

Freedom of the corporation of Dublin and of the Guilds before 1840

Copied from pp 5-9 of the

*Third Report from the Select Committee Fictitious Votes, Ireland
With the Minutes of Evidence, Appendix and Index.
Ordered, by The House of Commons, to be Printed,
5 July 1837.*

<https://archive.org/details/op1245544-1001/page/n3>

-- Anne van Weerden, Utrecht, 2023.

Mr. [Morgan John] *O'Connell* laid before the Committee a Parliamentary Paper, headed "Freemen of Corporate Towns, Ireland," containing "A Return of the Number of Freemen created in each Corporate Town in Ireland returning Members to Parliament, from 1st April to 20th July in the present Year, distinguishing those who have been declared entitled to their Freedom as of Right. Ordered by the House of Commons to be printed, 25th of August 1831." No. 200.

Mr. *O'Connell* read the following extract from page 4 of the abovementioned Paper: "Dublin city. — Number of freemen created in the city of Dublin, from 1st April to 20th July 1831, 20 freemen. The corporation of Dublin do not declare any persons entitled to their freedom as of right. The freemen created by the corporation of Dublin during the above period are alone qualified to vote for the return of a Member of Parliament." Signed, "*Greene and Archer*, town-clerks, corporation of Dublin."

Mr. *O'Connell* read the following passages from the Report of the Committee on Municipal Corporations, ordered by the House of Commons to be printed, 4th June 1833, No. 344, page 205:

"*Lunae*, 25° die *Martii*, 1833. The Right Hon. *James Abercromby* in the Chair.

"The Right Honourable *C. P. Archer*, Lord Mayor of the city of Dublin; Sir *John Kingston James*, Bart., treasurer of the city; and Mr. *George Jackson*, one of the law agents, called in; and examined.

"4756. (To Alderman *Archer*.) You are Lord Mayor of Dublin? — I am.

"4757. Have you ever filled the office of Mayor before? — Never before the 1st of October last.

"4758. (To Sir *J. K. James*.) Are you an alderman of the city of Dublin? — Yes.

"4759. How long have you been alderman? — About 16 years.

"4760. (To Mr. *Jackson*.) Are you town-clerk, or engaged in the office of town-clerk? — I am engaged in the office of town-clerk.

"4761. How long have you been so engaged? — For about 24 years.

"4762. In what situation are you in the corporation? — As one of the law agents.

"4765. (To Sir *J. K. James*.) What is the style and title of the corporation of Dublin? — The Lord Mayor, Sheriffs, Commons, and Citizens of the City of Dublin; the aldermen are not included in the style.

"4766. Are there freemen of the city of Dublin? — There are.

"4767. By what title does a person become a freeman of the city of Dublin? — There are three different modes of admission; one by birth, one by service, and another what is generally called by 'grace especial,' or 'special grace.'

"4768. Must a person who claims by birth be the son of a person born in Dublin? — Born not necessarily in Dublin, but born, his father having been free at the time of the birth of the child.

"4769. Then he must be the son of a freeman? — Yes.

"4770. Are all sons free? — All sons may seek their freedom by a certain process; they all have the privilege of claiming their freedom from the corporation.

"4771. When a freeman by birth claims his title, it is acknowledged as of right? — There is a veto, which has been exercised time immemorial, I believe, on the part of both houses, for the corporation of Dublin sit differently from what probably other corporations do.

"4772. Is that veto frequently exercised? — It is sometimes exercised, no doubt, but not what I call frequently.

"4773. Exercised, do you think, in the course of each year? — No; I do not know that there has been a refusal each year.

"4774. Upon what grounds generally is this veto enforced? — With respect to that I probably cannot give a direct reason, because each person composing the distinct houses may have his own reason for voting *pro* or *con*.

"4775. Is the veto simply given without any reason assigned? — Exactly. It is necessary probably to tell the committee, the upper house, as it is called, the lord mayor and board of aldermen, sit separately from the commons; the board of aldermen, when questions arise, divide, and the commons decide by ballot.

"4776. How are persons made freemen by servitude? — A person who has served seven years to a freeman may claim his freedom.

"4777. How do persons seek their freedom by special grace? — Persons wishing to become free, petition for such freedom such of the guilds or minor corporations, as they may wish to be admitted into; upon such admission, the proper officer of the guild certifies the same to the corporation at large; a 'beseech' is then laid before the lord mayor and board of aldermen, at their quarter assembly, who have the power of admitting or rejecting; if admitted by them, the beseech is sent to the commons' house for their decision, and if they concur in the admission, he is then entitled to be sworn in as a freeman.

"4797. Are there two kinds of corporations, in fact, in Dublin; the general corporation, consisting of the general corporation of the city at large, and the particular corporations, called guilds, besides? — Yes.

"4798. Are those guilds numerous? — They consist of 25 different guilds.

"4799. They have their representatives in the corporation? — Yes.

"4800. Do you know the number of each guild? — Not the number of freemen; I know the number of representatives which each guild returns.

"4801. About how many freemen are there altogether? — About 4,000 or 5,000; a person may be free of the city at large, which gives the right or freedom of voting for the representation of the city of Dublin, but does not give a right in the minor guilds.

"4802. When a person claims his freedom by birth, does he seek it in the same guild to which his father belongs? — Yes, he does, generally speaking.

"4803. Are there not many who are free of particular guilds, but who, being merely free of such guilds, did not formerly exercise any right of voting for Members of Parliament? — They did not exercise, nor have they the right of voting for representatives.

"4804. In order to be entitled to vote for the representatives, it was necessary to be free of the corporation at large? — Yes.

"4805. Are there not many persons in the predicament of being free of a particular guild only? — Yes, there are some.

"4806. Particularly Roman-catholics; is there a single Roman-catholic free of the corporation at large? — No, I believe not.

"4807. Are there any freemen of the corporation at large, who are not free of a particular guild? — Yes, there are.

"4808. Then it is necessary for a freeman, though he belongs to the body at large, to take up his freedom in the particular guild to which his father belongs? — It is not necessary for a freeman of the city at large to become a member of a minor guild, unless he particularly wishes it.

"4809. Are there none who are free of the city at large, who have not taken up the freedom of a particular guild? — There are some.

"4810. Will you state all the guilds? — The first is Trinity guild, or guild of merchants; 2d, tailors'; 3d, smiths'; 4th, barber surgeons'; 5th, bakers'; 6th, butchers'; 7th, carpenters'; 8th, shoemakers'; 9th, saddlers'; 10th, cooks'; 11th, tanners'; 12th, tallow-chandlers'; 13th, glovers and skinners'; 14th, weavers'; 15th, shearmen and dyers'; 16th' goldsmiths'; 17th, coopers'; 18th, feltmakers'; 19th, cutlers and stationers, and paper-stainers'; 20th, bricklayers'; 21st, hosiers'; 22d, curriers'; 23d, brewers and maltsters'; 24th, joiners'; and 25th, apothecaries'.

"4811. In most of these guilds they recognise the right of birth and servitude? — Yes.

"4812. But these rights are not recognised as conferring an absolute title by the corporation at large? — No.

"4813. How are the freemen by special grace admitted? — By a petition to the particular guild to which they wish to gain admission; we will suppose, for instance, a gentleman is a merchant in Dublin, and he wishes to be free of the guild of merchants; his friend, or he himself, petitions the master, wardens, and brethren of that guild for admission, and, if he is approved, he is then sent by the particular officer of that guild to the corporation at large, who either admit or reject him as a freeman of the city; if he is admitted he has a certificate from the town-clerks, goes back to the minor corporation, and he is sworn in, both as a freeman of the particular guild before the master and wardens, and a freeman of the city at large before the lord mayor.

"4814. When you say that this petition is sent to the corporation at large, what do you mean by that term; do you mean that it is sent first to the common council? — It is sent to the town-clerks, who prepare a beseech, and submit the same on the quarter assembly day to the lord mayor and corporation at large.

"4815. What body is it in the corporation at large to whom this reference is made, which has the power of determining whether such an individual shall or shall not be a freeman of the corporation at large? — The lord mayor and board of aldermen sitting together, the sheriffs and commons sitting in another place; and accordingly, on the proper day, every three months, by the usages of the corporation and charter, they have what is called their quarter assembly days; upon that day the particular name or names of such persons as wish to become free are, in the ordinary despatch of the business of the day, put by the town-clerks before the lord mayor, who puts a regular question upon each name; so when a person passes the board of aldermen, he goes, in the ordinary way, to the sheriffs and commons; the sheriff there puts a similar question, and if they admit it, they come back again to the board of aldermen, and are so made freemen of the city of Dublin.

"4816. Those persons' names, as the Committee understand, having passed the guild of one corporation, must first be submitted to the upper house, the lord mayor and board of aldermen, and if it passes that house, then it goes down to the commons, composed of the sheriffs and the commons? — Yes.

"4817. Supposing it does not pass the upper house, is it at any time submitted to the commons? — No; the upper house exercise the privilege of rejecting at once such a person.

4818. Have the upper house an absolute veto upon the admission of any person to the freedom? — Yes.

"4819. Do you not call those beseeches? — Yes.

"4839. (To Sir J. K. James.) Are you aware that since the year 1792 Catholics have been, in point of law, admissible to the city of Dublin corporation? — I have heard that such has been the case.

"4840. Are you aware, that not a single Catholic has ever been free of the corporation at large? — No, I believe not.

"4868. To what guild do you belong? — To the guild of merchants.

"4875. Supposing a man to have what we call an inchoate right of becoming a freeman by birth, have the guild power of saying to such an individual, You shall not be a freeman of the guild? — They have exercised the power frequently; I fancy they have the right. I should have mentioned before, in the detail of the business, which is very extensive in that guild, as in every other guild, they have what is called a council of the house, to whom names are submitted prior to the quarter day, on which they are generally brought forward, and the detail of business goes through that council of the house, and is brought before the master, wardens, and brethren of the guild of merchants on quarter day."

Mr. O'Connell read the following passages from page 17 of the Appendix to the Report on Municipal Corporations, Ireland: — "Report on the City of Dublin, Part 1, presented to both Houses of Parliament, by Command of His Majesty.

"60. There are three classes of freemen: first, those made free of the city at large without having previously obtained the freedom of any of the guilds; secondly, those admitted in the first instance to the freedom of a guild, and then to that of the city at large; and lastly, those

admitted to the freedom of a guild, but not to the freedom of the city. The first and last of these classes, particularly the last, are inconsiderable in number, the great body of the freemen being of the second.

"61. Admissions in the first instance to the freedom of the city at large are granted as by grace especial by the aldermen and commons in the general assembly. Freemen, so admitted, are merely honorary. It is not usual for a person seeking this admission to apply for it directly; the course is, for some alderman, or member of the commons, to mention the name to the town-clerk previously to the meeting of the assembly. The town-clerk inserts it in the abstract, prepared by him, of the business to be done at the assembly, and also prepares a petition for the admission of the individual, mentioning in it either some particular public services deserving of such a mark of approbation, or if no such service can be especially referred to, the petition prays, that the individual may be admitted 'for his loyalty to the King and constitution.' This form of expression is considered as connected with the exclusive political principles so long acted on by the corporation. If the individual proposed is married to the daughter of a freeman, the fact is alluded to in the petition as a reason for his admission; but we do not find that any right to such admission is recognized by the corporation. The proposition may originate either with the board of aldermen or the commons; the resolution to admit must pass both. Each body claims and exercises the power of rejecting at pleasure, and without assigning any reasons. Such admissions to the freedom of the city at large have been few since the passing of the Reform Bill. Previously to that Act they were numerous, and occasionally persons were so admitted in considerable numbers, and very many were non-residents.

"Shortly previous to the Emancipation Act, being passed propositions were made in the commons to admit at one assembly 1,000 freemen, the parties proposing them reading the list of the names from the newspapers of the day; but such a proceeding being objected to as irregular, a committee was appointed to select such as it would be eligible to admit, and they selected above 200, who were admitted accordingly.

"The lord mayor sometimes exercises the privilege of creating a freeman of the city at large, during his year of office, or rather of requesting the assembly to admit an individual named by him. There is in form a petition, or beseech, for the admission, stating it to be at the request of the lord mayor, which is, in general, acquiesced in.

"62. Persons who have obtained the freedom of any of the guilds are entitled to apply for admission to the freedom of the city at large. For this purpose the applicant lodges in the town-clerk's office a certificate, signed by the master, wardens and clerk of the guild, stating the admission to the guild, and the grounds of it, and his place of abode, occupation and trade. The certificate from the guild of merchants describes the party as a merchant; the town-clerk then prepares a petition, or beseech, as from the person seeking to be admitted, which states those facts, and the beseech is laid before the next assembly.

["]The town-clerk, in cases of admission by birth, first ascertains from the freemen's books that the name of the father of the applicant is entered in them, and that such a person has been 21 years a freeman. The commons and board of aldermen claim respectively to exercise, and have, fact, long exercised the important power of admitting or rejecting, at their pleasure, those applying from the guilds, whatever be the grounds of their claim, and without assigning any reason for the rejection.

"In the year 1826, on a return to a mandamus directed to the corporation, to admit a person who had obtained, by birth, the freedom of a guild, but had been rejected by the board of aldermen, they returned, that from time immemorial they had exercised this right; and the Court of King's Bench, on argument, decided that the return was good in law.

"63. In numbers, the freemen bear a very small proportion to the population of the city, a fact sufficiently accounted for by the discretionary power of rejection assumed by the board of aldermen and common council, as already noticed, and the exclusive religious and political principles on which those bodies and the guilds have hitherto acted.

"Since the year 1793 the freedom of the corporation and guilds has been by law open to Roman-catholics, yet there is not known to have been to the present time a single individual of that persuasion admitted by the common council. The clerk of the commons, who has held that situation, for many years, could only inform us that he had heard of one who had passed, inadvertently, upwards of 30 years ago. In the guilds a similar system generally prevails; and even where a more liberal practice has existed the experiment was defeated by the exercise of the discretionary power of rejection in the board of aldermen and commons.

"The exclusion is not confined to Roman-catholics. The being known, or suspected to be friendly to their claims, previously to the Emancipation Act, was equally effective to disqualify the applicant, though a Protestant; and the advocacy of what are called liberal or popular principles has formed, and still forms a strong ground of objection. In short, the proceedings, of the corporation as to the admission of freemen have been, and are avowedly conducted on the most extreme principles of exclusion, religious and political."