grand jury ordered its constables to report any 'Irish papist school master' discovered teaching in the town. Grand jury presentments, 30 Sept. 1704. In 1672 Kilkenny corporation ordered its constables 'to send in lists of females of loose character' as well as beggars 'in order that the town be freed from them.' J.Prim. 'The Corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, i. (part 1) 294 (1870).

2 Caulfield, Youghal, p.299. In 1677 the council required its constables to aid the mayor in pulling down the roofs of thatched cottages which might endanger the town by fire. Ibid., p.351. For other examples of constables attending to road repairs see P.H. Hore, ed. History of the town and county of Wexford, (hereinafter cited as Hore, Wexford) vi.618, and D. Townshend, 'Notes on the council book of Clonakilty', in Cork Hist. Soc. Jn., series 2, i. 519 (1895).

Constables were often used to collect local taxes. Thus in 1665 Drogheda corporation authorized them to levy, by distress if necessary, the parish cesses[1] and in 1681 Cashel corporation nominated four constables to collect the rates.[2] Indeed, it seems that in all communities the levying and disbursing of public money was one of their chief duties. For instance, in 1742 the corporation of Fethard ordered that:

> 'The sovereign do give ... notice to the ... constables ... that have acted in that office for these seven years last past that they do attend doyer hundred jury next ... with their accounts to show what public money they collected and to whom they paid it any constable refusing to be prosecuted by the corporation.'[3]

But handling public funds and overseeing road repairs by no means exhausted the usefulness of these officers. Thus when that same corporation ordered that filth was

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1 Gogarty, Drogheda, p. 125.

2 N.L.I., Corp. min. bk, 11 Feb. 1681. In 1617 a Kilkenny man was fined 6s.8d. for using 'slanderous words' to a constable who was collecting money to repair a church. J. Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, i. (part 1) 294 (1870).

3 Council bk, 14 Dec. 1742. For another example of this see Delgany vestry bk, 1718.

to be removed from the town and broken chimnies repaired, it obliged the sergeant-marshal and the constables to see that those ordinances were respected.[1] In 1712 Kinsale corporation demanded:

> 'That mad Robin being troublesome to the inhabitants may be sent from constable to constable to Londonderry to prevent further charge.'[2]

Finally, constables proved very serviceable for summoning the local militia and quartering soldiers on their communities.[3]

As for the watch: the statute of Winchester outlined the general duties of the watch, which was to

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1 Ibid., 29 Sept. 1708. Killmallock corporation gave its constables the duty of delivering summons to citizens named for jury duty and of collecting fines from those who neglected to attend. Corp.min.bk, 17 Mar. 1695.

2 Caulfield, Kinsale, p. lxx. In 1708 Gorey corporation allowed persons who did not sell their corn on market days to 'sett it in the sergeants or constables house and have the benefit of the next market toll free.' Hore, Wexford, vi. 619.

3 For examples of this see J. Prim, 'Documents connected with the city of Kilkenny militia in the seventeenth and eighteenth centuries'. in R.S.A.I. Jn., series 1, iii. 260 (1854-5), and Gogarty, Drogheda, p.162. That this duty could be quite arduous and complicated can be seen from the order that one corporation issued to its high constable who was obliged to 'prepaire billitts for quarters of four companyes of foot containing two hundred and forty men besides officers expected in towne tomorrow'. Waterford council bk, 29 July 1670.

be kept 'as has been used in times past ... from the day of the Ascension to the day of St Michael, continually all night from sunset to sunrise.' Moreover, it was ordered that:

> 'if any stranger pass them, [the watchmen] that he be arrested until morning; and if no suspicion be found, that he go quit; and if they find cause of suspicion, that he be delivered to the sheriff forthwith, .... And if they will not suffer themselves to be arrested, that hue-and-cry be raised against them, and those who keep watch follow with all the town, with the towns near with hue-and-cry from town to town, until they be taken and delivered to the sheriff'.[1]

According to the act of 1465 the watch was to last from Michaelmas to Easter 'under pain of three pence every night'.[2] It would seem then that most medieval watches were generally (but by no means always) kept only at certain times during each year. For instance, in 1352 Kilkenny established one 'from the feast of All Saints in every year, and earlier if necessary, until the feast

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1 Stat.Ire., John-Hen.V, p. 255. But it was not alone for fear of thieves that watches were instituted. Thus in 1352 a watch was established in Kilkenny 'on account of the danger which may arise as well from fire as from robberies and whatsoever offences chancing to happen and for the salvation of the whole town'. Otway-Ruthven, Liber primus Kilk., p. 36.

2 5 Edw. IV, c. 5.

of Ash Wednesday and afterwards when there be need'.[1]

The duties of seventeenth and eighteenth century watchmen do not seem to have been very much different from those of their medieval predecessors. For example, in 1641 Kilkenny corporation made the following regulations: each night 'at ix of the clock or sounde of the drome' the constables in every ward were obliged to bring those who were to serve to the alderman who had charge of the watch for that night. The latter was required 'to appoint such as shall watche at the city portes and elsewhere' and to choose a 'capten oute of the whole boddy of the watch, such one as he shall think fittest.' Moreover, he was to continue on duty until midnight attended by one constable out of every ward and was as well to 'deliver the watch word'. No one was permitted to walk the streets after 9 p.m. 'without he can give the watch word, otherwise to be

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1 Otway-Ruthven, Liber primus Kilk., p. 36. The men were to watch 'in a suitable manner from the hour of curfew till cockcrow'. Ibid. However, in 1405 that same corporation selected watchmen to serve 'for the time of winter as for the time of summer'. Ibid., p. 55.

committed to prison or in the stocks as the capten shall thinke fitte.'[1]

In October 1694 Belfast watch captains were required to serve from 9 p.m. to 6 a.m. 'and to go the grand round at twelve o'clock at night'. In December 1759 the sovereign ordered watch to be kept from '10 o'clock at night till sun-rising in the morning.'[2] In 1738 Armagh corporation demanded that the watch:

> 'be kept ... from the first of November next to ye first of March next ... each'

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1 P. Watters, 'An account of the fortifications and defences of Kilkenny from 1527 to 1691', in R.S.A.I. Jn., series 4, ii. 218 (1872-3). In 1707 the constables of Enniscorthy were obliged to set the watch nightly by 8 o'clock and the overseer was to make certain that the men 'go the rounds of the town per turns three at a time, and not to go from their ... watch till it be clear day light.' Hore, Wexford, vi. 529. In 1712 the watch of Gorey corporation were to serve from 8 p.m. 'until the next morning by break of day'. Ibid., p. 621. In 1708 another corporation admonished its constables to take 'special care' to inspect the watch at 9 p.m. and 3 a.m. Fethard council bk, 29 Sept. 1708. In 1715 Youghal watchmen had to serve from 7 p.m. to 6 a.m. Caulfield, Youghal, p. 406.

2 G. Benn, A history of Belfast to 1810, i. 502-3. In 1660 Kinsale corporation ordered that 'the inhabitants withoute Corke gate and Fryar's gate shall watch without the gates by two every night, to walk about, for preventing fire, robbery, or giving notice of approaching enemies.' Caulfield, Kinsale, p. 53.

> 'night from ten of ye clock at night untill five in ye morning to be set by one of ye constables and to call on the sovereign in ye morning.'[1]

In 1715 parliament, for the first time since 1465, made new watch regulations, though these differed but little from those enjoined in the medieval statutes. Thus watches were to be kept nightly from September 29 to March 25 or were to commence earlier and to continue longer as local magistrates should direct. All suspects were to be stopped and any that could not give a good account of themselves were to be detained until the following morning and then brought before a justice of the peace.[2] Later watch acts did nothing more to define

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1 Borough bk, 13 Oct. 1738.

2 2 Geo. I, c.10 cl.5. It appears that watches were only winter affairs until the 1770s when parliament began issuing new ordinances which, since they did not specifically state at what part of the year watches should be instituted, seemed to imply year-round ones. The only eighteenth century statute that was not ambiguous in this respect was that enacted for Belfast in 1800 which required a 'constant' nightly watch 'throughout the year'. 40 Geo.III, c.37 cl.46. The towns then, in want of strong direction from the legislature, continued to make their own arrangements. Thus in July 1739, Cork corporation asked the mayor to establish a watch which, until the following October, would do duty from 11 p.m. to 4 a.m. and from October to March from 11 p.m. to 6 a.m. Caulfield, Cork, p. 584.

these duties hence the communities were left largely to their own initiative.[1]

Police: Number and type of men.

The statute of Winchester distinctly stated the number of men required to attend the local watch. Thus in every city there were to be 6 at all gates, in every borough 12, and in every town 6 or 4 men according to the number of inhabitants.[2] That in Ireland this regulation was followed rigidly must be doubted. For example, in 1391 Kilkenny corporation named 4 men to watch but only 3 were named in 1405 and 1407.[3] In 1574 Carrickfergus corporation ordered:

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1 Thus an act made for Cork city obliged the watchmen to apprehend all 'idle, disorderly or strolling persons' and to bring them before a justice the next morning. 11 & 12 Geo.III, c. 18 cl. 27.

2 Stat. Ire., John-Hen. V, p. 255. The act of 1465 ignored the watchmen and asked only for one constable in each town (5 Edw. IV, c. 5) while that of 1495 asked for 'constables' to be selected for each parish, 10 Hen. VII, c.9 cl. 13.

3 Otway-Ruthven, Liber primus Kilk., pp. 48, 55. Two were chosen in 1408, 1413, 1498 and 1499. Ibid., pp. 57, 60, 75, 78.

> 'That the townesmen for the strengthening of the watch shall from henceforth find five men to the stand and two fremen to the search and that every house within the town shall by the owner ... be aunswerable to the ... watch whether they be in pay or not'.[1]

In the seventeenth and most of the eighteenth century too, the number of constables and watchmen continued to vary widely from time to time and from place to place for parliament did not require the appointing of any specific number of the former until the 1770s and scarcely ever touched upon the latter.[2] Thus in the case of the watchmen the towns and parishes were left largely to their own inclinations. Unfortunately so few records have come to light that it is impossible to draw any definite conclusions in this respect, nevertheless a few examples, given almost at random, may prove, if not very instructive, at least moderately interesting. For instance, in 1641 Kilkenny corporation ordered its watch captain to distribute 20 watchmen among the 7 gates of the

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1 Records of Carrickfergus, p. 6. P.R.O.N.I., MS T707. In 1544 the corporation of Irishtown appointed four constables and in 1588, two watchmen. Corp. bk, 16 Oct. 1544 and 11 Oct. 1558.

2 In the eighteenth century the legislature obliged the communities to maintain only a 'sufficient' number of watchmen. Save for Dublin city no exact number was ever mentioned.

town while the 'coorte of gard', i.e. the main body was to remain 'at the old tholsel whereby they may relieve the watch by turnes.'[1] In 1677 Cashel corporation selected 22 inhabitants each of whom was to have command of the local watch, composed of 4 'substantial' men, for one night.[2] The following year it was announced 'that henceforth there be eight protestants every night on watch to be taken out of eight protestant houses as shall stand and lie in order'.[3] In 1668 Naas corporation

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1 P. Watters, 'An account of the fortifications and defences of Kilkenny from 1527 to 1691', in R.S.A.I.Jn., series 4, ii. 218 (1872-3). To make up the necessary numbers the constables were obliged to 'appointe every nighte 13 out of every quarter' of the town. Ibid. In 1672 Waterford corporation, upon observing that the 'souldiers removeing out of this garrison the maine guard is not kept as formerly', ordered the sheriffes and high constable to 'cause twenty persons to watch ... every night till others bee sent us in the roome of the ... souldiers removed.' However, in 1696 it was decided 'that there be a watch of the cittizens eight men and a constable every twenty fours hours with arms, and those that cannot so appeare to imploy others at eightpence a turne'. S. Pender, ed. Council books of the corporation of Waterford 1662-1700, (hereinafter cited as Pender, Waterford) pp.100, 334-5.

2 Corp.min.bk, 14 Mar. 1677.

3 Ibid., 10 Dec.1678. In 1680 it was decided 'that there be forthwith a protestant English watch or guard consisting of six, one of which to command ... and the turn of each guard to be every sixth night and that Roman catholic inhabitants shall watch their turns by a protestant'. Ibid., 20 Dec.1680. In 1683 it was ordered that 7 men were to watch nightly: 4 English and 3 Irish to be commanded by an Englishman. Ibid., 2 Aug. 1683. Seven were also appointed in 1702. Ibid., 8 Apr. 1702.

commanded 'that every respective inhabitant of the ... town shall from henceforth watch as thire turn cometh'.[1]

In 1701 Cork corporation resolved:

> 'that 40 of the protestant inhabitants within the walls do watch in person each night, to be commanded by one of the aldermen and a burges, according to their station, the watch to be summoned by the constables.'[2]

There is some evidence that the number of watchmen employed even by fairly large communities was not very great nor did it increase substantially with the passage of years. For instance, Belfast corporation which

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1 Corp. min. bk, 7 Oct. 1668. In 1696 it was decided that 'four men of sixteen years of age or upward to watch ... at night by turnes'. Ibid., 29 Oct. 1696. In 1707 Enniscorthy corporation ordered that 'there always be seven men on watch every night, that is six men and one housekeeper who is to command that night'. Hore, Wexford, vi. 525, 529. In 1673 Youghal corporation established a watch of 12 'sufficient' men and a captain, Caulfield, Youghal, p. 341. By 1715, however, the number had risen to 20. Ibid., p. 406.

2 Caulfield, Cork, p. 289. In 1739 the city had 15 men at each watch house but there is no way of knowing precisely how many watch houses existed. Ibid., p. 584. In 1715 there was a watch in Drogheda consisting of a constable and 14 protestant watchmen. Gogarty, Drogheda, p. 326.

established a watch of 12 men and a captain in 1694 had a similar sized watch in 1759.[1] In the smaller communities the duty must have pressed heavily on nearly every household. Thus the following order issued by Callan corporation may, perhaps, serve as a model:

> 'at the first notice ... given by the constable of his parish or quarter to the inhabitants they shall for every house of their parish or quarter send one man to the watch'.[2]

One must also bear in mind that the watchmen were often supplemented, or even replaced, by the militia. For example, in 1701 Kilkenny corporation ordered 'that twenty men of the millitia of this city do watch every night till further order from Mr Mayor and that he appoynt such officer as he thinks fitt to command them'.[3]

As for the constables: their number also remains

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1 G. Benn, A history of Belfast to 1810, i. 502-3. Armagh had four watchmen in 1738, six in 1766, four in 1767, and two in 1769. Borough bk, 13 Oct. 1738; 31 Oct. 1766; 7 Oct. 1767; 22 Sept. 1769.

2 Corp. min. bk, 18 Oct. 1738.

3 Corp. min. bk, 16 Mar. 1701. In 1692 Youghal corporation decided that 'eighteen persons of the militia of this town ...keep watch and ward daily and nightly in their turns'. Caulfield, Youghal, p. 389. Another corporation asked that 'the militia guard be continued in this city till Mr Mayor thinks fitt to discharge y'm'. Waterford council bk, 7 Mar. 1728.

tantalizingly hazy since the legislature, during most of the eighteenth century, left the communities largely to their own devices. In general, about all one can say is that there doesn't seem to have been a plethora of them. Thus Wicklow town had only 2 in 1723 while Armagh had that same number throughout most of the century.[1] Trim had 4 constables on and off during the 1660s but appointed only 2 during most of the eighteenth century.[2] Some towns of course did have a few more than that, for instance, Youghal appointed 5 in 1617 and 8 in 1652[3] while Kinsale had 10 in 1739, 6 of whom also had deputies.[4]

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1 See the Wicklow borough court bk, 26 Nov. 1723, and the borough bks of Armagh.

2 Corp.min.bks. Cavan had only 2 from 1772 to 1783. Town court bk. Belturbet, in the same county, also had 2 for most of the eighteenth century. Corp.min. bks and court bk. Finglas parish (near Dublin) had 2 from 1777 to 1790 but only one was appointed after that. Vestry bk, 1777-90. As for high constables: in theory at any rate there ought to have been one such officer in every barony. R.B. McDowell, The Irish administration, 1801-1914, p.135. However, it was not unknown for a city to have two of them. For example, see below p.90. Moreover, Carson believed that 'every justice of the peace may cause two high constables to be chosen in each hundred or barony'. Carson, Constables, p. 5.

3 Caulfield, Youghal, pp. 51, 296.

4 Caulfield, Kinsale, p.246. As early as 1656 Cork city had 16 constables. Cork court of d'oyer hundred 1656-1729, 20 May 1656. Waterford magistrates swore 10 to that office in August 1690. Pender, Waterford, p.285.

The first eighteenth century statute which mentioned a specific number of constables was that of the session 1773-4 by which the grand juries were required to appoint 4 petty constables in every barony.[1] As there were approximately 260 baronies in Ireland[2] there should have been, in theory, 1040 such constables in the kingdom. That this regulation was rigidly adhered to in all counties and at all times must be doubted. Thus one barony, that of Killmacrenan, had, in different years, during the period from 1776 to 1783 sometimes 2, 3 or 4 constables.[3] Whatever the total was it must have been somewhat enlarged when, ten years later, the counties (excepting Dublin) were permitted to appoint

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1 13 & 14 Geo.III, c.32 cl.24. The same was applied to co. Dublin by the act 13 and 14 Geo.III, c.34 cl.31. and again for that county, in 1786, by 26 Geo.III, c.14 cl.38. Thus co. Dublin, with its 7 baronies, should have had 28 constables therein serving.

2 The gentleman's and citizen's almanack, (1800), compiled by John W. Stewart, p.44. It was believed that the total number of parishes was 2293 each of which ought to have had a constable. Ibid.

3 Co. Donegal grand jury presentments, 1770-83.

4 additional constables in each barony.[1] In 1792 grand juries in all save 13 counties were ordered to appoint up to 8 such officers in each barony who were to take the place of all others chosen earlier,[2] however, four years later all grand juries were obliged to employ up to 10 constables in every barony.[3]

Besides these more or less permanent officers there also existed that shadowy figure the temporary constable one who had taken on the duty for divers reasons. For example, one northern gentleman wrote:

> 'I found of late that it is almost impossible to rely on the constables that are in this place, particularly where the law

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1 23 & 24 Geo.III c.42 cl.4,23. In 1787 the legislature allowed the government to divide the counties at large into districts, in each of which 16 constables were to be employed. (27 Geo.III, c.40 cl.4). For example, counties Kerry and Kilkenny were divided into 5 districts and thus ought to have had 80 constables each. Co. Tipperary was split into 7 districts (112 constables) and co. Cork into 10 (160 constables). Dublin Chronicle, 24 July 1787. It appears, however, that it was not the government's intention to apply the act generally but only in those counties troubled by agrarian unrest. Ibid.

2 32 Geo.III, c.16 cl.1. Kildare which was one of the 13 excepted from this statute had at least 48 constables in 1793. Some of its baronies had 6, others 7, 2 or even one constable or constables. Co. Kildare summer assizes bk, 1793.

3 36 Geo.III, c.55 cl.28.

> 'is to be executed against United Irishmen and to remedy this evil, I had myself sworn ... as constable for the county of Tyrone for six months and in consequence I began last week with one of the ringleaders of United Irishmen in this town ... who I lodged in the jail ... with the assistance of nine dragoons, which were ordered here for the purpose of aiding me.'[1]

In fine then, bearing in mind the wide latitude given to the communities in this matter, the loss of many important records and the fragmentary nature of those extant it would appear that any attempt to ascertain conclusive figures either on a national or local scale would tend more toward speculation than exact knowledge.

We are on slightly firmer ground when we turn to the question of the type of men selected as constables and watchmen. Admittedly the medieval statutes were

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1 E. Moore to J. Lees, 5 Feb. 1797. P.R.O.I., Cal. R.P. carton 620/28, doc. 216. In the same year Lord Downshire made 'a most valuable man' a temporary constable so that he could escort a prisoner to Dublin. Downshire to E. Cook, 25 Jan. 1797. Ibid, doc. 147. It would also appear that the communities appointed such extra constables as the times might require. For instance, in December 1796, one corporation named 25 men as 'fit and proper persons to be constables ... to serve until the next assizes'. Armagh borough bk. Another corporation resolved to appoint 'two additional market constables ... to prevent the forestalling and ingrossing practised at all avenues of this city.' Waterford council bk, 29 June 1793.

not too helpful in this matter, for instance, that of 1495 required simply that 'able persons' should be chosen constables.[1] The towns, however, seemed to have made their own requirements. Thus in 1477-8 Waterford corporation decreed that the constables of its suburbs were to be of 'goode and honeste conversation in the ... suburbs duelling and that they can spek goode Inglishe'.[2] It appears that the office of constable tended to be held by the more substantial type of citizen. For example, among those appointed to the duty in 1656 in Cork city was a clothier, a chandler, a feltmaker, a cutler, a baker, a tailor, a tanner and even a 'gentleman'.[3] In 1672 a man described as a 'distiller' became a high constable in Waterford.[4] The watchmen, on the other hand, tended to be drawn from a wider section of the

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1 10 Henry VII, c.9 cl. 3.

2 H.M.C. rep. 10 app. v. 313.

3 Cork court of d'oyer hundred, 1656-1729. Among those who served as constables in Wicklow were a 'marchant', an 'inkeper', a 'shopkeeper', and a 'showmaker'. Corp. min. bk, Mar. 1686. In 1405 a Kilkenny watchman was described as a clerk. Otway-Ruthven, Liber primus Kilk., p. 55.

4 Pender, Waterford, p. 98. Some years later a vintner assumed the office, Waterford council bk, 29 Sept. 1711.

commons. Thus in 1619 one corporation commanded that every freeman who was 'clear of his master' and who was not 'prentice or partner with any man' should watch when his turn came 'on pain of a noble'.[1] In 1642 the mayor of that same town 'strictly' charged all the inhabitants to give 'their personal attendance' to the watch when it fell to their turn.[2] In 1688 Galway corporation by 'unanimous consent' commanded:

> 'that all ... the inhabitants within this towne and the east and west suburbs shall ... hereafter during the absence of the standing army watch ... every one in his turn'.[3]

Eighteenth century parliaments, save for the religious

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1 Caulfield, Youghal, p. 59.

2 Ibid., p. 221. In 1683 it was declared that the inhabitants were to serve either in their own persons or by sending an able deputy. Ibid., p. 362. Occasionally a corporation exhibited the quality of mercy. For instance, in 1712 Gorey council excused a man from watch duty because he was over 60 years old 'and reduced to poverty and weakness of body'. Hore, Wexford, vi. 621.

3 J. Rabbitte, 'Galway corporation MS 'C', in Galway Arch. Soc. Jn., xiv. (No. 1) 18 (1928).

problem, largely ignored the question of qualifications hence the situation continued much as before.[1]

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1 For example, in a statute made in the session of 1773-4 the legislature commanded simply that 'proper' persons be chosen high and petty constables. 13 & 14 Geo.III, c.32 cl.24. The town records too, are not overly helpful in this respect, for instance, some constables-elect of Fethard are meagrely described as 'fit persons to serve ... for the ensuing year'. Corp.min.bk, 20 Apr. 1707. Many appointments in other communities are adverted to just as simply. However, there is some indication that the constables continued to be drawn from at least the lower middle classes. Thus in Armagh two shoemakers, three merchants, two inn-keepers, a baker and a nailer all served in that office during the eighteenth century. Borough bk, 3 May 1741, 18 May 1772, 26 May 1773, 26 July 1780, 22 July 1786. In his book on constables' duties, Carson pointed out that the law required every such officer to be 'idoneus homo, that is apt and fit for the execution of the ... office and he is said ... to be idoneus who hath (1) honesty, to execute his office truly, without malice, affection or partiality, (2) knowledge, to understand what he ought to do, (3) ability, as well in substance or estate, as in body, that so he may intend and execute his office diligently, and not thro' impotency of body or want to neglect the place.' Carson, Constables, p. 9. Carson also believed that 'attorneys, clergy-men, justices of the peace, infants, lawyers, madmen, physicians, poor, old and sick persons' were exempted from serving, Ibid., p. 13. The same type of men who served in smaller towns were usually chosen for both posts in Dublin city. Thus in one parish a 'carpinter', 'sleator', 'shoomaker', 'groser', and brewer were selected as constables. St Peter's vestry bk, 12 Apr. 1757 and 8 Apr. 1760.

Police: Weapons.

In theory the arming of constables and watchmen in the later middle ages ought to have produced few difficulties, for by law every subject was obliged to keep weapons according to the quantity of his possessions. The statute of Winchester declared:

> 'that every man have in his house armour, to keep the peace, ... that is to say, that every man between fifteen years of age, and sixty years, be assessed and sworn to arms, according to the quantity of their lands and chattels; that is to say, for fifteen pounds [value of] lands, and chattels of forty marks, an hauberk, a headpiece of iron, a sword, a knife, and an horse; and for ten pounds of land, and twenty marks of goods, an hauberk, a headpiece, a sword, and a knife; and for one hundred shillings of land a doublet, a headpiece of iron, a sword, and a knife; and for forty shillings of land and more, up to one hundred shillings, a sword, a bow, arrows, and a knife;'

The very poor were to try to secure bows and arrows for themselves, and all weapons were to be inspected 'thrice every year' by the high constables.[1] The towns also seemed to have had their own requirements. Thus in 1496 Galway corporation ordained that 'all dwellers

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1 Stat. Ire., John-Hen. V, p.256. A hauberk is described as 'a piece of defensive armour, orig. for the neck and shoulders; but early developed into a long military tunic, usually of ring or chain mail.' The shorter Oxford English dictionary (2nd ed.) Oxford, 1936. Similar regulations were issued in 1495 by the act 10 Henry VII, c. 9.

within this town, as well fremen as unffre shall ... have such reaysonable weapon accordinge to ther vocation and callinge on payn to forfayt xiid. ster.'[1] The idea that all able-bodied men ought to be armed was continued into the seventeenth century. For example, in 1619 Youghal corporation declared:

> 'that every housekeeper of the town ... shall be provided of a halbert or a black-bill, to have in readiness, etc. to come to the watch at night, and not to come with a sword or pike, for it is not sufficient weapon'.[2]

In 1642 the corporation demanded that no inhabitant 'upon any pretence fail to come to the watch /~save~/ furnished with a good sword, an able musket or serviceable pike for that work'.[3] In that same year Kilkenny

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1 H.M.C. rep.10 app. v. 386. Moreover, the local constables were obliged to see 'that every inhabitant of you severall wardes have ... billes, /~axes or hatchets~/ armour, and defencible arraies, accordinge the statutes in that /~behalf~/ provided.' p. 436.

2 Caulfield, Youghal, p.59. A halbert is described as 'a kind of combination of spear and battle-ax, consisting of a sharp-edged blade ending in a point, and a spear-head, mounted on a handle five to seven feet long.' A bill was a weapon which varied 'in form from a concave blade with a long wooden handle, to a kind of concave ax with a spike at the back and its shaft ending in a spear-head'. Shorter Oxford English dictionary.

3 Caulfield, Youghal, p. 221.

corporation ordered those of its merchants who kept an 'open shop', to obtain 'a good halbert, brown-bill, or short pike, and every merchant to wear a sword in the street,on pain of 5s.'[1] Some towns appear to have made efforts to supply their inhabitants with arms. Thus in 1665 Limavady corporation ordered 40 pikes to be made for the use of the town the cost of which was to be applotted by the provost.[2] Naas corporation decided:

> 'yt four halborks be bought and made at the publick charge of the ... corporation for the watch and the watch att their going of every morning do lodge the halberts w'th'

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1 J. Prim, 'Documents connected with the city of Kilkenny militia in the seventeenth and eighteenth centuries', in R.S.A.I. Jn., series 1, iii.236 (1854-5). In 1680 the corporation decided that 'noe man shall be sworne a freeman of this citty untill he bring into court either a firelock and collor of bandileeres, or a sword, which ye board of aldermen shall thinke fithing.' Ibid. Bandileeres are described as 'small wooden cases covered with leather, each containing a charge for a musket, which hung to the number of twelve on a shoulder belt.' Ibid. In 1678 another corporation voted 'that every man hereafter admitted into the citty freedom shalbee sworn in his bodyly harness and armes and swear the same armes to bee his own goods.' Pender, Waterford, p. 179.

2 E. Boyle, 'Records of the town of Limavady, 1609-1804', in R.S.A.I. Jn., series 6, i. 163 (June 1911). Four years later it was decided that 'every householder within the corporation shall upon their own proper costs and charges provide convenient arms for the watch. E. Boyle, ed. Records of Limavady, 1609-1808, p. 22.

'the soveraigne'.[1]

In 1683 Cashel corporation ordered that six half pikes were to be made for its watchmen, 'to be paid out of the public stock'[2] and when, in 1701, a new watch was set up in Cork, the corporation armed it by requiring every militia captain to lend 'five fire-locks, to be kept by a person appointed by the mayor, and by him delivered each night to the commander of the guard and receive the same in the morning.[3]

The statute of 1715 did not introduce any revolutionary provisions apropos weapons requiring as it did merely that a 'sufficient' number of watch bills, staves

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1 Corp.min.bk, 29 Oct. 1696. One man was made a freeman of Trim on condition that he 'find a halbert for the use of the corporation'. Corp.min.bk, 5 June 1684. See also, J.C. Beckett and R.E. Glasscock, ed. Belfast the origin and growth of an industrial city, p.36.

2 Corp.min.bk, 2 Aug. 1683. Some years later the corporation established a special watch which was to be 'well armed with sword and fire arms.' Ibid., 27 June 1694. In 1702 it was ordered that the watchmen were to appear with 'arms and ammunition'. Ibid., 8 Apr. 1702. In 1708 it was agreed that £3.17s.6d. was to be expended 'for firing and making up several fire arms and for powder and ball for the use of the corporation.' Ibid., 9 Oct. 1708.

3 Caulfield, Cork, p.289. In 1701 Waterford corporation ordered that 'the watch shall be kept with arms and attended with a drum.' Council bk, 7 Oct. 1701.

and halberts were to be supplied to the watchmen.[1] The situation, therefore, continued much as before. Thus in 1730 Sligo corporation expended 6 shillings for 12 ash poles 'w'th iron rings on each end for ye town watch'.[2] In 1762 Cork corporation recommended that the protestant inhabitants wear swords and keep the guns in their houses in good condition.[3] The acts made in the later part of the eighteenth century did little to improve upon that of 1715. For instance, that enacted

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1 2 Geo.I, c.10 cl.4.

2 Corp. records, 1 Sept. 1730. In that same year the corporation of Irishtown ordered 'that 8 bills be got for the watch and that not more than 15 shillings be raised on the inhabitants ... for them.' Corp. min.bk, 1 Dec. 1730. In 1744 another corporation decided to raise 14s.6d. 'for mending and cleaning guns for the use of the guard of the corporation'. Borough bk of Armagh, 28 Sept. 1744.

3 Caulfield, Cork, p.756. It was also decided to expend 100 guineas to buy 'a number of cutlasses' to distribute among those protestants who did not have arms. Each person receiving one was to deposit a receipt and to return it 'or the value thereof' when asked to do so. Ibid., p.757. In that same month the government agreed to lend the corporation all the muskets it needed on the assurance that they would be kept in good order and returned when required. Ibid., p.758. In 1776 the corporation paid £9.15s. for 24 constables' staves while the following year £2.12s. was laid out for staves for the two high constables. Ibid., pp.914, 924. Two years later Drogheda corporation ordered that 'any number not exceeding one hundred fire locks with accoutrements be provided at the charge of this corporation for the protestant inhabitants ... if they cannot be obtained from government gratis'. Corp.min.bk, 14 July 1779.

for Cork city required that the watch was to be equipped only with lanterns, staves, pikes and cloaks[1] and this appears to have been applied as the norm for later general watch acts. However, in 1792 the legislature demanded that every barony sub-constable was to be armed, though the expense of his weapon was not to exceed 40 shillings every 12 years.[2] There is considerable evidence that the barony sub-constables often carried firearms particularly in the last years of the century when parts of the country were sometimes greatly disturbed by civil unrest. Thus one magistrate wrote to the government:

> 'I feel it my duty to inform you that in my absence one of the police of the district was robbed of his carbine, bayonet and cartouche box. Six men burst into his cabin, and ... having secured him ...'

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1 11 & 12 Geo.III, c.18 cl.27. A few other towns seem to have supplied cloaks or coats to their watchmen. Thus Drogheda corporation voted 'to provide great coats for the watchmen'. Corp.min.bk, 23 Oct. 1787. In 1800, £27.10s.8d. was expended for such coats and the making of them. Ibid., 17 Jan. 1800.

2 32 Geo.III, c.16 cl.3. Presumably such a sum would suffice to equip a constable since it was pointed out that 'a firelock and bayonet ... might be purchased ... for 20 shillings' and that soldiers had been known to preserve their guns 'frequently for more than 12 years, and sometimes for 20'. Irish parliamentary register, (hereinafter cited as I.P.R.) xii. 301.

'seized the arms and fled.'[1]

There is no evidence that parish watchmen carried fire arms in the last quarter of the eighteenth century but there are some indications that corporation constables at times did so. For instance, one corporation ordered 'that a case of pistols and an hanger be purchased for each of the serjeants & the constable of this corp'n the better enabling them to execute their office'.[2]

Police: methods of financing.

There is little to be said apropos the methods used to finance the police before the eighteenth century. Parliament issued no regulations on the subject, of consequence the communities appear to have been moved

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1 G. Lambert to E. Cooke, 23 Aug. 1796. P.R.O.I., Cal. R.P. carton 620/24,doc. 145. It is interesting to note that Lambert declares 'I never have permitted any of the arms except when duty required it, to be taken from my own house.' Ibid. For other examples of the police being armed, as well as complaints that supplies of arms and ammunition were insufficient see the letters written by T. Knipe to T. Pelham on 25 June 1797 and by G. Lambert to T. Pelham on 3 May 1797. Ibid., carton 620/31, doc. 150; carton 620/30, doc. 12.

2 Ardee corp.min.bk, 16 Oct. 1795. The usual weapon or symbol of office carried by a constable was a painted staff. Thus one corporation expended £8.11s.2d. in 1794 and £11.17s.6d. in 1797 for painting constables' staves. Waterford council bk, 7 Jan. 1794 and 3 Apr. 1797.

chiefly by local considerations. Occasionally the government would order a corporation to provide fuel and candles for soldiers stationed locally[1] but the details behind the applotting and the levying of such sums as were expended for the support of either the military or the local police have become little more than a minor mystery in administrative history.

The scheme for financing the comprehensive police system set up in 1715 was complicated somewhat by the regulation which forbade catholics to serve as constables. At the time the legislature was keenly aware that in 'many places' in Ireland the number of catholics far exceeded the protestants hence the office would become 'very burthensome and chargeable' to the latter unless some 'reasonable' provision was made for them. For remedy parliament commanded the constables to present, every Easter, the 'names and numbers' of such persons of both persuasions as were of 'ability' to serve as high or petty constables. The justices of the peace and the grand juries (or the seneschals and leet juries) were then required to applot upon those catholics pronounced capable of serving as high constable such a 'proportion' of whatever sum had been

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1 See p. 103.

attached to the office as a 'suitable' salary as the proportion of the number of catholics bore to that of the protestants of 'like condition' in each barony. The same scheme was to be applied in parishes for raising petty constables' salaries.[1] As for the watch: justices of the peace were as well obliged to ascertain the sums necessary for building and maintaining watch houses and buying weapons as they were to decide 'what district or proportion' of the parishes adjoining the local watch house was to contribute toward such expenses. Furthermore, the moneys raised for that purpose were to be paid to persons who had been appointed, by presentment, overseers of the work and who were obliged to account for what was expended.[2] This method of financing the police remained in force for over half a century as parliament did not take up the subject again, at least

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1 2 Geo.I, c.10 cl.3.

2 Ibid., cl.4. Such sums as were levied were to be spent solely on the watch. It appears that this regulation was not always obeyed. For example, one corporation decided that £10 which had been levied to erect a watch house was to be spent on digging a well. Borough bk, of Armagh, 25 Oct. 1753. Moreover, some towns, keen to keep the watch rates low, sometimes devoted other income to that heading. Thus one corporation ordered that fines collected from those found guilty of ruining the common were to be used for building a watch house. Callan corp.bk, 10 May 1742.

in a general way, until the early 1770s.[1]

In the session of 1771-2, however, the legislature in a new measure, directed at cities and towns corporate, gave control of the watch to the local vestries which were empowered to determine the sums necessary for its support. Thus churchwardens, from 'time to time' were required to levy the sum agreed to be raised, upon the occupiers of houses in the parish, according as such houses were valued for the collection of the minister's

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1 By 1765, however, there were complaints from the inhabitants living outside the walls of Drogheda that the statute was 'very oppressive'. For remedy the legislature enacted that from 1 May 1766 inhabitants within the walls and owners and occupiers of yards, warehouses, and cellars in the town were to pay, annually, four pence for every pound of the yearly value of their properties according to the rent such properties 'might reasonably set for to a solvent tenant.' This rate was to be in lieu of all others formerly collected for watching. The new act directed that such sums were to be levied and expended as done in Dublin city by virtue of a statute made in 1723 (10 Geo.I, c.3, see below p.222.) Furthermore, the yearly value of such properties was to be settled, in open court, by the local justices of the peace, at their July sessions, such courts being allowed the same powers, 'in every respect' that the mayor and vestries of Dublin possessed according to the act of 1723. 5 Geo.III, c.22, cl.10,11.

money.[1] They were also obliged to report, yearly, to the vestry the sums levied and expended.[2] Shortly afterward, in the session of 1773-4, parliament declared that such a valuation, that is, assessing houses according to the rate they were valued for the minister's money, had been found 'inexpedient'. Hence that part of the statute of 1771-2 was repealed and the legislature then permitted an assessment according 'to the value of such houses.'[3]

In the session of 1771-2 parliament also passed a particular watch bill for Cork city. The watch establishment there was to be financed in the same manner as the legislature had allowed for the lighting of streets, that is to say, the mayor and council were permitted

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1 11 & 12 Geo.III, c.14 cl. 3, 4. Where no such valuation existed the house was to be valued by three parishoners appointed by the churchwardens. As for the minister's money: according to an act made in 1665 (17 & 18 CharlesII, c.7) the government might allot sums to be paid to ministers with cures out of each house in their respective parishes. Such sums, however, were not to exceed 12 pence per pound as the house was valued by special commissioners. No house was to be returned at above £60 a year, though valued higher. The rates, paid quarterly, were to be collected by the churchwardens.

2 Churchwardens neglecting to make the report faced a fine of £20.

3 13 & 14 Geo. III, c.27 cl.5.

to appoint from each of seven named parishes at least two valuators who were to assess every 'dwelling-house, out-house, office, cellar, stable, linney and yard' in their respective parishes.[1] The watch moneys were to be paid 'rateably and in proportion to the valuations' of such properties by their owners or tenants. Any deficiency was to be added to the next rate by the vestry.[2] However, in the session of 1777-8, the legislature permitted the mayor and council to appoint at least three valuators and also to deduct from their valuations one third of the yearly value of such properties as a 'reasonable allowance for decay

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1 11 & 12 Geo.III, c. 18 cl. 1. However, no 'cabbin or house' under the value of forty shillings was to be charged watch rates. Ibid., cl. 14.

2 Ibid., cl. 15, 32.

and repairs'.[1]

In 1785 the care of the watch in all cities in Ireland was given over to the local parishes at which time parliament directed the vestries to finance their watches 'in the same manner, and with like remedies' as was appointed in a statute made in 1765 for raising the necessary expenses for lighting cities.[2] According to

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1 17 & 18 Geo.III, c.38 cl.1,4. The corporation paid £300 towards defraying the expenses of securing this act. Caulfield, Cork, p. 931. Five men (all substantial merchants, tradesmen, brewers, etc.) were appointed valuators for each parish. Ibid., p.934. In the session of 1783-4 parliament turned to Waterford city. There the parishoners were obliged to pay a 'proportional poundage' according to the rate at which their properties were valued. Houses worth less than £3 per annum paid nothing but persons exempted from paying were not permitted to vote in the vestry. The vestries were required to nominate at least three valuators (if they failed in this respect the justices of the peace were obliged to do so) and parishoners were allowed to appeal against valuators' decisions. A jury was to decide the case and if the appellant lost he faced a fine of 20 shillings. One shilling in the pound was the maximum amount to be levied for watch tax and part of the moneys so raised were to go toward the expenses of erecting the city lamps. Properties were to be valued only once and no one was required to pay watch money if his property were more than 100 feet distance from a watch house. 23 & 24 Geo.III, c.52 cl.32-35, 37-39, 41. One shilling in the pound appears to have been a popular rate. Thus another corporation agreed that that sum would be 'a proper and reasonable tax' provided that houses under the value of £2.10s. were exempted. Londonderry corp.min.bk, 4 Feb. 1790.

2 25 Geo.III, c.54 cl.5,6.

the act of 1765 occupiers of houses were to be 'rateably charged in proportion to the ministers money payable for their ... houses'. Moreover, the vestry was to select four persons who, after taking an oath administered to them by the curate, were obliged to assess properties as had not yet been valued. The vestry was required either to confirm this valuation or alter it in such a way as would be 'agreeable to justice'.[1]

In 1800 the legislature attempted a new scheme when it erected watch establishments in Belfast and Sligo town. In Belfast a corporation consisting of commissioners and committee-men was instituted the latter being obliged to meet 'as often as may be necessary', to make an impartial applotment on all property holders in the city, 'according to the substance or ability of such persons'. Those who believed themselves 'aggrieved and overcharged' by an estimate could appeal to the

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1 5 Geo.III, c.15 cl.12. In 1796 the provisions of the act of 1785 were extended to towns corporate and market towns. 36 Geo.III, c.51 cl.1. Since the legislature did not mention finances in this act one must assume that in such places the watch was to be supported in the same manner as prescribed in the statute of 1785. It is certain that some towns were convinced of this. For instance, one corporation resolved that it would no longer pay watch expenses because all such 'shall be ... paid by the inhabitants pursuant to act of parliament.' Drogheda corp.min.bk, 20 Apr. 1798.

commissioners who were empowered to give judgment.[1] Sligo was treated similarly. There the corporation, which had been instituted to put the act into execution, was required to meet yearly, sometime between May and August, to decide upon the sum to be raised for the fiscal year which commenced in November. Moreover, the corporation was to appoint 12 inhabitants who were to estimate the yearly value of properties in the town and to levy money by a 'proportional poundage' according to their estimations.[2]

Police: salaries.

Medieval Irish parliaments made no regulations for paying constables and watchmen but it seems likely that the latter sometimes received emoluments of one kind or another. For instance, in Kilkenny watchmen were permitted to take:

> 'for the labour 2d. from every hall and sufficient from every stall, so however that execution and distraint be made by the view and ordinance of the sovereign and community and not by their own authority.'[3]

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1 40 Geo.III, c.37 cl. 18, 21, 22.

2 40 Geo.III, c.99 cl.6.

3 Otway-Ruthven, Liber primus Kilk., p. 36.

In 1472 in Waterford it was ordered:

> 'That the seriaunt called vigilator or wake-man ... sholde not have his sallary at one terme of the yere to Cristemasse but only a peny att every quarter during the yere.'[1]

In the seventeenth century the situation continued equally vague. Thus in 1609 a salary of £6.13s.4d. was voted for 'the future' high constables of Kilkenny who, moreover, were also to receive 'all fines from frays, bloodshed, battery, and hue-and-cry'.[2] In 1666 Kinsale corporation decided to pay to their four constables, who had just collected a £70 levy, 'the 15s. that was over and above the rate'.[3] In 1667 the constables in Trim were allowed to raise four pence from the owner of every cow found in the streets at night.[4]

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1 H.M.C. rep.10 app.v.310. In 1477 it was ordered that the constables were to receive 'every yere to every of them of the maire and commynes iii yards of Inglishe clothe to make every of them a gowne'. Ibid., p.313. According to an official list of fees, the watchman, doubtless he was captain of the watch, was to receive not only 4½ yards of cloth for a gown but also four pence from every hall and two pence from every shop. Ibid., p.289.

2 J. Prim, 'Olden popular pastimes in Kilkenny', in R.S.A.I. Jn., series 1, ii. 324 (1853). In 1618 a Youghal 'broguemaker', who had long been the town drummer, was freed of all taxes and as well given twenty shillings annually to encourage him to continue assembling the watch. Caulfield, Youghal, p. 57.

3 Caulfield, Kinsale, p. 99.

4 Corp.min.bk, 14 Oct. 1667.

According to the act of 1715 high constables were allowed a salary of up to £10 per annum, petty constables £4, but nothing at all was said regarding the watchmen.[1] However, as several enactments concerning salaries were made during the course of the century, for the sake of clarity it might be useful to discuss such under the three different headings.

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1 2 Geo.I, c.10 cl.3. It appears that few communities paid the maximum salary. We may assume, however, that many of them made an effort to allow their constables some small emolument. For example, in 1718 Delgany vestry ordered its constables to 'collect and levy ... all such sums of money as shall be appointed to be raised ... by any act of vestry in regard by a late act of parliament a certain yearly sallery is appointed ... them ... and that /they/ shall yearly ... apply to the churchwardens for orders for collecting the same.' Vestry bk, 1718. In 1727 Limavady corporation began levying £1 annually for its constable. E. Boyle, ed. Records of the town of Limavady, 1609 to 1808, pp.66,68,71,72,74, 75. In 1728 another corporation decided 'to allow the constable some sallary'. The minutes of the sovereign's court of Portarlington, 1 June 1728. In 1720 a constable in Aghalow parish (co. Tyrone), who also served as sidesman, was paid 13s.4d. while another, also holding both posts, received 6s.7d. salary. J.J. Marshall, ed. Vestry book of the parish of Aghalow, p.17. It is interesting to compare these salaries with those paid to persons in other occupations. Thus in Sligo, in the early years of the eighteenth century, the coachman of one landowning family got £6 per annum as well as clothes and shoes; by the middle of the century his wages had risen to 10 guineas with a £1 extra for washing. At the same time the gardener was paid 13 guineas, the cook £10, the housemaid £3, and the pantry boy £2. J.G. Simms, 'County Sligo in the eighteenth century', in R.S.A.I. Jn., xci. (part 2) 153-62 (1961).

As for high constables: the legislature ignored them until the session of 1777-8 when parliament allowed the grand jury of Cork city, at each assize, and, provided they saw 'cause for so doing', to present up to £50 for their two high constables.[1] In 1787 came a much more important enactment when the lord lieutenant was permitted to pay up to £50 per annum to such chief constables as he appointed when parliament allowed him to divide counties at large into districts.[2] However, beyond these two acts nothing more was said by the legislature concerning the salaries of high constables.

Nevertheless, in the last quarter of the eighteenth century, it became officially possible for such officers to augment their salaries by serving as paid

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1 17 & 18 Geo.III, c.38 cl.9. Shortly afterwards the city council, having first voted those officers £40 as a recompense for their activity against rioters and criminals, announced that it would do so no longer since the grand jury was now empowered to act in that respect. Caulfield, Cork, p.940. For earlier examples of that council's generosity to its high constables see Ibid., pp.828, 912, 923.

2 27 Geo.III, c.40 cl.9, 10. One newspaper reported, doubtless in response to complaints about the expense the counties would be put to, that, 'the appointment of the chief constable is in the crown, and the salary is to be paid by the king, upon the grand jury certifying that the constable has done his duty and is deserving of reward.' Dublin Chronicle, 11 Aug. 1787.

collectors of the public moneys. Parliament began to allow this in 1771 when, annoyed by the 'great inconvenience' experienced in Ulster rising from the difficulty in finding there 'duly qualified' collectors, the legislature commanded that if any Ulster grand jury neglected to appoint such officer the county treasurer was to oblige the local high constable to assume that duty in his barony who, 'for his trouble', was to be allowed six pence from every pound he collected.[1] This was found so convenient that in the session of 1773-4 parliament permitted the high constables in all counties where no collector had been appointed to take upon themselves that duty, allowing them a wage of not more

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1 11 Geo.III, c.9 cl.4. High and petty constables often had been used, during the course of the century, to collect barony and parish cesses and sometimes had been paid for such service. For instance, one corporation allowed £10 to a high constable's widow 'for her ... husbands trouble in collecting the publick levys on this city when he was last year high constable thereof.' Waterford council bk, 25 Sept. 1746. However, the act of 1771 was the first time that parliament officially allowed high constables to be paid for so doing.

than nine pence per pound levied.[1] The salaries thus realized could be quite substantial. For example, one high constable in co. Donegal received £17.0s.2d. for collecting £453.11s.5d. at nine pence per pound and half a year later was paid £15.15s.5d. for collecting £420.14s.1d. at eight pence per pound.[2]

In 1796 parliament, in an attempt to preserve public roads, allowed grand juries to appoint for each barony or county of a city or of a town, 'either the high constable or any other person to be a conservator of the roads'. Furthermore, the jury, if so inclined,

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1 13 & 14 Geo.III, c.32, cl.24. However, they had first to enter into a bond with two 'sufficient' sureties who had been approved of by the grand jury or the justices of the peace. Petty constables were obliged to assist them or face a fine of £10 which was reduced to £5 in 1796 by the act 36 Geo.III, c.55, cl.50. If a levy had to be got through distress and sale of goods, the high constable was allowed to keep one shilling in the pound 'for the trouble of levying the same'. In 1786 parliament allowed the high constables in co. Dublin one shilling in every pound they collected. 26 Geo.III, c.14 cl.41.

2 Co. Donegal grand jury presentments, 1770-83, pp.47, 54. Another high constable earned over £50 between August 1776 and April 1777. Ibid., pp.57,61. Between the summer of 1791 and that of 1792 the high constable of Boylagh barony (Donegal) was paid £37.10s.3½d. for collecting public moneys, and between the spring of 1796 and the summer of 1797 he received £63.0s.11d. for that service. His neighbour, the high constable of Bannagh earned £52.15s.2d. in 1792 and £82.15s.7d. between the summer of 1796 and that of 1797. See the co. Donegal assize and delivery bk, 1776-97. Co. Carlow paid out over £170 to six of its high constables at one assize in 1800. Summer assizes (1800) bk.

were permitted to present up to £25, at each assize, for every such officer. However, if a man who had been made high constable by virtue of the statute 27 Geo.III, c.40 (1787) were chosen, then he was to receive only £10, at each assize, for acting as conservator.[1]

As for the petty constables: after 1715 nothing more was said of them until the parliamentary session of 1773-4, when it was enacted that grand juries, if they so desired, might present at each assize 'any sum not exceeding eight pounds' for their barony sub-constables.[2] It is obvious, however, that not every

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1 36 Geo.III, c.55 cl.76. The conservator was to present a 'full and exact' account of how well he had served in the office.

2 13 & 14 Geo.III, c.32 cl.24. The same was to apply to co. Dublin by virtue of the act 13 & 14 Geo.III, c.34 cl.31. In the session of 1783-4 the legislature permitted grand juries to pay extra sub-constables up to forty shillings at each assize. 23 & 24 Geo. III, c.42 cl.4. In 1786 parliament ordered the grand jury of co. Dublin to raise £3 off each barony at the Easter and Michaelmas terms for the barony sub-constables. The men were to be paid only after they had presented certificates showing that they had taken the proper oaths of office and had attended the barony collector when called upon to do so. 26 Geo.III, c.14 cl.38.

county felt itself bound to pay as much as that[1] nor did every parish feel obliged to pay the maximum £4 mentioned in the statute of 1715. Thus as late as 1777 the parish of Drumglass (near Dungannon) was paying its constables £2 each per annum, though from 1778 this was raised to £2.5s.6d. yearly.[2]

In 1787 parliament, having allowed the government to partition the counties into districts, commanded that a sub-constable serving in such district was to receive, at each assize, not less than £10 nor more than £12 provided that he had produced a certificate from either a justice of the peace or a chief constable

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1 For instance, between 1776 to 1797 two co. Donegal baronies paid their sub-constables only £4 each annually. Co. Donegal general assize and jail delivery bk, [baronies of Bannagh and Boylagh] 1776-97. Indeed, £4 appears to have been the standard rate in that county. For other examples of this see the barony of Killmacrenan queries bk, 1777-98. That same sum was also paid, in 1793, to co. Kildare sub-constables. Summer assizes bk, Aug. 1793. (pamphlet).

2 Drumglass vestry bks. In 1793 one corporation engaged two 'additional' constables at 'three guineas a year'. Council bk of Waterford, 29 June, 1793.

indicating his worthiness.[1] Finally, in 1792, grand juries in all save 13 counties were obliged to appoint new barony sub-constables and to present for them, at each assize, not more than four pounds.[2]

Despite these enactments it appears that sub-constables' salaries were often below the standard set by parliament. Thus in 1795 Finglas vestry voted their constable two guineas yearly 'provided his conduct shall appear to us to deserve it.'[3] As late as 1814 Londonderry

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1 27 Geo.III, c.40 cl.9-12. One newspaper reported that the men were to be paid 'out of the money arising from forfeited recognizances'. Dublin Chronicle, 11 Aug. 1787. In 1796 the minimum salary allowed to these district sub-constables was reduced from £10 to £6 by the act 36 Geo.III, c.25 cl.69. And, in 1800, the legislature enacted that the lord lieutenant might, at any time he chose, further reduce such salaries as were paid by virtue of these two statutes of 1787 and 1796. 40 Geo.III, c.88 cl.3.

2 32 Geo.III,c.16, cl.45. Provided, of course, that each man had qualified himself according to the statute of 2 Anne c.6, had behaved well and that his arms and accoutrements were in good repair. During the debates on this bill, the archbishop of Cashel told the house of lords that a salary of £8 a year was 'very reasonable for a man who was to forgo most other modes of procuring his support, and to be ready at all times of the day and night to attend the ... magistrate.' Dublin Evening Post, 22 Mar. 1792.

3 Vestry bk, 17 Apr. 1795.

corporation was paying those constables who had charge of the police at night, £4 yearly though this was raised to £6 in 1816.[1]

It must be pointed out, however, that a petty constable occasionally might earn sums over and above his official salary. For example, in 1743 he was allowed 3 pence per mile for escorting to the county gaol any prisoner committed to him by a justice of the peace.[2] Sometimes a little extra might be earned by collecting the parish rates. Thus between 1737 and 1751 an Ulster vestry paid one of its constables 16 shillings yearly

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1 Corp.min.bks, 7 Sept. 1814, 30 Jan. 1816.

2 17 Geo.II, c.6 cl.5. The like sum was to be paid to each of two protestants who, with fire arms, had accompanied the constable. Ibid. This practice was re-enacted by parliament in 1787 by 27 Geo. III, c.40 cl.6, and 1792 by 32 Geo.III, c.16 cl.6. Small sums could be earned in this way. Thus in 1779 a co. Donegal sub-constable received 5s.6d. for such duty. Barony of Killmacrenan queries bk, Lent 1779. In 1770, £2.4s. was paid to a constable and six other persons for escorting prisoners in co. Donegal. Grand jury presentments, 15 Aug. 1770. In 1797 a constable received £5.3s. for so acting. Ibid., 11 Sept. 1797.

and another 8 shillings for collecting the parish cess.[1] In 1792 two Armagh constables were declared 'fit and proper persons' to collect a local levy and, provided that they gave 'sufficient security ... for their performance therein' they were allowed to retain 12 pence in every pound they raised. The total of the levy was, however, less than six pounds.[2] But escorting prisoners and collecting public moneys by no means exhausted all possibilities. For example, one town not only ordered its constables to stop people who were travelling on Sunday 'in time of divine service' by impounding their horses, but also to detain them until they paid sixpence per horse which fine was 'for the use of the

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1 J.J. Marshall, ed. Vestry book of the parish of Aghalow, pp.24,25,27-30. In 1748 that same vestry voted £3 to the constables for overseeing the roads. Ibid. In 1790 another Ulster vestry paid £3.2s.2½d. to its constables and bailiffs 'for lifting distresses, examinations and extra expenses'. Vestry bks. of St Columb's cathedral and parish Church of Templemore (Londonderry) 2 July 1790. For other examples of this see the same books under the entries for 5 Nov. 1789 and 13 Dec. 1791. In 1793 Ardee corporation paid ten guineas to its constable 'for his diligence & extraordinary trouble in the exercise of his office', while in 1799 £4.11s. was granted to that officer 'for his trouble for taking care of the shambles and other necessary occupations'. Corp.min.bk, 29 Sept. 1793 and 23 Apr. 1799.

2 Borough bk, 1 Aug. 1792.

constable'.[1] In 1786 the legislature granted a constable the fine placed against anyone whom that officer had seized illegally taking salmon fry. Moreover, he was also to receive as a reward a further sum of five pounds.[2] And, since wandering swine were a continual problem in most communities, constables could often earn a little extra money by disposing of the beasts. Thus in 1794 the vestry of Slane decided to give their constable, 'a premium for every pig he kills the sum of 2/8½, ... to be paid by the churchwardens on producing the dead pigs.'[3] On occasion the emolument was not

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1 The minutes of the sovereign's court of Portarlington, 21 Oct. 1732. Another corporation decided to allow its two constables ten shillings 'for their encouragement to be careful'. Fethard corp.bk, 7 Oct. 1717. Drogheda council voted 'any sum not exceeding three pounds' to the constable appointed for billeting troops on the town. Corp.min.bk, 9 Apr. 1776.

2 26 Geo.III, c.50 cl.14.

3 Conversely the vestry also resolved to fine that officer five shillings for every pig 'seen ranging the streets'. T.J. Westropp, 'Vestry book of Slane, co. Meath', in R.S.A.I.Jn., series 5, vi. 171-2 (1896). Another town being similarly plagued, its corporation ordered that pigs killed by the constables or beadles were to be 'converted to the proper use of him or them killing the same'. Kilkenny corp.min.bk, 20 Nov. 1718.

monetary. For instance a Cork constable was made a freemen of the city in light of his 'spirited conduct in apprehending several notorious offenders at the hazard of his life, and his readiness to support the peace of the city.'[1]

As for the watchmen: parliament said nothing about paying them until the session of 1771-2 when vestries in cities and towns corporate were allowed to make provision for their wages.[2] There is, however, evidence that some towns were paying their watchmen before that date. For example, in 1738 one corporation resolved that:

> 'the watchmen should have great coats and a pair of shoes given to each, to be paid out of the revenue of the corporation,... but that the inhabitants ... should be taxed to pay the sallary of the watch men.'[3]

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1 Caulfield, Cork, p. 894.

2 11 & 12 Geo.III, c.14 cl.1. This was repeated in the special act made for Cork city (11 & 12 Geo.III, c.18 cl.27) by which the vestries there were obliged to pay their watchmen 'proper salaries'. The same was required of Waterford city vestries by the statute 23 & 24 Geo.III, c.52 cl.31. In 1785 parliament commanded that vestries in all cities pay their watchmen. 25 Geo.III, c.54 cl.5. In 1796 this act was extended to all corporate and market towns (by 36 Geo. III, c.51 cl.1) while the special statutes made in 1800 for Belfast (40 Geo.III, c.37 cl.46) and Sligo town (40 Geo.III, c.99 cl.11) also directed that watchmen be paid.

3 Extract from Kells corp.bk, in N.L.I., J. Ainsworth, Reports on private collections, v.215. (Headfort MSS).

And, by 1766, Armagh corporation was allowing its watchmen 'a British six pence each for each night'.[1] Unhappily not only did parliament never mention a specific wage[2] but the records of the communities have largely vanished, hence there is very little that can be said under this heading.

Police finance: general expenditure.

The erection and maintenance of watch houses for the use of civilian watchmen and guard houses (sometimes termed courts of guard) for the military, were among the chief police expenses that the communities encountered. It may be said that, insomuch as parliament was concerned, the towns and parishes first became responsible for such expenditure when the act of 1715 obliged them to provide and maintain watch houses, and

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1 Borough bk, 31 Oct. 1766. The same amount was again laid out on 7 Oct. 1767, 19 Sept. 1768 and 22 Sept. 1769. In 1767 Drogheda council voted £3 to its watch directors 'to be by them distributed to any one or more of the watchmen for their late good behav'r and conduct in preserving the publick peace.' Corp.min. bk, 14 Jan. 1767.

2 However, the legislature did order that those protestants who were required to serve as deputies for catholics during periods of 'tumult and danger' were to be paid twelve pence a night. See above, p.37, footnote 1.

when that of 1719 required the provision of the 'necessary' lighting and fuel.[1] It is certain, however, that years before either of these measures had been adopted some towns were building or renting guard and watch houses, the purpose of the latter being 'to confine prisoners and keep watch and ward'.[2] For example, in 1679 one corporation decided to erect a guard house made 'stiff and staunch and that there be a chimney built in it'.[3]

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1 2 Geo.I, c.10 cl.4 and 6 Geo.I, c.10 cl.1. One must remember also that the use of the militia, either to supplement or to replace watchmen, could often add to local police expenses. For instance, in 1715 one corporation allowed £21.16s.5d. to the militia for keeping watch in the town. Waterford Council bk, 20 Aug. 1715. Some years later that same corporation paid 'twelve pence each serg't and eight pence each private man each night' for such duty. Ibid., 7 Mar. 1728.

2 Hore, Wexford, vi.621.

3 Cashel corp.min.bk, 9 Oct. 1679. In 1667 Drogheda corporation ordered that £10 was to be expended to buy 'a parcel of ground in St Peter's street' there to erect a 'convenient court of guard for the officers and soldiers of this town'. Gogarty, Drogheda, p.137. In 1680 Waterford corporation paid a local man twelve shillings 'for the use of his shopp for the city watch'. Pender, Waterford, p.192. In 1711 Londonderry corporation decided 'that the chamberlaine do get the guard house, the officer's chamber and the chimney's of the same put in sufficient repairs and to charge the same to the corporation account and to take care at the next assizes to get the corporation refunded by presentment'. Corp.min.bk, 12 Oct. 1711.

In 1689 Kinsale council ordered that the 'repairs of the castle in the market place ... for a guard house be paid by way of a rate, or out of the stock, as may be agreed on at a general assembly of the inhabitants'.[1]

Such houses were often small affairs and not especially costly to build. For example, in 1713 Gorey corporation ordered that a watch house made of limestone and brick, and but 10 feet square, was to be erected in the market place.[2] In 1701 Cork council determined to build one that measured only 14 feet square.[3] In 1748 Armagh corporation ordered a moderate £10 levy to construct a watch house 'in the most convenient part of

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1 Caulfield, Kinsale, p. 187.

2 Hore, Wexford, vi.621.

3 Caulfield, Cork, p. 289. In 1733 the corporation paid twelve shillings for a room for a constable's watch. Ibid., p. 525. Occasionally some corporations attempted to avoid such expenditure by taxing the inhabitants to defray the costs. Thus in 1730 when Cork council ordered a watch house to be erected 'over the water at the south west angle of the North Bridge', it announced that the expense was to be 'raised on the public'. Ibid., p.499. However, in 1763 when a new watch was established in that city the corporation declared that the costs of providing and maintaining watch houses would be paid out of its own revenues. Ibid., p. 769.

the town'.[1] However, when Kilkenny corporation voted to erect a guard house near the tholsel, it also decided that this, 'absolute necessity', should be 'a story and a halfe' high and made of 'lime & stone'.[2]

The provisioning of military guard houses also fell to the towns.[3] The government's attitude is best described in a letter written in 1664 by the lord lieutenant to Ross corporation:

> 'We considering it fitt that provision of fire and candle-light should be made for all ye guard in all ye garrisons in this kingdome do hereby earnestly recommend it unto you to take effectual ord'r that necessary provision of fire and candle be made for ye guards both foote & horse in that towne, wherein we doubt not of y'r ready complyance considering that for ye safety of ye inhabitants of that place & of ye country thereabouts garisons are settled there, w'ch being well and constantly'

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1 Borough bk, 21 Oct. 1748. In 1766 the corporation laid out ten guineas 'for making a shambles into a watch house'. Ibid., 3 Nov. 1766.

2 Corp.min.bk, 20 Apr. 1664. In 1782 Waterford council ordered the raising of a new guard house the cost of which was not to exceed £80. Council bk, 13 Mar. 1782.

3 The counties sometimes experienced such out-lay. For instance between the summer assizes of 1794 and that of 1795 one county was charged £17.9s. for fire and candles for the soldiers who guarded the county gaol. Co. Mayo grand jury presentments, 1794-5.

'paid will be of advantage to them'.[1]

The towns sometimes tried to escape such outlay, alleging it the duty of the government to provide for the soldiers. Thus in 1700 the corporation of Carrickfergus declared:

> 'that if any demand be made of fire and candles to the guards in the castle, it be denied, the guards of the castle of Dublin and other cities and places having allowance of the same from the king.'[2]

The situation was never clearly defined, however, hence the towns often had to meet such expenditure and it is remarkable that even the corporation of a city the size of Cork remained uncertain almost to the end of the eighteenth century whether the expense was to be raised

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1 P.D. Vigors, 'Extracts from the books of the old corporation of Ross, co. Wexford', in R.S.A.I.Jn., series 5, ii. 174 (1892). See also a similar letter sent to Kilkenny. Corp.min.bk, 29 Sept. 1662.

2 R.M. Young, 'Notes on the ancient records of Carrickfergus', in R.S.A.I. Jn., series 5, iii.68 (1893). In 1736 a Galway committee, investigating the complaints of an army officer concerning the guard house, declared 'that it has not been customary for ye corporat'n to repair sd guard house'. Corp.min.bk, 17 Oct. 1736. The government sometimes made provision for its soldiers engaged in this duty. Thus in 1787 the military were allowed £60 'for fire and candles for the guard of Dublin castle, if not otherwise provided for', while the town guards of Dublin and Limerick received £48 each; those of Galway £20; of Charlesfort £40; of Athlone £10. Military establishment of Ireland, 1 Dec. 1787, (Armagh Public Library).

locally or to be paid by the army.[1] Although the towns were reluctant to pay for soldiers they were very conscious of their need for military aid and sometimes their fears were used as a lever by the government to exact payment for these guards. Thus in 1734 when Cork corporation obtained an order from the lords justices that a sergeant's guard was to be 'fixed constantly to attend at some convenient place at Blackpool to prevent outrages for the future', the government required the city to provide, in return, 'convenient guard-room,

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1 For instance in 1792 that council resolved, 'the corporation about twelve years ago having built a new and very commodious guard house in Tuckey street, and another at Blackpool, for ... the officers and soldiers annually quartered in this city, which they have hitherto kept in repair, etc. and finding that all other guard-houses in Ireland are supplied by government through the town major, where there is one. Resolved that ... the guard houses of this city should be repaired and supplied in the same manner the other guard houses in this kingdom are, and that ... this resolution, ... be delivered to the town major.' Caulfield, Cork, p. 1080.

fire and candles',[1]

Corporations obviously tried to keep such expenses, whether they were for watchmen or soldiers, as low as possible. Thus in 1678 Waterford council decided that 'the garrison have liberty to make use of the old markett house ... for a guard house',[2] while Fethard corporation once granted its watchmen the right 'in case of bad weather or storm to have access to the room where

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1 Ibid., p. 537. For instances of the sums expended either to build or to rent such houses, the following may prove interesting. Thus in 1758 Cork corporation paid £15, 'towards finishing the guard house outside North gate'. Ibid., p. 721. In 1767, £4 was laid out for one year's rent of a guard house. Ibid., p. 818. In 1776 the corporation set up a committee to look for a place to erect guard houses and offices for the soldiers who were to mount the main guard. Shortly afterwards a piece of land 'containing 46 feet in front' was rented at £23 p.a. for 999 years. Ibid., pp. 907, 910. Two years later £49.2s.5d. was expended on work done to a guard house, while £27.15s.9d. was paid out the following year for additional work done to the same building. Ibid., pp. 933, 946. In 1785, £19.13s.8d. was voted for roof repairs of another guard house. Ibid., p. 1000. In 1798, £15.12s.10½d. was expended for repairing several such houses; while £15.8s.9d. was laid out for the rent of an officers guard room for 26 weeks, and £18.15s.11d. went 'for the rent of an officers guard room near the Shandon guard'. Ibid., pp. 1130, 1129.

2 Pender, Waterford, p. 179.

the crane stands at any time when occasion offers'.[1]

The annual expenditure for heating and lighting such houses, though not always a serious drain on the local exchequer, at times could be substantial. For instance, in 1683 Galway corporation spent £40 and in 1688, £35 on such charges.[2] At one period Londonderry corporation found itself unable to pay for the guards' provisions and, while attempting several shifts to raise the necessary sums, it was forced to order the treasurer to 'furnish the guard out of the town's custom and keyage'.[3]

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1 Council bk, Michaelmas, 1721. In 1681 Cashel corporation determined to give over the castle to the use of its guard. Corp.min.bk, 11 Feb.1681. If a house were rented for the purpose the rent paid was usually moderate. Thus Cashel corporation secured a 'board house' for the guard at 32 shillings a year. Ibid., 16 May 1679, Kinsale corporation did likewise in 1689 at 25 shillings a half year. Caulfield, Kinsale, p.187.

2 J. Rabbitte, 'Galway corporation MS 'C', in Galway Arch.Soc.Jn., xi (No.3,4) 90 (1920) and xiii.(No.3,4) 80 (1926).

3 Corp.min.bk, 17 Feb.1689/90. In 1700 the corporation declared that 'on consideration that the chamber [treasury] is so low and the grand jury so refusing to lay any money on the county for buying fire and candle for the guard, that therefore Mr Mayor is desired to acquaint the major, of the city won't allow any fire or candle after 1 November next.' Ibid., 3 Oct. 1700. By 1733, however, the guards were being allowed 'for each night four pence for fire and candle'. Ibid., Apr.1733. In 1664 Trim corporation decided to petition the lord lieutenant to force three nearby baronies to help pay for such expenses 'in regard the inhabitants are not well able to defray that charge with what other several taxes they stand charged'. Corp.min.bk, 1664.

Even private households must have felt quite pressed. Thus Trim corporation once declared:

> 'that at what time soever ... the officer commanding ye troops now quartered in Trym shall command the ... troops to duty that the constables doe forthwith give notice that the inhabitants ... doe bring in theyr fireing and candlight for ye ... horse guard ... every one soe much ... as will serve ... a night'.[1]

It may be of some interest to examine more closely the sums expended by the several corporations under this heading. Thus in 1680 Cashel spent 20 shillings monthly on fire and candles for 'the protestant watch', and in 1683 a half pound of candles was allowed the guard every night.[2] In March 1698 the corporation required its constables:

> 'to supply the guards ... with six pence worth of firing and candlelight during every 24 hours they watch from this day forward to the first day of May next and'

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1 Corp.min.bk, 16 Oct. 1676.

2 Corp.min.bk, 10 Jan. 1680, 2 Aug. 1683. In August 1686 the corporation voted to allow the guards 'half firing until Michaelmas next' and also decided that 40 feet of turf, at 12 pence per foot, be bought for them. Ibid., 14 Aug. 1686. In 1687 six shillings weekly was allowed for the guards' fuel, while in 1691 15 pence was granted for fire and candles for the 'main guard' for every 24 hours. Ibid., 5 Aug. 1687, 26 Feb. 1691.

> 'if the ... soldiers do not watch continually the constables to take care that he do not furnish them with fire and candlelight under pretence of keeping guard'.[1]

In 1718 Drogheda corporation agreed to supply coal to the guard at 18 shillings a ton for one year, provided that it was 'delivered every night in such quantities as the mayor shall direct ... and that the officers be paid no more money for the future for delivering coals'.[2] Between June 1763 and May 1765, Cork corporation expended £25.16s.5d. for candles supplied to the guard houses in the city, while between 1794 and 1798, £163. 4s.9½d. was similarly laid out.[3] In 1662 Kilkenny

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1 Ibid., 28 Mar.1698. In 1682 Wicklow corporation paid 19s.9d. for guards' candles from 'Michaelmas to March'. Corp.min.bk, 1682. In 1718 Sligo corporation paid £1. 6s.10d. for 161 days 'turffe' for its guards at two pence a day. Corp.records, 24 June 1718.

2 Gogarty, Drogheda, p.337. In 1769 the same corporation asked its treasurer to pay a bill of £29.3s.7½d. for candles as the watch tax was not sufficient to cover it. Corp.min.bk, 7 Apr.1769. In 1778 that officer had to expend £75.12s. for two years candles for the same reason. Ibid., 16 Jan.1778. In 1716 Thomastown corporation decided to raise two shillings each week off the inhabitants 'for fireing for ye ... guard-house'. J. Graves, 'The records of the ancient borough towns of the county of Kilkenny', in R.S.A.I.Jn., series 2, i (part 1) 90 (1856).

3 Caulfield, Cork, pp.791,1137. In April 1799, £71.4s. 7d. went on fuel and £10.18s.0½d. on candles. Ibid., p. 1132. In 1715 the corporation ordered that 12 'large frize coats be made for the sentrys'. Ibid., p. 381.

corporation voted £15 for guards' provisions of which the aldermen were to pay one shilling and the freemen six pence each, the rest being applotted on the 'ffor-eigners' in the town, according to their 'respective qualifications'.[1] In 1680 that corporation made a treaty with a local man to provide fuel and candles:

> 'for ye foot gard ... for one yeare commencing from ye 29th of September; he is to find ye gard in fyer for ye winter halfe yeare which begins ye day aforesayd & ends ye 25th of March following; & in candle-light all ye yeare round; for ye sume of tenn pound to be paid halfe yeareley'.[2]

In 1715 another citizen agreed to provide, for one guard house, 100 pounds of coal and a half pound of candles

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1 Corp.min.bk, 8 Oct. 1662. However, it was agreed that the levy was not to be taken as a precedent for the future.

2 Ibid., 29 Sept. 1680. Some years later a man was paid £34 'in full of fire and candle for the four guards for the last yeare and his sallary of course'. Ibid., 29 Apr. 1692. In November 1706 the corporation agreed to allow nine pence a week out of the city revenue for candles for the watch 'to continue to Candlemas next'. Ibid., 13 Nov. 1706.

every 24 hours for 15 pence a day.[1]

There was also the occasional alarm which added to the general expenditure such as the £1.4s.0½d. spent by Kilkenny corporation in supplying the main and militia guards 'with gunpowder, fyre and candlelight in ffebruary last, upon the report of a generall massacre of the protestants designed by the papists of this kingdom'.[2] In 1793 Cork corporation expended £36.10s.2d. on 'the military and sustenance for a military guard at the time of the late riots' and at the same time £43.18s.8d. was spent for a guard to keep the mansion house safe.[3]

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1 Ibid., 19 Jan.1715. In 1662 Waterford corporation, faced with a bill of £20 for guards' provisions, ordered the constables to 'applot the same upon every indevidiuall inhabetant of the ... citty with as much equality and speed as the /y/ can'. Pender, Waterford, p.27. In 1751 that corporation expended £15.3s.7d. on fire and candles for the guards for one year, which sum had risen to £45.5s. by 1784. Council bk, 3 Oct. 1751 and 7 Jan. 1784.

2 Ibid., 27 Mar. 1705. Ten years later fire and candles were allowed to the main guard at the rate of 13 pence a day 'on occasion of the present rebellion in north Brittaine'. Ibid., 9 Jan. 1715. In 1740 Cork corporation laid out £11.6s.8d. for 'drink and bread supplied the main guard during ... the late riots in this city'. Caulfield, Cork, p. 600.

3 Ibid., p. 1085. In 1760 Armagh corporation paid £1. 5s.1½d. 'for candles burnt in the guard house at the time of the late invasion'. Borough bk, 23 Oct. 1760.

Police: Some other minor officers.

It may be useful at this point to leave aside the constables and the watchmen in order to investigate, briefly, the police duties of some other minor officers. Among the most important of these were the churchwardens who have been described as 'very ancient officers' who, 'by the common law are made a corporation to take care of the goods of the church, the property whereof is vested in them'.[1] Churchwardens were selected by the joint consent of the minister and the parishoners who also elected two sidesmen to assist them. Their primary duties obliged them to keep the church in repair, to rate the parish for moneys required to defray ecclesiastical expenses and to collect such rates, by distress if necessary,[2] to keep a record of weddings, christenings and burials. Moreover, parliament frequently made use of them for valuing parish properties

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1 Carson, Constables, p. 149. It was not unknown for a churchwarden to be a constable serving in both offices at one and the same time. For an instance of this see the transcript of Rathlin island vestry bk, Apr. 1776. P.R.O.N.I., MS T861.

2 For an example of churchwardens levying by distress see the vestry bks of St. Columb's cathedral and parish church of Templemore (Londonderry), 21 Oct. 1755.

for the purpose of taxation[1] as well as admitting them to minor police duties. Thus by an act made in 1695, which attempted to prevent drinking during the hours of divine service on Sundays, churchwardens, in cities and towns corporate, were obliged to enter taverns during those hours in search of offenders against the statute.[2] In 1729 the legislature required such officers in Dublin city, together with two or more local watch directors, to traverse all the streets of their respective parishes four times a year to see whether there were any neglect in cleaning the streets and to report thereof to the lord mayor.[3]

Furthermore, the parishes often called upon their churchwardens to prosecute persons accused of committing local offences. For example, one Dublin vestry declared;

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1 For an example of this see above p.82.

2 7 Will.III, c.17 cl.9. Thus the vestry of one Dublin parish resolved that: 'the churchwardens and sidesmen do regularly perambulate this parish every Sunday morning in order to levy the fine of ten shillings appointed by law upon every idle person guilty of tippling in the time of divine service, and five shillings upon the seller of the drams or other malt liquors.' St Bride's vestry accounts, Nov. 1777.

3 3 Geo.II, c.13 cl.1.

> 'And whereas there has been complaint made ... to the vestry of there being severall scandalous & reputed bawdy houses to the great nuisance of the sd parish the churchwardens are hereby entreated and desired by this vestry to prosecute according to law all such disorderly house keepers and such as shall harbour and support such ... women and that such prosecution be done at the publick expence of the parish.'[1]

The office, frequently arduous and always unsalaried,[2] was generally unpopular, hence some persons elected to it (as well as those chosen sidesmen) preferred to pay a fine (amounting to £5 in the case of churchwardens) which freed them from the duty of serving.[3]

Another sometime police agent was the sergeant at mace, a very ancient civic officer whose chief duty

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1 St Mary's vestry bk, 6 Mar.1722. Another Dublin vestry complained of those parish inhabitants who transacted business 'on the Sabbath day', such being 'highly detrimental to such of their fellow parishoners as are more orderly and religiously inclined'. For remedy the vestry urged the churchwardens 'to exert the utmost of the power vested in their hands by law, for the suppression of this scandalous and pernicious practice'. St John's vestry bk, 22 Oct. 1777.

2 Occasionally, however, they were allowed a little reward for their services. Thus one vestry granted its churchwardens a shilling in the pound for collecting £25 to repair the church. P.R.O.N.I., Loughgall vestry bk, 21 Apr. 1783.

3 For examples of this see St Mary's (Dublin) vestry bk, 25 Apr. 1709 and St John's (Dublin) vestry bk, 19 May 1713, 17 May 1733.

was to execute court warrants.[1] The following oath taken by the 'foure serjantes' of Waterford during the later middle ages describes their incumbency:

> 'Ye shall wele and truly persue and kepe the office of the serjant of the citie of Waterford, and attache every man when ye be requyred, and no playnt concele. And truly kepe consaile of that ye herith, and no man it revele. And that ye maintaigne no manere of action agaynst ony freman in courte. And that ye summon noone enqueste by noo manere favour. Also, that wele and truly ye kepe your wach /watch and ward/ in propre person, or by sufficient attornay /deputy/ admytted by maire and shirefs. Also, ye shall wele and truly execute the warrants and precepts of the courts and truelye retorne them agayne. Also, if ye know any customes conceled, ye shall yeve the maire and sheriffes witting to the same. And ye shall not goo oute of the citie without lycennce of maire and sheriffes. Also, ye shall not take or receve any mede or rewards of no man, contrary to the lawes and custom of the citie. And all things that longith /belong/ and appartaineth to your offices ye shall wele and truly doo. So help you God and all sayntes.'[2]

The prime duties of such officers in the seventeenth

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1 As early as 1223 such an officer is mentioned in Kilkenny. Otway-Ruthven, Liber primus Kilk., p.12. In 1387 a sergeant there received the murage of the town for one year, 'rendering account thereof at the end of the year'. Ibid., p.45. Murage was a 'toll on goods entering the town or passing through it, levied under a royal charter for the purpose of building or repairing the walls of the town.' Ibid., p. 138.

2 H.M.C. rep. 10 app. v. 283.

and eighteenth centuries seem to have been much the same as those of their medieval predecessors.[1]

However, along with their court obligations sergeants often performed minor police and administrative duties.[2] Thus the sergeants in Sligo were obliged to 'give attendance and be aiding & assisting unto the constables of this town in anything that they ... shall reasonably and lawfully command ... you to do.'[3] And,

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1 For examples of this see (a) the oath of a sergeant at mace in the borough bk of Galen Ridgeway (Ballynakill) corporation, N.L.I., MS 5878; (b) a definition of their duties by the corporation of Cork in Caulfield, Cork, p.145; (c) the oath of a sergeant at mace in the corporation book of Limerick for 1797. It appears that these officers were required to give security for the proper attendance to their duties. For instance, when a man was chosen sergeant in Drogheda the corporation urged that the mayor 'take such security for his behaviour ... as he shall think fitt.' Corp.min.bk, 11 Oct. 1734.

2 In 1738 Dublin corporation set forth the duties of its ten 'officers of mace'. Thus they were obliged to 'attend the sword on all public days, and to wait at his lordship's [the mayor] table, five of which are to attend each market day, and whenever his lordship thinks fit to walk, being summonsed and the other five to attend the week following and so in turn during the year. There are four of the said officers ... whose duty it is to attend the sheriffs at all executions of criminals, to invite their company for the first day of each quarter sessions, and to attend their table said days and assembly days.' Cal. anc. rec. Dublin, viii. 296.

3 Corp. records, ii., the sergeant's oath. In Kilkenny the office of weigh-master was 'annexed' to that of the sergeant at mace. Corp.min.bk, 16 Jan. 1718.

in 1760, that same corporation authorised its sergeants to seize 'any hog or swine' found in the streets and to levy five shillings on each beast that any inhabitant was found to be keeping.[1] In 1668 Limavady corporation ordered:

> 'Henceforth every man that breaks ground in the street at every fair shall pay the sergeant 2d. a piece for every stall breaking ground, and that the sergeant shall at every such time mend the ground and clean the street where the ground shall be broken.'[2]

In 1716, when Lifford corporation obliged its inhabitants to clean their streets, the corporation ordered the sergeants to levy six pence off 'each person so failing', and then to hire men 'to clean the same'.[3] In 1719 that corporation used the sergeants to deliver summonses to the citizens to repair the public roads[4] and those officers were also required to distrain such tenants of the corporation who had failed to pay their rents.[5] In 1757 the sergeants and the constables there,

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1 Sligo corp. records, 13 Oct. 1760.

2 E. Boyle, ed. Records of the town of Limavady, 1609 to 1808, p. 19.

3 Corp. min. bk, 22 Nov. 1716.

4 Ibid., 23 Apr. 1719.

5 Ibid., 30 Apr. 1719.

were authorized to levy fines on those found beating flax 'near any dwelling houses backsides, or making bonfires'[1] while in 1765 they were obliged to fine those who permitted their hogs to wander freely.[2] The following year it was ordered that:

> 'the serjeants ... shall carefully inspect from time to time what strangers settle in any part of [the] corporation and in ten days give and make due and constant return of their names and place of abode ... on pain of being discharged for non observance of this order.'[3]

Many towns employed several sergeants at one time. Thus Kilkenny had two by 1498[4] and a charter granted to

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1 Ibid., 29 Sept. 1757.

2 Ibid., 31 Oct. 1765.

3 Ibid., 29 Sept. 1766. Even this office carried with it a certain element of risk. For example, in 1732 the council of Cork agreed that 'Thomas Keating, one of the sergeants at mace, having been desperately wounded in the execution of his office, and thereby reduced in his health and substance, ordered, that four pound be paid him to help support and cure him.' Caulfield, Cork, p.507. In 1796 Drogheda Corporation decided to buy watch coats for its sergeants who were 'frequently ordered to sit up at night in the tholsel.' Corp.min.bk, 15 Jan. 1796.

4 Otway-Ruthven, Liber primus Kilk., p.75. The charter granted to the town in 1609 allowed five sergeants. Charter of the city of Kilkenny, printed by T. Spearman, p. 10.

Carlingford in 1571 spoke of two such officers there,[1] as did the 1606 charter given to Athlone.[2] The charters granted in 1613 to such corporations as Bangor, Belfast, Carlow, Castlebar, Roscommon, Sligo and Tuam permitted all of them to employ two sergeants.[3]

The office was usually salaried and sometimes the incumbent received presents of a gown and a cloak. For example, in 1620 Youghal council announced:

> 'that whereas ... the mayor's sergeant, hath the yearly wages of 20s. for his service, now so long as he remaineth a sergeant at mace, shall have the yearly stipend of 20s. more, to be paid out of the town revenue. This bye-law not to benefit any succeeding sergeant.'[4]

In 1657 Kinsale council declared 'we find that there is due, and hath been anciently paid by the corporation

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1 M. Weinbaum, ed. British borough charters, 1307-1660.

2 Ibid.

3 Ibid., The charter given to Carrickfergus allowed three such officers. Ibid.

4 Caulfield, Youghal, p.69. In 1748 that same council declared 'that the cloaks and hats the sergeants of mace have, be continued for three years, their salaries augmented to 4 li. yearly, and that the cloaks and hats be renewed every three years'. Ibid., p.450. In 1752 the salary of Drogheda's two sergeants was raised to £6 per annum each. Corp.min.bk, 6 Oct. 1752.

unto the sergeant at mace, the yearly salary of 40s. besides his fees in the court docket.'[1] In 1664 Ardee corporation allowed its sergeants 40 shillings per annum 'apece to buie them cloakes'.[2] In 1679 the four sergeants in Londonderry received their 'cloaks' and £12, the latter doubtless to be divided amongst them.[3] In 1755 Dundalk corporation paid its sergeant £8 and the following year £8.4s.1d. was expended for his 'cloaks, hatts and making'.[4] In 1776 Belturbet corporation spent £4.1s.10½d. for 'three suits of cloaths for the town

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1 Caulfield, Kinsale, p.42. Two years later that body ordered that 'the sergeant at mace shall have by way of an annual salary 3 li. instead of 40s. The petty sergeant to have 20s. yearly'. Ibid., p.50.

2 J. Dolan, 'The minute book of the corporation of Ardee A.D. 1661 onwards', in Louth Arch.Soc.Jn., iv. (No.1.) 41 (1916).

3 Corp.min.bk, 3 Feb. 1679. For a similar entry see 3 Feb. 1682. Killmallock corporation paid its sergeants 40 shillings yearly. Corp.min.bk, 5 Oct. 1702. Kilkenny corporation paid its two sergeants £4 each per annum in 1709, and as well decided that they should have 'cloakes every seaven yeares and new narrow laced hats every two yeares'. Corp.min. bk, 6 Jan. 1709.

4 'Dundalk corporation accounts, 1755-59', in Louth Arch.Soc.Jn., v. (No. 1) 45-6 (Dec. 1921).

serg'ts and marshall'.[1] Occasionally, however, when the local treasury was low the sergeants might have to do without their gowns and cloaks. For instance, in 1617 Cork council declared that:

> 'As the revenue of the city is grown short, and the perquisites belonging to the ... sergeants at mace is more than formerly, it is agreed that they shall have no allowance for their liveries which was heretofore payable upon Michaelmas eve.'[2]

Now and then a sergeant could earn a little extra money by attending to duties not normally associated with his office. Thus in 1777 Armagh corporation levied £2 off the inhabitants to be paid to the town sergeant, 'for one years salary for keeping the streets

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1 Thus 13 shillings was expended for three hats; £1. 14s.1½d. for gold lace and buttons for the hats; £1. 4s.4½d. for making the 3 suits. Corp.min.bk, 1776. In 1724 Londonderry corporation ordered its chamberlain to pay £23.13s.5½d. 'for the serjeants' and beadle's cloaks hatts cloath's etc.' Corp.min.bk, 8 Mar. 1724. Sometimes the reward was neither clothes nor money. For instance, that same corporation once commanded 'that all the serjeants at mace that are not freeman of this city ... be admitted into the freedom of this corporation without fine or fees.' Ibid., 30 Sept. 1707.

2 Caulfield, Cork, p. 74.

clean.'[1]

Sergeants also received court fees. For example, in Limavady, in 1663, the fees were:

> For every arrest, 6d.
> For an oath in court upon evidence, 4d.
> For doing execution upon judgment of court, 1s.
> For every petition delivered of the common council, 4d.
> For every free burgess's oath, 12d.
> For every freeman's oath, 6d.
> For his attending on every person that goes abroad with his keeper, every time, 1s.[2]

Another useful agent of the peace was the beadle, whom Samuel Johnson's dictionary defines as a 'petty officer in parishes'. However, besides those hired by parishes, there were also beadles employed by towns, to whom were assigned very general duties. In Londonderry and

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1 Corp.min.bk, 13 Feb. 1777. In that same year the corporation resolved 'We present that John Kearney town serg't shall kill any swine or pigs belonging to any inhabitant of this town that he can hereafter find in any of the streets of this corporation and that he shall have a salary of £2 a year ... for killing such ... pigs.' Ibid., 30 July 1777. In 1674 another such officer received 4s.6d. 'for his fees as serjant and for carrying away the rubbish of the quarry'. The book of the expenses and receipts of the oconomus of the cathedral church of S. Colman Cloyne 1641-78, U.C.C. Library, Caulfield papers, MS 10, p.20.

2 E. Boyle, ed. Records of the town of Limavady, 1609 to 1808, p.10. For other examples of such fees see (a) St Sepulchre liberty rules (1757-1860) in the Monk Mason abstracts at the P.R.O.I., MS 1a 4149; (b) Records of Carrickfergus, p. 118. P.R.O.N.I., MS t 707.

Youghal such appointments were left to the mayor's discretion.[1]

A Dublin vestry once outlined the duties of its beadle which we may assume were fairly standard throughout the country in respect to parish beadles:

> 'That he wear the parish livery at all times whilst in parish duty, which he is to keep clean and in good order, to attend the church upon all occasions of devine service, and to prevent noise or disturbance at the outside of it during such service, to sweep and cleanse before each front of the church'

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1 Londonderry corp.min.bk, 3 Feb. 1674, 9 Mar. 1684, 30 July 1686. Caulfield, Youghal, p. 330. Private institutions sometimes had their own beadles. For instance, in 1733 Kilkenny corporation ordered the guild of merchants and fraternities of hammermen, merchant tailors, carpenters, cordwinners and bakers to provide a beadle for each corporation, habited in a beadle's hat laced with gold, silver, martin, tincel lace, and a beadle's cockade with the colours of each corporation, and a cloak. The beadles and their wardens were obliged to attend the mayor in their costumes on state occasions. J. Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, i. 288 (1870). In Dublin a corporation, which was set up to relieve the poor, employed beadles to seize beggars found in the metropolis and to carry them to the house of industry. One local vestry resolved as well to point out to those officers, such 'public beggars as may come within our knowledge', as to protect them with the 'utmost of our power', the beadles often being in danger from violence in the execution of their duties. St Andrew's vestry bk, 4 July 1791. In 1738 Dublin corporation defined the duties of its beadles as, 'to wait upon his lordship [the mayor] every morning and receive his directions, to summons the several officers whenever his lordship thinks proper to walk, to summons the constables to attend the speaker and lord chief justice, and to take the sword bearer's directions on particular occasions'. Cal.anc.rec. Dublin, viii. 296.

> 'and church yard by eight o clock in the morning in summer, and nine in winter every day in the year, to prevent ball playing and other impropriety, in the vicinity of the church at all times during the day, to attend the churchwardens and sidesmen when on parochial duty, if requir'd, to proclaim with his bell thro' out the parish any thing lost or found when so requir'd. To attend to the delivery of all notices, summonses, and other messages relative to parochial business when requir'd by the ministers, church wardens, and vestry clerk.'[1]

Beadles appointed by towns had varied duties, chief among them that of ridding the community of beggars. Thus in 1635 Dublin corporation appointed a beadle:

> 'uppon condicion that hee extorte noe pretended custome from such as come to the cittie, and expell all strange beggars out of the cittie, and to apprehend and bring to the Maior all hucksters and free the cittie within the walls from swine; and if he will faile in performance thereof, Mr. Maior shall dispose of his place, and send him to the house of correction to be whipte.'[2]

In 1665 Kinsale council required its beadle to turn out beggars, to keep the streets free from swine and to rake the kennels, for which he was paid 2s.6d. per week

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1 St Mary's vestry bk, 23 Mar. 1796.

2 Cal.anc.rec. Dublin, iii. 317. In 1682 the corporation, 'for the prevention of the many idle beggars which all parts of the city have been filled', employed two beadles 'constantly to attend for prevention and punishment of such beggars and to the end they make it their constant labour'. Ibid., v. 253.

and, for the first time he impounded a pig, he received 12d. and for the second time, he was permitted to kill the animal taking one half of the carcass 'to himself' and leaving the remainder to the pig's owner.[1] In 1703 Cork council obliged its beadle to take charge of the turf bought for the use of the city guards and to deliver it daily and, in 'consideration' of his keeping the corn and other markets clean, 'without receiving anything from the market people', his salary was raised by three pounds.[2] A few years later he was required, twice or thrice weekly, to sweep the herb market and was given 'the benefit of the dung, clearing it away

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1 Caulfield, Kinsale, p.92. In 1675 the council ordered the beadle to open 'the gutters that are stopped'. Ibid., p. 142. In 1670 Youghal council required its beadle to keep 'strange' beggars out of the town, and pigs out of the streets. He was allowed 'for his pains', a blue coat and £4 per annum as well as 3d. for every pig he found between the south green gate and the north gate, and 12d. for all pigs discovered on the commons 'not yoked and ringed', the fines to be paid by their owners. Caulfield, Youghal, p. 330. In 1711 Sligo corporation found it 'fitting and convenient that a beadle be appointed to keep the town cleare & free from strange beggars'. Corp. records, 11 Dec. 1711.

2 Caulfield, Cork, p. 304.

within 24 hours after sweeping same'.[1]

Parliament also made use of this officer. For example, in 1723 the legislature complained of the 'great numbers of idle and vagrant persons' who 'daily' resorted from the country to Dublin and 'who, by reason of the correspondence they generally keep with the beadles of the several parishes, and the neglect of such beadles in the performance of their duty', were permitted to beg in the capital. For remedy, parliament allowed the lord mayor, two aldermen and one of the sheriffs (along with the seneschals of the city's liberties) to make regulations for parish beadles for clearing the city of 'sturdy, idle and vagrant beggars, and inflict pecuniary penalties, not exceeding ten shillings for the breach

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1 Ibid., p. 321. Fethard corporation authorised its beadle to punish those inhabitants who refused to sweep before their doors every Saturday, by making each of them pay 6d. Corp. min. bk, 9 Oct. 1710. A year afterward the corporation required the beadle to 'caution' such persons as neglected to ring their swine and to charge them 6d. for each beast they continued to leave 'unringed'. Ibid., 15 Oct. 1711.

of such by-law on such beadle.'[1] In the session of 1783-4 the legislature allowed beadles to stop, after sunset, persons suspected of carrying stolen goods and to bring them before a justice of the peace.[2]

As indicated the office of beadle was usually salaried and, moreover, a free livery was often attached to it. Thus in 1665 one Dublin parish paid £1.7s. for their beadle's coat and cap, and two years later six shillings was expended for the making of his livery.[3]

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1 10 Geo.I, c.3 cl.17. In default of paying his fine a convicted beadle might be sent to the house of correction for a maximum of 48 hours. Six years later parliament authorized every 'beadle or bell-hour' and every constable and private citizen in Dublin to seize vagabonds in order to commit them to the city workhouse. 3 Geo.II, c.17 cl.4. An officer neglecting this duty faced a fine of 20 shillings which was to be given over to the governors of the workhouse.

2 23 & 24 Geo.III, c.45 cl.4.

3 St Bride's vestry accounts, 1665, 1667. By 1677 the vestry was paying this officer £4 and 'his coats'. Ibid., 1677. By 1692 the salary and clothes amounted to £6. Ibid., 1692. In 1704 a beadle of this parish was dismissed through infirmity but allowed 18d. weekly and, moreover, was 'received' as one of the parish poor. At the same time a new beadle was appointed at £4 per annum. Ibid., 1704. However, by 1725 the salary had risen to £5 and the clothing. Ibid., 1725. In 1744 the vestry expended £5.0s.4d. for the 'beadle's livery in full'. Ibid., 10 Aug. 1744.

In 1671 Dublin corporation, in response to the petition of two of its beadles that they had grown aged while their salary had remained 'hitherto but small', not only allowed each of them £4 but as well twenty shillings each, every Christmas, for their livery.[1] In 1677 a Dublin parish spent £2.15s.5d. 'ffor a shute of clothes ffor ye beadle' and 1s.8d. for his lantern. The year following the parish paid £2.17s.6d. for another suit of clothes, and the next year £2.19s.8d. was similarly expended.[2] In 1713 St John's parish (Dublin) paid £8 to its beadle for wages and cloaks and £10.8s. was spent in 1716 under the same heading.[3] By 1770 the vestry was paying £6 per annum to that officer which sum had risen to £9 by 1774.[4]

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1 Cal.anc.rec. Dublin, iv.532. By 1783 the city beadles were receiving £10 per annum and their great coats cost another £12.5s. Accounts of N. Warren, treasurer of Dublin, May-Sept. 1783. By 1792 one city beadle was being paid £15 yearly. Cal.anc.rec. Dublin, xiv. 246.

2 St. Catherine's and St James's vestry bk, 4 June 1677, 1678, 1679.

3 Vestry accounts, 1713, 1716. In 1766 the beadle was being paid £5 yearly for collecting the tax placed on the parish to provide street-lighting. Ibid., 1 Apr. 1766.

4 Ibid., 25 Mar. 1770, 25 Mar. 1774. The vestry also expended £1.2s.8d. for a 'broad gold hatt lace double loop and button' for his livery. Ibid., Dec. 1774.

In 1727 St Mary's parish (Dublin) paid its beadle £14.12s. yearly which salary rose to £20 by 1796.[1] In that latter year it was decided to recommend to the parish that £7 be granted annually 'in trust to the churchwardens for the purchase of proper cloths for the said officer'. His livery was to consist of:

> 'A blue cloth coat waistcoat and breeches edg'd with scarlet, the coat to have a scarlet cape and gold binding and whole yellow metal buttons, an hat with a gilt button and lace loop the price not to exceed one guinea.'[2]

In 1658 Kilkenny corporation paid its beadles £4 each, a sum they were still receiving by 1709.[3] In 1675 Londonderry corporation allowed its beadle £6 a year paid quarterly;[4] in 1679 he received £3 per annum and a coat;[5] but this was raised to £5 the

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1 Vestry bk, 1727, 10 Mar. 1796.

2 Ibid., 23 Mar. 1796.

3 J. Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I Jn., series 4, i. 283-4 (1870). In 1709 the corporation decided that the two beadles should also receive 'blew liveryes and narrow laced hatts every two yeares, and the bell in common'. Corp. min. bk, 6 Jan. 1709.

4 Corp. min. bk, 3 Feb. 1675.

5 Ibid., 3 Feb. 1679. Because many beadles received blue-coloured coats as part of their livery, they were often popularly termed 'blue coats'.

next year.[1] In 1700 the beadle was allowed a piece of waste ground for a cabin 'during his good behaviour in office'[2] and by 1710 his salary had declined once again to £4 per annum, however, by 1752 it had risen once more to £5.[3] In 1675 Kinsale council paid its beadle twenty pence weekly and as well gave him a 'frize' coat with the corporation arms on it. He was still receiving the same emoluments in 1712.[4] In 1703 Cork council allowed its beadle £7 yearly[5] while in 1707 Fethard corporation paid twelve shillings per annum to its 'crier and beadle'.[6] In 1711 Sligo corporation decided to applot £4 annually on the town for the beadle's salary and for buying him a hat.[7]

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1 Ibid., 8 Feb. 1680.

2 Ibid., 29 May 1700.

3 Ibid., 12 Dec. 1710, 22 Feb. 1752.

4 Caulfield, Kinsale, pp. lxx, 142. In 1742 the council decided that the sum paid to the beadle for whipping vagrants and others 'be struck off the town disbursements, in future the person punished was 'to be at the expense'. Ibid., p. lxxix.

5 Caulfield, Cork, p. 304.

6 Corp. min. bk, 20 Apr. 1707. Three years later the beadle was allowed eight shillings 'out of the revenue of the town' to buy a coat and hat. Ibid., 9 Oct. 1710.

7 Corp. records, 11 Dec. 1711.

Dundalk corporation paid its beadle £3.10s. annually from 1757 to 1759.[1] In Youghal he was paid £2 a year in 1771 and £5 in 1792.[2]

Closely associated with the beadle (sometimes the two offices were combined in one person) was another minor officer termed the bell-hour.[3] His chief duty was to make public announcements[4] but sometimes he also had other obligations as well. Thus in 1617 Kilkenny corporation ordered that:

> 'All hogs found in the market place or church yard to be killed, and the person killing them to have the head ... or the value from the owner and the bellman to put this law into execution.'[5]

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1 'Dundalk corporation accounts, 1755-59', in Louth Arch. Soc. Jn., v. (No. 1) 46-8. (Dec. 1921).

2 Caulfield, Youghal, pp. 499, 526.

3 Through misspelling the word was often turned into 'bellore' and 'bellow' etc. In 1675 New Ross corporation appointed a man beadle, bellore and crier. Hore, Wexford, i. 352.

4 For instance, after a meeting one Dublin vestry ordered that 'the belloruer give public notice by his bell and treading in the proper place in this parish such notice as was drawn this day, at 12 o'clock on the three next market days'. St Werburgh's parish min. bk, 12 Mar. 1773. For another example see Kilkenny corp. min. bk, 26 May 1718.

5 J. Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, i. 290 (1870).

In 1635 a Dublin 'belman', who had been dismissed for irregularities, was restored to office as well 'uppon hope of his reformacion' as:

> 'uppon condicion that hee cleere the stopping of the watercourse from the mill beyond Dolphin's Barne into the conduite head and soe shall order the same from time to time, uppon his owne costes and chardges, uppon paine of forfeiture of the said office'.[1]

In 1663 Kinsale council appointed a man 'bellman and beadell', requiring him to keep 'the piggs and beggars out of the streets, to go with the bell betwixt Mich. and Lady day at the hours of 10, 12, 2, and 4 in the night, but to look to the beggars and piggs the whole yeare'.[2] In 1688 the 'ballours' of New Ross were required to keep the town 'constantly' free of 'strange beggars and poor scholars'.[3] In 1678 Cashel corporation declared:

> 'that in regard of the present bellman's non performance of his office, and disability for the same because of his weakness and infirmities, that the present mayor shall appoint another in his place, to lock the gates and keep them ... to toll the bell at night and at market, to keep the streets clear from hogs and cows,

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1 Cal. anc. rec. Dublin, iii. 317.

2 Caulfield, Kinsale, p. 83.

3 Hore, Wexford, i. 363.

> 'and all sorts of beggars unless such as shall have the badge [a permit allowing them to beg locally] of this town.'[1]

The emoluments attached to the office usually were small but often included clothing. Thus in 1679 Cashel's bellman received £3 and a 'livery'.[2] In 1681 a Dublin vestry expended £3.15s. for 'cloath searg: hatt, stockings, shooes and making for ye bellow.'[3] In 1706 Cork council allowed its night bellman a livery coat and forty shillings annually in consideration of his perambulating the city and suburbs every night between September 29 and March 25.[4] In 1707 a Dublin

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1 Corp.min.bk, 3 June 1678.

2 Corp.min.bk, 9 Oct. 1679. In 1693 the corporation paid 19s.9d. for his coat, 4s.11d. for his shoes and stockings, and 2s. for his lantern. Ibid., 19 Oct. 1693, 20 Nov. 1693. In 1698 his salary was £2 per annum and his clothes, candles and lantern cost 13s. 4½d. Ibid., 15 July, 1698. The following year his coat and 'serge for cloaks' cost £1.13s.10d. Ibid., 21 Sept. 1699. Kilkenny corporation once commanded that its two 'baylures' be given, 'blue coats and all things suitable and that the two sergeants at mace be provided with gray cloakes and all things suitable.' The aldermen were urged to 'take care that they be donn as cheap and as convenient as may be, for the credit and honour of this corporation'. Corp.min.bk, 12 Dec. 1692.

3 St Catherine's and St James's vestry bk, 1681.

4 Caulfield, Cork, p. 321.

vestry appointed a 'bellore' at £4 a year:

> 'with the allowance of a thorough livery w'th two pair of stockings, and two pair of shoes and a further allowance ... of twelve pence a weeke for sweeping of streets round the church & church yard etc.'[1]

In 1714 Drogheda corporation gave its bell-hour twenty shillings a year as well as a coat and a hook 'to help keep swine and beggars out of this town.'[2] In 1730 Sligo corporation paid £6 annually to its 'ball-ower' and thirteen shillings for his coat,[3] while the year following Kilkenny corporation ordered 'that John Stevens be continued bellman or bellour and have a sallary of forty shillings per annum and a livery appointed for him as for the beadles'.[4]

Associated with the beadle and the bell-hour

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1 St Mary's vestry bk, 11 July 1707. In that same year Fethard corporation paid its 'ballure' twelve shillings yearly and gave him a coat. Corp.min.bk, 9 Feb. 1707.

2 Gogarty, Drogheda, p. 323. In 1717 Kinsale council allowed its bellman £4.10s. salary as well as a hat, coat and shoes 'worth 18s.' However, the council also urged that one shilling be 'stopt' for each night he neglected his duty. Caulfield, Kinsale, p. lxxi.

3 Corp records, 1 Sept. 1730.

4 Corp. min. bk, 30 Sept. 1731.

was another petty officer termed the whip-beggar or bang-beggar whose chief occupation was to drive from the community 'strange' vagabonds, that is to say, those who had not been licensed to beg locally. Thus Kilkenny corporation once ordered its treasurer to:

> 'get prepared a proper instrument in the nature of a shepards crook with a sharp edge, and delivere /it/ to the whip beggar along with a catt o ninetails for enabling him to keep the streets free from hoggs & sturdy & foreign beggars.'[1]

The office was sometimes combined with that of beadle or bell-hour but, at times, one of the local beggars might be given the duty. For example, in 1623 Kilkenny corporation declared:

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1 Corp.min.bk, 9 Oct. 1727. It had long been the custom of many communities to authorize some of their poor to entreat alms locally. Such persons were often given badges to indicate their official status. For example, in 1628 Galway corporation enacted 'that such poor and needie men, born in the towne, as shall be allowed to begge, shall have leden tokens fastened to their caps, to distinguish them from others.' Hardiman, Galway, p. 214. In 1682 Finglas vestry ordered 'that in future no persons be esteemed as poor of this parish but such as have blew coats and badges given to them by the churchwardens ... and that all other beggars be reputed as vagabonds'. W. Stubbs, 'Finglas, county Dublin, vestry books', in R.S.A.I. Jn., series 6, vi.35 (June 1916). In 1773 a committee of a Dublin vestry resolved to meet 'on every Monday at 12 o'clock to receive poor persons residing in this parish who want to be licensed to beg.' St Werburgh's parish min.bk, 12 Mar. 1773.

> 'A petition of Wm. Derby, that he may have the carrying of the bell of the poor of his corp'n, and have the leading of the s'd poor. His pett'n granted, and he to use his best endeavours to rid the town of strange beggars.'[1]

Bang-beggars were usually salaried and often received some clothing. Thus in 1711 Kilkenny corporation expended fifty shillings for providing clothes for its whip-beggar and in 1745 that officer received £2.10s. (which was ten shillings more than the sum paid to the bellman) and a livery.[2] In 1774 a Dublin vestry appointed two bang-beggars at a salary of £5 each per annum, 'to perambulate the parish constantly and when called upon to seize sturdy beggars and vagrants and commit them to the watch house.'[3]

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1 J. Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, i. 294 (1870). For another example see A.B. Wilson, 'Licensed beggars', in Cork Hist.Soc. Jn., series 2, iv. 319 (1898).

2 J. Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, i. 293 (1870). In 1746 a co. Down vestry spent £2.4s. 'for the bang beggar's coat, and money paid.' E. Parkinson, 'The vestry books of the parish of Down, 1703-1828', in U.J.A., xv. 80 (1909).

3 St Bride's vestry accounts, 1774. The vestry also appointed another man, at the same salary, 'to attend each day at the watch house from morning till evening to receive vagrants committed by the perambulators.' Ibid.

Problems in administration.

That during our period the police system of Ireland sometimes functioned imperfectly cannot be gainsaid. Doubtless one of the chief causes of this was the dislike felt by many busy citizens for serving as minor ecclesiastical or civil officers for in either capacity the duties could be time-consuming and arduous.[1] For example, so unpopular were the posts of churchwarden and high constable that one draft of a bill intended to tighten up the penal laws contained an 'ingenious provision' by which any man who conformed to the established church would be exempted from such duties.[2]

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1 Naturally enough a man might be somewhat less than eager to accept a post which could, at times, be dangerous as well as laborious. For instance, in 1751 the high sheriff of Queen's county, while serving a writ, was attacked by a mob which 'battered and abused him in a barbarous and cruel manner', before he managed to escape. P.R.O.I., Printed proclamations, bundle xi, MS 1A44 43. In Cork, a parish constable was injured by a mob while attempting to stop Sunday trading. Freeman's Jn., 26 Oct. 1769. In 1772 Drogheda council offered a reward of £20 for apprehending the man who was believed to have murdered one of the local watchmen. Corp.min.bk, 17 July 1772. In 1796 the Limerick militia feeling 'grieved' against a high constable, not only wounded him but as well looted his house and burnt it to the ground. J. Wright to T. Pelham, 18 Oct. 1796, P.R.O.I., Cal. R.P. carton 620/25, doc. 175.

2 J. Ainsworth, ed. The Inchiquin manuscripts, p. 191.

Corporation and parish records clearly indicate the difficulties local authorities experienced in forcing inhabitants to serve as petty constables and watchmen. Thus in 1616 Youghal council declared:

> 'Whereas the aldermen and others have challenged a freedom from the common watch of the town, alledging it an ancient custom within other cities, etc. it is ordered that all householders, etc. shall be liable to watch as other the inhabitants'.[1]

In 1683 that same council complained of the watch being 'very much neglected' and that several of the inhabitants, 'though warned by constables', had not appeared but instead sent 'small boys who are incapable of serving, whereby several persons have had their fireing, etc. stolen in the night'.[2] In 1677 Cashel corporation warned its watch overseers that they would each forfeit five shillings for every neglect of duty, and in

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1 Caulfield, Youghal, p.43. Another corporation concluded that 'if any inhab't shall refuse or neglect to watch in his turne by a person qualifyed /he/ shall be comitted ... to goale.' Waterford min.bk, 7 Oct. 1701.

2 Caulfield, Youghal, p.362. For remedy the council required the constables to hire an able deputy in the 'room of the person neglecting' and to force the delinquent to pay a shilling the following morning. In 1715 the council ordered that persons refusing to do the duty were to be fined six pence and if it were the watch captain who failed to appear the fine was to be 2s.6d. Ibid., p. 406.

1702 it was decided to levy a fine of 2s.6d. on delinquents which sum was to be paid to the constable for his care in 'observing' the watch.[1] In 1759 the sovereign of Belfast complained that the 'keeping of a sufficient night watch in the town' had been 'greatly neglected'. For remedy he announced that:

> 'In case any of the inhabitants shall refuse ... to keep watch ... the ... constables are to give immediate information to me thereof as they shall answer the contrary at their peril, that the legal fines may be levied ... as I am determined to put the law ... strictly in force.'[2]

That many petty officers were ignorant of the law and of their duties must have been another impediment to the proper functioning of the police.[3] There is no evidence that the government issued a manual to which they could

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1 Corp.min.bk, 14 Mar. 1677; 8 Apr. 1702.

2 G. Benn, A history of Belfast to 1810, i. 503.

3 Moreover, that some were illiterate was certainly a serious obstruction. That this was so in the more remote districts is undeniable. For instance, Rathlin island vestry book shows that several men who served both as constables and churchwardens could not sign their names. P.R.O.N.I., MS T86, Apr. 1783, Apr. 1787, Apr. 1792. Even in the capital the records indicate that some constables were barely literate.

refer and it seems unlikely that many of them had access to the statute books. Furthermore, the oaths they made upon entering into their offices were too general to be especially helpful.[1] Jeremy Carson in his book on the duties of such minor officers (printed in Dublin in 1720) observed that although in Ireland the office of constable was 'very important and extensive', nevertheless there was no handbook 'suited to the laws of this kingdom' and, since Irish statutes differed 'in many aspects from those in England', manuals issued there:

> 'are of little use to us here, or do little more than serve to puzzle and perplex the reader; whereof persons called to this office, are liable to mistakes, even to their own prejudice as well as others, and may unwittingly do things they can't stand by.'[2]

Furthermore, the fact that many such officers served but one year was yet another drawback for, at the

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1 Thus a Belturbet constable was disfranchised for refusing to obey the order of a magistrate. He was readmitted to his freedom when he pleaded ignorance of his duty. Corp.min.bk, 8 June 1736. Nevertheless, at least one corporation attempted to overcome this deficiency when, having appointed 'two protestant constables for the ensuing year', it ordered that 'their duty be given to them in writing'. Minutes of the sovereign's court of Portarlington, 21 Oct. 1732. New statutes were of course printed and widely distributed but one wonders how long such copies lasted.

2 Carson, Constables, p. 3.

expiration of their terms, their experience was largely lost to the community.[1]

There was also the problem of trying to find proper men to fill these posts. And, although it was impossible to please every one in this respect, it may be that the archbishop of Cashel expressed more than his own sentiments when, apropos the barony constables, he declared:

> 'At present the country was charged £4 a year each for men totally unqualified for the office in respect to age, health, strength, and private character - they paid this money to men for doing nothing,'

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1 Take for example, the difficulties that arose when out-going churchwardens, many of them with little experience of keeping records and none at all as accountants, handed over their stewardship to their successors. Thus one Dublin vestry observed,'whereas it appears that the continual changing of churchwardens must always render the accounts of the parish confused, and unsatisfactory ... the churchwardens in office often times not knowing what things their predecessors had ordered to be done, what persons they had employed, the terms on which they had employed them, who was paid by them, and who not, so that under these circumstances neither auditors, nor churchwardens could guard effectually against irregularity and confusion.' St John's vestry bk, 9 Apr. 1764. For another example of this kind of complaint see Clondalkin vestry bk, 1 June 1773.

in many cases for being very unworthy members of society'.[1]

That corruption existed cannot be doubted. For example, there were many complaints made against constables who refused to surrender the public moneys they had collected. Thus Naas corporation ordered that 'every constable that do not give up his accompt ... according to his warr't that he be fourth w'th committed into the marshall.'[2] And a co. Louth grand jury once voted £10 to the deputy clerk of the crown, 'for his good service in recovering the publick money that was in the hands of the high and petty constables of this country'.[3] In 1781 Armagh

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1 Dublin Evening Post, 22 Mar. 1792. It is certain that no man could get rich from what he earned as a petty constable or watchman. It is also certain that, at times, their salaries might be much in arrears. Thus one Ulster sub-constable had to wait two years for his pay. Co. Donegal general assize and jail delivery bk, Lent 1778, entry no. 161. And, in Drogheda the watchmen once had to petition for their back wages. Corp. min. bk, 21 Jan. 1791. Such circumstances must naturally have led to some slackness and indifference on the part of the police.

2 Corp. min. bk, 5 Oct. 1680.

3 General assize bk, 23 Mar. 1720. Some years later that officer received £15 for prosecuting high constables for the same reason. Ibid., Lent assize, 1732. For other examples of this see Caulfield, Kinsale, pp. 241, 243, 244.

corporation decided to levy over £50 to defray the expenses:

> 'incurred at the last assizes in the prosecution of John Gordon late petty constable (for the good of this corporation) for exceeding and extorting several sums of money from several of the inhabitants of this town of which he was convicted'.[1]

It is a measure of the unpopularity of the duty that one Ulster vestry threatened to continue two men as constables until they handed over a parish cess that they had collected.[2]

Finally, it can not be gainsaid that the very paucity of their numbers must have seriously hindered the proper functioning of the police. This was especially true in periods of agrarian unrest. Thus in 1797, at a time when the Defenders were causing the government much concern, a gentleman of co. Westmeath pointed out how much the local constables, 'after having done a piece of duty', feared reprisals against themselves and their families. He wrote:

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1 Borough bk, 24 Aug. 1781.

2 Transcript of Rathlin island vestry bk, Apr. 1782, Apr. 1793. For another example of this see: Dundalk parish vestry minutes, 9 Apr. 1751.

> 'several of our constables are intimidated ... preservation of life is the first object, if they can do that and their duty they will - but I see clearly that the best of them can't act except those that live under the immediate protection of a gentleman and can be backed by force .... At our barony meeting yesterday our idea was that the constables sh'd eight go into one house at Ballingare and eight at Milltown, and keep moving - what can eight men do - they cannot be up every night, and none of the places we c'd put them in are they likely to meet with less than 100 actual operating Defenders or men sworn not to say or do anything but rather to betray any move the constables might be about to make - and since that plan has been fixed on, some constables I have reason to know (like many other men) I fear will try to preserve life between the two powers'.[1]

The result of these serious limitations was that both the government and the communities had to rely on the military as the chief preserver of law and order. Probably nothing indicated so well the ineffectualness of the police as that one salient fact. Indeed to a very critical observer it might have appeared that the police system of eighteenth century Ireland had been established solely to disprove Pascal's dictum, 'things are always at their best in their beginning.'[2]

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1 G. Rochfort to Mr. Cope, 30 May 1797. P.R.O.I., Cal. R.P. carton 620/30, doc. 246.

2 Lettres provinciales, No. 2.

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# CHAPTER II

## The Dublin Police.

### Organization.

The earliest evidence of a watch in Dublin occurs when, in 1305, the common council of the city set up a small establishment consisting of three chief watchmen, each with several assistants, and determined their posts.[1] In late medieval Dublin, as in other Irish towns, the constables appear to have been closely connected with the watch, even doing the duty themselves, but by Elizabethan times their manifold functions seem to have made actual watching onerus thus, in 1558, the city assembly freed them of the service. Nevertheless their intimacy with the watch was not shattered for, at the same time, the assembly required them to cess the wards for the watchmen's wages, levy the cess and be answerable for it to the men.[2] Ultimate control of the watch lay with the magistrates. For example, in 1575 the city commons complained that many aldermen and sheriffs had, because of a plague, fled to the country leaving no one to be

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1 Cal.anc.rec. Dublin, i.223.

2 Ibid., p.477.

accountable for watch and ward and raising taxes for safeguarding the city. For remedy the assembly declared that such officers would be disfranchised if they did not return to their duties.[1] In 1690 the lord mayor reminded the aldermen of their obligations:

> 'whereas by several acts of comon councell ... as well as by antient custome ... every alderman ... in their wards have been and ought to be conservers of their majesties peace therein to hear and examine all offences and misdemeaners under felony and treason, to make search in their wards so often as they shall think fitt for all felons traytors idlers vagrant persons sturdy beggars and incorrigable rogues and to comand constables to be obsequious in their dutys therein and any such persons ... having found to comitt unto the ward, until ... they shall be brought before the ... justices of the peace'.[2]

By the late seventeenth century it appears that although the corporation acted as a general overseer of law and order, the actual policing of the capital had devolved upon the wards and parishes which composed it such districts receiving, on occasion, memorials from the chief magistrate urging that strict attention be

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1 Ibid., ii. 100.

2 Some observations upon the antient customes and proceedings of the citie of Dublin, p.41. Armagh Public Library.

paid to the duty. Thus one vestry decided:

> 'In consequence of a warrant from the lord mayor to the parishoners to keep watch and ward for preventing burglaries, robberies and so forth, and the parish being heretofore divided into several wards, which kept distinct watches; it was agreed being thought more conducive to the ease of the parishoners that from thenceforth they should be united in watches.'[1]

By the early years of the eighteenth century, however, the old methods of keeping the police in Dublin were breaking down. Because of the many 'ill affected' persons refusing to watch the system was found 'to be very weak and of little use', moreover, the 'great concourse of people' resorting from all parts of the kingdom to the capital as well as the large numbers of 'popish' inhabitants already living there were considered a grave danger. It was thought therefore 'of absolute necessity that a strong ... watch consisting all of protestants' should be established in Dublin, but this was 'altogether unpracticable' as the law then stood. For remedy parliament, in 1715, set up its first comprehensive watch scheme for the city. Thus the lord mayor, the aldermen, and the seneschals of the liberties of St Sepulchre, Thomascourt and Donore were granted

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1 T.C.D., MS Room, St Andrew's vestry bk, 11 Nov. 1672.

authority, from 24 June 1716, to institute watches in the capital and its liberties. They were obliged, however, to appoint only protestant constables and watchmen. The establishment was to be financed by a house tax the payment of which discharged householders from the obligation of keeping watch in person, or of sending a deputy, of consequence the corporation was able to hire watchmen.[1]

But this centralized system proved equally useless. The watch continued insufficiently kept and peculation increased for some constables collected from citizens 'greater sums of money, than by law were due,' as a result parliament, in 1721, handed back the care of the watch to the parishes under the inspection of the city magistrates. Thus every February the parishoners of the capital and its liberties were required to meet to settle the watch of their parish. Having assembled they were to select fifteen of their number 'of good substance' (the quorum was to be seven) the latter being obliged to ascertain the number of constables, watchmen and watch houses required for parish uses each year (from March to March), where they were

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1 2 Geo.I, c.10 cl. 10,11.

to be stationed, and to make 'reasonable' bye-laws respecting wages, weapons and duties. The committee was also to engage such watchmen as were 'not only honest men and protestants but able of body'. The men were to be under the 'controul and inspection' of the alderman of the ward as well as the constable of the parish.[1]

As for constables: annually in easter week the parishoners were required to elect parish housekeepers to attend the duty for one year. Those selected were to be presented to the lord mayor for his approbation; should he disapprove of any of them the parishoners were obliged to elect another until one was chosen whom the chief magistrate would accept. A replacement was to be selected for any constable who died or removed. Any man elected to the office might assign a 'sufficient' deputy to act for him; anyone refusing either to serve or to send a deputy faced a fine of five pounds.[2] No catholic or person keeping an inn, ale-house or place of entertainment could assume the office any so chosen had to find a deputy (the latter to be approved of by

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1 8 Geo.I, c.10 cl.2,3.

2 Ibid., cl.4. The money was to be used to hire a deputy who also had to be approved of by the lord mayor.

the lord mayor) or to pay five pounds.[1] Finally, no man was obliged to do the duty in the same parish where he had 'formerly served as constable'.[2]

In 1723 parliament amended this statute. It now required that constables, within six days of their election, were to be returned to the lord mayor in order that the latter could swear them into office. Moreover, a constable was obliged to inform the chief magistrate where he lived and, to indicate his house to the parishoners, he was required to nail upon his door a short constable staff or to paint the figure of such upon his house.[3]

In 1729 two further amendments were made to the act of 1721. The first sought to remedy the 'several

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1 Ibid., cl.5.

2 Ibid., cl.14. Also excused was he who was of the degree of an esquire 'or above' or was an alderman or deputy alderman or who had served as sheriff or had paid a fine for not serving. Ibid., cl.5. Officers on half pay were added to the list in 1723 by the act 10 Geo.I, c.3. cl.6.

3 10 Geo.I, c.3. cl.4,7. Refusing to do so a constable faced a fine of forty shillings. The act also reduced the number of committeemen from fifteen to nine and obliged the parishoners to appoint a successor to a deceased or removed watchman within ten days. Ibid., cl.1,3.

mischiefs' that arose from the lord mayor's 'frequent' disapproval, without 'any reasonable cause', of those elected constables. To prevent this parliament obliged the chief magistrate to give to the minister of the parish, within eight days of the constable being presented, a reasonable cause for his disapprobation. If the parishoners thought themselves aggrieved the churchwardens were to lay the matter before a judge of the king's bench and, if the latter should also disapprove of the man presented the parishoners were obliged to hold a new election.[1] The second amendment attempted to prevent persons selected constables from engaging deputies who were often 'unfit for the trust', by requiring anyone who wished to act through another to obtain the

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1 3 Geo.II, c.13 cl.4. The lords mayor continued to exercise their right of disapproving constables-elect. For examples of this see St John's vestry book, 1733-5, 1737, 1743, 1754, 1763. As late as May 1775 three men were named by this vestry to serve in the place of those 'disqualified' by the chief magistrate. The exact reason for refusing to accept a man is rarely given and the few examples extant do not seem to be especially vexatious. Thus one man was rejected because he was 'very much struck in years' and could not speak English; another because he was violently afflicted with 'astima and still doth labour under that and other disorders'; a third because he had been a justice of the peace by which commission he bore the title of esquire and was therefore excused from the duty by act of parliament. St Peter's vestry bk, 30 June 1740, 21 Apr. 1741, 5 May 1741.

vestry's permission and, if this were refused, that body was allowed to nominate a deputy at its own discretion.[1]

But these minor amendments, and those made later[2] did not essentially alter the act of 1721 by virtue of which Dublin was policed for half a century. However, as the city expanded[3] the old ways began to

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1 Ibid., cl. 5. It was not unknown for two constables to engage one deputy to serve for both of them. Thus the watch directors of St Thomas's parish once ordered that 'the ... constables ... do provide everyone a particular deputy' as the directors were resolved 'not to admit any man to serve for two masters'. Watch directors' min. bk, 12 Dec. 1752. The directors had already permitted this to happen (10 Oct. 1752) and even afterwards were inclined to overlook their own ordinance (3 May 1760). However, some parishes were very strict in this regard. For instance, St Peter's required constables to post a bond of £50 as security for the good 'behaver' of their deputies. On occasion the latter too were obliged to post similar sized bonds. Vestry bk, 15 June 1738, 21 June 1739.

2 Thus in 1765 parliament commanded that the Liffey bridges were to be patrolled by the watchmen of the parishes adjoining them. Such guards were to be 'so many in number and subject to such regulations' as the lord mayor should appoint. At the same time the legislature required that deputy constables were to be selected first by the churchwardens and parishoners and then recommended to the chief magistrate by the watch directors. 5 Geo. III, c. 22 cl. 8,5.

3 It was believed that between 1711 and 1753, 4,000 houses had been erected in the city, which meant that, by 'allowing 8 souls to an house' the population had increased by 32,000. By 1777 there were 17,151 houses in the city and the number of inhabitants was reckoned at 127,208. W. Wilson, Dublin Directory, (1800) pp. 161-2.

prove insufficient for protection hence some new plans were drawn up which, it was hoped, would provide greater security and safety. For example, in 1739 a municipal committee urged that the capital be partitioned into 24 wards each under the care of an alderman assisted by 4 protestant constables chosen by the inhabitants. Such officers were to be 'excused from all other duties of a constable, other than taking care of the watch and executing the orders of the alderman in preserving the peace ... of the ward.'[1] And in 1771, another such committee drew up a police bill[2] from which much good was expected

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1 Cal. anc. rec. Dublin, viii. 354.

2 The bill is discussed in Cal. anc. rec. Dublin, xii. 44, 120. In 1777 a vestry resolved to petition the legislature to provide 'some method to preserve public safety at night' similar to that practiced in a number of French cities. That is, the citizens should be guarded by 'able bodyed men' well armed and under parochial control who would silently patrol the streets with 'dark lanthorns' and not, as was then the case, by watchmen 'so enfeebled by age or weakened by their labour in the day time 'that they were unable 'either to attack or pursue rogues' and who, moreover, by their 'hideous outcrys' of the hour as well disturbed the general peace as warned thieves 'to keep out of their way'. The vestry further observed that the 'full watch money' of the parish, amounting to about £300 a year, if added to 'the sums arising from other parishes' would provide a 'sufficient fund' for establishing such a proper police force. St Bride's vestry accounts, (1662-1780), Nov. 1777.

when parliament passed it, however, nothing came either of it or of the proposal made in 1739.

Parliament's answer to the growing problem was to establish a new police system for the city. Thus from 29 September 1778 every parish in the capital and its suburbs was to be considered as a distinct ward, the lord mayor and aldermen being required to select one of their number to assume the presidency of the ward police during the pleasure of the corporation.[1] Every year the inhabitants were obliged to choose from amongst themselves 'paying scot and lot' not less than six nor more than twelve to be their representatives in a ward court, which assembly was required to draw up 'reasonable' regulations concerning the ward police, and was as well to select 'such number of persons' as it judged requisite to act as constables and watchmen.[2]

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1 The president was permitted to appoint a member of the city council and resident of the ward to serve as his deputy. However, no man could act as deputy until he had been approved of by the corporation and had sworn that he was possessed of an estate of £800 value. Furthermore, he could not continue to serve as deputy if he left either the council or the ward to which he was appointed. 17 & 18 Geo. III, c. 43 cl. 1-3. For a list of those persons elected ward presidents see Faulkner's Dublin Jn., 26 Sept. 1778.

2 Ibid., cl. 4. The president was to be chairman of the court.

The new statute was not universally popular; indeed it was denounced as 'futile, absurd and inconsistent' and the legislators taken to task for being in such a hurry for prorogation that they had 'let it escape into law'. One newspaper observed that there was not in it 'a word of penalty or compulsion' should the ward courts neglect their duties and, as there was 'no sort of provision' for raising taxes for the support of 'this nocturnal guard', it appeared as if the watchmen 'were at their own expence ... to furnish themselves with cloaths, arms etc.'[1] Despite such criticism, however, parliament made no effort to rectify the inadequacies of the act which continued in force until 1786.

A few years later parliament tried another experiment, a sort of watch within a watch, when, in the session of 1783-4, it permitted the people living in and about Rutland square to raise a patrol for their own use. Thus the governors and six overseers of the lying-in hospital as well as the residents of the district were empowered, 'if required by four

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1 Freeman's Jn., 26 Sept. 1778. Moreover, it was also pointed out that since the statute did not extend to the liberties of Donore and St Sepulchre, the whole scheme was thus gravely weakened. Ibid.

parts in five of the inhabitants', to levy moneys for 'support of a patrole and watch for the security of the neighbourhood', provided that the annual sum raised did not exceed six pence by the foot 'running measure' of the fronts of all the properties of the district. Those agreeing to such payments were absolved from contributing to the general Dublin watch tax.[1] The patrol was to be appointed and regulated by the overseers and guardians of the hospitals.[2] In 1785, after observing that Rutland square and several of the streets named in the late act were 'mostly built upon one side only', consequently the rate was proving 'insufficient', parliament raised the tax to one shilling per foot which, it was reckoned, would produce £128 yearly. Of this sum £112 was to be expended on wages, £12

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1 23 & 24 Geo. III, c.57 cl. 75, 82. The district was composed of Grandby row, Palace row, Cavendish row, Gardiner's row, Great George's street, Temple, Dorset and Eccles streets as well as that part of Great Britain street opposite to Grandby row and the lying-in hospital and the 'continuance of the same to Summerhill'. The governors and overseers were permitted to appoint a treasurer who was required to be bonded for double the sums that might probably be deposited with him and who was to produce his accounts every March. Ibid., cl. 85, 83. For a list of the overseers see clause 15.

2 Ibid., cl. 85.

on fuel and light, the remainder on 'other contingencies'.[1]

However, despite the act of 1777-8 and the private patrol in Rutland square, the difficulties of enforcing law and order in the capital increased rather than diminished of consequence there were many complaints. For instance, one newspaper observed:

> 'It is high time that some effectual improvement should be made in the police of this city. It is very hard that the property of very rich and respectable citizens is entrusted to a set of old, decrepid watchmen, who are literaly speaking, better qualified to serve as invalids in Channel-row than to act as the nocturnal guardians of a great and extensive metropolis.'[2]

In February 1785 a member of parliament, John Blaquiere, told the commons:

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1 25 Geo.III, c.43 cl.25. The watch directors were required to obtain 'sufficient securities ... of twenty pounds for each of the watchmen, and one hundred pounds for the constable' as a condition for the proper observance of their duties. Ibid., cl.26. There is little evidence to suggest that Dublin watchmen and constables were usually required to give such securities. However, although the practice appears to have been rare it was not unknown. For example one vestry required its constables to give 'satisfactory security' for the faithful performance of their office. Min. bk of St Thomas's watch directors, 14 June 1757. See also above p. 152, footnote 1.

2 Dublin Volunteer Evening Post, 20 Jan. 1786.

> 'The police of the city of Dublin is at present in a most disorderly situation. Indeed I may say there is no regular police at all, as neither the persons nor the properties of the inhabitants are in any degree safe in the streets after dark.'

He imagined that the 'improper mode of the watch' was 'one great cause' of the evils, and he further declared that the watch tax then raised 'if properly applied' would afford sufficient security for the city.[1]

There were, at the same time, as well as complaints, rumours of new schemes being drawn up both by members of parliament and by Dublin corporation for the reform of the police.[2] Moreover, the difficulties of drafting a satisfactory plan were appreciated. Thus one newspaper commented:

> 'It signifies very little to adopt the police system of this or that country. The police of a nation should be suited to the genius of its people. The phlegm of a Dutchman, or the sombre regularity

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1 I.P.R., iv. 135.

2 For examples see I.P.R., iii. 86, 98. Nathaniel Warren a former lord mayor (1782-3) declared that while he was in office he had written to the lords mayor of London 'for a plan of the system of police used in that metropolis' and had 'conducted himself during his mayoralty, by the communication those gentlemen were pleased to make him'. Ibid., p. 91.

> of an Englishman stand not in need of a decisive rigour necessary to the restriction of Irish liceniousness. But tho' the laws of police may be rendered sufficiently effective, care should be taken to mould the general feature of the system to the established common and statute laws of the land. Thus, if a patrole may be 'armed with power, to enter reputable licensed taverns or public houses at an hour stated by an act of parliament and by an arrogation of authority hitherto unknown turn all the different companies out, and compel the doors to be shut, this would be imitating the cerfeu coercion of the Norman bastard, who turned England to a forest, and treated its inhabitants like beasts of prey. At the same time it is necessary to remark, that if a thorough reform is not made in the watch, no possible good consequence can be expected; for a common probability does not arise, that debilitated old men, discharged for the bodily infirmities from the army, or the basket boys of our markets, the veriest dross of mankind, can be appointed the nocturnal guardians of the safety of a metropolis without military discipline, or a decorum and attention similar to that of the military?'[1]

In March 1786, the government introduced into parliament a bill for replacing the parochial watch by a centralized police establishment. The measure was immediately greeted by vociferous denunciations particularly from the corporation. Thus the freemen

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1 Volunteer Evening Post, 1 Feb. 1786.

and freeholders of the city presented a petition to the house of commons in which they expressed their 'deepest concern' about the bill which, they declared, 'manifestly' tended 'to subvert public liberty in the most essential points' by giving 'a very great additional and most dangerous influence to the crown.' They warned that the police commissioners, who were destined to control the new institution, by 'holding their places at the will of the minister' might become 'dangerous instruments in his hands, wherewith to harrass all those ... who may constitutionally oppose any ministerial scheme, however ruinous to the interests of their country'.[1] The corporation was not alone in its resentment of the proposed measure. For example, one member of the commons (from co. Limerick) asserted that the bill,' was not calculated for a country that had the least pretensions to freedom, but calculated for the meridian of the most absolute monarchy'. Whilst reading it he had imagined himself 'transported to ... Indostan' for if it passed Dublin would be 'in a more oppressive situation in regard to its

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1 I.P.R., vi. 365.

government than the city of Delhi'.[1]

Despite strong opposition the acts of 1777-8 and 1783-4 were repealed and a centralized police system established in the capital.[2] Accordingly an entity termed the 'district of the metropolis' was erected, composed of all places inside the circular road, including the Phoenix park. The district was partitioned into four divisions, viz. Barrack, Rotunda, Stephen's green and Workhouse. The lord lieutenant was empowered to appoint three city magistrates as police commissioners who were given control of the metropolitan police.[3] Thus they were authorized as well to engage a large number of men to act as 'ministerial officers of the peace' as to appoint a chief constable for each division and a high constable for the district. The latter

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1 Ibid., p. 338. Another member warned the representatives of the counties at large that once the liberties of Dublin were overthrown 'their counties would experience a similar fate, if a proper spirit was not exerted in the beginning of danger.' Ibid., p. 327.

2 26 Geo. III, c. 24 cl. 23, 75. It is said that this is the first occasion in which the word 'police' was officially made use of in Great Britain or Ireland. W.L.M. Lee, A history of police in England, p. 169.

3 The commissioners, who were deemed justices of the peace, were required to mark out the exact boundaries of the divisions. Ibid., cl. 2,3.

were to be approved of by the lord lieutenant. The commissioners were to have an office and were to engage a secretary and clerks to keep an account of their proceedings.[1] Parliament also decided that within the metropolitan district the business of a justice of the peace could not be transacted as formerly 'in the private houses of such justices with equal advantage to the public as an office appointed for that purpose only', hence the commissioners were obliged to erect such an office in each division. The lord lieutenant was required to appoint city magistrates to act as justices of the peace in the divisions, one of whom was to live at the public office of each, while clerks were to be engaged for their use. Moreover, because 'great inconvenience' had arisen from the practice of paying fees to the clerks of justices, such custom was forbidden to those employed at the divisional offices. Henceforth fees and fines were to be paid to the divisional magistrates and by them transferred, each

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1 Ibid., cl. 5, 10, 4, 16, 9. They were also given a number of administrative duties. For an account of these see below p.206 . The names and addresses of constables appointed in the parishes were to be sent to the commissioners by churchwardens and seneschals. The penalty for neglecting to do so was £10. Ibid., cl. 12.

week, to the commissioners.[1] The warrants of the justices were to be in force in all parts of the district and directly one of them received a complaint, took information of a robbery, committed someone to prison or allowed bail, he was obliged to notify the commissioners.[2] Finally, because it was 'necessary' that 'more frequent' sessions of the peace should be held in both Dublin city and county, parliament ordered that the sessions usually taking place at the tholsel and Kilmainham were not to be adjourned for any greater length of time 'than from six weeks to six weeks' and

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1 Ibid., cl. 42, 43, 47. The commissioners were obliged to draw up a table of fees and any divisional clerk found guilty of demanding such for himself faced a fine of £20. Ibid., cl. 46. One newspaper commented, 'whatever maybe the complexion of the police act in many other respects it must be pleasing to the public to find that it precludes the clerks of the justices of the peace from receiving fees or rewards for any writing that shall be done in that department.' Cork Volunteer Jn. or Weekly Advertizer, 11 Sept. 1786.

2 Ibid., cl. 48, 50. The commissioners were permitted to order all offenders to be brought before a justice of the peace of the division, wherein the offence was committed and to transfer there all information concerning the case. Any person making complaint to the commissioners might be sent to the justice of the division where the cause of the complaint arose. Ibid., cl. 6.

might be held during the law terms.[1]

Thus launched upon a sea of serious misgivings and bitter denunciations the new police institution continued, throughout the nine years of its existence (1786-95), to arouse fierce resentment in many inhabitants of Dublin. However, it received great praise from the pro-government press:

> 'The police establishment was certainly one of the most salutary institutions ever thought of. And yet how averse in the beginning were our patria's to anything of that nature: we can now walk the streets of the metropolis with safety at all hours, nor have we heard of a street robbery since Michaelmas last; and the management of the police stands us in very little more, than the keeping up of our late wretched watchmen, poor shaking manderines, who instead of being a defence to the public, stood in need themselves of being protected.'[2]

On the other hand, complaints made in the more liberal press indicate that the new establishment was not

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1 Ibid., cl. 53. In 1788, a bill which made some new regulations for the commissioners and divisional justices was passed by parliament. Thus the former were obliged to employ petty constables to assist the chief constables, while the latter were required to attend at their offices by 9 a.m. or forfeit twenty shillings for each neglect unless it was caused by sickness or duty elsewhere. 28 Geo. III, c. 45 cl. 4,5.

2 Volunteer Evening Post, 6 Jan. 1787.

fulfilling the highest expectations of its founders.

For instance, one such newspaper commented:

> 'The frequency and boldness with which robberies are committed in our streets and environs at early hours is one powerful argument among many of the utter incompetence of the police for public protection.'[1]

Strong protests continued to be made both by the corporation and the parish vestries. Thus in 1789 the city assembly resolved:

> 'We will cooperate with our fellow citizens in every legal manner to obtain redress of so intolerable a grievance, and that we will not vote for any person to be chief magistrate of, or representative in parliament for this city, who holds place or employment in an establishment so justly and so universally odious to the public in general.'[2]

In 1791 at a meeting of those parishoners 'paying taxes' in St Andrew's parish, it was unanimously determined:

> 'That we perfectly concur in opinion with our fellow citizens and fellow sufferers in their resolutions, that the present police establishment is extravagant in'

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1 Hibernian Jn., 19 Nov. 1792. When the house of a manufacturer was robbed, one paper observed that what made the theft 'more singular' was that the windows of the house were 'nearly opposite the police watch-house'. Londonderry Jn., 8 Feb. 1791. Criticism such as this was ridiculed in the pro-government press. For an instance of this see the Volunteer Evening Post, 18 Jan. 1787.

2 Cal.anc.rec. Dublin, xiv. 516.

> 'expence, inadequate to protection, offensive in demeanour, to the citizens, regardless of the general security and in its nature and tendency hostile to our free constitution and the chartered rights of this city -- and as such is a henious grievance which loudly demands redress.'[1]

In 1790 by a vote of 140 to 94 and in 1791 by a vote of 135 to 87 the house of commons rejected motions that denounced the new system and, in 1793, it threw out a bill that would have abolished it.[2] Nevertheless, by 1795 the establishment was in grave difficulties for very serious charges of peculation and maladministration had been brought against its chief officers[3] and many reports of corruption and negligence were circulated against its minor ones.[4] Of consequence, early in that year the opposition were able to carry a motion in the commons denouncing the institution[5] and this was

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1 St Andrew's vestry bk, 16 Mar. 1791. For another example of parochial displeasure see St Peter's vestry bk, 21 Jan. 1795. A number of parishes formed committees the better to co-operate with one another in addressing petitions to parliament for the repeal of the statute.

2 Commons' jn. Ire., xiii. 184 (24 Feb.1790); xiv.296 (4 Mar.1791); xv.213 (24 June 1793).

3 See below pp.255, footnote 2, 260, 269, 272, 276.

4 For example see the Wexford Herald, 6 Oct. 1788.

5 Commons' jn. Ire., xvi.64 (17 Feb. 1795).

followed by the passing of a bill which swept it away. Thus many citizens, it was said, had:

> 'the satisfaction of seeing their old and constitutional form of nightly protection revived and a system put down that was insufferable for expence, oppression, profligacy and corruption.'[1]

However, the old form was not revived in its pristine purity, for there were a number of things retained from the system set aside. For example, a similar-sized metropolitan district was once again erected (though now divided into only two parts, north and south of the Liffey) and the whole police of the city were to be considered as one body without any distinction of parish or boundary. The police commissioners were replaced by a single superintending magistrate who was empowered to employ a number of 'officers of the peace' and a chief constable in each division as well as a high constable for the metropolis. The latter officer had to be approved of by the lord lieutenant.[2] A 'convenient' office was

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1 Dublin Evening Post, 15 Aug. 1795.

2 35 Geo. III, c. 36 cl. 1, 2, 72, 14. The new system was to commence on 29 September 1795. All regulations issued by the former commissioners were to remain in force until altered by the superintending magistrate. Ibid., cl. 98. Many of the administrative duties hitherto attended to by the commissioners now devolved upon their successor. See below p.211.

to be kept for the superintending magistrate[1] and he

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1 As well as the superintending magistrate there was also to be appointed a divisional justice, for each division. The three officers were to be selected in the following manner. The lord mayor and aldermen were required to nominate three of their number for each post and return the names to the common council of the city which was obliged to select one out of each panel. Those elected had to receive the approbation of the government before assuming their duties. On the death or removal of any of them others were to be elected at once. They were forbidden to sit in parliament; held office during good behaviour and, on any complaint made to king's bench that court was allowed to order an attachment against the magistrate complained of who at once ceased in his office, and was to be immediately replaced in a new election. Each magistrate was permitted to appoint a deputy, for whose actions he was held responsible, but the deputy had to be approved of by the lord lieutenant. None of the three might absent himself from duty for more than forty days a year. The secretary to the superintending magistrate was required to keep a record of every day that officer attended his duty and, annually in March, to report thereof to the viceroy's chief secretary. Five pounds was to be deducted from the magistrate's salary for each day he was absent over his allowed forty days and, if a divisional justice were to be absent without having nominated a deputy £5 was also to be subtracted from his salary for each such day. The justices were obliged to reside at the public office of their division and to engage the necessary clerks. A record was to be kept of all their proceedings a copy of which was to be transmitted weekly to the superintending magistrate. The justices were also required to remain at their offices every day 'until all business for that day shall be finished.' Their secretaries were obliged to keep a record of what hour the justices entered and left and to note if any business had remained unattended to. Copies of this record were to be sent every three months to the lord lieutenant and the superintending magistrate. Fees and fines were to be handled in the same manner as under the police commissioners. Ibid., cl. 3-5, 8, 102, 7, 9-13.

was authorized to appoint a secretary (to be approved of by the lord lieutenant) and the 'necessary' clerks and assistants. The latter were obliged to keep a record of all their business. A regulation similar to that in the act of 1786 was again applied to the holding of sessions of the peace.[1]

As for the watchmen: on 1 August 1795, and on the same date annually thereafter, the parishoners within the metropolis were obliged to choose nine inhabitants of their parish, each living in a house charged with not less than fifteen shillings yearly in minister's money, to be directors of the watch for the ensuing year.[2] A few days later the parishoners were required to make a list of such places in their parish where night watchmen should stand and deliver it to the lord mayor. The chief magistrate was empowered to determine, with the approval of the parishoners, the number of stands

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1 Ibid., cl. 18, 45. As in the earlier act all complaints were to be heard in the division where they arose. Ibid., cl. 23.

2 Ibid., cl. 59. To refuse a directorship meant a fine of £ 10. Any director who died in office was to be replaced within five days. Ibid.

necessary for each parish and where they ought to be placed. The stands were not to be moved save by the same authority.[1] The churchwardens and watch directors were then obliged to hire the constables and watchmen deemed necessary for their parish.[2]

In 1796 a bill was passed to 'explain and amend' the act of 1795. Thus the lord mayor was required, every October, to convene a meeting of all the churchwardens and watch directors in the metropolis in order to elect a standing committee for

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1 Ibid., cl. 60, 61. The number of such stands for the whole district was not to be less than 250 and the number of watchmen was to be double that of the stands. The following are the number of watch-stands allocated to the respective parishes of the city: Ann's 15, applied for, 20; Bride's 18 (21); Peter's 17 (20); Michael's 4 (6); Andrew's 20 (25); Mary's 25 (35); Audoen's 10 (15); Thomas's 15 (25); Michan's 19 (25); Paul's 20 (30); Werburgh's 9 (12); Catherine's 27 (32); James's 9 (12); Nicholas without 19 (21); Luke's 6 (8); Mark's 15 (20); Nicholas within 3 (4); George's 12 (20); John's 6 (-). In all 269 stands which would require 538 watchmen. Dublin Evening Post, 15 Aug. 1795.

2 Ibid., cl. 61. The constables were not to be under thirty years of age or over fifty. Moreover, as some parts of the metropolitan district were not included within any parish, parliament ordered the lord mayor and six aldermen to 'view and consider' such places and attach them to the parish nearest them. Ibid.,cl. 74. Churchwardens and seneschals, within six days of appointing a constable, were obliged to inform the superintending magistrate of the man's name and address of face a fine of £10. Ibid., cl. 32.

the year to consist of himself and a churchwarden or director from each parish. The committee (the quorum was to be five of whom the lord mayor had to be one) was empowered as well to make such police regulations as it thought fit as to appoint 'pecuniary fines and punishments' for the breach of them by churchwardens, directors, constables, and watchmen. The regulations were to be submitted for approval to a general meeting of churchwardens and directors and then to the court of king's bench.[1] Furthermore, the superintending magistrate was obliged to enter into a recognizance (along with two sureties who had been approved of by the court of exchequer) in a sum of £5,000 to account

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1 36 Geo. III, c. 30 cl. 13. The committee was to elect a secretary with a salary of £40 per annum. Moreover, churchwardens were now deemed co-equal with watch directors. Ibid., cl. 14, 16.

for the moneys that would pass through his hands.[1] Parliament also repealed that cumbersome clause of the late act by which an attachment issued from king's bench automatically stopped the superintending magistrate or a divisional justice from functioning. Henceforth such attachments could not be held to vacate those offices.[2] Finally, as the parishes of St John, St Michael and St Nicholas within, were small and required few watchmen, parliament united

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1 Ibid., cl. 1. He was forbidden, under a penalty of £ 500, to assume the office until he had done so. Moreover, he, his secretary, the divisional justices, and the high and chief constables, were now required to take a special oath, before the lord mayor (or face a £ 20 penalty) declaring that they had not used bribery to obtain their posts nor had they promised to share the profits of their offices with any person. Ibid., cl. 2. The offices of the justices were to be kept in the most central part of their divisions in a place chosen by them and approved of by the lord mayor. The written approbation of the latter was to be produced by the former to the superintending magistrate before they received their allowances for rent and necessaries for such offices. Ibid., cl. 3. An allowance of £ 50 a year was permitted to the superintending magistrate for office furniture and repairs. Ibid., cl.2. Parliament also declared that the death of that magistrate did not vacate the offices of his secretary or of the high and chief constables. Ibid., cl. 9.

2 Ibid., cl. 10.

them as one for police purposes 'but none other'. Each was to elect three directors. At the same time the parish of St Peter's 'being so large' was permitted to elect twelve directors.[1]

It appears from the acts of 1795 and 1796 that the government hoped to establish a compromise between the parochial and centralized systems. However, to the opponents of the latter the new statutes gave an opportunity in which they determined to prove the worth of their convictions, hence a concerted attempt was made to reintroduce much of the former system. Thus one newspaper observed:

> 'The inhabitants of several parishes are making such preparations as cannot fail to render the watch establishment which is to take the place of the abominable police an efficient and nightly protection. Great coats are to be provided for the men--their arms a pole in the old form, and they are to have a lanthorn and rattle girded by their side. On pain of incurring a fine they are to cry the hour.'[2]

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1 Ibid., cl. 12. And, as the buildings in Charlemont street, Charlemont place and Porto Bello lay outside the Circular road yet their inhabitants desired the protection afforded by the district police, the legislature allowed that as many of them as lay between the road and the Grand canal were to be deemed as part of the metropolis. Ibid., cl. 11.

2 Dublin Evening Post, 15 Aug. 1795.

Nevertheless, from its very commencement there were complaints that opponents were obstructing the proper working of the new establishment[1] which was as well strongly denounced in the pro-government press:

> 'In our opinion of the watch we have not been hitherto mistaken. Their politics accord with their official conduct and an attention to the peace of the city, and the safety of its inhabitants, is not to be expected from wretches adopting the subversive system of France, and who are, for the most part, under the direction of men disaffected to the government of the country. Several circumstances have come to light ... which prove too clearly, that even pikes in the hands of watchmen are more likely to be employed against our lives than in their defence, and that of our property.[2]

Financial instability increased the difficulties of the institution[3] but it also appears that the standing committee was guilty of incompetence and maladministration. Thus the commissioners of accounts, whose duty it was to inspect into the financial condition of the establishment, reported

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1 Ibid., 1 Oct. 1795.

2 Freeman's Jn., 5 Apr. 1798.

3 See below p.236.

to parliament, in March 1799, that the standing committee

> 'appears to have been very negligent in the discharge of their duty, their meetings are uncertain, and towards the latter part of ... 1798 were nearly discontinued; they did not inspect into the books of the parishes, had no returns made to them of the numbers of watchmen, frequently signed the orders on the treasurer for payment of money without ever seeing the bills or knowing the prices of the articles; they entrusted the whole management of the institution to the discretion of the secretary and accountant, over whom there are no other checks; orders on the treasurer for money were frequently sent round to the members of the committee to be signed, as there were no regular meetings, though by law these orders should be signed in a committee. The late lord mayor arrayed the watch men once while he was in office, and he found them very defective, neither clothed or armed; the number seemed made up for the purpose, and not above two-thirds of them looked like regular watchmen. The standing committee are ignorant of the debts due by the several parishes, and of their savings, fines and incidental expenses; the book of their minutes is seldom signed.'

Furthermore, the commissioners noted that the directors in many parishes did not attend their nightly duty; they frequently submitted to be chosen directors rather than pay the fine of £10 for refusing, but when appointed they did not act, and there were no fines or method of compelling

them. Upon the whole the commissioners thought:

> 'that the general superintendence, which is vested in the standing committee, has been much neglected, and that the particular parochial management is subject to much abuse, and in consequence the metropolis is not sufficiently protected, all which calls immediately for the interference of parliament.'[1]

Parliament's answer to such criticism was to pass a bill which voided, from 24 June 1799, all the police powers vested in the corporation by the statutes of 1795 and 1796 though the metropolitan district was retained as an entity.[2] The whole system was now vested in the superintending magistrate, although the power of selecting the high and chief constables was taken from him and bestowed on the lord lieutenant. The superintending magistrate was allowed to appoint, with the viceroy's approval, a number of constables to attend nightly at the watch houses to observe the behaviour of the watchmen, and others to attend at his office and those of the divisional justices. The high constable was permitted to hire the watchmen but he,

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1 Commons' jn. Ire., xviii. app. ccclxxi.

2 39 Geo. III, c.56. cl. 1. However, the act did not deprive the corporation of the right to elect the superintending magistrate.

as well as all others, was to be employed as directed by the superintending magistrate who, with the approbation of the lord lieutenant, was to make the watch regulations.[1] The superintending magistrate and the high constable were required 'from time to time' to make a report on the state of the establishment to the viceroy's chief secretary.[2] The following year (1800) this statute was slightly amended and then made perpetual.[3]

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1 Ibid., cl. 3, 5, 6, 7. The lords mayor were allowed to muster and review the watchmen whenever it pleased them to do so. Ibid., cl. 27.

2 Ibid., cl. 27.

3 40 Geo. III, c. 62. cl. 1. Thus the divisional magistrates and their clerks were required to attend daily at their offices during such hours as the lord lieutenant should appoint. Furthermore, every March and September, one of the clerks was obliged to transmit to the chief secretary a copy of the proceedings of his office for the preceding six months or face a penalty of £ 50 for the first neglect and dismissal never again to be re-employed in the police establishment for the second. Ibid., cl. 5, 6,

Dublin Police: the number of men.

Although the number of watchmen who served in late medieval Dublin was usually small, twelve are mentioned in 1305, eight in 1457,[1] it appears that in time of trouble their numbers might easily be augmented. For example, about 1316 the generality of the inhabitants petitioned the corporation to enact that:

> 'Under penalty of grievous amercement, at least one man should come to muster from every house at the tolling of the public bell by day or night, while the land is troubled by the Scotch enemies, and by the hostile Irish, who daily threaten to burn the suburb and do all possible damage to the city.'[2]

But if the watchmen were not numerous the constables seem to have made up the deficiency. Thus by 1457 the city had twenty-eight such officers and by 1465 their number had increased to at least forty-three. In 1480, fifty-one constables are listed in the corporation records and there were fifty-eight by 1493.[3] By the end of the sixteenth century and the beginning of the seventeenth, however, the watch had grown very much larger. For instance in November

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1 Cal. anc. rec. Dublin, i. 223, 296.

2 Ibid., p. 132.

3 Ibid., pp. 296, 320, 358, 379.

1599 the city assembly ordered:

> 'A strong watch is to be had in the city suburbs, videlicet: twenty sufficient men for a standing guard to be placed on the gates and walls, and twenty-four to be running watch, to be changed by turns, as was used last year. The watch in the suburbs to be no less than eleven in number in Thomas street, Saint Francis street, and Saint James street; eight in Saint Patrick street, twenty in Oxmantown, and six in Bride street and Ship street.'[1]

The first Dublin watch act (1715) did not specify the number of men and constables that the corporation and seneschals were obliged to engage, and that of 1721, which restored the old parochial system, simply required the directors to ascertain the number 'fit and proper to be kept on the parish.'[2] The corporation also failed to give any lead in the matter hence the watch directors were left to their own devices. They tended, always with an eye to expenses, to hire the number of men they imagined would suffice for a

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1 Ibid., iii. 530.

2 8 Geo. I, c. 10 cl. 2. Parliament ignored the subject until 1785 when it established a watch in Rutland square which was to consist of eight men and a constable. 25 Geo. III, c.43 cl. 25. As the parishes were not of uniform size the number of men considered necessary varied widely. For instance, in 1765 one vestry agreed to raise its number of watchmen to thirty, while another hired only twelve. St Bride's vestry accounts (1662-1780), 8 Oct. 1765; St John's watch account book, 1741-86. Twelve constables were thought necessary for St Michan's in 1730 (Cal. anc. rec. Dublin, xi. 527) while from 1753 to 1765 St Thomas's had only four. Min. bk of watch directors.

certain period thus there were usually more watchmen on duty in winter (the long nights appealed to criminals) and times of disorder, than in summer and times of civic calm.[1] Thus in 1763 St Bride's parishoners, in compliance with a suggestion from the lord mayor for increasing the safety of the city during the winter, agreed to pay one-quarter 'additional to their watch tax, to put on ten additional watchmen'.[2] The corporation also adopted the same stratagem, for instance, in 1784 the city assembly resolved:

> 'That from the flagrant and daring riots and outrages lately committed in this city, we think it absolutely necessary to appoint at least twenty proper persons to be sworn into the office of constables, or peace officers'

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1 It must be pointed out, however, that there were parts of the city that never or rarely saw a watchman no matter what the season. For example, St Thomas's vestry named several streets in its parish which 'not having had the benefit of the watch for sometime past ... are ... excused from payment of watch money during such times as they have been or shall be deprived of the advantages thereof'. Vestry bk, (1750-62) 22 Aug. 1754. The vestry of St Bride's once complained that St Patrick's liberty was a 'harbour of rioters and thieves' because the dean and chapter ignored their duty of hiring watchmen. Vestry accounts, (1662-1780), Nov. 1777.

2 Vestry accounts (1662-1780), 20 Jan. 1763. In the same year St John's vestry 'pursuant to an order from the lord mayor' resolved that a corporal and two more watchmen should be employed 'for this winter half year' and that a subscription should be made to discharge the extra expense. Vestry bk, 20 Oct. 1763. For other examples see St Andrew's vestry bk, 11 Oct. 1785 and Faulkner's Dublin Jn., 30 Sept. 1779.

> 'and provided with proper arms and accoutrements for the purpose of assisting the magistrates in the preservation of the peace of the city, and a proper person for the regulation and inspection of said persons under the direction of the magistrates.'[1]

As so many records have vanished it is not possible even to estimate the number of constables and men generally employed by the parishes during the eighteenth century.[2] It is interesting to note, however, that from the material extant it does not appear, as one might tend to imagine, that their number rose substantially and consistently in every parish as the century grew older and the city larger. For example, in 1724, St John's engaged 11 watchmen, which numberdropped to 10 in 1735, but rose to 12 between 1753 and 1769 and went up as high as 18 by 1770. Nevertheless, by 1779 only 12 men

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1 It was also resolved that owing to 'the present state of the revenues of this city' the lord mayor should ask the government to pay for the extra men. Cal. anc. rec. Dublin, xiii. 538.

2 It was said, in 1765, that the 'number of watchmen of all the parishes together, amount to 317.' A scheme to prevent street robberies, p. 8. (Pamphlet)

were being employed.[1]

The parishes seemed to have experienced difficulties in retaining their watchmen for any extended period. Thus of the 12 men listed for St John's watch in October 1765, 6 had vanished by June 1766 and only 3 remained by June 1767. By June 1769 only one name from the list of 1766 is to be found. Of the 12 named in June 1769, 5 has disappeared by the following year and only 3 remained by June 1773.[2]

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1 Watch account bks, 1724-38; 1741-86. The directors of St Thomas's hired 12 watchmen, 'being protestans', in 1750 which number had risen to 20, three years later. But in August 1766 only 16 men and inspector were employed and these were reduced to 12 men and an inspector for the summer of 1767. Min. bk, Nov. 1750; 1753; 1766; Mar. 1767. In 1737 St Peter's appointed 4 constables which number rose to 6 in 1740 and dropped again to 4 in 1757. There were 8 such officers in this parish in 1795 but only 4 in 1800. Vestry bks, 1736-74 and 1774-1807.

2 Watch min. bks. Of the 12 hired by St Thomas's in 1755 only 2 re-appeared on the roster for 1756 and even these had vanished by 1757. In an attempt to improve the situation the directors in 1756 resolved that 'any watchman that enters himself into the ... watch is to continue three months at least in the service before he shall obtain his discharge unless he give a sufficient reason ... and any watchman that quits his service sooner shall forfeit his wages.' Watch directors' min. bk.

Absenteeism was another problem that parishes had to face and it was rife among both constables and men. The records indicate that it was not unusual for some of the men either not to come to work or to abandon their stands before the proper time almost every night. Thus in December 1750, eight of the twelve watchmen of one parish were absent for a night; a few nights afterwards all of them were missing and a few nights after that five of them 'did no duty'.[1] It was reported of another parish that one night 'all the stands vacant and no watchman on his stand at four o'clock'.[2] In hopes of improving the situation the directors of St Thomas's once resolved that:

> 'If any watchman shall be absent from his post he shall be fined an English crown, to be stoped out of his salary and discharged, except only in cases of sickness and then that he gives notice to the constable of the watch, at least six hours before the setting of the watch, in order that a'

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1 Min. bk of St Thomas's watch directors. A few years later the directors reported that one of the watch constables quit his post at 3 o'clock and did not return; another left the watch house twice and remained away 'a considerable time' and a third was absent one evening when the watch was to be set. Ibid., 23 Jan. and 6 Feb. 1754.

2 St John's watch min. bk, 24 June 1770.

'sufficient man be provided that night in his place.'[1]

But such problems ceased to be parochial ones when, in 1786, parliament dissolved the old body of watchmen, instituted the district of the metropolis, and adumbrated the number of men required to police it.[2] Thus the commissioners were allowed to engage up to 400 watchmen and 40 watch constables, the latter to be overseers of the former. Ten petty constables were also to be employed to attend the chief constables of each of the four metropolitan divisions.[3]

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1 Watch directors min. bk, 1752. A few years afterwards they also agreed that constables neglecting their duty were to be fined twenty shillings. Ibid., 1757. Some years later the directors tried yet another stratagem. Thus they decided that 'Each watchman shall pay one shilling for each night he is absent -- and that in order to encourage those who do their -- duty -- he yt is but one night absent in the whole year shall have a premium of fifteen shillings, and those who are but two nights absent shall ten shillings, and those who are but three nights absent shall have seven shillings and six pence, and those premiums not exceed eight men' Ibid., 9 Sept. 1767. However to be on the safe side they had also ordered, the year before, that 'there be two supernumeries employed to do the duty of any absent watchman'. Ibid., 5 Dec. 1766.

2 A newspaper reported that the old parochial watch had numbered 480 men. Cork Volunteer Jn., 28 Aug. 1786.

3 26 Geo. III, c. 24 cl. 4, 15.

Furthermore, the commissioners were to engage a secretary, clerks and assistants both for their own establishment and for those of the divisional justices.[1]

In 1788 the legislature allowed another 100 watchmen to be taken on while each of the chief constables was permitted two additional assistants to be termed inspectors of the watch.[2] A newspaper reported that:

> 'The one hundred additional recruits in the police guard are not intended to any night duty, by which means it is expected the present four hundred watchmen being exempt from day attendance will more effectually be enabled to perform their duty at night.'[3]

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1 Ibid., cl. 9, 43. Subsequently the commissioners were attended by a secretary with three clerks under him; an accountant and his clerk; and a stationer's clerk (who compiled the police newspaper, the Hue and Cry); while the four divisional justices had, each of them, two clerks. There was also a surgeon and an indefinite number of porters and messengers and when, in 1787, the commissioners were given authority to license coaches and so forth, a register of carriages also joined their staff. Commons' Jn. Ire., xiii.app.ccviii, ccix, cliv. In April 1789 it was disclosed that one of the clerks, 'enjoying a salary of £70 annum' had not been in Ireland 'during the last half year'. Ibid.

2 28 Geo. III, c. 45 cl. 1,4.

3 Wexford Herald, 11 Sept. 1788.

However, the lord lieutenant was, at the same time, empowered to reduce the number of constables as often as he thought fit to do so.[1] Subsequently a reduction of 20 horse policemen took place.[2]

Complaints that the police were insufficient in number or negligent were discounted by one newspaper:

> 'We are extremely happy to find, that whatever private frauds or robberies may be committed in this city, scarcely any whatever are heard of in the public streets so very exact are the proper officers in visiting the different rounds, lest any of the public guards should at any time be absent from their respective stations. The idea which has gone abroad relative to their being absent from their stands, is owing to their not being so readily seen as the watchmen formerly had been which was occasioned by the lanthorns they constantly carried along with them. This piece of etiquette could not possibly be observed by a set of men who are obliged to carry a firelock and bayonet instead of a pole and clappers and therefore it is not easy to discover them on dark nights; but when

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1 Ibid., cl. 27.

2 The commissioners kept 40 horse policemen in the first two years of their institution and expenditure under this heading was substantial. Thus 45 horses cost them £810; saddles and 100 black leather caps for the watchmen cost £279.16 s. 1d.; forage and other expenses for the horses for two years, 1787-9, amounted to £611.4s. 11d. In April 1789 a house of commons committee declared that 'the keeping of any horse policemen was ... unnecessary' and thus an expense 'useless to the public'. Commons' jn. Ire., xii. app. dcccxxxvii, dcccxxxviii; xiii. app. ccvviii, cclxxxiv, cli.

> 'occasion requires they are always near at hand and ready to protect the lives and properties of the inhabitants.'[1]

Nevertheless, it appears that the complaints sometimes were justified. For instance, in 1795 it was disclosed that although 425 watchmen had been appointed the number actually doing duty was only 303.[2] Naturally enough such figures produced strong criticism. It was reported that Henry Grattan told the commons:

> 'That the number of men which by the principle of the institution was thought necessary for the protection of the peace of the city, was five hundred, and by the returns ... it appeared that the watchmen in all the watch houses throughout the city did not amount to more than 302. With respect to the expence of the establishment -- its extravagance was as fully proved as its inadequacy ... that expence at the present reduced scale amounted to £17,000 and two years ago was not less than £20,000; whether this was not an expence most enormously extravagant for 302 men he would refer to any man acquainted with military matters.'[3]

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1 Dublin Chronicle, 8 May, 1787. However diligent they were at night, one alderman was forced to admit that it was 'not an easy matter to collect the police in the day-time'. The trial of James Vance, p.28, (Pamplet).

2 Commons' jn. Ire., xvi. app. lxxxix. Thus of the 60 men appointed to the Barrack division, only 48 were on duty there. In the Stephen's green division the figures were 157 (100); in the Rotunda division they were 91 (53) and in the Workhouse division, 117 (102).

3 Cork Courier, 21 Feb. 1795.

One of the commissioners, Nathaniel Warren, defended the establishment saying:

> 'they had nearly their complement of men complete till last November when from the high bounties given for men from officers raising men to complete their regiments, a great number of the police had enlisted, and in one night thirty policemen went off in one of the new raised regiments to the Isle of Man carrying with them their fire arms and clothes. No blame ... could be attributed to the commissioners of police for not having the number of policemen complete. The commissioners had applied both to the former and present government for one hundred invalids, whom they were willing to pay, but no answer had been given;'[1]

In 1795 the police were reorganized. The commissioners were replaced by a superintending magistrate and the four divisions shrank to two. A chief constable (attended by 25 petty constables) was to be appointed for each

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1 Ibid., 25 Feb. 1795. It is evident that desertion proved to be as much a problem to the commissioners as it had been to the parochial watch directors. In almost every addition of the Hue and Cry there is an advertisement for and description of police deserters; a reward of twenty shillings being offered for each apprehension. Forty-seven deserted between October 1790 and July 1791 and there are only fifteen editions of the paper extant in the N.L.I. Most of them carried off their uniforms, some took their watch coats and bayonets and a carbine or side-arms. A reward of five guineas was offered for one man who carried off his full uniform, side-arms and two new watch coats. In the year 1787-8, the commissioners paid out £9.13s.9d. in rewards for apprehending them. Commons' jn. Ire., xiii. app. cliii.

division and every parish was to engage 2 constables and 2 sub-constables.[1] Furthermore, not less than 500 watchmen were to be employed to serve the whole metropolitan district.[2] In the following year parliament was informed that there were 538 watchmen, 38 petty constables and 38 sub-constables serving the new establishment.[3] However, four years later there was yet another reorganization. Henceforth the force was to consist of one high and 4 chief constables under whom were to serve not more than 48 petty constables. Moreover, 30 other constables were to be stationed at the watch houses as overseers of the watchmen while 6 others were required to attend the offices of the superintending magistrate and the divisional justices. The number of watchmen was not to exceed 500.[4]

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1 There were 18 parishes. Ibid., xvi. app. dxxxii.

2 35 Geo.III, c.36 cl.14,60,61. In 1796 the parishes of St John, St Michael and St Nicholas within, because of their small size, were allowed to amalgamate. The united parish was required to engage 2 petty and 2 sub-constables. At the same time, the very large parish of St Peter was obliged to employ 4 petty and 3 sub-constables. 36 Geo.III, c.30 cl.12.

3 Commons' jn. Ire., xvi. app. dxxx.

4 39 Geo.III, c.56 cl.3,5.

In July 1800 parliament was informed that the establishment consisted of 450 watchmen and 50 peace officers. It was thought, however, that 'for the four winter months' the number of the men should be increased to 600 and the salaries of the constables, then £30 a year, should be augmented to £40 to enable the superintending magistrate 'the better to provide proper men'.[1] The idea of increasing the force appealed to the legislature which, in the same year, permitted the high constable to employ 'from time to time' any additional number of watchmen not exceeding 150.[2]

Dublin police: duties.

The ordinance of 1305 which instituted Dublin's first recorded watch also describes the duties of the watchmen. Thus one group were to have charge from:

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1 It was reckoned that such a scheme would cost about £2,000 a year. However, it was said that thirty persons were willing to take out pawnbrokers licences at £100 annually each 'which would amount to ... £3,000 and thus create a fund of £2,150 above the produce of the present licenses'. Thus police expenses might be increased 'at the least possible burthen to the public'. Commons' jn. Ire., xix. app. mlxxiii.

2 At the same time, the superintending magistrate was allowed to appoint up to ten additional watch constables. However, the number of both constables and men might be reduced whenever the superintending magistrate thought fit to do so. 40 Geo.III, c.62 cl.17.

> 'the new tholsel by the High street to the Gate del Dam, and from the gate where Master John de Kerdif dwells, through the whole fish-market so far as the tower of St Olave, with two adjacent lanes, one of which extends from the church of St John to Bouestrete, as far as the gate in the Tavern-street.'

However, the mayor and bailiffs were not obliged to maintain a watch 'unless in time of necessity during war'.[1] By the fifteenth century it appears that it was customary for the corporation to institute a watch at least during the winter months. For example, in 1457 one was established that was supposed to function from curfew-time to 5 a.m. between the end of September and the beginning of February.[2]

As for constables: such duties as the corporation entrusted to them were, in common with those of other communities, extremely varied. Thus in 1456 Dublin constables were required to levy a penny from every man who refused to bear away filth from his door after he had been given a warning.[3] The following year it was

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1 Cal.anc.rec. Dublin, i. 223.

2 Ibid., p.295. In the winter of 1596-7, the corporation ordered the watchmen to remain on duty until 'fower of the cloke in the morning'. Ibid., ii.302.

3 Ibid., i. 292.

made lawful for any of them who lived outside the gates to detain in their houses such persons as they had arrested at night until the next morning when they could be brought to the city gaol.[1] In 1555 they were ordered to deliver to the mayor, annually, as well a notice of all the householders in their wards and of which houses were inhabited or waste, as a list of all men and women above the age of 14 years and the type of weapons kept in each house.[2] In 1556 the aldermen were obliged to inquire monthly, through their constables, of all offences committed in their wards.[3] About this time too, it appears that the custom of constables serving only for one year had become a general rule, thus the city assembly declared, in 1575, that such officers 'shalbe amoved and changed everie yeare'.[4]

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1 Ibid., p. 295.

2 Ibid., p. 444. In the same year one alderman and constable in every ward were required to ordain and appoint the number of persons who could keep alehouses in the district. Ibid., p.446. In 1558 the aldermen and constables were obliged to ascertain the amount of tallow necessary for the inhabitants of their wards, for only after the citizens had been served was tallow to be sold to candlemakers. Ibid., p. 477.

3 Ibid., p. 459.

4 Ibid., ii. 106.

By the beginning of the seventeenth century watch was sometimes kept in summer as well as in winter[1] but there is no evidence that it functioned all year round every year.[2] During this century too, constables' duties continued to be augmented. For instance, in 1643 they were authorized to collect money for cleaning the streets and to distrain the goods of anyone who refused to pay.[3] In 1670 they were obliged to collect fines levied on misbehaving hackney coachmen and to pay them over to the city treasurer.[4] In 1705 a municipal committee, established to discuss methods for preventing fires, asked:

'That it be given in charge of all con-'

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1 For instance in May 1600 the corporation ordered the watchmen to attend their posts 'every night between nine and ten of the clock, ... and so till Michaelmas next'. Constables were obliged to appoint two 'honest and sufficient' men to keep ward at the city gates by day. Ibid., iii. 532. However, these were very troublesome times which may account for the unusual watch.

2 It must be remembered that the government often kept a number of troops in the city who would naturally attend the duty.

3 A constable who neglected this duty might himself be distrained to make up the amount uncollected. Cal. anc.rec. Dublin, iii. 418.

4 Ibid., iv. 511. In 1693 they were urged to be 'diligent' in observing the laws against swine being loose in the streets. Ibid., vi. 42.

> 'stables on their being sworne ... that at the ringing of a fire bell they immediately repaire to the place of fire with their long staves, and there receive and obey all such orders as shall be given by the lord mayor and sheriffs'.[1]

When, in 1715, parliament set up a comprehensive watch scheme for Dublin it insisted that the watch should be a year-round one, that is, it was to be kept from 11 p.m. to 5 a.m. from April 1st to Michaelmas and from 10 p.m. to 6 a.m. the rest of the year. The men were to be placed at due distances from one another so that they could aid each other in case of disturbances.[2] In 1721, when the control of the watch was given over to the parish watch committees, the legislature ordered them to ascertain where the stands were to be placed; how often the rounds were to be made and, as well, to ordain 'further rules as shall seem reasonable'.[3] Two years later parliament made a few other regulations. Thus it obliged the constables, before they went off

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1 Ibid., p. 348.

2 2 Geo. I, c.10 cl.10. These hours were still being observed by at least one parish 45 years later. St John's watch min. bk, 1765-6.

3 8 Geo. I, c.10 cl.2,3.

duty in the morning, to send a report to the lord mayor and to their parish directors in which they described the behaviour of the men, that is, which of them had been drunk or had lost a piece of equipment as well as whom they had arrested and how such persons had been disposed of.[1] After 1723 no new regulations were issued by the legislature for over forty years.[2]

It might be useful at this point to take one parish as a model and to inspect the manner in which the watch was ordered for, on the whole, they appear to have been very much alike. The parish is St Thomas's; the time, the 1750's. Thus every evening the constable who

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1 10 Geo.I, c.3 cl.4,9. A constable faced a fine of ten shillings for neglecting this duty. By this same statute constables were obliged to enter into their offices on June 1st.

2 However, in 1739 a committee appointed by the corporation to inspect the city constitution, 'and consider of what laws are further necessary for the better government thereof', reported 'that in order to have a good and sufficient watch ... as there are public lamps up in the ... city, at twenty-two yards distance, if there was a watchman appointed for every eighth lamp, they would be within 176 yards of one another, and be relieved every two hours from the watchhouse, which watchmen as above might do their business as watchmen, and likewise have a birch broom at the end of their poles and sweep the inhabitants' doors in their stands, down to the channel every night, which would prevent their falling asleep, keep them warm, and the city clean.' Cal.anc.rec. Dublin, viii. 354, 357.

was on duty that night was required to be at the watch house at least a half hour before the watch hour so that he had time to enter the date and the men's names and stands on a printed return and also to give the men 'the several necessarys proper for the service of the night'.[1] The men, after being placed at their stands, were obliged to shout out the weather and the hour 'by the colledge clock' or forfeit an English shilling, while those going to relieve them were required to announce the same 'thro' all the streets they pass'.[2] While at their posts, the 'centinels' were obliged to challenge 'all persons walking in the streets at unseasonable hours' and those who could not give 'a good account of themselves' were to be brought to the watch house where the constable was to detain them until they

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1 Watch directors' min. bk, Oct. 1752, 1755. Every Monday night the constable was required to read the regulations 'audibly and distinctly' to the whole watch or face a fine of 5s.5d. Ibid., 1759.

2 There were complaints about the way the hour was given. Thus one citizen wrote, 'when the watchmen proclaim the hours ... they conceal them though they are very noisy. For instance when they say, past three o'clock, the first and last words are indeed loud, but the middle one they mutter in the lowest basso of a tune. Hence they go bellowing about the city in a useless manner. I wish their directors would think proper to make them pronounce the middle word as loud as the rest, or, if they chose an alteration of voice, to pronounce it high, and the other two words low.' Freeman's Jn., 13 Sept. 1766.

were conveyed to a justice of the peace.[1] Every night the constable was to give the men a 'watchword or signal ... that they may be capable of knowing by such signal that they stand in need of assistance'. The men were supposed to 'have an eye on each other' and, in case of trouble, were to give notice by the agreed signal to the next stand and so on to the watch house from whence the constable was to send three men to the place where the signal was given. However, no man was to quit his post but only to direct those sent to where the disturbance was taking place.[2] Constables and men were forbidden 'on their perill' to compound any 'riott, breach of the peace or disorder' and upon the escape of any malefactors they were required 'if they can learn their names to give a notice the next morning ... to the supervisors'. A watchman finding a person drunk was to treat him 'civilly' and to conduct him to the next watchman 'and so convey him from watchman to

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1 Ibid., Oct. 1752. The constable was allowed to command as many of the men as he wished to assist him in detaining such suspects.

2 Ibid., Oct. 1752, 1759. At the same time the supervisors also directed that if a riot were to break out 'within the hearing of any watchman', he was required to pursue the rioters 'tho into another parish till the same be settled'.

watchman' until he was brought to the constable in the watchhouse. The constable was to send the person 'so disordered', accompanied by a watchman, to his home if in the parish or to the next watchman of the parish leading to his home. The men were to be relieved every two hours, 'except on extraordinary occasions', the constable taking care that those relieved returned to the watch house within half an hour otherwise to report them to the directors who might fine them a shilling.[1] Every man was to continue on his roster for a week, thus in case of a complaint lodged against any of them the offender could be readily discovered and punished according to the nature of his transgression. Those men not serving at the stands were to 'take it by turns to stand at the watch house door'. Each man was required to 'observe the lamps fixed in his walk', and if any of them were out before the proper time or not lighted in due time he was to report thereof to one of the directors in the morning.[2] Every morning

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1 No man was to serve at the same stand more than once each night.

2 If a fire broke out the watchmen were to inform the constable who was to send a man to the city engineers. The latter were permitted to commandeer the services of three watchmen. The men were to report any lost goods they came upon; if they kept them they faced a fine.

the watch-house was to be swept by the men 'in their turns' while the constable was to fill out his report of the night's activities and submit it to the director whose week it was to oversee the watch.[1]

In 1765 parliament passed a bill which re-affirmed some of the older regulations and also made some new ones. Thus the legislature once more required the parish committees to place stands for their men 'as they might best hold correspondence with each other' and with their brethren in adjoining parishes. If the directors ignored this duty the lord mayor was charged to attend to it. Moreover, both he and the seneschals were obliged, every November, to review the watches and to dismiss those men they deemed unfit.[2] The directors were also required to engage inspectors,

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1 The report was to be submitted before 10 a.m. The constable faced a fine of six pence for each omission. He was also to deliver the key to the watchhouse to his successor before 6 p.m. Ibid. The regulations made for the watch of St Michan's which, though issued 20 years earlier, are very similar to those of St Thomas's can be easily perused in the Cal. anc. rec. Dublin, xi. 527.

2 5 Geo. III, c.22 cl. 4,5. Constables were obliged to continue the watch between 8 p.m. and 7 a.m. from November 1 to February 1 and between 9 p.m. and 6 a.m. from February 1 to May 1 and between 10 p.m. and 5 a.m. from May 1 to August 1 and between 9 p.m. and 6 a.m. from August 1 to November 1. Ibid., cl. 3.

though not above three, for their parishes. The latter were, by virtue of their office, constables and were so sworn. They were exempt from public duties, save such as the directors should think necessary, their principal labour was to visit the parish watch house and to make reports to the directors and to the lord mayor on the condition of the watches.[1]

In the session of 1777-8 parliament erected each city parish into a distinct ward with its own court to make police regulations. The legislature also ordered the watchmen to serve from 'sunset to sunrise' and required them to take up thieves, rioters and drunkards in their wards or to pursue them into any other. For that purpose they were permitted to enter all public houses between 10 p.m. and 6 a.m. whether the house was licensed or not.[2]

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1 Ibid., cl. 2. Some parishes had been employing inspectors for many years before this regulation was issued. For example, in 1755 the directors of St Thomas's set forth, and very fully, too, the duties of their 'corporal or inspector'. Min. bk, Oct. 1755.

2 17 & 18 Geo. III, c. 43. cl. 4. Parliament had by now been persuaded that unlicensed taverns 'greatly contributed' to the rise in the number of robberies and riots that was occurring in the capital. Ibid., cl. 5.

In 1786 all earlier watch acts were repealed and a centralized police system was established in Dublin. No new duties were given to the watchmen[1] but some novel enactments were made concerning the functions of the constables employed under the new regime. For example, a number of them were allocated to each of the divisions where, throughout the year, 'as well as by day as by night', they were to patrol the streets 'on foot or on horseback' starting and ending at such hours and 'disposing' themselves in such a manner as the police commissioners should ordain. Thus they were empowered as well to seize vagrants and to confine them 'in the next house of correction within the district', as to take up apprentices, servants and labourers discovered in taverns at an 'unseasonable hour' and to convey them to a magistrate.[2] Moreover, armed with a commissioner's

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1 Besides the watchmen there were also to be employed special 'constables of the night watch' whose duty it was to attend the watch houses and observe the men. 26 Geo. III, c.24, cl. 15.

2 Ibid., cl. 4, 8, 34. Any tavern-keeper hindering or assaulting a police officer might have to forfeit £100. Ibid., cl. 37. Deserted boys under 14 years of age might be taken up and tendered to the governors of the marine hospital to be placed in the sea service or otherwise be put to some useful occupation as seemed proper to the commissioners. Ibid., cl. 41.

warrant, they might break open shops and houses to search for felons or stolen goods and, even though their quest were unsuccessful, they could not be held liable to action for trespass.[1] Finally, the divisional justices, accompanied by a 'sufficient number' of constables, were required to serve as the commissioners should direct when any 'unlawful assembly' took place or was apprehended.[2]

When, in 1795, parliament re-established the parochial watch most of the duties appointed for constables in the act of 1786 were retained but, whereas under the late act the legislature left the ordering of the watchmen to the commissioners, under the new one it proceeded to lay out some general regulations for them itself. Thus every evening the constable and sub-constable whose duty it was to

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1 Ibid., cl. 31.

2 Failing to do so the justice might be fined £20. Ibid., cl. 52. In 1788 parliament declared that the constable in charge of a watch house was obliged to give a person committed to custody the names of those who had brought charges against him and an account of the crime with which he was charged. The penalty for refusing was forty shillings to be paid to the prisoner. 28 Geo. III, c. 45 cl. 3.

be in charge that night, were to meet at the watch house at sunset and call the roll. The penalty on any man absent was half a day's pay. The sub-constable was to place the men at their stands within a half hour after sunset and no man was to quit his stand until relieved. The men were to serve from sunset to sunrise from September 29 to March 25 and until 5 a.m. for the rest of the year.[1]

Based on this statute a set of rules was drawn up for the metropolitan watch at a general meeting of the city churchwardens and watch directors. Thus the constable and sub-constable for the night were obliged to attend at the watch house a quarter of an hour before sunset or face a penalty of ten shillings for the former and five shillings for the latter. At sunset the roll was to be called and any man absent was to be fined six pence. Two hours later the roll was to be called again and any man missing was to forfeit a shilling. If a man were to be absent the whole night, 'without cause', he was to be fined double the amount of his pay. The men were to ballot

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1 35 Geo. III, c. 36 cl. 64. Persons arrested were to be brought to the offices of the divisional justices before 9 a.m. Ibid., cl.71.

for their stands and to be placed on them a half hour after sunset. No man was to do duty on the same stand twice in one night, nor was he to go further than the next stand to escort any person who might call upon him for some purpose. The men (who were to be relieved every two hours) were required:

> 'at eight o'clock during the winter half-year, and at ten o'clock during the summer half-year, to call out the hour ... and to continue, at the striking of the clock every hour in the night, in such a manner as to be heard by the watchman at the next stand; and he immediately to call out the hour, so as to be heard by the next watchman to him; and so on, from watchman to watchman through the parish; and in like manner going out and returning from relief'.

Moreover, the men were obliged to aid each other, 'in case of any attack or insult offered to them', and they and the constables were to use their 'best endeavours' as well to preserve the persons and properties of the parishoners as to prevent outrages and breaches of the peace in the parish. Anyone found 'carrying bundles' or who could not give a good account of himself was to be brought to the watch house there to remain until discharged by a director or constable. Any person found overcome with liquor 'that may otherwise be of good character and behaviour'

was to be sent home with a guard. If a watchman were to see a light in a house or a door or window open, he was to inform the inhabitants. In case of a fire the men were to summon the director whose turn it was to be the 'engine-keeper and turncock' and as well to have the beadle ring the parish bells and in fine to give 'every assistance in their power', for it was the duty of both constables and men, in such an event, 'to exert themselves to the utmost'. The men were also to report the condition of the street lamps and any public house found open after midnight. At least twice nightly the sub-constable was to go the rounds to inspect the men. The constable was to be responsible for the property of any person committed to the watch house or who sheltered there for the night. He was to be supplied with a printed return in which he was obliged to make a 'faithful' report of the behaviour of the men and of the 'occurrences of the night', a copy of which was to be sent to the divisional justice while another was to be kept at the watch house. Every morning the men were to clean the watch house and the constable was to collect their accoutrements.[1]

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1 Rules, orders, and bye-laws, for the government of the watch. P.R.O.I.,Cal.O.P. Carton 507/69, doc.5. The whole watch was to be prepared to attend a 'muster or review' by the lord mayor four times a year, viz. January, April, July and October, or 'oftener' should the chief magistrate be so inclined.

Police reports extant from this period indicate that the officers and men made some efforts to follow the regulations laid down for their direction. Thus we read of patrols visiting public houses and closing them after turning out the company and spilling the liquor; of summonses being presented and of the watch houses being inspected at night by the high and chief constables.[1]

Dublin Police: administrative duties.

The same statute that instituted the office of the police commissioners in 1786 also attached to those magistrates a number of administrative duties. For example, they were required to issue annual licenses to all persons selling beer or liquor, or carrying on the trade of pawnbroker or watchmaker, or those who bought old metals, 'gold and silver only excepted', or who dealt in any second-hand goods 'whatsoever'; gold-smiths, silversmiths and persons who let horses for hire were also included. All such were required to report their names, addresses and occupations and, on payment of a

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1 Police reports, Oct. 1798, P.R.O.I., Cal. R.P. Carton 620/40, doc. 150, 177, 178.

shilling, were to receive a license.[1] In 1787 parliament transfered to the commissioners the receipt of certain duties formerly paid to the governors of the Dublin foundling hospital and the work-house. Henceforth they were to have authority for licensing and regulating those persons who owned or drove coaches plying for hire within the city or seven miles of it; or anyone who owned or carried a 'chair or sedan' in the city; or any person working as a'messenger or porter.'[2]

Armed with such powers and obviously very much determined to prove the worth of the new police to a public, a large section of which was apprehensive of

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1 26 Geo.III, c.24 cl.38. Failure to register might mean a £5 fine. For an example of the commissioners warning all such persons to report see the Dublin Evening Chronicle, 24 Nov. 1787. The commissioners were also obliged to inspect all the gaols and houses of correction in the metropolitan district as often as seemed to them 'necessary and proper' and to send a description thereof to the viceroy, both houses of parliament and to the court of king's bench. Ibid.,cl.44.

2 27 Geo.III, c.38 cl.2. Thus the commissioners were empowered as well to fine such persons for misdemeanours as to ascertain, increase or reduce their fares. All fines were vested in the commissioners, however, they were obliged to pay over to the governors of the lying-in hospital such duties as they collected on private sedan chairs. Ibid., cl.3,4. For instance, for the year 1788-9 they paid over to the governors £287.5s.8½d. (Commons' jn. Ire., xiii. app. cclxxxiv) and for the year 1789-90 they paid £402.7s.8d. (Ibid., xiv. app. cxvii).

the whole establishment, the commissioners seem to have acted with some vigour. Thus they warned all 'porters, messengers, penny-boys, basket men or women' who attended the markets, to obtain a license and badge (for which they were to pay five shillings deposit and one shilling each quarter) or else face being committed to a house of correction as vagrants. This order raised high hopes in some:

> 'That regulation of the police which badges, licenses and registers all porters ... errant-boys, etc. will be of the greatest service to the public, as every person who in future will be permitted to ply, will be obliged to give security for their good behaviour and honesty. By this means the greatest stranger may trust his goods to any of these people with as much safety as to one of the Scotch caddies.'[1]

Moreover, the commissioners, having learned that some hackney coachmen made it a practice to extort exorbitant fares on Sunday, informed the public that fares were 'the same on Sunday as on any other day' and that they were 'determined to punish' any coachmen found guilty

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1 Dublin Chronicle, 3 July 1787. A month later the police arrested a number of porters who did not have licenses. Ibid., 9 Aug. 1787.

of overcharging.[1] At the same time they did not forget their other duties. Thus they ordered 'new globes' put up in several districts where they had long been wanting;[2] and attempted as well to get rid of the 'injurious practice' of throwing fire-works by forbidding their sale;[3] as to clear the city of idlers.[4] Some observers expressed guarded views as to the results of all this activity:

> 'The number of prisoners in Kilmainham gaol and the New Prison charged with capital offences at the conclusion of the quarter ending 15 January appears to be less than at any similar period within

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1 Ibid., 31 July 1787. One driver was fined five shillings 'for having but one glass in his coach and that without a string and no check string and the whole odiously dirty'. Ibid., 12 July 1787. Nevertheless, a complete reform was not effected. Thus a newspaper complained that 'Notwithstanding the orders of the police, so incorrigible are the carmen who ply in this metropolis, that the apprehension of punishment cannot deter them from driving furiously through the streets. Scarcely can a person walk in any part of the city without beholding hair-breath escapes from the inattention of those fellows.' Ibid., 18 Oct. 1787.

2 Dublin Volunteer Evening Post, 2 Jan. 1787.

3 And, although they were not entirely successful in this, it was observed that on one 12th of July 'these nuisances were not so general as on former nights' for which, it was said, the police were 'in a very imminent degree' entitled to the public thanks. Dublin Chronicle, 14 July 1787.

4 Ibid., 9 Aug. 1787.

> 'the preceding 25 years. We wish sincerely this circumstance might be justly attributed to the extraordinary vigilance of our magistracy or a reformation of the morals of the lower order of the people.'[1]

In 1788 parliament decreed that everyone 'hawking about' plants, books, drawings or 'any glass-bottles, not being ... the makers or importers thereof' within Dublin or five miles of it, were to pay a duty of forty shillings to the commissioners.[2] In the same year the legislature ordered Dublin pawnbrokers to obtain from the police a certificate of their fitness to carry on their business. The commissioners were also obliged to approve of the three 'substantial persons' every

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1 Wexford Herald, 22 Jan. 1789.

2 28 Geo.III, c.45 cl.13. Persons forging or using a forged license might be fined £50 and as well faced 'such other ... penalties as may be inflicted ... for forgery'. Ibid., cl.16. Persons selling goods without a license were liable to have them seized and themselves fined £5 'to be paid to the informer' or, if unable to pay the penalty, they might be committed to gaol for not less than ten days nor more than three weeks. Ibid., cl. 17. At the same time parliament repealed the clause in the statute of 1786, which required goldsmiths and silversmiths to obtain police certificates and also those requirements in the act of 1787 for licensing messengers and porters. Ibid., cl.28,29.

pawnbroker was required to have as sureties.[1]

When, in 1795, the commissioners were displaced by the superintending magistrate, the latter took over most of the administrative duties of the former.[2] Two years later parliament repealed all acts relating to carriages plying for hire in the capital or seven miles of it, because of the great confusion arising from the multiplicity of such statutes. They were replaced by a single act which required the superintending magistrate to issue licenses for private sedan chairs; carriages, chairs and horses kept for hire; and carts belonging to brewers, builders, scavengers and so forth.[3] Carriages and chairs were

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1 28 Geo. III, c. 49 cl. 2. In case of a dispute between a pawnbroker and a customer, concerning a sum not exceeding forty shillings, the decision was to be rendered by the divisional justices, with an appeal allowed to the commissioners whose adjudication was to be final. Any dispute concerning a greater sum was to be heard by the commissioners with appeals allowed to the court of quarter sessions. Ibid., cl. 4. Finally, if it were proved to the commissioners that a pawnbroker had knowingly dealt in goods illegally come by, they might disqualify him from engaging in that business for ever. Ibid., cl. 5.

2 However, the right of licensing pawnbrokers and approving of their sureties was not given to him until the following year by the statute 36 Geo. III, c. 30 cl. 18.

3 37 Geo. III, c. 58 cl. 1,2. Such licenses might not be transferred without the permission of the superintending magistrate. Ibid., cl. 4,6. Certificates were to describe the 'breadth and shoeing of the wheels of the dray, cart or car' so licensed. Ibid., cl. 10.

to be numbered as the superintending magistrate thought 'proper', and he was empowered as well to regulate the fares and weights that might be demanded and carried and, in fine, to make and alter such regulations as to him seemed necessary, provided they were approved of by the lord chancellor or the chief judges and were posted up at the royal exchange.[1] Furthermore, in 1799, the legislature added the new gaol at Kilmainham to the number of prisons which that magistrate was obliged to visit and report on.[2]

Dublin Police: weapons.

The earliest mention of a particular weapon used either by constables or watchmen in Dublin occurs in 1584 when the city assembly ordained:

> 'That for the better encountenance of every constable in his offyce, he shall use and were in his hand, in night tyme and at tymes when occasion riseth for preservacion of the peace, a typstafe, and uppon setting or serching the wache, and that the chardge thereof be payed uppon suche fynes as groweth in eche warde; and that, furthermore, no constable, being sent for in night tyme to come'

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1 Ibid., cl. 15, 25, 27.

2 39 Geo. III, c. 56 cl. 15.

> 'before Mr. Mayor ... to execut eny thing that concerns his offyce, shall repayre without the said typestafe in his hand, in seemly attyre as the tyme and cause shall require, and that the armes /of the city/ be sett in gold and oyle, at the pryse of 18d. sterling, eche stafe and fynished before the next stacion daie, uppon payne of twenty daies imprisonment to every one making default hereof.'[1]

In the seventeenth century, lanterns, halberds, pikes, bills and poles appear to have been the most usual kind of accoutrements carried by the watch. Thus in 1678 one parish paid eighteen shillings for six halberds and by the following year the vestry possessed a dozen such weapons.[2] In 1701 another parish paid £1.10s. for watch bills.[3] The latter weapon appears to have been a very common one, used in all city parishes. For instance, one newspaper reported:

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1 Cal. anc. rec. Dublin, ii. 189. Citizens were required to attend their watch duties fully armed but there is no specific mention of what sort of weapons were considered necessary.

2 Vestry bk of St Catherine's and St James's, 1657-92 pp. 167, 182.

3 St Bride's vestry accounts, (1663-1791), p. 74.

> 'Last night a most barbarous murder was committed on the body of Mr. Story a barber ... as is supposed by a watchman he having two large wounds as by a bill hook, in his head'.[1]

The first mention of the subject by parliament occurs in 1721 when the legislature required the parish committees to arm their men but did not suggest any particular type of weapon.[2] The statute of 1723 indicates, however, that parliament thought that every man should at least have a pole and lantern.[3] It appears that for some vestries poles and lanterns were quite enough. For example, in 1721 the overseers of St Peter's watch decided to arm their men with staves.[4] Between 1750 and 1770 the accoutrements

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1 Dublin Intelligence, 3 Sept. 1728. In 1702, in St Bride's, there were twelve bills with stands 'in ye constables possession'. Vestry accounts, (1663-1791) p. 75. In 1710 St Thomas's vestry ordered that a dozen half pikes were to be provided for the watchmen, H.B. Thompson, Notes for a history of St Thomas's. 9 Oct. 1710.

2 8 Geo. I, c. 10 cl. 2.

3 10 Geo. I, c. 3 cl. 9.

4 Vestry bk, 21 Feb. 1721. In 1730 St Michan's directors ordered that each man's lantern and staff were to be numbered and, at the same time, resolved that the 'staffs and lanthorns' then in hand 'with some repairs are sufficient for the year'. Cal. anc. rec. Dublin, xi. 527. In the year 1727-8 St John's paid £4.9s. 6d. for lanterns. Watch account bk, 8 Sept. 1727-8. In 1730-1, ten watchmen's 'wistles' cost 4s. 2d. Ibid., 22 Dec. 1730-1. In 1772 the parish arms consisted of '14 old poals 10 old lantrons and several old pices'. Ibid., 20 Oct. 1772.

of St Thomas's consisted merely of poles and lanterns the condition of which was regularly inspected.[1] However, some vestries were keen to equip their men more fully. For instance, in 1763 one newspaper reported that when the lord mayor reviewed the parish watches in Stephen's-green:

> 'They made a formidable appearance, particularly the watch of St Anne's and St Mary's who were provided with halberts and back-swords and their lanthorns slung on belts.'[2]

Several years later it was suggested that:

> 'The great quantity of cast arms now lying useless in the castle stores, such as halberts, swords, belts, etc. a sufficient number of which might, with great propriety be handed over to the directors of the watch of each parish, for the use of the watchmen, and an accountable receipt taken from each parish, to return said arms on any emergency. By this means the watch of the city would become formidable, and capable of executing their duty, without calling on the assistance of the military;'[3]

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1 Min. bk watch directors, 1750-70.

2 Freeman's Jn., 17-20 Dec. 1763. A few years later the vestry of St Anne's gave their unanimous thanks to one of the watch directors 'for his present of halberds and swords' to the watchmen. Ibid., 19-23 Feb. 1765.

3 Ibid., 8-12 Oct. 1765. In that same year, and because of the murder of one of their watchmen. St Bride's directors resolved to arm their men with helmets, swords and halberds. Vestry accounts (1662-1780), 8 Oct. 1765. The following year a citizen urged that a bell or horn be provided for the men 'as it is in London'. Freeman's Jn., 13-16 Sept. 1766. It appears that some parishes equipped their men with clappers. For example, see St John's watch account bk, 1775.

When, in 1786, parliament inaugurated the metropolitan watch it required the police commissioners to arm their men as they thought 'proper'.[1] The government also donated weapons to the establishment and by 1795 the commissioners had received from this course 500 long carabines and bayonets, 44 light horse carabines, 44 broad swords and 84 case of pistols.[2] Consequently even the watchmen could now carry firearms.[3] However, in 1795, when the parochial system was restored the commissioners were obliged to hand over their weapons to the new superintending magistrate.[4] Parliament

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1 All accoutrements then in the possession of the parishes were to be handed over to the commissioners. 26 Geo. III, c. 24 cl. 15, 17.

2 Commons' jn. Ire., xvi. app. civ. Having thus been well supplied the commissioners expended very little money on arms. For example, only £68.12s.4½d. was listed as being spent on arms' repairs for the year 1794-5. Ibid., app. cclv.

3 See p. 186.

4 Such of them as he did not need the superintending magistrate was obliged to deposit in Dublin castle. 35 Geo. III, c. 36 cl. 84. The order induced one newspaper to comment, 'The quantities of arms drawn from the arsenal in the name of the police have been extraordinary, considering that they were never employed on any service by which they could sustain material loss or injury. It has been suspected that considerable peculations have taken place in this way -- as the commissioners must make their return in a few days, it will be seen how far the present state of the arms corresponds with the quantity drawn from time to time.' Dublin Evening Post, 22 Sept. 1795.

urged the latter to furnish his 'officers of the peace' with proper arms[1] and it also directed that the parochial watchmen be assembled monthly when their 'arms and necessaries' were to be 'minutely' inspected. The watch directors were required to replace lost or damaged weapons and if such had been occasioned by the misconduct of a watchman the expense was to be deducted from his pay.[2] In October 1795, the new establishment issued a number of regulations concerning weapons. Thus every man was to be given a clapper or rattle with which 'to call his brother watchman to his assistance'. Moreover, in order to aid his comrades in adjoining parishes, each man was to be 'properly armed for that purpose' but such weapons were to be used, 'only in cases of extreme danger'. Every morning, before the men were dismissed, the constables were to see that all arms, belts and watch coats were 'carefully deposited

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1 35 Geo.III, c.36 cl.14. Between January and September 1796, £ 20.11s.1½d. was expended on swords for petty constables. Commons' jn. Ire., xvi. app. lix.

2 Ibid., cl.63. A watchman who sold his accoutrements was to forfeit double their value; any person found with them was to be deemed to have received them feloniously. Ibid., cl.68. In the first three years of the establishment (1795-8), £ 211.11s.8d. was spent for 'poles, bayonets, lanthorns etc.' Commons' jn. Ire., xviii. app. cccxcviii.

in the watch-house' and that each man was keeping his accoutrements 'in clean and good order'.[1] All this caused much satisfaction in some quarters. Thus one newspaper commented:

> 'The new watch ... have entered on their career with much spirit and applause. They are all well clothed and accoutred, their arms a pole and hook with a bayonet fixed - they bear lanthorns and rattles, and regularly call the hour. Their decent and watchmanlike appearance present a striking contrast to that of the shabby, dirty drunken police'.[2]

When parliament gave over the care of the police to a standing committee in 1796 and to the superintending magistrate in 1799 it made no new regulations concerning arms.

Dublin Police: methods of financing.

The ordinances of 1305 which instituted the first recorded city police also give some vague hints as to the way in which it was to be supported financially. Thus widows with property were to be charged proportionately with their neighbours and two warehouses where light was displayed were to be taxed an amount equal

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1 Rules, orders, and bye-laws, for the government of the watch, P.R.O.I., Cal. O.P. Carton 507/69, doc.5.

2 Dublin Evening Post, 3 Oct. 1795.

to that paid by one hall. The watchmen were required to notify the bailiffs of all defaults.[1] Unhappily, until about the sixteenth century there is almost no detailed information about either the manner in which the tax was applotted or of the sums so raised. There is evidence however, that from a very early date the collecting of such moneys was often a problem. Thus in 1316 the city commons demanded that the watch expenses should be paid by both rich and poor and forfeitures levied without respect to any, especially in time of war.[2]

By the seventeenth century the methods used to finance the city police begin to emerge more clearly. By that time too, the government often stationed troops in the city both to defend and to police it,[3] the

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1 Cal.anc.rec. Dublin, i.223. In 1456 the watch tax levied on a 'shope' was two pence. Ibid., p.291.

2 Ibid., p.132. In 1576 the lord deputy, Henry Sydney, denounced 'dyvers captayns, gentlemen, clearks and soldiers' living in Dublin who, under 'cullour of a pretensed pryvelledge ... doth refuse to beare ther parte and porcion of ... taxes as other the cittseence ... do beare as well for mayntenaunce of the ... cittie and watching thereof'. Ibid., p. 189.

3 For instance, in September 1672 the lord lieutenant ordered 'fower troopes of horse' into the city to keep guard. Ibid., v.10.

corporation being charged with raising the sums necessary to build guard houses for the soldiers and to supply them with fuel and candles.[1] To expedite the business the municipal council sometimes entrusted it to a committee which was required to compute and applot the annual charge and to examine the accounts of the constables who collected the levy. The sums raised were given over to an alderman who expended them at the mayor's order. The applotment was to be made with 'equality' since the whole 'busines', the city assembly declared, was of such 'publique concernement ... that all persons ... ought to beare an equall burthen'.[2]

The old methods of financing the police underwent a considerable change, however, when, in 1715, parliament set up its first comprehensive scheme for watching Dublin. To support the new institution every

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1 It became the custom for the corporation to vote such supply upon receiving a letter from the viceroy, or in his absence, the lords justices, urging them to do so. For examples of this see Cal.anc.rec. Dublin, v. pp.19, 24, 81, 126, 148, 162.

2 Ibid., iv. 296, 393. Evidently collecting the levy continued to be a problem. Thus in October 1666 the city assembly, after deciding to raise about £120 to supply the guards, also agreed to ask the lord lieutenant to force the liberties to pay their customary proportion, not only of the new levy but as well for the times past 'wherein they have not paid anything'. Ibid. It appears that the liberties normally paid one eighth of the cess. Ibid., p.255.

house in the city and liberties was to be charged three pence in the pound for every pound of its yearly value as it was returned for the collection of minister's money.[1] The sums were to be levied and collected by the churchwardens in the same manner, time and under the same penalties as the minister's money was collected[2] and the whole paid over to the city treasurer. Every six months the corporation and the seneschals were obliged to render an account to the lord lieutenant of the amount raised and spent; any surplus was to be expended in buying fire engines.[3] In 1721 parliament allowed the tax rate to rise to six pence in the pound, and at the same time the legislature decided that if a house were empty and its rent only a ground rent then such a house was to be rated accordingly as it might

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1 2 Geo.I, c.10 cl.11. If there were no such valuation the owner of the house was to contribute the same sum as he paid to the city poor house and, if there were no such valuation for the poor house he was required to pay three pence per annum in the pound according to the rent paid by the tenants in the house.

2 That is to say the money was to be levied 'by four equal portions every year', viz. December 25, March 25, June 24, and September 29. Churchwardens who neglected this duty were to be punished as directed by the viceroy. 17 & 18 Charles II, c.7 cl.1.

3 2 Geo.I, c.10 cl.12.

'reasonably' be set, such valuation to be ascertained by four parishoners chosen by the churchwardens.[1] In 1723 parliament slightly amended the act of 1721[2] but, on the whole, the manner in which the Dublin police was financed remained, for almost half a century, the same as directed by the statutes of 1715 and 1721. By 1765, however, it was realized that the old rate was insufficient[3] hence the legislature enacted that from

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1 8 Geo.I, c.10 cl.6-9. Moreover, any householder who did watch duty, or sent a deputy, was freed of the tax. Churchwardens, in Dublin city, were discharged, while in office, from paying the tax 'in their respective houses in which they dwell'. Finally, every six months the churchwardens (and not the corporation) were obliged to report to the government of the sums raised and expended. Ibid., cl.13, 10.

2 Thus the watch supervisors (and not the government) were to be advised, semi-annually, by the churchwardens of the sums levied and spent. 10 Geo.I,c.3.cl.10.

3 It was said that 'the minister's money of the several parishes in Dublin, as returned to the grand jury Michaelmas term 1763, was £5168.17s.8d., the watch money ... being half the minister's money, was £2584. 8s.10d. but in many parishes the collections do not equal the tax, so that the parishes that are deficient, must either employ a less number of men, or by subscription make good the deficiency'. A scheme to prevent street robberies, p.9. For instance, in 1750 the vestry of St Thomas found 'on the best computation' that the expense of their watch 'for the winter-half year' amounted to £53 but that 'the whole sum ... authorized by law to be raised for that purpose only amounts to seventeen pounds or thereabouts.' Hence the vestry decided to ask for a subscription. Vestry bk, (1750-62), 10 Oct. 1750.

1 May 1766 houses in the capital and its liberties were to be charged an additional sum, not above six pence nor below three pence per pound of their yearly value.[1]

In 1786 parliament repealed all former Dublin watch acts and inaugurated a centralized police system under the control of three commissioners. To support the new establishment the commissioners were allowed 'once or oftener in every year' to rate each house in the metropolitan district provided that such a levy did not exceed 1s.6d. in the pound 'in any one year of the yearly rent of such houses' as they were rated for the minister's money or for the support of the workhouse and foundling hospital.[2] However, no house was to be valued at a higher rent than £60 a year.[3] The tax was

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1 5 Geo.III, c.22 cl.1. If there were a surplus the vestry might spend it as it saw fit. Ibid., cl.9.

2 26 Geo.III, c.24 cl.19. Once again the legislature decided that where there was no such valuation the house was to be assessed, at the same rate, according to the rent paid by the tenants in possession or, if it were only a ground rent then according to the amount the house might reasonably be set for. However, such rent was now to be ascertained by the commissioners.

3 Ibid., cl.20. In 1788, after declaring it 'reasonable' that houses of small value should pay lower rates than those imposed by the act of 1786, parliament ordered that such as were rated at £5 or under were to be assessed at one shilling in the pound 'and no more' of their yearly rent. 28 Geo.III, c.45 cl.12.

to be levied and collected by a receiver appointed by the commissioners.[1]

In 1795 the legislature restored the old parochial system to finance which churchwardens were obliged to assess every house in their parish in a sum not exceeding 1s.3d. in the pound according as the house was valued for minister's money or, if there were no such valuation, according to its annual value as such was ascertained by a jury's verdict.[2] Parishoners were required to choose a 'fit person' to collect the parish

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1 Ibid., cl.20. Receivers were obliged to give 'sufficient' security by a bond payable to the king. Moreover, whenever they had collected £50 they were to deposit it into the Bank of Ireland. Ibid., cl.22, 23. If the policetax were not paid within ten days of demand it might be levied by distress; if it were not paid within five days after the distress the goods so seized might be sold. Ibid., cl.21.

2 35 Geo.III, c.36 cl.75. The verdict was to be obtained in the following manner. Thus as often as any five parishoners, who paid towards the support of the watch, gave notice that there was in their parish a house that had not been valued for the minister's money, the lord mayor was required to give immediate notice to the person living in such house that he would proceed to value the dwelling. The sheriffs were then to summon at least 24 persons 'such as serve on special juries' to appear before the lord mayor. Those who had applied to that magistrate for such a valuation had leave to challenge six of the jurors and he whose house was to be valued might challenge six others; the first twelve not challenged were required to value the dwelling 'truly as the same might be set to a solvent tenant'. Ibid., cl.76. Once again it was decided that no house might be valued at a higher rent than £60 nor was any house worth £5 or less to be assessed at more than a shilling. Ibid., cl.77.

rates and the latter was obliged to deposit with the city treasurer such sums as he had in hand at the end of every three months. Out of these moneys the treasurer was to pay all bills drawn on him by the lord mayor and churchwardens for the watch expenses incurred in the parishes.[1] Furthermore, all sums arising out of this act from fines and licenses were vested in the superintending magistrate who was to use them to make a fund for the support of himself, the divisional justices, the constables and other employees under his and their direction. Moreover, out of this fund he was required to make over £2,000 a year, paid quarterly, to the city treasurer towards the support of the parochial watch.[2]

The following year parliament ordered the churchwardens to assess houses as follows: those rated at under £5 for minister's money were to be charged 1s. per pound; those rated from £5 to under £10 were to

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1 Every quarter the treasurer's accounts were to be audited in open court. He was allowed a fee of three pence in the pound. No suit for rates due over a year was permitted. Ibid., cl.79,80.

2 At the end of every year he was to surrender to the city treasurer such moneys as still remained in the fund after the expenses of his own establishment had been defrayed. Ibid., cl.97, 101. He was also obliged to deposit every £100 he received into the Bank of Ireland and to draw drafts specifying how they were to be applied. Ibid., cl.100.

be charged 15d. per pound; those rated from £10 to £30 were to pay 18d. per pound; those above £30 were to be charged 2s. per pound.[1]

In 1799 the legislature amended the acts of 1795 and 1796. Henceforth only the superintending magistrate was allowed to appoint the collectors and to levy the rates. He was also permitted to deduct, as a fee, nine pence in every pound he collected.[2] In 1800, after first adding some minor adjustments to it, parlia-

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1 36 Geo.III, c.30 cl.17. Parish collectors were now required to enter into a bond of £1,000 along with two sureties, the latter to be approved of by the lord mayor. They were also obliged, every Saturday, to turn over to the city treasurer such sums as they had raised during the week. Ibid., cl.5. The treasurer, as often as he wished, might examine the accounts of a collector and, if misconduct were detected, the lord mayor was required to dismiss the offender. If the parish did not select a new collector within six days the lord mayor might do so. The parish watch committee was also obliged to examine their collector's accounts. Ibid., cl.6, 13.

2 39 Geo.III, c.56 cl.10. Any collector dismissed for misconduct was not to be re-employed. The commissioners of accounts were required to audit, semi-annually, the accounts of the superintending magistrate. Ibid., cl.19, 22. And, to solve that perennial problem, the assessing of houses not yet valued for the minister's money, the superintending magistrate was permitted to appoint any three householders he thought 'fit' to ascertain the valuation, those selected had to return to him a report of their verdict which they had made before a justice of the peace. Ibid., cl.11.

ment made the statute of 1799 perpetual.[1]

Dublin Police Finances: General Expenditure.

The information in the records extant of the sums Dublin vestries expended on their watches is very sketchy for most of the eighteenth century. It is not until the inauguration of the police commissioners in 1786 that records, if not always accurate, at least became plentiful. Nevertheless the account books of two city parishes give some hints as to the sums spent for watching each year. Thus in 1753 St Thomas's expended a total of £75.12s. 7d. on its watch which sum had risen to £97.0s. 5d. by 1763 and, though it dropped to £92.12s. 8½d. for 1765, it reached £107.7s. 1d. by 1767.[2] St John's total police expenditure for the fiscal year 1724-5 was £83.4s. 6d. Expenses in this parish rose as high as £163. 1s. 9d. in 1764, but had declined to

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1 Thus the allowance for levying the police tax having proved inadequate, the superintending magistrate was now permitted to deduct one shilling in the pound from all sums he collected. And, because collectors had no power to demand payment of a rate after it had been due twelve months many persons were thus able to elude payment to the 'great loss' of the police establishment. For remedy parliament allowed collectors to recover rates which were due for not more than two years. 40 Geo. III c. 62 cl. 1-3.

2 Watch directors' min. bk, 1750-70.

£127. 7s. 7½d. by 1776.[1] However, as there is really not much to be gained by investigating such few accounts of the parochial expenditure as remain to us, I propose to devote the rest of the study under this heading to a discussion of the general expenditure from the time of the institution of the police commissioners to the end of the century.

In March 1786, a newspaper printed an estimate taken, 'upon the most moderate calculation', of the costs the new metropolitan police system would impose, 'that the public may have some conception of the extent of ministerial patronage created by the proposed police and the annual expence to which the nation must be put for its support.' Thus it was asserted that £10,000 would be 'the least possible sum' required to defray the annual charge of the new institution, while another 'temporary expence of £17,500' would be necessary for 'incident

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1 Watch account bks, 1724-38; 1741-86. In 1777 the 'full watch money' of St Bride's amounted to about £300 yearly. Vestry bk, (1742-80). Getting all the parishoners to pay their watch rates was often a problem. For example, in 1745 the vestry of St John's named eight persons who owed, collectively, £4.15s. in police taxes. The bishop of Kildare was among them and owed the largest arrear: £1. Two years later the arrears amounted to £15. 0s. 7d. and in 1774 they were £30. 16s. 7½d. Watch account bks, 13 Sept. 1745; 7 Dec. 1747; 1776.

expences', that is to say, building and furnishing offices, guard houses and so forth.[1] In reality, however, the actual expenditure far exceeded these estimations[2] for large sums were lost through mismanagement and peculation.

To discharge their debts the police commissioners were allowed substantial financial support. Thus from their commencement in September 1786 to January 1795 the police tax on houses amounted to £65,399.3s.6½d;

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1 Cork Volunteer Jn. or Weekly Advertizer, 27 Mar. 1786.

2 Thus the total expense of the establishment from 1786 to 1790 amounted to £66,298. 14s. 10 3/4d. This figure may be broken down as follows: for the first year (1786-7) the total expenditure was £18,349. 12s. 4d. However, from this sum £488. 10s. 6d. must be deducted being the charge of the house of correction and of magistrates and officers going to the country in pursuit of robbers as well as prosecuting them, thus leaving a net expence of £17,861. 1s. 9½d. For 1787-8, the figures were £18,545. 5. 0 3/4d. total expense, £1,079.0s. 4d. deducted as before, thus leaving a net expense of £17,466. 4s. 8 3/4d. For 1788-9, the figures were £18,198. 7s. 03/4d. total expense, deducting £2,644. 19s. 1 3/4d. the net expense being £15,533. 7s. 11d. For 1789-90, the sums were £18,000. 18s. 11 3/4d. total, £2,582. 18s. 6¼d. deducted, £15, 418. 0s. 5½d. net expense. Commons' jn. Ire., xiv. app. cclxxv. The sums expended in the last five years of the establishment were not substantially larger or smaller than those expended in the first four years. Thus, for the year 1790-1, the total spent was £15,979. 7s. 10½d. (Ibid., xv. app. lxxiii); for the year 1791-2, the total was £15,927. 16s. 3½d. (Ibid., app. ccc, cccci); for the year 1792-3, the total was £16, 440. 10s. 2d. (Ibid., app. dxxxiii, dxxxiv); for the year 1793-4, the total was £17,590. 6s. 1½d. (Ibid., xvi. app. xcvi, xcvii); for the last year, 1794-5, the total spent was £16,424. 4s. 9½d. (Ibid., app. cclv, cclvi).

that on carriages to £37,677. 18s. 7½d.; from 'sundry licenses' they received £8,875.9s., while the divisional justices paid into the police fund £2,205. 8s. 7½d.[1] Moreover, between September 1786 and December 1787 the establishment received a loan of £16,000 from the treasury.[2] In 1796, a house of commons' committee reported that, 'the funds applicable to ... the late police establishment, including the annual income received from the ordinary revenue, generally amounted to £18,000 per annum'.[3]

Nevertheless, despite the large sums devoted to it the establishment was often in financial difficulties. One of the chief problems to be faced, and one that placed a grave strain upon the solvency of the institution, was that occasioned by the difficulties which arose in collecting the house tax. For instance, on 26 February 1794 the lords of the treasury complained to the commissioners that in the latter's accounts ending 29 September 1793:

> 'That one year's tax on houses £9,925. 11s. 7d. ending on that day, had not been collected, and that there was also an arrear of the tax'

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1 Ibid., xvi. app. xlv.

2 Ibid., xii. app. dcccxxxiii to dcccxxxv.

3 Ibid., xvi. app. dxxx.

due in the year 1792, amounting to £ 1,606. 8s. 5d. and an arrear ending in the year 1791 of £ 2,285. 3s. 7½d. making together an arrear of £ 13,817. 3s. 7½d.'[1]

Their lordships went on to point out that on a similar tax on houses collected by the commissioners of paving, the arrear outstanding in June 1793 was only £ 3,411. 13s. 9d., hence they were of opinion 'that leaving an entire year's house tax uncollected was not necessary'. In closing they urged the police commissioners to submit a new account within a month so that any surplus which had accrued by then could be deposited into the royal exchequer in order to repay part of the £16,000 loaned to the establishment by the treasury.[2]

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1 Ibid., app. cxlvi. They noted also that such an arrear had considerably increased with the passing of years, 'it having been in ... 1789, £ 6,755. 15s. 10d.'

2 Ibid. Henry Grattan, in a speech to the commons on 17 February 1795, noted that the commissioners were still 'in arrear to the treasury in a sum of £16,000, which they had borrowed on their outset, under promise of repayment, but had never repaid one shilling, though repeatedly applied to.' H. Grattan, ed. The Speeches of Henry Grattan, iii. 169. There is no evidence that they ever repaid the loan.

Two days later the commissioners launched their defence. They informed the treasury that 'one year's house tax ... was always due before it was put in collection' and that moreover:

> 'From the great scarcity of cash last year notwithstanding that the commissioners made use of the utmost exertions to enforce payment, the collectors found it almost impossible to collect that tax, and the first commissioner was in advance on 29 September £1,007. 6s. 4½d. which it must be obvious to the lords of the treasury he would not have been could the commissioners possibly have enforced the payment of the tax.'

Furthermore, they declared:

> 'That on the line leading from the tholsel to the circular road above New street and to the Circular road on the line leading to Glasnevin, together with that part of the district called the Liberty, all of which are charged with their proportion of the £9,925. 11s. 7d. much above the half lies waste and uninhabitated, of course the amount of insolvencies is very great. There is no other arrear but on the carriage tax which is very precarious.'

In closing, they expressed their 'earnest wish' to expedite the payment of the funds appropriated to their establishment asserting that they were 'determined' to omit 'no legal means' of enforcing their demands.[1] Despite their determination, arrears on the house tax continued to be a problem, thus the

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1 Ibid., app. cxlvii.

total amount due in January 1795 was reported as £10,204. 11s. 11d.[1]

A factor which caused much resentment against the new institution was the rise in the house tax from a maximum of 1s. under the statute of 1765 to that of 1s.6d. under that of 1786. For instance, in February 1788, the inhabitants of Donore barony complained to the house of commons that the new police tax 'being one half higher than any other rate or tax whatsoever' would, if continued, 'prove highly injurious and oppressive'. They protested that they were 'sensible' that the legislature on passing the police bill 'did intend ... taxation and protection should go hand in hand', but they were sorry to observe that such intentions had not been 'at all fulfilled', the people 'having been left totally defenceless since the police institution, as a stationary or patrole watchman has scarcely ever been seen on duty in any part of the ... barony'. Consequently they advised a return to the former parochial watch system certain that they would be

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1 Ibid., app. liv.

thus able 'to protect themselves at an expence more suitable to their capacity'.[1] A few days later a number of Dublin taxpayers also complained that the sums raised by virtue of the new police act appeared to be 'treble the amount of the former taxes levied for the support of the parish watches'. Yet, despite such increase, the new institution was, they claimed, largely useless, as they had found 'from experience' that the 'security of the persons, habitations and properties' of the people of the metropolis were 'more precarious and uncertain since the establishment of such police than before'. Of consequence they urged a return to the system set up in the parliamentary session of 1777-8 which, they asserted, would institute a 'constitutional guard' for Dublin 'effectual for the protection of the inhabitants at half the expence of the present ... establishment'.[2]

Such serious complaints resulted, at length, in an investigation of police expenditure by a

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1 Ibid., xii. 344, (12 Feb. 1788). It is only fair to point out that the petitioners were annoyed at having to pay any tax at all since, as they declared, parliament had 'thought proper to exempt them from the operation of the late acts for paving, lighting and cleansing the streets' because of the 'very declining state' of the barony and the 'extreme indigence' of its inhabitants. Ibid.

2 Ibid., p. 368, (16 Feb. 1788).

committee of the house of commons. The report, issued in April 1789, declared that in the two years and a half 'which their institution has subsisted ending the 25th of March [1789]', the commissioners had spent, 'more than £51,000 of the money of the public'.[1] Evidence of maladministration and peculation were then exhibited[2] and the report ended with a resolution that the new establishment attended as it was by 'unnecessary patronage, waste and dissipation', be discarded.[3] But, to the great disappointment of their opponents, the last hour of the police commissioners had not yet arrived, indeed that hour was still six years away. Moreover, there is no evidence that during those years

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1 Ibid., xiii. app. ccviii. Thus the committee claimed that the total expense of the first year amounted to £20,197. 9s. 10d. and the second to £19,981. 0s. 2 3/4d. of which sums that of £9,682.13s. 10d. was the 'charge for the watch' in the first year and £9,500 in the second, and that the remainder, £20,995. 16s. 2 3/4d. had been expended in 'salaries and other charges' which attended the commissioners' establishment. Moreover, the committee reported that the accounts laid before them were 'ill-arranged and many of the articles not distributed under their proper heads' and, having examined the accountant 'as to that point', he blamed the commissioners, alleging that the arrangement of all the accounts 'originated' from them. Ibid., app. ccix.

2 See pp.255, footnote 2, 260, 269, 272, 276.

3 Ibid., The commons, however, rejected the resolution. Ibid., p. 96, (25 Apr. 1789).

expenditure was substantially reduced.[1]

One of the principal claims made by the adversaries of the centralized police was that the older parochial system, if restored, would be a very much less expensive way of protecting the capital. That assertion, however, proved more sanguine than correct. For example, the watch directors calculated that the charge for the first year of the re-instituted system (which commenced in September 1795) amounted to £19,148. 11s. 7d.[2] Besides the ordinary taxes granted by the legislature for the support of the parochial institution, which quickly proved inadequate for that purpose, the directors inherited all the arrears of the defunct police commissioners which,

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1 For example, see p.229footnote, 2. I think that at this point a few words must be said apropos the differences that have occured between some of the figures already quoted and will also occur between others to be mentioned presently. For instance, one report to the house of commons declared that the total police expenditure in the first year amounted to £20,197. 9s. 10d.; another that it was £18,349. 12s. 4d. (see p235.footnote 1 and p.229footnote 2). How can such discrepancies be reconciled? I don't think that they can. Printing errors may, perhaps, be the answer to the smaller ones, but I am afraid that the answer to the larger must wait until more evidence comes to light.

2 Memorial: watch demands, 2 Sept. 1796, P.R.O.I., Cal. O.P. carton 507/69, doc. 5. The 'subsistence of the watchmen' alone came to £163.4s. weekly. Ibid.

extending over a period of nine years and due in September 1795, amounted to £18,224. 19s. 8d.[1] However, the difficulties involved in collecting the greater part of that sum at once placed a grave financial burden on the parochial establishment, of consequence the watch directors were continually haunted by the spectre of financial insolvency. Thus six months after the parochial establishment had re-commenced, the lord mayor, churchwardens and watch directors presented a petition, on 18 March 1796, to the house of commons in which they alleged that no provision had been made for their institution 'further than the arrears due to the late ... establishment' from which they had received only £500, though one large arrear (that of the late Nathaniel Warren, sometime first commissioner and first superintending magistrate who died in January 1796) amounting to £3,329. 5s. 4d. 'would nearly have discharged them' of their debts. The petitioners also declared that the house tax could not be collected

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1 State of the funds vested in the superintendant magistrate, P.R.O.I., Cal. O.P. carton 507/69, doc. 5.

until after 25 March 1796 and even this tax would be 'deficient to pay the watchmen weekly', exclusive of constables' salaries, watch house rents, arms, clothing and other charges. There was already, they asserted, 'an absolute deficiency of £2,034.8s 2d.' besides the expences of incidentals which could not be ascertained until the end of the year. To cover the deficit they proposed a rise in revenue to be obtained by a tax increase on all houses rated from five to sixty pounds.[1]

The petition was referred to a committee which had been constituted earlier to prepare a bill to amend the newly promulgated watch act. The committee, in its report published the day after the presentation of the petition, reviewed the financial structure of the parochial police. Thus it estimated the watch expenditure for one year (1796-7) at £15,881.9s. 9d. The moneys expected to meet this charge were to come from three sources, (a) the annual produce of the house tax which amounted to £7,780, from which was to be deducted £389.10s. for collectors' fees at

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1 Commons' jn. Ire., xvi. p. 254, (18 Mar. 1796). They also believed that if the taxes upon hackney coaches, cars, carts, etc., 'were farmed out to the highest ... public bidder at auction', it would be the means of procuring, 'a very considerable increase' to the watch fund. Ibid.

one shilling in the pound leaving a net total of £7,390.10s.; (b) the £2,000 which the superintending magistrate was obliged to pay, annually, to the establishment; (c) the sums arising out of whatever surplus of duties that remained in the hands of that officer, but as no such surplus appeared to exist, the whole annual income of the parochial watch did not exceed £9,390.10s.[1] Consequently, with income estimated at £9,390.10s. and expenditure at £15,881.9s 9d. a deficit of £6,490.19s 9d. was envisioned by September 1797. Furthermore, it appeared that there would be a deficiency of £3,215.10s. in the accounts of the superintending magistrate which would preclude his paying the watch fund the £2,000 directed by the act, which failure would thus increase the deficit to £8,490.19s. 9d.[2] The report closed with a

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1 Commons' jn. Ire., xvi. app. dxxx. There was, however, 'a sum of about £450' which would arise from houses that were not yet valued, and there was also still due, a 'considerable part of the arrear of the late [police commissioners] funds', but it did not appear that even such part that was judged to be solvent 'would be sufficient to supply the deficiency' of the funds of the parochial watch. Ibid.

2 Moreover, the committee noted that the expense of stationery, arms, law business and 'other incidental expenses' not included in their estimate were bound to raise the deficiency 'considerably'. Ibid.

resolution that the funds of the establishment ought to be increased.[1] The house agreed[2] and a clause to that effect was added to the amending bill then in preparation, which bill was passed the following month, thus the watch tax was substantially augmented.[3]

Nevertheless the financial position did not improve and a few months later, in July 1796, the watch directors were again appealing for aid, this time to the lord lieutenant, whom they informed that their treasurer, already in advance, had 'intimated his disinclination' to continue paying the watchmen, whereby the institution was 'in danger of immediate dissolution'. The directors protested that previous to establishing the parochial watch they had received, 'assurances that effectual provision would be made for the equipment thereof', which induced them through 'an extreme anxiety for the preservation of the public peace' to involve themselves personally in a debt of more than £3,000 in payment of such charges.[4]

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1 Ibid., app. dxxxi.

2 Ibid., p. 264, (23 Mar. 1796).

3 see p. 225, 290, footnote 3.

4 Address of the watch committee, July 1796, P.R.O.I., Cal. O.P. carton 507/69, doc. 5.

They fixed the cause of their troubles upon the difficulties involved in collecting the large arrears due to the late police commissioners, observing that the secretary to the superintending magistrate had told a committee of the house of commons:

> 'An arrear of £14,000 and upwards was ... due to the late police establishment, and that he did suppose £10,000 of said arrear was recoverable, which had since been in part confirmed by the present superintendent magistrate stating ... that ... £7,500 still remains due of the said arrear. But the superintendent magistrate does not give any hope of effectual relief being derived from that source'.[1]

Moreover, the directors claimed that the first superintending magistrate died in debt to the establishment 'in the sum of £4,002 or thereabouts'[2] which debt his executors refused to honour but offered a composition, namely to pay £1,500 provided a full discharge was given for the arrear. Furthermore, the present superintending magistrate had informed the watch directors that the salaries

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1 Ibid.

2 It appears that N. Warren, as first superintending magistrate, received £8,823.3s. from various sources, taxes, licenses, etc. between September 1795 and January 1796. He disbursed £4,821.2s. 2½d. during that period, dying in January 'indebted to the public in the sum of £4,002.0s. 9½d. Commons' jn. Ire., xvii. app. xlix.

of those persons connected with his office, amounting to £1,200 a year, were no longer 'as heretofore' to be paid out of the royal treasury[1] but were now to come out of the funds of his office, of consequence the income of the directors was to be further reduced 'in the ... annual amount of £1,200'. Thus from the failure of these large sums the directors asserted that they were 'personally involved in a debt amounting to about £3,000', for which their creditors were, 'daily becoming more urgent and clamorous'. In closing, the petitioners declared that if they were not 'immediately relieved' they would be under the 'painful necessity of dismissing the constables and watchmen' whereby Dublin would remain 'unprotected till the next session of parliament'.[2]

Despite this appeal the situation stayed as before, and two months later, on 1 September 1796, the watch treasurer wrote to the lord mayor:

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1 See p.254, footnote 1 and p. 256, footnote 1.

2 Address of the watch committee, July 1796, P.R.O.I., Cal. O.P. carton 507/69, doc. 5.

> 'On looking into my account ... I find my advance is £630.13s. I think it necessary to inform your lordship and the committee of directors that it will not be in my power to be more in advance and hope some means may be provided to discharge my advance and also to pay the weekly subsistence for support of the watch. The sums which I receive weekly from the collectors being by no means equal to it.'[1]

That same day the lord mayor and a deputation from the watch committee called on Edward Cooke, the under-secretary, to whom they declared that by the end of the month their debts would total £6,158.10s.2½d. for the discharge of which they had 'no fund'. They explained, however, that the superintending magistrate had an arrear due of £9,000 of which £4,500 could be collected, moreover, there was a balance due of £4,000 from the executors of the estate of the first superintending magistrate of which £1,500 was recoverable, the two arrears would thus nearly cover their debts. They proposed therefore that the government should give them an advance of £6,000 and that they in turn would surrender their claim to the arrears due to the superintending magistrate. Moreover, as they had half a year's

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1 Ibid.

tax due that very month they could undertake to go on, without further aid, until parliament met, 'but without such aid they could not go on at all'. In closing, they warned that their expediture, exclusive of incidentals, for the ensuing year would amount to £15,537.17s. but as the watch revenue was estimated at £11,323.5d.3½d. they calculated their minimum deficit would be £4,214.11s8½d. The deputies pointed out that it was obviously necessary to 'think of additional funds' but they had no scheme to suggest save that of allowing the coach tax to be farmed.[1] The government acceded to their proposal and advanced £6,000, but it proved to be a stop-gap measure.[2] Thus although the watch committee brought discredit upon themselves through their 'irregular' conduct and 'too high charges for coals and candles'[3] nevertheless such criticism could not disguise the fact that the establishment was under-financed and would continue to sink into debt.

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1 Ibid.

2 Commons' jn. Ire., xvii. app. dcclxxvii.

3 Ibid. See also above p. 175.

The wretched financial position quite naturally reflected itself in the negligence of the watchmen. Though complete collapse was avoided it appears that the occasional parochial breakdown was not unknown. For example, in the spring of 1797 the lord mayor was forced to write to the chief secretary to explain why the men had not been on duty for one day in St Mary's parish and for two in St Michan's:

> 'I have to acquaint his Excellency [the lord lieutenant] that the watch refused to go on their duty on the nights ... mentioned in your letter was owing to the non payment of their pay on the Saturday night prior to their neglect and further it was at the moment of the stoppage of the banks which caused a general confusion throughout the metropolis so that the collectors could not obtain sufficient payment of the tax from the parishoners to make up the weeks pay. They are now collecting and hope to prevent a repetition of the like again, the watch has been since paid, and now on duty.'[1]

On 24 February 1798 the watch directors again petitioned parliament. They reported that the annual wages of the watchman amounted to £11,952; the other expenses for the year 1796-7 came to £2,307. 17s. 8½d. and that the treasurer's and collectors' poundage with

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1 S. Aird to T. Pelham, 10 Mar. 1797, P.R.O.I., Cal. R.P. carton 620/29, doc. 52.

interest on advances made by the former amounted to £663.9s.8½d., making a total of £14,923.7s.6d.[1] They declared that the 'utmost economy' had been exerted in the expenditure of this sum, by means of which the expenses of the last year had been reduced 'below those of the former one' by £3,463.19s.10d., and that they proposed, 'if permitted by parliament', to make still greater reductions. They also asserted that the moneys appropriated to the establishment were not 'adequate'; that the house tax for the year 1796-7 'produced but £8,771.3s.2d. net',[2] and that the superintending magistrate had given them 'only £500 in part payment of the sum of £2,000' directed by parliament to be paid annually to the watch fund. As a result of this failure in the revenue, the debts of the establishment by December 1797 had reached £5,791.12s.5½d. for payment of which 'no provision whatever' existed. The petitioners complained that they were being considered 'as personally liable' for these debts and had been threatened with arrest for them.[3]

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1 Commons' jn. Ire., xvii. p. 272, (24 Feb. 1798).

2 The gross amount of the parochial watch tax for the year 1796-7 was £9,729.14s.5½d.; for 1798 it was £10,753.10s.11d. The arrears of these taxes began to rise sharply. Thus in March 1797, the arrear amounted to £1,927.15s.7½d.; the following year it was £3,152. 6s.8d. Ibid., app. dccv.

3 Ibid., p. 272.

The petition was referred to a house of commons' committee which, on 16 March 1798, resolved that the superintending magistrate had paid the obligatory £2,000 per annum to the establishment but that an additional fund of £2,000 a year 'or thereabouts' would be 'requisite' to support the watch. Moreover, the committee declared that £6,384.4s. 4d. was owed by the watch establishment, and that there were arrears of the house tax due to the establishment amounting to £4,023.8s. 11½d., of which arrears part were solvent. In fine, the committee observed that the watch could not be supported without provision being made to discharge their outstanding debts.[1]

However, resolutions could not pay deficits and the position of the finances continued to deteriorate. A year later, in March 1799, the commissioners of account informed the commons that:

> 'The whole expense of the establishment is calculated at about £13,500 per annum, to defray which were appropriated £2,000 per annum to be paid by the superintending magistrate, and the house tax estimatedat £11,000 per annum. With respect to the superintending magistrate it appears that within the last three years he has paid ... £5,548 being within the sum of £452 of £6,000 the sum required by law for that period; but it is

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1 Ibid., p. 301.

> 'not likely that he will be able to pay any further money ... for some time as he has over expended on his own establishment above £1,800 .... The house tax received in 1797 was but £8,771 and in 1798 ... but £8,864.10s. so that in both the years the expenses of the establishment exceeded it revenues very considerably, and in consequence thereof the constables are above eighteen months in arrear of their salaries amounting to about £2,000 and much is due to the watchmen, who in no instance have got the full allowance ordered them by parliament; hence they are very frequently absent and inattentive to their duty, and are not properly clothed and armed.'[1]

By this time the debt had reached £8,435.13s.5d[2] and on 8 April 1799 the commons, after denouncing the incompetence of the standing committee, decided to bring in a bill which would give over the government of the watch to the superintending magistrate.[3] Thus the financial agonies of the standing watch committee were over by the following June at which time the superintending magistrate became completely responsible for levying and expending the sums necessary to support the establishment.

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1 Ibid., xviii. app. ccclxxi.

2 Ibid., app. cccxcviii.

3 Ibid., p. 104.

4 39 Geo. III, c. 56 cl. 2, 10. In the following year, by the statute 40 Geo. III, c. 60 cl. 3, parliament voted £7,500 'towards discharging the debts due by the church-wardens and directors of the late watch establishment'.

Dublin police finances: salaries.

As to the salaries of pre-eighteenth century constables and watchmen, such information as we possess is, of course, very sketchy. It does appear, however, that at times they received something for their labours. Thus in 1305 the chief watchmen were required to provide their assistants with their 'daily repast' or face a penalty of six pence.[1] And when, in 1465, two watchmen were appointed they were permitted to take for their wages 'as others have done before' four pence of every hall and three pence of every shop in the city as well as their 'fyndynges on the jures'. They were also to receive gowns from the corporation[2]. By the sixteenth century paying the watchmen appears to have been an accepted practice. For example, in 1558 the city assembly ordered that their wages were to be cessed on the wards in which they served and further declared that those constables

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1 Cal. anc. rec. Dublin, i. 223.

2 Ibid., p. 320. It appears that from these relatively large sums and the gifts of clothing that those appointed were not ordinary watchmen but, perhaps, were captains of the watch. In the following year the city assembly ordered that wages were to be granted to the watchmen but no sums were mentioned. Ibid., p. 326.

who did night watch were to receive the allowance of two watchmen.[1] What the salary amounted to remains a mystery although we do get a vague hint when, in 1642, the students of Trinity College petitioned the lords justices for their promised reward of 'sixpence per day a piece' for continuing 'in a constant and careful night watch for the safety of the colledge', now that the government could pay them 'out of the treasure lately arriv'd out of England'.[2]

Although parliament, in the first half of the eighteenth century, enjoined the corporation and the parishes of Dublin to make some provision for wages for their watchmen[3] the legislature did not specify the

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1 Ibid., p. 477-8. Constables might increase their incomes by levying and retaining a fine of 6s.8d. from every person who put filth in the streets. Ibid., ii. 41. Even at this early date there were complaints about the difficulty of obtaining the promised salary. Thus in 1596 the supervisor of the city watch declared that not only was the sum appointed for him too small but that it was not even paid. For remedy he requested that fines levied on neglectful watchmen should be made over to him, a petition the city granted. Ibid., p. 301.

2 T.C.D. muniment room; MS(Mahaffy coll) F 81 b.

3 2 Geo.I, c.10 cl.11 and 8 Geo.I, c.10 cl.2. The vestry accounts never mention salaries being given to constables. It appears, however, that the fines paid by those who declined to act were usually paid over to those who served as their deputies. For examples of this see St Peter's vestry bk, 21 June 1739 and St Thomas's watch directors' min. bk, 1757 and 16 Aug. 1765.

amount of such salaries until 1785, when it granted the men serving in the Rutland square patrol twelve pounds each a year and their constable sixteen pounds.[1] The parishes were therefore at liberty to make their own arrangements. The salaries they paid were never large.[2] For example, from 1724 to 1770, St John's paid its watchmen £3 every half year, but in 1771 the sum was increased to £4 each winter half year and reduced to £3 for the summer half and so continued until 1773. In 1780 and 1781 the men received £7 per annum and the inspector £10. From 1782 to 1785 the men's salary

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1 25 Geo. III, c. 43, cl. 25. However, in 1765 parliament did order the vestries to pay their watch inspectors £10 a year and as well to make provision for watchmen superannuated, maimed or render incapable by service 'as shall be suitable to the state of the fund for supporting a regular watch'. 5 Geo. III, c. 22 cl. 2, 6.

2 However, sometimes the watchmen received a bit more than their usual salary. Thus in 1755 a woman contributed 11s. 4½d. to a parish fund for bestowing a gift on the watch, to help towards increasing their number and to 'reward their future care'. H.F. Berry, Notes from the diary of a Dublin lady in the reign of George II', in R.S.A.I. Jn., series 5, xxviii. 151. (1898).

was £8 yearly, the inspector's £11.7s. 6d.[1]

The low rate of pay often led to less than able men being hired. Thus one newspaper observed:

> 'The play heretofore urged in justification of the feeble, decrepid, lame and blind, basket-boys, porters, and such like guardians, being employed to serve the parishes ... was the want of a sufficient fund to pay persons more befitting, as the sums raised by the act of 10 Geo. I being but sixpence in the pound on the value of each house, seldom afforded more than £5 or £5.10s. per annum to each watchman. The sum now to be raised by the late act /5 Geo. III, c. 22 cl. 1/ may be one shilling and not less than nine pence ... which will afford a salary to each watchman of £8 or £10 per annum'.[2]

The difficulties that some parishes experienced in collecting their watch rates led to much suffering amongst their men. Thus the 'starving watchmen' of St Catherine's once advertised that:

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1 Watch account bks. In 1721 the overseers of St Peter's watch decided to pay their men £5 each year. Vestry bk, 21 Feb. 1721. In 1730 St Michan's agreed to allow each of its men £2.10s. from March to September and £3 for the rest of the year. Cal. anc. rec. Dublin, xi. 527. In 1765 St Bride's directors hired some extra men for the winter half year at £4 each. Vestry bk, 8 Oct. 1765. Between March and September 1767 the men of St Thomas's got £3 and, for the same period in 1768, they received five pence a night. For serving from September to May 1766-7, the inspector got £10. Watch directors' min. bk, 16 Mar. 1767, 25 March 1768, 11 Aug. 1766.

2 Freeman's Jn., 6-9 Sept. 1766.

> 'The decay of trade has reduced many of us to become watchmen of said parish, and instead of getting some part of the charitable subscription, given in said parish for the relief of the poor, we are deprived of that benefit as well as six months salary, due to us the 25th of March last; .... We are ashamed to beg, to rob we dare not. Let all the parishes of Dublin be for ever recorded in your good paper, for paying their watch men their salary when due; and St Catherine's recorded for bad pay.'[1]

A week afterward the supervisors of St Catherine's explained their difficulties declaring that as the rates for 'the entire year' and due in March (it was now May) had not yet been collected they could not therefore 'pay the poor watchmen as they could wish.'[2]

The institution of the centralized police in 1786 led to a uniform system of salaries. The commissioners allowed the petty constables £30 per annum, the watch constables £25 while the watchmen received one shilling per day.[3]

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1 Ibid., 11-14 May 1771. There are other examples of this. Thus in St John's parish in 1724, the half year's salary of the men, due in September was not given out until December. In 1726, their salary due in March was not paid until June. In 1728 the sums owed to them in March were not given to them until August. Watch account bks, 1724-38.

2 Freeman's Jn., 21-23 May 1771.

3 Commons' jn. Ire., xiii. app. clv. The extra men hired by the commissioners in 1788 were allowed nine pence each day and the extra inspectors £30 a year each. Ibid., app. cl. In the inaugurating act parliament did not mention specific salaries for either constables or men.

Parliament allowed the first commissioner a salary of £500 yearly and £300 each was given to the other two. Resident justices received £200 per annum each[1] while the sum allowed 'in the whole' for the secretary, clerks, assistants and constables (petty, chief and high) was not to exceed £2,200. Similarly the sum permitted the clerks attached to the offices of the divisional justices was not to exceed £500.[2] Of consequence expenditure on salaries alone proved very substantial. Thus for the first fifteen months of the establishment £11,875.1s.10d. was paid out to the constables and watchmen at the weekly rate of £182.13s.10d.[3]

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1 However, the finances of the establishment 'were not at any period adequate to the payment of the commissioners and divisional justices' consequently their salaries were paid by the royal treasury. Case concerning Dublin watch funds with the attorney general's opinion thereon, 1 July 1796, P.R.O.I., Cal. O.P. carton 507/11, doc. 5.

2 26 Geo.III, c.24 cl.61. Subsequently the commissioners gave their secretary £200 a year; their first clerk, £120; their second clerk, £70; their third, £50. The accountant received £100 per annum; his clerk £50. The high constable was allowed £100 yearly; the four chief constables, £60 each. Messengers, servants and so forth were given, in all, £70 a year. Each of the four divisional justices had two clerks at £125 per annum 'making for the eight clerks ... £500 a year.' Commons' jn. Ire., xiii. app. ccix.

3 Ibid., xii app. dcclxxxviii, dcccxxxvii.

From 1789 to 1795 the salaries paid out by the commissioners, annually, amounted to £11,856.[1] Of this sum £1,731 was given to the clerks and assistants who served at the offices; £9,125 went to the 500 watchmen at one shilling per day; while the 40 watch constables, receiving £25 per annum each, cost £1,000.[2]

When, in 1795, the parochial system was restored parliament allowed the lord lieutenant to appoint the salaries of the superintending magistrate and the divisional justices, stipulating that that of the former was not to exceed £600 and that that of the

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1 Save for the year 1793-4 when they laid out only £10,956. Ibid., xvi. app. xcvi, xcvii.

2 Ibid., xiv. app. cxxv; xv. app. lxxiii, ccc, dxxiii; xvi. app. cclv. It appears that in their handling of these large sums the commissioners were, at least in the first few years, guilty of a fair amount of peculation. Thus in the spring of 1789 a committee of the house of commons disclosed that exclusive of the stoppage on the men for their clothing and for the surgeon, there had been stopped in the first year of the establishment one penny per night from each of the night watchmen, seven-eights of a penny per night from each watch constable and 1-5/8 penny from each of the horsemen, amounting in all to £760.8s.4d. a year. This sum was 'alleged to have been paid in some subsequent period' to such policemen as had not been dismissed for misbehaviour. However, in the commissioners' accounts credit was not given for more than £124.1s.3d. of this sum. Moreover, 'no credit whatsoever' appeared in the commissioners accounts for similar stoppages in the second year of the establishment which amounted to 'a like sum of £760.8s.4d.' Ibid., xiii. app. ccvii, ccix. There is no evidence of anyone trying to make the commissioners disgorge this money.

latter was not to exceed £300 each, yearly.[1] The salaries of the staff attending the superintending magistrate, including those of the petty constables, were to be fixed by that magistrate (with the viceroy's approbation), they were not, however, to exceed £2,200 annually. The salaries of those attending on the divisional justices were to be appointed by the resident justices and were not to exceed £500 a year. The watchmen were to receive their clothing and £18 per annum each; their salaries were to be paid weekly. The sub-constables were to get £25 a year, the constables £35 and their clothing.[2]

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1 The superintending magistrate requested the attorney general for his opinion as to whether his salary and those of the divisional justices were to be paid out of the moneys appropriated to his establishment or, as under the police commissioners, to be paid out of the royal treasury. (See p. 254, footnote 1). The attorney general replied, that all salaries ought to be paid 'out of the funds vested in the superintending magistrate.' Case concerning Dublin watch funds with the attorney general's opinion thereon, 1 July 1796. Cal. O.P. carton 507/11, doc. 5.

2 35 Geo. III, c. 36 cl. 21,61. It was estimated that for the second year of the institution (1796-7) the men's salaries would total £11,964. Of this sum £1,330 was to be paid to the 38 chief constables; £950 to the 38 sub-constables and £9,684 to the 538 watchmen. Commons' jn. Ire., xvi. app. dxxx, dxxxi. As for the salaries paid out by the superintending magistrate: that officer laid out £2,235.9s.5d. between January and September 1796 (Ibid., xvii. app. lix); £3,791 for the year 1797-8 (Ibid., xviii. app. ccclxxii) and £5,013.15s.1d. between September 1798 and December 1799. (Ibid., xix. app.dcxi,mlxxii).

However, the financial difficulties of the standing committee often made a mockery of these salaries. For example, in an account of the debts of the establishment for a three year period (1795-8), £2,570.5s.2½d. was reported as owing to the constables for one year and a quarter's salary, while £2,555.19s. was reported 'for two years' stoppages' to the watchmen.[1]

In 1800 the superintending magistrate was allowed to raise the salaries of the petty constables, but not by more than £10 a year each man.[2]

Dublin police: clothing.

In the eighteenth century Dublin parishes usually provided coats for the watchmen.[3] Thus for the year 1724-5 one parish expended £4.2s.4d. for 76 yards

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1 Ibid., xviii. app. cccxcviii. See also p. 248.

2 40 Geo.III, c.62 cl.18.

3 Parliament, in two acts, urged that such provision be made. See: 8 Geo.I, c.10 cl.6 and 17 & 18 Geo.III, c.43 cl.4.

of frieze for the making of 11 watchcoats and 9s.9½d. for 8½ yards of red frieze 'far faising'. The tailor's bill came to 14s.8d.[1] In its disbursements for the year 1766-7 another vestry laid out £1.3s.4½d. 'for blew cloath and serge for ye inspector's coate' and 7s.6d. for the making of it.[2] Some parishes issued instructions concerning the wearing and preserving of such coats. For example, one vestry demanded:

> 'That each man shall take care of his watch-coat, halbert and lanthorn and deliver them in good order to the constable every morning at the watch house; and the constable on failure of the watchmen giving up their watch coats etc. shall make a return thereof to the supervisors ... under penalty of a shilling and that no watchman presume to wear his watch coat but upon duty, on the penalty of forfeiting five shillings for each offence to be paid to the informer and that each watchman's coat be numbered from one to twenty with red coloured cloath on the back below the cape and that the person who shall pull off or lose the sd number shall be fined an English crown, or for neglect of not having'

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1 St John's watch account bk, 9 Dec. 1724-5. In 1745 ten new coats cost £5.8s.10d. while 'frize and red facings' for four new coats came to £1.18s.4d. Ibid., 1745. Sixteen coats at 15s. per coat cost £12 in 1776. Ibid., 1776.

2 Min.bk of St Thomas's watch directors, 1766-7.

'such number on his coat.'[1]

When, in 1786, the watch was centralized the parishes were required to surrender their watch coats to the new police commissioners.[2] The latter also made contracts to provide uniforms for their men, of consequence considerable sums were expended under this heading. Thus by March 1788 the commissioners had spent £245.17s.11d. for 185 watch coats at £1.6s.7d. per coat; £377.15s. 1d. for 45 horse policemen's coats and 200 night coats and £113.15s. on watchmen's caps.[3] The uniform of the night watchmen consisted of a coat, waistcoat, breeches, flannel under-waistcoat, a pair of long gaiters and a hat and cockade, all of which cost £2.4s.5d. per man

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1 Ibid., 1752. For similar regulations see those issued by the directors of St Michan's quoted in Cal. anc.rec. Dublin, xi. 527. In 1750 a man belonging to the watch of St Thomas's was denounced because he wore his coat off duty (Watch directors' min. bk), and in 1770 a man in St John's watch was dismissed because he pawned his coat for four shillings.

2 26 Geo.III, c.24 cl.17.

3 Commons' jn. Ire., xii. app. dcccxxxvii to dcccxlii. They even spent 5s.5d. for 'scouring a watchman's coat that died of a putrid fever'. Ibid., app. dcciii.

yearly and for the 400 men, £888.6s.8d.[1]

Complaints of peculation were voiced against the commissioners when their accounts were examined, in the spring of 1789, by a committee of the house of commons. It was discovered that 1 3/4d. per day (amounting to £2.13s.2 3/4d. a year) was stopped for clothing from the pay of each watchman, which for the entire body, amounted to £1,064.11s.8d. annually, and that 2¼d. per day (amounting to £3.8s.5½d. a year) was stopped from the pay of each watch constable, which, for that body, came to £136.17s.6d. a year, these stoppages in the whole amounting to £1,201.9s.2d. per annum. However, the difference between the actual clothing expenses of the 'police night infantry' and the stoppages came to £194.18s.4d. yearly, for which saving the commissioners did not give any credit in their accounts at all. Furthermore, during the first year of the establishment neither flannel waistcoats nor long gaiters were issued to the watchmen.[2] Evidently such severe criticism struck

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1 The uniform of the watch constables was similar, though they had as well a silver-lace loop and button for their hats, and a silver-lace epaulet, all of which cost £2.19s.1½d. per man and for the forty men, £118.4s.2d. Thus clothing for both constables and men amounted to £1006.10s.10d. per annum. Ibid., xiii. app. ccviii.

2 Ibid.

home, because, for the remaining seven years of the institution, clothing costs declined appreciably amounting, in the whole, between 1788 and 1795, to £935.19s.7½d.[1]

When, in 1795, the commissioners were swept away the duty of providing clothing for the men devolved upon the superintending magistrate and the standing committee of the parish watches.[2] Despite the change, however, expenses under this heading appear to have been every bit as heavy as under the old regime. Thus between 1795 and 1798, £1,230.7s5d. was so expended, while £202.4s.9d. was also paid to a tailor 'on account of contract for clothing'.[3] Moreover, between July and December 1799 the superintending magistrate spent a further

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1 This figure does not include a charge, made in the year 1794-5, for 140 suits of clothes (at £2.5s per suit) which suits the commissioners handed over to their successor, the superintending magistrate. Ibid., xiii. app. cclxxxiv; xiv. app. cxvii; xv. app. lxxiii, ccc, dxxxiii; xvi. app. xcvi, cclv.

2 35 Geo. III, c. 36 cl. 31 and 36 Geo. III, c. 30 cl. 13. The committee estimated that for the year 1796-7 seventy-six suits for the chief and sub-constables, at £2.10s. each, would cost £190 and that seventy-six hats, at 15s. each, would amount to £57. Furthermore, great coats and gaiters, at £1.10s. each, necessary for the 538 watchmen, came to £807 and their caps, at 11s. 4½d. each, to £305.19s.9d. Commons' jn. Ire., xvi. app. dxxxi.

3 Ibid., xviii. app. cccxcviii.

£675 for watch coats and hats.[1]

Dublin police: Watch houses.

A Dublin watch house was a place of rendezvous for the parish police; both constables and men assembled there for roll call before going out to their stands or on patrol, and it was there also that they passed their relief hours. There parishoners went to lodge complaints, and criminals, rioters and beggars were confined until taken before a justice of the peace or sent to a house of correction.[2] It is evident that such houses were part of the Dublin scene many years before parliament formerly required the parishes to erect them. For example, in 1703 one vestry asked its churchwardens to contract for the building of

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1 Ibid., xix. app. mlxxii.

2 They also had other uses. For example when the corpse of an unidentified man was taken up from the Liffey it was 'exposed to publick view' in a near-by watch house 'in order to be discovered who he was'. Faulkner's Dublin Jn., 5 Mar. 1750-1. Some years later a committee of the corporation agreed to ask the lord mayor to recommend to the city churchwardens to provide buckets and axes for fighting fires in their parishes, the same 'to be kept at the watchhouses'. Ibid., 21 Nov. 1778.

such a house 'and find out a convenient place for the same'.[1]

In 1715 parliament demanded that part of the watch rates levied by the city parishes were to be spent on building watch houses[2] and, in 1721, every vestry was required to ascertain the number of houses it needed and where they should be placed.[3]

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1 St Bride's vestry bk, 1703. In 1704 St Michan's parishoners informed the corporation that they were presented by the grand jury for not having a watch house and, as they had no convenient place for one, they asked that the city allow them to construct one close to the Ormonde bridge the site 'being city ground'. Their request was granted 'so long as it shall continue a watch house' and was built where the lord mayor should direct. Cal. anc. rec. Dublin, vi. 305.

2 2 Geo. I, c. 10 cl. 11.

3 8 Geo. I, c. 10 cl. 2. To aid those parishes forced by the new act to erect more watch houses than they then possessed, parliament ordered the city grand jury to levy a 'reasonable sum' to help cover that added expense. Ibid., cl. 12. Parliament did not legislate on the subject again until 1765 when it required that a 'commodious room with proper conveniences and a round house' be built 'contiguous' to the parish watch house. 5 Geo. III, c. 22 cl. 2.

Of consequence eighteenth century vestry books are peppered with references to watch houses, though such remarks are usually confined to plans either for enlarging or for repairing them.[1]

Dublin watch houses were generally small affairs, for example, in 1724 that in St Bridget's parish measured only 12½ by 14½ feet;[2] hence the parishes were often building additions to them. Thus in 1726 St John's vestry asked the corporation if it could enlarge its house 'on the Wood quay'. A corporation committee reported that the house ought to be enlarged by ten square feet but at the expense of the parish.[3] In 1729 the directors of St Mary's reported that not only was their watch house too small but it was also 'very old and ruinous'. For

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1 Unfortunately the number of watch houses possessed by each city parish during our period cannot be ascertained from the records at our disposal. Moreover, the cost of erecting such houses is scarcely ever mentioned. In 1730 St John's paid £10 to build a watch house (Vestry bk, 6 May 1730-1) and in 1754 St Thomas's built one that cost £71.10s.6d. (vestry bk, 1750-62) but such information is rare.

2 Cal. anc. rec. Dublin, vii. 276.

3 Ibid., p. 354. Years later the parish again decided to ask the corporation to grant a piece of ground on that quay 'for the enlargement of the watch house'. Vestry bk, 24 Apr. 1753.

remedy they petitioned the corporation for 'such a quantity of ground as the city think proper' to rebuild the house as well as a place for keeping the parochial water engines.[1] In 1737 the directors of St Michan's informed the corporation:

> 'Were a more convenient place for the reception of the several constables of the parish when upon their night's duty, than to be in common with the several watchmen, it would be a great encouragement to parish constables, when elected to serve in person and thereby hinder so many deputies being made use of.'

They observed, moreover, that there was a 'void place' between Ormonde bridge and their watch house 'which was formerly an house of easement but stopped up for its great nuisance' which would be, they thought, 'highly convenient' for accomodating their constables if the corporation would grant it to them. The corporation assented.[2]

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1 Cal. anc. rec. Dublin, vii. 453. To which petition the corporation replied generously. Ibid.

2 Ibid., viii. 240. In 1752 the corporation granted to St Thomas's a piece of waste ground to build a watch and engine house, according to a plan the vestry had submitted. The city magistrates imagined that the new building would be 'very useful to the inhabitants of the parish and no encroachment on the public way or passage'. Ibid., x. 46. In that same year a constable of this parish offered his cellar to the vestry 'for a watch house'. The vestry accepted it. St Thomas's vestry bk (1750-62) 26 Sept. 1752.

There were of course incidental expenses that the parishes had to face for repairing and furnishing their watch houses. For instance, in the year 1727-8 one parish expended £8.5s.5d. for buying and installing a grate while another £4.1s.2d. went on smith's work.[1] In 1776 that same parish paid out £11.1s.11½d. for such repairs.[2]

When, in 1786, parliament established the metropolitan police system it vested all existing watch houses in the commissioners and required them to build new ones where necessary.[3] The commissioners appear to have rented rather than built, for in March

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1 St John's watch account bk, 1724-38.

2 Ibid., 1741-86. The provision of 'centry boxes' was another parochial expense. Thus in 1757 St Thomas's paid £4.17s.6d. for such boxes and 18s. 3d. was laid out for painting them. Eight pence was also expended for 'raising a centry box out of water'. Watch directors' min. bk, 1757.

3 26 Geo. III, c. 24 cl. 18. Furthermore, the city grand jury was obliged to present for two houses of rendezvous for the watch. Ibid., cl. 24. In 1788 the jury was ordered to present for the building of a watch house in each of the four metropolitan divisions. 28 Geo. III. c. 45. cl. 25.

1788, the legislature was informed that they were expending £116 for the annual rents of 8 watch houses.[1] By 1795 there were 19 houses in all, viz. 3 in the Barrack division, 6 in Stephen's green and the Workhouse divisions and 4 in the Rotunda division.[2] In 1795 parliament restored the watch houses to the parishes under the control of their standing watch committee.[3] For the year 1796-7 the rent of those 19 houses, which 'on an average' was about £20 for each, amounted to £380; their repairs came to £89. 12s.6½d. and 269 sentry boxes for the watchmen, at £1.2s.9d. each, cost £305.19s.9d.[4] During the years 1795 to 1798, £865.9s.1d. was expended on 'rent, repairs and taxes etc.' of 17 watch houses.[5]

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1 Commons' jn. Ire., xii. app. dcccxxxviii to dcccxxxli. However, these were not the only expenses. Thus for the year 1787-8 the commissioners spent £227.2s.9d. for iron monger's work, £161.11s.1 3/4d. for carpenter's work and £92.8s.4d. for bricklayer's and glazier's work done at 'sundry watch houses'. Ibid., xiii, app. cli. For the year 1790-1, £273.15s.5d. was spent for repairs of guard houses and arms. Ibid., xv. app. lxxiii. The following year such expenses came to £525.9s.8d. Ibid., app. ccc. However, for the year 1792-3 watch house repairs are listed as only £194.14s. Ibid., xvi. app. xcvi. xcvii.

2 Ibid., xvi. app. lxxxix.

3 35 Geo. III, c. 36 cl. 85.

4 Commons' jn. Ire., xvi. app. dxxxi, dxxxiii.

5 Ibid., xviii, app. cccxcviii.

In 1799, parliament vested all the watch houses in the district of the metropolis in the superintending magistrate he being permitted to erect new ones where he thought fit to do so.[1]

Dublin police: offices.

The institution of the police commissioners also led to large sums being expended on rents, furniture and repairs of their offices as well as those of the four divisional justices. The first commissioner's office was located in William street in 'an elegant mansion built lately'[2] for which £568.15s. was expended for a lease and fixtures in November 1786. The annual rent was £200.[3] The offices of the other two commissioners were located in St Andrew street and Bride street.[4] Considerable sums were laid out for repairs of these offices. Thus during the first 18 months of the establishment over £966 was expended for carpenter's work in the four

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1 39 Geo. III, c. 56 cl. 2.

2 Cork Volunteer Jn., 11 Sept. 1786.

3 Commons' jn. Ire., xii. app. dcccxxxvii, dcccxxxix.

4 Gentleman's and citizen's almanack for 1787, p. 77. The offices of the divisional justices were located in Blackhall street (Barrack division); Usher's Island (Workhouse division); Grafton street (Stephen's green division); Capel street (Rotunda division). Ibid. For each of these offices £60 was paid annually in rents. Commons' jn. Ire., xii. app. dcccxl.

divisions; over £200 went on painting; over £306 for iron monger's work and over £136 to stone cutters.[1] In April 1789 a committee of the house of commons reported that in the first two years and a half of the institution over £4,000 had been spent for offices and furniture. The committee complained that 'among many other unsuitable and objectionable articles', which cost composed that sum, there was a charge of over £138 for looking glasses and another of over £99 'for Wilton and other carpets'.[2] Such criticism seems to have had some effect for expenses under this heading began to decline considerably. Thus between 1789 and 1795 the commissioners appear to have spent, on an average, only about £735 on rents and taxes.[3]

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1 Ibid., app.dcccxxxvii to dcccxli.

2 Ibid., xii.app.ccviii. One newspaper, in anticipation of the scandal that such a report would cause, declared 'all the sycophanting of the chief commissioner will not save him from the firey ordeal through which he must inevitably pass' when he had to explain such expenditure to the lord lieutenant. Wexford Herald, 22 Sept. 1788.

3 Commons' jn. Ire., xiv.app.cxvii; xv.app.lxxiii, ccc, dxxxiii; xvi.app.xcvi; xcvii, cclv. Expenditure for repairs almost vanishes from the commissioners' accounts until 1795 when they spent over £460 under that heading for one year. Ibid., xvi.app.cclv.

When, in September 1795, the parochial system was restored the sums spent on rents, repairs and taxes showed a definite tendency to decline. Although during the first nine months of 1796 over £732 was so expended[1] that expense declined to £389.12s.1d. for the year 1797-8[2], while between September 1798 and June 1799 there was a further decline to £288.3s.6d.[3]

Dublin police: fuel and lighting.

In the seventeenth century the people of Dublin were obliged to provide fuel and candles for the soldiers who guarded them.[4] Thus in October 1651 the corporation decided to levy £200, 'to furnish the severall courtes of guarde ... with fire and candle-light for the present winter'.[5] In the eighteenth

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1 Ibid., xvii. app. lix.

2 Ibid., xviii. app. cccIxxii.

3 Ibid., xix. app. dxci. Between July and December 1799 rents and taxes cost £228.4s.3½d. Ibid., app. mlxxii.

4 The corporation usually received a letter from the lord lieutenant ordering them to make such provision. For examples see Cal. anc. rec. Dublin, iv. 483; v.19.

5 Ibid., iv. 20. In 1691 the grand jury was asked to present £250 for provisioning, renting and repairing guard houses. Ibid., v.525. In 1692 the parish of St Peter was cessed £15.2s.11d. for fire and candle-light for the guards. The highest contribution came from Lord Sherrburne who paid 8s. the lowest was one penny. Vestry bk, 1692.

century, however, each parish became responsible for heating and lighting its own watch house and the sums so expended formed a considerable part of the vestry's outlay. For example, St John's spent £6.15s. for 38 dozen candles and £2.13s.11½d. for 'coles' in the year 1724-5. Indeed, between 1729 and 1738 the vestry paid out £29.2s.8½d. for coal and £63.13s.3½d. for candles.[1] In 1753 the directors of St Thomas's spent £10 for 52 dozen two pound candles at 3s.10d. each.[2]

When, in 1786, parliament erected the district of the metropolis the police commissioners became responsible for the provision of fuel and lighting for the new police. The accounts of these officers show that considerable sums were spent under this heading[3] and soon serious complaints of peculation arose in regard to this expenditure. Thus in the

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1 Watch account bk, 1724-38. In 1773 a year's supply of candles cost £25.16s.10d. Ibid., 1741-86.

2 Watch min. bk, 1753.

3 Thus in their first 15 months the commissioners spent £632.13s.10½d. on coal and £251.9s.4½d. on candles. Commons' jn. Ire., xii. app. dclxxxviii. For the year 1787-8, £164.12s.3½d. was spent on candles and £505.0s.6d. on coal. Ibid., xiii. app. cli.

spring of 1789 a house of commons committee reported not only an 'excessive charge' for coal, but also disclosed that above 436 tons had been, on an average, the annual consumption of the establishment of which 48 tons were the allowance to the four divisional magistrates, about 206 tons went to the high and chief constables, the house of correction and watch houses, but for the remaining quantity of over 180 tons there appeared 'no account except for such part thereof as may have been consumed at the police house'. They also observed that the commissioners made an 'improvident' contract in paying 20s. a ton in their second and third years, 'the coal factor who furnished the first year having declared his readiness to continue his contract at nineteen shillings'.[1] This criticism seems to have had some effect for expenditure on coal and candles declined considerably during the years 1789 to 1795.[2]

The commissioners being swept away in 1795 the expenses of fuel and lighting devolved upon the standing watch committee.[3] However, despite the

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1 Ibid., xiii, app. ccviii.

2 The cost of both was only £439.0s.4½d. for the year 1792-3, (Ibid., xv. app. dxxxiv), and £433.10s.5d. for the year 1794-5, (Ibid., xvi. app. cclvi).

3 36 Geo. III, c. 30 cl. 13.

change in regime it appeared that expenditure under this heading would continue to remain heavy.[1]

Dublin police: printing.

The costs of printing watch instructions for the use of the men and the parishoners, and of returns for the constables, were small but consistent expenditures faced by all parishes. For example, in the year 1724-5 St John's paid £1.6s. for the printing of 150 watch directions and in 1727-8, £2.10s.1d. was similarly expended.[2]

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1 For example, in 1796 a house of commons committee estimated that the cost of candles for the police for the year 1796-7 (at 49,092½ pounds of candles at 6 per night each man on duty, of 12 to the pound at 9d. per pound) would amount to £1,840.19s.4½d. From this sum could be deducted one quarter for summer nights ( £460.4s.10d.) making a total outlay of £1,380.14s.6½d. There was also an estimate of 3,467½ pounds of candles at 6 per night for constables and guard rooms which would amount to £130.3s.7½d., and, as well, 3,467½ pounds at 2 per night for the directors' rooms (at four to the pound at 10d. per pound) which would cost £144.9s.7d. making, in all, an estimated total of £1,655.7s.9d. There was also an estimate that 190 tons of coal, at 10 tons per watch house, for the 19 watchhouses, at one guinea per ton, would amount to £216.2s.6d. Commons jn. Ire., xvi. app. dxxxi. See also above, p. 244.

2 Watch account bk, 1724-38. In 1755 the parish paid £5.4s. for printed returns for the lord mayor and directors. Ibid., 1741-86. In 1760 the printing of 200 sheets of instructions and of 500 returns cost St Thomas's £2. Min. bk watch directors, 1760. In 1717 a committee of Dublin corporation agreed that the city printer might charge £1.5s. for every 100 proclamations for regulating watches 'being two sheets'. Cal. anc. rec. Dublin, vii. 25.

In 1786 parliament ordered the newly instituted police commissioners to circulate throughout the country 'printed or written' notices of descriptions of felons and stolen goods.[1] Subsequently the commissioners began printing a single sheet newspaper called The Public Hue and Cry. Editions, posted out weekly from the police headquarters in William street, Dublin, were addressed to 'the principal peace officers and magistrates of corporations, the acting magistrates in the counties at large and the keepers of the county gaols throughout Ireland.'[2] In the paper were advertised, (i) descriptions of persons recently committed to prison who were suspected of being wanted for other crimes committed elsewhere, and of persons who had escaped from gaols; (ii) descriptions of deserters from the army as well as those of apprentices who had 'eloped';

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1 26 Geo. III, c. 24 cl. 40. The notices did not have to pay stamp duty and the chief peace officer in each town was obliged to display them in a prominent place. Ibid., cl. 39.

2 In the edition for 30 July 1791 there is a notice: 'All magistrates, who wish to have the Hue and Cry continued to be sent to them, are requested to apply by letter to Alderman Warren, Dublin, on or before the 10th August, as after that date the Hue and Cry will not be sent to any magistrate without a particular application.'

(iii) descriptions of English felons received from London; there is even one of an Italian murderer received by the commissioners (and translated by them) from the States of Milan; (iv) lists of authorized pawnbrokers in Dublin; (v) descriptions of articles or animals stolen or found.[1]

The printing of the Hue and Cry and the expenses of stationery for the use of the several offices of the establishment as well as the cost of advertising in newspapers led to substantial sums being expended under these headings by the commissioners. Thus during the first 15 months of their institution, £1,797. 11s.5d. was spent for printing the Hue and Cry and for stationery[2] while £253.2s.8d. was laid out for advertising.[3] Such heavy expenditure soon led to serious complaints of maladministration which, on investigation,

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1 The Public Hue and Cry, 23 Oct. 1790 to 30 July 1791.

2 Commons' jn. Ire., xii. app. dclxxxix. Included in this sum was £95.13s.8d. for four sets of the Irish statutes; a copy of Blackstone's Commentaries at £1. 8s. and of Beccari's essay, On crimes and punishments, at 3s.9½d. Ibid., dccvi.

3 Ibid., app. dclxxxix.

proved to be well-found. Thus in April 1789 a committee of the house of commons disclosed that in the first two years and a half of the establishment, the cost of stationery amounted to £3,316.6s.6½d. Of this 'extraordinary charge' over £150 had been paid out for gilt paper and £49.8s.8d. for sealing wax in the first 18 months. Such charges the committee declared 'unwarranted and unnecessary' which opinion was confirmed by the fact that £13 was found to be sufficient for both those articles the year following.[1] It was also disclosed that the commissioners had paid their stationer, for a year and three quarters, £104.1s.6d. per quarter (about £8 weekly) for compiling and printing the Hue and Cry and for occasional handbills, of which sum the printer allowed one guinea per week to a clerk for compiling the Hue and Cry while he calculated the handbills at 7s. per week, which left about £6.10s. to the stationer for printing the newspaper. The committee then examined two master printers and found that they would undertake to print the Hue and Cry 'on a paper and with a type of the same kind as those now made use of for it for about £3.13s. per week and have a

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1 Ibid., xii.app.ccviii. The committee also found a 'considerable and very extraordinary charge for books' some of which were 'very unnecessary and by no means appertaining to the business of the police'. Ibid.

reasonable profit', which was £2.17s.6d. a week less than was then paid by the commissioners. The committee thought it 'necessary also to take notice' that £400.15s.3½d. was expended in the first two years of the establishment for advertisements in newspapers and that £176.7s.1½d. had been paid for a survey and maps of the metropolitan district.[1]

Despite this criticism the costs of printing and stationery, though not as large as formerly, remained substantial during the years remaining to the police commissioners, generally averaging over £800 per annum.[2] However, when the commissioners were replaced by the superintending magistrate and the standing committee of the watch directors, such expenditure showed a tendency to decline. Thus although it amounted to £816.12s.9½d. for the first 9 months of 1796[3] it dropped to £602.11s.4½d. for the year 1797-8[4] and to £517.9s. 6½d. for the period September 1798 to June 1799.[5]

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1 Ibid.

2 Ibid., xv. app. lxxiii, ccc, dxxxiii; xvi. app. xcvi to xcvii, cclv.

3 Ibid., xvii. app. lix.

4 Ibid., xviii, app. ccclxxii.

5 Ibid., xix, app. dxci.

However, between July and December 1799 it rose somewhat to £608.10s.4d.[1]

Dublin police: problems in administration.

The numerous complaints that litter eighteenth century newspapers indicate that the methods used in policing Dublin worked only passably well. The surrendering of the management of the parish watches to elected supervisors was, perhaps, in this age of casual government the only possible system, but the expectation that unpaid citizens would be willing to devote much time and labour to an end presumably as important to them as to the government proved, in some cases, more sanguine than otherwise. Some directors were indifferent, others doubtless, unequal to the task; the consequence was maladministration. For example, the records of St Thomas's parish show that it was not unusual for only two or three directors to appear at meetings; often those who came were late.[2]

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1 Ibid., app. mlxxii.

2 Watch directors' min. bk, 14 Jan. 1750, 21 Jan. 1750, 18 Feb. 1750, 26 Feb. 1750, 9 Mar. 1764. In 1750 it was decided that a director who failed to attend should be fined six pence. Ibid., 19 Nov. 1750. Three years later it was agreed that directors must attend meetings 'within a quarter of an hour after the time mentioned.' or face a fine of one shilling. Ibid., 3 Apr. 1753.

The indifference of many citizens sometimes led to the same men being chosen, year after year, as watch directors.[1] Doubtless the experience such men acquired was of value in managing the watch, but other consequences might be deleterious. Thus one citizen observed:

> 'I have been a constant attendant at vestries for upwards of twenty years, and I have gone through the several offices in the parish in which I live, and I most solemnly declare, I never knew a greater profusion of expence, nor such errors committed, as there are in the present management of the watch of this city, as well as in the manner of fixing and lighting the public lamps.
>
> Everybody knows the several stands of the watchmen are fixed by the interest or whim of one or more of the directors of the watch for the time being. I have known a remarkable busy, ignorant, prating, director, take upon himself to remove the only watchman's stand that was to guard a long street, (where it was placed time out of mind) and brought him to take care of his own house, by which means this new dubbed squire has no less than four watchmen in the street where he lives, and

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1 For examples of this see St John's vestry bk, Aug. 1766 to May 1803; St Thomas's vestry bk, 1753 to 1762. St Peter's vestry bk, 1775-80. However, this was not always the case. Thus of the 54 men chosen as watch directors in St Mary's between 1739-44, three served for 2 years and one for 4 years. The others served only once. Of the 81 chosen between 1745-53, seven served 2 years and only one served 3 years. The others served only once. The figures are approximately the same for the period 1754-60. Vestry bk, 1739-61, pp. XYZ.

> this long street remains to this day without a watchman. Remarkable partiality.
>
> But to shew his further regard to the public, (as he was the principal acting director) he had a favourite corporal of the watch, I believe the use of a corporal of the watch is well known to be, to go round the parish several times in the night, to see that the watchmen are upon their stands, sober and awake, and to make a faithful return next morning to one of the directors, for which he is paid yearly more than double what any one of the watchmen are; but this favourite corporal not being content with his income, prevails with his patron to let him act as a deputy constable, to no less than two persons; for this corporal is at this day a deputy constable to two, and a corporal of the watch at the same time. A singular instance of that director's care of the parish.
>
> Now, ... I find the complaint universal in the several parishes, and it will be so, while you suffer three or four only, to meet in vestries, and tax and manage the whole parish;'[1]

Throughout the eighteenth century frequent complaints were voiced against the negligence and venality of

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1 Freeman's Jn., 12-16 Feb. 1765. For another example see Ibid., 23-27 Sept. 1766.

many constables.[1] Citizens elected to that post sometimes avoided the duty by employing deputies and as there was a tendency to engage the least expensive substitute, regardless of qualifications, the consequences were, at times, questionable. Sometimes too, the powers enjoyed by the vestry to reject unsuitable deputies were not used to the fullest advantage of the parish. For instance, the directors of St Thomas's once had to order:

> 'That James Brennan deputy constable of the watch of St Mary's be returned for audaciously challenging the deputy constables and watch of St Thomas's to fight man for man on the next night he was to be constable and behaving otherwise insolently not only in that case but also to the directors when called to account for it.'[2]

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1 For example, one parish had to spend £1.5s. 'in following of Manning ye constable who would not part with ye publick money until he was forss'. St John's vestry bk, 15 Oct.1713. A newspaper once reported that 'Last week one Kelly a constable, was condemn'd to die for robbing a gentlewoman in Christ-Church yard of some rings of great value'. Dublin Intelligence, 9 July 1728. A year later a woman was murdered by a constable who got a bill from a watchman and struck her on the head, the watchman 'bidding him strike on and holding his light'. Ibid., 4 Feb.1728/9. Another paper reported that, 'Last Saturday Fergus Gallagher, a constable, and notorious villain, was carried from Newgate, and put on board a ship to be transported to America, to the great joy of every body'. Faulkner's Dublin Jn., 24 Aug.1751. It was also said that when a boy was taken for robbery and given in charge to a constable, the latter 'for the boy's giving him a trifle let him escape as he was bringing him to Newgate'. Pue's Occurrences, 29 May 1753.

2 Watch min.bk, 24 Nov. 1752.

Misbehaviour did not always bring dismissal and sometimes unsuitable men would be re-employed despite the warning of past experience. Thus when a watch inspector and deputy constable of St Thomas's were both charged with misdemeanours they were, 'on promising not to be guilty of the like again ... excused'.[1] In 1761 the directors of this same parish resolved that:

> 'We will not serve as directors longer if Math Meachin be not displaced the watchmen refusing to serve if he be continued deputy constable and we think he is a very improper person for said office.'[2]

In 1765, however, they again resolved that Meachin be dismissed for being drunk and abusing them and not allowed to serve any longer, while a year later they once more agreed that he be got rid of for not returning the watch reports and insulting them in the vestry room.[3]

The difficulties involved with the watchmen,

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1 Ibid., 12 June 1767.

2 Ibid., 20 Aug. 1761.

3 Ibid., 13 Mar. 1765, 28 Oct. 1766.

many of whom were illiterate,[1] were equally great. There is evidence that some of them attended other work during the day which must have impaired their efficiency at night[2] and there were frequent complaints that many of them were unsuited for the trust by reason of age, physique and competence.[3] Thus a newspaper reported that:

> 'as two gentlemen were passing along Essex bridge ... betwixt 11 and 12 o'clock, they found most of the watchmen, on the one side fast asleep on their stands; on which one of the gentlemen ... took up one of their halberts, and carried it away with him, and declared ... that he might have taken the halberts and lanthorns of most of the watchmen on the bridge, who'

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1 For example, of the ten hired by St John's in 1730, five of them could not sign their names, (Watch account bk, 16 June 1730); of the twelve hired by St Thomas's in 1750, eight could not do so (Watch directors' min. bk) and none of the sixteen hired by this parish in 1765 could do so (Ibid., Sept. 1765).

2 See p. 153, footnote 2.

3 Thus one critic observed that 'in every parish there are a number of poor, feeble, helpless objects, in some manner relative to men of better rank than themselves in the parish; these are from year to year entailed on the directors, who are induced to enter them as watchmen, to prevent their being a burthen on their friends or the parish. The remainder of the watch are made up of invalids, reduced soldiers, or such men as in person seem fit for the purpose and duty.' A scheme to prevent street robberies, p. 11 (Pamphlet).

'were in the same condition'.[1]

And when some directors of St John's visited their watch one time at midnight they found no doorman at the watch house and 'the rest all a sleep'. On another inspection they noted that the watchmen were in great confusion, 'being mostly in liquor'.[2]

Parliament made several attempts to correct such evils. Thus in 1721 it declared that if a man absented himself from duty without reasonable cause or were found drunk or seen going into an ale-house, he might be fined five shillings or, in default of payment,

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1 Freeman's Jn., 3 Jan. 1767. It was also noted that, 'the watchmen belonging to the parish of St Nicholas without, are grown so assiduous in their duty, that whilst they were watching abroad, three pounds of candles, some chips and even the fire were stolen out of the watch house'. Ibid., 3 Feb. 1767. Some watchmen were themselves thieves. For instance, in 1753 those of St Paul's were sent to Newgate for breaking open a shop. Pue's Occurrences, 18 Aug. 1753. Another newspaper reported that 'Patrick M'Daniel a watchman of St Patrick's parish was apprehended and lodged in Newgate charged with different robberies and who was a continual terror to the inhabitants of Newstreet, he was secured by the vigilance and activity of John Anderson Esq. of Newstreet foreman of the grand jury of St Sepulcre's.' Dublin Chronicle, 15 Mar. 1770.

2 Watch account bk, 16 Oct. 1773, 30 July 1770. When a man of St Andrew's watch fell down dead one night it was said that his sudden death 'was occasioned by a large quantity of whiskey he was persuaded to drink, a few nights before, in the watch house.' Dublin Mercury, 8 Apr. 1766.

be publicly whipped. A negligent constable faced a fine of twenty shillings.[1] In 1723 the legislature required the parishes to send a list of their watch regulations and the names of their men and constables to the lord mayor so that he could punish those misbehaving. At the same time, however, the fine on a neglecting constable was reduced to ten shillings.[2] According to the act of 1786 disobedient policemen faced a fine of forty shillings or a month in gaol.[3] The parishes also

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1 8 Geo.I, c.10 cl.11. But a critic noted that watchmen really had 'no punishments to be afraid of', for if a man 'be drunk on duty, steals home to his bed, or a night-cellar, connives with robbers, ... or suffers a delinquent ... to escape ... for such misdemeanour ... he is for a few days stricken off the list; or the crime being proved ... the criminal is fined five shillings, or whipped at the discretion of the justice. The fine, at the intercession of some ... friend, is generally reduced to one shilling, and the whipping never inflicted.' A scheme to prevent street robberies, p. 12.

2 10 Geo.I, c.3 cl.2, 4.

3 26 Geo.III, c.24 cl.4,16,27,49. According to the statute of 1795 a man who willfully absented himself from duty was to forfeit one day's pay even if the period of his absence did not amount to a whole day. If he were absent a full day he forfeited double the amount of his salary. 35 Geo.III, c.36 cl.67. In 1795, in the bye-laws of the watch, keepers of public houses were warned that they faced a fine of forty shillings if a watchman were found drinking on their premises between 9 p.m. and 6 a.m. Moreover, churchwardens and directors were obliged to meet every Monday in their vestry room when complaints against policemen were to be heard and 'duly attended to'. Rules, orders and bye-laws for the government of the watch, P.R.O.I., Cal. O.P. Carton 507/69, doc.5.

attempted to deal with the problem by issuing regulations and warnings. For example, in 1750 the directors of St Thomas's ordered their clerk to make a report of the faults of each man so that they could send them to the lord mayor, and, in 1757, they commanded that the constables on duty:

> 'shall shew good example to the watchmen by behaving soberly and peaceably and shall not allow drinking, cursing, swearing or any other unbecoming action in the watch house by any person or persons whatsoever on pretence of keeping company.'[1]

In 1766 the supervisors of St Mary's watch requested:

> 'the favour of the citizens in general, but particularly the inhabitants of said parish, to inform them ... of any misdemeanours that may be committed by their watch'.[2]

The fines levied on watchmen and constables were, considering the low rate of pay, quite substantial. For instance, the fines on some men of St Thomas's for one half year period, were: 1s. each on three men; 2s. on one man; 4s.11d. on another; 5s. on another; 7s. on another; 12s. on another, while two men were fined 17s.

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1 Watch min. bk, 21 Mar. 1750, 1757.

2 Freeman's Jn., 9 Dec. 1766.

each.[1]

Under the police establishment set up in 1786 with its very large complement the total amount of fines rose very high indeed. Thus in the first 15 months of their institution the commissioners took up £135.0s.5d. in fines, while for the year 1788-9 fines totaled £334. 5s.9d., and for the year 1789-90 they amounted to £466. 4s.6d.[2]

Finally, the enforcing of law and order was also greatly hampered by the violence of many citizens. There were numerous accounts of policemen being assaulted, dangerously wounded and sometimes murdered. Thus it was reported that:

'on Saturday morning Patrick Purcel, a'

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1 Watch directors' min.bk, 1755. In 1752, two men received 10s.10d. for their salary the directors noting that 'in regard the fines being so high we paid it in charity'. Ibid., 9 June 1752. In St John's parish, £6.2s.8d. was 'stopt' in fines for 1765 and £8. 13s.7½d. in 1767. Watch account bk, 1741-86. It appears that not every man took his punishment with good grace. Thus it was reported that one man came drunk to the watch house 'and treated ye constable with verry ill language such as old vagabond a scoundrell and pick pockett and all ye ill language yt he could think of and came to the constable room with his fist up to his jaws treatning to beat him on account of a shilling [fine] he got.' Ibid., 26 July 1767.

2 Commons' jn. Ire., xii.app.dclxxxviii; xiv.app. cxxvi,cxxv. Between 1790 and 1795 the commissioners collected £1,225.0s.6d. in fines. Ibid., xv.app. lxxiii,ccci, dxxxiv; xvi.app.xcvii,cclvi.

> 'watchmen ... was murdered by persons unknown, who strangled and stabbed him in both eyes, cut off one of his ears, and then threw him in the Liffey'.[1]

In 1771 a watchman was killed on his stand by 'armed ruffians' who made their escape,[2] while some months later the watch of St John's and St Werburgh's 'were cut up in a desperate manner by a number of villains'.[3] In 1787 one of the police horsemen was 'very dangerously wounded with his own sword' which his assailants wrested from him during an affray.[4] Moreover, some persons were not above using such influence as they possessed in order to escape retribution. Thus when a watchman charged an army officer 'for striking him twist on his stand', the officer went to the watch house where:

> 'he used the constable very ill by knocking of his wig and puling him by the nose and puting a naked hanger to his breast several times he then sent for the watchman that charged him when he came he discharged him he then fetched 18 or 20 men and officers about the'

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1 Faulkner's Dublin Jn., 13 July 1751.

2 Dublin Chronicle, 9 Apr. 1771.

3 Ibid., 29 Aug. 1771.

4 Ibid., 29 Dec. 1787.

> 'house the would have use'd us very ill if the constable had not pacified them as well as he could'.[1]

The police sometimes had to face the full fury of the mob. For example, when, in 1729, 'a great many constables' attempted to disperse 'a great mob' the rioters fell upon the police 'and abused them in a most barbarous manner, driving them thro' the town, even to the tholsel, where the lord mayor ... ordered an assemblage of the main and castle guard, who put them to flight'.[2] In 1770 a constable of St John's watch reported:

> '8 men in the wach house the remainder of the men refused coming to do any duty and went home on account of a parcell of men that assembled themselves armed with swords and other weapons and swore they would cutt every wachman they would meet belonging to John's parish and the wachmen say they will not come any more to do duty unless there is a guard kepte in the wach house, to defend them untill'

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1 St John's watch bk, 1 Aug. 1773. When, in 1770, a butcher 'out of New Market' was arrested by the watch, the constable went for a guard, 'and the meantime the hole market came ... and reskued the sd butcher from the corprell [watch inspector] and the men'. Ibid., 26 June 1770.

2 Dublin Intelligence, 5 Apr. 1729. Two months later it was reported that rioters were 'grown to that pitch of insolence as to whip the constables when they catch'd them publicly as criminals'. Ibid., 24 June 1729.

'this disturbance is over'.[1]

Even the more educated classes might, at times, be dangerous. Thus in 1729 a riot occurred between some students of Trinity College and the watch of College green, during which a constable was shot in the leg, a watchman in the thigh and several other watchmen in the face.[2]

The police: a general summing up.

It cannot be gainsaid that the organization of the police in Ireland underwent considerable change during the eighteenth century. In 1700 the system used was that which had been functioning since the later middle ages (parliament having made no new police ordinances since 1495) but by 1800 there existed a barony constabulary, heavily subsidised by the government[3] while the statute books contained a number of acts by means of which the legislature hoped to improve the policing of the provincial towns. Moreover, in Dublin the rough outline of a centralized metropolitan police system had been drawn. Yet despite certain achievements

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1 Watch account bk, 16 Sept. 1770.

2 Dublin Intelligence, 30 Dec. 1729.

3 See above, p. 44 footnote 1.

much remained to be done. For example the low salaries generally paid sometimes led to the employing of less than able men[1] and there were as well complaints that in some places the number required for the duty was insufficient.[2] Moreover, the rise of the baronial constabulary was offset by a decline of the local police force in many towns. It appears that a number of urban communities abandoned all thought of providing themselves with the necessary constables and watchmen in favour of calling upon either the constabulary or the military when need arose. Thus of Cork it was reported that no municipal police or night watch 'of any description' existed, consequently the magistrates were

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1 Of the watch in Drogheda it was said that 'proper and effective men' were not selected nor could they be procured 'for 8d. a-night'. First report of the commissioners appointed to inquire into the municipal corporations in Ireland, appendix, ii. 831. H.C. 1835. The borough police of Youghal consisted of a chief and 8 petty constables but as the latter were not paid they were, 'indifferent to the discharge of their duty'. Ibid., i. 112.

2 In Waterford, with a population estimated at 28,821, the local police consisted of 12 constables and 2 supernumeries, a force thought 'too limited to preserve peace and order in the town'. There were no night watchmen as the moneys levied for their salaries were expended instead on street lighting. Ibid., i. 600,601,616. In Kilkenny the town police consisted of a high and 4 sub-constables who acted by both day and night. Ibid., p. 542, 545. The chief constable of Drogheda thought that the number of the watchmen there was 'too few by one half.' Ibid., ii. 831.

'entirely dependent on the military for the preservation of the peace.'[1] At Wexford, Carlow, Kinsale, Athlone, Kells, Limerick, Cashel, Cavan, Belturbet, Dundalk and other places the constabulary was the only police force that could be summoned when occasion required.[2] In the capital too, the metropolitan establishment was not free from defect. For instance, in 1806 a traveller could write, 'So badly regulated is the police in Dublin that ... dead bodies are frequently exposed in the streets, to procure, by charity, the means of burying them.'[3] But at very least it can be said that the eighteenth century provided a framework upon which the nineteenth might build, for it was in the latter century that the modern police force emerged, free of control by local authorities, subservient to the state alone and destined to play 'a conspicuous part in Irish life.'[4]

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1 Ibid., i. 43.

2 Ibid., i. 626,168,81,130,184,371,466; ii. 991,983, 896. In Wicklow town the acts for lighting and watching had been completely ignored. Ibid., i.636.

3 Richard Hoare, Journal of a tour in Ireland, A.D. 1806, p. 300.

4 R.B. McDowell, The Irish administration, 1801-1914, p. 145.

## CHAPTER III

### Prisons in Eighteenth Century Ireland.

Origin of gaols in Ireland.

It may be said that an official policy of keeping gaols in Ireland was inaugurated in 1285, when the statutes of Westminster I and II were brought to this island by an act of Edward I.[1] These English ordinances, which demanded confinement for certain specified malpractices, were the first official hint that prisons ought to be established in the Irish dominion, though they mention nothing at all concerning the erecting, provisioning or regulating such institutions. Six years later, in 1291, an Irish measure, termed the Articles of the Clergy, was enacted which dealt with the lawful and unlawful imprisonment of the first estate but, like the earlier statutes, it did not concern itself directly with gaols.[2]

We may assume, however, that before these ordinances were issued, a few of the larger towns in

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1 Stat. Ire., John-Hen. V., i. 47.

2 Ibid., p. 179.

Ireland had provided themselves with prisons. Dublin, for example, had a gaol in the thirteenth century which stood 'near the city wall' between the castle and St Werburgh Street.[1] In 1299, the royal exchequer granted to the mayor and bailiffs of Cork, an allowance of eight marks and two shillings, a sum that they had expended towards the repair of their gaol.[2]

Although, with the exception of prison fees, no Irish parliament legislated on the subject of prisons until the seventeenth century, the crown, in its charters, conceded the right to possess gaols to several towns and boroughs. Thus, in 1485, Richard III gave to the mayor and bailiffs of Dublin the charge of the king's gaol as well as the custody of all felons and malefactors.[3] Elizabeth's charter to Galway in 1578, granted full power to the corporation 'to have for ever a jail within the town and a keeper of the same'.[4] In 1609, James I

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1 Charles McNeill, 'New Gate, Dublin', in R.S.A.I. Jn., series 6, x. (part 1) 155 (1921).

2 Stat. Ire., John-Hen. V., i. 219.

3 Cal. anc. rec. Dublin, i. 32.

4 Hardiman, Galway, p. 310. In 1584 another Elizabethan charter appointed Walter Brady, the first sovereign of Cavan, the gaoler of that corporation with the same fees as the gaoler of Trim had. T.S. Smyth, The civic history of the town of Cavan, p. 29.

granted Wexford town the right to build 'one strong and sufficient gaol ... and that the bailiffs ... for ever shall have custody of the same'.[1] And, in 1641, the mayor and aldermen of Dublin were given control of the local house of correction by Charles I.[2]

Thus armed several towns proceeded to provide themselves with prisons and to regulate them according to local needs and inclinations. Limerick city had a gaol by 1450[3] and, as early as 1591, Kilkenny corporation erected a separate gaol for female offenders.[4] The crown had its own gaol in the castle of Dublin.[5]

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1 Hore, Wexford, v. 215. In 1687, James II gave a charter to this same town to keep a gaol at its 'own expence'. Ibid.

2 John Beveridge, 'Selections from the records of the corporation', in R.S.A.I. Jn., series 5, i (Part 2) 424 (1891). For other examples see M. Weinbaum, ed. British borough charters, 1307-1660.

3 Stat. Ire., John-Hen. V., ii. 247.

4 John Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, i. (Part 1) 292 (1870).

5 Stat. Ire., John-Hen.V., ii. 73. There were also prisons belonging to manor courts. Thus, William Cole, the founder of Enniskillen, was bound by his patent to erect a prison. W.C. Trimble, The history of Enniskillen, iii. 868. Lord Arlington, in the charter that created Charlestown manor, was allowed to have a debtors' prison. Borough bk, of Portarlington, 1771-1841. The manor court and prison of Belfast were not abolished until 1828. J.A. Pilson, History of the rise and progress of Belfast, p.161.

Medieval Irish gaols were not specially provided buildings, castle-tower, gate-house or tholsel cellar might answer. Even a church might be used.[1] Thus in a charter granted by William Marshal, earl of Pembroke, in 1223, to the burgess of Kilkenny, the latter were permitted to arrest disturbers of the peace and put them in the tholsel.[2] In co. Down, a castle built about 1178, was eventually turned into a gaol and so served until 1746.[3] When co. Westmeath was shired in 1542, the county gaol was set up in the house 'of the late Fryers of Molinger'.[4] Until 1656, Wexford castle was the common gaol of both the town and the county.[5]

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1 For an example of this see Stat. Ire., John-Hen.V., i. 179. Late in the thirteenth century St Mary's abbey, near Dublin, had its own prison where a felon might be kept for a number of days before being transferred to the king's gaol. Cal. anc. rec. Dublin, i. 164.

2 Otway-Ruthven, Liber primus Kilk., p. 9. The original prison in Galway was a small apartment under the tholsel. Hardiman, Galway, p. 310.

3 Edward Parkinson, 'The vestry books of the parish of Down, 1703-1828', in U.J.A., series 2, xiv. 149. (Nov. 1908).

4 P. Walsh, Ancient Westmeath, p. 10. See also, W.P. Burke, History of Clonmel, p. 58.

5 Hore, Wexford, v. 66. One of the city towers of Dublin eventually became a prison. In the seventeenth century the tower was made into an inn called the Black Dog. Early in the eighteenth century the inn became the marshalsea (i.e., debtors' prison) of the city sheriffs and so remained until almost the end of the century. J.R. Gilbert, A history of the city of Dublin, i. 261, 275.

There is evidence, that in some places such conditions lasted well into our period. For example, in 1686, a 'strong castle' adjoining the town walls of Galway was selected by a grand jury to serve as a gaol for co. Galway.[1] In the eighteenth century the north gate of Cork city, 'strongly built of hewn stone', was described as a 'handsome [city] gaol'.[2] In 1798, and for some years afterwards, Carrickfergus castle was used as a state prison.[3]

The eighteenth century was heir to this very broad definition of what constituted a gaol and itself did little to clarify the matter. The terms 'gaol', 'prison', 'marshalsea', 'bridewell' and 'house of correction', often were used quite indiscriminately.[4] The Irish parliament gave no assistance with this question.

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1 Hardiman, Galway, p.313.

2 Charles Smith, The ancient and present state of the county and city of Cork, ed. R. Day and W.A. Copinger (1893) i. 386-7.

3 J.A. Pilson, History of the rise and progress of Belfast, p. 150.

4 Samuel Johnson defines a prison as a 'strong-hold in which persons are confined'; a gaol is a 'place of confinement'; a marshalsea is 'the prison in Southwark belonging to the marshal of the king's household'; and a bridewell is simply a 'house of correction'. Dictionary, Dublin, 1758.

For example, in 1727, the legislature allowed the governors of the Dublin work house to 'inspect into and regulate the management of the gaol or house of correction commonly called bridewell, near the city of Dublin'.[1] Two years later, in an act for the relief of poor prisoners,[2] the term 'houses of correction' in one line becomes 'gaols' in another line and this despite the confusion occasioned by another ordinance passed 22 years previously which had combined workhouses and houses of correction into a single system and a single building.[3]

Theory of the Irish prison system.

The theory of the Irish prison system, if one may call it a system, was equally ill-defined for it was based on continental ideas that had been modified

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1 1 Geo.II, c.27 cl.4.

2 3 Geo.II, c.5 cl.6.

3 6 Anne, c.9 cl.8. The towns too, were not always clear on the subject. Thus in 1737, Drogheda corporation appointed a committee to inspect the local marshalsea and gaol, 'to consider in what manner the same may be rebuilt so that the marshalsea gaol & bridewell be altogether in the new building'. Corp. min.bk, p.38. Moreover, it was by no means unheard of for persons detained for a variety of reasons to be lodged in a marshalsea which ought to have been devoted solely to confining debtors. For examples, see: Caulfield, Kinsale, p.98 and Youghal, p.72; Pender, Waterford, pp.43-4.

by the practice of English common law. In penal systems it is usually assumed that the function of the prison is threefold: custodial, coercive and corrective. In Roman law, however, the digest of Justinian established the custodial principle with the declaration 'a prison is for confinement, not for punishment'. In England, and consequently in Ireland, this idea was long held and practiced. High court judges made their circuits to deliver the gaols, that is, to clear them, not to fill them. Hence, from the time they were established, up until almost the beginning of the eighteenth century, Irish prisons were generally used only for holding persons who were awaiting trial.[1]

The coercive function was added when, the punishment awarded being a forfeiture of property, the prisoner might be held until the fine or compensation was paid. But the older idea died slowly. As late as 1784, a member of the Irish parliament complained that

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1 However, the idea of putting persons into prison for long periods of time was not unknown to the later middle ages. Thus in 1455, Dublin corporation ordered all Irish ecclesiastics to quit the city within seven days under penalty of perpetual imprisonment. Cal.anc.rec. Dublin, i. 287.

a Dublin prison had been converted from a place of detention to one of punishment.[1]

Who controlled the prisons?

Blackstone believed that prisons were vested in the crown, 'pro bono publico', and that by an act of Edward III the sheriffs had the custody of them, 'except whereof any person or body corporate have the keeping ... by inheritance or by succession'.[2] In 1786 an Irish act confirmed this dictum when it placed all newly built prisons and bridewells under the control of the sheriffs who were obliged to make such regulations as

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1 I.P.R., iii. 88. In 1587, the Dublin city assembly described Newgate prison as 'the place appoynted both for the punishment of offendors and also a geayle for such are therein put upon execucion'. Cal.anc. rec. Dublin, ii. 133.

2 William Blackstone, Commentaries on the laws of England, i. 345, footnote 17. This principle had long been held in Ireland. For example see: Cal.anc.rec. Dublin, ii. 133. However, the seventeenth century act that established county houses of correction in Ireland placed those institutions under the care of the local justices of the peace. 10 & 11 Charles I, c.4 cl.1,3. See also 17 & 18 Geo.III, c.9 cl.12. And, in 1698, the legislature allowed the 'chief governor' of Ireland to appoint the marshal of the Dublin four courts marshalsea. 10 Will.III, c.9 cl.10.

were necessary.[1] In towns the control exercised by sheriffs might be tempered by the local corporation[2] but the want of continuity in county grand juries and the absence of any proper supervision left the sheriff of a county at large almost unrestrained in his dealings with the county gaol.

The farming of gaols.

In the eighteenth century it was common practice for the county sheriffs and the towns to farm out their prisons to private persons whose only responsibility was the safe custody of the prisoners, their only interest to obtain the greatest profit from the fees they were permitted to charge them.[3] Once it was

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1 26 Geo.III, c.45 cl.4.

2 For example see Cal.anc.rec. Dublin, ii. 15.

3 For example, in 1809 it was reported of one Dublin prison that 'the sheriff, seeking a lump rent (without trouble) and indemnity, indolently resigns the care of the prison to his deputy,....The deputy, subject in all events to the rent, and to all losses has but two objects in view, the safe keeping of the prisoners, and his own reimbursement.' Report from the commissioners appointed to enquire into ... gaols in Ireland, (1809), p. 23.

farmed little attention was paid to the gaol. Thus in 1788, the inspector general of prisons complained that Dublin corporation did not interest itself in regulating the city's prisons, nor did he think that the gaolers were under the control of the sheriffs further than keeping the prisoners in custody. He declared that, in 1787, he had applied to the lord mayor to remedy gaol abuses but found 'no good effect from it'.[1]

In 1726, the Irish parliament made its first attempt to abolish the custom of farming prisons by forbidding any one, under a penalty of £500, to 'buy, sell, let or take to farm the office of gaoler'.[2] However, the statute did little to stop such a well entrenched tradition. Thus three years later, in 1729, a committee of the house of commons found that Ashenhurst Isaack, keeper of Dublin's Newgate prison, had given a gratuity of £245 to the lord mayor and sheriffs who had the 'disposal' of that gaol, and his successor, John Hawkins, not only had to pay the same amount to Isaack, but also had to give the mayor and sheriffs £100 for their interest in procuring Newgate for him.

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1 Commons' jn. Ire., xii. app. dcxxxiv.

2 12 Geo.I, c.4 cl.7.

Hawkins, who also governed the sheriff's marshalsea (an annual appointment), generally made 'the sub-sheriff a present of twenty pounds or twenty guineas'. The committee blamed the extortions, abuses and cruelties that were practiced in those prisons on the venality of the office, observing that:

> 'as on the one hand little humanity and compassion is to be expected from the purchaser, whose profits must arise chiefly by oppressing the miserable; so on the other, they who, without regard to merit, sell offices for money to the highest bidder, are of all persons the most improper to correct the abuses and corruptions of the offices so preferred.'[1]

In 1763, parliament again complained that gaolers often had to pay large bribes to those who appointed them and, having done so, then thought themselves independent, and used all means 'to reimburse themselves on the prisoners'. For remedy the legislature once again, forbade sheriffs or corporate bodies to take any 'fee or gratuity' in appointing a gaoler.[2]

But the custom remained too strong to break by mere legislation and complaints continued to be

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1 Commons' jn. Ire., iii. app. cccIxxxviii.

2 3 Geo.III, c.28 cl.1. In 1764, it was claimed that the marshal of the Dublin city marshalsea farmed his prison for £260 per annum. The marshal, however, denied it. Freeman's Jn., 29 May 1764.

voiced. Thus the inspector general of prisons declared, in 1798, that in co. Dublin:

> 'I have been well informed that the very base practice of giving douceurs to sheriffs for the appointment of gaoler has of late crept into this county. The very liberal allowance which government grants for the maintenance of the state prisoners has made it a lucrative office and sub-sheriffs know how to avail themselves of its advantages.'[1]

In 1788 the noted prison reformer, John Howard, wrote, 'some of the under-sheriffs in Ireland are guilty of a great abuse in taking twenty or thirty guineas of the gaolers for their appointments'.[2]

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1 Commons' jn. Ire., xviii. app. cclxvi. The gaoler of Omagh declared that he had given bribes amounting to £250 to the local sub-sheriffs which, the inspector general thought, 'must certainly be improperly extorted from the unhappy wretches committed to his care as his salary is but twenty pounds per annum'. Ibid., xvii. app. ccx. The inspector general also attributed the frequent escapes from Phillipstown prison, to the 'very wicked practice that ... is very much used in this county, ... which is extorting money from the gaolers for their appointments; an usage which is the cause of extortion, oppression, and escapes.' Ibid., app. ccvii. In that same year, 1796, the keeper of Limerick city prison 'made affidavit that he was removed from the county gaol because he would not bribe the sheriff.' Ibid., app. ccviii.

2 An account of the principal lazarettos in Europe (hereinafter cited as Howard, Lazarettos), p. 96. see also The report from the commissioners appointed to enquire into ... gaols in Ireland, (1809), p.22.

The number of prisons.

Two schedules of debtors confined in gaols throughout the kingdom and presented to parliament during the sessions of 1765[1] and 1771-2[2] indicate that by the latter date every county at large possessed a prison in or near the county town. Moreover, some of the larger towns, which were counties in their own right, also provided themselves with prisons, while a host of smaller towns such as Strabane, Dundalk,[3] Youghal, Kinsale, Dungarvin,[4] Cashel,[5] Athy,[6] Mitchellstown[7] and Limavady[8] had their own gaols or marshalseas. However, prisons in these smaller towns were usually very minor

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1 Stat. Ire., ix. 399 (1761-7).

2 Ibid., x. 309 (1770-6).

3 Ibid., ix. 399 (176107).

4 Ibid., x. 309 (1770-6).

5 Corp.min.bk, 24 Oct. 1716.

6 Commons' jn. Ire., xvii. app. dcxxxv.

7 Howard, Lazarettos, p. 90.

8 E. Boyle, ed. Records of the town of Limavady, 1609-1808, p. 63.

affairs, such as the 'lock-up house' at Carlow.[1] Thus, in 1666, prisoners in Drogheda were confined in the guildhall[2] while in 1694 the gaol at Youghal was 'a hole under the clock gate'.[3] Many of them were rented for modest sums[4] and their chief function was to confine persons briefly for misdemeanours, or until the assizes were held in a larger town to which important or dangerous prisoners were conveyed as soon as possible. Finally, a few liberties still existed and possessed small prisons of their own.

Bearing this in mind, we can see that almost every Irish community might have had a place of detention at some time during the eighteenth century, for a house or even a room or cellar could easily be procured and put to such use if the need arose and, of course, with equal facility could be dispensed with when no longer wanted.

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1 Co. Carlow summer assizes bk, (1800) p. 3.

2 Gogarty, Drogheda, p. 132.

3 Caulfield, Youghal, p. 392.

4 For example, in 1660 Drogheda corporation rented a building to use as a house of correction for forty shillings yearly. Gogarty, Drogheda, p. 78. In 1725 Cork corporation rented a house to use as a bridewell for £12 per annum. Caulfield, Cork, p. 454.

The schedule of 1765 lists 42 prisons, but 4 of these (in counties Longford, Mayo, Limerick and the town of Drogheda) served as both gaol and marshalsea.[1] Moreover, it was not uncommon for a county at large and a county of a city to share one prison: Limerick, Londonderry and Galway did so.[2] Disputes occasionally occurred over the actual ownership of such combined prisons, as well as the proper sums the co-owners were obliged to expend for repairs[3], and in 1788 the legislature attempted to clarify the situation by ordaining that county gaols built in the counties of towns or cities were to be regarded as county prisons. 'so long as they shall be used by only the county at large.'[4]

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1 Stat. Ire., ix. 399 (1760-7).

2 Howard, Lazarettos, pp. 91, 93, 97. In 1729 parliament made Newgate the prison of both the city and county of Dublin. 3 Geo. II, c. 15 cl. 3.

3 For example, see the dispute between Carrickfergus corporation and the grand jury of co. Antrim in 1753. McSkimin, Carrickfergus, p. 172.

4 28 Geo. II, c. 38 cl. 2. In the last two decades of the eighteenth century extensive gaol construction and repairs occasioned further doubts over prison ownership which parliament, in 1799, attempted to resolve by declaring that the prison constructed or the part of it reconstructed should belong to the county or to the city that built or repaired it. 39 Geo. III, c. 55, cl. 3.

The report of the inspector general of prisons for 1796 shows that during his tour of Ireland he visited, in all 51 prisons.[1] Of these, 16 may be described as city prisons.[2] Thirty-one counties had their own prisons, the remaining county, Londonderry, shared its gaol with Londonderry corporation.[3]

Finally, the inspector general also examined the gaols belonging to 3 liberties, viz., St Sepulchre, Thomas court and Donore, and the manor court of Kilmainham.[4] In none of the reports made in the eighteenth century did the inspector general enumerate all the gaols in Ireland. For instance, the official list of prisons for 1799 schedules 32 county prisons

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1 Commons' jn. Ire., xvii. app. cc.

2 These were the prisons in Cork, Drogheda, Galway, Kilkenny, Limerick (the gaol here was also used as a bridewell) and Waterford. Dublin city had 5 prisons, viz. Newgate, Sheriffs' prison, city marshalsea, four courts marshalsea, the penitentiary. There were also 5 'principal' spunging houses in the capital. These were private prisons where debtors were sometimes confined. The inspector general mentioned that other spunging houses existed but he did not list them. Ibid.

3 Ibid., Cavan gaol was also used as the town bridewell.

4 Ibid., All three were in or near Dublin. In 1793 it was said that there were 45 bridewells in Ireland. xv. app. ccccviii. Ibid.

(one for each county at large) and 11 town gaols, but this schedule does not include the Dublin spunging houses which, although visited, were not listed separately nor does it mention the prisons attached to liberties.[1]

Spunging houses

Spunging houses or private prisons for debtors, to which many were dragged against their consent, were a direct consequence of the over-crowding of Dublin gaols.[2] In 1785, the house of commons was informed that there was no sheriffs' gaol in the capital, and that the want of one was 'attended with very great inconvenience' for, as a result, the sheriffs were obliged 'to have resort to houses called spunging houses'.[3]

The sheriffs strongly resented having to use such private prisons for in law the escape of a debtor

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1 Ibid., xix. app. dccxxxii.

2 I have uncovered no references to spunging houses outside of Dublin.

3 Commons' jn. Ire., xi. app. cccxiii. The four courts marshalsea, the chief debtors' prison in Dublin, was at that time, in 'such a situation as not to afford accommodation for prisoners, being so crowded'. The regulations for that prison specified only 4 beds in a room, but frequently there were 12, and when laid down people, for want of space, had to step across other beds to get to their own. Ibid.

from a spunging house was not considered as an escape from the custody of the sheriff and, though the party aggrieved could recover the debt from the sheriff, that officer, on paying the money, had not a 'remedy to recover it from the person escaping'.[1] Nevertheless, spunging houses continued to exist even after a sheriffs' prison had been built in Dublin.

Jeremiah Fitzpatrick describes this type of prison as a 'compleat tavern, remarkable for every sort of imposition'.[2] The house of commons was told that it was a 'constant practice' with keepers of spunging houses to treat their prisoners well as long as they had money to pay, and when that was spent to pick a quarrel with them, give them a 'pretended opportunity to escape', and then to denounce them for attempting to break out of gaol; of consequence they were sent to Newgate where, for want of other accomodation, they were put 'among the common felons.' Moreover, it was asserted that the fees charged at these private prisons were 'remarkably exorbitant' and everything

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1 Ibid.

2 Jeremiah Fitzpatrick, An essay on gaol-abuses, (hereinafter cited as Fitzpatrick, Gaol abuses), p. 88.

given to the debtors was 'charged at exorbitant rates'.[1]

In 1796, the principal spunging houses in Dublin were located at Angel court; Angel alley; Church street; one was 'near the new courts'; and another, 'near Kennedy's lane'. There were also 'some others'. The inspector general declared that in all of them the conduct of the keepers was, 'in general a scene of unjustifiable extortion'. To each keeper the general fee was 3s.3d. per night.[2] However, the number of debtors confined in them was never very large: only 19 were so confined in all the Dublin spunging houses in 1796[3] and about 20 in 1798[4].

The size of prisons.

Most pre-nineteenth century Irish gaols were of moderate size, at best. For example, in 1622, the gaol built in Dungannon 'of lime and stone' had a wall 4 feet thick, was 24 feet high, 40 feet long and 20 feet wide. It contained 2 'strong' vaults

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1 Commons' jn. Ire., xi. app. ccccxiii.

2 Ibid., xvii. app. cciv.

3 Ibid.

4 Ibid., xviii. app. cclxxxvii.

and 4 'other rooms above with two stone chimneys'.[1] A century later the sheriffs' marshalsea in Dublin, though 4 stories high, contained no more than 12 rooms which were said to be, 'no better than closets'.[2]

In the years 1787 and 1788, John Howard made a tour of Ireland and left a description of some of the prisons he visited. Thus that of co. Wicklow, he noted, had but 4 rooms, while the county bridewell was only a 'slight building'. Kinsale gaol had 3 rooms and that of Tralee, 4. The prison of Castlebar he thought 'small'. The bridewell of co. Galway consisted of 3 rooms while the combined gaol and bridewell of Cavan town was but a single room, 11½ feet by 6. Omagh gaol had 4 dungeons with 4 rooms above them, while Lifford gaol consisted of 5 dungeons. The prison at Londonderry, which both city and county shared, had only 6 rooms. The gaol of co. Armagh, Howard thought,

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1 J.J. Marshall, History of Dungannon, p. 64. The eighteenth century house of correction in Armagh was described as a building 'of no great pretensions' being but one story high and slated. Edward Rogers, A record of the city of Armagh, from the earliest period to the present time, p. 29. However, the bridewell erected in Cork city in 1731, was termed 'a large, strong and convenient building'. Charles Smith, The ancient and present state of the county and city of Cork, ed. R. Day and W.A. Copinger (1893) i. 386-7.

2 Commons' jn. Ire., iii. app. ccclxxxvi.; xi. app. cxxxi. In 1797 Athy gaol was described as 'an old and ruinous castle, consisting of four apartments for prisoners without flues or windows, nor is there either necessaries or yard'. Ibid., xvii., dcxxxv.

'too small', and Phillipstown gaol he described as, 'slightly built'. However, the prison at Trim was larger than most, being 4 stories high with 18 cells and 3 day rooms.[1]

The inspector general of prisons reported, in 1796, that the gaol of Kilkenny city had but 8 cells and that that in the liberty of St Sepulchre (Dublin) consisted of one room. The gaol of Cork city he thought was 'too small for this large city', and the prison of co. Limerick 'much too small for this county'. However, Naas prison had 24 cells 'besides halls and other apartments', and the gaol at Roscommon had 'twenty cells and four kitchens in the felons' part.'[2]

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1 Lazarettos, pp. 84, 87, 90-99. In 1708 the house of correction and workhouse of co. Down was described as 'a strong well timbered and slated pile of building'. From 1746 to 1798 it was used as the county gaol. Edward Parkinson, 'The vestry books of the parish of Down, 1703-1825', in U.J.A., series 2, xiv. 149 (Nov. 1908).

2 Commons' jn. Ire., xvii. app. ccvii, ccv, ccii, ccviii, ccx. The gaol of Dundalk, he said was 'too small for the present times', and the cells at Carrickfergus prison, measuring 8 feet by 6, he also thought too small. Ibid., app. cciv, cc. In 1799 the inspector declared that the prison for co. Louth was 'too small even for this small county'. However, Kilmainham prison he thought 'very large'. Ibid. xix. app. dccxxxii. It was said that Kilmainham prison occupied, 'within three perches of an entire acre of ground.' Dublin Chronicle, 17 July 1787.

The largest gaol in Ireland was Newgate in Dublin built between 1773 and 1780. It contained 97 cells 'exclusive of transport-rooms, etc. and those apartments which the gaoler has for the accomodation of his wealthy tenants.'[1]

The location of prisons.

In the eighteenth century most Irish prisons were located in towns, often in or under a public building usually the court house. For example, in 1788 the gaol of co. Leitrim adjoined the court house at Carrick and that of Wicklow the county sessions house. The gaol of Lifford was under the county hall.[2]

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1 R. Pool and J. Cash, Views of ... public buildings ... in Dublin, p.58. For a full description of Newgate see Appendix D.

2 Howard, Lazarettos, p.91, 84, 96. The prison at Londonderry was built over a gateway. Ibid., p.97. In 1782, the gaol and court house of co. Dublin were described as, 'together a handsome building with a front of hewn free-stone'. J. Hughes, 'A tour through Dublin city in 1782', in Dublin Hist. Rec. xvii. (No. 1) 2 (Dec. 1961). In 1619, James I directed the archbishop of Armagh to set aside a portion of church property (80 feet by 40 feet) on which was to be built a sessions house and gaol for the county. The expenses were to be paid both by the town and the county and the management of the gaol given over to the county sheriff. James I to Oliver St. John, 1 Aug. 1619. Armagh archiepiscopal registry, evidences of the see of Armagh, (John Lodge transcripts) Alb. 26, pp. 206-7. When William Cole, the founder of Enniskillen, built the town prison he also raised a court house over it. W.C. Trimble, The history of Enniskillen, iii. 868. For another example see the general assize bk of co. Louth, 9 Aug. 1720.

John Howard declared:

> 'gaols should be near the county hall, if a good situation so circumstanced, can be found, that prisoners chained, or hand-cuffed, may not be dragged through crowds to their trials.'[1]

However, in general reformers did not approve of erecting prisons in urban areas, for they noted that often the sites were unhealthy, too close to the public, and lacked space in which prisoners might exercise. For instance, the sheriffs' marshalsea in Dublin was said to be in a 'most unwholesome situation in New Hall market surrounded with every exhalation necessary to promote putrefaction'.[2] The gaol of Galway county and city was in a 'close part of the city'[3] with a meat shambles underneath which contributed 'much to its filthy unwholesome appearance.'[4]

Reformers also complained that in many

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1 Lazarettos, p. 97.

2 Commons' jn. Ire., xi. app. cxxxi. The gaol of co. Limerick had three melting houses for tallow beneath it which were 'very offensive and unwholesome'. Ibid., xvii. app. ccviii.

3 Howard, Lazarettos, p. 93.

4 Commons' jn. Ire., xvii. app. ccvi. There were shops under Newgate which, in 1726, brought in £16.10s. in rents to Dublin corporation. Cal.anc.rec.Dublin, vii. 342.

prisons the windows faced the public streets, of consequence the confined were able:

> 'to confederate with their acquaintances abroad, and procure instruments from them, to assist and contrive their escape; through these windows spirits and all sorts of liquors are constantly conveyed to the prisoners, who are thus kept in a continual state of intoxication.'[1]

The want of a yard for airing prisoners was a charge constantly levelled against most Irish gaols in the eighteenth century. Many prisoners remained indoors for the whole period of their confinement, though some, occasionally, were brought out into the streets, under guard, for a hasty airing. The improper situation of most gaols was the chief cause. Thus Kilkenny city gaol being bounded on three sides by public streets and the fourth side abutted by private houses, there was of consequence, 'no space for yards or exercising grounds of any kind'.[2] Cork city gaol was also 'in a

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1 Commons' jn. Ire., xi. app. cxxxi. Thus in Limerick passers-by were 'much annoyed by the clamour and indecency of the prisoners' at the gaol windows. Ibid., xvii. app. xcviii. At Monaghan prison, Howard found, 'the window of the women's room opening towards the street several idle fellows were standing at it'. Lazarettos, p. 99. At Downpatrick gaol the prisoners, 'by means of a long pole with a hook at the end', frequently managed to steal bundles of yarn from the yarn market. E. Parkinson, The city of Downe from its earliest days, p. 90.

2 John Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, (Part 1) 292 (1870).

crowded street' and so had no yard or airing ground.[1] Even where prisons had sufficient yards fear of escapes often made gaolers wary of allowing them to be used.[2]

Parliament interested itself in the problem four times. Thus the seventeenth century act that instituted houses of correction in every county, demanded that such houses were to have 'convenient backside thereunto adjoyning' which, we may hopefully presume, was meant to be used as an exercise yard.[3] The legislature did not mention the subject again, for well over a century, not until 1763, when, to prevent contagion caused by unhealthy prisoners being brought into the streets for airing, it ordered grand juries to buy (but not to spend more than £100) or to rent (but not for more than £10 a year), a piece of ground near their gaols for use as a yard.[4] Twenty years later, in the

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1 Commons' jn. Ire., xix. app. dccxlix. The gaol at Ennis was also on the main street. Ibid.,xvii.app.ccii.

2 The prisoners in Kilkenny county gaol were more fortunate than most in this respect for, in 1776, they publicly thanked their 'worthy' high sheriff, 'for his very great humanity in ordering them to be aired in the gaol yard four hours every day which contributes very much to their health, being an indulgence never before practiced in this gaol'. John Prim, 'The corporation and olden civic state of Kilkenny', in R.S.A.I. JN., series 4, i. (Part 1) 292 (1870).

3 10 & 11 Charles I, c.4 cl.1.

4 3 Geo.III, c.28 cl.7, 8.

session of 1783-4, parliament demanded that all prisons be equipped with two or more 'distinct' yards, one for debtors, the other for felons, separating, if it were practical, the men from the women.[1]

But the provision of such yards tended to enlarge the scope of corruption, thus one reformer lamented:

> 'Many gaols have not yards yet provided, and several of those that were rented, or purchased, are converted to the sole use of the gaoler, into which, he never permits a single person to walk for the benefit of what it was originally intended, viz air and refreshment, except he knows for what. The pretence of this generally is, that the wall or fence of the yard is not secure, though it may be sufficiently strong.'[2]

For remedy parliament, in 1786, declared:

> 'That in every gaol there shall be one or more sufficient clean and well secured yards for the convenience of prisoners ... that no hogs, horses, cows or other cattle, or poultry of any kind shall be kept in the ... yard; and that all prisoners shall be admitted at proper times in succession to air themselves ... for at least two hours every day, except prisoners under sentence of death, and such persons as are riotous and disorderly, or where there may be sufficient reason to apprehend that an escape may be attempted.'[3]

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1 23 & 24 Geo.II, c.41 cl.3.

2 Fitzpatrick, Gaol abuses, p. 89.

3 26 Geo.III, c.27 cl.32, No. 8.

However, despite the decrees of parliament progress in this matter was slow. Thus in 1788 John Howard discovered that there were no yards at the gaols at Kinsale, Mitchelstown, Tralee, Omagh, Galway city, Londonderry and Carrickfergus. At the gaols of Clonmel and co. Louth he found large dunghills in the yards. At the prison of co. Leitrim he observed that the prisoners were never allowed out because the walls of the yard were 'ruinous'.[1]

In 1796 the inspector general of prisons noted that the gaol of co. Cavan had no airing ground, and that the prisoners were always confined to their cells, but he observed that the insecurity of the gaol prevented, 'any humane person from insisting on an alteration in the ... mode of confinement'.[2] At Carlow there was only one yard, hence 'prisoners of every class and of each sex, intermingle',[3] However, at co. Galway gaol the

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1 Lazarettos, pp. 88-98. However, in 1783 it was said that the Dublin four courts marshalsea had two 'good yards' and the recently finished prison at Carlow had a 'paved court yard' 42 feet long by 24 broad. Commons' jn. Ire., xi. app. cxxx, cxxxi.

2 Ibid., xvii. app. cci.

3 Ibid., At Trim, 'accused, felons and approvers mingled together in the only yard of the gaol'. Ibid., app. ccix.

prisoners were allowed liberty to stay all day in the yard which prevented sickness 'which the closeness of the prison would otherwise occasion'.[1]

New gaols.

In the first three-quarters of the eighteenth century the erecting of a new gaol in Ireland was not an uncommon occurrence. For example, in May 1739 Drogheda corporation decided to expend £553.10s. on building a combined gaol, marshalsea and house of correction.[2] In 1720 the grand jury of co. Louth came to an interesting agreement with Viscount Limerick for erecting a new gaol at Dundalk. The jury gave Lord Limerick £100 and the 'p'sent gaole and sessions house with all the materialls thereunto belonging', while he surrendered

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1 Ibid. app. ccvi. In 1798 the inspector general observed that the yards at Cavan gaol were 'not yet finished' although the prison had been built 12 years before. At Lifford prison the felons' yard had been converted into a garden for the gaoler. Ibid., xviii. app. ccxliv, cclvi. However, of Newgate (Dublin) in 1799 he reported that the yards were very clean and that the prisoners had free access to them. Ibid., xix. app. dcclxix.

2 Corp.min.bk, p.50. There is evidence that such expenditure was not always popular with the local inhabitants. For example, in 1671 the council of Youghal ordered the mayor to examine the town charter to see if it were possible to avoid paying the £30 presented on Youghal, at a general assize, for building a county gaol. Caulfield, Youghal, p.336. See also Ibid., p. 351.

to the jury a piece of ground on the main street of the town. Moreover, Lord Limerick promised to build on that ground 'a gaol, gaolers house watch house and session house with jury roomes & other conveniences fit and proper for a session house.'[1]

However, if the first three quarters of the century was not remarkable in any way for gaol construction the same cannot be said about the last quarter, for it was during that period that the counties and cities commenced, on a scale larger than ever before, to erect new prisons and to repair old ones. Thus in Dublin, New Gaol, 'a powerful piece of terroristic architecture',[2]

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1 Co. Louth general assize bk, 9 Aug. 1720. Evidently the compact was dissolved because by 1726 the grand jury were complaining that the £30 which they had expended on building a new gaol was 'very insufficient', hence they decided to raise £70 more, having first agreed with the supervisor 'that no more shall be rais'd for the sd work but if any more money be wanting he will at his own cost finish the sd work'. Ibid., Summer, 1726. However, not all gaols were so inexpensively built. Thus that raised in Limerick, in 1750, cost nearly £1,000. J. Ferrar, The history of Limerick ... from the earliest records to the year 1787, p.203. In 1744 Mrs. Delaney wrote, 'Dean Delaney is very much shocked at the present gaol at Down, and is determined to have it altered, and to have one built with different apartments for men and women, and a chapel. He gives a hundred pounds towards it, and endows the chapel with twenty pounds a year for a clergyman to give them divine service'. E. Parkinson, The city of Downe from its earliest days, pp.89-90.

2 M. Craig, Dublin, 1660-1860, p. 198.

started a-building on 'a spacious piece of ground at the north side of the city called the Little-Green' in 1773[1] and a new marshalsea was begun in 1775.[2] In 1780 a new gaol for co. Armagh was erected under the auspices of Primate Robinson.[3] Between 1778 and 1779, co. Antrim built a court house and gaol at Carrickfergus which cost £5,785.[4] In 1776 Youghal corporation decided to build a new gaol and gaoler's house, the latter to consist of two rooms 'as the ground will allow', and over them 'two gaols or marshalseas'.[5]

The impetus for all this building came, principally, from a parliament roused by the scandals uncovered by the committees which it had instituted to

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1 It cost £16,000 which was raised 'on the inhabitants of Dublin, except £2,000 granted by ... parliament'. R. Pool and J. Cash, Views of ... public buildings ... in ... Dublin, pp. 55-6.

2 Howard, State of the prisons, p. 205.

3 James Stuart, Historical memoirs of the city of Armagh, ed. Ambrose Coleman (1900) p. 396.

4 McSkimin, Carrickfergus, p. 170. In 1792 a wing, built under the direction of John Howard, was added to this prison. Commons' jn. Ire., xvii.app.dlxxiv.

5 Caulfield, Youghal, p. 494.

investigate prison conditions, and as well from the statutes passed in the sessions of 1763 and 1777-8 which, in attempting to make provision for the health and well-being of prisoners, demanded much gaol reconstruction.[1]

However, these two acts were far from being enough. Thus in the session of 1781-2, the legislature, after observing that gaols were still 'ruinous and incommodious' and its enactments ignored, warned grand juries to raise proper presentments for such repairs or otherwise face a fine of £500, which sum would be expended in providing prisoners with fuel and food or in enlarging the county gaol.[2] In the session of 1783-4 parliament again required grand juries to inspect their prisons and those they found decayed to enlarge or replace.[3]

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1 These acts are discussed more fully below. See pp.473-4.

2 21 & 22 Geo.III, c.42 cl.2,3.

3 23 & 24 Geo.III, c.41 cl.1. Moreover, they were obliged to appoint justices of the peace to visit gaols and to report on them. The justices were permitted to spend up to £50 for repairs even though such sums had not been presented at the assizes. However, no construction was to be commenced until the plan had been approved of by the grand jury. The new or altered gaols were to have water pumps and privies, 'to which all shall have free acces'. Ibid., cl.6,8.

In 1786 parliament noted that the situation of many county gaols made it 'impracticable' for magistrates to convey prisoners to them, 'without being exposed to escapes and rescues as has been frequently experienced'. Hence it ordered that in future, bridewells and gaols were to be erected in 'proper and convenient places' and, at the same time, the legislature required grand juries to present for repairing old prisons and building new ones in districts where it was deemed 'necessary and expedient'.[1]

The fruits of these acts were soon apparent. Thus by 1788, 11 prisons were a-building, presentments had been made for 14 which were to be constructed on improved plans, 2 were under improvement and 6 proposed

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1 26 Geo.III, c.45 cl. 1. All this re-construction created problems, especially the exorbitant demands of proprietors for sites. To forestall such demands parliament, in 1786, declared that property thought necessary to be purchased for erecting gaols, was to be valued in the same manner 'as the commissioners for widening the streets of Dublin are authorised to do'. 26 Geo.III, c.27 cl. 44.

to be improved.[1] In 1793 parliament was told:

> 'That thirteen gaols have been lately built, eight are now building, three in part are presented for, four have been in a great measure improved; and it also appears to be the intention of other counties cities and counties of towns to build new prisons or improve those already built.'[2]

Although much had been done still more might have been accomplished if it had not been for the many delays caused as well by the complicated methods used for raising and distributing the necessary sums, as by the arguments about the proper amounts counties might legally

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1 Commons' jn. Ire., xii.app.dccxxxiii. For example, in 1787 there was a report of a new county gaol under construction at Mullingar, which was to be erected 'on one of the best and improved modern plans for strength and convenience.' It was part of the scheme that the town river should flow through the gaol yard and there were to be as well, 'many other conveniences peculiar to the site on which it is to be built, rarely to be met with in other places.' Dublin Chronicle, 24 July 1787. In 1783 the grand juries of Waterford city and county agreed to buy a piece of ground, then occupied by a barracks, from the government for £1,200, 'for erecting thereon court houses and gaols'. The county agreed to pay two thirds of the costs of buying the property and erecting the buildings, while Waterford corporation, upon the request of the city grand jury, agreed to pay one third of the purchase money and two-ninths of the costs of construction. Corp.bk, 4 Apr.1783. A year later the corporation declared 'that accomodation for thirty felons and persons in for petty crimes and also accomodation for thirty debtors will be at least necessary in the new gaol to be erected for this city.' Ibid., 29 June 1784. In 1789 co. Down grand jury decided to build a prison that would cost £6,000. Francis J. Bigger, 'Old county of Down presentments', in U.J.A., series 2, xiii. 109 (1907).

2 Commons' jn. Ire., xv.app.cccxviii.

present for such work. Thus overseers were obliged to advance the moneys required for construction, and then to wait on dilatory county presentments before being reimbursed. They were not always willing to do so. Moreover, it was by now recognized that considerable sums might be saved if all the materials used were bought with ready money and workmen were regularly paid. Thus to further the building programme parliament, in 1795, enacted that the whole or part of the county gaol presentment might be handed over to the overseers on their entering into recognizances. When the work was finished, the overseers were obliged to lay their accounts before the grand jury and, if they were approved of, the recognizances were to be vacated if no complaint were lodged.[1] Finally, in 1799, in an act 'to calm doubts' arising over what sums grand juries might present, parliament permitted them to levy up to £1,000 for new gaols at each assize. However, such sums as were presented for gaols were to be applied only to that purpose.[2]

An immense amount of construction was done under the prodding of these acts but, according to

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1 35 Geo.III, c.7.

2 39 Geo.III, c.55 cl.1, 2.

John Howard, the new gaols were destined to be, 'monuments of the unskilfulness of the architects, who are ignorant of what constitutes a secure and healthy prison'.[1] The advice of reformers was rarely followed[2] nor did the legislature give any directions other than urging that men and women and debtors and felons ought to be separated, and that airing grounds should be bought. Thus it remained to the counties and cities to ordain the size, location, costs, and the general type of prison that they wished to erect. The result was peculation, malconstruction and jobbery on a grand scale.[3]

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1 Lazarettos, p. 78. Jeremiah Fitzpatrick warned, 'that the great errors committed in the structure of jails lately built, proves the necessity of paying greater attention in the future constructing of prisons'. He thought the New Prison in Dublin, 'worse calculated for convenience and health' than any other he had seen in any country. Commons' jn.Ire., xi.app.cxxxi. In 1785 parliament was informed that at New Prison (towards the cost of which the government had contributed £3,000) there were no special apartments for debtors, nor were there any apartments 'by way of distinction, between the highest and lowest offenders', and that the gaol was 'uncomfortable and insecure', and that the construction was not 'duly nor effectively done'. Ibid., xi.app.cclxxxiii, cclxxxv.

2 A plan for a model prison is discussed in the Dublin Chronicle, 15 Sept. 1787.

3 In 1771, when designs for New Gaol in Dublin were being solicited, the grand jury was advised to exhibit publicly the plans submitted, 'as it would hold the works of the ... candidates in their proper mirror, and may probably rescue the work from the censure of being a jobb; -- a term, several late proposed publick buildings are known by; and with too much truth'. Freeman's Jn., 29 Jan. 1771.

For example, in 1797 the inspector general of prisons noted that in Kilkenny a new gaol had been built for the city 'on the model of the old county prison, and worse is not in the kingdom.'[1] The prison in Castlebar he said, was 'very bad; about fourteen years ago another was built at the expense of £2,500, but when finished it was found to be entirely useless.'[2] Cavan gaol, built in 1786, was a ruin ten years later. Of this gaol the inspector general declared, 'the plans and materials of it are so bad and the work so dishonestly executed that to alter or repair it would be a prodigal expenditure of the public money.' It was disclosed that when it was finished and the grand jury had inspected and approved of it, the gaoler requested to be locked up and the keys taken away, nevertheless, 'he appeared in the space of a very few minutes in the grand jury

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1 Commons' jn. Ire., xvii. app. dcxxxviii. There was no privy, water, pumps, kitchen or common halls and the roof leaked. Ibid., app. ccvii. The 'blundering architect' who built the sheriffs' prison in Dublin city, did so 'without making that necessary article a sewer'. Ibid., xviii. app. cclxxxvii.

2 Ibid., xvii. app. dclv. At Carlow he observed 'a gaol is building, but not on the best site; half the sum that will be expended in erecting it would have repaired the castle of Carlow and converted it into an admirable gaol.' Ibid., app. dlxxxii.

room to their great astonishment, an evident proof of the insufficiency of the gaol'. It was so 'inconvenient' that the water supply came from an uncovered pit outside the prison. The machinery for executing criminals was 'so very imperfect' that 'a wretch who was hanged ... was so cruelly tortured that he remained for a long space in the agonies of death, till a pit was dug under his feet to end his torments.'[1] The gaol of Queen's county was not well supplied with water, a defect attributed chiefly to its bad situation. Another site had been:

> 'strongly recommended by the ingenious and benevolent Mr. Howard, but his earnest wish of having it built on a waste piece of ground near the river was successfully counter-acted by a powerful gentleman in the county.'[2]

The gaol of co. Kerry was described as, 'a new building, but extremely injudicious in its plan'.[3]

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1 Ibid., app. cci.; xix. app. dccxl.

2 Ibid., xviii. app. cccxiv.

3 Ibid., xvii. app. dcxxxiv. At the prison of co. Waterford the 'materials of the walls' were 'very bad'. Though built but 9 years a great number of prisoners had escaped out of it, a certain proof, it was said, 'of the dishonesty of the architect'. Ibid., app. ccxi.

However, not every prison was a total loss. Thus the gaol of co. Armagh was praised as a 'very good one', and had received considerable improvements suggested by John Howard.[1] Co. Down gaol was 'very handsomely built' and on an 'excellent plan'.[2] The gaols at Naas and Clonmel were described as 'well built', while Mullingar prison was said to be, 'new and well contrived for the separation of the various degrees of prisoners.'[3]

Gaolers: requirements for office.

John Howard once described the perfect gaoler. 'A keeper' he said:

> 'should be firm and steady, yet mild, and he should visit every day the wards of his prison. Such a man will have more influence and authority than the violent and passionate gaoler, who is profane and inhumane and often beating and kicking his prisoners'.[4]

However, beyond this and other similar pleas that only kindly and competent men ought to be appointed, little

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1 Ibid., app. cc.

2 Ibid., app. cciii.; xviii. app. cclxii.

3 Ibid., xvii. app. ccvii, ccxi. ccxii.

4 Lazarettos, p. 89.

more was said, even by the reformers, about this important question.[1] In general, no previous training seems to have been considered necessary. For instance, in 1651 a 'virginall maker' was appointed master of the Dublin house of correction, and ten years later a 'sadler' was made keeper of Newgate.[2] In 1751 a dancing master was appointed governor of the Dublin city marshalsea, and, in 1792, a man gave up his seat on the common council of the city, as representative for the corporation of barber surgeons, on his being made keeper of Newgate.[3] In 1796 the keeper of Nenagh bridewell was described as a shoemaker.[4] "The main requirement for the post seems to hawe been the ability to raise the sum necessary to provide the security demanded

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1 However, in 1786 the legislature forbade women to be gaolers 26 Geo. III, c. 27 cl. 32, No. 1. For an instance of a woman keeping a gaol see, W.P. Burke, History of Clonmel, p. 170. In 1800 parliament declared that a warrant of the Irish privy council could, in treasonable cases, make any person a gaoler. 40 Geo. III, c. 18 cl. 2.

2 Cal. anc. rec. Dublin, iv. 2, 205.

3 Faulkner's Dublin Jn., 9 Feb. 1750-1. Cal. anc. rec. Dublin, xiv. 279.

4 Peter Holmes to ZZ 11 Oct. 1796, P.R.O.I., Cal. R.P. carton 620/25, doc. 158.

by the local corporation or sheriff.

Before the second half of the eighteenth century Dublin corporation usually obliged those whom it appointed gaolers of Newgate to keep the prison in repair. For example, in 1604, after the corporation had itself repaired Newgate, it warned that all new gaolers would be required to maintain the prison 'uppon their owne chardges and to leave it in as good plight when he departeth as he shall find the same at his entrie'.[1] As late as 1747 the same undertaking was being demanded.[2]

Gaolers' recognizances.

If many gaolers had to resort to bribery to obtain their offices that was by no means their sole outlay. For all gaolers, and this included marshals (these latter governed debtors' prisons), were also required to enter into recognizances, along with one or two other men as sureties, to secure the local sheriff or the corporation from escapes and other damages that might arise by their undue execution of their office.[3] An ordinance made in 1621 by Cork

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1 Cal.anc.rec. Dublin, ii. 428.

2 Ibid., ix. 234.

3 Thus as early as 1413 Kilkenny corporation required two sureties of its gaoler. Otway-Ruthven, Liber primus Kilk., p. 60.

city council serves as an example:

> 'It is agreed that whatsoever honest person shall be appointed by the sheriff of this city, and that will undergo the keeping of the prisoners committed by the maior and justices ... he entering security to save harmless the maior, etc., of all escapes, shall have the keeping of the new gaol, when it is built, during his good behaviour.'[1]

The sum demanded as security was often very large. Thus in 1751 the marshal of Dublin city was obliged to post a bond for £3,000 and to find three sureties, each having to post separate bonds of £1,000, for indemnifying the city and the magistrates.[2] In 1783 the governor of the Black Dog prison in Dublin gave £4,000 security to the sheriffs.[3] In 1788 the keeper of Newgate gave £2,000.[4] Even in small towns the amount required for security was substantial. For instance, in 1652 the marshal of Kinsale had to

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1 Caulfield, Cork, p. 99. For another example see Cal. anc. rec. Dublin, v. 455. When, in the session of 1634-5, parliament directed the counties to erect houses of correction it also required that such masters as were appointed were to give 'sufficient security'. 10 & 11 Charles I, c. 4 cl. 5.

2 Cal. anc. rec. Dublin, ix. 371.

3 Commons' jn. Ire., xi. app. cxxx.

4 Ibid., xii. app. dccxxxv. In 1787 the gaoler of Kilmainham was obliged to enter a bond with securities in the sum of £6,000. Ibid., 204 (20 Feb. 1787). In 1803 the keeper of the sheriffs prison in Dublin had to pay £10,000 for his security. Report from the commissioners appointed to enquire into ... gaols in Ireland, (1809), p. 22.

provide two sureties 'in 40 li. a piece, for the performance of said office in all points.' By 1657 the recognizance had risen to £1,000 but it was reduced to £500 two years later. In 1675 it was lowered to £100, possibly because the same man had served as marshal for 16 years, but in 1689 it rose again, this time to £200.[1]

In 1678 the marshal of Drogheda had to enter into a bond of £500 and to name two others as sureties. As he was also the town gaoler he was required to give the sheriffs the same security that he gave to the corporation for the post of marshal.[2] In 1682 the gaoler of Londonderry gave £300 security to the 'mayor,

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1 Caulfield, Kinsale, pp. 10, 24, 49, 149, 187. In 1666 the corporation observed that, 'In regard Humphrey Bradfield, marshall refused to give bonds for executing his office, and no other person would meddle with the office he was admitted again upon his oath.' Ibid., p. 99.

2 Gogarty, Drogheda, p. 180. A century later a man appointed marshal and bridewell keeper was obliged to be bound for the same amount. Corp.min.bk, p.411.

commonalty and citizens' for his office.[1]

Gaolers' duties.

The duties of pre-nineteenth century gaolers were never clearly defined by statute. For example, in 1542 the Irish parliament ordered gaolers to have a seal engraved with the name of their 'castle, prison or gaol'[2] but after issuing this minor regulation the legislature ignored the subject until the seventeenth century when, an act for erecting houses of correction, empowered keepers 'to set to labour those brought to the house (being able) and to punish them with fetters or moderate whipping.'[3] Moreover, at every quarter sessions

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1 Corp.min.bk, i.106. See also, iii. 325. The gaoler of Cavan gave the same sum in 1584. T.S. Smyth, The civic history of the town of Cavan, p.29. There is no doubt that the threat of being sued for an escape occasionally materialised. For example, in 1737 Drogheda corporation 'relieved' its marshal of a fine of £4.8s.5d. for an escape of a prisoner because of the 'insufficiency' of the marshalsea. Corp.min.bk, p.38. In 1759 the corporation of Londonderry agreed to 'indemnify' one of the aldermen 'of the prosecution against him ... on account of an escape from the marshalsea when he was mayor'. Corp.min.bk, vii.72. In 1794 Waterford corporation returned the fines of £200 imposed on the two sheriffs, and £100 on the gaoler, which they had paid for the escape of a 'criminal', because it 'fully' appeared to the corporation that the escape 'was not caused by criminal neglect or any impropriety of conduct either in the ... sheriffs or gaoler'. Council bk, 2 Dec. 1794.

2 33 Henry VIII, c.15 cl.9.

3 10 & 11 Charles I, c.4 cl.4.

such keepers were obliged to give magistrates an account of their prisoners, and they might be penalized (though no sum was mentioned) for those who had escaped.[1] In the eighteenth century Blackstone defined gaolers as the 'servants of the sheriffs' whose duty it was 'to keep safely all such persons as are committed to them by lawful warrant.'[2] Parliament strayed little beyond this dictum for, during that century, most of its enactments were of a negative kind, thus they tended to stress what gaolers must not do, rather than what they ought to do.

It appears that the communities made their own regulations.[3] For instance, in 1730 a committee of Dublin corporation, after consulting some justices of

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1 Ibid., cl.7. In 1715 parliament enacted that keepers of houses of correction might be fined £5 for giving incomplete schedules of those persons in their custody; the fine was to be paid to the person whose name had been omitted. 2 Geo.I, c.17 cl.8.

2 Commentaries on the laws of England, i.345, footnote 17.

3 In 1589 the gaoler at Newgate was obliged to give, 'his attendance uppon the mayor and court at all tymes as hath bene used by his predecessors.' Cal. anc.rec. Dublin, ii. 225. In 1686 the corporation dismissed the gaoler of Newgate as well for 'several high misdemeanours' as for having been, 'very negligent in giving his attendance on the chief magistrate ... as his office does require'. Ibid., v.383.

the peace, drew up a code for the use of the keeper of the city bridewell.[1] In 1773 the city marshal of Dublin was required, every Monday, to return a list of all persons committed to his custody.[2] In 1776 (after a notable gaol break) the keeper of Newgate was obliged to visit his prison twice daily to examine the bolts of the prisoners cells.[3] In 1787 the gaoler of co. Dublin declared that he was required:

> 'to assist the sheriff and find assistants proper to go with him to execute all executions, writs haberes and all orders of the courts, judges of commission and all other processes of law relative to the office of the sheriff'.

Moreover, he had to draw up 73 calendars each year:

> 'four to the judges of king's bench each term, one to the clerk of the crown, sheriff, grand jury and inspector. Three at each quarter sessions, three at each adjournment, four at each commission of oyer and terminer and one for the house [of commons]'.

Furthermore, he was required to attend the courts of

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1 Ibid., vii. 508. The code is set out in viii. 507-10.

2 Ibid., xii. 293.

3 Ibid., p. 448.

justice with assistants 12 times a year.[1]

Keeping the prison was naturally a gaoler's chief occupation, but it was not necessarily his only one. Thus in 1599 Dublin corporation directed the gaoler of Newgate to be ready, at the command of the mayor 'to be imploid ether in trayninge, leading, setting or conducting the cittie wache duringe the tymes of danger and warr'.[2] In 1609 Kilkenny corporation ordered that 'the common gaoler be overseer of the church-work and the tholsel-work, and have a workman's wages every day he is overseeing the same'.[3] In 1706 the keeper of Newgate was obliged to aid the lord mayor and other

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1 He was also bound to transmit felons from Dublin for trial to all the assize towns, for which, he complained, the grand jury could only allow him, '6d. per mile; to Wicklow 12s.; to Naas 7s.; to Trim 11s. 6d.; to Drogheda 11s.;' which, he asserted, was 'scarce sufficient to hire a car much less horse hire and assistants for transmitting murderers, felons, etc.' Commons' jn. Ire., xii. 204 (20 Feb. 1787).

2 For this he was to receive 'suche rewarde' as the mayor thought 'convenient' and, 'withall, he must attend Mr. Maior every Sunday in his gowne to the churche'. Cal.anc.rec. Dublin, ii. 310-11.

3 John Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, i. (Part 1) 291 (1870).

officers whenever a fire broke out in Dublin.[1]

Gaolers sometimes engaged in police duties. For example, one keeper of Newgate was also an 'officer of the peace' who captured several thieves, 'and often ventured his life in apprehending them'. In 1723 the corporation granted him £10 for killing a 'noted robber'.[2] When, in 1786, four prisoners escaped from Maryborough gaol, the keeper followed them to co. Kilkenny where he recaptured one and thence to co. Tipperary where, with the aid of the Birr volunteers, he took two others.[3] In 1812 the gaoler of Castlebar, accompanied by a party of infantry, apprehended three suspected thieves some miles from the town.[4]

However, parliament was keen to control such

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1 Cal.anc.rec. Dublin, vi.348. In 1738 the corporation described the social duties of its gaolers. Thus the governor of Newgate was required to attend the sword on all collar days and to attend the lady mayoress on all public occasions. The keeper of the bridewell was obliged to attend the sword on all collar days and market days and to attend the lord mayor's table on public days. Ibid., viii. 295-6. In 1707 the gaoler of Fethard was also sergeant at mace. Council bk, p. 51.

2 Dublin Intelligence, 8 Apr. 1729, 9 Dec. 1729; Cal. anc.rec. Dublin, vii. 226.

3 Volunteer Evening Post, 27 Jan. 1786.

4 Wexford Herald, 31 Aug. 1812. Gaolers were sometimes used to escort prisoners from one town to another. For example, see: Dublin Chronicle, 30 Nov. 1771.

extra-gaol activities. Thus in 1707 it forbade house of correction keepers to act as gaolers or to use 'any trade or calling' while serving as keepers.[1] In 1786 the legislature declared that a gaoler, 'shall not be an under-sheriff or a bailiff nor shall he hold any office or employment that may require his attendance in any other place.'[2] But a decade after this enactment, the inspector general of prisons reported that the sub-sheriff of Carlow acted as gaoler and, as he kept all committals himself he charged, 'very extraordinary for giving copies to the poor wretched people who mean to make a defence on the day of trial'.[3] The gaoler at Roscommon was a cabinet maker, but he pursued his trade in the gaol.[4] At Sligo the keeper kept a public house, 'opposite to the prison'.[5]

Many gaolers seemed to have held their posts as long as they behaved themselves in office, although

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1 6 Anne, c.9 cl.10. Nevertheless, in 1733, one corporation decided that its gaoler 'may be bridewell keeper as well as gaoler'. Waterford Council bk, 13 June, 1733.

2 26 Geo.III, c.27 cl.32, No.2.

3 Commons' jn. Ire., xvii. app. cci.

4 Ibid., app. ccv.

5 Ibid., xix. app. dcccxxix.

how much bribery entered into the subject it is impossible to tell. Blackstone believed that gaolers held during pleasure[1] and this principle appears to have been generally acted upon. Thus in 1651 a master of the Dublin house of correction was appointed 'dureng the pleasure of the cittie'[2] and, in 1619, the first gaoler of Enniskillen was allowed to hold the post 'dureing good behaviour'.[3] The keepers of Newgate annually petitioned Dublin corporation to be kept in that employ, a request which was usually granted.

Gaolers and marshals might hold office for quite some time. Thus a gaoler in Kinsale was so employed for 43 years;[4] and one marshal of the four courts marshalsea held for the same length of time.[5] But in 1796 the inspector general of prisons reported that in co. Tyrone, 'a bad custom' prevailed, that of turning

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1 Commentaries on the laws of England, i.345, footnote 17.

2 Cal.anc.rec. Dublin, iv.2. However, in 1580 a man was appointed gaoler of Newgate for his 'natural lyfe'. Ibid., ii. 148.

3 W.C. Trimble, The history of Enniskillen, iii. 868.

4 Howard, Lazarettos, p.90. In 1794 the keeper of Longford gaol declared that he had held that office for 18 years. S. Denniston to [illegible], 24 Feb. 1794, P.R.O.I., Cal. O.P. carton 508/17 doc. 11.

5 Commons' jn. Ire., xi. app. cxxx.

out gaolers without cause, which he thought, 'highly injurious to the prisoners', as it was 'a source of corruption and extortion'.[1] The post sometimes went from father to son. For example, in 1679 the ailing governor of Newgate asked Dublin corporation to allow his son to succeed him, which request the corporation granted.[2] Newgate was ruled by the Roe family from 1745 to 1789. There are also several instances where the post was held jointly.[3] The office was sometimes held by very elderly men though their age seriously interfered with the performance of their duty. Thus in 1782 the keeper of Newgate admitted that he had been unable to visit the prison for five or six months because of infirmity[4] and in 1787 a house of commons committee found the governor of the Dublin four courts marshalsea, 'old and infirm and ill fitted to discharge the duties of such an office'.[5]

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1 Ibid., xvii. app. ccxi.

2 Cal.anc.rec.Dublin, v.182. For another example of this see the Report from the commissioners appointed to enquire into ... gaols in Ireland, (1809), p.14.

3 Cal.anc.rec.Dublin, xiii. 169, xiv. 279.

4 Commons' jn. Ire., x. app. dxxxiii.

5 Ibid., xii.app.dxxx. The committee also resolved that the keeper of the city bridewell should be discharged because he was 'an infirm debilitated old man unfit for his office'. Ibid., app. dxxxiv.

Gaolers' salaries.

In the seventeenth and eighteenth centuries gaolers were expected to live chiefly off the fees they received from their prisoners, hence salaries were usually modest and often ill-defined. For instance, in the charter given to Carrickfergus in 1613, the king granted the gaoler:

> 'all such & as many fees, vales, rewardes, comoditys, proffitts, emoluments & advantages as ye keepers of our gaol in ye county of Antrim or elsewhere are accustomed to receive levy or have.'[1]

Parliament first legislated on the subject in the session of 1634-5, when it empowered justices of the peace to appoint the salary of the keeper of the local house of correction, which sum was to be paid quarterly.[2] Nothing more was said of salaries until 1719 when grand juries were permitted to present £10 a year for gaolers and

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1 List of mayors and sheriffs of Carrickfergus, p.23. P.R.O.N.I., MS DOD 162/1. For another example see the Charter of the city of Kilkenny for 1609 (printed by T. Shearman) p. 25.

2 10 & 11 Charles I, c.4 cl.5. In 1702 Waterford corporation agreed that 'Thomas Adamson have two pounds p.ann. for keeping the house of corrcion he useing his dilligence to take up vagabonds & carrying them before Mr. May'r that they may receive due punishm't; that he be payd sixpence for each he whips by Mr. May'rs ord'r that he keeps an acc't in writeing of such p'sons as he whips.' Council bk, 9 June 1702. In 1709 the salary was raised to £4. Ibid., 19 Sept. 1709. However, a few years later it was reduced to £2. Ibid., 12 Nov. 1713.

£5 for keepers of houses of correction.[1] In 1763 gaolers were granted an additional £10 per annum.[2] However, as the century grew older the realization grew stronger that underpaid gaolers might take to extortion thus, in 1783, a committee of the house of commons resolved that 'adequate and sufficient salaries should be appointed for jailers.'[3] Parliament thereupon empowered grand juries to present for such salaries as seemed satisfactory but it did not mention any specific sum.[4]

Generally speaking, though salaries remained small throughout most of our period, they did increase as the century advanced. Thus that of the keeper of

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1 6 Geo.I, c.10 cl.10. Not all gaolers were paid as much as was allowed by law. For instance, in 1734 the keeper of the house of correction in Drogheda received only £2.10s. a year. Corp.min.bk, p.5. In 1728 the grand jury of co. Louth presented £10 for one year's salary for the keeper of the house of correction, 'and for buying hemp seed and flax and improving ground for sowing such seeds'. General assize bk, 30 July 1728. The county gaoler received only £5 a year. Ibid., 16 Mar. 1721, 10 Mar. 1724. In 1739 the gaoler of Carrickfergus got but £4 annually. Records of Carrickfergus, p. 119. P.R.O.N.I., MS T 707.

2 3 Geo.III, c.28 cl.27.

3 Commons' jn. Ire., xi.app.cxxxi.

4 23 & 24 Geo.II, c.41 cl.12.

Lifford gaol rose from £10 in 1754 to £20 in 1767.[1] The gaoler of Youghal received £4 in 1777 but that sum had doubled by 1792.[2] The grand jury of co. Mayo raised the salary of their gaoler at Ballinrobe from £5 in 1793 to £10 in 1794.[3]

Despite the slow rise in salaries some gaolers found themselves in financial difficulties. For instance, in 1788 the keeper of Kilmainham prison declared that it was 'absolutely impossible' for him to act on a

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1 Co. Donegal grand jury presentment bks, 1753-62, p.7, 1763-8, p. 323.

2 Caulfield, Youghal, pp.499, 526. In 1677 the gaoler of Waterford was being paid about £5 a year (Pender, Waterford, p.165), but that sum declined rather than increased, thus in 1709, the 'city marshale and gaol'r' petitioned for a rise, and so had his salary augmented to 'foure pounds p.ann.' Council bk, 19 Sept. 1709. In 1730 the corporation decided to raise the sum to £12 a year, the better to enable the gaoler 'to take care of his gaol & prisoners'. Ibid.,22 Oct. 1730. By 1773 the salary had risen to £20 annually. Ibid., 16 Apr. 1773.

3 Grand jury presentments, 1792-4.

salary 'so very inadequate to the expence and trouble'.[1] However, there were ways of raising gaolers' salaries surreptitiously. Thus in 1788 a member of parliament asserted that when he had served on the grand juries of co. Dublin, 'those juries had found themselves under the necessity of passing presentments for various articles charged somewhat high, in order in some degree to compensate the gaoler for the smallness of his salary'.[2]

John Howard made a list of some salaries that were paid during the years 1787 and 1788. Thus at Castlebar, Tralee and Sligo, gaolers received £30 per annum, while the keepers of the prisons of counties

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1 Commons' jn.Ire., xii.383 (27 Feb.1788). He was obliged, he said, to pay for an 'executioner for the condemned' which, in co. Dublin, annually amounted 'to a large sum'. Moreover, he had to provide 'bolts, shackles, manacles, locks, ropes, and all other instruments and materials.' Furthermore, had to keep 'a hatchman, turnkey and two servant women'. Ibid., 204 (20 Feb.1787). Ten years later the salary there was reported as only £25 a year. Ibid., xviii.app.cclxvi. The keeper of the Dublin sheriffs prison was obliged to pay all the 'subordinate officers' in his gaol as well as sweepers, white-washers and for all minor repairs. He had no salary at all; his profits arose 'out of room rents and certain fees'. Report from the commissioners appointed to enquire into...gaols in Ireland, (1809) p. 22.

2 I.P.R., viii. 408.

Galway, Cavan, Tyrone and Armagh got £20.[1] The report of the inspector general of prisons for 1796 lists some others. For example, gaolers in Carlow, Phillipstown and Leitrim received £25 annually, while the keeper of co. Cavan gaol now got £30. The gaoler at Omagh got £20, the keeper at Ennis £40, and the gaoler of the liberty of St. Sepulchre, £10.[2]

Gaolers were usually paid by presentment, receiving half of their salaries at each assize. However, as this system involved frequent delays salaries were sometimes in arrears. Thus in 1787

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1 Lazarettos, pp. 89-99. In 1793 the gaoler at Naas got £50 a year and the one at Athy £10. Co. Kildare summer assizes bk, p. 2. Between 1792 and 1795 the gaoler of co. Mayo received £30 annually. Grand jury presentments bk.

2 Commons' jn. Ire., xvii. app. cci, ccii, ccv, ccxi. For most of the eighteenth century there was no grading of salaries to accord with the importance of the several prisons. Thus in 1720 the keepers of the gaols of Carrickfergus and of Newgate (Dublin), despite the difference in the size of their prisons, received, each of them, £10 per annum. McSkimin Carrickfergus, p. 305. Commons' jn. Ire., iii. app. ccclxxxvi. However, in 1786 parliament ordered the grand jury of Dublin to raise the salary of the keeper of the new Newgate (the largest gaol in Ireland and often termed New Prison) from £20 to £100 yearly. 26 Geo. III, c. 27 cl. 47. This actually gave the keeper £120 per annum of which £50 was presented by the grand jury and £10 by the tholsel court every six months. Ibid., xii. app. dccxxxv.

it was said that the gaoler of co. Cavan had not been paid in five years.[1]

It was not unknown for some gaolers to earn a little more money by doing extra duty. For example, in 1742 the gaoler of Drogheda received three shillings per week for five months, 'for his extraordinary expence and charges in watching and securing the prisoners on account of the defficiency of the jayle', and, in 1794, another gaoler there got ten guineas 'as a recompence for his extra ordinary trouble and attention etc. for the time past.'[2]

Marshals.

It may be useful at this point to consider the office of marshal which was different from that

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1 Howard, Lazarettos, p. 95. It appears that keepers of houses of correction continued to be paid small salaries. Thus in 1754 the keeper at Lifford received £5 a year as did the one at Carlow in 1800. Between 1792 and 1795 the keeper of co. Mayo received £10 per annum. Co. Donegal grand jury presentment bk, 1753-62, p. 14; Co. Carlow summer assize bk, 1800, p. 4; Co. Mayo grand jury presentments bk, 1792-5. However, the keeper of the Dublin bridewell was getting £20 between 1769 and 1783. Cal.anc.rec. Dublin, xii. 29; Accounts of N. Warren, lord mayor of Dublin, May-September 1782, p. 59.

2 Corp.min. bk, pp. 70, 654. At its spring assize in 1794 the grand jury of co. Mayo allowed its gaoler £10 'for extra attendance'. Presentments bk, 1792-5, p. 103.

of a gaoler although it was not unknown for both posts to be held jointly.[1] A marshal was the governor of a debtors' prison, usually termed, marshalsea. Like ordinary gaolers they did not have to have any experience in the duty before being appointed. Thus in 1683, 'one of the officers at mace' was appointed marshal in Dublin[2] and, in 1788, a 'free carpenter' was made marshal and bridewell keeper of Drogheda.[3]

A marshal generally provided his own prison by renting a house for that purpose[4] but it was not

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1 For example, see Gogarty, Drogheda, p. 180. See also below p.345For an illegal example of this see Cal. anc. rec. Dublin, iii. 348. The term marshal was sometimes used to connote gaoler. For instance, in 1654 Dublin corporation agreed to appoint Oliver Walsh, 'marshal of this cittie', upon his 'surrendringe the marshalls place of Newgate'. Ibid., iv. 73.

2 Ibid., v. 281. In 1687 a 'gentleman' was given the office. Ibid., p. 455.

3 Corp. min. bk, p. 411. Their duties never were defined by parliament and it is interesting to note that neither Blackstone nor Bullingbroke mention them.

4 In 1688 a Dublin marshal informed the city assembly that he had been 'at great expenses in provideing and furnishing a house convenient for a marshallsey, and in maintaineing a great many servants and poor prisoners committed to his charge'. Cal. anc. rec. Dublin, v. 462.

uncommon for the local magistrates either to rent a house for his use, or to pay the rent on a dwelling he had chosen. For instance, in 1678 the marshal of Drogheda was obliged to keep 'conveniency in his dwelling house for prisoners committed for debt', but by 1728 he was being allowed £2 from the corporation for renting a house for that purpose.[1] In 1671 Youghal council rented one for forty shillings[2] while in 1716 Cashel corporation did likewise for £2.10s. per annum.[3] In 1717 Dublin corporation

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1 Gogarty, Drogheda, pp. 180, 388. In 1672 Waterford corporation granted its marshal £5 'towards this yeares rent of his dwelling house, being the marshalsey of the city.' Pender, Waterford, p. 113.

2 Caulfield, Youghal, p. 336. In 1720 forty shillings was raised on the inhabitants of Enniscorthy for renting a house to use as a marshalsea. Hore, Wexford, vi. 532.

3 Corp. min. bk, 24 Oct. 1716. Between 1744-6, a marshalsea was built at Enniskillen at the expense of that corporation. W.H. Bradshaw, Enniskillen long ago, p. 8. See also Caulfield, Cork, p. 48 and Kinsale, pp. 9, 104. During the latter part of the seventeenth century both the Dublin city marshalsea and the four courts marshalsea were in one building in Bridge street. However, in 1698 they were separated by act of parliament. 10 Will. III, c. 9. cl. 10, 11. J.T. Gilbert, A history of the city of Dublin, i. 334. Throughout our period there were two marshalseas in Dublin: The city marshalsea controlled by the corporation and the four courts marshalsea, 'the traditional prison for debtors from all over Ireland ... its governor ... was appointed by the crown.' R.B. McDowell, The Irish administration, 1801-1914, p. 146.

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built a marshalsea 'on the Merchants Keay' (the site cost £450) and rented it to their marshals at £80 a year.[1]

Marshals were expected to live chiefly from the fees and chamber rents which they collected from the inmates of their prisons. Thus in 1688 the marshal of Dublin informed the city assembly that there was due to him 3s.6d. 'from persons arrested by vertue of any action out of the tholsel court, which had been

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1 Cal. anc. rec. Dublin, vii. 92. By 1734 the building was in ruins and had to be repaired at the cost of £107.7s.3d. The marshal expended the sum but the corporation allowed him to subtract it from his rent. However, he was warned that in future he would have to repair the building at his own charge. Ibid., viii. 151. The corporation experienced considerable difficulty in collecting its rent. Thus by 1731 marshal John Forrest was £340 in arrears (Ibid., p. 3) and his successor, John Cook, owed £520 by 1740 and claimed that it was impossible for him to pay either the arrear or the rent. Ibid., p. 379. By 1750, Cook owed £740 and a committee set up to investigate the situation urged that he and the two Dublin merchants who were his sureties be sued. Ibid., ix. 336. However, the corporation with 'great charity' accepted a compromise: £400 in lieu of all arrears due to September 1750. Ibid., p. 356. Cook, who managed to raise the necessary sum, died shortly afterward and was succeeded, in February 1751, by William Delmain, a merchant, who was obliged to pay £120 per annum in advance for the office and to repair the marshalsea and the dwelling house attached to it. Ibid., p. 371. In July 1762 the corporation, having taken into consideration that for the previous year the receipts of the marshalsea amounted only to £250 while rent, wages, taxes and repairs came to £160, ordered that Delmain was to be allowed £20 annually out of the marshalsea rent. Ibid., xi. 82.

taken ... by all former marshalls', moreover, he asserted that this fee was the 'greatest perquisitt' attached to the office.[1]

However, besides their fees marshals sometimes received salaries from their local corporations. Thus in 1658 the marshal of Kilkenny was allowed five pounds[2] and in 1718 Cashel corporation paid its marshal £1.10s.[3] In 1776 Belturbet corporation also paid its marshal £1.10s. and as well provided him

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1 Ibid., v. 462. The fees of the marshal of the liberty of St Sepulchre, as registered in 1717, were as follows: 'For appraisal /of/ goods, 1s. per pound; For every person arrested, 2s.4d.; For the bond for the person /to/ appear, 1s.; For every nights lodging, 1d.; For every commitment, 2s.4d.; For summoning every jury and return, 2s.9d.; For every writ or enquiry of damages, 2s.6d.; For executing every writ of replevan and exam, 2s.6d.; On exam. 1s. in the pound for 1st £100 and 6 pence for every other; For sealing every measure under a gallon, 2d.; For sealing every measure over a gallon, 4d. P.R.O.I., MS 1A 4149 Monk Mason Abstracts, St Sepulchre Liberty Rules, For another example of such fees see Caulfield, Youghal, p. 42.

2 John Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, 1 (Part 1) 283 (1870).

3 Corp. min. bk, 25 Mar. 1718. In 1693 the marshal of Ardee was granted 'the usual salary of 4 pounds a year'. Corp. min. bk, 20 Sept. 1693.

with some clothing.[1] By 1727 the marshal of the four courts in Dublin was receiving £280 a year 'over and above the lawfull fees of his office computed at £120 p.a.'[2]

During the eighteenth century parliament passed several bills which freed debtors and allowed them to quit their marshalsea without paying fees. These relief measures often were strongly resented by marshals, some of whom claimed to have lost substantial sums through them. For example, one Dublin

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1 See above p.121. In 1686 the salary of the marshal of Drogheda was 'advanced' to £9 a year; it was raised to £10 in 1701 but out of that sum he was obliged to pay £6 annually in rent for his marshalsea. Gogarty, Drogheda, pp. 214, 274. In 1768 the corporation appointed a man both bridewell keeper and marshal at the 'usual salarys' of £5 and £10. However, in 1784 the corporation allowed the marshal £5 annually 'in augmentation of his sallary'. Corp. min bk, pp. 294, 550. In 1743 Navan corporation gave a man 50s. for 'keeping the marshall for this ... year and forty shillings for every year there after.' Corp. min. bk, 29 Sept. 1743.

2 Irish civil list for 1727, B.M., Add. MSS 8870. p. 42. In 1784 the house of lords were told that an 'elegant' house had been built at the public charge for the marshal of the Dublin four courts, who, moreover, had 'a large salary and great emoluments of office to the amount of £2,000 a year and upwards.' I.P.R., iii. 118. However, in 1787 a Dublin marshal asserted that his rents and fees 'if demanded and enforced' would amount to £200, but 'he seldom received more than half that sum.' Commons' jn. Ire., xii. 173 (5 Feb. 1787).

marshal asserted that he had lost £500 by one such act, and a marshal of the four courts declared a loss of over £831 when 190 persons indebted to him were released.[1] Another marshal of the four courts once claimed that when 167 persons were permitted to leave that prison by act of parliament between 1796 and 1798 he had lost £1,088 through the very many small sums owing to him being cancelled.[2]

In hopes of recouping their losses several Dublin marshals appealed to the corporation for redress. Thus in 1711 one such officer received £30 from the city because of the passing of a debtors' relief bill, and in 1731 the corporation remitted, for the like reason, £200 of an arrear in rent (the arrear amounted in

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1 Cal.anc.rec. Dublin, vii. 740.; Commons' jn.Ire., xv. 42 (11 Feb. 1792). Not only marshals resented them. There is, in Marsh's library, an interesting petition written by some confined debtors and sent to the house of commons which denounced both the heartless reaction of creditors to such bills as well as the attempts they made to prevent them from becoming law. The document is undated but is probably early eighteenth century. ZI. 1.13.99. The town clerks of Dublin also claimed to be very much injured by these relief acts and often petitioned the corporation for a 'consideration' to make up their losses. For examples see Cal.anc.rec.Dublin, vi.480.; vii.461.

2 Petition to the house of commons of H. Ormsby, circa, 1798, P.R.O.I., Cal. O.P. carton 512/52, doc.16. One debtor owed the marshal £23, another £13 and yet another £20, but these were by far the largest amounts owing to him. Ibid.

the whole to £340) owed by another marshal.[1] In 1765 a committee reported to the city assembly that as 'the most part' of the debtors committed to the city marshalsea were 'persons of the lowest condition unable to pay ... the marshal for his fees' he was therefore 'frequently' obliged to discharge them without any, particularly when their debts were paid by 'composition out of any charitable funds collected for that purpose'. Moreover, the committee declared that since a new act of parliament forbade gaolers to sell liquor in prison, the marshal had been thus deprived 'of the greatest benefit that he had'. Of consequence, the committee were of opinion that his arrear in rent should be cancelled and that he should be exonerated from paying rent in future, provided that he promised 'to remit all fees upon warrants from the court of conscience and not

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1 Cal.anc.rec. Dublin, vi.424, viii. 3. For other examples of this see, vi. 339 and x. 242. The government sometimes granted its marshal at the four courts similar compensation. For example, in 1792 they paid him £412.8s.10d.; in 1796 he was granted £800 and in 1800 he was given £900. Commons' jn.Ire., xv. app. cclviii.; xvi. 205 (17 Feb. 1796); xix. index: supply, No. 32.

upon any account to farm the fees of the gaol'.[1]

Some marshals had interests other than those pertaining to their marshalseas. Thus in Dublin, in 1640, a man was appointed as well marshal as 'deputie clearke of the markett in the shambles according the auncient custome'.[2] In 1678 the marshal of Drogheda was also town sergeant[3] while between 1707 and 1711 the marshal of Fethard also held that same post.[4] In 1801 Ardee corporation gave five guineas to its 'marshal &

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1 Cal.anc.rec.Dublin, xi. 287-8. The committee's report was made an act of assembly except that part relative to the remitting of fees upon persons committed by warrants from the court of conscience. Ibid.

2 Ibid., iii. 373. In 1675 another Dublin marshal declared that he had been hired by the corporation 'to make fire workes' for the civic reception of the earl of Essex and 'alsoe was imployed to take a journey into the country to summon Mr. Eccles to take upon him the office of the sherivaltie of this cittie, being elected thereunto'. Ibid., v.63. However, in 1786 the legislature separated the offices of Dublin city marshal and keeper of the city marshalsea because the extra duties of the former infringed too heavily on those of the latter. 26 Geo.III, c.27 cl.34.

3 Gogarty, Drogheda, p. 180. However, in 1701 that corporation decided that it was not 'convenient' for the marshal to be macebearer as well. Ibid., p. 274. But in 1740 both posts were again being held by the same man. Corp.min.bk, p. 57.

4 Council bk, pp. 51, 61, 65, 79.

constable ... for his extraordinary trouble in billetting soldiers,& other matters in execution of his office'.[1]

Gaolers' fees.

The fees that they collected were, in many cases, the most important source of income that eighteenth century gaolers and marshals possessed. However, such a system led to much suffering on the part of poor prisoners,[2] hence in the second half of the century it became a question of vital importance to reformers. 'What can be more horrible than to detain in a dreary dungeon a man whose innocence has been declared by his country' asked one member of parliament.[3] 'How surprising it is', said John Howard, 'that any kingdom can endure such injustice.'[4]

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1 Corp.min.bk, 23 Apr. 1801.

2 For example, in the early part of the eighteenth century, the more than 100 'superlatively wretched' prisoners confined in the Dublin city marshalsea (chiefly for 'small sumes...and many for lodging and marshals fees'), sent a petition to the house of commons describing how 'frequently' persons were arrested for as little as two shillings; then, having paid their debts, some of them were 'unable to defray the cost of their arrestment' and so remained in the marshalsea exposed to 'inevitable ruin' except the 'compassionate marshal shall forgive his just right and demands'. Petition from the debtors in the city marshalsea to the house of commons, undated but probably circa 1703-14, Marsh's Library, Dublin, MS Z1.1.13.100.

3 I.P.R., ii. 415.

4 State of the prisons, p. 203.

On investigation, however, the injustice proves somewhat less than astonishing, for it was irretrievably enmeshed both in custom and necessity. Gaolers' salaries were generally low and sometimes non-existent or, where they did exist, often difficult to collect. Of consequence fees were the traditional way of making up these deficiencies. Attempts to change the system met with fierce resentment. Thus in 1697 the keeper of the Dublin four courts marshalsea was arrested by order of the house of commons, not so much for his extortions as for speaking 'scandalous, derogatory and disrespectful words reflecting the honour of commons' when he denied their right to regulate his fees.[1] Over a century later, and despite several enactments by parliament, the inspector general of prisons disclosed that in the gaol of Waterford city:

> 'an usual fee of one shilling on the discharge of each debtor was demanded by the clerk of the peace to which he asserted he had a legal right under the charter of the city.'[2]

The problem was a very old one. For example, in 1323 the king ordained that a person discharged from prison

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1 Commons' jn. Ire., ii. 218 (17 Nov. 1697).

2 Ibid., xix. app. dcccxxxvi.

was to pay four pence to the marshal 'and no more'. A marshal guilty of contravening the statute was obliged to make satisfaction to the person aggrieved and, moreover, might be heavily punished on behalf of the crown.[1] In 1542 parliament enacted that any person who had been acquitted of the charges brought against him and was unable to pay his prison fees might go begging for them for six weeks if he obtained licence from the gaoler to do so.[2]

The towns made their own schedules. Thus in 1447 Dublin city assembly made a short list of its fees: each prisoner, if liberated on the day of committal, was to pay one penny; if he remained in custody overnight the fee was two pence.[3] In 1590 Kilkenny corporation was obliged, because the gaoler took excessive fees, to draw up a schedule and to declare that 'no

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1 Stat.Ire., John-Hen.V., i. 294. In 1342 parliament complained to the throne that when a sheriff 'or other officer' was arrested and sent to the marshalsea, he was forced to pay half a mark every night which, the legislature thought, a 'great oppression'. Ibid., p. 357. See also Ibid., p. 385.

2 33 Henry VIII, c. 15 cl. 9.

3 Cal.anc.rec.Dublin, i. 272.

other be hence forth taken'.[1]

In 1697 a great scandal arose over the amount of fees charged in the two Dublin marshalseas. The house of commons set up a committee to investigate the matter, and when the committee reported that the fees claimed by the marshal were 'grievous, and excessive and fit to be regulated'[2] a bill was quickly prepared and passed to remedy the abuse.[3] Unfortunately the new act referred only to Dublin and it was not until 1717 that parliament legislated for the whole country when it required all gaolers to register their fees at the council office in Dublin and to post up duplicate schedules in some 'convenient' part of their prisons.[4]

But without constant inspection these acts became expressions of good intentions rather than practical remedies, for they were universally ignored. Thus in 1729 a commons' committee, set up to view Newgate and the sheriffs marshalsea in Dublin, complained

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1 John Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, i. (Part 1) 291 (1870). For the gaoler's fees at Youghal in 1615 see Caulfield, Youghal, p.40.

2 Commons' jn.Ire., ii. 201 (18 Sept. 1697).

3 10 Will.III, c.9. See appendix C.

4 4 Geo.I, c.8 cl.1, 2.

that the keeper of those gaols had no list of fees posted up in either prison and, on being taxed for this neglect, he did, after some days, produce a list of such fees 'as he pretended to have a right to' but these exceeded a previously registered schedule 'in almost every article' and, moreover, contained 'many new articles contrived by himself in order to defraud and oppress his Majesty's subjects.'[1] To remedy this situation, and with an eye to the 'great' expense to which the nation was being put for maintaining prisoners for fees, parliament, in that same year (1729) enacted that judges of assize, when on circuit, were to enquire into prisons and 'upon a representation of the grand jury' that certain prisoners were unable to pay their fees, were immediately to discharge them.[2]

In 1755 a bill which would have discharged acquitted persons without fees (and which, to disarm discontent, provided compensation for sheriffs, gaolers and clerks of the crown) was passed and sent to the lord lieutenant but then disappeared.[3] However, eight

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1 Commons' jn.Ire., iii. app. cccIxxxvi.

2 3 Geo.II, c.9 cl.6. In 1745, upon the appointment of a new gaoler at Newgate, Dublin corporation required him to lay before it a list of his fees in order to regulate them. Cal.anc.rec.Dublin, ix. 178.

3 Commons' jn.Ire., v.249 (17 Nov.1755) 359 (27 Jan.1756).

years later such a measure was enacted, but it was complicated in structure and cumbersome in practice. Thus grand juries were empowered to present for 'customary and legal fees' due from those against whom bills of indictment had not been proved. The prisoners, however, had to be certified by the petty jury before which they had been tried, that they were worthy to receive clemency under the act. An affidavit by the clerk of the crown or peace of the particulars of such fees was to be sent to the grand jury, and only after the justices of the peace confirmed such presentments, were the prisoners to be released. No fees were to be demanded from anyone acquitted at the general quarter sessions of the peace, and any officer taking them faced a penalty of £20. Justices of the peace were empowered to deprive anyone they considered 'unworthy' of the benefit of the statute. Grand juries of counties at large might present £10, and those of cities, £5; these sums were to be divided proportionately among officials in a manner 'in which they heretofore stood entitled' to such fees. No county at large might present, at any one assizes, more than £20 for this purpose (save co. Cork which might present £30) or a county of a city more than £10.[1]

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1 3 Geo.III, c.5 cl.7.

However, because of the cumbersome methods employed and the smallness of the sums allowed to be presented, the act was in general, a failure. Howard wrote, 'many that are acquitted receive no benefit by it.'[1]

In that same year (1763) parliament also attacked another aspect of the problem: the proper amount of fees. It decreed that all gaolers were to send a table of fees to their grand juries and, if approved of by the latter, and that approbation confirmed by the justices of assize, the schedule was to be posted in a public place in the gaol, court and sessions house, and in the grand jury room.[2]

Although some reforms had thus been attempted it was evident that much more remained to be done before

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1 State of the prisons, p. 203.

2 3 Geo.III, c.28 cl.2. Gaolers contravening the act might be fined forty shillings.

critics of the system could rest content.[1] Hence in 1775, a bill 'for better ascertaining' the fees of gaolers and other officers, 'upon discharging prisoners on crown prosecutions', was passed but disappeared after being sent to the lord lieutenant.[2] However, a bill passed in the session of 1781-2, which freed all prisoners then confined only for their fees was allowed by the government. Grand juries were permitted, if they were so inclined, to present for such fees and to pay them to the respective officers.[3]

Nevertheless, one may well wonder how effectively such statutes operated when, in 1782, the keeper

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1 For instance, a hypothetical situation was described in one newspaper in which a 'poor stranger' having been put in gaol 'for a supposed assault', had to 'lie in misery' until the next assizes, 'six months off' and then having been acquitted he immediately fell 'a prey to the clerk of the crown, sub-sheriff, gaoler, turnkey and others, for fees for indictments, 'for upon every assault there were, 'several indictments charged to enlarge the fees', and if a man had not money to pay 'between five and six pounds...he must languish in prison till next assizes, being six months more, and then if he can't find the money, he is presented as a vagabond, and the sub-sheriff gets five pounds, besides traveling charges from the county for having [him] transported and made a slave for five years.' Cases of this kind were said to happen 'frequently all over the kingdom'. Freeman's Jn., 13 Mar. 1764. For an example of how a poor creditor, in attempting to recover a debt, might also end up in a marshalsea, through inability to pay his solicitor's fees, see Faulkner's Dublin Jn., 2 Jan. 1749-50.

2 Commons' jn. Ire., ix.233 (11 Dec.1775) 246 (22 Dec.1775).

3 21 & 22 Geo.III, c.41 cl.1,2.

of Dublin's New Gaol (the country's most important prison) declared that he had not hung up a schedule of fees 'as he did not know that it was so directed by any act' and his deputy said, 'that he did not know of any act of parliament requiring that tables of fees were required in gaol.'[1]

To remedy such deficiencies, parliament again legislated for fees in the session of 1783-4. The new act repealed that of 1763 (3 Geo.III, c.5) and freed everyone held in prison solely for fees. All fees were abolished, and in lieu of them grand juries were allowed to present whatever sums they thought 'proper' to serve as recompense, but these were not to exceed the previous amount of such fees, and were to be paid only in proportion as such officers formerly had been entitled to them.[2]

Such presentments sometimes amounted to substantial sums. For example, the keeper of the gaol of Cork city received £10 at the spring assize of 1787, but as his salary was only £25 a year it can be seen how large a proportion of his income depended on

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1 Commons' jn. Ire., x. app. dxxxiii.

2 23 & 24 Geo.III, c.34 cl.1, 5, 9.

fees.[1] At the summer assizes of 1793 the grand jury of co. Kildare presented £5.6s.8d. for the county gaoler; £20 for the clerk of the peace; £11.6s.8d. for the under-sheriff, and £22.9s.2d. for the clerk of the crown, for fees of prisoners acquitted at the sessions.[2]

In 1786 parliament commanded the inspector general of prisons and the prison inspector for co. Dublin, jointly, to draw up a table of fees, which table, having been approved of by the court of king's bench, was to 'serve as a general regulation for fees' throughout the country.[3] There was, however, a good deal of

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1 Howard, Lazarettos, p.89. Some gaolers were not at all pleased by the new system. For instance the keeper of Kilmainham prison complained that he got but £5 at the Easter and Michaelmas terms which was 'no equivalent' to what he had formerly received. Commons' jn.Ire., xii. 204 (20 Feb. 1787).

2 Summer assizes bk, p.3. At the same time the grand jury of co. Mayo presented £48, for the high sheriff 'for prisoners fees at quarter session', and at the following spring assizes £9 was similarly presented for the county gaoler. Indeed, in the seven assizes held in this county between 1793 and 1795 the sum of £549.17s.8d. was presented for prisoners' fees due to various county officers. Grand jury presentments, 1792-5. For other examples see the co. Carlow summer assizes (1800) book, and the co. Donegal grand jury presentment books.

3 26 Geo.III, c.27 cl.32, No.11. The inspector general was required to distribute copies of the schedule to the county inspectors who were to hang them up in a conspicious part of their prisons.

criticism levelled at these reforms and in 1787, 1788 and 1795 attempts were made to amend the statute of 1783-4. Thus one member of parliament thought it:

> 'an extreme hardship on the counties to be obliged to present for the fees that ought to be paid by the culprits themselves; were innocent men only to be exempted he was ready to consent; but when he saw the same person tried repeatedly, perhaps a dozen times, though acquitted, he could not deem him innocent; and must think it a hardship on the county to be obliged to present the greatest sum of fees on account of the greatest rogue.'[1]

The secretary of state defended the reforms, declaring that in the 14 years he had acted as a judge of assize, he had witnessed 'too often' the hardships of those confined for fees, 'confined to the utter misery of their families', he said, and until 'every spark of religion and morality which they carried into gaol with them was extinguished.'[2]

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1 I.P.R., viii. 347. Previously persons whose innocence was very doubtful might be conveniently retained in prison on the excuse of non-payment of fees.

2 Ibid., vii. 269. In February 1788 he told the commons of a plan he had drawn up. He wanted to take an annual average of the fees such county officers had received for seven years before the act came into force, and to allow them an annual salary, equal to that average, for he knew well he said, that recently 'a practice had been introduced of splitting charges into a multitude of indictments, in order to multiply fees upon the counties.' Ibid., viii. 347.

Another member told the legislature:

> 'Another cause that makes gentlemen anxious, to get rid of the act is, that clerks of the crown apply to grand juries with singular industry, and with as much canvassing as for an election to obtain presentments, under pretence of loss of fees to more than those fees would have amounted to. But this only shews the want of firmness in grand juries, and gentlemen would relieve them from importunity by recurring to the old practice.'[1]

The attempts made to amend the statute of 1783-4 failed, but the act itself was not sufficient to arrest all the abuses parliament had hoped to correct. Thus in his tour in 1787-8, John Howard discovered that there was no table of fees in most gaols.[2] Another reformer, Jeremiah Fitzpatrick, concurred with Howard saying:

> 'The table of fees is seldom or never hung up ... except at the times of assizes, or during the commission in Dublin. Whenever I have called to gaolers to produce their table of fees, they never chuse to make one for debtors; and many of them assured me that they don't consider debtors under the head of prisoners, nor have they thought themselves obliged at any time to put up a table of their fees, norwithstanding that several of them produced me the act which obliges them to state the fees of prisoners, and

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1 Ibid., vii. 268. In 1795 it was said that if the act were repealed 'five gaols in the counties of Galway and Clare would not hold all the prisoners who would be detained for fees. Cork Courier, 11 Feb. 1795.

2 Lazarettos, p. 88.

> 'fix them in some conspicious place; such is the equivocal manner by which they wish to distinguish between a prisoner and a debtor; their reason for this distinction is too evident to require any explanation!'[1]

In 1796 the inspector general of prisons discovered at Carrickfergus gaol, 'a man who had been then detained for fees ten months over the term of his sentence which was one week's imprisonment only.'[2] Of the prison of Limerick city he declared, that:

> 'an exerable custom prevails here when prisoners be a long time for their fees and the assizes are approaching the gaoler conveys such prisoners heavily ironed across the river into a house of industry that is never visited or inspected; I found three such unfortunate prisoners and had them discharged.'[3]

In some counties the size of the fees continued to remain a problem. For example, the inspector general thought that those collected in co. Mayo were 'astonishing', and of co. Leitrim he said 'Fees all over this province are excessively high.'[4] Parliament touched on

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1 Gaol abuses, p. 92.

2 Commons' jn. Ire., xvii. app. cc.

3 Ibid., app. ccviii. At the gaols of co. Longford and the town of Galway prisoners were 'always' confined for fees. Ibid., app. cciii.

4 Ibid., app. ccvix, ccviii. Of Roscommon gaol he said, 'Fees here are very high.' Ibid., app. dclxiv.

the subject again when, in 1793, 'to calm doubts as to what the marshal's fees are', it revived the act of 1698 and applied it once again to the Dublin four court marshalsea.[1] The following year the legislature decreed that persons committed to the Dublin city marshalsea for debts not exceeding forty shillings, were not to pay fees to the marshal.[2] In 1800 the house of commons erected a committee to investigate the problem once again, but this time for the country as a whole. The committee, in its report, not only deplored the different rates of fees being charged in the counties, but also drew up a 'general table of fees' which it urged the legislature to establish throughout the kingdom.[3]

Corrupt gaolers.

Small salaries, the want of proper regulation and ill-defined duties led to serious complaints of corruption, cruelty and neglect being levelled against gaolers and marshals throughout the eighteenth century. Many of these charges were by no means unfounded. Thus in 1704, a Dublin marshal was suspended from office

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1 33 Geo.III, c.35 cl.3.

2 34 Geo.III, c.18 cl.2.

3 Commons' jn.Ire., xix.app. mlxxxviii. See appendix E.

because he had 'greatly neglected' his duties and, moreover, had become a prisoner himself.[1] In 1707 the house of commons dismissed another Dublin marshal for 'several irregularities'.[2] In 1721 the gaoler of Newgate (Dublin) was discharged because he permitted the escape of several notorious robbers.[3] His successor, John Hawkins, suffered the same fate in 1729 when the house of commons resolved that he was guilty of 'the most notorious extortion, great corruption, and other high crimes and misdemeanours'.[4] It was disclosed that Hawkins earned £1,163 a year from room rents, fees and perquisites besides what he obtained from 'infinite extortions' and 'premiums from stolen goods and other private perquisites peculiar to his employment, not to be computed or valued.'[5] He had made it a practice to send thieves out of his prisons[6] to bring back stolen goods, and 'the profits

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1 Cal. anc. rec. Dublin, vi. 302.

2 Ibid., p. 373.

3 Ibid., vii. 157.

4 Commons' jn. Ire., iii. app. ccxc.

5 Ibid.

6 Hawkins was governor of two Dublin prisons: Newgate and the sheriffs' marshalsea. He had held both these offices for 8 years before his dismissal. His official salary as keeper of Newgate was £10 per annum. Ibid.

arising either from the sale or reward for finding were equally divided among them.'[1] It was said that when he hanged thieves he kept their stolen possessions all of which he claimed became his lawful property.[2]

Although Hawkins was, assuredly, an outstanding specimen of a cruel and corrupt gaoler there can be little doubt that the example he set did not want some modest imitators. Thus in 1784 the lord chancellor could complain of negligence in Newgate so 'scandalous' that 'it was almost impossible to come into it without being robbed.' 'And', he declared, 'a like mismanagement existed in all the gaols in the kingdom.'[3]

That low salaries would lead to corruption was recognized by prison reformers. Thus Howard wrote 'when salaries of gaolers are so small persons of credit will hardly accept of the trust; and others

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1 Dublin Intelligence, 16 Dec. 1729.

2 Ibid., 9 Dec. 1729. The newspaper reported that the quantity of stolen plate found in his possession 'was a sight of value enough to become the side board of a peer'. Ibid.

3 I.P.R., iii. 89. After visiting Cork city gaol John Howard wrote, 'by the confusion, discontent and hatred discovered in the countenances of the prisoners when the gaoler was with me ... I am convinced that he was negligent and inattentive.' Lazarettos, p. 84.

will be too ready to make cruel exactions from the prisoners.'[1] A committee of the commons concurred:

> 'The present salaries being insufficient, appears to be the reason why fit and proper persons will not undertake the office, and has been alleged as a pretence to justify many irregularities and extortions that are constantly practiced.'[2]

Poorly defined duties led many gaoler to arrogate to themselves perquisites which they asserted were traditionally attached to their office. For example, one critic observed:

> 'As to the disposal of light and heavy bolts, cells, dungeons, or good apartments, etc. they are matters considered by the gaoler as the perquisites of office and to which from custom he thinks himself really entitled, and may use discretionally to gratify or punish.'[3]

Some gaolers did not live in their prisons. Howard declared, 'a gaoler should not live away from his

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1 Ibid., p. 99.

2 Commons' jn. Ire., xi. app. cxxxi. To augment their income some gaolers baked the gaol bread themselves, which was often underweight and of indifferent quality, and obliged the prisoners to buy it from them at a price which the gaolers set. In 1763 parliament forbade them to do so (or to keep a shop in their prisons) under a penalty of £5 for each offence. 3 Geo. III, c. 28 cl. 41. However, the statute was largely evaded by the gaolers. For example, see Fitzpatrick, Gaol abuses, p. 90.

3 Ibid., p. 89.

prison. The bad consequence of a contrary policy I have often seen and lamented.'[1] Parliament, in 1786,[2] ordered them to reside at their prisons; and two years later the keeper of Newgate (Dublin) admitted that his appointment was 'on condition of residing in the gaol'.[3] However, several gaolers ignored the statute. The gaoler at Cavan certainly did so[4] and the inspector general of prisons observed that the same was true at Newgate (in 1799) and at Ennis.[5]

Bribery was universal and it could make life in prison fairly comfortable for anyone wealthy enough to afford it. For example, in 1796 debtors were allowed to leave the Dublin marshalsea and find employment in the city, 'an indulgence they purchased from the keeper.'[6] In the gaol of Cork

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1 State of the prisons, p. 27.

2 26 Geo.III, c. 27 cl. 32, No. 1.

3 Commons' jn. Ire., xii. app. dccxxxv. However, since there were no quarters available in the prison, he rented a near-by house for £34.2s.6d. a year. Ibid.

4 Howard, Lazarettos, p. 95.

5 Commons' jn. Ire., xix. app. dcclxix; xviii. app. ccxlvi. However, at Newgate the 'under gaoler' was resident and 'extremely vigilant'. Ibid.

6 Ibid., xvii. app. ccv.

city, felons who paid for the 'indulgence' were allowed to live amongst the debtors.[1] The reformer Fitzpatrick observed:

> 'When a gaoler has what he calls 'a good bleeding prisoner' in his custody no matter how henious his offence may be; he generally converts for his use some part of the prison in which he may keep a cow, a pig or a parcel of fowel etc. often to the injury of the other prisoners, as well as from the crowding of them together, as from having the air tainted by the exhalations which arise from the excretments of those animals; and though there may be several apartments for debtors, a gentleman of the above description (by renting the best rooms in the house from the gaoler) will be the cause of having the other debtors so crowded as to render their situations almost intolerable.'[2]

In 1763, in an act 'for better preventing severities and unjust exactions practiced by gaolers against their prisoners', parliament forbade the keeping of hogs or cattle in prison under a penalty of forty shillings per day for each beast.[3] Moreover, justices of the peace were required to examine

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1 Ibid., app. ccii.

2 Gaol abuses, p. 90.

3 3 Geo. III, c. 28 cl. 6.

their local prisons, 'respecting any fraud, severity or exaction of the gaoler' and if such were proved against him, he was to be dismissed unless it appeared that his removal could not be accomplished without danger to the security of the gaol.[1] Furthermore, in the session of 1777-8, parliament declared that a corrupt keeper of a house of correction was to undergo the same penalty as a corrupt gaoler.[2]

However, these statutes were not rigorously enforced and in the session of 1781-2, parliament required the judges on their circuits to examine gaols and the conduct of their keepers and to impose such fines as they thought 'just, according to the circumstances.'[3]

Despite the commands of parliament and the efforts of reformers some gaolers continued in their

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1 Ibid., cl. 13.

2 17 & 18 Geo. III c. 9 cl. 13.

3 21 & 22 Geo. III c. 42 cl. 1. In this same session the legislature also took a stand against the 'great delays' used by gaolers in making returns of writs of habeus corpus. Henceforth gaolers were obliged to honour such writs within three days, unless the commitment was for felony or treason. A first offence against the statute might bring a fine of £100 to be paid to the party aggrieved; a second meant a £200 fine and dismissal. 21 & 22 Geo. III, c. 11 cl. 1,4.

old negligent ways. Thus in 1788 a committee of the house of commons resolved that the gaoler, deputy gaoler and turnkey at New Gaol (Dublin) were 'unfit for their ... offices and should be forthwith dismissed and rendered incapable of being ever re-appointed.'[1] In 1790 a committee of Dublin corporation said of Newgate:

> 'That there has been great supiness and neglect in the prison authorities and [we] think it absolutely necessary that such regulations should be pointed out for the government of the gaoler and his officers as may prevent in future the great irregularities that have been permitted heretofore in the prison.'[2]

In his report for 1796 the inspector general of prisons noted that the keeper of the Dublin four courts marshalsea was 'universally complained of' for severe exactions of rents, fees, bribes and so forth.[3] The inspector general thought that the

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1 Commons' jn. Ire., xii. app. ccxxxvi. The prison chaplain declared that he never saw the keeper in the prison 'above eight or ten times' since his appointment two years before, nor did he see 'an exertion of the gaolers or any persons under them to preserve order or regularity'. Ibid., app. dccxxxiii., dccxxxiv.

2 Cal. anc. rec. Dublin, xiv. 173.

3 Commons' jn. Ire., xvii. app. ccv.

gaoler at Monaghan was 'very careless' and in other respects had a 'very bad character' and he discovered that the keeper of the gaol of St Sepulchre was himself in prison for extortion.[1]

But of course not all gaolers were corrupt or negligent. Thus in 1787 a committee of the house of commons resolved that the conduct of the keeper of the Dublin city marshalsea was:

> 'exemplary, as well in respect to the order and regularity which he endeavoured to preserve in the prison, as in the humanity with which he treated the unfortunate persons committed to his care.'[2]

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1 Ibid., app. ccix, ccv. He declared that there had been complaints about the 'tyranny and rapacity' of the gaoler of Cork city. Ibid., app. ccii. In his report for 1798 the inspector general observed that complaints had been made against the inhumanity of the gaoler at Ennis and he thought that the gaoler of Wicklow town 'ought to be dismissed.' In the same year the keeper of Cork city prison was removed for 'improper conduct' and the gaoler at Londonderry was dismissed for drunkeness. Ibid., xviii. app. ccxlvi, cclvi. In 1797 a colonel in the militia complained that the gaoler at Carrickfergus was 'very often drunk.' He found that keeper one afternoon with 'two bottles of port and one of white wine upon his table.' James Durham to General Lake, 25 Jan. 1797. P.R.O.I., Cal. R.P. carton 620/28, doc. 161.

2 Commons' jn. Ire., xii. app. dxxx.

John Howard observed that in the prison of co. Cork, 'the placid countenances of the prisoners bespoke the keeper to be humane and attentive'.[1] In 1796 the inspector general declared that the gaoler in Mullingar was 'attentive to his duty' and the one in co. Cork 'vigilant and humane'. Despite the many inconveniences of co. Limerick gaol, the prisoners 'did not complain of ill-treatment'.[2]

Staff.

As most eighteenth century Irish gaols were small they did not require very much in the way of staff, nevertheless it is evident that the want of an adequate number of assistants to attend at the larger prisons was a serious problem throughout most of the century. Thus in 1788 the inspector of New Prison (Dublin) blamed the irregularity so prevalent there on 'the want of a

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1 Lazarettos, p. 89.

2 Commons' jn. Ire. xvii. app. ccxi, ccii, ccviii. In 1799 the gaoler of Cork city was 'very favourably reported of' as was the gaoler at Londonderry. Ibid., xix. app. dccxlix, dcccxi.

sufficient number of inferior servants'.[1]

Almost every gaoler employed an assistant called a turnkey; some of the more important ones had deputy gaolers. In New Prison the duty of the deputy was 'to see the gaol cleaned, and to assist in bringing prisoners to and from the gaol to court'.[2] There is little evidence as to how the staff were selected[3] but it appears that it was not unusual for confined criminals to be made turnkeys.[4]

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1 Commons' jn.Ire., xii.app.dccxxv. In 1782, the gaol had only four turnkeys, and it was observed that the number was 'insufficient either for the purposes of proper regulation, the security of the prisoners, or keeping the gaol in a proper state of cleanliness'. Ibid., x.app.dxxxiii. The following year the keeper declared that he required a turnkey, deputy, and four hatchmen, to keep the gaol regulated. Ibid., xi.app.cxxx. The prison chaplain stated that a messenger also was 'exceedingly wanted...to go on necessary errands for the prisoners'. Ibid., xii.app. dccxxxiv. In 1798 the marshal of the Dublin four courts marshalsea declared that his staff consisted of a deputy and three hatchmen. Petition to the house of commons of H. Ormsby, circa 1798, P.R.O.I., Cal. O.P. carton 512/52, doc. 16.

2 Commons' jn.Ire., xii.app.dccxxv. They occasionally acted as peace officers and made arrests. For examples see the Wexford Herald, 14 Aug. 1788 and the Hibernian Jn., 15 Dec. 1786.

3 In 1788 the keeper of New Prison appointed the turnkeys there. Commons' jn.Ire., xii.app.dccxxxiv.

4 For examples see Ibid., x.app.dxxxiii, and Howard, State of the prisons, p. 207.

Salaries were usually small and sometimes non-existent, for parliament made no general stipulation as to paying gaolers' assistants.[1] Thus in 1778, the turnkey at the Dublin bridewell received £5 per annum[2] while those in New Prison, in 1782, got only their 'diet'.[3] In 1783 it was disclosed that at New Prison there was 'no fixed salary for deputy, turnkey, or assistants, whose emoluments arise from perquisites which they receive from the prisoners'.[4] However, by 1788 the deputy gaoler of that prison was being allowed £10 a quarter by the grand jury but he claimed that he had not been paid in over two years.[5] In 1798, the hatchmen at the four courts marshalsea were getting 5s.5d. a

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1 However, at the session of 1777-8 the legislature allowed the grand jury of Cork city to present at each assize £5 for the two turnkeys in the city gaol. 17 & 18 Geo.III, c.38 cl.9.

2 Cal.anc.rec.Dublin, xiii. 8.

3 Commons' jn.Ire., x. app. dxxxiii. The deputy gaoler there received £10 a year. Ibid.

4 Ibid., xi. app. cxxx.

5 Ibid., xii. app. dccxxxv.

piece weekly, and the deputy marshal £50 a year.[1]

In order to make up for the small salaries some counties permitted turnkeys to collect fees from prisoners. For instance, at the gaol of Ennis the turnkey was allowed 1s.1d. on the discharge of each prisoner. The same amount was permitted in the gaols of counties Dublin, Limerick, Roscommon, Tipperary and Waterford as well as in the Dublin city prisons of Newgate and the sheriffs' marshalsea.[2]

As a result of poor pay, gaolers' assistants were sometimes corrupt or negligent. Thus in 1729 the house of commons ordered the arrest of the deputy keeper of Newgate and the turnkey of the sheriffs' marshalsea in Dublin for 'notorious extortions'.[3] In 1788 the prison inspector for Dublin declared that 'in general' liquors could not be brought into gaols without the

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1 Petition to the house of commons of H. Ormsby circa 1798, P.R.O.I., Cal. O.P. carton 512/52, doc. 16. These salaries were paid by the marshal. Between 1792 and 1795 the turnkey at co. Mayo gaol received £10 per annum. Grand jury presentments, 1792-5. In 1800 the turnkey at Carlow gaol was given £10 for 'his care and attention'. Summer assize bk, (1800)p.4.

2 Commons' jn.Ire., xvii.app.ccii,cciii,ccvii,ccx,ccxi, ccix. Co. Cork allowed 2s.2d.; Cork city, 1s.7½d.; Waterford city, 6½d. Ibid., app.ccii,ccxii.

3 Ibid., iii. 603 (24 Nov.1729). In 1787 a commons' committee termed the deputy keeper of the Dublin bridewell, 'negligent and culpable'. Ibid., xii. app.dccxxxv.

connivance of the turnkey.[1] Moreover, the keeper of the New Prison admitted that the emolument his turnkey had out of the gaol was so small that it was necessary for him to keep a public house from which he illegally supplied the prisoners.[2] In 1798 the inspector general of prisons reported that charges of dishonesty had been made against the deputy gaoler at Ennis.[3] But not all assistants could be so described. For instance, in 1799, the deputy gaoler at Newgate was praised for being 'attentive to his duty and extremely vigilant'.[4]

Chaplains.

It is evident even from the scanty records extant that the churches did not neglect the imprisoned during the eighteenth century. Thus in 1711, at a synod held in Dublin, the clergy of the church of Ireland inserted into the book of common prayer, 'a

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1 Ibid., xii. app. dccxxxv.

2 Ibid. In 1783 the house of commons were informed that the deputy at this prison had a 'certain rated profit' on the retailing of liquor there. Ibid., xi. app. cxxx.

3 Ibid., xviii. app. ccxlvi.

4 Ibid., xix. app. dcclxix.

form of prayer for the visitation of prisoners'.[1] Cork corporation was particularly active in bringing religion into the city's gaols. For example, in 1720, it ordered that £5 was to 'be paid to a clergyman for a year ... for visiting and doing service to the prisoners in the city gaol.' In 1722 and 1723, fifty shillings were paid to a clergyman for visiting at the North Gaol and that sum was raised to £5 in 1724.[2]

In 1758, the corporation agreed to pay £25 to a clergyman for (among other things) 'visiting the protestant debtors and prisoners in the city gaol in the times of their sickness, etc. in order that such

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1 Howard, State of the prisons, p.29. Occasionally prisoners came into contact with a clergyman through unusual circumstances. For example, in 1704, Rev. Thomas Emlyn was condemned to a year in prison for advocating unitarian doctrines. After five weeks in Newgate he procured his removal to Black Dog prison (the marshalsea of the sheriffs of Dublin) where he 'preached every Sunday to the confined debtors in a large room which he hired for the purpose at which many of his former congregation attended'. J.T. Gilbert, A history of the city of Dublin, i. 263.

2 Caulfield, Cork, pp.415,422,428,449. In 1726 the corporation granted the chaplain of the Green Coat Hospital £20 yearly for visiting the North Gaol among many other duties. Ibid., p.465. In 1729 a clergyman received £10 'for a years service in the gaols'. Ibid., p.485. In 1738, £2.6s. was paid for a bible and book of common prayer for use of the gaol. Ibid., p. 575.

poor confined persons may have the benefit of private prayers'.[1]

The corporation of Dublin seems to have been a bit tardy when compared to that of Cork in providing for the religious needs of prisoners. Thus in 1721, forty-two debtors in the four courts marshalsea, who were 'desireous of serving God', wrote to Archbishop King:

> 'It is with no little concern wee often see others of our fellow-suffers in this place, who are of another persuasion, so well attended by their pastors and teachers: whilst wee who are professors of a religion protected and encouraged by ye laws ... are destitute of such assistance and spiritual comfort.'

Moreover, the petitioners informed the archbishop that 'formerly' a clergyman had been appointed with a salary 'for his constant attendance att this place', but of late years no such attendance had been given, nor did they 'scarcely ever enjoy such spirituall comfort and

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1 Ibid., p. 631. The following year it was decided that a cleric should be hired, at forty shillings annually, 'to attend divine service in the city gaol and malefactors to execution'. Ibid., p. 709. In that same year £7 was expended for fitting up a place for use as a chapel in the city gaol. Ibid., p. 721.

assistance.'[1]

However, the corporation was not entirely lax. For instance, in 1725 the city assembly petitioned the lord mayor:

> 'that it would be for the encouragement of the established church as well as for the grandeur of the city that some clergymen should be appointed to officiate divine service in the marshalsea.'

Of consequence, a clergyman who had been attending to that duty for some months previously, was then officially appointed, at a salary of £20 per annum, he being obliged to preach every Sunday and to attend the sick when required.[2] However, the duty became neglected and, in 1736, the debtors in that gaol petitioned the corporation that they had not seen a clergyman in years, 'in the way of his clerical duty', until the vicar choral of Christ Church had

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1 The petition of severall of the gentlemen and others the prisoners in the four court marshalsea in Dublin to William archbishop of Dublin, in Marsh's Library, Dublin, MSZ 21.7.36. The petitioners were persuaded that the archbishop had 'not been sufficiently informed of ye number of protestants in this place', moreover, they were 'rather inclin'd to believe it has been look'd upon as ye duty /to minister to the prisoners/ of ye severall ministers and clergy in this citty, 'hence they were 'verry much concerned to find that what was esteemed the duty of all, should not be obligatory upon any.' Ibid.

2 Cal. anc. rec. Dublin, vii. 287.

taken up the mission, and on Sunday mornings had preached and administered the sacrament. Consequently that cleric was appointed chaplain to the marshalsea at a salary of £6 a year.[1] It appears that the duty became neglected once again for, in 1757, the curate of St Audeon's petitioned the corporation 'to be considered for reading prayers in Black Dog prison every other Sunday for two years past.' He was granted £12 and the following year allowed £10 annually for continuing that service.[2] About the year 1770 the government began to pay £20 a year to the prebendary of St Audeon's for visiting sick prisoners and it appears that this sum continued to be paid, with fair regularity, up until 1790.[3]

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1 Ibid., viii. 207. In 1745 the city chaplain, whose salary was at that time £30 per annum, was granted £20 more for officiating at the marshalsea. Ibid., ix. 152.

2 Ibid., x. 267, 319. Between 1759 and 1761 the government paid a clergyman £31.14s.11d. a year for attending prisoners in the four courts marshalsea. Commons' jn. Ire., vii. app. xxiv. That same cleric, in 1771, was paid £63.9s.9d. for two years labours as chaplain of that prison. Ibid., viii. app. ccccxxxvi. About 1775 the government appears to have begun to pay the chaplain of that marshalsea £52.18s.2½d. per annum which sum continued to be regularly paid up until 1795. Ibid., ix. app. ccccxc.; xii. app. xcii,; xiii. app. c.; xvi. app. cccv, cccviii.

3 Ibid., viii. app. ccccxxxiii.; ix. app. ccccxii.; xii. app. dccxlv.; xiv. app. ccxcviii.

There is no mention of any provision being made during the first half of the eighteenth century for a clergyman of the established church to attend at the felons' prison of Newgate. But when, in 1776, a new Newgate (sometimes termed New Prison or New Gaol) was erected, a room in it was set aside for use as a chapel. However, in 1782 a committee of the house of commons visited the gaol and found that the chapel 'from its situation' was 'utterly inadequate to the purpose of divine service.' Furthermore, the chapel itself had never been so used nor did the deputy keeper know of any clergyman who was 'bound to officiate' at the prison.[1]

In 1786, Parliament acted to remedy the situation. It required the grand jury of Dublin city to appoint, with the approbation of the court of king's bench, a chaplain to attend at both New Gaol and the house of correction. The salary was fixed at £60 yearly. The chaplain was obliged to read prayers at both prisons on Sundays, visit both twice weekly excluding Sundays during which visit he was to enter every cell and 'exhort' those willing to listen, and to attend anyone on his way to execution

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1 Ibid., x. app. dxxxiii, dxxxiv.

who desired it.[1]

The interference of the legislature seems to have achieved considerable success. Thus by 1793, it was said that divine service was performed regularly every Sunday at New Prison and was attended by 'many of the felons ... with decency and propriety.'[2] In 1796, the inspector general of prisons declared that the prisoners in New Gaol were 'much indebted' to the attention of their chaplain 'whose unremitting and pious endeavours to tranquillize those unruly spirits' was, he thought, 'productive of very good

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1 26 Geo. III, c. 27 cl. 8. He also had to inspect the bread distributed to poor prisoners. In 1788 the chaplain declared that he visited New Gaol thrice weekly and sometimes six times weekly. His salary, he said, was presented quarterly but the city presentments were not paid until two years after they were made. Commons' jn. Ire., xii. app. dccxxxiv.

2 Ibid., xv. app. ccccviii. In that same year parliament declared that the chaplain's salary was inadequate and ordered the city grand jury to 'present a farther sum' of £10 at every quarter. 33 Geo. III, c. 56 cl. 79.

effects.'[1]

Although evidence is particularly scanty when dealing with this subject apropos gaols located in small towns there is no reason to believe that religion was entirely neglected in such places.[2] Thus by 1747 Carrickfergus gaol had a chaplain who was also the prison inspector and who, for attending

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1 Commons' jn. Ire., xvii. app. cciv. There is no evidence to suggest that catholic priests were prevented from visiting imprisoned catholics. For example, see the petition sent to Archbishop King by the protestant debtors of Dublin. (p.385 ) Indeed one critic claimed that if they were prohibited there might be a decline in criminal activity. He wrote: 'Everybody knows the unlimited power which the popish priests exercise over the minds of their people; a fellow after half a dozen murders and robberies, goes to death with great composure, provided the priest assures him of salvation, which assurance is ordinarily purchased with a good part of the plunder for which he suffered death. What I propose then is, that no priest ... be suffered ... to enter ... Newgate, unless sent thither for his crimes, and in that case that he be kept apart, and not permitted to converse ... with the other criminals, neither allowed to attend them to the gallows, nor exchange a word with them, in their passage thither. This ... would make a greater impression ... than even racks and tortures will ever be able to do.' Freeman's Jn., 14 Apr. 1767.

2 For example see above p. 321.

to both offices received £10 a year.[1] Moreover, it would not be unreasonable to imagine that the clergyman appointed to deliver bread to poor prisoners might occasionally act as an unofficial chaplain.[2]

Military guard.

The insecurity of most prisons required the attendance of a military guard. Thus at Clonmel gaol John Howard found, 'as in most of the prisons in Ireland', an army detachment 'consisting of twelve men under the command of a sergeant or corporal.'[3]

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1 McSkimin, Carrickfergus, p. 305. However, it is interesting to note that the fairly extensive collection of minute books belonging to such relatively important towns as Londonderry and Waterford make no mention of a cleric being appointed to minister to the local prisoners.

2 See below, pp. 468, 473.

3 Lazarettos, p. 88. In 1792 the commissioners of the Dublin police described a visit they had made to Newgate: 'Upon going through the gaol we observed it to have more the appearance of a ruin than a place for the confinement of felons, and were it not for a sergeant's military guard, which is posted withinside the prison, we conceive the prisoners would soon effect their escape, as there were forty seven cells that have not doors, and the only cells which could be made tenable are filled up with rubbish, which renders them uninhabitable.' Commons' jn. Ire., xv. app. xii.

However, the duties of the guard were never properly defined. For example, in 1797 an officer stationed at Carrickfergus complained:

> 'Our line of duty in regard to the gaol never has been explained and frequent misunderstandings have taken place between the guard and the gaoler.'[1]

Nevertheless, the necessity of having soldiers posted at prisons was never in doubt. Thus an officer in Phillipstown wrote to the government:

> 'A circumstance of an extraordinary kind took place here last Friday which might have had a most fatal effect, the 7th Dragoon Guards were ordered to march and took off the guards from the gaol about eight at night when there were fifty-eight prisoners, a yeoman of mine went down with his sword, on hearing it and was the only guard for above an hour till he got a few of the corps to join him for the night, the townspeople having refused assistance.'[2]

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1 James Durham to General Lake, 25 Jan. 1797. P.R.O.I., Cal. R.P. carton 620/28, doc. 161. It appears that some officers considered the duty beneath their dignity and that of their men. Thus one described it as a 'very thankless, labourious and ... disgraceful duty.' Marquis of Buckingham to Lord Grenville, 26 Aug. 1798. H.M.C. Report on the Fortescue MSS, iv. 287, (1905).

2 William Evans to Edward Cooke, 10 Apr. 1797. P.R.O.I., Cal. R.P. carton 620/29, doc. 212. Townsfolk were not always so unhelpful. For example, in 1718, there was an attempted gaol break at New Ross, but when the guard rang the alarm bell the local inhabitants rushed to their aid. Hore, Wexford, i. 381. In 1792 the guard at Newgate (Dublin) was obliged to fire on rioters in the prison and killed two of them. Wexford Herald, 27 Sept. 1792.

The volunteers occasionally acted for the army. Thus in 1791 the gaol at Monaghan being 'exceeding crowded' and the military forces having been withdrawn from the town, 'the situation of the sheriff was rather unpleasant', but the Stone Bridge volunteers marched eight miles 'with commendable readiness' to do the duty.[1]

The towns sometimes expended modest sums for expenses of this nature. For instance, in 1732 Cork corporation bought a sentry box 'for the sentinel to stand at North Gaol'.[2] In 1779 the corporation paid out £25.5s.7½d. for the expenses of three sentinels 'to take care of the city gaol'

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1 Londonderry Jn., 14 June 1791. The inspector general of prisons observed the usefulness of a prison guard. For example, in 1798 he declared that, 'but for the vigilance of a strong military guard', a large number of prisoners might have escaped from the new 'but insecure gaol belonging to co. Cork.' Commons' jn. Ire., xviii. app. ccxlviii. At co. Longford gaol he noted that the guard took the prisoners daily to the river for water, there being no pump in the prison. Ibid., xix. app. dcccxii.

2 Caulfield, Cork, p. 503.

'in the absence of the army.'[1]

The duty was not always hard. Howard discovered some of the guard 'playing at tennis' in one prison yard; and there was a good deal of intermixing with the prisoners which, in 1799, one inspector general condemned:

> 'Soldiers should not be permitted to intermingle with the prisoners, it is at all times impolitic, but now particularly so, when conspiracies and plots abound. I am persuaded that more of the military have been corrupted by conversing with United Irishmen in the gaols of the kingdom than in their general intercourse with those of that description at large.'[2]

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1 Ibid., p. 944. In 1787 the corporation gave five guineas to a sentinel who refused to accept a bribe for permitting the prisoners in North Gaol to escape. Ibid., p. 1026. In 1738 Waterford corporation decided to pay the sheriffs for their expense 'of keeping a guard on the city gaol there being sev'l debtors there confined for great sums.' Council bk, 15 Sept. 1738. In April 1791 the grand jury of co. Down presented £18.4s. 'to purchase coals and candles for the military guard at the gaol.' Francis J. Bigger, 'Old county of Down presentments', in U.J.A., series 2, xiii. 110 (1907).

2 Commons' jn. Ire., xix. app. dcccxxxvi. There is no doubt that some guards were corrupt. For example, in 1770, a Dublin man protested that he had been seized by a sentry at Newgate who threatened to assault him. It was only after the guard had been given two-pence worth of ale that the prisoner was released. Freeman's Jn., 29 May 1770. In 1792, six convicts escaped from the gaol of co. Waterford through a breach they had made in the roof. The two sentinels on duty did not notice their escape. Wexford Herald, 13 Dec. 1792. For other examples see Freeman's Jn., 26 Aug. 1769 and 15 May, 1770.

There was also a problem of accommodation. Thus at Clonmel prison the troops were billeted in the hospital intended for the prisoners' use.[1]

Recruiting.

A felon could obtain his liberty, under certain circumstances and with the approbation of the government, by joining either the army or the navy. Thus John Howard wrote of Newgate:

> 'On passing the old prison frequently, I could not avoid observing officers from the recruiting regiments waiting at the doors and windows to receive either the offenders who were permitted to enlist, or any of their associates.'[2]

The reformers did not approve of filling the forces with such men. Howard declared:

> 'When the excessive profligacy and daring wickedness of this set of people is considered, the most melancholy apprehensions must be entertained, of the dreadful consequences likely to result from their mixture with those who may have had a sober education and have entered voluntarily into the service of their country; and likewise the

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1 Commons' jn. Ire., xviii. app. cccxxx.

2 State of the prisons, p. 204.

> 'danger to society in general from turning loose such a set of wretches at the close of a war.'[1]

Nevertheless the government did not forbid the practice for as a source of recruitment it was too attractive to be disowned. A letter from a marine lieutenant to the secretary of war describes the usual method then employed:

> 'Being in this kingdom on recruiting service for the marine corps, hearing that a number of men were confined in Armagh gaol rode there, and went into the gaol where I found many of the prisoners inclined to enlist in the marine corps if leave could be obtained. Have taken the liberty of enclosing a list of those who gave me their names, if permission is granted many more will go. The advantages to be derived by those poor deluded men being permitted to enlist in the marine corps are obvious. (1) Relieve the kingdom of an expenditure of provisions from whence there is no return. (2) They will be embarked immediately. (3) Being employed fighting for king and country of course as full members of society. Whereas if permitted to enlist in any other corps they may remain sometime in the country and will not be remedied. If allowed to go with me I propose marching them direct to the tender at Dublin.'[2]

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1 Ibid.

2 W. Buchan to W. Elliot, 16 June 1796, P.R.O.I., Cal. O.P. carton 508/17 doc. 20. In 1799 the prisoners in Dundalk gaol petitioned the government to remove two of their number who had received pardon on enlisting, and who had since remained in the gaol terrorizing the other prisoners. P.R.O.I., Calendar of prisoners petitions and cases, 1778-1836, Convict department, C.S.O. p. 23. (8 Apr. 1799).

The officer's list comprised 15 names: three were due to be hanged the following week; six had been respited until further orders; one was under rule of transportation; and five were to be confined for three years.

## CHAPTER IV

### Prisoners in Eighteenth Century Ireland.

> 'Those gentlemen who, when they are told of the misery which our prisoners suffer, content themselves with saying, Let them take care to keep out, prefaced perhaps, with an angry prayer; seem not duly sensible of the favour of providence which distinguishes them from the sufferers...they also forget the vicissitudes of human affairs; the unexpected changes to which men are liable; and that those whose circumstances are affluent may in times be reduced to indigence, and become debtors and prisoners.'[1]

> 'He [Babbitt] had heard it said that "conditions" in the county jail and the Zenith city prison were not very "scientific"; he had, with indignation at the criticism of Zenith, skimmed through a report in which the notorious pessimist Seneca Doane, the radical lawyer, asserted that to throw boys and young girls into a pen crammed with men suffering from syphilis, delirium tremens, and insanity was not the perfect way of educating them. He had controverted the report by growling, "Folks that think a jail ought to be a bloomin' Hotel Thornleigh make me sick. If people don't like a jail, let 'em behave 'emselves and keep out of it. Besides, these reform cranks always exaggerate."'[2]

### Overcrowding.

Throughout the eighteenth century most Irish prisons were rude democracies of duress. Men, women

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1 John Howard, State of the prisons, (1777) p. 12.

2 Sinclair Lewis, Babbitt, (New York, 1922) p. 50.

and children, debtors and felons often were crowded into one gaol regardless of the inconvenience or the consequences. For example, in 1729 it was disclosed that in a Newgate dungeon measuring 12 feet square by 8 high frequently 14 and sometimes 20 persons had been crowded together.[1] In 1767 it was said that the average number of prisoners confined in that gaol was about 170 though it was 'not large enough to contain more than eighty'.[2] As late as 1799 the inspector general of prisons noted that Newgate was a 'generally crowded gaol'.[3]

Prisons outside the capital often were just as congested. Thus in 1783 the grand jury of co. Limerick informed the house of commons that in the one prison used both by the city and the county, there had been confined in a cell only 24 feet by 18 feet, 19 women; while 12 men inhabited a cell measuring 22 feet by 21 feet, and 14 men were in another cell 'not much larger'. Moreover, the gaoler's house had to be used

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1 Commons' jn. Ire., iii. app. cccIxxxvi.

2 Ibid., viii. app. clxx. In 1787, in the city bridewell, six women were found in a cell 'not six feet wide nor nine feet deep.' Ibid., xii. app. dxxxiv.

3 Ibid., xix. app. dcclxix.

as a marshalsea and 9 men were living in it.[1] John Howard said of that prison, 'the room (or crib) for the city felons is twenty-two feet by twenty. And into this narrow compass there are sometimes crowded (as the gaoler told me) sixty or seventy men'.[2] Of the gaol at Castlebar he said 'many poor wretches have been almost suffocated in this small prison. Forty-two prisoners have been confined in a room twenty-one feet by seventeen'.[3] In 1799 the inspector general of prisons reported that 100 persons had been confined in co. Galway gaol which was 'not big enough for forty'.[4]

Although the small size of most prisons was an important factor in the problem of overcrowding it was by no means the only one. Thus the retention of people for fees and a want of places in which to confine for a short time those who had committed only minor offences also led to the same end. For instance,

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1 Lazarettos, p. 91.

2 Ibid., p. 93. In 1791 a newspaper reported that at Omagh gaol, 43 debtors were confined in 'three rooms of woe'. Londonderry Jn., 22 Mar. 1791.

3 Commons' jn. Ire., xix. app. dccxc.

4 Ibid., xix. app. dcclxix.

John Howard declared:

> 'The criminals in the gaols of Ireland are very numerous. One reason of this may be, that in this country there are no houses of correction, unless cages could be called so, in which drunken or riotous persons are locked up for a night or two. Another reason is that acquitted persons are continued in confinement till they have discharged their fees to the clerk of the crown, or peace, the sheriff, gaoler and turnkey. Even boys almost naked and under the age of twelve, are sometimes confined a year or two for these fees, though amounting to no more than about forty shillings.'[1]

A house of commons committee discovered in New Prison (Dublin) many young boys 'healthy and strong, fit for any species of public service and confined for trifling offences'.[2]

Persons awaiting transportation often added to

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1 State of the prisons, p. 203. In 1653 and 1664 cages for boys were erected in Youghal. Robert Day, 'Memoirs of the town of Youghal', in R.S.A.I. Jn., series 5, i. 65-6 (1892). In 1787 a newspaper complained about the lack of a 'proper' house of correction in Dublin and the consequences that arose from it. Volunteer Evening Post, 16 Jan. 1787.

2 Commons' jn. Ire., x. app. dxxxiii. There were also cases of persons being confined for offences far longer than would be usual today. Thus a man in Cork city who had been fined £50 for an assault remained in prison for 11 years. Another man arrested in July 1798 for drinking in an unlicensed public house was still in gaol the following June. P.R.O.I., Calendar of prisoners petitions and cases, 1778-1836 (Convict dept. C.S.O.) pp. 6,7.

the problem of overcrowding for sometimes they remained in prison for months or even years. For example, in 1729 at Newgate 160 were confined of whom it was said 'but forty are to be tried ... and most of the rest lie under a rule of transportation'.[1] The government occasionally issued decrees ordering the transmission of those 'long confined' by requiring all officers concerned to transport them at the first opportunity or face prosecution.[2] But the law's delays, the necessity of conveying prisoners to seaports and a want of scheduled shipping proved serious obstacles against rapid transportation.[3] Thus in 1787 of the 290 prisoners in Newgate, 53 awaited transportation. The following year, of the 212 confined in that prison, 39

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1 Commons' jn. Ire., iii. app. ccclxxxviii.

2 For example, see: Pue's Occurrences, 3 Jan. 1746-7.

3 There is evidence that peculation was sometimes bound up in the problem. For instance, in 1767 there was a complaint voiced concerning the 'upwards of sixty' prisoners in Newgate condemned to transportation 'who have been detained there upwards of a month at the public allowance of six pence per week each, for bread, waiting a ship to oblige a particular favourite of somebody?' Freeman's Jn., 26 May 1767.

were for transportation.[1]

The confining of debtors also proved a serious strain on the available accomodations in many gaols, particularly as this type of prisoner formed a considerable proportion of those held in small county prisons. Although figures are not too plentiful it appears from those extant that the number of confined debtors was usually very large. Thus in 1759, 705 persons (of whom 46 were women) were so confined throughout the country.[2] In March 1791 a petition sent to the house of commons from the 240 debtors in the Dublin four courts marshalsea declared that 'there are now between 1400 and 1500 prisoners confined for debt in different prisons throughout this kingdom'.[3]

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1 Commons' jn. Ire., xii.app.dxxv.; dxliii. In 1791 of the 239 confined in Newgate, 137 were due to be sent abroad. Ibid., xiv.app.lvii. In 1796 the inspector general of prisons found in Ennis gaol a woman who had been sentenced to transportation in 1791. Ibid., xvii.app.ccii. In 1812 it was said of the gaol of Armagh: 'The prisoners have been of late turbulent and refractory. A cause of this ... proceeds from the custom of detaining prisoners sentenced to transportation, too long in the gaol, before their sentence is enforced'. Oireachtas library, Reports on gaols in Ireland, 1812.

2 Stat. Ire., vii.768 (1749-61). In 1765, 490 were so confined. Ibid., ix. 399 (1761-7).

3 I.P.R., xi. 282.

As very few towns had special prisons for them, debtors were often confined together with felons in one gaol, sometimes in a single chamber, sometimes in separate apartments. Although parliament passed numerous acts for their relief, prisons always appear to have contained a large number of them. Thus in 1796 the inspector general of prisons observed that there were 716 felons confined throughout the kingdom and 575 debtors.[1] In 1798 he declared that the number of crown prisoners was 1296 and of debtors 381.[2] In 1799 those figures were 1165 and 488 respectively.[3]

Sheer incompetence might continue to hold some debtors in gaol. Thus in Donegal prison in 1796, nine debtors were found who might have been discharged at the preceeding assizes under an insolvent act, 'but' the inspector general noted, 'either through the negligence or ignorance of the agent must remain till another opportunity.'[4] Others,

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1 Commons' jn. Ire., xvii. app. ccxiv.

2 Ibid., xviii. app. cccxlviii.

3 Ibid., xix. app. dcccxlviii.

4 Ibid., xvii. app. ccii.

however, remained in prison for profit. Thus in 1783 the keeper of the four courts marshalsea declared that he had known many included in an insolvent act who had continued in prison and carried on 'a trade in usury, by lending money or pledges, to the great injury of the other prisoners'. He believed that a 'compulsive clause' ought to be inserted in insolvent acts to oblige such debtors to leave their prisons and that, moreover, stolen goods were 'often sold to usurers' in his marshalsea.[1] For remedy, parliament, in 1786, forbade usury in prisons by condemning those found guilty to a fine and three months in a felon's gaol.[2]

Many debtors were confined for very small sums. For example, at the Dublin city marshalsea persons were detained whose debts and costs were under 10 shillings.[3] In 1793 the keeper of that prison declared that he knew of a person confined for only 4 shillings and that frequently others

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1 Ibid., xi. app. cxxx. A commons' committee found one debtor's room in the four courts marshalsea 'furnished with a strange variety of all sort of pledges,' which the debtor acknowledged 'he had taken for money lent.' The room 'had the appearance of a regular office for transacting business' and the prisoner had carried on this trade 'upwards of four years'. The usual interest demanded was one penny per week for one shilling. Ibid., app. cxxxi.

2 26 Geo. III, c. 43 cl. 19, 20.

3 Howards, Lazarettos, p. 80.

were detained for sums from 12 to 20 shillings.[1] Parliament legislated twice on the subject but both statutes dealt only with Dublin. Thus in 1759 it ordained that no one might be confined for more than 3 months for a debt of 20 shillings or less, and not more than 6 months for between 20 and 40 shillings.[2] In 1794 the legislature decreed that no one committed by the court of conscience, whose debt did not exceed 20 shillings, might be confined not more than 20 days, nor more than 40 days where the debt did not exceed 40 shillings.[3]

It was not uncommon for the families and even servants of debtors to live with the confined. For instance, in 1787 John Howard observed that the Dublin

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1 Commons' jn. Ire., xv. app. ccccvii.

2 33 Geo. II, c. 16 cl. 17. It was learned afterwards that the act did not 'sufficiently' satisfy the aims of parliament because often debtors borrowed money to buy food while in prison and so became even more indebted and less able to extricate themselves.

3 34 Geo. III, c. 18 cl. 1. The court of conscience was a court for the recovery of small debts. See: J. Hughes, 'The Dublin court of conscience', in Dublin Hist. Rec., xv. (No. 2) 42-9 (Apr. 1959).

four courts marshalsea was crowded 'with wives (or reputed wives) children, dogs, etc.'[1] In that same year, of the 227 persons in that marshalsea 134 were prisoners, 36 were women, 48 were children, and 9 were servants.[2] In one room, 21 feet by 16 feet, 19 persons were living, of whom only 8 were prisoners.[3] In another room 18 feet by 16 feet, 27 persons were confined upon 4 of whom depended the sustenance of 42 children.[4]

Dublin gaolers often let their rooms to lodgers or to a few wealthy prisoners, crowding the others into a few small apartments. Thus in

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1 Lazarettos, p. 80. Of Clonmel he said, 'though the dungeons are crowded, yet at night some of the wives and children of the felons continued with them.' Ibid., p. 88.

2 Commons' jn. Ire., xii. app. dxxxvi.

3 Ibid., Seven of the 19 were children. In another room 18 feet by 17 feet, 15 persons were living of whom 9 were prisoners. Ibid. In another room 20 feet by 17 feet, 18 people were living of whom only 8 were prisoners; moreover, a 'large closet' had been 'taken off this hall, eight feet square, as a pawnbroker's office'. Ibid.

4 I.P.R., iii. 169.

1784 the chief justice of the court of king's bench declared that the four courts marshalsea 'instead of being laid out in general and impartial accomodation' was monopolized, 'some having one, two, three or more rooms apportioned to them', while others could not obtain any 'comfortable or even tolerably convenient lodgings'. The people mostly favoured, he said, were a 'set of usurers' about 20 of whom occupied almost the whole prison and who carried on a 'kind of usury and dishonest extortion' that was a 'scandal and reproach to all law and good government.' The prisoners themselves complained that several of their number had 5 or 6 rooms some of them occupied 'by dogs, pigs and fowel and others by their whores, some five or four and some three.'[1] Two years later it was learned that at that same prison 19 prisoners occupied 30 apartments, while 114 occupied but 20, 'with their numerous families'.[2]

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1 Ibid., pp. 88, 89, 118.

2 Commons' jn. Ire., xii. app. dxxv. In 1785 the prison at Youghal 'being incommodious by the blue coat /beadle/having apartments therein' he was allowed two guineas for giving them up. Caulfield, Youghal, p. 510.

The promise of pardon and reward to those criminals who would betray their accomplices often led men to brave the risk of becoming approvers, that is, crown witnesses. No informer's life was safe[1] hence he was often lodged in gaol partly for his own security, partly to prevent him from coming into contact with the prisoner's friends who would try to induce him by bribes, threats or entreaties to retract his testimony or absent himself from the trial. Of consequence numbers of approvers sometimes helped to crowd the gaols. Thus in 1786 Cork corporation paid £18.0s.8d. for the maintenance in the city bridewell 'of the people who prosecuted the coiners, last assizes to conviction'.[2] In 1791 of the 31 persons in Dublin bridewell, 8 were 'approvers to prosecute'.[3]

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1 For example, see: Saunders' News Letter, 31 Mar. 1797.

2 Caulfield, Cork, p. 1005. In 1767 St John's parish (Dublin) paid £1.4s.4½d. for the support of a woman in the city bridewell who was going to prosecute a man and his wife for keeping a disorderly house. Vestry bk, 25 Mar. 1767.

3 Commons' jn. Ire., xiv. app. lvii.

The separation of prisoners.

In the eighteenth century little was done to keep separate the different kinds of prisoners. For example, in 1787 a committee of the house of commons described and condemned the want of segregation at New Prison in Dublin:

> 'The sentenced convicts who are to forfeit their lives for having committed the most heinous offences, those under rules of transportation, the untried desperadoes charged with murder, burglary and robbery, the artful felons, the dissolute and abandoned, the giddy and unthinking, some of them mere children not more than nine years old (whose tender minds are susceptible of the most baneful impressions) the idle vagabonds, the imprudent drunkards, those guilty of assault or subject to fines, and even debtors, by day and night are associated and live together: the females confined in the prison are subject to the like inconveniences. Under such circumstances dreadful consequences must ever by apprehended, both in a political and a moral sense, on the discharge of numbers from this hot-bed of vice.'[1]

Parliament made several attempts to remedy the

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1 Ibid., xii. app. dxxxv. In 1779 John Howard obtained the release of some boys confined in the prisons of Newgate and Kilmainham but commented that, 'as those boys had been associated with the most profligate and abandoned felons for many months I did not in the least wonder to find that some of them returned to their former habitation in a few days.' State of the prisons, p. 204.

situation, but on the whole little was accomplished. The first attempt was made in the seventeenth century when the legislature, keen to separate petty offenders from felons, ordered the counties to erect, each of them, a house of correction 'for the punishment of rogues, vagabonds, sturdy beggars, and other lewd and idle persons.'[1] To such houses were sent those found guilty of a variety of misdemeanours.[2] Nevertheless, contrary to parliament's intention prisons continued to be used indiscriminately for any type of offender. Thus to Newgate in 1729 were conveyed 'all persons committed by the judges of the king's bench, the lord mayor, or the justices of the peace';[3] while as late as 1812 a murderess was sent to a house

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1 10 & 11 Charles I, c. 4. cl. 1.

2 Thus in 1715 the legislature determined that misbehaving servants or those who had left service without consent might be sent to a house of correction for not more than ten days at hard labour. 2 Geo.I, c. 17 cl. 2. Dublin coachmen and chairmen who broke city bye-laws might be sent thither for a month. Ibid., cl. 21. In 1721 persons found guilty of catching salmon with 'nets or engines' might be kept there for three months. 8 Geo. I, c. 7 cl. 21.

3 Commons' jn. Ire., iii. app. cccIxxxvii.

of correction.[1]

In the second half of the eighteenth century parliament made further attempts to remedy existing deficiencies. Thus in 1755 the legislature declared that all houses of correction erected in future must have separate apartments for men and women;[2] while in 1763 it was enacted that henceforth all new gaols must have separate rooms for men and women and all existing gaols were to be so divided if it were possible. Grand juries were authorised to present up to £100 for altering prisons to allow for the segregation of the sexes.[3] In the session of 1777-8 parliament ordered that offenders sentenced to hard labour were to be kept separate from those whose offences were under the degree of petty larceny.[4]

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1 Wexford Herald, 9 Nov. 1812. In 1787 John Howard complained that 'It is a great defect in the police of this country that there are no proper places for the commitment and punishment of petty offenders; for the gaols, where there is neither solitary confinement, nor employment, and where frequent scenes of riot and drunkenness occur, as in most counties, are very unfit places for the correction of morals. Yet here persons sentences at the assize for a fortnight's confinement, or for a trifling fine, are often detained 'til the next assize, through incapacity of paying the fees.' Lazarettos, p. 79.

2 29 Geo. II, c. 14 cl. 6.

3 3 Geo. III, c. 28 cl. 11, 12.

4 17 & 18 Geo. III c. 9 cl. 18.

In the session of 1783-4 it decreed that new and altered prisons were to have separate cells 'dry and airy' for each prisoner to sleep in [1] and that petty offenders were to be committed to a house of correction instead of to a gaol.[2] In 1786 it ordered that:

> 'Debtors shall be separated from felons and other offenders and that persons charged with high-way robbery, house-breaking, murder or other capital offences shall not be suffered to have any intercourse with prisoners confined for offences which are not capital, and that men and women prisoners of every denomination shall be kept separate.'[3]

In the same year the legislature authorized magistrates to send persons charged with felony to bridewells and required keepers of such prisons to receive them.[4]

Finally, in 1791, parliament commanded that convicted murderers were to be kept separate from all other prisoners, and that no one save the gaoler was to have access to them without licence from

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1 23 & 24 Geo. III, c. 41 cl. 3.

2 Ibid. cl. 16.

3 26 Geo. III c. 27 cl. 32, No. 7. The Dublin Newgate, because of its size, was to have two common halls, one for debtors the other for felons. Ibid., cl. 24.

4 26 Geo. III, c. 45 cl. 3.

either a justice of the peace or a sheriff.[1]

However, the want of space, the indifference of some grand juries, and the malconstruction of many prisons, proved serious obstacles against the enforcement of these statutes. Thus in 1779, John Howard hoped that in the new gaol a-building in Dublin, 'the shocking intercourse of the two sexes which took place in the old prison would be avoided'. But, when he inspected New Prison in 1783 he discovered that there was 'no proper separation of the sexes from one another, or of petty offenders from the most abandoned criminals'.[2] And, in that same year, it was learned that the sheriffs' marshalsea in

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1 31 Geo. III, c. 17 cl. 7, 9. A keeper found guilty of disobeying this regulation forfeited his office and had to pay a fine of £20.

2 State of the prisons, p. 203, 206. In 1782 the house of commons was informed that although there was separation by a high wall between the male and female wards in New Prison, no advantage had been derived from it as at least 16 men had access to the female ward 'and lived almost entirely among the women'. Commons' jn. Ire., x. app. dxxxiii. In 1785 a commons' committee inspecting that same gaol described 'four fellows under sentence of death with small boys not more than twelve years old in the common hall', as a 'melancholy spectacle'. Ibid., xi app. ccccxv. In 1788 it was learned that people confined in New Prison for different offences were not kept separated 'except where there are persons of circumstances that are able to pay for rooms'. Ibid., xii. app. dccxxxiv.

Dublin was 'rather a reception for debtors than criminals' but received both.[1] In 1798 the inspector general said of Newgate:

> 'The classing of prisoners it has always been found incommodious for, at present since a number of state prisoners have been here imprisoned it is impossible to comply with that necessary regulation; respectable men who are somtimes imprisoned for assaults are obliged to intermingle with prisoners for high treason, a circumstance which has sometimes occasioned unpleasant altercations.'[2]

Outside of Dublin the same circumstances often obtained in the county prisons. For example, in 1783 the gaol of co. Kilkenny was used as the 'common place of confinement for petty larceny.'[3] At Clonmel gaol John Howard found men and women debtors living in the same room.[4] At Ennis prison there was but one dayroom where men and women intermingled although the prison was only seven years old.[5] In 1796 the inspector

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1 Ibid., xi. app. cxxx.

2 Ibid., xviii. app. cclxxiii.

3 Ibid., xi. app. cxxxi.

4 Lazarettos, p. 88.

5 Ibid., p. 93. At Lifford prison he found 'no proper separation of the sexes'. Ibid., p. 96.

general of prisons declared that at the gaol of Cork city the sexes were not separated while at Drogheda and co. Wexford prisons debtors and felons were not segregated.[1] The gaols of counties Cavan and Limerick were so wretched, he said, that all types of prisoners, both sexes and the sick and healthy were intermixed.[2] In 1799 he found a man under sentence of death in co. Wicklow gaol living in the debtors' ward,' and his friends visiting him the day before his execution.'[3]

However, some progress had been made. Thus in 1793 all the prisoners in the Dublin city marshalsea were debtors[4] and in 1796 Mullingar prison was described as 'well contrived for separation of the'

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1 Commons' jn. Ire., xvii. app. ccii, cciii, ccxii. The same was true of the new gaols at Tralee, Kilkenny city and Londonderry. Ibid., app. ccvi, ccvii, ccviii. The gaol at Enniskillen was so insecure that there was 'no possibility of keeping the sexes apart.' Ibid.

2 Ibid., app. cci, ccviii. At Kilmainham prison 'an easy communication' prevaded the 'entire prison'. Ibid., xviii. app. cclxvi. There was a complaint that at Carrickfergus prison two 'conspirators' were being treated as 'common felons' and allowed 'too much and too great indulgence' with a 'free and uninterrupted communication with all their friends'. A. McNevin to E. Cooke, 9 Feb. 1797, P.R.O.I., Cal.R.P. carton 620/28, doc. 239.

3 Commons' jn. Ire., xix. app. dcccxlvi.

4 Ibid., xv. app. ccccvii.

'various degrees of prisoners'.[1] In the gaols of counties Antrim and Londonderry prisoners were 'regularly classed in their distinct wards'.[2]

Lunatics.

In the eighteenth century there was only one establishment for lunatics in Ireland[3] hence many insane persons were kept in prisons living among debtors and felons. Thus in 1684 the master of the Waterford house of correction successfully petitioned that corporation 'to have a place made up in the cellar for madd people committed to him.'[4]

Parliament ignored the subject until 1763 when, in an attempt to separate the sane from the

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1 Ibid., xvii. app. ccxii.

2 Ibid., xviii. app. ccxxxiv, cccviii.

3 Swift's hospital in Dublin founded in 1757.

4 Pender, Waterford, p. 248. In 1693 the Dublin house of correction was enlarged 'for the better secureing lunatick persons' and when, in 1701, the master of that gaol complained that he had no allowance for the support of the insane committed to his custody, the corporation granted him two shillings per week for each lunatic. Cal. anc. rec. Dublin, vi. 59, 257. By 1783 the keeper of lunatics in the city bridewell was receiving a salary of £5 a year. Accounts of N. Warren, lord mayor of Dublin, May-September, 1783, p. 59.

insane, it ordered the grand juries to present up to £30 for building a room for lunatics in their local prisons.[1] There was, however, some slackness in carrying out the regulation. For example in 1779 John Howard discovered in a Dublin prison 'eleven young creatures' confined in the same room with 'outrageous lunaticks'.[2] In 1785 a committee of the house of commons declared that 16 women were kept in the Dublin bridewell 'under the idea of being insane'. Three of them appeared to be rational but because they lived in the same room as the others where 'not one moment passed without every species of turbulance and confusion' there was little chance of them making a complete recovery, particularly as no aids were applied which might have assisted 'in restoring them to their reason.'[3]

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1 3 Geo. III, c. 28 cl. 9, 10.

2 State of the prisons, p. 204. At the gaol of co. Waterford he found a lunatic who had been confined in the women's room for 20 years. Lazarettos, p. 87.

3 Commons' jn. Ire., xi. app. ccccxiv. One of them had been used as a servant for two years but the keeper's wife did not 'chose to report her as perfectly sensible'. The committee believed that the confinement and treatment they underwent contributed to, rather than relieved their insanity.

Up until 1787 nothing was done by parliament to provide needy lunatics confined outside the capital with sustenance or medical attention.[1] However, in that year the legislature ordered the grand juries to erect wards for mad people and to support them if they were destitute. The juries were to decide upon the proper sum to be so expended which was to be accounted for by the county surgeon. Moreover, the inspector general of prisons was empowered to visit mad houses and any attempt to hinder his investigation might mean a fine of fifty pounds.[2]

Although now provided for by statute the treatment of the insane remained in many cases unenlightened. For instance, at co. Kilkenny gaol the inspector general discovered two lunatics chained to the wall 'in a most cruel manner'. A recommendation that they be moved to the county infirmary proved fruitless.[3] However, at Ennis

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1 However, in the late 1760's the legislature granted £2,000 to the governors of St Patrick's hospital 'for ideots and lunaticks, to enable them to support and extend the ... charity.' Ibid., viii. app. cclvi.

2 27 Geo. III, c. 39 cl. 12. Shortly after the statute came into force the keeper of a Dublin mad house was fined £20 for three times refusing to allow the inspector general to visit his house. Dublin Chronicle, 12 July 1787.

3 Commons' jn. Ire., xvii. app. ccvii.

gaol he observed that the cells for the insane were 'on a better plan, and the wretched inhabitants better treated than those at Limerick, Cork or Channel-row in Dublin.'[1]

Room rents.

Throughout the eighteenth century debtors were obliged to pay for their lodgings in prison. If a felon wished to escape the discomfit of living in the common hall, he too had to pay for that indulgence. Although the problem was an important one parliament largely ignored it and the few statutes that did touch upon it were ineffectual. For example, towards the end of the seventeenth century scandals rising from the extortion practiced in the two Dublin marshalseas led to a statute that regulated fees and rents, but the act applied only to those two prisons. Henceforth debtors were to be allowed to bring in their own beds, food and clothing. No room was to contain more than four beds and no more than two persons were permitted to share one bed. The charge for living in the common

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1 Ibid., app. ccii. Accidents due to neglect were not unknown. Thus it was reported that in co. Waterford gaol one lunatic overpowered another and beat him so severely on the head with a stone that the victim lay in a 'languishing condition.' Freeman's Jn., 13 Mar. 1764.

hall was to be one penny a night; a room cost fifteen shillings weekly. If a debtor wished to have a room to himself he was obliged to arrive at an agreement with the marshal.[1]

However, as the legislature failed to include any method of enforcing these regulations, abuses flourished. Thus in 1729 it was learned that the keeper of the sheriffs' marshalsea in Dublin earned £406.18s. annually for chamber rents, though the prison had only 12 rooms.[2] In 1785 it was discovered that at the four courts marshalsea 'those who have beds ... rent out part of them to others; and for lying on straw, some two some three in a bed, on the bare ground they pay three pence a night.'[3]

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1 10 Will. III, c. 9. See appendix c.

2 Commons' jn. Ire., iii. app. ccclxxxvi. He charged 12d. a night for a bed 'but sometimes greater' and often 4 or 5 persons shared a bed. One prisoner paid 3s.6d. weekly for one half of a bed; another paid 5s. for one-third of a bed for 5 nights. Ibid., app. cclxxxvii. At Newgate, where poor prisoners were sent, 4d, per night was charged.

3 Ibid., xi. app. ccccxiv. In 1787 debtors in this marshalsea paid 1d. for a room with 6 or 8 others in it; 'above stairs' the price was 15d. weekly. Howard, Lazarettos, p. 80. All rooms were without furniture. One critic declared "I am considerably under in my calculation, when I say that there are, unlawfully dragged from the vitals of necessity, in this mansion of distress £150 p.a. at least'. Volunteer Evening Post, 1 Mar. 1787.

In 1787 Dublin corporation set up a committee to regulate the prices of rooms in New Gaol. The costs varied according to the size of the rooms but in general ranged about 2s.2d. per bed each night or 11s.4½d. a week. Moreover, the gaoler was required to supply beds, bedding and servants to clean the apartments.[1]

The following year a committee of the house of commons were told by the keeper of that gaol that the rooms were numbered and priced at the doors; some contained 2 beds each and each bed paid 11s.4½d. weekly. There were 9 persons 'in a guinea room' paying 4s.4d. each a week. There were 4 rooms let at a guinea and 4 at one half guinea a week; and that in one room there were 4 beds and each person paid 6½d. per night.

However, the committee discovered that the price paid was 'generally vastly above the weekly price marked on the doors' and that 'until lately the will of the gaoler determined the price of the lodgings', and that there had been 'a single vault', with but 2 or 3 very bad pallets in it, where 15 or 17 persons paid 1s.1d. per night each to escape being put among the ruffians in the common hall.[2]

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1 Cal. anc. rec. Dublin, xiv. 36-7.

2 Commons' jn. Ire., xii. app. dccxxxv, dccxxxiv.

In 1793 parliament made another attempt at reform by reviving the act of 1698[1] but it is plain that abuses continued. Thus in 1796 at the four courts marshalsea the best rooms cost 8s.1½d. per week while everyone in the common hall was charged 7d. a week. However, the inspector general of prisons observed:

> 'Exclusive of these charges outside security must be given for the rents of rooms and also a douceur to the deputy -- monstrously oppressive in my opinion and calling loudly for interposition of parliament. How can it be expected that an unfortunate debtor can pay such enormous exactions when he is consigned to confinement for inability to fulfill engagements when at liberty to exert his industry'.[2]

There is little evidence as to what was being charged in the other prisons throughout the country. The inspector general, however, did note that, in 1796, debtors in the gaols of co. Wicklow and the liberty of St Sepulchre paid 1d. a night while at the gaols of Drogheda and co. Galway they paid 2d.[3]

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1 33 Geo. III, c. 35.

2 Commons' jn. Ire., xvii. app. ccv. In the same year rent for 'first rooms' in the sheriffs' prison (Dublin) was 7s.7d., and for 'lower' rooms, 7d. At the city marshalsea room rents ranged from 2s. to 3s. weekly, while the common hall cost 7d. Ibid., app. cciv, ccv.

3 Ibid., app. ccxii, ccv, cciii.

Solitary confinement.

The idea of confining prisoners in separate cells was seized upon by reformers as an excellent method of punishing the wicked and preventing the corruption of those in prison for minor offences through association with hardened criminals.[1] The extensive gaol construction of the last quarter of the century seemed to offer the opportunity needed to put the idea into effect. For example, one newspaper declared;

> 'solitary imprisonment, when jails can be constructed for that very necessary purpose, would be greater punishment than death itself were it rigorously exacted for a number of years, or perhaps for life, and each person put to some species of useful labour, not to have them a burden on the community. One of the chief terrors of the Bastille is, that each person is shut up in a cell, without a communication with any other prisoner, nor is even the gaoler permitted to utter a word when distributing to each the'

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1 Thus one newspaper commented: 'If a stimulus is requisite to urge an universal adoption of solitary confinement for persons committed to prisons and particularly separate rooms for those who for several offences may be immured within the walls thereof we imagine no greater can be offered than the dying works of Clancy and Corbet (both executed this day for murder in Limerick) at the place of execution (Gallows-Green) 'we' they said, 'at first were committed to the city crib on suspicion of crime we never committed, among a company of wretches whose whole scheme was when they would be liberated, who they should plunder, thus when acquitted we came out fully ripened for all manner of iniquity.' Wexford Herald, 18 Aug. 1788.

'daily allowance of food'.[1]

But parliament never specifically ordered solitary confinement to be applied generally, and the poor construction of many newly built prisons largely defeated the plans of the reformers. Thus, in 1796, at the gaol of co. Antrim when a new wing was added, a double row of cells lining each corridor ruined the 'important purpose of solitary confinement'. Newgate in Dublin had 72 cells many of which, the inspector general of prisons observed, might have been 'devoted to solitary confinement', but they were 'scarcely ever applied to that necessary purpose'. At Maryborough gaol there were cells for solitary confinement but they were not used 'either through the carelessness or corruption of the gaoler'.[2]

However, in the gaol of Queen's county solitary confinement was practiced during the rebellion

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1 Dublin Chronicle, 10 Nov. 1787.

2 Commons' jn. Ire., xvii. app. cc, cciv, ccx. At Clonmel the gaoler did not confine his prisoners 'in solitary cells as he ought'. Ibid., ccxi. Despite the fact that Kilmainham prison was 'very large' it was nevertheless 'totally unfit for solitary confinement'. Ibid., xix. app. dcclx. John Howard found the new gaol at Mullingar 'too small ... for solitary confinement' and he preferred 'the crowding of many into one room to the confinement of two in a cell'. Lazarettos, p. 94.

of 1798 and was 'manifestly attended with good consequences'. Moreover, the inspector general thought it 'a practice that under a humane inspector will always be attended with the happiest effects to the prisoner himself and to the public at large'.[1]

Escapes.

Escapes from gaols in the seventeenth and eighteenth century were very common.[2] Corrupt or incompetent gaolers and insecure prisons were blamed for their frequency. 'A keeper paying proper attention to his duty need not fear escapes' complained a committee of the Dublin city assembly.[3] Of Roscommon gaol the inspector general of prisons declared:

> 'escapes have been frequent from hence, which is very extraordinary as it is one of the strongest gaols in the kingdom; negligence or corruption can only cause such accidents.'[4]

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1 Commons' jn. Ire., xix. app. dcccxxiv.

2 Thus in 1658 a gaoler of Newgate was dismissed for that reason and in 1666 another was suspended (but afterwards re-instated) for the like cause. Cal. anc. rec. Dublin, iv. 136, 379. When, in 1776, a murderer escaped from Clonmel prison, the gaolers were tried and imprisoned. W.P. Burke, History of Clonmel, p. 170.

3 Ibid., xiv. 184.

4 Commons' jn. Ire., xvii. app. ccix.

In 1796 an 'extraordinary' escape from the 'remarkably secure' gaol of Kilmainham caused the keeper's suspension;[1] and frequent escapes from Phillipstown prison were attributed to the sheriff extorting money from the gaolers for their appointments.[2] In 1798 the inspector general observed that co. Waterford prison, though only 12 years old, was in ruins 'from the many breaches made by the prisoners who have frequently effected escapes.'[3] In the last quarter of the eighteenth century escapes became so rife that, in 1787, one judge, in order to deter other prisoners, sentenced to death 5 persons who

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1 Ibid., app. cciii. A 'suspicion of the gaoler's fidelity' was occasioned by the many escapes from the 'very strongly built' prison at Mullingar. Ibid., xviii. app. cccxxix. In 1792 a Dublin alderman received information that some prisoners were planning to escape from Newgate. He went at once to the gaol and found the keeper absent and the window bars cut. The gaoler was sent for and ordered to be more 'circumspect' in future. Wexford Herald, 23 July 1792.

2 Commons' jn. Ire., xvii. app. ccvi. However, a few years later the inspector general declared that 'escapes from this ruinous gaol are very frequent which the utmost vigilance of the gaoler cannot prevent.' Ibid., xix. app. dccc. There were also complaints made about the number of escapes from the prisons of Trim, Ennis and Tralee. Ibid., xviii. app. cccv.; xvii. app. ccii, ccvi.

3 Ibid., xviii. app. cccxxiv.

had attempted to break out of Kilmainham.[1]

The methods used to escape ranged from the tried and true use of a disguise; tying bed sheets together to lower oneself down a wall; picking a window padlock;[2] to more ingenious essays:

> 'There never appeared a greater proof of female industry than that lately furnished by the women confined in the New Prison, in the excavation they had made for the purpose of escaping. The miners of Vauban could not make a regular sap in a seige, than they did under the foundation of the building, and all without any implement but an old poker, and the indefatigable exertion of their hands, and a fund of patience and perserverance almost beyond example.'[3]

D. A. Chart has pointed out that a very useful device was to stop up the prison drains, thus the authorities:

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1 Volunteer Evening Post, 11 Jan. 1787. However, they were respited. Ibid., 25 Jan. 1787.

2 For examples of these see: Pue's Occurrences, 10 Nov. and 20 Nov. 1753; Dublin Chronicle, 30 June 1787; Wexford Herald, 16 Apr. 1789. In 1639 the government was informed that two of seven prisoners lodged in Belfast 'in an upper room of a house' that was 'three storyes high ... uncorded the bedd' tied the cord to the window, slid down and escaped. Sheffield Public Library, Wentworth Letters, Vo. 19, Item 92. See also C.B. Gibson, The history of the county and the city of Cork, ii. 197.

3 Dublin Chronicle, 18 Sept. 1787.

> 'were obliged to tear up the floor to find where the stoppage was, and in the general confusion produced by the presence of workmen, there would be an opportunity of getting away, or at all events, of obtaining a knowledge of the structure of the gaol that might be useful afterwards.'[1]

Thus in 1790, forty-six prisoners escaped from Newgate 'through one of the sewers'.[2] The Dublin city assembly then requested that the lord mayor and a committee attend that prison once a week 'and form such internal police as will in future prevent the attempts lately made to break gaol.'[3]

Parliament legislated several times on the subject. For example, in 1709 judges were empowered to issue warrants in force for all Ireland to capture any debtor escaping from the Dublin four courts marshalsea.[4]

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1 Ireland from the union to catholic emancipation, p.219.

2 Cal.anc.rec.Dublin, xiv. 173. In Limerick, nine felons got into the sewer of the gaol 'proceeded 140 yards under ground, opened a small hole near the county court house and made their escape'. Dublin Chronicle, 29 Nov. 1787. It was not unknown for a mob to attack a prison in an attempt (sometimes successful) to liberate a favourite. For examples see: Freeman's Jn., 6 Aug. 1765 and Dublin Chronicle, 18 Sept. and 6 Oct. 1787.

3 Cal.anc.rec.Dublin, xiv. 173. Debtors too, frequently attempted escapes. For example see the Dublin Chronicle, 7 June 1787.

4 8 Anne, c.7 cl.1,2. If the same prisoner escaped a second time the sheriff was made liable.

In 1721 it was decreed that felons or vagabonds who fled from prison to avoid transportation faced death as did anyone who knowingly harboured them.[1] In 1729 it was decided that perjurers escaping from a house of correction were to be executed.[2] In the session of 1775-6, the legislature decreed that any one who broke gaol or aided another to do so faced death.[3] In 1792 any one escaping from a penitentiary was to be punished as if he had returned from transportation and, finally, in 1793 in order to prevent debtors breaking out of the four courts marshalsea by the ruse of exchanging rooms with other prisoners, parliament declared that any one confined there had to live in the chamber allotted to him and might not change it without permission of the marshal.[4]

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1 8 Geo.I, c.9 cl.1,12. This was repeated again in 1747 by the act 21 Geo.II, c.12 cl.2.

2 3 Geo.II, c.4 cl.2.

3 15 & 16 Geo.III, c.21 cl.9. Shortly afterwards parliament declared that any one set to hard labour on the river Liffey might have his sentence doubled for a first escape and go to the gallows for a second. Furthermore, any person attempting, even unsuccessfully, to rescue a felon at hard labour or from a house of correction faced the same term and the same labour as the prisoner he had tried to rescue. 17 & 18 Geo.III, c.9 cl.14. In 1794 two under-keepers of Newgate, for aiding the escape of Archibald Hamilton Rowan, were sentenced to 21 months in prison 'being the unexpired period of Mr. Rowan's sentence and to pay a fine of £250 each, making £500 the sum which Mr. Rowan was to pay'. Belfast News-letter, 28 July - 1 Aug. 1794.

4 32 Geo.III, c.27 cl.3, and 33 Geo.III, c.35 cl.2.

Ironing prisoners.

One method commonly used to prevent escapes was to put prisoners in irons. Thus in 1666 Dublin Corporation expended £9.1s.3d. on 'chaines and bolts for secureing the prisoners now remaining in ... Newgate ... which was a worke necessary to be done for the good of this citty'.[1] In 1704 the grand jury of Kinsale ordered the town chamberlain to buy two pair of iron bolts for the prison.[2]

Though not always successful the ironing of prisoners was widely used and it was, of course, condemned by reformers. For example, Fitzpatrick believed that:

> 'The insecurity of gaols is the greatest cause of general hardships that prisoners labour under; as the gaolers in weak prisons think themselves obliged to have recourse to dungeons and irons to prevent'

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1 Cal.anc.rec.Dublin, iv. 377.

2 U.C.C. Library. Caulfield papers, MS 84, Grand jury presentments, p. 8. In 1713 the grand jury of co. Louth decided to present £20 for repairing the county gaol '& furnishing it with locks bolts & other necessarys'. N.L.I., General assize bk, 24 Mar. 1712/13. In 1797 a magistrate ordered the gaoler at Lifford to put bolts on every man accused of murder or of tendering or receiving illegal oaths 'and not to remove them on your peril'. T. Young to [illegible], 20 Mar. 1797. P.R.O.I., Cal. O.P. carton 510/35 doc.2.

'their escape.'[1]

The types of irons used and their deficiencies are thus described:

> 'There are two sorts of iron bolts used in the gaols ... viz. bar and chainbolts; the bar bolts are very inconvenient and troublesome to the prisoners; and if disengaged would answer all the purposes of a short crow, for digging the ground, perforating the walls and serving as an engine to wrench the bars off windows and staples off doors, whilst they would become the most dreadful instruments that could be put into the hand of man, when disengaged, and made the means of assisting his escape; of which there have been many instances.'[2]

Of the two types, chain bolts were preferred by reformers as answering 'every purpose intended by the gaoler'.[3] 'The bar bolts are cruel' observed John Howard, 'for they give more pain to the prisoners when lying or walking than iron chains.'[4] They were also dangerous as

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1 Gaol abuses, p.31. In 1788 the inspector general of prisons found men 'chained to logs sunk in the floor, also hand-cuffed and bolted whenever the keepers considered their prisons not sufficiently secured'. Commons' jn. Ire., xii.app.dccxxxiii. Another reformer pointed out that at the gaol of co. Cork, in 1796, irons were not put on prisoners 'except on those who are condemned to die, yet no prisoner attempts to break gaol which proves that attention and humanity precludes the necessity of bar and chain bolts so generally used elsewhere'. Ibid., xvii.app.ccii.

2 Fitzpatrick, Gaol abuses, p. 95.

3 Ibid.

4 Lazarettos, p.95.

they were not:

> 'by any means as secure a ligature as chain bolts. When forced off,.. they become a tremendous weapon in the hands of the desperate and are also very effectual instruments for gaol breaking.'[1]

For instance, in 1788 seven prisoners in the gaol at co. Waterford unrivetted their irons 'and having made with them an aperature in the wall effected their escape'.[2]

Although many men were put in irons, John Howard rejoiced to find that in Ireland women were not ironed as in England.[3] However, in 1796 it was disclosed that the very insecure prison of co. Cavan 'heavy bar bolts' were 'cruelly put on all, sick and well without distinction'.[4] Fitzpatrick thought that gaol infirmaries:

> 'ought to be as secure as any other part of the prison that the gaoler with safety'

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1 Commons' jn. Ire., xvii. app. ccii.

2 Howard, Lazarettos, p. 87. In 1796 the gaoler at Armagh 'nearly lost his life by a blow from one of these bolts ... the offender also effected his escape'. Commons' jn. Ire., xvii. app. cc. See also the Wexford Herald, 1 Nov. 1792.

3 Lazarettos, p. 88.

4 Commons' jn. Ire., xvii. app. cci.

> 'may remove their [prisoners'] irons during their indisposition which will contribute much towards their ease and recovery.'[1]

But fear of escapes was not the only reason for chaining prisoners. Too often, it was said, they were used 'for the purpose of extorting money from the unfortunate'.[2] For example, in 1700 a prisoner in Ennis gaol complained that he was made to swear evidence against another man by threats of bolting and hanging,[3] In 1783 the deputy keeper of New Gaol (Dublin) admitted he had known 'money extorted from prisoners by threatening them with heavy irons'.[4] In 1718 the gaoler of Drogheda was allowed twenty shillings a year over and above his salary for 'bolting and imbotling' prisoners.[5] In 1796 the

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1 Ibid., xi. app. cxxxi.

2 Ibid., xvii. app. ccii.

3 John Ainsworth, ed. The Inchiquin manuscripts, p.247.

4 Commons' jn.Ire., xi.app.cxxx. In the gaol of co. Longford the inspector general found all the men 'ironed with bar bolts an unnecessary practice in this very strong gaol.' However, a man under sentence of death was not ironed because, the inspector supposed, 'he was able to pay for this...indulgence'. Ibid., xix.app.dcccxi. At Naas, though the prison was 'exceedingly strong' he discovered that the gaoler kept the confined heavily bolted. He commented, 'whenever this custom prevails it is generally done for the prisoners to pay for their being taken off.' Ibid., xviii. app. ccxcii.

5 Gogarty, Drogheda, p. 337.

turnkey at co. Cavan gaol received 1s.1d. 'for taking bolts off prisoners' as part of his fees.[1]

Parliament made only one general statute on the subject, that of 1796, which authorised grand juries to present up to £20 annually for repairing bolts, shackles, whipping posts, gallows and so forth.[2]

Drinking.

Given the temper of the times and the conditions of most gaols it was natural that many prisoners turned to alcohol for temporary release. Liquor was usually inexpensive and always easy to obtain. Thus John Howard noted:

> 'A noggin or gill of that pernicious and destructive liquor whiskey, is sold in Dublin so cheap as 1½d. or 2d., and a half a pint for three pence or four pence. This makes it the common liquor of prisoners and of the lower class of people, who are often intoxicated by it almost'

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1 Commons' jn. Ire., xvii. app. ccii.

2 36 Geo.III, c.55 cl.33. In 1786 the legislature allowed the grand jury of Dublin city to present (no sum was mentioned) for providing irons for the house of correction and for repairing them. 26 Geo.III, c.24 cl.24. For examples of presentments for irons and chains see the grand jury presentments of co. Mayo, 1792-5, p.40; the co. Carlow summer (1800) assize bk, p. 4.

'to madness.'[1]

Of consequence much heavy drinking was done in gaols and indeed one prison chaplain looked upon liquor in prison 'as the source of all other evils and irregularities'.[2]

Yet despite well known examples of deaths and riots due to drinking, many persons still believed that to deny prisoners liquor would be cruel and unjust, hence reformers had publicly to state their reasons for so demanding:

> 'It may be thought severe and cruel, especially to debtors, who are not delinquents, that no liquors should be admitted into prisons. But, though the greatest tenderness should be shewn to such unfortunate persons, yet the restraint appears nec-

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1 State of the prisons, p.206. In 1763 there was a complaint that in some Dublin prisons there was daily retailed 'a quantity of spirits not less than from six to eight gallons'. Moreover, it was pointed out that such spirits were 'notorious' for not being 'the most pure'. Freeman's Jn., 15 Nov.1763. John Howard disclosed that after 'a most accurate inquiry' it was learned that in Dublin one-seventh of the total number of houses in the parishes of St Mary's and St Werburgh's were dram shops, and in St Mark's one-fifth and in St James's one quarter of the whole. Lazarettos, p.81.

2 Commons' jn.Ire., xii.app.dccxxxiv. The keeper of the New Gaol in Dublin declared he had known instances of quarrels arising from drunkeness 'where prisoners have been dangerously beat'. Ibid., app.dccxxxv. For instances of this see John Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, i. (Part 1) 292 (1870). Also Howard, Lazarettos, p.80.

> 'essary; for many sober persons coming into prisons, from uneasiness of mind, and the influence of bad examples, have acquired those habits which ended in their ruin; and, the quiet and orderly frequently complain of being disturbed by the noisy and the quarrelsome.'[1]

All attempts to stop the vending of liquors in prisons were for the most part frustrated by gaolers, who usually kept a tap in the prison, thought it their right to do so, and earned large sums by so doing. Thus in 1783, the keeper of New Prison in Dublin explained that it had been his constant practice to sell 'spirits and other liquors' which he considered a 'legal perquisite' necessary to 'supply the deficiency of a salary which was otherwise insufficient for his support'.[2] In 1729 it was discovered that the governor of two Dublin prisons earned £90 a year from the 'benefit of his ale cellar at 360 barrells yearly at five shillings profit on each barrell'. However, this did not include his profits on wine, brandy, rum, and other liquors. This 'great trade', it was said, proved to be the 'foundation of severe extortions and oppressions' for:

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1 Ibid.

2 Commons' jn. Ire., xi. app. cxxx. He earned on an average £400 a year from this trade.

> 'in order to create a consumption in the cellar, a practice prevails of taxing every prisoner that comes into the said prison...though it be but for a night, 2s.2d. for a penny-pot, as it is there termed and if refused, the prisoner is abused, violently beaten, and stripped. And it appears that convicted persons under the rule of transportation, are constantly admitted to be among the debtors, and to treat them with the utmost cruelty in levying this arbitrary imposition.'[1]

In 1788, in the New Gaol at Dublin prisoners paid ls.ld. per night each for their accomodations in order to escape being put in with 'the ruffians in the common hall, among whom if they went they would be stripped and their

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1 Ibid., iii.app.cclxxxviii, ccclxxxvi. In the same year the deputy keeper of Newgate prison received ls. 4d. for his penny-pot, of which the prisoners had no share. Ibid., ccclxxxvii. Penny-pot, or as it was sometimes called, garnish, was a tax traditionally levied on every new prisoner. The amount levied rose as the eighteenth century grew older and by the last quarter of the century it was 3s.9½d. or two bottles of whiskey. See: Howard, Lazarettos, p.81, and State of the prisons, p.206. Despite legislation against it, penny-pot was not finally abolished until the nineteenth century by the statute of 4 Geo.IV, c.43 cl.12.

clothes given for spirituous liquors.'[1]

Parliament made three attempts to make gaols dry. Thus in 1763 gaolers were forbidden to brew in their prisons under a penalty of £5 for each offence.[2] Twenty years later they were faced with a £50 fine and a prison sentence if convicted of selling liquor.[3] However, the statutes were

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1 Commons' jn. Ire., xii. app. dccxxxiv. In 1764 it was asserted that the marshal of the Dublin city marshalsea farmed the tap room in that prison for £50 a year. It was also said that if a prisoner refused to pay garnish he was stripped naked and in case of resistance 'pinioned fast with cords ... carried to the necessary house and there ducked, until almost suffocated' while his clothes were pawned until the sum was paid. In his reply to such criticism the marshal declared that it was difficult for him to account for the behaviour of his prisoners and that he had often been in danger himself when trying to calm their rioting. He did not deny the 'custom of extorting money' but claimed that it was not peculiar to the city marshalsea and that he 'most heartily' wished he knew of any method by which he could suppress it. Freeman's Jn., 29 May 1764.

2 3 Geo. III, c. 28 cl. 4. Fitzpatrick noted that 'the act against brewing ... in prisons is evaded by the gaolers permitting the prisoners to get as much in as they can pay for, but for this permission a certain duty is paid the gaoler or turnkey by the prisoners.' Gaol abuses, p. 89.

3 23 & 24 Geo. III, c. 41 cl. 11.

completely ignored[1] hence the legislature, in 1786, made a third attempt by ordering:

> 'That no tap shall be kept in the prison, nor shall the gaoler, nor any person under his authority or appointment directly or indirectly, sell to the prisoners any malt or spirituous liquors, or any manner of provisions whatsoever.'
>
> 'That no spirituous liquors of any kind, shall be admitted into the prison on any pretence whatsoever unless by a written order from the physician, surgeon, apothecary, medical assistant, or inspector, or any penny-pot or garnish to be taken from prisoners on their entrance into prison on any account or pretence whatsoever.[2]

For the most part, however, these acts remained inoperative. Thus in 1788 Howard found in Newgate 'many instances of persons dying by intoxication and fighting and that a 'puncheon of whiskey' had been drunk there in a week while penny-pot still

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1 For example, in 1783 a committee of the house of commons observed, 'It has been proved and acknowledged, that the gaolers still continue to vend liquors in most instances, notwithstanding the penalties already enacted against them'. Commons' jn. Ire., xi. app. cxxxi.

2 26 Geo. III, c. 27 cl. 32, No. 3, 10. John Howard had observed that 'prisoners will sell their bread at any price to procure spirituous liquors'. Lazarettos, p. 79. To forestall this parliament ordered the clergyman appointed to deliver the bread allowance to the confined not to suffer 'the prisoners to commute the ... allowance, by receiving the value thereof in money or in any other manner whatsoever'. 26 Geo. III, c. 27 cl. 32, No. 4.

flourished.[1] In that same year the four courts marshalsea was described as a 'scene of disorder, irregularity and intoxication.[2] In 1796 the Inspector general of prisons declared that a 'whiskey shop' was publicly kept by a debtor in the city marshalsea in Dublin. At Carrickfergus prison he found that liquor was 'freely admitted', while in the gaol at Monaghan prisoners 'avowed in the presence of the gaoler their exchanging their bread for whiskey'.[3]

But not all drunkeness could be traced to corrupt gaolers. As the windows of many prisons faced the public streets, it was almost impossible to prevent alcohol being conveyed into them. Thus at the prisons of counties Cork and Sligo, Howard saw spirits handed into the prisoners, but observed that

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1 Lazarettos, p. 79. Of Kilmainham prison he wrote 'I have seen the debtors drinking wine and some of them drunk at eleven in the morning.' Ibid., p. 83.

2 Commons' jn. Ire., xii. app. dxxx. The marshal declared that when the gaol was full 'a hogshead of whiskey had been sold in a week, in a clandestine manner' besides what was sold from 'his own' tap. Howard, Lazarettos, p. 80.

3 Commons' jn. Ire., xvii. app. ccv, ccviii, ccix.

'this cannot be entirely prevented by the most careful keeper, where the windows are toward the street.'[1] The inspector of Enniskillen gaol, in his report on preventing prisoners receiving liquor wrote:

> 'This is complied with as far as it is in the powers of the inspector but he cannot answer but that liquors may be conveyed by the windows as they consist of iron grates and open to the streets.'[2]

The inspector general noted that the gaols at Drogheda, Kilkenny, Limerick, and Ennis were also places where the confined were in 'a constant state of intoxication' through malstructure of those gaols.[3]

Hard labour.

The first mention of a plan to set prisoners to labour occurs in 1603 when some 'well disposed persons' petitioned Dublin corporation for aid in establishing a house of correction or bridewell.

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1 Lazarettos, p. 89.

2 Ibid., p. 95. The keeper of Waterford city gaol was once fined £5 for striking 'a saucy boy, who would deliver spirituous liquors in at the window to his prisoners'. Ibid., p. 88.

3 Commons jn. Ire., xviii. app. cclxv.; xvii. app. ccvii.; xix. app. dcccxiii, dccxli. It was learned, however, that the gaoler of co. Armagh sold liquor to his prisoners but claimed that they got it through the windows. Ibid., xvii. app. cc.

The corporation granted some land and a building was erected but the plan fell through and the house was eventually sold to Trinity College to be used as a students' residence.[1] There was further discussion on the subject in 1623-4 and 1624-5[2] but it was not until 1629 that the city got a bridewell when, for £9 a year, the corporation rented 'the steeple called Saint Johns steeple adjoyning to Saint Johns hospital in Saint Thomastreete' for that purpose.[3]

By this time parliament had become interested in the subject and, in the session of 1634-5, it decided to set up a system for the whole country. Accordingly, it was enacted that by Michaelmas 1636 every county should have a house of correction complete with 'mills, working cards and other necessary implements', with which to set to labour the 'rogues and other idle disordered persons', who were to be

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1 T.C.D. muniment room, MS(Mahaffy Coll.) D.9; Cal. anc. rec. Dublin, ii. 420, 521; J.T. Gilbert, A history of the city of Dublin, iii. 7. There is a catalogue extant from 1616 of all the furniture and implements 'as are left in every ro'me in bridewell house'. T.C.D. muniment ante room, cupboard B, shelf 5.

2 Cal. anc. rec. Dublin, iii. 168, 181.

3 Ibid., p. 225. It is evident that not every inmate was bound to be a prisoner. For instance, in 1631 the corporation allowed an aged city porter lodgings 'in the house of correction or in the hospitall of Saint Johns'. Ibid., p. 256.

confined there. Such prisoners were not to be supported by the county but were to have the allowance they deserved by working.[1]

However, not every grand jury acted as directed by parliament. For example, some of them merely set aside a room or two in their gaols and termed them houses of correction.[2] In 1707 parliament merged houses of correction and workhouses by ordering each county to enlarge the former with all 'conveniences' for preparing hemp and flax. A man skilled in the working of such products was to be appointed master who was obliged to take in apprentices.[3]

Nothing more was said on the subject of hard labour until the last quarter of the century when it was observed that transporting criminals to

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1 10 & 11 Charles I, c. 4 cl. 1, 4.

2 In 1755 parliament forbade such practices and, at the same time ordered that no more than £10 be presented at any one assize for the use or repair of the county house of correction. 29 Geo. II, c. 14 cl. 6, 7. In 1684 the grand jury of co. Meath presented £50 for erecting a house of correction at Trim on the condition that Trim corporation should 'keepe the same in repaire ... without any charge or trouble to the ... county'. Trim corp. min. bk, 3 Feb. 1684.

3 6 Anne, c. 9 cl. 8-10. This statute was repealed in 1745 by 19 Geo. II, c. 6 cl. 1.

America was depriving the country of many whose labour might be useful to the community. For remedy, the legislature in the session of 1777-8 enacted that until 'more effectual provisions in place of transportation', could be framed, male convicts from any part of Ireland liable to transportation were to be kept at hard labour cleaning the river Liffey and the harbour of Dublin (under the management of overseers appointed at sessions of justices of the peace) for the same term as their sentence of transportation demanded (or a shorter term if the court should order it) provided that the period was not less than three years or more than ten.[1]

The convict was to receive clothing and coarse inferior food. Misbehaviour or refusal to work might be punished by 'moderate' whipping or such punishment as a prisoner might undergo in a house of correction. Upon completing his term the prisoner was to be freed and receive as well some clothing as 'not less than forty shillings or more'

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1 17 & 18 Geo. III, c. 9 cl. 1. A man sentenced to death might, instead of being sent to the gallows, be set to hard labour for ten years. The expenses of conveying the prisoner were to be paid by the county in which he was sentenced. Ibid., cl. 2, 4.

'than five pounds.'[1] Grand juries (save that of Dublin city) were empowered to present at the assizes £5 for each convict sent from the county to pay for his support, clothing, and instruments, and to reimburse the sheriff or gaoler for conveying him to Dublin, though not more than six pence per mile each prisoner.[2]

Women and 'weak or aged males' who would be useless for such work on the river, were to be confined to hard labour in their counties, 'at a place appointed for that purpose, 'for the same amount of time they would have spent if they had been transported.' The justices of the peace were required to see that proper houses of correction were prepared and to make rules for the 'employment, regulation and government', of those sent to them.[3]

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1 Ibid., cl. 7, 8. If while at labour a felon behaved well and showed signs of reformation, the court might recommend that his term be shortened. Ibid., cl. 9.

2 Ibid., cl. 21. The grand jury of Dublin city was authorized to present, at the general quarter sessions of the peace, as well the £5 for every convict as 'such reasonable sums' as they thought 'expedient' for the maintenance of convicts and for buying them 'proper' working materials. Ibid., cl. 22.

3 Ibid., cl. 10, 13. Grand juries were to present such 'reasonable' sums as they thought 'expedient' for the support of such houses. Ibid., cl. 23. The act was, by virtue of two others, continued in force until 1787. 19 & 20 Geo. III, c. 14 cl. 11 and 21 & 22 Geo. III, c. 40 cl. 2.

But as no scheme of inspection was incorporated into the act by the legislature the statute, insofar as it applied to labouring in prisons, remained largely inoperative. Thus in 1782 a committee of the house of commons discovered in the New Prison at Dublin about 16 women confined for 3 or 4 years to hard labour 'where no labour or work could be done.'[1] The year following a Dublin sheriff observed:

> 'persons sentenced to hard labour crowd the gaols, and there being no means of employing them, become a nuisance and additional expence to the public, endangering the health of the prisoners, debauching and corrupting their morals, to a pitch of depravity scarcely credible.'[2]

It was learned that in the Dublin bridewell those confined to hard labour were not allowed fire, candlelight, blankets or straw and that two young boys sentenced to labour had been confined in the same room with three lunatics, one of whom had to be chained down.[3]

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1 Commons' jn. Ire., x. app. dxxxiii.

2 Ibid., xi. app. dxxxi.

3 Ibid. In 1787 a member of parliament visited this prison and saw some women industriously spinning; 'he asked one of them what she could earn a week who replied about sixteen pence. Upon his wondering why she and the others who thus laboured could be in a state of such absolute wretchedness, he was told that the whole of their endeavours was the property of the gaoler's wife.' Dublin Evening Post, 31 Mar. 1787.

Of the bridewell of co. Wicklow John Howard noted, 'like all such prisons in this country [it] has no materials for work.'[1]

Early in 1790 the government took up the idea of establishing penitentiaries 'for the reception of felons heretofore sentenced to transportation' and solicited the opinions of various grand juries and judges on the subject. The replies were generally favourable though all of them seemed afraid of the additional expense the scheme might entail.[2] Thus armed the government, in November 1790, set up a penitentiary in the Dublin bridewell placing it under the direction of Jeremiah Fitzpatrick.[3]

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1 Lazarettos, p. 84.

2 For example, Cavan grand jury having 'maturely deliberated' the proposal declared that such an establishment might tend to the good of the community provided it was under 'prudent, correct and rigid regulation', and that the community had 'good security that when carried into effect the establishment would be sufficient to support its own expence.' However, without seeing the 'entire plan' they felt themselves 'utterly incapable' of giving a decisive opinion, though they were apprehensive that it might tend to a local tax which they were 'satisfied' the country could not bear 'to any extent'. Opinions of grand juries on penitentiaries, 20 May 1790. P.R.O.I., Cal. O.P. carton 508/17.

3 In 1791 the government gave Fitzpatrick £538 to defray expenses and to provide materials for the employment of the prisoners. Commons jn. Ire., xv. app. xx. In 1792, £200 was so expended. Fitzpatrick paid the keeper of the prison a salary of £50 a year. Ibid., app. cccxxiv. In 1794 the government contributed £316 towards expenses. Ibid., xvi. app. xxviii.

The object of the penitentiary was said to be:

> 'to receive and put to hard labour such convicts as were considered capable of reformation, there to be confined during the term of their sentence, and all such other persons as should be sent there from the /Dublin/ recorder's court.'[1]

Several children, 'some of them not more than nine years old' were immediately placed in the bridewell to be instructed in such trades as they seemed qualified for.[2] By July 1793 some progress was reported. Thus 79 persons had been received, 47 of whom were 'still on the books', 13 had been pardoned, and 19 sent back to New Prison as 'incorrigible' to undergo their sentences.[3] In the same year a committee of the house of commons visited the penitentiary and were 'highly pleased' to see several children working at different trades. Moreover, they declared that the institution might prove even more useful if the bridewell were 'rendered more commodious' and a

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1 Ibid., xv..app. ccccviii.

2 Ibid., In January 1792 the commissioners of the Dublin police visited the bridewell and reported that of the 39 persons confined there, 7 were beating hemp, 11 were 'ribband weaving', 2 were winding silk, 16 were shoe-making and one was tailoring. Ibid., app. xii.

3 Ibid., app. ccccviii.

'sufficient' fund established to buy raw materials which would afford constant employment. In fine, the committee thought that from the 'improvement' which had lately taken place in gaols and bridewells throughout Ireland, that the sentencing of offenders of a 'certain description to close confinement and hard labour' might be adopted with 'security and advantage' and that it would be adviseable for parliament to empower grand juries to make the necessary presentments.[1]

However, the setting up of a penitentiary in Dublin proved to be the only experiment of this nature made by the government.[2] For a time the Dublin scheme succeeded. Labour was 'briskly' carried on and the government 'liberally' advanced money for buying implements, raw materials and paying instructors, but the plan eventually collapsed owing to the dishonesty of the overseers for 'the persons entrusted by the government carried off the produce of two'

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1 Ibid., The committee also observed 'that a considerable saving of public expense would be made by substituting this mode of punishment and correction in the room of transportation, as now practised, there having been transported in this year three hundred and one persons, at a very great expense.' Ibid. Thus for the year 1796-7 the government spent £8,441.11s9½d. on transporting felons. Ibid., xvii. app. cccIxxix.

2 In 1792 the legislature authorised the lord lieutenant to establish penitentiaries but nothing seems to have come of it. 32 Geo. III, c. 27.

'years labour'. Interest in the project declined and, by 1796, the remaining 18 'penitents' were unemployed, 'almost naked' and lived only on bread and water. Nevertheless, petty thieves continued to be sent to the penitentiary, generally for three years, but as there was no fund for providing materials for labour they were 'consequently in very great distress'.[1]

Although the system was abandoned, reformers continued to urge that prisoners be given some means of employing themselves. For instance, the inspector general of prisons said of the Dublin four courts marshalsea:

> 'employment ought to be provided for the poor, to enable them to exist, as I have too much reason to think the horrors of confinement are here frequently aggrevated by want of food.'[2]

And Jeremiah Fitzpatrick once asked the mayor of Londonderry to provide looms and other implements for the confined debtors of that town.[3]

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1 Commons' jn. Ire., xvii. app. cc; xviii. app. cclxxxvi. However, by 1799 their condition had been somewhat alleviated by the attentions of the members of the Howard Society who furnished (as they did also at the four courts marshalsea) 'materials and instruments for labour' and who visited the bridewell weekly to encourage habits of cleanliness and industry. Ibid., xix. app. dcclxix.

2 Ibid., xvii. app. ccv.

3 Londonderry Jn., 15 Oct. 1793.

Charity.

Although records are scanty there is evidence that the practice of distributing charitable gifts to the imprisoned was by no means unknown in Ireland in the centuries that preceded the philanthropic age of enlightenment. Thus the first mention of a gaol charity occurs in 1381 when the prisoners in the castle, town prison and tholsel of Dublin became the objects of a charitable bequest.[1]

Occasionally important public bodies announced laudable intentions. For example, in December 1634 the house of commons ordered:

> 'That every member of this house shall give to the poor prisoners in the prisons of this city [Dublin] two shillings a piece and whosoever that doth not now pay the said allowance by mutual consent shall pay double the same the'

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1 H. Berry, 'History of the religious gild of S. Anne, in S. Audoen's church, Dublin, 1430-1740, taken from its records in the Haliday Collection, R.I.A.', in R.I.A. Proc., Section C xxv. 32 (May 1904). In 1577 it was said of Dublin that 'the poore prisoners both of the Newgate and the castell ... are chieflie, if not onlie relieved by the citizens'. Cal.anc.rec. Dublin, ii. 541.

'next session of this parliament.'[1] However, it cannot be gainsaid that the eighteenth century surpassed its predecessors as well in the size and scope of its charitable organizations as in the liberality of many private citizens.

Charity in the age of enlightenment usually took two forms: that of sending food and fuel to prisoners, and that of freeing those confined for fees or small debts. Numerous private donations are recorded. For example, Anne viscountess Midelton, who died in 1747, bequeathed £200 to a society which looked after discharged prisoners.[2] In 1791 the bishop of Derry gave 100 guineas to free 70 debtors in the gaol of

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1 Commons' jn. Ire., i. 91. This resolution was repeated in April 1640. Ibid., p. 172. In 1602 a Dublin alderman left five shillings to be distributed among the prisoners in Newgate on the day of his burial. Donn Piatt, 'A Pale family and old Dublin', in Dublin Hist. Rec., xviii. (No.3) 96 (June 1963). Towards the end of the century Daniel Bellingham, the first lord mayor of Dublin, bequeathed land near Finglas, valued at about £50 per annum, for the relief of poor confined debtors. However, two of the trustees obtained possession of the property and evaded the purposes of the testator. J. T. Gilbert, A history of the city of Dublin, i. 15. See also Pender, Waterford, p. 20.

2 W. Carmody, History of the parish of Knockbreda, p. 21. See also Cal. anc. rec. Dublin, ix. 318.

Omagh.[1] In 1776 the prisoners in the gaols of Kilkenny 'being upwards of forty in number' publicly acknowledged the receipt 'of their winter's coals' through the bounty of the Butler family.[2] In 1798 the inspector general of prisons noted that in Athy gaol the prisoners had neither blankets nor fuel. 'Their wretched state', he declared, 'would have been intolerable were it not for the humanity of ... the rector of the town, who is exceedingly attentive to them.'[3]

In 1783 John Howard restored to their families several men 'who seemed most proper objects of compassion', commenting:

> 'Some had children dying with the small pox, others had hardly rags to cover them. But this distress had no more effect on the clerk of the crown, sheriffs and gaolers, than to engage them to give'

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1 Londonderry Jn., 22 Mar. 1791. In 1778 a woman who chose to conceal her name contributed £100 to a society for freeing debtors. Faulkner's Dublin Jn., 14 Oct. 1778. In 1743 the countess of Meath sent a 'large quantity of bread and meat' to the Meath street marshalsea in Dublin. Ibid., 26 Nov. 1743. There were of course countless small gifts made such as the ten guineas given anonymously to Cork debtors in 1795. Cork Courier, 11 Feb. 1795.

2 John Prim, 'The corporation insignia and olden civic state of Kilkenny', in R.S.A.I. Jn., series 4, i. (Part 1) 292 (1870).

3 Commons' jn. Ire., xviii. app. ccxcii.

'up half their fees.'[1]

However, officials were not always so hard hearted. Thus in 1753 the town clerk and sheriffs of Dublin discharged several poor prisoners out of Newgate 'who lay there for their fees'.[2] In 1784 a Cork society extended their thanks to the sheriffs of the county and the city 'for their humanity in remitting all fees due of debtors'.[3]

It was also common practice to send food stuffs seized in markets for being underweight or of inferior quality to the local prisons. Thus in 1786 the lord mayor of Dublin 'took up a vast amount of light bread' and sent it to the marshalseas,[4] while in 1794 the mayor

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1 State of the prisons, p. 204.

2 Pue's Occurrences, 31 Mar.1753. On Christmas day of that same year the lord mayor of Dublin sent 75 loaves, one for each debtor, to the city marshalsea, while the marshal gave 15 debtors their liberty by paying their debts and remitting their fees. Ibid., 25 Dec. 1753. In 1787 a noted judge visited that same prison 'and discharged the debts of between forty and fifty tradesmen and artificers, and restored them to liberty and industry'. Dublin Chronicle, 30 June 1787. There were complaints, however, that not all the moneys sent to prisons was distributed equally or even given to the confined. For example, see the Freeman's Jn., 29 May. 1764.

3 Short account of the Cork society for debtors relief, (1784), p. 24.

4 Volunteer Evening Post, 27 Jan.1786. The following year 'a great quanitity of unsaleable provisions' were sent thither by another chief magistrate. Dublin Chronicle, 20 Oct. 1787. This was allowed by parliament in an act of 1727. 1 Geo.II, c.16 cl.7.

of Londonderry sent to the city gaol a large quantity of bread and butter seized for the same reason.[1]

Parliament sometimes, and indirectly, conveyed small sums to prisoners. For instance, in 1765 when it ordered the inhabitants of cities and towns to sweep before their properties it also decreed that the penalties (one shilling for each offence) were to be sent to the locally confined debtors. In 1787 it ordered all 'false scales, weights and measures' found in the Dublin liberties to be sold and the money distributed amongst the poor prisoners in their gaols.[2]

Newspapers often reminded their readers of the needs of the imprisoned. Thus in 1771 a Dublin paper, twice in one month, adverted to the great number of prisoners in the four courts marshalsea who would

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1 Londonderry Jn., 20 May 1794. Sligo corporation declared that turf which was for sale but was not up to its proper weight might be seized and sent to the gaol, house of correction and infirmary. Likewise, hay sold 'fraudently' was to be taken up and sold by the corporation and one half of the money so raised was to be given to the debtors in Sligo gaol. Corp. Records, ii. 29 Jan. 1800.

2 5 Geo.III, c.19 cl.28, 29, and 27 Geo.III, c.76 cl.3. In 1704 the city assembly of Dublin ordained that persons belonging to that body who did not attend its meetings were to be fined and the sum was to go to poor imprisoned debtors. Cal.anc.rec.Dublin, vi. 320.

'inevitably perish' if not speedily relieved.[1] It was common too for prisoners (chiefly debtors) to advertise their distress in newspapers. For instance, in 1743 the debtors in the four courts marshalsea informed the public that 78 of their number 'only subsisted by the charitable allowance of one penny per day in bread'.[2] A few months later the 120 prisoners in the city marshalsea declared that they were in a:

> 'very poor deplorable condition, not having any allowance but what the lord mayor sends them, which is but very small when distributed amongst so great a number, tho' the Charitable Society disburses a great deal of money every year to discharge prisoners whose creditors will compound, but they never leave one farthing to those unfortunate prisoners whose merciless creditors will not compound, and some of them not real debtors, but confined by malice and oppression, some four or five years .... Therefore they humbly beg the publick to take compassion on those miserable creatures.'[3]

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1 Dublin Chronicle, 23 and 30 May 1771. The paper declared that either the printer or the marshal would receive donations.

2 Faulkner's Dublin Jn., 17 Sept. 1743.

3 Ibid., 6 Dec. 1743. They often wrote letters entreating aid. For example, see that sent to the provost and 'most charitable' fellows of Trinity College by the confined debtors of Dublin. T.C.D. muniment room, shelf 2, box 28, from packet circa 1610 to 1720. (The letter is undated).

In several of the larger towns charitable societies were founded that devoted themselves exclusively to this problem. Such groups always received glowing praise in newspapers. For example, in 1793 when an assembly was held in Londonderry town hall for the relief of small debtors a paper commented:

> 'We cannot sufficiently express our satisfaction at the design of the charitable assembly ... nor do we hesitate to pronounce it one of the most judicious exercises of beneficence.'[1]

In 1771, ten prisoners were released from a Dublin marshalsea by a donation from a 'society of gentlemen in the college'[2] and in 1786 the inspector general of prisons was presented with a printed account of the proceedings of the Cork society for the relief and discharge of confined debtors.[3] One of the oldest of these

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1 Londonderry Jn., 3 Dec. 1793.

2 Dublin Chronicle, 2 May, 1771.

3 Volunteer Evening Post, 16 Jan. 1786. A similar society existed in Limerick. Howard, Lazarettos, p. 90. In 1767 the Society to Free Debtors (the Mecklenburg Musical Society) announced that it had distributed 40 loaves of bread and 'some coals' weekly to debtors and, moreover, had released 44 of them. Freeman's Jn., 3 Feb. 1767. The Society of Free Masons was also active in helping its distressed imprisoned brethern. Dublin Chronicle, 29 Dec. 1787.

TRINITY COLLEGE DUBLIN LIBRARY

these groups was the Charitable Society of Dublin which was founded in 1718 and was described as, 'one of the most noblest and useful charities that ever was devised'. It raised money by holding 'elegant concerts' in the music hall at Fishamble street but its funds were applied only to 'poor confined debtors'.[1] This group seems to have been a most active one. Thus it reported that in 1742 it had released 142 prisoners whose principal debts and fees amounted to £1,225.17s.1d. besides expending £33.16s. in charity to poor creditors and newly released prisoners.[2] In 1786 the keepers of both Dublin marshalseas acknowledged that the society had sent to their gaols allowances in bread, money and fuel to the amount of £5 each week and occasionally had released those prisoners whose creditors could be prevailed

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1 Pue's Occurrences, 23 Oct. 1753. A ticket cost a half guinea which likewise entitled the holder to attend the rehearsals. J.T. Gilbert, A history of the city of Dublin, i. 76.

2 Faulkner's Dublin Jn., 14 Jan. 1743. Some days earlier it was announced that 'last Monday the Charitable and Musical Society enlarged half the prisoners in Meath street marshalsea and on Thursday most of the remainder by compounding their debts and fees; they will visit St Sepulchre or Kevan street, and other prisons in their turns'. Ibid., 3 Jan. 1743. In 1752 it was said that the society 'since their new hall was built, have released 1359 prisoners, whose debts and fees amounted to above £11,050'. Robert Nelson, An address to persons of quality and estate, p.95-6.

upon 'to compromise their debts'.[1]

In June 1774 a society for debtors' relief was founded in Cork, its regulations taken 'with some variations, from those which have been adopted in London, Bristol, and other principal cities in England'. A committee of this group met fortnightly to examine written applications which 'minutely' described all the circumstances of a petitioner's case and referred to some person of 'undoubted veracity' for a character reference. If there were 'any doubt' as to a prisoner's character, the society left him 'to his fate'. Where the largeness of the debt or the 'inflexibility' of the creditor, did not allow the committee to effect a release they supplied with food and coal persons 'as at any time appeared to be in real distress'. In 1784 the committee declared that it had obtained from the grand jury of the county and the city, presentments for

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1 Volunteer Evening Post, 13 Jan. 1786. The society had chambers in Capel street where 'benefactions' were received and their books lay open for public inspection. Ibid. John Howard observed that they distributed a six penny loaf to the 'most necessitous' in the two marshalseas. Lazarettos, p.81. In 1775 another debtors' relief society was founded in Dublin. It met every second Wednesday at the Royal Exchange to receive petitions. An annual subscription of two guineas constituted a member among whom were the lord chancellor and the bishop of Cork. The Irish court registry and city and country calendar (1797) p.264.

dividing the gaols and introducing pipe water, circumstances which had been 'hitherto neglected and probably would have remained so but for the formation of this society'. Moreover, to secure the debtors from 'another dreadful evil, the tyranny and severity of their keepers', the committee, on an 'authenticated report' from the debtors discharged of their having been properly treated, allowed the gaolers and turnkeys such a compensation as made their 'interest an effectual pledge of their humanity'.

There can be little doubt that much good work was done. For example, in the year 1783-4, the society enlarged 107 debtors[1] while the committee declared that in the year 1796-7, 3215 'weights of potatoes' costing £71.12s.6d. and milk worth £13.7s.9d., together with a 'large expenditure' for fuel and bedding had been 'carefully distributed' to the debtors in the two gaols and the bridewell. Moreover, 26 debtors had been released 'at a considerable expence'.[2] In August 1783, the society instituted its 'charitable loan' by which 'trades-folks of both sexes' were allowed to borrow two

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1 Short account of the Cork society of debtors relief, (1784) pp.6-8.

2 Ibid., (1797) p. 24.

guineas each, interest free. Thus between 1784 and 1797 £14,332.10s. was lent out to 4415 persons.[1]

Failing all else prisoners might beg. Many gaols were built with their windows facing the streets, hence the confined could importune passers-by.[2] This could be dangerous, however, to an unwary but charitable person:

> 'A gentleman passing by Kilmainham jail last Saturday put his hand into the bars with some half pence, for the relief of the prisoners, when one of the audacious hardened villans took hold of his wrist whilst another with a razor, swore he would cut off his hand if he did not instantly deliver his purse, upon which the gentleman gave the miscreants a'

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1 Ibid. In May 1794 a 'reform house' was opened in Dublin under the direction of a committee chosen from members of a group known as the Association for promoting Religion and Virtue to conduct the Reform of the criminal Poor. In it were placed 15 boys (13 of whom had been tried for their lives before they were 14 years old) many of them taken out of the city bridewell. They were taught reading, writing, religion, accounts and shoe-making. In 1797 the society appealed to the government for funds observing that it had saved the exchequer £70 (the cost of transporting one person) on each of the 9 boys in its custody who were under that sentence. P. Latovch to Earl Camden, 23 Mar.1797, P.R.O.I., Cal. R.P. carton 620/29, doc.90. The institution catered for children of 'two descriptions', those of convict parents and young criminals. It seems to have remained quite a modest undertaking. Thus in 1797 there were only 18 children being maintained. The Irish court registry and city and country calendar, (1797) p.268. For some interesting comments on the activities of this association see, J. Ferrar, A view of ancient and modern Dublin ... to the year 1796, p.68.

2 Thus in 1747, twenty-six prisoners in the Dublin four courts marshalsea were reduced to begging 'at the grate'. Pue's Occurrences, 28 Mar. 1747.

'guinea and a crown all the money he had about him.'[1]

It was said that the keeper of Naas gaol, 'humanely' allowed his prisoners 'every morning about ten o'clock to come out of the dungeon into the street opposite the door, where they generally beg until evening and then are locked up in the dungeons until the morning following.'[2] In 1747, the lord mayor of Dublin, allowed the prisoners in the four courts marshalsea, all 'in the utmost want', to have a man stand with a box of Essex bridge to receive charity on their behalf, because their gaol was situated in 'an out of the way place'.[3]

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1 Dublin Chronicle, 3 July, 1787.

2 Commons' jn. Ire., xi. app. cxxxi.

3 Pue's Occurrences, 28 Mar. 1747. In 1764, there was a complaint about the Dublin city marshalsea that 'the charities collected at the grate, the Inn-quay, and on the bridge' were a great imposition on the prisoners 'there being seldom a real prisoner admitted to the grate, or benefitted by the charity given'. It was said that none of those who begged were true prisoners for 'being discharged ... they remain here [in the marshalsea] to receive a double portion of all the bounties'. Freeman's Jn., 29 May 1764. In 1778, at a masquerade ball in the Music Hall one of the guests 'personated the man with the charity box on Essex Bridge, and collected £5.9s.10d. for the confined debtors'. J. T. Gilbert, A history of the city of Dublin, i. 84.

Prisoners' relief.

> 'Ah little think the gay licentious proud,
> Whom pleasure, power, and affluence surround;
> . . . . .
>
> Ah little think they, while they dance along,
> How many pine in want, and dungeon glooms;
> Shut from the common air, and common use
> Of their own limbs.'[1]

But charity was not enough. Throughout the eighteenth century, the want of food, fuel, and medical attention and the ruined and filthy state of most prisons, in which both sick and healthy were crowded together,[2] caused great general suffering and many fatalities. Thus in 1783 Jeremiah Fitzpatrick (the first inspector general of prisons) told a committee of the house of commons that:

> 'from his experience, the general cause of jail distempers, and other miseries which wretched prisoners frequently labour under, to depend on the improper situations, mal structure of prisons, arising as well from the bad materials'

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1 James Thomson, Winter, (London, 1762) p. 176.

2 Sometime during the years 1741-7 a petition from the 'poor, dismal, deplorable, afflicted, melancholy, stript, distressed, grieving, weak, sick, famishing and dying debtors', confined in the gaols of Ireland was sent to a member of the house of commons. The prisoners particularly complained that no place was set apart for the sick 'but that be their illness ever so malignant they are left with the others'. Hence they begged that an act be made for their 'general enlargement or support, as 'tis in Great Britain and not in ... Ireland'. H.M.C. MSS in various collections, ii. 419 (1903).

> 'from which jails are built, as from their form, confined rooms and cells, generally damp and below the surface, where they cannot have the benefit of ventilation. Uncleanliness, bad lying, generally on the damp floors, without clean straw or covering, often improper and unwholesome food, the want of court yards and necessary-houses, all of which highly dispose to putrefaction, etc. the want of exercise and the melancholy state of mind in which prisoners generally are, contribute to produce many complaints.'[1]

To indicate the immensity of the problem facing prison reformers it may be useful to give here a few particular examples of the distress many prisoners underwent during our period. Thus in 1729 a committee of the house of commons investigating the Dublin Newgate found the stench of a room where poor prisoners were kept so overpowering that they 'could not possibly stay in above half a minute'.[2] In 1776 Dublin corporation informed parliament that the 'epidemical disorder' which had lately raged in the capital and killed many was believed to have started in Newgate 'from the infection conveyed by the prisoners' the gaol being 'insufficient for them and in a very runous state.'[3] In 1783 in the

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1 Commons' jn. Ire., xi. app. cxxxi.

2 Ibid., iii. app. ccclxxxviii.

3 Ibid., ix. 284-5 (4 Apr. 1776). In 1782 John Howard described this and another Dublin prison as 'dirty beyond description'. Ibid., x. app. dxxxiii.

gaol at Naas, the dungeons were so 'damp and filled with stinking vapours' that candles could 'with difficulty burn'. The only passage for light and air was a window in each cell 'scarce fourteen inches square and even that was in a great measure occupied with iron bars'. Yet in November of that year six double bolted prisoners were found in the prison lying on the cold damp floor 'scarce defended with straw' two of them without any sort of covering save a little straw and mats made of the same which they substituted for blankets.[1] In that same year the Dublin four courts marshalsea was described as:

> 'so filthy and crowded with men, women and children, that it appeared ... extraordinary how they supported life with any degree of comfort, the sick and healthy were indiscriminately mixed in the same room.'[2]

At the gaol of co. Kilkenny the cells were entered by a trap door and a ladder and, it was pointed out, 'when it happens any person dies in those cells they are

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1 Ibid., xi. app. cxxxi. Howard noted that the co. Galway bridewell had no water 'but when flooded'. Lazarettos, p. 93.

2 Commons' jn. Ire., xi. app. cxxxi. In 1787 the city marshalsea was said to equal 'the black hole at Calcutta'. Dublin Chronicle, 30 June 1787.

obliged to raise them up ... by a pully.[1] In 1787 it was disclosed that in New Gaol (Dublin) 'infirm emaciated creatures' had died in the cells 'without the knowledge of any attendant in the prison'.[2] Finally, John Howard, who had visited almost all the important prisons in Europe, declared that he never saw gaols or abuses worse then those in Ireland.[3]

Having thus indicated some of the problems reformers faced we may now proceed to examine the attempts they made to solve them. The first official attempt was made in 1665 when parliament, after observing that 'great numbers of poor people often died or lived in extreme want for lack of means to buy necessities in prison before their trials', required justices of the

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1 Commons' jn. Ire., xi. app. cxxx. Kilmainham prison was described as an 'ill contrived, improper, filthy and unwholesome prison'. It had no bath or airing grounds; tubs were used as privies and these were emptied 'at the discretion of the keeper or the turnkey'. Ibid., xi. app. ccccxv.

2 Ibid., xii. app. dxxxv. In this prison the only fire for men was in a large common hall where there were often as many as 160 persons, and this fire, 'lighted with difficulty on the ground', was 'generally encircled by the desperadoes, of consequence the weak and feeble, who most need its genial heat are totally excluded'. Ibid., app. dxxiv.

3 I.P.R., iii. 90.

peace and 'head officers' of cities and towns to tax every parish 'reasonably' for the support of poor prisoners. Such officers were empowered to nominate collectors and the latter to raise (by distress if necessary) the sums required. Every quarter the money collected was to be given over to the high constable of the barony or the alderman of the ward who were to pay it to persons (appointed by justices of the peace or mayors) living near the gaol who were to distribute it among the poor prisoners.[1]

The Caroline act remained untouched until 1729 when the legislature enacted a new measure to explain 'more fully' the earlier ordinance. Henceforth no money was to be raised for prisoners save by presentment of the grand juries at the assizes. The sums collected were to be given to the minister of the parish where the gaol was situated and he and his churchwardens were obliged to buy provisions, in such proportions as they thought fit, and distribute them among those who could not maintain themselves.[2]

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1 17 & 18 Charles II, c.8. Anyone refusing to be a collector might be committed to gaol while fines on those found guilty of offences against the statute were to be given to poor prisoners.

2 3 Geo.II, c.5 cl.6. If a minister refused to attend to the duty he might be fined £ 20 which was to be given to poor prisoners.

There is evidence that some attempts were made to put these statutes into force. For example, in 1684 thirty pounds was applotted in the parishes of Dublin city for the relief of the poor in Newgate.[1] In 1710 the corporation of Waterford paid a man the £5 which he had 'disbursed last assizes for the reliefe of poore prison'rs.'[2] In 1753 the grand jury of co. Donegal presented £15 'to buy meal for the prisoners.' This presentment was repeated again in April 1756 while in September of that year £43.8s.8d. was presented for 'meal, water and straw.'[3]

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1 St John's applotment bk, 7 June 1684. St John's had to pay £2 as its proportion of the levy. Occasionally towns made their own regulations. For instance, in 1709 the grand jury of Kinsale declared 'that if any inhabitant arrest any seaman or other stranger for debt that the cred'r maintain the debt'r in gaol during his imprisonment'. U.C.C. Library, Caulfield papers, MS 84, Grand jury presentments, p. 12.

2 Corp. council bk, 27 Sept. 1710. In 1741 the corporation agreed to pay a baker what was due to him for 'bread by him delivered to the criminalls in the city gaol'. Ibid., 29 Oct. 1741. In 1728 the gaoler of co. Louth informed the grand jury that he had expended £9.7s.2d. on his prisoners but that 'no fund for the reliefe of prisoners' existed. The jury thereupon presented the sum he claimed as well as an additional £5 to be given over to a committee for prisoners' relief. General assizes bk, 22 Mar. 1728. In the summer assizes of 1730 the jury decided to present £4 to be given to a clergyman for the prisoners. Ibid. See also McSkimin, Carrickfergus, p. 303.

3 Grand jury presentment bks. In 1757, £58.2s.3d. was presented; £30 was presented in 1758 and 1759 and though nothing was presented in 1760, £55 was presented in 1761. In 1762, £80 was presented; in 1764, £20; in 1765, £30, while £120 was presented in 1766. Ibid.

Unfortunately a number of abuses grew up round these attempts at prison relief. Thus some ministers neglected to distribute the prisoners' bread and that duty was taken over by the gaolers who often sent in names of prisoners 'as of in need of bread who were not.' For example, in 1796 the keeper of Newgate scheduled 134 prisoners for bread though only 74 were entitled to loaves.[1] Moreover, much of the bread used was baked by gaolers who 'made it any weight and type they wished' and obliged prisoners to take it from them at their own rates.[2]

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1 Commons' jn. Ire., xvii. app. cciv.

2 In 1766 a prisoner complained that the local minister left the distributing of the bread to the gaoler and described the results: 'Now sir, our bread is sent by the baker to the gaoler, who cuts the loaves, and gives it to us when he thinks proper. We are often fasting till four in the afternoon and sometimes till seven, when he happens to get drunk or be abroad. And as all gaolers have their favourites ... to be sure they get the largest shares. I have been two years in confinement, and never saw a loaf cut in the middle .... The gaoler has a wife and daughters and every day that our bread comes to the gaol, there also comes a hot cake for the ladies tea. This cake is made out of the fine flower and you may imagine what ours is when the fine is taken out, sir, it is like a lump of bullocks blook; not half baked, to make it weigh heavy and has no more nourishment than a Dale board. Two days ago I heard the gaoler's youngest daughter say to the elder, "Oh, Molly, I have good news; there are four prisoners come in for murder; we shall have a large cake tomorrow." (The cake being larger or smaller as the prison is full or empty). Molly replied "it will not last long; the assizes are near, and they will be hanged from the dock."' 19 July, 1766. Freeman's Jn.

It happened also that sometimes presentments were not made for prisoners' relief. Thus in 1729 a committee of the house of commons while visiting Newgate saw a 'multitude of wretched objects lying naked upon the ground perishing with cold and hunger'. On investigation they discovered that 'several persons have died through mere want, and that there are many there now, who, sometimes for four days successively, have not had any sort of sustenance'. This 'induced' them to enquire what allowance of bread the city of Dublin made to crown prisoners in Newgate. And to their 'great surprise' they found that the custom of allowing bread had been 'quite discontinued for sometime past'. Occasionally the grand jury made a presentment 'of some small sums for their relief' but these, it was said, went 'but a very little way' towards keeping alive such numbers as were generally confined and particularly that no more than £56 had been presented in over a year and of that but £26 raised and applied. The committee believed that such a small sum could not support for more than 30 days the number of prisoners in the gaol and this at the rate of 1½d. per man a day which was the sum 'generally allowed'

'for that purpose in every county throughout the kingdom.'[1]

After 1729 parliament did not concern itself about prisoners' relief until 1763. However, occasionally some local efforts were made in that direction. Thus in 1737 Drogheda corporation allowed a 'chirurgeon' an annual salary of £2.10s. when he informed them that for several years past he had attended the marshalsea and poor house without any reward.[2] In 1750, in the hope of preventing contagious diseases being introduced into court, the judges of the king's bench appointed a physician to inspect the health of prisoners in Newgate before they were brought to trial.[3]

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1 Commons' jn.Ire., iii.app.cccIxxxvi. In 1776 a clergyman in co. Kerry wrote of the difficulty in getting presentments for providing bread for prisoners which was 'usually in arrears'. J. Ainsworth, ed. The Inchiquin manuscripts, p. 219.

2 Corp.min.bk, 16 Jan. 1737. There is mention of an apothecary occasionally attending Carrickfergus prison in 1717. McSkimin, Carrickfergus, p. 305.

3 Commons' jn.Ire., viii.app.clxx. The physician, George Doyle, asserted that he caught gaol fever 3 times while 3 others who, at one time or another, had attended with him had died of it. After 17 years service he petitioned parliament for a reward having received, he claimed, no more than 6 guineas in salary since his appointment. Ibid., The legislature granted him £200 (Ibid., viii.app.cclvi) and an annual salary, as inspector and physician of Newgate, of £208. 19s.5d. This sum continued to be paid to Doyle and his successors, by the government, up until 1791. Ibid., x.app.cccxiv.; xi.app.ccclxi.xii.app.cccxcv, dcxxxv.; xiv.app.xxii.; xv.app.xvii,ccxliii.

In 1763 the legislature again took up the subject of prisoners' relief. Thus a new measure obliged ministers to buy the gaol bread themselves 'upon the best terms bread was usually sold for in the parish' and to distribute it. If a minister found a sick prisoner he was required to summon a physician and to pay for the necessary medicines. Furthermore, clergymen were to receive a salary of up to £10 a year for attending to such duties.[1]

In the session of 1777-8 a second attack was made on the problems of prisoners' health and the provision of medicines.[2] The new statute

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1 3 Geo.III, c. 28 cl. 5, 15. Some clergymen had been receiving emoluments for such duties before this statute was made. For instance, there is mention, in 1747, of an inspector at Carrickfergus gaol who was also the prison chaplain and who, for both these offices, received £10 per annum. McSkimin, Carrickfergus, p. 305. In 1757 co. Donegal grand jury presented £20 to a clergyman 'for his extraordinary trouble for some years past in his care in distributing the prisoners meal and attendance on the gaol and for advancing money for buying the prisoners bread.' In 1762 ten pounds was presented to another clergyman to reward his care of the prisoners. Grand jury presentments, 26 Mar. 1757 and 21 Aug. 1762.

2 The motives of parliament were not entirely altruistic. Thus the legislature observed that 'The universal want of proper infirmaries, and the proper medical attendance in all the prisons is a grievance productive of the worst consequences, by endangering the lives of those respectable characters whose duty it is to attend the courts of justice, as have been fatally evinced in many recent instances.' Commons' jn. Ire., xi.app.cxxxi.

(occasioned by outbreaks of gaol fever 'of which' parliament noted 'there has of late been too much experience'), required that a surgeon or apothecary (with a salary of £10 per annum) was to attend every gaol and to report the health of prisoners to the justices of the peace at their quarter sessions. The latter were obliged to see that court houses were properly aired and prisoners provided with clothing if there were an 'occasion' for it. They were empowered also to make such orders to preserve the health of prisoners as they might deem necessary. Cells and prison rooms were to be scraped and white washed once a year at least and were to be regularly kept cleaned and aired, separate rooms were to be appointed for the sick and a warm and cold bath provided in each gaol in which prisoners were to be washed before going out. No one was to be confined underground unless security required it. Grand juries were obliged to present for the expenses such reforms entailed though no specific sum was mentioned. Justices of the peace were allowed to fine gaolers for negligence (no amount was specified) or to commit

them for non payment of the fine.[1]

This statute was, however, indifferently enforced. Thus John Howard, 'that ornament of human nature', declared:

> 'I have frequently referred to the Irish acts of parliament for the regulation of prisons, as containing many articles highly laudable and worthy of imitation. I am sorry, however, that it is necessary for me to say, that the police of this country [Ireland] in these matters is as defective in point of execution, as it is commendable in theory.'[2]

A year after the statute had been made Howard did not find it 'in any of the prisons.'[3] He discovered that no physician or apothecary had attended the Dublin bridewell 'for two or three years' while at the New Prison, which was filthy, there was no bedding though the floors were of stone and the sick had no proper rooms or beds and no attention was paid

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1 17 & 18 Geo. III, c. 28. The act was to be painted on a board and hung up in a conspicuous part of every gaol.

2 State of the prisons, p. 202.

3 Ibid., p. 205. He observed that in many gaols debtors were not regarded as true prisoners by gaolers who consequently denied them the bread allowance given to felons. Ibid.

to them. The prisoners' allowance was two pence worth of bread a day 'but being delivered only twice a week and not fixed by weight some of the prisoners were 'almost starved'.[1] As for bathing, Howard wrote:

> 'The only building designed for a bath which I say in the gaols of Ireland was in the courtyard at Trim. I looked into it and found that it was the gaoler's pig sty.'[2]

In an attempt to amend the situation parliament passed a bill 'for enforcing due execution of the laws now in being'. Henceforth judges were obliged to order the counties to obey the statutes of 1763 and 1777-8, moreover, they were also required to examine all gaols and the conduct of keepers and impose such fines for malpractices as they deemed requisite.[3] Furthermore, in the session of 1783-4 the legislature demanded that 'proper' beds, blankets and straw be supplied

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1 Ibid., pp. 206-7.

2 Ibid.

3 21 & 22 Geo.III, c. 42 cl. 1. If grand juries continued negligent they might be fined up to £500 which sum was to be applied either to enlarging the county prison or providing 'necessities'.

in all prisons.[1]

Nevertheless, despite all the good will of parliament abuses continued. Thus Jeremiah Fitzpatrick declared that commonly there was 'no medical assistant of any sort' attending gaols, and where there was such a person:

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1 23 & 24 Geo. III, c. 41 cl. 6. It is impossible to arrive at any approximate figure which might be used to indicate what the counties generally expended on fuel and straw. Records, even when obtainable, are scanty and vague. For example, during the three assizes held in Mayo in 1792-3, the presentment amounted to £37.4s. In 1794 nothing was presented and in 1795, £12.5s.6d. was presented. Grand jury presentments, 1792-5. For the year 1792-3 Drogheda corporation spent £18.4s. on coal for its gaol. Accounts of the treasurer of Drogheda, 1792-3. Royal Irish Academy Library. In the summer of 1800, co. Carlow grand jury presented £10 to supply beds, blankets and 'other necessaries' for the county gaol, and £10 more to provide fuel until the next assizes. But £3.8s.3d. was presented also for the treasurer to reimburse him for the advance he made for fuel since the last assizes, and £12 for the necessaries supplied at the Leighlin bridge lock-up house. Summer assizes bk, 1800, pp. 4,5. As for furniture and bedding, the figures are equally indefinite. For example, in 1772 co. Donegal presented £21.0s.9d. to make 20 bedsteads and 3 closestools for the county gaol. Grand jury presentments, 8 Sept. 1772. In 1793 that same county presented £225.3s.9½d. to buy fuel, bedding and furniture for the new gaol as well as to pay 'other incidental charges.' Ibid., 16 Aug. 1793. In 1795 £80 was presented for fuel and bedding and indeed for 5 assizes held between April 1796 to April 1798 a total of £210 was so presented. Ibid., In 1800 co. Carlow presented £50 to furnish its new gaol. Summer Assizes bk, 1800. But figures such as these give no true representation of what was generally presented throughout the country and one must bear in mind that the sums presented may not have been always raised and expended.

> 'he seldom attends except previous to the assizes; when he may think it necessary to speak to the gaoler that he may be able to attest that he visited frequently and had distributed medicines amongst the prisoners.'[1]

In 1783 a house of commons' committee uncovered much negligence in prisons which in Dublin was attributed to the gaolers by the corporation[2] and to the grand jury by the gaolers. Thus the keeper of Newgate said that to supply straw and coal he had first to 'expend the money and then apply to the grand jury to be reimbursed by presentment' but such payments were 'attended by so many delays' and laid him under such difficulties that of consequence the prisoners were 'often destitute'.[3] The committee concluded, that from the returns made by both judges and sheriffs 'deficiencies' existed in all Irish gaols which

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1 Gaol abuses, p. 87. He also observed that 'when there is one in the county gaols he is generally an apothecary; and even he never has ... a stated salary; therefore he does not consider himself obliged to attend punctually to be entitled to his presentment.' Ibid.

2 A Dublin sheriff blamed the terrible state of Newgate on the 'neglect or non attendance of the gaoler or his deputy who answered his remonstrance on this head with insolence'. Commons' jn. Ire., xi. app. cxxx.

3 Ibid. It was said that presentments lay undischarged for two years or more. Ibid., xii. 390 (3 Mar. 1788).

'sufficiently' proved the necessity of building new prisons or of enlarging and repairing the old.[1] In May 1785 another committee declared that:

> 'The police and management of public gaols and prisons throughout this kingdom is still extremely defective, notwithstanding the different laws that have been enacted'.[2]

For remedy it urged the adoption of a vast and almost revolutionary code of prison regulations which it had drawn up. The commons accepted the plan and two of its members Peter Holmes and Richard Griffith, both keen reformers, were asked to bring in a bill which embodied the code.[3] A year later their bill, almost in its entirety, was passed.

The new act had three main provisions. One dealt with food, another with health, the third with inspection. Henceforth the clergyman appointed 'to deliver the common or county allowance of bread'

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1 Ibid., xi. app. cxxxi.

2 Ibid., xi. 450 (28 May 1785).

3 Fitzpatrick wrote of Holmes 'whatever portion of praise is due to Mr. Howard, it is with unspeakable pleasure I can aver, that benevolence is not confined to the foil of Britain; Ireland can boast of her Howard, in the person of Mr Peter Holmes whose indefatigable assiduity in his endeavours to mitigate the hardships of the unfortunate, must ever meet with the approbation of his country.' Gaol abuses, p. 30.

was obliged to attend his prison 3 days in each week and take care that the bread was properly distributed, of good quality, proper weight and not more than 48 hours baked. He was forbidden to allow the prisoners to commute their allowance.[1] Health was then considered. In the capital the grand jury was required to appoint (with the approbation of the king's bench) a physician whose salary was to be £100 annually. The latter was obliged to visit all the city gaols at least twice weekly and to report every week on the state of the sick. Moreover the sick and well were to be separated and the former provided with medicines, broth, 'or other necessary sustenance'. An apothecary (also to be approved of by king's bench) was to attend the physician and to make prescriptions. The bill for medicines was not to exceed £50 a year and was to be presented at each Michaelmas and Easter terms on the apothecary's producing the physician's certificate that the medicines had been distributed.[2]

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1 26 Geo.III, c.27 cl.32, No.4. In Dublin the duty of inspecting the bread in New Prison and the house of correction was given over to the chaplain. Ibid., cl.8.

2 If he attended to his duty the inspector of the city gaols was to issue a certificate to that effect upon which the physician was to be paid his salary. Ibid., cl. 11-20.

For prisons in general: rooms were to be daily scraped and swept and washed once a week in summer and once a month in winter. At least twice annually the interior was to be white washed one month before the lent and summer assizes. 'Sufficient' bedsteads, ticken for beds and blankets were to be provided and every prisoner supplied with fresh straw monthly. A bath and privies were to be built to which prisoners were to have free access. Furthermore, no prisoner, 'even when condemned to death', was to be put into a dungeon unless in consequence of 'outrageous conduct or of an attempt to break gaol'. In every prison there was to be at least one common hall or kitchen to which all were to have free access and a constant fire was to be kept there ten hours daily, from 29 September to 25 March from ten in the morning to eight in the evening, and for five hours daily the rest of the year from eleven in the morning to five in the evening. Grand juries were required to present a sum, not to exceed £60 annually, for fuel, bedding and blankets.[1] The sums

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1 New Prison, in Dublin, because of its size was to have two common halls and the corporation was required to present £100 a year for fuel and bedding while £40 was to be presented for the city house of correction. Ibid., cl.24-29.

raised were to be paid over to the local prison inspectors.

Reformers had by now abandoned the hope that abuses could be got rid of by mere statute and of consequence a system of prison inspectors was created.[1] Grand juries were required to appoint every year the clergyman who distributed the county allowance of bread, (or, if they should prefer, a surgeon, physician or apothecary) to be the inspector of the county prison, and house of correction.[2] A salary of £20 a year might be presented but that sum was to be exclusive of any other emolument the inspector might have, that is, for distributing the bread allowance. Inspectors were required to visit their gaols twice at least every week, during which visit they were to enter every room and if any complaints were made against the gaoler 'or his agents' they were immediately to enquire into the 'particulars of such complaint' and report accordingly.

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1 'The continuance of ... abuses', Fitzpatrick had written, 'plainly proves the necessity for a more effectual regulation; and that the most salutary laws, framed by the wisest heads will avail nothing, except some method is devised, by which they can and may be duly executed.' Gaol abuses, p. 92.

2 If any of them should refuse the appointment or neglect the duty then a 'discreet person' living within one mile of the gaol might be chosen inspector. Ibid., cl.2.

Inspectors were to describe the state of their prisons to magistrates at their quarter sessions and likewise to the judges at both assizes, and, at least 21 days before the sitting of parliament, they were to transmit a similar report (together with a calendar of prisoners in custody explaining their crimes as well as a general statement of all persons who had been tried whether acquitted or condemned, specifying their sentences) to the inspector general of prisons. These were to be laid by him before both houses of parliament.[1]

Because of the great numbers confined in prisons there, parliament paid special attention to Dublin city. Hence the inspector of the city gaols was to be approved of by the king's bench before he could act and, moreover, he was obliged to deliver his report in person to the legislature and also to submit a copy to the king's bench.[2]

The apex of the system was to be an inspector general appointed by the lord lieutenant (at a salary

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1 Clerks of the crown were required to furnish inspectors with schedules of prisoners, particularizing their crimes and sentences. Ibid., cl.32, No.13;33,39.

2 His salary was to be £100 a year. However, parliament declared that if a public spirited citizen of good fortune should undertake the office and waive his salary, such a person might appoint a deputy (also to be approved of by king's bench) for whom £60 annually might be presented. Ibid., cl.7.

of £200 per annum) who was required to visit every prison in Ireland once in two years and to give advice and assistance on the building of new gaols. Furthermore he was to receive the reports of the county inspectors, form them into a digest and present them to parliament at the beginning of each session. The office was to be abolished at the end of two years, since it was expected that under this new act prisons would be cleansed of abuses very quickly. Thereafter the reports of the local inspectors were to be transmitted to the inspector of gaols in Dublin.[1]

Lastly, judges were obliged to give the new statute to the grand juries and compel them to observe it. Negligent juries might be fined £200 which sum was to be applied either to repairing prisons or to buying necessities for their inhabitants.[2]

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1 Jeremiah Fitzpatrick was the first inspector general and continued in that office until 1793 when he left the country. No successor was appointed until March 1795 when a clergyman, Foster Archer was given the post and held it for the remainder of the century. Parliamentary Papers, 1809 (265) vi. Appendix No.6, p. 97.

2 In the same year parliament empowered the commissioners of the Dublin police to inspect the metropolitan gaols and houses of correction and to report their condition to the lord lieutenant. Ibid. 26 Geo.III, c.24, cl.44.

Outside of Dublin city the new statute seems to have produced some good effects. Thus John Howard who visited all the county gaols in 1787-8 was pleased to discover that:

> 'in many places gentlemen were attentive to this important part of the police. The grand juries have presented very liberal presentments for the purpose of repairing their gaols and for supplying prisoners with necessaries in sickness and health.'[1]

He noted that at Maryborough gaol the bread allowance was 3d. daily and the bread weight 2 lbs. 5½oz. There, and at several other prisons, Howard was delighted to find that prisoners 'were not defrauded in their bread.'[2]

But abuses, though somewhat checked, did not vanish. For instance, Howard found many gaols very dirty, the prisoners' bread often underweight, and

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1 Lazarettos, p. 78.

2 Ibid., p.86. In the gaols of Tralee and Limerick the inspectors daily distributed the county allowance: 2d. in bread and 1d. worth of milk. At Roscommon, the local inspector served the allowance twice weekly: for 4 men, 3 quarts of oat meal (about 12 ounces each man), 21 lbs. of potatoes and 5 quarts of milk. In Galway the allowance to felons was a 6d. loaf every other day which the prisoners often sold for 4½d. to buy potatoes. At the county bridewell at Loughrea there was no allowance at all. At Mullingar the allowance was 3d. daily 'in good household bread' which weighed 3½ lbs. and there was 'plenty of turf for fuel'. At Enniskillen and Lifford the allowance was 10 lbs. of meal weekly. Ibid., pp. 91-6.

inspectors negligent. 'In ... almost all Irish gaols', he said, 'there is neither infirmary nor bath.'[1] In Kilkenny the bread allowance was 2d. daily but the 2d. loaves weighed 1 lb. 10oz. 2 drams.[2] The gaol at co. Cavan was dirty, offensive and never whitewashed. Howard commented:

> 'Here I cannot but remonstrate against the negligence of inspectors and gaolers and their idle excuses for the omission of washing prisons, on which the health of prisoners so much depends.'[3]

When he complained of filth at Dundalk prison the keeper replied, 'We thought there would be no eyes over us till the assize.'[4] At Mullingar a corrupt local inspector charged the county £1,100 for 3 years fuel and food. Under a new inspector the account for 1787 did

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1 Ibid., p.99. At Carrickfergus gaol there was a large expensive and inconvenient tub for a bath 'but never used'. Ibid., p.98.

2 Ibid., p.85. At Sligo gaol a 4d. loaf weighed only 1 lb. 3oz. while at Ennis gaol the 3d. loaf weighed 1 lb. 11oz. Ibid., p.93. At Longford gaol he discovered a man who though committed only for a month had been detained several months for fees amounting to £1.10s.3d. He observed that 'in this and similar circumstances the expense of the bread allowance to prisoners exceeds the amount of fees'. Ibid., p.95.

3 Ibid.

4 Ibid., p.97. Howard mentioned this as a hint to magistrates 'who look into prisons only on public days'. Ibid.

not exceed ninety pounds.[1]

In January 1787 the house of commons established another gaols committee which in March issued its report. The committee praised:

> 'The humane attention paid ... by almost every grand jury in the kingdom and the liberal presentments that had been granted for repairing gaols as it affords a well founded expectation that a few years perseverance will effectuate a complete reform in the state and management of the prisons.'

However, they also observed that the counties, Donegal, Fermanagh, King's and Wicklow, and the towns, Drogheda, Carrickfergus and Dublin, had not 'attended to the obligations of the late gaol act' and that in the capital the prisons were in a 'most wretched condition'.[2] At New Prison the apothecary's bill for 5 months amounted to £22.13s. and for the other gaols to £25 so that nearly the whole annual allowance for medicine was expended in less than half a year. It was said that 'every species of debauchery and immorality' were practiced in the marshalseas and the prison physician believed:

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1 Ibid., p. 94.

2 Commons' jn. Ire., xii. app. dxxx, dxxvi, dxxiv.

> 'That the greater part of the diseases occurring in those prisons arise from the excesses of the prisoners and their being subjected to the action of cold and damp and that were those inconveniences obviated diseases would be much less frequent and consequently the expence of medicines much lessened.'[1]

The committee's report induced several members of the commons privately to inspect the city gaols and their discoveries caused an equal furore. For instance, the keeper of the bridewell admitted that there had not been a blanket in his prison for ten years and that the inmates were forced to sleep on the bare flags.[2] The prisoners were allowed 1 lb. of bread daily and in cold weather were obliged to burn their straw to keep themselves alive. Fuel was not for general consumption 'but only for such ... as were able to pay four pence a night for their lodging'. No money had been presented 'for mending the interior parts' of the prison, and the coal was used by the guards instead of the prisoners who did not 'in the slightest degree participate of the

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1 Ibid., app. dxxx.

2 I.P.R., vii. 428. The chaplain declared that the reason alleged was through fear that the prisoners would use the blankets to escape. Moreover, he said that on account of the prisoners miserable situation 'no medicines could be given them lest they should cause instant death'. Ibid., p. 429.

benefit or comfort ... unless admitted through favour or charity'. Even the small sums given in charity by the visiting members of the commons were at once seized by the gaoler for his fees.[1] Furthermore, no gaols inspector had been appointed for the person whom the grand jury had elected was disapproved of by the king's bench, upon which the jury considered the matter discharged and declined to elect another.[2]

Despite all the evidence of negligence and corruption it proved difficult to blame anyone. Thus one member of commons declared, 'that he could find nothing but a floating responsibility and nobody answerable except a few miserable gaolers.'[3] However another member found no such difficulty, observing that:

> 'houses of duress for punishment appertained to the executive power, or the crown; when privileges and immunities were granted by charter duties as well as advantages were annexed; the power which secured the enjoyment of the last required the performance of the former.'

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1 Ibid., pp. 430, 441, 427. The house of lords unanimously resolved to commit to Newgate the deputy keeper of the bridewell because of the 'flagrant enormities' he had perpetrated.

2 Ibid.

3 Ibid., p. 443.

He was 'convinced' that the corporation of Dublin as named by charter was answerable for such 'enormous' neglect.[1] But the lord mayor explained:

> 'That it was not the duty of the chief magistrate or the sheriffs to inspect any of the prisons; that the care entirely devolved on the grand jury who were changed every three months and of course there was no one to answer for the state of the gaols.'[2]

The immediate consequence was the formation of another commons' committee to enquire into the causes why the new gaol act had not been complied with in Dublin. The new committee at once found itself 'baffled by the difficulty and almost impossibility of fixing any responsibility anywhere'.[3] It was discovered that the grand juries had not presented the sums required by law but this proved a negligible defect since 'the mode of levying this money is so dilatory that in many, and those the most pressing instances, it could be of little use'. In hopes of preventing the like supineness in

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1 Ibid., p. 442. The lord chancellor had already declared that he thought the three chief justices could regulate the four courts marshalsea. Ibid., iii. 90.

2 Ibid., vii. 427.

3 Commons' jn. Ire., xii. app. dxxxiv.

future the committee resolved that 'the care and superintendence of every gaol of which any corporate or body politic appoint a keeper is a duty incumbent on the said corporation or body politic.'[1] The commons also agreed to a similar resolution respecting Dublin: 'the care of every gaol within the city is on the corporation and any neglect thereof is highly culpable'.[2] The chief justice of the king's bench then warned Dublin grand jury of the necessity of paying proper attention to their gaols. The horrors of some of them he declared were shocking to humanity. The city marshalsea was:

> 'an hovel dreadful to imagination, a number of persons huddled together without even a little straw to lie on, surrounded by noisome stenches, and accessible only at the hazard of a person's life -- yet even this was nothing when compared to the state of their bridewell.'[3]

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1 Ibid.

2 I.P.R., vii. 454.

3 Dublin Chronicle, 8 May, 1787. A member of commons said of the bridewell, 'that no painting, nor any powers of words could convey an adequate idea of the place or the distresses of its inhabitants'. I.P.R., vii. 426. The attorney general warned the grand jury to be careful of their rights for 'the charter obliged them to keep a proper gaol and if they continued to neglect their duty a scire facias might go against it.' Dublin Chronicle, 8 May 1787. These admonitions seemed to have produced some effect, thus six years later, in 1793, a Dublin lord mayor declared that he conceived it his duty 'to superintend the marshalsea to see that the internal peace of the prison is observed, and that no spirits are sold therein'. Commons' jn. Ire., xv. app. ccccviii.

Such scandals caused the legislature to enact, in that same year (1787), a new statute for 'amending and carrying more effectually into force' earlier prison acts. Thus to force a prison inspector on an unwilling corporation, the grand jury of Dublin were required to name three persons of whom the king's bench was to choose one.[1] Furthermore, the city was now obliged to expend £200 annually for prison medicines. All prison inspectors were now required to provide every prisoner with at least three pence worth of food and to distribute it every Thursday and Sunday. Grand juries were obliged to make presentments in advance for that purpose, and the money was to be given over to the local inspectors. Lastly, the office of inspector general was not to be abolished but to be continued at the pleasure of the lord lieutenant.[2]

The act of 1787 was the last of the eighteenth

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1 27 Geo.III, c.39 cl.1, 2. If the court refused to accept any of them the lord lieutenant was authorized to select an inspector.

2 Ibid., cl. 5, 6, 10. In Dublin, the local inspector and the chaplain of New Prison were obliged to divide between them the duty of distributing the bread allowance. Ibid., cl. 11.

century gaol reform statutes.[1] How much such ordinances improved the general lot of prisoners is moot. In 1788 a commons' committee declared that they had produced some 'salutary effects' which had 'already appeared in most parts of the kingdom', but in Dublin 'scarcely any useful regulation had taken place'.[2]

It was evident that the frequent fluctuation of Dublin grand juries rendered them incompetent to establish any permanent reformation, and that the most effectual means of achieving this end would be to vest

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1 But it was not the last time parliament concerned itself with prisoners or gaols. Thus in 1791 convicted murderers were allowed only bread and water. 31 Geo. III, c.17 cl.7,9. Shortly afterwards it was found that 'great inconvenience' arose from the jurisdictions and powers of Dublin grand juries sworn at the terms and quarter sessions 'not being sufficiently ascertained and rendered distinct'. To resolve the problem the legislature, in 1793, enacted that it was not lawful for any jury impanelled at the quarter sessions to present for any sum except the building and repairing of sessions houses, carrying prisoners to and from trial, for gaolers, the prison surgeon, for repairs of and necessities for gaols, and the apothecary's bill. 33 Geo.III, c.56 cl.28.

2 Commons' jn.Ire., xii. app. dccxxxvi. For instance, the infirmary at New Prison was 'mostly in such a filthy state spread with filth and ordure, that it was dangerous to any creature to be put into it'. The body of a man who had died of a 'putrid fever' remained there five days among the sick. At the infirmaries of the two marshalseas there was neither bed, blanket or fuel and the bread which was the only provision allowed was deficient in weight and frequently bad in quality. Ibid., app. dccxxxiii.

in the lord mayor and sheriffs the appointment of the keepers of all city prisons and to make them alone responsible for regulation and management.[1] But parliament had no intention of further tampering with the city's constitution, a move which might have raised as many problems as it tried to settle.[2]

The inspector general thought that the regulations of parliament had been carried into effect in 'most parts of the kingdom' and were attended with 'useful and salutary consequences'. Nevertheless, in the 'private bridewells or corporation prisons' he generally found no straw, blankets or fuel, and save where they could support themselves the fate of the confined

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1 Ibid., app. dccxxxvi.

2 At the same time a quarrel arose between the government and Dublin corporation over the status of the four courts marshalsea. The grand juries 'uniformly and constantly' declined to present for the improvement of the prison which they claimed was of 'national use and importance' and therefore ought to be repaired by parliamentary grant. The government, however, refused aid alleging that it was the duty of the marshal to keep the prison in repair. Of consequence, the gaol was always in a 'ruinous condition' and the prisoners 'very discontented'. Ibid., xi. app. cxxxi.; xix. app. dcclxix.

depended on 'uncertain charity'.[1]

By 1796, however, every county had a local prison inspector, the majority of whom were clergymen.[2] Some of these officers won praise from the inspector general, such as the one in co. Antrim whom he described as 'enlightened and humane'.[3] The inspector in co. Cork was 'attentive' and visited his gaol four times a week. His salary of £20 a year was, the inspector general considered, 'very inferior to his

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1 Ibid., xii. app. dccxxxiii. In 1794 the prison of co. Longford didn't even have a roof. The sessions house, underneath which it lay, having been torn down the prisoners were left to the mercy of the weather. When the local inspector visited it he was obliged to be carried on the backs of men or have boards laid on the ground under his feet in order that he might pass safely. S. Denniston to [illegible], 24 Feb. 1794, P.R.O.I., Cal. O.P. carton 508/17, doc. 11.

2 In 1796 only the counties of Carlow, Kerry, Kilkenny, Limerick, Roscommon and Westmeath and the towns of Dublin and Kilkenny had appointed laymen. Commons' jn. Ire., xvii. app. cci-ccix.

3 Ibid., app. cc. The inspector at Ennis was a 'truly benevolent man and extremely attentive to his duty'. Ibid., xviii. app. ccxlvi. In co. Westmeath the prisoners spoke 'highly in praise of the great attention shown them by the humane inspector'. Ibid., app. cccxxxix.

merit'.[1] However, some local inspectors proved unequal to the task, hence many abuses were continued. For example, the inspector at co. Cavan was negligent, of consequence there was a want of straw, blankets and fuel; the prisoners publicly commuted their bread at a loss of five pence weekly; sick and healthy lay together and the water supply came from an uncovered pit outside the prison.[2] At the gaol of co. Kilkenny, felons were kept in a dungeon 20 feet underground while at the city prison there was no privy, pump, water, kitchen or common hall, the roof leaked and the felons had no fire,

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1 Ibid., app. ccxlviii. Their salaries appear to have been much the same. Thus the inspector of co. Mayo received £20 a year and another £20 for distributing the bread. Grand jury presentments, 1792-4. In 1793 the inspector of Naas gaol received £20 annually and £10 more for distributing the bread. The gaol doctor was paid £22.15s. per annum. Co. Kildare summer assizes bk, 1793, pp.2,4. In 1800 the inspector at Carlow got £20 a year and another £20 for distributing the bread and attending the sick. Summer assizes bk, (1800). In 1785 the clergyman who gave out the bread in co. Down gaol got £20 a year. Francis J. Bigger, 'Old county of Down presentments', in U.J.A., series 2, xiii. 109 (1907).

2 Commons' jn. Ire., xvii. app. cci.; xix. app. dccxl. John Howard warned, 'If the magistrates should think themselves excused from visiting the gaols by the late act appointing inspectors I am afraid that many of the gaols will continue in their present state.' Lazarettos, p. 95.

blankets, bread or light.[1] Phillipstown prison was dirty 'beyond the power of description in every part'; the floors were so bad that they could not be washed or scraped. Co. Wexford gaol was so dirty that the inspector general was made sick by the smell of it.[2]

It is evident that the amount of food and fuel distributed greatly depended upon the judgement of local inspectors. For example at Enniskillen the allowance of fuel permitted by the inspector was very small:

> 'This instance of extreme frugality was exemplified in the debtors apartments, though the weather was extremely cold... yet there was not fire enough to boil a few potatoes for their scanty meal.'[3]

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1 Commons' jn.Ire., xvii.app.ccvii. The inspector of co. Monaghan was very corrupt. Thus the gaoler was permitted to occupy the 'entire middle floor' of the prison and a pig was kept in the hall. Straw and fuel were wanting and the gaol was 'in the highest degree dirty in every part'. Bread was distributed but once a week, neither was it then given 'in regular quantities'. It was 'very dear and of inferior quality to that sold in the town' and was brought from a place 8 miles distant 'from some jobbing principle'. The prisoners commuted their bread at a loss of 2d. on each 7d. loaf; and, of the 40 loaves weighed, 33 were underweight. The allowance for fuel was 'unreasonably small' and the prison beds 'excessively dirty'. Lastly, the local inspector always disappeared at the approach of the inspector general. Ibid., app.ccix.; xviii.app.cccxxi.

2 Ibid., xix.app.dccc., dcccxlii. At Newgate the cells were dirty and the inspector negligent. Ibid., xvii. app.cciv. The Dublin inspector had himself once recited the abuses to be found in New Prison but explained that 'he had no power to redress those grievances'. Ibid., xii. app. dccxxxv.

3 Ibid., xix. app. dcclxxxix.

However, at Maryborough, the inspector allowed a liberal 4½d. daily for provisions.[1] The dislike of providing for debtors was still strong in some counties. Thus a newspaper commented: 'No part of our code is marked with so much severity as that which relates to debtors. No provision whatever is made for a debtor's subsistence after he is thrown within the walls of a prison.'[2] In 1797 a debtor complained:

> 'I was arrested in May 1796, thrown into prison and here remain since together with my poor family ... where there is nothing to be had but piped water, when even the felons and disturbers of the nation are amply provided for as to the common sustenance by government the poor debtors are totally neglected.'[3]

At co. Kerry the inspector general managed to prevail upon the local inspector to provide bread for debtors but the allowance ceased soon after his departure.[4] He

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1 Ibid., xviii.app.cccxxiv. At co. Cork gaol prisoners received 1s. in bread weekly while at co. Down they got 14d. worth which the inspector general had increased to 1s.9d. Ibid., xvii. app. ccii, cciii.

2 Dublin Evening Post, 12 Sept.1795. See also I.P.R., xvii. 292.

3 O. Martin to [illegible], 12 June 1797, P.R.O.I., Cal. O.P. carton 510/35, doc. 4.

4 Commons' jn.Ire., xvii.app.ccvi. At the gaols of the county and the city of Limerick debtors did not get food, fuel, bedding or medicine. At the gaols of Castlebar, Clonmel and the county and the city of Waterford they received no food. Ibid., app. ccviii-ccxii.

noted that the grand jury of co. Tyrone would not permit the local inspector to grant debtors 'the allowance which is given indiscriminately to felons ... without producing certificates of absolute want from their respective clergy'. However, he was glad that grand juries 'in general' did not act in this rigorous manner.[1]

The sums presented for the relief of prisoners and the way that they were distributed was not always satisfactory. For example, the inspector general thought that the £60 annually allowed by co. Cork was 'infinitely too small for this large county'.[2] Of co. Galway he said:

> 'The manner for paying for bread by the grand jury ... is exceedingly improper; it being a contract with the local inspector who is paid at each assizes eighty five pounds for the finding in bread and necessaries (not regarding the number of distresses of) the prisoners as the act'

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1 Ibid., xviii. app. cccxxxii. Thus at Armagh and Cork city, debtors received 1s. worth of bread weekly, and at Ennis they got 14d. worth. Ibid., xvii. app. cc, ccii.

2 Ibid.

'... points out.'[1]

There were still a few prisons that had no allowances at all for prisoners. For instance, the gaols at Dungarvan and Coleraine had no allowance 'of any kind'. The gaols of the Dublin liberties of Thomas court and Donore and of the manor court of Kilmainham, received no provision 'whatever, but casual charity'. Neither

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1 Ibid., app. ccvi. Records are few and scanty hence it is impossible to arrive at any approximate figure which might be used to indicate what the counties generally spent for prisoners' food. However, the figures extant give at least a vague idea of the size of this expenditure. Thus at the 7 assizes held in co. Mayo between 1792-4 the grand jury presented about £30 each assize for prisoners' bread. Grand jury presentments, 1792-4. In 1793 at the summer assizes co. Kildare grand jury decided to raise £75. 8s.3d. for bread for those confined in the gaols at Naas and Athy. Summer assizes bk, 1793, p.2. Drogheda corporation laid out £83.6s.9d. for bread in one year for its prisoners. Accounts of the treasurer of Drogheda, 1792-3. R.I.A. Library. In co. Donegal, at the 16 assizes held between March 1771 and August 1778, a total of £530.13s.6d. was presented for prisoners' 'meal'. In that same county, at the 10 assizes held between August 1793 and April 1798 a total of £1,000 was presented, the greater part of which was placed under the heading of food and medicine. Grand jury presentment bks, 1769-78 and 1793-8. Between 1785 and 1791 the grand jury of co. Down presented £60 annually for bread. However, in April 1798, £200 was presented while £317.2s.1½d. was presented in August 1800; £400 in March 1801 and £424.11s.3½d. in July 1801. Francis J. Bigger, 'Old county of Down presentments', in U.J.A., series 2, xii. 110 (1907).

had they fuel, straw or bedding.[1] There were complaints too about the want of proper medical treatment in some prisons. Thus at Ennis gaol the sick were 'obliged to find themselves in food' for the surgeon there was permitted only £100 a year for both medicaments and salary.[2] Of Omagh infirmary the inspector general wrote:

> 'for filthiness, irregularity, neglect of patients and bad food [it] is a disgrace to the country and I believe and sincerely hope nothing like it is to be found in Europe.'[3]

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1 Commons' jn. Ire., xvii. app. ccviii, ccxi, ccv. There were some gaolers still ignorant of what they were expected to give to their prisoners. For example, in 1798 the gaoler at Ennis wrote to the government about one of his state prisoners who had informed him that the government allowed 'a daily sum' for providing for such prisoners. 'I wish to know', he wrote, 'how much that sum is, [because] I have supported him every day with breakfast, dinner, a pint of port and a bottle of porter and a good bed I am but a poor man and in great want of money ... if I was to loose the sum due to me I should be undone'. When he did not receive a reply he wrote again threatening to put the prisoner, who was ill, on the gaol allowance, 'in which case he will not be long a burthen to any person'. John White to E. Cook 22 Sept. 1798 and 13 Oct. 1798. P.R.O.I., Cal. R.P. carton 620/40, doc. 87, 149.

2 Commons' jn. Ire., xvii. app. ccii. The inspector general observed that at Kilmainham prison, 'The medical assistant is paid but £30 per annum for his trouble and medicines whatever the number of prisoners may be; yet justice obliges me to acknowledge that he does the duty with great attention and humanity.' Ibid., app. dcix.

3 Ibid., app. ccxi.

In Donegal the surgeon lived too far from the gaol and was negligent.[1]

Inspectors were not always to be blamed for deficiencies for in some prisons shortages of water and malconstruction proved serious obstacles to reformation. Thus at Trim fires were made in the cells but as there were no fireplaces or flues whitewashing was 'out of the question'. At co. Sligo gaol the privies were useless and both there and in the prison of co.

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1 Ibid., app. cciii. In April 1778 the grand jury of co. Donegal presented £22.15s. for their prison doctor for attending the duty for 3 years. In August of that year they began to pay him a regular salary of £10 per annum. Grand jury presentment bk, 17 April and 28 August 1778. Between 1793-8 that officer was allowed £20 yearly. Ibid., 1793-8. Between 1792-4 co. Mayo paid its gaol doctor £20 annually, while over £30 was presented for medicine at the 7 assizes held during that time. Grand jury presentments, 1792-5. In 1787 the physician attending the town and county gaols at Drogheda received a salary of £40 a year. Corp. min. bk, p. 560. In that same year James Sempill, 'doctor in physick' petitioned Waterford corporation for a reward for having served at the gaol for 17 years. He recited a long list of his services including having attended 'the late gaoler for upwards of twelve months when his skull was fractured in the execution of his office' and as well attending to the 'injuries received by peace officers when executing their duty'. He was granted £20 per annum for continuing his services. Council bk, 5 Sept. 1787.

Kerry the pumps did not work.[1]

Nevertheless despite the want of amenities many prisons were commended for cleanliness and healthy inmates. For example, Carrickfergus gaol, the poor water supply notwithstanding, was described as 'perfectly clean.'[2] Cork city prison was 'generally clean and very healthy' and it was also well ventilated and regularly whitewashed.[3] At Newgate (Dublin) the 'gentlemen employed the medical department' were pictured as 'extremely attentive to the prisoners'.[4] The gaol at Antrim was 'very clean' and the regulations of parliament 'nearly complied with.'[5]

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1 Commons' jn. Ire., xvii. app. ccix, ccx, ccvi. At Armagh gaol the pumps were 'quite destroyed'. Ibid., xix. app. dccxxxiv. The water pipes at Carrickfergus were almost 'entirely decayed'. Ibid., xviii. app. ccxxxiv. The gaols of Cork city, Naas and Downpatrick also had a poor water supply. Ibid., xvii. app. ccii, ccvii.' xviii. app. cclxii. The gaol of Galway town was described as 'execrably bad'. Ibid., xvii. app. ccvi.

2 Ibid., xviii. app. ccxxxiv.

3 Ibid., app. cclvi.; xvii. app. ccii. See also Cork Courier, 15 Oct. 1794.

4 Commons' jn. Ire., xviii. app. cclxvi.

5 Ibid., xvii. app. cci. Maryborough gaol was 'well regulated and supplied with necessaries', while Sligo prison was 'well attended to, and the regulations in some measure complied with.' Ibid., app. ccix, ccx. Londonderry gaol was 'exceedingly clean and regular'. Ibid., xviii. app. cccviii.

Summing up.

In 1793 Jeremiah Fitzpatrick reviewed the state of Irish prisons and prisoners contrasting past conditions with those of the present. He declared that before the 'salutary gaol laws' had been enacted the 'greatest cruelties' were practiced by gaolers. Extortion, he said, was almost general and intoxication encouraged while 'rapes, robberies and even murders, were all committed within prisons with impunity'. Moreover, the universal filth and bad scanty food, the want of fuel and the use of irons 'gave rise to the most fatal diseases scarcely known at this day to exist', for, since the 'happy effects' of the new statutes, 'two fevers only deserving the name of gaol diseases' existed in Ireland. Now, he observed, garnish and extortion were prohibited; intoxication 'in a great measure prevented'; cleanliness 'established'; the sick humanely treated and separated from the healthy; proper food, bedding and the advantages of air and bathing 'in most cases allowed'; the sexes were separated as were debtors and felons and in every prison there was an apartment to confine deserters 'that they may not associate with others.' He declared that when he had first entered into his

office there were confined 167 persons 'as well debtors as persons charged criminally without any sort of legal order or proper committal'. However, in his last tour he found 'but three ... who appeared to him to be illegally held'. He thought that in general those appointed local inspectors discharged their duty 'with zeal' and the gaolers 'with more tenderness than formerly', though he found 'a few instances lately of their cruelty'. Nevertheless, despite progress in other fields, he noted that the 'greatest inhumanity' still attended those prisoners confined in bridewells and corporation and manor prisons. Notwithstanding they were all subject to the general gaol regulations, except in three instances, food was not allowed, nor was bedding, except in ten of these prisons, the 'melancholy' consequences of which he had often seen.[1]

Although much progress could be reported,

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1 Ibid., xv. app. ccccviii. At the same time a committee of the house of commons found Dublin city marshalsea 'in a very ruinous state, and the unhappy persons confined therein experience every hardship that a total want of those necessaries which every other prison is supplied with for persons in their situation and which are prescribed by law.' Ibid., app. ccccvii.

yet much remained to be done. For example, the return made by the inspector general on the Dublin four courts marshalsea in 1796 clearly shows that for this large prison (with 200 persons confined in it, situated directly under the eye of the government and whose condition had been 'regularly reported to the court of king's bench without effect') the reforming statutes had proved to be little more than pious aspirations:

> 'The marshalsea ... is a very confined ill contrived and inconvenient prison by no means calculated for accommodation. Numbers or prisoners of every description are crowded into every room and the halls occupied by the poorer sort are loathsome to the last degree; the whole building is in very bad order; filth and dirt of every description impress you with the strongest ideas of the unhappy situation of the wretched inhabitants. One of the largest halls is at present made use of as a guard room, very unnecessary in my opinion, particularly as room is so much wanted. The marshal and his deputy are universally complained of for severe exaction of rent, fees, douceurs, etc. A public house is kept inside this prison, from which I am informed the marshal receives one guinea per week. No regulations whatsoever are observed here, nor the accomodation of prisoners or their remonstrances ever attended to. Many additional rooms ought to be added to this prison, the whole white-washed, the windows mended as also

> the flagging, in fine the entire properly repaired.'[1]

But parliament did not attempt any further reforms, hence it remained the task of the nineteenth century to suppress such deficiencies as persisted in the gaols of Ireland.

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1 Ibid., xvii. app. ccv. A man starved to death in this prison the following year. Ibid., app. dcxxviii.

## Appendix A

The oath to be administered to high and petty constables by justices of the peace:

'You shall swear that you will well and truly serve our sovereign lord King George in the office of high constable in the barony or half barony of A. or as petty constable in the parish of B. You shall see and cause his Majesty's peace to be well and duly kept and preserved according to your power: you shall arrest all such papists as you shall find wearing, carrying or having any arms or ammunition without licence from the king's Majesty or those in authority under him contrary to law: you shall likewise arrest all such as commit or make any riot or meet on patron days at wells to perform the superstitious devotions of the church of Rome, likewise all such as commit any affray or unlawfully assemble themselves, or commit any other breach of his Majesty's peace: you shall use your best endeavour to apprehend all traitors, all popish archbishops, popish bishops, fryars, monks, jesuits and other regulars of the popish clergy, and all papists exercising ecclesiastical jurisdiction, and all popish secular priests who are not registered or who have officiated as such, not having taken the oath of abjuration and all popish school masters popish ushers, or coadjutors, and all harbourers of them, contrary to the statutes in such cases made and provided: and further you shall endeavour to suppress all riots and unlawful assemblies, and to apprehend all felons, rioters, or persons riotously assembled; and if any such offender or offenders shall make resistance with force you shall raise hue and cry: you shall do your best endeavour that the watches in your parish be duly and regularly kept without favour or affection, malice or evil will, according to the direction and intention of an act intitled, 'An act to restrain papists from being high and petty constables and for the better regulating the parish watches;' and that the statutes made for punishing of rogues and vagabonds and night-walkers and such other idle persons coming within your bonds or limits be duly put in execution: you shall have a watchful eye to such persons as shall maintain or keep any common house or place where any unlawful game is or shall be used; as'

'also to such as shall frequent or use such places, or shall use or exercise any unlawful games there or elsewhere, contrary to the laws and statutes of this kingdom: you shall well and duly execute all precepts and warrants to you directed from the justices of the peace of this county according to law: and you shall well and duly according to your power, knowledge and ability do and execute all other things belonging to the office of a constable so long as you shall continue in this office: and you shall well and truly account for and pay all such publick money as you shall collect, levy, or raise, within your district, pursuant to any warrant or precept to you directed pursuant to your duty.

So help you God.'

## Appendix B

Oath to be taken by constables as prescribed by the act of 1792; See: Stat. Ire., 32 Geo. III c. 16 cl. 9.

'I A.B. do swear that I will well and truly serve our sovereign lord the King, in the office of constable, in the county of -- that I will see and cause his Majesty's peace to be kept and preserved, according to the best of my power, without favour or affection, malice or evil will; that I will do the best of my power to remove, or cause to be removed, all nuisances from the public highways and prevent any obstructions, or encroachments from being made thereon; and that I will prevent to the best of my power, any bridges or the battlements thereof, from being injured or prostrated; and that I will to the best of power, enforce all laws enacted, for the preservation of highways and bridges, and enforce the penalties prescribed by the same; and that I will well and truly execute, all warrants and precepts, to me directed from the justices of the peace of said county, according to law and I will well and truly, according to my power, knowledge and ability, do and execute all other things belonging to the office of a constable as long as I shall continue in the said office.'

The certificate (prescribed by the same above act) which was to be given by a judge or justice, having administered the same above oath to a constable.

'I or we (as the case may be), do hereby certify that A.B. has taken the oath prescribed by an act entitled An act for regulating the office of constable, and for better enforcing the process of the criminal law, to qualify him to fill the office of constable in the barony of -- and county of --.'

## Appendix C

### Regulations for the Dublin Marshalseas

(i) Every prisoner shall pay to the marshal: 6s.8d. on committal; 6d. to the turnkey; 6s.8d. on discharge; 2s.6d. for habeus corpus; 6d. to the marshal per pound where in execution for £100 or under; 3d. to the marshal per pound where in execution is above £100; [these last two fees are to be paid to the sheriff of any county who brings up the prisoner to the four courts marshalsea and not to the marshal]; 7s. to the marshal on a prisoner pleading pardon at the bar.

(ii) The marshal shall not charge more for lodgings than shall be enacted: (a) A prisoner may bring in his own bed, food and clothing; (b) No room in the marshalsea may contain more than 4 beds. There must be a chimney in each room; (c) In a room where a prisoner has his own bed (and he shares the room with 3 or 4 others) he must pay 15d. per week; (d) If 2 prisoners agree to share 1 bed they must pay 12d. each per week; (e) No more than 2 persons may occupy one bed. Beds must be 4 ft. apart at the sides. (f) If the marshal provides the bed the prisoner must pay 2s.6d. weekly if alone; if he shares the bed the price is 2s.; (g) To live in the common hall a prisoner must pay 1d. a night; (h) If anyone wants a room and bed to himself he must make his own pact with the marshal; (i) The marshal will be fined £10 for a first offence against this act, £40 for the second, the third offence brings dismissal.

(iii) Fees of the Dublin city marshal: 2s.6d. for every prisoner committed upon an action out of the tholsel court; 1s. for everyone committed by the lord mayor for petty debts; 1s.6d. for the writs venire facias or fieri facias; 6d. on execution for £100 or under, 3d. for executions above £100.

## Appendix D

A description of the new prison of Newgate built in Dublin between 1773 and 1780.

'It is a large quadrangular pile, extending one hundred and seventy feet in front, and nearly as much in depth. The principal front ... is on the east side, and consists of a center break of mountain stone, rusticated and crowned with a pediment. On each side is a plain facade of black limestone, and at the external angles are four round towers, with a cavity carried up in each, through which the filth of the gaol is conveyed. On the left side of the entrance is the guard-room, over which is the chapel, and to the right is the gaoler's apartments.

After passing the gateway, is a door that leads to the press-yards, where the prisoners have their bolts put on and off; the press-yard on the left hand is for men, from which there is a passage to the apartments in the east front, for those who turn evidence for the crown, and adjoining to this, is a large room for the transports; another door from the press-yards communicates with the felon's squares, wherein are the cells, twelve on each floor, with a stair-case to each side: Before the cells is a corridor-walk terminated by privies.

In the center of the south side is the cistern ... to which the water is raised by an engine, and from thence conveyed to the different cells; on each side of the cistern, is the infirmary, divided into two parts for the separation of sexes, a distinction properly observed throughout the whole design.

The cells for those under sentence of death, are gloomy mansions indeed! They compose the cellarage of the east front, and are nine in number.

There are two common-halls to the prisoners yards, where they are allowed the liberty to walk, and in which, are fires during the winter season.

Upon the whole, the design of this gaol is superior to those hitherto erected in this kingdom. Particular care appears to have been taken to prevent

the gaol distemper, by assigning each prisoner a separate cell, of which there are ninety seven, exclusive of transport-rooms, etc. and those apartments which the gaoler has for the accomodation of his wealthy tenants. Among the errors of this structure, the narrowness of the stairs is conspicuous, as it prevents the free circulation of air; the chapel, from its situation in the upper floor, is very difficult of access to the prisoners, who are in irons; had it been situated on the ground floor, and the hospital in the upper apartments, they would both answer their intention much better. Mr Cooley [the architect] appears to have profited by the remarks contained in that useful and ingenious treatise on the gaols of England, wrote by J. Howard, esq; F.R.S."

From: Robert Pool and John Cash, Views of the most remarkable public buildings, monuments and other edifices in ... Dublin, pp. 56-8.

## Appendix E

'Report from the committee appointed to enquire into the fees now payable in the different counties of this kingdom by prisoners confined under charges of high treason, felony and all other crimes.'

The committee resolves: (i) 'That much inconvenience arises from different rates of fees being charged in the several counties of this kingdom.' (ii) 'that it is expedient that one general table of fees should be established throughout this kingdom, and that the following regulation appears to this committee as a proper one to be adopted.'

To the clerk of the crown on every indictment for:

| | |
|---|---|
| high treason | £ 2.13s.4d. |
| petty treason | 1.13s.4d. |
| felony | 1. 6s.8d. |
| assault | 13s.4d. |

| | |
|---|---|
| To the sheriff on any trial of any indictment | 6s.8d. |
| Gaoler | 3s.4d. |
| Cryer | 1s.7d. |
| Gaoler, copy of committal | 1s.1d. |

| | |
|---|---|
| To the clerk of the crown on every recognizance entered into in open court, (to be paid by the county in case the crown put off the trial) | 7s.7d. |
| To the clerk of the peace on every indictment at quarter sessions | 13s.4d. |
| To the sheriff | 3s.4d. |
| To the gaoler | 3s.4d. |
| Copy of committal | 1s.1d. |
| To the clerk of the peace-recognizance entered into in open court | 3s.4d. |

And it further appears to this committee, that it is expedient that in all cases where a prisoner is acquitted, through a flaw in the indictment, no fees shall be payable for such prisoner so acquitted, provided it shall be certified by the judge of assize or chairman of the quarter sessions, that such acquittal was caused by error in the indictment.

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