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THE
COMPLAINTS
OF
DUBLIN.

[Price ONE SHILLING.]

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THE
COMPLAINTS
OF
DUBLIN:

Humbly offered to His EXCELLENCY

WILLIAM,
Earl of HARRINGTON,
LORD LIEUTENANT GENERAL,
AND
GENERAL GOVERNOR of IRELAND.

By CHARLES LUCAS,
In Behalf of Himself, and the rest of the
CITIZENS and INHABITANTS of the said
CITY.

*Nulli Vendemus, Nulli negabimus, aut differemus
Restum aut Judicium.* MAGNA CHARTA.

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THE
MEMORANDUM
OF
WILLIAM
EARL OF HARRINGTON

To His EXCELLENCY

WILLIAM,
Earl of HARRINGTON.

May it please YOUR EXCELLENCY,

AS it is scarce possible for KINGS or their Representatives, or Ministers, in their High Stations, to see, distinctly, the Actions, and Motions, of every subordinate Spring or Wheel, that constitutes the general Frame of Civil Government, tho' the first Motion is derived from them; I conceive, it becomes the indispensable Duty of every good Subject, or Well-wisher to the Establishment, to inform those, in whose Power it is, to regulate the Motions of the great Machine of State, of every Clog or Obstacle given the slightest or remotest Movement of the whole Frame; which, if not set to rights, must infallibly, sooner or later, reduce the whole System to Confusion and final Dissolution.

YOUR EXCELLENCY may know, that Divines and Lawyers are, in one Instance, agreed, in the Definition of a Body politic; which is said to be a fictitious Body of Men, bearing close Analogy to the Body natural. It consists of an *Head* and *Members*, destined to different Uses and Purposes; with proper Rights and Liberties, as *Ligaments* to connect, and mutually, to support the Whole, and *Laws*, as the *Soul* or *vivifying Spirit* of the Constitution.

No Scheme, of human Invention, ever formed such a Constitution as Ours. Where Art is found most to
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emulate Nature, there it is allowed to be in the highest Perfection. That Policy, then, that cements the several Members, of which Society consists, most closely together, and gives them the nearest Co-relation to, and the strongest mutual Dependence on, each other, must certainly constitute the firmest and best Form of Government. And this is ours. The HEAD cannot subsist without the MEMBERS, more than the Members without the Head. No Part can receive a Wound, or Injury, that does not affect the Whole; and, as to keep the Body natural, in an healthful vigorous State, it is necessary to keep it in Temperance, and Chastity, and to support every Member or Organ, in a full, free and perfect Exercise of it's respective Function, by a due, equal Distribution of Blood and animal Spirits, to every Part; so in our Body Politic, to preserve the Common Weal, there must be Frugality in the public Expences, and strict Virtue in the whole Oeconomy; the Head and Members must be kept within their proper Spheres, strictly, and in their several Stations, obliged to watch over, and regulate the Motions, and minister to the Exigencies, of each other. In short, to perfect good Oeconomy in the one, and good Government in the other, every Part of the Whole must execute it's Function regularly and freely; having the general Good alone in View, without repining or murmuring, that one Part is destined for higher and more honourable Offices than the other.

The HEAD of our political Body, like that of the natural, is appointed to preside over the MEMBERS; and is furnished with Means to prevent Injuries, and to redress Grievances, of *Subjects*, as of the *Limbs* or *Organs*; in Return for their Supplies, and Ministry. In both, it is weak or wicked if it neglects it's Duty, after due Information. And this, in my Judgment, makes it the Duty of every Subject to inform the King

King or his Officers, of every Injury done to the meanest Member of the Community, that Law and Justice may freely flow through, and be equally distributed to, all. On this the very Being of our Happy Constitution depends.

Upon these Principles, MY LORD, I proceed. I do not appear in YOUR EXCELLENCY's Presence, to join with, or make a Part of, the splendid Throng that pays the same Court to your Power, that the Judicious and Independent must ever pay to Merit, in any Station. Such flocked, alike, about the worst of your Predecessors, as the best; and pouted forth Torrents of fulsome Flattery, and slavish, baneful Adulation, alike to both. For my Part, I scorn and disdain the hateful Herd of Panders and Parasites, that infest Courts, to poison the Ears of Princes, in order to gain some sordid, selfish Ends. Such Temporisers, like wicked Servants in a Family, seek but to gratify themselves, at all Hazards to the State, falsely judging it will out-last their Time. I hope there are, now, none such the Product of this Isle.

But I, MY LORD, dread not, half so much, the Dissolution of my own Frame, as I do that of the Constitution of my Country; which, I think, evidently appears to be in a declining State. Therefore, regardless of what Ill it may involve me in, as to mine own Person, I shall cast my Mite into the Public Funds, by giving YOUR EXCELLENCY such Informations, as, I think, must conduce, if regarded, to the public Weal.

Two Motives have principally induced me, at this Time, to publish the following Papers. They were wrote some Years since, with intent to be laid before the Government. Some politic Friends dissuaded me from the Undertaking, judging it but a vain Attempt, and putting me in mind of the usual hapless Fate of Reformers, which I had, in some Degree, before, suf-

ferred. I was the easier wrought on, because I well remembered how this poor Nation was often scourged by the Tyrannical Administration of some Governors and Ministers, of most infamous Memory; such were *Strafford*, *Berkely*, *Eller*, *Tyreconnell*, and others I could name. To such as laboured to enslave the whole Nation, Applications for common Right or Liberty would be construed Treason. But, thank God, and the Fatherly Care of his present Majesty, the Wounds given by those corrupt Ministers, have been, as far, as they were laid open, happily healed, by some late Governors, whom, to avoid the Imputation of Flattery, I shall not name. And I must presume, without intending a Compliment, that Courage and Loyalty, Truth and Liberty, can never be Crimes under the Administration of one, who has eminently distinguished himself, in long, perilous and faithful Services to his Country, as well in the Councils, as the Field. If Valor, Probity and Wisdom, be, as is universally allowed, essential Parts of YOUR EXCELLENCY'S Character, from these, all that is desirable, common Justice, a speedy Restitution of usurped Rights and Liberties, and a free and equal Distribution of Laws, are to be hoped.

But, MY LORD, I am not more solicitous for the Success of this COMPLAINT, than for the acquitting mine own Conscience. Some years ago, I dreaded nothing more, from the general Depravity, visible to all that are not blinded with Offices or Prospect of Preferment, than out-living the Constitution of my Country. Now mine own is reduced, by a chronic, hereditary Disease, to such Infirmity, that all that Anxiety is pretty much abated. But I should not die in Peace, could I not say to myself, *I have finished my Course, I have fought a good Fight*: I have left no just or rational Means untried, to reclaim the Abuses that threaten the Ruin of my Country. Thus, therefore,

fore, I throw the Burden off myself; and contenting me, with having done all the Good in my power, I leave the Event to YOUR EXCELLENCY, or to Heaven.

The two great BULWARKS of our Constitution, are PARLIAMENTS and JURIES. These are the *Stamina Vitæ*, the very Essence of our Policy; the Darling Birth-right, the distinguishing Privilege of *British* Subjects; in short, the two great HINGES, on which the whole weighty Frame of our Government hangs and turns. While these answer the wise and noble Ends of their Institution, we have nothing to fear from foreign or domestic Enemies.

But, MY LORD, if Parliaments should ever be cramped, or restrained in their natural, and necessary Freedom and Power; if they should be continued so long, as to forget whence, and for what Purposes, they derive their Authority; if, instead of receiving a Compensation from their Constituents, for Attendance and Services, they should bribe, or otherwise unjustly influence their Voices in Elections; if they, then, should forget or disregard the fundamental Laws of the Institution, and so dissolve the original Compact, implied, between the Representative and the Represented, by the very Act of Deputation, or Election; by acting in Opposition to, or regardless of, the Will and true Interest of the People; if Electors should become, and publicly declare themselves, Venal; and the Representatives should follow the Example of their Constituents—in Iniquity; if Laws should be made to gratify and aggrandise the Rich, and to oppress or restrain the Poor; if Votes should pass to obstruct, or restrain the Execution of Common or Statute Laws; if Parliaments should forget, or become ignorant of, the fundamental Laws of Society, which are the Basis of their Being; and thinking themselves circumscribed by nothing but their own absolute Wills, should extend Privi-

(6)

Privilege to the screening wicked Men from Law and Justice, and so lord it over the People, with an imperial Sway; at the same time tamely suffering the Nation to be ruled by Laws, to which they never did, nor could have, assented; the Source of the enlivening Spirit of the Civil Constitution must be poisoned, the State must become distempered, and Ruin and Dissolution, if not timely remedied, must inevitably follow. From these dreadful Evils, the Wisdom, the Freedom, the Justice and Loyalty of the present Legislature must, certainly, secure us. We have, I hope, nothing to fear, from that Quarter. Yet, MY LORD, as human Nature is frail, and the Mind of Man most variable, a KING, justly tenacious of the PREROGATIVE, granted him for the Good of his Subjects, as well as his own Security and Honour, and a PEOPLE zealous for preserving their natural Rights and Liberties, must ever be watchful, if not look on these their Delegates, with a jealous Eye.

Then, MY LORD, let our whole legislative Body be ever so wise, so just, so careful, it will answer little or no Purpose, if JURIES, the GENERAL CONSTITUTIONAL JUDGES, of *Right* and *Property*, and in some Cases, of *Law*, may not fully and freely exercise their Function. If ever the King's Judges *presume* to determine Causes, without Juries, or, which is the same thing, intimidate, or otherwise influence, Juries, to echo their Lordships Dictates as Verdicts; or by any Means, or on any Pretence, deny the Benefit of the Laws, in not admitting the aggrieved to a Trial of Matters of Property and Right, by a FREE JURY of their PEERS; we must be reduced to the worst State of Slavery. All that is dear to Us must become dependent on the Will of a *Minister*,—or of the Judges.

YOUR EXCELLENCY must observe, how one irregular Motion, in any of the Wheels, or Move-
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(7)

ments of the great Machine of Government, puts the whole into Disorder and Confusion. The particular Instances of such Cases, must be often too remote, to be seen, or immediately perceived, in your high Station. And since, I must presume, it is YOUR EXCELLENCY'S full Intention, to promote the true and inseparable Interest of HIS MAJESTY and his SUBJECTS, it cannot be ungrateful to receive Informations, or Hints conducive to the common Good, even from one of the meanest of the People. This, MY LORD, by God's good Providence, am I: Yet I take the Liberty of offering myself a Candidate for a new, and the highest Employment, at Court, tho' one for which I do not fear many Competitors, TRUTH-BEARER to the KING. Let me succeed but in one Instance, if you will. At present I shall only beg leave to lay the *Grievances* of DUBLIN, before YOUR EXCELLENCY; particularly, with regard to the COMMONS and CITIZENS being stripped of their best Rights, and their being denied the Benefit of trying a Matter of Property of the last Consequence to the WHOLE CITY by a JURY.

Permit then, MY LORD, the COMPLAINTS of an oppressed Freeman to come before you; in Behalf of himself and the rest of the injured, the spoiled Citizens of this great and populous Metropolis; and allow me to shew YOUR EXCELLENCY, how a small Faction has wrested from us the Rights and Privileges naturally and legally inherent to our Constitution, and how they are countenanced in their Usurpation by Men in Power.

It may seem irregular to make this direct personal Application to YOUR EXCELLENCY for the Recovery of Matters of Property or common Right, while the Courts of Law seem open. To them, MY LORD, my Fellow-Citizens and I have had Recourse. Had we been but heard, there
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(8)

would have been no occasion for giving YOUR EXCELLENCY this Trouble. But, MY LORD, we were not heard. We were denied, in a Court of Justice, a Matter of greater Consequence, than even what we sued for; that most invaluable, that distinguishing Privilege of BRITISH SUBJECTS, a Trial by a JURY. So that our Grievances, instead of being lessened or alleviated, by our Suit at Law, were increased and aggravated. This it is, which has obliged me to lay the Case before YOUR EXCELLENCY, persuaded you will not think our Complaints unworthy of the Care and Consideration of the wisest and best of Governors.

Thus assured of YOUR EXCELLENCY'S Ear, and fully confiding in your Protection of the meanest and weakest Advocate for Truth and Liberty, I venture to proceed.

The adjoining *Affidavits* No. I. II. are the legal Grounds of our Suit; and these, No. III. IV. V. the Defence of our Antagonists. To these I have annexed all the Papers relating to the Points in Dispute, nearly in the Order of Time, in which they were severally published, with intent to give YOUR EXCELLENCY a full and distinct View of the whole Matter in Contest.

I. The first is a REMONSTRANCE against certain INFRINGEMENTS on the RIGHTS and LIBERTIES of the COMMONS and CITIZENS of DUBLIN, in which is briefly pointed out, the CHARTER CONSTITUTION of the City, and the common Rights and Privileges of the People.

II. The second is an APOLOGY for the Civil Rights and Liberties of the COMMONS and CITIZENS of DUBLIN; which contains a succinct History of the Foundation and Constitution of this City; its illegal Sufferings, as well by the Usurpation or Frauds of its Magistrates and Officers, as by the Encroachments and

(9)

and Oppression of evil and corrupt Governors: And their legal Grievances, contrived and imposed by a wicked Ministry, for the Introduction of Popery and Arbitrary Power. Together with some Remarks on the State of the Dispute lately raised between the Commons and the Aldermen, and some Animadversions on the Opinion of the Recorder.

III. The Third, are PROCEEDINGS of the SHERIFS and COMMONS in COMMON-COUNCIL; containing Reports of Committees, and several Original Records, and other Papers, relating to the Contest, between the Commons and the Aldermen.

IV. The fourth is a MESSAGE from the SHERIFS and COMMONS, to the LORD-MAYOR and Aldermen; asserting the Rights of the Commons in the Election of Aldermen; protesting against the Election of George Ribton, and proposing an amicable Method of composing the subsisting Differences.

These proving ineffectual, the Commons, to discharge the Trust reposed in them, judged it necessary to have Recourse to Law; and, to that End, appointed Trustees, or a Committee, for prosecuting the Suit; which Committee published and dispersed a few Copies of

V. The fifth Paper; A BRIEF STATE of the CASE of the COMMONS and CITIZENS of DUBLIN. This brought in a small Sum of Money, by voluntary Contribution, to support the Suit, which was commenced by the *Affidavits* N^o. I. II.

I am not conversant enough in Law-Terms, nor in the Forms or Language of Courts of Judicature, to lay before YOUR EXCELLENCY a regular, formal Narrative of the Proceedings in Court. But as I attended closely, and took Minutes of all that was offered, for and against the Motion, I may venture to say, I can lay before you the Substance of the Arguments on both Sides of the Question, in artless Truth, and unpolished Simplicity.

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Our Lawyers moved for an *Information* in the Nature of a *Quo Warranto*, against *George Ribton*, chosen by the *Aldermen*, regardless of the *Remonstrances* and *Protests* of the *SHERIFS* and *COMMONS*; for assuming and exercising the Office of an Alderman of this City. And thereupon a Rule was obtained, *To grant an Information, unless Cause, the Second of the following Term.* Thus the Reverend Judges bound themselves down, by a most just and equitable Rule, which, with due Deference to their Judgment, should be as invariable.

The Day of Hearing being come, the Judges took their Places, and the Worshipful the Aldermen joined them, on the Bench. The Defendant was now to shew Cause why an *Information* should not be granted against him. For which Purpose he produced the Affidavits, N^o. III. IV. and V. annexed; and his learned Lawyers pleaded for him, and his Brethren to the Effect following:

‘ That the Aldermen were Men of the greatest Wisdom and Honour: had ruled the City to the Satisfaction of the Government, for many Years; were deemed honest, in the worst of Times. That the utmost Trust and Confidence were reposed in them, by the Crown and the Legislature. That they composed a Court of Judicature, where Causes civil and criminal were tried; that they were made the sole Electors of the chief Magistrate, and of other important Officers in the City. That they were long possessed of, and constantly exercised, the Power of electing Aldermen, which appeared by their Journal called the *Monday Book*; that it was to the Advantage of the Public, that the Election was vested in them alone. That, on the contrary, the Commons were a factious Set of Men, a turbulent and unruly Multitude, who in this Dispute proceeded upon that dangerous Maxim, *Fiat Jus-*

Justitia ruat Mundus.—That if they should succeed in their most exorbitant Demands, of setting aside the Election of this Alderman, they might, by the same Method, set aside that of every other Alderman at the Board: For if the Defendant was not an Alderman, there was no Alderman in the City; and if no Alderman, no Lord Mayor, no Sheriff, no Justice of Peace, no Common-Council, for many Years past. That therefore every Judgment given by the Aldermen, in civil Matters, was down-right Robbery; and every Sentence, passed on capital Criminals, Murder; in short, that the whole Corporation of the City must be dissolved. That this would encourage other Corporations to sue for Redress of the like Grievances, since it is notorious, that few or none of them are kept up, at this Day, to the primitive Institution. In fine, that it lay absolutely at the Will and Discretion of the Judges, whether an *Information* should be granted or not; and that if the Commons should prevail, as they possibly might, should the Motion be allowed, the granting it, might be attended with the most dangerous Consequences.’ The Method of suing was also objected to; it was said, ‘ That *Quo Warranto*’s having been often abused, by tyrannical Princes, for the Subversion of Corporations, were become the Detestation of all good Subjects.’

Our Lawyers moved for the reading the *Charter* of *Charles* the First, which was done accordingly; and the Paragraph quoted in the *Remonstrance*, p. 15. in the *Apology*, p. 34. and in the Report of the Commons, p. 21. was urged to prove the ORIGINAL RIGHT of the Corporation at large, to chuse Aldermen; as the *Affidavits* N^o. I. II. were, to prove, that that Right was possessed and exercised by the Citizens, or their Representatives, till about the Year 1714. It was argued,

(12)

argued, ' That the Merits of the Cause were not to be brought before the Court, at this Time.—That what lay before the Judges, was only to determine, whether or no, there were sufficient Grounds for admitting the Plaintiffs to a Trial. That as they sued for a Matter of Property or Right, it could not be otherwise tried than by a Jury.—That a Point, of such great Importance, could not be *finally determined* by Judges, on a mere *Motion*; since *such a Determination* would be attended with this, among other evil Consequences, that it would debar the Plaintiffs from the Benefit of an *Appeal*, an *essential Privilege* of the Subject, which the *Verdict* of a Jury could not exclude them. That it did not so properly lie before the Bench, at this Time, to enquire, whether the *Commons* were in the Right or not, as whether they had any just Grounds for a Doubt,—bare Suspicion of a Right—That, if there were such, which the Defendant could not deny, it was Matter of Law to determine, how far, and what Length of Usage could take away a POSITIVE ORIGINAL RIGHT; which was a Point that could only be spoke to, when the *Information* should be granted. It was confessed, that *there was a discretionary Power in the Judges, to grant or refuse an Information*; but insisted, that *their Discretion and Power was bound and circumscribed by the unerring Rules of Justice and of Law alone*, in this, as well as in all other Cases; our Constitution not allowing any of it's Ministers to be *absolute, or arbitrary*, but keeping all, even the SUPREME MAGISTRATE, under the *directive*, if not the *coercive* Power of the *Laws*.' Here the Court interrupted the Lawyers, with telling them, *the Hazard, Inexpediency and Inconveniency of granting an Information*.—The Lawyers re-assuming themselves, in proceeding, replied, ' That no *political Regard* to the Consequences should sway the
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(13)

' the Court, in doing Justice and Law; that granting the Motion, was no more.—That the Rights and Privileges of the Subjects must be upon a most *precarious Footing*, if the Judgment of a Court of Justice was to be directed by Matter of Expediency, since the Transition was so very easy, from Expediency to Convenience, from Convenience to Inclination.—As for the Method by *Quo Warranto*, it was argued, to be the only effectual, definitive Method of trying the Points in Contest. Which was another powerful Reason, why the *Information* should not be refused. That tho' *Quo Warranto's* were sometimes abused, to the Dissolution of Bodies Corporate, by *tyrannical Princes*, there was no Reason to apprehend any Abuse of such *Processes*, at this Time, under a *Prince and Ministry*, who have ever squared their Actions by the Laws. And if the City had forfeited their Charters, by the Abuses of the Magistrates; as the Defendants seemed to confess, it was high Time to put a Stop to such Abuses, and restore all to Harmony and Rights, by due Course of Law: The Extent of which could never be exerted with greater Safety to the People, than under the present Government.—Upon the Whole, that the *Affidavits* of the Plaintiffs proved in general, AN ORIGINAL INHERENT RIGHT, in the Citizens or Corporation at large, to *choose Aldermen*.—That the particular Instances of electing were to be proved, when they should be admitted to a legal Trial.—That then the *Records* of the City must be produced, when it would appear, that the MONDAY Book, in which the only Entry of the Election of Ribton was made, was not a Record, nor could any Entry therein bind the Commons; as it was kept, *privately*, by the *Aldermen only**. That the *Affidavits* of the Defendant, did not, in Fact,

* Apology, p. 39.

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(14)

contradict these of the *Plaintiffs*, nor was there any Cause shewn, to induce the Court to recede from the *Rule* made last Term, to grant an *Information*, to bring to a legal Issue, a Matter which not only raised Doubts and Dissatisfactions, but Discord, Tumult, Disquiet, and almost a total Obstruction to the publick Business of the City, as appeared by the Affidavits.

THE COURT confessed an ORIGINAL INHERENT RIGHT of electing Aldermen, in the CORPORATION AT LARGE; and that so plainly and evidently proved, that had an Information been sued for, upon the same Grounds, and in the like Case by any inferior Corporation in the Kingdom, it would admit of no Doubt, no Hesitation in the granting. Nay, further, that if the KING's Attorney General, moved for this Information, in the Quality of his Office, the Court could not refuse him. But, as it was presumed, that that Gentleman appeared in his private, not public Capacity, the Judges could not admit a Matter of so great Consequence, as the very Being of the Corporation of the City of Dublin, to be put to the HAZARD of a Trial.

—However, some Days were taken to give a positive Sentence. Then the Information was absolutely refused. Thus the Subjects in general are denied and debarred the most inestimable of their Privileges, a Trial of Matter of Right and Property, by a Jury of their Peers. The Commons and Citizens of Dublin, in particular, were denied the only effectual, judicial Means of determining a Contest of the utmost Consequence to the whole City, I might, in truth, have said, Kingdom; with this wretched Aggravation, that it was done by a Judgment from which they have no Appeal.

YOUR EXCELLENCY knows, that the Law is both the Measure and Bond, of the Duty and Allegiance of the Subject. And sure, MY LORD, whoever deprives

(15)

prives the Subject of the Benefit of the Laws of his Country, does, as much as in him lies, dissolve the best Security of both King and People. Does not the KING swear to the PEOPLE, before he is entrusted with the Government, that HE will observe, and cause ALL the LAWS to be kept? Are not his Judges and other Ministers intrusted with the Custody of this Oath? And do not the Judges swear, that they will do equal Law, and Right, to all the King's Subjects, as well to poor, as rich; and not delay any Person of common Right, for the LETTERS of the KING, or of any other Person, or for any other Cause: But if any such Letter should come to them, they shall proceed to do the Law, the said Letters notwithstanding? Were these Oaths, MY LORD, duly observed, or kept in the foregoing Case? I ask with due Reverence to my Lords the Judges, and submit it to YOUR EXCELLENCY's Judgment.

When it was conceded by MAGNA CHARTA, that no Subject should suffer in his Liberty or Property, but according to the LAWS, and by the lawful Judgment of his EQUALS; It was next wisely and justly provided, That the Administration of Right or Justice, should neither be SOLD, DENIED, or DELAYED to ANY. These, MY LORD, are the peculiar, the distinguishing Privileges of British Subjects, those on which the very Essence of our glorious Constitution depends. Whether we are allowed the Benefits of these FUNDAMENTAL LAWS, in this Instance, and whether a good Subject can tacitly bear so fatal an Inroad on his Birth-Right, I submit to YOUR EXCELLENCY's Judgment — with all due Reverence to my Lords the Judges.

If an Alien among us, conceives he has a Title to any thing, he has by our Constitution, an unquestionable Right to try his Property, according to Laws. Sure, MY LORD, a free Subject, nay, a most considerable

(16)

siderable Body of *Freemen*, are not to be supposed on a worse Footing! If Judges may, at their Pleasure, obstruct legal Trials, we may no longer be called a Free People; Our Government can no longer be deemed *legal*, it becomes absolute and *imperial*; our Property and Rights are most precarious; for *political Expediency* or private Interest, may often, if not eternally, prove a Bar to Justice—with most humble Deference to my Lords the Judges.

Men who have the best Laws for their common Security and good Government, and are, by these who have the Custody, and the executive Power of these Laws, refused the common Benefits thereof, are reduced to a worse Condition than Barbarians, left in a rude State of Nature. There lawless, immoral Force is, not only allowable, but often, successfully used, to establish Rights, and to obtain Freedom and Justice. But here, due Subjection to Laws forbids all Tendency to Violence; let the Consequence be what it may! What dreadful Pangs then, must every Man of the least Sense of Freedom feel, in being thus refused the common Use and Benefit of the Laws of his Country?—Precedents, My Lord, are powerful Things in Courts of Judicature.—I may venture to say, if this be established, that a few Repetitions of it, cannot fail, in Time, of giving a fatal Shock to the whole Constitution,—with all due Reverence and most humble Submission to my Lords the Judges.

No Badge of the *Norman* Conquest has been looked at, with so jealous an Eye, by the free *British* Spirit, as the Institution of Judges. As Creatures of Prerogative, and for the most Part, dependant, they have generally been observed to pay more Regard to the *Principum Placita*, than to the *Plebiscita*; to extend the one, and to abridge or curtail the other; and that by the most unjust and illicit Methods. I speak this with the utmost Respect and Reverence due to our Judges. There

(17)

There never was a Tyranny, of any Kind, set up in these Kingdoms, that was not, in some Sort, countenanced, if not abetted by the Judges. Of this many remarkable Instances, if necessary, might be given. I shall offer but a few.

Let me begin with that which laid the Foundation for the heaviest Oppression this Nation ever knew, since OUR KING first became King of *Britain*, the subjecting one free Kingdom to another, one Parliament to another; against the common, natural Rights of Man; against the Laws of Nature and Nations; against the Consent of the People and their Representatives, which alone can give Force to a Law: Against the Common and Statute-Laws of both Kingdoms: Against several Charters of Liberties and Immunities granted to this Kingdom: Inconsistent with the Royalties of a Kingdom, and the Prerogative of the Crown: Against the Resolution of several *uninfluenced* Judges; and contrary to the Practice of all former Ages: Subversive of Liberty and Property: Introductive of Variety of Inconveniences and the utmost Confusion: And as diametrically opposite to the true Interest of the King and People of both Realms, as to Reason and Equity; as has been irrefragable proved by a late truly loyal Patriot of our Country. I wish all this was not to be laid at the Door of that great, and in Law, canonised, Judge, Lord *Coke*; who is, in many Instances, in his private and public Character, inconsistent with himself, as well as with Truth and Reason, particularly upon this Head; but at last agrees with his worthy Predecessor the Chief Justice *Hussey*, in a positive Assertion that *Ireland* is subject to the Laws made in *England*, against the Consent of the People or Parliament of the Kingdom. But none gave a greater Proof of the Frailty of Man, than *Coke*. He was at once the most learned, the most eminent Lawyer, the most powerful

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erful Judge, the most supple, pliant, temporising, corrupt Courtier.

YOUR EXCELLENCY can be no Stranger to the earlier wicked Attempts of the *English Judges*, to destroy the *British Parliament*, and make King *Richard* the Second an absolute Monarch; for which, as soon as the Convulsions given the State were allay'd, the *Chief Justice* was *hanged*, and the rest *banished* to *Ireland*; where, with humble Submission to our Lords the Judges, it is suspected, they propagated.

YOUR EXCELLENCY knows, that the Judges in *Charles* the First's unhappy Reign, and in the late King *James's* Time, took the like Measures; that the *Irish Judges* in the Reign of Queen *Anne*, by Falshood and Corruption, endeavoured to subvert the Constitution of this City, to gratify a most wicked and abominable Ministry. For which nefarious Crimes, they were all stigmatised by Parliament. Nor can I suppose YOUR EXCELLENCY could have over-looked in History, the many remarkable Instances of *Bribery*, *Corruption* and *Perjury*, proved on the *English Judges*. It is well known, that the *Chief Justice* of the Court of Common Pleas, in the Reign of *Edward* the First, was *banished* for *Bribery*, the *Chief Justice* of the King's Bench to *Edward* the Third, was *hanged*, for the like Offence. The Reason for this more rigorous Sentence stands on the Rolls, in these Words; *Quia prædictus Wilhelmus Thorpe qui Sacramentum Domini Regis, erga Populum suum, habuit ad custodiendum, fregit maliciose, false & rebelliter, quantum in ipso fuit, &c.* This *corrupt Judge*, however, did not take these Bribes, in any Cause, where Matters of Property between ordinary Suitors were depending; but merely for *delaying* the Execution of public Justice, in out-lawing certain Offenders. If this, then, be so heinous a Crime in *Thorpe*, what can be

(19)

be thought of such Judges, as regardless of their Oath, and the King's, not *delay*, but positively *deny*, the Subjects Right and Justice, and the common Benefits of the Laws; in not admitting them to try their Property, by due Course of Law, the Verdict of their Peers? I hope such Judges will never be found in our Land!

But of all the Crimes chargeable on the *Judges*, in any Age, (and how many I omit, in these, as well as former times YOUR EXCELLENCY well knows) there are none more remarkable, nor more to my Purpose, than that of their implacable Aversion to *Juries*. Whether it is, that they look on these ancient *popular Judges*, with an evil Eye, because they are, in fact, their Superiors, I cannot say; but it is evident, that the King's Judges, or Justices, have constantly endeavoured to *eclipse*, sometimes to *subvert*, and often *finer*, *imprisoned*, or otherwise *abused* the *popular Judges*, especially when they did not bring in agreeable Verdicts: Tho' the Justices have rarely, if ever, escaped public Censure for so doing, or for presuming to determine Matters of Property or Right, without the Assistance or Sanction of *Juries*.

The great King *Alfred* caused Forty-four *Justices* to be hanged, in one Year; as Murderers, for false Judgments. Their particular Crimes are recited in an ancient Law Book, called the *Mirour of Justices*, and appear mostly to be, in one Kind or other, Infringements, Violations or Inroachments of, or upon, the Powers, Rights or Privileges of *Juries*.

LATIMER, a pious Prelate and Martyr for the Liberty of Christianity and his Country, in his third Sermon preached before King *Edward* the VIth of happy Memory, *requires him in GOD's Behalf, not to put Men to the hearing of these Velvet-Coats, these Upskips, the Judges*, on whom he makes so positive a Charge of *Partiality* and *Corruption*, that he pronounces,

(20)

nounces, *Hell will be full of these Judges, if they repent not and amend*; and so conjures the good young King, *to hear poor Men's Suits himself*.

There are many Resolutions and Orders of the House of Commons of *England*, declaring the Illegality of restraining Juries in, or punishing them for, their Verdict, and censuring Judges for so doing.

These Instances, MY LORD, I hope, are sufficient to shew, what Wounds the Constitution has heretofore received, what it is still to fear from the *Arbitrary Judgments* of *Justices*; and how necessary it is, for a good Governor, to hold a watchful Eye on the Conduct of these Ministers. I speak with all due Respect and Reverence to the Judgment of my Lords the Judges, yet am persuaded, the Case I have instanced will prove sufficient Grounds for our *Complaining*, and for hopes that YOUR EXCELLENCY will judge the *unparalleled Distresses* of the COMMONS and CITIZENS of this antient and most loyal City, in particular, as well as the evil Tendency of these *summary Proceedings* of the Judges, to the general State, well worth your Consideration; that you will, therefore, look into these Papers, which I flatter myself, will lay the Merits of the Case so clearly before YOUR EXCELLENCY, that you cannot forbear interesting yourself in our *Complaints*; whereby we shall be admitted to a full, fair, legal Trial of our Property, by a *Jury*, or obtain a full PARLIAMENTARY ENQUIRY into the political State of the City, either of which must fully answer our Expectations.

I shall now, MY LORD, only further trouble YOUR EXCELLENCY with exposing one of the many artful Insinuations of our Antagonists, as that which they now put in the Mouth of every Advocate for them, and which is become almost universally prevalent.

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(21)

They say, *That all those who oppose the reigning Faction in the City, are Tories and Jacobites. That we have raised all this Clamour, to disturb the Government, and the Peace of the City, to favour foreign Enemies, who threaten our National Peace and Safety; concluding, that had we a real Right, this is not a fit Time for raising Contests or Disputes among Protestants and Fellow-Citizens* *.

Whether suing, in a legal Manner, for ancient *British* Liberties and Rights, purchased by the Blood and Treasure of our free, brave Ancestors, favours or not, of *Tory* or *Jacobite* Principles, I humbly submit to YOUR EXCELLENCY's unprejudiced Judgment. They that thus, as artfully, as falsely, asperse us, know, that all who, in any manner, appeared in this Cause, are Protestant Freemen, mostly of the established Church, who prefer the Well-being of the Civil Constitution, to every other Worldly Consideration. This our Antagonists can testify. And we challenge them to charge us with any Breach or Neglect of our Civil Duties, unless opposing fell Faction and Tyranny be such. Can Assertors of the Rights and Liberties of *British*, free-born Subjects, be deemed Enemies to the present happy Government? Or in any Degree Favourers of *Jacobitism*, or *Slavery*, from any Quarter?

As for prosecuting our Rights at Law, being, at this Time, improper or unseasonable, I can by no Means conceive it. I confess, I am convinced of the direct contrary; that it cannot be done too soon, and that this is the best and most proper Juncture, to sue for, and finally to determine the Matters in Contest, between the Commons and Aldermen of this City. It is restraining, not exercising the Laws, that weakens or endangers the State.

* *Apology, p. 81.*

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(22)

When we are threatened, on every Side, by foreign and domestic Enemies to our glorious Constitution, we cannot, surely, be too early in preparing for an Attack. A City to be besieged, is not so effectually secured, by repairing and strengthening its Walls and Fortifications, as by removing the Grievances of the Citizens, and giving them an Interest worth contending for or defending. That, surely, is LIBERTY;—no Men can be truly brave, that are not thoroughly free. This it is, that makes Britons, like *antient Romans*, abroad victorious, at home invincible. —What better Bait could an Enemy use, at the Gates of a besieged City, than this? Deluded Men! What do you fight for? Why do you oppose us? Are you not divested of all that is worth your Care, your *antient Liberties and Rights*? Does your *boasted Laws and Government* protect your Properties? Do they not even *countenance the hateful Slavery* imposed upon you? How long will you tamely bear *the Oppressor's Wrongs, the proud Man's Contumely, the Insolence of Office, the Law's Delay*? Can you thus court Tyranny? embrace Slavery? For Shame! exert your Senses. We come not to *destroy*, but to *restore* you to full Possession of all your *once-boasted Rights, Properties and Privileges*.—Such a Declaration, well founded, must prove more prevalent than Force. Therefore it cannot be good Policy, to leave such Incentives in the Power of an Enemy, when the Matters in Contest may be so soon, so readily determined by Law, to the final Ease and Satisfaction of all Parties, without the least Fear of ill Consequences to any in the Right.

Had LONDON, or any other considerable City in *England*, been treated with the Indignity, the Cruelty and Injustice long practised upon DUBLIN, and had tried all legal and just Measures of obtaining a Restitution of Rights and Properties, with no bet-

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ter Success, than We have hitherto had; the late *Rebellions*, artfully raised and fomented by evil and false Suggestions, of this Kind, which readily took Place with a Sett of desperate or pampered People, regardless, forgetful, or ignorant of the true, invariable Interest of their Country, would have probably looked more horrible. When the Northern *Servitude* of BRITAIN has forgot the miserable State of *Sloth, Covertly and Servitude*, from which the People were so lately reclaimed; and longing after their *antient Barbarity*, their worse than *Egyptian Bondage*, fly in the Face of those very Laws that *united* them, as Brethren, in the ONCE GLORIOUS Family of *Britain*: When OXFORD, that ONCE FAMED Seminary of Literature and Arts, seems to have borrowed the Genius of a certain inglorious, modern Republic, both alike, while poor and under Tyrants oppressed, brave and virtuous, powerfully exerting their Eloquence, and freely expending their Blood and Treasure to regain or uphold their Liberties: But when once peaceably possessed, growing opulent, or from *poor and needy*, becoming *High and Mighty*, fell into Excesses, Luxury, and Sloth, and so ungratefully spurning at the LAWS and POWERS that support them in the full uninterrupted Enjoyment of all that is desirable on Earth, servilely, venally, basely bending the Knee, nay, ready to yield themselves up, to the first Tyrant that bids the Price for them: When this most antient University can forget that she suffered more grievously than any Corporation in *England*, under the unnatural, illegal Government of the *Stuarts*, from which the Revolution alone could have rescued her, and yet now grow so unmindful of those that wrought her Deliverance and established her Freedom and Rights, as publicly to declaim, nay, exclaim against her Deliverers, to foment *Treason and Rebellion* by all the Actions, as well as the *Docu-*

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(24)

ments of her Fellows and Masters in the public and private Schools, even in the *debased Theatre*, and openly extol and court the spurious, the imaginary Progeny of their late *Inflavers*, rendered yet more savage, by Foreign Popish Education, to yoke them again to the Plow: What would they do were they enthralled like Us? Had they had any real Grievances to complain of, and, after due Application, were denied Redress, then indeed they might have had some Colour, or Pretence for their wild Extravagancies. They might, in Expression, then have joyned with that no less zealous, but more just and wise Heathen, who said, *Flectere si nequeo Superos, Acheronta movebo*.—But let them first move the Gods, before they seek Aids from Hell; that is, let them first, like us, have Recourse to SUPEROS, the higher Powers, or the *Laws*, and 'till they fail of obtaining Restitution of Wrongs, by that Course, not stir up Acheronta, — Rebellion.

And here, while fallen *Oxford*, is in my View, let me recommend it to those great Men, who import *English* Clergy, as some do *French* Cooks; and who adorn our Courts of Justice with Lawyers or Judges from the same fruitful Soil, that, at the Time they are promoting Laws to prevent the *further Growth of Popery*, they do not intail *Slavery*, in another Shape, on us; which must, soon, pervert our Morals, as well as Religion. It can never be prudent to draw Water from a turbid, much less from a polluted Spring, while a pure Fountain is at Hand. Tho' we see CHRISTIANITY becoming, again, *fashionable* in *England*, by the Labours of some eminent Lay-men; yet, alas! LIBERTY is quite otherwise. That must ever sink, in Proportion, as Luxury and Sensuality rises. When LIBERTY and a most truly CONSTITUTIONAL GOVERNMENT are openly decried, where Youth receive the first Impressions of Learning
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(25)

or Policy: When some great Towns and Cities with Impunity permit, I may say, encourage, some Reptiles to crawl among them, in the hateful, exploded, party-coloured, unlawful Garb, invented in Imitation of the barbarous, savage *Picts*: and to speak *Treason* in their public Streets, should We not be as cautious in holding Commerce with them, as if a Pestilence raged among them, 'till they have performed *Quarantine*, and produced Certificates of Health? Some of the Clergy, I confess, have done this; and therefore possess the uppermost Place in my poor Bosom. As for the Gentlemen of the other Gown, I see no Traces of the University in them, so they may pass. But it is to be hoped, that none of either will so far particularise himself, stung by this general Charge, as to give any Man room to say, *Thou art the Man*: If any should, I am easy. My Heart and Hand are, and ever must be, at Enmity with Slaves, as well as Tyrants, of all Denominations, in all Stations.

Oppression is generally said to make wise Men mad. Tho' we have not yet proved ourselves wise, it can hardly be either just, or prudent, to press us much further, trusting to our Ignorance or Want of Feeling or Choler.

The KING has not more truly faithful and loyal Subjects, than the Protestants of *Ireland* in general, the Citizens of *Dublin* in particular; and if Justice and Equity cannot prove sufficient Motives to Men in Power, to protect and secure them in their Civil Rights, good Policy certainly should. A People, who have any just Sense of Freedom, can honour or serve no King, or Government, that does not support and secure their sacred Liberty and their Properties inviolable. That Government must ever be best established, where Interest, as well as Principles, combine to bind the Subjects in Love and Loyalty. This must be ours, if all the Ministers and Officers of

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the State exercise their Offices, agreeable to Laws, and their Institution.

Much more might be said on this Head; but to YOUR EXCELLENCY, even this will, probably, prove too tedious, as well as unnecessary. You must know the Rights of *British* Subjects. You have often proved your Ability, as well as Inclination to assert, to support, and to defend them. Therefore, I flatter myself, with Hopes, that while Providence offers you the Means, the Power of restoring sacred Liberty to so many of his Majesty's faithful Subjects, as are enslaved in this City and Kingdom, you will not, in Regard to the KING you represent, whose Throne is founded on the Liberty of his People, in Regard to your own Conscience, and the Glory of redeeming so many captivated Citizens, let slip the happy Opportunity.

The Parliament of *Great-Britain* have lately looked into the Political State of *London*, the *freest* of Cities; and judging it inconsistent with the *Liberty* of the COMMONS, that the *Aldermen* should have even a Negative on their Transactions, passed an Act to take away that injurious Power. And yet the *Aldermen* of *London* are not the Creatures of a Faction, but are chosen by the free Voices of the Inhabitants of every Ward; a Regulation extremely wanting in this City: Where, instead of a Justice of Peace to every Ward, we have but one acting Justice in the whole City. In short, my LORD, when you come to see how we are governed, or rather, ruled, I am persuaded YOUR EXCELLENCY must pity us, and admire our long continued Tolleration, without the least Variation in our Loyalty, under the most bitter, slavish Oppression.

It may be thought better Policy to have concealed my Name, since I have often been grossly abused and vilified by certain Prostitutes in Power, for my Puiſnè Efforts

Efforts for the Cause of Truth and Liberty; and since such as dare openly to refuse the Subjects Law and Right, may well be supposed, in a like arbitrary and illegal Manner, to crush or oppress the Complainant. But, my LORD, I hate a Mask, and every Man that dares not boldly assert Truth and Liberty without one. Moreover, whenever it becomes criminal, or hazardous to approach the SUPREME MAGISTRATE, or his *Representative*, with just Complaints, or to inform him of Truths important to the Commonwealth, or to assert the ancient Liberties and Privileges of the People, the BASIS of the Civil Constitution, let me as an unfit Member be cut off. But while a PRINCE reigns, whose Throne is founded on LIBERTY, and a STANHOPE holds the Reins of Government, I can fear no such Tyranny. Therefore, I not only offer this Complaint in Person, but also subscribe my Name, as well to testify my Sense of Freedom under your Administration, as that I am and shall, upon all Occasions, be ready to maintain the several Allegations in my Complaint, whenever you honour me with an Opportunity; and to declare, that I am, with all due Allegiance to the SACRED PERSON you represent, and thorough Respect to your own,

May it please YOUR EXCELLENCY,

Your most dutiful, and most faithful Servant,

CHARLES LUCAS.

A P P E N D I X.

N U M B E R I.

CHARLES Lucas, of the City of Dublin, Apothecary, deposeth, that he has been for several Years past a Freeman of the said City, and that he is now in the *Common-Council thereof, as one of the Representatives of the Corporation of Barbers and Chirurgeons, Apothecaries and Peruke-makers, or Guild of St. Mary Magdalene, within the said City.* That the better to qualify him for discharging the Trust of a Common Council-man *, he has used his best Endeavours to learn the Constitution of the said City: and to this End has read and made Abstracts of the several Charters, granted to the said City, from the Reign

* *The OATH of a Common Council-man.*

First, You shall swear to be faithful and true unto our Sovereign Lord King *George the Second,* and to his Heirs and Successors for evermore; you shall give your faithful Counsel unto the Mayor in Town and Field, for the Time being, as a Common-Council-man should do: You shall answer unto all due Summonses and Assemblies when your Mayor calls for you by his Officers, without Sicknes or a lawful Excuse let you, if that you be within the City: You shall not refuse any lawful Office if you be *electd by the Mayor and Council of the City:* You shall not absent yourself on the Election of a Mayor on *Michaelmas-Day,* on Pain of the Laws made in old Time.

Also, You shall attend the Mayor on the Station-Days with a seemly Gown fit for your Place and Calling, if that you be within the City, or a lawful Excuse let you, with this and all others for the King's Majesty's Weale, and that of the City, as a Common-Council-man should do, to your Power.

So help you God.

Reign of King *Henry the 2d* to the Reign of his present Majesty, of which Copies are enrolled in the *Trolsel Office:* And read over the several Rolls, and other Matters of Record in the said Office preserved, those especially since the Year 1625 to this present Year; and took Notes and Abstracts of all that occurred to him, which related to the Government of the said City, and the Election of Magistrates and Officers therein. That by the Means aforesaid, He has made himself acquainted with the Charters, By-Laws and Records, on which the Rights, Liberties, Privileges, Franchises, Customs and Usages of the said City, and the Citizens thereof respectively, are founded. That having discovered many Infringements of the Rights, Liberties, Privileges, Franchises, Customs and Usages of the Commons and Citizens, made, as he apprehends, by the Aldermen of the said City, He, to discharge the Trust in him reposed, disclosed the same to the Corporation of which he is a Member, and at present one of the Representatives as aforesaid. Whereupon the said Corporation, in their Common-Hall assembled, directed and authorized this Deponent, with their other Representatives in the said Common-Council, to oppose with all his or their Might the said Infringements, and to prosecute the Rights and Liberties of the Commons and Citizens, which appeared to be with-held by the Board of Aldermen of the said City; promising this Deponent and their other Representatives, their utmost Assistance, and constant Support in the faithful Discharge of the Duty and Trust of Common-Council-men. That in pursuance of such Directions, this Deponent with others of the Common-Council, used all their best Means to move the said Aldermen to restore to the Commons and Citizens their Rights and Liberties, so with-held as aforesaid. This Deponent saith, that among others it appears to him, that the Citizens of the

the said City of *Dublin* are by Charter impowered to make By-Laws and Ordinances, and to chuse, elect and appoint several Officers and Servants, for the Security and good Government of the Corporation of the said City. That the Common-Council, as Representatives of the Citizens of the said City, have, Time immemorial, possessed and exerted this Right and Power, except where altered or restrained by the new Rules made by the Government and Privy-Council of this Kingdom, in or about the Year 1672. This Deponent saith, that it appears to him from the Rolls, which are the Records of Assembly, and which are all attested or subscribed by the Chief Magistrate and Aldermen of the said City for the Time in which the said Records were made. That there has been, Time immemorial, Twenty-four of the Citizens of the said City chosen and elected Aldermen of the said City. And that it further appears to this Deponent from the Charter of the 17th of King *Charles* the First, that certain Powers and Privileges, in the said Charter mentioned, were granted to the said Aldermen by the said Charter, which said Charter was founded and granted on an Information, that the Elections of the said Aldermen were vested in, and by constant Custom and Usage, made by the Mayor, Bailiffs, Commons and Citizens of the said City of *Dublin*. This Deponent further saith, that agreeable to the said Charter of King *Charles* the First, the Elections of Aldermen appears to this Deponent from the Records aforesaid, to have been made in the Common-Council, and recorded in the Manner and Form of other Acts of Assembly, or Common-Council, 'till the Year 1714, or thereabouts; since which, the Lord Mayor and Aldermen have assumed to themselves the Power of electing Aldermen exclusive of the Commons and Citizens; and in direct Violation of the Rights, Liberties, and Privileges of the said

said Commons and Citizens, as this Deponent apprehends, and is advised. This Deponent further deposeth, that he demanded of the Town-Clerk a Sight of all the Charters, By-Laws, Books, Rolls, and other Records, relating to the Corporation of the said City; and had shewn him by the said Town-Clerk, or his Clerk or Deputy, several Charters, By-Laws, Rolls, and other Records, for the whole and entire of the same. That it appeared to this Deponent, that the several By-Laws, Books, Rolls, and Records made since the Year 1711, are preserved, as this Deponent believes, perfect and entire; and yet, that, upon the strictest and most diligent Search and Enquiry, there appeared to this Deponent, from the Foundation of the said City to this Day, no By-Law, Order or Ordinance whatsoever, made for authorising, or in any wise favouring or countenancing the aforesaid Pretensions of the Board of Aldermen to the Election of succeeding Aldermen. This Deponent further deposeth, that the Office of Alderman is of greater Importance now, than it could have been before the making of the new Rules, because the said new Rules have given them the sole Power of electing Lord Mayor, Sheriffs, and Treasurer of the said City; and because the said Aldermen now take upon them to strike the Commons out of a double Return made to the Lord Mayor, from the several lesser Corporations within the said City. That the Commons did, on or about the 15th Day of *October*, 1742, deliver to the Lord Mayor and Aldermen the Report of a Committee of the said Commons appointed to examine the Charters, Acts of Assembly, and such other Records or Papers as relate to the Government of the said City, and the Election of Aldermen therein. In which Report was, among other Things, set forth the aforesaid Rights of the Commons and Citizens to the Election of Aldermen, with distinct

distinct Recitals of the several Authorities, from Charters and By-Laws, for such Assertions; and pointing out the Infringements and Innovations made as aforesaid, in the said Elections of Aldermen. That this Deponent, on or about the 22d Day of *April 1743*, with the Approbation and Advice of his Fellow-Representatives and Constituents, did draw up and print a Remonstrance, as well against the aforesaid Innovations and Infringements as others; and had Copies thereof delivered to the then Lord Mayor and Aldermen severally, reciting the several Charters, By-Laws, and other Records, relating to the Government of the said City, and the Elections of Aldermen therein, and pointing the Volume and Page in which the said Authorities stand inrolled or recorded in the *Tbolser Office*; notwithstanding which, the said Lord Mayor and Aldermen of the said City of *Dublin*, have and do persist in their unjust and oppressive Usurpations, and in open Violation of the Rights and Liberties of the said Commons and Citizens, without the least Colour of, or Authority from, Charter or Laws; that upon the strictest Search or Enquiry appears to this Deponent, did, on or about the Day of *April 1743*, pretend to elect and chuse *George Ribton* of the said City, Merchant, an Alderman, in the Place of *Joseph Nuttal*, one of the Aldermen, who resigned his Place of Alderman, and swore the said *Ribton* into the Office and Place of an Alderman, as this Deponent believes, without the Consent, Election or Approbation of the Sheriffs, Commons, or Citizens of the said City; upon the Strength of which pretended Election, which appears entered in the * *Monday-Books* only, the said *George Ribton* has

* *Monday-Books* are a Sort of Journal of the Transactions of the Lord Mayor and Aldermen kept privately by them, and which were first begun in the Time of the Usurpation of *Cromwell*. See Apology.

has withdrawn himself from his Place and Station in the Commons, and now takes Rank and Place, and votes, as this Deponent believes, with the Aldermen, in the Assemblies and other Meetings of the Board, assumes the Title, and wears the Gown of an Alderman, comes frequently from the said Lord Mayor and Aldermen of Messages to the Commons, which are sent only by an Alderman, or Aldermen; and has his Name signed to an Association with the Aldermen, in a Book called the *Monday-Book*, which Association is entered into, and subscribed by Aldermen only; and as this Deponent is informed, and verily believes, acts in and executes the Office or Employment of a Junior Alderman of the said City to all Intents and Purposes whatsoever. This Deponent further deposeth, that the Infringements and Innovations aforesaid, have raised great Heats and Animosities between the Aldermen and Commons aforesaid. That violent Controversies and Discord have arose in the Assemblies, which have ended in Tumult, Uproar, Confusion, and the Dissolution of many Assemblies, without dispatching the public Business; and that at Times when Matters of the greatest Importance, and the utmost Consequence to the said City were depending, before the Assembly; such as cleansing the Streets, removing Nufances, and supplying the Inhabitants with Water. That such Strefs is laid by the said Commons, and the Generality of the Citizens of the said City of *Dublin*, on the Restitution of their Right of Electing Aldermen, that fundry tedious Disputes have arisen, and do daily arise, upon this Occasion, in private as well as public Assemblies, which have so obstructed, and still do obstruct, the carrying on the other Business of the City, to the manifest Loss, Damage, and Detriment, of the Commons and Citizens and other Inhabitants of the said City, as well as to the utter Subversion of

all Order and good Government therein; which said Controversies, Obstruction to public Business, Disquiet, Losses, and Subversion of Order and good Government in the said City, this Deponent has Reason to apprehend, and does verily believe, cannot be quieted, removed, or Harmony and Peace, between the contending Parties, restored, by any other Means, than by a judicial Determination of the Matter in Contest by due Course of Law.

N U M B E R II.

JAMES Digges Latouche, of the City of Dublin, Merchant, deposeth, That he has been for several Years a Freeman of the said City; and for near nine Years past a Member of the Common Council of the said City, that certain Doubts having arisen in the said Common Council, about the Right which the Aldermen pretend to of electing Aldermen, and transacting other Matters without the Application to, or Consent and Concurrence of the Sheriffs and Commons, this Deponent was with several others of the Commons appointed on or about the 6th of August 1742, by the Sheriffs and Commons to be a Committee, to inspect the Charters, By-Laws, Acts of Assembly, and other Papers relating to the Government of the City of Dublin; that the said Committee several Times met for the Purposes aforesaid, and this Deponent gave constant Attendance to the Meetings of the said Committee, and that he has not found, on the best Search he and the rest of the Committee were able to make, any By-Law, Charter or Usage before the Year 1714, to support the aforesaid Power of the Board of Aldermen, to elect Aldermen; but that on the contrary, it appears to this Deponent, that the Charter of King Charles the First, and the Entry on the Rolls to the Year 1714,

1714, were strong Proofs of the Elections of Aldermen having continued like that of other Officers, not mentioned in the new Rules of the Common Council. That the Committee of the Commons made two several Reports to their House; one, on or about the 15th Day of October in the Year 1742, and one, on or about the 22d Day of July, 1743. That these Reports were, on or about the same Time communicated to the Board of Aldermen; that this Deponent does not know of any other By-Law or Matter contained in the Charter, By-Laws, Rolls or any other Records which might favour the Pretensions of the Board of Aldermen, in Relation to the Election of Aldermen, which the said Committee neglected to report. That their Reports, with the Answer of the Board of Aldermen, were examined by Council learned in the Law. That from the Opinions of the said Council, this Deponent, as well as the Majority of the Commons, and he believes the Majority of the Citizens do conceive, that the Board of Aldermen have infringed on the Rights and Privileges of the Commons and Citizens in the Election of Aldermen. That these Disputes have occasioned great Inconveniencies and Obstructions to the carrying on the public and necessary Business of the said City; and that great Disquietudes have happened, and many Assemblies have been broke up, without any Business being done, whereby the City is like to suffer much Damage in it's Estate, and the Inhabitants Uneasiness, Disquietudes and Inconveniencies, from the City not being able to discharge the Trust reposed in it, by raising Money to defray their necessary Expences, in cleansing and paving the Streets, supplying the City with Water, and other Particulars too tedious to mention. That this Deponent believes these Disputes cannot be ended in any other Way, than by having the Claims
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(36)

of the Commons determined, in a judicial Manner. That the Office of Alderman is of the greatest Importance to the well-being and good Government of this City, and is an Office and Place of great Trust. As the Board of Aldermen are solely intitled by the new Rules to the Election of Lord-Mayor, Sheriffs and Freemen of the said City, abstracted from the Commons, and have or pretended to have a Negative and controuling Power in the Election of the Commons; and that no other Persons but the said Aldermen, except the Recorder of the said City, can serve the Office of a Justice of Peace in this City. That notwithstanding the Reports and other Remonstrances made by the Commons to the Board of Aldermen, against the Infringements they have made on the Rights and Privileges of the Commons and Citizens, the Lord-Mayor, and Board of Aldermen, did, as the Deponent is informed, pretend to elect *George Ribton* of this City, Merchant, an Alderman of this City, without the Consent, Election, or Approbation of the Commons of the said City; that said *Ribton* has ever since (as Deponent is informed, and believes) acted under such Election as an Alderman of this City, voting at the Board of Aldermen and carrying Messages from the said Board to the Commons, which has never been done as Deponent believes, by any other than Aldermen, or reputed Aldermen.

NUMBER III.

THOMAS *Gonne*, of the City of *Dublin*, deposeseth, that, in, or about the Year 1705, he, this Deponent, was put an Apprentice as Clerk to *Jacob Peppard*, Esq; then Town Clerk of the City of *Dublin*, for five Years, which Term he served in the *Tpolsel* Office; and saith, that from the Expiration

(37)

tion of his said Apprenticeship, this Deponent continued a Clerk in the said Office, until the Year 1724; at which Time this Deponent was appointed Town Clerk of the said City in the Room of the said *Jacob Peppard*, and continued Town Clerk until the Year 1739; and saith, that in the Space of Time from the Year 1705, to the Year 1712; several Persons were elected Aldermen of said City, and particularly on the 19th of *July* 1706, Mr. *Anthony Barkey* was elected an Alderman by the Lord Mayor and Court of Aldermen of said City, in the Place and Stead of Sir *Francis Stoyte*, Knt. deceased; and that on the 25th of *April* 1707, Mr. *John Godly* was elected an Alderman by the Lord Mayor and Court of Aldermen of said City, in the Place and Stead of Alderman *Henry Stephens*, deceased; and that on the 16th of *July* 1708, Mr. *Matthew Pearson* was elected an Alderman by the Lord Mayor and Court of Aldermen of said City, in the Place and Stead of Sir *Humphrey Jervis*, Knight, deceased; and that on the 21st of *July* 1710, Mr. *William Quayle* was elected an Alderman by the Lord Mayor and Court of Aldermen of said City, in the Place and Stead of Sir *Mark Ransford*, Knight, Alderman, deceased; and on the same Day, Mr. *Thomas Wilkinson* was elected an Alderman by the Lord Mayor and Court of Aldermen aforesaid, in the Place and Stead of Alderman *Charles Forrest*, deceased; and that on the 20th of *July* 1711, Mr. *George Forbes* was elected an Alderman by the Lord Mayor and Court of Aldermen of said City, in the Place and Stead of Alderman *David Cossart*, deceased; and on the same Day, Mr. *Thomas Curtis* was elected an Alderman, by the Lord-Mayor and Court of Aldermen, in the Place and Stead of *John Godly*, deceased; that on the 18th of *July* 1712, Mr. *Robert Chetham* was elected an Alderman by the Lord-Mayor and Court

Court of Aldermen of said City, in the Place and Stead of Alderman *John Hendrick*, deceased; and on the same Day, Mr. *William Dixon* was elected an Alderman by the Lord-Mayor and Court of Aldermen aforesaid, in the Place and Stead of Alderman *William Gibbons*, deceased; and this Deponent believes he was present at the Elections of all the said Aldermen, but is certain he was at the Election of the greatest Number of them; and saith, that such of the Elections as he was present at, were made by the Lord-Mayor and Court of Aldermen, Board of Aldermen, or Table of Aldermen of said City only, and never heard, till within these three Years last past, that the Commons of this City, or any other Person, or Persons, claimed to have a Right to vote or join with the Lord-Mayor and Aldermen, in the Election of an Alderman, or to approve of the Election of an Alderman; and saith, that from the Year 1712, to the Year 1739, the Elections of Aldermen have been always had and made by the Lord-Mayor and Aldermen only, and never heard during that Time, that the Commons ever claimed a Right to join in the Election of an Alderman, or to approve of the Election of an Alderman; saith, that there is in the *Tbolfel* Office, a Book, called the *Monday-Book* (wherein the first Entry is in the Words following) by the Mayor of the City of *Dublin*, and the Table of Aldermen, at a Meeting held at the *Tbolfel* on *Monday* the fifth of *April* 1658, which Book contains Entries of Transactions of the Lord-Mayor and Aldermen from the Year 1658, to the Month of *July* 1712, inclusive, which Book hath been kept and made use of for the Purposes aforesaid, ever since this Deponent became an Apprentice as aforesaid; and, as he believes, for several Years before; saith, that with all the Care and Diligence in his Power, he perused the said Book; and finds therein, the Elections of several

ral Aldermen, by the Lord Mayor and Court of Aldermen, or Table of Aldermen only; and on the strictest Enquiry, did not find in the said Book, any Election of an Alderman, wherein the Commons had any Vote, Choice, or Approbation therein*. Saith, that in the said *Monday* Book, he finds the following Entries of the Elections of Aldermen, by the Lord Mayor and Court of Aldermen, or Table of Aldermen only; and particularly the following Election, in these Words; the last Day of *September* 1667, it is also ordered, and agreed, by the said Lord Mayor, and Aldermen of the said City, that Mr. *Christopher Lovett*, be, and is hereby elected Alderman of the said City, in the Place, and Stead of Alderman *Ralph Vizer*, deceased; which Election is signed by nineteen Persons, who by the Names subscribed, and the City Rolls, appear to this Deponent, to be the Lord Mayor and eighteen Aldermen; that the following Orders appear to be entered in the said Book, by the Lord Mayor and Court of Aldermen; on the 18th of *October*, 1672, It is this Day ordered by the Lord Mayor and Aldermen, that Mr. *Richard Hanway* be, and is hereby elected and chosen an Alderman of the said City, in the Place and Stead of Alderman *Richard Cooke*, deceased; on the same Day, it is further ordered, that Mr. *John Smith*, be, and is hereby chosen and elected an Alderman, in the Place and Stead of Alderman *Ridgely Hatfield*, deceased; and on the same Day, it is further order'd, that Mr. *Peter Ward* be, and is hereby chosen and elected an Alderman of the said City, in the Place and Stead of Sir *Daniel Bellengham*, Knight and

* This is true; for how should the Transactions of the Commons be entered, where there is not one corporate Act, nor any Thing more than the private Acts of the Aldermen, or a Faction of them.

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(40)

Baronet, Alderman, deceased; which last three Elections appear to be signed by the Lord Mayor and thirteen Aldermen only; that the following Orders, appear to be entered in the said Book, on the first of *May*, 1674; Mr. *John Eastwood* is chosen and elected Alderman of the said City, by the Lord Mayor and Aldermen, in the Place and Stead of Alderman *Thomas Hook*, deceased; on the same Day, Mr. *Robert Arundell* is chosen and elected Alderman of the said City, by the Lord Mayor and Aldermen, in the Place and Stead of Alderman *Richard Tighe*, deceased; on the same Day, Mr. *Henry Reynolds* is chosen and elected Alderman of the said City, by the Lord Mayor and Aldermen, in the Place and Stead of Alderman *Daniel Wibrants*, deceased; and on the same Day, Mr. *Luke Lotber*, is chosen and elected Alderman of this City, by the Lord Mayor and Aldermen, in the Place and Stead of Alderman *Nathaniel Fookes*, deceased, which last four mentioned Elections appear to be signed by the Lord Mayor and eleven Aldermen only; that it appears by the said Book, that on the 17th of *July*, 1685, Mr. *Charles Thompson* was elected an Alderman, by the Lord Mayor and Court of Aldermen, in the Place and Stead of Alderman *William Smyth*, lately deceased; and it further appears by the said Book, that on the 21st of *January*, 1686, on his, the said *Thompson's* Letter to the Lord-Mayor, he, the said *Thompson*, was, by the Lord-Mayor and Court of Aldermen dispensed with, and discharged from the Place of Alderman of this City for ever, and Capt. *Robert Bridges* was then chosen and elected an Alderman, by the Lord-Mayor and Court of Aldermen, instead of the said late Alderman *Charles Thompson*, which said Entry of the 21st of *January* appears to be signed by the Lord-Mayor and nine Aldermen only; that it appears by the said Book, that on the
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(41)

Tenth of *February*, 1686, Capt. *Robert Bridges*, by his Letter to the Lord-Mayor, desired to be excused from serving as an Alderman, and being excused accordingly by the Lord-Mayor and Court of Aldermen, Mr. *Robert Hill* was then chosen and elected by the Lord-Mayor and Court of Aldermen, in the Place and Stead of the late Alderman *Charles Thompson*; this Entry appears by the Lord Mayor and ten Aldermen only; That the following Order appears to be entered in the said Book on the 24th of *April*, 1691, by the Lord-Mayor and Court of Aldermen. It is this Day ordered, That *Bartholomew Vanbomrigh*, Esq; Mr. *Thomas Quin*, and Mr. *Anthony Percy*, be, and are hereby chosen and elected Aldermen of this City; which last Order appears to be signed by the Lord-Mayor and nine Aldermen only; that by an Order in the said Book of the 20th of *July*, 1694, by the Lord-Mayor and Court of Aldermen, it appears, that Alderman *Daniel Hayes*, on his Petition to the Board to be discharged from the Place of an Alderman, and being dispensed with, and discharged, Mr. *John Page*, one of the Sheriffs, was elected an Alderman instead of Alderman *Walter Motley*, dec. and on the same Day, Mr. *Francis Stoyte* was elected an Alderman instead of the above Alderman *Daniel Hayes*, who was discharged from his Place of Alderman; this Entry appears to be signed by the Lord-Mayor and eleven Aldermen only. That by an Order in the said Book of the 6th of *May*, 1698. by the Lord-Mayor and Court of Aldermen, it appears, that Mr. *Benjamin Burton* was elected one of the Aldermen of this City, instead of Alderman *Philip Castleton*, deceased; which Election appears to be signed by the Lord-Mayor and eight Aldermen only. That by an Order in the said Book of the 18th of *August*, 1701, to wit, by the Lord-Mayor and Court of Alderman, it appears, that *Ralph Gore* was elected
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lected an Alderman instead of Alderman *George Blackball*, deceased; this Election appears to be signed by the Lord-Mayor and eleven Aldermen only. That by an Order in the said Book of the 16th of *July*, 1703, *to wit*, by the Lord-Mayor and Table of Aldermen, it appears, That Mr. *Robert Mason* was elected Alderman in the Place and Stead of Alderman *Edward Lloyd*; and the same Day *John Stoyte* was elected Alderman in the place of Alderman *John Smith*; and the same Day Mr. *Thomas Pleasants* was elected Alderman in the place of Alderman *William Billington*; the last three Elections appear to be signed by the Lord-Mayor and thirteen Aldermen only. That by an Order in the said Book of the 21st of *July*, 1704, *to wit*, by the Lord-Mayor and Court of Aldermen, it appears, that Mr. *John Hendrick* was elected Alderman in the place and stead of Alderman *Vanhomrigh*, deceased; and the same Day Mr. *Thomas Bolton* was elected Alderman in the place and stead of Sir *Francis Brewster*, Knt. Alderman, deceased; the last two Elections appear to be signed by the Lord Mayor and nine Aldermen only. That by an Order in the said Book of the 14th of *September*, 1704, *to wit*, by the Lord Mayor and Court of Aldermen, reciting that Mr. *Henry Stephens* being formerly elected an Alderman, but being obliged to go for *England* for the Recovery of his Health, where he staid and missed taking the Oaths and Sacramental Test within the Time limited, he is therefore this Day elected an Alderman, and readmitted into the same Station and Precedence as he formerly held at the Table of Aldermen; this Election appears to be signed by the Lord-Mayor and eight Aldermen only. That it appears by an Order in the said Book of the 25th of *September*, 1704, *to wit*, by the Lord-Mayor and Court of Aldermen, reciting; That, whereas Alderman *Thomas Bell*, having neglected to take the Oaths and Sacramental Test, and to conform,

form, pursuant to the Act; and his Place of Alderman being vacant, Mr. *William French*, one of the Sheriffs, was elected an Alderman in his Place and Stead. This Election appears to be signed by the Lord Mayor and ten Aldermen only. That, by an Order in the said Book, of the 20th of *October*, 1704, *to wit*, by the Lord-Mayor and Court of Aldermen, it appears, that Mr. *David Crossart* was elected an Alderman in the Place and Stead of Sir *Anthony Percy*; and this Election appears to be signed by the Lord Mayor and eight Aldermen only. Saith, that for about thirty-six Years past, he has been conversant in perusing the Parchment Rolls containing the Acts of the Assemblies of the said City; and that with Care and Diligence he lately searched and examined the said Assembly-Rolls for eighty Years past and upwards, and deposeth, * that upon the strictest Search and Enquiry in his Power, he did not, nor could he find any Act of Assembly, whereby the Commons of the said City were empowered to join with the Lord Mayor and Aldermen in the Election of Aldermen, or that they were to have any Vote or Approbation in such Elections. Saith, that the several Acts of Assembly are always, after every Assembly is over, engrossed in a Parchment Roll or Rolls, by the Town-Clerk's Deputy, or his Clerks in the *Tbolfel*-Office, which Roll or Rolls, is or are signed by the Lord-Mayor and Board

* The Commons claim an original inherent Right in them, and the Aldermen must prove Part of that, or the Whole granted to them by Act of Assembly. But the Aldermen well knew their Elections invalid, and therefore, every Alderman, tho' first chosen by the Board, had the Sanction of the Assembly in some subsequent Meeting, as all the Instances before the Year 1714, given by this Depo- nent, appear to have had; and some Elections, as those of *Thompson* and *Fervas*, &c. are entered on the Rolls only, in the Form and Words of Acts of Assembly. See *Apology*, and *Proceedings*.

Board of Aldermen, and one or both Sheriffs; saith, that frequently, until *Michaelmas*, 1712, he finds, that Aldermen, that have been elected by the Lord Mayor and Board of Aldermen only, have been enter'd on such Rolls; and that since the new Rules in 1672, down to the Year 1718, inclusive, the Elections of Lord-Mayor and Sheriffs, have been frequently entered on the Assembly Rolls, which this Deponent verily believes was not done by Way or Intention of shewing, that the Commons either had, or pretended any Right to such Election, but to notify, that such Elections were made. Saith, that Alderman *Henry Burrowes*, who is now the Senior Alderman of the City of *Dublin*, was elected an Alderman of the said City on the 20th Day of *July*, 1724, in the Room or Place of Alderman *Matthew Pearson*, deceased, and that none of the Commons were present at that Election, or pretended or claimed any Right of voting therein, or in the Election of any Alderman since chosen to the Year 1741, or thereabouts, and never heard 'till within these three Years, that the Commons of the said City claimed or pretended to any Right to join in the Election of an Alderman, or to approve of an Alderman, when elected by the Lord-Mayor and Aldermen. That this Deponent lately carefully examin'd several Bundles of Petitions in the Treasury-Chamber of this City, endorsed Assembly Petitions, and by their several Dates they appear to be Bundles of Assembly Petitions from the Year 1662, down to the Year 1712 inclusive, and on the strictest Enquiry and Examination he did not, nor could he find any Petition in the Name of any Person whatsoever directed to the Lord-Mayor, Sheriffs, Commons and Citizens of this City, to be elected an Alderman, nor did he, or could he find on the said Search any Petition in the Name of certain of the Commons, or any other Person or Persons whatsoever, for the Election of

of an Alderman, except one Petition preferred at *Easter Assembly* 1690, in the Name of certain of the Commons, which Petition, and the Order thereon, with the Endorsement on the Back of the said Petition, are in the Words following: To the Right Honourable the Lord-Mayor, Sheriffs, Commons and Citizens of the City of *Dublin*, the Humble Petition of certain of the Commons sheweth, that by the Absence of several of the Aldermen in *England*, the Assemblies of this City are so thin on Quarter-Days, that the public Business thereof cannot be well transacted, your Petitioners therefore humbly pray, that your Honours will, this present Assembly proceed to the Choice of fit Persons, to serve as Aldermen of this City in the Room of such as are absent as aforesaid, and your Petitioners will pray, *Second May* 1690. Ordered, That *Mr. Ignatius Brown* be, and is hereby elected and chosen one of the Aldermen of this City in the Room of *Sir Abel Ram*, now in *England*, Indorsement on the Back, N^o. III. The Humble Petition of certain of the Commons, 1690, *Mr. Ignatius Brown* chosen Alderman, allowed. This Deponent finds that King *James* the Second, by his Charter, bearing Date the 27th Day of *October*, in the third Year of his Reign, reciting, that the Rights and Privileges of the City of *Dublin* had been seized into the Hands of the Crown, by Vertue of a Judgment had in the Court of *Exchequer*, incorporated the Inhabitants thereof, by the Name of Mayor, Sheriffs, Commons and Citizens of the City of *Dublin*, and thereby granted to the Mayor, Sheriffs, twenty-four Aldermen and forty-eight free Burgeses, a Power to chuse Aldermen on any Vacancy, and Deponent believes the said Petition was grounded on the said Charter.

(46)

NUMBER IV.

WILLIAM Aldrich, of the City of Dublin, Alderman; deposeth, That he has been for about 39 Years past, a Freeman of the City of Dublin; and that he was in the Common Council thereof, as one of the Representatives of the Corporation of the Guild of Merchants, from the Year 1707, or thereabouts, to the Year 1714, at which Time this Deponent was made one of the Sheriffs of said City, and Deponent continued from thence in the Common Council of the said City before the Year 1714, there were several Elections of Aldermen, as appears to this Deponent by the Entries in the *Monday Book*, remaining in the *Tbolfel*-Office of the said City, and particularly of Alderman *Matthew Pearson*, who was elected an Alderman on the 16th of July 1708; of *William Quale*, who was elected an Alderman on the 21st of July, 1710; of *Thomas Wilkinson*, who was elected an Alderman the same Day; of *George Forbes*, who was elected an Alderman on the 20th of July, 1711; of *Thomas Curtis*, who was elected an Alderman on the same Day; of *Robert Chetbam*, who was elected an Alderman on the 18th of July, 1712; and of *William Dixon*, who was elected an Alderman on the same Day; and saith, that neither he, or any of the Commons of the said City, to his Knowledge or Belief, ever joined in the Election of an Alderman, or approved of such Election, when made by the Lord Mayor and Board of Aldermen; and saith, that he never had any Application made to him for his own Vote on the Election of an Alderman, nor did Deponent ever hear, nor doth he believe, that during the Time aforesaid, that any other of the Commons of the said City ever was applied to, for any Vote, Consent, or Approbation, on the Election

(47)

tion of an Alderman of the said City; and saith, that from the Year 1707 aforesaid, to this present Time, the Election of Aldermen of the said City was always had, and made by the Lord Mayor and Board of Aldermen only, exclusive of the Commons of the said City; and saith, that at the Time he was first admitted a Freeman of the said City, he always heard and understood that the Right of electing Aldermen of the said City was vested in and exercised by the Lord Mayor and Aldermen of the said City only, and deposeth that he never knew, nor did he hear that the Commons of the said City ever pretended to, or claimed any Right, Power, or Privilege in joining in the Election of an Alderman of the said City, or of approving of such Election, when made by the Lord Mayor and Aldermen, until within these three Years, some of the present Commons claimed, and pretended a Right to join in the Election of an Alderman; saith, that from the Year 1707 aforesaid, to this present Time, he never knew, heard, nor doth he believe, that the Commons ever joined in the Election of an Alderman, or approved of such Election, when made by the Lord Mayor and Aldermen, nor did this Deponent ever hear, nor doth he believe, that the Commons ever pretended to, or claimed any Right or Privilege in the Election of an Alderman, other than that within these three Years last past, the present Commons claimed a Right to join in the Election of an Alderman; saith, that before the Year 1714, he, this Deponent, was often applied to upon the Election of an Alderman, to obtain the Vote of Alderman *William Gibbins*, who was one of the Aldermen of the said City, and to whom this Deponent was nearly allied, in Favour of some Friend; and saith, that during the Time Deponent was one of the Commons of the said City, he made Use of his best Endeavours to search and promote the Rights and Liberties

(48)

erties of the Commons and Citizens of said City; and depofeth, that if he had thought, or believed, that any fuch Right or Power of electing, or approving an Alderman of said City was ever vefted in the Commons of said City, or that the Commons of said City had any Right to join in fuch Election; that this Deponent, as one of them, would have demanded and infifted on the fame.

NUMBER V.

J O H N Jones depofeth, that he was appointed one of the Water-Bailiffs of the City of *Dublin*, in the Year 1704, or thereabouts, and continued in the faid Employment until in, or about the Year 1734; and faith that the Duty of his Office required his Attendance at the Door of the Great Room in the *Tholfel*, where the Lord Mayor and Aldermen fet to do Buſineſs, which Great Room is oppoſite to the Room where the Commons of the faid City meet in and fit; and faith, That during the Time he continued in the faid Office, there were ſeveral Perſons elected Aldermen of the faid City, and faith that ſuch Electors were conſtantly made by the Lord Mayor and Alderman only*; and faith, that Deponent uſually attended the Door of the faid Great Room, in which the Lord Mayor and Aldermen fat and elected Aldermen; and that immediately after the Election of Aldermen, this Deponent has been ſent by the Lord Mayor and Aldermen to the Perſon ſo elected, to notify to him his being ſo elected, and depofeth that he never knew or heard that the Commons of the faid City, or any of them had, or claimed

* This Servant of the City attends without Side a great Door, but there is another Door, at which the Commons might get to the Aldermen, or Aldermen to them, unknown to the Water Bailiff; beſides he is not ſuppoſed to know whether or how the Elections of Aldermen are confirmed or approved by the Commons.

(49)

claimed to have any Right to join with the Lord-Mayor and Aldermen in the Election of an Alderman, except that within theſe three Years laſt paſt, ſome of the Commons of this preſent Common-Council, or Aſſembly have inſiſted on, and pretended a Right to join in the Election of an Alderman; faith, that after the Election of an Alderman, the Perſon, ſo elected, being ſent for by the Lord Mayor and Board of Aldermen, always came to the Great Room aforeſaid, and there was ſworn into the Office by the Lord Mayor and Aldermen only; and depofeth, that during Deponent's Continuance in his faid Office, he never heard that the Common-Council of the faid City, or any of the Commons ever aſſumed, or pretended to have any Right, Vote or Approbation in the Election of Aldermen of the faid City; but always knew, during the Time he officiated as Water-Bailiff, that as often as an Alderman died, or an Alderman's Place otherwiſe became vacant, that Aldermen were from Time to Time, during the whole Time aforeſaid, elected by the Lord-Mayor and Aldermen only, and never heard that the Commons ever joined in the Election of an Alderman, or claimed to have a Right to join in the Election of an Alderman, 'till within theſe three Years.

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