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The corruption of the law and popular violence: the crisis of order in Dublin, 1729

Even though violent popular protest was a common feature of life in early eighteenth-century Dublin, the riots that broke out in 1729 were exceptionally severe and long-lasting and resulted in the worst disorder to occur in the capital in decades. Over a ten-month period rival gangs rioted against each other or against government forces, causing a considerable degree of destruction, injury and death.¹ At the height of the disorder, in late spring and summer, ‘vast numbers’ of people were reportedly beaten and abused by rioters, and residents of the city became fearful for their personal safety.² According to the *Dublin Intelligence* citizens moved ‘mostly in a kind of hurry’ on account of the riots; parts of the city became no-go areas, and gangs of ‘reprobates’ gathered on the outskirts of the city to rob travellers and rape women.³ The political elite voiced their concerns too, in particular at the length of time the disorder was lasting. The archbishop of Armagh, Hugh Boulter, wrote to the secretary of state, the duke of Newcastle, from Dublin in March 1730 complaining that they had ‘suffered very much from riots and tumults in this town last summer and even during the present sitting of the parliament’.⁴

Contemporary descriptions of peaceful citizens being pursued relentlessly by unruly gangs of ne’er-do-wells over-simplified the nature of popular protest in early eighteenth-century Dublin, and also gave a misleading impression of the function of urban mobs. In Dublin, as in many other European cities, crowds drew together for a variety of reasons: to protest, to celebrate, to be entertained, and so on.⁵ Many of these events were peaceful, but when crowds were ‘mobilised’ in order to take violent direct action it could embrace a wide range

¹ For background, see S. J. Connolly, ‘Violence and order in the eighteenth century’ in Patrick O’Flanagan, Paul Ferguson and Kevin Whelan (eds), *Rural Ireland 1600–1900: modernisation and change* (Cork, 1987), pp 53–7; Patrick Fagan, ‘The Dublin Catholic mob (1700–1750)’ in *Eighteenth-Century Ireland*, iv (1989), pp 133–42; Neal Garnham, *The courts, crime and the criminal law in Ireland, 1692–1760* (Dublin, 1996), pp 197–204; James Kelly, *The Liberty and Ormond Boys: factional riot in eighteenth-century Dublin* (Dublin, 2005), pp 7–26.

² *Daily Courant*, 9 July 1729.

³ *Dublin Intelligence*, 12 Apr., 15 Apr., 14 June, 25 Aug. 1729.

⁴ Archbishop Boulter to duke of Newcastle, 19 Mar. 1730 (T.N.A., SP 63/392, f. 76).

⁵ S. J. Connolly, *Religion, law, and power: the making of Protestant Ireland, 1660–1760* (Oxford, 1992), pp 213, 219–20; Peter Jupp and Eoin Magennis, ‘Introduction: crowds in Ireland, c.1720–1920’ in idem (eds), *Crowds in Ireland, c. 1720–1920* (Basingstoke, 2000), pp 5–12; M. J. Powell, *The politics of consumption in eighteenth-century Ireland* (Basingstoke, 2005), pp 173–8.

of social interests.⁶ Both men and women participated in mobs; and weavers, merchants, students, prostitutes, beggars and local gentry were variously blamed for leading them. The mob gave voice to popular opinions on important matters and beliefs; protected communities from numerous threats, and pressured authorities to provide redress to their grievances. But, the mob also played an important part in maintaining law and order. The people who packed into the city's narrow streets helped watchmen arrest suspected criminals by responding to the 'hue and cry', and mobs participated in the act of public punishments by insulting convicts standing at the pillory. On occasions, mob violence appeared to be sanctioned by the political elite. In 1713, Whigs claimed that the Tory lord chancellor Sir Constantine Phipps had planned a riot in Dublin, in which a man was killed, and Tories, in turn, accused the Whig sheriff Thomas Bradshaw of wanting to kill fifty or more of its party's supporters.⁷ The various functions of the mob meant that a complex and often incongruous relationship existed between the rulers and the ruled in Dublin, and between the forces of order and rioters.⁸

This unusually tumultuous period in Dublin coincided with a severe economic crisis in the country, a situation made worse by repeated poor harvests in the late 1720s.⁹ In the winter of 1728/9 starving small-holders and labourers from Dublin's rural hinterland made their way into the city in their thousands to beg in the streets or apply for assistance from private charities. Other migrants, especially from Ulster, arrived in the capital in order to emigrate.¹⁰ Wealthy Dubliners responded to the crisis by raising funds: £900 was distributed to 3,635 poor households in May, but the problems caused by widespread poverty appeared almost insurmountable.¹¹ Organised relief, in particular the city workhouse, was soon overwhelmed by the demands of incoming waves of

⁶ Mob is derived from the Latin phrase *mobile vulgus*, meaning 'the moveable or excitable crowd': R. B. Shoemaker, *The London mob: violence and disorder in eighteenth-century England* (London, 2004), pp xi–xiii.

⁷ Gerard McNamara, 'Crown versus municipality: the struggle for Dublin, 1713' in *Dublin Historical Record*, xxxix (1986), p. 114; D. W. Hayton, *Ruling Ireland, 1685–1742: politics, politicians and parties* (Woodbridge, 2004), p. 171.

⁸ The various roles played by crowds and mobs in European urban culture is described more thoroughly in George Rudé, 'The London "mob" of the eighteenth century' in *Historical Journal*, ii (1959), pp 1–18; Charles Tilly, 'Collective violence in European perspective' in H. D. Graham and T. R. Gurr (eds), *Violence in America: historical and comparative perspectives* (London, 1979), pp 83–118; Mark Harrison, *Crowds in history: mass phenomena in English towns, 1790–1835* (Cambridge, 1988); Nicholas Rogers, *Crowds, culture, and politics in Georgian Britain* (Oxford, 1998); Adrian Randall and Andrew Charlesworth (eds), *Markets, market culture and popular protest in eighteenth-century Britain and Ireland* (Liverpool, 1996).

⁹ James Kelly, 'Harvests and hardships: famine and scarcity in Ireland in the late 1720s' in *Studia Hibernica*, xxvi (1992), pp 77–90.

¹⁰ *Daily Journal*, 29 Mar. 1729; *Daily Post*, 13 June 1729. The Irish government was increasingly concerned that Presbyterians were emigrating from Ireland to America and the West Indies, and that Catholics were being recruited for 'foreign service': Archbishop Boulter to Lord Carteret, 7 Mar. 1728 (T.N.A., SP 63/390, f. 35).

¹¹ 'An account of the money collected in pursuance of his majesty's patents, bearing the date the 5th of May Anno Dom. 1729' in *Daily Courant*, 20 Sept. 1729; *Daily Journal*, 20 Sept. 1729; Kelly, 'Harvests', p. 90.

impoverished farm workers and unemployed journeymen weavers, the latter reportedly reduced to feeding on blood from slaughter houses as the market for their goods collapsed.¹² The famine conditions endured by the poor in the winter of 1728/9 eventually stirred the mob, but the resultant activity appears to have been limited in scope and not particularly violent. The *Dublin Intelligence* reported that ‘several unruly mobs’ stormed the potato boats at Aston Quay on 17 March and sold the food they found on board for half the market rate. The sale appeared to be conducted without violence and merchants even received a ‘fair price’ for their produce.¹³ Hunger motivated the protesters to take action on this occasion but food shortages did not explain why the level of popular violence in 1729 was so high, or why it lasted so long. Moreover, violent popular protests became more intense in the summer at the same time that improving conditions for farmers and increasing imports of grain and potatoes led to a drop in the cost of basic foodstuffs in Dublin’s markets.¹⁴ Clearly, there must have been some other source of grievance that sustained the appetite for violence.

Two events, both of which were largely unrelated to food shortages, converged in 1729 to cause a lengthy period of violent popular protest in Dublin and an unprecedented crisis in law enforcement. First, a new social phenomenon emerged in the city. Factional gangs, whose membership was derived from distinct Dublin localities or who shared an occupational brotherhood, arose from the rapidly expanding city suburbs, and frequently clashed in market places, at fairs, on city bridges and in thoroughfares. Gangs such as the Kevan Bail and Smithfield Bail acquired a reputation for co-ordinated violent assaults as they vied for territorial dominance or sought revenge on those who had offended them.¹⁵ Second, the ability of governmental authorities (the Irish executive, the Irish parliament, Dublin corporation and, to a lesser extent, the revenue commissioners) to respond to this new wave of popular violence was significantly undermined by the behaviour of those responsible for enforcing the law. According to various contemporary sources, these officers were not only incompetent, inefficient and difficult to manage but many of their number were themselves actively involved in criminality and disorderly behaviour. Peace officers (constables and watchmen), gaolers, revenue officers and justices of the peace were accused variously of robbery, kidnapping, extortion, smuggling, murder, ‘thief-making’, rioting and even devil worship. Pressurised into taking action, the Irish authorities introduced a series of reforms to make civil law enforcement more efficient and officers more law abiding. These measures, dubbed the ‘general reformation of abuses’ by the *Dublin Intelligence*, resulted in the dismissal of the vast majority of Dublin’s constables, dozens of revenue officers and two justices of the peace, and caused the downfall of Dublin’s best

¹² *Daily Journal*, 5 May 1729; *Dublin Weekly Journal*, 12 July 1729; *Monthly Chronicle*, Jan. 1729.

¹³ *Dublin Intelligence*, 18 Mar. 1729. The actions of Dublin’s food rioters were usually restrained, although on occasions there were injuries and deaths: James Kelly, ‘Coping with crisis: the response to the famine of 1740–41’ in *Eighteenth-Century Ireland*, xxvii (2012), pp 109–10.

¹⁴ Kelly, ‘Harvests’, p. 89.

¹⁵ James Kelly has published a detailed description of the emergence of Kevan Bail and the commencement of factional disorder in Dublin, which provides an excellent backdrop to this article: Kelly, *Liberty and Ormond Boys*, pp 14–26.

known and most controversial law enforcer, the Newgate gaoler John Hawkins.¹⁶

This article examines the crisis in law and order in Dublin that came to a head in the autumn of 1729 and explores the relationship between violent popular protest and the corruption of the law. A study of the investigations carried out by government authorities casts light on the *modus operandi* of law officers, in particular the unrestrained use of violence, extortion and bribery practised by unscrupulous public figures such as Hawkins. The flagrant abuses of power, to which Dublin corporation turned a blind eye, and the desire to protect their own communities, provoked a violent response from angry mobs, who attacked the forces of order and the symbols of authority. In turn, these popular violent protests put pressure on the government to take action against institutionalised corruption. Reforms were eventually made despite opposition from Dublin corporation, which had the primary responsibility for law enforcement in the city. The article concludes with an assessment of the impact of these measures on the behaviour of officers in subsequent years and on changes, if any, in popular attitudes towards law enforcement.

I

Ireland's political elite was clearly vexed by the level of disorder in Dublin in 1729 and introduced various measures to curtail the activities of rioters. The lords justices issued a proclamation on 21 June in which thirty members of the so-called 'Kevan Bail' were listed for immediate arrest and rewards of between £5 and £10 were offered to anyone who delivered them to gaol. The lord mayor 'suppressed' the annual fair at Donnybrook in August, 'to prevent the usual riots bred there'; and plans were put in place to introduce a court of oyer and terminer, to help deal with the backlog of people awaiting trial.¹⁷ The lord lieutenant, Lord Carteret, also announced plans, in September, to give more power to civil authorities to tackle the causes of popular protests as well as the actions of the mob. Carteret targeted the 'pernicious practices' of greedy merchants, who were accused of artificially inflating the price of food, ordered all 'sturdy vagabonds' to take up employment, and proposed a riot act, to prevent 'all tumultuary and riotous proceedings for the future and to provide for the peace of this large and populous city'.¹⁸

However, the single most effective measure used by the government against rioters at this time was the deployment of the army. At the beginning of 1729

¹⁶ *Dublin Intelligence*, 11 Nov. 1729.

¹⁷ Oyer and terminer was eventually introduced by the act 3 Geo. II, c. 15 and was used to execute members of Kevan Bail in March 1730: *Commons' jn. Ire.* (3rd ed.), v, 1035; *Dublin Weekly Journal*, 14 Mar. 1730; *Dublin Intelligence*, 26 Aug. 1729; *Dublin Journal*, 2–6 Sept. 1729; *Daily Courant*, 2 Sept. 1729.

¹⁸ *Commons' jn. Ire.* (2nd ed.), v, 642. A riot act was rejected by the Irish Commons on the grounds that the Irish parliament would not pass the bill unless it had been proposed by them. According to Garnham, this highlighted the limit of the executive's ability to introduce new measures against rioters: Neal Garnham, 'Riot acts, popular protest, and Protestant mentalities in eighteenth-century Ireland' in *Historical Journal*, xlix (2006), p. 410.

there were thirty regiments based in Ireland, which could be used for civil policing if authorised by the lord lieutenant.¹⁹ When concerted efforts were made to suppress the mob using large numbers of soldiers there was usually a reduction, if only temporarily, in the level of violence on the streets.²⁰ In one example, on 13 April, members of Kevan Bail attacked the watch-house in 'Kevan's Street', in a bid to rescue members of their gang from custody, and soldiers were sent in 'with their bayonets in their pieces' to support the civil officers.²¹ According to the *London Evening Post*, the army's intervention resulted in the immediate suppression of the riot, although the troops arrived too late to prevent the escape of prisoners.²² Furthermore, the *Dublin Intelligence* reported in late June that proclaimed rioters 'keep themselves very close and quiet' after the guard had been doubled and horse patrols deployed.²³ However, the army was not a long-term solution to civil disorder in the city; soldiers were unable to suppress all the violence and on occasion became targets for the mob themselves, particularly when off-duty. In August, an off-duty soldier was attacked by members of Kevan Bail outside a public house and in a separate incident another was shot and stabbed to death.²⁴ More important, the government was unwilling to commit the army to civil police duties on a full-time basis, considering the large number of constables present in the city and the resistance by Irish gentry, who were concerned at the constitutional implications of such a move.²⁵

The reliance on military force by government authorities to suppress violent popular protest at this time poses an obvious question: why were civil law enforcers, who had the primary responsibility for keeping the peace, seemingly so inept? By the middle of the 1720s the civil police force in Dublin had become oversized, inefficient and corrupt.²⁶ In a city with a population of around 95,000 there were reported to be 2,000 constables employed, along with many hundreds of (mainly elderly, infirm and illiterate) parish watchmen, to guard the city streets.²⁷ This did not mean that Dublin was a particularly safe place to live, as some of the violence and crime in the city appeared to emanate from the peace officers themselves. Corruption, theft, assault and even murder were committed by peace officers on a regular basis and only a few of the constables or watchmen responsible were made fully accountable for their actions. In May 1724, a deputy

¹⁹ 'List of regiments in Ireland, May 1700 to October 1728' (T.N.A., SP 63/390, ff 228–9).

²⁰ *Daily Journal*, 9 July 1729; *Dublin Intelligence*, 12 July 1729.

²¹ *Dublin Intelligence*, 15 Apr. 1729. 'Kevan's Street' was better known as 'St Kevan's Street': *Brooking's map of the city and suburbs of Dublin, 1728* (Dublin, 1728). The modern names are Kevin Street Upper and Kevin Street Lower.

²² *London Evening Post*, 22–24 Apr. 1729.

²³ *Dublin Intelligence*, 24 June 1729; *London Evening Post*, 26–28 June 1729.

²⁴ *Daily Courant*, 2 Sept. 1729; *Faulkner's Dublin Journal*, 19–23 Aug. 1729; *Dublin Weekly Journal*, 23 Aug. 1729.

²⁵ S. J. Connolly, 'Albion's fatal twigs: justice and law in the eighteenth century' in Rosalind Mitchison and Peter Roebuck (eds), *Economy and society in Scotland and Ireland, 1500–1939* (Edinburgh, 1988), p. 118.

²⁶ Garnham, *Courts*, pp 27–32.

²⁷ The figure for the number of constables may have been exaggerated by the newspaper, or may point to the existence of a large number of 'irregular' constables who

constable, John Murry, along with a number of watchmen, was proclaimed for committing a 'barbarous murder', having killed John Wilson, a servant of the dowager Lady Blessington. Another constable, James Dealy, was hanged near St Stephen's Green in January 1727 after being convicted of robbery.²⁸ However, the majority of crimes committed by peace officers went unpunished and by 1729 the discipline of constables and watchmen was in disarray, resulting in a loss of public confidence and widespread criticism.

Dublin newspapers were highly critical of the conduct of peace officers and increasingly described them as the source of violence in the city rather than a protection against it. *Faulkner's Dublin Journal* reported in June 1729 that 'a mob of fellows, who call themselves constables, violently assaulted one Robinson, a butcher, a civil, inoffensive young man, and barbarously wounded him on the head and cut one of his hands in such a manner that it must be cut off'.²⁹ The *Dublin Gazette* was highly indignant at the 'great many disorders having been committed of late by the constables of this city' and the *Dublin Weekly Journal* portrayed the huge numbers of peace officers as an infestation.³⁰ The *Dublin Intelligence* published a particularly vitriolic report in September when constables were depicted as 'plagues to poor people, harbourers of thieves, encouragers of robbers, receivers and vendors of stolen goods ... who so make prey of mankind'.³¹ Attempts had been made, in previous years, to control the behaviour of constables and watchmen. During the 1710s Dublin corporation expressed concern at the 'irregular practices' of peace officers and at the sporadic abuse by constables of persons going civilly to their places of abode. However, the corporation eventually introduced measures to counter only the level of absenteeism and drunkenness of the watch.³² The Irish parliament also expressed dissatisfaction at the lack of diligence and fidelity of the high and petty

made a living by collecting rewards and taking bribes. No other contemporary estimate of the number of constables in Dublin has come to light for the period before they were reformed in September 1729: *Dublin Intelligence*, 23 Sept. 1729. For descriptions of Dublin's watch, see Rowena Dudley, 'The Dublin parish, 1660–1730' in Elizabeth Fitzpatrick and Raymond Gillespie (eds), *The parish in medieval and early modern Ireland: community, territory and building* (Dublin, 2006), pp 293–6; W. J. R. Wallace (ed.), *The vestry records of the parishes of St Bride, St Michael Le Pole and St Stephen, Dublin, 1662–1742* (Dublin, 2011), p. 227. For population estimates, see Maurice Craig, *Dublin 1660–1860* (Dublin, 1980), p. 84; Jacqueline Hill, *From patriots to unionists: Dublin civic politics and Irish Protestant patriotism, 1660–1840* (Oxford, 1997), p. 91; Sean Murphy, 'Municipal politics and popular disturbances: 1660–1800' in Art Cosgrove (ed.), *Dublin through the ages* (Dublin, 1988), p. 80.

²⁸ *Dublin Courant*, 19 May 1724; Garnham, *Courts*, p. 30; Neal Garnham, 'The short career of Paul Farrell: a brief consideration of law enforcement in eighteenth-century Dublin' in *Eighteenth-Century Ireland*, xi (1996), p. 50.

²⁹ Robinson eventually died of his wounds: *Faulkner's Dublin Journal*, 10–14 June 1729; *Dublin Weekly Journal*, 14 June 1729; *Daily Post*, 28 June 1729.

³⁰ *Dublin Weekly Journal*, 6 Sept. 1729; *Dublin Gazette*, 20–23 Sept. 1729.

³¹ *Dublin Intelligence*, 23 Sept. 1729. Richard Dickson, the Whig proprietor of the *Dublin Intelligence*, was attacked by a mob after he published this report. Fortunately for him he was protected by 'the concourse of honest people, who gathered to know the reason for such uncommon proceedings': *Dublin Intelligence*, 18 Nov. 1729; Robert Munter, *The history of the Irish newspaper 1685–1760* (London, 1967), p. 155.

³² *Whalley's General Post-Man*, 31 Dec. 1716.

constables. But the reforms they introduced reflected more a concern at the number of Catholics serving as constables than the quality of the service provided.³³ The Irish parliament also attempted to better regulate the city's watchmen, in 1721, by putting them under the control of parish officers; but the measure clearly did little to curtail their felonious behaviour.³⁴

In early September 1729 the lords justices and privy council of Ireland instigated a far-reaching reform of the system of constables in an attempt to make constables more law-abiding, and proclaimed that they would only employ men of good behaviour who could give sufficient security for the faithful discharge of their duty.³⁵ The lords justices instructed the church wardens to provide the names of constables in their parishes who were legally constituted to serve in that capacity (that is to say were Protestants), and these were inspected at Oxmantown Green.³⁶ Most, however, were judged unsuitable and great numbers were dismissed. According to the *Dublin Intelligence*, 'The vermin, called constables in this city, have for their flagrant courses made themselves so obnoxious as to have their behaviour inspected into by the government and is believed above 1800 of them will be put again to earn their bread in a more industrious employment.'³⁷

Following this extraordinary cull of constables by the lords justices the lord mayor of Dublin published a proclamation on 16 September which outlined how many constables would be deployed in the city, who had responsibility for their direction, and ordered that a full list of their names be constantly posted outside the Tholsel.³⁸ Peter Verdoen, as lord mayor, had twenty constables at his disposal; John Hawkins, as the keeper of Newgate prison and sheriff's marshal, had a total of eighteen; the keeper of the Bridewell prison had three; and the justices of the peace each had four.³⁹ Some of the dismissed constables refused to submit, however, and the government was forced to take the extraordinary step of issuing a further proclamation on 24 September offering a reward of five shillings 'for apprehending any fellow who acts as a constable and is not legally appointed'.⁴⁰ The action of the lords justices and privy council in drastically reducing the number of constables was extremely risky, considering the level of violence in the city before the dismissals. What makes this measure even more remarkable is that it was only one part of a comprehensive review, carried out by government, which affected virtually every arm of law enforcement. This included revenue officers, justices of the peace, gaolers, watchmen as well as constables.

³³ 2 Geo. I, c. 10; J. P. Starr, 'The enforcing of law and order in eighteenth-century Ireland' (Ph.D. thesis, Trinity College Dublin, 1968), p. 34.

³⁴ 8 Geo. I, c. 10; 10 Geo. I, c. 3; *Whalley's General Post-Man*, 31 Dec. 1716; Dudley, 'Dublin parish', p. 294; Starr, 'Enforcing the law', pp 34–7; Garnham, *Courts*, pp 27–30; Wallace (ed.), *Vestry records*, p. 227.

³⁵ *Dublin Gazette*, 20–23 Sept. 1729.

³⁶ *Dublin Weekly Journal*, 6 Sept. 1729.

³⁷ *Dublin Intelligence*, 13 Sept. 1729; *Daily Courant*, 23 Sept. 1729.

³⁸ The Tholsel, situated on Skinners Row, was used for corporation meetings and court sessions.

³⁹ *Dublin Weekly Journal*, 17 Sept., 11 Oct. 1729; *Dublin Gazette*, 20–23 Sept. 1729. There were fourteen justices of the peace in Dublin, but only seven of them took an active part administering justice: *Historical Register* (15 vols, London, 1730), xv, 113.

⁴⁰ *Dublin Gazette*, 20–23 Sept. 1729; *Faulkner's Dublin Journal*, 3–7 Feb. 1730.

A review that began tentatively in May 1729 expanded greatly in scope when revenue commissioners discovered that many revenue officers had been involved in 'running' goods.⁴¹ This resulted in the prosecution (and later dismissal) of forty officers, based in Ringsend and Custom House Quay, who were charged with 'landing clandestinely ... considerable quantities of brandy and rum'.⁴² M.P.s also carried out investigations into the actions of other public office holders who were suspected of abusing their authority. A committee of the Irish House of Commons, set up on 17 October, inquired into the accusation that several justices of the peace had been executing their office 'with the utmost irregularity, oppression and extortion'.⁴³ They were accused of occasioning 'great oppression and cruel exactions on the poor inhabitants of Dublin' by 'binding and unbinding people' (i.e. demanding monies in exchange for dropping prosecutions).⁴⁴ Consequently, five justices of the peace, four of whom were aldermen of the city, were suspended from their offices and imprisoned along with three of their clerks.⁴⁵ Most of the justices and clerks were later released but two aldermen, Thomas Wilkinson and Thomas Bolton, were disabled from holding office in the future and new regulations were introduced, in April 1730 to prevent further abuses.⁴⁶ Finally, a committee of the Irish House of Lords, set up on 29 October 1729, inquired into the allegations that Dublin's watchmen and churchwardens were guilty of carrying out 'pernicious practices'. The lords alleged that a number of foundling babies had been murdered by them.⁴⁷

These government investigations exposed the way in which law enforcers were operating up to that point, with few constraints and little accountability. But there was one investigation, carried out by the Irish parliament, which exposed more than any other the modus operandi of Dublin's law enforcers. The investigation and prosecution of John Hawkins provided detail on how law enforcers used their powers for personal gain and also gave an insight into the nature of the conflict between law enforcers, government authorities, factional gangs and the wider Dublin society.

II

John Hawkins was the best known and most notorious law enforcement officer working in Dublin during the first three decades of the eighteenth

⁴¹ 'Irish Revenue Board and Irish Board of Customs: minutes' (hereafter 'Irish revenue commissioners' minutes'), 16 May 1729 (T.N.A., CUST 1/21, p. 135).

⁴² Irish revenue commissioners' minutes, 7 June, 14 July, 20 Oct. 1729 (T.N.A., CUST 1/21, pp 152/3, 191, 281); *Dublin Intelligence*, 17 May 1729; *Dublin Weekly Journal*, 14 June 1729; *Daily Post*, 31 May 1729; *Dublin Gazette*, 21–24 June 1729.

⁴³ *Commons' jn. Ire.* (3rd ed.), v, 1029; *Calendar of ancient records of Dublin*, ed. J. T. Gilbert (18 vols, Dublin, 1889–1922) [henceforth *C.A.R.D.*], vii, 500.

⁴⁴ *Dublin Intelligence*, 1 Nov., 13 Dec., 30 Dec. 1729; Connolly, *Religion*, p. 225.

⁴⁵ *Commons' jn. Ire.* (3rd ed.), v, 1077.

⁴⁶ *Dublin Intelligence*, 30 Dec. 1729; 'For better regulating the fees of justices of the peace, and for disabling Alderman Thomas Wilkinson and Alderman Thomas Bolton for acting as justice of the peace within this kingdom', 3 Geo II, c. 16; *Historical Register*, xv, 112–28.

⁴⁷ *Lords' jn. Ire.*, iii, 97, 108; *C.A.R.D.*, vii, 474; *Historical Register*, xv, 128–9.

century.⁴⁸ Having spent some time in his early career as an attorney's clerk and bailiff, Hawkins gained a reputation around Dublin as a hard-working and ruthless constable and keeper of the Bridewell prison. Hawkins left the Bridewell (for unknown reasons) around 1720 and was later appointed, in May 1721, to the dual offices of keeper of Newgate prison and sheriff's marshal.⁴⁹ He was responsible for the incarceration of hundreds of prisoners in both Newgate, then Ireland's largest prison, and the sheriff's Marshalsea prison, more commonly referred to as the Black Dog. He was also directly involved in general policing duties, including the execution of arrest warrants, the suppression of riots, the apprehension of unregistered priests and he escorted convicted prisoners to their place of punishment.⁵⁰ To help him carry out the varied functions of his office Hawkins made use of numerous constables and watchmen, who were employed by him on both a formal and an *ad hoc* basis.⁵¹

Hawkins's supporters (few in number but highly influential) considered him to be a courageous enforcer of law and order who regularly ventured his life in the pursuit of notorious highwaymen, robbers and rioters.⁵² *Whalley's News-Letter* described how, in July 1720, Hawkins earned his reputation: 'His first rise was to be a constable, and at the time we had more than a little stir about men listed for the Pretender, some of whom Hawkins was very instrumental of taking and prosecuting, but particularly of those executed on that account here, for which service he got what purchased him the place of keeper of Bridewell.'⁵³ The *Dublin News-Letter* portrayed him as a courageous sheriff's marshal who risked his life to secure the arrest of dangerous criminals, as in July 1724:

Mr. Reily was locked in a room, and upon Hawkins's knocking at the door Mr. Reily swore he would shoot him, upon which Hawkins swore he would not part without an exchange of shot; after which Mr. Reily submitted, notwithstanding he had a case of pistols loaded on the table. He is now in safe custody in the Black Dog.⁵⁴

⁴⁸ Other gaolers, predating Hawkins, also had notoriety. For example, Richard Blondeville, 'marshal of Dublin's Marshalsea', was dismissed in 1707 for committing 'oppressions and irregularities' on prisoners: Brendan Twomey, *Dublin in 1707: a year in the life of the city* (Dublin, 2009), p. 18. However, Hawkins was better known to the general public due to the many newspaper reports about him, published in both Dublin and London.

⁴⁹ 'Report of the committee of the House of Commons, appointed to enquire into the state of the gaols and prisons in the city of Dublin' in *Historical Register*, xv, 98–105; 'The substance of the report from the committee appointed to enquire into the state of the gaols of the kingdom of Ireland' in *Monthly Chronicle*, Dec. 1730, Appendix; Charles McNeill, 'New Gate, Dublin' in *R.S.A.I. Jnl*, ser. 6, xi (1921), pp 160–2; J. T. Gilbert, *A history of Dublin* (3 vols., Dublin, 1854–59), i, 265.

⁵⁰ Starr, 'Enforcing the law', Appendix A.

⁵¹ Some of the constables were paid by Dublin corporation and others were paid by bribes. The official number of constables with which he was authorised to use was reduced to eighteen following the reforms of 1729: *Dublin Weekly Journal*, 17 Sept. 1729; *Dublin Gazette*, 20–23 Sept. 1729.

⁵² *Dublin Intelligence*, 9 Dec. 1729; *C.A.R.D.*, vii, 226, 458.

⁵³ *Whalley's News-Letter*, 11 July 1720.

⁵⁴ *Dublin News-Letter*, 28 July 1724. Hawkins also received a reward of £10 for killing Daniel Carroll, 'a noted robber', in 1723: *C.A.R.D.*, vii, 226; and, most likely, a share of £20 for the capture of Neice O'Haghain, 'a proclaimed tory, robber and rapparee', in 1721: 'Antrim grand jury presentment book', 30 Mar. 1721 (P.R.O.N.I., ANT/4/1/1, p. 280).

Critics of Hawkins, however, were vociferous in their condemnation of a man they considered a notorious rogue, asserting that he was involved in extortion, theft and prostitution. When Hawkins was a constable, and later keeper at the Bridewell (in the 1710s), he was accused by his detractors of becoming ‘an instrument of ruining more youth and making more whores and thieves than this city was pestered with before ... The criminals, he was instrumental in bringing to the gallows, never deserved it half so much’.⁵⁵

The criticisms were well founded. After Hawkins took control of Newgate and Black Dog prisons he set about managing a criminal enterprise within the prison regime that was both extremely brutal and highly lucrative. Hawkins was aided and abetted by his wife, nicknamed ‘Madam Prue’, his prison deputies Isaac Bullard (under-keeper at Newgate), and Martin Coffey (turnkey at the Black Dog), and some of his more trusted prisoners.⁵⁶ To ensure that he received support from municipal authorities, who exercised power of appointment and dismissal, Hawkins paid gratuities to senior figures in the corporation. In 1721 he paid £100 to the then lord mayor (George Forbes) and sheriffs (James Somervell and Nathaniel Kane) for their interest in procuring the job for him. He also paid the substantial sum of £245 to his predecessor, Ashenhurst Isaac, in consideration of Isaac having advanced an equivalent payment upon his first admission.⁵⁷ Hawkins had to submit a petition to the Dublin corporation on an annual basis, which was in effect a re-application for his job, and further payments were paid to incoming lord mayors and sheriffs.⁵⁸ It was alleged that gratuities were also paid to lower-ranking officials and other people within the wider community whom Hawkins deemed important enough and who assisted him in the expansion of his criminal activities. A revenue officer (and later Church of England rector), Wetenhall Wilkes, who was himself imprisoned for debt in 1737, claimed that the keeper of the Black Dog paid ‘bribes, Christmas boxes and retaining fees ... to constables, sub-constables, bailiffs, bumms, demi-bumms, spies, panders, pimps, setters and watchmen’.⁵⁹

The joint salary for the two offices held by Hawkins (which amounted to only £30 p.a.) and the modest income he was allowed to make from the prisoners

⁵⁵ *Whalley's News-Letter*, 11 July 1720.

⁵⁶ *Historical Register*, xv, 100–01; *Dublin Intelligence*, 29 Nov. 1729; W[etenhall] W[ilkes], *Tom in the Suds; or Humours of Newgate, in four cantos* (Dublin, 1737), p. 4; *Dublin Gazette*, 14–17 Feb. 1730; *Monthly Chronicle*, Dec. 1730, Appendix.

⁵⁷ *Historical Register*, xv, 100; *Monthly Chronicle*, Dec. 1730, Appendix; *C.A.R.D.*, vii, 160, 165–6.

⁵⁸ A gratuity of twenty guineas was paid annually to the sheriff: Gilbert, *History of Dublin*, i, 264; *C.A.R.D.*, vii, 270, 313, 360, 434, 472.

⁵⁹ Wilkes, *Humours of Newgate*, p. 3. Wilkes was instructed in the excise in 1728: Irish revenue commissioners’ minutes, 14 June 1728 (T.N.A., CUST 1/20, p. 111); and dismissed from the service for being ‘in debt to most people in the town [probably Newry]’ in 1737: Irish revenue commissioners’ minutes, 16 Mar. 1737 (T.N.A., CUST 1/27, p. 366); Katherine O’Donnell, ‘Wilkes, Wetenhall (1705/6–1751)’, in *Oxford D.N.B.* ‘Bum-bailiffs’ were legal functionaries whose jobs were to serve writs on debtors and collect money and distresses, although reports in newspapers portrayed them as being receivers and vendors of stolen goods: *Dublin Intelligence*, 23 Sept. 1729; *Faulkner's Dublin Journal*, 24–27 Aug. 1734; M. J. Powell, ‘Credit, debt and patriot politics in Dublin, 1763–1784’ in *Eighteenth-Century Ireland*, xxv (2010), p. 135.

(which was regulated by parliament) could not account for the level of bribes he paid out, nor the great wealth he accrued.⁶⁰ Hawkins generated a significant income from other more nefarious activities, which were eventually exposed in a report from the committee on the state of gaols in Ireland, presented to the Irish House of Commons on 24 November 1729.⁶¹ The report accused Hawkins, and two of his agents and accomplices, of 'being guilty of the most notorious extortion, great corruption, and other high crimes and misdemeanours in the execution of the said offices; arbitrarily and unlawfully keeping in prison and loading with irons, persons not duly committed by any magistrate, till they complied with the most exorbitant demands; and putting them in dungeons and endangering lives of many prisoners of debt under his care, treating them, and all others in his custody with the utmost insolence, cruelty and barbarity'.⁶²

Hawkins extorted money from prisoners who were sent to him from the courts or arrested on trumped-up charges by Hawkins himself.⁶³ They came from all walks of Dublin life: Protestant and Catholic, old and young, men and women and, as the Commons committee was shocked to discover, 'even persons of rank [were] not exempted from Mr. Hawkins's insolence'.⁶⁴ Wetenhall Wilkes, who published a series of poems describing life in Black Dog and Newgate prisons in the 1730s, gave vent to his anger at the many injustices suffered there, particularly by Dublin's higher social orders. In *Tom in the Suds; or, The humours of Newgate*, Wilkes lamented:

To see some gentlemen dragged forth,
 (And some gentlemen of worth)
 Affronted, buffeted and mauled,
 Struck, bolted, handcuffed, rudely hauled,
 From rooms into the common jail,
 And all because their guineas fail.⁶⁵

However, it was mostly people from lower social ranks who suffered at the hands of Dublin's gaolers and constables. When the Commons committee visited Newgate and Black Dog prisons in late October 1729 they found 'a multitude of wretched objects lying naked on the ground perishing with cold and hunger, and there are many there now who, sometimes for four days successively, have not any of sustenance'.⁶⁶ Every prisoner was legally obliged to pay rent to Hawkins for their incarceration, on top of which were added other illegal charges, demanded with menace: 'A practice prevails of taxing every prisoner that comes into the said prison of the *Black Dog*, though it only be for a night, 2s. 2d. for a

⁶⁰ Hawkins received £406 p.a. in the Black Dog alone: *Monthly Chronicle*, Dec. 1730, Appendix; Joseph Starr, 'Prison reform in Ireland in the age of enlightenment' in *History Ireland*, iii, no. 2 (Summer, 1995), p. 22.

⁶¹ *Commons' jn. Ire.* (2nd ed.), v, 668, 708.

⁶² *Monthly Chronicle*, Dec. 1730, Appendix.

⁶³ The keeper's receipts from both prisons were an estimated £1,163, for 'admission fees' alone: McNeill, 'New Gate', p. 161. Although the figure probably included 'benefit from his ale-cellar': Gilbert, *History of Dublin*, i, 268; E. M. Johnston-Liik, *History of the Irish Parliament, 1692–1800* (6 vols, Belfast, 2002), i, 276.

⁶⁴ *Monthly Chronicle*, Dec. 1730, Appendix.

⁶⁵ Wilkes, *Humours of Newgate*, p. 31.

⁶⁶ *Dublin Intelligence*, 1 Nov. 1729; McNeill 'New Gate', p. 161; Starr, 'Prison reform', p. 24.

penny-pot (as it is termed) and if refused, the prisoner is abused, violently beaten and stripped: and with the utmost cruelty'.⁶⁷ If prisoners were unable to find payment for the weekly rent or the additional charges imposed by 'Madam Prue', by pawning possessions or from the charity of friends, they were 'instantly hauled down into the dungeon, which has no light but what comes through a common-shore [open sewer] ... and if the wretches attempt to come up the stairs in the day time, for the refreshment of air and light, they are menaced, insulted and sent down again, sometime with blows by the said Hawkins'.⁶⁸

The Commons committee report provided a detailed account of the prisoners' miserable conditions and concluded: 'The committee observe in general, that the prison of the *Black Dog* has been one continued scene of misery and distress, by reason of the avarice, cruelty, and oppression of the said Hawkins and his wicked instruments towards all the prisoners for debt, without distinction of sex, age or condition, who are not able to purchase their ease upon his extravagant terms.'⁶⁹

The accumulation of evidence against Hawkins and the ease with which it was gathered by the parliamentary committee draws attention to the role played by the Dublin corporation and the extent to which its members knew about, or supported, the actions of their law enforcers. There is very little evidence to suggest that the lord mayor and sheriffs of Dublin made any attempt to curtail Hawkins's activities or call him to account during his eight years in service as keeper of Newgate prison and sheriff's marshal. Even though members of the city corporation were not expected to exercise close supervisory control over law enforcement, they were nevertheless fully aware of the reputation surrounding the man they had appointed. It was well known, for instance, that Hawkins had a criminal record; his conviction of a serious offence in Chester in 1720 was 'much the chat of all sorts of conversations' at the time in Dublin.⁷⁰ *Whalley's News-Letter* reported in July 1720 that Hawkins's enemies ('and they are abundant') hoped he would be sentenced to hang in Chester, and that 'several hundred of the inhabitants of this city would go thither to see the execution'.⁷¹ However, a timely intervention by a gentleman from Ireland (known only as 'St John'), who travelled to England at his own expense, brought Hawkins safely back to Dublin from Chester gaol.⁷² In spite of his dubious past and the negative popular sentiment he provoked in Dublin, Hawkins was able to purchase his positions in the city's prisons. The corporation of Dublin appeared indifferent to Hawkins's criminal activity throughout his career, preferring instead to judge him as a valuable servant of the city who would regularly provide gratuities to senior corporation office-holders.⁷³

Even after the Commons condemned the prison regime, to great popular acclaim, and charged Hawkins with 'tyrannical misdoings', Hawkins retained some element of support from influential people in Dublin. The corporation played down the severity of the allegations laid against him, even after they

⁶⁷ *Historical Register*, xv, 99; *Monthly Chronicle*, Dec. 1730, Appendix.

⁶⁸ *Monthly Chronicle*, Dec. 1730, Appendix.

⁶⁹ *Ibid.*

⁷⁰ *Whalley's News-Letter*, 11 July 1720.

⁷¹ *Ibid.*

⁷² *Whalley's News-Letter*, 1 Aug. 1720.

⁷³ Hawkins was arrested again a year later, but nothing appears to have come of it: *Whalley's News-Letter*, 4 July 1721.

suspended him from his offices on 16 January 1730, describing them as ‘several misbehaviours’.⁷⁴ Other people (who, perhaps shrewdly, kept themselves anonymous) joined together in his defence and attacked the legitimacy of the parliamentary committee for its interference in the management of the city’s prisons.⁷⁵ In turn, this support for Hawkins generated a negative reaction in newspapers. The *Country Journal*, published in January 1730, was affronted at the notion that some of these people continued to support him: ‘Some of his [Hawkins’s] friends have got a case printed, which is handed about this city, justifying him in most of his villainies, and highly reflecting on the honourable House of Commons, for their extraordinary (as the author impudently terms it) proceedings against him ... But ’tis thought they will be severely punished for it.’⁷⁶

Hawkins had served successfully as a constable, sheriff’s marshal and prison keeper for around twenty years and, in spite of his well-known abuses of office, had managed to retain the favour of his employers. The lord mayor and sheriffs of Dublin were satisfied with Hawkins’s work and, on 17 October 1729, the incoming lord mayor, Peter Verdoen, renewed his contract as keeper of Newgate prison.⁷⁷ The Irish parliament, however, expressed shock and dismay at Hawkins’s actions and, by implication, was extremely critical of the Dublin corporation. Just two days before the municipal authorities reaffirmed their confidence in Hawkins, the Irish parliament appointed its committee to investigate the running of the city’s prisons.⁷⁸ Stepping in to tackle the Dublin corporation in its management of law enforcement in the city was described as a ‘charitable act’ in the *Dublin Intelligence*, ‘of the great and wise House of Commons ... intended to remedy the barbarities and severities practised by such persons [gaolers]’.⁷⁹ A gulf had clearly emerged between the views of the Dublin corporation and the Irish parliament regarding the efficacy, legality and ethicality of the city’s law enforcers and specifically John Hawkins. The corporation took the view that Hawkins was doing an effective job in the face of an increased threat from the mob while the parliament judged him to be guilty of ‘great corruption’ and inflicting many ‘inhuman barbarities’, which succeeded only in alienating Dublin’s population.⁸⁰

III

Why then did the Irish parliament embark on this ‘general reformation of abuses’, in particular the prosecution of John Hawkins, especially since it risked undermining the corporation’s forces of order at a time when riots were endemic? To answer this question it is necessary to consider two distinct possibilities. First, that pressure from ‘below’, in particular the actions of the mob, had compelled

⁷⁴ *C.A.R.D.*, vii, 477.

⁷⁵ *Country Journal*, 3 Jan. 1730.

⁷⁶ *Ibid.*; *Dublin Intelligence*, 20 Dec. 1729.

⁷⁷ *C.A.R.D.*, vii, 472.

⁷⁸ *Commons’ jn. Ire.* (3rd ed.), v, 1027; *Dublin Intelligence*, 1 Nov. 1729.

⁷⁹ *Dublin Intelligence*, 1 Nov. 1729.

⁸⁰ *Commons’ jn. Ire.* (2nd ed.), v, 708.

parliament to act for fear that inaction might lead to greater disorder or even revolts and, second, that pressure from 'above', in the shape of new standards and ideas imported from abroad, and adopted by the Irish parliament, had necessitated a fundamental reform in law enforcement.

There is compelling evidence to suggest that the review of Dublin's prisons was forced through by the Irish parliament in response to the threat posed by the city's mobs. Contemporary newspapers and pamphlets indicated that popular protest persuaded the Irish government to challenge both the behaviour of Dublin's gaolers and the inaction of the civil authorities. The *Dublin Intelligence* maintained that parliament reacted because of 'the general out-cry against gaolers' who, it was popularly asserted, had violated the laws of the kingdom.⁸¹ Hawkins's supporters agreed with the notion that the gaoler's prosecution had been conducted as a result of popular opposition to him although they obviously disagreed with the validity of the claims made against him. Hawkins was, in the words of his supporters, 'a sacrifice to appease the fury of the misguided multitude'.⁸²

An examination of the events leading up to the arrest of Hawkins also suggests that the upsurge in violent protest in 1729 was connected to the growing sense of injustice felt by members of Dublin's poorest communities towards law enforcers. On 2 April 1729 rioting broke out in the New Market area between the 'butchers of St Patrick's' and the weavers of the Coombe, following the death of a young man in a quarrel.⁸³ The municipal authorities responded in the usual way by sending a great number of constables to the scene, who were 'greatly abused by the rioters ... in a most barbarous manner' and driven back through the town, until the lord mayor ordered the army to put the rioters to flight. Soldiers patrolled the streets for several hours and eventually restored the peace.⁸⁴

A few days later, and in an attempt to arrest the ringleaders of the riot, John Hawkins led a group of peace officers into the St Kevan's Port area.⁸⁵ In spite of Hawkins's fearsome reputation, the people of St Kevan's Port assembled in order to protect their neighbours and, perhaps mindful of the constables' reputation for arresting and abusing innocent bystanders, attacked and pushed them back.⁸⁶ For a week or so after this event, as reported in the *Dublin Intelligence*, 'young fellows' of St Kevan's Port and neighbouring liberties prevented the arrest of anyone in the area by beating up all strangers 'that pretends to come from the city into their precincts'.⁸⁷ This challenge to authority was further emphasised a few days later, this time in a highly symbolic manner, when the gallows situated near St Stephen's Green was severely

⁸¹ *Dublin Intelligence*, 1 Nov. 1729.

⁸² *Country Journal*, 3 Jan. 1730.

⁸³ *Dublin Intelligence*, 5 Apr. 1729. According to James Kelly, Kevan Bail was misleadingly described here as the 'butchers of St Patrick': Kelly, *Liberty and Ormond Boys*, p. 24.

⁸⁴ *Dublin Intelligence*, 5 Apr. 1729.

⁸⁵ According to John Rocque's map (1756) 'Kevan's Port', or 'St Kevan's Port', ran along part of St Kevan's Street and part of the street now known as Redmond's Hill: Rocque, *An exact survey* (Dublin, 1756).

⁸⁶ *Dublin Intelligence*, 8 Apr. 1729; *Daily Post*, 21 Apr. 1729.

⁸⁷ *Dublin Intelligence*, 12 Apr. 1729.

damaged in an attack, also carried out by people from St Kevan's Port.⁸⁸

In addition to their unilateral action, the weavers of St Kevan's Port united with their bitter rivals, the butchers of Smithfield, in targeted attacks on Hawkins and other constables.⁸⁹ A London newspaper, the *Daily Courant*, reported on the upsurge of co-ordinated disorder in Dublin, declaring in July 1729 that mobs had attacked 'several persons in the streets and beat and abused otherwise vast numbers of people'. Even though the newspaper was confident that the Irish authorities still retained overall control of the situation, the publication of the report reflected a growing concern in London at the level of violence in Dublin; and concern for the well-being of John Hawkins, who was regularly pursued by the mob 'in order to murder him'.⁹⁰ In the spring and summer of 1729 mobs from St Kevan's Port and Smithfield regularly attacked constables, rescued members of their gangs from custody, and attacked lawyers who were said to be concerned in the prosecution of their comrades.⁹¹

In a bid to counter the challenge to civil authorities a large parade was organised to give maximum attention to the punishment of two Kevan Bail members (and two others) who had been recently convicted of damaging the gallows near St Stephen's Green. Although the sight of rioters being whipped through the city was not uncommon in Dublin, the parade took on an added significance on this occasion as the city authorities were making a bold public statement; they still had control over the streets and could stand up to the threat from Dublin's gangs. Measures were put in place to ensure the spectacle made a strong impression on the residents of Dublin and security was tight to prevent escape. The convicted rioters were, according to the *Dublin Intelligence*, 'attended, as if going to execution, by a very large guard of constables, the sheriffs and Mr John Hawkins who were resolved to see ample punishment given to them, notwithstanding the threats of many of their comrades who were expected to have risen in attempt to their rescue'.⁹²

The crowd was watched closely and when there was any sign of protest it was immediately suppressed. One constable responded with brutality to an 'over-zealous' woman who had cried out ('as loud as she could bawl') against a guard whom she accused of giving evidence against the man about to be whipped: 'Her mouth was stopped immediately with a sound stroke of a long staff, on her head, and had she not been hurried off, 'tis like she would have had as many more such favours bestowed on her, as would have set her brains about her ears'.⁹³ The mobs, however, became still more active and violent during the summer months and increasingly focused their anger on the symbols of civil authority. A mob marched on the Tholsel in early June and committed outrages, according to the *Dublin Intelligence*, 'using peace officers, wherever they could find them, in the

⁸⁸ *Ibid.* According to the map of Dublin published in 1673, the gallows was situated on the 'Highway to Merion' (now Baggot Street Lower), approximately half a mile from St Stephen's Green: [Bernard De Gomme] *The city and suburbs of Dublin from Kilmainham to Ringsend, wherein the rivers, streets, lanes, allys, churches, gates etc. are exactly described*, 15 Nov. 1673 (Dublin, 1673).

⁸⁹ *Dublin Intelligence*, 10 June 1729.

⁹⁰ *Daily Courant*, 9 July 1729.

⁹¹ *Dublin Intelligence*, 26 Apr. 1729.

⁹² *Ibid.*, 29 Apr. 1729; *Flying Post*, 10 May 1729; *Daily Post*, 6 May 1729.

⁹³ *Dublin Intelligence*, 29 Apr. 1729; *Flying Post*, 10 May 1729.

most inhuman manner' and, later that month, John Hawkins was attacked attempting to make arrests.⁹⁴ The *Daily Courant* further complained in July that rioters in Dublin had grown to such 'a pitch of insolence' that they would publicly whip all the constables they could capture, parading them around the streets of Dublin as if they were common criminals.⁹⁵

Historians have speculated as to the reasons why Dublin's mobs attacked law enforcers at this time and why opposing factions occasionally combined to create a single, united force. Patrick Fagan has claimed that food shortages in the early part of 1729 encouraged 'working class' mobs, which included both Catholics and Protestants, to unite and fight against food exportation and price exploitation.⁹⁶ Alternatively, James Kelly has argued that the unified mob attacked constables and soldiers in Dublin because of the popularly held notion that their inter-factional quarrels, such as those that occurred in April, should be settled without reference to the civil authorities.⁹⁷ However, a third interpretation may be advanced: that the various mobs acted with the aim of protecting their communities from the abuses of law enforcers. They did this by rioting against civil and military forces, 'punishing' corrupt constables, attacking the symbols of authority (including the Tholsel and gallows) and by the frequent rescue of prisoners from custody. The very fact that the mobs adopted the names 'Kevan Bail' and 'Smithfield Bail', which made reference to the resistance of its members to arrest by constables and gaolers, was an indicator in itself of the priorities of the factional groups at this time.⁹⁸ Rioters exacted their own form of popular justice on any figures of authority (such as the hated John Hawkins, constables and lawyers) and administered the sort of punishments that rioters would expect to receive themselves, if captured.

These different interpretations of the motive of mob violence are not mutually exclusive but demonstrate, rather, that the aims of the mob were variable and conservative in nature; there is little to suggest that the disturbances were a precursor to wider political protest or a violent uprising, or that rioters were motivated by sectarianism. Dublin's rioters were not revolutionaries; nor were they gangs of reprobates, as portrayed in newspapers. They were well-organised and self-disciplined groups of mainly impoverished Dubliners who had their own set of standards and sense of right and wrong. They held a view that constables and gaolers had broken the law, and since municipal authorities were unwilling to stop the abuses, it was legitimate for the mob to enforce its own system of justice.⁹⁹ And, of course, by mimicking official punishments, rioters were also claiming

⁹⁴ *Dublin Intelligence*, 14 June 1729; *London Evening Post*, 26–28 June 1729.

⁹⁵ *Daily Courant*, 9 July 1729.

⁹⁶ Fagan, 'Catholic mob', p. 141.

⁹⁷ Kelly, *Liberty and Ormond Boys*, pp 24–5.

⁹⁸ It was reported that gangs 'are now distinguished by the appellation Kevan Bail and Smithfield Bail, from the frequent rescue of prisoners out of the hands of peace officers': *Dublin Intelligence*, 29 Apr. 1729.

⁹⁹ Neal Garnham has argued that reforms in 'policing arrangements' were not introduced, at least after 1715, in response to public disorder. However Garnham appears not to have considered the events of 1729 in sufficient detail before coming to this conclusion: Neal Garnham, 'Police and public order in eighteenth-century Dublin' in Peter Clark and Raymond Gillespie (eds), *Two capitals: London and Dublin, 1500–1840*, *Proceedings of the British Academy*, cvii (2001), pp 81–91.

legitimacy for what they were doing. The actions of Dublin's rioters were part of 'the moral economy' in Ireland.¹⁰⁰ The riots were highly complex forms of direct popular action, and the people who participated in them were motivated by threats to their traditional rights and customs.¹⁰¹

In addition to the pressure exerted on the Irish parliament from 'below' there was also pressure exerted from 'above'. Following the introduction of penal reforms in London, which began in early 1729, law enforcers there were required to work to higher standards and frequently faced prosecution for any indiscretions or abuse of power.¹⁰² Although it is difficult to measure precisely the impact of these reforms outside England it is likely they had some kind of knock-on effect in Ireland, and encouraged the authorities to introduce similar measures of their own. A further examination of the case of John Hawkins will show that his dismissal (along with those of his fellow law enforcers) could also be interpreted as a logical outcome of reforms in England.¹⁰³

The *Case* for the defence of Hawkins, published in December 1729, declared him to be 'entirely innocent' of all the charges laid against him and argued that he had been investigated for other (unspecified) reasons.¹⁰⁴ At first glance this assertion by his supporters seems to be outrageous, particularly in the face of overwhelming evidence against him. However, it has been argued that Hawkins merely behaved in the manner expected of a man in his office who was engaged at the forefront of a bitter and frequently violent struggle to maintain order in Ireland's capital city. According to the historian, Sir John Gilbert, the 'abuses' committed by Hawkins were established custom and practice in Ireland and could be traced back to the grants awarded by various English monarchs to the mayors, bailiffs and recorders of Dublin from the fifteenth century.¹⁰⁵ Hawkins had behaved in the way a gaoler and constable had always done, but the standards by which he was being judged had shifted. Space does not permit a full investigation of the validity of Gilbert's claims, but it is certainly possible to say that Hawkins's behaviour mirrored closely

¹⁰⁰ E. P. Thompson, 'The moral economy of the English crowd in the eighteenth century' in *Past and Present*, no. 50 (1971), pp 76–136.

¹⁰¹ *Ibid.*, p. 78. For further discussion of the Irish 'moral economy', see Eoin Magennis, 'In search of the "moral economy": food scarcity in 1756–57 and the crowd' in Jupp and Magennis (eds), *Crowds in Ireland*, pp 189–211; Thomas Bartlett, 'An end to moral economy: the Irish militia disturbances of 1793' in *Past and Present*, no. 99 (1983), pp 41–64; Roger Wells, 'The Irish famine of 1799–1801: market culture, moral economies and social protest' in Randall and Charlesworth (eds), *Markets and popular protest*, pp 163–93; M. J. Powell, 'Ireland's urban houghers' in Michael Brown and S. P. Donlan (eds), *The laws and other legalities of Ireland, 1689–1850* (Farnham, 2011), pp 231–54.

¹⁰² W. J. Sheehan, 'The London prison system, 1666–1795' (Ph.D. thesis, University of Maryland, 1975), p. 239, quoted in Margaret De Lacy, *Prison reform in Lancashire, 1700–1850: a study of local administration* (Manchester, 1986), p. 34.

¹⁰³ For a wider discussion of the connexion between English and Irish criminal law in the early eighteenth century see Neal Garnham, 'The criminal law 1692–1760: England and Ireland compared' in S. J. Connolly (ed.), *Kingdoms united? Great Britain and Ireland since 1500: integration and diversity* (Dublin, 1999), pp 215–224.

¹⁰⁴ *Country Journal*, 3 Jan. 1730

¹⁰⁵ Gilbert, *History of Dublin*, i, 264.

that of his English counterparts, and his own prosecution came shortly after a wave of similar prosecutions in London.¹⁰⁶

The challenge to the conduct of law enforcers in London gathered momentum during the 1720s, so much so that when a British House of Commons parliamentary committee was set up in 1729 it became, in effect, a regulator of prisons.¹⁰⁷ As a consequence of reforms in London a number of high-profile law enforcement officers were dismissed from their office and replaced by others considered to be more honest, competent and humane. Charles Hitchen, for example, held the office of under city-marshal in London and became well known during the 1720s for his wholesale dealing in stolen goods and his relationship with the infamous prisoner turned ‘Thief-taker general’, Jonathan Wild.¹⁰⁸ Hitchen was eventually dismissed, in September 1727, following fifteen years as a senior ‘policeman’, having been found guilty of several ‘notorious practices’.¹⁰⁹ William Acton, the deputy-keeper and leaseholder of the Marshalsea prison in Southwark, was also tried in August 1729. Acton was charged with treating prisoners under his watch in a felonious, wicked, cruel and inhumane way, which included locking prisoners in a ‘damp, noisome and pestilentious place ... without bed or other necessities’.¹¹⁰ And finally, Thomas Bambridge, who was keeper of the old and new palaces of Westminster and warden of the Fleet prison in London, was prosecuted in 1729 for ‘the most notorious and the highest crimes and misdemeanours in the execution of the said office’ and several counts of murder.¹¹¹ The prosecutions of these various law enforcers received extensive newspaper coverage in both London and Dublin and brought the idea of a more just and accountable regime to the forefront of the minds of the political elite, and possibly the masses, in both cities.¹¹² Although prison reform in both England and Ireland did not really take significant strides until the writings of Cesare di Beccaria and John Howard made an impact upon legislators from the 1770s onwards, there was a noticeable

¹⁰⁶ Starr, ‘Prison reform’, p. 22; Gerald Howson, *Thief-taker general: the rise and fall of Jonathan Wild* (London, 1970), p. 28; H. D. Kalman, ‘Newgate prison’ in *Architectural History: Journal of the Society of Architectural Historians of Great Britain*, xlvii (2003), p. 50.

¹⁰⁷ J. A. Sharpe, *Crime in early modern England 1550–1750* (2nd ed., London, 1999), p. 261. For conditions in English prisons see Joanna Innes, ‘The King’s Bench prison in the later eighteenth century: law, authority and order in a London debtors’ prison’ in John Brewer and John Styles (eds), *An ungovernable people: the English and their law in the seventeenth and eighteenth centuries* (London, 1980), pp 250–98.

¹⁰⁸ Howson, *Thief-taker*, pp 49–56.

¹⁰⁹ *Ibid.*, pp 19, 288.

¹¹⁰ *Trial of William Acton, deputy keeper and leasee of the Marshalsea prison in Southwark at Kingston assizes; on Saturday the 2nd of August 1729* (London, 1729), p. 3; Howson, *Thief-taker*, p. 289.

¹¹¹ *Dublin Journal*, 13–16 Dec. 1729; *To the honourable the Commons of Great Britain in Parliament assembled. The case of Thomas Bambridge* (London, 1729); Philip Woodfine, ‘Debtors, prisons, and petitions in eighteenth-century England’ in *Eighteenth-Century Life*, xxx (2006), p. 12.

¹¹² Direct comparisons were made in newspapers between the prosecutions of Hawkins and Bambridge: *Faulkner’s Dublin Journal*, 13–16 Dec. 1729. Moreover, the lower social orders in Dublin were increasingly gaining access to newspapers in the early eighteenth century: Munter, *Irish newspaper*, p. 153.

change in the mind-set of both the English and Irish governments from the late 1720s.¹¹³

It is impossible to gauge whether the Irish government acted in response to pressure from ‘below’ or pressure from ‘above’ when it introduced its reforms during the latter part of 1729. The extent of disorder in Dublin, combined with the failure of the corporation to manage its peace officers and gaolers effectively, put pressure on government to take action. This was done at the same time as the British ministry pushed through penal and police reforms in London, measures that ostensibly had no bearing on law enforcement in Ireland. The probability is that both forces for change influenced the Irish parliament’s decision to introduce its own ‘reformation of abuses’, making the prosecution of Hawkins (and other law enforcers) in Dublin an inevitable outcome.

IV

When Lord Carteret, the lord lieutenant, gave his speech from the throne at the opening of the Irish parliament in September 1729 he was hopeful that Dublin had witnessed the worst of the rioting and expected the city to return to a more peaceful and orderly state. He was mistaken; factional rioting continued in Dublin for two or three years more before eventually subsiding, for a time at least.¹¹⁴ Gangs met regularly, usually on Sundays and market days, to fight each other and law enforcers.¹¹⁵ They grew in number and metamorphosed. References to ‘Kevan Bail’ and ‘Smithfield Bail’ began to disappear by the late 1730s and were replaced with ‘Liberty Boys’ and ‘Ormond Boys’, signalling a new and more destructive phase in factional conflict in the 1740s.¹¹⁶ Conflict arose between factions not previously involved in violence. Sustained fighting broke out between smiths of Crane Lane and porters of Essex Street in April 1731, for example, which was eventually brought to an end, according to one newspaper, when a one-armed porter, nicknamed ‘Handy’, ‘broke many heads’ of his enemies.¹¹⁷

After the unprecedented reform of civil law enforcement in Dublin in 1729 constables continued to behave as they had done before, but there was some suggestion that they had become more accountable for their actions. In June 1731 two watchmen were committed to Kilmainham prison, accused of murdering the tailor Mr Heffernan in John’s Lane.¹¹⁸ In November 1732 the lord mayor, Humphrey French, committed the high constable of Dublin to the Black Dog ‘for disobeying his lordship’s orders’, and sent two constables to the stocks for the same offence.¹¹⁹ Nevertheless, Jonathan Swift highlighted the continuing problems faced by municipal authorities in trying to get constables to fulfil their

¹¹³ Starr, ‘Prison reform’, p. 24.

¹¹⁴ *Dublin Intelligence*, 17 Mar. 1730; Ian McBride, *Eighteenth-century Ireland: the isle of slaves* (Dublin, 2009), p. 336.

¹¹⁵ *Dublin Weekly Journal*, 13 Mar. 1731.

¹¹⁶ Kelly, *Liberty and Ormond Boys*, pp 27–52.

¹¹⁷ *Faulkner’s Dublin Journal*, 20–24 Apr. 1731; *Dublin Intelligence*, 26 Apr. 1731.

¹¹⁸ *Pue’s Occurrences*, 22–26 June 1731.

¹¹⁹ *Dublin Evening Post*, 21–25 Nov. 1732.

obligations and discharge their duties properly. Swift, who maintained a positive relationship with Kevan Bail, published his *Examination of certain abuses, corruptions and enormities in the city of Dublin in 1732*:

Nothing is held more commendable in all great cities, especially the metropolis of a kingdom, than what the *French* call the *police* ... [who] prevent the many disorders occasioned by great numbers of people and carriages, especially through narrow streets. In this government our famous city of *Dublin* is said to be defective and universally complained of. Many wholesome laws have been enacted to correct these abuses, but are ill executed; and many more wanting ...¹²⁰

Abuse of power and criminality amongst constables continued. In February 1730, for example, a constable called Donolly (who had survived the privy council's cull the previous September) was arrested for 'breeding a riot' in Francis Street and attempting to cut the throat of a parish officer who had arrested a woman.¹²¹ Another constable, Paul Farrell (or 'Gallows Paul' as he was popularly known), was accused of conspiring with criminals.¹²² Farrell was eventually convicted of assault in April 1731 following an acquittal in a previous case concerning robbery and attempted rape. However, three years later, he became a victim to the combined forces of the butcher and weaver gangs in a particularly gruesome example of 'club-law', when he was 'arrested', paraded around the streets, castrated and finally executed.¹²³

The behaviour of gaolers showed little sign of improvement, although the facilities at Newgate prison were vastly improved.¹²⁴ Some lord mayors appeared to take more interest in the goings-on inside prisons and occasionally punished officers for disobeying orders (as did Peter Verdoen in 1730 and Humphrey French in 1732/3), but gaolers continued to extort money and abuse prisoners.¹²⁵ Wetenhall Wilkes, the advocate for prison reform, had become extremely disillusioned by 1737 regarding the conduct of gaolers who, he argued, had not improved their behaviour since they were reformed. In 'An address to the honourable House of Commons', Wilkes pleaded with parliament to carry out

¹²⁰ J[onathan] S[wift], *Examination of certain abuses, corruptions and enormities in the city of Dublin* (Dublin, 1732), p. 3 [original italics]. Bonfires were lit by Kevan Bail to celebrate the safe return of their friend and neighbour Jonathan Swift to Dublin after he made a trip to Ulster: *Faulkner's Dublin Journal*, 7–11 Oct. 1729. Swift wrote a poem in 1734 in praise of Kevan Bail, after the gang offered to protect him during a dispute he was having with the M.P. and serjeant-at-law, Richard Bettesworth: Jonathan Swift, 'The Yahoo's overthrow; or, The Kevan Bayl's new ballad, upon Serjeant Kite's insulting the Dean' in Jonathan Swift (ed.), *The works of Dr Jonathan Swift, Dean of St. Patrick's, Dublin* (8 vols, Dublin, 1765), viii, 162–4; *Dublin Journal*, 5–9 Feb. 1734.

¹²¹ *Dublin Intelligence*, 3 Feb. 1730.

¹²² *Dublin Weekly Journal*, 11 Oct. 1729; Garnham suggests that by the early 1730s Paul Farrell had become a 'thief-taker' similar to the infamous Jonathan Wild in London: Garnham, 'Paul Farrell', pp 49–50. If so, he may have stepped into the shoes left by John Hawkins.

¹²³ *Dublin Intelligence*, 5 May 1730, 12 Apr. 1731; *Dublin Weekly Journal*, 4 July 1730; Connolly, 'Violence and order', pp 54–5; Garnham, 'Paul Farrell', p. 46.

¹²⁴ Nearly £1,000 was spent rebuilding Newgate prison in 1732: McNeill, 'New Gate', pp 161–2.

¹²⁵ *Faulkner's Dublin Journal*, 21–25 Apr. 1730; *Dublin Evening Post*, 21–25 Nov. 1732; Hill, *Patriots*, p. 82.

another investigation of gaolers, similar to that which had exposed John Hawkins eight years previously. He wrote:

I recommend it to your care
To canvas strictly this affair
Then, as in twenty nine,
This little tale, perhaps of mine
May on the committee prevail
To regulate that common jail.¹²⁶

As for John Hawkins, following his arrest and incarceration, in December 1729, newspapers began publishing lurid accounts of his life and criminal activity, some of which were accurate and others wild and speculative. Fresh complaints were published accusing Hawkins of further crimes, such as murder (following the discovery of two bodies buried in the Black Dog prison), robbery, 'thief-making' and devil worship.¹²⁷ The courts, however, took a more lenient view, as English courts had done during similar trials of law-enforcers in London. Hawkins was released on bail in April 1730 and later charged with three relatively minor indictments. Eventually tried at the King's Bench, on 8 May 1730, for 'extorting or taking money from several persons', he was cleared of two counts and found guilty of one and, according to the *London Evening Post*, was expected to be fined and imprisoned.¹²⁸ The courts certainly had enough evidence to hang Hawkins but were reluctant to bring the full force of the law to bear upon him.¹²⁹ Within a few months he was released from prison and immediately began building a new career as an innkeeper and smuggler.¹³⁰

V

Corruption pervaded all areas of law enforcement in early eighteenth-century Dublin. Constables, gaolers, revenue officers and justices of the peace were independently investigated by M.P.s in the autumn of 1729 and many were found to be neglectful of their duty, corrupt or even cruel and oppressive. Dublin corporation, which had primary responsibility for the maintenance of law and order in the city, was heavily implicated in the scandal; several aldermen were accused of extortion or of taking bribes, and the corporation as a whole was condemned for its failure to regulate the many hundreds of abusive constables who patrolled the city's streets. Dublin's residents reacted angrily to the failure

¹²⁶ Wilkes, *Humours of Newgate*, Appendix.

¹²⁷ *Dublin Intelligence*, 9 Dec., 13 Dec., 16 Dec. 1729; *Daily Post*, 25 Dec. 1729; *Universal Spectator and Weekly Journal*, 14 Feb. 1730.

¹²⁸ *London Evening Post*, 14 May 1730.

¹²⁹ People were often executed for much less. For example, a young girl called Mary Creton was hanged in Dublin for stealing a calico gown and some linen: *Daily Post*, 12 June 1729.

¹³⁰ Irish revenue commissioners' minutes, 13 Oct., 22 Nov., 5 Dec. 1732, (T.N.A., CUST 1/24, pp 366, 398, 410); *Pue's Occurrences*, 26–30 Sept. 1732. According to Robert Munter, Hawkins died in 1758 after living many years as an innkeeper, and thriving on his notoriety: Munter, *Irish newspaper*, p. 155.

of the corporation to curtail the actions of law enforcers. Factional gangs, whose membership was well organised and in considerable number, became active in the defence of their local neighbourhoods. Buoyed by the success of the mob in controlling food prices earlier in the year, gangs such as Kevan Bail and Smithfield Bail turned their attention to resisting corrupt law enforcers. Constables, watchmen, gaolers, and lawyers were frequently attacked by angry mobs resulting in many street battles around the city and the repeated rescue of prisoners from custody.

The Irish government was clearly vexed at the high level of violence in Dublin and the lack of popular support for the formal rule of law. In 1729, the mob did not assist peace officers in the arrest of common criminals, as the political elite had come to expect. Instead, it pursued and punished corrupt law enforcers. Nor did the mob signify its support for the rule of law when it spectated at public punishments. Instead, spectators used these events to protest against judicial malpractice. The mob believed it was acting justly when it intervened to tackle corruption in the law and wanted to remind government, too, of the responsibilities it had in the give-and-take of administering justice.

Anxious to eradicate the cause of popular disorder, central government authorities eventually took action. Investigations carried out by the Irish executive and parliament resulted in the suspension of a number of aldermen, the dismissal of many hundreds of constables and revenue officers and the prosecution of John Hawkins, the highly controversial and talismanic leader of law enforcement in Dublin. However, the reforms of 1729 did not improve the behaviour of law enforcers significantly and make Dublin corporation perform its duties diligently, much to the frustration of commentators like Wetenhall Wilkes and Jonathan Swift. The measures taken by the Irish executive, parliament and revenue commissioners were not enough to rid the capital of widespread corruption and riots. Far from it; the number of riots actually increased in Dublin during the 1730s and 1740s caused in part by a simmering resentment toward law enforcers that continued unabated.

Government reform made a limited impact on the level of corruption in Dublin. Nevertheless, 1729 was a significant year for law and order in the city. Factional gangs became prominent for the first time and remained an important feature of urban life for the rest of the century. Gangs demonstrated that they were able to protect their communities from the excessive behaviour of corrupt law enforcers and, in doing so, helped define the limits of the tolerable in the rule of law. The events of that year also highlighted the conflict between central and local government over ethical standards in law enforcement. Dublin corporation appeared content that corrupt practices of the early eighteenth century continue unchallenged, even though its failure to act against its constables and gaolers prompted a violent popular reaction. The Irish executive and parliament, however, were prepared to intervene to put an end to the violence on the streets, even if this action risked undermining the credibility of the corporation. To do so, government authorities had to respond directly to the grievance that motivated the mob most forcefully, and attempt to make law enforcers more honest, competent and humane. Lord Carteret reiterated this point in 1737 when, as a leader of the opposition at Westminster, he claimed that government had a duty to respond to the many injustices inflicted on the poor: 'The people seldom or never assemble in any riotous or

tumultuous manner, unless they are oppressed, or at least imagine they are oppressed.¹³¹

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¹³¹ Carteret was referring to the public disorder in London. However, the comment could have applied equally to the riots in Dublin: George Rudé, 'London mob', p. 8. I am indebted to Professors James Kelly, Mary O'Dowd and Nicholas Rogers for reading an earlier draft of this paper and making important suggestions for its improvement. I am especially indebted to Professor David Hayton, who supervised my Ph.D. at Queen's University, Belfast, for his unfailing and helpful guidance. Where I have inadvertently ignored the good advice offered to me, or made errors, the fault is mine.