

The Mayoral Myth

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In this article Larry Walsh, Curator of Limerick City Museum, demolishes the myth that Limerick was first granted the right to elect a Mayor in 1197.

THERE IS no official record of Limerick's first charter. However, the text of it is given in Latin in the *Sexton* and *Arthur*¹ *Manuscripts*, both compiled in Limerick in the early seventeenth century, and both now in the British Library. The *Arthur Manuscript* text is translated in Lenihan's History:²

True copy of the first Royal Charter granted to Limerick by John, Lord of Ireland & c.

John, Lord of Ireland, Earl of Morton, to the Archbishops, Bishops, Abbots, Earls, Barons, Justiciaries, Bailiffs, and to all of his servants and faithful subjects of all Ireland, greeting; Know ye that we have given, and by this our charter confirmed, for us and our heirs, unto the citizens of Limerick, that they and their heirs do have and hold the City of Limerick, with all the appurts. and burgages, internal and external, to the City appertaining, in fee firm, by the return which was appointed by Hamond de Valois, with pleas and aiguis, and that they have all the liberties and free customs through all Ireland which the citizens of Dublin have; Wherefore we will and firmly prescribe, that our citizens of Limerick and their heirs after them do have and hold all the liberties and free customs aforesaid and as presented. For the rest, know ye that [we hold as] ratified and well pleasing, and established for ever, the deliverances [liberationes] of burgages, with all the liberties and prescriptions which Hamond de Valois made in the city of Limerick as he let the aforesaid burgages to my citizens of the same city.

[Whereof] These are witnesses, Hugo de Valois, Richard de Force, Fulke de Carolupo, Hubert de Burgo.

Killaloe, 18th day of December, in the 9th year of the reign of King Richard [A.D. 1197-'8].

The translation of the place-name Laoniam as Killaloe is mistaken. John is known to have visited Ireland twice only, in 1185 as Lord of Ireland, and in 1210 as King. He was in France at the time of the granting of Limerick's first Charter, possibly at Laon, 83 miles north east of Paris. While the Latin name for the diocese of Killaloe is Laoniensis, it is easily confused with Laon, and has been by

the editors of the *Calendar of Papal Letters*.³

The rights thus given to Limerick were those which had been given to Dublin in the two charters of Henry II (1171-2) and two of John, Lord of Ireland, 1185 and 1192.⁴ The first charter of Henry granted the city of Dublin to his men of Bristol, with all the liberties and free usages which they had at Bristol and throughout his land. His second charter (undated) added that they should be free of tolls throughout his lands in England, Wales, Ireland and France. John's charter of 1185 was simply a confirmation of those of Henry. His charter of 1192 listed the liberties granted in detail and in the course of the text refers to the first citizen as *prepositus*, translated by some as reeve, and by others as provost. In none of the charters is the term mayor used, nor is it stated how the first citizen is appointed. It is most likely that in all the royal towns, as in London, the chief citizen was appointed by the king (in Ireland, by John) or his representative. Bristol itself was in the territory of the Earl of Gloucester, and became an apenage to the crown on the death of William, Earl of Gloucester, whose daughter was married to John. It received the right to choose its mayor from Henry III in 1216, when he went to Bristol castle for security after the death of John. Dublin received the right to elect its mayor annually in 1229 in exchange for payment of a debt of £312 owed by the king to twelve Dublin citizens, the power not to come into effect until these citizens had received their payment.⁵

The source for the early mayors of Limerick is the *White Manuscript*, compiled by Fr. James White (1715-1768).⁶ He states under the year 1195:

We find that this year in the reign of Richard the 1st that John Spafford was the first provost or prepositus of Limerick. Whether the charter of Limerick derived from Donough, King of Limerick, or from King Richard the 1st is not mentioned, but I believe it came from the latter as the names of the magistrates seem to be English.

It is more likely that the authority came from Hamo de Valoignes, who was appointed justiciar (chief governor or viceroy) by John in 1195,⁷ as the text of the 1197 charter ratified the allocation of burgage plots which he had made, and separate grants to various individuals ratifying plots which they had been allocated by Hamo de Valoignes were made by King John between August and October 1199.⁸ In his list of mayors under 1197, White states: 'This year being the 9th of Richard the first, Limerick obtained a charter to choose Mayors and Bailiffs'.

If White is correct in titling the first citizen 'mayor' from the granting of the 1197 charter, then it was done without authorisation, as the charter simply granted the liberties already granted to Dublin, which did not include the election of a mayor. There is some doubt as to what the first citizen was called. The *Arthur Manuscript* begins its list in 1215, when it titles Siwardus de Fferandona as provost, and in 1218 titles Thomas Fitz-John Arthur as mayor.⁹ The *Sexten Manuscript* list does not begin until 1256, when Reynald de Sancto Jacobo is titled as mayor. Various titles are given to the first citizen in the *Black Book* of

Limerick.¹⁰ An inquisition into the lands of the church in Limerick, taken by Meyler Fitz Henry, Justiciar of Ireland, in 1201 lists among the witnesses Syward, 'preposito de Limirick'.¹¹ He has the same title as witness to a grant by Walter Crop to the community of Athassel, also witnessed by Donat O'Brien, Bishop of Limerick from 1207 to 1217.¹² Reynald de Sancto Jacobo is titled Seneschal of Limerick, as witness to an undated grant by Philip Maleden to St. Mary's Cathedral, also witnessed by Roger Mey, who is listed by White as mayor in 1210.¹³ Simon Herward (or Hereward) is titled Mayor of Limerick in three undated documents in which the bailiffs are titled 'prepositis'.¹⁴ One of these bailiffs, Maurice Blund, is listed as bailiff in 1230. Simon Hereward does not appear in the list of mayors, and may fit into one of the gaps in the list between 1218-1230, 1231-1234, 1238-1241, 1241-1255. From this evidence it is possible that the first citizen of Limerick was not styled mayor until after the grant of mayoralty to Dublin in 1229.

In 1274, the citizens of Limerick petitioned King Edward I for, amongst other things, clarification of their liberties under John's charter, and he directed Geoffrey de Genvylle, Justiciar of Ireland: '... He shall, moreover, inquire what liberties the citizens of Dublin enjoy; whether the citizens of Limerick enjoy the same liberties; which of them they have used, and which not; and whether it would be to the King's detriment that he should grant to the latter citizens his charter specifying the liberties as prayed'.¹⁵ The inquisition was taken on 22 November, 1275 and sent to the king in March 1276:

'... That the citizens of Limerick use all the liberties and free customs used by the citizens of Dublin, and that articles of those liberties are contained in the charter of the latter citizens; that one of the articles frequently turns to the damage of the King and of the country, namely, that when one of the citizens publicly kills [a man] in the city, and purges himself of the deed by 40 men, he is quit of the felony'.

In a covering note sent with the inquisition, de Genvylle recommends that this ability to be purged of the crime of murder on the oath of forty citizens be withdrawn as being against right and against the interests of the Crown. It was contained in the Dublin charter, and he directed that a transcript of that charter be sent to the king.¹⁶

On 4 February 1292¹⁷ Edward I granted a charter to Limerick specifying for the first time, the liberties granted to the citizens:

The King to the archbishops etc. The Lord John, the King's grandfather, heretofore Lord of Ireland and Earl of Morton, before he assumed the government of England, had by his charter granted to the citizens of Limerick all the liberties and free customs used by the citizens of Dublin under charters of kings of England and lords of Ireland, and the citizens of Limerick had always enjoyed those liberties and free customs, although not expressed in the charter, from the making thereof, as appears by an inquisition taken

thereupon by Geoffrey de Geneville, late justiciary of Ireland. Having inspected transcripts of the charters of liberties of the citizens of Dublin, sent by the King's order at the requisition of the citizens of Limerick by William de Vescy, justiciary of Ireland, the King for the bettering of that city, and in order that all ambiguity may be taken away from the liberties of the citizens of Limerick, grants and confirms to them the following liberties, namely:- that no citizen of Limerick shall plead without the walls in any plea save pleas of exterior tenements not belonging to the hundred of that city; no man shall take lodging [*hospicium*] within the walls by assize or livery of the marshals against the will of the citizens; the citizens shall be quit of toll, lastage, passage, pontage, and all other customs throughout the realm; none of the citizens shall be judged in an amercement of money unless according to law of the hundred, namely, by forfeiture of 40s., whereof he who is amerced shall be quit of a moiety and give the other moiety as an amercement, excepting the 3 amercements, namely, for infractions of the assize of bread, beer and watch, each of 2s. 6d.; the hundred court shall be held once a week only; no man shall be troubled by miskenninkam; the citizens shall justly have their lands, tenures, mortgages, and debts throughout the realm, and may distrain their debtors by their sureties in Limerick; right shall be done to the citizens, according to the custom of the city, regarding their lands and tenures within the city; pleas of debts contracted and mortgages made in that city shall be held there according to the custom thereof, saving to the King the pleas belonging to his crown; if any man within the King's realm shall take toll of the citizens and shall not give it up when required, the provost of the city shall take distress for it at Limerick, and compel it to be restored; no strange merchant shall purchase within the city of a stranger corn, hides, or wool, save of the citizens; no stranger shall keep a wine tavern save in a ship, reserving to the King the liberty that out of every ship arriving there with wines the bailiff may select 2 hogsheads for the King's use, one before and one behind the mast, for 20s. each; no stranger shall sell cloth in the city in cut pieces [*ad decisionem*], nor remain in that city to sell his wares for more than 40 days; no citizen of Limerick shall be taken as surety, or be distrained for any debt, unless he be a debtor or surety; the citizens, their sons, daughters, and widows may marry without licence of their lords; no lord shall have custody of the sons, daughters, or widows of citizens, but only custody of the foreign tenements of their fee until the tenants attain their age; they shall have their guilds as the burgesses of Bristol are wont to have them; and no citizen shall be obliged to replevy any man unless he wills it, although he be resiant [resident] on the land; the templars and hospitallers shall not have any man or messuage quit of the common customs of the city within its liberty, save one alone.

Further grant to the citizens that they may each year elect from amongst themselves a mayor discreet, proper, faithful to the King, and fit for the rule of the city. The mayor when elected shall be presented to the King, or the justiciary if the King is not present, and swear fealty to the King. At the end

of the year the citizens may remove the mayor, or elect him or another and present him as above; the citizens shall have all the tenures belonging to the city to dispose thereof at their will by common assent of the citizens, as messuages, orchards, edifices on the water and elsewhere wheresoever within the liberty of the city, to hold in free burgage, namely, by service of land gable; licence to the citizens to build edifices wherever they will along the banks, and to have and possess all vacant lands and places in the liberty aforesaid to build thereupon according to their will and the advantage of the city. Grant of a yearly fair at Limerick to last for 15 days, namely, on the vigil, the day and the morrow of St. James the Apostle and 12 following days [July 24 - Aug. 7]. Mandate that no person shall harass or disturb the citizens contrary to this grant on pain of forfeiture. Witnesses, R[obert] Bishop of Bath and Wells, W[illiam] Bishop of Ely, Edmund the King's brother, William de Valence, the King's uncle, Gilbert de Clare, Earl of Gloucester and Hertford, Henry de Lacy, Earl of Lincoln, William de Beauchamp, Earl of Warwick, Robert Tibotot, Walter de Beauchamp, Peter de Campana, Robert Malet. Westminster.¹⁸

The text in this charter specifying the liberties granted, combines that of Prince John to Dublin, 1192, and the grant of mayoralty to Dublin by Henry III, 15 June 1229, substituting the word Limerick for that of Dublin. There is additional text at the end, repeating some of the liberties, not abstracted in the *Calendar*, but translated in Fitzgerald and McGregor's *History of Limerick*:¹⁹

Wherefore, we will and firmly enjoin for us and our heirs, that the aforesaid citizens of Limerick and their successors, citizens of the said city, for ever may have all the liberties and free customs aforesaid, and that they may elect by themselves one Mayor yearly, and that they may have all their tenures within the walls of the said city, to be held in free burgage, viz. by langable service, and that every one of them may better himself in building wheresoever he may wish on the bank in the said city, and that they may have and possess all lands and waste places in the aforesaid liberty at their will, and for the commodious building of the said city, saving to us and our heirs, the pleas to our Crown appertaining; and that they may have the one fair aforesaid at Lymerick yearly, to last for fifteen days, viz. on the eve and day of St. James the Apostle, and the day following, and for twelve days after, with all the liberties and free customs to the said fair appertaining, unless the said fair be to the injury of any neighbouring fairs as before mentioned; and we enjoin that no person to the contrary hereof do impede or disturb them, under pain of our forfeiture.

The purpose of this additional text was to insert the reservation 'saving to us and our heirs the pleas to our Crown appertaining', which had been added by King John in his confirmation of the charters of Dublin in 1215, in effect removing the right granted in the charter for a citizen to purge himself of murder by

oath of forty men, trial for murder being reserved to the Crown court.

In 1291, Cork received a confirmation of its charter of 1242, for which the city paid 100s.²⁰ It is probable that Limerick paid a similar sum for its charter.

The *White Manuscript* states under the year 1199: 'King John granted a charter to the City of Limerick which is recited in that granted by Elizabeth in 1583'. This is repeated in Ferrar's History.²¹ Fitzgerald and McGregor's History states, page 33, under the year 1199: 'To conciliate the affections of the inhabitants, King John granted a Charter to the City of Limerick, which is recited in that conferred by Queen Elizabeth', and on p. 392: '... while to secure the allegiance of the new English colonists, many immunities were conferred on the citizens by Charter in the second year of John's reign', and in a footnote on the same page: 'in the appendix will be found an abstract of this curious document, which is recited in the Charter granted in the 20th year of Edward I. It is the oldest Charter of Limerick on record in Bermingham Tower, and is now published for the first time'. The appendix is headed: 'King John's Charter', and the text begins: 'It recites the Charter of John, viz.:'. Lenihan's History, in a note before the translation of the 1197 charter, states: 'Fitzgerald gives only the recitation of an abstract of John's second charter. He does not list it among the principal charters of Limerick in Appendix A (p. 739), but in a footnote on that page states that the charter of Elizabeth 'sets forth in full the charter of John, Earl of Moreton'.

The text of the inquisition of 1275 and the preamble to Edward's charter make it clear that there is, in fact, no 1199 charter from John. The inquisition states 'that articles of those [Limerick's] liberties are contained in the charter of the latter [Dublin] citizens', and the preamble to Edward's charter was the first specification of the liberties of Limerick, taken from the accumulated liberties of Dublin up to then. Queen Elizabeth's charter²² does not recite any charter of John, but rather that of Edward.

Following the note in the *White Manuscript* under the year 1199 that 'in 1207 was made the first mayor of London by King John, which was 10 years after Limerick had one', the prefaces to Limerick trade directories from the early nineteenth century and official guides in this century invariably state

... in the year 1197, and in the ninth year of the reign of King Richard, he granted a charter to the citizens to elect a mayor, which honour was not obtained by the citizens of London till ten years after that period; nor had Dublin and Cork a mayor till the thirteenth century.

By the late 1950s, this had developed to:

Limerick, which is the third city of the Republic, is Ireland's oldest chartered city. Its first charter was granted by the English crown in 1197, some decades before similar privileges were accorded Dublin or Cork. It will come as a surprise to many to learn that Limerick enjoyed a charter ten years before London.²³

Of the city's historians, Ferrar does not refer to the mayoralty of London; Fitzgerald and McGregor state that the Chief Magistrate of London did not obtain the title Mayor till 1207, while Lenihan corrects White's error by noting that John's charter to London of 12 May 1208 gave the privilege of appointing the mayor annually to the citizens, where he had been formerly appointed by the king, and notes 1189 as the year assigned by some authorities to the adoption of the title mayor. He also quotes sources showing that London had charters from Saxon times. *Encyclopaedia Britannica* states that London's first mayor, Henry Fitz Alwyn, who served from 1189 to 1212, received the title mayor in 1191.²⁴

In Summary

1. Limerick was first incorporated in 1195, probably on the authority of the justiciar, Hamo de Valoignes.
2. John's charter to Limerick of 1197 granted the privileges already granted to Dublin. It did not include the right to elect a mayor.
3. There is no charter of 1199. The first detailing of the privileges granted to Limerick was in the charter of Edward I. Between 1197 and 1292, the citizens of Limerick assumed the rights granted in successive charters to Dublin.
4. There is doubt about when the chief citizen of Limerick was first titled mayor. It is probable that it was not until after the mayoralty was granted to Dublin in 1229, but if the title was adopted before that, it was done without authorisation.